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DAY 1

Held at  
The Town Hall,  
Wakefield  
on  
Tuesday,  
5th June, 1973.

Before:

MR. REGISTRAR GARSIDE

RE: JOHN GARLICK LLEWELLYN POULSON  
(IN BANKRUPTCY)

*cross ref.*  
*Day 4. p. 31*  
*S. p. 70*

EXAMINATION UNDER SECTION 25 OF THE  
BANKRUPTCY ACTS, 1914 and 1926,

of

ANDREW WILSHER CUNNINGHAM

APPEARANCES

For the Trustee	...	...	...	MR. MUIR HUNTER, Q.C. MR. D. GRAHAM
For Mr. Cunningham	...	...	...	MR. W. STEER, Q.C. (Instructed by Mr. J. Marron)

From the shorthand notes of Laidler Haswell Limited,  
4 Trinity Terrace, Rothwell, Leeds LS26 0PA.

*(3/14 Lm.*  
*15 weeks pay for*  
*all holidays.*  
*18 other holidays.*

*23.*

1. Q. Mr. Cunningham, what is your full name?      A. Andrew Wilsher Cunningham.
2. Q. And where do you live?      A. At 50 Carrowmore Road, Chester-le-Street, in the County of Durham.  
MR. MUIR HUNTER: I think, sir, the witness has his proof in front of him.
3. THE REGISTRAR: What is that document, Mr. Cunningham?  
A. Well, it's just to say who I was and where I lived, that's all.
4. Q. Well, it is rather a lengthy document; what else is in it?  
MR. STEER: If I may intervene, sir. You put that away, Mr. Cunningham. Let me take all those papers there, and we will see if you need to refresh your memory about anything.
5. MR. MUIR HUNTER: You are an Alderman of the Durham County Council?  
A. Yes.
6. Q. And how old are you?      A. Sixty-two.
7. Q. And you are married to a lady whose names are either May or Mary and Freda. How does she normally call herself?  
A. Well, not three names. She only has two - May Freda. She is generally referred to as Freda.
8. Q. Her maiden name?      A. Anderson.
9. Q. And you have a daughter also called Freda?      A. Yes.
10. Q. Born in 1953?      A. Yes.
11. Q. And she has a friend, Margaret Flynn, also born in 1953, the same age?      A. Yes.
12. Q. And you have a son, John, who is a Member of Parliament; do you have any other children?      A. Yes. I have the older son, Andrew, who is an accountant.
13. Q. Now, the next questions I am going to ask you, Mr. Cunningham, are in relation to your dealings with Mr. Poulson and his organisation. I want to run through your public appointments and you can tell me if I have got them right. I am speaking as of now. If you do not now hold the appointment to which I refer but have held it in the past, perhaps you will tell me, and I should like to know when you held the appointment first. District Secretary of the General and Municipal Workers' Union, North-East Region?      A. I was elected in October of 1964 to that position, and I still hold it. It is Regional Secretary, not District Secretary.

14. Q. I am sorry - Regional Secretary. What is your income from that appointment? A. £4,200 a year.
15. Q. Four thousand .. ? A. .. two hundred and fifty-eight pounds. I couldn't tell you exactly.
16. Q. Are you still Chairman of the Durham County Council?  
A. No.
17. Q. How long were you Chairman of the Durham County Council?  
A. I was Chairman of the Durham County Council for two years from about 1962/1963/1964, but that may be wrong. It may be 1961/1962/1963.
18. Q. Yes, well, it is a matter we will work out. A. It doesn't matter.
19. Q. And how long have you been on the County Council? A. Since 1946.
20. Q. And are you the Chairman of the Northumbrian River Authority?  
A. Yes.
21. Q. How long have you held that post? A. I don't hold it now. I haven't held it for about five years. The Conservatives took control, and then they chucked me out, naturally.
22. Q. Ah, yes. So that would be not since 1967? A. 1966/67, yes.
23. Q. I shall have to check up on that because there are some documents we have got. A. Yes.
24. Q. How long did you hold it? A. Just for the one year. I was the first Chairman of the new Northumbrian River Authority which was an amalgamation of the North and Tyne River Authority with the Weir and Tees River Authority, but before that I was twelve years Chairman of the Weir and Tees River Board.
25. Q. And then Chairman of the Tyneside Passenger Transport Authority?  
A. For three years. My term of office finishes this year.
26. Q. Until 1973. The Chairman of the Newcastle Airport Committee?  
A. Yes.
27. Q. Are you still there? A. Yes.
28. Q. The Chairman of the Durham Police Authority? A. Yes.
29. Q. How long have you held that? A. Ten years.
30. Q. Chairman of Felling Urban District Council? A. I have been three times Chairman of the Felling Urban District Council. It's difficult for me to remember the dates, with all the things I do.
31. Q. What was the last one? Is it an annual appointment?  
A. Yes. The Chairman's position is an annual appointment, but I wasn't Chairman three years in succession. I was elected at various periods of time.

32. Q. Would 1967 be approximately your last term of office there?  
A. I'm not sure, to tell you the truth.
33. Q. Well, we can find out. A. You know, I've had so many appointments I can't tell you ...
34. Q. I know. You are a man of enormous public standing. And then in particular at Felling were you the Chairman of the Housing Sub-Committee or the Housing Committee? A. I was Chairman of the Housing Committee for about ten years - twelve years, I think - and that ended in 1966 or 1968 when I moved to Chester-le-Street.
35. Q. Yes. You moved to Chester-le-Street, I think, at the beginning of 1968? A. Yes.
36. Q. And then are you a member of the Management Board of the Peterlee and Aycliffe Development Corporation? A. Yes, I was. I am no longer a member.
37. Q. No longer? A. No.
38. Q. Are they two separate bodies or one? A. No, they are one. The one Corporation controls the affairs of both towns.
39. Q. Now, in the political field you are, at the moment, a member of the Labour Party's National Executive, I believe? A. Yes.
40. Q. When did you first get elected to that position? A. About five years ago.
41. Q. Well, we know that you were there in 1966. A. Yes.
42. Q. Were you there in 1966? A. That was the first time.
43. Q. That was the first time? A. Yes.
44. Q. And you then, or subsequently, became, did you, the Chairman of the Labour Party's National Executive Finance Committee?  
A. Yes.
45. Q. And you were also, I think, the Chairman of the Northern Regional Council of the Labour Party? A. Yes.
46. Q. Now, in these various capacities, Mr. Cunningham, are you able to tell the Registrar, between, shall we say, 1964 and 1969, what your average income was from your various appointments?  
A. Well, for the last three years I have had a salary of £1,500 from the P.T.A.
47. Q. £1,500. A. I have no other salaried position. I don't get paid for being Chairman of the Police Authority and I don't get paid for being Chairman of the Airport Committee, and I don't get paid for anything at all, apart from that, except, of course, when I was a member of the Peterlee Corporation. It was £500, I think; last year it was increased to £750.
48. Q. I do not want to go very deeply into this, but I have a reason for asking, I can assure you. The figures I have been given

include that as Chairman of the River Authority you received £1,000 a year; is that right? A. From the Northumbrian River Authority? Yes, for one year.

49. Q. As Chairman of the Durham County Council you received £1,000 a year? A. Yes.
50. Q. Plus hospitality expenses of £5,000? A. £5,000?
51. Q. If that is a mistake, please tell me. A. Well, I think it is a mistake. We didn't used to handle our expenses account. That was done by the Treasurer. If you entertained anybody, we did not see it; we did not arrange the things; we did not pay the bills. The Treasurer did that.
52. Q. Chairman of the Durham Police Authority? A. No, nothing from that.
53. Q. Except expenses? A. No, not even expenses, except expenses under the Local Government Act, 1948, such as travelling expenses, and that sort of thing.
54. Q. Chairman of Felling Urban District Council? A. Yes, I was paid when I was Chairman of Felling Urban District Council.
55. Q. That is a salary, is it, or what? A. No, it's what you call a Chairman's allowance. Well, you can call it a salary if you wish, yes.
56. Q. Newcastle Airport Committee? A. Nothing for that, no.
57. Q. I have been given the figure of £1,500; that is wrong? A. What, for Newcastle Airport?
58. Q. Yes. A. It's absolutely wrong.
59. Q. Tyneside Passenger Transport Authority? A. £1,500.
60. Q. That is a salary, is it? A. That's a salary.
61. Q. And Peterlee and Aycliffe £750? A. For most of the years £500, and I think last year it went to £750.
62. Q. So that during some part of this period we are speaking about you would have had a remuneration in excess of £5,000 a year? A. My salary as the Regional Secretary hasn't always been £4,200, you know. I mean, it was only £2,000 one year and £1,800 on appointment.
63. Q. At any rate, putting it broadly, you have had, consistent with your great ability and hard work, a substantial remuneration, and until you moved to Chester-le-Street I think you occupied a local authority house? A. That's right.
64. Q. Is the house at Carrowmore Road your own? A. Yes. It's not paid for yet, but it's ...
65. Q. Is it on mortgage? A. Yes.

66. Q. Who is the mortgage with?      A. General Municipal Workers' Union.
67. Q. I see; it is a Union mortgage, is it? I will come back to that in a moment. Does your wife have any ... ?  
A. When I lived in my local authority house I didn't have all these salaries. I was a Regional Organiser then and ...
68. Q. I am speaking of up to 1968.      A. Yes, but let's get the record right. The Chairmanship of the Felling Council was intermittent. It was spread over a period of years and years, so it would only be, say, eight years with no salary and one year with a salary. I wasn't paid a salary for the Airport Committee or for the Police Authority or for being a Councillor. It was only for certain things I was paid a salary. So it would not be that all the time. It would be only that figure you mentioned this last year.
69. Q. Well now, does Mrs. Cunningham have any professional occupation?  
A. She doesn't have a professional qualification, if that's what you're saying.
70. Q. Well, does she have an occupation?      A. At the present moment, no. Her occupation was an interest in interior decorations, housing, amenities in housing, and this sort of business.
71. Q. She was described by Mr. Poulson on one occasion as having been a school teacher; is that correct?      A. She wasn't, no.
72. Q. No, not a school teacher; but has she, apart from her positions with Mr. Poulson or his associated organisations, ever had a gainful occupation?      A. She was employed by Inductive Appliances at Hebburn for the same sort of business. They are manufacturers of new electric lights, and that, and they wanted her advice on the suitability of shape and size, and what-have-you.
73. Q. Is that the company now called Transtar?      A. Transtar, yes.
74. Q. Has it always been called Transtar?      A. I wouldn't know, really, but it is Transtar.
75. Q. Its full name appears to be Transtar Inductive      Appliances; and do they make control gear?      A. They make electrical fittings for lights and small controls and stuff, you know. She was also employed in Bainbridges, of course, some years ago for a very short time.
76. Q. Now, you make income tax returns, of course, do you not, Mr. Cunningham?      A. Yes.

77. Q. And I take it that when your wife has received remuneration it would figure on your income tax return .. ? A. Yes.
78. Q. .. as, presumably, would any remuneration you received from whatever source it comes? A. Yes.
79. Q. Therefore, if in the course of our discussions it is necessary to discover what you received, and, if so, at what time and from whom, your income tax returns would show us? A. Yes.
80. Q. And who are your accountants? A. I don't have one.
81. Q. Who does your income tax? A. Me.
82. Q. You do it yourself? A. Yes.
83. Q. I thought perhaps your son, being an accountant, might do it for you. At any rate, the income tax returns are available and, no doubt, held, I suppose, at the Inspector of Taxes at Durham? A. Yes, yes. You can have them all, as far as I'm concerned. You see, it's quite simple. There's nothing difficult about my income tax. It's all deductions at source. From all the salaries I have the tax is deducted by the people who pay it, just the same as my salary. So there's no intricacies as far as I'm concerned about income tax. It's a straightforward business.
84. Q. Except surtax. A. No.
85. Q. You must have been on surtax at one time. A. Yes, I was. Yes.
86. Q. So you would have returns for surtax? A. Yes.
87. Q. And you would also have returns for any salaries which were paid gross? A. Yes.
88. Q. Perhaps I could anticipate a question. Did you receive payment of annual remuneration either from Mr. Dan Smith or from any of his companies or from Mr. Poulson? A. Never.
89. Q. So references to payments to yourself are mistaken? A. Absolutely untrue.
90. Q. Could they be references to your wife's? A. They could be references to my wife's, yes.
91. Q. Do you know how much your wife received? A. She received £397 from Mr. Poulson's organisation, and, if I may say so, there seems to be some confusion, not in my mind, about that, but by the people who, you know, are conducting this sort of thing; but, first of all, she got the letter saying she was employed by O.S.B., and when we get the insurance cards out and the tax deductions, she's employed by Ropergate. So somebody had better make up their mind who did employ her. I am confident that I know who employed her.

MR. MUIR HUNTER: Well now, my learned friend indicated that they had certain documents that they were producing to-day. I do not know whether those that Mr. Cunningham has referred to are included in that bundle.

MR. STEER: Which documents do you mean?

MR. MUIR HUNTER: My learned friend's instructing solicitors said they were producing certain documents relating to Mrs. Cunningham's employment, and Mr. Cunningham has referred to two just now.

MR. STEER: Well, if you will tell us what you want we will have a look.

MR. MUIR HUNTER: Well, sir, I do not want to be formalistic and read the summons, but the summons was quite general. I call on the witness to produce the documents to which the summons referred.

MR. STEER: Yes, but what has happened here, as I think you know, is that your instructing solicitor has been asked what documents you want and a reply which was in effect, although I do not think it was intended to be, unhelpful was given. I want to deal with this with the least formality and waste of time. If you will say which documents you want, we will look for them.

THE REGISTRAR: I think they are the documents relating to Mrs. Cunningham's employment by the Poulson organisation.

MR. MUIR HUNTER: Your summons, sir, is quite specific: "That he do, upon his attendance, produce, or cause to be produced, on his behalf, all books, papers, writings, documents or other materials in his custody, control or possession, relating to his dealings with the bankrupt." Well now, if these are the documents of Mrs. Cunningham, then, of course, they would not fall within that category, but I now formally request that the witness produces all the documents referred to in the summons.

MR. STEER: Well, this, at the moment, is quite meaningless; at any rate, to me.

MR. MUIR HUNTER: Well, there is the summons.

MR. STEER: Yes. That does not take the matter a step further forward in reality. If you say exactly what documents you want, as I say, we shall have a look for them.

MR. MUIR HUNTER: I am sorry, sir - my learned friend possibly is not familiar with the Section 25 procedure - but the demand is quite general. If the witness says and swears, "I have none," then that is the end of the matter. If he says, "I have some. Which would you like?" the answer is, "Produce them all," unless they are so enormous in quantity as to be oppressive. If



Mr. Cunningham means that he has chestfuls of documents relating to Mr. Poulson, well, then, let him say so.

THE WITNESS: What do you say? I have chestfuls of documents?

MR. MUIR HUNTER: I am being asked, Mr. Cunningham, to specify which of your documents relating to your dealings with the bankrupt I want you to produce, and my answer is that I want you to produce them all.

THE WITNESS: I thought you said I had chestfuls. I was going to say, "That's a laugh!"

THE REGISTRAR: Well, that is not so outrageous, because we have had witnesses here who have produced enormous quantities of documents.

MR. MUIR HUNTER: But I am sure that all the documents relating to his dealings with the bankrupt are in court, and I ask that they be handed over.

92. Q. Mr. Cunningham, what documents did you produce to-day?

A. To-day? I produced no documents to-day at all.

93. Q. You must have given your solicitor and counsel ... A. My solicitor and counsel have the few letters that I referred to about the employment of my wife by the letter from the Trustees, R. C. Moorhouse & Co., which you have on your files.

94. Q. Would you be so good as to produce the documents to which you refer, Mr. Cunningham?

MR. MUIR HUNTER: Well, sir, I really do not want to waste time. I ask that the Court order the witness to produce the documents he has brought in answer to the summons.

THE REGISTRAR: The documents should be produced.

MR. STEER: Well, the position is this, sir: that, as I say, we, through my instructing solicitor, asked which documents were wanted. What we were told was that my learned friend had not yet made a decision about which documents were wanted. Everybody in life, I suppose, has a great quantity of documents. If we were given some idea of what is wanted, we will do our best.

THE REGISTRAR: Have you brought any documents with you to-day?

MR. STEER: I have brought only documents which are protected, of course; documents which form part of my instructions.

THE REGISTRAR: Yes.

MR. STEER: We have brought various documents. I do not know yet what relevant documents are wanted.

THE REGISTRAR: Well, we are investigating Mr. Cunningham's dealings with Mr. Poulson - financial dealings.

MR. STEER: Mr. Cunningham's dealings with Mr. Poulson, yes.

THE REGISTRAR: Yes. Then he should produce those documents, if he has any.

MR. STEER: But the subject matter of the questions which led to this were ...

THE REGISTRAR: Were relating to Mrs. Cunningham's employment.

MR. STEER: Mrs. Cunningham, yes.

MR. MUIR HUNTER: Well, if my learned friend wants me to issue a summons against Mrs. Cunningham, I have no objection at all.

THE REGISTRAR: That is the alternative. It seemed to me that Mr. Cunningham was prepared to answer questions on Mrs. Cunningham's employment.

MR. STEER: Yes, he was.

THE REGISTRAR: Is he claiming privilege for those documents relating to Mrs. Cunningham?

MR. STEER: No, I am not for a moment. I am asking, as a practical matter, which documents are wanted. If I am told, well, then, I will see what can be done about it.

THE REGISTRAR: Right. So far as this private examination is concerned, Mr. Cunningham should produce all the documents in his possession relating to his financial dealings with Mr. Poulson.

MR. STEER: Yes. Well now, that will take obviously some time.

THE REGISTRAR: Well, what documents, falling into that category, has he brought with him?

MR. STEER: I do not know, exactly.

95. THE REGISTRAR: What documents, falling into that category, have you brought with you, Mr. Cunningham? A. Well, I haven't had any financial dealings, as such, with Mr. Poulson, so I have no documents which refer to my financial dealings with Mr. Poulson. I don't have a single letter or have ever, to my memory, mind, written a letter to Poulson or ever received one, apart from one that referred to Mrs. Cunningham, as far as I am concerned, personally.

96. MR. MUIR HUNTER: Do I understand, Mr. Cunningham, that you have never written to Mr. Poulson? A. Well, as I said, as far as my memory goes, I cannot recollect ever writing to him.

97. Q. You never received a letter from Mr. Poulson? A. Not me, personally.

98. Q. Have you any memoranda of meetings between yourself and Mr. Poulson? A. No.

99. Q. Have you had dealings with companies with which Mr. Poulson was associated? A. Not that I'm aware of. I don't know of all that went on among all these companies, but I have never been ever associated with a company that I was conscious was in the Poulson organisation.

100. Q. Well now, Mr. Cunningham, I am sure you are anxious to be helpful. A. Yes.
101. Q. Your counsel just now, perhaps inadvertently, implied that there was a quantity of documents among which you would look to see which answered the description ...
- MR. STEER: Oh, no. I simply do not have the information either to say or to imply that, nor did I intend to.
- MR. MUIR HUNTER: Well, that must be by inadvertence.
102. Q. Mr. Cunningham, I understand, therefore, that you say upon your oath, on which you may be prompted if you wish by your solicitor, that you have not brought with you to-day one single document relating to any dealings with Mr. Poulson? Is that right? A. I have not brought any documents relating to my affairs with Mr. Poulson, except in reply to the letters that I received from the Trustee about the holidays, because the fact is that there is not any document between Mr. Poulson and me, or any correspondence that I am aware of. You know, it's over a long period of time.
103. Q. Is your solicitor in possession, with your knowledge, of any documents relating to your dealings with Mr. Poulson? A. Not that I'm aware of, other than, as I have said, the letters about the holidays, which I replied to. In the first place, I replied to them myself.
104. Q. Just let us look at these holidays. I am not asking you about the cost of them because we know that you have paid for them practically in full. Have you never had any letters about your holidays from Mr. Poulson or his secretary? A. Now, what used to happen was that I used to find a bundle of air tickets and the arrangements, and that was all, but nothing saying anything about it. We used to get the air fares and the hotel reservations with maybe a short letter saying, "Dear Mr. Cunningham, We have arranged these holidays for you."
105. Q. So these are letters which you received from Mr. Poulson's office. Have you kept them? A. No.
106. Q. So you have had such letters but have not got them now? A. Well, I would imagine there would be letters saying, "We have arranged these holidays for you," yes.
107. Q. Where did you keep such letters? A. I didn't used to keep such letters at all. I'm not a fellow for keeping letters.
108. Q. You threw them away? A. Yes.
109. Q. So have you any documents relating to your dealings with any of Mr. Poulson's companies? A. None at all.

110. Q. I will specify the companies. O.S.B.? A. No.
111. Q. Ropergate Services? A. No.
112. Q. Vinleigh (P.R.) Limited? A. No.
113. Q. Confersbrook (P.R.) Limited? A. Who?
114. Q. Confersbrook? A. Never heard of it.
115. Q. Progressive Public Relations Limited? A. Pardon?
116. Q. Progressive Public Relations. A. I have heard of that one, yes.
117. Q. Have you got any documents relating to that company?  
A. No, not at all.
118. Q. Are you not aware, Mr. Cunningham, that there is a substantial file in the possession of your solicitor, Mr. Marron, relating to that company and your involvement in it? A. Yes, I am, but my involvement in Progressive company was very minute, if anything at all.
119. Q. But who has the possession of those documents? A. Well, I suppose Mr. Marron has possession of the documents, but he hasn't possession of any of my documents concerning Progressive because I never ever had any.
120. Q. Mr. Marron has described himself as "a nominee" in that company. A. Yes.
121. Q. Who was he a nominee for? A. For me.
122. Q. Well, then, the documents relating to that company which Mr. Marron holds, he holds for you, surely? A. Well, I know, but you asked me if I had any documents and the answer is, "No, I have no documents."
123. Q. So such documents as there are are those that he has?  
A. Yes.
124. Q. Do you know whether he has produced all those to the Trustee?  
A. I would imagine he has, but, as far as Progressive is concerned - and you may think this is rather strange, but it is true - I think in about 1968, when T. Dan Smith said to me he was wanting to promote some of his ideas about housing - North-East Housing Associations and trade union complexes, and what-have-you - and he said was I interested and I said of course I would be interested because it was in furtherance of the image of the North-East, and I left it at that. I am a busy man. And about a year later, when I saw certain things happening, I said to Mr. Marron, "I want to be completely disassociated from the Progressive company," and he did that for me, and I have never ever received any correspondence from T. Dan Smith, or anyone else, concerning Progressive, neither have I ever received one halfpenny piece from him.

125. Q. Let us proceed, therefore, on the basis that you say you do not have any documents relating to this enquiry in any of the fields I have been putting forward; is that right?  
A. Not me personally, no. The only documents I have ... The only documents I've ever had concerned with Poulson, as I have said, apart from maybe this very short letter about holidays, are the correspondence I have had with the Trustees, R. C. Moorhouse.
126. Q. When you were being asked for the first time about these holidays .. A. Yes?
127. Q. .. in a letter dated the 23rd August, 1972 ...  
MR. MUIR HUNTER: It is not in there, sir. It is a separate solicitor and Cunningham file called "Mr. & Mrs." It is the letter dated the 23rd August, 1972. (Copy handed to the Registrar.)  
MR. STEER: Are you going to give Mr. Cunningham a copy of this?  
MR. MUIR HUNTER: This is a copy of your own document.  
MR. STEER: Well, yes. Do you mind if I give him a copy?  
MR. MUIR HUNTER: Of course not, no. I assumed that the solicitor and solicitor bundle would be common ground.  
MR. STEER: I am being given a copy. (Handed.)  
MR. MUIR HUNTER: Some of the documents are in manuscript.  
MR. STEER: Yes.
128. MR. MUIR HUNTER: This is a letter dated the 23rd August, 1972, in answer to an enquiry from Messrs. Moorhouse about a holiday at Estoril in June, 1969. That is, to the time when this letter was written, three years previously. In the last paragraph you say, "As I have stated before, myself and wife and two children under 16 did go on holiday, but I want to emphasise that I made a number of requests to Mr. Poulson for the accounts. I personally wrote to him requesting the net accounts. I know I have letters on record and I am making a search for the correspondence which will be produced if found, which will substantiate my remarks." Now, I would like those documents, please. (Long pause) A. Pardon?
129. Q. I just said "Long pause", Mr. Cunningham. A. Yes, but you said you wanted some documents and I said I hadn't got any documents.
130. Q. Read the last sentence of the letter. A. Yes, we have the letters, yes, and I want to emphasise, as I said before, when I used to get a letter from Poulson saying he had arranged these holidays, they were arranged for me and not given to me.

131. Q. Mr. Cunningham, we will come to that in a moment. I am asking you for the letters to which this letter refers.
- MR. STEER: Yes, and the long pause was caused by me.
- MR. MUIR HUNTER: Oh.
- MR. STEER: Because I was looking for them. I am here in some way to protect Mr. Cunningham.
- MR. MUIR HUNTER: Of course, yes.
- MR. STEER: It is quite wrong for my friend to make a comment of that sort to go down on to the shorthand transcript.
- MR. MUIR HUNTER: All right, I withdraw the comment, if, in fact, he was consulting his counsel, sir. I ask for documents which, less than a year ago, Mr. Cunningham said he had.
- MR. STEER: Yes, and I am looking for them, and the pause is caused by my looking for them, I repeat.
- MR. MUIR HUNTER: Very good. Well, while your counsel is looking for them, Mr. Cunningham, we will press on, shall we? My learned friend will perhaps tell me when he is ready.
- MR. STEER: I thought that you were going to press on.
- MR. MUIR HUNTER: Well, I thought it better not to lose the thread.
- MR. STEER: The situation, as I see it, is that what I can produce here is a couple of copy letters. The originals, of course, will have gone to Mr. Poulson.
- THE REGISTRAR: Yes.
- MR. STEER: I am quite prepared to produce those. (Letters taken off file.)
- MR. MUIR HUNTER: They can be photographed in the precincts of the court, if necessary. The witness produces, by his counsel, a carbon copy letter dated 28th August, 1967, addressed to Mr. Poulson, unsigned, and a carbon copy letter dated 9th October, 1969, addressed to Mr. Poulson.
132. Q. Those are the only letters that you have relating to this matter? A. Yes.
- MR. MUIR HUNTER: I will read this letter on to the transcript. It simplifies things. The first letter:

"Dear Mr. Poulson,

Thank you for arranging the holidays for us which we enjoyed very much. You did say, however, you would let me have the bill, and you must realise how important it is that I pay the bill. I would be obliged if you would bring it with you the next time you visit the North-East, or post it. I am sending this to you at home because I have been leaving messages at your home but I have not heard anything from you.

Yours sincerely .. "

The second letter:

"Dear Mr. Poulson,

When we met last, I reminded you once again that you had not let me have the bill for the holiday which you had arranged for us. I would be most obliged if you would please let me have it and not shrug the matter off in your usual kind way. You know how easy it is for your action to be misrepresented by other people. Forgive me for writing to you at your home, but this seems the only way to bring this matter to your personal attention as I have done before."

THE REGISTRAR: Could I mark the letters? (Letters handed to the Registrar.)

MR. MUIR HUNTER: AC.1 and AC.2. I think it might be convenient, sir, as we have actually read them on to the transcript, if perhaps we could have one copy made during the adjournment.

THE REGISTRAR: Certainly.

133. MR. MUIR HUNTER: When were those letters written, Mr. Cunningham?  
A. One in 1967 and one in 1969.

134. Q. Who typed them? A. I typed them.

135. Q. You type yourself, do you? A. Well, not very well now. I gradually get worse as the years go on.

136. Q. You have always typed your letters? A. No.

137. Q. Who typed the letters that you wrote to the Trustee in 1972?  
A. Which one was that?

138. Q. Well, I am looking at one dated the 23rd August, which you have just looked at. A. My secretary would type that for me.

139. Q. Did you have a secretary in 1967? A. I have had a secretary since about 1951, I think.

140. Q. Why did she not type those? A. Because they were personal.

141. Q. Well, are not these letters extremely personal? A. Yes, they are extremely personal, but, you know, there had become an avalanche of them and I had to get somebody to do them in a decent way rather than me do them. After all, I had to keep records of that, hadn't I?

142. Q. Did you get any reply to either letter? A. No, neither did I get any replies when I used to ask him. He used to shrug it off and say, "I'll see about it."

MR. MUIR HUNTER: Could I have the letters back? (Letters handed to Mr. Muir Hunter.)

143. Q. Which holiday were you thanking for in the first letter dated the 28th August, 1967? A. Now, you'll have to let me have a look at .. (Document handed to the witness.) No, you would have to let me look at the list of holidays.

144. Q. No, no; surely it is quite simple, is it not? A. I wouldn't think it was simple for me to remember back six years which holiday it was, or where it was. Can I have a look at my list of holidays and I'll tell you?
- MR. MUIR HUNTER: I dare say you have got a list of holidays.
145. Q. You see, do these letters refer to the same holiday or different holidays? A. Different holidays, I think.
146. Q. And how many holidays did you have? A. How many holidays did I have? Six, seven.
147. Q. Eleven, actually. Did you write like that each time? A. No.
148. Q. What caused you to write on those two occasions? A. Well, when you keep asking a fellow about it and it goes on and on, and it becomes like a habit, and you are very busy and you go on and you forget about it, I thought I'd give him a gentle reminder on two occasions.
149. Q. One way, of course, of stopping this is not to accept any more holidays. A. I didn't accept any holidays; he arranged the holidays. I keep telling you. He arranged the holidays, and it was my intention, when I received the bills, to pay for the holidays.
150. Q. Because you were in his employment you had to go on holidays; is that right? A. I was never in his employment.
151. Q. Well, then, why did you go? A. Why did I go? Because the man said he could arrange holidays, and I was too busy to arrange my own holidays, I'll tell you that.
152. Q. Now, it is common ground between us now, Mr. Cunningham, as a result of your repayments, that you regarded yourself as liable to pay for all the holidays which we could show that you had had. A. Yes.
153. Q. You remember you wrote a letter about this? A. Yes.
154. Q. You see, you first said that you would take advice and then you said, on the 18th October, 1972, you were unaware that further monies were due to the bankrupt's estate. "I invite you to let me have details of the monies said to be owing." Well now, I am going to read on to the note the holidays of which we are aware and you can tell me if there are any that you object to, apart from the ones, of course, you have paid for. On the 4th and 5th of April, 1963, you stayed at the Dorchester at Mr. Poulson's expense, in company with your colleague Mr. Docking and Mr. Smith. Do you accept that? A. No, I don't accept it. It's not true. It's not true.



MR. STEER: I am sorry to interrupt, but this cannot be proper in bankruptcy or in any other proceedings. It is quite wrong for my friend, I submit, to state that he is going to read "the holidays of which we are aware". I thought that he was going to start on the holidays which are common ground when he said that, but evidently he is going outside the list of what I might call common ground holidays. Now, one cannot do that, surely, on a statement of fact by counsel.

MR. MUIR HUNTER: Whichever way it is done ...

THE REGISTRAR: You must remember that there is an enormous number of documents here.

MR. STEER: It can be put to the witness in the proper way: "Did you or did you not, at someone's expense, go on this, that or the other holiday?" It cannot, I submit, from the mouth of counsel come properly to state as a fact, "These - X, Y, Z - are the holidays of which we are aware," with the innuendo, I suppose, "that these are holidays which you have had which were paid for by some relevant person," presumably Mr. Poulson. That must be quite wrong.

MR. MUIR HUNTER: I really do not know what all the fuss is about. I never ask a question that I do not have the documentary evidence to support.

MR. STEER: That is a highly improper remark from my learned friend, to say that he does not know what the fuss is about. This is a perfectly well-grounded objection, and I ask you to rule on it, sir.

THE REGISTRAR: Yes. I think it would be better if the list of holidays were put and he were asked if he, in fact, took that holiday.

MR. MUIR HUNTER: I am much obliged, sir.

155. Q. Did you, on the 4th and 5th of April, 1963, stay at the Dorchester Hotel? A. I cannot recall staying at the Dorchester Hotel at the expense of Mr. Poulson. I have stayed at the Dorchester Hotel, but it was when I was a director of the Fairfield Shipbuilding Company. I cannot recall it, Mr. Hunter.

156. Q. Well, I put it to you that you stayed there on arrangements made by Miss Ketchell, Mr. Poulson's secretary, sent to you, via Mr. Smith, in writing, for a stay to accommodate yourself, your colleague Mr. Docking and Mr. Smith, and you say you have no recollection? A. No. I can never ever recall

staying anywhere with Docking at all. I could be wrong, as I say - my memory might have failed me - but I can never ever recall staying anywhere with Docking.

157. Q. On the 19th July, 1963, did you stay at the Queen's Hotel, Leeds, on the occasion of the Test Match? A. Well, this is another one I want to question because I think I have only attended one Test Match - I do not know when it was - and I only attended for half a day because it was boring me to tears. I wasn't able to move in the ground, and I came back. So I couldn't see any point in staying at the Queen's Hotel, Leeds, wherever it was.

MR. MUIR HUNTER: I did not include these documents in the common bundle because I thought that this matter would not be controversial.

158. Q. I have before me, Mr. Cunningham, a letter addressed by Mr. Poulson's secretary to Mr. Smith, dated 23rd March, 1963, which reads, "I am enclosing herewith a copy of the letter I have to-day sent to the Dorchester regarding accommodation for yourself, Mr. Cunningham and Mr. Docking, for the nights of Thursday and Friday, the 4th and 5th April, 1963." You say that that must be a mistake? A. I think it must be a mistake, and I am going to make a note of the dates you have given me. Would you please repeat them, Mr. Hunter?

159. Q. 4th and 5th April, 1963. On the previous day, Mr. Poulson's employee, Mallory, of the Middlesbrough office, wrote to arrange a meeting at lunch between yourself and Mr. Poulson on the 4th April in London.

MR. MUIR HUNTER: I hope my learned friend would accept that I put no question without a document.

MR. STEER: Well, if that is supposed to make me rise, I suppose I had better.

MR. MUIR HUNTER: I do not want anyone to rise. I just want people to be reasonable.

MR. STEER: I thought that the original objection which I made had been ruled on.

THE REGISTRAR: It has.

MR. STEER: Well, then, it is wrong to raise it again.

160. MR. MUIR HUNTER: On the 19th July, 1963, Mr. Poulson himself, over his own initials, wrote to Mr. Smith. "Dear Dan, Perhaps you will be kind enough to let Alderman Cunningham know that I have reserved three single rooms at the Queen's Hotel, Leeds, for himself and his two friends, from Thursday evening, 25th July, 1963, to Wednesday morning, 31st July, 1963." A. I didn't stay there.

161. Q. You mean you did not go?      A. I think that would be the time when we got the Test tickets from him. I would have probably given them away and somebody else would have stayed. You notice it's always to Mr. Smith he writes; not to me. I mean, anybody can sign "A. Cunningham".
162. Q. So you say you did not go on that occasion?      A. Well, to my recollection, Mr. Hunter, I didn't stay there.
163. Q. Well, then, on the 28th April, 1964 ... Do you know a Mr. ... Would you have known at the time a Mr. Roberts, in 1964?      A. I wouldn't know him but I would know of him. He's a Member of Parliament.
164. Q. Albert Roberts, M.P. for Normanton.      A. I wouldn't know him personally. I would know of him.
165. Q. On the 28th April, 1964, Mr. Poulson again writes personally to Mr. Smith. "Dear Dan, This is just to let you know that I have to-day sent Test Match and ground admission tickets to Alderman Cunningham in respect of himself and Mr. Roberts for Thursday, Friday and Saturday, 2nd, 3rd and 4th July, 1964. I have also confirmed to him that I have reserved accommodation for them at the Queen's Hotel, Leeds, for the nights of the 2nd and 3rd July."      A. Well, that surprises me, that he should send me Test tickets for Mr. Roberts, because, as I have said before, I know of Mr. Roberts, but if Mr. Roberts were to come in this door now I would hardly recognise him, and that's the truth. I also said before that I had received some tickets for a Test Match - I said that just two minutes ago - and gave them away.
166. Q. So you say you did not go on this occasion?      A. Well, to my recollection I have never ever stayed in the Queen's Hotel, Leeds. I may have done, but not to my recollection.
167. Q. That is the sum of £7.90 which you have actually repaid.      A. Yes. I have repaid it on the advice of my legal advisers because they have advised me to pay it all back even though there is a question. You will be going to ask me about Belfast, won't you, shortly?
168. Q. I think we can leave Belfast on one side.      A. Well, I don't want you to leave it on one side because my wife and my daughter has never ever been in Belfast in her life, and yet there's a bill there for Mr. and Mrs. Cunningham and Freda Cunningham. Now, how do you reconcile that?

169. Q. On the 3rd June, 1964, it is common ground that you and your family went to Nice .. A. That's right.
170. Q. .. for a period of fourteen days, staying at the Hotel Atlantic ... A. Would you allow me to say something here? I wish when you are using this language, publicly as well, you would be correct, because when you say my "family" you are including my two sons who have never ever been away on holiday with the family. Well, will you please, if you have to, will you please make that quite clear?
171. Q. Mr. Cunningham, you must accept that some of the invoices and letters refer to "Cunningham and family". A. That's Freda - young Freda.
172. Q. I see; and her friend, Margaret Flynn? A. Yes, and not my two sons, mind you.
173. Q. I have slipped over one because I should have dealt with the 7th to the 18th August, 1963, the visit to the Royal Crescent Hotel at Brighton. A. Yes.
174. Q. And that was a period of eleven days. A. Well, we've paid that one.
175. Q. Yes. So that was one major holiday in 1963 and one major holiday in 1964; and then on the 7th April, 1965, it is common ground that you went to Lisbon and stayed at the Palace Hotel, Estoril, for a period of fourteen days, at a total cost of £521.18s. 6d. A. That's right.
176. Q. On the 21st March, 1966, you and your wife and daughter again went to the Palace Hotel at Estoril for a period of twelve days, at a cost of £502.18s. 6d. Is that right? A. That's right, yes.
177. Q. On the 1st August, 1966, a holiday which at one time was in dispute but for which you have now paid, you went and spent fourteen days - "Mr. Cunningham and family", whatever that was - at the Palace Court Hotel at Bournemouth, at a total cost of £364; is that right? A. Well, we signed that as "family", but I want to repeat and I want to emphasize and I want it corrected in all these proceedings, that when you use the name "family" it only refers to the younger Freda and not to my two sons.
178. Q. Very good. On the ... A. Because we always took Miss Flynn with us or someone else.
179. Q. On the 24th July, 1967, you and your family, a total of four persons - presumably the two girls .. A. Yes.

180. Q. .. went again to the Palace Hotel at Estoril for fourteen days at a total cost of £503; is that right? A. I think that's right, but I think you've got four Estoril's down there, and I'm turning it over in my mind - I am not making a categorical statement here - but I am turning it over in my mind that we were only three times in Estoril, but I will check on that.
181. Q. I think I have only given you three Estoril's. Yes. Estoril 1965, 1966 and 1967. On the 9th April, 1968, you and your wife and the two girls went to Palma for eleven days .. A. That's right.
182. Q. .. between the 7th and 18th of April, 1968 .. A. That's right.
183. Q. .. at a total cost of £411. On the 20th of July, 1968 - that is the second time in a year - your wife and a friend and the two girls - that is four persons but not yourself - went to the Carlton Hotel at Bournemouth at a total cost of £366. A. That's right. I wasn't there.
184. Q. No. We have correspondence, which no doubt you have seen, to say, I think, you were in Sweden, were you not? A. Yes.
185. Q. And Mrs. Cunningham took her friend instead. On the 26th June, 1969, you and your wife and the two girls went again to Estoril - that was the fourth time - at a total cost of £647 for thirteen nights. In addition to those matters to which I have drawn your attention, on the occasion of the holiday at Nice in 1964 did you have a hired car provided for you? A. Yes.
186. Q. Did you pay for it? A. I don't know. I don't know whether it was put on the bill or whether I paid for it later, to tell you the truth.
187. Q. It was ordered by Mr. Poulson's office, was it not? A. I think so.
188. Q. Well now, we see that those holidays covered a period of six years. Do you say that on each occasion Mr. Poulson arranged them for you? A. Yes.
189. Q. Did you ask for them? A. No, no.
190. Q. How did they come about? A. There was no point in me asking for a holiday because I didn't have much time to go on holidays in any case, other than going on foreign trips with either the local authorities or with the trade union, and