CURIOUS RESULTS MAY FOLLOW SUPREME COURT JUDGMENT

By Decision In New Brunswick Case Of Chamberlain vs. The King Last Week Damages For Injuries Caused By Negligence Of Crown Servants Cannot Be Recovered Unless Injuries Were Received On Public Work—Meaning Of "On" The Critical Point.

A judgment of more than usual importance was delivered by the Supreme Court of Canada last week in the case of Chamberlain vs. the King. So far as Canadian courts are concerned the law is finally settled by the decision which holds that in order for damages to be recovered for death or injuries to persons or property, caused by the negligence of officers or servants of the Crown while acting within the scope of their duty, it is necessary that such injuries be received while actually on the public work.

This interpretation of section 20 of the Exchequer Court Act chapter 140 of the Revised Statutes of Canada came somewhat as a surprise to the members of the legal profession and it is believed the general public will scarcely accept the judgment of the court as indicating what Parliament really intended. But judges are not legislators and they must take Parliament's intention from what Parliament says.

The cause of action in this case arose about 20 miles from Campbellton, N. B., where the house and outbuildings on the farm of Mr. Chamberlain were set on fire by sparks from an I. C. R. engine and destroyed Mr. Chamberlain's house. He brought a suit for damages against the I. C. R. claiming that the spark arrester, which prevents sparks from being ejected from the smoke stack, had been negligently set in place by the employes of the road.

Wording of the Statute.

At common law the Crown's immunity, expressed in the maxim "the King can do no wrong," prevented the subject from recovering anything from the Crown as damages for the negligence of its servants. The Dominion Parliament by section 20 of chapter 140 of the Revised Statutes of Canada undertook to remedy this state of affairs, and the Exchequer Court was given power to award damages to the subject "in every claim against the Crown arising out of any death or injury to the person, or to property on any public work, resulting from the negligence of any officer or servant of the Crown while acting within the scope of his duties or employment."

The case was just tried before Judge Cassels of the Exchequer Court. Mr. E. H. McAlpine, K. C., acting for the Crown, claimed first that there was no negligence, secondly, if there was negligence, the facts did not bring the case within the remedial statute, and thirdly that too long a delay had occurred in bringing the action. Mr. A. W. Mott, K. C., and Dr. L. A. Currie, appeared for the plaintiff.

His Honor gave judgment against Chamberlain on the ground that there was no negligence on the part of the railway. He seemed, however, to be of the opinion that the statute applied and that the case was not outlawed.

The case was appealed and argument was heard last week at Ottawa. The court appeared to be of the opinion that the railway was negligent and that the case was not outlawed by either the N. B. or Dominion Railway Act. But they were unanimously of the opinion that the statute gave no relief.

Meaning Of The Word "On."

The case turned on the construction of the word "on" in the extract already quoted, and the judges were all of the opinion that damages could only be obtained when the property injured through the negligence of the Crown was actually on the public work. As Chamberlain's house and property were on his own land and not on railway land, even though destroyed by the negligence of the Crown's servants the act did not apply.

Curious results, it is believed by lawyers who have been following the case, will arise from the decision. For example, two persons might be standing side by side, one within and the other without the limits of the I. C. R., and both might be injured by a negligent act of the Crown's employes, yet the one on the railway's property would alone be entitled to damages.

In view of such results possibly another court might place a more liberal construction on the words "on any public work." There are other meanings of the word "on" that might be adopted which would bring cases similar to that of Mr. Chamberlain's within the act.

SUCCESSION DUTIES IN THE LOVITT ESTATE

Hon. J. D. Hazen Appears for Respondent in Case Argued Before Court at Ottawa—Question of Imposing Tax.

Ottawa, Oct. 27.—In the Supreme Court today the case of Lovitt vs. the King, in which the executors of the late George H. Lovitt appeal from a judgment of the Supreme Court of New Brunswick, ordering them to pay the Receiver General of New Brunswick $3,521 as succession duties on a portion of the estate that consisted of money deposited in the Bank of British North America in St. John. At the time of his death Mr. Lovitt was domiciled at Yarmouth, and the points at issue are whether the New Brunswick statute could validly impose a tax or duty on the money in question. Mr. Newcombe appeared for the appellants, Hon. J. D. Hazen for respondent.

DELEGATES ARRIVE TODAY FOR W. C. T. U. CONVENTION.

Meeting of Dominion Executive this Evening—Children's Rally Sunday Afternoon.

Ladies from western points to attend the W. C. T. U. Dominion Convention will arrive by the C. P. R. and I. C. R. this afternoon. The reception committee with teams will be at the station to meet them. Those coming from Digby will be met at the boat.

Tht delegates may rest in the afternoon, but in the evening a meeting of the full Dominion Executive will be held at the residence of Mrs. T. H. Bullock, 183 Germain street.

The local unions acknowledge the kindness of Mr. Petersen, who has given the floral decorations for the church.

The local committee feel special obligation to Miss Hea, the organist of Centenary, who will conduct the music and has enlisted prominent singers to assist both at the regular meeting and at the special evening services.

At the children's rally on Sunday afternoon, Mr. Fred. McKean will sing the French-Canadian anthem "O Canada" and the children will join in the chorus.

INSPECTOR MILLER TO SIFT BEDFORT STORY

Papers In Case Of Man Who Confesses To Kinrade Murder Reach Toronto—Attorney General To Act.

Special to The Standard.

Toronto, Ont., Oct. 27.—The papers in regard to the man Bedfort, under arrest in London on a confession that he committed the Kinrade murder in Hamilton reached the attorney general's department this morning from the secretary of state Ottawa. They will be turned over to Inspector Miller of the Provincial force and largely upon his report will depend the decision of the authorities as to the action to be taken in respect to the prisoner.

A WHAT-DOES-IT-LACK PICTURE.

No. 4.—"SHADOWED FOR PLUNDER.

Now, here is a thrilling scene.

Something is happening here, sure enough. A portly, prosperous citizen is wending his way in seeming security, unconscious that he is being followed by a beetle-browed, villainous-appearing member of the lower world.

What is the purpose of the dangerous-looking party? If the artist had only added another touch to this picture it would be entirely plain.

Think hard. What is lacking from this picture of "Shadowed For Plunder" that would make it complete?

You can look for the correct answer in tomorrow's issue.

EVIDENCE OF ACCIDENTS AT RODNEY WHARF

Inquest On Patrick McGoldrick Opened Last Evening—Coroner Scores Street Railway For Not Being Represented.

An inquest into the death of Mr. Patrick McGoldrick, who fell over North Rodney Wharf on Oct. 19, and died in the General Public hospital on the following day, was opened in the court house last evening by Dr. D. E. Berryman, coroner. Owing to the absence of some of the most important witnesses the hearing was adjourned until next Monday evening at 7.30 o'clock. Before adjourning the coroner made comment on the failure of the St. John Railway Company to send a representative to the inquest to take any suggestions the jury might make.

The first witness called was Frank H. Thiel, gatekeeper at the West Side Witness said he had been in charge of the West Side toll house since 1882. Rodney wharf was repaired by planking and capping about five years ago. Vessels loaded and discharged at Rodney wharf. No vessels have been loaded or discharged on the side of the wharf on which the St. John street railway have a track.

Many Accidents This Year.

Wtiness knew approximately of ten or fifteen accidents which had occurred on the wharf since May 1st, last. Fred Dodge and ex-Ald. Willet also fell over that part of the wharf where Mr. McGoldrick had fallen. There was no light whatever to protect pedestrians. There were no life buoys hung up around. Rope and boat hooks were kept in the carpenter shop for the ferry. No other kind of apparatus whatever was kept there for the exclusive use of saving persons who might fall over the wharf. He thought there should be a light on the pole there.

It was far more dangerous since the railway went down than before, owing to the trestle work cutting into the wharf, from the car line to the capping, about three feet. It would not be safe for any person to walk on the south side of the cars at night. There were many drunken men getting into the cars then after dark. There was more danger there since the trestle work was built. Witness thought a light should be put on the lumber to protect people and also a rail around the eastern part of the wharf. A life buoy should in the witness's opinion be handy. The capping on the wharf was about ten inches high and ten wide. There is no watchman for Rodney wharf but witness thought he himself might be considered a watchman while he was on the wharf, although he was never requested to act as such.

John Willet, barrister and clerk in the Circuit Court, was next called. He was an ex-alderman of St. John, but was never on the ferry committee or the safety board. He knew of no protection on Rodney wharf for pedestrians after dark. The eastern part near the ferry toll house witness thought to be unsafe, being without lights. Between the street car and the run of the wharf was also dangerous. There should be a light on the bumper. He never knew that the wharf was without protection or a watchman before he met with an accident there. The lack of such was due to negligence.

Spoke From Experience.

Witness believed that the city owned the wharf, but he was not sure whether or not the street railway's right of way was perpetual or only a lease. He hoped it was only a lease. In the interest of the public it was desirable to have a fence or rail surround the wharf. Witness had fallen over the same wharf. Had lights been there he did not think the accident would have occurred. He believed as a citizen that there should be additional lights placed on the wharf, and also life-saving appliances that could be had for immediate use.

Stewart Masson, the next witness, said he was on Rodney wharf the night of the accident. He did not see deceased fall over the wharf. There was no light on the pole on the wharf. It was almost ten or fifteen minutes before deceased was taken out of the water. Witness thought a fence around the wharf would be a protection to life.

Albert R. C. Clark, contractor, told of assisting in tying a rope around deceased and in assisting in hauling him up. He also thought there should be a fence around the wharf. He did not know of any caretaker around the wharf or of any life-saving apparatus for emergencies.

Edward Ready of Fairville, and Wm. Scott a student, told of being present at the time the accident occurred and corroborated the evidence of previous witness.

The Coroner's Remarks.

Before adjourning, the coroner said he thought there was a lack of courtesy on the part of the St. John Railway Company in not being represented at the inquest. The management had agreed to send a representative, and he fully expected he would be present. He thought it was only fitting that the company should take a little more interest in the affairs of the people who had helped them to build up their enterprise.

The Jury then adjourned until Monday next when W. Campbell and Conductor John White of the Street Railway service will be called.

GOVERNOR COBB TO OPERATE NEW ROUTE

Boston, Mass., Oct. 27.—The steamer Governor Cobb, of the Eastern Steamship Company has been chartered by the Atlantic Coast Line to run between Knights Key, Fla., and Havana, Cuba, during the coming winter. The steamer Belfast will take the place of the Governor Cobb in the winter service between Boston and Portland, running with the Governor Dingley.

JUDGMENT GIVEN YESTERDAY IN CASE OF FORSTER ESTATE

Judge Armstrong Decides Trustee Was Not Justified In Making Certain Payments—Notice Of Appeal Given.

In the Probate Court yesterday afternoon His Honor Judge Armstrong handed down the following judgment in the matter of the estate of Forster:

The deceased after making some specific devises and bequests left his property to his executor in trust to divide the balance into three equal parts, one to be set aside for the benefit of his wife to pay to her the income thereof for her life—the income of the second one-third share to be paid to the daughter, and he nominates and appoints his wife as her guardian until she shall attain the age of twenty-one years, the receipt of the wife to be a sufficient discharge for such payments during the daughter's minority—the remaining one-third share to be invested and the annual income to be paid in such manner and at such times as his wife and daughter, during their joint lives, shall by direction in writing require his said trustee to do with power to his said wife and daughter, or the survivor of them, to direct payment from time to time of any portion of the principle or capital comprising such last mentioned one-third share or portion, and in the case of the death of either his said wife or daughter the survivor was thereby empowered to give such directions, and upon the death of the daughter to pay and apply such amount of principle and interest comprising such one-third share or portion as may not have already been paid over under the directions of his wife and daughter in such manner as is set out in the will.

Provision is then made as to the disposition of the corpus of the three separate shares.

On the return of citation to pass the accounts it appeared that one-third of the income had been paid to the widow in accordance with the will—a second one-third to the widow as guardian for the infant, for the benefit of the infant who at the time of the death of the testator was some eighteen years of age, and who is still an infant—the income of the remaining one-third share was paid over to the widow from time to time under an appointment or direction signed by the widow and by the widow as guardian of the infant, directing the income of the remaining one-third share, referred to in the will, to be paid to the widow, and the question which arose was whether these payments of the interest of such remaining one-third share could be allowed in the passing of the accounts before the infant's coming of age and confirmation thereof.

After setting forth the above facts the decree goes on to say; a comparatively recent case is in re D'Angibau, L. R. 15 Ch. Div. 1880. p. 228 on the subject of Appointment by Infants, in which the decision of Jessel M. R. was upheld by two out of three judges on appeal. In that case a settlement was made on the marriage of a lady, therein described as an infant at the age of nineteen years and upwards, and such settlement gave the estate, in default of issue, in trust to such person or persons as the wife might by deed or will appoint. The wife appointed the fund by deed to her husband and died without issue being still an infant.

The question was whether the infant could make the appointment. Jessel M. R., whose judgment was appealed from divides the powers of appointment into—a power collateral, he defines as "a power given to a person who has no interest, whatever in the property over which the power is given." A power in gross he defines as "a power given to a person who has an interest in the property over which the power extends, but such an interest as cannot be affected by the exercise of the power, such as that of a tenant for life with a power of appointment after his death." The third power appendant, he defines as "a power exercisable by a person who has an interest in the property which interest is capable of being affected, diminished or disposed or to some extent by the exercise of the power,' and he quotes Sugden on Powers as an authority that the first power, the collateral, may be exercised by an infant, but that is not the present case. Neither does the present case come under the second head.

The present case may be classed as a power appendant, because, though it may be said no interest is created by the will in the infant, still there is such an interest as is capable of being affected, diminished or disposed of to some extent by the exercise of the power if she has any power to appoint or direct during infancy, for if such is the case she might, with the consent of her stetmother appoint or direct to herself. It therefore cannot be said that she has no interest.

The D'Angibau case decides that a power in gross may be exercised by an infant—that is to say that an infant has the power under a settlement to designate the person to whom the estate shall go after she has done with it. Jessel M. R., at p. 235 after pointing out that there is a very pertinent distinction between the first two classes of power and the third, the first two classes affecting the infant's property, adds: "It may be well said there that the infant cannot do any act affecting his property through the medium of a power any more than he can do so directly, but where the exercise of the power only affects other people's property it does not appear to me that if the rule is settled with regard to the first class of power that rule should also apply to the second class of power. It can make no difference in the world that the infant has some interest under the settlement so long as that interest cannot be affected by the exercise of the power."

In Hearle vs. Greenback, 3 Atk. 710 Hardwicke, L. C., says: "There is no precedent either in law or in equity where it has been held a power over real estate executed by an infant is good, and as I can find no precedent for it I will make none. As to the general question concerning powers in the large sense of the word there are several kinds of powers infants may exercise—as where an infant is a mere instrument or conduit pipe and his interest is not concerned."

Watson's Compendium of Equity, p. 805 says: As a general rule all persons are capable of exercising power" and adds, "Infancy is no restriction where the interest of the infant is not concerned—thus he may exercise a mere naked power."

Th decree finds that the widow is, in every way, a suitable person to have the care of the infant—that it is in the interest of the infant that she should continue to reside with her stepmother until she shall attain her majority—that the stepmother is prudent and fulfills her duties to her stepdaughter, and that the total interest of the three shares is not more than sufficient to maintain the widow and infant in the manner which they have hitherto been accustomed to live, and continues: "but I cannot find any authority that an infant can direct moneys (which such infant might direct to be paid for the infant's use) to be paid to another. If the infant has the power to appoint or direct that the income shall be paid to the stepmother such infant might, with the consent of her stepmother, direct that not only the income, but the whole corpus of the remaining third should be paid to the stepmother or to any one else. I have therefore, come to the conclusion, under the above authorities, that the trustee was not justified in paying the remaining third sum under the circumstances above set forth during the minority of the infant."

It was further found by the decree that the money, the income of such one-third share, so paid to the stepmother had been expended by her for the joint benefit of herself and the infant, but notwithstanding this the payment could not be allowed to the trustee unless and until the infant on coming of age confirms the same.

Mr. W. H. Harrison, advocate for the executor, gave notice of appeal to the supreme court and the argument will probably take place at Fredericton next week.

NEWS OF A DAY

Contract Awarded.

Fredericton, Oct. 27.—Hon. John Morrissy has awarded the contract for the Plumsweep bridge, Kings county, to A. E. Smye, of Alma, the contract price being about $2,500. The M. C. Archibald and McKinnon bridges Restigouche county, will be built by John C. McLean, of Charlo.

Trouble in Cuba.

Havana, Oct. 27.—President Gomez today accepted the resignations of Secretary of State Justo Garcia Velez, and Secretary of Sanitation, Dr. Mathias Duque. Their successors have not been appointed. The resignations were tendered recently as the result of a quarrel between the two secretaries over the conduct of the Department of Sanitation. For a time a duel was threatened, but a court of honor decided that such a settlement of differences was not required.

Improved Service.

Ottawa, Oct. 27.—The Franco-Canadian steamship service, which the Allan Line has been performing, is likely to be greatly improved in consequence of the improvement in trade which is expected to follow the French treaty becoming effective. At present the contract calls for fifteen round trips a year for a subsidy of $200,000. The contract is expiring, but will be renewed with the same company on the basis of a fortnightly service.

Fatal Accident.

Fredericton, Oct. 27.—Word was received today of the fatal result of an accident last week at Maple Grove, near Stanley, resulting in the death of Harry Faulkner, a Nova Scotian, who has been living at Tay Creek. Mr. Faulkner was going into the woods on a load of supplies hauled by four horses. He was walking along the side board to fix the load when he fell beneath the rear wheel which passed over him. Terribly injured he was taken to the home of Mr. Stephen Donnelly, where he lingered until his death on Monday. The deceased was married about four years ago to a Miss Melvin of Tay Creek, by whom he is survived with one child.

CANADIAN CLUB LAUNCHED AT FREDERICTON

Officers Elected At Meeting Held Last Night Rev. G. M. Campbell In Stirring Address Tells Of Aims.

Fredericton, N. B., Oct. 27.—The Canadian Club of Fredericton was formed this evening at a meeting held at the City Council chamber and the new organization starts out under the most auspicous circumstances. Upwards of a hundred citizens, making a truly representative gathering, attended. Among the visitors was Surveyor General Grimmer.

The officers of the club are:

President—C. Fred Chestnut.

Vice-president—Rev. Father Carney.

Second vice-president—Judge Wilson.

Secretary—A. R. Slipp, M. P. P.

Literary correspondent and historian—J. Howe Dickson, K. C.

Treasurer—H. H. Hagerman.

Additional members of executive—R. F. Randolph, F. B. Edgecombe, Hon. H. F. McLeod, John Palmer, B. C. Foster, Dr. G. C. Vanwart, Chief Superintendent Carter.

Auditors—Collector MacNutt, J. W. McCready.

A constitution was adopted, making eligible for membership British subjects of 18 years of age. The annual membership fee was placed at $1.

Before the organization of the club, Rev. D. G. M. Campbell of St. John, delivered an inspiring as well as instructive and eloquent address, dealing with the aims and objects of Canadian Clubs. The reverend gentleman's remarks were punctuated with applause. He referred to the great heritage of Canadians and impressed upon his hearers their responsibilities in moulding what he felt would be the dominating nation of the century.

A vote of thanks was moved by Rev. Fr. Carney and seconded by Solicitor General McLeod. Later Rev. Dr. Campbell was made first honorary member of the club and report of his speech will be placed upon the minutes of the club.

BLUNDERING AT OTTAWA MAY HAVE CAUSED HESTIA WRECK

Those Familiar With The Circumstances Of Disaster Declare Openly That Wreck May Be Traced Directly To Rottenness Of Marine Department—Men Lashed To Rigging For 38 Hours Appeal Frantically For Aid But To No Effect.

Continued from Page 1.

Rips where no open boat ever survived. The latest report from the wreck brought in by the Kitchener tonight indicates that the Hestia is still holding but will break up with the first storm. The hull is lying due northeast by southwest listed to the port side about 30 degrees and with twenty-five feet of water over the stern at low water. Thirty-three fishing boats were crowded about the wreck this afternoon and with three thousand cases of whiskey aboard the thirty sailors are reaping a rich harvest.

Four Bodies Recovered.

Halifax, N. S., Oct. 27.—The bodies of four victims of the wreck of the Hestia, drifted ashore on the Nova Scotia coast today in two of the steamer's boats. One of the boats, bottom up, and with three bodies entangled beneath, pounded through the surf at Cheggogin Point. The dead men were P. F. Munn, of Glasgow, Chief Engineer of the Hestia, and two sailors. When the finding of the boat was reported, undertaker Sweeney was sent out by the Marine Department of the Canadian Government to Cheggoggin Point, 18 miles away. He brought them to Yarmouth and the bodies will be buried tomorrow.

The other boat struck this coast at Salmon River, nine miles from Cheggogin Point. Unlike the other, it was not capsized. In it was only one body which, as the ticket in one of his pockets showed, was that of Theodore Reid, a steerage passenger, 36 years old, from Glasgow. The coroner at Salmon River held an inquest on Reid. These boats came ashore at Points about 70 or 80 miles from the place where the Hestia struck on the opposite side of the Bay of Fundy.

Digby Knows Nothing.

Digby, N. S., Oct. 27.—A report was current here this afternoon that a boat and several bodies from the wrecked S. S. Hestia had been found on the Bay of Fundy shore of Digby county, but a thorough inquiry by telephone in those various districts has failed to confirm such a rumor.

Captain J. A. Moore, of the schooner Florence H., which arrived this afternoon from Westport, being interviewed by your correspondent, stated that he had made a splendid run up the bay, but had not seen or heard anything of the missing boats. Captain John Apt, of the schooner Albert J. Lutz, of this port, who arrived today, was also interviewed. He states that about four o'clock Monday morning he was eight or ten miles east of where the Hestia now lies and saw a light apparently drifting to leeward. He says he was at a loss to explain it, and sent a man into the rigging to find out if possible what it was. He concluded that the gas buoy on Old Proprietor ledge had broken adrift and was floating out to sea, but he now thinks that it may have been the boat with the twenty men from the Hestia. The wind was northeast with a rough sea but the captain says that had be known of the wreck at the time he would have borne down and investigated, and that if necessary he could easily have got volunteers to man a dory and give assistance. Captain Apt is anxious to know whether the boat from the Hestia carried any lights of any kind, or whether any of the gas buoys in that locality are astray from their moorings.

No More Bodies.

Mr. H. C. Schofield agent of the Donaldson Line, in the city, received a telegram last evening from George Dunlavey, shore captain of the line, who is at the scene of the wreck, which stated that no more bodies had been recovered. The boat had a list of 30 degrees to the port side and was in a precarious condition.

Acting on instructions from the Minister of Marine and Fisheries, the Dominion cruiser Lansdowne left the harbor yesterday afternoon for the scene of the disaster to assist in the search. Hon. Mr. Brodeur also gave permission for the cruiser Curlew to assist at the work but her whereabouts are at present unknown. The tug Kitchener is still in the vicinity of the ledges awaiting instructions.

An Immigrant.

Daniel Cowan, of Glasgow, one of the Scotch boys drowned, was coming out at the instance of the Provincial Immigration Bureau for the purpose of locating at Captain A. L. Peatman's farm on the river. As soon as Mr. A. B. Wilmot, superintendent of immigration, learned of his death, he cabled the news to Mr. A. Warwick, New Brunswick immigration agent as Glasgow, who sent the boy out.

Mr. Wilmot received a telegram about two o'clock yesterday afternoon from Salmon River, N. S., signed by W. J. Foley, informing him that a letter of introduction to him was found on the clothing of Theodore Reid, a steerage passenger, whose body was washed up on the shore.

The telegram read as follows:

Salmon River, N. S.,
Oct. 27.

A. B. Wilmot, St. John, N. B.

Body and lifeboat found today, Cassandra, Glasgow on boat. Letter of introduction to you found on steerage passenger Theadore Reid.

W. J. FOLEY.

Mr. Wilmot knows nothing about Reid, but believes he must have been an immigrant who intended to settle in the province.

KOREAN POLICY TO REMAIN UNCHANGED

Assassination of Prince Ito Will Not Affect Relationship Existing Between Japan and Manchuria.

Tokio, Oct. 27.—Japan's policy toward Korea will remain unchanged by the assassination of Prince Ito, who as resident-general of Korea worked out the plan for that kingdom's reformation. This much was made known in a statement issued by the Foreign Office today. The statement was called out by the appearance in some of the sensational newspapers of editorials, demanding the immediate annexation of Korea to Japan.

The Foreign Office silences this clamor by formally declaring that though the death of Prince Ito through the dastardly act of a Korean was the greatest loss which the Empire could sustain, the attitude of Japan toward Korea remains the same as that inaugurated and desired by the dead statesman.

"There is no reason to believe that the death of Prince Ito will have the slightest effect upon Japan's policies at home or abroad. On the contrary his known wishes will be followed, probably more closely now that he is dead than when he was alive.

The death of the Prince was officially announced by the government today, and it was also stated that the warship bearing the body would arrive at Yokohama November 4th, when it will be removed immediately to the Prince's late residence in Tokio.

JUDGMENT RESERVED IN THE PARKER CASE

Fredericton, Oct. 27.—In the Divorce Court this morning, on motion of Mr. N. Mark Mills, the case of James Robert Parker vs. Lottie Gertrude Parker was tried. The case was undefended. The defendant was formerly a Miss Maloney. The parties are residents of St. Andrews, Mrs. Parker being operator in the Western Union at that place.

The couple lived together but one day, when the husband left his wife and since that time has had no communication with her. The plaintiff testified to the above facts and Dr. Wade, of St. Andrews, the other witness, gave evidence of attending Mrs. Parker and two children being born, one in the fall of 1904 and the other in April, 1907. The evidence in the case was taken under commission and read in court proving the marriage. His Honor reserved judgment.

FELL INTO FOUNTAIN AND WAS DROWNED

Montreal, Oct. 27.—An unknown man, evidently a laborer was drowned in the Basin of the fountain on Victoria Square this evening. An hour before his body was found floating face up in the shallow water by a little girl he was staggering through the square with a companion. He evidently sat down on the coping and fell in.

HOTEL ARRIVALS

Royal.

N. Beazley, Halifax; E. Regensburg, New York; R. E. Maize, Boston; Geo. B. Kenwick, New York; Fred Russell, Montreal; Mr. and Mrs. J. A. Morrison, Fredericton; F. E. Edwardson, Montreal; J. A. Parsons, Galt; Louis Lewis, J. M. Rubenwick, Montreal; J. O. Aye, Boston; J. G. Scott, K. A. Monson, Quebec; John E. Wood, Halifax; John Webster, Belfast; J. H. Murphy, Boston; S. E. Anglin, W. S. Armstrong, Toronto; A. Ogden, Bedford, N. S.; R. Osborne, New York; J. T. Hallisey, Truro; O. W. Hobiecker, Halifax.

Victoria.

W. A. Walker, Moncton; Percy Jennings, Woodstock; Arthur L. Hoyt, McAdam Junction; A. H. Murphy, F. S. Thompson, Montreal; D. V. Landry, M.D., Buctouche; Mrs. Livingston, Mrs. Vivian, Tilsonville, Ont.; Mrs. Percy Jennings, Woodstock; Mr. and Mrs. F. D. McDonald, Summerside, P.E.I.; Morris Scovil, Gagetown; Cudlip Miller, St. Martins; H. W. Woods, Welsford; W. W. Hubbard, Fredericton; W. J. Dickson, Halifax; Mr. and Mrs. Geo. D. Crawley, St. George; Geo. S. Wallace, Boston; J. H. Henley, Hartford.

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