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ST. JOHN, N. B., FRIDAY, FEBRUARY 12, 1909



EIGHT PAGES—ONE CENT

COSTS MONEY TO CARRY TONIC BEER ON SUNDAY

John Driscoll Fined \$5 in Police Court Today for Sabbath Desecration

WILL BE \$40 NEXT TIME

He Conveyed Three Cases of Tonic Beer From His Uncle's Store to West Side Saloon on Sunday Afternoon Last and Rendered Himself Liable

Before Police Judge Ritchie this morning John Driscoll was fined \$5 or ten days in jail for desecration of the Sabbath. Driscoll was reported by Patrolman Hughes for conveying three cases of 'tonic beer' from his uncle's store on Mill street, to a restaurant on Union street, west end, conducted by Patrick Kane, on Sunday last between 5 and 6 p. m., thus permitting the violation of the law.

At the police court this morning C. H. Marshall presided in a Scott Act case against John Driscoll, of Springfield, and reserved judgment until Tuesday. Seven drunks, arrested on the night of the 10th, were also before the court.

Thomas Roach who was recorded on the crest book as 71 years of age strenuously denied that he was intoxicated. Chief Jenkins testified that Roach was the centre of a collection of boys in front of Centennial school yesterday afternoon. The deputy chief could not persuade him to proceed home and an attempt to perform a war dance culminated in his arrest.

THEY WILL PROVE TRUTH OF THE CHARGES

Manitoba Liberals Have Accepted Roblin's Challenge in the Matter of the Stuffed Lists--The Premier Sidesteps the Issue

Toronto, Ont., Feb. 12--(Special)--A Globe Winnipeg special says: "The Liberals have accepted Premier Roblin's challenge to prove that men were refused and shunted out of their franchise in the previous lists for last election. He is trying to sidestep the issue of the stuffed lists by hiding behind the subterfuge that no one was improper kept off, maintaining that his challenge refers to that only. They expect to prove gross corruption and partisanship in the making up of the lists."

MONTREAL STOCKS Montreal, Que., Feb. 12--(Special)--The stock market today showed a slight decline, continuing to fall, touching 43, but rallying to 45. Steel was steady at 24 1/2 to 34 for common, and 50 for preferred.

A PANCAKE SUPPER A unique social is to be held in the school room of Brussels street Baptist church on "Shrove Tuesday," February 23, by the ladies of the church. It is designated a "pancake supper," and griddle cakes with all the "fixins" will be served. The proceeds will be devoted towards raising the kitchen in the school room.

AMERICANS DO NOT GO TO THE FEAST OF LINCOLN IN APPROPRIATE MANNER

In Every City, Town and Hamlet in the American Union Today Praises of the Great Abolitionist Are Sounded in Song and Oration--Important Celebrations on Lincoln Farm, and in New York and Chicago.

Buffalo, N. Y., Feb. 12--Throughout the length and breadth of the United States today, hundreds of cities, towns and hamlets are paying tribute to the memory of Abraham Lincoln on his centennial anniversary of his birth. Thousands of meetings of various kinds were in progress during the day and millions of persons participated therein. President Roosevelt has proclaimed the day a legal holiday in the District of Columbia and the territories, and in many states and cities the day was practically observed as a holiday.

NEWS FROM FREDERICTON

Fredericton, Feb. 12--(Special)--The McArthur and McVey case vs. St. John was resumed this morning in the supreme court chamber. Ald. Baxter joined the counsel for city and assisted in living things up a bit. Levi Hall who had been foreman on the construction work, was first examined. He described the nature of the rock cutting and the difficulties encountered by the contractors. Robert J. Porter was next called and told of the part he took in laying the reinforced concrete work. Under cross-examination by Mr. Baxter, he admitted that contractors were able to lay the concrete work in a five foot trench.

POLICEMAN'S ERROR CAU ED TROUBLE

Owing to an error of a policeman, the case against Harry Earle, boatman on the Canada Quays, for alleged assault on the steamer, was dismissed in the police court yesterday. Earle arrived at court at 2 p. m., and as nobody prosecuted he was discharged. The chief officer informed the judge that Earle was well behaved, while Townsend was refractory and has been charged for dereliction in duty on several occasions. Earle said there was only a technical assault, as he had assigned the sailor to work, and when the latter disobeyed, he pushed him. Townsend, accompanied by six witnesses and his counsel, D. Mullin, C. J., arrived at 2:20, and said that they were notified for 2:30. Townsend was informed that he was liable to be lodged and prosecuted for assaulting himself from the steamer since 10 a. m. without leave. He said he was consulting the counsel and requested that he be allowed to go ashore and his request was not considered by the chief officer, who he claimed was shielding Earle. He was told to lay another information, as the steamer will not sail until Monday of Tuesday, and appeared rather dejected. Acting Sergeant Lee, of the west end division, was instructed, over the telephone, to notify Earle for 2:30, but understood it to be 2 p. m., and notified him accordingly. He subsequently received a written note from the chief asking Townsend and his witnesses to be present at 2:30. Trouble has now arisen over the absence of Townsend's supporters from the ship to attend the trial yesterday. Hereafter all of the police department who received notifications verbally and over the telephone, will be obliged to repeat it.

PROBATE COURT

Estate of James Murphy, victualer. Dr. MacRae, K. C., reads certificate from physician that Mrs. John Murphy, a witness, who was on the stand when the court adjourned, is seriously ill, and unable to attend today. Adjournment accordingly until Monday, the 22nd instant.

THE EMPRESS SAILS

The C. P. R. royal mail steamer "Empress of Ireland," J. V. Forster, R. N. R., commander, sailed for Liverpool via Halifax, about 3 o'clock this afternoon with a large general cargo, and about 365 passengers. There were about 20 saloon, 65 second cabin, and 220 steerage. Among the saloon passengers was Mrs. Geo. McL. Brown, wife of the general traffic agent of the C. P. R. in London.

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ACCIDENTS TAKE THEIR TOLL OF LIVES

Two Men Suffocated in Pennsylvania Coal Mine and Two Others Killed in Hudson River Tunnel. Wilkes-Barre, Pa., Feb. 12--Two mine workers who were entombed last night in the Black Diamond mine, which took fire from some unknown cause, are still in the workings and it is believed they have been suffocated. A large number of rescuers are at work, but they are proceeding cautiously, as the presence of after-damp makes their task a hazardous one. Twenty-one miles in the mine perished. Jersey City, N. J., Feb. 12--Two men were killed and one so badly injured that he may not recover, by an explosion in the McAdoo tunnel, along the Hudson River here, today. The accident is supposed to have been the result of a premature blast. The three men were members of a gang engaged in building a spur to connect the two tunnels on this side of the Hudson River.

WILL ASSESS DAMAGES

Halifax, N. S., Feb. 11--(Special)--James A. McDonald, barrister of Halifax, was appointed special referee to assess damages by Judge Longley after he gave his decision in the trial of the Stead Coal suit at Sydney. Mr. McDonald will act in this matter under direction of the court and will take evidence at Sydney. This will be after the order of the court from London is received and after both parties have been heard the matter as to the proceeds. The referee is a son of ex-Chief Justice McDonald of Halifax.

ESCAPED IN SAFETY

Vuzovka, Russia, Feb. 11--The one hundred and twenty-five miners who had been imprisoned in the Catherine mine for two days, after an explosion and fire, on February 9, and whose lives were despaired of, made their escape from the mine today through an abandoned gallery. Several of the men were overcome by fumes, but they were helped out by their sturdier comrades. The second engineer died of injuries soon after coming to the surface.

A TURKISH CRISIS

Constantinople, Feb. 11--The new government seems to be on the brink of a serious crisis as the result of the sudden resignation of Osman Nizami Pasha, minister of war, and S. Arif Pasha, minister of marine, who, without any public explanation, were replaced on Wednesday by Nazim Pasha and Husni Pasha respectively.

PROHIBITION IN UTAH

Salt Lake, Utah, Feb. 11--The state-wide prohibition bill passed the house of representatives today. Notice was given on a motion to reconsider the vote. If the bill reaches the senate it will meet with strong opposition.

GALLAGHER WILL SPEND MONTH IN JAIL

Proprietor of the Minto Hotel, at Moncton, Was Taken to Dorchester This Morning to Serve Sentence for C. T. A. Violation. Moncton, Feb. 12--(Special)--Patrick Gallagher, proprietor of the Minto Hotel here, was last night arrested by the police on Scott Act commitment papers and taken to Dorchester on this morning's express, where he will spend a month in jail. He was sentenced by Magistrate Kay some time ago. For some days past Gallagher has been lying low, and had only made a temporary appearance at his hotel desk last evening when arrested.

MURDER AND ROBBERY MAY BE THE CHARGE

Santiago, Chile, Feb. 12--Chancellor Beckert of the German legation at Santiago, has been arrested at Chillan, capital of the province of Nuble, according to a message just received here. It is said also that he was playing baccarat at the time of his arrest. The office of the German legation at Santiago was burned February 3 and the ruins were found to be the charred body of a man. It was believed at first that Beckert had perished in the flames, but examination showed that it was not Beckert, that the man had been stabbed to death and that \$9,000 had been taken from the office safe. Suspicion has fastened upon Beckert. The murdered man was a servant of the legation.

RUNAWAY BOY ARRESTED

Burlington, Me., Feb. 11--The local police this evening arrested George P. Kimball, 16 years of age, son of Myron Kimball, of Somerville, who ran away from home some time ago. Young Kimball was at Fort McKinley in Portland harbor, and it was supposed that he was the son of Fred Richards, of Natick, Mass., who has been missing since last November. It was learned by the officers, however, that young Richards was at Fort McKinley and that he had enlisted as a member of the 37th Company. Word was sent to the parents of Richards informing them that their boy was now an enlisted man in the army. It is not known at the present time as to whether or not Kimball will be sent home or left with relatives in this vicinity.

FIVE NEW DREADNOUGHTS

London, Feb. 12--The Daily Mail learns that the government has decided to lay down five battleships of the improved Dreadnaught type, the coming year. The building of the sixth battleship will depend upon the progress of Germany's new construction. Mr. and Mrs. Samuel Danham, of 49 Bridgeville avenue, wish to thank their many friends for much kindness and sympathy shown them in their recent bereavement.

RESCINDS THE ORDER OF JUDGE McLEOD FIXING DATE FOR TRIAL OF CARLETON COUNTY CASE

The judgment of the court was delivered by Mr. Justice-White, and appears to have been unanimous. The case was argued on Friday last, Mr. A. B. Connell, K. C., appearing for the petitioner, and Hon. W. P. Jones, K. C., for the respondent. The chief ground urged by Mr. Jones for having Judge McLeod's order set aside was that there had been insufficient publication of the petition. He was able to show that the sheriff had failed to have the notice inserted in a daily newspaper, as required by law, and previous to making the application for the trial of the petition the notice had not been posted at the court house or registrar's office. In the judgment of the court Justice White gave a brief resume of the facts of the case as set out in the affidavit, and remarked that he did not agree with Mr. Connell's contention that the sheriff was at liberty to publish the notice in his own way. This honor bill that at the time the application to fix a date for the trial was made notice of the petition had not been published as the law required. He did not think that the sheriff's mistake necessarily affected the validity of the petition, and if the mistake has since been corrected by a regular publication subsequently made, it will be for the sake of the case a second application for trial is made to deal with the delay, which has taken place. The order of the court was that the order of Judge McLeod fixing the date of trial be rescinded. The decision of the court was a surprise and lawyers here consider it doubtful if the petition ever comes to trial. It is now up to the petitioner to make a new application, and in view of the delay which has been caused by the sheriff's blunder in not properly publishing the notice he is sure to encounter further difficulties. Premier Hazen dropped into the court soon after the decision had been given, and on learning of its nature from a lawyer in attendance he made a hasty exit. Announcement of the date of meeting of the legislature may not be earlier than the middle of next week. Judgment was delivered this morning in the case of ex-parte Stevens, a Kent county case. The court refused the application of Mr. Pinney for a mandamus, calling upon the municipality of Kent to hold an election under the liquor license act in the parish of Harcourt. Judgment was delivered this morning in the case of ex-parte Stevens, a Kent county case. The court refused the application of Mr. Pinney for a mandamus, calling upon the municipality of Kent to hold an election under the liquor license act in the parish of Harcourt.

HEARD TWO WITNESSES

Chicago Alderman Refused Re-Nomination by His Ward Club Shot Himself Dead Today. Chicago, Ill., Feb. 12--Alderman Joseph A. Kohler, long a Democratic leader in the city, committed suicide today by shooting himself in the head in the basement of his home. His wife found the body of the slain Kohler was a candidate for re-election. He was a participant in a spirited contest to obtain the nomination. Disappointment over the failure of his ward club last night to endorse him for re-election is supposed to have prompted the suicide. Chicago, Ill., Feb. 12--The mayor of Lincoln today called greetings to President Roosevelt on the Lincoln centennial. He said in his message: "The Lincoln centennial is a fitting occasion for a sympathetic commemoration of the event. Perhaps the greatest celebration of the day will be held in (Lincoln) Hall tonight where General Homer Porter will preside over a chorus of five hundred from the United German Singing Societies as one of the special features. Other celebrations will be held at the University of the City of New York, and the various armories in the city in addition to minor ceremonies. Right Rev. James Weddon, Dean of Manchester, presided. Alfred Hutchinson, vice-chancellor of Victoria University, moved a number of eulogistic resolutions, and Church House, the American consul, spoke in reply. Lincoln, England, Feb. 12--The mayor of Lincoln today called greetings to President Roosevelt on the Lincoln centennial. He said in his message: "The Lincoln centennial is a fitting occasion for a sympathetic commemoration of the event. Perhaps the greatest celebration of the day will be held in (Lincoln) Hall tonight where General Homer Porter will preside over a chorus of five hundred from the United German Singing Societies as one of the special features. Other celebrations will be held at the University of the City of New York, and the various armories in the city in addition to minor ceremonies. Right Rev. 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