PROGRESS.

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IS A LITTLE PREVIOUS.

CHIEF CLARK IS TO THE FRONT WITH A CURFEW.

He Proposes to Scoop in Children from the Streets on an Act Intended for Rogues and Vagabonds—The Law on the Subject and Some Past Experience.

The details given by PROGRESS, last week, of the proposal of the King's Daughters and other lady reformers to have a curfew bell, excited much interest. That it would be a good thing to have children kept off the streets at night is generally conceded, but there appears to be a wide diversity of opinion as to how the result should be brought about. First of all, there will have to be some law under which action can be taken, for at present there is nothing which bears upon the subject. There would have to be some color of authority to snatch children off the streets when they were violating no law now in existence, and this would either be in the form of a civic by-law or an amendment to the Police Act. So far as there is anything to the contrary now, a well behaved child has as much right to walk on the streets at night as has a man of four score and ten.

It is well to have this borne in mind at the outset, for the silly season seems to have set in at the police office and Chief Clark has, according to one of the papers, "decided on a line of action" which is likely to get him into a heap of trouble. Last summer, as will be remembered, he tried to please some reformers by inaugurating an absurd crusade against the sale of cigars, beer and candy on Sunday, and succeeded in getting the city to bear the burden of the costs of an appeal. Just now, it would seem, the developments in the Wells case and the proposition to have a curfew bell, have started him out in another line, where he appears to have considerably less law at his back than he had in the Sunday observance cases.

At roll call Monday evening the chief issued orders to his men that henceforth they arrest any young boys or girls, found on the streets without parents or guardians, after 7 o'clock in the winter and 9 o'clock in the summer, unless they can give some satisfactory reasons for their absence from their homes.

According to one of the papers, "the chief bases his authority on a statute which also provides that suspicious persons, or women who are supposed to be about for immoral purposes, shall be arrested." Another of the papers complacenty remarks that "parents will do well to see that their children are not allowed out after the hours mentioned, as no distinction will be made as regards the enforcement of the law."

It is, perhaps, only due to the chief to say this remarkable ukase is believed to have the sanction of the police magistrate, but it might be well for both of these officials to consult some competent legal authority before they undertake to go fishing for children on their own idea of the interpretation of a law intended for "suspicious persons or women who are supposed to be about for immoral purposes." Here is the section under which the chief has instructed his men to arrest children who happen to be on the stree alone after 7 o'clock during the festive holiday season and from that time forth until the 1st. of March. It is an act passed in 1848, being 11 Vic., Cap., 13, Sec., 22, generally known as the "Police Act."

It shall and may be lawful for any watchman, policeman, special constable or constable within the said city, to take into custody without warrant, all night-walkers, rogues, vagabonds, loose, idle, and disorderly persons, whom he shall find disturbing the public peace, (or whom he shall have just cause to suspect of having committed or being about to commit any felony, misdemeanor, or breach of the peace,) and all persons whom he shall find between the hours of nine o'clock p. m. and five o'clock a. m., during the months of March, April, May, June, July, August, September, and October, or between the hours of seven p. m. and six a. m., during the months of November, December, January and February, lying or lurking in any highway, yard or other place, and not giving a satisfactory account of themselves.

It will seem that this section provides for the arrest of certain specified classes of offenders who are disturbing the peace or whom there is just cause to suspect of having committed a felony, or being about to commit one. It further includes all persons who, after certain hours of the night are "lying or lurking in any highway, yard or other place and not giving a satisfactory account of themselves." By what perversion of vision the magistrate and the chief read in this any authority to arrest children who are merely walking on the streets, is difficult for the ordinary citizens to understand. Should the chief undertake to scoop in children under this section the chances are that he will be kept pretty busy defending actions for damages brought by next friends in the way of indignant parents.

It has been necessary several times in the history of St. John for the courts to affirm that the police, from the chief downward, have much less autocratic powers than they imagine. Years ago, under this very section, Chief Marshall undertook to arrest women of known ill repute whenever they were abroad at night, even when going from their own house to that of a neighbo quietly and peaceably, and unfortunates in the lower part of the town had actually to ask leave of the policemen to go out to a grocery to buy food and other necessaries. The case of Conniff against Marshall showed this was a wholly illegal assumption of authority, and the decisions in other cases have clearly defined what the law means. It is remembered that when a judge of the supreme court rendered his decision in one of the cases, there were actually in custody some women who had been thus illegally arrested and sentenced to the old provincial penitentiary as vagrants. It is needless to say they were liberated with all possible haste the moment word of the decision was received.

Up to the time of writing no children have been arrested. Perhaps they have been afraid to come out, or perhaps the police are not quite sure of the age, height and weight at which the line is to be drawn. This is another matter in which there is need of an absolute definition by law, instead of its being left to the private judgment of the chief and his men. The class of girls which most need to be kept at home are not children in the ordinary acceptation of the term.

If children are to be kept off the street at night there must be some law passed defining the age limit and giving the authority for arrest which is now wanting. Whether the council would pass such a by-law is another question. It does not follow because a few well-meaning ladies have advanced the idea that the citizens in general want a curfew bell, any more than they wanted the Sunday observance crusade last summer. The council would possibly find two sides to the question should such a by-law be proposed.

Supposing such a by-law might be passed, the question of how the curfew should be rung would probably provoke some discussion. The suggestion that a number be sounded on the fire alarm bells has drawn out the objection, that the department does not want any such novelty introduced. Every time an alarm is sounded the weights attached to the striking mechanism in the church towers and elsewhere run down a certain distance, and have to be wound up very frequently. To ring a curfew with them afterwards would mean that somebody would have to go around and wind them every night, in case they should be needed for two or three fire alarms during the night. Besides, the horses in the engine houses might object to being regularly sent out of their stalls every night at an hour when they were most disposed to rest.

Failing the fire alarm, the suggestion is made that the policemen be detailed to ring the bell by hand, or that every policeman have a large sized gong attached to him to be sounded when he hears the clocks strike nine. He might, indeed, continue to sound it as a danger signal as long as any children were supposed to be within hearing.

Years ago, in the good old days of the military in St. John, the soldiers were called back to barracks at night by a nine o'clock gun, and there was also the blowing of a bugle which could be heard a long distance. It might be possible to get permission of the Department of Militia to use the guns at the barrack square, Fort Howe and Fort Dufferin for curfew purposes. Somebody would have to supply the powder, of course, and possibly the officers of the volunteer artillery would be happy to offer their services to oblige the ladies who have the interest of the dear children so much at heart.

Still another plan, and one which would in part compensate the children for being sent home would be to have rockets sent up from the King and Queen squares, Mount Pleasant, Fort Howe and Carleton heights, and thus would all classes of citizens be edified by a pyrotechnic display as well as a grand moral spectacle.

But, whatever may be the details, there must first be some special law before any man, woman or child can be interfered with by the police when peaceably walking the street at night. The sooner the magistrate, the chief and the police recognize this important fact, the less likely they will be to get into trouble by meddling with what is none of their business.

In Jail With a Baby.

One of the results of the enforcement of the Scott Act in Kings county is the presence in Hampton jail of a baby a few months old. Its mother is Mrs. Batheson, who has been committed for eighty days for selling liquor. The Bathesons live near Sussex, and warrants were issued against both the husband and wife. The man escaped by getting out a back window, and as the law has to be satisfied in some way, the woman was taken. She left the rest of the children at home, to get along as best they could, but took the baby to jail with her. She has yet about three months to serve before her sentence expires.

SLASHING DOWN COSTS.

BIG TUMBLE IN PRICES IN THE CONNOLLY SUIT.

Dr. Pugsley's Little Bill Is Grievously Shorn of Its Fair Proportions—Why Mr. Skinner Charged Five Hundred—The Question in Ald. Baxter's Case.

The city's lawyers in the Connolly case are likely to have less pocket money than they expected for Christmas, if they depend on their bills of costs in that suit. A committee of the common council has been looking into the matter this week, and has taken measures to recommend that some of the bills be edited with a large sized blue pencil, and that one of them be referred to the recorder for an opinion as to whether it ought to be paid at all.

The four bills presented by Messrs. Pugsley Skinner, Baxter and Jack, amounted to the snug sum of $1904.20, or allowing for the retaining fee of $100 previously paid to Dr. Pugsley, to a trifle over $2,000. Dr. Pugsleys account, it will be remembered, was made up with great attention to detail and was scrupulously exact in reguard to the items, even to showing that he sacrificed a holiday which he ought to have taken on the Twelfth of July, for the purpose of "going carefully over" the papers submitted for his consideration. There were charges for considering matters and for talking with the other lawyers, but all these little items amounted to only $316.40. The bill, like a wasp, had the sting in its tail, where there was an eloquent peroration in the form of a charge of $500 for eleven days attendance in court at $50 a day. Why it was not $550 seems less a mistake in stithmetic than a generous willingness to deduct ten per cent on the supposition that it was to be a cash transaction. Dr. Pugsley seems to have been entirely too guileless in expecting that a soulless corporation would appreciate his liberalty in this respect, and had he known as much as he does now he might have made it $550. He would of got just as much consideration as he has now received.

When this and the other bills came before the council they were referred to the board of works. In the ordinary course of bills so referred the board decides as to their fate, but in this instance the bills were sent to the treasury board, and from that body they went to a joint committee of the two boards. They are now in the hands of a sub-committee to refer back to the treasury board and from thence to be reported to the council. The work done by the joint committee was in the nature of compound reduction.

Dr. Pugsley's neat little bill looked as if a cyclone had struck it, for it was reduced from $816 to $441. This was accomplished by reducing the charge for counsel fees in court to $25 a day, and by striking out a number of charges for consultation, perusing and considering. Monday seemed to be a cold day for the lawyers, and the cold caused the bills to contract in a way to set at naught all the ancient traditions of the profession. In this contracted form its payment will be recommended to the council, and when Dr. Pugsley is officially informed of the fact his views on the subject may be heard.

The bill of Recorder Skinner was put in as a lump sum for $500 without giving the items. It indeed, did mention the nature of the services rendered, such as examining papers, making suggestions, attendances here and there, preparations for trial and attending court eleven days as counsel, but it did not specify the relative value of the various services. It was suggestive of the way in which a declaration is made with count for a number of kinds of damage, on only one of which the plaintiff hopes to recover, but has a variety of them in case this one or that one should fail him on the trial. Nobody could tell from it how much a day he charged for counsel fees, but it was well known that $25 a day was the highest rate ever charged by any of his predecessors in the office of recorder,

Mr. Skinner had the advantage of being present at the meeting of the committee, and gave an opinion on the merits of his own bill. He also told why he charged $500 in a lump sum. The reason assigned was that as Mr. Pugsley had charged $50 a day for counsel fees it was a matter of professional honor, or ethics or something of that kind, that Mr. Skinner's bill should not be for a less sum than the $50 a day would come to. Mr. Skinner did not say, but possibly he remembered, that he had fought at many a circuit, even in Dr. Pugsley's native county of Kings, years before it become manifest that law was the vocation on which Dr. Pugsley was to diffuse an added lustre. It would therefore not do for him to admit that his skill and knowledge in this suit were to be estimated at any less sum than Dr. Pugsley charged merely for attendance at court. It is therefore, to be assumed that if Dr. Pugsley had not forborne to charge for the eleventh day, the bill of the recorder would have been for $550.

Coming down to business, however, Mr. Skinner admitted his conviction that $25 day was enough for him to charge for counsel fees. This, with the various other services would bring his bill down to $400, which he thought was a pretty fair figure. He was handed his bill and told to make it out in such a way as to show the charges for each item.

The bill of the late recorder, Mr. I. Allen Jack (he is really "Dr." Jack, but hates to be called so) shared in the general suspicion aroused by the other bills. It is of general knowledge that the late recorder has always made his charges in strict conformity with the table of fees and the established customwhere the scale does not apply. There was some feeling that in view of this fact, and as he is now an invalid, his account should be taken as correct, but the committee directed that it should be taxed by the clerk of the court.

The elephant which the committee found on its hands was the bill of Ald. Baxter for $320, and this was referred to the recorder for his opinion. Whether this opinion is to be on the legality of the city paying the bill or the legality of Ald. Baxter receiving it, or both, is a matter to be learned. As is generally known, the recorder, shortly before the time of trial told the mayor he did not know how the case was going, and also said that he had not much personal knowledge of the transactions with the Connollys. The mayor suggested that as Ald. Baxter had taken an interest in the matter from the outset, he would be a valuable aid. This was admitted, and it was also remarked that Ald. Baxter could not be expected to give his time and legal talent to the case in his capacity of alderman. At a later conference, at which Ald. Christie and McRobbie and the recorder were present, the mayor retained Ald. Baxter as junior counsel in the case. Ald. Christie and Ald. McRobbie seem to have neither assented nor dissented. The question, however, is not as to the fact of the retainer but as to the right of Ald. Baxter to act. The law says that no person shall be qualified to sit as alderman "during such time as he shall have any share or interest in any employment with, by or on behalf of the corporation." In the opinion of some of the members, the moment Ald. Baxter was retained as counsel his seat became vacant, and he can now accept either horn of a dilemma. If he accepts the money he loses his seat, while if he gives the city the $320 he stands as if he had not considered himself retained. Ald. Baxter takes a wholly different view. He says that the law vacates a seat "during such time" as he shall have employment, and that he is not now in such employment. He also says that, in any event, the acceptance of the money is a matter for him to consider, as he is the one affected by the risk, if any. He does not understand why the recorder should be asked to give an opinion as to what he should do, as he considers that it is a matter for himself to decide. He holds there can be no question as to the city's liability, whether his acceptance of the money vacates his seat or not.

Should the seat be vacated, there would either be no representative for Brooks from now until the first of May, or there would have to be an election which the whole city would be called upon to vote. The opinion of the recorder will be awaited with interest.

In view of what the committee has done with the bill of Dr. Pugsley, it is well that gentleman is of a naturally urbane and amiable temperament. Were it otherwise, between the trouble over his costs in the Connolly case and in the Consolidated Electric cases, his temper might be severely tried. It is not alone republics that are ungrateful.

MADE HIM A PAUPER.

How the Failure of Farquharson Forrest & Co. Has Deplorable Results.

HALIFAX, Dec., 5.—There is no brightening of the prospect for creditors of Farquhar, Forrest & Co. It was a mistake last week to state that Dalhousie college loses nothing. That institution is a creditor to the extent of $7.500, and the money is all gone. The transfer of the account was incomplete.

The County Agricultural society of Halifax, two weeks ago, purchased a thorough-bred hackney horse, in partnership with the Dartmouth society from the local government. The animal cost $800, and now, while Dartmouth has its share of the money, Halifax has not a cent, the society's funds having been in the defunct private bank. The cash will have to be borrowed. One of the old men whose entire savings of $1,200 were swept away by the failure applied the other day to the charities committee which has control of the poor house, for aid this winter. He wanted to know if the committee could not render him some assistance outside instead of taking him into the institution and maintaining him and his wife there. The sad answer was "no."

MORE THAN SURPRISED.

MR. GLEASON AND THE GHOST OF BUSINESS PAST.

He Forgot about a Lawsuit in which He Was Liable for the Costs—He is Reminded of It by the Arrival of an Execution Fifteen Years after Date.

Mr. Patrick Gleason, the esteemed official who looks after the collection of the city's rents, was more than astonished the other day when he found his own lands, tenements and hereditaments, in the grasp of the law by virtue of a memorial of judgment and writ of fieri facias at the suit of Col. James Domville for an amount in the vicinity of $1,200. He had no idea that he owed anybody anything like that amount, and it was only by degress that he began to comprehend how the ghost of a dead past had thus risen to confront him in such gigantic proportions. He lost no time in going to his solicitors, Messrs. Carleton & Ferguson and trying to find out what had struck him.

Some time prior to the year 1880, he was a partner in the firm of Estabrooks & Gleason, doing business on the North Wharf. The firm was indebted to the firm of James Domville & Co., and the latter undertook to put Estabrook's & Gleason into insolvency. They resisted the application and carried the matter before Judge Watters, who decided that they were not insolvent. They subsequently compromised with their creditors. They then brought suit against Domville & Co. for damages on account of the attempt to have them put into the insolvent court, and got a verdict in the court here which was affirmed [illegible] the court at Fredericton. When it was taken to Ottawa, however, it was decided against them, and they thus become responsible for a large amount of costs. This was in 1880, and as they had no assets on which to levy, nothing more was heard of the matter.

Since then fortune has been more kind to Mr. Gleason, and by industry and economy he has acquired some real estate. Calm in the reflection of a well spent life, he has been at peace with the world and has no fear of law or lawyers. He appears to have forgotten all about his suit with Col. Domville, or to have considered it only as a back number which had been relegated to dust and oblivion. Fifteen years is a long time for any one to keep in mind a transaction which was supposed to have died for want of nutriment.

Under the common law, a year and a day is given in which execution can issue, and that seems to have been the law in the province in 1880. At a later date the term was extended to fifteen years, and still later to twenty years, in suits which had reached a certain stage at the time of the passing of the act. Under this, apparently, Messrs. Coster issued an execution, the other day, for $579, with interest for the year 1880. At six per cent, the interest is about equal to the principal, so that the whole amount claimed is in the vicinity of $1,200.

It is understood that Mr. Gleason decidedly objects to having his property swallowed up on account of what is commonly known as a "dead horse" in the way of an old liability, and that he will contest the claim of Col. Domville so far as he can find any foothold on which to base a defence. He is now a firm believer in the adage that it is the unexpected that happens.

THEY DEPOSE THEIR PASTORS.

How Envy, Discord and Strife Disturb the Peace of a Congregation.

The colored people living at Inglewood near Bridgetown, N. S. are all of the baptist persuasion. There may be a sprinkling of methodist, but they don't count much among the majority. Up to a few years ago they had no regular place of worship, so they usually worshipped among the congregation of baptists at Brighton. Among them are some very well meaning christians, and their piety and devotion is not equalled by, it does not excell many of their white brethern. They aspired to have a place of worship of their own, and at last by degrees, they obtained one. Literally, it was built by degrees. First a frame was obtained, set up and boarded in, and in this condition it remained for several years, without shingles, or windows, and devoid of interior furniture. Being poor, they were unable to do more at the time, but at last with the aid of their white friends they were enabled to have it finished. In this worthy object, one Philip Hamilton, a colored local preacher, was particularly earnest and successful in obtaining contributions to the building fund, and it was mainly through his efforts that the colored people of Inglewood, have now the privilege of worshipping in a meeting house of their own.

Philip is a very good cooper, and all the week he employs his energies in making apple barrels; but on Sunday he exercises his talent of exhorting, being a powerful and earnest expounder of religion in his own way. Thus, like Paul, he labors all the week with his hands that he may on Sunday preach the gospel without charge. He lives and plies his trade in Bridgetown and Inglewood about two miles distant, was until lately the scene of his Sunday labor. For years in summer and winter, in sunshine and rain, the portly and dignified form of Philip, dressed in half clerical garb, might be seen on each Sunday of the year, and one night each week, wending his way towards the Inglewood church, where he was wont to stir up the brethern.

One would think that gratitude alone would retain the services of such a devoted preacher, but alas, Philip has found out that the gratitude of this world is but a passing show. Envy, that bane of all society began to assert itself in the hitherto peaceful calm of Inglewood's religious life, and efforts were made to dispose Philip from the high position, which his faithfulness had, in a measure, given him a right to. Philip it appears, claims the ownership of certain property in Kings county, and his efforts to recover his rights led to his taking some law proceedings. This formed the basis of certain charges against him, which were preferred at the conference of the colored church in Halifax, and although Philip was able to purge himself successfully from the charge of wrongdoing, yet the breach between him and certain of his people became an evidence, that his ministration to the brethren have ceased, and the pulpit that knew him once now knows him no more. His enemies in the church then aspired to run the church themselves in their own way, and, for a time, no doubt to their satisfaction.

In the meanwhile, however, along came an itinerant pastor seeking for a new flock He was taken hold of by a part of the church and those who deposed Philip Hamilton were deposed in turn. The new man endeavoured to exercise his functions, but the objecting party kept the door locked and refused to give up the key, the consequence being that no services were held for several Sundays, until at last, the lock was taken off and a new one substituted; And thus the matter remains at present.

FOR STANDARD TIME.

Leading Merchants of the City to Adopt it the First of January.

The common council seems to have placed the question of standard time on file, as the committee has done nothing towards a solution of the question. Meanwhile the eastern standard has steadily gained ground and after the first of the year is likely to come into still more general use, even if the city does not by that date give it official recognition

Since the agitation was started the post office and the custom house, as well as a number of hotels and business houses have adopted the Eastern standard, and are very well satisfied with its operation. The fact that not only the trains and the steamers, but the post office and custom house use it, has a very important bearing on the merchants, who are in constant course of communication with these public places. It would be manifestly absurd to adopt Atlantic standard in opposition to what is so well established, and the time has come when it is equally inconvenient to use the St. John local time.

Impressed with this fact, a number of the leading merchants who have favored eastern standard, including Manchester, Robertson & Allison, have decided that the time has arrived for action. They have accordingly decided to begin the new year on Eastern standard, and from the first day of January will adopt it in their establishments. It is probable that very many citizens will follow their example and thus standard time will become an accomplished fact in regard to the business of St. John.

The committee of the common council, instead of deciding the matter for the citizens seems in a fair way to have the citizens decide the matter for them. Unless they hurry up they will come in at the rear of the procession, instead of at the head, as was expected.

Created a Better Feeling.

The arrival of the Beaver Line steamer Lake Superior has caused a much better feeling in certain business circles in the city. The ship laborers feel that there may be something to do in winter as well as summer, the railways and their additional employes and representatives and all these necessary to look after a large steamer have made the town more active than usual. Manager D. W. Campbell has proved himself a live business man, alert to the interests of his company but prepared to meet the citizens in every way and get all the trade he can. Perhaps even he does not realize how intently the people of this city are regarding the venture and how heartily they wish it success. To assist to that end those who import goods from the other side should have them sent by no other boats but those which touch here. They can even go further than this and impress upon the representatives of the upper Canadian houses that they will give the preference to those who get their goods by these steamers touching at Canadian ports.