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# The Daily Mail.

THE WEATHER  
Maritime-Strong southwest to northwest winds, showery. Clearing and cooler tonight. Saturday fine and cool.

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FREDERICTON, N. B., FRIDAY, SEPTEMBER 9, 1910

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## NO VERDICT IN CONNOLLY CASE

### Jury Disagree--Split About Even After Long Deliberation

#### To Be Tried Again Second Trial Begins October 5 and He is Released On \$20,000 Bail

Hopewell Cape, Sept. 8.—The jury in the case of Thomas Connolly, charged with manslaughter, after being out more than three hours, were unable to agree on a verdict and were formally discharged by his honor at 5 o'clock this afternoon.

Court opened at 10 o'clock today, when the addresses of counsel were heard. Mr. Fowler, who addressed the jury on behalf of the prisoner, spoke for three-quarters of an hour, making an eloquent address. He went over the incidents of the tragedy and claimed that the cause of the death of the victim, Power, occurred after he left the veranda platform, and could not be legally connected with any act of Connolly. It was a reasonable supposition, he contended, that Power, by taking hold of him, aroused Connolly and wished then to get away, and jumped off the veranda, afterwards slipping and falling on his back. There was absolutely no motive or antagonism, and no one, he believed, regretted the unfortunate death of Power more than the prisoner at the bar. It was just when Connolly was in the dispute with Mrs. Beechin and offering to fight if necessary that Power grabbed the prisoner by the arm, and, no doubt, Connolly thought he was being interfered with and struck out, if he did at all, for that reason. Connolly, it was stated, had been in the employ of the I. C. R. for eleven years, and bore a good character. Mr. Fowler closed his address by impressing on the jury the fact that all doubts that might be in their minds must be for the prisoner's benefit.

#### SOLICITOR GENERAL

Solicitor-General McLeod, who spoke a little less than half an hour, set out the facts as brought out in the evidence, and said that the jury should be governed by the facts only and not by sympathy or a disposition to show mercy. He did not wish to urge a verdict against the evidence and had only the desire that the prisoner should receive justice. He considered the weight of evidence was strongly against the prisoner, and he submitted as a matter of law that whether the blow of the prisoner caused the dislocation directly, or whether the victim fell afterwards to the ground, as the result of the blow, causing death, or whether the victim voluntarily left the veranda through fear of the prisoner as the result of the latter's assault, and in doing so accidentally fell in order to escape from the accused, the prisoner under either circumstance was under the law guilty of manslaughter. The death of the victim he considered traceable to the assault of Connolly, which was an unlawful act, and the prisoner must be responsible, no matter what his intentions might be.

#### JUDGE'S CHARGE

His honor, in charging the jury, gave a most thorough exposition of the law in regard to manslaughter and justifiable homicide, emphasizing the fact that death resulting through the effect of an unlawful act, though the final result was not contemplated made manslaughter.

His honor charged the jury to carefully and fully look into the facts and decide as to whether the death of the victim in the case before them could be connected with the prisoner. If the victim suffered a dislocation of the neck by a fall entirely independent of the accused the prisoner would, of course, not be responsible; if, however, the victim met death by the force of a blow, if blow there was, or by a fall caused by the blow, or by accidental falling in an endeavor to escape through fear by the unlawful act of the prisoner, then the accused would be guilty. The facts rested entirely with the jury.

After his honor's address, the jury retired at 1.45. At 2.30 they returned and had the evidence going back to their room and remaining until 5.05. On coming into court they reported through Foreman H. J. Stevens that they were unable to agree. The jury were formally discharged by his honor, as they stated there was

## FRENCHMEN FOR BELMONT MEET

### Experts Hope to Regain Championship Lost to Americans

#### Italy and Belgium to be Represented--Spain and Switzerland Out of International Meet

Paris, Sept. 9.—France's representation at the International Aviation meet at Belmont Park race track, where that nation hopes to regain the blue ribbon of the air, has been definitely arranged.

Alfred Leblanc, Hubert Latham and Leon Morans, the three French cracks, will compete for the international championship now held by Glen Curtiss.

Moran replaces Lebouche, whose broken leg will prevent his participation in the October meeting. All three men are drivers of monoplanes and in the American contest they will use especially constructed racing machines.

In addition to these, the French Aero Club, sends M. Augrain and Count Jacques de Lesseps to compete for other prizes. Italy will send Signor Cattaneo and Belgium probably will delegate N. Oleslagers to take part. Neither Spain nor Switzerland will be represented.

Leblanc's assistant in the international balloon contest will be Jacques Faure, the noted French balloonist.

## THE POPE FIGHTING MODERISTS

Rome, Sept. 9.—Pope Pius X. has issued a motu proprio giving new and practical measures to be adopted against the growing modernist campaign. The pontiff reiterates all of the rules previously set forth against modernism especially in the encyclical pascendi and adds that the bishops and the rectors of the Catholic colleges must watch attentively the development of the young clergy, seeing to it that they are well prepared to fight error, forbidding them to read newspapers and periodicals and avoid distracting them from their studies.

Every professor in beginning his course, every acolyte before being promoted, every new confessor, curate, canon or holder of a similar position and every ecclesiastical officer before taking possession of his post, must take an oath of loyalty to the healthy Catholic doctrine and discipline.

## ROYALTY RETURNS TO ANCIENT CUSTOM

London, Sept. 9.—For the first time in hundreds of years, the investiture of the Prince of Wales will take place in Wales. After a keen competition between Cardiff and Garnavon for the honor, the king had decided in favor of Garnavon. The ceremony will occur in July.

### TO PREVENT FURTHER STRIKES

New York Sept. 9.—To guard against further strikes in the Cloak and Suit Trade in New York city a joint grievance committee of four has been appointed by the Cloak, Suit and Skirt Manufacturers Protective Association and the Cloak and Suit Makers Union to settle all disputes which may arise in any factory in accordance with the terms of settlement of the recent strike.

Miss Heleb Vanwart returned this morning from St. John where she had been spending a vacation.

No possibility of an agreement by further deliberation. A new trial is ordered for Wednesday, Oct. 5. The prisoner was allowed bail in the sum of \$28,000, himself in \$10,000 and three sureties to cover the remaining sum.

It is understood the jury were about evenly divided.

## Harry Brundage, St. John Lad, Shot on Pike at Exhibition Yesterday Afternoon

### Twelve-Year-Old Lad Killed Instantly by Accidental Discharge of Rifle in Adjoining Booth--Received Bullet Through the Heart--William Humphrey, who Held Rifle was Working Around the Shooting Gallery, and was in the Act of Fixing One of the Guns--Attraction is Now Closed--Lad and His Employer Held Pending Inquiry.

St. John, Sept. 9.—Harry Masters Brundage, the eleven-year-old son of Mrs. Joseph Brundage, Broad street was accidentally shot and killed on the exhibition grounds yesterday afternoon by William Humphreys, a young lad of twelve years, who was assisting Patrick Walsh, manager of a shooting gallery on the Pike.

Just when the merriment on the show grounds was at its height about 3.30 p.m., and while Mlee. Bergerat was being strapped into her automobile preparatory to taking her death swing, a shot rang out, heard only by those in the immediate vicinity, owing to the noise of the many Pike attractions and in a few minutes little Harry Brundage was dead with a bullet wound through the heart.

The first intimation that the majority of the people had of the tragedy was when a voice was heard through a megaphone asking if there was a doctor within hearing—a boy had been shot. Instantly a throng ran through the vast throng and as two men were seen hurrying in the direction indicated by the voice from the megaphone, the crowd surged that way. The police and a number of the attendants along the Pike did their utmost to keep back the people who were clamoring to know who had been shot, for many fathers and mothers were fearful lest it was one of their own. Finally a rope was stretch and room afforded for the physicians to examine the little form that was lying on the top of a counter in front of a ring-the-bell booth.

#### VISITING DOCTORS ON SCENE

Dr. Johnson, of Grand Manan, and Dr. Camp, of Upper Sheffield, the latter a guest of R. N. Dean, were the first to reach the scene and after a hasty examination they sadly announced that there was no hope. The boy was then breathing but very lightly, and soon all sign of life was extinct.

The little form looked pitiful as it lay, white faced to the sky and there were wet eyes in the crowd. A rough looking man who had the appearance of having seen the seamy side of life remarked: "He was a fine kid, but that's always the way, the good ones are taken and the bad ones left." The little chest was bared and a small hole showed where the bullet had entered the left ventricle. Word was sent for the ambulance and while awaiting its arrival the boy was

carried to the police headquarters in the transportation building by Sergeant Campbell and Policeman Sullivan. In the meantime, Policeman Marshall held the Humphreys lad, pending an inquiry. When the ambulance arrived the boy and the lifeless body were taken to the central station to await an inquiry by Coroner Berryman.

#### RELATIVES NOTIFIED.

William Quinn, an uncle of the dead boy, was notified immediately after the accident happened. He was in the industrial building, where he conducts a glass-blowing exhibit. After viewing the body he hastened away to break the news to the lad's mother.

#### HOW IT HAPPENED.

Paul Dooley, for whom young Brundage was working, conducts a booth in which the visitor is invited to knock down wooden dolls. The lad was employed in picking up the balls and at the time of the accident was standing at the side of the booth farthest from the shooting gallery, which was alongside. It appears that a man had just been shooting and something apparently going wrong with the gun, he handed it to young Humphreys to fix. While working with it, the weapon discharged and the bullet passed between the boards in the side wall and struck Brundage. Mr. Dooley said he was standing alongside the boy and did not at first realize what had happened. Then he saw the boy sway and exclaimed: "I'm shot." He quickly opened the lad's blouse and saw blood trickling from a small wound over the heart. Then word was sent for a doctor. In the meantime for about a minute the boy was conscious and cried and talked hysterically, then lapsed into unconsciousness. Mr. Dooley said the boy was willing and he seemed anxious to earn a little money he had given him employment. He was greatly affected by the sad occurrence.

The shooting gallery concession was granted to T. J. Phillips. After the accident the police had the booth closed, fearing accidents might occur.

#### SORROWFUL HOME.

A reporter called at the home of Mrs. Brundage, the dead boy's mother, and the scene there was sorrowful. Four little tots, the youngest

not quite two years old and the oldest only twelve, were playing around the door, not realizing the terrible calamity that had befallen their brother. Their mother, a frail little woman lay on her death bed, being critically ill with tuberculosis, and not expected to live long. The news of her loved one's death came as a great shock to her and will undoubtedly hasten her death.

The story she told to the reporter was as follows: "Harry was only about ten years old and had always attended the Victoria annex school regularly, his teacher being Miss Cummings. He was the brightest boy of the family, always willing and ready to do anything he was asked to do. Wednesday I gave him permission to go down to the exhibition, as he said could get a job down there. He went down to the fair and returned home about 9.30 o'clock at night with thirty cents in his pocket. I asked him where he got it and he said he had worked for a while picking up balls in a booth on the Pike. He told me he was going back yesterday and I gave him permission. When I heard that a boy was shot at the exhibition I feared at once for Harry's safety and when I was told for sure that it was he, I could hardly bear the shock. The blow came like a bolt and I hardly think I will survive it."

Mr. Brundage, the boy's father, is in Portland (Me.), where the family formerly resided. They came to St. John about a year ago as Mrs. Brundage was in very poor health. The little boy's brothers and sisters are Jessie, Nellie, Charlie and Thomas, the latter being the oldest.

#### AT THE POLICE STATION.

Young Humphrey and Patrick Walsh, his employer, are being detained in central police station and it is expected that an investigation will be held at once. The boy is charged with shooting Brundage Walsh, the owner of the shooting gallery and in whose employ Humphrey was, is charged with negligence. An aunt of young Humphrey called at the central police station last evening and when she saw the twelve-year-old lad occupying a police cell she became almost overcome with grief.

Coroner Berryman said last evening that although he had not definitely decided, an inquest would in all probability be held.

## VERY LITTLE CHANGE TODAY IN STOCK MARKET PRICES

New York, Sept. 9.—Wall Street—Most of the important stocks sold at the opening at prices unchanged from yesterday's closing. There were no changes of note and the speculative interest was very languid and the volume of dealings at a low ebb.

(Quotations from direct private wires of J. M. Robinson & Son, Bankers, St. John, N. B. Members Montreal Stock Exchange)

|                          |         |         |
|--------------------------|---------|---------|
| Amalgamated .....        | 63 1/2  | 63 1/2  |
| Atchafson .....          | 97      | 97 1/2  |
| Smelters .....           | 66 1/2  | 66 1/2  |
| Brooklyn Ex div. ....    | 73 1/2  | 73 1/2  |
| Canadian Pacific .....   | 124 1/2 | 124 1/2 |
| Great Northern pfd. .... | 124     | 124 1/2 |
| Northern Pacific .....   | 113 1/2 | 113 1/2 |
| Perma .....              | 127 1/2 | 127 1/2 |
| Reading .....            | 138     | 139     |
| Soo .....                | 127     | 127     |
| Southern Pac. ....       | 111 1/2 | 112     |
| Union Pacific .....      | 164 1/2 | 165 1/2 |
| U. S. Steel Com. ....    | 67 1/2  | 68 1/2  |
| Toronto .....            | 118     | 118 1/2 |
| La Rose .....            | 3 1/2   | 3 1/2   |
| Nippissing .....         | 10 1/2  | 10 1/2  |

#### MONTREAL MORNING SALES.

Moulson's Bank—4 @ 281.  
Coal pfd—2 @ 105; 16 @ 106.  
Textile pfd—1 @ 99; 45 @ 48.  
Royal Bank—50 @ 242.  
Ogilvy's—1 @ 125.  
Shawinigan—50 @ 100; 25 @ 100; 190 @ 99 1/2.

|   |  |
|---|--|
| Woods—3 @ 126.  |  |
| C. R.—100 @ 280.  |  |
| Illinois—44 @ 90 1/2.                                   |  |
| R. & O.—100 @ 89; 50 @ 89 1/2.                          |  |
| Canada Car pfd—3 @ 100 1/2; 10 @ 100 1/2; 25 @ 100 1/2. |  |
| Quebec Rails—25 @ 42 1/2.                               |  |
| Canada Car pfd—3 @ 100 1/2; 10 @ 100 1/2; 25 @ 100 1/2. |  |
| Quebec Rails—25 @ 42 1/2.                               |  |
| Toronto Rails—3 @ 118 1/2.                              |  |
| U. S. Steel—5 @ 84 1/2.                                 |  |
| Iron Corporation—200 @ 61 1/2; 100 @ 62.                |  |
| Rio—3 @ 96.   |  |
| Montreal Power—25 @ 131; 55 @ 130 1/2.                  |  |
| MacKay—2 @ 74.  |  |
| Detroit—100 @ 48; 125 @ 48 1/2.                         |  |
| Coal Pfd—20 @ 80 1/2; 5 @ 81.                           |  |
| Hochelaga Bank—5 @ 160 1/2.                             |  |
| Montreal Street—5 @ 246.                                |  |

### FLORIDA ESCAPES STORM

Keywest Fla., Sept. 9.—After a night of anxiety on the part of seafaring men along the southeastern coast of Florida following danger warning issued by the weather bureau conditions became more favorable to day with only a light wind blowing. The barometer still is lower than normal but it is believed the tropical storm on the way from Porto Rico has spent its force in mid-ocean.

## I.C.R.COMMISSION IN CHATHAM

### Well Pleased With Branches Inspected--John Legere has Bad Accident

#### Looses Hand in Threshing Machine--Rushed to Hospital--Scott Act Fine of \$100

Chatham, N. B., Sept. 9.—(Special)—Deputy Minister of Railways A. W. Campbell, F. P. Brady, E. Tiffin and D. Pottinger of the I. C. R. Board of Management, Chief Engineer MacKenzie, Supt. Price and Trackmaster Grass, of the I. C. R. staff, arrived at Chatham late last night. The party left Fredericton yesterday on a special train of three cars. They went over the branch line to Stanley and came down the Indian town branch to Chatham, via Derby Junction. This morning the party drove over the points of the Nelson-Loggieville branch, now under construction and were met at Nelson by their special. They will next go to Rivere du Loup to inspect the Temiscouata Railway. They expressed themselves as being greatly pleased with the work done on the new branch.

John B. Legere, of Big Tracadie River, had his right hand cut off in a threshing machine on Wednesday night. He was cleaning away the straw from the drum when his hand was caught and horribly mutilated.

Legere was taken to the hospital at Tracadie, where what remained of the hand was amputated at the wrist.

Peter Archer was yesterday fined \$100 for a second offence against the Canada Temperance Act.

## RECORDS BROKEN BY EXHIBITION CROWDS

St. John, Sept. 9.—(Special)—Yesterday was the greatest day ever seen at an exhibition in St. John. All provincial records were broken by the day's attendance. 22,318 persons passed the turnstiles during the day.

The city attractions also had large crowds. Weather was fine and warm.

## MRS. GEORGE W. BAILLEY OF GIBSON DIED SUDDENLY

The death of Mrs. George W. Bailey of Gibson, occurred suddenly at her home last night. The deceased, although in poor health for some years, had not shown any sign of illness recently and was in the city shopping yesterday. While driving to her home in the afternoon, she was taken ill. Dr. McNally was summoned and discovered that Mrs. Bailey was suffering from hemorrhage of the brain. Death ensued at about 9.45 o'clock.

The deceased is survived by her husband, three sons and three daughters. Several half-brothers and half-sisters survive. They are Wm. Rideout of Rumford Falls, Me., Manford Rideout and Michael Rideout, of Houlton, Wardlow Rideout of Benton, Mrs. George McLean of Marysville, Mrs. Wesley Allen of this city, and Mrs. George Brown of Gibson. The deceased was a daughter of Michael Rideout of Nashwaak and was forty-six years of age.

The funeral will take place at 1.30 Sunday afternoon.

## THE REAL VAN BIBBER DEAD

New York, Sept. 9.—Frederick Gebhardt for years one of the best known club men in New York, is dead at his home in Garden City, Long Island. He had been sick for more than a year past. It has been claimed that Mr. Gebhardt was the original of Richard Harding Davis famous Van Bibber, the man about town.

St. John, Sept. 9.—(Special)—Edward Lane, aged 21, was crushed to death between two street cars in west end today. One car was stationary, the other struck it. How Lane came there is not known. He died in a few minutes.

## BAD WEATHER FOR AIR MEN

### Graham-White Satisfied with Weeks Showing--After New Records

#### Amateur Trophies May Go Begging--One Novice Flying--Little Interest in This Branch

Boston, Sept. 9.—Heavy gray clouds enclose the Boston-Harvard aviation field at Atlantic today and it appeared during the morning hours as if some of the big events of the day would have to be postponed.

Claude Graham-White, the popular English aviator, was disappointed at the bad weather. Satisfied with his lead in the number of points, he now maintains for the various prizes, Graham-White, was stated, would today, if weather permitted, attempt to lower the field records for duration and distance. He has at this time a large lead in every event with the exception of two. Ralph Johnson, the Wright aviator, having the best scores in the distance and duration flights. An attempt will be made by White; it is stated, to stay up for four or five hours. With the exception of Wm. H. Hilliard and W. Burgess, none of the amateur aviators appeared on the field during the early hours today and to all appearances the Harvard Cup for amateur and the other amateur prizes may have to go begging. Despite the rain and a stiff eight mile breeze that was blowing, Hilliard was given permission to attempt a few flights.

## AMERICAN ITALIAN SWINDLES NAPLES

Naples, Sept. 9.—A man giving his name as Dr. Bendotto de Angelis, of Hoboken, N. J., has been arrested here on the charge of having defrauded several druggists. He represented himself as having been connected with a large American Chemical Co. The arrest of de Angelis has caused much surprise, for he has been entertaining the members of the local medical society lavishly.

## U. S. GOVERNMENT FEARS ASIATIC CHOLERA

Washington, Sept. 9.—The ravages of Asiatic cholera in Russia, Germany and Italy and the possibility of the plague being brought to this country by infected immigrants, has alarmed the public health and marine hospital service.

Surgeon General Wyman has detailed Surgeon H. R. Carter to visit the plague centres at once and report by cable.

## GREAT WESTERN COAL SHORTAGE

Chicago, Sept. 9.—The strike of 44,000 miners in Illinois, which was settled yesterday, it is estimated cost the miners \$12,000,000 in wages. The loss to the operators during the five months' shut down is placed at \$15,000,000. The annual production of coal in Illinois amounts to 50,000,000 tons and the shortage this year due to the strike will be in the neighborhood of 20,000,000 tons.

## AMERICANS ENTERTAINED IN CHO SEN

Tokio, Sept. 9.—The delegation of business men representing several chambers of commerce of the Pacific Coast upon arrival in Korea en route to China, was welcomed and entertained by Baron Eiichi Shibusawa, the economist and others of the Japanese who have visited America.