

The Top Flat!

(Continued from page 1.)

this forenoon we would get to the cellar.

Mr. Oser—Ah, yes, but we have heard no more of it; they were willing to pay some of our friends \$5 to go to the cellar with them.

Mr. Howard failed to answer to his name.

JOHN LABATT.

John Labatt, brewer, sworn, said he had been a member of the Conservative Association from away back. His last subscription to the Conservative Association was \$100, paid June 19. Before that a good while he paid \$5 to the club. The \$100 was left by his bookkeeper at Mr. W. J. Reid's store, because the treasurer of the association was not at his office.

Mr. Oser—That was the time, I suppose, the treasurer was in the cellar. (Laughter.) Who canvassed you for that subscription?

Mr. Oser—You really are not like a man that would forget.

Q—Is that all you gave? They give you credit for much more.

A—They seemed perfectly satisfied.

Mr. Oser—They don't drink your beer, and you gave them a small amount. (Laughter.)

Mr. Labatt said he had been in the club rooms half a dozen times, and had attended Conservative Association meetings in the fourth ward. Mr. A. W. Porter was chairman of the committee. Witness knew Tracy, the barber, but never saw him at the club.

Q—And is \$100 all the election cost you?

A—Yes.

Q—Well, we gave you credit for being much more liberal. (Laughter.) To Mr. Helmut, witness denied the charge of spending money for corrupt purposes.

Q—Were you at the Conservative rooms the night before the election?

A—I really could not say.

Q—You are not like a man who would forget that. (Laughter.)

A—I don't know but I might.

Mr. Oser—You really are not like a man that would forget.

T. H. SMALLMAN.

T. H. Smallman, sworn, said he was a Conservative and was a worker.

Q—Are you a member of the Conservative Association?

A—I can't tell unless you define what a member is.

Judge Robertson—What's that?

Mr. Oser—He doesn't know what a member of the Conservative Association is. (Laughter.)

Witness created much amusement by saying he did not know exactly what the Conservative Association was or whether he was a member of the association or not. The association had no constitution. However, he was a Conservative.

Mr. Oser—You know what a Conservative is, then? (Laughter.)

A—Yes.

Q—Did you give any money to the Conservative Association?

A—Yes.

Q—Then there was a place for the money to go? (Laughter.)

A—Yes.

Q—What had we stretched out from this cloud? (Laughter.)

A—Mr. Toote's. (Laughter.)

Q—Did he call for a man who had been out collecting.

Q—What! for this doubtful association that you did not know anything about? (Laughter.)

A—Yes.

Q—How much did you collect?

A—Between \$1,300 and \$1,400.

Q—In checks?

A—No, in cash. I collected some checks, but I cashed them.

Q—Did you give it all to Mr. Toote?

A—No, I gave some to Mr. Minnick.

Mr. Oser, looking at witness' memorandum book, you have Toote on one side, and J. A. M. on the other?

A—Yes.

Mr. Oser—Toote seems to have got the most of it. (Laughter.)

Witness said some \$3 additional was for brooms and flags on election day.

Mr. Oser—Oh, I see. (Laughter.)

Witness said he collected the money and gave \$250 to Mr. J. R. Minnick in three payments, and Mr. Toote \$135 in six payments. That was \$1,385 in all. He produced a memorandum book showing that his collections and disbursements were \$1,474.

SOME OF THE SUBSCRIBERS.

Q—Can you give us a list of the faithful who subscribed the money?

A—I cannot do so, but if you will let me tell you from memory I will do the best that I can to tell you.

The list is:

Imperial Oil Company \$250

From F. A. Fitzgerald 250

Hunt Brothers 50

Adam Beck 50

Harry Carling 49

W. J. Reid 100

Thomas McCormick 75

John Labatt 100

John McClary 100

James Fiddie 100

T. H. Smallman 100

Witness said he could not say anything about Mr. F. A. Fitzgerald's \$200, neither could he tell who subscribed the balance of the \$1,474, but said it was in \$5 and such like small sums. Witness said he was collecting for the association, which was in debt. He merely marked the payments as they were promised on a small sheet of paper, which was worn out. He had no other memoranda of the payments.

Mr. Oser—Why did you pay this money to Toote?

A—At the instruction of Mr. Minnick.

Q—And your function was collecting?

A—Yes.

Q—Who collected with you?

A—Mr. W. J. Reid.

Q—How late did you give any money to Mr. Toote?

A—In June.

Q—None of this apparently went to the treasurer?

Witness said he did not know who the treasurer was. He had only heard that Mr. Graydon was treasurer.

Q—What committee did you belong to?

A—Not any.

A—No.

Q—You knew there was a gymnasium there?

A—I heard so.

Q—The club was for the benefit of the younger brethren?

Witness—The club was for the promotion of friendly feeling among Conservatives and for the cultivation of intellectual—

Mr. Oser—And political? (Laughter.)

Witness—No, I don't know that it was for political.

Mr. Oser—And gymnastic? (Laughter.)

Witness—Yes, and recreation purposes. It was to keep the party together.

Q—Is the money you gave Mr. Toote and Mr. Minnick all you ever gave or heard of in connection with the election?

A—Yes, I heard on the street we spent \$30,000 or \$40,000.

NO BANK ACCOUNT KEPT.

Q—Has the Conservative Association a bank account?

A—No; it was generally understood to be bankrupt. (Laughter.)

Mr. Oser—Was John O'Hearn in your office last Monday?

A—No.

DENIES THE "LUSH" CHARGE.

To Mr. Helmut witness denied the charge he ever provided meat, drink and refreshments for George H. Johnston at the Conservative Club rooms to corruptly influence him to vote for the respondent. Witness also denied the same charge with reference to Walter Stevenson, Frank Cameron, Pat Howard, George Griesend, Richard Hughes, John Murphy, Francis H. Porkey, Alfred Green, Hugh McGurdy, Thomas Webb, Joseph Flavin, Wm. McKenna, John Bartlett, Thos. Heron. He said he never at any time furnished anybody with refreshments at the Conservative Club rooms. He did not know that there was meat, drink or refreshments on June 22 or 23.

A TELL-TALE CONFESSION.

Q—When did you first hear there was?

A—Several times since the election and in this court room.

Witness admitted that when he reached the club rooms at 12 o'clock on the night before the election he heard that some drunken men were in the attic.

Judge Robertson—Did you go to see if there were men there?

Witness—No.

After this remark by Judge Robertson, Mr. Robinson, Q.C., senior counsel for the respondent, walked up to Mr. Helmut and held a whispered conversation with his junior colleague.

It was made apparent that a serious mistake had been made in drawing this confession out for Mr. Helmut dropped the line of examination as if it had been a red-hot potato.

OTHER CHARGES DENIED.

Witness denied charge is that he furnished provisions or other refreshments for any corrupt purposes. Witness also denied that he ever paid the travelling expenses of, or any money to, George Ellis, Robert Henry or H. J. Davidson; that he had ever provided meat, drink or refreshments to Thomas H. Selby; or that he had promised employment to William H. Dwyer or Daniel H. Grey to vote for Beattie.

MR. OSER'S WARNING.

Mr. Oser—Understand, Mr. Helmut, that we will object to you recalling these witnesses, Mr. Fitzgerald or Mr. Smallman, after we have given our evidence in rebuttal.

Mr. Helmut—I don't understand it that way.

Mr. Oser—I thought it well to warn you. I presume you wanted to deny the charges for a little newspaper padding. (Laughter.)

Witness, to Mr. Helmut, said he saw no liquor in the Conservative Club.

MR. OSER SCORES THE WITNESS.

Mr. Oser then took Mr. Smallman in hand and a fiery exchange soon ensued.

Mr. Oser—Were you in the club the night before the election?

A—Yes.

Q—Who told you there was drinking upstairs?

A—I can't say.

Q—Did you hear it in the secretary's or the billiard room?

A—No; I think it was on the landing or outside.

Q—Oh, now you want to take it off the club. Did you not speak to anyone about the drunken men upstairs?

A—No.

Q—They were to be kept there till morning, eh? (Laughter.)

A—I don't know.

Q—Was it usual to have drunken men upstairs?

A—I don't know.

Q—Did you see Tom Tracy there that night?

Q—How often did you see Tracy in the club rooms?

A—Three or four times, perhaps.

Q—In the reading room?

A—Yes.

Q—Is that the office?

Witness explained that the office was in the reading room, but called off.

Mr. Oser—You have been reported for corrupt practices in an election before now?

A—I have. I was in the Walker election, a good many years ago.

Judge Ferguson—Officially reported?

Mr. Oser—Yes.

Judge Ferguson said that judges officially reported in regard to persons who were shown to be guilty of corrupt practices. He asked if witness was so reported.

Mr. Oser—That is what I mean, my lord.

WITNESS APPEALS FOR PROTECTION.

Mr. Smallman—I don't remember.

Mr. Oser—What! you don't mean to tell me that you were not one of those reported for corrupt practices?

The witness said he would explain.

Answer me! interrupted Mr. Oser, in a tone of thunder.

"I won't be brow-beaten," said the witness.

Mr. Oser—I'm not trying to brow-beat you. I'm asking you a question.

Mr. Smallman—I ask the protection of the court.

The court made no response.

Mr. Oser—Have you been reported for corrupt practices or not?

A—It was so long ago I can hardly remember. It was nearly twenty years ago.

"It was 22 years ago," put in Mr. Robinson, Q.C.

"Humph," was all Mr. Oser said.

TOOK MCGURDY TO VOTE.

"Do you know Hugh McGurdy?" continued Mr. Oser.

A—Yes.

Q—Did you go to his house?

A—No.

Q—Anything the matter with his face?

A—I didn't notice.

Q—Didn't McGurdy go home before he went to the polls? (Laughter.)

A—I don't remember.

Q—Did you take him to the polls?

A—Yes.

Q—Where did you find him?

A—Standing on Clarence street, about noon.

Q—Near the Conservative Club rooms?

A—Yes.

Q—Did you drive him to the polls?

A—No; I walked with him.

Q—When did you see McGurdy since?

A—Not since that day.

Q—Did you see McGurdy come out of the Conservative Club rooms?

A—No.

Mr. Oser—That will do.

To Mr. Helmut—McGurdy was on the south side of Dundas street, between the Conservative Club and Clarence street. He was a little nearer the Conservative than the Liberal Club.

JOHN R. MINNINICK.

John R. Minnick, sworn, said he was president of the Conservative Association for two years up to six weeks ago; was president when the election took place; Mr. Graydon has the books of the association; I have seen the cash book; Mr. Graydon has been treasurer since I was president; Mr. Toote is secretary, and ordinarily should have nothing to do with the money; just prior to last election Mr. Smallman gave me \$250; I gave \$100 of it to Mr. Graydon; the association was in my debt for cost of revision work, and I kept the \$150 to pay myself; I also subscribed \$100, and that also went to cancel the debt to me.

Q—Have you got your account against them?

A—No.

Q—Have you no books?

A—No.

KEPT NO ACCOUNT.

Q—You kept no election accounts?

A—No.

Q—You keep these in your head?

A—Yes.

Q—That accounts for the thinness of the hair? (Laughter.)

A—Yes; I suppose so.

Mr. Oser—That is the way you do business.

Witness gave Dr. Mitchell as the first vice-president of the association; Geo. McClary was the second vice-president; he was declining to act; don't know if any one was appointed in my place.

Q—Was Wm. Jones, contractor, a vice-president?

A—I think he was.

Q—Was there a central committee?

ON THE CENTRAL COMMITTEE.

A—No; there was an executive committee.

Q—Give me the names.

A—Mr. F. A. Fitzgerald, John Labatt, T. H. Smallman, Wm. Gunn, Sir John Carling. There were a number of others, I don't remember the names.

Q—Is there not a book with the names?

A—I don't know.

Q—Mr. Toote keeps a minute book? There was a chairman and secretary in each ward. Benj. J. Nash was chairman of ward 1; don't know secretary. Mr. Helmut was chairman of Ward No. 2; Mr. M. Dillon, I think, was secretary of that ward; No. 3 chairman was Mr. Thos. Jones; don't know secretary; T. D. Hodgins was chairman of ward No. 4; Mr. Irvine was a secretary, and divisional chairman and secretaries.

Q—Where is this all written down?

A—Nowhere that I know of. (Laughter.)

Q—Do you think it isn't written down?

A—Not to my knowledge. We have had a constitution, but I don't know where to find it. Thos. Jones and P. McPhillips were divisional chairmen in No. 1 ward.

Then Mr. Minnick said the ward chairman could give all the divisional officers.

Mr. Oser—Then if you will supply the names of these chairmen and secretaries, it will shorten the inquiry perhaps by several days.

Mr. Helmut promised to get a list of the chairmen of the polling subdivisions by Monday morning.

AHEAD OF MR. HELMUTH.

Mr. Oser—And the railway committees?

Mr. Helmut—Don't know of any railway committees.

Q—Do you (to witness)—You know of a railway committee?

Mr. Minnick—Yes; I do. (Laughter.) The railway men were in one party. I know them, and they belonged to it, among others, Mr. Tremaine, foreman, G. T. R., and Mr. McEad.

Q—Do you know Hugh Sharkey?

A—I do.

Q—Do you know if he was on any committee?

A—I can't tell.

Q—Who circulated the literature?

A—I don't know.

Q—You didn't have charge of the "Facts for the Electors"? (Laughter.)

A—No; I did not have anything to do with the facts for the electors; I only gave them facts as to how to work, and they worked, too. (Laughter.)

Q—You went around to every polling division, and saw that they were all working?

A—Yes; I saw that every man was properly canvassed and brought out.

Q—Did they have books to canvass?

A—Oh, yes, they were furnished by the secretary. We had no central committee.

Q—Then you supplied the committees with literature?

A—Not a thing. (Laughter.)

Mr. Oser—I was going to say "voters." (Continued laughter.)

THE GENERAL ADVISER.

Witness—I gave them suggestions; I told them how to go in and win.

Q—Now, just tell us what you said to them.

A—Oh, I went around and made speeches to them.

Q—Oh, you did more than that, you know; that was not the time for the speeches. What hints did you give them?

A—I gave them advice how to run their committee. I visited the whole 28 committees.

Q—You kept steadily at them?

A—I furnished them with voters' lists and urged them all to work.

Q—Do you know the names of any of these committees, or strong party workers whom you urged?

A—I do, but I can't tell them unless I had a list.

Q—Don't remember them! Can't you tell us a few?

A—I have a weakness for forgetting names.

Q—That is a common failing in election trials. We will mention a list, if you will tell me who were urged by you to work for Mr. Beattie's election, or were recognized by you as strong party workers?

Mr. Oser then read from a list, and Mr. Minnick recognized the following voters as either on committees visited by him, or strong Conservative workers: Aid. Carrothers, Wm. Jones (contractor), Pat McPhillips, Wm. Gray, T. H. Carling, James Logan, M. Dillon, H. Macklin, H. Boyd, Frank Coles, Jun., W. G. Coles, Edward Winder, or Henry Winder (he was not sure which), Wm. Minnick (household officer), Wm. J. Minnick, Mr. Drongole (barber), Wm. Howell, Jas. Thos. Orr (chairman of a divisional committee), Aid. H. M. Douglas, B. J. Powell, Thos. Tracey, Clare G. Powell, and Hugh Sharkey.

(Continued on Page 4.)

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