

MOONEY SUIT HEARING STANDS ADJOURNED UNTIL FEBRUARY 11

Jury Put Several Questions to Patrick Mooney in Reference to the Site of the Dam—He Will Be Recalled After Adjournment to Be Re-examined—Wordy War Between the Lawyers Continued.

The trial of the action, Mooney vs. the City of St. John in which the plaintiff is claiming \$25,000 in connection with their contract for the dam at Lake Robertson, entered upon its fourth day yesterday and now stands adjourned until Tuesday, Feb. 11. Patrick P. Kelly, who acted as superintendent for the plaintiff, was on the stand all the morning, and part of the afternoon. The cross-examination of P. J. Mooney was concluded and his counsel decided to call him at a later stage for re-examination.

F. W. Holt, engineer for the plaintiff, was on the stand when the court adjourned. The most interesting feature of the day was a series of questions asked by Mr. Mooney as to when the site of the dam was changed, whether he had entered any formal protest and whether he received any notice of a change in site. The wordy war between counsel was continued.

When the case was resumed in the morning Mr. Mooney's cross-examination was discontinued to enable Mr. Kelly, who resides in Boston, to give evidence. Examined by M. G. Teed, K. C., he told of his previous experience in building dams and of his being recommended to Messrs. Mooney by Snow & Barbour. He went on to testify as to the extensions necessary in the coffer dam and of the increased cost of the deep water and the increased depth to locate rock. He said his attention had been directed to a site a short distance above the bridge, where the water was shoal and to test pits on the bank.

In reply to a question how the cost of building a dam on the lower site, where the rock was close to the surface, would compare with the present site, he said the cost would be eight or ten times as much at the present site for excavation and putting in a coffer dam. He described how the water was taken care of by means of a miner's wheel.

In reply to Mr. Teed he said by looking at the plan and without having been told anything about the stream he could not go on the ground and locate the present site.

In cross-examination by J. B. M. Baxter, Mr. Kelly said he would not have chosen to locate the dam at the present site. He had some idea of going into the work as a sub-contractor. He denied having told Mr. Barbour he was dissatisfied with the men who were doing the work. He went to Boston on July 12 to get men. He had a slight interest in the contract, but forfeited it.

Re-examined by Mr. Powell, Mr. Kelly said that he had a consultation with Mr. Mooney about the lumber matter. Mr. Powell was about to repeat what the witness had already said when Mr. Skinner objected.

Mr. Skinner took the point that Mr. Powell had no right to tell the jury what he had said. A great deal of time was then taken up by the court and counsel arguing about Mr. Powell's manner of re-examination.

The court then took recess. Afternoon Session.

In the afternoon the examination of Mr. Kelly was resumed. In reply to Mr. Powell he gave details as to the depth of the water in the rapid near the site of the dam and to the length of the arms of the bucket wheel for removing water. He told of a spring discovered near the core wall being a little below the surface of the lake and to the water increasing at the lower levels. From the outcrop of rock at the lower site a spring would have been noticed flowing out of the ledge.

In reply to questions as to conversations with Mr. Hunter when he was taking the levels for the first time, Mr. Kelly said he said he had criticized the measurements and asked Mr. Hunter why he did not take them in a hole to average. Mr. Hunter, he said, had replied, "Do you want to turn this back on to contract work again?" and he had answered "No, but I want to see Mooney get his full pay."

With reference to his interest in the work the witness said he was to get five per cent of the cost of the dam. Mr. Mooney, he added, "made me pay five per cent of the loss I wouldn't be able to pay it."

Confronted by the recorder, he was first asked if a spring would necessarily come up through the rock on the lower site. He said it might come out into the lake.

The recorder then referred to the conversation when Mr. Hunter was taking levels. "Were you not on close terms?" he asked.

The witness was understood to say he knew Mr. Hunter pretty well. The recorder—"You were well acquainted, almost chummy?"

The witness—"Well, I was not afraid to say good-morning to some impatient—'Don't go on like that. You would say good-morning to me, I suppose. Were you not chummy?"

The witness—"Mr. Hunter was not very polite."

LOCAL NEWS

There were five marriages in the city last week. During the same period there were ten births—six females.

Blake Ferris left for Boston Monday. Mr. Ferris is going to see William Wallace, of this city, who is seriously ill in Boston.

David C. Dorman, of 289 Charlotte street was taken to the hospital a few days ago, with gangrene in his left foot. Part of the leg was amputated Thursday.

Allan McIntyre left Monday evening for Rockland (Me.), where he will make arrangements for the removal of the well known family of McIntyre which went ashore at that place some time ago.

Rev. Mr. Burgess, formerly of Carleton, and now of Broughty Ferry (Scot.), was recently made the recipient of a pulpit robe, pulpit Bible, palmer and hymnal by his congregation. Mr. Burgess received a silver sash and a purse of sovereigns.

P. E. Miller, United States immigration inspector, was brought back to the province from Bangor, Maine, thirty years old who has been a town clerk ever since she came to the island. She is a native of Bangor, Maine.

There were eighteen deaths in the city last week. From the following causes: Pneumonia, three; influenza, three; heart failure and chronic endocarditis, two each; croup, one; diphtheria, one; tuberculosis, one; skull fracture, one; cerebral hemorrhage, one; pericarditis and appendicitis, one each.

The second quarterly conference of the A. M. E. church convened Monday in St. Philip's church, Rev. J. B. D. Smith, pastor, presiding. A resolution was introduced and carried to the effect that the pastor of the church, Rev. T. W. Johnson, has been very faithful in his duties and has done good work and is deserving of every assistance.

A convention of importance in the Sunday school and Epworth League work of the Methodist church will be held on Thursday and Friday. Each Sunday school and Epworth League in the city will send one or more delegates. Among the speakers will be Rev. S. T. Davies, of St. John, and Rev. J. B. D. Smith, of St. John.

At Chubb's Corner on Saturday afternoon T. T. Lantauld sold the self-contained house 38 Kennedy street to John P. Owens for \$1400. He also sold the house 38 Kennedy street, against which there is a mortgage of some \$120,000, to M. G. Teed for \$500, and nine shares of the town of St. John, against which there is a mortgage of \$100,000. The Davidson block in Prince William street was withdrawn at \$3,500 over a mortgage of \$4,000.

BELEATED, STORM-TOSSED MOUNT ROYAL IMMIGRANTS SAFELY IN PORT AT LAST

After fifty days spent on the water the 400 passengers who left Antwerp on the C. P. R. steamer Mount Royal on December 19, at last reached St. John Sunday and landed on terra firma at 9:30 o'clock Sunday morning. They came on the steamer Montrose, which was also several days on the water, and it was a feeling of relief that the passengers felt when they landed. C. P. R. officials heard on Saturday evening that the Montrose had passed Brier Island about 7 o'clock in the evening.

She arrived off the island about 2 o'clock Sunday morning and was given a bill of health by the quarantine officers. The ship was towed by the tugboat and the passengers were taken to the shore by the tugboat. The passengers were taken to the shore by the tugboat.

The passengers spent the most of Sunday at the immigration shed and those who passed, left on a special train at 7:30 o'clock Sunday night. Before the authorities were through with the passengers, some 85 of the number were taken to the hospital for treatment for various reasons. Some will be under treatment for some time.

Among the passengers was Leon Fairon, a young Belgian, who left his reason for coming to the island was to see his father, who was a doctor. He had been in the hospital for some time and was now being treated for various reasons.

Another passenger was a Russian, aged 12, who was coming out with his parents. He had been in the hospital for some time and was now being treated for various reasons.

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SMALLPOX SPREADING IN ALBERT COUNTY

Many Houses Quarantined But Disease is of Mild Type—Woman, Who Lost Husband at Sea, May Have to Sue to Collect His Accident Policy.

Hopewell Hill, Albert Co., Jan. 27.—While the smallpox situation is pretty well in hand yet new cases are being heard of. In the village of Albert, Alberta, and Hopewell Hill fourteen houses were quarantined on Saturday but after investigation five of them were released. There were three houses in Riverside quarantined today. In one family at Hopewell Hill seven members of the household are down with the disease. None of the smallpox patients in the county is in danger of death. These very ill Friday are better today.

Mrs. Hamilton Berryman, whose husband was drowned from the schooner "Montrose," gave birth to a son on Saturday. Mr. Berryman had \$10,000 life insurance and a \$300 accident policy. Payment of the accident claim is being contested by the company on the ground that the insured changed his occupation. He was a farmer when he came to the island and was now a smallpox patient. The company is now contesting the claim.

Heavy rain storm and violent winds prevailed here today and the roads have been entirely covered of snow.

Charles Godsoe of Moncton, N. B., Jan. 25.—(Special)—The death of Miss Helen McLeod occurred at noon today after an illness of one year and a half. Deceased for some years, until a few months ago, conducted the Ladies' Emporium and made her home in Moncton, N. B. She was formerly employed in the I. U. R. He was 42 years old and is survived by a wife and six children. Deceased was born at Annapolis.

Mrs. Johnston, wife of Ole Johnston, of the government steamer Lansdowne, died Sunday night in the hospital. She is survived by her husband, three brothers, and two sisters. The brothers are John, James, and Robert Steele, the sisters Mrs. A. H. Nugent and Margaret Steele.

H. A. McGillivray, 37.—The death occurred here this morning of H. A. McGillivray, one of the town's oldest and most highly respected citizens.

Born in Springfield, Kings county, he came to Shediac Cape as a young man, where he made his home until two years ago, when he moved to St. John. He was a well-known citizen and was a member of the St. John's Athletic Club.

One son also survives him, J. W. McGillivray, of St. John. Mrs. McGillivray, of St. John, and Mrs. Horatio Smith, of Halifax, are sisters of the deceased and Mrs. S. Kaye, of St. John, is a niece.

Mrs. Scovil was seventy-seven years of age. Interment will be made at St. Martin's-in-the-Woods cemetery, Shediac Cape, Friday, afternoon for interment.

Rev. R. A. Temple, Halifax, Jan. 27.—(Special)—News has come of the death in Ohio of Rev. R. A. Temple, D. D., for many years grand master of the Grand Lodge of Nova Scotia and a well known Methodist minister. For several years he has been resident in the United States. He was 81 years of age.

Everybody knows that of late years natural forces have been wonderfully subjected to man's need. People are dazzled by the spectacular achievements in steam and electricity, but are likely to forget the less noisy but no less marvelous quest of animal and plant life.

Horses are swifter, cattle heavier, cows give more milk and sheep have finer fleeces than in days gone by. In plants the transformation is even more marked. People now living can remember when the number of edible fruit and vegetables was far less than at present, and even those that could be grown were vastly inferior to those now available. For example, former generations knew nothing of the tomato except as a curious ornamental in the garden. Sweet corn was hardly better than the common field corn. All oranges had seeds. Celery was little known and poor in quality. In the flower bed the magnificent pansy has replaced the insignificant heart's ease, from which it was developed, and the sweet pea in all its dainty splendor traces its origin to the common garden vegetable.

This progress has been made in spite of the great tendency manifested in all plants and animals to go back to the original type. It is indeed a battle to keep them from doing so, and the most successful have been those that have advanced to the highest type of development.

The practical results are accomplished by man operating largely for love of the work, like Luther Burbank in California, and E. Ford in England, as well as by the great seed merchants D. M. Ferry & Co., of Windsor, Ont., who are constantly vigilant to hold their ground has been gained, but have a corps of trained specialists backed by ample means to conduct new experiments. The results of their experiences can be found in their 1908 Seed Annual, which they will send free to all applicants.

Mrs. W. P. Dole, of Dr. W. P. Dole, died suddenly Friday afternoon at her home, 22 Sewell street. Some time ago Mrs. Dole met with an accident which made her more or less lame. Yesterday she ate breakfast heartily in bed and had just arisen about 1 o'clock, when she was seized with internal hemorrhage and expired almost before anything could be done for her. Dr. Dole was with his wife at the time and, needless to say, suffered a great shock. His family will have the sympathy of many friends in their bereavement.

Mrs. Dole, who was Miss Louisa Perkins, was seventy-two years of age. She was the wife of Dr. Dole and, besides her husband, leaves one daughter, Miss Isabelle Dole, and one son, Mr. W. P. Dole, both of whom are in the hospital. Richard Dole, manager of the Bank of New Brunswick at East Florenceville (N. B.)

Mrs. Agnes G. Bohan, widow of Thomas Bohan (N. B.), died on Wednesday last at the residence of her sister, Mrs. Denis Burke, Ottawa. Mrs. Bohan was a daughter of the late Humphrey Toomey, of Carleton.

Daniel McNanley, a well known resident of Fairville, died there Saturday morning, aged 63 years. He was a native of Ireland and had been in the country for many years. He was a well-known citizen and was a member of the St. John's Athletic Club.

Mrs. Thomas L. Hay, of St. John, died on Saturday last at her home, 22 Sewell street. She was a well-known citizen and was a member of the St. John's Athletic Club.

Many friends will be sorry to read of the death of Mrs. Thomas L. Hay, which occurred at an early hour Monday morning. She was a well-known citizen and was a member of the St. John's Athletic Club.

Mrs. Hay had been for years active worker in the Leinster street Baptist church and was in many other circles. She was 71 years of age and is survived by her husband and five children—Mrs. D. McKendrick, of St. John; Mrs. Whitcombe, wife of Dr. Whitcombe, of Boston; Mrs. F. J. Kennedy, of Boston; William G. Hay, of St. John.

John Durant, a respected resident of Carleton, died in his home in St. John, on Saturday, aged 80 years. He was a native of Ireland and had been in the country for many years. He was a well-known citizen and was a member of the St. John's Athletic Club.

Mrs. Durant, who was an Englishman, was a moulder by trade. He is survived by his wife, who was a daughter of the late John Robson, hour inspector, one daughter, Mrs. W. Williams and two sons, George and John.

The St. John Real Estate Company has purchased the Tabernacle hall property, Hay street, and will be sent back to the city.

WILLIE MCKNIGHT MAGUIRE

Willie McKnight Maguire, eldest son of Mr. and Mrs. Nat Maguire, of Lorneville, died suddenly on Thursday last, after a short illness. On Monday Vincent, the school teacher, passed away. He was a bright lad of 14, a favorite with his friends and school mates, and the pride of his parents and grandparents. The sympathy of the community goes out to the family in their sudden bereavement. The funeral was held on Sunday from Mr. Maguire's residence, Lorneville.

Mrs. Geo. S. Dolan, Newswell, N. B., Jan. 26.—(Special)—Mrs. George S. Dolan, daughter of the late Mr. and Mrs. Henry Lawlor, died at midnight Friday, aged forty-three years. She had been ill ten months. Her husband, one son and four daughters survive. The brothers are: Thomas and William Lawlor, Newswell; James, Aspen, Colorado. The sisters are Misses Mary Ann and Lizzie Lawlor, at home. The funeral takes place Monday morning at St. Mary's cemetery.

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SPECIAL VALUE Men's Heavy Reefers For \$3.39

26-28 Charlotte Street, opp. City Market ALEX. CORBET, Manager

PERSONALS

Miss Agnes Warner left on Friday for the south via New York. Among the guests were Misses McLean and Mrs. H. H. McLean. The guests afterwards attended Miss Harrison's dance at the Golf Club. The guests afterwards attended Miss Harrison's dance at the Golf Club.

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ST. ANDREW'S SOCIETY'S OLDEST MEMBER DEAD

James Kirk Passed Away Monday at Age of 82.

The death of James Kirk, the oldest member on the books of St. Andrew's Society, occurred Monday at his residence in Spring street. Mr. Kirk had attained the advanced age of eighty-two years, and was widely known and much respected in the community. He was a son of the late James Kirk, who many years ago operated a saw mill on the site of the present Long wharf.

His business, which was carried on first as Kirk & Warrell and later as Kirk & Daniel, retired when the property was expropriated by the government.

For the past year Mr. Kirk had been in failing health and for the last eight or nine months had been nursed by sister, Mrs. C. E. Candler, of London, who crossed the Atlantic to be with him. Besides his sister he leaves two nephews and two nieces, the children of his sister, Mrs. Elsie Russell, of Moncton.

Australian Account. (British Australian). We follow England very closely. We speak of "lits" as an Englishman does, and not of "elevers," as the American, but we have "paddock" instead of "fields" and "creeks" instead of "streams," and "scrubs" instead of "woods," and "panniers" and "quart pots" and "billy tea" as the Americans and all sorts of lively Australian things which make one perfectly homesick to think about. All the same, I am never homesick for the crude Australian accent.

Dr. J. Collis Browne's

The ORIGINAL and ONLY GENUINE. The Most Valuable Remedy ever discovered. Effectually cuts short all attacks of SPASMS.

The only Palliative in NEURALGIA, GOUT, RHEUMATISM, TOOTHACHE, each Bottle. Sole Manufacturers: I. T. DAVENPORT, Ltd., London, S.E.

Wholesale Agents: Lyman Bros. & Co., Toronto, Limited