

DOCTOR FOUND BRUISE MARKS ON MRS. BERRY

State of Inner Ear of Victim Suggests Blow Before Her Death.

NOT MADE BY A FALL FROM CULVERT

Little Daughter of the Prisoner Tells of Last Night of Mother's Life.

Moncton, N. B., May 4.—The case of Ezekiel Berry, who is charged with the murder of his wife, was continued today in the Supreme Court, Joseph Cape, Chief Justice McKenna presiding. Elmore Stevens was a witness this morning. His evidence was much the same as given at the preliminary hearing. He stated that he was called to the Berry home on Sunday morning, Dec. 12th, by a telephone message from Geo. H. Prosenec to his wife. He went over and saw the body of Mrs. Berry.

Eyes Were Closed

"Her eyes were closed and her lips were closed very tightly. I did not notice any froth both around the nostrils or the mouth. The face was purple in color. The scratch on the neck was oozing blood."

"After we had viewed the body, we went to the pool. Geo. H. Prosenec, Elmore Stevens, accused and myself went to the pool. This was my first trip to the pool. On going to the pool I saw moccasins, boot and handkerchiefs. The accused pointed out by the old engine where he had laid his wife's body, when he carried her from the pool."

Snow Discolored

The snow was a little discolored at this point. This would be about 15 feet from the engine where there were some tracks, some leading to the pool. On going to the pool I saw moccasins, boot and handkerchiefs. The accused pointed out by the old engine where he had laid his wife's body, when he carried her from the pool."

Tracks at Pool

I saw tracks around the pool. They were about three feet from the edge of the pool. There were no marks where anybody had been taken from the pool. If I then went to the house of accused. The accused told us about going to bed on the night of Dec. 12th, and said as he went, "old woman this has got to be cut out. You will have to leave or I will." Shortly afterwards he heard his wife move chairs around, then she went out of the house. He got up and went out shortly after and followed the tracks down to the road and they led in an easterly direction. He got up in the morning and went down to the road. It was too dark to follow the tracks. He came back, cooked and ate his breakfast and then he went down about 7 o'clock and found his wife's body.

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NOT INJURED IN 4,000 FOOT FALL

Plane Struck Air Pocket But Crew of Three Escape in Miraculous Style.

Grande Mere, Que., May 4.—Falling here from a height of 4,000 feet at 2:30 this afternoon, the coolness and resourcefulness of Captain W. H. Maxwell, pilot of a Curtiss seaplane, saved from certain death the lives of himself, the mechanic of the plane, Romeo Yachon, and a passenger, William McE. Bowden. All three escaped with slight bruises and a shaking up.

Sisters Get Nothing From Small Estate

Toronto, May 4.—The claims of the two sisters of Annette J. Smith, the two heiresses of this city who have been suing since December 2, 1919, for maintenance out of Mr. Smith's estate was dismissed by J. A. Cameron, of the Ontario court today. The referee held that money advanced by Smith to his sisters was in the nature of gifts rather than from a brother, and not the result of any arrangement with his sisters.

Sir Sam Hughes At Point of Death



SIR SAM HUGHES

Ottawa, Ont., May 4.—The condition of Sir Sam Hughes has taken a turn for the worse and hope for his recovery has been practically abandoned. Later in the night he improved slightly.

BRITISH GUNS OPEN FIRE ON POLISH FORCES

Small Body Not Expected to be Able to Withstand Long.

GERMANS KILL POLE IN STREET

Crowds Parading the Streets But No Fighting Occurs Yet.

Opelein, Upper Silesia, May 4.—Colonel Bond, British control officer at Gross Struchlitz, reported to British headquarters here tonight that he opened artillery fire on 2,000 to 3,000 Poles attempting to occupy the city. The Poles brought up light field pieces and were replying. Colonel Bond, who has approximately 200 Italian troops, also reported that he probably could not hold out long. A British sergeant-major has been mortally wounded.

A crowd of Germans attacked a Pole in the streets of Opelein and beat him to death before the police could intervene. No reports have been received here from Rybnik. In Jastowitz, crowds are parading the streets, but there is no fighting.

Outbreak Widespread

The outbreak, the under-secretary continued, was widespread and had developed into something like rebellion in different parts of Silesia and the insurgents had come in collision with Allied forces. He said his latest information was that the Allied commission in Silesia had issued a statement that it would take every step open to it to restore order.

Produces Evidence Against Mrs. Stillman

New York, May 4.—Testimony that Mrs. Anne U. Stillman and Fred Beausoleil, an Indian guide, were seen together in the former's room at the Stillman summer camp in Grand Anse, Que., was given here today at a secret hearing in divorce suit, brought by James A. Stillman, wealthy New York banker. The alleged meeting was described by George Adams, 75 year old seaman who claims to have witnessed it through a hole in the window curtain.

OTTAWA CARPENTERS OUT

Ottawa, May 4.—Ottawa carpenters went on strike officially this morning following the sanction of the Brotherhood of Carpenters and Joiners of America, received yesterday. Although the decision to strike was reached last week, the actual walk-out was deferred until permission could be secured with financial aid from headquarters. Some 400 men are affected.

CABINET OF THE GERMANS HAS RESIGNED

United States' Attitude on Reparations Brings Crisis and Ends Ministry.

PRESIDENT EBERT TAKING ACTION

Ministers Requested to Remain to Deal With Current Affairs Only.

London, May 4.—A telephone message received from Paris gives a Berin dispatch saying that, in view of the situation that arose in consequence of the reply of United States Secretary of State Hughes to Germany's counter-proposals on reparations, the German government unanimously decided to resign.

Some Stay at Posts

London, May 4.—The Berlin correspondence of the London Times understands that Chancellor Fehrenbach and Foreign Minister Simons have resigned but that the rest of the Cabinet remains. He also says that the suggestion of Dr. Stahmer as the new Foreign Minister has been dropped at his request.

LITTLE HOPE OF MARINE PEACE

Owners Reported to Have Refused Any Reconsideration on Wage Issue.

Washington, May 4.—Prospects for an immediate settlement of the shipping industry's dispute with the United States Marine Board, reported to be anything but bright after a conference today between Secretaries Davis and Hoover and representatives of the Shipping Board and steamship owners. Mr. Davis, however, had not given up hope and arranged to meet later in the day with spokesmen for the unions.

Mrs. C. A. Hutchings Killed By Street Car

Lived Only a Few Hours After Being Hit by Halifax Car.

Halifax, N. S., May 4.—Mrs. Clara Elizabeth Hutchings, sixty years of age, died in the Victoria General Hospital this evening as a result of injuries she sustained when she was struck by a street car on South Park street this afternoon. Witnesses of the accident state that Mrs. Hutchings was walking down a street a few feet from the track when she suddenly turned and attempted to cross almost immediately in front of the street car. She is said to have been somewhat deaf.

Hon. F. J. Sweeney Funeral Friday

Body Arrived at Moncton Yesterday from Toronto Where He Died Sunday.

Special to The Standard
Moncton, N. B., May 4.—The body of the Hon. F. J. Sweeney arrived in the city yesterday morning on the 10:30 train from St. John and was conveyed to the Knights of Columbus Hall, where it will lie in state until 8:45 o'clock Friday morning, when it will be taken to St. Bernard's church for a high mass of requiem. The celebrant will be Rev. Father Savage.

COALITION UNIONIST WINS

London, May 4.—The Hastings election brought about by the resignation of Laurence 190a, formerly of Toronto who was elected a bankrupt, resulted as follows: Lord Eustace Percy, Coalition Unionist, 11,855; R. Davies, Labour, 5,597; A. Blackman, Liberal, 4,240.

World News Today

CANADA

Margaret Long, accused of infanticide, declared not guilty on the ground of temporary insanity. Trial of Ezekiel Berry, accused of killing his wife at Forest Hill, will end on Friday.

UNITED STATES

Nicky Arpin and four others held for conspiracy in Wall Street bond thefts are found guilty.

THE BRITISH ISLES

Twelve police officers murdered in ambushes in Ireland within last few hours.

EUROPE

The German Cabinet has resigned over the refusal of the United States to act as mediator in indemnity issue.

UPPER SILESIA SEETHING; POLES GET THE BLAME

Mining Districts Under Control of the French But Other Areas Wild.

BERLIN SENDS A PROTEST TO FRANCE

Declares Certain Elements of Polish Population Responsible for Outbreak.

Paris, May 4.—The disorders in Upper Silesia are continuing, according to French official despatches received here tonight. Although the disorders have been controlled in the mining districts, the disturbances are spreading into the rural sections of Pless, Lublitz and Rosenberg, the despatches state.

Protests Against Poles

London, May 4.—Dr. Stahmer, the German ambassador here, tonight presented a note to the foreign office protesting against the Polish coup in Upper Silesia as an apparently concerted effort to take the province by force and refusing all responsibility for the situation and its consequences. The note has also been communicated to the other Allied Governments.

Berlin Blames Poland

Berlin, May 4.—Responsibility for the Upper Silesian trouble is placed with "certain elements of the Polish population" in a proclamation issued by the Interior Commission, declaring a state of siege, according to Silesian messages received here. The proclamation, it is added, states that the commission "will shrink from no measure to ensure that the law is observed."

Poles Surround Towns

Berlin, May 4.—Semi-official advice received here are to the effect that the large towns in the industrial region of Upper Silesia, are surrounded by Polish insurgents, while Richtersdorf, a suburb of Gliwicz and Klesienstadt have been occupied by rebels. Various places in the district of Orensburg are reported to have been similarly occupied. The Polish flag is said to be flying from the towers of Rybnik, but the Italians have expelled the insurgents from Pless and arrested some of their leaders. The whole of the right bank of the Oder in the Ratibor area is in the hands of the rebels. The authorities have regained possession of Myslowitz.

Army Well Equipped

Opelein, May 4.—The Poles are marching into Gross Struchlitz, north of the line mentioned, in a well ordered manner, using motor lorries, machine guns and dynamite. Italian troops at Rybnik, well south in the plebiscite area comprising a regiment of infantry and two machine gun companies are surrounded by 3,000 Poles and a pitched battle has been going on for several hours, the informant stated this afternoon. The Italian known dead are three officers, one of them of high rank, and twelve privates. The Polish members of the plebiscite police disarmed the German members who were taken across the border, after several of the Germans had been killed. It was added that the force itself has ceased to function.

Italians Open Fire

Opelein, Upper Silesia, May 4.—The Italian forces at Gross Struchlitz today opened with artillery fire on Poles who were attempting to occupy the city. The Poles replied with field guns.

BUDGET ON MONDAY

Ottawa, Ont., May 4.—The budget will be presented on Monday, it was announced in the House this afternoon.

SINN FEINERS SLAY TWELVE CROWN POLICE

Only One Man in Patrol Ambushed Escapes With Life.

SHOOTING AFFRAY AT IRISH FUNERAL

Police Fire on Party That Refuses to Halt and Some Injured.

Dublin, May 4.—A sergeant and seven constables were ambushed and killed this morning a short distance outside of Rathmore, County Kerry. Only one man in the party escaped. He was uninjured.

Shooting at Funeral

Limerick, May 4.—The funeral of Henry Clancy, who was shot and killed here Saturday night, gave rise to an incident today which resulted in the police employing fire-arms, killing one civilian and dangerously wounding another. When the coffin, draped with the Sinn Fein flag was on the way to the cemetery, the police objected to the formation of the procession and turned a number of people aside. Later the procession was formed again. The police returned and some members of the funeral cortege, seeing them coming, ran across a field. Officials state these persons refused to halt and the police fired at them.

Four More Killed

Dublin, May 4.—Four policemen were killed and two wounded in an ambush at Tourmakeady.

SENATORS WILL STUDY JOBLESS

Committee Named to Probe Whole Problem of Canadian Unemployment.

Ottawa, May 4.—In the Senate today on motion of Senator McDonald, a committee was appointed to inquire into and report upon unemployment in industry from January 1920, to the present. The committee, including Senators Murphy, Tanner, Girouard, and McDonald, Senator McDonald, in moving for the committee, and, incidentally, making his maiden speech in the Senate, pointed out the need for accurate information as to the precise conditions in the country.

Senator Robertson minister of labor disclosed the information that at the present time there are 200,000 less employed in industry than in January 1920, a fact which he declared to be "a cause for some apprehension as to the future."

Wire Tapping Jury Fails To Agree

Prisoner Immediately Re-Arrested on Perjury Charge in Swindling Case.

Buffalo, May 4.—The jury in the case of Charles Drucker, charged with swindling Michael Connolly, of Montreal in the wire tapping case, reported a disagreement this afternoon after being out 25 hours.

Kill Dozen Rebels

Dublin, May 4.—Twelve Irish volunteers were either killed or wounded, and one military officer was severely wounded as a result, according to an official report today, of a trip by a party from a border regiment to investigate an ambush which occurred yesterday at Tourmakeady, County Mayo.

THREE FIREMEN OVERCOME

Montreal, Que., May 4.—Three firemen were hospitalized and damage estimated at between fifty and sixty thousand dollars was caused by a fire which destroyed a dry goods store and three private residences at the corner of Beaubien and Alma, Laurier ward, early this morning. The cause of the outbreak is not known.

PAPERS TIED UP

Peterboro, Ont., May 4.—Peterboro is still enjoying all the thrills of a strike affecting the printing trade of the city. All the job printers are out, and the Examiner, the only daily newspaper in this city, is issuing six pages daily, with a reduced staff, under the open shop conditions.

Declares Rail Wages Must Be Reduced

President of the C.P.R. Whose Address at the Annual Meeting of the Company Yesterday Declared That There Must Be a Lowering of Wages in Railway Work.

ARNSTEIN GUILTY WITH FOUR MORE IN BOND THEFTS

Conspiracy Charge After the Five Proved So Theft Trial Follows.

SENTENCE COMING IN TWO WEEKS

Five Million Dollars Involved in Sensational Wall Street Cases.

Washington, May 4.—Jules W. (Nicky) Arnstein, and the four defendants jointly on trial here with him in criminal court on charges of conspiracy to bring stolen securities into the District of Columbia, were found guilty by a jury tonight after forty minutes deliberation. The other defendants were Nick Cohen, David W. Sullivan, W. W. Easterday and Norman S. Bowles.

The case arose out of a five million dollars Wall Street bond thefts and the defendants are expected to be placed on trial soon in New York as the next step in their prosecution. Counsel for the defendants announced they would file a motion for a new trial tomorrow, and if this was denied would appeal. Sentence will not be imposed for two weeks.

Six Months' Hoist For Shorter Day

Amendment Defeated by Straight Party Vote in Nova Scotia Legislature.

Halifax, N. S., May 4.—A bill establishing a statutory eight hour day for a number of specified industries in Nova Scotia was given the six months' hoist in the House of Assembly this afternoon on recommendation of the committee which reported it.

D. W. Morrison, the Labor Member for Cape Breton, moving an amendment that the bill be considered by the committee of the whole, urged that the war had taught the lesson that long hours of work did not pay and that the eight hour day had been accepted by the League of Nations. The amendment was lost on straight party vote, however.

Two Drown While Lobster Fishing

Charlottetown, P. E. I., May 4.—Solomon Callant, 62, and his son, Martin, 28, who left Rustico Harbor at noon yesterday in a motor boat with a load of lobster traps, disappeared and were given up for lost following a search today of the harbor. Several lobster traps, a cap said to be the property of Martin Callant, and the wooden hatch which covered the engine of their motor boat were found floating about.

Solomon is survived by his widow, one son and one daughter.

WANTS HIGHER RAILWAY PAY

Advocate Declares Unskilled Workers Are Getting Too Little Money Now.

Chicago, May 4.—Wages of unskilled railroad employees should be adjusted upward and not downward, is the cost of living and the rates of pay in other industries are to be used as a basis in deciding the railway workers' pay, W. Jett Lauck, consulting economist for the unions, told the railroad labor board today at the hearing into the United States carriers' demands for lower wages.

Mr. Lauck declared that the figures presented by the railroads showing certain decreases in living and indicating that wages for unskilled labor in most industries were lower than the pay given railroad workers, were deceiving.

He presented a table of wages for unskilled workers in a number of industries. These workers, he said, were receiving more money than unskilled railroad employees. He particularly stressed the pay of steel workers, saying the United States Steel Corporation paid common labor 60 cents an hour. Cost of living figures based on decreases in wholesale prices should not be considered by the board, he said.

TODAY

IMPERIAL—Jean Paige in "Black Beauty."

OPERA HOUSE—"Bo-Peep and Jack Horner" and four other acts.

QUEEN SQUARE—"The Branded Woman."

STAR—Lorne Chaney in "The Penalty."

EMPRESS—"Half a Chance."

'NOT GUILTY' IS DECISION IN LONG CASE

Temporary Insanity Plea Accepted by Jury and Margaret Long Freed.

APPLICATION FOR FREEDOM MADE

Judge Criticizes Action of Woman Taken in Resolution Before Trial.

Special to The Standard
Fredericton, N. B., May 4.—Margaret Ann Long, of Miramichi, St. John was found by a jury in the York court this evening to have been temporarily insane when she pleaded to a child at the C.P.R. Hotel at Miramichi on the morning of Sunday, March 20th, and to have thus been unaccountable for the death of the child which was afterwards found in a ball-room with a shoe lace tightly around its neck.

The jury went out for one hour and forty minutes considering the charge of infanticide and George T. Brudley of Miramichi the foreman, announced when they returned that they found the prisoner not guilty.

Based on insanity.

Mr. Justice Crockett enquired whether their verdict was based upon the plea of insanity, which had been the main defence in the case, and the reply of foreman Brudley was in the affirmative. He therefore remanded the accused to jail, such an order being necessary because of the rule in such cases.

The large delegations from the various women's organizations that had been interested in her defence gathered about the girl as soon as the verdict was announced and showered her with congratulations while officers of the Salvation Army offered words of comfort. There was every evidence that the verdict met with an approval of a large number in attendance at the court and as Miss Long was taken away to the jail again by Sheriff Hawthorne, she smiled and seemed in better spirits.

Apply for Release

She had every reason to be too, because every reason she had left the court room, R. L. Heston, of St. John, who had interested himself in the case and made her defence possible, and H. A. Powell, K. C., of St. John, Council of Women as her chief counsel and Dr. J. V. Anglin, chief consultant of the Provincial Hospital at St. John, had left for the government buildings where a formal application for an order for her release was made by Mr. Powell before Attorney General Byrne upon the grounds that the insanity which had been temporary and had existed only during the period of childbirth.

It is expected that the necessary order for her release will soon be made.

When the afternoon session of the court opened, Mr. Justice Crockett directed the jury to retire and then referred to some statements which had been published regarding the position of men and women as to law and the rules of evidence relating to them. He also said that on the eve of this trial a resolution passed by an organization of women complaining of the inequality of the laws so far as they related to women. His Honor stated that this act had been taken for the purpose of affecting the course of the trial and was as such a most grave and serious impropriety and an attempt of the court. In such cases an effect would be to prejudice the free and untrammeled course of justice. The resolution had been sent to the judge with an accompanying letter.

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