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SUPREME COURT.

Judgments Delivered at Fredericton This Morning.

Important Decision re Moncton Scott Act Affairs—York Election Petition.

FREDERICTON, N. B., April 20.—The supreme court met this morning to deliver judgments, there being present Chief Justice Tuck, Justices Barker and Gregory. The legal gentlemen present were T. C. Allen, K. C., G. W. Allen, K. C., J. D. Phinney, K. C., J. H. Dickson, K. C., J. Gregory, S. Crockett and H. F. McLeod. The judgments delivered were:

McClave v. City of Moncton. This was an action brought by McClave to recover damages from City of Moncton on the part of one Belyea, policeman, appointed by city council for special enforcement of Scott act. The opinion of the court was that the city was not responsible for the acts of such officers. Action is not maintainable, and direction of court is that verdict should be entered for defendant. Chief Justice Barker and McLeod agree, Hanington and Landry dissent. King v. Wilson ex parte Irving. Judgment was delivered by the chief justice. The facts are that one Boudreau was convicted by a magistrate of the county of Kent of selling liquor contrary to law. The defendant, who lived very near to the boundary line between Kent and Northumberland, claimed that he lived in the latter county, and that a Kent county magistrate had no jurisdiction. Application was made to the county court, Judge Wilson (?) for discharge of the prisoner under habeas corpus, and the order discharging Boudreau from custody on the ground that the defendant lived in Northumberland County. The opinion of the court was that the magistrate had a right to rule that Boudreau was in Kent, and that the order discharging Boudreau from custody was valid. Judgment was given for the defendant, and the order discharging Boudreau from custody was affirmed.

McLeod (petitioner) v. Gibson (respondent). York County election petition case. Justice Gregory delivered verbal judgment. He said he concurred in judgment of court in refusing to receive order made for substitute service, and believed that facts shown were sufficient to warrant order. Section of election act under which application was made for substitute service distinctly contemplates that when time limit has expired for personal service that then petitioner may make application for substitute service, it being essential, of course, to satisfy the judge that such personal service could not reasonably have been made. He had well considered the facts in this case before making the order for substitute service, and he had heard nothing in the arguments since to warrant rescinding the order. He could say that he did not believe that the respondent had been guilty of the trick played upon the officer who sought to make and who thought he did make personal service. He did not concur in some comments made upon this case, nor in the opinion expressed by some members of the bench that it would have been better for the respondent if his affidavit had never been made. He did believe that the respondent, Gibson, was surrounded by a volunteer guard who sought to mislead the petitioner and to obstruct them and to give such information as could prevent personal service, and they did obstruct and mislead the petitioner and those acting for him and he was perfectly justified in making an order for personal service. He then read from judgments delivered by Chief Justice Allen and Judge Palmer in the Baird case, where a trick similar to that attempted in York was perpetrated, and the respondent was favorable to the respondent evading personal service by all means so long as he did not commit fraud. He believed that in the York case the gentleman who had personated Gibson had tried his hand at the same trick as was perpetrated in the Baird case. His opinion was that the order for substitute service should be sustained.

Judge Barker said that he assented to the judgment delivered by Gregory. Chief Justice Tuck also assented, and he spoke at some length upon the contention made by the respondent that the petitioner ought to have made personal service. He thought that it was hardly possible for a person to have gone to Gibson's house and personated him and had deputy sheriff serve papers upon him and Gibson himself not know it, although Gibson himself may not have been cognizant of the trick.

The judgment of the court was that the order for personal service be sustained. Rule nisi discharged with costs upon respondent.

Ontario Accident Insurance Co. (appellants) v. Andrews (plaintiff) respondent.—E. T. C. Knowles supported appeal from Charlotte county court; N. Marks Mill. Appeal dismissed with costs.

THE WEATHER. WASHINGTON, April 20.—Eastern states and northern New York—Rain in south, snow or rain in northern portion, and Sunday northeasterly gales, shifting to northwesterly Sunday morning. Western New York—Rain or snow tonight and probably Sunday, northerly snow tonight and probably Sunday; southerly gales.

TORONTO, April 20.—Maritime—Easterly winds, increasing to fresh and strong breezes, unsettled, showery tonight and on Sunday.

THE BRITISH BUDGET.

Some Results of the Announcement of the New Duties.

LONDON, April 19.—The opposition of the coal owners to the duty is augmenting. The chambers of commerce in the coal districts are protesting in vigorous terms. The Cardiff exporters scent ruin and their markets being captured by American and German coal. The manufacturers, on the other hand, have themselves that the effect of the tax will be to lower prices and lessen competition in iron and steel.

The grocers advanced sugar a half-penny per pound this morning in London. British refined sugars were very strong and jumped two shillings to two shillings six pence. The Scotch manufacturing confectioners and preserve makers advanced prices four shillings and six pence and six pence per hundredweight, respectively.

The Scotch sugar refiners have put on three shillings to four shillings, and have abolished discounts. There was practically no business today on the Greenock sugar exchange, owing to the extensive buying prior to the budget announcements. The president of the Refiners' Association expresses the opinion that the tax will work out beneficially. A steamer with a cargo of continental sugar arrived in Greenock yesterday after the custom house was closed, and was refused permission to unload. The duty on her cargo amounts to £2,000. The importers claim that the duty on sugar had not been imposed when the steamer arrived, and, therefore, they will contest payment of the duty.

The budget had little general effect on the stock exchange here today apart from weakening consoils. This premier security opened half a point lower, at 94.2, but later recovered somewhat. The price today is the lowest since 1892. Business became brisk and the market indulged in a game of ping pong with consoils for balls. There is reason to believe that the best financial circles approve of borrowing on consoils.

LONDON, April 20.—The Clyde crushed sugar market opened very excited today, but little business was transacted. The reports from the continental sugar centres received at Glasgow were taken to indicate that unless a higher bounty on refined sugar is paid by the respective foreign governments the British market will be closed to them.

KLONDIKE AND NOME. SEATTLE, Wash., April 19.—James H. Arden, a member of one of the mining companies of Dawson, came to the city today on his way to England. He said that the cleanup this year in the Dawson camp would amount to thirty millions, making it the biggest output in the history of the Klondike.

The Skagway News of April 13, which arrived today, says: Two men, names unknown, who arrived yesterday from Dawson, report that 200 persons had died from exposure or freezing before the middle of January at various points along the coast. Their stories are not credited here, as they lack confirmation. The remains of the lost party, Eberfinger have been uncovered a few miles up the river trail, where he had doubtless died of exposure.

SOUTH AFRICA. EAST LONDON, Cape Colony, Friday, April 19.—A train laden with cattle and coal was captured by the Boers near Molteno, Cape Colony, last evening. The forward locomotive escaped and ran to Stormberg and returned with troops, who found the train on fire. A couple of natives were killed. The train hands had been stripped and then robbed.

IRISH MEAT ONLY. DUBLIN, April 20.—At a meeting of the Irish Cattle Traders' Association in Dublin yesterday, the secretary of the association announced that he had ascertained on good authority that the war office had decided that in future troops stationed in Ireland should be supplied with Irish meat only, instead of foreign, thus removing a substantial grievance.

BODY FOUND. Of Charles Kindon, Lost in the Wreck of the Wendall Burpee. Thursday the body of Charles Kindon, the seaman, was drowned by the wreck of the schooner Wendall Burpee April 14, was recovered by the crew of the life-saving station near the scene of the wreck, says the Portland Press. On his body were papers which showed that he had been discharged from the ship Dentay of St. John, N. B., February 10, 1900, and among the personal effects on board the schooner was a letter from his aunt and uncle, Mr. and Mrs. P. Haslewood, of 22 Damon street, Salford, Eng., and other personal letters. There was also the address of "George Daseil, 12 Waverly street, Boston." The body, which was in an advanced state of decomposition, was taken to the tomb in Forest City cemetery, and will be buried today. Cropper Perry, who was called, deemed that an inquest was unnecessary.

The discharge papers showed that the man was born in Birmingham, Eng., in 1879.

WILL LEAVE THE CITY. Rev. Dr. Ray, pastor of the Coburg street Christian church, will leave the city next week. He expects first to make a tour of Nova Scotia in the interest of the church, and after that will go to Buffalo. He has not yet decided where he will locate permanently. Rev. S. V. Williams of Ashland, Ohio, will supply the pulpit of the Coburg street church for the next three months at least. Dr. Ray will be present at the services tomorrow.

SHAMROCK II.

New Cup Challenger Christened by Lady Dufferin.

Description of a Yacht With the Finest Lines Ever Turned Out on the Clyde.

DUMBARTON, April 20.—Shamrock II. was successfully launched this afternoon in the presence of a good crowd of invited guests, newspaper men and employees. Lady Dufferin christened the new challenger. The new yacht looked spick and span in its coat of white paint rimmed with green, while the bottom shone like a mirror.

Lord and Lady Dufferin, Sir Thomas Lipton and others who came from Glasgow on a special train stood up on a raised platform decorated with Union Jacks, the stars and stripes and the Irish flag, and with venetian masts in green and white, which were the prevailing colors. The weather was fine. The sun shone brightly and overcoats had been discarded. The employees of the Dennys had a holiday and in fact all Dumbarton was on fete to see Lady Dufferin break the bottle over the curiously snub-nosed bow of the new boat. There is no disguising the fact that British experts here today are very confident about the new boat, and think her the best that ever challenged for the cup.

"But if you don't win," said the correspondent of the A. P. to Sir Thomas Lipton, "will you try it again?" "I expect next year to build a defender, not a challenger," was the answer.

In this connection the manager of Denny's yard said:—"When James Gordon Bennett saw the Shamrock II here a few weeks ago, he said:—'Well, if she wins, I am prepared to build a challenger.'"

DUMBARTON, April 20.—At 11.45 a. m. today Sir Thomas Lipton personally conducted the correspondent of the Associated Press over and under the Shamrock II. This minute inspection confirmed the description of the cup challenger cabled to the Associated Press last night. She is built to a general type, but embodies such novelties, as prove her designer pursued an inventive line of development. When the yacht is viewed in profile the most striking feature is the extreme fineness of her ends. The overhangs fore and aft are drawn out to exceptional length, and the waterline underneath looks deceptively short. Her fin is of the medium length, probably thirty feet at the extreme measurement, and is finished at the bottom with a pronounced rocker. Without doubt the chief characteristic of the yacht's design is the manner in which her beam is thrown right forward, almost into the eyes of the boat. The forward deck lines are carried out full well into the overhang, and the drawing in does not start until half way between the mast and the stern. From about the mast it runs aft in a long easy curve, and goes out into the longest and finest counter ever seen on a cup challenger, the breadth at the taffrail being only about seven feet.

The purpose of saving weight forward the stem is snubbed off, leaving a small flat triangular surface under the bowsprit. The deck is wide lines forward and exceptionally fine run, has the appearance of having been suggested by towing experiments on the Shamrock I. The well defined stem was carried forward under the bowsprit to the fin, but in the new boat the stem slopes short before it reaches the water line.

Some danger of forming an awkward shoulder might have been expected in drawing the wide deck down the final lines of the underbody. But the problem appears to have been met successfully. Every line runs clean and straight. From about the mast it runs aft in a long easy curve, and goes out into the longest and finest counter ever seen on a cup challenger, the breadth at the taffrail being only about seven feet.

When the yacht is viewed end on, it is seen that Mr. Watson has departed greatly from the midship section adopted by Pitt. The new challenger is immeasurably easier than the previous boat in the turn of the bilge and garboards, and easier even than the Shamrock I. The bilge is narrow in the section where it joins the hull and spreads until it turns in the round of the trough in which the keel is carried. The same principle of skimming water is seen in the after end. All the sections are again in segments of a circle. The total draft from the water line to the bottom of the rockered curve of the keel is only one inch or two over 13 feet, or two feet less than that of the previous challenger.

In a measurement at the extreme beam there is little difference, though the point of this measurement falls much further forward in the Pitt boat. In the matter of overall length the advantage lies with the new craft by nearly 10 feet.

Summing up, the challenger undoubtedly has the finest lines ever turned out of the Clyde. She undoubtedly has a hull that will be easily driven. Her beam will give her a good deal of stability. But she will probably sail a trifle tender and will be best suited when club topsails can be carried with dry decks.



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FRESHETS AND LANDSLIDES.

Trains Blocked and Houses Carried Down the Slope.

PITTSBURG, Pa., April 20.—One of the effects of the heavy rains here was a landslide at two o'clock this morning just beyond Soho, which carried the houses of Michael Cull and Edward Colts down on to the B. & O. road tracks. Mr. and Mrs. Cull were thrown from their beds, but escaped with a few slight injuries. One Baltimore and Ohio train was completely blocked by the wreckage and the entire hill from Lawn street to the tracks, a distance of 300 feet, was slipping and might go down any minute.

WHEELING, Va., April 20.—Two big landslides were reported last night on the Ohio river railroad below here. One below Moundsville held up two passenger trains, which transferred passengers and baggage. The south-bound train returned to Wheeling at midnight.

Wheeling Creek ran out heavily, and at 2 a. m. many houses had been endangered at Elm Grove, Leatherswood and other suburbs of Wheeling. The creek is still rising.

Late despatches this afternoon state that while a terrible snow storm has blocked railways between Buffalo and Pittsburgh, floods in western Pennsylvania, eastern Ohio and West Virginia have caused the greatest freshet since 1884, and the rivers are still rising and great damage has already been done.

HALIFAX.

HALIFAX, April 19.—The news of the duty of one shilling a ton on English coal exports was pleasant reading for H. M. Whitney's big coal company in Nova Scotia. The secretary of that organization, the Dominion Coal Company, recently stated to your correspondent that that company expected in a couple of years to be sending one million tons of coal annually from Cape Breton to the Mediterranean. This, he said, his company intended doing without the assistance of the British export duty, but with it the work will be that much easier. The Dominion Coal Company is now shipping at the rate of 600,000 to 800,000 tons to Massachusetts, of course paying the United States duty, and their works near Sydney are being developed to make it still easier to continue to do this as well as to branch out for the European market in competition with England and the United States.