

POOR COPY

The Campbellton Graphic

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JUDGMENT IN FISHERY CASE

Important Case in Dispute Settled by Judgment of Justice Roy of Quebec

Rimouski, April 14, 1917.—Judgment was rendered here a few days ago by Honorable Justice Roy, Judge of the Superior Court, in a case which has attracted a great deal of attention, to wit, that of the Matamajaw Salmon Club vs. Duchaine.

The Matamajaw Salmon Club is located at Causapscal, in the Province of Quebec. Some years ago it purchased certain fishing rights from the Restigouche Salmon Club. The Restigouche Salmon Club had bought most of these fishing rights from Lord Mount Stephen. Two years ago, when the members of the Matamajaw Salmon Club went to fish as usual on the river, they were disturbed by one Duchaine of Causapscal, who claimed the fishing rights opposite one of the most valuable pools on the Matapedia River, known as lot C.

When ordered to move off, he refused to do so, and through his legal Attorney, Mr. Charles Angers, Advocate, of Quebec, he served a protest on the Club, claiming that he had bought lot C, and that as owner of lot C, he owned the fishing rights opposite the same.

As a consequence, the Matamajaw Salmon Club through their Attorney, the Honorable John Hall Kelly, of New Carlisle, entered suit against Duchaine, in order to have him give up possession of that part of the river, and also to have the Court declare that the fishing rights opposite the said lot belonged to the Matamajaw Salmon Club. The Matamajaw Salmon Club produced the title from Lord Mount Stephen to the Restigouche Salmon Club and from the Restigouche Club to itself. In these titles, it is stated that the Restigouche Salmon Club sold to the Matamajaw Salmon Club "the fishing rights opposite lot C," the same description was contained in the deed from Lord Mount Stephen to the Restigouche Salmon Club.

In answer to these titles, Duchaine pleaded that in order to convey fishing rights in a river, it is necessary that a part of the land bordering on the river should also be sold with the fishing rights, otherwise, he claimed that if fishing rights are sold without land, it is only a privilege of use which lasts as long as the party lives, and that at his death, the fishing rights return to the owner of the land. In other words, the owner of the land claimed that a sale of fishing rights alone without any land is for the lifetime of the purchaser, and that in order to convey absolute ownership a piece of land must also be conveyed as is done in all cases.

In support of this claim, many authorities in France and other countries were quoted. In answer to this, the Honorable John Hall Kelly pleaded that when a person sells fishing rights in a river it is not necessary to sell a part of the river bank, that the right to fish in a river is a real right or a right of property, and not only a right of usage which disappears with the life of the party fishing. He also pleaded that when a person sells the fishing rights in a river, he is supposed to sell everything that may be required for the perpetual enjoyment of that right, and if it were necessary to include in a deed the bed of the river or a part of the river bank in order to convey the fishing rights, that when a person sells fishing rights purely and simply, he is supposed to sell everything that is necessary for the exercise of that right.

This case has been before the Courts for quite awhile, and by the judgment handed down last week, the Superior Court at Rimouski decided that the Matamajaw Salmon Club is the owner of the fishing rights in question, and that it is not necessary to convey a part of the river bank or a part of the bed of the river in order to sell the fishing rights opposite a lot. The judgment is a complete gain on

RECEPTION RENDERED TO PTE. JAS. FRASER

Ladies of G. I. A. Hold Pleasant Affair in Murray Hall, Monday Evening

A most dignified reception was tendered to Pte. James Fraser, one of our town's war-time heroes who has returned from the front and a son of one of the members of the Brotherhood by the ladies of the G. I. A. in Murray Hall, Monday evening. The hall, which was very tastefully decorated with the flags of the Allies, among which the Stars and Stripes had been placed, was crowded by those who were invited to do honor to the guest of the evening.

Mrs. Milton Doherty in a very efficient manner acted as presiding officer and announced the various numbers on the programme.

Seats on the platform were provided for all the returned wounded boys of which there were four present. Lt. G. A. Mowat, Pte. Jas. Fraser, Pte. Hill and Gunner Payne.

The following programme was carried out:

1. Selection—By the Orchestra.
11. Reading—By Miss Irma Currie.
111. Duet—By Miss Nelson and Mr. Austin McDonald.
- IV. Vocal Solo—By Miss Jennie Gilker.
- V. Selection—By the Orchestra.
- V1. Vocal Solo—By Miss Lulu Gilker.
- V11. Reading—By Miss Jean Jardine.
- V111. Selection—By the Orchestra.
- IX. Reading—By Miss Irma Currie.
- X. Solo—By Miss Lou Nelson.
- X1. Reading—By Miss Hogan.
- X11. Selection—By the Orchestra.

God Save the King.

After the programme refreshments were served by the ladies and a most pleasant evening brought to a close.

LT. McCORD SPEAKS OF CAMPBELLTON BOYS

Two Irish Boys From Here Who Were True Heroes—How They Died

In an interview published in a St. John paper, Lt. McCord of Sackville speaks of the two O'Keefe boys as follows:

TWO IRISH BOYS.

There were also two Irish boys from Campbellton who crossed with the first draft over the old 12th—the O'Keefe boys, Dan and Arthur. Dan was a great big stalwart chap with a voice like the blast of a pipe organ. He was a real fellow, always full of fun, and with a heart as broad as his face. Dan was one of the few survivors of his company in the heavy fighting of May 8th, 1915. He carried messages back and forth and in those days since the war has developed Dan would have had a dozen or more recommendations. The next day, May 9th, with a few companions he was walking down what we call Railway Avenue at Ypres, when a big shell struck and killed the four of them. O'Keefe was buried near the historical ramparts of Ypres.

"His brother, Arthur, was a tall slender fellow with a blonde moustache. He had the distinction of being the first member of the old 12th to be wounded—receiving quite severe wounds in the neck. He rejoined up again in the winter and was through the heavy fighting, including that of May 8th. Although he had the shock of his brother being killed, he went through the Somme fighting during the fall of 1915 and when bombing was introduced he became an expert bomber, in fact one of the best in the regiment. In January, 1916, he went out with a party loaded with bombs in the night. It was a daring reconnaissance. Later he was carried in with multiple wounds. He was carried to the rear and died in hospital and buried outside of Bailleul, where a cross was erected in his memory. There were never finer soldiers than the O'Keefe boys. They couldn't be beaten.

"Other men from the 12th draft who have been killed in action were Private Jardine of Chatham who fell early in the game, and Joseph Lorette of Sackville. The latter soldier was on a listening post at St. Eloi when they were first established. He received a mortal wound and died in a field ambulance. It was at Dickebusche where he died and he was buried there. Joseph Lorette was a fine athletic fellow, very ambitious and he was much missed by all the boys.

A. A. ANDREW ACQUIT

Deft. Public Works Dept. Opponent By Large Majority—Old Councillors Returned

The civic election held here Tuesday evening resulted in a complete victory for the old councillors. The candidate, A. A. Andrew, who had been elected to the office of councillor for Ward 11, was defeated by a large majority.

The following were the results of the election:

Ward	Candidate	Percentage
Ward 11	A. A. Andrew	10%
Ward 11	W. H. Williams	90%
Ward 11	W. J. McNeil	100%
Ward 11	W. H. Williams	100%
Ward 11	A. A. Andrew	10%
Ward 11	W. H. Williams	90%
Ward 11	W. J. McNeil	100%
Ward 11	W. H. Williams	100%
Ward 11	A. A. Andrew	10%
Ward 11	W. H. Williams	90%
Ward 11	W. J. McNeil	100%
Ward 11	W. H. Williams	100%

For the past two years the district churches had sent delegates to the Boy's Congress at Moncton and St. John and although the boys had returned with much enthusiasm and organization and assistance from the older church members, nothing had been done.

Now Rev. Mr. Buckley of St. Andrew's Hall has made a special study of the boy problem and as an enthusiastic worker in this line of church activities, has taken the matter to heart. At a banquet Monday evening a committee was organized under the leadership of Standard Efficiency Tests.

In order to act the matter over the boys and the men of the church all were invited to attend a banquet given by the ladies of the district churches in St. Andrew's Hall.

Tables were set for over a hundred but extra places had to be provided to accommodate all.

After all had partaken of the refreshments, Rev. Mr. Young, Vice-Chairman, explained the object of the meeting and called upon Rev. Mr. Buckley to address those present.

Mr. Buckley very briefly explained the workings of the Canadian Standard Efficiency Tests, and then the fathers present were asked to give two minutes speeches on the subject.

Finally after discussion it was decided to proceed with the organization and a committee of the pastor and two lay men from each church was chosen to be a Central committee to look after the matter.

If the work is carried out as planned a very interesting time is ahead for the boys of Campbellton and every boy should lose no time in identifying himself with this movement through his church or Sabbath School.

Bicycle Season

Will soon be here. Don't forget the Ivanhoe bicycle and others guaranteed for the season, also complete stock of supplies.

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KAISER RULE AT DALHOUSIE

Will of Electors Defeated by Legal Quibble—Amended Announcement

Dalhousie, April 18.—The civic contest at Dalhousie, Tuesday was a warm one and Mayor Montgomery and his lieutenants left nothing undone to win the election by fair means or foul.

During the day employees of the Dalhousie Lumber Co.'s office worked hard for Montgomery. Ballots containing the names of only the Montgomery ticket were placed in the hands of other employees and it is alleged that they were led up to the ballot box, and the ballot put in. In writing of this matter a Graphic correspondent asks "is this a secret ballot?"

The boys are in France fighting for just such privileges, yet here in Dalhousie, under the Union Jack electors were openly deprived of their franchise. Ninety ballots for Scott and his ticket were rejected for a technical reason, while eleven others were also not counted. "All the electors are asking for 'a square deal'."

The ballots used were printed in the right form, but contained the names of Thos. G. Scott for Mayor and eight men nominated for Aldermen. They were rejected because they did not contain the names of both candidates for Mayor and the sixteen candidates for Aldermen.

The following is the vote as polled:

For Mayor	Count
Wm. S. Montgomery	123
Thos G. Scott	129
For Aldermen	Count
Andrew Barbarie	135
Patrick B. Troy	133
B. J. Chiverton	128
Jos. W. Elaliger	127
Daniel McDonald	127
Dugald G. Stewart	126
Arsene Alain	125

every point for the Matamajaw Salmon Club. It is the first time that a case of this nature has been tried in the Courts of the Province of Quebec.

FATHER-SON BANQUET A GREAT SUCCESS

St. Andrew's Hall Crowded Monday Evening to Hear Rev. Mr. Buckley

For some time it had been evident that Campbellton has not been keeping pace with other towns in respect to the education of our boys of that age.

For the past two years the district churches had sent delegates to the Boy's Congress at Moncton and St. John and although the boys had returned with much enthusiasm and organization and assistance from the older church members, nothing had been done.

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BELEGIUM RELIEF

The Women's Institute wish to thank all those who by their donations helped to make the collection for Belgium Relief, taken on King Albert's birthday, such a splendid success. The amount realized was \$246.00. They also wish to thank those ladies who so kindly assisted in distributing and collecting the envelopes who by their kind co-operation very much helped in the work.

SCARLET FEVER

There are several cases of scarlet fever in town and some houses are quarantined. The attention of our readers is called to Board of Health regulations published on another page.

DEFEATED	Count
William McNeil	129
Alexander Wallace	129
John Barbour	119
Narcisse Doucet, M. D.	118
Edgar R. Giguere	114
Ernie Miller	113
Louis P. Lavoie	112
Philip Robinson	111

Despite these figures the Town Clerk, Tuesday evening declared W. S. Montgomery and his entire ticket elected. But on Wednesday afternoon they evidently repented and by a later declaration, we are informed, W. S. Montgomery and two of his ticket and six of the Scott ticket are declared elected.

The whole matter is being laid before the attorney general and he no doubt will go fully into the matter.

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