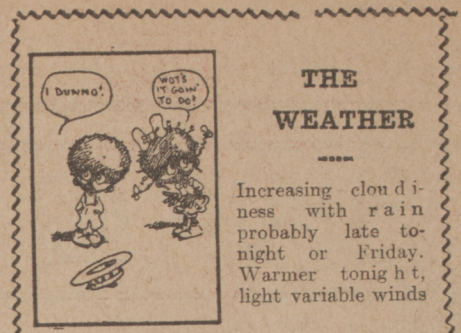




The Evening Times.



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ST. JOHN, N. B., THURSDAY, SEPTEMBER 9, 1909

EIGHT PAGES—ONE CENT

PANEL EXHAUSTED, ONE JUROR SHORT IN McDOUGALL TRIAL

Three More Summoned for This Afternoon—J. J. Ritchie Moves to Strike Out Counts Against Prisoner, but Motion is Not Allowed.

The case of the King vs. C. Bruce McDougall was resumed in the circuit court this morning. J. J. Ritchie, the additional counsel for the defendant, was present and entered the plea of defence.

"In behalf of the prisoner," said he, "I wish to move that all counts in the indictment be struck out except the last one. A defamatory libel is a matter published without legal justification or excuse, likely to injure the reputation of any person by exposure to hatred, contempt or ridicule. I submit that no one of the counts in this case sets out the ingredients of the offence mentioned.

"Libel is an indictable offence, because it is a breach of the peace. These counts do not contain the elements which the statute says make a defamatory libel."

Mr. Ritchie then read from the records of the Canadian case, the Queen vs. Cameron, which he said was somewhat similar to the one which this court was now trying. The decision given by Mr. Justice Wortell, of Montreal, was never disputed. He further quoted sections from Crankshaw, which he said had some bearing on the present trial.

"In framing an indictment for libel," continued Mr. Ritchie, "you set out the words and say that it is likely to disgrace A. W. MacRae. This would be all right, if you were bringing an action for damages. You have omitted the one thing which, to my mind, makes it a criminal offence. I submit, my lord, that there is no offence charged. I would move that the libel count be struck out."

Mr. Hazen Replies

Attorney-General Hazen for the prosecution then gave quotations to dispute the motion of the defence. He referred to another section from the records of the Cameron case, which he said, had bearing in favor of the crown in the McDougall case. The attorney-general then read at length the indictment charging C. Bruce McDougall with publishing Free Speech. "I would submit," said he, "that on the authorities which I have cited, and for the reasons I have given, that the decision given by Justice Wortell has no bearing on this case."

His honor, after Mr. Hazen had finished, said that he would overrule the motion of Mr. Ritchie, but allowed the question.

On motion of Mr. Hazen the court formally welcomed Mr. Ritchie, of the Nova Scotia bar, to the city.

One Juror Short

The empanelling of a jury was then begun and lasted for the greater part of the morning.

The prisoner was asked to plead, and did so, a quiet "not guilty." Considerable difficulty was experienced in securing the requisite number of members for the jury. Many of those summoned were challenged and others offered various excuses for not wishing to serve. The excuses were varied and numerous, but all were listened to with attention. A

NEW YORK PLANNING A BIG DISPLAY

Hudson Tercentary Celebration to Last Two Weeks—Stmr. Fulton Invented to Have Part

New York, Sept. 9.—Three hundred years ago Henry Hudson discovered the river which now bears his name. One hundred years ago Robert Fulton built the first steamboat that plied over the waters of New York harbor and the Hudson river.

Elaborate preparations have been made to celebrate in New York city and along the Hudson river these two important historical events this month.

With the booming of guns, the signal will be given for the opening of the festivities on Saturday, Sept. 25. There will sail over the waters of New York harbor a bluff-bowed, castellated structure with heavy hemp rigging and curiously fitted sails, a replica of the ship Half Moon, in which Henry Hudson discovered the great river.

Behind this reincarnation of the ancient Dutch vessel will splash a queer little steamer, her unwieldy paddles awkwardly flapping the water, smoke pouring from the wooden funnels which feed the rude furnaces of her primitive boiler. And this will be the Clermont, the first steamboat to beat through the waters of New York harbor—the invention of Robert Fulton.

The two vessels of bygone centuries will typify what all New York, the United States and several foreign nations have set themselves to celebrate. Along the Hudson river nearly every town will have its part.

The celebration is to continue for two weeks and will include one of the most marvelous illuminations ever attempted. The plan being to have the continuous ribbon of fire, beginning at the southwest end of Staten Island and extending to the outermost limits of the city of Troy, blazing simultaneously.

Coincident with this there will be a display of fireworks all along this 160 miles of light, which is expected to make one of the most gorgeous spectacles ever witnessed.

There will be flights of airships, receptions, parades, beacon fires burning at night, musical festivals, banquets, receptions, until the two weeks will be spent in one round of unbroken jollification and feasting.

The first week all the exercises will be in and about New York city. The second week will be devoted to the "upriver" celebrations.

New York, Sept. 9.—The Dutch cruiser Utrecht, detailed by the Dutch government to represent Holland at the Hudson-Fulton celebration arrived from Curacao, Dutch Indies today. The Utrecht has aboard a picked crew, the members of which will man the reproduction of Hudson's vessel, the Half Moon. Its second officer, Lieut. Lamm, will impersonate Hudson during the celebration.

MILK DEALERS OF MONTREAL MEET

Fix Price at 20 Cents a Gallon Delivered in the City

Montreal, Sept. 9.—At the tenth annual meeting of the Montreal Milk Shippers' Association the railway committee reported on having held a conference with the railway authorities in reference to the loss of cans and loss of milk in transportation. The railway officials claimed many cans went astray through improper and illegal markings.

It was agreed that on the shoulder of all milk cans there should be stenciled in large letters, the name of the shipper and the station.

The health committee were instructed to confer with the hygiene committee of the city and see that the standard of butter fat did not exceed 3.20 per cent.

The price of milk was fixed at 26c a gallon from October 1 to April 30, delivered in the city. The prices of cream were fixed as follows: Cream testing 20 per cent. fat, 80c; 25 per cent. fat, \$1.30 per cent. fat, \$1.20, and 30 per cent. fat, \$1.50, delivered in the city.

DOCTOR ARRESTED IN CHICAGO CASE

Suspected in Connection With Death of Girl Whose Body Was Found in Sacks.

Detroit, Mich., Sept. 9.—Dr. George A. Fritch, a well known practitioner of this city, was placed under arrest last night on suspicion in connection with the death of Miss Maybelle Millman, of Ann Arbor, whose dismembered body was found on Monday and Tuesday in two sacks sunk in Ecorse Creek, in the western suburbs of this city.

Miss Martha Henning, an intimate friend of the dead girl was also taken into custody as a witness. Dr. Fritch's father and mother were born in Canada.

Detroit, Sept. 9.—Early today Sheriff Gaston received word from Postmaster Pretymann at Ann Arbor, revealing the name of a young man in Detroit who sent money in a letter to Miss Maybelle Millman, whose body was found in Ecorse Creek.

An arrest of the man suspected of the crime is expected today. His name was immediately connected with the case last night following the apprehension of Dr. George A. Fritch, who is held at police headquarters.

Sheriff Gaston induced the Henning girl to talk yesterday afternoon and her parents told her to tell all she knew. Dr. Fritch followed and the arrest of Dr. Fritch developed. Dr. Fritch was arrested several years ago in connection with the death of Edith Presley, of Lansing, Mich. in the Hope Sanatorium in Detroit. Later he was released.

MORE MONEY GETTERS AT SUSSEX FAIR

Further Results in Work of the Judges in the Various Classes at the Exhibition

Sussex, N. B., Sept. 9.—(Special)—Further results in the judging at the exhibition are as follows:—

Roots

Potatoes, Round Red, Early—H. B. Parlee, 1st; McIntyre Bros. 2nd; J. E. McAuley, 3rd.

Potatoes, Round Red, Late—D. H. McNutt, 1st.

Potatoes, Rose type early—D. H. McNutt, 1st; C. T. Bowser, 2nd; H. T. Hayes, 3rd.

Potatoes, Round White, early—D. H. McNutt, 1st; H. B. Parlee, 2nd; McIntyre Bros. 3rd.

Potatoes, Round White, late—Wm. J. Patterson, 1st; H. T. Hayes, 2nd; J. E. McAuley, 3rd.

Potatoes, Long White, early—Wm. J. Patterson, 1st; McIntyre Bros. 2nd; D. H. McNutt, 3rd.

Potatoes, Long White, late—D. H. McNutt, 1st; H. B. Parlee, 2nd; Wm. J. Patterson, 3rd.

Potatoes, Best Assortment—H. B. Parlee, 1st; Wm. J. Patterson, 2nd; J. Choun, 3rd.

Carrots, Long Red—W. J. King, 1st; Orin Hayes, 2nd.

Carrots, Short Red—John H. King, 1st; H. T. Hayes, 2nd; Orin Hayes, 3rd.

Carrots, Long White—W. J. King, 1st; Carrots, Short White—Orin Hayes, 1st; H. T. Hayes, 2nd; McIntyre Bros. 3rd.

Turnips, Swedes—J. E. McAuley, 1st; S. J. Goodfellow, 2nd; McIntyre Bros. 3rd.

Turnips, Aberdeen—McIntyre Bros. 1st; Turnips, Greystone—McIntyre Bros. 1st; Turnips, any other variety—S. J. Goodfellow, 1st; T. Choun, 2nd; McIntyre Bros. 3rd.

Mangold, Wurtzel Globe—Orin Hayes, 1st; J. E. McAuley, 2nd; McIntyre Bros. 3rd.

Mangold, Wurtzel Long—Orin Hayes, 1st; C. T. Bowser, 2nd.

Squash, Hubbards—F. G. Lansdowne, 1st; H. T. Hayes, 2nd; McIntyre Bros. 3rd.

Squash, other varieties—W. J. King, 1st; Orin Hayes, 2nd; Rev. Frank Baird, 3rd.

Pumpkins—John H. King, 1st; H. T. Hayes, 2nd; Rev. Frank Baird, 3rd.

Cucumbers—S. L. T. McMackin, 1st; C. T. Bowser, 2nd; McIntyre Bros. 3rd.

Cabbage, White Large—McIntyre Bros. 1st; Orin Hayes, 2nd; H. T. Hayes, 3rd.

Cabbage, White Small—Orin Hayes, 1st; W. J. King, 2nd; Rev. Frank Baird, 3rd.

Cabbage, Red—Orin Hayes, 1st; McIntyre Bros. 2nd.

Celery, White Plume—F. G. Lansdowne, 1st.

Celery, Red Rose—F. G. Lansdowne, 1st.

Tomatoes, Ripe—Orin Hayes, 1st.

Tomatoes, Green—W. J. King, 1st; Orin Hayes, 2nd; McIntyre Bros. 3rd.

Onions, Danvers—H. T. Hayes, 1st; Orin Hayes, 2nd.

Onions, Red Weatherbird—Orin Hayes, 1st; H. T. Hayes, 2nd.

Melons—H. T. Hayes, 1st.

Corn, Sweet—Orin Hayes, 1st; H. T. Hayes, 2nd; C. T. Bowser, 3rd.

Cauliflower—McIntyre Bros. 1st; S. L. T. McMackin, 2nd; W. J. King, 3rd.

Beets, Long—McIntyre Bros. 1st; Beets, Turnip—John H. King, 1st; McIntyre Bros. 2nd; F. G. Lansdowne, 3rd.

S. J. Moore was judge.

Fruit

Apples, assortment—Wm. J. Patterson, 1st.

Apples, Fameuse—Orin Hayes, 1st.

Apples, Ben Davis—Wm. J. Patterson, 1st.

PRESS FOR CURE OF THE CONSUMPTIVE

Ontario Government Urged to Build More Institutions—The Transporting of Bodies.

Toronto, Sept. 9.—(Special)—A large delegation from the municipal association for betterment of consumptives, met Premier Whitney yesterday and petitioned that the government build, equip and maintain two or more sanitariums for care of indigent and other consumptives in the province.

The premier admitted the great need of some improvement in the methods of treating this disease, and promised that the government would consider the matter.

Dr. Charles Sheard, medical health officer of Toronto, addressing the Canadian Embalmers' Association annual meeting, held here yesterday, said there was no reason why, with use of proper disinfectants in embalming of bodies where infectious diseases had been the cause of death, such as smallpox and consumption, such bodies could not be safely transported any distance for interment.

G. M. Greenwood, of Stratford (Ont.), was elected president of the association. Colonel Denison, police magistrate, replying to criticisms of his action in dismissing two members of the 48th Highlanders Regiment, who tore down and destroyed the United States flag, says he had no other course before him. The complainant did not appear in court, and there was no evidence against the two young men.

MATTER OF WAGES ON NORTH SHORE

Miramichi Pulp and Paper Mill Workmen Retain Lawyer

Chatham, N. B., Sept. 9.—(Special)—Workmen of the Miramichi Pulp and Paper mill who went on strike two weeks ago for wages due them, have retained W. Butler, of Newcastle to look after their interests and seek to get their money under the workmen's law act. The total amount said to be due is about \$7,000, as it is stated that about \$4,000 has been paid in various sums during the past fortnight.

Manager Spaulding said today that just as soon as possible he would get the mill running again.

REYES SAID TO HAVE RESIGNED

Monterey, Sept. 9.—General Bernardo Reyes arrived in this city last night. With his arrival, the political situation grows more serious. He denied himself to all interviews.

No reception was given the general on his arrival, after an absence of two months from the city, only a few people knew the cavalcade which passed was the governor of the state of Nuevo Leon.

On good authority it is stated that Gen. Reyes has resigned his post as governor, and the meeting of the legislature is awaited in action. Current excitement prevails in the city, and has not been suppressed by the terrible flood of two weeks ago, and the question of politics, it is declared, has even entered the ranks of the relief committee.

CURRIER CASE ADJOURNED AGAIN

Woodstock, Sept. 9.—(Special)—The court opened this morning at 10 o'clock to resume the preliminary examination in the case of Rev. E. Allison Currier, B. A., on charge of obtaining money under false pretences by misrepresenting land he sold in the west.

On request of his counsel the hearing was adjourned until Saturday, September 11. It is rumored that there are negotiations on for a settlement between Mr. Currier and the men to whom he sold the land.

ANNUAL RIFLE MATCH ARRANGED

Sagitt, N. J., Sept. 9.—The establishment of an annual rifle competition between teams representing the United States and Canada was practically assured yesterday at a conference between a committee appointed by the Association of American Rifle Clubs and the president of the Dominion Rifle Association of Canada.

According to the plan outlined each team will consist of six principals and two alternates. The match is to be shot alternately.

MONCTON TO PLAY HERE SATURDAY

Arrangements were completed last night for two games between the Marathons and Monctons on Saturday on the Every Day Club grounds for the New Brunswick championship. The first game will start at 2:30 and, after a change of batteries, the second will be proceeded with.

The visitors will have a strong team, bringing the pick of the railway town league. The Greys will be strengthened by Mahoney and Ned Small, of St. Peter's, the former at short stop, and the latter in centre field. There will also be some other changes.

The games were made possible by the courtesy of Manager Mahoney of St. Peter's, who consented to a postponement of the city championship game. The contests should be the best of the season.

BISHOP OF PHILIPPINES?

Scranton, Pa., Sept. 8.—Rev. Felix A. Ward, of this city, a member of the Passionist order, is reported to have been appointed Bishop of the Philippines.

PEARY SENDS WORD OF LOSS OF ONE OF HIS POLAR PARTY

Ross Marvin Drowned, Explorer Sends Wire to Break News to His Wife—Peary Still at Battle Harbor—More Discussion

Point Amour, Labrador, Sept. 9.—The steamer Roosevelt with Commander Peary on board, is supposed to be still at Battle Harbor, Labrador. The weather here is fine.

Elmira, N. Y., Sept. 9.—Realizing the grief that it would cause, Commander Peary went to much trouble to break as gently as possible the sad news of the death of Ross Marvin, of this city, who accompanied him into the far north and who lost his life in the polar regions.

Last night L. C. Bement, of Ithaca, a member of the Peary Relief Expedition of 1901, received the following message from Battle Harbor:

"Break news of Marvin's death to his mother immediately, before she sees it in the papers. Drowned April 10th, forty-five miles north of Cape Columbia, while returning from 86-39 north latitude. Great loss to me and to the expedition. Every member sends deepest sympathy."

(Signed) "Peary."

Through friends in this city the message was conveyed to Mr. Marvin's aged mother, who, it was feared, would not survive the great shock. Yesterday a movement was started to give Mr. Marvin a great welcome on his return from the north and the members of the family only yesterday were planning a celebration on his home coming.

Copenhagen, Sept. 9.—The degree of Doctor Honoris Causa was conferred upon Dr. Frederick A. Cook by the University of Copenhagen, this afternoon in the presence of the Crown Prince of Denmark and a distinguished gathering.

Explorer Discusses the Claims

Rome, Sept. 9.—Commander Cagni, who was with the Duke of Abruzzi on his Polar expedition, said yesterday with reference to the respective claims of Cook and Peary: "That Peary would reach the pole one day I never doubted, nor have I doubted the sincerity of the affirmations of Dr. Cook, but of Peary's I am more than convinced."

"The doubts with regard to Dr. Cook," he continued are from the vagueness of his first statements, the misunderstandings regarding the polar temperature, the position of the newly discovered land and his apparent lack of preparation for the expedition. In judging the two explorers, the fact that geographical and astronomical observations have been taken from floating ice, the position of which alters daily, increases the difficulty. The observations remain, however, and if both have reached the pole much divergence is impossible, but final judgment cannot be handed down until we have exhaustively

The foregoing statement of Mr. Bradley surprised his friends, for his connection with the Beach club at Palm Beach has been generally accepted as a fact. For about a dozen years the Beach Club has been one of the features of Palm Beach. A restaurant supplies those patrons of the club who spend their time there, and it is one of the only clubs in the country where gaming is regarded as a pastime by the patrons, rather than one of money gam.

FREDERICTON STIRRED OVER BEACH ARREST

Accounts Said to Be Short Amount He Claimed Was Stolen and Things Have Been Going Wrong For Two Years

Fredericton, Sept. 9.—(Special)—The arrest of George S. Beach, the clerk at the C. P. R. station, on charge of theft, is the talk of the city today. He was a young man of no bad habits so far as known, and has been an active worker in a Sunday school, and his friends and citizens who knew him will be astonished if he has gone wrong.

It is said today that Beach's story about the package containing \$835, having been stolen from the ticket office, was a concoction invented with the object of concealing shortage in accounts. On the day in question he did not pick up a package of \$835 and forwarded it to Montreal, but the other package, which he claimed was stolen, is said to have existed only in his mind.

Close scrutiny of the books by Auditor Langue, is said to have indicated that Beach had been embezzling funds for two years, and during the auditor's visit, would supplement the cash on hand received from sale of tickets and in payment of freight rates with dummy checks.

In making the audit this week, it was noticed that large sums received on certain days for tickets sold to points west, had not been entered up in the books until the last day of the month. It was this circumstance which gave the first inkling that something was wrong.

The audit is said to have revealed a shortage of \$835, which is the amount Beach claimed was in the package alleged to have been stolen.

When confronted with this information yesterday, Beach looked down and practically acknowledged the matter. His arrest by Chief of Police Hawthorne followed.

The prisoner was arraigned in the police court this morning in presence of a large crowd, and remanded until Monday for examination. He looked careworn and nervous, and it was evident his eyes had not closed in sleep for several days.

C. F. Inches appeared for C. P. R., and P. A. Guthrie for the accused.

Mr. Guthrie, when asked as to the plea, said that he had not yet investigated the case sufficiently to be in a position to advise him on the subject.

Station Agent Howard, said this morning that defalcations extended over a period of two years. He said that Beach was a man of exemplary habits, did not use tobacco or liquor, and had perfect confidence in him. He came to him highly recommended, and was very faithful and energetic in the discharge of his duties, and seemed to take interest in his work, and was anxious to get along.

Beach worked on a small salary, and his friends said that if he embezzled, he used the money to defray the cost of living.

NO HOPE FOR MRS. GOLDWIN SMITH

Toronto, Sept. 9.—(Special)—Mrs. Goldwin Smith, wife of Dr. Goldwin Smith, is critically ill and no hopes are entertained for her recovery. She contracted a slight cold a few weeks ago and it developed seriously last Sunday and now she is gradually sinking. The doctors say the collapse is due to advanced age. Mrs. Smith is in her 85th year.

BIG SEIZURES OF LIQUOR IN PORTLAND; VALUE \$7,000

Portland, Me., Sept. 9.—Two big seizures of liquors were made late yesterday, the first at the wharf of the Eastern S. S. Company and the subsequent raid at the freight shed of the Boston & Maine. The goods seized at the boat wharf are valued at around \$2,000 while the estimate placed upon the fruits of the second and

larger seizure is \$5,000. Two double horse teams were employed in carting the stuff to the municipal "rum room" since early in the night.

It is the understanding that the Maine Civic League and the Anti-Saloon League are the impelling forces behind the sheriff and police departments in this somewhat sensational move.

WAIL OF DESPAIR FROM FARMERS OF ONTARIO

Master of Dominion Grange Says They Must Have Protection as Ontario is Rapidly Losing Ground as an Agricultural Province.

Toronto, Sept. 9.—(Special)—That Ontario is yearly losing ground as a agricultural province because farming does not receive the consideration given by the government to other industries, was the jarring note struck by E. C. Drury, master of the Dominion Grange, at the Farmers' Day directors' luncheon, at the exhibition yesterday.

The guests included Hon. James Duff, provincial minister of agriculture, and G. C. Creelman, president of the Ontario Agricultural College of Guelph. Vice-president J. D. Kent, was chairman.

Mr. Drury said that, while agriculture was a basic industry and the agricultural college was doing great work, he felt pessimistic over the outlook. Ontario farmers were not making a dividend equal to four or five per cent. on the capital invested, and a majority of the farmers were going back despite the excellent instructions.

Weeds were increasing, while the number of men to cope with the conditions was decreasing at the rate of 6,000 a year.

This was not due to farming machinery, but because farmers were not able to hold their own in connection with other industries. In the interests of the country, it was time the farmers were receiving

a square deal. Urban industries were protected by tariff, and bonuses were given iron and steel mills, and the farmer had to bear the burden.

SUES FOR LOSS OF PROPERTY BY FIRE

Burks Falls Firm Claim Apparatus Was Inadequate

Toronto, Sept. 9.—(Special)—A. L. & J. H. McGuire are suing the municipality of Burks Falls for loss by fire. They claim the fire fighting apparatus was inadequate.

The attendance at the Toronto exhibition is steadily increasing.

The Canada Independent Telephone Association held a meeting here yesterday and elected officers.

WINNIPEG, SEPT. 9.—Rev. A. G. Sinclair, of Dawson City, has accepted a call to the pastorate of St. Andrew's Church, here, to succeed Rev. J. W. Macmillan, who goes to Halifax.

Laurier Addresses 8,000 At The Brockville Fair

Brockville, Ont., Sept. 9.—(Special)—The feature of the Brockville fair yesterday was the presence of Sir Wilfrid Laurier, who, before a crowd numbering about 8,000, made a short address, declaring the exhibition opened. The prime minister, who was accompanied by Lady Laurier, was received by the board of directors, city council and board of trade. While in Brockville, Sir Wilfrid and Lady Laurier are guests of Mrs. G. T. Fulford.