

SAYS CONTRACT WAS BROKEN

Dairy Company Defendants in Interest Case—Kings Co. Court

HAMPTON, Kings Co., Jan. 30.—The adjourned sitting of the Kings county court, which was opened by Judge Wedderburn this morning, had four civil cases on the docket, three of which were speedily disposed of, while the fourth bids fair to last well through tomorrow.

The first case was an appeal of George Myers of Sussex against a Scott Act conviction for a "second offense" violation of the act, but its merits were not gone into, as W. B. Jonah, who appeared for the appellant, stated that since his arrival developed a bad case of pneumonia, a relapse from a recent attack, and could not possibly appear in court at the present sitting.

The second case was Berty v. Robinson, assumpt, Messrs. Fowler, Jonah and Parlee for plaintiff, and Messrs. White and King for defendant. In this case a jury was sworn, but on account of the absence through illness of a material witness, the plaintiff elected to be nonsuited.

In the third case, Fred L. Fairweather v. Annie Quirk, also an assumpt case, the counsel agreed to have the issue tried out by the judge in chambers at St. John, on a day to be mutually agreed upon. Messrs. Fowler, Jonah and Parlee for plaintiff, and Daniel Mullin, K. C., for defendant.

The only cause which actually came to trial was that of the Maritime Dairy Company v. Bohemian Keith, in which the plaintiff company was represented by Messrs. Fowler, Jonah and Parlee, and the defendant by J. Milton Price, of the St. John firm of Stockton and Price. The claim is for damages resulting from the nonfulfillment of a contract to supply a certain quantity of cheese at eleven and a half cents a pound free on board of Havelock, in September last. The offer was made by defendant by letter on Sept. 19th, 1905, and was accepted by plaintiff on Sept. 22nd, but the defendant claims that he did not receive the answer until Sept. 25th, and meanwhile had disposed of the cheese to other parties. The defendant's counsel is attempting to prove that it is the custom of the cheese trade that if quotations are not accepted on the day made or immediately on receipt, the offer is off.

Mr. Fowler for the plaintiff rested his case on the correspondence of Sept. 19th and 22nd, supported by the evidence of Manager Friars and Miss Burgen, the company's stenographer. Mr. Price wanted a non-suited judgment upholding his claim there by a formidable array of legal text books and authorities, but as it was not granted, but on the stand of the defendant, W. C. Whitaker, assistant post office inspector, to prove mail dates and routes, and the defendant in regard to the offer and reply.

The court adjourned over until nine a. m. tomorrow to enable the St. John men to catch the down C. P. R. at five o'clock.

In the matter of the assignment to the sheriff of his estate, and effects by Mildred Lawrence, a farm widow, a short distance east of Hampton Station, with liabilities which he estimates at \$2,200 and assets at about \$1,200, the creditors who met here on Saturday last appointed O. W. King, Esq., and William Barnes, inspectors, who after going over the property will report to the creditors at a future meeting.

HAMPTON, N. B., Jan. 31.—The Maritime Dairy Company vs. Keith case was continued in the county court this morning and removed by holders of the defendant proceeded.

Heart Trouble.

Polite ly sks s To ngr y Owner's Health.

NEW YORK, Jan. 28.—James Bourke who said he was a valet in the employ of L. V. Sone, was arrested in the house of John McDonald in Mamaroneck, yesterday afternoon, and the conditions surrounding his capture caused such a sensation as the village has not experienced in many a year.

Mr. McDonald served twenty years as a detective in the New York police department, and now lives in a fine residence on the Boston post road. Mrs. McDonald is wealthy and possesses a great deal of jewelry.

Late yesterday, when she went to her room to dress for dinner, she was startled at seeing a well dressed young man standing before her mirror brushing his hair. As she entered he turned and spoke to her politely, and continued with his toilet.

Mrs. McDonald called to her husband, and with the instincts of an old policeman, McDonald put a leather-bound club in his pocket and he started to get upstairs. When he entered the room the mysterious stranger turned to him, greeting him pleasantly, and said he hoped Mr. McDonald was quite well.

"What are you doing in this house," demanded McDonald, laying his hand on the stranger's shoulder.

"Ah, yes, naturally it must seem quite odd to you," replied the young man, "but I am rather particular about my appearance and just took advantage of this opportunity to brush my hair before dinner."

Mr. McDonald grappled with the large vessel, but the stranger was so strong that he was unable to get him on the floor, with his knee on his neck. Then he called to his wife to get a pair of old handkerchiefs that had lain unused in a bureau drawer, and while McDonald looked on, the stranger brushed his hair with the handkerchiefs.

When asked how he wished to plead to the charge of burglary, the young man expressed great surprise and indignation. "Not guilty, of course," said he. "This is a most extraordinary performance. It's an outrage. I have never seen such shameful inhospitality. I merely stepped in this gentleman's house to make my toilet and here I am under arrest. I am the most innocent man you ever saw."

Judge Boyd telephoned to White Plains for the sheriff, and presently J. Campbell Thompson, sheriff, arrived, who is also a man of much wealth, and arrived on the scene in a motor car. Meanwhile Sheriff James D. Merritt arrived and the mysterious prisoner was further examined. He circled the crowd and a valet for L. V. Sone, who lives on the Quaker Ridge road. He said he had left Mr. Sone's house for a walk and simply stepped in to make a friendly call on Mr. McDonald, having no business for the unconventional conduct of country life. Judge Boyd informed him that he happened to know that Mr. Sone's house was shut up and that Mr. Sone was travelling in Europe. The young man replied that he had never met such suspicious persons.

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ALL SEEMED AFRAID TO OFFER ANY HELP.

Survivor of Wrecked Valencia Gives Startling Testimony That Sea Was Not Rough and That Victims Facing Death Were Ignored by Passing Vessels.

SEATTLE, Wash., Jan. 30.—At today's session of the investigation into the loss of the str. Valencia, C. Allison of St. Paul, a passenger, testified that the sea was not rough. He explained that he had himself been a sailor and that the surf that finally battered the Valencia to pieces could not be called high. This testimony caused a mild sensation as all published accounts of the wreck have been described as "high seas" and a "terrible surf."

"Everyone seemed to shun us," said Allison, testifying before the board of United States inspectors in the Valencia investigation. "All seemed to be afraid to help or to attempt to help the unfortunate men and women who were facing death."

"All those that succeeded in getting ashore immediately left the scene. The vessels at sea stood off and made no attempt to lower a boat. In the morning after the last raft put off from the Valencia there was no great sea. There might have been a comb on the water for the Queen not coming closer, but there was a tug alongside of her that did not come any closer than the large vessel. It all looked wrong to me. "I was in my bunk when the vessel struck and immediately went on deck. Everything was quiet and orderly then. Some one gave an order to lower the boats to the saloon deck. When they were lowering the starboard boat the crowd gathered around it. After people began jumping in there was some confusion. The boat went down the ship's side and for a moment it hung, one end up, the other down, and all the time banging against the side of the vessel. Finally it was caught and held."

"How did it happen that so many of the crew were on the life raft?" asked Inspector Whitney.

"As soon as the raft struck the water the crew took possession," said the witness.

"What kind of weather was it when you were picked up by the Topeka?"

"It was a trifle foggy, but there was no wind blowing. The waves did not have combers on them. I do not see why a boat could not have been lowered."

A. Willis, another passenger, testified that the first boat was not lowered. He said that the life on which the Valencia was wrecked was so abrupt there he landed that he could not get the lifeline that was shot ashore to wards him.

Brunswick, with several hundred maritime province born members now residing in other Canadian and American points. There are two hundred members in the party.

FROM GIRLHOOD TO WOMANHOOD

Mothers Should Watch the Development of Their Daughters—Interesting Experiences of Misses Borman and Mills.



Every mother possesses information which is of vital interest to her young daughters. Too often this is never imparted or is withheld until serious harm has resulted to the growing girl through her ignorance of nature's mysterious and wonderful laws and penalties.

"When a girl's thoughts become sluggish, with headache, dizziness or a disposition to sleep, pass in back or lower limbs, eyes dim, desire for solitude, when she is a mystery to herself and friends, her mother should come to her aid, and remember that Lydia E. Pinkham's Vegetable Compound will at this time prepare the system for the coming change, and start the menstrual period in a young girl's life without both countries are subsiding. Vancouver has been put on the New York footing, as the following cables show. The Canadian agent at Sydney, Mr. Larke, cables: "Australian government has agreed to my request. Canadian goods via Vancouver the same duty on account of freight as if shipped by New York." The Canadian agent at Melbourne, D. H. Ross, cables: "Australia have agreed free board values Canadian goods to be shipped via Vancouver will be equivalent if to be shipped by New York. The duty paid upon freight charges equivalent to goods to American border to take effect immediately. The proportion of freight charges must be specified in the invoices." The Australian business via Vancouver will be resumed on its old basis. The only result of the hampering Australian regulation has been the establishment of a steamship service between Canada and New Zealand.

The death of King Christian of Denmark, father of Queen Alexandra, has caused a number of social events at Rideau Hall to be cancelled. There are to be no entertainments of any sort until the state funeral has been held. What mourning will be observed after that date will depend upon instructions from England. The visit to Montreal next month will not be affected. The governor general will keep his appointment there.

G. T. YERKES' WIDOW MARRIED AGAIN ALREADY.

NEW YORK, Jan. 31.—Several New York newspapers announce today the marriage of Mrs. Charles T. Yerkes, widow of the traction capitalist, to Wilson Mizner, of San Francisco. No confirmation of the marriage announcement was obtainable from Mrs. Yerkes or Mr. Mizner, but when Mr. Mizner was asked if he would deny that the marriage had taken place, he replied that he would not. He said that he had no statement to make on the subject. The witnesses to the ceremony are reported to have been J. L. Eastland and Emil Bruger, of San Francisco.

Veterinary Experience

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Advertisement for 'PRIZE SOAP' and 'KUMFURT HEADACHE POWDERS' with various slogans and product descriptions.

Advertisement for 'Dr. Shoop's Restorative' featuring a testimonial and details about the medicine's benefits for various ailments.

Advertisement for 'CANADIAN NEWS' and 'ROYAL OPERA HOUSE AT YARMOUTH BURNED' with local news snippets.

Advertisement for 'THE ILLS OF WOMEN' and 'CANADIAN ENGINEERS' with technical and medical information.

Advertisement for 'BALFOUR AND THE LEADERSHIP' and 'ST. STEPHEN ELECTIONS' with political news.

Advertisement for 'AMHERST NEWS' and 'WELL SPREAD' with local news and community updates.

Advertisement for 'TORTURES OF ITCHING PILES' and 'WELL SPREAD' with medical and health-related content.

Advertisement for 'KUMFURT HEADACHE POWDERS' and 'TUTTLE'S ELIXIR' with product descriptions and testimonials.