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ST. JOHN N. B., THURSDAY, MAY 7, 1914

TEN PAGES—ONE CENT

THE NEW CITY COURT ACT IS IN FORCE TODAY

Designed To Make Procedure More Simple

THE PRINCIPAL CHANGES

If No Constable in Court, Magistrate May Authorize Any Suitable Citizen to Act—Returns by Constables—Attorneys' Fees Provided For—First Time

The new City Court Act, adopted at the last session of the legislature, and superseding the section of the act for the union of the city of St. John and the town of Portland, which formerly governed the city court, went into effect today. Owing to the copy of the new act not being ready no papers were issued in the city court last week and considerable business awaited the court today when the new act was presented for their guidance.

H. W. Robertson was one of the prime movers in the work of securing a revised act which was so greatly needed and last winter, with the aid of H. J. Smith, H. A. Porter and others, completed the bill, which was approved by the city council and finally passed, with some slight amendments, by the legislature.

The Principal Changes

Various changes have been made all with the purpose of making the procedure more simple and enabling litigants to get better results with less difficulty. The most important changes are given herewith.

Under the old procedure (section 55) if the summons were served personally upon the defendant it would be returnable on the following court day; if served on a member of his household it would not be returnable until the court day of the following week. This was the cause of considerable confusion which is eliminated by the new act. Section 7 now provides that the summons shall be returnable on the court day following the week in which it is served.

An important innovation is found in section 9 of the new act which provides that "in case no constable is in attendance at the police court, when an attachment is ready to be issued the Police Magistrate may, in writing, authorize any suitable person to be a constable to execute the same."

Another new section which will save considerable trouble is sub-section 2, section 17, regarding the particulars of the demand or cause of action, which must be delivered to the magistrate with the application for a summons or attachment. It provides that in all cases, need not state the items of a claim for goods sold and delivered, unless the defendant shall, at or before the trial of the cause, demand further particulars from the plaintiff in which case the police magistrate shall order the same and adjourn the trial for a reasonable time.

Under the old act an adjournment was allowed only for the absence of a material witness. The new act (section 21) provides also that the case may be adjourned for other cause or by consent of the parties.

Section 21 also provides for the release of a defendant who has been arrested without sufficient cause. On application upon affidavit to the police magistrate the latter may issue an order for a hearing upon one day's notice to the plaintiff, his agent or attorney with the service of a copy of the order and the affidavit, and if the police magistrate is satisfied that the affidavit upon which the attachment was granted to arrest the defendant is insufficient or unjustified by the facts in reference to the defendant's departure upon which it is based, or if the plaintiff consent to waive bail, the police magistrate may discharge the defendant from arrest and imprisonment, and the cause shall then proceed as in the case of a summons.

Section 23, amending section 74 of the old act, now provides that "an assessment upon any bond, bill, note or other written security for the payment of any sum certain may be made upon production thereof without requiring such affidavit or viva voce examination."

Under the old law when such a written security had been placed on the file by the magistrate there was no provision for securing it again if it were needed to follow up the suit in the county court of another county in the case of the defendant leaving the city before the attachment could be executed. Section

24 now provides for attorneys' fees in the city court, for the first time. It also provides that all constable fees shall be paid into court before the papers are issued; if the papers are not served the fees will be returned. The section is as follows:

"The fees to be taken and taxed for the police magistrate or sitting magistrate, attorneys, constables, witnesses and jurors, and in all cases of reviews, in all actions in the city court of St. John, shall be according to the table contained in the schedule of this act; and the constable's fees for serving any summons, attachment or execution shall be paid to the police magistrate, at or before the issue of the same, to be by him paid over to the constable, who the same shall have been served and returned or executed according to law, and if the same shall be returned without having been served or executed the said fees shall be repaid to the plaintiff."

Section 48 of the said Act 52 Victoria, Chapter 27, is hereby repealed, and the following substituted therefor:

"48.—There shall be a clerk to the said police court, who shall also be clerk to the city court of St. John. The present incumbent shall continue to hold such office until his resignation (Continued on page 5, fourth column)

SUFFER SEVERELY FROM BURNS AND EXPOSURE

Thirteen of the Columbian Survivors Reach Boston

Boston, May 7.—When the Cunard Liner Franconia arrived today with thirteen members of the crew of the burned steamer Columbian, several of the survivors were suffering severely from burns, and all showed the effects of exposure. The body of Chief Steward Matthews, who died from burns while in the open boat, also was brought by the Franconia.

James Drohan, the wireless operator of the Columbian, expressed the opinion that spontaneous combustion in the cargo of rags and junk caused the fire. He was awakened by an explosion about midnight on Sunday and when he rushed out on deck, the vessel was in flames.

The saloon passengers, among them Raymond Belmont, son of August Belmont of New York, assisted in giving first aid to the survivors, provided clothing for them and subscribed to a fund for their relief.

When the order to abandon ship was given, it was found that the tackle was jammed on the boat manned by the survivors. The boat hung for a few moments by the falls, the sailors fending it away from the heated sides of the steamer, until one of the men cut the rope. The edrop forced a hole in the bottom, and throughout their forty-eight hours' drift, the men took turns in bailing.

Sable Island, N. S., May 7.—The third boat which, with nineteen men, put away from the Columbian on Sunday night, was still missing today and wireless advices are that vessels cruising in the vicinity had given up the search.

GOVERNOR ASKS FOR THE RESIGNATION OF A MAINE SHERIFF

Bangor, May 7.—The resignation of J. Fred O'Connell as sheriff of Penobscot county has been requested by Governor William T. Haines. In a letter to the sheriff the governor asks that he hand in his resignation, because of the violation of the prohibitory law in certain cities and towns.

Sheriff O'Connell admitted the receipt of the letter and intimated very strongly that he should not resign his office. "The governor can ask me for my resignation, and you can ask me for it," he said to a reporter, "and you would get it about as quick as he will."

It was rumored that in the event of Sheriff O'Connell refusing to resign, the governor will call a special session of the legislature and ask for his removal.

British Steamship Ashore

Las Palmas, Canary Island, May 7.—The British steamship Emma went ashore on Great Canaria Island in a thick fog today. The captain reported by wireless that her hull had been badly torn. The Emma is believed to have run from Cardiff. The S. O. S. call is bringing help.

Section 21 now provides that "such security shall remain on file among the records of the said court unless and until permission to remove it shall be granted by order of the police magistrate."

Constables are prevented from acting at the hearing for either party by section 26 which says "provided, however, that no constable appointed by the common council of the said City of St. John shall act on the trial or hearing of a cause before the police magistrate as agent or attorney for either party."

Returns of Constables Under the new act constables are required to make proper returns for the service of all papers giving the reason why they fail to carry out their intention. The constables are now placed under the authority of the police magistrate who is given power to enforce the act by

Section 37 "For every breach of duty under this act by a constable he shall be liable to an action at the suit of the party injured, who shall recover before the police magistrate damages with costs to the extent of the injury sustained, although the damages exceed eighty dollars."

Section 38 "For every breach of duty under this act by a constable he may be suspended for a period of not exceeding one month, by the magistrate."

Section 44 now provides for attorneys' fees in the city court, for the first time. It also provides that all constable fees shall be paid into court before the papers are issued; if the papers are not served the fees will be returned. The section is as follows:

"The fees to be taken and taxed for the police magistrate or sitting magistrate, attorneys, constables, witnesses and jurors, and in all cases of reviews, in all actions in the city court of St. John, shall be according to the table contained in the schedule of this act; and the constable's fees for serving any summons, attachment or execution shall be paid to the police magistrate, at or before the issue of the same, to be by him paid over to the constable, who the same shall have been served and returned or executed according to law, and if the same shall be returned without having been served or executed the said fees shall be repaid to the plaintiff."

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Matter of Royal Commission Stands For Few Days

Lieutenant Governor Says He Will Wait To See If Sir Frederic Barker Then Feels That He May Act

"We still have hopes that Sir Frederic Barker will be able to accept the chairmanship of the royal commission," said His Honor Lieutenant-Governor Wood over the long distance telephone from Fredericton this morning in reply to a query regarding the situation.

"When I talked with Sir Frederic and asked him to accept the position he seemed to be and expressed himself as

being in excellent health. In view of this it was a surprise to me when he informed me that he was indisposed and when his doctor informed me that Sir Frederic would be unable to undertake the work.

"No other arrangement has been considered yet and it is our intention to wait for a few days to see if the chief justice will recover his health

sufficiently to do so. If he is still unable to accept we will have to secure someone else. The suggestion that a separate commission should be appointed to deal with the two sets of charges has not been considered."

An inquiry at Sir Frederic's residence today elicited the information that he had no announcement to make regarding his final decision just yet.

CARRANZA MAKES MATTER EASIER

Keeps on Whipping Huerta's Troops

THREE MORE VICTORIES

Washington Sees End of Dictator and Simplifying of the Situation

Famine in Interior of Mexico Threatens

Washington, May 7.—Carranza's attitude toward mediation, which, temporarily at least, has eliminated the Constitutional chief from general negotiations aimed at settlement of Mexico's troubles, was declared to have been revealed today by his official report of a vigorous rebel military campaign, marked by significant victories.

While Carranza parleyed with the South American envoys over details of their proposals, three powerful forces were hurled against Federal strongholds. Reports of the results of the movement which Carranza transmitted to Rafael Zubaran, interior minister in the Constitutional cabinet, now in Washington, are as follows: Fully a score of names have been suggested to the president and his advisers believe that before the mediators begin their work at Niagara Falls conference, they will hold the entire north. They are equally confident that as soon as this condition is brought about, Huerta will either eliminate himself or be eliminated by the men who in the past have supported him.

A common ground then could be quickly found on which the warring factions, in Mexico would be brought together.

Meanwhile the administration is carefully considering its representation at the Niagara Falls conference. Fully a score of names have been suggested to the president. However, until it is definitely settled whether there is to be one or three representatives, a selection will not be made.

Nelson O'Shaughnessy arrived here today.

I Paso, Mexico, May 7.—General Pablo Gonzales, rebel commander, who captured Monterrey, met and defeated a strong force of Federals near Saltillo on May 4, according to a message received here.

Veracruz, Mexico, May 7.—Famine conditions prevail in the interior of Mexico and thousands of families are starving to death. Refugees, many of them well-to-do Mexicans who reached here today declared that conditions were unparalleled, and that the United States should probably have to come to the rescue of the country to prevent a situation of unappealable horror.

That Huerta is preparing to flee to Central America by way of San Cristobal was a report brought here from the capital, by A. A. Wimer of the National Bank of Mexico. According to Mr. Wimer, Huerta was already sent his family out of Mexico City.

He said that Huerta has been unable to get money to pay his troops and attaches of the government, and they are turning against him.

MONCTON NOTES

Moncton, N. B., May 7.—(Special)—Lieut. Col. J. A. MacDougal, commanding officer of the 8th Hussars, is in Moncton today in connection with the provincial school of cavalry to be organized at St. John.

An intercollegiate track meet between Mount Allison and Acadia college will be held in Moncton on May 22. The U. N. B. will not enter a team this year.

Patrick Cormier, while working on John O'Neil's building had a narrow escape from death this morning. He fell off a staging.

Moncton having been chosen by the Canadian Peace Centenary Association as one of the centres of celebration of 100 years of peace between the British Empire and the United States, E. H. Scammell of Ottawa, organizing secretary, will address a meeting here on May 19. A committee will be chosen to arrange for the local celebration.

Royal Engagement Expected.

Madrid, May 7.—The Spanish Infanta Ferdinand is to be the next member of a reigning royal family to wed according to a report current here. An announcement of betrothal to a foreign princess is expected soon. The Infanta is a nephew of King Alfonso.

MURDER BRINGS THEM BOOTY OF FIFTY DOLLARS

San Francisco, May 7.—Three masked bandits, who killed and robbed Hamilton Harris a Wells Fargo express agent at Middletown, last night, fled to the mountains today, pursued by constantly increasing forces. Harris was shot dead without warning. His brother was gaged and tied. The robbers paused to rifle the dead man's pockets, and got about \$50. Then they rode away without attempting to rob the safe or cash drawer.

Still Going On With The Preparations For Execution

May Be Trouble Over Alleged Confession of Haynes in the Cape Breton Murder Case

(Special to Times)

Halifax, N. S., May 7.—Crown Prosecutor Hearn has, on his own responsibility, requested a postponement of the execution of Haynes for the Atkinson murder. Sheriff Ingraham scoffed at the reports that Mrs. Atkinson is a user of drugs. The sheriff said he saw her on Tuesday and that he considered her a perfectly normal woman. No statements are made by attorneys, except vague hints at prosecuting for what they term reckless and incorrect reporting of the Haynes confession. Sheriff Ingraham said today that he had no orders to stay the execution and that he had made no statement regarding the Haynes confession.

Haynes will see his spiritual advisers this afternoon. This morning he was writing letters.

It is rumored that an investigation has been ordered from Ottawa as to the people responsible for making the statement of confession which appeared in the Sydney Post. The Salvation Army captain and the sheriff have both denied that they gave out any information. Attorneys say there will be serious consequences if a leak is discovered.

A representative of the minister of justice is expected from Ottawa to conduct the case. Ottawa has asked for statements from all persons concerned and all preparations are still being made for the execution of Haynes tomorrow.

Civil Service Superannuation Provisions of Hon. Mr. White's Bills—Increases in Salary and Other Features

Ottawa, May 7.—The civil service bills of which Hon. W. T. White has given notice will provide that the salaries of deputy ministers generally be increased from \$5,000 to \$6,000 a year, and that the inside service be divided into four classes, with a sliding scale of salaries from \$500, the minimum of the lowest class, to \$4,000, the maximum of the highest. The annual percentage increase is raised from 80 to 100.

Retirement at sixty-five years of age is provided in the case of new appointments to the service, and at seventy years for those now in it.

A system of superannuation for the inside service is provided in another bill, the monthly contributions ranging from 2 to 8 per cent, according to the age of the contributor. The superannuation allowance will be 2 1/2 per cent of the total of the salary received during thirty-five years of service, and if the term of the service is less than that, it will be 2 per cent of the total salary during that period.

ARMY OF MEN OUT OF WORK MAY TRAMP FROM WEST TO SEE BORDEN

Idea Put Forward at Meeting in Calgary is Enthusiastically Received

Calgary, Alb., May 7.—Local I. W. W. leaders would have the unemployed march from Calgary across the Dominion to Ottawa to present a petition to the premier for work, similar to the trek of Coxe's army. The idea was brought up last night and was enthusiastically received.

King Christian of Denmark and Queen Mary left today for London to visit George and Queen Mary.

Mine officials at practically all the mines in the Ludlow district today were notified by the executive officers of the Colorado Fuel and Iron Company to deliver up all arms on their premises to the federal authorities.

A Tangier Morocco despatch today reported that Enghel, the pretender to the Moroccan Sultanate, has been assassinated.

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BECKER MAY NOT BE CALLED TO THE STAND

Questions to Prospective Jurors Indicate Little or no Evidence by Defence

New York, May 7.—The questions put to talsmen today indicated that the defence planned to introduce little or no new evidence in rebuttal of the charge that Becker was the moving spirit in the Rosenthal murder conspiracy for the carrying out of which four gunmen paid the penalty in the electric chair last month.

Each prospective juror was asked if he would be prejudiced if the defendant did not testify in his own behalf. This was taken to mean the Becker was not to be called as a witness, although friends of the former chief of the "strong arm" squad of the police department, assert that he is anxious to tell his story to the jury.

Interest in the trial has not diminished although the murder of Rosenthal occurred nearly two years ago. Again today, as yesterday, the corridors were crowded although admission to the court room was by card only.

Partridge to Kill the Pest

British Colonial Secretary Is Making Experiment

COTTON FIELDS DEVASTATED

Great Loss in Egypt Because of the Weevil—Millions of Dollars Worth Was Destroyed in One Year

London, May 7.—Reviewing in his last Colonial Office statement the development of British cotton fields, Mr. Harcourt described the ravages of the parasite known as the cotton boll weevil, which has caused the loss of millions of pounds worth of cotton crops from this weevil and kindred pests, which it may spread to the new fields which are being developed in British Africa by the British Cotton Growing Association.

Mr. Harcourt has therefore decided to carry out an interesting experiment with a view to the protection of the cotton crop from this weevil and kindred pests. He has obtained some bob-white quails, American partridges, which feed upon weevils, and is trying the experiment of breeding them at his country seat at Nuneham with the intention, if he succeeds, of supplying some of the cotton-growing colonies, where they may be naturalized.

Specimens were sent to him by the American Zoological Society last year. It is in Egypt that the most remarkable case of loss caused by cotton pest occurred. The value of the cotton destroyed by the weevil in 1904 was not less than two millions sterling, and in the Province of Behera alone whole fields were destroyed and nothing but bare sticks were left, and thousands of small cultivators were ruined.

In recent years the Egyptian government has carried on a vigorous crusade against the pest. Forced labor is now used to rid the cotton of the worm, many thousands of boys and girls being employed picking the worms.

In Egypt the bird that helps to keep down the parasite is not the bobwhite quail, but the buff-breasted heron or paddy bird. This bird is the Egyptian cultivator's best ally, and the reports of the successive consuls-general repeatedly contain appeals to sportsmen to refrain from killing nature's preventive—the paddy bird. This bird is much less common than formerly.

Plans for the improvement of Market Square are under consideration by Commissioner Potts. He has not yet drawn up definite proposals, but is giving the matter considerable thought. One of the improvements which he desires is a permanent pavement with concrete base, and either granite block or asphalt surface.

In addition he approves of the plans already drawn to improve traffic conditions at the square. These plans include the straightening of the car tracks to make the angle at the foot of King street less dangerous, and a change in the location of the fountain to allow more room for traffic between the fountain and the street car tracks.

BURIED TODAY

The funeral of Mrs. Susan J. Stewart was held this afternoon from her late residence, 82 Marsh street. Services were conducted by Rev. Canon Hoyt. Interment was in Fernhill. Sons of Mrs. Stewart were pall bearers. Many persons attended the funeral and there were beautiful floral set pieces from relatives and friends.

A large number attended the funeral of Miss Annie F. Carson this morning from the residence of her nephew, H. Dever, 34 Harrison street. The body was taken to St. Peter's church where solemn high mass of requiem was celebrated at nine o'clock by Rev. J. H. Borgmann, C. S. R., as sub-deacon. Interment was in the new Catholic cemetery. The coffin was covered with beautiful floral offerings.

THE MAILS

The secretary of the Board of Trade received a telegram this morning from Hon. J. D. Hazen advising him that information asked for regarding the mail records through St. John and Halifax during the winter, is being forwarded by mail. On receipt of this the board hope to be able to complete the statement for the presentation of their case at Ottawa.

NEARLY \$7,500,000 LOWER

During the winter season just closed, the exports from St. John showed a total valuation of \$24,277,880. The total for the season of 1912-1913 was \$31,789,696 thus showing a shrinkage during one year of \$7,511,816. These figures include the West India as well as the trans-Atlantic business.

COMING TO IT

Today was perhaps the first spring day that St. John has experienced this year and although the temperature did not reach as high a level as it did one day last month, it came very near the high mark. On April 27 sixty degrees was registered, but the day was not at all agreeable, but this afternoon on the shady side of Prince William street, fifty-five degrees above the cipher was registered. With very little wind blowing and the sun shining bright and clear, today was indeed pleasant out of doors.

Strike of 50,000 Men

St. Petersburg, May 7.—Fifty thousand Russian workmen went on strike today as a protest against the suspension of members of the Duma for rioting during the debate on the budget.

WEDDING AT WHITE HOUSE THIS EVENING

President's Youngest Daughter Bride of Wm. C. McAdoo

Few Bidden to Ceremony

Appointments Are Elegant, Though Company Small—Bridal Dress of Ivory White Satin, Trimmed With Real Old Point Lace—Wedding in the Blue Room

(Canadian Press)

Washington, May 7.—Miss Eleanor Randolph Wilson, youngest daughter of the President of the United States and Mrs. Woodrow Wilson, will be married at six o'clock this evening, in the White House, to William Gibbs McAdoo, secretary of the treasury. The simple and impressive wedding service of the Presbyterian Church will be conducted by Rev. Sylvester Beach, pastor of the church in Princeton, N. J., attended by the president and Mrs. Wilson and their family.

The ceremony, while it is to be notably elegant in all its appointments, will be witnessed by the smallest company that ever attended so important a function in the White House. The vice-president and Mrs. Marshall, the members of the cabinet and their wives, relatives of the president and Mrs. Wilson, and of Secretary McAdoo, and a few intimate personal friends of the bride and bridegroom, comprise the list of guests.

The ceremony will take place in the historic Blue Room, the middle apartment of the suite on the south side of the White House, between the East Room and the state dining room. It has been the scene of more brilliant social functions than any other room in the mansion.

Miss Margaret Wilson and Mrs. Sayre, the bride's sisters, will be maid and matron of honor. Two charming little maids, Miss Sallie McAdoo, the twelve-year-old daughter of the bridegroom, and Miss Nancy Lane, the daughter of Secretary and Mrs. Franklin K. Lane, will attend the bride as flower girls. They will be attired in exquisite frocks, exactly matched.

The bridal gown is made of ivory white satin and trimmed with real old point lace. The bodice is softly draped with satin which crosses in front and is brought to a point behind the shoulders, front and back. The V shaped neck is finished with folds of soft tulle.

ROOSEVELT, IF HE RUNS, WILL BE PROGRESSIVE

Pars, Brazil, May 7.—Theodore Roosevelt will not run for president on a Republican ticket in 1916. He made this clear today when he declared that, although he had not yet considered being a candidate in that year, if he did decide to run it would be on the Progressive ticket.

"I can't swallow the Republican horses," he said.

MARKET SQUARE

Plans for the improvement of Market Square are under consideration by Commissioner Potts. He has not yet drawn up definite proposals, but is giving the matter considerable thought. One of the improvements which he desires is a permanent pavement with concrete base, and either granite block or asphalt surface.

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WEATHER BULLETIN

Issued by authority of the Department of Marine and Fisheries, R. F. Stupart, director of meteorological service.

Synopsis—An area of high pressure covers the western and northwestern portion of the continent, with a shallow depression is situated in Wisconsin. A few scattered showers have occurred in Ontario and rain has fallen heavily in Eastern Nova Scotia.

Fair and Mild.

Maritime—Moderate to fresh winds, generally fair and mild today and on Friday.

Washington, May 7.—New England forecasts—Partly cloudy tonight and Friday; moderate variable winds, mostly west.