THE HERALD.

VOL. V., NO. 19. FREDERICTON, N. B., SATURDAY, APRIL 14, 1894. $1.00 PER YEAR

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Fredericton, May 6th 1893.

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THE QUINN CHARGES.

Verbatim Report of the Investigation Against the Attorney General.

[Continued from last week.]

Phinney—In addition to what I have already claimed, I claim that as a member of the legislature I have a right to appear.

Mr. Stockton—I submit the same.

Mr. Phinney—In addition to claiming that I appear here as a member of the legislature, I may say that I also appear for the reason that it has been stated that the honor and integrity of the legislature as a whole is involved, and so stated by the attorney general.

Mr. Blair—You are so much interested in the honor and integrity of the legislature that you want to establish that the imputation is well founded.

Mr. Powell—I think myself that it is better that one counsel on each side should appear.

Mr. Blair—But I understand that no man is prepared to prosecute the charge against me. There are no two sides to this business. I have been obliged to force this investigation on because no one else is willing to take it up.

Mr. Stockton—I say you are deliberately trying to gag the inquiry, but the conntry will judge of you.

The chairman—I decide that Mr. Quinn, having appeared here as a witness, cannot be represented by counsel. Mr. Quinn is not on trial at this time, and there is no charge against him.

Mr. Phinney—I submit the chairman has no right to decide it. We ought to have the judgment of the committee. I propose to appear here to protect Mr. Quinn, at his request and on his retainer.

The chairman—Mr. Quinn will be fully protected.

Sivewright—Apparently Mr. Phinney appears as a member of the legislature and also as representing Mr. Quinn. Now, under which of these does he interrogate the witness?

Phinney—I submit under both. One is equally as strong as the other, and both are irresistable.

Mr. Sivewright—I have no desire to stifle the inquiry, but it does seem a little strange that two lawyers, one the leader of the opposition and the other an eminent practitioner should think it necessary to come here when no distinct charge is made.

Mr. Tweedie—My view is that it is absurd to say that a witness can come here and say he is represented by counsel. On that principle Miss Mary Quinn may come here with two other counsel. It is unheard of for a witness to appear in a court of law by counsel. Then the question comes up whether a member of the legislature can come in and examine or interrogate or object to questions. I think that is equally absurd.

Stockton—The attorney general appeared in the case of Nadeau and Theriault as counsel.

Tweedie—That was a committee on privileges and I think the attorney general was a member of the committee.

Blair—Yes, I was chairman of the committee.

Tweedie—If the whole forty-one members of the house can examine Mr. Quinn, the inquiry will be illimitable.

Powell—I think one of the gentlemen would be sufficient. I do not care to assume the role of examiner. It is well to preserve judicial forms, and I do not think any member of the committee would wish to examine and cross-examine witnesses.

Pitts—I agree with that. I think one will be sufficient.

Stockton—Then I agree that only one of us (Mr. Phinney) will speak.

Sivewright—Don't you think it would be better that no counsel should appear at all? Don't you think the members of this committee are quite competent to elicit all the facts?

Mr. Powell—I would not care, sitting in a somewhat judical capacity to be obliged to assume the role of an employed lawyer with a brief. I would rather not be placed in that position.

Mr. Tweedie—If Pitts had preferred his charges in the ordinary way and said he would prove them he might appear here by counsel, but to say that every witness who comes here can appear by one or two counsel is an absurdity.

Phinney—I do not claim that at all. But I say that Quinn stands in a different position from the ordinary witness. His veracity and the correctness of his declaration have been impeached.

Blair—That is the case with every witness.

Phinney—No, not necessarily. This inquiry is based upon the solemn declaration of Mr. Quinn read and placed on the table of the house, and upon that it must proceed. Now, Mr. Quinn has a right to counsel in order to protect himself and his position before the country. I do not desire to appear on behalf of any other witness except as I appear for Mr. Quinn.

Tweedie—I wish to place myself right as a member of this committee and not be thought to accede to any such proposition. Mr. Quinn is here simply as a witness. It is not correct to assume that his veracity is impeached any more than that of any other witness who may be summoned. It is true a statutory declaration by Mr. Quinn was read in the house. We are not dealing with that statutory declaration. It was merely the foundation of the resolution upon which the committee was formed. Mr. Quinn was not summoned here to be tried as to whether this declaration is correct or not, but to give evidence as to what he knows about the matter. It is the attorney general who is charged.

Blair—It is my conduct in office that is the subject of this inquiry. Mr. Quinn is a mere pawn on the board. The resolution provides that a committee be appointed "to investigate and determine whether there was or is anything in the conduct of the attorney general in the alleged matter reflecting unfavorably upon him or upon his integrity in office."

Stockton—Suppose you proceed to prove that Mr. Quinn's statement is false (and that was alleged on the floors of the legislature) is that not a matter as to which Mr. Quinn should seek to be protected here?

Blair—He has no more right to be protected here than any other witness. When counsel go into court to try a case each of them seeks to impeach the veracity of the witnesses on the other side, and it is absurd to say that because their veracity is so impeached they ought to appear by counsel. If anything appears on this investigation calculated to show that Mr. Quinn's statement is not correct, we cannot try him for it here; it would have to be somewhere else, and there he could appear by counsel.

Powell—I would move, seconded by Mr. Pitts, that Mr. Phinney having stated that he appears as a member of the legislature, and also as representing Mr. Quinn, that he be allowed to take part as counsel in the proceeding and both to examine and cross-examine witnesses, as the case may be.

Sivewright—I submit that Mr. Phinney's first contention is rather in conflict with the other—that if as a member of the legislature he is desirous to get all the facts, it is strange that he would take a retainer from Mr. Quinn. On those grounds I would vote against it.

Blair—I do not wish any restrictions to be placed upon this investigation and I am willing as the person charged—if any gentleman will stand up and father that charge—to withdraw any objection to his appearing here by counsel.

Pitts—I am perfectly prepared to father that charge as far as the declaration is concerned.

Phinney—I am prepared as a member of the legislature to say here that I took that declaration up to Mr. Quinn and read it over to him and it was signed in my presence.

Tweedie—I will oppose the motion.

(Mr. Powell's motion is lost on the casting vote of the chairman.)

Pitts—As the attorney general has said that if anyone would father the charge he would allow him to be represented by counsel, I therefore will farther the charge so far as it has relation to the declaration, and would ask that Mr. Phinney appear on my behalf.

Blair The declaration contains no charge against me. I want somebody to say that he will father the charge against me.

Pitts Nobody has brought a charge against you. You brought the charge against yourself.

Powell If you are going to foliow strict legal forms there is no prosecutor here and the complaint falls to the ground.

Blair—What you wish is that I should seem to object to having these witnessed examined, so that you could go before the country and say that I did not allow the evidence to be given.

Tweedie—I do not think you should say that to a member of the committee.

Blair—Perhaps not. Under the circumstances I apologize to Mr. Powell.

Pitts—All the interest I have is in seeing that this declaration is properly protected. You can take your own course.

Blair to witness—Did Mr. Pitts tell you that he had got into a hole and you must help him out? No.

Or anything to that effect? No.

That he had a personal feeling in the matter and wanted to follow it up? No.

Will you be good enough to produce the letter referred to in your statutory declaration of October 14th?

(Witness produces letter and envelope, which are put in evidence and marked No.1.)

Have you the letter to which this was a reply? Did you keep a copy of that letter? I don't know that I did. If there is it is among the papers Mr. Stockton has.

Stockton—No, it is not here.

Witness—I had one and I mislaid it.

Have you searched for it? Yes.

Do you say that you cannot find it? Yes, I would say on oath that I cannot find it. If I had it would be here.

Have you got a copy of the letter which you wrote to me after receiving this one? Yes. (Producing copy of letter which is put in evidence and marked No. 2.)

Whose writing is this? Mine.

It is all yours is it? Yes.

It is not signed? No, and the writing is not all mine. Down to the word "due" is all mine.

In whose writing is the rest of it? My son William's.

You state in this letter that Mr. Wilson and Mr. Bellamy had told William that he should or ought to have the appointment? Yes.

What appointment was that? The appointment in Mr. Allen's office—that was what he applied for and the only one.

Do you say that was the only office he applied for? At the time.

He made applications for others before had he not? I know he did afterwards.

Didn't he apply for the refereeship in equity? I cannot tell you. I don't think I know what that is.

Don't you know that he applied to be appointed stamp vendor? Yes, I know that you stated that Wilson and Bellamy had told you that William was to get it—ought to get it.

You remember that do you? Yes.

Was this copy written from the letter you sent, or was this written first and the other written from it. This was written first and the other written from it.

Did you copy the other? Yes.

What did you do with the letter that you copied? Mailed it.

To whom? I addressed it to you.

Will you give me the letter which you state here you received from Mr. Barry.

(Witness produces letter of Jan. 16, 1890, with envelope, which is put in evidence and Marked No. 3.)

Do you remember who handed you this letter? William.

Mr. Powell—What year was it that you received that letter from Barry? I could not tell you the year.

Mr. Blair—Would it be just before or after the election of 1890? I couldn't say which it was.

How long a time elapsed from the time that you wrote me, to which letter you got that reply that you have produced here, before you got this letter from Mr. Barry? I cannot say; I did not keep any record of it.

Had you seen me from the time that you got my letter of October 14th and the time that you got Barry's letter? I couldn't say whether it was after or before I got the letter from Barry that I saw you.

You saw me once? Oh, yes, half a dozen times.

But I am speaking of the occasion when we talked about William getting the office. You could not say whether that was before or after the time you got Mr. Barry's letter? No.

Referring to that conversation with me where did it occur? Well, in two or three different places.

But you referred to one occasion on which you had a conversation with me about William getting the office. You stated that that would be after you got this letter from me of 14th October. Now I ask you where did that conversation occur? In my store.

Who was present? No person but myself.

Where you at the door when I was going by and called me in? No, the door was not open; it was in the winter.

Were you not outside or just at the door? No, I was inside and you opened the door and came in and shook hands with me.

Can you tell me the conversation that occurred? Yes.

What did I say? You said you were going to the country—you had a team at the door and a man in charge of it—and you said when the election was over and things settled down he would have that position.

What position was that? Well, that you had promised him.

But what position was it? Well, in Mr. Allen's office. That was the position we wanted from you at that time.

Was there nobody in the store but you and I at the time? No, it was in the afternoon.

How late in the afternoon? It was after dinner, I know. I could see the horses and man there.

It was light enough to see the horses, but it was along in the afternoon pretty well? Yes.

Didn't I tell you that I felt very well disposed towards Billy and anything I could do for him I would do, but that I could not promise him that office? You did not say it that time. You didn't stay over two minutes. The team was there and you went off.

Do you remember any other conversation that took place before the election at all after the date of this letter of the 14th of October but that one? I had conversations with you at different places, but I cannot say at what time exactly. I know the last conversation before you came to my store was on Carleton street and it was election time—there were a good many people from the country there to see you and I waited till you were done with some parties you were speaking to and then I stepped up. That was between your office and the corner of Queen street.

What did I say then? You said you would do it as soon as you got a chance—you would do it as soon as you could—and you seemed to be angry at me for approaching you that day.

Didn't I tell you that, as far as the position was concerned, Mr. Wetmore had been appointed? You told me he had been appointed temporarily.

Didn't I tell you that Mr. Ketchum, who was the representative for Carleton, had very urgently pressed for Mr. Wetmore's appointment and that he had been appointed? You did not tell me that. You said he was appointed temporarily, and that William should have a place after the election and when things settled down. You spoke about Mr. Ketchum of course.

And told you that he had strongly urged Wetmore's appointment. Yes. Then I met you after that opposite the Royal Gazette office.

What time was that? Some time before the election. You were so busy I could not see you at the office and I met you coming down street opposite the Gazette office, and you gave me an answer that satisfied me that he should have it.

In what period do you range these three interviews? Well, from the vacancy till the election in 1890; I could not tell you the dates.

You could not tell how long it was before the election? No, it might have been a month for all I know.

And those are all the conversations you can recall at the moment? Well, I had a conversation in your office.

When? Before the election. I did not to my knowledge see you after the election at all.

What took place in the office? Well, just about the same thing.

How long was that before the election? I could not tell you.

You couldn't fix the time at all? No.

It might have been a month? Yes, or it might have been six months. Every chance I got I went to see you.

How many conversations would you like to say that you had with me from the time you got this letter from me and the election? Only one.

Mr. Powell—He don't mean to say that

Mr. Blair—Between the time that you got the letter of October 14th from me and the election how many conversations took place? After Mr. Barry's letter I had one conversation, but I cannot say how many after I got your letter.

Do you remember having a conversation with me after you got the letter from Mr. Barry? Yes; in my house.

You will swear to that? Yes, when you were going to the country.

That was after you got the letter from Mr. Barry? No, I don't know whether it was after it or before it.

You could not fix the time of any of these conversations except that they took place between the 14th of October and the election? I couldn't say whether I had two conversations with you after that letter or one.

To be positive you wouldn't like to say you had more than one conversation after the date of that letter from me of October 14th? No, I would not.

And you don't exactly remember when that one conversation was? It was in my store.

When? It was when you were going out canvassing.

Can you fix a date? No, but it was before the election. How long before I could not say.

Then I am correct in saying that you are positive of only one conversation with me after October 14th and before the election? That is all.

The chairman—Do you remember that the house was dissolved at the time Mr. Blair called on you? It was, and the election was on.

Mr. Blair—Then we have got it settled to this point: that you can only be positive of there being one occasion on which you and I had a talk about Willie's appointment between the date of the letter you received from me, and the election? Yes, I would not be positive of more than one conversation after that letter of October, 1889.

Shortly before the election you gave William some money to bring to me you say? Yes.

Can you tell us when that was? I cannot remember it. I suppose the papers would tell.

What papers could you refer to that would tell? That document that I signed my name to—the declaration.

Well, I would like to have you make some statement irrespective of that. You can refer to the same material that assisted you when you made that statement. Can you tell me when it was that you gave him that money? It was after the election.

Mr. Powell—What time would it be as respects Mr. Barry's letter? It was immediately after that. That was calling for it, and of course I gave it to the boy to take it to him or somebody.

Mr. Blair—You were not particular who he took it to? Well, I was of course. He applied for it and I gave it to him with the understanding to give it to him or you.

Mr. Pitts—This $200 was sent in answer to the letter of Mr. Barry? Yes.

Did you give it to William with instructions that he was to give it to Mr. Blair or Mr. Barry? I wanted him to give it to Mr. Blair and get something—

Mr. Blair—Do you swear that you directed him to give it to me? Yes.

How did you come to say a moment ago that you were not particular whether he gave it to me or Mr. Barry? Well, I wanted him to get a voucher for it, and I thought Mr. Blair was the proper person.

When did he return the money? He brought it back a short time after that?

Within how many days? I don't remember.

Do you think he brought it back within a month? It was not that long, I think.

Have you no idea? No.

Mr. Pitts—Did not William bring the money right back to you? He did.

Mr. Blair—Do you swear now that he brought the money right back? I don't know what he did.

Would you swear positively that he brought the money back within a week? I would not.

Would you swear that he told you within a week that he had not paid it over to myself or Mr. Barry? I would not say that.

Can you swear now that William told you inside of a week after you gave him the money that he had not paid it over to Mr. Barry or myself or to anybody? Well, when he couldn't get you to take it, he came back and told me you would not take it.

When was that? It must have been right away.

When will you swear it was? I wouldn't say it was to-day or to-morrow, or when it was.

It might have been a week? No, I wouldn't say that it was.

How soon after you gave it to him are you prepared to swear now that he returned it to you and told you I wouldn't take it? I couldn't swear to any stated time.

You could not swear that it was less than a week? I could not swear that it was less than a week or that it was a week. It was a short time afterwards. Might have been three, or four or five days or a week; I couldn't tell.

Did you get the money back yourself? He brought it back to me.

Whenever it was that he brought it back he handed it over to you. Yes.

How long before you parted with it again was it? It was quite a long time; it was after the election.

Will you swear that he brought it back before the election? No, I won't, because I didn't keep any record of it.

Do you keep a cash-book? No.

Do you keep any book showing what money you receive and what you pay out? No.

Then you have no record whatever that will show the date when this money went out of your hands and when it came back? None.

You have got nothing whatever to go by further than you have stated? No.

Was it $200 that you gave him that day? Yes.

When you parted with the $200 again to whom did you give it? To my son William.

You had not seen Mr. Wilson at all on the subject of the $200—you had no conversation with him up to this time? No, not till after he received it.

You were not present when William paid the money, if he ever did pay it to Mr. Wilson, were you? I was not.

Have you any paper in your possession which would show when William got the $200 from you the second time? I have a paper to show when he gave it to Mr. Wilson.

Will you let me see it? (Witness produces a paper.)

In whose hand-writing is this? My son William's.

Did your son William bring back this paper to you? No.

Then you have not got any paper which you say William brought back to you? No, I returned the original receipt to Wilson when he gave me the note.

When was that? I could not say from memory. (Producing a paper) That is the time I gave the receipt up that I got from Wilson.

What is that paper? It is a copy of a note made by Wilson in favor of Mr. Anderson.

You did not make this copy of the receipt yourself? No, I cannot write that way.

Where was that copy found? In my house. It was written there.

When was it written in your house? This is the date, 13th February 1890.

Do you mean to say this copy was written on that date? It was written some time before I gave up the receipt.

How many months before? I couldn't tell you exactly.

Was it a year before? No, it wouldn't be that length of time.

Then how many months? I could not say.

What do you think the length of time was, using your best memory of it? I could not say.

Might it have been six or nine months before or a year? No, it would not be a year or nine months.

Did you have that copy in your house months before the original was given back? I could not say for I did not charge my memory with it.

Under what circumstances was that copy made? Because I was afraid—I was suspicious—I was afraid of the promises that had been made at different times.

What were you suspicious of? Why, I had so many promises.

What were you suspicious of? That everything was not going right.

You were afraid the office would not be given to William? Yes. And feeling a little suspicious, I kept these things.

But you had the original receipt—why did you want the copy? Yes, but I had to give it up.

But did you not have to give it up till the money was secure, did you? No.

How did the doubts that you felt about his getting the office lead you to take a copy of the paper which you had retained in your possession, and which you would not give up till you were secured or paid the money? Well, we had been promised so often that there was no stability about it I thought, and he had better have something sure to show.

And you thought a copy would show better than the original? I did not have the original when I gave it up.

But at the time you gave up the original you had the money secured by a note? Yes.

And you had given up any expectation of getting Mr. Wetmore's office when you gave up the receipt, hadn't you? Yes, I had given it up by that time.

After you gave up the receipt and got the endorsed note you had no more hope of getting the office? No.

Then why did you think it necessary to keep or preserve a copy of that paper? Because I was afraid of the parties and my son was afraid.

Afraid of what? Afraid of the promises not being fulfilled.

But you could not expect it to be fulfilled after you gave up the original receipt? This was before the original was given up.

Then it must have been made some time before the original was given up? Yes.

Were you afraid that the original was going to be taken from you by force? No.

You knew you could not be compelled to give it up till you were ready? No.

Then why did you keep a copy of a paper when you had the original in your hands? Well, just the same as I kept copies of other papers.

Mr. Powell—At this time you would have the original and the copy. Why did you preserve both? Because the original was to be given up.

Mr. Blair—But it was not to be given up until either you had got the office or the money was paid or secured? No.

Then you would have no further interest in it? I wanted to have a copy of it.

For what purpose? Well, it was before I got the money that that the copy was made.

Why did you want to keep it? Well, it was before I got the money that the copy was made.

Why did you want to keep it? Well, I was afraid of the promises made and not fulfilled, and so was William.

Is that the only explanation you have to offer? I have no other.

Do you make a copy of every paper or every note you happen to get from anybody? No.

Did you ever make a copy of any receipt or evidence that anybody owed you before? Yes.

If I were to borrow $1000 of you and give you a note for it would you make a copy of the note? No, because I would have the note to show.

Well, you had the receipt to show in this case, hadn't you? Yes.

Then as long as you had the receipt you did not want any copy? No.

But you made this copy months before you gave it up, didn't you? Yes.

Do you mean to say that you remember when that copy was made? I told you I did not.

Do you remember the occasion when that copy was made? It was made in my store for the purpose of having a copy of the agreement.

And you had the original in your possession? Yes.

And would keep it until you got either the office or a return of your money? Yes.

Did you see William make the copy? Yes.

Who else was present when he made it? My daughter.

Did you compare it yourself? Yes, I stood there with him.

You compared it very carefully did you? Yes.

You will swear that is a copy of the receipt that William brought to you? Yes.

Do you say you handed back to Wilson a paper of which this is a copy? Yes.

Will you swear on your solemn oath that that paper is an actual copy in every particular of the paper which you handed back to Wilson? I will.

What time of day was it the copy was made? I cannot tell you that.

Was it Sunday or Monday? It was not Sunday.

(Copy of receipt dated February 13th, 1890, put in evidence and marked No. 4.)

(Copy of note shown) Who made that copy? I could not say?

When was that made? I could not tell you.

Did you have the original note in the hands of Mr. Black? Yes.

Is not this copy in Mr. Black's writing? I cannot say whether it is or not.

You did not make it yourself? No.

Is it in William's handwriting? No.

Or Mary's? No.

Where did you get that copy and when? I could not tell you were I got it.

You would not like to swear that you had that copy in your hands at the same time that you had the original note? No, I would not.

It would not be reasonable to suppose so? No.

It would be altogether unreasonable for you to hold the copy and the original both? I would think so.

Don't you think that copy came into your hands quite lately? Did it not come into your hands within a few weeks? (Not answered.)

Will you swear that is the copy of the note? Well, I cannot read it.

You never compared this with the original note so you cannot tell whether it is an exact copy or not? No.

You did not have this in your hands at the same time that you had the original in your hands? No, I never did.

Tell me when you procured this copy and from whom? I could not tell you.

Have you had it over a week? I did not have it.

Mr. Stockton—I may say I got it from Mr. Quinn.

Mr. Blair—I certainly object to Mr. Stockton making such suggestions to the witness.

Will you swear that you ever saw that paper before to-night? I will not.

(Paper marked for identification No. 5.)

Will you produce a paper here, which you say Mr. Wilson wrote for you as a letter of apology, or something, to me? (Witness produces paper.)

When do you swear that you received this paper, or can you swear anything about it? I swear my son brought it to me.

When? After I got that letter from you.

How long after? Well, it would be a short time after—in order to answer.

Would it be after the money had been given to Wilson the second time and you had got this alleged receipt? I could not say. It was to be an answer to that letter. He sent this to me to write to you on account of your being angry at the money I sent you. This was to modify it.

Who told you that? Why, the thing itself speaks that way.

It was in consequence of the letter you got from me that you got this, was it? Yes; you were angry, and I made it too sharp and stinging, and they wanted me to write this to modify it because I did not state it to you in proper style—it was too rough and this was sent me to copy.

But that would not be in answer to my letter, because you had already written a letter to me in answer to that? Wasn't it after the election that this draft letter was sent to you? Yes, I think the house was in session when it came to me.

Would that be the house that was in session before the election or after? It was after you called on me at my place. It was following the election of 1890.

It was during the session was it? I am not positive, but I think so.

Who handed that to you? My son.

What did you do with it? I never did anything with it. I wouldn't copy it out and send it because I wouldn't come down on what I said. What I said I meant to stick to.

You were disposed to completely disregard and ignore my anger? Well I thought I said nothing but what was right. I didn't think I should apoligise and I did not.

You think the house was in session when this was sent to you? I do.

Can you swear whose handwriting that is in? No.

Have you any belief about it? Only what my son told me.

Have you seen Mr. Wilson write? Yes, often.

Then can you tell us who wrote it? No; I have no idea whether this is Mr. Wilson's writing or not.

(Paper marked for iden. No. 6.)

Mr. Powell—I claim that paper should be put in evidence as part and parcel of the declaration.

[Continued on fourth page.]