

IN AID OF THE SHERIFF.

THE BILL WHICH PROVIDES FOR BETTER REMUNERATION.

Proposed Legislation that Has Wakened Up the Lawyers—The Sheriff Wants to Get All His Fees and in Spot Cash—Some of the Points in the Question.

The lawyers of St. John held a sort of an indignation meeting Tuesday, or at least a number of them did and more would have been there if they had known what it was about. The special topic they gathered to discuss was an alleged levy contemplated by Sheriff Sturdee.

This was in the form of a bill before the legislature designed to increase the emoluments of the sheriff's office, and to ensure the payment of fees which lawyers sometimes divert from the sheriff's pocket. So far as appears of record there is no direct evidence that Sheriff Sturdee is at the bottom of the matter or has any more to do with it than any other sheriff. The bill applies to all sheriffs throughout the province, and it is not stated to be expressly for the benefit of the sheriff of St. John, as some may think it would have read had the latter functionary inspired it, but slightly or wrongly, it is upon him that the responsibility has been placed.

The bill is not a lengthy affair, and its provisions are plain to the most simple understanding. It provides that hereafter all writs in any of the courts, supreme, or county, shall be returned through the medium of the sheriff, whether he has or has not been the person who served them, and that where they have been served by other persons the sheriff shall get the same fees as if he had served them. Unless the writ is so returned, it cannot be filed in court on the cause entered. The bill further provides that no sheriff shall be bound to execute any kind of a writ unless the fees for services, including mileage, if any, are paid him in advance by the attorney issuing such writ. There are other provisions, but these are the two which have specially alarmed the lawyers and caused them to enter a protest against such a bill becoming law.

As many people are aware, a great many of the writs now issued do not pass through the sheriff's office, and he gets no more profit from them than if they were mere love letters passing through the mail. In the contemplation of the law, the sheriff serves them all and gets his fees on every one of them. Quite regardless of the traditions, however, the attorneys find an easier and cheaper way of causing the first process in a suit to reach its destination. In some instances the defendant's attorney accepts service of the writ and the suit is thus begun as effectually as if the high sheriff in person had searched out the defendant, solemnly served him and made his return with a charge of customary fees. In other cases a clerk or student, or anybody else makes the services. Sometimes it is done by a constable who can give cut rates on the schedule of the sheriff's office. In whatever way it is done, there is no money in it for the sheriff.

Now as the fees do not come out of the attorneys' pockets, but are paid by whoever is saddled with the costs of the suit, this system appears to be a clear gain to the litigants. In ordinary cases in the city, the charge in any event would be a small matter, but where a writ is to be served on a man living at St. Martins or Dipper Harbor a big saving is effected. Should the service in such cases be made through the sheriff he would charge not only the fees of service, but mileage as well, and possibly horse hire. Thus there would be a charge of many dollars, whereas, as matters now are, the service could either be accepted by a lawyer in the city or the writ could be mailed to a constable, who would feel well paid in getting twenty-five or fifty cents for his work. This would apply with even more force to other counties than St. John, for here the sheriff's office is fairly central as regards the county limits, while in other parts of the province there are great distances from the shire town to the remote ends of the bailiwick.

According to the intention of the bill, not only must the fees go to the sheriff in every instance, but they must be paid in advance where the writ is served by him. This means, in small county court cases, a large outlay if the sheriff does the work, and thus if a poor man is seeking to recover a claim against a rich man, the poor man has to be out of pocket for the costs advanced until he gets judgment. When he issues execution on the judgment he has to pay out all costs of the latter process, and he may thus have to spend as much as the original claim before he finally succeeds in getting anything back. In former times the sheriff had to wait for his fees and was thankful to get them when he could. In any case he had, and still has, his remedy, for the attorney who issues a writ is liable to the sheriff for the costs of executing it.

There are sometimes cases where it is desirable to issue a process in two or three different counties at the same time, in

order to reach a man who may be in any one of them. In such cases, with the advance payment system, the cash for two or three sheriffs would have to be deposited in advance.

In the case of executions, where they are merely issued to bind and where no levy is to be made, the fees would be chargeable as much as if there were to be a levy. An attorney who hands the sheriff an execution cannot directly say to him that he is not to make a levy, because the writ commands him to do so, but it is understood that where no directions are given the writ is simply returned nulla bona. Nevertheless, under the proposed legislation, the sheriff could hold to the letter of the writ and insist on full costs, as for a levy, being paid in advance every time an execution was issued.

So much for the matter from the attorney's point of view. On the other hand, as regards advance payment, it is claimed that some lawyers are such bad pay that the only way for the sheriff to get his money without trouble and delay is to have spot cash transactions. He can sue delinquents, it is true, but he does not want to take that course. It is said there were instances where lawyers owed the late Sheriff Harding hundreds of dollars, and that in some cases a final settlement was obtained by taking only one-third of the original amount due. Sheriff Harding, however, was not a sharp collector, and did not make out his bills very often. The present official, however, is so promptly on hand when fees are due him that many think a good manager of a collecting agency was lost to the world when he was appointed sheriff.

Some of the city lawyers complain that Sheriff Sturdee's charges are high. He may ask no more than that which the law allows him, they say, but he interprets that law to the full extent in his own favor, and thus gathers in more than satisfied his predecessor. It has been suggested that he wants the new legislation, so that he may be able to retire from office in a year or two and lead a well earned life of ease on the interest of his revenues during his few years of office. There is believed to be no foundation for this idea.

The sheriff of St. John, at the present time, probably does not clear more than \$3,000 from all sources, though there are great possibilities for him as the official assignee under the recent law. It must therefore annoy him to know that the attorneys so frequently issue writs on which he gets no fees, and one can understand why he should favor, if he has not originated, the proposed remedial legislation. It will be remembered that he did not seek the office of sheriff in the first instance, and that he accepted it only after he had failed to get several other offices. Since it has thus been thrust upon him, so to speak, it is not strange that he wants all the emolument which pre-tain to it. If the proposed bill could become law, he would get them. The suitors might have to pay more, perhaps, but that would teach them to avoid lawsuits, and thus while the sheriff would be benefited, the public would be taught a great moral lesson.

In the meantime, however, the lawyers have taken up the cudgels and are fighting against the bill with every prospect of success.

Giving the Mayor a Job.

The city has had a letter from the postmaster general in regard to the post office clock. A few weeks ago the council came to the conclusion that the clock on the outside of the building was a nuisance to the citizens when kept at standard time, as it got people all mixed up by mistaking it for local time. A communication was sent to Ottawa asking that the clock be adjusted to local time. The postmaster general appears to be under the impression that the clock to which reference is made is that in the lobby, and he very naturally declines to have it altered.

The council has settled the matter to suit itself by resolving that the mayor shall enter into a correspondence with the officials at Ottawa, with a view to convincing them that the post office has more than one clock, and that the clock of which the citizens complain is that which is of no use to the post office in making up the mails. His Worship appears to have a nice little job ahead of him.

Carrying Bad Debts.

The annual returns of uncollected taxes in St. John show a large increase each year, and the amount is now about \$193,000. This is due to the fact that there is no provision for writing off arrears, even though they are beyond the possibility of collection. Apparently a man may die or leave the country never to return, but if he is in arrears for taxes the amount of the arrears will be carried forward year after year, just as though he was expected to come back and pay up. Unless some provision is made for clearing the books of uncollectable arrears, the amount will figure in the millions in course of time.

ARRANGING THE COSTS.

DR. PUGSELEY'S BILL IN THE CASE OF CONNOLLY IS PAID.

He Wanted Eight Hundred and He Has It Now—The City Allowed Only Five Hundred—Both of the Parties Satisfied and All Ends Happily.

One little breeze that threatened to blow hard in civic affairs has passed away as though it had been a mist of the morning. The costs in the Connolly case have been settled, in respect to the bone of contention which existed in the bill rendered by Hon. Wm. Pugsley. Dr. Pugsley is satisfied and so is the city.

The bill rendered was for a trifle over \$800, and this the council considered was about \$300 too much. After a great deal of talk over the matter, it offered to pay \$500, an offer which Dr. Pugsley declined to accept. Whether he intended to make the city a present of the whole amount, as he at one time intimated he would do, or whether he intended to find some point on which he could bring a suit was a matter of speculation. For some time past, the affair has been in the nature of a deadlock. The city had solemnly decided not to pay more than \$500 and Dr. Pugsley had as solemnly declared that he could not conscientiously accept so small a sum. What was to happen when two such distinguished bodies took diametrically opposite stands was a problem of which nobody could guess the solution.

The matter was settled in committee the other day in the most simple way imaginable, and in accordance with the opposing views of both parties. That is to say, Dr. Pugsley gets \$800 and the city pays only \$500 for the costs in the Connolly case. This is a seeming contradiction, but it is nevertheless a fact.

It happened in regard to the bill of \$800, the case of Campbell against the city was argued in the supreme court of Canada, and Dr. Pugsley was one of the counsel. The decision in favor of the city was an important one, establishing a great principle in regard to the non liability of corporations for negligence in regard to the care of highways. The council was very much elated over the victory, and there was no disposition to carp at the bill Dr. Pugsley rendered for his services, as there might have been in an ordinary case, where the city lost the suit. This bill was for \$300.

Now \$800 and \$500 make \$800 by a process of simple addition, and the brilliant idea was evolved that to pay the \$800 without parley or delay would suit Dr. Pugsley very well, and that if he got this and the \$500 offered in the Connolly case he ought to be satisfied. This seemed to suit him as well, and so the arrangement was made. The recommendation was made in the report of the treasury board submitted to the council on Thursday, and passed without question. Thus does Dr. Pugsley get his \$800, while the city pays only \$500 on his bill in the Connolly case, and so all's well that ends well.

HER HUNDRETH BIRTHDAY.

Celebration in Honor of the Centenary of Chief Logan's Aged Wife.

PARSBORO, N. S. March 12.—This town has had its tin weddings, its silver and its golden weddings, but never in its history has there been a wedding celebration to equal that which took place yesterday at Halfway Lake, in honor of the centenary of Mrs. Logan, wife of John Logan, chief of the Micmac Indians. It was in all respects the most antique social function of the season, or indeed of any other season, for nothing to approach it has ever before been seen in this part of the world. Only a small portion of the human race can live to see a hundredth birthday, and when the central figure in a celebration of this kind is the wife of an Indian chief, the occasion is one of special moment and its observance worthy of permanent record.

The invitations were limited in number, and those who got them esteemed themselves fortunate. They were not confined to this immediate vicinity, but were sent to some of the great men of the land including Sir Charles Tupper and Hon. A. R. Dickey. These gentlemen are old friends of Chief Logan, and had it not been that this is a time when their attention is urgently demanded on affairs of state at Ottawa, they no doubt would have made a special point to be present. There were, however, many others on hand whose names are familiar in public life, and a very large number of all sorts and conditions of men from all parts of Cumberland.

The invitation was couched in the following form:

Big Chief JOHN LOGAN, will celebrate the 100th Anniversary of the NATIVITY of HIS CONSORT MRS. LOGAN, Wednesday March 13th 1896. Yr presence and presents are respectfully requested. P. O. address Newville, N. S.

R. S. V. P. At early dawn the guests, and those who were not guests, began to arrive, and by

noon peaceful Indian Village was filled with a busting and expectant crowd. The habits of the red man are simple and he takes his dinner early. This necessary incident being over, the festivities began.

Little of all we value here Wakes on the morn of its hundredth year Without both feeling and looking queer. In fact there's nothing that keeps its youth, So far as I know, but a tree and a truth.

So writes the author of the "One Hoss Shoy," and it is quite probable that his words apply to the venerable consort of Chief Logan. For years she has led a retired life in the wigwam reclining much of the time with her eyes shielded from the light, and she has usually been considered as a feeble creature. Nobody has known of her exact age until recently when the Chief appears to have looked up the family records and announced that she was born on the 11th day of March 1796. There has been a general opinion, however, that she was very aged, and estimates as to the age of the Chief himself have ranged all the way from 90 to 200 years. A statement by him that he had attained to any number of seasons within that range would be accepted without question. He has always held to the habits and traditions of his people, preferring life in a camp to a home in a mansion. Houses have been built and fitted up for him in the past, but he has disdained to live in them. The camp that answered the requirements of his forefathers was good enough for him. Ay, and good enough for him when he received the highest in the land, including the late Sir John A. MacDonall and others who have been foremost in the affairs of the country.

Eagerly the crowd waited for the beginning of the ceremonies. The first features of the programme was the placing of the venerable lady on an Indian chariot, designed and constructed especially for this occasion. Seated in state on this she made a striking picture, as well she might, a living link connecting the past and present centuries.

Attached to the car were sixteen stalwart Indian braves, proud to be conveyors of their queen. By half-past one all the details had been arranged and the procession was in motion, attended by an interested and admiring crowd of people from all parts of the country. The procession made its way to Halfway Lake, where there followed a striking and symbolic ceremony. The chariot drawn by the braves and followed by the invited guests made the circuit of the lake five times. In thus walking the five circles around the lake, the representation was given of five score of years. Mrs. Logan was accompanied through the trying ordeal by her husband, Big Chief Logan, who looked his best in his fine feathers, the picture of an Indian warrior.

The circles being finished, the procession wended its way back to Chief Logan's residence, where they were cordially received by Mr. D. A. Young and Mr. Harry McAloney acting as ushers. Mrs. Logan, who of course was the center of attraction on this occasion, occupied an elevated seat which was constructed from a large pine tree under which she spent most of her younger days and which has been carefully preserved awaiting her 100 birthday. The top of the seat was decorated with mistletoe, and around the foot of the seat reclined the youthful Indian maidens of the village arrayed in holiday attire and who evoked much comment from the numerous visitors.

All this time the guests were watching the table which had been spread, as the five circle trot in the open air had made them hungry, and they were now prepared to drink and eat to Mr. and Mrs. Logan's health. As soon as supper was announced there was a grand rush for the table, as all felt hungry, and besides, the gentlemen Indians and whites wished to secure good seats for their blushing Indian maidens. The supper proved to be most enjoyable and much mirth was interchanged. The health of the 100th year hostess was drunk and re-drunk and chief Logan, who was in his best humor moved about like a haystack, administering to the many wants of his numerous guests.

After supper was over the table was cleared away and the visitors, who began to think that life was worth living proceeded to enjoy themselves by dancing and taking part in various games that were provided for the festive occasion. It was a brilliant sight to see the Indians in their finest toggery whirling through the mazy waltz or turning hand-springs in the corner for the benefit of some admiring crowds. This was kept up until the wee sma hours of the morning when a large portion of the guests departed.

Chief Logan was well pleased with the crowd and also with the presents he received, and he says he wishes the old lady would live another hundred years. The Indians say that if she does they will have a celebration that will last two days instead of one and there is no reason to doubt their word.

HIS NAME IS CONNOLLY.

HALIFAX FIRE DEPARTMENT HAS A NEW CHIEF.

An Interesting Contest for the Chiefship, and how it Resulted—Ald. Ryan Deserted by his Supporters—Some Incidents of the Vigorous Campaign.

HALIFAX, March 12.—"Hail to the Chief"—Connolly is his name! The city council on Tuesday night elected John Connolly chief of the paid Halifax fire department, which will begin its existence on May 1st next. The vote stood 9 to 8 in favor of Connolly, and here are the names:

For Connolly—Alderman Geldert, Redden, Butler, Lane, O'Donnell, Eden, McFatridge, Creighton, Mosher.

Against—Alderman Dennis, Ryan, Musgrave, Stewart, Hamilton, Mitchell, Hubley, and Foster.

Ald. John Ryan, who was the other candidate, never was named Tuesday night, the reason being that he found that three of his supporters had gone back on him and that after all he was not in the race. The three men who are credited by Ald. Ryan with promising both him and Connolly are Ald. Geldert, Mosher and Creighton. They deserve some gratitude at brother Ryan's hands, however for they told him the afternoon of the council meeting that they were after all, behind the other man, so that seeing the game was up he did not resign his seat in the council to run for the chiefship, for, to be balloted for he would have had to do so. Though not "the chief" John Ryan is still alderman—thanks in a double sense to Ald. Geldert, Creighton and Mosher. Had Connolly been defeated Thomas Spellman, the caretaker of city property, would have been nominated for the position and a good chief he would have made.

The paid fire department of Halifax is to cost, at the start, \$50,000, the expenditure made up as follows:

Chief of department	\$ 500
Assistant chief (covered by allowance to caretaker)	
2 pipe men, chemical engines, at \$600.	1,200
Engine men	1,000
8 drivers at \$9 per week	3,744
7 drivers at \$8 per week	2,912
Maintenance fire alarm	600
Protection company annual allowance	1,400
Protection company extra for this year	400
Light, fuel and kindling	1,249
Rent	500
Feed	2,000
Incidentals and repairs	2,000
Veterinary surgeon.	115
Telephone	200
10 call men at \$100	1,000
10 call men at \$50	500
Contingencies	4,800
Total.	\$30,000

The contest for the chiefship was one of the most interesting nature. There were many wheels within wheels apart from the conversion of the trio of aldermen already named.

When the U. E. C. was dismissed and the temporary H. F. D. established to do their work, there was a compact under which John Connolly was to be chief when the paid department came fully into existence. It was a many-sided compact and since then, if not at the time, a financial aspect has been added to it. Notes and endorsements are potential factions in game compacts and this was not an exception. Ryan himself at the start was in the compact favoring Connolly but he went out if it was in his own interest.

Ald. Mosher is the man whose career in this matter wins for him the cake. He was counted on by both candidates. Last week he waxed eloquent in holding that a "call chief" would not be legal; that the chief must be a man who would devote his whole time to the work of the department, and in his preaching of this doctrine the friends of Spellman, "the dark horse," took comfort. On Tuesday the man from the far north voted for "the call chief" thus effectually shutting out Spellman, not to mention his abandonment of Ryan. It is well known that Ald. Mosher has his eye on the mayoralty when the scramble for it shall come after Mayor McPherson's retirement, and "the wise man from ward 6" yept Mosher, probably decided that the offers of support from the Connolly faction would materialize for him when he should be in need of votes. It remains to be seen whether those good promoters of voters to Mosher when he goes to look for their fulfillment, will be as true to him as he showed himself to Ryan.

Financial accommodations, election promises and partizan feeling all had a prominent part in the contest which ended last night. They are birds which may come home to roost.

What of John Connolly as a fireman and head of \$30,000 fire fighting body of men? Well, he has had thirty years experience, and the probability is that there is no better man in the ranks of the department in this city than he. Go ahead Chief John Connolly, you have the best wishes of the community and of Progress. But it does seem absurd that a man with a salary of \$500 a year should be vested with the spending of \$30,000 and clothed with autocratic powers over some 100 men. He

alone has the right to nominate them, from the assistant chief down to the younger "call man." Look out Chief John Connolly, that you do your work truly and well, even if your pay is only \$10 per week. Friendly eyes are upon you but you are also under the gaze of many bitter enemies.

THE COMMISSION AT WORK

Halifax Doctors are interested in the hospital appointments.

HALIFAX, March 12.—The commission inquiring into the management of the Victoria general hospital is carrying on its work with a quietness as silent as the grave, but rumor has it that the outcome of the investigation will be radical changes at the hospital. Meanwhile the younger doctors, who have no place on the medical board, are not idle. They are nearly all after the vacancy on the board caused by the retirement of Dr. D. A. Campbell. The names particularly mentioned are those of Dr. Jones, Dr. Murray, Dr. Mader, Dr. Finn and Dr. Hattie. The first named, if he really makes a fight for the position, has the inside track. He has the political pull, though all the others are also in sympathy with the local government which has the appointment in its hands. The claims of the son of so redoubtable a champion of the liberal party as Hon. A. G. Jones can hardly be safely ignored. The other applicants are pretty much on a level. Dr. C. D. Murray would make a most excellent appointment. Dr. Mader some years ago passed a good examination in seeking another appointment at the hospital. Dr. Finn is a partner of Dr. Farrel, an influential liberal, and Dr. Hattie had good experience in the hospital for the insane. The older doctors who have a good private practice would not care for the position, but the younger men are anxious to get it, and their names are not included in the list of five which is given by Progress.

There is another movement on foot among the younger doctors of this city regarding the hospital. It is an agitation for the appointment of assistant physicians and surgeons of the hospital. There would be four of the former and three of the latter. A petition has been drawn up asking that such a change be effected, and it will be advocated with considerable earnestness by those who wish to obtain an entrance to the practice at the hospital, a practice which brings no direct emolument but is valuable nevertheless. It will need an energetic advocacy to overcome opposition that no doubt will be forthcoming.

A Montreal Detective In Town.

If Detective O'Keefe is a fair specimen of the Montreal genus, the detectives of that city must be a curious collection. Mr. O'Keefe came to St. John with a young German, a prisoner, whom he was escorting back to his native land on some extraditable charge. If the prisoner had not been anxious to see his fatherland again he would never have gone aboard the steamer Ontario at this port. To see him and his guardian on the rounds one would have thought the prisoner had charge of his guardian and when they started for the steamer on the afternoon she was announced to sail there was no doubt that he had charge of half of him at any rate. It is understood that the detective had a pleasant time while in the city and had to return thanks to many people for his agreeable entertainment.

Making the Accounts Plain.

Ald. McRobbie, chairman of the treasury board, has taken a step that should have been taken long ago, in regard to the city accounts. Any ordinary individual who has hitherto tried to make head or tail out of them in the past has found a great deal of difficulty in finding out the simple facts of the receipts and expenditures as a whole. The accounts have been well kept, but there has not been any comprehensive summary which would be plain to the ordinary understanding. To remedy this, there will in future be a plain debit and credit sheet on which the totals of the receipts and expenditures can be seen at a glance by the average ratepayer. This will be a great improvement, and it is such a simple thing to do that the wonder is it has never been done before.

Settled the Suit.

The peculiar case of Donville against Gleason has been settled, Mr. Gleason paying \$1,000, or nearly as much as was asked under the execution on a judgment of which he had no idea until the sheriff arrived. There had been some talk of settling for \$800, but the arrangement fell through. The amount of the old claim for cash was about \$600, and the balance of the amount of \$1,100 and some odd dollars was for interest.

Delinquent for March.

The Delinquent for March is especially noteworthy as the spring number, with its complete forecast of styles and materials for spring and summer wear by ladies, as well as by the young people of both sexes. There is, besides, much good reading, including a paper on the chemistry of foods, one on English high tea and what is essentially to it, and the regular paper on reasonable cookery. The magazine is one which every lady is eager to get. Price \$1 a year or 15 cents a number. The Delinquent Publishing Co., Toronto.