

THE HERALD  
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THE HERALD.  
FREDERICTON, OCTOBER 21, 1888.

THE CONTENT CASE.

The press comments on the Ellis case during the week have varied in their tone. On the whole, the sympathy of the public seems to be with Mr. Ellis. But few of the opinions expressed on the matter seem to be the result of unbiased judgment. No fair-minded person could give heed to such scurrilous articles as have appeared in the St. John Gazette, nor to the Gleaner in its frantic attempt to attach the blame of the whole affair on the attorney general. The odium of such comments, like curses, come home to roost. The question as to whether Mr. Ellis has committed an offence, and if so whether or no the sentence was an adequate and just one, are far from decision as yet. All that is known is that the court in the arbitrary exercise of its power, has inflicted a punishment for an alleged offence against itself. It is also known that the so-called trial of Mr. Ellis has been contrary to the established principles of British justice, of which the fundamental idea is that every man may be tried by his peers, and that the injured party shall not try and hear his own cause. That the liberty of the press should be a license to abuse is granted by everyone. But who is to determine what is liberty and what is license? This is the question that should be looked at by the thinking public. Are men whose acts and character have been assailed proper persons to try their own cause? Our judges, honorable and impartial though they be, are but human; and it is expected too much of them to expect that they could be impartial in matters of vital interest to themselves. Before the fair-minded public can be satisfied with such cases as the Hawke case and the Ellis case, it must be made clear that a fair and proper mode of trial has been pursued. It would be in the cause of justice and to the honor of our judicial system if another and fairer mode of trial were adopted.

MR. FOSTER AND THE FARMER.

Again has the finance minister made an eloquent appeal to the farmers of this province. He endeavors to identify the interest of the farmer and the manufacturer. That such should be the state of affairs no one denies. But the peculiarity of Mr. Foster's argument is that he claims that the national policy is the proper instrument to bring about this happy result. In Mr. Foster's mind the national policy creates no combine; gives both the farmer and the manufacturer a grip on the home market, and enables both to overcome foreign competition. He endeavors to force upon every member of a community a consumer and only a few are producers. The protective tariff aids the producer by raising the price of the article produced. What we want is something or some system that will aid the producer, by lowering the cost of the production of the article. Such a system, be it free trade or reciprocity, or what you will, will aid consumer and producer alike. But the tendency of the national policy is to increase the benefits to be at the expense of the many. The farmers will do well to reason carefully and intelligently the ideas of Mr. Foster before endorsing them.

THE COMING OF THE PREMIER.

It is understood that Sir John Thompson is to make a tour of New Brunswick to hold a series of political meetings, and to boom Toryism generally. Sir John has our sympathy. He is working like a Trojan to keep in line the unruly members of Sir John A. McDonald's political family. What with the do-as-I-like of Mr. Foster, the injured dignity of Tupper over the French treaty, the ominous growls of Kennedy F. Burns over the governorship, and the readiness with which the people are at last catching on to the true worth of the national policy, the position of the premier, to say the least, is no sinecure. Looking by a superficial view of the last dominion election here, one would naturally think that New Brunswick was a very hot bed of Toryism, and the visit of the premier now must indicate that there has been a very rapid decline of Toryism, and that an effort is being made to resuscitate it. On this visit there will, doubtless, be a lot of speech making, flag flying and bands playing. But the excitement of these will subside, and we venture to say that when it does, a reaction will set in, and Toryism will be at a lower ebb than ever.

The appointment of W. W. Wells, Q. C., of Moncton to the position of county court judge for Westmorland and Kent seems to be received with general favor. The career of Mr. Wells has been an exceptionally brilliant one. But little over forty years of age, he has for several years been among the leading members of the bar of New Brunswick. He is a native of Westmorland county and was called to the bar in 1878. He has taken an active interest in politics, but has met defeat at the polls several times. His energy and tenacity and his ability will render him a popular and able judge.

At the setting of Northumberland county court on Tuesday, the grand jury found no bill against Captain Russell, the commander of the Kustler in the late accident on the Miramichi a short time ago. His honor judge Wilkinson presided. He addressed the jury at length explaining to them the law of negligence in reference to homicide. It is pleasing to note that after examining several witnesses the grand jury acquitted Captain Russell. Capt. Russell is a man respected for his ability and uprightiness and his friends feel much gratified at the finding of the jury.

The Manitoba school question is being argued before the supreme court at Ottawa. It is impossible to foretell the decision that will be arrived at. The general impression seems to be the decision will be in effect that the minority in Manitoba has no case for asking the government to interfere in their behalf; in fact that to do so would be to do something unconstitutional. If this is their decision the Manitoba school question may be considered as dead and buried. If there is to be any further battle over it, it will be in Manitoba.

NEWFOUNDLAND is to have a general election on Nov. 6. The present house expires by limitation. Sir William Whiteley is the present leader of the government, and the prospects are that his government will be supported. No great questions are before the people. The contest is one of men not principle. The appeals to the people are on the evils of the truck system, the oppression of the fisherman by the merchant, and the establishment of public works. The accounts of this contest remind us of our ante-confederation days.

THE KESWICK MURDER.

The preliminary examination of Edward Wheary was resumed at the police court on Tuesday morning. A very large number of people were present and great interest is manifested in the progress of the evidence. This morning Mrs. Carlisle, who gave evidence some time ago, was recalled and her evidence read over to her. She was examined by the court in some minor questions of no great importance. Mrs. George K. Dunphy was the first witness examined. She gave evidence about going to the Wheary homestead at 7.30 o'clock in the evening of the murder and assisting to lay the murdered woman's body out for burial; washed a good deal of blood from her face and noticed several scratches apparently made with finger nails. The clothes which deceased wore were taken off and washed, all except a shirt. The murdered woman had no under-clothes on her lower limbs. There was one big cut on the back of the neck, a bruise on right shoulder, and one on the knee.

Mrs. Sarah L. Wheary, mother-in-law of the deceased and mother of the prisoner, was next examined. Her evidence gave an account of the Wheary family as constituted on the day of the murder, and of the movements of several members during the early part of that day. She and her husband and daughter Mabel went to Macquarie that afternoon, returning about 5 o'clock. Bertha was then dead. Did not see Bertha till next morning, when she was laid out for burial. The prisoner came home between 8 and 9 o'clock in the evening, having a potato digging fork in his hand. He seemed very angry about something, but do not know what. His father was in the habit of corresponding with him on a slate, but that night the prisoner would not have anything to say to him. During her examination some clothes were produced in the court which witness testified as those worn by prisoner on the day of the murder. Prisoner has been habited in an entirely new change of clothing. Regarding clothes worn by prisoner on the day of the murder, it is expected there will be interesting developments soon. It is stated that the crown before the fair-minded public can be satisfied with such cases as the Hawke case and the Ellis case, it must be made clear that a fair and proper mode of trial has been pursued. It would be in the cause of justice and to the honor of our judicial system if another and fairer mode of trial were adopted.

At the conclusion of Roberts' testimony the examination was adjourned till next Thursday morning, when it is expected that the analysis of the supposed blood spots on the prisoner's clothes will be produced in court. Since the examination began there has been a great change in the behaviour of the prisoner. At first he was afraid, and whined and cried like a whipped child whenever brought into court, or when Prof. Woodbridge attempted to tell him anything in mute language. To-day he was the most cheerful person in the courtroom, and when Dr. Coulthard was giving his evidence he sat smiling at Prof. Woodbridge as he interpreted the evidence to him. He is also on the best of terms with Sgt. Phillips. He is either acting the part of a smooth rogue, or is partially an idiot.

THE R. C. I. SPORTS.

Pursuant to the announcements made last week the men of the Infantry school held their annual sports on Saturday afternoon. The weather not being favorable part of the sports were postponed until Monday. The men were in good training and gave good exhibitions of their brawn and muscle. Corp. Tupper, with 27 feet running and standing, is of first quality. Probably the most interesting event of the lookers was the tug-of-war, which took place on Monday afternoon. The respective teams were chosen from the right and left half companies, ten men from each. After a very exciting pull the left half company gained the victory. There were sixteen events on the programme. The prize winners are as follows: Running broad jump—Corp. Utton, 1st, 18 feet 9 inches; private Gould, 2d, 17 feet 6 inches. Corp. Utton's jump is within one inch of the college record. Standing broad jump—Corp. Martin, 1st, 12 feet; private Eldon, 2nd, 11 feet 6 inches. Three standing broad jumps—Corp. Martin, 1st, 32 feet 8 inches; private Eldon, 2d, 29 feet 11 inches. Putting shot, 17 lbs—private Gould, 2d, 25 feet 7 inches. 100 yards dash—Corp. Utton, 1st, 12 seconds; private Gould, 2d, 12 seconds. Top step and jump—Corp. Utton, 1st, 38 feet 3 inches; Corp. Martin, 2d, 37 feet 7 inches. Heavy man's race—Private Eldon, 1st, 1 minute 11 seconds; Corp. Utton, 2d, 1 minute 14 seconds. Half mile foot race—Corp. Utton, 1st, 12 minutes 24 seconds; Corp. Martin, 2d, 12 minutes 45 seconds. C. C. O. race, 300 yards—Sergeant Vincent, 1st, 3 minutes 30 seconds; Corp. Utton, 2d, 3 minutes 35 seconds. 300 yards hurdle race, 8 three foot hurdles—Corp. Utton, 1st; private Gould, 2d. Sack race, 50 yards—Private Eldon, 1st, 1 minute 11 seconds; private Gould, 2d, 1 minute 14 seconds. Victoria cross race, 100 yards—Private Eldon, 1st; private Clinton, 2d, and Corp. Martin a very close third. Potato Race—1st, Corp. Utton; 2d, Corp. Martin. The tug-of-war the right half company was composed of Corp. Johnson and private Senter, Marsh, D. Ross, Carmichael, Staples, Pascke, Henry, Elio, with private Clinton anchor man and captain. The left half were made up of Sgt. Long, corporals Anderson and Russell and privates Anderson, B. Burns, Hood, Allen, C. Ross and Spangly, with sergeant Burns anchor man and captain. After a strain of an hour and a quarter the left half team won. Both teams deserve much credit for the manner in which they acquitted themselves, but the company is deserving of special mention, as they were fully 300 pounds lighter in weight. Corp. Utton, who won the medal last year, proved himself the best all round athlete. Private Eldon a good second and Corp. Martin third.

MOUTH KESWICK.

On Oct. 19—Mr. Sterling and Ben Yerxa, of Boston, are visiting friends here. The agricultural society held their annual show on their grounds and there was a very large attendance, including a large number from the city. The chief attraction of the day was the testing of pulling teams. Harry Colter's, T. H. Colter's, Walter Graham's, C. Hagerman's and Joseph Hawkins' teams contesting. The last three named were not in it after a few trials. It was very pretty hauling between the other two, Harry Colter's team carrying the first prize, but by a straight pull, however, his team taking a side pull, while Thos. Colter's pulling straight ahead. It was claimed on all sides that Thos. Colter's team done the prettiest and fairest pulling that ever was contested for on the grounds.

Miss M. Colter attended the Sunday school convention which was held at St. Stephen. Mrs. Arthur Yerxa is about moving to Edmondston to live. A very successful pie social was held at Smith's corner in aid of the Methodist church, a large number from here going up. Proceeds amounting to thirty-six dollars. Rev. Mr. King will preach here on Sunday, 29th, in the hall.

Early Friday morning an accident occurred in the yard of the Chicago and Grand Trunk Railway at Bath's Creek, Mich., by colliding with the Pacific Express. Those killed will number thirty-five, and about twenty-five badly hurt. One woman was totally wrecked. One woman whose legs were fastened and her body hanging out the car window was burned to death before the hands and joints of those who were unable to release her.

AROUND THE WORLD.

A FULL LINE

HAWKER REMEDIES,

FOR SALE BY

C. Fred. Chestnut,

APOTHECARY.

2 Doors Above Barker House, Queen St., Fredericton, N. B.

June 17th, 1888.

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COUNTY COURT HOUSE SQUARE, Fredericton, N. B.

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And has in stock everything required in a First Class — — — — —

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Also a Full Line of FURNITURE kept in Stock. UPHOLSTERING and REPAIRING done as usual. Goods called for and Delivered Free of Charge.

County Court House Square, Opposite Queen Hotel.

Can be found Nights or Sundays; TELEPHONE, AT RESIDENCE, 26; AT STORE 28, House Next the River.

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VEGETABLE

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Tar, - - - - -

Welda, - - - - -

Wild Cherry, etc.

Coughs, Colds, Croup, Hoarseness, Whooping Cough, Tickling in the Throat, Shortness of Breath, and Diseases of the Throat & Lungs.

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Elegant and Durable.

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Bedroom Sets, \$12 to \$100.

Also daily expected, a Full Line of

English and German Crockery,

which will be opened to the Public in the store lately occupied by W. T. H. Fenety. Intending purchasers will do well to give us a call before purchasing elsewhere.

Telephone 225. E. H. ALLEN & CO. OPPOSITE POST OFFICE.

MORTGAGE SALE

To William H. Morgan, of the Parish of New Maryland, in the County of York and Province of New Brunswick, Farmer, and Lydia J., his wife, and all others whom it may concern: Notice is hereby given that by virtue of a power of sale contained in a certain indenture of Mortgage bearing date the 15th day of May, 1887, in the year of our Lord one thousand eight hundred and ninety, and made between James Magrover Grant, Simon Jones and Ronald O. Grant, all of the City of St. John, in the County of St. John, and Province aforesaid, Trustees of the said indenture, and John W. Nicholson, late of the said City of St. John, Merchant, deceased, of the one part, and registered in the County Court Records in Book Q, pages 331, 332, 333, 334, 335 and 336. There will, for the purpose of satisfying the money secured by the said indenture of Mortgage, default having been made in the payment of the interest thereon, a public sale be held in front of the County Court House in the City of Fredericton, on WEDNESDAY, the twenty-first day of October next, at the hour of twelve o'clock noon, the lands and premises described in the said indenture of Mortgage as follows:—

All that certain piece or parcel of land situate, lying and being in the Parish of New Maryland, in the County of York, and province of New Brunswick, aforesaid, a portion of the number 21, in a grant to John Morgan, senior, and John Morgan, junior, dated the 15th day of September, A. D. 1850, which said piece or parcel of land is bounded as follows:—

On the north-east bank of the north-west branch of the said indenture, and on the north-east bank of the said indenture, at the lot of land covered by a certain indenture of Mortgage, dated the 15th day of May, 1887, in the year of our Lord one thousand eight hundred and ninety, and made between James Magrover Grant, Simon Jones and Ronald O. Grant, all of the City of St. John, in the County of St. John, and Province aforesaid, Trustees of the said indenture, and John W. Nicholson, late of the said City of St. John, Merchant, deceased, of the one part, and registered in the County Court Records in Book Q, pages 331, 332, 333, 334, 335 and 336. The said piece or parcel of land is bounded as follows:—

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