

PROGRESS.

VOL. V., NO. 243.

ST. JOHN, N. B., SATURDAY, DECEMBER 24, 1892.

PRICE FIVE CENTS.

THINGS NOT OF RECORD.

LET HAVE A GOOD DEAL TO DO WITH THE WELTON TRIALS.

Some of the Reasons that Prompted Certain Steps by the Lawyers—They Pinned Their Faith to Sydney—How the Jury Agreed to Disagree.

Rev. Sidney Welton will spend Christmas at home, but two of his associates in the recent graveyard insurance cases will not be so fortunate. They will remain in jail, having seen convicted on the first trial when the jury disagreed as to the guilt or innocence of the Rev. Sidney. Had it not been for this, all three would probably have been released, to the relief of a good many besides themselves.

From first to last there have been a good many elements in the case that have not come to the front as matters of record. There has been a deep and growing impression that if the accused were guilty a prominent if not the leading sharer in the guilt has been Sidney Welton. Equally prevalent has been the opinion that no jury would be found to convict him. That is the feeling there is today, and while he may be brought to trial again or not, nobody imagines that any twelve men are likely to be found among whom there will not be one or more who will refuse to convict him.

Unless, indeed, there could be a religious test applied by which members of the denomination to which he belongs could be excluded. It is not possible for such discrimination to be made, and if it were, there is no certainty that the disagreeing man would not show up as usual. Besides, the last jury has shown that even members of that denomination may be willing to vote for conviction.

It is understood that Rev. Sidney Welton is not to retain the pastorate of his church under any circumstances. There was a division of opinion among the congregation prior to the last trial, but the "explanation" which, Pastor Welton insisted on making at that trial seems to have convinced his friends that his sphere of future usefulness does not lie in ministering to the Portland Baptist church.

The desire to avert what the world might consider a great scandal on a large and respected denomination of Christians has been very apparent in the atmosphere since the very beginning of the proceedings. This is natural, though it is really not a matter in which the good name of the denomination is involved. Even if Sidney Welton had been shown to be guilty it would have been no reflection on the body with which he was connected or the particular church over which he ministered. That church, however, is now reported to be anxious to free itself from all possible doubt by choosing another pastor.

It has been generally felt by the unprejudiced public that Dr. Randall was entitled to any sympathy there was to be given. Whatever his subsequent connection with the affair, he seems to have been pulled into it by some more designing friends in the first instance, and he has had no chance to explain himself. Such a chance was given to Dr. Bethune and lawyer Allen W. Bray, and they smoothly explained that while they had attested to this and that which was not true, they had—though shrewd enough in ordinary matters—been misled by the representations of others. Dr. Randall might have had an equally satisfactory way to account for his acts had he been in a position to testify before he was accused. All that came from him afterwards, viewed in its relation to the story of Gideon Read, only served to convict him on the first trial.

The same Gideon Reid, whether guilty or innocent, appears to be out of the fight. The others accused could not help themselves by making him out as offender, but the proof of his wrongdoing would have been the proof of their own guilt. Mr. Reid ought to be able to eat his Christmas dinner with a good appetite, if not with a good conscience.

The lawyers connected with the case are in some ways as much objects of interest as the prisoners. Apart from several who have appeared at intervals from the wilds of Albert, there have been enough in all conscience around the court. Mr. Pugsley represented the crown, but Messrs. John Kerr and A. W. Macrae were also for the prosecution. Mr. Kerr was retained by the Union Mutual company, and it is understood that Mr. Macrae has got, or will get his pay from the New York company. It is said that the latter wanted Mr. Pugsley to act, but that he pointed out the difficulty of his doing so while engaged for the crown, and secured the job for Mr. Macrae, who by the way, is quite an active worker in election campaigns.

Mr. McLeod represented the Weltons, and appears to have bent his energies to the task of saving Sidney Welton, whether anybody else was convicted or not. He acted as counsel for all the accused, but Dr. Randall's lawyer in the first instance was J. A. Curry. It would appear that it might have been good policy for Mr. Curry to have fought his client's case on its own merits, rather than allow the

AS CHRISTMAS SEEMS.

NOT A BAD SHOWING AROUND THE CITY THIS YEAR.

Some of the Stores Are Making a Splendid Display—People Who Have Money to Spend—More Rest and Less Business After To-Day.

What kind of a Christmas are we going to have this year?

From all the indications, two days in advance, it is likely to be quite up to the average in every respect. The usual crowds are on the streets, and in the stores, and there seems to be a good deal of buying, as well as a good deal of sight-seeing. There may be grumbling, or it not grumbling then dejection, over hard times all the rest of the year, but everybody tries to spend a little during the holidays. Shopkeepers differ in their views as to whether this is a good or a bad Christmas for them. A good deal depends on what they have to sell, and a good deal more on the extent to which they advertise.

There is this to be said, however, and that is, the stores are making a splendid showing. The Boston letter of PROGRESS this week tells of how the window dressers of that city are taking the eye of the public but St. John, all things considered, has nothing to hide its head about. Special reference to some of the best displays is made elsewhere, but particular reference may be made to the exhibit of Messrs. Manchester, Robertson & Allison, because it is in line with one of the most noticeable Boston displays in regard to the utilizing of light dry goods in the construction of a bridge and the surrounding scenery. The advantage with this exhibit is that it has a local character, showing our own suspension bridge, with the familiar wood boats and rafts of logs below, so naturally that anybody must recognize it at the merest glance. It is really a most creditable piece of work, and so appropriate that it merits more than the usual notice among Christmas decorations.

Yet, in their way, many other firms have shown a taste and skill in window decoration which deserve more particular mention than PROGRESS can give them in this issue, where so much that ought to be said has to be omitted for want of space. The display all around is good this year, and fine judgment has been shown in making the free exhibits both artistic and attractive to the masses. So long ago as last Saturday night Mr. Geo. H. McKay succeeded in impeding traffic on Charlotte street by the quaint devices in his window, and the efforts of two able bodied policemen were necessary in order to keep a passage open for the public. Other merchants, however, have shown that the ordinary goods on their shelves may be so arranged with reference to form and color that pleasing pictures can be presented and a really fine effect obtained.

The candy stores seem to be doing an unusually good business this season. There are more of them than there were last year but there also seems more people to buy. All appear to have as much as they can do in attending to the wants of their customers.

Everybody says the weather has been all that any reasonable person could expect, and so it has. It is Christmas weather, clear and keen, but not too cold for comfort. Everybody also agrees that if there were only two or three inches of snow there would be nothing to be desired. The snow may be here by New Year's day, and the livermen are hoping it will stay until that day is over.

The concurrence of Christmas and Sunday this year, will make this an unusually busy Saturday with everybody, and the observance of Monday as a holiday, will give those who have been hard at work, two days of rest. Next week they will start in with fresh energy, but alas, next week a good many of the storekeepers will not have the same kind of a rush, they have had this week.

PROGRESS is taking Christmas very quietly and philosophically. The season brings to it a great deal of extra work, and there has been no effort to get out a distinctive holiday number. The leading advertisers insist on having their space, and what they have to say will be found useful reading. A good many people defer making their holiday purchases until the last moment, and they may in many cases save money by looking over PROGRESS before they start out to-day.

There is, however, one feature of this issue to which attention may be directed, and that is a Christmas story, "The Midnight Mass," written by a St. John man, whose modesty will not permit him to sign his name. It will be found worthy of perusal, and it may be that, having been read, some may be able to guess the name of the author.

With the hope that the wish may be completely fulfilled, PROGRESS wishes all its readers a Merry Christmas.

WHERE WILL THE SUIT END?

Moncton Lawyers Who are Fighting for the Fun of the Thing.

The suit of Isaac Poirier, plaintiff, and Surveyor Legere, defendant, was an action of debt brought by the plaintiff against the defendant in the city court of Moncton, Kay, J. presiding, for the recovery of \$7.02, the value of wire fencing done, performed and built by the plaintiff for the defendant at his request. It was tried on the 2nd day of January, A. D., 1892, by a jury of the country, and a verdict was found for the plaintiff for the sum of \$3.02; Chas. E. A. Simonds for plaintiff; R. Barry Smith for the defendant. The defendant, not being satisfied with such verdict and judgment thereon, entered by his attorney, R. B. Smith, applied to His Honor Judge Palmer at St. John for an order for review, which the Judge granted, and at the return thereof the cause was argued by counsel on both sides.

After the argument the Judge took time to consider of his judgment, having first changed the defendant's name from "Surveyor" to "Severe" at the solicitation of Mr. Smith, his attorney. The defendant will hereafter be called by the name of Severe Legere, his rightful name. The presiding Judge having taken time to consider, gave judgment and made an order vacating the order for review without costs, which said vacating order did not satisfy Mr. Simonds, attorney for Poirier, and he applied to the court en banc at the last Easter term to have the vacating order varied. The court refused to interfere with the order of Mr. Justice Palmer. Mr. Simonds then in the interests of his client, Severe Legere, and with the view to the recovering of the said \$3.02 and costs, served the said vacating order on said City Court Judge, and ordered and had a writ of fieri facias handed to Constable Mordecai S. Keith, who duly executed the same according to the exigency thereof, by levying on a horse, the property of said defendant, who paid the amount of said execution under protest.

BOTH WANT THE OFFICE.

ME. STURDEE IS IN THE FIELD AND SO IS MAYOR PETERS.

Lieut. Hetherington and Military Etiquette—Cut Rates in the Auctioning of the Fisheries—Ald. Davis and Litigation Against the City.

As foreshadowed by PROGRESS Mr. Henry Lawrence Sturdee is in the field as a candidate for the office of mayor, and is of the opinion that he has good fighting chances. One thing is certain, he has begun the campaign in sufficient time to fully mature his plans.

Mayor Peters has also intimated to his friends that he will be a candidate for a third term. A third term does not, on principle, seem as objectionable now as it did when Mayor Lockart held the office for a term and a half and wanted to be elected again.

Dr. George A. Hetherington has not been heard from officially of late, but it was currently reported a while ago that he was also an aspirant to the office. Should the doctor run and be elected, and should Alderman Baxter and White remain at the board, a new element of dissatisfaction may arise in the council. All three are military men and there are nice points of etiquette to be observed in that connection. Lieut. Hetherington's commission dates back to 1891, while that of Lieut. White goes back to 1889, and the mayor would therefore be the junior of the alderman from Wellington, and both the junior and subordinate of Captain Baxter, who represents Brooks ward. It is all right for Mayor Peters to say, "Ald. Baxter, 'sit down!' or 'Ald. White you are out of order!'" but for a junior lieutenant to address a senior lieutenant in that way would be at the least disrespectful, while his ordering a captain to sit down might be almost construed into an act of insubordination.

The city fisheries are to be sold at auction as usual this year, but at a very much reduced rate of compensation to the auctioneers. There has been a war of rates, and the consequence is a big cut. Mr. Lester was the auctioneer last year and the cost was about \$30. This year, when the committee met, there was a tender and an application. The former was from T. T. Lantulum, who offered to do the selling for the very moderate sum of \$8. The application was from Geo. W. Gerow, who did not name any figure. Chairman McLauchlan said he had spoken to all the auctioneers, but it was learned that W. A. Lockhart, not having taken out a license, could not be considered. Somebody suggested that Mr. Gerow's figures ought to be obtained, and Ald. Knox was sent out to interview him. He found him somewhere around Prince William street and rushed back to the committee with the information that, low as Mr. Lantulum's figure was, that of Mr. Gerow was still lower. He would do the job for \$7.50; "but I didn't tell him what Lantulum's figures were," Ald. Knox hastened to explain.

Then it was found that Mr. Lester had not been consulted, and possibly with the idea that he might do the job for \$7, it was suggested that Chairman McLauchlan go out and find him. He demurred, but sent the janitor of the building, who came back with the report that Mr. Lester's shop was shut. Then the committee remembered that Mr. Lester was ill. Under these circumstances it was decided to divide the work between Messrs. Lantulum and Gerow, at \$4 each. If either was dissatisfied the other was to have all at \$8. The auctioneers will accept the \$4 each.

The selling of the fisheries is considered honestly worth \$20, and the city ought to be willing to give that figure. This cutting down to less than half price and contesting 50 cents is a small business at best.

The question of whether an alderman ought to be attorney for the plaintiff in a suit against the city came up incidentally at the board of works the other day. In 1889 the city wanted to get rid of an old building near the barracks, formerly used as a pest house, and sold it to E. N. S. Stewart for a trifling amount. Mr. Stewart took possession of his purchase and started to move it to another site, with a view to fitting it up as a tenement house. A great outcry was made, and Dr. Bayard was among the remonstrants at the council. He claimed that there was still danger of contagion should the house be occupied, and quoted cases, to support his view. Therefore the council ordered the house burned, and the order was duly carried out one wet night. Mr. Stewart now claims damages, and has brought suit. C. N. Skinner is named as attorney, but the handwriting in the writ, as of that in the petition which preceded it, is said to be that of Ald. Davis.

Mr. Skinner is also named as the attorney in a suit brought by Geo. E. Quinlan, a former employee of the ferry, whose interests have been championed by Ald. Davis at the council and in committee.

As Mr. Skinner's name appears in these cases, it must be assumed that Ald. Davis has no interest in them, but it is quite different in the case of a certain Captain

THEY HAVE THEM.

In the line of useful presents Messrs. Mullin, of the American Rubber Store, have a stock that is certainly well worth inspecting. Rubber coats or mackintoshes for the back; overboots or rubbers for the feet are always desirable things in this city of St. John and always appreciated as gifts by everyone who receives them.

Christmas at Fairville.

The church of the Good Shepherd, Fairville, will observe the festival in conformity with the ancient English custom. The first evensong of the day will be at 7.30 this evening and the midnight celebration of the Holy Eucharist will begin at 11.30. Tomorrow there will be celebrations at 8 and 11 a. m., the latter being choral with a sermon on "Christ the Redeemer." There will be children's service at 3 and choral evensong and sermon at 6.30 p. m. The priest in charge, Rev. J. C. Titcombe, has issued a tastefully designed sheet showing the holy day services during Christmas-tide.

Both Were Honest About It.

An old woman, whose general style gave evidence that she was not an active member of the W. C. T. U., approached Alderman B. and asked for a little help. The alderman gave her ten cents, and as she was pouring out her blessings on him remarked, "Now I hope you won't go and spend that on gin." "Indeed, sir," replied the old woman, "that is just what I will do with it, for I am in sore need of a little drop." The alderman looked severe for a moment. "Come here, my good woman," he said, and as she approached he continued, "It is not often I find people so quick to tell the truth. Here is another ten cent piece to help you warm your heart." The alderman took the view that the stimulant would do her more good than a temperance lecture, and there are people wicked enough to agree with him when Christmas comes round.

Mr. Pitts and The Shamrock Flag.

A rather good story is told at the expense of H. H. Pitts of Fredericton, who took such an active part in the two Orange campaigns in the recent provincial elections. He went into a city store to buy a flag and upon asking for the article was gravely presented by the clerk with a handsome green ensign decorated with the Shamrock and "Erin Go Bragh." Mr. Pitts was not pleased and manifested his feeling in an unmistakable fashion, although he bought a Union Jack before he left.

They Should Be Proud of It.

The boys of the higher grades of Leinster street School have really done a very creditable piece of work in the first number of their school paper, The Scholar's Own. Very few amateurs, not to say youthful amateurs, in journalism have succeeded in giving the public such an interesting first number. The Scholar's Own is a unique departure in journalism and it should be excellent training for the lads who have shown courage to undertake it and whose youthful ability cannot be disputed.

More Changes in the Telegraph.

Mr. R. Murray Boyd, who has had charge of the counting room of the Daily Telegraph for some years, is about to retire, and it may be there will be changes in other departments connected with the paper. The cause of Mr. Boyd's retirement is said to be a disagreement with the proprietors as to the extent to which he should take the responsibility for the acts of his subordinates. Mr. Boyd settled the matter by resigning.

Keeping Up Their Reputation.

The window of Messrs. Manchester, Robertson & Allison's retail establishment representing the suspension bridge with the tide flowing beneath, has been the centre of much attention this week. It is a splendid advertisement inasmuch as it is not only looked at by thousands, but talked about by all who see it. The reputation of this firm for its Christmas window display, has been more than sustained by this latest effort.

Only One Was Wrong.

The Chatham World says that though John Livingston founded the Sun and was editor of the Telegraph for years, St. John papers do not know how to spell his name correctly. So far as PROGRESS has seen only one of the papers erred in this respect, by adding an "e" to the end of the name, so that Commodore Stewart is rather sweeping in his charges.

Some Hints from Estey and Co.

When selecting your Christmas presents do not forget the useful and desirable goods sold by Estey and Co., Prince Wm. street. One of their New Tweed Waterproofs will for many Christmas seasons recall to the receiver your generosity.