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NO. 39.

RUSSIANS DIED TO A MAN AT PORT ARTHUR POSTS

Officer's Tribute to Their Bravery... Declares That Whole Companies Were Wiped Out by Japanese Shells Only to Be Replaced Time and Again by Others That Met a Similar Fate.

St. Petersburg, Jan. 13.—The court martial of Lieutenant General Stoessel was resumed here today and the court began the taking of testimony regarding the actual capitulation of Port Arthur.

The general is charged with having surrendered the fortress to the Japanese before its resources were exhausted. The court adjourned today over the Russian new year before reaching the most vital point in the testimony, namely: General Stoessel's testimony, in opening the negotiations for capitulation.

G. T. P. OFFICIALS ON INSPECTION TOUR

President Morse and Chief Engineer Wood Look Over Moncton End and Will Examine Central Railway.

(Special to The Telegraph.) Moncton, N. B., Jan. 13.—Mr. Morse, president of the Grand Trunk Pacific Railway, and Mr. Wood, chief engineer, arrived in the city this afternoon in a private car attached to the delayed Maritime express from Montreal.

At a meeting of the local curlers tonight W. N. Rippey, G. C. Allen and E. W. Givan were elected skips to play for the McLeenan cup.

A second smallpox patient was removed to the isolation hospital today suffering with a mild type of the disease. The first patient, who has been in the isolation hospital for the past month, is expected to be discharged this week.

Emmerson Abandons Suit

The last act in the famous libel suit of Hon. H. R. Emmerson vs. James H. Crockett of the Fredericton Globe was played in the circuit court here when J. D. Hazen moved that the indictment against James H. Crockett of the Fredericton Globe for criminal libel be quashed.

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SEVENTY-FIVE PEOPLE CREMATED IN ANOTHER OPERA HOUSE HORROR

Scores of Others Jump from Windows and Many Will Die—Explosion Caused a Panic and Women and Children Were Trampled to Death in Mad Rush for Exits—Whole Families That Attended Sunday School Benefit in Pennsylvania Wiped Out—Heart-rending Scenes.

Boyetown, Pa., Jan. 13.—Between fifty and seventy-five persons were burned to death tonight in a fire which completely destroyed Rhode's Opera House in this place.

The Opera House was crowded with members of St. John's Lutheran Sunday school, who were attending a benefit given for that church. While the show was in progress a tank exploded. The actors endeavored to quiet the audience, but in their anxiety to make themselves heard and to avoid the awful stampede of the women and children, the coal oil lamps which were used as the footlights were overturned, setting the place on fire.

The flames, fed by the oil, shot almost to the ceiling and there was a wild rush of the 700 persons to escape from the burning building. Scores of women and children were trampled on and several, who escaped being burned to death died after being dragged from the Opera House.

In many cases, it is said, entire families were wiped out. The scene which followed the explosion is indescribable. Scores of persons who were in the balcony at the time the explosion occurred jumped from the windows and sustained fractured limbs and skulls.

To add to the terrible disaster, the fire apparatus became disabled and the structure was left entirely to the mercy of the seething flames. It is almost certain that a vast number of the bodies of the unfortunate, who were overcome by the

smoke and perished ever will be found. Assistance was asked from Pottstown, but before the fire apparatus from that city reached this place, the entire centre of the structure was a roaring furnace.

Had the women and children heeded the warning of the cooler heads in the audience, the horrible loss of life might have been averted, but there was the usual panic and stampede which invariably follows at such a catastrophe. The flames spread rapidly and communicated to the other parts of the new theatre. Men, women and children rushed for the many exits and the weaker sex and the children were trampled and maimed in the mad rush to gain the street.

Assistance was at once asked of both Reading and Pottstown and special trains, carrying nurses and doctors, were rushed to the scene of the disaster.

Every home within a radius of half a dozen blocks of the Opera House was made a temporary hospital where the wounded were rushed by carriages and other means of conveyance.

Boyetown is a borough with a population of about 2,500 and is located about midway between Pottstown and Reading. The fire is not yet under control, but it is not thought that it will communicate to other property, as the Opera House is on a plot of ground by itself.

Hundreds of persons surrounded the residence of Mr. Carr, at the Presbyterian church, where he had fled, and at least a half dozen succumbed to their injuries after being hurried to one of the temporary hospitals.

Three children ranging in age from eight to twelve years and one woman, who were dragged from the building by persons who had rushed to the rescue, had been trampled almost to a pulp, the skull of one of the unfortunate children had been crushed as though an egg shell.

shrinking of mothers who rushed to the scene as soon as they learned of the fire was pitiful. As the night wore on the crowds surrounding the building grew to such proportions that it was almost impossible for the police force, which had been augmented by a score of men from Pottstown and Reading to keep the people back. One woman, who said she had lost her entire family in the theatre, was with difficulty restrained from throwing herself into the roaring flames.

At one o'clock a special train from Reading, bearing physicians and nurses, reached here, but there was little for them to do, for the injured who had dashed themselves to the pavement had been cared for by the physicians assisted by the Pottstown Relief Force. A few minutes after midnight the rear wall collapsed. The flames broke out anew and those who had vainly hoped to be able to find the remains of some of their loved ones turned in despair from the scene of the catastrophe.

It is estimated that at least 75 persons were injured by being trampled upon either on the stairs or by jumping from the windows of the burning structure. Of this number at least a score were fatally injured, at least a half dozen succumbed to their injuries after being hurried to one of the temporary hospitals.

The night was one of anguish. The

REFUSED TO PRODUCE TIMBER LEASE TENDERS

ALBERT CO. SCOTT ACT VIOLATOR JAILED

Magistrate Blight Didn't Heed Frank E. McDonald's Charges

Sentenced Him to a Month's Imprisonment Saturday -- It is Said the Prisoner's Safe Was Forced Without Any Legal Authority and Some Liquor Seized.

(Special to The Telegraph.) Albert, N. B., Jan. 13.—Frank E. McDonald was convicted by Police Magistrate Blight for a Scott Act offence and went to jail for thirty days, Saturday, despite the fact that McDonald had laid a criminal charge against Blight accusing him of wrongfully receiving and secreting some liquor taken from him without any process being issued.

Messrs. Blight and Jos. H. Irving, the constable, were before Timothy J. O'Connor, J. P., at Harvey on the charge and the hearing was adjourned at the request of A. W. Bray, attorney for McDonald, to allow time to procure the attendance of the informant. McDonald's attorney says he will proceed against Mr. Blight for the wrongful imprisonment of McDonald.

On October 14 last in the night an iron safe, used by McDonald in a barn or out-building near his home, was broken open with a crowbar and several bottles of liquor stolen therefrom and some papers and a book of memoranda. It is said the book furnished the clue to the names of the witnesses used at the trial on which McDonald is now in prison. This piece of delicate work, it is said, was done without any papers being issued by overzealous individuals who are now known and who will be called on to answer to a charge of burglary.

LOCAL GOVERNMENT TICKET IN CHARLOTTE?

George F. Hill, W. F. Todd, George Byron and Henry Grattan the Reported Victims—Rev. C. G. McCully Resigns.

St. Stephen, Jan. 13.—The officers of Mananok Lodge No. 38, F. & A. M. Grand Manan, are as follows: W. M., Henry E. Fraser; S. W., John Howell; J. W., G. L. Dakin; treasurer, Frank Ingersoll; secretary, M. Kent; S. D., Roy Ingalls; J. D., John Ingersoll; S. S., Nelson Ingersoll; J. S., Fred Russell; chaplain, Abram Dakin; D. of C., Dr. Johnson; G., W. A. Fraser; Tyler, E. J. Cliff; organist, H. Daggett.

Mrs. J. Ritchie Bell arrived from Montreal on Saturday and is a guest with Mr. Bell at the Methodist parsonage.

Chaplain H. E. Fraser, of Woodwards Cove, Grand Manan, is spending a few days in town.

Barney Ripley, of Milltown (N. B.), has been appointed to the position of customs officer at Milltown to fill the vacancy caused by the death of Hugh McAdam.

Rev. C. G. McCully, for many years pastor of the Congregational church, Glais (Me.), much to the regret of his congregation, publicly announced his resignation at the service yesterday morning. Rev. Mr. McCully is now more than seventy years of age and has not been enjoying good health for some time, so he felt constrained to resign. By his consistent Christian character and his zeal for the promotion of every good cause that tended to the uplifting of the community he endeared himself to the people of the St. Croix valley and it is hoped that he may be spared for many years to his relatives and friends.

Rumor has it that the following will be the government ticket for this county: Hon. G. F. Hill, W. F. Todd, of this town; George Byron, of Campbell, and Henry Grattan, of St. George.

Miss Annie Nicholson, daughter of Mr. and Mrs. W. F. Nicholson, of the Windor, returned to the Ladies' College, Sackville, this morning.

(Continued on page 3, sixth column.)

CANADIAN LINES MAKE DEEP CUTS IN EASTBOUND OCEAN RATES

Former Gaspé Man Killed at Montreal

(Special to The Telegraph.) Dalhousie, N. B., Jan. 13.—(Special.) John Wilson, who was killed by a runaway horse in Montreal last week, was formerly a resident of Gaspé, where he married his second wife, Jane Carr, sister of Charles Carr, of Dalhousie. The body of the deceased arrived here by the Quebec express today accompanied by two of the sons. The funeral took place from the residence of Mr. Carr to the Presbyterian church. Deceased was 73 years of age and highly respected.

THAW'S COUNSEL OUTLINES SENSATIONAL DEFENCE TO SUPPORT INSANITY PLEA



MRS GEORGE LAUDER CARNEGIE JOSIAH THAW MRS HARRY K THAW

C. P. R. Expresses is reduced from \$28.75 to \$17.50 and on other steamers from \$27.50 to \$16.25. To Scandinavian ports steerage on the Expresses is reduced to \$21.25, and on other vessels is reduced to \$20.25. These rates do not apply to west bound business.

Former Gaspé Man Killed at Montreal. Dalhousie, N. B., Jan. 13.—(Special.) John Wilson, who was killed by a runaway horse in Montreal last week, was formerly a resident of Gaspé, where he married his second wife, Jane Carr, sister of Charles Carr, of Dalhousie. The body of the deceased arrived here by the Quebec express today accompanied by two of the sons. The funeral took place from the residence of Mr. Carr to the Presbyterian church. Deceased was 73 years of age and highly respected.

Mr. Littleton promised to forge a chain of circumstances and to produce a line of testimony which will prove Harry K. Thaw was undoubtedly insane at the time of the homicide. Evidence of hereditary insanity and of strange, unusual acts by Thaw, not even hinted at during the first trial, were told by Mr. Littleton, who said that physicians and nurses who attended the defendant were hurrying here from Europe; that teachers of the defendant in childhood would come to give their impressions of "the wide-eyed, distant boy."

In conclusion, Mr. Littleton challenged the district attorney to produce a single reputable physician who would say that Thaw was not insane at the time he killed the noted architect.

Mr. Littleton's speech fairly bristled with surprises. He started the court room by declaring that after Evelyn Nesbit had told him her story in Paris in 1903, Thaw "drenched himself with a poison," and after would have died but for the heroic work of three physicians who labored over him all of one night. Mr. Jerome had a

(Continued on page 3, sixth column.)

Motion to See Originals Defeated

Mr. Ames and Opposition Wanted to Compare Real Documents and Copies and to See What Rights They Had—The Return Brought Down Shows Triple Increase in Members' Indemnities.

(Special to The Telegraph.) Ottawa, Jan. 13.—Dr. McLean, the newly elected member for Centre York, was introduced in the house today and received with Liberal applause.

A bill respecting the Cumberland Railway & Coal Company was read a second time.

In answer to Clo. Hughes, Sir Frederick Borden said that on several occasions the department laid before the war office the desirability of giving medals to the members of the 3rd contingent who were on their way to South Africa and within the three mile limit of South Africa even had been given, but they had been refused. The department did not intend doing anything further.

Sir Frederick Borden also said that it was the intention of the government to bring in a bill this session to give scrip to each volunteer who enlisted for South Africa from Manitoba, Saskatchewan and Alberta. No one outside these provinces would be entitled to the scrip. The bill would be framed on the lines of the resolution.

R. L. Borden asked what steps the government had taken to secure the continued maintenance of the coal station at Equinault (B. C.), and Mr. Borden replied that the correspondence was confidential and could not be produced. The same reply was given to Mr. McDonald, Toronto, in respect to the Halifax dockyard. There were \$38,000 expended at Halifax in making the station efficient and in 1907, \$40,000 in the estimates for this purpose.

In reply to a question by Mr. Foster, Mr. Fielding said that the total days of the session in 1893 was 108 and in 1907, 157. The sittings of the senate were 54 in 1893 and 62 in 1907. The number of senators were 72 in 1893 and 87 in 1907. The indemnity paid in 1893 was \$76,328 and, in 1906, \$210,140.

Ames Refused Papers. Mr. Ames moved that the original applications and tenders in respect of timber berths 1107, 1108 and 1117 be laid on the table of the house. He said that in some instances the copies of the documents did not give all information which the house was entitled to see. He stated that request was refused the interests of the public would suffer. He did not see how it could be refused. He had gained valuable information from the transaction of original documents. He was told that the original documents could not be obtained. This motion was put to test the integrity of the house as to whether the opposition had a right or not to get these original documents.

Mr. Oliver said that this point was referred to the deputy, who told him that the practice of not only his department but all the departments was not to produce original files but copies. That was the only department which every document is deposited from once last session was to the house and never returned. It was the practice of the department to produce but never left the hands of the officers of the department. The deputy recommended that any attempt to produce original documents should be resisted.

In the opinion of Mr. Oliver it was an attempt to set up a precedent which would prevent the transaction of public business. He was of the opinion that the request should not be granted. If Mr. Ames desired to examine these documents he might do so but they must remain in the custody of the officers of the department.

Foster Hints at a Scandal. Mr. Foster in reply said the intrinsic importance of the question had not been impaired by the manner in which it had been treated by the minister of interior. After all the business of the country was transacted by their representatives, so that in the end the 213 members constituted the body which voted every dollar of public expenditure and which, in the last analysis, must know and be accountable for the manner in which every dollar of it has been expended. Therefore it would seem that the request of those members for details of expenditure must override any plea of the convenience of the departmental employes and so when the minister of interior said point blank that on the recommendation of his deputy he had refused the demand of representatives of the people for original documents he took a position which, as a minor part of the system, indicated the principle of government which the administration proceeded upon. Under this system it was denied to the people's representatives to determine in the case of a contract who really had signed it, whether a name had been erased or a different amount substituted. (Hear hear.)

Cannot Withhold Information. "Now," continued Mr. Foster, "an honorable gentleman may say this is all very well, but you have not yet demonstrated that the representatives of the people in parliament want it, because it is the majority which rules and you cannot get a majority to carry your vote. On my reasoning, however, any one representative of the people has the right to go as far as all the representatives together in the matter of examining documents. Otherwise you will have an intolerable tyranny. The majority might repress an examination and keep from view every document which is of any value." (Continued on page 3, seventh column.)

WOULD HAVE A VOTE ON THE FATE OF THE SENATE

Motion Up in House That Question Be Decided at Next General Election—Drastic Law Proposed for Criminal Immigrants.

(Special to The Telegraph.) Ottawa, Jan. 13.—In the house today Mr. Lewis (West Huron) gave notice that in opinion of the house it will be advisable at next general election for house of commons of Canada to submit the following questions to a vote of the people:

- (1)—Shall the senate of Canada be abolished? (2)—Shall the method of appointment of senators of Canada be altered? Mr. Lewis has also given notice of a bill to amend the immigration act, by giving immigration officials power to search immigrants and confiscate all concealed weapons. He will further move to amend the criminal code by providing for the deportation of immigrants who may be convicted of stabbing or shooting aforesaid with an additional penalty of twenty-five lashes for each offence.