

PROGRESS.

VOL. VIII., NO. 383.

ST. JOHN, N. B., SATURDAY SEPTEMBER 7, 1895.

PRICE FIVE CENTS

DEALERS DEFY THE LAW

WAYS IN WHICH THE LICENSE LAW IS NOT ENFORCED.

It is Violated in More Than one Particular Every day of the Week—Selling During Prohibited Hours and on Sunday—The Inspector's Duty in the Matter.

The story of how the Liquor License Act is not enforced in St. John, as told by PROGRESS last week, seems to have met with very general approval. More could have been told, had it been necessary, and the time may come when less consideration will be shown in specifying the people who put the law at defiance to the injury of legitimate dealers who have every claim to be protected. As already remarked, however, the chief inspector does not require anything of the kind, for if he could not recognize every allusion he would be more obtuse than anybody supposes him to be. There is no reason why the law should not be administered fully and fairly. Every honest dealer says it is a fair law and one which he is glad to obey. As a rule, among the better class of dealers, it is respected, but the exceptions to the rule are all the more glaring on this account. Most of the reputable licensees are glad that they have to close at 10 o'clock on ordinary nights and at 7 o'clock on Saturdays. Yet they are right enough in protesting against the unfairness of allowing other places to remain open after the prohibited hours, and on Sunday.

Between 7 o'clock on Saturday night and sunrise Monday morning hundreds of dollars worth of liquor is sold to all comers, practically under the nose of the police, and no effort is made to put a stop to it. Any policeman in the city could tell a stranger where to get a drink during those hours, and give him a choice of localities in which to bestow his patronage. The chief could do the same thing. Rarely, however, is a case of violation of this part of the law reported, and when it is, the offender is like Mrs. Buckley, who was found with the door open a few minutes after the closing hour, or of some other small dealers who sell bottles where the un molested law breakers sell barrels.

There is one thing the police will do. They will promptly follow up the trail of some unfortunate who is beginning to stagger and will promptly arrest him and make a record as zealous cops. On Monday, after being kept locked up in the meantime, the offender will be fined eight dollars. The plea for this extortionate fine is that Sunday drunkenness must be stopped. It would be more sensible to try to accomplish this end by stopping the Sunday selling.

There are probably fifty places in St. John where liquor can be bought by the glass on Sunday. There are said to be as many as nineteen in Kings ward alone. Some of these places are small and some of considerable pretensions to style. In the lower part of the city, south of Duke street are a good many more. Some of these are run with great caution, and some as openly as if the Liquor License Act had never been placed in the statute books.

There is one species of evasion of the law which should not be tolerated. The provision is emphatic that the individual to whom a license is granted shall be "a fit and proper person," and the regulations provide that three convictions in any one year shall render him an unfit person, so that he cannot get a license the next year. The usual method is, when there have been two convictions, to dodge a third by having the license transferred to some other person. The regulations in reference to transfers provide that, before one is permitted, the inspector shall furnish the mayor with a certificate similar in effect to that given when application for license is made on the first instance. Among other statements required to be made is one whether the applicant is, or is not, the true owner in business of the premises proposed to be licensed. How can the inspector get over this in cases where it is notorious that the transfer is made simply to permit further violations of the law, and where it is equally notorious that the person to whom the transfer is to be made is not only not the true owner of the premises, but has no interest in them whatever. He is simply a dummy, and it may be the premises in question are the last place in the world where anybody would expect to find him.

This is an utter perversion of the law, and is calculated to encourage a general violation of it. A man may start in to do an illegal business and to make all he can out of it. He knows he can make a good deal more than one or two fines will amount to, and the only thing to be avoided is forfeiture of the license. So long as a transfer can be made, however, he is safe.

It simply puts him to a very little trouble and he continues to sell under the name of somebody who may not handle a dollar of the receipts from the bar.

In criticising the course of license inspector Vincent, in the county, reference has been made to the fact that some

notorious places, which cannot get a license on account of their character, are fined each year about enough to amount to a license fee. There is no attempt made to stop them, and they have really more latitude than if they were licensed. There has been and is a great deal of that kind of thing in the city. Certain places are reported and fined at intervals, never enough to make the cost to them more than the cost of a license. It may be urged that it is difficult to wholly suppress these places, but the truth is there is no effort to make the business unsafe for them.

There have been cases where men have kept open bars, without license, fully aware that they would be reported no more than enough to make the cost equivalent to a license fee. There may be some yet. A year or two ago, one of this class of dealers had a visit from the police one morning. They took away, as evidence, one whiskey bottle out of a number behind the bar. The man was duly reported, went to court, acknowledged his offence and paid his fine. The bottle seized as evidence contained only vinegar, but the man knew that he might as well pay the fine then and have an immunity for a few months as to successfully defend the charge and be bothered again. He was a man who was anxious to get a license but could not, and he was perfectly willing to pay an instalment of what was equivalent to the license fee, even though he could easily have got clear in that particular instance.

It may be an easy matter for the inspector to plead that nobody makes a complaint on which he is obliged to proceed. This is his business, for the law makes it his duty, and the duty of every policeman on the force, to search out and prosecute all offenders against the provisions of the Act, by making complaints and prosecuting the same to a conviction. The city inspector is altogether too good natured, however, and the police are afraid to make reports lest they will get themselves into disfavor with the chief. They are not sure whose corns they may be treading on, sometimes.

There is no reason, for instance, why the chief should want to shift the blame from himself when he has to prosecute an offender. Not long ago, a reputable retail dealer, finding himself much injured by a "wholesale" bar-room at his very door, pointed out the matter to the chief. The latter functionary had the simple duty of proceeding against the offender, and he did proceed, though in such a way as to lay the onus of the prosecution on the retail dealer. The latter did not care, of course, but he was surprised that the man complained against could repeat the conversation had with the chief, and which was supposed to be private. The circumstances had the look of the chief virtually apologizing to the offender for putting him to trouble, and justifying his course on the plea that somebody had complained to him and he was forced to proceed.

That is, perhaps, one of the main troubles with the chief. He wants to stand well in the estimation of too many classes of people. This may be to his credit as a good hearted, well meaning man, but it does not add to his efficiency as inspector under the Liquor License Act.

The law is a good one, and ought to be enforced better. The chief should try to earn his extra salary this year by doing something more than keep books and file papers to excite admiration in the mayor and other people who are easily pleased by appearances and don't make enquiry as to facts.

WANDERERS ON WHEELS.

Omitted Athletic Sports Because of No Competitors in Their Club.

HALIFAX, Sept. 5.—The Wanderers' programme for their annual sports last Saturday was remarkable for two things—what it did not contain in strictly athletic events and what it did embrace in bicycle contests. The prominence given to the bicycle would lead one almost to suppose that the Wanderers is a wheeling organization rather than an athletic club, and the omission of several standard events in their programme would naturally confirm this view. Yet such is not the case, for "the Wanderers" is an "amateur athletic club."

There was considerable adverse criticism of the Wanderers management at the annual sports on account of these omissions. Because the club had no competitors in its own rank for the mile run and other events those contests were left out of the programme. Mile-runners and banner-throwers from other clubs were not given a chance to win where there were no Wanderers to compete. The grumbling came from members of clubs who would have liked a chance to win. Their complaint was perfectly justifiable. It is wrong to omit such standard events merely because the club holding the athletic meeting is not prepared with competitors of its own, and it is to be hoped such a policy will not be persevered in.

At the same time it is but fair to state that the Crescents, whose members have complained most loudly, are not themselves guiltless in this respect. They have been known to act similarly themselves. Two wrongs don't make a right, however.

"HENDERSON, COME OUT"

UNTIMELY INTERRUPTION OF A SERVICE OF PRAISE.

Pastor Henderson Goes to Indian town and Brother McAleer Makes His Appearance—The Cause of the Disturbance—No Arrests Considered Necessary.

"Come out here, Henderson, and take back what you said about me." The voice of Mr. Joseph McAleer rang out clear and defiant as he poked his head into the doorway of the African Methodist Episcopal meeting house in Indian town, Thursday evening. His remarks were addressed to Rev. Mr. Henderson, pastor of the congregation of St. Philip's church, who had gone to Indian town to hold a service of prayer and praise for the colored people in that vicinity.

Pastor Henderson did not come out, and it might have been a cold evening for him if he had done so. Brother McAleer had blood in his eye, and had a lot of friends and sympathizers on hand to see fair play. The troubles of Pastor Henderson with his congregation in St. John are a matter of history. They were prominently to the front some months ago, and were supposed to be definitely settled when Bishop Turner, at the conference in Halifax, gave his decision in favor of the pastor, and continued him in his ministry in St. John.

Some of the colored people in St. John did not want Pastor Henderson as their spiritual guide, as they alleged there were grave defects in his moral status, due to a scandal which had been wafted from his former pastorate in the United States. They therefore got up a petition against him and had it forwarded to the conference. A good many names were appended to it, but the allegation is made that some of the alleged signers had never seen the petition, much less put their names to it. According to the story of Pastor Henderson's friends, Bishop Turner received the petition, and during the conference, took the matter up. The pastor was asked how it was that his report showed one state of affairs while the petition alleged there was another condition of things. He was further asked if the names signed to the petition were those of members of his congregation.

Pastor Henderson's reply was that the names were certainly those of colored people in St. John. Some of them went to his church, some went to other churches, and some did not go to any kind of a church. Under these circumstances, the bishop concluded that he would throw over the petition, and he thereupon proceeded to do so.

Mr. McAleer was one of the gentlemen interested in the petition, and he has not taken kindly to the pastor since his return. As St. Philip's is in the city and Mr. McAleer's ballwick is in Indian town, however the two only met now and again, as they did Thursday night.

Mr. McAleer seems to have been making some forcible remarks about the pastor, of late, and the reverend gentlemen was informed of the fact. His reply breathed the spirit of peace and good will.

"I never stole anything from Mr. McAleer, and I don't know that he ever stole anything from me," were his words.

Mr. McAleer heard of this and was not a bit pleased. What he said or did not say is not on record. When he heard that the pastor was to have a meeting at Indian town, Thursday night, he decided to be present. So did a number of his friends.

Mr. McAleer's friends went into the meeting and made a good deal of confusion. He himself stood outside the door, and occasionally pronounced a query to the pastor, combined with an invitation to step outside and settle the matter. The pastor wisely declined. He belonged to the church militant, but he did not propose to wage that kind of a warfare. He invited Mr. McAleer to come inside and he would tell him all about it. The latter gentleman persisted in shouting "Come out here Henderson," to the great disorder of the meeting.

Finally the dialogue got to be more animated and interesting and there seemed imminent danger of the place of prayer and praise being turned into the scene of a hand to hand fight. The pastor and McAleer continued to hold a hot dialogue, while the respective adherents of each raised their voices in a wild chorus which was not in the nature of a hymn or even a song. Then somebody sent for the police.

The latter officials arrived in due time, but they did not arrest McAleer, or the pastor either. They heard each in his own behalf, and tried to find out what the matter was, as well as a babel of voices would let them. When the stories were told, the police concluded they did not know any more about it than when they started, but they decided there was no need of arresting anybody.

The next time Pastor Henderson holds a meeting at Indian town, he will probably require in advance as to the intentions of Mr. McAleer and his friends.

Was Another Mr. Jones.

The name of Mr. Charles D. Jones figured in PROGRESS last week as a witness in a case where Mr. McLean and Mr. Mc-

Keown had a war of words about a five dollar fee. It appears, however, that this Mr. Jones had nothing to do with the case, and that Mr. Edward Jones, of Weldon and McLean's office was the witness in question.

SOME TALK ABOUT HORSES.

The Recent Races and Some Things Connected With Them.

This has been a racing week. There have been meetings at Calais and St. John and many other minor events in provincial towns as a feature of Labor Day. Yesterday Pilot Jr. was to trot in Lewiston and the horses he had to meet would give him all he wanted to do to win. There is no great desire on the part of the horse's owner and his friends to see Pilot Jr. get too low a record. If he can be kept in the 2.20 class for a time he is more valuable. But he will not win the Lewiston race and remain in the 2.20 class.

Perhaps the surprise of the week was the defeat of Arlight at Moosepath by the fleet pacer Clayton. The time was a little better than 2.23 and the black stallion had shown trials so much faster that his friends and his owner would have backed him heavily had they been able to find takers. But no one wanted to bet against the horse for they thought he must win and that made his defeat all the more humiliating.

PROGRESS has scored Bell before for what it considered his bad judgment and cautiousness. It is all well enough for a driver to be cautious where it means the winning or losing of a race, but rightly or wrongly Bell is thought to be nervous and afraid of accidents upon a race track. Drivers say that a sensitive horse soon imbibes the spirit of his driver. If the latter is confident, nery and full of pluck and daring, the horse partakes of the same spirit and gains in dash, courage and speed. But if, on the contrary, his sensitive mouth notes the nervousness behind him: if he detects a difference in the quavering voice of the man on the sulky: if he notes that he is held rather than take his chances in a narrow opening and a close squeeze on the score he soon loses his spirit.

So Arlight appeared to lose his. Mr. Bell is getting along in years. He is heavier than the majority of drivers and it may be that race course accidents have given him a nervous feeling that he hopes to conquer, but as was stated above rightly or wrongly he does not get the credit of being a nery or a good driver.

At anyrate Arlight was beaten—beaten badly, but the reputation of the horse suffered less than that of the driver. And yet no one disputes the ability of Bell to handle horses, to gait them, to bring them along surely and safely—to drive them in a different matter. Then there were some other surprises. Hamlet who was let go an eighth in 15 seconds in the morning began to do what he was never known to do before in a race, run, and it was soon discovered that he was striking so high on the hind ankle that there was not a boot on the track to shield him and yet his remarkable speed made his admirers wish that he had been fitted in every way for the race.

In Calais, Minota, an Amherst horse went in the three minute class and got a mark of 2.26, a remarkable feat that showed the speed of a horse that has done nothing for two years. Then Endora, a Woodstock horse in the 2.45 class made the same mark and the distance flag caught a lot of the fliers, but two St. John horses, Little Rocket and Almont Charter got the third and fourth piece of it.

The beautiful speedy chestnut of D. W. McCormick, Rose L., went away in three straight heats for vengeance on the Eastport race and showed her rivals a clean pair of heels in 2.26.

These are some of the events of a year which bids fair to be remarkable for fast records.

Had a Distinguished Escort.

Right Eminent Sir Knight Samuel F. Matthews, past provincial prior of New Brunswick, and past constable of the Great Priory of Canada, received the honors due to his exalted rank at the triennial convolve of Knight Templars in Boston. He did not go around with a cocked hat and sword, because the officers of the Grand Encampment of the United States did not parade in uniform, but were seated in carriages, during the parade, and had the uniformed bodies as an escort. Sir Knight Matthews was with the Grand Encampment, and incidentally had, as part of his escort, Grand Master Walker, who was one of the aids of the chief marshal. When Sir Knight Matthews goes abroad he always gets a place of honor, in the processions and elsewhere.

Here on His Vacation Trip.

R. G. Larsen, formerly of PROGRESS staff, who has managed to keep up acquaintance with its readers by his interesting letters, is here on his vacation trip which he says he proposes to extend for two weeks. His old friends will greet him with genuine pleasure.

SETS A PRISONER FREE.

HALIFAX ALDERMEN HAVE A WAY OF DOING THIS TRICK.

Very Little Formality Required to Get Out of Jail in a Hurry—An Alderman who Claims to Have One of the Tupper Family to Support His Proceedings.

HALIFAX, Sept. 5.—The city has been talking city prison to a certain extent, for the past few days, and no wonder. Alderman "Neddy" O'Donnell has risen supreme to the courts of the country. Acting stipendiary Congdon, the other day sentenced Edward Smith to a term of thirty days in Rockhead prison for stealing four fowls from a henry in the city. The option of a fine was not given because on previous occasions when Smith had been convicted he had paid the fine and escaped the severe punishment his misdeeds merited. Smith has a very bad police record. Three days after Smith had gone to Rockhead Ald. O'Donnell ordered Governor Murray to release the prisoner, thinking that ten per cent of the term was ample punishment for the larceny of which Smith was convicted. He took a different view of the law from the magistrate. Ald. O'Donnell interviewed Sir. C. H. Tupper minister of justice, while in the city, and says he got authority from him to order Smith's discharge. The minister has not yet been heard from in the matter. Ald. O'Donnell talked up the release with members of the city prison committee, of which he is chairman, and got them to say they were half in favor of Smith's discharge. "So Smith the prisoner soon breathed the free air of heaven, thanks to the humane city father. The city prison committee held an investigation into the conduct of its chairman, on Tuesday. Ald. O'Donnell said he had acted in a "human" manner. He would do it again if it would help a poor fellow. The alderman made a sensation almost as great as in liberating the prisoner when he said that he knew nothing of Smith's "antidotes," but had released him simply because he thought he was doing what was right and that he had Sir. C. H. Tupper at his back.

The city prison committee reported to the council that the chairman had "made a mistake" and that it would not occur again, and the affair will doubtless soon blow over. It seems this practice of releasing prisoners under sentence from the city stipendiary's court is an old one. The aldermen have been known frequently to order the freedom of prisoners. Ald. McFritche has done lots of this work, and even Ald. Geldert has been known, after taking many precautions, to do the same thing. But instances of this kind of conduct were seen only in the case of trivial offences by the prisoners. This time Ald. O'Donnell frees a man whom the magistrate sentenced without the privilege of getting off by paying a fine. The police were the maddest kind of people when they saw their work frustrated in this way.

COLLECTING AHEAD OF TIME.

Why Letters Dropped in the Street Boxes May Stay There Until Next Day.

It would be a convenience to the public if the post office authorities would give more definite information as to how far the published information as to the hours of collecting from the street boxes is astray from the truth.

The monthly Postal Guide says that the last collection is at 10 pm. On some of the boxes the cards say 11 pm., but the person who wishes a letter to go by the next morning's mail will do well to post it half an hour earlier than the box card says the collector will be around.

This may not be true of all the boxes in the city, but it is true of those on Main street, from Indian town to the foot of Portland. The contractor evidently does not want to be out late, for his team comes along at any time between 9.30 and 10 at the Indian town end of the route and he reaches the box at the corner of Paradise row long before 10.30, the time marked on it for the last collection. Last Tuesday night the box at Hoben's drug store was emptied about fifteen minutes before 10. The watch of a bystander showed the time to be 9.50, but a subsequent reference to St. Luke's clock showed the watch to be fast. The last collection from this box has been at an earlier hour on other nights, and it must be remembered that before reaching it all the boxes between the foot of Indian town and Douglas avenue have been collected. This means that letters posted at five or ten, or even fifteen minutes before ten, stay there until the next day. The lying card on the box should either be made to read half an hour earlier or the contractor should be compelled to wait until ten o'clock before he begins his round.

How the Recorder Was Authorized to be Counsel in the Sunday Cases

Recorder Skinner appeared on behalf of the city in the arguments on the Sunday observance case last Saturday, and quoted a fine lot of scriptural authorities. This interested the citizens, and it ought to do so, for they will have to foot the bills.

A few years ago, an order was passed that the recorder should not officially appear in any case unless duly authorized to do so. There was, accordingly, some surprise when Mr. Skinner came to the front in this case, and people were anxious to know who told him to do so. At the meeting of the Board of Works, on Thursday, it transpired that Mr. Skinner had spoken to the mayor about the case coming up, and His Worship had replied that he "supposed they would have to go on with it." This was a good enough authority for Mr. Skinner, apparently, and so he aired his eloquence at the expense of the ratepayers in a case with which the general public has no concern.

Outside of a few individuals, nobody cares a straw whether the sale of a cigar on Sunday is servile labor or not in the opinion of the courts. The matter is essentially a private prosecution, and it is absurd to father it upon the city. Those who started the ridiculous crusade should be the people to pay the costs.

NEWMAN'S BROOK BRIDGE.

It is Getting Along All Right Without the Aid of a Special Inspector.

Newman's Brook bridge is all right, and is likely to be finished by the first of October, instead of taking the time allowed by contract until the first of November. It is said, by those who are competent to judge, that it will be a good job, and the city engineer is among those who say it will be a very good one indeed.

It will be remembered that when the contract for the bridge was awarded by the council, some of the aldermen alleged that there was a vital necessity for the appointment of an inspector. There were two reasons for this, only one of which was advanced. This was that Lewis & Son could not be relied upon to do the work fairly at the figures named. The real reason, however, was the North End contingent wanted to create an office for one of their friends, and all but four of the aldermen were willing to support them in the undertaking.

The council, therefore, solemnly resolved that an inspector be appointed, and let the choice of the man to the board of works. There was no doubt as to who the man would be, for the matter was cut and dried and several of the men who had been elected on the citizens' ticket felt that they were doing a pretty clever thing in paying their election debts at the expense of the ratepayers.

In the interval between the decision of the council and the next meeting of the board of works, PROGRESS came out with the story of what was up. When the citizens read it, some of them lost no time in telling the aldermen what they thought about the deal. They did not like it. The city engineer was the man to inspect, and the appointment of a special inspector would be simply a job—a small one, it is true, but a job for all that.

The members of the board of works heard and heeded. That was six weeks ago, and the appointment of an inspector has never been mentioned, so far as PROGRESS can learn. No member of the board was anxious to put himself on record in the matter.

Some of the advocates of the appointment of an inspector have been anxious to justify themselves, for the position they took at the first. At a meeting of the board last Thursday, the chairman, Ald. Christie, averred that the holes for the bolts were not being made true in respect to one piece of iron joining the other. He said there would be a difference of half an inch in the position of the holes in the places where they should exactly correspond. Ald. Law said something to the same effect. It was a sort of "I told you so" reproach to those who had thought an inspector unnecessary. The city engineer told a very different story, and so did Ald. Wilson, a practical man where iron work is in question. They showed that the difference in the position of the holes was to be found in only a few instances out of hundreds, and that the variation was not more than a quarter or a sixteenth of an inch. As the bolts were driven red hot there would be no question of a perfect joint, and even were it otherwise, the strength of the bridge would not be affected by the small number to be found. Thereupon the discussion, which had begun about nothing, resolved itself into its original elements.

RATEPAYERS FOOT THE BILL.

How the Recorder Was Authorized to be Counsel in the Sunday Cases

Recorder Skinner appeared on behalf of the city in the arguments on the Sunday observance case last Saturday, and quoted a fine lot of scriptural authorities. This interested the citizens, and it ought to do so, for they will have to foot the bills.

A few years ago, an order was passed that the recorder should not officially appear in any case unless duly authorized to do so. There was, accordingly, some surprise when Mr. Skinner came to the front in this case, and people were anxious to know who told him to do so. At the meeting of the Board of Works, on Thursday, it transpired that Mr. Skinner had spoken to the mayor about the case coming up, and His Worship had replied that he "supposed they would have to go on with it." This was a good enough authority for Mr. Skinner, apparently, and so he aired his eloquence at the expense of the ratepayers in a case with which the general public has no concern.

Outside of a few individuals, nobody cares a straw whether the sale of a cigar on Sunday is servile labor or not in the opinion of the courts. The matter is essentially a private prosecution, and it is absurd to father it upon the city. Those who started the ridiculous crusade should be the people to pay the costs.