

GUNNING IS CLEARED FOLLOWING PROBE BY HOUSE INQUIRY

Munro Claims Irregularities in Roadwork Pay Sheets Are Disclosed

WALKER TESTIFIES

Admits Hard Feeling Be- tween Himself and Road Foreman

Public Accounts Committee investigation of Liberal charges regarding Elgin County highway payrolls closed yesterday afternoon with a clean bill of health given James Gunning, foreman; a demand from Hon. Leopold Macaulay, Minister of Highways, that D. Paul Munro withdraw the allegations he made on the floor of the House; and Mr. Munro's refusal to withdraw, in that the inquiry had disclosed irregularities in road-work pay-sheets.

The committee meets again this morning, when it will report on the inquiry.

The sensation of the day was the appearance of Henry M. Walker, known as the "missing witness." Under close questioning from Mr. Macaulay, he admitted that he had not attended the committee meeting, on the advice of Vincent Foley, London, his lawyer; and that his room at a downtown hotel had been moved last Tuesday to the same floor as those of Mr. Foley and Mitchell F. Hepburn, Ontario Liberal Leader. He denied that Mr. Hepburn had called on him about the case.

Admits Subpoena.

It was under Mr. Munro's questioning that this part of the investigation first arose. Examining Walker, the Liberal lawyer remarked that he understood this was the "missing witness" in the case. Walker said he was at committee yesterday because of an interview with a Provincial Police officer—Inspector Ward—on Friday, at the King Edward Hotel. It was during the morning, he believed, but he was uncertain of the time. He had, said Walker, been in the committee room Thursday, and had been subpoenaed at the door.

Asked how he had come to be present, Walker said that he knew the case was coming up, and his wife had told him over the phone that a man had called at their house with a summons. He had been in Toronto at the time. Just after the morning adjournment of the committee he had been served with a subpoena by J. A. Coombs. Coombs had wanted him to come into the committee room, and Walker had asked him: "What for?" He had been told: "To be called as a witness."

Asked why he had not obeyed the subpoena immediately, Walker said: "I didn't think he had the authority." Next he had telephoned to his sister in Toronto, and had gone downtown.

On Thursday.

"Where were you Thursday night, when, somebody said, a police officer was stationed all night outside your room?" said Mr. Munro.

"I wasn't in my room," said Walker. "I was with a friend."

"We'll find out who the friend was," Mr. Macaulay promised.

He had been served again with a subpoena on Friday morning, and, as a result, had attended yesterday's session, said Walker.

Mr. Macaulay took over the exami-

"When did you come to Toronto?" he asked.

"Monday." He denied that any one had accompanied him here.

He had registered at Room 1572 in the King Edward Hotel, he told Mr. Macaulay.

"Think again," said the Minister. "What number room did you have when you first came here?" There was a long pause. "Snap out of it," urged Mr. Macaulay. "You signed a card and got a room. What number was it?"

"I can't tell you," said Walker. Mr. Macaulay suggested that the witness's memory was "fading fast." "You don't come down from Talbotville to the King Edward Hotel so often that you can't remember the room number."

No Guarantee.

Asked if he were going to get the bill for his room, Walker said the bill had been paid by himself, and that no one had guaranteed payment.

"You know Mr. Foley?" asked Mr. Macaulay. "I believe he's been acting with Mr. Munro in the preparation of this case."

"Yes," said Walker.

"Did he have a room near you?" "Not on that floor," said Walker. He believed the number was 1564 or 1565. "You're wrong again," commented Mr. Macaulay.

On Tuesday, the day after his arrival, he had been moved up one floor in the hotel, said Walker. He said then that he had been in room "fourteen something" the first day. Mr. Foley's room was not far away, he agreed.

"Where was Mr. Hepburn's?" asked Mr. Macaulay. "On the same floor," said Walker, "about three doors away."

"They were keeping a close watch on you," the Minister commented.

"They couldn't keep a close watch on me," declared Walker.

"We all agree with you," returned Mr. Macaulay. "Even the Provincial Police couldn't do that."

The Minister next wanted to know what conferences had been held after Walker had "moved into the centre of the Board of Strategy."

Only a Few Minutes.

Walker denied that "Mr. Hepburn ever talked to me about this case. We weren't together over four or five minutes, no longer. We didn't discuss the case, we hadn't time."

Persistently questioned by Mr. Macaulay, Walker repeated his denial, and explained that Mr. Hepburn was just leaving the room and they had merely shaken hands and chatted. He was uncertain of the day, in that "there was nothing to remember it by."

The witness said he had come down Monday to see Mr. Munro, on Mr. Foley's suggestion. No arrangements had been made about paying him, he said, and warmly repeated that he did not "get anything in connection with this case." Everything had been paid out of his own money, nor had he been promised anything.

He had seen Mr. Munro at 5.30 on Monday, and had turned over his papers to him. He had "waited around on Tuesday" and had spent that night at the hotel. On Wednesday, he said, he had been in the committee room, and had gone back to the hotel that night. He was sure he had been served with the subpoena on Wednesday, he said, in answering Mr. Macaulay.

"Give him the time, place and circumstances," said Mr. Munro to Mr. Macaulay.

Continuing, Walker said he spent Wednesday night at the hotel, and Thursday "around the hotel and the streets."

For One Day Only.

"Why were you not here when you were subpoenaed?" demanded Mr. Macaulay. Walker replied that he believed the subpoena called for one day only, Tuesday.

"Where is that subpoena?" asked Mr. Macaulay. Walker thought it was around his room.

Mr. Macaulay grew angry, and warned that if Walker continued with "this tissue of falsehoods" the committee would "deal differently with him."

The Minister drew from the witness the statement that he had discussed the subpoena with Mr. Foley.

"Was that why you weren't there?" asked Mr. Macaulay.

"No," said Walker. He further explained that he "didn't think it necessary."

"You thought it necessary to draw the attention of the Prime Minister to the Gunning case, and then when you had a chance to give your evidence to this committee you were not present," commented Mr. Macaulay. When Walker asserted that he had expressed his honest opinion, the Minister added: "There isn't another man in Ontario who would make a statement like that."

William Morrison (Conservative, Hamilton East)—Why were you here

Wednesday without a subpoena, and then didn't come when you got one?

Mr. Macaulay—Foley advised you not to come; isn't that a fact?

Walker—Yes, that's a fact.

The Minister returned to the attack: "We want the truth, not what Foley told you to say. You tell the truth and you'll be o.k. I just had the Provincial Police check up on your statements about the hotel rooms and they find you were wrong. I don't want to make you out a perjurer. You're being used by the Liberal Board of Strategy to try to damn the characters of your neighbors. You've been used, willingly or unwillingly, in a Grit plot to damn Gunning's character."

This concluded the discussion of Walker's movements since his arrival in Toronto.

Walker was questioned by Mr. Munro first on his dispute with Gunning on the matter of Mrs. Barnes's farm, which he sought to lease, and Gunning purchased. He next had seen Gunning at the Court House in St. Thomas after he had been sued by the road foreman on grounds of slander. Meanwhile, he had written two letters to the Minister of Highways at Toronto, alleging graft in preparation of paysheets, and proposing that the man be brought "to justice."

Unaware of Quarrel.

He said that Wilfred Fife swore on oath that he had endorsed cheques issued to him by the Highways Department, and handed him by Gunning. After endorsement, the cheques were returned to the foreman. As a result of his complaints to the Highways Department, an agent—Accountant Brown, of the department—had interviewed him. He had been asked if there had been a quarrel between Gunning and Fife, and had replied that he was unaware of any.

Fife, he said, had sworn to a written statement at the office of a barrister named McDonald in St. Thomas. The pig-feeding transaction mentioned in last week's testimony had nothing to do with this declaration, Walker swore. Also, Walker had written Premier Henry last December a letter which included a reference to the effect of the Gunning matter upon "our party."

Mr. Munro asked what party had been meant. "The Conservative Party," said Walker. Asked by Mr. Munro what facts he had to go on, Walker cited Fife's alleged oath, the information he had received from Fife, and the records of the Highways Department, to which he had had access. Also, he believed that Howard Gunning, the foreman's son, had not worked on the road in 1930. Shown a letter, which Mr. Macaulay said he had written him on Dec. 15, Walker denied receipt of it.

Excerpts Read.

Mr. Munro read again the excerpts from Gunning's examination in the slander action, which previously he had read in the House when making the charges. Walker agreed that the questions and answers as read were correct.

"You remember every word?" asked Mr. Macaulay. Walker assented.

"You've a mighty good memory," the Minister commented. Walker agreed.

"Well, we'll see shortly," said Mr. Macaulay.

The slander action had twice come up for trial. On the first occasion, the action had been laid over to next court; on the second, the suit had been withdrawn, and \$150 had been paid Vincent Foley, his lawyer, by St. Clair Leitch, solicitor for Gunning. There had been a conference of their solicitors and clients in the barristers' room at St. Thomas Court House, Mr. Foley asking \$150 and costs. No settlement was reached then, but it was later.