the advent of lawyer McAlpine upon the scene with the statement that, despite of his previous positive assertion, he had in his possession a will duly executed by Thomas Hunter. He appears to have first made this statement to people with whom he talked when on the street, but he also notified the judge, and on Wednesday, the 11th, he sent word to James B. Daley to call at his office. Daley did so, and McAlpine's first words were, "Mr. Daley, you are an executor of Thomas Hunter." Daley was surprised, and McAlpine said that Fred Linde was also an executor. According to Daley's evidence, McAlpine "was a little under the weather." He did not produce any will, but said he would show it to Daley later.

On the day of court, Friday, the 13th, Daley went to McAlpine's office to accompany that gentleman to the judge of probate to have the will proved. No will was shown, but McAlpine took Daley upstairs to the office of judge Skinner in order, he said, to have the will proved. No will was shown in court, but McAlpine said he had a will and would produce it. It gave a diamond ring to the wife of W.W. Brittain, a gold watch and chain to Enoch O. Parsons, and $50 to John Newman, innkeeper. One third of the residuary estate was to be given "to Enoch O. Parsons, my confidential clerk, who has for so many years assisted to build up my business," and the remaining two-thirds was to be "divided among my next in kin, share and share alike." Some lawyer said he did not want the will read at this session of the court, as he expected to hear from the Misses Beatty, in Portland, Maine, and McAlpine said that, in deference to this wish, he would not then read the will, but would produce it on the following Monday.

At the session on the 13th Daley and Linde were appointed administrators pendente lite.

There were present at this meeting of the court the following legal gentlemen, each of whom had something to make out of the estate of Thomas Hunter, and to each of whom every step in litigation meant the pocketing of additional costs: Hon. C. N. Skinner, judge of probate; H. A. McKeown, representing Enoch O. Parsons; J. E. Cowan, representing John Newman, innkeeper, for a legacy of $50; E. H. McAlpine, representing Messrs. Daley and Linde, exeeutors; M. B. Dixon, representing Wm. Vassie, a creditor and applicant for administration; J. B. M. Baxter, Daniel Mullin and Geo. A. Davis, claiming to represent the Beattys and the brother in Ireland.

No business was done on the Monday to which the hearing was adjourned. One of the lawyers, McKeown, was going to New York, and an adjournment was granted until his return. Whether a session was charged for in the costs will be seen by the bills.

After this, Daley met McAlpine once or twice on the street and said he would like to see the will, or have it placed in some safe place. McAlpine replied that it was all right, and was safe.

On the afternoon of Friday, July 20, McAlpine called for Daley to accompany him to the judge of probate. Daley was very glad to go, saying that he wanted to see the will in a safe place. On the way to McAlpine's office they met Arthur Clark, who had no concern with the case, and McAlpine invited him to join them. Reaching the office, McAlpine searched around among a number of papers, put one aside, and then picked out three or four pieces of paper, finally putting them all in an envelope which he sealed with wax in three places. While this wasbeing done, says Daley, "he was crying, weeping and making a great time."

Sealing the envelope which contained documents, of the contents of which Daley was ignorant, McAlpine wrote on it, "This is the last will and testament of our dear friend, Thomas Hunter." Then he picked up a Testament and said, "You fellows are not to repeat what was done in this room, and this is the last will and testament of our dear friend." He then threw the bundle of papers into a drawer, which he closed, and as far as there is any evidence it has never since been seen by mortal eyes.

They did not go before the judge of probate that day, because he was ill at home, and McAlpine said he did not wish to bother him.

The will was to be proved on Friday, the 27th. On that day Daley found both McKeown and McAlpine in the latter's office. McKeown read a petition which he wanted Daley to sign, alleging that the will was lost and asking that it be proved as a lost will. "This is the first intimation I have received from Mr. McAlpine of the will being lost," said Daley, very much astonished. He refused to sign the petition, because it made him certify to matters of which he had no cognizance. He had no knowledge of the existence of a will, except from what McAlpine had told him. He signed the petition only when the clauses to which he had objected had been scored out, and in this condition, with the erasures telling their own story, the petition became part of the records of Judge Skinner's court.

In this petition the bequests in the will were set out as already stated. The subscribing witnesses were given as E. H. McAlpine and James ——. McAlpine explained that the name of the latter witness was either Lowood, Lockwood or Lockhart—he could not remember which. The man was a commercial traveller who was a stranger to him.

Another session of the court was held the following day, when the adminstrators were authorized to call for tenders for the stock. By this time Baxter regularly represented Samuel Hunter, having been retained by cable. Mullin produced a letter from one of the Misses Beatty showing that he had authority to appear through Mr. Hogan. A new lawyer also appeared in the person of Mr. Fagan, from J. H. Fogg, of the Maine bar, also in the interest of the Beatty heirs. McAlpine was called to give his evidence, but Baxter objected that he was not in a condition to do so. The result of this was such a torrent of abuse and profanity that some of the lawyers who were members of the church were greatly shocked. The court adjourned in confusion until the 30th.

On the 30th, still another lawyer appeared, in the person of Hon. A. G. Blair, attorney-general, who had been retained by Mr. Fogg to represent the Beatty heirs. Before this there had been some confusion among Mr. Beatty and his two daughters as to whether Mullin or Baxter represented them. Baxter retired as soon as there was any question about it, being at least sure as to the brother in Ireland. Mullin did not retire until a later stage of the proceedings.

As some further torrid language was used at this session, the attorney-general himself being a target for part of it, a requisition was made to the sheriff for the attendance of constables at the next session. Whatever the judge and the other lawyers might think about the matter, Mr. Blair did not want tourists visiting King square to mistake the court house for a sailors' lodging where a free fight was in progress.

At the session just mentioned, McAlpine read the affidavit of Fred Linde that he believed the state of facts to be as McAlpine represented, and that Hunter had told him, some months before his death, that his affairs were all settled. McAlpine asked until the following Saturday to produce the lost will.

Saturday came and there was another session. McAlpine did not produce the will, but he read his own affidavit, in which he swore the statements he had made were true, that the will had been duly executed and that he had seen it after Hunter's death.

The court met again on the 9th of August, and then one of the heirs appeared. This was Samuel Hunter, the brother, who came all the way from Ireland, and is still here waiting to see if the lawyers will leave anything for his share of the estate.

At this session McAlpine took the stand and told the story of the lost will. He had drawn it for Hunter, he said, the last of October or first of November, 1893. He had no entry or memorandum to show in regard to it. Hunter had spoken to him one Sunday afternoon during the previous August, while they were pitchingkquiots at Brittain's place. Hunter had spoken to him about the will again, at Brittain's, one morning, and again spoke of it over a glass of ale, in St. John, in September. Finally, one day, Hunter came to the office, in company with the stranger whose name might be Lowood, Lockwood or Lockhart, or might be anything else. The will was drawn and executed. McAlpine was feeling pretty gay, he says. He was on the racket and had been for two or three weeks, but was able to take care of himself in every way. He "could have gone to a funeral, but had a great big jag aboard." Hunter had had some drinks, but was not drunk, and his friend was more beery than he was. Hunter opened the door and said to his friend, "Come in, Kitty Boy," and an introduction of the stranger followed. Hunter asked McAlpine to write the will and he did so from his memory of the instructions Hunter had previously given him. The scene is thus described by McAlpine: "In the office we were smoking cigars and talking history, etc. I think I sang a song, 'Where is now that merry party?' Mr. Hunter wanted me to sing the Boyne Water, but I wouldn't; there were gentlemen in the building who might be offended. There was no bottle in the crowd; we were somewhat like camels, we could cross a desert. The will was drawn before singing the song. First Mr. Hunter passed around cigars, and then I seized the pen and wrote his will. It took me two and a half or five minutes."

This was the first time Hunter had ever been in McAlpine's office. He and Kitty Boy were there on this occasion about forty-five minutes, and then Kitty Boy seems to have disappeared as suddenly and mysteriously as the will he had witnessed vanished at a later date. McAlpine never saw him again, nor in all his subsequent intercourse with Hunter, for the next eight months, does he seem to have taken the fancy to inquire about him.

During those eight months the will lay in a bundle of papers in McAlpine's office. From the time it was drawn until Hunter died, McAlpine says: he did not read it, but he glanced over it before he sealed it up when Clark and Daley were present. That he did not then show it to Daley, one of the executors, he explains by saying that he did not want Clark to know what was in it. He says that when he told Parsons and Scott there was no will he told an absolute falsehood, not meaning it as a falsehood, but in order to get rid of them, as he was very busy that morning. He further says that he did not know who Scott was.

At the session on the 10th of August, McAlpine was sharply cross-examined by the attorney-general and again swore positively to the due execution of the will. He had permitted a total stranger to be one of two witnesses to a will, because one witness would be sufficient to prove it. As to the instructions for drawing the will, Hunter had not mentioned his brother, nephews or nieces, but had merely spoken of his next of kin. When John Newman was mentioned, McAlpine had asked if he wanted that wild Irishman to get $50, and the reply was "Yes, it would be enough to buy a jack knife and a cake of soap to wash himself with."

McAlpine also swears that about the first of July Mrs. Brittain told him that Mrs. Parsons, wife of the legatee, was his first cousin, but up to that time he had not known there was such a person as Mrs. Parsons.

After hearing the evidence of McAlpine and Daley, Judge Skinner decided that a citation should issue calling on the heirs and next of kin to show cause, if any, why the will as propounded by McAlpine should not be admitted to probate. This was on the 20th of August. There was another meeting on the 21st, in regard to tenders for the stock, but the great and important session of all for the lawyers was on the 22nd, when they met to divide the spoils.

When Thomas Hunter died he left $2,350 in cash. Out of this there was deducted $327 for rent and wages due, and when Fred Linde subsequently gave place as adminstrator to Samuel Hunter he was allowed a commission of $154 to solace him for his retirement. This left something more than $1,800 available for costs, etc., but the court and the lawyers were decent enough to draw the line short of taking the whole of it in one scoop. There seems to have been a consensus of opinion that, at this stage, they should be content with something in the vicinity of $1,500, as a little cash capital ought to be left to the estate, in case of emergencies. The division of the costs was managed with neatness and dispatch.

It must be remembered that in point of fact there are but a limited number of interests in the estate. For instance, the next of kin, Samuel Hunter, has one interest; the Beattys, of Portland, and the Elliotts, of California and Pennsylvania, would have another interest, should the will be established. If there were no will, their interest would be identical with that of Samuel Hunter. The other legatees under the will have only one interest. The number of people who have been represented by counsel, however, has been a good deal in excess of the number of interests, and to each of the lawyers who have thus appeared, the court has awarded costs at the expense of the estate. The bills of costs were handed in at the session on the 22nd, and Judge Skinner came to the front with a system of taxation, which seems as extraordinary in its way as some of the other proceedings in this very remarkable case.

McKeown's bill was the first handed in. The judge looked over it, scored out an item here and there, ascertained the total of it as thus amended and took the net amount as a standard on which to level up or level down all the other bills, utterly regardless of what the items might be. He did not read the other bills; some of them he did not even open, but by some private process of calculation he assessed the sum he thought each lawyer ought to get, in proportion to the big or little interest he represented, and he figured it out so fine that even the odd cents appeared in the different amounts thus allowed.

This singular and summary system of taxing costs may be a venerable and customary feature of the probate court, but it is safe to say that outside of that court it is found in no tribunal in this part of the world at least and perhaps in no other part of the world.

All the lawyers except the attorney-general were present at this session. At the next session Baxter told the court that while he consented to the taxation of the amount of his own bill he objected to separate bills being taxed in the case of the attorney-general and Mullin, as well as in that of McKeown and Cowan, as the four represented only two interests. Judge Skinner agreed with this and decided there should be only one bill for McKeown and Cowan. The bill of neither of these gentlemen was disallowed, however, but having deducted a little from Cowan's bill, he then took the simple and expeditious method of making one bill by adding the amounts both of them together, making a total of $273.60. This solution of the problem of adding one to one and making the sum of one, was as successful and quite as surprising as the feat of Columbus in making an egg stand on end. Cowan's costs for representing the $50 claim of John Newman, innkeeper, had been made up by him to the sum of $122. As for McKeown, he told the judge he would not consent to any reduction of his account, and accordingly none was made.

The attorney-general had succeeded Mullin as counsel for the Beattys, but the court allowed Mullin full costs, as if he had been the only person representing the Beatty interest. In rolling the two bills into one by the process already described, the judge reached a total of $327.57. Neither of these lawyers were present at the meeting, but the question of their respective rights subsequently caused a good deal of discussion. Mr. Blair very promptly settled the matter as far as he was concerned. When he heard what had been allowed, he declared that all he had done was worth no more than $100, and he refused to accept anything in excess of that sum. Mr. Mullin is not recorded as making a similar remark, but he insisted on standing on what he regarded as his rights and refused to accept anything through the medium of Mr. Blair. It was finaly suggested, in an informal discussion outside of the court proceedings, that the cheque for $327 57, payable to cash or bearer, be cashed by a third person, and $100 each be paid to Messrs. Blair and Mullin. How far this arrangement has been carried out is not stated. Seven days later, the money for the cheque was paid by the bank to a son of Judge Skinner, and the matter has doubtless been settled. If $100 has been the amount accepted by Mr. Mullin as well as by Mr. Blir, there is a balance of $127 which the court decreed should be devoted to costs, and which would have been so devoted had Mr. Blair been willing to take what he felt he had not earned. If this balance is in the hands of the court it is tolerably safe for a while, because it is not enough to go around for the fees of one session.

The bills at first made up amounted to about $1.499. In proceeding to "tax the costs" by his unique system, Judge Skinner remarked that they must be kept "within the $1 500," as if that particular sum had been apportioned from the estate as about enough to make a fair "divvy" all around at this fairly early stage of the proceedings. In the paring down by the judge the total was reduced to $1,486 03, a discount of something less than one per cent on a class of charges which lawyers usually put high enough to amply recoup them even if finally taxed by strict rule in the supreme court. The total was apportioned to be shared as follows:—Davis, $132; Dixon, $112.70; McKeown and Cowan, $273 60; Baxter, $158.80; McAlpine, 168.20; Blair and Mullin, $327 57; court fees, including those of judge and registrar, $316 16.

The time for the citation to be returnable has not been fixed. When it comes there will be some more costs. Nobody can yet predict the end of the Hunter will case. It is probably a long way off.

"I don't believe Jack loves me as well as he ought to." Bertha—"Has he been neglecting you, dear?" "Oh, dear, no. He refuses to break our engagement when he knows I could marry Mr. De Million if he would."