

Supreme Court

(Before full Bench.)

The King vs. Albert George Benson.

The charge against the accused is that he did on 21st Jan. at St. Jones Within murder Walter John Sheppard his nephew.

Mr. G. F. Bradley appeared for the defence.

Mr. C. E. Hunt and C. J. Fox for the crown.

The following special jury was sworn: Samuel Noseworthy, Alfred Moore, Patrick Burke, Francis Leamy, Herbert Barnes, John Forsey, Wm. Blackler, Alex Oke, W. S. Moulton, Arthur Tilley, Leo McFarlane, Thomas Humphries.

Mr. Fox opened the case for the crown and addressed the jury on the charge of which the prisoner is arraigned. He said evidence would be produced to prove that on Jan. 21st, the accused with the deceased went into the woods and in the evening he returned alone, reported that he had left the dead body there. The deceased was a healthy active lad of 9 years of age and showed no sign of physical weakness. The medical evidence would show that there was various injuries on the body and also testify to the healthy state of the boy's internal organs. Evidence of the accused telling conflicting stories about the boy's death would also be submitted. The constable who arrested the accused would testify to finding blood marks on the snow, where the boy met his death. At the conclusion of Mr. Fox's address the first witness, Allan Long was called.

Examined by Mr. Hunt, witness, who is land surveyor, told of making certain plans of land in the vicinity of St. Jones Within known as "Benson's Scrape" (plan submitted to jury).

Cross-examined by Mr. Bradley, witness said he made the plans on Feb. 20th, and conditions were as they found them on the ground on that date.

Robert Miller examined by Mr. Hunt, said he is a resident of St. Jones Within and recognized the prisoner at the bar. He knew Benson 28 or 30 years—since he was an infant. Witness knew Walter John Sheppard, whom he described as a boy of 10 years, mentally good of nice size and tall for his age, but rather slight. He last saw him alive in the first week in January and he was then in very good health. Witness on Jan. 21st was in the woods but did not see the accused. The first time he saw him was at his brother David Benson's house on the 22nd, inst. David told him that they decided to trim the coffin he, witness, made for the little boy, and they had been up all night at the work. Witness with his son and Albert George Benson went to the latter's home, where the body in the coffin. He removed the cloth from the dead boy's face and saw that the lips were swollen, with fractures—sorts of cuts on the temples. He then told the accused that it was a wrong thing to have the boy in the woods and he should have been at school. He advised him to send a message to the boy's father. In further conversation, he told Benson to go with him in the woods to the place where he picked up the boy. Witness with the accused went in the woods along the Baley's Cove path, until they came to a place near a bunch of dogwood on the left hand side of the road which the accused pointed as the spot where he found the boy lying face downwards and dead. There was snow on the ground which had probably fallen a few days before. There was only the prints of Albert George Benson's feet found on the snow, and despite a close examination by himself, his son and Gideon King, who accompanied them they found no print of the boy's foot nor no spots of blood. He remarked the fact to the accused, who said he did not bleed. Benson told witness that he had left the boy to hand out some junk whilst he went in over the hill to cut some more junk. Witness then went about 50 or 60 feet to where they came to a stump of a tree. Benson said he had cut this tree and had two chops in it when he sang out to the boy and got no answer. He then came and found the boy with but little life in him. He took the boy out to the end of the path and laid him on the slide. He then went back to the wood to look for his brother David.

Cross-examined by Mr. Bradley, witness said he was not familiar with the place where the boy was found, there was a marsh about 100 feet more or less away from the dogwood trees. Witness helped to haul out the tree that Benson was cutting, it was about 30 feet long and was made into twounks. At the butt it was 9 inches in diameter. There was no branches on the first or second junk, most of the limbs were on the top but there were knots on the middle junk showing that limbs had been cut off. He thought that the fracture or cut on the boy's temple might probably be made by the limb of a tree.

Re-examined by Mr. Hunt, witness said that when he went in for the tree they found the top 14 or 15 feet from the trunk. It was not anywhere near the dogwood bunch, probably 70 or 80 feet from it.

Re-cross-examined by Mr. Bradley, witness described the dogwood tree as up the hill, the stump further up and the top further up still.

Benedict Robins examined by Mr.

Fox, said he lived about three miles from St. Jones Within. On Jan. 21st last, he went in the Baley's Cove path to see where he heard an accident occurred. Going up over the scrape he came to a dogwood bunch, but found nothing. He then came down over the hill to Baley's Cove path and then turned in and away from St. Jones Within. About 30 or 40 feet in he found some blood stains on the snow in the path. The place appeared scuffed around in an area of 8 x 6 feet. There was a young growth of trees in the area.

Cross-examined by Mr. Bradley, witness said there was just a spot of blood here and there on the right side of the path. Witness did not go up the scrape beyond the dogwood.

Re-examined by Mr. Hunt, witness said he thought there would be about 6 or 7 blood marks scattered around.

Mr. Anderson examined by Mr. Hunt remembered holding a post mortem on Jan. 29th on the body of a boy named Sheppard. He was average active boy of about 10 years. He found the vital organs healthy. On the outside of the body he found bruises around the neck, two small marks near the left eye, a bruise at the left side of the forehead, a scrap across the upper lip, and a loss of tissue on the under lip. Viewed from the back there was behind the left ear a mark like a small puncture. The bones were not hurt or broken. On the lower and under surface of both forearms there was scratches with discoloration extending from the elbows to the wrists. There were also some abrasions on the upper part of the thighs just below the buttocks. Witness said he gave a certificate that death was caused by shock, following the injuries to the head and neck.

Cross-examined by Mr. Bradley, witness said the mark behind the ear was deeper than a scratch and the marks on the forearms showed slight loss of tissue. In addition to the abrasions on the left temple, there was discoloration fading away into the hair, but there was no damage done the tissue of the brain. Asked if the scratches were individually the cause of death, directly, the witness said no. Asked if taken collectively would death have resulted therefrom, witness said there was no individual injury sufficiently severe to cause death. All the blows and shocks, which interfered with the functions of the heart and caused death, he explained.

Re-examined by Mr. Hunt, witness said the immediate cause of death was to all intents and purposes the blows received.

Adjournment was taken at 1 p.m. until 2:30 p.m.

Good Roads and Highways

ONE OF THE FIRST AND GREAT ESSENTIALS OF ANY COUNTRY.

Editor Evening Telegram.

Dear Sir—If you can afford a little space in your paper The Evening Telegram, for an outpost man to make a few remarks, on what is of great importance to us people in this part of the electoral district of Twillingate.

First, I would like to say that I am pleased to notice that our people, as well as our present Government, are waking up to the fact that public roads and highways are one of the first and great essentials of any country, and it should be of great importance to us who call ourselves "Fishermen Farmers," though someone has said, "You can't make farmers out of fishermen." Well, Mr. Editor, I must take issue with that, someone, who ever he may be, you can make anything out of a real Newfoundland.

He is certainly a fisherman, he can build his own boat, or scotch make her sails rig her, and sail her, you can make, or fit him at short notice for the Army or Navy, where according to Field Marshal Haig, he proved himself "Better than the best," he is a miner of the first water, yes, and you can make a farmer out of a Nfld. fisherman, if you will give him half a chance. To prove this, I will give you one instance, the man that I have in my mind's eye, was master and owner of what he considered his own scotch, for many summers to the Labrador fishery, and like many others some years did well, and other years not so well, but, for the last three or four years that he prosecuted the fishery, he brought home good voyages, but finding himself no better off at the end of the successful years, (he was a man then of over forty years old) he made up his mind that he had caught his last Cod, and henceforth would be a farmer, consequently, he told the merchant, when he had shipped his fish that he wanted the scotch for only one month longer, the merchant looked a bit surprised, and asked what he intended to do, the skipper replied "Just long enough to take my family and gear in the bay, and while I am building a couple of shacks, to put my family and dumb animals in," (he had a couple of cows, some sheep and a couple of pigs) he went in the bay, with his wife, two daughters, and two sons, one a boy, the other a young man.

That fall and winter he cut and cleared away for the farm, he cut the timber off the land by day, and burned the rubbish by starlight and moonlight, and during the winter and spring chopped scuttling out of the timber cut on the land and those who saw the scuttling and knew good

scuttling, said it certainly was No. 1 he had a small scotch load, he freighted it to St. John's, the freight was \$4.00 per ton, and he received \$4.00 per ton for his timber, but, sir that piece of hard luck didn't knock all the "John Bull" grit out of him, he fought two forests trees that burnt his fences and spoiled some of his crops in his first year, notwithstanding all that hard luck, in ten years he was planting about 40 barrels of seed potatoes, and other crops accordingly, his two milch cows that he brought in the bay with him had increased to six, and several head of young cattle, and bulls, and about 30 sheep, also quite a number of pigs, and grew his own feed for them; and had induced some of his friends and neighbours to come and do likewise. He also managed to take his new scotch's produce to market by hiring a scotch large enough to accommodate them all.

His barns and fences were kept lined too; but sir, a couple of years ago, I had the pleasure of travelling by train, from Boston to Montreal and Toronto, and I was obliged to ask the porter on the train, if there was any time in Canada, he replied, "Oh, yes, plenty time in Canada." I said "It don't look so, to see so many great barns and silos, as well as fences, black with age, that a lime brush had never been put on," the porter then said, he guessed the farms were hired farms, and the tenants were taking all they could get out of the farm, and putting as little back as possible. Of course, they were big farms. All the more I thought they should look as if a farmer were living on them, especially, when trains were running by them, every hour or less, day and night, so that the farmer could get whatever he wanted at the right time.

My Nfld. farmer for the first ten years, had a foot train through mud and woods to the next settlement, about five miles, and had to go fifteen miles by sail boat, (no motor boats then) to connect with the bay steamer and I am not sure that they have a decent truck road there now, after 30 years settlement, and this is in the District of Twillingate, the Premier District almost continuously, since 1872 when the late Sir F. B. T. Carter first presented us in the "People's House".

I am free to admit sir, that thousands of dollars have been thrown away on roads in this district, as well as in all other districts in the country, and the honest man has had to suffer on account of politics, and bad management. Take for example the Hall's Bay Badger road De Lux, one party surveys and cuts the road and builds the bridges; the next year, another man comes along with a crew of men. He happens to be a man of high notions, he leaves the level road, that is all ready for gravelling, and betakes himself and crew up in the side of "An Exceeding High Mountain" to make a new road, (where no man will ever go with a load, or even half a load). I am told by people who have come over that path with motor car, that they had to get out and help push the car up at one or two places, to stop at the "pinches", while the piece of road left unfinished is as level as the lake, and as straight as it is level. Why was this done? Was it that the contractor, like the goats, loved to be up in the hills in summer time, or was it because he thought that he could have money for his government? He certainly did not save any for them because that piece of road, which spoils a fine piece of road from the Badger Station to Halls Bay, and right on to Springdale, when finished, will have to be abandoned, as it is already, except by those who have to climb up that hill with their horse and carriage or motor car. All who have travelled that road, or route, to the Great Gull Lake, as the writer has since 1905, will verify what I have said. If that contractor will stand up the highest part of his new road, with his plumbline in his hand, and drop his lead to the level of the lake, (South Lake) he will readily see that he did not act on the square with either his government or his fellow men.

Why the powers that were did not consult such a man as G. W. Clarke or A. E. Brown of Springdale, who logged there 50 years ago and who can look out of their window and see a horse and cab, or motor car, up in the side of that mountain, whenever one happened to pass there; whereas the road should be level with the Hall's Bay water. Is it any wonder, Mr. Editor, if I should say that politics have been the cause of road making in this Nfld. of ours.

I am sorry, Mr. Editor, for trespassing on so much of your space; but, Sir, after spending fifty-three years, all but a few months, in this district, you will pardon me if my letter is a "wee bit" to lengthy on road matters.

Yours truly,

THOS. E. WELLS.

CARD.

Dr. M. F. Hogan,

Dentist,

142 Water Street,

over Lamb's Jewellery Store.

(Opp. Royal Stores).

Telephone 1255.

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STOCK MARKET NEWS

Furnished by Johnston & Ward, Board of Trade Building, Water Street

NEW YORK, March 19.

TO-DAY'S NEW YORK OPENING.

Marine Pfd. 40%

Pan. American "B" 76%

Pacific Oil 54%

Radio 53%

Ray Copper 12%

Sinclair 19%

Studebaker 43%

Sub. Boat 9%

Shell Union 23%

Southern Pacific 101%

Tobacco Products 74%

Texas Co. 44%

Union Pacific 143%

U. S. Steel 120%

Butte 17%

Anaconda 33%

C. P. R. 147%

Coeven 23%

Cuban Cane Sugar Pfd. 57%

Fiske 11%

General Petroleum 49%

General Motors 70%

Inter. Petroleum 24%

MONTREAL OPENING.

Abitibi 66%

Brazilian 52%

Montreal Power 171%

Breweries 51%

Can. Steel 80%

Dominion Bridge 85%

(From Halifax Chronicle, March 13th, 1925)

SIMMS PETROLEUM CO.

NEW YORK, March 11.—Material improvement in oil prices and ability to maintain strong positions in cash and crude oil production are regarded as conditions which should bring larger dividends for Simms Petroleum stockholders.

Next meeting of directors is tentatively scheduled for about the middle of May and it is believed there is more than an even chance that the payment will be \$1 a share.

Simms declared its initial dividend in November, last, of 50 cents without designation as to what period it was supposed to cover. Action in May, paying \$1 would be regarded as equivalent to putting the stock on a \$2 annual basis.

Simms has approximately \$4,000,000 working capital, with no obligations to banks. Of this working capital something like \$1,500,000 is in cash, while 1,500,000 barrels of crude in storage makes up a large part of the balance.

This is a rather strong position, when it is considered the Simms policy is to charge drilling costs as current operating expenses, and it did a lot of drilling at Wortham recently. Its crude production is well maintained at something over 13,000 barrels daily.

American International Corp. continues the largest individual shareholder with \$9,744 shares purchased some few years back at an average cost of around \$47 a share. Some other large holdings, however, were sold the past few months, and most of the stock found its way to people previously identified with Simms. With the company showing real earning power and ably managed, along with paying dividends, American International's investment looks a great deal better than any time in recent years.

UNITED STATES STEEL.

Forward Orders of 5,284,771 Tons March 1 Highest Since 5,414,663 August 1, 1923.

NEW YORK, March 11.—Increase of 247,448 tons in United States Steel Corporation's unfilled tonnage in February exceeded the most sanguine estimates and indicated that buying in the last 10 days of the month was considerably better than earlier in this period. For the first three weeks of the month, business exceeded shipments by average of about 400 tons daily. Average daily increase for 24 working days was in excess of 10,000 tons.

Steel's subsidiaries operated at from 92 p.c. to 9 p.c. capacity in February, and average operations for the month were about 92 p.c. These figures, however, are for ingots, and production of finished steel was not as high, probably 90 p.c. for the month. On this basis, shipments may be estimated at close to 1,150,000 tons and incoming business at nearly 1,400,000 tons. This gives a daily average of incoming business approximating 60,000 tons or something more than capacity. Forward bookings of 5,284,771 tons March 1 were the largest since August 1, 1923, when unfilled orders stood at 5,414,663.

Business in the first week of March kept up to the February rate, and producers claimed there were indications that buying would increase further soon. Improvement in demand, in fact, is natural at this time of year and its failure to appear would be a distinct disappointment. However, there seems no present reason to have any apprehension on this point.

(From Financial Times, March 6.)

SPECULATION IN "INTERNAL" BONDS.

We feel that a warning should be issued against a form of speculation, or gambling, that has started up

again with renewed energy and may cause serious loss to thousands of investors in Canada. We refer to the purchase of what are known as "internal" bonds of foreign governments. A rather specious form of "selling talk" is being indulged in by a number of houses in this country and the United States who are urging the purchase of internal bonds of Germany, France or Austria, or one or two other countries, on the argument generally that the currency of these countries is likely to show a marked improvement in the near future, and that the prices of the bonds will advance considerably with this betterment in exchange.

This argument may turn out to be well founded or it may not, but we wish to point out that for an investor the claims that are being made have no real basis in any information that can possibly be in the hands of these houses that are offering these bonds as investments.

We have in mind a house that kept urging clients to purchase German bonds from the time that the mark was about one cent until it had fallen to about one hundred thousandth part of one cent, and even one millionth part of one cent. The original bonds that they had sold as a "reasonably attractive speculation" dropped to a point that was less than one hundredth part, or even one millionth part of the price at which this firm willingly accepted the money of its unfortunate clients. All this time it was claiming in its circulars that "international bankers" were holding out high hopes of an improvement in German exchange. As events proved, those who were offering these bonds had no more knowledge than a one-year-old infant of what they were talking, and rather less, for in many respects instinct guides the infant in the more important features of its requirements, while the instinct of these so-called international experts was utterly avary.

We believe that it is the firm belief of the better class of economists that the French franc will never again return to normal, and that the present price around 520 cents in place of the old par of 100 cents—that is, at a discount of nearly 75 per cent—is probably as high as it is likely to reach. It is generally believed that the French people are not prepared to go through the dreary and wearying process of unemployment and serious privation that would be needed to restore their currency to a normal basis, and thus any claims that are made of the ordinary French internal bond being negotiable in a year or two at the old par would appear to be thoroughly unwarranted.

The purchase of these internal bonds of foreign governments in the main must still be regarded as highly speculative, and should be distinguished from an investment in which are termed the "external" international bonds, such as issues of the French, Japanese, German and other governments, where principal and interest alike are payable in dollar currency. The latter, in the main, have been carefully scrutinized by able British and United States bankers, and offer an investment that at least is not subject to the vastly uncertain fluctuations of foreign exchange.

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M. S. POWER, D.D.S.

(Graduate of Philadelphia Dental College, Garretson Hospital of Oral Surgery, a n Philadelphia General Hospital.)

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DRESS-UP ACCESSORIES

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COME! and see how capably this Store caters to the individual tastes of MEN, YOUNG MEN AND BOYS



We just glory in our delightful assortments for Spring in this particular Section. Everything coming along just as we wanted it—expected it, and in many cases even beyond our expectations, and with a reasonableness of price which must of necessity mean much when the ensemble has to be thorough. Glad to see you and to show you the following to-day:—

Boys' Caps.

"Eastern" Caps in all the newest Spring weaves, banded and pleated back. Special \$1.48

Fabric Gloves.

Chamois shade in a Suede fabric finish, washable, dressy and good to wear. 79c.

Dress Shirts.

Men's full Dress Shirts, showing pleated front, laundered cuffs or French Soft Cuffs. \$3.25 4.25 4.90 5.85

Dress Collars.

Opera and Dinner shape, peak or round corners, necessary collars for affairs. Special 29c.

Cuff Links.

Rolled Gold Cuff Links in the latest London shapes, individually boxed, very, very neat. Special 55c.

Jerseys.

Wool Jersey for little girls or boys, snug fitting style with Polo Collar, shades of Brown, Navy, Grey, Fawn and Cardinal, etc. Just for this \$1.28

Velour Hats. "Biltmore" Velour stand out distinctively, particularly so in their smart Pearl Grey shades, with Black Silk band. Special \$10.75

Men's Caps.

Nobby Spring style "Eastern" Caps for men, in smart appearing Grey mixtures, banded and pleated back, Silk lined. Special \$2.85

Combinations.

Men's Spring weight Starfield's Combination Underwear, in fine White Wool; a welcome change. Special the \$3.39

Underwear.

Natural Merino Shirts and Pants, in all wanted sizes, a delightful weight for Spring wear. The garment \$1.09

Suede Gloves.

The finishing touch to a man's Spring outfit—a pair of our best Suede Gloves; choice of Grey or Brown. \$2.75

Khaki Shirts.

Boys' well made every day Top Shirts with neat fitting collar, soft sateen make, sizes 12 to 14. Special 79c.

Boys' Pants.

Of very special quality English Tweeds, lined throughout; sizes to fit 8 to 15 years. Our Special \$2.19

Solitaires.

In dressy plain pearl, with color ring, others Gold, platinum. A special assortment at 25c. and 33c.

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A captivating style for the young man with his new Spring Suit. Shades they like best—Steel, Silver, Beige and Fawn. Silk lined and light in weight. A BAIRD SPECIAL \$5.75



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10,000 Best Fire Bricks

100,000 Buildng Bricks

— AND —

200 Sacks Fireclay.

H. J. Stabb & Co.

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STATUTORY NOTICE.

In the matter of the Will and Estate of Nicholas Walsh, late of St. John's, Merchant, deceased.

Notice is hereby given that all persons having any claim or demand upon the Estate of Nicholas Walsh, Merchant, deceased, are requested to send particulars of their claims duly attested to the undersigned Solicitors for the Executors, on or before the 10th day of April next, after which date the Executors will proceed to distribute the Estate, having regard only to those claims of which they then shall have had notice.

Dated at St. John's this 10th day of March, A.D. 1925.

McGRATH & McGRATH, Solicitors for Executors.

ADDRESS: 315 Duckworth St., St. John's. mar10,4,1,1

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