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# What Does The Carter-Carvell Crowd Know About "Packed Juries"?

The Story of a Criminal Prosecution Against B. Frank Smith, M.P.P., in Carleton County Where the Desire Was Not to Get Justice, But to Remove a Dangerous Political Opponent—The Affidavit of Frank D. Burpee.

Woodstock, Aug. 4.

To the Editor of The Standard:

Sir—Mr. B. Carter, in his speech in St. John, is reported in the Telegraph as saying: "Relying upon the packed jury system, in connection with the administration of justice under the Government, the Government press can slander and blackmail political opponents without fear of punishment."

This certainly is the blackest and foulest falsehood ever uttered by any public man in this province. It is a falsehood intended to strike at the very vitals of our national life, to destroy the bulwark of protection to the individual, by our jury system. This falsehood was uttered without one single item of fact to support it and made for the express purpose of intimidating future juries who may be called upon to decide libel suits in which this man and his party may be involved. It is simply a diplomatic way of saying to future juries, "You find against us and you will be flayed alive as corrupt and partisan. If a jury dares to find against us it does so at its peril." It's high time a muzzle was put upon this mad man whom the Liberal party has set loose upon decent men in this country. They are carrying their campaign too far. Sentiment is rapidly growing against them. Thinking men are getting disgusted with this sort of thing and these men will soon find there is a mighty tide of public opinion rising that will overwhelm them.

The crimes with which these men are charging the members of the present Government are the crimes of which they themselves are guilty. They cannot understand others being different from themselves. They measure others in their own half-bushel, and by their own measuring rods. Their gang cannot believe other men can be straight. They see graft and rottenness in everything simply because that's their own standard.

When Mr. Carter refers to packed juries he is upon dangerous ground, for this is one of the horrible conditions from which this country was set free by the people in 1908, when the Liberal government was defeated. This statement is borne out by the facts as they came to light after the trial of B. F. Smith of this county upon a charge of stealing lumber from the River St. John in 1907. After the most bitter and vicious prosecution ever carried on in this county, nine of the twelve jurymen said "Not guilty;" three said "Guilty."

The Affidavit of Frank D. Burpee.

As evidence of packing juries, following is the affidavit of one of the jurymen:

"I, Frank D. Burpee, of the Parish of Woodstock, in the County of Carleton, farmer, do solemnly declare:

That I have read over a copy of a declaration alleged to have been made and declared by me on the twenty-second day of July last past, wherein it appears that I stated Albion R. Foster did not attempt to influence me as a jurymen in the trial of the indictment against B. Franklin Smith at the last County Court.

If the original declaration contains this statement, it is an error or a mistake on the part of the person who drew the declaration, as I never intended to make any such declaration, it being directly contrary to the truth.

During the progress of the said trial, the said Albion R. Foster called me into the Grand Jury Room, at the Court House, and began speaking of the enforcement of the Scott Act up river; then he referred to the Smith trial then in progress, saying that some of Smith's witnesses were swearing falsely, that Frank, meaning B. Frank Smith, was guilty all right enough, that the Log Company did not want to prosecute him, but that they wanted to get his name into the newspapers so that he would not steal any more logs. He then spoke about my people being Liberals, and he said a political pull was being made of this trial, that it was running on party lines. I said that politics would make no difference to me as to my conduct as a jurymen, that I would go whatever way it seemed right to me, that no one could coach or pull me over. He wanted me to hang out as a jurymen against Smith.

On the twenty-fifth day of July last, the said Albion R. Foster came to me with a paper which he wanted me to sign, containing a statement that he did not influence me, or attempt to influence me, as a jurymen in the said matter. He told me he was going to get the rest of the jurymen to sign it and wanted me to sign. I told him I could not sign it, as it was, without striking out the clause as to attempting to influence me. He wanted me to sign it and, in order to get my signature, he struck out such statement and I signed it; and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

(Signed) FRANK D. BURPEE.

Declared before me this 1st day of August, A. D. 1907, at the Town of Woodstock, in the County of Carleton and Province of New Brunswick.

(Signed) CHARLES COMBEN,

A Justice of the Peace for Carleton County.

We wish to point out right here that, had a Conservative been found guilty of an act of this nature, he would have been driven, and very properly from the public service and life of the country. His own party would have made it so hot for him that he would have had to retire; but not so with these fellows, who, with an impudence and coolness that is beyond comprehension bluff through the whole matter and assume to preach righteousness, charging other men with their own crimes.

The Facts of The Case.

As time has gone on, there has gradually come out the particulars concerning this case against Mr. Smith, and now the time has come to let them be publicly known. During the spring of 1907 Mr. Smith was away from home a great deal attending to his duties in the Legislature in Fredericton, or looking after his large and widely scattered business in this county. He was operating a mill on the bank of the St. John River near Florenceville.

As a bolt from the blue he was placed under arrest and there was a great flourish of trumpets. The first sensation was the running away of one of the witnesses of the prosecution. This was horrified as an evidence of Smith's guilt, but it so happened that when the day of trial came the witness was on hand. It further developed, during the trial, that the whereabouts of the witness was known, and he was frequently visited by an agent of the prosecution during his absence across the line and came to the trial of his own accord. There was only one inference, the witness had gone away, not at the suggestion of Mr. Smith, but at the suggestion of some friend of the prosecution.

When this witness took the stand and was taken in hand by Mr. Carvell, who was the prosecuting attorney, he told a fine story, but it was very clear to the crowded court room that the story was too well practiced. It was told too easily. When the cross-examination was undertaken by Mr. Hartley it was most pitiable to behold the plight of the witness. Carvell raged like a madman. Every trick known to the profession was tried, but the witness and his story collapsed completely. His memory failed. He could not be sure of anything and almost forgot his own name.

A second witness, who was reported to be able to give important testimony, did not appear, and, though he was in the county he was not called. This witness afterwards told how he was approached by a stranger and asked as an employee of Smith to steal a number of logs from the river, run them through the mill and leave the slabs bearing corporation marks where they could be seen by a detective who would visit the mill. He was offered a generous sum to do this vile job, part to be paid down and balance on delivery of the goods. He took the money offered him as a first payment, but did not carry out his contract. No wonder he was not called.

That Active "Mysterious" Stranger.

Long after the trial it leaked out that a certain party had been engaged by this mysterious stranger to take logs from the river at night and slip them into Smith's boom, hoping that they would be run through in the morning without being noticed by Smith's foreman. A detective was to be on hand to see them as they passed the saw. The logs went into the boom all right, but, fortunately for Mr. Smith, his foreman detected them and, having strict orders from Mr. Smith to be very careful in this particular, they were returned to the river and the two detectives who were sitting on the bank of the river opposite the boom had only the satisfaction of seeing Smith's men push the logs again into the stream.

The question now comes: How much did Mr. Carvell have to do with this diabolical plot to ruin Smith, his opponent, politically? On the face of it he only appears as the innocent prosecuting lawyer, doing his duty. Perhaps that was all. But we would ask the public to remember that Carvell's bosom friend stated this was a political job; that Smith was a dangerous political opponent; that Carvell prosecuted in a spirit of viciousness, bitterness and malice, such as could not be equalled anywhere outside the infernal pit. And when nine of the jury, and they most Liberals, said "Not guilty," the wrath of the Sentinel knew no bounds. Remember these facts and draw your own conclusions.

To the Conservatives of New Brunswick, this is written that you may realize what we have been up against and what we are up against in this county today. For the past fifteen years we have been fighting this sort of a fight, more diabolical and devilish than our brothers across the sea are fighting against the barbarous Hun. And we want to say to our fellow Conservatives throughout the province that there are clear signs that the same sort of devilish tactics are being used throughout the entire province. The Carleton County Grit gang is the inspiration of the whole Grit machine in this province.

Men of the Conservative party, you need look for no quarter in this fight, so give none. Charity and chivalry are wasted on men of the Carter-Carvell type. They cannot spell the words, would not recognize them if they were standing out in letters of fire.

A word concerning B. F. Smith. They have slandered him over this whole province; sufficient answer 's that, where Smith is best known, in his own town, he beats Carvell three to one; in his parish he trims him two to one. Turn these two men out in this county, let them run an election fair and square, without corruption, money or rum, and Smith will trim Carvell one thousand votes.

The Centerville correspondent of The Standard has given us the watch-word, and raised the standard under which all Conservatives and decent men of this country should rally.

Woodstock, N. B., August 4, 1916.

"ANTI-CARVELL."

## PERSONAL.

Miss Florence L. Coleman arrived in the city on Saturday after a pleasant visit to Montreal.

Chief of Police Simpson left yesterday morning for Eastport, where he will make a short visit to a relative of his there.

Misses Genevieve and Alice Dever of St. John were in Halifax on Saturday en route to Chester to spend the remainder of the season with their father, C. B. Dever.

Rev. D. LeBlanc, C. S. C., prefect of discipline at St. Joseph's College, was a visitor at the Bishop's palace on Sunday.

Miss Rose MacAuliffe of 18 Kitchener street left yesterday morning for Sallisbury.

Mrs. John Stuart and two children of Wollaston, Mass., are visiting Mr. P. P. Curran of Paradise Row.

Miss Ray Palmer and Miss Hazel Wilcox of Fredericton, who were the guests of Miss Hazel Callan in Bayswater, have returned home.

Miss Bessie Connell of Bridgetown, Conn., who was visiting her cousin, Miss Ella Cosgrove, Main street, returned on Saturday evening.

Miss Matzie Trites of Hartford, Conn., and Miss Dorothy Trites of Boston, Mass., arrived by boat yesterday morning to spend their holidays with their mother, Mrs. Trites of Elliott row.

Miss Harriet Fish has returned after a visit to her cousin, Mrs. Arthur Stone, Moncton.

Miss Mabel S. Capron of this city returned on Saturday after spending a vacation at Summerdale, P. E. I.

Miss L. M. Hill, King Square, left last evening for Fredericton, where she will spend a week's vacation.

Mrs. William Monahan returned on Saturday, after spending two months in Kings county.

Miss Eva K. Jones returned to the city on the Boston train Saturday evening, after spending several weeks with relatives in McAdam.

Mr. and Mrs. E. C. Cole, Moncton, are the guests of Mr. and Mrs. W. A. Lockhart, Orange street.

Mr. and Mrs. Cannell and son, Marshall of Providence, are making a stay of two weeks at the Cedars.

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Twinkle Blocks, and Motor Boat Supplies.

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## FUNERALS.

The funeral of Mrs. Frank Lynch took place yesterday afternoon from her late residence, Horsfield street, to the Cathedral, where burial services were read by Rev. Miles Howland, and her brother, Father Warnock. Interment was made in the New Catholic cemetery. Relatives acted as pallbearers and the floral offerings were beautiful and numerous.

The funeral of Miss Josephine Woodland Sterling took place yesterday afternoon from her parents' residence, 124 St. James street, West St. John. Services were conducted by Rev. Dr. Kierstead. Interment was made in Cedar Hill cemetery.

## OBITUARY.

Mrs. Jacob Vanwart.

Mrs. Jacob Vanwart of Starret's Landing died on Sunday morning at her home. Mrs. Vanwart had been a widow for some years, and leaves three sons and two daughters, all married except the youngest son, Brydon. Interment will take place at Long Reach today in White's burying ground.

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## GILLETT'S LYE



C. P. R. Inspection.  
General Superintendent H. C. Groat  
of the Atlantic Division of the C. P. R.  
left yesterday morning on a trip of inspection over the northern lines of the division.

## HAY, OATS and FEED

At Lowest Cash Prices

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Head Office Branch Office  
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They seem to like the Sugar we will sell today for CASH

10 lb. bag for 83 cents

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New Potatoes 30 cents a Peck

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