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Manager. Editor

DAILY HERALD.

TUESDAY, DECEMBER 2, 1902.

UNFOUNDED COMPLAINTS.

Prof. Riley in his speech at the St. Andrew's dinner, complained that the University did not receive that measure of support from this city to which the institution is entitled, and that the newspapers of the city had spoken discouragingly of the University. Our young friend is mistaken. He has not been here long enough to become properly informed, or rather he has not taken pains to fully inform himself in the matter. Fredericton has always shown an active interest in the University. It is only two years since the citizens taxed themselves \$500 to aid in the erection of the new science building, and there were also private subscriptions for the same object. That was certainly a practical form of sympathy. And as for the press of the city, we invite Prof. Riley to quote a single article from the Fredericton newspapers derogatory to the University. A gentleman in Prof. Riley's position should be sure of his ground before he speaks in the vein that characterized his address at St. Andrew's Society dinner. But it was an after dinner speech, and perhaps the professor was somewhat unhinged by the advent of the baggis.

The Minister of Railways, who was the guest of the Caledonian society last night at Campbellton, has every reason to feel at home among Scotchmen, for he sprang from hardy Scottish ancestry. Mr. Blair was given a very hearty reception, and made a speech that was patriotic and hopeful. He has great expectations for the Intercolonial which he has placed in a position of usefulness and profit that was not dreamed of under Tory rule. Mr. Blair believes that the time may come when the I. C. R. will reach across the entire continent for business, and let us hope that he may live to see a realization of his hope in that direction.

The earnings of the I. C. R. for the year ended June 30 last, amounted to \$5,671,385 and the working expenses reached \$5,574,563, leaving a surplus of \$96,822. The previous year the total receipts were \$4,972,235 and the working expenses \$5,460,421, leaving a deficit of \$488,186. If the surplus of \$96,822 is added to this it will be seen that the business of the past year shows a betterment of \$585,000. The business of the current year, that is from July 1 last, shows a considerable increase over the same time in the previous year.

Mr. Hazen, much to the regret of his numerous friends, was unable to be present at St. Andrew's Society dinner last night. It is said that the opposition leader was ready to come, but received a telegram that "the main body" had made its appearance somewhere on the North Shore. Of course the despatch was a delusion, but when Mr. Hazen discovered the job that had been put up on him it was too late to catch the train to Fredericton. The people who are hoaxing our amiable and esteemed friend should be ashamed of themselves.

British Columbia local politics is inextricably mixed. The Prior government is composed of three Liberals and four Conservatives, and the opposition is made up of even more diverse elements. It includes Joe Martin and his following, the Liberals like Smith Curtis, who do not accept the leadership of Mr. Martin, and a contingent of Conservatives under the leadership of Mr. McBride.

VANWART ESTATE.

A Subject for Argument
Before Judge Barker
in the Equity Court.MOTION MADE TO CONFIRM
REFEREE COY'S REPORT.Creditors Who Lost Trust
Money Claim a Preference.MR. GREGORY CONTENDS THAT ALL
ARE ON THE SAME FOOTING.

The December term of the Supreme Court in Equity opened here this morning, His Honor Justice Barker presiding. The barristers in attendance were J. D. Painney, K. C., A. J. Gregory, K. C., J. H. Barry, K. C., T. C. Allen, K. C., Geo. W. Allen, K. C., A. E. Wilmot, C. E. A. Simonds, Havelock Coy, H. F. McLeod, R. W. McLellan, J. W. McCready and A. R. Slipp of the local bar, D. McLeod Vince, F. B. Carvell, Woodstock; Alex. W. Baird, St. John.

A. J. Gregory, K. C., moved to confirm the report of Referee Coy in re the estate of the late Wesley Vanwart, deceased. He first read the petition of Willard Kitchen, administrator cum testamento, and afterwards the report of the referee in Equity, the text of which has already appeared in these columns. Mr. Gregory stated that since the report had been prepared exceptions to it had been filed by Mrs. Esther I. Avery, and also by Annie E. Clowes and R. D. Wilmot as sole surviving executor of the estate of the late Gerhardus Clowes.

Mention having been made in the report of certain creditors claiming a preference, because of their having lost trust monies, His Honor decided to first deal with this phase of the case. The list of those claiming a preference is made up of R. Brooks Straton, Geo. L. Hallett, Mrs. Helen Belmain, Mrs. Lulu Thompson, Horace E. Hume, the estate of the late Gerhardus Clowes and R. W. McLellan.

J. H. Barry K. C., who appealed for Mr. Straton, claimed that his client had placed \$900 in the hands of the late Wesley Vanwart, just prior to his death, for a specific purpose, and the money had been appropriated by Mr. Vanwart to his own use. It only seemed reasonable to him under the circumstances that Mr. Straton should be paid in preference to the other creditors.

Mr. Gregory contended that the claims were all in the same position with the exception of that of Mr. McLellan, which was for salary due him.

Mr. McCready who appeared for the heirs of the late George Hume, said that his claim was for money received by Mr. Vanwart in his capacity as executor. He had disposed of real estate on King street to W. G. Clark and had appropriated the money to his own use. When the heirs pressed for payment, he gave them to understand that the money was on special deposit in the bank, but could not be paid over until some imperfections in the title was remedied. He (McCready) did not think that it was right that the legatees should be made to suffer because of the dishonesty of the executor, in view of the fact that he had left property behind him. Had Mr. Vanwart acted honestly towards the legatees there would only been that much less left for distribution to other creditors.

Judge Barker—I suppose all the creditors will say that.

Mr. Simonds, who appeared for the estate of the late Gerhardus Clowes, stated that his claim was for money paid in to Vanwart as executor two or three weeks prior to his death.

Mr. McLellan stated that Mr. Hallett's claim was for the amount of a mortgage paid by J. Norman Hallett to Mr. Vanwart in trust for him.

Mr. Gregory opposed granting a preference to any of the claimants with the single exception of Mr. McLellan. He contended that all monies Mr. Vanwart had received from clients were for specific purposes, and therefore all the creditors should be treated alike.

The exception to the report taken on behalf of Mrs. Avery was next argued, Mr. Phinney in support and Mr. Gregory contra. It appears that Mrs. Avery had been allowed \$96 for her claim by consent of all the attorneys, and is claiming an additional \$100.

Messrs. C. E. A. Simonds and A. B. Wilmot, who filed an exception on behalf of the Clowes estate and Miss Annie E. Clowes, contend that their claim of some \$3000, which the referee decided was against the late firm, should be paid out of the proceeds of the Wesley Vanwart estate.

Argument in the Vanwart case was concluded at four o'clock this afternoon, and His Honor reserved judgment.

"Your fare," said a street car conductor to a buxom damsel on a Whitney Ave. car yesterday. "Well, s'pose I am. You needn't yell it all over the car."

Browne—They make those folding-beds to resemble everything now. Towne—Yes; I even saw one the other day that resembled a bed.

HELP WANTED.

WANTED.—A trustworthy gentleman or lady in each county to manage business for an established house of solid financial standing. A straight, bona fide weekly salary of \$18.00 paid by check each Wednesday with all expenses direct from headquarters. Money advanced for expenses. Manager, 350 Caxton Bldg., Chicago. Dec. 2—d301

Intercolonial Railway.

Tender for an Engine House, etc.,
at St. John, N. B.

Sealed Tenders addressed to the undersigned, and marked on the outside "Tender for Engine House at St. John," will be received until WEDNESDAY, 10th December, 1902, for the above work.

Plans and specifications may be seen at the Office of the Terminal Agent at St. John, and at the Chief Engineer's Office at Moncton, N. B., where forms of tender may be obtained. All the conditions of the Specifications must be complied with.

D. POTTINGER,
General Manager
Railway Office,
Moncton, N. B., 27th November, 1902
Nov. 29—d81

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December 17

ELLISON VAN HOOSE,

America's Greatest Tenor, and other talent to be announced later.

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In Bear, Sable, Thibet and Appossum Trimmings. Ladies' Black Astrachan Coats, in all sizes and lengths.

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-Kidney Pills-

25 CENTS A BOX.

Hundreds of people right here in York County say that Dr. Bark's Kidney Pills at 25c. a box are just as effective and beneficial as the much vaunted kinds which are sold at 50 cents and 75 cents a box. We know Dr. Bark's Pills are good for all kinds of Kidney and Bladder trouble. Sold in Fredericton only by

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