

# PROGRESS.

VOL. VI., NO. 301.

ST. JOHN, N. B., SATURDAY, FEBRUARY 3, 1894.

PRICE FIVE CENTS.

## IT WAS A SPEEDY RACE.

### THE CHASE FOR THE POSITION OF REFEREE IN EQUITY.

Mr. Doherty died on Tuesday, but the applications for his place began on Sunday—Why Some Men Were not in it, and why Mr. Mullin Came out Ahead.

Five referees in equity are allowed for St. John, and there are also five men who wanted to be referees in equity, but who will now have to wait for the next vacancy. The sixth man has as good as got the place, for he has been recommended by those who control the local government patronage, and his appointment is only a matter of form. He is Mr. Daniel Mullin, the law partner of Dr. Quigley.

The vacancy was caused by the death of Mr. Charles Doherty, Q. C., early Tuesday morning. He had been ill for some days, and on Sunday it was understood that he was not expected to live. It was then the quest for his office began.

It may seem to many of the old-fashioned readers of PROGRESS, in the rural districts, that the ethics of even provincial politics demand that where the decease of a man creates a vacancy he should, at least, be pronounced dead before application is made for his place. This used to be the case, and even within the last few years it was reported of a very devoted office-seeker that, rather than be premature in his application, he had a watch kept on the house of a dying official, that he might have the first news of the lowering of the blinds. In other instances, however, the principle is that a rolling stone is worth two in the bush, and not only is no time lost but some time is gained by pulling the wires in advance of the vacancy.

Thus it was that one candidate for the position of referee in equity was to the front as long ago as last Sunday. By Monday another was in the field, and on Tuesday when the place was really vacant no less than six declared themselves as ready and willing to accept the appointment.

These were Daniel Mullin, John F. Ashe, T. P. Regan, Geo. A. McSorley, G. G. Ruel and C. A. Macdonald.

The last two early learned that they were not in it. Of the five referees, there is an understanding that two shall be Catholics, and so the place of Mr. Doherty belonged to one of his own faith. This narrowed the choice down to four, or strictly speaking, to three, for Mr. McSorley, having been brought up under the old school of professional ethics, deferred his application until after Mr. Doherty had been dead for some hours. He believed that he had claims to recognition, not only on account of his seniority but because the political record of himself and his family was straight from the days of the battles fought before the other applicants were born.

The race was between Mullin, Ashe and Regan, all of whom were government men. Had the choice been guided by the actual amount of work done for the party, perhaps Mr. Ashe would have been the man. Mr. Regan was a good government man, even though he was not conspicuous as a worker in the last election. Had it been thought he refrained in conformity with the suggestions of a certain disgruntled grit paper at that time, his chances would have been small. As there were other reasons for his temporary dereliction, his chances were fairly good.

But there seem to have been reasons why, with both Ashe and Regan in the field, it would be a better policy not to discriminate between the two, and to choose a third who was admittedly a good man for the place. So Mr. Mullin was made happy, and the others will wait their turn.

The selection of Mr. Mullin is admitted to be all right as regards the man, but the local government has some uncompromising liberals among its supporters in St. John, and Mr. Mullin in a conservative in Dominion politics. It is evidently not the idea of Mr. Blair and his friends to run provincial affairs on federal party lines yet awhile.

The increments, emoluments and accretions pertaining in the office of a referee in equity are represented by X, an unknown quantity. In some years they amount to a good many symbols of X in notes of that value. One of the number says he got \$200 out of the fees one year and \$75 another. Once in a while there is something better, but it is not every day, nor even every year, that a Nicholson estate case happens to strike the town.

### Death of "Hughie" McLellan.

"Hughie" McLellan is dead. The big, burly and hearty teamster who year after year has braved all the severity of the winters with apparent disregard, went down before the gripe and breathed his last yesterday. McLellan has for a long time been an important figure around PROGRESS office: on Friday afternoons, for he had three big loads of papers to haul to the train and post office. He was almost as punctual as time. When his memory failed him there was no few minutes about it—it failed him altogether, but his cheery un-failing humor never deserted him and he

was a general favorite. His first appearance in public was as leader of the Hawker Medicine Co's procession of teamsters. Since then and the appearance of his portrait in the newspapers an additional importance was given to the old man's life.

### WANTS IT PURELY LOCAL.

The Theory that a General Exhibition is Not Needed.

One citizen who takes a good deal of interest in local affairs thinks that PROGRESS ought not to encourage the project of holding an exhibition next autumn on the lines of exhibitions in the past. He says such affairs mean not only a waste of money at the time, but a resulting loss in the future.

Without a more careful consideration of the matter, PROGRESS is not disposed to give any opinion in the case which would be opposed to the present ideas of the exhibition association, but it can state what the opinions of the citizen in question are, and it may be he is not alone in his views.

In the first place, he claims that the present leading spirits of the association have crowded out those who were to the front in the first instance, and that it is run on the wrong lines. What is needed, he thinks, is a purely local exhibition showing what St. John can produce and has to sell, rather than one which advertises every other part of Canada to the detriment of St. John, and tells people where they can save money by purchasing from outside concerns. As to the money value to the city of the visitors attracted by the exhibition, he considers it not worth mentioning. Very many come on the cheap plan, arriving in the morning and departing at night, living on cheap lunches where they have no friends on whom to quarter themselves. They go away impressed with the exhibits from outside places, and when they have to buy anything in the future, they get their figures from those outside places rather than from St. John.

A local exhibition would be more to the advantage of the city, even if it did not attract so big a crowd, and not only would the direct financial gains be proportionately larger, but there would be something to build on for the future. No matter if the display is small, says the citizen, let it be a St. John exhibition, representing what St. John can do, and not what every other place can do.

Such are some of his ideas, and he expresses them with very much more emphasis than PROGRESS has attempted to give them. What has anybody else to say about the matter?

### MONCTON'S NEW SOCIETY.

Designed to Meet a Long Felt Want by Having a High Old Time.

A reliable Moncton correspondent writes that the "Non Es Swampos" quarterly installation was celebrated with its usual interesting and serious manoeuvres on Monday night, Jan. 29, at the home of the Swampos, where a high old time was had in carrying out the much appreciated and heart rending programme laid out for the occasion. Owing to the very long ceremonies connected with the new society it would be difficult to give anything but a brief synopsis of the proceedings. The new officers elected for the coming term are:

High extraordinary and most worthy chief, Prof. McDonald; assistant extraordinary and grand deputy, J. L. Corcoran; chief supreme and sole treasurer, A. H. Melanson; most worthy and grand secretary, J. H. Burt; his high serene recording secretary, B. Jones; grand spiritual and moral adviser, Com Tomo; most high chancellor, J. H. McDonald.

The installation thus concluded, the new elect officers and members were escorted to the city restaurant where was laid a magnificent spread of all the rare delicacies tastefully arranged for the occasion and nothing left to mar the joy of the appetizing look of the Swampor. After the sumptuous repast, toasts were delivered and responded to by the members. Speeches and jokes followed by the invited guests helped to enliven the many foolish looks of the long extorted expressions present. Then followed a grand musical rally in which the most noble artist participated. Combuette and violin duet. O come where the lamp chimneys blow. Mr. Corcoran and Mr. Jones; barj selection. On the Bridge at Midnight, Mr. Melanson. This piece was particularly well rendered and merited much credit to the artist in the way and manner in which the sweet paths of this magnificent scene was illustrated on his instrument. Violin solo, Fantasia, Skylarking in Tabooaintac, Mr. McDonald; harmonica and skatelle duet, The Skating Glee, Messrs. Jones and Burt; quartette, Sweet Angelina, Messrs. Como, Cocoran, Jones and Melanson.

### Added to the Fund.

The fund for Mrs. McQueen was increased this week by a contribution of \$2 from St. Stephen. Those who have shown their kindness in this instance will be glad to learn that much good has been done by their contributions.

## STARTED IN THE CHURCH.

### WHY ANGUS MCGILLIVRAY HIT AN APOSTLE OF REFORM.

Dr. E. P. McLean Met an Awkward Man in a Row—The Doctor Went to Bed and His Adversary Went to Court—What New Glasgow Has to Talk About.

HALIFAX, Feb. 1.—An interesting affair at New Glasgow has just been settled, for a time at least. The facts are, in brief, that during the week of prayer in that town, Dr. E. P. McLean, a dentist of some repute, entered the united presbyterian church. Rev. W. T. Stackhouse, a young baptist minister, was in the chair. Dr. McLean stood up at the first opportunity and displayed some pages of manuscript which he asked permission to read. Mr. Stackhouse feared something too sensational was coming, but his good nature forbade him refusing the request. So McLean began his recitation. It was not long ere he got to the point of his paper, which was a bitter attack on Rev. Andrew Bowman, the pastor of St. Andrew's church, known as "the kirk." Mr. Bowman is a Scotsman, and a popular gentleman, of fine appearance. McLean charged that Rev. Mr. Bowman was not only the friend of the liquor dealers of the town, but that he was also not altogether personally free from a degree of slavery to the drink habit. This statement called forth hisses from the congregation, despite the fact that it was a prayer-meeting. Mr. Bowman rose in his place and blandly urged the meeting to allow McLean to finish his onslaught, evidently enjoying the scene more than anyone else in the congregation, unless it was the audacious reader. "Thus ended the first lesson."

Next day Dr. McLean was proceeding along the street, possibly thinking of his effort of the night before. His fierce black moustache was pointed with defiance and his countenance wore an expression of calm satisfaction, as if he were a man who had done his duty and were prepared to do it again.

Suddenly he was accosted by Angus McGillivray, a tall, strapping fellow. This citizen is a recent convert from another church to the fold of Rev. Mr. Bowman. He was filled with all the ardor of a new disciple, and he determined to show his faith by his works. McLean was asked why he had dared malign the minister. No satisfactory reply forthcoming McGillivray informed his man that he was about to beat him for his unseemly language, and without further notice he made good his threat.

Dr. McLean has the reputation of being able to handle himself, but that morning the streets of New Glasgow saw a one-sided contest. McLean's defeat was as decided as Mitchell's at the hands of Corbett, with this difference, that "Charlie" was able to about next day, while, in the case of E. P. McLean, he had to go to bed and stay there for some days. When he rose he determined to invoke the law, and Angus McGillivray was arrested on a charge of assault. The preliminary examination should have been held by Stipendiary Roy, but McLean objected to him on the ground that he was prejudiced, having decided a previous case against him. Two justices of the peace accordingly conducted the examination, and the result of their work was that on Saturday last McGillivray was committed for trial for assault and battery. "Thus ended the second lesson."

The third will be at the June sitting of the supreme court judge at Picton, when McGillivray's trial will take place.

### Where Action is Needed.

HALIFAX, Feb. 1.—What has become of the laws and privileges committee of the city council? They have an important matter before them which requires haste. The council, weeks ago, charged the committee to look into the condition of the police court and Stipendiary Mottan's management of it. But nothing yet has been heard of the committee's work. The police court is in a scandalous state, and everybody who has any business there knows it. The appointment rests with the provincial government, and they would probably take action if only the city council would call attention to the immediate need. No one likes to take the initiative, but the aldermen, or the bar society, or the government, need to "brace up" at once.

### His Heart Was Always Young.

The death of Mr. Charles Doherty, removes not only one of the most familiar figures from among the citizens, but one of the most genial and universally liked men. Mr. Doherty's heart was always young, and many were surprised to learn that he was in his 82nd year at the time of his death.

### In Re Porter versus Ford.

Mr. Ford had the use of the room in the Church of England Institute for his choral class, Wednesday evening, but the question of his continuing as a tenant must be settled by the council of that body. The exchange of compliments between him and Mr. Porter has not been continued in the Sun this week. Members of the Ora-

tory society, conducted by Mr. Fisher, assisted at the Boyd memorial service, and at the request of the vice-president of the society, Mr. Ford took charge of the organ. Mr. Porter was not among those who raised their tuneful voices on that occasion.

### HORSE CURIOS ON THE BORDER.

One of Them is the Guest of the Customs at Clarke's Stable.

ST. STEPHEN, JAN. 31.—The two topics of interest in our flourishing little place during the past week were the selection of the town officials, and the Corbett-Mitchell contest. The tastes and interests involved in these matters are different in sentiment, and widely separated in distance, but the broad minds and keen visions took in both with pleasure and profit; pleasure at having no opposition, and profit where the cash was rightly placed. I have said selection, for no election was held. The then expectant mayor was not anxious for the honor, and would not accept until a council of good businessmen were appointed. He will make a competent mayor.

We have a trio of horse curiosities, Linus and Marquis, whose combined manes and tails measure sixty-four feet, and Lindsay, the 2.40 trotter, which for three months has been the guest of the government at Clarke's stable, where by the owner of the horse he is allowed no exercise. The interest of the public is as keen as ever in awaiting the decision of Mr. Clarke Wallace, or as some say, on the outcome of our detective Bonness, who hitherto has claimed and boasted that his authority in this and all previous matters has paramount influence with Clarke Wallace. He is ill, has the grip, when will he lose it? What better time than the present, as the result of his determined attempt to free Todd, his son-in-law, from his liability in the seizure. The stallion and Bangor buggy seized by officer Hyslop and which Bonness and family are trying to retain on the ground of mistake in entry are both well known to be American property. Is it probable or even possible that these two pieces of property, namely the stallion and buggy, could be mistaken for a mare and open buggy by two such horsemen? Query. Can a citizen of St. Stephen, born in the Dominion, board a few months in Canada, bring all his American purchases in free of duties as settler's effects? If so, it is a wrinkle worth knowing. Will Mr. Clarke Wallace inform us? If Bonness can clear his son-in-law from this seizure and can escape himself from the consequences, he is indeed in rank higher than Mr. Clarke Wallace.

As regards him, however, such a course was a great mistake. In a very short time everybody who thought it worth while to ask learned who the attorney was. The unfortunate part of the matter was that, from the attempt to hide the name, those in possession of the bare fact were liable to think that there was a story which interested parties were anxious to suppress. Such a supposition would be manifestly unjust had the attorney good grounds of defence; and were it known beyond doubt that he had wronged an estate, there is no reason why his malfeasance should be cloaked. A great injustice was done somebody, on one side or the other, and it is but right that PROGRESS should point out this mistake.

The ladies mentioned in the motion represent the widow and the daughters of the late T. T. Handford, who was himself an attorney, and who died a number of years ago. Mr. G. Sidney Smith was the solicitor and trustee of the estate, until about five years ago, when the daughters had become of an age to assume a responsibility for the property of their father. Then Mr. Smith ceased to be the solicitor, but the fact that he had been, might have led the public to suppose that he was the mysterious "A. B." He was not. The attorney whose name was concealed is Mr. Miles B. Dixon.

### FOUND NO IRREGULARITIES.

Customs Investigation of the Case of Mr. Eckersley of Halifax.

HALIFAX, Jan. 31.—The investigation into the charge preferred by a Halifax firm against John Eckersley, of the customs department, (particulars of which were given in PROGRESS recently,) lasted a whole week. A very large number were examined, including nearly all the clerks in the department. The evidence went to show that the revenue had suffered not a farthing's loss and no irregularities on the part of the firm concerned could be shown. It seems that the desire on the part of Mr. Eckersley was not so much to show loss of revenue, as to make it evident that certain officials allowed two warehouses to be considered one as far as entering or taking goods out were concerned. In fact, 'tis said Mr. Eckersley was trying to hit another official over the importer's shoulders. The official who allowed the goods to be handled as above, claims to have no fear of an investigation, as he has precedent on his side. Ten or twelve customs lockers stated that everything had been going all right.

The circumstance of Mr. Eckersley refusing to give up the permit, it is understood, was corroborated by two officials who were present at the time. The shortage claimed by Mr. Eckersley as existing, it is alleged, was shown to have no existence in fact, the inspector having counted the stock and found it over-run.

All the evidence will be sent to the department at Ottawa, after which a decision will be given.

### Temperance and Intemperance.

It would seem that in the laudable effort in promoting temperance as to what goes into the mouth, Rev. E. J. Grant, of Sussex has overstepped the bounds of temperance in what goes out of the mouth. That is to say he has been held to bail for \$3,000 in an action for criminal libel. It is a debatable question whether it is liquor or the opposition to it that has upset the harmony of Sussex for the last few years.

### Everybody Liked Him.

The news of the passing away of Mr. Arthur S. Busby, formerly general passenger agent of the Intercolonial railway was received with honest regret by all who had known him. He was the kind of a man whose nature won him friends in all the relations of official and private life, and he will long be pleasantly remembered.

## NO CAUSE FOR AN ALIAS.

### THE MISTAKE OF SOMEBODY WHO MADE A MYSTERY.

A St. John Lawyer Is the Subject of a Supreme Court Motion—The Injustice Done Him by His Friends—Some of the Facts of the Case in Question.

The following motions were recorded in a Fredericton despatch to one of the daily papers, as part of the business at Hilary term of the supreme court:

Ex parte Louisa C. Hanford, Eliza T. Hanford, Janet H. Hanford—In the matter of A. B., an attorney, I. Allen Jack moves for rule nisi for attachment against A. B., an attorney, for not paying over certain moneys in his hands; rule nisi.

Ex parte Louisa C. Hanford, re A. B., an attorney, Mr. Jack moves for rule nisi against A. B., calling upon him to render an account of moneys collected; rule nisi.

There is no such person as "A. B." on the roll of attorneys of the supreme court of New Brunswick, though there is frequent reference to such an individual in the graphic tale, to'd in Tidd's Practice, Chitty on Pleading and other literature which old jurists praise and young students curse. In the eyes of the law "A. B." has no more a body and soul than an incorporeal hereditament, which is "a creature of the imagination and exists only in contemplation." It was, therefore, so evident that "A. B." was an alias that the curiosity of the public was excited ten times more than the real name of the attorney had been given.

There is, however, no such fictitious person named in the motion actually made. The clumsy attempt at evasion appears to be due to the source from which the news was given out. Then, too, there may have been an understanding among the newspaper men that the name was to be suppressed out of regard for the attorney involved.

As regards him, however, such a course was a great mistake. In a very short time everybody who thought it worth while to ask learned who the attorney was. The unfortunate part of the matter was that, from the attempt to hide the name, those in possession of the bare fact were liable to think that there was a story which interested parties were anxious to suppress. Such a supposition would be manifestly unjust had the attorney good grounds of defence; and were it known beyond doubt that he had wronged an estate, there is no reason why his malfeasance should be cloaked. A great injustice was done somebody, on one side or the other, and it is but right that PROGRESS should point out this mistake.

The ladies mentioned in the motion represent the widow and the daughters of the late T. T. Handford, who was himself an attorney, and who died a number of years ago. Mr. G. Sidney Smith was the solicitor and trustee of the estate, until about five years ago, when the daughters had become of an age to assume a responsibility for the property of their father. Then Mr. Smith ceased to be the solicitor, but the fact that he had been, might have led the public to suppose that he was the mysterious "A. B." He was not. The attorney whose name was concealed is Mr. Miles B. Dixon.

To state this plainly is much more fair to Mr. Dixon than to have a whispered story wagged around with no explanation that there is another side to the case.

When Mr. Smith gave up his charge of the estate, the business was handed to Mr. Dixon, who acted as solicitor and agent up to a few months ago, when he was succeeded by Mr. I. Allen Jack. The motions before the court are due to an impression of the heirs that Mr. Dixon has not properly accounted to them, and that he has not paid them all the money which the estate has yielded. Rumors as to the amount of the deficiency reach into the thousands.

On the other hand it is claimed that correct accounts have been rendered to the estate, by Mr. Dixon, from time to time, but that the receipts have decreased by depreciation in values, and that the amounts of certain charges for services are just as between attorney and client. In any case, they say, it is a matter of the adjustment of accounts and not a case where there has been misappropriation in the nature of fraud.

It will be time enough for the public to form an opinion when the merits of the case are brought out in argument on the rule nisi which has been granted. In the meantime Mr. Dixon has just cause to be annoyed at the buzz of curiosity caused by the attempt to conceal him under the ancient alias of a hero in the tales of Tidd and Chitty.

### Did He Get His Work In?

Judges Tuck, Hanington and Barker were detained by the storm, and did not reach Fredericton in time for the opening of Hilary term of the supreme court. Judge Palmer was there, however, and he kindly offered to fill in the time by arranging the circuit list for the year. The chief justice assigns the circuits, and the custom has been to consult the wishes of the other judges. As a result they have usually selected what they wanted, leaving the good natured chief to take what they left. Judge Palmer is well aware of this fact,

and if he arranged the circuits before the other judges arrived, and if the chief justice accepted it as his assignment, there will be more surprise than pleasure among the judges who were not on hand. It is not yet stated whether Justice Palmer got in his work in quick enough time.

### DRAWING A SOCIAL LINE.

A "Society" Leader Makes an Offensive Remark at the Bicycle Club Ball.

If the public will take their unsupported word for it, some people in this city are almost too good to live among the generally honest and respectable persons who form the community. There was a notable example of this the present week at the Bicycle ball, at which a "society" lady made such a needlessly offensive remark, that there has been a good deal of comment upon it. She evidently forgot what she was saying, for a moment's reflection should have caused her to regret it sincerely. The remark was particular, inasmuch as it applied to a number of young gentlemen whose standing for honesty and respectability in the city is unquestioned, and whose sole crime, perhaps, is that in working for their employers, their hours are from eight a. m. to six p. m. instead of ten a. m. to three p. m.

The young men who compose the Bicycle club and who gave the pleasant ball to their friends did not ask themselves any such question when they issued the invitations. The fact that a friend of any of them toiled at the desk or over the counter from 8 to 6 did not occur to them as a reasonable objection to his society. If any such suggestion had been made probably three-quarters of the club or more even would have stated with much distinctness that the same objection applied to them. They do not pretend to work half the day but all of it and enjoy the remainder as best they can. The guests they summoned to partake of their hospitality came in scores and the names of those who accepted their invitations, printed in another column, will show just how complete and joyful an assemblage it was.

But in spite of this Mrs. A.—could not help saying to Mrs. B.—that the ball would have been far nicer had not so many employees of this and that firm been present. Surely a needless piece of snobbishness, a needlessly offensive remark.

### DEATH SWIFTER THAN JUSTICE.

"Scotty" McGowan's Case Won't Come Up for Hearing in His Time.

A reader of PROGRESS in Halifax calls attention to the fact that the familiar figure of "Scotty" the truckman, will be seen no more on the streets of that city and in this connection refers to the assault made upon him a few months ago by an alderman of the city and the subsequent legal proceedings.

The case was taken before Magistrate Motton who refused to consider that the truckmen had any case against the alderman, though the evidence appeared to be plain enough.

But the magistrate did not care for that and the fact that the case went to a higher court did not seem to lose him any flesh. There was a good reason for this for no certificate of the case was filed and Recorder McCoy, who appeared against the appeal contended this.

As there was nothing to show that "Scotty's" case against the alderman had ever been before the police court of course there was no ground for appeal though it is said that at that moment the record was in the inside coat pocket of a gentleman present in the court room.

Another point was also raised—that of jurisdiction which the judge has not decided upon yet. It won't make any difference to "Scotty" what his decision is. His case lasted longer than he did himself and death was swifter than justice.

### It Ought to Be Settled.

The police this winter have laboriously written a good many of the names found on the assessors' list, as having neglected to shovel the snow from the sidewalks in front of their properties. There seems a good deal of humberg about this ancient bye-law, and the situation is complicated by the fact that the city snow-plows have done so much work that a good many people rely on them to do it all. It is clearly the duty of citizens to look after their sidewalks, they ought to be compelled to do it, and it is not their duty then they should not be periodically reported and annoyed.

### Enough to Astonish the Mr. J.

"One day in the spring of 1892 the people of this city were astonished to learn by the morning papers that Mr. Ezekiel McLeod had been appointed attorney general," says yesterday's Telegraph. Then to clinch the date, lest there should be a typographical error for the Sun's editorial sarcasm it adds: "The McLeod government fell in the early part of 1893, and Mr. Andrew G. Blair has been premier ever since." It was Major J. J. Tucker who recently remarked in a speech that he was often astonished when he opened the Telegraph in the morning and saw the news it contained.