McLean, New

Hatfield, Port

erly made. No be found. of Loggieville. me sixty-eight nan at one time He had laid on and describof the pipe line water for his sed salt water river, but that would be a of fresh water. ors in title had d kept the pipe as it was made

evidence to the the existence of and the former

Attorney Genrs. Tweedie, K. the plaintiffs; G. Teed, K. C., C., for the de-

HALF SICK up the entire stomach, ele rifying and ennd guaranteed in

s. 25c. each, or genuine.

# ST. JOHN SEMI-WEEKLY SUN VOL 28.

ST. JOHN, N. B., WEDNESDAY, OCTOBER 11, 1905.

NO 78.

St. John, N. B., Oct. 11th, 1905.

# D. A. R. TAKES

The Transfer Was Completed on Saturday.

wal Manager Gifkins of the Dominion Atlantic Railway, and party, consisting of William Yould, mech. superin tendent; F. H. Armstrong, G. P. A and R. Parker, chief clerk. In making the trip, Mr. Gifkins took formal ssion of the Midland Railway behalf of the Dominion Atlantic. H V. Harris, manager of the Midland accompanied the party, making the transfer on behalf of his company. At precisely ten o'clock the specia consisting of one first class coach and the private car "Sanspareil," passed on to the Midland tracks at Windson and proceeded over the line. Stops were made at each station and the agents of the Midland appointed the agents of the new owners.

Effective Monday, 9th October, the line will be operated as the Midland in the charge against Edward F. Cole and who talked with him at close extension of the Dominion Atlantic of Hillsboro of murdering his friend, ranges. The man in Falmouth was

It is announced that for the present jury were discharged. Cole will remain in jail pending the county attorney's service, the Dominion Atlantic Railway having resissued the present Mid-land time table.

the two companies and views it as one tion after the lapse of two weeks by witnesses, which might not have been the eastern and western counties. While the Midland company, through

he genial personality of its manager, Mr. Harris, made warm friends, it is splendid wholesale houses are now in part of the province owing to the establishment of through freight rates. direct service to Boston and New

The price paid was a quarter of a

MONTRBAL, Oct. 8.—The transfer of the Midland railway to the Dominion Atlantic railway was officially BUY STEEL BRIDGE

### **CANADIAN SHIPPERS** WILL BE PROTECTED.

reference to the complaint of the sugar wholesalers that foreign sugar is carried to various points in the maritime provinces, when shipped on a through bill of lading at a lower rate than is charged Canadian sugar between similar points. Mr. Wallace said that when foreign sugar is brought into competition with Canadian over the I. C. R., the rate is made the same. He did not remember of the same. He did not remember of the same of the same of the same between the same of the bridge on the 15th, on which date the I. C. R. authorities agree to have it taken up. The I. C. R. will replace it with a heavier structure.

Senator King, who arrived in the city last evening for a conference with his colleague, George McAvity, said that they were negotiating for several other bridges. her of more than one car of foreign sugar coming to this prevince during the past two years. If any is brought the future, the Canadian refiner and dealer will be given a rate equally as favorable as is granted the product of the foreign refiners. "The idea of the I. C. R.," said Mr. Wal-lace, "is to protect the Canadian industries every time, and in the case of rugar no exception will be made."

#### WANTS CANADIAN WHEAT

OTTAWA, Oct. &-A. W. Donly, Can adian agent in Mexico, has asked the trade and commerce department for |

# MIDLAND RAILWAY JURY DISAGREES IN THE COLE MURDER CASE,

midnight Saturday a special train arrived from Kentville conveying General Manager Gifkins of the Dominton Possibility of Reaching a Verdict---Were Out Nearly Seven Hours--The Addresses in Interesting Case Which to the Jury.

into court and reported a disagreement was confirmed by people who knew him Railway Company, over which the jur-isolction of the officers of that com-pany is extended.

John F. Steeves. As the foreman said seen by strangers at a distance. Mr. that there was no possibility of their Wilson closed with an eloquent appeal reaching a verdict, the members of the for justice to the stranger around jury were discharged. Cole will remain, whom Maine threw her protection

way baving re-issued the present Mid-and time table.

There haifs with satisfaction the conclusion of arrangements between decision as to another trial.

Mr. Wilson's argument for the de-fense was brilliant. He dealt in detail most attention to the alibi set up, with the evidence of the state, and ridi-culed the possibility of an identifica-culed the possibility of an identifica-culed the possibility of an identificawill reciprocally benefit both persons who had seen a man but casu-made on April 13. The seemingly con-the eastern and western counties. road. The witnesses contradicted one ceipt of the family that claimed to have another as to the clothing worn by the moved in the day Cole went to the agreed the possession of this piece of denied elsewhere in conversations the brook's view, is altogether in the state's 1904. He at the same time gave the not filled after a proper time. Again road by the older company gives to stories they tell here. Others are favor. If the month ended on May 12, plaintiffs leave to move on appeal that the fees when collected, belonged to Truro additional advantages. Truro's proved to be short-sighted, so that they he said, it began on April 13, the day's verdict be entered for \$15,680.08, the could not have seen the strangers clear- after the murder, and not on April 12, a position to compete strongly with St. ly. He went over the evidence of and it was on Thursday, not on Wed-John for the business of the western Steeves'finances, and collected from the nesday, that Cole was at the power statements of the Hillsboro witnesses house, and Fitzgerald, who talked to and the testimony as to his expendi- him there, entertained his moving from May 4th, 1904, down to the begin- as the plaintiffs could not get clear ning of the suit, or simply to have a lance papers from the custom house

the jury to base a murder upon. He PORTLAND, Me., Oct. 9 .- Shortly reviewed the defense's alibi, contrastafter midnight the superior jury came ing its account of the doings of April 12 with that of the state. Cole's story

Mr. Philbrook's argument was logiman, he declared. Some of them have power house, according to Judge Philstatements of the Hillsboro witnesses house, and Fitzgerald, who talked to

he held was too small a motive to ask jury at 5.45 p. m.

Test all Sorts of Drinks.

HALIFAX MINISTER

letter to the press.

THINK TREES ARE

what is being done by others.

CANON ROBERTS

## FOR CENTRAL RAILWAY

The steel bridge at present in use on the main line has been purchased by the Central railway comm J. J. Wallace, general freight agent of the L. C. R., is at the Royal. Mr. Wallace's visit to the city has principally to do with the Baptist Union meeting. Speaking to the Sun with reference to the complaint of the piers, which are now being prepared. The Central commissioners will take sugar wholesalers that foreign sugar

The contractors are making good progress with their work. The steam shovel is being employed in filling in the Ward trestle.

A gravitation water system is being

#### SUGGESSFUL FAIR AT PETITGODIAG.

PETITCODIAC, Oct. 9.—The annual samples of Ontario wheat. He says exhibition opened this morning. A fine that the wheat market in Mexico is exhibit of cattle is shown. The horses stringent and Canada ought to be able are not many, but good; the poultry to send three or four ship loads before December 21st, until which time the reduction in duty of 70 per cent. will prevail.

To cure Headache in ten minutes use Kumfort Headache Powders, 10 cents.

To cure Headache Powders, 10 cents.

### SHOOTING IRONS

THE SEASON IS NOW OPEN

Never before have we shown such a variety as now were now moved entirely. The City barge to Parasboro equipped as she ncluding the latest models.

Winchester, Marlin GUNS. Davenport, Iver GUNS, and Savage GUNS. Johnson@LefevreGUNS,

Ammunition for All Kinds of Guns and Rifles.

Canoes for Spostsmen's Use (Sporting Goods Fredericton, is this evening lying dan-honor held that the barges were of Flat, Second Floor).

Best Silk Bolting Cloth \$3.00 to \$10.

## W. H. THORNE & CO.,

LIMITED

Market Square, St. Jehn, N. B.

#### missioners—The Evidence. Cumberland Coal and Railway Co. v. St. John Pilot Commissioners.

This case, which was begun in the year 1904, was finally adjudicated on the amount of the pilotage fees paid by the plaintiffs on their coal barges from Sept. 28th, 1897, down to May 4th, whole amount claimed, and gave the defendants leave to move that a verdict be entered in their favor for \$735, the amount of pilotage fees unpaid The case will probably be appealed

Began in 1904.

vs. The St. John Pilot Com-

Says Prince Louis Had Good Chance

makes treating an offense, and the contact that the payment of fees from April sequent fining of John Pewer \$100 last 4th, 1893, when the barges first paid week. Rev. James Simpson, priest, in-cumbent of St. Peter's Cathedral, in or-when the last payment was made, was der to test the validity of the law has one continuous transaction, but his laid information against himself for honor decided for the defendants on this

giving hely communion, and has chal- point. enged the prosecutor to proceed against The defendants claimed that the him. He has also laid information against the committee of the City Council who provided refreshments for liable for pilotage fees. They there-fore claimed \$735, the amount of fees who gave intoxicating liquors to the unpaid on the barges from May 4th, THOUSANDS ATTEND FUNERAL Prince in the city building, and he is 1904, down to the commen

to lay information against those who suit.

gave intoxicating liquor to the Prince and his suite at the Athletic grounds tion. Barges 1 to 5 were built in the and the Charlottetown Club as soon as years 1892 and 1893. The hull of each About thirty miles of the right of way has been cleared, and the filling of the six hundred foot trestle over the or the or the six hundred foot trestle over the or the six hundred foot trestle over the or the six hundred foot trestle over the or the or the six hundred foot trestle over the or the six hundred foot trestle

BLING MUTILATED. to pay pilotage fees. If they really have no practical powers of propulsion, FREDERICTON, Oct. 9.-Mrs. L. W. but have to be towed, then they are Johnston of this city and Mrs. Geo. McFarlane of Nashwaaksis leave tonot liable to pay pilotage fees. The question is, Are the barges sailing ships? His Honor held that they were morrow for St. John as delegates to the maritime convention of the Wonot rigged for sailing and could not men's Foreign Missionary Society of propel themselves in any practical manner. As a matter of fact they had always been towed. They were built so The business of the cutting of trees as to carry more coal than sailing ves-

to make place for wires or what per- sels. haps in some cases should be more . Some of the defendants' witnesses properly termed the destruction of stated that the barges could navigate trees is a matter that cannot be too under their own sail from St. John to soon looked after by the city corpora- Parrsbore and back, but looking at tion. At the end of Queen street and all the evidence it appeared that on the corner of Parliament square a though the barges might sail slowly tree, which as much as any other in with a fair wind and tide, they could the town, was a mark of beauty has not be navigated as practical sailing been so mutilated that it would add to vessels. A. W. Adams stated that as the appearance of the locality if it a practical man he would not send a Improvement Association deserve was for sailing unless under very excredit for what they have done, but ceptional circumstances. The pilots they should keep their eyes open for said the barges could navigate under their own sail, but for practical pur-poses thought they should have more sail and be rigged differently.

Some witnesses said they saw the barges sailing alone, but that was gerously ill at his home at the rectory, necessity propelled by a tug and thus saffering from a severe attack of came under the exemption in the pilot largely attended. pleuro-pneumonia. This morning Doc- act, 1 R. S. C., chapter 80, section 59, tors Atherton and Weaver held a con- which exempts "Ships propelled wholly suitation and everything possible is or in part by steam" from the pay-

# Big Clothing Sale Now in Full Swing

Saturday was the opening day of our new store and marked the opening of one of the Biggest Money-Saving Clothing Sales that has yet taken place in St. John. Saturday both our stores were crowded all day with happy buyers.

READ A FEW OF THE BARGAINS:

Men's \$6.00 Suits, Men's \$5.00 Suits. Sale price, \$3.95.
Men's Suits, \$10.00; Men's Suits, \$8.75. Sale price, \$5.00.
Men's Suits, \$12.00, Men's Suits, \$11.00. Sale price, \$6.98

The Sale includes Shirts, Ties, Boys' Short Pants, and many other lines which space will not permit our mentioning here.

Take advantage of this Big Sale and get the Greatest Bargains yet offered.

### J. N. HARVEY, Men's and Boys' Clothing,

199 to and 207 Union Street

sue for fees, but the defendants claimed the act made no provision for the missioners to be sued. On this point his honor decided that inasmuch as the defendants were a corporation, a legal body, they were responsible for wrongs done, and collecting pilotage fees not lawfully due was a wrong for which they were liable.

Another point was that the commis sion represented the government and that the proper remedy for the plaintiffs was to go to the exchequer court with a petition of right. As to that his honor held that the government as yesterday, when Judge McLeod ordered a government were not interested. The commissioners were appointed by the Common Council and the Board of Trade, and the government did not interfere unless indeed a vacancy was the pilots themselves and not to th

Mr. Coster for the defendants argued

that the payment was voluntary. That argument could not stand inasmuch tures on the trip and in Portland, the friends at supper.

fact that Steeves had but \$6 in his possion on the day of the murder. This and clear, and the case went to the day of the murder. This and clear, and the case went to the day of the murder. was said that the department of marine authorized the commissi by the defendants. Judge McLeod de- in a letter to their chairman. H. D. livered a lengthy oral judgment, the Troop, to collect these fees. This let ter was, however, merely legal advice The suit was one brought to recover It is impossible for the government of the Tracadie Lumber Co., destroying \$16,680.08, the amount of the pilotage executive to authorize and make right fees paid by the Coal and Railway Co. an act like this committed contrary to on their coal barges engaged in carrying coal from Springhill to St. John
and other ports. As the barges were
towed by tugs, the plaintiffs claimed
they were not liable under the Pilot
Act to pay these pilotage fees.

Of the amount claimed, part, namely,
\$7,487.58, was barred by the statute of

Of the statute of the s (Special to the Sun.)

\$7,487.58, was barred by the statute of limitations, as this amount was paid before Sept. 28th, 1897, more than six years before the action was commencelause of the prohibition law that clause of the prohibition law that the city over the clause of the prohibition law that the city over the company. The city over the company, was in the city over the company. case, entered a verdict for the recov- day, and in the course of an interview ery of all those fees paid to the com- with the Sun said the first intimatio

> Weldon and McLean acted for the from Tracadle for about two weeks of plaintiss; C. J. Coster, K. C., and C. business for the company, and intend-N. Skinner, K. C., for the defendants; ed leaving for the mills this morning. E. H. McAlpine looked after the in- The receipt of the news which told o terests of the government.

OF DEAD RUSSIAN HERO.

the Prince was here he had the oppor- two spars, which carry leg-of-mutton Kondratenkom, commander of the only buildings saved were a number of tunity of testing all sorts of drinks extunity of testing all sorts of drinks except our excellent water, the finest in barge at sea or in a wind. The area of

Kondratenkom, commander

Seventh East Siberian Rifles, who was and occupied by their employes.

Killed lest December at Port Arthur. barges were rigged as schooners they would have a spread of about 3,000 Alexander Nevsky monastery today, but as the company had an unusually yards of sail, according to one expert were marked by the most impressive complete fire equipment he was at If the barges were ships capable of military and civil spectacle witnessed loss to understand how the fire got be here since the early days of the war. | youd control. Two watchmen For once all classes of the population employed at night and on Sunday of the capital awakened from that The fire fighting facilities of the com apathy which was untouched by the news of the battles of Mukden and the Sea of Japan, or the announcement of standpipe in the mill with hose coupthe conclusion of peace.

rain, filled the broad Nevsky prospect from the Moscow station to the gates of the monastery, while grand dukes, ministers of state, courtiers and the The plant consisted of a band mill highest efficers of the army and navy, with band resaw, one circular saw many of whom had won distinction at three clapboard machines, one box Port Arthur and in Manchuria, fol-board machine, and a complete box lowed the coffin on foot through the shook plant, and planing mill. muddy streets as common mourners mill was one of the most complete in with the widow and son of the dead the province. The yards were very general. In the procession could be large, and connecting them with the seen the uniforms of every organiza- Caraquet and Bathurst Railway were tion. Each regiment of the St. Peters- several spur tracks, for the burg garrison sent a detachment of pose of shipping. Owing to the veterans, many bearing the thirty- that their product, which is chiefly year service medals, to form the mili- pine boards, has to be seasoned for a tary escort.

W. EDWARD BISHOP DEAD. Wm. Edward Bishop died at his home, Hopewell Cape, on October 5th. DANGEROUSLY ILL.

| Darges sailing alone, but that was only when they were dropped by the only when they were dropped by the tug and were left to drift while the tug took another barge into port.

| The residence occupied by Mr. Wing was owned by the company, and was owned by the company. The Rev. Canon Roberts, rector of the barges or take them into port. His nephew. The late Mr. Bishop was a Baptist in religion ,and a lifelong con-

suitation and everything possible is being done to fight the disease. His sickness is causing much anxiety among his relatives and friends, the latter including the whole community.

The county court was engaged the entire day with the case of Van Buskirk v. Stairs. The former is suing the latter for the price of a horse, which Stairs Dought from a third pastly, and upon which Van Buskirk who as vessel had to be towed by a consultance of the case of the company are: F.W. Hill, supparing for the plaintiff, and Mr. Combet for defendant.

PORTLAND FAIR'S GREAT SUCCESS

PORTLAND, Ore., Oct. 9.—This were in charge of the superintendent, when they were stopped by a mob of negroes. Dr. Skinner for the defendants contended that the barges were ships, as they were not propelled by oars; they were not exampte of the Lewis and Clarke exposition after a success-tul carrier of the Lewis and Clarke exposition after a success-tul carrier of the Lewis and Clarke exposition after a success-tul carrier of the Lewis and Clarke exposition after a success-tul carrier of the Lewis and Clarke exposition after a success-tul carrier of the Lewis and Clarke exposition after a success-tul carrier of the Lewis and Clarke exposition after a success-tul carrier of the Lewis and Clarke exposition after a success-tul carrier of the Lewis and Clarke exposition after a success-tul carrier of the Lewis and Clarke exposition after

## FIRE SWEEPS VALUABLE PROPERTY AT TRACADIE.

Mills and Lumber of Tracadie Lumber Co. Destroyed---Loss Estimated at \$125,000. Fully Covered by Insurance---Manager Wing in City.

missioners within six years from the commencement of the action, amount-Sunday evening. He has been absen the complete destruction of the property hastened his departure. The

ling, fire extinguishers, a complet Thousands of spectators, standing hose equipment and sprinklers in the silent and bareheaded in a drizzling boller room for showering the furnaces

first telegram which Mr. Wing received

said his residence and the sheds and

office building were saved. A later despatch which came to him at the

Royal here yesterday conveyed the

long time, there is always an unusually large quantity of lumber in the

Mr. Wing thought the value of the lumber piled in the yards at the time of the fire would be about \$75,000. The other property destroyed would bring placed through a Bangor firm. He criminally assaulted a negro girl and had not been informed whether the had attempted to assault another who had attempted to assault another who streyed or not. The valuable books and out him in the breast. He was ar-

	THE INSURANCE.	
윊	On Lumber:	1
2	Scottish Union and National\$	
9	Royal (Grant)	
8	Phoenix of London	2,500
蟹	New York Underwriters'	5,000
5	Ottawa	2,500
¥	Western	4,500
3	Norwich Union	1,000
y	Quebec	5.000
	Law Union & Crown	2,500
	Manitoba	2,500
2	Keystone	1,500
	Atlas	2,500
	Commercial Union	5,000
3	Norwich Union	2,500
	London Mutual	2,500
933 3	Western	5,000
ä	Royal (Kaye)	3,000
	Northern Insurance Co. of North America	6,000
8	Queen	2,000
쳟	Union	1,500
ĕ	Sun	3,000
200		
23	Caledonian	
2000	Caledonian	
	. The same of the	2,500
	On mill and boiler house:	2,500 73,000
	On mill and boiler house:	2,500 73,000 1,500
	On mill and boiler house:  Montreal Canada	2,500 73,000 1,500 1,500
	On mill and boiler house:  Montreal Canada	2,500 73,000 1,500 1,500
	On mill and boiler house:  Montreal Canada	2,500 73,000 1,500 1,500 1,000 6,000
	On mill and boiler house:  Montreal Canada	2,500 73,000 1,500 1,500 1,000 6,000
	On mill and boiler house:  Montreal Canada	2,500 73,000 1,500 1,500 1,000 6,000 2,250 1,500
	On mill and boiler house:  Montreal Canada	2,500 73,000 1,500 1,000 6,000 2,250 1,500 1,000
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	On mill and boiler house:  Montreal Canada	2,500 73,000 1,500 1,500 1,000 6,000 2,250 1,500 5,000 2,000 1,000
	On mill and boiler house:  Montreal Canada	2,500 1,500 1,500 1,000 6,000 2,250 1,000 5,000 2,000 1,000 2,250
	On mill and boiler house:  Montreal Canada	2,500 1,500 1,500 1,000 6,000 2,250 1,000 5,000 2,000 1,000 2,250 2,000 1,000 2,250 2,000
	On mill and boiler house:  Montreal Canada	2,500 1,500 1,500 1,000 6,000 2,250 1,000 5,000 2,000 1,000 2,250 2,000 1,000 2,250 2,000
	On mill and boiler house:  Montreal Canada	2,500 1,500 1,500 1,000 6,000 2,250 1,000 5,000 2,000 1,000 2,250 2,000 2,
	On mill and boiler house:  Montreal Canada \$ Anglo-American Ottawa Quebec Phoenix of London Norwich Union London Mutual Commercial Union Royal (Kaye) Hartford Atlas Queen Union Royal (Grant)	2,500 1,500 1,500 1,000 6,000 2,250 1,000 5,000 2,000 1,000 2,250 2,000 1,000 2,250 2,000 3,000
	On mill and boiler house:  Montreal Canada	2,500 1,500 1,500 1,000 6,000 2,250 1,000 2,250 2,250 2,000 1,000 2,250 2,000 6,000 2,000 3,000 5,000
	On mill and boiler house:  Montreal Canada	2,500 1,500 1,500 1,000 6,000 2,250 1,000 5,000 2,000 1,000 2,250 2,000 1,000 2,250 2,000 3,000
	On mill and boiler house:  Montreal Canada	2,500 1,500 1,500 1,000 6,000 2,250 1,000 2,250 2,250 2,000 1,000 2,250 6,000 2,000 3,000 5,000

London Mutual .. ... ... On blacksmith shop.

BRUTAL NEGRO LYNCHED.

papers of the company would be lock-ed in the safe, and consequently bring him to Bainbridge when they