

THE WEATHER.

Forecasts.
Maritime—Strong Southwesterly to Northwesterly winds; some showers at first then clearing and cooler.
Toronto, July 10.—The weather today has been fair and cool in Ontario, while in Quebec and the Maritime Provinces it has been generally showery and and there have been some local thunderstorms. Showers have also occurred in Manitoba and more locally in Saskatchewan and Alberta.

	Min.	Max.
Victoria	54	66
Edmonton	54	48
Calgary	50	64
Moosejaw	50	74
Winnipeg	50	70
Parry Sound	50	65
Toronto	57	70
Kingston	56	70
Ottawa	58	64
Montreal	62	70
Quebec	62	70
St. John	56	62
Halifax	50	74

Washington Forecast.
Fair Friday, except showers in Maine; Saturday fair, warmer in interior; moderate north-west to north winds.

AROUND THE CITY

The Jordan Sanatorium.
Dr. Townsend of the Jordan Sanatorium at River Glade is in the power house in course of construction at River Glade, he told The Standard, is nearing completion and the building will be finished within a month.

Journalist to Visit Here.
The fame of St. John as a summer resort is evidently spreading. Overbrook, a newspaper man of Poughkeepsie, N. Y., has written the secretary of the Board of Trade that he is coming here to spend his holidays.

Salmon is Plentiful.
A season of plenty in harbor salmon has arrived and the fishermen are making very large catches. The local salmon market is now at its best, but despite the fact that the fishermen have been landing the much-prized fish in large quantities the prices still remain high and no decline in cost in this line has been effected during last week. In the retail fish markets today a fairly good variety is on hand and the supply is large. Following are the prices: Salmon, 16 to 28 cents; mackerel, 19 to 25 cents; cod, halibut, 15 cents a pound; haddock and cod, 5 cents a pound; local smelt, 15 cents a pound; fresh herring, 18 cents a dozen; smoked salmon, 25 cents a pound; smoked haddies, 8 cents a pound; kippers, 30 cents a dozen; salt shad, 25 to 40 cents each; salt mackerel, 10 cents up each.

BOARD OF TRADE ASKED TO ASSIST FRUIT SHOW

A. G. Turney Asks Board to Offer Special Prizes for Competition in Fruit Show in Autumn.

The secretary of the Board of Trade has received a communication from the Provincial Horticulturist, A. G. Turney, asking the Board to assist in making the fruit show, to be held here this fall a success by offering special prizes. When the last fruit show was held here quite a number of firms connected with the Board of Trade subscribed \$10 each for prizes. Some of the officials of the board who believe the fruit show is an important event, and worthy of encouragement, are desirous of again assisting the show, and the secretary will call upon various local firms and solicit contributions to the special prize funds.

INCENDIARY FIRES.

There seems to be no let up to the incendiary fires taking place in the city. There is a feeling of unrest and apprehension as no one can tell who the next victim will be.

Under the circumstances it is well to remember that these fires may develop into a conflagration involving large amounts, and it is well to provide for the possibility of your own loss by insuring in a reliable company now.

The Sun Insurance Company is one of the oldest and strongest companies in the world, with total assets of \$15,000,000.

The National Fire Insurance Company of Hartford, Conn., a very strong United States company, with total assets of \$12,000,000.

Frank R. Fairweather, Agent, Canterbury street, Phone, Main 655, Fire Apparatus, and Typewriters, and Insurance.

These are stirring days in the ready-made department at F. A. Dykeman & Co.'s. Huge shipments have come in during the last few days from factories which are clearing out their over-stocks at tremendous reductions. You can profit by visiting their second floor and secure some of these very splendid offerings. For instance—a big lot of English satin undershirts are on sale at \$1.50. They are worth \$3.00, shown in all the leading colors such as cerise, emerald, navy, tan, black, heliotrope and black. Also a lot of black satin undershirts to be sold at 55 cents. You will say they are worth near \$1.00. Black morie undershirts of very fine soft English morie to be sold at 75 cents. They are worth \$1.25. Don't forget the sale of white waists, colored dresses and stylish cotton wash shirts which is now going on in this department.

CONVICTION QUASHED BY JUDGE JONAH

Decision of Police Magistrate Reversed in Case of Miles Carroll.

FULL TEXT OF THE JUDGMENT

Claims Sections of Act Governing Beer Shops are Contradictory as to Closing of Licensed Premises.

His Honor Judge Jonah, who by designation of His Honor Judge Forbes is presiding over the Saint John County Court, handed down a written judgment in the celebrated beer case of the King, on the complaint of John B. Jones, liquor inspector vs. Miles Carroll, quashing the conviction made against Carroll by Police Magistrate Ritchie. The facts of the case are fully set out in the following judgment read by His Honor in chambers yesterday afternoon. By consent this decision applies to a similar case against William H. Koller.

J. D. P. Lewin appeared for the Liquor Commissioner and Dr. W. B. Wallace, K. C., and Macleod, Sinclair and MacRae for Carroll.

Judge Jonah's decision is as follows: On Appeal: The King, on complaint of John B. Jones, Inspector, against Miles Carroll, appellant.

"In this case I am, by practical consent of the parties, allowed to draw inferences of fact from the evidence taken before the police magistrate. That evidence, I think, sufficiently establishes that the appellant was at the time complained of a restaurant keeper within the meaning of the Liquor License Act. He is charged with keeping open his premises contrary to provisions of section 16 of chapter sixteen, Acts of Assembly, 1909, entitled 'An Act to amend the Liquor License Act,' Chap. 22, Const. Stat., 1902.

"This section prohibits holders of beer licenses from keeping open their licensed premises from 5 o'clock on Saturday night till Monday morning at 7 o'clock. Section two, sub-section 3 of chapter 22, Const. Stat., 1902, deems 'licensed premises' to mean and include any room, closet, cellar, yard, stable, outhouse, shed, or any other place or premises belonging to, or in any manner appertaining to, such house or place. It is, I should think, quite clear, from these two sections read together, that licensed premises must be closed during the time referred to and that prohibition applies to the entire premises.

"The only exception to Section 16 which replaces Section 125 of the Liquor License Act is made in the case of drugists, who may keep open for purposes other than selling temperance drinks.

"From the wording of this section, and its express exception, it is clear that other businesses would be unable to keep open their premises for any purpose whatsoever during prohibited hours without incurring the penalty of the act.

"But the real difficulty is met when we attempt to construe with the positive prohibitions of Section 16, the equally clear permissive provisions of Section 17 of the same chapter. The latter section undoubtedly permits all the dealers therein named to sell during the prohibited hours, except Sunday, the same temperance drinks. Assuming that the two sections refer to the same class of persons, they undoubtedly conflict, when read together, that the licensee must close his premises, even to the outbuildings and appurtenances, but that he might at the same time sell all the soda water and other temperance drinks that he liked.

"I know no similar provisions, unless they be found in the Nursery Rhyme which permitted the suppliant to go swimming, but at the same time prohibited her from going near the water.

"The Police Magistrate, in his judgment, has attempted to harmonize these sections by supposing that Section 16 refers exclusively to 'licensed premises,' while Section 17 refers to those who have no license. This construction either assumes that confect and grocers, fruit dealers and restaurant keepers do not require a license in order to sell beer, and that, on the other hand, only licensees can sell at regular hours, and then when they close their premises and rest from their labors under the kindly provision of Section 16, the restaurant keeper, the grocer, and the fruit dealer begin where the former left off and under the authority of Section 17 continue the work of selling the thirst of the temperate men during the late hours of Saturday and every other night, and the early hours of the morning.

"By this ingenious construction the temperance man is put in a much more advantageous position than the man who 'looks upon the wine,' for the former can obtain his favorite beverage during every hour of the twenty-four, except on Sunday. Thus the very results attained which the Police Magistrate asserts it was the intention of the legislature to produce by these two sections.

"But another difficulty is encountered which the Police Magistrate overlooked to have that no person shall sell temperance drinks without a beer license, and that the same Section 17 must therefore license the same as Section 16 and not to a different class, as the Magistrate supposes.

"Seriously, I confess that I cannot harmonize the two sections. I do not think they can be harmonized with each other and the other sections of the Act. I am of the opinion that Section 17 is absolutely opposed to Section 16 and under the rule of construction of statutes in such cases Section 16 would be repealed by the later section. See Maxwell on Statutes, 188 ed., page 186, 187, 188 et seq.

"In the obscure, not to say confused, state of mind into which it seems to me that the maximum penalty should have been imposed in any case of these kind, I must defer to the opinion that Section 16 of Chapter 16, Acts of Assembly, 1909, cannot be harmonized with Section 17 in any reasonable view, but is, on the contrary, repealed by it. I quash the conviction of the court below, but without costs."

THE CITIZENS KEEN TO SAVE TAX DISCOUNT

Very Large Percentage of Total Assessment is Already Paid.

MORE MONEY IN, BUT LESS RUSH

Usual "Last Day of Discount" Stampede not so Much in Evidence—Rate Payers Paid up Earlier.

Either the citizens of St. John are making more money or they have developed more civic spirit than formerly, for the amount of taxes paid in up to yesterday, when the privilege of receiving the five per cent discount expired, was \$58,300, or about \$38,000 more than was paid at the same time last year. Many taxpayers paid up earlier than last year, and there has not been the same rush during the last few days as in previous years.

A gratifying feature has been that the small tax payers have been much in evidence, especially at the noon hour, when workmen with unwashed viages snatched the time from their noonday meal to square their accounts with the city.

The assessment for this year is \$34,334 more than last year, but the officials of the Chamberlain's office are much pleased with the way the tax payers have paid up. In order to make change, the treasurer has needed for several days an average of \$225 in silver and \$20 in coppers each day.

The amount paid in up to July 10, 1913, \$168,209; for 1912, \$240,686.

The number of people who paid up was: For 1913, 7711; for 1912, 7124.

The amount paid in the last three days of 1913 was \$355,000; 1912, \$380,000.

The amount taken in yesterday by the Chamberlain's office was \$163,000. The amount of the assessment for 1913 was \$495,000, as compared with \$660,729 for 1912.

VISITOR TO THE CITY GIVEN SCANT WELCOME

No "Howdy Pap" for Moose who Strayed to Indian-town Last Night, so He Took to River.

There was no "Howdy Pap" greeting extended last evening by a few members of the Moose Order who were on the scene when a big burly conferee of the dignified order raced into the city to share the hospitality of the hoteliers, but was turned away without even making the acquaintance of many of the members and certainly before the visiting delegate had an opportunity of exchanging "signs."

Whether the visiting moose was delegated by his fellow members of the animal kingdom to make a visit to the rooms of the local order is difficult to say, but on arriving in the city he first turned his head towards the city and perhaps would have continued to the local headquarters had there been an official delegation to usher him to the home.

The moose made his appearance last evening in the vicinity of Indian-town, by way of the Spar Cove Road. While the rain was pouring down the streets he jolted along the road and via Bridge street journeyed into the big city where the Royal Order had better be published and enjoyed more comfortable quarters.

Here he made a stand and gazed about him only to receive a momentary glance from a passing individual who looked him over and passed on. He did not understand a brief one, for no sooner had the unheralded visitor realized that he was becoming the centre of attraction than he bolted, dashing towards the water's edge and made a leap from one of the Indian-town wharves.

Once he had removed himself from the gaze of those in the vicinity the animal headed towards Millford and with untidy stride plowed through the rough waters, taking with him a decidedly unfavorable impression of the hospitality of the citizens.

The Standard wishes to extend its thanks to the Burroughs Adding Machine Company, J. B. Erskine, manager, for the loan of adding machines used by the contest manager in checking the solutions submitted in the puzzle contest, recently conducted by this paper.

PERSONAL

ALLEGEDLY FOR THE OPEN DOOR

Former Civic Representatives in Favor of Admitting the Public.

COMMISSIONER AND TELEGRAPH

Commissioner McLellan Indignant at Question of Telegraph if He Would Refuse to Vote on Bond Issues Without Open Meetings.

The Standard yesterday endeavored to secure the opinion of some of the old aldermen in regard to the question of open committee meetings at city hall. Many were out of town and most of those seen were unwilling to allow their names to be used in an interview, but their private opinion seemed to be in favor of Com. McLellan's attitude.

The views of the men who have had civic experience seen by the reporter were about as follows: "We were turned down by the people on the ground that we were no good. If we expressed an opinion some people would say we had a gross bias. Speaking privately, what is the difference between the committee meetings of the old council and the committee meetings of the commissioners? The committee meetings of the old council were open to the public. Sometimes matters came up in the committee meetings that it was not considered desirable to give the public at the time. Generally the matter was not asked to retire. The chairman said: 'I think it is in the public interest that this matter should be made public just now, and I request the representatives of the press not to report it. No pledge was exacted from the reporters. They know pretty much as much about what was going on even in connection with legal matters as the aldermen, and if they had thought it was in the public interest to report what the aldermen thought should be kept secret they could have done so."

Ex-Ald. F. L. Potts, who never has any hesitation about expressing his opinion openly said: "Of course some matters crop up from time to time which have a legal aspect and which it is not advisable to make public, and which the newspapers will not report if they are asked to. I have seen reporters present at committee meetings where legal matters were discussed, but no report was made of such matters. But generally speaking, I see no reason why all committee meetings should not be public. When a new business comes up or any question of expending public money, I, as a citizen, would like to know all about it from the start, and I have an opportunity to learn the reasons that influence the commissioners in coming to a decision to share the property of the city for the commissioners to discuss a matter in private, and merely give the people the results of their decision. Their decisions may be absolutely right in every case, but their actions are surrounded by mystery, and likely to engender suspicion. How can the people be educated in civic affairs unless they are able to see the machinery in motion, and all the factors in the game?"

Misquoted by the Telegraph. Com. McLellan was indignant yesterday because he had been asked by the Telegraph if he intended to refuse to vote on any bond issue until the open door was established at city hall.

"I wonder what they took me for," he said, "I can fight for my opinions as well as any man, but I would not think of acting so childishly as to try to hold up the public business because I cannot get my colleagues to come round to my way of thinking. There should be no private conferences on departmental business. These committee meetings at noon are similar to the committee meetings of the old council which were open to the press and public, and the action taken at these noon meetings is more decisive than the action of the committees of the old council, because the old committees were made up of only a portion of the council, and all the aldermen had to be satisfied before the action of the committee was ratified by the council. I was a supporter of the commission form of government and I believe it is a great improvement over the old system. In the campaign I did not make any promises, but I am told that some of my colleagues did, and they were very favorable to the fullest publicity. I don't know any more about that than I have been told, but I do know that most of the discussion of public affairs has gone on in private and that the council usually has done little more than ratify the decisions arrived at in private."

Develop Trade With Italy. The Board of Trade has received a communication from the British Chamber of Commerce in Italy, stating that the Chamber would be glad to have the Board of Trade in communication with the Chamber or wants information about trade possibilities in Italy.

The secretary of the Board of Trade, who will put them in touch with the British Chamber of Commerce in Italy.

Palmer Hammocks

Give that feeling of luxuriant restfulness after a hard day's work or sport. They come in very attractive colors at prices running from - \$1.00 to \$6.50

Stands Only - \$6.30 Canopy Only - \$6.25

Couch Hammocks \$7.20 to \$10.50

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WILLIS PIANOS have been endorsed by the leading pianists of the world and are in use by the best and most experienced musicians and upon their excellence alone have attained an unpurchased pre-eminence which establishes them as peerless in tone, touch, workmanship and durability.

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Wood Mantel and Fireplace

If it's a home you are building you add to its attractiveness and comfort. If you build to rent or sell, you make it more attractive to the eyes of the prospective tenant or purchaser.

We can supply Mantels for any room—in any style—in any finish—in any size.

CIRCULARS AND PRICES ON REQUEST.

EMERSON & FISHER, LTD. 25 Germain St.

M. R. A. Stores Close Friday Night at 10 o'clock. Saturday at One o'clock

BOYS' WASH SUIT DISPLAY

In upper King street window

Boys' Wash Suit Sale

Every Suit a Sample Suit

WASH SUITS
For Boys, Upper King St. window.
SAILOR SUITS
Russian and Military

These suits are travellers' samples, including the best qualities, styles and colorings. Selling at sample prices. Every suit a genuine bargain. A size to fit every boy.

54c, 72c, 84c, 96c, \$1.05, \$1.15, \$1.29 and up to \$1.98 a suit

These suits are made from good quality Prints, Percales, Linens, Chambrays and Madras. The colors include white, blue and tan, fancy effects in stripes, checks and plaids, in light, medium and dark tones.

Russian or Military styles for boys from 2-12 to 7 years. Self and fancy trimmings make these suits jaunty and smart. Remember the prices above quoted.

Sailor Suits, the style boys from 5 to 10 years like. These are cool, loose, comfortable and most seasonable for vacation time; trimmed in neat plain and combination color effects. These suits will sell quickly at the sale prices you already have taken note of.

Parents and boys should inspect these goods at earliest convenience.

Special values in Men's Suits also.

Clothing Department—Second Floor.

Space will not allow for full descriptions of our special features. We will only merely mention them

Special Values in Wash Goods	Millinery Department	Neckwear Department	Extra Special, Ladies' Lisle Hosiery,
Our Annual Sale is now on	Untrimmed Hats,	Specials	Tan and black, 10c pair.
Picnic Baskets	15c, 25c, 50c and \$1.	Wash Stocks, with Tabs, 25c.	Centre counter, back store.
At Reduced Prices	Sailors and Ready-to-Wear Hats	JACOTS, Lace and Embroidered Trimmings, 40c each.	Fancy Muslins
Front Store, 1st Floor.	75c, \$1.00, \$2.00, \$3.00	MEDICI RUFFS, in Sky, White, Pink and White, Blue and White, . . . 40c.	Front counter, 5c yard
	Flowers	STAMPED TOWELS, Guest and full size, 32c and 72c.	
	Flowers	(Annex, 1st Floor.)	
	10c., 15c., and 20c. Bunch.		
	(Millinery Salon, 2nd Floor.)		

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