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A HIGHWAY SUPERVISOR WAS FOUND NOT GUILTY IN A CASE TRIED AT DORCHESTER, N. B.

Dorchester, Oct. 2.—The old maxim handed down from time immemorial that the "King Can Do No Wrong", was successfully pleaded as a defence by W. E. McMonagle, Barrister, before Magistrate C. G. M. Chapman at Dorchester today.

An information was laid before Magistrate Chapman by Fred Lucas of the Federal Government against Adolph LeBlanc, Road Supervisor in the Parish of Dorchester in the employ of the Department of Public Works in the Province of New Brunswick, for that he did in the Parish of Dorchester on the 13th day of August, A. D. 1928, keep a quantity of dynamite in the same store with a quantity of detonators and not so separated from one another as to effectually prevent fire or explosion in one communicating with the other, contrary to and in violation of the provisions of the Explosive Act.

The facts of the case were not disputed. According to the evidence the defendant is in the employ of the Provincial Government as a Road Supervisor in the Parish of Dorchester. In the course of his employment as such supervisor he had occasion to have in his possession a quantity of dynamite and dynamite caps the property of the Department of Public Works. This dynamite and caps were in the same building and according to the Explosive Act should have been kept in separate stores. These facts were admitted by Mr. McMonagle, counsel for the accused.

However, he contended that inasmuch as the accused was a servant of His Majesty in the Province of New Brunswick that the prerogative of the crown extended and excluded him. It was argued on behalf of the accused by Mr. McMonagle that the

Crown was indivisible and His Majesty, in the right of the Dominion of Canada and His Majesty in the right of the Province of New Brunswick was His Majesty and could not be distinguished geographically or politically. He referred to the case decided by the Supreme Court of New Brunswick, wherein it was pointed out by Chief Justice Barker that a servant of the Intercolonial Railway then operated by the Crown was immune from violating the Temperance Act when acting as a servant of the Crown in the handling of the goods. Further it was contended that unless the act, under which the prosecution was proceeding expressly stated that His Majesty was bound by the provisions contained therein, the act only applied to subjects of His Majesty acting in their individual capacity, and to take away that prerogative that has attached to His Majesty through long years of Constitutional Government precise words must be shown to limit the rights heretofore enjoyed.

James C. Sherren who appeared for the Federal Government contended that the act was such as to apply to the accused that he was liable for punishment. Magistrate Chapman who is considered well versed in law and a great reader in legal subjects decided that after perusing the decision of our Supreme Courts felt that he should follow the precedents laid down by the New Brunswick Courts and dismissed the information against the accused.

James C. Sherren appeared for the informant, Fred Lucas and the Federal Government; and W. E. McMonagle appeared for the defendant, Adolph LeBlanc and the Department of Public Works of the Province of New Brunswick.

SETTLEMENT IN CHANCERY CASE WAS SURPRISE

(Continued From Page Eight.)

Paris was called to the stand during the morning session and stated that he had purchased 3000 shares of the stock at the time Sir James Dunn had secured option on 2000 of them. Recess had been called at one o'clock with General Brutinel still on the stand. During the noon hour the two principals got together and arranged for settlement. P. J. Hughes, K. C., was counsel for the plaintiff and F. R. Taylor and R. B. Hanson, K. C.'s were defence attorneys.

The case has aroused considerable interest in these parts and has been followed sharply throughout the province of New Brunswick. The original action was the plaintiff's attempt to secure damages for \$110,000 for the defendant's selling of shares which the plaintiff claimed was his by option.

PUBLIC RIGHT OF NAVIGATION DISCUSSED

Ottawa, Oct. 3.—"We do not ask Your Lordships to determine what rivers are navigable in fact. That would involve an investigation of each separate river from the Atlantic to the Pacific. What we are asking Your Lordships to decide is what rivers in each province navigable in fact are subject to the public right of navigation."

Drawing toward the close of his argument that every river in Canada capable of navigation was subject to the servitude of a public right of way, Hon. N. W. Rowell, K. C., counsel for the Dominion, made this declaration before the Supreme Court of Canada today. This public right of navigation Mr. Rowell proceeded, was for all purposes of navigation, trade, intercourse and incidental rights. The point arises on the series of questions before the court in respect to dominion and provincial control over navigation and water powers.

M. S. Smith of Montreal is in the city today.

CAPITAL TO SEE MAJOR LEAGUE PLAYERS AGAIN

(Continued From Page Eight.)

New York Yankees, who at the present time is engaged in the fight for the world's championship with the St. Louis Cardinals.

The party will consist of Bob Shawkey, Joe Bush, Benny Bengough, Sam Jones, Fred Hofman, Eddie Collins and a few others with probably a noted sports writer accompanying the players. Plans are being made here for the entertainment of the players by the city of Fredericton and a banquet will be held for them during their brief stay in this city.

COLD, SEVERE WINTER LOOMS UP AGAIN

O'Neill, Neb., Oct. 4.—Weather prophets are at it again. Predictions of a long, hard winter were made here by pioneers who have observed conditions for the past 30 years. It seems the husks of the corn in the field are heavy this year; vegetation on the north side of the plants and trees is thick; plant roots go down but a short way; fur bearing animals are growing exceptionally heavy coats of fur; migratory birds nested and hatched early. These, with the unusually wet spring indicate early and severe winter weather.

INDIAN CHIEF IS SAID TO BE 130 YEARS OLD

Valle Vista, Cal., Oct. 3.—An Indian chief whose age was given in tribal records as 130 years, was mourned here today by four sons, each of whom is over 90 years old. The aged leader was Manuel Portes, chief of the Santa Rosa Indians.

Portes was brought here from his mountain retreat when he became critically ill two weeks ago. He died yesterday. Besides his sons, 13 grand-children and 40 great-grandchildren survive him.

SWISS PILOT FLIES PLANE UPSIDE DOWN

Berlin, Oct. 3.—Robert Clardon a young Swiss pilot flew his plane upside down today for eighteen minutes and fifty six seconds exceeding by more than four minutes the record of Gerhard Fieseler, a German stunt flyer.

Clardon circled his plane over Kassel Flying Field at Waldau, and was almost unconscious when he roused himself to a final effort and righted the craft for a safe landing. His mark is said to have set a world record for duration of upside down flying.

MAIL ROBBER IS REMANDED FOR EIGHT DAYS

Chatham, Ont., Oct. 3.—While a check-up was being conducted by police and postal inspectors to determine whether the whole amount stolen from a C. N. R. mail car last night had been recovered, John Gibbs, 20, was behind the bars of the Kent county jail, charged with the theft. He was reported to have confessed to the authorities who arrested him last night a few hours after the robbery as he attempted to make his way into the United States at Detroit. At the time of his arrest the police recovered \$6,500 in loose bills of various denominations and two unopened packages of money.

Gibbs was arraigned before Magistrate S. B. Arnold in Chatham Police Court this afternoon. He was not asked to plead and was remanded upon request of the crown attorney for eight days. Bail was not set. The police court proceedings occupied but two minutes.

H. O. McVey of Chatham is in the city today.

TENDERS

Sealed tenders for fourteen cords of wood for Morrison School and marked as such, will be received by the undersigned until twelve o'clock noon, Monday, October 8th. This wood is to be in two foot lengths, one half to be split and not more than one quarter to be white birch. The lowest or any tender not necessarily accepted.

R. D. HANSON,
Sec'y Board of School Trustees.



Sealed tenders addressed to the undersigned and endorsed "Tender for Pier, Lameque, N. B.", will be received until 12 o'clock noon, Thursday, October 18, 1928, for the construction of a Pier, at Lameque, Gloucester County, N. B.

Plans and form of contract can be seen and specification and forms of tender obtained at this Department, at the offices of the District Engineer, Old Post Office Building, St. John, N. B.; St. John Association of Building Industries, 109 Princess Street, St. John, N. B., also at the Post Offices, Shippigan, N. B. and Lameque, N. B. Tenders will not be considered unless made on printed forms supplied by the Department and in accordance with conditions contained therein.

Each tender must be accompanied by an accepted cheque on a chartered bank payable to the order of the Minister of Public Works, equal to 10 per cent of the amount of the tender. Bonds of the Dominion of Canada or bonds of the Canadian National Railway Company will also be accepted as security, or bonds and a cheque if required to make up an odd amount.

Note.—Blue prints can be obtained at this Department by depositing an accepted cheque for the sum of \$20.00, payable to the order of the Minister of Public Works, which will be returned if the intending bidder submit a regular bid.

By order,
S. E. O'BRIEN,
Secretary.
Department of Public Works,
Ottawa, September 27, 1928.

Here and There

(144)
An effort is being made to establish an airport at Banff, Alberta. Government officials have inspected a site near the present golf links and the prospect that a field will be prepared within the next year is bright.

A further supply of airplanes and airplane parts arrived in Montreal recently when the Canadian Pacific freighter "Beaverford" brought two De Havilland Moth planes, one case of wings and two cases of spare parts.

A call for tenders for a large elevator with a capacity of 1,500,000 bushels has been sent out by the Saint John Harbor Commission. The new structure is to be erected on the Colwell Fuel Company's site, in West Saint John, the work of construction to be got under way as soon as possible.

A Cadillac sedan equipped with rubber insulated steel flanged wheels has been specially equipped by the Angus Shops of the Canadian Pacific Railway at Montreal for the use of the engineering department of that company on inspection trips. The machine has an extra braking system operated by the steering wheel and can make as great a speed on the rails as it can on the highway. Over seventy miles an hour was made on a trial run.

A big black bear tried to stop a Canadian Pacific freight train the other day near Arndale station in Northern Frontenac county in Ontario, and when the encounter was over there was not enough of the bear left to make a pair of mitts. Bruin evidently wandered on to the tracks during the night and was blinded by the glare of the headlight. Black bear are found throughout Eastern Canada but are not often seen, except during the berry season, as they are night prowlers.

Addressing the Board of Trade of Vancouver, recently, E. W. Beatty, Chairman and President of the Canadian Pacific Railway, stated that present prosperity in Canada is clearly indicated by four main factors: Record of railway car loadings (showing the volume of business), employment returns, reports of financial houses, and building construction. These indices were of special value, he remarked, because of the wide range of activity which they reflect. The gross earnings of the company, he added, had been greatly decreased, however, by reduced freight rates.

A unique piece of railway equipment, a dynamometer car, has been constructed by the Angus shops for the Canadian Pacific Railway. The apparatus is intended to test the efficiency of locomotives at various speeds and is placed between the tender and the train during operation. The forces exerted on the coupler of the car are transmitted hydraulically to an instrument known as a chronograph, which records upon a moving sheet of paper. It is stronger by far than any of its predecessors and is said to be the finest car of its kind on the continent. One of its first duties will be the testing of the new "3100" passenger locomotive of the C. P. R., the largest engine in the British Empire.

DOROTHY GISH GOES ON STAGE IN A COMEDY

Detroit, Oct. 4.—Dorothy Gish, one of the best known screen actresses who has hared success with her famed sister Lillian in making his appearance on the speaking stage being featured in a new comedy which is billed for this week.

Although Miss Gish is known as a movie actress she is not exactly making her debut on the stage. For the actress appeared behind the footlights when a mere slip of a girl. She made her first appearance at the age of 4. For the next six years she was constantly before the footlights in the old Blansy and Broadhurst melodramas. Then came some years at school after which D. W. Griffith put the sisters on the screen. Dorothy Gish has long yearned to return to the footlights and her wish is now being granted.

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Guests at Barker House
Among the guests at the Barker House today are: J. W. Wilson, St. John; H. B. McMann, St. John; L. A. Landry, Boston, Mass.; H. A. Campbell, St. John; A. W. Brien, Ridgetown, Ont.; Stanley Wood, St. Stephen, N. B.; George T. Watters, West Newton, Mass.; W. F. Watters, West Newton,

Mass.; John T. Daley, Newton, Mass.; P. J. Beaugle, Montreal, Que.; N. A. Brown, St. John; C. B. Horton, St. John; James O'Brien, St. John; A. W. Covey, St. John; E. A. Kennedy, Yarmouth, N. S.

Age is the brake that slows down the fast liver.