

THE DAILY MAIL

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SATURDAY, OCTOBER 12, 1918

GRAFT WAS RAMPANT.

The St. John Standard, the financial and political backers of which have been hard hit by the amazing revelations made at the potato enquiry, devotes a column of its valuable space in a labored attempt to show that the loss sustained by the province was a legitimate one and that Mr. W. B. Tennant in coming to the rescue with Valley Railway funds really acted in the capacity of a big-hearted philanthropist. It goes on to say that war conditions made it impossible to secure tonnage and that a combination of circumstances turned what would have been a profitable transaction into a decidedly unprofitable one. The organ sagely admits that the course decided upon by Hon. Mr. Clarke involved concealment and juggling and was a policy of weakness rather than of strength, and seriously puts forth the argument that the province lost no money by the transaction.

The Standard editor has a mighty poor opinion of the intelligence of his readers if he expects them to swallow such balderdash as that. Boss Tweed, in the palmy days of Tammany, never pulled off a deal charged with so much crookedness, falsehood and deceit as were involved in the patriotic potato transaction. It was a disgraceful fraud on the public from start to finish, and the men responsible for it should be ashamed to ever appear on a public platform again and ask the suffrage of the electors. In trying to explain away such a transaction, the Standard is merely adding insult to injury. It surely cannot entertain the hope that an intelligent and long suffering public will take its utterances seriously.

"The fact remains," says the Standard in summing up, "that the province lost no money and that there was no graft."

The St. John Globe, a paper that cannot be accused of undue friendliness towards the present government, replies effectively to the Standard's attitude under the caption, "There was Graft," and here is what it says:

"Any and every effort to make it appear that the province lost no money in the potato transaction brings up against the sworn statement that the money which repaid the loss came from the profits of a government contract awarded after a member of the contracting firm had negotiated with the Premier of New Brunswick to provide the money if he got the contract. It is on record that this arrangement was discussed, and it is on record that the contract was awarded and he potato loss made good out of the profits. That is stone wall testimony that cannot be got around or explained away. It is the proof that the province did lose and that there was graft. It is the reason why all legislative members identified with that phase of the affair should be firmly asked to step down and out, and to stay out."

There is no mistaking the meaning of the Globe's utterance. It is a notification to Hon. J. A. Murray, Hon. J. B. M. Baxter and Hon. B. Frank Smith—the leading lights of the local opposition—and to Mr. George B. Jones, M.P.P., the tame follower and custodian of boodle funds, that their usefulness in public life is at an end. Will these great political has-beens act on the hint or will they tarry by the wayside until they hear something drop?

When our old friend, Mr. A. R. Gould, of Valley Railway fame, reads the evidence of graft and crooked work taken in the patriotic potato enquiry, he will probably conclude that his escape from the clutches of such an outfit was a lucky and timely one. He certainly got out while the getting out was fairly good.

Mr. W. B. Tennant was not the first man in the province to gather in \$100,000 in "advance profits" on a railway deal. The idea had its origin in the mind of a gentleman named Flemming, who gathered in a similar amount

in a like manner from one A. R. Gould in the spring of 1912.

The St. John Standard claims that there was nothing wrong with the patriotic potato transaction; that the money donated by Mr. Tennant was merely used to make good a loss. The Fredericton graft organ has not yet expressed an opinion.

The St. Croix Courier, for many years the personal organ of the late Hon. G. J. Clarke, seems to be treating the patriotic potato enquiry with silent contempt.

Mr. George B. Jones, M. P. P., the other day swore that \$10,000 of the Valley Railway boodle fund went to Westmorland and was used in the Mahoney-Smith by-election. It was a fairly large sum, but it failed to win the election.

The name of William Thompson, the mysterious personage who telegraphed \$33,000 to F. W. Sumner, of Moncton, from this city, does not appear on the city assessment roll.

THROUGH OUR SIEVE

Save for Victory Bonds.
 The potato politicians had their own ideas of greater production.

Axle grease advanced at the same time butter did. Make your own joke.

Why go abroad to see ruins? Look at the once glorious patriotic potato business!

With Turkey it is merely a matter of deciding who is going to do the carving.

Besides being a potato raising country, N. B. seems to be good ground for potato politicians.

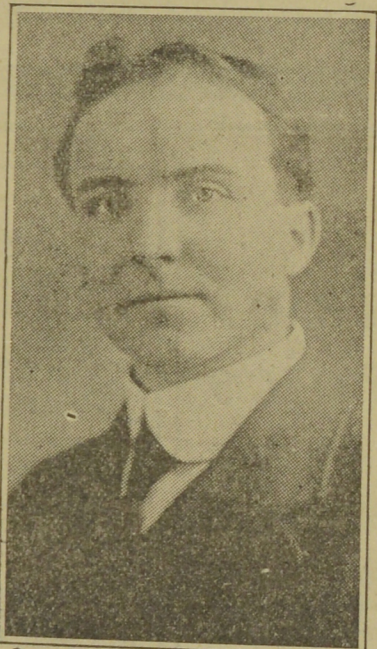
Bulgaria to Turkey and Austria: "Come on in; the unconditional surrendering is fine!"

It is easy to guess what will "happen to Jones" if he doesn't tell all he knows about that \$61,500.

Gen. Allenby has 50,000 Turks in his pen without a single Turkish bath among them.

Doubtless the angels smile when they see a fisherman with a \$25 outfit yanking a two-inch sucker out of the water.

No, Mr. Simp, Commissioner McQueen will not be able to show how much of that \$10,000 lump of the boodle fund which came to Fredericton found its way into the big car.



MR. P. J. HUGHES
 Counsel for the Government in the Patriotic Potato Enquiry.

GERMANS ARE FALLING BACK

Amsterdam, Oct. 12.—General Von Lieber, writing in the Taegliche Rundschau of Berlin, indicates the retirement of the German armies to the line of Lille-Mauberge, Metz and Diedenhofen. The writer says he has laid the strategic chess board on which the German fatherland is to be defended outside its own frontier.

Private Rogers Wounded
 Private Robert Rogers of Maudsleyville, infantry is reported admitted to hospital with gunshot wounds in the chest.

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JUDGE CROCKET MAKES CRITICISM

(Continued from Page Five)

Enacted ostensibly for the promotion of the virtue of temperance, I can conceive of no law which is more surely calculated to produce the serious crime of perjury. Mr. Finley, the local inspector, in his zeal for the cause of temperance, by himself attempting to read into the this remarkable section words which the Legislature had omitted, caused a solemn declaration to be made, which would and could not otherwise have been made. Recognizing that his printed form of questions did not meet the requirements of the case, he undertook to make the question "Have you today drunk any liquor" read "have you today had or drunk any liquor etc" so that the question be answered in affirmative, and the full duress provided by this section applied to the prisoner. This alteration of the question accomplished its purpose, but the proceedings still lacked the essential requisite of the prisoner's admission that he had drunk liquor on that day, and neither he nor the magistrate had any right or authority under the terms of this section or otherwise to require any further sworn statement whatsoever. The solemn declaration was therefore absolutely void and incapable of founding a prosecution for perjury.

Sub-Inspector Criticized

It was contended by the Deputy Attorney General that the commitment might be supported as a result of the modification which the Parliament of Canada had made in the law of perjury by section 171 of the Criminal Code notwithstanding that the Police Magistrate had no authority to take the solemn declaration upon which the charge was based. If this solemn declaration could be properly held to constitute "an assertion as to a matter of fact made by a witness as part of his evidence in a judicial proceeding upon oath or affirmation" and as being intended by the prisoner to mislead "the person holding the proceeding" within the meaning of the definition of perjury in sect. 170 of the Code and the prisoner had been tried upon a charge of perjury founded upon that section, the judgment of the majority of the Judges of the Supreme Court of Canada in *Drew v. The King*, reported in 6 Criminal Cases, 424, would, I apprehend have concluded the question. The provision of sect. 171 relied upon, however, specifically and clearly relates to a judicial proceeding "within the meaning of the last preceding section" where a witness "as part of his evidence upon oath or affirmation or "by affidavit or otherwise" makes an assertion, etc., "intended to mislead the person holding the proceeding." That is not the perjury with which the prisoner was charged in this case, and I do not think that what took place before the Police Magistrate under the provisions of sect. 170 of the Intoxicating Liquors Act, as was pretended, could in any possible view of the facts or of the law be properly held to be a judicial proceeding within the meaning of sect. 170 of the Criminal Code. The prisoner was charged with an offence set forth in the terms I have already quoted, and which sect. 172 clause (a) of the Code designates as perjury.

It is under the express terms of this section essential to the establishment of an offence thereunder that the solemn declaration upon which the false statement charged is made must be shown to be one taken upon an occasion "where by some Act or law in force in Canada or in any province of Canada it is required or permitted that fact be ascertained, etc., upon the oath, affirmation, declaration or affidavit, etc." Sect. 170 of the Intoxicating Liquor Act, under which these remarkable proceedings purported to have been conducted, neither required or permitted any such solemn declaration to be made, and there being fortunately, I think for the good name of Canada, no other law which countenances or warrants such proceedings, the prisoner was guilty of no offence cognizable under the Criminal Law for which he could properly be prosecuted. For the same reasons I have mentioned he certainly could not be guilty of the offence with which he was charged and for which he is now detained, and I shall therefore order his discharge from imprisonment.

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RETAIL

VICTORY LOAN, 1918

MEETINGS in the interests of the Victory Loan Campaign have been arranged as follows:

At Stanley, Fair, Oct. 8th—

Speakers—
 Very Rev. Dean Neales,
 R. B. Hanson, Esq.,
 C. D. Richards, Esq.

At Kingsclear, Temperance Hall, Oct. 9th—

Speakers—
 Dr. Crockett, M. L. A.
 Chancellor Jones

At Millville, Oct. 9th—

Speakers—
 Col. McLeod, M. P.
 Rev. G. C. Warren.

At Harvey Station, Public Hall Oct. 10th—

Speakers—
 Judge Wilson, R. B. Hanson, Esq.

At New Maryland (Nasonworth), Oct. 10th—

Speakers—
 J. Bacon Dickson, Esq.,
 Prof. Stiles, Rev. Mr. Lewis.

At Marysville, Oct. 11th—

Speakers—
 The Bishop, Hon. O. S. Crockett.

At Pokiok, Public Hall, Oct. 11

Speakers—
 R. W. McLellan, Esq.,
 C. D. Richards, Esq.

At Burt's Corner, Foresters' Hall, Oct. 12th—

Speakers—
 Hon. J. H. Barry,
 J. J. F. Winslow, Esq.
 Other Meetings will be announced later.

WANTED—At once, an experienced waitress at "Ye Mecca Tea Rooms." Apply to Miss G. A. Young, York st.

CARD OF THANKS.

Mrs. A. C. Whitehead and family, of Upper Queensbury, wish to thank their friends and neighbors for their many acts of kindness and sympathy in their recent sad bereavement, also for the beautiful floral tributes.

Conservation Recipes

The Women's Food Conservation Committee of Fredericton has issued an attractive book of "Conservation Recipes," which every house wife should have.

The book contains 35 pages and about 160 recipes, besides some very valuable and useful information.

The books will be offered for sale throughout the Province.

In Fredericton the stores of Jas. S. Neill, C. W. Hall and McMurray & Co. have them for sale.

Only 25c each.

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