

## MOVE IN SUIT TO RECOVER MONEYS FOR THE PROVINCE

Ex-Premier Flemming and Mr. W. B. Tennant will be Called Upon to Answer Some Questions—Argument Taking Place Before Judge McKeown—Prudential Trust Company Alleged to Have Paid Flemming a Large Sum as Commission on Deposit.

(St. John Telegraph)

This morning before Hon. Chief Justice McKeown sitting in the chancery division of the supreme court in the cases of the King, by his majesty's attorney general of the province of New Brunswick against James K. Flemming, and against William B. Tennant applications will be made by W. P. Jones and P. J. Hughes, counsel for the plaintiff for the approval of certain interrogatories of which notice has been given to the opposite parties for the examination of the defendants. The chief justice will be asked to make an order in each case that the respective defendants answer upon oath in writing the interrogatories given.

### The Flemming Case

The case of the King against James K. Flemming arises out of the alleged payment of money to him, while premier of the province of New Brunswick, by A. R. Gould, of the St. John and Quebec Railway, in the year 1912. It is claimed that Mr. Gould paid to the defendant, or upon the order of the defendant to other parties, the sum of \$100,000 in consideration that Mr. Flemming would use his influence with the government of which he was then premier, in order that a contract might be entered into between the province and the railway company for the construction of the St. John and Quebec railway, and in order that the province might guarantee certain bonds of the railway. The plaintiff claims that the money should be returned to the province both on account of the common law liability on the part of Mr. Flemming to account as trustee for any monies he received personally, while premier and also because of legislation enacted in 1913 which provides that all monies diverted from the purposes of construction of the railway might be recovered back. There is also a claim made by amendment to the statement of claim, the evidence having only recently been discovered, that Mr. Flemming should repay to the province the sum of \$9,600, which it is alleged was paid to him in the year 1912 while he was premier of the province by the Prudential Trust Company. Counsel for the plaintiff are claiming that this money so paid to Mr. Flemming by the trust company is recoverable from him at common law as being a secret commission obtained by him while conducting business for the province.

### The Tennant Case

The case of the King against William B. Tennant is an action to recover \$133,000 paid to Mr. Tennant by the Nova Scotia Construction Company, Ltd., in the years 1916 and 1917. It is alleged that Mr. Tennant and others prepared a fictitious tender which they persuaded Kennedy & McDonald to make so that it would appear to the directors of the railway company that there were two bona fide tenders received, instead of only one. The fictitious tender contained prices somewhat higher than the prices of the tender of the Nova Scotia Construction Company, Ltd., that in order to induce Kennedy & McDonald to sign and submit their tender Mr. Tennant promised to give them a sub-contract for the construction of a certain portion of the railway on terms more favorable than those to be given to other sub-contractors. It is also charged that Mr. Tennant persuaded other firms not to put in any tender; that having secured the contract in that way for the Nova Scotia Construction Company, Ltd. he received \$100,000 from it the day the contract was signed and \$33,000 from it afterwards that this money was not used and applied towards the construction of the railway but was taken and kept by Mr. Tennant for his own purposes.

that in fact there was an understanding between him and a member of the government at that time that if the Nova Scotia Construction Company, Ltd., got the contract he would pay over to the politicians a certain portion of that amount; that as a matter of fact he did pay over a certain portion through a member of the legislature.

Under the legislation of last session it is claimed that the province is entitled to recover any monies so paid to Mr. Tennant because they were paid out of the monies of his majesty or paid by the construction company with the design and intention of recouping itself for such payment out of the monies provided by the province for the construction of the railway and because the monies so paid were not to be used and applied towards the construction of the railway.

In both the above cases the defendants in their defences deny generally the allegations of the statements of claim and they both raise an issue of law. That is to say, even supposing the statements of the plaintiff are true, which they do not admit, they do not disclose sufficient to entitle the plaintiff to recover the monies.

Notice has been given by A. B. Connell, K. C., the solicitor for Mr. Flemming, that he will move today before Chief Justice McKeown that this question of law be disposed of before the trial of the case and that a time be fixed for the argument. Messrs Teed & Teed are solicitors for Mr. Tennant.

## LOCAL NEWS

### Basketball Today

The Juniors play the Sophomores this evening at the College Gymnasium. This is the third game in the Inter-Class League which will probably be finished next week. Six games in all are to be played.

### Stationed at Exhibition Buildings

One hundred soldiers of the Depot Battalion, St. John will arrive in the city on Monday morning and will be stationed at the Exhibition Buildings. They will act as a Guard of Honor to His Excellency on his visit here.

### River Closed by Ice

Last year the St. John River closed with ice on November 23rd and this year it closed on the 27th. Today's rain may cause it to open again and if it does further trips by steamers will follow.

### Arctic Bowling Alley to Open

Manager Bidlake is expecting to open the Bowling Alley in connection with the Arctic Rink next week. Preparations are being made at present and Friday of next week is the appointed day of the opening.

### Replacing Plate Glass Window

The plate glass window of D. J. Shea's plumbing establishment Carleton Street through which Dr. W. H. Irvine drove his motor some time ago while avoiding running into a boy is being replaced.

### Have Secured Opera House

The Publicity Committee have notified Mr. R. H. Simonds that all preparations have been made for the showing of moving pictures here on December 6th. The Commercial Intelligence Branch of the Department of Trade and Commerce are sending a lecturer with the pictures. The Opera House has been secured for the exhibition.

### The Governor at Ottawa

Ottawa Citizen: Sir Wilfrid and Lady Laurier entertained at a small dinner at the week-end in honor of the Lieutenant governor of New Brunswick and Hon. W. S. Fielding. Others present were Mrs. W. S. Fielding, Mr. and Mrs. J. S. Ewart and Senator David. Mrs. William Pugsley, wife of the Lieutenant governor of New Brunswick was the guest of honor at a small luncheon party held on Saturday at the Country Club. Hon. William Pugsley left on Sunday evening for New York.

### Resolution on Peace

The following resolution was passed on November 20th by Fredericton Lodge, Knights of Pythias at Castle Hall: Resolved that, this lodge places on record an expression of its gratitude to Almighty God for the successful termination of the Great European War, resulting in the complete overthrow of the armies of Germany and those of her Allies, Austria-Hungary, Bulgaria and Turkey, by the armies of Great Britain and her Allies, and the consequent triumph of the causes of freedom and humanity over despotism and inhumanity.

## HEAD AND NOSTRILS STUFFED FROM COLD

Don't stay stuffed-up! Quit blowing and snuffling! A dose of "Pape's Cold Compound" taken every two hours until three doses are taken will end gripe misery and break up a severe cold either in the head, chest, body or limbs. It promptly opens clogged-up nostrils and air passages; stops nasty discharge or nose running; relieves sick headache, dullness, feverishness, sore throat, sneezing, soreness and stiffness. "Pape's Cold Compound" is the quickest, surest relief known and costs only a few cents at drug stores.

MATINEE 3 o'clock  
except Saturday &  
Holidays at 2.30.  
EVENING 7.15 & 9

# GEM

PRICES OF  
ADMISSION  
Matinee - 10-5c  
Evening - 15-10c

WILLIAM DUNCAN  
EDITH JOHNSON and JOE RYAN

IN THE FIRST CHAPTER OF VITAGRAPH'S  
GREATEST SERIAL,

## "A Fight For Millions"

AND JUST LOOK WHO IS HERE!

Charlie Chaplin

AT HIS BEST IN

## "THE COUNT"

## "STINGAREE"

"THROUGH FIRE AND WATER."

UNIVERSAL WEEKLY

Monday - - - - - BUSHMAN AND BAYNE

TODAY'S PROGRAM

GRACE CUNARD

— IN —

## "Society Driftwood"

EDDIE LYONS and LEE MORAN in

"HEARTS AND LET US"

EDDIE POLO IN

"THE BULL'S EYE"

# GAIETY

Monday, MARY PICKFORD in

"HOW COULD YOU JEAN?"

## OVERLAND MODEL 90 THE THRIFT CAR

BEST VALUE IN THE MARKET IN MEDIUM PRICED CAR—25 Miles to Gallon Gasoline.

Have You Seen the NEW CHALMERS ENGINE with the "Hot Spot?" The car that holds the world's records. Come in and look them over.

## FREDERICTON MOTOR SALES CO.,

'PHONE 352-11.. QUEEN STREET, FREDERICTON, N. B.

# MACKINAW'S

MACKINAW'S in good variety. We have hundreds of them in stock, so anyone can make a good selection.

MEN'S FUR COATS in Dog, China Beaver, Wombat and Raccoon. Also Fur-Lined Men's Coats.

LADIES' FUR COATS in Muskrat, Marmot, Pony, etc. Prices reasonable on all our lines.

## J. Clark & Son Ltd.

Fredericton, N. B. and Branches and Agencies.

TWO REQUISITES FOR HOME COMFORT ARE

## Sanitary Plumbing and an Adequate Heating Apparatus

We are prepared to instal the very best and most modern of these necessities. The standing of those for whom we have done such work is sufficient guarantee of our skill and square dealing.

Keep our address and 'phone number where you can find it instantly. Carleton Street. 'Phone 563.

## D. J. SHEA & SON.

Sanitary Plumbing & Heating 81 Carleton Street



*C/c la Grace*

The secret of many a  
Dainty, Captivating Figure  
is to be found in the charming  
lines of the wearer's  
C/c la Grace Corsets

Come! Let us show  
you the new models.

## Wm. R. Fraser & Co.

P. O. Box 817. 430 Queen Street. 'Phone 423

## Your Christmas Waist

OR DRESS can be bought for less money this week than at any time this year. YOU CAN SAVE at least 20 cents on every dollar if you buy this week, and have your choice from the largest and most select range in the city.

VOILE WAISTS in all the latest styles, \$1.00 to \$5.00. SILK WAISTS in pink, maize, navy, peach, black, white and stripes, \$1.40 to \$7.50.

SILK CREPE DE CHENE and GEORGETTE WAISTS, many styles and colors, \$2.70 to \$8.00.

SILK and CREPE DRESSES in great variety at prices from \$12.00 to \$35.00.

20 PER CENT OFF All Voile and Silk Waists and Dresses this week. Buy your Christmas Waists and Dresses now and save money and worry.

R. L. BLACK, YORK STREET  
AGENT for STANDARD PATTERNS

# RAISINS

Raisins and other dried fruits will be very high for the coming Christmas season. You had better get a supply of Raisins now.

Choice Seeded Raisins, 16c. package.  
Loose Muscatel Raisins, 16c. lb.

# ONIONS

Fancy Canadian Winter Stock—4c., 7 lbs. 25c.  
\$2.25 a Bag of 75 lbs.

# FLOUR

Buy our "Blue Banner" Flour—98 lb. bag \$6.15  
196 lb. barrel \$12.35.  
Five Roses, \$12.75 barrel.  
Rolled Oats, \$6.00 90-lb. bag, \$6.25 half-bbl.

### SOME QUARTER BARGAINS

2 pkgs. Corn Flakes .....	25c	3 cakes Rising Sun .....	25c
3 lbs. Granulated Cornmeal ..	25c	6 lbs. Common Cornmeal ..	25c
3 cakes Surprise Soap .....	25c	3 cakes Gold Soap .....	25c
4 lbs. Baking Soda .....	25c	3 1/2 lbs. Rolled Oats .....	25c
1 lb. can Good Salmon .....	25c	2 pkgs. Corn Starch .....	25c
2 pkgs. Lux .....	25c	4 rolls Toilet Paper .....	25c
2 lbs. Mixed Starch .....	25c		

Try Lipton's 65c. Tea. Our price 60 cents.

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