

PROGRESS.

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PRICE FIVE CENTS.

"PROGRESS" FAIR PLAY.

HAMPTON'S HASTILY IMPRISONED CITIZEN LIBERATED

By an Order from Judge Palmer—The Distress Warrant Was No Good—Mr. Peters, the Magistrate, has a Talk With "Progress" About the Business.

Mr. Peters—Stipendiary Magistrate Thomas A. Peters, of Hampton—called upon PROGRESS Wednesday afternoon. His visit had some reference to a little free advertising PROGRESS gave him last Saturday which proved not altogether to his taste or satisfactory.

Mr. Peters is a gentleman of somewhat commanding presence and easy dignity. He would, without doubt, grace the bench of a country magistrate's court, and one might imagine from the expression of joviality that hovers around his countenance that a prisoner would always feel that "his honor" had a good old-fashioned heart.

Mr. Peters did not come to PROGRESS in any unpleasant frame of mind, and he talked from the first in a free and unstrained manner of the trials and tribulations of a country magistrate who had anything at all to do with Scott act cases. They occasion an unpleasant "yang," as he called it, which is not desirable to the peace of the place or the comfort of the office.

Coming down to business, Mr. Peters produced a well-worn copy of PROGRESS from his pocket and began to talk in the same semi-persuasive, argumentative style in which he would address a jury. He went somewhat into facts and dates, and pointed out that in some respects the account in PROGRESS was not perfectly accurate—for example, the papers in the Scott act information against Belyea had been served upon him before he laid any information against Scribner, and that Scribner had not charged Belyea with assault, but the boy in Scribner's employ had.

It will be good news to all those temperance people who hail the man of moderation or the total abstainer to their ranks with joy, to learn that Mr. Peters is one of them. His laughing declaration to PROGRESS was something in this fashion: "Now you don't say that I am a drinker, but when you say that I frequent the Vendome there is an inference that some people will be slow to take that such is the case. I can tell you that I am not a drinker—I don't think that in my life I ever stood up at a bar and took a glass of hard liquor. Of course when we go on a fishing trip and are prepared for accidents just among ourselves, I know what is good for a snake bite."

Mr. Peters in his further examination of the article declared that he did not know of the existence of a "ring" in Hampton whose aim seemed to be to down Belyea. At the same time he admitted that the deputy sheriff was not friendly towards Belyea, and that Scribner's attitude was decidedly hostile to him. So far as he was concerned, however, he knew no man in his official capacity. It was quite true, he said, that when Ross came to lay the information he had told him that he would serve no papers without the money was paid for them at the time. It was also true that Smith Sproule, a son of the deputy sheriff, had come to him with Ross later, and guaranteed the amount of the costs of the trial and he understood that when the trial was over the costs, some \$7 or \$8, were paid by Sproule. It appears, by Mr. Peters, that Belyea, while not present at the assault trial, was represented by a Mr. Frost who, he says, demanded trial. Others deny this story, but it is quite probable that in his ignorance of legal methods Frost gave the magistrate sufficient excuse to proceed with the trial. The fact that he did so, however, and the sentence of Belyea is, PROGRESS understands, to be brought before the supreme court for review.

Mr. Peters was asked by PROGRESS to explain two or three things which it seemed hard to understand and keep the fact in mind that he was a perfectly unprejudiced officer of the law.

"Why was it, Mr. Peters, that when you sentenced Martin Hopper for the same offence as Belyea you gave him ten days to pay his fine, while you made it payable at once in Belyea's case?"

"That was entirely in my discretion," answered Mr. Peters. "In my opinion, Belyea kept a disreputable place, especially on Sundays, which it was necessary to close at once."

The trial came off on Monday, and Mr. Peters when he made this answer seemed to forget that the fine might have run five days at least and the place still closed before Sunday.

"Why was it, Mr. Peters, that when the temperance people asked for a commitment for Hopper you demanded a judge's order, when in Belyea's case you committed him the same day as you tried him without any order?"

"That also was entirely in my discretion. If I chose to assume the responsibility in the one case and did not chose to

do so in the other case, it lay entirely with myself."

This style of answer may commend itself to the reasoning of Mr. Peters and his associates but it will not convince the people. They, on the contrary, think that Mr. Peters might have strained a point to summon the witnesses asked for by Belyea even if with one of them, Fowler, he had any other connection save that of friendship.

But Judge Palmer granted an order for the discharge of the prisoner on the ground that the distress warrant was no good on Thursday and the attempt of PROGRESS to gain fair play for all parties was successful. Now, if the people of Hampton mean business let them lay proper information against all those who sell liquor and close up the holes.

The interest in the trial and the attention it attracted warrants the printing of the evidence given in the trial before Judge Palmer, in full. It follows:

On Mr. Palmer calling a witness, Mr. White objected to evidence being received, citing from Grady & Scotland's Practice. His honor overruled the objection whereupon Mr. Palmer calls Henry J. Fowler, who did not respond. Mr. Palmer then read affidavit of service of Noah Barnes upon the several witnesses. Martin Hopper on being called did not respond.

Charles DeMill sworn, examined by Mr. Palmer, Q. C.: I am a constable for the county of Kings. I was sworn in as such last spring before Mr. Pears on the 24th of August last. I received a distress warrant from Thomas A. Peters against J. B. Belyea. I received it about two o'clock in the afternoon. I went with it down to Belyea's. I went to his shop and found it locked, on turning round I saw him sitting under a tree pretty handy to the shop. I went up to him in the carriage I was sitting in and told him I had a distress warrant. I had got out of the carriage I was in and he told me he had nothing. I asked him to unlock the shop and turn out sufficient to satisfy the distress warrant, and he said he had nothing to turn out, and that he would not turn it out if he had. I told him he had better come and turn it out, and he said he would not. I read the warrant to him and then I went away and went back to Mr. Peters'. I returned the warrant at six o'clock that same afternoon. I returned that I could not find any goods. After that I got another paper. I then drove down, and when I got pretty near the shop Belyea ran across the road—he was under a tree then, and when he saw me coming he ran across—this was between 6 and 7 o'clock the same evening. I had at that time the warrant with me on which I left him afterwards in jail. He ran across and I halted to him to stop; he did not stop. I told him I had a warrant for him. The front door to the shop was locked; he went in at the back. I was about a rod from him when I told him to stop again; he did not stop, and he went in and barred down the door. I went there again about 8 o'clock that same evening and entered the premises. I had with me Ed. McInerney and George Morrison, and I called upon them to go into the shop. George Morrison unlocked the door; I furnished him with a key for that purpose. It was a padlock on the door, and I furnished Morrison with a key of my own. I went in; Belyea was sitting on a lounge undressed; I told him to get up and dress himself. I asked him if he would pay the fine and the costs, and he said he would not. I then took him to jail. He had said to me that he would not dress, and called me all the names he could think of. Sheriff Sproule told me I had a perfect right to unlock the door. (Statement of Sproule objected to). At first Sheriff Sproule told me to hold on till he went and saw Mr. Tweedie, and then afterwards he said I was perfectly justifiable in unlocking the door. The key with which the door was unlocked was Belyea's key, but one of my own keys. Morrison and Ed. McInerney went into Belyea's with me.

Q.—Did you ever have any Scott Act papers against Martin Hopper? A.—No, sir. Mr. Palmer presses question and states that he wanted to show that this matter was a conspiracy of certain persons in Hampton for the purpose of putting Belyea under lock and key.

The Court.—If you will take the responsibility of it I will allow it.

Mr. White contends that the return was correct and showed that the defendant was guilty of the offence—an offence against the criminal law, and even what might otherwise be a conspiracy would not be evidence of a conspiracy in such a proceeding. He further stated that Mr. Peters had come to the court asking for an order in the matter, which his honor Judge Palmer would not grant unless notice of such application had been given the other parties.

Judge Palmer said this was correct; yet had Mr. Peters moved in the matter himself, then he would be liable to censure, as it was his business as a magistrate not to move but on application in such matters. Witness, continuing, stated he was present in court on the trial of Belyea under the Canada temperance act and had heard Belyea apply for subpoena for the attendance on such trial of H. F. Fowler, W. T. Scribner and Martin Hopper, when Peters required Belyea to state to him what he expected to prove by those witnesses, and that Belyea had stated to him he did not think to do so would be right as he thought it would prejudice his case, and Peters stated then he would not give them to him—the magistrate refused to give the subpoenas unless Belyea stated what he wanted to prove by them, and Belyea failed to do that. I had a summons against Martin Hopper. I do not think I ever had a distress warrant against Hopper. I know Martin Hopper. He worked at Scribner's who keeps a hotel there. I have seen Mr. Thomas A. Peters in the Vendome hotel at meal times getting his dinner, and in the smoking room, but in no other part of it.

Cross-examined by Mr. White.—When I went there with the warrant of distress Belyea told me he had no property to turn out to satisfy the distress warrant, and that he would not turn out any if he had. It was a shop where I went to, and where he lives, too. (Quite a ripple of laughter followed Mr. White's question as to whether apples and one thing and another were not kept in Belyea's shop, which became catching when Judge Palmer suggested, "and backwars," to which Mr. White replied, "and some of it very hard.") I had the warrant with me that I afterwards gave to gaoler Sproule when I went into the room, and under which I took him into custody. I was in court when Belyea made his application for the subpoenas for Fowler, Hopper and Scribner. Fowler keeps a store handy by the court—he was present in court at the time I think, but I would not swear whether he was or not. I do not remember any statement you made to Belyea then in court. The magistrate told Belyea that if he would satisfy him in any way that he bona fide required those gentlemen as witnesses, he would issue the subpoenas, but that as it was the law would not allow him to do so.

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IT WILL SOON BE READY.

RUSHING THE WORK AT THE NEW OPERA HOUSE.

The Place Alive with Workmen—What Has Been Done to Make the Hall Attractive, and Complete—The Work of Carpenters, Masons, and Artists, as Seen this Week.

Standing on the stage of the new opera house and looking around, one sees a busy scene these days. Men are at work every where. As the time for the grand opening draws near the hall is becoming more and more attractive, and when that great event takes place St. John will have a theatre that all may well be proud of.

Even now, while the boards are yet white and disorder is everywhere, the place has a cosy appearance. No one would ever think that it would seat 1,100 people; for no matter where one goes he is always near the stage, and it is hard to imagine where the back seats will be. But for all this there is plenty of room. The building is high, and every inch of space is being utilized to the best advantage.

Carpenters are at work in every part of the building; on the floors, in the balconies, in the lobbies, and on the stage. The place rings with the sound of hammer and saw, but even this gives no idea of how things are being rushed forward. All the rough work has been done, and the men are putting on the finishing touches that are daily making the hall look more attractive. Around the long circular sweep of the balconies fine mouldings only need a coat of paint to make them effective, and numerous little decorations of this kind are being put in place, so that when the stagings are removed and the hall cleaned up, they will all have a part in adding to the completeness of the theatre.

Far up on a staging near the ceiling the masons and plasterers are at work putting a moulding around the arch through which the stage is seen, while others work from stagings on the walls, smoothing them off with plaster and trowel. In the lobbies one finds men quietly at work on the stairs, and at the doors and windows, and tools lying around full of tinsmiths and plumbers.

On the stage, however, more interesting work is going on. Here the carpenters are also in the majority, but they are preparing the stage for those little tricks of the theatre that sometimes mystify the audience, or again bring forth applause for some clever act that the carpenter has had a hand in. Here and there are trap doors, but so snugly fitted that one would hardly know they existed, while men are sawing out others that bring to view a commodious apartment beneath the stage.

Other carpenters are at work making the large white frames for the scene painter's brush, while the scene painter himself, far up in the fly gallery, midway between the roof and the stage, is busily engaged. A glance up in his direction gives some idea of the stage accommodation. It is far ahead of anything St. John has been accustomed to, and a great deal of work can be done, while a performance is going on, above the actors' heads.

Just at present, scenic artist Chidley has the fly gallery all to himself, and his myriad paint pots. To reach him one has to climb a long almost perpendicular stairway. In a large frame suspended from the roof, and hoisted up and down by weights, and a crank in the corner, are the scenes on which the artist is at work. When PROGRESS visited the building this week two large paintings were coming into view on the walls of a fancy chamber. This was a part of a combination scene, several flats of which are already painted. When the artist wants to put on a cornice he does not have to get on a step ladder to get up to it. He lowers the scene down, so that while he is painting the top of it, the bottom hangs below the gallery.

Many feet above the fly gallery is what is called the gridiron from where the scenes are worked, and a glance up in that direction impresses one with the loftiness of the place.

Returning to the stage again, a number of scenes, already finished, stand against the walls. Some are "flats" of a landscape, and others with the painted side covered are interior views. When the stage is "set" on the opening night, everybody will have a chance to see them at their best, for in a theatre everything is commonplace to those who "know it all," and only an audience seated in the hand-some easy chairs with which the new opera house will be provided, can see the work of the artists and mechanics as it is intended to be seen.

However, even while everything is in disorder, some idea can be had of what they will be like when in their proper places and forming part of a handsome theatre, that will prove an attractive spot for St. John people in the future.

A Forced and Sad Vacation.

John Cunningham, a bright young fellow, returned to St. John this week from Brighton, Mass., on a sad mission, to be present at his sister's burial. He has been away from St. John for some years, and his forced vacation has nothing to brighten it.

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THEIR IDEA OF A GOOD TIME.

How the St. John Knights Were Received and Entertained at Eastport.

The knights of pythias who went to Eastport recently say they had a glorious time. They left St. John with that intention; but people who happened to be in Eastport at the time of their arrival think that it they enjoyed the trip it was not the fault of the knights of the sardine town.

The St. John men marched to the steamer in all the glory of their handsome uniforms and the Citizens band, and it was evident that they intended to do their part of the celebration in Eastport in style. They expected the knights at Eastport would do the same, and were evidently very much disappointed. Until the St. John men arrived and began to attract attention, there was none of that expectancy on the American side usually found when a number of gaily attired knights and a brass band are expected. There also seemed to be a lack of the fraternal feeling that usually exist when orders of this kind visit each other. When the St. John knights arrived at Eastport there was no one there to receive them. This was embarrassing. They did not start out with the intention of returning on the next boat, however, and determined to make the best of it, and with this in view began to look around for a hotel. Here arose another difficulty. All the hotels were full. They made room for a few of the knights, however, and some of them found that they would have to spend the night on "cots."

There was to be a grand ball in the evening, and the St. John men did not look forward to much sleep, and under the circumstances these inconveniences did not worry them a great deal. But the more they learned about the ball, they began to wonder whether they had been invited to Eastport, or whether they had come on a private picnic of their own. They had been laboring under the delusion that the ball was to be given in honor of their visit, but when the news spread that the tickets were \$1.50 a piece, and that all the St. John men were willing to contribute that amount were welcome, there was a session of the knights at which it was decided that St. John would not be represented.

But there was another surprise in store. The promoters of the ball called upon the visitors and informed them, if they would lend the hand for the dancing music, everything would be all right, but that as they had to pay a caterer, the visitors would have to buy all they had to eat, otherwise it would be a dead loss to the Eastport people.

Whether the St. John knights enjoyed the trip as well as they expected, depends upon what they call enjoyment. They have not said much about it since their return, but all questions are answered with a cheerfulness that leaves the impression that they would like to go on another excursion at any moment. It is only when questions are asked, however, that the visit is referred to.

Gave Up the Job in Disgust.

The police had a large contract on hand Thursday evening, and the way they endeavored to carry it out furnished plenty of amusement for those who could not get near enough to see the military and gave up all attempt to do so. While the soldiers were going through their manoeuvres on Prince William street, an effort was made to keep King street clear, and policemen were stationed along the street about thirty feet apart for that purpose. These officers had plenty of work to do, for no sooner did they push the people back in one place than they surged out in another, and the most daring started out into the middle of the street. The officers did not attempt to go after them, because that meant a general stampede; but as the exercises at the foot of the street appeared to grow more interesting, and the chances of their passing the Royal seemed uncertain, the stampede came in the natural course of things, and the officers gave up the job in disgust.

Two Kinds of Man-of-War's Men.

A number of Good Templar blue jackets made the meeting in Good Templar hall on Wednesday evening of more than ordinary interest. The sailors took an active part and made the building ring with songs. Another party had an equally "good time" at Dan Dias' place on Portland bridge, and like the temperance tars on German street, made singing a part of the entertainment. The street was quite lively, but when ten o'clock came the festivities ceased, for Mr. Dias had to close up. At this part of the proceedings the sailors sang "God Save the Queen," until the street was black with people, and tipsy tars, four abreast, started off in the direction of Dock street. Mr. Dias' saloon was a popular resort for the sailors who were not Good Templars, and that locality was quite exciting while they were there. The proprietor is an old sailor himself, and probably wishes that St. John was a naval station.

HE CAN ONLY FALL ONCE.

STEEPLE JACK WM. MAYMAN'S VIEW OF LIFE.

Something About his Family History, and His Hazardous Business—How he Climbs a Chimney, and Something About his Work in St. John.

"All our family is climbers," said steeple-jack Mayman to PROGRESS, the other day. "and them as isn't got killed at the business. My brother fell down from a chimney and was killed, and so did my cousin, and I suppose I'll do the same some day; but then a fellow can't fall more than once, can he? So what's the use aworrying about it?"

His argument was unanswerable. Wm. Mayman is a young looking fellow, who apparently lives in the present, and spends considerable of his time between the clouds and the earth, but he manages to get a little nearer the former than most people. Whether he finds much enjoyment in this kind of life, or whether he is as indifferent to the length of his stay on earth, as would appear, is a question, for the steeple-jack's eyes stick out like beads, and while on a level with other people he seems ill at ease, and has little regard for the gains of his hazardous business.

"I've been all over the country," he said, "and I've climbed some pretty high chimneys, but I've been after the one on the gas house for some time. I saw some bricks out of it when I was here three years ago, but they wouldn't let me go up then. I just came from Halifax last week, where I climbed a chimney, and fixed another one at Amherst on my way over. I wished I'd got here before they got that staging around Trinity church steeple," and the steeple Jack smiled contemptuously.

"I hears as how they are thinkin' of havin' some repairs made on the cathedral steeple, and I'd like to get up there. They could have the cross taken down and gilded while I was at it, but I'd just like to show the people how these things can be done," and he nodded again in the direction of Trinity and smiled.

"How do you get the ladders up?" was asked.

"Oh, that's what I never tells. I do my work before all the people, but to tell how it's done, well, that's another thing, but bein' as you ain't likely to go into the business, I'll tell you. I just drive hooks in between the bricks and fasten the ladders on to them. I goes up one ladder, drives in the hooks; hoists up another and makes it fast; then I climb up that one and draw up another, and so on till I reach the top."

"Aren't you ever afraid that the hooks will come out?"

"No, never think of that. I've climbed up a good many chimneys and none ever come out yet. I've taken all the ladders down from the gas house one, and now I go up on a rope."

"How are you going to get the rope down when the job is done?"

"Oh, that's somethin' I never tell, but you can come down and see me. I don't know when I'll get done down there though. They wants me to put in bricks where their fallin' out, but if I puts in one I loosens another. I don't know what to do with that job, because I can't throw off the chimney for the money they're givin' me, and to do it right it should be thrown off for about fifteen feet and built up again. They'll have a picnic some day when I ain't around," and the climber, fully impressed with a sense of his own importance, walked away.

Bills and Drinks.

The chief of police has not, it seems, seen fit to regard the warning extended to him by PROGRESS some time ago in reference to issuing bills in the name of the city to citizens who asked special police protection, and the result is that the council fell called upon to discuss the matter at its Thursday session. It is not likely that he will send out any more bills.

Perhaps he is more regretful of the fact that he is not a member of the Union club just now than anything else. He was quite attentive to some of the officers of the Tourmaline when in port, and one day took them into the club for the purpose of extending the "elbow courtesy" to them. The Union club, he was reminded, was for the use of the members and outsiders had no rights there. This was rather rough, but the club official was perfectly correct, and the president bore out his decision.

The Owner is far Away.

There is a lot on Church street that is not in a very desirable condition, and it is likely to remain that way. The board of health inspector made it a visit, and tried to find the owner, but that gentleman is somewhere between New York and San Francisco, and the search was not successful. He has been away some time, and there is considerable due the city in the way of taxes. Unless the property is taken possession of by the corporation, its condition is not likely to be improved, and in its present condition it is not adding to the healthfulness of the community.

A GENUINE SURPRISE PARTY.

The Night Was Wet, But All the Guests Arrived on Time.

One evening this week a number of young people were together in a room where a telephone was handy, and in a spirit of fun decided to give some of their friends a surprise party. It was not the usual surprise that was proposed, but a genuine surprise party in which everybody could have a share. They rang up the telephone, and invited ten or a dozen couples to be present at the house of a friend on a certain evening, promised a good time, and gave some idea of the extent of the affair. Acceptances were received in all but one or two cases. When the evening for the party came round, the rain came down in torrents. The head of the family was at home, and the girls who were in the secret said nothing, but waited. Soon the door bell rang and two of the guests were ushered in, and were rather surprised when the host remarked that he was obliged to them for the call on such a wet night. However, nothing else was said to let the secret out, until the bell rang again and two more were shown in. The host began to look surprised, but was more so when more guests were ushered in, out of the rain, and the number of people who were making evening calls on a very wet night seemed remarkably large. The climax was reached, however, when a young man put in an appearance in a dress suit, and who was evidently in anticipation of a "very enjoyable evening." Then the secret was let out, and everybody enjoyed the joke.

Their First Defaulter.

The millmen's union has had its first experience with untrustworthy officers, but fortunately the loss sustained is not enough to cause any uneasiness. In a body of 1000 men it would indeed be a remarkable thing if there were no "black sheep," but up to the present time only one has turned up among the millmen. John Sherwood, chairman of Randolph & Baker's mill, is the man. He has left the city with \$17 belonging to the union. The chairman are empowered to receive dues from the men employed in the mills over which they preside, and in all cases they have been prompt in remitting. Sherwood, however, was reticent about the amount of money he received, and when he learned that a meeting of the union was to be held this week, left the city Sunday evening.

They Didn't Take Him Away.

A minister in one of the districts near St. John was somewhat disappointed a short time ago, but has only himself to blame. At a meeting of the general conference he was drafted for a new church in another place, but professed such an attachment for his old congregation that to all appearances the fact of his leaving them would weigh heavily upon him. When the first draft was printed, his congregation was surprised to see their pastor's name on the new list, and one member sent a telegram to the conference saying that their pastor must remain with them, as they could have no other. He was allowed to remain. Whether he is grateful to the member who sent the telegram is a question.

He has Made a Success of It.

Mr. Herbert E. Harding, of Humphrey's Medicine Co., New York city, is spending a short vacation with his parents, Mr. and Mrs. James H. Harding. Mr. Harding is one of the natives of this city who have gone to the United States and made their mark. He has for six years held a responsible position in the Humphrey Medicine Co.—one of those great corporations who have won success by the merit of their preparations and world wide advertising—and today has an interest in the business. Mr. Harding returns to New York Tuesday.

Too Late For Use.

Some of PROGRESS' good correspondents seem to have an idea that their letters can reach this office Friday morning and gain insertion without mutilation. Don't think so any longer. The desk editor who sees ten columns of matter on his desk and knows there is but six columns of space, has only one comfort—the blue pencil. Those correspondents not represented or barely represented this week will need no other explanation than this.

The Jug and the Mug.

A number of sailors from the Tourmaline started on a picnic Tuesday. When turning Mill street corner the bus broke down and the sailors were thrown out. This did not trouble them much, however; they didn't mind a few scratches, but made enquiries for something else. All felt at ease when a tar picked himself up and said: "Cheer up, boys, the jug and the mug is all right."

Change in Their Time Table.

The service of the Bay of Fundy S. S. company changes next Saturday and the steamer instead of making the round trip daily will leave St. John Mondays, Wednesdays and Fridays and return Tuesdays, Thursdays and Saturdays. The public will regret the change from a daily service, but cannot expect the company to run the business at a loss. A good tri-weekly is far better than a poor daily service.

(Continued on fourth page.)