

CONNOLLY v. ST. JOHN

Judgment of Chief Justice Tuck Setting Aside Verdict of Court Below

A Case of Much Importance to the Ratepayers of St. John—Decided Against Connolly and Reversed the Verdict.

Following are the judgments of the Chief Justice and Judge Barker...

JUDGMENT OF TUCK, C. J.

My judgment in this case shall be short. It seems to me that there is but one point to decide, that is the construction of the contract between the plaintiff and defendant...

Whereas, the city desires to have certain dredging (including the removal of old wharf structures) done in the harbor of Saint John...

Then there follows another clause, that the city shall require the contractor to proceed with the work of dredging for a longer period than thirty days...

the contractor shall only receive from the city half pay for the day or night during which the work is stopped by reason thereof.

Now it is clear that under the contract the plaintiff is entitled to an allowance by reason of the tide in the harbor of Saint John. And yet his whole verdict and more money is based on this, that he is entitled to be paid for the day or night when the dredge could not work between high and low water...

I have no fault to find with the answers to the questions by the jury. And I have no doubt that they were right when they say that the plaintiff lost seventeen days' work...

Being of this opinion I think there must be a new trial. If I am right in my view, the plaintiff has been overpaid.

BARKER, J.

Though the contract upon which this action is brought is in some places peculiarly worded there does not seem to me much difficulty as to its meaning...

The jury found that the dredge worked in all 60 3/4 days—that is to say, 68 hours and 25 minutes, which at the rate of \$400 per day would amount to \$27,500.

30 NEW BRITISH WARSHIPS.

Ten Will Be Submarines and Fourteen Will Be Torpedo-Boat Destroyers—\$154,000,000 to Be Spent on the Fleet This Year.

LONDON, Feb. 24.—Great Britain will begin work this year on two new battleships, four armored cruisers, and ten torpedo-boat destroyers.

When round the bowl of vanished years We look for joyous smiling, Where faint, sad, and true tears, And naught but love is wailing...

TABLE OF DISTANCES Between Points Which Are Likely to Prove of Importance in the Present War.

A GREAT FIRE.

The City of Rochester, N. Y., Visited by the Destroyer Yesterday Morning.

Many Water Mains Were Found Frozen Up and Made the Fight Difficult.

Losses.

ROCHESTER, N. Y., Feb. 24.—The great fire that started in the heart of the business district of this city this morning is still raging fiercely.

Following is a revised estimate of losses and insurance: Granite building, \$175,000; Sibley, Lindsay and Curr Co., wholesale, building, \$250,000, total loss, \$425,000.

The fire was discovered by the night watchman in the employ of the Rochester Dry Goods Company at 4:50 o'clock.

DR. QUIGLEY.

Address of Learned Counsel in Bishop's Will Case Greatly Admired.

Much notice has been taken at Ottawa of the address of Dr. Quigley in the Bishop's will case. Dr. Quigley spoke for nine hours during Friday, Saturday and Sunday, displaying much learning and a splendid command of language.

HANDSOME BIRTHDAY PRESENT.

Robert Hirsch, of J. Hirsch, Sons & Co., Montreal, who has been coming to Halifax for the past 17 years and has a host of friends here, had his 33rd birthday on Friday, and a trio of friends who had gathered at the Halifax hotel and presented him with a magnificent combination wine and card cabinet.

SENT TO DORCHESTER.

HALIFAX, N. S., Feb. 25.—Charles McMichael was today sentenced to seven years in the penitentiary for forging Dominion Express money orders.

OLD MAN "OLD GLORY."

CHICAGO, Feb. 24.—Sofia Gub, whose birth antedated the revolutionary war, if her assertions are correct, and who was supposed to have been the oldest woman in Chicago, is dead at the Home for Aged and Infirm colored people.

THE COURTS.

Case of Embezzlement in the Police Court Against Wilfred Fenwick, of the Country Market.

The warrant on which the arrest was made alleges that during the past four years Mr. Fenwick, who was acting as the custodian of the accounts of the Country Market, received from the owners of the market...

THE THIRTEEN PUZZLE.

As Applied to Albert County—C. J. Osmah, M. P., Has the Required Number of Letters.

To the Editor of the Sun: Sir.—The snow is too deep for lumbering and the season too young for fresh maple products, so the farmer turns his attention to mathematics.

HEROINE OF LUCKNOW.

Death of Lady Inglis, Who Kept a Diary During the Siege.

(London Express.) An interesting figure in English history has passed away in the person of Lady Inglis, who died yesterday at her residence, 17 Albany road, Beckenham, after a short illness.

PROBATE COURT.

The last will and testament of the late Mary Graham, widow, was admitted to probate yesterday afternoon by Judge G. T. P. in the probate court.

HEIRS WANTED.

Thomas McDonald, a native of this province, died recently in the Southern States, leaving a large property. He left New Brunswick many years ago for Louisiana and an effort is being made to locate those who by right of kinship, have the best claim to the estate he has left.

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SURPRISE SOAP is Pure Hard Soap. Advertisement for Surprise Soap with illustrations of soap boxes.

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CAR

Beginning of Four Untrained Students Treatment

Paper Read Before

In this electrical pressure living, when professional men and women burn the midnight oil, it does not surprise me when we are persons who are not yet living in the sanity.

It is a well known fact that those who have devoted their lives to the treatment of mental and almost insurmountable difficulties in their efforts to do good and requirements of their mind.

All the medical authorities are agreed that insanity is a disease of the mind, and that it is a disease of the mind, and that it is a disease of the mind.

Such frank statements of the medical profession lay mind many people were perplexed. Why lawyer who is defense of insanity when the evidence will not support it?

Nervous Disorders and Despondency.

MIND AND BODY BECOME DISEASED AND HELPLESS WHEN THE NERVOUS SYSTEM BECOMES EXHAUSTED.

The future of the sufferer from nervous derangements is not a bright one. Locomotor ataxia, paralysis and insanity are staring him in the face, for these are the usual results of neglected nervous diseases.

A PROFITABLE SIDE LINE.

The publication of the paper delivered for the two hundred and fifty-fifth number of the Dominion, has attracted the attention of a line of work on the part of the Dominion.

There were enough of them in the world to supply the demand for the household can, give, required, knowledge of up-to-date methods should be obtained.