

PROGRESS.

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PRICE FIVE CENTS

THE RAT NOT SO THICK.

JUDGE SKINNER REDUCES PROBATE COURT COSTS.

Adjourned sittings are not worth anything to the lawyers—More Dignity in the Court—Another Gain for the People Through "Progress."

Some weeks ago the probate court became the object of much unwelcome notoriety. There were two associated classes of circumstances which led people to think hardly of this court. There were the frequent exhibitions of merely undignified but even contemptuous conduct toward the presiding judge. But of more importance than this, there was the too evident laxity in the matter of taxing costs.

It happened that there were several important will cases before the court at the time and in the manner in which these cases were conducted gave people a bad impression. They began to wonder whether the object of the court was to dispense justice to litigants or to dispense fees to lawyers, and whether the lawyers were created for the court or the court for the lawyers.

At length the climax came when PROGRESS told the whole story of how the Hunter will case was conducted and of the lively scenes in court. The result was that for a time every one was talking about probate matters.

Now the reaction has set in and public opinion has dropped this for newer subjects. But the leaven has been working and the reform has commenced in the court. Judge Skinner could be blamed only for laxity, though that characteristic appeared to be abnormally developed. But now he is commencing to draw the line tight and the lawyers are beginning to find that probate cases will not prove as lucrative to them as they have been. Of course this does not please them, but it pleases the public.

One day this week he made an important announcement in respect to this decision. It was when a will case of note came before the court and it was found necessary to adjourn. The lawyers were about filing out happy in the prospect of a fat counsel fee for an adjourned sitting when their reflections were broken in upon by a few words of Judge Skinner that shattered their expectations. He said that he had decided to allow no costs on adjourned sittings. There was only one way in which they could obtain costs. If the party obtaining the postponement were willing they could obtain their costs from him.

He followed up these remarks by a few observations of a general character. He said that he had decided to do away with all the loose rules under which the court had been governed, and he proposed to conduct proceedings on a system as far as possible analogous to other courts.

This ruling in regard to adjourned sessions is an important one for a considerable portion of the bill of costs in the Hunter case was due to adjourned sessions which had been interrupted.

Another point that is noticeable about the court is the fact that gowns are now being worn. This is not much in itself, but it indicates that more attention is now to be devoted to conserving the dignity of the court.

A CRUEL JOKE.

Two Young Ladies Played It on an Innocent Foreigner.

At one of St. John's small hotels a few evenings ago, there was a gentleman from Florida. He had never been so far north before, and was not particularly charmed with the "sleety drizzle and cranched cauld" which was dished up to him by Mother Nature when he arrived in the city.

He went into the parlor of the hotel after supper, and imagined, as the heat radiated from the base burners, that he was in his own, his native land. He showed himself to be a typical Southerner in his admiration of two charming young ladies who were staying at the hotel, and he soon forgot that he was in a clime far from tropical. He told the young ladies that he was from Florida, that this was the coldest place that he had ever struck yet, and asked them if Room No.—was in their opinion, a very cold one.

The young ladies said that they thought that it was one of the most comfortable rooms in the whole house. They soon after excused themselves, and the Florida man's face lost a good deal of its ruddiness when the young ladies withdrew from the parlor.

At bedtime, the Florida man went to his room. He undressed, shivering considerably, for the room would have felt cold, even to a Northerner. He congratulated himself, however, that he would soon be in a warm bed, dreaming of the land where alligators bask in the sunshine.

When the Florida man prepared to get into bed, however, he found that all the clothing on it was a thin quilt and two sheets. Shivering and shivering, he dressed himself again, and went down stairs for his overcoat. It was not where he had left it. The Florida man thought that the reason he felt cold in that room was because he

LOOKING FOR A JUDGE

AND THOSE WHO ARE HUNTING FOR A JUDGESHIP.

The Felicitations and Their Worry Over a Vacant Office—The Men in the Field for It—Will Stockton or Curry get the Reward for their Faithful Services.

The vacancy on the county court bench is causing a stir among those whose looking after office in the conservative party. It is astonishing how many are included in the list. There is Alfred Augustus Stockton, the leader of the provincial opposition, Jas. Gordon Forbes, the candidate for Guysboro, Dr. R. F. Quigley, Mr. Geo. Gilbert, Samuel Allan Curry, to say nothing of Dr. Silas Alward or of the M. P. himself, Mr. J. Douglas Hazen. The chances of all of these gentlemen are excellent according to the light in which their friends view the situation, but as the friends of their opponents look at them—that is another matter.

Take Mr. Stockton who is popularly supposed to have the "pull". He is well calculated for such an office and the grays say with sarcastic emphasis that it would be a proper reward for his distinguished services to the Tories and his desertion of the liberal party. Be that as it may, he has the cordial support of all the mugs-wumps and bolters as well as that power in local Toryism Mr. W. H. Thorne. But Mr. Stockton as a judge just yet does not seem to please a large proportion of the party who have fought the battles much longer than he, who, in fact have their liveliest recollections of him as a grit campaigner. They say that even in the last contest Dr. Stockton only gave the conservative party a qualified support on the unrestricted reciprocity clause in the grip platform and now that this objectionable plank has been dropped, his proper course is to follow the example of Blake and get back again. But this is just what other Tories are afraid of and so Mr. Stockton may be appointed to get him out of the way. This will be against the strenuous objections of Messrs. Shaw and Smith his local colleagues who say that he was elected to lead the local opposition for a purpose which has not come about yet and that he should not desert them until he decides. Mr. Stockton, however, takes cognizance of the flight of time and the fact that men grow old sometimes.

Mr. Quigley's chances are not so good as they would have been had he been more enthusiastic at the last election, in fact if he had voted for the conservative candidate which is asserted he did not. It is not argued that he voted the other way but his feelings over an appointment made a short time before had evidently not wholly died away.

Mr. Forbes, unfortunately for his immediate interests, is a candidate for Guysboro and as he has done considerable work in the county and stands an excellent chance of making a good fight against Mr. D. C. Fraser he cannot well be spared to go up on the bench.

Mr. Gilbert has been a cordial supporter of Mr. Donville in King's county and that fact will not assist him much with one member of the cabinet, to wit Hon G. E. Foster.

Then Mr. Curry steps in with strong and abiding faith in the justice and strength of his claims. He has the endorsement of Mr. Chesley and Mr. Baird. Up to this time Mr. Hazen is neutral but the friends of Curry say that the young M. P. cannot go back on their candidate. They put forward his signal services for the party especially in the election court and say that he has never been paid one cent for his work. More than this Mr. Curry's health they say demands some less exacting work than that in which he is engaged at present.

But if all these gentlemen urge their claims too strongly it may be that the finance minister will take the matter in hand, transfer Judge Wedderburn to his old county St. John, and appoint a Kings county man. These are the cards upon the boards. The shufflers will be frequent until the return of premier Thompson who will deal and turn the trump.

HOW A NEWS-AGENT WAS TREATED.
A Man With an Eyeglass Pinched and Foundered His Fruit.

The reporter was on an I. C. R. train the other night, and was engaged in drawing a picture of an eyeglassed passenger when the news agent came in.

A great many humorous papers have made a good many humorous complaints concerning train boys. A picture which originally appeared in Harper's Bazar, and has been largely copied in boiler-plate, is called "The Worm Turns," and represents a train boy whose wares have been pitched on the floor by an irate passenger. The boy says, "What did you fire my things on the floor for?" and the passenger asks, "What did you pile them on me for?"

IT IS LEAR, THIS TIME.

HE HAS ANOTHER EMPLOYE OF "PROGRESS" ARRESTED.

But He Laid Himself Open to a Charge of Perjury to do so and was Arrested on that Tuesday. His Examination Going on Yet. Will be Concluded To-day.

A few more steps have been taken in the Lear-Spike-Progress proceedings in Halifax since the last issue. Another employee of PROGRESS has been arrested and released on bail and on account of that step and the affidavit made by Percy Lear, the latter was arrested Tuesday on a charge of perjury. His examination was brought on the same day but not finished. It comes up to-day again.

The second arrest of a PROGRESS employee shows the game these parties are trying to work—that is to harass and as far as they can prevent the sale of the paper in Halifax. They are on the contrary, increasing the demand. More PROGRESS employees were sold in Halifax last week than ever before and the right thinking people are not hesitating which side to support in

this matter. Right is bound to come uppermost in this struggle and so Messrs. Spike and Lear will find. The facts will defeat them and if they do not annihilate them it will be the wonder of all who are acquainted with them.

On Friday last, Mr. F. B. Carter, who reported PROGRESS in Halifax for two or three years, went to that city under instructions from the publisher. All who knew him there—and he was pretty well known—did not connect him with the publication of the paper. The name of the publisher has, in fact, been printed in the usual place in PROGRESS ever since it was started, and so when Mr. McLean sued Frank B. Carter as a proprietor of PROGRESS and swore out a capias for his arrest he surely did not take the ordinary means to inform himself of the fact. But this is the statement he swore to and upon which Mr. Carter was arrested.

I Percy J. A. Lear, of the county of Halifax, broker, make oath and say as follows:—
1. The above named defendant, Frank B. Carter, is one of the proprietors of a newspaper, published in the city of St. John, New Brunswick, called PROGRESS, and in said newspaper in the issue thereof of November 3rd, 1894, the said Frank B. Carter published a gross, false and malicious libel of and concerning me, in consequence whereof I have sustained damages to a large amount, to wit, at least four hundred dollars. The defendant is now in the city of Halifax and within the jurisdiction of this court, said libel was on the said 3rd day of November, 1894, published by defendant in the city of Halifax.

2. I have probable cause for believing and do believe that the said Frank B. Carter the defendant is about to leave the province of Nova Scotia unless he is arrested and I believe that the said libel will be lost unless said defendant be forthwith arrested.

To find bail was but the work of a short time. Mr. Carter was then able to proceed about his business, the collecting and assuring of evidence in such a form that the proof of the statements recently made in these columns will be as convenient as it is easy. The amount of additional information secured is astonishing.

But if Mr. Lear imagined that he was to swear to any such affidavit and escape scot free he was mistaken. Monday the papers were drawn charging him with perjury and Tuesday he was arrested upon the following information.

The information and complaint of Franklin B. Carter, of the city and county of Halifax, taken this 28th day of November, in the year of our Lord, 1894, before the undersigned George H. Fielding, stipendiary magistrate in and for the city of Halifax, who saith that Percy J. A. Lear, of the city and county of Halifax, broker, did on the 23rd day of November, A. D. 1894, at the city of Halifax, commit willful and corrupt perjury, by knowingly, wilfully and corruptly, taking, making, signing and subscribing an affidavit before M. N. Lenoir, a commissioner duly authorized for taking affidavits in the county court for the county of Halifax in an action pending in the said county court, between said Percy J. A. Lear as plaintiff, and said Franklin B. Carter, sued as Frank B. Carter as defendant, being an action or matter in which it is permitted by the laws of the province of Nova Scotia aforesaid that facts be verified by oath or affidavit, in which affidavit said Percy J. A. Lear upon oath deposed that the said Franklin B. Carter is one of the proprietors of a newspaper published in the city of St. John, N. B., called PROGRESS, and that in the said newspaper, in the issue thereof of November 3rd, 1894, the said Franklin B. Carter published a gross, false and malicious libel of and concerning said Percy J. A. Lear, and that he had knowledge of the facts aforesaid at the time he swore to the said affidavit.

Whereas, the said Franklin B. Carter is not said to be a proprietor of a newspaper published in the city of St. John, N. B., called PROGRESS, and did not in said newspaper in the issue thereof of Nov. 3rd,

INCIDENTS OF THE JUDGE.

His Generosity to the Poor—Methodical in his Business.

The friends of the late Judge Peters love to recall little incidents in his life that showed his kindly and generous nature. The writer remembers one especially that came under his own notice. A familiar figure upon the street met with an accident that prevented her for some time from following her usual vocation upon which she and a number of relatives depended largely for a living. The appearance of a paragraph in PROGRESS to that effect had the effect of giving her material assistance and relief, but the first to express his sympathy in this substantial fashion was Judge Peters, whose gift was generous but unnoticed at his own request. In later years he never had a photograph taken. That which appeared of him in one of the papers gave but a faint idea of the man. Perhaps the character sketch of him that is printed upon the second page of this paper will help to supply the absence of a good engraving. He was a methodical man as all who had any business with him can testify. Even during his last illness when some important law papers in his possession were called for the Judge, though suffering from such a diseased and in such acute pain directed those about his exact location, and to send them to the

editor of PROGRESS in St. John, N. B., to be sent to Messrs. Donald Douglas's grocery.

ORPHEUS CLUB WILL SING.

The People of Halifax will enjoy Concerts This Winter.

HALIFAX, Nov. 29.—At the close of the Orpheus Club's season last spring there was an opinion abroad that no concerts would be given by it the following year. The reason for this was that the attendance was comparatively so slim and the financial returns so inadequate that it did not pay the club to continue its labors. The heavy mortgage on the club's hall became no less a matter how hard the Orpheus worked to please the public than there was considerable criticism of the club of the carping kind. It is pleasant to note that since then the club has taken a more cheerful view of the situation, and that the musical public will not be deprived of the series of winter concerts which really furnishes them with the best music heard during the year. With so energetic and music loving a president as George E. Boak no one need have anticipated anything approaching surrender by the Orpheus club. This year there will be a series of three concerts, two season tickets being offered for \$5. The Orpheus is an organization of which Halifax is proud, and justly proud, the thinly veiled animosity of some local "society" writers to the contrary notwithstanding. It will be something approaching a public calamity if the club fails this season to receive the encouragement it should.

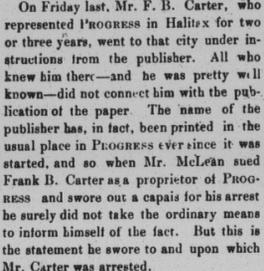
C. H. Porter is a magnificent conductor. By the way he was asked to preside at the organ for a large Y. M. C. A. meeting some days ago. He kindly consented to act, but A. R. Porter showed that he knows more about classical music than the "gospel hymns" sung by the association people. He chose a tune for one of the most familiar hymns which not a man in the church knew and not a mouth was opened to sing. Verse after verse he played and every ear was strained only to drink in the beauty of the organ; there was nothing else to do. When at last the organ ceased the chairman of the meeting suggested that it was so great a pity to have the hymn unsung that it would be well if the audience would try to a familiar tune without the organ. Some one jumped up, shouted the hymn, and it went with a swing. Conductor Porter took it all in good part, and when the next hymn was announced the organ pealed out a tune that every man in the building could sing at sight.

Speaking of music and musicians the Harmonic quartette has given Halifax more than one rich treat recently and more are promised from Messrs. Burgoyne, Wilson, Newman and Shute.

SIDEWALKS MUST BE CLEAR.
An Agitator in Halifax Against that Law's Enforcement.

HALIFAX, Nov. 29.—The great topic in civic politics at present in the matter of sidewalk encumbrances. There is a city ordinance against obstructing traffic, as it is perfectly right there should be. But till the administration of Chief O'Sullivan was inaugurated the ordinance was practically a dead letter, as were some other ordinance. During the past twelve months the statute has been made very much alive. The auctioneers and fruit dealers have suffered most from the enforcement of the law. They have been arranged in court over and over again, and fined as often, for having their goods on the sidewalk. James Shand, the popular auctioneer of the city, seems to have borne the brunt of the battle. But he probably always got nearly the full worth of his money in the onslaught he was able to make upon the authorities. Shand in defending himself, for he retained no lawyers, hit straight out from the shoulder in his denunciations of the law and of the harshness of its enforcement. In scathing terms he never failed to ridicule and condemn both the law, as applied to auctioneers and the like, and the alleged inconsistencies and hardships of its enforcement. Shand is an old militia officer, and for one thing he defied the authorities to prove that he could not march a regiment of soldiers, four deep, along the sidewalk despite the fact that his rows of apple barrels, for which he was fined, stood upon the curbing. Shand's challenge has not been accepted.

There is an agitation on foot to have the ordinance repealed or relaxed as regards the auctioneers and some others whose business, to a certain extent, is necessarily done upon the sidewalk. The city council has been petitioned on this effect. But after all, what can be done to improve matters? The law knows no distinction. The law line must be drawn somewhere, and it seems hard to decide where, if not in a way rigorously to keep unimpeded the public thoroughfares. Yet that is what Mr. Shand and others claim is what is not done, and more, that to do it is an utter impossibility. The position of the police is a delicate one. They see the law broken, but they can't always keep their eyes shut. And yet there are times when the public good would be conceived if they did not turn the blind eye in the certain directions. A little more lenience perhaps, and a liberal exercise of good judgment, would possibly be better than a repeal of what is undoubtedly, on the whole, a wise ordinance. Let the legitimate auctioneers at least have a chance.



PERCY J. A. LEAR.

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