

St. John, N. B., June 24th, 1903.

DR. BAXTER GETS ONE-THIRD FEE.

Sued for \$2,420 and is Awarded \$750.

Case of Ralph White Against Officer Sol. Hamm for False Imprisonment Now on.

In the circuit court yesterday, before Judge McLeod, the suit brought by Dr. Geo. G. Baxter against John Power and James E. Fraser, executors of the estate of the late John Sullivan, was continued.

Dr. Morrison's evidence went to show that \$3 per visit, as asked by the plaintiff for medical services rendered the deceased, was excessive, and that the ordinary charge made by other physicians for similar services seldom went beyond \$2.

Dr. Macaulay said that the fee for such services ranged from \$1 to \$3, but at night a fee somewhat larger was usually asked. He thought that under special circumstances a fee larger than the usual might be charged.

Dr. McAlpine testified that the fee for such work varied from \$1 to \$3, according to circumstances. He thought that the circumstances of the present case as set forth in the evidence of the plaintiff would not justify a fee greater than \$2 per visit.

At the afternoon session of the court Mr. Wilson, K. C., addressed the jury on behalf of the defendant and E. E. Chapman for the plaintiff. After the judge's charge the jury retired and after an hour returned a verdict of \$750 for the plaintiff. The claim was for \$2,420.

White v. Hamm was the next case taken up. It is an action for alleged assault and battery on the part of John Power and James E. Fraser, the defendants, against Ralph White of the St. John police force.

On about August 12, 1902, John Power and James E. Fraser, two of the St. John police force, were on duty at the residence of Mr. Hamm, Louis Johnson and John White took the horses and went for a drive, permission having been granted to them, they claim, to use Mr. Hamm having learned that the horses were taken away in pursuit, and arrested Johnson and White at Millville or Millidgeville. They were kept in custody from 8 o'clock that evening until 10 o'clock the next morning, when they were discharged by Magistrate Ritchie.

In September, 1902, Mr. White began proceedings on the charge stated above. The writ was issued on Sept. 22nd, and of six pleas pleaded two were on application of the plaintiff struck out, and two of the remaining having been demurred to were withdrawn by the defendant, leaving two of the original pleas upon which the case went to trial in November, 1902. After the evidence was all in the defendant amended or added pleas on terms, and the case was tried in March, 1903, when the questions left by the judge to the jury were not answered unanimously, some being answered by the remaining jurors in one way and by the remaining four in another, but a verdict was generally returned for the defendant.

The plaintiff contended that upon the answers given to the questions there should have been a verdict for the plaintiff, but Mr. Justice Gregory stated that the verdict being general one he would order it to be entered for the defendant. On motion a new trial was granted by the full court in August, 1903, and the case again went to trial in January, 1903, resulting in a verdict of \$500 for the plaintiff. The supreme court on banc again granted a new trial, the judge remarking that the defendant did not object to the ground that a question which should have been left to the jury was not left, or was improperly left for their consideration.

OF DEBT. celebrate Payment of the debt. The service was held in the church last night, and the pastor, Mr. Kirkham, presided. The pastor, Mr. Kirkham, presided. The pastor, Mr. Kirkham, presided.

ACCIDENT. being an accident got on Wednesday. A party of five got caught between the two sides. The train struck and killed the engine driver. The train was on the track.

experience observation them.

W. H. Thorne & Co., Ltd., Agents for A. G. Spalding Bros' Sporting and Athletic Goods.

ation. Now the case is again being tried. The plaintiff was on the stand yesterday afternoon when the court adjourned until 10 o'clock this morning. Geo. G. Baxter, 1885, and after having served the government over the past seven years is retired with the statutory allowance. The joint committee of both houses on resolution expressing a flattering resolution expressing their high appreciation of his work.

OTTAWA, June 21.—Edward Botterell, retired today from the department of the printing of parliament, with which he has been connected for years. He was appointed to the civil service February 18th, 1885, and after having served the government over the past seven years is retired with the statutory allowance.

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BLAIR ON HIS KNEE THOSE MEN'S SUITS

(On Grand Trunk Pacific Bill He Stood Up for St. John

And Swatted Hon. Mr. Emmerson of Westmorland, Who Ignorantly Asserted That St. John Cannot Handle the Exports of Canada to Europe.

OTTAWA, June 22.—In the commons today, Laurier announced that John Blair of Toronto, and Wm. Fry of Quebec, had accepted positions on the transportation committee. Sir Wm. Van Horne was asked to serve, and had consented at first, but owing to calls of business, he has asked to be relieved from his promise. The government still hope that Mr. Van Horne may see fit to serve. Justice Britton has accepted the appointment to the Treadgold commission. Another party whose appointment was first contemplated, had been dropped. Chief Justice Kilham of Manitoba, has been asked to serve, but his reply has not yet been received.

Mr. Gourley also advocated caution in granting additional privileges to the promoters. The government should bring down its own subsidy bill. It is not aid was to be granted it would be well to be generous in the matter of capitalization, but the moment a subsidy was granted a new proposition was placed before parliament. The company's stock would then have a real value, and therefore the capital should be reduced.

Mr. Bourassa did not press his amendment, and the capitalization clause passed. When the route clause was reached Mr. Fowler of Kings Co. asked if the line from Quebec to Montreal would cross the state of Maine.

Mr. McCarthy replied that all parliament could do was to grant running money to the company, and that if an all Canadian route would be used.

Mr. Fowler contended that as the direction of the road would be material to the company's decision as to this point, the house should be definitely informed.

Mr. Borden revived the question as to the simultaneous construction of all sections of the line, and he wanted to give the company powers for the prairie section, when the Canadian Northern was being equipped for \$10,000,000. Another disadvantage was that the company after securing a capital of the amount of \$75,000,000 could complete only such portion of the line as it saw fit and then allow the charter for the remainder to lapse.

Blair contended that the powers were not excessive, when the cost of the line would require some very definite aid. Blair showed that Mr. Blair had only taken into consideration the capital company, and had altogether overlooked the construction of that section. He wanted the government to keep capitalization within bounds, so that the rates be kept as low as possible. He protested against the special inducements. Stocks had to be sold at a large discount in order to secure money for construction and allowance had to be made for this.

Mr. Blair, replying, smiled around in great style. He took Emmerson to task for stating that St. John could not handle the freight that came that way. As for the distance from St. John and Halifax to Europe, Blair claimed that the distance was not great, and that the freight could be handled by the freight line that came that way. As for the distance from St. John and Halifax to Europe, Blair claimed that the distance was not great, and that the freight could be handled by the freight line that came that way.

Mr. Borden suggested that as the remarks of the minister implied that Blair was not in favour of the scheme, he would pledge his support to the bill, until something definite was announced.

Mr. Borden submitted that if the government intended the latter would name the road after any other suggestion, it was his duty to support the bill, and the company should be permitted to do as it liked.

Mr. Borden again protested against the bill, as it gave powers of capitalization as they were, and that was the time to decide the question.

Mr. McCarthy supported the leader of the opposition, and declared that Blair's proposition, and the bill granting a subsidy was unique. He wanted the whole question settled at once, with the best growing as it is in the hands of the people. He moved, seconded by Mr. Angus, that the capital be reduced from \$75,000,000 to \$50,000,000.

Hon. James Sutherland objected to any such treatment being accorded the bill.

DOUBLE TRAGEDY. SCRANTON, Pa., June 21.—A pair of young lovers, Ernest Schmitz and Miss Jennie Brennan, both of Greenwood, were the participants in a double tragedy early this morning. Another woman from Schmitz's old home intervened a week ago and sought to hold him in a alleged engagement with her. This led the pair to seek refuge in death and they apparently planned tonight's affair with much deliberation. Miss Brennan purchased a bottle of carbolic acid this morning and shortly thereafter she started out for a walk. When friends came in sight of the pair, Miss Brennan put the bottle of acid to her lips and drained it. As she did so Schmitz drew a revolver and shot himself twice. He fell dead instantly. The girl suffered great agony and her physicians hold no hope of recovery.

WILD WEST LIFE. CHARLOTTE, N. C., June 22.—A special car from Roanoke, Va., to the Observer says: A party of mountaineers, led by Floyd McCoy, a member of the McCoy-Hatfield feudists, went to the mining town of Kivins, Midway county, West Virginia, last night, and installed many people. John Reynolds, an employee of a brewery, resisted this McCoy crowd, and the entire police force went in pursuit. McCoy retreated 40 yards, took his stand and opened fire on the officers. A pitched battle raged in the darkness. One of McCoy's men was killed, and another fatally wounded, others also being injured. The police attacked injury. The McCoy crowd escaped to the mountains, taking their dead and wounded with them.

SUSSEX NEWS. SUSSEX, June 22.—The stipendiary magistrate's court was opened today hearing the case of John Goggin against James E. Scofield for stabbing him at the school meeting at district No. 8 on Millstream. McIntyre and Fairweather appeared for the complainant; Hon. A. S. White for the accused. Mr. Wetmore, secretary of the Maritime S. P. C. A., was in Sussex today on business in connection with the society. Dr. A. A. Stockton was in Sussex Saturday with Mr. Wetmore looking after the case against Robert Parley for ill-treating his own. The case was adjourned until Saturday, July 4th. The members of Zion Lodge, No. 21, A. F. and A. M., will attend divine service in Trinity church on Sunday, the 28th inst. Members are requested to assemble at the hall at 3 p. m.

THOSE MEN'S SUITS

We are selling from \$6.00 to \$10.00, are taking the people by storm and the way they are going out would make one think that this was the only Clothing store in town. But when you see the garments and the way they are trimmed and made and the neat and desirable patterns you will understand the reason for the rush. The prices are:

\$6.00, 7.00, 8.00, 8.50, 8.75, 9.00, 9.50 and 10.00. Alterations when necessary made free of charge.

J. N. HARVEY, TAILORING and CLOTHING, 199 Union Street, St. John, N. B.

FREDERICTON. Removed a Cataract and Piece of Steel.

Rev. J. G. Shearer on the Observance of the Lord's Day—Recent Deaths—Admitted They Threw Flour at a Bridegroom.

FREDERICTON, N. B., June 21.—Rev. J. G. Shearer, secretary of the Lord's Day Alliance, occupied the pulpit of St. Paul's Presbyterian Church this morning, and of the Baptist Church in the evening, and preached eloquent and impressive sermons on both occasions. He took his subject a text bearing on the observance of the Lord's Day and the tendencies leading to its desecration. In the evening a mass meeting of the congregations was held in the Opera House, which was well filled with an appreciative audience. Rev. Shearer was the speaker and continued his talk along the lines of his morning sermon. He delivered a powerful address, exhorting his auditors and the citizens of Fredericton to observe the Sabbath day and not be led to desecrate it so freely as to other cities. Rev. Mr. Shearer made an excellent impression.

Frank L. Robinson, general passenger agent of the Canada Eastern Railway, arrived here yesterday with his bride. They have taken up their residence at Marysville. They were given a grand reception by friends.

The death of the late Mrs. James Gray, which occurred at Eaton on Friday, arrived yesterday and were taken to the residence of the deceased's brother, James Davidson, at Gibson. The deceased was a daughter of Mr. and Mrs. Robert Davidson of Gibson. The funeral took place this afternoon and was largely attended. Interment was made at Sunny Bay cemetery.

The death occurred at Nashwaakala this morning of Mary, wife of Frank Place, a well known resident of that place. Deceased was 39 years of age. She was a daughter of William Anderson and Douglas and leaves a husband, parents and one child.

Yesterday a complaint was lodged with the police magistrate against John Leary, formerly of St. John, and four of his associates, for throwing flour at Harry Black of St. John, and destroying his clothes at his wedding here last week. Both have acknowledged the offence.

A team from the lawyers defeated the bankers at a game of base ball here yesterday afternoon, by a score of 2 to 1.

Victoria Lodge, No. 18, I. O. O. F., duly celebrated Decoration day here this afternoon. Fine weather aided in the ceremonies and the Oddfellows made a splendid turnout. They were in charge of Marshal John Hood, with Charles Stirling as assistant aide. The parade left the lodge room at two o'clock, headed by the Fredericton brass band. The grand march was in the parade ground. The members assembled at the cemetery, accompanied by the band. The grand march was in the parade ground. The members assembled at the cemetery, accompanied by the band.

CHARLES MURRAY, a son of Councillor Charles Murray of Kingsclear, under Police Magistrate March some months ago and resided in a small inn being imposed on the defendant. The case has excited a great deal of interest and will be carried to the last court of appeal.

The preliminary examination of Talmage Carr, charged with burning the buildings of James E. Smith at Geary, Sunbury county, was begun at Henton Saturday morning before James S. White, J. P. After hearing a large number of witnesses the magistrate announced that he would reserve his decision till the 28th. In the meantime the accused was admitted to bail in \$2,000 on his own recognizance. R. W. McLeod and J. E. M. Baxter appeared for the prosecution, and A. J. Gregory for the accused.

George N. Morris, who for the past three years has been assistant to Principal McLeod of the Central Board school here, has resigned his position to accept the principalship of a similar school at Nantucket, Mass.

George Hazen, Dr. purchased two lots of land situate on George street, near the Canada Eastern railway, from the Geo. E. Penney estate, and is erecting two buildings thereon to be occupied by himself and his son, George. It is understood that Harry Black, the St. John bridegroom whose clothes were damaged by two lads at the station on Wednesday last, when on his bridal trip, is unwilling to prosecute the culprits, they having expressed their penitence, but inasmuch as a complaint has been lodged, the police magistrate will allow the law to take its course.

SPokane, Wash., June 22.—On the Spokane Falls and Northern Railroad, a part of the Great Northern system, a runaway train of sixty cars loaded with coal without an engine, four miles down grade through the town today, demolishing a dwelling house, wrecking the Crystal laundry, and killing at least four people and injuring eight others.

The train began to slip while standing on a heavy grade, and soon gained terrific speed. An empty box car, in which William Thomas and an unknown train were sleeping, was first struck and was demolished, both men being killed. Then the train crossed the street, ran over a rock pile and crashed into a six room dwelling 300 feet from the end of the track, occupied by the families of John Sleas and Mrs. Meyer. The house was smashed into kindling wood. Two hundred feet further on the frame building occupied by the Crystal steam laundry was struck by the train, and six people were sleeping in the Sleas house. James Sleas, the father, was pulled out of the ruins practically unharmed. The dead body of his son, Elmer, was found near by. Another son, Clarence, the baby were injured. Of the three children of Mrs. Meyers who were sleeping in the house only one was injured.

PHANTOM GOLD. A Fairy Tale from Pictou, N. S.—A British Baronet Drowned. HALIFAX, June 22.—Fifteen years ago G. H. McLeod of Pictou was wrecked in a vessel at the Straits of Magellan. While there McLeod says that he discovered an island rich in gold, but he was unable to obtain the wealth owing to the hostility of the natives. Recently he succeeded in forming a joint stock company, with a capital of \$100,000, to fit out a vessel and go to the mysterious island of Patagonia in search of gold, and the schooner Harle M. L. sailed a month ago from Halifax, with the adventurous crew of four hundred Englishmen. News came from Montevideo today that one of them, Sir Ashley Cooper, Bart., was lost overboard and drowned. He was lost on the deck, when the boom knocked him overboard the rail and he was never again seen. It was not expected when the Hattie M. L. sailed from Halifax that she would be back before a year. The vessel was provisioned for a twelve months' voyage.

LONDON, June 22.—When the house of commons went into committee today on the budget bill Henry Chaplin (conservative), former president of the board of agriculture, moved the rejection of the clause providing for the repeal of the grain tax. After a discussion the motion was defeated by 418 to 12 votes.

O. J. McCULLY, M. D., R. R. C. S., LONDON. PRACTICE LIMITED TO DISEASES OF THE THROAT, NOSE AND EAR. Office Hours—10 to 12; 1 to 4; 7 to 8.