

CHARGES AGAINST McLEOD NOT PROVEN, SAYS COMMISSION

The following extract from the report of the Royal Commission deals with the charges against Col. McLeod, M.P.:

The charge of a like character is made against Hon. Mr. McLeod in connection with a contract received by Messrs. Scott & Kelly from the Hubbard Company in June, 1912, for the removal of rock and earth from a portion of the right of way. Messrs. Scott & Kelly acting principally, if not wholly, through Mr. Scott, sought and obtained the influence of Hon. Mr. McLeod, who was then provincial secretary, in getting the sub-contract, and in his evidence he describes the conversation which took place between himself and Hon. Mr. McLeod.

It seems from the evidence that Scott & Kelly had been disappointed in securing a portion of work upon which they had been figuring and which Hon. Mr. McLeod was trying to help them in getting. Being unsuccessful in this first attempt, Mr. Scott complained to Mr. McLeod of the treatment accorded him, and witness says Mr. McLeod told him he could get some work on another part of the line.

"He told us," said Mr. Scott, "that if we would take that he knew he could work a better price—he could get us a better price—than what the other party was getting on the other end. . . . He said he thought he could get twenty-six cents where we had been trying to get twenty-seven on the other end, and he said he might be able to get the other; and he said: 'If I can get the twenty-six I think there ought to be a consideration.'"

After looking over the work Mr. Scott and Mr. Kelly again went to see Mr. McLeod and being asked to give the conversation that then took place, the same witness said as follows:

"Well, we were talking on a general conversation in regard to the work and the prices which, of course, we were led to expect when we went to get the work and we held out for twenty-seven cents and he claimed he could get twenty-six cents and the \$2.10. I told him that according to the quantity given us it showed not so very much rock—only about forty thousand yards or thereabouts—and a good deal of scraper work, and we could have the twenty-seven cents, and he said he would do his best to get the twenty-seven cents. I told him every cent he could get meant \$3,000, as there were thirty thousand yards, and he said: 'Well, there may be such a thing.' He would do the best he could to get it and he thought if he were able to get that cent we should split it. Of course I told him that as far as I was concerned it would be satisfactory."

WHERE THE GRAFTERS CAME IN ON THE VALLEY RAILWAY

The following extract from the Royal Commission's report on the Valley Railway charges shows how the sum of \$107,000 of the people's money was diverted:

The next item of expenditure which is criticized was an amount of \$94,625 loaned by the trust company to the railway company to implement the amount which the bonds would have realized if they had brought 98 per cent, and the sum which they actually did realize when sold. By the legislation embodied in Chapter 25 of the Acts of 1912 it was provided inter alia:

"That if the whole or any portion of said bonds be guaranteed and the proceeds thereof deposited with a bank or trust company such deposit must in no case be less than 98 per cent of the par value of said bonds." (Section 8.)

As a matter of fact when the bonds were sold they brought only 95½, at which figure their proceeds fall below 98 by the amount last above named. To fulfil the provisions of the act the railway company borrowed the difference from the trust company, then then immediately deposited it with the last named company and arranged to repay it by crediting to such loan account 2½ per cent, of the amount called for each order-in-council. But it was admitted by Mr. Carvell that the legislation of 1913, Chapter 25, by which 95 per cent, instead of 98 per cent, must be deposited as above provided, made it impossible to maintain that there was a diversion by the company in that regard, at least in the sense and meaning of the statute under which we are sitting, for this legislation freed the borrowers from such liability and the full proceeds of the bonds as sold remained with the trust company.

Considerable discussion took place over the fees paid to different solicitors

The twenty-seven cents above referred to means the amount per cubic yard which the contractors hoped to get for the removal from the right-of-way of material other than solid rock. As a matter of fact, they were successful in obtaining this figure and they paid \$2,500 to Mr. McLeod, which amount, it will be observed, is represented by half a cent on the estimated quantity of three hundred thousand yards.

On the other hand, Mr. McLeod says that he had done considerable professional work for Mr. Scott, who was a personal and political friend, that Mr. Scott had by no means paid him for his services from time to time rendered, but had frequently told him that some day he would recompense him. He also testified that Scott told him on this occasion that he would need professional services and would pay him a retainer, and he says that the \$1,511 was received by him in that way.

He denies the remark attributed to him about splitting the cent and says the payment was not made in consideration of his political influence, not to assist in getting the contract, but in payment for past services, and as a retainer for future services which he might be required to render in connection with the operation of the contract.

Now the issue is plainly joined between Mr. McLeod on the one hand and Messrs. Scott and Kelly on the other, and when, as here, conflicting and irreconcilable testimony is adduced from witnesses all apparently equally credible and all equally interested, it is well to remember on which side of the controversy the burden of proof lies. The party who denies a charge of this nature must, if convicted be overborne by the preponderance of opposing evidence. The party bringing such charge must discharge the onus of proof which rests upon him. He cannot leave the matter equally balanced and say he has proved his case as against the equality positive evidence of the party charged.

When giving evidence, Mr. McLeod seemed anxious to conceal nothing. His testimony was by no means balking or forced in any particular. He over-ruled objections with his own counsel, attempted to interpose and without hesitation answered every question put to him as far as he was able to do so; and while there was nothing in the evidence given by Messrs. Scott and Kelly to suggest that either of them was testifying to what he did not believe to be true, yet he cannot say as against Mr. McLeod's denial that the charge has been proved; and therefore we beg to report that we find the Hon. Mr. McLeod not guilty of the charge laid against him.

tors who, from one standpoint or another, had different dealings with the railway company and with the construction company.

Speaking generally on this branch of the inquiry, we do not think that fees paid by either company to secure its incorporation should be chargeable to the proceeds of these bonds, although it is manifest that as far as the construction of the road is concerned, they or some of them, might be a proper charge in the final analysis of the total cost of the road.

The relationship between the provincial government and the railway company was this: the company was to build the road—involving all preparation on its part to fit itself to do such work—and the government was to assist the company by ordering payments to it from time to time from the proceeds of the guaranteed bonds, which payments so ordered depended for their amount upon the certificate of the government engineer that a certain quantity of construction work had been done.

FEES NOT PROPERLY CHARGEABLE.

"We think it is quite proper to include in such engineer's certificate all legal expenses necessarily incurred as the work went on, such as expropriation costs, preparation of deeds, agreements and other legal documents, necessary counsel fees paid in procuring subsidies, the expense of resisting or carrying on unavoidable litigation and other like expenditure. As the work progressed, outlay on the above lines must be made and it is properly chargeable to the moneys so received upon the engineer's estimates, because such estimates would include that class of expenditure. But when the contract was entered into, (Continued on page six.)

SONS OF THE EMPIRE

(From The British Australasian.)
Nor for the sake of glory,
Nor for the thirst of fame,
Not for the lust of battle;
But for a deathless claim—
A claim no time can conquer,
No alien blood can kill—
Over long miles of ocean
The old love calls us still
To fight for one small island
With triple flag unfurled;
For still we count that island
The centre of the world.

For the sake of time-worn cities
Our eyes have never seen,
Some long-remembered homestead
Or nameless village green;
For the sake of a tattered banner
In some old channel waves;
For the sake of ancient churchyards
That hold our father's graves—
For the sake of One small island
With triple flag unfurled;
For still we count that island
The centre of the world;

Let those who claim no kinship
Look coldly on the fray;
But England's children's children
Will stand by her today.
And woe to those who touch her,
Woe to the double part,
When with a single impulse throbs
The great imperial heart—
Only a single island
With triple flag unfurled;
But still we count that island
The centre of the world.

CONCERNING WOMEN

Mrs. Mabel H. Kirk has been appointed psychologist of the Essex county (New Jersey) courts.


The German postal department employs over eight thousand girls whose wages range from \$12.50 to \$17.50 a month.

In Kansas there are fifty-four auxiliaries to farmers' institutes, with 1,200 members. They meet once a month.

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ARMY HYMN

(By Oliver Wendell Holmes.)
O Lord of Hosts! Almighty King!
Behold the sacrifice we bring!
To every arm Thy strength impart.
Thy spirit shed through every heart!

Wake in our breasts the living fires,
The holy faith that warmed our sires;
Thy hand hath made our nation free;
To die for her in serving Thee.

Be Thou a pillar flame to show
The midnight snare, the silent foe;
And when the battle thunders loud,
Still guide us in its moving cloud.

God of all nations! Sovereign Lord!
In Thy dread name we draw the sword
We lift the sacred flag on high,
That fills with light our stormy sky.

From Treason's rent, from Murder's stain,
Guard Thou its folds till Peace shall reign—
Till fort and field, till shore and sea
Join our loud anthem, PRAISE TO THEE.

Miss Marjorie Hengstler of North Vernon, Ind., is running a grocery store in preference to being a school teacher, to which position she was elected.

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