

Board of Works 85493

THE FAT NOT SO THICK.

JUDGE SKINNER REDUCES PROBATE COURT COSTS.

Adjourned sittings are not worth anything to the lawyers—more dignity in the court—another gain for the people through "Progress."

Some weeks ago the probate court became the object of much unwelcome notoriety. There were two associated classes of circumstances which led people to think hardly of this court. There were the frequent exhibitions of merely undignified but even contemptuous conduct toward the presiding judge. But of more importance than this, there was the too evident laxity in the matter of taxing costs.

It happened that there were several important will cases before the court at the time and in the manner in which these cases were conducted gave people a bad impression. They began to wonder whether the object of the court was to dispense justice to litigants or to dispense fees to lawyers, and whether the lawyers were created for the court or the court for the lawyers.

At length the climax came when PROGRESS told the whole story of how the Hunter case was conducted and of the lively scenes in court. The result was that for a time every one was talking about probate matters.

Now the reaction has set in and public opinion has dropped this for newer subjects. But the heaven has been working and the reform has commenced in the court. Judge Skinner could be blamed only for laxity, though that characteristic appeared to be abnormally developed. But now he is commencing to draw the line tight and the lawyers are beginning to find that probate cases will not prove as lucrative to them as they have been. Of course this does not please them, but it pleases the public.

One day this week he made an important announcement in respect to this decision. It was when a will case of note came before the court and it was found necessary to adjourn. The lawyers were about filing out happy in the prospect of a fat council fee for an adjourned sitting when their reflections were broken in upon by a few words of Judge Skinner that shattered their expectations. He said that he had decided to allow no costs on adjourned sittings. There was only one way in which they could obtain costs. If the party obtaining the postponement were willing they could obtain their costs from him.

He followed up these remarks by a few observations of a general character. He said that he had decided to do away with all the loose rules under which the court had been governed, and he proposed to conduct proceedings on a system as far as possible analogous to other courts.

This ruling in regard to adjourned sessions is an important one for a considerable portion of the bill of costs in the Hunter case was due to adjourned sessions which had been interrupted.

Another point that is noticeable about the court is the fact that gowns are now being worn. This is not much in itself, but it indicates that more attention is now to be devoted to conserving the dignity of the court.

A CRUEL JOKE.

Two Young Ladies Played It on an Innocent Foreigner.

At one of St. John's small hotels a few evenings ago, there was a gentleman from Florida. He had never been so far north before, and was not particularly charmed with the "sleety drizzle and cranreuch cauld" which was dished up to him by Mother Nature when he arrived in the city.

He went into the parlor of the hotel after supper, and imagined, as the heat radiated from the base burners, that he was in his own, his native land. He showed himself to be a typical Southerner in his admiration of two charming young ladies who were staying at the hotel, and he soon forgot that he was in a clime far from tropical. He told the young ladies that he was from Florida, that this was the coldest place that he had ever struck yet, and asked them if Room No. — was in their opinion, a very cold one.

The young ladies said that they thought that it was one of the most comfortable rooms in the whole house. They soon after excused themselves, and the Florida man's face lost a good deal of its sunshine when the young ladies withdrew from the parlor.

At bedtime, the Florida man went to his room. He undressed, shivering considerably, for the room would have felt cold, even to a Northerner. He congratulated himself, however, that he would soon be in a warm bed, dreaming of the land where alligators bask in the sunshine.

When the Florida man prepared to get into bed, however, he found that all the clothing on it was a thin quilt and two sheets. Shivering and shaking, he dressed himself again, and went down stairs for his overcoat. It was not where he had left it.

The Florida man thought that the reason he felt cold in that room was because he

was unused to the climate. He rolled himself up in that one quilt, but still he was cold. For a while he took far more vigorous exercise than he was wont to do in his own country, in order to get up a circulation. But still his teeth chattered, and his lips and hands were blue. Space does not permit an extended narrative having as its basis the woes of that gentleman in that cold room on that cold night. The next morning, though, he told the whole story at the breakfast table and remarked how strange it was that men could possibly sleep with so little covering and in such cold rooms as the people of New Brunswick. He felt sure that if he lived here all the rest of his life—in fact, if he had been born here—he would never learn to have such an utter disregard of the cold as New Brunswickers had. He declared that he had not slept a wink during the whole night.

The two young ladies that he had become acquainted with on the previous evening laughed immoderately at his tale of woe, and ended by telling on each other. One said that the Florida man could have found quilts and blankets beneath the bed, where her companion had placed them. The other said that if the Florida man had shoved up the window that her chum had nearly broken her back putting up, that he might not have found the room so cold. The poor man found that his overcoat was under the bed also, and not, as he supposed, locked up by the proprietor of the hotel for safe-keeping. The gentleman was exceedingly indignant, and the young ladies got a well deserved talking to, one very different from that of the night before. The general opinion concerning the joke is that it was a very cruel one—but that is the case with a good many jokes that are thoughtlessly played by people who ought to know better.

HALIFAX CHIEF OF POLICE

Twenty-nine Years a Member of the Halifax Force.

HALIFAX, Nov. 29.—Steady application and faithful discharge of duty may not invariably bring success, but generally they do. It is those characteristics that have placed John O'Sullivan in the responsible position of chief of the Halifax police force.



CHIEF-OF-POLICE O'SULLIVAN.

Chief O'Sullivan on the 15th of last month celebrated the 29th anniversary of his joining the police force, for he became an officer of the law in 1865. John is a "Halifax boy," though indeed he was born in County Limerick, Ireland. But when a man has spent his life in Halifax after the first four months of his existence, and especially when he has turned out well, he surely has a right to the proud title of "a Halifax boy." Chief O'Sullivan's father was a stone cutter and worked in the construction of the citadel fortifications here. Five years' service in the ranks of the police force brought promotion to John O'Sullivan and in 1870 he was made sergeant. For ten long years he occupied that position and then he was made able to style himself "Deputy Marshal O'Sullivan." The duties of that office were satisfactorily discharged for thirteen years. Then it was that he reached the top of the ladder, and when the new office of chief of police was formed, and the management of the force was re-organized, John O'Sullivan was found to be the man for the position. That was in 1883 and since then the results have amply justified the wisdom of the appointment.

Detective Power was the other candidate, and it was a hard matter for the city council to decide between two men, either of whom would have been so pre-eminently good, but "the lot fell" upon John O'Sullivan. An interesting fact is that in all the nearly 50 years of his life John O'Sullivan has no recollection of ever having tasted intoxicating liquor. For more than twenty years he has been a member of the order of Sons of Temperance. Long may he flourish!

Roller Skating to Band Music.

A match race on roller skates for the championship of New Brunswick and Maine, is one of the attractions at the Singer rink Tuesday evening. The presence of the City Cornet band and another skating event of keen interest with the privilege to those who attend of skating to such good music should draw a large crowd.

LOOKING FOR A JUDGE

AND THOSE WHO ARE HUNTING FOR A JUDGESHIP.

The Petitioners and Their Worry Over a Vacant Office—The Men in the Field for It—Will Stockton or Currey get the Reward for their Faithful Services.

The vacancy on the county court bench is causing a stir among those who are looking after office in the conservative party. It is astonishing how many are included in the list. There is Alfred Augustus Stockton, the leader of the provincial opposition, Jas. Gordon Forbes, the candidate for Guysboro, Dr. R. F. Quigley, Mr. Geo. Gilbert, Samuel Allan Currey, to say nothing of Dr. Silas Alward or of the M. P. himself, Mr. J. Douglas Hazen. The chances of all of these gentlemen are excellent according to the light in which their friends view the situation, but as the friends of their opponents look at them—that is another matter.

Take Mr. Stockton who is popularly supposed to have the "pull". He is well calculated for such an office and the grits say with sarcastic emphasis that it would be a proper reward for his distinguished services to the Tories and his desertion of the liberal party. But as it may, he has the cordial support of all the mugs-wumps and bolters as well as that power in local Toryism Mr. W. H. Thorne. But Mr. Stockton as a judge just yet does not seem to please a large proportion of the party who have fought the battles much longer than he, who, in fact have their liveliest recollections of him as a grit campaigner. They say that even in the last contest Dr. Stockton only gave the conservative party a qualified support on the unrestricted reciprocity clause in the grit platform and now that this objectionable plank has been dropped, his proper course is to follow the example of Blake and get back again. But this is just what other Tories are afraid of and so Mr. Stockton may be appointed to get him out of the way. This will be against the strenuous objections of Messrs. Shaw and Smith his local colleagues who say that he was elected to lead the local opposition for a purpose which has not come about yet and that he should not desert them until he decides. Mr. Stockton, however, takes cognizance of the flight of time and the fact that men grow old sometimes.

Mr. Quigley's chances are not as good as they would have been had he been more enthusiastic at the last election, in fact if he had voted for the conservative candidate which it is asserted he did not. It is not argued that he voted the other way but his feelings over an appointment made a short time before had evidently not wholly died away.

Mr. Forbes, unfortunately for his immediate interests, is a candidate for Guysboro and as he has done considerable work in the county and stands an excellent chance of making a good fight against Mr. D. C. Fraser he cannot well be spared to go upon the bench.

Mr. Gilbert has been a cordial supporter of Mr. Domville in King's county and that fact will not assist him much with one member of the cabinet, to wit Hon G. E. Foster.

Then Mr. Currey steps in with strong and abiding faith in the justice and strength of his claims. He has the endorsement of Mr. Chesley and Mr. Baird. Up to this time Mr. Hazen is neutral but the friends of Currey say that the young M. P. cannot go back on their candidate. They put forward his signal services for the party especially in the election court and say that he has never been paid one cent for his work. More than this Mr. Currey's health they say demands some less exacting work than that in which he is engaged at present.

But if all these gentlemen urge their claims too strongly it may be that the finance minister will take the matter to hand, transfer Judge Wedderburn to his old county St. John, and appoint a Kings county man. These are the cards upon the boards. The shufflers will be frequent until the return of premier Thompson who will deal and turn the trump.

HOW A NEWS-AGENT WAS TREATED

A Man With an Eyeglass Pinched and Pounded His Fruit.

The reporter was on an I. C. R. train the other night, and was engaged in drawing a picture of an eyeglassed passenger when the news agent came in.

A great many humorous papers have made a good many humorous complaints concerning train boys. A picture which originally appeared in Harper's Bazar, and has been largely copied in boiler-plate, is called "The Worm Turns," and represents a train boy whose wares have been pitched on the floor by an irate passenger. The boy says, "What did you fire my things on the floor for?" and the passenger asks, "What did you pile them on me for?"

The news-agent has been the recipient of considerable unfavorable comment from many papers, and now PROGRESS thinks that some of the indignities to which he is

subjected by thoughtless (or, if they are thoughtful, thoughtful only of self) passengers should be freely ventilated.

The boy walked up to the eyeglassed man. "Apples, pears or grapes, sir?" he inquired.

The eyeglassed man looked at him with a pebbly glare, and the boy passed on. When he had got to the door, the man with the glasses called him back.

"What have you got?" asked the man, somewhat aggravatingly, considering that everybody else in the car had heard the boy's oft-repeated formula, and considering also that the man had not only eyes, but eyeglasses, with which to see for himself.

"Apples, pears, grapes," answered the boy.

Then the eyeglassed man took up several apples and pinched them. They were evidently too hard to suit his taste. He then took up the pears, pinched them, and hammered them against the arm of the seat. Although they were considerably softened by this process, it was evident that the eyeglassed man thought that they, also, were too hard. Then he took up two bagsful of grapes and emptied them out of the bags to more closely judge of their merits. Then he pinched the apples and the pears again.

The boy bore all this without saying a single word, and without looking very much displeased. He evidently was charging it to profit and loss.

After the boy had gone out into the baggage-car, without having sold one apple, pear or grape to the particular man with the eyeglasses, the reporter followed him, in order to get an evening paper. The boy was tasting the most of the apples and pears which the eyeglassed man had pinched and pounded to the winds.

The reporter made some remark concerning this waste of raw material, and the boy showed him the finger-marks of the eyeglassed man in some apples and pears. These apples and pears also went to feed the winds. Strange to say, Eyeglasses had not pinched or pressed them.

The boy no longer wore his professional expression of peace and good will. He was uttering curses both loud and deep, and no wonder. "Do you often have dealings with men like that?" asked the reporter.

"Often?" said the news agent. "Trains is full of such chumps as that." The agent qualified the word "chumps" with a few adjectives, which it is not necessary to print. "Sometimes a woman will take a cake of chocolate I put alongside her, and give it to her little girl, and then she wouldn't pay for it, 'cause she said she thought it was the rule of the railroad to supply light refreshments. That's a solid fact, you needn't laugh. And there's one man who travels a good deal on the line who always calls me back, when I've got to the door, and asks me if I've got any Truro papers. I wouldn't pay any attention to him at all, if it didn't look bad for a teller not to go to a man when he calls him. I've told that man a dozen times that I don't sell Truro papers, and he might know that we don't keep any province papers but those of St. John and Halifax, but still he calls me back, whenever he's on the train, and asks me that same fool question. I daren't sass him; and I daren't pitch him out of the window, but I'd like to, mighty well."

The train-boy then got out his candy and started on his rounds. The eyeglassed man said he never bought candy on trains; it always made him sick. "I should have thought—" began the boy, but he checked himself, and once more resumed his professional demeanour.

INCIDENTS OF THE JUDGE.

His Generosity to the Poor—Methodical in his Business.

The friends of the late Judge Peters love to recall little incidents in his life that showed his kindly and generous nature. The writer remembers one especially that came under his own notice. A familiar figure upon the street met with an accident that prevented her for some time from following her usual vocation upon which she and a number of relatives depended largely for a living. The appearance of a paragraph in PROGRESS to that effect had the effect of giving her material assistance and relief, but the first to express his sympathy in this substantial fashion was Judge Peters, whose gift was generous but unnoticed at his own request. In later years he never had a photograph taken. That which appeared of him in one of the papers gave but a faint idea of the man. Perhaps the character sketch of him that is printed upon the second page of this paper will help to supply the absence of a good engraving. He was a methodical man as all who had any business with him can testify. Even during his last illness when some important law papers in his possession were called for the Judge though suffering from such a disease and in such acute pain directed those about his exact location.

"Progress" is for sale in Fairville Daniel Brophy's grocery.

IT IS LEAR THIS TIME.

HE HAS ANOTHER EMPLOYE OF "PROGRESS" ARRESTED

But He Laid Himself Open to a Charge of Perjury to do so and was Arrested on that Tuesday. His Examination Going on Yet. Will be Concluded To-day.

A few more steps have been taken in the Lear-Spike-PROGRESS proceedings in Halifax since the last issue. Another employee of PROGRESS has been arrested and released on bail and on account of that step and the affidavit made by Percy Lear, the latter was arrested Tuesday on a charge of perjury. His examination was brought on the same day but not finished. It comes up to day again.

The second arrest of a PROGRESS employee shows the game these parties are trying to work—that is to harass and as far as they can prevent the sale of the paper in Halifax. They are on the contrary, increasing the demand. More PROGRESSES were sold in Halifax last week than ever before and the right thinking people are not hesitating which side to support in



PERCY J. A. LEAR.

this matter. Right is bound to come uppermost in this struggle and so Messrs. Spike and Lear will find. The facts will defeat them and if they do not annihilate them it will be the wonder of all who are acquainted with them.

On Friday last, Mr. F. B. Carter, who represented PROGRESS in Halifax for two or three years, went to that city under instructions from the publisher. All who knew him there—and he was pretty well known—did not connect him with the publication of the paper. The name of the publisher has, in fact, been printed in the usual place in PROGRESS ever since it was started, and so when Mr. McLean sued Frank B. Carter as a proprietor of PROGRESS and swore out a capias for his arrest he surely did not take the ordinary means to inform himself of the fact. But this is the statement he swore to and upon which Mr. Carter was arrested.

Percy J. A. Lear, of Halifax, in the county of Halifax, broker, make oath and say as follows:—

1. The above named defendant, Frank B. Carter, is one of the proprietors of a newspaper, published in the city of St. John, New Brunswick, called PROGRESS, and in said newspaper in the issue thereof of November 3rd, 1894, the said Frank B. Carter published a gross, false and malicious libel of and against me, in consequence whereof I have sustained damages to a large amount, to wit, at least four hundred dollars. The defendant is now in the city of Halifax and within the jurisdiction of this court, said libel was on the said 3rd day of November, 1894, published by defendant in the city of Halifax.

2. I have probable cause for believing and do believe that the said Frank B. Carter the defendant is about to leave the province of Nova Scotia unless he is arrested and I believe that said debt will be lost unless said defendant be forthwith arrested.

To find bail was but the work of a short time. Mr. Carter was then able to proceed about his business, the collecting and assorting of evidence in such a form that the proof of the statements recently made in these columns will be as convenient as it is easy. The amount of additional information secured is astonishing.

But if Mr. Lear imagined that he was to swear to any such affidavit and escape scot free he was mistaken. Monday the papers were drawn charging him with perjury and Tuesday he was arrested upon the following information.

The information and complaint of Franklin B. Carter, of the city and county of Halifax, taken this 26th day of November, in the year of our Lord, 1894, before the undersigned George H. Fielding, stipendiary magistrate in and for the city of Halifax, who said that Percy J. A. Lear, of the city and county of Halifax, broker, did on the 23rd day of November, A. D., 1894, at the city of Halifax, commit wilful and corrupt perjury, by knowingly, wilfully and corruptly, taking, making, signing and subscribing an affidavit before M. N. Lenoir, a commissioner duly authorized for taking affidavits in the county court for the county of Halifax in an action pending in the said county court, between said Percy J. A. Lear as plaintiff, and said Franklin B. Carter, sued as Frank B. Carter as defendant, being an action or matter in which it is permitted by the laws of the province of Nova Scotia aforesaid that facts be verified by oath or affidavit, in which affidavit said Percy J. A. Lear upon oath deposed that the said Franklin B. Carter is one of the proprietors of a newspaper published in the city of St. John, N. B., called PROGRESS, and that in the said newspaper, in the issue thereof of November 3rd, 1894, the said Franklin B. Carter published a gross, false and malicious libel of and concerning said Percy J. A. Lear.

Whereas, the said Franklin B. Carter is not and was not on said 3rd day of November, 1894, one of the proprietors of a newspaper published in the city of St. John, N. B., called PROGRESS, and did not in said newspaper in the issue thereof of Nov. 3rd,

1894, publish a libel of and concerning said Percy J. A. Lear.

His examination went on in the police court before Magistrate Fielding and was continued until late in the afternoon, when it was adjourned until Saturday. John A. Ryan and A. B. Crosby going bail with Lear himself for his appearance.

ORPHEUS CLUB WILL SING.

The People of Halifax Will enjoy Concerts This Winter.

HALIFAX, Nov. 29.—At the close of the Orpheus Club's season last spring there was an opinion abroad that no concerts would be given by it the following year. The reason for this was that the attendance was comparatively so slim and the financial returns so inadequate that it did not pay the club to continue its labors. The heavy mortgage on the club's hall became no less no matter how hard the Orpheus worked to please the public then there was considerable criticism of the club of the carping kind. It is pleasant to note that since then the club has taken a more cheerful view of the situation, and that the musical public will not be deprived of the series of winter concerts which really furnishes them with the best music heard during the year. With so energetic and music loving a president as George E. Boak no one need have anticipated anything approaching surrender by the Orpheus club. This year there will be a series of three concerts, two season tickets being offered for \$5. The Orpheus is an organization of which Halifax is proud, and justly proud, the thinly veiled animosity of some local "society" writers to the contrary notwithstanding. It will be something approaching a public calamity if the club fails this season to receive the encouragement it should.

C. H. Porter is a magnificent conductor. By the way he was asked to preside at the organ for a large Y. M. C. A. meeting some days ago. He kindly consented to act, but Mr. Porter showed that he knows more about classical music than the "gospel hymns" sung by the association people. He chose a tune for one of the most familiar hymns which not a man in the church knew and not a mouth was opened to sing. Verse after verse he played and every ear was strained only to drink in the beauties of the organ; there was nothing else to do. When at last the organ ceased the chairman of the meeting suggested that it was so great a pity to have the hymn unsung that it would be well if the audience would try it to a familiar tune without the organ. Some one jumped up, shorted the hymn, and it went with a swing. Conductor Porter took it all in good part, and when the next hymn was announced the organ pealed out a tune that every man in the building could sing at sight.

Speaking of music and musicians the Harmonic quartette has given Halifax more than one rich treat recently and more are promised from Messrs. Burgoyne, Wilson, Newman and Shute.

SIDEWALKS MUST BE CLEAR.

An Agitator in Halifax Again at Law's Enforcement.

HALIFAX, Nov. 29.—The great topic in civic politics at present in the matter of sidewalk encumbrances. There is a city ordinance against obstructing traffic, as it is perfectly right there should be. But till the administration of Chief O'Sullivan was inaugurated the ordinance was practically a dead letter, as were some other ordinance.

During the past twelve months the statute has been made very much alive. The auctioneers and fruit dealers have suffered most from the enforcement of the law. They have been arraigned in court over and over again, and fined as often, for having their goods on the sidewalk. James Shand, the popular auctioneer of the city, seems to have borne the brunt of the battle. But he probably always got nearly the full worth of his money in the onslaught he was able to make upon the authorities. Shand in defending himself, for he retained no lawyers, hit straight out from the shoulder in his denunciations of the law and of the harshness of its enforcements. In scathing terms he never failed to ridicule and condemn both the law, as applied to auctioneers and the like, and the alleged inconsistencies and hardships of its enforcement. Shand is an old militia officer, and for one thing he defied the authorities to prove that he could not march a regiment of soldiers, four deep, along the sidewalk despite the fact that his rows of apple barrels, for which he was fined, stood upon the curbing. Shand's challenge has not been accepted.

There is an agitation on foot to have the ordinance repealed or relaxed as regards the auctioneers and some others whose business, to a certain extent, is necessarily done upon the sidewalk. The city council has been petitioned to this effect. But after all, what can be done to improve matters? The law knows no distinction. The law line must be drawn somewhere, and it seems hard to decide where, if not in a way rigorously to keep unimpeded the public thoroughfares. Yet that is what Mr. Shand and others claim is what is not done, and more, that to do it is an utter impossibility. The position of the police is a delicate one. They see the law broken, for they can't always keep their eyes shut. And yet there are times when the public good would be conceived if they did not turn the blind eye in the certain directions. A little more lenience perhaps, and a liberal exercise of good judgment, would possibly be better than a repeal of what is undoubtedly, on the whole, a wise ordinance. Let the legitimate auctioneers at least have a chance!