

POOR COPY

The Campbellton Graphic

VOL. XIX—No. 8.

CAMPBELLTON, NEW BRUNSWICK, THURSDAY, AUGUST 31, 1916.

3 CENTS PER COPY

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COUNCIL ORDERS

SEWERAGE WORK DONE

Meeting of Council Tuesday Evening Transacts Considerable Business—Bills Passed

A meeting of the Town Council was held in the Council chamber Tuesday evening, His Worship Mayor Andrew presiding. There were present Councillors, Patterson, Harquail, Pichette, Evans, Goss and Alexander.

Mr. Maltais was given permission to attend the Council.
He complained that no work was being done on Hillside street, and that the residents had to walk through the mud in darkness. He hoped something would be done.
Coun. Goss reported that he and Coun. Pichette with Coun. Patterson had visited the street complained of and had decided to how best to do the work.

Coun. Patterson said there were many other streets beside Hillside St. which needed attention and he would endeavor to do his best to have the work undertaken.
The agreement with A. R. Clark & Sons for water and sewerage was read. After discussion this matter was laid over until next meeting for further information as regards to contract, etc.

The following department accounts were passed:

Public Property and Street
Mrs. Oullette \$2.00
Clifford Patterson 123.20
Chas. Major 110.40
J. F. Andrew Est. 23.15

Electric Light Committee

Can. Express Co. .70
I. C. R. .84
I. C. R. .84
I. C. R. .116
I. C. R. .117
Can. Oil Co. 22.68
Can. Oil Co. 3.50
Can. Oil Co. 22.68
R. K. Shives 100.25
R. K. Shives 21.75
G. N. W. 2.94
W. H. Bamfield & Sons 111.00
Can. Gen. Electric Co. 364.10
Can. Gen. Electric Co. 7.27
Can. Gen. Electric Co. 5.90

Fire Protection

N. B. Telephone Co. 11.25
Wm. Morrissey 5.00
R. K. Shives 9.75
R. K. Shives 6.00
J. F. Andrew Est. 5.40
D. A. Stewart .50
Frank McGregor 3.00
Frank McGregor 2.50
R. Ellsworth 3.00
Northern Elec. Co. 7.25

Water and Sewerage

Daily Telegraph 6.20
Canadian Oil Companies 3.50
Halifax Herald 14.70
D. F. Graham 4.75
Jas. Robertson Co. 46.05
H. P. Doyle 8.00
Standard Clay Products 390.68
H. Mueller Mfg. Co. 3.64
Drummond McCall & Co. 183.05

Police and License

N. B. Telephone Co. 11.25
W. H. Gray 53.25

Finance

N. B. Telephone Co. 8.00
Graphic, Ltd. 72.15
R. G. Dunn & Co. 5.00
Peter Jamieson 100.00
John L. LeBlanc 100.00
John T. Reid 68.00
R. K. Shives 13.00
A. Milne Fraser 1.00
G. N. W. Telegraph Co. .50
F. E. Shephard & Co. 5.70

Couns. Alexander, Town Clerk Reid and His Worship were appointed a committee to attend to the matter of forming a committee to attend to the reception of returned soldiers.

Coun. Harquail brought up the matter of the lists of persons of military age residing in the different Wards.
Coun. Harquail moved that the report of Committee to look after the lists of persons of military age be accepted and that the lists be handed to the revisors and a copy of same to Judge McLatchy. Carried.

Matter of sewer for street between Ramsay and river shore was taken up. The estimate for this work is about \$600.00.

Coun. Evans moved that the work as estimated be done and that the Committee obtain permission from the J. & D. A. Harquail Co. and lot holders to extend said sewer to Whelan's lot. Carried.

Council then adjourned.

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A good smart girl. One who knows something about cooking. Small family. Good wages. Apply to MRS. W. S. MONTGOMERY, Aug. 31-1 wk. Dalhousie.

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A good reliable barber, about the 15th of September. Apply to LOUIS CYR, Campbellton, N. B. Aug. 31-1 pd. P. O. Box 154

ARTHUR CULLIGAN M.L.A. WINS

IN LIBEL SUIT AGAINST GRAPHIC

Jury Find Defendant Company Guilty of Publishing Libelous Statements and Assess the Damages to Mr. Culligan at \$500.00

Mr. Culligan, M. P. of Restigouche County instituted a suit against the Graphic Limited, a newspaper published in Campbellton, for having put a letter in its columns, in which Mr. Culligan claimed that he was libelled. The letter in question was a letter purporting to be written by a "Ratepayer" from Durham who stated certain alleged facts which Mr. Culligan claimed did him damage.

The trial was held at the Circuit Court at Dalhousie on Tuesday the 29th inst. and occupied the entire day running into the second day—Wednesday.

Mr. Hugh A. Carr, Barrister of Campbellton was Attorney for the Prosecution and Honourable Attorney General Baxter was Counsel. Mr. A. T. LeBlanc, Barrister of Campbellton conducted the defence. Mr. M. A. Kelly, Barrister of Campbellton was present in the interest of Mr. Anslow, proprietor of the Graphic. Mr. Justice Barry was the presiding Judge and a Jury was empanelled. A jury of seven was selected with some difficulty, there being the full number of challenges made. The jury were as follows:—Ebenzer Ferguson, Robert L. Duncan, Wm. McKinnon, Joseph I. Arsenau, Russell McWhinney, Harry McKenzie and H. Diethe.

Mr. Carr made the opening address to the Jury in which he stated the facts of the publication of the letter, signed "Ratepayer", which letter, as follows, he read:
To Editor of Graphic, Campbellton,
Dear Sir:

I wish to inform the good honest ratepayers of the Parish of Durham who are not aware of the way our money is being spent on roads and bridges in the parish. We will refer first to a bridge called the McGregor bridge, on the road leading into the Beckettville settlement, where a great amount of money is being spent this season. Any person who will not accept orders on the Culligans, where they are supposed to take goods out of their store in payment, are not allowed work on the job. A short time ago some of the men working on the job wanted some advance, and applied to the boss for money or an order, and who agreed to give them orders on the Culligans, but the men refused to accept any order on the Culligan store, but said they would take orders on the Miss Ulligan's store or on Melanson's store. However, one man in particular was put off the job just as soon as Arthur Culligan, M. L. A., heard of it. He went to see this particular man and told him that if he would accept orders on their store he could go back to work and work as long as he liked.

Then gentlemen, what about the great amount of money that is being spent giving private jobs, building private roads into back fields and back farms in certain parts of the parish, and a hundred and one such like ways is our money being spent for party purposes.

(Signed) RATEPAYER.
Then he enlarged upon the crime of assailing public men in such a way, and the great damage it was to men in public life to be thus assailed—was also commented upon. He then spoke of the tendency of the times being to assail men with too harsh a criticism—not only Mr. Culligan, but others and he claimed that Mr. Culligan was damaged by such an utterance as this letter.

After proving the service of the writ upon Mr. Anslow of the Graphic, Mr. Anslow, manager of the Graphic, was put on the stand. The evidence sought by the prosecution from Mr. Anslow was largely to obtain the name of the person who wrote the article complained of, who called himself "ratepayer." This demand was objected to by Mr. LeBlanc, Counsel for the Defence, most successfully for a considerable length of time, there being a great amount of discussion as to the right of the Attorney General to demand an answer to this question. Mr. LeBlanc contended that the Attorney General had no right to insist upon this name being divulged, and the Attorney General insisted it should be answered. After a lengthy argument, (there being no written authority in Court upon this question) in answer to the Attorney General's demand for the disclosure of the name, the Judge decided that Mr. Anslow should answer. Mr. Anslow then gave evidence that no particular person had been named to him as the author, but that Mr. John Kerr of Durham had conferred with him respecting the matter of the publication of this letter. Court soon after took recess.

After recess, and at the opening of the afternoon session of the Court, Mr. Justice Barry declared that it was a mistake to demand of Mr. Anslow the

divulgence of the name, and that he was surprised that Counsel should not have known that the name should not have been divulged, and stated that he was sorry that it had been so demanded. He said that it really did not concern the decision in the case.

Mr. Arthur Culligan was then put on the stand, whose evidence in the main was that he had never at any time promised work to persons on any public job or work, with the understanding that in order to secure such they would be required to trade at his Company's store. He also stated that he had never ordered that any man should be put off the job, because that he bought his goods elsewhere than at Culligan's store. On cross-examination, he stated that public money had been expended on the McGregor bridge—about a thousand dollars—but Mr. Culligan was unable to tell how big the bridge was, or whether it had a railing or not; but he was positive that he never required a man to deal at the Culligan store in order to get a job on the work. After this evidence, prosecution closed their case.

At this stage, Mr. LeBlanc moved that the case be withdrawn from the Jury for the alignment he given in favour of the defendant, on several grounds, chief of which were that the words complained of were not actionable per se; also that the words complained of are not actionable and that no circumstances had been proven making them actionable. This the learned Judge refused and ordered the case to proceed.

The first evidence called by the Defendant was Mr. Adelard Bertin of Durham neighborhood, whose evidence mainly was that Mr. Culligan had promised him a job on the road—the railroad—if he would trade at the store, but he was unable to state the date of this conversation. He also said that Mr. Culligan had spoken to him a second time later when he was seeking a job on the road about a "little bill" that the witness owed at Culligan's store, in which conversation Mr. Culligan said "You will now be able to pay that little bill since you are working on the road." Mr. Bertin seemed laboring in the giving of his evidence. He, as did all other witnesses for the defence, stating that after service had been made upon him of a subpoena for attendance at trial, he had been interviewed by Mr. Culligan personally who spoke of their expected attendance at Court and of their being subpoenaed for attendance.

Mr. Lapointe was the next witness, who amongst other things in his evidence, stated that after he had been served with subpoena by the Defence, he had been waited upon by Mr. Culligan on the same afternoon of the service of the subpoena. He had heard Mr. Culligan state particularly that he could trade wherever he (the witness) liked, or in words to that effect. Mrs. Guitier, another witness for the Defence, knew that her husband had lost his job on the road, but stated that it was because the job was wanted for another man in order to give others a chance. She denied that Mr. Culligan required that they (the Guitiers) should deal at the Culligan store. When asked by Mr. LeBlanc as to how she had been brought to Court, the witness seemed determined not to tell and it was only with great pressing that she did tell, and stated that she had been driven in an automobile by Mr. Devereaux. Her husband, Mr. Guitier's evidence was of the same nature as that of his wife. He had not been put off the work because of his not trading at Culligan's store, but he said he had been let off the work. All these witnesses were handled very gently in the cross-examination by Mr. Baxter. Mr. Ned Legacy had been sought for by subpoena in the Defence, but when the Defence ascertained that Mr. Legacy had been subpoenaed by the Plaintiff, he was not subpoenaed by the defence. Mr. Legacy was later called by the Defence, but was not asked a single question. The Defendant closed their side of the case upon the hearing of Mrs. Guitier's evidence.

John McGregor was then called by Mr. Baxter in rebuttal of any points made by the Defence, whose evidence corroborated that of Mr. Culligan. Mr. McGregor spent a few uneasy moments under cross-examination by Mr. LeBlanc, but nothing of importance was given out in answer to either Mr. Baxter or Mr. LeBlanc. With this the case was closed.

Mr. LeBlanc addressed the jury at considerable length, reviewing all the case and with its management in Court; followed by Mr. Attorney General Baxter who spoke lengthily upon the evidence and took occasion to refer to the too prevalent criticism of

BONAVENTURE TORIES

NAME A VICTIM

No Man in County Big Enough For Undertaking, So Quebec Man Chosen

For the second time the unfortunate Tories of Bonaventure County have had a Quebec candidate imposed upon them in the person of Mr. Philip Furois. This man was chosen last spring to run against Mr. F. J. Bugeaud, the Liberal M. L. A., but courage failed him at the last moment and he never turned up at all on Nomination Day and Mr. Bugeaud was returned by acclamation. This caused very general dissatisfaction among the Tories of the County who had thus been betrayed and now the same man is again imposed upon them in spite of the majority. On Tuesday, August 22nd a Tory Convention was called at short notice to be held in the Town Hall at Maria. The voters of each poll were invited to send four delegates. As there are thirty-six polls in the County, there should have been one hundred and forty-four delegates; only eighty-seven put in an appearance.

It has been expected that Hon. Mr. Chase Casgrain, Postmaster General would be present, but he also failed to turn up.

When the vote was taken it was found that Furois had forty-one votes, John Daigneau, Postmaster, Inspector of Weights and Measures and Mayor of St. Omer had twenty-three votes and Mr. Alex. Pratt, lumber merchant and prominent contractor also had twenty-three, making forty-six in all against Furois 41.

Furois, who was then in a minority in the total vote, was thereupon declared chosen to the great discontent of those who had voted against him.

Hon. Charles Marcell, who has represented the County for sixteen years and whose majorities have always increased in the four general elections through which he passed, is being congratulated upon the weak man which has been brought out against him.

The Tories of this County are somewhat ahead of time in selecting their candidate, as it is not by any means sure that there will be an election this year.

Hon. Mr. Marcell, who spent the summer at Carleton at his country residence with his family, has returned to Montreal. He will not tour the county until the writs are issued.

He is again chosen as the Liberal standard bearer in the constituency. Bonaventure has not elected a Tory in twenty-seven years.

public men, referring very scathingly to the "Graphic" for so doing. Mr. LeBlanc interjected a remark about the "Standard" which seemingly touched Mr. Attorney General Baxter, who in reply spoke very forcibly about the St. John Telegraph and Times and referred to some libellous writer who had been horsewhipped in the streets of St. John for libelling innocent people, and he seemed to class the Graphic and its editor and manager in some class.

Court adjourned to resume the following day—Wednesday morning. At this time Mr. Justice Barry addressed the Jury speaking of the nature of a libel and of what constituted a libel and of its defamatory character, and of this particular article. After discussing very learnedly upon the term libel and endeavouring to show its nature, he told the jury that he would have to leave it to them to decide whether this article was a libel upon the plaintiff or not; they had to decide whether the article was libellous or not. He asked the Jury to separate themselves from any political leanings that they might have and very earnestly stated that, as honourable men, they must not bring their political tendencies (if such they had) into the judgment of this case; and he left the matter with them with the understanding that if they found that the defendant was guilty of having libelled Mr. Culligan, that it would be their right to bring in a judgment of "Guilty", the question of damages could be settled later and that they were not necessarily required to give large damages, but in proportion to the amount of damage that they conceived that Mr. Culligan had sustained.

The Jury were out about an hour and returned the verdict of "guilty" on the part of the defendant, assessing the damages at Five Hundred dollars (\$500.00).

Previous to the retiring of the Jury, Mr. LeBlanc asked permission of the Judge to submit certain questions to the Jury, but was refused. The Judge, however, allowed the questions to go on the trial record by placing them in the hands of the Court stenographer, for insertion in the records.

LATEST BULLETIN

London.—King Constantine is fleeing from Greece, accompanied by three hundred Ullans.