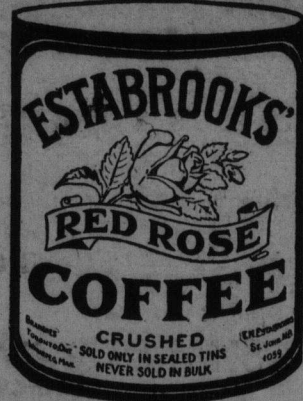


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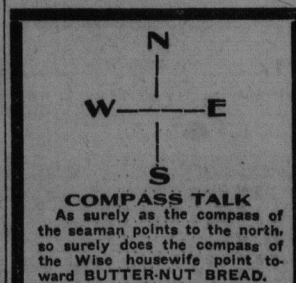
Profanation is the acknowledgement of truth and good, attended with a fe contrary thereto—A. C. 8148—Swedenborg.

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Open Air Mass at Eucharistic Congress Attended by 200,000



News photograph of the open air mass, one of the chief features of the world's Eucharistic Congress in Montreal—Cardinal Vannutelli, the papal delegate, reviewing the procession of children, led by Sisters of Charity—The congress was perhaps the most remarkable and impressive Catholic event ever held in America—Before dawn on the day of the mass the people began streaming in from all points and by 6.30 a quarter of a million persons had assembled at the foot of Mount Royal, where the mass was celebrated.

PLAINTIFF CLOSES CASE IN DEFOREST TRADE MARK SUIT

Three Witnesses Give Evidence for Assignee and Mr. DeForest, First Witness for the Defendant, Goes on the Stand—Testifies He Was Unaware of Financial Condition of Company.

The case of Leonard P. D. Tilley, assignee of the Harry W. deForest Co., Ltd., vs. Harry W. deForest and J. Harvey Brown, was commenced yesterday afternoon at 2.30 o'clock in the chancery division before His Honor Chief Justice Barker. M. G. Teed, K. C., appeared for the plaintiff, D. Mullin, K. C., for the defendant deForest and Amon A. Wilson, K. C., for the defendant Brown.

Three witnesses were examined at yesterday's session and shortly before the hour of adjournment the plaintiff closed his case. When the court arose at 6 o'clock the defendant deForest, was on the stand. The case will be resumed this morning at 10.30 o'clock.

As stated in yesterday's issue of The Standard this is an action brought by the plaintiff against Harry W. deForest who was the president and largest stockholder in the company which bears his name, to restrain him from assigning the Union Blend Tea trade mark and for specific performance, i. e., to compel him to assign the trade mark to the assignee of the company as part of the goodwill of the company. This trade mark is registered in both the United States and Canada but this court has jurisdiction only over the Canadian trade mark.

Mr. Howell's Evidence. Charles H. Howell, a member of the Harry W. deForest Co., was the first witness. Examined by Mr. Teed witness said that the business of Harry W. deForest, prior to the incorporation of the company, was very extensive. About \$700,000 worth of teas were in stock. The principal blend of package teas was Union Blend. The trade mark of this blend was identified by the witness and received in evidence. The assignment of the trade mark from Clarence W. deForest to Harry W. deForest was next offered and received in evidence.

A certified copy of the petition for incorporation of the company was next received in evidence. The letters patent were also placed in evidence. After the incorporation of the Harry W. deForest Ltd., the Union Blend trade mark was continually used by the company. About \$48,000 was spent in advertising this trade mark and \$12,000 in Canada. The gross liabilities of the company at the time of the assignment were approximately \$100,000. Witness considered the Union Blend trade mark the most valuable asset of the company.

At a meeting held subsequently to the incorporation of the company the trade mark was considered to be worth \$35,000 in Canada and \$7000 in Boston. On June 25, 1908 an entry was made in the journal of the company, "patent rights and trade marks." Mr. Mullin observed that the words trade marks, were written afterwards.

Noel F. Sheraton. Witness was stood aside and Noel F. Sheraton, secretary-treasurer of the company in 1908, who made the entry was called. Witness said that the words "including patent rights and trade marks" were added sometime after the date. They were added under direction of the Auditor-General Corbett.

Cross-examined by Mr. Mullin witness said that the entries other than "including patent rights and trade marks" were made in June, 1908. The latter words were added sometime later. Witness did not acquaint Mr. deForest with this fact.

Mr. Howell was recalled and his examination was continued at some length. Cross-examined by Mr. Mullin, witness said that before entering the deForest concern he was connected with the J. Harvey Brown business. On his suggestion deForest placed him on the board of directors of the company. He had charge of the St. John office when Mr. deForest was attending to the Boston end of the business. He was among those who

made a tender of the assets. He thought the assets were based on cost price at fifty thousand dollars. Witness offered the assignee \$25,000 for the assets.

Q. Did you make the offer for Mr. deForest?
A. Yes.

Q. Did you consult him (deForest) with reference to the purchase of the assets?
A. Yes.

Q. Did he agree?
A. No.

Mr. Teed objected to this class of evidence on the ground of irrelevancy. Mr. Mullin—I wish to test the credibility of this witness.

Mr. Mullin—is it not a fact, Mr. Howell, that you were acting for J. Harvey Brown when you tendered for those assets?

Ans.—No. His Honor observed that these questions had no bearing on the case.

A number of letters were received in evidence. Mr. Teed said that this closed the plaintiff's case.

H. W. deForest.

Harry W. deForest was the first witness for the defence. Examined by Mr. Mullin, witness said that he always understood that the St. John business was flourishing, and was not aware of the grave condition of affairs until his arrival in St. John a few days before the company assigned.

The conduct of the St. John branch was left entirely in the hands of Mr. Howell. Even when he arrived in St. John he was given to understand that the assets of the company were one hundred and twenty-seven thousand dollars, and the liabilities twenty-seven thousand less. Subsequently he learned the true condition of affairs.

When the court arose at six, Mr. deForest was still on the stand.

EASTERN STEAMSHIP CO. REPORT GOOD YEAR

Expect That 9 Per Cent. Will be Earned on \$3,000,000 Stock—Net Profits Show Slight Decrease.

Boston, Sept. 21.—The Eastern S.S. Company is having a materially better year than the fragmentary monthly income account of gross and net has indicated, and there is every reason to believe that for the full fiscal 12 months to end Dec. 31, share profits will not vary materially from the 9 per cent. earned on the \$3,000,000 of stock in 1909.

Up to Aug. 1, 1910, net profits were \$142,335, compared with \$176,994 a year ago, a decrease of \$34,658. This decline was due in a large measure to the charging of expense of operation for the current year certain repairs (or renewals) including two new boilers for one of its largest steamers, instead of to an extraordinary repair fund, to be apportioned each year during the life of such renewals.

August net profits are understood to have equalled last year's showing of \$223,000 net. August invariably being the record month of the entire year, so that the company will go into September with net profits for the stock, after deduction of interest charges, of almost 7 per cent. September should add about \$100,000 of net profits and October about \$150,000. November will do well to break even, while December is expected to show a loss of \$40,000 in net.

Sportsmen Attention—We have 50 Hudson Bay Sporting Coats, Canvas, Duck, Cordroy, Leather, Sheepskin and reversible coats—Yours while they last at cost prices. C. B. Pidgeon.

DEVELOPMENT OF INDIAN RAILWAYS

London, Sept. 21.—During 1909 in India 999 miles of new line were opened for traffic. At the end of March this year there were 31,614 miles of line open, and 2888 under construction or sanctioned for construction. The gross earnings of all the Indian railways amounted in round figures to Rs. 4,706.38 lakhs, compared with Rs. 4,482.69 lakhs in 1908, an increase of Rs. 223.69 lakhs, the working expenses were less than in 1908 by Rs. 61.77 lakhs.

The net earnings Rs. 2,967.9 lakhs yielded a return of 4.81 per cent. on a capital outlay of Rs. 42,983.29 lakhs compared with 4.33 in 1908. The total number of passengers carried was 329.38 millions against 321.17 millions. The aggregate tonnage of goods moved was 69.90 millions tons, and the earnings from this source were Rs. 2,812.47 lakhs, a decrease of 1.50 millions tons, with an increase of Rs. 180.41 lakhs in earnings, compared with the previous year.

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