

BIG QUESTION TO BE DECIDED

Are Outside Divorces Good Here?

THE FERGUSON SUIT

Counsel for Plaintiff Declares Wife is Living in Adultery

FREDERICTON, July 15.—In the divorce court this afternoon, evidence was taken in the case of Dr. William A. Ferguson of Moncton against his wife, Martha Ferguson, the application being made on the usual grounds. J. D. Phinney, K. C., appeared for the plaintiff and E. Albert Reilly and M. G. Teed, K. C., for the defendant. Mr. Phinney read the papers filed, including the libel. The latter set forth that Dr. Ferguson and Miss Bertha Sinclair were married in the vicinity of Newcastle in May, 1900, by the Rev. Wm. Aiken, that they afterwards lived together as man and wife in Rexton and Moncton until March, 1904, when Mrs. Ferguson went to the United States and in 1907 obtained absolute divorce from her husband.

MARRIED AGAIN.

In August, 1907, she was married by one Rev. R. M. Little to a George Henderson, and since then the two have lived together as husband and wife. The libel claimed that the divorce granted in California could not be recognized by this province and that the defendant was living in adultery with Henderson. The defendant by her answer claimed that the divorce was good.

Dr. Ferguson was called by Mr. Phinney and said that he first practiced at Newcastle, then a year in New York, and in 1888 went to Newcastle. He met Miss Bertha Sinclair and was married there in 1890. In 1891 he removed from Newcastle to Rexton, formerly Kingston, and in 1899 removed to Moncton. In February, 1904, his wife left him and went West. In the meantime they lived together as man and wife. He next told of being served with proceedings in the California divorce court and these he had not defended.

The evidence taken in California under commission was then opened and read by order of the court. The testimony was quite voluminous and in substance brought out the evidence already given that Mrs. Ferguson under the laws of the State of California had obtained a divorce and has for the past two years been living with George Henderson, to whom she was married in August.

Mr. Teed said that he had no questions to ask Mr. Ferguson in the way of cross-examination and Mr. Phinney said that the evidence of Dr. Ferguson, together with that taken under the commission, concluded his case.

Both parties seemed to agree entirely as to the facts, and the only point open was that whether divorce granted in the United States should be recognized as binding in the New Brunswick court. He interviewed numerous authorities and he had concluded that the divorce granted in California was not good as far as this court was concerned. In summing up his argument he said "No case has ever been decided that a woman can obtain a divorce in a country in which her husband has never been domiciled."

Mr. Teed replied, briefly, he said that he was compelled on behalf of his client to say that the divorce in California could not be recognized as binding in this province and it would be useless for him, after the citations made by Mr. Phinney, to contend otherwise. Mr. Reilly and himself appeared on behalf of Mrs. Ferguson not to oppose the application but to state Mrs. Ferguson's position. Mrs. Ferguson or Mrs. Henderson as she now wanted it stated in open court that what she had done she had done innocently and in the belief that she was doing no wrong. She did not want it to go down on record stigmatized as an adulteress, but one who acted in the best faith, and thought her action was legal. His honor said he would give judgment within a few days.

PREACHER CALLS HATS OF WOMEN BARBARIC

Menagerie and Vegetable Garden on New Headgear, He Says

WOULD SUIT MONKEYS!

READING, Pa., July 15.—Rev. D. A. Hill, an evangelist of Columbus, Pa., preached a striking sermon at the camp-meeting of the Reading-Holliston Association here today, in which he scored hats worn by women. The speaker said that religion is not a matter of the head, but of the heart, and strenuously rebuked the present fashions of the modern woman. He said that there was no need to go to see a circus parade; that by looking in a milliner's window one could see a menagerie and the entire vegetable garden.

"It is a shame to call this nation a Christian one," the speaker said. "Look at the hats worn by our women. Turbans, plums, peaches, grapes and everything imaginable are worn on the female head dress. Monkeys would look well in these hats and would be delighted. African women would use the hats of today as hen nests. Women are going back to the days of barbarism."

HE FALLS TO FLOOR DEAD

The Sudden Death of Michael Driscoll

REMOVING BOOTS

When Death Comes to Him—Was Apparently in Good Health

Stooping to pull off his boots in his house on Smythe street early last night, Michael Driscoll fell to the floor dead. Driscoll, who is employed as a checker with the I. C. R., purchased his time as usual last night at 8 o'clock, and returning to his house on Smythe street, washed himself and went into the kitchen where he proceeded to pull off his boots. Suddenly he fell forward and expired immediately. Dr. Broderick was called in and pronounced death due to heart failure. Driscoll leaves a wife but no family. The deceased was an old I. C. R. employe and greatly respected by all who knew him. He was a member of the A. O. H. Although apparently in robust health his heart was always weak.

Prepare For Lumbago!

If You Have "Nerviline" One Rubbing Will Cure the Pain

THOUSANDS USE "NERVILINE"

The "stirke" of lumbago is like a bolt of lightning—you never know when it is coming or where it is going to strike. Probably the one certain thing about lumbago is the fact that it can be cured by Nerviline—the only liniment that penetrates deeply enough to reach the congested chords and muscles. "Years ago I strained my back and suffered considerably with weakness over the spine," writes Darius F. Milan, well known farmer, residing near Kingsville. "I got five bottles from the drug store and had it rubbed three times a day. The stiffness and pain left my back quickly, and by continuing 'Nerviline' I was completely cured of lumbago."

CANCER RESEARCH PROVES NEGATIVE

Seven Years Work With No Results, What- ever

SCIENTISTS HOPEFUL

LONDON, July 15.—The seven years work of the Imperial Cancer Research Fund was reviewed yesterday at the annual meeting, over which the Prince of Wales presided. This organization may be said to be the head of the world's campaign against the most appalling physical evil with which humanity contends. So complicated and difficult is the problem that the whole of the seven years has been devoted to negative or preliminary effort, chiefly to testing the manifold theories and remedies that have been broached from time to time. The work is now complete, with the discouraging result that everything has been disproved and rejected. Trypsin is the last to go, the most elaborate experiments yielding absolutely negative results. Despite the unbroken record of failure, the investigators are turning a line of inquiry which leads them to speak hopefully of final success. Now that the work of elimination has been completed, they are devoting their efforts almost exclusively to experiments upon mice, which are extremely susceptible to cancer. Their short lives and great fecundity enables tests to be made in a few months which in human beings would require centuries. More has been learned during the last seven years than in the previous seven centuries, and the interchange of information with other laboratories throughout the world leads the investigators to expect confidently that the solution of the problem will be reached within a few years.

CASTORIA.

The Kind You Have Always Bought

ONE DIRECTOR CAN'T BE FOUND

Where is Mysterious Mr. Bruce?

EQUITY COURT

Request for Notice in Royal Gazette in Lieu of Summons Refused

At the opening of the equity court yesterday morning Chief Justice Barker delivered judgment for the defendant in the case of Dr. Wm. A. Ferguson, a Charlotte county suit, wherein the plaintiff sought to recover \$754.67 from the estate of Robert McGuire by moving to set aside a conveyance to Archibald McGuire, the defendant's son, on May 28, 1908, of a house and land owned by the father and valued at \$900. The case was argued by the plaintiff back to his father, claiming that \$400 for labor performed and money loaned was due him. The plaintiff contended that this was but a ruse to deprive Dyer of the amount of the verdict he claimed for goods in Charlotte county court. However, his honor held that the son possessed a right to share in the estate and dismissed the bill with costs.

HERE'S LATEST STUNT; YOUR FOWL TO ORDER

Meat Market Cooks and Serves Purchases to Your Home

NEW YORK, July 15.—Several "stunts," which are calculated to break the automatic domain of the servant girl and which will to a great extent destroy certain features in the household, recently have taken place in the Hudson Terminal building to spring the latest innovation of a hurrying and hungry public in its offer to have its expert chef cook any order of a chef for your table at any time you name, daintily cooked any served. Furthermore the arrangement is expected to save time as well as the services of a chef who may be in the store. And, again, to take the place of nurse-maids and children's attendants in the big hotels and apartment houses who have the task of watching the children, even to amusing them, but that does not prevent them from running up and down the sidewalk, playing tag and ball, or indulging in any of the children's pastimes. And, incidentally they make a neat little sum in tips every week from the parents who may be too busy with other things to keep constant supervision over the little ones.

FIGHT ENDS IN MURDER

IONA STATION, Ont., July 15.—An Austrian was murdered here, ten miles west of St. Thomas, last night or this morning, by one of a gang of Michigan Central Railway Navvies, and so far the authorities are unable to get any solution, the men's knowledge of English having entirely left all of them. Steve Provoe is supposed to be the man's name. He was killed by being struck in the head. His body was found by the side of a car this morning and other navvies immediately left for east and west. Yesterday they had been paid off and indulged in much drinking. There was quarrelling over a woman and this may have had something to do with the crime. About a dozen Austrians were stopped at St. Thomas and are held as witnesses. Others were stopped at Windsor.

WILL IMPORT YANKEE COAL

Import at Halifax

NEW ZEALAND'S GROWING POPULATION.

LONDON, July 15.—The population of New Zealand increased in 1908 by 21,358, the greatest increase since 1880. The surplus of births over deaths was 16,897, and of arrivals over departures 24,921. The number of marriages, on a population basis, advanced from six in nine per 1000 during the period from 1887 to 1896.

TRAVEL FORTY MILES AN HOUR

Onlookers Applaud Vigorously

UP SOME TIME

Orville Wright's Efforts at Fort Myer Yesterday

WASHINGTON, July 15.—Orville Wright made two unsuccessful attempts to maneuver his airplane in the air at Fort Meyer. The small area of the field and the unfavorable direction of the light wind blowing at the time were largely responsible for the failure of both flights. Orville Wright last evening made a very successful flight in his motor airplane at Fort Meyer, Va., remaining in the air five minutes and 30 seconds, doing which time the machine attained the exceptional speed of about 40 miles an hour. He circled the parade grounds half a dozen times, a total distance of about three and a half miles.

With Count Von Bernstorff, the German ambassador, the Wrights talked at length, explaining the workings of the machine. Others who congregated about the machine were: Mrs. Nicholas Longworth, George von L. Meyer, secretary of the navy; the Mexican ambassador, Francisco de la Barra; Senators Lodge, La Follette, and Shreveley; Joseph DeLoe, Congressman from Kansas; Assistant Secretary of State and Mrs. Brewster; Wilson; and Second Assistant Secretary Phillips.

WIFE HELPS MINISTER BEAT HER HUSBAND

Now Clergyman is Named as Co-respondent in Divorce Suit

PITTSBURGH, July 13.—In a divorce filed yesterday, C. H. Nichols charged that he caught the Rev. Ralph Elliott in a room with his wife, Mrs. Mary Belle Nichols, who turned and aided the preacher in beating her husband after he had entered the room unbidden and witnessed what forms the basis of the suit for divorce against his wife. The Nichols and Elliott families have known each other for several years, both families lived at West Park, and while Elliott preached evangelistic sermons in his tent at Park View intimacy ripened. In fact, Elliott converted Mr. and Mrs. Nichols to the Pentecostal belief, and for years they were at the threshold of the Leeds Forge house and Mrs. Nichols admitted her husband after he had entered the room unbidden and witnessed what forms the basis of the suit for divorce against his wife.

WOMAN ELECTROCUTED.

LONDON, July 15.—John Smith, of Army, employed by the Leeds Forge Company, was yesterday erecting an electric crane, when he accidentally put his arm upon a live wire, which caused the electrocution. He was instantly killed.

DID HARRY THAW THREATEN WIFE?

Lawyer Puts Question to Mrs. Thaw

SHE APPEALS TO COURT

Judge Inclined to Regard Conversation With Husband Confidential

WHITE PLAINS, N. Y., July 13.—Evelyn Nesbit Thaw, as pretty as ever, in the familiar blue which she wore so much during the two trials of her husband, Harry K. Thaw, for the murder of Stanford White, was on the stand for more than an hour before Justice Mills in the supreme court here today, subpoenaed by the state in its fight to keep Thaw in the asylum for the criminal insane at Matteawan. At one time today while the fencing over the admissibility of the questions asked Mrs. Thaw in her husband's suit was under discussion she turned to Justice Mills and said: "Will I be in contempt if I don't answer? I cannot afford to go to jail, and as my husband is not paying me anything I have not money enough to hire counsel."

"During the conversation which you had with Harry K. Thaw, did he say to you or to me this or that?" "If I go out of here I will have to kill you?" asked Mr. Clarke. "The conversation was confidential and need not be repeated by the witness, Mr. Clarke argued that the conversation was confidential, and that it contained a threat on the life of one of the parties. Attorney Winslow argued that the conversation was material as bearing on the sanity of Harry K. Thaw. Mr. Clarke asked the privilege of asking the witness some preliminary questions.

BODIES ON WAY TO ST. STEPHEN FOR INTERMENT

TEHERAN HAS BEEN TAKEN

MONTREAL, July 15.—The bodies of three Canadians who were murdered in South Dakota were brought in by train on the Bonaventure station today sent to the Canadian Express Company at Windsor station for transportation to St. Stephen, N. B., for burial in the family vault at that place. They were the bodies of James Christie, aged 41, a grain buyer, who of late years had been living at Aberdeen, South Dakota; his wife, Samantha, Christie, aged 59, and his daughter, Mildred, Christie, aged 18. The bodies were accompanied by certificates from the health authorities in South Dakota stating that the two women had been murdered, the cause of death being gunshot wounds, while the man had been murdered by having his skull crushed.

WIFE HELPS MINISTER BEAT HER HUSBAND

Now Clergyman is Named as Co-respondent in Divorce Suit

PITTSBURGH, July 13.—In a divorce filed yesterday, C. H. Nichols charged that he caught the Rev. Ralph Elliott in a room with his wife, Mrs. Mary Belle Nichols, who turned and aided the preacher in beating her husband after he had entered the room unbidden and witnessed what forms the basis of the suit for divorce against his wife.

W.M. AYLES FOUND DEAD IN HIS BED

MONCTON, N. B., July 13.—Mrs. Abiel Fawcett of this city received word today of the shocking and sudden death of her brother, Walter Ayles, who was this morning found dead in bed at his home, Little River, Albert county. Ayles had been in poor health for two months past, suffering from heart trouble, being confined to his bed for the past two weeks, and while little hope was held out for his recovery, his condition last night did not seem to be worse than usual, and the neighborhood was greatly shocked by the news of his sudden end.

SCHOONER ASHORE ON A CAPE BRETON ISLAND

NORTH SYDNEY, N. S., July 13.—A telegram was received here this evening that the schooner Ceto, of Balcom, of Halifax, which loaded coal here Saturday at the Nova Scotia Steel and Coal Company's pier, had run ashore on Man of War Point, in Boulardiere Island, in the Bras D'Or Lake, today. The Ceto was bound for Buctouche, N. B., and was working her way along in thick fog when the accident occurred. The steamer Gladiateur left at a late hour tonight for some of the wreck. The vessel is reported to be badly damaged.

New Life---New Strength THAT'S WHAT YOU NEED.



I wish you could know for yourself the wonderful effect of the advanced current on weak and nervous men. I wish you could realize the health and happiness that will be yours when this wonderful force infuses every nerve and vein of your body as accomplished through my treatment. I have been curing thousands every year, and have come to believe that my method will cure any curable case.

I use electricity applied to the body by means of the world-famous Dr. Sargent Hercules Electric Belt, in a steady, invigorating, strengthening sleeping hours. You get up in the morning feeling as if born anew.

Free Until Cured

Call or write to me and I will at once arrange to let you have the Belt on trial, not to be paid for until cured. No response or no return payments. Send it back if it doesn't do the work. Liberal discount for cash if you prefer to deal that way.

The World has no use for a weakling. Men must be strong today or give way to those who are. There is no compromise. Strength means success. Weakness spells failure. Which will you be? How strength is lost and how it may be regained; how to increase your earning power; how to be successful in business and popular in society; how to rid yourself of rheumatism, indigestion, lame back, etc.; how to be strong, vigorous, magnetic and happy, and make life a real pleasure; all this and much more are told and pictured in a neat little book which I am distributing free for the asking. It is sent closely sealed, without marks, to anyone sending name and address. No tire-some exercises or dope-laden drugs used.

Call or write for one today.

Dr. E. F. SANDEN, 140 YONGE STREET TORONTO, ONT.
Office Hours, 9 to 6; Saturdays, 11 to 5 p. m.

BODIES ON WAY TO ST. STEPHEN FOR INTERMENT

TEHERAN HAS BEEN TAKEN

MONTREAL, July 15.—The bodies of three Canadians who were murdered in South Dakota were brought in by train on the Bonaventure station today sent to the Canadian Express Company at Windsor station for transportation to St. Stephen, N. B., for burial in the family vault at that place. They were the bodies of James Christie, aged 41, a grain buyer, who of late years had been living at Aberdeen, South Dakota; his wife, Samantha, Christie, aged 59, and his daughter, Mildred, Christie, aged 18. The bodies were accompanied by certificates from the health authorities in South Dakota stating that the two women had been murdered, the cause of death being gunshot wounds, while the man had been murdered by having his skull crushed.

WIFE HELPS MINISTER BEAT HER HUSBAND

Now Clergyman is Named as Co-respondent in Divorce Suit

PITTSBURGH, July 13.—In a divorce filed yesterday, C. H. Nichols charged that he caught the Rev. Ralph Elliott in a room with his wife, Mrs. Mary Belle Nichols, who turned and aided the preacher in beating her husband after he had entered the room unbidden and witnessed what forms the basis of the suit for divorce against his wife.

W.M. AYLES FOUND DEAD IN HIS BED

MONCTON, N. B., July 13.—Mrs. Abiel Fawcett of this city received word today of the shocking and sudden death of her brother, Walter Ayles, who was this morning found dead in bed at his home, Little River, Albert county. Ayles had been in poor health for two months past, suffering from heart trouble, being confined to his bed for the past two weeks, and while little hope was held out for his recovery, his condition last night did not seem to be worse than usual, and the neighborhood was greatly shocked by the news of his sudden end.

SCHOONER ASHORE ON A CAPE BRETON ISLAND

NORTH SYDNEY, N. S., July 13.—A telegram was received here this evening that the schooner Ceto, of Balcom, of Halifax, which loaded coal here Saturday at the Nova Scotia Steel and Coal Company's pier, had run ashore on Man of War Point, in Boulardiere Island, in the Bras D'Or Lake, today. The Ceto was bound for Buctouche, N. B., and was working her way along in thick fog when the accident occurred. The steamer Gladiateur left at a late hour tonight for some of the wreck. The vessel is reported to be badly damaged.

HARRIS SEEMS TO HAVE BEEN A PRETTY BAD EGG

FREDERICTON, N. B., July 15.—In the Division Court this morning the case of Beulah Longlovelly Harris against Edward Alfred Harris was heard. The case was defended, Mr. E. A. Albert Reilly with Mr. M. G. Teed, K. C., appeared for Mrs. Harris. After the papers in the suit had been read the plaintiff was examined at length. She said she was married in December, 1897, and her surname was Archibald, of Moncton. She lived with her husband up to 1905, first at Moncton then at Edmundston, New Brunswick, Sydney, and from 1903 to 1905 at Winnipeg. She said her husband was very dissipated and was often brought home intoxicated. Frequently he stayed out all night. In 1905 they had a child born which was still living. A few days before the birth Harris was laid up in the house with delirium tremens. She believed that her husband kept the company of women of ill repute and frequented questionable houses.

The evidence taken in Winnipeg under oath of the court was opened by the registrar and read. The testimony was that of Edward A. Nugent, owner of the house occupied by Harris in Winnipeg. He told of Harris' conduct while his wife was away visiting her father and on account of that conduct he was obliged to turn Harris out. Mr. Peter Archibald, the father of the plaintiff, and Albert Reilly, barrister, both of Moncton, were the only other witnesses examined. This concluded the case and His Honor said he would give judgment within a very few days.

The case of Dr. William A. Ferguson vs. Bertha Ferguson will be taken up after dinner.