

LEWIS SERVED AS MERE TOOL, COUNSEL CLAIM

Scathing Language Features Closing Session of "Huston Probe"

MR. LEWIS ON THE STAND

At 7 o'clock last night the investigation which grew out of the charges of Alex. Lewis, M.P.P., as to the death of Captain Orville Huston at Fort Frances last December came to a close in so far as public hearings are concerned. There now remains only the report of Commissioner MacIntosh to the Attorney-General.

During the four hours which the three counsel and Mr. Lewis occupied in presenting argument words were not minced. Gordon Waldron, K.C., counsel for the Government, and the last to address the commissioner, said: "The creation of this commission is amply justified, if rabid, dishonest and scandalous journalism is to be curbed."

Mr. Waldron and I. F. Hellmuth, K.C., and H. S. White, counsel for E. W. Backus, stated in their arguments that Mr. Lewis, unconsciously or consciously, had been the tool of The Evening Telegram in making, under protection of the Legislature, charges which he dare not voice in its columns.

Mr. Lewis, in his statement, vigorously denied this. He had been actuated, he averred, only by the motive of having the memory of a comrade in arms cleared from the stigma of suicide.

Dramatic and forceful was the address by Mr. Hellmuth, who rose at the conclusion of Mr. Lewis' statement and indignantly rebuked the latter on the count that he had made no word of retraction as to the charges brought against Mr. Backus. "I had expected that Mr. Lewis, at least, would have expressed his regret at the unwarranted attack he made in the House upon Mr. Backus," he said. "I thought that, while he desired to exculpate himself, he would have felt that, in common decency, he should have expressed the deepest contrition for having accused a fellow-man of the crime of murder or conspiracy to murder."

Says Message Altered.

A telegram from C. O. Knowles of The Evening Telegram to G. C. Porter, asking for letters passing between Huston and the International Lumber Company, formed one of the points of the evidence most vigorously emphasized by the Crown and by counsel for Mr. Backus. This telegram—an original, and one of those forwarded by the Appellate Division—had a phrase deleted which, according to H. S. White, K.C., connected the request with the libel action against that newspaper. The telegram read: "Please see A. W. Morley, solicitor for Huston, and ask him if we can have actual letters passing between Huston and International Lumber Co. May be of great value." The words scored out were: "to us in our libel action," counsel said. February 3 was the date of the message.

Mr. White, in opening argument, dealt with Mr. Lewis' charges only as they affected his client, Mr. Backus, and read from the published report of the former's address passages which had this bearing. Most of his address was directed toward proof that there had been no contract between Backus and Huston. As this contract and the

desire to recover it had been suggested as a motive for murder, he contended that, with the establishment of the non-existence of the document, all charges fell to the ground.

He outlined at length the relations that had obtained between the two parties. In this connection he read several letters between them and emphasized the fact that in his letter employing Huston at a wage of \$250 per month, Backus had mentioned efforts toward securing a reduction of freight rates as part of his duties. Counsel argued that, as Huston had been given a free hand, he had probably considered it advisable to pose as an independent contractor, a returned soldier trying to build up a pulp industry, as a means of pressing his case more effectively.

"By the widest stretch of the imagination it cannot be said that there had been any contract broken," he said.

Says No Motives.

Mr. White then came to the night of the death of Captain Huston, and urged the fact that Dr. Cameron—who arrived at the scene a few minutes after the shots were fired—the Coroner, Chief of Police, Crown Attorney and Inspector Jeffrey had all believed it to be a case of suicide. There was no motive for murder on the part of Backus or his associates.

Considering the motives of those perpetrating the charges, he doubted if Mr. Lewis had any motive of his own. He compared the reports of Porter with articles appearing in The Telegram, declaring that certain passages in the original substantiating the suicide theory had been deleted from the published accounts—"disclosing a deliberate attempt by this newspaper to attach to the name of E. W. Backus the stigma of murder or conspiracy." He asked the commissioner to find that the charges were made by Mr. Lewis recklessly, without caring whether they were true or false, "but at the instigation of this newspaper—to further interests of its own—whose tool he was."

Mr. Waldron—And whose tool he is.

Mr. White urged the commissioner to make such a report that the voters of Northeast Toronto would recognize in their representative "a first-class representative of Bay and Melinda streets."

Claims Bias in Case.

Protest against what he characterized as the biased conduct of the case by Mr. Waldron was the opening part of Mr. Lewis' statement. Mr. Waldron, he said, conducted a case as a barrister in the defense of Mr. Backus, who was already well represented. "Instead of conducting an inquiry, he has been on a fishing expedition for the Backus interests. He has not been investigating the subject matter of my charges, but inquiring into the operations of a newspaper," said Mr. Lewis.

He then entered into a review of the manner of Huston's death, contending that a left-handed man such as Huston could not have shot himself in that manner. He stated also that an hour before his death Huston had slept in his hotel bedroom so soundly that he had to be awakened. That was not the action of a man contemplating suicide, he added. The respective characters of Inspector Campbell, who held to the theory of murder, and Inspector Jeffrey, who advanced the suicide theory, were dealt with by the witness, who referred to evidence of Jeffrey's drinking, the lack of corroboration as to his ever having been at Scotland Yard, and suggested trouble in respect to his actions when entrusted with the enforcement of the O.T.A.

"He was not in a frame of mind to make a report worthy of consideration as against that of a man like Campbell," said Mr. Lewis.

He repudiated the suggestion that he brought the matter up in the Legislature at the instance of The Telegram, and reaffirmed that, upon reading the story of the death of Huston, whom he had known in France, he was interested only in getting the full facts.