COMMON COUNCIL TO HAVE CHANCE TO REPEAL BY-LAW BEFORE JUDGMENT IS GIVEN

Early Closing Cases Tried in Police Court Yesterday Afternoon—Evidence of Merchants Opposed to the Regulation—Strong Addresses for Defence by A. A. Wilson, K. C., and D. Mullin, K. C.

Saturday, June 17.

Evidence was taken yesterday in the police court in five of the early closing cases, and after the counsel on both sides had outlined their arguments adjournment was taken until Saturday, June 24, in order to await the decision of the common council as to whether the law would be repealed.

It was rather remarkable that all of the cases called by the recorder presented unusual features and none were quite satisfactory as a test case, being encumbered by other issues. None of the defendants openly defied the law but claimed exception under various phrases of the bye-law. Wm. H. MacDonald pleaded that his wife was the proprietor of the shop at 109 Queen street, and that he was not personally responsible for its operation. D. Monahan pleaded that he had a right to keep his place of business open as he conducted a repair shop. William Watson contended that he dealt in newspapers and magazines and would come under the class of news agents. Thomas Ritchie, as a holder of a beer license, claimed that he kept his shop open for his own benefit, but sold, as far as he knew, only a bottle of beer. Moris Jacobson testified that he conducted a wholesale business and that the only sales made were on a wholesale basis. The latter case was adprned until the books of the dealer could be produced in court and further argument in the other four cases will be heard Saturday next.

Recorder Baxter conducted the prosecution and D. Mullin, K.C., and A. A. Wilson, K.C., were associated in the defence of all the cases. An important point was a remark made by Recorder Bexter concerning two fish dealers who were reported. These men had been observing the law, but kept open on Thursday evening on account of the sale of fish for Friday, and the recorder passed over these cases, saying that when the law was faithfully observed on other nights and the shops kept open on the one night for a special purpose, it could be regarded as obeying the law.

The Cases.

The case against W. H. MacDonald was the first one called, and Policeman Wittrien testified to the shop being open on a certain night and to seeing one article sold. Mr. MacDonald then denied any responsibility for the store, and the next case was taken up.

Policeman McCollum told of seeing customers in Mr. Monahan's store and one man trying on a shoe and departing with a parcel. Mr. Monahan did not testify and his lawyers argued that he conducted a repairing shop and there was nothing to show that the shoes wrapped up had not been repaired.

Testimony was then given of Mr. Watson selling newspapers in his shop and the proprietor testified that the sale of newspapers, magazines and the issuing of marriage licenses formed a very large part of the business. He was not prepared to say whether this was the principal business or that it predominated over his trade in variety goods.

Policeman Wittrien again testified in the Ritchie case. He said that he saw one lady enter the shop about 8 o'clock, put money on the counter and carry away a parcel which was handed off the shelf. A boy left the shop with a bottle of beer.

Mr. Ritchie testified that he had a beer license. He had sold nothing on the night in question and only knew of a bottle of beer being sold. He had not kept the shop open to test the law, but for his own benefit.

Policeman Jones testified in the case against M. Jacobson, charged with having his shop in Main street open. The witness saw the clerk showing goods on the counter, but saw no goods being wrapped up and carried away.

Mr. Jacobson testified that he had been in business in St. John for seventeen years and was a British subject. His principal business was done on a wholesale plan with peddlers and country storekeepers. He kept his shop open on the evening of the 12th in the expectation of a peddler coming along. He did not expect any particular peddler but was sure one did come and buy $15 worth of goods on credit. He kept no retail books, but always counted his cash and there was no cash taken in after 7 o'clock on the night of June 12.

Mr. Baxter asked to have this case adjourned until the books could be produced, and called Bernard Jacobson. He wished to proceed in this case on the charge laid the night of Thursday, June 15, but on Mr. Mullin objecting, agreed to have the case stand over.

Counsel then outlined their arguments and will conclude at next Saturday's session.

The Argument.

Mr. Wilson first touched upon the general objections to the act, pleading that it was ultra vires of the provincial legislature to authorize such legislation, that the legislature had not the right to delegate the authority to legislate to the common council, that the by-law was in restraint of trade, discriminatory against merchants who carried the same stock as in many of the shops excepted and that it aimed at personal liberty. He then touched upon each case, putting forward the exception in each case and claiming that it was necessary to prove an actual sale before proving a violation of the act.

Mr. Mullin also spoke of the constitutional aspect of the law and said that he would bring out these points at greater length.

Recorder Baxter, in reply, said that decisons by the Manitoba Supreme Court and Supreme Court of Canada respectively had established the legal right of the provincial legislature to extend the power to the municipalities, and decided that the general act was constitutional. He thought that the weakness of the provincial act was that it did not allow of any amendment or exceptions to the class of shops.

Judge Ritchie said he doubted if the common council had a right to say the penalty should be any sum not exceeding $40, but that they should have named a definite sum.

The recorder went on to argue that shops open for service whether any sales were made or not were in violation of the act. He also argued that the holder of a beer license was not excepted under the by law.

Judge Ritchie said that it had always been the policy of the court not to decide as to whether the laws were ultra vires of the legislature or dominion parliament, and it was not for him to condone the breaking of an unjust law. If the law was unjust he might recommend to the council that some change be made, but he did not wish to be understood as saying that the council should repeal the law. In view of the keen public interest an opportunity should be given the council to decide just what they should do. The cases were then adjourned until the date mentioned.

There were a large number present in the court and a strong contingent of policemen who were concerned in the reports.

LOCAL NEWS

Correspondents who send letters to The Semi-Weekly Telegraph and who wish to have them returned if they are not printed, must send stamps for return postage.

Registrar John B. Jones, reports eight births for the week, seven boys and one girl. Six marriages are also reported.

A wedding of interest to St. John people took place at Winnipeg on Wednesday, when Herbert G. Evans formerly of this city was married to Miss Katherine M. Crawford. The bride is also known in the city, and is a daughter of Mr. and Mrs. Thomas Crawford, of Westfield (N. B.)

The Board of Health reports fourteen deaths for the week, as follows: Pyaemia, accident, meningitis, convulsions, malnutrition, endocarditis, cardiae, dropsy, broncho-pneumonia, abscess of liver, strangulated hernia, whooping cough, duodenal ulcer, tubercular laryntis, hemorrhage of brain, one each.

The twelfth of July will be celebrated this year by the St. John District Lodge with a parade and picnic at The Ferns, where the county lodge had an enjoyable day last year. True Blue Lodge, No. 11, and Dominion, No. 141, accompanied by the Prentice Boys, will take part in the celebration at St. Stephen, where Carleton, York and Charlotte counties lodges are to be entertained.

Victor Dodds, who has been teller in the Bank of New Brunswick here, is now filling a similar position with the same bank in St. John. H. Parlee, who has been ledger keeper, takes charge of the cash, and Arthur Chisholm has charge of the ledger. Mr. Dodds, during his stay in St. Stephen, has been a valued member of the Canadian Frontier band and will be much missed in musical and other circles.—St. Croix Courier.

The following visitors in London from the maritime provinces registered recently at the office of the high commissioner: Charles A. McDonald, Mrs. McDonald and Miss McDonald, Mrs. W. L. and Miss D. Robson, Miss M. Hazen and Miss L. Hazen, Miss E. T. Gilbert, of this city; Rev. L. H. and Mrs. Jorden, Mrs. W. H. and Miss Cranston, Arthur S. Morton, Miss Fitch, Mrs. Dixon, Mr. and Mrs. W. N. McKnight, Halifax; Dr. G. R. Butler, Mrs. B. Rogers, Yarmouth; Mrs. Felows, of this province. The following were registered at the office of the Montreal Star: F. A. McCully, Moncton; R. E. Powell, St. John; Mrs. J. B. Snowball, Miss Snowball, Chatham; Mr. and Mrs. Howard Murray, Halifax, and Mr. and Mrs. J. A. Gillies, Sydney.

The following subscriptions have been acknowledged by the board of management of the St. John Protestant Orphan Home: G. S. Mayes, J. B. Cudlip, $10.00 each; J. King Kelley, G. A. Knodell, F. C. Wesley, the late A. C. Fairweather, D. C. Dawson, Henderson & Hunt, R. W. W. Frink, George H. Waterbury, $5.00 each; G. O. Dickson Otty, T. Percy Bourne, $3.00 each; Mrs. Jas. Fleming, J. T. Knight, Mrs. Annie F. Brock, Alex. Thompson, Mrs. A. I. Trueman, Wm. J. Nagle, James Stirling, W. I. Fenton, Thos. Finley, A. W. Sulis, R. S. Ritchie, T. Fred Powers, "R.", A. C. Smith & Co. (West), Chas. Robinson, $2.00 each; Mrs. Chas. Lowe, Norman M. Gregory, Wm. Magee, A. B. Holly, Cash, Mrs. Louis Green, N. A. Seely, Friend, Mrs. F. P. Gregory, Mrs. H. A. Austin, $1.00 each.

HON. WM. PUGSLEY TO SPEAK AT ANDOVER

Saturday, June 17.

Hon. William Pugsley, who has been enjoying a few days' fishing at Dick's Lake, will attend the banquet at St. Basil on Tuesday evening to Senator Costigan. On the following night, at Andover, in company with Hon. C. W. Robinson, he will address a public meeting. On Tuesday evening, Hon. Mr. Robinson, with J. F. Tweeddale, M. P., and James Burgess, M. P. P., will speak at Plaster Rock.

Both Plaster Rock and Andover are thriving towns, and there is much interest in the meetings next week. Andover now has C. P. R. connection and has been much in evidence as a probable point on the Valley railway, and Plaster Rock, besides having the C. P. R., is expected to grow very rapidly as a result of its connections with the G. T. P.

CASTORIA
For Infants and Children.
The Kind You Have Always Bought
Bears the Signature of Chas. H. Fletcher

To make sure a tablecloth is pure linen, moisten the goods with the tip of the tongue. If it is linen the wet spot will immediately show through on the other side.

WEDDINGS

Ashford-Tait.

Friday, June 16.

The Queen Square Methodist church was the scene of a pretty wedding at 6 o'clock yesterday morning when Rev. Wilfred Gaetz, the pastor, officiated at the nuptials of Miss Carrie Willena Tait, eldest daughter of John B. Tait, of this city, and Hugh Garret Ashford, of Chatham, N. B. The wedding ceremony was witnessed by relatives and close friends of the bride and groom.

The bride was becomingly gowned in a neat traveling costume of cream serge and wore a hat of a corresponding shade. She carried a shower bouquet of carnations and lilies of the valley. She was unattended. Following the wedding ceremony, Mr. and Mrs. Ashford left for a trip to Upper Canada where they will visit the larger cities before going to Fredericton where they will take up their residence, and where the groom is connected with the Canadian Motor Co. They received many handsome remembrances from their friends here and elsewhere.

Kirkpatrick-Jones.

Gaspereaux Station, June 14—The home of Wm. H. Jones was the scene of a pretty wedding this afternoon when his only daughter, Alma F., was united in marriage to Albert W. Kirkpatrick, son of J. Wesley Kirkpatrick. The ceremony was performed by the Rev. J. K. King, pastor of the Methodist church ,in the presence of upwards of sixty invited guests.

The home was beautifully decorated with cut flowers, the ceremony being performed under a floral arch. The bride and bridesmaid were charmingly attired in white silk trimmed with baby Irish lace insertion. The bride carried a bouquet of white carnations and the bridesmaid, pink carnations. Miss L. May Jones, cousin of the bride, acted as bridesmaid while the groom was attended by Eldon M. Jones, brother of the bride.

The bride entered the parlor on the arm of her father, while the wedding march was beautifully rendered by Mrs. Burton Kirkpatrick. Many beautiful and costly gifts in silver, cut glass, china and linen as well as several sums of money testified to the high esteem in which the young couple are held in the community.

The gift of the groom to the bride was a gold bracelet, while the bridesmaid was the recipient of a gold brooch and the groomsman a pair of gold cuff links. After a dainty luncheon was served Mr. and Mrs. Kirkpatrick took the evening train for a fortnight's trip through the New England States. The bride's going away dress was blue serge with hat to watch.

Smith-Dickson.

Amherst, N. S., June 15—The wedding took place yesterday at the home of the bride's parents, Mr. and Mrs. Geo. Dickson, West Amherst, of their only daughter, Miss Mary, to Raleigh R. Smith, night operator at the I. C. R. station here. The wedding took place under an arch of white lilacs and was performed by the Rev. Mr. Dimock. The bride's dress was of cream crepe de chine, and she carried a bouquet of white roses and lilies of the valley. The wedding march was played by Miss Mabel Cole, organist of the Baptist church here. The young couple left on the Maritime express for a trip through upper Canada and the eastern states. The groom's present to the bride was a beautiful piano.

McAllister-Robertson.

A quiet wedding took place at Salt Springs on Wednesday, when William B. McAllister, of Selma, was married to Miss Martha E. Robertson, of the same place. The ceremony took place at the home of the bride's uncle, John Aiton, and was performed by Rev. H. R. Read, assisted by Rev. E. A. Kirker, of Halifax. Both young people are well known in St. John and have many friends who will wish them well in their new life.

Hunter-Randall.

Friday, June 16.

A pretty wedding took place at 8 o'clock last evening at the residence of Odber Hanselpacker, 19 Portland street, when Allan W. Hunter, of Douglas Harbor, Queens county, was married to Mss Bertie B. Randall, of Lakeville Corner, Sunbury county. The ceremony was performed by the Rev. H. D. Marr, in the presence of the immediate friends of both parties. The bride was becomingly gowned in white silk yith lace trimmings. Miss Alice Andrews, of St. John, acted as bridesmaid, and the groom was supported by Odber Hanselpacker. The bride and groom will make their home at Douglas Harbor.

Estabrooks-Purdy.

On Thursday morning the marriage took place at the home of the bride's parents at Upper Jemseg (N. B.), of Heury Ashley Estabrooks, of the firm of McAlary & Co., St. John, and Miss Marcella V. Purdy, youngest daughter of Mr. and Mrs. Archelans Purdy. The bride was married in her going away dress of "Coronation blue." The ceremony was performed by the Rev. C. G. Pincombe in the presnce of a large company of relatives and firends.

The bride and bridegroom were the recipients of a large number of valuable and useful presents, among which were: Cheques from Mr. and Mrs. Estabrooks (parents of the bridegroom), his brother, Frank, and the bride's brother, Ernest. The choir of Main street Baptist church, of which the bride is a member, presented her with a cut glass fruit dish. After the ceremony the bride's parents entertained the company to a bountiful breakfast, after which the happy pair left in the steamer May Queen for St. John, amidst showers of rice and the best of good wishes. The honeymoon will be spent visiting upper Canadian cities and Buffalo.

Gunter-Robertson.

On Wednesday evening, at the home of the bride's parents on Robertson's Point, (N. B.), the marriage of Harry B. Gunter to Miss Medora C. Robertson, daughter of Mr. and Mrs. Charles Robertson, took place. The home had been beautifully decorated for the occasion and the bride was handsomely attired in a cream satin dress with veil and orange blossoms. The Rev. C. G. Pincombe, pastor of the Baptist church at Jemseg, performed the ceremony in the presence of a large company of relatives and friends. After the wedding the company present were entertained by the bride's parents to a repast befitting the occasion. Later in the evening the usual chiravari was indulged in and the friends were entertained till a late hour. The happy pair have been the recipients of a large number of valuable and useful presents.

Hon. J. K. Flemming, acting premier; Hon. John Morrisy, Hon. W. C. H. Grimmer, Hon. Dr. Landry and Hon. Robert Maxwell last evening attended a meeting of the provincial government in their rooms, 4 Church street. Mr. Flemming said after the meeting that he had no information to give out at present but that he would be in the city again on Friday.

OBITUARY.

Capt. David S. Howard.

Parrsboro, June 15—Capt. David S. Howard passed away at his late residence, Victoria street, on Sunday evening, after a brief illness.

Capt. Howard was a son of the late Capt. Alexander Howard, of Port Greville, and was born at that place on March 18, 1846. For the greater part of his life he took an active interest in shipping and shipbuilding, and managed the construction of several large vessels at this port, the last of which was the four-masted schooner H. J. Logan, which he commanded himself and which he was obliged to abandon at sea on December last. He was a consistent member of the Methodist church, and in politics a staunch Liberal.

Capt. Howard is survived by his widow, who was Clara, daughter of the late R. K. Smith, of Amherst, to whom he was married on Sept. 17, 1867, and five children—R. A. Howard, of this town; D. W. Howard, of New York; Gertrude, wife of C. C. Langill; Davida, wife of Holford A. Tucker, and Alice, at home.

James F. Dunlap.

Saturday, June 17.

The death occurred at the General Public Hospital yesterday of James F. Dunlop, of Sydney, C. B., He was formerly a conductor on the I. C. R. and later kept a grocery store in Waterloo street. Not long ago he moved to Sydney and went into business there, but taking ill he returned to St. John. He was fifty-six years of age and leaves two daughters, Mrs. Morley Strang, of St. John, and Miss Margaret, and one son, Fred Dunlop of Sydney. He also leaves a brother, George Dunlap of Waterloo street.

Mrs. Edward Craig.

The death of Mrs. Isabella Craig, wife of Edward Craig, of Carleton, occurred in this city Saturday morning. Three sons and three daughters survive. The daughters are: Mrs. C. T. Angell, of Oldtown (Me.); Mrs. Charles Hearn, of Douglas avenue, and Miss Minnie, at home. The sons are: William, of Oldtown (Me.); Alfred, of Bangor, and Clarence of this city.

W. Allan Staples.

Monday, June 19.

The death took place yesterday at his home in Fredericton of W. Allan Staples, E. E., after a lingering illness of pulmonary phthisis. He was the eldest son of Mr. and Mrs. A. G. Staples, 130 Princess street, and leaves besides his parents, a wife and little daughter, Jean. He also leaves a brother, Charles E., and four sisters, Mrs. L. W. Simms, Harriette M., Mabel E. and Marjorie G., all of St. John. Mr. Staples, after completing a four years' course at the Massachusetts Institute of Technology started at his profession in St. John but moved soon afterwards to Fredericton where for the last four years he has conducted a prosperous business.

Mrs. Robert Stevens.

The death of Sarah, wife of Robert Stevens, occurred at her late residence 177 Winslow street, on Friday. She is survived by her husband, four sons—Wallace, Steven, Allen, Wellington; and one daughter, Margaret, all residing at home. Her father, four sisters and three brothers, residing at Lorneville, also survive.

James F. Lilley.

The death occurred at his home, 65 Middle street, on Saturday night of James F. Lilley. He was in his 89th year. At one time he was a prominent oarsman and rowed in some of the old time crews of the city. He was well known and leaves two sisters, Mrs. Frank Eagles and Mrs. J. Smith, both of St. John.

Mrs. Mary A. Black.

Sackville, N. B., June 18—(Special)—The death took place quite suddenly at 11.30 Saturday morning of Mrs. Mary A. Black, widow of Joseph L. Black, Middle Sackville. She had been ailing for about two months but death came unexpectedly. She was a daughter of the late Rev. John Snowball, of Chatham, and was the last of the family, which included the late Jabez B. Snowball, lieutenant-governor of the province; the late Judge Snowball, of California; the late Mrs. F. P. Thompson, of Fredericton. Deceased leaves two sons, Frank B. and J. Walter S., of Middle Sackville; one step-daughter, Mrs. Edmund Burke, of Toronto. Mrs. Black's husband, Joseph L. Black, died in March, 1907. The funeral will be held Tuesday afternoon, interment in the family lot, rural cemetery, Sackville.

Hugh Ryan.

Tuesday, June 20.

Many residents of this city will be shocked to hear of the death of Hugh Ryan which occurred yesterday at his home in Brussels street. Mr. Ryan, who was very well known in this city, had been ill for several months, but had not been confined to his bed until yesterday. Early yesterday morning he took a bad turn and he never rallied. He was born at Loch Lomond, and was in the sixty-third year of his age. For more than thirty years he conducted a grocery store in Brussels street, and was of the most highly respected residents of that section. He continued in business up till two years ago, when he was forced to retire on account of ill-health. He was a member of the C. M. B.A.

Besides his wife, he is survived by two daughters, Catherine at home, and Agnes of the Universal Chimney Cleaning Co.

Alexander I. Adams.

Three Rivers, Que., June 19—(Canadian Press)—Alexander Stephen Adams, one of the best known lumbermen in the St. Maurice Territory, died suddenly last week. He was a native of Campbellton, N. B.

staff here. Four sisters also survive—Mrs. P. Murphy, of St. Martins; Miss Mary, of this city, and Misses Margaret and Julio of Boston. One brother, Patrick died a few years ago. Sister Loretta, Superioress of the Sacred Heart Convent in Moncton is a niece.

John McKane.

(The Evening Times.)

Word of the death of John McKane in San Francisco, has been received at Newcastle. Mr. and Mrs. McKane were making a tour of the west when he contracted a severe cold, while in Los Angeles; it developed into pneumonia and death followed in the St. Francis Hotel, in San Francisco. He had only recently returned from England in company with W. Max Aitken, M. P.

Mr. McKane was a native of Scotland, being born in Dunfermline. He was forty-five years of age and came to Canada when 25 years old and lived for a time in Newcastle, where he married Miss Florence Sinclair, daughter of the late Edward Sinclair. Through the acquisition of extensive mining interests in British Columbia and Nevada he realized a fortune. Recently he sold out and has been touring the world.

Some five years ago he took over the control of the Edward Sinclair Lumber Company, but sold out two years ago to his brother-in-laws, Hubert and William Sinclair. He was for some time the owner of The Telegraph and Times.

Mr. McKane was of genial and kindly disposition and a generous contributor to charitable institutions. He was a Conservative in politics and was nominated by his party for a seat in the Canadian house for a British Columbia constituency but lost his election after a hard fought contest. He declined a nomination to run in Stirling,Scotland, against Sir Henry Campbell-Bannerman. Beside his wife Mr. McKane leaves one sister in Dunfermline, Scotland. Interment will be in San Francisco, where the funeral arrangements were attended to by Albert Willard, an uncle of Mrs. McKane, who is in San Francisco.

An interesting career closed with the death of John McKane, last week in San Francisco. He had crowded an unusually varied experience into forty-five years of life. Coming from Scotland to the Miramichi a quarter of a century ago, he spent some years there, then drifted westward and made a fortune in Nevada mines, moved up to British Columbia and went into politics, to be defeated as the Conservative candidate in Yale-Carboo; came back to New Brunswick, purchased two newspapers and took stock in some others; interested himself in politics and in lumbering on the Miramichi; declined the offer of a constituency in Scotland; suffered reverses in the great financial panic of a few years ago; sold out his newspapers and lumber interests, and set out again upon travels which have been terminated by his death. Mr. McKane was a man of most charitable instincts. He gave largely to deserving persons and causes, and on the Miramichi they tell of many hearts gladdened by the unpretentious generosity of John McKane. He presented a park to his native town of Dunfermline, in Scotland. He had travelled very extensively, and made friends everywhere. A man of exceptionally powerful physique, he seemed destined to enjoy long life. Strange, impulsive, restless and somewhat self-contradictory, he was yet a man of brilliant parts; and he will be held in kindliest memory by those who understood the strength as well as the weakness of his nature.

BREEZE IN THE TELEPHONE CASE

(Continued from page 1.)

only about six per cent. on the $187,638 which I have taken as the present value of the property to be apportioned to the St. John exchange after allowing for physical deterioration. What expenditures will be demanded from inadequacy and obsolescence which the company has not paid in the past out of its charges to maintenance? Doubtless changes will be made in the plant in the future as they have been made in the past.

"Possibly more undergroundd cables will be installed. If they are, the changes will be made when the pole lines need replacing, and only the amount will be charged to depreciation which it would cost to replace the old pole lines by new ones which we have seen would be greatly less than the original cost so far at least as the work of excavating post holes is concerned. The balance would be charged to capital or plant account. Overhead cables will be substituted for wires in many parts of the present system, but this will only be done when the life of the present wires has been run. It is clearly deducible from the evidence before the board that the replacement by aerial cable of wires is cheaper than replacement by wires themselves. Both in the cost of underground cables and aerial cables, the deterioration will be less than in the case of wires, and the company will be distinctly the gainer by making the change.

Some Claims.

"The profession of the company of a desire to benefit the people in every way is extremely generous, but the public will believe beneath this profusion of generosity there is hidden a keen desire for self-aggrandizement. The charging of $12 for an extension desk telephone, however much it may be in harmony with the practice of other telephone companies, is not nevertheless in view of the cost of installation and maintenance indicative of any burning desire on the part of the telephone companies to practice charity or generosity to any appreciable extent. I plant myself in regard to this point on the record of the company down to the time of the merger of the Central with it. As a result of the attempt to vitalize what everybody knows was financially a corpse, the amalgamation was brought about and the earnings of the St. John exchange and of the other exchanges of the old company were taken to help out the poor financial condition of the Central. An attempt has been made to deny this, and it has been boldly put forward that the Central was making profits at the time of the merger. It has also been put forward that the New Brunswick company since the merger has been losing money. Unquestionably before the merger the New Brunswick company made enormous profits. How can these statements be reconciled with the facts? Chemists tell us that there are gases which when combined produce a liquid, and that there are liquids which when combined produce a solid, but I have yet to learn of the alchemy by which two profits by being combined produce a loss. The laying aside of $10,000 per annum for all classes of depreciation in connection with the St. John exchange would be greatly in excess of what experience has shown to be necessary, and it would be more than ample to meet the demands of the future."

Mr. Powell protested against the revenue of $90,000 being set aside at the time of the merger as stock dividends. He urged that the portion of this money chargeable to the St. John exchange would be more than enough for the installation of a new switchboard. "If they are allowed to create a new reserve how do we know that it will not be again divided?" he said.

Mr. Teed—"The commission will be in control."

Mr. Powell—"Yes, and I am asking the commission to put a stop to it right now."

Mr. Powell then proceeded to figure out a profit of eight per cent on $187,638, the plant value, as $15,011 and if the commissioners did not recognize the rights of St. John to have a portion of the $90,000 returned in the construction of the new switchboard, to add $10,000 for depreciation, leaving from the net earnings of $50,026.09 a balance of $25,015, which, he submitted, was taken out of the St. John subscribers in violation of business principles.

"The company through Mr. Hall has submitted to the board a statement of the annual earnings in the province generally, this is statement K. I think, and also a statement of the earnings of the St. John and Rothesay exchanges and long distance system in St. John. While the statement which refers to the provincial system as a whole does not come directly within my line of argument, still I will make a few comments on it since its absurd character shows how little confidence is to be reposed in Mr. Hall's opinions and tabulations. The amount he allows for depreciation, $98,550, must be spent or set aside to be spent, he says, over and above cost of present maintenance in order to maintain the system permanently in a high state of efficiency. If this amount should be spent or set aside to be spent, and is not so spent or set aside, then the value of the system is less by the amount not so spent or set aside. If this is what he means and this is what he does mean if he is not attempting to deceive the commission, then I submit that the value of the present plant of the company would, in view of its history, be absolutely below nothing. Last year, according to his statement, if a dividend of eight per cent on its capital had been paid the company would have gone behind hand $94,722. As a matter of fact a dividend of 6 per cent only was paid. Hence the company after paying this dividend went behind hand $71,203. In fact he intimates that the stock of the company is not worth anything. His statements are too absurd to discuss; and yet he ventures on the opinion that in four or five years at the present rate of improvement in the finances of the company this annual deficit of $94,722 on the basis of 8 per cent dividend or $71,203 on the basis of 6 per cent dividend will be wiped out. I will have occasion later to speak of this improvement in another connection. Mr. Hall scarcely does justice to his imagination in this statement, but his imagination flashes out in full splendor in his statement L. representing the St. John and Rothesay exchanges. Here his genius actually reveals the fact that the St. John exchange on the basis of an 8 per cent dividend on the stock went beyond last year to the amount of $6,244. On the basis of a 6 per cent dividend actually declared, the St. John exchange only had a surplus of $104.

Some Evidence.

"It is rather astonishing to find that this exchange which with a lower tariff was the main factor in rolling up dividends of 8 per cent in addition to a total stock dividend of $172,000 when its business was much smaller than at present, in fact only one-half the size or less than now, should now only be breaking square after paying a 6 per cent dividend. If the company or Mr. Hall desires to be fair and open and above board, why did they mix up the St. John exchange and Rothesay exchanges and long distance system? Whether it was the intention of Mr. Hall or not, the result of his procedure is to mix and muddle. Why did he not take and work out the St. John exchange by itself? Mr. Hayes claims to have had the necessary data for all purposes. Why was not a statement given showing the earnings, expenditures and depreciation of the St. John exchange by itself? Portions of the statement would have been approximations it is true but the statements Mr. Hall gives and the statement of Mr. Hayes is based largely on approximations and deals with approximations only in the matter of apportionment of cost. Is it not possible with equal facility to apportion to the St. John exchange its share of expenses of operating and maintenance and depreciation? In the matter of rentals and exchange tolls the company has the figures to a cent. I will not discuss his statement further than to say I am glad it was submitted to this commission. If it is indicative of the character of his other statements, then the confidence that might otherwise be reposed in them is, to say the least, badly shapen."

Mr. Powell proceeded to take up the reply of the Telephone Company to his contention and had reached the second of these when adjournment was taken for the day. He denied that the St. John exchange must be considered as a part of the provincial system and not as a separate unit. If St. John subscribers desired connection with other units they must pay tolls for the privilege. St. John subscribers should not have to pay the deficit on the unprofitable sections of line in the province. The citizens of St. John should not have to suffer because the telephone company made unprofitable extensions.

The Strong and the Weak.

"The principle that the strong telephone exchange should help the weak ones, is a very desirable principle to adopt speaking from the standpoint of the telephone company, but there is no ground for its application from the standpoint of the subscribers in the strong exhanges. Where the principle of competition is operative within a territory covered by an exchange, that exchange stands or falls on the principle of adequate return on its value. Any company can today by getting incorporated, on receiving from the government, Letters Patent giving it the right to erect lines along the streets of the city, enter the field and force the present rates down to this basis without regard to any outside portion of the province. The city of St. John could get power from the legislature to install such an exchange. What then would be the result? The financial affairs of the exchange would be conducted without any regard to the strength or weakness of outside exchanges. It is the function and duty of this board to determine as best it can the basis which competition would result in. I may say that as long as it is felt by the citizens of St. John, that they are paying higher rates than they would have to pay, if fair charges on the basis of costs of the services only paid, so long will dissatisfaction exist and the outcome of that dissatisfaction will be the installation of a competitive system. The present tariff is based on the principles on which railway companies frame their tariffs, to exact what the people and the traffic will bear, and it is the duty of this board to see that the tariff is based on a proper relation between the charges for service and the value of the exchange, to prevent the necessity of the city being put to the inconvenience of two telephone systems."

Mr. Powell also denied that the cost of telephones in St. John was relatively less than in other towns of the province. The charges in the St. John exchange and in any other exchange had nothing to do with each other. It was hardly just that a residental telephone in St. John should be $30 on a single party line and $20 for the same service in Moncton or Fredericton.

At this point the hearing was adjourned until this morning.

BORDEN STANDS FOR CHINESE POLICY

(Continued from page 1.)

ters connected with the tariff. In my conception the tariff should be based upon business principles after a due investigation and ascertainment of facts.

"Canada did desire reciprocity in 1867 and 1879. The United States denied it. Canada found her markets elsewhere, and in meeting with courage, energy, faith and resourcefulness, the conditions which were imposed upon them by the denunciation of the former reciprocity treaty, Canadians first realized their country and they have not forgotten the lesson.

"There was no warning of any such treaty, there was no mandate. More than that, there was no cause. The material progress, the development and the prosperity of Canada have been notable and marvellous.

"Why then seek to change this? Why this desire to alter the conditions under which the country has made unexampled progress? What reason can be advanced for this remarkable reversal of a policy pursued for some thirty years by both political parties? What is the prime minister's answer? He retorts that Canada is not China, and that therefore we cannot let well enough alone. The answer is but a quibble. We say: 'Let well enough alone', not because Canada is standing still, but because material progress and development in Canada have been more rapid than in any other country in the world. We say: 'Let well enough alone' because the proposed diversion from this safe path of nation-building leads into a wilderness and labyrinth full of dangers and pitfalls.

MAJOR THOMAS WEDS MISS IDA N. NUGENT

On the Boston train which reached the city last evening there arrived Major Geo. W. Thomas, of Fredericton Junction, and his bride, who was Miss Ida N. Nugent, daughter of Dr. J. G. Nugent, of Briggs Corner (N. B.) The pair were married in the George street Baptist church, Fredericton, at 8 o'clock last evening by the Rev. J. E. Wilson, pastor of the church, and were accompanied to St. John by a party of the bride's relatives, including E. R. Machum and H. W. Machum, uncles of the bride. H. W. Machum gave the bride away at the ceremony and there were no other attendants.

Major and Mrs. Thomas will go from here this morning to Sussex, where the groom will attend to his military duties as the third officer in rank of the 71st regiment. After the camp closes the happy pair will spend some time in Nova Scotia and on their return will take up their residence at Fredericton Junction.

Major Thomas is one of the leading men of his county and takes an active part in all movements for the public welfare. He has proven a very efficient Scott Act inspector since appointed to that position and discharges his duties with the same untiring energy which characterizes his work in his private interest. The bride is a graduate of the provincial normal school and has taught school near Fredericton Junction, where she is well known and very popular.

Ottawa Official Promoted.

Ottawa, June 19—L. H. Colman has been appointed assistant secretary of the department of public works to fill the vacancy caused by the death of R. W. Dillon. Mr. Colman has been in the public service since 1882 and is a capable official.

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Men's tan calf and brown vici kid, Goodyear welt Blucher laced boots. All size 6.
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Women's wine calf, flexible welt, Blucher Oxfords, all sizes. Reduced from
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538-9	5	38	22	9	9-9-10-10	14
542-9	5	42	22	9	6-12-12-12	15
548-9	5	48	22	9	12-12-12-12	16
641-9	6	41	22	9	7-8-8-9-9	18
741-9	7	41	16	9	5-6-7-7-8-8	22
742-9	7	42	24	9	6-6-6-6-6-12	22
748-9	7	48	22	9	5-6½-7½-9-10-10	23
832-9	8	32	16	9	3-3-4-5-5-8-6	23
845-9	8	45	16	9	4-5-6-7-7-8-8	26
948-9	9	48	22	9	6-6-6-6-6-6-6	29
949-9	9	49	16	9	4½-5-5½-6-6-7-7-8	29
1052-9	10	52	16	9	3-3-4-5-6-7-7-8-9	31

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