MILTON, DEC. 27, 1888

disreputable they may be. MANITOBA VICTORIOUS.

empof the county. In that year the Crooks fore the Judge and a jury; my com. Cross-examined.—Judge Miller did I urged on Burger's behalf. \$1,742.69. The working of the Scott Eager is that he never presented my chairman, Mr. White, asked him a Act for the year ending 80th April, side of the case to the jury; he only re- question. 1838, involved an expenditure of \$6,- ferred to my circumstances as being W. Lamlaw.—Am a solicitor; I held 401.65. Add the loss of license under rich and Hawthorne poor; I proved at the brief in Hawthorn v. Eager for the the Scott Act there was an actual loss the trial that Hawthorne gave me the plaintiff; I think that I prepared the to the county of over \$10,000. The buggy to compensate me for my losses brief for Mr. Robinson on the applicathe minutes until the members had a to pay full County Court costs to the left the court with Mr. John Dewar's The British Government has decided the minutes until the members had a full opportunity of digesting it, and were in a position to give an intelligent vote in a position to give an intelligent vote at their next session. The question of a new trial; my charge in the suit of four parties at Oakville, with Edward session.

Eager vs. Miller. THE INVESTIGATION BEFORE THE

. C., was counsel for Judge Miller. The two principal charges were

was denied by Judge Miller, and this statement of the case the investi

176 of the said Railway Mr. Blake on behalf of Mr. Eager, con- order made for same; a trial was then of the money being paid out in the Mc

sel the Commissioner decided to hear a jury; I fixed the costs; did not receive an action brought by Campbell v. Bur-Among the things which provoked the evidence, subject to Mr. Osler's ob- any affidavit of disbursements, and ger; the case may have stood over from more than usual discussion at the late jection.) I gave up making the exces- have never been asked to make costs up; March to April court in 1881; Mr. Mc. veeting of the County Council of sive charges in the Surrogate Court, if I had, I would have made them up. Gibbon, on the first trial, took object-Wellington was the report of Mr. David because I told my clerk that I would Hugh Campbell.—Was clerk in the ion to the note being improperly endors-Foote, chairman of the special commit- be held responsible for the excess; my Surrogate office from 1871 to 1881; ed, and at the second trial no objection tee appointed to investigate the ac- clerk told the Judge of my refusal to Judge Miller made a tariff of Surrogate was taken, and a verdict was given for counts of the inspectors of the county collect the extra fees, and when I saw fees; it was not signed; was only a small the plaintiff; I say that it was imposunder the Canada Temperance Act. the Judge he told me that I had to obey memorandum; it did increase the fee sible, and have no hesitation in saving it, The report was a very elaborate one, any order he made; my fellow clerks, on amounts from \$4000 to \$7000 from that a probate of Robert Miller's will and contained a fund of information. at a meeting in Toronto, told me that \$3 to \$5; I think that I got the had been granted at the time of this It showed from the statements of the I should not collect the extra fees; do judge's tariff in 1874; I never disputed trial; I know that this will had not inspectors of the three license dis. not recollect of having any further con- with the judge about the fees; I made been proved for years afterwards. tricts in the county that the sum of versation with the Judge about those up all the fees; the judge never inter-\$9.043.20 was expended in the enforce- fees; cannot tell what took place at fered with them. ment of the Scott Act during the two the trial of Campbell v. Burger, only Cross-examined.—I always kept ac. that Campbell was not the holder of the

were \$5,107. In addition to these and probate was issued 13th Septem- the judges had decided to collect at not distinct what took place, but I bereceipts was a further sum of \$240 ber, 1885; Thomas Miller was one of their meeting. made up by the ratepayers of the displayed towards me that I felt I in any way at that court.

reasurers of the local municipalities Judge refused; the case was tried be- night.

report was ordered to be printed for through Hawthorne's insolvency, and tion for a new trial; I think that the istribution among the members, but my evidence was corroborated; the ver- case was fairly tried before the judge shipped from Kingston to China last t was decided not to have it printed in dict against me was only \$100, and I had and jury; the witness, Duncan Dewar, week.

being illegal, and he did, during said given for plaintiff; I then applied for a Eager.

ference to the Hamburgh fees; I be- amounts between \$4000 and \$8000 on lieve Judge Miller always had a feeling when I returned home I believe that against me; the Surrogate fees as di- handed Mr. Eager's clerk a tariff o rected to be collected by Mr. Winches- what fees he should collect : I think this

ure which they brought upon the standing between Mr. Eager and my- were produced and showed a verdict in security or bought out and out, and (2) to have their pet, for self; it was at the nomination for mem- favor of Mr. Eager for \$16 and costs on if so, what amount was due to Mr. t from a meeting of the exe- present from all over the county; it is endorsed by McLernan; sued them in assessment matter came up after Mr. Association, at which the majority of of 16th August, which was filed with Campbell, who was acting for me, in- could not get justice from me; I said the committee were present, recom- the Commissioner, also an extract copy sisted on a judgment against the makers to the chairman of the Court of Keding that he should be removed of a petition and papers filed with the of the notes, as they had not defended, vision that I hoped that they would disand replaced by a man in sympathy Minister of Justice at Ottawa, and a and McLernan asked for an adjourn- pose of his appeal and not allow the

with the Crooks Act. If the Oxford number of papers and letters; Mr. ment; the Judge gave judgment order. matter to come before me; have no re-Alliance will take a leaf from the book Eager is Registrar of the Surrogate ing the money to be paid into court collection of the Hamburgh matter; no of "the banner temperance county" Court and Clerk of the County Court. and gave a new trial to McLernan; the formal application was made to me; they will denounce and call for the W. L. P. Eager, sworn.—Have been money was paid into court and paid to I have done nothing against Mr. Eager, of all auti-prohibitionist a resident of Milton for about 35 years, me; on the trial before a jury I obtained but have put myself to a good deal or officials, no matter how faithful and Registrar and County Court Clerk since judgment. (Re Assessment)—I was trouble by getting other judges to try efficient, and stand by all "temperance" January 1, 1855; Judge Miller made a assessed for less than my property was any of Mr. Eager's cases since I knew men who hold offices, no matter how tariff to fix the Surrogate fees about worth and less than what I would take of his feeling, and if I could not get a incompetent, neglectful and the year 1873 to be received by him, for it, and the Court of Revision put it judge I always had any cases of his purporting to be under the statute; up, but still for less than what it was tried by a jury; have not nor had I any Judge Miller gave verbal instructions worth; remember what the Judge said feeling against Mr. Eager as a litigant; to my clerk, Mr. Campbell, to col. at this court, and I do not reconlect of I allowed the charges made by Mr. lect certain Surrogate fees, which I the Judge asking the court to dispose Eager to pass until they appeared in refused to allow unless I received of the appeal; they assessed me at the newspapers, and then I considered written instructions from him (Judge \$5,000, and I paid \$6,000 for my pro- it my duty to ask for this investigation. Miller); I required this tariff so as to perty. (Re Hamburgh)-I know this | Cross-examined.-I collected the protect myself in case of an action be- estate was wound up before. Judge same fees up to 1875 on \$4000 to \$8000, way crossing case was read by ing brought against me for overcharge O'Reilly in Hamilton; I was a party to and then after the meeting of the of fees; the difference in the tariff the suit; I asked Judge Miller verbally to judges I did instruct Mr. Eager's

> t \$3; the \$5 fee was collected in the Miller for my fees in this matter. ROBERT BALMER .- Am Division Court | think until after the Hawthorne trial, David Ghent's, Margaret Clerk at Oakville, and was in 1877; the when he avoided me; we did not Dice's, John Brooks's and John Storey's; judgment entered in my books in the speak; had no words with him personbelieve there were two other addi- McLernan suit as "judgment for plff. ally; in the Dolby case there was a difions in the tariff made by the Judge; \$16.25 and costs" is correct; I fixed the ference between the solicitors, and remember a suit of Campbell a smount of costs parable Jan. 28th; solved the matter by a compromise; that this charge should not be tried, as court; money was paid in; paid Mr. in the Hawthorn case to Mr. Eager was nothing to do with it, Eager \$16.85, being judgment, and 60c. that it was a County Court case, verdict witness fees, and afterwards an appli- being for \$100 over and above the \$18 wery case tried before Judge Miller. cation for a new trial was received and paid in by Mr. Eager; I was not aware

years after its passage, from the 1st of what I learned in the Division Court count of the judge's fees and paid them note and that it was not properly en-May, 1886, to the 80th of April, 1888. Clerk's office; an application was made over; I remember the judge speaking dorsed, and at the trial urged the ob-The receipts from fines paid into the to the Surrogate office on 15th August, to me of the judges' annual meeting. jection and the case was adjourned to county treasury during the same period 1885, for probate of Robert Miller's will, and that this tariff given me was what the next court I am

paid for druggists' licenses, making a the witnesses to the will, and proved John White.—Recollect of being pre- had pleaded; my recollection is that total revenue during two years' oper- its execution; Robert Miller was Judge sent at Court of Revision when Mr. my impression was, from what the ation of the Act of \$5,847.00. This Miller's brother; Judge Miller seemed | Eager's assessment came up; I do not judge remarked or the bench, that the left a deficiency of \$8,596.20 to be annoyed at me and his feelings were so remember Judge Miller interfering objection was removed: I then county and the Ontario Government. could not get justice in any cases tried Joseph Brothers.—Was a member relied on and judgment was given It is further showed that not more than before him; the first of my cases, brought of the Court of Revision in 1880; Mr. made no investigation as to the will of

\$500 will be received from licenses in before the Judge was in December, 1876, Eager was assessed on real property Robert Miller having been proved; do this county during the three years' was Eager v. Dolby; I only got \$13.78 for \$3500; an appeal was put in and not recollect of seeing the will afterxperience of the Act, up to the 31th costs in this case, it being a County the assessment was raised to \$5000; I wards. April next. In the year ending the Court case; when Mr. McGibbon, my am satisfied that Judge Miller did not Cross-examined.-Cannot say whether 30th April, 1886, the year immediately solicitor, applied for a certificate for interfere in anyway, except that he Mr. Dewar was acting for Campbell or receeding the enforcement of the County Court costs, the Judge refused asked the Court of Revision to dispose not; in the interval between the two Scott Act in the county, the total to grant a certificate unless Mr. Mc- of it and not allow it to come before courts Burger became insolvent, and amount collected in Wellington for Gibbon could show authority for his so him; the court raised it to \$4000 and did not urge the defence, as it was imenses, transfers and fines was \$9,453, doing; I got advice from a Toronto adjourned, but afterwards raised it to material whether judgment was given xclusive of Guelph. Of this sum lawyer to the effect that he had author. \$5000; I consider the property should against him or not; one of my pleas was over to the ity to grant such certificate, but the have been assessed at \$5000 the first on the jurisdiction of the court, and

Act was administered at a total cost of plaint in the suit of Hawthorne v. not speak about the matter until the

illicit liquor selling and began and has since continued a series evidence on the charges preferred by Can. Statute as to Surrogate fees, and it is now shown that this was the case,

under the statute and the Judge's tariff allow me my fees, and he refused; I lost clerk to collect larger fees between \$4 probate grants was on estates the suit with the Prentices and had to and \$8000 until the sessions in June between \$4,000 and \$8,000, and the pay counsel on both sides; it is about December, 1887, when Mr. Eager re-Judge made a charge of \$5 in the place twenty years ago since I asked Judge fused to collect any more of such fees; Mr. Eager and I were on good terms I tended that the Commissioner should had before a jury and a verdict given Lernan case at the time of the new investigate all the charges made in the for plaintiff.

Cross-examined.—The judge ordered of which I have a recollection, was

> Mr. McGibbon.—Was acting for Mr. Burger in the Campbell suit; I pleaded

Mr. Johnson remarked that he would report forthwith to the Government

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