

### Supreme Court

NFLD. BANKING & TRUST CORP. VS. REID NFLD. CO. AND OTHERS.

> THURSDAY, July 9. AFTERNOON SESSION.

(Continued)

Every item in that bill is an item that can only come under the head of solicitor and clients charges incurred low any client, or any client's adviser proposed segregation of asets." can justify putting this in here as a claim for disbusements made on behalf of the Reid Newfoundland Com-Plaintiffs, passes all comprehension.

for £24. 11. 6., for costs, charges and that the total that we have here is expenses of and incidental to an ontion granted tothe Summerside Slate Quarry; and which was not in the bill sent to Reid. appears to cover from September 24th, The total of the bills sent to Reid and ence of Mr. Hughes the secretary of 1920 to the 6th March, 1921. There is paid by him was £89.19.5., and the tono claim in the Plaintiff's claim with tal of the other one is £114.11.1. That the evidence of Mr. Hughes will show regard to the Summerside Slate difference is caused by the fact that it is an estimate made by him Quarry. There was in the original they include in the second amount after a perusal of the files of cables, statement of claim, a claim for ser- the £24 odd in connection with the which I think he tells us were com-

The next item is a bill of the solicitors for costs of and incidental to the accept that, Mr. Emerson? & carried down to 11th February. 1921, and amounts to £75. 5. 9.; and duced. that bill, I submit, has already been paid, and is covered by one of the vouchers that is in evidence.

MR. EMERSON-Would you mind referring to that voucher. I am not saying that that is not correct, but I do not remember the voucher myself?

MR. HOWLEY-It was a voucher to which a number of documents were attached, amongst which was a bill of Messrs. Parkers and Hammond.

The next one, and the last one, is a bill entitled "Of and incidental to the investigation into the Company's ! of the Legislature, and the proposed arrangement of the segregation of assets from the Reid undertaking," and that appears to have commenced on the 2nd February, 1921, and to have continued down to the 6th March, 1921, and amounts to £114.11.1; and 1921, and amounts to £114.11.1; an all that I have to say with regard to rect. Apparently this £89.19.5 that me that bill is that I am utterly unable has already been paid is not included. As Arising Out of Mr. Hughes' Evidto understand it, because it is quite But where I was misled was that this this suggestion of the segregation of witness in London as representing the upon the question of the amount that daughters are now leading in the educlear that this segregation of assets assets from the Reid undertakings had amount claimed in connection with they claim against the Reid-Newfoundbeen coupled, to take the most advanced date possible, it had been completed at the time of the incorporathe transfer of these companies of the various assets, which had taken place, The Solicitors' Bill in cor and had been finalized in December, 1920.

We have had from Mr. Conroy the The Solicitors' Bill in conevidence of when this segregation of assets took place, when the question first arose, and how it arose, and who conceived it, and who planned it and who carried it out. But irrespective of that, there is the incontrovertible position that a plan for the segregation of assets, whenever first decided upon, whenever first thought of or discussed, by whomsoever conceived and carried out, was carried out and finalized in December, 1920; and here we have a solicitors' bill, directed, my Lord, may I draw your attention, to the Reid Newfoundland Co. and the Newfoundland Banking and Trust Corporation, and beginning on the 2nd February, 1921, two months at least after this segregation of assets had actually taken place in Newfound-

and, and it is described-this bill is

"Costs of and incidental to the intigation into the Company's posi-Acts of the Legislature, and the proposed arrangement for the segregation of assets from the Railway undertaking." I cannot imagine, my Lord, how that bill can be reconciled with the actual facts that cannot be disputed. Whatever remnant of doubt may exist as to who conceived or who was that there is any such remnant of doubt, but if there is any remnant of doubt as to when, or how, or by whom that idea was conceived and carried out, there is no doubt that it had been inalized when the subsidiary companconnection with the segregation of assets, but in connection with the roposed segregation of assets, is subnitted; and incidentally I notice here that whatever the Bill was or howvouchers that were put in accompanying the statement of account furnishmon account, paid by us on your be-

half. Statement attached £89.19.5," and attached to that bill which has been paid by the Reids, there appears: "Amendment to Company Laws and costs of and incidental to the investiconnection with this present suit; and the Acts of the Legislature and the HON. MR. JUSTICE KENT-Is that

pany, which the Reid Newfoundland gether to £89.19.5. The first bill be-Company is bound to repay to the gins on the 1st April, 1920, and ends The next item here is a small bill £50.14.1. It is the same bill except to purchase for the Summerside Slate Quarry, for £200 for cables, and that is evid-

proposed Bill for the Amendment of MR. EMERSON-No, my Lord, bethe Newfoundland Companies' Act, cause we are not claiming that £89 Reid-Newfoundland Company busiand begins on the 1st April, 1920 and at all. We are not claiming the £89 ness, and, therefore chargeable to us. that is included in the voucher pro- All I have to say about it at this stage

> have misled us by the bill that you emanating from the Trust office was put in in London

and we are claiming twelve hundred of it, and in it is not included the £89 cables to the Reid-Newfoundland Com- posing on the top step, nothing could that you have been speaking about.

with the Blakstad matters-£523.0.0. cables, other than those which appear hour, under the leadership of Mrs.

solicitors' expenses.

nection with the Blakstad arrangements, the financial scheme in connection with the development, the preparation and settlement of the prospectus and the preparation and settlement of the Trust Deed, constituting the debenture

The Solicitors' Bill for services in connection with the preparation of this suit that is now before The Solicitors' Bill in connection with an option

your lordship .. .. . 525. 0 to purchase the Sum-

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don under the contracts with the Newfoundland Government and the esponsible for the idea of the segregation of assets and I do not think es were formed and the transfers to some months before this bill, not in

hem made, in December of 1920; and ever it can be accounted for it also is this suit"? included in the bill accompanying the voucher that has been paid; that the ed by the Trust on the 24th June, 1921, which is marked J. A. McD. 410, includes: "May 5th, paid Parkers and Hamby the Plaintiffs to their solicitors in gation into the Company's position and

> the same bill MR. HOWLEY-It amounts altoon February 11th, 1921, and is for £75.5.9., and it includes the £24.11.8.

vices, and that has been withdrawn. Summerside Slate Quarry.

fourth bill is made up of two or three none of them, not even the copy of the work, and is well equipped for the heads—the Summerside Slate Quarry cable that we produced the other day, work of acquaining the newcomers

So that the amount claimed now in connection with solicitors' services is that it is quite apparent on looking the speaker. "Never say that Canada" tion of the subsidiary companies, and £1,203. 13. 4. being made up as fol-

> necion with the Gander option .. .. .. £135. 1. 8

> stock .. .. .. .. 525. 0. 0

merside Slate Quarry .. 24. 11. 8

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HON. MR. JUSTICE KENT-What

little time to read it all. (Mr. Howley ute provided for the Plaintiffs. reads items from 1921-April 21st to 2nd, to Nov. 10th and No. 10th to Nov. ments.

not think you need go on.

this suit.

was that paid? MR. HOWLEY-That was paid on

the 14th April, 1923. The only other item comprised in this claim for £2.171, 4, 4, is the claim ences-that is supported by the evidthe Plaintiff Company. A reference to prised in four books if I remember HON. MR. JUSTICE KENT-Do you rightly, and his apportionment of £200 of the total cost of these cables is for cables directly referring to the is that it is a most remarkable thing

MR. HOWLEY-If that is so, you that a complete record of the cables available to Mr. Hughes in the form MR. EMERSON-There was a bill of bound volumes, numbering four, as for something over fourteen hundred I think he said, for the purpose of settling how much was chargeable for old-fashioned "Welcome" mat repany; but for the purpose of this ac- have seemed more cheerful or home-MR. HOWLEY-The first bill is for tion, and for the purposes of the dis- like than the hostel of the British costs and charges in connection with closure that was called for-the dis- Welcome and Welfare League one afthe Gander option-£135.18.0 The covery that was called for, there does ternoon recently when fully two dozen second bill was the bill in connection not appear to be a single one of the immigrant women met for a social The third bill is the bill in connec- in the printed volume, available. They Clayton Ridge of Scarboro'. Mrs. tion with the preparing of this case have either been lost, or mislaid, or Ridge has had extensive British and against the defendants-£525.0.0. The handed to the Plaintiffs' solicitors, and

ence

land Company for cables. MR. EMERSON-I submit my lord, begin with a few don'ts?" questioned

2. and 1921-Cables £\$167. 18. 10. warned them. What is the total of that? A. £311. 1. 0. Q. I think that the plaintiffs make no claim in respect of the telephone, etc. . . .) What I wish to submit is this. that at this time the discovery had been settled, and the documents disclosed by both sides had been enumerated in the affidavits of the Plaintiff's secretary, I think, on behalf of the Plaintiff Company, and of the secretary of the Reid Newfoundland Company on behalf of the Reid Company, and here we find that, following this discovery, the Plaintiff's secretary comes into court, and tells us of twenty volumes of records of cables that he has gone through for the purpose of determining how much is properly chargeable to the Reid Newfoundland Company,

and of excluding from the charge of factant. the Reid Newfoundland Company what, in his opinion is not chargeable to us; and that there is not, in the discovery made by the Plaintiffs, that there is not a large proportion of messages that must have been in those books. Let me take one example—the His Majesty the King. essage from MacDonald to Thomson of the 25th April, 1920, which was brought in here the other day. I take it that in one or more of these twenty volums appears a copy of that message

-it must appear-or if it does not ap-

pear in any of these twenty volumes,

then there must have been other vol-

umes besides the twenty valumes.

However, so far as regards the purposes of the present argument, what I wish to submit in connection with MR. HOWLEY-That is the bill that that £200 is that that expenditure also is here—"Further costs, charges and was a necessary incidental expense to expenses relating to the scheme for the carrying out of the obligations the development of the water power, which the Plaintiff company assumed water rights, and concessions from under the minute of the 14th August. the Newfoundland Government." From 1920, and that the remuneration or rethe 30th April 1921 to the 31st Dec- impursement for this is included in the ember, 1922. It will perhaps take a rate of remuneration that that min-

So much then, my Lord, with regard 1922-July 25; from 1922-October to these claims as to cash disburse-

Now,my Lord, the second answer that I have to make to these claims for cash dishursements, and any ser-MR. HOWLEY-That is what I re- vices rendered, is that the Plaintiffs fer to as the solicitor and client bill have already been paid sufficiently to of the plaintiffs in connection with discharge any liability that we may be under-that the defendants have al-HON. MR. JUSTICE KENT-When ready paid the Plaintiffs sufficient to discharge any liability that they may be put under with respect to to services rendered or disbursements made. (to be continued.)



## Advice to New **Canadian Settlers**

TORONTO, Ont., July 10-(Canadian

Ridge, in speaking of the pioneers of the dominion, the men and women from the British Isles whose sons and try, "I wonder if you will mind if £200 worth of cables printed in them, true. Don't ever call Canada a colony MR. HOWLEY-If we refer to Mr. or a Canadian a colonial. Don't say Hughes' evidence, at the botton of oh, we don't do it that way at home.' page three: (Q. Now, the next item is Do not make any comparisons at all 1920—Cables and telephone—£143. 2.- |-just watch, observe and notice," she

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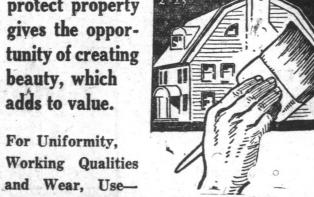
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