

## MINOR INJURIES RECEIVED BY MEN IN WRECK

### REID CONSTRUCTION CO. TRAIN IN A COLLISION

John Markey, of Fredericton, Veteran of P. C. L. I., Had Leg Sprained—Line Now Clear.

Members of the train crews who were in the smash on the Fredericton & Grand Lake Railway Wednesday afternoon have reached Fredericton. They report that in the head-on collision all the men on the two trains jumped but in so doing all received minor injuries more or less severe.

#### Extra Struck Contractor's Train

The collision took place through a mistake in orders between an extra in charge of Conductor Arthur Barton and a train operated by the Reid Construction Company which is engaged on contracts with the Rothwell Coal Company and the Sheffield Coal Company to strip the surface soil from their mining areas to facilitate the mining of the coal. John Cosman was in charge.

#### Veteran Injured

Among those who sustained injuries in the wreck was John Markey of Fredericton a former member of the Princess Patricia's Canadian Light Infantry who was invalided home after being wounded in the leg. He sustained a severely sprained leg.

#### Line Was Cleared

The line was cleared yesterday afternoon and the train service restored. Today trains are running as usual.

#### Examinations Closed

The High School Entrance examinations which began on Monday last were completed this morning.

#### Recent Arrival

A baby girl arrived at the home of Mr. and Mrs. Wilfrid Jordon, Barkers Point, yesterday afternoon.

#### Underwent Operation

Mrs. George Gallagher of Springhill underwent a serious operation at Victoria Hospital yesterday. She is reported to be doing very well.

#### Fishing Party

A party composed of Messrs D. E. Crowe, C. W. Hall, H. H. Hagerman and Robert Biggs left this afternoon for the "Narrows" on the Nashwaak to spend a few days angling for trout.

#### Soldiers Entertained.

The returned soldiers were entertained at a dance at the A. & B. Club House last evening by the Ladies' Committee. The ladies' mandolin orchestra furnished music.

#### Need Geography Lesson

A shipment of goods from a Montreal house recently came to the Daily Mail addressed to Fredericton, Ontario. A lesson in the geography of Canada would not be amiss in Montreal.

#### C. P. R. Train Change

Effective June 24th. Express will leave Fredericton at 9.40 a. m. instead of 9.50 a. m. as at present. Train will arrive Fredericton Junction at 10.30 a. m. or ten minutes earlier than at present.

#### Installed Electric Plant

Mr. Elwood Burt has installed at his premises at Burt's Corner a self-starting electric-lighting plant which furnishes illumination for his residence, store, warehouses and barns as well as for his son's residence.

#### District Representatives Here

Two district representatives of the Provincial Department of Agriculture are in the city today conferring with the Minister of Agriculture, Hon. J. F. Tweeddale. They are Mr. Bremner of Chatham and Mr. Taylor of Woodstock.

#### Touring Canada

Mr. and Mrs. F. A. Collymore of Barbados, B. W. I., are at the Queen Hotel. They recently arrived at an Atlantic port from the West Indies and intend to spend some time on a tour of Canada. They found a great contrast between the weather in the West Indies and that which has been experienced recently by Fredericton people.

#### A Civil War Vet.

Mr. Martin Kennedy, a former well known citizen, who is making his abode at the soldiers home at Toques, Maine, is spending a few days in the city. Mr. Kennedy, who is a veteran of the American Civil War, is now eighty-eight years of age, and is wonderfully smart and active. He was about the streets this morning looking as youthful as a man of fifty, and came in for hearty greetings from many old friends here. He says he is being well looked after by Uncle Sam at the Soldiers' Home.

#### Trouble on the Reserve

George Wiseman appeared in the police court this morning on a charge of assaulting Isaac Paul an Indian of the St. Mary's Reserve. Wiseman was convicted and sentenced to pay a fine of twenty dollars or go to jail for two months. The evidence showed that the complainant had called the accused a German and the accused had resented the term. Wiseman who is a native of the United States is married to a woman of the St. Mary's Reserve. Thomas Nash another Indian was fined fifty dollars or three months in jail. He was charged with being concerned in the disturbance.

## NEW TRIAL ORDERED BY APPEAL COURT IN FITZ RANDOLPH CASE; DISAGREED WITH TRIAL JUDGE

Chief Justice Sir Douglas Hazen Stated That Golf Club Incident Did Not Warrant Only One Inference Being Drawn—Other Two Incidents Not Considered by Judge Crocket, and the Appeal Court Declined to Make Finding Upon Them—Chief Justice Said Conduct of Defendant Had Been Indiscreet in Incident Under Consideration.

A new trial with costs was ordered by the Appeal Division, Supreme Court this morning in the divorce case of Charles FitzRandolph vs Elizabeth FitzRandolph which was tried last February before His Honor Judge Crocket. The judgement was given by Chief Justice Sir Douglas Hazen, Chief Justice McKeown and Justice Grimmer concurring.

In giving judgement Sir Douglas briefly reviewed the case. The learned trial judge had based his judgement upon inferences which he had drawn from the evidence, there being no direct evidence of the statutory offense alleged. The Chief Justice quoted authorities to the effect that such inferences must usually be drawn as direct evidence seldom can be secured.

#### Three Incidents

The evidence concerned three principal incidents which Sir Douglas classified as the Golf Club incident, the Prince William Apartments incident and the Waterloo Row incident. He also referred to evidence of improper conduct on the part of the defendant at the Queen Hotel in Fredericton.

#### Unable to Agree

The Chief Justice said that he had been unable to agree with Mr. Justice Crocket in coming to the conclusion that the circumstances at the Golf Clubhouse in Fredericton were such that no other inference but that of adultery could be drawn. He also expressed the opinion that Mr. Worrell who was connected with that incident should have returned from Ontario to give evidence on a matter for which he was to a considerable extent responsible. The conduct of the defendant in this particular case had been most indiscreet but it was not correct that no other inference but that adultery had been committed, could be drawn.

#### Other Incidents Disregarded

The learned trial judge had seen fit to base his judgement entirely upon the Golf Club incident not considering it necessary to take into consideration the incidents at the Prince William Apartments, St. John and the residence of the defendant, Waterloo Row, Fredericton. It was a matter of regret that the judgement had not taken in the other incidents as the evidence in them was much stronger and reference to them would

be valuable in case appeal was taken.

#### Would Not Exercise Power

Sir Douglas said it was true that the Appeal Court had been given the power of making findings upon evidence not considered in the court below and in the case in question could make a finding upon the incidents not taken into consideration by the learned trial judge. However he did not believe it wise to make such finding and would order a new trial with costs.

#### Much Interest in Case

The FitzRandolph case attracted much public attention. Mr. A. J. Gregory, K. C., of Fredericton was counsel for the plaintiff and Mr. J. B. M. Baxter, K. C., of St. John for the defendant. At the time the appeal was heard counsel for the defendant attempted to place before the court a letter alleged to have been found in the street in Fredericton and which purported to be written by a woman in England to the plaintiff. Counsel attempted to argue that the letter showed the motive for the bringing of divorce proceedings but the court refused to consider the matter and the appeal was taken on other grounds.

#### Veteran of Royal Navy

Mr. Peter Quigley of Summerside is the guest of his son-in-law Mr. Frank Smith of Westmorland Street. Mr. Quigley although in his eighty-seventh year is hale and hearty and looks not more than sixty years old. He is a native of England and after a period of three years training on Nelson's flagship "Victory" served twelve years in the Royal Navy. He was boat-swain on the ship Dart which frequently was used in English waters by H. R. H. the Duke of Connaught and when on a visit to Prince Edward Island several years ago His Royal Highness recognized the old sailor. Mr. Quigley also served on ships which were used by the late King Edward when Prince of Wales. He also served in the Abyssinian War and claims to be the third man to enter the palace of the King of that country at Magdala and find that the ruler had cut his throat when the British entered the city. Mrs. Frank Smith who died some time ago in this city as the results of burns was a daughter of Mr. Quigley. A grandson Harry Smith lost a leg in France. Mr. Quigley is thinking of taking up his residence in St. John.

Nat Farnum (himself) with Bon Ton Musical Co at Opera House, Mon. and Tuesday.

## Women's Eyes

Tired and overworked eyes they are as a rule. Don't seem able to stand the strain of former years. Women's eyes overworked by hard work, sewing or reading, should be attended to promptly. A pair of perfect-fitting glasses should be secured and the strain relieved. I make a special study of this matter.

A. A. SHUTE, Optician.

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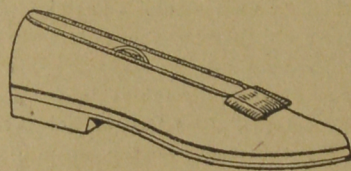
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