

(Continued from Page One.)

No, I don't think so.
 Well, are you sure?
 Well, I am morally certain—let me think a moment. I don't think I have. I don't think I ever received any letters from Mr. Cushing of any kind, excepting departmental letters on road matters or something like that.
 I want to know whether you have in your possession any letters or other documents.
 No, I don't think so.
 Sent to you by Mr. Cushing?
 No, I don't think I remember, and if I had, I think I would remember it.
 Have you any copies of any letters sent to you by Mr. Cushing in connection with this matter?
 No, I don't think I ever wrote to him. Nothing half a dozen letters in my life.
 Well, you may have five copies of letters written by you to Mr. Cushing? That is what I mean?
 It might be.
 Well, is it so?
 Yes, I think so. Mr. Cushing sent letters with respect to the A. & G. W. Ry.
 In reference to it at all?
 Or sending him any telegrams? You understand by letters I mean telegrams or any other papers?
 No, I don't think I ever sent him any telegram.
 And any letters between yourself and Mr. Nolan?
 I think all that can be said.
 Have you any letters in your possession from the Hon. Frank Oliver, with reference to the A. & G. W. Railway?
 "None whatever, Mr. Nolan.
 Did you ever have any?
 No.
 Have you in your possession any copies of any documents?—
 Yes, I have a letter, that letter from Mr. Frank Oliver going to enquire into these matters we are going to enquire into?
 Yes, I have. I am asking if he has any such letters.
 Mr. Justice Scott: Aren't you travelling a little out of the limit? The last question you asked was not for the purpose of eliciting information with reference to this enquiry, but for some other purpose.
 Mr. Nolan: I would say it isn't done for any other purpose than to find out the limits of the enquiry.
 The Witness: I might say I haven't any objection to his asking me anything, but I don't think I can, between myself and the Hon. Frank Oliver.
 Mr. Nolan: Well, are there any letters?
 No, absolutely none.
To Correspondence With Members.
 Is there any correspondence in your possession with any member of the Legislature?
 Yes, I am a member of the Legislature. I am a member of this province in connection with this matter?
 Where are these letters?
 There are no letters between myself and Mr. Cushing.
 I have written prior to the opening of the Legislature.
 There are no such letters.
 Nothing written prior to the opening of the Legislature?
 No, the present session.
 No, nothing during the present session.
 No.
 You have no papers?
 Yes, I have. I remember.
 Have you any written since the opening of the present session bearing on this matter?
 No, nothing.
 No, not directly bearing on this matter.
 Well, but bearing in any way on this matter?
 Yes, I have some letters. I suppose the members of the Legislature have more or less, letters from other members of the Legislature.
 In connection with the A. & G. W. Ry.
 Not particularly. That was a thing that was done in the House of Commons.
 Well, I don't want to have anything to do with that.
 That is all you contained.
 That is all you know if you have in your possession now copies of any documents that are on the files brought out in the present enquiry, and which are marked here as exhibits, that is, the public works department, the public works department? Have you any copies of these documents?
 No, I don't have.
 When were these copies made, and where are they?
 I read a good many of those things in my speech.
 Mr. Justice Harvey: We have those copies here. How is that going to be? When were they made?
 What difference does it make?
Had Reason for Questions.
 Mr. Nolan: It may make a difference, and I don't want to go on to the next stage for obvious reasons. I am asking the question of good faith, and because I have a good reason for asking it.
 I am asking the reason now that I am asking these questions. Possibly they may become better in the general course of the enquiry. If your Lordships think so, I will defer it.
 Mr. Justice Harvey: The press is examining the public works department for the purpose of getting down to the bottom of the matter, and the documents which may be useful. To find out if he has any documents in his possession already have can be of use whatever from that point of view.
 Mr. Nolan: The matter can be required to be put in the hands of the press, legitimately put, and there can be no possibility of doubt, as they will not say anything further about it.
 Mr. Justice Beck: You stated that there were some documents in your possession some time in the past.
 Mostly all, if not all, were destroyed by letters from the

[illegible]

Mr. Henwood stated that at the time, but they may have been sent to him for some purpose in connection with his duty as a solicitor at law.

Mr. Justice Scott—We have just to see if he received them or he received them as a solicitor.

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

Received From Mr. Davidson.

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

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

The firm of Henderson & Davidson. Were they returned to him?

They were.

Did you know your lordships in the matter? Were you acting in the matter?

What is his full name, Mr. Henderson?

Alfred Hewes.

Did he keep any copy of these documents?

I did not.

When were they returned to Mr. Davidson?

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

At present nothing.

Yes.

Mr. Justice Harvey—Did you say Mr. Davidson was in Toronto?

He is, my lord, Toronto?

Mr. Walsh—Under whose instructions did you receive the papers?

Under the instructions of Mr. Davidson.

I understand your communication, that the matter was all with Mr. Davidson?

Yes.

Again Claims Privilege.

Was any member of the Government or Legislature of Alberta concerned in the matter?

Mr. Walsh—I think I should go into the matter further, Mr. Walsh. I may be wrong and I am willing to do whatever your lordships think is right. Under the circumstances it may be no right to make any further disclosures without the consent at any rate of the Government.

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

Mr. Justice Harvey—I think it is doubtful, the way you put it. It might refer to a communication or to a document, or to a matter which might refer to something outside of that communication. The communication might be between solicitors.

Was Any Member Concerned.

Mr. Walsh—I think I would be entitled to carry the question this far.

Mr. Henwood said that he had been sent him in connection with certain matters that might be within the scope of the inquiry.

Mr. Walsh—He was entitled to ask him whether any member of the government or any member of the Legislature was concerned in the matter which he was required to transact.

Mr. Justice Harvey—I did not hear him say anything about being employed to transact anything. He said he had these documents.

Mr. Walsh—Were these papers sent you, Mr. Henwood, in connection with any matter which was before the Government or Legislature of the province of Alberta was a party?

Well, I don't know.

Mr. Justice Harvey—You are saying it seems to me that if I say from whom I got the documents, in the matter, that I have disclosed as much as I am entitled to disclose, and say at the same time that I am employed in the capacity of a solicitor in connection with these documents or communications that are received.

Mr. Justice Harvey: You say that these possibly may have some bearing on this. Are we going to have to go on this, are we going to go at the original documents without knowing whether they have any bearing on the information that will let us know a little more definitely whether they have any bearing on the information?

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

Refused to Answer.

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

Mr. Justice Scott: I think I can answer that question either.

Yes, not.

Mr. Justice Scott: I had with regard to that was privileged.

The communication that I had had with you was outside the class that I have referred to.

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

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

Mr. Justice Scott—I don't know my lord that I am a solicitor.

Mr. Justice Scott—It seems to me as you have shown them to other people to a certain extent is gone.

You showed them to other people.

Mr. Justice Scott—You would not disclose the documents to us.

Mr. Justice Harvey—The element of the way if you have shown them others.

Mr. Justice Scott—What do you say as to the question as to you to you? You still persist in refusing to answer the question as to whether you permit, I think I might have a little further time to look into the matter.

Mr. Justice Scott—You are presenting me in the matter, because, I say, I received a subpoena that I was to answer the question as to whether you were resting on the assumption that you were not on the assumption that I asked the commission and give any information?

Quite so.

Mr. Justice Scott—Morning?

Yes, my lord.

Witness Was Very Innocent.

Mr. Justice Harvey—You must be very innocent knowing what you say?

Mr. Justice Scott—Put the question.

Question read—as follows—Did you have any communication with any member of the government or legislature of Alberta?

of Alberta with respect to the matters disclosed by these papers that Mr. Walsh—My lords, I don't want to convey the idea that Mr. Henwood is a member of the government or member of the legislature but whether he had or not, the papers in question were touched upon in this correspondence with any member of the government or the legislature.

The witness—it seems to me if I answer the question I may be called in evidence in Toronto, and I have heard the communications I received from my clients.

Mr. Justice Scott—is it absolutely necessary for you to obtain this information?

Mr. Justice Beek—is it necessary at this stage when we are looking for documents now. The documents in fact are not here; Mr. Henwood has not come to Toronto. I have heard a report, I don't know whether it is true, but I have heard there are some papers.

Mr. Walsh—I have no information as to any person that would have been in possession of these papers. The reason I think it is important to know this, I do not know whether or not Mr. Henwood is a member of the enquiry and I cannot decide whether they are important or not unless I know whether he is a member of the enquiry. The position I take is this. My information is to the effect, I think, that Mr. Henwood does not know, that the correspondence that Mr. Henwood had in his hands, and a copy of which he has not returned, was between his client, Mr. Hawes, whom he has spoken of, and a member of the legislature, the Hon. Mr. of Alberta. Now, I think I am entitled to ask Mr. Henwood if he had any papers which he has not returned.

Mr. Justice Harvey—That member of the legislature?

The witness—That is the remainder of the evidence before the Royal Commission Great Waterways enquiry on Wednesday.

Mr. Walsh—Yes, my lord, that member of the legislature.

Mr. Justice Scott—We are of opinion that it is not justified in refusing to answer the question, for this reason, that a communication between him and a member of the legislature is privileged between himself and his client. Under the circumstances I do not think it is necessary to ask him for the information, Mr. H. wood.

Mr. Walsh—I would ask your answer to that question?

The witness—That is again, my lords.

Mr. Biggar—My lords, I have been distracted for the last few minutes but I am not justified in refusing to answer myself into this discussion. The client for whom I act in this connection is not justified in refusing to answer, but I am entitled to be prepared to give all the information that I have. I have most of the information in my hands, and I am prepared to give the papers that are under discussion.

Mr. Justice Scott—is that satisfactory?

Mr. Walsh—Do I understand that Mr. Biggar is acting for the parties who are in dispute, and not for the matter?

Mr. Biggar—No, I was on the opposite side to the matter.

Mr. Walsh—I would like an answer to this question I have put to Mr. Biggar. I think I am entitled to ask that answer, and that would be sufficient for the present.

The witness—I had a communication from Mr. Biggar in your office, Mr. J. K. Cornwall?

Yes.

Mr. Justice Scott—The matters dealt with in this correspondence forwarded to you by Mr. Davidson?

Yes.

Mr. Walsh—I understand Mr. Biggar's offer to be to give me the information which he thinks should be given, and that he would like to deliver to this matter.

Mr. Biggar—I would like to do it right away as a witness if Mr. Walsh would be pleased to wish that.

Mr. Walsh—I would rather not do it in that way, Mr. Biggar.

Mr. Biggar—My lords, the person who was acting, desires that it be made in that way and it was for that purpose that I made the offer.

Mr. Biggar—I have absolutely nothing to say.

Mr. Walsh—Perhaps when we read the main subject of the enquiry if it is not possible to have the papers to be taken advantage of; I do not think at the present time it is proper to go into that.

Mr. Biggar—if it is to be taken advantage of it seems to me it should be taken advantage of now, some other time would be better. I would like to put out the fire right away; have the pail of water handy.

Mr. Justice Harvey—Am I afraid to ask you to give your control?

Mr. Biggar—No, but I understand we are going to adjourn now for about half an hour.

Mr. Walsh—I do not think I can carry the matter through with Mr. Biggar. I am going to make an appeal to consult with my colleague about Mr. Biggar's proposition.

The Cross-Examination.

Was the witness a member of the department while in your possession?

Yes.

I understood that my clerk made copies.

For what purpose?

For the purpose of it would be well to have a copy of them.

Have you got the copy?

No.

Who has the copy?

It was destroyed.

Who destroyed it?

My clerk.

When?

Oh, some ten days ago.

Under instructions.

From whom?

From the principal in Toronto.

By letter or word, or how?

By telegram.

Under instructions from your principal, the only copy extant has been destroyed?

The material was returned to him and he destroyed it.

I kept it and returned the original.

Did you not return the original?

On the 15th of March?

Yes, you say instructions about making a copy and keeping it and that you were asked for the originals?

Why did you make a copy then?

I would ask your lordship to proceed in the matter.

Did you say the witness has not objected himself.

You were asked to return the originals and you say they are in your possession, is that right?

I had when I returned the originals.

You made the copy after you returned the originals?

No, when the originals were returned to my possession was destroyed.

Copy for Protection.

What did you make the copy in the first place for that purpose if you had the originals?

I made it for my own protection.

Was there anything requiring protection that necessitated your making the copy?

Well, I don't think I will say anything further.

Was there anything that necessitated the making of a copy? You say for your protection? Was that copy necessary?

Yes, I felt that it was.

When were the originals returned?

On the date that I gave you.

Did you say that you returned these papers to Mr. Parlee?

And when was the copy destroyed?

The same time.

The 15th of March?

Yes.

Did anybody else that copy except yourself and the stenographer who you said?

No.

Did anybody see the originals while they were in your possession?

Well, I shall object to answer any further.

You make the suggestion will you say whether I am right or wrong?

No, I won't say anything further.

Did you say that Mr. Parlee saw the originals?

Did you show these papers to any member of the legislature while they were in your possession?

Well, I don't know that I should go any further into the matter.

Did you say that you think I am justified in asking if he has shown these papers to any member of the legislature?

Mr. Justice Beck—That is the same thing as I have asked.

Mr. Justice Scott—We will not insist on his answering that question.

Did you say that Mr. Parlee showed papers to any member of the government?

Mr. Justice Beck—That is the same thing as I have asked.

Mr. Parlee—I would like to know if Mr. Horwood declines to answer the question.

Did you say that you showed documents or papers to any member of the government?

The witness—I do decline to answer it.

Did you ever have any negotiations with any of the government regarding those papers?

I decline to answer that too.

Did you say that you showed these papers are now destroyed, may it be permitted to ask Mr. Henwood to whom they were destroyed?

It may be necessary to give secondary evidence.

Mr. Justice Beck—Why do you presume they are destroyed.

Mr. Justice Harvey—Mr. Henwood may be as good as any one to give evidence.

Mr. Parlee—He possibly might be, it might be necessary at the opening of the case to show that these papers here who have seen these documents.

It seems to me a perfectly fair question to ask him whether he has shown them to any member of the government.

Mr. Justice Scott—Don't you know something about that already Mr. Parlee?

Mr. Parlee—I would not like to say that I knew.

Mr. MacKenzie (To the witness).—I was asked to say about that. There was only one copy made while the document was in possession. Is that correct?

No answer.

Can you tell me the name of the person who destroyed the papers?

I don't think I can tell you anything more Mr. MacKenzie.

O. M. BIGGAR.

O. M. Biggar sworn and examined by Mr. Walsh, testified as follows: That he was a member of the House of Commons and that he had been exactly the same thing he could possibly do to him.

Into the matter was this. Mr. Cornwall came to me one Saturday morning, I have forgotten how many weeks ago, and explained the document. I was making a claim against him, and I think possibly he told me at the time that he had destroyed the document. I don't know when I got that information. The result was that in the afternoon I went to see Mr. Henwood and Mr. Parlee. Mr. Parlee was Mr. Haves, and Mr. Henwood produced the papers to me and our negotiation was completed on the Saturday, on the Monday and on the Tuesday and they possibly on the Wednesday or Thursday. I think it was on the Wednesday without prejudice. Mr. Henwood showed me the documents which he had and he told me that his instructions were that he should hand over these documents and settle the claim—the two things were always united together. I was not asked to give up the claim, if Mr. Cornwall would come up with a quarter of a million dollars. The thing was too preposterous for me to consider. I was not even talked about it for two or three days and Mr. Henwood tried to get instructions from Mr. Parlee as to what to do as it were; he had no authority to do anything else. That Wednesday Thursday he having failed in that, he came to me and said that the papers that he had—I don't know whether you want the secondary evidence, no matter what you want.

I understood that I saw all the material ones. They are all on the table that I have seen in Mr. Minchin's office. I saw the original of these two files with the exception one letter that Mr. Cornwall wrote you and I saw the original of the letter to material. It dealt with the convention that he had with Mr. Cushman.

(Continued on Page Six.)

The image is a vertical scan of a dark, textured surface, likely the cover or endpaper of an old book. A narrow, lighter-colored strip runs vertically along the left edge, showing a repeating pattern of small, dark, circular or floral motifs. The rest of the image is a deep, dark grey or black, with a fine, grainy texture and some subtle variations in tone and light reflecting off the surface.