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**CLAUDE AVERY
PASSES AWAY
AT SOUTH DEVON**

Well Known Druggist and War Veteran Succumbed After a Brief Illness.

The death occurred at 3.30 o'clock this morning at his late residence in South Devon of Claude Avery. The deceased who is thirty-two years of age has carried on the business of a dispensing chemist and druggist for the past three years, and was one of the most popular and prominent men of that town. For some time past he has been subject to attacks of illness and for the past eight weeks he has been undergoing one of these attacks. He served overseas, going over with the 104th Battalion and saw long service in France in the Medical Corps. The deceased was a member of the G. W. V. A. who will have charge of the funeral, as well as being a member in good standing of the Knights of Pythias and the Foresters.

The late Mr. Avery is survived by a widow, his mother, Mrs. E. R. Avery Lower Woodstock, and five sisters, Mrs. R. S. Gordon, Mrs. William Christie and Mrs. George Gendall, all of Naskatoon, but who are at the present time in Devon, Mrs. Charles Kilburn, Berkeley, California, and Mrs. Thomas Blair, of North Devon. His father, the late Alfred B. Avery predeceased his son by some seven or eight years. The funeral will leave the house at 2.30 o'clock tomorrow afternoon, Rev. R. H. H. Bulteel conducting the services.

Mrs. Elizabeth Barry

The death occurred at her home in Durham last night of Mrs. Elizabeth Barry wife of Mr. John Barry and sister-in-law of Judge Barry after an illness of several months. She was seventy years of age and is survived by her husband, two sons James P. or Durham and John E. of Taymouth, six daughters, Miss Mary E. professional nurse, Mrs. George Burke of Augusta, Me., Miss Gertrude J. also of Augusta, Me., Mrs. Hugh Galen of South Devon, Mrs. Daniel McCann of Ennskillen and Miss Mabel E. at home, also by two sisters Mrs. Patrick Owens of Nashwaak Village and Mrs. Chas. McGivney of Nashwaak Bridge also three brothers John and James Dinsmore of Taymouth and Thomas Dinsmore of Barker's Point. The funeral will take place Thursday morning from her late home with High Mass of Requiem at St. Anthony's Church by Rev. Father Conway and interment will be made at Sunny Bank cemetery.

**HEALTH ACT CASES
BEFORE FULL BENCH**

(Continued From Page 8.)

review from E. M. Gaynor, Police Magistrate of Chatham. Rule granted.

In Crown Paper, The King vs. Earl Ashe, Mr. Lambert for Ashe moved to have a special case stated by the trial judge, on the first and second point which trial judge refused to reserve. The Court rose at 1 p. m.

Off to Exhibitions

Messrs. James Bremner, George Danby, H. G. Miller, of the Department of Agriculture and Thomas Hetherington of the Dominion Experimental Farm left for St. Stephen today to act as judges for various agricultural exhibits at the St. Stephen Fair. C. F. Bailey, Supervisor at the Experimental Farm and Harvey Mitchell, Deputy Minister of Agriculture will leave this afternoon for the same purpose. O. C. Hicks is in Woodstock.

Returned From Cruise

Messrs. F. L. Harrison and Al. Meade of this city have returned from a two weeks cruise in Grand Lake waters. They made the trip by canoe down the St. John River and up the Grand Lake, and thence up the Salmon River to Chipman, camping at Chipman, Cold Creek and Salmon Bay at the upper end of the lake. They report seeing few ducks during the time they were down river, but they are leaving again tomorrow to be among the waterfowl when the season opens on the fifteenth.

Application For Survey

Fletcher Peacock, Director of Vocational Education for the province has received an application from the School Board at Petitcodiac asking that his Department have a vocational survey of Petitcodiac and the surrounding district made with the view of ascertaining the need of establishing a High School and day school vocational course. The enquiry is made particularly with regard to the establishment of a night school. The Department will make the survey at once, and it is possible that Mr. Peacock himself will go to Petitcodiac and carry on the work connected with the survey.

**Bennie Swim to Hang
On Friday of This Week**

Minister of Justice Decides That the Law Must Take Its Course—Prisoner Believed to Have Been Shamming Insanity—Story of the Crime is Recalled.

Woodstock, Sept. 11—That no further proceedings will be taken in the case of Benny Swim was confirmed today when Sheriff Albion R. Foster received a telegram from the justice department at Ottawa advising that the sentence would be carried out. When the sheriff told the condemned man of the instructions received he was evidently surprised, broke down and said: "I expected something different from that."

He soon recovered and asked that his mother be sent for to see him for the last time. She will arrive here from her home tomorrow.

His father was here today. Final preparations for the execution will be made on the arrival of Holmes, the executioner, in the morning. Swim was baptized this morning, at his own request, by Rev. H. V. Bragdon.

Commutation Refused

Ottawa, Sept. 11—Bennie Swim, murderer of Mrs. Olive Trenholm, at Benton Ridge, N. B., on March 27th last and now confined in Woodstock prison, must pay the death penalty on Friday next. Communication of the sentence has been refused by the governor in council.

The date for execution was originally set for July 15th, but the condemned man secured a reprieve from the supreme court of New Brunswick, and an application for commutation was made. At the time that Swim was tried for the murder of Mrs. Trenholm, the grand jury also declared that he should stand trial for the murder of Harvey Trenholm, her husband.

A good deal of difficulty has arisen over the mental condition of the prisoner and the minister of justice found it necessary to have him examined by medical experts from different provinces. They found, it is said, that Swim has been feigning insanity. He also pretended to have appendicitis while confined, in order to be removed from the jail to hospital, but recovered within an hour when he found that an operation was to be performed in the cell.

Officials of the department say that an attempt which he made to escape failed.

Story of the Crime

The crime for which Benny Swim was convicted occurred at Benton Ridge, a hamlet in Carleton county near the Maine border, on March 27 last, when Harvey Trenholm, of Bale Verte, Westmorland county, a returned soldier, and his bride, Mrs. Olive Swim Trenholm, a cousin of the condemned man were shot and killed at a house on a farm which Trenholm was negotiating for. Swim and Mrs. Trenholm, who was but a girl, lived in another house at one time, and it was generally understood among the neighbors that the two were to be married. Then Trenholm came along and paid attention to the girl with the result that she accepted him. They were married at Meductic, York county, by Rev. Mr. Worden, about the middle of March. The bride gave her age as eighteen. Swim was twenty-one last October and Trenholm was about thirty.

Admitted the Crime

About two weeks after the marriage Swim went to the Benton Ridge farm house, where the Trenholms were living. No one saw the tragedy except the three principals. After his arrest Swim said that when he arrived at the Trenholm place he met Trenholm at the door and shot him, killing his successful rival instantly. The bride came to the door and Swim asked her for his ring. She made no reply, refusing to give it to him, when he shot her in the breast, and on her turning into the house he followed and shot again, this bullet going through her heart. He then went to a sheep pen about five rods from the house and shot himself, the bullet going in near his ear, and is lodged over his right eye.

The revolver is a "five-shooter." Swim had another cartridge in the chamber, but he evidently lost his nerve and did not finish the job on himself. He bled considerably and started away, going a distance of seven miles, when he arrived at a house in which a man named Carr lived. He asked for something to eat which was given him. He then went on a mile further when he came to J. Doherty's house, almost exhausted, as he was bleeding from the self-inflicted wound and was easily tracked through the snow by the blood spots.

Found in Bed

Arriving at Doherty's house, Sheriff Albion R. Foster went upstairs and found him in bed, when Swim exclaimed: "Sheriff, this is awful; I will hang for this." He was cautioned to not make any statements that might be used against him. When asked about the revolver he said he threw it away. The officers took him to the spot where he said he left it and after some delay he showed them where it was concealed.

"I loved this girl and would die for her," he said, when talking about the affair. He was brought before Police Magistrate Comben and remanded until the following Monday. Later he was held for trial. His conviction followed.

Swim's Movements

The evidence was that on March 27 Swim proceeded south from Hartland and started to walk to Benton. He was picked up on the road by a young man who gave him a lift along for some distance. It is related that he talked about Mrs. Trenholm and said he was going to try to get her to return and live with him. He said it was his second trip to see her. There was no indication in his talk that he intended to commit the crime of which he was suspected.

From the appearance of the bodies when found it would seem that Trenholm was killed first, as Swim said, being shot through the head. He was on the door step and it is thought the woman was inside and head the shot and went to the door and that she was shot in the breast and ran into the house, leaving a trail of blood to the room where she was found. The murderer, it is thought, followed and shot her again as there are two bullet wounds in her breast, one from the back.

First Execution Date

The date for execution was originally set for July 15, but the condemned man secured a reprieve from the supreme court of New Brunswick and an application for commutation was made. At the time that Swim was tried for the murder of Mrs. Trenholm, the grand jury also declared that he should stand trial for the murder of Harvey Trenholm, her husband.

A good deal of difficulty has arisen over the mental condition of the prisoner and the minister of justice found it necessary to have him examined by medical experts from different provinces. They found, it is said, that Swim has been feigning insanity, and after raving in his cell attempted to escape from jail. Of late he had been calm and apparently resigned to his fate. When the unfavorable news was received, however, he broke down.

The father of Swim is a resident of Monticello, Me. Mrs. Trenholm's mother and a sister reside in Houlton, Me.

Condition Favorable

It was announced today that the condition of David McFarlane who was badly injured in an automobile smash up early Sunday morning is as good as can be expected. Mrs. Lee McFarlane, the daughter-in-law of the injured man who was unconscious up till two o'clock yesterday afternoon is also resting easier.

**PLEADS GUILTY
TO THE CHARGE
AGAINST HIM**

Penniac Man is Fined \$20 for Wilfully Destroying Property.

The Penniac man who was arrested on a warrant sworn out by his mother and lodged in the Police Station Saturday night appeared before Police Magistrate Limerick yesterday afternoon and pleaded guilty to the charge of wilfully destroying property. G. T. Feeney appeared for the prisoner. His Honor in passing judgment stated that the amount of the penalty was a fine of \$20 or two months in goal as well as the costs of the goods destroyed. The value of the goods, which consisted of dishes in this case was placed at \$15, and upon consideration of the fact that the accused had already spent three days in goal and promised not to molest his mother again, he allowed the fine to stand. The prisoner will pay the court costs which amount to over \$30, as well as the damages.

**THE HOSPITAL
TRUSTEES MET
ON MONDAY**

(Continued From Page Eight)

a deficit of several thousand dollars. At present the hospital is working under a new and up-to-date code of bye laws, and also several new officials on the staff, and an effort is being made to eliminate a portion of the present deficit. The new bye laws require a patient to pay one week's fee in advance upon being assigned to a room. No patient is refused admission to the Institution for lack of money, and Wards with doors wide open await the entrance of eligible patients unable to pay. The Mayor read extracts from a medical publication showing that all large hospitals are obliged to face heavy deficits in their work.

Officers' Report

Reports were read from the several officers, all of which showed a month of strenuous work. The manager showed that with assistance of the committee a considerable sum was collected from the list of outstanding accounts. During the month of August one hundred and thirty-six patients were treated, a record number. There were eighty-three operations, thirty-one of these major. Thirty-three were under X-Ray treatment. A respected resident of the city sought admission for treatment but his trouble was diagnosed incurable.

Seventeen patients were admitted to the Maternity Home and during the months there were seven births.

In her report Miss Winslow, the superintendent, referred to frequent complaints from patients to the effect that they are disturbed by visitors when calling upon sick friends. The superintendent expects to prevent a recurrence of these complaints by confining visitors to restricted hours. It is intended that not more than two people shall visit a patient at one time, and that visitors should never enter a ward without first seeing a nurse.

Miss Cora Jewett completed her three years' training on 28th Aug. and has been temporarily retained on the staff. A list of the homes in which the nurses are at present, was furnished for the information of the Board.

Friends of the hospital have sent the superintendent the following donations:

Four pillows from Mrs. MacLaughlin, for Presbyterian Church room; large box of fresh salmon from Col. Loggie; Invalid's chair from a friend; papers and magazines from McMur-ray bookstore; lettuce from Miss Ada Schyler; five dollars for jardiniere from Dr. McNally; twelve boxes of strawberries for nurses from Mrs. Jaffrey; box peaches, box melons from Mr. Salisbury; box flowers from Mrs. Hoben; two freezers ice cream from The Dairy Depot; oak stand from Colwell & Jennings; ten dollars for operating gowns from Dr. Van Wart; three dozen hospital patients' gowns from Women's hospital aid society; barrel apples from unknown friend; box grape fruit and oranges.

Baseball Festival

The Fredericton Baseball Club held a festival and dance in the Old Gaiety last night. Wheels of fortune and other amusements were provided, and all present had a most enjoyable time. The proceeds will go toward making up the deficit in the accounts of the Club. Many local people took advantage of the opportunity to say goodbye to the out-of-town players who are leaving for their homes.