

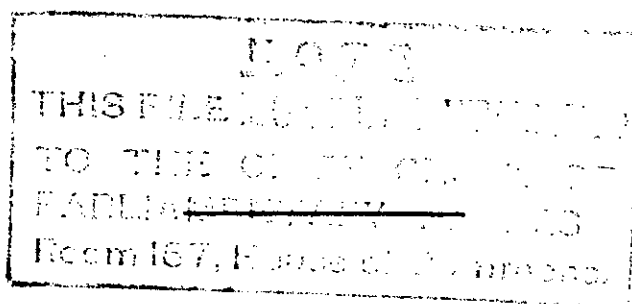
# REPORT

*of*

Honourable John B. M. Baxter

*Upon*

CERTAIN ALLEGATIONS MADE BY  
HONOURABLE P. J. VENIOT, M.P.



OTTAWA

J. O. PATENAUDE, I.S.O.,

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1935

*CERTIFIED to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 29th May, 1935.*

The Committee of the Privy Council submit for Your Excellency's information the annexed report, dated 25th May, 1935, of the Honourable John B. M. Baxter, appointed by Order in Council (P.C. 708) of the 25th day of March, 1935, to enquire into certain allegations made by the Honourable P. J. Veniot.

M. W. LOTHROP,  
*Asst. Clerk of the Privy Council.*

The Honourable  
the Minister of Justice.

**P.C. 708**

*CERTIFIED to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by The Deputy of His Excellency the Governor General on the 25th March, 1935.*

The Committee of the Privy Council have had before them a report, dated 15th March, 1935, from the Minister of Justice, submitting:

1. That during a sitting of the House of Commons of Canada held on March 12, 1934, the Honourable P. J. Veniot, Member for the Constituency of Gloucester in the Province of New Brunswick, made the following statements, as reported at page 1384 of Volume 2 of Hansard of the session of 1934:—

"I wish to draw the attention of the minister to the administration of the patrol system under the mounted police in the waters of the Baie des Chaleurs in the province of New Brunswick. I have reason to complain of the manner in which this service is carried on. I do not make this complaint on second-hand observation. The vessels patrolling the Baie des Chaleurs reach Bathurst harbour and remain there idle for sometimes two and three and four days at a time while smuggling is going on in what is called rum row off Miscou Island in the Baie des Chaleurs. Upon making inquiries I was informed that the reason why these vessels come into Bathurst harbour and remain tied up at the wharf—I have seen them there two at a time, with their wireless apparatus—is that they are awaiting news from the airplane service in the Baie des Chaleurs. If those vessels are there to prevent smuggling, they should not be tied up at the wharf miles away from where the smuggling is going on. I may say that there has been more smuggling done in the Baie des Chaleurs last year and the year before than at any other time in the history of those waters, and there has been less detention and fewer seizures made by the preventive service than ever before. That is not because there has been less smuggling because, as I said before, there has been more, but because the patrol and protection has been less effective. . . . I make this statement not on second-hand information. I have seen these patrol boats myself, lying idle in Bathurst harbour for two or three days at a time. I have seen them from my own bedroom window when I was ill at home. I draw the minister's attention to this state of affairs and ask him to look into it and see that in future these patrol boats be kept

out in the bay instead of sheltering in Bathurst harbour miles and miles away from the scene of the smuggling." . . . . I can substantiate what I say."

"Mr. GUTHRIE: I will be very much obliged if in some instance my honourable friend could give the dates on which the preventive boats were tied up at the wharf as he described, because each boat has to maintain a log and we could very easily ascertain just where each of them was at any particular time. There is no doubt that in rough weather there are occasions when these boats will be tied up in the harbour. They are small boats and are not too seaworthy. It must also be remembered that these boats have jurisdiction so far as smuggling is concerned only up to what we call the three-mile limit. Any boats other than Canadian boats cannot be interfered with beyond the three-mile limit."

"Mr. VEXIOT: It would be very difficult to give the dates but I do know that in the month of July last year and in the months of July and August the year before these boats were laid up in Bathurst harbour. There are three boats patrolling Baie des Chaleurs and at one time two of them were laid up in Bathurst harbour. The sailors were parading the streets of Bathurst having a good time while smuggled liquor was landed right at my own back door." . . . . "My property goes down to and into the sea for 250 feet." . . . . "There is a landing place and liquor was brought into the harbour and landed on the shore during the night while these vessels were lying at the wharf. These are the facts and I am prepared to substantiate them under oath. I do not care what the log books may show, these boats were laid up during those months and the days I have mentioned. My eyesight is good and I can tell when they are laid up and when they are not. All I need to do is to look out of my bedroom window to see these sailors parading the streets of Bathurst night and day and having a good time while liquor is being smuggled and landed at my own back door."

2. That on the said occasion, as reported at page 1388, the said Honourable Member made the following statement:—

"Will the minister inform the committee whether officers of the mounted police force are permitted to apply to persons who are confined in prison, what is commonly known as the third degree?"

"I know of a case where an officer of the force visited a prison in which there was a prisoner incarcerated for a crime and he put that prisoner through a category of very strict questions and even threats in connection with another crime of which he suspected the prisoner might have some knowledge. That took place lately in the county gaol of the county of Gloucester and it was done by one of the officers of the force."

3. That on February 15, 1935, as reported in unrevised Hansard for the Session of 1935, Volume 1, page 931, the said Honourable Member made the following statements:—

"Another case arose in my town where the mounted police, the same ones I complained of before, put a prisoner, the accused, through the third degree in the worst manner possible. The young man was accused of manslaughter. He was supposed to have been driving at night and to have struck an individual and not to have stopped when the accident took place. The man died and this young man was arrested by the mounted police. He was not put in gaol but taken before the mounted police and questioned. The officers who questioned him were

not the ones who took what purported to be his confession, and those officers who questioned him told him that the car they had examined had blood on it and that one of the mudguards in front was broken and that a piece of it was found on the road, which was an absolute lie. I was present in court, and one of the mounted police was asked whether he was a party to the questioning. He said no. Then he was asked, 'Were you a party to examining this car?' He said yes. Then he was asked, 'If a confrere, a brother policeman of yours, made the statement that there was blood on that car and that one of the mudguards was broken, would you say that he told the truth?' 'No,' he said, 'I would say he lied.' I was present in the court and heard this. The young man, he was just a young boy of eighteen or nineteen, had gone over that road the night of the accident but said he had never struck anybody so far as he could ascertain. He did in a matter of confession, after this third degree questioning, after he was told there was blood on his car, after he was told the mudguard was broken, say, 'I may have struck somebody lying down on the road, but I certainly did not knock a man down.' While the trial was going on before the supreme court, Mr. Justice Le Blanc refused to allow this purported confession to be put in evidence because the policeman who had questioned the prisoner was not the one who was in court and he could not be found, and for that reason the purported confession was not allowed in evidence.

"What happened? The jury cleared this young man but the police brought a charge against him for violent and dangerous driving, whatever the term is, before a police magistrate, and this purported confession that he had made to the police was allowed in evidence before the police magistrate and the young man was fined \$50 and costs for vicious or violent driving.

"I am making this statement on my honour as a member of the house. The third degree was applied to that young man, and I do not want to see any more investigations like the one that was held by Captain Salt, who is head of the police of the province. Captain Salt on that occasion came all the way from Fredericton to Bathurst, and he assisted at that inquiry by the police, and then went home. After Captain Salt had gone back to Fredericton the young man was taken before two policemen who had not questioned him, but who knew the questions that he had been asked and the answers he gave, and they induced him to make a sort of confession which was used against him. Now if this is going to be allowed to go on, the worth of the mounted police will be at an end. Their authority will be no longer any good."

4. That the said Honourable Member in connection with the seizure and destruction of certain ship's stores from the vessel known as the "Paul T", made the following statement at page 1787 of unrevised Hansard for the year 1935:—

"The ship's stores were placed in a house under the protection of the police. Those stores consisted of beef, barrelled beef, canned goods, flour, molasses and so on. Afterwards they were taken out of the house, brought to the beach and destroyed by fire in the presence of a hundred or a hundred and fifty people on direct relief. It is to this point that I draw the attention of the minister. If specific instructions were issued for the destruction of the stores, what right had the mounted police to do that? I say they had no right to do it. If it were left to the judgment of the mounted police to do what they liked with the stores—and apparently it was—and they in turn destroyed these stores while people prayed that they be left so that they could be used to

feed little children, who, starving by the roadside, watched their destruction, then, I must protest.

"Having dealt with that angle of the matter let me now refer to the conduct of the officials who destroyed the liquor. The cargo of liquor was valued at about \$20,000. It was taken from the vessel and stored in the home of a mounted police official in the village of Shippigan. Three weeks after the liquor was stored there, supposedly his house was broken into and twenty-eight cases of the liquor disappeared. A search was made, and persons were placed under arrest, or attempts were made to place them under arrest, for having stolen the liquor. The officials never found out who stole it, but there is a deep seated suspicion in the district that the liquor was not stolen by the individuals upon whom they attempted to place the blame. When the loss was discovered the remaining liquor was moved from Shippigan to Bathurst, a distance of sixty-five miles, and stored in a bonded warehouse.

"The order for the destruction of the liquor came at a time when ice had formed in the harbour. Instead of breaking open the cans containing the alcohol and dumping it into the harbour, the mounted police dumped the liquor on a dump heap in the town of Bathurst, leaving no one to protect it. At five o'clock in the afternoon (interjections of Oh, Oh). When hon. members hear the full story they will not laugh. Having thrown the liquor on the dump heap, some of the bottles were broken and liquor was left in other bottles and in the tin cans which originally contained two and one-half gallons. School children returning from school visited that dump heap, and as a result we had the spectacle of little children, some of them under thirteen years of age, staggering in a drunken state through the town because the mounted police had not done their duty and had not taken measures to prevent any person from obtaining access to the dump heap."

The Minister is of the opinion that it is in the public interest that the above noted charges be thoroughly inquired into and investigated by a Royal Commissioner appointed under Part I of the Inquiries Act, Chapter 99 of the Revised Statutes of Canada, 1927.

The Minister, therefore, recommends that the Honourable John B. M. Baxter, Chief Justice of the Province of New Brunswick, be appointed a commissioner under said Part I of the Inquiries Act to inquire into and report upon the allegations made by the Honourable P. J. Veniot, hereinbefore recited.

The Committee concur in the foregoing recommendation and submit the same for approval.

E. J. LEMAIRE,  
*Clerk of the Privy Council.*

## **Report of Hon. John B. M. Baxter upon Certain Allegations made by Hon. P. J. Veniot, M.P.**

*To His Excellency*

*the Governor General in Council.*

Your Commissioner appointed pursuant to the provisions of Part I of the Inquiries Act, Revised Statutes of Canada 1927, Chapter 99 by Order P.C. 708 of the twenty-fifth day of March last, to inquire into and report upon certain allegations made by the Honourable P. J. Veniot, Member of Parliament for the constituency of Gloucester in the Province of New Brunswick which are particularly set out in the said Order in Council begs leave to submit his report.

On 16th April I sent the following telegram to Hon. Mr. Veniot:—

Will hold first sitting of Commission at Fredericton on Thursday twenty-fifth instant at ten o'clock stop Is that date agreeable to you stop W. Harold Davidson of Newcastle is secretary stop You can let him know who you want subpoenaed.

to which the following replies were received:—

*Telegram*

BATHURST, N.B., April 18, 1935.

"Impossible to agree to date and place named in your telegram for investigation am writing reasons."

*Letter*

BATHURST, N.B., 18th April, 1935.

"Your telegram of yesterday was read by me on my arrival home this afternoon, in which you announced the date and the place for holding the investigation into certain charges made by me in Parliament against the Mounted Police. I wired you that I could not accept the date nor the place for the investigation and stated that I was writing giving my reasons.

"My principal reason for not appearing at the present time is that I have asked for an enlargement of the Order of Reference, which on my first request was refused. I made a second request and so far the Minister of Justice has not given me his reply. I do not intend to let the matter rest there and it is my intention to take it up again when the House meets after the Easter adjournment.

"Even if I were satisfied with the Order of Reference the date fixed by you could not be accepted, I regret to say, because it would be impossible to subpoena witnesses and have them at Fredericton for the 25th instant. In fact it would be well into May before the roads up North could be travelled in order that witnesses, some of whom live thirty miles or more from railway connection, would reach the place where they would take the train either to Fredericton or Bathurst. Then again I would have to object to Fredericton because it is too far from the scene of the actions of the police on which I have based my charges. The expense of transportation of quite a large number of witnesses to Fredericton would be enormous; and so far I have not been informed of the intention of the government to pay such costs.

"In view of the above stated reasons I feel that I am justified in not appearing on the 25th as requested in your telegram."

to which I replied by letter as follows:—

“ April 22nd, 1935.

“ I am in receipt of your letter of 18th instant in reply to my telegram. You need have no difficulty about the expenses of the witnesses—Mr. Inches who has been appointed to act as counsel for the Commission tells me that the Government will pay the cost of attendance of the witnesses.

“ I am informed that at present it will take two days to get from Shippigan to Fredericton and have, therefore, decided not to open the inquiry until Thursday second May at 10 a.m. The first sitting of the Commission will be in Fredericton. Just at present it is not convenient for me to be further away from home, and after all the extra distance of say 135 miles from Bathurst is not of great importance.

“ I note your reference to your request to the Minister of Justice for an enlargement of the scope of the Commission. With this, as you no doubt realize, I have nothing to do except to follow the directions of the Commission.

“ The appointment of a Commissioner does not involve to my mind, setting up a prosecution and a defence. I take it that what is desired is that the conduct of the R.C.M.P. in this province in relation to the matters which you have brought to the attention of the House of Commons is to be investigated by me. Whatever course therefore, you may decide to follow, should the Commission remain in its present terms, I should be greatly obliged if you would give me or the Secretary of the Commission the names of the witnesses who can speak to the subjects contained in your remarks as reported in Hansard. I propose that those witnesses shall be examined in any event, and as I note that some of the charges fall within your personal observation, I assume that you will in any event give me the assistance of your personal testimony. That I should like to have on the opening day of the session if otherwise agreeable to you.”

and received the following answer:—

“ BATHURST, N.B., April 23rd, 1935.

“ I am in receipt of yours of the 22nd instant, in reply to mine of the 18th in which I explained why I could not accept either the date or the place for holding the investigation in question.

“ I note you have postponed the hearing until the 2nd May. It is not necessary for me, in this letter, to repeat the reasons I gave in my first letter for not agreeing to date and place. So far as I am concerned those reasons still exist with reference to any date fixed by you previous to the time when I am to again take the matter of amending the reference up in Parliament. The reference as it now is manoeuvres me into a position which will prevent me submitting evidence on some of the charges which I made and which I feel confident of being able to substantiate.

“ I am well aware that, as a Commissioner, you will be bound by the Order of Reference. It is not your fault that this is so. Even if you were to allow a certain latitude you could not be expected to depart from the bounds of the reference to an extent that would permit me to introduce the evidence I feel I should have a right to bring forward to prove my charges.

“ I regret that my attitude in this matter may cause you any inconvenience, but I am sure you will appreciate that I could not consent to even opening the case, and then have it adjourned, when by such action on my part I would be jeopardizing my case.

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"I note you say:

Whatever course therefore you may decide to follow, should the commission remain in its present terms, I should be greatly obliged if you would give me or the Secretary of the Commission the names of the witnesses who can speak to the subjects contained in your remarks as reported in Hansard.

"I regret very much that I feel compelled to refuse this request. Having notified you that I will not attend any investigation to be held under what I feel is an unfair Order of Reference, I cannot consent to have my witnesses brought before you for examination without my being present to see that the evidence I have to produce is properly placed before you.

"But there is another very strong reason why I should not submit, at this stage, the names of my witnesses. Since my arrival home I have discovered beyond any questions of doubt, that members of the R.C.M.P. have summoned certain persons to appear before them, whom they think might be witnesses for me, and have subjected them to a somewhat severe questioning in order to find out what they may know. After questioning them they were asked to sign certain prepared statements. I consider such conduct most reprehensible on the part of the police and do not intend to stand for it. Why should they interfere with my witnesses in this way. I do not say that this was done in order to intimidate my witnesses, but the fact remains that when police resort to such methods, their action tends to intimidate persons who are not familiar with what can be done and with what should not be done.

"I note your reference to the distance the Shippigan witnesses would have to travel by going to Fredericton, but you are not aware, I see, that I will have witnesses from places further away than Shippigan.

"In view of what I have already stated in my former letter and what this letter contains, I must inform you that I will not appear on the 2nd day, nor will I have any of my witnesses present on that date."

The Commission was accordingly opened at Fredericton, N.B. on the 2nd day of May instant at 10 o'clock a.m. Hon. Mr. Veniot was not present and was not represented by Counsel though at the close of the day's proceedings Mr. C. Robert Hawkins on behalf of Hon. Mr. Veniot made a statement which is to be found at pages B. 60-61 of the record. At this hearing acting superintendent E. C. P. Salt, commanding "J" division of the R.C.M.P. and Sergeant B. G. Peters also of the R.C.M.P. were represented by Mr. C. L. Dougherty as Counsel. The Commission was also attended by Deputy Attorney General Hartley of the Province of New Brunswick and by C. F. Inches, K.C., counsel for the Commission.

I decided that though no one appeared to prosecute the charges, yet as specific charges which reflected upon the conduct of the force had been referred to me for investigation, it was my duty to proceed to make the fullest inquiry into these matters which was possible under the circumstances.

Accordingly, the R.C.M.P. adduced testimony at the first session which will be found in Volume I.

The hearing was then adjourned to the 7th May when Hon. Mr. Veniot, on the ground of convenience, asked that the commission sit at Bathurst and took the stand that he could not be called as a witness in support of the charges made by him as he claimed the privilege of Parliament protected him from being compelled to do so. In this I think he is sustained by *In re Armstrong*, ex parte Lindsay (1892) 19 Q.B.D. 327 at 328,9, but it was not necessary to



rule upon this point as I gladly acceded to the request to sit at Bathurst where, I am happy to report, the honourable gentleman near the close of the inquiry into the charges preferred by him, gave his testimony in their support.

The sittings at Bathurst occupied three sessions daily on the 16th and 17th days of May and the evidence is reported in Volume III.

Charge Number 1 is as follows:—

"I wish to draw the attention of the Minister to the administration of the patrol system under the mounted police in the waters of the Baie des Chaleurs in the province of New Brunswick. I have reason to complain of the manner in which this service is carried on. I do not make this complaint on second-hand observation. The vessels patrolling the Baie des Chaleurs reach Bathurst harbour and remain there idle for sometimes two and three and four days at a time while smuggling is going on in what is called run row off Miscou Island in the Baie des Chaleurs. Upon making inquiries I was informed that the reason why those vessels come into Bathurst harbour and remain tied up at the wharf—I have seen them there two at a time, with their wireless apparatus—is that they are awaiting news from the airplane service in the Baie des Chaleurs. If those vessels are there to prevent smuggling, they should not be tied up at the wharf miles away from where the smuggling is going on. I may say that there has been more smuggling done in the Baie des Chaleurs last year and the year before than at any other time in the history of those waters, and there has been less detection and fewer seizures made by the preventive service than ever before. That is not because there has been less smuggling because, as I said before, there has been more, but because the patrol and protection has been less effective . . . . I make this statement not on second-hand information. I have seen these patrol boats myself, lying idle in Bathurst harbour for two or three days at a time. I have seen them from my own bedroom window when I was ill at home. I draw the minister's attention to this state of affairs and ask him to look into it and see that in future these patrol boats be kept out in the bay instead of sheltering in Bathurst harbour, miles and miles away from the scene of the smuggling . . . . I can substantiate what I say.

"Mr. GUTHRIE: I will be very much obliged if in some instance my honourable friend could give the dates on which the preventive boats were tied up at the wharf as he described, because each boat has to maintain a log, and we could very easily ascertain just where each of them was at any particular time. There is no doubt that in rough weather there are occasions when these boats will be tied up in the harbour. They are small boats and are not too seaworthy. It must also be remembered that these boats have jurisdiction as far as smuggling is concerned only up to what we call the three-mile limit. Any boats other than Canadian boats cannot be interfered with beyond the three-mile limit.

"Mr. VENORT: It would be very difficult to give the dates, but I do know that in the month of July last year and in the months of July and August the year before these boats were laid up in Bathurst harbour. There are three boats patrolling Baie des Chaleurs and at one time two of them were laid up in Bathurst harbour. The sailors were parading the streets of Bathurst having a good time while smuggled liquor was landed right at my own back door . . . . My property goes down to and into the sea for 250 feet . . . . There is a landing place and liquor was brought into the harbour and landed on the shore during the night while these vessels were lying at the wharf. These are the facts and

I am prepared to substantiate them under oath. I do not care what the log books may show, these boats were laid up during those months and the days I have mentioned. My eyesight is good and I can tell when they are laid up and when they are not. All I need to do is to look out of my bedroom window to see these sailors parading the streets of Bathurst night and day and having a good time while liquor is being smuggled and landed at my own back door."

In dealing with this charge I declined to enter into general questions of administration or the allocation of districts. It seemed quite clear that the charge was one of dereliction in or avoidance of duty by the preventive service in relation to the Bathurst harbour territory. The complaint was said not to be made on "second-hand observation" and as it was not pretended that Hon. Mr. Veniot had been present at Miscou or other places to which he referred, testimony with regard to them appeared to be irrelevant. The hon. gentleman had seen the patrol boats in Bathurst harbour, "two at a time, with their wireless apparatus," according to the charge. While Hon. Mr. Veniot is still, as appears from his testimony, morally certain that he has seen two of these boats in the harbour, it is, however, clear beyond dispute that during the period to which the charge relates this did not occur. Neither did a boat carry wireless equipment. What may have been seen was a small aerial stretched between two sticks, serving a radio. Illuminated by a vivid imagination this simple device becomes a *wireless outfit*.

The charge proceeds—"I have seen the patrol boats myself lying idle in Bathurst harbour for two or three days at a time. I have seen them from my own bedroom window when I was ill at home." This Hon. Mr. Veniot explains is an error of the Hansard reporter. It is impossible, he points out, that he could have said that he saw the boats from his bedroom window. The wharf in question is not visible from the hon. gentleman's bedroom window. Several substantial buildings are interposed through which it would be impossible for any one to see the wharf. But he further points out the wharf is visible from some point of his property outside of his house.

The charges goes on to say: "It would be very difficult to give the dates, but I do know that in the month of July last year (1933) and in the months of July and August the year before (1932) these boats were laid up in Bathurst harbour. There are three boats patrolling Baie des Chaleurs and at one time two of them were laid up in Bathurst harbour. The sailors were parading the streets of Bathurst having a good time while smuggled liquor was landed right at my own back door.... My property goes down to and into the sea for 250 feet.... There is a landing place and liquor was brought into the harbour and landed on the shore during the night while these vessels were lying at the wharf. These are the facts and I am prepared to substantiate them under oath. I do not care what the log books may show, these boats were laid up during those months, and the days I have mentioned. My eyesight is good and I can tell when they are laid up and when they are not. All I need is to look out of my bedroom window to see these sailors parading the streets of Bathurst night and day and having a good time while liquor is being smuggled and landed at my own back door."

When the honourable gentleman gave evidence on the 17th instant, it appeared that there were two instances of liquor being landed upon or near to his property. One was in the latter part of May or early in June, 1932, and the other in the latter part of August, 1933. The honourable gentleman was not at home in July, 1933. There were no patrol boats in the harbour in the latter part of August, 1933. The patrol boat O-28 came to Bathurst 14th May, 1932, and left on 21st May, returning on 5th June and remained for 5 or 6 days. The boat was in bad condition, leaking and ultimately was condemned and

destroyed. There is no evidence that she was in the harbour when the rum-running late in May or early in June, 1932, took place. Hon. Mr. Veniot believes that the liquor landed on that occasion was captured shortly afterwards by the land forces of the R.C.M.P.

On no occasion was it shown that sailors from the boats paraded the streets of Bathurst or "had a good time." As there are only three or four men to a boat the number present at any time could not be great. At all events no witness deposed to the parading or to the excellence of the time enjoyed by the men and as I have before pointed out, at the time material to the charge, the boats were not in the harbour. The suggestion of dereliction of duty contained in the charge is not substantiated.

Charge number two is in the following words:—

"Will the Minister inform the committee whether officers of the mounted police force are permitted to apply to persons who are confined in prison, what is commonly known as the third degree?"

"I know of a case where an officer of the force visited a prison in which there was a prisoner incarcerated for a crime and he put that prisoner through a category of very strict questions and even threats in connection with another crime of which he suspected the prisoner might have some knowledge. That took place lately in the county gaol of the county of Gloucester and it was done by one of the officers of the force."

Hon. Mr. Veniot did not come before the Commission to say to what individual he referred in this charge but Superintendent Salt at A-6, 7 gives good ground for assuming that it is the case of Stanley Scott who was sentenced to Bathurst gaol on 8th January, 1934, for giving false information to a game warden. Scott's statement made 1st February, 1934, appears in the record at pages A-8, 9, but of more value is his testimony before the commission (A-11.17). Counsel for the commission was directed to cross-examine. Scott's testimony leaves not the slightest suspicion that "third degree" methods were applied to him. See also Sergt. Peters' evidence (A 17-26). This charge is definitely disproved.

Charge number three is also an allegation of third degree methods. It is as follows:—

"Another case arose in my town where the mounted police, the same ones I complained of before, put a prisoner, the accused, through the third degree in the worst manner possible. The young man was accused of manslaughter. He was supposed to have been driving at night and to have struck an individual and not to have stopped when the accident took place. The man died and this young man was arrested by the mounted police. He was not put in gaol but taken before the mounted police and questioned. The officers who questioned him were not the ones who took what purported to be his confession, and those officers who questioned him told him that the car they had examined had blood on it and that one of the mudguards in front was broken and that a piece of it was found on the road, which was an absolute lie. I was present in Court, and one of the mounted police was asked whether he was a party to the questioning. He said no. Then he was asked "were you a party to examining this car?" He said "yes." Then he was asked "if a confrere, a brother policeman of yours, made a statement that there was blood on that car and that one of the mudguards was broken, would you say that he told the truth?" "No" he said, "I would say he lied." I was present in the Court and heard this. The young man, he was just

a young boy of eighteen or nineteen, had gone over that road the night of the accident but said he had never struck anybody so far as he could ascertain. He did in a matter of confession, after this third degree questioning, after he was told there was blood on his car, after he was told the mudguard was broken, say 'I may have struck somebody lying down on the road but I certainly did not knock a man down.' While the trial was going on before the supreme court Mr. Justice LeBlanc refused to allow this purported confession to be put in evidence because the policeman who had questioned the prisoner was not the one who was in Court and he could not be found, and for that reason the purported confession was not allowed in evidence.

"What happened? The jury cleared this young man but the police brought a charge against him for violent and dangerous driving, whatever the term is, before a police magistrate, and this purported confession that he had made to the police was allowed in evidence before the police magistrate and the young man was fined \$50 and costs for vicious or violent driving.

"I am making this statement on my honour as a member of the House. The third degree was applied to that young man, and I do not want to see any more investigations like the one that was held by Captain Salt, who is head of the police of the province. Captain Salt on that occasion came all the way from Fredericton to Bathurst, and he assisted at this enquiry by the police, and then went home. After Captain Salt had gone back to Fredericton the young man was taken before two policemen who had not questioned him but who knew the questions that he had been asked and the answers he gave, and they induced him to make a sort of confession which was used against him. Now if this is going to be allowed to go on, the worth of the mounted police will be at an end. Their authority will be no longer any good."

The young man, Gordon Williamson, is 23 years of age and was at least 22 at the time of the occurrence complained of. He was not put under arrest in the first instance, but was asked, with his companion, Branch, to come to the R.C.M.P. quarters. The officers were investigating the death of an old man, Ramsey, who had been struck and killed on a public road. Williamson says he was asked to give an account of himself that night and admits that he said he was at the Fair and never left the grounds during the evening. That was, as he now confesses, a lie. He had left the Fair grounds and travelled over the road on which the old man was struck. He thought a rock flew under the car and hit a tire. He says it frightened him but he does not explain farther his reason for being frightened. After the third occasion when he was questioned by Major Salt he made a statement which was taken down by Constable Russell, signed by Williamson and which he says was true then and is true now. It is number four in evidence. No force and no coercion was employed to get this statement. There was no "third degree." Williamson claims that Sergeant Peters told him blood had been found on the car and that part of the running board was broken. There is no doubt that Sergeant Peters thought some stains under the body were blood while Constable Russell thought they were oil. All officers agree that the right front mudguard was bent and showed fresh cracks. All the officers deny that they said that a piece of the mudguard was found on the road. I need not go into the details of the story which will be found in the evidence of the officers and Williamson. It is enough that he said to Constable Russell that he need not explain the statutory warning; that he fully understood it and that anything he said would be entirely voluntary.

Reference is made in the charge to a question put to Constable Russell on Williamson's trial for manslaughter. It is enough to point out that no police officer gave evidence that there was blood on the car. The record which is in evidence shows that the somewhat extravagant answer was obtained by the methods employed by counsel. I cannot think that it would not have been possible for any witness to have been honestly mistaken in thinking that the stains were blood stains, but the important thing is, that no one in Court could have got the impression that any officer had given testimony that there were blood stains. My conclusion is that if the R.C.M.P. or any other representative of law and order can not ask a man questions when he is not under arrest, the task of administering justice in criminal cases will be rendered extremely more difficult than it is at present. This charge like the preceding one is definitely disproved.

Charge number four is in the following terms:—

The ship's stores were placed in a house under the protection of the police. Those stores consisted of beef, bared beef, canned goods, flour, molasses and so on. Afterwards they were taken out of the house, brought to the beach and destroyed by fire in the presence of a hundred or a hundred and fifty people on direct relief. It is to this point that I draw the attention of the Minister. If specific instructions were issued for the destruction of the stores, what right had the mounted police to do that? I say they had no right to do it. If it were left to the judgment of the mounted police to do what they liked with the stores—and apparently it was—and they in turn destroyed these stores while people prayed that they be left so that they could be used to feed little children who, starving by the roadside, watched their destruction, then, I must protest.

Having dealt with that angle of the matter let me now refer to the conduct of the officials who destroyed the liquor. The cargo of liquor was valued at about \$20,000. It was taken from the vessel and stored in the home of a mounted police official in the village of Shippigan. Three weeks after the liquor was stored there, supposedly his house was broken into and twenty-eight cases of the liquor disappeared. A search was made and persons were placed under arrest, or attempts were made to place them under arrest, for having stolen the liquor. The officials never found out who stole it, but there is a deep seated suspicion in the district that the liquor was not stolen by the individuals upon whom they attempted to place the blame. When the loss was discovered the remaining liquor was moved from Shippigan to Bathurst, a distance of sixty-five miles, and stored in a bonded warehouse.

The order for the destruction of the liquor came at a time when ice had formed in the harbour. Instead of breaking open the cans containing the alcohol and dumping it into the harbour, the mounted police dumped the liquor on a dump heap in the town of Bathurst, leaving no one to protect it. At five o'clock in the afternoon (interjections of Oh, Oh). When Hon. members hear the full story they will not laugh. Having thrown the liquor on the dump heap, some of the bottles were broken and liquor was left in other bottles and in the tin cans which originally contained two and one-half gallons. School children returning from school visited that dump heap and as a result we had the spectacle of little children, some of them under thirteen years of age, staggering in a drunken state through the town because the mounted police had not done their duty and had not taken measures to prevent any person from obtaining access to the dump heap.

This is a charge that the stores of the vessel *Paul T* were destroyed by fire in the presence of a hundred or a hundred and fifty people on direct relief. "If"

the charge states "specific instructions were" (the word "not" has evidently been omitted here) "Issued for the destruction of the stores, what right had the mounted police to do that." The Customs Act (R.S.C. 1927, c. 42, s. 193) provides that "all vessels with the guns, tackle, apparel and furniture thereof . . . made use of in the importation or unshipping or landing or removal of any goods liable to forfeiture under the act, shall be seized and forfeited." The seizure was made for the unlawful importation of liquor. The food supplies are undoubtedly part of the furniture of a vessel. Without them it would be impossible to undertake a voyage. The Oxford dictionary tit. "Furniture" refers to the act 32 Henry VIII, c. 14, in which it is used in this sense, and also quotes Smyth's Sailors Word book published in 1867 in which the word is defined as meaning "the rigging, sails, spars, anchors, cables, boats, tackle, provisions and every article with which a ship is fitted out. This definition accords with mercantile and shipping practice. When the vessel was ordered to be destroyed these food stuffs were included and did not require to be specifically mentioned. For instructions see B-58 and exhibits Nos. 27 and 28. It is impossible to charge the N. B. division of the R.C.M.P. with improper action in this respect. Had they failed to destroy the stores they would have been remiss in their duty. How, it may be asked, could these stores be legally within Canada if they could be treated as separate from the vessel? There was no entry of them and no attempt to lawfully import them.

In view of this finding it is not material to inquire closely in to the condition of such of the stores as consisted of food stuffs, but the evidence shows that these had been kept from 21st June until 28th. November and according to sub-Collector of Customs DeGrace were not in good condition. See B-21, 22. Some evidence was given, however, by inhabitants of Shippigan who had salvaged some bags of flour and a little sugar from the flames, that these at least were eatable. It is quite possible that there was some food value in these stores. T. Larocque, a teamster, says B. 28 that there were about 25 persons present when the stuff was destroyed of which 20 were children and the rest men. See also the evidence of Sergeant Peters B. 46. In the whole of the Parish of Shippigan there were about fifteen families on municipal not direct relief. Seven of these families were about three and a half miles from where the food was destroyed. This is the evidence of County Councillor Samuel Robichaud. And the County Secretary, B. C. Mullins says that at the time of the destruction there was no direct relief in the parish. There is no evidence that any one asked for any of this food and if they had done so, the R.C.M.P. had no authority to give it or to do anything other than destroy it. I can find no evidence to substantiate the suggestion that the police destroyed these stores "while people prayed that they be left so that they could be used to feed little children who, starving by the roadside, watched their destruction." About twenty children watched the destruction of food which originally might have been worth \$40 or \$50 and most of which was in a damaged condition. None of these children have been shown to be starving and no evidence has been given of any prayers on their behalf. The charge contained in the first paragraph of No. 4 is not only not proved but is distinctly disproved.

The second paragraph of number four deals with the stealing of liquor which had been taken from the *Paul T* and was stored in the basement of the building at Shippigan, used by the detachment of mounted police. From this place some of the liquor was stolen. Sergeant Peters says B. 51 he had his suspicions who stole the liquor, but as it did not bear the label of the N. B. Liquor Commission it was impossible to identify any of the smuggled and stolen liquor. Constable Aubie, then stationed at Shippigan says that there were about 377 cases of the seized liquor of which 22 cases were stolen on July 31st—August 1st last. The loss was discovered in the early morning of 1st August, when the witness noticed some fresh earth under the house and

found a hole in the cellar. He afterwards found two cases of what he believed to be this liquor but could not sufficiently identify it to found a charge of theft. The person in whose premises it was found was prosecuted under the Liquor Act. Witness and Councillor Sam. Robichaud on a subsequent occasion remained in a room in the house of the detachment under which Constable Ackman dug and he could not be heard though the witness and the councillor were listening.

No evidence was adduced to support the allegation that "there is a deep seated suspicion in the district that the liquor was not stolen by the individuals upon whom they (the police) attempted to place the blame."

It is difficult to say that the paragraph in question makes a charge. The existence of suspicion is of little importance unless reason is shown to exist for the suspicion. There is nothing in the testimony to indicate that Constable Aubie or any other officer of the detachment was acting collusively in this matter or attempting to shield any one. So far as the paragraph contains a charge, it also is not only not proved but is disproved.

An attempt was made, under the guise of showing the condition of the liquor when it was moved from Shippigan, to show that it had been tampered with en route. If this occurred Constable Ackman would have been responsible. Had it not been for one remark of the witness Paulin, who made the charge against Ackman, it would have been a case of assertion on the one hand and contradiction on the other. But Paulin swore that he reported the incident to his employer, Mr. Hinton of Hinton's Limited, which had been engaged to transport the liquor. Now Mr. Hinton denies that any report was made to him, and says he never heard of this matter before. I think it would stick in his memory if an employee had confessed to him the theft of goods in his company's possession for the purpose of transportation. The officer's testimony was unexceptionable and I believe him. This is not strictly speaking included in the charges, but was insinuated in the hope that it might lessen confidence in the R.C.M.P.

With respect to the third paragraph of Charge No. 4 I find:—

(1) The police did not dump the liquor on the dump heap. They broke open the tins and drained them to a considerable extent and then threw the tins into the water at distances of from seven to twenty feet from the bank. Some of the tins lodged on shell ice which had formed.

(2) All of the bottles were broken with the exception of possibly three. One of these was taken by the police from a man who had picked it up. One is said to have been got by a man named Peter Vallee, who was not produced before the Commission, but two witnesses say that they saw him get it. As there were other bottles on the dump, it is not clear that this may not have been one of these, nor is there distinct evidence that the bottle if taken contained liquor.

Douglas Pinet says he found a full sealed bottle of Three Star brandy. He persisted that he found it after the second load was dumped on Saturday evening. No brandy was destroyed that day. When his attention was called to this he changed his evidence to Monday. His whole testimony seems unreliable. He told the police he did not find anything. It is possible, though not certain, that he did find a bottle of brandy.

(3) There is no evidence that school children returning from school visited the dump heap.

(4) There is no evidence of any children staggering in a drunken state through the town. It does not appear that any of the children who were at the dump were at the time in the habit of attending school. Two of them have since served gaol sentences for some offence the nature of which was not disclosed. One is now an inmate of the Reformatory at St. John. All but

three were boys of a working age who then were or had recently been at work. One of the witnesses was a man who had been in trouble several times for violation of the liquor law. He got a boy named Macaulay to fish out cans for him. In all, about twenty persons are named as being present there at one time or another, and of these not more than six were engaged and not all at the same time in salvage operations. Four of the witnesses, according to their own statements, have since made false statements under oath and one of them has given a false statement under solemn declaration. See Exhibits 31, 33 and 34 and evidence E 13-15 and F 2-9. In short, on this occasion the physical dump of Bathurst was visited by what might not be unjustly termed representatives of its moral dump, who skulked behind fences when the police and customs officers were present and after they had left, emerged from their hiding place to fish out the tins, partly floating in filthy water, contaminated with the offal of the town, and salvage some small part of their contents. The whole of this part of the case is so affected by exaggeration that when reduced to its proper proportions there is little left of it. It would be going a long way to assume that the officers should have anticipated that anyone would attempt to drink the vile concoction which must have resulted from the mixture of dump impregnated water with the small remnant of alcohol which could be found in the tins. Some of the witnesses have sworn to a consumption of a quantity of alcohol which would not have been possible without serious effects of which there was no evidence, and in particular I may say that I do not believe the testimony of Wilfred LeBlanc or DeGrace; that of the Duclos brothers, nor that of Leo Stevers in their main features.

I have carefully and fairly summarized the evidence and I do not find that it sustains the exaggerated charge which has been made.

In conclusion I find that the charges have to a large extent been based upon statements and rumors which should have been more completely investigated before they were put forward as accusations against the R.C.M.P. whose conduct emerged from this inquiry without any reflection upon it.

I have the honour to be, sir,

Your obedient servant,

JOHN B. M. BAXTER,  
*Chief Justice of New Brunswick.*

SAINT JOHN, N.B.  
25th May, 1935.



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