Presentation of Address To Msgr. Jean Chiasson

On the occasion of his ninetieth birthday and the sixty-fourth anniversary of his ordination to the priesthood, the parishioners of Rustico where he laboured thirty-five years presented the following address to Msgr. Jean Chiasson at the Sacred Heart Home in this city:

Rt. Rev. Jean Chiasson, D.D., D.P.
Sacred Heart Home,
Charlottetown, P. E. I.
Dear and venerable Monsignor:

As with grateful hearts we celebrate the month of the Sacred Heart, and particularly at this time, His Adorable Presence in the Blessed Sacrament, is it not fitting that we should likewise celebrate the feasts of those who are His dearest friends on earth—His priests?

We fully realize that without the Sacred Priesthood there would be no meaning in our tabernacles, no Blessed Eucharist to sustain and nourish our souls. With full hearts, therefore, do we thank God for His priests and especially for you, beloved Monsignor.

Sixty-four years ago, in the full generosity and earnestness of young manhood, you consecrated your life to the service of Christ. Henceforth it was to be your privilege to be associated with Him in His work among men. And indeed during all these years you have been an ardent apostle!

To us, the parishioners of Rustico particularly, has it been given to witness, and to partake of, the devotedness of your priestly heart. For thirty-five years you laboured amongst us striving by exhortation and example to turn our eyes to the imperishable riches of Eternity. We admire and respect you as a model of zeal and of dignity, and we love you as the Father of our souls.

Even until your eighty-fifth year, with paternal solicitude and untiring energy, you watched over the welfare of the people of Rustico. Beloved Monsignor, is it any wonder that our hearts are full as we come today, on your ninetieth birthday, to reassure you of our appreciation and gratitude, and to wish you many happy returns?

The world needs you still, venerable Monsignor. For from your humble room here in the Sacred Heart Home there radiates a spiritual power which influences many souls. It is hearts like yours that will draw men to desire and to win that true peace which the world can not give or take away.

Our grateful love is best expressed in the words of the beautiful prayer: O Jesus, Eternal Priest, keep this, Thy holy one, within the shelter of Thy Sacred Heart, bless his labours with abundant fruit, and may they to whom he has ministered be here below his joy and consolation, and in Heaven, his beautiful and everlasting crown.

Signed on behalf of the parishioners of Rustico.

PERHAPS HALF

(Continued from page 1)

yo newspaper Ashai had paved the way for something of the sort with an article which went back to the Russo-Japanese war of 1904 to show that even in its victories, Japan must lose a little too. Hence a day before the communique came out, persons in North America, familiar with propaganda methods expected the Japanese to announce some rather sharp losses, along with counter-balancing claims of success.

The Japanese description of the Aleutian Island affair apparently fell in this category.

Spiked by U. S.

It was spiked quickly by a United States naval spokesman's announcement yesterday that "certainly none of our inhabited areas, islands or rocks are troubled with uninvited visitors up to this time."

Island Nurse Is Graduate

MONTREAL, June 10—(CP)—A class of 59 nurses of the Montreal General Hospital were awarded diplomas, culminating three years of training, at graduating exercises held at the hospital's nurses home here yesterday.

The list of graduates included: Rosamond W. Neill, North Milton, P. E. I.

Wanted

Young man for position of assistant agent and radio operator. Must be exempt from military service and not employed in war work. Apply Maritime Central Airways.

6-11-13.

WANTED

Employment and Claims Officer, Grade 1 male, Unemployment Insurance Commission, Charlottetown, P. E. I. Salary $1,200 per annum plus cost of living bonus at present amounting to $11.91 per month above salary. Subject to 5% deduction for retirement. The Civil Service Commission invites applications from qualified residents of Prince Edward Island, qualifications required at least public school graduation, five years experience in a trade or vocation, some clerical or other experience in office work, preferably some experience in conduct of employer-employee relations. Application forms obtainable at town or city Post Offices must be properly completed and mailed not later than June 15th to Civil Service Representative, care Regional Supt.

Unemployment Insurance Commission

Moncton, N. B.

CENTRAL GUARDIAN

This column is reserved for news of local interest, but advertising of a newsy nature may be inserted at 5 cents a word, strictly payable in advance.

COOKS for Photographs. L-593.

CONFEDERATION LIFE INSURANCE. L-978

FREE DISPENSARY Annual meeting Friday night, eight o'clock, Magistrate's Court, City Hall. Special speaker, Dr. J. A. MacMillan. Public invited. 6-11-2i.

SLIGHT FIRE — City firemen were out shortly after five o'clock last evening for a blaze on the Southport side of the Hillsborough Bridge. The flame was confined to a pile of railway sleepers and was of slight consequence. Only a few of the ties were damaged.

LEAVES MONDAY — Mr. William Brown, scheduled to leave for duty on the mainland today, has been granted a few extra days and will leave on Monday instead. He is going as Supervisor of the Knights of Columbus War Services.

VITAL STATISTICS — Births numbered 62, deaths 13 and marriages 30 in Charlottetown during the month of May, it was revealed in the Vital Statistics report of Dr. B. C. Keeping, Deputy Minister of Public Health. There were five cases of scarlet fever and one of chickenpox, the health report showed.

REPORTED MISSING— Numerous friends in Charlottetown will deeply regret to learn that Sgt. William Peebles of Lethbridge, Alberta, is missing after recent air operations in Europe. Sgt. Peebles was among the first airmen stationed in Charlottetown. He left here about a year and a half ago.

NEW PLANE HERE — A new plane, which arrived in the city this week from England, is attracting much atention. It is a large DeHaviland Rapide 7-passenger aircraft which was purchased by Maritime Central Airways. It was flown here by Capt. Carl Burke. The aircraft was imported to this country by virtue of a special order.

POLICE REPORT — A total of 48 arrests were made by City Police during the month of May, it was revealed in the monthly report of Chief A. Birtwistle. Of these 22 were common drunks. Two convictions were obtained under the Excise Act and 13 motor vehicles were tagged for infractions of the Traffic regulations. Bicycle licenses issued at 50 cents each were 169, the attached report revealed. A total of 565 have been registered to date.

ARRIVE ON VISIT—Dr. T. W. Cook, Ph. D., Associate Professor of Psychology at Toronto University arrived in the city last week accompanied by his daughter Florence and young son Francis. They were guests for a few days of Dr. Cook's sisters, Mrs. E. S. Giddings and Mrs. W. E. Scantlebury before leaving for Murray River where they will spend the summer months. They will be joined later by Mrs. Cook who is visiting relatives in Nova Scotia.

PRESENTATION — On Tuesday evening, June 9, the employees of the Prince Edward Island Telephone Company waited on Mr. Walter Auld of Charlottetown and presented him with a very lovely mantle clock. Following a few well chosen words by the plant superintendent, Mr. G. R. Starratt, the presentation was made by Mr. Ernest McNevin, plant clerk. Mr. Auld, who is being married soon, replied by thanking members of the staff for their very thoughtful act and for their co-operation.

BOY'S PARLIAMENT—The first Boys' Parliament to be held in a considerable number of years will assemble in New Glasgow on Friday evening of this week. Boys from widely scattered parts of the Province, about fifteen in number, will discuss matters of interest to teen age youth. Heath McQuarrie of Victoria will be Premier, and George Jones of Pownal will be leader of the opposition. The Parliament will be held under the auspices of the Provincial Boys' Work Board of the Maritime Religious Education Council. Rev. I. J. Levy, Secretary, will direct proceedings.

PAINFUL ACCIDENT — Mr. Albert MacKay, apprentice at Bruce Stewart and Company's machine shop, received painful burns to his hands and about the body when his clothing caught fire from a blow torch yesterday afternoon. It appears the young man had accidentally spilled some gasoline on his clothes a few minutes before lighting the torch. Other workmen hurried to his rescue and quickly extinguished the flames. He was immediately taken to the Prince Edward Island Hospital where his condition was found to be not serious. However, he was kept in hospital over night.

SOLDIERS LEAVE — Eleven soldiers from No. 62, C. A. B. T. C., at Beach Grove left yesterday for service elsewhere in Canada. They were: Privates J. H. Biggar, Portage; W. D. Gregory, Bear River; L. Maione, Breadalbane; J. A. McAulay Souris; G. L. McDonald, Vernon River; F. C. White, Charlottetown; J. A. Arsenault, St. Gilbert; S. R. Smith, McNeill's Mills; S. Bernard, Alberton; V. S. Blackett, Annandale, and I. F. Blanchard, Kensington. Before leaving they were presented with cigarettes by the Provincial Government through the Carry On Canada Corps. The presentations were looked after by Mr. A. G. Bruce of the Canadian Legion War Services.

RECEIVES M. A. DEGREE—Word has just been received by Dr. and Mrs. J. A. Clark that their daughter Miss Elna M. Clark, received her degree of Master of Arts from Toronto University June 4, 1942. While studying for this degree she was engaged by the National Research Council and worked in the Toronto Connaught Laboratories under Dr. Hare. She accepted a position with the Connaught Research Laboratories at their institution north of Toronto April 1st, 1942 under Dr. Craigie. Miss Clark received her Bachelor of Science degree from Acadia University in 1935. She received her training as a Medical Technician at Temple University, Philadelphia, was Medical Technician at the P. E. Island Hospital for two years, entering Toronto University in September 1941. Her many friends are pleased to learn of her rapid promotion. She is now engaged in medical research.

Sailor's Body Is Recovered

The body of Probationary Steward Lloyd J. Stewart, R. C. N. V. R., Morell Rear, drowned in the Charlottetown Harbour on the afternoon of May 28, was found floating on the water near the Hillsborough Bridge yesterday. Nine other boys, who were in the same training boat with the deceased when it capsized, were rescued in boats from the wharf.

Mr. A. P. Ceretti, C. N. R. diver of Borden, and his crew of men who were working on the bridge discovered the body. They took it to the Marine Wharf.

Coroner Dr. I. J. Yeo viewed the remains and decided an inquest was unnecessary.

Stewart was a member of the H. M. C. S. "Queen Charlotte" and had been in training several weeks before the fatal accident. He was 18.

He will be laid to rest with full naval honors this afternoon. The funeral will be held from Frank Hennessey's Funeral Home at 2 p. m. to the R. C. Cemetery.

He is survived by his father, Pte. Martin Stewart, serving with the Artillery overseas, his mother, in Saint John. The latter arrived home last night to attend the funeral. Three sisters also survive and one brother. The sisters are: Mrs. Albert Leaver and Helen, both in Saint John, Lorretta, Johnston's River, and the brother is Gordon, who is in Boston.

Rev. P. J. Hogan Of Charlottetown 50 Years A Priest

Rev. P. J. Hogan, one of Prince Edward Island's oldest priests, observed the golden anniversary of his ordination to the Holy Priesthood yesterday. He passed the day quietly at the Bishop's Residence where many friends called to pay their respects.

Father Hogan was born at Tignish where he spent his early days. He was ordained June 10, 1892 by the late Bishop Charles MacDonald. Following that he labored in various fields in this province but has been retired for many years.

He is a familiar figure in the city as he is very fond of walking and can be seen on the rounds practically every day.

Personals

Nursing Sister M. Maude Phillips, R. C. A. F., Summerside, P.E.I., and Nursing Sister Bertha B. Phillips, R. A. F., Charlottetown, P. E. I., returned to their station hospitals after visiting their parents, Mr. and Mrs. L. A. Phillips, 216 Rockland Road.—Saint John Telegraph Journal.

Nursing Sister Mary Croken, R. C. A. M. C. is spending her annual leave at the home of her parents Mr. and Mrs. C. W. Croken, Emerald Junction.

Miss Mary Trainor, R. C. A. F., Women's Division, is spending her furlough with her parents on Spring Park Road.

Rev. C. R. Smith, Fall River, Miss., left on return this morning following a brief visit with his brother, Dr. G. L. Smith, of this city.

John Nelson Fall, R.C.O.C., Toronto, is spending a two weeks furlough with his parents, Mr. and Mrs. Clark Fall, Crapaud.

L.-Cpl. H. McDougall of No. 62 C.A.B.T.C. has returned from a furlough. He was injured in an accident recently but is able to be about his work as usual.

BIRTHS

MORRISON—At the Prince Edward Island Hospital on May 24, 1942, to Mr. and Mrs. Emmett Morrison, Southport, a daughter.

DOWN—At the P. E. I. Hospital, May 22, 1942, to Mr. and Mrs. Edward Downe, City, a daughter, Heather Jean.

DURANT — At Cleethorpes, Lincs, England, April 20, 1942, to Spr. Ezra Durant, formerly of Summerside, and Mrs. Durant (nee Doris Lund), a son, Joseph Robin.

DEATHS

STEWART — Probationary Steward Lloyd J. Stewart, drowned in Charlottetown Harbor, May 20, 1942, aged 18 years. Funeral from Frank Hennessey's Funeral Home this afternoon at 2 o'clock to the Roman Catholic Cemetery.

HUNTER — At Summerside, June 10, 1942. Mrs. James Harry Hunter, aged 86 years. Funeral Friday at 1.30 p. m. from her late residence on Central Street. Interment People's Cemetery, Summerside.

BOSWELL—At Summerside, June 10, 1942, Albert Boswell, age 69 years. Funeral Saturday with a service at 1.30 at his late residence, Central Street, followed by a short service in Marshfield Baptist Church. Interment at Marshfield.

Card of Thanks

Mr. and Mrs. Thomas Stordy and family, desire to thank especially the doctors and the nurses of the Summerside Hospital for their kind attention to their son Everett during his last illness. Also to all friends and neighbors for their acts of kindness and those who sent expressions of sympathy during their recent sad bereavement.

N. D. MacLean
UNDERTAKER
EMBALMER
Charlottetown and North Wiltshire
Phone 149

Supreme Court Of Canada Judgment Ends Unusual Case

Dismissal of the appeal in the Supreme Court of Canada of case, Ewen Henry Cameron and others versus Harry Winchester and others of Charlottetown brought to a close a succession of disputes which have been before the courts continuously during the past eight years. Judgment was handed down at Ottawa last week.

The circumstances of the case were quite unusual.

Edward Roberson of Belfast died in 1883. By his will, he left his estate to three trustees upon trusts for his wife and his three daughters. His wife died in 1909. The last of his daughters, Lucy Jane Roberson died unmarried in 1934. She made a will giving almost her entire estate to charities. Questions having arisen regarding the interpretation of her father's will, proceedings were taken to have his will interpreted and the trusts of his estate administered by the Court of Chancery. The surviving Trustee of the estate, Hon. F. L. Haszard, although he had himself been a Judge of the Court for quite a number of years and was then (1934) living in retirement, was unwilling to accept the responsibility of deciding who should inherit the estate of which he had been a trustee for more than fifty years. He therefore brought the estate into the Court of Chancery and asked his successor, Mr. Justice Saunders, to interpret the will and distribute the estate.

Interpretation of Wills

A re-examination of a principle governing the interpretation of wills was then taking place in the highest Courts. The case arose in another province. A decision had been given by the Supreme Court of Canada in accordance with its previous decisions. This decision was being appealed to the Judicial Committee of the Privy Council in England. At the time the Roberson will case was brought into the Court of Chancery this Privy Council appeal had not been heard.

An interpretation of Edward Roberson's will was given by the Court of Chancery and by the Court of Appeal in Equity of Prince Edward Island which was in accordance with the rulings or decisions which up until then had been given by the Supreme Court of Canada. This decision had to do with the question whether or not an infant, Edward Roberson Cameron, child of the testator's daughter Georgianna, wife of Alexander Cameron one of the trustees of her father's will, had acquired any interest or share in his grandfather's estate. The child was born and died in 1885, after a life of less than two months, surviving his mother who also died in 1885, by only a few weeks.

Under the former rulings of the Supreme Court of Canada, the child, Edward Roberson Cameron, did not take a vested interest in his grandfather's estate as from the time of his birth, and no vested interest was therefore transmitted upon the child's death to his father Alexander Cameron which could be transmitted upon the latter's death in 1921 to his three sons who were now making a claim to Edward Roberson's estate. It may be noted that the claimants, the three Camerons, although related to the Trustee Alexander Cameron as sons, are not related to the testator Edward Roberson.

In the meantime, after the decision of the Prince Edward Island Courts had been given, a decision was rendered in the case which had been appealed to the Privy Council from the other Province. This decision reversed the rulings and interpretations which had been given by the Supreme Court of Canada upon the subject of the vesting of estates. By this new decision, the interpretation which had been given by the Island Courts to Edward Roberson's will, following the Supreme Court of Canada rulings, became also affected.

By the first Appeal, in 1937, the Supreme Court decided that as their former rulings regarding the vesting of estates had been reversed, the Chancery Court's judgment which had followed the Supreme Court's earlier judgments should also be reversed. The effect of this was a declaration by the Supreme Court of Canada that the Cameron grandchild became entitled to a share in Edward Roberson's estate from the time of birth. This interest passed to the child's father Alexander Cameron in 1885, and upon the latter's death in 1921 passed to the three claimants as his sons and next-of-kin.

Payment of Income

A question then arose regarding the payment of income.

While the Trustee Alexander Cameron was living, all the income of the estate was paid by him and his co-trustee, after the death of the testator's widow, to the only surviving daughter, Lucy Roberson. Under the Supreme Court's judgment of 1937, it was learned for the first time that through the birth and death of his first child Captain Cameron himself had been entitled to a share, one-half, of this income which the Trustees had been paying to Lucy.

The gross income which during her life after her mother's death in 1939 had been paid to Lucy Roberson by the Trustees and the surviving Trustee of her father's estate, had been more than sufficient to pay her living expenses. The surplus, with some funds Lucy Roberson had received from her mother's estate, were invested by her, or for her, upon mortgages. These mortgages were taken, some in Lucy Roberson's own name, some in the names of Alexander Cameron and Francis L. Haszard, as Trustees for her, and some in the names of F. L. Haszard and Gilbert Gaudet as Lucy Roberson's Trustees.

Questions arose with regard to the income which was paid to Lucy. Part of this income was now found, but was not known at the time it was paid to her, to have been really the property of Alexander Cameron, the Trustee himself. Could this income be recovered back? Could it be followed into the mortgages or investments made out of the funds which at the time were supposed to be Lucy Roberson's own moneys? If it could, the legacies given by Lucy Roberson's will to charities, and the legacy of $1,500 which she purported to give to Captain Cameron's son Stanley Cameron, one of the Appellants, would come short. There would not be enough money in Lucy Roberson's estate to pay [illegible] these legacies. The legacies included the a memorial tablet in Saint Paul's and Church, Charlottetown, a memorial stone in Saint John's Churchyard, Belfast, $300 to the Bible Society, $500 to Saint James Church, Charlottetown, $1500 to Stanley Cameron, and the remainder for Church of England Missions.

All the funds now held by the Administrators of Lucy Roberson's estate would have had to be given up, if the Appellants had succeeded, since the Camerons' share of income paid to Lucy after her mother's death, together with interest on these payments if interest were allowed as was asked for, would have equalled the total of Lucy's estate and there would thus be nothing left for legacies.

Second Appeal

The Court of Chancery in the second Appeal held that the claim of the Camerons to have these moneys paid back and to have Lucy Roberson's investments paid over to the Camerons could not be considered, but that the estate of Edward Roberson should be divided between the Camerons and Lucy Roberson's Administrators, less certain expenses, in accordance with the Supreme Court's judgment of 1937.

From this judgment the Camerons appealed for the second time to the Supreme Court of Canada. The Supreme Court's judgment in the second Appeal was delivered on October 1st, 1940. The Court held that as Lucy Roberson in her lifetime had received income from her father's estate which included income then supposed to be her own but which has since been found, by the judgment of 1937, to have belonged to the Camerons, it would be inequitable to pay to her or to her estate any further money from Edward Roberson's estate while this inequity continued to exist. The Court therefore held that, as the amount which under the decision of 1937 would be payable to Lucy Roberson's estate was less than the amount of the Cameron income which had been paid to Lucy Roberson in her lifetime, Lucy Roberson's estate should be given further payment in the distribution of her father's estate, but that all Edward Roberson's estate now remaining, less certain expenses, should be paid to the Camerons. The order of the Chancery Courts of Prince Edward Island was therefore varied so as to agree with the Supreme Court's second judgment.

Shortly after the Supreme Court's second decision, and after the taxation and payment of certain costs, an application was made to the Master of the Rolls to fix and apportion the amount that should be paid as compensation to the trustees of Edward Roberson's estate, and for directions as to the payment of the costs and expenses and as to the distribution of the remaining estate to the Camerons in accordance with the Supreme Court's judgment of October 1st, 1940.

An order was made by Mr. Justice Saunders on May 29th, 1941, fixing and apportioning the compensation to the Trustees and directing the transfer of the remaining assets of Edward Roberson's estate to the three Camerons.

Third Appeal

From this order the Camerons again appealed to the Court of Appeal in Equity. In the appeal, Counsel for the Camerons claimed that the Master of the Rolls in this order had failed to carry out what the Appellants claimed was the Supreme Court's judgment of October 1st, 1940. They contended that by that judgment the Supreme Court of Canada had meant and directed that the Chancery Court should cause the Trustees of Edward Roberson's estate to recover back from the Administrators of Lucy Roberson's estate the investments and securities held by the Administrators, and that these funds and investments should also be transferred to the Camerons, in addition to the securities and funds held by the Trustees of Edward Roberson's estate.

The Court of Appeal in Equity held that this was not the meaning of the Supreme Court's second judgment, and that the Master of the Rol's in his order of 29th May, 1941, had correctly interpreted and was in fact carrying out the judgment which the Supreme Court gave in the second Appeal. From this decision, which was given on 15th November, 1941, the Camerons again appealed, for the third time, to the Supreme Court of Canada.

The Supreme Court's decision which was given on 5th of June inst., is that the Master of the Rolls and the Court of Appeal in Equity of Prince Edward Island have correctly interpreted the Supreme Court's judgment, and that the Appellants' view of what the Supreme Court of Canada had meant could not be supported. The Court therefore dismissed the Appeal, with costs.

The effect of this judgment is that the mortgages and securities which are held by the Administrators of Lucy Roberson's estate shall be retained by them free from any claim of the Camerons and that such assets be administered under the trusts of Lucy Roberson's will.

The Counsel who represented the litigants upon the Appeal before the Court of Appeal in Equity and upon the Appeal to the Supreme Court of Canada were Messrs. A. A. McLean, K.C., and J. J. Johnston, K. C. Counsel for the Cameron Appellants; Mr. Malcolm McKinnon, Counsel for Mr. Donald McKinnon, one of the Trustees of Edward Roberson's estate; and Mr. W. E. Bentley, K. C., Counsel for Harry Winchester and A. J. Haslam, the Administrators of Lucy Roberson's estate, and for Harry Winchester and H. Hooper Horne, two of the Trustees of Edward Roberson's estate.

JAPAN WINS RUBBER

Japan's occupation of Java robbed South Africa of rubber supplies valued at £1,800,000 ($8,100,000).

TIN SUPPLY CUT

The United Kingdom formerly imported 2,500 tons of tin ore and 8,000 tons of the metal annually from countries now in enemy hands.

FIRST SEA TRADE

Phoenicians were the first important commercial seafarers [illegible] many years.

5 Testify

(Continued from page 1)

agreed and this was allowed.

Opening the case for the Northumberland Ferries Limited, Hon. Mr. Campbell outlined the events leading up to the requisitioning of the first ship. The company was formed in 1938 or 1939 and was first incorporated in Nova Scotia and later in Prince Edward Island. Its object was to conduct a ferry service between the eastern part of this province and Nova Scotia. This had been advocated by the government authorities and the shipping interests as an important transportation link.

Enter Contract

One of the features was the prospective shipment of produce. The company arranged a contract with the Dominion Government to last ten years. A subsidy of $28,000 or $30,000 was promised. The company was bound to maintain a steamer of a certain standard. In order to carry out these terms and provide the service, the company must obtain a suitable boat. One of the requisites of the boat was that it must have a shoal draft as both terminals were of a sandy nature. The factor of carrying capacity had to be combined with this.

He went on to describe the purchase of the "Seaborne" (Charles A. Dunning) and the repairs made on it at Halifax. In the course of these repairs war broke out and the ship was requisitioned. He spoke of the difficulties encountered in securing a suitable substitute. However, the company succeeded in getting the Sankaty which required a great deal of re-conditioning. In June 1940 this boat was also requisitioned for war purposes.

This left the company in an extremely difficult situation, he stated. There was the contract with the Dominion Government, commitments to shippers, and certain financial arrangements based on the possession of one of the ships. It was some time later before the Government finally "agreed to pay the company sums which the government considered compensation" but which the company did not accept as full payment."

Armed with this "partial financial relief" Northumberland Ferries re-doub'ed their efforts and procured a ship. This was the "Erie Isle" or "Prince Nova" which was a much smaller boat. It was only about half the canacity of the Sankaty. Boatload after boatload was turned away, after a long wait, which had a deleterious effect on the business of the company.

"They claim therefore that the amount of compensation is entirely inadequate from the point of view of the Charles A. Dunning and claim the intrinsic value is far in excess of the amount paid; and in respect of the Sankaty they claim they are entitled to replacement value on a reasonable basis in excess of what was received," concluded Mr. Campbell.

Herman Jeagle

Herman Jeagle, New York, testified that he was a yacht and ship broker. Started in 1898 as an office boy. He now owns the H.H. Jennings Company.

Witness said he saw the "Seaborne" on numerous occasions in New York. She was built in 1925 in Scotland. It was an acean going boat. Witness then gave the ship's specification.

(At this point Mr. Fogo objected to witness giving the specification. These could be obtained from the registers. However, witness said he had records of 10,000 boats at his office.)

Continuing he proceeded to give the specification. The boat was first used as a private yacht. It was used as an ocean going yacht.

The Seaborne was beautifully furnished and equipped. It also had three launches and one dingy". "The value of the ship before war would be $175,000," witness stated. This was based with a comparison of other yachts. To build the boat in the United States before the war would cost $750,000.

Witness said he also knew the Sankaty when she was in use as a passenger and freight boat at Long Island. She was a freighter and carried automobiles. He gave the specification. (Again Mr. Fogo objected saying there should be a more accurate record.)

Witness knew that the ferry company had purchased the boat and also was aware that it had later been requisitioned. He told of efforts he made to secure a substitute for the Sankaty. "Boats of that kind are mighty scarce", witness said. He spoke of the difficulties experienced.

The "Fisher's Island" was the best substitute found for the service. He had been in constant touch with Mr. MacDonald. He had wired him about this boat in February 1941. This boat was about 35 feet shorter than the Sankaty and seven feet narrower. She would carry from 20 to 25 automobiles. The draft was all right. She was for sale at "$285,000 rock bottom" at New London, Connecticut. This would have to be "cash in United States money"—the purchaser to pay the duty.

Other Craft

Witness recommended others but some were turned down because of their draft while the others did not carry enough cars.

One ship the "Red Star" was considered. Repairs to engine would cost $12,000. She was for sale at $52,500. Automobile capacity, was 14 cars after numerous changes were made. The boat was on the Cheasapeake Bay.

Witness had crossed on the "Prince Nova" yesterday (Tuesday) but there was "no comparison" between it and the "Sankaty."

Cross examined by Mr. Fogo, witness said he became proprietor of Jennings' in 1912. The gross tonnage of the "Seaborne" was 510, he said. There was a demand for yachts during 1930-1930, he stated. When the Seaborne was first built she did not perform well so it was lengthened. He had learned the value of the boat from the captain. A yacht depreciates quicker than a commercial vessel. The Seaborne had been laid up four or five years. It was owned by an elderly gentleman. The price on the boat at that time was $125,000.

He did not know the ship had been offered for sale by another company for $50,000 He had no knowledge of what was actually paid for the "Seaborne". In 1925 the cost of construction of a yacht in Europe would be cheaper by 25 per cent than in United States.

The "Fisher's Island" was built in 1926. It was "a nice boat."

Ferry boats of that type last [illegible] years. Witness told of one which he knew that had been running since 1881. With proper care and replacements the "Sankaty" should be good for 60 or 65 years.

W. J. Roue

William J. Roue, Dartmouth, testified that he was a naval architect. He was engaged in this occupation for 30 years. He had made plans for a ship for the Wood Island—Caribou service. "She was 165 feet" witnes said in describing the boat. The plan was made in 1938 or 1939. The cost was $200,000 without machinery. The latter would be $115,000 to $150,000.

Witness said he called for tenders but builders were filled up.

Witness said he was the designer of the famous "Bluenose."

Cross examined by Mr. Fogo, witness said he had the plans with him. The plans called for a wooden ship to be built in Nova Scotia. Gross tonnage would be about 600. Last fall, November 1941, tenders were again called and one was received.

The price would be $196,000. The machinery would be extra. It would take nine months to build it.

J. A. Strang

J. Rankine Strang, Halifax, testified he was a native of England and was a naval architect for 13 years. He had been in Canada for two years.

Witness said he knew of the Dunning and Sankaty. He had inspected the Dunning last year. Witness described the boat.

The value of the ship before the war would be $175,000.

Cross examined, witness that as Lloyd's surveyor any estimate be made on the value of the yacht would be only made on one inspection; also he had heard an approximate price of the boat. According to his information the vessel had cost $400,000.

J. W. Roberts

J. Wesley Roberts, Cariboo, lobster packer, testified he was agent for the claimant, Northumberland Ferries Limited, in Nova Scotia.

Witness was asked about the traffic on ferry but Mr. Fogo objected to this question. The court held that the value of the ship was the claim put forth. Mr. Tweedy explained that the company was operating with a 15-car boat when they could have had a 30-car boat. Mr. Fogo still protested that the question was irrelevant. Hon. Mr. Campbell, for the claimants, said the adequacy of the boat was a relevant factor in the issue. The court ruled that he would hear the evidence under reserve of objection.

Witness said traffic was so great during Old Home Week that it was necessary to give each car a card. There were as many as 150 to 200 cars at one time during that time awaiting. Some waited from the morning all through the day, all night and all during the next day. Many left the line. The figure given did not include those that went away. Ordinarily, from June 15 on there were very few trips without some cars being left, he testified. About two-thirds of the traffic was handled, he added. When schools opened, however, traffic dropped off. There were also many enquiries which could not be accommodated.

Cross-examined by Mr. Fogo, witness said the "Prince Nova" carried from 15 to 17 cars. There were three trips a day made. The boat was not large enough last year.

Lt. Col. MacKay

Lt. Col. C. Leonard MacKay, Charlottetown, secretary of Northumberland Ferries Limited, testified that there was considerable capital expenditure made on the boats in Halifax—particularly on the Sankaty. A bill of $56,876.73 was received for the work on the latter. The Dunning bill was $2,181.73 for repairs.

The Erie Isle (Prince Nova) cost [illegible] tario. The cost of reconditioning this ship was about $18,000.

Witness produced the contract the company had with the Dominion Government. Mr. Fogo objected to allowing this to be tendered in evidence. However, it was accepted by the court.

A previous contract was also produced by witness and tendered in evidence. A company in Saint John had obtained a contract before either of these but when Northumberland Ferries took over this contract was received by it.

The capacity of the Sankaty was 30—34 cars depending on their size. The Prince Nova carried 16 or 17 autos or 3 or 4 trucks. The latter will only go in part way while on the Sankaty they could occupy all the space of the automobiles.

Cross-examination

Cross-examined by Mr. Fogo, witness stated the cost of the "Seaborn" to the company was $80,000. This was not cash. The sum of $30,000 was in cash while $25,000 was in bonds and $25,000 in common shares. He was a member of the group of 23 interested in the project at that time.

Witness said he was not aware that Mr. Wm. MacDonald had offered to sell the boat for $71,000 to the Naval Department in the fall of 1939, he knew there was an offer of sale for $65,000 in March, 1940. However, it was not an offer from the company but to it. Questioned further he said he was not aware that the offer had been made by the company nor was he aware of a further offer of $58,000 made by the company.

Witness testified he was not familiar with an offer concluded in July, 1940, whereby the sum of $58,000 was to be paid for the Seaborne. A statement showing $92,764.63 by a former secretary in connection with the Seaborne was produced by witness. The purchase price of the Sankaty was $4,995, according to the records, witness said. The Sankaty was built in 1911 in Massechusetts and was 195 feet long. Witness told Mr. Fogo that he was aware there was an expenditure on the boat before it was brought to Halifax. There was also an expenditure of $56,876.63 made on the Sankaty in Halifax, witness added. The repairs were only partially done when the ship was taken over by the government. The company received a total of $195,877.55 from the Government, also $11,735. The grand total received was $207,612.55, witness said. He later agreed with Mr. Fogo that $205,977.55 was the amount received in respect to charter and requisition of the boats. The sum of $92,764.63 was received for the Seaborne, witness agreed but was not sure of $83,900 for the Sankaty.

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Interesting Lecture At P.W.C. Hall

"The British were not caught napping in Burma," stated Edwin W. Gordon, Foreign Correspondent and writer on the Far East, in a lecture delivered to an audience of more than 400 people at Prince of Wales College Hall last evening.

The lecture held under the auspices of the newly-formed "Speakers Committee" was presided over by Mr. V. A. Ainsworth. Mr. Ainsworth, in his opening remarks, explained the absence of Sir Norman Birkett, who was originally scheduled to address the meeting. Sir Norman, Mr. Ainsworth stated, promised that he would visit the Maritimes as his first engagement on his return to this country.

Mr. Ainsworth explained the function of the Speakers Committee. It is intended that this committee should serve as a clearing centre for speakers and for other official information emanating from the Office of the Director of Public Information.

Mr. Gordon, in the first part of his address, sketched lightly the background of the events now taking place in India and Burma. He told of the conglomeration of races and dwelling in these lands. He spoke of the problems of colonial administration facing the British in the country of many races and dialects. Mr. Gordon told a number of stories and personal anecdotes relating to his adventures among the Nagas, head-hunting tribe dwelling near the Burman border which with the British will bear the brunt of the Japanese invasion.

Assam Road

A particularly interesting part of Mr. Gordon's narrative was his description of the Assam Road, which now that the Burma Road has been closed has taken over the task of transporting supplies to China. When Mr. Gordon went over this road it was a narrow, mountainous track that had to be traversed on foot; it was too narrow and winding even for pack animals. This road is now in the process of being widened and opened up for modern transportation. Indeed, Mr. Gordon expressed no worry whether the Japanese might use it as a path of invasion.

Great difficulties lie in the path of the Japanese in any attempt to invade India, Mr. Gordon said. The nature of the territory was mountainous and most forbidding. Furthermore this country is the centre of the monsoon, and parts of it experience an annual rainfall of as much as 500 inches; a rainfall of 40 inches in one night has been known.

"The British will recapture Burma," the speaker stated. He then went on to explain the present attitude of the Burmese. A certain section of the population is not loyal to Britain. This has come about by the treacherous infiltration of the Buddist monasteries by Japanese spies, who pose as converts to the Buddist faith.

According to the Buddist religion any one either of his own volition or in escape from a crime, may shave his head and enter a Buddist monastery. There he is safe from all molestation, either by civil or religious bodies. Many Japanese who have been especially trained for this type of espionage, shave their heads and enter the Buddist monasteries as penitents. In many cases they are better educated than the Burmese priests and they fill the minds of the Burman religious leaders with anti-British doctrine.

Racial doctrines and anti-British venom combined make effective propaganda from the Japanese point of view. They try to point out to the deluded Burmese that the Japanese are invincible. Britain, of course, will not use the same tactics of religious infiltration in combatting the Japanese propaganda and so are at a temporary disadvantage.

Burmese Home Rule

The speaker pointed out that the Burmese were not "Ruled by Britain, but were helped by Britain." He explained the system of native rulers and how British justice was milder and tempered the harshness of native rule. The Burmese, before the Japanese invasion, exercised the legislative and judicial functions of government. The Japanese, however, "are bringing the law of the jungle back to the jungle." The speaker agreed with General Stilwell that our allies will recapture this land.

The speaker concluded by stating that out of this war, will come an even stronger Empire. The gradual evolution of a free commonwealth of nations, the British ideal, will come out of the pain of this struggle. Kipling's song is most appropriate here:

"East is East and West is West and
never the twain shall meet
Until earth and sky sit presently at
God's great judgment seat.
But there is neither East nor West,
border, nor breed nor birth
When two strong men meet face to
face though they come from the
ends of the earth."

Conclude 68th General Assembly

MONTREAL, June 10—(CP)—The 68th general assembly of the Presbyterian Church adjourned at Knox Crescent Church here tonight by referring several matters to standing boards and committees for consideration, to be reported on at the 1943 assembly in Hamilton, Ont.

Rt. Rev. Norman A. MacLeod, D.D., Moderator of the General Assembly, was given the following committee to advise him during the year: Very Rev. Dr. M. A. Campbell, Dr. A. S. Reid, Dr. A. M. Hill, all of Montreal, Dr. J. B. MacLeod, Huntingdon, Que., Rev. Henry Cousens, Brockville, Ont., Mr. J. G. Harkness, K. C., Cornwall, Ont., and Mr. A. D. Kyle, Montreal.