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VOL. XI., NO. 566.

ST. JOHN, N. B., SATURDAY, MARCH 18 1899.

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and after Monday, the 3rd October, 1899, the trains of this Railway will run daily, Sunday excepted, as follows:

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Express for Halifax, New Glasgow and Pictou..... 7.15
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Express for Montreal..... 12.45
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POLICE COURT LAW

As Enunciated By Magistrate Ritchie in His Judgment on the Murray Case.

One Thomas Murray, now a laborer, but at one time a printer, and Thomas Johnson, an officer on the police force, created quite a sensation in city court circles this week.

Murray got drunk last Saturday night, and, while in the company of a friend named Stewart, met Johnson on King Square, near the fountain. The officer attempted to arrest him, and Murray resisted as usual and was handcuffed and overpowered with the assistance of Officer Sullivan, and taken to the police station. When he came before the police magistrate Monday morning the charges against him included not only drunkenness, but profane language, resisting arrest and assaulting an officer. This, of course, included pretty nearly everything that a man could do on the public street, and when Murray was told to stand up he pleaded guilty to drunkenness. Just as he did so, however, a friend of his told him that a lawyer was coming to defend him, and the case was postponed for the time on this account. Mr. Daniel Mullin was the name of the lawyer, and either Mr. Murray must have had some interested friends, or Officer Johnson must have had some bitter enemies, to provide assistance of counsel for such a man as the prisoner, whose offences in the same line have brought him before the magistrate many times. When Mr. Mullin did appear, the case was gone into, and not only was evidence appertaining to the charges given but much else that seemed to the public entirely irrelevant.

Still, on the plea that Officer Johnson's credibility was impeached, the magistrate permitted the witnesses to testify as to expressions he had used months ago concerning people of the Irish race and Catholic religion. When this was done the case became interesting and hundreds attended at the police court to hear the evidence against the officer. After the evidence was all in and the lawyers had delivered their addresses the magistrate summed up briefly on Tuesday evening, and promised to deliver judgment the next morning. He did so, and the daily newspapers have given some idea of his address.

The audience was an interesting one. It was composed of all the classes that are usually to be found in a police court. There were lawyers, constables and policemen, newspaper men and white men, Scotch men, Irishmen and a few Englishmen. Then the regular habitués of the court were also there. A government employe with a position in the post office was an interested listener, and famous Jimmie Brennan of Brussels street was there all ready to lead in the tumultuous applause that greeted the conclusion of the magistrate's speech. Of course it was to be expected that these two individuals would be there because the court room would not seem complete without these daily visitors. There was some minor business before the judge said "See if Johnson is down stairs, and the chief, too." In a very few minutes the chief appeared. He came up stairs looking calm and self-composed, and took a seat on the left of the judge. The prisoner was there also. Thomas Murray is a stout man of moderate height, looking fairly well able to take care of himself in any company. His appearance is dissipated, but he was not badly dressed and he did not seem to like to be in the presence of the very large crowd that leaned over the railings in all eagerness to hear what the magistrate would say. According to the policeman his reputation is about as bad as that of any man that they have to deal with. Several of them have told the writer that at any time they have arrested him he was sure to resist and not only resist, but to kick, bite and scratch and to do so so violently that they were forced almost every time to put the cuffs on him. In the light of this and of the evidence given in the charge brought by Johnson against him the magistrate's address is even more interesting.

In the first place he defined the law, and showed the people there how clear it was that the police should be protected against assault, and placed additional emphasis upon this by commenting upon the fact

that the wages of the men on the force were very small considering the hours they worked. The penalty of \$80 for violent resistance, he considered, was not too large, and he pointed out how the court was there principally to see that the by-laws of the city were carried out, and unless there was a penalty it would be impossible for the whole of the police force, even if on duty all the time, to enforce the laws. "Laws cannot be enforced by badge and baton. It is the power behind these things; the power behind the officers; it is the respect for the law that keeps its enforcement." Then he addressed himself to the protection of the people, and he illustrated what he meant by referring to an incident that came within his own experience of how a city official or a night took a little drink too much, but still was able to go to his own house and sit upon the doorstep. No doubt he was there, the magistrate considered, to brace up for a little while, and to sober up to a certain extent before going into the house. Still he was arrested. The officer who made the arrest had no right to do so; that was a case where the police had made a mistake. From this point he passed on to profane language, and he remarked incidentally that he wished Johnson had been present in the court room. Johnson was not there. He had been on duty all night, and was home sleeping. The magistrate said there was enough law in this case to do the police force for all time, and he wished all of them could hear what he was about to say. The charges against Murray included profane language and drunkenness. Now, was he drunk? He was in charge of a friend; a good Samaritan named Stewart was taking him home. Stewart was the right sort of a friend to have, and in his own opinion was a trump card. He was in the same position as many another man has been. "We have all been there," said the magistrate, "taking intoxicated friends home, and we know that it is not only difficult to keep your friend from lurching, but to keep from lurching yourself. No man need be ashamed to be in the company of a drunken man, provided he was protecting him, and if he left him while he was drunk and liable to get into trouble, he was not much of a man. I have no sympathy," said Judge Ritchie, "with those people who leave their friends to get drunk and fall into the hands of the police." Then he passed on to profane language, and blamed himself in some measure for the apparent frequency of charges of profane language made by policemen. He had instructed them on previous occasions that whenever they heard anybody on the street using such expressions as "By God" or "By the Blessed Saviour" to arrest them on the spot, and he thought perhaps on account of these instructions that the officers were rather inclined to bring up a charge of profane language against any man who happened to get drunk. "There are lots of people who get drunk on Saturday night," said he, "who do not see a police officer. They may not be laboring men like Murray, but they get full as loud. Their friends take care of them, and they get home all right. It is not a crime to get drunk. The crime is in being found out, but whether a man is well dressed, or whether he is not, we are supposed to listen to the evidence of the accused as well as to the evidence of the officer. Justice is supposed to be blind, and their shall be justice though the heavens should fall." Then he dealt with some of the immediate circumstances of the case, and he spoke of Sullivan, an officer whom a good many will remember as taking the place of Gilson, and about whose appointment there was such a discussion in the common council. "Sullivan thought," said the magistrate, "that he ought to obey Johnson because Johnson had been longer on the force, and when Johnson told him to assist him that he could pursue no other course." He was not quite sure, however, that because Sullivan was a younger man on the force that he ought to obey Mr. Johnson. Sullivan, in the magistrate's

opinion was quite right when he said there was no need of handcuffs, and the magistrate pointed out that considering the distance that Murray was from the police station, only about one hundred yards, that in his opinion there was not the slightest necessity with two officers to arrest him and Stewart willing to assist, to use handcuffs. "Handcuffs are not British," said he, "handcuffs should not be used. Two men who could not arrest and carry a man three hundred feet should not be on the police force, and if there are any rules to govern the actions of the police force this handcuff business should be stopped. According to the evidence Johnson swore that Murray called him an English bastard. Now this man who was called that," said the magistrate, "goes about calling men Irish bitches, and he has made the remark 'don't talk to those York Point sons of bitches.' 'Now' said his honor, pounding on the desk, "if ever a man comes before me charged with striking a man who has applied that name to him, I don't think I will fine him very much. When an epithet is applied to yourself you may be in the wrong in resenting it, but when a man insults your mother something rises within you that cannot be repressed. Another remark attributed to Johnson, and sworn to by Sullivan is that 'an Irishman is the kind of a man who would hide in the dark and hit him with a brick,' and another that 'there are no positions to be got there unless you were a 'Micky.' His honor dwelt upon this last word at considerable length. He did not know to whom it applied, but he had heard of such a word, and understood that it had reference to a certain class or creed, but it was not a nice word, and it was intended to cast reflection upon somebody. Then he made reference to the Bell case, and to the statement attributed to Johnston that, "Bell was not the right kind." That he considered was a reflection on the court. Johnson's talk, moreover, about the religion of the Catholic church was not without its influence among the policemen. If an officer has any talk about the crucifix or holy water, or casts any reflection upon them he should not be on the police force any longer than it would take the proper officer to tell him to get out. It appears, according to the evidence, that Johnson compared Irishmen to pigs; said they were not any better than pigs, but according to Officer Kilpatrick, all these expressions of his were the result of banter in the guard room and on the street, and were not intended to mean anything. They were said in fun. The magistrate was very severe on Sergeant Kilpatrick for considering them as fun, and he alluded to Kilpatrick's willingness to give evidence. He spoke of Messrs. McAvity and of Messrs. Flood as being Irishmen and yet not Catholics, and he thought they would compare favorably with the Englishman, Officer Johnson.

Just about this time there was a disturbance in the court. An English bull terrier that had been reposing very quietly with his nose between his fore paws on the floor, caught sight of an Irish hound that belonged to his honor the judge, and which was reposing at full length on a lounge at his right. The terrier eyed the hound for a moment and then made a dash for him, uttering a very ominous growl, and showing a set of teeth that would make anybody cautious. Constables and policemen made a dash for the terrier, but the hound did not seem to take interest in the affair. "Who owns that dog, who owns that dog? Put him out," said the magistrate, and the English bull terrier was put out.

Resuming his judgment the magistrate said that one half of the people in St. John were of Irish descent. They might not all belong to the same faith, but there were a large number of excellent people who were of Irish descent. Near the conclusion of his address he alluded to the fact that in the last six months there had been a considerable revival of the feeling between Catholics and Protestants in this city. Such a condition of affairs, he said, never existed under the old chief and they should not exist at the present time. "Never

talk to me," he said, "about the Catholics and Protestants. Every man has a right to worship as he pleases; to belong to what church he pleases, and it sinks in my nostrils to hear such things."

Only a short time ago a Montreal man had said to him that he was surprised when he reached Carleton at the question that was put to men as to whether workmen were Catholics or Protestants, "and, if in the future," said the judge, "I hear of a policeman doing or saying anything that will have a tendency to a breach of the peace, or to create religious strife, I will take the matter in hand myself."

"Murray under the circumstances you are discharged."

Thomas Murray immediately got up from the bench and proceeded towards the door. His wildest imaginations had not pictured such a result as that, and the pleasure of the large crowd present was manifested in an unusual manner—by emphatic applause.

TREAT EVERYBODY ALIKE.

Leniency That is Shown to Strangers by Press and Police Court.

The steamship service to St. John this last few years has resulted in a considerable number of gentlemen connected with the business spending a few months of the year in this city. In the main they have proved to be gentlemen whom everyone would be glad to meet and welcome and it goes without saying that the people of St. John extended their usual cordial greeting to them. Of course there have been and are exceptions but it did not take long to separate the chaff from the wheat.

But, while St. John people welcomed the gentlemen from Montreal to all the privileges of comradeship and citizenship, they do not feel called upon to do more, and those winter visitors who were under the impression that it was only necessary to ask to receive have perhaps learned by this time that they were wrong. For example, some time ago, a checker from Montreal connected with one of the lines got into trouble and the police court for a serious offence—one that had it been committed by a St. John man without friends, would have landed him in the penitentiary. But with him it was different. Friends, not of his, but of those associated in the business with him interested themselves and only a fine was imposed. The evidence was not as strong as it would have been had not the complainant been interviewed. "Heaven and earth were moved" to keep the checker's name out of the newspapers and with some success for the name was changed in some and the paragraph left out of others. The poor fellow living in the town all the time and paying taxes unfortunate enough to get drunk might beg in vain for such a concession but the stranger was accommodated.

Then again, only last Saturday another clerk—this time in the manager's office—who had a spite against a brother clerk went to business with a revolver in his pocket and wanted to shoot him. He created a sensation but his associates overpowered him and took his weapon away. He went out and got another and returned bound to accomplish his purpose. This time he was placed in charge of the police and a serious charge was preferred against him. And then emissaries hurried to and fro to keep the matter out of the newspapers or at least not to mention the name of the man who was in danger of being shot. Well, his name was not necessary to the relation of the incident and his name was omitted in one or two of the papers but he was much afraid. Progress was informed, that his portrait would adorn one of the columns of this paper and was taking precautions against such a possibility. He was giving himself needless trouble. The poor fellow who, incited by drink and his grievance against him, committed the break of the peace spent Sunday in jail. Monday he was let go and went to Montreal! As the magistrate said Wednesday "Let us have justice though the heavens fall!"

In future perhaps it might be as well for the newspapers and the court to treat these winter visitors whom they may come in such contact with as just about as good, but not any better than people who live in St. John.

On a Betel Visit.

Mr. John Boden or "Junior," as he was best known to his newspaper friends in St. John, arrived in the city this week from New York. He will spend a few days with his people and then return to his duties on the New York Press. He received a warm welcome from many who have met him.

THE RACE FOR HONORS.

MANY CITIZENS WANKING TO BE ALDERMAN.

Messrs. E. J. Armstrong, James E. H., James Seaton and other men in two fields—who they are opposing—Mr. Holder is in the Field Again.

As the date of civic elections approaches the situation grows more interesting. The candidates in the field today whom Progress did not mention last week include Mr. E. J. Armstrong, the well-known printer on Prince William street, but who lives in the north end; Mr. James Kelly, the gentleman who has been prominent for a long while in the Orange order, who was for some time an officer in the Custom house, but who is now manager of the Excelsior Lumber Assurance company for New Brunswick; Mr. James Seaton, who is an ex-alderman and is also a printer; Mr. Isaiah Holder



E. G. ARMSTRONG, Alderman Candidate for Dufferin Ward.

of north end, a contractor who has from time to time tried to get the better of Alderman McGoldrick in the civic election and Mr. Enoch Colwell of the West side who imagines he has friends enough on the east side of the harbor to make him alderman at large. There are several other candidates talked of, like Mr. Baskin and Mr. Morrell of Carleton, but nothing definite is known of their candidature.

Mr. Armstrong is coming for Dufferin and will oppose Alderman Millidge. People probably know him better than they do the alderman. He is well acquainted with the young men of the North End and well liked by them, as well as by all others who have met him. Mr. Kelly does not come forward as representative of Protestantism, but he thinks he can get enough votes from among his friends on both sides of the house to make him alderman at large. He was an ardent supporter of the government at the last provincial election, and no doubt his friends who worked in the wards there will work for him now.

Captain Keast is also for alderman at large, and will no doubt make a splendid running for it. With Mr. Seaton in the field for the same position the vote will no doubt be pretty well split up. Progress hopes by next week to get the portraits of those gentlemen who seek civic honors and are not too bashful to have them printed. There is one thing they may be sure of, those who get in the council will rapidly lose their modesty.

THOSE TWO DINNERS.

The Admirers of "A. Patrick Divided Their Forces Thursday Evening.

It wasn't the difference in the cost of the two dinners that were partaken of in honor of St. Patrick's day that raised the little breeze of talk there was about them, but the fact that one was private and the other the usual gathering of the members of the Irish Literary and Benevolent society. The gentleman at the Dufferin had everything that money could buy. There were protestants there as well as Catholics and they all—about thirty five—joined heartily in the celebration of the day. Still there were certain members of the society who wanted all the admirers of St. Patrick to dine together and not to divide their own forces. Both hosts did admirably. The Dufferin menu was a work of art and conveyed the fact to the guests that the rarest of viands could be had in St. John as well as Boston or New York. The decorations were thoroughly in keeping with the day.

There were twice as many at the Society dinner and they had a good time. They too had speeches and the people who heard them were not the only ones who enjoyed them for the newspapers printed them the next morning. According to the Sun they did not have a chance to get the speeches in the Dufferin.