

\$831 SURPLUS FOR 1937 FREDERICTON EXHIBITION

DEFENSE CONCLUDES CASE IN \$36,000 CIVIL ACTION OF MRS. MARGARET L. PERRY VS. THE CITY OF FREDERICTON

Argument of Attorneys Set Over Until Saturday; Court Views Scene of Crash and Damaged Car of Late Prof. Perry; Two Witnesses Heard

The case for the defense was concluded this morning in the \$36,000 Perry action against the City which is being tried before Mr. Justice C. D. Richards at the present sitting of the York County Circuit Court. Two witnesses were on the stand this morning, Edward "Pete" Finnegan, driver of the city pumper, and J. D. MacKay, city engineer. At the close of the case for the defense, the court went to the scene of the accident to view the situation, and also to view the Perry car in a local garage. The car has been left in the same condition that it was following the crash.

News Briefs

PHYSICAL TRAINING INSPECTION
Major and Brevet Lieutenant Colonel M. M. L. Geron, general staff officer of Military District No. 7, will inspect the work that has been done this fall in physical training at the Provincial Normal School. The inspection will be carried out on Dec. 1, 2 and 3.

TO CONFER RE BRIEF
Hon. W. P. Jones, K.C., who is preparing a brief for the Province of New Brunswick for presentation to the Royal Commission which will sit here in February, and J. H. Conlon, director of Federal and Municipal Relations, will meet with the Saint John Board of Trade at Saint John tomorrow for a general discussion of the board's plans to submit a brief. A special committee has been appointed by the board.

CABINET ENDS MEETING
The provincial cabinet closed its two day session here last evening, having finished up all business before it. All members of the body were present, with the exception of Hon. Dr. W. F. Roberts. No announcement was made as to any matters that were considered. Most of the ministers are remaining in the city today to attend to departmental matters.

CHRISTMAS EXAMS
Christmas examinations at the Provincial Normal School will be held next Monday and Tuesday, it was stated this morning by Dr. H. H. Hagerman, the principal of the school. Between Tuesday and the closing of the institution for the Christmas vacation the students will be occupied with practice teaching. Examinations at the University of New Brunswick will begin Dec. 9, continuing until Dec. 16, when the students will leave for their homes to spend the holiday period.

TAKEN TO HOSPITAL
Connie McCormick, 12 year old daughter of Mr. and Mrs. Harold McCormick, of this city, was taken to Victoria Public Hospital in a serious condition this morning to undergo X-rays to determine the nature of her illness. Many of the citizens of Fredericton will remember Connie as the little girl in the petting garden gown who won the praise and acclaim of the audiences at the recent amateur shows and the I.O.D.E. entertainment at the Normal School with her fine tap-dancing.

GRANTED CERTIFICATES
Twelve members of the University of New Brunswick Contingent, Canadian Officers' Training Corps, have been granted "A" Certificates, and four have been granted "B" Certificates, according to the weekly District Orders of Military District No. 7. Certificate "A" is evidence of the holder's qualification for the rank of second lieutenant, while Certificate "B" shows the possessor qualified for the rank of Captain. The following were awarded the former certificate, as a result of a course taken at the local armories last winter: G. W. Bruce, Fredericton; C. G. W. Chapman, Fredericton; L. A. Clements, Devon; R. C. Eddy; H. H. Ferris, Cumberland; E. F. J. Flaveling, Fredericton; J. M. Holmes, Doaktown; G. F. G. Hughes, Sayabec Station, P. Q.; A. R. L. Laine, Barrington, N.S.; K. G. McShane, Rolling Dam; N. M. Peacock, Saint John; and A. J. Ring, Nashwaak. Recipients of "B" Certificates are: Second Lieutenant Malcolm McPherson, head of the department of English and history at the university; Second Lieutenant A. C. MacCallum, Campbellton; Second Lieutenant G. A. Campbell, Fredericton; and Second Lieutenant A. G. Pearson, Fredericton.

COLLEGE PLAYS
Don't Forget College Plays Tomorrow Night, Friday, at Normal School.

The case was set over until Saturday morning at 10 o'clock in the Supreme Court Chambers when argument will be presented. This was done at the request yesterday afternoon of Hon. Dr. Hanson, K.C., P.C., chief counsel for the plaintiff, in view of the fact that he and his associates desire to seek authority on the section of the Provincial Statutes concerning through streets.

View Scene of Crash
At the suggestion of P. J. Hughes, K.C., defense counsel, it was decided to view the scene of the accident, while Mr. W. J. West, counsel for the plaintiff, asked that the court also view the car. Some difficulty was found in arranging a time for argument that would not care to consider a long delay because it is better to continue the case while the evidence is fresh in mind. Mr. West was of the same opinion, and stated that if a long delay were necessary he would prefer to argue the case immediately and have permission to file a brief on the facts of the law at a later date.

When it was decided to continue the case on Saturday, the matter of two other cases on the docket came up. It was decided to have the court take recess until 2.30 this afternoon when counsel in the cases would be present and a disposition for the cases made.

The evidence this morning was merely a re-examination of Driver Finnegan by Mr. Hughes and rebuttal of former evidence for the plaintiff by the evidence of City Engineer MacKay.

Refutes Evidence
The first witness told of the speed of the truck and in general again gave a brief outline of events leading up to the accident. In his evidence, the City Engineer stated that this morning he took a number of measurements to determine the factors surrounding the view of the truck by Alfred E. Williams, who was on the stand Tuesday, and testified that he saw the truck go by while looking out a window of the York Hotel and that it was going between 35 and 40 miles per hour.

Mr. MacKay stated that only about 20 feet of the street could be seen in one place, and a smaller length in the other. A fence obstructed the view so that less than half of the cars which went by could be seen.

Mr. Hughes will present the argument for the defense, while W. J. West will address the court for the plaintiff.

Yesterday afternoon saw the hearing of the action well advanced as the case for the plaintiff was concluded and defense witnesses took the stand. Edward "Pete" Finnegan, driver of the pumper, was the most important witness, testifying about the speed at which the truck was travelling, and the immediate details of the collision.

Four other witnesses were on the stand preceding him, John Forrester, employee of the Queen Hotel; Arthur Toft, and Frank Morgan, mechanics of the Valley Motors Co., Ltd., and E. J. Miles, driver of the Eastern Bakers truck.

Forrester told of following the fire truck in the Queen Hotel delivery truck and stated that it was going about 20 miles per hour. The two mechanics testified concerning the brakes on the pumper, saying that they were in good condition. Miles stated that the truck was not travelling any faster that day than it usually did when going to fires.

"Through" Street

Cross-examination by Hon. Dr. Hanson dealt mainly with the rights of Prof. Perry on Brunswick street, it being a "through" highway, and interpretation of Section 42, sub-sec. 8 of the Motor Vehicle Act, 1934, which stated that all vehicles must stop before entering any through highway. On the other hand, the defence contends that a provincial statute, Chapter 25 of The Revised Statutes of 1927, section 53, gives a fire-truck right of way over all other vehicles on the streets.

The witness told Mr. Hughes that the truck was still in second gear at the time of the crash, and when the counsel for the plaintiff attacked this statement, stated that it was because

Directors Hold Meeting Here This Afternoon

Show Successful In Spite of Rain, Infantile Ban

The balance sheet of the Fredericton Exhibition, Ltd., for the present year is considered one of the most satisfactory in years, despite the fact that the surplus is nearly \$2,200 less of \$831.87 was realized, while last year the surplus showed something over \$3,000. In the face of the two great handicaps in 1937, the infantile paralysis ban and the unfavorable weather which resulted in the show being rained out for two days, the directors are elated with the returns, it was stated by C. L. Sypher, secretary, this morning.



C. D. HOLDER
Treasurer of the Fredericton Exhibition, Ltd.

It was stated that the Fredericton Exhibition was the most successful of any in the Province, and the results are more the pleasing in view of the fact that the authorities expected to see a loss. The Saint John Exhibition, it was pointed out, suffered a great loss, while the other exhibition and fairs in the province generally broke about even.

Meeting This Afternoon

The surplus was announced at the annual meeting of the Exhibition directors held this afternoon in the Council Chambers of the City Hall. New directors for the ensuing year were elected, but the results of the election were not available at press-time. Roy W. Smith, president of the Exhibition for the past year, occupied the chair. The meeting opened with the president's address and also included the report of Secretary Sypher and A. C. Flemming, chairman of the grounds and buildings committee.

(Continued on Page Five)

the truck would warm up better and not backfire.

Driver Finnegan stated that on seeing the car coming he had put on the brakes and swerved to the left in an attempt to avoid the crash. He told Mr. Hughes, defense counsel, that he knew of no other way in which he might have avoided or helped to avoid the accident. Under cross-examination, he stated that he did not attempt to turn to the right because it would have resulted in a head-on collision.

Thought Had Right of Way
Driver Finnegan stated that he has been driving for twenty years, and has been driving the pumper since 1934. He did not know of the section concerning "all vehicles" stopping at through highways, and thought that he had the right-of-way over all other vehicles. He didn't notice any way when he turned the truck onto Westmorland street.

On cross-examination he stated that he pulled the truck over to the left as far as he could when he saw the Perry car and also put on his brakes. He stated that the brakes were in good condition and were kept in adjustment by an experienced mechanic, Fred Desautels, an employee of the Fire Department.

Hon. Dr. Hanson emphasized the power and weight of the truck. He asked if muggers were left on fire-trucks to give more speed. The witness said it was to give more power.

At the close of this testimony, counsel asked that Mr. West be given a little time to prepare his argument, in view of the surprise of the new plea of the defence, concerning the section of The Revised Statutes of 1927 giving fire-trucks right-of-way.

GREAT OPPORTUNITY FORESEEN IN N. B. BLUEBERRY INDUSTRY BY LESSEE OF 1,751-ACRE CROWN BERRY TRACT

Alfred H. Hawkins, Pinefield Ridge, Bids 53½ Cents Royalty to Province to Purchase Lease Over New Jersey Rival; 100,000 Bushel Crop

The belief that the cultivation of blueberries offers great possibilities in this Province was expressed to The Daily Mail this morning by Alfred H. Hawkins, Pinefield Ridge. Mr. Hawkins was the successful bidder this morning in the auction sale of a 10-year lease of 1,751 acres of Charlotte county blueberry lands by the Department of Lands and Mines.

Bidding was very keen on the land, which is situated northwest of Meadow Linton Brook in Saint George parish. The upset price of 10 cents per bushel was quickly bid, the price climbing slowly until the maximum bid of 53 1-2 cents was reached.

This royalty per bushel is in addition to the yearly rental of \$35.02 (two cents per acre). The other bidder was William C. Beard, of Glen Ridge, New Jersey, U. S., who, realizing the opportunities here in the blueberry industry, had come a thousand miles to enter his bid. He, too, expressed the belief that, with proper cultivation, the future looks bright for the industry.

Predicts 100,000 Bushel Crop
Mr. Hawkins last summer bought some 2,000 bushels of berries produced on the land in question, which he said, was not nearly one-tenth of what might have been picked, in spite of lack of cultivation. With proper cultivation, he revealed, production might be as high as 100,000 bushels in good years. He expressed a doubt as to whether or not enough labor could be obtained to pick this amount, saying that at least 500 pickers would be needed.

The season lasts between six weeks and two months, depending on frost conditions, Mr. Hawkins said. The pickers can easily make three dollars per day. In many cases entire families are employed, earning sufficient money to see them through the winter months.

Mr. Hawkins plans, in accordance with the objective of the Department, to improve the barrens to increase production. First the land will be cleared off and the brush burned. He would not disclose further plans, but mentioned the possibility of spraying to improve the quality of the product.

Market Good
Both the domestic and foreign markets were exceptionally good last season, he stated, "probably the best they will be in several years." Last year he shipped berries to all parts of the Dominion, to the United States and some to Great Britain.

The land leased was surveyed with a view to the possibilities of blueberry culture in 1922 and 1923 by Deputy H. M. Balkam. The lease is renewable at the end of the ten years. The auction was conducted by J. H. Ramsay of the Department of Lands and Mines.

MAY POSTPONE SITTING YORK COUNTY COURT

Robt. W. McLellan, A Party to Two Suits, Reported Still Ill

Possibility that the sitting of the York County Court, which is slated to begin tomorrow morning, may again be postponed arose today when it was reported that Robert W. McLellan, one of the parties to the first two cases on the docket has again been taken ill and that his health may not enable him to appear in court. At the last sitting of the court the case was adjourned when a medical certificate, stating that Mr. McLellan, the defendant in the first case and the plaintiff in the second, was not in a condition to be present.

The suit in which Mr. McLellan is the defendant, was filed by William C. Ricker. The action is for the collection of \$132, claimed to be due the plaintiff for labor and materials supplied the defendant. E. C. Atkinson is representing the defendant. The second case is that of Robert W. McLellan vs. Ethel Killee. In this action Limerick and Limerick is for the plaintiff and Winslow and McNair acting for the defendant.

Several other cases remain on the docket, all being civil actions. Hon. Judge A. R. Slipp will preside.

CONDITION IMPROVING

The many friends of F. E. MacDiarmid, instructor of physics and chemistry at the Provincial Normal School, will be pleased to learn that he is now able to sit up for short periods and is steadily improving. It is expected that he will be able to return to his duties in the school after Christmas.

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