

KELLEY IS FOUND GUILTY BY JURY IN ASSAULT CASE

Richmond Man Held For Assaulting United States Customs Officers Must Face Sentence. Prisoner Only Witness Called In Own Defence --Defence To File Objections to Verdict.

Portland, Me., Dec. 29.—William J. Kelley, of Richmond, N. B., charged with assault with a dangerous weapon on Deputy Collector of Customs Frank E. Burns, was found guilty by the jury in the United States district court tonight. The jury was out 50 minutes.

The defense undoubtedly will file objections. Judge Clarence Hale will probably sentence Kelley tomorrow. The status provides a penalty of not less than one year and not more than ten years.

Mr. Carvell Speaks. As the Government had no more witnesses to call when court convened this morning, Hon. F. B. Carvell opened for the defense, and then called Kelley to the stand. He was the only witness. His story differed from that which Deputy Collector Burns told yesterday in a few details, most of which, however, were to the intent that Kelley had acted in self defence.

United States District Attorney Robert T. Whitehouse closed for the prosecution. Kelley said that when the officer first approached him he said: "You're the man I'm looking after," but that he did not show any signs of offense, and only told Burns that he was a customs officer. He denied that he said "Damn you, I'll kill you," as Burns had testified. He said that the stick he used to pound his right hand with as the animal was a bit lazy, and that's why he held it in his hand, when Burns claimed it was for the purpose of threatening him.

He denied, however, that he made any attempt to strike the officer until the latter had fired and shot him in the face. Then he admitted that he took his stick and pounded Burns about the head and body until he knocked him down, after which he kicked him several times leaving him in the road. He says he then picked up Burns' revolver, and walked up the road to get his team, which had started on. He turned the horses around and, driving back about thirty rods, he saw Burns walking about the field.

This was contrary to the officer's testimony that when he woke up after the assault he found himself in the field without any consciousness of how he got there. Kelley said that when Burns held up the horses after he had attempted to drive on that the officer had pulled his gun and threatened to shoot, and that the second time he repeated the threat and did shoot, one bullet hitting him (Kelley) in the chest, and lodging in the back of the neck, the other striking a suspender button and glancing so that it left a red mark that afterward turned black and blue.

To Go to Washington. Following the conviction of Wm. J. Kelley today it was announced to-night by Kelley's counsel that evidence already in the hands of the Canadian Government intended to show that Kelley was forty feet on the Canadian side of the border when arrested recently, undoubtedly will be presented to the state department at Washington in the immediate future.

It was also announced that Judge Enoch Foster of this city, who assisted in the defense of Kelley, would be associated with F. B. Carvell of Woodstock, N. B., in presenting the case at Washington.

NOVA SCOTIAN MEE'S DEATH BY BURNING

Returning From Christmas Visit, Simon Demone Falls a Victim To Flames In Barn Near Windsor.

DEATH DUE TO OWN NEGLIGENCE

Special to The Standard. Halifax, N. S., Dec. 29.—Burned to death while on his way back to work after spending Christmas at his home in Lunenburg, is the sad fate of Simon Demone who perished last night in a barn on the Noel road. Demone was working in the woods and was on his way back to the camp when darkness overtook him. He called at the home of Alfred T. Ettinger, of Kennebecoek Corner, a village near his camp, and asked for lodging. Mr. Ettinger did not like his looks. He had evidently been drinking and Demone was refused admittance.

Slept In Barn. Mr. Ettinger, however, agreed to let him sleep in the barn, and went over and made up a bed for him there. Before leaving Demone for the night the precaution was taken to search him for matches and all that could be found in his possession were taken away. About one o'clock in the morning, Mr. Ettinger was awakened by the stamping of his horse in the barn. He looked out and found it was on fire. The flames quickly enveloped the structure which was soon completely destroyed. There was a fire of Demone, but in the morning they found his charred remains. He had been turned to death.

Demone had retained a match, tried to light his pipe and set fire to the place. The horse and a cow were also destroyed and a quantity of merchandise for Ettinger, who is a merchant, kept a stock of goods there as well as using the place as a barn. The loss will be \$1,000. Demone leaves a wife and eight children, he was 45 years of age.

E. S. CARTER NAMED AS POSSIBLE VICTIM Rumor That St. John Man Is To Tackle Grit Paper Proposition In Fredericton—Still Undecided.

Special to The Standard. Fredericton, Dec. 29.—It is understood that E. S. Carter and the others who are promoting the proposed new Grit organ here, are anxious to have E. S. Carter for editor. Mr. Carter has been here for a few days and met A. E. Hanson and other promoters at the Queen Hotel today. At present Mr. Carter is somewhat doubtful as to entering upon what may seem as a rather tough proposition.

James Toner had an artery of the thumb severed today in an accident on the edge trimmer machine at the Hartt Boot and Shoe factory.

IMPROVEMENT IN OCEAN TRAVEL NOTED Trans-Atlantic Liners Carried More Passengers During 1909 Than Previous Year, But Less Than 1908.

New York, Dec. 29.—Trans-Atlantic passenger travel for the year 1909 shows some improvement over that for 1908, but is below that of 1907, which was a banner year in the steamship business. A statement issued today shows that westbound or incoming figures have returned to normal except in regard to steerage passengers. In 1908 the eastbound or outgoing passengers were greatly in excess of the incoming, due to the industrial depression in the United States. During the year 1909 all steamship companies operating from this port carried approximately 1,750,000 passengers, of whom 1,247,244 were westbound and 482,756 eastbound.

CHAMBERLAIN RETURNS TO THE BUDGET BATTLE

Declares in Address Issued Yesterday to Electors of West Birmingham That Lloyd George's Proposals Will Increase Number of England's Unemployed--Tariff Reform Advocated. Liberal Press Playing With Thunderer -- Toronto Correspondent Criticized for Anti-Imperialistic Suggestions -- German Menace Uppermost in Thoughts of Stump Speakers.

London, Dec. 29.—Joseph Chamberlain today issued an address to the electors of West Birmingham in which he advocated tariff reform and reciprocity with the colonies, and attacked the budget as placing a heavy burden of taxation upon the people and at the same time increasing the number of unemployed.

The address asserted that some 140 for Ireland as promised by the Liberal Government, and that the friends of England there whose interests were safeguarded by the present control but the danger to all would be greater since Great Britain was now threatened by foreign nations as never before.

Thunderer For Tax. The Liberal press is pulling the leg of the Times. One paper criticizes its Toronto correspondent for saying: "The pretty plainly increasing proportion of the foreign population of the Canadian Empire unless it is given a bribe in the shape of a tax on the food of the people of Britain."

Another paper remarks that its mammoth supplement published yesterday to the glorification of South America, than which the Times says fewer portions of the globe offer richer fields to capitalists.

This hint to accelerate the exodus of British capital which the tariff reformers inment, coupled with the Times' undisguised pride in the fact that British capital has had a great deal to do with the development of Latin America, is amusingly pointed out by Mr. F. E. Smith, K. C., M. P., addressing his constituents at Liverpool, said that the British people had learned from Robert Blatchford what Lord Roberts had been telling his countrymen for three years. There had been a fatal betrayal to an irretrievable minimum, the national security, so that they were not safe un-

Special to The Standard. Ottawa, Ont., Dec. 29.—Over one hundred applications have been received at the Marine Department for positions in the proposed Canadian navy. Included in this number are applications from several men who have served in the British navy and are now on the reserve list. It is not likely, however, that any large proportion of these will be engaged by younger men sought. The pay of officers will be similar to that obtained in the British navy, but the scale for the crew will be higher and more along the line of that paid in the United States.

It is expected that the cruiser Rainbow will arrive in Canada early in June. Negotiations for a second training ship have not taken definite form. There are several proposals being discussed with the admiralty at present.

NOVEL TESTS OF AIRSHIPS PLANNED United States Revenue Cutter To Attempt Repulsion Of Aerial Attack During Los Angeles Aviation Week.

Los Angeles, Cal., Dec. 29.—The importance of an airship in time of war was demonstrated by a night attack of dirigibles on the revenue cutter Perry off the harbor of Los Angeles during the aviation tests in January.

PETITION FOR NEW TRIAL IS DENIED MORSE

Legal Technicality Only Separates Former Banker And One-Time "Ice King" From Prison Term.

New York, N. Y., Dec. 29.—Only a technical shadow now stands between Charles W. Morse, banker and one-time "ice king" and the 15-year sentence in the federal prison at Atlanta. Judge Hough, in the United States circuit court today denied his motion for a new trial, but close upon the heels of the decision, Martin W. Littleton, his counsel, announced that one more effort would be made. Tomorrow he will move in the circuit court for a writ of error on Judge Hough's decision of today. If this is denied, Morse will begin the new year serving his sentence for violation of the national banking laws, the supreme court of the United States having previously refused to interfere in the case.

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PROTECTIONISTS WIN IN FRENCH CHAMBER

Chamber Of Deputies Pass Tariff Bill Embodying Principles Of High Protection—Modifications May Ensnue.

Paris, Dec. 29.—The Chamber of Deputies today passed the tariff bill by a vote of 365 to 42, after a protracted discussion. This represents a victory for the high protectionists and the tariff commission, which practically had its own way. The government has intervened only for the modification of some schedules which were inevitably bound to menace France's foreign trade relations. Nevertheless, it is expected that the government will step in at the final moment and offer a conciliatory proposition. The bill must yet pass the senate and the differences between the two houses must be reconciled.

Although the enclosing clause puts the new tariff in force on March 31, 1910, it is considered that the bill will not likely be adopted until later in the year. M. Klotz, chairman of the commission, in his closing speech assured the chamber that the bill was designed only to protect the interest of France and was in no way aimed at any foreign country.

PROTEST AGAINST STUDY OF MODERN LANGUAGES French And German Of No Use To The Great Majority Of Students Declares Head Of Cornell University.

Ithaca, N. Y., Dec. 29.—"What is the use of retaining the study of German and French and other modern languages? What are the grounds for maintaining them? If you exclude college and university teachers, probably not one in five hundred who have learned the languages will ever use them or could if they were called upon to do so."

President J. Gould Schurman, of Cornell University, suggested the radical change in college curriculum in speaking before the convention of the Modern Language Association of America here today.

SECRETARY KNOX TARGET AGAIN FOR UNHAPPY ZELAYA

Former President Declares Taft Administration Is Undoing Good Work of Predecessor. Charges That American Promises Aided 'In the Overthrow of Government Forces.

Mexico City, Mex., Dec. 29.—"Mr. Knox is not my judge. I am answerable only to my government for my actions," said Jose Santos Zelaya, former president of Nicaragua, after his arrival today from Salina Cruz. Asked tonight what attitude he would assume should Secretary Knox seek to have him extradited from Mexico, Zelaya refused to discuss the probability of such a situation, but intimated that Secretary Knox would not have the right to request his presence in the United States.

"I have no feeling against the American people at large, nor the government. Secretary Knox has been systematically misinformed and public opinion in the United States has been prejudiced against me. My relations with the preceding American government were exceedingly friendly. The present administration contains many unfortunates both for our own people and for the American people. Secretary Knox had the complete confidence of Central America and his policies were drawing the people closer together, politically and commercially. I am afraid that the attitude of Secretary Knox is undoing all that work throughout Latin America."

Americans with Rebels. Zelaya made the assertion that American marines were engaged in several recent battles in Nicaragua and that twenty of them were killed. He said: "There were 400 Americans fighting in the Indian state of the battle of Rama. At the battle of the Colorado Junction on November 1, the bodies of twenty American marines were found dead on the battlefield. They were all from the American gunboats anchored in the river to protect American interests. The official explanation given me that these men were deserters."

Zelaya believed that the confederation of all the Central American republics would be formed in the near future, and that the great masses of the people were unionists. Zelaya declared that on December 20, 1907, he withdrew from his willingness to retire from the presidency and from politics altogether if a confederation of the five Central American states could be brought about.

"The immediate outlook in Central America," said Zelaya, "is difficult to prophesy. The struggle between the present government and the forces of Estrada will probably reach a climax in a short time. Estrada Cabrera is the evil genius of our people, and he is the one American at heart without sectional lines. Cabrera has poisoned the minds at Washington. He has furnished money, supplies and men to the insurgents in the recent fighting. He will do the same against the actual government of Honduras, but he will never be accepted by our people and his machinations must be exposed in time, so he will be known for what he is."

Zelaya tonight said that he would make any attempt to return to his country, but might return if he were asked by his government. That Zelaya is at liberty to return to Nicaragua when he pleases was the information given out at the foreign office.

Congress in Session. Managua, Dec. 29.—The Nicaraguan congress met in extraordinary session today and appointed a commission to consider the message of Minister General Baca, who has asked the government to grant him power to exact war contributions at his own discretion.

President Madrid today issued a decree appointing an investigation committee of five which is charged with the responsibility of examining the account of the Zelaya administration. The committee's duties include the working out of a new system of finance, the revision of the presidential election of the legality of the recent act of the president in revoking the grants of alcohol, tobacco and other monopolies.

The Government of Honduras and Costa Rica today made formal acknowledgments of the presidency of Madrid and renewed the protestations of friendship for the Republic of Nicaragua. Zelaya is still technically head of the Nicaraguan Government. He surrendered his office for the remainder of his term, but was permitted to retain the title of president in order that the office provides. When this arrangement was made Zelaya had in mind rumors that the United States Government would hold him individually responsible for the deaths of the Americans, Groce and Cannon. Washington, D. C., Dec. 29.—Owing to the fact that the state department has had much difficulty in obtaining Continued on page 2.

TYPHOID FEVER ON INCREASE IN MONTREAL

Five in Every Thousand Of City's Population Stricken With Disease -- Alarming State Of Affairs.

Special to The Standard. Montreal, Que., Dec. 29.—The annual visitation of typhoid fever appears to be somewhat more widely spread this winter than usual. Statistics place the number of cases all the way from 2,200 to 4,800, with the probability that the smaller estimates is in excess of the actual number. This would make the ratio five in a thousand of the population.

All the hospitals which take cases of this kind, long ago had their accommodations exhausted, the number of cases in the six hospitals being 284. Lack of accommodation is keenly felt, and the probability is that the city will open temporary hospitals if the nurses can be secured. Blame for the epidemic is placed upon the water supply, and particularly upon that supplied to some of the outer wards and suburbs of the city by the Montreal Water and Power Company. The company, however, claims that an examination of its water shows that it is potable. Both the city and the company obtain their supply from the St. Lawrence.

WATER SERVICE IS HELD TO BLAME

ONTARIO TOWN HAS \$70,000 BLAZE

Zero Weather Interferes With Efforts Of Firemen And Disastrous Conflagration Ensues—Damage Covered.

Special to The Standard. Sault Ste. Marie, Ont., 29.—Fire which has completely wiped out half of the business section of Thessalon started this morning at 9 o'clock, in the office of the Wilson Printing Co. from an unknown cause and although an up-to-date water system has just been installed, the fire department were unable to cope with the flames which spread with lightning rapidity among the frame buildings in the vicinity until damage to the extent of \$70,000 was done. The severe frost hampered the movements of the firemen considerably, though tribute was paid them for their splendid work. The temperature at the time was 8 degrees below zero. Full details have not been received, but it is understood that the damage is fairly well covered by insurance.

TAFT STANDS FOR ACTS RATHER THAN WORDS

President Declares That Present Session Will Pass First Practical Conservation Statutes Ever Enacted.

Washington, D. C., Dec. 29.—"Acts rather than declarations." President Taft is reported in this terse way to have recently described to callers his programme as to the conservation of natural resources. The president, it is said, has declared that when the present session of congress ends he will be able to point to the first practical conservation statutes ever placed upon the law books of the nation as his answer to the criticism which has been levelled at the White House.



CHARLES W. MORSE, Between Whom Him and Prison Only a Legal Technicality Now Exists.