



The Evening Times



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ST. JOHN, N. B. FRIDAY, DECEMBER 18, 1908

TEN PAGES—ONE CENT

ONE OF ST. JOHN'S BEST CITIZENS DIED TODAY

T. S. Simms Passed Away Suddenly This Morning and the Whole Community Mourns—A Successful Business Man, a Man of Wide Charity and a Model Citizen.

The community was shocked to learn of the death, at an early hour this morning, of T. S. Simms. Death came with awful suddenness, as Mr. Simms had not been ill. He awoke about 5 o'clock this morning, and complained of distress about the chest, but believed it but an attack of indigestion. He, however, grew rapidly worse, and Dr. E. J. Ingham was summoned, but before he arrived Mr. Simms had passed away. About his place of business yesterday and last evening he was bright and cheery and there was not the slightest suspicion that death was so near at hand. Foremost in the business community, a leader in church work and an active and energetic worker for missions and large giver to charity, his death will leave a vacancy in the life of St. John that it will be hard to fill. Thomas Stockwell Simms was born near Portland, Me., in 1845, and was consequently 63 years old. He came to St. John as a commercial traveler, having been associated in Portland in the brush and broom manufacturing business. The claims of this city as a place for doing business were impressed upon Mr. Simms by Messrs. Logan and Lindsay, and in 1872 he removed here, purchasing the brush and broom manufacturing busi-

SEVERAL PASSENGERS TOLD OF THE CENTRAL RAILWAY AFFAIR HIS

Examination of Mr. E. G. Evans Was Concluded and Others Were Called—Commission Will Adjourn This Afternoon Until Tuesday Morning Next.

The Central Railway inquiry was resumed in the admiralty court room this morning at 10:15 o'clock. Commissioner Teed was absent. E. G. Evans was again called to the stand and questioned by Mr. Powell as to the balance of the purchase price for the road from the N. B. Coal and Railway Co. Evans said he had asked for the payment of the balance due, some \$38,000 from the company. He thought Mr. Allan and Dr. Dugley were present at other meetings held. The balance had not been paid. Before the terms were completed, witness said he had been asked to sign a check for \$10,000. He and Mr. Elkin had decided to get clear of the road, they were tired of carrying it with its financial worries. Asked how soon it was that the N. B. Coal and Railway Co. became aware that the balance had not been paid, witness said he thought it would be a few months after he secured the option, say about June, 1907. During the period witness had been troubled over the option to the N. B. Coal and Railway Co. He had given the option to Mr. Elkin and the N. B. Coal and Railway Co. was signatory to the road as well as the paying of the balance. To Judge Landry witness said the company was aware that he had an option for \$35,000. His Honor asked Mr. Evans if he could not say whether some one knew of the option before the act of legislation was passed. Witness said he could not say anyone could know of it. He was not looking forward to any company buying the option at the time, he took it. He had opposed the act giving the N. B. Coal and Railway Co. the right to build a road in that district. He did not know that any member of the board knew of his having the option. He had no communication with anyone as to negotiating for the sale of the coal. During the period witness was afterwards interested in the N. B. Coal and Railway Co. witness said that the agreement between witness and the N. B. Coal and Railway Co. contained no provision for the expenditure of \$80,000 on the road as well as the paying of outstanding bills. To Judge Landry witness said his option of the road was for the mileage and branches, 7.02, a total of 22.12. The Barnes Company had constructed a branch of 6.40 feet to a gravel pit and the cost of this was included in the progress estimates. The construction of the coal branch was independent of the other branch lines and was not a part of the Barnes contract and not included in the progress estimate. He did not think a percentage was charged on the branch lines. After examining some documents witness said he thought Barnes had received a percentage on branches as well as main line. The witness was questioned as to the cost of grading and bridges on several of the coal branches that until he resigned the road as well as being its chief engineer. He had two assistants in the surveying office to check over construction accounts. This closed the examination of Mr. Evans. Frederick C. Harris was the next witness called. He said he was manager of the N. B. and P. E. R. Railway, having left charge in July 1904. He covered all the mileage of the road was 36 miles. It runs from Sackville to Cape Tormentine. The population of the road was 10,000. A tabulated statement of receipts of the road was submitted to the government every year. It was sworn to by himself and Mr. Woods, president. Witness had kept correct accounts of all transactions. For the year ending June 30, 1908 the receipts were \$20,208.00 and expenditures \$23,072.01, leaving a surplus of over \$4,000. The witnesses of other officials, including his own, in the High School a large number carried in the year was 10,488, and the freight carried was 33,862 tons. There were three engines on the line and on an average two were operated at a time during the summer. To Mr. Barnhill witness said all expenses were included in the \$23,072.01. The road was very early operated as there were no heavy grades. The expenses to five stations agents amounted to a total of about \$800. They did not devote all their time to it. Mr. Carvell remarked that the witness would be a good man for manager of the I. C. R. To Mr. Powell witness said as a rule trains were not heavy. There were several bridges of varying length. They were built by the contractor. The cost of maintenance was \$10,000. There were no large fills for steel bridges. To Mr. Barnhill witness said there were seven bridges with an aggregate of 1,000 feet. There were no long fills on the line, but one portion of the road which was built by the contractor. The cost of construction was \$25,850 and equipment cost \$42,700.00. To Mr. Barnhill witness said he would not compare the cost of construction on a line where there were no large fills or bridges with one where there was such a condition. To Mr. Powell witness said he thought the cost of building the road would be less than it would where the road was built. S. Corbett, auditor, was next called and questioned as to charges and book of the old commissioners. Witness said he had the vouchers in his vault and would produce them this afternoon. Arthur McDonald, manager of the Bank of St. John, was called to testify as to monies and bonds received. Mr. Powell asked what disposition was made of the monies received Aug. 8, 1903 from Mr. Shadlock's manager of the Royal Bank, according to \$80,000. Witness said they were held as collateral for monies advanced to the N. B. Coal and Railway Co. The amount of advances was \$40,000. The note was payable Nov. 7, 1903. The note was given by the company in favor of the bank. On Oct. 19, 1903, a payment on account of \$80,073.34 was made on the note. The money was paid through the Bank of St. John to the account of the amount of \$80,000 delivered to that bank, leaving \$100.00 in bonds still in their hands. Witness did not say what the \$73.34 was paid for. He was questioned as to what was done with transactions involving advances. Mr. Carvell said he had received a letter from Mr. Powell claiming the bond record of the bank was not complete and that matters were complicated considerably as a result. Witness said notes were discounted to him on several occasions of which there was no record at this time. His Honor thought it strange that the records were not complete and he could not understand the transactions. Mr. Powell said he would not consent to be confused but he wanted light on the real change. He was a scientific bookkeeper, said Mr. Powell, "but for my part I prefer a farmer so you can see the transactions are as simple as possible." Mr. McDonald agreed with Mr. Powell. A bank should keep all the transactions of a customer by the current account so that a complete record could be kept of all receipts and disbursements. The method of having a casual account was not a good one. Mr. McDonald agreed with Mr. Powell that all should appear in the one account. As it was 1 o'clock it was decided to adjourn until 2:30 this afternoon. Mr. Carvell said he had received a telegram from Hon. Wm. Pugsley saying he would be engaged until Tuesday next but he could attend the enquiry on Wednesday next if that was convenient. It was agreed after some discussion that the enquiry would adjourn after this afternoon until Tuesday next and his Honor said he hoped they would be able to finish their work before Christmas.

THE CHRISTMAS HOLIDAYS WERE USHERED IN TODAY

City Schools Closed This Morning for the Christmas Vacation—Appropriate Exercises Marked High School Closing—Kindergarten Children Have Pleasant Time.

Today the school children of the city are given a respite for the Christmas and New Year's holidays. Special exercises were conducted this morning in some of the schools, but in the majority of the institutions the closing was of a routine nature. The High School a large number of visitors congregated to witness the presentations and exercises. On the platform, excluding the speakers were Aldermen Peckett, Vanwart and Holder. Principal W. J. S. Miles stated that the building was overcrowded and the situation must be remedied. At present many of the rooms contained over 40 pupils, by daily attendance, while a teacher cannot do competent work with more than forty students under her. In Moncton grade 829 majority for the act, and the remainder of the county went slightly in favor of license. The results as reported are as follows: Against For. Moncton City 684 1250. Moncton parish 955 548. Sackville parish 283 692. Shediac parish 792 118. Botsford parish 353 284. Salisbury parish 45 289. Westmorland parish 43 289. Dorchester parish 670 312. Totals 3229 3328. Majority for Scott Act 699.

PASSENGERS WERE SEIZED WITH PANIC

New York Ferryboat Collided With Freight Steamer—Several Passengers Injured.

New York, Dec. 17.—A collision between the ferryboat Stearns, plying between East 22nd street, Manhattan, and Astors, L. I., and the freight steamer Combs, bound for South Norwalk, Conn., threw the 300 passengers of the ferryboat into a panic tonight and resulted in serious injury to three men of the crew of the Marion. The accident, which was caused by the swift current of Little Hell Gate, occurred when the ferryboat was crowded with home-goes, returning from the city. The freighter struck the ferryboat on and stove a hole in the port side, where the women's cabin is. The occupants down and precipitating the worst kind of panic. Several women passengers fainted, and for a time it seemed as if the deckhands and crew members would be powerless to prevent the more frightened of the women from jumping overboard. The captain of the Stearns signalled full speed ahead, however, and ran the ferryboat alongside of a barge moored below the ferry slip, where all the passengers were gotten off in safety. The Marion, badly damaged in the collision, was run ashore at the foot of Jamaica avenue, to prevent her sinking. Her cargo was displaced by the collision, and several cases were tumbled under, crushing those of whom were injured, all of whom will recover, were taken to hospitals in Manhattan in a police boat.

FOUND MUD BANK IN FRONT OF NO. 6

Apparently Conditions at the New West Side Berths Are Still Far From Perfect.

Judging from present indications it will be some time before No. 6 berth on the West Side will be available for steamers. A meeting of the West Side improvements committee was held this morning, when a communication from Engineer Seasmith of the marine department, was read to the effect that there was a strip of mud about 20 feet wide, 25 feet long and 40 feet deep, situated about 20 feet from the face of the wharf. Mr. Seasmith claimed this had filled in since the dredging there was completed. The committee instructed the harbor master to make soundings all over the berth and ascertain just what the conditions are. The committee also directed the harbor master to make holes dug for their reception. Diver Lacey, acting under instructions from the harbor master, will make a thorough examination of the berth. At the present time one large boulder is being lowered preparatory to blasting and others have been placed in holes dug for their reception. Diver Lacey, acting under instructions from the harbor master, will make a thorough examination of the berth.

BIG FIRE REPORTED IN A RUSSIAN TOWN

St. Petersburg, Dec. 17.—Despatches received here state that a great fire is raging in Rostov-on-the-Don, which has destroyed entire of the town, together with another entire quarter. Several lives were lost.

NEW YORK SNOWBOUND

New York, Dec. 18.—Shipping was held up in the Bay, street cars running on ice rails, collided, and commuters going to their work were delayed early today by the first heavy snow, hail and rain storm that has visited New York this winter. A thick fog caused irregularity in the ferry service. The snow began to fall early yesterday afternoon, and by night-fall there was over 1 inch deep in New York city, and from 2 to 4 inches deep in the suburban districts. Early this morning hail began to fall, soon changing to rain.

HAMILTON S. S. COMPANY RE-ELECTS OFFICERS

Hamilton, Ont., Dec. 18.—(Special)—At the annual meeting of the shareholders of the Hamilton Steamboat Company President Amelius Jarvis and all of the other old officers and directors were re-elected. The usual half yearly dividend was declared. Judging from the opinions expressed by a number of the attendees, the committee appointed to consider the reorganization of the civic departments under one engineer, which has its first meeting tonight, is not likely to recommend radical changes.

FUNERALS

The funeral of the late Charles R. Reid took place at half past two from his late residence St. James street to Fernhill cemetery. Rev. Mr. Lang conducted the obsequies. Margaret Nelson was buried at 2:30 p.m., from the residence of his father, 227 Westmorland Road, to the Catholic church, where Rev. Father Duke read the prayers for the dead. Interment took place in the New Catholic cemetery. The funeral of Robert L. Morrison will take place from his late home, Orange street at 4 o'clock Sunday afternoon. Steamer Talsman arrived in port today from Boston to load for Havana, Cuba. She will take a large freight this trip.

FLAT CONTRADICTIONS IN MARINE ENQUIRY TODAY

Another Witness Corroborates Mr. Van Felson's Evidence as to a Visit From Bourdreaux—Bourdreaux Recalled Flatly Denies the Whole Transaction.

He knew him well. Later in the morning Van Felson went to get some bills of large denomination, and on coming back showed them to the witness. He saw Bourdreaux in the bank again in the afternoon but did not see any money handed over to him. He did not know, in fact, what became of the bills. James Holliday, recalled, said: "To the best of my knowledge I never signed the cheques. Mr. Van Felson's testimony of yesterday. He said that at the end of May or beginning of June of that year Bourdreaux came to the bank and had an interview with Van Felson. When he went out he shook hands with the witness, whom he had known for some years. Mr. Van Felson afterwards said, 'I want you to remember that man,' and witness re-

LEAVES \$150,000 TO HIS FAITHFUL JAILER

Reformed Burglar, Grown Wealthy, Never Forgot Prison Official Who Befriended Him Long Ago.

Galveston, Texas, Dec. 18.—Harry Stoner, reformed burglar, died in this county, leaving an estate valued at \$170,000, of which \$130,000 in lands and Mexican mining stocks he bequeaths to Albert Brisby, former penitentiary official, who befriended him thirty years ago, when Stoner was serving a six year term in the Texas state prison for burglary. Brisby's many kindnesses to the convict and the assistance he rendered in obtaining his pardon after three years had been served, were never forgotten. Stoner returned, went to Mexico, became wealthy in the mines and invested heavily in lands in Texas. He came back to Texas broken and his fortune he left to friends. Belfast, Ireland, corporation are about to consider three schemes which roughly involve an expenditure of \$2,000,000, namely: the sewerage purification system; the proposal to prevent flooding in the city and the extension of the gas works.

HIS AIRSHIP TEST DID NOT ENTIRELY SUCCEED

Roy Knabenshue Made an Interesting Experiment in Aeronautics at Los Angeles Last Night.

Los Angeles, Calif., Dec. 18.—Roy Knabenshue last night attempted to demonstrate how an airship could sail over a city unobserved under cover of darkness and destroy the city by the use of powerful explosives. His flight over the city failed in this respect, however, as his airship was easily discovered and the whirring of the motor and propeller could be heard at a great distance. Knabenshue dropped a harmless bomb on the city hall, where it was found later. According to an official report just issued the total force of the navy last year was 188,740. The number of cases of disease and injury entered on the sick list was 75,381, a ratio of 0.0294 per 1000. This is a decrease of \$5.25 per 1,000 as compared with the average of the last five years. There were 363 deaths, this number being lower than had been reported previously.

KAISER GOES ON THE WATER WAGON

German Emperor Becomes a Teetotaler—Will Drink Temperance "Fiz" While His Officers Enjoy Champagne.

London, Dec. 18.—The Kaiser has gone one step farther in his policy of personal abstinence by becoming a teetotaler. He has pledged himself to abstain from all alcoholic drinks for the remainder of his life. The real champagne, according to strict etiquette, banish drinks from all dinners at which the Kaiser is present, but his majesty desiring not to compel his courtiers to follow his own example, has prepared a temperance drink like champagne, which he drinks while the others enjoy the real champagne. When the emperor is invited to dinner, this special non-alcoholic drink is supplied to the host in addition to the Kaiser in champagne bottles. On the 18th of the Kaiser had gone one step farther in his policy of personal abstinence by becoming a teetotaler. He has pledged himself to abstain from all alcoholic drinks for the remainder of his life. The real champagne, according to strict etiquette, banish drinks from all dinners at which the Kaiser is present, but his majesty desiring not to compel his courtiers to follow his own example, has prepared a temperance drink like champagne, which he drinks while the others enjoy the real champagne. When the emperor is invited to dinner, this special non-alcoholic drink is supplied to the host in addition to the Kaiser in champagne bottles.

KILLED IN ROW OVER PET DOG

Mayor of Dudley, North Carolina, Shot Prominent Citizen Dead.

Goldboro, N. C., Dec. 18.—In a Hatch, a prominent resident of Dudley, was shot and killed yesterday by Badger J. Bowden, Mayor of Dudley, as the result of a quarrel over a dog. Bowden was seriously wounded immediately after the killing by his victim's son. Early yesterday, someone shot Hatch's dog, whereupon he and his son in the street. Bowden, the son of the slayer, they soon met Bowden, with whom the elder Hatch was on bad terms, and whom he immediately accused of shooting his dog. Hot words ensued, and Bowden shot Hatch through the heart. Thereupon the younger Hatch shot Bowden, inflicting only flesh wounds.

TAFT WILL TRAVEL WITH MUCH POMP

President-Elect Will Visit Panama With Two Warships.

Charlottesville, Va., Dec. 17.—President-elect Taft visited the White House today at the request of President Roosevelt, who wished to consult him regarding Mr. Taft's forthcoming trip to Panama. While all of the arrangements have not been made, it was decided that the trip shall be made with two cruisers. He will start from Charleston, January 26th. Fire in Glace Bay Globe Laundry and Two Smaller Buildings Burned This Morning by Fire of Mysterious Origin. (Glace Bay, N. S., Dec. 18.—Special)—The Globe Laundry, on Minto street, owned by Blood and Vail, was burned down this morning. The cause of the fire is unknown. The building was insured. A couple of other houses were also badly scorched, and the firemen had difficulty in preventing a serious conflagration. The loss will be about \$3,000 to the laundrymen, and about \$100 on each of the other buildings. West India steamship Oruro, Captain Bale, passed Brier Island at 10:30 o'clock this morning. She is due in port at 6 o'clock from Bermuda.

SUPREME COURT UPHOLDS SCOT ACT CONVICTIONS

Important Decisions Delivered in Fredericton Today—Issue Decided Against Defendants in Every Case.

Fredericton, N. B., Dec. 18.—(Special)—The supreme court met at eleven o'clock this morning with Judges Barker, Gregory and White in attendance, and delivered the chief magistrates' decisions of the previous day. The court held that the prohibition of Schenck beer was not a violation of the Scott Act. Following is a list of the cases disposed of: Ex parte W. A. Lindsay and Lloyd Belyea. This was an application to quash a conviction made by Police Magistrate Marsh, of Fredericton, in September last against the defendants for selling Schenck beer. The court was asked to quash the conviction on several grounds, the principle one of which was that the beverage was bought and sold as non-intoxicating. The chief justice delivered the judgment of the court in sustaining the conviction. He agreed with the opinion of the police magistrate that Schenck beer is a malt liquor, and the evidence of Analyst Padlock that it contains three per cent of alcohol is proof that it is intoxicating. Ex parte Eason E. Peck. This was an application for writ of prohibition to prevent Daniel J. Stewart, J. P. of Riverside from trying a charge of assault preferred by Miles Dixon against Peck, who is stipendiary magistrate of Hopewell. The court held that there was no ground for the assumption that because Stewart was dismissed from the office of stipendiary magistrate of Hopewell and Peck appointed in his place that he was biased against Peck and discharged the rule. King vs. Kay ex parte Wilson. This was an application to quash a conviction under the Canada Temperance Act. One of the grounds urged by the defendant was that the police magistrate was a member of the police commission of Moncton and had no right appointing the policeman who had made a seizure of liquor and had made a return. The Chief Justice in delivering judgment claimed that the member of the police commission was not a member of the police force and was not responsible for the seizure.

BERWICK WILL GO TO PRISON ANYWAY

Manchester, N. H., Dec. 18.—The British consul of Boston has made a demand that should Horace E. Berwick, alias Dan Williams, be granted a pardon by the governor and council at Concord, tomorrow, he will be taken into custody for robbing a bank at Danville, P. Q., \$10,000. Berwick was found guilty of the robbery and sentenced to ten years by the Canadian authorities. He escaped from the Canadian prison and killed two men in Dover, this state, July 4, 1900, an application to quash a conviction of fifty years. Tomorrow's attempt to secure a pardon for this notorious prisoner will be the second.

WEDNESDAY NIGHT THE GROCERY STORE AT WEST R. SMALL AT THE CORNER OF QUEEN AND GERMEN STREETS WAS BROKEN INTO AND SOME CHANGE TAKEN. THE POLICE HAVE BEEN NOTIFIED.

Last Wednesday night the grocery store at West R. Small at the corner of Queen and German streets was broken into and some change taken. The police have been notified.