

THE EVENING TIMES-STAR, ST. JOHN, N.B., WEDNESDAY, NOVEMBER 28, 1923

## JUDGE WANTS EXPERT TO REPORT ON QUESTION OF INTERFERENCE OF WIRES

C. D. Mills of Sussex Suggested in Power Co. City Matter.

At a hearing this morning in the judgment case of the New Brunswick Power Co. vs. the City of St. John, His Honor Judge White said that in his opinion the question at issue was whether the city in the construction of its distribution system had trespassed on the rights of the company, which already had a system in operation, and for this purpose he wanted the report of a disinterested party on this case of alleged interference.

Hon. J. B. M. Baxter, K. C., appeared for the city, and Dr. F. R. Taylor, K. C., and M. G. Teed, K. C., for the New Brunswick Power Company. Only two witnesses were examined, J. D. Harwood and M. A. Pooler. F. R. Taylor said he had received a letter from Mr. Baxter that he had certain matters to bring to the attention of His Honor in regard to the supply of current by the New Brunswick Power Company to the New Brunswick Electric Power Commission, and he himself desired to place before the court some further instances of alleged interference caused by the construction of the city system of the same lines as before the hearing was begun.

Interference Alleged.

His Honor said there had been 200 alleged cases of interference, and he wanted a report from some independent witness. He had asked F. R. Taylor to act, but the advice of the Engineering Institute Mr. Vaughan had refused to do so.

Mr. Baxter said he and Mr. Taylor had discussed this matter, and he suggested that Barry Wilson, for the city, and R. J. Cochrane, for the company, go over this list and report, as he did not think there could be any disagreement between them as to actual interference.

Mr. Taylor said he did not dissent from the view of Dr. Baxter, but he thought it would not be wise to have two men who had already given evidence make the report.

His Honor said he had in mind C. D. Mills of Sussex, who he believed would give an impartial report, and Mr. Baxter and Mr. Taylor said they had no objection to his appointment.

His Honor said he thought it would be wise for him to state his position and why he wanted this report, and along what lines he wanted it.

After careful consideration he had taken the view that the power Co. had been given certain rights by the legislature to construct a system in St. John and they had constructed it in accordance with the requirements of the legislation. When the city was given the right to construct a system this must be construed, in view of the fact that no expression of powers were given, as meaning that the city must not interfere with the system of the company in such a manner as to constitute a trespass. In his opinion the question to be decided was whether any trespass had been made.

In the case of a trespass it would be a technical trespass but in view of the small amount of power which he had to grant an injunction. In the case of the city wires passing poles of the company the city is in a perpendicular position, and to prevent interference from the crossing and sagging of wires.

It was understood His Honor was to obtain the services of Mr. Mills. Mr. Taylor then placed in evidence a list of the alleged interferences since September 28 to date and this was sworn to by John D. Harwood, who had made the reports.

Mr. Baxter's Point.

M. A. Pooler, general manager of the Power Co., was then called by Dr. Baxter and in answer to questions by Dr. Baxter said the company knew in a general way that current sold by them to the New Brunswick Electric Power Commission was to be distributed over the electric distribution system.

Questioned as to why the company had sold current which they knew would be distributed over a system which they claimed was dangerous to their line, Mr. Pooler said the line of the company had been taking extra special precautions ever since the city system was started and that there was danger to the public as well as to the company.

Notices of Births, Marriages and Deaths, 50 cents

BIRTHS

DEATHS

IN MEMORIAM

CARD OF THANKS

## TO REPORT DEC. 17 ON 'PHONE RATES

S. H. Mildram Given More Time—Matters Before Utilities Board.

The monthly meeting of the Board of Commissioners of Public Utilities was held this morning with the chairman, Mr. William Truman, and Commissioners LeBlanc and Burpee present. The first business was the hearing of an interim report from S. H. Mildram, expert of the board, who has been investigating the affairs of the New Brunswick Telephone Co. and the request of the Utilities Commission with a view to recommending a reduction in the rates if possible. Mr. Mildram reported that so much interest had been shown in the outcome of his investigation that he was making it more particular than he would otherwise have done, with a view to comparing the rates charged in New Brunswick with the rates in other parts of the Maritime Provinces as well as in the New England States, and he desired to have further time before submitting his conclusions to the board.

It was resolved to receive the report of Mr. Mildram on Monday afternoon, December 17, when the board will meet for a brief period prior to its departure for Woodstock, where there is to be a hearing with regard to electric light and power rates on the following day. Five copies of the report were ordered to be prepared for the use of the board, the N. B. Telephone Co., the Board of Trade, the press, and Mr. Mildram himself.

An application was made by Messrs. Hanson & Doherty, barristers at Fredericton, on behalf of the Minto Coal Co., asking for approval of a charge of meter rental, and the board decided to issue an order for a hearing on Wednesday, December 26, at 2:00 o'clock, at St. John, and for the necessary advertising of the same to be done. In the meantime certain information will be required of the Minto Coal Co. with respect to their revenue and business.

The informal application of the York and Carleton Telephone Co. with headquarters at Debec, was not considered, as there was no appearance, but the company will be informed that the board will sit at Woodstock on December 18, when an opportunity will be given them to show what their rates should be re-considered.

Two applications were read from the New Brunswick Power Co., the first asking for the approval of a reduction in gas rates by 25c a thousand feet, and the second for the approval of a 10c rate for a car leaving the head of King street for the West Side at 12:10 a. m. It was decided to request Mr. Pooler, manager of the N. B. Power Co., to appear before the board this afternoon and explain both requests.

Applications under the Sale of Securities Act were made by John C. Doherty, of Fredericton, and by a broker's license under Part 2 of the Act, and by M. Ryan, appearing for the Le. Co. Commercial Academics, Ltd., of Montreal, relative to the application they are making for a license under Part 1 of the Act this afternoon.

After consideration of some routine business, the board adjourned at 2:00 o'clock. Messrs. A. H. Wetmore and R. E. Armstrong of the Board of Trade attended the morning session.

SEWED AND HAD SOCIAL HOUR

The sewing circle of Roxborough Lodge No. 22, L.O.B., met last evening at the home of Mrs. Samuel Ferguson, 228 Guilford street, West Side, and enjoyed a very pleasant social hour. The table was set with a delicious spread of refreshments served by the hostess. Those present were Mrs. W. B. Neill, Mrs. A. C. Donner, Mrs. Charles Cooley, Mrs. George Merryweather, Mrs. B. Ed. Melvin.

"The Ritz" special dance, with door prizes, tonight. You may be lucky.

ESTATE VALUED AT \$1,027,500

Letters of administration have been granted in the estate of Elizabeth Moriarty to Agnes Moriarty, value \$1,027.50. Paul C. Quinn is executor.

JOIN THE CLUB PLAN

No. 1—\$1.00 puts this Phonograph in your home. No. 2—No interests or collectors going to your door. No. 3—Balance payable monthly. No. 4—\$34.00 cash or \$60.00 on the Club Plan.

See Our Windows. Shop in Mornings. Open Evenings During This Sale Only.

AMLAND BROS., Ltd.

19 WATERLOO STREET

## KNIGHTS MEET AT ANNUAL BANQUET

The annual banquet of the Knights of The Round Table of Portland Methodist Church was held last evening in the Y. M. A. hall.

The table was artistically decorated with red candles and roses. The knights numbering about 40 presented a fine appearance as they sat down to supper. After the boys had done justice to the good things selections by the orchestra were enjoyed. The chairman of the evening was Herbert Naves.

A vote of thanks was extended to the ladies, who assisted at the banquet and to the orchestra, by Frank W. Merrill. A solo was sung by Paul Cross and a violin solo played by Charles Wakeman. An address was delivered by Rev. H. A. Goodwin. Short addresses were also given by S. A. Kirk, superintendent of the Sunday school; by Frank Merrill, associate superintendent; and Richard Thomas, secretary of the school. The event was brought to a close with the singing of the National Anthem.

PERSONALS

Edward Bowes, of Shediac, is visiting relatives in the city.

W. P. Humphrey, former M. L. A. of Moncton, was in town yesterday.

N. Marks Mills, K. C., of St. Stephen, was in the city yesterday.

The friends of Mr. and Mrs. W. I. Panton are pleased to learn that two of their children who have had a mild attack of diphtheria, are recovering.

Yesterday's Montreal Gazette said: Mrs. Lewis V. Langley will come from St. John tomorrow morning to spend a fortnight with her parents, Mr. and Mrs. Malcolm Beaton, Westmount.

Mrs. T. Duff, Ottawa, entertained at luncheon on Tuesday at the Country Club in honor of Miss Vera King, who is visiting at the home of her uncle, Hon. Dr. J. H. King.

Mr. and Mrs. L. H. Higgins of Moncton reached home this week after a visit to Battle Creek, Mich, and other U. S. cities.

Mr. and Mrs. C. J. Milligan came to St. John yesterday from Moncton.

Mrs. H. Lawrence of St. John was in Moncton yesterday.

ARE YOU ONE OF THE MANY PEOPLE That Attended the Opening Day of Our Big Bargain Event?

If so, we extend to you an invitation to come again tomorrow, there are many bargains in every department that you should take advantage of.

Good Things Coming to the Theatres of St. John

LAST SHOWINGS "ENEMIES WOMEN"

The remarkable picture "Enemies of Women" will be shown for the last two times tonight, starting at 7 and 9 o'clock. Although it rained yesterday, the attendance was just as great as on the opening day, and the prospects are that the attendance tonight will equal the previous two. Tomorrow, "Rob Roy," Sir Walter Scott's well-known romance, will be the equally great attraction. There will be two matinees usual with the "Rob Roy" picture.

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## TENDENCIES WERE REACTIONARY IN STOCK MARKET THIS MORNING

Profit Taking and Bear Selling in Several Parts of List.

New York, Nov. 28.—Reactionary tendencies developed at the opening of today's stock market with profit taking and bear selling apparent in various sections of the list. Pan-American issues opened slightly lower on announcement of new financing. Maxwell A. and Studebaker opened higher, but Maxwell B dropped 1 1/2 and Davidson yielded fractionally.

Neon Report.

New York, Nov. 28.—Railroad shares held relatively steady during the forenoon, but the rest of the list was highly irregular. Rubbers, tobaccos and sugars bearing the brunt of the selling pressure. Steel having been again supported, however, Davidson Chemical, International and Steel and Jones Bros. rising two to nearly three points. Rutland Pfd up 1/2, and New Orleans, Texas and Mexico, up two, were the strong spots in the railroad list. Goodrich Rubber Pfd broke 100 points, Schulte Stores Pfd, Gulf States Steel, and Youngstown Sheet and Tube two. The weekly steel trade reviews had the effect that the needs of the large consumers for the first quarter of next year have been largely provided for. Call money opened at 4 1/2 per cent.

Montreal Market.

Montreal, Nov. 28.—Trading on the Montreal stock market today was dull and a softer tone was present in the narrow range of issues that appeared in board lot quantity during the first half hour.

Spanish River Common was again the most active issue and was called, being off 1/2 to 3/4. Other issues traded in included: Illinois of one point to 59, Bradstreet 1/4 to 35 1/4.

Exchange Today.

New York, Nov. 28.—Sterling exchange heavy. Great Britain, 4.82 1/4; France, 8.35; Italy, 4.35; Canadian dollars 2 1/2 per cent discount.

Stocks to 12 noon.

Open High Low

Allied Chem 77 1/2 77 3/4 77 1/2

Am Int Corp 23 1/2 23 3/4 23 1/2

Am Int Corp 23 1/2 23 3/4 23 1/2

Am Int Corp 23 1/2 23 3/4 23 1/2

Am Int Corp 23 1/2 23 3/4 23 1/2

Am Int Corp 23 1/2 23 3/4 23 1/2

Am Int Corp 23 1/2 23 3/4 23 1/2

Am Int Corp 23 1/2 23 3/4 23 1/2

Am Int Corp 23 1/2 23 3/4 23 1/2

## SNAP

Will clean your hands

Keep a tin of SNAP in the car and garage, so you will have it on hand for the clean-up.

TO BE HERE FOR WINTER.

FORMED FAIRVILLE BRANCH.

A branch of the Auxiliary of the Brotherhood of Locomotive Engineers was formed in Fairville last evening.

Members from the Moncton Auxiliary came to the city yesterday and made all arrangements for the establishment of the new branch.

Officially Arrive and the First Hearing is This Afternoon.

E. McG. Quirk, chairman of the conciliation board, and Bernard Rose, who is to represent the shipping interests in the arbitration proceedings in the dispute between the shipping interests and the longshoremen, arrived in the city this morning from Montreal.

During the morning they conferred with Joseph Monteth, who is to represent the longshoremen, and arrangements were made to have a session this afternoon in the Board of Trade rooms.

Captain Walsh, general manager of the Canadian Pacific Steamships, Ltd., arrived in the city today to attend the conference between shipping interests and the longshoremen.

WILL INQUIRE INTO STRANDING OF KONGSHAVN

Captain Demers, Dominion Wreck Commissioner, arrived in the city today. He is enroute to Halifax where he will hold an enquiry tomorrow into the stranding of the steamer Rige.

Wye. He said that he has also been authorized to hold an inquiry into the stranding of the Norwegian steamer M. H. Kongshavn, and will do so if any witnesses are still in this city.

SOME DAYS YET

It is not expected that the work of overhauling and repairing the C. P. R. bay steamer Empress at the St. John Dry Dock will be completed before the end of the week.

MAJESTIC GIFTS

The assembly of Gifts for all purses and personages in the Marcus windows conveys the idea of character registered in the looks, last and daily use of a cleverly chosen piece of Furniture. Accurate selection easy.

J. Marcus

Furniture, Rugs

30-36 Dock St.

WOOL SALE

BASSEN'S, Cor. Union & Sydney

The Cold Breezy Weather is At Hand. Secure your Woolen Underwear, Sweaters and Hosiery now.

Men's All Wool Underwear. Reg. \$1.50 to \$2.25. On Sale 98c. gar.

Men's Pure Wool Red Label Underwear. Reg. \$2.50. On Sale at \$1.39 per gar.

Men's medium Weight Combinations, All Wool. Reg. \$4.00. On Sale \$1.98

Men's Heavy Weight Pure Woolen Combinations. \$4.00. Value on Sale \$2.79

Ladies' Fall Weight Underwear. On Sale 49c. per gar.

C. J. BASSEN

Cor. Union and Sydney Streets

SHARE

Cur Fortune—

\$9 Brogues for \$6.85

Left on the makers' hands by a cancelled order, they were glad to accept our offer for a group of the nicest Ladies' Calf Brogues at a price that brings a nine dollar quality down to \$6.85

Mahogany Calf and the right weight for gaiters or heavy hose. Double sole, Goodyear welted and low \$6.85 walking heel. All sizes 2 1/2 to 7, for \$6.85

Other Calf Oxfords from the famous Haratts at \$11 and \$11.75 down variously to \$3.50.

Brown Buck Charm

The perforations have as much to do with the effect as the fine soft fabric and modelling. On the toe cap, the facings and vamp. White Kid lining and low heel, \$9.50.

Francis & Vaughan

Nineteen King

1924

Here are three of the Overcoats that have made a reputation in the world of fashion.

They are winners in the race for style.

You must see them to appreciate the attractive colors.

You must put one on to realize the extreme style.

You must wear one to know its absolute comfort.

PRICES \$25 to \$60.

Gilmour's

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