

POOR DOCUMENT

MC 2034

THE STAR, ST. JOHN, N. B. MONDAY, JUNE 24, 1907.

SAVE 'DAM BUT LOST REASON

Canadian Engineer's Heroic
Deed at Panama

His Story a Thrilling Tale of Endurance
Which Saved Lives and Property
With Terrible Results

MONTREAL, June 22.—A sight that inspired sentiments of pity and sympathy and a story full of melancholy pathos were revealed at Bonaventure station yesterday evening. They were associated with the home-coming of Albert Houston of Toronto, who left an engineering establishment in the Ontario capital two years ago to take a position in connection with the Panama construction works, which are being carried out on the isthmus under the auspices of the government of the United States.

Two years ago Mr. Houston left Canada strong, robust, vigorous, keen—a first class mechanical engineer, thoroughly equipped mentally and physically. Yesterday he returned a mental and physical wreck, paralyzed in mind and body, with but the slightest use of his limbs and with only a fraction of control over his physical organs, his stiffened limbs, curiously distorted features and periodic exclamations attracted the attention of many people, some drawn towards him by something more than curiosity, for despite the fact that he appeared to be an utter wreck there was something about him which proclaimed him a man of superior education. He was respectfully dressed and his voice had in it a certain quality of refinement.

The story he told in his calmer moments was one of genuine heroism such as is seldom chronicled in the annals of industry, for in our gigantic modern success little account is paid, as a rule, to individual effort and suffering on the part of the humble workers. In a sense what Mr. Houston said was disjointed and rambling; but in the main it was made clear that he had performed an act worthy of a dozen Victoria crosses and half a hundred medals of the Humane Society—an act of great heroism and noble endurance. It appears that about three months ago while he was superintending a dam on the Chagres river, that had been built to divert the current while the permanent waterway was being formed in the old channel, a portion of the embankment gave way and but for his springing forward and exerting his strength to keep the yielding piles in place the water would have poured through a leak and in all probability carried a large part of the structure away, thus drowning in all probability of about two thousand workmen who were busy below.

Mr. Houston applied his body to the break and shouted with all his might, but for long shouted in vain. At last, after remaining motionless in a position of positive terror and great peril he succeeded in getting help. The engineers and workmen on the levee were placed under the support of the falling fabric and it was saved, but the man who had been instrumental in saving nearly two thousand lives was carried away helpless and was taken in charge by the doctors. His mind was also found to have lost its balance. There is always pictured in his mental vision the horrible scene of the banked up waters beginning to rush through the yielding embankment, and he at times loses control of himself and gives utterance to a wild and unearthly kind of scream. It was vociferous for help and a yell of agony, that attracted so much attention at the station yesterday evening.

New Exit at Nickel

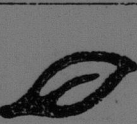
With a new exit and a rearrangement of the ticket-selling booth the crowds that the Nickel Theatre this week and after will be more conveniently accommodated than ever. The management has been considering this matter for some time, and now it is accomplished fact. The additional avenue of egress is situated on the lower side of the main floor, through the small door at the end of the west aisle, formerly used in connection with the ladies room. This leads to a stairway which has direct communication with Carlton street, and in no way shared by those on the gallery floors. After this there should be no jostling or crowding at the main doorway. Furthermore the ticket-selling booth has been changed to the left hand side of the main entrance, so that incoming patrons will not be hindered by those coming out. This change is a decided improvement and was much needed.

This week's pictures at the popular playhouse include Aladdin's Lamp, a most entertaining version of that immortal legend from the Arabian Nights; a charmingly pretty film known as Pigeon Fairy—a specialty for the children—and How the Office Boy Saw the Ball Game, a yachting story of great laughing quality. Grover Lee will sing the new popular song For She Was a Grand Old Lady, which is to be profusely illustrated.

D'A Corsets

They are the smartest models known to the Corset Manufacturer's art, science and sense having achieved a wonderful triumph.

Will Improve Your Figure.



DYKEMAN'S

You have already been made acquainted with the fact that we were the purchasers of the E. W. PATTERSON Bankrupt Stock. It was our purpose to put this stock on sale at the store where it was, but not being able to secure the required hands, it has been brought to our own Store and will be placed on sale **WEDNESDAY Morning**, the sale commencing at 8.30. It will not be possible for us to place all the goods on sale at once. The lines on sale Wednesday morning will be principally

CORSETS, CHILDREN'S DRESSES AND LADIES' READY-TO-WEAR GARMENTS.

The Corsets consist of about 300 pair of the celebrated P. C. make. They are good Corsets and will be sold at nearly one-half their usual price.

The prices will be from 25c to 75 cents per pair. Children's Corset Waists from 15c up.

CHILDREN'S DRESSES. There are about 150 Dresses in the lot, in colors and white; sizes ranging from one year to 14 years. These are in good condition; some of them may be a little mussed and shop worn, but the extreme low price on them will recompense you for the work in laundering. The bulk of them are fresh, having never been taken out of the boxes.

A sprinkling of Ladies' Ready-to-wear Garments, such as Skirts, Waists, Shirt Waists, Suits, and a large number of Black Satin Underskirts, and also Moire Underskirts. These are of the very best makes, and will be sold at prices ranging from 50c up. Some \$3.75 Moire Underskirts will be on sale at \$1.99.

SHIRTTWAISTS in a large variety of styles. White and Colored. Prices from 25c up to \$1.00. Some nice LUSTRE WAISTS in the lot at 75 cents that are worth \$2.00 each.

The sale of the above goods will last for two or three days when the Gents' Furnishing Goods will be put on.

The larger portion of the stock consists of Gents' Furnishings, and is well selected and in good condition.

Look for the Biggest Bargains in Men's Furnishings that you have ever seen in St. John and you will not be disappointed.

F. A. DYKEMAN & Co., 50 Charlotte St.

HOW BRITAIN YIELDED TO AMERICAN BLUFF IN N'FLD. FISHERY NEGOTIATIONS.

Judge Hodgins of Toronto Tells the Story in an Interesting
Way—Uncle Sam Doesn't Want His Sons to Obey the
Laws of Other Nations When They Go Abroad.

An article which appears in this month's issue of the Contemporary Review written by Mr. Justice Hodgins of the Admiralty Division, Osgoode Hall, upon the subject of "Fishery Concessions to the United States in Canada and Newfoundland," in which he gives a complete and comprehensive grasp of that somewhat complicated subject ranks by itself as a complete history of the relations of the relations which at various periods have existed between the United States, the Imperial Government, Canada and Newfoundland.

Mr. Justice Hodgins was an associate counsel with the late Sir Oliver Mowat in adjusting the boundary dispute between this province and the Dominion, and thus indirectly gained an intimate knowledge of the history of the boundary dispute which had been settled between the United States and Canada, and so much was he struck with the remarkable manner in which the British commissioners had apparently been hoodwinked by Uncle Sam that he compiled a couple of extremely interesting brochures on the subject, which have been published, with accompanying maps. Having collected during his researches a vast amount of documentary and other information relating to his present subject, he has become probably the greatest expert on the subject of the fishery rights in the world, recognized both in the United States and England.

As would naturally be expected from the author's legal training, no statement is made without being fully supported by ample references to the original documents and reports. Throughout the whole article the various disputes which have arisen and the various adjustments made have been treated in a dispassionate manner, which adds the most convincing force to the conclusions arrived at.

GIVEN AWAY BY BRITAIN.

The author commences by saying that "Great Britain is the only great modern colonial power which has by several treaties with foreign nations, conceded to their alien citizens the free privilege of sharing in competition with her own colonial subjects, the national and productive fishery wealth of the marine belt of territorial waters in Canada and Newfoundland, without requiring any financial recompense or reciprocal privilege. These colonial fisheries are part of the national assets of the Local Government; and if this national asset of fish can be conceded to alien fishermen, so may the colonial mineral or timber assets be conceded on similar terms to the alien traders of foreign nations."

"These exceptional privileges must be classed as concessions from the universally recognized principle of international law, which assures to every independent nation the right of territorial inviolability and sovereignty, exclusive and free, of all interference by the alien subjects of other sovereignities. Being exceptional, and in derogation of the territorial sovereignty of the privilege-coining nation, they are classed as servitudes voluntary, or voluntarily national concessions to aliens."

IN CASE OF DISPUTE.

In this connection the writer quotes

the holding of the United States Supreme Court when Chief Justice Marshall and Mr. Justice Story were its members, in which the principle was laid down, "that even where the expressions used in any such treaty are capable of two constructions, the construction which was most favorable to the ceding nation should govern."

Further on he says: "International law summarizes the doctrine thus: 'Whenever, or in so far as, a State does not contract itself out of its fundamental sovereign rights by express language, a treaty must be construed as to give effect to these rights. Thus, for example, by implication, the right to restrict, by implication, the rights of sovereignty, or property, or self-preservation.'

ANGLO-FRENCH TREATY.

"By the Anglo-French Treaty of 1804, which forms the basis of the present entente cordiale between France and Great Britain, France renounced the privileges established to her by Article 13 of the Treaty of Utrecht, and confirmed or modified by subsequent provisions. But article 2 declares 'France retains for her citizens, on the footing of equality with British subjects, the right of fishing in the territorial waters along certain described portions of the coast of Newfoundland, subject to the laws and regulations now in force, or which may hereafter be passed, for the establishment of a close time in regard to any particular kind of fish, &c. for the improvement of the fisheries.'

CONCESSION TO THE UNITED STATES.

The second of these 'Servitudes Voluntaries' was conceded to the United States by Treaty of Independence in 1783, but its fishery article was abrogated by the War of 1812. Mr. Adams, for the United States, however, strenuously objected, on the ground that the Treaty of 1783 was not in reality a treaty between two opposing powers, but a partition between two parts of one nation, and without in any way admitting the contention Lord Castlereagh, Foreign Secretary in 1816, instructed Mr. Bagot, then British Minister at Washington, to offer 'the shore of Newfoundland, to commerce at Cape Ray, and extend east to the Rameau Islands,' adding that 'in estimating the value of the proposal, the American government will not fail to recollect that it is offered without any equivalent—an offer intimating an abandonment of the British protocol in the negotiations for the Treaty of Ghent of 1814, that 'the privileges formerly granted to the United States of fishing within the limits of British sovereignty, and of landing and drying fish on the shores of the British colonies and territories, would not be renewed gratuitously, or without an equivalent.'

UNCLE SAM CRIED FOR MORE.

This concession, however, did not meet the views of Secretary Monroe, and he asked for more, and 'ultimately, not forestalling the future, and presumably influenced by the United States, agreed that American fishermen should have the right to share in the national fishery asset of its colonial subjects, within their territorial coastal waters, as a free gift, and without any financial compensation or reciprocal privilege. These concessions to the alien citizens of another nation, the treaty waters must, therefore, be never be remiss in maintaining the rights of the fisheries.'

DON'T WANT TO OBEY LAW.

Lord Salisbury's reply was that 'if Mr. Ewart's contention that 'no British authority has a right to pass any kind of legislation binding Americans who are fishing in British waters' were just, the same disability would apply to a fortiori to every other power, and the treaty waters must, therefore, be delivered over to anarchy.'

We subsequently showed that the American statutes then complained of 'were in force at the date of the Treaty of Washington, and were not repealed, but were confirmed by subsequent statutes, and are binding under the treaty upon the citizens of the United States in common with British subjects.'

Hall's International Law, commenting on this Portus Bay incident, says: 'In other words, it was contended that the simple grant to foreign subjects of the right to enjoy certain national property, in common with the subjects of the state, carried with it, by implication, an entire surrender, in so far as such national property was concerned, of one of the highest rights of sovereignty, viz: the right to legislate. That the American government should have put forward such a claim is scarcely intelligible.'

BRITAIN BACKS DOWN.

Although Lord Salisbury had definitely refused to recognize the claims of American fishermen amounting to \$100,000, the succeeding Government weakly compromised for \$75,000 in June, 1881.

"But in the present diplomatic context, the British Government weakly compromised for \$75,000 in June, 1881. But in the present diplomatic context, the British Government weakly compromised for \$75,000 in June, 1881. But in the present diplomatic context, the British Government weakly compromised for \$75,000 in June, 1881.

Judge Hodgins goes on to say: 'This is also in accordance with the view of the law officers of the Crown, Sir William Atherton and Sir Russell Palmer, given on the 6th January, 1883, and which seems to have guided both the Foreign Office and the Colonial Office in resisting the diplomatic contentions of the United States up to the recent reversal of British foreign policy.'

the treaties, such liberty is to be enjoyed."

AMERICAN INCONSISTENCY.

It is shown that on various occasions the American government had recognized Canadian laws and statutes regarding the fisheries, consequently, it is an extraordinary anomaly to dispute the jurisdiction at this late day. 'British law is to the same effect. In the Franco-American case the judges generally concurred with Mr. Justice Lindley when he said: 'It is conceded that even in time of peace the territoriality of a foreign merchant ship within three miles of the coast of any State does not exempt that ship or its crew, from the operation of those laws which relate to its revenues, or fisheries, and Sir Travers Twiss tersely states that 'Treaty engagements in such matters are in common law do not give any other right than that which is expressed in the specific terms.'

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THE AMERICAN "BLUFF" HABIT.

Lord Clarendon once commented in the House of Lords on 'the extraordinary and apparently studied neglect of that courtesy and deferential language which the Governments of different countries are wont to observe when publicly treating of international questions,' adding that 'if the British Government admitted that it could only be upon the basis that England was unconditionally to surrender her pretensions to the fisheries, it would be a distinct breaking of down under similar conditions by Lord Salisbury, Granville, Rosebery, and Iddesleigh.'

LOUIS ELGIN WEAVERS.

Mr. Justice Hodgins then points out that Lord Elgin intimated to the Newfoundland Government 'that any attempt on the part of the Colonial Government to apply to the American fishermen the regulations to which exception was taken by the United States, while the discussion was proceeding, might give rise to a highly undesirable and even dangerous situation.' This, it is noted, was a distinct breaking of down under similar conditions by Lord Salisbury, Granville, Rosebery, and Iddesleigh.

NEWFOUNDLAND OBJECTS.

The Ministers of Newfoundland replied that they deprecated 'any provision of the colonies and consulted with the arguments of Mr. Secretary Roper, but now all is changed. The Imperial Government has fairly maintained the right of the colonies and consulted with the arguments of Mr. Secretary Roper, but now all is changed. The Imperial Government has fairly maintained the right of the colonies and consulted with the arguments of Mr. Secretary Roper, but now all is changed.

Judge Hodgins goes on: 'The action of the Imperial Government in yielding to the arguments of Mr. Secretary Roper, may be further tested by transferring the fishery privileges from the colonies to the United States, as regards the 'liberty to take fish' within the parts of the British dominions de facto on the same footing as 'subjects of her Britannic Majesty'—in common with whom, in the terms of

MUST STAND HIS TRIAL

B. F. Smith, M. P. P. Com-
mitted by Magistrate

He is Accused of Fraudulently Receiving
Logs Without Owner's Consent
—Bail Accepted

WOODSTOCK, June 22.—Police Magistrate Dibbles rendered judgment this afternoon in the case wherein B. F. Smith, M. P. P., is accused of fraudulently receiving logs without the consent of the owners. Mr. Smith was sent up for trial at the term of the county court which will be held on the second Tuesday in July. J. C. Hartley and George E. Balmann went bail for the accused, the recognizances being fixed at \$200 personal and \$100 each for the sureties. Mr. Dibbles in giving his decision spoke in part as follows: 'As there seems to be quite a desire on the part of some persons in this town to make this matter appear partly political and partly a case of malicious persecution on the part of the deputy sheriff against Mr. Smith, and believing as I do that the administration of justice is often injuriously affected by misrepresenting the motive of public officers in the performance of their duties, I wish to call the attention of the jury to the facts as disclosed in the evidence and not in any way contradicted. Mr. Foster was appointed an inspector of the St. John River for the Log Driving Co. on the eighth day of May. Some time about the middle of the month he was at Bristol, and that day after tea he received information that one Tise Dyer was picking up logs. Foster immediately went to the home of Smith and allowed Dyer to have a private interview. After this the deputy permitted Dyer to have an interview with Mr. Tompkins, without in either case hearing what took place, and in answer to Mr. Hartley on cross-examination, Foster said he had been willing to have Dyer plead guilty to stealing the logs. Right here it must be noted that while the company hired Deputy Sheriff Foster as an inspector and had him make arrests they put the prosecution in the hands of their legal adviser, who was willing to take all responsibility for refusing to allow a formal plea of guilt to be entered by Dyer.'

After some further examination of the deputy sheriff, the magistrate went on to state that after a careful reading of the evidence as brought out in the examination, he was forced out of regard to his oath to order the case sent up to the higher court.

Mr. Hartley stated that bail to answer to be returned by Dyer. The magistrate in reply said he had no reason to believe that Dyer would not appear, and was prepared to accept the defendant's personal recognizance, but the suggestion of the defense that the status had better be strictly observed, sureties were entered into as above mentioned.

C. J. Tabor, who left here some weeks ago on a trip through the West is reported to have purchased a large hotel in New Westminster.

YACHTSMEN, FISHERMEN, CAMPERS!

All men on outing pleasure bent are very apt to have need of Dr. Scott's White Liniment during their travels. It's good for fly bites, sunburns, chafes, hurts and bruises of all kinds; headaches and rheumatic twinges. Big bottle for 25c, at all druggists.

LOGIC IS LOGIC.

The Irish intellect is more often associated with wit than with logic; but an Irish workman recently silenced for a moment the upbraiding tongue of his foreman by a display of something which bore just enough resemblance to logic to confuse his hearer. The workman enjoyed, leaning on his head and making shrewd observations much more than he did stirring words and the cry for 'Morti Mort!' fell on dull ears.

"Why don't you attend to your hod and keep that man going?" demanded the foreman, severely, when Patrick was enjoying one of his frequent periods of rest.

Patrick raised his hod with a leisurely movement and turned a pair of twinkling eyes on his accuser.

"Sure, now," he said, "if I was to keep him going all the time, an' if he didn't say anything I'd be thinking he wasn't there, an' if he wasn't there, sorr, what would he be wanting of murther any way?"

STEAMERS

C.P.R. ATLANTIC
STEAMSHIPS

EMPRESS
SERVICES

Montreal, Quebec and Liverpool Service.

EMPRESS OF BRITAIN, - June 28th
LAKE CHAMPLAIN, - July 6th
EMPRESS OF IRELAND, - July 12th
LAKE ERIE, - July 20th
S. S. LAKE CHAMPLAIN and LAKE ERIE carry one class of Cabin passengers (2nd Class) to whom is given accommodation situated in best part of Steamer. \$42.50 and \$45.00.
First Cabin—EMPRESS Boats, \$80.00 and upwards. LAKE MANITOBA, \$45.00 and upwards.
Second Cabin—\$46.00, \$45.00 and \$47.50.
Third Cabin—\$26.50 and \$28.75 to Liverpool.

Antwerp Service via London

LAKE MICHIGAN, - July 30th
MONTROSE, - July 28th
MOUNT TEMPLE, - July 28th
Carrying 2nd Class only. Carrying 3rd Class only. Carrying 3rd Class; also limited number of \$50.00 to Antwerp—via all Routes.

W. B. HOWARD, District Pass. Agt.
St. John, N. B.

EASTERN STEAMSHIP COMPANY

INTERNATIONAL DIVISION

THREE TRIP SERVICE

Commencing Wednesday, June 19th, steamers leave St. John at 8.00 a. m. Mondays, Wednesdays and Fridays for Lunenburg, Eastport, Portland and Boston.

RETURNING

Leave Boston at 9.00 a. m. Mondays, Wednesdays and Fridays for St. John via intermediate landings. All freight, except live stock, is insured against fire and marine risk. W. G. LEE, Agent, St. John, N. B.

RAILROADS.

CANADIAN PACIFIC

NOW ON SALE

PACIFIC COAST

British Columbia

MONTANA

ARIZONA

ETC.

St. John to Vancouver and Return

TICKETS

ASK FOR INFORMATION ABOUT THESE TRIPS.

\$89.00

To VICTORIA or VANCOUVER

AND RETURN

First Class

W. B. HOWARD, D.P.A., C.P.R.
ST. JOHN, N.B.

INTERCOLONIAL RAILWAY

ON AND AFTER SUNDAY, June 10th, 1907, trains will run daily (Sunday excepted), as follows:

TRAINS LEAVE ST. JOHN.

No. 5—Express for P. E. and Chene Moncton, Campbellton and Truro. 7.15

No. 6—Mixed train for Moncton. 7.45

No. 4—Express for Moncton, P. E. and Chene. 11.00

No. 25—Express for Point du Chene, Halifax and Pictou. 12.00

No. 125—Suburban for Hampton. 12.15

No. 8—Express for Sussex. 12.15

No. 135—Suburban for Hampton. 12.15

No. 134—Express for Quebec and Montreal. 19.00

No. 154—Suburban for Hampton. 22.40

No. 16—Express for Moncton, Sydney, and Halifax and Pictou. 23.25

TRAINS ARRIVE AT ST. JOHN.

No. 9—From Halifax, Sydney and Pictou. 6.25

No. 125—Suburban from Hampton. 7.45

No. 7—Express from Sussex. 9.00

No. 133—Express from Moncton and Quebec. 12.50

No. 137—Suburban from Hampton. 15.30

No. 6—Mixed from Moncton, P. E. and Truro. 17.50

No. 25—Express from Halifax, Pictou, Point du Chene and Campbellton. 18.15

No. 81—Express from Sydney, Halifax, Pictou and Moncton (Sunday only). 21.30

All trains run by Atlantic Standard Time. 5.00 o'clock is midnight.

CITY TICKET OFFICE, 3 King Street, St. John, N. B. Telephone 271.

Moncton, N. B. June 12th, 1907.

BEWARE OF ROOSEVELT!

Professor Berg, in Buenos Ayres, reports that he has discovered a spider which practices fishing at times. In shallow places it spins between stones a two-winged, conical net, on which it runs in the water and captures small fish, tadpoles, etc. That it understands its work well is shown by the numerous shrimplike ships of little creatures that lie about in the webnet.