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MACLEAN OF LUNENBURG

Delivers Powerful Speech on Fishery Question

THE MODUS VIVENDI

He Would Have it Abrogated--A Telling Review of Past Negotiations---Speaker Congratulated by Premier, Mr. Foster and Others.

OTTAWA, Jan. 18—(Special)—A. K. Maclean, (Lunenburg), in the house last night made a most interesting and important speech on the modus vivendi. He started out by stating that he did not desire to say anything that could be interpreted in any way to interfere with the good relations that existed between Canada and the United States, when he asked for the termination of the modus vivendi under which the United States enjoyed privileges granted by Canada for which no equivalent was given. He traced the history of the fishery question from the date of its birth in the treaty of 1783 down to the war of 1812, during which time they had rights common with British subjects on the North Atlantic waters. This was terminated by the war of 1812. The next fishery treaty was in 1818, wherein American fishermen were granted privileges in common with British fishermen, but were expressly excluded from all other waters. They also renounced the right to enter Canadian ports for any purpose whatever excepting for purposes of wood, shelter, repairs and water. The only two periods in which the treaty was not in force as against American fishermen was during the period of the reciprocity treaty, 1854 to 1866, and during the Washington treaty of 1871 to 1885.

Mr. Maclean then discussed the Washington treaty of 1888 in all its provisions. He expressed surprise that the American senate rejected this treaty. He contended that the treaty contained no provision of advantage to Canada other than it delimited the waters of exclusion under the treaty of 1818. He quoted from an American senator's remarks made in the senate favorable to the terms of the treaty, which fully reflected his own views. Mr. Maclean claimed that the treaty was made a foot-ball of party politics owing to the fact that it come up for consideration just before the presidential election of 1888. He stated that this treaty was the first treaty ever considered in open executive session by the American senate, and this in his opinion was for party purposes and in order to have placed upon the congressional record all forms of argument against the treaty which would appeal to the anti-Britisher. The treaty contained a pro-local voluntary given by the British plenipotentiaries, which conained a modus vivendi giving o he Americans for two years all the privileges which under the treaty they were to receive only when congress permitted Canadian fish products to enter the United States free of duty.

(Continued on page 5)

FLOODS RAZE MANY HOMES

CINCINNATI. O., Jan. 17—With the river flood a reality in a region extending a distance of more than 400 miles, thousands of persons are suffering for necessities and thousands more are homeless. All indications point to a stage of at least 65 feet in this city, making this the greatest flood since February, 1884.

The city authorities today began to care for persons who have been made homeless or who otherwise are suffering. School buildings and churches in the east end have beeen opened as temporary dwellings. About 2,000 residents of Turkey Ridge in the east end have been isolated by the flood. Many of them were removed forcibly by the police to places of greater safety today. In Newport, Ky, the flood area covers eight blocks and 300 families have been compelled to vacate their homes. Much damage is being done in Covington to residences and business houses along the river front.

The railroads are also great sufferers. In the Mill Creek district are the market gardens and the loss has been great. Traction lines in all directions have suffered.

THE MOONEY CLAIMS

The mayor has received a reply from Engineer Barbour regarding the payment to Messrs. Mooney of sums of money, with the understanding that these payments will have no bearing on the claims made by them for extras. Mr. Barbour agreed to the proposal that Messrs. Mooney should receive partial payments and should give a proper receipt for it. With this understanding P. Mooney this morning secured some two or three thousand dollars from the chamberlain.

Mrs. Williams, an elderly lady, who is in the city for medical treatment, was attacked on Chesley street yesterday afternoon by two dogs owned by Mrs. McNamee and was quite badly injured. Mrs. Williams was proceeding along Chesley street when the two dogs, one a large Newfoundland and the other a bull dog, rushed out at her and while one of them grabbed her by the side, sinking his teeth deeply into the flesh, the other one caught her by the limb. Mrs. Williams' clothes were badly torn and on account of her delicate state of health she received a bad shock. Officer Semple this morning shot the dogs. Some time ago the two cross animals attacked a young lady and bit her on the hip. She refused to prosecute the case, however, for fear of publicity.

$30,000 FIRE IN HALIFAX

Two Barrington Street Buildings Gutted By Flames

INSURANCE $25,000

Fire Broke Out Early This Morning—Occupants of Some Buildings Escaped in Their Night Robes—Water Supply Was Not the Best.

HALIFAX, N. S., Jan. 18.—(Special).—The largest conflagration of the year occurred on Barrington street shortly after four o'clock this morning and entailed a loss in buildings and stocks of over $30,000. The fire was first noticed in Crump & Perriers, plumbers and gas fitters, 25 and 29 Barrington street. The flames were then pouring out of the doorway and shop windows and up the front, while the back of the shop was like the interior of a furnace.

Then the fire began to spread south into Miss Doyle's building, on the corner of Blowers street, in the lower part of which is A. W. Stone's confectionary and fruit store, and north into the Rafuse restaurant building, owned by Crump & Perrier, and then into the upper portion of Mr. McAlpine's building adjoining, all being wooden structures.

There was but little wind, the water supply is thought not to have been as good as it should have been.

Several of the occupants escaped in their night clothes.

An elderly lady, Mrs. Penton, who resided with her daughter, Mrs. MacAlpine, was carried out and removed to a place of safety. In the meantime the flames were pouring out on all sides. In the rear they reached the stone wall of Orpheus Hall, and on the south a brick gable which saved the Blowers street buildings. All the available apparatus was on hand. It was nearly nine o'clock before the fire was under control.

The insurance on the burned buildings and on the stocks amounted to over $25,000. Crump & Perrier had $3,000 in the Northern Co. on their building. The Rafuse restaurant building, also owned by Crump & Perrier, was insured for $5,000 ($3,000 re-insured) in the Nova Scotia Co. Doul's building had $2,200 in the Halifax Fire Insurance Co. Mrs. Capt. Bowman's building, Blowers St., had $1,000 in the Halifax Co. Mrs. McAlpine's stock and furnishings, $2,000 in Halifax Co; Crump & Perrier stock, $1,000 in Phoenix of Brooklyn, $500 in Connecticut, $1,000 in Norwich Union. A. W. Stokes' stock $800 in Ottawa Co., G. U. Rafuse, furniture, $600 in Ottawa Co., and $600 in Independent. Miss Veale's stock, $1,000 in Ottawa Co. Geo. Handley's stock, $400 in Ottawa Co. P. J. Hanifen's stock, $1500 in Acadia Co. His loss is only about $300. Miss Conway building, $3,000 in Acadia of Halifax.

CHAMPLAIN MONUMENT

It May Now be Built --- David Russell Gives $5000 to Project.

(St. John Globe).

After his return from the unveiling of the Burns monument at Fredericton, Mayor Sears announced his intention of pushing forward the project to have the Champlain monument built in this city. A public meeting was held, at which the Historical Society formally divested themselves of all responsibility in connection with the project. An Ottawa despatch to the Globe today says that the designer of the beautiful monument, Hamilton McCarthy, is himself coming to St. John to try and push along the project. When here some time ago Mr. McCarthy talked with a number of prominent citizens and received many assurances that they would help if the project took definite shape. Since then David Russell, of Montreal, has offered to give Mr. McCarthy the munificent sum of $500 towards the erection of the monument and he has assurances from some others that they will give $100 each. The monument, which will be one of the handsomest in Canada, will cost $10,000 and of this the Dominion government will contribute one-half. The splendid gifts now promised from private sources will, no doubt, be largely supplemented by other public-spirited citizens and it is to be hoped the movement will take such an advance that construction work can be commenced this summer. It must be now or never, for it is not likely the government will continue their vote after this season.

THIS YEAR'S LUMBER CUT

A prominent lumberman of this city, who returned from a trip up river a few days ago, told the Times this morning that the lumber cut this year would probably be about the same as last year. At present there is considerable snow in the woods, it ranging from four to five feet in depth, and this to some extent acts against the cutting operations. The operators who had their logs yarded, however, are making good headway and the indications are that unless there should be a much greater fall of snow than at the present time the cut would be about as usual.

There are plenty of men available for the work and the cost of provisions is about the same as usual.

THE SITUATION IN THE STRICKEN CITY GROWS WORSE DAILY

NEW YORK, Jan. 18—The latest official news of the Kingston, Jamaica, disaster reached this city today from Guantanamo, Cuba, through Admiral Evans, who had received from Admiral Davis, who was sent to Kingston on the torpedo boat Whipple, a brief wireless report that Kingston was almost entirely destroyed, that 400 persons were killed and that 500 others were in hospitals. The despatch was sent Thursday morning, and further reported that Kingston was then quiet. The Whipple started to return to Guanatanamo with a full report of the situation yesterday and should have reached the American naval base during the night.

Direct advices to the Associated Press from Kingston under date of January 16 received early today stated the disaster was as great as the calamities of San Francisco, and Valparaiso. Thousands of persons, it was then believed, had been killed as the dead were being recovered from the ruins in hundreds. A number of Americans were among the killed. The city is in ruins, but the shipping in the harbor is safe, and aboard these vessels the wounded are being carried and cared for. The despatch also states that the topography of the country has been changed as a result of the earth's disturbance and that the channel into Kingston harbor has been materially altered. The body of Sir James Fergusson, who was killed, was found and buried on the day the despatch was sent. There have been a number of shocks since the first disastrous one, and the repetitions keep the people in a constant state of terror.

The Pope Will Aid

ROME, Jan. 18—The Vatican authorities last night received their first direct confirmation of the disaster at Kingston. The Pope, who was most affected, ordered instructions to be sent to the Bishop of Jamaica to organize assistance for the sufferers.

Trinidad Heard From

PORT OF SPAIN, Trinidad, Jan. 18—The legislative council has voted £1500 as the first instalment from the people of Trinidad for the relief of the earthquake sufferers in Jamaica. H. M. S. Indefatigable has sailed for Jamaica with provisions, clothing and other supplies.

Damage In Other Towns

KINGSTON, Jan. 18. — Port Antonio, on the north side of the island, suffered little damage. The Hotel Titchfield, with a hundred American guests, was not destroyed. A tidal wave has inundated Anotta Bay, washing out many houses. The shock was severe at Richmond, and this town also was destroyed by fire. Spanish Town also was damaged. One man was killed and ten men were injured there. It is reported that at Anotta Bay the crater of an extinct volcano is emitting flames and smoke, and it is thought that the earthquake originated there. The records of Jamaica contain no previous mention of activity of this volcano.

EARTHQUAKES IN RUSSIA.

ST. PETERSBURG, Jan. 18.—Two violent earthquake shocks were experienced at Kuba, Government of Baku, at 5 o'clock this morning.

Appeals have been sent to all sections of the island asking for assistance. Foodstuffs are needed above all things.

Extortion and Looting

The steamer Bella from Philadelphia arrived here yesterday with a small cargo of provisions. Business is at a standstill. Some shops have been opened by Chinamen, who have raised the prices on goods one thousand per cent. This so angered the people that the Chinamen were driven out and their shops looted. The hope of famine relief lies in the banana crop, which has not been injured. Medical assistance is limited, owing to the deaths of several doctors.

Kingston was threatened with a rain storm this morning, but at the hour of sending out this despatch the weather is clear. The body of Sir James Fergusson was found and buried today. Committees have been formed and the governor and Lady Sweetenham and others are doing noble rescue work.

Shipping Is Safe

The shipping in the harbor is safe. There have been a number of other shocks since the first disastrous one. The Hamburg-American steamer Prinzessin Victoria Luise, which ran ashore at the harbor entrance December 16th, is now a total loss.

Two vessels left here yesterday for the United States loaded to their full extent with tourists and fleeing natives. A German steamer called in here on her way from Cuba and sailed again after staying in port one hour. The lines of the Hayti Cable Co., and the direct West India Co., are broken two miles out at sea. Repairs are being made. The West India and Panama line is working from Holland Bay. The railroad workshops have been demolished, but train service has been resumed. The offices of the Kingston newspapers have been wrecked.

Ninety Children Killed

NORFOLK, Va., Jan. 18—The wireless telegraph station at Cape Henry has received an official message from Rear Admiral Evans, commanding the north Atlantic fleet in West Indian waters, presumably referring to the Kingston disaster, and a message from Washington to Admiral Evans has been communicated to him on the flagship Maine, via the coast wireless stations, but the wireless telegraph officials decline to give out anything concerning either message. The message from Admiral Evans came during the night, and was forwarded to Washington. The Cape Henry wireless station received the following after last midnight bearing on the Kingston disaster, the message having come from Guantanamo, Cuba:

"Have overheard by wireless from steamer Colon that the school house at Kingston fell at first shock, killing ninety children. The city of Kingston is in bad shape, and is still smouldering with about 500 reported killed and injured. The channel in the harbor of Kingston has shifted. This cannot be vouched for. Battleships Missouri and Indiana entered harbor safely. Four hundred dead, five hundred in hospitals. Indications many are slightly injured."

Great Anxiety Felt

LONDON, January 18—One brief telegram from Governor Sweetenham, announcing that Sir James Fergusson's body had been found in the ruins of a cigar store, and adding that no English officials were killed or injured, was the only additional information regarding the Kingston catastrophe received at the colonial office this morning.

The difficulties in the way of communicating with Kingston, the constantly growing list of the dead and injured whites, the knowledge that many of them will be buried alive and the reports of the threatened engulfment of the ruins of the city combine to increase the anxiety of their relatives and friends in this country, who are besieging all the possible sources of information in quest of news. Even the big business firms operating in Kingston, are unable to obtain replies to urgent requests for details. The cable companies, however, are hopeful that today or tomorrow will see an improvement in their service. The direct West India Cable Co.'s steamer is due at Kingston today. The break in the cable is located near the shore so no difficulty is anticipated in restoring communication promptly. The officials here estimate that relief steamers must be arriving by now and a rapid straightening out of the chaos is expected. The Mansion House fund for the relief of the Kingston earthquake sufferers is being well supported and with the American and other contributions there will be no lack of supplies or funds for immediate necessity.

A Ghastly Procession

An undated despatch from a member of Sir Alfred Jones' party now at Kingston, received this morning, says:—

"A ghastly procession of carts hastening all day long to the cemetery conveyed there 350 victims who were buried in batches of 20. It is believed that there are about 400 more corpses among the wreckage. The body of Sir James Fergusson was buried January 16th.

Canada's Contribution

OTTAWA, Ont., Jan. 18 (Special)—It is very probable that the Canadian government will vote $100,000 for the relief fund in connection with the Kingston, Jamaica, calamity.

BUILDING OF THE NEW WHARF

It is a Live Topic of Comment at City Hall Just Now.

The building of the new wharf on the west side seems to be a live topic about City Hall and on the streets at the present time. A citizen, who is in touch with the various phases of the matter, speaking on the subject this morning drew attention to the fact that according to the terms of the contract, the contractor is required to complete the building of the wharf within three months of the time that the site is declared ready by the city. Should the dredging be completed say in October, which time, he thought, it would likely be, the contractor would be compelled to do his work during the winter months, when it would be difficult to get men and the necessary material, as well as to do the work in the cold weather. Another clause which he claimed would bar out any tenderer but Mr. Mayes, was that the dredge used in the work must be registered in Canada at the time the tender was sent in.

Continuing, he argued that as the Beaver, when doing her best work last summer only averaged about 1,200 yards a day, and there were about 175,000 yards to be taken out, it would take about five or six months to complete the work.

With reference to a letter that appeared in last night's Globe, signed "Ratepayer," in which it was stated that a company is being formed, composed of D. C. Clarke, D. C. Clinch and J. E. Moore, it is learned that a local man, who has an interest in a dredge, is endeavoring to promote the scheme.

D. C. Clarke, when asked about the matter this morning expressed great surprise and said he knew nothing about it.

THE FIRST MAYFLOWER

Thos. E. Dyer, the man who finds the first Mayflower, has made a new record. While he and Mrs. Dyer were strolling in the park, beyond the artificial lake, on Sunday, Jan. 6th, he discovered some Mayflowers in bud. He brought them home, placed them in water, and this morning one of them was in bloom. It is now on the Times editor's desk, a delicate, white blossom luring his thoughts away from the dreary winter outlook to the green fields of May-time, and the call of birds in the open.

The Clipper Athletic Club wish to challenge the Shark Athletic Club to a tug-of-war with the same teams that pulled in the Marathon sports, for $50 a side. An answer is requested through this paper.

NEWS FROM FREDERICTON

Death of Miss Lipsett at the Victoria Hospital.

FREDERICTON, N. B., Jan. 18.—(Special). — Miss Nellie Lipsett, daughter of the late Andrew Lipsett, former chief of the fire department, died at the Victoria Hospital this morning from anaemia. She had been ill for some time, but was only admitted to the hospital yesterday. She was forty years of age.

J. H. Dressell, manager of the New York Sportsman's Show, is here today endeavoring to arrange for an exhibit from this province.

The young bachelors of the city will be the hosts at a ball to be given at the Queen Hotel tonight.

The ferry steamer Ludlow is still snugly tucked away in the Rodney hospital and the Western Extension is bravely bearing up under the burden of the work placed upon her.

J. E. Cowan, Main street, who was injured yesterday, is resting very comfortably today. Mr. Cowan received but a slight injury to his head by the accident.

THE TIMES NEW REPORTER

TOLD IN VERSE.

The Cub Reporter, who used to recite
Jim Bludso at tea-meetings and such like affairs, has developed a poetic vein of his own since he became associated with this paper. This morning he timidly approached the Times new reporter and asked his opinion of the following parody. The new reporter thought it was so good that he herewith hands it up to his friends:

THE LUDLOW.

[With sincere apologies to the author of "Jim Bludso."]

Wall, no, I don't know when she'll run
Or when she'll be on the route
With that thar boat you can never tell
What day she'll come dodgin' out.
Why whar you been since she was built
That you haven't heard o' the graft
When the city paid 80,000 plunks
For that thar bedizened craft.

Thar's not much choice in ferry-boats
They're mostly all alike,
A few days runnin' and then kersmack
To the hospital back they pike.

But that thar boat is the clear king pin
When it comes to missin' her trip,
One day she's out, next day she's in,
And she's bunked in Rodney Slip.

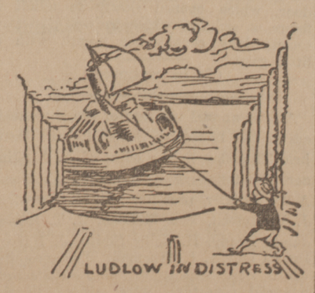
All boats has their day on this here trick,
But there's ben' blame few of hern,
For the darn thing most of her time she's sick
Or has barnacles stuck on her stern.
And so they turn over the ferry work
To "the oldest crafts on the line,"
Old "Wun Lung" or that other beaut,
That's on at the present time.

Well I remember the rainy night
That she stuck on the Island bar,
When the Carleton people shook with fright
And the crew commenced to swar,
But Ad. Glasgow stood on the ferry floats
And everyone heard him roar,
"Cap, keep her stickin' upon that bank
Till the last galoot's ashore."

O'er the chug! chug! chug! o' the engin's thump,
Ad. Glasgow's voice was heard
And they all had faith in his cussedness
An' they know'd that he'd keep his word.

And the passengers one and all got off
'Fore the next day's noon bell rung
And the Ludlow went to Rodney Slip
With her place took by Wun Lung.

No, she ain't much good but fer cussedness,
I'd stake my pike on such
As her against all the other crafts
That didn't cost half as much.
She knows there's men as needs the dimes
She earns at every trip,
That's why she's found so many times
In the mud in Rodney Slip.



AMHERST HAS SERIOUS FIRE

Allan Archibald's House Was Burned This Morning

FIREMAN HURT

Curlers Meet and Discuss the Formation of a Maritime Association--Scheme Meets With Approval --George W. Cole Nominated for Mayor.

AMHERST, Jan. 18 (Special)—A serious fire occurred at 10.30 o'clock this morning whereby the residence of Allan Archibald, liveryman, on the corner of Havelock street and Union Row, was practically destroyed. When noticed it had made considerable headway in the upper flat, apparently around the flue and laths. The house was completely gutted, the furniture, although considerably damaged, was about all moved from the lower flat. The loss on the building will be about $1,800, insured for $800, the furniture is insured for $500. During the course of the fire the chimney toppled over, carrying the men from one of the ladders and seriously injuring Russell Lusby. At first it was thought he was killed, but on the arrival of the physician it was found that although suffering from terrible gashes in the head and one hand badly broken up, it is hoped that he will survive.

John O. Stiles had his arm slightly injured while others of the firemen received slight injuries. How any escaped is a marvel, as the bricks fell in a body apparently in the midst of them.

At the close of play last night an important meeting of curlers was held at which matters in the interest of maritime curling were discussed. Secretary J. P. Atherton and R. C. Fuller outlined a proposed scheme for the formation of a Maritime Association, other speakers favored the proposition and no doubt steps will soon be taken along this line. The visiting curlers were enthusiastic in their words of commendation to the local management and especially to J. P. Atherton, secretary to whose efforts the grand success has been largely due.

The morning games are not sufficiently advanced for present writing. This afternoon the semi-finals for the Governor-General match and 20th Century trophy will be called.

At a meeting of the citizens' league last evening, Gerge W. Cole, secretary-treasurer, of the Robb Engineering Co., was nominated as mayor.

OBITUARY

Miss Mary Power

The sudden death of Miss Mary Power, of Black River, St. John county, this morning, was learned of in this city with general regret by her many friends and acquaintances.

Miss Power was exceptionally well known at Black River, and the many citizens who had the pleasure of enjoying her hospitality will learn of her death with a feeling of great sympathy for her relatives.

Since girlhood, Miss Power, who was the eldest daughter of the late Robert Power, has resided at Black River, and her home has always been the stopping place of the parish priests, who have for years been assigned by the Bishop of St. John to look after the spiritual wants of the Catholics there.

Miss Power has three sisters living, namely, Mrs. K. Redmond, of Mass.; Mrs. J. Mullin of this city and Mrs. M. McGuire, of this city. The brothers are John and Frank, of this city, and Robert, postmaster at Black River.

Owing to many of the relatives of the deceased residing in the States, the day of the funeral has not been as yet decided upon.

READY FOR THAW'S TRIAL

NEW YORK, Jan. 18—Harry K. Thaw's sister, the Countess of Yarmouth, is a passenger on the steamship Kaiserin Augusta Victoria which was expected to dock yesterday, but was prevented from doing so by thick weather. The vessel should dock today. Preliminary to the trial of Thaw next Monday for the murder of Stanford White, District Attorney Jerome is subpoenaeing all the witnesses needed by the prosecution.

EQUITY COURT

The equity court sat this morning, Mr. Justice Barker presiding. In the matter of Reyford Winslow, an infant; Jasper H. Winslow, next friend, applied for leave to sell certain lumber lands. An order was granted allowing the sale to be made for a sum not less than $10,000. Winslow & Allan, of Fredericton, proctors.

In the matter of Scovil vs. McAfee, H. H. Brittain moved that the report of the referee be confirmed. Order granted.

The mayor was asked this morning if he intended to take any steps to call a meeting for the purpose of discussing if St. John should send any funds to the sufferers in the Kingston disaster. His worship said that as there was no indication as yet from any one in authority that help was needed, he did not see that the city could take any action. He thought they should await some word from the governor of the island or someone else in authority.

It takes a soft man to spread himself.

The good die young—especially good resolutions.

COLLINS CASE AGAIN TODAY

Several Witnesses were Examined This Morning

THE TWO VALISES

Michael Trehan Re-examined by the Crown---Other Witnesses Tell of Valises Carried by Collins--The Mystery of the Disappearing Pedlor.

HOPEWELL CAPE, N. B., via Hillsboro, N. B., Jan. 18 (Special)—The interest in the Collins murder trial continues keen.

Michael Teahan was recalled by the crown this morning.

Mr. Skinner asked the witness the name of the man who was mentioned as being connected with the disappearance of the pedlar, and he replied, "I never heard anything of the disappearance of the pedlar."

William Williamson, the husband of one of the witnesses of last night, was next put on the stand. He said he knew Father McAulay, his housekeeper and the prisoner. Witness saw Collins on the day he left Elgin with the priest and the following day he came to his place to get an axe ground. He recognized the axe found in the bedroom as the one in question. When asked as to the white paint on the blade, he did not think that was on when it was ground. That evening the prisoner again came to the witness's house and borrowed a razor.

The prisoner said that he and Mary Ann McAulay were going to Albert on Monday and were going to drive the priest's horse and buggy. On the Sunday following the tragedy, he passed Father McAulay's, but did not go up to it.

Witness went on to say that last summer he heard the priest's house was burglarized and also that a pedlar had been beaten and robbed a month from the tragedy. On the week of the tragedy he had been working at Germantown Lake and came home on Saturday night, arriving about nine o'clock. His wife was absent at the time and came home the following evening. When Collins came he talked about the good time they had fishing. Prisoner also said that he would bring the witness' razor back Monday.

Mr. McKeown here asked if the razor he lent the prisoner was in a case. He replied it was and was a Henry Boker and a good deal smaller than the one in court.

James F. Robertson, section man on the Elgin & Havelock Railway saw the prisoner, August 20 on the railway at the Jacob shed crossing between Elgin and Petitcodiac about three quarters of a mile from Elgin. This was about five o'clock in the afternoon. Tweedie Barchard, section foreman, was with witness at the time. Prisoner was walking towards Petitcodiac on the track carrying two valises, One of the valises, he thought, was a leather one. The gladstone bag and the telescope valises were here shown witness and he said these were to the best of his memory those with him. The valises appeared to be tied together. He seemed to be in a hurry and was prespiring.

Witness watched the prisoner some time and saw him go over the crossing. Some time after that the gladstone bag was found along the side of the track by Detective Killen. J. W. Robertson and Joshua Babkirk and Tweedie Barchard, were in the party. Witness was searching on one side of the road and the other three men on the opposite side. One of them called to him and when he went over he saw the valise, which was mouldy from the dampness. Witness thought the bag was picked up either a mile and a quarter or a mile and a half from Elgin, beyond the second crossing at Mapleton. The valise was about sixty feet in the woods, at the side of the track. When witness came up with the party the valise was open.

The articles found in it were all identified as having been in it.

Cross-examined by Mr. McKeown, witness said that the prisoner was carrying the two valises on a stick over his shoulder. He could not tell how they were attached to the stick. They appeared to be tied together, but he did not notice any straps. He would not swear the telescope valise in court was the one the prisoner was carrying, but he could not swear to the gladstone bag.

Several other witnesses were also examined.

WILL OF THE LATE JAMES REYNOLDS

$1,000 Left to Industrial Home Balance To His Five Children ---Total Estate Valued at $97,000.

The last will and testament of the late James Reynolds was today admitted to probate, and letters testamentary were granted to A. H. Hanington and Susanna R. Reynolds, the only surviving executors named in the will. The only public bequest was $1,000 to the Bishop of St. John, to be devoted to the Industrial Home.

To his five children surviving he leaves share and share alike of all money and effects.

The estate values at $17,000 real and $80,000 personal property. C. S. Hanington, proctor.

In the estate of the late Young Swanton an application for administration was made by J. Dunlop, a creditor.

Mr. Reynolds' daughters are: Mrs. P. C Millette, of Buffalo, N. Y.; Mrs. J. Fred Payne, Miss Mary, Miss Susan and Miss Emma Reynolds.