THE CANADIAN CHAMPION.

MILTON, DEC. 31, 1885.

BRITISH JUSTICE AND THE SCOTT ACT.

The following appeared last week in the *Canada Citizen*, one of the leading prohibition organs of the Dominion:

"There has been a good deal of misrepresentation in reference to the provisions of the Scott Act, and this misrepresentation seems to have led astray a good many people who have not taken the pains to post themselves thoroughly. One of the most common of these misrepresentations is to the effect that the Scott Act unjustly and cruelly, in violation of the principles of British justice, convicts a man on his own evidence or that of his wife.

* * * * * *

Now the fact of the matter really is, that, so far from being harder than laws generally are upon those against whom prosecutions are brought, the Scott Act confers upon those persons a social privilege not usually allowed them. The clause of the act with which fault has been found reads as follows:

"121.—In any prosecution under the said Temperance Act, or under this Act, for the sale or barter or other unlawful disposal of intoxicating liquor, it shall not be necessary that any witness should depose directly to the precise description of the liquor sold or bartered or the precise consideration therefor or to the fact of the sale or other disposal having taken place with his participation or to his own personal and certain knowledge; but the Justices or Magistrate, or other officers trying the case, so soon as it appears to them or to him that the circumstances in evidence sufficiently establish the infraction of the law complained of, shall put the defendant on his defence, and in default of his rebuttal of such evidence, shall convict him accordingly.

"123.—On the trial of any proceeding, matter or question under any of the Acts in the one hundred and twelfth section of this Act mentioned or under this Act, the person opposing or defending, or the wife or husband of such person opposing or defending, shall be competent and compellable to give evidence in any such proceeding, matter or question.

It will be noticed that the principal object in these clauses is to enable a man to give evidence in his own defence and so prevent his conviction on such testimony as would be conclusive against him were he not allowed to rebut it by his personal testimony. It would manifestly be improper to allow a man to defend himself under oath and not allow him to be cross-examined by the prosecution; that is, it would be utterly absurd to permit a man to give evidence on one side and that man not be compellable to give evidence on the other. As a matter of fact the law works almost invariably in the interest of the defendant. Scores of cases have occurred in which a *prima facie* case of sale of liquor has been made out against a man, and his own evidence in rebuttal has saved him from punishment; we have not heard so far of any case in which a man has been convicted on his own evidence. The practice of making a person, accused of an offence against law, competent and compellable to give evidence, is not new nor is it peculiar to the Scott Act. The same clause, almost verbatim, is to be found in the Dominion License Law, and the same practice, applicable to the proceedings for the enforcement of every license law that that exists in the Dominion. The principle is also carried out in other legislation.

On the whole, the point is very badly taken as against the Scott Act, the fact of the matter being that the provision of the law, to which objection is made, works almost exclusively in favor of those who are charged with violation of the law, and it cannot by any possibility be made instrumental in convicting a man who has not committed the offence with which he is charged."

All who live in localities where the Scott Act is in force and who know anything about its interpretation must see that the *Citizen* is making a barefaced attempt to hoodwink and mislead those who are ignorant of the workings of the act.

It is true that there is nothing in sec. 121 of the act to compel defendants or anyone else to give evidence. It simply provides that under certain circumstances the defendant shall be put on his defence, which does not necessarily imply that he must be put into the witness box. Sec. 123, however, not only makes the defendant or the wife or husband of a defendant a competent, but a compellable witness, and that too for the prosecution. There could be no object in making a defendant a *compellable* witness for the defence, seeing that he would always have the option of pleading guilty if he saw fit to do so.

The assertion by the *Citizen* that "the law works almost invariably in the interest of the defendant," is a most remarkable one. We challenge the *Citizen* to name a few out of the "scores of cases" in which "a *prima facie* case has been made out against a man, and in which he has escaped by his own evidence in rebuttal. There certainly have been no such cases in Halton, our impartial Police Magistrate never failing to convict if successful in obtaining over so little evidence from ever so questionable a source, no matter how many witnesses the defence might bring forward in rebuttal. The case last year of David Dewar, hotel-keeper of Milton, was a notable instance of this. All the evidence against him was that of a hired informer who swore that he had drank beer out of a bottle on the defendant's premises. Three witnesses, on the other hand, swore positively that they drank out of the same bottle as the informer and that its contents were non-intoxicating. Mr. Young convicted the defendant and sentenced him to two months in jail, but the latter was subsequently ordered to be released by the Minister of Justice, who remarked that "the convicting magistrate must have been crazy."

The *Citizen* professes to have heard of no case in which a man has been convicted on his own evidence. If its editor will refer to the Ontario Reports, vol. 4, 1884, he will find a full report of a case where a man was convicted on no evidence at all, but because when put into the box he refused to testify against himself when required to do so by the prosecution. The case is that of Regina vs. Wallace (John Wallace of Milton), an appeal against a conviction by Police Magistrate Young which was decided by Chief Justice Hagarty, and Judges Cameron and Armour. As it turned principally on the proper interpretation of secs. 121 and 123 of the Scott Act and settled the point whether a defendant could be compelled to give evidence against himself under that law, it may be well to quote from it to show the untruthfulness of the assertions made by the *Citizen*.

On the conviction of the defendant, his counsel removed the case by a writ of certiorari to the Queen's Bench division of the High Court of Justice for Ontario, and asked that the conviction should be quashed on certain grounds, No. 2 of which was as follows: "No circumstances were shown in evidence establishing any infraction of law to put the defendant on his defence under the provisions of the said Temperance Act." Judge Cameron agreed that there was "no evidence whatever, not even a scintilla," against the appellant, and Judge Armour did not contradict him in this, but said: "It is a sufficient answer to the 7th ground taken in the rule, that the magistrate did not in fact put the defendant on his defence under the terms of the 121st section of the act, but called him as a witness under the provisions of the 123rd section." Judge Cameron said further: "The defendant's refusal to answer the question put to him on the alleged ground that in so doing he might criminate himself, does not amount to any evidence that he committed the particular offence charged, and the magistrate ought not to have accepted the refusal, *but should have compelled an answer.*"

The case was decided against the appellant, Judge Cameron dissenting, on the ground, as Chief Justice Hagarty put it, that "Section III. of the Act 41 Vic., ch. 16, D., expressly takes away the *certiorari*, and when the decision, as here, is before a police magistrate, disallows any appeal to the Sessions or other court whatever, from any conviction judgment or order."

The *Citizen* did not tell the whole truth when it said that the "same clause" No. (123) is to be found almost verbatim in the Dominion License Law, as, though it is to be found there, the one immediately preceding it, No. 139 qualifies it very materially, reading as follows:

"Every person other than the defendant, summoned or examined as a witness in any prosecution brought under this act is bound to answer all questions put to him, and which are pertinent to the issue, notwithstanding that his answers may disclose facts tending to subject him to any penalty imposed by this act; *but such evidence shall not be used against him in any such prosecution.*"

There is no such saving clause in the Scott Act. Under it alone can a defendant be forced into a position where, though there may be no other evidence against him, he is compelled to convict himself, with the only alternative of escaping by committing perjury. That a man should be forced into such a position is an outrage against all justice and all precedent. It is an outrage too that the administration of the Scott Act should be, as a rule, placed in the hands of men chosen, as is the case in this county, rather for their rabid partizanship, than for judicial ability, and that, as was established in the Wallace case, there should be no right of appeal from the decisions of these incompetent fanatics, who aim rather to make convictions than to do justice.

For lame back, side or chest, use Shiloh's Porous Plaster. Price 25 cents. Sold by J. H. McCollom.

MILTON PUBLIC SCHOOL.

PROMOTION EXAMINATIONS, DECEMBER, 1885.

Senior Third Class

to new senior 3rd, and to Head Master's room. (To avoid having a 3rd class in the H. Master's room, after this there will be *three* instead of *four* 3rd classes in the school.)

Total marks	645
Required to pass to H. M.'s room	400
" " " " New 3rd Senior	325
Henry Freeman	416
Robena Henderson	413
Mary Sitzer	406
Jennie McLean	390
Robert Gaibraith	379
Mary J. Barbaree	359
Tryphena Barbaree	358
Josephine Demoon	358
Maggie Devey	349
Jennie Bell	334
Annie Morley	325
George Watson (trial)	320
Annie Mitchell (trial)	318

Junior Third Class

to intermediate 3rd class.

Total marks	555
Required to pass	300
Mary Freeman	410
Dolly Elliott	401
Willie Wilson	380
Jennie Elliott	377
Dora Bell	376
Wesley Andrews	344
Joseph Brothers	330
Bertha Pattinson	320
Joseph Sanderson	318

Intermediate Third Class

to senior 3rd class.

Total marks	555
Required to pass	300
Nellie Duff	454
Jas. Henry Clements	400
Emma McGibbon	397
Samuel Carry	377
Duncan Robertson	352
Willie Boyd	351
Willie Dewar	345
James Duncan	340
Levi Barbaree	334
Charlie Jones	310

Senior Second Class

to junior 3rd.

Total number of marks	500
Percentage req'd	62%
Edith Moffit	414
Florence Lavery	392
Sarah Bell	390
Wilfred Mars	362
Maggie McDowell	352
Erwin Lavery	352
Fannie Ruddy	351
Clara Hollinrake	347
Charles Hollinrake	338
Lottie Bell	328
Ruth Bell	328
Mary Robson	318
Albert Kelly	313
Fred Dewar (trial)	309
John Moffat (trial)	307

Intermediate Second Class

to senior 2nd.

Total number of marks	450
Percentage req'd	62%
Walter Rews	385
Charles Ussher	346
John Lindsay	339
Horatio Barbaree	335
Bella Robertson	334
Mabel Lush	334
Racey Young	331
Thomas McJannett	327
Cassie Hannah	312
John Williams	312
Charles Lindsay	299
Jessie Moorehead	295
Lorne Freeman	289
Eddie Harrison	285
Thomas Wharton (trial)	271

Junior Second Class

to intermediate 2nd.

Total number of marks	450
Percentage req'd	62%
Edith Dewar	343
Annie Henderson	330
Robert McDowell	327
Charles Ramshaw	320
Clarence Field	318
Beatrice Moffit	317
Sarah Roper	315
Annie Porter	313
Bertha Brown	308
Agnes McJannett	306
Florence Deacon	300
Jennie Allison	290
Samuel Brush	290
Christina Landsborough	284
Lizzie Crowe	280
George Lindsay	279
Frank Morley	279
John Henderson (trial)	254
Jennie Bell (trial)	252

Senior First Part of First Book

to junior 2nd.

Total number of marks	870
Percentage req'd	70%
William Cochran	819
Edith Wilson	817
Robert McJannett	816
Maggie Duff	816
Julia Patton	810
Effie Wharton	806
Lizzie Foster	279
Annie Sloan	274
Hazel Wallace	274
Joseph Tock	274
Fanny Cochran	273
Annie Brown	269
Henry Pitcher	264
Albert Allison	259
Mary Curry	259
John H. Binns	229
George Porter (trial)	227
Freddie Edge (trial)	220

Junior First Class

to intermediate 1st.

Total number of marks	825
Walter Lindsay	258
Lilian Robertson	249
Barbara Elliott	247
Joseph Johnson	237
Mary Stewart	235
Francis Dewar	233
Hannah Ramshaw	233
Charlotte Johnson	230
Willie Freeman	229
Alexander Sproat	217
Mary Moorhead	210
Wesley Armour	210
Emma Brown	210
Fred Long	205
Eliza Morley (trial)	179
Willie Dowdall (trial)	177
Allan Bowman (trial)	165
Emma Curry (trial)	161

Intermediate First Class

to senior 1st.

Number of marks	845
Percentage req'd	70%
Mabel Robertson	816
Clara Bastedo	291
Ruth Watson	291
Thomas McDowell	287
Willie Jones	271
Carrie Wilson	265
Mary Hollinrake	264
John Robson	260
Annie Sitzer	253
Robert Dewar	250
Corsilla McIntosh	247
Gertrude Halcro	241
Annie Colo	240
Lena McIntosh	240
Thomas Armstrong (trial)	219
Willie Dandie	240
Iona Lavery (trial)	216
John Clements (trial)	201
Charlotte Hunter (trial)	193
John McLean (trial)	193

Primary Class

to junior 1st in Dept. IV.

Ethel Andrews.
Joseph Morehead.
Clare McGibbon.
Chas. Watson.
Isabel Sproat. } ties.
Lorne Duff
George Heeney.
Lizzie May.
Wm. Dixon.
Maud Moffat. } ties.
Wm. Anderson.
Thos. Conway.
John Campbell.
Edw. Duncan.
Pearson Johnson.
Lonisa May.
Jno. McIntosh. } ties.
Chas. Smith.
McGowan Galbraith
Annie Dornan.
Eliza McJannett.
Milton Clements. } on trial
Annie Galbraith. } for
Edgar Robertson. } 1 month.

HENRY GRAY, H. M.

Presentation and Address.

On Christmas eve there was a very successful entertainment in Boston Church, on behalf of the Sabbath School. A programme of music, readings, recitations, &c., was well rendered. Everybody was highly pleased. At the close of the entertainment, Mr. Duncan Laidlaw moved, and Mr. Alex. Robertson seconded, that Wm. Hampshire take the chair. On Mr. Cameron leaving the chair, the following address was read by Mamie Thornton, and a Xmas box presented by Minnie Fisher:

To the Rev. M. C. Cameron, B. D.:

DEAR SIR,—We, the members of your Bible class, desire to express to you, in the form of an address, our deep feeling and appreciation of your faithful work among us as our pastor, and of the patience you always manifest in our welfare. In your relation to us as a religious instructor you have endeared yourself, and it gratifies us to realize that while we are pursuing things temporal we have one whose whole aim is to attend to our spiritual good.

We have felt that it would be a pleasure to us to disclose to you in some measure our appreciation of your labors, and also the high respect in which you are held by us. We wish you also to accept this (a well-filled Morocco purse), a slight token of the feeling expressed above. Our prayer is that God may prolong your days of usefulness in opening to us the Word of Life.

Signed on behalf of the Bible class,

MINNIE FISHER,
MAMIE THORNTON.

Mr. Cameron acknowledged the address in a neat and appropriate speech. The entertainment was brought to a close by tendering a vote of thanks to the choir and singing the national anthem.—COM.

WATERDOWN.

On Friday evening the 18th inst., a parlor social in connection with Grace Church was held at the residence of Dr. Bough. After an excellent programme of music, recitations, &c., had been enjoyed and refreshments had been served, the ladies of the congregation presented Rev. Mr. Munson with a purse and $50, accompanied by the following address.

REV'D SIR,—The members and congregation of Grace Church feel the present occasion is a fitting one to manifest their appreciation of the prudence and propriety which have governed all your actions since you become ministerially identified with the church in this place. We are not unmindful of the many difficulties with which you have had to contend, and which we are pleased to know you always endeavored to overcome in a thoroughly christian-like spirit. We also feel that while you have worked unceasingly to build up the church here in peace, love and harmony, your recompense has not been what it should have been; we therefore present you with this purse and contents. Our hope is that you may live long, prosper and continue to be useful in your ministerial vocation, and our best wishes are with you for a Merry Christmas and a Happy New Year.

The festivities were then resumed, and the company broke up at a late hour, all feeling that they had spent a thoroughly enjoyable evening.

Bradstreet's reports the genera trade to be uneven—dulness reported in some sections with activity in others; but the weekly failure list shows the same gratifying progress towards diminution, as compared with last year, which it has exhibited since July last.

Death of Hon. Adam Crooks.

A private despatch conveys the intelligence that Hon. Adam Crooks, formerly Minister of Education for Ontario, died yesterday in the institution in New York State, where he has been for the last two years. Mr. Crooks was born in West Flamboro' in 1827, was educated at Upper Canada College and Toronto University. He was elected to the Legislature for West Toronto in 1871, taking the office of Attorney-General. He was transferred to the Provincial Treasurership and afterwards to the Department of Education. More than two years ago his reason failed, and his seat had to be declared vacant. He was removed to a private asylum and well cared for until his death. Mr. Crooks was an accomplished scholar and a staunch Liberal, and there was general sorrow throughout the Province at his great affliction, from death has now released him.—Times 23 Dec.

School Section No. 15 Trafalgar.

The following are the names of those who made the highest marks at the examinations held during the months of November and December of School section No. 15, Trafalgar:—

Fourth Class.—Arithmetic, Lousia Fryers and Erland Riggs; History; Lousia Fryers, Geography, Lousia Fryers and Lottie Breckon; Lousia Fryer.—Third Class, sr.—Arithmetic, John Lascombe; Spelling and Dictation, Hattie Laferelle; Geography, Hattie Lafarelle; Grammer, Hattie Lafarelle.—Third Class jr.—Arithmetic, William Sheridan, and G. Copp; Spelling and Dictatation, W. Sheridan; Geography, Charlos Luscombe; Grammar, Charles Luscombe.—Second Class.—Arithmetic, David Mitchell; Spelling and Dictation, Edith Carey.

LIZZIE HUTCHINSON, Teacher.

A MISSING MAN.—A woman named Clinkenbroomer was at police headquarters yesterday, anxious to hear something of her husband, W. H. Clinkenbroomer. He left here four or five months ago and was acting as an informer for the license inspector at Hamilton. The last time she heard of him was in October. He was then in Hamilton. He went out to some of the Scott Act counties to pursue his peculiar calling, since which time he has not been heard from, and she fears he may have met with foul play. It may be remembered that Clinkenbroomer was charged with receiving money as a bribe from Margaret Ellison, against whom he had a charge for selling without a license.—Mail.

The discovery of the instantaneous process of taking photographs has been quickly followed in the medical world by a perfect and instantaneous remedy for all acute aches and pains, as Neuralgia, Toothache, Rheumatism, etc. This valuable remedy is called Fluid Lightning, and is sold at 25 cents a bottle by J. H. McCollom, Druggist.

The Imperial Government is engaged on a comprehensive scheme of Home Rule for the whole Kingdom.

Non-teetotlars who expect to make many New Year's calls are already anticipating the realization of the result by purchasing patent extention hats.

McGREGOR & PARKE'S Carbolic Cerate is invaluable for Wounds, Sores, Salt Rheum, Cuts, Burns, Scalds and Festers, as a healing and purifying dressing. Do not be imposed on with other useless preparations, recommended to be as good. Use only McGregor & Parke's Carbolic Cerate. Sold by J. H. McCollom.

The Montreal Gazette, which should be good authority on the subject, discredits the statement that a general election will be held before there is another session of the house.

Eighth Wonder of the World.

It is demonstrated by history that the ancients in many of the arts, notably architecture, far excelled the present age, but it is reserved for the present decade to produce the eighth wonder of the world, i.e., West's World Worder or Family Liniment, which is infallable for Rheumatism, Sprains, Cuts, Bruises, Sores and all diseases requiring external application. Price 25 cents and 50 cents per bottle. Sold by J. H. McCollom.

"Neal Dow's denunciation of Bango as "the drunkenest city on the continent," has moved the Bangor Commercial to print statistics showing the city in which Mr. Dow resides, Portland, is the more dissipated. This is a pretty poor showing for Maine liquor law.

Rev. J. G. Falls, Dutton, Certifies: "For some years my wife has been troubled with Dyspepsia, and has tried one thing after another recommended with little or no effect till advised to give McGregor's Speedy Cure a trial. Since taking the first bottle I have noticed a decided improvement, and can with confidence recommend it to be one of, if not the best medicine extant for Dyspepsia. This invaluable medicine for Liver Complaint, Indigestion, Kidney Complaint, is purely vegetable. Sold at McCollom's Drug Store. Trial bottle given free.

It is officially announced that in the short twelve days' war the Bulgarian losses were 500 killed, 2,000 wounded and 500 prisoners, while the Servian losses, of course by Bugarian estimate, are 2,500 killed, 1,126 wounded and prisoners. The figures, though official, are probably an understimate on both sides, but the number is enough for a few days of the game of kings."

CONSUMPTION CURED.

An old physician, retired from practice, having had placed in his hands by an East India missionary the formula of a simple vegetable remedy for the speedy and permanent cure of consumption, bronchitis Catarrah, Asthma and all throat and lung affections, also a positive and radical cure for Nervous Debility and all Nervous Complaints, after having tested its wonderful curative powers, in thousands of cases has felt it his duty to make it known to his fellow sufferers. Actuated by this motive and desiring to relieve humar suffering, I will send free of charge, to all who desire it, this receipt, in German, French or English, with full directions for preparing and using. Sent by mail by addressing with stamp, naming this paper, W. A. Noyes, 149 Powers Block, Rochester N. Y.

DURHAM CALVES.

FOR SALE—Two Thoroughbred Durham Bull Calves, with pedigree. Apply to
JOHN MILLER,
25-4t On Base Line, or Milton P. O.

Manure

For sale at the Milton Tannery. Will exchange manure for hay and straw.
18-tf. CHAS. KNEES.

KNITTING.

MRS. W. HOBBS is prepared to furnish all kinds of Yarn and Knit Socks and Stockings—all sizes. Parties can furnish their own Yarn and have Knitting done. All orders promptly filled. 24-tf

Teacher Wanted

Wanted a teacher for the 5th department of the Milton Public School. Salary $200. Duties to commence after the Christmas holidays. Address, with testimonials, etc.
GEORGE SMITH,
Secretary P. S. B., Milton.

For Sale.

The Thoro-bred Stallion, HALTON, by Terror, dam Annie Laurie, for sale. For terms apply to
JOHN WHITE,
26-4t Milton, Ont.

Estray.

Came into the premises of the subscribor, on or about the 20th Sept., '85, a white yearling Heifer. The owner can have the same on proving property and paying charges.
JOHN CONGDON,
27-3t. Campbellville.

AN AULD SCOTCH WIFE'S

Last New Year's Day said to a rather fine looking girl of 22—"Eh! Leezie! is that yersel? I wish ye a guid New Year—an I hope ye'll get a man afore the end o't, and mony o' them!"

LINDSAY WISHES EVERYBODY

"A HAPPY NEW YEAR AND MONY O' THEM,"

And respectfully reminds them that FIRST-CLASS GOODS at

BANKRUPT PRICES!!

Will be the rule during the month of January and until further notice.

"Small Profits and quick returns" that's why LINDSAY'S is by all the good judges called

The Cheapest Store.

LINDSAY'S - MILTON.

OUR ANNUAL SILK SALE

AT COST PRICE

COMMENCED ON MONDAY, DEC. 14

Three weeks earlier than usual. in order to give our Customers the benefit of making it their CHRISTMAS PRESENTS.

EVERY LADY IN HAMILTON knows what our Great Annual Silk Sale means. Black and Colored Silks, the best goods in the market at Cost Price.

A. MURRAY & CO., 18, 20 AND 22 KING ST. EAST.

Hamilton, December 1st, 1885.

Card to the Public.

We extend to our patrons and friends throughout the County of Halton our best thanks for the support accorded us during the year just closing, and

WISH ONE AND ALL

A VERY MERRY CHRISTMAS and a HAPPY and PROSPEROUS NEW YEAR.

FINAGIN'S Great Tailoring House, 140 King St. East, (Copp's Blacks), Hamilton.

LADIES'

FINE BUTTON BOOTS & SLIPPERS.

FOR THE NEXT FEW DAYS WE EXTEND A SPECIAL INVITATION TO every lady in Hamilton and surrounding vicinity to pay a visit to our store, as our stock will be more than attractive for the Holiday trade, and our Fine Kid Boots and Slippers will make the most serviceable and lasting present that any one could possibly desire.

COLIN McRAE, 30 and 32 King St. W., amilton.

18 LBS. OF Beautiful Light Sugar for $1.00

HOLLINRAKE & SON

Are selling the best value in Teas in the County of Halton. Their 50c. Tea is unsurpassed for the money.

5 LBS. FOR $2.25.

Their 60c. Tea is par excellent, fine flavor. 5 LBS FOR $2.75.

Lovers of a cup of choice fragrant Tea, buy your supply from HOLLINRKE & SON.

THEY SELL RELIABLE TEA CHEAP.

MILTON BUTCHER'S SHOP

W. B. DICKEN,

Proprietor.

The choicest Stock of

Beef, Lamb, Pork, Veal, Sausage, &c.,

CONSTANTLY ON HAND.

Turkeys, Geese, Ducks and Chickens for the Holiday Season.

All orders promptly attended to and goods delivered in any part of the town.

Holiday Presents.

For the coming season we have a large and well assorted stock, and offer grand value in every line.

Family Bibles,

Wonderful Value, Prices from $2.50 to $20.00,

Sets of Popular Authors

VERY CHEAP.

Prayer Books, Church Sets, and Hymn Books,

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Immense Variety from 5c. to 25c.

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