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PROGRESS.

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HE DID NOT LIKE THEM.

COUNSELLOR L. A. CURREY OBJECTED TO PROGRESS' SKETCHES.

Scenes at the Conclusion of the Case "Progress" Libel Suit—Imprudent Spectators Called Down—How the Jury Agreed Upon the Damages.

When PROGRESS went to press last week the suit of Mrs. Susan Nase against this paper was still before the circuit court. The case did not go to the jury until Saturday morning and the verdict was returned at noon that day.

In the meantime a good deal that was interesting happened. In fact the liveliest sort of evidence was given in the last few hours. The decision of the judge, refusing to allow the defence to put in any evidence except as to what transpired in the police court necessarily under the old plea prevented the admission of much of the testimony that this paper had secured.

Then the fact that the police magistrate had made no minutes of the case when it came before him in the police court and also the judges ruling out the daily newspapers containing accounts of the trial and proceedings there necessarily narrowed the defence down to a fine point.

Then it was that the gentlemen conducting the defence added a fourth plea justifying that portion of the articles referring to the "broom and dust pan war," and which was the cause of the suit began by the Smith's against the Nase's in the circuit court. Mr. Mont. McDonald had given evidence of this and shown just when the writ for assault and abusive language were served on Mrs. Nase and when notice of trial was given. He also spoke of the settlement and of the fact that it had been mainly arranged by friends of both parties.

Friday afternoon was largely taken up by the evidence under the new plea and Mrs. John Smith was placed upon the stand. Mrs. Smith is a woman of nearly sixty years of age and has a pleasant, motherly appearance. When she was on the stand on Thursday, the nature of the questions which prevented her from stating anything except what she had told the magistrate a year ago in the public court, seemed to bother her, and she could not remember much, but when Mr. Skinner asked her to tell her story on Friday she went ahead at a rapid rate, sometimes too much so and the efforts of the lawyers and the judge to keep her within the bounds of what she had a right to say caused not a little amusement at times. But the evidence she gave under direct examination, as taken by Stenographer D. Vine (with the objections where noted stricken out) is given as follows.

Q. I want to ask you now if any difficulty took place between you and Mrs. Nase with regard to assault and if so state what it was? A. Have I got to tell from the first start when we first commenced?

Mr. Currey—She cannot tell anything only what is stated in the plea.

Q. You need not go back to the past history? A. I will just commence where it took place?

Q. Yes? A. Well it was July 13th a year ago this July I was at work in my kitchen doing up my work quietly and saying nothing to nobody. Me and my daughter were alone all at once I heard my back door, wood house door open and I walk out—

—as I went to go to meet my daughter she met me half way. She says "Ma!"

Mr. Skinner—You need not say any conversation with anybody but Mrs. Nase? A. She says "Our back door is open" and I started to go

Mr. Skinner—You need not say anything your daughter said? A. As I went I saw the dirt that they had carried to my door.

Q. You did not see who did it? A. I saw Mrs. Nase. She swept the dirt out of the back-house into my woodhouse and swept my mat into my woodhouse. I stood for a moment I says "I will go out and throw that dirt out." I said that to my daughter.

Mr. Skinner—Do not tell anything you said to your daughter? A. Mrs. Nase was in her own apartment then. She did not hear this between me and my daughter.

Mr. Skinner—I do not want any conversation between you and your daughter? A. I went to the door and took my broom and dust pan to sweep the dirt up and as I was sweeping it up Mrs. Nase opened the door dressed with nothing on but her chemise and petticoat. She was half naked; she came in on me and she says "Now sweep up your dirt—lirt."

Mr. Currey—I contend in point of law Mr. Skinner is confined to the plea and this should be stricken out.

Witness—As I was sweeping it up she came right out and caught hold of me right in my own apartment. And I says "I do not want to talk to you" says I "You go in your own house I do not want to talk to you." She says "Who are you?" I says "I am just what I am, I do not want to have any thing to say to you at all, just keep your own place, let me alone." At that my daughter came out and told me to go into the house. I said to Mrs. Nase "Hadin't you ought to be ashamed of yourself to come out here to fight me an old woman over 50 years old and your own aunt and one that has done so much for you as I have, hadin't you ought to be ashamed of yourself?" She says "Who are you?"

I says "I am just who I am that is who I be." I says "You ought to be ashamed of yourself." So she tried to get the broom stick away from me and could not but she held on to me and pounded me with one hand and tried to get the broomstick away from me, she shook me there until I was nearly shook off my feet. I started to go in my home and she hung on to me still yet and would not let me go; then my daughter came out and took hold of me and took me into the house and as I turned round to go into the house there was a mat she had swept in and she picked it up and fired it into my face and she says "Take that, you d—d dirty old slob."

Q. When that occurred did that end it? A. Then my daughter took me into the house and I was completely overcome. She shut the door and my daughter ran and locked the door to keep her out and she came to the door and knocked against it and kicked against it and swore as tight as she could lick and she says "I will knock the d—d heads off the whole of you."

Q. That was the assault that took place? A. Yes. Q. You said something about a dustpan? A. I had a dustpan and broom and was in the act of sweeping up the floor when she swept the dirt up on me. My daughter is in Boston she has been there for two months and more.

The cross examination by Mr. Currey was quite long but it did not alter the statement of the witness in any degree.



EX-JUDGE A. L. PALMER. Who has Appeared at the Bar of New Brunswick as one of the Counsel for Prof. Hesse in His Suit Against the Street Railway.

Her story was the same every time. Her husband, John Smith was on the stand again too and told substantially the same story as he did on the previous day.

Then came the event of the trial and that which had been looked forward to by the spectators—the evidence of Mrs. Nase, the plaintiff. She was called to rebut the evidence of Mrs. Smith. No witness was ever more self possessed and cool than Mrs. Nase. Her answers were short and to the point. It is said that a lawyer likes to hear a witness answer "Yes" and "No" and if that is the case Mrs. Nase must have pleased them immensely for her answers were frequently of that nature. As the principal witness for the plaintiff PROGRESS secured a copy of her evidence from the stenographer (minus objections noted) which is as follows.

Q. You are the plaintiff in this case? A. Yes.

Q. Who is your husband? A. Leonard Nase.

Q. What is his business? A. Greecer.

Q. Where does he do business? A. Indiantown city of St. John.

Q. What is the name of the block his store is in? A. Court's block.

Q. Speaking of the months of last December and January, were you living there? A. Yes.

Q. You have been in court during the progress of this case? A. Yes.

Q. You have heard the evidence of the different witnesses? A. I heard the evidence of Mr. Smith and Mrs. Smith.

Q. Reference was made to a certain matter before the police court, were you there? A. No.

Q. Were you served with any papers calling on you to go there, summons, subpoenas or anything? A. No.

Q. You were not there and had no personal knowledge of what took place there? A. No.

Q. You say Leonard Nase is your husband? A. Yes.

Q. Under what name does he do business? A. F. Nase & Son.

Q. Mr. George F. Baird—do you know him? A. Yes.

Q. Is he a relative of yours? A. Yes.

Q. Dr. Case over there? A. Yes.

Q. Mr. Woodman? A. Yes.

Q. Mr. Skinner? A. I do not know about Mr. Skinner I do not know whether he is or not.

Q. Have you ever heard that? A. Perhaps I have had.

Q. You heard Mrs. Smith's evidence this morning as to certain difficulties that you had? A. Yes.

Q. Will you tell us what took place with reference to some difficulties that you had over there along the lines she spoke of—what was the whole thing? A. As far as I know about it I was washing getting ready to go out and asked her what was the matter and she commenced jawing about the back hall and "she would sweep it when she got ready, I said "Attend to it then, that is all I want you to do." She says "You go in I do not want to talk to you." Of course I did not go and she raised the broom stick as if she was going to hit me and I caught hold of it and her daughter was coming out and there was a mat lying on the floor and I picked up the mat and threw it at her and went in to my own part. I said "You are no worth talking to."

Q. Did you make use of such an expression as a liar or old liar? A. No.

Q. Or old bugger? A. No.

Q. You have a distinct recollection of that? A. Yes.

Q. Had you any other difficulties on any other occasion? A. No that was all there was.

Q. Did you ever on any occasion to annoy her or ring her bell?—A. No.

Q. For any purpose? A. No.

Q. Place any placards or flies or anything in, sulking or annoying her? A. No.

Q. At no time? A. No.

Q. What you said is that you were washing and went out in the hall and had some talk about keeping the hall way clean and had some words and she raised the broom stick and you went back to your apartments and picked up the mat and threw it at her? A. No I did not go back. I picked the mat up from the floor and threw it at her and then went back.

Q. Do you know whether it struck her or not? A. No, I do not know.

Q. Did you not strike her with your hands or fist? A. No.

Q. Did you hear Mr. John Smith's evidence? A. Yes.

Q. What has been your relations with Mr. Smith for the last few years, have you been on speaking terms? A. No I have not spoken to him for over 2 years.

Q. Did you hear the statement he made that on one occasion you and Mrs. Leary were on the stair way and you referred to him as an old bugger? A. Yes I heard that.

Q. Is that correct? A. No.

Q. Did you ever do that or make use of that language? A. No.

Q. Neither in his presence or Mrs. Leary's. A. No.

Q. Was there or was there not on that or any other occasion any broom or dust pan war between you and Mrs. Smith? A. No.

Q. Mr. Nase chased her aunt into Mrs. Smith's apartment—Did you chase her into her apartments? A. No.

Q. Where was she when you left the hallway? A. In the back hall, when I went into my apartment she was still there.

Q. Were there any dustpans or other deadly weapons burnished or juggled on that occasion or any other? A. No.

Q. Were there any mops there or any carpets used? A. No.

Q. Mrs. Smith made some statement with reference to putting out the lamps, was this or not a common hallway? A. Yes.

Q. Between and amongst whom? A. The three families Mr. Smith's, Mr. Leary's and ourselves.

Q. What was your arrangement with reference to this common hallway? A. Each was to take a month about keeping it clean and look after the lamp.

Q. What about putting out the lamp. A. I might have put the lamp out because it was usual for whoever came in last to put the light out.

Q. Did you or did you not put the lamp out for the purpose of insulting or annoying Mrs. Smith. A. No I never did it to annoy her.

Q. What was the practice of you three tenants as to putting out that lamp. A. Whoever came in last put the light out and I might have put the light out thinking they were all in. I did not put it out to annoy Mrs. Smith.

Q. Or any other tenant? A. No.

Q. Your husband keeps store open in the evening? A. Yes.

Q. About what time does he generally get in? A. Half-past ten or eleven.

Q. Did you or not put it out before your husband came? A. He sometimes came the front way.

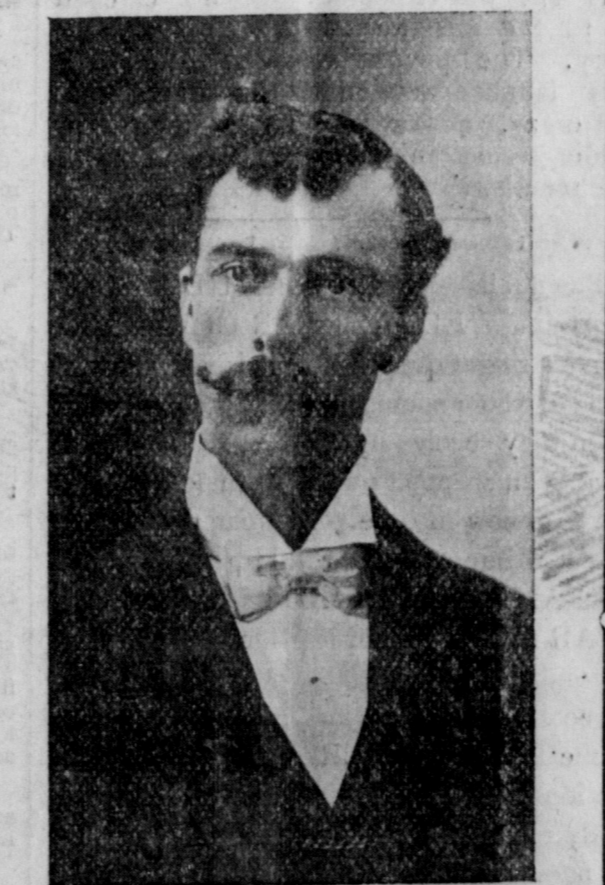
Q. This unpleasantness you might tell us a little more fully between you and Mrs. Smith what gave rise to it and what took place as to words? A. It was sweeping and keeping the back hall clean that was all.

Q. You had your mouth and Mrs. Leary hers? A. Yes.

Q. Was objection made to the hall in anyway by you or anyone? A. No, but when it came Mrs. Smith's mouth to keep it clean she did not do it, and I suppose I spoke of it and asked her why she did not do it.

Q. That was what gave rise to the difficulty? A. Yes.

Q. As to Mr. Smith, I understand you to say you had no talk with him at all for some years? A. No.



JAS. W. FLOWER. Formerly in the Currie Business College in St. John and one of the Victims of the steamer Portland Disaster.

Q. Did you talk at him for the purpose of insulting him before any other person? A. No.

Q. Either Mrs. Leary or anybody else? A. No.

CROSS EXAMINED BY MR. SKINNER.

Q. How long has the difficulty between you and the Smith family been running? A. Mrs. Smith?

Q. When was the first difficulty between you and her? A. That day.

Q. There had been difficulty between you and Mr. Smith for a long time before that? A. Yes.

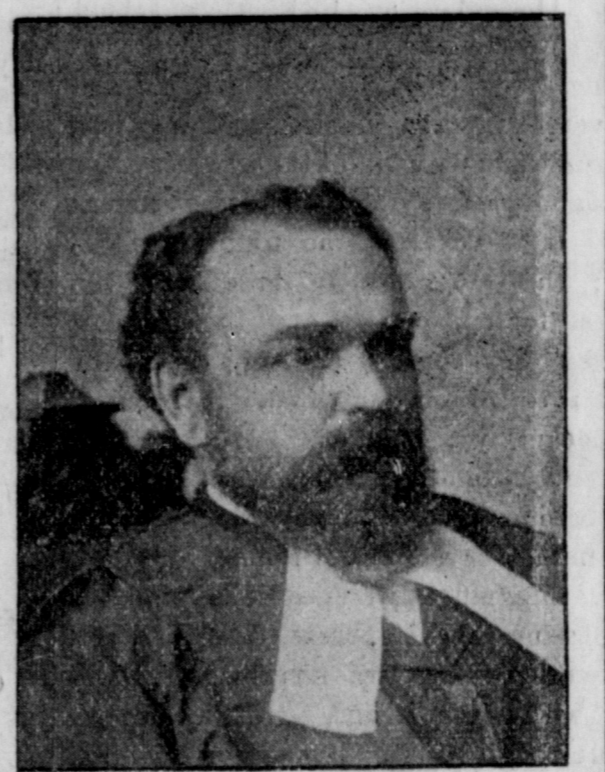
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NO LIGHT ON HER DEATH.

THE FRANCIS LEE INVESTIGATION IS UNSATISFACTORY.

The People of Halifax Awaited the Result but They Were Doomed to Disappointment—Some Strange Features of the Case—No Direct Evidence Given.

HALIFAX DEC 8—Medical examiner Finn has filed his report respecting the death of Francis Lee, the young Newfoundland girl, whose sad demise PROGRESS told of some weeks ago. The report which is not a very voluminous one, was made up this week, and is now on file at the office of the Prothonary. He says she made no anti-mortem statement, and that she refused to allow an examination, or give any history of her case at the hospital. He is of the opinion that her death was due to asthenia brought about by her inability to assimilate nutritious food, exaggerated by nervous depression and furthermore there was no evidence of any criminal action found. He also states in his



WILLIAM FUGSLEY Q. C. Counsel for the St. John Street Railway in the Hesse Case.

report that the young woman was well cared for at the residence of George Emerson, Bedford.

Hitherto in cases of accidents from which death resulted and in cases where deaths occurred from suspicious circumstances an official inquiry was always held to ascertain the true cause, but for some reason or other all these formalities in this case have been overlooked. No person seemed to interest themselves in this case to see that everything was carried out as it should be. All the public have to go by, are the bald statements contained in the above paragraph. No person seems to be responsible for her sudden death, and the true facts of the case will probably never be gotten at. Some six weeks have elapsed since she died, and it would look as if it took the medical men all this time to find out what really caused her death.

Who knows that she received proper treatment at the house she was stopping at, or under what conditions she was living there? It is a clear matter for investigation, and there are many who have expressed the opinion that evidence should have been taken under oath, so as to get at the bottom of the whole matter. There are many suspicious circumstances in connection with the case that the report does not cover. The hospital authorities it was at first thought knew something about the case, as they were very reticent about making any statements public, that had any bearing on it but the report shows they knew little about her or her condition. The investigations made by the police goes for naught, and the poor girl is beyond giving evidence, while the living witnesses will not be called upon to do so.

The Pet of The Office.

Congratulations and regrets were strangely intermingled in PROGRESS office last Saturday. No sooner had the curious decision of the circuit court jury reached this office than a small murrel of creation in the shape of a kitten purred its way into the building and began to get acquainted with the staff. Lasciveness, ugliness, and neglect were stamped upon this diminutive feline and it seemed as if it was in harmony with the libel verdict that caused so much talk. This must have occurred to one thoughtful member of the force who determined that this forlorn

Fancy Goods, Games, Toys, Dolls and Annals, Lowest Prices, at McArthur's Book Store, 90 King Street.

female of the cat species should not be permitted to stray from the straight and narrow path. Visions of what might happen in the future—back door squabbles and unseemly scenes and catering with a belligerent sister floated before the mind of the benevolent employe, and a desire to rescue the unfortunate from such a fate, led to a resolve to adopt and care for the animal that wandered from family and friends. So, with much ceremony and considerable interest, she was given a name appropriate to the event contemporaneous with her arrival and welcomed to the hearth of PROGRESS, and now anybody who maltreats or insults the pet of the office, will have to reckon with both a broom and a mop.

BOOTS FOR FIFTEEN CENTS.

A Scheme to Get Foot Wear Cheaply—For Some.

The men who live by their wits are continually getting up something new and one of their latest schemes has struck the town within the last two or three weeks. The idea is quite a novel one and is being patronized quite extensively by a lot of people in the city. The initial proposal is to get a pair of boots for 15 cents, such a pair of boots as are sold in the city stores for \$3.50. This would seem to be quite unlikely at the start, but when one has looked into the scheme it is quite apparent. A number of small coupon books each containing five fifteen cent tickets are sold at the start. They cost the purchaser 75 cents. Each in turn sells these tickets, which all have the same number, to his friends, and each of his five friends are supposed to go to the place where the books are sold and purchase a similar book for 75 cents. It will be seen therefore that when this is done the party who sells the books has received \$3.75, and when all the tickets belonging to the first book are in his hands, he gives the purchaser of the book an order for a pair of boots valued at \$3.50.

It will be seen, however, that the four books out have twenty tickets in them, which the holders of them will have to distribute among their friends and before they can get an order for a pair of boots, each of them have to see that the parties to whom he sells a ticket goes and purchases a book for himself at the cost of 75 cents. Then those twenty people who have each purchased books will distribute 100 tickets and if all of the 100 people buy books in their turn there will be 500, then, in order to carry out the scheme thoroughly and effectively and everybody get the advantage supposed to be had at nobody lose any of the 15 or 75 cents he has expended there must be no break whatever among the parties who start in to get the boots. However that is not human nature and there is no doubt here is where the profit comes in. The right to work the idea in this city has been secured by a well known young man who gives orders for the books on Mr. Mitchell, the shoe dealer of Charlotte street.

HE WASN'T LOCATED.

A Funny Incident in the Varian Case in the City Court.

The suit mentioned in PROGRESS last week of Roger Varian against his former friend and companion, Mr. Wheeler, for a debt of \$34.10 was decided in the city court Thursday, and judgment given for the plaintiff for the whole amount sued for and costs. This was somewhat unexpected by those who listened to the evidence, but the law is full of surprises for all parties. When Mr. Wheeler's person was attached by the constable, he promptly secured bail, but on the afternoon that judgment was delivered he asked the gentleman who went his bail to deliver him up and then secured his liberty on the limits. The case as PROGRESS stated in a previous issue brought out some interesting facts and may develop others before it is over. In his evidence the plaintiff, who had been known here as "Roger Varian" swore that his real name was Robert Rogerson, and the reason he gave for changing it was the opposition of his father to his marrying a catholic. Mr. Macrae who was acting for Mr. Wheeler, tried to locate the plaintiff's place of residence. The latter testified that he stopped at the Stanley and Victoria, was often out of town, and when Mr. Macrae tried to locate where he had spent the night previous, there was a lively passage between him and the plaintiff's counsel, Mr. Mullin, and no definite information was elicited in the end.