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TEN PAGES—ONE CENT

DEFENCE CLOSES THE \$12,000 NOTE CASE

Session Marked by Much Argument --James D. Seely One of the Witnesses at Today's Session -- More Interesting Letters Are Before the Court

The case for the defence was closed, said the evidence in rebuttal was commenced at this morning's hearing before Mr. Justice McKeown in the circuit court in the case of Thomas Nagle vs. the St. John and Quebec Railway Company and the Quebec and St. John Construction Company on their note for \$12,000.

Ross Thompson concluded his evidence, E. S. Crawford, assistant manager of the Bank of Nova Scotia, was heard with regard to the entries connected with the transaction when the note was put up as collateral, and James D. Seely was called by the counsel for the plaintiff to establish the consideration for which the note was given and other matters already touched upon in the previous evidence.

The session was marked by constant arguments as to the admissibility of evidence, Mr. Mullin objecting to much of the evidence submitted.

When the court opened Ross Thompson, managing director of the Quebec and St. John Construction Company, again took the stand. D. Mullin, K.C., continuing his re-examination, referred to the evidence that the \$12,000 item had been struck out of the accounts of the construction company, and asked "That item does not now appear in the accounts?"

"It does not," was the answer.

Questioned by Dr. Wallace, "What do you mean by striking it out?"

"It was taken off the books."

Q—"You altered the books on March 21?"

A—"Yes."

Q—"After this suit commenced?"

A—"It was objected to early in February."

Q—"But notwithstanding the objection of Mr. Bischoff it went to the commission?"

A—"Yes, but I could only prove it by the receipt."

Q—"Was Mr. Nagle connected with that payment?"

A—"As far as I know, No, I would have to consult the records."

Q—"Was Mr. Nagle's endorsement on the note at that time?"

A—"Not that I know of."

The witness said he would have to bring nearly all the bank staff to prove the records and was allowed to stand down.

Mr. Mullin announced that this closed the case for the defence, but that he would call Dr. Wallace for the plaintiff, called James D. Seely, who was sworn and took the stand.

Dr. Wallace said that they intended to rebut the statement that there was no consideration, and would show that Mr. Seely had a direct interest in the railway company, that afterwards his interest was transferred by the act of the court, applied to Mr. Gould to rectify his claim which Mr. Gould did by giving the note. He also intended to show what took place when Mr. Seely met Mr. Thompson at Fredericton Junction, and also the transaction between Mr. Seely and Mr. Nagle. He thought that the evidence of the plaintiff should not be limited entirely to rebuttal.

Mr. Mullin maintained that the evidence must be purely rebuttal and that opposing counsel must say what specific points he intended to contradict.

His Honor said that the question whether a man takes a note in good faith is a matter of fact and he would allow the evidence on that line. Mr. Gould testified that the note was issued by him out of the profits and it could be shown that Mr. Nagle knew his case would fail, but it had not been so.

There was an extended discussion between both counsel and the bench regarding what should be proved and what evidence was admissible. Dr. Wallace maintaining that when a note has been negotiated after maturity notice that it was an accommodation note was not a defence.

Mr. Seely testified that he was the Seely mentioned in the case. He had known Mr. Gould thirty years and Mr. Thompson several years. He had been connected with the railway project since its inception in 1899. He met Mr. Gould in the transaction at that time and also H. E. McDonnell, general freight agent of the C. P. R. then at St. John and now at Montreal.

As a result of their negotiations they applied for and secured incorporation in 1910. In August, 1910, the first meeting of the stock holders was held at Presque Isle. The directors were Mr. Gould, Mr. Thompson, Col. McNutt, Mr. Ligne and Mr. McLellan. In Nov. 29, 1911, another meeting was held and Mr. Gould, Mr. Thompson, Mr. McDonnell, A. H. Houghton and the witness were elected directors. At this meeting eleven stock certificates had been signed by the president of the company and issued. He identified a stock certificate as one of those issued at that time; it was No. 17. In Mr. Seely's name. He also identified certificate No. 18, in A. H. Hanington's name, No. 17 for forty-seven shares and No. 18 for thirty shares, replacing one for fifty-one shares. His interest in the company was one-fifth.

The witness identified a letter which he had received from Mr. Gould on December 20, 1911, certifying that Mr. Seely represented one fifth interest in the company and was a director.

Mr. Seely said that he was an active director and attended meetings in Mr. Hanington's and Mr. Barnhill's offices. He first heard about the legislation affecting the stock holders in May, 1912, while he was in St. John. He had some conversation with Mr. Gould about it. Mr. Gould called on his office

TROUBLES OF BANKING IN THE NEW COUNTRY

According to a reuter's telegram from Victoria, B. C., six armed men held up the Union Bank at New Hazelton (Chowkee) on April 7. The robbers, who were local chaps they attempted to escape but three of them were shot dead by the provincial police, and two were wounded and captured. The sixth man, however, got away with \$1,000. (Photo by H. L. Gordon)

Pres. Wilson Appeals To John D. Rockefeller

Seeks to Have Coal Strike Ended—Half Million Men May be Called From Mines of States

(Canadian Press)

Washington, D. C., April 27.—President Wilson has made a personal appeal to John D. Rockefeller to bring about a settlement of the Colorado coal strike and end the violence which has cost a score of lives and large property loss.

Des Moines, Iowa, April 27.—Unless conditions are improved in the southern Colorado fields, strike of the 200,000 coal miners of the country probably will be called next week. John P. White, international president of the United Mine Workers, said today that a meeting of the executive board has been called for May 8 in Indianapolis to consider the question. "There has been a great demand for a strike over the coal fields," he said. "Both east and west have asked for the walkout because of the conditions in the Colorado fields. Telegrams are being received every day asking for a strike, and a meeting of the board has been called for next week. The international organization can order the strike, if it is found advisable. It would affect 200,000 to 300,000 men."

Trinidad, Colo., April 27.—Many citizens today openly expressed a feeling of relief when it was learned that President Wilson would probably order federal troops in the strike zone. Conditions here had quieted down since the arrival of the state troops, but the feeling here is that the federal troops are needed to maintain a high pitch.

No reports of violence in the strike zone reached here today. The present situation is very serious. Two hundred soldiers went into that district today.

A DISTINGUISHED IRISH VISITOR IN CITY

Seumas MacManus Is In Saint John

HE LECTURED TODAY

Story Telling in York Theatre This Afternoon—Entertained Last Evening—A Visit to Partridge Island

At the residence of Richard O'Brien Wentworth street, last evening, Seumas MacManus, the Irish novelist, poet and story-teller, who arrived from Montreal on the noon train, was invited to meet a group of citizens at dinner and to spend a few hours in general conversation. Those present were Mayor Frink, Supt. Bridges, Hon. R. F. Ritchie, Monsignor Chapman, Dr. R. F. Quigley, W. B. Tennant, Dr. McAvenny, A. B. Belding, John Keefe, W. J. Mahoney, F. B. Ellis and Henry McCallough. Mrs. O'Brien was a charming hostess, and in front of each guest at table, in honor of the distinguished visitor, was a tiny pot of real shamrock, while the table decorations also recalled the memory of the Emerald Isle. A most enjoyable evening was spent, and Mr. MacManus learned much of interest concerning Irishmen in this part of Canada. He is a pronounced Home Rule, and does not anticipate any very serious trouble in Ulster. He speaks with enthusiasm of the revival of Gaelic in Ireland, and of the progress of the Gaelic League in Ireland, and the progress both in agriculture and manufacturing industry.

At 4:30 this afternoon the poet physician met Mr. MacManus at his residence (Continued on page 10, third column).

MEDIATION NOT YET FULLY ARRANGED

No Official Word From Huerta But Despatch to Press is Bellicose—Carranza's Staff Give Warning of Ruse --Quieter in Capital and Mexico City

Washington, D. C., April 27.—Swiftly moving changes in the Mexican crisis, including receipt of private diplomatic advice that Huerta, like the United States government, had decided to accept the good offices of three South American powers, centered today in interest over possible courses that might be pursued in an attempt at amicable settlement.

Ambassador Riano, of Spain, who received the private advice of Huerta's reported decision, expected to be in position today to place the provisional president's former representatives of the arbitrating countries, Argentina, Chile and Brazil, South American republics.

Does This Mean Fight

New York, April 27.—The foregoing despatch from President Huerta of Mexico, was received at the New York office of the International News Service today. It was in reply to the following despatch sent to him on Sunday—

"Chile, Argentine and Brazil offer mediation between the United States and Mexico, will you accept?" Huerta's reply was:

"The republic of Mexico has always fulfilled its international obligations, and at every crisis will defend its rights trampled upon by the government of the United States."

(Signed) "V. Huerta."

The Mexican president makes no direct reply to the question asked to him, but his declaration that Mexico "will defend its rights, trampled upon by the United States" government, is said to have only one meaning—Huerta will fight.

May Be Game, Say Rebel Chiefs

Cihuahua, Mexico, April 27.—"Any settlement of the difficulties in Mexico, which will bring about the elimination of Huerta, will be satisfactory to the Constitutionalists." This was the general sentiment of members of the cabinet of General Carranza today. But they do not think that Huerta will yield, and declare that any indication from the rebels to deferring to the wishes of the Mexican-American countries, would be only a ruse to gain time.

Berlin, April 27.—Germany, England and France have advised Huerta to accede to the demands of the United States at Vera Cruz.

Vera Cruz, Mexico, April 27.—Brig. General Funston, commander of the Fifth Infantry brigade of the United States army, has been ordered to take command at Vera Cruz on Tuesday morning. The transports carrying the troops from Galveston are expected this afternoon. Reports are expected that the arms and ammunition in the homes of Mexicans is still going on. Despite the talk of mediation, preparations are continuing. Lieut. Ballinger, of the aerial corps of the United States navy, who made a long flight yesterday, reports General Huerta has declared that detachments of his troops are making forays destroying sections of the Mexican railway tracks.

Zapala, rebel bandit army leader, is said to have pledged support to Huerta. The Federalists and Constitutionalists still were fighting at Tampico yesterday. Several Americans were reported to be prisoners in Mexico City, including Mrs. Schmuts, wife of the United States consul at Acapulco, California.

General Fursten's men were loaded at Vera Cruz today.

It has been arranged that all American citizens be permitted to leave Mexico City. The 5,000 Mexicans held at Fort Bliss, near El Paso, are to be removed to Fort Wingate, New Mexico.

Villas left Azusa today for Chihuahua. He said he was sure the crisis was over.

The New York World has a copyrighted despatch from Mexico City, which reports that things are quieter and that there is no longer a rush of Americans to get away. Nearly all the American stores have reopened, and the stores owned by persons of other nationality have removed their shutters.

Admiral Baggot says all Americans held by Huerta at Tampico today, have been released.

General Huerta has not officially replied to the offer of mediation.

WAR NOTES

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LOCAL NEWS

COLLECTION YESTERDAY

In the Cathedral yesterday a collection was taken in aid of the Ministry of the Good Shepherd. The amount received was \$440.

INSPECTION TRIP

A. D. R. Tremaine, of the marine and fisheries department at Ottawa, is in the city on a trip of inspection of the local agency. He is at the Royal.

NO MEETING

The meeting of the common council scheduled for this afternoon, will not be held chiefly because of the final rush of arrangements for the election tomorrow.

NINE YEARS PASTOR

Rev. D. Hutchinson, D. D., completed nine years as pastor of the Main street Baptist church yesterday. At the evening service two new members were baptized.

SAND POINT ACCIDENT

John McAdam, a longshoreman working on the steamer Manchester Port on Tuesday, lost the index finger on his right hand when the binding of a bundle of freight this morning. His injury was dressed at the Emergency Hospital, but he was able to get home at 120 St. John street, West Side.

HORSE ELECTROCUTED

A valuable black horse of the Woodstock exchange of the N. B. Telephone Company, was killed on Saturday afternoon at a crossing near the city. The horse was used for a telephone pole into which he ran on becoming frightened at a passing vehicle. A small boy who tried to stop the horse was knocked unconscious but recovered.

ARCHBISHOP CASEY HERE

His Grace Archbishop Casey, of Vancouver, B. C., who arrived in the city yesterday, spent part of today with Rev. A. O'Neil at Silver Falls. He is registered at the Dufferin. His Grace is looking in the best of health and has been heartily greeted by many of his old parishioners. He visited the Ministry of the Good Shepherd yesterday afternoon.

ST. JOHN BOY WON

Friends in St. John will be interested in the success of Harry H. Upton, a former North End boy who is now studying for the ministry at Colby College. He was the winner of the first prize of \$80 in the Maine intercollegiate prize-competence speaking contest held in the Baptist church in Waterville, Me., last week. Mr. Upton was warmly praised for his capable address and the ability displayed as orator. His subject was "The Monster Menace."

CASE DISMISSED

Alanzo McDonnell was arrested on Saturday on a warrant charging him with using abusive language to Robert P. Campbell in German street on the morning of April 25. The complainant said that McDonnell met him on the street and called him bad names. Campbell had also entered a charge of assault against the defendant but withdrew it. The defendant denied the charges and as there was no other evidence the case was dismissed. Both at one time boarded in the same house. S. Ritchie appeared for the defendant.

WAS SEEN IN CITY

In The Times on Saturday reference was made to three dogs being missing from Riverside where they are supposed to have been stolen last week. One of a valuable collie owned by James C. Henderson of the post office inspector's staff, was seen in Garden street a few days ago apparently in company with a well dressed boy. The dog is a thoroughbred, with a heavy yellow coat, with white breast. He is about a year old and had a leather collar with six copper rivets and a small chain with lock-snap. He answers to the name of "Saucy."

Another Airman Killed

London, Eng., April 27.—Descending at London yesterday afternoon, Philippe Marty, a French aviator, fell fifty feet and was killed.

WAR NOTES

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BOTH SCHOONERS ARE CONDEMNED AND SOLD

John S. Spiane, of the firm of J. Spiane & Co., returned on Saturday from Southwest Harbor, Me., where he was looking after the schooner Calabria and Oriole. He said this morning that both vessels were condemned and sold. A schooner from Machias, is on its way to the scene of the wreck of the Oriole to transfer her cargo and complete her voyage to Boston. Nothing has yet been done towards salvaging the Calabria's cargo. Both vessels are total wrecks and will likely be smashed up.

ON THE RIVER

The river steamer Champlain this afternoon completed the first round trip of the season. She went up the Belle Isle as far as the ice would permit and then returned making frequent stops. She brought back a large number of passengers and all the cargo she could carry.

The D. J. Purdy left this morning on her first trip, and an effort will be made to get as far as Gagetown. The Oceano left at one o'clock for Wickham and will come down tomorrow, but will not make her daily trips until there is less danger of meeting floating ice late in the evening. Both boats were heavily loaded with freight.

The ice between Gagetown and Fredericton is still reported to be solid, and unless it breaks up and runs out within the next few days, a record will be established for late opening of navigation. The latest date on which the navigation opened since 1875 was in 1890 when the river was not clear until April 30.

DECIDE TO HOLD EVANGELISTIC CAMPAIGN

At a joint meeting of the Methodist and Baptist ministerial associations in Centenary church this morning it was resolved to make arrangements for the holding of Evangelistic services in the Queen's rink, to be conducted by Rev. Dr. Burrows, Rev. Wellington Camp and Rev. Ralph J. Haughton, secretary. George L. Knight was elected business manager, and Alfred Burley treasurer of the campaign. Another meeting will be held at Bond's restaurant, when ministers and laymen will discuss the matter further. At the meeting this morning devotional exercises were conducted by Rev. Mr. Haughton.

Vienna, April 27.—Emperor Francis Joseph passed another good night. The cough, though still somewhat troublesome, is looser.

Social Life Dull

Dublin, Ire., April 27.—The Dublin social season has been practically wrecked by the political situation.

Attacks Cailloux

Paris, April 27.—The Figaro makes a violent attack on M. Cailloux, designating his re-election "a disgrace and a degradation."

TRIBUTES TO THE LATE JOSHUA CLAWSON

The executive of the Fortnightly Club would place on record its high esteem for the life and activities of Mr. Joshua Clawson, who has been suddenly removed from their fellowship. Mr. Clawson was a charter member of the club, president on one or two occasions and secretary for many years. He was a faithful and loyal friend, and possessed of many fine qualities of heart and mind. His willingness in undertaking responsibility with deep regard to the duties of his office, and his ability to discharge them, and his diligence in his work, were highly appreciated by his friends and will be missed. He was a man of high character and a devoted family man. He is survived by his wife and two children, a son and a daughter.

French Elections

Paris, April 27.—Although 310 deputies were definitely chosen in yesterday's general election for the French chamber of deputies, the country will have to await the result of the 261 second ballots on May 10, before it can tell whether the present government will obtain a majority.

The known results do not indicate any remarkable change in the composition of the parties, but it would appear that the combination of groups led by former premiers Aristide Briand and Louis Barthou, known as the Federation of Democrats of the Left, was more favored by the voters than the groups forming the present government's majority.

FURTHER SUBSCRIPTIONS

- J. K. Percy acknowledges the receipt of the following additional subscriptions in aid of the Newfoundland sealing disaster fund:
- Amounts previously acknowledged: \$1,496.73
 - Manchester Robertson Allison: 50.00
 - T. S. Simms & Co.: 10.00
 - Thomas Bell: 10.00
 - Friend B. L.: 10.00
 - F. C. MacNeill: 5.00
 - James Pender & Co., Ltd.: 5.00
- Total: \$1,586.73

WEATHER BULLETIN

Phelix and Pheridiano

Issued by authority of the Department of Marine and Fisheries, R. F. Stupart, director of meteorological service.

opsis—A pronounced high area low temperature, covers the western provinces and the barometer is also from Ontario eastward, while an area of low pressure is moving toward Great Lakes from the southeast.

weather—is cool and unsettled throughout the dominion.

Fair and Cool

Maritime—Eastern portion; Light winds, fair and cool. Western portion; easterly winds, fair and cool today; easterly showers.

Washington, D. C., April 27.—New ground forecasts—Generally cloudy tonight and Tuesday; slightly warmer in the interior, moderate north

FIGHTING TIME AT OTTAWA NEAR

Ottawa, April 27.—Parliament appears to be approaching a fighting stage on the redistribution bill and the Canadian Northern aid bill. Likely the latter will have to be forced through under closure.

On Tuesday there is to be a caucus of the government's followers and the terms of the bill to aid MacKenzie and Mann will be discussed. If it is not too strenuously resisted in caucus, parliament will be given the terms on Wednesday.

RIVER ICE AT THE CAPITAL IS GOING

Fredericton, April 27.—There is little change today in the condition of the river. The ice opposite the city is melting rapidly and is considerably broken up. It is being held in place by the bridge piers. Below the railway bridge there is open water for several hundred yards.

A Boiestown man today reports five feet of snow in the Miramichi woods. When he left home this morning the crust was strong enough to hold him.

R. A. Corbett, of St. John, has accepted the contract to erect the new school building here.

BURIED TODAY

The funeral of Miss Elizabeth McArchie was held this morning from her late residence in Britain street in St. John the Baptist Church, where requiem mass was celebrated by Rev. Father Donohue. Interment was in the old Catholic cemetery.

The funeral of Frederick H. Needham was held this afternoon from his late residence in Waterloo street. Services were conducted by Rev. W. O. Raymond. Interment was in the Church of England cemetery.

The funeral of Evelyn Forester Bell was held this afternoon from the residence of Miss Roberts, 180 Metcalf street. Services were conducted by Rev. R. A. Armstrong and interment was in Cedar Hill.

Watch the Newspapers, Mr. Merchant

When you see advertised in the newspapers that such your customer is a product which you carry make up your mind that there is going to be a demand for that product.

Buy it along and share in the profits.

Use your windows, your counters, every legitimate way to let people know that you have the goods.

Mention the fact in your own advertising.

In a word, co-operate for the more you increase the sales of that particular article the more the manufacturer is going to push it in your community.