

## BRAGER CASE IS BEFORE COURT

Evidence and Argument Over Keeping Open Furniture Store.

Some Points Yet to be Gone Into and Further Postponement Made

The case of Jacob N. Brager, charged with violating the early-closing by-law affecting furniture stores was further postponed today after extensive evidence and much argument by counsel had been heard in Police Court. It will be taken up again at 2:30 p.m. Friday.

### FOR AMENDMENTS

E. J. Henneberry, counsel for Mr. Brager, said there was to be a meeting of the furniture dealers some time next week to discuss making recommendations to the Common Council for amendments to the by-law so that it would come more properly within the confines of the enabling act. He asked a postponement until that could be done.

A. N. Carter, appearing for the city, objected on the ground that they were not dealing with what future law might be, but with what the law was on Nov. 15.

Magistrate Henderson ordered the case to proceed and Mr. Carter put into evidence a copy of the by-law and the petition which had asked for the passing of the by-law.

There were ten names on the petition, one of them being that of Brager Bros. Ltd. He then called Detective Biddiscombe who gave evidence as to the alleged violation.

Mr. Henneberry objected to a question as to whether or not goods were offered for retail sale. It was allowed subject to objection.

Mr. Carter asked the witness to relate conversation between a clerk and himself. Mr. Henneberry objected on the ground that defendant was not present. The evidence was taken subject to objection.

### TALK WITH CLERK

The witness told that a clerk asked what he could do for him. The reply was that he wanted to buy some furniture and was told that the clerk was there for that purpose. The witness told the clerk that he was there on a report of a violation of the early-closing by-law. He was informed that Jacob Brager was out of town but on his return would assume all responsibility for the store being open during the prohibited hours. Detective Saunders was next called and corroborated Biddiscombe's evidence.

A. Ernest Everett, furniture dealer, said that he believed the petition to represent about 90 per cent of the furniture dealers in town.

Mr. Henneberry inquired as to the exact definition of a furniture dealer and argument between counsel and the witness followed.

### ASKS DISMISSAL

Mr. Henneberry said that, apart from what he declared the inefficiency of the by-law in defining furniture stores, he submitted that there was not sufficient evidence to satisfy the requirements of the law. He therefor asked dismissal of the case.

He read the by-law and stated that under the enabling statute, which allowed the by-law to be passed, the court must prove that the store was open for service. In his opinion that had not been done. Mr. Henneberry maintained that the statement of the clerk must be proven to have been made on the authority of the defendant, who was out of town on Nov. 15.

### COURT'S STATEMENT

His Honor then stated that he was not there to try the validity of the laws, but to enforce them. The by-law stated that all furniture stores must be closed between certain hours and Drager Bros. shop was a furniture store, and as such should have been closed. If the by-law was wrong, the conviction, if any, could be set aside.

### BIRTHS

FERRIS—On January 3, 1926, to Mr. and Mrs. F. W. Ferris, of Charles street, a son.

BUCKLEY—At the Saint John Infirmary, on Dec. 30, 1925, to Mrs. Rose and the late Thomas Buckley, a son, Thomas Frederick.

### DEATHS

BENNETT—At Gorton, Mass., on Jan. 5, 1926, George Ernest Bennett, age 27 years, leaving his wife, son, parents, one brother and three sisters to mourn.

WILLIS—At Gorton, Mass., on Jan. 6, 1926, Mrs. Alexander Willis, age 84 years, leaving four sons and one daughter to mourn.

Notice of funeral later.

BRADLEY—At the General Public Hospital, on Jan. 5, 1926, John Bradley, leaving his wife, two sons, one daughter, two brothers and two sisters to mourn.

Funeral on Thursday from his late residence, 146 Paradise row. Service at 2:30 o'clock.

HOWE—At 78 Prince street, West Saint John, Jan. 5, 1926, William Frederick Howe, formerly of Nordin, Northumberland Co., aged 83 years, leaving to mourn four sons, three daughters, one brother and one sister. (Newcastle and Chatham papers please copy.)

Funeral Thursday afternoon at 2:30 o'clock from his late residence. Service at 3 o'clock.

McGOVERN—At his residence, 15 Clarendon street on Jan. 6, 1926, Thomas McGovern, leaving his wife, six sons and one daughter to mourn. (Boston papers please copy.)

Funeral on Thursday morning at 9:45 from his late residence to St. Peter's church for solemn requiem high mass at 10. Friends invited.

### IN MEMORIAM

KRAST—In loving memory of our dear son, Rupert Kraft, who passed from this life on Jan. 6, 1924. One precious to our hearts has gone. The place made vacant in our home can never more be filled. Our Father, in His wisdom, called the boon His love had given. And though in earth his body lies, The soul is safe in heaven.

PARENTS.

LISTER—In memory of John A. Lister, who died Jan. 6, 1924. His three children, DONALD, RUTH AND JOHN.

BLAIR—In sad and loving memory of our dear friend, who passed away on Jan. 6, 1924. Gone, but not forgotten. PARENTS, BROTHER AND SISTER-IN-LAW.

## All City Departments Lived Within Income During 1925

The balancing of the books at City Hall shows that each department was able to live within its income for 1925 and each will have a small credit balance to go toward the 1926 assessment. In the public works department Commissioner Frink has for 1925 an underexpenditure of \$11,100. The commissioners are now engaged in making up their appropriations for 1926 but these will not be taken up by the council until after the county estimates have been passed.

be queashed. The present court was only there to enforce the laws. Councilors he said and then stated that his client should not be before the court, according to the strict wording of the law. He also said that he expected to prove that there was no infraction on Nov. 15, the date on which defendant is particularly charged.

In view of these facts, the case was postponed until 2:30 p.m. Friday.

## GORMAN HOME AFTER NEWBURG TRIUMPH

Cold Still Troubles Saint John Speedster—Tells of Interest in Meet Here

Charlie Gorman arrived home this afternoon from Newburg, where he captured the Middle Atlantic Skating championship on New Year's Day. He visited New York, Boston and New Haven en route. He said he was still suffering from a cold and that he had not done any skating during the last few days.

Charlie captured 15 firsts out of 17 heats skated, including preliminaries, semi-finals and finals. The only ones he lost was the final in the mile in which he got second and the semi-final in the half mile in which he was third.

All the leading skaters there were in good condition he said and expected to come here for the world's championship events in which they are keenly interested.

The Madison Square Gardens events in New York on Jan. 14 will be Gorman's next race.

## T. MCGOVERN DIES

Former Conductor of C. P. R. Passes Away at Home in North End

The death of Thomas McGovern took place early this morning after a week's illness at his residence, 18 Clarendon street. He was one of the best known and highly respected residents of the North End, where he had lived nearly all his life. He was born at Nerepis, but early moved to this city.

He was a conductor on the C. P. R. for more than 30 years, being superannuated about 10 years ago.

He leaves besides his wife, six sons, Bernard and Thomas of this city, and William, Gerald, Frederick and Leo of Montreal, and one daughter, Mrs. Charles Judge of this city. All his family were home at the time of his death. The funeral will take place on Friday morning at 8:45 o'clock from his late residence to St. Peter's church for requiem high mass at 9 o'clock.

W. F. Howe of West End Dies, Aged 83

The death of William Frederick Howe occurred at the residence of his daughter, Mrs. Annie Harrington, West Saint John, this morning, following a stroke of paralysis Christmas Day. Mr. Howe was 83 years old, and was a former resident of Nordin, Northumberland county, where he spent the greater part of his life. For many years he was employed with the Ritchie Lumber Co., Newcastle. Two years ago he removed to his daughter's home in West Saint John.

Mr. Howe is survived by four sons, Hedley and Davis of Nordin, William and Detroit, and Ira of West Saint John, and three daughters, Mrs. Annie Harrington and Mrs. James Thompson, West Saint John, and Mrs. James Anderson of Douglastown. A sister, Margaret A. Howe and a brother, Richard, both of Nordin, also survive. The funeral will be from his late residence, Thursday afternoon at 2:30 o'clock, with service at the house at 2 o'clock.

CATTLE SHIPMENTS.

Seventeen cattle shipments are scheduled this month from this port and Halifax. Nine of these will be from Saint John and eight from Halifax. The first shipment was made last Saturday for the month with the sailing of the Manchester Commerce from Halifax and the second on the Donaldson freighter on Monday from the same port.

K. C. CONVENTION

The Knights of Columbus are planning on holding a convention here during the week of the world skating championship and elaborate plans are being made. There will be a large gathering.

ATTEMPTED ROBBERY.

There was an unsuccessful attempt made to break into the jewelry store of Ernest Law last night. When Mr. Law arrived at the store this morning he found that the padlock and hasp on the door had been twisted and bent.

PAYS \$200.

Albert Doherty paid a fine of \$200 when he pleaded guilty in the Police Court this morning to having liquor in premises other than his private dwelling.

LOST—Red wallet containing sum of money and books and papers. Reward—Phone M. 4651.

Beautiful Willow Chairs and Rockers

We have only a limited stock of handsome Willow Chairs and Rockers on our floors and those who come first can have first choice while they last.

This handsome Willow Chair or Rocker strongly made, etc., price \$18.00, only \$20.00 down and balance three monthly payments. Will take your old furniture for part payment on your new purchases.

AMLAND BROS., LTD. 19 WATERLOO STREET

## WRECK VICTIM STILL SERIOUS

Eveline Rose, Hurt in C. N. R. Wreck, Likely Received Internal Injuries

Twenty Hurt as Maritime Express Leaves Rails Near Springhill

HALIFAX, N. S., Jan. 6.—The condition of Miss Eveline Rose, of Peterboro, Ont., who was injured yesterday afternoon, when the Halifax-bound Maritime Express was wrecked at Salt Springs, near Springhill Junction, on the main line of the C. N. R., was reported from All Saints Hospital at Springhill, this morning, as being still serious.

Miss Rose sustained possible internal injuries, as well as a blow on the head and a severe shock.

OTHERS INJURED.

The other two casualties taken to the Springhill Hospital, W. J. Ross, of Halifax, sleeping car conductor, and George L. Green, passenger, of Sandy Point, N. S., were reported as being in a favorable condition. Conductor Ross was badly cut on the head and arms. Mr. Green had two ribs broken, was slightly cut and suffered hip injury.

Miss Marguerite Crocker of Millerton, N. B., who was taken to a Truro, N. S. hospital, suffering from cuts on her head and back, was according to word received from Truro this morning, resting well.

TWENTY HURT.

The remainder of the 20 persons injured in the wreck, were, it is thought, suffering no serious effects from their wounds which were for the most part minor shocks, and cuts.

The track in the vicinity of Salt Springs, which had been torn up for 200 feet by the wreck, was repaired last night.

Miss Crocker is a niece of W. U. Appleton, general manager of the Atlantic railway. C. N. R. Miss Crocker's brother, Fred, is a member of the staff of the C. N. R. ticket office here.

## REX R. CORMIER IS INSTALLED MASTER

Officers of Saint John Lodge, A. F. and A. M. Take Over Positions

The election and installation of officers for Saint John Lodge, No. 2, A. F. and A. M., was held last evening in the Masonic Hall, Gormley street, with a large attendance of members. The new officers were installed by Most Worshipful Grand Master George D. Ellis, assisted by the chief officers of the lodge.

Addresses were given by Past Grand Masters Hon. J. G. Forbes, Past Grand Master LeBaron Wilson, Grand Secretary J. T. Twining Hart, Grand Chaplain Rev. C. Gordon Law, and Past Master Olive Dickson.

After the installation the members adjourned to the banquet hall, Gormley street, where a splendid dinner was served and a social hour enjoyed.

THESE ARE OFFICERS:

The officers installed last evening were: Worshipful master, Rex R. Cormier; immediate past master, John C. Barle; senior warden, George Gamba; junior warden, W. H. Hale; treasurer, W. H. Smith; secretary, Reverdy Steeves; senior deacon, William Macaulay; junior deacon, Aswood Bridges; senior steward, Thomas Totten; junior steward, Leland Dykeman; director of ceremonies, William Denham; inner guard, Harold Gregg; organist, Thos. Cochran; chaplain, Dr. H. S. Bridges; Tyler, Robert Cloyce.

Ferry Business in Last Year Lighter

A summary of the year's operation of the harbor ferry shows that during 1925 there was a decrease in the number of passengers carried and in the revenue from that source. That there was also a decrease in the number of teams carried but an increase in the revenue from that source, leaving a net decrease in revenue of \$486.12.

The expenditure in 1924 was \$1,165.72 and in 1925 it was \$1,052.75.

FIGURES IN DETAIL.

In 1924 the number of passengers carried was 1,765,101 and the revenue \$29,702.12; in 1925 the number of passengers was 1,729,477 and the revenue \$28,594.04. The decrease in the number of passengers was 35,624 and the decrease in revenue from them was \$1,108.08.

In 1924 the number of teams carried was 110,964 and the revenue was \$9,985.23; in 1925 the number of teams was 106,071 and the revenue was \$10,637.19. There was a decrease of 2,693 in the number of teams and an increase of \$651.96 in revenue.

The increase in the revenue from teams was due to an increase in the fare from 8 cents for single and 15 cents for double teams to 10 cents for single and 20 cents for double or transient traffic.

W. G. Bird Declared Elected in York

Special to The Times-Star.

FREDERICTON, Jan. 6.—The York County Council this morning adopted the report of the special committee on the protest of the election of Wasson G. Bird as councillor for Parish of Bright and declared Bird elected over Albert T. Jewett on the ground that the latter had agreed to accept the toss of a coin to decide the vote.

ONE TODAY.

One man was fined \$8 in the Police Court this morning on a charge of drunkenness.

## VOTE \$25 TOWARDS PROVIDING RADIO

Women's Service League of West Saint John Has Interesting Meeting

The sum of \$25 was voted last night by the Women's Service League of West Saint John toward the radio installation the Lancaster D. S. R. hospital which is being arranged by the Carleton branch of the G. W. V. A. The league met at the residence of Mrs. J. William Hart, Lancaster street, with Mrs. Norman P. McLeod, president, in the chair. A hearty vote of thanks was tendered to Mrs. C. H. Coghane for the success of the musical held at her residence in Dec. 3, which had realized \$170.

Committee reports showed that the members had been very busy during the last month carrying out the league activities. The benevolent committee had had supervision of the sending out of boxes at Christmas time and the league members had assisted the Carleton G. W. V. A. in providing a Christmas tree for 100 children. The league had also given some new books to the Lancaster hospital as a Christmas present. Reports of the work of the members in making garments for distribution among the poor were also received.

DEAD AT AGE OF 84

Mrs. Alex. Willis Celebrated 60th Wedding Anniversary Last Year

The death of Mrs. Alexander Willis, of Golden Grove, occurred this morning, in the 84th year of her age, and was the result of a long illness. She had been in failing health for about a year, but seriously ill only since last Saturday. Last June Mr. and Mrs. Willis celebrated the 60th anniversary of their wedding.

Her husband, four sons, Alexander, Jr., and William, Golden Grove; Abel, of Lexington, Mass., and James W., of this city, and one daughter, Mrs. Howard Hammond, of Golden Grove, survive.

Local News

CONDITION BETTER.

A favorable report from the sick room of His Worship Mayor Potts was received today.

TO BE BURIED HERE.

The body of Miss Clara Louise Cushing will be brought here on Thursday by the Boston train from Bangor, Me. The funeral will be held from the Union Depot to Fernhill.

CONSIDERATION PROMISED.

At the conference yesterday afternoon by representatives of the Provincial Government, lime manufacturers, agricultural interests from C. N. R., the matter of freight rates on crushed lime for farm use and contracts made with the former Provincial Government were discussed. Consideration of the matter was promised by the minister of agriculture.

DISCUSSED EXTENSION.

The extension of the hydro lines from Moncton to Sackville and Hillsboro was discussed at a meeting of the New Brunswick Electric Power Commission here last evening. Hon. E. A. Reilly, K. C., of Moncton, chairman of the commission, said after the meeting that the project was receiving consideration and that a decision had been reached as to whether the construction would be undertaken.

CASE ENDED.

The case of James Levine and James Chisholm, charged with having robbed and assaulted James Brehaut, on last Saturday night, was taken up in Police Court this morning. Chisholm was allowed to go on suspended sentence and Levine was dismissed. The commission said that he did not wish to press a charge so serious. It was proved that Levine was not present at the actual robbery. W. M. Ryan, counsel for Chisholm, undertook to see that Brehaut got his money in two weeks.

Funerals

The funeral of Edgar Edgett took place this afternoon. A short service was held at his late residence, 250 Charlotte street, and the service in Trinity church. The services were conducted by Rev. C. G. Lawrence and Rev. H. A. Cady.

William Henry Lingley

The funeral of William Henry Lingley was held yesterday afternoon at 2 o'clock from his late residence at Lingley and was largely attended. Rev. A. J. Patstone officiated and the pallbearers were Bartlett Lingley, Howard Lingley, Steven Lingley and Stanley Lingley. Interment was made in the family burying ground at Sagva.

Stop Rheumatism With Red Pepper

When you are suffering with rheumatism so you can hardly get around just try Red Pepper Rub and you will have the quickest relief known.

Nothing has such concentrated, penetrating heat as red peppers. Instant relief. Just as soon as you apply Red Pepper Rub you feel the tingling heat. In three minutes it warms the sore spot through and through. Frees the blood circulation, breaks up the congestion and the old rheumatism torture is gone.

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## Shipping

PORT OF SAINT JOHN

Arrived

Wednesday, Jan. 6.

Stmr. Canadian Aviator 2057, for London and Antwerp.

Stmr. Bateford, 2906, Murray for London and Hamburg.

Stmr. Bolingbroke 4145, Drott for Glasgow.

Sailed

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## ROYAL CROWN ALBERT CHINA

We now have a complete and attractive display of this Beautiful Ware Especially in Cups and Saucers Priced at \$1.00, \$1.25 and \$1.35 each

O. H. WARWICK & CO., LTD. 78-80-82 KING ST.

They Do Not Sell Furniture

J. Marcus, Ltd., don't sell Furniture. You may buy Furniture there, but what the firm SELLS is something by another name.

Supposing you and your husband lived your entire lives in trips across the Atlantic, down over the border and into upper Canada, studying the latest ideas in home interiors, visiting furniture factory after furniture factory. Suppose you called on the great furniture stores everywhere, absorbed a shelf of books on interior decorating, kept in touch with the experts. Suppose each of you took in turn two or three trips a year to pick up the latest tips on Furniture. And that you spent the rest of your time buying just odds of Furniture here, there and everywhere, planning out homes with numbers of people.

After all that, wouldn't you be able to fit out a home with great results? You'd have KNOWLEDGE on your side, you'd do far better than some folks who spend double.

Yes, Furniture itself is the last thing J. Marcus have to offer.

SAINT JOHN FIRM.

David A. Porter and Reginald Brewster doing business in Saint John under the name of Progressive Store, and Porter and Brewster have dissolved partnership. Mr. Porter will continue the business.

John Anderson has retired from the firm of J. W. and J. Anderson, Burnt Church. William Anderson and Mrs. Kate E. Anderson will continue the business.

Business Locals

CANTATA

Tonight, Jan. 6, at 8 o'clock, at St. James Church, cantata by combined choir of St. James' and St. Paul's churches, under the direction of Prof. James F. Browne.

Regular Dance tonight. Prentice Boys' Hall.

Masquerade dance, Orange Hall, Simonds street, Thursday evening. Harmony orchestra in attendance.

DANCING, RITZ