

THE JUBILEE OF THE CHIEF

(Continued from Second Page.)

A Dominion Appointment.

In June, 1878, Chief Justice Allen was appointed in place of the late Governor L. A. Wilnot, the arbitrator on the part of the Dominion government, to determine the northern and western boundaries of the province of Ontario. Chief Justice Harrison was the arbitrator for Ontario and Sir Edward Thornton, the British minister at Washington, was the third arbitrator. From various causes, the meetings of the arbitrators, previous to the death of Governor Wilnot, had been delayed, and it was necessary to meet and determine the question without further delay, but as Chief Justice Allen had been assigned to hold the Westmorland circuit in July, at which the trial of the Osborne family for the alleged murder of Timothy McCarthy was to take place, and which he knew would occupy a month, he informed the government that he would not be able to attend the arbitration probably before the beginning of September, and if it could not be postponed till that time, he would be obliged to resign the appointment. He was informed that it could not be further delayed, and his resignation was accordingly accepted, when Sir Francis Hincks was appointed in the place of Chief Justice Allen. The award was made Aug. 3.

The Chief Justice Visits England.

Sept. 24, 1884, the chief justice sailed from St. John for Liverpool, having obtained four months' leave of absence, reaching St. John, on his return, Feb. 10, 1885.

The summary of the leading incidents of an historic career would be incomplete without the following:

MARRIED—At the Valley church, Portland, St. John, July 3, 1845, by the Rev. William Harrison, rector, John C. Allen, Esq., barrister, Fredericton, to Margaret A., second daughter of the late Col. Charles Drury, of St. John, formerly captain in the 29th Regiment of Foot.

In the field of politics, Mr. Allen never knew defeat, and of the various offices held all came unsought.

As a layman of the Church of England Chief Justice Allen has long held a first place as a delegate to synods, diocesan and provincial, a representative who does honor to the church. The type of the churchmanship of Chief Justice Allen is on the lines of his ancestor, illustrated in an incident of a century ago: The first Baptist preacher at Fredericton was one known in later years as Father Manning. Judge Allen was asked for a warrant for his arrest. His answer was, "I will hear him for myself." The judge unable to get in the house stood, unknown to Mr. Manning, outside by the door. The text was, "Behold, the Judge standeth before the door." After service Judge Allen said to those who asked for the warrant: "God forbid I should lay hands on that young man. I would there were more like him in the country."

The demonstration today of the St. John members of the bar, on this the jubilee of Mr. Allen's admission as an attorney, will be a fitting crown to one whose ancestor, the Hon. Isaac Allen, over a century ago took his seat on the bench at St. John as one of the first judges of the supreme court of New Brunswick.

Although turned the historic three-score years and ten, the mental force and erect form of the chief justice indicate years of activity, the more so three of the two preceding generations passed four-score years and ten. May he in the future, as in the past, recuperate his strength for the work of official life in church and state, amid the ancestral fields and groves of Auk-Paque!

J. W. LAWRENCE,
Member Royal Historical Society of Great Britain.

THE CHIEF JUSTICE'S ASSOCIATES.

Jurists Who Will Take High Place in the Legal History of the Province.

Half a century ago when the turbulent litigants of Westmorland county sought Dorchester Corner for "law," all of them felt more or less interest in a little square wooden shanty which stood on the edge of the "half acre." It was not much of a building to look at. It had no architectural beauty, nor did it differ in any respect from the buildings to be seen under the shadow of the court house in every shire town. It was simply a country lawyer's office.

This particular country lawyer was an important man, even in those days. The era of bribe competition in legal lore had not dawned. Attorneys of the Supreme court were not obliged to advertise and cut down fees in order to scrape a living. A few lawyers handled a large number of cases, and prospered exceedingly on the business that came to them. The occupant of the wooden shanty in question was

One of the most successful of all. He was for plaintiff or defendant in every important case in Westmorland and even from Cumberland in the sister province men sought his aid and counsel.

Thus it was that even while he was a young man he began to grow rich and his name became famous. It was a privilege for students to read law in such an office, and from its doors went forth from year to year young men whose names were thereafter to be linked with the history of New Brunswick and of Canada.

Just 50 years ago there were among

them three men. The country lawyer was Edward Barron Chandler, who died some forty years later the Governor of New Brunswick. The students were Andrew Rainsford Wetmore, now senior judge of the supreme court, and Aulus Lockwood Palmer, judge in equity and second in seniority on the bench.

Young Wetmore was a lively youth. Even to this day, some of his remarkable exploits are told among the traditions of Dorchester. He was not afraid of anybody, anything. He was as open and frank as he was daring. Whatever he did was done boldly, and he was always ready to abide by the consequences of his acts. He was no bookworm, but he was no idler. The law was his choice and his pleasure. Heredity had much to do with this. His father had been a member of the bar, and his grandfather had died after nearly a score of years' tenure of the office of attorney-general. With such an ancestry, the young man was sure to be a lawyer of some kind, and he proved to be one of a very good kind. Leaving Mr. Chandler's office, after three years of study, he completed his term in the office of George Jarvis Dibblee, at Fredericton, and was admitted an attorney in October, 1841.

He began his practice as a country lawyer in the very limited field that Oromocto offered. Soon tiring of this life, he removed to St. John, where for 20 years he was

Conspicuous as a Leader

at the bar. For a time he was in partnership with B. Lester Peters, the present police magistrate, and later with Dr. F. E. Barker. He was appointed clerk of the crown in 1857, was made a queen's counsel in 1863, became attorney-general in 1866, and was elevated to the bench in 1870.

Mr. Wetmore was a sound lawyer and an earnest advocate. Always self-possessed and master of himself, he was a cross-examiner whom a crooked witness had reason to dread. Of an aggressive nature, he spared no words which could damage the cause of an opponent in the eyes of a jury. His sarcasm was of a kind from which a litigant might well pray to be delivered, and his invective became terrible at times. In any case where he appeared on one side and S. R. Thomson on the other a crowded court room was always to be found. He was in every sense a successful lawyer.

In politics his career was even more stormy. He was an active worker and bitter opponent. In the old days of the Confederation struggle he was prominently to the front and was elected both when the sentiment was against a union and when the tide had turned in its favor.

Naturally he had enemies, but he also had hosts of friends. It was a wise choice when he was placed on the bench, and even those whom politics had embittered against him soon learned to respect him as a judge, removed from the arena of party strife.

While Wetmore was treading the uneven road that led to honor, his fellow student, Palmer, was fighting a great battle for himself. In the narrow confines of Dorchester corner the air was as full of politics as of law. The strife was eternal and bitter.

Young Palmer was not in accord with the faction, and he gave early promise that he was likely to be dangerous to that faction's peace. The result was a war of years, un-mollified by any truce. He was opposed at every step—in law, in politics and in private life. But he was built for fighting and he fought. On the battle grounds of law, he had nothing to fear. With all due allowance for some who have passed away, Mr. Palmer stood head and shoulders above the lawyers of his native country. Without a politician's trick of rhetoric, without an effort at cheap dramatic effect, he won his case by sound law, and hard work. He had that qualification, which many lawyers lack of being.

A Thorough Man of Business.

He was a successful shipbuilder, and a successful manager of his ships after they were built. In some of the most celebrated marine insurance cases ever tried in the New Brunswick courts he appeared as counsel. At such times he astonished all who listened, not only by his legal ability, but by his complete practical knowledge of everything that pertained to a ship or its navigation in any kind of weather.

Nor did he shine in this respect at home alone. One of the cases in which he was interested was carried to the courts in England. Mr. Palmer crossed the ocean to look after it. When the tall, boney and angular-looking stranger stalked in among the big-wigs, they would have smiled had they not stood in awe of the keen eyes which looked at them from under the shaggy eyebrows. They thought that New Brunswick had sent them a ploughman instead of a lawyer, but a very brief acquaintance with the stranger dispelled that idea. He could give them points on marine insurance of which they had never dreamed.

For many years Mr. Palmer confined himself to the Westmorland and Northern circuits. His first appearance in St. John, about 30 years ago, was in one of the most famous cases of the time—the suit of Smith

vs. Clementson for breach of promise. He appeared for the plaintiff and was assisted by his old fellow-student Wetmore. Strong as this combination was, it had to face an array of the leading counsel of the time. One of these was Hon. R. L. Hazen, a most able man and gifted orator, Hon. John H. Gray, another most powerful pleader, and Robertson Bayard. Despite the skill with which these gentlemen defended their client, a verdict of \$4,000 damages was awarded the plaintiff.

In the field of politics Mr. Palmer found many obstacles at the outset. He was a Confederate when confederation was mooted and the county in which he lived was bitterly opposed to the scheme of union. As a result he was twice defeated as a candidate for the legislature. A few years later, after his removal to St. John, he was elected to the house of commons. He was made a queen's counsel in 1867 and raised to the bench in 1879.

In the very good portrait of Judge Palmer which PROGRESS gives, it is easy to see the force of character which marks the man. He has that individuality about him which would compel attention from the passer-by, even on the great thoroughfares of New York or London. There is

Not a Weak Line in His Face, nor is there a trace of weakness in the composition of the man. He has that strength of purpose which compels him to carry out his views regardless of what people may say or think. It is sufficient for him that he feels satisfied that such views are right. He decides for himself, and not for his critics.

While Mr. Palmer was diligently reading Blackstone's Commentaries, in October, 1839, a fine healthy baby was born in St. John. In due time he was named George E. King, and he is today third on the list of prime judges.

George E. King was a born politician. When he was a very young man the science of politics engrossed his thoughts, and at the age of 30, he was the most prominent figure in the legislature of New Brunswick. Before that time, however, he had been conspicuous among the young and enthusiastic advocates of a federal union. Two years after he was called to the bar, confederation became an accomplished fact. His election to the house of assembly at this time gave him a scope for his talents, and from 1870 to 1878 he was steadily before the people as attorney-general and leader of the government. Measures of abiding importance were discussed and dealt with in this interval. Chief of these was the school bill, of which Mr. King was the father. It was carried only after a prolonged struggle and some of the most remarkable debates ever heard within the legislative halls at Fredericton. The conflict caused an intense excitement throughout the province. Public feeling was strong on both sides, and the passage of the bill only increased the animosity of many who had bitterly opposed it from the outset.

During these years, Mr. King had ample opportunity of learning everything there was to know about himself. On the one hand he was upheld as a

A Patriot, a Statesman and a Man whose memory should be honored by children yet unborn. On the other hand he was ridiculed and assailed with the virulence of which a very free press was capable. But the measure was carried, and he was content.

During all these years, his law practice was large. Hampered as he was by politics, he must have sacrificed much of it, had he not been associated with a very able partner. This was Fred. A. Morrison, whose natural abilities would have fitted him to rise to any position to which he might have aspired. With such an aid Mr. King was well able to combine law and politics, and to be successful in both.

Judge King has been on the bench eight years.

A kindly face, telling of "charity for all and malice toward none" is that of Judge John James Fraser. It is a true index of the man. He is one against whom in all his career as a lawyer and politician no one could harbor ill will. While a staunch friend he was always an honorable opponent. It was not in his nature to do a mean action or take an unfair advantage. His blows were strong but they were fairly dealt.

Mr. Fraser was admitted an attorney in 1850, when he was 21 years old. With a perseverance due to his Scotch ancestry, he devoted himself wholly to his profession for the next fifteen years. His office was at Fredericton. He was a very successful lawyer before he entered upon the field of politics, and he might not have ventured then had not the whole country divided on the confederation question. Mr. Fraser was opposed to the movement, and the electors of York believed he was right. They elected him, but a year later their sentiments changed, and they voted that he should stay at home.

Despite of this rebuff, it was destined that he should, a few years later, be not only a politician but one whose position meant power. From 1871 to 1882 he was conspicuous in the legislation of the province. For four years he was attorney-general and

Leader of the Government.

In December, 1882, a few months after resigning the leadership, he was raised to the bench to fill the vacancy caused by the death of Judge Duff.

Judge William Henry Tuck, the junior of the bench, has the signal distinction of never having represented a constituency in any parliament. Had his inclinations led him to seek such a position, he could undoubtedly have had it. He preferred to stick to the law, and do yeoman's duty for his party in other ways.

He was always a hard political worker. He was one of the devoted friends who stood by Sir Leonard Tilley before, during and after the days of the confederation battle. It was only in 1882, after he had been nearly 30 years in practice, that he consented to be a candidate on the Conservative ticket for the commons.

He was defeated with his ticket, and three years later he laid aside his politics and took his station on the bench.

Mr. Tuck had good preceptors in the study of the law. Three years were passed by him in the office of Hon. L. A. Wilnot, and the remainder of the course was spent in the office of William Jack. He devoted himself to his profession, in St. John, and his merits were recognized. His mercantile practice was large and as he was clerk of the crown from 1867 to 1883 he had an enormous amount of criminal business. The most famous of the cases in which he took part was the McCarthy murder trial. This was a most intricate affair, well calculated to test the ability of any man, but Mr. Tuck proved himself fully equal to the emergency. It was not his fault that the mystery was never solved.

When Hon. R. L. Hazen, died in 1874, Mr. Tuck was appointed recorder of St. John, which office he resigned in 1882. When he was raised to the bench, his congratulations came from both sides of politics. The honor was merited, he was qualified for the position and all who knew him were his friends.

W. K. REYNOLDS.

MUSIC, AT HOME AND ABROAD.

Of the Bennett & Moulton Opera company which will visit St. John for a week beginning the 22d, the *Leader* says:

The company makes six-days stands as a rule, with a change of programme at each performance; plays at popular prices, and gives the best possible performance for the admission charged; in fact better than some of the high-priced companies.

This gives promise of a better performance than is usual from these travelling companies, owing to the modesty of the announcement.

The Boston Orchestral club, which has had such success on its tour under Manager Bachert during the last two years, will begin its third season early in October, and continue its tour during the winter and spring months, extending its journeyings as far as California.

Mr. William Nowell, of Boston, will be the conductor and leading violinist, with Mr. Charles Palm, of the Damosch and Thomas orchestras, as second violin; Richard Stoltzner, formerly of the Thomas orchestra, violin; Louis Blumenberg formerly of the Mendelssohn Quintet club, 'cello; and Joseph Becker, formerly of the Boston orchestra, bass. A flute soloist and a soprano singer of ability will make up the organization.—*Leader*.

The curiosity of the public is at last set at rest with regard to the new Gilbert and Sullivan opera. The scene is set neither in Egypt nor Norway, as gossip had it, but in old England in the time of Elizabeth.

The following cuttings are from a cable account of the opening night:

The Yeoman of the Guard, or The Merry Man and His Maid, as the new opera has been named, does not call for much stage setting. There are only two acts and only one scene, namely the tower of London, reflected in such a sunlight in the first act and such a moonlight in the other as are seldom seen in London. The representation of the historic old tower is so literally perfect that it was received with uproarious applause from old Londoners. Both as regards music and dialog Messrs. Gilbert and Sullivan have taken a much higher flight in this opera than they have in others. The humorous, burlesque, and satirical features have given way to a classic vein. So far as last night's audience—with a large proportion of critics and educated people—were concerned, this was considered to be a big improvement, and the opera enthusiastically received as a success. Whether it will be so popular with the general public, who go to see Messrs. Gilbert and Sullivan's operas for the sake of the funny matter found in *Pinafore* and *Patience*, is a matter of much speculation.

Though the music of the opera as a whole is of dignified and distinguished style, there are three or four taking melodies and two effective duets. The general verdict was that the opera is a success.

Members of the Orpheus club have just introduced in Halifax a Boston lady artist of high reputation. She is Miss Louise Laine, the possessor of an excellent soprano voice, who occupied a prominent position among concert singers in Boston, has been a member of the Liseman concert company and was soloist in the Schumann ladies' quartette. She is now engaged in giving singing lessons at the ladies' college and to private pupils.—*Halifax Echo*.

The bishop of the diocese having appointed tomorrow as the day for Harvest thanksgiving, the choir of the majority of the Episcopal churches have been busy the last week or so preparing the special music with which these occasions are always celebrated. It would take too much space to give the full list of music to be used at each church but I may mention the name of the anthem to be sung at some of the churches:

Trinity church will have Barnby's "Blessed be the Name of the Lord," while at St. Paul's (Valley) church the anthem

will be "O Give Thanks," by E. A. Sydenham, which I believe is new to this city. The Mission church of St. John Baptist have a very fine anthem of Sir John Stainer's, "Ye shall dwell in the Land," with bass and tenor solos. At St. Luke's, Portland, there will be special anthems at both services—"Thou crownest the year with Thy goodness" by Thos. Smith being the one for the morning service and in the evening J. Baptiste Calkin's "Rejoice in the Lord ye righteous" will be sung. Owing to the rector's absence from the stone church, there has been no extra music prepared, and at St. James' there will be no harvest festival anthem, probably owing to the fact of the organist being away on a well-earned vacation.

I see by a Boston paper's advertisement that Signor G. B. Ronconi is singing and playing on the flute, at Music hall, Sunday evenings, in the Star concerts. Admission 15 cents.

The Clara Louise Kellogg English Opera company has secured from several church choirs the best talent available for their choruses. This will ensure a good chorus and good voices. This method of obtaining a chorus is an entirely new feature in making up opera companies, but one which the managers hope will be endorsed by the public.—*Boston Sunday Times*.

The concluding sentence of the above putting I can hardly see the point of. Members of church choirs are not always the best singers, nor are they the very best behaved, and if the managers have had a large experience of church choirs, they would have a very good idea of how very inordinate they are as a rule. I think the *Times* is rather dubious of the result, as in another part of the same paper the following appears:

Edgar Strakosch of the Clara Louise Kellogg opera troupe sends word that the chorus will surely be excellent because he has selected the members from the best church choirs. Mr. Strakosch's promise will be greeted for future reference.

The italics are mine.

That interesting (?) paragraph going the rounds of the American press of Mrs. Alice M. Shaw's whistling to the Prince of Wales between the courses at a dinner party is almost as interesting (?) as the late accounts of John L. Sullivan hobnobbing with his Royal Highness and calling him Albert Edward. Truly the American penny-linger's brain is fertile.

F.M.L.X.

TALK OF THE THEATRE.

The patrons of the Institute may look forward to a brilliant season.

It will open early next week with Peck & Furssman's *Uncle Tom's Cabin* company. On the 22nd of the month will come DoLydon's Fifth Avenue Theatre company. The following week, on the 29th, Arthur Rehan's great company will open for three days; and on the 5th of November Harry Belair will be seen in the best programme of "magic, mirth and mystery" ever offered in St. John.

All these attractions are worthy of patronage, Rehan's company especially so. They are all good enough for the large cities where they are now playing and they ought to be good enough for St. John.

An attractive prospect, isn't it?

Mrs. James Brown Potter is the possessor of one of the smallest watches in existence. It is set in the silver handle of an exquisite silk umbrella, and it is a perfect timepiece. It is about five-eighths of an inch in diameter. It is a stunner, the head of the hand performing the functions of a key. It was presented to her in Hamburg by an English lady of rank, who was a most devoted admirer of Mr. Abbey's new star.—*New York Sun*.

Coquelin and Mme. Jane Hading have arrived in New York. The lady is decidedly pretty, the papers say, but the great comedian looks more like a prosperous merchant than an actor. When the reporters met them on the steamship there was no photograph at hand to record the press men's struggles with the French language, but a favorite question must have been: "Avez vous sentez bon koo de mal de mere?" I can imagine it all.

The dramatization of *The Quick and the Dead*, as brought out at the New York Fifth Avenue theater by Estelle Clayton, was a flat failure. There was reason for it. Miss Clayton has very intense feet—the New York papers all said so when she played *Favette* a few years ago—and her ankles are so full of high tragedy, but she hasn't sufficient brains to grease a gridiron.

Will somebody please tell me how it would be possible to make an effective play out of Miss Rives' book, anyhow? I yield to no one in admiration for that strong and suggestive story, but to my mind there isn't a situation in it—that is to say, from a theatrical point of view. I suppose Miss Clayton was encouraged by the success of such monstrosities as *A Rag Baby* and *A Bunch of Keys*, to believe that on the stage today "everything goes."

I have very pleasant recollections of the Bennett & Moulton Opera company, which begins a week's engagement Monday week, at the Lansdowne rink. It gives a better performance than some companies that promise a great deal more and I hope to see it sufficiently well patronized to induce it to come again and often.

LEON.

NEW BRUNSWICK RAILWAY

Commencing June 25th, 1888.

PASSENGER TRAINS WILL LEAVE INTER COLONIAL RAILWAY STATION, ST. JOHN, AT

16.40 a. m.—Fast Express for Bangor, Portland, Boston and points west; also for Fredericton, St. Andrews, St. Stephen, Colville, Woodstock, Frege Lake, Grand Falls and Edmundston.

18.30 a. m.—For Bangor and points west, Fredericton, St. Stephen, Hamilton and Woodstock.

18.30 p. m.—Express for Fredericton and intermediate stations.

18.30 p. m.—Night Express for Bangor, Portland, Boston and points west; also for Fredericton, Hamilton, Woodstock, Frege Lake and Grand Falls.

FULLMAN SLEEPING CAR ST. JOHN TO BANGOR. Arriving in St. John at 7.45; 8.20 a. m.; 12.25; 17.15 p. m.

LEAVE CARLETON FOR FAIRVILLE. 18.00 a. m.—Connecting with 8.30 a. m. train from St. John.

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Accommodation..... 11.00

Express for Sussex..... 16.55

Express for Halifax and Quebec..... 22.15

A Sleeping Car will run daily on the 22.15 train to Halifax.

On Tuesday, Thursday and Saturday, a Sleeping Car for Montreal will be attached to the Quebec Express, and on Monday, Wednesday and Friday a Sleeping Car for St. John will be attached to the Montreal Express.

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Connecting with New Brunswick Railway for Woodstock, Grand Falls, etc., with Northern and Western Railway for Donkton, Chatham, etc.; and with steamer Florenceville for Eel River, Woodstock, etc.

On THURSDAYS and SATURDAYS Excursion Tickets issued to Brown's, Williams', Oak Point and Palmer's wharves, good to return on day of issue, for 40 cents, or to Hamstead and return for 50 cents.

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Fare to Hamstead, etc., and return, 50 cents. R. B. HUMPHREY, Manager. Office at wharf, Indiantown. St. John City Agency at H. CURRY & Co.'s, Prince Wm. street.

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