

FINDING OF ROYAL COMMISSION ON FULLERTON CHARGES

Report made public yesterday says charges unfounded—Saw-offs objectionable in public interest

Winnipeg, July 30.—That the charges made by C. P. Fullerton, K. C., on behalf of fourteen private members of the legislature, were unfounded, and the findings made by the Royal Commission, of which Mr. Justice Perdue is the chairman, made public at eleven o'clock today. The commissioners report that "it is impossible to say" that the negotiations which attended the resignation of the Roblin government, were "in any degree improper or unfair."

The commissioners, Mr. Justice Perdue, Mr. Justice Galt, and Public Utilities Commissioner Robson were unanimous in their findings. The report contains about eight thousand words and sets out in the beginning the statement made by Mr. Fullerton before the Mathers Royal Commission, when he asked for the investigation.

The commissioners find:—
"That the first charge set forth in the statement contained in the order in council is unfounded, and that no agreement involving payment of money or any other consideration was made between the late government, or any member thereof, and the then opposition, or any member thereof."
"That the second charge is unfounded, and that no agreement was made involving any improper consideration or motive whereby the Conservative government should resign and the present government should obtain office."

Reasons For The Findings
Then follows their reasons for the findings, a summary of the more important evidence and the commissioners' constructions.
The report reviews the evidence as to the saw-off of election protests as given by Hon. Valentine Winkler, Sir Rodmond Roblin and others, and states:
"The whole system which has been followed with regard to the disposition of election petitions in Manitoba during many years, has defeated the intention of the act, and prevented due inquiry in the public interest into corruption and irregularities at elections. We think that these saw-off agreements for the withdrawal of election protests without bringing them to trial are very objectionable in the public interest and contrary to the spirit of the Controverted Elections Act."

The commissioners express the opinion that the best way to prevent saw-offs would be to simplify procedure in regard to election protests to overcome delays, and they also recommend abolition of the preliminary objections altogether.

"The evidence given as to the meeting between J. H. Howden, then attorney-general, and T. C. Norris, the opposition leader, is reviewed in full. Howden swore that at that meeting Norris told him any arrangement made by William Chambers would be all right. Norris swore that Chambers' name was not even mentioned. "There is no evidence, whatever," says the report, "for connecting Winkler or any other member of the then opposition with the first charge. Unless Norris is proved to have been connected with the charge it must fall altogether. Whether or not he was implicated turns upon the question, who of the two, Howden or Norris, is to be believed as to what took place at the interview between them."

"Without regard," say the commissioners, "to improbabilities in the narrative of Howden, upon which they themselves cast grave doubt, we base our acceptance of Norris' statement upon the respective characters of the two men as revealed by the evidence. The members of this commission hesitatingly accept Norris' account of what took place at the interview in question."

The commissioners point out that when the \$25,000 was received by Chambers, the Mathers Commission had commenced its inquiry. The position of the government at that time was very serious, it is stated, and "it is, therefore, scarcely credible that Howden or the persons behind him who furnished the money would pay \$25,000 to obtain the dismissal of the protests when the government, as they must have known, was on the eve of resigning."
Further, when he found Chambers could not arrange matters, Howden refused to take back the money, and he continued to refuse even after the government had resigned.

"The opinion we form," continue the commissioners, "after a careful consideration of the evidence is that, even if the money dealing in regard to the dismissal of the election protests was Howden's intention in the first place, and even if the money was paid in 'Chambers' hands to enable him to make the attempt to secure the removal of the protests, the plan was conceived during the passage of the matter by Howden and those acting in concert with him, whereby Norris should be by some means be connected with Chambers and implicated in the receipt of money. When it was believed that the purpose of the plan had been effected rumors in regard to the money dealing had spread."

"They found no evidence whatever to support the charge that the second \$25,000 was paid to anyone in connection with the change of government."
The conference between A. B. Howden and F. H. Phlippen concerning the resignation of the government and the submission of proposals to Chief Justice

Howell and Chief Justice Mathers is related in the report.
"Both Chief Justices," say the commissioners, "emphatically declare that the proposal did not contain any agreement that the Royal Commission was to be stifled, but only that under

the existing circumstances, its labors might be suspended."
"Owing to some mistake, however," Sir Rodmond Roblin's letter of resignation did not contain any admission as to the correctness of Hudson's charges, as asserted upon, and the ap-

proval of the Royal Commission to the arrangement was never obtained.
"The government resigned, as intended was practically inevitable, and as in any case they intended to do, but the proposal which had been made was never consummated," the com-

missioners added.
"In the light of the above evidence," reads the concluding paragraph of the report, "we find it impossible to say that the proposal in question, made at the time and under the circumstances detailed, was in any way im-

proper or unfair. We think that all those who took part in it acted in good faith and that no wrongdoing is imputable to any of them. If the proposal had been carried out in its entirety the examination of Thomas Kelly would have been secured long ago and the departmental inquiry, under the direction of Hudson and his associates, would doubtless have brought to light much of the evidence which has been brought out before the Royal Commission."

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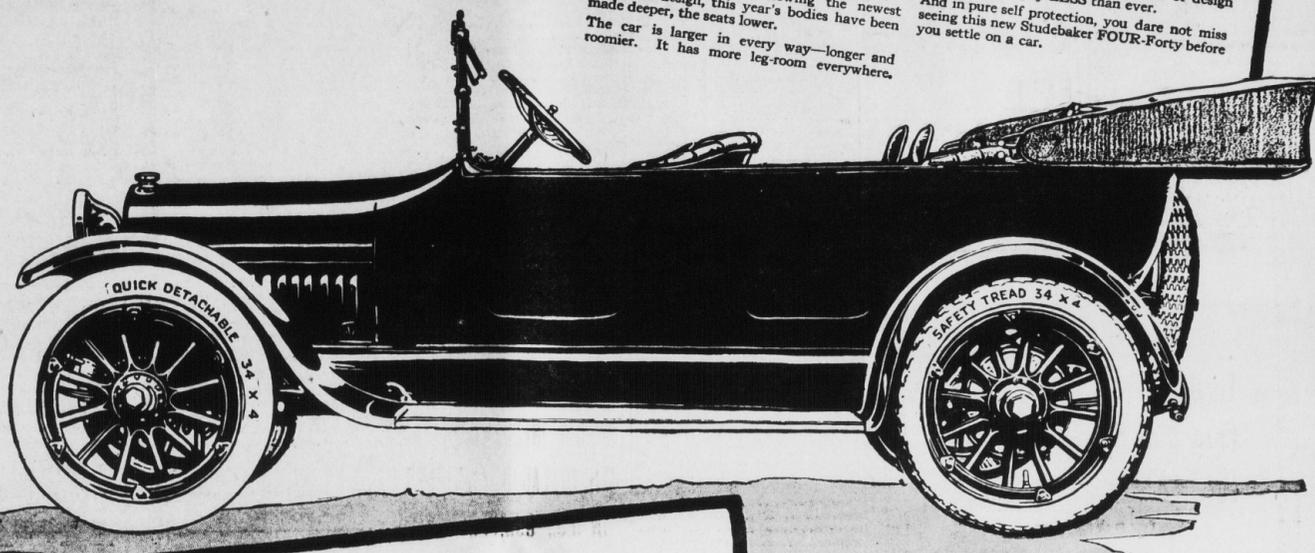
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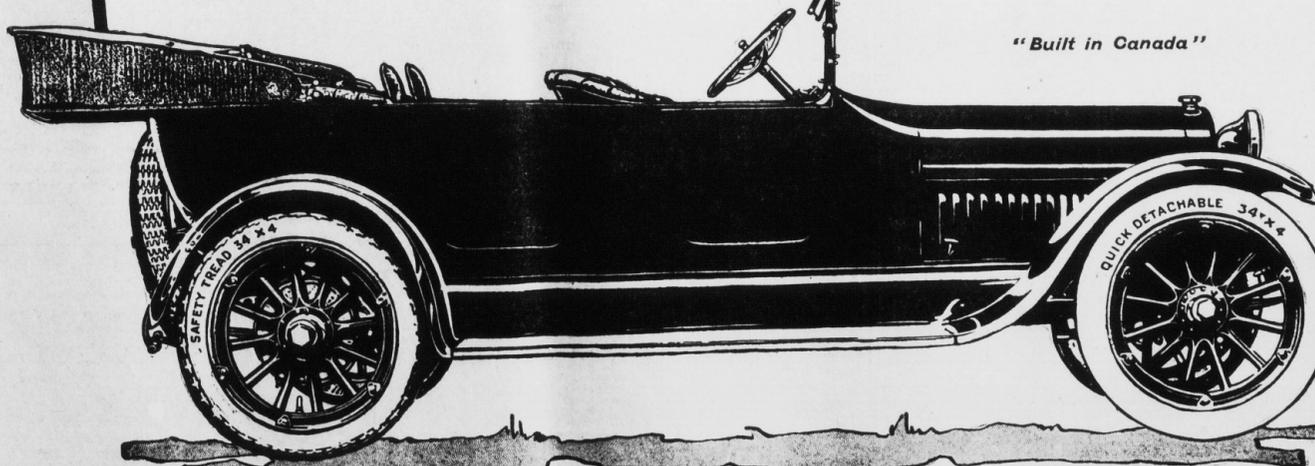
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