

IT IS AN EXPERIMENT.

THE LAWYERS WANT A WRIT OF ERROR, SO THEY DO.

They do not know whether it is loaded or not—something novel in the New Brunswick Courts—The Popular Idea About the Case And the Men.

Call it by what name you will, it has been a very remarkable case.

It has had several titles, according to the way people have looked at it. It was the newspapers which gave the grim yet not graphic title of the "graveyard insurance case," while the lawyers conspired to give the smooth and less pointed designation of "the conspiracy case." To a good many common people it has been known as the trial of the Weltons.

The Welton brothers are the chief objects of interest to the St. John people. Dr. Randall would be prominent if St. John people knew him as well as they know the Weltons, but they do not, and he stands rather in the background when St. John people talk about the affair. If everybody knew the truth, or if PROGRESS felt at liberty to say just what it thinks, Dr. Randall might be the centre of a circle of sympathy, instead of hovering on the outside edge. In many ways he is more to be pitied than either of the Weltons, and there is a general belief that he "did not know it was loaded" when he started.

Rev. Sidney Welton may be so free from guile in the matter that posterity will perpetuate his memory, as a martyr, in monumental brass—it he leaves enough of that metal around the country after he departs hence. He has had plenty of it on hand up to date. By the solemn, oath-bound decision of twenty-four good and lawful men, in batches of a dozen each, Rev. Sidney escapes by what is very near akin to the Scotch verdict of "not proven."

It can be readily understood why, supposing he had been guilty, it would have been difficult to secure the conviction of an acting pastor of a church, where prayerful and conscientious adherents of that church were on the jury. The only thing the outside public cannot understand is why Cephas B. Welton and Dr. Randall should go on record as stalling in a production of "Hamlet" with the title role, in the person of the saintly Sidney, omitted. Why they should be guilty and he innocent is something that may be perfectly clear to the court, the jury and the lawyers, but is not as yet understandable to the people.

In the face of the fact that at least two lawyers are said to have given their tailors orders on the strength of what they expect to make in conducting libel suits against PROGRESS, it is possibly advisable that a great deal less than the recognized truth should be told in discussing the case of Dr. Randall and the Weltons. The essence of the idea may be summed up in the statement that if Rev. Sidney Welton is not guilty, Cephas B. Welton and Dr. Randall, were a plebiscite taken, might be found to be quite innocent.

The Messenger and Visitor, which has been silent on the subject up to this week, now calls for the action of the church in regard to the Welton brothers. While voicing its sympathy for the men and their families, it takes the ground that the church owes a duty to itself which is beyond all minor and personal considerations. As foreshadowed by PROGRESS, the Portland church has accepted the Rev. Sidney Welton's resignation.

The most foolish thing that has been done by the friends of C. B. Welton and Dr. Randall up to date, has been the circulation of a petition to be handed to the judge, asking that a jail sentence may be given instead of a term in the penitentiary. If the petitioners can get hold of that document and destroy it it will be well for them to do so.

The lawyers in the case, or at least some of them, say they know nothing about the petition and would have advised against it had they been consulted. They are of the opinion that the Honorable Benjamin Lester Peters has considered the case on its merits, and that any attempt to influence him one way or the other will be useless. Had he a less judicial mind, their course might be reactionary, but it is probable that, under the circumstances, it will be simply viewed as imprudent.

The lawyers are not relying on sympathy and sentiment. They are after law, and they have delved so deep to find it that they have done what was never done before, so far as living memory goes, in the history of this province. They have applied for a writ of error.

In the resources of civilization employed to defraud justice of its due in the big state of New York, a writ of error is as common, almost, as a city court summons in St. John. It is, however, a purely British institution, and so ancient that such valuable and versatile writers as the late Messrs. Blackstone and Tidd grow so enthusiastic over its history and possibilities that they have little space to say anything about its practical application. It is a new thing in New Brunswick. In that carefully collated volume of post-prandial philosophy known

as Steven's Digest there are recorded a number of wise sayings by the supreme court of New Brunswick as to writs of error in civil suits, but there is nary a word in the local legal lore as to what they amount to in criminal cases.

Under such circumstances, the only authorities on the subject are such past active jurists as Messrs. Blackstone, Tidd, et alii. They tell a great deal that ought to be done, but which if it were done literally in St. John would place the counsel in the case under the suspicion of mild insanity.

It is a legal experiment, and it pushed to the end may establish a precedent, just as the proceeding for contempt in the Parks Cotton Mill case has done. At the outset all the lawyers confess themselves in delightful ignorance of the matter. This much, at least, is known. The application for a fiat on which the writ may issue must be made to the attorney general, and that step has been taken. If the attorney general finds probable cause for the issuance of the writ, it is granted, and then the matter is argued before the judges of the supreme court. In old times, it was laid down that argument must be from the record, and that there must be manifest error on points of law alone. The evidence had nothing to do with the case. How far what was the dictum in the cribbed, cabined and confined British isles is to be adhered to in our breezy and more expansive country remains to be seen. There is a general impression that the attorney general, on the broad principle of giving every accused man the fullest chance of getting justice, will grant the fiat. Having thus pressed the button, he will leave the supreme court to do the rest.

Should the fiat be granted, the case will be argued of Hilary term, which begins the last week in January. This will not be a long time for the prisoners to wait, and it will give time enough for the court and the lawyers to find out all there is to be known in regard to the practice and procedure with writs for error in criminal cases.

In the meantime, Cephus B. and Dr. Randall are taking their confinement in jail as philosophically as might be expected. They get their food from outside, and have callers who are ready to stand by them to the last. The number of callers is not so large as it was, but this is not an indication of a falling off in sympathy. Dr. Randall's wife, who came from Albert county, was among the visitors in the holiday season.

STEALING IN A CHURCH.

How Some Industrious but Sacrilegious Thieves Have Operated.

For some time past ladies attending one of the prominent city churches have lost various articles which they took to the church with them and left in the pews while they have gone to consult with the clergy in another part of the edifice. Sometimes the article stolen has been a muff, or if there was a purse in the muff it might be taken and the muff left. On one occasion a purse was stolen while the owner was at the railing for the reception of the Holy Communion. Such a shocking thing led to the matter being talked about a good deal, and several losers of valuables began to compare notes, with the result that there is now a pretty definite suspicion as to the identity of the thieves. It is probable the investigations will be pushed further, and such steps taken as will preclude the repetition of such a sacrilegious crime in the future.

They Reject the Innovation.

The people of Carleton are a neighborly, sociable community as a rule, and are well acquainted with each other. Everybody knows where his friends live, and any stranger from the East side can always find a house by enquiring of any of the west side people whom he meets. That is why the residents see no reason why they should put numbers on their doors, and so incur a needless expense for a Union Act luxury that they do not desire. The city engineer has located all the numbers, but there seems no field for a canvasser to make a living by putting them on. The people have no use for them. They and their forefathers have got along without them since 1783, and they evidently do not propose to be in any hurry about the matter at this late date. That is all there is about it.

It is Almanac Time.

There was a time when everybody in the province felt the year's supplies incomplete without a New Brunswick almanac, and the firms who published editions found money in the work. Of late years there has been a change, largely due to the introduction of free patent medicine almanacs, which are near enough correct to satisfy a good many, who do not wish to pay ten cents for a book when they can get one for nothing. Up to a year or two ago both Barnes and McMillan published local almanacs but the latter firm now has the field to itself. That a good many are bought may be inferred from the fact that our industrious city pedlar disposed of no less than 300 in two days recently, and is still taking orders for more.

A WOMAN LEADS THEM.

THE COMPETITION OF THE NEWS-BOYS FOR OVERCOATS.

Mrs. McQueen Heads The List, But Several Others Make A Good Showing—Something About "Progress" And Its Plans For The Year Coming.

Some of the city newsboys have been pretty busy during the last month in trying to win the prizes of cape overcoats given to all who sell 500 or more copies in that period. This is a good many papers, and only the most active of the small army of boys have tried to compete. The result cannot be announced this week, as to-day's sales are to be included in the count, but the indications are that five or six will be warmly and stylishly clad for the rest of the winter. The number fixed at the outset was five, but it more than five come up to the standard, all will be treated on an equal footing.

So, too, in making the offer, the boys only were mentioned, but surprising to say the leader up to date is a woman, Mrs. McQueen, the first female to undertake and make a success of street sales of newspapers. She will receive what is likely to suit her as well as the cape overcoats will suit the boys.

Apart from the bonus, the actual earnings of the sellers from the sale of the paper are worth considering. Every week brings each of them a good round sum for an easy day's work. Some of them wish that Saturday came every day of the week.

PROGRESS is looking forward to the next anniversary of its birth.

It is nearly five years since a good many wise people, in and out of the newspaper business, shook their heads as they prophesied the speedy and total collapse of PROGRESS. It was an enterprising paper, they said, but it was an experiment that could end only in failure. They learned better long ago, and PROGRESS is now recognized far beyond the city of its publication as one of the great, growing and permanent institutions of St. John.

The fifth year will be completed in May, and it is the intention to issue an anniversary number worthy of the rounded period. It is yet too early to announce the special features, but the general plan has been considered, and the edition will be in many respects the most interesting and in every way attractive of the special numbers issued in the paper's history.

The arrangements of PROGRESS for the year now about to begin include a number of features that will be found both novel and popular. The engraver's chisel will be kept even more busy than in the past, and a special attraction will be found in illustrations of local interest.

The great event of the year will be the World's Fair. Everybody will be interested in it, and PROGRESS has perfected arrangements by which everybody who reads what is found in its columns will know almost as much about the Fair as if they were on the spot. The articles will be very fully and finely illustrated.

Additions will be made both to the office staff and contributors. One valued writer, Miss Campbell, who has seen the paper grow from the start, and has done much to brighten its columns by talks on live topics will come to the city next week to render even greater assistance in the office than she has been doing at her home in Moncton.

It has been the experience of PROGRESS that the public appreciate enterprise, and that it pays to spend money on a paper in catering to the wants of the best classes of readers. From time to time in the past, as opportunity offered, this and that feature has been added, and such will be the programme in the future. The aim is not to rest satisfied that things are well enough, but to continually strive to make them better. It is the carrying out of this idea that has given PROGRESS the largest circulation of any paper published in the maritime provinces. This circulation is steadily growing larger, and with every week, the field the paper covers, is growing larger. While it is strongly local in some of its features, it is yet much more than a local paper. It is read in every part of the civilized world.

The year now closing has been a prosperous one for PROGRESS. It had a phenomenal circulation in January last, but it has very materially increased in the twelve months since that time. There are two presses now where one sufficed to do the work a year ago, and both are kept busy every week.

PROGRESS has every reason to feel confidence that the year to come will be marked by as great and rapid advances as has been the year that is past. And it hopes that its readers will enjoy, as it enjoys, A Happy New Year.

Mr. McLean's Good Luck.

Mr. H. H. McLean has suddenly sprung into prominence as a gentleman of very extraordinary business ability if one may take all Judge Palmer says about him for pure Gospel. The judge in his valedictory, when retiring from the management of the Parks Cotton Mill, took occasion to lift

Mr. McLean from the obscurity of his position as receiver and to place upon his shoulders a reputation for ability that the general public have been giving Judge Palmer credit for. All the city dailies have duly noted the fact and Mr. McLean has thus secured a large amount of free advertising. His own paper the Telegraph, of which he is secretary and boss, gave him a double dose, referring in editorial terms to the remarkable success of his stewardship. Mr. McLean appears to be in luck.

TOLD OF SIR WILLIAM.

Local Reminiscences of the Late Chief Justice Ritchie.

Appropos of some of the recollections of the judges published in the Telegraph last week, of the recently deceased Sir William Ritchie, Chief Justice of Canada, a gentleman tells PROGRESS the following anecdotes of him which throws some light on his earnestness as an advocate, and his aptness even on the bench to take a side, and to argue from that position. He was a very earnest speaker, and apparently utterly oblivious to his surroundings when he was addressing a jury. In one case, when Judge Wilmot was on the bench, surrounded by the magistrates of the court, as was the custom at that time, Mr. Ritchie had occasion to comment very severely on the course pursued by Police Magistrate Johnston, who, at the time, was among the magistrates before him. Mr. Johnston became so excited over the remarks applied to him, that he arose in his seat, and called out distinctly, "Mr. Ritchie, that's a lie," but the torrent of words that flowed from the advocate prevented him from paying any attention to the remark, and it was only after repeated attempts on the part of the judge that he took his seat. When he had done so, Mr. Wilmot proceeded to pay his respects to the Police Magistrate, and in his turn gave him such a tongue-lashing as he had never received before. The scene ended by Mr. Johnston apologizing to the court for what he had said.

On another occasion Judge Ritchie was presiding at the trial of a woman accused of shoplifting. All the evidence pointed to her guilt, and the judge in his charge to the jury seemed to indicate beyond a doubt what their verdict should be. Whether it was the appearance of the woman, or her demeanor, for she was very handsome, and conducted herself in a ladylike manner, or whether the jury thought the facts did not warrant a verdict of "guilty" they returned in a short time with a verdict of "not guilty." Upon hearing it, the judge turned to the prisoner, and in a short, cold, sentence, told her that she was discharged, to which came the startling reply, "No thanks to you, Mr. Judge Ritchie."

Sent Him a Contra Account.

Rev. Godfrey Shore, who obtained leave of absence from the Carleton Presbyterian church, some time ago, has been heard from. He is in Ontario, and writes that his health is much improved. Some of his flock think that, as the climate of Ontario agrees with him so much better than the air of Carleton, he may decide to remain there. His letter was accompanied by a bill for a month's salary allowed on his vacation, but somebody hunted up a bill of \$25 for the expenses of bringing his lars and penates from St. Stephen when he came here, and an account stated has been forwarded to him. Mr. Jarvis Wilson's bill of \$65, which Mr. Shore claims the church should pay was not included, but it is understood that Mr. Wilson will hold the pastor accountable for the amount.

Royal Arch Masonry.

The G. H. P., T. Nisbet Robertson, with officers of the Grand Chapter, will officially visit New Brunswick, Carleton and Union chapters at their regular convocations in January, and instal the officers for the ensuing year. All of the chapters show indications of renewed activity this year, and there is every reason to believe that capital masonry will flourish in this jurisdiction. During the month of February the chapters on the east and west sides will give a full exemplification of all the degrees, under the auspices of the Grand Chapter and by the direction of the committee on ritual.

Getting the Margin Down Fine.

A boy who is trying to earn a little pocket money by selling almanacs, called on a well-known and well to do citizen and canvassed him to purchase one. When the citizen was told that the price was 10 cents, he offered eight, saying that he got an almanac at that price in one of the stores last year. The boy retired without making a sale.

The City is Healthy.

A well known physician tells PROGRESS that he has been called to attend several cases of "Grippe" already this winter, but that it is of a much milder form than the types of the two preceding winters. While speaking of this he incidentally made the statement that the city was in a more healthy condition than he had ever seen it at this time of year.

PUT HIS HONOR THERE.

JUDGE PALMER OUGHT TO MANAGE THE COTTON MILL.

His Great Success in Unravelling the Tangles—What Would the Equity Court Do Without Him—Men Who Could Be Found to Take His Place.

The wonderful success of Judge Palmer in picking out the tangles around the Parks cotton mill, in lifting an industry out of the ditch, paying its debts and placing it on a paying basis, has been the talk of the town this week. The judge has shown himself one of the ablest and most sagacious business men who have come to the front in the history of the province.

With the recognition of this fact comes the suggestion that he should be retired from the bench of the supreme court and appointed manager of the cotton mill at what would be a phenomenal salary, as salaries go in this part of the world. Somebody suggests ten thousand dollars. That, judging by the record, would be not too much, and Manager Palmer would earn his money.

Then, of course arises the question as to what the equity court would do without him. As one of his now fellow judges used to remark: "Palmer has a great deal of horse sense," and equity court is a fine field for the exercise of that admirable pos-



HIS HONOR JUDGE PALMER.

session. A court of equity can do pretty much as it pleases, if it takes the notion, and Judge Palmer sometimes does take the notion. He went into the cotton mill affair with a clenched hand, and he did what was needed on the merits of the case. The result was the Christmas present of the mill to the company. So he would be missed as the genius and spirit of the equity side of the supreme court of New Brunswick.

Somebody might take his place, but the question is who that somebody would be. The men who think they know most about equity courts in St. John are on the wrong side of politics, but there are some on the right side, who have claims they might prefer with some chance of success.

The candidate of PROGRESS has always been Mr. Charles A. Palmer, who probably knows more about the equity court than any other lawyer in the province, because he is always retained on one side or the other in any important suit. It has already been pointed out that his elevation from the ranks would throw upon a large and lucrative sphere of practice to many aspiring lawyers who hitherto have had hardly any show at all.

Then, too, something must be done for Zeke McLeod. Mr. McLeod probably realizes that there is some doubt as to his being returned at the next general election, and it is well understood he will be provided for before that day arrives. He has one qualification in common with Judge Palmer. He writes a shockingly bad hand.

Our own and only Silas, and the amiable Alfred Augustus might take the equity judgeship, if either of them could get it, but they would have to wait awhile until they could pose as something more than reconstructed grits.

Several other lawyers, who are living in modest retirement, might be mentioned in this connection, and one of them at least has been heavily tramped on by the government when a judgeship was wanted. Now that Sir John Thompson is premier, his chances may be better than they were. The gentleman in question would probably accept the judgeship, if it were offered to him.

Mr. Whelpley Was Not Qualified.

The friends of Mr. F. E. Whelpley of Hampton who has been acting as inspector of schools for some time during the illness of Mr. D. P. Wetmore, are now inclined to make a fuss because upon the resignation of Mr. Wetmore Mr. Steeves of Woodstock has been appointed inspector of schools for that district, which includes the greater part of the counties of Kings and Queens. They seem, however, to forget the fact that although Mr. Whelpley had two years in which to qualify himself for the position of inspector by taking out a Grammar School license he has not done so, and that whatever may have been his qualifications, or however satisfactory he

may have performed the work in his temporary capacity, the fact that he was not qualified was an objection to his permanent appointment that the department of education could not overlook.

He Wants to Know.

A correspondent sends what he terms "some pertinent questions to be answered at home." Here they are:

Who writes the religious articles for the secular press at Christmas time?

Are not most of them really good practical sermons?

Do the editors, whether they write them or not, realize the vast amount of good these articles do?

How long would it take to bring about the millennium if all newspapers were edited with that object in view?

How can the average woman be induced to read an editorial, anyway, without changing the usual form and the usual position of editorials in their respective papers?

They May Learn a Lesson.

It remained for Humphrey Price Webber to beat the attendance record at the St. John Opera House. He and his Company made their first appearance in it Monday afternoon of this week, and in the matinee and evening performances of that day more people saw the show in the Opera House than have ever gained entrance to it before in any two performances. This circumstance may have the effect of convincing the directors of the Opera House of several facts which they have persistently ignored up to the present time.

Will be Able to Find Him.

Rumor has it that Attorney General Blair has located his law offices in the Walker Building on Canterbury street, and that he will settle down for work at the beginning of the New Year. If this is correct the offices selected are about as handsome and convenient, and without doubt more elegantly fitted up than any other in the city. Mr. Blair will be very centrally located, and so conveniently to his political friends and enemies, the Telegraph and Sun, that neither of them will find it very difficult to verify their facts.

Davenport School For Boys.

The Davenport school enters on the new year with greatly increased facilities for the education and training of youth. Since Rev. P. Owen-Jones became head-master the departments have been brought to a state of high efficiency, and the additions to the staff now made, will make the work of the institution still more complete. As will be seen by the advertisement, the Lent term will begin next Saturday.

His Qualifications Recognized.

Mr. Frank Risteen of Fredericton or rather of New Brunswick, for he spends about as much time in one part of the province as in another, received a mark of favor in being appointed as one of the five Canadian representatives to the World's Fair Stenographers Congress. It is no more than justice, for Mr. Risteen easily holds a foremost position among the stenographers of the maritime provinces.

At Home on New Year's Day.

The Artillery band has issued invitations for its third annual At Home on Monday afternoon, and those who attend will be sure to enjoy themselves. A neat card of invitation has also been issued by Victoria Section, Juvenile Temple of Honor and Temperance, for an At Home on the same afternoon, the day of its tenth anniversary.

Enough to Prove the Idea.

The result of the year's experiment in profit sharing, by T. S. Simms & Co., has shown enough to convince the firm that they are on the right track, and another trial is to be given the idea in the coming year. The showing of this live concern twelve months hence will be awaited with no little interest.

They Go Free.

In reply to "A Subscriber," PROGRESS may state that Canadian newspapers, mailed from the office of publication, go free of postage to the subscribers and news agents in Canada and the United States, but postage must be paid when sent to foreign countries.

For Diphtheria and Scarlet Fever.

A lady sends PROGRESS a cure for diphtheria, which she says "costs only five cents, and is as sure as the sun shine." It consists of 40 grains of sulpho carbolate of soda, dissolved in half a wineglassful of cold water. Dose, one teaspoonful every hour.

It is Forty Years Old.

The Religious Intelligencer has completed 40 years of its existence, and to all appearance is good for 40 more. It is well edited and is an earnest advocate of the views and teaching of the denomination it represents.

PROGRESS is for sale in Boston at "King's Chapel News Stand,"—Corner of School and Tremont streets.