

THE ALBERT STAR.

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J. A. BEATTY, MANAGER.

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WEDNESDAY, SEPT. 12.

LAWS REFORM.—THE PROBATE COURTS.

From time to time a demand for law reform is made. In response there to amendments are made, which so far as the working is concerned promise to remedy, in some measure at least, the evils complained of, but the tendency in the practical application of our laws is to increase the expenses of officers of the courts and those who practice in them. The result is that we find that in these matters we are going backward instead of forward. The incentive of those practicing in our courts and so far as relates to Probate Court those administering the law is money, and it would be strange if those who have practiced for years with that object in view, when they come to a great measure of the law should not feel a great sympathy with those struggling brethren of the bar, and where possible give them good round fees.

The court that presents at the present time the most terrors to the people is the Probate Court. It is a common saying that many are afraid to die for fear the property they leave will be wasted in that court, and every means is resorted to in order to "fix" property so that there will be no need of resort to the Probate Court. Nor are these fears altogether unfounded, although recent amendments have in some measure remedied the most glaring evils. It is but a few years since a dozen proctors on the passing of accounts in the Probate Court each representing a credit for the amount of a very small sum—say \$3 or \$4—could come into court and sit down for an hour or so, without saying a word and be taxed from \$10 to \$20 each for their services out of the estate. It is not unusual in other countries for proctor to be allowed bills of \$50 for a single day's service. And this is an abuse of the law, and is just such an abuse as leads to reformations, and which is making a call now for the abolition of reform of the court.

The abolition of the court is one of the questions now being hit upon, and it is on some other court matters, in fact might make it worse. The power to control the estates of deceased persons, and ensure the distribution thereof, according to the will of deceased or the law, is a necessity, and a Probate Court in each county which is an improvement on the present act in some respects, but after debate it was laid over. The provision in it paying the officers of the court by salary instead of by fees, and taking from each having business in the court a small sum payable into the fund out of which the salary is paid is right. But the place where the greatest objection is practised is left open. The proctor can still be taxed almost limitless bills; it may be all right where the judge has a conscience and an iron hand, but a judgment, a conscience and an iron hand are not always to be found centered in the one person, one or other of the latter is often wanting. While it is possible for a man to go into the Probate Court and take exception to the will, and if the estate the will remains; when it is rendered impossible to go so we may then look for a reform. But the restraint must be by some drastic enactment. While the costs in the contested business is higher than should be, the great evil is in the contested business, and more than one half of the contested business is but to the fact that any person, however modestly interested as a relative of deceased, has a right to appear by proctor who is usually taxed his bill of costs out of the estate. No costs should be taxed out of the estate, except the proctor of the estate, under any but the most exceptional circumstances, and those circumstances restricted by statute. Not only so, but parties appearing without cause and thereby putting estates to unnecessary costs should be obliged to make up the costs so incurred out of their own pockets, and to incur those payments in such case, be obliged to give a bond before being allowed to appear.

When our reformers of the Probate Court get the idea into their heads that the key to true reform lies in keeping the army of proctors from getting costs out of the estate and put it into effect, we will then see a reform but not before. People are not going into the Probate Court and taking their estates being wasted in the way pointed out if they can possibly avoid it. Almost every county can point to cases where large estates have gone to the legal profession in that way. To our legislators at Fredericton who will next winter wrestle with the problem of Probate Reform we ask them not to forget that the secret lies in the question of costs out of the estate.

The Minnesota Fire.

ST. PAUL, Minn., Sept. 7.—Last Portage advice state the forest fire along the Sault Rapids swept with fury on both sides of Rainey River.

Millions of feet of pine were destroyed. All crops, buildings, horses and cattle are gone.

No loss of life occurred on the American side, but the fire is still raging. Hannaford was safe at last report. Fort Francis had a narrow escape. Twelve families at Grassy River road lost everything and are in want. Rainey Lake City is safe.

Dr. Cowan, the coroner of Pine County, believes that the death list in this county will reach 700.

A serious problem for the survivors in this neighborhood is the deposit of the dead animals. The region about Hinckley is littered with the carcasses of horses, cows, hogs, deer and even a few moose. The terrible stench from them promises to breed pestilence among the few people left.

A Duluth despatch says, the relief commission is there. It will ascertain if there is any chance of the law mill being rebuilt in the burned district. If not, it is planned to rebuild Hinckley as a farming town and junction of the two roads. All the territory burned over is ready for the plough and it is the opinion of the commission that all heads of families can be given farms of generous proportions. The St. Paul and Duluth Railroad representatives offered to give farms to all who do not own them. He was further outlined that the young and children refugees who are here will be provided for in this city until the fathers can put up temporary buildings in the burned district. Lumber and materials for these buildings will be sent on at once. The State or individual must provide funds for necessities of relief over winter and to ascertain the amount needed, a full and complete census will at once be taken. Single men will be urged and aided to seek work elsewhere, and an effort will be made to have the orphan adopted into worthy families. These no care for will be maintained in State institutions. The commission will look over the situation at Hinckley and other points.

A Peckham despatch says that a courier brings a report there that the bodies of 23 Chippewa Indians, bucks, squaws and papooses, lie upon the banks near and across the river, and a small settlement on the eastern shores of Lac Mille Lacs. They are scattered over ten miles of country, and will in all probability prove food for buzzards and wolves, as the country where they lie is too far from civilization for burial ceremonies. The Indians left their reservation two months ago and built a hunting lodge along one of the forks of Shagbush creek. Chief Wasagwan was the "big chief" of the party, and he perished with his followers.

Rainey river advice state that a large number of settlers are still missing, and friends are searching the burning districts in hopes of securing their bodies for finding them alive. The work is now over at Hinckley. Three or four persons were discovered in a cellar yesterday west of the town, but it is believed few additional bodies will be found anywhere in this vicinity.

DRAYTON WANTS DIVORCE. His Wife is an Astor, and He Wants a Release.

New York, Sept. 6.—The Times this morning says: James Coleman Drayton has instituted proceedings to secure a divorce from his wife, Charlotte Augusta Drayton, a daughter of William Astor, of the family of which John Jacob Astor was the founder. Mr. Drayton seeks a legal separation upon the statutory grounds. Hallett Alsop Borrow, a daughter of William Astor, of the family of which John Jacob Astor was the founder. Mr. Drayton seeks a legal separation upon the statutory grounds. Hallett Alsop Borrow, a daughter of William Astor, of the family of which John Jacob Astor was the founder.

Specific instances of infidelity are given. The bill charges that at different times and places, both in England and in this country, during the months of January, February, March, April, May, June, July, August and September, 1893, Mrs. Drayton committed indiscretions with Hallett Alsop Borrow. Mr. Drayton's complaint shows that there are four children of the marriage, and asks that the care and control of the children be given unreservedly to the complainant, in whose case they have been since the separation. On August 6 neither party to the suit was in court, the necessity having been avoided by the acknowledgment of the subpoena. According to the New Jersey law, Mrs. Drayton, has 30 days from the time when the writ is made returnable, in which to file an answer to the charges made in the complainant's bill. This time expires to-morrow. Up to four o'clock yesterday no answer had been filed with the clerk of the court. If no answer is filed before to-morrow, the case will be taken to a master in Chancery, who will take the depositions of the parties to the suit and witness and make a report to the Chancellor. If the usual procedure is followed in this case, the hearing before the master in Chancery will take place at Somerville, N. J., some time within the next six weeks, provided that no answer is filed by Mrs. Drayton before to-morrow. If an answer is filed, a day will be set for the trial of the case in the Court of Chancery at Trenton, if the Master recommends the issuance of a decree, the Chancellor usually "advises" that it be issued. The decree is then entered of record and the case is settled. All the people most concerned in this action are away from New York. Mr. Drayton is at Bar Harbor, Me., with his children. Those of his friends who were seen last night declined to talk about the affair. Mrs. Drayton is still in Europe. The petition cites Mr. Drayton's legal residence as Somerville, N. J.

LYMPH FOR DIPHTHERIA.

Dr. Koch's New Remedy Considered Infallible.

New York, August 28.—The monthly meeting of the State Board of Health was dragging along in a dry and desultory fashion Friday morning at the Murray Hill Hotel, when the statement made by Dr. Cyrus Edson about the diphtheria cure caused the dignified chairman, Dr. F. O. Donohue, and all the others to start with surprise and interest.

He announced that Dr. Hermann M. Biggs, the bacteriologist and pathologist of the New York City Health Department, had just returned from Germany, where he had made an elaborate study of new lymph or injection for the cure of diphtheria.

This lymph, or antitoxin, as he called it, Dr. Edson said was Dr. Koch's latest and greatest discovery. Dr. Biggs considered it an infallible cure for diphtheria if applied within thirty-six hours after infection. The principle was the same as that of the celebrated lymph which Dr. Koch discovered for the cure of consumption. Dr. Edson defended the latter, which he said "had all Dr. Koch had to do for it, though not what the public at first ignorantly thought it to be.

Dr. Edson said he had heard of this remedy some time ago. "Rumors of its efficacy kept coming across until it was thought advisable to send Dr. Biggs to Berlin to investigate it. Dr. Biggs, he said, had spent a great deal of time in the laboratories there, studying the new antitoxin.

Whatever doubts Dr. Biggs had at first were dispelled by his observations. He had seen Professor Virchow and other famous German scientists who had investigated the remedy and had come to the same conclusion as himself. In Berlin he found between 3000 and 4000 well-attested cases in which diphtheria had been cured by this new antitoxin. Such proof, that could not be disputed, and Dr. Biggs returned to America enthusiastic over the new Koch discovery.

Dr. Edson would not then go into an explanation of the antitoxin, except to say that it was an injection of the blood of animals which killed what ever poison germs of diphtheria were in the system. He said he was not prepared yet to give all the details, but he was satisfied of the efficacy of the lymph, however, that he intended to ask from the Board of Estimate and Apportionment an appropriation of \$33,000 for the establishment of a permanent station for the manufacture and use of the antitoxin as soon as all the necessary arrangements could be made. That showed what great faith he had in the remedy. He felt sure that if it were placed in the hands of the Health Department it would have next year the lives of at least 1500 people in this city.

This was not a speech, but a kind of informal talk from Dr. Edson as they were all sitting around a small table in a parlor at the hotel. When he finished there was a buzz of excited comment from the other doctors. "I am afraid it will be like the Koch cure for consumption," said one of them. "It may look like a grand thing at first and then slumber down to very little. Certainly if it is a magnificent cure, it is a magnificent discovery."

"Dr. Koch did discover a consumption cure," said Dr. Edson, "but it is what Dr. Koch discovered and proved. If the complaint is pure tubercular, it will cure it. I know of cases in my own experience. The diphtheria cure is doubtless on the same principle."

Dr. Biggs went down to the Bureau of Bacteriology, No. 42 Bleeker street, yesterday, and met by invitation, a number of physicians of this city. He talked diphtheria and the new diphtheria cure to them. He gave the results of nine months' experiments in Berlin. The cultures of the diphtheria bacillus were shown and microscopic experiments were made.

Second Fleet of Japan.

A despatch to the Times from Chefoo says: "The Japanese fleet is assembled in Danzig harbor, and is to be ready for departure for Europe, where it is expected to be met by the British fleet."

The Chinese fleet is moving between the gulf of Pechili and ports. Hostile armies in the vicinity of Ping Yang are apparently encircled."

The Chinese have claimed control over the Japanese residence in China, asserting that Japan claims control in the Chinese residence in Japan. The American consul, acting under instructions from Washington, only to intervene with friendly offices, yesterday delivered to the "Taotai," outside the settlement limits, two Japanese who were recently arrested, accused of being spies, and who have been under the protection of the United States.

The Chinese authorities pledged themselves not to torture the prisoners and to give them a fair trial.

The officials of the Chinese legation here discredit the Tien-Tsin despatch, which states that Gen. Yeh and 700 Chinese officers have been rewarded for the victory of the Chinese over the Japanese at Ping-Yang. They assert that 700 officers directed the operations at Ping-Yang, the total force engaged must have been at least 50,000 men, instead of 12,000, as reported originally.

The British Government has informed the Government of Japan that the Japanese gunboats Taisima must be detained at Aden under the Foreign Enlistment Act until the war between China and Japan is over.

The Carr's Illness.

STATISTICS OF METHODISM FOR THE QUADRENNIAL.

A Motion Given Notice Of in Connection With the Epworth League That Will Probably Make Things Lively in Debate.

LOSOS, Ont., Sept. 7.—The Methodist Quadrennial Conference resumed business today after having had a successful opening meeting yesterday.

At the conclusion of Superintendent Carman's address, a heavy vote of thanks was yesterday moved by Mayor Kennedy, of Toronto, and carried.

T. G. Williams, W. J. Hunter, Dr. Lavell and Judge Deacon were appointed to represent Montreal on the nominating committee.

The various working committees were detailed, and one was assigned to handle the subject of "Temperance and Tobacco."

Some delegates protested against including tobacco, and a poll was demanded, resulting in a tie, 83 to 83. On the casting vote of Dr. Carman tobacco was expended. Rev. Dr. Carman, amid laughter, ruled himself out of order in voting on the tobacco question. He said he had right to vote in conference. The matter will come up again.

Rev. Dr. Potts, of Toronto, read the report of the General Secretary of Education, which shows an increase of 253 schools, an increase of 2396 scholars, 250,546, an increase of 26,496. Conversions during the past year numbered 12,575, an increase over the year 1890 8277. Scholars now church member, 59,453, an increase of 22,225. Scholars who have taken the total abstinence pledge number 76,129, an increase of 26,771. Epworth League number 1082, members of same 47,127. The report was sent to the statistical committee.—Mont. Star.

A Smile.

She—"What a lovely rose! What would you say if I asked you to give it to me?"

He—"I would say—it was like your cheeks!"

The wheat crop in Manitoba this season will be from 15 to 18 million bushels.

NOTICE.

A meeting of the directors of the Harvey Brough Trust will be held at the office of J. C. Stewart & Co., 1110-1112, St. James Street, N. B., on Monday, the 12th inst. at 10 o'clock.

NOTICE.

The undersigned hereby notice and caution all persons, corporations and companies who have any claims against the estate of the late J. C. Stewart & Co., to present the same to the undersigned on or before the 15th inst. at 10 o'clock.

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IT PAYS TO PATRONIZE THE SPRING SUMMER FALL WINTER

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of \$24,027. Passage furniture is valued at \$225,746, an increase of \$14,448. The value of colleges is \$1,152,636, an increase of \$665,614. The value of schools is \$162,000, an increase of \$62,711 and the value of book and publishing house \$442,196 or a grand total value of \$14,852,903, which is insured for \$6,251,020, and on which there is a debt of \$3,071,598. The net increase in the number of ministers for the year just closed is 60. Total of men on probation 468, and of ordained ministers 1543, a grand total of 1996, and an increase of 248. Since the last General Conference 112 have died, an increase of 35 over the preceding quadrennium. Local preachers number 2255, an increase of 179, exhorters 213, increase 187; male class leaders 4490, increase 232; female class leaders 1283, increase of 318; stewards \$675 (number last quadrennium not being reported). The contributions during the past year for congressional funds was \$370,88, for the quadrennium \$19,877.47, an increase of \$88,343.92. Total raised by circuit and local preachers during the past four years equalled \$36,020.56, an increase of \$830,115. Unpaid salaries reached \$254,093, or \$134,236 less than the deficiency of the previous quadrennium. Total raised by circuit and local preachers for congressional funds, circuit expenses, salaries etc., was \$9,169,679, an increase of \$1,187,404. In connection with the 17 annual conferences, there are 2533 schools, an increase of 574, officers and teachers 50,807, an increase of 2396; scholars 250,546, an increase of 26,496. Conversions during the past year numbered 12,575, an increase over the year 1890 8277. Scholars now church member, 59,453, an increase of 22,225. Scholars who have taken the total abstinence pledge number 76,129, an increase of 26,771. Epworth League number 1082, members of same 47,127. The report was sent to the statistical committee.—Mont. Star.

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