# PROGRESS.

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# THINGS NOT OF RECORD.

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

me of the Reasons that Prompted Certain Steps by the Lawyers-They Pinned Agreed to Disagree.

Rev. Sidney Welton will spend Christmas at home, but two of his associates in the recent graveyard insurance cases will not | trial, but it may have had something to do be so fortunate. They will remain in jail, with the disagreement on the second trial. 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 showed nine for conviction and three been released, to the relief of a good many against. These three were jurors, Holder, besides themselves.

many elements in the case that have not tended Rev. Sidney Welton's church. That come to the front as matters of record. There has been a deep and growing im- matter, for juror Heathfield, who is also pression that if the accused were guilty a a baptist, vot d for conviction. Mr. Kelly, prominent if not the leading sharer in the it is understood; took his stand on Dr. guilt has been Sidney Welton. Equally Randall's account. He does not know the 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 who there will not be one or more who will re se to convict him.

Unless, indeed, there could be a religious test applied by which members of the demonination 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 | Kirkpatrick stood out, and declared that it 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.

was a division of opinion among the congregation prior to the last trial, but the the judge. explanation" which, Pastor Welton inhave convinced his friends that his sphere of future usefulness does not lie in ministerng 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 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 aftewards, 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. Marae 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 in- inspecting. Rubber coats or mackintoshes stance was I. A. Curry. It would appear for the back; overboots or rubbers for the that it might have been good policy for feet are always desirable things in this city Mr. Curry to have fought his client's case of St. John and always appreciated as gitts Kay, J., presiding, for the recovery of on its own merits, rather than allow the by everyone who receives them.

doctor to stand or fall by the Weltons. To some, however, there appears a certain amount of shrewd calculation in the arrangement. There has been a general impression, that so long as Rev. Sidney Welton was in the affair, the jury would Their Faith to Sydney-How the Jury fail to agree, and there may have been an idea that Dr. Randall's satety lay in clinging to his reverend friend. This calculation was not correct as regards the first

There has been various reports as to how the jury arrived at a disagreement. So far as PROGRESS can learn, the first ballot Kirkpatrick and Kelly. The two foremen From first to last there have been a good | are baptists, and one if not both, has atmay not have had anything to do with the doctor especially, and he was doubtless conscientious in his opinion. Mr. Kelly is a friend of Mr. Vincent, the partner of Dr. Randall's counsel, and he may have had such faith in Mr. Curry that he believed he would not have undertaken the case unless the doctor was innocent.

> The three jurors stood out against the conviction of any of the three. In the second ballot, Mr. Holder went over to the majority, leaving only two to hold the fort. On an individual ballot being taken, Mr.

was impossible for him to do anything else. So ended the trial, and the jurors were released. They did not find a great deal It is understood that Rev. Sidney Wel- recreation permitted them by the sheriff in sion bridge, with the tamiliar wood boats of trespass in the county court of Westmorton is not to retain the pastorate of his having a liberty beyond the little jury room, and rafts of logs below, so naturally that land, and now the title of the cause is respectful, while his ordering a captain to The aldermen looked severe for a moment. church under any circumstances. There the night they were locked up in the court anybody must recognize it at the merest changed and will henceforth be known as house, did not meet with the approval of glance. It is really a most creditable piece

The saddest feature of the whole affair is sisted on making at that trial seems to that others than the accused are severe sufferers, and this applies with particular force to the family of C. B. Welton, for whose support there is no provision other than that which friends may afford. Whatever opinions there may be of him, there must be a general sympathy for them.

## WHY THEY COMPLAIN.

No Comfort or Conveniences for a Jury in

The jury in the Welton case had a good deal of fault to find with the accommodations provided for them when ordered by the court to remain in for the night. If they had been compelled, as most juries on criminal cases are, to remain together all the time and to occupy the jury room the judge would no doubt have had a strong presentation from them representing the state of affairs. According to them-and their testimony cannot be disputed-there are no accommodations whatever for a jury outside the walls of the room, the key to the door and the constable. If the twelve men who composed the jury were members of the municipal council the county would have an additional bill to pay as result of the recent trial; that is to say, a jury room would be fitted up with some modern conveniences necessary for shrewd enough in ordinary matters—been | the comfort of those unfortunates who have to serve. By the courtesy of the judge, however, the one night the jury had to pass together was spent in the court room, and there, on chairs, tables and benches, they threw themselves around for the twelve hours of the night. Eleven of them, at least, found out how obstinate a man could be when he made up his mind to do a certain thing. But apart from all this it is not to the credit of the county of St. John that when a jury has to remain together in consultation that it cannot do so with any comfort. The old days of bread and water and the starved verdict have passed and it is not right that citizens accustomed to the ordinary comforts of life should be deprived of them when serving their country-even for a dollar a day.

# 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 wili 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-

# They Have Them.

In the line of useful presents Messrs. Mullin, of the American Rubber Store, have a stock that is certainly well worth

# CHRISTMAS

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. 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 Leger, his rightful name. this is a good or a bad Christmas for them.

which they advertise. this week tells of how the window dressers varied. The court refused to interfere of that city are taking the eye of the public | with the order of Mr. Justice Palmer. but St. John, all things considered, has nothing to hide its head about. Special reference to some of the best displays is the recovering of the said \$3.02 and costs. made elsewhere, but particular reference served the said vacating order on said City may be made to the exhibit of Messrs. Court Judge, and ordered and had a writ Manchester, Robertson & Allison, because of fieri facias handed to Constable Mordecai it is in line with one of the most noticeable | S. Keith, who duly executed the same ac-Boston displays in regard to the utilizing | cording to the exigency thereof, by levying of light dry goods in the construction of a on a horse, the property of said defendant. bridge and the surrounding scenery. The advantage with this exhibit is that it has a under protest. of fun in their work, and even the little local character, showing our own suspenmore than the usual notice among Christmas | S. Keith: W. Wilberforce Wells, Q. C.

> shown a taste and skill in window decora- Girouard appeared for C. E A. Simonds. tion 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 pleas Mr. R. B. Smith demurred before all around is good this year, and fine judg- Judge Wedderburn (thinking Judge Landry ment has been shown in making the free to be related to the detendant within the exhibits both artistic and attractive to the prohibited degree of consanguinity). masses. So long ago as last Saturday night Mr. Geo. H. McKay succeeded in impeding traffic on Charlotte street by the shewed cause, and Mr. Smith supported his 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

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 liverymen are hoping it will stay until that

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 juietly and philosophically. The season brings to it a great deal of extra work, and there has been no effort to get out a distinctively 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 reached and have no manner of curiosity or moment, and they may in many cases save speculation as to what may be the ultimate 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

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,

SEEMS. formed and built by the plaintiff for the defendant at his request. It was tried on NOT A BAD SHOWING AROUND THE | 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

After the argument the Judge took time to consider of his judgment, having first There may be grumbling, or if not grumbling | 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

The presiding Judge having taken time A good deal depends on what they have to to consider, gave judgment and made an sell, and a good deal more on the extent to order vacating the order for review without costs, which said vacating order did not There is this to be said, however, and satisfy Mr. Simonds, attorney for Poirier, that is, the stores are making a splendid and he applied to the court en banc at the showing. The Boston letter of PROGRESS last easter term to have the vacating order

Mr. Simonds then in the interests of his client, Severe Leger, and with the view to who paid the amount of said execution

Mr. R. B. Smith then brought an action Severe Leger versus Isaac Poirier. James of work, and so appropriate that it merits | Kay, Chas, E. A. Simonds and Mordecai appeared for Kay and Keith, Borden and Yet, in their way, many other firms have Simonds appeared for I. Poirier, and E. The several lawyers for the defence pleaded not guilty, and Judge Palmer's vacating order as a defence to the action, to which

Upon the argument before Judge Wedderburn, Messrs. Wells, Q. C., and Borden demurrer. The Judge gave judgment dismissing Mr. Smith's application on the ground that he did not wish to interfere with a Supreme Court Judge's order. Mr. Smith then got a stay of proceedings and served it on the defendants with a view to appealing from Mr. Wedderburn's judgment, but he did not appeal. He gave notice of trial for the November term of The candy stores seem to be doing an the Westmorland county court and the cause was tried before Judge Landry without a jury at the adjourned November county court at Dorchester, and he gave judgment for the plaintiff for \$20.00. All this for \$3.02, and the end is not yet.

The attorneys for the defendants are now perfecting their papers on appeal to the supreme court en banc again; and the case is not likely to stop there, but may in all probability go from the supreme court of New Brunswick to the supreme court of Canada at Ottawa, and thence to the final court of appeal in the empire, the Privy Council of England. Very probably pass through the probate court also, as before it gets through all the ramifications of these several courts some of the numerour parties to this celebrated suit may not improbably have departed this life.

One fact which is a matter of dissatisfaction to the lawyers but of indifference to the parties in the original suit, Leger and Poirier, is the fact that neither of the said last-named gentlemen has any patent or visible property whereon to satisfy the several lawyers' bills of costs. In fact the said Leger and Poirier seem to have lost all interest in the progress of the suit. They evince no concern about it. They are in utter ignorance of the stage it has now result. On the other hand the lawyers are just as much interested as when the suit commenced. The \$3 02 does not seem to be the only point of interest to them. On the contrary, they seem to give very little thought to the eventual and ultimate prospect of the recovery of this fabulous sum of \$3.02. They say they are merely fighting to find out it they can, what is the law in this case. Now after such an exhibition of disinterestedness who will say that lawyers are greedy and only work for money? Lawyers work, not for money—that is only a collateral and secondary consideration to them-but they fight for the fun there is in winning a case and to establish the broad

principles of the law. Kay and Keith (like the little boy who did not know it was loaded) teel bad. They say they did not do it with malice afore-\$7.02, the value of wire fencing done, per- thought.

## BOTH WANT THE OFFICE. MR. STURDEE IS IN THE FIELD AND

SO IS MAYOR PETERS.

Lieut. Hetherington and Military Etiquette -Cut Rates in the Auctioning of the Fisheri s-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

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 dissatistaction 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 lieuinto 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 committee met, there was a tender and an application. The former was from T. T. Lantalum, 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 Mc Lauchlan 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 Lantalum'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 Lantalum'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. Lantalum 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 outery 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. 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 tormer 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 | call to the receiver your generosity.

Benson, in which a writ has not yet been issued. The captain claims \$375 for damage to his schooner in the Market slip. When the matter came before the council, Ald. Davis wanted the board of works to take action the next day, and said that it writ would be issued. At a meeting of the board, a week later, the matter was referred to the harbor committee. Ald. Davis, who is not a member of the board of works, attended and asked permission to appear before the committee. Ald. Shaw gave permission. Then Ald. Law began to discuss the subject, and inclined to the belief that there was a liability. He was interrupted by Ald. Baxter, who warned him to be cautious as the representative of Captain Benson was present. Ald. Davis, thereupon declared that he was the paid solicitor of the captain, and would act for him it suit were brought though he would not vote on the matter in council or committee. This caused some discussion, in which Ald. McCarthy took the ground that a lawyer should not be debarred from making a living because he was an alderman. Some of the North End members took the opposite view.

The question ought to be settled one way or the other.

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, tenant in that way would be at the least dis- for I am in sore need of a little drop." "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 the cost was about \$30. This year, when to agree with him when Christmas comes

# 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 thousauds, 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

# 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 re-