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Everyone knows how beneficial fruit is, when eaten regularly. Fruit is nature's laxative—the finest kidney regulator—and the ideal skin tonic. Unfortunately, the medicinal principle of fruit occurs only in minute quantities. In order to consume enough fruit to relieve biliousness, one would also consume a large amount of woody fibre or pulp, which would upset the stomach and impair digestion.

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in a highly intensified degree. Then valuable tonics and internal antiseptics were added and the whole pressed into tablets.

These are "Fruit-a-tives" the wonderful Liver Tablets you hear so much about. "Fruit-a-tives" cure the most obstinate cases of non-action of the bowels, biliousness, headaches, sleeplessness, nervousness, kidney trouble, rheumatism, scatica and neuralgia. They are the greatest blood purifying medicine in the world, while their action on the skin, in clearing and beautifying the complexion, is nothing short of marvelous. Ask your druggist for "Fruit-a-tives" and see that you get them. 50c a box, 6 for \$2.50. By mail, postpaid, from Fruit-a-tives Limited, Ottawa.

CANADIAN SAILORS' HEROIC RESCUE.

Fishermen Succored Crew of Schooner Arizona in Bitter Cold Weather.

Halifax, N. S., Feb. 22.—A noble tale of rescue at sea in bitter cold and a blinding snowstorm comes from Liverpool, on the southern coast of this province, this morning. Thursday last, when in latitude 43.20 longitude 61.27, the crew of the Gloucester fishing schooner Elmer E. Gray, Captain John Martin, a former resident of Ketchikan, in this country, sighted the schooner Arizona, from Louisburg, via Halifax, Feb. 12, for Lockport, flying a signal of distress. The Gray bore down on the distressed vessel, and found the crew in a very serious condition, having become exhausted from a long strain on the pumps and being without food. They were almost perished with the cold, their clothes being frozen on their backs. They were removed with great difficulty to the Gray and restoratives applied. Captain Mar-

tin having a large crew of hardy fishermen, decided to put a fresh crew on the Arizona, and this morning both vessels arrived at Liverpool, where the Arizona is held for salvage. She is leaking 1,500 strokes an hour. She is coal laden and is uninsured.

You cannot possibly have a better Cocoa than **EPPS'S** A delicious drink and a sustaining food. Fragrant, nutritious and economical. This excellent Cocoa maintains the system in robust health, and enables it to resist winter's extreme cold. **COCOA** Sold by Grocers and Storekeepers in 1-lb. and 3-lb. Tins.

THE COLLINS CASE.

Judgment of Supreme Court was Unanimous—The Chief Justice's Views—New Trial Also in Seery Insurance Case.

Thomas F. Collins, now under sentence of death at Hopewell Cape Albert County, for the murder of Mary Ann McAuley, at New Ireland, in August last, will not go to the gallows on April twenty-fifth, the supreme court having on Friday afternoon granted him a new trial. The judgment was delivered on points reserved by Judge Gregory, the trial judge and was unanimous.

The judgment of the court was delivered by Chief Justice Tuck, who explained that the case has been argued on only one of the three points reserved by the trial judge viz: "Was there error in assuming it proven that the prisoner had the axe in his hands in the committing of the theft, and generally directing the jury from that standpoint."

After quoting from Judge Gregory's charge His Honor said:—"There was no direct evidence that Collins committed the crime. It depended wholly upon circumstantial evidence, from which the jury ought to have been asked to say whether the prisoner was guilty or not guilty."

In answer to the second question I say that there was error; that the learned judge directed the jury that certain alleged facts were absolutely proven; which should have been left to the jury to decide. These facts were material and really vital as bearing upon the innocence or guilt of the prisoner.

Any one who reads the judge's charge as I have, can come to no other conclusion than that it shows marked ability on his part; that he had given all the circumstances of the case careful thought with an earnest desire that the jury should arrive at a correct conclusion.

Looking at the charge in its entirety one may reasonably conclude that it is a powerful one on the crown side, as to the prisoner's guilt.

But the question here under consideration, is not whether or not the prisoner is guilty, but rather was he found so on a proper charge.

Of one thing there can be no possible doubt that on the 20th of August, 1906, Mary Ann McAuley was cruelly and foully murdered. There is no doubt also, that the prisoner was guilty of theft, that he stole goods in Father McAuley's house on that same Monday morning, the 20th of August. The goods were seen or found on him and it is admitted by his counsel that he stole them.

The learned judge gives a detailed statement of what was proved at the trial, and to my mind assumes as proved certain matters of which there is no positive proof, but from which an inference might be drawn if properly left to the jury.

The chief justice regarded the trial judge's language in reference to Collins using the axe to break down the door as very strong and "not the proper way to leave a question of fact to a jury."

Continuing His Honor said: The learned judge assumes that certain things were proved, which were not proved at all. There is no evidence by any testimony that Collins had the axe in his own hand, nor that he broke down the closed door. If in an ordinary case of larceny the facts are for the jury, how careful should a

judge be that they are left when a man's life is at stake."

The chief justice, in conclusion, said that the trial judge was clearly all wrong in assuming that the axe found behind the commode was the one used in battering down the door of the closet, as nothing of that nature had been established in the evidence. The judgment of the court, he said, was that the case should go down for a new trial.

Judge Hanington said that with the guilt or innocence of the prisoner the court had nothing to do. It was their duty to determine whether or not the case had been presented to the jury according to the principles of law governing such cases. The jury alone are to judge on questions of fact where the evidence is circumstantial. From the statements made by the trial judge in his charge, the inference to be drawn by jury was irresistible that the prisoner was guilty of murder. It was clearly the duty of the court, in his opinion, to order a new trial, so that all the facts could be left to the jury.

Judge Barker said that he concurred in the judgment.

Judge McLeod said that it was clear to his mind that the trial judge had drawn conclusions from the evidence that were clearly within the province of the jury alone. A judge in leaving a case such as this to a jury, must not assume that certain facts will prove other facts. The trial judge in this case, certainly went too far in assuming that the facts had been proven. He should have given the necessary instructions in law to the jury and allow them to divide on the facts.

The chief justice stated that Judge Landry was prevented by illness from being present, but he fully concurred in the judgment. In regard to Judge Gregory, he was confined to his home from injuries sustained a short time ago. He also agrees with the conclusion of the court in reference to his charge to the jury, and thinks the case should go down for a new trial.

Collins will probably be retried before Chief Justice Tuck at the next Albert circuit court, which opens June 25th.

The following judgments were delivered:

Wilson, et al., vs. Clark—Verdict for plaintiff stands.

The King vs. James McQueen, ex parte Legere—Rules discharged.

The same vs. Azad Landry—Rule discharged.

Josephine Seery and R.W. McLellan vs. Federal Life Assurance Company—The chief justice delivers judgment granting a new trial, and refusing application to set aside verdict for plaintiff and enter verdict for defendant.

This action was to recover an assurance policy of \$1000 on the life of the late Dr. Seery of this city.

Collins vs. the City of St. John—New trial refused. Gregory, J., no part.

Johnson vs. Calman—Rule refused. Gregory, J., no part.

Barter vs. the Sprague Falls Manufacturing Company—New trial granted unless both parties consent to reduce the damages to \$1,600 and file a written consent to such reduction to defendants.

Sellick and Cassidy, appellants, and Gravenor et al., respondents—Appeal dismissed with costs.

LOCAL LEGISLATURE.

Great Many Bills Introduced at Friday's Sitting.

The House met Friday at three o'clock.

Mr. Copp, chairman of the Standing Rules Committee stated the committee had decided that there must be proof of publication of bills either by affidavit or solemn declaration. A mere certificate would not be sufficient.

Mr. Maxwell gave notice of inquiry in regard to the contract made by the government with Brown Brothers.

Hon. Mr. Pugsley presented the petition of the International Railway Company for a bill to authorize them to issue debentures to the amount of \$8,000 a mile and to increase their capital stock \$6,000 a mile.

Hon. Mr. Sweeney introduced a bill to authorize the City of Moncton to make certain grants to the Campbell Clad Company and to the Moncton Exhibition Association.

Mr. Robertson introduced a bill respecting Sewerage maintenance in St. John, and a bill relating to the civic elections in St. John.

Hon. Mr. Sweeney introduced a bill to authorize the City of Moncton to issue Debentures.

Mr. Whitehead introduced a bill respecting the issue of debentures by the City of Fredericton and also the Fredericton assessment bill.

Mr. Hazen moved for an address for correspondence between T. Carleton Allen, T. Edwin Carter of Bathurst and the government with reference to a claim for money paid by Carter on account of the purchase of the Boss Building at Bathurst in 1897. He explained that this building had been sold at auction to Carter under authority of a writ of extent by the government, it being supposed that the property was owned by Mr. Silverwright, Carter paid 20 per cent. on the purchase money of \$48,000, but the government could not

give him a title because it turned out that Silverwright did not own the property. Carter had been unable to get his money back.

Hon. Mr. Pugsley—From the time that I became Attorney General in 1900, until now I have never heard of this claim. I have asked the Solicitor General to look into the matter and if Mr. Carter's statement was found to be correct, I will see that a cheque is sent to him for the amount with interest.

Mr. Hazen moved for an address for correspondence with the Dominion Government in regard to the Judicature Act.

Hon. Mr. Pugsley—It will be brought down without the formality of an address.

Mr. Hazen gave notice of enquiry in regard to the road superintendent at Oak Point Greenfield.

The House went into committee Mr. Osman in the chair. On the bill to amend Chapter 187 of the Consolidated Statutes respecting fences, trespasses and pounds.

Hon. Mr. Pugsley explained that the object of the bill was to give a better means of compelling people to keep up their line fences. For this purpose it was proposed to impose a penalty on persons refusing to do so by giving the fence viewer double the cost of making or repairing the fence. Progress was reported.

The bill to amend the General Mining Act was next taken up and explained by the Hon. Mr. Sweeney.

The first section of the bill provides that there are lots of land to be granted to miners actually working in coal mines on condition that they erect a dwelling house upon their lots and reside on it continuously for three years. The other sections refer to the royalty on coal. Progress was reported in order to enable certain amendments to be made.

Mr. Hazen—When will the report of the commissioner of the New Brunswick Coal and Railway Company be laid before the House?

Hon. Mr. Pugsley—I heard from Mr. McAvity, one of the commissioners, today. The report is ready and has been signed by him, but the other commissioner, Mr. King, is in British Columbia, whether he has been called by the illness of his son. I think it would be proper enough for me to submit it with the signature of one commissioner for the information of the House, and when Mr. King returns, obtain his signature and place the document on file. The House adjourned until Monday.

WEAKENED BY LA GRIPPE

Health and Strength Regained
Through Dr. Williams' Pink Pills.

The after effects of la grippe are more serious than the disease itself. Its victims are left low spirited and depressed; they are tortured with headaches and backaches; fever and chills. It leaves the sufferer an easy prey to bronchitis, pneumonia, rheumatism and often that most dreaded of all diseases, consumption. For the after effects of la grippe there is absolutely no medicine that can equal Dr. Williams' Pink Pills. Every dose helps make new, rich, red blood that drives disease from the system, and makes weak dependent men and women bright, cheerful and strong. Miss Eugenie Donaldson of St. Jerome, Que., found a cure through these pills after other remedies had failed to help her. She says: "I took la grippe and did not seem to shake it off. It developed into bronchitis; I coughed day and night and grew so weak that I could hardly move about. I tried remedy after remedy but as nothing seemed to help me, I began to dread that consumption was developing and that my case was incurable. A friend urged me to try Dr. Williams' Pink Pills, and, following that advice, I got a supply. For two months I took the Pills faithfully, following the directions given for their use. I am thankful I did so, for they fully restored my strength and I have since enjoyed perfect health. I will always advise sick and ailing people to give Dr. Williams' Pink Pills a try for I firmly believe that they will find great benefit from their use."

Rich, red blood is the one thing needed to maintain health and strength. Dr. Williams' Pink Pills actually make rich, red blood. That is the reason of their great popularity in every country in the world. That is why they cure anaemia, general weakness, rheumatism, neuralgia, indigestion, St. Vitus Dance, partial paralysis and the ills of girlhood and womanhood, with all its distressing headaches, sideaches and backaches. See that you get the genuine pills with the full name, "Dr. Williams' Pink Pills for Pale People" on the wrapper around each box. Sold by all medicine dealers or by mail at 50 cents a box or six boxes for \$2.50, from the Dr. Williams' Medicine Co., Brockville, Ont.

LIBERALS ELATED.

Over Victory of D. C. Ross in West Middlesex—Conservatives Have Not Won Seat Since General Election.

Toronto February 21.—The Liberals in the legislature were a very jubilant band when the returns from West Middlesex came in last night, showing that Mr. Duncan C. Ross had carried the seat so long held by his distinguished father. His majority is 145, or thirty-nine over that of his father at the last election.

Mr. Whitney had undoubtedly given instructions that the riding should be won at all costs. He started under the loss of the late Mr. Carscallen's seat in Hamilton to the Labor party and because of the Conservative failure to carry any Liberal seats since the general election.

Into the constituency he sent Messrs. Hanna, Beck, Downey, Gentry, MacDiarmid, Pattinson, Neeley and other spellbinders with a host of lesser fry. The result of it all is an increased Liberal majority and the natural inference is that the many formerly Liberal seat will return to the old love when the general elections come on.

Among Whitney hosts only three Liberal members of the legislature went out. C. P. Graham, A. G. McKay and C. N. Smith.

Because she took in washing, Michael Albert of Denver, with the rabbi's aid, "put away" his two weeks' bride. Later she caught him coming out of a saloon staggering, felled him with a scantling and was arrested.

Mrs. Evans of Menominee, Wis., was frozen to death in her farmhouse.

Mrs. Kate Ashard and Mrs. Margaret Smith, sisters, were fined \$5 each for parading St. Louis in men's clothes.

LETTERS FROM MOTHERS.

Every day we get letters from the mothers telling of the benefits Baby's Own Tablets have been to their little ones. Some praise them for constipation, stomach and bowel troubles; others for breaking up colds and simple fevers; some as a great help to teething babies, while others go as far as to say that the Tablets saved their little one's life. We have thousands of letters—all praising the Tablets, for they never do harm—always good. Mrs. Robert Pierce, Bell's Rapids, Ont., writes: "I would not be without Baby's Own Tablets in the house for a day. When anything ails my little one I give her a Tablet and she is soon alright. I am sure other mothers will find them quite as satisfactory." Sold by druggists or by mail at 25 cents a box, from The Dr. Williams' Medicine Co., Brockville, Ont.



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