

PROGRESS, SATURDAY, MARCH 2 1895.

A FLAW IN THE LAW.

THIS THERE APPEARS TO BE IN WESTMORELAND.

Cases which show that the enormity of the offence is not taken into consideration by the Judge—An Unblushing Compromise Effected by Money.

DORCHESTER, Feb. 27.—Two boys are inmates of the common goal here, each serving out a term of six months. Lockey McLeod "grew up" in the city of Moncton, spending his days on the streets and his nights wherever he could find a roof to cover him and the soft side of a plank to sleep on. He never had a dad and perhaps it would have been as well if he never had had a mother, as she abandoned him long ago. He is now sixteen, and to his credit be it said he can read and write. Where he acquired the little education he has it would be hard to find out. His offence was stealing a pair of pants from the outside of a store. They would be worth at the outside valuation not more than two dollars. About his guilt there could be no doubt, as he was taken with the pants on, and when they were taken off he was left very nearly as he appeared when he entered the world. On one foot he had a clasped shoe, on the other an old rubber. His apologies for pants were kneeless and seamless. He had no flag of distress, for his shirt was tailless. He had no drawers or undershirt and his head was adorned with a crownless hat. His trial before the stipendiary was short and his sentence brief—"Six months in the common goal", with nothing added in the shape of commiseration and advice.

Max Bellevue is a French lad he arrived at "The Corner," where he had previously worked for Mrs. Joshua Chandler, on the afternoon of the twelfth instant. He was well and neatly dressed, and had in his pocket a good silver watch with a fob chain attached. A spotless white linen handkerchief with the initial "B" on it peeped out from the breast pocket of his coat, while the streamers of his silk necktie fluttered in the wind. On one hand he had a gold ring. Everything seemed to favor his plans. His old mistress was spending the evening with a lady friend, the servant boy had gone for her and the servant girl was at a neighboring house. Max took a circuitous way and entered one of the outbuildings, broke a pane of glass, reached in, turned the button that fastened the window, opened the window, entered the house and went upstairs to Mrs. Chandler's bedroom, opened the box where she kept her valuables, took \$120 in bills and silver, two gold rings and a bottle of perfume. After this lucky find he went to the hotel, ordered his bed and retired.

When Mrs. Chandler discovered that her money and rings were gone she sent for her brother-in-law, the sheriff and other of her neighbors. A tramp had been seen the previous evening around "The Corner" and the theft was at once put by some to his credit. A track made by an outbuilding by a small neat foot dispelled the illusion. Max was found talking to some of his boy companions in the hotel barn, arrested and taken to the sheriff's office. His person was searched and about one hundred and nineteen dollars in bills and coin, two gold rings, a bottle of perfume, a suspicious looking lot of door and other keys, a cigar holder, a pipe and a quantity of tobacco found upon him. When questioned he said he brought the money from home. He was sent to goal for safe keeping and the next day examined and committed for trial. After he went to goal he inquired how much money it would take to procure his release, saying that the boy LeBlanc who robbed the post office here had paid fifty dollars. He was astonished when told that he could not, as LeBlanc had done, purchase his liberty, and he afterwards, by the advice of his friends, clerical and lay, made up his mind to throw himself on the mercy of the trial judge and plead guilty.

Max was brought up for trial last Monday before Judge Wedderburn and pleaded guilty to the charge of breaking and entering and stealing. A number of certificates were read from clergymen, professors, doctors and esquires. Reduced to common English, they stated that the said Max was one of seventeen children, that his father was seventy-five and his mother about seventy, that he was sixteen, that his father and mother were honest, respectable people, that the same was true of his fifteen living brothers and sisters, and that he had never before been charged with theft. Judge Wedderburn's address to the prisoner was, as all his addresses are, of unsurpassable eloquence. He spoke of the prisoner's aged father and mother and how they must feel about their baby boy, of his brothers and sisters and the stigma he had brought upon them. He dwelt on what a terrible thing it would be if he was sent to the penitentiary. He portrayed what the feelings of the father and mother would be when the prodigal son returned to them. I am sorry that I cannot give the address as it was delivered, but for fifteen minutes he

rained the shower of his eloquence on the duck's back, and wound up with the sentence that he should be imprisoned in the common goal for six months with hard labor. The judge's heart had perhaps been touched by persuasive eloquence that had inspired his own. Max is now boarding in the common goal and the ratepayers of Westmoreland will have to foot the bill, which they would not if he had been sent to the penitentiary. The hard labor part of the sentence amounts to nothing, as no provisions can be made to carry it into effect and the prisoner will spend six months in luxurious idleness, as he can neither read nor write. In this Lockey McLeod has the advantage of him unless Lockey will read aloud for his amusement. It is said Lockey has a New Testament and some other good books.

One thing the judge overlooked. The certificates all read that the mother was "about seventy, and her baby boy sixteen." This oversight was a lost opportunity. The judge could have referred to Abraham and Sarah and woven the history of Isaac into his address, and told the prisoner what a good boy the latter was notwithstanding the great age of his mother when she "laughed." Some however say that Sarah and Mrs. Bellevue's are not parallel cases, and that whoever wrote the certificates rather stretched the truth.

A few words about the unsteady tread of justice in Westmoreland. A few years ago two young men were arrested for a criminal assault on a servant girl. The evidence of their guilt was indisputable. The matter was openly and unblushingly compromised by the payment of a sum of money.

Two boys not long ago broke into a store and stole money and goods. One was the son of respectable parents, the other, the youngest of the two, a mere street Arab. The former paid down a sum of money to the complainant, the Arab was sent to goal.

Two young men, as bad as they make them in Moncton, were arrested, tried and convicted for theft. The only extenuating circumstance was, they were respectively connected. They were sent to the reformatory.

A young man was convicted of breaking into a dwelling-house and stealing therefrom. He was respectfully connected and was sentenced to "the common goal for nine months." The comfortable frost proof cell, the goal, was his resting-place by night, and the streets of the village and the hotel bar room his loafing place by day. Occasionally he went to a ball or party at a distance. Some weeks before his sentence expired he was turned loose upon society.

A young man with the assistance of false keys entered the post office here and took money and stamps. He was in the habit of doing this whenever he wanted pocket money. At last he was taken in the very act, and consigned to the goal until the papers could be made out to bring him up for examination. The next morning he was discharged by some commission of "goal delivery" unknown to the law.

In last December two boys, the oldest not over sixteen, were sent to the penitentiary for breaking into a shop and stealing therefrom. Two of their accomplices were tried in January, and one sent to the common goal for six, the other for nine months. The extenuating circumstance in one of the latter cases was, the accused was a married man, and in the other the accused was not very bright. Doyle was tried in January. He was a poor devil addicted to the use of anything he could procure that would make drunk come. He had found a case of gin on the veranda of a house and appropriated its contents. I have known very respectable people to steal liquor when the spell was on them. He was sent up for two years.

I could tell of many other cases all tending to show that the enormity of the offence is not taken into consideration as a general thing when the sentence is pronounced, and that the judge's heart is too often softened by the sympathy for the relations and friends of the criminal.

I have carefully stated the different cases that have come to my knowledge in as few words as I could use and make the circumstances plain to your readers. I could tell you of crimes of the most revolting kind that are passed in some parts of the good county of Westmoreland almost unnoticed, the excuse being it is useless to send respectable criminals up for trial to slip through the wide rents in our criminal law as now administered.

Indian's Suit for Loss of His Hair  
Hoit Soit, an Indian of the Umatilla Reservation, Oregon, had his hair cut off by the Indian Court last week for drunkenness. He bore the same a fiction eighteen months ago, but since then it has been decided that Indians to whom lands were allotted in severalty are American citizens. Hoit Soit comes under this head, and so he brought suit against the Indian officer who cut his hair, claiming \$200 damages. He won his case, but the defendant will appeal to higher Courts.

FEMALE SHOP THIEVES.

MANY WELL-TO-DO WOMEN WHO STEAL GOODS

From the Leading Stores of Boston—Some Will Pay Bail Rather Than Appear in Court—Some are Loaned Money to Pay Fines and Never Return It.

BOSTON, Feb. 26.—While looking up the subject of shoplifting a short time ago, I learned among other things of interest about people who are caught in the big department stores, that a large percentage of them are women from the provinces, or, as Mrs. Outhank, the matron of the Woman's Prison, termed them, "dressmakers from New Brunswick and Nova Scotia, who seem to have an idea that when they see goods in such quantities on the counters of the big stores, it is common property, and they help themselves."

She seemed to have rather peculiar ideas about provincial women, but strange to say, although she has been connected with the Tombs for a long period of years, and has had to do with nearly all the female offenders who have been arrested during that time, she has a good deal of sympathy for shoplifters of the unprofessional class, which comprises the large majority of those arrested.

The extent to which stealing is carried on in stores such as Jordan, Marsh & Co., Houghton & Dutton's, and White's is surprising. Each of these stores has a large force of floorwalkers and other who have an eye open for people with a propensity for appropriating that which is not their own, and within a short time women detectives have been employed, under the direction of Joe Knox, the inspector from headquarters who has been for many years detailed especially for the shopping district. The number of women arrested shoplifting during the holiday seasons sometimes runs as high as thirty a week, and the members of big firms say they do not calculate to catch one in ten of them. It was estimated at the time I made inquiries that the amount stolen from the leading stores ran into the hundreds of thousands of dollars annually, and that those who stole small articles could go about from store to store and city to city, making a big profit without being in danger of arrest, the merchants claiming that they do not have any of them apprehended who are not seen stealing more than once.

Shoplifting has been going on to such an extent recently, that the merchants began to talk freely about it, complaining that those arrested were not dealt with in such a manner as to have the desired effect. They also complained that there was too much sympathy shown to shoplifters at the Tombs, and that conditions were such that a woman could be arrested, bailed out and fined the next morning without even her husband knowing about it.

There have always been persons around the Tombs and the court on the lookout for prisoners willing to pay good interest on money loaned for bail or fines. When a shoplifter is arrested, no matter whether she be a professional or one of those unfortunate who could not resist the temptation to help themselves, her first thought is about getting out again, or to be able to keep from going behind the bars during that time that must elapse before she can be brought before court. They are willing to do or promise anything, and money is no object if they can only get out. Some want to send to their friends, but many would rather go to prison than have their friends know of their predicament. When they learn that they can get somebody to bail them out, no time is lost in asking that a messenger be sent for him, and this request is of course granted. A woman who gets out in this way has to pay all the way from 25 cents to \$1 for a messenger, and it will cost her \$5 to borrow the bail money. Two dollars more must be paid to the bail commissioner, and, with all these charges, she pays a pretty good fine before she has been brought into court at all. At such a time, however, expense is seldom thought of, and if the shoplifter has been plying her business for any great length of time before she is caught, she has probably made enough to pay all the bills.

The stories told of women arrested for the first time, many of them are wives and daughters of well known and well-to-do people, are decidedly interesting, as showing how hard it is for some to resist the temptations which beset them in the big stores, and their grief and anxiety when they are caught and come to a realization of what they have been doing. Mrs. Outhank, the matron at the Tombs, has material for a good selling book of reminiscences, if she ever thinks of writing one.

"The professional shoplifters are seldom caught," she said when speaking on the subject. "I do not believe that in the 10 years I have been here I have had more than 10 professionals. The amateurs are easily caught, and I think that very many are arrested before they have stolen enough to pay even a small fine. When you see a richly-dressed woman, who shows every evidence of good breeding, brought in here, you cannot help showing some sympathy for her, for when she realizes the position she is in it is really pitiable."

"Those who merely stole because they could not resist the temptation when they saw so much lying around loose in the stores do not cry or take on half so much as the professionals, or those who have



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been stealing now and again for some time and have not been caught before. Those of the better class simply say: 'Well, what a fool I was to take that; I didn't need it, and, if I had wanted it, had money enough to get it out on bail. We very often have a woman who will tell us that she would rather go to prison than have her husband or friends know that she had been arrested, and will ask us to send for somebody from whom they can borrow bail.'

"I have felt so sorry for some of these women that I could not refuse to help them myself, but I only remember of one case where I got my money back again. That happened a short time ago. A woman was brought into the prison for shop-lifting. She lived a short distance out of town, was fairly well dressed, and I do not think anybody who saw her could doubt that up to the time she was caught she had been very respectable and associated with a good class of people. Her greatest anxiety seemed to be about getting home to her children, and when you hear a mother talking and crying about her children it is pretty hard.

"I loaned her enough money to pay her fine, and she left some parcels, which were about half the value of the money, as security. Although I had considerable sympathy for her and thought she had told me the truth, I did not expect to hear from her again. A few days afterward, however, a man came in here and asked me if a woman of the name of the one I had loaned the money to had been arrested. When I answered in the affirmative he seemed a bit startled; then he told me that he was her husband, and that she had told him that she had been arrested, but, as she had been sick up to the time she had come into Boston, he thought she had gone out of her mind, and was laboring under the delusion that she was a shoplifter. When she told him about it first, he paid no attention to what she said, but when she asked him a number of times to go into Boston and pay the money she claimed to have borrowed to pay her fine, he finally decided to visit the Tombs and find out how much truth there was to what she had said.

"I do not think half of those arrested realize what they have been doing until after they have been brought here. The temptations offered them in the big stores are so great that they cannot resist it. Perhaps a woman is waiting for change, and is standing at a counter piled up with hosiery. It seems the easiest thing in the world for her to slip a pair into the bag without being seen. I have no doubt that the number doing this right along and who escape detection is very large.

"Some come in from the country, and seemed to be dazed at seeing so much that they want lying within easy reach. A young girl brought in here at one time said she could not understand how the police had seen her take the article she had stolen, and asked me if anybody else had been arrested.

"Why do you ask?" I inquired. "The people all around me were taking things from the counter when I did, and I was just wondering whether any of them were caught, too," she said, innocently.

"I remember another case and it was a very sad one. The woman got a year at Sherborn, the judge deciding that she was a professional. She told me all about her case, and I cannot help believing that she never stole anything in her life before that day. She was a housekeeper in a family a few miles outside the city, had always borne a good reputation and was generally respected.

"She told me that she had come into town to do some shopping, and had seen so many things that she could not resist the temptation to take some of them. She took first one thing, then another, and it seemed so easy to conceal them without being noticed that before she knew it she had more than she knew what to do with. She went into the toilet room, and, finding a piece of string on the floor, took all she had stolen and tied them around her waist; then went out into the store again, and the very next article she picked up she was caught. When she was searched the other articles

were found on her. The judge thought nobody but a professional could work a scheme like that and gave her one year. She appealed the case, but the higher court sustained the decision of the lower one and she had to go to prison. She told me that she had never thought of stealing anything when she left home, and the thought of having her people know that she was in prison almost distracted her. She said she had \$700 in the bank and would willingly give every cent of it if she could only keep her misfortune from her friends.

Mr. Isaac S. Cohen is an affable little Hebrew who furnishes bail for shoplifters who either have no friends they can send for or are afraid to let their friends know that they are under arrest.

"I think I have done a great deal to help some of these unfortunate people," said Mr. Cohen, "for in many cases the husbands of the women arrested could not bail them out if they were notified without having their friends know it and bringing disgrace on the family, which it would take a long time to live down. Why, it is only a short time ago that I furnished bail for a minister's wife. She knew that her husband could not appear in court without somebody finding it out, and the result would probably have been the loss of his church as well as his social position. After it was all over this minister came to me and thanked me for what I had done. "Just before that I bailed out the daughter of the pastor of a church in Cambridge, and I have been of service to a good many school teachers and the wives of doctors, lawyers and business men who have been caught shoplifting. They are willing to pay any amount of money rather than appear in court, but I usually induce them to appear and get off with a fine.

"I recall one woman who was arrested, and who had \$450 in the bank. She wanted me to take \$200 and forfeit the bail of \$150 so that she would not have to appear. She gave me an order for the money, and handed over the bank book, but I did not draw any. I simply took her up to the court, and a fine of \$30 was imposed. Then I gave her the book. If I had not taken it the night before she would not have appeared in court, the bail would have been forfeited, and she would have drawn the money herself to pay me.

"The law allows anybody arrested to get bail if they can, and I believe a great many of them are saved from disgrace by being able to send for me. It is not long ago that a young woman was arrested who had only been married a week. She came of a good family, moved in good society, and her husband is a prominent business man. She told him what had happened, and I never saw a man take on so in my life. He almost went crazy over it, although their friends do not know anything about it to this day.

"I know another respectable young woman who had only been married a few days, and was caught stealing a pair of gloves. But I find that shoplifters of this class always learn a lesson they never forget; or, at least, I never hear from them again. I think that the only person sent for me twice was a policeman's wife, who was arrested a short time ago for larceny. I refused to go her bail the second time. "When the persons arrested are poor, and have not enough money to pay their fines, I find it pretty hard to refuse them, for when a woman finds that she will have to go to jail because of her inability to raise \$15 or \$20 a man cannot listen to her very long without giving her the money. It is in cases of this kind that I sometimes lose. The largest amount I ever lost was \$50. Two Charlestown dressmakers were arrested, and I bailed them out. They were fined \$25 apiece, and they pleaded with me to let them have the money. They were very respectable, but poor, and I let them have it. I got a ring worth about \$10 as security, and that is all I ever got, although I have tried to collect the money a number of times."

"I remember one case where the woman said her husband was a business man in Lynn. I telephoned to a friend of mine there, and found that there was a man doing business under the name and at the address she had given, but I felt suspicious of her, and when we reached the Union depot I decided to go along to Lynn. When we reached there I had just about 10 minutes to catch the next train back. The woman showed me the place which she

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had said was her husband's, pointed to the sign, and said they had rooms above the store. I left her there and she went up stairs, but I somehow felt that she was not telling me the truth. I knew that if she did not live there she would come out again after she heard the train start for Boston, so I went across the street to a doorway and waited. Pretty soon I saw somebody come down stairs and look up the street. At last a Swampscott car came along, and the woman came out and got on board of it. I followed her, and also got on the car. Then I went in and sat down beside her.

"Don't you think you have gone far enough?" I asked. "Then she began to take on, and I persisted that she must come back to Boston with me. She said she would take me to her mother's house, and, after some talk, I consented to go. Her mother felt very badly over it, and promised me that her daughter would appear in court in the morning.

"She came to me in the morning, and wanted me to take \$200 and forfeit the \$200 bail, but I wouldn't do it, and she had to appear."

Grand opera is engaging the attention of Bostonians with big pocket books this week. Seats can only be had at a premium, it at all. The majority of the tickets passed through the hands of messenger boys and men of leisure who usually make their headquarters on the common, but who did not object to standing in line before the box office window for two days and two nights waiting for the sale to begin.

Mr. S. A. Wetmore read a paper before the Boston Master's club at Young's hotel one evening last week. The subject was, "The Modern Newspaper."

Mr. John Gleason, of W. C. Pitfield & Co., St. John, was here on a vacation and business trip last week, and met a number of former St. John friends. R. G. LARSEN.