

# THIS IS THE INTEREST OF THE BEST OF THE I. C. R. FREIGHT HANDLERS ST. JOHN AND HALIFAX

The following is from the Hansard report of March 25th:—

Mr. Fielding moved that the House go into Committee of Supply.

Mr. R. L. Borden (Halifax)—Before you leave the Chair, Mr. Speaker, I would like to ask the Minister of Railways and Canals whether or not he has taken into consideration the report of the committee which investigated some matters in dispute between the management of the Intercolonial Railway and the freight clerks at Halifax and St. John. I observe some important statements in the report of the committee, which have, no doubt, been drawn to the minister's attention and which perhaps he has considered. I quote from the report as brought down in a return to this House on page 4:—

Accordingly, and after full discussion, the following matters were agreed upon by all parties in the form as under:—

Your committee are of opinion that a better efficiency if a system of classification of clerks were introduced. Not only would the above results accrue, but there would then be an available scheme for promotion, which at the present time seems to be lacking, and which omission breeds discontent owing to the uncertainty of upward progress for the clerks who have by length of service and attention to the duties of their office earned the right to consideration in this regard. Just what system of classification should be introduced must necessarily be evolved by the officials of the railway who are more intimate and familiar with the details of the business of the Intercolonial than your committee can possibly be. The men involved must necessarily accept the classification determined upon, subject, of course, to the right which they possess of bringing to the attention of their superiors the improvement in such classification which to them may seem desirable in the best interests of the service.

Further, on page 5, dealing with promotion, the report says:—

Your committee are further strongly of the opinion that, outside of the rare cases that arise where an exceptional service is brought into the position requiring special knowledge and training, the principle of promotion of those already in the service should obtain, having regard, of course, to efficiency and the requirements of the service.

And further on, at page 7:—

The committee further considered the question of the promotion of the following additional recommendations: The committee after its investigation, is of opinion that, in the matter of wages, the system that obtains of appointing men to the positions of higher pay over the heads of men long in the service and probably more capable of doing the work, is injurious to the service and unjust to the men. The remedy, in their opinion, is the reorganization and the abolition of the existing system of appointment influenced by political patronage, which from the point of view of working the service appears to be a most defective method of promotion.

I do not bring this up today for the purpose of making any animadversions upon or criticisms of the present system of the department, but merely for the purpose of inquiring whether the attention of the minister has been fully directed to this report, whether he has recommended any change in the system, as I have no doubt he has, and whether he has arrived at any conclusion as to what can be done and, if possible, to give us his conclusions today, whether or not we may expect to hear them at a reasonably early date.

Hon. G. P. Graham (Minister of Railways and Canals). I may not be orthodox but I cannot agree with the suggestion that makes length of service an absolute qualification for promotion.

Mr. Foster—Not the only one.

Mr. Graham—To my mind, ability to perform the duties is the supreme test. That, coupled with length of service ought to bring about the promotion of the individual. This report of the board was brought to my attention the other day by the hon. member for Halifax (Mr. Crosby) on going into Committee of Supply. I think and I remember correctly my reply was that action had not been taken as yet, one of the reasons being that the report implies the dismissal of several employees. In order to ascertain just how that report should be carried out, without doing injustice to an employee, I am having an investigation made into the whole situation as to length of service, ability and all that kind of necessary information with regard to each clerk in so far as I can get it. When that is done I intend to proceed along the lines of the report because I think that the report is a fair one.

Mr. Daniel—With regard to the report just referred to, I would like to call the attention of the hon. Minister of Railways and Canals (Mr. Graham) to the fact that the other day, in speaking about the Intercolonial Railway, he stated that so far from the Intercolonial being overmanned it was undermanned to the same extent as that kind of statement. I think that it is the case it would appear that the clerks in the employ of the Intercolonial Railway at Halifax and St. John are not too numerous and consequently this report can hardly be correct in that respect. Either the minister is wrong or the report is wrong, so that it would appear to me that the course of the minister is absolutely clear, that is he has to put those men in these two cities, working for the Intercolonial Railway, on a proper basis as regards pay, and I have been reading from the report that the minister himself made the statement that with regard to the manning of the Intercolonial Railway that it was not overmanned to the same extent as some other railway, I would think that the case was rather plain for the granting of an increase in pay to the clerks at the railway terminal at Halifax and St. John.

Mr. Crosby would like to have had an opportunity of seeing this report but it has just come to my hand at this moment, I do not understand that the board of conciliation were appointed to deal with the question as to whether there were too many men on the Intercolonial Railway or whether there were not enough. I understand that the board were commissioned to ascertain whether the men on the Intercolonial Railway were properly paid or not. Therefore I do not see what right they had to come and tell us that the Intercolonial Railway was overmanned. I believe they overstepped the bounds in doing that, particularly as we had the Minister of Railways and Canals stating distinctly that the Intercolonial was not overmanned to the extent of any other railway in the Dominion of Canada, a statement which was corroborated by statistics. There is no question in my mind as to whether the Intercolonial Railway at St. John and Halifax is overmanned but, upon the question as to whether the men were in receipt of sufficient pay, the board reported distinctly that the men were not paid enough and recommended an increase to them. I am not going into the matter of qualification and other questions touched upon in the report as I suppose we will have an opportunity of talking those questions up on some future occasion, but I really do not think that what has been done in connection with this report under the conciliation clause of the Act known as the Lemieux Act and board to be appointed, feeling that they would get fair play in that respect. Whatever may be done with regard to the Intercolonial Railway, if the minister should find upon investigation that such has occurred, I really think he should take this matter up himself because it is not a matter for the board to deal with. I am convinced from the statistics quoted here the other day, from the very exhaustive discussion that we had and from the elaborate references to the whole matter of railways in the Dominion of Canada that the Intercolonial is not overmanned as compared with other railways. The clerks have made an appeal, in fact, I think they went out on strike almost, or threatened to go on strike, and they have accepted this board and they should have that which is due to them by the authority and report of the board.

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FREDERICTON, N. B., March 29th, 1909.—The house met at 3 o'clock.

Hon. Mr. Hacon, for Mr. Murray, presented reply of his honor, Lieutenant Governor to address in reply to speech from speaker, as follows:

Mr. Speaker and gentlemen of Legislature Assembly, I thank you for attendance, and I thank you for the confidence that I entertain the fullest confidence in your earnest desire to promote the happiness, prosperity, and best interests of the people of this province.

Supreme Court Act.

Hon. Mr. Hacon introduced a bill relating to the Supreme Court. He explained that the act proposed was to take the place of the Judicature Act, passed in 1906. That Act had been passed in response to a very general request of Barristers of the province to bring legal practice of New Brunswick into closer conformity with a practice in other provinces. The Judicature Act was to come into force whenever it was proclaimed, and at the last meeting of the Barristers Society, a resolution was adopted, asking that the act be proclaimed. It was the intention of government that the bill now introduced should come into force during the present year.

Under law, at present in this province the six judges, who try cases also sit on appeals, but under judicature act, as passed in 1906, it was proposed to have three judges to try cases, and three to sit in appeal. He believed the present system worked satisfactorily, and the new act would continue it, except that the judge who tries the case, cannot sit in appeal from his own judgment. The Judicature Act of 1906 was provided for seven judges, and perhaps one reason why the act had never been proclaimed, was because the federal government did not show any desire to provide for the salary of an additional judge for the province and the bill now introduced provided for only that number. Under the new act there will be five terms of the supreme court each year, commencing on the second Tuesdays of February, April, June, September and November. This would necessitate some changes in the dates of Circuit Court, and he thought it would be arranged so that not more than two sessions would be sitting simultaneously. There would be some changes in the rules, to be explained when the bill only one judge would be appointed and provision is made that the chief justice may assign Equity work to one or more other judges. During the last few years equity work was more than half the business of the court, and one judge was not sufficient. Another important provision was that four judges would be required to reside in St. John, one at Fredericton, one at Miramichi, one at Moncton, and one at other place in province, to be designated by government-in-council. Personally he was in favor of having all the judges reside

in one place, as is done in Nova Scotia and in the New provinces of Alberta and Saskatchewan, as it would be better and more expeditious work on a part of the court. At present the greater part of the work in chambers falls upon the two judges in St. John, and having TWO ADDITIONAL JUDGES IN ST. JOHN will greatly facilitate legal business. Provision was also made for more equitable division of law and Equity work of the court. Under present practice, New Brunswick lawyers find considerable difficulty when taking cases to the Supreme Court of Canada, because there is not on that bench a judge from this province who, as it stands out practice as regards Equity procedure. The new law makes provision that a lawyer will not lose his case because he may have got on the wrong side of a claim, whether law or Equity. He suggested that bill be referred to the law committee. It was the intention of the government if the bill passed to have it come into effect this year.

Hon. Mr. Fleming presented a petition of Hartland for water and fire purposes.

Creditor's Relief.

Hon. Mr. Hacon introduced a bill in amendment of creditors relief act. He explained that the present act only applied to cases in excess of \$200, and the amendment proposed to make the act applicable to all cases irrespective of the amount involved.

Custody of Children.

Hon. Mr. Hacon introduced a bill relating to the custody of children. He explained that at present the court was guided by the principle of the common law that the interests of the father in his children are paramount. The bill now introduced gave the court discretion to act in the best interests of the child irrespective of the claims of either parent or of guardians. Also under the law at present the child might be placed in the custody of friends, and they might bring it up for years without any assistance from the father, and then the father could come in and claim the custody of the child. Under the new act the court will have discretionary powers to consider the interests and well being of children.

Miscellaneous.

Hon. Mr. Hacon introduced a bill in amendment to the winding up act. Mr. Hacon explained that the Municipalities committee had been asked to incorporate the New Brunswick Masonic Hall Company.

A Disputed Insurance.

Hon. Mr. Hacon introduced a bill respecting life and accident insurance, and explained that it was introduced in request of independent order of Foresters. It provides that where

two or more put in claims for the amount of insurance payable under policy the company may pay the amount of insurance into the Equity Court in trust and the company be discharged from all further liability in the case.

House then went into Committee, Mr. Munro in the chair and agreed to the following bills: To amend public Health Act, relating to advertising of certain sales of lease and freehold property, and to amend the Joint Stock Company's Act, to raising of loans authorized by legislature.

Provincial Loans.

Provincial Secretary explained that the latter bill was to carry out the suggestion of the Bank of Montreal authorizing the Province to issue scribbled stock instead of bonds if struck out the description of the defendant. It also provides for appointment of a fiscal agent in London with whom will be kept registers of holders of the whole stock.

Antimony Works.

The committee also had under consideration a bill to aid Canadian Antimony Company, which the Premier explained was intended to exempt the company Lake George, from Royalties for twenty years.

Mr. Labillos thought twenty years too long, then should be sufficient.

Hon. Mr. Hacon said that under the present Act the Government had power to exempt for ten years, but the company thought it would not be sufficient to enable them to raise the necessary capital, a large proportion of which was English.

Mr. Currie also thought ten years was long enough, as the prospects for success of the antimony business were getting better every year.

Mr. Hatheway said the company was compelled to pay \$60,000 yearly in wages and supplies, and if this was not complied with, exemption might be cancelled. He thought twenty years only fair.

Mr. McKeown was opposed to these exemptions on principle, as he thought the natural resources of the province should be made to yield some profit to it in shape of revenue. Still he presumed his friends, the previous speakers, did not wish to embrace the Government but only to put themselves on record. Bill agreed to.

Hon. Mr. Fleming submitted annual report of Miramichi natural history society.

Hon. Mr. Morrissey presented a petition of town of Newcastle and also of H. P. Hennessy and others to change the name of Daniel Donahoe to Eriean Hennessy.

House went into committee, Mr. Slipp in chair, and agreed to bills to amend the School Act, and the coroners act, both of which had been fully explained by Hon. Mr. Hacon when they were introduced.

Hon. Mr. Morrissey in reply to inquiries said that the total amount collected on the road tax in 1908 was \$65,000. No road had been given for repairs. No road had been given for repairs made during the fall of 1908 and winter of 1909. House adjourned at 5.30.

# MANY CONTRADICTIONS IN EVIDENCE GIVEN BEFORE EQUITY COURT YESTERDAY

Equity Court.

The adjourned March session of the Supreme Court in Equity resumed yesterday morning. His Honor Chief Justice Barker presided. The case of Miss Mary Gertrude Robinson, plaintiff, vs. H. Ashley Estabrooks and Joseph W. McAlary, who are the principal stockholders of McAlary & Co., defendants, is being tried. Mr. M. G. Teed, K.C., and Mr. A. H. Hanington, K.C., appear for the plaintiff, and Mr. H. H. McLean, K.C., and Mr. Fred R. Taylor, for the defendants. By a lease dated February 4, 1908, the plaintiff leased to the defendants the two stores and rooms situated in the brick building numbers 34, 36 and 38 Douglas avenue. The lease also includes warehouse, barns, carriage sheds and outhouses, situated in the rear of the brick building, and gives the defendant privilege of erecting a new warehouse, if desired, in connection with the premises. The lease is for five years at the yearly rental of \$175. This suit is brought to set aside the lease, or, failing that, for rectifying same by striking out the description of the words, "warehouses, barns, sheds and outhouses," and also the clause giving the lessees privilege of erecting a new warehouse. It is further sought to strike out the renewal clause. These changes are sought for the alleged reason that the plaintiff, not having legal advice, did not fully comprehend the benefits which she was conferring on the lessees.

At yesterday morning's session Frank Watson, grocer, of Main street, was the first witness, but his evidence was of little importance.

Plaintiff Examined.

Miss Mary Gertrude Robinson, the plaintiff was the first witness called at the afternoon session of the court. Examined by Mr. Teed, witness said that McAlary one of the defendants, previous to the signature attached to the lease endeavored to induce her to buy the property from Mr. Watson. McAlary told her that the rents amounted to \$900. Witness purchased property in August, 1906. Witness frequently asked McAlary to get her tenants for her stores. McAlary promised to get her tenants but did not do so.

Wanted to Rent Stores.

After this McAlary wanted to rent the shops from witness. She told him that he could rent it for a bakery but he dissuaded her from doing so, saying that a bakery would increase the taxes and insurance rates. Up to the time she signed the lease over which action is brought, she did not say anything about a renewal. Witness named a number of lawyers with whom she had business. Witness said that she did not get a lawyer on this occasion, because she would have trusted defendant, McAlary with her life.

McAlary was alone when he brought the lease to her for her signature.

Lease Produced.

A lease was produced, to which the name of the witness was signed, and she swore to it. Witness said that she was positive that it was not her signature. Another lease was produced, and witness was emphatic that the signature thereto also was not her's. After examining the lease for some time, witness said that she was not sure whether the signature was her's or not. Witness was positive that she only signed one paper, and not two.

Miss Robinson said that McAlary, in reading aloud the lease, did not include the warehouse or barns in it, and did not say anything about a renewal.

Defendant Offer, \$300.

Phyllis Le Blanc, called by the defendants, and examined by Mr. Taylor, denied that he had offered the plaintiff \$300 for the shop.

Joseph W. McAlary, one of the defendants, was the next witness. Mr. McAlary's testimony was practically a flat contradiction of plaintiff's evidence. Court then adjourned until ten o'clock this morning.

# DEATHS

James Anderson.

The death took place yesterday morning of one of the best known men in this city, Mr. James Anderson, the veteran of the newspaper of the Paris crew. This was in the form of an oak, about three feet in length, and tied with the colors of the crew.

MRS. CLARKE.

Oxford, N.S., March 29.—Mrs. Clarke aged eighty-one years, relict of the late George Clarke, died this morning at the home of her daughter, Mrs. J. H. Goodwin, in the city. Her funeral will be held Tuesday afternoon at 2.30. The late James Clarke of Halifax was a son, other members of the family reside in the United States.

Col. Bradbury.

Portland, Me., March 27.—Col. Albert W. Bradbury, appointed by President Cleveland in 1894 as a United States district attorney for Maine and a distinguished officer in the military service, died yesterday. He was born at Calais in 1840 and graduated from Bowdoin College in the famous class of 1860.

Col. Bradbury, shortly after being decorated in Cuba, joined General Sheridan's army in the valley of the Shenandoah and participated in all the battles of the spectacular and successful campaign, Winchester, Fishers Hill, Goodwin, Creek and others. He was made chief of artillery of the army corps and was later appointed by General Sheridan, chief of artillery of the army of the Shenandoah. The funeral was accompanied by a complimentary personal letter.

Bennett's Great Hit Yesterday.

Tonight Mr. Bennett at the Nickel will sing the humorous Scotch character song, "The Softest 'O' the Family" for the last time and all who want to enjoy a real hearty laugh—a laugh that's induced by sheer merit, not horse-play—should hear him. His make-up as the not overbright laddie is side-splitting in its own right. The laddie is bristling with drolleries. Mr. Bennett holds the stage for over ten minutes. Tomorrow he renders the Scotch song "Tobermory." It was of Mr. Bennett's interest yesterday day at the Nickel to accompany President Taft of the United States on his tour of inspection at the Panama Canal. This appointment was a great honor and those who enjoyed it were delighted. The whole of the great engineering work is exposed to the motion picture camera and its great educational value is apparent. There are other pictures on the programme and a lovely song—"Daddy" by Miss Edwards as well as Mr. Courtina's "Heart of My Heart" ballad, both of which were artistic treats.

Cecil Harding, who has been employed by Barnes & Co., as a ruler, left for Boston last evening, where he will reside in future. Mrs. Harding will accompany him.

# IN THE COURTS

PROBATE COURT.

In the Probate Court yesterday, passing of accounts in the estate of James Murphy, deceased, was resumed. After a number of witnesses were examined, court adjourned until Wednesday morning at ten o'clock.

Mr. S. B. Bustin appears for executor, and Dr. A. M. MacRae and Mr. T. P. Regan for creditors.

CASE POSEPONED.

The case of the King vs. R. Earle Rich, which was to be tried before Judge Forbes in chambers this morning under the Speedy Trial Act, has been postponed until Friday morning next.

POLICE COURT.

Preliminary hearing in the case against the Canadian Pacific Railway, charged with bringing an insane immigrant to this port without declaring his condition, was begun in the police court yesterday. James V. Lantulum, Dominion immigration agent, is named as the plaintiff. Mr. Fred R. Taylor, appearing for the defendant company, asked that the hearing be postponed till he had received instructions from the solicitor's department of the railway. It was agreed to take the evidence of Dr. Charles A. Bailey, one of the United States officers, and he told of the insane actions of Mathe Tantarri, brought here on the Empress of Britain. The proceedings were delivered by several titles between Mr. Taylor and E. H. McAlpine, representing the Department of Justice, in one of which Mr. McAlpine said the opposing attorney reminded him of a "ground squirrel from Otago."

The County Market.

The country market was quite empty yesterday. Speaking generally prices are a little higher. Maple syrup offering. Eggs moved upward a little. The following are retail prices:

Butter, tub, 22c per lb.  
Butter, print, 22c per lb.  
Eggs, 22c per doz.  
Beef, 6-9c per lb.  
Pork, 8-10c per lb.  
Hams, small, 15c per lb.  
Bacon, small, 15c per lb.  
Veal, 8-10c per lb.  
Lamb, 11c per lb.  
Turkey, 25c per lb.  
Chickens, \$1.25-\$1.75.  
Fowl, \$1.50.  
Wild ducks, 75c.  
Gaspereaux, 5 cents each.  
Halibut, 10c per lb.  
Salmon, 12c-20c per lb.  
Smelt, 12c per lb.  
Beets, 50c per bushel.  
Carrots, 50c per bushel.  
Turnips, 80c per bushel.  
Squash, 3c per lb.  
Potatoes, \$1.25 per doz.  
Cabbages, \$1.40 per bushel.  
Mashed Candy, 20c per lb.

# PINKERTON AGENCY GIVES UP THE JOB

Hamilton, Mar. 29.—A despatch from New York states that the Pinkerton agency, which was engaged by the provincial government in 1906 to solve the Barton township murder mystery, has given up the job, after making fruitless efforts to identify the woman and to get some trace of her murderer. Superintendent Bailey, of the New York agency, is quoted as saying he does not think the mystery will ever be cleared up, unless the murderer makes a deathbed confession.

The mysterious man who boarded the street car near the Kinrade home on the afternoon of the murder of Ethel Kinrade has been identified as a commercial traveller who is a resident of the south end of the city. This man has been seen several times since by the conductor, who remembered him as being a passenger on his that afternoon. It was thought he might have been the murderer, because his manner was "very nervous," and because he wore a "drooping mustache."

# Sounded Funny.

"The young man is smitten with you Jeanette. He says you radiate happiness."

"Gracious!"

"And he also said you radiate beauty."

"My?"

"And wisdom."

"Dear me, how funny."

"What's funny, dear?"

"Why, he must think I am a radiator."

Compensation.

The young cadet was complaining of the light of his uniform.

"Why, father," he declared, "the collar presses my Adam's apple so hard I can taste cider!"—Leslie's Weekly.

On Wednesday and Thursday afternoons Waterbury and Rising intend having a grand opening in order to allow the people of St. John and vicinity an opportunity of viewing some elegant footwear. Besides showing goods now in stock they have arranged with Messrs. J. & T. Bell, of Montreal, to place on view during these two days their entire Toronto Exhibition Display. The rapid strides that Canada is making in the manufacture of boots and shoes is exemplified to a marked degree in this display of Bell's. At the fair it was a common thing for people to say that they could not imagine it possible that a Canadian maker could produce such really beautiful goods. It is safe to say that during the two days that the display is on, Waterbury and Rising's store will be the centre of attraction.

**Your Shoes For Spring..**

Probably you are thinking about new footwear, and we don't want you to forget the SLATER SHOE. The new styles for spring have all the fine points that make a shoe good to look at, the quality is even better than ever, and then, best of all, they fit the feet.

**FOR WOMEN, \$3.50, 4.00, 4.50**  
**FOR MEN, \$4.00, \$5.00**

**McColough Slater Shoe Shop,**  
81 King Street.

**EVERYBODY RUBBERS**  
AT  
**WILLIS WIND SIGNS**

**H. L. & J. T. MCGOWAN Ltd.,** SOLE AGENTS  
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