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TWELVE PAGES—ONE CENT

LEUT.-COL. McAVITY'S CAR THROUGH ICE; R. L. JOHNSTON AND E. R. OSTEN ARE DROWNED

Colonel and Chauffeur Come to Surface and Manage to Get On Solid Ice

Desperate Swim Under Ice to Place Where Car Had Gone Down; Then Struggle to Get Out—Hat and Cane Only Sign of the Other Men

An automobile fatality in which Robert L. Johnston, broker, of this city, and E. R. Osten, recently returned from a German internment camp, are believed to have lost their lives, occurred in the Kennebecas river off Millidgeville early this afternoon, when Col. J. S. McAvity's closed car went through the ice.

Col. McAvity and his chauffeur, Sergt. Harris, escaped from the terrible predicament exhausted.

The news reached the city about two o'clock and caused great anxiety and sorrow. Even relatives of the drowned members of the party were not apprised of the sad facts until later.

Leut.-Colonel McAvity reports that his car was traveling nicely on the ice at a fair rate of speed when something occurred that dashed him. He next remembers crawling out of a mass of ice and onto the solid surface of the river in a thoroughly played out condition.

Turning around he noticed his chauffeur also struggling onto the ice from the water. A floating hat and cane suggested to him that his friend, Mr. Johnston, had been drowned.

The accident occurred at 1.15 near Sand Point on the river, according to a later report. The party went out in the colonel's car early in the morning.

Colonel McAvity, who was barely able to drag himself out upon the ice, was brought to the city in an automobile early in the afternoon. His experience was tragic and extraordinary. The party was bound up the Kennebecas, the visitor having expressed a desire to see men at work fishing through the ice, which was a novelty to him.

Everything went all right until the car approached a point on the river off Sand Point. Apparently a tide rip there had caused an opening in the ice, or a strip of thin or rotten ice which could not be distinguished from the other surface, and in an instant the car went completely through. It was a closed town car and all were closely shut inside. The water poured through the cracks and immediately rose to the knees of the party. Colonel McAvity tried to open the door on his side, but the pressure of the water made it almost impossible for a time at least. In the darkness and confusion he was unable to tell whether the door was finally wrenched open or whether he escaped through breaking the glass. In some way he broke out of the car, and the chauffeur appears to have come out the same on the other side from the forward seat.

Colonel McAvity then discovered that the car had been swept down stream and that they were all beneath the solid ice, confronted with instant death. The fact that he is a strong swimmer saved his life. He saw the light shining through the hole where the car had broken through, swam for that place, and with his last ounce of power managed to pull himself out on the surface of the ice. As he lay there exhausted the chauffeur appeared at the opposite side of the hole and also managed to pull himself out. They lay there, almost unconscious, watching for the others, but saw no indications of them except a hat and a walking stick which had floated to the surface.

A party in automobiles, with grappling irons and men to do the grappling, left for the scene early in the afternoon to attempt to recover the bodies.

Robert L. Johnston was one of St. John's best known young men. His wife, Miss Josephine Horncastle of North End, and he also had a young son. Mr. Johnston had for some years been associated with Lieut.-Col. James Downie in New Brunswick Old Shale enterprises.

He was a son of the late John Johnston, contracting painter, and his brothers and sisters are William Johnston, Major Gordon Johnston, Mrs. Wran of Campbellton, Mrs. Kenneth Bonnell of Montreal, another married sister and an unmarried sister.

In past years Mr. Johnston was ardently interested in the St. John Bicycle and Athletic Club and kindred organizations. He was very popular and highly esteemed.

Mr. Osten, the second victim of the sad accident, was a resident of St. John before the war and returned to Canada only a fortnight ago after spending the entire period of the war as a prisoner in a German prison camp. While a native of Hanover, Germany, he had been engaged in business in Canada and was naturalized while residing in Ontario and married a resident of Portland, Me. He came to New Brunswick several years before the war and made his headquarters in St. John. While here he took a commission in the 62nd Fusiliers. He was engaged in the development of oil shale areas in Kings county and on business connected with this project he was in Berlin with his wife when war was declared. On suspicion that both were in the British secret service, they were arrested and placed in separate internment camps where they remained until after the armistice was signed. Both returned to Canada only a short time ago. Before the war Mr. Osten was known as Herr von der Osten; after his experiences in the German camps he dropped the German prefixes and returned as plain Mr. Osten.



LOOK OUT OR I WON'T CONSIDER MYSELF DEFEATED

Getting Near To Starvation Line

In Moscow Money Is of Little Use—Horses, Falling in Streets, Stripped of Flesh For Food

Warsaw, Feb. 23.—(By the Associated Press)—Forty pounds of wheat flour is being sold at Moscow for 800 roubles, and sugar is fifty roubles a pound, with both commodities virtually unobtainable. Starving horses, which fall to the streets are stripped of their flesh before they are sold. Money is of little value and pearls, diamonds, jewels, fine brocade cloths and paintings bring little when traded. Thieves in these lines are therefore infrequent. In order to get food, a trader must offer clothes.

Women refugees from Moscow were recently held up at Smolensk. It is said, and their clothing was stolen, but the soldiers daunted to take a beautiful pearl necklace, so that its owners were able to sell the necklace here.

DEATH TO POLES

TROTSKY DICTUM

Assumes More Power and Has Army of 600,000—Violent Quarrel With Lenin

Warsaw, Feb. 23.—(By the Associated Press)—"We must fight the traitorous Poles to the last soldier," this is the dictum which Leon Trotsky, Russian Bolshevik premier, is giving to the members of the Polish legion in Moscow were arrested and some of them were shot. When the Warsaw government protested, the Moscow government replied:

"We are surprised. We thought we were doing you a favor by locking up your bourgeois representative."

Trotsky, who has of late taken to himself more power than ever, had a fierce quarrel with Nikolai Lenin, Bolshevik premier, regarding the Poles. Lenin desires to preserve Bolshevism at all costs, and also to keep in as far as possible with the Allies, in the belief that Bolshevism will sweep over the world.

Meanwhile, Trotsky is continuing his efforts to build up an army, which is now estimated at 600,000 men. He is supposed to have ammunition for six months.

GRIEVES OVER PASSING OF OLD IMPERIAL ARMY

Berlin, Feb. 23.—(By the Associated Press)—The Conservative press laments the passing of the old imperial army, which will become a thing of the past when the Weimar assembly, perhaps this week, adopts the national defence measure. This bill provides for the organization of a national guard, which will be composed of one brigade for each former army corps. Conscription will be abandoned, according to the terms of the bill, and voluntary recruiting will be conducted by a central bureau.

ITALY PROTESTS AGAINST SINKING OF WARSHIPS

Rome, Feb. 23.—A protest against the proposal to sink surrendered German warships is printed by the Tribuna today. The newspaper urges the distribution of the warships proportionately among the Allies.

NEW WAREHOUSE COMPLETED

The new warehouse which has been erected by the city on Reed's Point wharf for the L. S. S. Company now is complete with the exception of the painting. The warehouse is of frame construction, 169 by 71 feet, with roof entirely clear of supports. In the southeastern corner, fronting on Prince William street, commodious offices have been provided. These include private and general offices, rooms for the clerks, customs officers, immigration officers, detention room, waiting room, furnace rooms and toilets.

A new feature is the drop provided to permit of handling cargo at all times of tide. Instead of running the entire depth of the wharf as before, this now is only seventy feet in length with a drop of twenty-eight feet. The extra steepness will be overcome by an electric escalator which the company will install. This improvement will reduce the time and labor required to handle cargo by about two-thirds. The two crane hoists for the drop arrived today and will be installed immediately. The best system of the hot water type, will be tested today and the heat turned on tomorrow for the first time. The structure cost about \$90,000 with \$20,000 for the heating system and \$2,000 required for strengthening the wharf.

WEATHER REPORT

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

Synopsis—A trough of low pressure is moving eastward across the Great Lakes, while an area of high pressure with very cold weather covers the western provinces.

Wind, Snow or Rain.

Maritime—Strong northeast winds fair, moderately cold tonight; Wednesday, winds increasing to gales from east and southeast, fair at first, followed by snow or rain.

Gulf and North Shore—Fair today; Wednesday, increasing easterly winds fair, followed by snow.

New England—Forecast: Cloudy tonight and Wednesday, probably snow and warmer tonight on eastern Maine coast. Moderate shifting winds, becoming southeast.

Empress Of Britain At Halifax Today

Big C. P. O. S. Liner Brings More Than 3,000 Troops, Including Some Saint John Boys

Halifax, N. S., Feb. 23.—The C. P. O. S. liner Empress of Britain arrived here this morning after an uneventful passage. She left Liverpool yesterday week. In addition to the troops and a large cargo she brought 1,446 sacks of letter mail and 961 sacks of parcel post. The mail was landed here. Among the men returning on the steamer were Montreal and Toronto prisoners of war.

Corporal C. S. Ogilvie of Montreal worked in a stone quarry loading crushed stone on trucks for the greater part of his three years in Germany. He was employed as a civil engineer with the Grand Trunk Railway at the outbreak of the war. He enlisted with the 18th Battalion, Fifth Royal Highlanders, and was gassed and taken prisoner in the second battle of Ypres. He made the rounds of the various German camps. He met with uniformly bad treatment and had completed a detailed account of his experiences, but this was taken from him before he was allowed to cross the frontier into Holland. Arriving in England he spent most of his time re-writing it and has the reconstructed diary in his kit. Corporal Ogilvie says that the only "cushy" time he had in Germany was a period of three months at Cassel, when typhus broke out and carried away 15,000, including a great many Hunns. The Germans left the prisoners to themselves and encouraged them to smoke.

By way of contrast Corporal Ogilvie says that on another occasion he was sent into solitary confinement for ten days for having been caught smoking in barracks. Corporal Ogilvie was exchanged in March of last year. He left Hestermeore camp on March 21 coincident with the outbreak of the last German offensive. But when he and his party arrived at Achen, the Germans decided that the end of the war was in sight and brought them all back to Senelaugur prison camp. They were finally released some weeks later, when the Germans realized the war had still some time to run. Corporal Ogilvie was the first German wounded from the March offensive on their way into Germany and was struck by the low morale of the men. It was just about this time he said, that the resistance of the German children stinging their own soldiers and demanding bread.

Corporal John Stuart of Montreal enlisted with the 13th Battalion at the outbreak of the war. He, too, was gassed and taken prisoner in the second battle of Ypres and spent three years in Germany. Corporal Stuart's prison camps were Geissen, Meschede and Bohmte. He says that on the whole he has no complaint to make about the way he was treated. Other Montreal prisoners of war returning on the Empress of Britain were Corporal E. Clarke, M. Smidgen, Lennox Corporal Grimdale and Pte. J. Gouenau, all of the 13th Battalion.

Corporal S. Henderson of Toronto was at Fairbanks, Alaska, in the employ of the White Pass Railway and Navigation company when war broke out. He immediately started out for Vancouver where he was in the craters at St. Edouard by boat and train, reached a recruiting booth. He went into action in France with the 29th Canadians and was taken prisoner in the craters at St. Edouard on April 10, 1916. He spent two years and one month in German camps.

Private S. W. Barrett of West Toronto enlisted with the 15th Battalion, 48th Highlanders, and was gassed and taken prisoner in the second battle of Ypres. He spent three years in the salt mines of Germany and was liberated on Dec. 14 last.

Pte. J. Crane of Owen Sound, also of the 15th Battalion, also wears the 1914-15 star. He was gassed and taken prisoner in the second battle of Ypres and was released on Nov. 26, 1918, proceeding down the Rhine on a boat to Rotterdam, where he caught a boat for England.

Pte. J. T. Cox, another member of the 19th Battalion taken prisoner in the second battle of Ypres, was employed as a farmer during his enforced stay of three and a half years in Germany. He was released on Dec. 28 and made his way into Holland.

Corporals William Jenkinson and David A. Greenwood, both of Toronto, are members of the Fourth C. M. I. and were taken prisoner in the Sanctuary Wood battle in May, 1916. Among the other Toronto prisoners of war who returned on the British are Sergeants Arthur F. Piquet and Charles A. Frocner, and Private Joe Smith.

Among the officers are nine for the Halifax district, Captain J. E. McLeod, Sydney; Lieutenants W. M. Harris, Cranbrook; J. M. Slayton, Halifax; J. A. Campbell, New Glasgow; Nursing Sisters M. F. Bain, Bridgewater; D. J. MacInnes, Mira, C. B.; M. McLeod, Stellarton; M. MacLean, North Sydney. Among those for the Toronto district are Major R. R. Carr-Harris.

A wire was received by Charles Robinson, secretary N. B. Soldiers' Commission, giving the following names of those arriving in the S. S. Empress of Britain at Halifax, and proceed to New Brunswick by special train:

Lieut. C. F. Inches, St. John.

Sergt. L. Creighton, 87 Queen street, St. John.

Sergt. G. L. Dossett, Elm Tree, Gloucester county.

Sergt. D. H. Ferguson, Six Roads, Gloucester county.

Sergt. G. Gagnay Gagne, Pelletrie Mills.

Sergt. N. W. Hughson, Stanley.

Sergt. O. J. Jones, River Glade.

Sergt. H. G. Langtry, Havelock street, St. John West.

Sergt. A. E. Porter, Manchester, N.E.

Sergt. D. E. Anderson, Loggieville.

Sergt. J. H. O'Brien, Warwick.

Gnr. H. F. Wharton, Port Elgin.

Pte. E. Boucher, Moncton.

Pte. Brown.

Gnr. G. L. Clarke, Narrows.

Pte. W. Conway, 86 St. Patrick street, St. John.

Pte. W. R. Donaldson, 47 Broad street, St. John.

Dr. H. Douthright, Pettiboodle.

Spr. J. L. Penderson, Jacques River.

Spr. F. G. Fowle, Chatham.

Spr. C. Frank, 135 Erie street, St. John.

Corp. O. French, Bathurst.

Pte. F. Frinette, Roberville, Bathurst.

Pte. L. V. Frinette, Petit Roch.

Pte. R. Frinette, Roberville, Gloucester county.

Pte. J. Gagne, Pelletrie Mills, N. B.

Corp. A. Hachev, Grandgou, N. B.

Pte. A. L. Gallant, Richibucto.

Pte. C. M. Gages, 815 Brussels street, St. John.

Pte. J. Gaudette, St. Paul's.

Pte. C. Gaukroger, St. John's, Nfld.

Pte. A. Gautreau, Shediac.

Pte. A. Gaudreau, Moncton.

Spr. G. L. Gehlen, Minneapolis.

Pte. A. Godreault, St. Leonard Parent, Madawaska county.

Pte. T. P. Goguen, 2 St. Short street, St. John.

Pte. A. Gould, Cape Bald.

Pte. H. A. Gould, Cape Bald.

Pte. G. Gould, Little Aldovan, Kent county.

Pte. A. J. Grant, Moncton.

Pte. M. Grant, Pelrecomot, Carleton county.

Sig. A. L. Gray, Moncton.

Spr. G. Gray, Pond street, St. John.

Spr. C. Gray, Belle Dune River, Gloucester county, N. B.

Corp. A. Hachev, Moncton.

Pte. F. Haley, Montreal.

Pte. E. W. Hammond, Cranston Ave., St. John.

Pte. H. A. Hannington, Shediac.

Pte. W. Hanson, Rowena, Victoria county.

Pte. T. W. Hargrove, 41 Prince street, St. John.

Pte. J. F. Herbert, Rexton.

Pte. J. F. Herbert, Rosserville.

Sgt. E. J. Hines, Pictou.

Pte. A. Henderson, Old Duke, Me.

Pte. W. Henderson, 286 Duke St., St. John.

Pte. J. A. Hicche, Nash's Creek, N. B.

Pte. G. R. Higgins, Medford, Vic. Co.

Pte. H. W. Horn, Hort Station.

Pte. J. W. Howard, Aroostook Jct., N. B.

THE GIFT TO PRINCESS PATRICIA

Mrs. Pugsley, wife of the lieutenant-governor, informed The Times today that while in Ottawa last week she conferred with Lady Borden as the New Brunswick representative in the matter of the wedding gift for Princess Patricia of Connaught, whose nuptials will take place soon. At that time the federal premier's wife did not know what form the gift would take, although several valuable suggestions had been made, including native furs, Victoria bonds, motor car, etc. With regard to the response of the people in contributing to a wedding gift, Mrs. Pugsley said it had been of varied generosity throughout the dominion, as was expected. The various communities were quite fully represented in the donations, which were purposely confined by the movers of the fund to a small number of items.

The idea in purchasing the popular memento was to have it a representative memento graciously offered with the best wishes of the people of Canada as territorially represented in the various provincial funds.

LUDENDORFF HAS TO QUIT SWEDEN

Former Lofty German General Not Wanted on That Side of Border

London, Feb. 23.—General Ludendorff, former quartermaster general of the German army, left Sweden for Germany on Sunday night, according to a Stockholm despatch to the Exchange Telegraph Company. The Swedish foreign office had refused his request to extend his permit to stay in Sweden, which expired on Sunday.

FERRY PROTECTION.

The piling on the southern side of the western ferry float has been bored ready for the ring bolts and the work on the northern side will be completed tomorrow. Chains have been secured and within a day or two the additional safeguards will be in place.

NAME JUDGE RIDDELL AS POSSIBLE SUCCESSOR TO LIBERAL CHIEFTAIN

London, Ont., Feb. 23.—Under an Ottawa data line, the London Advertiser prints the following:—

"Mr. Justice William Renwick RiddeLL, of the high court of justice of Ontario, is prominently mentioned as the ultimate successor of the late Sir Wilfrid Laurier as leader of the Liberal party in Canada."

"It is definitely understood that Judge RiddeLL has been approached in the matter and that he is not averse to a consideration of the honor, should it be extended by the Liberal party. While the foremost men of the party are not undertaking to choose a leader before a convention has been called, it is stated on undisputed authority that the name of the distinguished member of the judiciary has been received with great favor."

DISCUSSED JUVENILE COURT

Juvenile court matters were discussed at a conference held in the mayor's office in city hall this morning. Those present were the mayor and city commissioners, W. E. Brady, national Y. M. C. A. secretary for employed boys, A. R. Crookshank and A. M. Gregg. Mr. Braden spoke on welfare work for boys in a general way and dwelt particularly on what is being done through the juvenile courts in other cities.

He replied to many questions asked by the commissioners, some of the questions indicating that there may be some opposition to the plans suggested. The committee of the Rotary Club which is interested in the matter is looking into the legislation affecting the establishment of a court with a view to framing a new bill if necessary.

FREDERICTON NEWS.

Fredericton, Feb. 23.—Eleven discharges were given at the district discharge depot this morning.

Major Cecil R. Merxereau was given a medical board this morning and it is expected that he will be freed from further service in the C. E. F. by March 1. He will study law at the St. John Law School.

A storm on the Gibson branch on the C. P. R. yesterday was so severe that the train from Woodstock for this city was cancelled.

The York county board of health has almost completed organization under the new public health act. Sub-deputy registrars have been appointed for all but one of the fourteen parishes and two towns and seven areas for sanitary inspection have been organized with inspectors named for all but one.

Fredericton merchants observed today as Dollar Day and with weather conditions very favorable there was a large influx of buyers from surrounding districts.

PROBATE COURT

In the probate court in the matter of the estate of John Runciman, William Runciman has been appointed administrator de bonis non, in place of the former administrator, the late William Runciman, Sr., J. B. M. Baxter is proctor.

Letters of guardianship of the persons and estates of Mary Helen and William Patrick Bain, infants, have been issued to Mrs. Agatha A. Bain, J. MacMillan Runciman appeared for Mrs. Bain.

In the estate of Mrs. Lucille Paulin letters testamentary have been issued to J. Albert Pinaud of Bathurst. W. M. Ryan is proctor.

In the estate of Reuben Wilkins, letters of administration have been issued to Mrs. Susan Alice Wilkins. William J. Mahoney is proctor.