

TRIAL BY JURY AS IT IS.

ONE OF THE ALLEGED GREAT BULWARKS OF BRITISH FREEDOM.

Some Sample Cases from the New Brunswick Courts - How some Verdicts are Reached - Do Intelligent Men Serve on Country Juries, as a Rule?

Trial by jury has for centuries been regarded as one of the very staunchest pillars of British liberty. Is it so? Let us see how it has been working in this Province lately.

The inquiry seems to be a legitimate one just now. Never have so many flagrant instances of ignorance or incompetency arisen as within the past few years. Never has criticism been so frequent and outspoken.

It was only last week that two men who were caught throwing stones at a railway train in Madawaska were tried before the County Court there. A prominent man was badly injured by being struck with a stone and the windows on the train were broken. The evidence was conclusive against the prisoners. But the jury were Frenchmen like themselves. These men were acquitted and turned loose upon the community to continue their lawless course.

It has long passed into a by-word that no prisoner is ever convicted in Carleton county. This is not exactly true, but the facts almost warrant the statement. Here are two instances out of many that could be given:

Recently a girl employed as a domestic in Woodstock was charged with obtaining letters under false pretences from the Post Office. She was identified by the postmaster, the letters were found in her trunk and she admitted her guilt to the officer who took her in charge. But Jennie had a fine figure and bright blue eyes. The jury found her "not guilty."

The second case was that against the Bloodworth boys for beating Jonas Fitzherbert. The fight was seen by many witnesses. The defence did not deny that the injuries sustained by the complainant were administered by the prisoners. Fitzherbert was brutally kicked; his face, pounded out of all resemblance to humanity, presented a telling picture of what he had suffered in his long struggle between life and death. But a few politicians who had axes to grind interested themselves on behalf of the Bloodworth family. The jury acquitted the prisoners. To palliate the wrong the parties interested in securing the acquittal raised a purse for the complainant.

It was a Carleton County jury that sat upon the case of Byron vs. Johnston which was an action for malicious prosecution. His Honor left certain questions of fact for the jury to find. They found all of the facts in favor of the plaintiff except as to the "malice" charged. The jury thought "malice" meant "spite." They were seven very mad men when His Honor directed a verdict for the defendant. They stated had they known that such would be the case they would have found "malice" also.

It will be seen from the nature of these cases that neither brains nor honesty is a necessary qualification for a jurymen.

How often it is the case that one strong-minded or obstinate man will carry the other weak-kneed jurymen with him, only those who frequent our courts of justice know. Is it fair or just that people's rights and liberties should be determined by one or two men among the seven or twelve? Is it in keeping with the age that juries should be sent to their rooms by the judge and starved and worried into coming to an agreement when in fact they cannot agree at all?

A man named Yeomans was recently tried in Kent County for one of the highest crimes known to the law. On the first trial the jury disagreed. On the second he was found guilty. The foreman of the jury openly boasted after the verdict, that when they retired to their room they stood 8 to 4 in favor of acquittal but that he had "swung over" the eight to his way of thinking. In such a means of disposing of the liberty of a prisoner anything else than a travesty upon justice?

The finding of the Charlotte County jury in the case of The Town of Milltown vs. Boardman, a few days ago, shows the kind of men the Sheriff in his wise discretion selects to discharge the functions of a jury. They were given certain questions of fact to find upon which His Honor stated he would direct a verdict. They found all of those questions in favor of the plaintiff, for whom His Honor accordingly directed a verdict to be entered. To this the jury assented. On the following morning the jury marched into Court, ranged themselves before Judge Tuck, and demanded that the verdict should be entered for the defendant! As His Honor remarked they had found the facts at issue in favor of the plaintiff but wanted the verdict to go for the defendant. Can anyone doubt that if no specific questions had been left to them they would have found for the defendant?

It was at the same session of the Charlotte court, in the only other case tried, that the jury returned to court and the foreman announced, "We do not find for the plaintiff." "Then in the name of goodness, gentleman, I suppose you find for the defendant?" was his honor's remark.

Is not the present system of trial by jury the sheerest game of chance, in which jury

judge and blundering ignorance are the cards that carry the day?

Here is the case of Babineau vs. Babineau tried three times before the Kent Circuit court. The first time the jury disagreed, the second trial was won by the defendant, the third by the plaintiff and the case is now before the Supreme court again.

Instances could be multiplied. Some peculiar cases have recently occurred here in St. John. For the present, however, Progress simply desires to draw attention to this great public evil, and to raise its voice in favor of the abolition of trial by jury in the hands of dishonest or ignorant men.

Let us have jurymen of intelligence and integrity, or none at all. B.

THE WORLD OF BOOKS.

All of the people in the maritime provinces appreciate oysters, a fair number have a taste for clams, while a few know that periwinkles are excellent eating. It may surprise some to know that these are only a few of the edible mollusks which are found in abundance around our shores, and that there is a wealth in shell fish which is little understood by the masses. Some of the possibilities of this are very clearly shown in The Economic Mollusca of Acadia, by W. F. Ganong, reprinted from Bulletin No. 8 of N. B. Natural History society. It is a book which will repay perusal, for although it is exact enough to meet the wishes of the student, it tells in a clear and attractive way all that the ordinary reader wants to know of the habits and uses to man of all the mollusks found in the lower provinces. It is illustrated with plates, which makes the subjects treated very clear to all. The book is well printed and bound by Barnes & Co., St. John, and will be sent postpaid to any address on receipt of the price, 50 cents.

Notes and Announcements.

Lovell of Montreal has undertaken the publication of "Lester The Loyalist," Douglas Sladen's poem.

A private note from Douglas Sladen says, he has gone to Japan and China to complete his studies on the facilities of Canada for becoming the rapid commerce route from England to the east for his book on Canada. He returns to Canada in a few months.

The November number of the Universal Review, one of the great publications in the old country; contains the second part of Bliss Carman's "Carydon," his trilogy in memory of Matthew Arnold. The first part appeared in the Atlantic Monthly. Progress understands that Mr. Carman has the third part of "Carydon" well under way.

In view of the increasing efforts for the suppression of the African slave trade, interest will be taken in the announcement that Longmans, Green & Co. are about to publish an authorized life of Cardinal Lavigne, the primate of Africa, which will contain a full statement of the means by which he proposes to check this infamous traffic.

The Christmas Saturday Night is worthy of the best of Canadian journalism. The illustrations are in many cases distinctively Canadian. The stories and poems are from the pens of the best Canadian authors and poets. Roberts has an exquisite dialect poem, and E. E. Sheppard contributes a piece of his best work in the short story line. From cover to cover Saturday Night has attractions for the reader, and 30 cents will buy it.

A new guide book to Florida by Charles Ledyard Norton, will be published by Longmans, Green & Co., early in December. The scheme of the volume is similar to that of the well-known Baldecker guides, adapted to requirements of travellers in such a country as Florida. Separate maps of the counties, with post-roads and the new railway systems, are a note-worthy feature of the book. This guide book is a revival on a new and more comprehensive plan of The Florida Annual, originally published, and most favorably received by the public, in 1885.

Margaret Deland is the author of the leading article in the Christmas Book Buyer this year, the appropriate subject of her paper being "Christmas Giving." The special reviews relate to the more important of the illustrated books of the season, the contributors being Edward Bellamy, the author of Looking Backward; Mary Halleck Foote, Joseph Kirkland, Prof. A. S. Hardy, of Dartmouth; Prof. H. H. Boyesen, of Columbia; and Laurence Hutton. Thomas A. Janvier reviews the art books of the year, Noah Brooks gives one an insight into the contents of the miscellaneous holiday books, and Mrs. Burton Harrison chats about the volumes for young readers. The crowning glory of the number, however, is its illustrations. Of these there are no fewer than sixty-eight, selected from the handsomest of the holiday books of the year, and giving the number a richness and picturesqueness beyond that of any other periodical of its class. Thirty-three of the best of these illustrations are printed in colors—bronze, blue, mulberry, russet, and olive green. Both in its literary and pictorial aspects this number of the Book Buyer affords a brilliant survey of Christmas literature. Published by Charles Scribner's Sons; 10 cents a copy, \$1 a year.

SOCIAL AND PERSONAL.

[FOR ADDITIONAL SOCIETY NEWS SEE FIFTH AND EIGHTH PAGES.]

SUSSEX.

[Progress is for sale in Sussex by R. D. Boal and S. H. White & Co.]

Dec. 4th.—Mr. George D. Martin spent Sunday in St. John.

Miss Annie Arnold has returned from an extended visit to Bathurst.

Miss Laura White has been a few days in St. John with her sister, Mrs. John E. Irvine.

Mr. and Mrs. Jas. Titus and Mrs. Colter White, of Hampton, were in Sussex last week.

Mr. George Vaughan, of Point Wolf A. Co., was here on Monday.

Mr. Isaac Prescott, of Albert, Albert county, spent a few days at his home here last week.

The bride and groom, Mr. and Mrs. J. H. Morrison, have been nonstoping, and Mrs. Morrison is receiving her friends this week.

Mr. M. A. Ferguson has gone on a short visit to Toronto.

Rev. C. P. Hamilton, of Johnston, Queens county, was in this village Tuesday and Wednesday.

Messrs. Culbert and Theal have returned from their trip to P. E. Island.

Mrs. Frank Theal has been visiting friends in Shediac.

Mrs. S. H. Galbraith is visiting at her father's, Mr. John Graham, of this place.

Miss Lily McMillan, formerly of this place, was married yesterday to Mr. Irvin Mitchell, of Amherst, N. S., at the residence of her aunt, Mrs. Holmden. Rev. Mr. Cowie performed the ceremony, after which the newly-wedded pair left for their home in Amherst. PATRICE.

HAMPTON.

[Progress is for sale at Hampton station by T. G. Barnes, and Geo. E. Frost, and at Hampton village by Messrs. A. & W. Hicks.]

Dec. 4.—Mr. and Mrs. John H. Harding, of St. John, made a short visit to Hampton on Thursday.

Mr. S. J. King, P. O. inspector, was in town on Friday.

Young Mr. Blanchard, of British Columbia, who is en route to his former home in Windsor, N. S., has been visiting at the residence of Mrs. J. G. Colter White, at the village, for a few days.

Mr. J. Milton Barnes paid a brief visit to his parents here on Friday.

Miss Madge Turnbull and Miss Halliday, of St. John, were in town on Monday, and took part in the entertainment at the village in the evening.

Mr. J. M. Lemont, of Fredericton, is spending a short time here, visiting relatives.

Mr. R. P. Starr and Mr. George F. Calkin were among the visitors to town on Monday.

Mr. Allen O. Earle spent Sunday near Model Farm station, visiting Mrs. Otty.

Mr. and Mrs. Arthur W. Sharpe, of St. John, arrived in town on Saturday, and drove to Titusville, where they spent Sunday visiting friends.

Mr. C. N. Skinner, M. P., and Mr. H. A. McKewen, were in town on Saturday.

Mr. and Mrs. E. D. McLeod made a brief visit to Hampton on Wednesday.

Mr. G. Sydney Smith, and Dr. Pugsley of St. John, spent the afternoon in town yesterday.

Rev. William Tippett, a former pastor of the Methodist church here, and now at Campbellton, is spending a few days here, the guest of Mr. H. J. Fowler.

Mr. D. Lee Charlton, of Vancouver, B. C., is in town.

Musical and literary entertainment which took place at the hall in the village on Monday evening, was most successful. It has been some time since the people of Hampton had an opportunity to judge of the kind of local talent it possesses. The programme was a good one and was produced before a crowded house. Of course the interest centered in the *Pease Sisters*, which was reserved until the last. The characters were as follows:

Leader—Miss Minnie Travis; Sisters, Mrs. Geo. McLeish, Miss Iona Ferguson, Mrs. J. G. C. White, Miss Maggie K. Barnes, Mrs. Wm. Langstroth, Miss Bessie Peters, Mrs. John Crawford, Mrs. J. M. Stewart, Miss Jennie Raymond, Mrs. J. P. Richard, Miss Louise Stewart, Miss Carrie Haggerty.

Miss Travis, representing Elizabeth Barrett Browning, presented her difficult part in a highly creditable manner, and showed her adaptability as a leader to be all that one could desire. I do not intend to particularize, where all acquitted themselves so well, but Miss Peters, as *Rosie*, the Orator, deserved the rounds of applause which greeted her and at the close of her oration. The local hits were well conceived. The *Pease Sisters* should be repeated before the course of entertainments closes. X.

RICHIBUCTO.

Dec. 4.—The members of St. Andrew's society assembled in the Kent hotel, last Saturday evening, to honor the name of the patron saint. The supper was prepared by Mr. Philip Woods in his usual good style. Speeches were made by Messrs. Frank Gallagher, Wm. H. McLeod and S. B. Paterson. Songs were given by ex-Colelector Rush and Mr. Peter Lodge. A spiritualist from St. John was present, and called forth departed spirits for some of their friends. One gentleman, who claimed to be a personal friend of St. Andrew, wished to hold communication with him, but the spiritualist was unable to meet their wishes.

Mr. L. A. Myles, of St. John, was in town on Friday.

Mr. George Y. Cruikshank, assistant inspector of the savings bank, arrived in town last week, direct from Vancouver, B. C.

Miss Mame Sarge is visiting friends in Welford.

Mrs. J. D. Phinney returned from Fredericton last week.

Miss Kate Beattie, of Kouchibouguac, is in town, the guest of Mr. and Mrs. George W. Robertson.

Dr. W. A. Ferguson, of Newcastle, was in town last week.

Rev. Mr. Kinnear, of Buctouche, occupied the pulpit of Chalmers church last Sunday evening.

Messrs. Wm. and Andrew Loggie were in town on Monday.

The many friends of Rev. Wm. Hamilton, of Kingston, who has been seriously ill, are glad to hear that he is slowly improving, and that he is long to be fully restored to his wonted health and strength. REGINA.

TRURO, N. S.

Dec. 4.—Mr. Geo. W. McLeish, son of Lieut.-Gov. McLeish, has removed with wife and family from Great Village to Truro, and is residing on Upper Prince street.

The party of friends from town who surprised the Misses Minnie and Lillie McCurdy, last Friday evening, enjoyed themselves immensely.

Rev. Thos. Cummings is in Windsor, where he lectured Monday evening. His pulpit was occupied last Sabbath, both morning and evening, by Rev. Mr. Nelson, of the above-mentioned town.

Mr. John Blanchard, who has been visiting friends here, returned to Kennebec last week.

Dr. J. F. Brine, of Richibucto, who is removing to Campso, spent a day here with relatives en passant.

Mrs. J. S. Patten gave a card party last Wednesday evening.

Mrs. R. J. Brine and little Miss Laura are visiting relatives in Halifax.

Mrs. W. G. Smith entertained a select party at an oyster supper, in honor of Miss Thompson, her guest, last night.

Mrs. J. B. Calkin has returned from Picton, where she has been visiting her daughter and son-in-law, the Rev. Geo. S. Carson and wife.

The columnist in general, and the West End club in particular, lose a respected member in the person of Mrs. Abner Doggett, who passed away last Friday night. Mrs. Doggett has been a great sufferer for nearly two years. REG.

DIGBY, N. S.

[Progress is for sale in Digby at Mrs. Gillebrand's.]

Dec. 2.—Mr. and Mrs. John Wade have returned from a pleasant trip of several weeks.

Miss Crowell, of Barrington, is staying with Mrs. A. Ellis, where she intends spending the winter.

A Quadrille club has been formed by our young people. They have arranged to meet every Thursday evening, from 8 to 12 o'clock, during the winter, at the "Bay View House," on Water street. The first dance took place on Thursday 28th. The weather was quite unfavorable, nevertheless the attendance was good, and the affair enjoyable. We have to thank Mr. B. D. Lynch for his energetic efforts in getting up these pleasant little gatherings. No doubt he will do all in his power to make the club a success.

Dancing seems to be very popular here just now. Miss Jameson and Miss Robinson have taken in hand quite a large class of children, to whom they teach the mysteries of all the fashionable dances.

Miss Short has decided to close her hotel for the winter months.

We anxiously await the return of the City of Montserrat, and trust she will soon be ready to fill the Bay service. A trip across the Bay of Fundy of a stormy day in the Dominion is anything but pleasant, as I know from bitter experience. F. RAQUETTE.

WHY YOU SHOULD PATRONIZE

Harold Gilbert

for CARPETS and HOUSE FURNISHING GOODS.

BECAUSE He was the first to make war on high prices and exorbitant profits.

'A LOOK WILL QUICKLY CONVINCING YOU.

THAT there is no place in the Maritime Provinces where better values can be obtained in House Furnishing Goods than at HAROLD GILBERT'S, 54 King Street.

THAT the most complete assortment of reliably made Chamber suites, many choice designs, at prices to meet every requirement, may be found at HAROLD GILBERT'S, 54 King Street.

THAT you can buy at HAROLD GILBERT'S all Wool two-ply Carpeting at 75c. per yard, and the very best extra super. imported Wool Carpet at \$1.10 per yard.

THAT HAROLD GILBERT'S Stock of Parlor suits comprises all the newest designs, splendid value for your money; positively at prices lower than the quality should warrant.

THAT you can buy at HAROLD GILBERT'S an extra fine Brussels Carpet at \$1.10 per yard, and the very best at \$1.25; cheaper qualities from 75c. per yard.

THAT you can always find at HAROLD GILBERT'S a handsome selection of the most reliable makes of Carpetings of all kinds, from the cheapest Hemp to the finest Wiltons and Axminsters.

THAT No. 54 King Street, is without doubt the place to look for Winter Draperies and Portieres. Prices from \$1.75 to \$35.00 per pair.

THAT HAROLD GILBERT'S Stock of Tapestries contains all the best makes, at all prices, from 30c. to 90c. per yard.

THAT HAROLD GILBERT'S Stock of Rattan Furniture is the most complete and attractive ever shown in the Maritime Provinces.

You are cordially invited to call and examine my Stock and note the prices, resting assured that courteous and careful attention will be given, whether you desire to purchase or not.

HAROLD GILBERT, - - 54 King Street.

PHYSICIANS

Who have used the various Emulsions of Cod Liver Oil with which the market is flooded, and after prescribing ESTEY'S COD LIVER OIL CREAM, unhesitatingly pronounce it the finest preparation of the kind they ever used. Being made with Glycerine instead of sugar or other Saccharine matter in any form, renders it far less liable to fermentative changes in the stomach, and prevents and overcomes the flatulency, and eructation so often occasioned by the plain Cod Liver Oil.

From Dr. J. F. BANE, Richibucto, N. B.: I have prescribed your Cod Liver Oil Cream extensively during the past three years, and am prepared to state that no other preparation of the kind has met with equal acceptance at the hands of my patients. It is easily taken and pleasing to the stomach. Children like it, and it does not decompose in warm weather, a most important desideratum. Price 50 cts. Six bottles \$2.50. Sold by Druggists everywhere. Prepared only by E. M. ESTEY, Manufacturing Pharmacist, Moncton, N. B.

GROCERS.

Christmas Groceries, &c.

W. ALEX. PORTER'S.

NEW VALENCIA, Valencia Layer and London Layer Raisins, New Currants, Prunes, Figs, Dates, New Citron, Orange and Lemon Peels, Flavouring Extracts and Syrups of all kinds; choice Confectionery, Nuts, Fruits, etc., with a complete line of staple and fancy Groceries.

Corner Union and Waterloo Streets, And Corner Mill and Pond Streets,

BONNELL & COWAN,

Wholesale and Retail Dealers in

Fine Groceries

AND FRUITS.

Teas and Sugars a specialty.

200 UNION STREET, :: ST. JOHN, N. B.

BONNELL'S EXTRA LIME.

Flour and Feed Store.

Wheat, Flour, Buckwheat,

RYE, CORN, OATS, BRAN, SHORTS,

From the best mills. Always on hand.

R. & F. S. FINLEY,

Sydney Street.

PRINCE EDWARD ISLAND OYSTERS.

Receiving daily choice P. E. I. Oysters, Large and Fat.

Shelled to order, and delivered to any part of the City, at 19 N. S. King Square.

J. D. TURNER.

THE GREAT EUROPEAN DYE

TURKISH DYES

Unequaled for Richness and Beauty of Coloring.

They are the ONLY DYES that WILL NOT WASH OUT!

WILL NOT FADE OUT!

There is nothing like them for Strength, Coloring or Fastness.

ONE Package EQUALS TWO of any other Dye in the market.

If you doubt it, try it! Your money will be refunded if you are not convinced after a trial. Fifty-four colors are made in Turkish Dyes, embracing all new shades, and others are added as soon as they become fashionable. They are warranted to dye more goods and do it better than any other Dye.

Same Price as inferior Dye, 10 cts.

Canada Branch: 481 St. Paul Street, Montreal.

Sent postal for Sample Card and Book of Instructions.

Sold in St. John by S. McDAIRMID, and E. J. MAHONEY, Indian town.

MOORE'S

Almond and Cucumber Cream,

SOFTENING AND BEAUTIFYING THE SKIN.

It will cure Chapped Hands, Face and Lips. It cools the skin when hot, dry or painful from exposure to sun or wind, or heated by exercise. It removes Tan, Pimples! Scaly Eruptions and Blackheads, and keeps the complexion clear and brilliant.

An excellent application after shaving.

PRICE 25 CENTS A BOTTLE.

Sample bottles, 10 cents. Prepared by G. A. MOORE, DRUGGIST, 169 Brussels St. cor. Richmond.

DR. SCOTT'S Electric Hair Curler.

LADIES who wish to quickly Bang, Crimp or Curl the Hair, by a new method, should have one of these new inventions. For sale by A. CHIPMAN SMITH & CO., Charlotte Street.

IT PAYS ADVERTISERS TO KEEP POSTED.



pays for a book of more than 200 pages devoted to Newspaper Advertising, and containing information valuable alike to experienced and intending advertisers.



Issued twice a month and containing articles bearing on every branch in advertising; in fact the trade journal of American advertisers. A sample copy will be sent for Five Cents. Address GEO. P. ROWELL & CO'S Newspaper Advertising Bureau, 10 Spruce St., New York.

JUST RECEIVED.

A NEW supply of ASPINWALL'S ENAMEL, ready for use, for painting new or renovating old Furniture of every description, Tables, Stools, Wicker Chairs, Brackets, Bird Cages, and other articles too numerous to mention.

Who brings me occupation new, In precious tins of green and blue, And countless shades of varied hue? My ASPINALL.

When signs of age my chairs betray, Who is it wipes each stain away, And renders them as bright as day? My ASPINALL.

When to Bazaars my thoughts I turn, And for some novel trifles yearn, From whom fresh secrets may I learn? My ASPINALL.

For sale by J. & A. McMILLAN, Saint John, N. B.

JAMES S. MAY, W. ROBERT MAY.

JAMES S. MAY & SON,

Merchant Tailors,

DOMVILLE BUILDING,

P. O. Box 303. ST. JOHN, N. B.

Stock always complete in the latest designs suitable for first-class trade.

Prices subject to 10 per cent. discount for cash.

GENERAL AGENCY FOR THE

Province of New Brunswick OF

The Commercial Union Assurance Co.

(Limited), OF LONDON, and Phoenix Insurance Co., of Brooklyn,

A. C. FAIRWEATHER, CHAS. J. TOMNEY, Barrister-at-Law, General Agent. Sub-Agent BARNHILL'S BUILDING, ST. JOHN, N. B.

S. R. FOSTER & SON,

MANUFACTURERS OF STEEL and IRON-CUT NAILS,

And SPIKES, TACKS, BRADS, SHOE NAILS, HUNGARIAN NAILS, Etc.

ST. JOHN, N. B.



CORTICELLI SILK CO