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8 Pages

ONE CENT.

THE O'KEEFE
LIQUOR CASENo Liquor Was Sold
in Prohibited
Hours

CASE HEARD TODAY

Prosecution's Witnesses Swear
That No Liquor Was Sold
After Ten O'clock, But That
Mr. O'Keefe Treated Once
---Case Stands Till Monday

The case against William O'Keefe for selling liquor in his saloon on the 3rd inst. after ten o'clock, came up in the police court this morning at eleven o'clock. The witnesses for the prosecution denied that Mr. O'Keefe had sold any liquor after ten o'clock, and during the case Mr. Henderson asked that the information be altered by the authority of a section in the act (see 48).

One witness stated that he was in O'Keefe's saloon on the evening of Jan. 3rd. He went in between 9.30 and 9.45 o'clock. He said he was with two others. They had a drink and paid for it. Another man came in later, and they all had a drink. They had another drink after that, and still another. It would then be about ten o'clock Mr. O'Keefe treated the fifth round. He said, "Close up time, it is my treat." The witness said that they remained on the premises about twenty minutes. The witness said that the reason they remained was because Mr. O'Keefe and he had an argument about vessels.

Mr. Henderson — "You don't mean schooners?"

Witness — "Yes, it was about schooners." Judge — "Mr. Henderson has a twinkle in his eye, he must mean schooners of ale." To A. I. Trueman, who appeared for Mr. O'Keefe, the witness named those present in the bar. The witness said that he did not see O'Keefe, Sutherland or Damery sell any liquor after 10 o'clock, but he would not say that none was furnished. The witness said that after ten o'clock there was no liquor bought. He admitted, however, that the treat was given after ten o'clock.

The second witness said that he was in the defendant's premises on the 3rd inst. about 9.45 p. m. Just as he went in he was told that he was just in time. The second drink he had was before ten o'clock and the third drink was given by Mr. O'Keefe four or five minutes before they left. He was in about half an hour.

To Mr. Trueman, the witness said that he did not see any liquor sold after ten o'clock. Witness further said that Mr. O'Keefe was busy cleaning up before they left. Mr. Sutherland was behind the bar washing the glasses.

Another witness said he did not keep any accurate account of the time. No liquor was sold after ten o'clock. If there was any liquor drunk after ten o'clock it was through Mr. O'Keefe's treat.

Officer McNamee said that he was on King Square beat on the 3rd inst. Officer Totten and he were coming up Union and when passing Mr. O'Keefe's door there were some talking inside. They stopped and then the prosecution's witnesses came out. It was then 10.35. To Mr. Trueman he said it was not unusual to have lights and hear talking after 10 o'clock.

Judge — "Do you say so? You had better be careful of that. The law says it was he out."

Mr. Trueman — "No. Only on Saturday night the law says that."

Officer McNamee said that he would not say how long they generally stayed in. Officer Totten called his attention to a light in O'Keefe's bar and he was also the one that laid the information. The witnesses said they both looked at their watches

MEXICAN RIOTS WERE
RESPONSIBLE FOR THE
DEATH OF THIRTY MEN

CITY OF MEXICO, Jan. 9. — A telegram from Orizaba received late last night says that the value of the property destroyed by the strikers totaled \$1,500,000. The strikers who have escaped the soldiers have fled to the nearby mountains and are being sought by gendarmes and troops. So far as known none of the 28,000 textile strikers have returned to work.

The factory owners announce their intention to open up all the mills today.

CITY OF MEXICO, Jan. 8.—Reports received this evening from Nogales in the Orizaba district indicate that the government have completely mastered the situation. The strikers have ceased all acts of violence in the presence of the large body of troops rushed there from the capital, and nearby garrisons. The seriousness of the affair, however, was realized today when it was made known that thirty of the workmen were killed outright and over eighty wounded by the soldiers, who were compelled to fire on the main body of rioters before they could be dispersed.

It was learned that the men after pillaging the stores at the Rio Blanco mill became emboldened by their success. A part of the men rushed to Nogales, a short distance away, where another mill is located. Telegraph, telephone and electric light wires were cut and pawnshops and even private houses were pillaged.

LARGEST
ON RECORDThe Cargo of the Steamship
Lake Michigan is Valued at
\$668,766.

The C. P. R. steamship Lake Michigan, now on her way to London and Antwerp, took away the largest valuation of any one cargo that ever left this port, the amount of which is as follows—Canadian goods, \$224,883; American goods, \$443,903. Total, \$668,786. Among her freights are 266 packages of seal skins, valued at \$386,900. A C. P. R. steamship last year took away a cargo valued at \$650,783, on that trip 133 packages of seal skins were taken away.

SIGNAL TOWER
IN I. C. R. YARD

Work was started this morning on the erection of the new signal tower that the I. C. R. will build in their outer yard beyond Gilbert's Lane, as announced in the Times, a few weeks ago. The work is being done under the direction of the maintenance department and will be completed in about ten days. Poles are being put in to carry the wires to the tower and in about two weeks it is expected all will be in working order. It is intended to put two operators in the tower, one for day and the other for night duty. It is expected that the rapidly increasing business of the I. C. R. during the winter months, in consequence of the wintering of the freight trains, will be the duty of the operators in the new tower to look after the freight trains coming and going and so relieve to a large extent the office in the depot, which at present is rather overtaxed in looking after all the work.

MONTREAL STOCKS

MONTREAL, Jan. 9. — (Special). — The market was very dull today, less than half a dozen issues figuring for more than fractional lots in early trading. Traders seemed to be wide apart in the offers and bids for the most active issues and it was clear that the market was devoid of commission orders and traders appeared to be afraid of something about to happen that would make it desirable to go slow at present. Early trading consisted of some Rio at 46 3/4, Detroit 81 3/4 ex div., Soo common 136 3/4.

TONIGHT'S FREE CONCERT

The concert in the Everyday Club this evening will start at 7.45, sharp, instead of 8 o'clock.

Storm drum No. 2 was ordered hoisted at the signal station at noon today, indicating a storm from a westerly direction.

The regular monthly meeting of the board of health will be held this afternoon, when a delegation of the milk dealers will attend to urge some changes in the milk regulations.

and it was 10.35 by his watch. He had no knowledge of liquor being sold. The witness said that he always found Mr. O'Keefe a very careful and prudent man. He had no knowledge of any violation by Mr. O'Keefe.

Mr. Henderson said that Mr. Trueman admitted that none of the prosecution's witnesses were members of Mr. O'Keefe's family or lodgers in his house.

Mr. Henderson here asked permission to change the information as he conceived that he had not proved that liquor had been sold. He asked that the question of sale be changed to "that the defendant did unlawfully allow liquor to be drunk."

Mr. Trueman contended that the amendment should not be allowed even in the face of Mr. Henderson supporting his request by the Act. Mr. Trueman said that he would contend that by the Act, the wording of it, would not hold Mr. O'Keefe responsible. Mr. Trueman stated that Mr. Henderson's section was to prevent any liquor being bought and paid for before ten o'clock and drunk after ten o'clock. He said that the law was clear on the point and if his honor thought that the altering of the information would prejudice the defendant he would not object to an adjournment.

His honor said that he would allow the amendment but counsel for the defence could argue any point in it during the case. The case was stood over until two o'clock Monday.

THE SHAH'S DEATH IS
PUBLICLY ANNOUNCED
IN PERSIAN CAPITALHis Successor a Man of Strong Capabilities and Broad
Views---Russia and Great Britain May Unite in a Policy
Toward Persia.

TEHERAN, Persia, Jan. 9.—Official announcement of the death of the shah at eleven o'clock last night, was made this morning.

LONDON, Jan. 9. — The death of the Shah of Persia removes a picturesque ruler, who was well-known to western Europe owing to his frequent visits, particularly to France. During the visit of 1905 the shah and his suite made a dazzling appearance on the boulevards and in the music halls of Paris. They were treated as national guests and popular enthusiasm was marked owing to the shah's good nature and lavish charity. At that time his majesty looked old and feeble. He invariably wore a royal costume with long and going and so relieve to a large extent the office in the depot, which at present is rather overtaxed in looking after all the work.

The shah's death comes at a time when European governments are engaged in a struggle to strengthen their position in Persia. This struggle is due to the geographical position of Persia as a buffer between India and Russia's southern possessions, stretching towards the Persian Gulf. Still another international factor has recently been introduced by Germany's commercial and railway activity along the Persian Gulf.

The late shah was strongly pro-Russian and his death has been regarded as a result of Russian influence in Persia. An Anglo-Russian understanding has recently been negotiated and the announcement of its terms is considered imminent. By this agreement Great Britain and Russia will cease their rivalry over Persia and unite in a joint policy.

At the same time, Germany has been extending her influence in Persia.

LONDON, Jan. 9.—A leading Persian official here, in an interview today, said he did not believe that internal trouble would follow the shah's death, as the people are devoted to the present dynasty. Foreign controversies are not anticipated.

The British foreign office is in touch with the situation. Exchanges of views between Russia and Great Britain have brought about complete accord, by which they will act together in a crisis to maintain the status quo. Consequently, no fear is entertained that any other power will try to disturb the existing political conditions.

The personality of the new shah is not well known here, but his public declaration favoring a liberal policy and the constitution which he has since signed are said to be satisfactory, though they do not indicate his capacity or policy. It is also pointed out that the chances of internal



THE SHAH, THE CROWN PRINCE & HIS SON.

disorders are minimized by the fact that the successor of the late shah is already installed.

The preliminary funeral ceremonies probably will be held at the royal palace, where Muzaffar-Ed-Din died. The body will lie in state for eight or ten days in the splendid hall where the miracle plays are annually performed. Crowds of priests will surround the catafalque, incessantly chanting prayers from the Koran, and the public will be allowed to file past the coffin.

The body of the shah will be buried in Abdul Azin Mosque. The funeral procession will closely follow the lines of similar ceremonies in western countries, with the usual military display.

A proclamation, announcing the accession to the throne of Mohammed Ali

Mirza, is expected in the course of the day, after which the high clergy, ministers and public functionaries will immediately repair to the palace and recognize the new ruler.

The coronation of the new shah will probably take place shortly after the funeral.

BERLIN, Jan. 9.—The death of the shah seemingly does not affect the German attitude of simple observation in Persia, with the intention to maintain equal trade opportunities for all countries. It is commonly remarked that any attempt by Germany to obtain political or commercial ascendancy at Teheran, as is sometimes attributed to her, instead of being a wedge to drive Russia and Great Britain apart, would unite them in their Persian policies.

OFFICERS ELECTED

St. Paul's Needlework Society
Holds Its Annual Election.

At a meeting of the St. Paul's Needlework Society, held at the home of Mrs. J. B. Cudlip Coburg street, on Monday evening, the following officers were elected for the ensuing year. Hon. president, Mrs. George Hooper; president, Mrs. E. K. Schofield; vice-president, Mrs. E. E. Barker; Mrs. J. B. Robinson; Mrs. Wm. Hazen; and Mrs. J. A. Jack; treasurer, Mrs. J. B. Cudlip; secretary, Mrs. J. Roy Campbell; corresponding secretary, Miss Laura Hazen. Committee of management, Mrs. George Hagan, Mrs. H. B. Robinson, Mrs. C. H. Eason, Mrs. Fred Schofield, Mrs. Allan Schofield, Mrs. Andrew Jack, Mrs. F. E. Hanington, Mrs. R. W. Frink, Mrs. T. P. Bourne, Mrs. Wm. de Veber, Mrs. George Matthews, and Mrs. H. H. Schaefer. Representatives to Dorcas branch, Mrs. E. H. Foster and Miss Corman.

A CASE OF INCEST

A particularly revolting case of incest has been brought to the attention of the authorities in this city, and if the charges made are true, it is a case of the most heinous kind. The case is that of a man, who should be in the penitentiary, who was story of the case, as reported, is unfit for publication. It is expected that a private hearing of the case will be given, but beyond that nothing can be said at present. The crime of incest is punishable with fourteen years imprisonment, and the law may be added.

LUNENBURG

WILL PROTEST
Dominion Government Will be
Appealed to Stop Operation
of French Steam Trawlers.

HALIFAX, Jan. 8.—(Special). — At a largely attended public meeting in Lunenburg, called by Mayor Morash, to consider the danger threatening the fishing industry by the operation of French steam trawlers, the whole matter was discussed and a resolution adopted that something should be done to oppose the use of what is considered a menace to trawling. A committee of ten, consisting of five fish merchants and an equal number of capitalists was appointed to draw up a memorial to the Dominion government. A delegation of three will present this appeal to the government at Ottawa, asking them to represent the cause of the Canadian fisherman to the imperial government.

Mrs. Joseph Wortman, of Moncton, wife of the assistant auditor of the I. C. R., and daughter of the late Charles Newman, passed through the city Monday en route to Smith's Falls, Ontario, where she was called on account of the serious illness of her son, "Dick," who is employed on the engineering staff of the C. P. R. Young Newman is suffering from an attack of typhoid fever. He will be well remembered here as having played as goalkeeper on the Moncton hockey team.

THE RETORT COURTEOUS

An Anecdote of the Late J. A.
Phillips Who Died in Ottawa
Yesterday.

The late J. A. Phillips, a well known Ottawa newspaper man, who died in the press gallery room in the house of Parliament at Ottawa yesterday was a man who, while of a genial temperament, was the possessor of a clear cut, keen wit and the gift of a caustic reply. Various stories are told about him in this connection. One of the best of it that while Mr. Phillips was on the staff of the Montreal Star he was approached by a certain man known in upper Canadian newspaper circles for his pompous and overbearing manner. This gentleman asked Mr. Phillips' opinion on a certain question. Mr. Phillips started to reply and got as far as "I think," when his questioner interrupted him and said, "Think, you should not think, you should know." Only monkeys think, "In that case," replied Mr. Phillips gently, "you have the monopoly."

Mr. Phillips' death is chronicled in another portion of this issue. By his decease the Canadian press loses one of its brightest and best representatives and many Canadian newspaper men will mourn the loss of a good friend.

The funeral of Mrs. Ethel Dobson takes place this afternoon from her late residence, 56 Bridge street, Rev. N. McLaughlin conducted the services. Interment at Cedar Hill cemetery.

FREDERICTON
SEWAGE CASEC. N. Skinner Argues for City
Before Executive Council.

FREDERICTON, Jan. 9.—(Special). — Argument of counsel in the city of Fredericton's appeal from the provincial board of health's decision in the sewage question is taking place before the executive council today.

C. N. Skinner, K. C., presented his argument on behalf of the city. J. D. Hazen, who represents the Sunbury people will reply this afternoon. Mr. Skinner quoted extensively from the evidence and cited numerous authorities to show that purification plants for sewage were only used on small streams. He thought the simplest solution of the difficulty would be for the river residents of Sunbury to filter the water used for domestic purposes. In laying down the principle that St. John river should be kept in its purity Sunbury people were charged with civilization and to accede to the proposition would seriously retard the progress of the country drained by the St. John river.

BUSY TIME FOR
THE ALDERMENMuch Business Now On The
Programme at the City Hall.

The water and sewerage board meets this afternoon, when a number of matters connected with the department will be disposed of. Mr. McVay, of McArthur & McVay, contractors on the water extension, will appear before the board to ask that their claims be adjusted.

The treasury board will meet tomorrow evening. A meeting of the salaries committee has been called for 3 o'clock tomorrow afternoon. The ferry committee will meet at 11 o'clock tomorrow morning.

The regular meeting of the common council will be held on Monday afternoon at 3 o'clock.

The regular quarterly meeting of the municipal council will be held on Tuesday next at 3 o'clock in the court house. Previous to this meeting the finance and accounts committee will meet at 2.30 Friday afternoon and the committee on bills for the legislature will meet on Monday at 2.30 p. m.

MONCTON WILL
ENTER PROTEST

MONCTON, Jan. 9.—(Special). — The Moncton Board of Trade will protest to the Dominion Government, against the attitude of the United States authorities, sub-consular agencies at Buctouche, Richibucto and other points. The contention is that such an action will be a great loss to the shippers and a source of great annoyance. The government will be asked to retaliate in the same way.

The question of establishing an independent telephone system in Moncton will be considered at a meeting of the board of trade to be called shortly.

The Temperance and Civic Reform League, it is reported, is not making much headway in securing candidates for the approaching civic elections. Some of the men decided upon by the League decline to run.

A further search for candidates will be made today. In the meantime candidates are cropping up independent of the league.

PARLIAMENT'S
PROGRAMME

OTTAWA, Jan. 9.—(Special). — The house of commons today at twelve o'clock will discuss the holidays. For the past two days the cabinet has had the tariff under consideration and it will no doubt be proceeded with in committee without delay. There is not likely to be any material changes as a result of the numerous delegations that visited the city some asking for higher and others for lower duties.

Today a delegation arrived from Montreal representing the operatives in the textile industries asking for higher duties on cottons. They put forward the plea that more work and better wages would result from more protection to these industries. The reply of the government was that there were two opinions on the subject and both had been taken into consideration in framing a tariff which was expected to operate in the general interests of the whole people.

EQUITY COURT

Judgment was delivered yesterday by Judge Barker in the case of Patchell vs. Colonial Investment and Loan Co.

It was an action standing for three years, and was for the purpose of determining a mortgage. The plaintiff made the mortgage of the property assigned to the defendants and foreclosed under the form of sale. The mortgage was bought by them. The plaintiff claimed that she had made payments on the mortgage, and that a referee was appointed to take accounts; \$800 was said to be owing and the plaintiff's counsel filed exceptions to the report. Judge Barker confirmed the report except \$5. The order is that if the plaintiff pays \$804 and interest and all costs, including costs of reference and argument before May 1st, she can redeem the mortgage. In case of default the property stands foreclosed.

F. R. Taylor appeared for the plaintiff; W. W. Allan for the defence.

It is understood that this week's Royal Gazette will contain a notice summoning the provincial legislature to meet on Feb. 14th.

The Allan line steamer Pomeranian at the I. C. R. pier took 48,000 bushels of grain from the I. C. R. elevator yesterday.

The very mild weather of the past few weeks has caused a number of trees about the city to bud forth, as if it was spring. This morning some lilac bushes in the yard of J. M. May's house, on Horsfield street, were seen to be loaded down with buds.

COULD FENCE
LILY LAKE INSt. John Ice Company
Considers Skaters as
Trespassers

FEAR COULD BE CHARGED

James Jack Says Ice Company
Has Leased Lake and
Skaters Have No Right
There---Interesting Case in
Police Court Today.

A case of marked interest will come up in the police court Monday morning at 10 o'clock.

This morning the St. John Ice Co. was charged with allowing holes in the ice on Lily lake to remain unguarded and which state of affairs resulted in a boy named Roy Kelly, aged 12 years, falling into the lake and he narrowly escaped drowning.

James Jack answered the charge and stated that he appeared on behalf of D. J. Seely, the company's president. Mr. Jack stated that the St. John Ice Co. leased Lily Lake from the Park Association and also the position of the lake in the company does not recognize skaters as having any right to go upon the lake to skate, and they are purely trespassers. The lease, Mr. Jack said, was on record. Judge Ritchie stated that he could not speak positively about the outcome of the case, but was of the opinion that what Mr. Jack had said would not help him. The judge said that if the ice had been fenced in or the openings securely closed then the situation might be changed.

Mr. Jack stated that the company leased the lake and the possession of it. He said that skaters could be put off the lake, but the company did not wish to do that.

Judge — "Almost from time immemorial Lily Lake has been a skaters' resort. At one time it took the place of the present rink. Backwood park is a public park. They go there in the summer of the winter. Your contention, Mr. Jack, is that you have leased the right to cut the ice, but the law steps in as I understand it at present) and says any person who makes an opening in the ice where the public frequently must protect the latter. If you take the position of the company had said would not help him. The judge said that if the ice had been fenced in or the openings securely closed then the situation might be changed.

Mr. Jack stated that it was possible for the St. John Ice Co. to charge a fee for skating on the lake. Ice has been cut on the lake for 20 years or more and now there are three or four other lakes nearby. Mr. Jack was of the opinion that the park association should enclose the lake.

Mr. Henderson then read the law as stated in yesterday's issue of this paper. Judge Ritchie stated that the facts or statements as presented by Mr. Jack did not alter the circumstances of the case legally. During 50 years no one asked for a fee and, said the judge, "a crowd may go to the lake, all may know of a hole cut except one, who falls in. Would you answer if should not be there at all?" His honor said that the company had a right to cut ice, but the company had no right in the property of the rest of the ice. Mr. Jack said that two-thirds of the ice in the lake was cut last year. His honor asked if there wasn't a death there last year and Mr. Jack said that two boys had been drowned.

The judge said that supposing there was no law protecting the public under such circumstances there should at least be a natural law.

Mr. Jack stated that on Saturday five boys fell into the lake, and he thought it unfair to have the lake open to the public, as the boys endeavor to see how near they can go to the edge without falling in. Mr. Jack did not think that the company should be put to any expense.

The judge said that it would be a very unpopular thing to shut the children off from skating on the lake, and surely no one running any election would consent to that.

The judge said that perhaps the law was all on the side of the defence. Lawyers, he said, recognize the lake as land covered by water, and said his honor, on Monday morning we will thrash the matter out on this cold subject."

DEPRESSING EFFECT
OF THE MILD WEATHER

The very mild weather of the past three weeks has been decidedly bad for business. It has prevented the usual traffic on the river and interfered with travel by team from country points to the city. It has lessened the demand for winter goods at the stores. It has reduced the business of the hivery stables. It has been bad for the lumbermen. It has had a depressing effect on the people, in comparison with the bracing stimulus of real winter weather with abundance of snow. It has caused an unusual amount of sickness and given the doctors more work than is customary at this season.

Nevertheless, when all is said, the conditions are much better than in many places of which we read from day to day, and the impulse of real winter weather will not long be wanting. The factories are busy, winter port trade is very active, and there is no lack of work for those who seek it.

WALL STREET

NEW YORK, Jan. 8.—Opening prices of stocks showed fractional recoveries from yesterday's depression, which ran on nearly a point in Reading, 3/4 in Union Pacific and 1/4 in Sugar. The gardening tone of the London market had a sympathetic effect here. Reading reacted sharply from the opening price. Dealings were on a fairly large scale.