

COM. FRIEL'S FINDING IN THE CURRIE CASE

(Continued from page 5.)

operators he did not know about, or supposed omitted mentioning to the department, before he saw Mr. Currie at all. What Murchie calls the reduced statement forwarded the Crown Land Department after his interview with Mr. Currie (Exhibit 9) gives the same operators as his former report (Exhibit 7) except that the name of one small operator with nine hundred and twenty pieces, is omitted. He reduced the quantity but not the number of logs, as a rule, and throw off half million as cut on granted lands, bringing the cut down to a little less than four and a half million, the quantity he had told Mr. Richards he would make it. It is not so that Mr. Currie caused stumpage to be paid by the said Continental Lumber Company, as the said reduced amount, well knowing that it was not the full and proper amount of stumpage and thereby defrauded the province of a portion of its revenue.

It was not on account of anything that happened between Mr. Currie and Murchie that the province was defrauded. Mr. Baxter, however, has no doubt that Murchie would not be believed, contended strongly in his argument that this is a separate charge. It is not, it is the same charge and part of the sentence specifying what is charged and stands or falls to the ground with what precedes it. As founded and worded, the clause refers only to a reduction that Murchie was induced by Mr. Currie to make. There was no scale, but whether there was or not, Mr. Currie was not responsible for any reduction.

Faked Reports.

Murchie's reports to the department were faked up by him. That seems to be the usual thing to do. He is short from 21,000 to 37,000 in the number of logs and from 2,800,000 to 3,500,000 in the quantity. He omitted thirteen operators out of thirty-two. The counter, McKay, had about 70,000 logs more than Murchie, and 44,562 more than the actual number. He had evidently not stopped to add up his guesses. Murchie's pretended correct scale in the affidavit was made up for the purposes of the affidavit, and made up carelessly. He has included one man's cut at 328,000, who had no cut at all. He included another man's cut of 52,000 where the cut was on granted lands, and he still omits nine operators. He is short about one and a half millions in the quantity. Yet he swore in the affidavit and in the investigation that this was the correct scale. These charges were fabricated by Murchie. He had nothing before me to show with what assistance. Politics in Restigouche, the same as in other counties in this Province, are a hard game and it is not unlikely that in fabricating these charges Murchie had the assistance of gentlemen who for years have been doing or permitting and condoning precisely the same things that have been charged against Mr. Currie.

It is only fair to Honorable Mr. Baxter to say that in respect to the matters which Murchie swore to in his affidavit he was imposed on, or it may be that he allowed his personal animosity to Honorable Mr. Currie, especially in his position as Speaker, shade his good judgment. I would have liked to see him throw Murchie and his affidavit overboard before we got to the end of the inquiry.

I find, therefore, that the charges were unfounded and that they are absolutely disproved, and that Honorable Mr. Currie is innocent of the things that Murchie swore against him.

Where Currie Gets It.

The Continental Lumber Company's Stumpage.

I would be pleased indeed, if having made my finding on the charges, I could feel that the business of this Commission ended, but in reporting the evidence taken, as I am required to do, there is something further to be said and that is simply this, that no matter how it was done the province was defrauded out of a substantial sum in the stumpage of this Company, of which Honorable Mr. Currie was the Manager, and that he was in a position to have prevented it, and that outside altogether of the question of business honesty, it was especially his duty as a member of the Legislature, and as actually the Honorable Speaker of the House, to see that the province was not defrauded, at least by his own people, when he could prevent it.

One cannot commend his stand that this matter of stumpage did not call for his consideration, that was not his job, and that signing the cheque was only routine. The itemized statement from the Department was sent to his Company and must have come to his own personal notice. The logging book was in his office. Mr. Purvis was there, who made their scale and settled with the lumbermen. Mr. Currie did not inquire whether this bill was right or wrong. He could not help knowing that the bill was fraudulent and that that year was greatly in excess of what they were billed with. Mr. Currie does not say that he did not know. He says that it was not his business. It surely was his business. He was elected to look after the interests of the province. He was honored by his party which had just got into power on the promises of honest administration, particularly in the Crown Land Department, where the gravest scandals had been discovered and exposed in the administration that had just been defeated. Mr. Currie's counsel says that we should not expect too much in a few months, that we cannot attain our ideals. Politicians are more

subject to ideals when in opposition. It was Mr. Currie's business to take the side of the people against the lumbermen who had been robbing the province, so we are told, for years. Mr. LeBlanc says it was not the fault of the man so much, it was the fault of the system. That may mitigate public opinion, but it is no defence. It is no excuse that all the lumbermen are doing it. It is quite true that the scaler's return and other evidence show that Mr. Currie's political opponent, the member whom he defeated, actually a member of the Government, got the advantage of a reduction in his scale by the same dishonest scaler, and paid the reduced and fraudulent stumpage bill with his cheque, in fact did the very same thing that Mr. Currie has been accused of doing. Doubtless all the Crown lumbermen got dishonest reductions. Doubtless to do so is not considered any great wrong in the part of the country where they operate. It is fortunate for the others that they are not being investigated, and unfortunately for Mr. Currie that he is.

The Province Defrauded.

This Commission is dealing only with his case and the charges in his own evidence, Mr. Richards' evidence, and the evidence of his own books. I have to report that the Continental Lumber Company, through a dishonest scaler, defrauded the Province of a substantial sum for stumpage for the season of 1914-17, and that Honorable Mr. Currie, a member of the House of Assembly, knew what was going on and his action, or rather inaction, in the premises, is to be regretted. I do not think that the element of personal gain, relatively a trifle, had any bearing on his conduct. He simply could not screw up his courage to the point of bucking the "system."

Nothing in LeBlanc's Argument.

Considerable evidence was given towards the end of the hearing to show that the Company's logs did not saw out, and that the mill survey, after allowances, was not so greatly out of proportion to the quantity of which stumpage was paid. It was not convincing, even as to the mill cut, but whether convincing or not, I attach no importance to it. It is irrelevant. The stumpage, \$1.50 per thousand for spruce, pine and cedar,

and \$1.50 per thousand for fir, abnormally low but the government rate was payable on the scale in the woods. As to that scale, I accept Mr. Purvis' figures unreservedly, as the correct quantity upon which stumpage should have been paid. He went into the woods and made the survey and estimate. He is convinced that he did not count any more logs than there actually were. He put down the length of the logs, what each log was and he is satisfied that he did not make any error and that he did not make any mistake in the diameter or blunder in the application of the New Brunswick Log Scale. He swore that what he did was to make a fair and reasonable average, the same as in other years, and the same as other lumbermen have always done in respect to their own scale with their operators.

The "System."

There was considerable reference throughout the hearing to what was called the "System," meaning the way in which the government or the Crown Land Office collected or did not collect the stumpage. The word implies order method or even efficiency, and in this case I think that counsel meant the orderly and methodical way in which the Crown Land Licensees evaded paying Mr. LeBlanc said "It has been in existence for forty years and it is rotten." Honorable Mr. Baxter said that the lumbermen had been stealing from the government for the last twenty years. Other authorities said thirty years, and some forty. Mr. Richards said it was politics and called it a "little game." I do not wish to investigate say now cannot be but superficial. The lumbermen and we are referring here altogether to the Crown Land Licensees, by reason of their money in the employment of labor, have acquired considerable power politically in certain counties of the Province, and where the margin between the contending parties is small they have been able most effectively to use their power.

Lumbermen Scored.

Their reward is in the first place a low rate of stumpage and after that the low reduction possible in the scale. They practically appointed the scale

with them as we have seen. It is not any "little game" to the Province. If we take Mr. Baxter's figures, and I think they are right, the Province is out \$4,000 on the cut of the Continental Lumber Company for the season 1914-17, forty per cent. Mr. Currie pledged his oath and his experience that they paid as much as any other lumbermen. The man who made the settlement paid the government for 20,000,000 on the cut of his principal company. If the settlements were made on a similar basis, and we have no reason to doubt they were, the loss to the Province on the cut of the Richards Lumber Company in the year 1916, valued by the Department at \$5.00 an acre. The return was about one per cent. on that value. We are paying say five per cent. interest on our liabilities and getting one per cent. on our producing assets, and we have no idea how they are doing. It is surely poor business. If it is not too late it would seem better to sell our Crown Lands. If we were able to sell say ten million dollars' worth and invest the money in the Canada War Loans, we would receive a larger revenue than we are getting now from stumpage and millage. We probably ever will get it things continue, and we would have the capital.

Pertinent Suggestions.

Looking at the business from the Crown Land Department end of it, we have an office that is under the control of the political party in power. It is painfully evident that it has not been the object, in any way, of any administration, to secure for the province the full advantage and profit and returns that it should have received from our timber lands, our most valuable asset. It would be a grand thing if administrators would manage the Crown Lands as though they were their own personal possession. One could hardly imagine a person or corporation owning timber lands doing the stumpage in recent years at \$1.50 or \$1.20 a thousand and sending man like Murchie out to do the scaling. The whole scaling business has been a farce. Forms and books are given the scalers and counters, which they are apparently never expected to use. We have it from the deputy minister that a scaler cannot scale more than four or five millions in a season. Many of them have several times that much in their territory. The department recognizes largely a system by averages. The deputy minister says that it is a very bad system, but that they cannot do anything else. He says that there is no check on the scalers and that the department is at their mercy. We were told that the chief of the scaler's duties were to inspect the scalers individually and to see that they were alert, did their work and performed their duties in accordance with instructions from the department, and made their monthly returns from time to time. We have seen how one scaler performed his duty and the chief scaler at Fredericton certified Murchie's final return the day it came in, with absolutely no knowledge as to whether it was true or false. Mr. Baxter said it was purely form and purely face and largely with him. The deputy minister was asked if they ever checked over the lumbermen's books

and he answered: "They are very busy about giving us books, we have them repeatedly to get into the office of lumber people to see the books, but have not succeeded in securing a place."

The lumbermen, or many of them, have refused or neglected, so the minister's report says, to send in sworn reports when asked to do so. This is the way the business has been done. One would hardly call it a system.

The lumbermen, having things all their own way, with low stumpage and scalers to suit themselves, realizing no doubt that such a way of doing business cannot go on forever, have been cutting vast quantities of our timber. Whether they have been cutting more than conditions and natural growth should permit is something for the administration to ascertain. One thing certain is that they have been cutting very much more than they have been paying for.

No Improvement by Change.

It would appear from some of the evidence that the recent raise in stumpage to \$2.50 per thousand is discounted by the new regulation placing it on the actual cut in the mill which is said in cases to be from twenty to twenty-five per cent. lower than the scale in the woods under former regulations. It is said openly that the province is getting an absurdly low rate of stumpage compared with what private owners or corporations are getting or what it is worth, now that lumber prices are so high.

These matters need most careful looking into. In the latest report of the Crown Land Department it is set down that "the present methods of scaling are antiquated and very often not much more than a guess." It is going to commence building up an outside service by utilizing to some extent the forest engineers, and gradually eliminating the objectionable features of the present system. Gradually eliminat-

ing will not sound very objectionable to the lumbermen. So far as this business of the stumpage is concerned, the trouble with the department is that it is inefficient; it has got into a rut; it is not able to cope with the lumbermen.

Counsel for the government in a way invited some suggestion from this commission as to the future control of the Crown lumber lands. The problem is one for business experts, not for amateurs. If I might venture a suggestion, it would be that the Crown lumber lands be taken out of politics with as little delay as possible. I would almost take the liberty to suggest to Your Honor that you call in men of known business ability of both sides of politics; or no side, and presiding over them in committee, make your tenure of office notable by establishing a system of dealing with our Crown lands so that the province will, in the future, receive full value, profit and benefit from that most important asset.

(Sgd.) JAMES FRIEL.

Moncton, N. B., October 1, 1915.

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