

RIVER CLOSED SUNDAY; MEN CROSS ON ICE

MAJESTIC REACHED UPPER GAGETOWN

Forced to Return to St. John—
Season of Navigation was
About the Average
Length.

The season of navigation as far as Fredericton is concerned is closed ice forming on Sunday sufficiently to prevent any steamer from reaching this city. The last departure of steamers from Fredericton was on Friday night both Majestic and D. J. Purdy getting away then the Purdy having been pulled off the Nashwaak Bar late that afternoon.

Reached Upper Gagetown
The Majestic left St. John Sunday morning in an attempt to reach Fredericton, freights being heavy. The steamer reached Upper Gagetown, but the run of ice being heavy at that point it was decided that the steamer could go no further and she put about and returned to St. John.

Fairly Long Season
The season of navigation for 1920 was fairly long. It opened April 15 and continued 220 days being three days longer than the season of the preceding year but shorter than the two seasons preceding 1910.

APPLICANTS FOR POSITION OF SCHOOL SEC.

BOARD WILL CONSIDER MATTER ON WEDNESDAY

Inspector R. D. Hanson One of
the Applicants—Appoint-
ment of Clerk Probable
in Near Future.

The Fredericton School Board will meet Wednesday to consider the appointment of a successor to Charles A. Sampson as secretary to the Board. Mr. Sampson having tendered his resignation after some forty-four years' service. It is probable that an appointment will be made at that meeting.

Several applications for the appointment have been received. Among them are R. D. Hanson, Inspector of Schools for District No. 7, comprising parts of York, Charlotte, Sunbury and Queen's Counties; Major Colin Mackintosh of this city, and W. K. Tibert also of Fredericton. Inspector Hanson is considered to be well qualified for the position particularly if it is desired to have the new secretary combine with his duties those of a superintendent of city schools. For some years past Mr. Sampson has practically been school superintendent.

Changes Possible
It is probable that a permanent clerk will be appointed to take care of the clerical duties of the office when the secretary is occupied with outside duties.

Winter Roads Good
Moncton Transcript: A farmer in Moncton Shediac this morning speaking to the Transcript, stated he never saw so many country roads in a better condition than they are at the present time. He stated the roads, which were built by the Foster government, were not cut up, as they were under the old government's methods so that when they freeze they are like a waxed floor he was loud in his praises of the Foster government's road administration.

Escaped Again.
George Phair who was sentenced to term in the Boys' Industrial Home for a break at the office of the Coburn Lumber Company, Ripples, Sunbury county, about a year ago, again has been French leave from the institution. He escaped some weeks ago but was recaptured. Police have been ordered to watch for him.

Agricultural Society.
The annual meeting of Agricultural Society No. 34 of this city which meets the Fredericton Exhibition, will be held Thursday afternoon. The Fredericton Exhibition of 1921 will be held September 17 to 24.

Flour Declined Forty Cents.
Another decline in the price of flour reported today. This time the price has gone down forty cents per barrel.

W. B. Ashton of Ottawa, has returned after a short visit here.

BEER MUST BE RETURNED TO CHIEF FINLEY

JUDGE BARRY UPHELD PLAINTIFF'S CONTENTION

Writ of Replevin and Seizure
Set Aside—Stay of Pro-
ceedings to Hear
Appeal.

According to the judgment delivered in chambers this morning by Judge Barry the eighty-one kegs of beer seized by Chief of Police Finley as sub-inspector from The Enterprise Bottling Company, must be returned to him as Prohibition official. The beer was taken by Sheriff Hawthorne on writ of replevin. A stay in proceedings to enable the company to appeal, has been ordered by the Judge. The judgment sustained the contention of the defendant Chief Finley that the beer being in the custody of the law could not be replevied.

Lengthy Judgment.
Judge Barry gave judgment this morning in the matter of setting aside the writ of replevin and seizure made by the Sheriff under that writ. The judgment was very lengthy and upheld the contention of the defendant, Chief Finley that the goods being in the custody of the law could not be replevied.

Contention of Defendant.
The defendant in this action, by his counsel P. J. Hughes, contended that the goods were in the custody of the law and could not be taken out of the possession of the officer until they were dealt with by the court under the provisions of the Prohibition Act. It also was contended that the sub-inspector was entitled to a month's notice before action could be brought against him.

Plaintiff's Contention.
On behalf of plaintiff it was contended that the beer was unlawfully seized by Chief Finley having been taken from a private residence, also that having been seized by the inspector without a search-warrant, he had no right to break locks or use any forcible means to enter premises.

On behalf of plaintiff it was argued that the inspector having made an unlawful seizure, was a trespasser, and having trespassed he was subject to action of replevin and that the writ therefore was properly issued.

The plaintiff also contended that a month's notice of action is not necessary in the case of a replevin suit.

Set Aside With Costs.
Judge Barry upheld both contentions of the defendant and ordered the writ of replevin and the seizure made thereunder set aside with costs.

On application of J. J. F. Winslow for the plaintiff, the judge granted a stay of proceedings in view of the intricate question involved, until the matter could be taken on appeal to the full court.

C. L. Johnson, of Hamilton, was in the city today.

J. H. Robinson, of Montreal, was among the arrivals on Saturday.

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THE HOME FURNISHERS

... would arrive here Sunday evening but word was received that it had alighted at Woodstock. Capt. H. S. Orkeley, Capt. W. S. Boyd and Albert McCluskey are aboard. The latter is mechanic. Word about two o'clock was that the plane was having trouble with shell ice at Woodstock and it was doubtful when it would get away.

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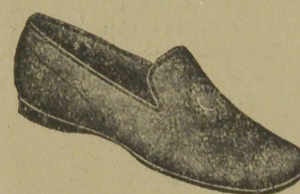
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