

THE STAR, ST. JOHN N. B., FRIDAY, JUNE 28, 1907.

LEGAL POSITION OF LIBEL SUIT

Dr. Pugsley Explains the
Technicalities

Two Very Important, Legal Points Will
Have to be Decided by the
Full Bench

Hon. Wm. Pugsley, crown counsel in the case of criminal libel against Jas. H. Crockett on the information of Hon. H. R. Emmerson, was asked last night by a Sun representative to make a statement of the position of the prosecution in the case at the present time.

Judge Landry has held that the crown is entitled to bring before the court, the question of the validity of the decree filed by the crown. Dr. Pugsley said that he felt considerable difficulty on this point, and this was the reason for his urging upon the judge that in view of the general importance of the question which was raised by the defense, he should himself ask the opinion of the court upon the question. The ground, Dr. Pugsley said, upon which he entertained doubts as to the right to have a reserved case was that the statute provides that the application therefor may be made at any time during the trial, and he entertained doubts as to whether the argument of the demurrer could be considered as part of the trial. "I am pleased," said Dr. Pugsley, "to observe by Judge Landry's judgment that in his opinion the application could properly be made and that he entertained the motion of Mr. Healy. The result would be that the case would come up for argument at the next term of the supreme court. I sincerely trust that no technical objection will be entered against the argument taking place for this reason, as I have already stated that the question raised by the defense is one of great and far reaching importance, not only by reason of its application to the present case but also by reason of its bearing the law for future guidance of the press.

"The question is of special importance because of the provision in the present criminal law relating to defamatory libel allowing the defendant to avail himself of the defense that he believed on reasonable grounds the truth of what was published and that he acted in good faith. It is a matter of fact the libel is true or false. Asked as to what is the effect of the judge's order with regard to the trial of the indictment, Dr. Pugsley replied that the effect of the judge requiring the defendant to enter into a recognizance to appear at the trial is that the sum as if he had postponed the trial. "Indeed in my opinion no further order for postponement is necessary besides that which the judge made, of course he might have required, if he had thought proper to do so, for the defendant to give a recognizance to appear, but in the present case this is unnecessary, and the defendant's appearance for trial at the next circuit.

"There seems to have been on the part of the counsel for the defense an impression that the Crown is by law bound to bring a criminal case to trial immediately upon an indictment being returned. This is not the case. While it is reasonable that the Crown shall bring a case to trial as soon as possible after indictment is found, a large discretion is always allowed the Crown and if the trial takes place at the next assize to that at which the indictment has been found, it is sufficient and the defendant will not in the meantime be discharged.

"This is the case even where the defendant is in custody and a fortiori would be true, where the defendant is out on recognizance. The law relating to the time when the accused must be brought to trial is very clearly laid down in the Habeas Corpus Act which provides that unless a prisoner is brought to trial at the next assize after a bill of indictment has been found, he is entitled to his discharge. You will therefore see that in the present case the Crown acted entirely within the law in having the case go over until the next circuit and it was entirely reasonable that it should do so, by reason of the opinion of the Crown counsel being that the plea of the defendant was bad in law and that the demurrer should have been sustained.

"Regarding the facts of the case, it would not of course, be proper that I should express any opinion. The legal questions are interesting and are first, as to the right of the Crown to apply for a reserve case prior to the trial taking place and secondly as to the validity of the demurrer.

"The first is important as a question of practice and as to this, I understand by his Honor's judgment that he has decided in favor of the Crown. The second is, as my associates, Messrs. Barry and White, and I argued before the judge, of the very greatest general importance and it is to be hoped that Judge Landry's view as to the right to have a reserve case is correct so that this important question may be decided by the full court.

DR. PUGSLEY'S
FORSETS

MUCH INTEREST IN KENNEL CLUB

Organization Meeting Held
in This City Last Night

Large Number Were Present and
Officers Were Elected—May Have
Show This Autumn

The N. B. Kennel Club has an organization meeting last evening in the Dufferin Hotel. A large number were present, officers were elected and every one took a keen interest in the proceedings. That the club will meet with success seemed insured from the enthusiasm displayed. The list of members to date are: Dr. G. A. Hetherington, Hon. R. J. Ritchie, George Dickson, Alex. Pedersen, Heber Vroom, Henry P. Bailey, J. B. Warner, J. V. McLellan, Walter Carnell, Dr. Langstroth, J. McGaney, Alex. McMillan, Col. Blaine, Lash Wilson, Joe McCarthy, Robt. Blackall, C. J. Milligan, A. McIntosh, T. P. Regan, Chas. Conway, F. A. Jones, F. C. Stuart, J. Millidge, Wm. Cassidy, W. C. Bowden, Wm. Sanda, Alex. Campbell, Alex. Reicker, Edward Kennedy, W. Donahue, A. E. Burns, Joe. Doherty, Wm. Cunningham, Thos. Lawson, Wm. O'Keefe, Hector Little and George Hilliard.

Members outside the city are: J. W. Brown, Montreal; R. M. Clark, Berwick, N. S.; Geo. E. Evans, Hampton. A number of ladies applied for membership, and this matter will be considered at the next meeting, which will be held at the "Elm" early date.

The following officers were elected pro tem: Geo. A. Hetherington, M.D., president; Heber Vroom, first vice-president; Thos. McCullough, second vice-president; J. V. McLellan, secretary treasurer. By-law committee: B. C. Reid, Wm. Cassidy and Walter Carnell.

The members present at the meeting were strongly in favor of holding a show sometime during the summer. Four handsome cups have been offered for competition by leading merchants in the city and doubtless a number of others will be donated. It was thought that the show should be held under the auspices of the Canadian Kennel Club.

An advisory committee was appointed to see what arrangements could be held for holding a show. Those who were appointed were: Dr. Langstroth, J. McGaney and Charles Conway.

Anyone desiring to become a member can apply to Secretary J. V. McLellan, registry office, will receive an application form.

ASK ADVANTAGES OF LEMIEUX ACT

OTTAWA, June 27.—The Grand Trunk Railway Company is asking advantages of the Lemieux Conciliation Act. W. D. Robb, superintendent of motive power, has asked the labor department to appoint a board of conciliation to look into matters in dispute between the company and the locomotive engineers of the road.

The matters into which it is asked that the conciliators inquire are conditions of employment, wages, hours of service, rules and the agreement which was made to between the company and the engineers last February.

It is reported here that the Grand Trunk Pacific is likely to make a claim against the government for monetary damages if the portion of the National Transcontinental between Winnipeg and Superior Junction is not completed this autumn, and it is certain that the line will not be finished by that time. The Grand Trunk Pacific branch line from Port William to Superior Junction was to be finished in about three months and the Grand Trunk Pacific claims that under its contract the government should have been finished in time to give it a through line from Winnipeg to Port William and enable it to participate in hauling out the wheat crop this autumn.

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PROVIDENT FUND BOARD OF I. C. R.

OTTAWA, June 27.—The provident fund board of the Intercolonial has been formed. It consists of David Pottinger, general manager of the road, who is the chairman under the act; John Stewart, Montreal, locomotive engineer; J. W. Nairn, Truro, locomotive engineer; W. A. Dube, Quebec, division superintendent; T. C. Burpee, Montreal, engineer in charge of maintenance of way; Stewart and Nairn were elected by the board and the representatives. Dube and Burpee were appointed by the management. There was a little delay in the appointment of the last named two owing to the absence of the Minister of Railways. However, Deputy Minister Butler took the matter in hand and the appointments have been made. The employees and the government have been contributing to the fund since the first of June. The board will hold its first meeting within a few days. One of its first duties will be to go over the list of employees and select those who by reason of age or infirmity are incapable of performing efficient service. These will be recommended for immediate superannuation.

TORONTO, June 27.—The marriage of W. B. Northrup, M. P., of Belleville and Mary Schreyer Glenow, daughter of the late C. F. Pitch, took place here today at St. James' cathedral, Rev. Canon Welch officiating.



Clark's Corned Beef Clark's Sliced Smoked Beef Clark's Ready Lunch Beef

and Clark's other cooked specialties will save much trouble and bother in every household. They are always ready to serve with every meal or to provide an economical appetizing meal at unexpected hours.

But see that you get Clark's Meats in tins. Do not use imported canned meats of only average quality upon which you have to pay a high duty.

WM. CLARK, Mfr. MONTREAL.

BURR AND BACHELOR.

By TROY ALLISON.

(Copyright, 1907, by E. C. Parcell.)
Jarvis selected a comfortable-looking rock, lit his pipe and leaned against the chestnut tree.

"This is the loneliest spot in the neighborhood," he said, after a meditative puff. "It's my favorite place to come alone and think."

The woman raised her eyebrows quizzically.

"So sorry if I disturb you," tranquilly, "but an old bachelor never knows when he is favored by the gods. It is useless to cater to his pessimism. A woman more or less doesn't increase his misery to any great extent. It was too far for me to come alone, you see."

"Oh, I don't mind you! Don't take it to heart." He fitted his back more comfortably to the tree trunk and fixed his eyes upon the blue ridge of mountains that circled around the valley beneath them. "I get well enough with women—if they leave me out of the pink tea business, and don't expect raptures—I've passed the rapacious age."

"One might reasonably wonder if you had ever been young enough to be in love," she said, holding a large prickly one between her thumb and forefinger, but with a little experience a woman of intelligence can manage them fairly well and avoid the prickles. I don't suppose if I had been a widow, with a certain amount of knowledge of the characteristics of men, that I would ever have gotten you sufficiently tame to have been allowed to take these woodland strolls with you."

"There was a glimmer of admiration in his eyes as she stood on the gray moss-covered rock, her slim figure reaching up to the deep green of the chestnut bough. She gathered the last burr within her reach and threw it at him energetically.

"That is for you to keep as a souvenir," she commenced, but her voice broke in a gasp of alarm as she lost her footing and shouldered her way down the ledge below.

Jarvis, his face anxious and white, flung her gently and her head fell on his shoulder.

He gazed hopelessly until the stillness of the woods grew oppressive. "My dear, oh, my dear," he said anxiously, putting his cheek against hers, "if you would only open your eyes—your beautiful eyes."

"The corners of her mouth betrayed her to an involuntary smile. She gave him one look, then put her head back on his shoulder.

"I'm not hurt—much." There was a mixture of emotion in the murmur of his voice, "but I do so love to hear you say that, and I told you that neither a burr nor a bachelor was hard to manage—if one knew how."

"Startling Pictures at the Nickel"

The startling picture, lost in the Alps, shown at the Nickel yesterday afternoon and evening for the first time made a pronounced impression upon the thousands who saw it. Dealing with the terrors of an Alpine storm in vivid truthfulness it introduces a strong vein of human interest into the subjects of rescue. The heaped-up snow, the raging winds and hopeless fields of ice, etc., the arrival of the sagacious St. Bernard dog and their work of life-saving make most thrilling drama, the reunion of children and parents in the humble home afterwards making a heart-easing finale.

The other pictures shown were almost as interesting, though they treated of entirely different subjects. To wit: a ludicrous mix-up entitled Too Much Mother-in-Law, and another funny one, Father and Mother Want You. Mrs. Austin and Lee collaborated very acceptably in singing the illustrated song in the Golden Autumn Time, Sweet Elaine.

The kind of meats that are good to eat. Wholesome, tasty and economical and ready to serve at a moments notice—boneless and wasteless, put up in air tight germ-proof tins.

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WILL APPOINT COMMERCIAL AGENTS

Who Men Will Keep Imperial Board

of Trade Posted on All
Trade Mfr's

TORONTO, June 27.—As a result of the trip through Canada of Richard Oring, Canadian commissioner of the Imperial Board of Trade, nine commercial correspondents or agents will shortly be appointed in the Dominion to keep the board constantly in touch with trade matters. They will be located, it is expected at Halifax, St. John, Quebec, Montreal, Toronto, Ottawa, Winnipeg, Vancouver and some other city in the west.

At a meeting of the council of the Toronto Board of Trade today the subject was discussed and a resolution passed to the effect that the board has learned with much satisfaction from Oring of the intention of his majesty's Board of Trade to appoint commercial correspondents throughout the Dominion, and they desire to express appreciation of the interest taken by the imperial government in the matter of increasing trade between the motherland and Canada.

The board further respectfully submits the desirability of appointing a permanent head of the correspondents to reside in Canada. Copies of the resolution will be forwarded to the Canadian high commissioner in London and to Oring.

BRILLIANT WEDDING AT BIJOU HALL

The last night of June has produced a number of brilliant weddings in this city, but none more brilliant than that celebrated last night by the belles and beaux of Sheffield street shines out the brightest of them all. Last evening Prince Francis, son of the house of the genial Amelia, was united in the holy bonds of matrimony to Miss Emily Blizard, daughter of George Blizard.

At the close of the ceremony, at which it was officially announced last night, twelve cars were in attendance and the wedding party gathered at Bijou Hall, the social centre of the Sheffield street district. There the marriage was right royally celebrated, and the rustic of silk could be heard blocks away, as the youths and maidens, colored and white, treaded the light fantastic in the waltz, the two-step and other steps of uncertain and unholy origin. The music was furnished by Walter Morrison on the accordion. The happy groom, decked in a Prince Albert, was the object of many congratulations, as was also the charming bride. At 12:30 the police, who had taken a fatherly interest in the whole proceedings, suggested that the cabs be called, and the evening came to a close.

"My dear, oh, my dear," he said anxiously, putting his cheek against hers, "if you would only open your eyes—your beautiful eyes."

"The corners of her mouth betrayed her to an involuntary smile. She gave him one look, then put her head back on his shoulder.

"I'm not hurt—much." There was a mixture of emotion in the murmur of his voice, "but I do so love to hear you say that, and I told you that neither a burr nor a bachelor was hard to manage—if one knew how."

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WANT DAMAGES FROM THE CITY

Claim Ferry Boat Ludlow
Ran Down Scow Sarah M.

Weldon and McLean Write Ferry Committee — Chairman Baxter Does
Not Think Ludlow Was to Blame

The ferry committee held their regular monthly meeting yesterday afternoon on behalf of the Dominion Coal Co. against the Ludlow for running down their scow, Sarah M., in April last. "We have seen," the communication says, "witnesses to the collision, and are of opinion that the collision was the fault of the ferry boat. It cost upwards of \$800 to repair the damage to the Coal Company's scow. We would be willing to meet your legal adviser for the purpose of discussing the possibility of a settlement of this matter, otherwise we will have to take the necessary proceeding in the admiralty court."

Ald. Baxter said that he would be very glad if they took it into the admiralty court, as the costs run up so quickly that they would have the Ludlow. The alderman said that he had looked at the matter and did not think the Ludlow to blame. The matter was referred to the recorder to report.

The chairman said that the Ludlow has been taken off the route so that necessary repairs may be made and as the time of her certificate has expired, the service is being performed by the Western Extension. He suggested that hereafter a regular practice should be made of having the Ludlow taken off two days each month. The work which might be done now included installing ventilators, placing her on Hilgard's road to have her bottom painted, also outside and inside upper painting to have her bottom inspected and also to have the floor in her cabin calked, as when the floor is washed the water drips through. The alderman said that if the painting was not done he saw no reason why the Ludlow should be off the route for much longer than a week.

It was decided not to make the Ludlow to the floor at present and to call for tenders separately for painting the bottom, the upper inside and outside, as a committee composed of the chairman, Ald. McGowan, and the superintendent should decide.

Ald. Prink favored placing radiators in the cabin instead of the present pipes.

Ald. Baxter said that when the Ludlow returned to the route she will have her hand steering gear ready for work.

On motion of Ald. Prink, it was decided to give a uniform each year for the ferry deckhands and gatemen. Ald. Prink said the suits would cost about \$750 each.

Ald. Baxter said that there is one question which he wished to put before the board, that of drunken men travelling on the ferry. He thought arrangements should be made that the gateman should have it in his power to arrest drunken men on the ferry boats.

An alderman said that he knew occasions when the police were not willing to arrest drunks at the ferry boats. Ald. Baxter said that if he could find out the police officers' names he would have them dismissed from the force.

Ald. Bullock thought that a policeman might be stationed at the ferry boats.

On motion of Ald. Prink it was decided to recommend to council that an electric bell be placed in the Water Street wharf, which could be rung from the ferry boats. The cost, the alderman said, would only be \$5.

The question of the holidays for the ferry employees was discussed. Ald. Baxter said that the men would not get any time off until the Ludlow was back on the route, whether it be one month or two months.

It was decided to give the ferry employees ten days holidays, but not one person in the operation of the boat to receive any holidays until the Ludlow is again put on the route.

Ald. Prink said that he understood \$500 could be saved in coal bills yearly by the use of mooring appliances at the floats. The superintendent was asked to report on the matter at the next meeting.

On motion of Ald. Prink it was decided to have an awning placed in the east side ferry enclosure. The estimate of cost is \$200. The alderman pointed out that the passengers will not go in the waiting room but crowd in the passage.

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YALE WINS RACE FROM HARVARD

Defeated Cambridge Men
by Thirteen Seconds

E. H. Harriman, the Railroad Magnate,
Arrested for Disobeying Orders
of the Course Officials

NEW LONDON, June 27.—Before the greatest crowd that ever witnessed a race on the Thames River, the Yale crew this evening rowed on an average of four strokes to the minute less than Harvard, held the big Cambridge crew even until the last half mile when they let out their speed and won, won a great race by a scant boat length. Never once in the whole four miles did the long graceful shells cease to lap each other. The delicate prows zig-zagged between the strokes and the thousands aboard the boats and every kind of floating craft and those who lined the shore, sent cheer upon cheer to the rival crews as they fought out one of the greatest races in the history of Harvard-Yale boating. Yale's time for the four miles was 21 minutes and 10 seconds; Harvard, 21 minutes, 13 seconds.

The race was accompanied by one disagreeable incident. This was the arrest of E. H. Harriman, the railroad magnate by Lieutenant Billard, President Roosevelt's naval aide. Lieutenant Billard, who was in charge of the revenue cutters, had warned owner, not to follow the race. The big "Varsity struggle" had scarcely been started when Mr. Harriman in a powerful motor boat followed the race, Lieutenant Billard and Chairman Schweppe, who were aboard the regatta committee boat, the Arrow, repeatedly warned Mr. Harriman to stop his engine and get out of the course. Mr. Harriman not only paid no attention to them but took a position right alongside the referee's boat and the it. Off the navy yard, Lieutenant Billard signalled for a launch and cooed the revenue whistles which finally started Mr. Harriman to look around.

"You are under arrest, sir," shouted Lieutenant Billard. "You will give yourself up to this man, who will take you aboard the Gresham to await my orders."

Then it was discovered that the man in the powerful and speedy motor boat was Mr. Harriman. Chairman Schweppe of the regatta committee was very angry and he shouted to Mr. Harriman in tones which the latter could not misunderstand.

The millionaire levelled his forefinger at Chairman Schweppe and yelled back: "Young man I will see you later!"

Schweppe's friends aboard the Arrow gave Mr. Harriman a gentle laugh. Mr. Harriman, the regatta committee was very angry and he shouted to Mr. Harriman in tones which the latter could not misunderstand.

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ALUMNAE OF ST. VINCENT'S SCHOOL

Good Time at Annual Re-union Held
In Honor of Graduating
Class

The annual re-union of the Alumnae of St. Vincent's School, which this year numbers nineteen, was held last evening at White's. Orders were laid for ninety-one persons, among the guests of the evening being Miss Miriam Hatheway, president of the High School alumnae. There were two tables, Miss Katherine O'Neill presiding at one and Miss Annie McGuggan, vice-president, sitting at the head of the other.

Mrs. Joseph T. Quinn, James McInerney and Edward N. Emery were the chaperones. The toasts were: The King, after which the toast to the graduates was given. The president, Miss O'Neill, delivered an address of welcome to the graduates of 1907, and Miss Regina Mitchell responded on behalf of her classmates.

The Sicilian Orchestra played selections during the evening. Vocal solos were given by Miss Florence O'Neill and Miss Josephine Fitzpatrick. Miss May Mullin gave a piano selection. In a very clever speech, by which she gained the entire sympathy of her audience, Miss Nellie Reid endorsed the Sisters of Charity, telling how greatly the society was indebted to them and what an influence for good they extended over the members.

An interesting feature of the evening was the presentation of a bronze ornament to Miss Ella Stanton from her associates in the orchestra, on the eve of her marriage with Fred Roderick, to whom she will be married in St. Peter's Church on Monday morning next. Miss Moran, president of the Musical Club, made the presentation.

The evening proceedings were concluded with the singing of Auld Lang Syne.

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