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2 - BRILLIANT STARS - 2

WALLACE REID and MYRTLE STEADMAN

— IN —

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A Rich and Romantic Paramount Picture, Starring Two of Filmdom's Most Popular Favorites.

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— in —

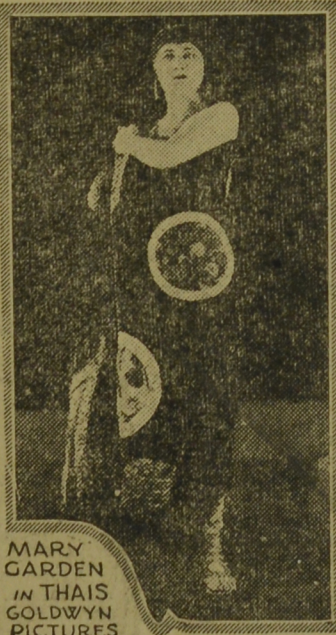
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MARY GARDEN IN THAIS GOLDWYN PICTURES

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## COMMISSIONER STEVENS' REPORT TABLED IN HOUSE

The Evidence Taken at the Valley Railway Enquiry is Ably Reviewed--Boodling Operations are Roundly Condemned--Directors of the Company are Exonerated---George B. Jones, M. P. P. is Given a Hard Rub.

The report of Commissioner John M. Stevens, K. C., of Edmundston, who conducted the inquiry into Valley Railway matters, was laid before the Legislature last evening by Hon. Robert Murray, the Provincial Secretary-treasurer. Although the findings of the Commission have been anticipated by those familiar with the evidence brought out at the inquiry, nevertheless the report makes very interesting reading.

The commissioner finds that while the evidence submitted does not warrant him in coming to the conclusion that any member of the Government or of the Legislature was improperly concerned in the negotiations which were carried on with reference to the two contracts awarded to Kennedy & McDonald and Smith & Merrithew, yet he has a suspicion that possibly "some members of the government, or persons on behalf of the government, and with its approval, were improperly concerned in these negotiations with a view to raising campaign funds."

It is understood that Attorney General Byrne has been giving the evidence and Commissioner Stevens' report some attention of late, and an announcement as to the course he is likely to pursue may be expected in the near future.

Following is a summary of the Commissioner's report:

With reference to the payment by William B. Tennant of the sum of \$20,000 mentioned in the amended commission directed to me bearing date of December 19, 1917, I find that Mr. Tennant paid this money, which was done up in the shape of a package or parcel, to George B. Jones, M. L. A. for Kings county, with instructions to deliver it to Thomas Bell, of the city of St. John; that Mr. Jones went to the office of Mr. Bell and Mr. Bell was not in. That Mr. Jones then went to the office of the Hon. J. B. M. Baxter and placed this parcel in the vault in Mr. Baxter's office; that Mr. Baxter was not present, but that Mr. Jones told one of his clerks in the office that the parcel was for Mr. Bell and that Mr. Bell would call for it; that Mr. Bell did call for it and got it from one of the clerks in the said office and took it away with him and then mixed it up with other campaign funds for use of the local government party in the provincial election which took place in February, 1917; that moneys from said campaign fund were distributed by Mr. Bell for use in the different counties in the province in the said election to favor the return of candidates supporting the local government of that day as follows:

The Boodie Fund.

The report gives the amounts mentioned in evidence, and then continues:

"The presumption is that this money was used in the different counties for the purposes for which it was distributed; there is direct evidence of this in the case of one or two counties and it was not considered necessary in the public interest that they money should be followed further."

With reference to the disposition made by the said William B. Tennant of \$40,000 withdrawn by him upon a cheque payable to cash on or about the day on which he cashed or deposited a cheque of the Nova Scotia Construction Company Ltd., the \$100,000 as mentioned in said amended commission directed to me, I find that the said William B. Tennant, according to his sworn testimony, and there is no evidence to justify me in finding otherwise, disposed of this sum in his business.

During the term of office of the board of directors of the St. John and Quebec Railway Company, of which Irving R. Todd and Fred W. Sumner were presidents, the one succeeding the other, there was no evidence submitted in this inquiry to justify me in finding, and I do not find, that any of the public moneys of the province under control of the said board of directors were improperly or dishonestly expended; and the same may be said of all officials, contractors and sub-contractors thereunder.

Mr. Todd's Resignation.

Regarding Mr. Todd's resignation the commissioner found that it was partly due to ill health, partly because he found the work uncongenial, and partly because of the procrastination and indecision of one member of the government; but largely because he was opposed to the letting of any contract for the east side route until provision had been made for the connecting bridges.

In addition to the \$120,000 received by Mr. Tennant from the Nova Scotia Construction Company and covered by the commissioner in his interim report, Mr. Stevens finds that Mr. Tennant received \$13,000, the proceeds of drafts on the construction company. He finds that Mr. Tennant used some of this money to promote the election of candidates to the Provincial Legislature in the election of 1917, and that Mr. Tennant also subscribed money in other ways. Mr. Tennant at that time was financially interested in the contract of May, 1916, between the Nova Scotia Construction Company and the St. John and Quebec Railway Company, and that the construction company had claims against the railway company and that the capital stock of the railway company was vested in the government and the railway's directors appointed by the government; under these circumstances Mr. Tennant was guilty of improper conduct in having anything to do with campaign funds even for legitimate purposes during the said election, or while he was interested, directly or indirectly, in the said contract. In

the commissioner's opinion Mr. Tennant's connection with this matter does not come under the provisions of section 158 of the criminal code, as argued by Mr. Jones on behalf of the government, although by analogy it may be said that he has offended against the spirit of the section, which the commissioner quotes, and continues: "Perhaps it may be fair to assume that Mr. Tennant was unconscious of any impropriety in this regard."

Reprehensible Methods.

The commissioner found that the methods employed to secure the contract by the Nova Scotia Construction Co., Ltd., to build the uncompleted sections of the Valley Railway were reprehensible as tending to prevent or stifle competition and offend against public policy; that in connection with the tender of the Nova Scotia Construction Co., dated May 4, 1916, and the tender of Kennedy & Macdonald, dated May 5, 1916, there was collusion between the N. S. Construction Company, Thomas Nagle and Kennedy & Macdonald, but whether or not such collusion and other circumstantial evidence presented in this inquiry amounts to a conspiracy to defraud the public, or any person, either at common law or in virtue of any statute, is a question to which the commissioner says he has devoted much attention, and he concluded "that, while there is evidence in support of such charge (which was strengthened considerably by the manner in which some of the witnesses gave their evidence) yet without additional evidence, of which I assume there is at present none available and applying the recognized principles, applicable to the criminal law, on the trial of persons accused of crime, such evidence is insufficient, in my judgment to justify a conviction thereon."

A Fictitious Tender.

The commissioner finds that while the Kennedy & McDonald tender of May 5, 1916, was fictitious, he is not satisfied that it was used to evade the results of fair competition or with any intention of defrauding the public or any person. He says: "I think its use an abortive attempt to give the appearance of competition where, finally none was expected and soften public comment, perhaps to avoid or lessen the risk of new tenders being called for or demanded because only one was filed; and possibly also in furtherance of the agreement whereby Kennedy & McDonald were to get a sub-contract at agreed or favorable prices and divide the profits with Mr. Nagle." The commissioner then cites cases bearing upon that question.

Has a Suspicion.

The commissioner finds that while the evidence submitted does not warrant him in coming to the conclusion that any member of the government or of the legislature was improperly concerned in the negotiations which were carried on with reference to the two contracts awarded to the N. S. Construction Co. and the sub-contracts awarded to Kennedy & McDonald and Smith & Merrithew, yet he has a suspicion that possibly "some members of the government and with its approval were improperly concerned in these negotiations with a view to raising campaign funds; the assistance rendered by Mr. Tennant while interested in the main contract, and by Mr. Jones, while a member of the legislature, friendly to Smith & Merrithew, Ltd., whose prices with the exception of those allowed Kennedy & McDonald were better than those allowed other sub-contractors, and the forgetfulness or worse of other witnesses, rather tended to strengthen that suspicion, and the denials of Mr. Nagle with reference to the Kennedy & McDonald contract, as well as some of the statements made by Mr. Lindsay were not at all convincing."

Should Have Testified.

The commissioner continues: "In this connection, however, I desire to state that the evidence of Hon. Mr. Baxter, ex-attorney general, who appeared voluntarily on my invitation because of some evidence which I allowed to go unchallenged, might have seemed unfair to him, in an investigation of this kind, exonerates him in my opinion, from any improper connection with the subject matter of this inquiry; and while there was no

(Continued on page 4.)

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