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PEACOCK AFTER DAMERY

HE WANTS \$10,000 IN RETURN FOR HIS WIFE'S AFFECTIONS.

But Mr. Damery Says It is all Malice and is Fighting the Case and Denying all the Allegations—Some Fun in the Court House at the Trial.

Charles Damery and William Peacock are brothers in law. They have known each other for eighteen years, were friends for six years of that period and for the balance of the time have enjoyed the closer relation by marrying two sisters.

But if they were friends the general relations of the two families were strained, so much so that there was practically no intercourse between them until Mrs. Damery was seized with a fatal illness last spring. Then sisterly affection came to the surface again and Mrs. Peacock became a pretty constant visitor at the residence of her sister, Mrs. Damery on Church street.

Damery himself keeps a saloon—the old stand formerly owned by "Barney" Brennan and later by his widow who ran the place until last May when she sold out to the present occupant. He used to be second steward on the State of Maine steamer and later was the steward of the David Weston.

He had not much time to devote to his wife, being busy all the hours of the day down stairs, but her two or three sisters and nieces with the housekeeper, Mrs. Robertson, managed to nurse the dying woman day and night until sometime in July when Mrs. Peacock suddenly ceased visiting her sister. When her husband asked her what was the matter that she did not visit her sister as usual she told him that there had been a row about some old clothes that her sister was giving away and that she was not going there any more. More than that, she told him to stay away too. And like a good obedient man he did. He told the court that he believed the old clothes story implicitly until the eleventh of September when his wife told him a different tale.

Her conscience must have been giving her a tough time of it for, according to her husband's evidence, she made the confession without any urging and without any questions from him. And the story, which is rather unprintable, was to the effect that on the 24th day of July, Damery, her brother-in-law, had assaulted her without her consent and almost without her knowledge—for she was asleep.

Then Peacock got mad, for which he can be readily excused, and before the day had closed he made his way to the house of Barrister-at-law J. D. Hazen, and tried to see him. He didn't succeed that night but on the following Monday—two days later—Mr. Hazen called on him and he retained him to prosecute Damery for damages.

The firm of Messrs. Hazen & Raymond took up the case and Mr. Damery soon heard from them. He might have been scared out of his boots but he didn't settle and on the 28th of September a writ asking for \$10,000 damages was served upon him.

This is how the case got into the circuit court this week before the chief justice and in a certain measure accounts for the absence of corner loafers on the principal thoroughfares. For the court house was crowded and the eyes of the chief justice twinkled as he glanced over what he termed the "large audience."

Mrs. Peacock was the principal witness for the plaintiff and she told the story that was briefly outlined above. She is a medium sized woman of rather pleasant features. Those who know her real well say she looks better without the heavy black veil that concealed her face than with it but that is all a matter of taste. At any rate she kept her features concealed as much as possible, no doubt to the disappointment of the curious. But she was fully alive to the situation and kept her counsel posted as the case went along. Her husband is the plaintiff and he thinks the alienation of his wife's affections is worth \$10,000. According to her story her affections never strayed from her legitimate lord and master but Peacock himself says they did.

His story on the stand was rather an interesting one though it was hard to get it out. Peacock is very deaf and Mr. Skinner finally became alarmed for his voice fearing that it would give out if he kept shouting in the witness' ear much longer. His Honor was kind enough to suggest that he could spare him a bit of his. At which the Recorder smiled.

Peacock told his story in a plain blunt

way. He and his wife live together yet, he said, though they are not on the same pleasant terms as they used to be for since she had told him about Damery assaulting her he hadn't felt the same way toward her. He evidently took the matter to heart from the first for a week later, after she told him the story he said the same house couldn't hold both of them and she left him. Perhaps he wouldn't have done it if he hadn't had a "glass or two" of beer. Then the judge looked at him. "Don't call it beer, call it rum. This idea of the people now calling everything beer!" It is doubtful if Peacock heard him but he fired up when Mr. Skinner asked him how many drinks he had that day.

"I'm not supposed to tell you how many drinks I take in a day, am I?"

And when Mr. Skinner asked him in his gentlest tone if he was so drunk he didn't know what he was doing his curt reply was: "I won't answer that question."

He seemed to have a good deal of difficulty at times in understanding Mr. Skinner's questions and at one time particularly that gentleman became impatient. The judge thought the answer sufficient, considering the witness' ability to understand it.

"The question is not an abstruse one, your honor," said the counsel.

"I wouldn't exactly call it abstruse, Mr. Skinner," said his honor "I can understand it, but the question is long, very long."

Peacock's memory for dates was very poor but he remembered having another row with his wife and her leaving him again. "The disgrace of it all and the thought of his children was working upon him all the time, he said, and home wasn't as pleasant as it used to be."

That closed the case for the plaintiff and Mr. Skinner, after setting forth a general denial of the allegations, called the defendant, Damery. The defendant is a strapping big fellow with a full fleshy face and heavy dark moustache. He was at his ease and the principal points of his evidence were that while Mrs. Peacock alleged that she was assaulted on the 24th of July that she was not in his house after the 21st of that month. He had one or two things to remember the date by such as calling the doctor twice on that day, paying his housekeeper, Mrs. Robertson, and a family jar between Mrs. Peacock and her mother in his dining room that morning. All of which was associated with the departure of Mrs. Peacock on that particular day. His direct contradiction of the evidence of Mrs. Peacock and her sister, Mrs. Naves, was sharply attacked by Mr. Hazen in his cross examination but Damery was not shaken in his story, which was to the effect that the whole thing was concocted through malice.

The housekeeper, Mrs. Robertson, bore out the story of Damery to the letter about the date of Mrs. Peacock's departure. The most remarkable thing about her evidence, however, was the statement that she had had no conversation with any one, not even the defendant, about the affair, but came into court without knowing what she was to be called upon to prove. According to her story, she had had a hard time of it through her married life. She belongs to the country—away up the Washdmoak—and was married fifteen years ago to Douglas Robertson and had a family of two children.

Some time ago they parted as he wouldn't support her and their respective parents took the children. Since then she has earned her own living by working out and she named several families in the city where she had been employed. She is not living at Mr. Damery's house now and has not since October 26.

Dr. Keillor was called to corroborate Damery's story about the date of Mrs. Peacock's departure. He wasn't of much value to the defence but he remembered the two visits about the 21st of July and he didn't remember seeing Mrs. Peacock around after that day. But she might have been. At any rate he gave Chief Justice Tuck a chance to get off a good joke on the doctors. When asked if he kept a record he replied that he did, "Then" said the chief "you are not like those doctors of these days who send you that mysterious bill without items like this To 'Professional attendance from July 1894 to July 1895; 30 much'"

And the audience laughed so that the constable yelled "order."

The late Mrs. Damery's son—a bright looking young fellow—corroborated his step-father's story in a measure and that closed the evidence for the defence. The

court was about to adjourn and the audience was restless when the judge said: "Now if this large audience will kindly keep quiet for two minutes the court will adjourn but if you don't, why you won't be able to hear a word of what the clerk says."

And when the crowd held itself down and listened to Clerk Willett say his little speech in assisting to adjourn the court they caught on to the judge's joke, for while they possibly heard him they couldn't understand a word of it.

The case went to the jury Friday, after PROGRESS went to press. Messrs. C. N. Skinner and John R. Dunn for the defendant and Hazen & Raymond for the plaintiff.

A SUCCESSFUL YEAR.

The Opera House holds its Annual Meeting—A Good Showing.

The year has been a good one for the Opera House though there has been no dividend declared yet. However, the stock will probably rise when it is known that they have been able after meeting current expenses to set apart about a thousand dollars for meeting the floating liability and the ten thousand dollar mortgage that looms up in the horizon, shutting out the brightness of the skies for years to come.

The annual meeting of the shareholders was held this week and it appears that they have had the average number of attractions this year and the boards were pretty well occupied by the purveyors to public amusements. The patrons of the drama in St. John, just as in Lowell and others of the best American show towns, are the working classes, the working men and working girls and they have turned out in force during the last year, an evidence that good times prevailed.

The companies that have come here have had successful engagements and the promoters here of the histrion art have come to the conclusion that about an equal number of the 10, 20, and 30 cent and 50 and 75 cent shows is just what St. John wants. Each draws a different class of spectators and the companies that have come here last year, Bennett and Moulton, and Harkins in the popular, price line and O'Neil and Lewis Morrison in the higher priced entertainments, have all met with success.

Portland Maine gets a better class of entertainments than St. John and the reason is that the thespians when they come down here have to climb walls. The tariff is the bugbear. They have to pay 15 cents a pound duty for their paper and the pounds of big display sheets multiply very rapidly.

MERCENARY ALDERMEN.

They Buy up Claims for a Mere Sum as Speculation.

HALIFAX, Jan. 6.—There is great privation in the families of many hard-working men in this city to-day partly on account of the non-payment of wages by firms that had contracts on the exhibition trotting track. Contractor Murray left a great many men unpaid, and so have another firm, though the latter lay all the blame for this on the city officials. It is said that two aldermen in the north end have brought up many of these claims, paying the poor people a small percentage and that they will come to the legislature and city council, or commission, when the money has been wrung from the tax-payers to receive the full value of these bills. Meanwhile the poor wretches who have been kept out of their money are shivering with cold and their families are half starved. It does seem hard that the men who earned those few dollars should not have them, and that so great a portion of the money should fall into the hands of grasping aldermen or any one else.

A year ago an attempt was made to give suppliers of materials for building purposes a lien on the structures going up. This was designed to prevent owners from giving contracts to irresponsible men, who could assign at pleasure, leaving the merchants without their money, while the man who had given the contract found his building still as safe as a church in his own hands. If an owner knew that the merchant could take the building, in case of nonpayment, to secure himself he would be sure to see that bills were paid as the work progressed. The workmen should also have the right of this proposed lien. If they had had a lien on the trotting track they would likely have had their money, and all of it long ere this. The bill was defeated by interested parties but such a good measure should not be dropped because of one reverse.

WHERE THE LEPER WAS.

HE HAD BEEN IN THE CITY FOR SOME MONTHS.

Before He Saw a Physician and Was Sent to the Hospital to find out What Was the Matter With Him—Some Additional Facts About the Matter.

The citizens generally were startled when PROGRESS appeared last week, by the publication of the fact that a person afflicted with leprosy had been in the general public hospital for a time. The facts of the case as presented in these columns were true in every respect but as some of those connected with the institution think that as they were given they might lead to some erroneous impressions regarding the hospital perhaps it would be as well to give them as they understand them.

Of course the presence of leprosy is enough to cause a stampede in any of these northern countries. It has a dread sound and those unfortunate enough to be afflicted with it are imprisoned for the rest of their lives in a lazaretto.

So it was only natural when the information leaked out some time ago that there was a leper in the city there should be a most diligent search made for him. Strange to say the newspapers could learn nothing of his whereabouts or where he came from. It was learned in a most general way that the victim of the disease was a young man and that he was employed in the city. It was also learned that he was under the care of some physicians who were attending to the case and that the officials at Ottawa had been wired regarding the matter. Then, probably from the same sources, the information reached the public that Dr. Smith, who has charge of the lazaretto at Tracadie, was coming to St. John to examine and pronounce upon the disease and consult with the local authorities upon the subject. This was done as will be told later.

Now it transpires that the general impression that the leper was a recent arrival in this city, is an incorrect one, but that he has been here for some months—it is stated nearly a year—and employed in a position where he met and attended upon a considerable number of people daily. None of those who were waited upon by him had any idea that the young man who moved among them had the dread disease, leprosy. No doubt it is just as well, as no harm appears to have come from the fact of his presence. But it is a curious feature of the case that the young mulatto had no idea that he was afflicted with leprosy. He came from an island in the West Indies because he was in ill health and thought this more vigorous climate would benefit him. The officers on the steamer had no idea that there was a leper on board else he would never have been taken farther than the next port of call. And they are men who are not afraid of the disease, because in those islands there are thousands of people afflicted with leprosy. They have a number of lazarettos for the worst cases but it is no uncommon thing to see many men and women walking about the streets with all the signs of leprosy in its incipient and advanced stages.

This was not so with the leper who came to St. John. Even the first traces of the disease did not show upon him until long after he came here, but it was in his blood, and his health instead of becoming vigorous as he had hoped in this climate did not improve. On the contrary the first symptoms of the disease began to manifest themselves and that feeling of debility and general uselessness which accompanies the progress of the malady became strongly marked. So much so, that his friends or employer finally persuaded him to see a physician. He did so and went to one of good standing in this city. The doctor did not know what was the matter with him and either upon his advice or that of his friends he applied for admission to the hospital. Whether he went in the day time or in the evening does not make any material difference provided no one knew he had the disease of leprosy and sent him there with that knowledge. Then the physician whom he had consulted—and who happens to be one of the commissioners and on the staff—examined the patient. Leprosy cases are not common in these parts and perhaps it is the last disease that a medical man expects to encounter. But this physician had his opinion and while he was having it confirmed he had the patient sent to a private room and called some of his associates to

consult with him and diagnose the case. They did so and the result was that after microscopic and other examination they concluded that it was a case of leprosy.

With the consent of the commissioner for the month the patient was kept in the room but all the physicians agreed that in the stage of the disease in which he was that there was not the slightest danger of infection. But nothing was said about the matter not even to the patient himself. The matron and physician in charge knew of the facts but great precaution was taken to keep the matter secret.

The commissioner with whom PROGRESS talked claimed that the physicians could do nothing less under the circumstances, that it was impossible to expect them to turn out the poor unfortunate because he was seized with the dreadful disease. There are very many who will agree with him no doubt but they are the people who held it was wrong to turn a poor colored woman and her young infant from the door because it was not a lying in hospital and because it was against the rules. There are exceptions to every rule and these two cases should have been classed under that head.

There cannot be much excuse however for not informing the nurse what was the nature of the disease of the patient. There is a rule that a nurse has the option of refusing to nurse certain diseases. How in the world is she going to exercise that right without knowing any thing about the disease? When spoken to about this matter the commissioner said that any nurse who would refuse to nurse small pox, diphtheria and such cases was not fit for the business. Few will argue that he is wrong in making such a statement, but then what is the good of making such a regulation in the hospital? Why not strike it off the books?

No doubt gentlemen like the commissioners of the General Public Hospital who give their services for nothing and who do devote much time and attention to the affairs of the institution are a little sensitive to the criticism of the press, or in fact to any criticism, and one of the first arguments that is made after any critical comment does appear is "That is all the thanks you get for serving the public—abuse," and as the gentleman who talked with PROGRESS about the leprosy case remarked, "No matter how many improvements we make on the institution the press does not print columns about that—no matter how cheaply we run the hospital the press does not tell the people that this institution does not cost half what that in Halifax does."

A ready answer to this might be that the press has not access to the meetings of the commissioners and are not in a position to obtain the information readily. But at all events the newspapers are always on the alert to print what the people are talking about, and what they are interested in whether in the line of criticism or commendation.

MR. KING'S NEW YEAR'S GIFT.

Presented to him Monday Morning in the Shape of a Favorable Verdict.

The Sloan-King case is out of sight—and so, it is understood, are some of those more immediately interested in it. It did not take long for Judge McLeod to dispose of it Monday morning and except that there might have been a few more lawyers present than usual, no one would have known that a decision was to be given in an important matter. The judge didn't appear to have worried over the matter much. No doubt he was just as ready for watch night service and made his New Year's calls on Saturday without permitting the fact of this wonderful trial to upset his mind. At any rate he looked very neat as he took his seat in Chambers Monday morning with a white carnation in his button hole. That "Emblem of purity" might have been considered a little out of place in the presence of such a case if one had thought about it, but in the general interest and expectancy for the verdict, such a trifle was forgotten by those present.

And the judge was not long in giving his opinion, which was in brief that Mrs. Sloan had not received any gift of \$5000 from Mr. King, and that she did not lend him that amount.

Mr. King smiled and stroked his whiskers as the judge presented his council with this eloquent New Year's gift, and then his friends extended their hearty congratulations to him. After Mr. Macrae's application for a stay of postea had been granted, the Sloan-King case was over—for the present at any rate.