

N. B. POWER CO. GETS INJUNCTION

(Continued from page one)
way with their distribution system. The injunction was applied for by F. R. Taylor, K. C., and was granted early on Saturday afternoon. It is as follows:

THIS IS COPY OF INJUNCTION.

IN THE SUPREME COURT CHANCERY DIVISION. BETWEEN

The New Brunswick Power Company, Plaintiff, and The Power Commission of the City of St. John, Defendant.

Upon hearing Mr. Taylor, K. C., for the plaintiff and upon reading the affidavit of Hal A. Brown, dated the twentieth day of September, 1923, and the affidavit of M. A. Pooler dated the twentieth day of September, 1924, and the plaintiff's counsel undertaking to abide by any order of the court or a judge may make as to damages in case the court or a judge should hereafter be of opinion that the defendant shall have sustained any by reason of this order which the plaintiff ought to pay.

IT IS ORDERED AND DIRECTED that the defendant, its agent and servants and every one of them be restrained, and an injunction is hereby granted restraining them and every one of them from removing, obstructing, severing, cutting or otherwise interfering with the plaintiff's electric light and power distribution system in the City of St. John or any part or parcel thereof, or any transformer, meter, wires, insulator, cross arm or other article connected therewith and from preventing the plaintiff from maintaining and operating the same and all portions

NOTICES OF BIRTHS, MARRIAGES AND DEATHS, 50 CENTS.

BIRTHS

McALLISTER—On Sept. 20, 1924, at the Montreal Maternity Hospital, to Mr. and Mrs. J. E. McAllister, a daughter, (nee Hallett), a daughter.

MARRIAGES

SULLIVAN-WARK—At St. Andrew's church, Saturday afternoon, Sept. 20, 1924, Rev. J. S. Bonnell officiating, Dorothy Constance Wark, daughter of Mr. and Mrs. H. E. Wark, Spring Garden, and Herman Eagles Sullivan, son of Mrs. Elizabeth Sullivan.

DEATHS

BURK—Raymond MacDonald Burk, infant son of Mr. and Mrs. Arthur C. Burk, on Sept. 20, 1924, at the Montreal Maternity Hospital, at New York, on Sept. 18, 1921, of pneumonia, Charles G. Parvis, late Engineer Lieutenant-Commander, R. N. (Ret.), leaving his wife and infant son, also a son by a former marriage, now at Los Angeles, California.

IN MEMORIAM

MOORE—In loving memory of Wm. Bayard D. Moore, who fell at Courcelles, Sept. 17, 1917, in the hands of the 88th New Brunswick Battalion. Lord, thou hast been our dwelling place in all generations.

FUNERAL NOTICE

The officers and members of New Brunswick Lodge, No. 1, Knights of Pythias, are requested to attend the funeral of our late brother, KNIGHT GEORGE A. CAMPBELL. Meet at his late residence, 266 Prince Edward street, at 11:30 o'clock Wednesday afternoon, Sept. 24. Members of sister lodges invited to attend.

PHOTOS

of the Made in St. John Exhibit may be seen at LUGRIN STUDIO 38 Charlotte St. M. 4435 9-19-24

GREEN'S DINING HALL

King Square BREAKFAST A la Carte DINNER 65c SUPPER 65c Noon 12-2.30. P.M. 5-8 12-27-1924

thereof in its usual manner until the 15th day of October next, or until further order.

And I appoint Wednesday the 15th day of October, 1924 at the hour of 11 o'clock in the forenoon as the time and my chambers, in the Pugsley Building, in the City of Saint John as the place where I will hear a motion to continue this injunction order until the trial of this action.

Dated the 20th day of September, A. D. 1924.

Commissioner Is Served.

It was said this morning by the secretary of the Civic Power Commission that the first intimation they had of the action taken by the Power Company was the serving of the notice of injunction, and they had not been represented at the hearing before Mr. Justice Grimmer.

Company's Letter.

Times-Star readers will recall that on last Saturday a letter from the directors of the N. B. Power Co. was published, in which amendment was expressed "at the treatment this company has received from the City Hydro Commission." The letter went on to state that "requests that the company be given such treatment as business ethics demand have been of no avail."

TWO AFFIDAVITS ARE SUBMITTED

These are the affidavits present in support of the application for an injunction.

In the Supreme Court Chancery Division.

Between

The New Brunswick Power Company, Plaintiff, and The Power Commission of the City of Saint John, Defendant.

1. M. A. Pooler, of the City of Saint John, in the County of the City and County of Saint John, and Province of New Brunswick, manager, make oath and say:

1. That I am the manager of the above named plaintiff company and have a personal knowledge of the matters and things hereinafter deposed to.

2. That on the second day of March, A. D. 1923 the above named plaintiff caused an action to be instituted in the Supreme Court, Chancery Division, of the Province of New Brunswick, claiming that the said City of Saint John had no authority to engage in the business of supplying electricity for light and power and also if it were held such business was ultra vires of said city.

3. That subsequent to issuing the writs in the said case the City of Saint John, through the above named defendant, caused to be erected a distribution system throughout the City of Saint John and the said distribution system is in many places interfering with the system operated by the plaintiff and lawfully erected prior thereto in the said City.

4. That on the eighteenth day of September instant, the said defendant removed certain transformers of the plaintiff from poles belonging to and under the control of the plaintiff in the said City of Saint John through which electricity was supplied by the plaintiff to various steamship companies in West Saint John for their ships when berthed there.

5. That no notice was received by the said plaintiff company of the defendant's intention to remove said transformers and to cut said plaintiff's wires and the said defendant had no right to remove the said transformers or to sever plaintiff's said distribution system.

6. That the said defendant also at the said time connected their transmission line with the plaintiff company's said distribution system supplying light and power to said steamships when loading and unloading in Saint John without any right or authority of the plaintiff and without any communication to the said plaintiff and notwithstanding that the city's right to construct and operate the said defendant's distribution system was sub-judice.

7. That unless restrained by injunction of this honorable court I am sure that the said defendant will interfere greatly with the defendant's distribution system at West St. John and elsewhere and that it is in the interest of justice, pending the determination of the right of the defendant to operate the said competing distribution system and pending the trial

of this cause, that an injunction may be granted restraining the defendant from interfering with the company's said distribution system and from otherwise obstructing or interfering with the plaintiff and of preventing it from restoring its said transformers to the said poles and connecting up its system again and that unless protected by injunction of this honorable court the said plaintiff will sustain irreparable damage by the action of the said defendant.

(Sgd.) M. A. POOLER.

Sworn to at the City of Saint John, in the County of the City and County of Saint John, and Province of New Brunswick, this 20th day of September, A. D. 1924, before me,

(Sgd.) J. H. DRUMMIE.

A Commissioner for taking affidavits to be read in the Supreme Court.

STATEMENT MADE BY CHIEF ELECTRICIAN.

In the Supreme Court, Chancery Division, between the New Brunswick Power Company, plaintiff, and The Power Commission of the City of St. John, defendant.

1. Hal A. Brown, of the city of St. John, in the County of the City and County of Saint John, and Province of New Brunswick, electrician, make oath and say:

1. That I am the chief electrician of the above named plaintiff, the New Brunswick Power Company, and have been chief electrician of such company since its organization and prior to the organization of the said New Brunswick Power Company.

2. That the said New Brunswick Power Company has since the taking over of the plant of the said City of Saint John Railway Company maintained the said lines and supplied the said steamship companies for their boats with light and billed the said companies for the light consumed and the said bills have been paid by the said steamship companies to the New Brunswick Power Company and I have not heard of any steamship company who has advised to the plaintiff as to what they were going to do or any knowledge of the plaintiff as to their intention, disconnected the said distribution system furnishing light to said steamship companies from the transmission lines of the plaintiff and connected the same with the defendant's distribution system and removed the plaintiff's transformers from two poles erected by and belonging to the plaintiff and replaced the said transformers on the said steamship company's poles by transformers belonging to the defendant.

3. That unless prevented by injunction of this honorable court I believe the said defendant will transmit the said defendant's electric current over the said wires and the said distribution system of the plaintiff company and will use the said plaintiff's said distribution system for the purposes of the said defendant.

4. That the result of this action on the part of the defendant will be to interfere with the company's property and plant and the company's business of supplying its customers, the said steamship lines, and that it is impossible for the said plaintiff to measure accurately the loss that it will sustain by reason of such interference on the part of the defendant.

5. That the amount of current supplied to said steamship lines during the winter season is very considerable and the loss will be very material to the plaintiff, and the plaintiff will sustain irreparable damage by such interference.

6. That the taking over of the said distribution system by the defendant will cause irreparable damage and injury to the plaintiff.

7. That the said plaintiff company's said distribution system was lawfully and properly erected and maintained and meters properly installed, and was still being lawfully erected and maintained as the property of the said company at the time it was interfered with and forcibly taken over by the said defendant.

8. That an injunction of this honorable court is necessary to prevent the said system being used by and operated by the defendant and to prevent the said defendant from interfering with this company's business.

(Sgd.) H. A. BROWN.

Sworn to at the City of Saint John, in the County of the City and County of Saint John, and Province of New Brunswick, this 20th day of September, A. D. 1924, before me,

(Sgd.) J. H. DRUMMIE.

A Commissioner for taking affidavits to be read in the Supreme Court.

REFORESTATION IN NEW BRUNSWICK

Work Begins Tomorrow Along Fredericton and Grand Lake Ry.

(Special to Times-Star.)

Fredericton, N. B., Sept. 22.—J. C. Veness, of Ottawa, is here today for reforestation experiments along the line of the Fredericton and Grand Lake Railway. He will start tomorrow morning with a crew of 20 men. If he can secure the seeds he will plant white spruce, white pine and red pine. He is working under the Reforestation Research Bureau. He will plant the burnt over ground, namely that burned at Colter in 1924; Scott in 1922, and at Magee's in 1918. Mr. Veness is a former resident of Fredericton and a graduate of U. N. B. He has been engaged in this work in other sections of the province.

In the parish of Dumfries, York county, the vacancy in the Municipal Council, caused by the resignation of Albert S. Simons, who is removing to California, will be filled by a by-election within a few weeks. Former Councillor Hiram Manuel has announced his intention of being a candidate for the position.

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INSTALLING NEW SYSTEM. A. L. C. Chalk, of the firm of Price Waterhouse and Company, arrived in the city yesterday and this morning began work on the installing of the accounting system recommended in the audit of the books and accounts of the Civic Power Commission. The members of the said company will be here for two to three weeks to complete the work.

THE ROTARY CLUB. Len Gooch presided at today's Rotary luncheon and Brewer Edwards gave a very interesting explanation of the methods of making chocolates and candies, of which Canadians consume enormous quantities every year. Rotary Club luncheon was held at the club on the exhibition booth to be \$410, and announced that the club had \$1,750.98 in the funds for the playground shelter and other specific purposes.

METHODIST MINISTERS MEET. At the weekly meeting of the Methodist ministers, held this morning in Centenary church, a plan presented by the secretary for the monthly exchange of pulpits was adopted and matters of routine business dealt with. Rev. E. E. Styles presided and others present were Revs. J. M. Rice, Hugh Miller, William Lawson, George Orman and Neil McLaughlin.

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FOR FURTHER PARTICULARS Apply To Ticket Agent. 9-28

Change In Train Schedules Effective Sept. 28th, 1924

CRITICAL RITE IN SESSION HERE. The annual meeting of the Supreme Council Cryptic Rite for the Maritime Provinces and Quebec is being held in this city this afternoon, and will be continued this evening in the Masonic Hall in German street. The Grand Master of Montreal, in the Grand Recorder for this section of Canada, Dr. F. S. Sawaya of this city, is one of the officers. The election and installation of the Grand Lodge officers will take place this afternoon, and those of the lodge which this evening. The members of the local branch have made arrangements for the entertainment of the visitors. It is planned to have refreshments served this evening at the conclusion of the installation ceremonies.

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ST. JOHN PEOPLE WED IN MONTREAL

A wedding of interest to St. John friends was solemnized at St. Michael's church, Montreal, on Tuesday, Sept. 16 when Rev. J. T. Gough who was celebrating at nuptial mass, united in marriage Miss Mary F. Wallace, daughter of Mrs. Mary and the late Alexander P. Wallace of this city, and Gerald P. Gleeson, son of Mr. and Mrs. John P. Gleeson, formerly of St. John but now of New York. The bride, who was given away by her brother-in-law T. L. Doyle, was unattended. She wore a becoming traveling suit of navy poret twill with grey panne velvet hat and grey fox tie, the gift of the groom. Following the ceremony breakfast was served at the home of the bride's sister, Mrs. T. L. Doyle, Mance St., after which Mr. and Mrs. Gleeson left for New York to visit the groom's parents. They were recipients of a large number of magnificent presents. On their return they will reside in Brandon, Manitoba, where the groom is employed with the C. P. R.

GRAND LODGE, I. O. G. T.

The annual meeting of the Grand Lodge, I. O. G. T., was held on Saturday at Jerusalem, Quebec county, with a large attendance of delegates from the various lodges throughout the province. Encouraging reports were submitted and James A. McEachern, of St. John, was re-elected grand chief templar.

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These are useful as well as ornamental and make an appropriate complimentary or wedding gift.

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Price alone presents this Beaver Mohair suite as a bargain you can strike only at Marcus. The quality is clearly defined as without peer below three hundred dollars.