

The Union Advocate

VOL XLVI.

NEWCASTLE, N. B., THURSDAY, JULY 3, 1913

NO. 27

DISPUTE OVER TIMBER LANDS ENDED IN PLAINTIFF'S FAVOR

But with Leave Granted by Judge to Defendant to Apply to Set Verdict Aside and Have Judgment Entered in His Favor—Other Suits Stand Over Till December Court.

The suit brought by John A. Mersereau against F. D. Swim, M. P. P., in connection with the disputed ownership of some lumber lands near Doaktown was brought to a conclusion on Saturday afternoon, after having occupied the attention of the court for five days. Dr. Tweedie, K. C. and R. A. Lawlor, K. C. appeared for the plaintiff and H. A. Powell and A. A. Davidson, K. C.'s for Mr. Swim. After counsel on both sides had addressed the jury and the Judge had summed up, the following questions were then submitted to the jury's consideration:

Questions Submitted by Court
What do you find to be the southern boundary of plaintiff's occupancy and possession as owner of lots 33, 34 and part of 35?
Old residential line.
For how long has plaintiff and his predecessors in title held to such boundary, previous to 1911 when the cutting was done?
Over 60 years.

Did the Crown at any time acquire in such boundary as the line of division between said lots and the crown land in the rear thereof?
Yes, by the Freeze line.
Was any line laid down?
Yes, by old residential line.
What damage has been occasioned to the plaintiff by reason of defendant taking the logs in question? \$450 including the logs.

Questions Submitted on Behalf of the Defendant
Is the line marked "A" on plan in evidence and also marked in plan N in evidence as the southern boundary of lots 33, 34 and 35, the southern boundary of the lots as granted by the Crown to the original grantees thereof?
No.
If so, was there a possession, continuous and adverse to the Crown previous to the alleged trespass in this suit of any part of the lands lying immediately to the south of said boundary line?
Yes.
If there was such possession, how long previous to the committing of the alleged trespass did such continuous and adverse possession exist?
Upwards of 60 years.

And if there was such possession what were the bounds of such possession, easterly, southerly and westerly?
By the adjoining lots, and southerly by residential lines.
Did the Crown at any time agree to or acquiesce in a boundary line of lots 33, 34 and 35 further south than the southern boundary as indicated on said plan "A"?
Yes.
If the Crown did so agree, when and how was such agreement made or acquiescence indicated?
By instructions to Freeze.
If the Crown did so agree or acquiesce, where is such boundary line located?
On old residential line.
Did the defendant operate on the disputed land about 18 or 20 years ago?
No.

Questions Submitted by Plaintiff
Did the plaintiff and his predecessors in title have open, continuous, exclusive and notorious possession of the lands in question for upwards of sixty years previous to 1911 when the cutting took place?
Yes.
Did the Crown instruct its Deputy Crown Land Surveyor in March 1911, to survey lots for an applicant or applicants in rear of the front lots, which said lots so to be run were to front on the old settlers line, so called, and were these lots so run by Deputy Freeze in 1911, and did a prolongation of said line as run by Surveyor Freeze practically agree with the southern boundary of lots 33 and 34 and 80 rods of lots 35 as claimed by plaintiff?
Yes.
Has the Crown or any person claiming under it, claimed any title to the lands upon which the lumber in dispute was cut within 60 years previous to the cutting made by the defendant? And is the claim of the Crown (if any) still undetermined and unsettled?
No.
On these findings, His Honour ordered a verdict to be entered for the Plaintiff with leave to the Defendant to apply to have it set aside and a verdict entered for him. The counter suit of Swim vs. Mersereau, and the other suits, Mersereau vs. Swim stand over until the December sitting of the court. The court then adjourned.

SUED FOR \$200,000; AWARDED \$12,257

Exchequer Court puts Different Valuation on Railway lands than Owners Did

Judgments for \$12,257.98 for the New Brunswick Railway Company and of \$7,068.60 for the Nashwaak Lumber Company have been given by Justice Audette in the actions brought by those companies against the crown in the exchequer court. The actions were for damages for severance and fire risk in connection with the right of way of the National Transcontinental railway going through their lumber properties in this province. The cases were heard at St. John from June 10 to June 17, by Justice Audette, and a number of expert witnesses were called.

Charles Morse, K. C. of Ottawa, registrar of the exchequer court, has now announced the findings as stated above, interest being granted in addition to the amounts named. The Nashwaak Lumber Company was a holding company for the Gibson lands after their sale before being taken over by the Partington Company. The New Brunswick Railway Company sought \$200,000 damages, and placed the value of their lands at \$350 per acre when their officials were on the witness stand, while the Nashwaak Lumber Company sought \$90,000. The court in reaching its decision fixed the value on the property at \$19 per acre, it including considerable wild land.

THE INCREASE SHOWN IN SALE OF LIQUORS

Is Not Due to Intemperance Among Canadians but to Large Immigration.

A statement recently issued by the Inland Revenue Department might at first glance lead to the conclusion that the cause of the increase in the decline in the Dominion. The statement records considerable increase in the consumption of malt and spirituous liquors. During the last fiscal year 7,065 gallons of beer and 1,112 gallons of spirits, per head of population, were consumed, as against 6,588 gallons of the former and 1,030 gallons of the latter during the fiscal year of 1912.

As far as native-born Canadians are concerned these figures do not indicate that drinking is becoming more general. The increase is the result of the influx of outside population into a country which receives immigrants of many nationalities. Last year 395,000 immigrants arrived in Canada and settled in various sections of the country. Of these 146,000 came from Great Britain, 140,000 from the United States and the rest, totalling over 100,000 from Russia, Norway and Sweden and the countries of Southern and Eastern Europe. British immigrants and those from the Southern and Eastern countries of Europe, especially Italians and Gallians, are accustomed to drink beer, wine and spirits in their own countries. These people will for a period augment the revenue of the Inland Revenue Dept. There is clearly no ground for the contention that Canadians are less temperate than in previous years.

AMPLE POWER TO DRIVE SUFFRAGETTES AWAY

The London Daily Mail states that the Government is perfectly satisfied with the efficiency of the bill recently passed for dealing with the suffragette strikers by means of temporary discharge. The number of offences by militants and the number of hunger strikes have both diminished. Some of those released under the act have escaped, but in each case it is established that the fugitive left the country.

In view of the fact that members of the suffragette party have taken a house at Henley-on-Thames, Scotland Yard has sent thirty plain clothes men into that vicinity to guard against outrage, while the regular number of uniformed men in that neighborhood has been doubled. Four big bonfires near the houses are kept blazing all night and many spring guns are now ready for use. Heavy insurance, though at high premium rates, have been put on many buildings and house boats.

After a man has landed a political job he begins to kick because the salary isn't larger.

MR. SIMPSON'S DEPARTURE

Esteemed Pastor of St. Mark's Church Douglas-town Preached Farewell Sermon last Sunday

PRESENTATION AFTERWARDS Leaves His Charge Entirely Free of Debt, Having Wiped out Liabilities of \$3000 During His Six Years Pastorate

St. Mark's Church, Douglstown, was packed to the doors Sunday evening to hear Rev. F. C. Simpson's farewell address and witness the burning of the mortgage representing the last cent of debt on the church property. The actual mortgage had not been returned in time for the ceremony, but a bond for the amount was burned instead.

After preliminary devotional exercises, W. S. Loggie, M. P., ascended the pulpit and gave an address. Mr. Loggie noted the great change for the better in the conditions of St. Mark's Church and congregations during his lifetime, and especially during Rev. Mr. Simpson's pastorate of the last six and one-half years. He reminded the audience that Rev. Mr. Urquhart, whose manse in 1813-1814 was the little house further up the road (now part of the residence of Councillor Lawrence Doyle) was, one hundred years ago, the only Presbyterian minister in Northumberland County. He had two churches, one at Moorfield, and one at Wilson's Point. Now the county was full of Presbyterian churches. He congratulated St. Mark's on the extinction of their debt. They were losing a good minister; but the large field of journalism had called him, and they would be able to greatly benefit by Rev. Mr. Simpson's writings in the Presbyterian Witness. It was bad to keep a pulpit vacant long. He endorsed Rev. Mr. Grant's suggestion that laymen be employed more frequently in the pulpit. There was the greatest personal friendship between himself and Rev. Mr. Simpson, and he much regretted Mr. Simpson's departure.

Hon. L. J. Tweedie next occupied the platform. He regretted to be there to bid farewell to the pastor, who was not only his personal friend but had commended himself not only to his own congregation but to all the neighboring congregations and communities. Mr. Simpson had not only preached well, but had showed great ability. He had no fear for Mr. Simpson's future.

Mr. Tweedie expressed himself as entirely against the idea of church union. The Presbyterian church had a distinctive mission. It had always stood for liberty of the subject, liberty of thoughts, liberty of education. John Knox had taught that no man could be a good citizen without being educated. Though not a member of any church himself he (Tweedie) had strong views on church matters. Presbyterians should remain apart. They seemed to be the most good ahead of the Canadian denominations. Union among the different Presbyterian congregations, with the frequent interchange of ministers and elders would be a good thing. Preparing two sermons a week and preaching in two different churches was hard work. He did not know of any pastor who had done more to build up a congregation than had Mr. Simpson. While he had no objection to drawing up mortgages, he thought mortgages were bad for churches and rejoiced that this one was about to be cancelled.

Joseph McKnight, financial secretary of the church, was the next speaker. He read the receipt in full for the debt on the Manse. About six weeks ago the debt had been \$300 which had since been cleared off. The women raising \$100 and the trustees \$100, and the rest being raised. The good financial standing was largely due to the pastor's efforts. During Mr. Simpson's pastorate, not only had the \$600 debt on the Manse been paid and a new barn built, but an addition had been built to the church, and a pipe organ installed, increasing the value of the church property by \$6000, all of which was paid for. Rev. Mr. Simpson was leaving with universal appreciations and regret. He had been a most successful pastor, and would likely raise the

ORANGEMEN TO HAVE BIG PARADE

Celebration to be Held in Chatham on the 12th Will Be on Extensive Scale

The Commercial says that the Orangemen are busily engaged preparing the details in connection with the celebration to be held in Chatham July 12, when it is expected that the largest number of Orangemen ever assembled in Northumberland county will participate in the Demonstration. Besides Northumberland County brethren there will be present large contingents from the counties of York, Westmorland, Restigouche, Gloucester and Kent.

The use of the Exhibition building and grounds have been secured and meals will be served in the large dining hall in connection. The parade will leave the grounds about 2.30, in charge of Grand D. O. C. J. W. Clark, of Moncton.

At the conclusion of the parade addresses will be delivered by some of the most prominent members of the Order in New Brunswick including several Past Provincial Grand Masters, present Grand Officers and the masters of the several counties represented, as well as several local speakers.

BRING BOY TO LIFE AFTER HARD FIGHT

Toronto Boy, Supposed to be Dead for Three Hours, is now Alive and Well

Believed for some three hours to be dead, Jim Hector, a Toronto boy, unexpectedly revived on the steamer Turbina, which was bringing him back to Toronto Saturday night, was taken home and the next morning was reported entirely recovered. The lad owed his life twice over to the heroic young comrade who, at the risk of his own life, finally rescued him from under the water at Grimsby Beach, where the boy remained cramped and unconscious for several minutes, and to Dr. Fairfield, of Beamsville, who, with the assistance of two trained nurses, continued unceasingly to work over his body in efforts for resuscitation for three hours after it was believed life was extinct. When the boy was taken from the water he was carried to the auditorium at the Beach, and the service of Dr. Fairfield, who was fortunately in the vicinity, was immediately requisitioned. Giving directions for the sending to Hamilton for a pulmonologist and trained assistance, the physicians set diligent ly set to work upon the apparently lifeless body of the lad. Hour after hour the doctor worked his efforts augmented by the arrival of the pulmonologist and two trained nurses, but seemed to attain no results.

Although life by this time was believed to be hopelessly extinct, physicians and nurses continued their efforts. The boy was taken on board the steamer Turbina, leaving at 7.30 in the evening, accompanied by the indefatigable workers. On the vessels, some three hours after he had been given up as dead, the first indication of revival startled and gladdened those who were still working and hoping against hope. Then progress was rapid and ere the vessel reached Toronto consciousness had been restored. Although extremely weak, the boy's revival was assured.

Presbyterian Witness to first place among religious papers.

Councillor Lamont of the Board of Trustees thanked all who had helped to pay off the debt. The whole congregation had worked hand in hand with the trustees and pastor. Without the aid of the ladies, success would have been impossible.

The Bond was then burned, Councillor Lamont holding the tongs to catch the ashes, Mr. McKnight holding the Bond and the pastor setting fire to it. The congregation then rose and sang the doxology. In his farewell address Rev. Mr. Simpson paid a warm tribute to the hearty sympathy and cooperation he had received during his whole pastorate from his people—the session, trustees, ladies and members generally, the boys and girls being "athletic workers, the 'Gleaners' having raised some \$80 in small sums the last few weeks. He had always received great help from the choir. He would return to visit them. Immediately after the service Rev. Mr. Simpson was presented by the choir with an address and a handsome gold-mounted umbrella.

CLOSING EXERCISES AT THE VARIOUS NEWCASTLE SCHOOLS

Were Largely Attended and an Interesting Programme was gone Through—List of Prize Winners in the Several Grades and Standing of the Various Scholars Attending.

The closing exercises of the public schools were held in the Opera House Thursday afternoon. Ex-Mayor S. W. Miller of the Board of Trustees presiding. The hall was filled. The following programme was carried out:—
Greeting Song—High School Girls
Motion Exercises Grade I
Papeose Song Jessie Black
Dialogue—When I grow up
12 boys of Grade II
Left March Boys of Grade III
Duet—"She is so Shy"
Carmel and Alexis McCarron
Ruler Drill Grades III and IV (Adams School)
Chorus—Oh! Canada
Sunflower Drill 16 boys of Grade IV
Song—Buy a Broom Bessie Creamer
Given Robinson, Minnie Russell, Lottie Russell, Lillian Croft and Annie Morell of Buie School.
Reading—When Pa's Trustee Jack Nicholson
Lullaby Song
12 girls of Grades III, IV and V
Flag Drill Grades IX, X and XI
See Saw Drill
48 pupils of Grades VI, VII and VIII
Presentation of Prizes
God Save The King.

Prizes
Following prizes were awarded for highest standing during school year.
Harkins Academy
Grade IX—Ruth Benson
Grade VIII—1. Nan Nicholson; 2. James Gillis
Grade VII—1. Lars Oquist; 2. Eulah Stuart. Honorable mention—Randall McLean, Herbert Ashford.
Grade V—1. Helen MacMichael; 2. Aitken Ingram; 3. Josie Jeffrey. Perfect attendance and good behaviour—Willie Petrie.
Grade IV—For attendance—1. Arthur Major (perfe t); 2. Florence Jardine. Donors—C. M. Dickson, Mrs. Thibideau.
Grade III—1. Elizabeth Lindon; Special for taking two grades in 1 year—Karin Oquist; for June examinations—Marjorie Lindon.
Grade II—1. Florence Cassidy; 2. Rita Brooks; 3. John Robertson; for grading second, Leonard Treadwell.
Grade I—1. Iris Lewis; 2. Geo. Stothart; 3. Constance Hayward; 4. Anna Dalmer; 5. Edward Mackay; 6. Katherine Maltby.
Donors—Mrs. A. Murray, Mrs. B. Thibideau, Mrs. Flora White, Mrs. C. Crammond, Mrs. Burke White, Mrs. James Bernard.
Adams School
Grade IV—1. Muriel Scribner; for taking two grades in 1 year, Edna Benson.
Grade II—1. Gordon Petrie; 2. Dick Corbett; 3. Bessie Thibideau. Perfect attendance—Barry Young.
Grade I—1. Ena Hare; 2. Addison White; 3. Les Gahan. Perfect attendance—Harry Maltby.
Buie School
Grade V—For best attendance and deportment—(\$5 in gold), Bessie Creamer; 2. (\$2.50 in gold), Wilfrid Russell.
Grade IV—Highest standing for year—1. Minnie Russell.
Grade III—1. Annie Morell and Elwood Boyle.
Grade II—1. Earl Delano; 2. Wm. Curtis.

Grade I—1. Earl Russell; 2. Edward Boyle.
Donors—Mrs. Edward Sinclair, Mrs. Walter McNeill and others.
Grading
Following is the standing of leading pupils of Newcastle schools for June grading, arranged in order of merit:—
Grade X—Marion Rundle 1, Gordon Brander 2, Eva Allison 3.
Grade IX—Ruth Benson 1, Cecil McWilliam 2, Jean Russell 3.
Grade VIII—Jas. Gillis 1, Muriel Atcheson 2, Harold Bate 3.
Grade VII—Eulah Stuart 1, Lars Oquist 2, Randall McLean 3.
Grade VI—Elva McCurdy 1, Jack Nicholson 2, Marion Macarthur 3.
Grade V—Aitken Ingram 1, Arthur McLaughlin 2.
Grade IV—Herbert Russell 1, Rita Atkinson 2, Jas. Fallon 3.
Grade III—Marjorie Lindon 1, Irene Treadwell 2, Elizabeth Nicholson, Wilson Treadwell and Robt. Sutherland 3.
Grade II—Florence Cassidy 1, Leonard Treadwell 2, John Robertson 3.
Grade I—Iris Lewis 1, Geo. Stothart 2, Constance Hayward 3.

Full grading lists arranged in order of merit:—
Grade IV (Harkins Academy)—Hubert Russell, Rita Atkinson, Jas. Fallon, Mary McLean, Willis Murphy, Joseph Campbell, Katie McKenzie, Robert McCormack, Raymond Edmunds, Amy Stewart, Hudson Sproul, John Ashford, Lawrence Murphy, John Sullivan, Frank Murphy, Thomas Allan, Edwin Stuart, Chas. Dickson, Arthur Major, Margaret Fagan, Mary Copp, Harold Russell, Florence Jardine, Harold Craik, Clark Dickson, Garland Edmunds, Jack Corbett, Osborne Murray, Helen White, Kate Cassidy, Harold Casey, Richard Ingram, Jack Sproul, Walter Macarthur.
Grade II (Harkins Academy)—Florence Cassidy, Leonard Treadwell, John Robertson, Rita Brooks, Ira Miller, Walter Stuart, Ralph Russell, Audrey Edmunds, Rex Murray, Claude Masson, James Norton, Wm. Ronan, Florence Graham, Geo. Salome, Robt. Beckwith, Clifford Casey, Frank McMichael, John Decker, Edna Graham, Lea Williston, Fred Gough, Norman McMaster, Jean Jardine, Alfred Witzell, Edith Casey, Helen Dickson, Edward Dunn, Gerald Black, Vincent Murphy, Gordon MacKay, John Lawrence, J. A. Craik, Teddy Williston, Wilbur Howe, Wesley Dickson.

Grade V—Bessie Creamer, Wilfrid Russell, Robert Fraser, Arthur Crocker.
Grade IV—Minnie Russell, Harry Stymiest, Percy Boyle.
Grade III—Elwood Boyle, Annie Morell, Given Robinson, Lillian Croft, Janie Fraser, Jessie McKay, Ernest Barry, Lottie Russell, Bertha Johnson, James Clancy.
Grade II—Earl Delano, Wm. Curtis, Thos. Abraham, Michael Abraham, Morory Crocker, Wm. Nevin, Gertrude Fraser.
Grade I—Earl Russell, Eddie Boyle, Mary Barry, Joseph Devin, Anna Crocker.

CHANCE FOR EXPERTS IN PHOTOGRAPHY

Provincial Department of Agriculture Offers Generous Prizes for Best Pictures of Country Life

The Department of Agriculture is preparing a fine line of literature, to be published in pamphlet form, describing New Brunswick opportunities. This literature is being mailed to almost every part of the world, in answer to the many enquiries which they are receiving from prospective settlers. They are desirous of obtaining for these publications a number of photographs and are offering the following generous prizes for the best twelve (12) photographs of farm or country scenes in New Brunswick:
1st prize \$20.00
2nd prize 10.00
3rd prize 5.00
This is a splendid opportunity for those who are interested in photography to make a little easy money. The Department should have a very generous response. The competition will close August 1st. For further particulars write J. B. Daggitt, secretary for Agriculture, Fredericton, N. B.

In the event of a competitor sending in less than one dozen scenes, which may be of exceptional value, and acceptable to the department, the sum of \$1.00 will be paid for each such photograph.
Messrs. D. & J. Ritchie's mill was closed on Saturday afternoon in respect of the late Mrs. Jas. Donovan.
The Str. Glensack sailed on Friday for Philadelphia with a load of iron ore.

A BAD TIME TO GO WEST

Western Trade Unions Advise Labor Officials in St. John that Outlook in West is very Gloomy

(Standard)
Officials of local labor organizations have recently received communications from trade unions in the West, requesting them to advise their members that the present is a very bad time for workmen to go west. According to these communications there are tradesmen in Vancouver who have not been able to get a day's work for three months and the outlook for next winter is considered very gloomy. Not only has the money stringency given a severe jolt to real estate booms in western cities, but many cities are finding it impossible to get money for public works and are abandoning contemplated improvements and reducing the numbers of their employes and adding to the troubles of the army of unemployed. In Edmonton, Alberta, work on skyscrapers which were to cost between four and five million dollars has been discontinued.

HELD AT BAY BY TIMBER WOLVES

Reports from Meadow Lake state that a party of four government land surveyors working thirty-five miles north of here were held at bay by timber wolves for three days and later two of the party were drowned in a muskey. They had fired all their ammunition and were unable to repulse the wolves until relieved by the half-breeds who brought in the bodies of the victims.

FRASERS SAID TO BE AFTER GIBSON LANDS

There are persistent rumors going the rounds that Frasers, Limited, formerly Donald Fraser & Sons, are negotiating for the purchase of the Gibson lumber lands on the Nashwaak purchased some time ago by the Edward Partington Company.

The present owners have not taken up any very active operations such as expected when they purchased the property and a number of local lumbermen said that they had heard the reports that the Frasers were likely to buy the property. For some time it has been said that the Fraser interests were likely to break into the pulp business and perhaps this will give them that opportunity. The Gibson property is one of the most extensive lumber propositions in New Brunswick and at the time of the recent sale the Messrs. Fraser spent some thousands of dollars in having a complete inspection and estimate made of the lands. The Partington Company's last winter's lumber cut on the Nashwaak was not brought out this spring.

ORDAINED FOR WORK IN CHATHAM DIOCESE

Pontifical Mass was celebrated at the Holy Heart Seminary, Halifax, on Sunday morning, by His Grace the Archbishop assisted by the Rev. Superior Father LeCourtois, as deacon, and the Rev. Father Chasson, Superior of Church Point, as sub-deacon. The following were among those ordained for Chatham and St. John dioceses.

Deacons—Landry, St. John, N. B.; Allard, Chatham, N. B.
Sub-Deacon—Hache, Chatham, N. B.
Minor Orders—Valstour, Chatham, N. B.; Cormier, St. John, N. B.
A girl can make a man think she doesn't know anything, erroneously. But when a man's face is broken smiles.