

The Montreal Star

VOL. XV, No. 110.

ST. JOHN, N. B., WEDNESDAY, JANUARY 29, 1919

TWELVE PAGES—ONE CENT

Conviction In Liquor Case Is Quashed

Judge Crocket Gives Judgment

FRANK TOTTEN MATTER

His Honor Criticizes Parts of The Prohibition Act as Being "Un-British" — Question of Opportunity for Defence in Lower Court

A supreme court chambers this morning His Honor Judge Crocket delivered an interesting judgment in the case of the King vs. Robert J. Ritchie, ex parte Frank Totten.

In this case Totten was convicted by Magistrate Ritchie on Nov. 4, 1918, for having liquor other than in his own private dwelling, and fined \$200. An appeal by way of certiorari was taken by William M. Ryan, the defendant's counsel, on the ground that the magistrate acted without jurisdiction in convicting the defendant without having first put him on his defence as required by section 139 of the intoxicating liquor act.

His honor handed down a very lengthy judgment, criticizing parts of the prohibition act as "un-British." At the hearing on certiorari, J. D. Lewin appeared on behalf of the attorney-general, and Mr. Ryan in support of the application to have the conviction quashed.

His honor considered all the affidavits, and I am convinced, notwithstanding the specific allegations of Mr. Wilson and his two sub-inspectors to the contrary, that the defendant was not properly put upon his defence, and that he was not afforded the opportunity to which he was entitled of answering the case for the prosecution.

He is accordingly ordered that the conviction be quashed, and that the defendant be allowed to answer the case for the prosecution.

(Continued on page 7, fourth column.)

NOT IN ACCORD

Italian Admiral Withdraws From Commission of Allies

Paris, Jan. 29.—(By the Associated Press)—A commission of four admirals representing Great Britain, France, the United States and Italy has been in session at Fiume, inquiring into the occupation of various forts along the eastern coast of the Adriatic.

Meetings of the commission have been suspended indefinitely, it is said, owing to the withdrawal of the Italian representative, who is understood not to be in entire accord with his colleagues as to the desirability of the inquiry.

ENGINE PLUNGES OVER QUEBEC WHARF; THREE MEN ARE DROWNED

Quebec, Jan. 29.—Three men were drowned about 4 o'clock this morning when a C. P. R. shunting engine jumped off the Point-A-Carcy wharf, in a harbor, while taking freight cars off a car ferry.

The dead: Joseph Dery, married, father of seven children; Alphonse Lamontagne and Willie Beaudry, the latter a C. P. R. yard man. The engine still lies at the bottom of the river with its dead. A steam crane is expected from Montreal to raise the engine.

Frank Bostler Married. Amherst, N. S., Jan. 29.—Frank Bostler, of Halifax, horseman and driver, was married here last night to Mrs. Mabel Arthur.

SAIL FOR HOME ABOUT MARCH 1

News About Third Division Confirmed — All Now Out of Germany

Ottawa, Jan. 29.—Confirmation of the statement that the third Canadian division, the first of the fighting divisions from Canada to be returned home, will probably sail from England about the first of March, is contained in a cable from Sir Edward Kemp, overseas minister of militia, received at militia headquarters.

The cable, which bears yesterday's date also gives the exact location of all the Canadian fighting divisions and proves conclusively that they are now in Belgium and not in Germany. The first division is now at Huy, midway between Liege and Namur. The second division is located at Namur, while the third division is at Tournai, also in Belgium. The fourth division is stationed at Nivelles, twenty-five miles south of Brussels.

London, Jan. 29.—(Canadian Press despatch from Reuters' Limited)—It is understood that demobilization has been proceeding more rapidly and smoothly during the last fortnight. More than 35,000 men are being demobilized daily, and it is hoped a rate of 40,000 will soon be reached, and that all soldiers serving since Jan. 1, 1916, will be automatically released.

WHISKEY DRINKING BOYS OF TEN KILL LAD IN CHICAGO

Chicago, Jan. 29.—Three ten-year-old boys, who boasted of their liking for whiskey, beer and cigarettes, confessed to the police last night that they had killed a ten-year-old boy, ten years old. They killed their victim by clubbing him over the head with an empty beer bottle while he was asleep in a bed. The Widelks boy's parents had given him \$9 to pay a gas bill and the three child slayers admitted they planned to rob him.

FRENCH TO STAND GUARD ON RHINE

Never Do To Leave Open Point Where Germany Might Some Day Strike

Coblenz, Jan. 29.—(By the Associated Press)—Supporting Marshal Foch's opinion that the French should remain on the Rhine, General Gouraud, under whom the Americans fought in the Champagne, made a public declaration to American correspondents who had invited to luncheon at his headquarters in Strasbourg.

WATER SUPPLY ENJOINED NOW AT MUNICIPAL HOME AND HOSPITAL

The connection between the new six-inch water main and the supply pipes running to the municipal home and hospital in East St. John was completed last night and the water supply was turned on.

Today these institutions are enjoying a full supply of water provided by facilities upon the city water works.

The new chief was built; it has been supplied by a branch from the pipe across the flats has been frozen for at least a part of the time and the institution suffered great inconvenience while depending on a water supply secured by means of teams from Kane's Corner.

The laying of the new main was completed yesterday. The Westford put in was late in the fall before the work was begun. Finally the contract was completed.

The new chief was built; it has been supplied by a branch from the pipe across the flats has been frozen for at least a part of the time and the institution suffered great inconvenience while depending on a water supply secured by means of teams from Kane's Corner.

BRITISH CREW FOUND AT AZORES, TAKEN ON STEAMER TO NEW YORK

New York, Jan. 29.—The entire crew of eight of the British schooner Helen Stewart, abandoned when it went ashore on one of the Azore Islands a few weeks ago, arrived here today on the American steamship Westford. The Westford put in at Ponta Delgada for coal and found the crew there. The Helen Stewart was carrying salt to Newfoundland from Cadiz after having taken fish across.

WEATHER REPORT

Issued by Authority of the Department of Marine and Fisheries, R. F. Stewart, director of meteorological service

Synopsis—The weather is moderately cold from the Ottawa Valley eastward and in northern Ontario and comparatively mild in southern Ontario and in the Atlantic provinces. There are indications of a storm to the southward of Nova Scotia.

Cold. Maritime—Increasing north and north-east winds, fair and cold, followed by a lower St. Lawrence, Gulf and North Shore—North-east winds, moderately cold with light snow.

New England—Fair tonight and Thursday; colder tonight; fresh and strong north-west winds.

New Chief Spends Day At Headquarters

Announces John T. Power Detective Sergeant MAY BE FEW CHANGES

Head of Police Force Familiarizing Himself With Office End of Work—Sketches of Himself and New Head of Detective Branch

Sergeant John T. Smith, of the North End division, who was appointed yesterday as chief of police by the common council, spent today at central police station in conference with Acting Chief Thomas Caples getting acquainted with the office branch of the work. Sergeant Smith needs no schooling in the outside workings of the department, as he spent six years a member of the local police force.

When asked this morning as to who would be the sergeant detective he said that John T. Power of this city would be the man. He was a man who knew the city and the citizens, and he felt that no better choice could be made. He said that Mr. Power would likely take over the duties of the sergeant detective about the first of the month, when he himself would take up the reins of the department.

Chief of Police Smith, speaking of his years of service as a peace officer, said that he had served under three chiefs—John R. Marshall, W. Walker Clark and D. W. Simpson. He said that he joined the force on March 29, 1888, six months after his marriage to Miss Josephine French, daughter of the late John French, section foreman of the C. P. R.

Prior to joining the force the chief was employed as a carpenter with prominent contractors of the city at that time, Bond & Milton. While in their employ he worked on the exhibition building, then under construction, and also on Centenary church. He said that it was due to carpenter work being very slack at the time that he joined the force.

When he joined the force the town of Portland had two police, two sergeants and twelve constables, and the city had about the same number on duty. After the amalgamation the force was increased to the present strength of 100 men.

The new chief was receiving many a hand-shake this morning on his appointment and also on the fact that when the appointment was made he was met in the general approval of the citizens because of his clean record and the high esteem in which he is held.

The new detective chief has a family, including two daughters and three sons, one of whom returned from the front a few days ago. He is an enthusiastic worker in athletic circles and is everywhere popular.

CONDENSED NEWS

Edward N. Hurley, president of the U. S. Shipping Board, announced yesterday his intention to return to the United States on the Levathan when the ship sails again from France.

Dr. Saret, Bolshevik representative in Denmark, has left with his legation in the request of the Danish government. Vancouver city council has passed a resolution for the expulsion of all alien enemies and for the prohibition of immigration from enemy countries.

The German and Austro-Hungarian banks in Constantinople have been re-opened under Allied control. Count Julius Andriassy, former Austro-Hungarian foreign minister, has accepted the position of minister of finance in the new government of Hungary.

The Paris Journal says that the French government has proposed that Finland be recognized as an independent nation. The Norwegian sailors' organization has decided to assist in carrying food to Germany until the German government has paid \$4,000,000 indemnity for victims of their organization who were victims of submarines.

Removal of restrictions upon exportation and importation of jute and jute products, effective February 1, is announced by the U. S. war trade commission. A memorial service for the late Col. Theodore Roosevelt is planned for Westminster Abbey at a date not yet fixed.

Amsterdam, Jan. 29.—It is said that Prince Max of Baden, former German imperial chancellor, will be nominated by the German Social Democrats and the German Democrats for the presidency of the German republic.

Portland, Maine, Jan. 29.—Ludwell L. Howison, recently removed as executor of the estate of Fred E. Richards, president of an insurance company, pleaded guilty yesterday to forgery of Richards' name to notes for \$24,000. Sentence was deferred and Howison was released under \$25,000 bail.

CHARGE AT HAMPTON Hon. Robert Murray, provincial secretary-treasurer, is in the city today on his way to Hampton where he will make the transfer of the office and records of the registrar of deeds from F. M. Spruille, who resigned, to the new appointee, George B. Hallett.

FERRY TICKETS Commissioner Bullock is inquiring into the amount of revenue received from the ferry tickets for which one cent and one-half cents are charged respectively. There has been considerable confusion in the ferry toll houses over the two classes of tickets, owing to their indistinguishable appearance, and he desires to eliminate this.

MRS. THOMAS A. SHORT Mrs. Thomas A. Short of 42 Carlton street died last evening in the St. John Infirmary from blood poisoning. Mrs. Short was thirty-six years old and was the daughter of Mr. and Mrs. I. Blanchard of Richibucto. Besides her husband she leaves her parents and one brother Joseph Blanchard who will have deep sympathy in their loss. The funeral will take place tomorrow morning at 7.45 from her late residence.

BURIED TODAY The funeral of John Quinn took place this morning from the residence of his sister, Mrs. John McCallin, Acadia street, to St. Peter's church, where his interment was made. The funeral was conducted by Rev. Father Moran, C. S. R. Interment was made in the new Catholic cemetery.

NOVELTY SHOWER About forty friends of Miss Beatrice M. Knox assembled at the home of Mrs. A. Johnston, 106 Hilyard street, last evening and tendered Miss Knox a novelty shower. The evening was spent in games and music.

No Improvement In The Strike Situation

AT VARIANCE WITH THE WILSON POINTS Views in Paris as to The German Colonies AMERICANS HOLD FIRM

Urges President's Plan be Adopted at the Very Outset—Plan Now Discussed Needs League of Nations

Paris, Jan. 29.—(By the Associated Press)—The future of the colonies taken from Germany has assumed a place as one of the most interesting of the immediate phases of the problems under consideration by the supreme council of the peace conference. Hearings are now being given by the supreme council to members of the conference and to colonial experts upon the disposition of the colonies. The council is at the same time proceeding with the consideration of a general policy which shall be adopted by the five great powers in this matter.

The hearings have already progressed to a stage where the existing views are greatly at variance with those set forth in President Wilson's fourteen points. This development has determined the American delegates to remind the other powers of that fact and to urge the adoption of that fact at the outset, in order to keep the rival claimants within the bounds of fairness.

This plan, which was discussed on Monday, and is receiving immediate further consideration, looks to international control of the colonies, backward nationalities and tribes by individual powers or by agents to be known as "mandatories" of the league of nations. These agents would derive all their powers from the league and to act entirely on the lines of policy dictated by that body.

The distribution of these guardianships is to be made by the league of nations; so it again happens, as in the case of many of the projects of reform broached at the conference, that its successful application is wholly dependent upon the consummation of the league.

One argument against control of the colonies by the league advanced by the British colonial officials, was that the "mandatories" might feel themselves saddled with enormous financial responsibilities, and that they would be their wards, and yet be subject to criticism in the event that they failed to bring them forward as desired.

President Wilson felt called upon to answer this argument by the statement that the American plan contemplated that the mandatory power would be able only for administrative expenses, and that the expenses would be made only when authorized by the league, unless the colony was able to finance itself out of its own resources.

President Wilson felt called upon to answer this argument by the statement that the American plan contemplated that the mandatory power would be able only for administrative expenses, and that the expenses would be made only when authorized by the league, unless the colony was able to finance itself out of its own resources.

But influenza and pneumonia cases increase in New York

New York, Jan. 27.—Replying to a complaint from the nurses' department of the Henry street settlement yesterday, the health commissioner denied that influenza and pneumonia were epidemic here again and that the board of health was not caring properly for the situation.

New cases of influenza reported today to the board of health numbered 660, or 451 more than the day before. The 199 pneumonia cases reported yesterday were 152 more than on Monday. Deaths from influenza jumped from forty-three to 109 and pneumonia deaths from 141 to 199.

DENY EPIDEMIC

But influenza and pneumonia cases increase in New York

New cases of influenza reported today to the board of health numbered 660, or 451 more than the day before. The 199 pneumonia cases reported yesterday were 152 more than on Monday. Deaths from influenza jumped from forty-three to 109 and pneumonia deaths from 141 to 199.

NORTHLAND REPORT SAID TO CRITICIZE MILITARY CONDUCTING SYSTEM

Ottawa, Jan. 29.—It is understood that the report of Mr. Justice Hodgins, who inquired into conditions on the transport Northland, criticizes the military conducting system as responsible for the discomforts of the returned soldiers.

POLICE COURT

There was a further hearing this morning in the police court in the case of the two C. P. R. truckmen charged with the theft of four mufflers. Evidence was given by Sergeant Brodie of the C. P. R. by Richard Clark, C. P. R. constable, and George Bettles, a C. P. R. checker. The case was set over until Friday. H. E. McLean, Jr. is appearing for the C. P. R. and J. A. Barry for the defendants. Further evidence was also taken in the case of Albert Murray, charged with having liquor in his possession, and in the case of John Paris, charged with vagrancy. Both cases were set over until Friday.

RUSSIAN TROOPS FROM WEST FRONT TO REVAL

Copenhagen, Jan. 29.—The hospital ship Russ, with fully armed and equipped Russian troops en route to Reval from the French front, called here yesterday.

The Russian troops reported on their way to Russia from France probably are a part of the Russian division which participated in the operations on the western front in the last two years of the war. Reval is the capital and main seaport of Esthonia.



The New Chief, John T. Power.

SEE GREAT BOOM FOR AUTO INDUSTRY

Chicago, Jan. 29.—Leaders of the industry in addressing the National Automobile Dealers' Association yesterday, expressed belief that the automobile business was entering the greatest boom in its history.

CONDENSED NEWS

Edward N. Hurley, president of the U. S. Shipping Board, announced yesterday his intention to return to the United States on the Levathan when the ship sails again from France.

Dr. Saret, Bolshevik representative in Denmark, has left with his legation in the request of the Danish government. Vancouver city council has passed a resolution for the expulsion of all alien enemies and for the prohibition of immigration from enemy countries.

The German and Austro-Hungarian banks in Constantinople have been re-opened under Allied control. Count Julius Andriassy, former Austro-Hungarian foreign minister, has accepted the position of minister of finance in the new government of Hungary.

The Paris Journal says that the French government has proposed that Finland be recognized as an independent nation. The Norwegian sailors' organization has decided to assist in carrying food to Germany until the German government has paid \$4,000,000 indemnity for victims of their organization who were victims of submarines.

Removal of restrictions upon exportation and importation of jute and jute products, effective February 1, is announced by the U. S. war trade commission. A memorial service for the late Col. Theodore Roosevelt is planned for Westminster Abbey at a date not yet fixed.

Amsterdam, Jan. 29.—It is said that Prince Max of Baden, former German imperial chancellor, will be nominated by the German Social Democrats and the German Democrats for the presidency of the German republic.

Portland, Maine, Jan. 29.—Ludwell L. Howison, recently removed as executor of the estate of Fred E. Richards, president of an insurance company, pleaded guilty yesterday to forgery of Richards' name to notes for \$24,000. Sentence was deferred and Howison was released under \$25,000 bail.

CHARGE AT HAMPTON Hon. Robert Murray, provincial secretary-treasurer, is in the city today on his way to Hampton where he will make the transfer of the office and records of the registrar of deeds from F. M. Spruille, who resigned, to the new appointee, George B. Hallett.

FERRY TICKETS Commissioner Bullock is inquiring into the amount of revenue received from the ferry tickets for which one cent and one-half cents are charged respectively. There has been considerable confusion in the ferry toll houses over the two classes of tickets, owing to their indistinguishable appearance, and he desires to eliminate this.

MRS. THOMAS A. SHORT Mrs. Thomas A. Short of 42 Carlton street died last evening in the St. John Infirmary from blood poisoning. Mrs. Short was thirty-six years old and was the daughter of Mr. and Mrs. I. Blanchard of Richibucto. Besides her husband she leaves her parents and one brother Joseph Blanchard who will have deep sympathy in their loss. The funeral will take place tomorrow morning at 7.45 from her late residence.

BURIED TODAY The funeral of John Quinn took place this morning from the residence of his sister, Mrs. John McCallin, Acadia street, to St. Peter's church, where his interment was made. The funeral was conducted by Rev. Father Moran, C. S. R. Interment was made in the new Catholic cemetery.

NOVELTY SHOWER About forty friends of Miss Beatrice M. Knox assembled at the home of Mrs. A. Johnston, 106 Hilyard street, last evening and tendered Miss Knox a novelty shower. The evening was spent in games and music.