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healthful—but perhaps some do not under-

r cent water, 8 per cent of sweet principle, is the quantity of bitter principle in fruit . An eminent physician of Ottawa, after of increasing the bitter principle in fruit curative qualities.
fresh, ripe oranges, apples, figs and prunes. atoms are replaced by the bitter principle. and the whole made into tablets, now known

in the world that is made of fruit juices, have let their composition be known from

for the liver, bowels, kidneys and skin. In ouble, Indigestion, Backache, Rheumatism, erful fruit medicine cures when everything

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all the emotional is much more highly de- e more sensitive, more tender, more sym- and dislikes, more susceptible to the ex- efined mental qualities, no less than beauty sphere of attractiveness and charm which

vinning, engaging womanly characteristics gularity of the womanly functions and the en these functions and organs become dis- lities which are the glory of a well woman e almost indescribable. Her cheery hope- ency, almost of despair, and she is haunted Instead of being entertaining and com- able, being unable to keep her mind from morbidly sensitive, imagining that she is es and friends and she has a most humili- d of her loss of her womanly attributes. If ble to be oppressed with doubts and fears o think that she is eternally lost. In ad- most distressing aches and pains. ble, especially with married women, is the late the extent of their suffering, or the Many doctors even speak of these disorders fferer often gets a reputation for being a pproaches being a martyr. ered condition of the womanly organs, it is must be restored to normal condition; or, s become congested and stagnant in these e matter will be expelled, and the nourish- suffering organs. It is the waste matter, the stagnant blood vessels in these parts, essing the nerves located in these parts.

The remedy known as ORANGE LILY will positively relieve this congestion and restore normal cir- culation in the disordered organs. It is an applied or local treatment, and acts wholly on these parts. It is absorbed into the blood vessels in these organs, and as it has powerful antiseptic properties, it immediately acts on the waste mat- ter held there, and causes it to be discharged. As this dead matter is discharged the nerves are relieved, the pain and mental troubles be- come less, and the nerves and blood vessels become stronger. ORANGE LILY thus proves its merit by ac- tual, visible results. It acts as roubles as anti-toxin does on diphtheria.

Winnipeg, April 28th, 1909.
to ORANGE LILY for the change it has use eight months ago I felt I would be The pain I suffered often made me wish fits of depression and nervous twitching ored with three different doctors for over erce and Pinkham medicines, but none of ome improvement after the first month's ning ever since. I do not feel that I am er than I was that I am sure I will soon heerful and happy, except that I am oc- pells are getting fewer and milder. I have nclosed find $3 for which please send me Cerate Massage. I might add that the L and which looked like a chicken's giz- ne that the circulation is pretty well re- r sincere friend, MRS. L. E. A.

Sufferers

ering from any form of female disorders will send to everyone who will send me ng friend enough of the remedy for ten is worth 35c. it is only because I know free trial offer. Further, if any woman rite me a full description of her case, I ley Medical Institute, Detroit, Mich., and se to her. INCLOSE THREE 2-CENT CURRAH, WINDSOR, ONT. 2

Avory's gift of caustic repartee. Once, in a case, his learned opponent cited a text from the book of Job. Mr. Avory was on his feet in an instant. Raising his eyebrows, he looked inquiringly at the judge. "I do not think Job's evidence is admissible," he said quietly. "You see, we cannot put him in the witness box."

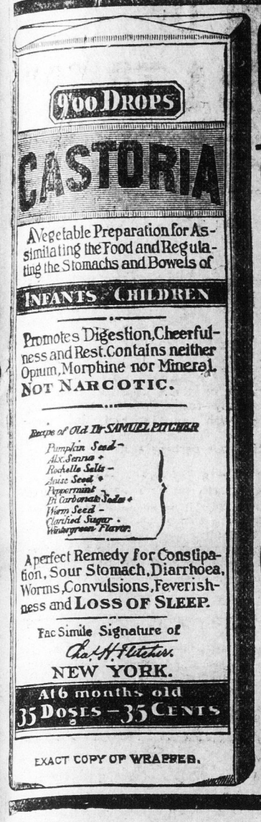
Once Mr. Avory met someone who proved too much for him. "Let me see," he said to a witness for the other said, "you've been convicted, haven't you?"

"Yes, sir," answered the man, "but it was due to the incapacity of my counsel rather than to any guilt on my part."

"It always is," said Mr. Avory grimly, "and you have my sincere sympathy."

"And I deserve it," retorted the man, "seeing that you were my counsel on that occasion."

The average duration of life in India is 24 years.



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THE CENTAUR COMPANY, NEW YORK CITY.

DEMURRER ALLOWED WITH COSTS IN PUGSLEY VS. N.B. COAL AND RY. CO.

Decision of Chief Justice Means That it Now Remains for Attorney General, if He Desires, to Ask for Accounting Which Dr. Pugsley Worked for So Hard, and Which is Not Allowed on Point of Law.

Wednesday, Sept. 21.

In the chancery division of the supreme court yesterday afternoon, Chief Justice Barker delivered judgment in the case of Hon. William Pugsley vs. The New Brunswick Coal and Railway Company. His honor allowed the demurrer, which means that the case is thrown out of court. He reviewed the case at some length, making special reference to the investigation into the affairs of the company by the commission of which Mr. Justice Landry was the chairman, and which contended that more than $135,000 could not be accounted for.

In the hearing of the case decided yesterday, Dr. Pugsley's counsel argued that a direct charge had been made against the minister, and that his client was entitled to an accounting when various sums of money claimed by Mr. Pugsley to have been erroneously omitted from the findings of the commission, could be accounted for. He felt that Mr. Pugsley had been accused in the following section of the commission's report. "We believe the directors of the company, and especially the ex-officio directors, are responsible to the province for an accounting. They should be called upon to submit an account showing the expenditure of $958,799.75 or at least that portion of it supplied by the province. What steps should be taken to enforce this finding, we hardly feel called upon to determine."

Dr. Pugsley, in view of this statement took the initiative, and asked that an account be taken of the receipts and expenditures of all subsidies and other monies, and of all business connected with the company's affairs. Mr. Justice Barker, in his judgment says that he does not consider the report binding on anyone, nor does he consider that any direct charges were made against any certain person. He considered that while the principal could investigate the agent, the agent had no grounds on which to ask for an investigation of the affairs of the principal. This he considered was the position of Dr. Pugsley and the railway company. The chief justice pointed out that a bill properly filed would be in order for an accounting. This means that it now remains for the attorney general to demand the investigation. It has been pointed out that the attorney general, had he so desired, could have made himself a party to the case along with Dr. Pugsley, which would have insured the bill being presented in the proper form.

The Judgment.

The judgment is as follows:

Pugsley vs. The New Brunswick Coal and Railway Co. and others. Barker, C.J.

This is a demurrer to the plaintiff's bill by the defendant Bruce for want of equity. The facts so far as they are material to the present hearing are these. By an Act of the provincial legislature passed in 1901 (1 Edward VII., Chap. 12, Sec. 1) the Lieutenant Governor in Council authorized to guarantee the bonds or debentures to the amount of $250,000, of any company authorized to construct a line of railway from the terminus of the Central Railway at Chipman in Queens county to Gibson in York county, with interest at the rate of three per cent. By the same Act it was provided that the provincial secretary and attorney general of the province should be exofficio members of the board of directors of the said company and have the same powers and privileges as any other member of the board. The principal object of this enactment as it appears by the preamble was the development of large and valuable coal deposits in the counties of Queens and Sunbury, from which it was supposed the province would derive substantial returns in the way of royalty and otherwise. The Act contained various provisions designed to secure the money for which the province was to become responsible. The specifications for the railway were subject to the approval of the governor-in-council (Sec. 3). The province was not to be under any liability until after the railway had been completed and in running order properly equipped with sufficient rolling stock so as to pass the inspection of an official to be appointed by the government for that purpose. The company was required (Sec. 6) to keep such books and accounts as the government might from time to time require, and these books and accounts were at all times to be open to the inspection of the government or such persons as they might appoint for that purpose. In addition to this the company's books and accounts were to be audited every half year by an expert accountant appointed for that purpose by the governor-in-council. Section 7 also provided that the company should produce and file semi-annually with the provincial secretary a statement of the company's business, with the net profit for the preceding half year, and that this statement should be verified under oath by the president or secretary of the company. It was also provided that the roadbed, rolling stock and plant of the company and its tolls and earnings should be conveyed to trustees by way of mortgage to secure the principal and interest of the bonds. The defendants, the New Brunswick Coal and Railway Company, were incorporated by an Act of the legislature of New Brunswick passed in the same year (1901, Chap. 77) and by Section 5 it was authorized to carrying on a mining, milling and manufacturing business, with very general and extreme powers, including the power of building and maintaining a railway between Chipman and Gibson. The head office was to be at Fredericton; the capital stock was fixed at $100,000, divided into shares of $100 each. The company was also authorized to issue bonds for $250,000, to be secured by a mortgage on its stock and plant; and in case it acquired any other railway it could, with the permission of the government, issue additional bonds to such an amount as the lieutenant-governor-in-council might allow, not however to exceed the amount which the acquired railway had power to issue. The coal company soon after its organization entered into a contract with the government for the construction of the road from Chipman to Gibson, and they also secured from the Central Railway Company an option to purchase its railway and stock for $180,000. In order to carry out that option an Act of the legislature was passed by virtue of which the purchase of the Central Railway by the coal company was ratified. Some change was made as to the issue of the bonds, but eventually the government did guarantee the bonds of the coal company in all to the sum of $150,000 to provide the money for the construction of the road from Chipman to Gibson—for the purchase of the Central Railway and from some extra improvements on that road. In addition to this the government also advanced the company large sums of money by way of subsidy and loans to meet current expenses.

In 1905 another act of the legislature (5 Ed. VII., Chap. 16) was passed by which for various reasons specifically set forth in the preamble the government was authorized to take over the Coal Company's line and property and manage it by means of a commission of two members to be appointed by the government and in order to provide the money necessary to pay outstanding liabilities, to purchase rolling stock and to make necessary improvements, the commissioners were authorized to make and issue four per cent bonds amounting in all to the further sum of $250,000, also to be guaranteed by the province. The commissioners were required to submit annually to the legislature a report of their receipts and expenditures. Under this act the railway was taken over by the government and bonds to the extent of $250,000 were issued and their payment guaranteed by the province. The plaintiff when all these acts were passed and during the construction of the road by the Coal Company down to 1907 was attorney-general of the province and as such an ex officio director of the company.

In 1908 an act of the legislature (8 Ed. VII., Chap. 19) was passed authorizing the lieutenant-governor to cause a commission to issue to three persons to hold an investigation or inquiry into certain matters connected with the Central Railway Company and the New Brunswick Coal & Railway Company, and in pursuance of that authority Mr. Justice Landry and Messrs. McDougall and Teed were appointed commissioners. They made an investigation and on the 29th day of March, 1909, made a report by which they found that after making allowance for all disbursements made by the Coal Company and taking account of the receipts there was the sum of $135,035.35 unaccounted for. The bill alleges that this account as taken by the commissioners is incorrect by reason of certain errors and omissions which are specifically set forth and that if the account were correctly taken there would not be anything unaccounted for. The bill also alleges that the directors appointed proper and trustworthy officers to attend to the financial and other business of the Coal Company, and that it was the duty of the plaintiff as one of the ex officio directors of the company as well as the duty of the other directors of the company to take all necessary and reasonable steps to see that the affairs of the company were well managed and that all available moneys were used for the legitimate purpose of the company and for the best possible advantage of the company. The plaintiff also alleges that in all respects he and the other directors of the company did everything which was reasonably possible and feasible in the interest of the Coal Company, and everything that was reasonably possible and feasible so far as the construction of the railway and its branches were concerned and its operation was done in the interests of the said province. The bill also alleges that all money received from the government of the province and dominion for or on behalf of the defendant company, and also all proceeds of the sales of debentures of the said company and all other moneys whatsoever received for or on account of the defendant company were used for the legitimate purposes of the company. The 22nd section of the bill is as follows: "That no accounting has ever been had between said officers and directors and the defendant company, and in view of the position which the plaintiff occupied in respect to the defendant company as an ex officio director thereof, by virtue of his having been attorney-general of the province of New Brunswick and by reason of the appointment of the said commissioners pursuant to the legislative authority referred to, and in view of the report which they made alleging that the amount of $135,035.35 was unaccounted for and also of the complicated character of the accounts of the defendant company and death of said officer and the company's auditor, the plaintiff believes and alleges that he and the other directors of the company are entitled to have an account of the receipts and disbursements of the defendant company." The prayer of the bill is "that an account may be taken under the direction of this honorable court of the receipts and expenditures of all subsidies and other moneys received by said defendant company or the directors and officers thereof from the dominion government and the government of the province of New Brunswick and also of the expenditures and appropriation of the proceeds of all debentures, bonds or securities for money guaranteed by the said province and of all the dealings and transactions of the said defendant company or the directors thereof in any way connected with the business of said defendant company and said receipts and expenditures."

The parties defendant include the Coal Company and all the directors besides the plaintiff, who are living, and the personal representatives of Messrs. Stetson, Winslow and Trueman, who died before this suit was commenced.

In discussing the question raised by this demurrer the plaintiff's counsel seemed to attach so much importance to the fact that the government commissioners had, by the report which they made found, if not directly at all events by inference, that the plaintiff and his co-directors, some or all of them, had by reason of their breaches of trust as such directors incurred a very large liability, it will perhaps simplify matters if I first discuss the plaintiff's position and rights irrespective of the report and then see whether they are altered in any way by what the commissioners did.

The relation which exists between a company such as this coal company and its directors has been described as that of trustee and cestui que trust and sometimes as that of principal and agent. Directors are sometimes described as agents of the company, which undoubtedly they are, and sometimes as trustees of the powers of the company for the body of shareholders. If directors appropriate the company's money to their own use and benefit or use it for purposes ultra vires of the company they are in both cases guilty of a breach of trust, and though the measure of the liability may not be the same in the two cases, in both the breach of trust is the foundation of the jurisdiction of this court. In re Bolt & Iron Company 14 O. R. 217, and on appeal 16 Ont. A. C. 307 it appeared that the president and manager of the company had taken from the company's funds an amount in payment of his salary. It was treated as a breach of trust, though he took the money bona fide, believing that he had a right to do so. See also ex parte Kelley 21 Ch. D. 492 and Raneskill vs. Edwards 31 Ch. 100. In Patrick vs. Stanley 9 Hare at p. 628 the vice-chancellor says: "It was there said that this was a case of principal and agent and that if the principal may file a bill against the agent the agent may file a bill against the principal, but I cannot admit that the rights of principal and agent are correlative. The right of the principal rests upon the trust and confidence reposed in the agent, but the agent resposes no such trust or confidence in the principal." This is an authority for holding that this bill could not be sustained as against the company. It is still more difficult to see what interest the plaintiff has to file a bill against his co-directors. The plaintiff alleges that he and his co-directors had a duty to see that the company's moneys were all properly expended and used for the legitimate purposes of the company and he also alleges that he and his co-directors have fully and honestly discharged their duty both to the company and the province and that if an account were taken it would be found that neither he nor the other directors owed the company anything. The bill does not allege that the company is making any claim. The effect of taking the account would be to show that the directors owed the company nothing, a fact which according to the bill no one who is a party to this suit ever denied. I think I am not traveling outside the admissions of the plaintiff's counsel on the argument if I assume that this bill would never have been filed if the case rested solely on the aspect of it, which so far I have presented. It was said, however, that the investigation and report of the commission had altered the plaintiff's position so as to give him rights to come to this court, which he had not before. The allegations in Sec. 22 of the bill which I have quoted at length are intended to furnish additional reasons for sustaining this position.

There is no doubt that the legislature, when it stipulated, as one of the conditions upon which the bonds of the company were to be guaranteed by the province, that the attorney-general and provincial secretary should be exofficio directors, regarded that arrangement as a safeguard to the province against any misapplication of the company's moneys or their waste from loose and incompetent management. The plaintiff in his bill speaks of his duty to the province and his duty to the company—separates the one from the other. With his duty to the province so far as it is distinct from his duty to the company, this court has nothing to do in this proceeding for this bill both in its allegation and in the parties to it, has reference solely to the dealings between the plaintiff and the company in his capacity as a director. In that view I am unable to see in what particular his right to maintain this suit is greater or different by reason of the appointment of the commissioners or the report which they have made. The report is intended for the information of the governor-in-council—the duties of the commissioners were inquisitorial and not judicial (re Gordon vs. City of Toronto, 16 Ont. Ap. 452). The report is not binding upon anyone, and it would seem from the reasoning in Stubia vs. Freccia 5 A. C. per Lord Blackburn at p. 644 that it is not even evidence against the plaintiff. It in fact from the allegation in the bill only finds that as a result of the investigation the commissioners were able to make, there is a sum of $135,035.35 out of the $958,799.75 received by the company (and the correctness of this sum does not seem to be questioned) which is unaccounted for; that is, as I understand it, they are unable to tell what became of it. It is true that the report does not fix the liability for this balance upon any particular individuals. It is, however, a necessary inference that if the balance were correctly stated it represents a liability which the directors, some or all of them must assume. Under these circumstances it is easy to understand how this company and its directors who were responsible for the management of its affairs during the period when these large expenditures were being made, should seek the aid of some judicial tribunal for a thorough investigation of these accounts, and in that way correct the errors and supply the omissions to which the plaintiff alleges this large balance is attributable. But that does not add to the jurisdiction of this court or give the plaintiff a right to file a bill for that purpose. It is still an accounting to be enforced by the principal against the agents. On a bill properly framed for the purpose this court would have no difficulty in making the enquiries usual in such cases, and any special enquiries which the allegations in the bill or other circumstances might render necessary. If the real object of such a bill were to show by evidence that the directors had fully discharged their duties and fully accounted, as the object of this bill is said to be, and in that way by a decree of this court prove that the commissioners' reputed balance was altogether wrong, that object would not be attained by a decree simply recording a result agreed upon by the parties and to which none of them made any objection, or by any decree based on anything short of a thorough enquiry and investigation. The demurrer must be allowed with costs.

TO STOP FORESTALLING IN FREDERICTON CITY MARKET

Fredericton, Sept. 20.—At a meeting of the police commission last night it was decided that the market law is to be carried out in its entirety, especially that part relating to forestalling. "We have had many complaints," said one of the members of the commission, referring to the affairs at the market, "and we are determined to have the market law rigidly enforced. We have the law to prohibit forestalling at the market, and there is no reason why it should not be enforced."

Dr. Atherton was called to Sheffield yesterday to attend the eight-year-old son of Percy Barker who had been taken suddenly ill. The doctor found him suffering from a strange malady which he diagnosed as polivinyetitis. Everything possible was done to alleviate the youth's sufferings, but he passed away last night. The doctor says it was the first case of the kind he ever saw but he understands that there has been several deaths among children in Hamilton, Ont., quite recently. The boy had been on a picnic and upon his return home appeared to be suffering from a form of paralysis

"Does she seem to take kindly to society ways now that her husband has made such a pile?" "Oh, yes, indeed. She was the loudest talker in the house at grand opera the other night."

Constipation is the root of many forms of sickness and of an endless amount of human misery.

Dr. Morse's Indian Root Pills,

thoroughly tested by over fifty years of use, have been proved a safe and certain cure for constipation and all kindred troubles. Try them.

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Yes Ma'am—The Best

"Favorite" Churn has proven itself the best churn in Canada. 8 sizes.

Write us if your dealer does not have them. 72

DAVID MAXWELL & SONS, - ST. MARY'S, ONT.

WHAT NIAGARA'S ENERGY MEANS TO ONTARIO

Displaces 2,000,000 Tons of Coal Yearly, and Means a Saving of $600,000 a Year for Power.

(Toronto Globe.)

Before the end of the present year the use of Niagara's energy for light and power producing purposes will be very greatly extended. In the manufacturing centres of western Ontario the current supplied by the Hydro-electric Commission, the Electrical Development Company, and the Dominion Power Company will displace something like two million tons of coal a year. That is to say, if water-produced electricity were not available the public and private corporations in the region would have to import two million additional tons of coal yearly, paying duty thereon at the rate of forty-five cents per ton, or twelve cents per ton for slack. It is quite certain therefore that the people in the portion of the province served by Niagara power will be placed in a position to save $600,000 yearly—perhaps considerably more—formerly paid to the dominion treasury in the form of taxes on soft coal. The tax, while of some value for the protection of Nova Scotia coal in the valley of the St. Lawrence and at Montreal, has never been anything but a revenue tax, so far as Ontario is concerned.

Over large areas of the province the general use of water-produced power has relieved the industrial community of the heavy tax, and it is no doubt partly due to cheap untaxed power that manufacturing enterprises have taken such a remarkable leap forward of late in the cities and towns served or about to be served by Niagara power. But there is another aspect of the coal tax that cannot be ignored. There are considerable portions of Ontario that are still out of reach of water-produced power. The industries located in these centres are in many instances competitors of those situated in the cheap power area. The provincial machinery and private enterprise combined have relieved their rivals of the coal impost, but they have to struggle along with costly coal-produced power, either steam or electric, and pay a revenue tax on the coal from which the power is obtained. This inequality cannot be allowed to continue, for the natural and inevitable result will be to greatly accentuate the entire industrial population of the province along the lines distributing Niagara or some other electric power. The towns and cities in Ontario that are beyond the water-produced electric power zone have a right to demand that they be relieved of the coal duties and placed on something like equality with their competitors.

In any negotiations with the United States for freer interchange of products the coal tax on both sides of the line should be one of the first to receive serious attention. The natural market for Nova Scotia coal is in the New England States, and if assured of free entry into them for a twenty years' period the Nova Scotia coal operators would be well content to cancel their claim on a market in Ontario they have never been able to provide for. In the west the situation is simple, for the Canadian mine-owners there want the American market, and the Americans are keenly desirous of securing duty-free Canadian coal, which is of far better quality than anything to be had south of the border.

There is nothing that would more encourage the maintenance and development of factories in the smaller centres of Ontario beyond the water-produced power zone than free coal. The authorities of these towns and the manufacturers using the coal in their industries should impress the view on the members of the dominion government before negotiations with the United States are begun.

NEW STAR CEASES PUBLICATION AFTER VERY SHORT LIFE

Financial Troubles in Office of Conservative Organ Take a New Turn —Several Men Out of Employment.

Advertisers in the New Star, started soon after the Sun and Star were absorbed by The Telegraph Publishing Company, and printed in the Standard office, a great deal of matter being lifted daily from one paper to the other, yesterday received letters stating that the paper would cease publication last night. The reasons for this were lack of business, circulation, etc., thereby causing the paper to be run at a loss. The men employed on the paper had given much time without pay, and they were unable to do so longer. Lack of capital had crippled the paper and had resulted in much inconvenience.

It is known that the Star people had asked the Standard to take over the paper. There the same difficulty was met with—lack of capital. It is understood that those in control of the morning Conservative journal could not see their way clear, financially, to saddle themselves with further burdens. Several mechanical and writing men were thrown out of employment by the decision reached yesterday, although it was plain to be seen from the very beginning that the paper could not continue long.

RAIN INTERFERES WITH CHARLOTTETOWN FAIR

Charlottetown, Sept. 20—(Special)—Heavy rain interfered with the provincial exhibition today and the formal opening and races had to be postponed. Judging was proceeded with. The following prizes were awarded in Shorthorns: R. A. Snowball, Chatham (N. B.), four first prizes; Herefords, W. W. Black, Amherst, seven firsts and one second; painting, H. B. Leahy, Sydney, three firsts; Miss Florence M. Bailey, Sydney, five seconds and one first.

If the green stems of radishes are eaten the radish is found by many persons to be more digestible.

Quick and Permanent Relief from Rheumatism

Rev. Father Morriscy

It is not exposure to cold or wet that is the real cause of rheumatism — it is bad kidneys. So long as the kidneys are doing their work properly, filtering from the blood all the Uric Acid formed there from the waste products of the body, rheumatism cannot exist. It is only when the kidneys fail, and the blood becomes loaded with this Uric Acid, that the slightest exposure stiffens up the joints or muscles and causes agony.

Father Morriscy's No. 7 Tablets

promptly relieve and permanently cure rheumatism by putting the kidneys into perfect shape for their work. Once the strengthened, invigorated kidneys get the Uric Acid cleared out of the blood the rheumatic pains disappear. If they ever show symptoms of returning a few No. 7 Tablets will tone the kidneys up again and keep you free from the dreaded rheumatism.

Father Morriscy's No. 7 Tablets have proved their value in hundreds of cases where other remedies have failed entirely.

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Father Morriscy Medicine Co., Ltd., - Chatham, N.B.

Fortune Telling

Does not take into consideration the one essential to woman's happiness—womanly health.

The woman who neglects her health is neglecting the very foundation of all good fortune. For without health love loses its lustre and gold is but dross.

Womanly health when lost or impaired may generally be regained by the use of Dr. Pierce's Favorite Prescription.

This Prescription has, for over 40 years, been curing delicate, weak, pain-wracked women, by the hundreds of thousands and this too in the privacy of their homes without their having to submit to indelicate questionings and offensively repugnant examinations.

Sick women are invited to consult Dr. Pierce by letter *free*. All correspondence held as sacredly confidential. Address World's Dispensary Medical Association, R. V. Pierce, M. D., President, Buffalo, N. Y.

Dr. Pierce's Great Family Doctor Book, The People's Common Sense Medical Adviser, newly revised up-to-date edition—1000 pages, answers *in Plain English* hosts of delicate questions which every woman, single or married, ought to know about. Sent *free*, in plain wrapper to any address on receipt of 31 one-cent stamps to cover mailing only, or in cloth binding for 50 stamps.

CHANCERY DIVISION OF SUPREME COURT

Wednesday, Sept. 21.

The September sittings of the chancery division opened yesterday morning in the chancery court chambers at 11 o'clock with His Honor Chief Justice Barker presiding.

M. G. Teed, K. C., in the action of John T. Tompkins, sheriff of Carleton county and assignee of Walter A. Smith vs. Walter A. Smith and Hattie L. Smith, his wife, moved for a decree for want of an appearance. Granted. This action is brought against the defendants to set aside a certain conveyance of land situate in the parish of Wicklow, Carleton county, made by the defendant, Walter A. Smith, to one Georgina L. Valmaine and from the said Valmaine to Hattie L. Smith. These conveyances were made on July 17, 1909, prior to the assignment of Smith to Sheriff Tompkins for the benefit of his creditors. Mr. Teed asked for a decree to set aside the conveyances on the ground that they were fraudulent and void as against the defendant's creditors.

W. A. Ewing, K. C., for the plaintiff in the matter of Oullette vs. LaBel, moved for an order for sale and for directions as to the application of the proceeds. Court considers.

J. J. F. Winslow, of Fredericton, for the plaintiff in the suit of the Eastern Trust Co. vs. the Cushing Box Co., Ltd., moved for foreclosure and sale under a mortgage held by the plaintiff. The mortgage is for $40,000 and was given to secure a bond issue of that amount. The amount due the plaintiff is $38,088.38. W. H. Harrison for the defendant consents.

Austen A. Allen, of Moncton, in the matter of Donald Leslie Duff and Lillian May Duff, infants by their mother and next friend, Mary James Stewart, moved for leave to sell the infants' real estate. The property is situate in the parish of Moncton, Westmorland county, and is valued at $1,700. Granted.

In the matter of the estate of David Kennedy, deceased, J. Leslie Kennedy, administrator of the estate, vs. Andrew J. Slater, administrator of the estate of Helena M. Slater, W. P. Jones, K. C., for the plaintiff, presented an argument on the return of the originating summons granted in this case. M. G. Teed, K. C., for the defendant, contra.

Further hearing was adjourned until October 4.

The case of L. P. D. Tilley, assignee of the H. W. deForest Ltd. vs. Harry W. deForest, was set down for trial this morning at 11 o'clock. Teed, K. C., appears for the plaintiff and D. Mullin, K. C., for the defendant.

The case of the Attorney-General vs. the St. John Lumber Company was, on the motion of T. P. Regan, adjourned until the next court.

In the case of Lodge vs. Calhoun and others, Cyrus F. Inches asked for further time in which to file the answer. Teed, K. C., consented.

In re Selina Mills, Mills vs. Groundwater, A. A. Allen for W. B. Chandler, K. C., counsel for the plaintiff, asked to have the case set down for trial at the Westmorland sittings of the chancery court which opens at Dorchester next month. Teed, K. C., for the defendant, consented. This is an action for the admeasurement of the plaintiff's dower. The defendant claims that she has forfeited her dower through misconduct.

The case of McGaffigan vs. the Willet Fruit Company was set down for trial on October 6 next. Teed, K. C., for plaintiff and J. King Kelley for defendant.

In the case of R. Keltie Jones, executor of the will of Mrs. Catherine Murdoch, vs. St. Stephen's church, eastern section of Presbyterian Church of Canada, and the Natural History Society, Chief Justice Barker today decided that it was the intention of the testator to leave the legacy of $1,000 to the aged and infirm ministers' fund of the Presbyterian church and not to St. Stephen's church. The Natural History Society takes its share of the residue notwithstanding the name.

In the case of Robinson vs. Shaw et al the bill was dismissed with costs.

HOW TRINITY CHURCH MIDNIGHT CHIMES STRUCK AN AMERICAN

(Pittsburgh Gazette-Times).

Up at St. John (N. B.) is Trinity Protestant Episcopal church, with a rather notable set of chimes and a town clock in the steeple. Every quarter hour there is a bit of reminder—a note or two from the bells—that time is fleeting, and every hour is solemnly tolled off. But at midnight there comes a special message from the chimes with unfailing regularity and somehow with appropriate and soothing suggestion, and in the stillness, particularly to a stranger from afar, the experience is both impressive and reassuring. It is a long, dusty, tiresome journey overland to St. John from the United States. You arrive so late at night that it is just about 12 o'clock when you compose yourself, lights out, to rest, feeling that you are among an alien people, in unfamiliar surroundings, and possibly doubtful of the issue of another day. And then it is midnight an dthe sweet melody of Cardinal Newman's immortal hymn floats in over the quiet city. Almost it seems as if the bells were expressing the words:

Lead, kindly Light, amid the encircling gloom,
Lead thou me on!
The night is dark, and I am far from home;
Lead thou me on!
Keep thou my feet; I do not ask to see
The distant scene; one step enough for me!

One cannot help but be touched with the thoughtfulness of the godly folk who conceived this idea of midnight chimes—for there is a universality about the message of the bells which appeals with equal force to the people at home, the temporary sojourner and the vacation rambler. Next day you get busy and try to see everything worth looking at, working at the task much harder than you would at your ordinary occupation, and again late at night, satiated, dog tired, you turn in, apparently too worn out to sleep and restless withal. This time the midnight chimes ring out the Master's invitation as interpreted so beautifully by a woman, Catherine Esling—

Come unto Me, when shadows darkly gather,
When the sad heart is weary and distressed,
Seeking for comfort from your heavenly Father,
Come unto Me, and I will give you rest.

As the last note dies away your mind unconsciously picks up the imagery of the good old story and you have half-dream pictures of the large mansions "in thy Father's dwellings," you harbor no doubt that "sweet are the harps in holy music swelling," and to the soft tones "which raise the heavenly hymn" you sink to rest. Still, for all its chimes, St. John is more attractive in the railroad and steamship folders than in reality. About the third night you have enough of that particular city and territory, if not of the chimes. How strangely it is, then, that once more these midnight bells touch the inmost longing and penetrate the purpose of the heart. It is Bishop Heber's triumphant song this time—of the Trinity—speaking of the glassy sea, golden crowns, of perfection "in power, in love, and purity," that sweeps over the roofs into your window—

Holy, holy, holy! Lord God Almighty!
Early in the morning our songs shall rise to Thee.

Three times the chimes roll out Dykes' inspiring tune. But sleep waits not upon bell ringers. Anyway you are through with St. John. "Early in the morning" you catch the first train out of town.

If an egg is cracked, it may be boiled without fear of the shell's contents being lost. First wet the crack and then sprinkle salt over it.