

The Daily Examiner

JANUARY 22 1886

The Liquor License Question.

Commenting upon the decision of the Privy Council of England, in the case of the McCarthy Act, the Canadian Law Times—a leading legal authority—says:

"The holding that the Dominion Parliament cannot pass a licensing Act, instead of clearing up the inconsistency, leaves the limits of legislative jurisdiction between the Provinces and the Dominion quite as uncertain as ever they were."

"The Canada Temperance Act is usually spoken of as a prohibitory Act, but it is, in fact, the only one of the kind that has been passed by the Dominion Parliament since the passing of the Act of 1864."

"The Canada Temperance Act is held to be a measure designed for the purpose of promoting temperance, and not prohibition, by means of a uniform law throughout the Dominion. If a prohibitory law, or a stringent license law, is a law for the peace, order, and good government of Canada, why is not a licensing Act less stringent within the meaning of the same words?"

Who Pays the Duty?

"Throughout the whole arrangement of the tariff, the fact should be continually kept in view that when a foreign article comes into competition with a native one in full supply the foreign producer pays the whole duty. If the native article is not in full supply or sufficient for the home demand, the consumer pays a portion of the duty proportionate to the quantity required from abroad."

"The above extract is from the Week, Professor Goldwin Smith's paper, a high authority with the Opposition sometimes. The same remarks with reference to the tariff, have been said by others over and over again since the introduction of the National Policy. But it is so hard to convince a dyed-in-the-wool Grit, that there are those amongst us who still hold that it is the consumer who always pays the duty. This false doctrine has been preached by every Grit stump orator in the country. In this Province in particular, during the last two Dominion elections, it was made the chief party cry of the Opposition. Their candidates told the people at the meetings that of course it was the consumer who paid the duty. It was no use to tell them that they were grossly misrepresenting the facts. Their answer was generally something like this: 'Of course the consumer pays the duty. Imported articles are purchased for a certain price. To this price the duty is added, and the man who buys these articles pays the duty along with the original price.' This was the style of argument used. Some who pretended to believe in such foolish assertions no doubt knew to the contrary—others did not. Before the next campaign begins, this question should be carefully considered by those who were, perhaps, led into error by political aspirants who knew, or ought to have known, better. By this time every one ought to fully understand that the consumer does not always pay the duty."

The Concert of Last Evening.

"The Concert, promoted by Mrs. F. T. Newbery and Mr. Earle, in aid of the sufferers by smallpox, was very successful. The hall was crowded; the electric lights made all bright; and the music was really good. A proof of the latter fact may be found in the fact that a large proportion of the audience sat on rough, cushionless benches without backs—and sat it out! It is too bad that in a well-to-do community like this there is not better accommodation for large gatherings of the people. Facing ladies of this age to sit on benches such as were used in backwoods schools a hundred years ago, is to utterly utter, though it is to be charmed by beautiful music. We shall not presume to criticize the various performers. But we must express our pleasure at seeing Mr. Herman on the boards once again; and also with the instrumental solos played by Messrs. Major Galbraith and Fred Morris on their first appearance."

"CONCERT.—A Concert in aid of the Methodist Parsonage Fund, came off in the Court House, Souris, on the evening of the 20th inst. The singers were Miss Knight, Miss Morris, Miss Finley and Miss Jessa Knight. Messrs. F. H. Beer and F. Beer, all of Charlottetown. The programme consisted of Anthems, Solo, etc. The singing was excellent and highly appreciated by the large audience present. The Concert, which was presided over by Mr. W. Mass, concluded with a vote of thanks to the singers, followed by 'God Save the Queen.' Thus ended a very pleasant and successful evening's entertainment."

ALEXANDER GILLIS IN THE DOCK.

ON TRIAL FOR HIS LIFE.

A Crowded Court Room.

THE EVIDENCE FOR THE CROWN.

The interest in the case is well maintained. The Court Room is crowded with spectators. The prisoner preserves the attitude of one quietly interested in the evidence, but seems rather more anxious than he was on his first appearance."

THURSDAY, JAN. 21.—Continued.

ALFRED TOMLINS (sworn)—Examined by Mr. Morson—Received the gate bar, etc. from the City Marshal at the time of the coroner's inquest into the body of Callaghan. H. B. SMITH (sworn)—Examined by Mr. Hodgson—I was acquainted with Callaghan. He lived at Sherwood, Conestoga. I went to the cemetery to see Callaghan's body on the day it was found. On arrival there I saw Callaghan lying face downwards with a pillow across his back. When the pillow was removed I saw that the back of his head was smashed. I never saw such a sight before. The bones were broken into a pulp. His legs were, I think, drawn up. I was there when the gate bar was found in the cellar. It was found end down in the water. I went into the cellar and searched it. I think I saw a potato beetle. I think there was some brown hair on it. Callaghan's throat was cut. He also had a hat cut over the forehead. Callaghan was well off. He had plenty of cash. Examined by Mr. Peters.—He kept his money in the Bank. He gave some to him two or three times during the last three or four years."

THURSDAY (sworn)—Examined by Mr. Hodgson.—I am a sister of Callaghan and live in Charlottetown. Callaghan carried a watch with a chain attached. (Watch chain shown.) The chain is very like the one owned by Callaghan. When I saw the chain there was nothing on it. At one time I gave me a gold coin to keep for a potato beetle. I think there was some brown hair on it. Callaghan was well off. He had plenty of cash. Examined by Mr. Peters.—He kept his money in the Bank. He gave some to him two or three times during the last three or four years."

EWEN McDUGALL (sworn)—Examined by Mr. Morson—I knew Callaghan for five or six years. I remember getting a gold coin for him. The watch chain he wore at the time he got the coin was of German silver. (Chain presented.) This resembles the chain worn by Callaghan. I remember the bars in the chain. Examined by Mr. Peters—I last saw a chain with Callaghan in the summer of 1884. He had a coin on it. I think the coin would leave a slight mark on the link on which it was fastened. I had a coin similar to the one worn by Callaghan. I do not know where it is now. I think I changed it in London. The gold coin I saw Callaghan with an ordinary Newfoundland coin and a dollar gold piece. There are many of them around."

W. W. WELLNER (sworn)—Examined by Mr. Morson—I knew Callaghan well. I have cleaned and repaired watches for him several times. I remember the number of the watch is 86,784. The second entry is in August 17, 1871. Number of watch, 86,784. The third entry is in October 1873. Number of watch, 86,784. The number of the watch now shown is the same as that entered in my book. I have no doubt whatever about it. Callaghan was at my store several times since these entries. I made an arrangement with him that if he would keep my plot in the cemetery in order I would repair his watches. I remember four entries mentioned about the chain since entries were made. I had it last about two years ago. I believe the watch shown me is the same one."

HENRY SWAN (sworn)—I live on Mount Edward Road. I knew the deceased Callaghan. Saw him last about three weeks before news of the chain was heard. He showed me his watch chain about last July twelvemonth. It was a yellow looking chain with long bars and short links. The long bars were about an inch long. There were five links. One link was lost or broken (chain shown) this looks a good deal like it. It looks to me very much like the chain, but I think it was a silver watch. I think there was one gold piece attached to it."

Cross-examined by Mr. Peters—I saw the chain July, 1884, was working with him then for two or three days at a time. He lost a piece when he was working at the hay. I can't say whether he had more than one chain. I think he had a silver watch. I have seen the chain many times but never had it in my hands. He showed it to me the time he lost a link out of it. I have seen it and had some dealings. Sometimes he owed me and sometimes I owed him. He lent me money and had a note of mine at the time of his death. I have lived in the neighborhood about four years. I mentioned about the chain to Pat Berrigan. I was not before the Grand Jury and made no written statement about the chain. Callaghan was searching for the piece lost out of the chain."

GEORGE JURY (sworn). I am a watchmaker. Knew Callaghan. I repaired a watch for Callaghan on the 16th of May, 1884. The number of the watch was 86,784. (watch shown.) That is the watch I repaired. It has the same number and was made by the same maker. I repaired the watch subsequently, but did not enter it in the books."

Mr. Peters.—I do not remember repairing any watch for Callaghan except that one. I did not take much notice of the chain. (Chain shown.) This chain is worth about one dollar. GEORGE CUREN (sworn). I live in Charlottetown on Oriole street, corner of Euston street. I knew Callaghan—have known him since he was in the Cemetery. He dealt with me for provisions and bread. I have seen him take out his watch and handle the guard. I saw it within a few days of his decease. (Chain shown.) This is like it. I noticed that one of the bars was absent. There was a gold piece attached to the chain. It was not so large as a half sovereign. HENRY CUNDALL (sworn)—I was foreman of the Grand Jury last term. I received from the Station Master at Mount Stewart a gold coin. This is the coin I produced. (Produces coin.) To Mr. Peters.—Only one coin was then produced; a chain was also produced. I think it was produced by a constable. I think he got it from a man named McCarthy. It came from one of the officers of the law. (Watch shown.) This looks like one of the watches produced. The watches were produced to the Grand Jury. The watches were brought together to us by one of the officers. (Chain shown.) I think this was one of the chains produced."

GEORGE RACKEM (re-called).—(Coin shown.) That is the coin that was attached to Callaghan's watch. I brought the coin to me and asked me if a hole could be bored in it. I had never before seen a Newfoundland gold coin. Callaghan had an old piece of silver—a Dutch coin. I took out a hole in it and bored a hole through the silver piece. A short time after that he showed me the gold piece on the guard, and handed the watch and gold piece attached to me. It was a Newfoundland \$2 gold piece. He was in my shop a day or two previous to the time at which he was supposed to have been murdered."

To Mr. Peters.—I noticed the bar out of the chain some two months before he died. In the summer of 1884 the chain was, I fancy, complete. The only mark by which I identify the coin is that it was a \$2 gold piece of Newfoundland. I would not attempt to identify the watch."

THE COURT ADJOURNED. FRIDAY MORNING, JAN. 22. Court opened at 11 o'clock. The first witness called was

DUNCAN McMILLAN (sworn)—Examined by Mr. Morson—I live in Charlottetown and keep a hotel known as the North Star. I remember the hotel Callaghan was murdered; also remember being at R. R. Station about that time. I am being every morning upon arrival of trains looking for passengers. On the day in question I was

late for the Souris train, and saw a man standing on the platform. He said he wanted to come up and stay with me. He told me that he and Herman McDonald had stayed at my place last summer, at the time of the Exhibition. He told me his name was Melnis, and that he was from Harmony. I asked him if he was one of the Melnis' from East Point. He said no; but that he was a cousin of theirs. He said he was a cousin of Patrick Melnis. He remained at my place until the afternoon of the following day, when he asked me if I was going down in time for the outgoing train. I replied yes; there are any passengers who want to go. At the time I started for the train the man had left my house. I did not see him at the station. He had not paid his bill at my house and I was anxious to find him. So I went through the train. He was a clean-shaven man but I did not take much notice. I was in J. B. Macdonald's Boot Store last July and saw a man in the custody of constables. 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