

THE FREDERICTON HERALD

IS PUBLISHED EVERY WEDNESDAY AFTERNOON, FROM THE OFFICE, CORNER QUEEN AND ROBERT STREETS, FREDERICTON, N. B., BY THE HERALD PRINTING AND PUBLISHING CO. LTD.

Subscription price, \$1 per annum. Having a large circulation in the Central Counties of New Brunswick, THE HERALD is an excellent advertising medium for the business men of Fredericton.

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THE HERALD, FREDERICTON, JUNE 5, 1895.

WHAT DOES IT MEAN?

THE HERALD confesses to considerable mystification regarding the present status of the Fredericton and St. Mary's railway bridge. As our readers are aware, this public work has been the subject of a great deal of discussion in parliament this session, and it is now before the public accounts committee at Ottawa.

From the public accounts it is learned that the company are charged with \$60,000 unpaid interest up to June 30th, 1894, on the \$300,000 with which the bridge was built, and in parliament, Hon. Mr. Foster has given as a reason why the government under their lien have not taken possession of the bridge, that there is a prospect of better times for the company, when they may be able to pay the interest to the government.

So far, everything seems clear to the public understanding, even Mr. Foster's motive in not collecting the interest from the company, but here we are met on opening the report of the Minister of Railways just published, with the official statement in parliament, that the bridge is now under lease from his department, or the government if you will, to the company, for twenty-one years, commencing from December 31, 1892.

This startling piece of information is found on page 240 of the report of the department of Railways and Canals for 1894, under the heading "public property leased by the department during the fiscal year ending June 30th, 1894." The space left for the insertion of the rate of rental is vacant, and so it is intended for the instalments paid.

It appears therefore, that the government took over the bridge from the company last year, without collecting the interest then due; leased the property to the company for twenty-one years, without an arrangement for clearing anything for the rental, and that Mr. Foster when addressing the House of Commons on the subject of the bridge, either through ignorance, or with wilful intent, deceived parliament and the country.

Mr. Haggart, who knew all about the new arrangements, never alluded to the discussion, and he has opened his mouth in the discussion, at the time knowing that the bridge had been leased to the company. This is certainly a remarkable exhibition for public men to make on the floor of parliament.

We suppose it makes little difference to Messrs. Gibson and Temple whether they are excused from paying interest on the loan, or have the bridge free of rental, but it certainly is a matter of interest to the public. If the government could not collect the overdue interest from the company, and were compelled to take the bridge to satisfy their lien, why did they not declare the bridge public property, maintain it, collect the tolls, and generally manage the work in the public interest?

Why have they entered into a new arrangement with a company which defaulted in paying the interest, and from the public reports, do not appear to have paid any rentals? This is certainly a remarkable piece of business throughout, and must awaken the country to the really character of the government in its effort to strengthen itself in certain alleged industrial quarters.

A MISINFORMED CRITIC.

The address of Prof. Davidson at the University of New Brunswick, regarded as a plea for the payment of higher wages to teachers, would have been more effective had the Professor been more correct in his assumed facts, and somewhat more modest in tone in his criticisms of those who know much more of the subject discussed than he can hope to know for some years to come.

The Professor's statement "that great gaps exist between the primary and grammar schools and between the grammar schools and the universities, due to the fact that the minds of the education authorities had been possessed of the old fallacy that machinery and skill and intelligence are in inverse proportions," indicates not only his own belief in his intimate knowledge of our New Brunswick schools of all grades, but likewise shows an intuitive apprehension of what is in "the minds of the educational authorities." The nice relation of cause and effect, which the Professor sees between the "gaps" and the "fallacy" which has "possessed" the minds of the educational authorities, must be taken as an illustration of his keen, logical acumen.

If there be a gap existing between the grammar schools and the University arising from the want of skill and intelligence of our grammar school teachers, the fact reflects but little credit upon our colleges and universities, for the grammar school teachers are, without exception, graduates of universities, the majority of them having had the advantage of undergraduate training at the University of New Brunswick.

Pessimism in regard to the work of education can do no good. The truth is that in all our cities, towns, and even in smaller centres of population, the majority of our schools are taught by well-qualified teachers. Many of our New Brunswick teachers are the equals, if not the superiors of the leading teachers of Great Britain in schools of the same grade.

There are more first-class teachers employed at present than ever before, the standard for license were never so high, the number of untrained teachers employed was never so low. It is true that the salaries are too low, both in our public schools of all grades and in the University. If Prof. Davidson can devise a practicable method of materially raising the salaries and at the same time providing efficient, experienced, and trained teachers for all the poor districts in the province, he will have a right to take a lofty seat as Gallant on the Board of Education.

OUR LOSS OF POPULATION.

One of the best contributions to the budget debate from the Opposition side of Hon. L. H. Davies, who spoke near the close, and acquitted himself with credit, and formulated a stupendous indictment against the Government. Mr. Davies dealt with all phases of his party's contention, but was especially effective when discussing the loss of population from which the Maritime Provinces have suffered under the blighting influences of the National Policy.

"The House," said Mr. Davies, "had listened to a speech by the member for Halifax, who had told them he was satisfied with the progress made in the country. Satisfied," asked Mr. Davies, in ringing tones, "when his own metropolitan city of Halifax lost 7,000 of her people in the last ten years? Satisfied, when the fair province of Nova Scotia has added but 2,000 people to her population? Satisfied, when the province of New Brunswick stands where she did ten years ago? Satisfied, when Prince Edward Island has added just 97 souls to her 116,000 people in 1881? Satisfied, when the wharf property of all these provinces has been depressed 10, 20, and 30 per cent? Satisfied, when large part of our registered shipping has been lost from the seas? Satisfied because a few mushroom manufacturers have been built up at the expense of the great mining, shipping and fishing interests of the Dominion? How, he asked, were these facts to be explained? They had a loss of 400,000 of their population in ten years, not counting the 800,000 immigrants for whom they had spent \$3,000,000. These were the most facts, which could not be got over by simply sticking your head, ostrich-like, in the sand? Would they not do much better to seek for and remove the trouble from which the country was suffering?"

While the population in the three Maritime Provinces had increased 110,000 from 1871 to 1881, no less than 165,000 had been drawn out of those provinces from 1881 to 1891. The factor of population was one which determined above all others the prosperity and advancement of the people. Government speakers said that if they had not kept the population at home they had given employment to those who remained at home. He would take them on that ground, and show that the statement was not true. The census returns brought these gentlemen face to face with official facts, and it was found that of 1,650,000 people whose occupations were given, 790,000 were employed in agriculture, fishing, lumbering, and mining, and 320,000 were engaged in mechanical pursuits.

An analysis of these pursuits showed that some 30,000 persons were directly benefited by the National Policy, and of the total of 1,650,000 people. The system was unjust and unfair, because, while it was a system of protection so far as the goods market was concerned, the Government never had the pluck to carry out its system to its logical result and give a protection to the labor market. The laborer had never been protected. The average wage of the cotton operatives of New Brunswick was 65 cents a day; was that a fair wage for a fair day's work? The purchasing power of the wage was the main thing. If a man in England on \$1 a day could purchase more of the necessities of life than he could in a protective country for \$1.50, his wages, though nominally lower, were actually higher.

Mr. Davies quoted authentic figures showing that the workmen of Great Britain could obtain four times as much in 1890 for the same amount of money that he could obtain in 1820, before the adoption of free trade.

The jubilee services next Monday and Tuesday in this city, in commemoration of the enthroning of the late Metropolitan as the first bishop of Fredericton, are of interest to every resident who takes a pride in the city and its history. Not only is it the jubilee year of the church of England here, but also of the city, for the same Royal letters patent, which created New Brunswick a separate see, and made Fredericton the bishop's residence, also made Fredericton from the modest name of the town of Fredericton to the more ambitious appellation of the city of Fredericton. Such recognition as this is worthy of commemoration, and we have no doubt that every citizen of Fredericton will heartily unite with our Church of England friends in their celebration next week.

THE FRY INVESTIGATION.

Some Lively Encounters Between the Attorney General Dr. Pugsley and Judge Hanington.

The Evidence Goes to Show the Stenographer was Misrepresented.

The inquiry into the alleged alteration of Judge Hanington's judgment in the Consolidated Electric Co. case by stenographer W. H. Fry, was begun at the Equity court room, St. John, Friday morning by Commissioner C. W. Weldon. C. N. Skinner appeared for Mr. Fry. When Mr. Weldon asked if anybody appeared for the other side there was no answer. Mr. Weldon then called T. C. Allen, clerk of the Supreme Court, and as he was being sworn Judge Hanington took a seat at a desk near Mr. Weldon.

Mr. Allen produced the order of Judge Hanington. The document was typewritten. Interlineations were by Judge Hanington and there were three lines at the bottom in the handwriting of Mr. Fry. He presumed the paper was as he got it, and had no doubt as to its genuineness. Judge Hanington said he wished it distinctly understood he was not present to prosecute Mr. Fry. If the investigation was only into the matter of Mr. Fry and the order, why, so be it, but if he was to go into the whole matter, he would be Attorney General, then it would be different. He had replied in open court to what the Attorney General said in the press, and had never intimated that Mr. Fry had done anything wrong.

The Attorney General said he was prepared to substantiate in a proper place all he had ever written to the press. Mr. Skinner here said if there had been any charge of wrong-doing it had been withdrawn. He read from Judge Hanington's statement the remarks bearing upon the alleged alteration of the document by Mr. Fry, and said his client could make an explanation that would make everything as clear as noonday.

The Attorney General said the only other official who could be charged was Mr. Allen, and did not think it would be right to admit evidence as to practice. Judge Hanington was proceeding to argue the right to admit the practice, when the Attorney General interrupted by telling him not to get off the issue. Judge Hanington replied: "I was at the bar representing bondholders and would take steps to find out what became of their money."

Attorney General Blair replied: "I do not fear you, Judge Hanington. I can defeat you here, as I did in the legislature. I fear you no more than I do the idle winds." Judge Hanington was trying to protest against Mr. Blair's interruption, and the Attorney General again declared he did not fear any inquiry.

Judge Hanington answered: "You brought this investigation to screen yourselves." The Attorney General declared this was untrue. He had nothing to screen and did not fear any inquiry. His professional conduct was as good as that of Judge Hanington.

Judge Hanington said such remarks were unworthy of the Attorney General, and Mr. Pugsley declared the judge's insinuations were unworthy of him. Mr. Pugsley asked to whom Judge Hanington referred in saying "screen yourselves." The Attorney General said there was no doubt to whom he referred.

To Judge Hanington, Mr. Allen said he might as well stick your head, ostrich-like, in the sand. He (Allen) told him it should not alter the force of his judgment, and Judge Hanington agreed with that. Judge Hanington was then sworn, and was going on to tell how he considered the cases consolidated. The Attorney General objected to his going into "any long winded harangues on the matter," as the fact that he had treated the three cases as consolidated did not make them so.

Judge Hanington said it was a surprise to him to see the additions on his judgment, but he agreed with Mr. Allen that it gave no further authority than the order without it. When he saw Mr. Fry in Charlotte county he told him he would grant an inquiry if he wished it and Mr. Fry asked for one, but afterwards it was abandoned, as the government started this inquiry. He thought they were making too much of one branch of the subject.

The Attorney General said that was an insinuation against him. He would reply to it and answer it at the proper time.

member the precise words, but they were to the effect of the addition made by Mr. Fry. He had never seen the document since, but remembered that Mr. Fry wrote down, or was writing at the time the judge made the statement to alter the judgment or add to the effect stated, and this was brought to his mind more particularly by reason of a letter he had written to Mr. Pugsley that evening, telling him of the change made in the judgment. He was positive that Judge Hanington had used the words "Add to the judgment."

William H. Fry was the next witness. Taking his shorthand notebook, he detailed all that took place at the time, and positively declared that he did write the words added to the foot of the judgment at the express direction of the judge, and that he had made such additions in order before he handed the judgment to Mr. Ritchie for the purpose of being forwarded to Fredericton. He did not think Judge Hanington was in court when he actually wrote the words on the judgment, but had done so from his shorthand notes taken from the dictation of Judge Hanington on motion of Mr. Allen.

Judge Hanington, on cross-examination elicited no contradiction of Mr. Fry's statements on direct examination. He (Fry) had not seen the judgment from the time he had handed it to Mr. Ritchie for transmission to Fredericton and after the newspapers had commenced the discussion of the matter. The shorthand notes existed to-day as they did on the day judgment was delivered, and were capable of being read by any writer of his system. He never spoke to either Mr. Blair or Mr. Pugsley, nor had they spoken to him in relation thereto from the date of the delivery of the judgment till after the present charge had been made against him, and then only in relation to the commission then issued.

Dr. Pugsley testified that he had no communication with Mr. Fry in reference to the addition to the judgment. He courted the fullest inquiry into his connection with the matter. Hon. Mr. Blair testified that he had been absent at Fredericton when the order in question was made, and knew nothing whatever as to the addition to the order by Mr. Fry, neither had he seen the original order until after his recent visit to the United States, but he had seen a copy thereof. The check he had received from the receiver general, on the authority of that order, was given by Mr. Allen who, he felt sure, would not have given such authority had he not believed he had done so, and the money, \$15,000 was immediately deposited by him with the bank of British North America to a special account and still remained intact in that bank. He also stated that so far as he was concerned, his idea of the practice was that where the amounts are decreed to the parties, they are always received by the order of the party entitled to the money, and no question arose in his own mind as to this. He also stated that with regard to his action in drawing the portion of the fund which he had received, he courted the fullest inquiry, and if the judge thought there was anything improper in the matter, he would be very glad to have any investigation which the judge might see fit to make. He also desired to say with reference to the charge which Judge Hanington had made against the official stenographer and which also, incidentally involved himself, that considering his official position, the judge should have made some enquiry into the facts and been careful to have some warrant before making charges reflecting not only upon an official of the province, but on the bar of the province through him as its official head.

Saturday's Session. F. B. Ellis of the Globe, said he had seen the judgment in T. C. Allen's office on February 28, the day Mr. Allen received it. He did not know whether or not it was in the same condition as when he saw it, but presumed it was. B. S. Black, of the Western Union Telegraph Company, produced some telegrams sent from F. B. Ellis, proving that the judgment was in Fredericton on the 28th of February.

Some discussion took place as a result of this evidence, as Judge Hanington had in his statement declared he had heard the judge's judgment in Fredericton until the first of April. During this discussion, Judge Hanington declared he was a judge of this court and did not intend to take any part in remarks on the table.

The Attorney General—Not of this court. Judge Hanington—Yes of this court. Attorney General—If you had been, we would have had a very poor show. Judge Hanington declared the remark unworthy of the Attorney General, and not in accordance with what he had said within the last six hours.

Dr. Pugsley declared the remarks of the judge were entirely out of place. The only remarks made were to the effect that Judge Hanington should not have made such a statement as that the paper did not go to Fredericton until the first of April, as the inference drawn from it was that Mr. Fry kept the paper in his possession for some time, and that it had been altered, while as he declared, it went direct to Fredericton. He declared there had been altogether too much politics in the matter, as evidenced by the reference to the Leary telegram.

W. Watson Allen, recalled, produced his letter book and showed a letter written to Dr. Pugsley on February 27, the day Judge Hanington delivered his judgment, showing that after an informal discussion with him, he agreed with his proposition, and directed Mr. Fry to make the addition to his judgment.

Judge Hanington began to cross-examine Mr. Allen, when Dr. Pugsley interrupted him. The judge resumed that he did not like these interruptions; that they were not in the legislature now. Mr. Pugsley—Neither are you. Judge Hanington—I wish I was for about one week, or at the bar, and you would hear some things you won't hear now. Mr. Blair—You never accomplished very much in the legislature and I don't see why you want to be back there. Mr. Allen was then examined at some length by the judge and Dr. Pugsley regarding the procedure in paying moneys in the matter. He declared he got the A. C. Smith claim settled on an order of the judge without the decree being settled.

During the examination by Dr. Pugsley the judge said he never saw some things Dr. Pugsley was saying he had. Dr. Pugsley replied, then I didn't understand your cross-examination. Judge Hanington—You must be very dull. Dr. Pugsley—You have always thought so. Judge Hanington—On the contrary, I have always considered you very sharp. Dr. Pugsley—Thanks for your certificate. W. B. Wallace testified that he never heard the judge give any directions to Mr. Fry to make an addition to the judgment, but he remembered him saying in reply to Mr. Allen that the money should go to the trustees if they were entitled to receive it.

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