

COCKBURN NEVER TRIED

Continued From Page 1.

solicitor, and I did no solicitor's work."

"Basis of Claim."

"Your claim is wholly as counsel fees."

"Yes; my charge is dependent on the whole work and the results obtained."

"It sort of grew from time to time?"

"Yes, with the importance of the work. The entries do not cover the work."

"Then there is no way of checking your work?"

"Counsel's accounts are impossible to check."

"What was Mr. Cockburn paying for?"

"His defence, my qualifying to defend him and getting his discharge."

"Interviewing?"

"Yes, that was what I was asked to do. I went to police court and got the information on Oct. 18."

"What persons did you see?"

"One I know that I saw was Mr. Corley. That is distinct to my mind. I saw him to ascertain the course of the prosecution. If my client had properly appreciated my services he would have sent me a cheque for \$10,000. I was personally obliged, for reasons which may appear later, to keep my own counsel all the time the defence with regard to things I did which had to be done."

"I should imagine he hardly knew what you were doing?"

"Yes, he did, because he used to come into my office from time to time and say, 'For God's sake, Arnold, do the best you can for me, and you have a chance of making your reputation forever if you get this thru. He used to cry and all that sort of stuff nearly every day.'"

"Often Stopped on Street."

"The day the fact that I had been retained was announced in the papers. I could not walk in the streets without meeting people who wanted to talk to Cockburn; that was part of my duty."

"That is charged for?"

"Yes; I felt grave responsibility. I felt that if they touched a hair of Cockburn's head it would send him to his grave. It was the case of a man in a high position and anxious to hold it. That was one of the first duties he imposed on me, to try and leave him in a position where he could hold the presidency of the Consumers' Gas Co. and the London and Canadian Loan and Agency Co., and others. 'Give me the very best you can, Arnold,' he would say."

"Were you retained as counsel or as a sort of family friend?"

"I have told you I don't say anything of a family friend part of it."

"You were retained also to help him hold the presidency of the London and Canadian Co.?"

"Yes. He wanted me to use my position to back him up. I was solicitor of the company. I was acquainted with the whole board and could give an opinion that he would be acquitted and minimize the charges."

"And did you give that opinion?"

"I did."

"In writing?"

"Interview in His Behalf."

"Yes. I want to say here that when it came to the question of having any actual interview or dealing with the affairs of the London and Canadian Co., or any actual relations with the board, I refused to act for him, as the docket shows."

"Did you spend any time interviewing people to help him retain the presidency of the London and Canadian Co.?"

"At his request, I did. I had a short talk with Mr. Wadsworth; of course I was solicitor and only in that capacity did I speak to the company to find out where Mr. Cockburn stood."

"Not representing Mr. Cockburn?"

"No, yes."

"And who else?"

"I can't recall. How do you mean?"

"There was nothing professional in that case, because I declined to act in that respect and have not charged for that."

"When I found it conflicted with my duty as solicitor of the company I refused to act."

"Is it an element in the charge?"

"I think it is a consideration that I was used as a tool to be used to ascertain where Mr. Cockburn stood. I may have seen others, too, but only to find the feeling."

"That did not amount to much, did it?"

"No, but it satisfied him, and he asked it."

"Saw Mr. Kingsford."

"You make a charge, Nov. 3, where Mr. Kingsford's name is mentioned?"

"Yes."

"I went specially to Mr. Kingsford's house, if I recollect aright. I wanted to know the exact practice followed in the police court in respect to several points."

"Mr. Kingsford was assistant magistrate and I thought it quite proper for me to ask the questions usually followed. One question I discussed with the proper time to elect and generally in what cases to elect, and the condition of the whole matter in the police court, etc."

"Was that a charge?"

"Yes."

"It was not mere education in police court practice for you?"

"No, I could read police court statutes as well as Mr. Kingsford."

"And why did you see Mr. Kingsford?"

"Because I was in doubt whether it would prejudice him, if I did not elect at that stage."

"Why consult him, and not some lawyer skilled in criminal work?"

"Just as you would go to the master in chambers. I would have asked Col. Denison that same day without hesitation, except that he wasn't in the city, and Mr. Kingsford's house is near mine."

"That is all that took place in Mr. Kingsford's house?"

"Yes."

"Consultation or practice?"

"And expediency and tactics?"

"Case Not Discussed."

"How could you discuss that without discussing the case?"

"It was not necessary to discuss tactics with him. I was discussing that in my own mind. Mr. Kingsford was instructing me in tactics. He was telling me the actual facts of his experience in the police court, that was all."

"HAVE YOU A HORSE?"

"If you want to keep him in shape, never let him suffer pain. Rub on 'Nerviline'—it is noted for curing strains, swellings and stiffness and sore muscles. For internal use, it cures cramps and colic. Nerviline is a perfect marvel. In every good training stable you'll find Nerviline because it keeps horses in trim. It reduces the veterinary bill. Farmers, stockmen and all horse owners should buy Nerviline and prove how invaluable it is. Good for man or beast; 50c. for bottle at all dealers."

"He was not trying the McGill case, was he?"

"No."

"And you think it a fair charge?"

"I don't include it as a charge. You may as well drop that. There is no specific charge."

"Interviewing with Messrs. Walmesley, Flett, Ferry and Glass appear in your bill?"

"Yes."

"The same charge in the bill to directors, including Mr. Cockburn?"

"I am not aware of it; they are not charges, but entries."

"On Nov. 12 you entered under Cockburn in your docket, 'watching McGill case all day. At 11 this morning with Walmesley, Flett, Ferry and Glass, in county attorney's room, in consultation with F. A. and retaining him.'"

"Yes."

"Does the directors' bill duplicate? Is it all charged to Mr. Cockburn?"

"Cockburn is charged for the benefit he derived."

"On the 18th you put in particulars of interview discussing the publication as to loan to the defendant from the bank. What connection had that with the charge?"

"It was prejudicing the defendant."

"With whom?"

"Everybody, particularly with the magistrate."

"How do you know that?"

"I was in court and heard what took place. Questions had been asked, despite my protest, which gave a complexion of a loan transaction on some shares of Mr. Cockburn from the bank, which made it look like downright fraud. The papers got hold of it and magnified it next day. I asked permission to contradict the witness, but was not allowed to interfere. Mr. Corley or the magistrate suggested that I formulate a set of questions for Mr. Corley to put to witnesses, and I did this. Mr. Cockburn asked me to get proper story in papers. I saw the reporters and did so after considerable trouble."

"What was your interview with Mr. Corley, about Nov. 14?"

"I was in relation to asking these questions."

"Drafted a Speech."

"Nov. 19, consultation about preparing a drafted speech made for Mr. Cockburn. That does not look like counsel work? Do you consider it so?"

"I should think it was. He was to make a speech in public on these very matters relating to the charges against him covering the whole ground. I prepared this for him."

"You had an interview on that day with Mr. Corley. What was that about?"

"That had something to do with going on with the case, or with the relation of one case with the other. There was always something of that kind dropping up."

"What is the interview with George Taylor Denison about?"

"The conduct of the cases; to the time fixed; to the relation of one case to the other. I was exceedingly anxious to manoeuvre it so that Mr. Cockburn's case should come behind McGill's, and I had many interviews with that in view. I would see Col. Denison one day and talk with him about it, and I saw Mr. Corley about it, or perhaps sometimes I would see them both together and find out their intentions, but never with the suggestion from me as to what they should do."

"You weren't there simply to find out what their ideas were?"

"A Point in View."

"As to what their attitude was, and then I would take the position on certain facts or circumstances or appointments or something of that kind to gain my point—keeping Mr. Cockburn's case behind McGill's."

"That is not to have it tried until McGill's was disposed of?"

"Yes, and there was a danger of its being otherwise several times. You know that as well as I do. In trying to arrange it I found that the more pressure I brought on Mr. Cockburn to have the case done the more he resisted it. I had a very delicate business to perform."

"Then on the 29th what was your object in seeing the magistrate?"

"To find out what he proposed to do and when he proposed to try the case and what his intentions were."

"Did you say you did not disclose your object?"

"I did not discuss more than the possibility with him and then I laid my own plans accordingly afterward."

"That possibility?"

"As to when he would reach the case."

"And what do you mean by 'laying your plans accordingly'?"

"I would be here at one moment and there at another. I would see that a witness wasn't there. I had an abstract of the proceedings in the police court from Mr. Corley and kept in touch with all that took place."

"And neither Mr. Corley nor Mr. Denison knew what your object was?"

"No."

"Services Beyond Measure."

"Apparently the first date you appeared in the trial was Nov. 19."

"Yes. I may say that nothing Mr. Cockburn could possibly do for me would measure the services I rendered him, because if the case went before a judge, Mr. Cockburn would lose in the next world."

"You told me the other day that you were manoeuvring in the police court before Col. Denison and that he didn't know you were manoeuvring? How would the police court proceedings disclose it?"

"I say I kept the case from going before the grand jury; that was the effect of it."

"Who were they you saw with reference to his retaining or losing the office of president of the Gas Co.?"

"I saw one or two people. I also saw Sir Mortimer Clark. I went specially to the government house to see him one evening. I also saw Mr. Blaikie."

"Did he have any knowledge that you were going to see these gentlemen?"

"I conveyed the information to him as gracefully as I could."

"After the case was over, and he was discharged, had you changed your opinion from the opinion you gave on Nov. 6?"

"I had found out certain things that were very dangerous to him."

"I would like you to explain."

"They are not capable of explanation."

"You say that on March 1 there was a reason for his withdrawing himself?"

"Yes."

"What was the reason?"

"For the reason that I had heard that the crown officers had been discussing the question."

"Did you hear anything from anyone else as to a further prosecution?"

"I did, in an anonymous way; I can't recall now how it was, but there was something stirring up. You must remember that I was the centre of a continuous flow of people that wanted to talk to Cockburn."

"Was Mortally Alarmed."

"You speak here of immediate civil

WARD 6 - 1908

Mr. and Mrs. Voter, Your Vote and influence are respectfully requested for

T. YATES EGAN

Manufacturer of Surgical Trusses,

Member of Toronto Board of Trade,

Member of Retail Merchants' Association.

Office: 192 West King Street, Telephone Main 4469.

Residence: 65 Jameson Ave., Telephone Park 949.

AS ONE OF YOUR
ALDERMEN

To My Fellow Workingmen

There never was a time in the history of Toronto when it was so imperative for the workingman to have strong representation in the City Council of Toronto as now.

We are informed by the city press that our factories are daily laying off their employees. If this continues, what will happen? Untold hardship. To counteract this, the workingmen must be represented in the City Council by men of personality and action, men who can grapple with any question in the interests of the workingman in case of crisis. The workingman does not want charity; he wants work—and it is for our City Council to see that he gets what he wants in case of lack of employment. On the other hand, there was never a time in the history of the workingmen, when they had such a favorable opportunity to prove to our Manufacturers and their employers that the workingman is their best friend.

I call upon the workingmen of Ward 6 to stand by their employers this winter. You may have many and just grievances, but tide them over till the spring. Do not be misled by agitators, who may be only seeking cheap notoriety, at your expense. Many of your employers at the present time, owing to the stringency of the money market, are hard set enough without any further trouble to divert their minds from solving the problem of how to keep their factories running and their full staff employed. Stand by your employers this winter and help them by making them feel that you are their best friend.

You will find that, at the proper time, you will accomplish and procure your just dues. Being a strong protectionist, I further call upon you to purchase this winter as much of your personal requirements as possible from your own Canadian Manufacturers. Do this and help to stimulate home trade, by creating a large demand for the products of our country, and thus, perhaps, create a position for one of your now idle workingmen. Be sure you get the right brand, "Made in Canada," with the stamp of the Union Label.

A Fearless Electorate Casting a Fearless Vote for a Fearless Candidate Will Win. Rally to the Support of EGAN, the Standard Bearer of the Ward 6 Electorate.

proceedings, and then attending Bicknell and Bain and others; looking into matters, and ascertaining what was immediately contemplated."

"There was a question of H. J. Scott starting some proceedings; he was acting for somebody."

"Civil proceedings?"

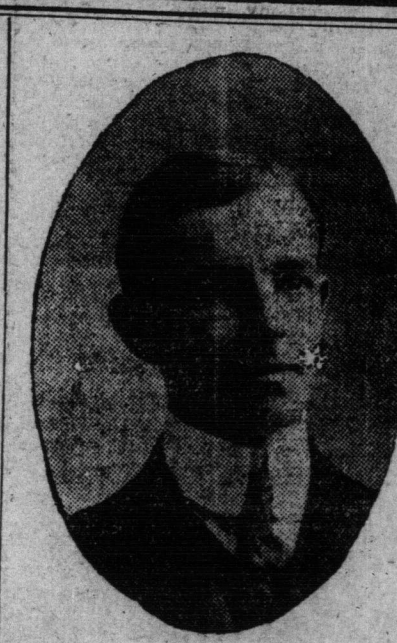
"Yes, I understood that he was instructed by a committee of shareholders. There were two sets of people who were continually coming to me; there were some people who sympathized with my efforts to help Mr. Cockburn, and there were others who seemed to be inclined to torture Mr. Cockburn as much as they could, and Mr. Cockburn unfortunately couldn't keep his own mouth shut the greater part of the time. He was always giving something to the newspapers, starting people up. I tell you candidly I was mortally afraid of a second prosecution of Mr. Cockburn. I don't know that anything gave me so much distress in my life. I thought he was clear when he was acquitted, but he wasn't 24 hours out before it was borne in on me that he might be brought up again."

"You had learned nothing in connection with the prosecution, which would lead you to change your opinion, which you had expressed, that he

Continued on Page 9.

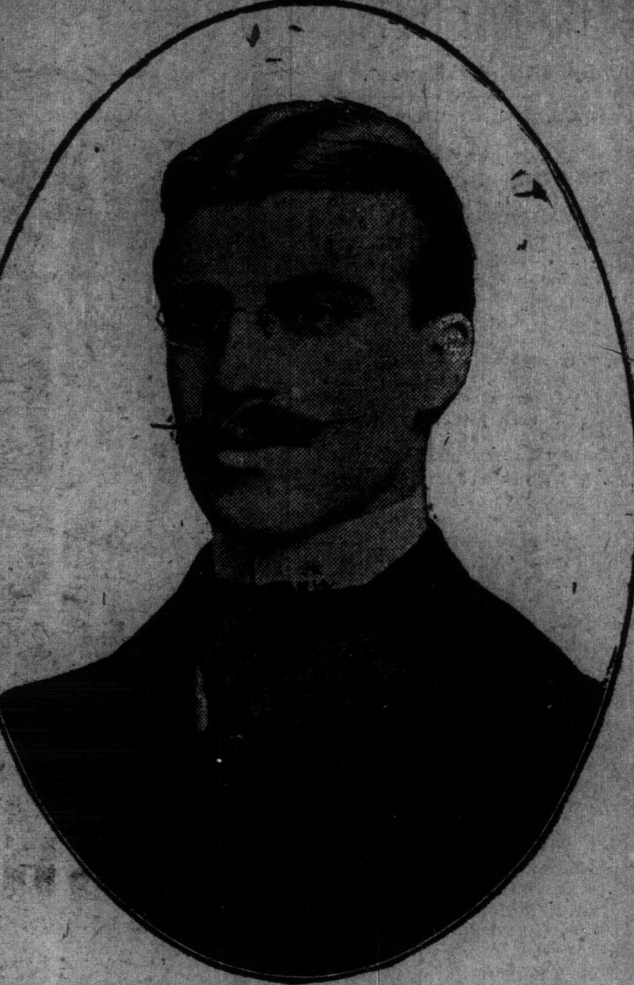
When You Need Physic.

Beware of health salts and drastic cathartics. Get the reliable Dr. Hamilton's Pills of Mandrake and Butternut. They loosen the bowels, cleanse the whole system, make you better in one night; 25 cents at all dealers.



THE ONLY ARGUMENT USED AGAINST HIM IS HIS YOUTH

Newspaper's Concert a Success. The Toronto newspapers' grand benefit concert at Massey Hall last night was a big success. The audience was large and enthusiastic and the program the largest and most varied of any popular concert ever given in Toronto. There



I am the man who intends to consult with my Electorate periodically—T. YATES EGAN

WE MUST CARRY THE POWER BY-LAW IN ORDER TO HAVE A BASIS FOR NEGOTIATION.

The Workingman Must Have Work, Why?

Because Labor is no beggar; it asks no charity. It founds its claims on justice and equity. It will be content with no less; and that it is entitled to receive.

Am I Right or Am I Wrong? It is For You to Say on January 1st.

I want the electorate of Ward 6 to protect their own interests in the coming Civic Election by casting their vote for such candidates as believe in the policy of favoring Toronto's Manufacturers, Industries and Merchants, when purchasing Civic Supplies and awarding Civic Contracts. This is a matter of Vital importance to the future welfare of the city. It means our own work for our own people; and keeping the people's money in local circulation.

Finally, I would like to state that, if the ideas I have advanced meet with your approval, I want you to express your approval by using your influence in the cause of the things I advocate. Get out amongst your friends and work in my behalf. I believe my election is assured; but this is not enough. I want to see that the ideas which you may believe in are represented at the head of the poll in Ward 6. I want volunteer electors to work for my election.

My Head Downtown Committee Room is 192 West King Street, Telephone Main 4469. I want all my supporters to rally there on New Year's Night. My residence, 65 Jameson Avenue, Telephone Park 949, will be used for the convenience of all electors who wish to work in my behalf. So now, if you are in sympathy with me, rally to my standard, and do not stop working until the last trench is captured.

GEARY FOR MAYOR

"I endorse the candidature of Ald. Geary for Mayor. I believe him to be the best qualified of all the candidates to carry out the provisions of the power by-law."

—CECIL B. SMITH.
A young man, old in municipal experience.

1908—For Controller—1908

Your Vote and Influence Respectfully Solicited for the Election of

Ex-ALD. J. B. SHEPPARD FOR CONTROLLER

Proposed by LEWIS HOWARD, ESQ.
Seconded by FRANK ROLPH, ESQ.

WARD 5 CANDIDATES.
Vote for the Re-election of
Ald. P. B. Whytock
FOR 1908 713213

VOTE FOR
John Aldridge

—AS—
Alderman

—AND—
Good Government

VOTE FOR
WM. CARLYLE

As ALDERMAN
Your Vote will be greatly appreciated.

Your Vote and Influence are respectfully solicited for the Election of Ex-Alderman

Alex. STEWART
As Alderman for 1908

WARD 6 CANDIDATES.

Your vote and influence are respectfully solicited for the Election of

JAMES CLAXTON
AS ALDERMAN FOR 1908

Your vote and influence are respectfully solicited for the Election of

J. A. McCausland
AS ALDERMAN FOR WARD 6

Your Vote and Influence Are Respectfully Solicited for

G. H. Fairles
THE FLOUR MAN
AS ALDERMAN FOR 1908 72613

Vote for Re-Election OF

Ald. J. J. Graham
FOR 1908 3152

VOTE FOR

MILES VOKES

—AS—

MAYOR

Municipal Experience
Civic Efficiency

FOR CONTROLLER

1908

FELLOW CITIZENS:

If my ten years' record of public service convinces you that electing me again will be helpful at this important time, kindly vote for me, and ask your friends to do the same. Heartily wishing you a Happy New Year, I am,

Yours, sincerely,

F. S. Spence

New Minister of War.
STOCKHOLM, Sweden, Dec. 31.—Major-General O. B. Malm, commanding the Stockholm division, was today appointed minister of war.

WARSAW, Dec. 31.—A telegram has been received here from Ignace Paderewski, in which the well-known pianist accepts the directorship of the Warsaw Conservatory of Music.

ELECTION NOTICES.

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