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GREAT WATERWAYS DEAL INVESTIGATED

Commission Adjourns to Winnipeg to Take Evidence of Absentees--Many Witnesses Will Refuse to Answer Questions and Long Legal Battle Is Possible--W. Woods Gives Interesting Evidence--Some of the Interesting Correspondence

Edmonton, April 19.—On the stand this morning before the royal commission, J. A. L. Waddell told much of interest relating to the A. & G. W. He practically admitted giving a report of the estimated cost of the A. & G. W. to the government that was higher than a report supposed to be similar which was on a previous file of the A. & G. W.

He said all his estimated figures were high and on the safe side, because he was working for Clarke and endeavored to protect him. He admitted making a private confidential report to Clarke for the Royal Bank in order to get the bank to finance for them. This report had shown a probable profit of $1,050,000 based on a cost of $17,000 a mile, or a profit of $3,000 a mile for the 350 miles of the road. Waddell said he was going to build a better road than the specifications called for. The government had practically forced the specifications on him when he had better ones to produce.

The Cipher Wire.

In answer to a question as to why he wired in cipher to Clarke warning him against guaranteeing operation, Waddell said he knew that the million dollar guarantee promised by Clarke in his letter to the government was foolish, as it would prevent getting money from an agreement with the bank.

He admitted that the A. & G. W. Railway Company is paying a salary of $12,000 to its general manager Speaking of the specifications which have been accepted by the government for the construction of the road, he said he would be ashamed to build a road under those specifications, and that the Alberta government had forced these specifications on them when the A. & G. W. refused to consider the specifications of John Stocks, the deputy minister, and the latter refused the A. & G. W.'s proposed plans. Then the government asked Clarke if he would accept the C.N.R. specifications and Clarke said to Waddell: "Can we accept these?" and Waddell replied, casually, "Indeed."

Witness said the specifications now in effect on the A. & G. W. allowed for the building of a road $1,000 per mile than those he proposed.

He said also that they had bought ties for $38 and $40 per mile in Edmonton.

Decent Payroll.

A. & G. W. payroll is a big one as shows that Clarke was president. He himself is drawing $12,000, with the function of a lump sum of $[illegible] to be received later. Also a general manager of the road has been appointed, and he draws $12,000 a year. In addition to Waddell's estimate, which was in a confidential report to the Royal Bank, J. S. Darling also made one based to a certain extent on data supplied by Waddell.

Waddell did not see this report, but he understood that it was nearly $18,000 a mile that Darling had figured. In the matter of terminals the Alberta government had suggested $250,000, but Clarke stuck out for $400,000 and received it. The distance to the Fort McMurray end of the road was about 288 miles. Clarke asked for a bond guarantee of 400 miles in order to make some branch lines, but later compromised on 350 miles.

Wanted to Reach Water.

Waddell declared that the main object of the A. & G. W. being built was to get across to 3,500 miles of navigable waterways in the north. He said he did not know when he first met Cornwall, but it was prior to November 14, 1908. He said Bowen sold his option in the A. & G. W. to Clarke for $10,000 and $40,000 stock in the enterprise about Christmas of 1908.

As the hearing adjourned, S. D. Woods, who in the absence o. P. J. Nolan, is representing the premier in the investigation, was endeavoring to learn from the witness just where the difference of $1,000 was shown in the specifications as presented first by Waddell to the government and the specifications later accepted. The one Waddell had brought had embankments figured a foot higher; it did not stipulate as to fish plates and did not speak of prairie loam as ballast.

Edmonton, April 20.—D. R. Waddell finished giving evidence this morning. He produced his agreement with Clarke. He had first a contract calling for five per cent. on the amount of work, but Morgans', of London, England, objected to this, and on Aug. 11, 1909, a new agreement was made by which Waddell received $25,000 a year and a lump bonus of $75,000, $30,000 on the completion of 100 miles, and the remainder upon the completion of the road.

James McKinnon, right of way agent of the Canada Construction Company was the next witness examined by W. L. Walsh. He said he had been connected with the Edmonton Liberal Club before he went to work for Clarke. He had been north as selection agent, but on his return went to Clarke and asked for a position. This was in October, and Clarke engaged him. No influence had been brought to bear to get him the position, even though he had not had any previous experience as a right of way man. He did not know at the time whether he was employed by the A. & G. W., or the C. W. C. Co.

"Cross in Charge."

He told of having during the last session of the Legislature acted as sort of information agent for Clarke, relating to the political situation here. Once he sent a wire saying, "Cross is in charge." This was after Cross had resigned and reconsidered.

Witness explained that by this phrase he meant to express that Cross was "acting Premier," and that he was to have control of the political situation.

Cross-examined by R. B. Bennett, he said he was also connected with a land company, including Dr. Strong, John R. McIntosh, A. F. Ewing, and the two Calders.

He heard of Cross' resignation from the cabinet and from Cross himself. Cross did not tell him to wire Clarke. He never discussed it with Clarke. He said he asked Cross if it would do any good for him to speak to Clarke about a job for McKinnon. He did not know whether Cross had done so. He went to Clarke and asked for a position, which draws $1,800 a year, and Mr. Clarke gave it to him, though he had no credentials and was unknown to Clarke so far as he knew.

Nothing of very great importance came out at the afternoon sitting of the Royal Commission that was not known definitely beforehand or else was strongly suspected and practically admitted.

Jas. McKinnon, right of way agent for the Canada West Construction Company, cross-examined by Mr. Bennett, said very little more of importance. He said he acted as a sort of confidential man for Clarke in addition to being right of way agent. He kept Clarke posted as to what was going on in political circles here.

A Midnight Expedition.

One small thrill was caused when McKinnon, urged by W. Bennett, told of going in company with W. Thom, the secretary to Attorney-General Cross down at the Attorney's private office about twelve o'clock on the night of the afternoon Mr. Cross resigned and moving all of the Attorney-General's private files to the home of W. Thom.

Witness said he did not know of any documents having been destroyed. McKinnon said he had told no one of this excepting his room-mate, "Jack" McMillan.

"Who is he?" asked W. Bennett.

"The manager of the Royal Bank," replied McKinnon.

George N. Seymour, auditor of A. & G. W. and C. W. C. company, was the next witness. He said he had first met Clarke in New York when the latter employed him in November last. He arrived in Edmonton on February 25 of this year. His salary was $4,800.

Yesterday he received a letter from Clarke, a personal one, which he promptly destroyed. He did not want to divulge its nature until Judge Scott ruled otherwise. Then he said that Clarke had told him it was thought best for him (Clarke) not to appear for the investigation. The letter further said that while the judges on the commission were gentlemen of the highest character and men who would do the right thing, yet it behooved Seymour to look out for lawyers and mesmerogues.

Edmonton, April 21.—The Waterways Commission wil sit here till noon Saturday taking evidence from Messrs. Woods and Rutherford. An adjournment will then be made to the Tuesday following at Winipeg.

The afternoon session of the commission brought nothing to light that could be construed into connecting members of the Government financially with the project. B. Woods, ex-Deputy Attorney-General, has been on the stand all day, and though he frankly answered all questions there was nothing startling developed.

Mr. Johnston's direct examination lasted until nearly three o'clock, and then R. B. Bennett took up the cross-examination.

Mr. Woods examined by Mr. Johnston told of the record run east with the bonds. He said Hargis, of the Morgan House, told him that they expected to sell the bonds for considerably more than they were paying. At New York, when the party got there with the bonds, they met Attorney-General Cross, who was surprised to see them.

A letter from Minty was produced in which it said that W. R. Clarke had put up all of the $50,000 capital of the A. & G. W., and that the other shareholders were simply nominees.

Mr. Woods told Bennet he had been Deputy Attorney-General from January, 1906, to March 9, 1910. He said he had not heard of the Athabasca Railroad until Minty told him of it, and he said he had never heard J. K. Cornwall speak of it. He first met W. R. Clarke in Calgary at the Dominion Exhibition.

Mr. Woods was positive Mr. Cushing was present when the A. & G. W deal was consummated with the cabinet. He remembered him being there, and he said he was surely mistaken if he said otherwise.

Speaking of Premier Rutherford's letter of November 14, which he had written for the premier and which was promising to promote legislation for the A. & G. W., he said he had first taken it to Mr. Cushing for approval. Cushing had approved of it and then Mr. Woods took it to the Premier to have it signed.

Mr. Bennett brought up the matter of the letter from Minty which Woods desroyed because he said it was personal. Bennett read the letter, which told Woods that Minty wanted him to prepare orders-incouncil to send drafted specifications and a copy of the construction contract dow nto him. Mr. Woods said that this was a personal letter and he did not violate at all his position as a public servant when he tore up this communication.

In response to the request of Minty in that letter he had prepared, as far as possible, what was asked for, had handed them to the Premier, but did not know whether the letter had taken them east with him or left them at home.

Edmonton, Alta., April 22.—The royal commission adjourned today at four o'clock and will resume its sitting at Winnipeg on Tuesday morning next in the board room of the new grain exchange. S. B. Woods' cross-examination was concluded, and he leaves in a few days for England, where he is to represent the government in the C. P. R. tax case before the privy council. When he was deputy attorney-general he instituted the case against the C. P. R., and now he must carry it through even though he has resigned from his office.

His testimony this afternoon was in effect that he had himself written the letter for W. R. Clarke on February 23, wherein the latter offered to change the contract. Witness said he wanted the contract changed tin order to save the government from defeat. At the time he fully believed Mr. Clarke intended to carry out the new contract.

Judge Scott said, "I cannot understand how W. R. Clarke could insist on a change in the contract when it was B. R. Clarke who was building the road." Wbods said the letter was written in good faith. He said he did not know what the standard of the Crow's Nest Pass road was until long after the A. and G. W. contract was signed. In fact, did not know what sort of road it was that A. and G. W. had agreed to build until Mr. Neill, of the Royal bank, wrote him and asked for the information.

In conclusion he said throughout the whole deal he had but done his duty as best he could. Any mistakes or errors were those of judgment, not intent. The contract prepared by him represented the best he could do, having regard to the effect of making the best of the bargain made by the executive.

When Mr. Woods finished Mr. Walsh produced a lot of papers from G. D. Minty's files, containing a number of letters and telegrams from B. R. Clarke and W. R. Clarke, some telegrams from Mr. Minty to one or other of these men, and also a number of carbon copies of unsigned letters which were replies to communications of Clarke's and which are conjectured to have been written by Minty.

One of these documents was a wire from B. R. Clarke to the effect that W. R. Clarke has concluded financial negotiations and that Mr. Minty was to see that no one interfered with them.

There was a communication to Clarke saying it would be good deal to leave mention of townsites out of one of the documents with the government. The letter said: "Leave out mention of townsites from the agreement lest opposition members insist on a share in these." W. R. Clarke wired to Mr. Minty: "Friend already started east. Don't get tangled up in Winnipeg." This is dated March 30. On the same date a letter was sent Woods and Biggar were in Winnipeg, to Clarke to the effect that Messrs. but he did not know when Mr. Cross would be along as he was busy with politics and was thinking of Honolulu or California for a rest.

Another carbon letter to B. R. Clarke said it might be wrong for a railway director to be a director of the construction company, but it was necessary to take some chances.

On March 11 a letter went to James Fisher, attorney for J. D. McArthur, who was being considered as a member of the construction company, to the effect that if Clarke was not prepared to take some chances the business would never be done.

On October 18 Mr. Minty wired to Clarke that "Uncle" wanted all the honor and prestige. Another letter referred to the settlement of Woodman's claim for $1,500.

On May 5 Mr. Clarke wired to Mr. Minty asking if it would be legal for him to charge a commission for selling the bonds if the proceeds of the commission went toward construction purposes. Mr. Minty wired: "Not feasible."

Mr. Clarke wrote explaining his plan to get a commission from the bond syndicate. Mr. Minty, in answer to Clarke's wire said it could not be done, as all the proceeds of the bonds were to go to the province.

Winnipeg, April 24.—When the commission appointed by the Alberta Government to inquire into the Great Waterways Railway deal opens is sessions in Winnipeg tomorrow, the witnesses who are wanted ,or some of them at any rate, will probably be on hand. This much was intimated by H. A. Robson on Saturday when he applied to Judge McDonald for a rescinding of the order compelling them to attend and give evidence.

His Lordship, after hearing the argument, reserved his decision. The present situation, therefore, is that the order for the witnesses to appear before the commission is still in force.

If they fail to turn up or if after putting in an appearance they refuse to answer the questions or to produce the documents asked for, it will then be up to the commission and the commissioners will have to decide for themselves what they are going to do about it. As Mr. Robson has intimated his intention to appeal in the event of the decision going against his clients, there is every prospect of a long legal fight before some of the witnesses are persuaded to answer any questions which they may not want to answer.

The constitutional point, the point which Judge McDonald is called upon to adjudicate, is one which involves the interpretation of the British North America Act, insofar as it relates to the respective jurisdiction of the provinces and the Dominion. It was contended by Mr. Robson that J. B. Coyne, who appeared with him, that the province of Manitoba cannot give power to a commission from Alberta or any other province to examine witnesses under oath in Manitoba; that such power can be given, if at all, only by the Dominion and that, as a matter of fact, the Dominion has not seen fit to do so; that the act of the Legislature of Manitoba purposing to allow such proceedings is ultra vires; and that therefore the court erred in the first instance in issuing the order compelling the attendance of witness and should now rescind it.

On the other hand it was contended by Mr. Pitblado, representing the counsel for the Alberta commission, that the commission had the full powers of a properly constituted court; that it had made the request in the regular way as an order allowing it to examine witnesses in Manitoba and such order had been granted. Therefore, the only thing to do was to go ahead and examine the witnesss. If th witnesses failed to appear when called upon, let the mtake the consequences.

There was considerable squirmishing between counsel at the opening of the hearing Saturday. Mr. Pitblado showed a desire to know just who Mr. Robson represented, but on this point he did not succeed in getting any satisfaction.

No Booze.

Halifax, N. S., April 21.—The House of Assembly gave the prohibition bill its third reading at six o'clock this evening when it was sent to the Legislative Council for concurrence. That body took the bill up at 8 o'clock and by midnight had given it the first, second and third readings.

The liquor interests tried to get an amendment through the council requiring a three-fifths majority of the voters of Halifax in the referendum which shall take place in this city if it is to be brought under the act. The council refused, however, and it stands that a majority of the votes cast in this plebiscite for or against license shall be sufficient. The council made one amendment which provides that it shall be illegal under the act to form clubs to secure liquor for members.

Spanish Fortunes.

Brandon, April 24.—It is stated here today that the Atoorney-General's department has taken up the Spanish swindle scheme which has been heard of before. David Crystal, of Brandon, got a letter from an alleged imprisoned Russian in Madrid, asking aid to secure his liberty, in return for which Crystal was to get a portion of a big fortune. Crystal, on police advice, which was directed at a cost of four dollars and received full particulars and directions telling how to make the trip with twenty-five hundred dollars in cash, and where to stay in Chicago and New York on the way. It is believed from the letters that victims of the swindle are robbed and disposed of before ever leaving America, though the scheme is operated from Spain. Detective Brownlee placed the case before the Attorney-General's department this week, and says that action will be taken to uncover the swindlers.

DEATH OF MARK TWAIN

World's Great Humorist Passes Away — Had Just Reached Home From a Trip For Health —Was Greatly Beloved.

Reading, Conn., April 21.—Mark Twain, beloved the world over because he made them laugh, is dead.

He passed away without pain at 6.22 o'clock this evening in his country home, "Stormfield," back in the wild Tamarack Hills.

For five hours he had been unconscious and the end was almost unnoticeable. It was simply a cessation of the pulse and respiration.

At his bedside were his only living child, Clara, who is the wife of Ossip Gabrilowitsch, the Russian pianist; Albert Bigelow Paine, his secretary and literary executor, who was almost a son to him; Doctors Edward Quintard and Robert Halsey, the heart specialists, who had kept him alive by stimulants for nearly 24 hours, and his servants, headed by "Old Kat," who for thirty years had been his housekeeper.

His last words were spoken at one o'clock to his daughter. What they were she only heard, for they were faint and almost inarticulate. Unable then to speak, he grasped a pad and pencil, the instinct to write seeming dominant even in the face of approaching senselessness.

He traced the words, "give me my glasses."

And with the spectacles adjusted he gazed at the paper, placed his pencil to it as though to put down some farewell message, then his strength waned and the writing materials slipped from his grip.

He smiled wearily at his daughter, then his head sank back to the pillow and he lapsed into the coma which ended in death.

The beloved humorist will be laid at rest in the family plot at Elmira, N.Y., where already have been buried his wife, his daughters, Susan and Jeane, and his infant son, Langsorne. No date has been arranged yet for the funeral as it is uncertain whether or not there shall be a public memorial service in New York city.

"Mark Twain died well off, though by no means a rich man," said Mr. Paine tonight, "He left a great number of manuscripts, mostly unfinished, some recent, and others begun years ago, but he put all his affairs, literary and otherwise in perfect order."

The last bit of literary work from the pen that is now laid down forever was a chapter of the autobiography describing the tragic death of Jean Clemens. This was done in Bermuda recently, where Mr. Clemens was the guest of the American vice consul, Wm. H. Allen, whose young daughter, Helen acted as amanuensis.

The last work which Mark Twain gazed upon was Carlyle's History of the French Revolution, his favorite book, which was beside him on the bed when he died.

There were many callers at Stormfield today, but none save the dwellers there saw the patient. Mr. and Mrs. E. E. Loomis, the former vice-president of the Lackawanna railroad, and the latter Mr. Clemens' favorite niece, heard of his death only as they were returning to New York. Such was the case too with Jarvis Langdon, a nephew.

Already scores of messages of sympatny have reached here from all parts of the country. There will be beyond doubt a universal tribute to the memory of Mark Twain.

The humorist, it may be said, welcomed death. On the way up from Bermuda he said to his secretary: "Albert, I scarcely believe we can make home. The Old Master seems determined to claim me while I'm on the ocean."

Then with his whimsical twist of mind he added: "And I a land lubber; its tough, Albert."

Yesterday he said to his doctors: "Why do you fight to keep me alive?"

The land of the Tamrack Hiss is all tears for Mark Twain tonight. When he wandered abroad in his white flannels he had fairy tales for the children and stranger yarns for the men. And youth and age laughed at him and with him and loved him as indeed did the whole world.

LAID AT REST.

Funeral Service of Great Humorist Marked by Simplicity.

Elmira, N. Y., April 24.—Under a tent on the grassy slope of the Langdon plot in Woodlawn Cemetery, with rain beating fiercely against the canvass top, a little group of mourners silently watched today as the body of Samuel L. Clemens was lowered into an evergreen lined grave beside the bodies of his wife and children. He sleeps tonight under sod piled high with flowers.

From early morning the body has lain in the Langdon home, in the parlor, where forty years ago he claimed his bride. Some of those who were at the wedding attended the funeral.

It was as assemblage of the family and of intimates, devoid wholly of intrusion of the curious.

As Mr. Clemens would have wished the service was simple. A preacher friend, the Rev. Samuel E. Eastman, of the Park Congregational Church, stood beside the open coffin and looked at the calm faced pillowed there as he talked of the gospel of his life. An exceedingly sympathetic and fervent prayer with the speaker's voice close to the breaking point brought the service to an end. A crowd that had been waiting outside the house uncovered when the coffin was put into the hearse. Only those at the house went to the cemetery. No service was held there except the brief committal.

Nature joined in the morning which has shrouded Elmira since the news of the great humorist's death was flashed here. The clouds wept deluges all day. General aversion to anything that might seem to intrude on private grief kept people back at the railway as well as at the family nome of General Charles J. Langdon, whose sister Olivia married Mr. Clemens.

LOST MONEY.

Rogers' Wealth Much Less Than Expected.

New York, April 22.—Henry Huddleston Rodgers, who was credited with building up the Standard Oil's multi-millions, left for his heirs hardly a third of the immense fortune credited to him by Wall Street reports. Instead of $100,000,000 which outsiders estimated as a conservative figure for the amount of the Rogers estate, the executors have estimated it as under $36,000,000 and have paid a preliminary inheritance tax on this estimate.

Under the transfer tax law executors can obtain a discount of five per cent. by paying to the state comptroller what they estimate the amount of the total tax on the estate will be.

Henry H. Rogers died May 19. On November 18, his executors filed an estimate of the value of all the property owned by Henry H. Rogers which was 34,200,000. An error of five per cent. either way is allowable under the rules of the state comptroller's office and granting that the full allowance might be asked for when the final accounting comes, the total estate would be but $35,910,000.

The disclosure that Mr. Rogers died worth less than $36,000,000 lends considerable color to stories circulated two years before his death that he had been badly "squeezed" in the "silent panic" of March, 1907.

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