

# PROGRESS.

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## IT LOOKS LIKE SNOBBERY

### THE CURIOUS CHARGE AGAINST W. A. HENRY

Of the Halifax Wanderers—He Slighted part of His Eleven, So the Others Say—The Interesting Facts of the Whole Affair—Mr. Henry's Awkward Position.

HALIFAX, September 20.—No topic of conversation this week has equalled in intensity of interest that of the trouble in the Maritime cricket team over the dinner given in their honor by members of the Victoria club, Toronto, on Friday last. The maritime party at Toronto numbered 13—eleven players, Dr. Muir, who was umpire, and Dr. Kirkpatrick, who accompanied the team as spectator. The team was made up of the following named gentlemen:

W. A. Henry, Halifax, (Captain).  
H. Hansard, St. John. Mr. Hughes, Halifax.  
F. Clarke, do. F. A. Kaiser, do.  
G. Jones, do. T. J. Cahalane, do.  
S. Jones, do. J. G. Mackintosh, do.  
C. Stewart, Halifax. H. Smith, do.

The team gave a good account of themselves at cricket, making their first match a draw, their second a win, and losing only the third. They were unlike some former cricketers teams away from home in the fact that they swore off from liquor and not a man of them touched a drop till after the matches were over. Everything went pleasantly till Friday afternoon. That day several members of the Victoria club determined to entertain the maritime men at dinner in the club-house. Captain W. A. Henry was entrusted with conveying the invitations to members of his team. Those who were "bidden to the feast" thought that of course all the others were too. But toward night it transpired that all had not been asked. Five of the best men on the team had been left out in the cold. Here is a list of the quintette of Halifax players who were not deemed worthy by Captain Henry of a seat at the banquet table.

Mr. Hughes, Halifax. F. A. Kaiser, Halifax.  
T. J. Cahalane, do. J. G. Mackintosh, do.  
H. Smith, Halifax.

Those men blame Henry for the slight put upon them. He alone they held to be responsible for the fact that they were not asked. W. A. Henry is a first-class all-round athlete, but he is something more, he is "a society man." He drew the dead line of social discrimination with a careful hand when he separated his team into two classes. The uninvited allege that Mr. Henry gave the Victoria people to understand whom they should ask or else that he had instructions from the club to ask the whole team, and took upon himself the responsibility of extending the invitation only to those whom he considered socially the best on his team. It is absurd to think that the Victoria club would get up a dinner for about half the maritime visitors, so that the theory is that Henry just asked those whom he chose. On the other hand, if it proves to be true that only eight men were invited by the club out of the thirteen, and that Mr. Henry had nothing to do with the curtailment of the number he is equally blame-worthy, for no captain with a spark of manliness would sit down to such a dinner while five of his very best players had been wantonly insulted in being pronounced unworthy of a place at the table. Mr. Henry is on the horns of a dilemma. Dr. Kirkpatrick took in the situation in a moment, and when he found that five of the players had been so grossly slighted he refused to accept his invitation.

This is the fact of the little affair. Now look for a moment at the character of the selection and see how determining a choice was made for this memorable dinner. Mr. Henry moves in a swell social set in Halifax and is a member of a good law firm, but as for his abilities outside the athletic arena there is very little to say. Messrs. H. H. Hansard, G. Jones, S. Jones and P. Clarke are better known in St. John than Halifax, but it is understood that Mr. Henry considers them, especially the Jones brothers, to be all right socially and they doubtless are fine fellows—worthy a place at this dinner table. C. Stewart was easily in it, for his father is Colonel Stewart and "Charley" is in "upper tenor" beyond a doubt. Dr. Muir is a wealthy citizen of Toronto and by the bye, they say he had a narrow escape from being left out from the banquet. Dr. Kirkpatrick is the man at loggerheads with Dr. Dodge about that article in PROGRESS some time ago. He has a splendid practice as an eye and ear specialist and is a good man. That completes the list of men who were "good enough, you know," for a place at this club dinner. They included the whole of the swell section of the team in the estimation of Mr. Henry or someone else. The poor quintette is headed by Mr. Hughes. 'Tis true he is only a bandmaster in a British regiment, but he is every inch a gentleman, and the best cricketer in the team. F. A. Kaiser is in business for himself in this city, and though he makes no pretensions to swiftness, perhaps he has just as many of the instincts of a gentleman as any of the thirteen. He is certainly as good as some of the favored and "select" eight.

T. H. Cahalane is captain of the Wanderers' cricket team. "Tommy" makes no pretensions to extraordinary refinement, but he is a good-hearted, enthusiastic fellow, who has hung out his shingle recently as a lawyer.

J. G. Mackintosh is the son of one of the wealthiest men in Halifax. No man stands better in the financial ranks of this province than J. C. Mackintosh, and whether or not the son will ever be able to step into his father's place, or fill his shoes, may be a question, yet "Jim" is young yet and he has lots of time.

However Smith is an ex-baseball player. Is smart with his fists, is a good bowler in cricket, and is engaged in a lucrative fish business in this city.

With all these qualifications, the quintette are not much "socially" perhaps, and there is not the shadow of a doubt that was the reason Captain Henry or someone else equally influential saw that they were not invited to this banquet.

What about the consequences of this discrimination? It may mean a great deal to the Wanderers. Either Henry will have to leave the club or Mackintosh, Kaiser, Smith and Cahalane will go out. They have sworn publicly that they will never again play cricket either with or against Henry. They have no further use for him in any shape except as a target for their contumely. The Wanderers cricket team cannot afford to lose four such players as the malcontents and the lesser of two evils will have to be chosen. Mr. Henry will be the man to retire. He can't explain away the insult to his fellows. They gave him a chance at Niagara Falls the day after the dinner and he dodged it. Cahalane says sardonically: "The day for explanation is gone. Henry and the rest of us must part company, no matter how plausible an excuse he may make for his conduct."

Mackintosh accuses Henry of another offence. He says Henry unfairly tried to discourage Hughes, who could have had a place on the Canadian team, from going to Philadelphia. Hughes did not go. And he also alleges that Henry quietly whispered to the Canadian team managers that (Mackintosh) had better not be given a place upon it because he could not pay his own expenses for the longer trip. That riled "Jim."

This unfortunate affair is to be regretted because it threatens much trouble if not disaster to the W. A. A. C. cricket team, and it bodes no good for the Wanderers club as a whole.

## The Retort Courteous.

There was a ball in this city on Wednesday night which, by some strange omission on the part of our society correspondents, is not mentioned in the portion of the paper usually set apart for such "functions." The melodious strains of "Sweet Marie" came stealing softly through the open door as the reporter passed that way, but they were not intense enough to drown the following interesting dialogue:

"Tea or coffee?" This was in tones unmistakably feminine, and unmistakably hospitable. The answer was "yeas."  
"Half-full or chock-full?" "Yeas." Then the orchestra resumed its staccatos, and the floors rose and fell to the entrancing music and to the gentle tread of feet encased in boots like those of Bembastus. Soft eyes looked love to eyes that spoke again, and all went merry as a marriage bell, when suddenly the music grew less distinct; the sound of twinkling feet keeping time, time, in a happy Runic rhyme grew fainter and fainter. The door had been closed. A few minutes later a big man came towards the listening crowd that was sitting on the fence outside the house. Pride gleamed in his eye, and a key gleamed in his red right hand. In a bold, defiant tone of voice he proclaimed:

"I locked the fools out!"

Then another big man jumped from his seat on the pickets, and yelled, in a voice that shook the stars:

"What'd you say?"

Promptly came the answer, in an even more defiant tone of voice:

"I locked the fools out!"

"Well," said the would-be avenger of the wrongs of the dancers, in a voice very different from that which he employed when he awoke the heavens, "you're just the fellow that could do it!"

## He Got His Quarter Back.

It happened in a church not very far up river, the other Sunday. The gentleman who took up the collection was seen to put his hand in his pocket, pull out a coin and drop it in the box, before he deposited the latter on the step near the preacher. Having his eyes devoutly raised at the time it would seem that he did not see what he contributed, but on the way back to his seat the idea appeared to strike him that he might have made a mistake. Putting his hand into his pocket again, he pulled out another coin, looked at it and calmly walked back to the box where he exchanged it for the coin he had put there as an offering. It was a purely business transaction. His pocket had contained a quarter and a cent, and he had put in the quarter by mistake.

## NO HARD TIMES IN THIS.

### MR. APPELBY'S LITTLE BILL IS HEWED DOWN

By Judge Barker, who Thought that 25 per cent. of an Estate was Too Much to pay for Looking after It—The Particulars of a Remarkable Account.

If lawyers had their way they would provide an easy solution to the great social problem. They would be the great levelers of wealth, and fortunes that get into the courts would be levelled down and distributed among their profession.

Lawyers seem to be chiefly socialists. Great private fortunes are an eye-sore to them and so they take advantage of every opportunity to rid the suffering masses of these burdens upon society. The more effectually to accomplish their object they sometimes combine their efforts. There are various methods of doing this, but one case will suffice for illustration.

It has been said that it is sometimes the habit of a proctor representing an estate in the probate court to divide the different heirs around lawyer friends of his. In return for the favor they give him half the proceeds from the case. They are of course under these conditions not particularly anxious to settle the case.

There was a case before the equity court this week wherein was instanced this socialistic bias of the legal mind. Mr. S. B. Appleby, of Woodstock, displayed this characteristic and it was in connection with the Slipp estate. The estate was worth about \$8,750. Mr. Appleby was appointed receiver of the estate and he wound it up. He wanted to apply his favorite levelling down process and in his own mind made what he considered an equitable and judicious division of the property. He would take \$2,290, a portion would go toward expenses of winding it up, and the remainder would be divided among the heirs.

But Judge Barker was not of the same mind with him. He thought that \$803 was all that should go to him and so ruled. In his ruling he stated that the question of the pay of receivers was an important one and there should be some fixed principle in apportioning their compensation. He decided that in the matter of easy collections five per cent. was fair remuneration and ten per cent. when the collections involved extra troubles.

It appears that Mr. Appleby did not charge for his services on the percentage system but on the basis of the number of days' labor performed. For the mere task of winding up an estate he charged twenty-six per cent. By glancing at his little bills some idea may be gained of the size of the magnifying glass with which he looked at his services.

Six months general supervision of estate at \$75 a month	\$450
Forty-five days' labor performed at home at \$10 a day	450
Twenty-two days' labor performed abroad at \$20 a day	440
Eight hundred letters written to debtors to estate at 10 cents a letter	800
General services to estate	\$350
	\$2290

It appears from what Mr. Appleby says that he performed an important duty in his care of the estate during the six months. For this care he charged \$75 a month. Three or four times a week he used to pass the couple of stores which constituted the estate and look in the door to see that no one had turned them up or carried them off. Before the judge it was brought out by the counsel for representatives of the estate that his services were worth five dollars a look. But then a lawyer's look is different from an ordinary policeman's or watchman's look and should be paid accordingly. It was unjust not to allow Mr. Appleby his \$5.00 a look for it would have taken him nine years or eighteen hundred looks to pass the estate.

Mr. Appleby performed sixty-seven days' labor setting up the estate. There are a number of ways in which that labor was performed, including tending court at Hampton as a witness, looking after the balancing of the books, attending auctions, etc. But the most interesting particulars in this connection was that of lighting fires in the stores for three weeks during the winter to keep the frost out. This he did personally at the rate of ten dollars a day. His attention was drawn to the fact that he might have hired some one else to do so much more cheaply. Ah, but he said there was the responsibility of the estate upon me. "I felt it my duty." No doubt, like Sheriff Sturdee, Mr. Appleby considered his services different from those of any ordinary day laborer even in merely mechanical matters such as writing names or building fires.

Then in collecting the accounts he had a method of charging for his services highly satisfactory to himself. There are about 350 separate accounts, he said, from twenty cents up. He sent letters to all of those owing these amounts and in nearly all cases two letters and charged 75 cents a letter beside postage. It therefore appears in the case of the bills for twenty cents be charged from four hundred to eight hundred per cent., which was not remarkably profitable for the estate.

The counsel for the other side remarked

that this was rather high for circular letters and asked him why he did not get his office boy to do it. Mr. Appleby replied very gravely that "he could not delegate the trust on account of the responsibility that was upon him."

The court decided that ten per cent. was a fair remuneration instead of his scale of percentage, which went up to eight hundred.

## AN EXCHANGE OF COMPLIMENTS.

How a New Brunswick Frenchman Gave an Exhibition of the "Savate."

A colored sailor, who was not averse to telling that he came from Eastport, and was also not by any means shy in proclaiming that he could lick anybody in St. John, was the centre of attraction on one of the wharves on Tuesday evening. A young Frenchman, who is said to be one of the numerous Whites of Shediac, stepped up to him and signified that he was prepared to be licked, if the sailor could lick him, but that he had his doubts on the subject. The colored man made a rush for the man, with his head down. As the black fellow approached the gentle Acadian, a look of disgust was seen on the Frenchman's brow, as he saw that the negro did not propose to follow the laws in such cases made and provided by the Marquis of Queensberry. So the Frenchman decided therefore, that evading the Queensberry rules was a game that could be played by two, so decided to give the Eastport man an illustration of the "savate," the famous kick of the French boxers, so fully described by a Canadian in a late American magazine.

It was a beautiful sight to see that Frenchman jump into the air, and bring both his heavy boots down with magnificent force upon the bowed head of his adversary. It was done before an eye in the crowd had time to twinkle. The Eastport fighter ran in the direction classed by negro minstrels as "slantedicular," with far less firmness of foot than that displayed by the Frenchman but did not run much further. He "drifted," a dreary wreck" and fell with a terrific sweep, nearly falling over the side of the wharf. At length he picked himself up very carefully. There was blood in his eye as well as on his head, but he did not seem to want to further establish his claim that he could lick any man in St. John. Neither did he reiterate that he was from Eastport. Still, he was indignant and appeared to think that he had not received "a fair show."

"I didn't think," said the demoralized African, "that I was fighting with a turned mul!"

"I didn't think," said the professor of the "savate," "that I was fight wid one blame ram!"

## Sunday Ball Playing.

There has been a great deal of complaint lately by people who visit the Rural cemetery on Sunday afternoons concerning the ball-playing, etc., in a field by the Westmorland road, opposite Mr. John Holden's. The ball playing is not so much objected to as the profane language which is borne to the ears of those who have just visited or are about to visit the resting places of relatives. It is said that the ball-players have not the slightest respect for a passing funeral procession, but that they yell quite as loudly and swear quite as freely when a funeral procession passes as they do on other occasions.

## A Newsboy's Enterprise.

A crowd of newsboys and the old lady who calls out "Gaz-ette or Rec-ord, please, sir," were standing on the corner of Princess and Charlotte streets the other night calling out the names of their papers. A fire-bell commenced ringing, and immediately afterwards a small boy came tearing around the corner, yelling at the top of his shrill voice, "Re-cord! All about the fire!" Two gentlemen standing by thought the joke so good that they bought every paper the boy had left.

## An Unqualified Success.

If the spring and summer business is any indication Messrs. Daniel & Robertson's millinery venture has proved a great success. In the city portion of today's issue, they have a special enclosure announcing their opening of autumn and winter millinery on Thursday, Friday and Saturday, Sept. 27, 28, and 29, when the newest trimmed work, hats, feathers, &c., &c., will be shown.

## Mr. Larsen Was In Town.

A paragraph that should have been written for PROGRESS last Saturday but was not, is good enough to print in this. In any event, the fact that Mr. Larsen, once a capable member of its staff, was in town could not be suppressed, no matter if the newspapers neglected to notice the fact so many people knew and liked "Bob" that the news soon spread. He only remained a day long enough to shake hands with a few of his friends and to convince them that success had not changed him for the worse.

## PROBATE!

### The Facts and Costs of a Modern Court.

### THE HUNTER WILL CASE.

#### The Lawyers and What They Made Out of It.

#### THE ATTEMPT TO PROVE A WILL THAT WAS MISLAID.

Some Remarkable Proceedings in the St. John Probate Court—McAlpine's story of How a Will was Executed and Lost—Costs Made to Order While You Wait.

The celebrated chancery suit of Jarndyce versus Jarndyce dissolved and melted away for the very good reason that the estate became wholly absorbed in costs. A precisely similar occurrence took place in the probate court of the county of Westmorland, some years ago, when a perfectly solvent estate was eaten by a horde of hungry lawyers, who met and adjourned from time to time until there was nothing further left for them to swallow. At the rate the costs have been piled up in the Hunter will case, during the last two months, there may be an equally remarkable record in the annals of the probate court of St. John.

There is considerable left of the estate yet, it is true, for only about one-tenth of it has so far been absorbed in legal expenses. It must be remembered, however, that the court and the lawyers have only had two months in which to accomplish anything. Besides, they have got nearly all the cash Mr. Hunter had laid by, and there will be no more ready money until that is to say, not all of it at once.

The story of the Hunter will case has not been told in the fragmentary reports of the court proceedings which have appeared in the daily papers. It cannot, even now, be fully told in PROGRESS. One reason is a lack of space—and possibly of adequate printable adjectives—to do some phases of the subject full justice. Another is that the case is still going on, and it appears likely to go on as long as there is anything left in the shape of assets. A good deal, too, must be omitted in the way of comment, for the suit is still pending, and to prejudice it might be a contempt of court, which is another thing than contempt for a court permitted by law to devour widows' houses and wrest away the bread of orphans.

For the Hunter will case, after all, is but a specimen brick in a structure built of many such bricks—the probate court as it exists in the province of New Brunswick. Not only in this city, but in every county, it is recognized as a tribunal of practically unlimited license as to fees and methods of procedure. To lay all the blame upon the lawyers is to deal with effects instead of causes. In an overcrowded profession where the old-time etiquette has degenerated into a pell-mell scramble for business, it is not strange that lawyers should exemplify the motto of "everyone for himself." Few, if any, are likely to neglect an opportunity of having their slice of a cake that is cut to be eaten. That cake, in this instance, is the estate of Thomas Hunter, who departed this life, shortly after midnight, on the morning of the 8th of July last.

Mr. Hunter's name has become very much more famous since his death than it ever was in the 46 years of his life. He was a bachelor, a native of the north of Ireland, who came to this country about twenty years ago, and began his business career as a clerk in the dry goods establishment of Beard & Venning. Later he tried his fortune in Chicago for a short time, returned to Ireland, and finally came back to St. John, where he became manager of the Carleton store of Jas. Adams & Co., corner of King and Ludlow streets. About seventeen years ago, he bought out this establishment, and he continued to conduct it until the time of his death. Eight years ago, he added a boot and shoe department to his dry goods business, and two years ago he established a branch store on King street for the sale of ready made clothing. This was in charge of James Scott, a former fellow employee with Hunter.

Soon after Hunter started in business, Enoch O. Parsons was engaged by him as clerk, and continued to act in that capacity up to the time of Hunter's death. Whether he would have continued to remain had Hunter lived is another question. Parsons, having been so long in the employ, was

looked upon by many as a confidential clerk, but it would seem that Hunter did not so regard him. James B. Daley, of Vassie & Co., appeared to be the man on whom he relied most for consultation and advice in matters of business, while Fred J. Brittain was more of a confidant than Parsons was in affairs of a personal character. A few weeks before his death, Hunter told several persons, at various times, that he was not satisfied with the way Parsons was attending to business, and that he intended to discharge him.

Hunter was a man of fine mercantile capacity. He was a judicious buyer and his business prospered from the outset. Starting with small capital, he so prudently managed his affairs that, after seventeen years of business in a district not supposed to be of commercial importance, he died worth about twenty thousand dollars.

Despite the fact that he had lived so long in Carleton, Mr. Hunter seems to have attended strictly to his own affairs. He took little or no interest in public matters, and ordinarily lived a quiet bachelor life. His personal tastes were not expensive, but he was far from niggardly in his nature. He gave much to charity in an unobtrusive and often secret way, and he was in good repute with the pastor and people of the Carleton Presbyterian church, of the congregation of which he was a member. There were, however, few who might be called his intimate friends, save in a qualified sense of the term. He had associates, it is true, for he was by no means an ascetic, and there were times when he sought relief from the monotony of existence in Carleton by brief periods of convivial recreation. He was fond of fishing too, and often went on little excursions out of town. A favorite resort of his, within the last year or two, was the boarding house kept by W. W. Brittain, at Grand Bay.

On the night of Saturday, the 7th of July, Hunter left Carleton between 9 and 10 o'clock, in company with Fred Linde, and drove to Brittain's. On the way they stopped at an alleged wayside inn kept by John Newman, but so far as appears Hunter was not intoxicated when he arrived at his destination, nor did he afterwards become so. He seemed in his usual health, though that was far from being rugged. It is understood that he had been told by one doctor, six months before, that his lungs were in a condition which must end in death, but another doctor subsequently assured him that there was no cause for alarm in that respect.

On reaching Brittain's he had supper, and retired shortly after midnight. Half an hour later, a noise was heard in his room, and those who went there found him bleeding profusely at the mouth, he having evidently ruptured a blood vessel. A doctor was hastily sent for, but before he arrived Hunter was dead.

The funeral took place on Tuesday, the 10th of July. Only one lawyer was in the procession, but he and the other lawyers have had a continually increasing procession of their own ever since.

On the day of Hunter's death, Parsons and Fred J. Brittain went to the store to examine the private papers. They found the draft of a will made by a St. John lawyer in 1886, and the addresses of Hunter's relatives in Ireland and the United States. The nearest relative was a brother, Samuel Hunter, who lived in Ireland. Parsons sent a cable message to him, and requested J. B. M. Baxter to write to him. Baxter did so, and was duly retained to represent Samuel Hunter's interest.

Thinking that there might be a will, Parsons and Scott began to inquire among the city lawyers with whom Hunter had been acquainted. Among others, they called upon E. H. McAlpine. This was the morning of Tuesday, 10th, the day of the funeral.

Mr. McAlpine told them he had no will. Parsons suggested that possibly J. E. Cowan might have one, as he did some business for Hunter. McAlpine thought that perhaps such was the case, and advised them to telegraph Cowan, who was then absent from the city. Geo. A. Davis had already said that he had no will; the reply from Cowan was that he had none; and as McAlpine distinctly declared that he had none, the conclusion was reached that Hunter had died intestate.

On the day of court, therefore, Wm. Vassie, of Vassie & Co., the principal creditor of the estate, with a claim about \$1,700, filed a petition for administration. In the meantime, however, W. J. Beatty, a brother-in-law of the deceased, had come from Portland, Me., and lawyer Baxter, inferring from a conversation that he was retained, filed a caveat on behalf of Susan and Rebecca Beatty, children of Hunter's deceased sister. Lawyer Davis, on what authority it does not appear, also filed a caveat on behalf of the brother in Ireland. On the 13th a session of the probate court was held, when steam was let on and the manufacture of cost was fairly begun.

In the meantime a new and astonishing phase of the case had been developed by