

# VERDICT FOR \$120 FOR PLAINTIFF IN STEAMBOAT CASE

### Interesting Questions Submitted to the Jury--Case May Be Appealed--Action Based on Breach of Agreement.

Thursday, Dec. 8. The jury in the case of the St. John Steamship Co., Ltd., vs. the Star Line Steamship Co., the trial of which was conducted in the circuit court yesterday afternoon before His Honor Mr. Justice Barry, returned a verdict of \$120.30 in favor of the plaintiff. One hundred dollars on the breach of agreement and the balance on the wharfage and the dockage. The defendant put in a self-witness amounting to less than \$18, which was admitted by the plaintiff.

This was an action based on a claim for wharfage and dockage and on a breach of agreement. The plaintiff asked for \$2,000. The defendant contended that there was no agreement. His honor left questions to the jury on the answers of which the found judgment in favor of the plaintiff.

The case may be appealed. Daniel Mullin, K. C., and L. A. Curry, K. C., appeared for the plaintiff, and A. H. Hamilton, K. C., and M. G. Teed, K. C., for the defendant.

The following is the list of questions submitted by the judge and counsel to the jury and the answers thereto:

1. Did the plaintiff and defendant companies, in conjunction with the three other transportation companies upon the river, on or about the 23rd of April, 1909, enter into an agreement for, and adopt a uniform passenger tariff as per exhibit No. 4 and freight tariff as per exhibit No. 5 between St. John and Gagetown--Yes.

2. Did the plaintiff and defendant companies on or about the 23rd of April, 1909, enter into an agreement for and adopt a common passenger tariff between Gagetown and Fredericton as per exhibit No. 4? Yes, A. No.

3. If you answer the preceding question in the affirmative, then did the defendant company violate or break such agreement as regards freight--Yes. (b) as regards passenger--Yes.

4. And what damages, if any, do you assess against the defendant company for the breach? \$100.

5. Did the plaintiff and defendant companies agree to issue tickets for the season of 1909 whereby the tickets issued by the one company should be honored by the other and accepted for transportation from the holders of such tickets? Yes.

6. What sum, if any, do you find to be due from the Star Line S. S. Co. by the St. John River S. S. Co. in respect to tickets issued by the former and taken up by the latter company? None.

7. And what sum, if any, do you find to be due from the St. John River Co. to the Star Line Co. in respect of tickets issued by the former and taken up by the latter company? \$120.30.

8. Did such agreement, if any, extend to and include tickets issued by outside or foreign transportation companies, and containing coupons bearing the name of either the Star Line S. S. Co. or "Saint John River S. S. Co."? Yes.

9. If you find that such agreement did extend to outside, corporations or foreign companies or persons then what sum, if any, do you find to be due from the plaintiff company for such outside or foreign tickets bearing the "Star Line S. S. Co." coupons and taken up by the plaintiff company? Or in the Alternative.

10. Were such coupons of outside or foreign companies or persons by usage and custom to be accepted for by the company issuing the same? Yes.

11. Was there any promise made by Mr. Smith as manager of the Star Line S. S. Co. to Mr. Curry as manager of the St. John River S. S. Co. that the defendant company would pay the plaintiff company the sum mentioned in exhibit No. 10 (exclusive of \$47 for season of 1908)? C. P. R. account \$15.

12. Was there any contract or agreement made between the plaintiff and defendant companies in reference to the wharfing and docking of the Majestic at the plaintiff company's wharf at Indian-town? None.

13. How many days--counting each part of a day as one day--did the Majestic dock at and use the plaintiff's wharf at Indian-town? 23 days.

14. And what do you say is a fair and reasonable charge per day for such use? \$1 per day.

15. Was there any contract or agreement made between the plaintiff and defendant in reference to the wharfing and docking of the Elaine and Hampstead at the Star Line wharf in Fredericton? None.

16. Was it at the instance and request of the plaintiff company or at the instance and request of Mr. Farrell that the plaintiff company's Elaine and Hampstead were moved and docked at the Star Line wharf in Fredericton? Mr. Farrell's request.

17. How many days--counting each part of a day as one day--did the Elaine and Hampstead dock at and use the Star Line wharf in Fredericton? 18 days.

18. And what do you say is a fair and reasonable charge per day for such use? \$1 per day.

Question by Mr. Teed: Were the owners of the steamers at St. John and Fredericton mutually gratuitous and not to be charged for? Don't know.

Question by Mr. Curry: From the defendant's occupancy of the plaintiff's wharf for 23 days and defendants receiving a bill therefor from the plaintiff at the close of the season and from the defendant's occupancy of the same wharf last season were there any agreements to pay wharfage in 1908? None.

On the above findings, his honor ordered a verdict to be entered for the plaintiff for \$120.30.

## GEORGE B. JONES, M. P., WRITES

To the Editor of The Telegraph: Sir, I notice an article in your paper referring to the Bellisle Bay row and signed "Conservative." It has always been my policy to entirely ignore anonymous writers. There breed being too small. But as the author of the article, who is a Liberal, and is so ashamed of it that he signs "Conservative," asks for information, I will break the rule for once. It is 1908. None out over his own name. I will give him all the information he can digest. Or the well satisfied people of Kars and Springfield can inform him.

Yours truly,  
GEO. B. JONES.

## More Cholera in Rome.

Rome, Dec. 6--Eleven new cases of cholera and two deaths have been officially reported during the past twenty-four hours.

# The Star and The News

VOL. L ST. JOHN, N. B., WEDNESDAY, DECEMBER 14, 1910 NO. 21

## COUNCIL ADOPTS MARKET REPORT

### Ald. Potts Tries to Block It He and Ald. Vanwart Strenuously Oppose Verdict

The special meeting of the common council yesterday afternoon, the report of the committee investigating conditions in the market was adopted and it was decided that the recommendations be carried out. A committee consisting of his worship as chairman, and Ald. Jones, Wigmore and White, was appointed to have charge of the market. Ald. Potts tried, apparently with all the means in his power, to prevent the adoption of the report.

### Council Firm, However, and Votes Down All Motions Against Committee's Finding--The Question of Suspensions--Partington People Get Leases Asked For--The West Side Matter Referred To.

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### The Report Considered.

The report of the market committee was the first business. Ald. Jones moved that the report be adopted and the recommendations carried out. Ald. Wigmore seconded this and on the question being put it was carried unanimously. Scarcely, however, had this been done when Ald. Potts entered the room. On learning what had been done he moved for reconsideration. Mayor Frink declared the motion out of order. At the same time he suggested to the chairman of the committee that he might move that the matter lie on the table. At the same time, he said, seeing that the discussion on the report was likely to be a prolonged one, he would have to move that no man could speak to the question more than once.

### ST. JOHN MAN CHARGES HE WAS SWINDLED

#### J. J. McGaffigan Applies to Toronto Court to Recover \$700 Put in Corn Husker Scheme.

Special to The Telegraph. Toronto, Dec. 12--Claiming that he had been induced to sign an application for stock by misrepresentations, J. J. McGaffigan, of St. John (N. B.), sued before Justice Riddell in the assizes court today against the National Husker Company Ltd. and its promoters, A. W. Adams, John A. Adams, W. M. Gray and G. W. Kelly.

### ONE TRAINMAN DEAD AND FOUR INJURED IN C. P. R. SMASH-UP

Special to The Telegraph. Edmonton, Alta., Dec. 9--As the result of a C. P. R. engine running off the track on the new Wetaskiwin line, and rolling down a twenty-five foot embankment, one man is dead, three are in Edmonton hospitals and a fifth is badly shaken up. The dead man is Thomas Wallace, fireman, on his way back to the old country for Christmas. The injured is Thomas Tong, engine driver. E. C. Brick, brakeman; Frank Cook, watchman; and John Black, brakeman.

## INTERCOLONIAL'S FUTURE DISCUSSED IN HOUSE

### Majority Favor Improving Road by Acquiring and Building Branch Lines

#### Hon. Mr. Graham Says Government is Earnestly Considering the Problem and Announcement Will Be Made Shortly After Mr. Fielding's Return--Canada's Greatest Asset, Declares Hon. Mr. Emmerson, Who Favors Spending \$20,000,000 in Betterment.

Special to The Telegraph. Ottawa, Dec. 12--Parliament today gave its consideration to the question of the Intercolonial's future. There were suggestions that it should be disposed of and there were more for retaining it as the property of the people, and expanding it by the addition of branches.

### A DRASTIC PROPOSAL

#### Great Britain Advocates the Inclusion of Cocaine and Morphine in the Prohibition, and the United States Will Endorse Her View.

Associated Press. Washington, Dec. 12--The state department today announced the successful completion of long-continued negotiations looking to the gathering of an international conference with the object of suppressing the opium traffic. With one exception all of the nations are agreed to the conference and word came from The Hague that May 30 next had been unanimously accepted as the date and The Hague, as the place for the conference.

### To Bar Cocaine and Morphine.

Great Britain has proposed that the first order of business, proposing to include cocaine and morphine with opium in the prohibition to be enforced. America will support this proposal, it is declared, in view of the frightful ravages caused by these drugs in the United States.

### Mr. Sinclair.

Mr. Sinclair, of Guyabro, said that if there was anything in the argument that the confederation pledge was satisfied by the construction of the main line of Intercolonial, because branches were not mentioned in the contract, then there was no need for rolling stock or operation, as neither of those things were mentioned. The absence of branch lines had kept the Intercolonial from earning a profit, and had thereby done more than anything else to discredit the great cause of government ownership and operation of railroads. The Intercolonial was not intended to pay, as the Toronto Globe said at the time its construction was agreed to. It was designed to bring about confederation and it had done this. It had been designed to give the manufacturers of Upper Canada an opening to enable them to take the New England manufacturers from the market of the maritime provinces. The road had accomplished this object. It had been intended to give the maritime provinces access to the markets of Upper Canada, and to a certain extent this had been accomplished.

### Mr. Turfitt.

Mr. Turfitt said that there were Nova Scotia counties which had no railways, steps should be taken to give them facilities for the great cause of government ownership or operation of railways by the government. He would prefer turning the Intercolonial over to one of the great railway systems of Canada today. He would assign the route even if it were only a branch line. He would like to see the Intercolonial turned over to a private company, the opening of mines and the building of hotels, and finally in the building of branches.

### Mr. Mackenzie.

Mr. Mackenzie of Cape Breton, asked the house to agree to a resolution declaring the time had come to extend the Intercolonial to the counties in Nova Scotia which now are without railway accommodation.

### Mr. Emmerson.

Hon. Mr. Emmerson declared that a railway must grow or die, and this was true of the Intercolonial, as of any other road. The Intercolonial had never been given a fair show. In the time of the Conservatives it had not been given a fair show because there were men in the party and possibly in the government all favoring the Intercolonial. He did not mean to get a hotel without giving the Intercolonial a fair show. He did not mean to get a hotel without giving the Intercolonial a fair show. He did not mean to get a hotel without giving the Intercolonial a fair show.

### Mr. Curvell.

Mr. Curvell did not believe in government ownership, but there were few people in New Brunswick who would favor handing over the Intercolonial to the Canadian Pacific. It would be better to try and make the Intercolonial a high-grade road. It should be put on a business basis by the development of a system of branch lines where business was to be found.

## ASQUITH TALKS ON IRISH HOME RULE

### Gives Outline of Scheme Says Government Will Now Deal With Veto Question

London, Dec. 12--The polling results show monotony, regularly, and the returns today leave the government one seat to the good, the Unionists having gained 21 seats from the government, and the government coalition 22 seats from the Unionists in the election of 318 members out of 670.

### How the Parties Stand:

Unionists	229
Liberals	191
Labor-Socialists	35
Nationalists	56
Ind. Nationalists	7
Total Number Elected	518
Total Coalition	289
Total Seats in the House	670

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### MISSIONARY'S BRIDE OF THREE MONTHS DEAD OF SMALLPOX

#### Wife of Rev. Harold Clark Succumbed to Dread Disease at Honan China.

St. Stephen, Dec. 13--A gloom was cast over the Presbyterian church here when on Saturday a cable received announcing the death of Mrs. Clark, wife of Rev. Harold Clark, missionary at Wei Hwei Fu, Honan, from black smallpox. Mrs. Clark was married August 24, and had just reached Honan with her husband when she was taken seriously ill with the dread disease.

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### ROTHESAY HAS A TAG DAY; RESULTS ARE ENCOURAGING

#### Ladies in Charge Pleased With Reception Given Works--Bank of New Brunswick Helps.

Residents of Rothsay and vicinity were given an opportunity yesterday, through the medium of tag day, to contribute to the fund for the prevention of tuberculosis, and the result of the effort was much better than the committee in charge expected it would be. The money was collected in banks loaned by the Bank of New Brunswick and they will be turned over to the bank to be counted. It is expected that the sum realized will be in the vicinity of \$100.

### Senator Got a Scotch Verdict.

Washington, Dec. 12--The sub-committee of the senate committee on privileges and elections, which investigated charges against Senator Lorimer today, voted unanimously to report to the full committee that the charges had not been proved.

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## HATTIE LEBLANC'S FATE KNOWN SOON

### Evidence Completed Yesterday and Final Addresses Begin

Cambridge, Mass., Dec. 12--The evidence upon which a jury will convict or acquit Hattie LeBlanc of the murder of Clarence F. Glover was completed shortly after the beginning of the afternoon session of the trial today, and the remaining two hours was occupied by Melvin M. Johnson, the leading counsel for the little Cape Breton girl, in the opening of his plea for her life. The lawyer declared at the outset that the little girl was brought from the province of Nova Scotia.

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