POOR DOCUMENT

THE SEMI-WEEKLY TELEGRAPH, ST. JOHN, N. B., JUNE 20, 1908.

PROOF OF PUBLICATION SUBMITTED IN THE MILLIGAN-CROCKET LIBEL SUIT.

One Witness Heard and Adjournment Had Until This Morning at Defendant's Request-Other Cases Before the Circuit Court-Connolly vs. the City of St. John.

willing to accede to the request for an adjournment, but was anxious to get through with one witness who was very through with one witness who was very desirous to give her testimony at once and get home. She had come from a distance and at some inconvenience to her self. This witness, he said, would be called to prove the publication of the alleged libelous article and also the defendant's connection with the Daily Gleaner in which the article appeared.

His honor ruled that the evidence o' Mrs. C. Maud Currie, the witness referred to, would be taken and that then an adjournment would be had until this morning.

Mr. McKeown then resumed his ad dress to the jury. He said that the subject matter upon which the libel was founded would be familiar to the jurors as it had reference to the making up of the so-called Rothesay non-resident list He read the declaration which is as fol-

The case of Connolly vs. the City of St. John was taken up.

The plaintiff in this case is Michael Connolly, of Montreal, who is seeking to recover from the city a balance of \$6,000 which, it is alleged, is due him for dredging at the Mollecod wharf and elsewhere.

George V. Molnerney, K. C., who eppeared for the plaintiff, objected to the case going to trial when the jury was made up of city residents altogether who, under an assertion and leases where the city is an interested party. The case was accordingly made a remanet, Hon. C. N. Skinner, K. C., for the city, consenting.

In the case of the King vs. Merritt Lord the defendant not being present, Hon. H. A. Mokkeown, K. C., on the case of the king vs. Merritt Lord the defendant not being present, Hon. H. A. Mokkeown, K. C., on the case of the king vs. Merritt Lord the defendant not being present, Hon. H. A. Mokkeown, K. C., on the case of the king vs. Merritt Lord the defendant not being present. Hon. H. A. Mokkeown, K. C., on the case of the king vs. Merritt Lord the defendant not being present, Hon. H. A. Mokkeown, K. C., on the count, moved that the bail Robert Craft and John Day, be subpoenaed. If Lord does not appear the bail will forfeit their bonds.

Militigas vs. Crocket.

does not appear the bail will forfeit their bonds.

Militgan vs. Crocket.

At the beginning of the afternoon session Hon. H. A. McKeown moved for trial in the case of Milligan vs. Crocket. If n. reply to inquiry by the judge Mr. McKeown said that apparently no one appeared for the defense. He had wired Gro. W. Allen that the case was coming up in the afternoon, but had received no reply, atthough he knew Mr. Allen had telegraphed to another attorney here in reference to the case. Mr. McKeown moved for trial and the following jury was sworn:

W. H. Duval, Joseph A. Stubbs, John Conlon, John Splane, Samuel L. Gorbell, Joseph A. Tilton, and William Heath field.

After Mr. McKeown had begun his address, W. B. Wallace entered the court that he had received a telegram from Mr. Allen, the defendant's attorney, asking him to apply for a postponement until this morning.

In reply Mr. McKeown said he was miling to accede to the request for an adjournment, but was anxious to get through with one witness who was very selestion get the testimony at once the forgery of this electoral list. Heather that the defendant and also pointed out that the defendant is a being a plantiff, and his co-adjutors have smple reason to be friends of the forgery of this electoral list, and also pointed out that the defendant is of the defense. He had wired the forgery of this electoral list, and also pointed out that the defendant is of the forgery of this electoral list, and also pointed out that the defendant is of the great seather than the plaintiff, and his published the statement that if the prosention, with a first the replantiff spart in the conspiracy would be concealed. The alleration by the defendant of the plaintiff spart in the plaintiff, who all and the following jury was sworn:

W. H. Duval, Joseph A. Stubbs, John Conlon, John Splane, Samuel L. Gorbell, Joseph A. Tilton, and william Heath field.

After Mr. McKeown had begun his additional the prosention with the prosention will be a service of the great from the himportant prope

brought face to face with an exceedingly serious crisis.

Very truly yours,

"SUNLAGHT IN THE FOG.

"St. John, N. B., July 4th, 1902."

Meaning by the statement in said letter "but you should not forget that the Right Hon. Sir Jimmie Milligan and his coadjutors have ample reason to be friends of the 'deaf and dumb," that the plaintiff was guilty of wrong-doing and that by reason of being so guilty of wrong-doing had ample reason to be friends of those who refuse to reveal the wrong-doing of plaintiff.

And the plaintiff claims one thousand dollars.

H. A. McKEOWN,

H. A. McKEOWN, Plaintiff's attorney.

To Messrs. Winslow & Allen, defendant's Mr. McKeown next read the defend-

In the Supreme Court, the twentieth day of October, A. D. 1992. James H. Crooket ats. Charles J. Milligan. The defendant by Winslow & Allen, his attorneys, as to the first count of the declaration, says that he is not guilty. ant's pleas, which are as follows:

sign matter upon which this is proved the security of the so-called Rocheay non-recident list like read the declaration which is as follows:

Separation of the security of th

isors did prepare a list which purported to ontain a correct list of all persons so qualfied to vote as aforesaid which is the list in the said second count of the declaration nentioned, and duly signed and attested the ame is by law required; but after the said list was so prepared, signed and attested by he said revisors as aforesaid and before it was received by the secretary-treasurer of the said county of Kings the names of a large number of persons were unlawfully, falsely and fraudulently placed upon and added to the said list, whereby it was made to appear that such persons were qualified and would have a right to vote in the said parish of Rothesay at any election of members to represent the said county of Kings in the said Legislative Assembly that might be held in the said year one thousand nine hundred and one, whereas such persons were in fact wholly unqualified so to vote; and after the said names had been so unlawfully, falsely and fraudulently placed upon and added to the said list the same was sent by mail to the said secretary-treasurer of the said county of Kings as being the prop-

charged against the plaintiff as being a party to the forgery of this electoral list, and also pointed out that the defendant

Crocket was editor and manager of the paper at the time and was responsible for all the matter which appeared in it, both editorial and correspondence; that he read the article containing the alleged libelous matter, which had come in correspondence. pondence, and sent it to the printers. It was entitled "Sunlight in the Fog." She was entitled Sunlight in the Fog. She had been sixteen years in the Gleaner employ and left it in December last when she was about to marry and remove to Woodstock, where she now resides.

She swore that a copy of the issue of July 5, which she identified by its general appearance and by specific advertisements in it, was issued and circulated through the mails to subscribers and by stree

defense the witness repeated much of her previous testimony and said that while there were other editorial contributors they were not paid and only contributed occasionally. Mr. Crocket was the regu-lar editor and had charge of the editorial as well as the local copy for the paper. The witness said she knew Mr. Crocket wrote the editorials as he frequently dic-The court then adjourned until 10 o'clock this morning, when the case will

In the case of Milligan vs. Crocket, Thursday morning, W. B. Wallace, K. C., and O. S. Crocket, of Fredericton, appeared for the defendant. When the court opened Mr. Crocket stated that his brother, James H. Crocket, had not known that the case was coming up until late Wednesday afternoon, when his attorney, George W. Allen, called upon him and told him that Allen, called upon him and told thim that he would not proceed with the case and that he (James H. Crocket) would have to get another attorney. Mr. Crocket was consequently unprepared to go on with the case, having taken no steps to sub-

wish a snap verdict and was willing to postpone, but he thought all these facts should be set forth in an affidavit. O. S. Crocket accordingly prepared an affidavit and on this affidavit the case was post-

peaking about lawyers, but it certainly appeared that Mr. Allen had acted very unproperly and very unfairly to his client. mipossible to do so he should give the client ample time to get another lawyer and to prepare his case. It seemed to him that Mr. Allen had done very wrong. Judge McLeod announced that he would take the case up again in its regular order as No. 4 on the docket, and in letting the Judge McLeod announced that he would take the case up again in its regular order as No. 4 on the docket, and in letting the jury go he warned them not to discuss the case. He told the newspapers he did not want them to discuss the case either, or to publish the pleadings except as they appeared as a regular record of the court.

The case of W. Malcolm Mackay vs. Donald Fraser & Sons of Fredericton was then taken up. This is an action for breach of contract made between the plaintiff and the defendants, whereby the defendants agreed to sell the plaintiff 5,000,000 superficial feet of spruce deals.

The plaintiff alleges that only about 4,000,000 feet were delivered; and this action is for the profit which the plaintiff would have made on the 1,000,000 feet which were undelivered, amounting to \$4,324.09.

tion is for the profit which the plaintiff would have made on the 1,000,000 feet which were undelivered, amounting to ard R. Lloyd and Joseph Robinson was taken under a commission in Liverpool, England. This evidence was read after having been objected to by A. J. Gregory,

season of 1899-1900.

Judge McLeod did not give any ruling in reference to Mr. Gregory's objection, but will decide later whether the evidence

is admissable or not.

Jarvis Wilson was the first witness cal'ed by the plaintiff. He is Malcolm Mackay's (Continued on page 4, fifth column.)

to use with a brush, strained carefully and applied with a spray pump. In addition spray carefully with a kerosene emulsion when the bark lice are moving in June. For sun scald it was pointed

NEW BRUNSWICK ORCHARD REPORT.

Dominion Fruit Inspector Mc-Neill Tells of His Visit to This Province.

NEEDED IMPROVEMENTS.

Stock Grown Not Suitable for English Market--Trees Are Set Too Close Together, and the Ground Should Be Thoroughly Cultivated.

A. McNeill, dominion fruit inspector, who has been giving a series of orchard meetings in different parts of New Bruns wick this spring has made the following report to the department of agriculture

By your instructions I attended orchard

April 22, 1808, Antiover, o'Carata of 1.

E. Porter; attendance 120.
April 23, 1903, Florenceville, orchard of
H. H. McCain; attendance 110.
April 24, 1903, Woodstock, orchard of
C. L. Smith; attendance 65.
April 25, 1903, Harvey Station, orchard of Thos. Robison; attendance 45.
Aprill 27, 1903, Westfield, orchard of G

R. Willett; attendance 108. April 28, 1903, Sussex, orchard of G. H April 29, 1903, Hillshoro, A. Stevens; attendance 80. April 30, 1903, Shediac, orchard of D. S

Harper; attendance 30.
May 2, 1903, Lower Gagetown, orchard
of G. W. Fox; attendance 100. May 4, 1903, Upper Jemseg, orchard of F. J. Purdy; attendance 70. May 5, 1903, Upper Sheffield, orchard of ally larger than in the afternoon, excep

The demonstration is spraying and "or-chard repairs," Illustrated from the or-chard in which we happened to be located Our meetings covered the St. John Valley from Andover south, as well as the points between St. John, Hillsboro and Shediac. This wide range of country may be conveniently divided into two districts, the one lying north of Woodstock, and

succeed. The southern district is growing all the commercial varieties, but the Duche's (New Brunswicker) is the commonest variety, and in many places is grown to the exclusion of all other variety.

experiments in the matter of winter varieties. Although many of these have been planted, the results as reported by the growers are somewhat conflicting. The care, however, given to orchards varies so much that it renders any conclusion impossible. It is therefore highly desirable that experimental orchards, not necessarily large, should be planted in different sections of the country, under conditions as uniform as possible. Such orchards would not only be an example of the best methods in orcharding, but would give reliable data with reference to varie-

southern district.

The orchardists of New Brunswick are making one or two serious mistakes in orchard practice. In most of the orchards orchard practice. In most of the orchards the trees are planted from 12 to 16 feet apart. This is altogether too close; much better results could be obtained, even with the Duchess, a small growing tree, if it were planted 25 to 30 feet apart. Large growing varieties such as the Rhode Island Greening and Northern Spy should not be planted closer than thirty-five to forty feet apart. The saving in close planting is only in the rent of the land; there is a rerious loss in the difficulties of performing all orchard's operations.

was so much greater than that of the or chards in the neighborhood, grown in sod, that all who have carefully studied the must be the general rule for orchards. In nearly every orchard visited we found the trees badly infested with oyster-shell bark, louse and sun-scald was also quite whitewarh made just as it would be made to use with a brush, strained carefully and applied with a spray pump. In ad-

out that if the tree were leaned a little toward the southwest, so that the limbs would shade the trunk, and if the pruning were not too severe, this injury might be prevented. There appears to be some difficulty in getting suitable nursery stock, though it is likely that the Department of Arrivaltane working though the ment of Agriculture working through the agricultural societies will make an im-

Brunswick appear to me to be good.

There is, inowever, a lot of educational work to be done. There is scarcely a farm upon which there is not at least five acres suitable for orchard purposes, presuming that fifty trees were put upon farm could be doubled in eight years by placing an orchard upon it. This orchard would furnish remunerative employment for a large number of people, and thus prove itself a benefit to every industry

In conclusion permit me to say that the arrangements for this series of meetings made by the department of agriculture for New Brunswick were in every respect

NERVOUS SCHOOL CHILDREN. Many Are Run Down-How to Give Them Strength to Meet the Coming

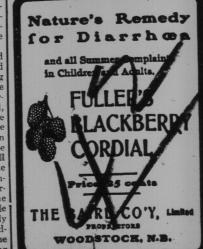
druggists, or by mail from The Ferrozone Company, Kingston, Ont.
FERROZONE ASSURES HEALTH.

Windsor, N. S., June 16.-Edgehill clos-Windsor, N. S., June 16.—Edgehil closing exercises took place today and a large number of visitors were present.

The principal, Miss Lefroy, stated in her report that excellent work had been done by the eighty-nine pupils. In music an examiner sent from England by the Royal College of Music had tested live of the pupils in piano, with excellent results. the pupils in piano, with excellent results, as two obtained honors, one a pass and two distinction. Miss Louisa Longley. daughter of the attorney general of Nova Scotia, gained perfect marks and secured a prize of £3 sterling. Hilda Bingay, of Yarmouth, in pranoforte, stood first in the Yarmouth, in pranoforte, stood first in the senior grade, and was the only candidate from Canada obtaining honors. In needlework ten have received from London "good certificate," and four "very good." Edith Henderson and Winifred Barker carried off the tetunis prizes.

The musical and literary programme was most successfully carried out. The Swallows, a part song by the whole school in chorus, was very effective. The march from Tamphauser, a four-hand piece, was artistically rendered by Beatrice Smith, of Halifax: Helen Roes, of New York; Char-

from Tamhauser, a four-hand piece, was artistically rendered by Beatrice Smith, of Halifax; Helen Ross, of New York; Charlotte Hansen, of Truro, and Louise Longley. Miss Elsie Morine gave with taste and expression The English Flag. The violin solo by Helen Palmer, of Charlottetown, was delightful. Helen Mitchell, of Charlottetown, and Gwendoline MacKinlay, of Halifax, gave a choice selection from Mosekowski. The songs Jack Frost and Lullaby, given by the junior members of the school, were entrancing. Olga Barker, of Flushing (N. Y.) gave with much spirit a piano selection. Variety was given to the exercises by a French play given by Misses Schenk, Thomson, Carver and Kemp. Ethel Schenk, of Halifax, sang with distinct enunciation and great purity of tone When the Heart is Young. This was followed by two waltzes beautifully rendered by Misses Bankier and Heneker. The song Like as the Heart, by Alice Chipman, of Cornwallis, with 'cello obligato, showed to advantage her excellent voice. Miss Chipman is a senior of Kings, and her brother graduated from Acadia a few weeks ago. A recitation from Hamlet by Edith Henderson, of Halifax, was given with great pathos. Miss Schenk, who sang so beautifully, gave a piano solo from Mendelesohn. The Owl, a part song by the school in chorus, was delightfully given. Miss Mills, who gave the violin by the school in chorus, was delightfull given. Miss Mills, who gave the violi solo. Cavatina, is evidently a favorite wit music lovers, as her excellent work re ceived great applause. The programme closed with ball exercises by the junior nembers of the school. The distribution of prizes and awards followed by addresses by the bishop and



KING'S COLLEGE AMALGAMATION PLAN VOTED DOWN BY GOVERNORS YESTERDAY.

Warm Debate Over Proposal to Consolidate With Dalhousie - New Governors Elected Include a St. John Man-Faculty to Be Reorganized and New Policy Pursued.

Windsor, N. S., June 17—(Special)—The Alumni of King's College held an important meeting today. A large number was present, there having been nearly 300 repent additions to membership. The first present, there having been nearly 300 recent additions to membership. The first distinct trial of strength between those in mation of Archdeacon Kaulbach, of Truro, as governor representing the alumni. He resigned because he was in favor of amalgamation. Rev. Mr. Armitage, of Hahifax, led the unionists, and Judge Hanington, of Dorchester, those in favor of retaining King's at Windsor. The judge carried the meeting by a majority of sixty-three to twenty-one, and the resignation was accepted.

cepted.
C. H. Giles, of Kingsclear (N. B.), has offered \$100 a year to the college on condition that it be conducted at Windsor. He was elected a life member of the alumni. Among the new members elected to the alumni were T. C. Allan, chancellor of the diocese of Fredericton, and several members of the law school, St. John. The re-

The following vacancies were reported:
Justice Hodson and R. J. Wilson, from the
board of governors, and Archdeacon Kaulbach, by resignation. The president of
the alumni, with Maynard Bowman, Dr. M.
A. R. Smith and Rev. K. C. Hind retired A. B. Smith and Rev. K. C. Hind retired from the executive. Three deaths were noted, all of them members of the university: I. Allan Jack, Rev. Thomas Maynard, M. A., and Rev. Maurice Swahey, M.

The new governors elected by the alumni are Rev. Canon Crawford, Thomas Brown and H. H. Pickett. The sum of \$300 was wards the salary of the professor of molern tance of keeping the salary of the professor of motion the highest point. Ince, strength and rozone. It gives a to win out suc
the highest point. Ince, strength and rozone. It gives to win out suc
the salary of the professor of motion term supports the primary sonois. He thought the object arrived at in federation of maritime colleges should be realized, although perhaps the growth would be slow, he would continue to work for it. The resowin out sucones over the on two occasions, namely, at its last annual lution carriplied with Fermeeting and at a special meeting held on thirty-nine.

Dean Par continuance of the college, and particular-y a reorganization of the faculty under the

Moved by Rev. Mr. Vernon, seconded by Mr. Davidson that the faculty be reorganized and increased in such a way that as far as the necessary funds are available the instruction provided by and so improved as to meet the growing demands of proved as to meet the growing demands of the second that the spective synods a year ago be not confirmed.

A delegation of ladies representing the symmetric auxiliary waited upon the board, women's auxiliary waited upon the board,

Moved by Rev. Mr. Vernon, seconded journed.

The board of governors this evening.

The board of governors this evening.

Rev. S. Weston Jones reported for his ty, with a new head.

A BRAVE WOMAN IS CAPT. DELAP'S WIFE,

Bear River Schooner V. T. H .--An Anxious Night and a Total

Monday's Boston Post tells the following story of the wreck of the Bear River Tuesday's Telegraph:-

lap of the two-masted schooner V. T. H., night, and her heroism in the face of shipwreck and what seemed like certain death has earned for her the plaudits of sea-held at the "Willows" on the Kennebec-casis river. The members—W. II.

with a cargo and a deck load of lumber from Bear River (N. S.), to Boston, got from Bear River (N. S.), to Boston, got lost in the fog on Wednesday night, got was buffeted around by the heavy seas until the captain lost his bearings and was unable to fix his course.

Last Friday night while the vessel under shortened canvas was ploughing along aimlessly she grounded on Sea Point, off Portsmouth (N. H.)

With a high sea running it was suicidal to leave the vessel. A boat would have

to leave the vessel. A boat would have been swamped if launched. Mrs. Delap was on deck bravely doing was expected to mean death for all on board because it seemed impossible that the vessel could withstand the tremendous

pounding of the rocks on her hull.

Mrs. Delap, never losing her nerve for an instant, cheered the men in their work. The seas were breaking over the craft and pouring into the hull through a jaggered hole in the bottom. Suddenly a fearful preaker smashed into the rigging and plintering the mainmast tossed it over-

board.

Then Captain Delap forced his wife to go below, despite her protests, for he was featful for her safety.

All on board passed an anxious night. No one dared sleep and all were prepared to make a desperate effort to reach the shore if the ship went to pieces.

Fortune was with them, for when daylight came the ship was but 400 yeards light came the ship was but 400 yeards from the shore and the tide going out

clamber over the rocks to the shore.

Procuring assistance he had Mrs. Delap, dripping wet, but still full of courage, brought ashore, and then the crew left The schooner will be a total loss and

both vessel and cargo are uninsured. She is a two-masted schooner of 180 tonnage, owned by Marshall & Hardy of Digby (N.

and not a parish if the dry of the both has yet been visited by a representative of the college, nearly \$4,000 has been subscribed and a pledge of a bequest of \$50,000 provided the college be maintained upon the present foundation, and other conditional promises of \$3,000. He closed his report with the expression of his conviction that a bright future awaited if only the work is carried out without terruption and aggressively

interruption and aggressively.

The resolution of Mr. Brown was supported by S. Weston Jones and Rev. E. G. Harris, Canon Crawford; while Mr. Armitage championed the amalgamation interest. His argument consisted chiefly of comparisons between King's College and the universities of Canada and the United proved by amalgation with Dalhousie.

Canon Crawford replied that to his mind federation was dead and amalgamation was

The question being put resulted unani-mously in favor of the original resolution

Justice Hanington then introduced a resolution to the effect that this associa-tion instruct the board of governors that it is strictly opposed to any form of amal-

gamation.
C. A. Symonds offered an amendment, seconded by J. Roy Campbell, to the effect that the iboard of ex-governors should not abandon the thought of amalgamation behavior that the other than the contract of the contr

igher educational instructions as it today

meeting assembled they reaffirm their previous resolutions and request that they be promptly and efficiently carried into effect."

that the sum of \$500 and traveling expenses, if required, be voted to enable Rev. S. Weston Jones to continue his work. Carried. The meeting then ad-

Rev. Mr. Armitage, rector of St. Paul's, spoke, claiming that since 1876 nearly \$30, 1000 of capital had been used up and that a prominent lawyer of Nova Scotia was likely to try and force the governors to refund it.

Idelegation of ladies representing the women's auxiliary waited upon the board, recommending that a new chair be established in divinity, called the "Queen Alexandra chair," and guaranteed the necessary salary for the professor for five years. It was resolved to reconstruct the facul-

SCHOOL OF PHARMACY MAY BE ESTABLISHED.

Cheered the Sailors of the Wrecked Question Discussed at the Annual Meeting of the Society Held at The Willows Wednesday.

> There may be established in this city an institution for the education of young men desiring a knowledge of pharmacy. There is a balance of about \$745 to the There is a balance of about \$745 to the credit of the N. B. Pharmaceutical Society, and at the annual meeting Wednesday the advisability of devoting this noney toward a pharmaceutical college was considered, but no definite steps were taken. The idea was merely advanced, but yet ing practical form.
>
> The annual meeting of the society was

> J. Cochrane, E. R. W. Ingraham, Struan Robertson, T. J. Durick, S. H. Hawker. Silas McDiarmid, P. J. Donohue, R. B. Travis, of St. John; Frederick Watterson, Miss E. A. Clark, and Aubrey D. Johnston, St. Stephen; J. D. B. F. Macdrews, and T. C. Donald, of Hampton; H. Paxton Baird, of Woodstock; Geo. Y. Dibblee, of Fredericton, and Dr. W. B. McVey, of Boston, met at the pharmaceutical rooms, Market Building, Wedness up to the "Willows" was as enjoyable as good scenery, good weather, a good boat and conviviality could make it. The business meeting was held in the afternoon. Valuable papers were read by M. V. Padthe College of Physicians and Surgeons, as follows

Aubrey D. Johnston, St. Stephen, presi E. Clinton Brown, St. John, vice-presi

E. R. W. Ingraham, St. John (west), registrar.

Chas. F. Wade, St. John, secretary. Wm. Hawker, St. John, treasurer. Miss E. A. Clarke, Frederick Watterson, R. E. Coupe, Struan Robertson, M. V. Paddock, W. B. Mowatt, and P. J. Donohue, council.

The financial report was then received and the matter of a pharmaceutical insti-tute considered. Upon conclusion of business dinner was served in Host McCormick's "own" style. The return to the city was made about 11.15 o'clock.

Bridgetown, N. S., June 16—(Special)—Chas. D. Robinson, purser of the steamer Messenger, disabled last week near Halifax, returned yesterday. The steamer is being repaired at Yarmouth.