

The Star

ST. JOHN, N. B., MONDAY, AUGUST 19, 1907

LATEST WEATHER REPORT

FAIR and WARM

ONE CENT

SEE MANCHESTER'S Advt. on Page 8.

VOL. 7, NO. 287.

NOW ON SALE EDISON GOLD MOULDED RECORDS, AMERICAN SELECTIONS. 9002—Minuet and Gavotte from "Pagliacci" (Leoncavallo)...

Have You Painted your house this season? It pays to paint if you use good materials. Sherwin-Williams Paint is most economical...

EMERSON & FISHER Ltd., 25 Germain St. Retail Tel. 866

Boys' Wash Blouses. The balance of our stock of Boys' Wash Blouses, ranging in price from 75c to \$1.00, marked down at one Low Price to effect a speedy clearance.

BE ONE OF OURS. We show you here one way of making money by saving it. Our customers save one-third. Two specials now on. Boys' Blouses, 39c. Boys' Pants, 29c.

Flat Brim Stiff Hats. Are the leading shapes this season. We have just opened a natty lot of this shape.

F. S. THOMAS, Dufferin Block, 539-541 Main St., N. E.

Our Profits For You. We bought before the advance and we will give you the benefit. Shaker, from 60 yard up. Shaker Blankets, large size, grey and white, only 90c—at The Parisian Store, 47 Brussels Street.

MEN'S RAINCOATS New Fall Stock Arrives. Our Fall Stock in these Popular COMBINATION RAINCOATS and COMBINATION TOP COATS is certainly very attractive, New Patterns, New Styles and Prices that ought to make People Buy Now.

SENSATIONAL DEVELOPMENT IN HARTLAND FIRE ENQUIRY

St. John Detective Who Has Been Working on the Case Is Now Under Arrest on Charges Made by W. F. Thornton

HARTLAND, N. B., Aug. 18.—Since the recent fire at Hartland, G. W. Green, a detective from a St. John agency has been working on the case and at the investigation gathering evidence. He will be a witness against McNally tomorrow.

NEGLIGENCE CAUSED THE INDIANTOWN TRAGEDY

Jury Find That the Derrick Which Fell, Killing Three Men, Was Not Properly Anchored

NEWCASTLE, N. B., Aug. 18.—Coroner Desmond of Newcastle held an inquest into the Indiantown disaster on Saturday. Lawyers Davidson, Butler and Whalen were present. Several witnesses gave their testimony about the accident as already reported.

TOOK CARBOLIC ACID FOR AN ATTACK OF GRAMPS

MONTREAL, Q., Aug. 18.—Maurice Ross, of 15 Vercheres street, came by the sudden death early this morning by swallowing a dose of carbolic acid in mistake for medicine. Ross had an attack of gramps in the stomach. He leaves a widow and nine children.

CAUGHT THE MAN WHO ASSAULTED A GIRL

YOUNGSTON, Ohio, Aug. 18.—A tramp who assaulted Alma Whitehead, the 13 year old daughter of Rev. J. M. Whitehead, of Turnerville, Pa., Saturday night, was run down by bloodhounds from Warren, Ohio, and captured shortly after midnight in a swamp near Wick Ashbula County. He was taken to the Meadville, Pa., jail.

PERSONALS

Mrs. James T. Pickle and daughter Marion have returned home after a very pleasant visit to Mrs. Pickle's sister-in-law, Mrs. Bowers, 75 King St. Miss Sadie MacLaren, of the West Side, left this morning to visit her brother, W. R. MacLaren at Grand Falls.

ROCKEFELLER ASKED FOR \$100,000,000

Taffy Laid on by a Baptist Preacher Yesterday

And In Return for Compliments He Was Invited to Dinner With the Oil Man.

NEW YORK, Aug. 18.—According to a despatch to the Tribune from Cleveland, Ohio, John D. Rockefeller was invited to contribute \$100,000,000 to the cause of evangelism yesterday. Shortly after hearing the invitation made from the pulpit of the Euclid Avenue Baptist Church by the Rev. Courtland Meyers of New York, Mr. Rockefeller gripped the preacher's hand cordially and invited him to Forest-Hill to dinner.

EARL GREY AND PARTY ENROUTE FOR P. E. ISLAND

Passed Through the City Today From St. Andrews—He Is Suffering From a Cold.

His Excellency, the Governor General and party passed through the city at noon today in the Governor's private motor car. His Excellency was in the city for about 30 minutes and was visited by His Excellency the Mayor, and Superintendent Dowling of the P. E. Island. He had greatly enjoyed his trip to St. Andrews. He was somewhat inconvenienced because of a cold.

DECIDED TO REMAIN HERE AND BE MARRIED

A Jew Who Regretted His Engagement Tried to Get Out of Town But Failed.

A recent wooer was turned back at the American hotel today and will now carry out his marital engagements. The young man is a Jew and shortly after arriving in this city became enamored of a woman from his own country. Everything was prepared for the wedding, which is to take place in a few days. The young man, however, seemed to run the step he was about to take and became restless. His future brother-in-law noticed this faint-heartedness and took upon himself the task of seeing that the groom did not leave the city. It was lucky that he did so for the groom tried to slip aboard the American boat but could not get away from his prospective relation. The matter was referred to the United States authorities and the man was turned back. He has given up all ideas of flight and wedding bells will soon be heard.

DAUGHTER BORN IN N. Y. GOVERNMENT HOUSE

ALBANY, N. Y., Aug. 18.—A daughter was born this morning to Governor and Mrs. Hughes. Mother and child are doing well. Governor and Mrs. Hughes have three other children, Charles E. Hughes, Jr., about 19, a Junior at Brown University, Helen, about 16, and Catherine about 19.

LATE SHIPPING NEWS.

Arrived Today. Stmr. Telesora, 2,555, DeBengra, Norfolk, Ga., Wm. Thompson and Co. Coastwise—Hustler, Windsor; Dora, Parrsboro; Lettie W., Annapolis; Effie Maud, St. Martins; Makado, Port Wolfe; Citizen, Advocate Harbor; Barge No. 6, Farrboro; Tug Springhill, Parrsboro. Cleared. The tug Springhill and barges Nos. 6 and 7, cleared this morning for Philadelphia in ballast, and will bring cargo of coal east. This is the first voyage of the barges so far west and it is said that the coal strike at Springhill is the cause of their going.

SPANIARDS CHARGED WITH NEGLECT OF DUTY

Are Not Doing Their Fair Share in Morocco

But are Enjoying a Pleasant Holiday and Letting the French do all the Work.

PARIS, Aug. 18.—The Figaro Casablanca correspondent says: "To the surprise of all, the Spanish contingent returned to the city after simply making a reconnaissance of the ground 'alotted' them. They announced that they would repeat the reconnaissance the next day and then would decide what they would do. There is much indignation at the attitude of the Spanish troops, who do nothing but sit about the city, while the French soldiers are worn out from constant guard."

SNOW IS ALREADY FALLING IN THE WEST

Montreal Will be Again Tied Up by a Big Longshore Strike—Production of Gas in Ontario

TORONTO, Aug. 18.—It was stated by J. P. Aitken, of Chatham, who arrived in the city last night, that the natural gas wells of East Wabeno were at present producing more than forty million cubic feet of mineral gas a day.

EX-SECRETARY SHAW ON THE FINANCIAL SITUATION

Everything is Lovely He Says—No Reason for the Present Panic—People Should Keep Cool

NEW YORK, N. Y., Aug. 18.—Leslie M. Shaw, formerly secretary of the treasury, now president of the Carnegie Trust Company, authorized the following interview on the present financial and industrial conditions today: "Our farms produce more than \$2,500,000,000 per annum and the crop prospect is good for an average crop. Our mines yield more than \$1,500,000,000 and our forests more than \$1,000,000,000. And neither of these sources of wealth has been exhausted. The output of our factories, in other than food products is approximately \$2,000,000,000 and no fires have been extinguished. The railroads earn more than \$2,000,000,000 and they are all in successful operation. The pay rolls of our factories and railroads aggregate approximately \$3,500,000,000 and the scale of wages has not been reduced. In other words, the real sources of the people's wealth have not yet been affected and the ability of industrial concerns to pay dividends is not measured by the market price of their stocks. Logical reasons for serious conditions are therefore wanting. Psychological reasons are never wanting.

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Mrs. James T. Pickle and daughter Marion have returned home after a very pleasant visit to Mrs. Pickle's sister-in-law, Mrs. Bowers, 75 King St. Miss Sadie MacLaren, of the West Side, left this morning to visit her brother, W. R. MacLaren at Grand Falls. Mrs. A. S. Ingraham, nee Newcombe, will be at home to her friends on Tuesday afternoon and evening, Aug. 20th. Miss Mary McCrossin, of Richmond street, left Saturday evening on the steamer Yale for Boston and New York for a visit, where she will be the guest of Mrs. Sarah Sheahan. Miss Laura Gleason, accompanied by her aunt, Mrs. W. S. McCart, left this morning on a visit to Ex-Port, Calais, and St. Stephen. Mr. Rodney McDonough, agent of the Pennsylvania Railroad, leaves this evening for Boston. While in St. John he was the guest of Mrs. C. Gleason, Princess street. Harold Nixon, of the Royal Bank staff, is spending his vacation on the river. Master Ray and Miss Marion Sullivan, of Boston, are visiting friends in the city.

HEARING OF ARGUMENT IN THE COAL-STEEL CASE

Judge Hopes the Lawyers Will Get Through This Afternoon—Mr. Lovitt Dwells on the Contract as it Relates to Quality of Coal

AND NEARLY SCARED THE PEOPLE OUT OF THEIR WITS

Landed Only Half a Mile From a Life Saving Station—It Killed Many Fish, Giving Profit to Boys.

NEW YORK, Aug. 18.—The World today says:—At six o'clock last evening an immense meteor apparently about 75 feet in circumference, fell into the sea about a mile off the Amagansett, L. I., life saving station. First a roar was heard and an instant later a great stream of fire seemed to come down from the clouds and plunge into the sea in the wake of the meteor. The meteor fell into the water with a noise as of a mighty boiler letting off steam. Great waves rolled in upon the beach. Part of the bathing pavilion was washed away, along with it several fishermen's huts. Much damage was done to property abutting the water front. Some persons thought the incident marked the end of the world. Even old fishermen, used as they were to facing death at sea, were terrified and did not for a long time quiet down. Capt. George Green who was in command of a vessel in the St. Pierre when Mont Pelee blew its head off, and destroyed that city, was sitting on the water front when the meteor fell. He declared that nothing had ever frightened him so much except the Mont Pelee disaster. The meteor apparently fell vertically. From the time the noise was first heard until it plunged into the sea, was probably three quarters of a minute, after the disturbance had subsided, hundreds of dead fish were found on the shore. These were gathered by boys and peddled by them.

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NEW YORK, Aug. 18.—His Lordship, when court opened, expressed to Mr. Lovitt the hope that the argument would be completed on both sides before four o'clock, the usual closing hour, and that he would allow the leading counsel on the other side ample opportunity within that time to finish his presentation of the case. Mr. Lovitt before proceeding to open the argument, complimented His Lordship on the patience he had exhibited during the long trial and the gentlemen on the other side for their infinite courtesy displayed. He referred to those gentlemen as the finished product of the bar of Ontario and Quebec. Mr. Lovitt also made an eloquent reference to the large attendance of ladies from day to day. Arguing from the standpoint of the assignment of the contract to the National Trust Co., the speaker said that there cannot be two parties owning the same contract at the same time. Why could not anybody interested in the Steel Co., the bankers for instance, come in and claim to be parties to this suit, if that was admissible. Going into his argument on the facts presented, Mr. Lovitt said that he thought His Lordship should consider the following: "That the coal which was delivered was run of mine, and secondly, that the coal was from the seam designated in the Steel Co. It would not do for any man to argue that when the seams were shown as following a certain course by every mining man in the province, such a seam could not have been contemplated by the contract. As to the 153 cars of coal which were rejected, these were proved by Messrs. Drummond, Wanklyn, McLennan and others to be reasonably free from stone and shale. And then, was it reasonable to suppose that the heap of coal in the yard, referred to exposed for nine months, could have the appearance of coal freshly mined? It was not denied that the coal that was shipped by the Coal Company was from Wabana and Marble Mountain was not suitable for the purposes for which it was intended, namely steaming fire engines. The engineers who were called by the defendant company proved conclusively that the coal was excellent for steam raising purposes. His Lordship must find that, although the coal was rejected by the Steel Company, as not being suitable for their purposes, this coal was at least suitable for the purpose referred to. Another point pressed by the Steel Company was that the coal must be at least under 4 per cent. in sulphur. This was the real issue of the case, and his Lordship could not help finding in this matter. Up to the time of the making of this contract the Steel Company was the lessee of the Coal Company and it was deemed best by both parties to make a satisfactory arrangement. The speaker read the letter of Mr. Flumme to Mr. Fraser pointing out that the Coal Company was giving \$1,500,000 in consideration of the cancellation of the contract. Mr. Lovitt read certain decisions bearing upon the case, indicating the principle with regard to the interpretation of the contract, to arrive at which the parties are not allowed to go outside its terms. As to the principle that where the contract stated in exact words what was required of the parties, Mr. Lovitt read a number of cases showing that no implied warranty existed. It is settled by law that where there was an express provision in the contract as to quality, no implied warranty is allowable. Referring to the case of Jones vs. Just and Jones vs. Bright, already mentioned during the present case, the principle applicable there is enumerated by Benjamin, who says that a contract or warranty as to quality and quantity is only implied when the purchaser is unable to use his own judgment. Dealing with the first clause of the contract, it was instructive to know what the position of the parties was previous to the making of the contract. The question of quantity was one of the most vital that entered into the contract. This limitation was defined in clause one of the contract, which the other side claimed referred to the quality. The third clause was a specification as to quality, and the real battle-ground between the parties from the Coal Company's standpoint. It was practically impossible to find what quantity of sulphur would be in the coal. All the miner had to do was to guarantee the coal in the ordinary course of his business. He could only supply freshly mined coal reasonably free from stone and shale, and this could be done on the picking belt. The miner had nothing to do with the washing operation at the Steel Company's plant. The Steel Company naturally expected as good coal as it could get for \$12 a ton, and the Coal Company did all it could to supply the coal reasonably free from stone and shale. The specification was in the contract as to quality and no one took any exception to it, until Mr. Jones arrived on the scene.

(Continued on Page 5.)