

PROGRESS.

EDWARD S. CARTER, EDITOR.

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SIXTEEN PAGES.

AVERAGE CIRCULATION 13,640

ST. JOHN, N. B., SATURDAY, DEC. 7

STRAINING AT A GNAT.

It will be observed that, for some weeks past, the police have ceased to report the sellers of beer, tobacco and candy on Sunday as violators of the law relating to servile labor on that day. The police magistrate, it is true, decided that such sales were contraventions of the back-number statute, and apparently confident that he was right, the police continued to report alleged Sabbath breakers for some time after the test case was carried up on appeal. Then they dropped the matter as suddenly as they had started it, having apparently come to the conclusion that they were handling very small potatoes, whatever the law might prove to be. It is a pity that whoever was responsible for the remarkable crusade had not come to this conclusion in the first place. In the meantime, months have passed and the judges, apparently, have not yet been able to come to a decision as to whether the sale of beer, candy and tobacco on Sunday is or is not servile labor. There has been no judgment given in the matter.

They do these things differently in New York, but that is because they have some unquestionably plain laws on the subject of Sunday desecration. Their laws, it is true, are so old that most of them were unknown until some cranks resurrected them and insisted on their enforcement, and the chances are that most of these relics of a former age will be repealed or amended as soon as the legislature gets at work in earnest. In the meantime, they are being enforced, and some of the crimes that were committed in the wickedest city of America on Sunday last are worthy of mention.

One of these was the sale of five cents worth of sugar by an old woman who kept a little grocery. The accused was not a policeman but one of that class of sneaks who try to pose as reformers by inducing people to break the law and then denouncing them for doing so. He bought the paltry parcel of sugar and then called for a policeman, who locked the unfortunate old woman up until the next morning, when a nineteenth century magistrate held her for trial in default of one hundred dollars bail. Another achievement of the same reformer was the purchase of a collar from a small dealer, on the plea that his clothes had not come home from the laundry, and that he was in absolute need of such an article of apparel. The dealer obliged him, and a minute later was in charge of a policeman.

Other alleged criminals were arrested for driving grocery and bakery wagons on the streets, one man was taken in custody for selling a piece of cheese, and still another for selling a button-hole flower. It seems incredible that in a city where vice flourishes as it does nowhere on the continent such a petty tinkering with out of date statutes should be the conspicuous work of the authorities. It is a notable modern instance of the Parisee straining at a gnat.

One result of this remarkable activity in New York last Sunday was that the reports of violations of the liquor law were smaller than usual. There were scarcely any, in fact. The crusade against vendors of harmless wares seems to have required all the attention of the authorities to the exclusion of more vital matters. This is very apt to be the case at times, when municipal authority gets excited over a fad.

So it was in the spasms of virtue which afflicted St. John last summer, when the police busied themselves with trying to carry out a law of doubtful interpretation, while barrels of liquor were sold at retail in violation of a law of which there was no possible doubt. True it is that the keeping open of shops of any kind on Sunday is not a desirable feature in any community, but in the face of so many worse evils which demand a remedy, this diligence of the authorities in petty matters is a waste of time and energy. It is notoriously so when the crusade is made under laws enacted when the social conditions were different from those of the present day, and a law has to be tamed and twisted to give it the semblance of an application. If the selling of paltry wares on Sunday is likely to become a public nuisance, there should be legislation adapted to the conditions of the present day—a reasonable law which people will respect. It is of little use to attempt to enforce any law which has not the support of public opinion.

END OF A FAMOUS CASE.

One of the famous murder cases which has been before the Canadian public for the last year or two has been ended in a manner satisfactory to the accused. On Saturday last, at Toronto, the jury in the case of the HYAMS brothers brought in a verdict of not guilty, which announcement was received with manifest approval by the audience. The prisoners were discharged, but were rearrested on the charge of conspiracy to kill, one of them being also charged with forgery.

The HYAMS brothers, sometimes called the "Hyamose Twins" were charged with the murder of a young man named WELLS, in January, 1893. The brothers had a storage warehouse in Toronto, and WELLS was in their employ. His body was found in the cellar of the building at the foot of the elevator well, and near it was the heavy weight used to balance the hoist. The story told by the HYAMS was that while one of them was adjusting this weight it slipped and fell on WELLS, causing his death. This story was accepted as true at the time, and suspicion was only aroused by developments at a later date.

A short time before this occurrence, one of the HYAMS had induced WELLS to get his life insured to the extent of about \$33,000, the policy being payable to his sister, MARTHA WELLS, who was engaged to be married to HARRY HYAMS. The latter paid the first premium on the policy. A month after the death of WELLS, the two were married. This of itself had a suspicious look, but little appears to have been thought of it until a year later, when Mrs. HYAMS learned that her husband and his brother were trying to get insurance to the amount of \$200,000 on her life. Fearing their intentions she consulted a lawyer and talked of the matter so that it became a subject of comment, and brought up the story of her brother's death while heavily insured. There seemed so much probable motive for murder, that the brothers were arrested. The trial began in May last and continued for two weeks, creating a vast amount of interest. The result was a disagreement of the jury, and the brothers were again put on their trial in November, finally securing an acquittal, after a hearing of more than three weeks. This was not a surprise, for at the previous trial the disagreement had been due to the presistency of one juror in believing the prisoners guilty, the other eleven favoring their discharge. At the last trial, too, the judge ruled out much presumptive evidence against the accused, and his charge was greatly in their favor. It took the jury only about fifteen minutes to arrive at their decision.

The case has been one of the most determined fights in the history of the criminal courts of Canada. The prisoners had plenty of means and friends at their command, and no less than four able lawyers, assisted by two from New York met the prosecution at every turn. Whatever money could do was done, and it is estimated that while the cost of the prosecution has been about \$60,000, the prisoners have gained ten times that amount. Whether they would have been cleared had they been unable to secure such able defenders is a question that cannot be answered. Possibly they would have done so, from the fact of the absence of any direct evidence of murder, and the grave responsibility any jury would feel in pronouncing men guilty on presumptive evidence of this kind only, even though the circumstances were enough to warrant such grave suspicion that they could not be ignored without the thorough investigation a trial would afford. The essential point of a murder was not and could not be proven, and the jury have declared by their verdict that the death of WELLS was an accident.

The acquittal of the HYAMS, even though many may be morally certain they were guilty, is no reflection on the way in which Canadian courts deal with accused who have money to fight their accusers. This, however, will not prevent a current impression that money and influence are valuable aids in a court of justice, even where a man has a good cause. It is not equally true, however, that money and influence will avail a man whose guilt is made clear, even with all the obstructive facilities which are found in the procedure of United States courts. Money did not save BUCHANAN, the wife killer, nor can it be supposed that any amount of wealth would avail to save HOLMES from the sentence passed upon him.

WESLEY'S WAR POEMS.

Some searchers of manuscripts have made a find of hitherto unknown poems by CHARLES WESLEY. There prove that during the American War at Independence he was a tory of the most pronounced type. JOHN WESLEY, on the contrary was in favor of the claims of the colonies, so that the Wesleyans of today are not bound by

tradition to one party more than another. Here is a specimen of the strong opinion held by Charles:

Our rulers have to rebels said
And given us up into their hands.
Rapacious, profligate and lewd,
Obedient to our foes' commands.
They serve our cause with frantic zeal,
Factors of France and tools of hell.

Still more interesting, from a local point of view is his sympathy for the Loyalists, whom he thus pictures:

On casts of men by all foretold,
To whom shall we for succor look,
To whom our arms declare?
Will high or low incline their ear,
Or with humane compassion hear
The cry of our despair?

It will be observed in the warmth of the good man's zeal his muse did not soar to heights it attained in some of the verses which he wrote at other times, and which will live as long as hymns are sung.

The light sentences given by Judge LUCK, last week, seem to have met all the requirements of justice in those particular cases. There were circumstances in the instance of HOWE, which made lenient treatment advisable, while the facts of old age and senile dementia justified the committing of WELLS to four months in jail rather than to two years in the penitentiary. The regrettable feature in both cases was that the court had no power to send to some place of reform the females who gave evidence for the prosecution.

Considering there is no authentic record of ST. ANDREW ever having set foot in Scotland, or even having heard of that part of the world, in adopting him as their patron and honoring him through the ages, have shown that they are by no means as clannish as many have been wont to consider them.

Now that the murderer HOLMES has been sentenced to death, it is a matter of fairly moral certainty that he will be hanged. There seems no doubt he is guilty of the murder for which he was convicted, and if there should be any uncertainty on that point he could be tried for no less than twenty-two others.

A New York woman who drank carbolic acid, mistaking it for gin, paid for the mistake with her life. To stand such a dose as that would require a few object lessons in the way of drinking the liquors found in Scott Act counties on this side of the line, or of Bangor whiskey on the other side.

There is one less suspicious circumstance about DURRANT, the California murderer, by the discovery that he is not, as was alleged, a constructor of original poetry. Some verses he claimed to have composed were simply plagiarized and adapted to his particular situation.

The Societies of Christian Endeavor in the United States and Canada have been praying for the conversion of ROBERT G. INGERSOLL. It is quite evident they do not believe with that notorious infidel, that "no miracle was or ever will be performed."

It was purely a matter of accent, and not of anatomical criticism when Mayor ROBERTSON referred to the "bonny" girls of St. John at the St. Andrews day celebration. He meant that they were "bonnie," which nobody can deny.

The winter port is made a reality by the arrival of the first of the expected steamers at St. John. This first ripple of the expected wave of prosperity will do as a Christmas present for the citizens.

BOOKS AND MAGAZINES.

Apart from the interest attaching to the new life of Lincoln, appearing in McClure's Magazine, richly illustrated, the contents of the December number are as attractive as before the season. Elizabeth Stuart Phelps tells of her girlhood and early literary career, with reminiscences of her father, Professor Austin Phelps, and her mother (also Elizabeth Stuart Phelps) the most popular writer for children of her day. Another notable piece of literary autobiography is the story derived from conversations with Mr. Hall Caine, of the peculiar trials and labors which he, the son of a humble Manxman, had to endure in order to become one of the foremost of English novelists. The paper is fully illustrated.

A Christmas article of great beauty, as well as interest, is Mr. Will H. Low's "Madonna and Child," with reproductions of thirty-two celebrated paintings specially chosen by Mr. Low during a recent visit to Europe. There are particularly good stories by Anthony Hope and Robert Barr, a Christmas story by Bha Higginson, and a bright travel sketch by Cy Warman, the engineer poet who took the thousand-mile ride on the engine of a "flyer."—S. S. McClure, limited, 30 Lafayette Place, New York.

Donahoe's Magazine for December has plenty of good Christmas reading, and its illustrations are as abundant and attractive as its readers have learned to expect in this publication. "The Holy Childhood in Art" with engravings illustrative of the works of the great masters on this theme will be found specially attractive to many. "Dramatics in American Colleges," also illustrated has special reference to the leading catholic institutions of learning. "In Papal Avignon" will have a great interest for all interested in the history of the past and present. "The Mound Builders of America" continued from the November number, and there are several good stories, such as "The Croupier's Story," "Brother Basil—a sketch"—and "Madame La Duchesse," by Bessie Boyle O'Rilly. Besides these there are some timely poems, and the Magazine departments are as well kept up as ever. Donahoe's Magazine, Boston Mass.

VERSES OF YESTERDAY AND TODAY

The (Curefew) Bells.

Hear the curfew—ringing bells—moral bells!
What a lot of betterment their clasp and clang
foretells.
How they jingle and they jangle at the early hour
of fine
Warning to their homes and slumber, with a melody
benign.

All the youthful of both sexes, who might later be
in cells
But for ringing of the curfew—the most moral of all
bells!

From whose liquid throat meanders
A warning tollal standers
At the corners of the ways,
That they must get up and dust
Or else upon a crust

In the county jail they'll graze,
Perhaps within the cells
From which lamented Wells
Tells, tells, tells, tells,
With persuasive intimation,
And ingenious peroration,
O destruction of the nation,
By tobacco conflagration
And undae expectation,
Mixed with scriptural quotation
Of the evils of libation
Of a spirituous potion,
And the sequent exaltation
Caused by rum, rum, rum, rum, rum!

Out of the Night Mists.

I love and our love life is golden,
Unfar its rich fruited tree;
Our hearts sing the melodies olden,
The sweetest that ever will be.

But out of the night mists my darling,
November's wild dirge on the shore;
Comes sorrow black robed, an a warning—
Farewell love for ever more;

And dark midnight moans to the morning,
Forever more.

'Tis a dream in a rapture unspoken,
Love's transport of happiest things;
May its golden chain never be broken,
Nor aught of its sweetness take wings.

But out of the night mists my darling,
Our hearts must hereafter deplore,
Comes the scream of the sea wind far flying,
Farewell love for ever more;

And dark midnight moans to the morning,
Forever more.

We walk in our paradise bordered,
In primrose ways happy alone;
Affection there tenderly flowered,
A passion rose red faced has blown.

But out of the night mists my darling,
No soul of true love can endure;
Howls the blast of the deep heaving ocean,
Farewell love for ever more;

And the billows chant choked with emotion,
Forever more.

How often sweet soul of my belag,
Your beautiful arms are my rest;
Your rapture an Eden still blest,
And our loving an trial still blest.

But out of the night mists my darling,
Sings the gale where the cold breakers roar,
And despair shrouds mock at our gladness,
Farewell love for ever more;

And our broken hearts answer in sadness
Forever more.
CYRUS GOLDB.

A Song of Hope.

After an examination of over twelve hundred
manuscripts, judges in the Hull House prize
competition for people's songs have announced their
decision says the Chicago Times Herald. Mary A.
Laburny's original poem, entitled "A Song of Hope,"
which received the highest prize, is as follows:—

Children of yesterday,
Heirs of to-morrow,
What are you wearing—
Labor and sorrow?

Look to your looms ag ain;
Faster and faster
Fly the great shuttles
Prepared by the Master,
Life's in the loom,
Room for life—room!

Children of yesterday,
Heirs of to-morrow,
Lighen the labor
And sweeten the sorrow,
Now—while the shuttles fly
Faster and faster,
Up and be at it—
At work with the master,
He stands at your loom,
Room for him—room!

Children of yesterday,
Heirs of to-morrow,
Look at your fabric
O labor and sorrow,
See my and dark
With despair and disaster,
Turn it—and lo!
The design of the Master!
The Lord's at the loom,
Room for him—room!

The Lord is My Light.

My shepherd is the Lord my God—
Thy rod is my staff, I know;
He leads me in verdant meads,
Where tranquil waters flow.

He doth restore my fainting soul
With his divine care,
And, when I stray, he points the way
To paths of righteousness.

Yea, though I walk the vale of death,
What evil shall I fear?
Thy staff and rod are mine, O God,
And thou, my shepherd, near!

Mine enemies behold the feast
Which my dear Lord hath spread;
And let my cup be filled up
With oil of anoints my head.

Goodness and mercy shall be mine
Up to my dying day,
Then will I side at his dear side
Forever and for aye!
—Eugene Field.

Because I Love You.

Because I love you, dear,
Much sorrow do I bear,
Yet joyfully those sorrows meet,
And with my heart I hold thee sweet,
Because I love you, dear!

Because I love you, dear!
No jewel or was I wear;
But crowns of cruellest thorns to be,
Are soft as rosiest wreaths could be,
Because I love you, dear!

Because I love you, dear,
I tread the darkness here;
But sweet flowers blossom in the snow,
And loveliest lights in darkness glow,
Because I love you, dear.
—Frank L. Stanton.

Combating a Fool Notion.

"There never was a bigger fool notion
in this world," said young Fullback, pulling
on his padded trousers, "than this idea
that football is a dangerous game. These
reports about boys getting hurt," he con-
tinued, adjusting his shin guards and fasten-
ing them on securely, "are half the time
exaggerations, and half the time they are
made out of whole cloth. A fellow simply

can't get injured in a game," he proceed-
ed, stuffing a quantity of wadding about
his hip bones and around his shoulders and
chest, "unless he just wants to injure him-
self and does it on purpose. Now, I've
been in a dozen games this year"—hear he
strapped his ear guards round his head—
"and with the exception of a black eye
now and then, and one or two fingers dis-
located, or something like that, I haven't
had the slightest injury."

Here the young man put on his nose
guard and mouth protector, and shortly
afterward went forth to engage in a harm-
less little game of football.—Chicago Tri-
bune.

TOLD OF EUGENE FIELD.

Some Anecdotes Illustrating the Humor
of the Children's Poet.

While Field was on the editorial staff of
the Denver Tribune he had an original way
of disposing of the bore that will commend
itself to other sufferers. There was an old
cane bottomed chair in Fields office—that
is, it had a bottom once but it had become
entirely worn through—and upon this chair
Field would innocently spread a few ex-
changes, and eye-witnesses state that it was
worth travelling many miles to see the look
of genuine alarm and sympathy which
would overspread Gene's usually placid
features as he hastened to his friend's as-
sistance. In severe cases it required a
second application, but usually the hint
was taken at first.

When Field first joined the Record (then
the News), of Chicago, he was informed
that the proprietor of the paper was in the
habit of presenting his employees with a
turkey each at Christmas, and when his
first Chicago Yuletide was signalled in the
office, Eugene wrote a polite note to
the proprietor suggesting that in his own
(Field's) particular case a suit of clothing
would be a trifle more acceptable than the
usual fowl. Accordingly a parcel arrived
at the News office on Xmas Eve, address-
ed to Mr. Field. It contained, indeed, a
suit of clothes, but it came from the State
penitentiary at Joliet, and for weeks after-
wards Field wore the zebra-like garments
around the office as a working suit. When
Field's fearless lampooning of the local
politicians brought daily visitors to the
office with blood in their eyes, Eugene
calmly hung a yellow flag out his office
window and tacked a small-pox placard
upon the door, and attired in his prison
garb, "kept a hammerin'" at the politicians,
occasionally pausing long enough to turn
off one of his beautiful child-lyrics.

He had a habit of appealing to the man-
ager regularly for "a raise," and when he
was being paid sixty dollars a week he
approached that official and asked him
couldn't he "give him twenty-five cents
more, per week."

Of late years he was paid seventy-five
dollars a week and it is said that for weeks
at a time he would send in no copy what-
ever and rail at his fate in being obliged
to call at the office for his salary, when
they could just as well send it to his house!
One of his peculiarities was to write an
especially fine poem and attribute its
authorship to some friend. For instance,
he published "The Wanderer" in the Den-
ver Tribune and attributed it to Modjeska,
the actress. It was a beautiful poem, call-
ed forth by Field's finding a sea-shell far
up on a mountain-side in Colorado. The
world accepted Mme. Modjeska as the
author until she published a denial and dis-
closed its true authorship. Mrs. Field
was obliged to exercise considerable watch-
fulness over her husband's mania for col-
lecting rare books and curios, and it was
his habit to claim that some of his pur-
chases were gifts from friends. To carry
this idea out he was obliged to invent three
mythical personages. But when his wife
suggested that he ask these kind friends to
the house to dinner as a return for their
favors, he broke down and was rarely par-
doned. Field had a corner in his
office in the Record building when he
locked certain mysterious packages
from time to time. He referred to the
spot as his "crimes cabinet" and would
allow no vandal hand nor eye to profane
its sacred recesses. It afterwards devel-
oped that the closet was the receptacle of
numerous purchases for his museum at
home, and that he smuggled them home
after night, one by one after the family
had retired.

Upon one occasion he invited Mr. and
Mrs. William H. Crane and Mr. and Mrs.
H. C. Barnabee to his home, assuring
them that it was an informal affair and that
they alone would be present. When they
arrived, in their walking costumes they
met about fifty of the ladies of the
neighborhood attired in evening dress!
One night when Crane was at Field's house
to a card-party, Eugene picked up a piece
of paper and dashed off his parody on Bret
Harte's "Heathen Chinee," commencing:
"For ways that are dark, and tricks that are vain,
Comment me the player, old William H. Crane,"
CASEY TAP.

Views of St. John.

An entirely new edition of the Album
Souvenir of St. John has been issued by
J. & A. McMillan at this season when it
will come in very handy to send to friends
away at Christmas. It is a specially fine
collection of photo-gravure views of places
of interest in the city, remarkable for their
clearness and finish. Altogether it is a
very nice and not expensive token which
will be appreciated both by those who
know St. John and those who would like to
know it.

Identifying a war Cloud.

"Better git thim ducks out," said the
bar-keeper to the bouncer, "before they
go to fightin'."
"Which ducks?"
"Thom two settin' at the fur table, that's
tellin' each other what good friends they
are."

Intimical to Courtship.

Mabel—Why, papa, what ever induced
you to take that house?
F. Don't you like it?
Mabel—I should say not; there's a gas-
lamp right in front of the door which makes
the parlor as light as day.

No Room to Paper Them.

Visitor—Yes, it's a very pleasant flat.
But aren't the rooms just a trifle small?
Mr. Flat-Dweller—S' you notice it, too,
do you? Well, they were all right till last
week, but the walls were painted Monday.

Windsor Salt, Purest and Best

SUIT FOR FIFTEEN CENTS.

Litigation Due to the Early Closing Idea by
Halifax Merchants.

HALIFAX, Dec. 5.—"The early closing
movement" of last winter resulted in a suit
in the county court this week for fifteen
cents. That agitation was an effort on
the part of a number of the retail merchants
of Halifax to secure the passage of an act
compelling the closing of the shops in any
line of business at a certain hour when a
majority of them so petitioned the city
council. The legislature refused to pass
the law. This fifteen cent suit sprang
from the agitation in this way:

While a number of the retail merchants
were lobbying the house in favor of the
early closing measure they found that T.
K. Jenkins, manager for Murdock's
nephews', a large wholesale concern, was
working on the other side. This led to a
remonstrance on the part of several
retailers who were customers of Murdock's
nephews'. The interview with Mr. Jenkins
ended in a very stormy scene. Jenkins
and some of the members of the delegation
exchanged language which was far from
complimentary, but which was exceedingly
strong. The stronger either side could
make it, the better it suited.

The next move was for a number of the
"early closing" retailers to close their ac-
counts with Murdock's nephews'. Among
those who did so was Kane, Flett & Co.
The latter firm sent down a check to Mr.
Jenkins for the amount of his bill, minus
35 cents discount, for cash within 30 days.
Mr. Jenkins refused to accept the payment,
demanding the whole amount without any
deduction for discount, and as Kane, Flett
& Co., felt they were doing what was right,
they refused to make any further payment.
Mr. Jenkins immediately served them with
a writ, giving notice of a suit for the whole
amount.

The case came up for trial on Monday.
As the matter proceeded, Mr. Jenkins ad-
mitted that 20 cents should be allowed as
discount on part of the account, but there
was no release, he claimed, for the re-
maining 15 cents. So the suit went on for
the smaller amount, plus costs. Judge
Johnson reserved judgement.

A Perfect Christmas Storehouse.

Messrs. Ferguson & Page always have
an attractive and inviting jewelry establish-
ment but at this season of the year it can
well be imagined that it is a delightful and
satisfactory place for present seekers to
visit. Their stock, aside from the standard
goods in their lines, is so large and varied
that they must indeed be hard to please who
do not find something to suit them there.
Any short description would do the store
an injustice. To call and inspect is the
best way to get an adequate idea of the
goods.

The Queen as a New Woman.

The controversy over the "New woman"
has raged so long and fiercely that it is
somewhat difficult to realize that it had a
beginning; and few women are aware that
the Hon. Lady Jenne, an intimate friend
of the Queen, started the discussion. An
article on "Queen Victoria as a mother,"
written by Lady Jenne, who it may be,
was not unwilling to show how very different
from some "New Woman" her Majesty is.

Mr. Collins Will Run the Business.

The dissolution of the firm of Messrs. A.
Sinclair & Co., finds Mr. James Collins the
new proprietor of the old stand and the
old business. Perhaps there is no estab-
lishment of its kind better known than this,
and Mr. Collins who has been so long con-
nected with it will have the hearty wishes
of his many friends for his success in his
single handed venture.

A Rattling Beginning.

The first genuine snow storm of this
season with all the accompaniments of wind
and bluster set in Thursday evening and
when the town awoke in the morning the
familiar old time drifts met their eyes and
made them wonder where the snow shove-
had been stored. There will be sleighing
in earnest now and the hope is that it will
last.

Useful as Well as Pretty.

Mr. Chas. Gillespie, general agent of the
Provident Saving Life Insurance company,
has sent a very pretty calendar to many of
his business friends. The design is very
neat but what is better still, the calendar
is large and distinct and consequently de-
cidedly useful.

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