

RAILWAY ARBITRATION AWARD MADE TO THE RYANS AT TRINITY

Claimed \$19,000.00 for Their Land and Other Incidents.—Property Cost Them \$5,900.00.—They Received Award of \$6,000.00, and the Government also Footed Bills of \$2,000.00 for Arbitration Fees.

In re Claim for Compensation by Messrs. Ryan for Land, etc., at Trinity, Taken and Interfered With by Railway.

Lot No. 1.

Land and water front from Tibbs Cove to flake:—250 ft. water front @ \$6.00 per foot.	\$1,250.00
126 ft. @ \$2.50 per foot.	315.00
Loss of docking in cove.	400.00
Land from flake to road crossing 300 ft. @ \$2.50.	750.00
Flake 91 ft. x 32 ft.	250.00
Estimated loss by reason of being deprived of flake space.	4,000.00
Estimated loss by reason of interference with access to stores and wharves, etc.	2,000.00
Estimated value of additional cost and risk from fire and increased insurance.	2,000.00
10 per cent on value of land taken as damages for compulsory taking i.e. 10 per cent on \$2,945.00.	296.50
	\$11,261.50

and interest on same at the rate of six percentum per annum from the date of notice to treat of date of award. St. John's, Feb. 18th, 1913.

Lot No. 2.

25 building lots 30 by 100 ft. valued at 5 cents per sq. ft. i.e. \$150.00 each.	\$3,450.00
4 building lots depreciated 50 per cent each i.e. \$75 each.	300.00
	\$3,750.00

Lot No. 3.

24 building lots as above.	\$3,600.00
12 building lots depreciated 33-1-3 per cent i.e. \$50.00.	600.00
	\$4,200.00

St. John's, February 21st, 1913.

Evidence of Mr. Daniel Ryan
I and my brother James are the present owners of the property at Trinity known as the Bremner property, and the proposed extension of the railway to Trinity passes through our land. This plan was furnished me by the Department of Agriculture and Mines, giving an idea of the lands affected by the railway.

Referring to this plan which we will call D.A.R. 1, there is a cove here just beyond where the railway touches our land, for which we make a claim for loss of docking. We have been making use of that cove, put some schooners there for repairs to the stem or bow of the vessel.

Suitable Place

The place is particularly suited for that kind of work. We are now de-

prived of the use of that place for that work. When the railway goes through we will have no access to it. There is no other place in the immediate vicinity that I know of, which I know of which we can use for the same purpose. With regard to making repairs in future we wouldn't be able to do anything there, and the chances are that these vessels would have to come either to St. John's or Harbor Grace to be docked. That

taking the site where we proposed to put the additional flake. In consequence of that there is no other place where we can put a flake except the place marked E on plan. The place marked E is the only site for a flake available, there is no other land there.
The land on the other side of the road is not suitable at all on account of the hill, and we can't get the sun there. The place marked E is the nearest suitable site available for the new flake. What we proposed in the course of the season on the one that we intended to build will all depend on the quantity of damp we will have; by our past experience we will have three-quarters damp. We don't handle any green fish, all the fish we handle is supposed to be made or partly made; we often refuse damp fish. The quantity of fish that we will require to handle on our flake space will all depend on our collection, that we take in. If it would come a blank and there was no fish in the Bay, then we would have none to handle.

Artificial Heat

On this flake we have handled all that we could, and more too, because we can't dry it all on that flake; we had to put a stove in the store, we hadn't sufficient room on the flake. The flake that we have there now would dry about one hundred quintals on the spreading. To the best of my knowledge we have handled two to three thousand quintals on that flake. We will double the flake room on the place marked D, that is from four to six thousand quintals.

This store marked A has two doors on the lower end. We take damp fish from this door and carry it up on the flake here, and we take it from this door to up here, and with the proposed new flake marked D we have simply to take it out here and go there. Now with the flake marked E we would have to take the fish from this door here and go along the wharf and back again. It is about 460 feet. We have men and boys employed, and we pay them from 60c. to \$1.00, 60c. to the boys and \$1.00 to the men; 60c. is the lowest and \$1.00 the highest. 60, 70, 80 and 90c. is the average. I think there is one man we have shipped whose wages are more than that, but we will say 60c. to \$1.00. The year before last we had stored in these stores to the best of my knowledge, about 13,000 quintals, in 1911. Some of that Shore fish would be put in at \$5.00, and it went up in the fall of the year to \$6.50 and \$8.80. Some of it may have been put as low as \$4.00.

Use of Store

We use this store A principally for fish. We use the upper part of the store for various things, we keep

wouldn't be under \$18,000. The low amount would be like at the end of the year, we don't carry such a stock over winter as we do in the summer. When we are fully stocked up the value would be from eighteen to twenty-eight thousand dollars, that is store goods, dry goods and everything.

I consider the value of those stores there, A store and B store would be \$2500 each, and what I call the flour store about \$2000, that is \$7000. The stock from \$18,000 to \$28,000 at different seasons, and our fish about \$65,000. Last year we handled on or about 9000 quintals, last year was below the average.

Question of Access

The next point is the question of ac-

get in the packages are so heavy we open them down in this store and pass it up through. Our present method of supplying the shop is by bringing goods from our store across the gallery in here. Very often it is an every day occurrence, very often they go there ten times a day, and other times they wouldn't need to go at all. If they get short of an article, if they got it on that loft they got to go here and bring it over. In consequence of the interference it cannot be so convenient at all as it was then. We may not want a horse and cart to do what an ordinary laborer could do before, but we have a great deal more inconvenience.

Makes a Difference

There will be a considerable difference in the expense and in conveying

don't know how many feet of frontage is in the whole of that land; I never measured it; I never measured any of it myself.

I never built on this cove where I claim the loss of docking. There is no structure built out over the water there. If it was built on, I couldn't get at it. Anybody would have a right to haul a vessel there, and as a rule we always oblige anybody. It is my land.

Convenient

They put a vessel ashore on the land and then you have it so situated at the bottom that you have to have anchors ashore with chains or ropes to keep the vessel from going off, so that the only right that we claim would be the mere fact of the anchor being on our land, and I regard that the land is our down to high water mark. It is like part of the premises. I consider \$5.00 per foot is very cheap. We arrive at it in this way that it is worth that.

I don't know of anyone else buying any water front premises there. The whole of the premises is used by us in the conduct and management of our business; we use the whole lot from one end to the other. We have coal in one end of the store, and pork and flour in the other. That is where we purpose putting our flake. We use the intervening space here for lumber. This is a road way over it and gets on the main street to the public wharf. The public use it as I said before. We close the gate on each side for two and three days every year. There is a private road gravelled by the cove and it leads across there and gets out on the main street. It is a narrow space there. This space here is a ballast place and a road there leading down to the wharf.

There is brick kept up here which is shown on the small plan, and here is where we intend to erect another flake because it is so convenient for this store; there is a door here and a door there. We get the sun early in the morning in summer here. I am not going to say anything here only what is just and right. We dry quite a lot of fish there, and if we didn't get the sun we couldn't dry it. The reason we wouldn't build the flake on the other side of the road is on account of the lack of sun. There is no place to build a flake there.

Nothing On It

There is nothing built on that land at Tibbs Cove at all; there was never anything built on it to my knowledge. I have built none of the stores on the premises. I had men repairing it and got extras since I purchased it. At the time I bought it it was falling down. I can't exactly say how much I spent on it repairing it, but I have been at it every summer. The first summer when there I had four or five men employed during the summer doing nothing else but posting, and the summer before last I built practically a new wharf here, that is 1910. We get at the value of \$5.00 and \$2.50 per foot, one is water front and the other is back of the store. I put that value on it myself. I consider it is worth that. I have sold land at Trinity, and I have seen other pieces of land sold there that have fetched a good price.

We might have bought that land at Trinity, and buying it at that price, do you think I would turn around and sell it at the same price. I didn't want the premises very badly. I may say I was doing a good business at King's Cove at the same time, but when I got it at this I took it. It may happen that we would spend a large sum of money in an outport and we should get it back if we sold it. The man in England who had this property, certainly, if he didn't get me or somebody else to take this property it would be all fallen down.

We have docked three vessels at that cove for the past six years. We docked nothing there this year. We docked our vessels before we purchased that place in Trinity. We docked some in St. John's, even now we dock some in St. John's, then in Bonavista Bay.

Before we purchased that place in Trinity I used to send some of my vessels to Indian Arm to do such work as we do at Trinity. I sent them to Indian Arm in Bonavista Bay to be repaired. We board our vessels from our wharf, we don't board the vessels from the land. No one else docked there besides me to my knowledge.

We arrive at the value of the land from the flake to the road crossing at \$2.50, we think it is worth that.
When I purchased that building I got it from Sir James Winter the land and building, and I didn't value it at all. I jumped at it. It was always there as far as I know, but I don't know how many years Mr. Bremner had left it. I didn't value it at all, I bought it right away when I got it at that price. Sir James Winter asked more than \$5900, but he came down to \$5900, and gave it to me at once.

I don't consider the price he asked was too high, because I was fully aware that the premises and everything was worth five times as much as I paid for it. If he had offered it to me at \$5000, I would say I would give him \$4000. The man who would not take the value of that premises at \$5900 I think he would be fit for the asylum. I don't really know the facts which determine the value of real estate. I said I didn't give the first sum because I was trying to get it as cheap as I could.

Material of Flake

That flake is built of spruce beams, spruce and fir. The \$250 which we claim is for the material and flake. I value the flake there cost at building \$250 with the material, labor and nails. To build that flake I don't really know how much the labor cost. Labor would be from 80c. to \$1.00 per day. That claim of \$250 is the value of the flake, the cost of building. I didn't make any deduction. That flake cost \$250, the material that is in it, the nails and the labor.

I can't tell you how much material is in it. We don't do much business in the winter on our wharves. We don't keep very much stuff on the wharves all the time, vessels come in to take their supplies and go away again. We might have some lumber there. If a schooner comes from the Bay with lumber it would be landed there and would remain there for a fortnight or so. We dried fish on the wharves.

Late in the fall of the year we use the wharves for drying fish. That fish would be shore fish, ordinary fish which we take in. We can never get half enough flake space. We put fish out on the road here with boughs under it for drying. We leave a space where the public can get along. You can't build a flake there on the public road. I don't say I own the road, I am speaking of the main public road, not the road in the yard. This store is about 100 feet long. The tide comes in here and up under the flake.

Proper Sites

No man will build a flake over the salt water if he can get it on the land because ice will interfere with it and knock it down. Ice will knock it down easily enough. I had a vessel here this fall by our long wharf and I wouldn't leave her there fearing she would break it down.

We can spread 100 quintals of fish on the flake that we are now claiming for. We always cover that flake fully with fish unless rain would come and prevent us, then we would stop spreading. We spread fish on the wharf
(Continued on page 7.)

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would involve extra cost of docking and the cost occasioned by the delays.
The stores marked A and B on this plan are the stores where our fish is stored at the present time; we also store goods there, and immediately in the rear of store A is a flake marked C. That flake is about 97 feet long by 32 feet wide, and we find it insufficient for our purpose, it isn't large enough. When we found this flake insufficient for our purpose our intention was to build another flake here marked D on the back of this store.

Takes the Sites
The proposed line of railway is taking the site of both C and D, taking the flake already there, and also fish cases there and cod traps. With regard to the stores marked B we use that for storing molasses, we put salt there sometimes, but we had it at one particular season full of codfish, that is the underneath part.

The upper part of that store is used principally for small stuff such as tea, soap, leather, etc., to supply the shop. We keep all our groceries there. As a matter of fact one end of that on the loft is a private bonded store. We have kept tea there at times, and furniture. Everything that we import don't go in there. I can't give you the value of the stock that we carried in them two stores.

At certain seasons of the year our stock is much heavier than others, and as we get out the stock we all the time use it, and I reckon that we have value of store goods and shop goods and everything from eighteen to twenty-eight or thirty thousand dollars worth of stock not including the value of the stores, that is an average value. Sometimes we have much more than we have at others, it sometimes gets run down. I should think the lowest amount of goods at any time

cess. First of all there is a road leading along here and we go down on the wharf. There is a gallery here, which is for conveying goods from the reserve stock to the shop. This gallery gives access to the upper flat of the store. This is the direct access from the reserve stock to the shop. This gallery is I think some thirty or forty feet long. The railway goes under that, and the gallery will have to be moved. In consequence of the removal of that gallery to get our reserve stock to the shop it must be lowered down through on to the wharf and around to the shop. There is a road leading up there.

The next manner of access to the wharf and premises is a gravel road down as far as that, and then there is a plank road down on a level with the wharf. The railway goes through that. Then there is a general right of way which is used for horses, etc., comes here on this side of the flake C. This is not the only means of access to the wharf that we have for horses, and people hauling flour they generally come here because this is the four store. You can get down and on the wharf.

Railway Right of Way
The front of the stores is all wood work. As far as I am given to understand the railway will take the right of way down a place. At present it is not level, it is all down grade now. I should think it will tend to make it steeper from where the line of road goes along. It is going to alter the evenness of the ground with regard to all these paths, it is either going to raise up or depress. It is going to destroy this mode of access to that reserve stock altogether, and is going to necessitate our bringing our stock out on the wharf and bringing it around. The steps leading down here will be destroyed altogether. Some goods we

our goods from the reserve store to the shop because it can't be so convenient. We could extend our business premises to that first mentioned water front if we wanted to.

As far as I know there are other water fronts available in Trinity for business premises. I don't know if there are any front premises available in Trinity as good as that or better. I may say that it wouldn't be so near the public wharf. There are other places for doing business, but there is not so much custom on the other places as there, because we get a great deal of our customers from the ferry boat that crosses to the public wharf, and often until now that they have the motor boat owing to contrary winds would bring the ferry boat to our boat, and then would land on our premises.

I can't say that that is the most desirable premises. I consider that we have the best business place there, the most convenient of Trinity, and as I have just said the public wharf close by brings quite a lot of people to our premises whereas if we were in any other part of the harbor we would be away from that.

Got It Cheap
(Cross-examined by Mr. Gibbs)—We have had this premises since 1906, we purchased it in 1906. I paid for that premises so very cheap that I am afraid to tell, \$5900. I can't say if the premises was long in the market before I bought it. It never belonged to Bremner, he was a tenant; it belonged to a man, I believe, in England. It was lying up for some years. To get that 250 feet of water front from Tibbs Cove to the flake, we measure it along here, along the line of railway. The measurements were not taken along the coast line, but along the line of railway, from our boundary here along that way. I

Sealing Crews!

Beothic and Nascopeie.

S. S. BEOTHIC
SIGN March 9th and 10th
SAIL March 13th, at 8 o'clock a.m.

S. S. NASCOPEIE
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