

Carleton Sentinel Supplement, April 26, 1890.

MR. BAIRD'S RESOLUTION.

We give following some of the speeches on Mr. Baird's motion on the adoption of the report of the Blair Enquiry Committee:—

Mr. Baird moved:—

"Resolved, That this house adopts with great satisfaction the report of the committee appointed to investigate the charge preferred by Mr. Atkinson, member from Carleton, against Hon. A. G. Blair, which finds that the charge has not only not been established, but that the evidence adduced before the committee completely disproves the said charge, and the house records its profound regrets that so unfounded an accusation should have been preferred by a member of this house."

Mr. Baird said: In moving this resolution I felt or rather was actuated by a desire to see justice done the hon. gentleman against whom so serious a charge had been entered. I did so not only because I felt it to be my duty as a representative but also my duty as a fellow citizen of the hon. gentleman charged. The charge was fully investigated and the result clearly shows that it was not sustained. It is therefore my duty to put on record my opinion of the charge. Now, sir, let us see what the charge is. Mr. Baird read the charge made by Dr. Atkinson.

Five members were appointed to investigate this charge. They went into full investigation of the matter and the result must be satisfactory to the house and country. Not one title of evidence was produced to support the charge. I can admire the spirit of any man who, if he believes the government are such that they should be turned out, makes a charge against the government. It would be but natural that any member in opposition to the government should use every means to turn them out. I could admire such a spirit but when a member gets up and moves a resolution without a particle of evidence to support it; moves it with the view of injuring the leader of the government, that is a spirit which I cannot admire, that is a spirit which I think neither the house nor country will admire. The charge was a serious one and all the more grave because the member making it has not been able to prove it. It is true that it was shown in the investigation that money was sent here to be used in the York election. It would almost seem that the object of the charge against the hon. leader of the government was to prove that the money had been spent in York in the interest of the government candidates. It was proven that \$1,500 was sent here, but that was all that was proven in that connection. When it is considered that there are some 30 polling places in York county, the conclusion must be arrived at that the sum of \$1,500 is not a very large amount for legitimate expenses, if there is to be any money spent at all. We will now consider the evidence taken at the investigation. I will not go through all the evidence now for it occupies some hundreds of pages. I will, however, briefly refer to the evidence of the most important witnesses. The first witness called was George Gunter, express agent. He swears that Mr. Murphy gave him on or about the 18th day of January last a very valuable parcel for safe keeping and it is shown that the parcel was returned to Murphy the next morning. Gunter does not swear that the parcel contained money, all he swears is that it was a valuable parcel. The evidence of Willard Berry, clerk with Gunter, shows that the parcel was six or seven inches long and three or four inches high. Berry, like Gunter, did not know that the parcel contained money. There is evidence that Gunter showed Murphy where Blair & Barry's office was, and we have the evidence of Murphy that the parcel contained \$1,500 in five dollar bills. Murphy gave his evidence in a very straightforward manner, which must have struck every member of the committee with its truthfulness. Now let us see if we can connect Attorney General Blair with the money or if there is the slightest evidence that Leary had anything to do with it. We find from Murphy's evidence that he made no inquiries at all for Mr. Blair, that it was Mr. Barry he wanted to see and that he had instructions from his partner, Mr. Kelly, to pay the money over to Mr. Barry, but not to do so until he got word from him next day. The latter fact had caused some persons wishing to be unfriendly to Mr. Blair to conclude that the money was not to be paid over until the Leary dock contract was signed, but what does the evidence prove? Wholly and simply that Kelly had sent the money out of his own funds and that Murphy was not to pay it over until Kelly had been repaid or in other words until the friends of the government had gathered among themselves an amount about equal to what was sent to York Co. Those who know Mr. Kelly know that he is too shrewd a man to pay out \$1,500 in an election with the possibility of not getting most of it back. Now what was Kelly's reasons for being so active in support of the present government? There can be no mistake as what his reasons were. Mr. Kelly swears that he felt that he ought to do all he could in support of the government because of the stand they had taken on the Ritchie appointment. He felt that in appointing one of his class to the position that they had claims upon him. The Catholics of St. John felt that they ought to assist in supporting a government that had taken a liberal view and appointed Mr. Ritchie to the position of police magistrate. That was a natural feeling and one that would have been entertained by any other denomination of people under similar circumstances. The government in appointing Mr. Ritchie had done what they had a right to do, they had appointed a gentleman who had long been one of the Government and who was in every way fitted for the position. When Murphy went to Mr. Barry's office and paid over the money and told that everything was all right, it is explained that he meant that Kelly had been repaid in the way stated. Mr. Barry's evidence showed that he had got the money from Mr. Murphy. The latter had never mentioned Mr. Blair's

name to Mr. Barry, nor had he said the money was to be paid over when the dock contract was signed. Some point was sought to be created against the Attorney General because it seemed that the contract had been signed within three or four hours from the time of Murphy paying the money to Kelly. There was nothing unreasonable in the thought that the contract might have been so signed, and yet there be no connexion between the signing of the contract in St. John and the paying over the money to Mr. Barry in Fredericton. Certainly, the evidence of Mr. Kelly leaves no doubt on that question and shows plainly that the money was held by Murphy pending Kelly's being repaid by other friends in St. John. If Leary had subscribed money as part of an arrangement that he was to get the dock contract, would not Solicitor General Pugsley and Hon. Mr. McLellan be the most likely parties to know of the fact? Yet, both these gentlemen swear that not one dollar came from Leary. When the charge against Mr. Blair was first read by Dr. Atkinson, he was not clear whether it referred in part to the colleagues of the Attorney General in the government, or to his colleagues in York county. Some parties seemed anxious to make capital against Blair because Kelly seemed anxious that the dock contract should be given to the party in whose favor the common council should decide. Being an alderman of St. John was there any reason that Kelly should not be anxious to have the contract signed and the dock built and was there any reason why the people of St. John should not press their claims in connexion with the dock just before an election. The St. John people press their claims very vigorously as a rule, and they felt perhaps they would create a stronger impression by making their claims just before an election. The dock contract was signed January 17th, but the evidence shows that the Government were prepared to enter into the contract from January 3rd. Where was there then any evidence that Leary had paid one dollar into an election fund in this Province? Mr. Murray, of St. John, was and is Mr. Leary's agent, and he comes here and swears that not one cent of Leary's money was paid into an election fund. In every respect the evidence fails to improperly connect Blair with the Leary contract, either through Mr. Leary or his agent or any other person on his behalf. Leary as a shrewd business man would hardly subscribe so much money to an election fund considering that he could not build the dock on the \$2,500 a year for 20 years from the local government, unless he got greater assistance from the local government than the \$2,500, as well as substantial subsidies from the Dominion Government and common council of St. John.

Continuing Mr. Baird said the Attorney General himself had gone on the stand and proved that there was nothing in any way, shape or manner to connect him with the charge made against him. The house should enter upon the consideration of this matter as though they were a jury. We have a gentleman on his trial and we have a right to look upon this matter in a fair and manly spirit, and to do unto another as any of us would be done by. Every man should be considered innocent until he is proved guilty. I regret to say that there is a disposition on the part of some members of this house to adopt the principle that the Attorney General was guilty until he could prove himself innocent. This charge was made without the slightest shadow of suspicion against the Attorney General and was made in consequence of street rumors in Fredericton.

In conclusion, Mr. Baird said, in his opinion the chief object of the opposition members was to secure material for use in the pending York election. This was not surprising when the source from which the charge emanated was considered. He did not know much about law; all the intelligence he claimed was that of an average jurymen, and he would say that had this question been tried before a jury of disinterested men, no 12 men could have been found who would not have cleared the Attorney General from the charges brought against him. He thought the hon. mover (Dr. Atkinson) would, before many years, when he faces his constituents, find it a very serious matter for him that he had brought a charge of this kind against the Attorney General, which he had not a shadow or tittle of evidence to sustain. (Applause.)

Dr. Taylor then seconded the resolution. Mr. Hanington, on rising, asked: Did I understand the hon. mover of this resolution to say that he had read this evidence?

Mr. Baird—Yes, I read every word of it.

Mr. Hanington said he thought Mr. Baird must have done so in such haste that many important matters had escaped his attention. Then Mr. Hanington took up the charges, and complained that the scope of the enquiry had been limited by the government to Dr. Atkinson's resolution.

The original charge was not alone against the attorney general, but against other members of the government. The solicitor general being a participes criminis in this matter, having arranged himself to send this money up to York, knew that there were facts he dared not reveal, and therefore objected to evidence, and the majority of the committee over and over again ruled it out. He complained that he was not allowed to address the committee at the close, and he criticised the composition of the committee, and declared that he did not think Mitchell would be a pliant tool when he went there, and he wanted the country to know it.

Hon. Mr. Blair—I rise to a point of order. I claim the hon. gentleman ought to be compelled to withdraw the expression that he (Mitchell) was a pliant tool.

Mr. Speaker—I think the language should be withdrawn.

Mr. Hanington—Then I withdraw it. He (Hanington) had no knowledge when the committee was struck that they would have acted as they had. He was gratified that the evidence showed the attorney general personally had nothing to do with the matters charged.

Hon. Mr. Pugsley—You have a singular way of showing your gratification.

Mr. Hanington—The hon. gentleman has a singular way of showing his impertinence. He believed that these interruptions were made systematically throughout this session when he was speaking in order to throw him off the course of his argument. Continuing, Mr. Hanington defended Dr. Atkinson's conduct. After dinner Mr. Hanington, continuing his remarks, said that if the attorney general had known personally of the facts that had been given in evidence, then the charge would have been proven against him as a member of the government and as the leader of the government, but he (Hanington) had no doubt that the attorney general had no knowledge of the transaction and that he had correctly stated the matter to the committee, and therefore the committee did right in saying that the charge had not been proven against him. That committee had presented two reports, the majority report stating that the charge had been maliciously brought against the attorney general. It was that clause that he (Hanington) would contend against. The committee were not and could not be justified in bringing in such a report. The charge was not a malicious one. Dr. Atkinson had been informed of certain facts as had been adduced in evidence. He had reasonable ground for believing that the facts existed which would prove the charge, and it therefore became the duty of the hon. member to bring that charge, and it was not his duty to first inform the attorney general of the facts which had come to his knowledge and as to which the proof would be adduced and directed. The hon. member for Victoria (Baird) had told the house that that was the duty of the accuser. How did that hon. member know whether that had been done or not. Talk about seeking evidence to aid the scrutiny in York (about which the committee had heard so much), there had been no attempt to obtain such evidence. With that scrutiny they were not dealing. What had the majority of the committee done? They had ruled out all the evidence that would bear on the charge. What had the counsel for the attorney general tried to get out? He (Pugsley) had asked Atkinson a question that would not be permissible in any court of law, namely: "From whom did you get your information?" Ayl yes; they were anxious to get the source of the information, but they were still more anxious to keep out the evidence that would prove whether the charge was true or not. That question as to whence the information came had not been delegated to them and he (Atkinson) had not told them for the reasons then given. The hon. member for Victoria had charged the hon. member for Carleton (Atkinson), with not first ascertaining whether the charge he had preferred was true or not, and that he should have first satisfied himself that there was good ground for the charge. Why should he have done so? He had made the charge and the evidence that would, in his (Hanington's) opinion have proved it had been excluded. He had thought as he saw the hon. member turn over leaf after leaf as it were, that he had been reading a brief that had been prepared for him and in it he thought he saw the handiwork of an hon. gentleman opposite. It had been said that Gregory wrote the complaint, but he (Hanington) was in a position to know that such was not the fact. It had been said that this money had been contributed specially for York, but such was not the sworn testimony. He then read from the evidence of Mr. Kelly to show that the funds collected were for the general election funds and not for a special fund. The speaker dealt at length with the means taken to procure that money, and said that the evidence showed that notes in connection with the St. John election fund had gone to protest and that Kelly had come to Fredericton to see members of the government concerning such notes and that Leary's friends had been asked to take up such election notes. He would ask why it was that whenever he sought to prove by the different witnesses that the agents of Leary in St. John had offered money to secure Leary getting the contract, it was not permitted to be answered? All the material questions to the proof of the charge had been ruled out one after the other, as would appear to any one on reading the reports, and ruled out at the instance of whom? At the instance of the solicitor general, the manager of the finances in St. John and York.

Mr. Pugsley—You know that the evidence shows that I did not manage the finances in St. John, and you know the evidence is directly to the contrary. That the evidence is that I had nothing whatever to do with the funds, and that Kelly was the gentleman who had sent the \$1,500 up to York.

Mr. Hanington said that the funny part of that whole matter was that they never told the attorney general about it coming. Why should it have been hidden from him; he would like to know if it was honest and square? The reasons given for the withholding of that information were not such, he thought, as would commend themselves to any reasonable man. After reading the orders in council and the contract, he asked where in it could be found that Leary was to receive the option that the contract contained. It was not in the order in council and therefore the contract was not in accordance with the terms of the order-in-council, as it should be. It was to be an absolute contract and not a conditional one. Therefore it had been that he had questioned Mr. Murray as to that clause and had elicited the information that it had not been contained in the contract and could not have been in the draft when sent to the attorney general, that it was 10 or 12 days after the third of January before that clause was put into it and only when it became absolutely necessary that the contract should be signed.

Mr. Pugsley—The witness did not say that; he said it was the 10th or 12th January it was inserted.

Mr. Hanington said his memory was as he had stated and he would call attention to the evidence to bear him out in the respect, if necessary. He took it that the whole matter had been placed before the country day after day, and the people would be able to judge for themselves as to the facts of the matter

and he would not therefore have to dwell upon the various details as they presented themselves to him at any length. After calling attention to the evidence of Mr. Gunter and Mr. Murphy he argued that it was plain that the money had not been paid over on the 17th January until word had been received from St. John that the contract had been signed. If this money was legitimate election expenses, why had there been such procedure in connection with it as that shown to have existed by the evidence? It was because it was boodle from somewhere that was to be spent contrary to law and therefore it was that they had not acted openly in reference to it; therefore it was that they had not informed the Attorney General of it. He said it openly and candidly, that it had not been proven against the Attorney General that he knew of it, but the indisputable fact still remained that this money had been given for election purposes to York and that the further fact existed that it had some connection with the Leary contract, but what that connection was it was not possible to say, because all evidence tending to prove it had been carefully excluded by the majority of the committee. Look at the anxiety of the witnesses—Kelly, McGoldrick and others—for the dock contract to be given to Leary. In that anxiety was to be found the connection and in the canvass against the Government that they were not sincere. That was the reason for the haste; that was the reason why the contract should be given before the election, notwithstanding the statement of the Solicitor General that he did not think of the contract after sending it to the Attorney General till he had got to Harvey on that Wednesday night. Why had they not allowed the fullest investigation to take place? Had they followed the lines laid out in the investigations held in the past? He thought not. When the charges were made against Mr. Justice Fraser when leader of the government, and later on against Mr. Adams, had they restricted the enquiry? He thought the journals of the house would prove they had not. Yet when they themselves came to be under investigation restriction after restriction had been placed on the enquiry till nothing could be asked material to the question, or if it had been, then to be ruled out. Referring to the various statements of Mr. Kelly as to how the money was raised and whence repaid, and the reason assigned for that money being contributed, he argued that the reasons were not consistent; that the real reason why the money was sent was because that contract had been signed, and no other inference could be drawn from the facts elicited. That contract had been prepared early in January. After the order in council passed it had been under discussion between Mr. Murray and the Solicitor General, the former having called on the Solicitor General three, four or five times at intervals of one or two days, which would bring the time down to the 15th or 16th. On the morning of the 17th the Solicitor General having met the Provincial Secretary, asked him if he would sign the contract. The Provincial Secretary informs him that he would, and this was before noon on the previous day. Mr. Murphy having received the \$1,500, comes to Fredericton, sees Barry, deposits the money in Gunter's safe, does not hand the money to Barry till when? Just before four o'clock, when he leaves by the train. Then what inference more natural, he would ask was there to be drawn than that that money had some connection with the contract which had been signed on the same 17th January? True, there was no evidence to connect the Attorney General, but the evidence irresistibly connected the Solicitor General. Although the Attorney General was not liable in the present investigation, yet in a civil action he would have been liable for damages. He had hardly thought it was to the credit of the second crown officer of the Province that he should be mixed up in the transaction in such a manner as the evidence had proved him to be. That gentleman had acted in direct violation of the statute and the penalty would have been, if proven, that he would have deprived his leader for seven years of his franchise and have disqualified him from sitting as a member of this house. He it was who had said this charge was a frivolous one; that it had been made from malice, and this house was asked to pass the resolution moved by hon. member for Victoria. He hardly thought the house would do so after hearing the evidence that had been given in the investigation. It was clearly proven that the money came from St. John to York; that that money came in such a manner as to excite suspicion; that the reasons given for its being sent were contradictory; that at that time this contract was signed, and yet the hon. member for Carleton (Atkinson) was charged, under all those circumstances and facts, with having made a malicious charge. He failed to see wherein the malice lay. It was the duty of the hon. gentleman to bring that charge, and he in doing so had rendered a service to his province, and the result would be that in the future less would be heard of such transactions. Had the witnesses been allowed to give all the information they possessed he felt he would have been able to lay the matter in a better manner before the house, but having had all the questions of material importance ruled out, yet he felt that the investigation had been fully and entirely warranted and was not malicious. The enquiry had done good, and he felt whatever resolution would be passed the country would still feel that this enquiry had gone on and had developed facts sufficient to justify the bringing of the charge. The enquiry had resulted in throwing a suspicion over some of the gentlemen concerned in the transaction.

Dr. Atkinson, in closing the debate on the part of the prosecution, said that it had become his duty to offer to the house a few remarks and a few observations on the evidence that had been adduced before the committee in the investigation lately had. Various insinuations and surmises and charges had been made against him, but they felt harmless. Various rumors had been afloat as to why he had made this charge and by what motives he had been actuated, and therefore in some