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THE EVENING TIMES

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ST. JOHN, N. B., SATURDAY, OCTOBER 6, 1906.

ONE CENT

FRENCHMAN WINS
VANDERBLT CUP

Louis Wagner Covered the Distance in Less Than Five Hours --- An Italian Driver Was Second---One Man Killed and One Injured During the Race.

FINISH LINE, Vanderblt Cup Course, Oct. 6.—Louis Wagner, driving a French car, won the third race for the William K. Vanderbilt, Jr., cup, his time, complete, being 2:30.10. Lancia, driving an Italian car, was second, in 2:32.25. Wagner is known as one of the most expert drivers in Europe. He first attracted attention by winning the race for light cars over the Ardennes circuit in 1903. He won the 100 kilometers (62.14 miles) contest at Ardennes in 52 minutes 49 seconds, won the Vanderblt cup races last year, but dropped out after three rounds.

INTERNATIONAL AUTO RACE. Leblon, an American, was first to start and the other cars followed at one minute intervals. The order of the start was:

No. 1, Leblon, America, 115 horse-power; No. 2, Heath, France, 120 horse-power; No. 3, Jenatton, Germany, 120 horse-power; No. 4, Lancia, Italy, 120 horse-power; No. 5, Lawwell, America, 110 horse-power; No. 6, Shepard, France, 120 horse-power; No. 7, Lettgen, Germany, 120 horse-power; No. 8, Nazzaro, Italy, 120 horse-power; No. 9, Tracy, America, 90 horse-power; No. 10, Wagner, France, 100 horse-power; No. 11, assigned to Keme, who withdrew; No. 12, Cagno, Italy, 120 horse-power; No. 13, J. Haynes, America, 60 horse-power; No. 15, Clement, France, 120 horse-power; No. 16, Weisschott, Italy, 120 horse-power; No. 17, Christie, America, 50 horse-power; No. 18, Duray,

France, 100 horse-power; No. 19, Fabry, Italy, 120 horse-power.

Number 13 was omitted in the drawing for position and designation of the various machines for superstitious reasons. The No. 13 car in the previous races have all fared badly.

Reports were received from various points on the course by telephone and announced to the crowd. Soon after the start heavy rain was reported from Mineola. The roads were black with oil, which had been sprinkled over the course for several weeks.

Weisschott, Italian, had to withdraw from the race because of an accident his car going over an embankment at Manassas. He was not hurt. Shepard came into Bert Gruner, of Passaic, N. J., at Krug's Corner on the sixth lap and mangled both his legs so severely that a physician was necessary. He was taken to Mineola in an automobile and died afterwards. It is reported that Colombo, mechanic for Weisschott, was hurt when the latter's car went over an embankment through the disabling of his steering gear.

John Brooks, of West Washington, also was hit by the machine as it went down the embankment and was knocked 20 feet away. He may not recover. Two other bystanders were slightly injured. The car then plunged into a ditch.

Duray gets third place, Clement fourth and Jenatton fifth. Duray's time: 2:34.45; Clements, 3:01.50; Jenatton's time, 3:04.38. The remainder of the race will not be finished as the committee has decided to stop the other contestants.

MONCTON NEWS

Death of Mrs. K. Beszanson---
Finding of Skeleton to be Investigated.

MONCTON, N. B., Oct. 6.—(Special)—Mrs. Beszanson, wife of Kosuth Beszanson, the well-known jeweller of this city, passed away this morning after a long illness. The deceased lady was about fifty years of age and was a native of Albert County.

She was a sister of J. J. Wallace, General Freight Agent, I. C. R., and is survived by two sisters, Mrs. James Beszanson, Moncton, N. B., and Mrs. James Beszanson, Moncton, N. B., and two sons, Frank Beszanson, jeweller, of Sydney, and Charles, at home, survive. The funeral will be Monday afternoon.

Coroner Garland yesterday empaneled a jury to inquire into the finding of a human skeleton in the woods near Cherry field. No light was thrown on the mystery. Some think the remains are those of Paddy Donohue, of Richibucto River, who is said to have been in this section last April, and who is said to be missing. The inquest adjourned till the 19th inst. to see what information could be obtained.

The death occurred at Shediac this morning of Mrs. Alice Bourgeois, daughter of the late W. B. Deacon.

The delegates to the machinists' union are here attending a meeting and interviewing the railway management re more satisfactory terms.

MAJOR LAYBORN
HAS FINE RECORD

Major P. S. Layborn who has been appointed district staff lieutenant here, vice Captain Marshall resigned, has for the past four years held a similar position at London, Ont., where he was very popular.

Major Layborn transferred from the 1st Hussars to the royal Canadian regiment, and was for a time stationed at Fredericton. He went with the first contingent to South Africa and held staff positions under Generals Broadwood and French. During the war he was present at Paardeburg and other engagements including the unfortunate affair at Sannaas Post where General Broadwood's force was nearly annihilated.

AUCTIONS

At Chubb's corner today the leasehold property belonging to the estate of Eliza Jane Fish, situated on Victoria street, was sold at auction to W. H. Trueman for \$1200.

The brick residence on Princess street, occupied by Joshua Clawson and T. P. Regan, and belonging to the Daniel Paton estate, was offered at auction. It was withdrawn at \$5,000.

POLICE COURT

This morning's police court docket was very small, and as a natural consequence the session was of short duration.

Thomas Cairns, arrested by Detective Killen for stealing a rifle belonging to John McElmichey, was given until Monday morning to decide whether or not he was guilty.

Cairns said he had only borrowed the rifle and did not know whether he was guilty or not.

Edward Rankine was fined \$8 or 10 days in jail for drunkenness.

Main street Baptist church.—The services tomorrow, at 11 a. m. and 7 p. m., will be conducted by the pastor, Rev. David Hutchinson. Morning subject: "Sleep Not." Evening: "Lost and Found." Rally day at Sunday school at 2:30. An interesting programme has been prepared. On Monday evening Mr. Hutchinson will repeat his instructive lecture on "Our Country, or From Ocean to Ocean."

CLARK'S FATE IS NOW
IN HANDS OF TWELVE
"GOOD MEN AND TRUE"

Jury Retired at 1.30 This Afternoon to Consider Their Verdict---This Morning's Session of Trial Occupied by Addresses of Counsel and Judge Landry's Charge.

This morning was devoted in the circuit court to addresses of counsel in the case of William E. Clark, who is charged with attempt to commit rape, indecent assault and common assault, and both Mr. Baxter, who appeared for the prisoner, and Attorney-General Pausley, who prosecuted the case, left no stone unturned to perform their duties properly.

J. B. M. Baxter, who conducted the case for the defence in a very able manner, made one of the best addresses that has been made to a jury for some time. His language was both eloquent and forceful. His address in substance was:

"We may congratulate ourselves that the law does not predominate in the British Empire and it is just as important for you to take to a jury for some time. His language was both eloquent and forceful. His address in substance was:

"We may congratulate ourselves that the law does not predominate in the British Empire and it is just as important for you to take to a jury for some time. His language was both eloquent and forceful. His address in substance was:

"One of the imperfections of the British law is to have defendant's lawyer address you first and it is doubly imperfect when I have to be followed by a man who has one of the ablest, if not the ablest, legal mind today in Canada. Mr. Baxter then went on to say that the prisoner was entitled to every benefit of the doubt."

In taking up the prisoner's case, Mr. Baxter first took up the Vaughan case, which happened the latter part of May or first of June.

Mr. Baxter said that Clark worked every day, as evidenced by the time book, and consequently could not have been guilty of the Vaughan assault. According to Mrs. Vaughan, Amelia went to Howe's road about two o'clock and returned home about four o'clock. That would mean that Clark would have to be absent from work. Mr. Baxter also took up the description of the man and said that it did not tally with the prisoner and argued it out in a logical manner.

Mr. Baxter next took up the Tuttle case. The Tuttle child told her mother that the prisoner looked like a tramp and counsel for the defence pointed out that Clark looked anything but a tramp. Referring to the little girl, Jennie Adams, Mr. Baxter stated that her observation must have been very good to remember the details. The answer to identity is the account of Ralph Hazlett and John Ritchie that the crew worked all day and the evening as well, and Clark could not have been present at the assault. Hazlett being at the foot of the market near five o'clock and subsequently Ritchie, the foreman, and Clark walking to Adelaide street from the depot, just at the time that it is alleged that Clark was seen on Millidgeville road. Clark's conduct on the day and at the time of assault is traced by witnesses, who were not excited. Therefore Grace Tuttle was mistaken, as was also Green and Jennie Adams.

If, therefore, gentlemen of the jury, you believe that, you must believe that Clark was just as sure of that as she was that Clark's coat was torn. Mr. Baxter stated that it had been shown that the garments were not torn. The man who had been close to the train girl, and yet neither she nor May Short could say that their assault was off. Their astuteness could notice the color of thread in a tear, yet they could not notice apparently that the hand that picked the berries for them was minus half a thumb.

Counsel for the defence referred to the rumors about the case, but said Mr. Baxter, "you are not here to try him on rumors, but on the evidence."

Mr. Baxter stated that it was Saturday afternoon and yet no one within two months could come and say that the (Clark) had been seen on Millidgeville road. He must also have been wandering aimlessly.

"Does Clark look like a brute—a beast? He may be scandalized, as he has, but it cannot be said that he looks like a man of that character. That afternoon—Saturday—the butcher said that Clark fell asleep in the chair. Friday he worked hard and was tired on Saturday. Is it therefore reasonable to presume that a tired man would go to Millidgeville that day?"

Mr. Baxter also stated that Clark was a married man and consequently that was greatly in his favor in this case.

As to the man's character, nothing has been said against the prisoner prior to this charge. Mr. Baxter said that each case must be decided on its own merits.

Mr. Baxter then made a feeling reference to the scene in the court yesterday between Clark and his wife.

The attorney-general's address was a grand one and in opening he said that his own heart was not of the best, but it was the duty of the crown to present a fair case to the jury, and he was present in court to lead the minds of the jury to a right conclusion. Mr. Baxter had stated that the meeting of the husband and wife, but that was said in hope. "What would you gentlemen of the jury say if the police officers when they entered Clark's house refused to take him, out of sympathy for the prisoner? What would you say if I failed to do my duty as crown officer, and what will you say to yourselves, gentlemen of the jury, if you fail to convict this man when in your hearts you know him to be guilty?"

The attorney-general said that if he had any doubt of the prisoner's guilt he would have said so and would gladly say so. But said he "I believe he is guilty."

"In the Vaughan case you see that Miss Vaughan had no motive to fasten the guilt of the crime upon the prisoner. Mr. Knox also shows no disposition to be harsh on the prisoner. Both identify him as their assailant. If anyone knows anything about human nature it is not characteristic of a woman, or anyone, to say that a man is guilty when they know that he is not. They are only too glad to say 'He is not the man.' I want to say, gentlemen, that I am sure of that. The remarkable intelligence of all the little girls who were witnesses. The prisoner did not commit his offenses as a base, but in a very nice manner, helping them pick berries, lifting them up, and so on. He was a very nice man, and he was very kind to the girls. He was so accurate that they said the shoes looked lighter."

Take into consideration the crime committed and when the assault took place Tuttle on his knee and she knowing that he was doing something wrong would not let his features be indelibly impressed on her. The man Green recognized Clark on the road and he gave his evidence. Clark said that when he heard of the charge against the prisoner at the bar he was greatly surprised, yet he was the man whom he positively recognized on the road. Clark used the same kindly words to Ethel Train and May Short that he did to Grace Tuttle. It may be that Clark is kind to his wife in his home. You often hear of such men.

The attorney-general said that he felt that it was going to be a question of identity and he gave instructions for the sheriff to have the two little girls led through the jail and view different prisoners, and when they both came in view of Clark they recognized him as the man. Unless you can account for that recognition you must be forced to say that Clark is guilty.

The attorney-general then referred eloquently to the tear in the prisoner's coat and said that Mr. Baxter had not ventured to refer to it when Mr. Clark was on the stand.

The attorney-general said that court houses are reeking with perjury. Persons in order to save themselves go into box and swear falsely. The attorney-general said that it was a great mistake when parliament passed the act which allowed the prisoner to testify in his own behalf. When, however, I saw Mrs. Clark I came to the conclusion that she did not wish to state what was false, yet she was not asked if she sewed up the rent in the coat.

The attorney-general stated that neither the wife nor Clark said that he was not wearing canvas shoes identical with the ones in court and also the same can be said of the coat. These are circumstances that you could not find once in a thousand cases.

The attorney-general said that the jury might believe Clark guilty of the Tuttle and Vaughan charges, but he was not satisfied with the evidence, yet they could not help but be satisfied with the evidence submitted in the case.

The attorney-general later on drew attention to the statement that on the day that Grace Tuttle was assaulted—Aug. 2nd—the prisoner was not home to dinner.

Mrs. Clark said and the prisoner said he was home that day to dinner. Ritchie walked home with him, and walk home with him that day. The day that Ritchie walked home with him and the evidence shows it, was Wednesday that Ritchie walked over to the north end with him. Mr. Miller swore that he told Hazlett and Clark at 10:30 a. m., on Thursday, Aug. 2nd, that their services were not required that day. Mr. Ritchie is a cousin of the prisoner's. They would not wish to tell anything that would prove to his detriment. It shows that Clark and Hazlett did not tell the truth when they said that they went to Ritchie on Thursday afternoon to see if he wanted them to work in Carleton when before that Miller and told them positively that there would be no work for them that day. Consequently the day that they went to Ritchie was not Thursday.

The days that the offences were committed the prisoner was idle, and it would have been a fortunate thing for him if he could have shown that he was working. The evidence did not warrant him for a long time and said that no alibi had been proved.

The attorney-general paid a glowing tribute to Mr. Baxter, saying that young man as he was one of the ablest men at the bar today in the province. He had been able to see the imperfections in his case and had not revealed them. The attorney-general said that he trusted he had performed the duties of the public and if he could think that the prisoner was not guilty he would say so, but the evidence did not warrant him in that.

Mr. Justice Landry in opening his address said that all criminal cases were important. His honor warned the jury not to entertain the importance of the result of the case to the case to the prisoner or to the public. The judge told the jury not to be moved by sympathy. That is left to the judge and finally to the government. He asked the jury to find a true verdict on the facts.

Mr. Justice Landry said it was the province of the jury to say whether the prisoner was guilty or innocent. The judge said that he did not intend to form an opinion because it was not his duty to do so.

Mr. Justice Landry stated that this case was conducted a little different from the ordinary way of proceeding. The judge said that in this case three different crimes had been committed upon three different females and all counts were in one indictment. The judge said that he thought he was right when he said that he wanted each count to be considered separately, that is having no relationship to one of the other crimes. When considering the attempt of rape, his honor asked the jury to exclude the other two crimes.

Later on the judge said that it was not necessary for him to go into the evidence for Mr. Baxter and the attorney-general had gone into it fully. His honor thought that both men had got beyond the stage of being praised. "Nobody," said his honor, "could defend the prisoner more ably than Mr. Baxter did, and we all know the attorney-general's ability."

Each and every count was taken up separately by the judge, who referred to the motives for statements on both sides of the case, but carefully refrained from expressing himself.

The jury in the case retired at 1.30 to consider their verdict. Judge Landry left the court room and will be notified when they return.

Yesterday Afternoon's Session

The Clark case was resumed yesterday afternoon and the evidence of the defence was concluded.

The prisoner, William E. Clark, took the stand. As to his actions on Wednesday, Thursday, Friday and Saturday, the first days of August, the prisoner gave the same evidence about working as the two witnesses for the defence—Messrs. Hazlett and Ritchie—did yesterday. Clark stated that he never saw the Tuttle child in his life until she came to court. He also denied ever assaulting Amelia Vaughan or Ethel Train.

After John E. Miller had given evidence, court adjourned until this morning at ten o'clock.

THE DELEGATION IS
BACK FROM OTTAWA

Mayor Sears and H. B. Schofield Returned from the Capital at Noon Today---Will Probably Ask City Council to Authorize Purchase of Dredge.

The mayor and H. B. Schofield, president of the board of trade, returned today from Ottawa, where they have been in consultation with Hon. Mr. Hyman, minister of public works, and other cabinet ministers, regarding the necessary dredging for the harbour.

Neither the mayor nor Mr. Schofield cared to discuss the propositions they had to put before the council at the meeting this afternoon, but they generally believed the council would decide to buy a dredge and that the government would pay for the dredging at the same rate now being paid to the city. There seems to be a difference of opinion among the aldermen as to whether the Bothwell or a new dredge had better be purchased. The board of works met at 2.15 p. m. to draw up a report to be submitted to the council.

LONDON PAPER'S
WARNING NOTE

Says Canada Must Preserve Rigid Probity in Public Administration.

MONTREAL, Oct. 5.—(Special)—The Star's London correspondent cables: "The Standard cordially supports the Canadian plea that leaving England to undertake the charge of the general defence, Canada will better fulfil her duty towards the empire by digging deep the foundations of true national prosperity than by any cash contributions towards imperial defence and concludes in words which may well be inspired by Ramsay MacDonald's comment on the fatal struggle quickly proceeding in Canada between British and American ideals of public life in this country."

The Standard says "Here is no matter for bargaining. We are to take a generous people at their word. We need not fear that in time of stress Canada will be found lacking. In the meantime we on our part have this to demand from Canada. It is an essential condition upon which the whole future depends. It is that Canada preserve rigid probity in public administration. While it is true that owing to extraordinary apathy in successive governments in this country, we neglect to use our unexploited opportunity of emigration, we cannot view without certain apprehension the influx of Americans into Canada. The American ideal of government is perfection. Its result is a notorious fact. It is that American immigration even American emigration contains constant insidious peril."

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DOCTOR WINS
FROM PARISH

Dr. W. H. Irvine Recovers \$196 From Overseers of Poor in Stanley.

FREDERICTON, N. B., Oct. 6.—(Special)—The case of Dr. W. H. Irvine vs. the overseers of the poor of the parish of Stanley was concluded in the county court this morning and the jury, after being out two hours, returned a verdict for the plaintiff for \$196, being the full amount of his claim. The case was tried some months ago and resulted in a verdict for the defendants. The supreme court on appeal ordered a new trial, and the case was recovered on professional services rendered to Fred Palmer, who was injured by an explosion of dynamite in the Miramichi woods in 1901. Palmer was unable to pay and Dr. Irvine was assured by an over-seer of the poor that the parish would be responsible. S. Crockett for plaintiff; J. H. Barry, K. C., for defendants.

Col. R. L. Dennison

GRIMSBY, Ont., Oct. 6.—(Special)—Lieut. Col. Richard Lippincott Dennison, oldest son of the late Richard Lippincott Dennison, of Dover Court, head of the family of that name in Canada, is dead at his home here, aged 60. A graduate of Upper Canada College, as a young man he resided a commission in the militia, and was the first commanding officer of the first field battery raised in Toronto under the Militia Re-Organization Act of 1855. He was under arms during the Trent affair in 1861. Col. Dennison for many years lived in Toronto, coming to Grimsby, where he had a fruit farm, about eleven years ago. Three years ago he suffered a paralytic stroke. Besides a widow, he leaves two sons and four daughters.

Rev. W. C. Gaylor received today a letter from his brother E. W. Gaylor, of Mobile who was said to have lost his life in the recent hurricane there. Mr. Gaylor is well and sustained no property loss.

E. D. Miller, of Toronto, who succeeds A. D. Ayer, as C. P. R. agent of dining and sleeping cars here has arrived and will assume his new duties in a few days. Mr. Ayer has been promoted to the head offices in Montreal.

Tests were being made with the water mains again today but so far as could be learned no serious difficulty was experienced in the houses on the high levels, except in a few isolated cases. It is a good plan, however, for householders to keep some water ahead in case of trouble.

Leib Wilson and Dr. F. A. Godose, representatives from the maritime provinces, to the supreme lodge, Knights of Pythias, will leave for New Orleans next week. Hon. Geo. M. Hanson, of Calais, Me. who is candidate for the office of supreme chancellor, also leaves for New Orleans next week.

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A QUESTION
OF VERACITY

Fredericton Mayor and Aldermen at Outs Over an Alleged Criticism of Col. Marsh.

FREDERICTON, N. B., Oct. 6.—(Special)—Ald. Kelly, chairman of the administration of justice committee of the city council, says that Col. Marsh misunderstood his version of the conversation he had with Mayor McNally over the Scott Act matter.

The mayor did not say the magistrate was an old obstructionist, but what he said was that "if you have a stumbling block of a police magistrate, it is your duty to go ahead and enforce the Scott act." Mayor McNally denies that he made any reflections on the police magistrate, so it is a question of veracity between his word and Ald. Kelly.

It is rumored here that Lieut. Horetzky, of the royal regiment, Halifax, is to be appointed adjutant of No. 8 regimental depot here.

WANT DAY OF
EIGHT HOURS

WHITEPLAINS, N. Y., Oct. 6.—Frank E. Xavier, editor of the Yonkers Herald, was indicted yesterday by the grand jury on a charge of criminal libel, entered by the District Attorney Jerome of New York. The article to which Mr. Jerome takes exception was an editorial appearing on Sept. 27th, intimating that Mr. Jerome entered into a conspiracy with life insurance officials in accordance with which he was not to prosecute them.

WASHINGTON, Oct. 6.—Owing to the satisfactory aspect of affairs in Cuba, Sen. Taft has been asked by cable if, in his judgment it is necessary to send to the island more troops than the nine hundred now on board the transport Sumner, due in Havana today or tomorrow. He has not yet responded, and meanwhile the preparations will continue for the dispatch of the entire force of 5,000 men as originally planned.

THE FIRE LOSSES
WERE ENORMOUS

NEW YORK, Oct. 6.—The loss by fire in the United States and Canada during the month of September as compiled by the Bureau of Commerce and Commerce Bulletin, aggregated \$10,852,550 or about \$3,000,000 below the record of the same month in 1905.

The nine months losses by fire now reach the sum of \$37,700,000, a figure never before equalled in the history of the country.

LATE PERSONALS

Senator Denville arrived on the Atlantic express today.

Rev. Thos. Marshall returned home from Toronto today.

Walter Jones, formerly C. P. R. dining and sleeping car agent here, and until recently occupying the same position at Banff, is in the city on a visit.

Judge S. A. Chesley, of Lanesburg, was a passenger to Sackville on the noon train.

Engineer Hurd Peters returned from Fredericton today.

Mr. and Mrs. W. T. Whitehead, of Fredericton, are in the city.

Chas. F. Sanford returned to the city today on the Boston express.

Mrs. H. H. McLean and Miss McLean were passengers on the incoming Boston train.

Frank Hunter arrived from Boston today to attend the funeral of his father, the late Andrew Hunter.

Mr. and Mrs. W. A. Munro leave for Montreal this evening, to be absent about a week.

It is understood that Policemen Ira Perry and Thomas Sullivan will on Monday enter an action against William Pyne, manager of the T. J. Cronin business in connection with the report which Mr. Pyne recently made against them.

Thomas Wilson, who has been assistant keeper of Times's Head fog alarm for a year, has been succeeded by Arthur Mawhinney of Mac's Bay.

The two last points in the Hazen estate were gone into at the equity court yesterday, the difficulty being over two notes running in the Bank of Nova Scotia. Judgment will probably be given Tuesday.

THE TIMES NEW REPORTER

HIRAM IS REMINISCENT

Mr. Hiram Hornbeam says that St. John's experience with the ferry-steamers Ludlow reminds him of a little experience they had in Hornbeam Settlement some years ago. The fact that when the city contracted for the Ludlow it did not know very well what would happen, is the one that moved Hiram to become reminiscent.

"About ten years ago," said Hiram, "a fellow came into the Settlement to sell a bull. He said it was such a fine critter, an 'ad cost so much, that no one farmer could afford to own it. So he wanted what he called a sinkin' to give in 'an buy. The shares was fifty dollars. Well, sir, he sold fifteen shares, an' took long time notes. Everyone thought he'd have plenty of money when the notes came due,—made out of his improved stock. Nobody but the fellow himself knew how many shares was sold—he never let on. He was too cute. He let 'em find out after he'd got all the



HIRAM HORNBEEAM.

wanted out of 'em. Well, sir, when that bull come there was the maddest crowd you ever seen. By Hen! You wouldn't give a hundred dollars for him. No, sir! But then notes was collected—every one. That bull wasn't no airthly good—he most killed three or four men—an' nothin' would hold him. Say—if you want a run fer your money—you come up to the Settlement an' give it out that you got a bull to sell."

"And if you," said the Times new reporter, "want to get the best there is going around Prince William street, let it be known that you are from New York and can build a ferryboat."

"So I sh'd judge," said Hiram.

It is learned that in addition to her new hot-wheel Ludlow will shortly need new brass condenser heads—at an additional cost of about \$500. The news has not been broken to the ferry committee, but is kept as a joyous little surprise for them after they get the hot-wheel.