

NO WITNESSES TESTIFY IN COLLINS' DEFENCE

Hon. Mr. McKeown Contends That Crown Has Not Proved Its Case

Declarer Prisoner is Only a Thief and Not Miss McAulay's Slayer---Hon. C. N. Skinner Declares the Suspect is the Guilty Party.

Hopewell Cape, via, Hillsboro, N. B., Jan. 23.—The last stage in the Collins murder trial was opened today when the crown rested its case. Contrary to general expectations the defence called no witnesses. Mr. McKeown addressed the jury in the afternoon and the court room was crowded to the point of discomfort. It was nearly 2:30 when counsel began to speak. The prisoner in the dock was plainly nervous and sat with flushed and anxious face, listening to the appeal that was being made to the jury for his life. As a forensic effort probably Mr. McKeown's address was never equalled in Albert county. The impression produced on the audience was profound and not a movement of the part of any one broke the silence. Revs. H. D. Worden, I. N. Parker, Dr. Marven of Hillsboro, Alex. Rogers, registrar of deeds, Hopewell Hill, and Father McAulay were present all the afternoon. Mr. McKeown reviewed the evidence, contending that the crime must have been committed by some one not under arrest. He argued that it was well known that Father McAulay was away and that his housekeeper and the prisoner would be absent that day and if there was anyone in the neighborhood with the opportunity, the opportunity was very tempting. The disappearance of the third value, he said, proved that some one else was in the house after the prisoner had left it. If the murder had been committed before the one else arrived, he would certainly have given the alarm and the crime would have been discovered.

Compliments for Clark and Killen

He paid a high compliment to Chief Clark and Detective Killen who, he said, were two of the most experienced and thorough police officers in Canada. He said he could not believe that the axe was in the priest's room when the detective searched. Turning to the consideration of the whole case against the prisoner, Mr. McKeown said the crown had proved nothing more than that the boy was there at the priest's house and carried away enough to give him fourteen years in the penitentiary. Mr. McKeown spoke for over two hours and a quarter, and was followed by Recorder Skinner who started to speak at ten minutes to 5 o'clock. At 5:30 the court took recess till 7:30.

Chief Clark

Chief Clark was the first witness this morning. His examination was brief and related to the incident which immediately followed the capture of the prisoner. He identified the telescope value in court as the same one that was handed to him by Mrs. Dean in Dean's Hotel, Musquash. Fred. F. Burton, Fred. F. Burton, house and carriage painter, next took the stand. He told about painting the closet door in Father McAulay's house in the winter of 1903. Witness said he mixed his paint with lead oil, turpentine, and drier, about two thirds oil and one third turpentine. Witness was shown the axe found in the priest's room. Hon. Mr. Jones was asking witness whether, in his experience, the paint on the axe could have got on it by striking it in the door. Mr. McKeown objected on the ground that witness was wholly without experience in this particular. Witness explained that he spoke from his experience in cleaning off paint. In answer to a question from the crown, witness said he felt himself competent to give an opinion as to whether the paint would adhere to the axe. Mr. McKeown again objected but his objection was overruled to the objection. Witness then said that in his opinion he thought it would. The axe he explained by cutting slash was into the wood, wedged it and the paint at the same time. The stains, he continued, did not appear to him as if they had been put on with a brush.

No Defence.

Mr. McKeown here said that the defence proposed to call no witnesses in the case. He asked what the court and counsel thought of section 63, which gives the defence the right to address the jury last with a right of reply in case the crown makes a second address. Mr. Skinner addressed the court at some length on the point adversely to Mr. McKeown's request and he then ruled in favor of the crown. Mr. McKeown then asked for an adjournment and his honor concurring the court took recess till 2 o'clock.

At the opening of the morning recess Mr. McKeown succeeded in getting

NERVOUS and WEAK

COULD NOT SLEEP AT NIGHT

To the thousands of people all over the land who are tossing on sleepless pillows night after night, or who pace the bedroom floor with nervous uneasiness, and to whose eyes sleep is a distant land, we offer the following:

MILBURN'S HEART AND NERVE PILLS

After the blowing of wind, refreshing slumber.

They restore the equilibrium of the deranged nerve centers, and bring back the shattered nervous system to perfect condition.

Mrs. Wm. Richardson, Pontypool, Ont., writes: "I take great pleasure in recommending Milburn's Heart and Nerve Pills. I was troubled at times with my heart, felt weak and nervous and could not sleep at night. I have taken several boxes of the pills and am wonderfully improved."

I have recommended them to others and they have found them just what they needed."

The price of Milburn's Heart and Nerve Pills is 50 cents per box or 3 boxes for \$1.25 at all dealers or will be mailed direct on receipt of price by The T. Milburn Co., Limited, Toronto, Ont.

LETTERS TO THE EDITOR

The opinions of correspondents are not necessarily those of The Telegraph. The newspaper does not undertake to publish all or any of the letters received. Unpleasant communications will not be noticed. Writers are asked to be brief and to state their names and addresses. The name and address of the writer should be sent with every letter as evidence of good faith.—Ed. Telegraph.

COUNTY ASSESSMENT

To the Editor of The Telegraph: Sir,—In your issue of the 18th inst. you kindly published a copy of a communication which I forwarded to the municipal council re Musquash assessment and I have received in reply thereto the following letter:

G. C. CARMAN, Esq., Musquash (N. B.): Dear Sir,—I am requested by the committee on finance and accounts to inform you that your communication was considered by them and the committee are of opinion that as no appeal was made under the statute they would have no jurisdiction to deal with the subject matter of the complaint.

Yours very truly, G. B. VINCENT. In 1905 I gave to the assessors of the parish of Musquash a statement, "under the statute," of property liable to be assessed in the parish, and when the assessors declined to recognize that statement I carried it on "appeal" to the municipal council. They referred it to the committee on assessments to be dealt with. I appeared before that committee with W. Watson Allen as counsel when "the subject matter of the complaint" was discussed, but as the self-interest of the assessors was so strong that my counsel's arguments, the matter simply died. I am now making an appeal on behalf of the ratepayers of the whole parish (my experience having convinced me that an individual appeal is useless) and it is possible that a hearing is not to be had at the council without an order from the "high court of justice."

MUCH BUSINESS AT KINGS COUNTY COUNCIL

Hampton, N. B., Jan. 22.—(Special)—The municipal council of Kings county met in annual session this morning at 10 o'clock, Warden G. W. Palmer in the chair, Councillor G. W. Dyart taking the place of Councillor Parlee, resigned, as representative of the parish of Sussex. Councillor James Murray represents the town of Sussex as its mayor. He was introduced by the warden and addressed the council in a brief speech. Last year's committees were reappointed. Councillor Eveleigh taking the place of Councillor Parlee on the printing committee. Secretary Treasurer Oty made a statement in regard to the amounts to be assessed on the respective parishes for the support of insane paupers and the provincial hospital for the insane. It was stated that the commissioners had not decided as to certain cases submitted to them by a committee appointed by the council last year.

Coun. Proulx reported upon the measures committee, a balance on hand from the sale of hay, etc., from Grassy Island which was added to the amount of \$1,000, resolved that no assessment be made in any of the parishes for the support of such insane paupers who are not dependent before the government commissioners.

"STENOGRAPHER'S" REPLY

To the Editor of The Telegraph: Sir,—I cannot allow "Ex-Teacher" to state that the 21st inst. was an unchallenged. It seems to me that his own her—zeal to help along the great work of "teaching the young idea" was again his undoing. He has committed the grievous error of not being equally unfair to the stenographer—mis-called "typewriter." (Will Ex-Teacher kindly remember that a typewriter is an instrument which is used by a stenographer to write a "typist" or "stenographer.") It is true enough that all female labor is poorly paid. No one but the men engaged in the work of the typewriter will dispute that, but what has been said by "Ex-Teacher" about devoting seventeen years of one's life to study before one can be considered a stenographer is equally untrue. Surely "Ex-Teacher" does not suppose that three months at a business college is sufficient to turn out a duly qualified stenographer in an office and above mentioned article must also remember that the stenographer's work consists of six days, while the teacher's is composed of one day in a stormy weather and five days of leisure.

The writer fully understands that he is not "Ex-Teacher" object to run down other professions, but we who have adopted the stenographic profession do not wish the public at large to think that three or even six months at a business college is all that is necessary in order to be a stenographer in an office and above mentioned article must also remember that the stenographer's work consists of six days, while the teacher's is composed of one day in a stormy weather and five days of leisure.

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NEGLIGENCE OF ORDERS CONTRIBUTED TO CAUSE ROY NOBLES' DEATH

Instructions That Shack in Which He Was Caught by Flames Was to Be Kept Locked Were Not Obeyed—Coroner Gives as Reason for Inquest Stories That Much Drinking Goes On, But Says These Are Disproved.

At the inquest in city hall, Carleton, Thursday evening on the death of A. Roy Nobles, the jury found that he was burned to death in an oil shack at Sand Point.

In reply to the jury, the witness said he did not think he was doing his duty in not keeping the shack locked. He had the keys since from the gear man. Nobles had no other keys. The witness did not know if he could have been taken into the men's room as it was usually barred when the men went out to work.

In reply to Mr. Taylor, witness said the night foreman would be in charge of the men's shack. He would be in the office close by, and the shack would be opened in getting the door opened. He did not know of any employees being refused admittance. The heaters were not placed in the cooper's part of the shack but he had quite a number on hand that night and had to store some under the bench in the inner room besides leaving some outside. They were not near Nobles.

Willard Crawford.

Willard Crawford, railway checker, said he did not see much of him till he took hold of him about 9:20 p. m.

The coroner—"What made you do that?"

Witness—"I did not consider the man was capable of looking after himself. I picked him up after he had fallen down on the roadway between Nos. 2 and 3 sheds. There was quite a crowd and I thought the best thing I could do was to get him out of sight. I thought it would be a good idea to get him in the shanty. I put him down on the bench with his head braced against the wall. To all appearances he went to sleep while I was there. He seemed to be in a very bad way. I thought he was drunk. I was not in more than three minutes at the outside."

The coroner—"How soon after that did you hear of the fire?"

Witness—"I should judge about ten minutes."

Continuing, the witness said the outer door shut of its own accord; he could not say as to the inner door. When he heard the cry of fire he made an attempt to rescue Nobles. Nobles was a smoker, but he could not say if he was in a coma when he was taken away from the shack. He was not in more than three minutes at the outside."

The coroner—"Was it not your duty to suspend a man in that condition?"

Witness—"Mr. Swords had charge and was going to take him, and let him go."

The coroner—"Would it be your duty if he had been in your charge?"

Witness—"Yes, I should have laid him off."

Continuing the witness said Willard Crawford was in the office at the time. It was about ten minutes after Nobles went out that he heard of the fire. He noticed the reflection on coming back from No. 2 shed. He cried "fire." Samuel Maxwell was coming out of the foreman's office and told him there was a man in the shack and they must get him out. They went in; the witness was first.

The door was pulled to but not locked. It opened outwards and was not difficult to open. The witness went into the shack. He heard Nobles shout that Nobles was in the inner shack. As soon as he pushed the inner door open the flames burst out. The door opened easily. The flames dashed him, and he stepped back, falling over an oil barrel. He saw nothing of Nobles.

He could not see anything, but fire. There was no outcry. When the witness got out he was dazed and hardly knew what he did. A crowd began to gather. As a rule the shack was kept locked, as there was an order to that effect. No cases had come to his notice of men going in except on business. The key was in charge of James Leary, the cooper, who he did not know who had the key on that occasion. The shack was used to let the lanterns with oil and also for the heaters. He never knew of any fire being kept there.

The coroner—"Have you come in contact with much intoxication among the men while at work?"

Witness—"Very little."

Continuing the witness said he was around himself to inspect the sheds. There was also a watchman who, he supposed, was employed by the agent. Nobles had not been working during the day. He did not smell liquor on him but believed him to have been intoxicated from his walk and manner.

In reply to Mr. Taylor, the witness said there was a gang shack where men could go to sleep. It was a small shack and was not locked. He did not know if he was in a coma when he was taken away from the shack. He was not in more than three minutes at the outside."

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NEBRASKA TEACHER MARRIES AN INDIAN

Pretty Miss French Goes to Make Her Home Among Husband's People.

Miss Lulu Kutz, county superintendent of schools of Cherry county (Neb.), emphatically disagrees with President Roosevelt in regard to his theory as to the schooling of different races; says a Lincoln special. Until a few weeks ago Miss Kutz's theory was the same as the president's, but an event has taken place which has caused a complete change in her former views.

This event was the marriage of Miss French to an Indian. Miss French was a former pupil of Miss Kutz and has been teaching in the schools of Cherry county.

One of these young people went to school to me at Herriman," said Miss Kutz, "and I taught them faithfully that all men are created equal and that the color of the skin makes no difference in the value of the soul. I taught them that if a man were honest and did his part in the world's work he was as good as any other man. When I saw a dear little friend going up her family and marry an Indian I summarily renounced the doctrine."

"Now pretty little Lulu French will have to live in the house her Indian husband provides, be wigwag or sod house, and she will have the squaws of the tribe for her companions and her visitors, and will have to endure the smoke from the pipes of the bucks who visit her husband and his wife. I would be glad to hear the experience of some of the ratepayers in St. Martins, Simonds and Lancaster. Perhaps united effort would arouse our dual council to action."

Yours, etc., G. C. CARMAN.

FORESTRY NEXT MONTH IN FREDERICTON

This is the form of invitation to the Forestry Convention to be held in Fredericton, Feb. 20-21 next, issued by Premier Tweedie:

By virtue of the provisions of an act passed by the Legislative Assembly of New Brunswick at its last session, entitled "An Act for the better preservation and protection of the Public Domain," the lieutenant-governor-in-council was authorized to summon a Forestry Convention during the present year, to be held in the city of Fredericton, at which all persons interested in the protection of forests or science of forestry should be publicly invited to attend.

An order in council having been passed calling the convention, I have much pleasure in extending to you a cordial invitation to be present at your own convenience, which will be held at Fredericton on Wednesday the twentieth and Thursday the twenty-first of February next and trust you may find it convenient to attend.

Special rates for transportation of those attending the convention will be arranged with the I. C. R. and C. P. Railways.

The program of the convention, and the names of the principal speakers will be furnished at the opening of convention.

The following subjects will be discussed:

1. The general need of forest preservation.

2. Attitude of Educational Institutions towards Forestry.

3. Dependence of business interests on forests.

4. The lumbermen's interest in Preservation of Forests.

5. The development of water power as related to forests.

6. The forest policy of the United States and other countries.

7. Addresses upon the subjects relating to Forestry protection embodied in the Public Domain Act.

If you have any suggestions to offer on any of the subjects above outlined, you will kindly communicate with the undersigned.

A copy of the Public Domain Act is herewith enclosed.

I have the honor to remain, Your obedient servant,

L. J. TWEEDIE, Premier of New Brunswick.

Fredericton, N. B., 14th January, 1907.

An early answer is requested to W. P. Fowling, Deputy Surveyor General, Fredericton (N. B.).

Protestant Orphan Asylum Acknowledgments.

O. H. Warwick, treasurer, gratefully acknowledges receipt of the following: T. H. Estabrooks, \$25; E. A. Goodwin, Wm. Estabrooks, \$10; Miss Helen Roberts, Dr. W. S. Morrison, Miss Eaton, Judge Forbes, Ferguson & Pugs, S. Z. Dickson, Mrs. J. A. Lively, Geo. McArthur, Miss L. Lovett, Seville Bros. & Co., Mrs. F. E. Barker, cash, J. G. Barker, \$5; Charles A. McDonald, \$2; Miss R. M. Ritchie, Miss Barker, Miss W. Barker, each \$1.

Wheezy Chest Colds Quickly Grow Worse

When it is hard to expand the chest because of tightness, and cold cough for trouble. To delay is dangerous. All the influenza is drawn out in one day by "Nervine," it penetrates deeply, relieves congestion and breaks up the cold. For sore throat, wheezy chest and tendency to cold, take a half bottle of "Nervine" as "Nervine" is fifty years in use as a household remedy—worth its weight in gold—drives every germ of pain-causing life out of the system.

On Wednesday evening Mr. and Mrs. Shadbolt entertained the men and boys of the choir of the Mission church at dinner. About fifty attended and a very pleasant evening was spent.

BATHURST MAN FOUND DEAD IN FISHING HUT

Bathurst, N. B., Jan. 24.—This morning Alex. Lavigne, upon entering his fishing shack, which is situated on the ice a few yards from the town, near Flannery's Point, was shocked to find the dead body of a man lying inside. Upon examination he recognized the corpse as that of Joseph Kenny, labelled Bathurst. An empty bottle labelled carbolic acid was found alongside. Kenny was about thirty-five years of age, married, and had been missing from home nearly a month. It is not known how long the body had been there, as no one had been in the hut for some time. An inquest will be held.

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