

TO ADVERTISERS
Why don't you advertise, nobody knows that you are doing business, and it won't be long before you'll not know it yourself.

The Daily Mail.

THE WEATHER
Maritime - Moderate easterly winds, partly cloudy and cooler today and on Saturday.

VOL. XV NO. 245

FREDERICTON, N. B., FRIDAY, OCTOBER 20 1911

TWO CENTS PER COPY

PROTRACTED LEGAL BATTLE

The Selection of a Jury in McNamara Case is a Tedious Job

Those who Believe Times Building was Destroyed by Dynamite are Looked upon as Hostile by Defence

(Canadian Press)

Los Angeles, Oct. 20.—Though the empanelling of a jury to try the case of James B. McNamara, indicted for murder, resulting from the explosion of The Times building, still is a matter of weeks, definite progress having been made when the court opened today toward defining the issues principal and collateral along which the battle will be fought.

After having concluded the examination for cause among eleven of the twelve talesmen, in the box, reserving still with the court's permission, the right to interrogate further H. Y. Quackenbush, about matters yet being investigated, the defence had emphasized by three challenges for cause, that it would consider as hostile talesmen, who not only were prejudiced against labor unions and their methods of operation, but those who firmly believed dynamite destroyed The Times building.

The court is not expected to render its decision on this challenge until the state has had its opportunity to examine the talesmen for cause. The prosecution therefore, today continued its examination of C. D. W. Adamson, and it was apparently the line of questions too, that the state deemed it essential that no talesman should serve who said gas explosion caused The Times disaster. The state furthermore, in its examination of Adamson, has revealed that it will consider unacceptable those talesmen in whose minds socialistic views are imbedded. The state has vigorously resisted the questions of Clarence S. Darrow, chief counsel for the defence, who sought to learn talesmen's views on whether or not labor unions association conduct were a menace or an advantage to society, and has been opposing the argument of the defence that labor unions are directly involved in the case by asserting that the main issue is whether or not the defendant wrecked The Times building regardless of his labor affiliations.

But in its examination of talesmen the state, on the other hand, expects to find men who are prejudiced in favor of labor unions and likewise maintain that gas caused the explosion. The defence is taking the view that a man who believes the building was destroyed by dynamite thereby believes the defendant guilty and has prejudiced the case, has attempted to hold the prosecution an analogous arrangement by offering not to resist challenges against talesmen who firmly believe the building was blown up by gas. The state, however, is unwilling to accept the situation as exactly analogous.

MARITIME MEN'S BANQUET WAS VERY SUCCESSFUL

Montreal, Q., Oct. 20.—The first annual banquet of the McGill Maritime Club, held last evening, proved to be most successful, over seventy-five men hailing from the three lower provinces and from Newfoundland being present. Speeches by several college dignitaries and a good bill of songs and other features made the smoker following the banquet a success. Dr. Wm. Peterson, principal of McGill, spoke briefly, congratulating the Eastern students on the new club. Dr. Chipman, the honorary president, spoke and was followed by addresses from Dr. Tait and Prof. C. McMillan of Prince Edward Island. The Maritime Club was formed by an amalgamation of the three clubs from the lower provinces represented at McGill. The new organization is nearly one hundred strong and will be a formidable rival to the Western Club in college politics.

HOW TO ENTER AND WIN A MEMBERSHIP IN THE MAIL'S DELIGHTFUL TOUR

Clip the Nomination Blank and Send it in Today--The Three Weeks' Tour to New York, Washington and Bermuda will be Worth Many Times the Effort Expended in Winning--First Count of Votes on Saturday

GET A FLYING START

Each interested young lady and her friends should put in the balance of the week securing clipped ballots and subscriptions to be turned in by tomorrow night that they may secure a flying start when the first count of votes is made at nine o'clock and published in Monday's issue.

All the world loves a winner and to look like a winner you must have at least a few thousand votes to your credit.

Put forth a little effort today and reap your reward in December.

Many new nominations have come in from town and country these last few days, and any others who may wish to enter will be welcome.

Everyone has an equal chance and a contest will not have to compete with the candidates in all districts, but only with her sister candidates in her own district. This rule makes it more fair and impartial to all.

There is plenty of time to start, and to those who have hesitated to join us so far we would say send in your name at once and we will send you all the necessary printed forms to help you to win. This is the greatest opportunity offered to young ladies of this section, and the interest aroused indicates how much alive to its advantages the people of Fredericton and vicinity are.

There are great opportunities in all districts for enterprising young

ladies as will be seen when the list appears.

Quite a number have signified their intention of getting into the race, and still others will send in their names as fast as they are made fully acquainted with the particulars of the plan.

THE PLAN IS SIMPLE—Send in your name and home address, then ask your friends to save the coupons for you that appear in all issues of The Daily and Semi-Weekly Mail. If they do not take either of these papers ask them to subscribe. For every subscription you get votes are credited to your name.

Simple, isn't it? One young lady from each district is bound to win.

NEW NOMINATIONS

The lists are still open to new nominations and those received today are:

- Lower Queensbury—Miss Hazel V. Parent.
- Marysville—Miss Fern McDowell, Miss Doris McConnell.
- Southampton—Miss Bertha J. Fox, Stanley—Miss May Sanson.
- Nashwaak Bridge—Miss Gertrude McGivney.
- Cross Creek—Miss Ethel Bennett.
- Gaspereau Station—Miss Mae Monahan.
- Lakeville Corner—Miss Lydia B. Randall.
- Grand View—Miss Lucy Grant, Miss Agnes Miller, Miss Edna Grant.

WILL EXPOSE TORY METHODS IN SUNBURY-QUEEN'S ELECTION

Argument in the Sunbury-Queens election case, was continued before Judge Wilson in chambers this morning. Mr. Baxter, K. C. finished his address in reply to Mr. W. B. Wallace, K. C., and was followed by Hon. Dr. Pugsley, who was speaking when the court rose at noon. It is likely that when the case is finished this afternoon an adjournment will be made until the latter part of next week to allow His Honor time to cite authorities on the points raised by Counsel.

At this morning's session Hon. Dr. Pugsley, on behalf of Col. McLean, asked for permission to read five affidavits having to do with the conduct of certain Tory agents during the election on being requested by the court to state the object of the affidavits. Hon. Dr. Pugsley said that it was proposed to show that

certain agents of Mr. Luther B. Smith, the Conservative candidate, had made an arrangement to pay electors for their votes on condition that they should place a cross or crosses on the ballot paper opposite certain letters of Mr. Smith's name and that they should receive their pay after voting. It could also be shown that Mr. Smith's agents, being in the poll at the same time the ballots were counted and being provided with a book containing presumably a type written list of those with whom the corrupt agreement is said to have been made, were in a position to ascertain just how they had cast their ballots.

His Honor decided that the affidavits would not be in order at the present stage of the proceeding.

Argument was finished this afternoon and Judge Wilson adjourned the case until next Thursday morning.

JUDGE McLEOD DECIDES IN CARVELL'S FAVOR

(Special to The Mail)
St. John, Oct. 20.—Judge McLeod in the chambers this morning upheld the decision of Judge Carleton refusing a recount in the Carleton election case. His honor said he had looked very carefully into the case and had come to the conclusion that an affidavit setting forth simply information and belief was not sufficient to enable the judge to order a recount. Every affidavit in such cases should set forth that such ballots were marked in such and such a way and were good in law and that others were marked in such and such a way and were bad in law, and he held that the affidavit of Mr. Smith had set forth only information and belief and was therefore insufficient.

HALIFAX PHYSICIAN MAY HAVE DROWNED

(Special to The Mail)
Halifax, Oct. 20.—J. J. Doyle, assistant port physician disappeared from the quarantine steamer Miteca yesterday. It is feared he lost his life while trying to step ashore.

GLACE BAY MINER INSTANTLY KILLED

(Special to The Mail)
Sydney, Oct. 20.—Daniel McLean aged twenty-two years was instantly killed yesterday by being struck by a car in colliery No. 2 Glace Bay.

PROGRESS OF THE N.T.R.

Contractor Davis says Quebec - Moncton Section is Nearing Finish

Caissons have been Placed in Position for North Pier of Quebec Bridge and Anxious Period is Passed

(Canadian Press)

Montreal, Q., Oct. 20.—In spite of what has been said to the contrary, the Transcontinental Railway will be completed from Quebec to Moncton this year. J. T. Davis, who with his brother, is building the Quebec bridge and a good stretch of Transcontinental, east of Point Levis, here stated that all anxiety was now over as regards the north main pier of the great structure, the caissons having just been placed in position. Mr. Davis remarked that it would be plain sailing following the successful launching of the caissons and their definite placing.

Speaking of the progress of the railway towards the New Brunswick frontier, Mr. Davis set at rest, the debated question as to whether or not the railway would be completed and in running order from Quebec to Moncton by the end of the year. Although most of the road from Moncton to the St. John River is completed, Mr. Davis said their contract would not be finished before next year. The road, he stated, however, would be completed and in running order during 1912.

CAUGHT A PARTRIDGE ON STREET IN ST. JOHN

(Special to The Mail)

St. John, Oct. 20.—A partridge was captured in the doorway of a Church Street business house this morning. It had evidently come into the city during the night and was noticed by a person on Church Street, who threw a stone at it and it took refuge in the doorway of McGowan & Company and was soon captured.

St. John, Oct. 20.—George Black, an old resident of Indiantown, died this morning. He was ninety-one years of age. Deceased drove a cab for many years before the inauguration of the street railway line.

St. John, Oct. 20.—In the Probate Court this morning the will case of William Crawford of Perth, was taken up. Authority was given to Police Magistrate McQuarrie to take the affidavit of William Straton, after which the will will be admitted to probate. The property is bequeathed to the widow of the deceased during her lifetime, after which it goes to the testator's son.

NORTH SHORE YOUTH HAS DISAPPEARED

(Special to The Mail)

Chatham, Oct. 20.—Daniel Kane aged fifteen, son of James Kane, of Rosebank, has disappeared and fears are entertained for his safety. It was thought that he had gone to sea on a schooner, but it has since been ascertained that such was not the case.

ELECTRIC LIGHTS FOR TORONTO HOTELS

Toronto, Oct. 20.—To prevent a repetition of such tragedies as the asphyxiation of five men in a West Toronto Hotel last Sunday, the Toronto hotel keepers shall install electric lighting. Next year this will be made a consideration in the granting of licenses.

PERSONAL

Hon. George J. Clarke of St. Stephen arrived in the city last night. He went to St. John this morning.

VERDICT OF MANSLAUGHTER RETURNED IN BRAGDON CASE

Jury Reported after an Absence of One Hour--Judge's Charge was on the whole Favorable to the Prisoner--Mr. Carvell Invoked the Unwritten Law on Behalf of His Client--A Recommendation to Mercy--Judge White will Pronounce Sentence on Tuesday

(Canadian Press)

Woodstock, N.B., Oct. 19.—The sensational murder case of Wm. Bragdon charged with causing the death of Woodman McCluskey by shooting on May 3rd last in Woodstock, was concluded this afternoon, the verdict being manslaughter and the judge will pass sentence next Tuesday.

The jury retired at 8:30, were absent an hour and through their foreman, Charles Wilkins, they said: "We find the prisoner not guilty of murder but guilty of manslaughter, and make a strong recommendation for mercy."

In the absence of Hon. H. F. McLeod, who had left for Fredericton, Clerk of the Circuit L. E. Young read that sentence.

Justice White thanked the jury for their attendance and stated that he would pronounce sentence when the court resumed its session on Tuesday of next week.

The trial was resumed at 10 o'clock Mr. Carvell addressing the jury for one hour and forty minutes. Hon. Mr. McLeod started his address at 11:40 and closed at 12:30. The judge then began charging the jury and at 1:30, when court adjourned, His Honor had not concluded.

F. B. CARVELL.

Mr. Carvell said that there was no doubt that Woodman McCluskey met his death in the yard of Bragdon's house. There was a mass of evidence to show that McCluskey had been intimate with Bragdon's wife. Bragdon repeatedly warned McCluskey to keep away, telling him that he was making his home a hell on earth. McCluskey promised but he never kept his promise. Bragdon not only warned him but he threatened him that he would get hurt if he continued these visits.

Mrs. Bragdon did not expect her husband home that night. McCluskey did not expect him home. If he had not grived McCluskey would have remained at the Bragdon house that night. Bragdon acted as probably all would have done and as has been done since the time of Adam and Eve. The outraged husband, losing his head, after a scuffle the shooting took place. Bragdon had a perfect right to shoot him. This was good law and in the interests of morality and the home the jury should grant justice.

Hon. Mr. McLeod said a human life had been taken. Was there wilful murder, was it manslaughter or was the prisoner justified by law and by right? There was no question that McCluskey was killed by the prisoner. There was not a tittle of evidence that showed that there was an illicit connection between Mrs. Bragdon and McCluskey.

On the whole the evidence showed that there was no justification for the shooting and that justice should be dealt to the prisoner at the bar for taking the life of a fellow-man.

JUDGE'S CHARGE.

Mr. Justice White explained the law and dealt with the evidence. The crown officer, he said, did not unduly press the case and the prisoner was ably defended by Mr. Carvell. The jury must believe the prisoner if it thought he was telling the truth by the character of the man and whether it dove-tailed into other evidence.

Assuming that the deceased was on the prisoner's land and did not go away when warned. In no undue force was used and he was attacked the prisoner firing the fatal shot would not even make him guilty of manslaughter. If he did not intend to do the shooting and the revolver was discharged in an effort to deceive McCluskey away, the verdict should be acquittal. If he used unreasonably and unnecessary force and it was not justified, then the verdict should be

manslaughter, as the prisoner was doing a wrongful act.

This afternoon Judge White continued his charge to the jury. He said that culpable homicide was murder, but there is a section of the code which provides that if death is caused by sudden anger, and the prisoner acts upon it before he becomes cool, there is no malice aforesaid, because the mind is overburdened with sudden passion, and then the law holds that it shall not be murder but manslaughter. If you come to the conclusion that the prisoner is guilty of culpable homicide but not murder then he is guilty of manslaughter. If you come to the conclusion that the defendant is guilty and it was not an accident, then you must inquire whether the prisoner meant to cause the death of McCluskey or meant to cause him such ordinary injury that was likely to cause death, and did not care whether death was caused or not, then the verdict should be manslaughter.

There was no doubt that McCluskey was killed. We have the evidence of McIntyre, Mr. and Mrs. Bragdon and the dying declaration of McCluskey of the happenings on the night of May 3rd.

A dying declaration should be given in the exact words of the witness. The dying declaration is of vital importance in this case and for certain reasons, which I have stated before, I was in doubt whether to allow it to go into the evidence. It is well known that the only evidence which is admitted into a court of justice, where a jury exercises functions, is the testimony given under oath. A dying declaration is admitted because the court says that often a murder or crime is committed in secrecy and very often without the aid of the deceased person, and it is impossible to secure a conviction. The courts naturally will receive such a declaration.

When a man is dying, as a result of a crime, he is apt to tell the truth. Under these awful circumstances the declaration is admitted, but the jury should attach such weight to the testimony as it sees fit.

(Continued on page five.)

HON. SYDNEY FISHER IS COMING BACK

Montreal, Oct. 20.—It is altogether likely that Hon. Sydney Fisher, will go back to parliament ere long, if a safe seat can be found for the ex-minister of agriculture. There is a move on in the Eastern townships to find a seat for Hon. Mr. Fisher in order to send him back to Ottawa as the representative of the English speaking protestants of the province of Quebec as well as right hand supporter of Sir Wilfrid Laurier, in fact to occupy the same position in the opposition which in 1896 he has occupied on the government side. It is likely he will run in Shefford.

Mr. and Mrs. Hugh McGinn who have been visiting the sister of the former Mrs. Tobin at Houlton Me., returned home yesterday.

A BOSTON SENSATION

Body of a Nineteen Year Old Girl was Found in a Bath Room

Believed to Have Been Poisoned--A Young Clergyman is Under Arrest Charged with the Crime

(Canadian Press)

Boston, Mass., Oct. 20.—Avis Linnel, a 19-year-old girl whose home was at Hyannis, Mass., was found dead in the bath-room of the Young Women's Christian Association home Warranton Street, this city, last Saturday evening. At first it was believed that she had committed suicide, but later developments indicated that she had unknowingly taken cyanide of potassium, given or sent to her by some other person and which she used in the belief that it would remedy her physical condition which was causing anxiety. The Linnel girl had previously been a friend of Mr. Richeson and it was generally understood at Hyannis that an engagement existed. Later, however, the clergyman became engaged to Miss Edmonds, whose father is a trustee of the Newton Theological College, where Richeson studied for the ministry.

Richeson is 25 years of age and is a native of Rose Hill, Va. His pastorate at Hyannis was his first regular charge. Boston, Mass., Oct. 20.—Rev. Chas. V. T. Richeson, pastor of a Baptist church in Cambridge, was arrested shortly before eight o'clock as a result of police investigation of the death by poisoning of Miss Avis Linnel, a student at the New England Conservatory of Music. The arrest was made at the home of Moses G. Edmonds, father of the clergyman's fiancée in Brookline.

Boston, Mass., Oct. 20.—Mr. Richeson went to the Edmonds home last Sunday night, almost immediately after he had been informed of the sudden death of Avis Linnel, who, it was said, had been for some time his fiancée. Reports conflict as to whether a formal engagement between the minister and Miss Linnel was ever announced, but Miss Linnel had worn a diamond ring which the pastor gave her and friends claimed the man had often introduced her as his future wife. From Sunday night until yesterday afternoon the minister denied himself to all callers and to every plea for a statement as to his relations with Miss Linnel, and never appeared outside the Edmonds home. Friends of the pastor were earnestly at work begging press and public not to form a hard judgment as, in their belief, the minister would eventually clear himself of every suspicion. The police of Boston, who have been working night and day upon the case from the outset, last night discovered clues which they had long sought and which led them to take summary action with several Boston officers. Chief Dugan and Deputy Superintendent Watts at one o'clock presented themselves before the Edmonds home in Brookline. All night long the officers waited outside the house as the occupants refused to answer either the bell or the knocker on the door, and, without a warrant, the officers could not enter by force. It was eleven minutes after seven o'clock before any response could be obtained from anyone inside the house, and after having repeatedly seen the face of a maid at the kitchen window, Chief Dugan prevailed on the woman to remain near the locked

(Continued on page four.)

VOTE COUPON

Good for ONE VOTE for Mrs. or Miss
..... District No.
In The Evening Mail's Tour Contest for the ladies, if voted on or before
SATURDAY, OCTOBER 28th.
Trim neatly on border lines.

First Count of Votes in Tour Contest Tomorrow Night at Nine O'clock