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IMMIGRATION ACT IS "FULL OF HOLES"

Contention of Thaw's Chief Counsel

J. N. Greenshields Thinks His Client Has Chance of Liberty

Outlines His Argument Before the Appeal Court — Will Claim That the Dominion Law Infringes on Provincial Rights and Violates British North America Act

(Canadian Press.)

Montreal, Sept. 8—According to J. N. Greenshields, K. C., who leads the legal forces in Harry K. Thaw's fight against deportation to the United States, one of the main hopes of the defense, aside from the fight against the Immigration Act itself, is an alleged irregularity in the proceedings taken by the immigration officers. It is contended that they did not have a formal order from the minister of justice to take Thaw in charge, which the defence claims is necessary under the act, when the alien affected has been in the country ten days.

Thaw had been in Canada over 15 days when he was handed over to the immigration officers, and T. R. E. McInnes, K. C., has made an affidavit to the effect that the immigration men took Thaw in charge without having proper authority from the minister. He states that, before the board of inquiry, he demanded that Mr. Robertson produce this document if he had it, and that the latter declined to do so.

Infringes on Provincial Rights.

The second reason cited to Judges Gervais and Cross in the informal application made by Thaw's counsel before the matter was brought into chambers Friday, was the unconstitutionality of the act in its contravention of clauses in the treaty of Versailles, 1783, the treaty of Ghent, 1814, and the Ashburton treaty, 1842, as well as its interference with the rights of the provinces to manage their own civil matters, including the rights of aliens, equally with Canadians, in their courts, which are theirs by the British North America Act under which Canada holds her constitution.

The third point is the misuse of the act to supplement and aid the enforcement of law and order in New York State. Thaw, it is pointed out, is accused of escaping from an insane asylum. He escaped to Canada, and the crime of which he is accused is not one included in the extradition treaty. Therefore efforts were being made to have the Immigration Act do what the extradition treaty would not—to throw him back into the hands of the United States authorities, who would then proceed against him for the crime he had committed against their laws.

Act "Full of Holes."

In case it is necessary for the defense to proceed against the Immigration Act, it will be against the clauses which deny access to the courts for aliens, and denies the right of the courts to interfere with any of the immigration department proceedings. Should the defense succeed in breaking these, they will then have an opening to take the matter once more into the courts on the grounds of an appeal against the decision of the board of inquiry to deport Thaw, and it is considered probable that they will not fight so much for his freedom in Canada as that, if he held to be undesirable, he should have the right to leave for any country or state he may see fit, and not be flung back into the waiting arms of New York State authorities.

"Thaw's chances of ultimate freedom are better now than they have been at any time since he was first arrested on a charge of murder," summed up Mr. Greenshields. "The Immigration Act is full of holes. It is a positive disgrace to Canada."

MRS. BECKER BACK TO TEACHING

Wife of Convicted New York Policeman Given Position in Public Schools.

New York, Sept. 7—Mrs. Charles A. Becker, wife of the police lieutenant condemned to die for the murder of Herman Rosenthal, the gambler, has started to work as a teacher in Public School No. 90, West One Hundred and Forty-eighth street. Mrs. Becker said yesterday that the children she loved when there was sunshine in her life now prove that the world is not such a wicked place after all.

CAMPBELLTON MACHINE WORKS DAMAGED BY FIRE

McLennan Plant Suffers Heavy Loss—Allen K. Thompson Dies Suddenly in His Chair.

(Special to The Telegraph.)

Campbellton, N. B., Sept. 8—Fire broke out this morning in the works of the McLennan Foundry & Machine Works, Ltd., damaging the blacksmith shop and store. An automobile which was in the store was also destroyed. The firemen kept the fire confined to the building it started in. The damage, which will be heavy, is covered by insurance.

One of Campbellton's oldest citizens received a sudden call today, Allen K. Thompson, a retired I. C. R. employe, dying when sitting in his chair after dinner. The deceased, who recently received the imperial service order medal, was 69 years old. He had been complaining of feeling ill, but today arose from his bed and partook of dinner with his son. He had lit a cigar after eating when he fell forward from his chair to the floor dead. The funeral will be held Thursday.

WOMAN SUICIDES AT WOODSTOCK

Mrs. Wm. Gentle, Brooding Over Sale of House, Drowns Herself.

(Special to The Telegraph).

Woodstock, N. B., Sept. 8—Despondent over fancied ill-fortune, Mrs. William Gentle, an old and much respected lady, committed suicide by drowning herself in the gully today.

She has been living in Richmond with her husband and a short time ago they sold their farm and moved to Houlton. After moving she seemed to worry a great deal over the sale of the old place, so much so that her husband tried to buy it, and being unable to do so, he bought the adjoining farm. Today he was moving the household goods preparatory to occupying the place.

Last night Mrs. Gentle stopped with ex-Mayor Jones, being an old and intimate friend of the family. She retired early and as she did not put in an appearance this morning Mr. Jones went to her room only to find that she had left some time in the night, or early morning. Search was made, and not until late this afternoon was any trace obtained, when a small boy said he saw an old lady going through the cemetery at 6 o'clock this morning.

Mr. Jones with others went at once to the creek in the rear of the cemetery and discovered the body of the unfortunate woman in the water near the shore. She had waded to her knees and laid down on her face, her position indicating an evident determination to take her life.

There is much sorrow over the tragic ending of the kindly old lady, and her husband has the deep sympathy of the community in his bereavement.

Coroner Hay will hold an inquest tomorrow morning.

Conservatives Win in East York.

Toronto, Sept. 8—In the East York by-election, G. S. Henry, Conservative, is elected. Majority at present estimated at 400.

Vacation's Honeymoon Is O'er.

Lots of serious problems face us as we come back to take up workaday things.

—The house needs brightening up

—The winter wardrobe must be provided.

Just now the advertising columns of a live newspaper like The Telegraph and Times are a friend in need.

They are the guide to the very things you want, always saving you time and worry and very frequently saving you money.

Read the advertising today and see how thoroughly the merchants have been anticipating your needs. They were planning while you were playing.

And now they are telling you their secrets and asking a chance to "show you."

Advertising in live newspapers is a mighty power for personal service—use it.

CHANGE OF FEELING TOWARDS COLONIES

Indifference Ended in Britain

Hon. Mr. Samuel Tells Winnipeg Audience the Mother Country is Heartily in Sympathy with the Vigorous Democracies of the Dominions Over Seas

(Canadian Press.)

Winnipeg, Sept. 8—"If you are proud to be members of the British empire, as I believe you are, we in the mother country are no less proud to count you as such," was the declaration of the Right Hon. Herbert Samuel, British postmaster general, speaking to 1,200 members of the Canadian Club at luncheon in the Manitoba Hall today.

Pointing out that the English Liberal party had discarded "Little England'-ism,' and that "Cobden had never determined the policy of that party," he emphasized the fact that the age when the dominions or the colonies used to be regarded with indifference in the old country had passed absolutely.

The people of Great Britain were cordially in sympathy with the vigorous and active democracies in the new countries, and he was convinced that when Ireland got home rule he might see the people of that country as proud of the empire, as sympathetic to the great dominions, and rendering as useful service as any other portion of the United Kingdom to the progress and welfare of the dominions over the seas.

While he did not desire to interfere in any degree with the management of their own Canadian affairs they would believe him, he said, when he stated that at home in Great Britain, Canada was much in the minds of all the people.

ST. JOHN PEOPLE LEFT TIDY SUMS BY HOULTON MAN

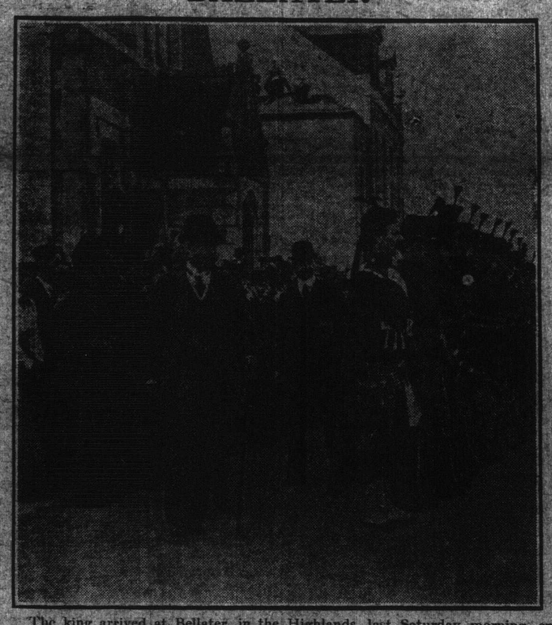
Charles Perks Also Bequeathed Much of His $100,000 Estate to Fredericton Heirs.

Fredericton, Sept. 8—Charles Homer Lane, chief specialist in agricultural education in the United States Department of Agriculture at Washington (D. C.), and a former student at the University of New Brunswick and Provincial Normal school, is here today conferring with Dr. W. S. Carter, chief superintendent of education, relative to agricultural education in the public schools of New Brunswick. Mr. Lane was born in Massachusetts near Boston, but came with his family to New Brunswick when a small boy, and for eighteen years remained in this province, residing in Westmorland county. He attended the U. N. B. in this city, also the Provincial Normal school, and then became a teacher at the academy at Sackville, finishing his college course at Mount Allison University. While in Canada, Mr. Lane is visiting Macdonald Consolidated schools with a view of preparing a report on that work as carried on in the dominion, for the United States Bureau of Education. This morning, accompanied by Dr. Carter, he visited the Provincial Normal school and there addressed the students.

W. A. Sarle, of Searle-Lamson, Limited, got his left hand caught in a sausage machine at the company's store on Saturday afternoon, and three of his fingers were cut off at the second joint.

The Gleaner today says that the late Charles Perks, a former resident of Fredericton, who died recently at Houlton (Me.), is said to have left an estate of upwards of $100,000 and among the bequests under his will is said to be a gift of $4,000 to go towards the construction of a new Catholic church in Fredericton. Rev. F. L. Carner, rector of St. Dunstan's church of this city, is one of the executors of the estate. Mr. Perks also left $5,000 to the Catholic church at Houlton (Me.) There are also a number of private bequests, including several to relatives and friends in this city, and to others who reside in St. John, Montreal, New York and elsewhere. The Misses Annie and Lucy Williams, of this city, are among those most generously remembered by Mr. Perks. It is said that they are to receive $4,000 each as well as being given the deed to the property on St. John street which they occupy, the title to which was in dispute since the death of the late Mr. Roach. William Perks, son of the late George Perks, of this city, formerly a telegraph operator here, and now in Montreal, received $8,000, while William Perks, son of the late John Perks, and now of New York, has been left $5,000. Mrs. George Perks, of this city, is to receive $1,000 from the estate, while $4,000 will go to Mrs. John O'Malley, housekeeper for Michael McDade and family at St. John, and an additional $1,000 to her daughter, Miss Kathleen O'Malley, who also resides at St. John. Another beneficiary is Mrs. Henry Carter, of St. John's (Nfld.), who is left $4,000.

THE ARRIVAL OF THE KING AT BALLATER



The king arrived at Ballater, in the Highlands, last Saturday morning, entered a motor car and drove to Balmoral Castle, where the queen, Princess Mary, and Princes George, Albert and John were already in residence. Queen Alexander arrived in the evening.

MONCTON BRAKEMAN KILLED BY HIS TRAIN

Percy LeBlanc Caught Foot in Frog at Springhill Junction and Five Cars Passed Over His Body — Was Married Only Four Months

Amherst, N. S., Sept. 8—While shunting at Spring Hill Junction tonight, about 8 o'clock, Brakeman Percy LeBlanc, of Moncton, on No. 28 train, better known as the Spring Hill "Cannon Ball," accidentally caught his foot in the frog of the rails and five cars passed over his body, killing him instantly.

LeBlanc had been breaking about two years on the I. C. R. This was his first run on this train since the change of time table that took effect Monday. His brother was brakeman on the same train with him. Percy LeBlanc was very popular. He is survived by his wife, to whom he has been married only four months.

CROWD ATTENDS HEARING OF SYDNEY MURDER SUSPECT

Witnesses Tell of Haynes Having Much Money After the Death of Atkinson.

Sydney, N. S., Sept. 8—The preliminary hearing in the case of Frank Haynes, of San Francisco, charged with the murder of B. S. Atkinson, was resumed this afternoon, the crown having another array of witnesses summoned, and some further evidence bearing closely upon the case was brought out.

The supreme court chamber was packed as never before, 2,000 people being in the corridors, halls and chamber. Press, counsel and even the magistrate, found it next to impossible to reach their places. The proceedings were delayed half an hour, and it was not until one man was arrested and the sheriff threatened to clear the court room that order prevailed. Women grew hysterical, men excited and children cried.

The prisoner seemed worried, the strain of the past few days apparently telling on him. Throughout he took notes of the proceedings. He refuses emphatically to have his picture taken.

R. C. Goodwin, whose name was on the magazine found near the scene of the murder, said he subscribed to the Popular Magazine. He boarded at the same house as Haynes. The writing on the magazine was the witness', but he did not know if the copy of the date in court were at home or not.

Hector MacMillan, a local jeweler, told of seeing the prisoner near the scene of the tragedy the Sunday previous.

William Maddin, brother-in-law of the deceased, recalled, told of first meeting the prisoner in Winnipeg in April or May last, when they talked chiefly on mining matters. He did not see him again till he met him in the bar of the Minto Hotel the latter part of last June. He admitted receiving a letter from the prisoner concerning the selling of property.

Mr. Steeves, boarder at the Queen Hotel, said he had started out with Haynes for Mr. Maddin's camp some time before the murder. Haynes alighted before they got there, and gave witness a letter for Mr. Maddin. The latter gave witness $20 for Haynes.

Mrs. Gibson, at whose house the prisoner ate, told of his having much money a few days after the murder.

Alex. Simpson, caretaker of the Y. M. C. A., said the accused was a great frequenter of that place. He used the telephone much and received many calls. A woman called one day but would not say who was speaking. He also told of accused having much money shortly after the tragedy.

Geo. Brooks, Dan Hanson and Philip McSween, residents near the scene of the murder, stated that when they got there, after the body had been found some time, the sun had just gone down, the sky being still quite red.

Dr. Freeman stated that the teeth found near the scene were very similar to a set he made for Mr. Atkinson about a year ago.

The hearing will be resumed tomorrow morning, the crown having yet a large number of witnesses to be heard.

ACQUIT JEROME OF GAMBLING CHARGE

Coaticook Justice Apologizes for Humiliation of New York Lawyer.

Coaticook, Sept. 8—Wm. Travers Jerome, was acquitted tonight on the charge of having gambled on Thursday last on the station property of the Grand Trunk Railway here, while waiting for the immigration authorities to pass on the case of Harry K. Thaw. In discharging him the court apologized for the humiliation to which he had been subjected.

The hearing before Magistrate Henry Mulvena, of Sherbrooke, lasted less than an hour. It began at 7.85 o'clock and at 8.20 the court said:

"Sir, you are honorary discharged."

ONTARIO FARMER SHOT TO DEATH

Hired Man Says His Employer Was Waiting, Gun in Hand, for Mink When Fatality Occurred.

London, Ont., Sept. 8—Herbert Purdy, aged 48, one of Alliboro's wealthiest farmers, was found dead in his barn today, with his face shot off. According to the story told by Metcalf, the hired man, Purdy took the shot gun and went out to wait for a mink, which was killing chickens. Metcalf went with him, but Purdy, he says, sent him back. Metcalf says when he heard the gun go off he rushed out and found Purdy dead. An investigation is to be made.

SENATE TO VOTE ON TARIFF BILL TODAY

CHARLOTTETOWN COUNCIL VOTES TO BUY POWER PLANT

Deal to Be Ratified by Meeting of Citizens—Man Acquitted of Murder on Ground of Insanity, Released.

Charlottetown, P. E. I., Sept. 8—A lively debate took place in the city council tonight over the question of the city taking over the electric light plant, now owned by the Charlottetown Light & Power Company.

The company had received an offer from the Maritime Trust Company of Halifax to purchase the business at $120 per share. The city council tonight passed a resolution offering 125½ on condition that it be approved of at a citizen's meeting. This would mean an expenditure of $96,000. The resolution carried 4 to 3. Councillors opposing it argued that it would be cheaper for the city to build a new plant in a better location than take over the present plant, a large part of which was out of date, that the opinion of the citizens could only be secured by a plebscite; that the only valuation available was that made by the company's expert and that the plant should first be looked over by the city inspector.

Supporters of the resolution pointed out that the city could not build a plant for at least eight years, as the present company has a contract to light the city for that period with power to advance the rate on commercial lighting 18 per cent.; that if the Maritime Trust Company, an outside concern, secured the property it would be difficult for the city to secure it and that the opinion of the people was strongly in favor of municipal [illegible]

Committee, Riley, a large shareholder in the company, did not vote.

Alonzo Doherty tried for murdering Joseph MacMillan, of Miscouche, four years ago, declared to be insane by the jury and since kept in Falconwood asylum, has been released on a statement of Superintendent Goodwill that he is sane. He has left the province and is not likely to return. Doherty shot McMillan while the latter was walking one Sunday afternoon with a girl who was engaged to Doherty.

CANADA'S PARCEL POST SYSTEM IN EFFECT JAN. 1

Winnipeg, Sept. 8—Hon. L. P. Pelletier, postmaster-general of Canada, stated here today that when the parcel post service was established in Canada on January 1, it would extend to every part of the dominion from east to west. There would be no half measures. "The service," he said, "will follow the plans brought forward at Ottawa, and the different provinces will be used as zones."

"The savings to private citizens here," the postmaster-general continued, "will be enormous, the rate of course, being much less than at present, but the expense to the country will be largely increased. It will certainly be a great citizen's benefit."

P. E. I. RHODES SCHOLAR APPOINTED TO McGILL

Charlottetown, P. E. I., Sept. 8—D. C. Harvey, B. A., Cape Traverse, Rhodes scholar from the Island, who graduated from Oxford this year with honors in modern history, is appointed lecturer on modern history in McGill.

UNCLE SAM MAY BAR MRS. PANKHURST AS UNDESIRABLE

Washington, Sept. 8—Before Mrs. Emmeline Pankhurst, leader of the British militant suffragists can be admitted to the United States in October, the time set in the latest announcements for her coming, the immigration authorities will decide whether any of the acts for which she had been imprisoned in England constitute moral turpitude within the meaning of the law, and make her an undesirable alien.

She will be detained at whatever port she lands but whether, eventually she may be permitted to enter, cannot be foretold.

Democrats Solid For the Measure

Onslaughts on Sugar and Woolen Schedules Defeated

Amendment After Amendment Voted Down by Party Vote—Two Democrats Bolted Their Party on Woolen and Sugar Clauses—Final Test This Afternoon

(Canadian Press.)

Washington, Sept. 8—The senate will vote on the Democratic tariff bill tomorrow afternoon at 4 o'clock. This agreement was reached tonight at 11.45 o'clock, when it became apparent that it would be impossible to carry the plan to pass the measure before adjournment. The party leaders agreed to keep the senate in session until well into the morning to dispose of as many of the reserved amendments still pending as possible, and then to adjourn until 2 o'clock tomorrow morning.

Democratic lines in the senate stood solidly against the final onslaught of the tariff fight. With party leaders urging their colleagues on to approval of the bill, the ranks closed up against the anti-free wool and anti-free sugar forces, and defeated all amendments to the bill as fast as they came to the vote.

Attempts to restore a duty on raw wool and to raise the duty on woolen manufactured goods made in successive amendments by Senators LaFollette, Catron and Penrose were defeated without the loss of a party vote.

A last stand [illegible] forces led by Senator Ransdell, of Louisiana, Democrat, held the attention of the senate throughout the evening, but the votes of Senators Ransdell and Thornton had long been conceded to the Republicans on the sugar issue.

Repeated efforts were made to secure a definite agreement for a final vote on the bill at some definite hour tomorrow afternoon. Democratic leaders were willing to adjourn at midnight, if such an agreement could be reached, but while negotiations were under way they insisted the senate should remain at work with the prospect of an all night session if the attempt at the agreement failed.

Stand Patters Die Hard.

Among the amendments defeated was that of Senator Norris for a heavy tax on inheritances. This was beaten, 58 to 12, the following Republicans joining the Democrats in voting against it: Senators Brandegee, Catron, Clark of Wyoming, Colt, Fall, Gallinger, Jackson, Lippitt, Lodge, Oliver, Penrose, Perkins, Root, Sherman and Sutherland.

Two attempts by Senator La Follette to secure the adopting of substitutes for the Democratic wool tariff failed by strict party votes. There remained the prospect of a final wool vote when the single item of free wool was reached in the free list of the bill.

SUPREME COURT APPEAL CASES TO BE HEARD TODAY

Fredericton, N. B., Sept. 8—(Special)—The September sitting of the supreme court en banc will open tomorrow. The docket follows:

Appeal Paper, County Court.

Sweeney vs. DeGrace—N. A. Landry, K. C., for defendant, to support appeal from the order of the judge of the Gloucester county court.

King's Bench Division.

Pacific Coast Fire Ins. Co. vs. Hicks—W. H. Harrison, for plaintiff, to move to set aside verdict for defendant and to enter verdict for plaintiff, or for a new trial.

Brown vs. Garson—J. King Kelley, K. C., for defendant, to move to set aside a verdict for plaintiff, and to enter a verdict for defendant, or for a new trial.

Mersereau vs. Swim—A. A. Davidson, K. C., for the defendant, the like.

Groundwater vs. Waterman—W. B. Chandler, K. C., for defendant, the like.

Chancery Division.

Fredericton & Grand Lake Coal & Railway Co. vs. Harding et al—F. H. Peters, for defendants, to support appeal from the judgment and decree of Justice McLeod.

Legion of Honor for Hero.

Paris, Sept. 8—Edmond Rousset, a river policeman, was decorated with the Legion of Honor today. During his service on the water front he has saved twenty-eight lives.