

FREDERICTON.

Important Judgments Delivered by the Supreme Court.

New Trials Ordered in Campbell v. the City and South Bay Mill Case.

Death of Capt. Barker at the Age of One Hundred and Two Years.

Fredricton, April 23.—The following judgments were delivered by the supreme court today, present, Tuck, Hanington, Landry, Barker, J. J.:

Ex parte Thomas LeBlanc—Rule absolute for certiorari on the ground that there was no evidence to support the previous conviction for a first offence.

Newcombe v. City of Moncton—The defendant obtained a verdict and judgment for a new trial on the ground that the city was liable for the action of the harbor master. The court held that the city of Moncton had no power over the harbor and refused the rule for a new trial.

Troop v. The St. Paul Fire and Marine Insurance Co.—The ship Master Marine was insured by the defendants for a voyage from the old country to the port of Sidney. The vessel arrived safely within the capes of the harbor and received word by signal to proceed to St. John.

Captain Barker of Upper Kingsclear died at his residence yesterday.

Leceased was the oldest man in York county, if not in the whole province, being one hundred and two years and six months old at the time of death.

E. Byron Winslow has been selected president of the Central Fire Insurance company in place of City Treasurer Moore, resigned.

The Boom company are hanging out their boom in the river rapidly.

This work is now about completed at the Mitchell and Gasler booms.

Very few logs as yet are running. It is estimated that the company will handle about one hundred millions this summer, provided the drivers are reasonably successful in getting out.

ant, and gave judgment for the defendant on demurrer.

The Queen v. Ellis—This was a review of taxation of costs. Gregory, Q. C., moved to review the taxation on behalf of the defendant, and Gregory, Q. C., made a like motion on behalf of the prosecutor.

The former motion with a view to cut down the amount allowed by the taxing officer and the latter motion to increase the same.

Judge Landry read the opinion of the court. (Tuck and Barker not present.)

In 50 cases this opinion sustained the ruling of the clerk and in other cases that the amounts taxed were allowed at too great a sum, and again that other proper and taxable charges were disallowed.

Until the whole judgment is figured out it is doubtful to say which side will be the winner.

No costs on the motions were allowed either party.

The Queen v. Corry—This was a crown case reserved. The defendant was convicted for passing counterfeit tokens of money.

His counsel contended that this conviction was wrong because the so called counterfeit money did not represent any United States paper money, which it was alleged to represent.

The court held that although the paper sold was not counterfeit money, yet Corry sold them as such, and that it was the evil intent that constitutes the crime and confirmed the conviction.

Perry v. White—Judgment was given for the plaintiff on demurrer, with leave to the defendant to amend.

Lovett v. Snowball—This was an application to review taxation of costs. The declaration contained several causes of action.

The defendant tendered an offer to suffer judgment on one count of the declaration, which was accepted by the plaintiff, who proceeded to sign up judgment thereon and made his costs thereunder.

The general costs in the cause. Held that this should be treated as a separate action, and that under the law the plaintiff was entitled to take the general costs of the cause. Motion allowed without costs.

The court adjourned sine die.

De Campos Manifesto Asking for the Support of the People.

Havana, April 23.—Political, military and naval circles are commending the manifesto that has been issued by Captain General De Campos. In his last he says that he is an adopted son of Havana and many other cities.

For this second time he has been appointed to govern this rich province of the crown of Spain and is full of love and gratitude to the country that has conferred so much honor upon him.

He urges that the arrival of the marshal and his staff should be met with a more popular daily, owing to the fact that he may quickly bring to an end the armed revolution.

After expressing confidence that the insurrection will soon be subdued, Marshall De Campos says that he will establish reforms, a task which it would be hard for him to carry out if he did rely on the three political parties.

I am determined to establish with true spirit the moral satisfaction of the stand. This is a more delicate task than the bringing to an end of the war in the oriental provinces with loyal support will accomplish and might make improvements to government. I desire your support and I will return your love.

Arderius, brother-in-law of all De Campos, who is in command of the troops in Havana pending the arrival of the marshal, is being more popular daily, owing to the fact that he may quickly bring to an end the armed revolution.

China and Japan.

Russia Objects to Some of the Terms of Peace—A Chinese Loan.

London, April 24.—A despatch to the Times from Chefoo, which will be published tomorrow, says that the famine in Southern Manchuria is due to the bad harvests of the past year, to the occupation of that territory by the armies of China and Japan, the stoppage of transportation by land and water, and the total paralysis of trade at New Chang, the principal port of Manchuria.

St. Petersburg, April 24.—The government has sent a note to Japan intimating that there are various conditions in the treaty of peace between Japan and China that Russia cannot allow to be put into effect.

London, April 25.—The Times in its financial article says that the Chinese government has undertaken to float a loan of £1,000,000, giving as security the revenues at the treaty ports.

London, April 25.—A despatch from Berlin to the Times says that the St. Petersburg correspondent of the Frankfort Zeitung declares that it is firmly believed in the Russian capital that Japan has made considerable secret concessions to Great Britain.

MODJESKA EXPELLED.

London, April 25.—A despatch to the Chronicle from Vienna says that the Austrian government has expelled Mme. Modjeska, the well known actress, from Warsaw, owing to a violent speech she made against Russia in Chicago.

DOMINION PARLIAMENT.

The Report of the Prohibition Commission Submitted.

All But Rev. Dr. McLeod Opposed to Prohibition.

Dalton McCarthy Speaks on the Manitoba School Question.

(From a Member of the Sun Staff.)

Ottawa, April 23.—This afternoon Mr. McLeod of East York introduced a bill to promote the safety of railway passengers, by compelling companies after 1900 to equip their trains with automatic air brakes, etc., no employer shall have any carriage between the cars to couple them, and that all conductors must have served five years as brakemen and all drivers five years as freemen.

Hon. Dr. Montague was introduced by Hon. Mr. Patterson and Mr. Roome and took his seat amid thunders of applause.

In reply to Mr. Laurier, Hon. Mr. Costigan stated that in response to urgent appeals of the cattle importers no reduction would be made in the animal space on ocean steamships.

Mr. McMillen North West Territories resumed the debate on the address, threatening Hon. Mr. Foster that unless the government abandoned all expenditures of such class as grants to the Caraquez railways and for the high commissioner to the Northwest, he would prolong the session till the finance minister's already spare figure would not be large enough to cast a shadow.

Dalton McCarthy followed at four o'clock. He held there was no excuse for this late session save the government's extremity and party exigency.

He reviewed the statements of the Manitoba school question given in this debate by Messrs. Bennett, Laurier, Foster and Tupper, dissenting from them all, but saying Mr. Tupper came the nearest to the facts of the case.

He held that the government was responsible to all courts of law, and that the executive was responsible to the house and not the courts for its action.

For one, he did not blame the government for acting on the order of the privy council in the exercise of its jurisdiction, but for the course they took thereafter, which was responsible. It was a decision of the privy council's judicial committee, and not merely an opinion and he could not see how Hon. Mr. Foster was justified in saying he hoped Manitoba would settle this question, when by this remedial order legislation had been passed by the government, and the legislature has no discretion. It can only legislate on the lines laid down in that order. He would deal with the merits of the question at another time. His present purpose was to show that the remedial order was a complete and final settlement of the school question of 1870, in behalf of which no man had said a word, and that if it failed to obey then the parliament of Canada would be called on to interfere. Our dominion government had evidently made up its mind to carry out the decision of the privy council, and he thought Mr. McCarthy explained the order would not merely establish separate schools, but the legislature must hand over to each section the right to maintain Catholic schools as they were before the act was repealed. The government was not to be allowed to change its order in legal form and language, and it could not now shirk the responsibility of its acts. In closing, he defended Attorney General Sifton's action in interfering in the Haldimand election, saying that Mr. Sifton, as a member of the privy council, had made up his mind, and as the government had made up its mind not to obey the remedial legislation, Premier Greenway had endorsed Mr. Sifton's statement of the government's position.

Hon. Mr. Costigan followed at five o'clock. He said parliament had time and again given proof of its ability to deal with delicate questions in a proper manner. He denied the right or propriety of Mr. McCarthy to make the appeal he has done on the question of separate schools. The question was: "Had any right under the constitution been taken away from any minority? The privy council says yes. On behalf of the Catholics he said it was a great injustice for Mr. McCarthy and others to raise the cry that this was an attempt of the Catholics of Canada to coerce the Protestants into granting separate schools for Manitoba. He agreed with those who entertained the hope that Manitoba would through its legislators deal effectively with this matter. The remedial order did not ask for the last pound of flesh, and until this parliament had refused to accept a reasonable compromise it did not lay in Mr. McCarthy's mouth to interpret the order as he had done. It was untrue to charge the Catholics with originating the school question, which began in the anti-confederation days. The constitution had been taken away from the Protestants, and it was given just before confederation. Then followed the fair proposition, why not give the same rights as were given to the Protestant minority in Quebec? These rights were secured before confederation, and were protected under the union act, so that the settlement was as permanent as legislation could make it. The minister read extracts from the speeches of prominent Roman Catholic ministers and others to show they heartily wished to accept of this amicable solution, which had caused much trouble. He went on to argue that each of the large provinces had the same rights as Manitoba, that is the rights they possess under the constitution, and that it appears to be giving the Protestants a right to jurisdiction over school matters. No province had it. They were all limited by the constitution. He earnestly protested against any attempt in this house or out of it to make it appear that this was an attempt to force Catholic schools on Manitoba, and expressed confidence in the good sense of the mass of the people at large to do justice to the Catholic minority in Manitoba. He warmly condemned the agitators who, like Mr. McCarthy, had lost the confidence of the electors of Haldimand, as he had long before lost the confidence of his old chief, Sir John Macdonald, were trying to achieve popularity and notoriety at the expense of law, order and good feeling. Hon. Mr. Costigan was loudly applauded as he took his seat.

The address was then passed without revision. Hon. Mr. Foster gave notice that he would move the house into supply on Thursday, and in reply to Sir Richard Cartwright said the estimates would be ready by that time.

After a number of reports were laid on the table the house adjourned at 5.50 till tomorrow.

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The senate made little progress with the address today, Hon. Mr. Boulton speaking from 3 till 6 p. m., when Hon. Mr. Power of Halifax moved the adjournment of the debate. Mr. Boulton proposed that in lieu of forcing remedial legislation a very doubtful and dangerous proceeding on Manitoba, the dominion government should make a cash grant annually of one hundred and thirty dollars for each separate school, taking the money from the revenue derived from the sale of public lands in Manitoba and the Northwest. He estimated the annual cost to the dominion at ten thousand dollars.

It is expected that the government will propose an amendment to the department of agriculture, providing inter-colonial trade to admit wines from Cape Colony and Australia on the same terms as like wines come in under the new French treaty.

Mr. Flint of Yarmouth proposes to bring up the prohibition question in the house at an early date. He has already given notice of an amendment to St. George's society celebrated their patron's natal day by a grand concert in the Opera house tonight.

Mr. Hazen has received assurances that his request for dominion support of a dairy department as one of the features of the St. John exhibition this year will be heartily complied with by the department of agriculture. Prof. Saunders has promised exhibits from the several dairy stations as well as a practical working instruction in cheese and butter making by a competent instructor.

Mr. Hazen of St. John and Mr. Mills of Annapolis had a long interview with the finance minister today respecting the subsidy of the Bay of Fundy Steamship company, and obtained an assurance that it would be granted this year the same as formerly.

Mr. McLeod of St. John, who has been laid up by a severe cold for a couple of days, occupied his seat this afternoon.

Mr. Cameron will ask on Thursday for all correspondence relating to the construction of a siding or flag station on the Intercolonial at or near River Inhabitants, Inverness, N. S.

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Mr. Edgar's bill to amend the act respecting frauds upon the government received its first reading.

Mr. O'Brien in Mr. McCarthy's absence moved his bill to amend the Dominion Elections act. He explained it was to put a stop to railway companies making themselves election agents by carrying voters to the polls and to provide for the trial by summary process in cases of personation.

Mr. O'Brien for Mr. McCarthy also introduced his familiar Northwest Dual Language bill, and Mr. Taylor introduced a bill to prevent the bringing of alien laborers into Canada under contract.

In reply to questions Hon. Mr. Foster said the expenses of the liquor commission so far received at the finance department were \$69,376. Further expenses were yet to come to hand.

Answering Sir Richard Cartwright, Hon. Mr. Foster said there were now \$5,829,898 in the hands of the government in Canadian banks and \$964,172 at London.

Hon. Mr. Haggart said the total of unexpended railway subsidies voted by parliament to date were \$3,794,271.

Replying to Mr. Perry, Hon. Mr. Foster said no borrowings were now in progress on the traffic by licensing, and no negotiations were in progress to have the work resumed.

Hon. Mr. Costigan, answering Mr. Perry, said the government had not extended the time for the payment of the lobster license fees.

Hon. Mr. Foster on the table of the report of the royal temperance commission and the evidence taken.

In reply to Hon. Mr. Laurier, Hon. Mr. Curran stated that the government has issued a process to compel Larkin, Connolly & Co. to pay over the amounts now due under the terms unexpired of their contract for the purchase of \$60,000 of being entered against them. A portion of the amount was not yet due.

THE SENATE.

The debate on the address was continued in the senate this afternoon by Senator Power, who began by congratulating Sir MacKenzie upon his elevation to the premiership and upon the honors conferred upon him by the Queen. No one, he said, deserved the honor more than the premier who was as consistent a conservative as could be. If Sir MacKenzie was only as fair and economical in his conduct of the affairs of the country as he had shown himself in the senate, he thought the country would be as well governed as possible under a royal administration.

He also congratulated Senator Ferguson upon his elevation to the cabinet. After referring eloquently to Sir John Thompson's death, he characterized the French treaty as one wholly opposed to the principles of protection. It appeared to him that the foreign policy of the administration was opposed to its fiscal policy. Taking up the Manitoba school question he supported the course pursued by the administration, and said that in passing the remedial order the government was merely doing its duty as a sheriff in serving a writ. The judgment of the imperial privy council left no alternative. The government had done its duty in this matter, but its many other

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