

PROGRESS.

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THE ELECTION PROTESTS.

AS THE CASE STANDS IT IS VERY COMPLICATED.

Some facts regarding the present trouble and the causes which led to it—Mr. Chesley's Affidavit—The case will be appealed to Supreme Court.

This week has been an unusually exciting one in legal circles, and much interest has centered round the now famous election protest cases which came up on Monday. It must be acknowledged by even the most prejudiced that the business transacted in connection with these protests this week, has been conducted in a very undignified manner, some of the scenes enacted in the court room causing intense amusement to the spectators.

Before referring to the more sensational developments of the case, it would be as well perhaps to give a brief outline of the trouble, and the causes which led to the present complicated state of affairs.

Shortly before the close of the last session of parliament it was rumored that some arrangement had been arrived at between the leaders on both sides by which all petitions throughout the dominion had been "sawed off," though no official confirmation of the rumor seems to have been received by those who would naturally be supposed to be most interested. At least that is the inference which may be drawn from the developments in the St. John cases.

That the matter was discussed between Sir Wilfred Laurier and Sir Charles Tupper is freely admitted, but it was found to be wholly unworkable, at least so far as related to petitions affecting New Brunswick. When Hon. George E. Foster arrived here, he expressed himself as being in favor of contesting all the New Brunswick seats then in jeopardy, and which included Queens and Sunbury, Kings and Restigouche, as well as the two seats in St. John. When overtures were made to Mr. Foster by certain leading liberals for a "saw off" of all the petitions in New Brunswick with the understanding that each side would pay its own costs, he strongly condemned such a course, pointing out that by an arrangement of that kind the liberals would be getting four as against one conservative. Subsequently a proposal was submitted by the liberals, which was in effect that if Mr. Foster would consent to drop the petitions in Kings and Queens the liberals would follow a like course in regard to the Restigouche case. The proposal was favorably received, and after due consideration was acted upon, which will explain why the election protests have been abandoned in the counties mentioned.

After these arrangements had been made Mr. Ellis and Colonel Tucker, through their representative H. H. McLean, sought to escape proceedings by a groundless claim that there was a general understanding which included St. John.

In the meantime the petitioner in the St. John cases—Mr. John A. Chesley, was in close consultation with his Attorney and Agent Mr. L. A. Currey who assured him that the St. John seats were not included in the arrangements referred to above, and Mr. Chesley was given to understand that the proper steps were being taken to have the petitions brought to a trial. In this connection some of the affidavits submitted to Judge Vanwart on Wednesday contain rather startling and unexpected information. Dr. Christie's and Mr. John Connor's affidavits are practically the same as Mr. Chesley's which is given here, and which will prove most interesting reading.

1. John A. Chesley of the city and County of Saint John, Manufacturer, make oath and say:—

1. That I am the Petitioner in the above matter:

2. That I have always intended and still intend to proceed with the petition in this matter and press the same to a final conclusion.

3. That I regularly retained Mr. Lemuel A. Currey, to act as my agent and attorney in the matter of said petition:

4. That on Thursday the twelfth day of August A. D. 1897, I called upon my said agent and attorney at his office as I was in the habit of doing occasionally and in the course of conversation I happened to mention casually that I understood the trial of this petition had been adjourned until the twenty third of August A. D. 1897 whereupon

my said agent and attorney corrected me and stated that it was twenty fourth day of August. I then said that I understood Judge Lardry had stated something about it being necessary to give the particulars ten days before the day to which the trial had been adjourned and he replied yes, that was correct and that Saturday the fourteenth day of August instant, would be the last day.

6. That in company with Mr. John Connor, I again saw my said Agent and Attorney at his office on Friday the thirteenth day of August A. D. 1897, and the question of giving the particulars being again mooted, my said Agent and Attorney stated that it would be necessary for the Respondent Agent and Attorney to take out the Judges order and serve same with a demand of particulars before my said Agent and Attorney would be bound to furnish same:

7. That on Saturday the fourteenth day of August A. D. 1897, accompanied by Doctor William Christie and said John Connor, I again saw my said Agent and Attorney at his Office and the matter of giving said particulars was again discussed and my said Agent and Attorney repeated what he had previously stated in presence of Mr. Connor and myself, and maintained that the order should be taken out and together with a demand of particulars served on him by the Respondent Agent or Attorney although I reminded him that he had informed me that Saturday the fourteenth day of August instant was the latest day for giving such particulars, and after some further conversation my said agent and attorney said he would go and see Mr. McLean the Respondent Agent, and Attorney and give him notice that it was necessary for him the said McLean to take out said order and serve the same with a demand of particulars so that there would be no misunderstanding concerning the matter and thereupon my said Agent and Attorney went out of his office and after a while came back and said he had seen Mr. McLean and impressed upon him the necessity of taking out and serving said order and demanding said particulars but that said McLean treated the matter lightly and as if the same was of no importance and would give my said Agent and Attorney no satisfaction, as to what his intentions were with regard to said order and demand of particulars.

8. That I did then and there before leaving the office of my said agent and attorney in the presence of the said Doctor Christie and John Connor, urge my said agent and attorney to furnish said particulars, but my said agent and attorney stated that in his opinion it was not necessary to furnish same unless demanded by the respondents agent and attorney with a judges order.

9. That I had supplied my said agent and attorney with the data of the particulars in the matter of said petition several months ago.

10. That on Friday last, the twentieth day of August A. D. 1897, in company with said John Connor, I again called on my said Agent and Attorney at his office and from what my said Agent and Attorney said I gathered that he was not going into Court again, or take any steps towards prosecuting the said petition nor was my said agent and attorney apparently favourable to the idea of other Counsel being employed by me, judging from the remark he made in answer to one of the number of suggestions made by said John Connor, to the effect that other Counsel should be employed which remark was that he did not like any of Mr. Connor's proposals.

11. That being anxious to proceed with said petition, and fearing that my said Agent and Attorney did not intend to appear in Court on the trial of said petition. In my interests I decided to engage Counsel to represent me on said trial, and on Monday the twentieth day of August A. D. 1897, I retained Messrs. Alexander W. MacRae and Danie Mullin the former to act as my Agent and Attorney in the stead of Mr. Currey, and Mr. Mullin to be associated with him as Counsel.

12. That late on Friday evening, I was informed by Mr. John Connor, that he (Connor) had been informed by Mr. McLean, the respondent's Agent and Attorney, that he (McLean) intended to take the ground that no particulars had been served, and thinking it might be necessary to have the particu-

lars served notwithstanding the advice given me by said Agent and Attorney, I did at the earliest opportunity after retaining counsel on Wednesday the twenty fifth day of August instant take steps to have particulars furnished to the Respondent's Agent and Attorney.

Upon these affidavits Mr. Mullin stated he wished to base his application for a change of attorney.

Mr. Mullin was only taken into the case on Monday last, and as it is one having many legal complications, much research and hard work was involved. Considering the short time at his disposal, the points brought out by Mr. Mullin, and his presentation of the case, has been flatteringly commented upon by members of the legal profession who were present.

Any extended comment upon the facts revealed in Mr. Chesley's affidavit is wholly unnecessary. Which ever way the case may be settled there will still remain a doubt as to the sincerity and fair, upright dealing of at least one of those most closely connected with it. Considering that Mr. Currey had been regularly retained by a fee of \$200 it would naturally be supposed that any negotiations, that had come to his notice, making for a "saw off," would have been made known at the earliest possible moment to Mr. Chesley, when as a matter of fact he only heard of it last Friday, just three days before the date of the trial. It would seem, that if Judge Vanwart had been cognizant of the real facts he would assuredly have thrust aside any preconceived personal opinions and have gone on. As the matter now stands both the Ellis and Tucker case, remain practically in the same condition as when the court was adjourned last March.

It is the intention of the petitioner to appeal to the supreme court to decide upon the questions at issue, Mr. Chesley's counsel being confident that the matter would result favorably for his client. The case will be fought to a finish and every effort will be made to bring it to a rapid termination. Hon. Mr. Foster would, without doubt, rejoice to see the constituency opened and is confident that the conservatives would carry both seats if given an opportunity to contest them.

A regrettable feature in connection with the proceedings of this week was the unprofessional, and uncalled for attack upon Mr. John Connor's by an evening journal. It was an exhibition of bad taste that was not consistent with that papers standing, and looked as though some personal spite or bad feeling had influenced the writer. It is well known that both Dr. Christie and Mr. Connor have for several years been upon the most friendly terms with Mr. Chesley and their conduct in adhering to him, at a time when he was deserted, to put it mildly, by his Attorney and agent is most praiseworthy. However, an attack of the kind referred to will not be likely to injure a man who stands as high in the estimation of his fellow citizens as does Mr. Connor.

An Old Favorite's Return.

A familiar figure on the streets this week is that of Mr. H. Price Webber, who, after an absence of three years returned to St. John last Wednesday. Mr. Webber's walks along the streets are somewhat in the nature of a royal progress, so eager are all classes of citizens to extend a welcome to the old time favorite. It will be interesting to theatre goers to learn that Mr. Webber will play an engagement here between Christmas and New Years. Mrs. Webber is spending the summer in Augusta enjoying her annual rest after a most successful season in the New England states and the Upper Provinces.

At the Institute.

The series of bouts held in the Institute on Monday evening were witnessed by an exceptionally orderly audience. The preliminary contests were above the average and a clever exposition of the manly art was given. The principal bout of the evening that between "Mysterious" Billy Smith and Jack Power of this city was a finished exhibition. The eight rounds were cleverly boxed, the local man holding his own well.

Mr. Barker's Death.

The death of Mr. T. B. Barker, which occurred this week, removes a gentleman who has been closely identified with the commercial and social life of the city for many years. Mr. Barker was of a kindly, genial disposition and his demise called forth very universal regret, and expressions of sympathy for the surviving members of his family.

AT THE CONVENTION.

SOME INCIDENTS NOTED AT THE LATE GATHERING.

A Clergyman Who Wanted to be Appointed Door-keeper—Delegate Knapp's Resolution in Regard to Liquor Exhibits—Well up in Knowledge of the Ardent.

Even in such dignified bodies as are wont to assemble in our midst at times, many incidents really humorous occur causing mirth and merriment among those convened, in no slight degree. The baptist convention of the last week or so furnished not a few of these happenings, which to an observant person with a witty vein were quite diverting, though of most delicate extraction. Clever repartee and occasionally a choice bit of harmless sarcasm helped to carry the burden of detailed business to a rapid conclusion as well as tempering those assembled with a sort of piquancy which guaranteed successful and satisfactory terminations to all deliberations.

It was when a matter of considerable importance was being considered and the utmost quietness was necessary that a venerable city clergyman jumped to his feet and moved that in order to have the equanimity of the meeting preserved a doorkeeper be appointed to prevent loud conversation and noise in the lobbies. The motion found a ready seconder and in accordance with the unanimous passing of the motion Morcton's leading baptist jumped to his feet and with all his characteristic seriousness moved that the promoter of the idea be exalted to the position "of doorkeeper in the house of the Lord." Amid a furor of merriment the city clergyman took his position at the portal, but before many minutes he returned deploring in rhetorical bursts the loss of his honorable position.

The resolution moved by delegate Knapp with reference to exhibiting of liquors and the distributing of advertising matter advising the use of such liquors for medicinal purposes was also food for a few snarls. The discussion which followed the passing of the resolution and the attempts at the use of a liquor connoisseur's vocabulary were highly amusing. Technical terms, so to speak, relative to liquor and its uses, were roughly handled, or rather mouthed by those assembled, at times one clergyman referring to another to know if such and such "wasn't really so." Of course innocence itself was characterized in all.

One often wonders how so many preachers, perhaps stationed hundreds of miles apart, born no doubt in different provinces perhaps countries, all tell the selfsame anecdotes, relate the same experiences and quote the words of some famous man, as heard by they themselves when visiting some great city or studying in this or that institution of learning—well here is a probable solution to this mystery.

At this late convention a number of very prominent clergymen of the denomination were present from Chicago, New York, Bangor as well as from Canadian parts. Of course they were the lions of the hour and were crowded on to the platform to speak upon every possible occasion.

Their speeches were undoubtedly masterly and bristling with the newest phrases, alliterations, etc., quite a gold mine of comprehensive nuggets of speech for those not accustomed to hear such addresses frequently. Consequently the rising of nearly every prominent speaker was accompanied by a pocket-dive for pencils and note book by men of the brethren throughout the building.

Upon one occasion a New York clergyman was re-uttering the words of a world-famous educationalist who said it took three things to make a college, "bricks, brains and books." A wave of delighted chatter and the rustle of opening note books showed quite plainly as well as forcibly the speaker's remark had made a big hit. Would this be a probable unravelling of the "selfsame anecdote" mystery?

THE VICTIM OF HIS FRIENDS.

A North End Man is the Victim of a Little Practical Joke.

To hunt up a pilot (to take a yacht to Fredericton, to invite three or four friends to a pleasure trip on the same yacht at the special request of the millionaire owner and then to find that the whole thing is a hoax is not a pleasant experience, but it was that of a North End surveyor this week who was the victim of a practical joke at the hands of his friends. Some of

his friends introduced him to a man whom they said was the owner of the handsome yacht then in port, and carrying out the spirit of the prank this individual invited the North end man to a sail up river telling him to bring along three or four friends. The services of a pilot were also required and he would pay a good sum to a competent person. The surveyor secured a pilot for \$50.00, invited three or four of his friends, and then went round to have a talk with his new swell acquaintance, only to learn that the "yacht" was obliged to leave hurriedly for Bar Harbor. The North end man when he discovered the joke was angry, his invited guests were still more angry, but the pilot felt the joke more keenly than the others, as he had laid many plans for the expenditure of his fifty dollars.

HE REFUSES TO RESIGN.

The Treasurer of a Halifax Society Declines to Give Up its Books.

HALIFAX, August 26.—The charitable Irish society is one of the oldest and most respected national societies in this province, and withal it is one of the wealthiest. But it has trouble on its hands. The society seems to have a treasurer whom it wishes to resign, but, also in him an officer who prefers to stay. He has been asked with oft-recurring frequency to "pass in his checks" as it were.

The trouble began months ago and will reach a climax on the 17th of next month at a meeting called for the special purpose of receiving the resignation of the treasurer.

Last year it was discovered that a prominent member of the society had been using his position on the charities committee and as a member, to put money in his pocket that should have found its way into the hands of the deserving and needy pensioners on the society's liberality. Suspicion was aroused that all was not right and soon suspicion developed into dead certainty. Widows and orphans, the blind, and even the dying, who were voted money by the society never saw a cent of it. It stopped on its errand of mercy and got no further than the pocket of this lover of filthy lucre.

The treasurer, the president and other officers were made acquainted with the facts; the member was expelled and criminal proceedings against him were averted only by his payment into the society funds of the sum of money demanded of him, or rather the payment of a considerable portion thereof on account. This cash was promptly paid over to the more needy ones who had been defrauded of it, and the society now awaits the remainder.

This phase of the trouble was comparatively easily dealt with. But there was another phase which prescribed greater difficulty. The society, desirous of getting at the very bottom of the matter, of learning how they actually stood, asked the treasurer to present his books and copies of the orders on which charity money was alleged to have been disbursed. This looked like a reasonable request. The treasurer is as honest as the sun and an honorable man, but he showed a most decided disinclination to accede to the request of the society, and apparently was determined to keep his books and papers to himself. The object in this, a majority of the society believe, was to shield the member accused. But some members present at the meeting, when the demand for the books was made were not in a shielding disposition and they said they must be forthcoming. They were not forthcoming, though. Again the request was repeated and again it was unheeded.

Then the society asked for the treasurer's resignation. Strange to say this was no more forthcoming than were the books and orders. An excuse for the non-production of the books was that they had not been audited—the auditors for some reason would not audit. To overcome this a new committee of lynx-eyed auditors was appointed, the demand for the books, the orders, and the resignation still standing with all its original force.

Seeing that the resignation was not sent in, and viewing with concern the futility of asking for it, a special meeting of the society was called, not to ask for the resignation, or to discuss it, but to receive it.

This meeting will be held on September 17th, and it will be interesting to watch its outcome.

Too Late.

Truro and Annapolis Royal society letters were not received until Thursday evening, entirely too late for publication.