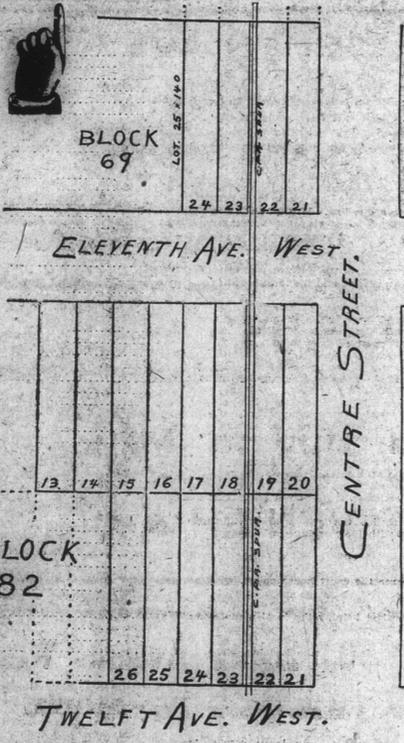


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## THE HAWES-CORNWALL CASE AT COMMISSION

### 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. Biggar, 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., (each as members 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.

Q. I think possibly they might have come from whom you got 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 having 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 say that, my lords, but purpose were these papers sent to you?  
 A. Well, I think I have some 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. Hawes.

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. Hawes 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 then 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, whether 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 whom I was acting for, I should disclose 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. I think it might be better to answer.

Mr. Justice Scott: Put the question again, 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.

Mr. Walsh: I have no information as to any person that would have them, if Mr. Henwood has not them. The reason I think it is important is this, I do not know whether it comes within the scope of this inquiry and I cannot decide whether they are important or not unless I know that they will be relevant to the inquiry. The position I take is this: My information is to the effect, it may be true or may not, I don't know, that the correspondence that Mr. Henwood had in his hands and to which he has referred, is correspondence between his client and me. (Continued on page 7.)

Every family and especially those who reside in the country should be provided at all times with a bottle of Chamberlain's Liniment. There is no telling when it may be wanted in case of an accident or emergency. It is most excellent in all cases of rheumatism, sprains and bruises. Sold by all Druggists.

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The Canadian Pacific Company are building their shops and making their yards immediately to the West of this property.

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The above are facts, but it is further stated that the Grand Trunk Pacific and Canadian Northern Railways will have their yards located on this property.

We have asked you a question, and if you read the above we think you cannot fail to see that we have answered it. It is needless to explain further. Your opportunity is here, and it only remains for you to grasp it. If you fail, it is your loss and our gain for the simple reason that on and after Monday, the 4th of April, the price will be raised to \$100 per lot, so "Get Busy."

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Only a few remain unsold, in fact a very few, and the chances are that not a lot will remain after today's selling. Saturday was a record day. Today will not be as good, because we haven't the number of lots as were sold Saturday.

All prospective purchasers who have been undecided regarding the purchase of Macleod property while it is cheap, had better get very busy today, or the opportunity will be gone, never to return.

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