HON. J. B. M. BAXTER'S ADDRESS IN THE CURRIE CASE

AN ABLE ARGUMENT WHICH SHOWS THAT PROVINCE LOST MONEY THROUGH THE ACTION OF WILLIAM CURRIE

No Doubt That Continental Lumber Company, of Which Currie Is Manager, Cut Much More Lumber on Crown Lands of Province Than the Quantity on Which They Paid Stumpage—Currie Profited By System Which He Claims He Condemned—Some Evidence of a Remarkable Character—Mr. Copp's Effort To Involve Hon. Arthur Culligan—Mr. Baxter Pays Merited Tribute To Commissioner Friel.

The address of Hon. J. B. M. Baxter, K. C., in the Currie hearing before Mr. Commissioner Friel in Moncton on Thursday evening was an eloquent and forceful summing up of the evidence adduced and the conclusion to be drawn from it. Mr. Baxter had no difficulty in demolishing the flimsy structure of defence erected on behalf of Mr. Currie by A. T. LeBlanc. He showed that aside from the evidence of Scaler Murchie, the Continental Lumber Company's own record of the logging operations showed a cut of 7,934,025 superficial feet of lumber on which at the stumpage rate, the company of which Mr. Currie was manager should have paid to the province $10,472.89. Instead of paying its just dues the company paid on the return submitted to the Crown Lands department by Mr. Murchie after his conversation with Mr. Currie and this showed a cut of 4,488,000 feet the stumpage on which amounted to $6,006.30. This was the amount the company paid and the province actually lost $4,466.59 through the action of the man charged.

Premier Took No Action.

In opening Hon. Mr. Baxter first referred to the manner in which the charges had been laid. They had been openly made before the Legislature and there had been no attempt at evasion. The insinuation which had appeared in certain newspapers that an effort had been made to trade the charges off with the government was absolutely without foundation. No such effort had been made. Before the charges were publicly made in the house the premier had been given a copy of the affidavit on which they were based but his only action was to secure from Mr. Currie a counter affidavit containing a general denial and a statement from Daniel Richards that he had not Currie had settled the Continental Lumber Company's stumpage with Murchie. As laid in the house the charges did not differ in one iota from the form in which they were first submitted to the premier and on which the premier took no action except to secure the statement from Currie. If Currie's statement was sufficient to justify the premier's failure to act on the affidavit it was also sufficient to prevent the issuance of the commission to investigate. The premier, he contended, should have acted in the matter when he first saw the affidavit and not have waited until formal charges were laid in the Legislature.

Two Classes of Charges.

Continuing Mr. Baxter said the charges were divided into two classes, the first of which was based on Currie's own conversation with Murchie in which Murchie swore Currie said that Murchie should not make his report of the Continental cut too high, should not make it for more than 4,500,000 feet and that he (Currie) would look after him (Murchie) so that the government would not make trouble for him. Murchie swore that Currie told him that if he made the reduction he would have nothing to fear. As a result of the conversation between Murchie and Currie it is alleged in the charges that the stumpage statement of the cut of the Continental Company was reduced from 6,780,582 feet to 4,615,562 feet or a reduction of 2,165,290 feet.

The other charge was that Currie had caused stumpage to be paid to the province on the reduced statement, well knowing that it was not a proper statement of the company's operations in 1916-17 and thereby defrauded the province of a portion of its revenue.

Lapointe's Evidence.

The first part of the charges depended upon the evidence of Joseph Lapointe and Archibald Murchie on the one side and William Currie and Daniel Richards on the other. No exception could possibly be taken to the evidence of the witness Lapointe. He accompanied Murchie to the Currie office at Charlo. He had no interest in the matter and was not informed beforehand of the object of Murchie's visit. Lapointe swore that when Murchie got to the Currie office he said to Currie that he had come to make some settlement in regard to the stumpage after which Currie took Murchie into another room the door of which was closed. Lapointe swore that Currie and Murchie were in that office together for twenty minutes or a half an hour. It might have been a shorter time but as near as witness could judge was twenty minutes or half an hour.

Currie's Version.

Currie's version of the visit of Murchie is found first on page 334 of the evidence. Currie said that when Murchie came in the office "I was filled with wonder as to what took him there. He came in and sat down and commenced talking about the scale. I said, 'Mr. Richards told me you and he settled the scale.' He got out a pencil and commenced to figure and I said, 'just do the best you can so long as you don't do anything that is wrong.' When going out Currie said he put his hand on Murchie's shoulder and said 'Ack, don't get yourself in trouble to please anybody. Ack, I'm going to give you a tip, don't get yourself in trouble to please anybody'."

Later on Currie said he thought it was the night he and Murchie had the row on the train that Richards told him he had settled the stumpage with Murchie at between 4½ and 5 million feet. It was in February.

On page 343 he said: "It was perhaps a week afater Murchie had seen Richards. It was before the election."

On page 347. "That settlement was made to his knowledge, before the operations for the season were finished."

On page 349. "It was some time after Richards told him of the settlement that Murchie and Lapointe came to the office. Currie does not think Murchie said before he went into the inner office that he wanted to speak to him about the lumber scale or words to that effect but would not swear that he did not."

Currie claims that Murchie made no suggestion of an alteration in the lumber cut or scale and that his advice not to get in trouble was just general advice. This, Mr. Baxter thought was a most remarkable statement and one the commissioner could hardly be expected to accept. When asked if Murchie suggested that he should pull the stumpage down Currie replied that he was unable to remember that he did. It was most peculiar that his memory should be so faulty on an important point when he clearly recollected matters of minor importance occurring in connection with the affair. It was also very strange that Currie could not give a good reason for his advice to Murchie not to get himself into trouble.

Peculiar Evidence.

Mr. Baxter then quoted from the evidence of Currie as follows:

At page 364:

Q. Was there anything in the conversation between you that would call for your giving him a tip not to get himself into trouble to please anybody?

A.—There was this, I never liked the system, and I never in my life——

Q.—You were not discussing the system?

A.—We had discussed it.

Q.—I ask you plainly, was there anything in the conversation between you and Murchie on that occasion that called for the remark that you were going to give him a tip not to get himself into trouble to please anybody?

A.—The only thing, I knew the general system.

Q.—Was there anything in that conversation that called for that remark?

A.—No, not in that particular conversation, only in a general way. The whole lumbermen were sick of the system.

Again at page 365:

Q.—Any of these things that Murchie says would seem to be to the ordinary mind, very good reasons for giving a man the warning, "don't get yourself in trouble." You say you cannot point out anything to me in the conversation that would afford a reason for making that remark to him?

A.—Not particularly, only in a general sense.

Q.—You cannot name one blessed thing in the conversation that would be a reason for making that remark?

A.—Nothing particular, only in a general sense. We were condemning the system.

Q.—You and Murchie had been condemning the system?

A.—Mr. LeBlanc and myself. We were looking forward to a new system.

Also at page 366 in answer to Mr. LeBlanc's question:

"What was Murchie telling you? You knew he was just making his final return?"

A.—Yes, he told me he was.

This was a confession that Currie knew that at the time of Murchie's conversation he was making his final return.

Mr. LeBlanc.—"Mr. Currie does not go to confession."

Mr. Baxter—"Well he ought to."

Mr. Baxter continuing contended that Murchie's version of the conversation with Currie on the train agreed well with Currie's report of it. When Murchie talked with Richards it was at the time when he was about to put in his estimate but not his final return, whereas the conversation with Currie was held when the final return on which stumpage would be paid was in preparation.

Mr. Baxter claimed that Mr. LeBlanc's attempt to whittle down the cut of the Continental Company, had not been successful. That company cut almost 8,000,000 feet of lumber, as shown by Purvis' own statement of the settlement with their loggers.

Currie Knew of the Cut.

Mr. Baxter also argued that when Currie talked with Murchie he was well informed as to the cut of his company, although the operations had not been finished. On this point he said Currie had the knowledge, or the means of knowledge, in his possession. He knew what he expected to get out as the season's operations, and he could tell at any time by simply referring to the log book what had been scaled or estimated by his scaler, Purves.

"More than that he made settlements upon the figures given by this very log book as was shown by the testimony of Henry Diotte, who swore that he settled with Currie himself in the presence of and with the assistance of Mr. Allen, the bookkeeper."

Continuing, Mr. Baxter said: "Now Currie says he was opposed to the system which had prevailed. Possibly so yet Richards swears he told Currie of the settlement which he claims to have made with Murchie. Murchie denies that there was such a settlement but whether there was or not Currie, before his election, knew, or claims to have known, that a settlement had been made between Murchie and Currie, a settlement unauthorized by law and not based upon the actual cut.

"When Murchie and Currie talked Currie knew, or could have known, within 100,000 feet of what the company had actually got out. If there was no suggestion of wrong doing why did he give the advice to Murchie which he says he did? If these subjects were not being discussed at all why did Currie refer to the cut on private lands? With reference to this he either lied or was badly mixed up because in his testimony he mentions the name of Adelare Melanson and says there were other operators. He also gives the figures of Melanson's cut but later on takes it back and says he did not know the amount of Melanson's cut at the time. Seeing the difficulty into which he has got himself by admitting that this formed a part of the conversation with Murchie, he tries to get out of it by calling it a bagatelle. Bagatelle or not, why was it discussed between them?

Currie's Own Story.

"We are not here relying on Murchie's testimony. This is Currie's own evidence. The remarkable fact which concurs with this testimony and throws a great deal of light upon it is found that the Continental Lumber Company had cut over 500,000 feet on granted lands from farmers. This is Murchie's entry on the final return. Explain his previous estimate which exceeded the amount of the final return. It seems very significant that Currie should admit that he mentioned Adelare Melanson to Murchie during this important conversation in connection with the subject of part of the cut being on granted lands, and that these should not be included in the return. **If Currie really believed that the amount of the cut had been settled between Richards and Murchie, why was it necessary for him to go into this detail concerning private land?** If the figure had been settled did he expect to have it changed? This would hardly be consistent with the theory which he now sets up that the whole thing was done by Richards and he took no part in it. On the other hand, if he did not consider that the adjustment had really been made or had been finally made between Richards and Murchie the discussion of just such elements would be very material.

"It is quite evident that Murchie used material of this character as a reason for reducing his estimate. At all events by the month of August Currie knew what the cut was or else he blindly kept from knowing. It was not then too late for him to be honest and to avoid so far as he was concerned the pernicious consequences of the system which he hypocritically affects to despise and deplore. But what does he do? With full knowledge that the company's cut was at least 7,934,025 what bills should he have expected from the government?

Purves' Estimate.

"Take Purves' estimate which is undoubtedly favorable to the company. He estimates 20 per cent. of spruce and pine, 20 per cent. of cedar and 60 per cent. of fir in the cut. Applying these percentages to the total taken from his own books we have:

"Spruce and pine, 1,586,805 ft. at $1.50—$2,380.20.

"Fir, 4,760,415 ft. at $1.20, $5,712.49.

"Cedar, 1,586,805 ft. at $1.50, $2,380.20.

"Total, 7,934,025 ft.—$10,472.89.

"But what Currie actually paid is this:

"Spruce and pine, 1,022,000 ft. at $1.50—$1,533.00.

"Fir, 2,419,000 ft. at $1.20—$2,902.80.

"Cedar, 1,047,000 ft. at $1.50—$1 570.50.

"Total, 4,488,000 feet—$6,006.30.

"And the province lost $4,466.59 by the man who protested against the system. Of this $4,466.59 he as owner of 12-100 of the company's stock profits directly to the amount of $535.99 or more money than he draws for abusing and dishonoring the position of speaker of the House of Assembly.

"But he tries to escape. He says the logs will not saw out. That is not the test. Stumpage is based upon the scale, not the product of the saw mill, Loggie says that clearly. Log scale governs irrespective of whether the logs will saw out to contents or not."

Compliments Commissioner.

In conclusion Mr. Baxter asked the commissioner to find that the charges had been proven and complimented the commissioner upon the fair manner in which the investigation had been conducted. Mr. Friel, he said, had been most impartial and fair and he was glad to have this opportunity of paying this tribute to him.

Mr. Copp's Conduct.

As to the conduct of the government counsel, Mr. Copp, Mr. Baxter said:

The government of thet province of New Brunswick has been represented on this inquiry by my friend Mr. Copp. I have already had occasion to comment upon the fact that at certain times during the conduct of the investigation he received his suggestions directly from the accused, Currie. A very peculiar position, I thought, for the government counsel to occupy. I regret that I am not able to say that in my opinion the government has done no service to the province by having itself apparently represented by counsel here. Mr. Copp professes to desire to investigate the system on behalf of the province. It has been brought out in evidence here that there were the following operators in Restigouche county for several years past:—

The Continental Lumber Company.
The Richards Lumber Company.
A. & J. Culligan.
The Louison Lumber Company.
The Shives Lumber Company.
The Dalhousie Lumber Company.
The P. Q. Lumber Company.
The Mowatts.
W. H. Miller Company, Ltd., and
The Sydney Lumber Company.

It certainly calls for remark that out of these ten companies, while the Continental was directly under investigation, so far as Mr. Currie's act involved it, and there was some incidental reference to the Richards Company because the president of that company stated that between his company and the Continental they tried to "get by" as he expressed it, with the stumpage on a particular lot of land, yet those matters were brought out by the prosecution. Of the other eight operators not a question was asked by the government counsel with reference to the system prevailing with regard to any other that Messrs. A. & J. Culligan. It is not necessary for me to suggest that this has been done because of political opposition.

(Continued on page 6)

St. John Retail Merchants'

Bargain Dollar Day

WEDNESDAY, AUGUST 21

Below is a list of the stores which will display the Official Black and Gold Banners

SHOP AT THESE STORES AND SAVE MONEY

CENTRAL

C. & E. Everett, Hats and Furs ..... Charlotte Street
F. W. Daniel & Co., Dry Goods ..... Charlotte Street
F. A. Dykeman & Co., Dry Goods ..... Charlotte Street
J. & J. Manson, Millinery and Dry Goods, Charlotte Street
Hunt's Clothing Store, Men's Outfitters .. Charlotte Street
Emerson & Fisher, Hardware ..... Germain Street
Francis & Vaughan, Boots and Shoes ..... King Street
Miss Kate Hennessey, Hair Goods and Switches, Charlotte Street
Marr Millinery Co., Millinery ..... Charlotte Street
Macaulay Bros., Dry Goods ..... King Street
D. Magee Sons, Hats and Furs ..... King Street
Waterbury & Rising, Boots and Shoes ..... King Street
Scovil Bros., Ltd., (Oak Hall), Ladies' Wear and Men's Furnishings ..... King Street
A. Gilmour, Men's Clothing ..... King Street
W. E. Ward, Men's Furnishings ..... King Street
E. G. Nelson, Books and Stationery ..... King Street
McRobbie's Shoe Co., Boots and Shoes ..... King Street
O. H. Warwick, China and Glassware ..... King Street
P. M. Levine, Boots and Shoes ..... Charlotte Street

CENTRAL

Semi-Ready Store, Men's Clothing ..... King Street
Ross Drug Co., Pure Drugs ..... King Street
H. Mont Jones, Furs ..... King Street
T. McAvity & Sons, Hardware, etc. ..... King Street
J. T. Wilcox, Dry Goods ..... Charlotte Street
American Clothing Store, Men's and Boys' Clothing ..... Charlotte Street
W. H. Thorne & Co., Hardware, Paints etc. .. King Street
W. H. Hayward Co., Ltd., Crockery and Glassware ..... Princess Street
D. Bassen, Dry Goods ..... Charlotte Street
M. C. Hetherington, Notions and Dry Goods Charlotte Street
I. Chester Brown, Dry Goods ..... King Square
A. E. Everett, Furniture ..... Charlotte Street
D. McArthur, Stationery ..... King Street
Frank Skinner, Millinery ..... King Street
King Square Sales Co., Dry Goods ..... King Square

SOUTH END

Daylight Store, Dry Goods ..... Charlotte Street

NORTH END

Waterbury & Rising, Boots and Shoes ..... Main Street
Kominsky & Baig, Ladies' Clothing ..... Main Street
Wasson's Drug Store, Pure Drugs ..... Main Street
F. A. Johnson, Ladies' Clothing ..... Mill Street
Gray's Shoe Store, Boots and Shoes ..... Main Street
J. Marcus, Furniture ..... Mill Street
J. Morgan & Co., Dry Goods ..... Main Street

WEST END

Amdur's Department Store, Complete Furnishers King Street, West
Ideal Shoe Store, Boots and Shoes .... Union Street, West

UNION STREET

Waterbury & Rising, Boots and Shoes ..... Union Street
D. J. Barrett, Stoves, Kitchenware, etc. .... Union Street
M. J. Mulholland, Men's Furnishings .... Waterloo Street
H. N. DeMille, Men's Clothing ..... Union Street
Wiezel's Cash Store, Boots and Shoes ..... Union Street
H. W. King, Hats and Furs ..... Union Street
S. Gilbert, Dry Goods ..... Brussels Street
J. R. Hopkins, Printer ..... Brussels Street
Alex. Lessar, Ladies' Clothing ..... Union Street

A glance in the windows of the Dollar Day Stores will convince you that reduced prices are in order for this one day. Almost every line of merchandise is represented in the Dollar Day Offerings!