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TWELVE PAGES—ONE CENT

Flemming Flatly Refuses To Send For W. H. Berry

Carvell Asks Him To Do So But He Says, "I Will Not" Searching Cross Examination Brings Some Remarkable Statements From Man in Highest Position in Province—What He Says on One Point Does Not Agree With Hazen's Statement in Parliament—Did Not Regard Fund Matter as Dishonorable Though Not a Desirable Subject For Newspaper Publicity

In the most positive manner and with some display of heat, Premier Fleming this morning refused to sign a telegram to W. H. Berry, asking him to return to give evidence in support of the testimony the premier had given. Although he said he knew nothing of Mr. Berry's intention to cross the line, even after traveling with him to the border the day before he went, although he said he was in no way instrumental in having him go, and although he said he was not paying him to stay away, Hon. Mr. Fleming would not raise his hand to secure the evidence of the man who is in the best position to affirm his evidence if the evidence is in accord with the facts. It was not a pleasant morning for Mr. Fleming, although it is likely to be one that he will remember for a long time. With great reluctance and only in reply to continued questioning, the premier admitted his conversations with Mr. Berry regarding the collection of the grant fund, and it seemed to be with even more reluctance that he admitted being spoken to by G. C. Cutler and James Robinson with offers to contribute to a fund while they were discussing the amount at which the bonus should be fixed. The premier admitted that he did not get angry at these proposals and did not regard them as insults. He would not swear that he did not know that the fund had been collected and completed before the government gave its official sanction to the fixing of the bonus and the classification, and he maintained that he did not consider it dishonorable to collect this fund from the men whose interests were at stake while the collections were being made. He did say, however, that he supposed he would not want it mentioned in the newspapers. Although he said he regarded it as a legitimate transaction, the premier admitted that he made no public denial at the time the serious charges were laid against him. He said he was sick the next day, but did not remember taking trouble to put him in shape to go to the legislature the next evening to brook the granting of additional aid to the Valley railway. He did not remember that he went because A. R. Gould told him that he had to do so. Although Hon. J. D. Hazen announced in parliament that Mr. Fleming went to New York to see specialists regarding his health after the charges had been made, the witness said this morning that he had never been in New York in his life. While many of Hon. Mr. Fleming's statements this morning were of great interest, even more interest attached to some of the things he did not say, would not say, or could not remember. He will have another chance to testify this afternoon.

When the court opened this morning there was some discussion as to whether or not a sitting should be held on Saturday but it was finally decided that the adjournment would be until Monday. Hon. J. K. Fleming again took the stand and Mr. Teed resumed the examination. He told of the rates of stamperage fixed under the new act, saying that the average cut this would make a difference of about \$75,000 to \$85,000 a year in the revenue of the province. Regarding the fifty-five shares of Maine and N. B. Power Company stock which the premier purchased in February he said he secured them through the Eastern Securities Company paying for them with funds secured through the Bank of Nova Scotia, Fredericton, on his own note and another note with a friend's endorsement. He had since paid off this liability except for a small balance. The twenty-eight shares were sold for with a small amount of cash and a sixty days draft. He thought he paid the stock before the draft came due. Q.—Tell us how Mr. Brankley's name came before you in connection with the lumbermen's fund. A.—It is my recollection that his name was mentioned to me by Mr. Berry who said that Mr. Brankley would be setting for the lumbermen. Q.—We have evidence of your meeting Brankley, Teed and Berry. Tell us about that. A.—It is my recollection that Mr. Teed was with me in my room in the Barker House at Fredericton when Mr. Berry and Mr. Brankley came in. I went out in a few minutes and went

A.—\$205 and \$215 a mile. Q.—The next is Fraser, Ltd., how much did they pay? A.—\$200 a mile, \$185 and \$180. The witness gave some of the other payments ranging both above and below the \$100 mark. J. P. Sutherland, \$20; J. P. Corey, \$20; Farrington's, \$20; W. G. White, \$20; J. A. Corey, \$28; B. E. Johnston, \$20; J. R. Slides, \$20; A. West, \$21; F. W. Sumner, \$27 and \$21; J. McNeil, \$27; A. West, \$20; Sayre & Holy, \$15, \$10; C. G. Baird, \$76; Sayre & Holy, \$14; Fraser, Ltd., \$127; \$180; Sayre & Holy, \$149 and \$141; Fraser, Ltd., \$135, \$200; F. C. Beattie, \$205 and \$210; McKean, \$20; Chas. Woodbury, \$20; David Shanks, \$21 and \$40; J. L. Wire, \$40; S. H. White, \$20; Kent Lumber Co., \$20; N. B. Pulp & Paper Co., \$120; S. J. Hawkes, \$20; Geo. Cook, \$20; J. P. Burchell, \$20; K. Nordin, \$20; A. West, \$165; A. F. Rider, \$20. Com. Fisher—An average of \$112 a mile.

A.—Yes. Mr. Carvell—Where is it situated? A.—In various places. Q.—In the central part which you described as of less value than the northern part of the province you got more than \$100? A.—Yes. Q.—And in the northern part as high as \$400? A.—Yes, and as low as \$20. Q.—Did you get all the land was worth? A.—Yes. Q.—Did you get more than it was worth? A.—I think we got a fair price. Q.—Was the price of \$150 mentioned by you? A.—Perhaps I did. Q.—Where did you mention it to W. H. Berry? A.—I think it likely. Q.—At the moment I recollect having a conversation with Arthur Hillyard, who was interested in the lumber business and it was mentioned either by he or I, the amount of \$150. Q.—Did you mention it to James Robinson. A.—I was talking to him and he said it should not be higher than \$50. Q.—Would you say you did not mention \$150? A.—I could not say. Q.—Did Berry give you his opinion of the rate? A.—That was not his place and I think he did not. Q.—Where did you get your information regarding the value of the lands except from Mr. Berry? A.—There was Col. Loggie who had been there forty years. Mr. Carvell—Col. Loggie said his department had no record of the value of the lands. We can eliminate him. The chairman—Col. Loggie said he had no records upon which the charge could be based. Judge Wells—My recollection is that Col. Loggie referred to Berry's return. Q.—What records were there in the department to assist you in arriving at the proper figure? A.—I don't know that there was any record but Col. Loggie has a very intimate knowledge of the crown lands. Q.—Has it been his duty to travel over these lands? A.—The result of my investigation came to him. Q.—What else had you? A.—The result of Mr. Berry's investigation. Q.—Do you know that Col. Loggie swore that his advice was not asked regarding the fixing of the bonus? A.—I may have asked him of the value of various lands. Q.—But when it came to fixing the rate you had to depend on Mr. Berry. You obtained your information from him? A.—In a considerable measure, yes. Q.—Did he submit a written report? A.—It was my impression that he did when he submitted a classification of the lands. Q.—Would the order-in-council be a reproduction of a report made to you by Mr. Berry? A.—As far as it relates to the location of the lands in A, B, C and D. Q.—And the government fixed the rate? A.—Yes. Q.—Before that report was submitted you discussed with Mr. Berry both \$150 and \$100 as a maximum rate? A.—Yes. Q.—And you told him that the council was divided on the matter? A.—I don't remember. Q.—Will you swear you did not? Q.—My impression would be I did not. Q.—Will you swear that you did not see some members wanted one figure and some at the other? A.—I have no recollection. I don't think I did. Q.—Then will you swear that you did not? A.—After a long pause the witness said he would not swear to it. Q.—After you got the report from Mr. Berry did you make any changes in the classifications before July 10? (Continued on page 7, fifth column)

LOCAL NEWS

CALLS AT OLD STAND Charles H. Marshall of the Fredericton police force is in the city and visited central police station this morning.

PLAYGROUNDS BASEBALL The Gentlemen won from the Allisons in the Playgrounds League yesterday afternoon, 16 to 8. The batteries were—For the winners, McEllan and Thompson; for the losers, Welford and Bridges. H. S. Keph was umpire.

BRAMAN'S CASE John H. Braman, charged with the murder of Frank E. O'Leary, will be brought before Magistrate Ritchie at four o'clock this afternoon when the preliminary examination will be conducted.

NOT SERIOUSLY INJURED The seven year old son of Mr. and Mrs. Stephen Goldworthy of 10 City road, who on Thursday fell from the foot bridge, by good fortune received no injuries except a bad shaking up and a bruise on his forehead. His parents are very grateful to Roy McKinnon for the assistance he rendered to their boy.

DEATH OF W. FRED FLEWELLING W. Fred Flewelling, an aged and respected resident of Clifton, Kings county, died this morning at the age of some two years. Mr. Flewelling was seventy-four years of age and survived by his wife, Mrs. Mary B. Flewelling of Clifton and one daughter, Mrs. H. R. Northrip also of Clifton. The funeral will be held Sunday afternoon at three o'clock.

RACE POSTPONED The motor boat race for the Norton Griffiths Challenge shield, scheduled for this evening, has been postponed on account of the weather and will take place on Friday, July 24, at 6:30 p. m. Some of the starters from out of town are: Flewelling of Clifton and one daughter, Mrs. H. R. Northrip also of Clifton. The funeral will be held Sunday afternoon at three o'clock.

POPE-CLAYTON Many friends in the city will be interested in the marriage of Miss Mary Elizabeth Anne Clayton, daughter of Joseph P. Clayton, superintendent of Pembell, and George Pope, of Boston, which was solemnized at 7 Durham street, last evening at 7:30 o'clock. The ceremony was performed by Rev. Mr. Hatfield, formerly stationed at Beletic. Mr. and Mrs. Pope will reside at 142 St. Botolph street, Bank Bay. Many friends of the bride were present, including her mother, Mrs. J. P. Clayton.

HUSBAND SAYS MRS. BAILEY WILL REFUSE OFFER OF IMMUNITY New York, N. Y., July 17—Awaiting arraignment on indictment of manslaughter, the maximum penalty of which is twenty years imprisonment, Mrs. Florence Carman, accused slayer of Mrs. Louise Bailey, received an offer of a suspended sentence or a fine return for the plea of guilty. According to Dr. Edwin Carman, his wife daily rejected this offer of immunity, and prepared to plead guilty to the indictment. The district attorney announced that he would not oppose the granting of bail, which was ready to say amount up to half a million dollars.

WILL NOT DISCLOSE YET STREET RAILWAY PLANS At the meeting of the common council yesterday afternoon a letter was read from the St. John Railway Company asking permission to extend their tracks from their line at Hayward Square to the C. B. tracks by way of Erin street. When asked about the matter this morning H. M. Hopper said he had no knowledge of any application having been made, for had he known he would have been present at the meeting to have stated definitely the request of the company. Until formal application had been made, he did not care to discuss the objects of the company in connection with the scheme. It was stated in the letter presented, that the company could hardly extend their lines beyond the Municipal Home at Little River unless the concession were granted. It is said that the street railway desires to carry freight on this stretch of their line and that the permission is sought for this purpose.

PLUMBERS HOME Members of the N. B. Society of Domestic, Sanitary and Heating Engineers who were in attendance at the annual meeting of the society in St. Stephen, this week returned home yesterday, well pleased with the success of the convention. The visitors, who were from all parts of the province, were delightfully entertained during their stay. Many matters of interest to the trade and for the betterment of general sanitary conditions throughout the province were discussed, among them the question of the appointment of plumbers inspectors. It was decided to ask the government to appoint no persons to such positions unless they were qualified plumbers. Other matters of importance in sanitation were also dealt with. Officers were elected as follows:—D. J. McDevitt, of Fredericton, president; W. J. Watson, Moncton, vice-president; and E. H. Hurley, of Fredericton, secretary-treasurer.

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WEATHER BULLETIN Issued by authority of the Department of Marine and Fisheries, R. F. Stuart, director of meteorological service. Synopsis—The disturbance which was centered north of Lake Superior yesterday, is now passing eastward across Quebec and the barometer will soon rise over the Great Lakes. The weather has turned much cooler in the western provinces, except near the coast, where thick fog prevails. Clearing. Maritime—Fresh southwest winds, foggy, with local showers, warm inland. Saturday, westerly winds and clearing. New England—Thunder showers this afternoon or tonight; Saturday, fair, with southwest winds.

North Shore Bank Manager Dies While Out Fishing

WASHINGTON SEES PEACE ON THE HORIZON OF MEXICAN POLITICS

Washington, D. C., July 17—Administration officials saw peace looming today on the horizon of Mexican politics. Francisco Carranza's informal statement to the Washington government that he was willing to negotiate with the Federalists, Carranza's announcement that he was willing to negotiate with the Federalists for peaceful transfer of power in Mexico City, was regarded as practical assurance that the era of bloodshed was near an end in the southern republic.

Washington, July 17—The government has received from Francisco Carranza, leader of the Constitutionalists, advice that he intends to retire as provisional president in favor of General Carranza, leader of the Constitutionalists. He asks for general amnesty and protection of property of those who opposed the Constitutionalists. Carranza is willing to negotiate with Carranza relative to transfer of power to Mexico City, was regarded as practical assurance that the era of bloodshed was near an end in the southern republic.

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