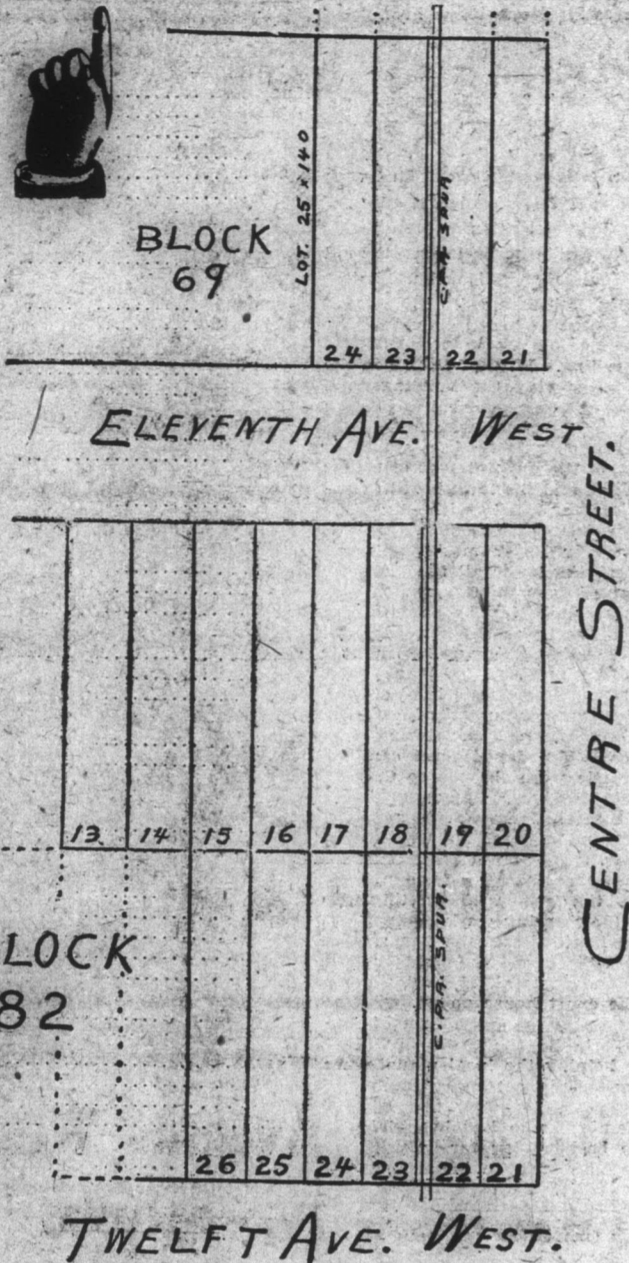


Trackage Property

CUSHING'S

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DEPOT-



35x140 feet, block 69 \$18000
 135x140 feet, facing north, block 82 \$25000
 135x140 feet, facing south, block 82 \$25000

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 1112 First Street West. Phone: 60 and 1232
 In a short time the street cars will be running down 12th Avenue to East Calgary.

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- (2) 6 lots on Fourth street east, \$23,000.
- (3) One and a half lots on 7th Avenue between First and Second streets east, \$17,000.
- (4) One and a half lots on 7th Avenue between Third and Fourth street east, \$10,500.
- (5) Two lots on Fifth avenue between Third and Fourth street east, \$3750.
- (6) Five lots in block 5, Upper Hillhurst, \$225 each.
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We are the owners and can deliver 30 feet by 100 feet opposite Underwood block, next to lane with spur track. Price..... \$12000
 \$3,000 cash; \$1500 in 3 months; \$1500 in six months, balance 1 and 2 years. There is a lease on this property, but it can be cancelled.

OPEN EVENINGS

OVANS BROS. & CO.

2 ALBERTA BLOCK OPPOSITE ALBERTA HOTEL PHONE 222

THE HAWES-CORNWALL CASE AT COMMISSION

Verbatim Evidence Upon This Phase of the Question at the Investigation.

EVIDENCE BY COUNSEL OF HAWES AND CORNWALL

Interesting Evidence Which Was Given Towards Close of the Second Day.

The evidence in the Hawes-Cornwall incident, which is a sort of offshoot to the Alberta Waterways case, was given in Edmonton on Wednesday afternoon. Evidence was given by Mr. Henwood, counsel for Hawes, and Mr. Bigger, counsel for Cornwall. It is as follows:

Q. You are a solicitor practicing in Edmonton?

A. I am.

Q. Are you familiar with the matters that are being inquired into before this commission?

A. I am not.

Q. This commission has been appointed for the purpose of "ascertaining whether, if any, officers of the government or members of the legislature, etc., (and powers of commission). These are the matters that are being inquired into by this commission. I have been informed that you either have or have had in your possession certain correspondence bearing upon some of these matters, which are being inquired into. Is that true?

A. Well, I hardly know, my lords, whether they would have any bearing or not. I have had some papers from a client in Toronto and I presume if that client were here he would be entitled to claim his privilege with respect to them. I have not any papers. Such papers as I had might possibly have some bearing on some phase, some particular portion of the question which are brought out in the investigation, but I do not think that I should be asked.

Mr. Justice Harvey: You are asked if you had any papers.

Mr. Justice Beck: It is not a question of his privilege; it is a question of your privilege.

Mr. Walsh: I understand from what you say, without inquiring into the details of the papers, that you have had some papers which are not now in your possession, which might have a bearing upon some of the matters which are being inquired into by this commission.

A. I think possibly they might have. From whom did you get them?

A. Well, I do not think I should answer this question.

Q. Why not?

A. I do not think I have any right as a solicitor to make any disclosure at all. I may be wrong, but I may say, my lords, I received this subpoena this morning and haven't had an opportunity to give the matter a great deal of consideration, or to take advice of counsel on it, but it appears to me that until I had instructions from my client, I should not disclose anything in connection with these communications.

Q. You may tell me this. For what purpose were these papers sent to you?

A. Well, I think I have the same difficulty in answering that question. Mr. Walsh: I think, my lords, I am entitled to an answer to that question for the purpose of enabling you to decide whether or not the privilege does exist. It appears to me that the mere fact that Mr. Henwood is a solicitor and that he has received papers does not constitute a privilege. I think that the papers must have been sent to him as a solicitor for a certain specified purpose within the discharge of his duty.

Mr. Justice Scott: Of course the ground of his privilege is the relation existing between solicitor and client, that is the ground upon which he is refused to answer.

Mr. Walsh: Yes, I am quite aware that Mr. Henwood states that at the outset they may have been sent to him for some purpose which would not be a purpose within the discharge of his duty as a solicitor at all.

Mr. Justice Scott: We have just to accept his statement that he received them as a solicitor.

Mr. Justice Harvey: You can get the name of the person from whom he received them.

Mr. Walsh: From whom did you receive the papers?

A. I received them from Mr. Davidson, a solicitor in Toronto.

Q. Of what firm?

A. Of the firm of Henderson & Davidson.

Q. Were they returned to him?

A. They were.

Q. For whom were you acting in the matter?

A. I was acting through Mr. Henderson for Mr. Henwood.

Q. What is his full name? Do you know?

A. Alfred Hawes.

Q. Did you keep any copy of these documents?

A. I did not.

Q. When were they returned to Mr. Davidson?

A. They were returned about the 15th of March, I think.

Q. This present month?

A. Yes.

Mr. Justice Harvey: Did you say Mr. Henwood is at Toronto?

A. He is, my lord.

Mr. Walsh: Under whose instructions did you return them?

A. Under the instructions of Mr. Davidson.

Q. I understand your communication in the matter was all with Mr. Davidson?

A. Yes.

Q. Was any member of the government or legislature of Alberta concerned in the matter?

A. Well, I don't think I should go into the matter further, Mr. Walsh. I may be wrong and I am willing to do whatever your lordships think right, should do. It seems to me I have no right to make any further disclosures without the consent, at any rate, of my client.

Mr. Walsh: Do your lordships think that question is one that should be answered?

Mr. Justice Harvey: It is doubtful. The way you put it might refer to a communication as between his client and himself, or it might refer to something outside of that communication. The communication might be between solicitor and client.

Mr. Walsh: I think I would be entitled to carry the question this far. Mr. Henwood has told us that these papers were sent him in connection with certain matters that might be within the scope of this inquiry. I think that I am entitled to ask him whether any member of the government or any member of the legislature of Alberta

was concerned in the matter which he was required to answer.

Mr. Justice Harvey: I did not hear him say anything about being employed to transact anything. He said he had these documents which might have some bearing upon this question.

Mr. Walsh: Were these papers sent to you Mr. Henwood in connection with any transaction to which any member of the government or legislature of the province of Alberta, was a party?

A. Well, I don't know whether I should answer this question or not. It seems to me that if I say from whom I got the documents and for what purpose I was acting in the matter, I have disclosed as much as I should disclose, and say at the same time that I was employed in the capacity of solicitor in connection with these documents or communications, which I received.

Mr. Justice Harvey: You say that these possibly may have some bearing on this. Are we going to have the trouble of trying to get at the original documents without knowing whether they have any bearing or not. You must surely have some other information that will let us know a little more definitely whether they have any bearing or not?

A. Well, I don't know whether I am in a position, my lord, to give that information.

Mr. Walsh: Did you have any communication with any member of the government or legislature of Alberta with respect to these matters disclosed by these papers that were sent to you?

A. I do not think I can answer that question either.

Q. Why not?

A. Any communication that I had with regard to that was privileged.

Q. The communication you would have would be one of the class that I have referred to?

A. I think it might be. I don't know.

Mr. Justice Scott: What have you to say with regard to that question?

A. I don't know, my lord, that I am at liberty to answer.

Mr. Justice Scott: It seems to me as you have shown them to other people other than your client, your privilege to a certain extent is gone. If you showed them to others then there is no reason why you should not disclose the documents to us.

Mr. Justice Harvey: The element of secrecy would be very largely put out of the way, if you have shown them to others.

Mr. Justice Scott: What do you say as to the question as put to you? Do you still persist in refusing to answer?

A. Well, with your lordship's permission, I think I might have a little further time to look into the matter, or if necessary to have some one to represent me in the matter, because, as I say, I received the subpoena this morning and I do not like to answer in a way that might not be right in my client's interest.

Mr. Justice Harvey: Are we to gather that you were resting on the assumption that you would not be asked to come before this commission and give any information?

A. Quite so.

Q. Until this morning?

A. Yes, my lord.

Mr. Justice Harvey: You must be very innocent of what is going on.

Mr. Walsh: Question reads as follows: "Did you have any communication with any member of the government or legislature of Alberta with respect to the matters that were disclosed by these papers which were sent to you?"

Mr. Walsh: My lords I did not want to convey the idea that Mr. Henwood had shown these papers to any member of the government or member of the legislature respecting the matters of the government or any members of the legislature.

The witness: It seems to me that if I answer the question I may be called upon to disclose exactly the nature of the communications I received from my client.

Mr. Justice Scott: It is absolutely necessary for you to obtain this information.

Mr. Justice Beck: It is necessary at this stage. We are looking for documents now. The documents, in fact, are not here. Mr. Henwood says they were sent to Toronto. I have heard a report, I don't know whether it is true, but I have heard that there are copies in existence.

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