

PROGRESS.

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PRICE FIVE CENTS

REVERSED THE DECISION.

Judge Tuck Decides a Point Arising out of the Vail-Lynch Race in Halifax Last Fall.

Chief Justice Tuck's decision in the case of Ervin vs. Dalton last Tuesday closed a case of considerable interest, and one in which the principals are well known in St. John; especially in sporting circles.

Last fall Harry Ervin, sporting editor of the Telegraph, and manager of Harry Vail, the well known oarsman, matched his man to row Mark Lynch of Halifax. The match created a good deal of interest, as Vail the year before had decisively beaten Lynch's brother over the same course in Halifax.

George Dalton is also well known among rowing men. He was an employee at Cushing's mill and can pull a pretty decent oar. The year before he had seen Vail trim Mike Lynch, and he was anxious to see the coming race. In fact he was so anxious that he came to Vail's backers and asked that they might use their influence with his employers so that he might get a few days off and go to Halifax. His request was granted, and further he was given his ticket to the Nova Scotia city.

The day before the race, just before the event was pulled off, Vail handed over to Dalton, who intended to stay on shore, twenty dollars to keep for him. Mr Ervin had in his possession besides, considerable money belonging to St. John sports which he was betting for them, also a stake of \$40 which he was holding for a couple of sprinters in this city, who were intending to try conclusions on the cinder path.

This, following Vail's example, he handed over to Dalton for safe keeping, before going out on the stake-boat. Dalton was asked to either meet the boat after the race or be at the train in the morning with the deposit. Dalton did not show up at all.

Manager Ervin came home the day after the race and began to look for his man and money. He located him on the morning of the day on which the sprinters were going to run. The man was there, but the money, or at least half of it, had taken wings. Dalton handed over \$20 and promised faithfully to furnish the remainder by the middle of next week. The day set came quicker than the money and Mr. Ervin was put off again with renewed promises, which were broken as fast as they were made.

Things ran on this way until about the first of June when Dalton was sued for money loaned. The case came up before Justice Allingham on the 4th of June. John L. Carleton appeared for Dalton and Lucien deBury for Mr. Ervin. An hour's postponement was granted on the request of Dalton in order that he might get a witness. The witness was secured but no one knows to this day what he was for.

Mr. Ervin was put on the stand and his evidence concerning the transaction was taken. He was the first and only witness. Mr. Carleton arose and argued that the suit was wrongfully taken out for money loaned and Justice Allingham agreed with him, giving judgement against Mr. Ervin.

If the matter had ended there Dalton would never in his life have earned money easier. But it was taken before Chief Justice Tuck and after one postponement, came up last Tuesday, with the result that Mr. Ervin won his suit, and judgement with costs were given against Dalton. For trying to evade a debt of \$20, he will now have to pay about double the sum and no one knowing the ins and outs of the transaction, will feel very badly for him.

The "Coppers" Should Have Their Turn.

The policemen of the city proper have come to a highly satisfactory arrangement whereby each member of the force takes his turn at preserving the peace at the Marsh Bridge baseball grounds whenever there is a game. They are being envied in this regard by their fellow coppers of the North End division. Over there Capt. Hastings is the sole defender of the law at every game on the Shamrock Grounds and besides enjoying the sport, for the Captain loves to watch a baseball match, an extra fee of \$1.65 goes with it. This is a captain's pay, but an ordinary policeman only gets \$1.45. So far this season there have been quite a number of games on the North End grounds, and the only policeman on duty has been the head of that division. PROGRESS wonders why it is the ordinary policeman over in old Portland are not al-

lowed the same privilege as the city police men are now enjoying.

HE HIDES IN THE ALLEY.

Captain Hastings Tried to Catch "Joe" Walsh But Joe Was Not There.

Joseph Walsh who keeps a liquor saloon at the foot of Main street, North End, claims he is being persecuted by Captain Hastings of the northern police division



ON BOARD THE STEAMER LANSDOWNE.

Groups of gentlemen on board the steamer Lansdowne showing Premier Emma to the left talking to Col. Markham; Mr. John Stanton and Ald. Maxwell and Mr. M. F. Mooney (who is seated) chatting with two delegates. Mr. M. A. Finn is talking to Mr. Geo. Y. Dibblee of Fredericton. (See article on Page 2)

He further states that Captain Hastings has been "picking on" him for a long while, almost as if it were a delight to that official, or that he owed the proprietor of the bar some sort of a grudge. Last Saturday night Walsh asserts the Captain made himself particularly obnoxious in the alley adjoining his bar and home.

Somewhat after seven o'clock, the closing hour, he presented himself and did the most faithful kind of sentry duty in the storesaid alleyway. He is supposed to have been waiting for Walsh whom he thought to be in the bar, but at that time the proprietor of the saloon was away down the street with some friends.

Nevertheless the captain stuck bravely to his post, and after awhile Mrs. Walsh came down stairs from the rear entrance to go to the street. She was asked by the police official where her husband was.

Her answer was that she did not know. "You do know, he's in the bar for I saw him go in," (or words to that effect) gruffly answered the captain.

In a dark alley and meeting with such bluntness of speech Mrs. Walsh became greatly frightened and hurried back into the house. Fearing lest her husband should really be in the bar, although she was quite sure he was not there, she tore up one of the floor boards in order to warn him of the watchfulness of the police, but her strength failed her and she sank back exhausted, having been in frail health for some time.

However Captain Hastings did not find Mr. Walsh in the bar, for in the bar he was not. He locked that establishment at ten minutes past seven and did not enter it again until early Monday morning.

Mr. Walsh says this occasion is only another attempt on Captain Hastings' part to "land" his shop, while other bars all around it are just as liable to transgress and perhaps do.

Gives General Satisfaction.

The repairs on the Loch Lomond road are going on with excellent promptness and this week Mr. Stackhouse expected that the work would be completed to the slaughter house. This is an excellent showing and gives great satisfaction to the people who use the road a good deal. If the repairs are completed to Silver Falls this summer as is the intention there will be general approval. After that work will be resumed on the Red Head road.

The Nuptials Have Been Postponed

A young man working in a store on King street was to have been married a few days ago, and his friends started in to wish him and his prospective bride the best wishes possible. To do this by shaking hands and with kindly words in one way and to do it by blinking, glasses in another. The latter method prevailed and the result was a hilarious frame of mind on the part of

the prospective benedict. The young lady to whom he was engaged found this out and she made up her mind that this June might pass at least without her wedding. So the nuptials are off for the present.

What Her Father Says.

The somewhat sudden departure of a young married woman, who, before her marriage resided in Yarmouth, it is said in company with a young married man of this city has occasioned a good deal of comment, some of which may be assumed is not quite correct. The father of the young woman arrived in the city from Rochester last week. She is his only child and he felt great anxiety respecting her whereabouts. The efforts of the police were exerted at his request and naturally a great deal of

An Eleven Year Old Hero.

Johnny Day of Fairville, the Featherweight Brave Boy of the Hour—He Should Get a Medal.

Fairville has a little hero, one who is entitled to just as much recognition by the authorities and humane societies as the various other life savers having distinguished themselves in this vicinity of late years. The boy's name is Johnny Day, and he has yet to attain his twelfth birthday. To be exact, he is four feet two inches tall and weighs shy of fifty pounds. This diminutive bundle of humanity and stout-hearted-

Soon the exhausted old man lay free from his burning clothes, badly frightened and shivering.

Johnny did not consider his task finished yet though, and with a final effort helped the man he had saved to one of the lorry sheds nearby, where he found him a comfortable seat until he ran back to Fairville for more clothing.

By this time a crowd had collected and Mr. Delaney with tears of gratitude and joy in his eyes was helped back to his little home and aged wife, without a burn. He said his clothes must have caught fire from the ashes in his pipe.

The people of Fairville and Milford, and doubtless there are many in the city proper claim that Master Day is worthy of some public distinction for his bravery and promptitude. Medals have been awarded Mortimer Day of Indiantown for saving a boy from drowning, also to the men who manned the life-boat in a wreck incident some time ago, as well as to Mr. Stewart Fairweather for life-saving at Rothesay. What PROGRESS now claims is a medal for little eleven year-old Johnny Day, for his noble act in tearing the burning clothing from a helpless old man unassisted, and to his own suffering and great risk. The S. P. C. A. will doubtless seek to have this tiny chap rewarded, for the sake of inculcating their ennobling principles in the youthful mind. If not his worship the mayor should see to it that a testimonial of some kind is accorded the brave boy.

A Dog Poisoner At Large.

Persons who claim to know for a fact state that a man well known about town, in fact a professional gentleman, is assiduously distributing deadly poison around the squares and graveyard in a wild fancy that dogs will profit by the experiences of the victims of this inhuman method, and keep off the grass and flower beds. Such dastardly action on the part of anybody is unpardonable, especially a person speing refinement and a degree of christianity. Already two dogs have died from poisoning, the valuable hounds of the Wilson brothers but whether from the distributed poison is not known, although such might be the case. The people are justly indignant at the practices of the would-be benefactor and should he be caught in the act of panning out his death-dealing mixture he will be summarily dealt with.

A Thrifty Wife for Somebody.

Wednesday's steamer "Star" brought to the city a lone box of wild strawberries, accompanied by an exceptionally robust rural maiden, who guarded the treasured small fruit as if it were a quart of diamonds. The boat's officers said the fair guardian of the berries had journeyed from the innermost recesses of the Washademoak existing on the hope of receiving a princely sum for the result of her faithful search among the fields. Visions of the price of a new calico dress or some millinery marvel seemed to dance before her unsophisticated eyes, but when, after considerable bantering, she closed a deal with an Indiantown grocer who had offered her seventeen cents for her stock, a look which might have been taken for that of disappointment o'erspread her florid features.

Had His Check in His Pocket.

The lumberman has a hard time in winter but there are some compensations in the spring when he goes home after settling day with a check in his pocket representing the long hours of work and such profit as his ability and experience deserved. This was the case with Mr. Robert Moore of Loch Lomond last Friday when he came in from Mispeck with a check for \$13,000 in his pocket. He had cut with his sub contractors some 3,000,000 feet of pulp wood for the pulp mill and when his work was done got his cash. In all his operation amounted to nearly \$20,000. Mr. Stackhouse, supervisor of great roads, was one of Mr. Moore's sub contractors and he cut one and a quarter millions.

Umbrellas Made, Re-covered, Repaired
Ducal 17 Waterloo.

PROGRESS

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- Births, deaths and marriages.



JOHNNY DAY.

of the red scars the fiery tongues were licking on his hands and wrists, and then with a deft stroke pulled both outside shirt and undershirt off by grasping them in front, the backs being burned almost loose. But the young hero, experienced his greatest difficulty in removing the old man's lower garments, which had by this time caught the flames. There were no moments for reflection however, and summing up all his courage and limited supply of strength, the boy plied his smarting hands and arms with life saving rapidity.