

ST. JOHN, N. B., SATURDAY, APRIL 25, 1896.

THE JUDGE AFTER THEM.

MR. JUSTICE TOWNSEND OF THE NOVA SCOTIA COURT.

Reprimands Some of the Legal Talent for not Observing The Dignity of the Court—An Anecdote of The Past and How Justice Preval d.

HALIFAX, April 25.—Mr. Justice Townsend, of the supreme court bench of Nova Scotia, is determined to maintain the full dignity of his court, and rightly so. In upholding this dignity the other day he found it necessary to speak plainly and administer a severe rebuke to Lawyers Whitman and Fulton and Prothonotary Holmes. This arose over a capias obtained by Alfred Whitman on behalf of a new York firm of bankers against Charles Stern, a new York broker who was arrested in Halifax. W. H. Fulton was acting on the other side. A. J. Whitman came in for a double chastisement at the judge's hands.

On the first occasion he had Mr. Fulton and the prothonotary for companions in misery, but on the second he had to stand it alone.

The first offence, in which all three had a part, was this: Mr. Fulton went to Mr. Justice Townsend's house late at night and aroused him from sleep to obtain an order granting a stay of proceedings. It was granted, on the strength of Mr. Fulton's representations that the case was urgent. Of course it was taken for granted that Mr. Whitman would be served with a copy of the order first thing in the morning, but this was not done, and not till the afternoon, it then, did Mr. Fulton acquaint the opposing lawyer with his proceeding. He, however, filed the order with the prothonotary. For thus concealing from Mr. Whitman what he had done Mr. Justice Townsend deemed it his duty to administer a severe reprimand to Mr. Fulton, punishment which the young lawyer stood like a man.

Mr. Whitman's share in the offence and for which he was also called on to suffer, was in the fact that though he had not received a copy of the order from Mr. Fulton, yet he, as a matter of fact, knew that it had been granted, but did not govern himself accordingly. He knew that the order had been filled with the prothonotary, or he should have known, yet he had a judgment entered up just as if the order obtained by Mr. Fulton had not been obtained, and had not been filled in the prothonotary's office. For this contempt he was reprimanded, and he, too, took his punishment like a man.

Prothonotary Holmes was as capable as any of the trio, He had allowed Whitman to enter up his judgment despite the fact that an order to stay proceedings, granted by Mr. Justice Townsend, had been placed on his records. This was an offence which could not be overlooked and His lordship did not by any means overlook it, but expressed himself with considerable freedom regarding such conduct by an officer of the court.

On the occasion of the second judicial castigation Lawyer Whitman had to bear it alone. It seems the barrister went to the house of the justice during the evening to urge that a judgment be given next day, as he was going out of town. The case had been heard only that day and it was rushing matters to thus ask for a judgment instant. The judge was not at home, and a message was left by Mr. Whitman. Accordingly next day, in court instead of a decision the judge again wielded the judicial whip over the lawyer's shoulders, doing it so effectively that one of the evening papers ventured to remark the same evening, that the judge "had severely reprimanded a lawyer in court that day." Whitman eventually won his case, however.

It is perfectly right to maintain the dignity of the bench and all good citizens will give Mr. Justice Townsend credit for his efforts in this direction. Yet how different his conduct was from what has been known in that same court in days gone by, and before a judge who is now numbered with the dead. The case in question under the old regime, had taken several days to fight, and judge, witnesses and lawyers were all tired. Time passed and judgment did not come, however. One night a lawyer, interested in the case, and who is now a bright light in the bar of this province and of this city, made a call on the judge somewhat similar to that of Mr. Whitman. But how different his reception. The judge admitted that he had forgotten the merits of the case and advised the lawyer to recapitulate the points that had been made on the trial. This he willingly did, completely refreshing the judge's memory. Then the judge suggested that the lawyer write out a judgment in his own favor as it made little difference, for the case would be appealed to the full bench any how. Under those circumstances the lawyer wrote the decision in his own favor and the judge duly delivered it. "O tempora, O mores!"

The Mikado's Old Family.

The Mikado is the religious head of the Japanese as well as their ruler. His place is hereditary, and it has been filled by

members of his family for more than 2,500 years. His is incomparably the most ancient lineage known. The Mikado is the 1221 of the line. The founder of it, whose hope of prosperity in his wildest dreams could not have equalled the result, was contemporary with Nebuchadnezzar, 660 B. C. Of the seven great religions enumerated by Max Muller as possessing Bibles, the Mikado's family is older than five.

HE WILL LIVE AT THE ARM.

Senator McKeen of Cape Breton and his New Summer Residence.

HALIFAX, April, 23.—The papers have noticed the fact that Hon. Senator McKeen, late manager of the Dominion coal company has instructed a firm of architects in this city to prepare plans for the erection of a mansion for him at Maplewood, on the banks of the North-West Arm. The North-West Arm is the prettiest and wealthiest residential locality in Nova Scotia, and Maplewood is, in some respect, the most beautiful location on the Arm. Senator McKeen's advent as the future lord of Maplewood is a striking example of the changes which the whirligig of time often brings about.

Maplewood is the old home of M. B. Almon, a representative of what is one of the oldest families in Halifax and what was one of the wealthiest. It was the abode of luxury and magnificence and the home of beauty and fashion. Everything that the heart of man could wish was there provided, the cost not entering into the calculation. Yet this reign of pleasure came to an end some years ago because the money to maintain it on such a scale had melted away. The unbounded hospitality of the Almons at Maplewood became a thing of the past and the place that knew them once knows them now no more. Their fortune had vanished.

Not far from Maplewood is Pine Hill, a former residence of another of the old families of Halifax, and which is now occupied by the Presbyterian theological college. Its old owners left Pine Hill prior to the exit of the Almons from Maplewood, but their history of magnificent entertaining and luxurious living is somewhat similar, and its end the same.

While these people were thus spending fortunes David McKeen, was striving hard to make one, down in the coal mines of Cape Breton. He was an honest, hard-handed Scotsman, who knew the value of a dollar. He realized the fact that if a dollar was worth earning it was worth keeping as long as possible, or as long as he honestly could. Fifteen years or more ago, when the Almons were reigning at Maplewood David McKeen was not worth a dollar, above what he knew very well how to profitably spend. But he was working. He became manager of the Caledonia coal mines and subsequently became their owner, though some years ago people would have said perhaps, that he might be just as well off without them. He saw more wisely than those critics if there were any such, and held on to the property. Now it has made him one of the rich men of Nova Scotia, and the commander of as much money as any of the so-called nabobs who were on the North-West Arm before him. The Dominion coal company was organized and out of the sale of the Caledonia mines to the Great Whitney corporation David McKeen drew as much as \$400,000. Now, when he is but little past middle age he is able to retire from business, a senator of the Dominion of Canada, and he takes up his residence on the Arm, among the people who pride themselves as much upon social standing as upon their money, and in a house which he will build superior to any of them.

The exit of the Almons from Maplewood, and the entrance of the McKeens, furnishes an illustration of the rapid changes which time can bring about, and of the fact that a coat must be cut according to the cloth at one's disposal.

This story shows the foolishness of the young man, who lives beyond his means. Had David McKeen done as many young men in this city—spent every dollar that came his way before he earned it,—he would never have become owner of the Caledonia mines; never have become worth at least \$400,000, and would not be a prospective owner of the finest mansion on the north-west Arm. There are many young men in this city who dress in the height of fashion, and who live like fighting cocks, whose credit is N. G. who are "head over ears" in debt, and who often find themselves compelled to dodge round a corner to avoid meeting an approaching creditor. Let all such take a leaf out of David McKeen's book before it is too late, and they are called upon to make a quick exit.

The Season Begun.

"Have you begun making a garden yet, Mr. Outsider?"
"Yes, we have flung all our old tin cans over into the next neighbor's lot."

STORIES OF THE WIRE.

SHOWING WHAT DEPENDS ON THE RAILROAD OPERATOR.

How One of Them Made Up for a Blunder by Saving the Limited—An Engineer's Note—An Accident Where Accidents Were Deemed an Impossibility.

Said the telegrapher: Jones was night operator at a town near Altoona, on the Pennsylvania Railroad. He had lost a great deal of sleep and was very tired. The night wore along and trains were few. It was hard to keep awake. Finally the operator in the signal tower next to the west r.p.d. No. 4, the express, passing east. The track was clear and Jones pulled the white signal and waited for No. 4. He had almost fallen asleep when he was aroused by the roar of the train as No. 4 swept past the white signal. He saw the red lights at the rear of the train as she disappeared around the curve and he reported her to the operator at the signal towers next east and west. Then he waited to hear that she had passed the tower east. Three or four minutes was all it should have taken her to reach that tower, but he waited long after that and no word came to him. He called up Smith, the operator there, and asked him if No. 4 had passed. Smith said "No." They talked over the wire and concluded that she had broken down or been wrecked between the two towers.

"At about that time the train dispatcher called up and asked anxiously where No. 4 was. Jones said that she had passed his tower, and Smith was sure she had not passed his. Everybody was wide awake now, for the train was certainly lost, and a lost train is a serious thing on a railroad. The dispatcher thought that she might have slipped past with out Smith seeing her, but the towers all along the road beyond declared she had not passed them. A freight going west was stopped at Jones' tower and the conductor was asked if he had seen No. 4 between the two towers. He said that there was no sign of her.

"Then the perspiration began to stand out on the operators and dispatchers. The track between the two towers lies along the river. A high stone wall supports it. The only possible explanation seemed to be that No. 4 had gone over the wall into the river. She could not have gone up into the air. Nearly an hour had passed. The river seemed the only place where she could be. The freight conductor received orders to uncouple his engine and run back slowly. He ran back past two towers, but could see nothing of No. 4 on the track or in the river. There was not even a displaced rail where she could have gone over the wall. Then he was ordered to run slowly west to see how things looked there. About half way between Jones's tower and the one west of him the express was found, with a broken cylinder head. She had never passed Jones at all. Jones had dreamed it, although he declares to this day that he was wide awake all the time.

Jones was in bad repute for a time, but he was not discharged, as he was a good man, and his mistake had not caused a wreck. He redeemed himself within a few weeks. By his presence of mind and quick action he saved the limited. That was an unusual case also. It was the train dispatcher's mistake, so far as I know, but he may have been misled by some one else's blunder. One day the limited was going east in two sections. It is very, very seldom that the limited runs in more than one section. A freight was lying in front of Jones's tower waiting for the limited to pass. The train dispatcher sent out an order saying: "No. 2 (the limited) will run forty minutes late. That gave plenty of time for the freight to get to the next siding. The message should have read: "Second No. 2 will run forty minutes late."

The first section was on time. Jones handed the order to the conductor of the freight, who went down out of the tower and started his train on to the main track. "Just as the big freight engine began puffing the telegraph instrument began ticking, and Jones read a report saying that the limited had passed the tower above. It was just around the curve, not a mile and a half away. It was a question of seconds. There was no time to run down the stairs, and it was no use to drop the red signal. The engine had already passed. There was no time to think. Jones grasped his ink bottle and his red flag. He ran out on the balcony in front of the tower and threw the ink bottle at the engine. Then he waved the red flag and yelled with all his might. The bottle struck the cab and attracted the engineer's attention. He looked up and saw Jones waving his red flag and yelling like a madman. Just at the same moment they both heard the shrill scream of the limited's whistle as she approached the curve.

"The engineer did not stop to question what it was. The engine was clear out on the main track. He reversed his engine and sent her bumping back against the heavy train. The forward motion was stopped, but the train was so heavy that it would not start back. About half the engine was still on the main track. The limited swung around the curve not half a mile away, coming at the rate of forty miles an hour. The engineer of the freight showed wonderful coolness. He ran his engine forward several feet, so as to separate the first few cars as far as the drawheads would allow, and give him a chance to get some momentum in his engine going back, and thus start the train. The plan is known to all engineers, but to deliberately start forward with the limited in sight took nerve. When he had gone a few feet he reversed again and sent the big engine bumping against the train and she started back. Jones held his breath and watched. It was not a question of seconds now, but of parts of a second, whether the freight engine would clear the switch before the limited or not.

"The two engines seemed almost to melt together as the limited struck the

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switch, but the great train, with its precious burden, went by unharmed. The switch was open for the freight, but it was an automatic spring switch, and when the limited struck it it was forced open along the main line. As soon as the engineer of the limited saw he was safely past, he put on steam again, and the great train rolled on out of sight, without ever stopping to ask what had been the matter.

"A more serious case occurred at a tunnel on the Panhandle. It was a single-track tunnel, and the officers of the road had perpetrated a scheme by which they thought it was impossible for an accident to occur. A tower was erected at each end of the tunnel and the two towers were connected by wire. Every train was compelled to come to a stop and get orders from the operator before she could enter the tunnel. Neither operator was allowed to let a train enter the tunnel until he had called up the other operator and got from him assurance that the track was clear. Jones worked at one end and Smith at the other. Jones could not let a train go into the tunnel until Smith said so, and Smith could not let a train go in until Jones said so. The only way a wreck could occur was for each man to let a train go in at the same time. Even if both operators were to fall asleep at the same time the system would work, for the train conductors going into the towers for orders would awaken the operators.

"One night there was a terrible wreck in the tunnel. Two trains had met head on. Several of the crews were badly injured and I think two died. There was an investigation.

"The President of the road himself went to the scene of the wreck. The two operators were called before him. It was impossible to learn anything about the wreck. Each operator was sure the other had reported the track clear, and could give no explanation of the cause of the wreck. Then the President said:

"Now, boys, I will tell you what I will do, I feel sure you know how this happened. If you will tell me I will give you my word that neither of you will be discharged. I thought I had a system here that was absolutely, safe and it is not

Rewarded the Mayor.
The Mayor of Flint, Mich., performs the duties of his office without compensation other than the satisfying sense of having done his duty. But the Mayor who retired last week had directed the affairs of the town so well during his year of office that the Common Council unanimously voted to make an appropriation for him, as an especial mark of satisfaction. The sum was one dollar.

Not What He Meant.
She—Why, Charles, how can you call Miss James plain? I wish I was only half as good looking.
He—You are, Hattie, and you know it.

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