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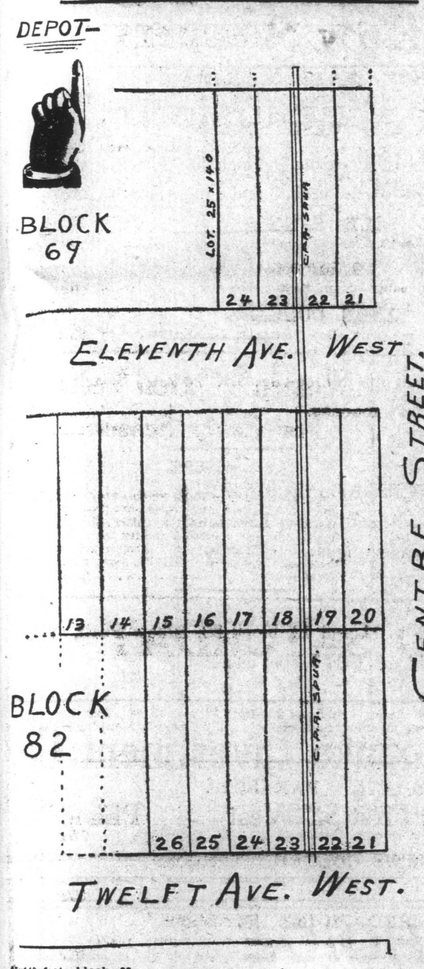

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THE EVIDENCE AT ROYAL COMMISSION

Further Verbative Reports of the Testimony Given By the Different Witnesses.

(Continued From Yesterday's Paper.)

Mr. Biggar: They are here now.

Mr. Walsh: Mr. Biggar has them here now; but Mr. Biggar tells me this morning that he has received a telegram from Mr. Robson asking him to have the contents of that suitcase sent back to him right away. Well now, we don't propose that that shall happen. There are in that suitcase many, very important documents that must be produced before this commission, and although there are a great many things in there which will not go in and should not go in, I am going to ask that the contents of that suitcase be impounded here in the meantime. I don't propose perhaps to put in one by one the documents, which from our examination of the contents of that suitcase should properly be exhibited before this commission, but I am not satisfied with that. I am going to ask, and I do now formally ask, that this suitcase and the contents of it be impounded by this commission until we get through.

Mr. Justice Scott: I understand you have the documents in court now.

Mr. Biggar: It is here. Perhaps I ought to explain that the only reason they were in my possession was for the convenience of my learned friends. When Mr. Minty went away on the first occasion, some safe place of keeping was required, and they were left in my vault, as I state, for the purpose of allowing my learned friend, Mr. Walsh, to examine them, subject to subsequent discussion as to their admissability and relevancy. So I have had no other instructions with regard to them subsequently to the telegram which my learned friend has referred to, and I merely say that in order that your lordships may understand how that matter happened to be in my possession and the terms upon which they are there.

Mr. Justice Scott: Have you any objection to handing them over?

Mr. Biggar: It seems to me unquestionably that your lordships—

Mr. Justice Scott: Of course only those documents that Mr. Walsh and Mr. Johnstone consider necessary for the purpose of the investigation, you understand.

Mr. Biggar: Yes, my lord. Of course, I don't know anything about the documents.

Mr. Justice Harvey: If they take exception to any of them being produced they will have to have some one here to represent them.

Mr. Justice Scott: There may be a question as to whether certain documents tendered as evidence are admissable as such. This question will be determined at the proper time.

Mr. Bennett: If I might make a suggestion to your lordships my learned friend could not possibly do that, owing to the position in which he and his colleagues are. The matter is not only before Mr. Minty and this commission it has a wider significance; it is a matter that affects the province as a whole, and occupying the position that I do as counsel for sixteen members of the legislature, it seems to me I should say to your lordships that in my opinion you should ask your counsel to send a telegram to Mr. Minty directing his attention that he was sworn before this tribunal and that this tribunal expects him to return here. Then if Mr. Minty sees fit to take a further attitude in relation to it, the tribunal should further consider the position it should take in relation to it. While I am on my feet, I spoke of the circumstances incident to the withdrawal of Mr. Minty and Mr. Clarke with regard to this investigation; and during the interim I have had an opportunity of considering the matter, and I have discussed it with such of my clients as I have been able to communicate with, and also with counsel for the commission, and so far as Mr. Parlee and myself are concerned, it has been thought we would be derelict to our duty if we did not remain and give such necessary assistance as we can to the commission in relation to the matter. But I say once more frankly to your lordships that no intelligent examination of some of the witnesses can be conducted without the productions that were expected from Mr. Clarke of papers that were known to have been in his possession and can be proven to have been in his custody and control. In the absence of the papers and documents referred to by Mr. Walsh it would be a most difficult position not only for counsel for the commission but for any counsel to cross-examine or examine and investigate the matters in relation with this transaction. Under those circumstances with your lordship's permission, we will continue to remain in this investigation.

Mr. Woods: So far as the premier of the province may be typified as representing any opposite interests to that represented by my learned friend Mr. Bennett, I have to say on his behalf and on behalf of the opposite interests that he represents, that nobody can regret, and in the nature of things there isn't anyone that can be said to regret more than he the absence of these witnesses from the commission, and he is here so far as I represent him,—we are here to give whatever assistance to your lordships that we can give—so far as possible to investigate the matters before you, so far as it may be possible now to investigate them.

The commission here made an order for the impounding of documents of Mr. Minty in the hands of Mr. Biggar.

Mr. Mackenzie: As there has been some expression of opinion by other counsel, I think it would be only fair in behalf of my client to put myself on record, in saying that I am thoroughly in accord with the other counsel in feeling the disadvantage in which I, as well as others, am placed in reference to this, although appearing here only on behalf of Mr. Cornwall, but in undertaking to appear on behalf of Mr. Cornwall and watching his interests, I fully expected to find all the evidence of Mr. Cornwall corroborated, from my instructions, by a witness who is not here today, and I wish to say that I am in full accord with the remarks made by the other counsel. As far as I am concerned, I sincerely wish that Mr. Clarke were here.

Mr. Biggar: I have to join in that expression of opinion as far as Mr. Cross is concerned.

James K. Cornwall, being recalled as a witness, having been previously sworn, was examined by Mr. Walsh and testified as follows:

Q. Mr. Cornwall, you told me, when you were examined before the commission a fortnight ago, that you were one of the incorporators of the Athabasca railway company.

A. Yes, sir.

Mr. Walsh: I might, for the purpose of the record, state to your lordships that the Athabasca railway company was incorporated by Ch. 58 of the Dominion Statutes of 1905.

Q. I understand that at that time you were largely interested in the north country?

A. It is true.

Q. In what shape were your interests there?

A. I was a fur trader.

Q. A fur trader?

A. Operating a fur business in that country.

Q. And was that the extent of your interests in the north country in 1905?

A. That was all, sir.

Q. That was all?

A. 1905. I was just embarking in a steam boat business as well as transportation business, about that year.

Q. You were on the point of doing that?

A. Yes. I had been planning it for a good many years and I thought the time had arrived when I should take some steps towards building some steamers.

Q. And how far in 1905 had your plans gone in that direction?

A. I think I had bought the hull of a ship that had been constructed by McDougall and Secord for the same purpose and they had abandoned the idea.

Q. That was the foundation of your navy then in 1905?

A. That was the foundation of my navy; that was my Dreadnought.

Q. Was it your interests in the north country that led you to become one of the incorporators of this railway company?

A. I wanted a railroad built into that country because I felt—well, before I make that statement, I can answer that by giving you some idea of what led up to the railway, my idea of it.

Q. Well, I would like to get that; I would like to find out your idea in embarking in the business of a railway constructor or promoter?

A. Mr. Walsh, I would be very glad to let you know and your honors. I went into that country in 1898. I was a hunter and a trapper for about a year, and I followed the vocation of a river man during the Klondyke rush. In those years I became familiar with the waterways and some of the physical features of the inland country. I went into the fur business, and in pursuing my occupation as a fur trader, I gathered from time to time a great deal of data regarding the country, and familiarized myself by travel, enquiry and reading as to some thing of the resources of that country, and knowing as I did the remoteness of the waterways from the then existing points of railroad, that a railroad would have to be built to the waterways in order to do anything with the resources of that country, it gave me the idea of trying to get a charter and preaching the gospel of the north, and interesting somebody in the railroad charter so that road would be built. That is, roughly, about my idea.

Q. And what you were particularly concerned about was the development of the north country?

A. That was my only interest in railroads.

Q. And I suppose any glory or money that might be incidental to the promotion of a railroad company?

A. Well, I haven't up to date got any money out of it, and I don't see where there is very much glory in my position.

(Continued on page 11.)

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