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VOL. II., NO. 68.

ST. JOHN, N. B., SATURDAY, AUGUST 17, 1889.

PRICE THREE CENTS

## SISTER AND BROTHER.

**MISS MARGARET JANE PARKS VS. JOHN H. PARKS AND OTHERS.**

**A Suit in Equity to Recover the Monies Left Her by Her Mother, and Compel the Payment of Her Own Annuity—The Bill of Complaint and Its Answer.**

One of the most interesting cases that ever was up in a New Brunswick court, will soon come before Equity Judge A. L. Palmer. The plaintiff and defendants are too well known for the case not to create a sensation in every quarter. Not only do they move in the best circles in the city, but they are sister and brother, Margaret Jane Parks and John H. Parks.

The cause of the suit is the will of their father, William Parks, lost many years ago in the ill-fated City of Boston.

The bill of complaint and the answer to it have been filed in the equity court. They are interesting documents and the substance of them will be entertaining. The plaintiff, through her solicitor J. G. Forbes and counsel C. A. Palmer, after setting forth the death of her father, the names of his executors, and the making of his last will and testament, says that by that document all his household furniture, horses and carriages and cows, musical instruments, plate, linen, and all other household effects were left to her, that in addition to this "Cedar Grove" was bequeathed to her and her mother, with the option of living either there or in "Clifton Terrace"; that Mrs. Parks was also left the yearly sum of \$1,200, to be paid her half yearly, the income of certain invested stocks, which should be hers to bequeath as she pleased at her death; that a yearly sum of \$2,000 was left to the plaintiff, Margaret Jane Parks, to be obtained from certain invested bonds and stock, which should be hers for all time.

In addition, the will provided that should the interest of these stocks and bonds become insufficient at any time to pay the full amounts of the annuities that the principal should be drawn upon for that purpose, but under no circumstances should there be delay or default in payment. The will further states that after providing for his debts and funeral expenses, the rest of the estate was left to John H. Parks; that it was provided that while there were any trusts to be executed, there should always be three trustees; that William Parks was possessed of \$120,000 worth of real and \$41,550 of personal estate when he died.

Mrs. Parks died in August, 1885, having left all her property to the plaintiff, her daughter, and having directed that the principal of her annuities, some \$20,000, should be paid to her.

Two of the executors, Thomas Parks and James Hegan, died in 1875 and 1884 respectively, leaving only two surviving executors in the persons of John H. Parks and John Hegan.

In the nineteenth section of the bill, the plaintiff alleges that no part of the stocks and securities of the estate have been set apart to her satisfaction and approval; that the executors have wholly neglected to do this and have sold and disposed of the securities and applied the proceeds to their own use and benefit contrary to the directions in William Parks' will; that notwithstanding the death of three of the executors, the surviving ones (John H. Parks and John Hegan) have failed to appoint other trustees and have continued to manage the estate to their own interests and to its serious loss and damage; that they refused and still refuse to pay the plaintiff her annuity of \$2000, and that John H. Parks has reduced the greater part of the estate to his own possession and is in receipt of the rents and profits which he has wrongfully applied to his own use.

Miss Parks claims further that one of the executors, John H. Parks, has taken possession of the cotton factory and has converted the same into a joint stock company under the title of William Parks & Son (Limited), and has appropriated the income of that property to his own use; that he has mortgaged part of the real estate and disposed of the bulk of the personal property and appropriated the money derived from the sales and mortgages to enlarging the cotton factory and paying his private debts.

In conclusion Miss Parks asks that the estate be administered and the directions of the will carried out under the supervision of the court; that the defendants be convicted of a breach of trust, and that the plaintiff is entitled to have the value of William Parks' interest in the cotton factory invested for her benefit; that an accurate account be taken of the late William Parks' interest in the cotton factory at the time of his death, and of all monies received by the defendants for his interest since that time, and that John H. Parks and John Hegan may be ordered to make good to the estate the loss arising from them not having realized the interest of the testator in the cotton factory and other real and personal estate within a reasonable time, and invest the same in stocks and securities for the use of the plaintiff subject to her approval; that an

account may be taken of all other personal estate of the testator come to the hands of the defendants or which but for their wilful neglect or default might have been so received; that the real estate remaining unused may be sold under the direction of the court; that the defendants be decreed to pay \$20,000 left the plaintiff by the late Ann Parks, as well as her annuity of \$1,200 from Aug. 15, 1885, with 6 per cent. added; that they may be compelled to pay to the estate 6 per cent. upon all monies improperly mixed with their own monies, and employed in business on their own account, or to account for all profits by the employment in their business of the said trust money; that a receiver may be appointed of the outstanding personal estate of the late William Parks, to receive the rents and profits of the real estate remaining unsold.

This concludes a rather formidable and remarkable document. There are other stories current that are not given a place in it, but the court will probably ventilate them. The inducement offered Miss Parks to mortgage her place, the visits of some legal representatives to urge that course upon her, the reason why Mr. Parks left the family residence and the subsequent efforts of the plaintiff to get a living are all facts that have not yet been given.

The answers to Miss Parks' complaints have been filed by her brother and defendant John H. Parks, through his solicitor Hon. William Pugsley, and counsel E. McLeod. They deny that after providing for his debts and annuities, all his property was left to John H. Parks, and allege that there were various specific devises in the document. They also give the following summary of the real estate which William Parks died possessed of.

REAL ESTATE.	
Cedar Grove property.....	\$5,456 00
Clifton Terrace.....	2,200 00
Richibucto.....	1,000 00
Cotton Mill.....	5,000 00
Sackville.....	—
Rural Cemetery.....	\$13,656 00

BUILDINGS &c.	
Cedar Grove Cottage and Barns.....	\$ 2,600 00
Clifton Terrace.....	10,000 00
Chipman Hill house with lot.....	6,000 00
Water Street Store.....	2,400 00
Half House Fort Howe Road.....	806 00
Mill Buildings and Machinery.....	50,000 00
and certain stock in trade, book debts, securities and effects.....	—

PERSONAL PROPERTY.	
Water Scrip.....	\$6,000 00
Provincial Debentures.....	2,433 33
Gas Light.....	3,500 00
Telegraph Stock.....	200 00
Rural Cemetery.....	4,000 00
Hegan Note.....	2,000 00
Western Extension Railway.....	1,000 00
Stock in Mill.....	6,000 00
Debts due deceased.....	6,612 00
Clifton Terrace Effects.....	2,000 00

This is the inventory of the estate given in answer to the bill of complaint. But Miss Parks has another inventory given her, she alleges by her brother John H. Parks, and in his handwriting. This statement makes the estate more valuable than the one quoted above, and it is only fair to Miss Parks to give it and allow comparison.

REAL ESTATE.	
Stone House and 4 acres.....	\$ 20,000
Cedar Grove and 3 acres and House.....	10,000
Mill Property.....	75,000
Chipman Hill Property.....	6,000
Richibucto Property.....	2,000

PERSONAL PROPERTY.	
Imperial Bank, London.....	\$ 2,850
Suit in England.....	15,000
Edgar Mills & Co.....	3,000
Western Extension.....	7,500
Gas Light Co.....	3,500
Telegraph Co.....	250
Rural Cemetery.....	450
Fredericton Bonds.....	2,000
Carleton Water Bonds.....	4,000
£200 Sterling Exchange.....	1,000
Cash.....	2,000

The answer denies that there are only two executors living, claiming that Miss Parks and William Parks are also executors under the will of Mrs. Parks. They also say that all of the late William Parks' stocks and securities were set apart for the use of Mrs. Parks and the plaintiff, to pay their annuities, but that the interest was insufficient and the principal was used for that purpose; that that even was insufficient and John H. Parks advanced his private funds for that purpose; that because the funds were insufficient the plaintiff has not received her annuity of \$2,000 latterly; that the Chipman hill property was mortgaged for the benefit of the plaintiff and her mother and the cotton factory for the use of John H. Parks.

They also claim that according to an order made by E. H. McAlpine, judge in probate, *pro hac vice* that the estate was indebted to John H. Parks in the sum of \$5020, which he had spent for his mother and sister. This ends the answer.

It is understood that Miss Parks was not a witness at the sitting of the probate court referred to, and that the accounts were passed without her knowledge.

The case has an additional interest from the fact that the plaintiff is a lady of very methodical business habits that she has at no time received monies without making a note of the amounts and dates. In this way the case is made much easier than it would be otherwise.

## ROSE FROM THE RANKS.

**A SKETCH OF MECHANICAL SUPERINTENDENT WHITNEY.**

**Who Presides Over the Workshops of the Intercolonial—A Man Who Understands His Business, and Who is Popular With and Respected by the Employees.**

I regret very much that unavoidable absence from town should have interfered with my weekly papers on the railway magnates of our town, and it is with great pleasure that I resume my labours, taking for the subject of this week's memoir Mr. H. A. Whitney, mechanical superintendent of the I. C. R.

If ever there was a conspicuous instance of the right man being in the right place, it is in the case of Mr. Whitney. His thorough mechanical training has eminently fitted him for the position he occupies, differing materially in this respect from the renowned "Sir Joseph Porter, K. C. B.," of *Pinfone* fame, whose experience in a lawyer's office rendered him eligible for the exalted position of "ruler in the Queen's nave." Mr. Whitney is a shining example of a man who has risen from the ranks, and by his own ability and energy conquered fortune and climbed unaided to the upper rung of the ladder. He is singularly unspoiled by success.

Among the world of working bees, who toil in the railway shops in a bracing atmosphere flavored with machine oil, brass filings, emery and sawdust, from the first car splitting bellow of the 6 o'clock whistle till the soft, mellow burr of the 5 o'clock ditto, which sets them free from their daily inferno, Mr. Whitney is as well known as any of the men themselves, and what is still better he is thoroughly liked and respected by them. When he makes a tour of inspection through the shops he expects to find all the work well done, and no drones in the hive. Slighted work finds no excuse in his eyes, he knows exactly how each particular branch of work is performed, and could, if necessary, do it himself, unless he is a little out of practice by this time, and nothing escapes his eager eye.

On one occasion he was inspecting the car finishing or cabinet making department, and running his hand rapidly over a walnut board, he found it rougher than he thought it should be, so taking up a plane he tried the edge quickly, placed the board in position and after five minutes of vigorous work he handed the plane back to the workman, remarking, "There Jim, I don't call a plank finished till it like that." I do not think there is a man in the shops who, if he wanted to send his wife and children into the country for a few days rest and change, would not prefer to ask Mr. Whitney himself for a pass, even if he had to stop him in the street to do so, rather than go to anyone second in command. Mr. Whitney is perhaps seen to best advantage in his own home. He is very domestic in his tastes, going little into society himself, but always ready to extend hospitality to his friends. He has met with severe domestic afflictions in the past year; first in the continued illness of Mrs. Whitney, who has been a prisoner in her room for nearly a year, and lately in the death of his only son, who was killed in the well remembered railway accident at River du Loup, last spring.

Personally, Mr. Whitney is of medium height and rather stout, with fair hair and beard, florid complexion and bright blue eyes. And those of his friends who read this feeble sketch will be sure to think that he has received but scant justice at the hands of GEOFFREY CUTHBERT STRANGE.

**He Was a British Object.**  
 A seely-looking individual approached a crowd of men near the railway depot, the other day, and told a pitiful story of how he had come to the city, and being unable to obtain work, and having no money, he had gone without food for two days. All he wanted was 10 cents, that he might buy something to eat. His hearers looked upon him with suspicion, thinking that he wanted the money for liquor. Seeing that his chances for getting anything were poor, he broke out with: "I'm a British object, like the rest of you, and all I want is a square show!"

**A Maritime Insurance Company.**  
 A letter from Mr. Chas. D. Cory, managing director of the Eastern Assurance company of Canada, states that he expects to have everything ready for the establishment of the company throughout the Dominion, soon after 1st September next. Mr. Cory has had a big job in hand and he has handled it thoroughly well. Success to him and the Eastern.—*Toronto Budget.*

**For an Idle Hour.**  
 Lovell's Canadian Copyright series, published by John Lovell & Son, Montreal, is in all respects delightful. The cover is neat and the paper and type are good. *Jazebel's Friends*, number 8 of the series, is an interesting society novel, well written and of some strength, by Dora Russell. For sale by J. & A. McMillan. Price: 80 cents.

*Chaire Canad. Duval, 242 Union street.*

## A MEMORABLE SPOT.

**One of the Haunts of the Noted Criminal Henry Moore Smith.**

I wonder how many of those fortunate people who have been permitted to see the beauties of the river St. John, know the site of the old King's Head tavern, just a little above Gagetown. Apart from its associations with the man whom I have in mind, it is interesting as forming one of those many links which go to bind the past to the present, or rather to bind the past that it may be kept separate and distinct from the present.

Some 60 years ago the ratsmen worked hard or loafed, as distance required, so as to reach the tavern near sundown, for of all places on the river they preferred to spend a night at the old King's Head. A long, broad, low house it was, with gable windows and vine-covered porches and charming bar-maids, not 50 yards from the river, and so nestled among Lombardy poplars and willows that all the hospitality of the whole hospitable country seemed to centre there for the comfort of the wanderer, and even to run out to him in the form of a sparkling brook beneath the alders on the shore.

To this haven came men of all shapes, sizes, characters and creeds, and also men who had very little of any of these properties. Some, again, had lots of size and shape but not much character and creed, and *vice versa*. But there was one who came often and stayed till he grew tired of it, or until he deemed it safer to depart. He was the famous Henry Moore Smith, of whom we have all read in our boyhood days. Many are the tales of his enormous strength; his breaking of the iron bars in the window of his cell; his snapping of the steel chain that connected his handcuffs.

To me the memory of the old King's Head is delightful, merely because there is a cloud of indefiniteness hanging about it's history, and because it knew the hardihood of our forefathers long ago, but the tugboatmen always look on the site with the thought that "there Henry Moore Smith used to stop for spells now and again."

## An Unique Entertainment.

The Cantata, *The New Flower Queen*, will be presented by the Rothiemay club, in the Presbyterian hall at Rothesay, on Wednesday evening, Aug. 21. Following is a list of characters and personifications:

Recluse.....	Percy Thomson
The Rose.....	Miss M. Tyler
The Lily.....	Miss L. Wade
The Heliotrope.....	Miss M. Thomson
The Violet.....	Miss L. Robertson
Daisy.....	Miss H. Sherwood
The Heatherbells.....	G. Sherwood, O. Flewelling,
The Sunflower.....	Misses J. Guest, F. Fairweather,
The Crocus.....	W. F. Tyler
The Dandelion.....	Roy Thomson
The Tulip.....	Fred Fraser
The Dahlia.....	J. W. Flewelling
Nightingale (duet).....	Mr. H. L. Fairweather

**Argument—**The flowers meet in a secluded dell in the forest to choose their queen, thither also by chance wanders the "Recluse"—a man discontented with the world-seeking peace, and learning from the flowers their stories of Love and Duty; returns to fill his allotted station in the world, finding happiness in doing well the duties which are his.

Part II. of the entertainment consists of choruses, vocal and piano solos, and recitations.

## The St. Stephen Edition.

A letter from PROGRESS' engravers names August 20 as the day when the St. Stephen engravings will be ready for shipment. Some of the proofs of portraits and the St. Stephen hotel are already at hand, and the work is of the usual high order. The street scenes will be unusually attractive, while the buildings public and private show up admirably. The letter press is being handed in by Mr. McDade, and the present chances are that the illustrated edition will be ready for the public August 31, or two weeks from today. The absence of Mr. Edwards has prevented some buildings from being photographed, but they may yet be secured. Six or eight pages of the paper of August 31 will be devoted to illustrations and descriptions of St. Stephen.

## Further Attractions at Fredericton.

The directors of the Fredericton trotting park are bound to have a fine meeting there on September 11 and 12. The regular programme every horseman is familiar with for it has been printed in PROGRESS for some time; but in addition the largest purse of the meeting, \$300, is offered for a stallion race, trotters or pacers. If there are any fleet stallions in either of the provinces, and Nova Scotia and P. E. Island are said to have several; this should bring them out. Mine host Edwards, of the Queen, with his usual enterprise, has obtained the privilege of having the card printed upon the back of his hotel card—a unique and do doubt successful way of advertising.

## We All Know Him.

Mr. Robert Flaberty is manager in Canada, for the American Steam-Boiler Insurance company of New York. Headquarters at Montreal.—*The Toronto Insurance Budget.*

*Umbrellas Repaired. Duval, 242 Union street.*

## THE SHOW DID NOT PAY.

**THE EXPENSES OF THE CARNIVAL EXCEEDED THE RECEIPTS.**

The Carnival Committee wants \$1500 to help it out, and the Electrical Exhibition is also behind some hundreds—the Fireworks Bill rendered for \$750.

The bills of the fireworks committee have been rendered. They amount to about \$750, which includes every expense connected with the display. PROGRESS asked the chairman of the general managing committee, Mr. A. O. Skinner, what the committee thought of the bills and received the satisfactory reply that they could find no fault with them. The amount spent on fireworks was in the neighborhood of \$500 and over \$200 was devoted to expenses. The chairman of the fireworks committee could have given this information when it was first asked for, but he chose to allow suspicion to go abroad that there was something wrong. The assurance of Mr. Skinner satisfies PROGRESS that good use was made of the money expended directly on fireworks. The expenses connected with them appear pretty large, but it good practical men such as are on the managing committee are content the public should be.

There is another difficulty facing the committee, and how to overcome it has been the subject for consideration at one or two meetings this week.

The carnival did not pay expenses. The electrical exhibition did not pay expenses.

The subscriptions did not amount to anything like they should have.

The electrical exhibition is several hundred dollars behind.

The carnival proper wants \$1500 to pay its bills.

This is the situation and its seriousness cannot be questioned. The calculations of the managing committee were all right if things had turned out as they should. They counted upon a \$1,000 surplus from the electrical exhibition, which would help them out with their week's expenses. The receipts of the exhibition were estimated to reach \$5,000, and it is believed that they come within a short amount of that sum. Nobody thought, however, that the expenses would soar as they did, and exceed the receipts. So far as PROGRESS can learn many of the bills presented to the exhibition were most exorbitant in their charges. The people who sold the committee seemed to think there was a mine somewhere behind it, and no practical men there to take care of it.

The impression seems to have gone abroad that insufficient care was had in ordering goods for the exhibition, that there was a lack of system about it. This may have been true in one or two cases, but careful inquiry has failed to reveal much extravagance that should be condemned.

The men who worked the hardest have received nothing for their services. Messrs. Cornwall and his assistants and Mr. Knudson, who spent night and day laboring for the success of the exhibition, find that now the expenses are ahead of them in claiming the receipts. Mr. Cornwall says that as secretary of the board of trade he is bound to help boom the city in any way, and he regards the carnival as part of his legitimate work. His assistants will probably think otherwise. But Mr. Knudson, who was the main wire of the electrical display, who journeyed hither and thither booming and encouraging the exhibition—it does not seem fair that he should get nothing.

There is some talk of an application to the council for an additional grant to help pay the bills. Whether the council will be disposed to do anything is doubtful. If it took the free advertising St. John has had into consideration, and appraised it at its true value, there can be no doubt that the grant would be warranted; but it is a question if such considerations have weight with them.

The citizens will no doubt be called upon for further subscriptions to the fund.

## He Will Be Ready.

Mr. J. J. McGaffigan is building a new house which he is making ready for any improvement that is foreshadowed at present. He is having the house wired just now for the incandescent light, and fixtures have been purchased which will do for either gas or electricity. Mr. McGaffigan says that if incandescent lighting comes—and it is bound to come—he is ready for it without tearing his walls to pieces to wire the house.

## Well and Cheaply Done.

Merchants who want engraving done should not fail to get it well done. The engravings in PROGRESS are done by an established concern and its work is above criticism. PROGRESS is its agent for the maritime provinces, and all orders sent to this office will be executed promptly and satisfactorily, eight days being all the time that is required for the filling of any order.

—Advt.

*The "National" Dining rooms are the best in town. Dinners from 12 to 2. Choice lunches at all hours.*

## MR. SMALL'S STUPIDITY.

**A Telegraph and Express Agent's Life in Fredericton.**

The "active," "energetic," "obliging," "courteous," "tasty" agent of the Canadian Pacific Telegraph company in Fredericton, Mr. Small, is there no longer. He has gone west. He made no fuss about going, but went quietly—too quietly for his creditors.

Mr. Small went to Fredericton when the branch office of the C. P. telegraph company was opened there. He created quite a sensation in his way. To put it in popular phraseology, "he cut a dash." The confiding merchants of the place were ready to trust him with goods and more—some lent him cash. He spent some of his time at the business, but more away from it. He made some acquaintances, some of them good but more of them questionable, and in a short time the people who reposed any confidence in him began to doubt their wisdom.

When the express company entered Fredericton Mr. Small obtained the agency of that also. He was quite an important man then, in his own estimation, and nothing would content him but a well furnished house. He found no difficulty in getting the house and was equally successful in obtaining furniture. The merchant asked a leading hotel proprietor what he thought of Mr. Small's financial ability. "Oh, I guess he's all right," was the reply, and then the house was furnished. And it was good furniture. Here Mr. Small enjoyed himself. Mrs. Small came occasionally to see him—very occasionally—and while she was away the house did not lack for company.

These proceedings soon became public property, merchants did not relish such actions; they found, too, that their express and telegraph business was neglected, for while the telegraph company had no office in many places, Mr. Small took messages and parcels for everywhere, and delayed in transferring them.

The companies soon found this out and began to call Mr. Small to account. They also began to call for remittances and accounts. Neither were satisfactory. It seemed hard to persuade Mr. Small that the money paid over the counter for handling express and telegraph business was intended for the use of the companies. They got weary of this task of instruction and Mr. Small's stupidity upon this rather important point and gave him the grand bounce. And not a moment too soon.

The merchants and hotel men who are stuck are not saying much, but they are keeping up a mighty queer thinking.

## MR. CONNOR'S STORY.

**He Tells a Plausible Story of the Stanley Ward Contest.**

Ald. John Connor had a few words Thursday about the curious result of the election in Stanley ward. Mr. Connor was very frank and gave quite a detailed account of his movements on that day. His brother represented Mr. Jones, and when he arrived at the polling booth neither of the candidates had any person there in their interests. No one had voted and the alderman had the pleasure of depositing the first one of the 58 votes for Mr. Jones. He then saw his brother enter on Mr. Jones' behalf. He could find no ballots for Mr. Lockhart, and asked "Danny" O'Neill, the returning officer, if any had come. "Danny" hadn't seen any, and he, with commendable generosity and kindness, sent his own team to the police station to get some ballots for Mr. Lockhart. They came, were put on the counter—and were not used. Mr. Connor could not account for such a strange result, unless it was accepted as an evidence of the utter indifference of people in regard to the contest. He stated that he did not believe there were more than five persons on that day; that had Mr. Lockhart a representative present, the people would have voted for him just as readily as for Mr. Jones.

This is quite an interesting story, one of the plausible kind that is always a pleasure to hear Mr. Connor relate. He can be congratulated upon representing a ward, the people in which take so little interest in an election that 58 out of 61 vote, and are so easily persuaded that they all vote the same way.

Mr. Connor's brother seems to be a remarkably good representative. He is a young man with a future—and expectant politicians should not lose sight of such admirable persuasive powers.

## FROM THE GRAND STAND.

Frank Small is keeping up his reputation as a plicker. He makes the kickers who shook their heads at the first of the season tired now.

The Shamrocks won from Fredericton this week, and have a try at Moncton Saturday. I would not be surprised if the game was very close.

The Augustas are weary—the champions of Maine beaten 16 to 4 by the crack maritime nine. Nothing wrong with that, is there? They won the second 7 to 6.

Fredericton has won two games from Moncton again, in spite of their new twirler and reorganization. This is hard luck, Moncton, but the Frederictons are no slouches. They have a great team, and depend upon it, no chances were thrown to the smoky city boys. Get away with Halifax, now boys, and we'll give you an ovation when you return.