

The Daily Herald.

VOL XII

FREDERICTON, N. B., THURSDAY, SEPTEMBER 26, 1907

NO. 224

E. A. O'BRIEN & CO.

LADIES COATS. MISSES COATS.
CHILDRENS COATS.



NO BETTER
VARIETY
IN
THE CITY
WE ARE
TOLD



OUR PRICES ARE THE LOWEST
GIVE US A CALL.

Mail orders receive prompt attention, dress goods a specialty with us.

E. A. O'BRIEN & CO.

Wall Paper

Our new stock of Wall Paper is now all in. Newest Patterns Border same price per roll. See ours before you buy, we can save you money.

BOSTON 5 and 10
Opposite Soldiers' Barracks.

R. G. LEE & Co.

KLENZO

The Best Hand Soap known to remove the grime of occupation. Will remove Machine Grease, Inks, Paints, Oils, Fruit Stains, Stove Polish, Rust, Iron and Brass Stains, Shoe Blacking, Sticky Fly Paper, &c., &c. "KLENZO" is the oldest and best preparation on the market, there are numberless imitations which lack the sterling qualities of the genuine.

LARGE TINS 15c, 2 FOR 25c.

Prepared only by The B&M T'g Co., London, England.
Sole Agent for Canada

GEO. Y. DIBBLEE,

PEOPLES' DRUGGIST opp. City Hall.

*Chestnut
says*

"Our No. 22 Imperial Clinical Thermometer at 75c each, is confidently recommended to Nurses as a strong, accurate instrument, which registers rapidly and is easily shaken down. Every one is guaranteed satisfactory or money refunded. See the word Imperial is engraved on the glass."

"THE QUALITY STORE." 572 Queen Street.

Friendship, Engagement
and Wedding Rings



Beautiful Line of Silverware, Cut Glass, Clocks, &c., suitable for Wedding Gifts.

F. E. BLACKMER

Opposite Normal School

BADLY DAMAGED.

Mongolian of Allan Line Suffered Severely
in Collision with the Hurona---Injured
Ships Reach Quebec.

(Special to Herald.)

QUEBEC, Sept. 26.—The Thomson liner Hurona, with the passengers of the Allan liner Mongolian, arrived here early this morning.

In the collision, which occurred 100 miles east of the Straits of Bellefleur, the Mongolian was struck by Thompson's liner on the bow, some twenty feet from cutwater, and a great hole was rent from the deck down, twenty-five feet, allowing volumes of water to rush into her so that the bulkheads only kept her afloat.

The Hurona had her stem badly broken and a hole forced in her bow fortunately, above the water line.

As a precautionary measure, the passengers of the Mongolian were transferred to the Hurona, but the Allan liner was able to continue her voyage under her own steam, and arrived in Quebec a couple of hours later than the Thompson ship.

The collision occurred during a very heavy fog, which, however, soon lifted, allowing the transfer of the passengers.

HONOR FOR DR. JONES

Chancellor of U. N. B. Receives Honorary
LL.D. Degree from Toronto University.

(Special to Herald.)

TORONTO, Ont., Sept. 26.—A special convocation of the University of Toronto will be held in convocation hall this afternoon on the occasion of the installation of Dr. R. A. Falconer, as president.

The honorary degree of LL.D. will be conferred on the new president of the university and on Dr. Cecil C. Jones, chancellor of the university.

New Brunswick, Howard Murray, of Dalhousie College, Oliver Elgar Mathison, rector of Laval, William Peter son, M.A., LL.D., C.M.G., Principal of McGill University, as well as a number of other prominent men including the Bishop of London in absentia.

QUEBEC BRIDGE ENQUIRY.

Government Commissioners are at Ottawa Seeking
Information.

(Special to Herald.)

OTTAWA, Sept. 26. (Special).—The commission appointed to enquire into the Quebec bridge disaster, arrived here this morning and spent the forenoon at the railway department, looking over the plans of the bridge which are on file there.

The commissioners are: H. Holgate, of Montreal, Chairman, Professor G. Albrith, Toronto, Professor Kerr, formerly of McGill, Montreal.

J. Sterling Deans, chief engineer of the Phoenix Bridge Company is along with the commission.

There was no public session of the commission this forenoon, and it is probably there will not be any hearing.

The idea in general is to get all the information in the possession of

the department. In addition to examining the plans, the commission will take the plans of Consulting Engineer Schrieber, Mr. Johnston and Mr. Douglas with a view of obtaining all the information the departmental engineers have upon the subject.

Mr. Schrieber approved of the plans for the government and Mr. Johnston and Mr. Douglas were inspecting engineers.

The evidence will be taken in their office this afternoon. The commissioners will begin with Mr. Schrieber, and whatever he has to say on the subject will be included in the evidence.

From Ottawa the commission goes to New York and from New York to Phoenixville.

IMMIGRATION RESTRICTION.

All Japanese Landing in Canada
Must Have Passports.

(Special to Herald.)

VANCOUVER, B. C., Sept. 26.—The Dominion immigration agent, Dr. Munroe, has notified all steamship companies carrying Japanese to this city that no Japanese will be admitted to Canada unless they carry passports made out specially to Canada.

This stops the dumping of Japanese in British Columbia, from the Hawaiian Islands.

HALIFAX RACES.

Simassie had an Easy Thing in the
Free-for-all.

At Halifax Wednesday Simassie won the free-for-all in straight heats, easily, with Estell Boy second and Terrace Queen distanced in the first heat, best time 2:19. The three minute trot went to Marguerite, best time 2:21. John Ball and Axbell, two Fredericton horses, were distanced in the second heat.

THE STOCK MARKET.

Montreal Street Railway Dropped Five
Points in Two Days.

(Special to Herald.)

MONTREAL, Sept. 26.—On the stock market today Montreal Street Railway occupied a prominent place, in view of pressure which is coming down from some quarters. Stocks sold down from 189 yesterday to 188, and after opening at 186 to-day, declined further to 184, making five points in two days.

President Forget has denied any intention of reducing the dividend.

Twin City was also an active feature, 94 1/2 to 95; Dominion Steel was neglected, Common selling at 29 1/2.

Other issues in which there was trading were: Ohio Traction 23 1/2; Toronto Railway 99 1/2; Canadian Pacific 164 1/2; Toledo 24; McKay pld. 61 1/2; Shawingam Power 58.

HAVING FINE WEATHER.

(Special to Herald.)

HALIFAX, Sept. 26.—On the second day of the provincial exhibition the weather is fine and warm and a large attendance is anticipated. The city is crowded with visitors.

COMPLICATED CASE.

An Echo of the Estey Failure Heard in the
Courts.

CREDITORS BRING ACTION AGAINST TRUSTEES.
FREDERICTON PEOPLE CONCERNED.

Suit is brought in the equity court before Mr. Justice Barker at St.

John by A. H. F. Randolph and Frederick B. Edgecombe and Mabel Phillips on behalf of themselves and all other unsecured creditors of Richard A. Estey against Allan H. F. Randolph, Hon. Fred P. Thompson and George McKean, assignees and trustees of the estate of Richard A. Estey, and John E. Moore, George McKean and F. P. Thompson and individuals, and the People's Bank of New Brunswick. The estate has assets of approximately \$60,000.

The estate's liabilities are in the vicinity of \$160,000. The object of this suit is to pass on the questions raised by four of the creditors as to their right to participate in the distribution of assets in property and preference to the general creditors.

There was a contract between R. A. Estey and Mr. Moore made in Dec., 1903, by which Mr. Estey was to cut for Mr. Moore 4,000,000 feet of spruce on the Rockaway River on Crown lands. The licenses for these lands were at that time in the name of Mr. Moore, who had made advances to the extent of \$40,000 or thereabouts on account. Mr. Moore claims that he is entitled to the 4,000,000 feet of logs.

The general creditors claim that the estate is the owner of the logs and that Mr. Moore can rank against the estate solely in respect of the advances made on the contract.

Mr. McKean had a contract with Mr. Estey for the purchase of 3,000,000 of deals and his advances to Mr. Estey were in the vicinity of \$20,000, made before Mr. Estey's assignment in 1904. His claim is that he is entitled to the deals according to the terms of his contract, and also according to the course of dealing between lumbermen and particularly between Mr. Estey and himself during the past ten years. He seeks to have his claim to the deals specifically mentioned in the contract, declared by the court.

The general creditors resist this claim on the ground that the deals belong to the assignees of the estate and that Mr. McKean can rank against the assets of the estate only to the extent of the advances made to Mr. Estey.

The claim of the People's Bank is very much the same as Mr. McKean's except that the contract with Mr. Estey was made with A. F. Randolph & Sons, who professed to be acting for the People's Bank. The bank claims under the Bank Act that it has a lien. The bank had advanced money to Mr. Estey to the extent of about \$8,000 on Mr. Estey's contract to deliver to the bank 4,000,000 feet of spruce logs to be cut upon the Tobique, during the winter of 1903 and 1904. On the advice of the creditors the trustees have refused to

recognize the bank's claim to such lien.

Senator Thompson's claim rests upon the convenants in a lease between himself and Estey. Mr. Thompson is the owner of the place upon which Mr. Estey's mill stood, when the premises were leased to Mr. Estey in 1892. There were then certain buildings on the premises which Senator Thompson values at \$3,000. Senator Thompson made additions to these buildings to the value of about \$2,000, and the buildings were destroyed by fire in January, 1905. At that time the assignees were operating the mill and sawing up the Estey logs.

According to the terms of the lease all the buildings on the mill lot, whether there at the time of the lease or erected by Estey while the lease was running were to become the absolute property of Senator Thompson. The mill buildings were not insured, but there was \$7,000 insurance on the machinery and boilers, that amount was paid by the insurance companies to the assignees of Mr. Estey's estate. The lease moreover provided that improvements were to be made by Mr. Estey in the way of wharves and water fronts, upon the mill lot to the value of \$2,000, and by the terms of the lease these were to become the property of Senator Thompson at the expiration of the lease, which has yet several years to run.

Senator Thompson claims that he is entitled to have the assignee carry out the convenants on the lessee's part, and that he should be paid \$5,000 for reinstating the mill and buildings in connection therewith, and also \$2,000 because of the improvements which should have been made by Mr. Estey, but which he failed to make, but says that the trustees might properly appropriate the \$7,800 which they received from the insurance companies for that purpose.

This claim is resisted on the part of the general creditors, who say that Senator Thompson cannot claim for a breach of convenants in the lease until such time as the lease shall be expired.

J. H. Barry, K. C., appears for the plaintiffs and the unsecured creditors. Dr. A. O. Earle, K. C., is counsel with him, as against the special claimants excepting George McKean, Hon. A. S. White, K. C., and A. P. Barnhill, K. C., appear for John E. Moore, A. I. Trueman, K. C., and W. H. Trueman for Senator Thompson, J. W. McCready for the People's Bank, and Dr. A. O. Earle for George McKean.

On Wednesday R. A. Estey, Moses Mitchell and Senator Thompson of Fredericton gave evidence. Counsel argued briefly and judgment was reserved.

SCHOOL BOARD MEETING.

Bank Account is Overdrawn and no Payment Received
in this Year's Assessment.

The school trustees held their regular monthly meeting Wednesday, Dr. Atherton presided and the other members present included Mr. Sterling, Mr. Weddall, Mrs. Clark, Mrs. Lynch and Dr. VanWart. By agreement Mr. M. R. Beim was given half an hour to explain all the good qualities of the standard dictionary and the desirability of supplying the schools with the newest maps, samples of which were displayed.

Secretary Sampson's report showed that while all the eligible children in the city have not yet found their way to the school, there is a strong attendance in most of the departments. Prof. Harrison is succeeding well with his method of musical instruction and the children seem to enjoy it. His work was restricted to York street and Charlotte street schools last month, but he will at once include Regent street school in his itinerary.

Mr. Sterling and Dr. VanWart made a good report of conditions at Morrison's Mill school. There are about 90 pupils registered in the 2 rooms and Misses Strong and Kinghorn are getting in satisfactory work. Inspector Foster also visited the Mill school and found things getting along very well.

A communication was received

from the Chief Superintendent of Education accompanying which was the Lieut. Governor's High School Entrance medal. The winner for York is Miss Mildred E. Wallace, daughter of the chief clerk in the Education office. A formal presentation of the medal will be made at the Christmas public closing exercises.

Leave of absence for one week was granted to Miss Thorne, of the High School staff to attend a meeting of the King's Daughters in Montreal. The secretary will endeavor to procure suitable supply.

It having been reported by the secretary that the account is considerably overdrawn at the Bank and that he has failed to obtain any payment on this year's assessment, it was suggested that the teachers may be at great inconvenience if their pay is not forthcoming at the first of the month. An effort will be made to overcome this.

After much routine business, Mr. Foster explained the new features of grading which after several suggestions by members of the Board was approved.

The meeting then adjourned.

The size of a man's reputation is measured by the number of people who talk about him.