SIMCON Feb. [22.-(Special.)--The

unusual procedure of a judge quash-

pient and recalling the jury to bring

ir a true bill a second time, followed

by, a legal battle in which the defence

claimed that the quashing of the first indictment amounted to an acquittal,

was an occurrence in the assizes of the high court of justice here this af-ternoon, when Archibald W. Malone was placed on trial for the sensation-

al shooting of William Wilkins on the

early morning of Dec. 1 last year.

Malone, who was shief of police at
the time of the shooting, is charged

with putting bullets into the night watchman, Wilkins, with the result that the victim almost died. On his supposed deathbed he charged Malone with the crime, but offered no motive. Contrary to expectations, Wilkins lived and later charged that Malone had taken part in cases of arson and burglary, in which he admitted being an accomplice. Wilkins, was sentenced to five months for this.

Thea a desire to silence the man who knew of Malone's crimes was considered the motive for the attempt at murder, and was considered such at the preliminary hearing Dec. 29.

Fighting on Technicalities.

the preliminary hearing Dec. 29.

Fighting on Technicalities.

Magistrate Beemer, who presided on the occasion, had previously moved in the sessions of the peace that Malone be discharged as a constable, and the prisoner's counsel, Mr. Kelly, to-day objected to his commitment of the

for shoporeaking and one for attempt-

Once more the prisoner was asked

had been tried and acquitted by the

out his lordship ruled that the prison-

It was a late hour in the afternoon

made until the evening. To-night Mr. Blackstock gave his address to the jury, occupying an hour and 20 min-

utes, and which was listened to with

Address of Crown Counsel.

The prosecutor detailed the official fe of the former chief of police and

of the night watchman. He laid at the door of the prisoner several burg-laries and the firing of buildings, end-

ing with one four nights before the

ing with one four nights before the tragedy, when Wilkins had disobeyed the chief by giving the alarm before the chief could get home, as was his custom. In the night of Nov. 30, Malone had met Wilkins on the street and ordered him to relieve at 1 o'clock.

Mr. Blackstock with dramatic effect described the crown's version of the

shooting as given at the preliminary hearing. Then he intimated that new evidence would be produced to show that immediately following the shots

and screams, a man who lived within 60 feet of the place looked out the

window and saw a man whom he took Malone. This man is Lloyd Barber, who was the second witness ex-

amined to-night.

Mr. Blackstock's concluding remarks were in regard to the turning point in the condition of Wilkins, to

mysterious return of stolen furs and to the circumstantial evidence that pointed against the prisoner, warning the jury in eloquent words, however, to

set aside any sentiment they might

The first, witness was S. M. Sover-

een, whose place had been robbed

Wilkins began to get better.

would be evidence.

furs and who described the finding of some of them on his doorstep after

Saw the Murderer.

Then came Barber, a young man who lives near the scene of the tragedy.

He testified to hearing the shots and

ooking out of the window when he saw a man running toward his house.

He could not swear that he recognized him, but he thought he did. Counsel for defendant objected, but his lord-ship said if the witness had reached

"I concluded at the tine that it was the chief," said the witness. The wit-ness described measurements at the

scene and identified the bullet he had found the morning following.

The court adjourned at 10.30 p.m.

MANY HAPPY RETURNS.

ran, parish of Balrothery, County Du

will join in congratulations to-day.

lin Ireland, Feb. 23, 1841, and a resident

Toronto for 56 years. Mr. Dickson

To William Dickson, born in Balbrig-

nelusion, however doubtful, it

the keenest attention by the crowded miles

men were sworn and an adjourn

plead, but this time his counsel,

contending that the prisoner

prisoner on the grounds of bias.

and The

Balis to-

strip*

Tues-

the mes

and-20c,

Unusual

PROBS.—Strong ensterly winds; mild, followed by sleet or rain before night.

How the Borden Telegram Was Tampered With

Confession is Made Thru Bishop of British Columbia-Misguided Too-Zealous Partisan Altered It.

Proceedings Mark ast word has been said in connection with the alteration of the now famous telegram which R. L. Borden sent to Opening of Trial at Sim-The Victoria Colonist, assuring the peo-ple of the Pacific Province that he be-lieved in "a white British Columbia," eve-Witness Says He Saw Chief Running and to which the words were surrepti-tiously added, "and the absolute ex-After Shooting. clusion of Asiatics."

Rising in the house to-day to a ques tion of privilege, Mr. Borden said the following document had been sent to him by the management of The Colonist, to whom apparently it had been delivered by the Bishop of British Coling the indictment of a prisoner charged with attempted murder and umbia: immediately ordering a new indict-

To whom it may concern; After hearing a full statement in the nature of a confession from a man who altered a telegram sent to this city by Mr. R. L. Borden, so that the telegram was read to the public and published on a basis of untruth, I have been requested by this man to make public the fact that this telegram was handed to him by the telegraph editor of The Colon'st, to be delivered at a public

meeting.
That instead of going directly to the meeting he went into an office, copied out the telegram as attered by him and destroyed the original and had this altered telegram sent

and had this altered telegram sent to the meeting, passed up to the platform, before it came into the hands of those in charge of three meeting, and was read to the public and published.

The man guilty of the act had no confererate or complaint. No one knew of his act or had any beason for suspecting him, and the only reason for making this public is to remove all suspicion from the management of The Colonist newspaper and from members of the executive of the Conservative party, at whose meeting the telegram was fead. It was an individual act arising from misguided political zeal, and not due to any incitement or per-(Signed) W. W. Columbia.

was this which proved the obstacle that delayed the machinery of the law and gave his lordship, Chief Justice Mulock and Prosecuting Attorney G. T. Blackstock, K.C., a puzzling afternoon, There were five indictments against Malone, two for arson, two BRANT COUNTY GETS IT ed murder. The jury returned a true bill in each case. Mr. Kelly moved that the indict-

A. J. Wilkes, K.C., is Gazetted ment be quashed on account of the magistrate's bias. Tho his lordship pointed out there was nothing to be gained, he decided, for safety, to quash the indictment. The jury was again given the indictment and returned a Lieutenant-Colonel-Squadrons Will Be at Paris and Burford.

BRANTFORD, Feb. 22.-(Special.)-Sir Frederick Borden has announced, thru Lloyd Harris, M.P., that Brant instead of allowing him to plead not guilty, put in the place of "Autrefois County will secure a new cavalry regiment, 300 strong, and that provision will be made this session for its for-A. J. Wilkes, K.C., is gazetted lieu ruashing of the first indictment. The legal battle continued over this point,

tenant-colonel, and squadrons will be stationed at Paris and Burford: er, having never been tried nor hav-ing ever been in danger, had not been The 2nd Dragoons of Burford have been removed to Hamilton. before the court started to empanel a

100 LIVES LOST IN BLIZZARD. petit jury. After many challenges, 12 LONDON, Feb. 22.—It is reported here that more than a hundred lives have been lost in a blizzard which has raged

in Southwestern Russia during the last three days. The tracks of the South-western Railway are blocked for 2000

OTTAWA, Feb. 22.—(Special.)—The Mr. Lancaster Submits Reasons to Show That Usefulness Has Gone, and Gets Some Support.

> OTTAWA, Feb. 22.—(Special.)—E. A. Lancaster's senate abolition resolution had the right of way after the preliminaries in the house to-day. He presented some excellent arguments, but got little support, his proposal being generally considered too drastic. Reform, not abolition seems to be favored. support, his proposal being generally considered too drastic. Reform, not abolition, seems to be favored.
>
> Mr. Lancaster desired that the question be discussed in a non-party spirit. It was a wrong thing that the senate should be in a position to refuse supplies to the government and if there was no other reason for abolition that would be sufficient. Even the senators themselves agreed that the senate was not working well and as it appeared there could be no agreement as to the best way to bring about reform, the best thing to do was to remove the institution altogether.
>
> It would be no good to reduce the numbers of senators. Why should you give fewer men the veto power over 221 commoners who are responsible to the people? The veto power would still be in the King, thus his representative.
>
> The cost of the senate was about \$318, 100 a year and this amount would go a joing way to establish free rural mail delivery, cheap rural telephones, or to abolish Teyel crossings.

**Thirds Senators All Right.

**E. W. Neght to Octoral defended the E. W. Neght to be a horizontal property be storaged and if the senate was not doing the work it should on bring area corporation, it could be better furnished from the senate than from the house of commons. Some of those of the ablest men in Candadwer Senators.

**Third Senators All Right.

**Th " . Thinks Senators All Right.

was the most potent check, he claimed, against hasty legislation by the commons, and public opinion was becoming every day more and more enlightened. The profit of the senate had not been equal to the cost of maintaining it. It was no argument in favor of the continuation of the senate to urge what might occur if it were abolished; that was the argument of cowardice. Notwithstanding, however, the many faces he saw on both sides of the house of men who would grace the senate, he men who would grace the senate, he was in favor of the resolution and of the abolition of the senate.

Not What Was Expected. Dr. Barr was in entire sympathy with opinion in reference to the question.

The New and Greater Pacific Scandal!

Total issue of C.P.R. stock, from 1881 to 1902, in the twenty years' construction

They want a bonus and a dividend! They have quit issuing bonds for improvements and extensions. "Melons" is what

they want now. They will not sell their exempted lands whi "melons" are "cutting." They are to be laid away until they grow to be worth \$50 an acre (13,000,000 of acres)! Will The Globe, the chief apologist of this new and greatest Pacific Scandal, say who must pay for this melon cutting, if it is not the traffic or the farmer of the west? The men who

get the new stock are paying 170 for it (100 for the stock and 70 for the "right") and they are paying that for it because they are buying into the road and the road (the traffic) must be run so that they make money on their investment. They are not fools. AND THEY EXPECT ONCE THEY ARE IN TO GET IN ON THE NEXT MELON! Where is this inflation to stop? There is not one western man, whether business man or farmer, who will not say that this melon cutting is not the most barefaced piece of robbery yet perpetrated on the Canadian people. Every western paper has confermed it.

And every western member in parliament will have to declare himself on this issue.

And every western member in parliament will have to declare himself on this issue. The Winnipeg Telegram (Conservative), Free Press (Liberal), Tribune (Independent) denounce the melon cutting as a fraud on the people of the west. And it is all that and more. It is nothing but a trick to allow the shareholders of C.P.R. to draw 15 per cent. per annum instead of ten! .This bonus paid already in six years (\$65,000,000) would have, if put in the company, built hundreds of new miles of track, or given two cents a mile or lower freights. The people are getting nothing and a crowd of foreign shareholders are bleeding the Canadian people WITH THE ASSISTANCE AND CONNIVANCE OF THE PARLIAMENT OF CANADA Hon. A. B. Aylesworth's argument, insofar as it was an argument, was that the thing is

LEGAL and by suggestion that it was honest, praiseworthy, fair to the Canadian people What do you think?

FOURTEEN PAGES—TUESDAY MORNING FEBRUARY 23 1909—FOURTEEN PAGES

senate.

Dr. Sproule thought what the senate required gras reform, not abolition. The senate field been debased by the character of the political appointments made by the present government.

H. H. Miller admitted that the appointments to the senate were not always the best that could be made. He discussed the various reform proposals and dismissed them all. Public opinion was the most potent check, he claimed, against hasty legislation by the com-

MONTREAL, Feb. 22.-(Special.)-A man employed by Dr. Charles McEachren as coachman, named James Mche resolution and trusted that upon Kenna, was instantly killed this eventhis occasion at least there would be a ing while going down a slide at the frank and outspoken expression of back of the mountain. He was 27 years old,

GREAT FLEET HOME AGAIN TO GET NATIONAL STOCK ROOSEVELT IS DE-LIGHTED

tle will there be another such homecoming, another such sight as this. I
drink to the American navy."

This was the toast of President
Roosevelt to-day as he stood radiantly
happy in the cabin of the graceful little happy in the cabin of the graceful little cruiser yacht, the Mayflower, at the conclusion of the review and the ceremonies attending the welcome home of the United States battleship fleet. He was surrounded by the admirals and captains of the sixteen world-encircling vessels brilliantly attired in all the gold lace and paraphernalia of special full

we have to-day fulfilled the responsibility makes this the proudest moment of our lives. I say 'we' advisedly in speaking of the fleet, for no one man could have done what has been done without the loval and willing co-operative wife is before my eyes all the time. I have to follow her. Once more my best thanks for everything. With regards.

—R. Vonbanner."

To-day workmen in the park displayed the loval and willing co-operative wife is before my eyes all the time. I have to follow her. Once more my best thanks for everything. With regards.

—R. Vonbanner."

To-day workmen in the park displayed to resignation was tendered on account of his inability to return to the city.

take Admiral Sperry by the arm and lead him off to one side for a confidential chat. On the Connecticut the president climbed upon the barbette or steel foundation of the after-turret. with its protruding twelve-inch rifle and in the shadow of those great guns he briefly addressed the crew. he particularly caught the fancy of here to-night. "You have done Al in smooth wat"You have done Al in smooth water," said the president, "but what I province. want to see next year is a target prac-

tice under the conditions in rough water. The blue fackets on the after bridge started to cheering, which was caught Wife Contracted Debt Before Marriage and He is Sued. up by the white-gloved officers.

'For if you ever have to fight," con-

SAID WIFE WAS INNOCENT Before Death, Husband Acquits Her of His Murder.

LETHBRIDGE, Alta. Feb. 22.-(Special.)-Richard Vadnais of Cardston,

fore his death.

Vadnais' declaration leaves the police are published. in a quandary, as suspicion was direct-ed in no other direction.

GERMAN, BROKEN DOWN, ENDS HIS LIFE AT FALLS

Rain fell, and it beforged the vision, but it could not damper the spirits of those who gathered about the roadstead to welcome the ships and their men had indifferent luck. One day Vonhome.

St. Vincent de Paul Society, and is a member of the Roman Catholic Church. Ex-Ald. Henry Sheard was not prepared for the announcement. "This is rather sudden." he said, "and had indifferent luck. One day Von-banner returned hime to find his home in ruins and his wife's charred remains among the aghas. He came to the force making the result of the said and in th

without the loyal and willing co-operation of every man on the fleet."

Thus briefly the commander-in-chief of the returning ships made his official report to the commander-in-chief of the army and the navy.

"Do you remember the prophecies of disaster?" asked the president. "Well, tracting Co. with a life line which was remided in the park discovered the body lying on the rocks at the foot of the American falls and partly shrouded in the mist. Had the full flow of the falls been tumbling over the precipice, the body would never have been seen. Percy Page, an never have been seen. Percy Page, an employe of the Charles E. Fraser Condisaster?" asked the president. "Well, tracting Co. with a life line which was tracted in account of his inability to return to the city before April 1. John Dunn resigned to become a candidate for the city over the precipice, the body would never have been seen. Percy Page, an employe of the Charles E. Fraser Condisaster?" asked the president. "Well,

A. R. KENT DEAD

Member of the Insurance Commission Suddenly Called.

he briefly addressed the crew.

The president interspersed his prepared remarks freely with asides, and he particularly caught the fancy of here to-night.

MONTREAL, Feb. 22.—(special.)—A. get the necessary information from many sources. We will undoubtedly have deputations from both sides appeared remarks freely with asides, and he particularly caught the fancy of here to-night. the men when he told them he was immensely satisfied with the gunnery and resided here since then. He was you know," interjected Mr. Coatsworth 66 years of age and was one of the with a smile.

IS HUSBAND RESPONSIBLE?

OTTAWA, Feb. 22. - Mrs. Esther "For if you ever have to fight," continued the president, "you can't choose your water."

Again the men burst into cheering. Target work is the subject nearest the sailors' heart to-day.

The men cheered again when the president declared that this was the first "battle fleet ever to circumvanigate the globe."

SAID WIFE WAS INNOCENT and the argument reserved until further authorities could be looked up.

COMMISSION IS NAMED.

LONDON, Feb. 22.-(C. A. P.)-The Standard thinks that already the dream who died on Saturday, before his death made a declaration that his wife was not guilty of his murder.

At his request, Mrs. Vadnais was heaven't feel to be ween the west Indies and Canada, as a result of the reciprocal brought from Calgary Barracks, where tariff arrangements, approaches realishe was confined on suspicion of the shooting. They became reconciled beto keep the ultimate possibilities in mind when the terms of arrangement Sir D. Morris, West Indies, is the

Members Themselves Were Inclined to Doubt Report—A Statement From Chairman Coatsworth.

ex-mayor of Toronto, and chair-man of the license board of 1908-09.

1908-09.
HENRY SHEARD, architect, brother of Dr. Chas. Sheard, M.H.O.
DANIEL MILLER, ex-manager of the local branch of the Merchants Bank.

The board of license commissioners for the City of Toronto was announced, as above, yesterday afternoon by Hon. Mr. Hanna, provincial secretary.

The announcement came as a complete wonderment to Messrs, Sheard and Miller; Mr. Coatsworth did not evince the same surprise. Mr. Sheard was inclined to think that The World man was joking when he broke the news to him. "I haven't even been asked whether I would consider an appointment," he said.

Mr. Miller was also inclined to await

Mr. Miller was also inclined to await official confirmation before accepting the news as more than a conjecture.

Nothing was really known of the appointments until half an hour after the

Body is Rescued From Beneath the Cataract by a Daring Workman.

Nothing was really known of the appointments until half an hour after the legislature rose, which was before 3.30. The local members then had a conference, at which the names were decided upon. The guesses of the last few weeks proved to be generally wide of the mark, and Mr. Sheard had not been mentioned at all.

As soon as the choice was made and ratified, Hon. Mr. Hanna communicated the intelligence to the press. The appointments were not anticipated yesterday morning, so that the surprise of the appointments was not unwarranted.

The New Members.

When seen by The World last night, Daniel Miller stated that in the absence of official notice of his appointment it would be premature to make any pronouncement upon the question of polynomic mouncement upon the question of polynomic ment upon the question of polynomic mentioned at all.

vessels brilliantly attired in all the gold lace and paraphernalia of special full dress uniform, and every glass was raised in response to the president's suggestion.

"When the fleet sailed from San Francisco, Mr. President," replied Rear Admiral Charles S. Sperry, "you sent a message saying this was a heavy responsibility and a great honor. That we have to-day fulfilled the responsibility makes this the proudest moment of our lives. I say the following lette, mailed at 6 o'clock Sunday morning:

"Honored Mr. John L. Harper, will you please excuse my writing in German, but I cannot write English correctly. I forgot to tell you that I am crazy (more than insane). What I've seen last night can be nothing but craziness. Many hearty thanks for your kindness. The picture of my dear wife is before my eyes all the time. I have to follow here.

Mr. Miller has been chosen to fill the place of Commander Law, whose

disaster?" asked the president. "Well, here they are." he add, pointing to the ships returning after fourteen months without a scratch. "Isn't it magnificent?"

An Address From the Turret.

Constantly during the reception on the Mayflower the president would take Admiral Sperry by the arm and the service of the charles E. Fraser Contracting Co., with a life line which was held by companions, made a detour of the ice mountain and proceeded to the community of the charles E. Fraser Contracting Co., with a life line which was held by companions, made a detour of the ice mountain and proceeded to the very edge of the fall, where he succeeded in getting hold of the body and making fast to it the loose end of the line.

"We will Meet Without Delay.

Mr. Coatsworth was informed of the personnel of the new license board by The World.

"We will get together right away," he said. Asked as to what would be done towards carrying out the prospersion. done towards carrying out the pro-gram of license reduction, Mr. Coatsworth said:
"Reduction of licenses will not de-

Member of the Insurance Commission suddenly Called.

MONTREAL, Feb. 22.—(Special.)—A.

Member of the Insurance Commission pend on any one thing. Of course, the reports we receive from our inspectors will carry much weight, but we will get the necessary information from

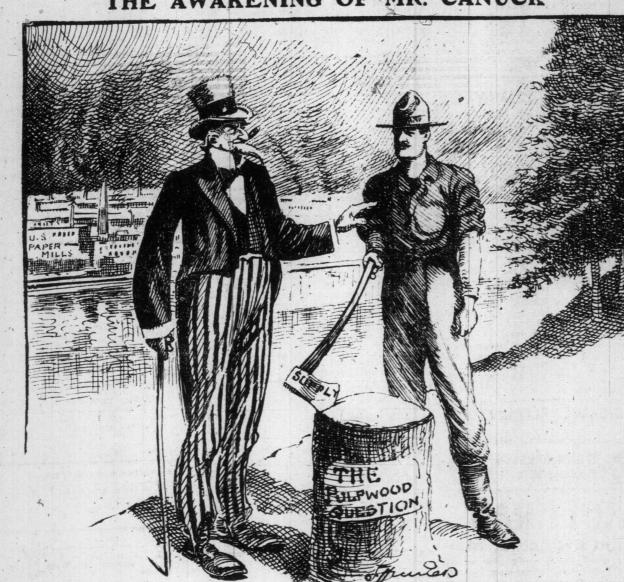
"Then, we will have to decide on the principles upon which we will make the reduction, and then decide on how best to apply those principles nade before April 30. "These are my personal views," con-cluded Mr. Coatsworth. "In the mean-

time there is some little accumulate! business to dispose of."

Shrove Tuesday

To-day is called Shrove Tuesday from the custom of making confession on the day preceding Ash Wednesday, as a preparation for Lent. The day formerly was, and in some places is still given over to sports and merrymaking. It is frequently styled "pancake Tuesday." In French-speaking countries it is known as Mardi gras. It is the occasion of the great spring carnival at New Orleans.

THE AWAKENING OF MR. CANUCK



JACK CANUCK (to Uncle Sam, who is trying to re-engage him for wood cutting for U. S. Mills) : I think has a host of friends in Toronto who I've worked as hired man on my own wood lot long enough, Uncle. I'll cut wood now for my own mills.