

NOTICE TO ADVERTISERS.

In order to ensure changes being made in advertisements, copy must reach the office not later than nine a.m. on the day of publication.

The Daily Mail

THE WEATHER.

Maritime — Fresh westerly winds, cloudy and milder, with local snow flurries.

VOL. XIX NO. 279

FREDERICTON, N. B., THURSDAY, JANUARY 8 1914

TWO CENTS PER COPY

Second Hand Rails and Bridges Used on Railway

Important Evidence Brought Out in the Case of Stewart vs the Southampton Railway Company--The Plaintiff Says He Had Three Offers to Build the Road, the Highest Being From George McPhail of Woodstock, Whose Bid was \$110,000---Direct Examination of Mr. Stewart Completed at Noon

TODAY'S PROCEEDINGS.

Mr. Stewart continued his testimony this morning in the case of Stewart vs The Southampton Railway Company. He swore that after he had contracted with the company to build the road, he received an offer from Henry Maxwell of Fredericton, to do the work and buy the right of way for \$104,600. Mr. George McPhail of Woodstock, had offered to do the work for \$110,000 and William McDonald & Son, who ultimately secured the contract and built the road, had offered to do the work for the witness for \$107,000.

The witness stated that copies of McPhail's estimate were prepared in the premier's office at Woodstock. The originals, he said, could not now be produced.

Questioned in regard to the right-of-way Mr. Stewart after consulting with the land-owners, estimated that it would cost about \$2,500.

Mr. Stewart said that he went over the road after it was completed and carefully counted the sleepers and culverts. The road including sidings, was 13½ miles in length. He counted 34,600 sleepers, many of which were under the standard size. He did not think that the bulk of them cost over 20 cents each and he was sure McPhail had built the road would have furnished standard sleepers for 30 cents each.

The witness found twenty-six culverts in the road and estimated that they contained, at the outside, not more than eighty-eight thousand feet of lumber. There were five concrete culverts totalling about 756 feet in all.

SECOND HAND RAILS.

The witness said that Mr. McNichol of the C.P.R., had agreed to deliver second hand rails for \$25 per ton. Some of the rails on the road were 56 pounds to the yard and some 52 pounds. He understood that they were furnished by the C.P.R.

Counsel for the defence admitted that the company had received from the C.P.R. among other things, 9127 lineal feet of 56 pound rails and 79,791 feet of 52 pound rails.

In regard to bridges on the road, Mr. Stewart said that there were two single-span structures, about one hundred feet in length, resting on concrete abutments. The bridges were second hand and the C.P.R. had agreed to supply them for \$25 per ton. The bridges would not weigh more than 56,000 pounds.

Mr. Stewart said that when he went over the road the fencing was not completed and there was some grading still to be done. It was not as good a road as Mr. McPhail had offered to build for \$110,000. In some places the rails had been lowered while grades had been increased. It was on account of a low fill that one of the bridges was torn from its foundation by the ice-run of last spring. The changes made in the grades and the fills would reduce the cost of the road.

The direct examination of Mr. Stewart was completed shortly before one o'clock and Mr. Teed was cross examining the witness when the court adjourned.

The case of John E. Stewart vs the Southampton Railway Company, now going on before the Court of King's Bench, continues to attract much attention. The plaintiff has not yet finished his evidence and as there are many witnesses still to be examined, the case may run over into next week.

At yesterday's session, in order to save time, counsel for the Southampton Railway Company agreed to admission of a statement showing the total cost of Mr. Pinder's road to the province and dominion governments to be \$236,280.

According to a letter written to D. McNicoll, vice-president and general manager of the C.P.R., by the promoters of the road, and signed by Mr. Pinder, the actual cost was estimated at less than \$13,000 a mile, or \$169,000 altogether.

Counsel for John E. Stewart, plaintiff, however, in outlining his case, promised to show that the actual cost of construction was only about \$10,000 a mile and that the difference between the government aid and actual cost was about \$90,000, the amount claimed by the plaintiff.

Mr. Stewart was on the stand practically all day and many interesting bits of the inner history of the organization and early building of the road were revealed. D. King Hazen of St. John, son of Hon. J. D. Hazen, premier of the province in 1910, who was promised a half interest in the road for financing and acting as solicitor, was also on the stand yesterday, largely for the purpose of identifying correspondence for exhibits.

The defence objected to many of the letters introduced by Mr. Carvell, counsel for the plaintiff, on the grounds that they treated of matters between Mr. Stewart and Mr. Pinder personally and that the latter did not represent the company against which the suit is being brought.

On resuming in the afternoon, Mr. Stewart told of his efforts to finance the road in 1910. He had seen A. J. Donwarth of Caribou, Me., and the latter agreed to put up \$32,000 for the first six miles, provided the directors could secure a like amount and could produce an order-in-council committing the legislature to guarantee the bonds. Witness suggested securing \$32,000 from his son-in-law, Wm. J. O'Keefe of Virginia, and had written him. Donwarth objected to the document purporting to be an order-in-council and Pinder had made a trip to the North Shore to see the lieutenant governor with the expressed intention of getting the order-in-council signed. On his return he had told witness, in the presence of several witnesses, that this had been accomplished.

Witness told of O. S. Crockett drawing up an agreement by which O'Keefe was protected in case he advanced the money but instead of having the agreement executed with the company's seal upon it, Mr. Pinder suggested that they should go to St. John, and there the document was signed in a tea store in Dock street, with a young man named McDonald as witness.

When this agreement and the alleged order-in-council were sent to O'Keefe, he sent a very unfavorable reply and after his break with Pinder, he told the latter the reason why. O'Keefe had advised witness to keep away from Pinder, that he was trying to cheat his own brother out of \$3,000 and had stated that no business man would advance money on the alleged order-in-council.

THEY SCHEMED ON SUNDAY.

Witness told of the meeting held at Fredericton Monday, November 23, 1910, at which his contract had been repudiated. The day before he had been staying at Mr. Pinder's house, and, although it was Sunday, they had been figuring on the pile they were going to make. In discussing the prospect of securing the highest possible amount of government aid, witness said Pinder had made the remark:

"If you keep away from Kinn Hazen, so his father won't know it, I'll pull down the whole thing."

Witness did not receive notice of the meeting at which his contract was cancelled until after the meeting was over, but on the morning of the day Pinder told him a meeting had been called and asked him if he were going.

Witness went along but could take no part in the proceedings on account of his deafness. He did not know what was going on until afterwards. The first intimation of any trouble was when Dr. H. H. McNally, one of the directors, came over to him and remarked:

"The old man (Pinder) seems to be dissatisfied because the money has not been found and thinks we had better cancel your contract."

Witness replied that the time had

not come for that, that neither provincial or dominion subsidies had been available. The meeting proceeded but witness took no further part, not hearing what was going on. At one stage P. A. Guthrie asked him if he would vote for him or against him and he replied:

"Suit yourself."

He asked for a copy of the minutes and received the resolution cancelling his contract entered into September 3, 1910.

Some grading and clearing had been done and he had been in communication with at least three other parties for the entire contract, excepting the right of way, rails and bridges.

M. G. Teed, for the defendant, in cross examining D. King Hazen, brought out the answer that the signature to a letter purporting to have come from A. J. Donwarth, looked much like Mr. Stewart's writing. Questioned as to his doubts of Mr. Donwarth's existence, witness said O. S. Crockett had told him something, but he was not allowed to tell what it was. He said all efforts to finance the road through J. M. Robinson & Sons and any other source had failed.

The letter to Mr. Hazen offering him a half interest in the road was submitted in evidence. It was written jointly by Mr. Hazen and Mr. Stewart in June, 1910, and was signed by Mr. Stewart. Mr. Hazen testified that his correspondence with Mr. Stewart regarding the railway extended as far back as 1910.

ASSESSORS OFFENDED AT REMARK OF THE MAYOR

Ald. Farrell Makes Statement to City Council--Ald. Mitchell Replies to it

Assessors and assessment were prominent topics in the discussion at Tuesday night's City Council meeting. Ald. Farrell made a statement on behalf of the assessors with regard to a published statement credited to His Worship the Mayor at Monday night's committee meeting, to the effect that it had been said that the assessors had increased everybody's taxes but their own.

His Worship explained that he had merely repeated a remark made by some one else in a jocular way.

Ald. Farrell gave figures to show that Chief Assessor A. A. Sterling had had his assessment increased by \$800 and Assessor H. C. Mackey by \$600. He charged however, that Ald. Mitchell's assessment had been decreased.

Ald. Mitchell replied that he had expected this attack from Ald. Farrell. His assessment had been decreased and rightly so. Personal property of his on which he had formerly paid taxes, was no longer in the city and his income had decreased because he did not have any large contracts as he had the year before.

THE NEW ORLEANS BATTLE ANNIVERSARY

New Orleans, La., Jan. 8.—Many some floral offerings were deposited today about the base of the statue of Gen. Jackson, who defeated the British in the battle of New Orleans on January 8, 1815. The courts, the banks and exchanges were closed and the day was otherwise observed as a legal holiday in this city.

SIR THOMAS HERE.

Sir Thomas Tait, president of the Fredericton & Grand Lake Railway Company, arrived from Montreal at noon yesterday on business connected with the railway.

MARKET LACKS LEADERSHIP

Bank of England Reduces Its Discount Rate to 4 1-2 Per. Cent

Will Probably Avert the Export of Gold From This Country--Stocks A Little Stronger

New York, Jan. 8.—The predicted decrease in the bank of England rate of discount from five to four and a half per cent was reglized this morning, attesting farther to improving financial conditions the world over. This action will probably avert exports of gold from this country which otherwise would have taken place.

Our market still lacks leadership, but seems well able to take care of itself. There is evidence of a substantial and growing investment demand and with the usual January set back, is possible, the fact that prices are low and that there is a lot of money for investment on reactions should minimize any decline which might occur. There are some good reasons to believe that this will prove an exception to the average and that prices either will not perceptibly decline or will show a gradual upward tendency.

Business reaction continues but from all reports the demand for Pig Iron has improved and the railroads are beginning to make inquiries for a large amount of new equipment.

(Quotations by J. C. Mackintosh & Co., Bankers and Brokers.)

Copper	72½	71½
Smelters	64	63½
C.P.R.	209	208½
Great Northern	125½	126
Northern Pacific	111½	111½
Pennsylvania	110	110
Reading	169½	169½
Union Pacific	158½	157½
U.S. Steel	59½	58½

Sales to 1 o'clock, 208,400 shares.

MONTREAL MORNING SALES.

(Quotations by J. M. Robinson & Sons, Bankers and Brokers, St. John, N.B.)

Molson's Bank—12 @ 125.
Bank of Montreal—1 @ 129.
Royal Bank—6 @ 221, 25 @ 185.
Bank of Commerce—22 @ 200½, 25 @ 200½.
Bank of N.S.—10 @ 256.
Brazilian—25 @ 80.
C.P.R. Rights—25 @ 41.
C.P.R.—10 @ 209, 50 @ 209½, 25 @ 209.
Cement—25 @ 28.
Steel—50 @ 38½, 135 @ 39, 75 @ 39½, 130 @ 39½.
Bell Phone—1057 @ 141½.
Porto Rico—100 @ 59½.
Pennmans—4 @ 56.
R. & O.—55 @ 111.
Quebec Rails—95 @ 13, 100 @ 13½.
Twin City—10 @ 105½.
Spanish River—10 @ 10½, 5 @ 10½.
Toronto Street—75 @ 135½, 25 @ 136.
Rubber—5 @ 97.
Hillcrest—50 @ 82½.

WORLD'S NEWS IN SHORT METRE

New York, Jan. 8.—Bank of England rate reduced from five to four and a half per cent.

New Haven earnings for Nov. make net corporate income for five months \$1,550,000 against \$4,980,000 last year.

Copper producers figures due at 12.30 p. m.

Charge d'affaires O'Shaughnessy left Mexico City for Vera Cruz for conference with John Lind.

Chicago hears that Hill interests will refund Burlington joint 4's.

Howard Elliott, chairman of New Haven board in Washington again today, may effect settlement of New Haven's relations with administration.

American stocks in London irregular.

12 industrials declined .09.

20 active railroads advanced .02.

Mr. Ralph McFadden of the Bank of B. N. A. staff who has been laid up with an attack of pneumonia is improving.

COUNCILLORS VISIT EXPERIMENTAL FARM

Little Business Transacted at This Morning's Session of the Municipal Council --Real Work of the Session Has Not Got Properly Started--Coun. Pat Graham Introduces Resolution Asking Repeal of Act Relating to the Provincial Hospital

There was an afternoon session of the Municipal Council yesterday afternoon and another last night. The Highway Act was one of the main topics of discussion and came in for much criticism but the final decision both afternoon and evening was that the matter should be left as it is to work out in some way. A resolution of Coun. Robt. Graham to the effect that the control of the highways should again be vested in the municipalities was defeated.

A resolution by the same councillor to the effect that the warden and chairman of committees should not have the power to make expenditures of county moneys without reference to the council was also defeated. Discussion on this resolution was lively and took up much time. The Building Committee came in for some severe criticism and its members defended the actions of the committee vigorously. A wordy bout between Coun. Alex. Haining of New Maryland, and Coun. Pat Graham of Southampton, was a feature of this discussion.

The resolution on the Highway Act was considered so important that a special evening session was held to discuss it.

The Municipal Council, after meeting this morning, adjourned shortly before noon to take advantage of the invitation of Smith & Merrithew, contractors constructing the buildings at the Dominion Experimental Farm, to visit that farm and inspect the buildings and equipment. The councillors almost all visited the Experimental Farm, being transported by horses and sleighs furnished by the hotels at which the councillors are registered. Luncheon was served at the farm through the courtesy of the contractors.

Several matters of importance are to come up for discussion this afternoon. The appointment of county officers for the ensuing year is first on the order of business and there is also to be discussion on a resolution introduced by Coun. Pat Graham and seconded by Coun. Flewelling, censuring the provincial government for its legislation which throws the burden of support of pauper inmates of the Provincial Hospital upon the municipalities and urging that such legislation be amended.

The county members of the Board of Health were appointed as follows: Alex. Brewer, Douglas.

Harry Cleland, McAdam.

A change was made in the member from McAdam at the request of the councillors from that parish.

The council resumed business at ten a.m.

UNION OF MUNICIPALITIES.

Coun. Robt. Graham called for a report from the delegates to the Union of Municipalities.

Coun. Sloat, as a delegate, reported that he had not been sorry that he went to the union meeting at Moncton. The resolution of the York County Council on the fees of grand jurymen was adopted unanimously by the union. Personally, he was undecided whether to vote for or against remaining in the union. Last year the delegates had cut down expenses to half what they had been before. With regard to the value, if any, of the County of York received from its membership in the Union of Municipalities, Coun. Sloat stated that the expenditure had been too great in proportion to the return.

Coun. Harry Smith gave a detailed report upon the work of the union and the program of the Moncton meeting. He stated that the Union of Municipalities was an organization which had accomplished much, particularly in improving the Public Health Act and in establishing the Public Utilities Commission. He was disappointed in the social side of the gathering only.

Coun. Sloat pointed out that the ladies of the Moncton Y.M.C.A. had entertained the visiting delegates very pleasantly. Coun. Smith might have noted that.

Coun. Sterling—"Perhaps he is not a ladies' man like you." (Laughter.)

PARISH INDEBTEDNESS.

The report was accepted. Coun. Sterling pointed out that several parishes had gone into debt. He urged that the councillors make assessments for parish purposes large enough to keep the parishes out of debt. If the parishes were free of debt the county assessment could be cut down.

Coun. Grant, in reply, stated that those parishes in debt showed heavy delinquent lists. Good collections would keep the parishes out of debt.

TAX COLLECTIONS.

Coun. Essensa asked for suggestions concerning methods of collecting taxes and also for information concerning the powers of the Municipal Council to make changes in the system.

He was informed by Secretary Treasurer Bliss that legislation would have to be secured before any change in the system of tax collecting could be made.

HERE TO PROMOTE PEACE CELEBRATION

New York, Jan 8.—Among the notable passengers who arrived in New York this week on the Baltic was the Earl of Kintore, who is a firm believer in closer Anglo-American relations, and has come over to assist in the efforts to make the celebration of the hundred years of peace among English-speaking people an epoch-marking event. The Earl is a prominent figure in social and political life in England. He was at one time a Lord-in-waiting to Queen Victoria, and subsequently served as Governor of South Australia. He was born in 1852 and succeeded his father in the title in 1880. The title is a very old one. The first Earl of Kintore was created a Knight-Marshal of Scotland in 1660 and that office was made hereditary in his family in consideration of the loyalty and dexterity he had displayed in preventing the Scotch regalia from falling into the hands of Cromwell.

TO RE-ELECT U. S. GOLF OFFICERS

New York, Jan 8.—The men who make and interpret the laws governing the game of golf in this country are dropping into town in anticipation of the annual meeting of the United States Golf Association, which is to be held tomorrow evening at the Waldorf-Astoria. The meeting will elect officers and transact a quantity of other important business. The choice of officers will be purely perfunctory, as all of the present officers, are slated for re-election. The executive committee has formulated a list of courses which it considers suitable for holding the amateur, open and women's championships, and will present the list at the meeting. The selection of the courses will be determined by vote of the delegates.

Mr. William Buckley of Woodstock, was in the city today on business.