

Premier Refuses to Answer the Questions Until the Commission Provides Him Civil Treatment

"Cowardly and Ungenerous" is Description Given Mr. Carvell's Treatment of Political Rival When Mr. Flemming is on the Witness Stand--"A Gentleman Would be Careful Not to Take Advantage of an Opponent," Says Mr. Fowler--Chairman Declares Premier's Answers Are Satisfactory and He Should Not Be Expected to Remember Little Details--Carvell Asks About Incidents of a Year Ago--People Will Settle Things Between Us, Mr. Flemming Tells Carvell--Stumpage Rates Arrangement Not Made Under Pressure But Good Administration--The Maine-New Brunswick Stock Purchases.

St. John, N. B., July 18.—When the Royal Commission adjourned its hearing of the Dugal charges yesterday afternoon until Monday Hon. J. K. Flemming was still on the witness stand.

The personal animus which years of unsuccessfull political opposition has given for his witness Mr. Carvell took every advantage which came to him as counsel and, while the Commissioners allowed him to go on almost unmolested, the chief promoter of the Dugal charges sputtered out insinuations and innuendoes that no public man should have to be compelled to stand.

Naturally it was a very trying time for Mr. Flemming, but he came through it all in much better shape when the afternoon session was finished than one would have expected. Mr. Carvell's violent temper held away and the commission's attempt to stop his wild outbursts were half-hearted to say the least and surprising to every fair-minded person present in the crowd which packed the court room to listen to the proceedings.

Then it was that Mr. Flemming refused absolutely to answer any more of Mr. Carvell's questions until such time as he was treated with civility by the questioner.

"Then you'll never answer any more," remarked Mr. T. J. Carter, K. C.

On another occasion when Mr. Carvell was talking in that same loud manner which Judge Wells once described as "bellowing," Mr. Carter arose and quietly asked: "Will you kindly speak a little louder, Mr. Carvell, somebody may be a little hard of hearing?" and the court room fairly roared with laughter.

Taking Advantage of Position.

"Will you swear he did or did not have two conferences with you in that time?" answered Mr. Carvell.

"I have already answered the question," replied Mr. Flemming quietly.

"No, I guess not," sneered Mr. Carvell.

"That's worse still," said Judge Wells as Mr. Teed and Mr. Fowler jumped to their feet to protest.

"Oh, I'll withdraw it if that does any good," said Mr. Carvell sullenly while the spectators looked on in disgust.

Mr. Fowler, however, said that he demanded an apology and declared the Commission should insist upon it. He declared that a gentleman in Mr. Carvell's position who was his rival politician in the witness box would be particular not to take advantage of the position he occupied. If they were meeting on a public platform, Mr. Fowler said, it would be different, but in this case counsel has his political opponent of years on the witness stand so that what he can do or say is limited and he has not an even chance.

Mr. Teed's Evidence Correct.

When the afternoon session opened, Mr. Carvell said that he had received information which showed him that the purchase of stock from the Maine & New Brunswick Power Co. with money from the campaign fund and for which Mr. Teed had said he paid something like \$110 was perfectly in order and that the witness testimony was correct. The evidence of James D. Sealey, secretary of the company, had been calculated to show that Mr. Teed's evidence was not right on this particular point. Inasmuch as Mr. Sealey has been so anxious to give his testimony in this case it has been suggested that he should be called upon to go on the stand again, bring the company's books in court and show how many shares he had received from the company, for instance, received for nothing at the time the company was organized and also to tell what he (Sealey) knows about the "rights" on Mr. Pugsley's ten shares and what happened to them.

Voluntary Contributions Not Dishonorable.

Then Mr. Flemming went on the stand again and Mr. Carvell resumed his interrogation regarding the lumbermen's contributions to the campaign fund.

"It was an absolutely voluntary contribution by the lumbermen," said Mr. Flemming, "I would not consider the transaction a dishonorable one." He did not, however, discuss it with

his colleagues. "I don't think it occurred to me to discuss it with my colleagues," said Mr. Flemming when asked why he did not discuss the matter with them if he did not consider it dishonorable.

Mr. Carter injected objections to the line of interrogation which Mr. Carvell was pursuing, and while Mr. Carvell's objection was said by Chairman McKewon to be technically correct, the Commission would allow Mr. Carvell to proceed.

"Hard to Place" J. P. Burchill.

When Mr. Carvell asked Mr. Flemming as to the political affiliations of John P. Burchill, the witness said that when he first went into the Legislature in 1900 or thereabouts, Mr. Burchill was a political opponent.

"How was he when he returned to the Legislature when your Government was in power?" asked Mr. Carvell.

"Pretty hard to locate," declared Mr. Flemming, who then went on to say that he recalled Mr. Burchill as "an exceedingly independent supporter of the Government."

From a series of questions which were then put, Mr. Flemming said that in view of everything, he believed that Messrs. McLean, Ritchie and Snowball would make a contribution such as they had made even if there had not been any classification of their lands coming that time. While he didn't know very much about the politics of Mr. Ritchie, he gathered from conversations with Mr. McLean that he was friendly to the Government, and Mr. Snowball had told him that he was willing to go on the stump at the last election in favor of the Government.

Carvell Breaks Down the Story.

Then Mr. Carvell carried along a line of interrogation evidently calculated to break down Mr. Flemming's story as to the meeting of Berry, Brankley and Teed in his room at the Barker House in Fredericton. Mr. Flemming, however, held to his story that he gave the hint to Brankley that Teed would be the person to receive the contributions from the lumbermen.

As the examination proceeded, Mr. Flemming said that the first he knew of the meeting was when he received the fund for the Partington Company was when he heard or read the evidence given in the court and then as he proceeded to go into every little detail regarding what he had said he had not told Mr. Flemming as to the negotiations that had been carried on so long while Berry was "coaxing" for the Partington contribution, Mr. Carvell misquoted Mr. Flemming so badly that counsel for Mr. Flemming protested.

Going to the Country All Right.

"Do you want to go to the country as your sworn testimony," was one remark which Mr. Carvell hurled at Mr. Flemming in his insinuating way time and time again while he interrogated the witness as to how many times he and Mr. Teed had discussed the campaign fund matter. Mr. Flemming had replied that there had probably been several discussions, but where and when and on just what dates, he said, he could not be expected to remember, this being more than a year ago. All Chairman McKewon did towards stopping Mr. Carvell injecting after each answer the above remark was to say that it was "wholly superfluous" when counsel for the defence objected.

Finally Mr. Carvell sputtered out his little piece about whether the Premier would answer he had given to "go to the country" once too often.

"Yes," replied Mr. Flemming, "you and I will both go to the country, too, some day and the people will settle things between us."

Premier Demands Civil Treatment.

Mr. Carvell persisted in wanting to know whether Mr. Flemming had talked with Mr. Teed twice in the months after the order in council classifying the lands and fixing the bonus had been passed, but Mr. Flemming calmly declared he had answered the question when he said there had been several conversations, although he could not, as he said, exactly remember how many, when they were held or where.

"You are running up and down the stairs so many times that you can't expect the witness to follow you," declared Chairman McKewon to Mr. Carvell.

"He is purposely evading my question," roared Mr. Carvell. "He knows what I'm coming at."

"Well, nobody else does," observed Mr. Carter.

"When you get a certain kind of witness—" started Mr. Carvell again when unable to get just the kind of replies he wanted to his questions.

"Now, Mr. Carvell," was all the reprimand that came from the chairman of the Commission for that.

"Cowardly and Ungenerous."

Mr. Carvell tried to take charge of the court and to waive the other lawyers back. "If you'd only conduct yourself as you can, there'd be no trouble," declared Mr. Teed, demanding a right to be heard. And then he accused Mr. Carvell of resorting to "cowardly and ungenerous" tactics in his treatment of a political opponent under oath.

"I think Mr. Flemming is answering the questions satisfactorily, and remembering all that he would be reasonably expected to remember of these little details," said Chairman McKewon when Mr. Flemming said he had answered as well as fully as he could the question which Mr. Carvell had then put in about half a dozen different ways.

"There it goes again," sneered Mr. Carvell a little later, when Mr. Teed objected to the attacks Mr. Carvell was making upon the witness.

"No," replied Mr. Teed laughingly, "you're the one that's going again."

Mr. Fowler Won't Frighten.

On another occasion Mr. Fowler jumped up to protest against Mr. Carvell's unfair tactics.

"Oh, you sit down and keep quiet," shouted Mr. Carvell.

"Don't you speak at me like that," replied Mr. Fowler.

"Well, I've had enough to make me snap at somebody," said Mr. Carvell. "You almost frightened me," laughed Mr. Fowler.

"He won't frighten you here," interposed Chairman McKewon in an effort to restore order.

"Nor anywhere else," retorted Mr. Fowler.

Wants Other Evidence Interpreted.

"Do you now believe James Rundle contributed voluntarily?" asked Mr. Carvell, switching off to a new tangent.

Mr. Teed jumped to his feet to protest that his client should not be called upon to pass on the evidence that had been referred to.

Mr. Carvell, during the course of which Mr. Carvell said his reason for the question was to test the witness.

Chairman McKewon, ruled that the question was put to the Premier in an unfair position, but Judge Wells held that the question was technically admissible under cross-examination with Mr. Fisher as in favor of allowing the question.

"I can't decide in my mind whether I should say yes or no in answer to that question," said the witness, after some deliberation.

Then Mr. Carvell asked the same question as to the Fenderson contribution.

Mr. Flemming said that this was the same kind of a question, but even more difficult and unfair to ask him to answer because he only heard part of Mr. Fenderson's evidence and even had not read it all. He therefore was unable to answer the question.

The Stumpage Rates.

Then Mr. Carvell went over to the matter of the stumpage rate and Mr. Flemming, passed he did not tell Berry that the rate of stumpage would be \$1.50 before the 27th day of June, but he might have told Berry that his own personal ideas were that that should be still be believed it.

Then Mr. Carvell said that this was the same kind of a question, but even more difficult and unfair to ask him to answer because he only heard part of Mr. Fenderson's evidence and even had not read it all. He therefore was unable to answer the question.

Berry and His "Document."

Then Mr. Carvell interrogated the Premier as to statements which Messrs. Berry and Brankley were supposed to have been drawing up soon after the charges were laid declaring them to be untrue. The line of questions and answers being as follows:

Q.—Do you know that Berry and Brankley were drawing up a document when they were in the legislature?

Do you know anything of a document having been drawn up to be signed by Mr. Berry that there was no truth in regard to the charges and no foundation for them? Did you know that such a document was to be drawn up?

A.—No.

Q.—Do you know that Mr. Berry had been asked to sign such a document, and do you know that such a document is in existence unsigned?

Witness asked permission to speak to his counsel and was permitted, and he then replied, "I will not say I did not know, but I was told so by one of the counsel in the case."

Q.—Were you told by Mr. Berry?

A.—No.

Q.—Did he say he had been asked to sign this document?

A.—I am not very positive about that. He was in Fredericton at the time, and he came to my room next day and we talked about the charges, and he mentioned to me that he would be prepared to make an affidavit or a declaration a sworn declaration, in regard to the charges that they were not true. He seemed to have the impression at that time that if he did so it would be sufficient.

Q.—Did he mention Mr. Brankley's name?

A.—I don't remember.

Q.—Any way that if he denied and Mr. Brankley denied, you would get through without a committee?

A.—That is what he said to me.

Q.—Did not you know that the document was drawn up?

A.—I didn't know.

Q.—Do you know that Mr. Berry refused to sign?

A.—I don't know.

Q.—Do you know where the document is?

A.—I don't know about it.

Q.—Have you heard that it is in the hands of his solicitor in St. Stephen?

A.—No, I never heard that before.

Mr. Carvell asked Mr. Berry had not told him that the lumbermen had consulted H. A. Powell, K. C., as to whether they were liable criminally by paying these monies. Mr. Carvell asked if the witness had not heard that James Robinson, Alton Ritchie and some one or two others had consulted Mr. Powell on the subject referred to, and Mr. Flemming said he had not.

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