

## PROTEST HYDRO CROSSING OF LINE

Railway Commission Will Inspect Place Stated in Case.

A protest of the C. N. R. against the location of the crossing of the line by the transmission line of the New Brunswick Electric Power Commission, near Brockville, was heard this morning by the Board of Railway Commissioners and Judgment reserved. C. J. Milligan and G. L. Dickson, electrical engineer, appeared for the railway and J. D. P. Lewin and S. R. Weston for the commission.

Mr. Lewin said the Commission admitted that they were trespassers on the right of way of the railway and were nine inches inside the minimum laid down by the Railway Commission at which a pole should be distant from a main track, but they had gone there to avoid erecting a 100 foot pole.

## NOTICES OF BIRTHS, MARRIAGES AND DEATHS, 50 CENTS

### BIRTHS

BURLEY—On Feb. 5, to Mr. and Mrs. Oliver Burley, 25 Winslow street, West St. John, a daughter.

### DEATHS

RYAN—At his residence, 80 Sydney street, on Feb. 5, James Ryan, leaving his wife, three daughters and two sisters to mourn.

DUNHAM—At his residence, 15 Albert street, on Feb. 5, 1924, Wellington H. Dunham, leaving his wife, two sons, one daughter, mother and one sister to mourn.

FAIRWEATHER—Suddenly, at her residence, 68 Durham street, Tuesday, Feb. 5, 1924, Ellen Louise, wife of John S. Fairweather, aged 42 years, leaving besides her husband, two sons to mourn.

McMAIN—In this city, on Feb. 5, 1924, Isabelle, wife of George, daughter of Patrick McMain, daughter of the late Thomas and Isabelle, leaving one son and one daughter to mourn.

WALKER—Infant son of Mr. and Mrs. Thomas Walker, 85 Kennedy street, Tuesday, Feb. 5, 1924, leaving three sisters and two brothers, besides the parents.

BROWN—Suddenly, in this city, on Feb. 5, 1924, Mrs. Mary R. Brown, leaving one daughter, two brothers and four sisters to mourn.

VAIL—In Boston, Feb. 3rd, Ethel Blanche Vail, in her 21st year, beloved daughter of George W. and Annie Vail, interment at Ballville on Thursday.

MARR—In St. John, on Jan. 20, 1924, at the residence of her daughter, Mrs. Frank Vincent, 154 City street, Lydia J., widow of George Marr, aged 83 years, leaving two sons, Arthur C. and Oliver H., and two daughters, Mrs. F. L. Vincent and Miss Rita C. Marr.

McKENN—Suddenly, at the house on Thursday, the 7th inst., at 2 o'clock p. m., leaving at 2:30 for Cedar Hill cemetery.

## IN MEMORIAM

HODGINS—In sad but loving memory of Samuel H. Hodgins, who departed this life Feb. 6, 1923.

WHIPPLE—In loving memory of Haver Albert Whipple, who departed this life Feb. 6, 1918.

HODGINS—In sad but loving memory of my dear father, Samuel Hodgins, who died Feb. 6, 1923.

CORBETT—In loving memory of Barbara Corbett, who departed this life Feb. 6, 1923.

HODGINS—In sad and loving remembrance of my dear beloved father, S. H. Hodgins, who died February 6, 1923.

McLIVRE—In loving memory of J. Percival McLivren, died Feb. 6, 1921.

THOMPSON—In sad but loving memory of my loving husband, Fred Thompson, who departed this life Feb. 6, 1923.

## CARD OF THANKS

Mr. D. E. Coles and family wish to thank their friends and neighbors for kindness shown in their recent bereavement, and also for beautiful floral offerings.

## ANNUAL MEETING OF ST. CLEMENT'S

The annual meeting of St. Clement's Anglican church, Millidgeville, was held last evening, and very satisfactory reports for 1923 were presented. Financially the report showed all bills paid and a balance of \$15.20 left. A new organ had been secured and paid for. Steps for installation of a new furnace were taken.

## LOCAL NEWS

LEAVE FOR OTTAWA. The members of the Board of Railway Commissioners, who have been holding sessions in the Maritime provinces to give the merchants an opportunity to express their views on the proposed increase in express rates, left this afternoon for Ottawa.

BURIED TODAY. The funeral of Julius Burkhardt, a German immigrant, whose death took place in the General Public Hospital, was held this afternoon from P. J. Fitzpatrick's undertaking rooms. Services were conducted by Rev. R. Taylor McKim and interment was in Cedar Hill.

INSURANCE REPORT. An amount of \$30,000 insurance was carried by C. H. McKnight on his three-story building, Rockland road, which was destroyed by fire yesterday afternoon. This amount is paid with J. M. and C. W. Hope Grant. The loss on the building alone is placed at double the insurance carried. Some insurance is understood, was also carried on the furniture and household effects of the other two tenants, but not enough to cover the loss sustained.

UTILITIES BOARD MEETS. The Board of Utilities met this afternoon in their offices with J. J. Milligan, Treasurer in the chair. The question of the reduction in the rates of the N. B. Telephone Company, was taken up. Hon. J. B. M. Baxter, K. C., P. J. Fitzpatrick, for the Telephone Company, E. C. Weyman for the big users, and R. Roy Davidson for the small users.

## WELLINGTON H. DUNHAM DEAD

The death of Wellington H. Dunham, which occurred about 1 o'clock this afternoon, will be heard of with regret by a very large circle of friends. One of the best and most capable of the North End his death at a comparatively early age is a loss to the community. For many years he conducted a large retail grocery business in Main street, but for the last few years had been with J. W. Brittain, stove dealer.

## HYDRO WAS OFF

The hydro electric services in the city were cut off for about an hour this morning around 10 o'clock by some difficulty arising in the switching equipment at the city sub-station. The current was switched over to an alternate line at the N. B. Commission's sub-station at Manchester's corner and the service resumed.

## REMARKABLE OPERATION.

Capt. Alvin Good, who underwent a very critical and delicate operation at the Montreal General Hospital some weeks ago when a piece of bone was taken from his head and a piece of his head removed and placed in his hip, has returned to Fredericton. He is feeling exceptionally well and able to walk freely without the use of crutch or cane.

## Ottawa Carpenters Drop British Charter

Ottawa, Feb. 6.—The Amalgamated Society of Carpenters and Woodworkers with a local membership of 130, last night surrendered its British charter and joined the International Brotherhood of Carpenters, to be known as Local 2162.

C. J. Milligan of Moncton, regional counsel of the C. N. R., was in the city today for the purpose of appearing before the Board of Railway Commissioners.

Miss Margaret Thompson, who recently wrote a play which was presented at the Posse Normal School of Boston, is a daughter of Mr. and Mrs. F. L. Thompson of Moncton.

Dr. M. G. McLean and Mrs. McLean of Woodstock will leave this morning for San Diego, California.

## "We're Keeping Prices Down"

This is a good rule to follow when one is sure of his ground. He need not fear the truth. Put us to this rigid truth. Compare the values we offer and let us convince you that here is where you can save money. Remember for 33 years we have furnished homes complete.

\$485.00 Solid Walnut dining room suites, 9 pieces—Reduced to \$369.00.

\$290.00 solid Oak dining suite, 9 pieces, old English finish, etc.—Reduced to \$218.00.

Leave a deposit and you can have your whole outfit stored free until June 1st.

Do Not Miss This One—A Furniture Sale

AMLAND BROS., 19 Waterloo Street

## RABINOVITCH IS NAMED IN WEST

Chechik Brings Action in Regina Against Several in Liquor Matter.

It is not only in St. John that the affairs of Harry Rabinovitch, as well as those of his former associates in the liquor exporting business, are taking up attention in the courts. In Regina today a suit was due to open in which Leon Chechik, who was concerned in cases against Rabinovitch in the St. John courts, has brought suit against Rabinovitch and others, asking an accounting of the affairs of the Dominion Distributors, Ltd., and alleging misappropriation of \$80,000.

Chechik's suit ranges around the profits and assets of the Dominion Distributors, Ltd., a liquor export concern which operated between 1921 and 1922 with headquarters in Regina. Among other things the action seeks the annulment of an agreement to dissolve the partnership entered into in November, 1922.

Rabinovitch has been the central figure in several actions in St. John. He was tried and acquitted on a charge of conspiracy to defraud some of his former associates of some \$79,000, the proceeds of the sale of a cargo of liquor to a purchaser in the United States.

At the instance of Chechik, he was arrested again on a charge of receiving \$50,000 alleged to have been stolen in connection with the same deal and after being remanded for trial was admitted to bail.

Before leaving the court room he was arrested again on a bailable writ on one Max Wexler, and was again released on a further bail being granted. This latter arrest was said to be on a bail bond covering it cancelled, on application being made to Chief Justice McKewen in the King's Bench Division, on the ground that he could not be arrested while in custody.

His case on the charge of unlawful receiving was to be heard in court yesterday and they returned no bill against him.

Rabinovitch was registered yesterday at the Ritz Hotel, but it was said this morning that he left the city soon after the result of the grand jury's action was known. It is understood that an attempt was made to serve the capias on him in the Wexler suit but without success.

## PERSONALS

Mr. and Mrs. Clarence F. Wetmore of St. John are guests of Mrs. Wetmore's uncle, S. D. Burns, Fredericton.

Frank P. Hunter of St. Stephen is reported to be very critically ill.

Samuel Owen of Fredericton, who was making a very favorable recovery after an operation, suffered a sudden change Monday night, and his daughter, Mrs. Sterling Thompson, has been called from Halifax again.

Miss Margaret Lynch, who spends the winter in Bath, with her parents, the Misses Bohn, met with a painful accident a few days ago while skiing. She lost her balance and fell down the hill and fell, breaking her ankle.

"Canada" of Jan. 28 says: John Scott, managing editor of the Gazette, Montreal, and a director of the Gazette Printing Co., Ltd., arrived from Canada last Saturday on his first visit to England. He is staying at the Waldorf Hotel, London.

Lieut.-Col. W. J. Osborne, registrar of deeds, Fredericton, who has been confined to his home by illness for the last ten days, is again able to be out.

Albert Kee, son of the late Charles Kee, is seriously ill from pneumonia at his home in Fredericton.

Miss Zita Cready and Margaret McElhinney of St. John are spending a few days in Devon.

Kenneth A. Dunphy, son of Mr. and Mrs. Austin Dunphy, Fredericton, has been promoted to the office of district engineer of the C. P. R. at Brandon, Man. He is a U. N. B. graduate.

J. C. McFadden left Fredericton Sunday evening for Montreal, where he has accepted a position.

Alan G. McAvity, president of the Canadian Independent Oil & Fundy Transport, Ltd., returned home today from New York.

Miss Dorrie McCully, daughter of the late Dr. O. J. McCully, has joined the staff of the Household Science Department of the Moncton schools.

Miss Clara O'Brien, who is absent on leave to study at Columbia University.

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## MERCHANTS ARE OPPOSED TO RISE

(Continued from page 1.)

Business Men's Case. This is the brief submitted—Board of Railway Commissioners for Canada.

Gentlemen:—With respect to the application of the Express Traffic Association of Canada, for "such an adjustment in rates as will permit the companies to earn a fair return for their services," representatives of practically all business interests of the City of St. John are of the opinion that the progress of their business and of the community is being seriously affected by transportation charges, and that any adjustment in express rates that will tend to an increase in existing express charges will undoubtedly prove a further source of difficulty to them also, that while it will lead to a decline in their business, it will have a tendency to reduce the traffic of the express companies, thereby compelling the companies to make further demands for increased rates with possibly like results.

Business houses that are suffering from present conditions find themselves compelled to economize and to look closely into cost reductions, and it is the feeling of our business representatives that so far as the express companies are concerned, they should endeavor to reach such an adjustment of costs as will make it possible for them to carry on without further burdening their customers or causing a decrease in their traffic.

## Audit and Inquiry First

As has been expressed in the recommendation that was forwarded to the Board of Railway Commissioners some time ago, it is the general feeling that until a close and independent audit of the express organizations has been fixed upon, and a thorough investigation of express cost systems for the past ten years made by the Board of Commissioners, the board would not be justified in recommending any increase in express rates.

It is worthy of note that in the United States the Interstate Commerce Commission, in a decision rendered in December last, refused to grant the American Railway Express Company's application for higher interstate express rates, claiming that the proposed increases were not justified.

Such a decision would undoubtedly serve to lessen the burdens on business interests of the neighboring republic. Similar action on the part of the Board of Railway Commissioners of Canada would likewise tend to reduce the load of costs on Canadian business interests and make it easier for them to carry on.

## Recent Advances

Within a short period some heavy increases have been made in express rates. In 1919, they were advanced 50 per cent. A further advancement of 30 per cent. was made on the inland rates in 1920, making a total of 85 per cent.

These increases in rates have undoubtedly tended to diminish business of certain lines, and there is little doubt that they have also brought about a reduction in express traffic.

Railway freight rates, it will be recalled, were increased 10 per cent. following the 50 per cent. increase in express rates in 1919. There is little doubt that this enlargement of express charges has caused a considerable reduction in the volume of freight traffic, and has served to lessen the traffic of the express companies and has caused a considerable loss of revenue to the railways.

The express companies claim that the railway rates are one-half the time first-class rates freight from Toronto, amounting to \$1.88, and that they have to charge \$5.40, a spread of \$3.52. This is surely a great spread, and it would seem to stress the importance of a careful inquiry being made into the reasons which have led to such an increase.

In conclusion, it might be stated that while the furtherance of express companies' interests is of great importance, and while the public is entitled to be strengthened in every possible way, it is of even greater importance that the interests of the business houses and of our business communities should be furthered and protected; hence it is that the Board of Trade feels it its duty to oppose any further increase in express rates until a thorough investigation of express cost systems has been made and until an independent audit of the express organizations has been made and until a thorough investigation of express cost systems has been made and until an independent audit of the express organizations has been made.

When such a survey has been carried out, the Board of Trade feels that it will be able to reach a determination on the situation. It would also inspire confidence in the public, and should be of great assistance to the express companies themselves.

If the board required detailed information as to the effect of the proposed rates on the business interests of this section, there is no doubt that such information can be supplied them by the representatives of such individuals who are here at the present time.

Presented on behalf of the Board of Trade of St. John.

R. E. ARMSTRONG, Secretary.

Feb. 5, 1924.

Mr. Carvell said that so far as the suggestion about an independent audit was concerned it was true the Board had not made such an audit but the city of Toronto had had one and was making another which would be just as accurate and reliable as if it had been made by the Board and they would accept it. They also had in the other phase of the question, whether the companies were justified in paying to the railways the amount they did, and while they could not sidestep very carefully before a decision was given.

Brief Is Endorsed. J. A. Reid, Fredericton, for the Fredericton Board of Trade, endorsed the brief read by Mr. Armstrong and gave some instances of increases from Fredericton. To St. John it had been increased from 80 cents to \$1.35 and the same rates applied to Woodstock.

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## STILL SEEKING CAUSE OF CLASH

Court Inquires Into Collision Off Partridge Island—No Drinking.

Evidence, continued this morning in the Board of Trade rooms at the investigation into the collision between the Peruvian steamer Perene and the schooner Maid of Scotland off Partridge Island early Friday morning, began yesterday afternoon, in which eight lives, it is feared, were lost, failed to throw any light on the probable cause of the disaster. Of the six witnesses examined before noon none would account for the collision. Most of the witnesses were subject to a questioning by Captain Demers, Dominion wreck commissioner, who is conducting the inquiry along with Captain A. J. Mulachy, Portwarden for St. John, and Captain N. A. Wilkie of the schooner Cutty Sark, who are sitting as assistants.

Penwick McKelvie, local pilot, said in his opinion, allowing for weather conditions on the night of the collision, a white painted schooner with no lights could be seen a little less than a quarter of a mile. This, he said, however, might be subject to correction.

Hon. J. B. M. Baxter, K. C., M. P., appeared in the interests of the owners of the Perene, while Dr. Fred. R. Taylor, K. C., represented the owners of the schooner.

The court opened at 10 o'clock and sat until 1 and resumed again at 2:30 this afternoon.

Considerable interest in being manifested in the inquiry, as the court was fairly well crowded this morning, particularly with local shipping men.

## The Life Boats.

Captain Ewart White of the steamer Perene was questioned by Captain Demers in regard to the fifteen minutes that it took to get the boat away from the ship. He said emphatically that the life boats were not coated with ice but the attached ropes were stiff and more it took to get them out. This was accumulated on the voyage to St. John. Captain White admitted that it was an element of risk to keep the life boats ready for use at all times.

"Then you would be found wanting in that respect, I think," commented Captain Demers, "inasmuch as previously we were not taken before you left port to see that."

Captain White said he could give no reason why the lights on the schooner were not seen earlier. It was a clear dark night. The schooner was about 200 feet away when he saw her green light.

Captain White went into detail in regard to the relative positions of the schooner and the steamer just following the collision.

Baxter: Captain White said there was no inattention on the bridge; there was no drunkenness aboard and in fact no spirits on the ship at all. Asked to give some reason why the lights of the schooner were not seen, he said perhaps they had run into bad weather and the lamps were obscured.

Nathaniel Mistick, one of the colored members of the schooner, said he told the captain to hold fast to the schooner as she was sinking and he said they ropes on the life boats were frozen.

He saw no ice in the boat.

Captain White asked leave to give another reason why the lights were not noticed on the schooner, and was allowed. He said that perhaps the schooner was running free and the only way was brought up into the wind.

The court stated that this would not interfere.

The Chief Officer.

Chief Officer Lowe said that he held a German master's certificate and was on the schooner when the collision took place. While in galley he heard two blasts and as he came out he felt the

water, but the lifeboat from the steamer did not go toward the schooner.

"The captain of the steamer blew the whistle twice when a short distance away before the steamer struck us."

Captain of Steamer.

Captain White said that he was on deck when the accident happened. The other officer on deck was the second.

He said the man who had been lost, Captain White said that he was on the bridge and at 8:30 o'clock in the morning the weather was clear and the wind was blowing from the north-east.

There was a little vapor at the time but not enough to prevent him from seeing lights. Witness said that the ship was going about the same speed, and the tide was setting the ship up towards the buoy, from which buoy witness was to take his course to work down the bay.

The compasses on the steamer were all right and he was steering south-southwest before reaching the buoy. Witness said that he wrote the entry after the steamer had collided with the schooner.

Edward Todd, an able-bodied seaman from the schooner Maid of Scotland, said that he had been going to sea for four years and was 21 years old. Just before the accident he was forward clearing the halyards from ice between the fore and mainmasts. There was a man from Porto Rico on the forecastle head of the schooner on the lookout. Witness heard the man report a light of a ship and all the men sped, and the tide was setting the ship up towards the buoy, from which buoy witness was to take his course to work down the bay.

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## For Everybody

SNAP

For Everybody

RACERS ARE SOLD

Fillmore Dillon and Feather Change Owners—Peter Farren Likely.

A stir has been created in local race horse circles due to the sale of Fillmore Dillon, 217½, and Feather, unmarked. The former was sold by Patrick O'Keefe to Mr. McDonald of New Glasgow and was sent to his new owner on Monday.

Feather was sold by Sydney Dillon and was brought here by Emory Campbell about four years ago. After becoming the property of Fred Dustin he was driven for two years by S. E. Rice.

Forefeather was sold by Mrs. Mary O'Keefe to Patrick O'Keefe. This horse, which was sired by San Francisco, has a heat record of 2.16, but has no win record.

Peter Farren, pacer, is still unsold, although it is expected that he will change owners in the near future. He has a mark of 2.08½, made on the Fredericton track. He was sired by the famous stallion Peter the Great.

BELLS WILL JINGLE.

Gordon Groves appeared before Magistrate Henderson in the police court this morning, charged with driving a horse and sleigh without any bells. It was pointed out that bells to an exchange of drivers and as soon as the owner new ones were secured. The explanation and allowed the defendant to go without imposing a fine.

Penwick McKelvie, pilot, said he went aboard at 12:20. All hands on the Perene were perfectly sober. He thought the ship steered well. It was about 3:20 by his own time when he left the ship. There was a fresh breeze blowing. Just before he left the Perene he noticed lights from three ships at anchor. There was no difficulty, he thought, in seeing lights that night.

To Dr. Taylor he said that allowing for the weather conditions that night he thought a white painted vessel with no lights could be seen at a distance of a quarter of a mile. He added that a quarter of a mile might be a little far.

Yesterday's Hearing.

The first witness was Nathaniel Bertram Mistick, one of the surviving sailors from the Maid of Scotland. He testified that he boarded the schooner at New York and sailed on Jan. 25 for St. John with a cargo of coal. He had been going to sea for 15 years and he was now 23 years of age. He was at the wheel at the time of the accident, which was between 10 and 20 minutes to 4 o'clock Friday morning. He had been steering the vessel from midnight and another man was on lookout on the forecastle head.

Witness said the steamer coming from the harbor and could see a green light on the ship. When the steamer was about 50 feet away, the captain of the schooner gave the order to stop. The crew, excepting the cook, were on deck at the time. "We were ship and the captain told me, before the steamer came near us, that he expected to see the harbor on that tack and we found 16 fathoms of water when sounding. The mate said 'See if our lights are burning' and another sailor said 'See if our lights are burning'."

Says Steamer a Mile Away.

"We were on the port tack when I first saw the steamer's green light and she was farther than a mile away and we were heading east northeast, the course to steer by the light. The steamer was bearing from us about northeast by north half north. After seeing the green light we kept on our course for five or ten minutes. We were about 25 feet from the steamer when the captain gave the order. The steamer should have been able to see our green light before she struck us and if her torch was burning when the steamer was 50 feet away. Another sailor on the schooner was forward on the main deck chopping ice."

Says Boat Did Not Go Toward Schooner.

"We could hear men crying on the water, but the lifeboat from the steamer did not go toward the schooner."

"The captain of the steamer blew the whistle twice when a short distance away before the steamer struck us."

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