

# The Union Advocate

Established 1867

NEWCASTLE, MIRAMICHI, N. B.  
WEDNESDAY, OCT. 7, 1896.

**NEWCASTLE SOCIETIES.**

**MEET AS FOLLOWS:**

**NORTHERNBOROUGH LODGE NO. 17 A. F. & A. M.,** in the Lodge rooms at 8 o'clock, on the second Tuesday of each month at 8 o'clock.

**NEWCASTLE DIVISION NO. 45 S. T.,** in the Temperance Hall every Thursday evening at 8 o'clock.

**COURT MIRAMICHI NO. 165 I. O. F.,** in their rooms, Main Hall, on the evening of the fourth Tuesday of each month at 8 o'clock.

**NEWCASTLE BOARD OF TRADE,** in their rooms in the Craghian building on the evening of the first Monday in each month at 8 o'clock.

**ASSOCIATION OF UNITED WORKMEN, Miramichi Lodge No. 11,** in their lodge room on public what on the first Tuesday in each month at 7:30 p. m.

**"NO STRANGLERS" L. O. L. No. 47,** in their lodge room on the first Friday of each month at 8 o'clock.

**COURT HAPPY MEMORIAL NO. 165 I. O. F.,** in Foresters' Hall, Derby, on the evening of the third Thursday of each month at 7:30 o'clock.

## Volume Thirty.

With this number THE UNION ADVOCATE enters upon the thirtieth year of its existence. As we look back over the twenty-five years we have been connected with this paper we feel deep gratitude to the many kind friends who have, some for so many years, assisted us by their kind words of encouragement as well as liberal financial patronage. During this long period we have always worked in the best interests of the people of New Brunswick and the Northern Counties and have pursued an honorable course, advocating what we considered in the best interests of this section of country irrespective of whether such a course was detrimental to our own interests or not.

In dominion politics we have ever supported the party which we believed had the real property of the country at least, and this we have done through evil and good, as through good report, and are prepared to continue to support that party until the Liberals have in some measure proved their capacity to govern the country wisely and well. When they arrive at that stage, if they ever do, we will give no factions opposition but judge their measures by their merits and praise or blame accordingly.

In local politics for a number of years we have been opposed to the party in power under the leadership of Hon. A. G. Blair, because in our opinion he failed all his promises of prudence and economy made while in opposition and has placed a burden of debt on the shoulders of the people grievous to be borne and which resulted in measures of direct taxation unknown before the regime of Mr. Blair. The late premier has recently left the Province to other hands to manage and the people hope that a more prudent and economical management of public affairs will now be inaugurated so that the burden of debt may not be increased in the near future.

If we could only rely on subscriptions and otherwise would be prompt in making their payments we should be relieved of much anxiety in meeting business engagements. While there are many who pay regularly and promptly, there are too many others who, from want of attention rather than lack of means, allow their bills to remain unsettled, the aggregate amount of such indebtedness being a heavy load to carry. We hope those indebted will carefully read this paragraph and then forward the needed to settle their accounts.

Correspondents can help us to make the weekly issues of THE UNION ADVOCATE interesting by mailing us occasional budgets of news from their localities, sending us the facts and we will see that they are put into shape for publication.

If we could only realize on the many hundreds of dollars due us by subscribers and customers we should be in a position to make a number of contemplated improvements in our office and paper, but failing that desirable quality of "paying up" in so many of our patrons we suppose we must content to plod along in the old ruts until times look up and cash becomes more plentiful under the promised beneficent rays of the Liberal sun which now reigns at Ottawa, whose coming into power it is so much for the great country of ours. May the reader realize the equivalent to the many fine promises made is the hope of all. "So mote it be."

## Newcastle Battery.

This battery completed its twelve days drill on Friday last and on that morning proceeded to break camp and the guns and baggage were duly stored in the armory, the tents remaining on the field until they were thoroughly dry, which may not be for some days as the weather has again set in wet. Sergeant At. Russell, with gunners G. R. Anslow and C. W. Anslow being left in charge and remaining in camp day and night.

The inspection under Major Rutherford was pronounced satisfactory, and the regimental true being competition was proceeded with under the inspection of Major Rutherford who complimented the officers and men on the manner in which they had performed their duties.

In publishing the names of the various subdivisions a fortnight ago Michael Cochrane was given as one of the drivers of No. 4, it should have been Michael Coughlin.

## Post Office Investigation Examination.

The case of the Queen vs. Smith was resumed on Thursday morning last. Mr. R. B. Bennett, Counsel for the accused, said that he would not continue the cross-examination of Inspector S. J. King. Mr. Winslow, Agent for Minister of Justice, had no more witnesses at present. The case was adjourned until Tuesday, in order that the magistrate might consider the evidence, and decide as to which, if any, of the charges had been proven.

## Hearing Adjourned.

The hearing of the Restigouche election petition has been further adjourned until the 9th October.

## THE CHARGES AGAINST POLICE MAGISTRATE McCULLY OF CHATEAU.

REPORT THEREON OF COMMISSIONER G. G. GILBERT.

(From the Advocate.)

To His Honor John James Fraser, Esq., Lieutenant-Governor of the Province of New Brunswick:

(Concluded.)

Re-examined by Mr. Tweedie. Menzies did all he could apparently to resist me, I did not hurt him any more than was necessary to get him out.

Thomas Dunn—called and sworn. I reside at Newcastle, ever since I was born. I saw some of this matter between Menzies and Murray on the 30th of June last. I saw Menzies and a man go into Murray's and afterwards leave Murray's and go into Stables'. Menzies came out of Stables' with a piece of wood in his hand, and went into Murray's yard, I saw some casks come out of a hole in the wall of Stables' building. Menzies took charge of the casks, Murray came out of his back door and ordered all hands out, we backed out but kept out faces to the fur, Murray said to Menzies to get out with the rest, Menzies said he would get out, Murray said he would get out and took hold of him, they were then about 12 or 14 feet from the gates, they tumbled until he got him outside of the gate, Menzies rushed in again and Murray caught him by the whiskers and said, "I suppose, and backed him up against the wall of Stables'. Murray shoved him out pretty easy, Menzies was determined to get in, and Murray was determined to get him out. Menzies did not want to go out, and struggled but Murray put him out, Menzies hauled a pistol and said he would shoot anyone who interfered with him, Murray has not then then, Murray did not put him out until he said he would not go, Murray was too able for him, no one interfered with him to help either one or the other.

Examined by Mr. Murray. I did not amount to a great deal, there were no lives lost, Murray said go out, nothing more, he said all hands leave the premises, or the property, I won't be certain what he did say, he said to go out, that's all. He turned round to Mr. Menzies, he had charge of the casks, he was standing along side the casks then, Murray pulled him away from the casks, he dragged him from the casks to the gate about 15 or 16 feet, the one gate was shut then, I won't be sure who shut the gate, when Menzies was put out. I was in the yard near the casks when Murray ordered me out. I was near the gate when Murray took hold of Menzies. I saw Shannon then, I saw all the struggle until Menzies was put out and after he was put out too. They shut the other gate on him when he was put out, and Menzies got in again about as far as the half gate would swing. I can't say but what I saw Shannon shove Menzies. I won't swear that Shannon did not interfere, Murray went over to the casks and told him to go out and grabbed him just alongside the casks, Menzies kept the casks as long as he could until Murray pulled him away, Murray grabbed him by the carry. We hope those indebted will carefully read this paragraph and then forward the needed to settle their accounts.

In my view, after Menzies had searched Murray's premises, and found no liquor there, his power under the search warrant was exhausted. That he had no right to place the property he had seized on Stables' premises was Murray's premises without Murray's permission. That when he came back the second time he was a trespasser, and that being ordered out, Murray was justified in putting him out gently, and that when he attempted to force his way in a second time, Murray was justified in using all the force necessary to prevent him coming in. It may be said that unless he did go in he could not take the liquor he had seized from Stables'. This may be true, but the difficulty arose from his unlawfully putting the liquor on his way in, Murray grabbed him by the carry. We hope those indebted will carefully read this paragraph and then forward the needed to settle their accounts.

Part of the charges I have been considering are that Mr. McCully spitefully and maliciously convicted persons charged before him with the commission of offences.

All the legal gentlemen who gave evidence before me, while finding me in fault with the manner in which Mr. McCully tried cases, spoke of him as being an individual, honest and upright. With this evidence before me, I do not think I would be justified in finding that he has acted spitefully and maliciously.

Complaint was made during the investigation that parties living in Newcastle who were charged with violating the Canada Temperance Act were brought for trial before Mr. McCully when there was in Newcastle a magistrate (Mr. Niven) who was quite competent to try these cases, and thereby occasioning much unnecessary inconvenience to them and much expense in bringing their witnesses. This no doubt is a very important thing to do, but I think the blame attaches to Mr. Menzies and the prosecuting attorney, and not to Mr. McCully, for when the Inspector laid information before Mr. McCully, I do not see how Mr. McCully could refuse to hear the cases, and no blame can attach to him, unless it could be shown that there was some compelling reason before him, and that these cases should be brought before him, which has not been done.

In investigating this matter, I had to consider the large amount of viva voce evidence given before me, and also the many records of trials had before Mr. McCully, which was by the most difficult, and took longer time, some of these documents were very lengthy, and the cases complicated, and I have thought it best to set out largely the evidence bearing on both sides, in order that you may see in the report, the evidence on which I have formed my opinion. It will be observed that the far larger number, in fact nearly all of the cases were cases arising under the Canada Temperance Act.

Taking the evidence given by the legal gentlemen who were witnesses, and from inspecting the records, I think I may safely say that Mr. McCully endeavored to perform his duties honestly. That he has been most anxious to have the Canada Temperance Act fully carried out, and to prevent as far as possible the sale of liquor in the county. But in doing this, I think that his zeal has carried him to greater lengths in many cases, than the accused (going on the principle of giving the accused the benefit of all reasonable doubts) would fairly sustain. He appears to consider the evidence of parties charged with offences against this Act, to be entitled to very little or no credit, and this not unnaturally when he considers the character of some of the parties engaged in the traffic. I noticed this particularly in cases where the parties had been convicted on a former occasion. I think he acted seriously in sentencing Mr. Menzies to discharge convicted persons before they had served their full term, I think that no person but the magistrate should be allowed to do this. There are many cases in which the magistrate for the magistrate after convicting to allow the time to stand, or there may be cases where circumstances are such as a drunken man who was poor and had a large family, or it was a first offence where he might exercise a wise judgment in mitigating a severe sentence. On the other hand if some worse character is convicted of drunkenness and the zealous magistrate discharges him on his informing where he obtained the liquor, there would be great danger that persons liable would be convicted on the testimony of a person whose evidence would be entitled to no credence.

I see no harm in a magistrate enquiring from a drunken man where he got the liquor which he had drunk, or in his informing Mr. Menzies of what the man told him, and perhaps in a Scott Act County it is no more than his duty, but I think when a person is properly convicted, he should undergo the punishment the law directs, unless there are some peculiar circumstances to warrant his getting relief. I see no such circumstances in the Cassidy and Coughlin cases. I think if Mr. Menzies wants to get the conviction of persons he should do it in one case, pay the fine himself. Let the magistrate do this, see the money paid and have nothing to do with Menzies' bargains and his own private business.

I saw in reading the records in these cases, many instances where I thought evidence had been improperly rejected, or improperly admitted, but as these questions of admission or rejection of evidence, being questions on which learned judges differ, it could not be expected that Mr. McCully, who is not a lawyer, should frequently make such a conclusion.

I do think from hearing the evidence and reading the records, that Mr. Murray and Mr. Menzies have unconsciously influenced me too much influence over him. It was urged on me that there was evidence of collusion between these three persons, but I do not think there is a serious charge proved. I have pointed out to him I have reviewed where I thought he has erred and therefore I need not refer to them further to say, that some of the evidence he has used to lead me to the conclusion, that either from over zeal in the enforcement of the Canada Temperance Act, want of legal training, or from his old-time inability to weigh evidence judicially, he has not weighed and balanced the evidence as carefully as I think he should have done. I refer particularly to the Armstrong case and the case of the drunken Indian, but in doing as he did in these cases, I distinctly say, that I cannot find any reason for thinking he was in any way influenced by improper motives, and if I am in error, I think it was entirely an error of judgment. I may add that his position is to my mind a difficult one, that his reputation is immensely injured, and that his work he has to perform. From the Inspector's return I find he tried in 1894 over 60 Scott act cases alone, and the whole costs including magistrates' witnesses salaries and fees were only \$450.00, which, as they were made up, the Magistrate's fees would I think not exceed \$250 or \$300, not one half the prosecuting counsel got, he charged regularly \$250.

Respectfully submitted,  
G. G. GILBERT,  
Commissioner.

## Canada Eastern R. R. Meeting.

A special meeting of the Canada Eastern Railway Co. was held this afternoon, at which the following were elected directors: Alex. Gibson, Mr. Alex. Gibson, Jr., Jas. Gibson, C. H. Hart, Alfred Rowley, E. Byron Winslow, Hugh H. McLean, St. John. At a subsequent meeting of the directors, Alex. Gibson, Jr., was appointed President and Manager, and His Worship Mayor Vancouver, H. H. McLean and E. J. Jones, trustees in the place of St. Leonard Tilly and C. W. Weldon, deceased, and Chief Justice Allen, permanent secretary. The picture is said by those who have seen it to be the most interesting thing of the century, and a work of art which no collection has heretofore approached. Fray & Co., of Boston, the great makers of the Christiana Carve, write of "The Christiana Prayer" as follows: "It is full of pathos. It tells its own story in its own way. We anticipate the Family Herald of Montreal will have a large demand for it." This is a rare reprint from a house that scarcely ever gives prizes anything. Those who are fortunate enough to be on the Family Herald's list are evidently in for a grand thing, besides getting their paper, which all must admit is indeed a most wonderful production in itself.

**Business Men.** Think my "real business" methods in conducting a business, but with all the business all the time. Bright students get a quick and thorough course in three months for \$25.00. I teach by mail writing, bookkeeping, shorthand. Hand some catalogue free.

S. G. SNELL, Tutor, N. S.

## Blackville and Derby Agricultural Society.

Prize List of Stock Show and Plothing Match to be held on the grounds of the Society at Blackville, on Wednesday, 11th October.

1st prize 2 d.

**DRAFT AND FARM HORSES.**

1st prize 1 year old, 81 25 75

2nd prize 1 year old, 175 12 75

3rd prize 1 year old, 200 12 75

4th prize 1 year old, 175 12 75

5th prize 1 year old, 175 12 75

6th prize 1 year old, 175 12 75

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15th prize 1 year old, 175 12 75

16th prize 1 year old, 175 12 75

17th prize 1 year old, 175 12 75

18th prize 1 year old, 175 12 75

19th prize 1 year old, 175 12 75

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36th prize 1 year old, 175 12 75

37th prize 1 year old, 175 12 75

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39th prize 1 year old, 175 12 75

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41st prize 1 year old, 175 12 75

42nd prize 1 year old, 175 12 75

43rd prize 1 year old, 175 12 75

44th prize 1 year old, 175 12 75

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73rd prize 1 year old, 175 12 75

74th prize 1 year old, 175 12 75

75th prize 1 year old, 175 12 75

## Fugitive.

There was great excitement in town on Saturday afternoon over a fugitive on counter between two individuals. One a denizen of Derby, loudly proclaimed that he was able to lick any man in Newcastle, and his challenge was at once taken up, and preliminary arrangements were made.

Just then, deputy sheriff William Irving took a hand in and threatened to lock them up if they broke the peace by fighting. This quieted them down and the proposition to the other to come out of the town limits when he would "knock the stuffing out of him."

They proceeded up town followed by a large crowd until the railway crossing over the highway was passed when they ranged along the fence the two fighters with their second being in the field leased by Mr. P. McCort, a part of the Fortune property.

Here several rounds were fought to the damage of the countenance of both contestants who were permitted to continue the brutal affair until some unfortunates were shown against the Derby man when he was forced to interfere, get him off the field and into a buggy when he was taken home. There was no one in authority around at the time who could have used his authority to prevent so brutal an exhibition.

**The Douglassman's Teat.**

Further changes are to be made in the Avis. Her steel centerboard is to be hinged, so that it may be raised in running before the wind. The after end of the trunk will be wide enough to permit the lead on the bottom of the plate to be hinged. This, we believe, an original device of Mr. Albert Henderson's, and will give the yacht a housing bulb fin. She will then have the benefit of the bulb fin in windward work, without being retarded by it in running off the wind. The idea is not only new, but a very good one.

Mr. Henderson has been a close friend of the second place between her and Leairg on Thursday if Leairg had not lost her chance by fouling another yacht. The Douglassman had reversed Mr. Henderson and Mr. Benn on the evening of the race. Mr. Benn presented the cup to Mr. Henderson. There should be another race to give Avis a chance to show what she can do with her housing fin.

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