

JUDGMENT IN PALMER VS PALMER-MCLELLAN CASE

Decree of Chief Justice Sir Ezekiel McLeod Amended---Defendant Company Can Use Name "Palmer" as Part of Corporate Name as Trade Mark or Part of Trade Mark or in Advertising or Selling ---Other Judgments.

Among the judgments given by the Appeal Division of the Supreme Court yesterday one of great local interest was that in the case of the John Palmer Co., Ltd., vs. The Palmer-McLellan Shoe Co. By the original decision of Chief Justice Sir Ezekiel McLeod the claim of the plaintiff company that the defendant company was infringing its trademark was sustained but there was no infringement of patent process. The appeal from the decision of the Chief Justice was heard by Chief Justice McKeown, Judge White and Judge Barry, all of whom read judgments yesterday. The decree of Chief Justice Sir Ezekiel McLeod was amended so as to permit the defendant company to use the word "Palmer" only as a component part of its corporate name, as a trade mark or part of a trade mark and in advertising and selling. The order of the court below stands as far as costs are concerned and there are no costs to either party on the appeal.

The order made by the court yesterday in the case was as follows:

That that part of the decree which contains the words "that the defendant company be and is hereby restrained from using the name "Palmer" as a trade mark or part of a trade mark upon any of its shoe packs, moccasins, larrigans, or other oil tanned footwear similar to those manufactured by the plaintiff company and from selling, advertising, or etc." be amended by inserting the words "except as a component part of plaintiff company's corporate name," between the words "Palmer" and "as a trade mark" as above written, and by the

further insertion of the words "except as aforesaid," between the words "company and" and "from selling, advertising, etc."

And it is further ordered that the declaration in the latter part of the decree that the use of the word "Palmer" in the corporate name of the defendant company has led to confusion and mistakes, etc., be stricken out.

That the order of the court below as to costs of suit therein do stand, and that there be no costs to either party upon this motion.

Other Judgments.

The other judgments given yesterday were as follows:

Levi Downey vs. Commissioners of Sewers for the Parish of Hopewell, etc. The Chief Justice, Judge Grimmer and Judge Crockett. Judge Grimmer read the judgment of the Chief Justice, who was absent, dismissing the appeal with costs.

Rosenburg vs. Rich. The Chief Justice, Judge White and Judge Grimmer. Judge White read the judgment of the court that costs be taxed according to the county court scale.

This was a question of costs. In a suit for slander the plaintiff was awarded one dollar damages and under an old act passed in the reign of James I. it was claimed that the plaintiff was entitled to no more costs than the amount of the damages. The appeal court did not sustain the contention.

Ex parte Thomas. Judge White, Judge Barry and Judge Grimmer. Application for the discharge of the prisoner was refused.

Charles E. Thomas was arrested in

Hurrah! How's This

Cincinnati authority says corns
dry up and lift out
with fingers.

Hospital records show that every time you cut a corn you invite lockjaw or blood poison, which is needless, says a Cincinnati authority, who tells you that a quarter ounce of a drug called freezone can be obtained at little cost from the drug-store, but is sufficient to rid one's feet of every hard or soft corn or callus.

You simply apply a few drops of freezone on a tender, aching corn and soreness is instantly relieved. Shortly the entire corn can be lifted out, root and all, without pain.

This drug is sticky, but dries at once and is claimed to just shrivel up any corn without inflaming or even irritating the surrounding tissue or skin.

If your wife wears high heels she will be glad to know of this.

CZAR TO HAVE PUBLIC TRIAL

London, June 22.—Former Emperor Nicholas of Russia will be placed on public trial, according to a statement made by William James Thorne and James O'Grady, labor members of parliament, who were members of the mission sent to Russia by the labor party.

The two labor members addressed a meeting in London last night at which they said that M. Kerensky, the Russian minister of war, had told them that the trial of the former Emperor and a number of reactionaries had been decided upon.

At the trial, Minister Kerensky was quoted as saying, incriminatory documents will be produced proving that a separate peace was planned by the court party. These documents will include one dated March 15.

Westmorland county and held for extradition upon instructions of the Massachusetts district attorney, the prisoner having been indicted for forgery in that state. Application under habeas corpus was made on the ground that the warrant of committal did not sufficiently state the offense under the extradition act. This contention has not been upheld by the appeal court.

OPPOSITION ENQUIRIES IN THE HOUSE

Hon. Mr. Foster, replying to an enquiry in the Legislature by Mr. Murray (Kings), said:

1. What amount has been paid to each Member of the present government for travelling expenses since coming into office?

Answer—The following amounts have been paid:

Hon. C. W. Robinson	\$ 60.00
Hon. E. A. Smith	115.00
Hon. P. J. Veniot	195.00
Hon. L. A. Dugal	70.00
Hon. J. P. Byrne	100.00
Hon. W. F. Roberts	50.00
Total	\$590.00

2. Were itemized bills rendered by each member of the government for the amount of his expenses?

Answer—No, members of government do not render itemized accounts for expenses, but are allowed the sum of \$5 per day while travelling on government business.

In answer to further inquiries by Mr. Murray (Kings), the following replies were given:

1. What travelling in connection with the St. John and Quebec Railway has Mr. E. S. Carter done since the 17th of May last?

Answer—Such travelling as was necessary between St. John and Fredericton in connection with his duties as Secretary-Treasurer of the St. John and Quebec Railway, including settlement of rights of way, interviews with parties interested in connection with change of plans for Nerepis bridge, attendance upon investigations, negotiations for rails and other materials necessary to complete the work, and other matters requiring personal attention.

2. What amount has been paid E. S. Carter for expenses in connection with his position as secretary to the Premier since his appointment to that position?

Answer—No amount.

3. Has any amount been paid to Mr. Carter on account of salary, either in connection with his position of secretary to the Premier, or as secretary to the board of directors to the St. John and Quebec Railway Company? If so, what amounts, and when?

Answer—No.

The United States National Union of Teachers, after forty years of existence, is to have a woman president, Miss Elsie R. Conway having been appointed to the position.

Nearly a Quarter of a Century of giving highest possible value for your money has been the enviable record of "SALADA"

Black, Green or Mixed } Sealed Packets only.

SUPPLEMENTARY ESTIMATES VOTED

In the Legislature on Thursday a message from His Honor the Lieutenant-Governor was read by Mr. Speaker and was as follows:

"The Lieutenant-Governor transmits Supplementary Estimates of sums required for the service of the Province not otherwise provided for, for the current year, and in accordance with the provisions of "The British North America Act, 1867," recommends these estimates to the House."

Supplementary estimates were then voted, as follows:

Agriculture.	
Departmental salaries—	
Stenographer (omitted from amount authorized)	\$ 350.00
Encouragement of Poultry raising	500.00
Bonus to wheat mills	1,000.00
Colonization Roads.	
Crown Land Department	2,000.00
Education.	
Technical education of vocational school, surveying	2,500.00
Immigration.	
Provincial	3,000.00
Legislative Assembly.	
Extra allowance to acting clerk assistant	100.00
Extra allowance to acting clerk	200.00
The House adjourned at 12.40.	

Miss Birdine Bright, factory inspector for the Board of Public Welfare in Kansas City, is making a survey of employees of stores, factories, restaurants, offices and other places of business where girls and women are employed, in order to get accurate lists of those who are getting a wage of \$3 a week or less.

Miss Katherine M. Hahn, of Philadelphia, is said to be the highest salaried woman in financial circles. She is treasurer of the E. F. Haughton Company and receives a salary of \$12,000 a year.

COST OF GROWING POTATOES IN N. B.

(Agricultural Gazette.)

With a view to getting actual figures on the cost of growing potatoes, under average conditions in New Brunswick, a careful record has been made at the Dominion Experimental Station, Fredericton, for the past two seasons with an acre of land set apart for this particular purpose.

Neither rent of land nor depreciation of machinery was included in the calculation, for these two are items that are largely in the hands of the individual grower. As a general rule, however, it would be fair to charge as rent, 10 per cent. of the value of the land, and special potato machinery will depreciate from 25 to 50 per cent. per year if used steadily for ten days each season. In 1915, the depreciation of the potato digger alone, used at the Experimental Station, was \$6 per acre.

In 1915, the acre was planted with Green Mountain, Irish Cobbler and Empire State. Seed, cultural operations and harvesting cost in all \$67.93. Eight barrels of 165 pounds each, of marketable potatoes were obtained and sold at \$1.75 per barrel, making a profit over cost of production of 90 cents per barrel. Seven barrels of culls were sold for \$3.50, so that the total profit for the acre amounted to \$75.50.

This land was rather wet naturally and during the very rainy weather of June and July was several times flooded, causing missed hills and inferior plants generally. This land was originally cleared many years ago and after cutting hay for thirty years it was allowed to grow up to spruce, birch and alder. It was again cleared in 1913 and grew buckwheat in 1914.

In 1916 an acre was planted with Green Mountain seed.

The total cost amounted to \$82.33, the increase over 1915 being due to high-priced seed, higher-priced fertilizer ingredients and very dear copper sulphate.

One hundred and twenty barrels of marketable potatoes were harvested and could have been sold at \$2.25 per barrel, market price when dug, making a profit per barrel over cost of production, of \$1.56½, plus six barrels of culls sold for \$3, making a total profit of \$190.20.

This land grew hay for many years, and was broken up and grew potatoes with 750 pounds fertilizer in 1913, corn with 18 tons barnyard manure in 1914, oats without manure in 1915. This land is on a slope, fairly well drained and except for washing out, slightly between the rows felt no bad effects from the June deluge.

Miss Clare Lamplugh, who came from London to California some time ago, has opened an animal hospital in San Francisco to care for the dumb companions of the society-elect.

The Crisis!

Untold sacrifices are being made in defence of the world's liberty, assailed by the Hun, who declares he fights for "existence." Let us not forget that other crisis in which the fate of the dread Liquor Traffic, subdued just now by the necessities of war, is also fighting for existence.

Prohibition must be impregnable fortified now by means of proper enforcement in readiness for the struggle to come when Prohibition must be finally ratified or lost by the votes of the people in many provinces, including New Brunswick.

Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia and New Brunswick have adopted Prohibition during the war. Prince Edward Island has enjoyed its benefits since 1901. The great majority of districts in Quebec are "dry." That is the situation to-day, but remember, the crisis comes after the war.

The total value of foodstuffs destroyed by the liquor traffic in 1916 was approximately \$4,244,090.22. Add to this the immense waste of transportation facilities, clogged and hindered by carrying the grain to destruction, and again conveying the product of the breweries and distilleries to make precious men less efficient in this solemn hour!

Ontario's Splendid Record.

Since September 16, 1916, Ontario has enjoyed good enforcement of Prohibition in all but a few districts. Not the most daring anti-prohibitionist hopes for a return of the curse of the traffic in Ontario. Here are some figures showing results in Ontario's largest cities for the last three months of 1915 and 1916:

ARRESTS FOR DRUNKENNESS			
	Under License 1915	Under Prohibition 1916	
Toronto	2,908	953	
Ottawa	286	234	
Hamilton	498	61	
London	367	144	
Brantford	152	16	

Note.—"It will be noted that Ottawa has not much reduction in arrests for drunkenness. It is perhaps strange that it should show any reduction in the drunkenness record, inasmuch as it is separated only by the river from the license city of Hull."—PIONEER, Toronto.

Whether your district be under the new Provincial Prohibitory Law, or under the Canada Temperance Act, help us to arouse the full force of public opinion for vigilant enforcement of province-wide Prohibition.

Dominion Temperance Alliance

NEW BRUNSWICK BRANCH

DONALD FRASER President Plaster Rock, N.B.	REV. THOS. MARSHALL Vice-President Fredericton, N.B.	W. G. CLARK Treasurer Fredericton, N.B.
REV. H. C. ARCHER, Executive Secretary Fredericton, N.B.		

THE FUEL SITUATION

Present Difficulties Attributed to a Number of Causes—An Important Statement

THE following statement is sent out by Mr. A. D. MacTier, General Manager of the C. P. R.:

It is realized in most quarters, some more than others, that this country is face to face with a coal shortage of very alarming proportions, and that by next winter, if conditions under which fuel may be obtained do not alter in the meantime, a great many industrial concerns and householders will be unable to supply themselves with sufficient coal to carry them through the severe weather.

The present and prospective difficulties in the way of bringing coal into Eastern Canada may be attributed to a number of causes, principal amongst which are dearth of mining labor and shortage of coal carrying equipment at the mines. The situation in some of the mining territories at the present time, is that, even with the labor shortage, mine operators are able to turn out coal at a greater rate than they can obtain cars to carry it away. It, therefore, naturally follows, that more coal can be brought into Canada if the car supply is increased.

Unfortunately, it is out of the question to obtain any number of new cars at this time, and the situation can be met only by obtaining more service from the present rolling stock. To do this cars must be moved promptly between the mines and destination, and must be unloaded as soon as they reach consignees.

Railways must have coal in order to discharge their obligations to the country, and for their own preservation, as well as for the benefit of their patrons, they are putting forth their utmost efforts to minimize delay to cars while en route to and from the mines.

All efforts in this direction, however, will be of little avail without the whole-hearted co-operation of the man who unloads the coal and releases the car after it gets to its destination. Some consignees, who thoroughly appreciate the situation, have almost a hundred per cent. record in the prompt unloading of coal cars, but there are others who are helping to create the prospective shortage of coal by keeping the equipment out of active service. To-day there are in one town of comparatively small size fifty-two coal cars awaiting unloading. The arrival of these cars was spread over a period of thirty-one days, an average of cars

received per day of 1.68. They are consigned to three organizations who have the facilities for unloading a large number of cars each day. These fifty-two cars have been out of service a total of 1029 car days. Coal cars that are not held for storage purposes as these cars are, average at least fifty miles per car per day. Had the fifty-two cars been unloaded promptly they would have, by this time, travelled 51,450 miles. The distance from the point where they are now located to the coal mining territory is approximately four hundred miles. It follows, therefore, that had the fifty-two cars been in active service they would have been available to bring into the country sixty-four carloads, or about thirty-two hundred tons, of coal. The quantity is not very large, it is true, when the total demand is considered, but it would have kept over three hundred families warm for the winter or heated the boilers in an industrial plant for some little time.

Unfortunately, the case cited is not the only one of its kind. It is one of the worst at present, but there are hundreds of cars at this moment that are lying idle, waiting to be relieved of their loads, so that they may go back to the mines for more coal. The coal dealer and consignee can do the country an immense service by promptly releasing rolling stock and helping to reduce car shortage at the mines.

There is also the man who has always called for open top cars for the handling of his goods because the loading and unloading with that class of equipment is more economical than in using closed cars. When he insists on being supplied with cars that should be in the coal business he is helping to create a coal shortage by keeping cars away from the mines. No doubt he is a heavy coal consumer. As a business proposition would it not be more economical for him if he used closed cars now and enabled the railways to transport more coal into the country so that he would not be in danger of having to close down his plant altogether later on account of being unable to obtain fuel?

The Canadian Pacific Railway Company, for itself, and on behalf of other railway companies, most earnestly calls upon its patrons and employees to do their utmost to fight off the impending shortage of fuel by keeping coal cars continuously in the proper service, which is the transporting of coal.

WAS ANAEMIC FOR OVER A YEAR

Anaemic, or blood turning to water, is caused by the heart becoming deranged, and if the heart becomes weakened it cannot pump the blood as it should.

As a result the blood becomes impoverished, and it loses its nourishing qualities. The face becomes pale and thin, and the lips bloodless. There is a weakness, tiredness and loss of weight.

When those suffering from thin or watery blood start taking Milburn's Heart and Nerve Pills, they can see a change from the outset.

Every dose introduces into the blood those vital elements necessary to make it rich and red. The pale cheeks take on the rosy hue of health, the weight increases, and the whole being thrills with a new life.

Mrs. R. J. Grey, Fredericton, N. B., writes: "When I was a girl working at general housework I overtaxed my strength and became completely run down. For over a year I was very bad with anaemia. A friend told me to try Milburn's Heart and Nerve Pills so I got a box and when it was done I felt and looked so much better I decided to get six more. When I had taken them I had gained not only in strength, but in flesh and color, and best of all was good health."

Milburn's Heart and Nerve Pills are 50c. a box; three boxes for \$1.25, at all dealers, or mailed direct on receipt of price by The T. Milburn Co., Limited, Toronto, Ont.