



The Evening Times.



THE WEATHER.
West to south winds
fine stationary or a lit-
tle higher temperature.

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THE GOVERNMENT PETITION FILED

If Landis Decision is not Upheld
the Corporations Cannot be
Successfully Prosecuted.

Chicago, Aug. 21.—The Government's petition for a rehearing by the United States Court of Appeals of the case against the Standard Oil Company of Indiana was filed today and represents, it is authoritatively stated, the final attempt to save the Elkins Act and the Interstate Commerce Law from becoming a dead letter. The filing of the petition marked the appearance of Attorney-General Bonaparte in the case, as well as that of Frank B. Kellogg, who is a special assistant to the Attorney-General.

Although it is not specifically stated in the petition, it is agreed by counsel for the Government in their conference at Lenox, Mass., following the reversal by the appellate court of Judge Landis' decision, that if the interpretation of the law given by Judges Crosscup, Seaman and Baker were allowed to stand, successful prosecution of rebate cases against corporations would no longer be possible in the future. The lawyers at that conference, with the Attorney-General, were a unit in expressing the opinion that the reforms in rebate matters brought about by the Roosevelt administration, would represent as much waste in time unless the upper court can be convinced that it is in error in its construction of the law.

On but a single point involved in the trial up to the return of the verdict of guilty, says the petition, are the rulings of the trial court criticised by the Court of Appeals. In all other particulars, the rulings are sustained.

The point upon which the trial court judge is reversed relates to his ruling on evidence and his charge to the jury with reference to the Standard Oil Company of the Standard Oil Company of the lawful rate as a defense. The court of appeals, in its opinion, has not correctly stated how the judge ruled on this subject.

Continuing, the petition declares that whereas the opinion of the court of appeals states that Judge Landis refused to admit evidence to the effect that the Standard Oil Company did not know what the lawful rate was, the record of proceedings in the lower court shows that such evidence was admitted. Although the government points out what it considers errors in the opinion of the appellate court, the allegation that the Standard Oil Company did not know that it was not paying the legal rate is regarded as the vital point. At the trial before Judge Landis it can be held that the defendant had guilty knowledge of its own acts, then successful prosecution of similar cases is regarded as impossible.

OBITUARY

Chalmers Jack Duff

The many friends of Chalmers Jack Duff were shocked this morning to hear of his sudden demise at his uncle's, West Scott Settlement, Kings County. He was highly thought of by all who knew him. For a number of years he was in the employ of Messrs. T. McAvity & Sons, Ltd., of this city, and for the past few years was with the Walworth Manufacturing Company, of Boston.

He leaves a mother, two sisters and four brothers to mourn his loss. Prof. A. William Duff, of Worcester, Mass., and Arthur M. Duff, of Boston, are brothers of the deceased.

The funeral takes place on Sunday afternoon from his mother's residence, 5 Chubb street.

COTTON.

New York, Aug. 21.—Cotton futures opened easy. Aug. 8.95; Dec. 8.54; Jan. 8.52; March 8.56; May 8.63; bid.

TALK OF AERIAL FLEET FOR DEFENCE OF COAST

United States Congress May be Asked to appropriate a Million Dollars for This Purpose, as Result of Baldwin's Success.

Washington, Aug. 21.—That the successful flights of Baldwin's dirigible balloon may result in the building of an aerial fleet for coast defence and will influence congress in appropriating \$1,000,000 for construction of the fleet is indicated in an editorial in the issue of Arms and the Man today. The editorial says in part: "General James Allen, chief signal officer of the army announced a few days ago that he would at the coming session of congress, ask for an appropriation of \$1,000,000 for aerial work and the development of Signal Corps plans in this direction. Naturally the successful flights of the Baldwin dirigible balloon, which have been satisfactorily completed at Fort Myer in the last few days, will have a considerable effect in gaining a favorable consideration of General Allen's proposed legislation.

"With the exception possibly of the needed increase in the infantry of the army, no arm of the service deserves so much attention and expansion now as the Signal Corps. Under General Allen and the efficient and sterling officers serving with him the United States Signal Corps towers head and shoulders above any similar arm of the other nations of the world. We are years ahead of all other countries in our development of the lines of security and information, and it is but proper that in the development of aerial work the Signal Corps shall be given the munitions wherewith to place themselves as far ahead of the other armies in this regard as they are in all others. For whenever legislation has been favorable the Signal Corps has developed its resources and abilities far beyond the point that was even hoped for."

Major Squier today informed Augustus Post, of the Aero Club of America, that A. M. Herring is considering bringing his flying machine to Washington under its

HERE'S OUR OLD FRIEND

Still Languishing in a Spanish
Prison and Wanting Gullible
People's Dollars.

Cordele, Ga., Aug. 21.—Languishing in a Spanish prison at Cartagena for a political offense and with eighteen years of his sentence yet before him, Rev. Peter Kershaw, former confidential secretary, he says of General Campos, Governor-General of Cuba after the recall of General Weyler, has written to relatives at Lake Park, Georgia, for aid. The letter, which was mailed through the kindness of a priest, begs that if his relatives are unable to interest the State Department at Washington in his case, they will take his daughter from a school in Spain, in which he placed her some time ago, and bring her back to her own people in her father's native land. The letter is written in English, and is signed Lawrence W. Kershaw, of Lake Park, Ga. Kershaw is a native of Florida, but left this section forty years ago for Texas. He was long ago given up for dead.

GOMPERS FOR WOMAN SUFFRAGE

Boston, Aug. 21.—Samuel Gompers has come out for woman suffrage, declaring that women wage-earners would get higher pay if they had the ballot.

"I am for unqualified woman suffrage as a matter of human justice," he said. "It is unfair that women should be governed by laws in the making of which they have no voice. She cannot say, either, under our present system, how the laws should be administered. It is only natural that the educated woman of today should ask to have a voice in making the laws which she must obey and the must feel that our present system is not just."

AN UNSAVORY CASE IN MONCTON

Moncton, N. B., Aug. 21.—(Special).—An arrest, which may lead to divorce proceedings, involving a well known local family, was made last night, when Minnie Lefrance, a local girl with unsavory reputation, was nabbed by the police when at a late hour she came from the house of a well-known citizen, whose wife is absent. The lady has several times complained to the police that her husband was keeping company with this girl, and the police have kept strict watch upon her, with the result that last night she was arrested. Before Magistrate Kay this morning she was given a severe lecturing and allowed to go.

THREE LITTLE GIRLS WERE KIDNAPPED

Kenosha, Wis., Aug. 21.—Called to the door by an unknown man just before midnight last Monday night, Gertrude Biehn, aged fourteen years, and Dorothy Biehn, eleven, daughters of Jacob Biehn, one of the wealthiest farmers in Kenosha County, were forced into a closed carriage and kidnapped. Not a trace of them can be found, and the relatives of the girls can discover no motive for the kidnapping.

PRESENTED WITH TROPHY

In Alexandra Hall, North End, last night, the All-colleagues, winners of St. Peter's Minor Baseball League, were presented with their trophy. L. Donnelly congratulated the team on their success. The presentation was made by E. J. Mahoney in a short speech.

Rev. Father Holland responded in suitable manner on behalf of the winning team.

Refreshments were served after which the gathering broke up.

LIVELY CROSS-FIRING BETWEEN COUNSEL IN CENTRAL COMMISSION

The only witness examined this morning before the royal commission appointed to inquire into the affairs of the Central Railway was his honor the lieutenant-governor. The session was enlivened, however, by several lively tilts between counsel and Judge Landry on several occasions had to call upon the legal gentlemen to modify their language. Owing to other engagements of some of the parties interested the enquiry was late in opening.

The enquiry was resumed at 11.10 o'clock, Lieut.-Governor Tweedie being the first witness.

Mr. Pugsley asked the permission of the court to question the witness regarding an item in a newspaper report saying that he had raised a disturbance on finding on his return from Europe in 1902 that certain bonds had been guaranteed in his absence. Witness replied that he had been incorrectly reported. He had said he did not recollect anything of the kind. So far as he knew no bonds had been guaranteed in that period.

Dr. Pugsley read from a copy of the order-in-council to show that from April, 1902 to September, 1902, no order in council had been passed.

In answer to Dr. Pugsley witness said he remembered that a special audit of the company's accounts had been made in 1904 by Mr. Sharp.

His honor read a decision that the commissioners had reached regarding the point raised by Dr. Pugsley as to the scope of the inquiry. They had decided he should be allowed to ask questions prior to 1901 except in such cases where it appeared that matters prior to that date would assist in a thorough enquiry being made.

Mr. Carvell presented to the commission a copy of the statement prepared by Mr. McAvity of the receipts and expenditures during the years 1904 and 1905.

Mr. Powell taking up the examination of the witness asked him regarding the organization meeting of the company on May 10, 1901, at which witness was appointed a committee to look into the purchase of the Central Railway.

Witness said he had made inquiries about the option. Nothing was done that was not regular and by order-in-council. He replied that that matter had been left with the attorney general, Mr. Pugsley.

Mr. Powell, "Well, I will assume so for the present."

The question given by Elkin & Evans was produced by Dr. Pugsley and placed in evidence. It was dated August 28, 1901.

and the price fixed for the transfer of the road to the N. B. Coal & Ry. Co. was \$300,000, to be paid in the following instalments: \$15,000 in 2 months; \$15,000 in 4 months; \$30,000 in 6 months; \$30,000 in 15 months and \$30,000 in 2 years.

Mr. Barnhill said there was a modification in later agreement as to the time of payments. Mr. Powell said he was aware that Elkin & Evans had an option on the \$300,000 of mortgage bonds of the company for the sum of \$50,000.

Mr. Powell asked if a proper title was secured and witness replied that a proper title had been obtained.

Mr. Powell claimed that such was not the case and Dr. Pugsley replied that there was a proper title and it was on record.

Asked by Mr. Powell if payments had not been made previous to the arrangements for taking the bonds in 1903. The witness replied that the order-in-council would show whatever payments had been made.

Dr. Pugsley objected to the question and claimed Mr. Powell was misleading the commissioners and making statements that were incorrect.

Judge Landry went on to explain at length how the government had secured a good title to the road and it had been ascertained beyond doubt that all was regular. The payments made had all been regular.

Mr. Powell charged that Mr. Pugsley was making untrue statements. Mr. Powell should modify his language.

There was quite a spirited tiff at this point between counsel, Mr. Carvell protesting that Mr. Powell forget that he was trying to make political capital and get down to the facts.

Mr. Powell said he was pleased to have a man of Mr. Carvell's character make such a suggestion.

Resuming the examination Mr. Tweedie was asked if the first mortgage bonds had been deposited with the trustees.

He replied that that matter had been left with the attorney general, Mr. Pugsley.

Mr. Pugsley—"Were they not deposited with the Royal Trust Company Mr. Powell?"

Mr. Powell—"Your sweet voice just at this time is not as welcome as it sometimes is. (Laughter.) Your accents are ordinarily pleasing to the tympanum of my ear."

Mr. Pugsley—"What part of your ear, Mr. Powell? (More laughter.)"

Mr. Pugsley had to retire at this juncture, owing to another engagement.

Mr. Powell resumed the examination of the witness and Carvell objected to what he termed Mr. Powell's manner of making statements to get headlines in the newspapers rather than to hold to the questioning of the witness.

Mr. Powell took a report showing that up to September 1, 1904, the work done on the Minto branch amounted to \$37,643.34, and asked if it was not true that on the strength of this \$12,000 worth of bonds had been issued.

Mr. Tweedie did not think that was correct.

Mr. Carvell said the first portion of that section of the report explained the item.

THE BAPTIST MINISTERS

A Meeting Held This Morning
--Many Leading Men Among
Those Present--The Con-
vention.

The Baptist Ministers Institute of the Maritime United Baptist Convention met in the Germain Street Church this morning at 10 o'clock. The convention opens tomorrow morning. Those present at the meeting were besides the local clergy Rev. Dr. Goodspeed, Richmond, Va.; Rev. Professor Kierstead, Professor elect N. N. B.; Rev. Dr. Wallace, Massachusetts; Rev. H. T. DeWolfe, principal Seminary; Rev. Dr. Crowell, Canning, N. S.; Rev. Dr. Phillips, Woodstock; Rev. Dr. McLeod, Fredericton; Rev. J. H. McDonald, Fredericton; Rev. N. A. McNeil, Sackville; Rev. Dr. Brown, Ontario; Rev. Dr. Hutchinson, principal of Acadia; Rev. I. A. Corbett, Bear River, N. S.; Rev. Mr. Porter, Supr., Home Mission, Nova Scotia; Rev. Dr. Calhoun, Wolfville; Rev. Alfred Chipman, Berwick; Rev. Dr. Austin K. DeBlois, 1st Baptist Church Chicago; Rev. E. W. Miller, Jamaica; Rev. Osmond Morse, Wolfville, N. S.; Rev. E. B. McLachy, Moncton; Rev. J. J. P. Porter, Port Maitland, N. S.; Rev. P. J. Stackhouse, Campbellton; Rev. C. W. Staples, Kingston; Rev. F. M. Young, Parbrooke; Rev. Arthur S. Lewis, Bridgeton, N. S. The morning session was taken up by reading and discussion of an able paper by Dr. Goodspeed entitled "Certain points of religion asking if in man or the Bible."

In conclusion he said that the seat of authority was in God and that conscience and the Bible are authoritative, if from God. Dr. Goodspeed's position was objected to by Rev. Professor Kierstead, who said that the former advocated a position that had been exploded.

He asked Dr. Goodspeed a number of questions and spoke at some length. He differed with Dr. Goodspeed he said on matters of philosophy. The paper was in the opinion of the ministers, a very able one. Rev. F. S. Bamford of Moncton will read at paper this afternoon at 2 o'clock. Rev. Dr. De Blois will speak this evening.

TODAY'S NEWS FROM OTTAWA

Ottawa, Ont., Aug. 21 (Special).—The machinists of the Lake St. John, now owned by the Canadian Northern, have applied to the Minister of Labor for the appointment of a Board of Conciliation under the Lemieux Act. Fifty men are affected. They ask a new schedule of pay, which the company has not agreed to.

The public works department is inviting tenders for improvements to the navigation of the Richelieu River. A stop-lag dam is to be constructed at St. Johns, and considerable dredging is to be done. The entire improvements will cost about \$200,000. By means of the dam the crest of the rapids at St. Johns will be lowered and the flow of the river regulated so as to prevent damage by spring floods.

INJURED IN RUNAWAY

George H. Ward of Golding street was badly shaken up in a runaway yesterday afternoon when his horse, Mr. Ward hired a horse from Golding's Livery Stable. When near King square the horse became unmanageable and bolted continuing down Sydney to Waterloo street; when near city road the carriage collided with a pole and Ward was thrown to the ground. He was picked up in a dazed condition and taken into Mowatt's drug store and Dr. G. G. Corbet summoned. After receiving the necessary medical attention he was able to walk to his home. The horse which was driven from the carriage was captured on the Marsh road.

AUSTRALIA'S WELCOME TO THE AMERICAN FLEET

A Splendid Scene at Sydney Today When the United States Officers and Men Landed and Marched to the Grand Pavilion.

Sydney, N. S. W., Aug. 21.—Sydney was aglow with life and color today, and surging thousands filled the streets as never before, for this was the day set for the official landing and for Australia to publicly welcome the bone and sinew of the visiting fleet, officers and men. No more triumphant entry of gallant vessels into port was ever witnessed than that of yesterday, when the warships pushed through the haze of the sea, and steamers majestically past the headlands, crowded with a cheering multitude. To-day Australians had an opportunity to see the men who brought the ships in safety thus far on their voyage across the world.

From Farm Cove, where the landing occurred, throughout the lengthy line of march the crowds gave enthusiastic evidence of a hearty welcome. Large bodies of men from all the ships were brought ashore in the morning in launches. They numbered close to three thousand. In sections they marched to the outer docks, which adjoins the botanical gardens and formed up on allotted spaces fronting the reception pavilion. Then came the admirals and their staffs, who landed ashore on the east side of the cove, where a guard of honor from the British naval forces was drawn up. They were met by the Prime Minister, Hon. Alfred Deakin, and the other ministers of the commonwealth, the premier of New South Wales and his ministers, the Lord Mayor of Sydney and members of the corporation.

HALIFAX FORCED QUESTION TO VOTE

But New Brunswick Delegates
to a Man Voted Against
Giving Running Rights to the
C. P. R.

Halifax, N. S., Aug. 21 (Special).—The Maritime Board of Trade spent two hours more on the question of giving running and haulage rights to the C. P. R. from St. John to Halifax over the rails of the I. C. R. There was little spirit of compromise shown and the votes even more decisive. Seventy-six delegates were present at the final vote. Governor McKinnon of P. E. I. was on the platform. The New Brunswick speakers were Snowball of Chatham, Lodge, Egerton Simmer, Hon. Mr. Emmerson and Hon. Mr. Robinson of Moncton; and Harvey, Pender and Purdy of St. John, all opposed to the resolution.

An amendment to give the three transcontinental lines running rights was lost. Another amendment to give the C. P. R. running rights without applying to traffic passing at intermediate points was also lost.

The resolution to give running and haulage rights on terms to be made by the government was carried 52 to 24.

WILL FINISH TRENT CANAL

The Minister of Railways Talks
on Question of Transportation.

Peterboro, Ont., Aug. 21 (Special).—"I have no promises to make, because it is not a promise to say that we are going to finish the Trent canal. That is a matter of business. It is a work of more than ordinary importance, and it will be completed as soon as possible."

These were few the concluding sentences from a brief speech by Hon. George P. Graham, minister of railways and canals.

Mr. Graham, speaking on the transportation question, said even when three transcontinental lines are completed he believed there would be insufficient railways to carry the grain.

MAJOR WETMORE WINS FOWLER CUP

Sussex, N. B., Aug. 21 (Special).—That old and reliable representative of New Brunswick, Major O. W. Wetmore, won the Fowler cup this morning. He made 31 at 800 yards and 29 at 900 yards. The shooting as a whole was disappointing, although there was hardly any wind to trouble the competitors. The scores will not be posted until this afternoon.

MONTREAL STOCKS

Montreal, Aug. 21.—(Special).—Montreal Power and Mexican Power were the centres of interest in the stock market today. Mexican kept up the buoyancy, which has been increased by a renewal of talk of union with Mexican Railway. The new high level today was 74 1/2 Power, after selling up to 96 3/4 in late trading yesterday, was active at 97. This is the top notch for it in some months. Pacific and Soo were steady at 172 and 118 1/2 respectively. Detroit sold at 39 3/4, Havana, 31, Lake of Woods 89, Shawinigan 71.

TRADE WILL IMPROVE

Ottawa, Ont., Aug. 21 (Special).—An officer of the motor department is authority for the statement that the decline in revenue has evidently been arrested and that henceforth a substantial improvement may be expected. The cause is the depletion of many stocks which were on hand from last year.

Lord Northcote extended the heartiest welcome to Admiral Sperry, his officers and men, and congratulated them warmly on the success of the voyage.

London, Aug. 21.—The London morning newspapers give great prominence to reports of the American fleet's reception in Australia. Editorially they express the fullest satisfaction at the warmth and brilliance of the welcome accorded the visitors.

Sydney, N. S. W., Aug. 21.—Following the official landing of the American visitors today and their public reception by the state and commonwealth authorities, the city, the harbor and the shipping were brilliantly illuminated this evening. The governor of New South Wales, Sir Harry Rawson, gave an official dinner at 7 o'clock in honor of the American officers and the commonwealth government entertained the officers, sailors and marines of the fleet at theatre parties and at other places of amusement.