

The Standard

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ST. JOHN, N. B., SATURDAY, DECEMBER 9, 1911.

THE CIVIL SERVICE.

A great deal has been said in the newspapers regarding the effect the change of Government would have on the civil service of the country. The general impression, which those journals sought to convey, was that the political executive would be abroad in the land and that scores of disaffected Conservatives would be removed from the civil service, and that the removal of public officials charged with partisanship. The people of Canada have not forgotten that numerous commissioners were appointed by Sir Wilfrid Laurier's Government to investigate charges against Government employees, some of them in the civil service and others outside of it, for what was called at the time "offensive partisanship." The general result following these investigations was the dismissal of the officials, provided the office he held was wanted by a supporter of the new Government.

Just before the adjournment of Parliament this week the question of dismissals from the civil service came up, and during the debate Premier Borden made several important statements, the chief of which was that members of the civil service who had taken no active part in the campaign were secure in their positions. This is a good sound doctrine, which will be upheld by every right thinking Canadian.

The franchise in this country is free and the ballot is secret. The officials of the civil service are not deprived of their right to vote as they wish simply because they hold Government positions. At the same time it is expected that all persons in the employ of the Government will take no part in the active work of the campaign on behalf of either party and if they do it is at the risk of their positions.

During the fifteen years since the Laurier Government has been in power appointments have been made to public office of men whose partisan services should have been set aside to a felon's cell instead of an office of emolument. The number of these, of course, is not large, but they stand out conspicuously. It could hardly be expected that such men would be permitted to hold office after a change of Government and it is to the credit of the Borden Administration that two or three of these gentry have already been sent to the right about. Dealing with the dismissal of Mr. Jackson, whom the Laurier Administration appointed Trade Agent at Leeds, England, the Ottawa Journal says:

"The fact that one of the most disgraceful acts and appointments of the Laurier Government has been undone, early in the history of Mr. Borden's ministry, is excellent omen for the future."

The Conservative Government at first opportunity has recalled Mr. Jackson, Trade Agent at Leeds, and this action will be unanimously commended.

"Jackson was solicitor for the petitioners in the election trial in South Oxford, following the Ontario general election in 1902. Donald Sutherland, the present Federal member for South Oxford, had carried the riding as Conservative candidate for the Legislature by a majority of 150, and an effort was made to unseat him. Jackson was charged in the Commons with subornation of perjury, and at the trial evidence was given to the effect that he had offered large sums of money for testimony to unseat Mr. Sutherland. One man who was this offered money to testify against Mr. Sutherland had, however, taken the precaution to have witnesses within hearing to tell the story at the trial."

"Later, when the case was in the courts, Judge Street, one of the two election judges, declared that the proceedings of Jackson were 'improper and reprehensible,' and that in all his experience he had known nothing like them. In speaking of Jackson's behavior, Sir Richard Cartwright said in the debate that 'his zeal had outrun his discretion,' and Mr. R. L. Borden, then leader of the Opposition, denounced the damnable doctrine so unflinchingly avowed."

"Crime, committed for political purposes is no longer a guarantee of a Government preference. Jackson and his like will no longer be allowed to disgrace the Canadian service."

Notwithstanding his record, Mr. Jackson has his defenders in the Liberal press, and no doubt his dismissal will be described as a partisan act by some Liberal newspaper when it is thought that his career has been forgotten.

THE ONTARIO CAMPAIGN.

The last week of the Ontario Provincial elections campaign has developed greater interest than was previously displayed. The reelection of Sir James Whitney has always been regarded as certain and it is now claimed that his support in the House, after the election, will be as great as it was before—there were only eighteen Liberals in the last House. The new Liberal leader, Mr. Rowell, has not proved a success in attracting candidates to his banner, or in stemming the tide which has been flowing against Liberalism, since Sir Wilfrid Laurier adopted reciprocity as the leading plank in the Liberal platform. The Toronto News discussing the campaign after nomination day says:

"It is clear that Mr. Rowell and his nondescript platform have failed to galvanize a bankrupt and moribund Liberalism into fresh life. It is doubtful if any Opposition in this Province has ever made a worse start on nomination day, or entered the race more seriously handicapped. Many of its entries have failed to face the rope. As a consequence no fewer than seventeen of Sir James Whitney's candidates were elected by acclamation. That is a remarkable beginning in a Legislature of 106 members."

"More than that! The Opposition has been unable to produce candidates in a number of other constituencies. Independents are running in six constituencies and straight Liberal contestants are wanting in twenty-three. It is known that many of the Rowell candidates entered the field only under the greatest pressure, and some of them may be expected to drop out before polling day. From present indications the treasury benches will be at least as strong as ever for four years to come. It will be surprising if the Liberals hold more seats in the new House than they did in the old—that is to say eighteen."

"A notable feature of the nomination proceedings was the return of four Cabinet Ministers by acclamation—Mr. Beak, Mr. Henry, Mr. Duff and Mr. Matheson."

THE McNAMARA TRIAL.

It is not often that a judge presiding over a criminal trial finds it necessary to make a public statement explaining his decision. The McNamara case at St. John has developed many features that are new to criminal jurisprudence, and other new things that are entirely apart from the ordinary administration of the law. The trial, if such it may be called, was the worst example of the law's delay and the abuse of the jury system that has ever been witnessed on this continent. For practically two solid months the court was engaged day after day trying out the qualifications of men, summoned as jurors, to occupy a place in the panel, which was still incomplete when the case was ended by the confession of the accused.

Immediately following this confession different persons made statements alleging that it was through their influence and exertions that J. R. McNamara decided to change his plea of "not guilty" to "guilty." Among those who sought to obtain notoriety in connection with the settlement of the case through McNamara's plea of guilty, was Lincoln Steffens, a gentleman whose name is familiar to magazine readers, as the writer of sensational stories of the misdeeds of a certain class of politicians. Mr. Steffens has been at St. John for some time on the lookout for "copy," and it is to correct some statements of his, appearing in a local newspaper, that Judge Bordenwell thought it necessary to make a formal statement to everything in the McNamara case save the facts and the law applicable thereto. I deem it due to the court and to this community that I should make a brief public statement regarding the circumstances attending the abrupt close of these cases, together with sufficient comment to indicate my views as to such circumstances. This is done in the hope of correcting, if possible, some misconception due to erroneous publications and particularly to an article which appeared in a local newspaper on the 2nd instant over the signature of Lincoln Steffens.

"In spite of indifference to everything in the McNamara case save the facts and the law applicable thereto, I deem it due to the court and to this community that I should make a brief public statement regarding the circumstances attending the abrupt close of these cases, together with sufficient comment to indicate my views as to such circumstances. This is done in the hope of correcting, if possible, some misconception due to erroneous publications and particularly to an article which appeared in a local newspaper on the 2nd instant over the signature of Lincoln Steffens."

"The termination of the case was due to the efforts of him and other outsiders who undertook to influence the officers of the court—other than the judge—is without justification in fact."

"I also wish to denounce the claims of that gentleman and other persons for him, that the change of plea of 'not guilty' to 'guilty' was due to his efforts, as groundless and untrue. He is correct in the statement that the court was not a party to any negotiations for what he terms a 'compromise' of these cases, but there is no ground for his claim that he induced the prosecution to come to an agreement in the matter. The District Attorney acted entirely without regard to Mr. Steffens and on lines decided upon before the latter appeared on the scene."

The Judge also adds that "the District Attorney could have had James B. McNamara's plea of guilty long ago if he had been willing to dismiss the cases against his brother, but he refused, insisting that the latter was guilty and should suffer punishment." Jas. B. McNamara first offered to plead guilty on condition that he should not be sentenced to death and that his brother should be permitted to go free. This was refused. He then offered to plead guilty and be sentenced to death if his brother was allowed to go free. This was refused. It was only when the attempt to bribe the jury by friends of the McNamaras was discovered and in making these pleas they unreservedly threw themselves on the mercy of the court. On this subject the Judge says:

"Upon the entries of the pleas of 'guilty' both defendants placed themselves upon the mercy of the court, and the responsibility—sole and undivided—devolved upon the court to determine the punishment. That some mitigation of the extreme penalties demanded by the outraged law might be expected in consequence of the change of the pleas in these cases is in accordance with the principle commonly accepted in the administration of criminal jurisprudence."

"That expectation has not been disappointed in these cases. At the same time the duty of the court in fixing the penalties of these cases would have been unperformed had it been away in any degree by the hypothetical policy favored by Mr. Steffens (who, by the way, is a professed anarchist), that the judgment of the court should be directed to the mitigation of the penalty in the controversy between capital and labor."

"The lesson taught by the cases is that the law must be rigorously enforced against all offenders—whether they be rich or poor, high or low, capitalists or laborers—and that only by obedience to the law can society be maintained or its blessings enjoyed."

Detective W. J. Burns, who brought about the arrest of the McNamaras, has reiterated his statement that Mr. Gompers "knew at the time the first plea of structural iron work was dynamited, back in 1906, who was responsible for it." This is a most serious charge and one which Mr. Gompers cannot permit to go unanswered. The only reply he has yet made is an absolute denial with the addition that "if ever I am called upon to defend any charges that I have knowledge of the McNamara case, or any of these cases, I shall not be afraid to answer." To fully satisfy public opinion Mr. Gompers will have to go much further than this.

The Canadian Club at Calgary has decided to entertain at a banquet the farmers who outdistanced all competitors in their exhibits of wheat at a recent exhibition in New York. This is as it should be. Too much honor cannot be done to men who bring honor to their country in such a competition as was won by the Western farmers at New York when Canadian wheat was pronounced the best grown in the world.

Current Comment

(Ottawa Journal.)

Ex-Sultan Abdul has parted with all his wives' jewelry. It is good betting that the indignant ladies of the harem will now be attaching the popular sobriquet to the name of their liege lord.

(Vancouver World.)

A prominent Toronto business man will go to the penitentiary for causing a woman's death by driving his auto with wilful negligence. Civilization advances slowly, but surely.

(London Advertiser.)

The newest Atlantic liner will have golf links, a cricket field, and a tennis court. A guarantee that every passenger will be in a condition to play cricket, golf and tennis would be a greater attraction.

(Calgary Herald.)

A despatch from Paris states that Sarah Bernhardt, who is now sixty-seven, is beginning to lose her youthful appearance. There is where the ordinary chorus lady has it on the divine Sarah.

(Vancouver Province.)

The policy of benevolent assimilation attributed to Great Britain and Russia towards Persia, means the gradual elimination of that country from the map of Asia.

(New York Journal.)

The woman may be the one who starts the love affair, but nine times in ten it is the man who ends it.

THREE LOST LIVES IN QUEBEC FIRE—FOURTH IS LIKELY TO DIE.

Quebec, Dec. 8.—In a fire which destroyed a three story building on Champlain street shortly after eight o'clock this morning, three persons lost their lives and a fourth is likely to die.

The victims are: Mrs. Thos. Jones, aged 25 years, and her two sons, Charles, aged five, and Alfred, aged four, and still lingering between life and death is Mrs. Jones' two months old infant, who is badly burned about the face.

GERMANY DOES NOT WISH TO HAVE NAVAL SECRETS DISCOVERED.

Lepzig, Saxony, Dec. 8.—Reports which have leaked out regarding the progress of the espionage trial not making place before the Imperial court, in which the English ship broker, Max Schultz, and four German associates, who were arrested at Hamburg on March 18, are accused of attempting to procure information regarding German naval secrets, say that it has been established that Schultz is connected with the general organization of an English information bureau.

The activities of this institution cover all the ship-yards and naval machine work in foreign countries and aim at the discovery of every naval development. Schultz is said, has been forced to admit the most incriminating charges. The sentences will be fixed. It is expected that Schultz and two naval engineers who are among his accomplices will be punished severely.

FOR BETTER TRADE RELATIONS WITH THE WEST INDIES.

Ottawa, Dec. 8.—A reciprocity conference between Canada and the West Indies will in all likelihood take place after the conclusion of the present session of parliament. Such a discussion will be necessary to work out the details of the proposed closer trade connections between the two countries. It is understood that any arrangement arrived at will apply only to commodities in which the countries are not competitors. The betterment of transportation will come in for some attention.

DOES PAPER AND PULP SECTION OF AGREEMENT APPLY?

Washington, Dec. 8.—The House of Representatives, by resolution, called on President Taft today for information as to whether the paper and pulp section of the Canadian Reciprocity bill is now in force and what other nations are demanding the same concessions given to Canada.

The resolution is built here for the reciprocity bill became effective even though the reciprocity agreement was rejected by Canada.

The resolution is drawn by representatives of the paper and pulp industry, and is endorsed by the Ways and Means committee as a means of obtaining full information as to the present operations of the pulp and paper tariff.

ANOTHER BOAT.

To the Editor of The Standard:—An item of news appeared in an evening paper of the 6th inst. re St. John's River suburban service, stating that a company is considering the purchase of a small steamer for the lower river service at the opening of navigation next year, and that a resolution is being here for the above service will likely go on the Fredericton-Gagetown route.

Mr. Editor, permit me to say on behalf of the local musical community, that after being asked by a large number of the people on the lower St. John river, as well as a large number of homes there who have been deprived of a daily service for some time, asked them to put a boat on, and would pledge themselves to give them their trade, have purchased a boat and contracted for the most modern engines and the lumber is being got so as to commence erecting her cabins about the first of March, and she will be ready for the spring business, and will go on the route from Indiantown to Wickham.

W. I. BARTON, 182 Queen Street, City.

IN THE COURTS.

Chancery Division.

The case of the St. John River S. S. Co. vs. the Crystal Stream S. S. Co. in the Chancery division yesterday morning and was continued in the afternoon. Dr. Curry, the president of the plaintiff company, testified in the morning. R. Keltie Jones, vice-president of the company and the purser of the Maudie, testified at the afternoon session. The case will be resumed this morning at 10 o'clock and will be continued until noon when adjournment will be made until 3 p. m. on Monday next.

D. Mullin, K. C., and Dr. L. A. Curry, K. C., appeared for the plaintiff, and M. G. Todd, K. C., and W. A. Irving, K. C., for the Crystal Stream S. S. Co., and J. B. M. Baxter, K. C., and C. H. Ferguson for Mr. Austin.

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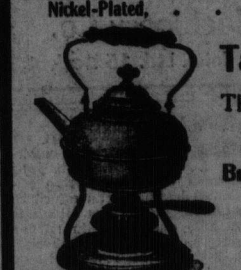


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