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St. Martins (N. B.), Jan. 2, 1911.

POLICE WOULD HAVE BEEN JUSTIFIED IN SHOOTING

Magistrate Explains Law in Regard to Riots

Cruciating Evidence Given in Preliminary Hearing Wednesday-- Policemen and Street Railway Employes on the Stand-- Bail Refused for Men Under Arrest--Court Room Crowded.

No more arrests in connection with New Year's eve riotous celebration were made yesterday. The police are still on the alert, however, and special efforts are being made to round up several who have been reported to have been having been participants. Dozens of persons, who are thought to have been implicated, are said to have left town on Monday morning and Monday evening, intending to stay away until the affair blows over. That the public are intensely interested was evident yesterday morning when the case of the thirteen who have been arrested was taken up in the police court. The court room was crowded, and long before the doors were opened the anxious crowd, some of whom had been waiting for almost an hour, occupied the steps and the court room.

The charge of "being riotously and tumultuously assembled together, destroying public property and unlawfully and wilfully stopping street cars, breaking down cars, breaking windows, taking fenders off cars, and assaulting the police," was read over to the following prisoners: Stanley Brown, aged 25; George Ralston, aged 21; Fred, Way, aged 21; Benedict Ryan, aged 16; William J. O'Rourke, aged 22; Chester Smith, aged 18; Frank Hayes, aged 22; Walter McCallum, aged 22; Roy Foster, aged 22; William Hamilton, aged 22; William Wilson, aged 27; Joseph Weldon, aged 22; John Jones, aged 16; D. Mullin, K. C., appeared for O'Rourke, Way and McCallum; A. A. Wilson, K. C., for Hamilton; E. S. Litchie, for Ryan, and H. S. Squire, for Jones. Order Baxter, K. C., for the prosecution.

The magistrate said this was a preliminary examination, it was only necessary to read over the charges and to advise the prisoners to plead, and as there was other court business he would remand them until Tuesday morning.

Mr. Mullin asked that he be granted O'Rourke and Way. The magistrate would not consider bail, but said he would take up the cases as soon as possible.

Mr. Mullin further stated that his clients were well known men who could furnish good bail, and he thought it a great hardship that they should be incarcerated.

Could Have Read Riot Act. The magistrate said: "We cannot change the law. Bail cannot be considered until the preliminary examination is finished. And there is no reason why every man who is arrested should be taken to the police station and held there until he is brought to court."

Mr. Mullin again made application for bail for O'Rourke and Way, and Recorder Baxter stated that he would not oppose such an application, he having been informed that O'Rourke did not leave the Western Union office until after 12 o'clock, and that the window in King street was broken by the rioters.

Mr. Mullin—"Way was allowed to go yesterday, and I have no objection to his being allowed to go again, to appear tomorrow morning."

The magistrate—"I did not let him go. I know nothing about what the police knew about Way, when Chief Clark interjected: 'Yes, he was.'"

THICK, SWOLLEN GLANDS... Absorbine... Thick, swollen glands... that make a horse... Absorbine... Thick, swollen glands...

manded until tomorrow morning at 10 o'clock. The court room was then cleared. The following sections of the criminal code indicate the seriousness of the charges which these young men will have to face: Sec. 88—"A riot is an unlawful assembly which has begun to disturb the peace, tumultuously."

Sec. 89—"Every member of an unlawful assembly is guilty of an indictable offence and liable to one year's imprisonment."

Sec. 90—"Every rioter is guilty of an indictable offence and liable to two years' imprisonment with hard labor."

Sec. 91—"All persons are guilty of an indictable offence and liable to imprisonment for life who, being riotously and tumultuously assembled together, to the disturbance of public peace, unlawfully and with force, and demolish or pull down or burn any building, or any machinery, or any building, or any erections used in farming land, or in carrying on any trade or manufacture, or any other business."

Sec. 92—"All persons are guilty of an indictable offence and liable to seven years' imprisonment, who being riotously and tumultuously assembled together, to the disturbance of the public peace, unlawfully and with force to injure or damage any of the things mentioned in the Sec. 90."

The hearing in the case of the thirteen men and youths arrested in connection with the New Year's eve troubles was continued in the police court yesterday until 6 p. m.

At the afternoon session, which opened at 2:30 p. m., Policeman Charles Written was the first witness to give evidence. He testified that he was at Brezee's corner on New Year's eve. About 11:45 o'clock he considered it was remarkably quiet. Soon after this a crowd assembled and several young men formed a circle and began to sing and dance. Witness said he took a walk around the block and when he returned he noticed a crowd surrounding a car which had been stalled in King square. Policeman Perry went to one end of the car he went to the other. He recognized the defendant Hayes in the crowd. He also saw Chester Smith, who was jumping around like a wild Indian pulling down the trolley pole. Way, another one of the defendants, witness said, had his hands on the trolley pole, but he could not say whether he was giving the street railway employees assistance or not.

Leaving King square he went into Charlotte street and saw there a milk truck that had been stopped by Ryan and O'Rourke. Witness next told Conductor Ryan that he was carrying a stick in his hand. He testified that he saw a man named O'Brien get hit with a bottle on the head. He said O'Brien, who appeared to be stunned, went into a restaurant. Witness said he saw defendant Ryan in the crowd which was attacking Brezee.

In answer to a question, witness said he could not be positive that the person who he saw was Ryan. He resembled Ryan very much, however.

Witness next told of seeing the crowd make for a car which came from Lower Cove into Charlotte street. Here he saw witness Petrowsky. A car then went toward Haymarket square and he saw the crowd attacking it. It was at this time that he was attacked by the mob. Someone struck him across the mouth with a stick. He heard his revolver and told the crowd he was "carrying too far." He then heard such remarks as "Rush him," "German," "Sausages." Witness next saw a person making through the crowd with a stick. This man, witness said, was the one who struck him in the face. On catching this person he told him he was going to arrest him. This one replied: "Oh, you won't," at the same time calling him by name. Next he felt people pulling him by the belt and others catching him by the neck. The crowd closed in on him and forced him into McRobbie's. He lost his helmet.

In order to save himself he took out his revolver. Policeman Perry next came to the witness. He then heard remarks, such as: "O, you Silas," "Buckwhet," "Get Back to the Farm," "Sausages," "German sausages," "Down to the Square," "Follow me," "Following this he saw a bottle go through McRobbie's window. The crowd closed in on him and Policeman Perry. Two or three persons went toward New Brunswick street and one in distance the witness stated that he turned away to invest in suitable lands available in the province.

A man at Bow Island, Alberta, says he has seen that land on his back here at \$20 to \$30 a acre and asks for particulars and location of such land. He asks: "What are its capabilities of growth in fruits and vegetables?" I have a few thousands to invest in another earth if I can find something suitable."

W. E. Anderson, secretary of the board of trade in writing these men, giving them a generous supply of the New Treatment, is also handing the letters over to A. B. Wilmut, immigration agent for the province.

In answer to Mr. Smith, witness said that he saw Chester Smith among the crowd that surrounded the car in King street. Smith was denouncing and pulling the trolley pole off the car. Witness said he saw a man who he said was Smith because he was personally acquainted with him. He had some trouble with him previously.

In answer to Mr. Barry, witness said he would not positively identify Weldon. Policeman Silas Perry told a story of the affair which practically confirmed that narrated by Written. He said he saw Chester Smith holding a trolley wire. He recognized Wilson and Hayes as having been in the crowd. A man named O'Brien was struck over the head with a bottle, and the witness helped to carry him to safety. The magistrate here expressed the opinion that in such a case as Saturday night the policemen would be justified in using their revolvers. They need not shoot to kill, but they could not do so.

DELEGATE TELLS OF FARMERS' TRIP TO PARLIAMENT

S. B. Hatheway Comments on His Experiences and His Impressions

NOT POLITICAL

Wholesale Competition the Battle Cry—The Need of Awakening Farmers to a Sense of Their Responsibilities and Opportunities—The Tariff Provisions.

S. B. Hatheway, of Fredericton, president of the Farmers' and Daymen's Association, was one of the New Brunswick delegates to Ottawa recently on the occasion of the visit of the farmers' delegation representing the agricultural interests of the entire Dominion at present.

The delegates and Sir Wilfrid Laurier, in fact the whole incident being a distinct impression upon the minds of all Canadians, and to emphasize sharply the tendency toward a lower tariff and the demand for improved terms of trade with the United States of our political situation at present.

The Telegraph has secured from Mr. Hatheway the following statement regarding his trip to Ottawa, his experiences and his impressions.

"Being a representative of the farmers of New Brunswick at the recent convention at Ottawa, I desire to state what has worked up in my mind during the course of my trip to Ottawa, and what I have seen of our political situation at present."

"I was in Ottawa, Ontario, on Saturday night last. He told of going to King square in response to a telephone message. This was about 12:30 o'clock. He saw a crowd of about 200 men in the crowd that was gathered outside of Turner's restaurant, in Charlotte street. He ordered Brown away but he refused to go, saying, 'I am not on the sidewalk, and you cannot move me away.'"

After this witness said he went down King street and met Written and Perry. He heard them standing with bare heads. He saw a man named O'Brien get hit with a bottle on the head. He said O'Brien, who appeared to be stunned, went into a restaurant. Witness said he saw defendant Ryan in the crowd which was attacking Brezee.

John T. Kelly, of the inland revenue department, was one of the speakers in King street without a helmet and he went to the guard room and got one for him.

B. Sheppard said he was knocked about by the crowd. He saw a man named Peter Sinclair, Fred Driscoll said that Sinclair had been pushed by some person and this had caused him to fall against Sheppard.

This ended the afternoon's evidence, and the case was adjourned until this afternoon at 2:30. Mr. Mullin was again refused bail on behalf of Way and O'Rourke.

Accusation Answered. "Note the fourth resolution: To further reduce the duties on goods imported from England so as to establish complete free trade with the Motherland in ten years. The resolution fully answers the accusation and demonstrates that Canadians are ever anxious to see the Dominion of Great Britain to be a constant support and a reckoning factor in the British Empire. True, our press has given scant notice and has made a lot of noise about the resolution, but it is not worth considering that a larger, more stable, higher priced market, such as New England affords, would, if it could be secured without a tax in the shape of a heavy United States tariff, be of inestimable value in bringing about such an awakening."

What are New Brunswick farmers gaining by a protective tariff in comparison to what we are losing by not having a good export market for our produce? The United States tariff has killed our turnip trade with Boston. The same tariff shuts off the hay producers of Western and New York markets. It keeps our potatoes out, and even now it is ten per cent. handicap on Canadian potatoes in the Cuban market. And we all know that the Canadian tariff practically standardizes the price of manufactured goods in Canada.

It has been said: The mind that regards a license to tax consumers as a sole remedy for its business difficulties isn't the sort of mind we should care to entrust with the spending of our money. Therefore, farmers, let us demand a tariff reduction, and let us demand no concessions. Give the manufacturers every possible chance—free raw materials, cheap transportation, and all the rest of it, and we may all enjoy that proper condition of affairs and trade that is attained by wholesome competition."

CASTORIA For Infants and Children. The Kind You Have Always Bought. Bears the Signature of Dr. J. C. Watson.

EIGHT LIVES SUFFLED OUT IN CAPE BRETON EXPLOSION

Sydney Mines Horror-Stricken at Extent of Disaster

Two Deputies and Six Workmen Who Went Into Colliery at Early Hour Yesterday Morning to Inspect the Mine Were Buried Under Avalanche of Wreckage and Their Bodies Terribly Disfigured—Only Six Recovered.

Sydney Mines, N. S., Jan. 3.—An explosion occurred in No. 3 colliery of the Nova Scotia Steel & Coal Company at 6 o'clock this morning and the eight men who were in the mine at the time are dead.

Not since the memorable explosion of 1878, which occurred in the Winning Pit, has such a calamity disturbed this community as broke the stillness of this morning when it was announced that Sydney No. 3 was on fire.

The Winning disaster cost the lives of six men and occurred while K. H. Brown, now of Halifax, was in command. On that occasion a large number of men were in the pit, of whom all but six were rescued.

The explosion occurred in the morning, when Under Deputies Archie Ferguson and Harry Purchase went into the mine, as is the daily custom, to see that everything was all right. Ferguson and Purchase were accompanied by six workmen, making preparations for the starting of the mine. The explosion occurred in the village of Florence was turned into a scene of horror. People rushed to the colliery and Superintendent T. H. Brown was immediately summoned. The superintendent soon got in touch with the mining department and John Johnston, accompanied by Robert Robson and other colliery officers, soon had the Drager apparatus upon the scene and in a few minutes all the available workmen on the place were combating the fire.

A Cruesome Find. For eight hours Manager Johnstone, assisted by Inspector Nicholson and John W. Johnston, worked down upon No. 11 pit and finally succeeded in finding the charred bodies of six shiftmen, who were killed by the explosion. It was impossible to recognize one from the other. The rescuing party worked hard to reach the No. 14 pit in the hope of recovering the bodies of the other two. It was impossible to recognize one from the other. The rescuing party worked hard to reach the No. 14 pit in the hope of recovering the bodies of the other two.

Inspector Nicholson, speaking to the Telegraph correspondent so soon after the disaster, never had seen such a tangled mass of ruins in a colliery, and by the appearance of the inspector when he emerged from the colliery it looked as if he had been in the fight himself.

Superintendent Brown gave instructions early in the day to place every facility at the disposal of the workmen, and from early morning to midnight willing workers were on the scene.

In the drizzling rain hundreds of people gathered around the pit head until a late hour and never before was such a scene witnessed in the peaceful suburbs of Sydney Mines. Here and there in little groups men were discussing the situation and in the homes of Ferguson and Purchase little children were weeping awaiting the homcoming of the bread winners who would return no more.

Debris Curled the Men. The explosion caused a heavy fall of stone and coal from the roof at No. 15 landing, which cut off and impassable the men who were in that portion of the mine at the time of the explosion.

Early in the day a large force of volunteers went into the pit and endeavored to dig their way into the place where the men were entombed. The rescuers included a corps of men equipped with the Drager apparatus, digging the situation and the rescuers worked until their efforts were rewarded by making an opening into the ruined portion of the mine and the bodies of the entombed miners were found. All of the men were dead, two of whom were probably killed by falling stone or coal, as shown by marks on the head, while the others suffocated by the deadly gases after the explosion.

The report of the explosion was not very loud, and though it was distinctly heard throughout the town, many thought it was but the result of blasting.

Owing to the early hour of the accident only a few men were in the mine. If it had occurred a few hours later, it is quite probable 300 men would have been sacrificed instead of eight souls.

T. J. Brown has notified Undertaker Francis to take the pit and dead bodies and see that all receive a decent burial.

The names of the dead are: Amos Terant, aged 22, single; Joseph Perrin, aged 25, single; James Terant, aged 30, single; Fred Terant, aged 30, married; six children; Alex. Dexter, aged 20, single; James Rosten, 25, single; Archie Ferguson, 30, single; Harry Purchase, 35, single. How the explosion could have occurred is a mystery. It would be practically impossible for this to happen had the regulation closed lamps been used. If open lamps were used, which would be contrary to the regulations, or if a match had been struck, which from early morning to midnight willing workers were on the scene.

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A SUCCESSFUL NEW BRUNSWICK MAN IN WEST

Brilliant Career of Hon. A. Turgeon, and the Striking Mistake of a Canadian Magazine.

The Canadian Citizen. In the west it is not regarded as "an atrocious crime to be a young man." In fact young men predominate, but very few, even in a new country, have risen so rapidly as the Hon. A. Turgeon, who was called to the cabinet of the Hon. Walter Scott at the age of thirty-three.

Contrary to time-worn traditions, the youthful attorney-general is renowned both for his legal and political attainments. Taciturn, alert, quick-witted, courteous and good natured, liked and respected by all, the Hon. A. Turgeon is capable of acting with promptness and determination in an emergency.

An Acadian by descent, the present attorney-general came to the west from Nova Scotia in 1863, and entered into a law partnership with the Hon. Mr. Justice Lamont, now one of the judges of the supreme court of Saskatchewan, and practiced for four years at Prince Albert.

The talents of the brilliant young Nova Scotian could not, however, remain long hidden under a bushel. Forced to the forefront of the political arena by the Liberal leaders, Mr. Turgeon was elected to the cabinet of the Hon. Mr. Tupper in 1897 by-election, and was called to the cabinet as attorney-general in the same year.

While the career of the legal member of the Scott ministry has been short and meteoric up to the present time, all the friends of Mr. Turgeon prophesy a still greater future.

The attorney-general, who received his early education in New York, speaks French or English slightly fluently, and without the slightest suspicion of an accent.

The Hon. Mr. Turgeon is head of the well-known Regina law firm of Turgeon, Carter & Fish, and while his official duties and private practice are sufficient to tax the energy of a Rufus Isaacs to the utmost, Mr. Turgeon is a man of wide appearance, and his professional manner are best described in the well-known phrase, "savvier in modo fortiter in re." A made in Canada product.

The Century should have credited Saskatchewan's bright young politician to New Brunswick instead of Nova Scotia. Hon. Mrs. Turgeon is a son of A. Turgeon, M. P. for Gloucester, and his home used to be at Bathurst.