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The Carleton Sentinel.

VOL 66. No 48

WOODSTOCK, N. B. FRIDAY, NOVEMBER 27, 1914

WHOLE No 3418

Premier Flemming Is Found Guilty--He Set Seal of Approval On Extortion by Berry

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Crushing Report of the Royal Commission on the Dugal Charges--Flemming Compelled Contractor Kennedy to Put up \$2,000---\$100,000 Diverted From Railway Just Before Election---A Regular Carnival of Graft--Fifty Five Thousand, One Hundred and Sixty Five Dollars Paid Over to E. R. Teed--Full Report of Commission's Findings

FREDERICTON, NOV. 26th.

The report of the Royal Commission which investigated the Dugal charges was made public last evening by Governor Wood, and is published herewith. It is in two sections, the first dealing with the extortion of money from the holders of Crown Lands, and the second dealing with the charges in connection with the Valley Railway.

Taken together these reports are absolutely crushing in nature. Their appearance must presage a revolution in the affairs of New Brunswick, for an examination of both documents proves that they are the most important ever placed on the public records of this Province.

Briefly the Royal Commission finds, in regard to the timber charges:

That the \$71,000 collected from the lumbermen after a conference between Flemming, Teed, and Berry, WAS SECURED BY EXTORTION.

The Commission's say:

"Having in view the testimony given by the different contributors, THE ONLY CONCLUSION THAT SEEMS POSSIBLE TO US IS THAT THE MONEY WAS ACTUALLY EXTORTED."

As to the nature of the transaction, the Royal Commissioners say: "It is difficult to imagine anything more reprehensible or blameworthy than that an official of the department interested should present such a demand. . . . To those dependent upon the renewal of their timber licenses it is not only an extortion of the most effective nature, but it appears the more harsh and cruel inasmuch as it is produced by one to whom it is unsafe to make protest and for a purpose repugnant to many of the contributors."

The Commission does not find evidence actually to prove that Flemming personally directed the extortion, but it says:

"That Flemming named the treasurer of the fund, Teed of Woodstock."

That Flemming knew efforts were being made to get money from the holders of Crown timber licenses.

That Flemming knew from time to time that such moneys were coming into Teed's hands.

THAT FLEMING "SET HIS SEAL OF APPROVAL ON THE TRANSACTION BY INTRODUCING HIS CHOSEN TREASURER TO MR. FRANKLEY WITH THE WORDS: 'ANYTHING MR. BERRY TELLS YOU ABOUT THIS MAN (TEED) WILL BE ALL RIGHT'."

That it is fully proved that the money was in fact extorted by Berry, and that Flemming "WAS WELL AWARE THAT MONEYS WERE BEING COLLECTED FOR A PURPOSE UNQUESTIONABLY IMPROPER." This the Commissioners say is amply shown.

Also the Commission says it is manifest that Flemming "directed the disposition of such money when collected, also THAT 'HE ACQUIRED IN THE COLLECTION OF SUCH MONEYS AT A TIME AND FROM A SOURCE HIGHLY AND GRIEVOUSLY IMPROPER.'"

While the Commission says there is a great deal to support the view that Flemming could not possibly be in ignorance of Berry's activities and of the methods he employed, the Commission does not find such sufficiency of proof as would justify it in declaring that the personal direction of the extortion by Flemming was actually established.

Such is the gist of the report on the timber charges, which is given in extended form below.

THE RAILWAY CHARGES.

The charges of Mr. Dugal in connection with the Valley Railway were, in the main, two: that a large amount of money intended for the construction of the railway was diverted from its proper channel, and that contractors under the St. John & Quebec Railway Company were compelled to pay and did pay large sums to members of the local government in the year 1912.

The Royal Commission finds that some sums of money were diverted, and improperly charged, that many indefensible payments were made:

And that Flemming compelled Contractor Kennedy of Kennedy & McDonald to pay him \$2,000.

In regard to the \$2,000 which Flemming got from Contractor John Kennedy, the Commissioners say:

"We think and find that Hon. Mr. Flemming is guilty of this act of compulsion which has been charged against him."

The report says also, on this head:

"What might rightly be considered compulsion under one set of circumstances might by no means constitute or give rise to it under other circumstances, and while there was no threat or menace in the conversation (between Flemming and Kennedy) we have NO HESITATION IN CONCLUDING THAT THE COMPULSION UNDOUBTEDLY EXISTED, TAKING ITS RISE PRIMARILY FROM THE FACT THAT MR. FLEMMING WAS PREMIER OF THE PROVINCE AND MR. KENNEDY WAS A CONTRACTOR IN THE BUILDING OF THIS WORK IN QUESTION."

The matter of whether Mr. Kennedy was thinking of his second

FOR THE HONOR OF NEW BRUNSWICK

Bishop Richardson Principal Speaker at Big Patriotic Meeting--Judge Carleton and Hon. W. P. Jones Urge Young Men to Enroll and Answer Britain's Call to Arms

His Lordship the Bishop of Fredericton, Hon. John L. Carleton and Hon. W. P. Jones were the speakers at the big patriotic meeting Thursday evening, 19th inst.

His Honor Judge Carleton presided and on the platform with him were Bishop Richardson, Rev. F. J. McMurray, Rev. Frank Baird, Rev. A. S. Hazel, Rev. Smith Dow, Mayor W. P. Jones, Colonel F. H. J. Diblee, Major A. A. H. Margison and Lieut. R. V. Jones.

Music of a high order was furnished by the Woodstock Choral Society and a mixed quartette.

Judge Carleton spoke eloquently of the duty we owed to the motherland who is calling upon us today for help.

Mayor Jones spoke briefly and said Carleton County had already sent nearly two hundred men to the front and could be depended upon to do more.

The speaker of the evening, Bishop Richardson, was greeted with applause when he arose to address the big meeting.

"What is the purpose of this meeting?" said Bishop Richardson. We have gathered here, men and women of all classes and creeds, rich and poor, old and young, of every class

and condition. We do not come in any spirit of jingoism. There were times in our national history when this charge could have been made: when the call had come from some crisis and was answered only by the shallow of the nation's heart. We do not come with any spirit of empty pride; we come here to maintain certain principles of honor and righteousness which have been called into question. I have watched gatherings before the bulletin boards and I have seen no rollicking demonstrations. The spirit of the people of this country is one of intense earnestness.

"The people have come to realize that they are face to face with the greatest crisis in the history of our nation. It is even hard to measure the possibility of this crisis, good or bad, as they may be."

"What has this to do with Canada? Our duty is to get up and strike a blow for freedom. If Britain fails the Empire falls and Canada will no longer be Canada. It is an issue of life and death for us. This Dominion so proud, this country we love so well with its broad plains and prairies so rich, from the Atlantic, where the storm waves beat upon the rocky shores, to the Pacific, where the soft

(Continued on page six.)

contract in making the payment is dismissed by the commissioners as not necessary to prove compulsion. Rather, they state further:

"The commission, which accompanied the act, did not take its rise from any fear of disappointment with reference to a second contract, nor was the money given with a view of securing it, but it was caused by the very position held by Mr. Flemming and possibly also from an apprehension as to the contingency which might attach to the performance of the existing contract in case of refusal to pay."

In other words the Premier of New Brunswick "shook down" the contractor for \$2,000.

As Hon. H. F. McLeod swore one way and Scott and Kelly, the contractors, swore another way in regard to the payments to McLeod, the commissioners find that they cannot say, as against Mr. McLeod's denial that the charge has been proved, and therefore they find Mr. McLeod not guilty.

THE COMMISSION FINDS THAT \$100,000 OF THE \$350,000 BORROWED BY GOULD AND HIS ASSOCIATES FROM THE PRUDENTIAL TRUST COMPANY DID NOT GO INTO THE RAILWAY and must not be charged against the bonds. They refer to \$107,000 of other charges as improper.

It finds that the Prudential Trust Company did nothing improper in any way.

It finds that the ten per cent which the construction company was getting from the railway company was an improper transaction. It is found improper that one Gould company should make a profit out of another Gould company and that the profit should come out of the Province of New Brunswick.

Payments such as \$1,000 to the Fredericton Gleaner and \$3,000 to Winslow are stamped by the Commission as without justification or excuse. Many preliminary fees to solicitors are also condemned.

The Commission's views on "diversion" of funds are somewhat technical and required careful reading. While the Commission finds \$107,000--much less than Mr. Dugal alleged--not properly charged to construction, it does not support his principal charge of diversion.

Eight young men left here Thursday morning to join the 6th Division Battery, C. F. A., at Fredericton. Those going to the assistance of the Empire were: Harold Young, Wilfrid Hand, Phillip Thibideau, Harry Lewis, Clarence McCluskey, William Heatlie, Phillip Carter, Alfred Brown, Lieut. R. V. Jones who is in charge of the recruiting at this point will join the battery as soon as his duties here are completed.

The first of the series of Sacred Concerts will be given in the United Baptist church, on the second Sunday in December, commencing at 8.30.