

PROGRESS.

VOL. VI., NO. 306.

ST. JOHN, N. B., SATURDAY, MARCH 10, 1894.

PRICE FIVE CENTS.

SIR JOHN HAS THE PULL.

IT IS FOR HIM TO SAY WHO TAKES JUDGE PALMER'S PLACE.

He is Said Not to Favor Mr. Skinner—The Queer Story of a Service of Plate that Was Not Presented and of a Cheque that Was Subject to a Discount.

The resignation of Mr. Justice Palmer as one of the judges of the supreme court has been accepted by the minister of justice, and by the time PROGRESS appears his honor may have returned to the walks of private life. Ill health and overwork are assigned as the causes of the unusual incident of a judge retiring from the bench in this province. Judge Palmer has been a very industrious man, and has given great attention to the business before him. He has had some heavy matters to deal with, and in particular it is conceded that he did entirely too much for the good of his health in connection with the Parks cotton mill case. It is generally believed that no other judge on the bench would have dreamed of undertaking to do all he did.

His honor has had a great deal of trouble with his eyes, in particular, and has apparently been unable to see a good deal that perhaps he ought to have seen in connection with the discharge of his duties, though he must also be credited with seeing a good deal that it took others a long while to find out at a later date.

When the announcement of his intended resignation was made a short time ago by an evening paper, (This means the Record) his honor was interviewed by the reporter of a morning paper, (This means the Telegraph). He said he had received no official notice of his resignation, or something to that effect. This week, he did receive word, and now the discussion is as to who shall have his place.

If the right worshipful James Kelly, the well known tailor, grand master of the grand lodge of the loyal orange association in New Brunswick is accepted as an oracle, brother Charles Nelson Skinner is to be the man. He is quoted as saying the appointment will be made by to-night at the latest. There are many others who also look on Mr. Skinner as the coming man, and on the strength of it, there has been a good deal of doorway and street corner conferences between young lawyers and men with a pull, to say nothing of an increased revenue in some of the adjacent red paint factories.

Mr. Skinner, as everybody knows, is judge of probate. The office has been held in the family for a good while, but if it is given up now it seems to be no way to prevent an outsider getting it. Several gentlemen are understood to be willing to accept it, but the chances seem to be in favor of Mr. Arthur I. Trueman, reporter of the supreme court and partner of Mr. Pugsley, who has been a co-laborer with Mr. Skinner, in several important matters, including the cotton mill case. Mr. Trueman was a defeated candidate in the last local election. So was Mr. John L. Carleton, whose name has also been mentioned in connection with the office. The name of Mr. E. H. McAlpine is also quoted, but Mr. McAlpine is probably not building much on his hopes. He was an applicant for the office once before when he thought he ought to have it, but was badly distanced. That was the time when the present Sheriff Sturdee, thought he had it, and went home over night with that belief to find out the next morning that Mr. Skinner had been appointed.

The slate which locates Mr. Skinner and Mr. Trueman this time, fixes on Mr. A. W. Macrae as the right man for Mr. Trueman's place as reporter of the supreme court. Both Messrs. Trueman and Macrae are on a common platform with Mr. Skinner under the jurisdiction of Grand Master Kelly. Mr. A. P. Barnhill is another strong contestant for the place, and there are others who would undoubtedly take the job if it were offered to them.

The success of this slate is, of course, contingent on the appointment of Mr. Skinner. If he is not put on the bench, there will be no fresh offices in the gift of the local government and he is not the only candidate. Mr. J. A. Vanwart, of Fredericton, is to the front, and is said to have a very strong pull, while there are St. John lawyers who claim that Ezekiel McLeod, M. P. will be the new judge. Mr. McLeod rather gives the impression that he does not want the place, but if this be so, it must be because he has the assurance of something that will suit him better in the future.

For it is generally understood that Mr. McLeod will not again be elected as the member from St. John. Somebody out of the three must retire, and he is commonly looked upon as the one who ought to do so. It may be that he aims to be chief justice of New Brunswick, but the current belief is that if he can get a good position he ought to take it.

Mr. Skinner has a very strong backing. He has the support of the St. John members and of the quasi St. John representative, Mr. Baird. This is a good deal in

SPORT AND CHURCHMAN.

ONE SUES THE OTHER FOR MONEY HE WON AT POKER.

The Story Made a Matter of Record in a Halifax Court—Billy Haley Does Not Propose to Get Left—The Moral Effect the Matter is Likely to Have.

HALIFAX, March 8.—There are one or two men in this city, leaders of society, they are called, who make their living by profits at card-playing. They are found in our clubs and out of them. It can hardly be said to be a "game of chance" with such men, who are so uniformly successful. Only the few, however, are the continual winners. Scores of young men, and older men, are ruined by gambling at cards. When some merchant fails in business, or a clerk leaves suddenly for parts unknown, in nine cases out of ten here in Halifax, the reason for their misfortune may truthfully be given he gambled lately and lost heavily. Other extravagances go hand in hand with this.

Even our unsophisticated Dalhousie students, many of them from quiet country homes, where cards were tabooed, catch the fever soon after leaving their freshman year at college. An instance was recently whispered about where several college boys in this city sat down to a game of poker on Saturday evening, and so fascinated did they become that they continued their play all night, and remained at the card table steadily till 10 o'clock Sunday morning.

Hundreds of dollars change hands in this city every night at cards. There is an authenticated instance where an officer of the royal artillery, who left this garrison recently after a protracted residence, lost \$500 on one sitting. Probably, if the whole truth were known, that is not an isolated case.

The case which came before stipendiary Motton the other day, and on which he promises to deliver his decision next Tuesday, is rather interesting and, though it was on in the city civil court for two afternoons, has hardly been heard of outside. William Haley is the plaintiff and J. J. Carnell the defendant. Haley sues Carnell for \$32, cash of the plaintiff, "had and received" by the defendant. That is the way it reads in the writ, but in plain English Haley sues Carnell for \$32 which he won from him at a game of cards, and which Carnell is trying to avoid paying. The lucidness of this case, and the legal content, appears the greater when one knows something about the principals.

"Billy" Haley is a well known man about town. He is an ex-commercial traveller, who had considerable means at one time. Of recent years, though he continues to spend liberally, Haley is more reduced in circumstances. He is a "sport" in every sense of the term, a free "man of the world" who makes no high-toned professions of being any better than the majority of people. If he can win your money from you in any honorable "sporting" way he will take the chance, and he very frequently takes the chance. On the other hand, he is the last man who would attempt to escape payment of a "debt of honor."

Carnell is a carriage-builder of this city, and until this affair came up, was not known outside his business and the church to which he belonged. He would be considered the very opposite of the Haley type of citizen. A man who for two years has been a warden of a church is not supposed to risk large sums at poker, and Mr. Carnell only a few months before this game in question was warden of a north-end episcopal church (St. Marks), an office he had held for two years. He was thus an "exemplary" man.

In this game of cards, it Mr. Haley's case is good, the wording played against the church warden, and won \$32 from him. Haley says large sums had been lost and won in this game, both by the others who were playing and by himself, he being mainly the loser. That made him more anxious to receive what he had won from Carnell. The \$32 was represented by "chips" in the "ordinary way." Haley alleges he dunned Carnell over and over again for the money, and all without avail. This so disgusted him that he determined to bring suit for the amount in the courts and see if he could not force payment. When the writ was served it had no immediate effect, Haley says. Mr. Carnell sent down his nephew to him with \$10, offering to compromise with that amount, but Haley would not have it, replying that if he was not entitled to the whole \$32, he was not entitled to \$10, and he allowed the suit to go on.

When the case came up before Mr. Motton C. H. Smith appeared for the plaintiff and G. H. Fielding for the defense. Haley had no witnesses but he put Carnell himself on the stand. It was his testimony that furnishes most of the information given above though it took two afternoons to elicit it. It was found that memory is a most deceitful thing, sometimes, when it is most desirable to remember an occurrence, especially if it is a game of

WHY THE PILOTS TALK.

THEY DO NOT THINK THEIR FUNDS SHOULD BE TAKEN.

How the Commissioners Got the Idea That They Should Vote Themselves Salaries—The Question of Legality Causes a Stay of Operations for the Present.

Some of the pilots are talking about the latest idea of the pilot commissioners of the port of St. John. They don't discuss the commission as a rule, unless something or another is done which affects their own none too easy lives and takes dollars out of their pockets. This time, the proposition seems to be to take the money out of a fund in which not only the pilots, but their widows and orphans have an interest.

The pilotage act of 1873 directs what the pilot commissioners shall do with the funds that come to their hands. These funds are percentages of the earnings of the pilots, and may be applied as follows: First, for the payment of such necessary expenses as the pilotage authority may incur in the administration of such fund.

Second, in the payment of superannuation allowances, for the benefit of pilots incapacitated by age, infirmity or accident, and for the benefit of the widows and orphans of pilots.

The pilot commissioners of St. John are seven in number, and consist of Messrs. H. D. Troop, Charles McLaughlan, jr., R. C. Elkin, W. E. Vroom, E. Lantulum, Wm. Thomas, and James Knox. They have a secretary, Mr. J. U. Thomas, who gets \$800 a year. The commissioners have heretofore worked without any pay, and they have understood at the time of their respective appointments that no salary was attached to their office. Two are appointed by the common council, two by the board of trade and the remainder by the Dominion government.

Ald. Knox has been a commissioner but a short time. He was appointed by the common council in the place of Capt. Charles S. Taylor who resigned because he did not like the way the other commissioners were running matters. One cause of his dissatisfaction was that they wanted to give themselves an annual allowance of our hundred dollars each. He argued that there was no provision or understanding that the commissioners should receive any compensation for their services, and what was still more important they could appreciate such an amount only at the expense of the disabled pilots, their widows and orphans. He took some pains to convince them that he had no legal right to use the money for such a purpose, but they, apparently considered that the phrase "such necessary expenses" applied to their case. At all events, at a meeting when Captain Taylor was absent, they voted to allow themselves a hundred dollars each per annum.

This was two or three months ago. Soon afterwards Capt. Taylor resigned, though he may have had reasons beyond the fact that he had been outnumbered on the salary question. Then Ald. Knox was appointed.

In the meantime somebody who wanted to make sure of the matter wrote to Ottawa to see if the commissioners had a legal right to take \$700 a year out of the funds for salaries to themselves. The answer returned was that there was no authority for anything of the kind.

This seems to have put a check on the proposed appropriation, and at a meeting held a few days ago, the question was laid over to be considered at a later date.

The names of the gentlemen who compose the commission would repel any idea that they want anything to which they are not legally entitled. Probably they consider they are as much entitled to a hundred dollars apiece as are the members of the common council. Possibly they are. The only point to be considered is whether they can legally take it from the pilotage funds.

In Their New Quarters.

Messrs. McAlpine & Co. have moved from their former stand, 70 King street, to the large and much more prominent store on the corner of King and Germain streets. Here they propose to carry a larger and more varied stock than ever. The success of the exchange library has been marked and the book catalogue of the firm embraces about all of the fiction that is worth reading. Fancy goods are also receiving a great deal of attention and their line of these is very complete. It is an undoubted advantage to move at this season, if one has to move at all, and this Messrs. McAlpine have secured, as they are already in their new quarters and ready for all the business that goes their way.

JUSTICE DONE TO DR. DAY.

Another Council Considers His Case and Moves Promptly.

The case of Rev. Dr. Day has been up for consideration again. It will be remembered by the readers of PROGRESS that the decision of the council called by the first Baptist church of Yarmouth, was against him, and it will also be remembered that the Rev. Dr. Day felt that a grievous injustice was done him by that church and that council. He contended, not only privately, but through the press of his denomination, that the calling of the council was illegal, since it had been done, not by the church, but by two or three members of it. He also stated that the finding of the council was "unduly severe" and that the action of those who called it was "inconsistent with the spirit of the Master." These expressions were plain, and in Dr. Day's opinion they were true. His refusal to retract them, believing them to be true, was the cause of the calling of the council that met this week in Brussels street church.

Sometime after the finding of the council called at Yarmouth which advised the exclusion of Dr. Day from church membership, he applied again to the first Yarmouth church to be restored to membership. They refused and the curious part of their action was that they based their refusal upon Dr. Day's criticism of the conduct of the church. They would restore him provided he would retract what he had said, and not only retract it but do so just as publicly as he had made the statements.

Of course Dr. Day could not do this, and finding himself shut out apparently from any hope of being restored by the first Yarmouth church, he, a week or two ago, made application to the first St. Martin's church for membership. St. Martin's church had offered before this, as well as several other churches in the provinces, to accept him as a member without calling a council or further considering the case. They were satisfied that the wrong he had confessed he had done was being undone as rapidly as possible. The amount of money Dr. Day used for his own purposes was \$1,200, and of that between \$3,400 and \$3,500 had been paid in cash with interest, and the balance of about \$800 is covered by two notes that fall due in May and August. They, too, will be met as the others have been.

The offer of St. Martin's church and others was most generous, and was no doubt appreciated by Dr. Day as an expression of confidence, but he was not prepared to accept membership that way. A council of his brethren had advised his exclusion, and a council should advise his restoration. So he arose in a meeting in St. Martin's and asked that another council should be called to consider his case. A committee of the church acted upon his request at once, and representatives from very many of the important churches in New Brunswick came to consider his case.

The curious refusal of the Yarmouth church to restore Dr. Day unless he retracted was really one basis of their deliberation. Some of those present asked why none of those churches represented at the Yarmouth council were asked to meet at this time but the explanation that the matter had been left entirely to a committee was satisfactory. The suggestion was made that Dr. Day be restored to membership, but that ministerial standing be withheld from him. This brought forth a ringing declaration from one of the most prominent ministers in the denomination Rev. Dr. Saunders, of Fredericton, that a man who was fit to be a member of the Baptist church was fit to preach.

Another delegate thought the meeting should be secret but at this Dr. Day arose and expressed the earnest wish that there should be nothing secret about the proceedings. The decision of the Yarmouth council advising that he be excluded from membership had been published at first without an explanation. The bald fact had gone to the world that a man who had been foremost in the work of the denomination was no longer a member of the church. There was not a reason given and naturally Dr. Day was placed upon his defense. Now, he desired the fullest publicity.

The following resolution was moved by Rev. Mr. Carey:

In view of a resolution sent to Dr. Day by the first Yarmouth church in answer to his application for restoration of church fellowship, we, the council called by the first St. Martin's church, at the request of Dr. Day, recommend that the church of St. Martin's request the first Yarmouth church to restore Dr. Day to church membership and ministerial standing, and, if this request is not acted upon within three weeks, we request the first St. Martin's church to restore Dr. Day to full fellowship as a member and Christian minister.

This passed by a vote of 14 to 6. The dissenting votes were in four of another resolution that differed but slightly from Mr. Carey's.

THAT HOSPITAL AFFAIR.

A Reporter Who Chalmers a Commissioner is as Stupid as He is Himself.

The following paragraph in Monday's Telegraph appears to have been written by some green reporter during the absence of editor in chief McLean:

In regard to the statement which appeared in a weekly paper, on Saturday, in reference to alleged mismanagement of the general hospital, one of the members of the board of commissioners stated, last evening, to a Telegraph reporter, that the charges in it did not contain an atom of truth. At the regular meeting of the board on Friday night the management was discussed and was found to be perfectly satisfactory. No charges whatever had been made against the superintendent. The officers, said the members of the board, for which the nurses had been suspended, were those which might occur against the management of any institution. The same troubles had occurred before under a different management, and no complaint whatever had been made by the nurses against it, but they had evidently been disappointed at not being able to take greater liberties under the new superintendent, and were giving vent to their displeasure in complaints. The nurses were reinstated by the superintendent and not by the board.

Considering that about ten people read PROGRESS for every one that sees the Telegraph, it is not necessary to explain what is meant by the childish reference to "a weekly paper," but if either the alleged commissioner or the green reporter were competent to understand a plain statement they would have made themselves less ridiculous. The assertion that PROGRESS made any charges or that it said any charges had been preferred against the superintendent by nurses is simply untrue. A statement of the case sent to this paper charged certain things, and thereupon PROGRESS investigated them. The statement of facts published was strictly correct, and its tendency was to show that the doctor was right in what he had done, leaving the manner of his doing it an open question. This was practically the view taken by the house committee. So far as PROGRESS has heard from the commissioners, they have commended the fairness of the article, which, it may be added, was a rebuttal of a very strong communication from a correspondent. There was not the slightest intimation of mismanagement of the hospital, and nobody competent to understand plain English could think anything of the kind was intended. It can hardly be expected that PROGRESS should supply matter for the public and also find brains for woodenhead reporters of other papers.

Did Not Complete the Tragedy.

HALIFAX, March 8.—Frederick Tutt is a young man who came from Boston expressing a determination to bring his wife to task for what he considered lack of love to him. He has been absent for some months. When he came here Tutt entered the house, where his wife was lodging with her sister and looked as though determined to make a second edition of the Savage tragedy. He was armed with a big revolver and terrified the household. The wife's sister coaxed him out of the house for a walk, prevailing on him to leave the pistol behind. The wife took advantage of their absence to acquaint Chief O'Sullivan with the facts of the situation, and a policeman was quickly sent over to seize the weapon. Today the chief arranged for an interview at the police station between husband and wife to settle their differences. He took the precaution though to thoroughly search Tutt, determined on one thing at least, that no shooting should take place in the halls of justice. Chief O'Sullivan proved a success as a mediator between the couple, and there will be no shooting for awhile at least.

A Very Sad Case.

"Sad about poor" said a well-known citizen to PROGRESS, Thursday. "Yes, what's the matter," was the sympathetic inquiry. "His eyesight is getting poorer every day," was the reply, "it is feared he will be blind. Why, last night at a little friendly game he passed off 20 cent pieces for quarters."

Nearly Two Thousand Dollars.

Mr. W. C. Pittsford started out this week as one of the subscription committee of the exhibition, and the first day got more than a thousand dollars. This was increased during the week to \$1,800. The chances for the exhibition are much brighter than they were. The citizens appear to be in earnest.

