

INTERESTING CASE HAS BEEN CONCLUDED

Dr. A. O. Earle and Dr. L. A. Currey Presented Their Arguments Yesterday in Winslow vs Richards.

Argument was heard yesterday afternoon in the equity court before his honor, Judge Barker, in the suit of Winslow vs Richards. Dr. A. O. Earle argued for the plaintiff and L. A. Currey, K. C., for the defendant.

1. The plaintiff bases his claim on his alleged half interest in Rundle's agreement with the Richards Co., of August 7, 1903, and this agreement by its terms depended on the exercise of the Potter and Chapin option of August 7, 1903, which was not exercised.

2. As the Potter and Chapin options of August 7, 1903, were not binding on the Richards Co., the Rundle-Winslow agreement of the same date engraved thereon, is now invalid.

3. An option is an unlimited contract and is not binding unless under seal.

4. There was no option running from March 1, 1904, to October 27, 1904, and the plaintiff never acquired any interest in the option to Messrs. Potter and Chapin of October 27, 1904, and renewals thereof or any agreement made thereunder.

5. The plaintiff never had any interest in the agreement for sale made June 10, 1905, between the Richards Co. and Chislin, and the same is true of the agreement of October 2, 1905, under which the sale did take place.

6. Even if the plaintiff's alleged interest in the agreement of August 7, 1903, continued down to the consummation of the sale, he is not entitled to receive anything, as by the terms of the agreement he and Rundle were to share equally in the surplus of the purchase money above \$552,558, which by agreement of the parties, was increased to \$555,000, and the Richards Co. only received \$555,000 from the sale.

7. The plaintiff never notified the Richards Co. of his alleged interest in the Richards Co.-Rundle agreement of August 7, 1903, until the 10th Oct. '05, and his claim, if any, is consequently barred.

8. As the plaintiff admits he agrees to increase the \$552,558 referred to in the Richards Co.-Rundle agreement of August 7, 1903, by \$2,442, which was made under the agreement of October 2, 1905, and carried out January 4, 1906, the plaintiff is entitled to one-half the surplus after deducting \$60,000 for Messrs. Potter and Chapin and \$6,000 for camp supplies, or in other words \$23,207 or in the alternative, if the contract of June 10th, 1905, had been carried out, the contract being for \$725,000, he would then have been entitled to one half the difference, namely, \$42,217.

The plaintiff, it was argued, had performed valuable services, for which he should be paid, and as the Richards Co. got the benefit of the services, and as they joined Rundle in his defense, they were equally liable with Rundle.

The plaintiff's claim, it was argued, sufficiently appeared from the whole transaction although no actual written or verbal notice had been given to the defendant company.

It was claimed that although the option of August 7th, 1903, was not exercised, the said option was verbally continued and acted upon by the parties up to the final sale and that therefore the plaintiff could claim thereunder and that although the option was unilateral the parties continued to act as though it had been extended.

As to the payment of the \$100,000 to Messrs. Potter and Chapin, it was argued that the plaintiff was not bound thereby, but only by the agreement to pay \$60,000 and that he was entitled to participate in the difference.

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UNDERWEAR

MEDICAL COLLEGES MUST HAVE FIVE YEARS' COURSE

Only Regular Members of College of Physicians Allowed to Practice Art of Healing.

QUEBEC, Mar. 1.—Christian Science healers, osteopaths, and every person practicing art healing, who is not a regular member of the college of Physicians and Surgeons of the province will in the future be liable to a fine from \$25 to \$100 for every offense.

At least this is the effect of the provision in a new bill affecting the college of physicians and surgeons, which has already passed its second reading in the assembly and was this morning approved by the special committee to which it was referred.

The greatest secrecy has been observed about this provision in the bill. When the explanations of its object were given in the house no reference was made to this. At present the law says that no person can practice medicine, surgery or midwifery, who is not a regular qualified physician.

The new law reads: "Practices medicine, surgery, midwifery or any other art of healing." Another clause of importance in the bill which was passed, was one extending the medical course in the province from four to five years. Henceforth all medical colleges will be forced to have a five year course.

HOT DEBATE IN ISLAND LEGISLATURE ON THE INCREASED SUBSIDY QUESTION

CHARLOTTETOWN, P. E. I., March 1.—For the past ten days in the provincial legislature, a hot debate has been waged around the clause in the draft address which referred to the increase in the Dominion subsidy secured by the Island at the Ottawa conference.

The attitude of the opposition was indicated by the amendment defeated last night by a straight party vote. It provided that the Island delegates failed to guard our rights to the per capita subsidy on our maximum population and to present our claims for further sums than those set out in the Quebec resolutions. The amendment also directed that the house present claims to the federal government so that a sufficient sum may be realized that the local direct taxation on lands may be removed. In debate no objection was taken to the specific subsidy for the government and legislation.

The fighting ground was the per capita allowance, the opposition claiming we lose with the decrease of population, the government pointing out our rights as secured by the imperial order in council by which we entered the union providing for an increase but no decrease.

HON. CHARLES MARCELL WILL BE ONE OF THE SPEAKERS

OTTAWA, March 1.—Hon. Charles Marcell will be one of the principal speakers next Thursday night at the annual banquet of the National Wholesale Lumber Dealers' Association. The banquet will be held in the new Waldorf Hotel in Washington. On the following day he will receive the Hon. President Roosevelt at the White House. Deputy Speaker Marcell will respond to the toast "Canada."

Second in Command

The Second in Command was presented in good style at the Opera House last night by the Harbinger. The play is in five acts, each before a well filled house. Although the members of the company were probably not as familiar with their roles in the play as in the previous productions, the play was attractively and entertainingly presented.

The honors of the evening belong to Harry English as Major Christopher Bingham and Miss Sue Van Duser as Muriel Manning in the two most difficult roles. Louis Brown, Clifford Gilson, Harry Stubbs, Miss Kate Powers and Miss Helen Ashley also aided in making an effective production.

"Tonight the company will appear in the great comedy melodrama, The Black Flag. It is undoubtedly one of the best plays of its kind ever written of heart interest, bright comedy and strong dramatic situations. The scenes are laid in and around the fort and prison, where they hoist a black flag when a convict escapes, and pay a reward of fifty pounds for his capture. The play is in five acts, each act being stronger than the preceding one. The entire company is in the cast, and Miss Van Duser will enact the part of Nell, the poor street wail, and Mr. English the part of the hero, Harry Glendon. At the matinee this afternoon Mrs. Dana's Defence will be presented by request.

NORTH ATLANTIC TRADING COMPANY

Official Investigation Shows that it More Than Fulfilled Its Share of the Contract and Sent Large Numbers of Immigrants to Canada—Agents Were Active in Many Countries.

OTTAWA, March 1.—Returns brought down to parliament today show that the much abused North Atlantic Trading Company has been more than fulfilling the terms of its contract with Canada and has been a good thing for the country.

C. H. Beddoe, accountant of the interior department, was sent to America last fall to audit the books of the company and to ascertain for the auditor general whether the provision for printing and distributing immigration literature was fulfilled. Mr. Beddoe found the manager, assistant and secretary of the company at the head office when he called there to begin work on November 24th last and discovered that such was the manager of a half dozen languages, and says Mr. Beddoe, "they have each done considerable work in establishing agencies and sub-agencies in different countries. In addition to the head office the company rents another large office near the railway station."

"I visited this office and found they had a large quantity of literature of various kinds and made these quarters their shipping point. The company has a well established system, which enables them to follow out their propaganda in a business-like manner. They have agencies at Hamburg, Rotterdam, London, Lisbon, Odessa, St. Christiania, Stockholm, Copenhagen, Gothenburg and Amsterdam. These are principal agencies, and there are Special Agencies attached to each. Special agents are doing work in Scandinavia, Germany and other countries in the propaganda."

"Owing to the strict laws on the continent in regard to emigration the company which minimizes the danger to the promoters in this respect. The German, Swiss and Luxembourg propaganda is worked through an agency in another country. The Austrian business is managed at a point in Germany and so on."

Mr. Beddoe notes that the contract with Canada required the company to spend \$45,000 on the continent and \$15,000 on the Scandinavian Peninsula, altogether \$60,000. He found that on the continent in the year 1905-6, the company had actually spent in advertising on the continent \$34,423 more than the amount called for by the contract. In the Scandinavian Peninsula the company had spent \$33,178 and the continent \$51,248. The cost of management was low, the salary of the manager being \$1,600, the secretary \$1,400 and his assistant \$100. The cost of the work of distributing literature could not be carried on openly and hundreds of thousands of circulars had to be sent by letter post to prevent their seizure. In the three years ending June 30 last, \$14,432 had been spent on printing. This included the expense of publishing in 17 languages over 800,000 copies of the pamphlet "Canada." On advertising the company has spent \$14,472 chiefly through the large advertising business.

Mr. Beddoe says: "The company has endeavored to obtain the best results at as low a cost as possible. Advertisements have been inserted in hundreds of newspapers in Scandinavia and the continent. On the subject of the accounts he says: "After going over the expenditures, I have come to the conclusion that the company has not only fulfilled its contract but has run for ten years, deliberately set about forming a widespread propaganda with a view to the future business."

"In conclusion I would say that from evidence produced by the management there can be no doubt as to the company having fulfilled its part of the contract in respect to the expenditure of the sums mentioned. There can be no doubt as to the result of their propaganda. Canada has received an increasing number of immigrants each year, although the number from Scandinavia was not so great as might have been expected from the sums expended."

The second of the series of public temperance meetings which are being held by the Methodist committee took place last evening in the school room of the Carleton Methodist church. The pastor of the church, Rev. H. D. Marr, presided, and addresses were delivered by Rev. T. J. Deinstadt, J. P. Tait, A. Robt. Maxwell, M. P., and Michael Kelly of St. Martins. The last named was not on the programme as a speaker but he presided in the audience and gave an excellent address. Mr. Maxwell was the speaker of the evening, his remarks were received with enthusiasm by the fair-sized audience present.

REV. T. J. DEINSTADT. Rev. T. J. Deinstadt was first called upon. He drew an analogy between the fact that the disciples of Christ could be tempted to eat out of the hands of devils, and the necessity of religion going hand in hand with temporal effort to put an end to the liquor traffic. The temperance people, like Cromwell's soldiers, should pray and "keep their powder dry" in order to obtain the best results.

J. F. TAIT. J. F. Tait followed Mr. Deinstadt. He referred to statistics to show that ninety per cent of the cases in the St. John police court, two-thirds of the cases in Fairville asylum and the great majority of the cases dealt with at the Alms House were caused by drink.

ROBERT MAXWELL, M. P. P. Robert Maxwell, M. P., was the next speaker. Mr. Maxwell's first deal with the oft-repeated objection that "prohibition does not prohibit." He would venture to say that at present it was, better enforced than the much-vaunted high license law in force in St. John. That law was a farce and the laughing stock of the city. A prohibitory law could be enforced much better than is that license act. Prohibition was needed to protect the children who were growing up in all positions of trust throughout the nation. The drunkards of the present could be little affected by such legislation. Mr. Maxwell went on to deplore the bad example set by moderate drinkers. Every year the cases in the St. John police court, two-thirds of the cases in Fairville asylum and the great majority of the cases dealt with at the Alms House were caused by drink.

Distress After Eating HERNER'S DYSPEPSIA CURE will regulate all disorders of the stomach, and the above trouble will disappear. PRICE 35cts and \$1.00. Dr. Scott's White Liniment Co., Ltd.

IMPROVING INTERIOR OF CATHOLIC CHURCH

Big Lumber Mill for St. George Pulp and Paper Co.—Shore Line Service.

ST. GEORGE, N. B., March 1.—Good headway is being made with the work of improving the interior of the Catholic church. A new heavy metallic ceiling will be put on. The sheathing is well advanced. Men from St. John will do the metallic work.

The first train over the N. B. S. Railway since Monday reached here today at six p. m. with the week's mail.

THEIR KNIFE IS STILL OUT.

St. John's troubles with the steamship lines coming to this port Lakonia are not yet ended for this year. This time the difficulty is not the scarcity of water but, as on a previous occasion, the freight. While the reports from the West state that the blockade on freight has been lifted the recent arrivals have very much handicapped the railroads from moving goods. Some of the steamship owners have not been likely to improve much during the month and wish to cut out a number of their sailings at least from this port.

The Donaldson Line had booked five steamships to sail from St. John during the month of March. For these vessels enough cargo had been booked, but unfortunately the freight cannot be brought to the seaboard, and the management has decided to withdraw two sailings, viz. the str. Parthenia, now due from Glasgow, and booked to sail from here March 3, and the str. Lakonia, which sails from Glasgow for St. John today. Both of these steamships, after discharging general cargo here, will proceed to Baltimore and Newport News to load.

The mayor yesterday received a letter from Robert Reford, Jr., through H. C. Schofield, the local manager of the Robert Reford Co., agents of the Donaldson Line, stating that he and Hugh Allan are about to proceed to Ottawa with regard to the sailings of their steamers from this port. Mr. Reford, who was one of the gentlemen present at the meeting of the John delegates as a representative of the Shipping Federation, complains that the St. John delegates did not report to Ottawa with regard to their negotiations as a representative of the Shipping Federation, and that the John delegates as a representative of the Shipping Federation, complains that the St. John delegates did not report to Ottawa with regard to their negotiations as a representative of the Shipping Federation, and that the John delegates as a representative of the Shipping Federation, complains that the St. John delegates did not report to Ottawa with regard to their negotiations as a representative of the Shipping Federation.

DEFENSE SHIFTED FROM UNWRITTEN LAW TO EMOTIONAL INSANITY

CULPEPPER, Va., March 1.—The defense in the Strother trial today shifted from "unwritten law" to emotional insanity and almost the entire day was devoted to argument on the proper form of a hypothetical question which was asked Dr. Chas. N. Clark of the Elizabeth's government hospital for the insane in Washington, who was called as an insanity expert. In ruling that Dr. Clark's testimony would be admissible, although the hypothetical question should be modified, Judge Harrison referred to the "unwritten law" saying with emphasis that if it is meant that any person can take in his own hands the righting of his wrongs, the plea could only be offered in mitigation of the offense, not in justification. He said that there is no law or precedent in the history of the people of Virginia upon which to rest a plea of that kind. Judge Harrison's words seemed to cut the ground from under the "unwritten law" line of defense and made it plain enough that so far as his construction of the law is concerned, Phillips and James Strother would need submit other grounds of defense against the charge of killing William Bywaters, their brother-in-law of an hour.

The prosecution showed no surprise when the defense set about establishing a plea of emotional insanity, and were quite prepared to combat it with precedent and argument. They were not successful, however, in their efforts to exclude expert testimony, and at the close of the day the hypothetical question with certain interpellations offered by Commonwealth Attorney Keith was submitted. The examination of Dr. Clark will be proceeded with tomorrow.

PROSPEROUS YEAR FOR POST OFFICE DEPARTMENT

OTTAWA, March 1.—The post office is prospering. The first eight months of the present fiscal year produced a revenue \$719,123 greater than in similar period last year, and \$2,747,748 greater than in the first eight months of 1897-8.

Dr. Stockton, M. P., is still in the Water Street Hospital here, but his condition grows more favorable daily. It is expected that he will be able to leave the hospital within a short time.

GOOD EARS. Hyker—My hearing is unusually keen. Hyker—Is that so? Hyker—Yes. For instance, at the distance I am from you now I can hear your watch ticking. Hyker—Marvelous! My watch is six blocks away, but I have the tickets for it in my vest pocket.

RACHELOR IGNORANCE. "Aren't men the limit?" said young Mrs. Wheel. "When I told my brother this morning that baby had just cut its teeth, he asked me savagely why I had allowed it to play with knives." "And my bachelor uncle," said Mrs. Wheel. "When he heard that my baby had begun teething, wanted to know if it would begin hairing soon."

ATLANTIC STEAMSHIPS

CANADIAN PACIFIC RAILWAY ROYAL MAIL SERVICE FINEST AND FASTEST "EMPRESSES"

ST. JOHN, N. B. TO LIVERPOOL, via HALIFAX Fri. Mar. 8. . . . . Tunisian Sat. . . . . Lake Erie Fri. Mar. 22. . . . . Empress of Ireland Sat. Mar. 30. . . . . Lake Manitoba Fri. Apr. 6. . . . . Empress of Britain Sat. Apr. 13. . . . . Mount Temple (2nd and 3rd Class.) Wed. Apr. 24. . . . . Lake Michigan (3rd Class only, \$35.50)

WINTER RATES NOW IN EFFECT S. S. Lake Champlain and Lake Erie carry only One Class of cabin passengers (second class), to whom is given the accommodation situated in the best part of the steamer \$40.00 and \$42.50. 1st CABIN—\$50.00 and upwards, according to steamer. 2nd CABIN—\$10.00, \$45.00 and \$47.50. 3rd CABIN—\$25.00 to \$28.75.

TWEEDIE AND PUGLEY NOW IN OTTAWA.

OTTAWA, Ont., March 1.—Premier Tweedie and Attorney General Pugley of New Brunswick arrived at Ottawa tonight. They are here in connection with the vacant lieutenant governorship of the province, which will probably be filled tomorrow.

The prevailing opinion here is that Hon. Mr. Tweedie will be appointed to the governorship and that Hon. Mr. Pugley will become premier of the province. However, expectations must not be realized. Persistent inquiries in high official quarters fail to indicate that this programme is by any means certain of realization, and it is quite possible that the outcome of the cabinet meeting, which will consider the filling of the lieutenant governorship, may result in a good deal of surprise.

NEW CONCILIATION BILL BEFORE PARLIAMENT

OTTAWA, March 1.—The commonsense afternoon wrestling with the new conciliation bill. A number of detail amendments were accepted by the Minister of Labor. One provided that any settlement reached between employers and employees during conciliation investigation should be binding on the board. The clause declaring that only residents of Canada could sit on a conciliation board was broadened to authorize any British subject to act as a conciliator. Another amendment provides that during conciliation investigation there shall be no alteration of wages or hours until after thirty days' notice.

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Let THE SUN and STAR do your hustling; they are read by nearly 14,000 people every day. They are the people's papers.

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FIGHT IN A CEMETERY. Destitute Hungarians Fell the Trees There for Fuel. VIENNA, Feb. 25.—Many towns in Hungary are almost without fuel owing to the snowbound condition of the railways. The distress of Dobreniz is so great that a number of poor people broke into the cemetery yesterday and began to cut down the trees for firewood. The police were summoned, and an endeavor was made to stop the destruction of the trees. A free fight started in the cemetery grounds, and the police were called. Much damage was done, but the people were victorious, and carried off the wood they had felled.

HIS PRONUNCIATION. She—That Mr. Plans, the architect has a funny way of pronouncing things, hasn't he? He—I haven't noticed it. She—Why, yes. Didn't you hear him allude to a sore throat? He—A sore throat! She—Yes, I heard him mention a gargole several times. We always call it gargle, you know.