

PROGRESS, SATURDAY, FEBRUARY 9 1895.

THE WOMAN'S SIDE OF IT.

"ASTRA'S" REPLY TO REV. R. F. DIXON'S ARTICLE.

A Point Which She Claimed Mr. Dixon Overlooked—"Sober-Visaged Maidens"—Who Must be Fed—Room in One Branch of Distinctly Feminine Work.

I have just finished reading the very exhaustive and thoughtful article on "The Work of Womankind," which Rev. R. F. Dixon, of Halifax, published in last Saturday's PROGRESS, and while no one could fail to be impressed with the logical, temperate and comprehensive manner in which he presents his arguments, and the careful analysis of cause and effect by which he reaches his conclusions, I cannot help thinking he has overlooked one very important aspect of the subject.

Throughout his entire article Mr. Dixon seems to base his arguments upon the assumption that the women who are taking men's places in the various occupations which were formerly open to men alone, and elbowing men out of positions which should rightfully belong to the other sex, do so of their own free will, and merely because of a stubborn determination to obtain their rights at any risk. He speaks of the difficulty of young men obtaining positions in the world and the miserable wages received by them, being due to the "cut-throat unscrupulous competition of young women," and the habit of our sex in underbidding men in the matter of wages—performing the same work for much less pay. While Mr. Dixon does not speak in any sense disrespectfully or unkindly of the women workers, he seems to quite lose sight of the motive which drives so many of us out into the world, to work for our living at anything, at everything which may offer, and for which we have the slightest aptitude,—the motive of dire necessity! I speak from the worker's standpoint, as one who must needs work if she would eat, and whose selection of a profession was as much a matter of choice, as of chance; so I have a very deep respect for the influence of the stern "mother of invention" who often has such a hand in the moulding of our destinies. Mr. Dixon speaks of the "absurd and saddening sight" of hundreds of unemployed young men lounging at street corners, and in public parks, passed by sober visaged business preoccupied young women hurrying to offices and counting houses; but still he does not seem to take into account the fact that the competition which has made such a state of affairs possible, is not the fault of the girls, but rather of the employers! Are we to blame because the merchant pays a woman just one-half as much wages as he would give a man for performing the same work? And is it our fault that the corporation pays the male teacher in the public schools \$600 a year for teaching one grade, and the female teacher who has charge of a higher grade, \$240? I do not think so! The man will not work for starvation wages, but the woman has no choice, she must earn her living, so she is forced to take what she can get, to accept anything; and therefore the "underbidding" to which Mr. Dixon refers is not her doing in any sense, but rather the result of man's oppression of the weaker sex, and a proof, that he is still supreme in the world, and rules with a rod of iron.

No one could condemn more bitterly than I do, the well-to-do woman who has no need of adopting any business or profession and yet who qualifies herself for law, medicine, or teaching, merely for the sake of securing what she calls her rights oblivious of the fact that she is thereby robbing some deserving man of the means of earning a livelihood. But still I do not believe for a moment that many women deliberately turn aside from the occupations which are best suited to their sex in order to enter into others which were formally considered exclusively masculine employments. I think it is only when they find so many branches of women's work overstocked, that they turn to more laborious occupations, and are thankful for the chance of doing man's work for half his pay.

The truth of this may be found in the fact that the female supply of teachers, dry goods clerks and typewriters far exceeds the demand, and that the books of all the large hospitals contain long lists of applicants for every vacancy which occurs in the staff of pupil nurses. All these occupations are arduous and confining, yet numbers of women are only too eager for an opportunity of engaging in them, but failing that opportunity they must seek some means of earning their bread, and they gladly accept whatever offers, no matter how hard it may be.

Does Mr. Dixon take into consideration I wonder, that those poor "sober visaged maidens" he speaks of, must be fed, and that in rare cases out of ten they have nothing but their own exertions to depend upon for a living? Who will take care of them, if they stop their daily toil, and let some unemployed young men on the street corners take their places; no one will feel

compelled to look after them, and a grateful public is scarcely likely to see that they want for nothing. Surely Mr. Dixon can scarcely have avoided meeting with scores of cases where the incapacity of those who should be bread winners, has forced the women of the family to take the burden on their shoulders and face the world alone, and battle for themselves and their loved ones? He must know scores of husbands and fathers who have utterly failed to provide for their families, and finally dropped out of the race content that their feminine "belongings" should continue the struggle? And yet he speaks as if the life of incessant toil to which too many of us are condemned, were a matter of choice, instead of necessity. Almost the only branch of distinctly feminine work which is not overcrowded is that of domestic service, and who would recommend a woman of refinement and education to choose the life of a kitchen drudge, a servant of all work; or even that of a cook, or housemaid in a well-to-do family, where no man servant was kept, and the duties of attending to the furnace, bringing up coals, and doing the weekly washing, were divided between the two?

Wealthy people who can afford to keep upper servants are few and far between in Canada and the life of the ordinary maid is by no means an easy one. As for the "lady help" experiment of which so much was expected, experience has proved it to be an utter failure, both for mistress and maid. Therefore the great majority of working women are compelled to encroach upon man's territory, and labor side by side with him.

Mr. Dixon very wisely warns the women of the present generation that if they persist in their present course of engaging in strictly masculine occupations, the inevitable result will be serious physical deterioration. We shall wear out, our bloom in counting houses and offices, and become old women before our time. It is not worth our while, he tells us, to subject ourselves to such a strain for the sake of a paltry three or four dollars a week; but when that three or four dollars represents our entire living we scarcely stop to consider that the effort of earning it is causing us to fade before our time. As well to wear out, as to die of starvation, and that is the only choice left to many of us.

As for the economic point of view which Mr. Dixon also dwells upon, I scarcely see how that is very much affected by the fact that so many women are forced to earn their own livings, nor how they are depriving natural protectors of the means of doing likewise. If those women did not work, it follows that some one must support them, and in relieving their natural protectors of the burden they are doing a praiseworthy act.

Poor women who work, how many of you would not gladly give up the weapons you are supposed to have grasped so willingly, and stay at home idolized, looked up to, and revered, by some adoring male protector? It is so much easier and pleasanter to be a "better angel" than to work all day in an office, and being the keeper of a man's conscience is much less hard work than keeping the books in some store; but then if the man is not there to provide bread and butter, and an occasional joint of meat; or worse still if he is there and fails to provide it, the woman who bravely takes the responsibility upon her own shoulders can scarcely be said to unsex or degrade herself to the level of an apology for a man. Indeed she should be entitled to far more honor than if she sat idly down and waited for society at large to provide for her.

Finally, if woman is never unsexed until honest faithful work unsexes her, I do not think there is the least danger of her "abdicating her throne," and I feel certain that she will never lose the respect of any right thinking man, because circumstances have forced her to stand by his side in the battle of life, and share his hardships, as well as his pleasures. Instead of depending entirely upon him, and being a burden—dearly loved and prized, perhaps, but still a burden, which he is expected to carry uncomplainingly, over rough places and smooth.

Mr. Dixon has argued his case very cleverly and told many wholesome truths which it would be well for us to ponder over, but still granting that all he says is true, and a great social revolution the inevitable result of the competition between the sexes, does not that prove the world to be over-populated, and would not the seeming determination of the woman of today to choose a life of solitary independence, rather than the responsibilities and cares of marriage, seem the readiest and best solution of the problem? ASTRA.

Why the Aspen Quivers.

It is said that the quivering of the aspen's leaves is due to the fact of the leaf stalk being flat on the sides, and so thin about the middle that the slightest breath of wind sets all the leaves wagging horizontally. A single leaf plucked off and taken by the end of the leaf stalk between the thumb and forefinger admirably illustrates the peculiarity of the aspen.

PAY JUDGES SALARIES.

THIS IS "C. E. K.'S" PLAN OF PROBATE COURT REFORM.

Early History of Probate Courts—Judge Skinner's Idea—Several Causes Cited—The Isaac Wry Will Case How Many Judges Proceed "in the Usual Way"?

The governor's speech delivered at the opening of the Legislature, which has since been approved of by "the assembly," promises "probate court reform." This was foreshadowed by the "bill" introduced last year, which it is said was not passed owing to the hostility of the legal gentlemen in "the house," sent by the people to aid in all necessary reforms. I am told that the "bill" to be introduced by the executive will go rather further than that of last session. As the writer has been advocating "probate reform," both from the platform and through the press, for nearly forty years, he believes that a repetition of some of his ideas and arguments will not be amiss now when some of the lay members of the legislature may have to advocate in opposition to the lawyers a reform they will not be as well posted up about as our legal lights. My letter will be lengthy, and yet it will not cover all the ground the very important subject demands. I claim for myself entire credence, because I am a witness giving testimony contrary to my own interest, and because all I say can be placed beyond doubt by the records of our province.

Our probate courts demand our serious attention, because they are connected with the interest and welfare of everyone interested in the estates of deceased persons.

Interesting though it might be I will not go back into the distant past and show how priests and lawyers contended for the control of dead men's estates, the priests claiming that they wanted it to secure the repose of the souls of the dead, the lawyers for the well being of the bodies of the living. In the end the lawyers, as they generally do, came out on top, stole the practice in all the ecclesiastical courts and the priests' robes to cover up the theft. Your readers have seen a priest in his robes and a lawyer in his gown. Like the farmer's twin steers, "they looked so much like both he could not tell tother from which."

Our probate courts in New Brunswick, while the laws under which they have their jurisdiction have been frequently revised, are yet conspicuous for their imperfections, and the practice in no two of them is exactly similar. In some of the counties the lawyers, with the approbation of the judges have pinned on to the courts rules and practice long since extinct in Great Britain, and not authorised by the statute and amendments to it of our Province. The late Judge Skinner in his lecture on "Probate" said, "The law as laid down in England in the Prerogative Courts, and the cases decided thereunder, give nearly all the law that is required. I will add 'and a great deal more,' and when we have to look outside of the practice we will find all we want in the probate practice followed in that country."

All must admit that courts having jurisdiction over the estates and effects of deceased persons are appendages to our jurisprudence that cannot be dispensed with, and that they should be made as perfect as legal institutions can be made. Those courts are entrusted with the control of the management of property in which widows, fatherless children, orphans, and creditors are interested, and the correctness and honesty of the procedure in them should be above suspicion.

The desire to accumulate property because it is property is the attribute of the miser, and is not as general as many suppose. Men accumulate property for a better purpose. Marriage places at the husband's side a being he is by the laws of God and man bound to protect and provide for. The general consequences of marriage are children, and the responsibility for their maintenance and education rests upon the parents. The teaching of Christianity is that "he who will not provide for his own is worse than an infidel," and the Author of our being has placed in every well constituted man a law that responds to this teaching. The man or woman who has acquired property for such laudable reasons looks to the law of the land to secure it to them while they live, and to carry out their expressed or implied determination about it, after they die, and if the laws of a civilised state do not do this they are a mere mockery. There is another important consideration, connected with the estates of dead men. Men hold a part of their property as trustees for their creditors. While they live the law compels them to carry this trust into effect, and after they are dead should see that this trust in the hands of their legal representatives is as safe as it was in theirs. Your space will not permit me to thoroughly discuss this, but your readers will fully comprehend the importance of my conclusions.

The jurisdiction of a probate court is to take proof of wills, grant letters testamentary and of administration, appoint guard-

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Manchester Robertson & Allison, St. John

ians for minors in certain cases, audit and pass the accounts of executors, administrators and guardians, and grant licenses for the sale of land to provide funds to pay debts of deceased debtors. All this discloses how important our probate courts are, and it does seem exceedingly strange that these courts have attracted so little public attention.

The judges, registrars and proctors in those courts are paid by fees, taxed and allowed by the judge, who can order them to be paid "out of the estate or otherwise." After fifty years of careful observation I have not known an instance where it has been "otherwise." I will now show you the beauties of the tree by an exhibition of some of the fruits.

In Nova Scotia they have the same system of paying judges of probates by fees as in New Brunswick, and the celebrated Gramel will case will fully disclose the position in which a judge may be placed. The testator, a highly respectable and intelligent gentleman, late in life married a lady in every respect his equal. After living very happily with him for many years he died childless, after willing her the most of his property. She entered on the estate after obtaining probate of the will. Afterwards a paper was produced to the court which it was claimed was the last will of the deceased, and after a lengthy contest the probate of the will was revoked and the last paper admitted to probate as the last will. The decision of the judge of probate was afterwards quashed by the Supreme Court of Nova Scotia, which by its judgment on appeal virtually decided that the paper allowed as a last will was a forgery and the testimony on which it was allowed was perjury. I have to solve the problem, what could have induced the judge with the evidence taken by him to allow the forged will? Had he decided the will was a piece of forgery and the evidence perjury he would not have been in a position to make the estate pay the costs of the contest, and I am informed that the persons who produced the papers could not have responded if they had been ordered to pay the costs. The judge would have lost his perquisites, and the legal gentlemen who brought the rich grist to his mill theirs. Do you think that a judge should be ever placed in such a predicament? The temptation is too much for an ordinary mortal, and while our probate judges are paid by fees, similar cases may occur.

I will cite a few out of the many causes, differing but little from one another, that have been in the Westmorland probate court. In the Purington will case the principal legatee paid some thousand dollars to buy off the contestants, as her counsel decided that that was the cheapest way to get out of the toils. The will was the exact counterpart of one made many years before. A nephew of the deceased who lived in the United States had long previous to his uncle's death threatened that if he did not leave his property to him there would be trouble. The lady to whom the bulk of the estate was left was an adopted daughter.

In conclusion I return to my first conclusion that all the wrongs done in our probate courts are the results of paying their judges by fees, and the remedy is, pay them salaries. C. E. K.

By proper advice she paid a large amount to keep the estate from being wrecked in the probate court. The Isaac Wry will case was a still harder one. The testator six years before his death got a neighbor, a careful business man, to write his will. The will was duly proved and letters issued to the executor. A son who had been amply provided for in his father's lifetime was dissatisfied. First he attempted to "blackmail" the widow, sending an agent from Patterson, New Jersey, where he resided, to demand a certain amount, the demand to be accompanied with a threat that if it was not complied with the will would be attacked. The widow refused, and was dragged into the probate court. After a large part of the estate had been eaten up in costs, which the judge, "proceeding in the usual way," decided should be "paid out of the estate." The will was decreed "proved in solemn form," and the expensive farce terminated. The widow and her fatherless infant children were nearly beggared and the step-son had his revenge. While I have been intimately connected with a probate court for nearly fifteen years, and know something about the history of other probate courts, I have to admit that I have never known a case where a will was put in contest on good grounds, or where one was set aside, or where the person or persons who sought to have the will declared bad, had to pay any of the costs no matter what the grounds disclosed might be.

I will not pass to other proceedings in the Westmorland Probate Court, and here pause to say that I do not want to be understood that the judges, registrars and proctors in the Westmorland Probate court have been "sinners above all sinners."

The estate of Robson M. Dixon was inventoried over \$13,000, and not one cent of it reached the orphan son or the creditors. The estate was kept in the Probate Court rather long and the final was there was only enough left to pay two thirds of the taxed costs. In that it out-rivalled the celebrated "Bleak House" case. This reminds me of a case over the line. The judge was a rare exception. The heirs were fighting over an estate when one proposed a compromise. The others seemed disinclined to accept. The judge, seeing this, turned to the objecting parties, and said, "Gentlemen, if you don't settle I shall proceed in the usual way and divide the estate among the lawyers."

How many judges in our Province have proceeded "in the usual way?" In conclusion I return to my first conclusion that all the wrongs done in our probate courts are the results of paying their judges by fees, and the remedy is, pay them salaries. C. E. K.

Dorchester, February 5th, 1895.

Fashion's Aid.

Mrs. Rastus—"How in de world did ye manage to smuggle dat great big turkey tru de streets widout being diskivered?" Mr. Rastus—"Bress yer heart, honey; dere an ob dem new fashion, long-tail ova-coats a-hangin' on a line, dat somebody left out to air, an' de gobble fit under it jes' like as it was made a purpose for him."

HOW IT IS DONE.

"I don't see how Mrs. Brown does it," remarked Mrs. Smith to her friend. "I'm sure my husband makes more money than Mr. Brown, who is only a clerk, and yet that woman dresses better and has more clothes than I could begin to think of buying."

Now, Mrs. S., we'll tell you how it's done. Whenever Mrs. B.'s clothes get a little worn, she don't rush into a dry goods store and buy new material, but neither does she want to appear shabby. So she sends the dress to UNGAR'S and has it dyed some pretty shade. And with a little alteration, behold, "Another new dress," as you remarked.

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