

POOR COPY

THE CAMPBELLTON GRAPHIC, CAMPBELLTON, NEW BRUNSWICK, THURSDAY, APRIL 30, 1914.

COUNCILLORS MURCHIE AND LAWLOR FORFEIT SEATS AS REPRESENTATIVES FOR DURHAM

Evidence Taken Proved Conclusively That Bribery and Corruption Were Practised by Conservative Machine in Councillors Election of Last September.

For years we have, after each election, either Municipal, Provincial or Dominion, held in this county of Restigouche, heard serious charges against the "Conservative machine" which operated at these elections in the parish of Durham.

In former Municipal elections no notice was taken of the flagrant violations of the election act and the candidates which received a majority of the votes in the ballot box were declared elected councillors and acted. But last year when, with the assistance of a partisan Parish Clerk a deliberate "frame up" was made to steal the election by refusing to accept the nomination paper of a candidate, although it was proven that said candidate was duly qualified to run, the Liberal party throughout the whole county concluded it was time to take a hand in the matter, and consequently the Protest against the return of John Landry Jr. and Archibald Murchie was filed.

The matter was laid before the meeting of the Municipal Council in January last.

At that meeting a committee upon the choice of whom the two members affected by the Protest sat in their seats and had the presumption to vote, was chosen. This committee composed of W. S. Montgomery, John Dickie and C. A. Alexander at once proceeded to hear the evidence of witnesses, and although Mr. Montgomery, as Chairman was able to shut out some of the evidence, some very startling facts as to how elections are won in Durham were adduced.

One witness under oath swore that Archibald Murchie paid him money and gave him a ticket bearing the names of Murchie and Lawlor, and told him to vote the ticket.

Another witness swore that Mr. Arthur Calligan, the local representative for this county in the Legislature, who was acting as the agent for Messrs. Murchie and Lawlor paid him money and gave him a ticket which he did by taking their money and voting for the other candidates.

Another witness stated on the witness stand that liquor was being freely supplied.

At the investigation in January two days were spent in hearing evidence when it was discovered that the action of the two councillors from Durham in voting on the choice of a tribunal which was to try them made the whole proceedings illegal. The committee was dismissed and a new one composed of Couns. Dickie, Giroux and C. A. Alexander chose.

Then things began to happen. The fine work of Coun. W. S. Montgomery began to make itself manifest.

The two councillors for Durham were prevented under the by-laws from sitting when anything pertaining to this protest was taken up. This left twelve councillors to deal with this matter. Four of these, namely Couns. W. S. Montgomery, of the town of Dalhousie, D. A. Arsenau of Balmoral, Murdoch Firth and E. F. Peters of Eldon absented themselves from the council and did not appear for the remainder of the session, except to get their per diem and mileage checks.

It requires eight councillors to form a quorum of Council. This left just eight to transact the business. Unfortunately one of these was called to Et. John on business and during his absence this protest matter could not be proceeded with, but the two Durham councillors occupied their seats so long as ordinary business was transacted, but vacated them as soon as the protest was taken up.

In this way eight days were required to transact business which could under ordinary circumstances have been transacted in three days, and the county added with this extra expense.

According to the by-laws a session of the council can only last eight days, therefore by obstructing business the manager of this corte thought to relegate the Protest charges to the distant future.

These tactics disgusted all right thinking electors of Durham and the county at large and a demand was made to have the matter investigated to the end.

Four Councillors then signed a requisition for a special session of the Council to deal with this Protest exclusively.

The session was held last week and the evidence and finding of the special committee appointed to investigate the Protest are published herewith.

The Council was called for Wednesday at 10 o'clock. Although the call had been sent to each councillor only seven appeared at the appointed hour, Coun. C. A. Alexander having been delayed. Couns. Firth and Peters of Eldon journeyed to Dalhousie, but after meeting the "boss" they turned about and took the first train to Campbellton enroute to their homes.

Happily there were enough Councillors who could not be so influenced to make a quorum and the investigation proceeded with.

Every step was taken to delay matters. Learned counsel for Messrs. Murchie and Lawlor exhausted every means to prolong the business until

the committee entirely closed down on him and placed a time for him to produce his witnesses which he failed to do.

This concluded the matter and the Council adopted the report of the special committee as published herewith.

Dalhousie, N. B., April 22, 1914.

Meeting of special committee appointed by the County Council of the county of Restigouche to investigate the charges contained in the Protest against the return of Archibald Murchie and John Lawlor, Junior, as councillors for the Parish of Durham.

Present:— John Dickie, Chairman, Louis Giroux, Harvie Gillis.

Mr. A. T. LeBlanc appeared in support of the Protest and Mr. J. P. Byrne appeared for Councillors Murchie and Lawlor.

Mr. Byrne took the following preliminary objections:

That this committee has no jurisdiction to hear this Protest as one of the Councillors who seconded the motion for the appointment of Mr. Gillis is not a legal member of the Council and is therefore not qualified to second the motion or vote at the Council board.

2.—There was no legal quorum present of the County Council, as one of the persons within the Council hall was not or is not a member of the County Council, having forfeited his seat by having been convicted of knowingly committing an offence against the Liquor License Act.

Mr. Byrne asked for subpoenas for the following witnesses:

Mathias Comeau, Esq., Police Magistrate for the Town of Dalhousie; the Assessors for the Parish of Durham, James E. Doyle, Robert Archibald and Frank LaPointe; and James Landry, Joseph Hachey, sworn.

I reside in the parish of Durham, county of Restigouche. Am a labourer, 24 or 25 years of age. I have voted in last two elections previous to the one in September last for county Councillors for the parish of Durham. I remember the election for councillors which took place 2nd September, 1913. I know Archibald Murchie of the parish of Durham. Archibald Murchie did not tell me he was a candidate. I saw Archibald Murchie September 2nd at the lower poll at Jacquet River in the parish of Durham. Was about 12 o'clock noon. He asked me if I was going to help him (Murchie) and John Lawlor by voting for them. I said "Yes".

Mr. Byrne. Object to any evidence from this witness as his name is not mentioned in the Protest as one of the witnesses against Mr. Murchie and Mr. Lawlor.

He, Archibald Murchie, gave me \$2.00 and a ticket to vote and said "vote that ticket". That was about an hour or two from the polling booth.

Voting was then in progress. I did not read it. I could not read. He did not tell me the names on the ticket. I remember going into the polling booth January 1st. I saw Archibald Murchie sitting in the Council room at the Court House last January. He is the man who gave me the \$2.00 in September 2nd, 1913.

Cross-examined by Mr. Byrne. Q.—Did you intend to vote for Lawlor and Murchie. Question objected to and objection sustained.

Questioned by Chairman Dickie: Q.—If there had been no election on that day would Mr. Murchie have given you \$2.00? A.—I don't know. Archibald Murchie did not owe me this money.

I did not vote that ticket. I did not vote at all that day.

To Mr. LeBlanc: Q.—George Harvie gave me liquor that day. He said to help me along. Objected to by Mr. Byrne.

(Signed) JOSEPH HACHEY.

Joseph Dion, sworn that I reside at Nasha Creek in the parish of Durham, county of Restigouche. I know Archibald Murchie and John Lawlor, Junior, Councillors for the parish of Durham. I remember a part of the 2nd day of September, the day of the election. I remember going into the polling booth to vote. Booth was at old building at Jacquet River. It was in the afternoon while voting was in progress. I saw both Lawlor and Murchie. I was talking to them. I think I was talking to Murchie. Talked to Murchie about election.

Q.—Who gave you the liquor. Objected to by Mr. Byrne and objection sustained. I got money \$2.00 from James Landry that day. He said for me to put in my vote.

Question by Chairman Dickie Q.—What was your opinion when this \$2.00 was handed you? A.—I did not know exactly. I do not know of any other money paid by Murchie and Lawlor.

By Mr. LeBlanc. Assessment roll for parish of Durham dated March 20th 1913 and signed by Robert Archibald, Frank LaPointe and James E. Doyle, and also an additional leaf filed August 29th, 1913, and signed by Robert Archibald and James E. Doyle only placed in evidence.

Received in evidence and marked "A". Additional list received in evidence and marked "B". Book shows witness.

The name on page 5 on book "A" in evidence, Joseph Dion is my name. Cross-examined by Mr. Byrne. Q.—You knew that Frank LaPointe was one of the candidates and John Kerr the other? A.—Yes.

I didn't know that they had agents there. I could not swear as a matter of fact that I voted that day.

I do not remember Frank LaPointe or John Kerr asking me to vote for them.

Q.—You will not swear as a matter of fact that neither John Kerr or Frank LaPointe asked you to vote for them? A.—I do not remember.

Q.—Will you swear as a matter of fact that neither Mr. Kerr or Frank LaPointe asked you to vote for them on that day. Objected to and objection sustained. (Signed) JOSEPH DION.

David McGregor sworn. I remember the 2nd day of September last at the election of Councillors for the parish of Durham. I voted for election of councillors for the parish of Durham at the election of September 2nd last. I voted at the upper poll Jacquet River. I think Currie was chairman of poll when I voted. I was talking to Archibald Murchie that day. He asked me to vote for him and Lawlor. I said I had no vote, but he said he would have my name put down. He took me in the poll. I swore to him. I gave evidence before on this investigation. I have lived at Nasha Creek for a number of years. I never spoke to Arthur Calligan before until that day. I knew him to see him. I was not present when Mr. Calligan gave evidence here before. I drink sometimes. I never refuse of use. I did not bother my conscience. Arthur Calligan took three of us into that house. I do not know names of others. I swore to vote and voted. The call book was to tell the truth. I saw them get it. I never took it that day. I know that Arthur Calligan gave them money that day. I could not tell whether it was 1 or 2 dollar bill. I was working at James Reid's for one or two days. I never spoke about this evidence to Mr. Reid.

To Mr. LeBlanc. When Mr. Calligan gave money to two others he gave them a ticket each and said to vote the ticket. (Signed) DAVID MCGREGOR.

Committee adjourns until 10 a. m. Thursday next in the morning.

Dalhousie, N. B., April 23rd, 1914. The committee reassembled at 10 o'clock, a. m., pursuant to adjournment.

Present:— Chairman Dickie, Councillor Giroux, Councillor Gillis, William V. Firlotte, sworn.

I reside at Richardsville in the parish of Dalhousie. Have resided at Richardsville for the past five months. Was formerly a resident of Jacques River, parish of Durham, county of

Restigouche. Mr. Byrne objected to committee proceeding with investigation as Council was not convened. He asked the Warden if he was going to have meeting called and minutes read, and he said that if there were a quorum present. No quorum was present and the Council adjourned until ten o'clock and was never opened. He protested against any further proceedings on the part of this committee until the Council had been opened.

Witness proceeded: I know Archibald Murchie and John Lawlor, Junior, who were running for the election for the parish of Durham in the election for councillors. I was a resident of parish of Durham in September last. Am 42 years old. I have voted in the last two county elections for the parish of Durham. I was born in the parish of Durham but was away for years. Came back three years ago last January. I saw Archibald Murchie who was a candidate in election for county councillors in September last. I saw Archibald Murchie while voting was going on. Saw him at the lower poll. He asked me to vote for him. I said yes I will vote for him if I was paid for my expenses. Murchie said I will see you later on, Mr. Arthur Calligan, the member for the local legislature for Restigouche then came to me and asked me to vote for Murchie and Lawlor. I said certainly I will help you out. He said just leaving the names. He said take that ticket and put it in the envelope and then you go to Jim Landry and he will give you money. He told me to take a ticket in forenoon and Lawlor handed me \$1.00. I still had ticket in my possession. Archibald Murchie the candidate gave me \$1.00 and said this will help you. He asked me to vote for them and also gave me a ticket. I did not see Murchie pay to James Landry pay money to Joe Dion.

(Signed) William E. Firlotte. Frank LaPointe, sworn.

I am county Secretary-Treasurer for the parish of Durham, county of Restigouche. Have been such since I was born. Am 49 years old.

Paper "C" shown witness. I have seen paper before. I remember Monday, the 25th day of August. I had paper in my possession. I went to Mr. Daniel McAllister, Parish Clerk. He gave me the signature of Thomas Hayes and Alex. H. Dickie. I went to his office in Jacquet River, in the parish of Durham. I had paper in my possession. I handed it to him. Was about 1 o'clock in forenoon and he left the paper in my hands. He did not count ballots that had been cast for Frank LaPointe. I saw ballots as they came out of the box. There were about as many ballots for LaPointe as for Kerr.

(Signed) MATT McDONALD. Alex. J. LeBlanc, sworn.

I am county Secretary-Treasurer for the parish of Restigouche. Have been for the past five years. Copy of Return as sent by Parish Clerk, Daniel McAllister to County Secretary, by consent admitted. (Copy)

"The following are the returns for the parish election for the parish of Durham: John Lawlor, Jr. 281 Archibald Murchie 278 John Kerr 222 And have declared John Lawlor Jr. and Archibald Murchie elected.

Daniel McAllister, Parish Clerk. I received the resignation of Frank LaPointe as Assessor for the parish of Durham. It was left at my office on the 23rd day of August last. It is admitted by consent, that the By-laws of the Municipality of Restigouche, being a "By-law to Regulate the Election of Councillors, and to try Contested Elections of Councillors" marked "D" on pages 23, 24, 25, being printed copy of By-laws, also Rules of Order No. 25 on page 3 as follows:— "Every member shall be held in his place touching any charges brought against him as such an any motion respecting his election return, or private or whenever the interest is affected, but shall withdraw before the council proceed therein," and they are hereby admitted in evidence.

Q.—Did Mr. Levesque pay the sum of \$89.80, the amount specified in paper marked "H" J. D. A.—He paid this money to me in the presence of the constable I gave papers to. (Signed) MATHIAS COMEAU. D. G. Stewart, sworn. Paper writing placed in hands of witness, initialed "H" J. D. Q.—Have you ever seen that paper before? A.—Yes. Q.—From whom did you receive that paper? A.—From Police Magistrate of the Town of Dalhousie, Mathias Comeau. The Chairman asks Mr. Byrne if he has any witnesses or any evidence to offer to disprove, meet, or rebut the charges contained in said Protest. Mr. Byrne. Yes I have. I am offering the evidence to meet the charges against Messrs. Murchie and Lawlor. The committee now state that they will not now hear any evidence concerning an alleged charge against Alexis C. Levesque, which matter was taken up since last meeting of County Council as it has no bearing upon the investigation and the committee has not been appointed to investigate the said charges, but only the matter of the Protest against the return of Messrs. Lawlor and Murchie and they again ask Mr. Byrne to produce any relevant evidence to rebut the charges contained in said Protest. (Continued on another page.)

Assessors I had not until the 30th of August prepared such list. Mr. Robt. Archibald was chairman of Assessors. Mr. Doyle told me the week previous to the election. I did not examine the list they were voting on.

Cross examined by Mr. Byrne. I went to Mr. Archibald about the list. He was chairman. I was one of the Assessors. On Thursday of the second week previous to the election Mr. Archibald said to me that he could not spare the time as he was busy laying-making, and said he would prepare list when he had time. I will not swear that he did not tell me that he would let me know when the list was made. On Saturday following he told me that he was going to prepare a list. He told me we would meet Tuesday previous to election and make list. I did not go as I had resigned as Assessor. Paper "C" shown witness.

Yes that is my signature to paper. I signed it in presence of Ebenezer McMillan, Messrs. Thomas Hayes, Alex. Dickie and others were present at same time.

To Mr. LeBlanc: I sent in my resignation as Assessor to Mr. LeBlanc on the 23rd of August. (Signed) FRANK LAPOINTE.

Matthew McDonald, sworn. I am a resident of the parish of Durham. Have been for last five years. I remember 2nd of September last. I was agent for LaPointe at lower poll, Durham. I saw notice containing the names of candidates for councillors for parish of Durham in Restigouche county last. Name of Frank LaPointe was not published on list. Dan McAllister the Parish Clerk was chairman at this poll. I was there when he counted the ballots. He did not count ballots that had been cast for Frank LaPointe. I saw ballots as they came out of the box. There were about as many ballots for LaPointe as for Kerr.

(Signed) JOHN C. McLEAN. Adjoined until 1 o'clock. Reassembled at 1:30 o'clock. Mathias Comeau, sworn.

I am the Police Magistrate for the Town of Dalhousie, and have been acting as such for some time. I know Alexis C. Levesque. Will not swear that he is acting as Councillor.

Mr. Levesque called. That is the gentleman. Paper produced and placed in hands of witness.

Was this information laid before you. Objected to and objection sustained. Did you issue a paper to Mr. Levesque. (Signed) JOHN C. McLEAN.

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Q.—Were you present before Matt. Comeau when Coun. Levesque was being tried for selling liquor contrary to the Liquor License Act.

Objected to by Mr. LeBlanc and objection sustained.

Q.—Did you know as Warden of the County yesterday that Coun. Levesque had been convicted within the space of three months previous to sitting of yesterday of having sold liquor contrary to the provisions of the Liquor License Act.

Objected to and question disallowed.

Q.—Have you not, as Warden of the County discussed with other members of the committee and with other members of this Council or some or one of them what the effect would be of Coun. Levesque having been convicted of selling liquor contrary to the Liquor License Act while a member of the County Council.

Q.—Did not Mayor Montgomery point out to you the Act disqualifying or whereby Coun. Levesque forfeited his seat in the Council having been convicted of an offence under the Liquor License Act.

Objected to by Mr. LeBlanc and objection sustained.

Q.—Did not Coun. Levesque admit to you that he had been fined for selling liquor and did you not of your own knowledge know it.

Objected to and ruled out. (Signed) JOHN C. McLEAN.

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