

The LeBlanc Matter.

(From the St. John Globe.)

FREDERICTON, April 4.

The afternoon session of the Legislature was a very short one and as soon as it ended all the members filed into the committee room, it having become known that the LeBlanc matter was to be ventilated there. As soon as all hands were seated Mr. C. C. Carlyle, returning officer for Kent in the recent Dominion election, was sworn. He was next examined by Mr. Sayre, counsel for Mr. LeBlanc. He said he received the writ from Ottawa on the 17th of February and his clerk, Harry Foster, after examining it, said it must be dated and that the day was the 16th, which date he accordingly wrote on it. Shortly afterwards Robert Hutchinson dated a legal affidavit the 17th, and witness then discovered his mistake and told Mr. Hutchinson, who said it would make no difference; consequently no change was made. On the 16th, the day before the writ was received, witness had some of the proclamations posted bearing the date of the 17th. Mr. Sayre here showed a proclamation signed 7th, and in explanation Mr. Carlyle said in expectation of being the returning officer, Sheriff Wheten had the proclamations printed and dated the 7th, and in these he simply put a figure 1, thus making the 17. He thought he had done it on all, but the 16th was the earliest date on which any were posted. The reason he issued the proclamation before the writ arrived was because on the 13th he had a telegram saying it was on the way. The proclamations of Mr. Wheten said the date of the writ was the 12th, but it was the 4th, and this was altered by pasting small slips on the writ. On the 18th or 19th witness said he received from Mr. Sayre a protest that the election would be illegal because of these irregularities, and this, with a letter of explanation, he forwarded to Ottawa, but had never received an answer concerning them.

Cross-examined by Mr. Phinney—Mr. Carlyle said the statement made before the committee by Mr. Sayre at its former sitting, that he had made a false endorsement on the writ for the purpose of legalizing what he had done before receiving the writ, was not correct; as he had explained the whole thing was an error. He said he was at Blackville, Northumberland county, when he received notice that he had been appointed returning officer. He at once telegraphed Mr. Phinney to get the proclamation ready, but afterwards, hearing that Mr. Phinney was ill, he telegraphed the printer. On the 17th, after the writ arrived, and before Mr. Sayre's protest was received, he telegraphed Mr. St. Omer Chapleau as follows:—

Obedient telegram 13th, had number messengers ready 16th expecting writ arrive that day. Did not arrive till noon to-day. Mantine number started and number proclamations posted before arrival. Some lawyers say this illegal and be necessary postpone. Others say having received writ before time for posting expired proceedings correct. Shall I postpone?

The next day the following telegram was received from Mr. Chapleau:—

Replying to your telegram, I beg to say go ahead.

Continuing, Mr. Carlyle said that on nomination day at Mr. Sayre's request he had a conversation with him. Mr. Sayre said he had been led to believe objection would be taken to Mr. LeBlanc's nomination paper on the grounds that he had not resigned his seat in the Legislature. Witness replied he would not object himself, but he had heard the rumor. Mr. Sayre then explained the objection would be absurd, for when a man accepted the nomination, he became practically dead so far as the Local seat was concerned, and he read the act to prove this. Witness told Mr. Sayre he would receive the nomination considering it a resignation of the other seat. This conversation was at ten in the morning, and two minutes before two in the afternoon Mr. Sayre handed in Mr. LeBlanc's nomination paper and his appointment as his general agent. He then asked if any reply had been received to the protest, and when told no said that was strange. During his nomination speech Mr. LeBlanc said something about the sacrifice he was making in resigning his seat to run the election. He thought both Phinney and Sayre also referred to Mr. LeBlanc having resigned.

To Mr. Sayre—Mr. Carlyle said at the time he received the protest he had heard Mr. LeBlanc spoken of as a candidate, and he proceeded to tell of the different persons whom he heard referred to in the matter. At that time Mr. Sayre was a candidate, with his card in the papers, and Mr. LeBlanc was not chosen as a candidate till the 23d, some days later.

Attorney General Blair was asking Mr. Sayre to commence his address when Mr. Phinney objected that Mr. LeBlanc should be heard. Mr. Blair had no objection to his giving testimony, although he did not see what he would know about the posting of the election petition. Mr. Phinney thought as he claimed the seat, which according to his views was vacant, it would be better for him to take the stand.

Oliver J. LeBlanc, sworn and examined by Mr. Phinney, said he was a candidate at the recent election Kent county. The evening before nomination he appointed Mr. Sayre his agent. He had heard Mr. Sayre had protested against the election being held on the grounds that the writ was received too late and the proclamations posted before it was received, but of this he did not speak to him. Mr. D. D.

Landry and Sheriff Wheten both told him previous to nomination they understood the election, if held, would be null and void. He did not remember Mr. Sayre, ever having mentioned the matter although he would not swear he did not do so. Mr. LeBlanc said he accepted the nomination on the election received votes, and addressed the electors. In his nomination day address he told the electors he had sacrificed his position in the Assembly to fight the cause of free trade. By saying the above he admitted he had resigned the seat. He considered he had resigned the seat by the returning officer accepting the nomination; and the resignation was intended as a bona fide one, but when his counsel told him the election proceedings were illegal he then held he had not resigned. It was between nomination and polling day that Mr. Sayre told him the proceedings were illegal, but he took no steps to withdraw, although he knew he could do so. Asked if he took any other steps to resign than merely accepting the nomination, Mr. LeBlanc explained that he also wrote and telegraphed the Speaker, who answered that he could not accept the same and referred him to the Provincial Secretary. He consulted him and received from the deputy an answer telling him he must resign to two members and referring him to the act. The words of the telegram to the Speaker were;

I hereby beg to tender my resignation as a member of the House of Assembly.

Continuing, Mr. LeBlanc said the telegram from the Provincial Secretary reached him about 10 o'clock in the evening while he was addressing a meeting at St. Louis. He at once returned to Richibucto, intending to go through to Moncton and there tender his resignation, but Mr. George McInerney then showed him the act and explained that a resignation was unnecessary, as the acceptance of his nomination would be sufficient. On declaration day witness said he was in Fredericton attending a meeting of the executive and then tendered his resignation as a member of the executive and as a Lunatic Asylum Commissioner to the Lieutenant Governor. When he did so it was because he believed his seat was vacant. He left Fredericton the day the House opened, and did not take his seat because he knew he had resigned it.

Asked by Mr. Phinney if he did not honestly think the seat was vacant. Mr. LeBlanc said he would answer that in two ways: According to his views the seat was vacant, and he honestly and willingly made a bona fide resignation, but his agent had since told him the seat was not vacant if the election was illegal, and if it was an illegal election it was a question for argument whether he had a right to his seat.

Mr. Hanington and several other members—That's fair.

To Mr. Sayre—When I say I honestly resigned I thought the election was a legal one, and with that view resigned and ran for the Dominion. When I found the election was illegal I thought perhaps the resignation was illegal.

Mr. Sayre said there were some matters of which he would like to make a personal explanation, and he also desired to make an argument on the case. Committee adjourned till 10.30 Monday.

FREDERICTON, April 6.

The LeBlanc investigation was resumed this morning.

Mr. Carlyle was re-called and examined by Mr. Sayre. He further explained some matters connected with the posting of the proclamations.

R. W. L. Tibbitts, Deputy Provincial Secretary, told of having received Mr. LeBlanc's telegram resigning his seat and said he telegraphed him he must resign to two members and referred him to section of the act. The day after nomination he told young Nealis, clerk with Black, that LeBlanc had resigned. Copies of telegrams sent were submitted.

This finished the evidence and Mr. Sayre began his address. He contended that the election was illegal. The returning officer had no right to commence proceedings till he received the writ. Not having the writ before proclamations were posted the election was void. He read from the election act as to the duties of the returning officer and claimed that the officer had power to extend the day of nomination, not having received the writ in time to give the eight days' notice required by law. He contended that Mr. LeBlanc's resignation was not binding because of having accepted nomination in an election which was void. Had he won the seat he would not have been able to hold it if proceedings were taken on these grounds.

Mr. Colter asked if the proceedings were being taken against Dr. Legere on the same grounds.

Mr. Sayre said he had not heard of any. He read from Maxwell on Statutes, page 354, and Rogers on Elections, page 262, in support of his contentions. He could not find a case directly bearing on the present one, for he never before heard of a returning officer issuing proclamations before receiving the writ. Section 9 of the election act required the returning officer to endorse the writ and take the oath of office before taking further action; consequently publishing the proclamation before being sworn rendered them of no more effect than if published by a private individual. He quoted from the Danaher liquor case to prove that the duties of a returning officer were imperative, not directory, and from the Gleggery election case to prove that the acceptance of nomination did not bind resignation.

Mr. Phinney called Mr. Sayre's attention to sub-section three of section 21 of election act, which he claimed allowed nominations to be filed any time after the date of proclamation and before nomination day; consequently nomination would be legal even if other matters were illegal.

Mr. Sayre did not agree with this. He thanked the committee for the patient hearing. He regretted not to have witnesses. He thought he could prove absolutely that in some parishes notices were not even posted till after the 17th.

Mr. Phinney said that he did not appear as counsel, but desired to quote some authorities in reply to Mr. Sayre. This was agreed to and the committee adjourned, subject to the call of the chairman.

BORN

LANDRY.—At St. Louis, March 20, to the wife of Isidore Landry, twin boys. Weight, three and four pounds, respectively. Both healthy.

MARRIED.

LEBLANC-DEGRACE.—At St. Louis, April 6th, by Rev. Father Pelletier, Mr. Onesime LeBlanc, of Cocagne, to Miss Mary DeGrace of St. Louis. The happy couple will reside in Boston, Mass.

DIED.

WIGHTMAN.—At Weldford, April 5, of convulsions, the beloved wife of Rev. F. A. Wightman, aged 29 years. Her remains were taken to St. John on Monday's p.m. express en route for Greenwich, Kings Co., accompanied by her husband, I. B. Humphrey and Rev. A. C. Bell.

SULLIVAN.—On the 5th inst., after a short illness, Sarah Maria, beloved wife of Mr. Matthew Sullivan, of Pine Ridge, in the 43rd year of her age.



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GENTLEMEN:—

O. J. LeBlanc, M. P. P., having accepted a nomination for the late election for the Commons, his seat in the House of Assembly has thereby become vacant and you will soon be again called upon to elect a member to represent you at Fredericton.

The large vote (1203) which I received at the election in January, 1890, (when I was comparatively unknown in some sections of the County) with the solicitations and encouragements I have lately had from a very large number of you, induce me to again offer you my services. I have since that election continued to represent my own parish (St. Marys) at the Municipal Board, and have been honoured with an unanimous election as Warden of the Council, I have therefore become more intimately acquainted with the business and people of the County, and have confidence that I can faithfully serve your interests in the higher position to which I aspire.

If honored with a majority of your votes my chief aim will be to advance the interests of my native County, and for this purpose I will be prepared to favor all legislation, no matter by whom introduced which in my judgment may tend in that direction.

Your local wants with reference to roads and bridges shall not be overlooked by me, and I will do my utmost to secure for Kent a fair share of public money.

I therefore solicit the active support of all who so generously assisted me in my former contest, as well as all others who are now willing to trust the representation of the County in my hands.

I will endeavor to make a thorough canvass of the County, and trust to have the pleasure of explaining my views to a large number of the electors.

Again soliciting your votes and support I am, gentlemen,

Your obedient servant,
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