

October 23, 1873

also to give to the members of the Government a like latitude for defence. This course appeared to the Commissioners to be just, and in accordance with what they believed to be Your Excellency's wishes and expectations.

(4) In the prosecution of their work, the Commissioners have called before them such persons as they had reason to believe could give any information on the subject of it, or otherwise facilitate the investigation, and especially the Hon. Mr. Huntington, to whom a letter annexed to this report was addressed on the 21st of August last past, requesting him to furnish to the Commission a list of such witnesses as he might wish to examine, and to proceed on the day named with evidence in the premises.

(5) A letter was also addressed to the Hon. the Secretary of State, giving notice of the day appointed for the proceeding, a copy of which is also annexed.

(6) In the interval between the first day of meeting and the day so appointed, summonses were duly served upon Hon. Mr. Huntington and others to appear and give evidence.

(7) On the fourth day of September the Commissioners met, and after the publication of the Commission the witnesses cited for that day were called.

(8) Hon. Mr. Huntington failed to appear.

(9) The evidence of the Hon. Henry Starnes was taken, and a sealed packet placed in his possession by Sir Hugh Allan and Mr. George W. McMullen was produced and deposited with the Commissioners.

(10) The sealed packet was opened with the consent of Mr. Starnes and Sir Hugh Allan, and the several papers it contained were put in proof.

(11) The Commissioners then examined the other witnesses in attendance, and afterwards on successive days preceded to the examination of those whose names are on the list, styled "List of witnesses to be examined" hereto annexed.

(12) Of the 33 gentlemen whose names are on that list 29 have been examined.

(13) Two of these, Mr. George W. McMullen and the Hon. A.B. Foster, failed to appear although duly summoned, the former through a special messenger sent to Chicago for the purpose.

(14) The other two, Mr. Henry Nathan and Mr. Donald A. Smith, are resident, the former in British Columbia and the latter in Manitoba; the distance and consequent delay in securing their attendance, and the large outlay it will cause, render it inexpedient in the judgment of the Commissioners to call them to give evidence.

(15) In addition to those whose names are on the above-mentioned list, the Commissioners have called and examined Mr. Daniel Y. McMullen, Sir Hugh Allan, the Hon. J.J.C. Abbott, and the Hon. Mr. Ouimet.

(16) Most of these witnesses were cross-examined on behalf of the Government by Hon. Sir John A. Macdonald or other members of it.

(17) Mr. Charles M. Smith of Chicago, was summoned by the Commissioners, but did not appear.

(18) Evidence also has been given by Mr. Fred C. Martin and Mr. Thomas White, whose names were furnished by members of the Government, and Mr. George Norris, Jr. and Mr. J.A. Perkins, whose names were also so furnished, were cited to appear but made default.

(19) The Commissioners on the 23rd day of September, while still in the course of their examination, requested by public announcement all persons possessing any information on the subject of the enquiry to appear and give evidence before them.

(20) No evidence has been offered in answer to this announcement.

(21) The Commission closed its sittings for taking evidence on the 1st day of October instant. These sittings were public and open, and accommodation was provided for reporters of the public press.

(22) The Commissioners have endeavoured, in obedience to the requirements of the Commission, to obtain from the witnesses all the evidence pertinent to the subject matter of the enquiry which they were able to give.

(23) This evidence is contained in depositions, 36 in number, and in certain documents, all of which are annexed to this report and specified respectively in the accompanying list and schedule.

(24) If the evidence be considered redundant, it has arisen from the nature and circumstances of the enquiry, which rendered it inexpedient to limit its range by the technical rules of evidence observed in the ordinary tribunals.

(25) With respect to that portion of the Commission which leaves to the discretion of the Commissioners the expression of their opinions upon the evidence, they have determined not to avail themselves of the liberty so given.

(26) They had arrived at that conclusion before they were informed of your Excellency's views on the subject, and they feel confirmed and justified in it by a communication received before their labours commenced, to which Your Excellency kindly permits us to allude relating to one or two matters on which they thought it their duty to consult Your Excellency before entering upon the execution of their task.