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GOOD FOR LAWYERS, AS WELL AS FOR THE ST. JOHN PROBATE COURT.

**That Tribunal Has No Jurisdiction Over
Accounts of Trustees—Yet It Has Been
Passing Them and Pocketing the Fees—
The Nicholson Case.**

E. H. McAlpine, Esq., referee in equity, is a walking encyclopedia of information in regard to certain matters of law and politics, but it must be confessed that his answers to the questions of PROGRESS in regard to the Nicholson estate lacked the voluminous detail which characterized his contributions to the rural electors in the last campaign. The accounts of the estate had been referred to Mr. McAlpine, but he did not seem to think there was anything unusual in that, or that the costs would amount to more than a mere trifle. A portion of the trustees accounts had been passed in a few hours, he said, and, though there was now an adjournment of a month, because "Charley" Palmer was away, the thing would be rushed through on his return. The entire cost would not be more than \$500. There had been four meetings already and a number of adjournments. The four lawyers would not think of charging for the adjournments, and they would not claim full fees for actual attendance. They would probably "lump" the charge, so that the costs would amount to very little.

A traveller from New Zealand might have inferred from Mr. McAlpine's way of putting things, that the legal fraternity of St. John was a sort of a charitable guild, having for its object the saving of money to the estates of rich men, deceased. The traveller would also have been astonished at the celerity with which the business of the equity court is rushed through by these gentlemen who scorn the fees allowed by law, and persist in works of charity and mercy by "lumping" bills so as to reach the lowest living limit. He might believe that each lawyer who got more than \$50 out of the affair, would feel bound in conscience to give any excess of that sum to a benevolent institution.

Mr. McAlpine was asked if the accounts had not already been passed in the probate court. He replied that the executors' accounts had, and that the trustees were now passing their accounts before him. Then he was asked if the trustees had not also passed their accounts in the probate court, and he quietly replied that they probably had done so, as a matter of precaution. The rest of the conversation was in regard to politics, prohibition and theological doctrine.

A referee in equity is in a very different position from a referee in a boat race or a dog fight. In either of the latter cases he is supposed to know all the ins and outs of the affair. In the latter, apparently, he is not. There are some things that Mr. McAlpine failed to mention.

The legal history of the Nicholson estate consists of a number of interesting epochs, extending from 1884 to the present time, and likely to be continued for some years to come. The reference of the accounts is one of those epochs, and while Mr. McAlpine seems to look on it as the most natural thing in the world, the trustees are understood to be considerably surprised about it. They supposed they had been passed once and for all, until Judge Palmer told them to the contrary.

It has been and is still the custom for the trustees of estates to have their accounts passed by the probate court. So long as no question arises it is all right, and that is the end of it. When there is a question, the announcement is made that the probate court can deal only with the accounts of executors, but not of trustees. They have no more authority over the latter than they have over the public accounts at Ottawa. Judge Palmer says so, and it is admitted to be good law.

It is not new law. It was clearly affirmed in the Hallett case a quarter of a century ago. Some of the lawyers have been well acquainted with the fact. It is understood that the present judge of probate, R. C. Skinner, has been aware of it, as was his predecessor, C. N. Skinner, M. P. The public have known nothing about it. Thousands of trustee accounts have been passed by the probate court as though it was boss of the whole business. It was so in the case of the Nicholson estate.

Since the death of John W. Nicholson in 1884, the trustees have annually passed the accounts before the probate court, and that tribunal has accepted them and pocketed the fees. C. N. Skinner was judge for the first three years, and his brother, R. C. Skinner, was proctor for the estate. In 1887 Judge C. N. Skinner felt it his duty to go into political life so that he might denounce the conservative party as the greatest annexation power in Canada, and R. C. Skinner was appointed judge in his stead. Matters were evened up by the ex-judge taking the position of proctor from which the new judge had to

resign. In this relation they continued to pass the trustees' accounts until 1890, the one acting as proctor of the estate and the other as judge. They examined every voucher, declared annually the amount due the receipts, and received the fees. Nobody doubts that they did their work promptly and well. The only trouble was that the court had no jurisdiction. It would have been all right had there been no litigation, and that there would be litigation was not expected. They "did not know it was loaded."

And now at this day the trustees, after having paid out hundreds of dollars to the probate court, have again to swear to the vouchers for the last seven years, representing an expenditure of probably \$400,000. Some of the vouchers are likely to be for sums as low as ten cents. It is to be hoped the trustees have good memories. Various interests are represented and sundry lawyers employed. The referee thinks it will be a cheap and easy job. Perhaps it will.

There is just one good thing which will come out of the affair, and that is, the trustees of estates will not rely on the probate court to pass their accounts in the future. But the court has the joke on the trustees up to date, for it has pocketed the fees.

WILL SUR UP THE MAGISTRATE. The Long Pole of a Rule Nisi Brought to Bear on Him.

Another chapter is to be added to the story of Mr. Prince who was fined \$16 because he objected to having a helpless man manled by the police, and had the temerity to express an opinion on the subject. John Kerr was Mr. Prince's attorney, and he feeling that his client had received anything but justice at Magistrate Ritchie's hands, decided to take an appeal. Some days ago, he was taken ill and J. B. M. Baxter appeared at the court in his stead, asking for a copy of the proceedings, to which he was entitled by law. The magistrate promised to have it by Wednesday. When that day arrived, Mr. Baxter went to get the copy, but could get neither it nor a civil answer. He was told that the copy was not ready, and it he wanted it in a hurry he could get a judge's order for it. If Mr. Kerr wanted the business of the court stopped for his convenience, he could get a judge's order. The magistrate appeared in a mood which is usually known as "cranky," and rung in the phrase, "judge's order," in reply to all the questions Mr. Baxter put. The latter wanted to know if Mr. Prince's fine would be allowed to stand until the case was decided, to which Mr. Ritchie replied that if Mr. Kerr wanted anything he could "get a judge's order for it." Then Mr. Baxter went away, determined to follow the magistrate's advice.

It is the duty of a magistrate to furnish a copy of proceedings upon proper demand, and Mr. Ritchie knows enough of his business to understand that, but as he is running the court to suit his own ideas of justice, he did not propose to hurry. His advice that a judge's order should be got was, doubtless, intended for a scintillation of wit, and he was probably both surprised and disgusted to find that Mr. Baxter acted upon it with great promptitude. An order nisi, carrying costs, was obtained, returnable before Judge Palmer on Monday next. Mr. Ritchie will then have to show cause why he refuses to furnish what the law says he must furnish, unless he comes down from his perch and supplies the copy in the meantime. And the order nisi carries costs.

They Won't Go Back.

The nine hour men who have worked in the Harris foundry are having a hard fight for what they look upon as principle. They have been out of work all winter, and now the company asks them to work ten hours. A few have gone back, but the best men are still walking the streets. The company claim that they could not run the foundry at a profit, if the men worked only nine hours; but when it is considered that the men were willing to accept a reduction in wages, they cannot see the justice of the contention.

What Has Become of It?

Does anybody know what has become of the exhibition association? It had an annual meeting a while ago, but it has not been called together since and there has been no election of officers. In the meantime, the days are passing, and people are hustling to arrange for exhibitions in other places. Some people are of opinion that, if there is to be an exhibition in St. John next fall, it is time the association was making up.

Tell the Chief About It.

A correspondent complains that the mission workers of Exmouth street church are annoyed by a gang that disturbs the services held in the building near the Marsh bridge. The roughs gather on the sidewalk and amuse themselves by shouting and jumping. The policemen do not seem to exert themselves in the matter. The mission workers should demand of the chief that his men keep the loafers away.

HERE ARE MORE CRESTS.

THEIR MEANING EXPLAINED BY
THE HERALD OF "PROGRESS."

Valiant Warriors who Wore Hardware
Clothes, and Invented Armorial Bearings—
Some St. John Crests and the Useful
Lessons Taught by Them.

In days of old, when knights were bold
and barons held their sway, a young galoot
in iron suit sang gleefully this lay:

I go to the fight like a valiant knight,
And I walk with a martial tread,
In an iron suit from collar to boot
And a stew pot on my head.
My coat of mail has a rattling tail,
My gloves are cast-steel gants;
While, square by side, I view with pride
The set of my stovepipe pants.

The brave old knights of a few hundred
years ago had a peculiar taste as to dress.
When one of them wanted a suit of clothes
made to order he went
to the foundry and
left his measure for a
coat like a base-burner
stove, fitted with
elbow joints working
with swivels. Then
he bought a sort of an
iron pot for a hat, with a lot of sheet iron
around it to keep his nose and ears from
getting sunburned, and he completed his
rig out by putting on trousers of Russia
iron pipe with boots to match. After that
he hunted up a big sword, stuck a
butcher's cleaver in his belt, took a big
pot cover for a shield, stole a horse and went
prowling around in search of his creditors,
whom he killed and plundered, unless they
got the drop on him first. On state occasions
he carried a clothes-pole with a
carving knife on the end of it, and when
he travelled, his boot-jack and the tin
dipper he used for a smoking cap, and
wassaill cup combined were slung to the
ox-chain which he wore as a baldric. He did
not have any pockets in his clothes. He
did not need them, for he never carried
any money. When he saw anything he
wanted, he took it, if he was strong enough,
or waited until he had a better chance. He
did not carry any spare clothes, for he
never changed his shirt on a pilgrimage,
nor did he burden himself with as much as
a dressing case, because he dispensed with
brush and comb, and his sword was always
sharp enough to be used as a razor.

No doubt, in the intervals when he was
not fighting with his neighbors or proving
his piety by murdering the Jews, Turks,
and infidels, there was much that was
interesting in the domestic life of the
domestic life of the knight of
old. He had his
weak points and
was only human.
Doubtless, he
would fly into a passion when his wife
neglected to darn his trousers because
a neighbour had borrowed the riveting
machine. So, too, he would
get annoyed when he returned from
a pilgrimage and found that, in the hurry
of putting up the hall stove, a part of his
best Sunday suit had got mixed up with
the piping. But he was a genial fellow for
all that, if history is to be believed. He
qualified ale, roasted oxen whole and
invented crests which are quite in the fashion
at the present time. Some of those in-
vented within the last year or two show
very little improvement on those of the
middle ages.

A crest was originally used as a sort of
trade mark. The old time warriors made
their marks because they did not know
how to write. Each
took a device which
would distinguish him,
and had it put on the
castle gate as a door-
plate. He had his
clothes stamped with
it, so that when they were sent to the tinker
for repairs they would not get mixed up with
those of his neighbors. He used it also
to brand stolen cattle so that he could
prove they were his own property. He
would, of course, have had it in the rub-
ber-stamp form if he had been in habit of
sending his linen to a laundry, as he was
not. He did not have much linen, and
was quite above the use of anything as
common as a pocket handkerchief.

The iron-clad, boiler-plated, patent
outside warrior has gone never to return.
He is not wanted. If he appeared in St.
John he would scare the citizens worse
than Director Smith's street-roller did and
be quite as useless. The fire department
would be called out to lift him up if he
slipped on the ice and fell. Besides, the
damp climate would rust his clothes. Let
him go.

But though the doughty knight lies
mouldering in his grave, his crests go
marching on. PROGRESS gave some speci-
mens of them last week. Some additional
ones are given herewith:

The first shown explains itself, in the
light of what has already been written. It
is an old style stove-pipe elbow with a
taper joint on one end, a thing frequently

seen where the hole in the back of the
stove is one size and the pipe another
size. It is made by riveting
on a bias. The antiquity of this el-
bow is proven by its being angular
instead of in the rounded corrugated
style so much in use in recent
years. A hand is seen reaching out of
the taper end of it, grasping what appears
to be the handle of the damper. Every-
body who has put up stove pipes knows
that the damper in a pipe will become
unshipped at times, and the owner of the
hand has evidently put his arm in to find
it. Why the man did not turn the pipe
down and let the loose damper drop out
is something for antiquaries to puzzle
over. Probably he was afraid of letting
the soot fall on the carpet. Whatever the
legend may be, the crest is genuine and
so is the motto, "Post
nubila sol," which may be interpreted—
"After the house-cleaning clouds have
passed, use the Rising Sun stove polish." It
sounds like a Boston advertisement, but
it is not. The motto might be changed to
"Eureka," referring to the finding of the
damper.

The next crest is that of the famous Jolli-
grosser, and is a very elaborate affair. A
sugar loaf occupies the honor point and a
Sussex cheese the
fess point. The
dexter chief is a
codfish, alluding
to the aristocratic
claims of the
family, while the
sinister point is a
bottle of Day and
Martin's blacking,
alluding to the
polish of the Jolli-
grossers. The dexter
and sinister bases,
respectively, are a
scrub-brush and a
package of tea. The
student of heraldry
can decipher many
other "objects of
virtue" in it. The
motto, "Try our 25c
Tea," may be
interpreted to mean
that economy is the
road to wealth.

Next in order, in the illustrations, is
what appears to be a greatly exasperated
rooster holding a bell in his mouth. The
motto, "Toujours le meme," means "chest-
nut," or something that is always the same
old joke. It does not follow from this that
the bell is a chestnut bell. It is not. It
is more like a cowbell pendent with a bot-
tom dancette, as a herald would describe it.
Some may assert that it is a flower which
the rooster has plucked off, for it is well
known that the hen tribe is very destruc-
tive to vegetation. The rooster looks
highly incensed at something. See what
an eye he has and how his hackles curl.
His comb lies down flat, which is a sign
of anger, just as when a horse puts back
its ears. Perhaps he is waving the bell as a
signal of defiance to the rooster in the next
yard. Whatever is up, he seems as mad
as a hatter, and children accompanied by
parents or guardians would do well to give
him a wide berth.

The concluding crest reflects credit alike
on the proprietor and the artist. It is an
elaborate affair, copyright, used with the
special permission of J. Hande-Sode Calif,
its inventor. It has been constantly in use
in the Hande-Sode Calif family for the last
two years, and is therefore considerably
more ancient than some of the crests used
by the other landed gentry of St. John. It
represents what a lot of jolly soles
Hande-Sode Calif are. The honor point
is a piece of offensive armor known as a
boot, with which an ancestor kicked an
unfortunate book agent out of his shop.
The motto is "Ad Finem," which may be
freely translated, "let the shoemaker stick
to his last, and the citizen to his crest—
when he owns one."

This motto will be a good text for the
public to reflect upon for the next seven
days.

He Will Still Serve the Public.

Mr. W. S. Hooper has assumed the
management of the Barker House at
Fredericton, and hereafter will welcome
his hosts of friends from his new quarters
in the celestial city. The Dominion ex-
press service loses, with much regret, an
active, courteous and very popular agent.
Few men are better adapted than Mr.
Hooper to serve and at the same time to
satisfy the public. The Dominion express
people have been fortunate in the two men
who have had charge of their business
here—Mr. Vickers and Mr. Hooper.
Their business has increased remarkably,
a fact for which their agents are largely
responsible.

They Arrived on Time.

There were a number of angry officials
on Erin street one day this week. A
young fellow in Scott, Lawton & Love's
met with an accident, and when his friends
went to the telephone, all the medical men
in town seemed to be anywhere but in
their offices. So a message was sent to
the police station. It was not a very
startling message, but chief Clark, Capt.
Rawlings and Sergt. Covay responded,
and a few minutes later Coroner Berryman
put in an appearance very much out of
breath. But he was not needed in his
official capacity. Erin street is quite a
distance from the police station, hence the
wrath of the officers.

THEIR BIG DAY

Boys and Girls Fill the Opera House.

ALL WERE DELIGHTED

With "Progress" Phonographic Concert.

WHAT THE LITTLE ONES HAVE TO SAY ABOUT IT.

Accounts of the Entertainment by Bright
Boys and Girls—What they Know About
The Phonograph—The Prize Winners—
The Scene at the Opera House Saturday
Afternoon.

Twelve hundred children!
Pretty little rosebuds smothered in furs;
chattering little school girls, fussy as you
please; larger maidens blushing and flurried,
and noisy rollicking small boys with
heavy-soled boots.

Over twelve hundred of them thronged
the Opera house Saturday afternoon and
listened to the phonograph.
They came from all directions and were
on hand bright and early. Long before
the doors were opened Union street re-
sembled a great public playground. Be-
fore the main entrance the girls and little
tots with papa, mamma and auntie, or
little parties with big sister in charge,
waited patiently for the doors to open,
while small hands held crumpled coupons
and rosebud lips asked countless questions.
But the boys were not so patient. Noisy
and restless, they made the treet ring with
their shouts and calls, while they snow-
balled and chased each other all around
the block. Then some of them made a
discovery. The Union alley door was open.
A hundred boys seemed to have made this
discovery at one and the same time, and
several hundred more a few seconds later.
They took the tickets takers by storm, and
nearly carried them up into the galleries.

A hundred hands with a hundred crumpled
coupons were raised above a hundred
heads, and a crowd of bustling youngsters
could not get into the hall quick enough.
They were on all sides of the ticket takers
before they knew it, squirming in all
directions. There was a rush for the
stairs—for the galleries were set apart for
the boys—and up they went two steps at a
time, pushing and shoving and making as
much noise as they possibly could without
exerting themselves.

The boys all in, the front doors were
opened, and a different kind of young folk
flocked to the stairs; the little tots, the
little girls, the larger girls, and mothers
and fathers who brought the children to
hear the phonograph. All these were
usherred to the orchestra chairs. And soon
the house was filled.

Down stairs the scene was a pretty one.
The bright colored hats and bonnets of
hundreds of little girls bobbed up from
the backs of the orchestra chairs, and chubby
little fingers pointed of the people on the
curtain; and innumerable little faces ap-
peared where hats and bonnets should have
been, and looked curiously up over the
backs of the chairs at the restless boys in
the galleries.

For the boys were restless; there is no
doubt about it; but not more so than could
be expected of the same number of young-
sters, all more or less acquainted with each
other, and with no regard to distance when
they wanted to converse. But they were
all bright, mannerly little fellows, with
just enough of the restless qualities and
mischievous proclivities, that make the
genuine boy stand out prominently from
the rest of humanity.

The moment Mr. Ewing appeared with
the phonograph they were interested. Even
the most restless of the boys in the top
gallery leaned over and watched him fixing
up the machine as eagerly as if they were
all determined to make one just like it
whenever they rea head home.

The little girls in the orchestra were all
attention. The majority of them were so
interested that they forgot to ask ques-
tions.
But when Mr. Ewing announced that the
phonograph would sing "Sweet Katie Con-
nor," there was a buzz of excitement that
subsided when the first note from the
phonograph was heard, and the proverbial
pin could have dropped on one of the
plush orchestra chairs and yet been heard.
Katie Connor found a host of new ad-
mirers, and judging by the essays the New
York military band selection was her only
formidable competitor in the minds of the
little ones.

With the last note came a hundred ques-
tions from the puzzled little ones, espe-
cially the tots perched on the knees of

mamas and papas. They couldn't
understand it. A short explanation
from Mr. Ewing set hundreds of puzzled
little minds at rest; and the duet played
into the phonograph by the Messrs. Wil-
liams, and afterwards reproduced made
things clearer. But when Rev. Mr. Bruce
took the stage and told all about the pho-
nograph in a simple, conversational way, all
understood how the sounds were repro-
duced. A glance at the descriptions of
the concert printed today shows that num-
bers of bright boys and girls have gained a
knowledge of the phonograph that leaves
little to be learned, until another step for-
ward has been taken by its inventor.

At the close of the entertainment it was
announced that PROGRESS would give three
prizes of \$3, \$2 and \$1 to the boys or
girls sending in the best accounts of the
concert. The result has been a number of
bright and readable accounts from between
20 and 30 boys and girls.

In awarding the prizes the judges gave
all the contributions a careful reading.
The task was difficult on account of the
many different ways in which the com-
petitors told their stories, and from the fact
that the judges had no way of learning
the age of the writer except by his style
and penmanship.

Wm. J. Edwards, 80 Mecklenburg
street, gave the best condensed newspaper
account of the concert, and receives the
first prize, \$3.

Ethel H. Jarvis, 7 Elliot row, receives
second prize, \$2. Her contribution, al-
though one of a number of almost equal
merit, gives the best description of the
concert, although from a newspaper stand-
point it would be in more danger of the
blue pencil than that of Master Edwards.

Winnie Fairweather, 243 Charlotte street,
receives the third prize, \$1. While, per-
haps, not so good from many points of
view, as many of the accounts published,
the composition of this little girl of seven
had many things to recommend it, chiefly
her keen observation and the ability to
put into readable form what she had seen.

THE WORK OF BRIGHT CHILDREN.

Compositions of the Boys and Girls Who
Attended the Concert.

All the compositions received by PRO-
GRESS are printed. Apart from the fact
that they are readable, they show how
children look upon and appreciate any-
thing that approaches the wonderful and
is new to them.

First Prize Composition.

The phonographic concert given by
PROGRESS in the Opera house, on Saturday
afternoon, was very largely attended.
The programme consisted of some very
fine songs and band music, which was
thoroughly enjoyed by all. Prof. Wil-
liams played some very fine cornet solos,
and Mr. Ewing reproduced them on the
phonograph. Rev. Mr. Bruce delivered
a very instructive address. He explained
the workings of the phonograph to the
boys and girls. By means of the concert
horn the selections could be heard very
plainly in all parts of the hall. The boys
and girls were delighted with the concert,
as could be seen by the hearty applause
after each selection. It was not only a
first-class concert, but a very instructive
lesson to the boys and girls. The phono-
graph is a wonderful machine, and is one
of Edison's latest inventions.

Wm. J. EDWARDS,
80 Mecklenburg Street.

Second Prize Composition.

When PROGRESS announced in Friday
evening's Globe that a phonographic concert
would be given especially for the boys and
girls of this city in the Opera house on
Saturday afternoon, and that upon pre-
senting a coupon printed purposely in the
paper, free admission would be gained,
great was the excitement that prevailed
among our small folk. Never before had
the newboys so little trouble in selling
this paper as on Saturday morning.
At half-past two the house was
crowded with a sea of expectant faces, and
many were the conjectures as to what the
entertainment would be like. All that
could be seen on the platform was a var-
nished table surmounted by a box filled
with queer looking wheels and machinery.
A big horn resembling, although larger,
the sleighing party horns, seemed to be
attached, and on the floor stood another
box which was connected to the former
by a chord of almost a yard and a half in
length.

Precisely on time Mr. Ewing stepped
forward and announced the first piece on
the programme. And now the wonderful
machine was set in motion, and many of
the children heard for the first time in
their lives an exact representation of the
human voice produced in a phonograph.
So distinct was it, that there was not a
child in the building who could not clearly
hear the tones as they proceeded from this
apparently supernatural instrument. Alter
one or two more selections were given,
Mr. Williams appeared on the platform
and played an air on his cornet. This
done he stepped back and behold! to the
astonishment of the audience they again
hear exactly the same air.

They looked for Mr. Williams but he was
not to be seen; it was clear then, that the
wonderful instrument was imitating the
cornet with the utmost exactness. At Mr.
Carter's request the Rev. Mr. Bruce mount-
ed the platform and explained in a few
words to the children the principle on which
this was worked. He told them that sound
was merely the vibration of the air acting
like the waves of the sea, and striking the
ear, and that inside our ears were the most
minute drums upon which the vibration
rested and by this means we are enabled to