

# PROGRESS.

Board of Works 8 May 99

VOL. XI., NO. 551.

ST. JOHN, N. B., SATURDAY, DECEMBER 3 1898.

PRICE FIVE CENTS

## SCENES IN THE COURT.

### MRS. LEONARD NASE IS SUEING PROGRESS FOR DAMAGES

The Proceedings of the Court on Wednesday and Thursday—Incidents That Happened—What led up to the Action—A Summary of the Principal Evidence.

About a year ago two or three articles appeared in PROGRESS concerning some matters that were in dispute between Mrs.

place, the suit came up in the circuit court Wednesday morning. PROGRESS was represented by C. N. Skinner, Q. C., and Mr. A. W. Macrae, while Mr. Baird had L. A. Currey, Q. C., associated with him.

It was a little after 10 o'clock when the different counsels and His Honor the Judge appeared in the court room. About the same time the door used by barristers newspaper men and other privileged characters opened and Mrs. Leonard Nase the plain-

the criminal trial on the previous day. That, however, was remedied later and the square looking affair with the ugly railing around it did not continue to spoil the effect of rather an attractive scene.

At first there did not seem to be much interest taken in the case; that is to say outside of jurymen who were supposed to be there, the officer of the court, the parties interested in the case and the witnesses who were summoned, the general public did not flock to the court room to listen to a case that seemed to promise at the outset to have some interesting features. It did not take the court long to select a jury in fact that was the briefest portion of the affair. The first gentleman called was absent, and Messrs M. D. Austin and Richard Rowe, the next two named by the clerk, did not appear to satisfy either the plaintiff or the defendant and one of them was challenged by each party. Messrs. Richard Whiteside, R. Ward Thorne and R. D. Smith were suitable and no objection whatever was made to them. The counsel for PROGRESS did not appear to think that A. W. Vanwart and Enoch B. Colwell were the best men

cation by evidence of those in connection with the paper, and for this purpose, during the suit, Mr. W. T. H. Fenety the president of PROGRESS Printing and Publishing Co., Mr. H. G. Fenety the secretary—treasurer, Mr. E. S. Carter the

## HANDED OVER THE FIVE

### A HALIFAX AFFAIR THAT WAS SETTLED OUT OF COURT.

A Commercial Traveller Well-Known in St. John has a Little Experience in Halifax as the Result of a Game of Dice—How It Ended.

HALIFAX, Nov. 29.—A. A. Corrigan a commercial traveller, and the representative of one of the largest cigar firms in Montreal was given considerable notoriety in this city last week by a little episode in which he figured somewhat prominently. Corrigan is particularly well known in this city, and he is equally as well known in St. John, both of which cities he finds it necessary to visit several times each year.

It was his misfortune one evening last week to drop into a certain hotel on Argyle street, which is now under the management of "Capt" Verge. While there Corrigan made the acquaintance of several other parties, and they all more or less enjoyed themselves quite pleasantly. Some one of the members suggested that they shake the dice, just for fun. That was very nice for a little while, but they soon tired of it. To make it interesting they decided to "shake" for dollars. The game quickly developed into a very fast one, and the greenbacks were being exchanged much more hastily than many of them cared about. However they hung it out until a dispute arose over one of the "stakes" and as a result the game was soon brought to a close. The difficulty was between Corrigan and that old familiar figure "Tommy" Goodwin. The latter though many years Corrigan's senior, is well up in the game, and many say that he is a hard man to down. This theory proved correct, as "Tommy" clearly showed that he could not be out done by any one, especially when it is a matter of dollars and cents. He is as sharp as the sharpest, and he frequently "grinds scissors to keep the edge on." How "Tommy" came to get in such company as this is as yet unexplained but he was there all the same and remained to the finish.



His Honor Judge McLeod Listening to the Arguments of the Counsel.

editor of PROGRESS and others in connection with the business department were put on the stand.

Mr. W. H. Nase, Mr. Leonard Nase and Mr. J. H. Hinds were also on the stand for the same purpose. Mr. Leonard Nase, the husband of the plaintiff was an interesting witness. In his evidence he acknowledged that there was a suit brought against Mrs. Nase and that in settlement of that he paid \$50. He acknowledged that there were differences between his wife and the members of the Smith family but all he appeared to know about it was what the plaintiff had told him or he had heard from other parties.

At the time of this writing the case is in court and PROGRESS is therefore not privileged to comment upon it or upon the evidence given. Therefore this article, of necessity will be less interesting than it would be otherwise.

On the afternoon of the first day Mrs. Nase had a lady friend to keep her company; she sat there composed as possible during the proceedings and evidently took a keen interest in what was going on.

The attendance on Thursday was quite large and the spectators followed the proceedings with interest. The judge did not permit the defendants to prove the truth of what the papers said because the justification plea had not been entered. He held that under the plea of "Not guilty" evidence of what went on in Courts Block could not be given. That of course made the case less interesting and the defendants had to depend upon what took place in the police court a year ago and the proceedings before the court. When Magistrate Ritchie was called to show what took place in the police court he told the court that he remembered the information against Mrs. Nase and Mrs. Leary; he had received sworn evidence in the case which he was not sure was one of assault or "language," but he had no record of what that evidence was because he had taken no note of the case.

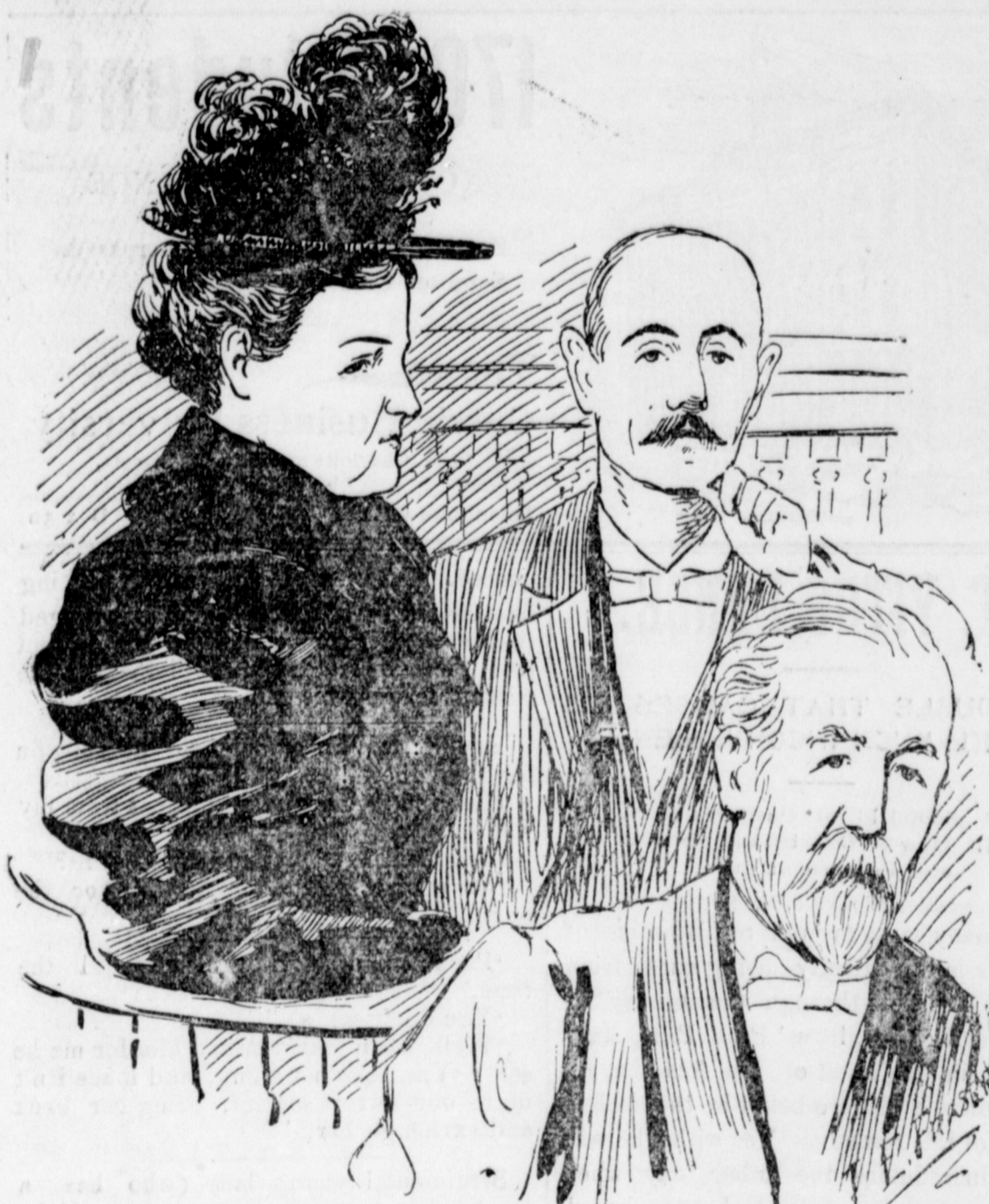
Once in a while there was a bit of humor about the case. For example when Recorder Skinner asked the witness how long he had been police magistrate he replied that he thought most people knew when he was appointed.

John Smith and his wife Mrs. Smith were on the stand and told how they were in the police court and both of them tried to tell what they had told the magistrate. That did not seem to be an easy matter. They wanted to tell the facts of the affair as they had transpired in Court's Block but the judge would not allow that and consequently their evidence was not lengthy. Mr. Smith, however, told of the hard language used toward him by Mrs. Nase and Mrs. Leary and of the placards placed on his doors and the presence of effigies and so forth—all of which he said he had stated in the police court.

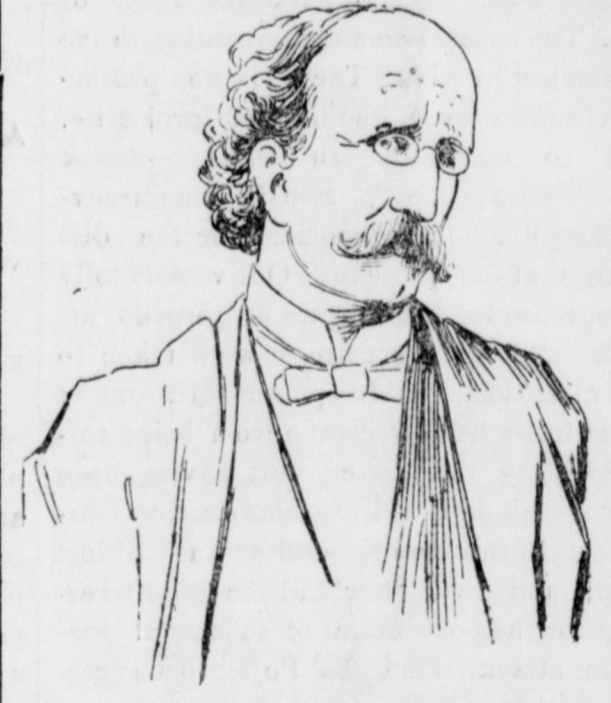
When he had finished his evidence an adjournment was made until Friday morning at ten o'clock and as PROGRESS goes to press an hour later it was not possible to get any further proceedings for this issue.

### An Interesting Case.

One of the interesting cases before the police court this week was the suit of Roger Varian against Frank Wheeler—an action for debt. While the trial was going on Varian acknowledged that his real name was Rogerson and he gave some reasons for the change. As the magistrate will not deliver judgment until Thursday next, comment at this time is deferred.



Mrs. Leonard Nase, her Husband and Mr. A. W. Baird, as Sketched in the Court Room.



Mr. L. A. Currey as he Waited for an Answer of a Witness.

they could have on a jury and they were challenged and stood aside. Probably on the same ground the plaintiff objected to Joseph Ruddock, but the four remaining

tiff in the case, appeared in the company of her husband. Both of them under the guidance of their counsel found a seat at

Leonard Nase, Mrs. Leary and Mr. and Mrs. John Smith.

Perhaps the first intimation that the public, outside of the immediate vicinity of the parties, had of the affair was the publication of the cases on the docket of the supreme court a year ago in November when the title of one of them was Smith vs Nase.

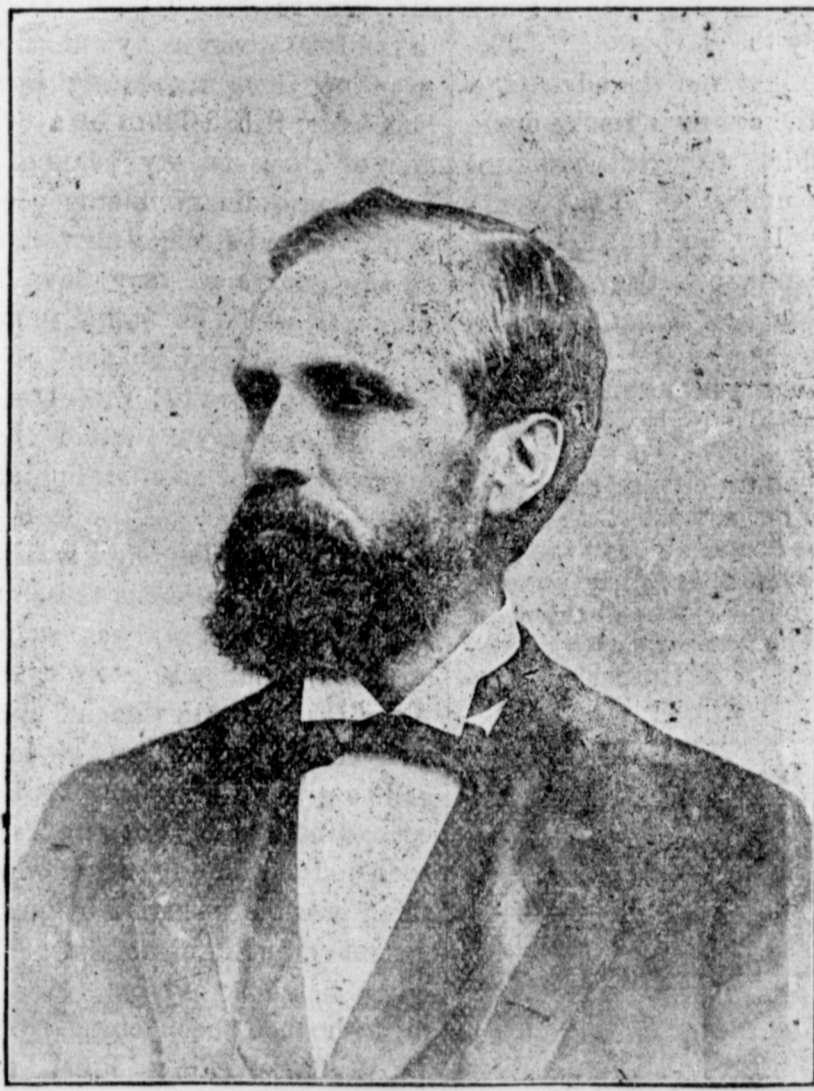
This was an action brought by Mrs. John Smith against Mrs. Leonard Nase for assault and the amount of damages claimed was \$300. The case, as stated above, was entered on the docket of the circuit court and the publication of the fact attracted considerable attention. Though published in the evening papers of the day in which the court met it did not appear in the morning papers having been settled in the meantime. The amount paid by Mr. and Mrs. Nase was not made public then but it was stated that it was \$300 probably because that sum was asked as damages.

Naturally enough this was the subject of an article in PROGRESS and some description of what happened written in an interesting way appeared in this paper under the caption of "A Broom and Dust Pan War" That was on December 11th. Two weeks later Mrs. Nase and Mrs. Leary were asked to appear at the police court and answer to a charge of abusive language preferred by John Smith against both of them. Mrs. Leary did appear but Mrs. Nase did not. She was ill was the excuse sent to the magistrate. Sworn testimony was given by several of the parties and accounts of the days proceedings in the police court appeared in all three evening papers. They were quite long and interesting.

On the following Saturday PROGRESS told the story in its own way and described the settlement of the case in the police court.

Then Mrs. Nase went to Boston shortly afterwards for a visit and when she returned she changed her residence. The fact was noted in PROGRESS of a later date and in doing so the paper made reference to what had taken place before.

On account of these articles Mrs. Nase through her attorney Mr. A. W. Baird notified "PROGRESS Publishing Co., Ltd" that she proposed to bring a suit for libel unless an ample apology was printed. PROGRESS did not see where an apology was possible or why it was necessary and so none was made. In consequence of that, after the usual formalities had taken



C. N. SKINNER, Q. C.

jurymen were found in Chas. MacMichael, Geo. K. Berton, Harris Allan and S. H. Belyea.

After the jury was sworn, Mr. Baird presented the plaintiff's case to the court, and in doing so he read the articles complained of. Mr. Baird has always been noted as an admirable reader. It is not an unusual thing for him to appear on the public platform in that capacity and very many people have listened to his expressive tones with the greatest of pleasure. It can easily be understood therefore that when he read the articles in PROGRESS they sounded very interesting. Perhaps there was not a person in the court room outside of the parties in the suit who had any idea at this date (nearly a year after they were published) of what was said in them and therefore Mr. Baird's reading of them had additional interest.

A good deal of time was taken up by the opposing counsel in arguing certain points of law and it was quite well along in the forenoon before any witnesses were called for the plaintiff.

Mr Currey endeavoured to prove publi-



A. W. MACRAE,

the right of the barrister's table and just in front of that grim looking dock which the officers of the court had not removed after

Christmas Annuals, all kinds, at McArthur's, 90 King street.