

MR. RITCHIE TALKS BACK

HE DIFFERS GREATLY FROM THE COMMON COUNCIL.

And Says So in Language More Forceful than Politicians—The Aldermen no Better than any Other Sixteen Citizens.

The appointment of Sergeant Caples, to fill the position vacated by the death of Sergeant Wilson, against the wishes of the Common Council which was referred to at such length in the last issue of PROGRESS, and which caused the mayor and aldermen to request the magistrate to withdraw his nominee, brought an answer from that official which was read before the Common Council this week. It is such a remarkable answer to a courteous request that PROGRESS prints it in full. The editorial comment upon it will be found on the proper page.

ST. JOHN, N. B., May 2, 1898.
To His Worship the Mayor and Members of the Common Council:

Gentlemen—in reply to your communication received Saturday last, I beg to say: By section 12 of the Police Act it is my duty as Police Magistrate to "direct some one of the policemen to be in constant daily attendance at the Mayor's office during office hours, whose duty it shall be to observe and obey all such orders and directions as may be given him by the Mayor or Recorder in respect to the public business of the city."

The discharge of this duty has provoked hostile criticism. I thought the act little calculated to evoke so loud, so earnest, and apparently so serious denunciation. A stranger in these parts reading the report of your proceedings might not unreasonably conclude that attached to this appointment, so called, were great and important powers, duties and privileges, as well as emoluments and perquisites. What would such a person think of us as a calm, intelligent, dispassionate people when he would be informed that there was really nothing of the kind; it was merely the detailing of a policeman for duty at the Mayor's office without an increase of one penny to his ordinary day's pay.

Be it remembered it was not an idle lounge at one of the street corners who uttered an incoherent protestation; it was not the work of an insignificant, irresponsible section of the community, but it was the deliberate proceedings of the Common Council, that attracted the stranger's attention. So humorous does the whole business appear to me that it is with difficulty I can treat it except facetiously. However, it may also have its serious side, and out of respect to you I shall make a statement referring to the law and to facts bearing on the case, which I submit respectfully, in your haste you may have overlooked.

The late Sergeant Wilson, who had been appointed by my predecessor to the Mayor's office, died Sunday morning. The following morning the Chief of Police gave me the names of nine policemen for consideration. Later I understood the Council was disposed to amalgamate the position of high constable with that of policeman in attendance at the Mayor's office. Having regard to this possible action, the list was carefully revised and the names of such policemen as were thought fit to hold both offices were reduced to three, from whom I was to select one. This was the occasion when the names of Sergeant Watson and others were omitted. The Mayor-elect called on me and informed me whom he preferred for the position. I was not obliged under the law above cited, and which has been acted upon for half a century, to accept any person's nomination, but I was determined, and expressed my determination to the Mayor-elect, not to direct any policeman for duty in the Mayor's office who would be personally objectionable to him. During his second interview I told His Worship the Mayor in the presence of an Alderman in my office that in view of the possible amalgamation of both offices, the list of names had been revised and I was about to name one of three sergeants, namely, Ross, Caples or Kilpatrick, any of whom would be eligible for the new position. I read to them the certificate of the physician handed to me by Sergeant Caples, which certificate reads as follows:

"Police Magistrate,—I certify that it would be a decided benefit to the health of Thomas Caples to have day employment. I understand that he has been on night duty for two and one-half years. This is quite a severe strain on most men, Caples included. More recently, however, Caples has been done out, nervous, and has not slept well. Day employment would be of much help to him to overcome these troubles, which seem to be the outcome of so much night work.

MURRAY McLAREN, M. D.
St. John, 26th April, 1898.

On Wednesday morning I had a conversation with Sergeant Ross, of whom I had always entertained a high opinion as a faithful officer, and feeling that he might not unreasonably be under the impression that he stood a fair chance for the position,

I spoke to him of Sergeant Caples' physical condition and read to him the above certificate. Later in the day I was called upon by several respectable citizens on the interest of Sergeant Ross, one of whom, a Protestant gentleman, stated to me that in view of the sentiments a road, I had better not name Caples, as he was a Catholic and "it might make trouble." This intimation shocked and stunned me. If I named Sergeant Caples I should do so because he was a policeman who was not in good health, as anyone may judge from his appearance. Then came the question suggested by the Protestant citizen: Should I refrain from appointing him simply because he was a Catholic? Neither of my predecessors, Messrs. Gilbert or Peters, would have. I am confident, allowed such unworthy considerations to control his conduct; why should I, because I professed the same faith as Sergeant Caples, treat him otherwise than either of those Protestants should have treated him? I yield to no man in my attachment to and love for the Catholic faith, but "I had rather be a toad and live upon the vapor of a dungeon" than have one measure of justice for a protestant as such and another for a catholic. This is my native city. I have an interest in its growth and prosperity. I studied and practiced my profession here. I was its representative in the Legislature for many years. I was Her Majesty's Solicitor General for several years, and I have been the Police Magistrate and as such ex officio Judge of the City Court for nine years, and I have yet to meet the man, the citizen, who can look me in the face and say—fairly and truthfully—that I have ever on any occasion, public or private, personally or officially, said or done anything of or concerning any of my fellow-citizens who are protestants that I would not have said or done if they were Catholics. I like fair play. I contend it is the duty of every good citizen, whatever position he may hold in the city, and more particularly if he fills a public office, elective or otherwise, to discountenance as detrimental anything like sowing or keeping alive sectarian strife and discord in the community.

Since I have considered the history of this vexed question, it has occurred to me how delightfully placid it all might have been had I named some policeman other than Sergeant Caples. Not a member of your Council committed the unpardonable sin of recommending him; nor did any say aught against him. Had I named one of the applicants whom some of you favored, or the one some of you recommended, would the law under which I acted have been more respected by those who now oppose the appointment? Would his services have been willingly accepted in the office? Would this talk of economy we now hear so much of have been indulged in? Had I appointed Sergeant Ross, or Kilpatrick, either of whom would have been eligible for the position of high constable, and had the idea of amalgamation been carried out a saving of four hundred dollars annually would have resulted. Before I made the appointment the avowed policy was "amalgamation"; after I named Caples, for reasons (small I say economical?) the alleged policy developed into abolition.

Again it is not correct to say the law is obsolete. It has been acted upon daily for fifty years. The legal gentlemen of your body will appreciate how effectually in the terms of the first recital of your resolution you have admitted your case out of court; or, in other words, in legal parlance, that you have no case. Some of your recitals are not, strictly speaking, in accordance with facts; others of them are inconsistent with each other and none of them support your conclusion. Your resolution requests me: "to carry out the wishes of the Council." Where do you find the justification for such a request? Is there any law, statute or common, imposing on me the duty to comply with your wishes? If you cite it to me, I shall obey.

Am I not rather bound to refuse a request so flagrantly in violation of my oath of office—unless, indeed, you claim authority to absolve me from this high obligation? The plain fact is, Your Worship and gentlemen, and this I respectfully but firmly submit, legally I can no more take notice of your resolution than I could of the like action of any other sixteen respectable intelligent citizens.

Finally, I venture here to make the statement that it will be an ill day for the city of St. John when its Magistrate, clothed with such legal powers as he has, is made subject to the directions of any council or government in the execution of the law which he has sworn to administer. I beg to remain,

Yours respectfully,
ROBERT J. RITCHIE,
Police Magistrate.

His Wife (bearing him indistinctly)—Henry, please hold your mouth a little further away from the phone. He with considerable indignation—Do you think I've been drinking, Amelia?

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From the Echo, Warton, Ont.

Mrs. Jas. Overand, who lives in Warton, makes the following statement in regard to a remarkable cure effected by the use of Dr. Williams' Pink Pills for Pale People:—"I am 30 years of age and have lived in Warton for the past six years. Previous to this I, with my husband, who is a stone mason, were residents of Chesley. About four years ago there came a swelling on the right side of my neck which grew as the time went on until in about six months it had grown as large as a goose egg. I consulted a physician and he lanced it. This physician diagnosed my case as enlargement of the glands, and said I would get well after it was lanced. This operation gave me temporary relief, but it was only a short time before the lump again began to grow and in six months I was worse than ever. In the meantime I had been prescribed for by different physicians and taken several patent medicines, but none of them gave me more than temporary relief. About three years ago I left Warton for Chesley thinking probably a change would improve my health. I consulted a physician there and he said the trouble was incurable and might end fatally. Discouraged I returned to my home in Warton, much worse than I was when I left, and believing I had come home to die. Before I left for Chesley I had been attacked occasionally with fainting spells; on my return these occurred more frequently and of longer duration. With the least excitement I would faint away. I had become very weak and could scarcely walk across the floor and felt myself growing worse every day. I again consulted the local physician and this time he said it was spasms of the heart and that I would not live more than a couple of days. While I was lying in bed a lady of the town visited me and advised me strongly to try Dr. Williams' Pink Pills. I thought it useless, but I was ready to grasp at any means of relief, and so commenced to use them. Before the second box was completed I felt myself getting better and before I had finished my seventh box I was able to go about and do my own work. I continued them until I had used fourteen boxes, when I was completely cured. The swelling has left my neck and I am now as well a woman as I ever was in my life. I make the above statement voluntarily, believing it my duty to that which has saved my life and will if necessary make an affidavit to the above facts at any time.

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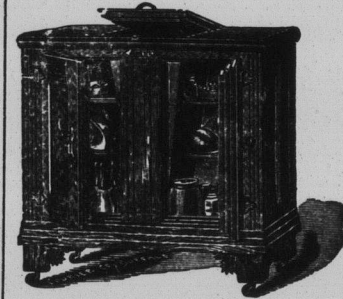
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