

If you wish to be up-to-date you can read no better literature than Munsey, McClure's and Cosmopolitan which we are giving you as a combined premium. Read ad.

# PROGRESS.

We would like to know what a lot of you people are thinking about—can't you see the "cinch" in our premium offer?

VOL. XI., NO. 568.

ST. JOHN, N. B., SATURDAY, APRIL 1 1899.

PRICE FIVE CENTS

## THE HESSE CASE ENDED.

AND THE JURY FIND THAT THE TALENTED PLAINTIFF

Has Sustained Damages to the Extent of \$25,000—The Facts of the Case Which Has Been a Most Costly One—Scenes in the Court at the Final Stage.

The case of Hesse vs the Street Railway company is ended and in the opinion of the jury the plaintiff is entitled to \$25,000 damages.

When the court adjourned Wednesday afternoon after the council on both sides had addressed the jury opinion was divided as to what the amount of the verdict would be. Some said \$5,000, others \$10,000 and but few thought that it would exceed \$15,000.

Those who had that opinion, however, must have changed it when they heard the charge of Judge Vanwart the next morning. His honor did not take long to address the jury but what he did say was to the point. It is putting it mildly to say that he charged in favor of the plaintiff.

The court room was crowded and his remarks were listened to with great interest. The seven jurymen followed him closely and as he made several points in favor of the plaintiff's case the manager and the vice president of the railway company must have felt that the damages were increasing all the time. PROGRESS learned that they expected a verdict against them but not anything like the one given.

The case has created great interest. The great ability of the injured man, Professor Hesse, and the facts surrounding the accident created much sympathy for him from the start. As one of the leading organists of the United States he held a position in a Providence church and last summer he came to St. John to cool off in company with Father Rafferty, a friend of his. He played the organ in the Cathedral here one Sunday morning and in the afternoon boarded a street car with his friend to see what he could of the city. The brake on the car got out of order and the other appliances to check its speed failed to work, and, in consequence, the track was jumped at the corner of Main and Mill streets and the car crashed into the curb stone and across the sidewalk and into the eating saloon of M. A. Harding. Only one man was hurt, Prof. Hesse, and he either jumped or was thrown to the sidewalk and his leg was broken so badly that all efforts to save it failed, and the limb was amputated. Hence the suit for damages.

The street railway was in luck that more than the professor were not hurt. When the car made its sudden entrance into the Harding building the proprietor was sitting on a stool in his office. He had his cash box in his hand and was getting some money. He didn't have time to move himself. The car did that and "Matt" and his money went to the other side of the room. He wasn't hurt and that is the first good fortune of the company. But it cost some hundreds of dollars to fix up his building and he didn't do much business for two or three weeks, all of which came out of the pockets of the street railway. Another piece of good luck was that a horse and carriage with a little boy in it which had been standing directly in front of the place where the car jumped the track, had moved up the street a few yards and thus unconsciously had gone out of danger.

The motorman wasn't hurt and yet he had hold of the lever when the car stopped in the middle of the shop. He was helpless from terror and it was not until he saw the falling timbers around him that he could move.

There were several people on board the car and none of them were hurt. That same morning seventy-three people were on board the same car going to the boat at Indiantown and they went down King street and Indiantown hill. If the brake had been defective then how terrible the consequences might have been.

The street railway is to be congratulated that nothing of the sort did happen and that instead of having to settle the damages of a lot of people they only had to fight it out with one.

There were overtures for a settlement but they did not proceed very far. The friends of Hesse wanted so much that the railway people preferred the verdict of a jury to paying the amount demanded. Had they settled for a reasonable amount they would have spared the law costs which must be tremendous. In the first place there was the sparring here in Chambers over some

preliminaries and then the selection of a jury in connection with which there was an interesting and readable story. Prof. Hesse is a Catholic and when the jury was being selected Mr. H. H. McLean who represented the railway made some remarks regarding the selection which created quite a scene at the time. He did not want certain men on and Mr. Quigley did but that is an old story now. As a matter of fact there were strong objections to a special jury when the court took up the case and the plaintiff waived that privilege and the jury was selected from the citizens summoned by the sheriff to try any and all cases that might come before the court. Not an objection was made and every man was a protestant. The gentleman who composed it were business men, including Mr. Gillespie, an insurance agent, Gordon Boyne an experienced



PROF. HESSE.

juryman and a fair minded man, Joseph Hazehurst, a foundryman, Mr. Thorne, a member of the firm of Thorne Bros., on King street, Mr. Crawford, an agent for sewing machines and organs, Mr. Seely a coal merchant and a well known vocalist and Mr. Schofield of the firm of Schofield Bros., paper merchants.

These gentlemen sat there eleven days and heard all the evidence and listened to the wrangling of the lawyers all for a dollar a day! Still it was one of the proud duties of citizenship and no one growled because that made the matter no better.

Selecting the special jury was only a drop in the expense bucket. There were applications for commissions and arguments about postponements and the issuing of commissions, the journeys to and from Providence and New York and Philadelphia and the services of commissioners there. There was a bill of nearly a thousand dollars for the evidence taken before one man and the statement was made in court that because he wanted his money before he delivered the papers the result would not be brought into trial.

Mr. Quigley was engaged by the plaintiff and he associated with him Mr. Chas. A. Palmer and ex judge A. L. Palmer. Since that Mr. C. A. Palmer died and the case was carried on by the other two gentlemen. Mr. Hugh McLean represented the railway and he retained Mr. William Pugsley. This is the first case Judge Palmer has been engaged in in Canada since he left the bench and this fact, coupled with the recognized ability of the counsel for the defendant, Mr. Pugsley, lent additional interest to a trial of such importance. The result was a large daily attendance. Many gentlemen who enjoy the struggle of keen intellect spent hours listening to the arguments, the objections, the subtle questions of these legal giants. Saavity on the one hand, bluntness on the other, often characterized their remarks. The wonderful endurance of Judge Palmer who must be approaching his 80th year was apparent to all. Watchful at all times yet he possessed wonderful patience in dealing with the witnesses. The presiding judge gave him all possible opportunities and upon one or two occasions Mr. Pugsley seemed to think he was favored too much. That however was a matter of opinion. After the judge had delivered his charge on Thursday morning Judge Palmer, in the ante-room, expressed his appreciation of the fairness with which his honor had conducted the trial and instructed the jury!

Anyone who watched the ex judge as he listened to the charge must have thought that he was satisfied. His face is seldom in repose and every facial muscle seemed to be active as he sat there for the half or three quarters of an hour Judge Vanwart

was speaking. Dr. Quigley on the contrary sat with his head on his hand, his elbow on the table gazing intently at the judge. To his left was Prof. Hesse and his friend. Their faces wore a look of anxious concern. It would be hard to say what Mr. Pugsley was thinking about. His face wore an inscrutable expression and his thoughts may have been with his colleagues in Fredericton or calculating the chances of the success of his western ventures just as much as they were following the remarks of the judge. He was in front of Manager Neilson and Vice-President Robinson of the railway company. Mr. McLean was not present.

To the right of Judge Vanwart, Rev. John Read was seated and near him, outside the rail, Rev. Dr. Pope. The Police magistrate was an interested listener and many young lawyers found an hour to spare to hear the judge's charge.

### HOW THE CIVIC CONTEST GOES.

There is Said to be Opposition in Wellington Ward.

There is not much new in civic politics. The people have eighteen days in which to select their representatives and the candidates have that long to canvass. In the North End there is a chance of some change. It is said that Mr. Holder is not anxious to run and that there is a probability that he will not. This would allow Ald. McGoldrick to go in by acclamation—a graceful tribute for his sixteenth term at the common council. The reason assigned for Mr. Holder's unwillingness to contest the constituency again is that he is a very busy man at this season of the year and cannot afford to spare the time to run an election.

Mr. Storey says he is in the field yet, and Mr. Wallace's friends are being urged to give him all the support possible. He has some energetic workers who are confident that he will poll a large vote.

The window of Mr. Storey's dry good's house contains a large engraving of the interior of the council chamber in Belfast, which he received a few days ago. There is no doubt that it is more elegant than that owned by the city of St. John. The furniture is magnificent and the chamber is very large. But then Belfast is larger than St. John, and more than that, according to candidates Storey and James Kelly, it is in God's own country, the north of Ireland. Mr. Storey has not presented his card yet. It is very readable and PROGRESS will have much pleasure in printing it provided he gives it to no other paper first. It is lengthy but at the same time it gives a fair idea of what the mayor has done and what another will do.

Ald. McGoldrick is home again and ready for the battle if he has to fight one. Ald. Macrae is likely to have opposition. Some time ago a number of Wellington ward voters asked J. Arthur Dawson to become a candidate. He refused then, but since it is said, has reconsidered and will be in the field. If he does run he will be a popular candidate, one that all his friends will work for with enthusiasm and zeal. In the recent local election Mr. Dawson was offered the chairmanship of Wellington ward for the local government party but he refused it though he worked hard for the party afterwards. If the people whom he worked for then support him now he should poll a large vote.

### Their Afternoons Amusement.

A St. John lady mourns the loss of the bright golden curls of two youthful members of her family, which curls were not only the pride of her life but of all the relatives of the little folks. One day last week the lady invited a tiny friend in to play with her children and the trio held high carnival in the nursery for awhile. When a silence of longer duration than usual descended upon the children's domain, the lady went to investigate the cause of this unwonted state of affairs. It is needless to say any thing regarding the state of her feelings when she found the floor strewn with bright curls, the trio having undertaken barbering as an amusement. Two of the children had been entirely shorn of their crowning glory and upon the third were well underway when the lady appeared upon the scene.

### Removed to Market Square.

Mr. S. McDiarmid has finished the removal of his wholesale drug store from the corner of King and German street to the Market Square, where his quarters will be much more roomy, nearer the shipping centres and better adapted in many respects to the needs of his increasing business.

## WILL HE BE RETIRED?

A RUMOR THAT CHAIRMAN GEORGE A. KNODELL

Will be Retired From the Liquor Commission—Some of the Reasons Given for the Demand—Also Chairman of the Alms House Commission—His Opportunities.

There is a rumor around town to the effect that Mr. E. J. Armstrong is likely to become one of the Liquor commissioners. Inasmuch as there is no vacancy on the commission at the present time this would imply that there would be one in the near future and it there is any ground for the stories floating about that too is quite probable.

The chairman, Mr. Geo. A. Knodell, is the man mentioned as likely to be retired. The reasons for this are best known to those who are urging that there should be a change and there is no doubt that a con-



DR. J. M. SMITH. Candidate for Alderman in Landsdowne Ward.

siderable portion of the trade is bent on having something done.

The liquor commission is composed of George A. Knodell, chairman and Messrs W. A. Lockhart and M. C. H. Their duties are not onerous. They meet once a month or oftener, if necessity requires it, and for this they get \$300 each. The inspector, John B. Jones is the man who has to do the work and all agree that he fills that difficult office with general satisfaction. His duties are many and include reporting upon the applications for licences and it is upon his report that the commissioners decide to whom to grant permits to sell. Then again he has to see that there is no illegal or after hour selling and this is perhaps the hardest part of his work. The man who is doing an illegal business has taken precautions against a surprise from the inspector and this officer cannot get within a stone's throw without warning being conveyed to the law breaker. When he gets there no person is in sight, there is no liquor to be had and no report can be made. There are exceptions to this, but not many. It is the same way with those that sell after hours. All modern appliances are brought into play to warn the seller and to prepare for the inspector. Thus it is that unless direct information is given to him the chances of proving anything do not amount to much. The old fashioned way of presuming that because a man goes into a hotel after ten o'clock at night that he is going to patronize the bar has been abandoned.

Some time ago—last summer—there was a report that Chairman Knodell wanted the inspectorship. What gave rise to it perhaps was his watchful attitude on Saturday evenings. He was in the habit of parading from King street and Germain corner, to Breze's corner on Charlotte street and some one started the story that he was usurping the duties of the inspector. While that may not have been true it had that appearance.

That, however, would not account for the present condition of affairs. Chairman Knodell is not agreeable to the liquor dealers. He has put many of them to a great deal of expense in altering their places and yet accomplished nothing in the end. He is only one of a commission of three yet he is the most aggressive and is blamed by the dealers for much that they have had to do. So they want him removed.

The years that he has been chairman have not been unprofitable to him. The salary the first year was larger than it has been since. *Chairman's Re-elected Cane, Splint, Perfected, Duval, 17 Waterloo Street.*

been since owing to the increased labor necessary, it was thought, to set the law in working operation. More than that, being in the printing business the liquor dealers, some of whom were depending upon him to a certain extent for their licences, could not pass him by when they wanted any work done that he could do. PROGRESS noted the first Christmas after the law was in force how a holiday publication was issued from the chairman's printing office the advertisements in which were almost wholly liquor dealers.

Then there is a lot of printing for the commission to do. It might be thought that this would be divided among the city printers, but that is not the case. All the work goes to the chairman's office and the amount is not inconsiderable.

There are a lot of people however not in the liquor business who think that the government might well divide its favors. Mr. Knodell is chairman of the alms house commission and while there is no salary attached to that office there are certain privileges that are not to be despised. The printing of that institution, which cannot amount to much, finds its way into his office and while no one could possibly object to the small amount of profit he might receive from doing such work there is an idea that members of commission should as far as possible refrain from profiting by the orders from the institutions which they control. That is a principle that is not always or perhaps generally followed in this city but it is one that the people believe in and own that is wise to stick close to.

Both of these chairmanship's are in the gift of the government but they are not the only things that the provincial administration gives to this fortunate chairman. He has the privilege of printing one of the arithmetics used in the public schools and it can be very well understood that this is a job of importance and adds to the impression that there is too much of a good thing going to one man.

The gentleman whose name is mentioned for the position, Mr. E. J. Armstrong, is a candidate for alderman at this election, a resident of the North end and a government supporter. He knows the city thoroughly and has all the qualifications necessary for a good commissioner.

### Monday Evening's Sparring Contest.

This is the last day of Lent and those who have denied themselves during the penitential season will be at liberty to have those luxuries which they formerly enjoyed. The sporting element will not wait longer than next Monday evening when a large number of them will assemble in the Mechanics Institute to see the ten round contest between "Billy" Curren and "Paddy" Fenton. Fenton is a visitor and Curren belongs to the North End where there are lots of people who think he can put up a good "go" with the clever boxer from New England. The latter has had lots of experience—something that Curren lacks—and he has been in the ring a good many times. While here he has been trained by Mr. T. Mullin who accompanied him from Boston. Several evenings he has sparred with those members of the Neptune Rowing Club who have been instructed by Jack Powers this winter and he has made many friends by his quiet and manly bearing. It is said that Fenton is prepared to challenge the winner. He has shown that he is fairly clever and a hard hitter and has two recent victories to his credit. The attendance Monday evening will no doubt be large. Preliminary bouts have been arranged and they too will be interesting.

### A Boom for Accident Insurance.

It is not known whether Prof. Hesse had any accident insurance or not. If he did not, he is not so fortunate as a gentleman of this city who got injured two months ago and who, it is said, is in receipt of \$165 a week from the accident insurance companies. His injuries were severe and he has been unable to attend to business. He too got hurt on a street car and as there is a clause in the policies of some companies providing for double damages in case of an accident on a steam or electric car, he is receiving the full benefit of his policies.

### This is a Great Offer.

Any person sending a new subscription to this office with \$4.00 enclosed can obtain PROGRESS for one year, and the Cosmopolitan, McClure and Munsey magazines for the same period with only one condition—all of them must be sent to the same address.