

## In the Supreme Court of Newfoundland.

**Between Newfoundland Banking & Trust Corporation, Limited, Plaintiff and The Reid Newfoundland Company, Limited, Mines & Forests (Newfoundland) Limited, and Newfoundland Power & Paper Company, Limited, Defendants.**

**JUDGMENT OF MR. JUSTICE KENT.**

This is an action taken by the Plaintiff, the Newfoundland Banking and Trust Co., Ltd., of London, England, (which for convenience is referred to as the "Trust") against the Reid Newfoundland Co. (referred to as "the Reid Co.") Mines and Forests (Newfoundland) Limited (referred to as "Mines & Forests") and the Newfoundland Power & Paper Co. Ltd. (referred to as the "Products Co.") its original name) to recover remuneration for services rendered in connection with the sale and retention of certain properties in Newfoundland consisting of the Newfoundland Banking and Trust Co., Ltd., of London, England, and other properties owned by the Reid Co., itself, or through subsidiary companies including Mines & Forests and the Products Co., promoted in connection with its business.

The Reid Company was incorporated by Charter, confirmed by the Legislature under the Newfoundland Railway (Amendment) Act 1901, and was in 1920 registered as a Company limited by shares under the provision of the Companies Act 1890 empowered under that Act to register thereunder. From its inception in 1901 it had operated the Government Railway and carried on Coastal Steamship services under contract with the Government. Previous to the year 1918, it had acquired under its contracts with the Government relating to the powers also timber and mineral rights, it also owned the Dry Dock in St. John's and had other valuable franchises and concessions from the Government with legislative sanction.

The Products Company was organized by the Reid Company and was in the year 1915 incorporated and registered under the Companies Act 1899 under the name of the Newfoundland Land Products Corporation Limited, all its shares capital was at all material times owned and held by the Reid Company or its nominees. Under an agreement of the Government, ratified by the Legislature, it became entitled to water powers on the Humber River and on Junction Brook for a term of nine years from the 16th April 1915, will certain ancillary privileges and powers set forth in the agreement. It also acquired a lease from the Reid Company of some five hundred and forty one thousand acres of land and timber areas. In 1918 when the events of which this action arose, the Reid Company carried on the operation of the Railway and the Steamship services and owned the extensive areas of land, rights and properties to which I have referred, but practically no progress had been made to utilize or develop them or the properties of the Products Company on commercial lines. The economic condition brought about by the war so affected the operation of the Railway, that it could be carried on only at a heavy loss with an annual increasing deficit, which compelled the Company to procure financial assistance from its Bank—the Bank of Montreal—in order to carry out its undertaking with the Government under these circumstances, it became necessary to adopt some means to relieve the Company of its financial difficulties if it was to avoid a default in the performance of its contract with the Government, the consequences of which in the way of penalties and forfeitures it was unable to see with any certainty at the time. Mr. H. D. Reid was then and at all material times the President and Mr. R. G. Reid Vice-President of the Reid Company and the Products Company and other subsidiary companies of the Reid Company. They and their fellow Directors decided to initiate a policy of sale or development in connection with their lands, timber rights, water powers and other undeveloped properties, and to try to come to some arrangement with the Government to obviate the difficulties that had arisen under the operation of the Railway.

In the month of August 1918, Mr. Henry B. Thompson, then Food Controller of the Dominion of Canada, visited St. John's in connection with his official duties. He met Mr. H. D. Reid and assisted him in the disposal of a large quantity of fish then in cold storage belonging to the Newfoundland Atlantic Fisheries Co., Ltd., which was owned or controlled by Mr. Reid and his brother. Mr. Reid went to Canada during the winter of 1919 and again met Mr. Thompson at Ottawa and Montreal. He then discussed with him the affairs of the Reid Nfld. Co. and the difficulties that confronted it. He informed him of the wish of himself and his companies to procure the investment of capital with which to carry out the policy of development of their properties, particularly the water powers on the Humber and the water powers and timber properties in the Gander River valley. They proposed to erect a large hydro-electric plant on the Humber to be used primarily for the production of nitrogen from the air. Mr. Thompson was convinced of the value of the

properties of the Reid Company, and of the feasibility of the plans they contemplated in regard to them. Mr. Reid furnished him with reports on the water powers of the Humber and on the Reid lands and water powers elsewhere. At this time these matters were discussed with Mr. Thompson only in a general way. Mr. Reid explained to Mr. Thompson that his object was to obtain capital required to develop these properties. Mr. Thompson, who was then about to go to England on official business for the Canadian Government, said he thought he might be able to introduce the properties to people over there who would be in a position to furnish the capital required by Mr. Reid. He took with him to England reports given by Mr. Reid on the timber and mineral properties and water powers owned by the Reid Company. Nothing definite was agreed upon; Mr. Thompson said he would avail of such opportunities as presented themselves to introduce the properties to people likely to become interested in them. In the matter of the Humber Valley properties, Mr. Reid gave Mr. Thompson a letter dated April 2nd, 1919, expressing his views in regard to that property. He says "This Company (the Reid Co.) controls the Reid Products Corporation, Ltd., which Company in turn holds the following assets:—

(1) The Humber Valley area—water powers.

(2) The Corner Brook area, the whole as more specifically defined in the plan herewith.

"Our purpose is to develop the assets of the Newfoundland Products Corporation, Ltd., and you represent that you will be able to interest the requisite capital for such purposes."

"It will be very glad to receive from you definite proposals as to the investment of capital, it being understood that the proposition will only be introduced to well defined interests and that we will receive definite reports as to the progress, to the end that any general offering of the Company may be prevented."

"In a general way we should receive \$250,000 cash representing the amount of money we have expended in surveys, engineering and explanatory work, etc., upon the properties acquired from the Newfoundland Government in payment to us for railroad construction and operation, etc., and in addition a certain percentage of bonds and common stock in the Company organized to carry out the project. These percentages it is difficult to arrive at until it is known just what the capitalization will be, and the extent of the development work, but we are anxious to have operations started and would deal on business and equitable lines in order to induce those interested to come in with us and provide the capital to carry out the work."

"It is understood that this arrangement will continue until the 30th day of June, 1919, at which time our mutual interests will be dissolved, without claim one against the other unless the arrangement be mutually renewed in writing."

(to be continued.)

## Britain Beats Foreigners

**THREE FIRMS POOL RESOURCES. BIG ORDER THROUGH COSTS CUT.**

Messrs. Cammell Laird and Co., Ltd. of Nottingham, have received orders for 220 broad gauge steel coaches for the Indian State Railways, 110 being for the East Indian Railway and 110 for the North Western Railway.

There was world-wide competition. Messrs. Cammell Laird and their associated firms, the Leeds Forge Co., Ltd., and the Midland Railway Carriage and Wagon Co., Ltd., of Birmingham, pooled their resources, and by improved methods, machinery, and designs were able to get their costs so low that they beat the foreigner.

## \$100,000 Worth of Foxes

**FROM PRINCE EDWARD ISLAND TO MICHIGAN.**

MONTREAL, Nov. 7. — \$100,000 worth of black foxes, 342 in number, passed through Montreal this morning en route from Prince Edward Island to Ponton, Michigan. Import duty on them will be \$11,000.

Another large shipment of Maritime Provinces foxes is now on the Canadian Pacific steamship liner *Helios* on the high seas en route to Switzerland via Antwerp.

## King George Buys Four

**OF PENNY STAMPS OF A FAULTY SHEET.**

LONDON, Nov. 7. — King George is one of the many stamp collectors who have been open to penny stamps issued recently by the Post Office for 24 (about 20) a piece. An error in the making of a sheet of 240 is responsible for the faulty. The faulty sheet was sold to a London firm and a parcel boy tried to stick some on brown paper. When they would not stick he found the gum was on the printed side. The firm sold the stamps to a man who realized their value as rarities, and he sold them to collectors at from £1 to £4 each. King George bought a block of four. A Swedish dealer has offered £4 for each specimen.

## At the Casino

**Popular Comedy—Fair and Warner—Draws Full House.**

Last night the Balfour Stock Co. presented Avery Hopwood's three act comedy "Fair and Warner" before an audience that filled every seat in the Casino. The play is chock full of laugh-provoking situations, and judging by the reception given the performers it created such an impression that full houses are assured for the repetition to-night and to-morrow. The play begins at the home of Billy Bartlett, a hobby who has just had a quarrel with his wife Laura, during the two years of their married life. Billy, in the disgust of his wife was too home loving. He never made her life interesting even to the extent of being interested in other women, and so she announced her intention of divorcing him in favor of her former sweetheart Philip Evans, who comes to the apartment to take her to the opera. Billy is left at home to entertain a chum of his college days, Jack Wheeler, and his wife Blanch, both of whom show all the symptoms of domestic happiness, for reasons, as Jack explains to Billy, that "Blanch is always kept guessing about his delusions at the non-existent mystic shrine" which she supposes is a club. Jack makes Billy realize that Mrs. Bartlett is too sure of him and advises him to hit the high spots and keep her guessing. Billy upsets Blanch's happiness by telling her the secret of the mystic shrine. She proposes to Billy that matters for them both could be made right by being found in a compromising situation by their respective wife and husband when the latter returned from the mystic shrine and Mrs. Bartlett from the opera. In the second act the plan is carried into effect in the most amusing manner. Billy and Blanch indulge in champagne and cocktails and are discovered by the wife of Jack Wheeler. She sufficient grounds for divorce. She proceeds to carry out her threat in the third act, and calls in the furniture removers. The climax is reached when they try to remove the bed in which Billy is recovering from the night before and under which Blanch is hid. It remains for Tessie, the maid, to calm the scene which follows. In the second act Miss Loreta Nicholson, as Blanny, and W. L. Phillips, as Billy Bartlett, give a very clever impersonation of their parts. Miss Lillian Hampton, as Laura Bartlett, Billy's wife, was exceptionally fine, particularly in the part where she discovers the supposed reason for Billy being so fond of home. Tessie, the maid, was pleasantly impersonated by Miss Marie Fischer. She appeared in the vaudeville and gave an exhibition of her skill as a whistler, which was without doubt the best feature of the specialists. It was announced that next week the company will run serious plays, and for Monday, Tuesday and Wednesday, would present a modern version of Sir Sidney Gundy's "Sowing the Wind." The play had a run of 104 nights in London.

## Saving St. Paul's

**NEW NON-CORROSIVE STEEL TO REINFORCE THE PIERS.**

Steady progress in the work of the preservation of St. Paul's Cathedral was reported at a meeting of the committee responsible for carrying out that work held at the Mansion House, E.C.4, last night.

It was stated that the work of cementation had gone forward satisfactorily and the drilling and first injection of the holes in the Crypt portion of the South Transept piers completed. After careful investigation, and tests it had been decided to use a non-corrosive steel for reinforcement. A sample of this material, tested by the National Physical Laboratory, had shown considerable resistance to corrosion.

The construction of the piers in the Crypt had been found to be very compact, and the work was going on well.

## Ankle Agony Averted

It is a bad, sad story that comes over the cable from London. Dainty shoes, gossamer stockings, and abbreviated skirts have combined to create a new ailment which has been named "ankle agony," because it takes the form of swollen, inflamed and painful ankles.

The future is full of gloom. For, according to the seers of Harley Street, there is but one effective antidote. It consists of the triple and simultaneous application of thick-soled shoes, woolen stockings, and longer skirts. The mere thought of such a procedure is sufficient to bring about a violent reaction on the part of those who contemplate the cure.

Let us relieve the fair sex of ankle agony, by all means, but surely medical science has learned enough by now to avoid any such gauche and impolitic suggestions as the abandonment of those weapons whereby lovely woman holds more than her submissive slave?—Montreal Star.

## Poems Worth Knowing

**"THE ORGANIST IN HEAVEN."**  
The following is a remarkable poem called "The Organist in Heaven," by T. E. Brown, the Marx Post. Samuel Sebastian Wesley was one of the greatest of English organists.

When Wesley died, the Angels ordered,  
To send him to the state,  
Pressed so incontinent that the waiters  
Forgot to shut the gate.

So I, that hitherto had followed,  
Crept in, an heard what passed,  
And God said: "Seeing thou hast given  
Thy life to my great sounds,  
Choose thou through all the organs of  
Heaven  
(What most of bliss redounds.)  
Then Wesley said: "I hear the thunder  
Low growing from Thy seat,  
Grant me that I may bind it under  
The tramping of my feet."  
And Wesley said: "See, lightning

Upon the presence walls—  
Lord, give me of it four great rivers,  
To be my manuals.

And then I saw a hundred children  
As slaves to his desire;  
And then I saw the space beset  
With four great bands of fire;  
And stars by stage, each step subduing.

Each lever strong and true,  
One shape inextricable blending,  
The swift organ grinder crying  
Then certain angels clad the master  
In very marvelous wise.

Till clouds of rose and hellebore  
Congaled him from mine eyes,  
And likest to a dove soft brooding,  
The innocent figure ran:  
So breathed the breath of his prelude.

And then the fugue began,  
Began, but to his office turning,  
The porter swung his key:  
Wherefore, although my heart was yearning,  
I had to go.

## Creditors Surprise

**Bankrupt Makes Fortune to Pay them Back.**

NEW YORK.—The Florida property boom which enabled Mr. Ochsberg Wood to recoup his shattered fortune so enabled Mr. Fred L. Kriebel, a Chicago broker, to make \$500,000 in two years.

After the failure of his brokerage business Mr. Kriebel in 1923 was sentenced to three years in the Federal penitentiary for using the mails to defraud. He was released pending a decision on his appeal. He started trading in Florida real estate using \$2,000 that his wife obtained by the sale of her farm.

His quick success attracted the attention of the late Mr. John I. Beggs of Minnesota, a capitalist, who commissioned Mr. Kriebel to deal for him.

As a result of these deals each creditor has received what that full payments would shortly be made.

## Science to Aid Industry

Christchurch.—The New Zealand Government has referred to Professor Sir Ernest Rutherford for his advice the question of the relation of science to industry in this country, with special reference to the report of the Special Committee set up to consider the needs of New Zealand manufacturers with regard to scientific industrial research.

It is being recognized by industrialists here that they should have an opportunity of carrying on their work with all the assistance that modern science can give.

Sir Ernest Rutherford, who is Cavendish Professor of Experimental Physics in the University of Cambridge, has recently been on a visit to New Zealand, his native country.

## Halfpenny Lunches

To enable men and women of limited means to enjoy tasty meals for small sums, certain London shopkeepers are selling such groceries as tea, sauce, jam and pickles in quantities sufficient for one person only.

Thus the man in lodgings who has to count his pence can buy these tiny portions without financial strain, whereas the ordinary sized bottles of sauce, jars of jam, or packets of tea would be beyond his means.

Small pots of pickles are on sale at twopence each; jars of jam the size of egg cups cost the same, while leaves of tea roll are to be had for three halfpence.

One shop has eclipsed its rivals and advertises a "lunch" for a halfpenny; the meal consists of cake, biscuits, and sweets.

## Personal

Mr. H. J. Russell, Manager of the Railway, and Mr. W. P. Joyce, Engineer, returned to the city last night after an extensive tour of the railway.

Mr. C. E. Hunt, who has been in Washington, D.C., on a mission with Pecuniary Claims, United States Government, is a passenger by the incoming express. He is accompanied by Mrs. Hunt.

Men and women who own or rent houses—Are you registered at the City Hall? If not—step quickly and cast your votes for Progress and Prosperity. Vote for Fanny McNeil and May Kennedy.—Nov. 12/25

## Magistrate's Court

Mr. Walter Corbett, Supt. of the W. I. Bishop Company, at the Dry Dock

had two men named James Butler and Walter Bowridge before Court this morning, on a charge of assaulting him on the public street, on the 12th instant. According to the evidence submitted, the defendants, until recently, worked at the dock, but were laid off with a number of other men.

Butler and Bowridge, out of resentment, threatened to "get" the complainant, and yesterday they put their threat into effect when they accosted Mr. Corbett on Water Street, as he was proceeding home to dinner. Butler first tapped him on the shoulder and made the remark "You got me fired." Corbett replied "I had nothing to do with it, see the foreman."

Bowridge then stepped up behind the Superintendent, and pinned his arms, and at the same time Butler dealt him a heavy blow in the face which felled him to the ground. The assailants made a further attack, but Corbett managed to escape them by dodging around a telegraph pole, until the arrival of a police constable. Mr. Corbett had his hair severely cut and bruised in the assault. Butler and Bowridge were arrested under warrant shortly after the occurrence. When asked to plead, the accused had nothing to say in their defence. His Honor in passing sentence of three months' imprisonment on each with hard labor, said it was the first time on record that a contractor had to ask for protection from desperadoes.

Such a condition of affairs was brought about by men who are not capable of doing a honest day's work, and who are a credit to no city. He recognized that the sentence imposed was heavy, but if the good name of the city is to be preserved, rowdism had to be checked, and similar sentence would be imposed on any who in future conducted themselves as did the prisoners.

The man Ivany, who was held on remand yesterday, charged with being an accomplice of Wm. Price, in connection with the stealing of a motor car from Parsons' Garage, King's Road, on Tuesday night, was up again this morning, and after the evidence of two independent witnesses had been heard, he was convicted and fined \$50.00, or in default 30 days' imprisonment.

A 17-year old lad named Mulloyne, a resident of Holyrood, appeared before Judge Morris this morning, and was charged with a breach of the Highway Traffic Act, in that he had driven a motor car in a manner dangerous to the public. The accused was not asked to plead to the charge at present, but was released to sign a personal in the sum of \$500 to appear when called on. Supt. O'Neill informed the Court that the defendant, whilst driving a motor car along the road, knocked two girls to the ground. One of the girls sustained a broken leg and was removed to the General Hospital. When asked by the Judge how old he was, he replied "seventeen." This case will probably come up again to-morrow.

Three young women, who were arrested on Water Street, at an early hour this morning, were charged with being drunk and disorderly persons. Upon being convicted they were each fined \$2.00 or 7 days.

A drunk was released.

An old offender named Dawe was charged with (1) a breach of Section 24, Sub-section 3, of the Alcoholic Liquors Act; (2) stealing 4 pairs of boots from the store of John Thistle, Water Street, on the 12th inst. On the former charge he was convicted and fined \$200 or in default 3 months' imprisonment. It was his second offence under the Act. The latter charge prepared against him was postponed until the police have completed the case.

"Cave of the Winds"  
The old stairway leading down past the "Rock of Ages" into the "Cave of the Winds" at Niagara Falls is to be abandoned. A new means of exploring the catacombs, a tunnel 200 ft. long, has been bored through the cliff over which the falls descend. It connects with a shaft sunk 187 ft. down from the surface of Goat Island.

In the shaft are two electric lifts surrounded by a spiral stairway. At the mouth of the tunnel, opening directly upon the whirlpool, a peninsula has been built of the rock removed in making the tunnel and shaft, and a concrete retaining wall is being constructed. The new, which affords an excellent "close-up" of the Falls, is called "Clear-water View."

ROYAL-KENDALL COAL SAVER  
Wise folks look ahead to winter now; this is the time to buy and install this new coal and labor saving device. Dozens have tried it the last two winters and saved at least one-fourth their coal, and a third of furnace labor. And prices this year are cheaper than last year.

H. & M. BISHOP.

Smallwood Bldg., Duckworth Street.

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## Tons of Bombs Were Dropped in Morocco

AVIATORS REPORT THAT THEY ONLY ATTACKED FORTIFIED POSITIONS.

OUZZAN, F.M., Nov. 9.—Their work in Morocco complete for the time being at least, the Canadian and United States volunteer aviators, serving as the Sherifian Squadron, were disbanded to-day. Most of them will return direct to France. During their two months on the Ouzan front they won the highest praise from the French commanders and one of the last acts of Marshal Petain before he returned to France was to cite them in a laudatory order issued to the Moroccan expeditionary forces.

In the period of its service the squadron carried out 470 war missions, dropped 49 tons of bombs and killed 500 hours of flight.

With reference to their work, the aviators declared that the French were waging in Morocco the most humane colonial war in history; they had never been ordered to bomb an open town, but always directed their attack on fortified positions where concentrations of Rifians were signalled by reconnaissance airplanes.

They found that the entire civilian population in the region over which they flew had deserted the villages at the outbreak of the war, seeking refuge far within the impenetrable mountain fastnesses. As the tribesmen are nomad this was an easy matter, for each family is always provided with a tent when the hot season is spent, and it is a matter of only a few minutes to pack up the household belongings and head for a hiding place in the hills.

A BOX OF CHRYSANTHEMUMS  
as a gift from HIM will be one of the delights of the occasion. And of course he will order those beautiful blooms from our shop, which is known for the exquisite freshness and fragrance of its flowers. Make HER happy by sending her a box from our shop.

Phone: 1561-1515.  
Night Phone: 211X-1544X.

Valley Nurseries, Ltd.

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