to the Court.

Ex-Agent Poucher Overcome by Illness in the Witness Box.

Smith and Others on the Stand

(From the Daily Sun of the 17th.)

There is some difficulty in getting the trial on of May v. Smith. J. A. ; Belyea, for the defendant, applied for time, as the defendant was expected on the train from Boston. His honor | ackages for them? Ans.: Later on granted until four o'clock, but in- there was. James S. May sent a boy timated very strongly that it must be to the express office, about four or considered as an exceptional circum- five years ago, in consequence of stance. At four o'clock Mr. Belyea which I called to see James S. May, asked for a postponement until this who said, Poucher, we have got two morning, but his honor decided that or three packages and we are very the case must go on at once. The anxious to send them along. I told case was then opened for the plain- him I did not know how it could be tiff, L. A. Currey, Q. C., and A. W. done, as it was a little risky. He said Baird appearing for the plaintiff; and they were goods they were very anx-A. O. Earle, Q. C., and J. A. Belyea ious to get along into the states. I for defendant. The plaintiff was ex- declined because of the risk. He said amined and detailed the story of his if I would do it he would make it arrest in Eastport two years ago. He all right in case of trouble. I told said he was decoyed there by defend- him then to send the goods to a desant, Converse J. Smith, a special agent tination, Sam McGirr's, named by me. of the U.S. treasury, by means of a This was a grocery store at Reed's false telegram purporting to come for Point. That's all the conversation J. S. May. On his arrival at Eastport we had at that time. No considerahe was arrested by defendant and charged with smuggling. After con- him on my return next trip or after siderable detention he was admitted that. He said there would be some to bail to appear at court for trial, more occasionally. I got a parcel and when the term opened the district attorney did not prosecute. He was it aboard of the steamboat. Would subsequently discharged on motion to not say whether I gave a memorandum the court. He had Smith arrested while in St. John some time ago and now claims \$20,000 damages.

(From the Daily Sun of the 18th.) The case of W. Robert May v. Converse J. Smith, was continued all day Wednesday in the circuit court. The plaintiff's cross-examination was begun in the morning and lasted until after recess. He produced the books of the firm and the examination dealt very largely with their contents. He said that his firm supplied many people in the States with clothing and sent it in the usual way through the express company; that he knew Poucher, the agent of the express company, and frequently did business O. D. That was simply the price with him. Charges were shown in the books made to the foreign customers, and there were several entries undd Poucher's name, relating to goods supplied to him for his own use. The witness positively denied that he had done any smuggling either directing Eastport. They did not pay duty. ly or indirectly.

was then called. He deposed that course of delivery. sury department and it was his duty der the laws of the United States to stop smuggling. He detailed the circumstances of thet arrest of the plaintiff, and gave his reasons for thinking that smuggling was being

In cross-examination, he swore that he did not send the decoy telegram nor order it to be sent. Poucher had been arrested by one of his officers and told him that smuggling was carried on. He connected the firm with the smuggling. Defendant was made aware of the telegram having been sent. He saw May on the street in Eastport, and he was pointed out by the consul. He then arrested plaincharge was made against him before bail, but he could not say now whether

he was on bail or not. (From the Daily Sun of the 19th.) The case of May v. Smith was resumed yesterday morning, with defendant Smith on the stand. He was re-examined by J. A. Belyea. Shown a book of customs regulations. This is issued by the secretary of the treacury for the guidance of officers of the department. These regulations are acted upon and have been acted upon by me and other officers of the department. (Subject to objection.)

Mr. Belyea proposed to put in and read sec. 1152 of the regulations. To this Mr. Currey objected that there must first be shown some law of the United States authorizing the treasury department to make regulations. Judge Hanington ruled that if the regulations were being acted upon it would be enough; the officer acting in the execution of what was prescribed

to him as his duty. Witness then read section 1152, which authorized officers to make be quite an addition to my small inseizure of persons and property for violation of the revenue laws.

Mr. Belyea-Do special agents make arrests under these regulations? Objected to on the ground that the actions of others would not be evidence. The judge sustained the contention of Mr. Earle that the testimony was admissible on the ground that foreign law was to some extent a matter of fact and could be proved in this way. Said to Smith that perhaps Mr. May The witness said: Special officers make arrests under similar circumstances. They have made them and I never heard of their being questioned. Poucher did not tell me that either member of this firm smuggled, but he told me the circumstances and I decided the matter for myself. He did not name individuals, but mentioned the firm. I never have been a British subject and never resided in

any British dominion. His honor stated that he would allow the question reserved yesterday, whether the witness honestly belived that the plaintiff had committed an infringement of the customs laws of the United States, or by Messrs. May

& Co. Ans.: I did. Anthony W. Poucher called and sworn: I know plaintiff and defendant. I was acquainted with W. Robert May in 1892 and a year or more before that, also in 1890. I was express messenger on the I. S. S. Co.'s line, in the employ of American Express Co. My route was from Boston to St. John. I have run on all the boats according as they were on my route. As messenger I was in charge of all express matter from time of its depar-

THE CASE OF MAY v SMITH Eastport and St. John. We, accordasked me, about its return. I suging to our express regulations, were gested that I would start a tracer. supposed to call at express offices previous to departure of boats and Interesting Evidence Submitted trains to get valuable packages and register our names. I would get all packages going my way, no matter what they were. I virtually took charge of them at the office, but there were times when they were brought to me at the boat by the express team. I was on this route eleven and one half years. I could not give exact date of first connection with May & Co. I should think eight years ago Consul Derby, Gen. Leavitt, Special Agent or longer. Can't recall by whom I was introduced. I think I was introduced in the ordinary manner by some one saying Mr. Poucher may want some clothes and I recommended him to come here. I think I was shown some goods.

> Did you then or afterwards make any arrangement with firm of May & Co. by which you were to carry tion mentioned at that time. I saw from McGirr's on that trip, secreted of that to the Eastport office or not that trip. I presume they arrived at the destination, for I never heard of the contrary. The goods were all

> marked. They are taken as a matter of course by the driver of the express team. I secreted the goods to evade the officers who had charge of the invoices and matters of that kind. The object was to have the packages carried into the states without payment of duty. That was the result of the action. It would be difficult to give you the whole details, as we might not do business twice the same way. It would be changed from time to time, but the principle would be the same. Some packages went C. the goods at the starting point. I forwarded these as others. The C. O. D.'s were collected and forwarded to Eastport, from which point they had been waybilled. These goods were not brought to light until after leav-

After I waybilled them properly they Converse J. Smith, the defendant, went as other goods in the usual he was a special agent of the trea- The Boston driver delivered them to our own branches or to other lines according as the goods were going. The money when returned to Eastport was handed to me. I paid the charges for carriage of the money and I delivered the money at St. John to J. S. May & Co., most generally to W. Robert May, as he was book keeper and cashier. I have delivered it to J. S. May. There would not be any conversation necessarily. would present the express envelope to Mr. May and he would check it. I did business in this way for theree or four years with Mr. May. I ceased doing this when Mr. Smith stopped me. This was 19th of July, 1892. On that day we landed at Eastport. I Poucher was a prisoner and a was told I was wanted to be seen at office of collector of customs immediathe commissioners. It was never tely. I handed over to agent's young tried. Poucher had been admitted to man all way bills and other things. found at collector's office Smith and Currey. Smith showed me package and asked if I could identify it. Asked if I carried it to Boston. Said I did. Asked if I did not know it was smuggled goods. Said I did Asked if I had been in the habit of doing this. Said I had done some of Then Smith asked me to go to hotel as he wanted to see me privately.. I asked leave to go to boat as I had to finish up company's business there. Went there with Smith and handed over business to agent. Then Smith and I went to hotel where Smith asked me how long this had been going on and what I had done. I told him the principals were J. S. May & Son. of St. John. He asked me why I did it. I said. Mr. Smith we are all liable to be tempted and I had been tempted. I told him my salary was small; that I had an invalid wife or partially so; that I was offered my clothes that I needed of May & Son, and I thought it would

come. Smith asked me if there was anyone I would like to see. I said yes, I would like to see James S. May from the fact that he had said if I got into trouble he would try to see me out. I wrote out a telegram addressed to James S. May. Asked leave from Smith to go to telegraph office and send the message. I went and did so, paid the tolls myself. would come down and see to the matter. I had conversations with W. Robert. May as to place where parcels should be left. I was dissatisfied with McGirr. He suggested Ralston, boarding house keeper. I said I did not know them and did not believe I wanted to in such matters. I suggested Isaacs tobacco store, and told Isaacs if parcels left there for me by May I would try to get them They left them there. That was in 1892. While in St. John I slept on board of the steamer I was Never stayed at a hotel except when changing from one boat to the

I would not then be on the boat at I explain statement of W. Robert May that I would bring to him statement upon brown pieces of paper in this way, that sometimes he would want to know about parcels carried and I would bring such a list, showing what was returned and what was If any detention more than ordinary as to a C.O.D. package, I ture to its arrival, delivering it at usually asked W. Robert May if he is nothing.

other. Last three or four years I had

holidays. In February, 1890, about

20th I think it was I had holidays

In consequence of this we would get a reason for non-delivery or non-acceptance. I would bring that correspondence to W. Robert May. If it would not be satisfactory he would send out another. If it required an explanation from him he wrote it and I sent it back to the office. It was no part of my duty as express messenger to get parcels in this way from Mr. May; not as an employee of the express company. I generally got parcels in the evening from 8 to 10 o'clock. Don't think I ever got any in the daytime. I have no recollection of ever presenting a list to May. There were some small express charges against the goods. I either marked them on an envelope or a slip paper. I got clothes from G. S. May & Co. I think about five suits, an overcoat and ulster. Never paid any cash for them. I usually called for my bill; it was usually receipted when handed to me.

haps get fifty parcels in a year under this arrangement. Young Mr. May knew of my getting these clothes in this way when he settled with me. I think I told Smith before May's arrest of my getting clothes in this way. To Mr. Belyea-M. J. Potts of South Boston. I remember that distinctly. That brought me to time. The officers made a seizure on it. I could not say whether that was left in Isaac's or not. There was no duty paid on it. R. H. Bosforth, Wyoming, was an-

To Judge Hanington-I would per-

carrying parcels answering to the J. A. H. Ebeyer, Sioux City, was an-I do not remember that distinctly. S. E. Dawson, Minneapolis, I remember. P. P. Robinson, Nashville, N. Carolina, I do not remember distinctly. F. H. White, New York, I re-

other. July 30, 1891, there was an-

other. (A number of other dates were

read to witness and he admitted

billed to Cairo, Ill., I remember I think. R. M. Robinson, Sampson, Arizona, I remember. D. F. Richards, Douglas, Wyoming Territory, I remember. C. F. Westfield, Fletcher, N. Carolina, also. J. A. McDermott, Newcastle, Wyoming Territory, I do not recall. C. F. Thorpe, Michigan, I recall; also one to Duluth; als Albert E. Reading, Ashville, N. Carolina; W. D. Howe of Cambridge, Mass.; H. B. Pearson of Salem, Mass. I went to express office and pointed these packages and others out to Smith that evening. I did this willingly. was before May came. I did not go anywhere else with Smith. Cross-examined by L. A. Currey, Q.

C.-I am 63 years old last February. At present reside at Worcester. After what I had done the express company dismissed me. There were no irregularities in my dealings except these. I admit that I smuggled goods. Did not do it for any one else but J. S. May. Might occasionally do it for people in the U.S. They are the ones who pay duty on goods going into U. S. The smuggling I have done was goods would usually be clothing. Indirectly I got pay for that, by clothing, not cash for services rendered. Was nineteen years in service of American Express Co.; not all in this district; six years was in western New York. The smuggling was a new thing for me when May spoke about it. I don't know that I did it before that time. I have stated all that took place between J. S. May and myself. Duty was not mentioned. May simply asked me to take the parcels, and I took them. He said he was anxious that they should get along. Neither of us blocked out any modus operandi. How there might be trouble was not indicated in words. I said I did not know how I could do it. My exact words were that I declined partially. No details were mapped out. I may have occasionally done some smuggling for people in St. John, business firms, but on very rare occasions. I have said that Mr. May gave me remuneration for what I did; clothing as I stated before. I got the clothes while the business was going on, in the usual business way. I did not pay cash for my clothes. I did not pay in cash \$28 in compensation for clothes, but as a C. O. D. return. I can not tell how many parcels I took from Mr. May's establishment. There might be from fifty to a hundred in a year, or more. I have no means of remembering. I did this about three years. There might be about three hundred altogether.

Q.-Did you do all this for no other consideration than your clothes? After this question was pressed for a few minutes and the judge's order to answer, the witness, who had been sitting because of his illness, fell heavily forward and fainted away.

For some minutes it looked as if the witness' testimony would be finished before another court. After some restoratives had been applied and Dr. Sheffield called to attend the witness, Judge Hanington said he would proceed with another witness.

Mary Wadsworth, called and sworn: I am employed in the American Express company's office in Eastport, and have been so employed since January, 1891. Shown books used in the office, and same identified. Knew Anthony Poucher, who just gave evidence. He was express messenger for the company. Was not present when Smith and Poucher examined the books. I have gone over the list which I see in your hand. I only know what is in the books. I made the entries in the books myself. If I saw an entry of goods as expressed by Mr. Poucher I think I could say that he expressed

the goods Looking at July 13, 1892, there is an entry, waybill 113, it is in my father's handwriting. I was not in town that

Looking at Sept. 9, 1891, there is a C.O.D. of \$36, in my handwriting, expressed by the consigner, J. S. May & Son. May 25th, 1891, waybill 67, J. A. Everon, that is not in books. May 11th, 1891, waybill 58, there is nothing there. May 6th, 1891, S. E. Dawson, waybill for Minneapolis, it is not there. May 2nd, 1891, D. C.

Wheeler, not there. I think the years in these dates are wrong. . Refers to book of 1890. May 2nd, 1891, waybill 60, not there. The transfer of cases from court to April 25th, 1890, T. P. Robinson, bill to New York, not there; nor in 1891. of a case. An arrest could be made April 7th, 1891, D. C. Wheelock, there without a warrant by a special agent like Mr. Smith if the agent

compare the list in instructions with a commissioner. the original entries.

George A. Curran called and sworn. I am an American citizen; a lawyer by profession; admitted to bar of State of Maine in 1869. I have practiced since then and have a knowledge of the laws of the federal union and of the states. Since 1890, I have been collector of customs for the Passamaquoddy district, having headquarters at Eastport. The special agents of the treasury are appointed to prevent and detect frauds against the revenue. The law of the United States gives power to such officers to make arrests for violation of revenue law. He may arrest without warrant, detain him a reasonable time to procure a warrant, and by practice, take the prisoner before a commissioner of the district court who decides whether there is sufficient ground or not to bind a man over to appear at the court for trial. There are two commissioners at Bangor, none at Eastport; one at Portland, and one at Augusta. The duty of the officer is to take the prisoner to the commissioner and report the facts to the district attorney who is a federal officer. The power of the officer ceases when he has got the prisoner to the court. The commissioner exercises a preliminary jurisdiction. The principles of the common law apply to Maine except where altered by state or federal enactment.

The officer bringing a prisoner before a commissioner, in the absence or want of reasonable and probable cause, or in malice, would not be liable in case the commissioner remanded him from time to time and committed him for trial. The laws of the United States make it the duty of the president to see that all laws are enforced. He appoints officers to carry out these laws. He appoints a secretary of the treasury. The act of such secretary would be the act of the executive of the United States. Regulations of treasury department shown. These are regulations in force by the authority of the statute of the United States which authorized the secretary of the treasury to make such regulations. They have been in force for years and were in force at the time of the matters spoken of. I think these regulaions are intra

Mr. Earle here offered a letter from the express office in January, 1891. the assistant secretary of the treasury Mr. Poucher was then running on the department dated 27th July, 1892, ack- American boat as express messenger. nowledging receipt of report on the arrest of May and Poucher, and commending defendant Smith for his vigi- entered the office was on April 16, 1891. lence in detecting and arresting of- These goods purported to be shipped fenders against the revenue laws. He at Eastport. She did not know whether relied on the case of Buron v. Den- the goods went forward or not. man, 2 exch. 350. The principle of To the judge—The money for parcels that case, witness said, would apply sent by Mr. Poucher from Eastport C. far as the principles of common law was paid over to Mr. Poucher. statute. He read the following let- who lives in the western states.

Treasury Department, Washington, Aug. 31, 1894. C. J. Smith, Special Agent, Boston: C. J. Smith, Special Agent, Boston:

Sir—I have reviewed the subject of your communication to the department of July 22, 1832, in which you reported the arrest at Eastport, Me., on July 20th, on the charge of smuggling, of W. Robert May, the junior member of the firm of J. S. May & Co., clothiers, of St. John, N. B., and Anthony W. Poucher, an employe of the American Express company, a resident of Boston, who for many years had represented the American Express company as messenger, running between Boston and St. John by the International line of steamers. It appears from said report that you had in your possession for some time previous to the arrest mentioned information concerning smuggling by the firm of J. S. May & Co., and that you had paid considerable attention to the matter of the detection of the same. It seems that George May had given information as to his action in taking certain measurements for clothing, and had placed in your hands all the correspondence from his father bearing on the subject. It also appears that the express messenger, Poucher, identified a partial list of packages smuggled and forwarded from Eastport, Me., and that the said Poucher stated to you that he made an agreement with the firm of May & Co. that heshould be supplied, free of cost, with clothing he might require, and that he concessed having obtained from the firm five suits of clothes, one overcoat and one ulster. You also state that W. Robert May was arraigned before United States Commissioner Fisk and furnished bail to the amount of \$2,000. These cases, I understand, are now pending in the United States circuit court of Massachusetts.

Your action in the matter of these arrests steamers. It appears from said report that you had in Your action in the matter of these arrests

entirely in the line of your official duty, the department takes this occasion to renew its commendation (heretofore expressed in department letter of July 27, 1892, copy enclosed) of your energy and skill in detecting and arresting these violators of the law. Respectfully yours,

I. G. CARLISLE, Secretary. Cross-examined by Mr. Currey-I am acquainted with the constitution of the United States. Mr. Earle here interrupted to ask concerning conversation in presence of ishment of any person or persons witness when May was under arrest. found guilty of smuggling. The fine I found books showing entries on named was \$5,000, and the term of imwhich duty had not been paid. I

found one or two packages appearing | must be an absolute determination of to have been sent by J. S. May & every cause before it was dropped. Co., of St. John, on the books. I It was not a determination if it was think it was next day that I knew left so that the matter could be Poucher had sent despatch to J. S. brought up again. May. I knew May was expected in Eastport. I notified Smith; pointed gling was in Maine a felony, for in May out to him; went back to my that state any offence which was punoffice and May and Smith came there. Adjourned at 2.15 p.m.

AFTERNOON SESSION.

Mr. Curran continued his evidence. in the afternoon. He told how Agent Smith brought Mr. May to his office in Eastport and of the conversation which took place, there. Mr. Smith told Mr. May that he had information of his smuggling goods into the United States. Mr. May neither affirmed nor denied this. The chief question talked of was what Mr. May should do. Witness told Mr. May that he had certain rights, one of which was to have a legal adviser. Mr. May said he had no friends in Eastport, but that he had in Boston and could get bail there. Witness explained to Mr. May that there was no court commissioner in Eastport or Calais. He would have to go to Bangor, and drive at that, as he would have to pass through New Brunswick if he went by rail. Mr. May then decided to go to Boston. Mr. May and Mr. Smith left witness' office together. Mr. May was mistaken when he said no conversation occurred in his office. court did not mean a determination

Witness was then withdrawn to ad-mit of an examination of the books being made so that counsel should the arrest and take the party before

To Mr. Currey this witness said he had practiced law ever since he was admitted to the bar. He now practiced at Calais. A case was not determined till it was done by an order of the court. This case against Mr. May was not yet through.

Mr. Currey then examined the witness at considerable length with regard to the statutes of the United States of America.

The witness said he expected Mr. May in Eastport that day, as Mr. Poucher had sent a telegram. Mr. Poucher told him he had telegraphed for Mr. May. Witness did not know either of the Messrs. May; all he knew was that a Mr. May was coming. One of his inspectors told him Mr. May was in town and he informed Mr. Smith of the fact. Whatever arrest there was was made on the street. Witness first saw Mr. Smith with reference to the May matter some days before the arrest. He and Mr. Smith talked it over and then later decided upon a line of action.

To Mr. Earle—There was no statute which in express words authorized an arrest without a warrant for violation of the customs laws.

In reply to his honor, Mr. Curran said that under section 2651 of the United States revised statutes the secretary of the treasury may from time to time make such regulations not inconsistent with law for the government of the special agents as may be deemed expedient, and may rescind and alter the regulations so made. Under that section the secretary of the treasury had made regulations conferring on customs officers the right to arrest. Section 2652 made it the duty of all officers to execute and carry into effect all instructions of the secretary of the treasury relative to the execution of the revenue laws. Miss Wadsworth resumed her evidence. Parcels carried on the hoats from Canadian ports to United States ports were billed on the boats. She showed by the express office books

that parcels marked from J. S. May & Son had been sent from Eastport by Poucher to various parts of the Unit- judgment or other final proceeding in ed States in 1890, 1891 and 1892. She never saw the goods: they were not taken to the express office. Poucher simply showed a memorandum of the parcels To Mr. Baird-She went to work in

The first entry of goods handed in by Mr. Poucher in this way after she

so far as it was common law. So O. D. came to the Eastport office and applicable to this matter were con- Mr. Belyea put in evidence a letter cerned they had not been changed by from J. S. May & Son to Thos. Thorpe,

This letter, which is dated Feb. 4, 1890, acknowledged the receipt of ings were instituted upon a proper Thorpe's favor. It was stated that complaint, and the witness issued his the parcel was ready to deliver to warrant to a U. S. marshal to bring party who usually handled them, but the prisoner before him. Satisfacowing to his being on his holidays tory sureties were given for appearthere would be a little delay.

lawyer of over 30 years standing. Was collector of Eastport from 1886 prisoner, and all proceedings were in to 1890. The duties of a special treasury agent were to investigate, detect and bring to justice offenders against the customs law. Having got all the quite ill. A physician was in attendfacts the agent got the party, made the complaint, and then had him or ance upon him who had been instructthem arraigned before a commis- ed to report to the court as soon as sioner. Under the statutes of Maine pcesible. He feared Mr. Poucher would the agent had a right without a warrant to arrest and detain a man for a reasonable time before making the complaint. The proceedings in the May case, as appeared from the evidence, did not terminate the case. There was in his opinion no ground for proceedings for malicious prose-

cution. Mr. Currey then examined Mr. Leavitt as to the United States law relative to the customs. The witness told what statutes authorized the arrest of persons for violation of the laws of the United States.

John S. Derby, the United States consul at St. John, said he was a lawyer by profession. Special agents had a right to arrest in Maine for violation of the customs law without a warrant. The remission of a case from one court to another, as was done in this case, did not constitute a termination thereof. The agent making the arrest and bringing the party before the commissioner was not liable for any act of the commissioner. He read section 2,865 of the U.S. revised stautes which provided for the punprisonment was two years. There

To his honor-The offence of smugishable by imprisonment for over a year was a felony. A great part of this evidence was

objected to by Mr. Currey and taken subject to objection. Mr. Belyea then offered the evidence taken under commission in Boston. Mr. Currey objected to it and it was taken subject to objection. Mr. Earle said this evidence proved

the receipt of goods from May & Son on which no duty was poid. The substance of the evidence so far as it has been read is as follows: John Hill, of Stoneham, Mass., purchased clothes from May & Son in 1891. The negotiations made were

with J. S. May, who was in Boston. Hill did not pay nor account for duties.. The goods came by express Rev. Isaac W. Grims, of Cambridge, Mass, purchased some clothes from Messrs. May in 1891. He was in St. John and ordered the goods, but as they were not ready when he was leaving the city, Mr. May agreed to express them to him without extra charge. They were received by him and he paid thirty cents for the bill for expressage and sent a checque for the balance. He was introduced to Mr. May by another American

clergyman. H. P. Pearson, of Salem, Mass, Iv alled

bought clothes of Messrs. May in 1892 Jas. S. May called on him, took his measure, showed his samples of cloth, and the clothes were sent to him. Paid no duty on the goods. Mr. May

might have figured in his price for the payment of the duty. W. D. Howe, of Cambridge, Mass. saw J. S. May in Boston in 1892. Ordered a suit of clothes and got it with-

out paying any duty.

N. J. Fitzwilliam, of South Boston bought clothes of Messrs. May. He had a conversation with special agent Smith at latter's office. Smith asked him if he would like to get a suit of clothes cheap. Smith said May & Son were carrying on a crooked business and asked him (Fitzwilliam) to order a suit from them. He went to see Geo. May, who was working in Boston, and May called at his place, took his measure, and showed him samples. The order was given and the clothing came but he did not get them. They were taken to Smith's office. Saw Geo. May afterwards and he said he deserved the clothes. Appended to this disposition was a letter from May & Son submitting samples of cloth It was stated that Geo. May would take his measure. Another letter stated that the suit would be deliver

ed on a certain day. Frank H. Mason, clerk of the U. S. dictrict court of the district of Massachusetts, gave the indictment against Mr. May and described the remission of the case from circuit to district courts and back again. There was now no case pending against Mr. May in the district court.

(From the Daily Sun of the 20th)

In the May case, Friday morning, the reading of depositions was resumed. That of Norman W. Bingham customs agent at Island Pond, stated that he knew of the smuggling being carried on, and that he had heard of J. S. May & Co. mentioned in that connection.

Alex. H. Trowbridge, deputy clerk and afterwards clerk of the circuit court of the district of Massachusetts, testified as to the entry of the case on the docket of May 15, 1893, showing that it had been remitted from the district commissioner. There was no said cause. The court of which he was clerk had jurisdiction over the crime charged against May. The recognizance of 22nd Nov., 1892, binding May over in \$2,000 to appear and take his trial at the circuit court was read in the deposition.

Francis S. Fisk, aged 68 years, district court commissioner for 8 years for Massachusetts court. His jurisdiction was under section 1014 of the statutes of the U.S. It was his duty to bind prisoners over to appear before the circuit court upon finding that there was reasonable cause to believe that the statutes of the ILS had been violated. Was familiar with practice of committals in the state of Massachusetts. All proceedings were commenced by information under oath, upon which the commissioner issued his warrant for the arrest of defendant. In the May case proc ance of prisoner at the circuit court. Samuel D. Leavitt of Eastport: Was | He decided there was reasonable and probable cause for the trial of the accordance with the laws of the U. S. Mr. Earle, Q. C., here stated that this was the close of the defendant's case. The witness, Poucher, was still

> not be able to appear. Mr. Currey, Q. C., desired to have an opportunity to finish the cross-examination, as he could not say what witness he would want until that was concluded. If Poucher could not be recalled he would ask to have the evi-

dence struck out. His honor stated that he could not strike out the evidence, but the case would have to go over until the recovery of Poucher. In answer to a suggestion that the evidence might be taken in Poucher's room, his honer said he did not want to have a man's

life trifled with in any way. The judge decided to wait until the physician's report could be received. About 11 o'clock Dr. Sheffield arrived and stated that his patient had been quite ill, and was yet in a highly nervous condition. He thought he might be examined on Tuesday next. His honor then relieved the jury in this case from attendance until Tucs-

day morning at 10 o'clock. After Mr. Poucher's evidence is finished, James S. May will be called, and it is expected there will be considerable contradiction.

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