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# PROGRESS.

VOL. VIII., NO. 385.

ST. JOHN, N. B., SATURDAY SEPTEMBER 21, 1895.

PRICE FIVE CENTS

## ARE AFTER BIG MONEY.

THE SUIT OF THE CONNOLLYS IN THE CIRCUIT COURT.

Circumstances That Led to this Dispute Between the Contractors and the City—There is Every Chance for a Fair Trial as Well as a Long one.

Mr. Michael Connolly, of Quebec, arrived in St. John this week, and will remain some days, probably all next week. This is a social and personal item, but the enunciation of a cold, stern and relentless fact. Mr. Connolly is here on a mission which interests not only himself, but is of interest to everybody in St. John. He is after lucre to the extent of something more than \$10,000, and he wants the city to pay it to him.

Yesterday was the day set for the beginning of this notable case in the circuit court. It will probably last all next week, and whichever way it goes there will be a fine bill of costs for somebody to pay. In this connection it may be incidentally remarked that L. A. Currey is attorney for the Connollys, and what he does not know about making up cost is not worth mentioning. Attorney General Blair appears as counsel for the plaintiff, and despite the fact that Hon. D. L. Hanington cannot by any possibility appear on the other side, Mr. Blair will undoubtedly make matters interesting for somebody.

Defending the city's interest is Recorder Skinner, aided by Hon. William Pugsley, with J. B. M. Baxter as junior counsel. The latter was retained this week, and should be a valuable adjunct through his personal knowledge of all the circumstances of the case. During the construction of the Connolly wharves he was, as now, alderman for Brooks ward, and took a very active interest in all that pertained to the work. Recorder Skinner will probably not quote as much scripture in this case as he did in the Sunday observance argument the other day, but there is no reason to believe that Mr. Pugsley will not be as painfully polite as is his custom at all times and under all circumstances. It is a question for casuists to consider whether Mr. Pugsley is not at times guilty of falsehood in preserving such a suave exterior when he is inwardly as mad as a hornet.

Judge Landry sits on the bench, and there is a special jury made up of men who do not pay taxes in St. John. An ordinary coroner's jury is sometimes composed of men who do not pay taxes, because they are short of funds, but the jury in the Connolly case was not selected on that principle. Its members are men who reside in the county, and who have not a financial interest in the result of the case, because they are not assessed here. Moreover, they are what is called a special jury, in the selection of which each side has had a voice. Double the number required were summoned, so as to allow for accidents and absences. They are representative men from Lancaster, Musquash, Simonds and St. Martins, and most of them are men who have had a personal experience with contracts and the construction of heavy work. Both sides are likely to consider the jury a good one.

As everybody in St. John knows, the suit is an addendum to the scheme of harbor improvement inaugurated by the common council in 1892. The firm of M. & N. Connolly took the contract to build the wharves at Sand Point, and finished the job within the time called for, the 31st of October, 1893.

Everybody had supposed that would be the end of the matter, but it was not. When the Connollys had asked for the last of their money, there was the sum of \$8,000 which they could not get, and have not got yet, but which is part of the \$10,000 which they now seek through the court. The city held this amount which had been deposited as security, on the claim that a deposit of \$50 a day had been incurred by the contractors through their failure to complete one of the wharves, that facing the harbor, within the date fixed for its completion.

It would be neither wise nor safe for Progress to attempt any statement of the case which would favor either of the parties. It is within bounds, however, to say that the contractors claimed this wharf could not be completed until the northern wharf, at Sand Point slip, was joined to it, though the contract called for the completion of the one about six months before the completion of the other.

There was literally "heaps" of trouble about the mud which was brought up by the dredges. In building a house, or a railroad, the disposal of excavated material is a simple enough matter, and so it is usually in harbor dredging. All that is required, after the mud is picked up and loaded on scows is to tow the scows to a suitable place and let the mud travel to the goal of McGinty, at the bottom of the sea. The question of a suitable place for taking a little drop of this kind is, as a rule, easily decided. It is only necessary to go where the water is deep enough, or to a shore where the deposit of additional

material will not interfere with the requirements of the public. It would appear that in Connolly's case, the original specification was not definite on the point of where the place of deposit was to be. This specification was prepared by the city engineer, but was subsequently amended by the board of works and the limit of the distance of towing was placed within one mile of the wharves.

Some of the mud taken up was placed behind the wharves as a filling, but when it began to percolate through and run into the water, inspector O'Brien jumped on the contractor's men and had some of them up at the police court, for putting rubbish what was dredged, however, had to be towed to a place of deposit at a distance, and it was here that the real trouble came. The first place pointed out to the contractors was the beach beyond Sand Point and inside the breakwater. The shore at that place is not a stand to invite the summer bather, for it is rough and abounds with large boulders. The deposit of additional material there could do no damage and might be an improvement so far as scenic effect is concerned. The tide, however, is not always over it, and at low water a scow which wanted to drop anything there would need to go on wheels or stilts. The contractors could only work there at certain times of the day, and did not consider the place a suitable one. The contention of the city on this point is understood to be that the contractors should have had scows enough to do the work while the tide was up. To this the contractors are said to retort that they could have done so had they known in advance that this was to be the place selected, and had provided their plant to meet such an emergency.

When objection was made to this beach as a place of deposit, another place was pointed out on the east side of the harbor, near the exhibition grounds, but it was found that the dumpery of mud there would have a tendency to interfere with harbor fishing rights, and so the idea was abandoned.

Finally, the contractors found a place where there was plenty of room and plenty of water, and where all the mud they could drop would not interfere with anybody or anything. It was down the harbor, outside the breakwater, and this became their dumping ground.

It is on this account that the principal part of the claim is based. The place was more than a mile from the wharves, and the Connollys allege that extra towing and other labor which resulted from having to go so far meant a heavy loss to them. The items claimed under this head amount to about \$25,000, or more than half of the total claim.

There are other contentions which need not be referred to, and in which each side feels that it is in the right. Were the matter not before the court the story of either the plaintiff or defendant, told from a partisan standpoint would make decidedly interesting reading.

There will be a large number of witnesses, and a bringing up of a great deal of matter that was the subject of lively comment at the time, so that the case will be of more than usual interest to the citizens who have had to pay the bills so far, and are now anxious to know whether they will have to pay any more.

With a good judge and jury, and an array of keen legal talent, there is little real fear that the facts as to the right or wrong of the case will be pretty well threshed out.

## THAT FAIRVILLE TIME.

HOW A POLICEMAN SEARCHED THE HALL FOR LIQUOR.

He Did not Find Any—The Dancers who were Intoxicated Did not Buy their Stuff There—Recorder McKiel Does Not say a Lot of Things About the Affair.

There was no dance at the church of the Good Shepherd, Fairville, last Saturday night, as some had anticipated there would be. The festivities of the preceding Tuesday night had evidently been considered enough, and more than enough, for all practical purposes.

Recorder McKiel was not heard from until last Wednesday, when he arrived at Progress office and had an interview with the editor. He stated that the story told last week was untrue and wanted a retraction published. He was told that his information had been obtained from what was considered a reliable source and that before any contradiction of it could be published it would be necessary to make an enquiry into the facts. Mr. McKiel was grieved that his statement should not be accepted as a full explanation of the matter, and said the story had come from parties who were interested in trying to injure his church. The reply to this was that Progress had no interest in the church, one way or the other, but that Mr. McKiel was interested in it, the paper claimed the right to make an impartial enquiry. Then Mr. McKiel went out, apparently not very well satisfied.

He was heard from yesterday through the columns of the Sun. The Sun, it will be remembered, is rather a warm account of the troubles at the church of the Good Shepherd some months ago, when matters got to such a pass that rival collectors passed around their separate plates for the offerings of the people; and Progress also told of this, as it has told of other matters which have brought this singularly aggressive body of worshippers into no little notoriety. According to Mr. McKiel, however, Progress is alone to blame for letting the public know from time to time just what interesting events are taking place among the pastor and people.

Just here, it may be well to assure Mr. McKiel and all others, that there has been no more desire to injure his church than to hurt any other church. When a good story, likely to interest the public, is secured it is published, whether the scene is in a church or a railway station. So long as people do not make themselves famous, or infamous, they are not likely to become the subjects of stories, and if Mr. McKiel and his congregation want to avoid unpleasant notices their best course is to do nothing to provoke public comment. The dance at the church hall was a notorious affair, of which all Fairville was talking.

Mr. McKiel, in his letter denies just two things which Progress asserted, and his statement in this respect has been verified. He says there was not a keg of beer in the hall, nor were any cigars sold. He further says the dance was not "in" the church, but nobody who read the account would suppose that it was in the part devoted to the regular services. The word "in" appears in one instance, through an inadvertence in reading the proof, but the whole story shows that the dance and its accompanying festivities took place in the school room, or what is known as the church hall.

Even in this respect, however, the story was not materially in error. The church hall was the original church, in the days when Mr. Dowling of Carleton and City Engineer Peters were holding services there before the advent of Mr. Titcombe, and it is a part of the church edifice to this day. To go from one apartment to the other it is only necessary to open doors and nobody has to go into the open air on the journey. That the hall has never been consecrated may be an important point in the judgment of a churchman but the distinction is such a fine one that the average protestant of other denominations may fail to grasp its significance. In popular opinion the dance was held at the church, if not "in" the church.

Passing over the minor point, the only other contention is that there was not a keg of beer, nor were cigars sold. It is learned that the beer was in bottles, instead of a keg, and that the guests brought their cigars with them. The moral difference between beer in a keg and beer in bottles is not very clear. No assertion was made that the beer was intoxicating, and it is learned on good authority that it was not. The dancers who got drunk had their liquor concealed in a convenient place outside the door.

That they did get drunk is a sad fact which recorder McKiel does not attempt to deny, and his reputation for veracity would suffer if he did so. One of the church wardens, hearing there was a function in the hall, went there early in the proceedings to enjoy himself. He got as far as

the door, looked in and abruptly withdrew remarking in emphatic terms that the affair was disgraceful.

So disorderly was the assembly that the rumor was current that liquor was sold in the hall, and the report came to the ears of police officer Moore. In pursuance of his duty he went to the hall, and saw enough intoxication to warrant him in searching for evidence of a violation of the Liquor License Act. He made a search of the premises, even to the extent of unlocking a cupboard where he thought liquor might be concealed, but his whole enquiry failed to reveal anything around the hall but temperance drinks.

And yet, though the dance hall by Recorder McKiel had reached the pitch that the public and the police thought liquor was being sold on the premises, fault is found with Progress for taking any notice of the affair.

The disgust of the warden who retired was shared by many members of the congregation who were not present. It is but just to say the congregation as a body were not to blame for what took place. The responsibility seems to rest on Recorder McKiel.

Nor were the intoxicated dancers members of the congregation, so far as is known. The young man who told Mr. McKiel that he could have wanted an exhibition of swearing if he wanted it, came from a distance. So, probably, were those who woke up the town by shouting "fire" and "murder" on the way home from the dance.

Anybody who read the story told by Progress and who reads the letter of Mr. McKiel will be impressed by the fact that what he does not deny is; considerably in excess of what he does deny. The trouble is the story was too true to be pleasant.

To recapitulate and amend, it is true there was a dance held at the church of the Good Shepherd.

It is true that some of the dancers were intoxicated and that a policeman went to the hall to see if liquor was being sold.

It is true that the affair has been a matter of common talk, and that comment upon it has been general among all classes in Fairville.

It is true that with the exceptions stated, all that Progress said was justified by the facts.

Mr. McKiel would have been wise to let the matter rest, instead of reviving the memory of what was by no means a creditable affair.

Why the Stone Church People May Have to Defend One of Their Projects.

When the improvements of the old Stone church are completed, the interior will look like a new edifice and the evolution which has been going on at intervals for many years past, will rest for a while. Even before the recent improvements were begun, the church was a very different place from the church in which the congregation worshipped some three-score or so years ago.

## TALK OF AN ELECTION.

KINGS AND ST. JOHN COUNTIES FURNISH GOSSIP.

For Politicians to Chat About—A Disposition to Make another Break in the Government Party in St. John—A Ticket that is Mentioned Favorably.

In spite of the exhibition and the rush and bustle incident to it, the preparations of the country to come to the city and see the people who have made themselves at home upon the farm all summer, there are rumors of an election, and some of them are disquieting rumors.

Kings county is very much to the front in this respect and a good deal of it is due to the supposed coalition between Mr. White and Mr. Fowler. Both of the gentlemen were in the field at the last provincial election but they represented different parties and Mr. Fowler remained at home. It is to be presumed that in the interval he has had an opportunity to look into local affairs more closely and has been led to change his mind and to signify his willingness to become one of the governmental trio to appear before the electors of Kings. It is to be noted that the opponents of the government do not look with any great degree of favor upon this proposition, in fact it seems to be causing much comment, favorable and unfavorable. For example, the liberals of Kings, under the leadership of Colonel Donville, think that they see in this proposed move an attempt to strengthen the hands of the Finance Minister Foster who, it is conceded by many, has about decided that Kings might suit him better than York. Mr. Fowler was Mr. Foster's campaign manager in the last federal contest and if he secured a seat in the local house the liberals think that it is undue prominence to bestow upon an opponent. They count upon the opposition of Mr. G. G. Scoville to the move. Mr. Scoville has not declared himself but he will no doubt be heard from.

Mr. Fawcett takes matters easily and, under certain circumstances, is understood to be willing to stand aside and retire from active politics. These are a few of the rumors in Kings, but in Westmorland the situation has progressed a trifle and there is a call for a convention to nominate candidates for the vacancies existing in that county. They have a reason for such a course there and a convention is in order but until the government has said that the elections will be held this fall conventions in those counties in which no vacancies exist would seem to be premature. It might turn out as the federal scare did last year to amount to nothing.

The people have forgotten almost who were nominated upon this occasion and in the future it may be that it will rank as a feature in the "lives of prominent men" that they were once chosen by the people to run an election but did not run.

Nevertheless St. John has not escaped the contagion and the young liberals and the old liberals government and anti-government are discussing what is the best thing to do. Those who are anxious to see liberals only upon the ticket want a convention called but the leading supporters of the government are not wholly in favor of such a move since there are many men not liberals who support the administration. They point out that the conservative supporters of the government could not take part in a liberal convention and they follow up their arguments by stating that the executive is not liberal and not conservative but composed of men of both parties. A number of names have been mentioned and the intimation has been thrown out that if Messrs. D. Purdy, G. Wetmore, Merritt, Dr. J. H. Morrison and perhaps alderman Baxter of Carleton should be requested to run in the interests of the government, that they would from a very acceptable ticket. Mr. Purdy is so good a liberal and so prominent in the party that it would surely be a disconcerting act on the part of his friends to encourage any opposition to him on the captious ground that he was not brought out by a straight liberal convention. The same can be said of Mr. G. Wetmore Merritt who represents the younger men and is the president of the young liberals. Dr. Morrison as a conservative and an orangeman would bring strength to such a ticket, and Alderman Baxter from the standpoint of his civic career seems to have succeeded pretty well. More than this he is warden of the county and has a strong following on the west side.

Some of the liberals who are really opponents of the government have tried of late to work up the idea that there should be a straight party ticket, independent in every way and when they reach Fredericton they could stand together and not support either party. Two of the names suggested are H. A. McKeown and R. O'Brien. Both of these are very estimable young men but they would find some difficulty reaching Fredericton on that ticket.

Issue Woodward's Grave.

A few weeks ago, Progress called attention to the neglected condition of the grave of Ex-Mayor Isaac Woodward in

the rural cemetery, and expressed the hope that the mayor would find opportunity to carry out his idea of taking up a subscription among the aldermen, to have the place put in order. Nothing has been done, however, and it looks as though somebody would have to pass around a hat among the citizens to raise the fifty dollars required. The board of trade is understood to be willing to give the other fifty. It is time somebody made a move.

## NO MORE OF THAT KIND.

Private Prosecutions Must Not Be Put on the Shoulders of the Public.

The comments of Progress on the absurdity of making the city responsible for the prosecution of the Sunday observance cases, seems to have waked up the board of public safety during the past week. It was pointed out last week that Recorder Skinner had undertaken the prosecution of these cases with an implied authority from the mayor, and the board wanted to know more about it.

They learned that just what had been published was true. The recorder had spoken to the mayor and the latter had said he supposed the matter must go on. It transpired that neither the mayor nor the recorder were aware that there was any regulation of the council on the subject of the latter undertaking to appear for the city in cases before the courts.

The matter had been pretty well discussed, and the opinion had been generally expressed that the attempt to enforce an absolute law was a piece of nonsense, with which the city should have no concern, when the chief of police arrived. He did not know that his course had been pretty strongly condemned, and in the innocence of his heart he began to speak of the work he had to do and mentioned his efforts to enforce the Sunday law as an instance. When he got this far, he was caught on the fly, and asked who told him to bring these prosecutions. He gave as his authority the words of some members of last year's board and cited Ald. Millidge as having been present at that time. Ald. Millidge replied that he had indeed been present on that occasion, but had expressed the belief that the law could not be enforced, and he thought the chief had understood that to be the general opinion of the board.

The chief had little more to say on the matter.

## AN EXHIBITION DAILY.

"Progress" will issue One In Machinery Hall During The Fair.

Progress, proposes to assist toward the success of the Exhibition in no modest way by contributing a daily edition of this paper printed in machinery hall. The press for that purpose is now being erected in the space allotted, and when the show opens on Tuesday Progress will be as ready as the rest of them for the work it has to do. When some years ago a daily paper was issued by Progress in the exhibition almost the entire plant of the establishment was moved to the show ground. That proved to be an undertaking that perhaps would not have been ventured again were all the difficulties known beforehand. But it was done and done successfully. It would be simply impossible today since the outfit of the paper has increased to such an extent that the question of moving into its new quarters in its present building on Canterbury street last fall proved a troublesome one, but sufficient material will be taken to the exhibition to give a good idea of the working of a printing office, the composition and printing of a newspaper. The large four roller Cranston book and news press has been moved from Progress press room as part of the equipment. There is no press in the Maritime provinces better adapted for good work than this and the working of this perfect piece of machinery cannot fail to be interesting.

There will be two editions of the paper every day one in the afternoon and another in the evening. Both of them will contain the latest exhibition news, the announcements of the managements, the programme of the day, and the events of the succeeding day. So far as can be seen [now the daily will be a four page paper printed upon good paper. The advertising patronage secured for it has been large already and merchants and exhibitors will find it to their advantage to advertise in a paper that will be taken home by thousands as the "newspaper printed at the exhibition."

Mr. D. McArthur, bookseller, 80 King Street, is having a grand clearing up sale of books, stationery, toys, dolls, and fancy goods. He is giving great bargains in all these classes, also, fancy goods and stationery.

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