MC 2035 POOR DOCUMENT

THE HEIR TO AUSTRIA'S THRONE

Archduke Charles Francis Joseph and Archduchess

Mad With Passion Mr. Baxter Defeats His Own Purpose

Enraged by Admissions Forced From Him at Dugal Inquiry He Attempts to Retaliate With Slander—Mr. Carvell's Convincing Denial Supported Unequivocally by George W. Fowler, Counsel For Government

Never was a man caught in his own net and exposed more quickly and completely than was J. B. M. Baxter, M. P. P., yesterday afternoon.

Mr. Baxter was given an opportunity to make a statement before the royal commission which is inquiring into the Dugal charges, and attempted to take advantage of his opportunity to make slanderous statements about F. B. Carvell, leading counsel for Mr. Dugal. His statements were denied absolutely and unequivocally by Mr. Carvell and this denial, supported in the strongest manner possible by George W. Fowler, M. P., left Mr. Baxter without a leg to stand upon. He did not even attempt to question the denials.

When counsel announced that they were prepared to allow Mr. Baxter to make his statement there was a pause until the chairman inquired who was calling Mr. Baxter. Neither side made a move, but Mr. Teed murmured that Mr. Baxter was calling himself.

Mr. Baxter came forward, was sworn and took the stand. There was another pause. "Am I to examine myself?" asked Mr. Baxter. "Apparently," said the chairman. Then Mr. Teed relieved the embarrassment of the situation by volunteering in a perfunctory manner to undertake the task.

With a few questions from Mr. Teed Mr. Baxter proceeded to tell the story of his business relations with the Valley railway in the capacity of solicitor. He told of accepting the $500 check as a retainer or as advance payment for his services, and explained his action in returning it by saying that he did so voluntarily when he learned that the company was to seek additional aid of the legislature of which he was a member.

The effect of his statement was altered when, under cross-examination by Mr. Carvell, Mr. Baxter was forced to admit that it was after the appointment of a committe of the legislature to investigate the affairs of the company that the check was returned.

Explaining that he was doing so to test the veracity of the witness, Mr. Carvell asked Mr. Baxter if he was the author of the Foreshores bill. Mr. Baxter refused to answer, but after some further probing declared that he would tell what he knew about that bill if he were asked under the proper circumstances.

"You mean that if you are under oath in an inquiry relating to the matter, when you cannot escape answering, you will do so?" asked Mr. Carvell.

After further questioning Mr. Baxter denied that he had dictated the entire bill to Miss Kirk at Fredericton, but that was as far as he would go in his denial.

White with rage at having been trapped into even a partial admission, Mr. Baxter then turned to the commissioners and made the wild charge that Mr. Carvell and his associates had made overtures with the purpose of calling off the Dugal inquiries, and related what he said had been told to him in confidence by a member of the legislature following a secret committee meeting of the leaders of the Conservative party at which negotiations of this character were discussed.

With a solemnity and earnestness that must have carried conviction to even his political enemies, Mr. Carvell gave an absolute and unqualified denial to this slanderous attack. Then, turning to the counsel for the government, he demanded that Mr. Fowler substantiate his statements.

Mr. Fowler arose and with sincerity as impressive as that of his opposing counsel made a denial as sweeping and as convincing.

Mr. Baxter made a movement as if to take the stand again and attempt to oppose his word to that of the gentlemen who had thus branded his statements; then thought better of it and turned away.

This portion of the session was one of the most dramatic that has marked the inquiry and was listened to with breathless interest by an audience which crowded the court room. There were some subdued cheers for Mr. Baxter when he began, but none when he left the stand.

Ross Thompson, again on the stand in the afternoon, said he was a stockholder in the New Brunswick Lands and Colonization Co., and thought Mr. Lisman was also. Mr. Carvell asked if the Prudential Trust Co. were to receive the proceeds of the additional $2,000,000 of bonds concerning which Mr. Gould gave evidence last week. Objections were made to the query. As to whether there was security for the funds or not, witness said he understood there was at Fredericton.

In reply to Mr. Teed, regarding an estimate of the proportionate amount of monies received from the government for sections A. and E., not yet built, the witness fixed the amount at $40,000.

J. B. M. Baxter was sworn and was examined by Mr. Teed by courtesy, though it was stated that he was not called as a witness. He gave details of the account for $321 received from the St. John & Quebec Railway Company, which he said was partly made up of an item of $181 for assisting Mr. Barnhill in the preparation of the trust deed of the company, and out of consultations he had had with Ross Thomson. The retainer was by Barnhill, Ewing & Sanford, with the understanding that the account would be paid by the railway company. He then told of his interview with Mr. Gould, substantially as Mr. Gould gave it in evidence. Mr. Baxter said that his bookkeeping was imperfect and that he had got the items later from Mr. Ewing. He forwarded the bill on Nov. 20, and the last charge in it was March 29, 1913. On Dec. 18 he received a letter criticising the account from Mr. Howard. To that the witness replied that the charges were the usual for work of that sort.

In the course of the evidence the witnes sstopped and Mr. Carvell remarked, "Go on."

Mr. Baxter—Not on your order or lead, and I will not be interrupted, either by sneers or insinuations.

Mr. Carvell (to the chairman)—I want this man to behave himself and understand his position as a witness. If this witness cannot behave himself I shall have to call upon the commission.

Mr. Baxter—If Kaiser William is through I may be allowed to proceed.

Mr. Carvell—Go on; proceed.

Mr. Baxter—Not by your orders. Drop this brutality.

Chairman—I must tell both of you to stop this nonsense and go on.

Witness then went on to say that after he had spoken to Mr. Guthrie about the payment being slow he received a check for $321. "I do not think I sought this business."

Mr. Teed—In regard to the other charge in your books for the $500. Please tell us your connection with the transaction.

Witness—I heard Mr. Gould's evidence on the subject, and I understood him to say it was some time in December, 1913, that he spoke to me about it. My best recollection is that Mr. Gould is in error. It was in the latter part of January or the early part of February that he spoke first. He is correct, at all events, in that it was the first meeting. He came to my office and said he would like to secure my services for work in connection with the railway and that he wished assistance for the local counsel he had in Fredericton. After that there was some talk of what the remuneration should be. I was not able to name the amount, not knowing the amount of work. I told him first as a condition that if he wanted me to do any work in connection with the government of the province I would be unable to take it as member of the legislature, and I could not accept the retainer. Mr. Gould then spoke of some instances of what he considered heavy charges by some firm or lawyer in Montreal for a few minutes' work, and also told me of the gentleman who had recommended me. He spoke of the remuneration and suggested $500 per quarter, not per half year. His proposition to me was for $2,000 a year if I was engaged and he said the work would occupy two days a week. It would average that demand on my time. He also said that if I were called upon to make journeys, or spend cash out of pocket, it would be more. I agreed under the circumstances to take the retainer, or it might be more proper to call it payment, in advance. I was told then that there were some matters pending between the railway and the Hibbard company and he only went into them to a slight extent, saying Mr. Thompson would see me. My impression is that at that interview he expected some difficulty with the Seely note.

Mr. Baxter then read a letter from Presque Isle in which Mr. Gould gave instructions about an interview with Ross Thompson.

When Mr. Thompson came, went on the witness, he saw me and brought a check and I signed a voucher for the retainer dated Feb. 7. I did in consequence of the conversation with Mr. Thompson draft a letter to be sen to the Hibbard Company which was afterwards, I think, sent. I think I had a conversation or two with Mr. Guthrie, and with Mr. Gould in the matter of the Nagle note. This was all prior to the opening of the legislature. The house opened on Feb. 26, and when I got to Fredericton, I cannot possibly remember how long after, but it was only a short time, I learned for the first time that there was to be an application for increased assistance. When I learned that I considered that it was a grave matter, one of the gravest that had come before the government or the country for consideration for sometime, and I felt as a public man I had to be absolutly free. I considered that I had not been retained in any way that would or ought to affect my view upon a matter of that kind, but at the same time I felt that public opinion would call for my being absolutely free. As a member of the house I could have sheltered myself under the rules of the house, and said I was under a retainer and been excused from voting. But I felt as a public man that it was best to be absolutely free of any connection with the railway company, and I told Mr. Gould that I should decline to continue the retainer and return the amount. He protested, and said that he could not get any other lawyer to do the work. I told him that did not matter to me, and that my course was clear and that my decision would be the same. I notice that in the Carleton Sentinel it was said I was a member of the investigating committee, but that is a deliberate falsehood on the part of those who uttered it. I absolutely declined to be a member. I nominated persons for it—Mr. Black, Mr. Jones of King's county, and Mr. Tilley. There were other gentlemen nominated by others—A. J. H. Stuart and Titus Carter, but I was not a member of the committee, and I did not act as a member. The reason that I did not act was so that no person should be able to suggest that the deliberations of the committee were in the least degree influenced by the fact that I had taken a retainer from the railway company.

Mr. Baxter then said that he sent Mr. Gould a check for $500, when he returned to St. John a fortnight later. "I never made, and I shall never make any charge for the small amount of work I did for Mr. Gould. He is entirely welcome to it. It was further stated before this inquiry that I had made a request for the return of the voucher. That is another falsehood. I never asked for the voucher, and was surprised to receive it by mail. The voucher is here, and anyone is welcome to it who wants it. My check is also here. It is dated March 21, 1914. Mr. Gould was informed long before that I should return the retainer.

Mr. Carvell—Do you remember seeing the report made by Mr. Blanchette of the audit of the books?

A.—Show me the report and I will tell you. Witness then gave his replies as to which of the papers he had or had not seen.

Q.—As a matter of fact, at a meeting of the caucus of the government at Fredericton, was the report of Mr. Blanchette submitted?

A.—The document you have shown me I do not think was submitted, but I have not the slightest doubt that the Blanchette audit was spoken of, and I think that some of the figures were submitted at the time, but I cannot say.

Q.—I am not asking you to go into details, but do you remember when the caucus was held?

A.—I do not know.

Q.—Was it not on March 4?

A.—I have a newspaper cutting which shows that it was the 5th.

Q.—Was that the occasion when some of the figures were given to the caucus?

A.—I am not sure, but I very much doubt if the figures were given at the first caucus.

Q.—Was it at the caucus that you had the first intimation that there was to be an application for a further bond guarantee?

A.—Yes, I think so.

Q.—That would be March 5?

A.—Yes.

Q.—Was it at that caucus that it was decided a committee of the legislature should be appointed to investigate these books?

A.—I think it was to investigate the whole charges.

Q.—And that committee did get to work shortly after?

A.—You have to ask the committee about that. I am not a member.

Q.—Strictly speaking, that is correct, but don't you have some knowledge of what was done?

A.—I did not meet or confer with them and I don't know how they conducted the work except that they came in later and made a report.

Q.—To the caucus?

A.—Yes, to the caucus.

Q.—Did any member of the committee say to you that they had found you had received this $500?

A.—I don't recall that. I told members of the committee.

Q.—That they would find the $500 charge there?

A.—I don't know that. I did not see the members of the committee, but I told the whole facts to several members of the legislature.

Q.—That you had received the $500?

A.—I am sure I told Mr. Black, Mr. Wood, Mr. Tilley, and I told Mr. Slipp and some others.

Q.—After this you returned the $500?

A.—After what?

Q.—After you had this conversation?

A.—I returned the $500 by a check dated March 21 and I had informed all these gentlemen before of what my intended action was as well.

Q.—After you had a talk with the members you returned the $500?

A.—I want to have clear that it was a suggestion of my own.

Q.—I am not asking you that, but as a matter of fact did you return the sum after a talk with some of the members of the caucus?

A.—I did not talk to the members of the caucus. It was returned after I told some of the members of the committee and after I told many members of the house of the action I intended to take.

Mr. Carvell—Do you mean you would have given the money back if the committee had not been appointed?

A.—I swear absolutely I would.

Q.—Do you want us to believe that?

A.—I do not care that much (making a snap with the finger) for your opinion.

Q.—Do you swear that you would have given the money back if the committee of the legislature had not been appointed and found you out?

A.—There was nothing to conceal.

The Foreshores Bill.

Q.—Do you say on oath that you did not prepare the Foreshores Bill?

A.—You better see Dr. Silas Alward about that.

Q.—I want you to tell.

A.—I may tell you at the proper time. You may ask as long as you like.

Mr. Fowler—We have nothing to do with the Foreshores Bill here.

Mr. Carvell—Did you prepare the Foreshores Bill?

A.—There are a great many questions you may ask about and you will get the same answer.

Q.—Then I shall ask the commission. I am testing the witness' veracity.

The chairman ruled the question in order.

Mr. Carvell—Didn't you dictate the Foreshores Bill to Miss Kirk?

A.—No.

Q.—Didn't you dictate a part of it?

A.—How long do you propose to pursue this? I am not giving information out at this inquiry. If you want more you can come to my office and discuss it.

Q.—We would like to have the answer from you on oath here.

A.—Do you know who removed the Bible from the court house in Carleton? We should like to have your evidence here on that on oath. (Laughter and some applause at the back of the court.)

Chairman—Anyone seen applauding will be removed from court.

Mr. Carvell—You have your minions here.

Witness—They are not my minions.

The chairman suggested that the matter go on.

Mr. Carvell—When I see Mr. Baxter coming here and bringing crowds to clap their hands—we know how that is done. I have been in St. John before. Why this man is one of the best stage players we have in the country. (Proceeding) You refuse to answer the questions I have put about the Foreshores Bill?

A.—I did not say anything of the kind. But I will say I will answer the questions before a tribunal appointed to consider that.

Mr. Carvell—Ah, when we get you where we can compel you to answer; you say that.

Mr. Baxter—I beg to inform the commission of a little more. Reference has been made to a committee at Fredericton. There was another committee and I was informed that committee received a proposal from the associates of Mr. Carvell and endorsed by him to stifle the inquiry and the payment of $10,000 was the sum suggested for the consideration.

Chairman—Having said that I think we ought to know the names of these gentlemen.

Mr. Carvell—I think so too. (To the witness): Who were the gentlemen?

Witness—I will not tell you.

Q.—I submit I have a right to an answer. Who were the gentlemen present at the committee?

A.—I will not tell you. You can find out in another way. I heard read the recantation that was to be read to the speaker by the Hon. J. K. Flemming, a document in which he was to express great penitence for the wrong he had done, offering to resign his seat for the county of Carleton and of course the premiership. In addition to that the party of which I am a member was to be permitted to have elections by acclamation in any county except the county of Carleton, St. John city and St. John county. The $10,000 was to be compensation for detective services by Mr. E. S. Carter and others. There was still a little more I heard about it. The timber limit charges were to be withdrawn and the Valley railway charges were to proceed but not with any very great force. It was also reported that these were the very best terms that Mr. Carvell could be got to agree to as he was a very difficult man to get on with.

Mr. Carvell—Who was the gentleman from whom you got that statement?

A.—A member of the house.

Q.—Who was it?

A.—I will not tell you.

Q.—I am entitled to an answer. My name has been brought into this and I have a right to know by whom.

The Chairman's Ruling.

Chairman—The feeling of the commission is that you should reply, but they will not force you to do so.

Witness—My feeling is that I am taking the responsibility of making the secret known. I have divulged it because of the gross abuse and the perversions of justice Mr. Carvell has made with regard to myself and others. I would not be ready * * * *

Q.—You decline to bring in the name of the parties who brought the statement to you?

A.—You know the names of the parties. It would not be fair without their consent, and you are not going to get me to give the information.

Q.—You refuse to give the name of the gentleman?

A.—I do.

Q.—And the names of the gentlemen who were present at the time?

A.—I absolutely refuse.

Mr. Carvell—In view of the statement made, I declare in the most solmen manner, I declare that so far as any statement concerning myself, it is absolutely false and without foundation. I want to declare as to the suggested payment of $10,000 or any other amount being made to my associates, I never heard of it and it is without foundation so far as it refers to me. I never in my life was approached by any member of the Conservative party or any personal friend of Mr. Flemming or representative of his for the purpose of settling these charges. I know nothing of the drawing up of a document such as has been referred to, and in view of the statements that this man has made, I say they are without foundation where I am concerned, and I call upon Mr. G. W. Fowler to substantiate the truth of what I have said. I am entitled to some protection from a man of this sort.

Mr. Fowler's Corroboration.

Mr. Fowler—I think it only fair to say so far as I know representing the government as counsel here, that the statement made by Mr. Carvell is absolutely true. There has been no such offer made by Mr. Carvell nor any negotiations carried on by him (Mr. Carvell) so far as I know, and I believe the statement made by him here is absolutely true. I do not know where my learned friend (Mr. Baxter) has obtained his information, but I say in justice to Mr. Carvell I feel I should make this statement.

Mr. Carvell—That is satisfactory.

Chairman—Have you any other witnesses, Mr. Carvell?

Mr. Carvell—I have subpoenaed Mr. Flemming, and before this inquiry closes I want Mr. Flemming called. I feel that the books of the St. John & Quebec Railway ought to be in our hands before we close this investigation. I am satisfied that if I had the books of the company here, the examination of Mr. Flemming might be unnecessary. The more we discuss it the more I am convinced of the necessity of having these books here. I think the commission ought to call Mr. Flemming on that.

Chairman—No man can be compelled to come and convict himself—not that I assume for a moment that Mr. Flemming is guilty of these charges.

Mr. Carvell further argued that by the recent legislation the country was the owner of fifty-one per cent of the company, and therefore could order the books He thought that Mr. Guthrie had treated the commission with levity, and he and Mr. Gould said they had sent for the books, but the only answer which they allege came was that the treasurer was away. It was useless going to other members of the company for Mr. Chestnut and Mr. Edgecombe had said they were perfectly willing to get the books if they could. He had not, continued Mr. Carvell, personally approached the attorney general except through a letter published in the press, but he thought that the attorney general representing the law department of the country and as acting premier ought to see that the books are produced.

Mr. Teed said he did not think that the books would be of any use in fulfilling the duties of the commission.

Judge Wells—And if the books do not come, what is the alternative?

Mr. Carvell—I shall demand the right to examine Mr. Flemming.

It was then decided to take the argument in the timber charges when the commission reassembles this morning at 10 o'clock.

MRS. WOODROW WILSON, WIFE OF PRESIDENT OF U. S., IS DEAD

Washington, Aug. 6—Mrs. Woodrow Wilson, wife of the President of the United States, died at the White House at 5 o'clock this afternoon. Death come after a struggle of months against Bright's disease with complications. The president was completely unnerved by the shock and his grief was heartrending. He bore up well under the strain, however, and devoted himself to his daughters. The end came while Mrs. Wilson was unconscious. Her illness took a turn for the worse shortly before 1 o'clock in the afternoon and from then on she grew gradually worse.

During the day Mrs. Wilson spoke to Dr. Grayson about the president, whose health she thought more about than she did her own.

"Promise," she whispered faintly, "that if I go you will take care of my husband." It was the same touch of devotion which she had so many times repeated, her constant anxiety having been that the president might not worry about her or be distrubed in his official task. At 2 o'clock Mrs. Wilson was still conscious, but her strength had almost departed and a few minutes later she sank into the sleep of unconsciousness from which she never awoke.

NORTH SHORE REGIMENT

(Chatham World).

There was a meeting of officers of the 73rd. Tuesday afternoon at the armory to consider the situation. Those in attendance were Lt.-Col. Irving, Major Cameron of Black River, Major Donald of Blackville, Capt. and Adjt. McKenzie of Campbellton, Chaplain Wood and Surgeon Lozier and Lt. McNaughton of Chatham, Capt. R. A. Irving and Lt. W. Douglas of Buctouche, Capt. Belyea of Newcastle, Lt. G. McKnight of Douglastown, Capt. Fred Mersereau of Doaktown, Capt. J. W. McNaughton, Lt. Stewart McNaughton, and Lt. R. W. Weldon of Black River, Capt. McKnight, Lt. Fowlie and Lt. McDougall of Lower Napan, Capt. LeBlanc, Lt. Ferguson and Lt. Archer of Campbellton, Lt. McKay and Lt. Leger of Dalhousie, Capt. F. A. Mackenzie and Lt. G. Mowatt of Chatham. The result of the conference was that a telegram was sent to the minister of militia offering to raise a regiment for service at home or abroad.

Afterwards Blessed the Cat

Maud—Did he fall on his knees when he proposed?

Marie—No, he was so rattled he stepped on the cat and fell on his neck.

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MANY VETERANS IN SCOTTISH COMPANY

Those who are promoting the formation of a company of Scottish volunteers in St. John reported last evening that the work was making excellent progress, and that the idea was being embraced with enthusiasm by the class of men—Scotsmen of this country and the old country—whom it was desired to enroll. Yesterday it was found that a fine class of men were coming forward, and again it was noticeable that most of them had had experience in the volunteers in the British Isles. Hundreds of additional placards were distributed yesterday, including the North End, the West End, and Fairville, and the headquarters of the company in the Imperial Theatre building were visited by a stream of men throughout the day, to secure information concerning the plans. Many names were taken, together with particulars as to the age, occupation, and experience of these prospective volunteers. The indications were last night that the company would be raised without difficulty and it would be composed of exceptionally good material. Those promoting the movement speak enthusiastically of the fine spirit which all classes are showing in discussing the war, and of the readiness of everyone to help forward the movement.

And Welcome!

At the recent Salvation Army Congress some excellent stories were told.

One of the best, a favorite of General Booth's, related to a certain drunkard who fell into the hands of the Salvation Army.

"He had been drunk for so long" said the General "that he was able to give us very little information about himself. Eventually, however, we discovered that he was married and that his deserted wife lived in a town in the Midlands We immediately telegraphed to her:—"We have found your husband."

"In a very short time we got the reply:—'You can keep him!' "—(Pearson's Weekly.)

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