

VERDICT FOR \$250 GIVEN AGAINST THE CITY OF ST. JOHN.

John McCrea Wins His Case—Important Question Affecting the City—Duty to Remove Snow from Streets to Reasonable Line Occupied by Street Railway Tracks.

The case of John McCrea against the city of St. John in the Circuit Court before Justice Lacey and a jury, was concluded Friday, and a verdict given for the plaintiff for \$250. The case was of considerable importance and established a duty upon the city of removing the snow from the roadway between street car tracks and the sidewalk to a reasonable and safe level. The plaintiff, in the fall of 1901, was proceeding up Main street upon a box coal sled at the invitation of the driver, when owing to the snow and ice of the roadway being a distance of from 20 inches to two feet above the level of the track, the sled went over the embankment, throwing the driver, and pitching Mr. McCrea under the horse. Mr. McCrea was cut in his ankle by the horse, bruised on his side and was laid up for work for a couple of months. The city refused to acknowledge any liability to him, and defended the action on the ground that no liability existed in law against it. It appeared that workmen of the city had removed snow from time to time on Main street, and the plaintiff therefore contended that having undertaken to do so, the city was bound to do it properly, and not allow the level of the snow to remain at a height dangerous to traffic. In the case of Campbell vs. City of St. John, decided a few years ago by the Supreme Court of Canada, it was held that the city is not liable for non-feasance; that is, that where a sidewalk or street gets out of repair and an injury happens to a person, the city is not liable. The plaintiff distinguished this case, on the ground that as the city had removed the snow in part, it was obliged to level it to a sufficient extent, that traveling upon it would not be dangerous and allowing the embankment to remain at an unreasonable height was negligence or misfeasance on the part of the city. It was further contended by the plaintiff that it was the duty of the city to remove the snow to a proper level, even though the city and the company obtained power from the local legislature to enter into an agreement by which in consideration of the annual payment by the company to the city of \$7,000 the company would be relieved of all responsibility of removing ice and snow between the tracks and sidewalk. This agreement was duly entered into in 1897, and has been kept in force ever since. A large number of questions were left by the judge in a lengthy and careful summing up to the jury. The jury found on all questions generally in favor of the plaintiff, and that the city had removed the snow in a negligent manner, and assessed damages at \$250. The recorder, in the course of the trial, moved for a non-suit which the judge refused. The point involved in the case is a new one, and creates a precedent. It is not known whether the city will appeal or not. Hon. H. A. McKewen, K. C., and W. H. Trueman were for the plaintiff; C. N. Skinner, K. C., for the defendants.

LOCAL AND PROVINCIAL.

Rev. C. P. Christopher, pastor of the Baptist church at Port Elgin, has handed in his resignation and Sunday preached his farewell sermon. The marriage of Mrs. Bourgeois, daughter of W. B. Desnoes, of Shediac, and Mr. Demers, of Ottawa, is announced to take place the latter part of this month in the Methodist church, Shediac. Concerning that Sheriff street affair, whereby Teddy Burke was hit in the face by an axe in the hands of Tommy Carey, the father of young Carey desires it to be published that the Sheriff is improving. Capt. Alfred McNeill and wife of Debert Station (N. S.), are spending a few days on board the ship Charles with the former's brother, Capt. C. E. McNeill. While in St. John they took in the exhibition and visited other points of interest. Chalmer Hicks, of Upper Sackville, was driving a team of horses with a load of hay into his barn the other day. He urged the horses with the pitchfork and the handle caught in the barn, driving one of the prongs into the young man's right lung, and another went into his arm. He is recovering. The Teachers' Institute closed Friday afternoon. At Friday's session papers were read by W. S. Carter, school inspector, and Joseph Harrington. M. D. Brown was elected president; J. Frank Owens, vice-president; Miss J. Brown, secretary, and H. Parlee and Miss Knowlton, members of the executive. Against the Connolly dredge international G. S. Mayes, of Carleton, has had an execution issued out of the supreme court for \$27,000. The story is the old one of the difference between Messrs. Mayes and Connolly over the construction of the I. C. R. terminal facilities at Long wharf. When seen last night Mr. Mayes said he had obtained a verdict and costs amounting in all to \$27,000. Mr. Connolly has entered an appeal to Ottawa and Mr. Mayes' action is for security pending the result. The seizure of the wharf affecting the fulfillment of the Connolly dredge is to carry out. L. A. Curro acting for Mr. Connolly has obtained a stay of proceedings pending the appeal. Movements of Bark Officials. S. L. T. Harrison, of the Moncton agency of the Royal Bank of Canada, is spending his vacation in Pictou. He was formerly in the Pictou office. An interesting event took place at St. Peter's yesterday morning at the residence of Mrs. Catherine McKelvin, when her daughter, Miss Sedie, was united in marriage to A. F. Little, of Halifax, manager of the branch of the Union Bank at Wolfville. The ceremony was performed by Rev. A. McMillan, of West Bay. Mr. and Mrs. Little, after partaking of breakfast, left by the steamer Vega for a short trip through the maritime provinces. Mr. Little was for some time manager of the Union Bank at St. Peter's and was extremely popular.—Sydney Record, 5th. The Bank of Montreal will open a branch on September 15th at Bay of Islands (Newfoundland). Arrangements have been made for temporary offices and next summer a large new building will be erected. R. W. Wortman, of the Bank of Montreal staff at Moncton, has been transferred to Glen Bay and left for that place on the C. P. R. on Saturday. The change is in the line of promotion. M. G. Jones, of the Bank of Nova Scotia, Yarmouth, is home in Moncton to spend his holidays. A farmer's son named Murfit met with his death in extraordinary circumstances at Golden Morden, (Eng.), recently. When engaged in feeding some chickens one of them flew at his face and inflicted two small wounds, and death occurred the following day.

A WOMAN'S GLORY.

But in This Case the Glory Was of the Kind That Fades.

There was a hair pulling match in front of the main entrance of the exhibition building Thursday night between two women. The contestants in this disgraceful scene were two females who are working in the interests of a couple of side shows, one in the building and the other on the midway. One woman made the remark that the show in which her rival was interested was not worth looking at. Hot words followed and by the time the two enraged females reached the bottom of the stairs in front of the building, umbrellas, hair pins and very saucy words were flying. Superintendent Taylor arrived on the scene in time to prevent any bloodshed and to stop some male admirers from getting in the mix-up. There was a grand finish to the fight which caused the crowd to laugh. One woman got a firm hold on the others hair and with a vigorous pull separated the two warring locks—they were false—and left her opponent in sorry plight.

MAY WITHHOLD LICENSES.

Unless Slaughter Houses Are Improved Within Six Months.

At the regular monthly meeting Friday afternoon of the slaughter house commissioners the following were present: Chairman Hay, Secretary Shaw, Inspector Simon and Commissioners Drake, Gallagher, O'Neil and Frink. The following schedule of the monthly killing was presented: Visits, Cattle Sheep C'vs. John Danery .. 17 163 497 10 John McCarty .. 17 163 497 10 Kane & McGrath .. 11 127 154 6 M. J. Collins .. 5 5 5 10 P. O'Connor .. 2 6 108 10 47 414 709 36 The houses were in the same condition as last reported.

LETTERS TO THE EDITOR.

Our Teachers. To the Editor of The Telegraph: Sir,—Teachers, as a rule are very law abiding. They are not only law abiding in the school law, they have not published their interests or rights. They have submitted without a public complaint. They have made no trusts to boycott inspectors, trustees or other teachers, although they may have made the best showing on the days of their visits to the schools. Notwithstanding they have been shown no favor from the board of education or the public. On the other hand, as it can be very easily shown, they have been more or less oppressed. There are teachers who have taught for 25, 30, 40 or perhaps 50 years, and the lips and hands of a school life, and not one of them in their old age is permitted to retire and live their remaining years in anything like comfort. They have had a salary which has brought only the necessities of life. They have served government faithfully all their lives, and it is reasonable or right that they should look, when unit to work, to other sources for a livelihood in their declining years. Our school system is in a very bad way. It is not a government school, and why not the poor school teacher. Is there no one to advocate the teacher's cause? Is there no one to petition government to pass a bill to provide for teachers who have spent their best days in a profession, and are now being asked to go into other business. Perhaps if the truth was told they have turned aside because they see nothing in the subject. Many of our best teachers are being driven to other occupations. It is a disgrace that unless the license law is amended, no more will be taken. He would recommend that unless the license law is amended to improve the bars within the next six months that the license law be refused unless such was done.

BOY SHOT.

Leslie McLellan Receives a Bullet in His Leg on Exhibition Grounds.

Leslie McLellan, a small boy, residing in Pitt street, was accidentally shot in the shooting gallery in the Exhibition grounds on Saturday afternoon. He was standing in front of the booth watching the shooting. A second rifle was lying on a shelf pointed towards McLellan. This caught the eye of a mischievous small boy and, without taking the rifle from the rack, he fired. The bullet struck the boy in the leg. Police Sergeant Baxter took the lad to Dr. D. E. Berryman's office, where his wounds were dressed.

CONGREGATIONAL REUNION THIS WEEK.

The fifty-fifth annual meeting of the Maritime Congregational Union, will convene with the St. John church this week, beginning on Friday, the 12th inst., at 10 o'clock. The meeting will be held daily until the 16th inst., and will be open to the public. Addresses of each interest will be made by prominent men of the denomination, of which due notice will be given. The Union street church has lately undergone extensive alterations and the interior has been very much improved. The work was done under the skillful direction of Architect Brodie and the result is very creditable. Among the speakers at the meetings will be Rev. G. W. Ball, of Liverpool (N. S.), present chairman of the union; Rev. C. Moore, of Milton (N. S.); Prof. W. H. Warriner, D. D., of the Congregational College, Montreal; Rev. J. D. McNeill, from Brazil and others. As this is the first meeting of the union in St. John for 15 years, the officers and members of the church here are making every preparation to give their guests an enjoyable visit.

WEDDING AT BAYWATER.

Long Reach, Sept. 4.—A pretty home wedding took place at the residence of Capt. Charles Gibbons, Baywater, Wednesday evening when, in presence of a large number of friends, his daughter, Miss Edna, was united in marriage with William F. Baxter, of Westfield. The bride, who looked charming in a gown of white, was attended by her sister, Ethel, while the groom was supported by George Gibbons, cousin of the bride. The many presents were costly and beautiful and testify to the high esteem in which the young couple are held.

WENT TO DEATH WITH STEAMER RAIL.

Kingston, Ont., Sept. 7.—(Special.)—A passenger named Rowland from Toronto, was leaning against a rail of the steamer Kingston Saturday when it fell out and he fell overboard and drowned.

CITY TELEPHONES.

New System Early in December—Mark of Improvement—1400 Subscribers Now.

There are 1400 subscribers now on the books of the city telephone exchange and when the new system is installed and working no doubt the number will greatly increase. Manager McMackin says that great difficulty has been experienced this week in attending to the immense number of calls. When the new system is in use he says they will be ready to meet any emergency. This will be accomplished before Christmas. Probably some time early in December. On Monday morning next the laying of the new cables will be commenced and all the big leaden tubes that now form a network high up on Market Square, Church, Prince William and other streets will be taken down and placed in the conduits that now run underground from the new exchange on Chipman's Hill along King, Union and Germain streets. A carload of new cable weighing many tons has arrived and the work can go on at once. There is only one new exchange yet completed in the conduits. The lead tubing will be filled with wires, which will be previously tested, and they pulled through the conduits from manholes at each street corner, being applied at the terminals. When the large force of workmen commences the work will go along rapidly, and before long this city will have a "hello" system that will equal any.

MR. CURRIE ON AN ABATTOIR.

The following communication respecting an abattoir was read by Mr. Currie—St. John, N. B., August 12. To the Commissioners of the Slaughter Houses: Gentlemen,—You will remember that two years ago I made an offer on behalf of the inspector and other persons associated with me in the enterprise of building an abattoir suitable for the requirements of the city and complying with the provisions of the acts of the legislative assembly and the regulations imposed by your board. That after having my offer the commissioners attended with me at the proposed site on the border of the city limits and expressed themselves as perfectly satisfied therewith; that I also brought an expert here from Kansas City to prepare the plan and go over the same with you, and that I then personally visited the most "modern plants" and made careful and minute examinations of the same with the view of giving the live wire "habet" and most approved style of abattoir.

POLICE RECORD FOR AUGUST.

The month of August was fairly light in St. John police records. The number of arrests and when it is considered that the coronation day list of celebrators is included in this number it may be seen that the month was very quiet. The youngest offender was a boy of 10 years who was charged with breaking and entering and stealing money. The oldest was a man of 70 years of age, charged with 70 years of life, was charged with drunkenness. Coronation Day—a day of celebration—passed away with but nine prisoners in the grip of the law, two of these were boys charged with implication in the capture of a dog, and were given good bonds. The month of August was a quiet one in the police records. The number of arrests and when it is considered that the coronation day list of celebrators is included in this number it may be seen that the month was very quiet. The youngest offender was a boy of 10 years who was charged with breaking and entering and stealing money. The oldest was a man of 70 years of age, charged with 70 years of life, was charged with drunkenness. Coronation Day—a day of celebration—passed away with but nine prisoners in the grip of the law, two of these were boys charged with implication in the capture of a dog, and were given good bonds. The month of August was a quiet one in the police records. The number of arrests and when it is considered that the coronation day list of celebrators is included in this number it may be seen that the month was very quiet. The youngest offender was a boy of 10 years who was charged with breaking and entering and stealing money. The oldest was a man of 70 years of age, charged with 70 years of life, was charged with drunkenness. Coronation Day—a day of celebration—passed away with but nine prisoners in the grip of the law, two of these were boys charged with implication in the capture of a dog, and were given good bonds.

JAMES R. CURRIE TACKLES BAILIFFS WHO INVADE BUSINESS COLLEGE.

They Tried to Seize the Furniture Following a Rent Dispute—Currie Locked McBrinary In After a Tussle, But McLeod Proved Too Muscular When the Enemy Moved on His Works.

Because of the non-payment of certain rent money, brought about by a decided difference of opinion between tenant and landlord, a struggle bringing into play both mental and physical tactics occurred yesterday afternoon in Currie's Business College. The Messrs. Currie, it appears, have been in arrears for some time to Dr. D. E. Berryman and sister for college rent. James R. Currie asserts that he has placed improvements on the premises to the extent of \$3,000 or thereabouts. Enter the Bailiffs. However, the matter of settlement has of late been in dispute and reached a climax on Thursday evening when an attempt was made to levy on the college furniture. It was unsuccessful but Friday morning operations were resumed. Bailiffs McBrinary and McLeod entered the college, stating their business and conveying the impression that they would not be balked in their errand. James R. Currie invited them to withdraw but they refused to do so. Noon came and the students dispersed for dinner. Bailiff McBrinary was in the large business department, occupying the top floor of the college, and here he was again approached by Mr. Currie, who earnestly requested him to go away else his wrath might be followed by something in the nature of a drastic measure. Mr. Currie tackled him. Bailiff McBrinary was obdurate; he would not leave the college and so informed its proprietor. Thereupon Mr. Currie seized him and succeeded in placing him outside the door. Mr. McBrinary, however, was equal to the situation, for, with considerable agility, he managed to get beyond the grasp of his opponent and step inside again. Mr. Currie did not follow but smartly shut the door, then locked it and proceeded downstairs. At the street entrance he encountered Bailiff McLeod, the colleague of the per-

son whom he had placed in temporary captivity above. McLeod was Another Story. To McLeod the same request was addressed which had been given to Bailiff McBrinary and in like manner was the invitation repudiated. Observing that here was material for another demonstration Mr. Currie closed with the bailiff who resented such a provocation and who, by virtue of his superior prowess, succeeded in propelling Mr. Currie through his own doorway. The Escape of McBrinary. In the meantime McBrinary had smashed the lock of the school room door and now appearing on the stairs just in time to see the feat which McLeod had accomplished. Active hostilities then ceased but the matter, which has been long brewing, has undoubtedly come to that point which will result in something definite. W. B. Wallace is acting for Messrs. Currie and Messrs. Chapman and Tilley for Doctor Berryman. The bailiffs dominated things at Currie's Business University, throughout last night, Constable McBrinary and McLeod having taken up their quarters in the college drawing room and establishing a kind of stationary sentry system from dusk to dawn. The furniture, carpets and pictures of the drawing room have been removed, also a quantity of the school room furniture, which was taken away during Saturday afternoon. Concerning future operations, the bailiffs were silent, but, with respect to the ejection scene at the college on Friday Bailiff McBrinary has this to say: The bailiff had been in possession since August 23rd. The struggle took place in the drawing room. James R. Currie was assisted by his brother John and the door, which was locked, was that leading down stairs to the street. John Currie, when seen last evening, said he had nothing for publication, and that the matter had been placed in the hands of W. B. Wallace and the attorney-general.

Free to Men. I have set apart 5,000 of my best Electric Bells (1902 model) to be sent out absolutely free of charge during the next month. All who suffer with Rheumatism, Lumbago, Varicose Veins, Dropsy, Low Back, Nerves, Back or Kidneys will find it an immediate relief and positive and unfailing cure. It will positively cure every case of the above complaints. If you send me other belts and drugs I will give you 1000 free of cost. Dr. A. M. Macdonald Electric Co., 2362 St. Catherine Street, Montreal.

Fire! Fire! Fire! Just describes the EDDY "HEADLIGHT" MATCH. A big BRIGHT BLAZE, the moment you light it, gives the greatest amount of illumination. The 20th Anniversary Match. The Sulphur Match is still used and E. B. EDDY'S "TELEGRAPH" will always be in great demand. Ask your Grocer for a package of each. Only 12c a piece. SCHOFIELD BROS., Selling Agents for the E. B. Eddy Company, Post Office Box 351, ST. JOHN, N. B.

Canada-South Africa Line. The first sailing of steamers on this service from St. John will be about December 18, the steamer being the Furness liner Oriana, and she will be followed by the others, either Allan, Elder-Dempster or Furness, at about intervals of a month during the winter. The contract with the government is for two years from October 1, 1902, and it is expected the summer sailings will be from Montreal and from St. John and Halifax during the winter. Wm. Thomson & Co. will represent this service for all the Allan and Furness line steamers employed, and are prepared to furnish rates to intending exporters. The ports covered will be Cape Town, and, if sufficient cargo permits, also Algoa Bay, Mosambique Bay, Port Elizabeth, East London and Durban. The first stamped envelopes were issued in 1853, of the two denominations of three and six cents, and it was not until two years later that the 10-cent envelope was added. Mr. Balfour has shown a ministerial discretion in his order to two motor carriages. They are to be English-built (Napier), and are four in a dry state, laid about the kitchen on places over-night will soon free the kitchen of this pest. Black beetles are very fond of sugar and fat, and will eat their way into your ham, into water, and lay them in their nests, or equal parts of plaster of Paris and flour in a dry state, laid about the kitchen on places over-night will soon free the kitchen of this pest.