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TREMAINE'S FUNNY PLEA HE DID NOT WANT PERCY LEAR COMMITTED

Because It Would Give "Progress" a Chance to Crow Over Him and Perhaps Return to Writing Him Up—The Position of the Cases—Lear Abandons One Action.

Lawyer Fred J. Tremaine made what might well be called a special plea in the Halifax police court one day this week when he asked Magistrate Fielding that Percy J. A. Lear be not committed for trial because it was it would give Progress an opportunity to "crow" over him.

Whatever can be said about Mr. Tremaine this somewhat curious bit of pleading must be noted as quite original. He even went further than this and indulged in some strong remarks respecting this paper. He did not hesitate to criticize it in an unmistakable fashion and to comment upon its course in terms that might be considered uncalled for.

Mr. Tremaine could not have forgotten the fact that this paper has the opportunity to reply and defend itself, and that if he is allowed to criticize it and feels called upon to do so, that Progress might in turn review his position in cases that attracted much attention.

Turn about is fair play. Without pausing to say what might well be said about his remarks, which were such as any barrister of standing might well hesitate to make, let us for a moment consider in what light Mr. Tremaine himself appears. He is the solicitor for Mr. Lear, who stands committed for trial on the serious charge of perjury. He was the lawyer Mr. Lear consulted when he made up his mind to begin divorce proceedings, and presumably it was by his advice and with his consent that the correspondence began with a number of gentlemen that resulted in their rushing forward to make a settlement, and to keep their names out of print and from the public at any cost.

The fact that these letters were written to men whose names were furnished and the financial arrangements that resulted must furnish food for reflection to all of those who in the past regarded this lawyer in a favorable light. The information of Progress upon this point is not of an indefinite character and the fact that any respectable lawyer would lend himself to such a course upon the part of his client and assist him in carrying it out must be a matter of surprise and regret to his friends and acquaintances. Whatever Mr. Tremaine's opinion of Progress may be at present this paper is in a position to know that his sentiments have undergone a material change. But his opinion does not matter. Enough of him for the present.

Those who have followed the events of the week as chronicled in the Halifax newspapers must have noted that so far the fight between the newdealers and Mr. Spike and the suit against Mr. Lear seems to have gone in favor of the newdealers and of the paper.

The answer of the newdealers to the complaint of Mr. Spike has been filed, and the attempt of the solicitors of the latter to strike out an important part of that defence has failed. The judge refused, the costs of both parties to be costs in the cause.

It also appears that in the case of this newdealer the defence was not filed and judgment entered, the order was cancelled the following day and the defence filed.

In the case of Spike and Golding the defence has also been filed. It is different from that of the newdealers, who, as Progress has pointed out again and again, sold the paper in the ordinary course of their business without knowledge of its contents. But in the case of Mr. Golding, an employe of Progress who was arrested at the instance of Spike upon a writ of libel, being a non-resident, Messrs. Harrington & Chisholm appearing for Progress employe have filed a defence that is remarkable for the facts it sets forth. Talk about the story in Progress! It was nothing compared to the answer to the bill of complaint filed by the attorney of Mr. Spike. If Progress had the space this week both the complaint and the defence would be printed. Unfortunately it has not, but there will be plenty of time for that before the case comes to trial.

Paragraph after paragraph has appeared in the city and provincial press concerning the intentions of Messrs. Lear and Spike regarding the editor and publisher of Progress. They are, according to these reports, to lose no time in beginning their suits for criminal libel against Progress. About a fortnight ago the information furnished to the Halifax press was to the effect that Mr. Charles A. Stockton, of St. John, was expected in Halifax by a certain train to get such information as would enable him to bring the suit for Mr. Lear. Mr. Stockton did not appear in Halifax upon schedule time, but a few days later he went. Before he boarded

the train he was interviewed and while he gave the reporter no information respecting his business to Halifax it was announced that his trip was in connection with the criminal libel suit against Progress. Mr. Stockton went and returned, and the following paragraphs appeared in due course in the Halifax evening papers.

Mr. C. A. Stockton, who came from St. John for the purpose, arrived last night and had a consultation with Mr. F. J. Tremaine and Mr. A. G. Morrison, the Halifax counsel, regarding the criminal libel suit of Mr. Percy J. A. Lear against Progress. It was decided to press the suit against the paper and against its Halifax correspondent as fast as circumstances will allow.—ECHO, Dec. 8.

Messrs. Tremaine, Morrison and Stockton, barristers, the latter of St. John, held a consultation at the Halifax hotel last evening. They decided to proceed at once with the suits for alleged criminal libel against St. John Progress. Morrison is counsel for Spike; Tremaine and Stockton will act for Lear.—MAIL, Dec. 8.

Mr. Stockton is usually more reticent than this regarding his business, but during a chat with him some days later Progress learned from him that while he went to Halifax, he talked of libel suits did not take him there. He was consulted while there, and he freely admitted it, though did not volunteer the information that the Halifax press was so freely furnished with. Still, notwithstanding all this, and the formidable array of legal talent that is about to bring their forces to bear upon Progress this paper has only to reiterate its statement that it is prepared to meet any action criminal or civil. From the criminal standpoint it is prepared to prove the truth of its assertions, and that they were made without malice and in the public interest; from the civil point of view the truth of its statement will perhaps suffice.

It is interesting to note that Messrs. Harrington & Chisholm, the solicitors of Mr. F. B. Carter, who was sued by Mr. Lear for libel, have been notified that the action against him has been abandoned. Mr. Lear must have arrived at the conclusion that he was not a proprietor of this paper. He made a mistake, and Mr. Carter, believing it was intentional, had him arrested for perjury. Upon that charge he was committed for trial, notwithstanding the original plea of his counsel, Mr. Tremaine.

This is not the first time Mr. Lear has figured before the public. In his evidence he described himself as an advertising agent. He forgot to state that he had also been an advertiser. In so good a paper as the Acadian Recorder and indeed throughout all Canada he has figured as a beautiful and healthy testimonial to the virtue of Pink Pills. As the statement is an authorized one and gives more information of Mr. Lear from this particular standpoint than anything Progress has seen, the readers of this paper can well excuse the reproduction of his interesting experience. Here it is, heading and all:

THE LIFE OF A COMMERCIAL MAN NOT ALL SUNSHINE.

CONSTANT TRAVEL AND LOUGHING IN ON TRAINS WEAKENS THE MOST ROBUST—THE EXPERIENCE OF A HALIFAX MERCHANT WHILE ON THE ROAD. (Acadian Recorder, Halifax, N. S.)

Mr. Percy J. A. Lear, junior partner of the firm of Blackadar & Lear, general brokers, 60 Bedford Row, Halifax, N. S., comes from a family of commercial travellers. His father, James Lear, was on the road in Lower Canada with dry goods for twenty three years, and few men were more widely known and esteemed, and the genial Percy himself has just retired from the ranks of the drummer, after a varied experience as knight of the grip, which extended over seventeen years and embraced almost every town and village in Canada from the Atlantic to the Pacific. He is an extremely popular young man, a leading member of the Oddfellows' fraternity, an officer in the 63rd regiment of militia, and a rising merchant.

"How comes it that you are so fat and ruddy after such a term of bustling railroad life and varied diet, Mr. Lear?" questioned the reporter.

"Well," was the answer, "it is a long story, but one well worth telling. I weigh 190 pounds today, and am in better health than I ever before enjoyed in my life. Two years ago I got down to 155 pounds. Constant travelling, roughing it on trains and in country hotels broke me all up and left me with a nasty case of kidney complaint and indigestion. My head was all wrong, my stomach bad; I was suffering continual pains and dizziness. I began to get scared. I consulted several physicians in Montreal, Winnipeg and other cities, but their treatment did not give me a particle of relief. One day I bought a box of Dr. Williams' Pink Pills, and I made up my mind to give them a good trial. They seemed to help me, and I bought a second, third and fourth box, and they cured me. My stomach was all right, the dizziness left my head; no more lassitude and all traces of my kidney disease disappeared. I was a new man, and gained flesh immediately, and have never been troubled since. I consider my case astonishing, because kidney complaint, especially asthenic, is hereditary in our family. It helped to bury my father to an early grave, and an uncle on my mother's side, Dr. Whittle, of Sydney, Australia, had been a chronic sufferer from gall stones from boyhood. I was so impressed with the virtues of Dr. Williams' Pink Pills that I took the trouble to send Dr. Whittle two boxes all the way to Australia. Since my discovery of the benefits of these wonderful little pink coated exterminators of disease, I have recommended the remedy far and wide, and I could enumerate dozens of cases where they have been efficacious."

It would seem as if it was about time for Mr. Lear to begin faking these little exterminators again. It will be noticed that the testimonial is couched in the most positive terms and that it enters into the family history. In this way the medicine puff assumes the character of a mutual benefit notice.

THE "SPRINGHILL" SIREN FRIGHTENS PEOPLE IN MAINE, AND THE PROVINCES.

The Effect it had at Parrsboro, At St. Andrews and on the Maine Coast—It was Taken for the Devil, and for Many Other Awful Things.

When the steam tug Springhill was built on the shores of Courtenay Bay for the Cumberland Railway and Coal company, little did they think that it, like some of the ironclads of history, would become a terror in the land.

Such, however, it has undoubtedly become—and solely because it possesses one of the worst sounding "sirens" that ever pierced the ambient ether. Not only has the Canadian beaver—the one of the tail like a file, as Indian legends say—dived out of sight at the noise, but the American spread-eagle has wafted a good many feathers downward in flying from the shores whence came an awful sound.

Now that the people of Maine have lately been terrified by the Springhill's revolving whistle, a short history of the excitement caused by the siren during the past thirteen months will be in order.

It was a little more than a year ago when, in the first dusk of a November evening, the people of Parrsboro, Nova Scotia, heard a sound weird and uncanny, narrow-treeling and corpse-like—something like the hair a la Pompadour, like frets upon the quill pen. Then all was as silent as the breast when the spirit had departed.

Another awful shriek came through the gloom spread by the first sickening terror seized upon the fluttering hearts of all.

Many thought it was the last day. Many more thought it was the devil. The latter included many who had made friends with that individual, and yet seemed a little disconcerted at this announcement of his coming.

A man who was digging clams on the shore dropped his rake and made deep tracks for the shore. He tripped over something and fell on his hands and knees in the mud. He was in too great a hurry to attempt to rise, and so crawled ashore. So say some of the magnates who were on the boat when the whistle sounded.

One of the great family of Paul, who had just returned from a moose-quelling expedition, upon which the Indian deity Glooscap did not smile propitiously as he did upon the hunting of another famous Micmac braves, thought, when he heard the terrible noise, that Glooscap had come back to earth once more, as he promised the Indians that he would do when he sailed away from the Partridge Island that is near Parrsboro for the Island of the Blessed. The Indians of the Parrsboro shore long since got tired of waiting for the return of the being who made man out of the ash-tree, and so called him Glooscap, which being interpreted, means the Liar. Hence Mr. Paul, who had himself had a share in proclaiming that the Hiawaha of the Micmacs and Malisets was a prevaricator, did not feel any more comfortable than the beaver at whom Glooscap flung a big rock from the Parrsboro shore, which fell in the water just below the Grand Falls on the St. John river.

A prominent citizen who was in the woods about six miles from town with his two little girls, thought, it was reported, that the noise was that of a wildcat. It was also rumored that he handed his gun to one of the girls, saying, "When it is devouring me, you shoot." And the little girl is said to have cried out that there was the train coming in, and that they would never, never see it come in any more. That was the story as it was by the time that the chronicler heard it; but it is possible that some of the tellers thereof may have been rightfully entitled to the name that the Indians gave Glooscap.

A small boy driving home his cows jumped high in the air as the noise struck the hill behind him. Exclaiming—"It's the devil, it's the devil, sure," he made a bee-line for home, leaving the cows to the mercy of his sulphuric majesty.

An old woman afterwards told Captain Cook (not he of Sandwich Island fame, but the general commander of the Springhill) that she thought it was a dog in her cellar, indulging in a most thorough and satisfactory fit.

Those who did not think it was Gabriel, on the other side of the world blowing his trumpet in the mornin', or the devil playing the tune that awoke the echoes of Alloway's auld haunted kirk—or Glooscap, coming up the river in his stone canoe, or a wildcat, or a dog in a fit, or Captain Kidd's nigger that he left at Parrsboro to guard his treasure—thought; yes, declared; that it was the Screacher. This was an unfeeling creature that had haunted an old mill in the Parrsboro river about thirty years ago, and screeched and yelled, and screeched, and screeched, and hollered and yelled—and to tell the truth that was what the siren of the Springhill was doing. The people of Parrsboro have never

become quite used to the Springhill's whistle. Along about six in the morning, many a good citizen hears the dread sound commingling with his dreams, and is nearly frightened into a longer sleep than that of a night. The small boys of Parrsboro furnish an excellent imitation of the siren by shoving their fists down their throats, and turning their palates over and over as they yell from the depths of their whole and awful lungs.

The next place at which the Springhill's whistle made a sensation was at St. Andrews. The inhabitants of that town well remember how some of their number armed themselves with guns and pitchforks and went a-hunting the terrible loup cervier, while others, who had no wish to emulate "the man all tattered and torn," got into their cellars to await the hunters' triumph.

One foggy night not long ago, according to a reliable authority, the lighthouse keeper at Little River, near Cutler, was sitting out doors on the bare rock, which is full of deep crevices. "All t'ronet," the lighthouse keeper says, "all t'ronet a yell come out er that crack thar, then a yell come out er that crack thar, an' another came out er that crack thar, an' went yellin' up the stream to Cutler."

The old man further said: "I thowt arter my hair come down as how it might be mother seals callin' to their young, but try ez best I could, I couldn't fool myself that way nohow."

"Nex' day," continued he, "I went to Cutler. 'Hed they heard that ter'le yellin' in the night?' was all I had stren'th to ask them. They hed so. One ol' teller, who lived all alone with nobody but his darter, got up when he heard the noise, brave as a peacock. His daughter follered him, for she was too skeered ter stay in the house. They didn't see nor hear nothin' at all further. So the ol' man said, 'Well, it come from the sea. It can't git at us nohow.' An' so they went back to bed. But I don't blame 'em for gittin' skeered. I come purt' near bin' skeered myself."

When at Great Diamond Island, on a day of fog, the terrible yells of the whistle were dispersed over all the settlement; the people were even more excited than the inhabitants of Parrsboro. The majority of the people thought that something had attacked their cows, which are pastured in the Island woods. The oracle of the settlement said that that was the noise cows always made when attacked.

At one point on the Maine coast a man and his son were hunting some distance apart when the Springhill's whistle blew. The father thought that some wild animal was attacking his son, and the son thought that some wild animal was attacking his father. Both rejoiced when they found themselves mistaken.

At Machias the inhabitants thought that a bear was attacking the cattle, and a number of men hunted all through the woods, but did not find the bear.

The following item was clipped from a Maine paper this summer: "Yesterday a Portland man was sitting in a Commercial street office when the great ocean tug Springhill, of Parrsboro, N. S., came up the harbor and saluted. He jumped into the air, brought his fist down on the table, and exclaimed: 'There's that d—d thing What is it?' This Portland man was not, however, alone in his wondering."

It is said that the whistle on the Springhill is nearly worn out. And there are many people who have heard the siren once, or twice, or many times, who sincerely hope that when it ceases its labors as a disturber of the public peace, that the Cumberland Railway and Coal company will not be hasty in getting a new one.

Such Little Things Form Opinion.

A sea captain went into the post office department of the customs a few days ago and found that his affectionate wife and daughter had remembered him by sending photographs of themselves to greet him upon his arrival here. He was naturally delighted and so expressed himself. The customs officer allowed his enjoyment and then calmly requested the duty upon the photos. The captain was astonished. Duty upon the photographs of his good wife and beautiful daughter! Such an imposition was almost sacrilegious in his eyes. But he had to pay up and he went out of the office with a mighty poor opinion of Canada and her custom laws.

The Cost of the Executions.

Chamberlain Sandall objects to the suggestion in last week's Progress that executions once made out whether served or not cost the taxpayers fifty cents each. Progress has no doubt that Mr. Sandall would not permit such a charge if he knew it, but no one would expect him to trace the late and fortune of each execution that issues from his office. But as Progress has said before, taxpayers made the statement that they have been compelled to pay fifty cents when they never saw a city collector or could find any evidence of his having called at his house.

WAS IT A BISHOP'S ORDER LIGHTED CANDLES REPLACE THE OLD CANDLESTICKS

In the Church of the Good Shepherd at Fairville Over which the Bishop Has Absolute Control—Some of the People Don't Like It and Don't Hesitate to Say So.

The troubles which, during the last few years, have been disturbing the peace and quietness of the church of the Good Shepherd in Fairville are not all a thing of history yet. The disagreement that arose when Rev. Mr. Titcombe was there were due to the fact that rector and people did not have the same views respecting ceremonial in the church. The reverend gentleman was too pronouncedly high church to suit them.

When they secured Rev. Mr. McKiel they thought they had some one whose views were their views and that they would get along in perfect peace and harmony. And the fact is that their relations have been cordial and he is very well liked.

Yet there is a disagreement over certain of the ceremonies. When Rev. Mr. Titcombe was there the candlesticks and candles were very much in evidence. There was the full quota that designates the highest of high churches. When the new rector came the candles were banished completely and only half a dozen of the candlesticks were allowed to remain.

But recently the bishop held a confirmation at the church and coincident with that event there was a change in the candlesticks. Some of them were removed, but two remained and in these were placed candles! Now, a low church man would sooner see countless candlesticks than one candle and so he would consider this a step in the wrong direction. To various members of the church the sight of the candles at the services is a great offence and is most disquieting.

The question arises as to who put them there. Did Rev. Mr. McKiel do this of his own accord or was it by order of the bishop. The church of Good Shepherds is peculiar among all the churches in the province. It is the only one over which the bishop has absolute control. There are no corporate proprietors in the church and the property is held by the bishop. Whether he exercised the authority which is his right and introduced the candles is the point at issue.

ALDERMEN SHOULDNT SELL City Goods—That is What Before Long

The story about city tenders and supplies which was told in last week's Progress would furnish a very good text for a moral essay on the beauty and rarity of consistency. Mr. A. C. Smith, M. P. P., was recently engaged in the meritorious duty of bringing local government contractors before the tribunal of the chief commissioner of public works. At the same time Ald. Lockhart, his partner, was not engaged in bringing city contractors before the proper tribunal. No, he would sooner not. He will leave to Mr. Smith the work of exposing those associated in the abuse of public patronage.

The statements of this paper have caused considerable comment and it is generally declared that a condition should not be allowed to continue where an alderman could supply the city. In supplying the city with \$1300 worth of goods last year Ald. Lockhart did not infringe any law but he undoubtedly went contrary to what public opinion would demand of him as a civic representative. When such a thing is allowed to be done it gives unscrupulous men a chance to engage in worse abuses. In this instance the city was safe only because Ald. Lockhart was not unscrupulous.

The weak spot in the city's defences against corruption still remains. But it may not remain long. It may be that a law will be enacted in regard to the making of contracts and bargains with the city. The present statute says that no alderman shall enter into a contract with the city. This is not enough. The statutes governing the Toronto city council provide that no alderman shall enter a contract or bargain of any sort, public or private, directly or indirectly, for doing city work or selling city supplies. This is what is needed in St. John.

Mr. Kearney, the successful tenderer who was spoken of last week, is not unknown to Progress readers. Within the year he was engaged with a man named Stirling of Prince Edward Island, in a piece of sharp practice over some Prince Edward Island hay and oats. The other men felt very sore against Mr. Kearney.

An Explanation the Next Day.

The Telegraph was not happy in its presentation of a portrait the morning after the death of Sir John Thompson. As an advertisement of its engraving bureau the black and smudgy blotch that distinguished the second page of the paper was not a success. But the evil effect had to be counteracted and so the following morning an engraving of Sir John Thompson

was printed upon a small square of finished paper and enclosed in the paper. This is a somewhat original plan, but in this case something was necessary.

CHRISTMAS AT ROCKHEAD.

It Has Been Decided That the Prisoners Shall Have Plum Pudding.

HALIFAX, Dec. 13.—The city council debated a weighty matter on Tuesday night. The question was whether or not the prisoners at Rockhead should have a Christmas dinner on December 25th, or whether they should be treated only to the ordinary diet. Of the eighteen aldermen there were two who desired that no plum pudding should be eaten by the collection of wife-beaters and petty thieves who have been gathered in behind the prison walls. Aldermen Eden and O'Donnell, "N'ddy," was against the "good things of this life" being doled out, and the philosopher from Ward 5 was of the same mind. And these two men strongly persisted in their views, even after Alderman Dettis asked them if they had ever read the 25th chapter of Matthew. The Rockhead dinner will be all right on Christmas day.

John Bull wastes nothing if he can help it. The admiralty authorities claim that the city water is so injurious to the boilers of the warships on this station that they have been compelled to obtain their supplies from Dartmouth, on the other side of the harbor. Dartmouth has just completed the introduction of its water service. The admiralty is charged a fixed sum of \$500 per year for the water used in the dockyard and in any other way they like, and because the ships go across the harbor for water they asked that the \$500 be reduced. Engineer Doane, who was asked for his opinion, turned the tables on the naval authorities, reporting that instead of a reduction in the charge there should be an increase, because, since the arrangement was entered into, so many taps have been added by the navy people that the amount of water consumed is greater than ever, and Lawyer J. T. Butner threatens to make a lively lawsuit against the city on behalf of the heirs of Rufus Keating, who died from injuries received at the Stairs, Son and Morrow fire. He will endeavor, in claiming \$1,000 damages, to show that Keating would have been yet alive had there not been the grossest kind of mismanagement on the part of somebody at that fire. The evidence for the plaintiff promises to be rather sensational if the matter reaches the courts.

The Demand has Tried us.

The extraordinary sale of Progress in Halifax of late has made it almost impossible for all the papers to be sent off by the first train on Friday. Sometimes all of the newdealers get their bunches and sometimes a few of them are missed but in the main a large portion of the papers are sent off by the first train. This week's Progress aims not only to get the bundles off but the single subscriptions as well. As a rule the larger bundles are done up first but in the future agents and subscribers will have equal chances of getting their papers on time.

They Are Desirable Premises.

Now that Progress has moved, the stores in the masonic building that were occupied by the paper for the past five years are to let. It is not necessary to say that they are central, nor that they are on a good street for almost any kind of business. They are spacious and light in the front and rear and are really very desirable. They will be rented reasonably from now until the first day of May next. Apply to the publisher of Progress.

Rev. Mr. Little's Case.

The case of Rev. Mr. Little has been referred to in Progress so often that it is not necessary to go over the ground now. The charges against him have been commented upon again and again and while his trial is going on before a church committee it would not be fair to say anything further. Mr. Little is defended by Mr. Macintyre and the parishioners are represented by Mr. C. N. Skinner.

Watches as Christmas Presents.

Anyone who wishes to give an especially valuable Christmas present could not do better than get a watch at Messrs. A. & J. Hay's. He would there get surprisingly good value for his money. But there are many other presents, both useful and ornamental, that cost very much less, which the Christmas buyer can also get at A. & J. Hay's.

Get Your Picture Taken.

There could scarcely be a more acceptable present to give a friend than a photograph of oneself. Mr. Isaac Erbs is known as an especially good photographer. So Mr. Erbs will undoubtedly have the contract for supplying many a Christmas present this year.

Sir John's Funeral at Halifax.

The fact that Sir John Thompson's funeral will take place in state at Halifax, will give many Maritime province men an opportunity to attend. The warship Blenheim will sail from England with the body for Halifax.

Celluloid Photo Frames, Lowest Prices, at McArthur's, 90 King Street.

Large assortment Teachers' Bibles, Lowest Prices, 90 King Street.

Pocket Bibles, Lowest Prices, McArthur's Book Store.

Bargains in Funny Goods, McArthur's, 90 King Street.