

## J. P. BURCHILL SWEARS HE PAID \$2,000 RAKE-OFF TO BERRY "FOR POLITICAL FUND". WITNESS WAS TOLD BY COLLECTOR OF GRAFT

Berry Did Not Put in Appearance Although Evidence Showed He Was Hale and Hearty

Col. T. G. Loggie, Deputy Surveyor General, Testifies That Extra Money Alleged to Have Been Collected Did Not Find Its Way Into Provincial Treasury - Flemming and Berry Responsible-Premier's Counsel Fight Vainly to Exclude Burchill's Hard Hitting Testimony -Commission Rules Against Defense - \$2,000 Conversation Before Bonus Was Finally Fixed and Money Was Not Accounted For.

Tuesday, June 16. meedings before the royal

Tuesday, June 16. These were the leatures of the first day's proceedings before the royal commission appointed to inquire into the Dugal charges: John P. Burchill, a former member of the legislature and a prominent iumberman of the North Shore, testified that he paid \$2,000 to W. H. Berry, this being \$15 a square mile for the timber limits Mr. Burchill has under lease, over and above the bonus legitimately charged by the province, Berry having told him that this additional \$15 was for a political fund. W. H. Berry's name was called three times by the court crier, but he failed to appear, and John S. Leighton, in, then testified that he served a subpoens upon Berry at the Parker House, Boston, last week, and that Berry was then in excellent health and was fully able, mentally and physically, to answer the summons of the commission.

summons of the commit

summons of the commission. Col, T. G. Loggie, deputy minister of lands and mines, testified concerning the legislation fixing the amounts collected legitimately from holders of crown timber limits, under the act of 1913, the bonuses ranging from \$100 per square mile down as low as \$20 per square mile. This was the lawful revenue which the crown land department collected in consideration of the extension of the leases, and Colonel Loggie said that if any further or additional payments were made (referring to the \$15 a square mile which Mr. Dugal charges was col-lected as a rake-off) he knew nothing about it and it had not been paid into the treasury. All of the legitimate payments were made to Mr. Loggie. He testified that the arrangement of the bonuses and the classification of the timber lands, and all matters of that sort, were conducted by Premier Flemming or Berry, or both of them. Colonel Loggie gave a list of the lesses of crown lands who paid bonuses, together with the extent of their holdings. THE EXTRA MONEY PAID.

THE EXTRA MONEY PAID.

Mr. Burchill's evidence established the payment of \$15 per square mile in his own case over and above the legitimate bonus, and it is understood that many other lumbermen will testify to a similar extortion from them. The court room, the sitting capacity of which is limited, was crowded dur-ing the afternoon, and on one occasion Mr. Justice McKeown, the chairman, encounced that the soom would be cleated of spectators if the demonstration, and some levity during a tilt between T. J. Carter and John S. Leighton, jrewere repeated.

"As of what date were the

this as part of

Some Prominent Figures in Probe of Crown Land Charges

Ex-Judge W. W. Wells, member of the Mr. Justice McKeown, chairman of the W. Shives Pisher, member of the royal commission.



-What do you think of this ac the standpoint of the bonuses? -I think it is admirable. Q.—Who worked it out? A.—Hon. Mr. Flemming.

M? Carvell-We are not impeaching is administration. Is not that rather part from the question? Mr. Teed-It seemed to me that you vere. What else are you doing? Mr. Carvell-That may appear later.

formed By Circular.

ted to the

nd this was adjusted in

A.-165. Mr. Stevens-What is the area of rown timber lands? A.-About 10,000 or 12,000 miles. Q.-Is there any report showing the ature of the lands in detail and the latters affecting the values? A.-I never saw such a report. Q.-The act provides that the classi-cation must be completed by August 1918?

ny information on which tion by which the bonu ust have been secured by

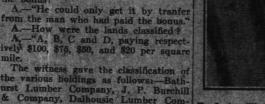
Carvell then asked that W be called. The formal call by the crier but there was m

aw Berry in Boston

and I gave him the subpoens. He said, I am sorry you served this.' I said, Someone had to do it.' A copy of the subpoens was pro-duced, identified and put in evidence. Q-At what time did you serve the

R. B. Carvell, K.C., M.P., counsel for L. Peter J. Hughes, associate counsel for A. Dugal, acting with Dr. W. B. Wal- L. A. Dugal, lace, of this city. H. Stevens, K.C., associate counsel F. B. for L. A. Dugal. A. I

ompany, Dalhousie Lumber Co , all in Class A, Dominion P pany, various classes. "Was there not some change Dominion Pulp Company's holdin July 10?" -"I do not know." Carvell--"You might let us kn you can make sure."



soups and for seasonin m soups and for seasoning. Use just the caps and put ist should be buttered, moist and lay all on a shallow pan, a n draw out the pan and season ish them over with melted but-and very tender. Have ready mushroom on it, upon this, and

AI

owder

lealth

loney

ter Food

CORNER

es that the wises

d. Cook them until

SEKEEPING

GRAUEL

OADSTOOLS."

## FASHIONS AND FADS.

e absolutely plain robes, beltless Egyptian tunics, are very chic.

ere is a fancy for princess slips entirely of very fine embroidery.

e of the new blouses have darts m and fitted girdles.

k is going to be in extraordinary for day and evening.

g kimono sleeves, tapering to the are as popular as ever.

Medici collar, in its modern form, t much of its firm

rt suits for little girls have check-its and plain white serge coats.

i-long afternoon wraps of plain owered silks are a Paris fancy.

wide "waistcoat belts" are of leather and have pockets in them

le walking hats of black straw an like the churchman's beretta.

istcoats of white pique, fastened pearl buttons, are fashionable.

pretty new glove is of velvety a in mutternut shade and of beaufinish.

ta and crepe dresses are tr collars and cuffs of ecru batiste

## ERDE OBBER

r need of sympathy and h sister, are unhappy bec el unfit for household du you suffer, and ask for my free t home treatment suited to you me treatment suited have regained her s by its use. I want to tell y ressful method of home is my reader, for your daughte nother. I want to tell you s at home at trifling cost,

es at home at trifling cost, and windows, when example, how of the second secon cry, fear of some t flashes, weariness, sal east or a general feelin t ten days' treatment e c ten days' treatment en easily and surely conquer the dangers of an opera wing of my simple met nly ask you to pass the goo young or old. To Mothers ly and effectually curst and re ng women, and resto daughter. Remember ten day's trial, and i

. WINDSOR, ONTARIO.

Incre were one or two passages at arms between counsel, and Mr. Fow-ler and Mr. Teed, representing Mr. Flemming, argued strenuously in favor of the exclusion of Mr. Burchill's evidence, but the court ruled that it was admiss-able after hearing from Mr. Carvell and Mr. Stevens, representing Mr. Dugal. It seemed from Mr. Fowler's argument that the defence would assert that Berry was grafting on his own account—though the amount is alleged to have reached an aggregate of more than \$120,000. Premier Flemming, the second

Premier Flemming, who was in court during the afternoon, listened in-tently to the evidence, and occasionally advised with his lawyers. Some of his supporters, including J. B. M. Baxter and Hon. Mr. Wilson, shook hands with him and spoke a word of cheer. The Premier looked well but grave. At times the scene was dramatic, particularly during the evidence of Mr. Burchill, a grey-haired man of prominence who told his story directly and clearly in the few est words possible.

The members of the commission took their seats promptly at ten o'clock, Mr. Justice McKeown presiding, with Judge Wells and W. S. Fisher on either side, with G. M. McDade as secretary, and Thomas McCullough as official re-mater. porter.

witness.' Q.-Have you any knowledge of what Mr. Berry did in this connection? A.-I have seen no report. None came L. A. Dugal, M.P.P., the accuser, took 1 L. A. Dugai, M. P., the accuser, took his seat in the rear of the court. He was represented by F. B. Carvell, K.C., M.P., Woodstock, Dr. W. B. Wallace, K.C., St. John; J. M. Stevens, K.C., of Edmundston, and P. J. Hughes, of Fred-ericton to me. Q.-Did any report come to your de-

Q.—Were you consulted regardle preparation of this order? A.—No. ericton. Premier Flemming was represented by M. G. Teed, K.C., St. John; George W. Fowler, K.C., M.P., Sussex; - Titus J. Carter, K.C., Andover, and John A. Barm, C. L.

A.--No. Q.--Was any other official in your de-partment consulted? A.--Not so far as 1 know. Q.--Then it was arranged by the min-ister and Mr. Berry? A.--As far as 1 know. Q.--Have you a list of leases of crown timber hands previous to July 1, 1918?

heir returns a act was passed in 1918, Chap-of N. B.; under section 3 of the lieutenant-governor in coun-determine the amount of bonus

by crown land lessees; was arrived at and decided up

Berry and Flemming Berry and Flemming Q.-What official arranged about the A.-Mr. Berry,

A.-Mr. Berry.

witness identified the signature of Mr. Berry and the document t in evidence.

in evidence. hen did you get the notice of ngement for the classification is he day after it was passed. hat arrangement was made for nent of the bonus ?

Half payable on August 1, 191. If on August 1, 1923. Later thi odified and only one quarter was on August 1, 1913. Notes were or the balance. how long were these lice

For thirty years, if they comply

Then it is still in the discreti

government. Yes, according to the act. How about pulp mill licenses ? Only two were issued, to the St. and the Dominion Pulp Com-

decorree and the Dominion Pulp Company:
pany:
Q-For how long are they issued?
A.-For thirty years, with the privilege of extension for twenty more.
Q-In the auditor general's report, page 50, I find an entry, paid to W H.
Berry for expenses, \$200; does this apply to the classification?
A.-I do not know.
Q.-How much bonus did the Bathward Lumber Company pay?
A.-S20,50, one-quarter on October 18, 1913, gave note for a econd quarter, payable 1 Aug, 1914, bonus on 882 miles. On additional 16 miles, \$300; J. P. Burchill, \$3,587,50 in Oct, 1913, second payment of same amount on December II, 1913, on 114%; Daihousie Lumber Company pay?
d. G., 7 March, 1914, \$66,25, a quarter payment for 3 miles, ther total bonus on 423½ miles; Dominion Pulp
d. G., 7 March, 1914, \$66,25, a quarter payment for 3 miles. To Prepare Statement

M. G. Terd, K.C., St. John, G. Garge W. A.-No and the official in your dependence of the second quarter of the second q

A: Co, end miles. Carvell-"In his evidence the wit-nes said that the bonus was paid the case according to their holding aly 10, but 1 find his books sho aly 10, but 1 find his books sho aly 10, but 1 find his books sho

ented the E. S. Carter, Liberal organizer, who has Hon. J. K. Flen given valuable assistance in the secur-ing of evidence. L. A. Dugal, M.P.P., who pre-charges in the legislature. tement was correct, and that the anges in the holdings were adjusted fore the payments were fixed. Continuing his list the witness gas y, \$2,498.75, August 1, 19

ber Company, \$2,498.75, August 1, 1913; note for same amount, on 138 miles; Randolph & Baker, \$3,508.13, just quarter; note \$2,600. Mr. Carrell-"That fooks like a re-classification; there was only a differ-ence of one mile." Witness-"I know of no re-classifica-tion. There is some other explanation for the difference but I would have to refer to my books to get at it." Continuing:-J. A. Rundle; on 10 1-2 miles. \$87.59, one unarter bonus on one-

refer to my books to get at it." Continhing:-J. A. Rundle, on 101-2 miles, \$87.50, one quarter bonus on one-third interest, note for same amount, on 551-2 miles, \$1,040.62, one quarter pay-ment, note for same amount; Frank Sullivan on 4 miles, \$200; Daniel Sulli-van, \$3,362.50, note for same amount; Dennis Sullivan, 4 1-2 miles, \$218 The Lynch Company and James Robinson "made payments in November, after the close of the fiscal year. Q.--"Have any amounts been paid to you or your department by or for many of these firms which do not appear in

you or your department by or for a of these firms which do not appear

id anything else on account as not shown in this report?"

the bonus not shown in this report?" A.--No. Q.--John Burchill Company ? A.--Their second payment was made in December, after the close of the second year and so does not appear. The court adjourned at one o'clock and resumed at 2,30 this afternoon. Afternoon Session. When the court came to order at 2,30 o'clock for the afternoon session Col. Loggie again took the stand and Mr. Carvell continued his examination. de again took the stand ell continued his examination of will ask you about J. P. say that he paid ter of his bonus. Did t

le did not pay \$115 per mile?

thing for a bonus it would all go to you? ies it was something to which the province was not entitled? A.-I suppose it must have been. Mr. Carvell-Are you putting to lorward as a statement of fact or aw? A .-- Yes. Q .- The Bathurst Lumber Company made a payment; this was at the rate of \$100 a mile? made a payment; this was at the rate f of \$100 a mile? A.—They paid one quarter of their bonus, at the rate of \$100 a mile, Q.—Did they pay any additional sum as a bone? A.—Not through me, at any rate. Q.—The Dalhousie Lumber Company? A.—Not that I am aware of. Q.—The Dominion Pulp Company? A.—Not that I am aware of. Q.—The Dominion Pulp Company? A.—No, The witness gave the same answer re-garding T. Lynch & Co., The J. B. Snowball Co., The Partington Co., Rich-ards Manufacturing Co., Allen Ritchie, James Robinson, Shives Lumber Co., Sayre & Holly, Stetson, Cutler & Co., Louison Lumber Co., Rendolph & Bak-er, J. A. Randle, Daniel and the other Sullivans. haw? Mr. Teed—According to the statute; it is a matter of fact. Mr. Carvell—There might be a nice question of law involved. Q.—Mr. Berry was placed in charge by the premier of the work of classifi-cation under the new act?

A.—Yes. Q.—That was quite in order, accord-ing to the nature of the duties of both gentlemen?

Q.—You knew that there was to be a classification that Mr. Berry was to do the work, did do it and prepared a re-port? A-Yes A.--Yes. Q.--And you knew that his report was the basis of this order-in-council A.--Yes. Q.--Did you mean to say that Mr. Berry had anything to do with fixing in the bonus? A.--I do not know; according to the H act the bonus would be fixed by the governor-in-council. Mr. Teed--That is different from F previous testimony.

Not Paid Through Him.

Q.—Then if any money over and above he amount of the classification was paid is a bonus did it come into the depart-

A -- Not through me. Q.-How was the money paid the vas paid? A.- It was paid to me, in cheque rafts and cash, the bulk of it through the mail, some of the payments we nade personally, by F. D. Swim, the fullivans, Mr. Holmes, and others. This ended Mr. Carvell's examination of Mr. Teed took up the cross-exami-tion. previous testimony. Mr. Carvell-My impression of the evi-dence was that Mr. Berry and the preresponsible. d copy of the order-in-council

A.--No. Q.--They were all treated alike, big and small, rich and poor, Grit and Tory

tion. Q—You have received from surchill all the money the pro-ntitled to as a bonns? A.—Yes. Q.—Then as regards the B-number Company. They must and small, then and poor, out of the second state of Company. They paid a note for the balance

 $A \rightarrow Ves$ , sir.  $Q \rightarrow So$  that they have settled with the vovince, either in cash or note for all e province is entitled to receive from long leases

 $A \rightarrow Yes$   $Q \rightarrow Ib$  that the case with all the v thers, substantially as Mr. Carvell mentioned them? wanted a A.—Yes Then if they baid any other mon-

A Yes

Q -- At 11.46 a. m. He took his copy : A.--At 11.46 a. m. He took his copy : I took mine and marked the time and place of service. Q.--Then where did you go? A.--We went to his room. Q.--Then where? Mr. Fowler---Is this relevant? It may be interesting to follow their perigrina-tions around Boston but it is hardly material. Witness--I went back in the after-noon and we went to Nantasket Beach and took in the sights, returning about 10 o'clock at night. Q.--How was Mr. Berry's health and

Q .- How was Mr. Berry's health and

ppetite? A.—All right, Q.—He was able to eat?. Mr. Carter—That is getting pretty fas from the subject. Mr. Carvell—It seems to bother my learned friend,

No Evidence of Ill Health.

K. Flemming, premier of

ed as a very young

And so the act of 1918 was

Q.—Then you were there before the

Q.-You knew that the lumberme wanted a more settled policy?

ier of the

The witness continued and described the hearty meals of which Mr. Berry par-took and said that there was no evidence of ill health on Mr. Berry's part. Witness returned to the Parker Honse with him and was with him until about two in the morning. I asked him if he were coming down and he said 'no.' said the witness

Q.-Did Mr. Berry protest against the

Q.-Did Mr. Berry protest against the service?.
A.-He said I had no right to serve it as he was outside the jurisdiction of the court.
G.-Did fle threaten you?
A.-Yes, he said he would look after me. I told him I could take my mediation but he cooled downwafter that and we got along all right.
Mr. Carter-In cross-examination. Are you an officer of the law?
A.-A justice of the peace.
G.-Si it customary for a justice of the peace to act as a process server?
A.-I know enough law to serve a peace that the instance of Mr. Carter, to whitess, you know Mr. Berry? first name?
Mr. Carter, to witness, you know Mr. Berry?
Mr. Carter, to witness, you know Mr. Berry?
A.-To the best of my knowledge.
Q.-You never heard that his name is Williard H. Berry?
A.-Yes, for the first time when I served the subpoens and he said that is name is willard.
Q.-Yet you swore that you served

s not for him because his name is rd. —Yet you swore that you served aper on William H. Berry. —That is the name I have always n him by. I swear that I served it the deputy minister of lands and tof this province. —You are the political agent of Mr. II are you not? —I always supported Mr. Carvell. —Do you remember an occasion you were accused of taking a out of a Carleton County court

d you take the Bible? was some laughter and M marked "That will do, you nee

wer." Carvell-But that is not en

Continued on page 6).