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This week, a swell line of Cross Stripes 50c. Look them over

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Want Ads Cent a Word.

IMPORTANT DECISION BY JUDGE G. W. WHEELER

Denies Motion of Railroad Company to Set Aside Verdict of \$5,000 Where Man Was Killed at Crossing -- Criticizes Lawyers for Seeking Non Suits in Cases Like the Present -- Such Motions Are Often Without Regard to Reason, Judgment or Justice and Tend to Create Distrust in the Mind of the Trier.

Judge George W. Wheeler has denied the motion made by counsel for the New Haven company to set aside the verdict of \$5,000 given by a jury in the Superior court upon the suit of Attorney Caleb A. Morse, of New Haven, representing James H. Elliott, administrator of the estate of the late Charles Perro, who was killed some time ago by a New Haven road engine.

In his decision, Judge Wheeler takes occasion to criticize attorneys for making motions for non-suits, motions to direct verdicts, and motions to set aside verdicts, declaring that often they are made with little regard to reason, judgment or justice. This he declares, tends to create a distrust of the sincerity of the motion in the mind of a trier, and sometimes leads to a hasty consideration. The decision follows:

A traveler approaching from the west grade crossing at East Litchfield where the plaintiff's intestate was killed, cannot see a train coming from the south until he is within twenty-five or thirty feet of the crossing and when he can see the engine south only 121 feet. There is a steep rise of rocky hill from the railroad location west, and two rock cuts through which the track passes on the west side of this crossing, and this situation interferes with a traveler approaching the crossing from the south.

There are no gates, electric bells or other precautions at this crossing.

There were no rules or regulations of the defendant governing the operation of its trains in approaching this crossing, so far as appeared in evidence, other than the duty of those in charge of the train to give the statutory signal by bell and whistle.

The average speed of passenger trains at this crossing was about 35 miles an hour.

This highway is the main line of travel between Torrington and Thomaston.

These are all practically admitted facts in this case. They create a condition that this crossing is an exceptionally dangerous one and one where great care on the part of the defendant was required in the operation of its trains. It was a case where the jury might well have found that the circumstances of danger were so exceptional as to have required the defendant in the exercise of ordinary care to have given more than the statutory warning of the approach of the train; indeed, it is not understood now any other conclusion could have been reached. This is in fact one of the most dangerous grade crossings in the state, and while the rules and regulations of the defendant were not in evidence, it may be that the defendant has provided for that warning to travelers than the usual statutory signals.

But aside from this, the jury were justified in finding negligence from the failure to have provided for any other warning than the statutory signals.

That a whistle was blown on the engine is conceded, the place where it was blown is in dispute, and the jury may, on the evidence, have found that it was blown south of the crossing and not therefore in view of the negligence of the defendant might have been found from this.

The jury might have found the engine bell was not sounded, and this evidence supported this conclusion. Negligence might well have been predicated on this.

The jury might have found the speed excessive under the situation existing at this crossing and at least forty miles an hour. The fact that the train was not stopped under the circumstances of this case could not be said to be based on insufficient evidence.

The jury might have found the emergency air brakes were not applied, since no one on the train felt any jar, and no one on or off the train heard any grinding noise, and both of these conditions appear when a train is stopped in an emergency.

The engineer said he did not see the deceased until his feet of the crossing, and the witness said he did not see him until within two hundred feet of the crossing. From these statements the jury might very reasonably have found that those in charge of the engine were not keeping a reasonable outlook, since the deceased was only a few feet from the engine at a much greater distance.

These considerations are sufficient to have warranted a jury in finding the defendant negligent and that such negligence was a proximate cause of the accident. In my judgment no other conclusion was fairly admissible under the evidence.

The plaintiff knew the danger of this crossing. There was no evidence to show that he knew a train was due about this time and none from which such inference could fairly be drawn.

The motion to set aside the verdict is denied.

There was evidence that when he reached a point where he could have seen the engine he was looking, and it was a fair inference that he was then listening and did not know of the approach of the train until he saw it when his team was about 10 feet from the crossing and he from his place in the wagon about 25 feet from the crossing. And the jury might have found that he used due care in listening and looking and after he knew the train was approaching. He was in the possession of his senses.

The wagon riding in made considerable noise and helped interfere with his hearing an approaching train.

The jury might have found that had there been a whistle blown at the whistling post the deceased would have heard it.

The jury might have found that had the bell been rung from the whistling post the deceased would have heard it.

Whether the deceased ought to have stopped, looked and listened, one or all, can only be determined when all of the surrounding facts are known. The finding of those facts is for the jury; the discussion of the situation is dependent on their finding. It is essentially a question of fact. The court cannot place itself in the stead of the jury and reach each of the various circumstances which go to make up the situation adversely to the finding which might have been made as to the exercise of due care so far as his driving upon the highway was concerned.

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MRS. WOODS PAID DUTIES OF \$10,500

BUT MRS. CHARLES F. WOODS, WHO ALSO RETURNED FROM EUROPE, BROUGHT NOTHING DUTIABLE.

Mrs. Charles F. Wood, widow of a former prominent carriage manufacturer of this city, recently returned from Europe as did Mrs. Charles F. Wood of 67 Washington avenue. The former brought back dutiable articles, so that the government required a payment of \$10,500 in duties and penalties. But Mrs. Charles F. Wood brought nothing dutiable. The ladies are related by marriage.

ROBERT LOUIS STEVENSON

It is rare that a writer even as greatly and familiarly loved as Robert Louis Stevenson or even F. Marion Crawford, touches that little homely chord of humor which vibrates about the commercial line for years after the writer has passed on. Marion Crawford individualized Italy until we almost feel ourselves experiencing the views and sensations; and even today, his presence, locally shared it. Robert Louis Stevenson has given to literature the faculty of taking us to the South Sea islands, and even making us feel that they were not only his domain, but that he still lives and is there with us. The "Ebb-Tide" is particularly strong in this welcome delusion. Ebb-Tide is probably more prodigal in the use of harsher expressions of the rougher, Nomadic spirit of those weird islands of Stevenson's times than any other of his works; but the characters like the author, seem to live.

Trueman was always homesick and brief references to old home things frequently occur in his writings. In Ebb-Tide on page forty-eight he makes old Captain Davis, who with his companions, has long hungered and thirsted, say "Food? Yes. Beer? Beer it is." "Leave me alone," says the other, "with perfect propriety like Dr. Lyon's Perfect Tooth Powder—yes, sir, with propriety and neatness." Some sticklers for "style" in literature are criticizing Stevenson for such references. He never offered any apologies, however, further than to intimate that he knew of nothing so well known to the reading public as Dr. Lyon's Tooth Powder, which really was like an old friend of the family, especially families of refinement, even as far back as Good Friday, 1866.

AMERICAN SUGAR REFINING CO.

Very important changes in the directorate of the American Sugar Refining Co. are promised at the annual meeting of stockholders on January 12. Instead of re-electing a group of directors composed for the most part of officials and employees of the corporation, it is proposed to broaden the scope of the directorate and take in men of wide business ability who will be in the interest of the Ames estate but as a business man of wide experience.

New England stockholders in particular, who own some 60 per cent. of the \$90,000,000 preferred and common stocks, are to be given direct representation on the board in the persons of Edwin P. Atkins and Samuel Carr of Boston and Edwin S. Marston of New York. Mr. Marston is president of the Farmers' Loan and Trust Co., one of New York's largest financial institutions, and goes on the board as the representative of the New England interests in the corporation.

Mr. Atkins is a practical sugar man of many years experience and is generally considered as one of the leading merchants of Boston. His own sugar investments in Cuba have kept him in close touch with practical sugar matters for the past 25 or 30 years. Mr. Carr is one of the active trustees of the big Ames estate and is to enter the board not only in the interest of the Ames estate but as a business man of wide experience.

Another election to the directorate will generally elicit much favorable comment is that of Samuel C. Hooker of Philadelphia, one of the ablest sugar men in the country. Dr. Hooker, who is a refining expert, has been placed at the head of the Haver-meyer & Elder refinery at Williamsburg and is in charge of the thorough organization of this important plant.

A proxy committee consisting of the Hon. Richard Olney and Oliver Clapp of Boston and Stephen S. Palmer of New York have consented to

act for the benefit of stockholders who are disposed to co-operate in the plan to give the company the ablest directorate it is possible to secure.

REAL VAUDEVILLE DELIGHTS POLI'S FIRST NIGHTERS

"THE LEADING LADY" SETS NEW STANDARD FOR GIRL ACTS TO FOLLOW.

Barrows, Lancaster & Co. Revive "Tactics" to Delight of the Regulars—Kalmars & Brown's Fine Dancing Production—Other Favorites.

Easily the best vaudeville bill of the season for the average theatre goer attracted enthusiastic audiences to Poli's yesterday afternoon and evening. Patrons had to dodge rain drops and cling tightly to their umbrellas to force their way through the storm, but once inside the theatre they were well repaid. Headed by E. A. Rolfe's best production, "The Leading Lady" and teeming with the good things of the varieties, the program evoked applause and mirth unusual even to the first nighter with his keen appreciation of novelty and merit. Barrows, Lancaster & Co., old favorites, Kalmars & Brown, new favorites, and supporting bill without a single mediocre feature, is bound to make the theatre the scene of throngs all week.

"The Leading Lady" features Marguerite Haney, the dainty soubrette who scored a hit here two seasons ago as the star of "Paradise Alley." Miss Haney has been improving rapidly in the interval. The title of the musical comedy is not a misnomer for Rolfe is magnetic, pretty, graceful, and even to the first nighter with his naturally a comedian who was an instant favorite. It tells the old story of the earl after the American heiress' coin. In this case, the heiress is only an actress masquerading, but the outcome is correspondingly amusing and unique. Mr. Rolfe has a complete English company, even to the scenic equipment, and he himself is here as musical director of the act. He has brought to America one of the best comedians of the past 25 or more attainments, who is sure to become a notable hero. He is ridiculously funny in a way all his own. Ed. Coleman is a capital character com-

edian. Rollicking melodies, fetching dances, brilliant scenery, pretty girls, clever principals, go to make "The Leading Lady" a new standard for the so-called girl acts of vaudeville.

Barrows, Lancaster & Co., the perennial favorites, have revived their splendidly successful comedy sketch, "Tactics" and the reception accorded them last evening should leave no doubt as to their wisdom in treating vaudeville patrons to another glimpse of this delightful playlet. Mr. Barrows has become the northern this season. Heretofore he was the fiery old southerner. Mr. Lancaster remains as the Annapolis cadet. Joseph Egerton and Frances Golden as Colonel Stafford, C. S. A., from Texas, and his daughter, are capable assistants. Time only adds value to such playlets as these. To see them a second time is like hearing a favorite old song or reading a favorite poem. Fortunate indeed were the vaudeville goers when such artists of the legitimate stage as James O. Barrows and John Lancaster decided to enter the vaudeville ranks. Their reward is written in yearly engagements throughout the leading vaudeville circuits. Their revival of tactics is in response to a popular demand.

Kalmars & Brown, exemplifying the poetry of motion in every move, introduce a splendid dancing act. There are songs, too, but the dancing is the feature—such dancing as only Cohan and Dastie present. Although handicapped by their late position on the bill, they scored a big hit last night. Bowman Brothers, the Blue Grass boys, in real black face fun, convinced everyone with their original style of entertainment. One of the novelties of the act is the exposition of how the minstrel boys prepare for the stage. The "Cherry & Hill" in a riotously funny bicycle act closed the program. Corinne Francis, dainty comedienne, sent an electric shock through the audience when at the conclusion of one of her demure singing numbers she developed a sudden desire to kick off the top of the procumbent. When the audience insisted that she come back for an encore, she disappointed the enthusiasts, singing the chorus again and eliminating the bicycle act. Ernie and Mildred Potts opened the program with singing, dancing and baz punching, and the electrograph, which this week has wandered into the middle of the bill, depicts something in which no one appeared to work much interest.

Furs.

See Frankel's display of furs. Just the right kind of holiday gift. A complete assortment to select from. The prices will suit you.

The annual election of officers of Morris Court, No. 4, Order of Amaranth, will be held tomorrow evening, Dec. 15, at their meeting place in the Leasing lodge room.

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Fresh Hamburg Steak 9c lb Island Scallops .25c qt

FREE—10 Stamps with 1 dozen large Sweet Florida Oranges .25c

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FREE—5 Stamps with 1 large Loaf Blue Ribbon Bread .8c

SPECIAL—4 Cans Wax Beans .25c

25 Stamps with 2 bottles Ammonia or Bluing, 10c bot.

All 10c pkgs National Biscuit Co. Crackers .8c

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Youths' Rubber Coats \$2.50 Boys' Rubber Coats \$2.50, \$3.00 Boys' Cape Caps .75c Men's Rubber Coats \$3.00 to \$6.00 Light Weight Tan Coats .85.00

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Rubber Balls .10c to \$3.00 Rubber Animals .15c to .50c Rubber Dolls .10c to 50c

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