



The Evening Times



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DOMINION STEEL CO. WINS FAMOUS ACTION

Privy Council This Morning Decided That Coal Company Has Repudiated Its Contract—Supreme Court of Nova Scotia Will Fix Amount of Damages in the Action.

Montreal, Feb. 11.—(Special)—A London cable says:—The Steel Company wins the appeal to the privy council. The case is removed to the supreme court to have damages fixed for the repudiation of the contract and in respect to breaches committed before the repudiation, namely up to October 31, 1906. The privy council assessed the appellants to pay the cost of the principal appeal. There was no order as to the costs of cross appeal. The judgment was read by Lord Atkinson, in consequence of the death of Lord Ross. After a lengthy review of the facts of the case, their lordships declared it was not a case wherein it was necessary to import by implication words into the contract in order to affectuate the common intention of the parties to it. The strenuous contention of the appellants that the phrase "reasonably free from stone and shale," which appears in the contract, implied that the coal should be only as free from stone and shale as reasonably proper picking could make it, apart from the impurities in the nature of the coal, cannot be sustained. These words meant that the coal must be reasonably free in fact as to function.

Montreal, Q. Feb. 11.—(Special)—A special cable to the Montreal Star says:—London—Steel has won. The contract has been declared repudiated by the Coal Company. As Lord Atkinson, in a quite and most conversational tone, evolved point after point of the judicial committee's judgment and the steel solicitors, gradually spread. The coal company loses pretty well every point, said one steel man, who expressed his opinion that the Nova Scotia supreme court, which will assess damages, will have to name an enormous sum, as the coal company must pay the steel company's losses during the remainder of the contract which the coal company repudiated. Other members of the judicial committee were Lord Collins and Sir Arthur Wilson, and the audience included Senator and Madame Forget and the Misses Forget, also representatives of the Bank of Montreal and the Canadian Bank of Commerce, who were eagerly awaiting the famous and long-expected judgment.

CHATHAM, ONT., HAS BIG FIRE WANTED TO WED HIS OWN NIECE

Much Damage Done by Fire to Business Buildings in Ontario Town.

Chatham, Ont., Feb. 11.—(Special)—Fire completely gutted the dry goods store of H. W. Ball & Company, King street, yesterday afternoon. The firemen, after a hard two hours' fight, got the fire under control. H. W. Ball & Company's loss is \$40,000, insurance, \$27,000.

HORSE SALE CASE IN CITY COURT

Man Who Bought a "Toothless" Horse Now Wants His Money Back.

A case involving a "horse" sale was heard in the city court this morning. The plaintiff sued two March road men for the return of \$70 he had paid for a horse purchased from them on January 16, and returned on January 18. In his testimony he asserted that the defendant drove to his father-in-law's home at South Bay and delivered with him for the sale of the horse. He examined the horse, and in a barn near the March Bridge, and dependent on the letter to ascertain whether the animal was afflicted in any manner; \$80 was the price originally requested, but a compromise settlement was made at \$70. He claimed that the defendant offered to refund the purchase money if the horse was returned for a ten-year-old. He was willing to accept \$80 from the defendant. The plaintiff under cross-examination admitted that he may have told the defendant that the return of the horse was due to an antipathy of his father-in-law to gray horses. The brother-in-law corroborated the plaintiff's evidence, and adjournment was granted until next Thursday. C. F. Sanford represented the plaintiff, John Hayes, and A. A. Wilson the defendants, William Marks and James McKay.

NEW SERVICE FOR THE MAILS AT SEA

By New System Inaugurated on French Steamer All Mails Are Sorted at Sea.

New York, Feb. 11.—The new postal service between this country and France was inaugurated today on the French Line steamer La Bretagne, sailing for Havre. Postmaster Morgan, of New York, and P. Fagot, general agent of the Compagnie Generale Trans-Atlantique here, both expressed themselves today enthusiastically about the new service and are hopeful of its success and permanent establishment between the two countries.

ROBLIN DENIES IT

Toronto, Ont., Feb. 10.—(Special)—Premier Roblin has denied Clifford Sifton's statement about the Manitoba lists. He says if Mr. Sifton can prove that one person in the Brandon division filed a petition, and who complied with the law, was refused his franchise, he will repeat the present law and go back to the old Greenway act.

United States Largest Battleship



Newport News, Va., Feb. 10.—The battleship Delaware, the largest and most powerful sea fighter ever built, has been launched here. Miss Anna P. Cahill, of Bridgeville, Del., christened the giant vessel as it moved down the ways and took the water. Hundreds of invited guests from the name state of the battleship, including Governor Pennington and other notables were present, while thousands from other parts witnessed the big event. Compared with the battleships completed or under construction, of the navy of any foreign country, the Delaware surpasses all. She is one of four sister ships authorized by congress, which will form a reserve fleet. The other vessels at the North Dakota, being built at Quincy, Mass.; the Florida, which will be built at the New York navy yard, and the Utah, to be built at Groton, Conn. The Delaware will have a displacement on trial of 20,000 tons greater than the British Dreadnought and 750 tons greater than Great Britain's largest vessel of that type, the Vanguard. Her new battleship is to carry as heavy armor and as powerful armament as any known vessel of its class, and will have a speed of 21 knots. The Delaware is 310 feet in length on load water line, 35 feet 5 inches in breadth, and her main draught to bottom of keel at trial displacement, about 27 feet. Her main battery will consist of a main battery of ten 12-inch breech-loading rifles and her secondary battery will consist of sixteen 6-inch rapid-fire guns, four 3-pounder anti-aircraft guns, four 3-pounder anti-aircraft guns, two 3-inch anti-aircraft guns, and two 3-inch anti-aircraft guns. She has two submerged torpedo tubes. The contract price for building her is \$3,887,000.

A VACCINE WHICH WILL COMBAT MANY GERMS

Professor of Tufts College Has Perfected a Serum to Combat Pneumonia, Blood Poisoning and Typhoid Fever.

Boston, Feb. 10.—A vaccine which will successfully battle with the germs of pneumonia, blood poisoning and typhoid fever, has been developed at the laboratory of Tufts Medical School. After two years of work and experimentation along lines of the discovery of Sir A. E. Wright, of London, Dr. Timothy Leary, head pathologist at Tufts, announced today that an antitoxin for these three diseases had been perfected and that the laboratory is now prepared to supply physicians with the serum.

PASTOR WANTS ALL OF HIS SERMONS BURNED

Boston, Mass., Feb. 10.—The pastor of the First Parish Church of Ashby, died today, after a long illness. The widow, alone, is permitted to read the papers if she desires.

BRITISH AND AMERICAN VESSELS SIDE BY SIDE IN THE BAY OF NAPLES

Both Are Bound on an Errand of Mercy to the Sufferers in Stricken Messina.

Naples, Feb. 11.—The American gunboat Scorpion, which came from Constantinople to aid in the work of relieving the Messina earthquake sufferers, came here today from the south and anchored alongside the British battleship Aboukir. On the other side of the Aboukir is the American supply ship Celtic, which also has been distributing relief in the south. The British vessels with the idea of adding them to her collection of pictures of the earthquake victims.

MONTEAL HOCKEYISTS WILL PLAY IN HALIFAX

Montreal Team Will Play the Crescents on Monday and the Wanderers on Tuesday.

Halifax, N. S., Feb. 11.—(Special)—Word was received in Halifax this morning that the Montreal hockey team, a former champion of the city of Montreal, will play in Halifax on Saturday night and will play the Crescents on Monday night and the Wanderers on Tuesday night.

NEW YORK STOCKS

New York, Feb. 11.—There were strong spots in the market but the movement in the general list was narrow but upward, except in People's Gas, which weakened again. Bonds were irregular.

McLEAN AND BROWN AT WORK FOR THE PEOPLE

Col. H. H. McLean and Nelson W. Brown Have Secured a Rural Mail Route From Fredericton to Lower Maugerville—McArthur-McVey Case Up.

Fredericton, Feb. 11.—(Special)—At Edmonton yesterday, Emile Albert, and Maxime Albert of St. Hubert, and Thos. Forcier, of St. Ann's, were convicted before Commissioner Farris on a charge of selling liquor along the line of the Transcontinental Railway, and fined \$50 each and costs. At Boiestown tomorrow, Mr. Farris will hear a complaint against Chas. Labelle charged with selling liquor at McVey's Sliding.

Arrangements have been made by Col. McLean, M. P., and Nelson W. Brown, for the establishment of a rural mail delivery route from this city to Lower Maugerville. A petition has been forwarded to Ottawa with the approval of Post Office Inspector Colter, and it is expected to see the boxes as soon as the frost goes out of the ground. The people Maugerville now have a daily mail which is forwarded by teams from Wasnis Station, but lower St. Marys only has a semi-weekly service. This will be the first rural mail delivery route opened in this part of the province. The game exhibit for the New York sportsman's show is now being loaded on the cars here and will be sent forward this evening or tomorrow. It consists of a log cabin mounted game species and twelve moose, caribou and deer heads in the raw state. David Nason, a well known resident of Ruisignac, died yesterday at the advanced age of eighty-nine. He leaves five sons and two daughters. At the circuit court this morning Col. McArthur and Wm. McVey explained, for the benefit of the jury, the form of model for being concrete work of the Lock Lomond aqueduct, which was brought into court yesterday. They were briefly cross-examined by Mr. Toed, after which the cumbersome exhibit was removed from the chamber without much ceremony. The examination of Mr. McArthur was continued by Mr. Forwell, but not much progress was made. Mr. Skinner objected to the admission of evidence of half tone prints, made from photographs taken while the work was under construction, and was sustained by the court. A number of original photographs were admitted, however. At twelve o'clock court adjourned to allow Juror Colter to attend the funeral of a relative at Kewfield Ridge. The trial will be resumed at the court house here at ten o'clock tomorrow.

ANTI-JAP AGITATORS ARE WARMLY ROASTED

"I Advised Californian Legislators Making United States 'Rediculous' is Opinion of St. Louis Editor.

St. Louis, Mo., Feb. 11.—That the president and the senate of the United States through their treaty making powers "may override the policies of any state, may overrule all its legislation having reference to aliens," and that "it is evident that ill-advised legislators of California and Nevada are making this nation ridiculous in the eyes of the world," are conclusions offered by Alex. C. Robbins, editor of the Central Law Journal, in an editorial which appeared today.

NO FRANCHISE FOR WOMEN OF IRELAND

Motion to Give Them Equal Suffrage With Men Defeated by Irish National Convention.

Dublin, Feb. 10.—A motion proposing that the parliamentary franchise be extended to Irish women on the same terms as to the men, was defeated by a large majority at the Irish National convention. The convention came to a conclusion with a speech by John E. Redmond, who congratulated the delegates on the proceedings being decorous and a credit to Ireland. He declared that only discord among the Irish themselves could prevent the coming of home rule.

ROOSEVELT WILL HONOR MEMORY OF FAMOUS LINCOLN

Washington, Feb. 11.—Beginning the last extended trip of Lincoln on chief executive of the United States, President Roosevelt leaves Washington by special train at noon today for Hodgenville, Ky., where tomorrow he will pay a tribute to the memory of Abraham Lincoln, at the heroic war president's birthplace. The president plans to die to arrive at Hodgenville, which is several miles from the railroad, about noon Friday. After the exercises they will return immediately to Washington, arriving here early Saturday afternoon.

OTTAWA NEWS

Ottawa, Ont., Feb. 11.—(Special)—Before the railway committee this morning several bills were recommended, including the Brandon Transfer Railway Company, the Canada Western Railway Company, Colingwood, Southern and the Huron and Ontario.

A NEW DISCOVERY

Cleveland, Ohio, Feb. 10.—A torch operated by oxygen and acetylene, radiating a heat of 6,300 degrees, said to be the most terrific known to science, has just been invented here. By means of this torch, it is possible, it is declared, to weld aluminum, heretofore regarded as an impossibility.

SPANISH COLLEGE BURNED

New York, Feb. 11.—A special cable to the Herald from Madrid says that fire last night completely destroyed the Royal College of Maria Cristina in the Escorial causing a loss of numerous valuable works of art, and menacing with destruction the historic building itself. Fire early this morning destroyed the interior of the capital building in the heart of the retail district of Kansas City. The loss is estimated at \$50,000. No one was injured so far as known.

KING EDWARD ILL IN BERLIN

But He Disregards Medical Injunction to Remain in His Room and Attends Military Luncheon.

Berlin, Feb. 11.—King Edward is suffering today from an attack of bronchial catarrh, and, according to a newspaper, has called in consultation, a German physician, who ordered him to remain in his room until he was better. In spite of this, however, his majesty had luncheon with the officers of the legion, a sign of which he is a honorary colonel. This was one of the functions scheduled for today. It had been planned also that the king go in an automobile to Potsdam this morning to lay a wreath on the tomb of his sister, the queen. The programme was not carried out owing to the very cold weather and high wind prevailing.

MORE WITNESSES SAY BELYEA LIED

Scott Act Spotter, Charged in Fredericton Court With Perjury, Appears to be in a Serious Fix.

Fredericton, Feb. 11.—(Special)—The case against Robert N. Belyea, the Scott Act spotter, charged with perjury, was continued in the police court this morning. Mr. and Mrs. Charles Woodland, who kept a hotel at Millville, swore that Belyea did not take dinner with them on January second, as testified by him, in the Scott Act case against Frank Plummer. The case will likely be finished this afternoon. Belyea is still confined in the county jail.

STEEL STOCKS RISE AS RESULT OF JUDGMENT

Privy Councils Decision in Steel-Cool Case Has Notable Effect on Montreal Market.

OBITUARY

Jeremiah A. McNulty

The death of Jeremiah A. McNulty occurred this morning at his home, 9 North street. He was a son of John C. McNulty and resided in Gibson, York County, until two years ago. While here he was in the employ of the I. C. R. He was a member of Division No. 1, A. O. H. and is survived by his wife, two children, one brother, William, and five sisters. The sisters are Mrs. John Duff, Mrs. John Sears, Misses Nellie, Blanche, and Gertrude, at Gibson. The body will be conveyed to Gibson tomorrow, where the funeral will be held on Saturday with services at St. Anthony's church, St. Marys.

LATE LOCALS

Rev. Dr. MacRae and daughter, arrived in Calgary on Saturday last where they will make their home with Professor Archibald MacRae. A lot of land belonging to the estate of James Ewart, of Lorneville, was sold at public auction today at Chubb's corner by F. L. Potts. Robert Evans became the owner for \$800. Three freight cars which left the rails at a switch near Prince William on the improvement committee will be held tomorrow. The Boston express was 2 hours and 10 minutes late and the Montreal express was about 2 hours late. Rupert W. Wigmore, manager of the Sussex Milk Company, has been approached by a number of citizens who desire that he should enter the field of civics today. It is possible that he will accept. As Ald. Hannan is undoubtedly in the field, there may be a three-cornered fight in Kings. The harbor facilities committee will probably not meet until next week owing to the absence from the city of Recorder Skinner, who is in Fredericton attending the hearing of the suit against the city by McArthur & McVey. Ald. J. H. Pink, chairman of the water and sewerage board and H. E. Wardmore, common clerk, will leave for the capital tomorrow in connection with the case. A meeting of the City Hall improvement committee will be held tomorrow afternoon.