

POOR DOCUMENT MARCH 4 1910

THE STAR, ST. JOHN N B FRIDAY, MARCH 4 1910

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IMMIGRATION DEPT. WENT BEYOND BOUNDS

Detained Chinese and White
Wife Released

**Judge McKewen Says Order of Detention
and Deportation Was Not Warranted
—Saucer Used in Court.**

His Honor Mr. Justice McKewen in the Supreme Court Chambers this morning in the habeas corpus proceedings of Frank Brown, (Chinaman), and Margaret Brown, (white), his wife, held by Captain Gamble of the S. S. Christian under an order issued by the Immigration Department for deportation on the ground that both are suspected of committing a criminal act in England, made an order discharging both from the custody of the ship.

The hearing on the return to the habeas corpus in the case of the Chinaman was resumed this morning from yesterday morning and as Mr. J. S. Ritchie obtained a writ of habeas corpus directed to Captain Gamble to produce the body of Mrs. Brown, Mr. Fred R. Taylor for the steamship company, made a return similar to the one made in the Chinaman's case, that both were held under an order for deportation issued by the Immigration authorities.

Mr. W. J. O'Hearn, of Halifax, Mr. E. S. Ritchie, appeared for the Browns, Mr. D. H. McAlpine, K. C., for the Department of Justice to oppose the discharge, and Mr. Fred R. Taylor was present to watch the interest of the steamship people.

When the court opened this morning at eleven o'clock O'Hearn read the affidavit of Frank Brown, which he deposed that he left Raymond, Alberta, on July 15th last for Liverpool, England, and intended to return to Canada. During his absence in England on February 12th last, he married an English woman named Margaret Kelly. The couple were married by a Church of England minister. Affidavits of George H. Budd, formerly secretary treasurer of Raymond, and of Solomon Kimble, the present secretary treasurer, were read in which the deponents swore that they knew Brown and that he had a restaurant in Raymond and owned both real and personal estate and that on July 15th last Brown announced his intention of going to Liverpool. A large photo of Brown was attached to the affidavit.

McAlpine, K. C., "Is Frank Brown his right name?"

O'Hearn—"Yes, that is his English name."

Turning to Brown he asked his Chinese name which Brown answered, "Frank Brown."

Young See, formerly of McLeod, Leithbridge, and Raymond, in Alberta, now residing in this city, was called by Mr. Ritchie.

The Court—"Will we have a saucer, or is he a Christian?"

O'Hearn—"A Christian, your honor."

See—"I'm a Methodist. I go there sometimes."

Taylor—"I think that the witness should be sworn in the usual way—that is with a saucer."

The Court—"Mr. See, what is your religion?"

Ans—"Chinese."

The Court—"Get a saucer."

A brother Chinaman was despatched for one and in about fifteen minutes returned with it.

The Court, handing witness the saucer and the latter holding it up—"Young See, you swear that you will tell the truth, the whole truth and nothing but the truth, and if you do not tell the truth may your soul be broken as you now break that saucer?"

Witness (breaking the saucer with some difficulty)—"I do."

Examined by O'Hearn witness said that he met Brown for the first and only time about four years ago in McLeod, Alberta.

Under cross examination by McAlpine, K. C., nothing new was elicited.

O'Hearn—"May I please your lordship, it is not up to us to call Brown. It is incumbent on the other side to question him if they wish. We have satisfied the statute by filing the affidavits and my learned friends may cross-examine Brown on those affidavits."

McAlpine, K. C.—"We do not wish to call him."

INGERSOLL

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Sold only in 1 lb and 2 lb blocks

For sale by all Grocers

Manufactured by
The Ingersoll Packing Co., Ltd.
Ingersoll, Ontario, Canada.

HARMONY PREVAILS IN PUBLIC ACCOUNTS

Only a Few Items Under
Discussion Today

And No Harsh Criticism—The Telegraph
and Mr. Woods—Paying in French
Papers for Translations.

PRIDDERICK, N. B., March 4.—The Public Accounts Committee met this morning. Before taking up the regular business Mr. Woods rose to a question of privilege. He read the first paragraph of the St. John Telegraph's account yesterday of the proceedings which stated in substance that it was evident at the outset that the chairman intended to block a full enquiry. Mr. Woods thought this was most unfair as there was nothing in the warrant such a statement. He thought that the press should endeavor to show some reasonable fairness. Some good natured remarks followed from the members. Mr. Pinder said it would take more than that paragraph to hurt his feelings. The Solicitor General was present and added that the press would have to make some little fun.

The Solicitor General explained the three charges made by T. J. Carter against legal services amounting altogether to \$27,000. All the cases were of murder and of the greatest importance and the charges were most reasonable. The largest item was \$22.00. The case came on when the Legislature was in session last year and as it was impossible for either the Attorney General or himself to attend outside counsel had to be secured. Mr. Tweeddale asked if it was not the clerk of the peace's duty to perform such work.

Mr. McLeod replied that it was not and did not come within his sphere. If the clerk was engaged he would have to be paid extra. Mr. McLeod would not take a short address. He considered it only fair to the present administration to say that though criminal prosecutions last year had been larger than in many years past, the cost to the province in 1909 was nearly one of the lowest of the last year of the old government.

The Contingencies Act was next investigated. Mr. Lablache brought up the item of the payment of \$300 to the Montreal Académie for translating the debates into French. Presently Mr. Bourque disputed this and some lively talk followed as to the circulation of the papers. Mr. Bourque said that the old government gave it to only one paper. Mr. Lablache said that that was true, but he himself had always been in favor of giving it to both papers.

However, it made no difference what the government gave it to. It was formerly one, we were now under a new regime.

Mr. Lablache asked that the committee recommend the granting of \$100 to the Evangeline for the coming year. The matter was left with the government as in previous years. The amendment was carried on a straight party vote.

The opposition criticized the payment of \$2500 for the examination of preparing amendments to the game and highway accounts, as being too large. The government supporters did not agree. This concluded the examination on contingencies.

Under the head of mining and mineral development, Mr. Lablache called for papers and the accounts of A. J. Witzel, \$1826 and for persons paid for transporting the Colby drill \$181.70. The first papers showed a letter from the Auditor General refusing to pay the account and the auditor being questioned as to the matter. The second account contained a letter from Deputy Surveyor General Loggie saying that the account was excessive and asking that further details be obtained. The third account was paid by an order from the council after he was satisfied of its correctness. The fourth account further accounts of Mr. Lablache requesting to stand over until the next meeting as he wanted time to investigate.

The committee adjourned until Wednesday. The accounts of the Provincial Hospital for Nervous Diseases will be taken up on the following day. The committee was requested to write Dr. Anglin to be present on that day.

Mr. McAlpine read the affidavit of Mr. A. T. Dunn, collector of this port wherein the latter deposed that the head tax of five hundred dollars had not been paid him.

Here Mr. Ritchie observed that the company had collected that amount from Brown and were holding it. He claimed that it was up to the company.

O'Hearn in reply: "More suspicion does not give the immigration agents the arbitrary power of placing him on board a ship for deportation. At common law a subject or an alien had the right to go from one part of His Majesty's dominions to another unmolested and this privilege can only be taken away by statute. The immigration agents had no statutory authority to deport this man under the existing circumstances."

Dealing with the head tax question counsel claimed that it had not been paid with this case. It was a matter by itself and no doubt the immigration authorities would look after it. Mr. McAlpine, K. C., "Your Honor, Brown is guilty of indictable offence and liable to be imprisoned if he willfully evades the payment of the head tax."

The Court: "Of course I have nothing to do with that in the present case."

Argument on the return of the habeas corpus in the matter of Mrs. Brown was then presented.

O'Hearn—"May I please your lordship, the grounds taken above."

Mr. O'Hearn observed that Mrs. Brown did not have to pay the head tax.

Mr. McAlpine claimed that the identity of Brown had not been established and he said that all Chinamen looked alike.

Judge McKewen delivered the following oral judgment. After reciting the facts of the case he said: "As to Frank Brown, it appears that he was a passenger on board the Christian coming to Canada and is now held under an order issued by the department of immigration directed to the company the terms of which are that Brown and his wife shall be deported. This order was issued on the strength of the affidavit from the high commissioner's office in London asking that Brown be held as he and his wife were suspected of committing a criminal act in England. Before deciding these questions I will take up the matter of whether Brown has been sufficiently identified, that is he the Frank Brown who lived in Canada for twelve years and is he the man who carried on business in Raymond, Alberta."

His Honor quoted from the affidavit of the secretary treasurer of Raymond and came to the conclusion that the Brown in court was the Frank Brown of Raymond.

Continuing His Honor said: "After giving this matter careful consideration I have come to the conclusion that the immigration officials have exceeded their authority in issuing the order for detention and deportation, in both the case of the Chinaman and his wife and I do hereby order that both be discharged from custody."

Mr. Taylor asked to have Brown and wife returned to the ship. He had written order of the court had been served on the captain.

Mr. O'Hearn thought that the court had no right to tell Brown where he should go as he had been discharged. As the ship sails this afternoon at four o'clock, Mr. Ritchie promised to get the order served immediately.

One spoonful of Reindeer Condensed milk will make your cup of coffee much richer, not changing the flavor.

FUNERALS

MRS. SARAH H. ROACH.

The funeral of the late Mrs. Sarah H. Roach took place this morning at 11:30 o'clock from her residence, 115 Wentworth street. Rev. B. H. Nobles conducted the service. The remains were taken on the C. P. R. express to Sussex. Service will be held in the Main Street Baptist Church there. Interment will take place in the Roschville cemetery.

WILLIAM H. WHEPLEY.

The funeral of the late William Henry Whepley was held this afternoon at 2 o'clock from his residence, 744 Kennedy street. Rev. R. P. McKim conducted the service. Interment was in Cedar Hill cemetery.

ALICE M. MASTON.

The funeral of the late Miss Alice Maud Maston took place this afternoon at 3:30 o'clock from her residence, Durham street. Rev. David Hutchinson conducted the service. Members of the choir of Main Street Baptist Church rendered several selections. Interment was in Cedar Hill cemetery.

MISS ANNIE DILLON.

The funeral of the late Miss Annie Dillon took place this morning at 11 o'clock from her residence, Richmond street. The remains were taken to the Cathedral, where requiem high mass was sung by Rev. Michael O'Brien. His Lordship Bishop Casey assisted in the service. Interment was in the new Catholic cemetery.

JOHN R. MACDONALD.

The funeral of the late John R. MacDonald took place this afternoon at 2:30 o'clock from his residence, 127 Brin street. The remains were taken to the Cathedral, where Rev. Michael O'Brien read the burial service. Interment was in the new Catholic cemetery.

HOPE FOR PEACE, BUT PREPARE FOR STRIKE

Philadelphia Transit Co. Is
Considering Arbitration

May Join With Men in Asking Appointment
of a Board—Belling Hildy for a
General Strike.

PHILADELPHIA, March 4.—The board of directors of the Philadelphia Rapid Transit Company met this morning to consider the offer of the striking car men made last night that they join in petitioning the court of the city to appoint a board of arbitration to adjust the differences existing between the company and the men. Labor men say the acceptance of the company in the proposed arbitration will mean the calling off of the general strike ordered to go into effect at midnight tonight and the return of the striking trolley men to their cars.

The offer of the car men was made through their attorney, Burwood Daily, in a letter addressed to President Krueger of the Rapid Transit Co. following the declaration of Mayor Bayburn that an act of assembly providing a means of arbitration. The letter called for a reply by noon today. In offering the arbitration proposition the letter says:

"We are animated by this suggestion: First, because the statute represents an expression of the will of the people as to the manner in which to settle the differences existing between us, and, thirdly, by a desire for an immediate and permanent restoration of normal business conditions, which seem to be in danger of being further disturbed by reason of the differences existing between us."

Although President Krueger stated to a committee of business men that the company will play the law he has refused to take place at midnight tonight. The carpenters and joiners decided to demand an increase in wages for their men as well as joining the national officers of the union. The leaders on both sides of the big labor fight are receiving hundreds of telegrams from labor over the country, giving them moral support and endorsing their respective attitudes. The strikers are hearing from many labor unions and big leaders, and the Rapid Transit Company is getting letters from as associations and big employers. The association of manufacturers sent telegrams characteristic of its well known position on the labor question. There is little change in the street car service early today. If the street car company put more street cars in operation than yesterday it was not noticed.

PITTSBURGH, March 4.—It was learned here today that the arbitration act of 1891 was declared unconstitutional during the summer of 1908 by Judge McKean of the county courts, who has since been declared a strike arbitrator.

At Digby yesterday John M. Vio, the collector of tithes, dropped dead in his office. He was in apparently good health up till the time of his death, which was a shock to his friends. He was a Free Mason, Oddfellow, Porter and superintendent of Holy Trinity Sunday school. He leaves a widow and two daughters. Deceased was 72 years of age. The funeral will be held on Sunday afternoon.

DEATHS

TOOLE—Entered into rest, on March 4th, Jennie Louise, aged twenty-five, daughter of Mr. and Mrs. John Toole, and wife of Leonard F. Toole, leaving a husband, one child, father, mother, five sisters and three brothers to mourn their sad loss.

Funeral from her late residence, 256 Rodney street, West End, on Sunday at 3 p. m. Service at 2:30 p. m. Friends and acquaintances invited to attend.

THE ST. JOHN THE BAPTIST and Holy Trinity teams will bowl in the Inter-Society League this evening.

Try Leaving Coffee Alone

One day and drink
a steaming hot cup
of Postum just before
going to bed.

As a relief from insomnia it is a surprise
of the most pleasing
kind.

"There's a Reason"

for

POSTUM

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KILLED THREE TO SQUARE OLD FEUD

\$10,000 Swimming Tank for
Cambridge Y. M. C. A.

Claims \$20,000 From British Steamer—
Jealousy Cause of Murderous Attack
—Statue for Kosciuszko.

CITRONELLE, Ala., March 3.—Joseph Stokes, Chas. Goldman and David Gorton, farmers, were shot and killed today by Laurence Odum, a cattleman, at the latter's home, four miles from this place. After the shooting Odum surrendered. He says the killing was the result of an old feud and that all parties were armed. The bodies of the three men were found in a field near the home of the cattleman.

CAMBRIDGE, Mass., March 3.—A committee to take up undergraduate subscriptions for a \$10,000 swimming tank in the addition to be built to the Cambridge Y. M. C. A. building was appointed today by the student council at Harvard. The only tanks at present available for the university swimming teams are those in private dormitories.

NORFOLK, Va., March 3.—The Norfolk and Washington steamer Newport News has been ordered by the British steamship Lord Roberts, claiming \$20,000 damages by reason of a collision Tuesday in Lower Chesapeake Bay, during a dense fog. Norfolk deputy United States marshal sent in season of the Lord Roberts reported that she had left for Baltimore, where she is due tonight.

LYNN, Mass., March 3.—Madden, by jealousy, the police say, Thomas Horne, a shoe worker, aged 25, tonight attacked his wife, a year younger, in the rear of the home on Cottage street, West Lynn, and cut her so seriously that she may die. The woman is badly slashed about throat, hands and body. The husband was locked up, charged with assault with a dangerous weapon, pending the outcome of the victim's injuries.

WASHINGTON, March 3.—Ground was broken today for the Keokuk statue to be erected at the northeast corner of Lafayette Square in this city. A monument to Lafayette now stands at one corner of the square and one of the four corners will be occupied later by a statue of Baron von Steuben. The monument to Keokuk is to be unveiled May 11, with exercises.

ROSTON, Mass., March 3.—Several fires in a local sawmill have resulted in the sending to the house of correction of Samuel Gordon, formerly of New York, for three years for defaulting certain insurance companies. Three others committed of similar offences were heavily fined.

THE GEM.

The management have secured another of Pathé's famous classic subjects, "Mother's," or the two Orphans, produced by the Madame Bernhart in Paris. The costumes and scenery are magnificent, the acting above reproach, the films over twelve hundred feet long. The French version of the great drama, and contains all of the force which belongs to the group of classics for which Pathé is famous. The story runs nearly twenty-five minutes. The story of the drama is known well, but story before has this production been given in this city. That the subject comes well recommended by all press notices from the many large cities in which it has been shown, is a point worth considering. The company who play it is perhaps the best of the modern French stage. No one should miss this treat. The management are to be congratulated for the many splendid subjects procured up to date. Besides these other subjects will be shown. Among them "The Great Adventure," a comedy, and "Caught in His Own Trap," a drama. Saturday will be the souvenir day for the children, at which all the children will receive some small token. The latest in song and music will be heard. Mr. Harvey scored a big hit with his number last night. Watch for surprises next week.

The St. John the Baptist and Holy Trinity teams will bowl in the Inter-Society League this evening.

A DOCTOR'S SLEEP No Found He Had to Leave Off Coffee

Many persons do not realize that had stomach will cause insomnia. Coffee drinking, being such an agent and respectable form of dissipation, few realize that the drug—contained in the coffee and tea, is one of the principal causes of dyspepsia and nervous troubles. Without their usual portion of coffee, the coffee tappers are nervous, irritable and fretful. That's the fifth a whiskey drinker. He has got to have his dram "to settle his nerves"—habit.

To leave off coffee is an easy matter if you want to try it, because Postum—well boiled according to directions—gives a gentle but natural support to the nerves and does not contain any drug—nothing but food.

Physicians know this to be true, as one from Ga. writes:

"I have cured myself of a long-standing case of Nervous Dyspepsia by leaving off coffee and using Postum," says the doctor.

"I also enjoy refreshing sleep, to which I had been an utter stranger for 20 years."

"In treating Dyspepsia in its various types, I find little trouble when I can induce patients to quit coffee and adopt Postum in its place. The doctor is right and 'there's a reason.' Read the little book, 'The Road to Wellville,' in pinks."

Clearance Sale of BLUE ROSE DINNERWARE

An Opportunity to Match Up a Blue Dinner Set
Bargains in Odd Pieces and Complete Sets.

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A Comparison of Methods

Leaves the balance always on the side of the man equipped with the most modern methods. The stone age bookkeeper had a flat rock for a ledger, and a stone chisel for a pen. He made one entry a day, perhaps, if he was lucky. The modern bookkeeper has the Burroughs Adding and Listing Machine, and he can easily make entries at the rate of 80 a minute, and add them up in no time at all. It is one of the marvels of the day.

Do not think of attending any commercial school which cannot give you instruction in the latest business methods. We have installed a Burroughs especially for the use of our book-keeping pupils. Business men do not want to spend time training employees in the use of office devices which they should be familiar before applying for a position.

May we talk it over with you—or, should we send you our catalogue?

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SOFT COAL Only \$3.25 per load delivered Acadia Picton Nut fresh mined.

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100 LATE FOR CLASSIFICATION

WANTED—Young woman or girl for work in private home. Recommendations. Good character and ability required. Apply E. Wellington Row.

MILLINERS WANTED—Three first class milliners wanted for good positions in provincial towns. Apply BROCK and PATTERSON, Limited, 4-2-1.

WANTED—Respectable married couple would like situation in town or country. No children. Apply Box No. 918, Star office. 4-2-1.

TO LET—Lower flat, 27 Horsfield St. 8 rooms and bath. Can be seen Monday March 7th from 3 to 6 p. m. Apply F. J. LYNCH, 141 Paradise Street. Phone 855-11.

TO LET—Self-contained modern flats, 8 rooms, bath, near car line. Cor. Park and Rockland Road. Apply premises, afternoons. 4-2-1.

TO LET—Shop and two flats, corner St. James and Charlotte streets. May let. Apply to DANIEL MULLIN, Pugsley Building. 4-2-1.

FOUND—Lady's Gold Watch and Rob. Owner can have it by calling at W. J. McKENZIE'S, 64 City Road, proving property and paying for this ad. 4-2-1.

LOST—Locket and Chain in North End. Initials A. E. B. Finder please leave at 93 Victoria St. 4-2-1.

LOST—Small Gold Neck Chain with Pearl Pendant. Please return to Star Office. 4-2-1.

Immaculate linen for dress occasions at Ungars Laundry. Telephone 88.

Andrew Peoples, David Frazier and Charles Crosby have been reported by the police for working in the city without licenses.

Do You Need More Blood

To restore health, vigor and energy. Then turn to Dr. A. W. CHASE'S NERVE FOOD.

Are the lips and gums pale? Does the inner side of the eyelids show lack of blood? Are you pale, weak and easily fatigued?

This is the test you should apply, and if blood is lacking in quantity or quality, you can be sure that Dr. A. W. Chase's Nerve Food will be of great assistance to you.

While put up in pill form, this medicine is more like a food because it supplies to the system in concentrated form the very elements which go to create rich, red, invigorating blood.

A few weeks' use of Dr. A. W. Chase's Nerve Food will do wonders for any person who is pale, weak and anemic.

It is sometimes spoken of as particularly a woman's medicine, because so many women are subject to anemia and general weakness arising from lack of rich, red blood.

With the use of Dr. A. W. Chase's Nerve Food, vigor and energy are restored, the complexion improves, the form is rounded out, 50 cts. a box, all dealers, or Edmanston, Bates & Co., Toronto.

ALDERMEN DEMAND CITY SOLICITOR

To Devote Entire Time to Work—Treasury Board Moves—Maps of City to be Prepared.

The Treasury Board at its regular session last evening discussed the matter of having a city solicitor, who would devote his entire time to civic affairs. The matter came up in connection with a bill from the recorder in the suit of John A. Kane against the city. The board reduced the bill from \$51.35 to \$21.95.

A telegram from the Canadian Union of Municipalities, asking that the city be represented at Ottawa when a case against the Toronto Radial Railway Company is tried. It was decided that Secretary Lighthall, of the Municipality should represent the city.

It was decided to procure maps of St. John, showing the water works extension, vacant lots, etc.