

Mr. Poulson, in his own way - you have met the guy - he said, "I'll arrange a holiday for you," and I used to say, "O.K." and then along came the travel tickets, and all that, and I just went on holiday, and that was all there was to it.

191. Q. Was there never any discussion between you and him?

A. Oh, yes. There was a discussion about when I was going to get the invoices.

192. THE REGISTRAR: But how did he know when it would be convenient for you to go on holiday? A. How would he know?

193. Q. Yes. A. Well, he would ring up .. His secretary would ring up and say, "Can you go on holiday at such-and-such a time?" and I used to say, "Yes."

194. MR. MUIR HUNTER: But why should Mr. Poulson arrange holidays for you at all? A. I haven't got the slightest idea, unless he thought he was going to try and use me to influence certain people in his favour, but he never ever said that to me. I want to be quite truthful. He never ever asked me to use my influence to get him any work.

195. Q. We have not come to that, Mr. Cunningham. A. Pardon?

196. Q. We have not come to that yet. A. You've just asked me about it.

197. Q. I did not ask you about influence to get work. I said, "Why should he arrange holidays for you at all?" A. Well ...

198. Q. You say that you never asked for them yourself? A. Never asked for them, no.

MR. MUIR HUNTER: Can I see DS.3, please? 7th January, 1966. This is in the bundle. Now, as I am going to refer to the bundle, I am quite happy that the witness should have the bundle ... (File handed to the witness.)

THE REGISTRAR: Is this the file labelled "Cunningham" or "Mr. and Mrs. Cunningham"?

MR. MUIR HUNTER: "Cunningham". We had better call this, I think, AC.3 for the purposes of identification.

THE WITNESS: Is this the one?

MR. MUIR HUNTER: That is the one. If you would turn to the 7th January, 1966 ...

THE WITNESS: It's the wrong one. (Further file handed to the witness.)

199. MR. MUIR HUNTER: You see, this is a letter dated the 7th January, 1966, addressed by Mr. Poulson to Mr. Dan Smith: "Dear Dan, Your very dear friend, Alderman Cunningham, rang this morning and said that he wanted to see me." Was he your

- very dear friend - Mr. Smith? A. Yes, at the time, I would say, yes. By the way, I'm not responsible for the flowery language used here. I would say he was a friend but I wouldn't address anybody as "your very dear friend".
200. Q. And then he speaks about arranging a meeting. A. Yes.
201. Q. And then you see the fourth sentence: "He then went on to say 'What about holidays this year?'" A. Well, again, that could be Poulson's imagination. Probably he said to me, "What about holidays this year?" and put it round the other way.
202. Q. You mean you do not agree with what the letter says? A. No, I don't agree with it at all. I can never ever recall openly asking Poulson for a holiday. Why should I?
203. Q. Well, then he says, "He" - that is Mr. Cunningham - "would like to go to London on the 5th April, stay the night there, fly to Lisbon the next day, and stay at Estoril until the 21st April, flying back to London that day and staying the night there. Miss McLeod will make these arrangements and send details to him through you." A. Well, we have admitted having that holiday.
204. Q. But do you recall this conversation? A. No, I don't recall the conversation at all.
205. Q. You see, if this letter is correct .. A. Yes.
206. Q. .. there is no reason why Mr. Poulson should fabricate something at this stage ... A. Well, I'm not suggesting he has fabricated anything, but, if you notice, all these letters, there's none of them to me - they're to somebody else. If he had written to me it would have been better to talk about them and write them in the second person, wouldn't it?
207. Q. You see, it starts off by saying that you rang him up. Can we accept that that is true? A. Well, I probably rang him up, yes. On occasions I rang him up, yes.
208. Q. And that there was some conversation about holidays? A. Well, I can't recall that, but, in answer to your first question, I've certainly talked to Mr. Poulson on the telephone.
209. Q. And then he gives an account of what you would like to have by way of a holiday. Now, why should you ask Mr. Poulson for a holiday? A. I've never ever asked Mr. Poulson for a holiday.

210. Q. Well, that is what this letter says, you see. "He would like to go to London", and so forth. So this is asking for a holiday which Miss McLeod will arrange, and Miss McLeod does arrange, does she not? A. Yes, and I suggested that I never ever said that and I never asked Poulson for a holiday. He always arranged a holiday for me.
211. THE REGISTRAR: How would he know whether to arrange a holiday in Estoril or Spain or Italy or France? A. Well, as I've said to you before, when he asked me that question, I said, "Of course we would say what dates were available and he would make the arrangements." At that time in my life I didn't know there was a place called Estoril.
212. MR. MUIR HUNTER: Well now, the first of these holidays was 1963 in August. Did you on that occasion ask Mr. Poulson for the bill? A. I would think so. I would think so. In conversation maybe with him I would say, "Well, when am I going to get the invoices?" as I used to refer to them as.
213. Q. And you did not get such an invoice? A. I didn't.
214. Q. Did you write a letter? A. Not that I'm aware of.
215. Q. And then you accepted another holiday in 1964? A. Yes.
216. Q. At Nice. Did you ask for that? A. Could I .. ?
- MR. STEER: I am showing him the list, which is common ground.
- THE WITNESS: Nice was 1964, that's right.
217. MR. MUIR HUNTER: Did you ask for that holiday? A. No, I didn't, and I have a feeling they're the wrong way round. I think that Nice should be 1963 and Estoril 1964. I'm not sure about that, but just to get the record straight. Was it?
218. Q. In your bundle of the 1st May, 1964 .. Now, this is three days after the letter of the 28th April which you have just looked at about the Test Match tickets which you thought was absurd. A. Yes.
219. Q. This letter is dated 1st May to Mr. Smith, headed, "Alderman and Mrs. Cunningham". A. What date was that?
220. Q. 1st May, 1964. They are all in date order. A. Yes.
221. Q. This shows that for Alderman and Mrs. Cunningham and their daughter somebody has made the reservations .. A. Yes.
222. Q. .. from the 14th May outwards to the 28th May inwards. "I have asked Mr. Wegg to arrange for a self-drive car to be available for Alderman Cunningham at the airport on his arrival in Nice. He should leave the car at the airport on

on the day of the departure." Well now, who arranged that holiday? A. Mr. Poulson.

223. Q. At your request? A. Not at my request, no.

224. Q. Why did you go on it? A. As I said before, when a man says he'll arrange holidays for you, and you say, "Yes, I'll take a holiday," and then you expect to be told what the cost is, and he never did, and it got on like a bad habit.

225. Q. For the last year, in 1963, you say you had asked for the bill and you had not had it; why did you accept another holiday without paying for the previous one? A. Because I was always under the impression that somehow or another he would produce the invoices.

226. Q. Mr. Cunningham, you accepted a total of holidays - seven holidays .. A. Yes.

227. Q. .. major holidays, amounting to nearly £4,000 .. A. Yes.

228. Q. .. for none of which did you ever succeed in getting an invoice. A. That's right.

229. Q. I suggest to you that you never asked for one. A. Well, I suggest to you that I did. I asked him every time. I don't only suggest to you; I'm telling you.

230. Q. And notwithstanding that he would never tell you, you never, for example, insisted on paying the hotel bill. Why not? A. Yes, I did, but I couldn't, you see.

231. Q. Why not? A. Because they were credited out to him.

232. Q. But if you had said to the hotel, "Thank you for my nice stay. How much is that?" then you could have paid them. A. No. It wasn't my job to do that, with very great respect. If Poulson's organisation arranged the holidays and all the bills were made out to Poulson, I don't see why I should ask what they were because he might have had to pay it twice, the same as the Belfast issue where I wasn't there.

233. Q. So you never sought to pay yourself? A. Yes, I sought to pay Poulson.

234. Q. Yes, but you never sought to pay the hotel? A. No.

235. Q. What about the self-drive car? A. I don't know whether I paid for that or not, but I wouldn't say I did. There's no point in trying to think back to 1963.

236. Q. So each year you went on accepting holidays and never paying for them and never succeeding in getting a bill. A. Always willing to pay for them and always asking to pay for them.

237. Q. I suggest to you, Mr. Cunningham, that this is simply not true. A. Well, I suggest to you it is true.

238. Q. And I suggest to you that those two letters that you have produced were not written at the time of the dates they bear. A. Well, I don't know how you can say that. I mean, that's only your opinion, that.
239. Q. Well, let us look at them again, shall we?
THE REGISTRAR: How far is this relevant, Mr. Hunter?
MR. MUIR HUNTER: Well, because I want to ask which holidays are there referred to.
THE REGISTRAR: Are those the exhibits?
MR. STEER: I have got them here.
MR. MUIR HUNTER: Here they are.
MR. STEER: Sorry, I thought they were under my bundle.
240. MR. MUIR HUNTER: Can you tell me which of the holidays are referred to in those letters? A. Well, it would be any of the holidays before 1967, and between 1967 and 1969, wouldn't it?
241. Q. Very good. A. It would be ... In point of fact, it was a reminder to him about all the holidays, if you look at the dates. August 1967 - that would be Lisbon, I think, and then 1969 - that would be Lisbon as well. You know, Poulson was really a character. You could talk to him and he would laugh it off and he would go away and he would say, "Oh, yes, I'll see about that," and nothing ever came of it.
242. Q. Well now, we have found an additional one, which I do not have the bill for but which we could no doubt have worked out: that on your way to the holiday in Bournemouth, from the 5th August, 1966, to the 19th August, 1966, there was a booking made for yourself - and you went to the Palace Court Hotel, Bournemouth - and there was a booking made for yourself and your wife and a baby at the Carlton Tower Hotel - a total of three rooms. I take it that you were on your way to Bournemouth if that was, in fact, yourself? A. Probably
243. Q. Who was the baby? A. I can't recall the baby.
MR. STEER: I am sorry. I must be sounding very tiresome about this, but my friend is falling into the same error again. It should be put squarely to the witness, "Did you stay at the Carlton Tower on this occasion?"
THE REGISTRAR: I think he has answered, "Yes," already.
MR. STEER: Well, he has not had it put to him squarely.
THE WITNESS: You see, there's one or two of these that I doubt very much. I think that .. It's so far back that I couldn't recall. I certainly didn't stay at the Belfast and I didn't certainly stay at the Dorchester.

THE REGISTRAR: We are on the Carlton Tower now.

MR. MUIR HUNTER: At any rate, I dare say ...

MR. STEER: I am sorry to interrupt again, but is this not going to be put in fair and plain terms so that the witness can answer it?

MR. MUIR HUNTER: If, in fact, the witness has said that he did stay there, so be it. If counsel wishes it to be put strictly, I will produce the file. 1966 - the 3rd and 4th August - some date before the 3rd and 4th of August. It is TDS.2, I think.

MR. STEER: Sir, may I take my schedule which the witness was looking at - this is the schedule of holidays which are common ground - and give the witness the same thing in another copy?

THE REGISTRAR: Is there any objection to that, Mr. Hunter?

MR. MUIR HUNTER: No, of course not. I am only anxious that I shorten things. I am sorry if I seem to be going the wrong way about it.

I will produce this after the adjournment to save wasting time. I have not got the invoice to that; I have got the booking - a very elaborate booking - three rooms and a cot and something else for a baby. I thought everyone would remember what it is. Never mind.

MR. STEER: I hope that this is not going down on the transcript, my learned friend's asides. They are pure comment. The witness is not being given an opportunity to answer them. I see that everything is going down on the transcript.

MR. MUIR HUNTER: I will produce the document during the adjournment to my learned friend and he can examine it.

THE REGISTRAR: Everything that is said goes on the transcript.

THE WITNESS: You can produce the bills signed by me?

MR. MUIR HUNTER: I cannot produce the bill ...

MR. STEER: Before my friend goes on, may I ask him to stop commenting when the comment is not even any sort of attempt to ask a question of the witness.

THE REGISTRAR: Certainly.

244. MR. MUIR HUNTER: Well, I now want to get back to the relationship between yourself and Mr. Poulson to which these holidays have some relevance, Mr. Cunningham. Now, do you remember when you first met Mr. Poulson? A. I think it would be in 1963. I'm not sure about that now.

245. Q. Well, if we look at the correspondence, we find that the file starts in December, 1962 - the 14th - with a letter addressed to Mr. Smith in which he is talking about Durham.
A. Yes.
246. Q. He says, "It was grand seeing you again yesterday morning. I do appreciate very much your introductions through Councillor Docking to the Architects' Department of Durham County Council." I think you said you knew Councillor Docking?
A. Yes.
247. Q. Was he a member of the County Council? A. Yes.
248. Q. What was his position at that time? A. Well, when you say, "What was his position?" - you see, Docking was the Chairman of the Health Committee once; he was also Vice-Chairman of the County Council and subsequently he became Chairman of the County Council. At any one moment in time I couldn't tell you.
249. Q. And Mr. Poulson goes on, "I am sure we have only to get one job and they will never go anywhere else. That is our experience with other authorities." And then he doubles Mr. Smith's remuneration. A. What's that got to do with me at this hour.
250. Q. We will see. On the 24th December - I am afraid it is a very bad photograph - we find Mr. Smith writing to "Dear John", which, if you will accept it, is Mr. Poulson, referring to a meeting at Durham. Now, would you have met Mr. Poulson in December of 1962, do you think? A. I don't think so. I can't recall meeting Poulson with Dan Smith in Durham. I have seen Poulson himself in Durham in the Architects' Department, but, if you notice, again, with very great respect, my name is not mentioned in either of these letters. It's talking about a Mr. Docking, and my name's Cunningham.
251. Q. Bear with me, Mr. Cunningham. The next letter of the 7th February, 1963, says, "Just a note to confirm that we shall meet in the Royal Station Hotel at Newcastle," and it says, "I am seeing Andy Cunningham tonight" - that is the 7th February - "and will invite him to join us for lunch" - and "us" must mean Mr. Poulson, Mr. Smith and you, I think ..
A. Yes.
252. Q. .."on the 15th of February, 1963." A. Yes.
253. Q. Are you able to remember that occasion? A. I can't remember going to lunch. I've had thousands of lunches in my time. I never put down in my diary who I lunch with,

or something like that, but it confirms what I said. I would probably meet Poulson for the first time in February - in 1963.

254. Q. In the next letter of the 8th February, Mr. Smith says, to Mr. Poulson, "I saw Andy Cunningham last night and had a very successful meeting with him." Can you remember that occasion? A. No, I can't. I've met Dan Smith on hundreds of occasions, politically and otherwise.
255. Q. Would you think this was the first time? A. That I met Dan Smith?
256. Q. Yes. A. Oh, no. I've known Dan Smith for twenty-five years - thirty years.
257. Q. Well then, what do you think would have been the successful meeting to which he was referring? A. I haven't got the foggiest idea what he means by "successful meeting". I suppose if we talked about things in the North-East, that would be a successful meeting, but I'm not responsible for writing these letters. As I say, I didn't write any letters.
258. Q. He says he has asked him to apologise for not replying personally, so apparently, from this, one would think that Mr. Poulson had written to you direct. A. I can't recall, Mr. Hunter
259. Q. And that there is to be a trip to London. "I rather think Mrs. Cunningham would like to accompany her husband to London. I believe he would like to bring one or two members of the Council -- promised to give me a date." Well now ... A. Well, that's a rather vague letter, isn't it? He says, "I believe he would like to take a trip to London." He doesn't say what for, and he goes on to say that I would like to take one or two members of the Council, and he doesn't say what for. I mean, you can't expect me to remember back to the 8th February, 1963, with vague letters like this.
260. Q. I want to ask you what it was that you and Mr. Poulson were doing with one another. A. Mr. Poulson?
261. Q. Yes. Why should, Mr. Cunningham, you and your wife and members of the Council come down to London apparently to see Mr. Poulson? A. But did the members of the Council and me come down to London ... ?

MR. STEER: Just a moment, please. That is the first thing about that question - it is based on an assumption, and the second reason for which I object to it is that it is going into the field about which you, sir, asked my learned friend

before: "Where are we getting to?" I submit that, if this is relevant at all, it is highly difficult to see the relevance. I think it should be explained before my learned friend goes further.

MR. MUIR HUNTER: Well, I have a file of correspondence which reaches from here to 1969 in which Mr. Cunningham's name and his activities are constantly referred to, on which certain enquiries arise. I wish to know what it was that Mr. Poulson and Mr. Cunningham were meeting about - and this is what the letter implies. If my friend says they did not meet, well, then his witness will tell me.

THE WITNESS: You see, this letter again, with very great respect, that you referred to of the 8th February, it doesn't say that I met Poulson at all, if you read it.

MR. MUIR HUNTER: No, it does not.

THE WITNESS: I did not meet Poulson there at all. I would have to meet Poulson, the same as I have had to meet many, many more people in my public life, maybe on occasions, at functions, or something like that. There's nothing wrong in a councillor meeting an architect, or vice versa. There's thousands of architects and hundreds of thousands of councillors, and they meet regularly.

MR. STEER: Yes. Again, I am very sorry to interrupt and take up more time, but surely the relevance of this is very hard to see.

MR. MUIR HUNTER: The relevance of this, sir, is the control of the operations of Durham County Council's building programme. That is what it is about.

THE REGISTRAR: We are getting on to matters of which I have some knowledge and which have cropped up before. I think it is relevant and think it should be put.

MR. MUIR HUNTER: If, sir, we discover in due course evidence to suggest that Mr. Cunningham was paid sums of money by or on behalf of Mr. Poulson, one wants to know what it was for, and this is where it starts. I am sure Mr. Cunningham is anxious to give a good account of himself, and these letters are all put in quite fairly. They are there to be read. If Mr. Cunningham does not write letters himself, that does not mean that letters about him are not some evidence of what happened. So perhaps we could just go on with the file for a little while, could we? Can I have that one?

MR. STEER: Well, that raises another question; the question of what evidence letters, inter alios, possibly can be against Mr. Cunningham. That they are admissible in this enquiry, generally speaking, I do not contest, but if they are sought to be used to pursue some allegation against Mr. Cunningham personally, well, then, that again is quite wrong.

THE REGISTRAR: I think they can be put to Mr. Cunningham to show the source of the information, and then ask him for his comments about what is raised in the correspondence, and if Poulson and Smith are talking of a meeting with Mr. Cunningham, Mr. Cunningham can be asked if he attended the meeting and what it was about if he did attend. The difficulty with bankruptcy matters of this size is that the information is coming from all quarters and is far from complete.

MR. STEER: Yes, but there is an essential difference, is there not, between (1) looking for information from all sources, and (2) pursuing allegations against a witness on the basis of someone else's letters, and, moreover, letters between two other people, and my learned friend is trying to do that ...

MR. MUIR HUNTER: I am not making any allegations.

THE REGISTRAR: He is not making any allegations. He is asking ...

MR. STEER: Well, sir, may we leave it like this at this stage? As long as my learned friend is content with the proposition that he is not making allegations and makes none, well and good.

THE REGISTRAR: I cannot rule on that until the question arises.

MR. STEER: Yes, but if it goes over the border line into allegations, then it is a completely different matter.

MR. MUIR HUNTER: I hope, sir, my friend appreciates this is not a list. This is an enquiry by the Court. This is not an action to recover sums of money or to establish rights. It is simply to ascertain what has happened to the bankrupt's assets.

MR. STEER: Yes, but that is beside the point which I was raising.

MR. MUIR HUNTER: Perhaps, sir, I could now pursue .. ?

THE REGISTRAR: Yes.

MR. MUIR HUNTER: I do not know whether Mr. Cunningham has had a chance of reading on while we have been discussing this matter.

THE WITNESS: Yes, I have noticed with great ...

262. MR. MUIR HUNTER: You see the next letter, which is the 12th February, refers to yourself again. On the 22nd of March there is a letter which is not before you, but which I will read, from Mr. Mallory, which I read earlier; Mr. Mallory writing to Mr. Smith. "Mr. Poulson would be available to meet Alderman Cunningham on the 4th April in London. A lunch-time appointment would be convenient." It is not in this file, but you are welcome to see it. And on the next day there is a booking at the Dorchester Hotel, which you dispute, for yourself, Mr. Docking and Mr. Smith. If you look at those letters - you and your counsel - you can see that they are perfectly straightforward letters. You may say they are quite mistaken. A. No, I'm not saying they're mistaken, but I didn't write them.
263. Q. No, of course not. A. And I didn't send them to anybody. I mean, anybody can write and say, "I have arranged a booking for Andy Cunningham at the Dorchester or the Melbourne," or somewhere like that, but that doesn't say that Andy Cunningham went.
264. Q. Did you, in fact, go to London in April? A. I don't know, at this late stage. That's in 1963. But I'm certainly going to refute any suggestion that merely because someone writes a letter with my name in that I acted on that letter or did anything that was suggested in that letter. If I had written the letter it would be different.
265. Q. Very good. So you cannot say whether you went? A. Not truthfully, I can't say.
266. Q. And you will not deny that you did? A. I won't deny that I did, but, as I say, I can't say that I didn't.
267. Q. In your bundle there is a big document sideways - if you would like to turn to that - dated the 12th April, from Mr. Smith, in handwriting - a double page. A. I see.
268. Q. This is a letter from Mr. Smith to Mr. Poulson, speaking in the second paragraph about Felling. "Felling will be taking a decision this week and then a visit to Pontefract will be to arrange." Well now, were you at this time, in 1963, on the Felling Council? A. Yes.

269. Q. Did you on any occasion at this time discuss with Mr. Poulson any of the business of the Felling Council?
A. No.
270. Q. Such as housing? A. No.
271. Q. It is right, is it not, looking ahead, that Mr. Poulson obtained a very large contract as an architect at Felling?
A. Yes.
272. Q. And he built the Felling Nursery Lane Flats? A. He didn't build them; he was the architect.
273. Q. Well, he designed them. I think they were worth something like £4,000,000? A. I wouldn't know, but it would be a considerable sum.
274. Q. And then he goes on: "Durham County will be contacting you about civil engineering and the removal of eyesores and pit heaps." Did you discuss that with Mr. Poulson?
A. No. It was never under my jurisdiction, though, the abolition of pit heaps. You want to recall the character of the man who is writing these letters. It's not Cunningham who's writing these letters; it's Smith.
275. Q. And then he goes on: "I have agreed to arrange a visit to London for Alderman Cunningham and his wife and have said that Ada" - that is his wife - "and I will join them. I will let you have the dates." And then he goes on about holidays. A. Well, that's got nothing at all to do with me. I don't know the City Architect of Edinburgh.
276. Q. Do you know, or did you know, before his death, Mr. Peter Meldrum of Glasgow? A. No. Oh, wait a minute. I think I met Peter Meldrum once when the Government set up a Committee in Scotland and the North-East, and there was Peter Meldrum on it, Dan Smith and myself and someone else who I've forgotten, but I've never met Peter Meldrum to talk about local government with him, and I don't think I attended the meeting which was convened, either, at that time.
277. Q. I want you to read with me the paragraph in which Mr. Meldrum appears. "I also saw Peter Meldrum and got his agreement to accept a retainer on condition that it was on the L.P. contract so far as the world outside is concerned. This I agreed, and put the figure, as we agreed, at £1,250." Now, would you accept from me, Mr. Cunningham, that as far as we can see the "L.P." is the Labour Party Publicity Contract which was placed with Mr. Smith? Did you know that? A. No, strangely enough, I didn't, and this can be proved at Transport House because - I don't want to say

anything about anybody here, but I think he had that contract before I had become a member of the Labour Party Executive.

278. Q. I was actually referring to an earlier contract, Mr. Cunningham, and that is the contract placed for Labour Party publicity and propoganda in the North of England.
- A. No, I don't know anything about it. I never knew anything about it; I never signed any documents for it; it was never before any committee of which I was a member at the Labour Party headquarters, and if it had have been, anyhow, you don't ... I never was in any way connected with giving Dan Smith the publicity contract for the Labour Party. I used to sit there and look at him askance because what was given - we had never got the publicity from it that I thought that we had given it - and, as I say, to me, sitting there as Chairman of the Finance Committee - and it wasn't my committee, you see. This was arranged by the Publicity Committee of the National Executive Committee of the Labour Party and not by the Finance Committee, so, therefore, I would have no jurisdiction over it at all and never in my life did I ever discuss it with either the officers at Transport House, who would confirm if you asked, or with any other member of the National Executive of the Labour Party. To me it was a dead duck.
279. Q. Are you speaking of the national contract or of the regional contract? A. I am speaking of .. I didn't know we had a regional contract.
280. Q. You had a regional contract, yes, in 1964, I think.
- A. Oh, well, I didn't know anything about that. I don't think I was Chairman of the ...
281. Q. You were speaking of the national contract? A. Yes. I don't think I was .. I didn't know that it was split up. I think that what used to happen was that the N.E.C. used to employ him and then he used to split up in regions, I think, but I didn't know anything about it.
282. Q. Before we leave that subject, to which I did not wish to refer at this stage, you are speaking of a contract which costs the Labour Party £11,000 a year? A. Yes. I thought that's what you meant; that's what you were referring to.
283. Q. Did I gather that you did not think that the Party got value for money? A. I'm not going to say that here ...

284. Q. You said it was "a dead duck". A. To my way of thinking, there is no point in me, as my counsel has already said, talking about things which are irrelevant, and it is irrelevant to this hearing whether or not the Party got any satisfaction.

285. Q. You used the expression "a dead duck". A. Well, as far as I was concerned, I didn't know about it.

MR. MUIR HUNTER: Would that be a convenient point, sir?

THE REGISTRAR: It would be a convenient time to adjourn. Now, would it be convenient to .. ?

THE WITNESS: Could I ask, Mr. Chairman, what's all this got to do with me?

THE REGISTRAR: I am not a Chairman; I am a Registrar.

THE WITNESS: What have I got to do with Peter Meldrum and why am I being asked about Peter Meldrum when I think I only ever saw the man once in my life and I wouldn't even recognise his photograph; or about things in Durham County in the Highways Department in this letter - I was never Chairman of the Highways Committee?

THE REGISTRAR: The paragraph was read to you so that you could shed some light on the L.P. contract. It appears that you cannot shed any light on it.

Now, would it be convenient to resume at 2.15 or 2.30?

MR. MUIR HUNTER: I would be greatly obliged if my learned friend could refrain from discussing these matters during the adjournment.

THE REGISTRAR: Oh, certainly, while Mr. Cunningham is under cross-examination.

(LUNCHEON ADJOURNMENT)

286. MR. MUIR HUNTER: Mr. Cunningham, you have had an opportunity of thinking about this matter of documents. Apart from these two which the learned Registrar has just given you back, have you not got in the file from which these were taken any other documents relating to these matters?

A. No.

287. Q. May I give you an example of the sort of letter I thought you possibly might have? If you turn to the end of your file - the 25th November, 1968 - there is a letter from Mr. Marron to Mr. Smith. It is actually written by Mr. Marron - 25th November, 1968. He says, "We have

instructions to act for Mrs. Freda Cunningham and our client has handed to us your letter addressed to her dated the 30th September," and he refers to a balance of fees. Now, these were fees paid to Mrs. Cunningham, your wife, by Vinleigh Public Relations, which was one of Mr. Smith's companies, whose resources seem to have come from Mr. Poulson. Now, do you by any chance have that letter, or does Mr. Marron have that letter? A. I don't know. I can recall the letter, but whether I've got it on the file or not I don't know. I don't keep all the letters .. Is it not on the file?

MR. STEER: May I interrupt? It is certainly not on this file from which the copy letters put in this morning were taken. I am told that Mr. Marron has not it.

288. MR. MUIR HUNTER: Well, Mr. Cunningham, you can read the letter .. A. Yes.

289. Q. .. and this is instructing ... Mr. Marron was your solicitor, was he? A. Yes.

290. Q. .. instructing your solicitor to demand fees from Mr. Smith, and this turns on a letter written to Mrs. Cunningham by Mr. Smith. A. Yes.

291. Q. Now, do you remember seeing such a letter? A. I remember Mrs. Cunningham being employed by Vinleigh, and I remember we had great difficulty, when she wanted to cease being employed by Vinleigh, to get her P.45 and insurance cards.

292. Q. If you will turn to the next letter of the 18th January, 1969, Mr. Smith writes to Mr. Marron - I do not know whether it is the only reply he makes - "The conditions set out in my letter of the 30th September have been met and I have had forwarded through Vinleigh Mrs. Cunningham's salary." Well now, there were obviously some conditions which Mr. Smith attached to this matter, and Mr. Marron plainly - you would agree with me, would you not? - must have had the letter addressed to your wife before him when he wrote on the 25th November, 1968. A. He probably had. I think he'd probably ...

293. Q. It says so, Mr. Cunningham, does it not? A. Probably he had given it to me - the letter, but I can't ...

294. Q. But the letter says he has got it, you see. Mr. Marron would not make a mistake about that, would he? So I would like to know if you can throw any light on what has happened

to that letter. I cannot here cross-examine Mr. Marron.
A. No.

295. Q. Where is it? A. Probably it's just been mislaid or destroyed or something.

296. Q. Would you ask Mr. Marron point blank, with the Court's permission, where is the letter of the 30th September, 1968?
A. I must ...

MR. STEER: Well, I can perhaps help about this. May I just .. ?

THE REGISTRAR: Yes, please do. (Mr. Steer has a short discussion with Mr. Marron.)

MR. STEER: The situation is, sir, that Mr. Marron at the moment has no idea where that letter is, but he thinks that probably there will be a file, headed "Cunningham". He undertakes to look for it and to hand in the letter.

THE REGISTRAR: Yes.

MR. STEER: I do not know when would be a convenient time for him to give an answer to you, sir, about that. I mean by handing in the letter or saying that he cannot find it.

THE REGISTRAR: Well, as soon as he has made his search.

MR. STEER: Yes.

THE REGISTRAR: Well, by the end of the week.

MR. STEER: If you please, sir, yes.

MR. MUIR HUNTER: On behalf of which clients, I wonder, does Mr. Marron hold this letter, because I may have to ask you to summon Mrs. Cunningham to an examination in order to get the title, so to speak, before the Court.

THE REGISTRAR: Well, who handed the letter to Mr. Marron?

MR. STEER: Mr. Cunningham did, sir. May I try and grease the wheels here, as it were?

THE REGISTRAR: Yes.

MR. STEER: I know that there was some little difference about questions relating to Mrs. Cunningham this morning, but I am sure - and I say this obviously without having spoken to Mr. Cunningham during the adjournment - that there should be no difficulty about him answering questions in as far as he can which relate to Mrs. Cunningham.

THE WITNESS: I am quite willing to do that. If I may say so, I am at a bit of a loss to understand what letter you are referring to. We have two copy letters here.

297. MR. MUIR HUNTER: Look at the letter dated the 25th November, 1968. A. Yes, I have got that one.

298. Q. And read slowly, to yourself, the first paragraph.
A. I see. It's a letter from Smith to Mrs. Cunningham.
299. Q. That is right; which caused her, or yourself on her behalf, to set solicitors in motion demanding payment.
A. I don't think "demanding payment" would be -- demand the return of her P.45. I mean ...
- THE REGISTRAR: Balance of fees.
300. MR. MUIR HUNTER: No, no. I mean, McMillan (?) forwards a cheque. So six weeks pass ... A. I think that would be a letter, if I may say so, that Mrs. Cunningham would ask Mr. Marron to write saying that she was finished with it, send a balance of pay, also her P.45 and insurance cards.
301. Q. The point is this: I want to know where the letter is.
A. Oh, I couldn't tell you. I don't know.
302. Q. Yes, well, you have just been told that it is probably on your own solicitor's file in a file marked "Cunningham".
A. Yes.
303. Q. Now, I ask you again, Mr. Cunningham, why has that file not been produced to-day? A. I haven't kept such a file.
304. Q. Your solicitor has it. A. Well ...
305. Q. He said so. You heard him say so.
THE REGISTRAR: He said he probably has.
MR. MUIR HUNTER: Probably has.
THE WITNESS: Probably Mr. Marron's given all the letters to me. I wouldn't just be able to remember.
306. MR. MUIR HUNTER: Well, where are they now? A. Well, I wouldn't keep all the letters, as I've said before. If I'd have kept the letters, I would have shown them to you.
307. Q. What is the file from which these two carbon copies came? What is the actual file? A. Most of it .. It's nearly all correspondence with the Trustees, R.C. Moorhouse. There's no other correspondence on it.
MR. MUIR HUNTER: Sir, I will accept Mr. Marron's undertaking that he offers to the Court, and I would suggest that the obvious thing to do, for simplicity, would be for him to undertake to send to my instructing solicitors, on their undertaking, the file to which he refers containing that letter and any other letters which he considers ought perhaps to have been produced to-day if they had been remembered.
THE REGISTRAR: Is that undertaking given?

MR. STEER: Might I explain the situation? I thought that I had done clearly previously. Mr. Marron does not know that there is necessarily a file; he thinks that there may be. If there is, well, then, of course the undertaking is given. If not, he will have to tell you about it.

THE REGISTRAR: Quite.

MR. MUIR HUNTER: Of course. I accept that.

308. Q. Well now, let us take another example of a rather more important letter. Would you turn to a carbon copy letter dated 2.5.69? Now, will you accept from me, Mr. Cunningham, that, taken with other documents, it seems probable that "A.C." is yourself? A. Yes, but I can't understand how he puts "A.C." in. As I have said before - and I am on oath - I have never been employed by Dan Smith or by Poulson or by anybody else except the General Municipal Workers' Union.

309. Q. You are a little previous, you see. This is a carbon copy letter, it seems ...

MR. MUIR HUNTER: .. or is it a top copy. What is it?

MR. GRAHAM: It looks like a carbon.

MR. MUIR HUNTER: From whose custody does this come?

This is a letter signed apparently by Mrs. Cheeseman addressed to Mr. Marron. Sir, could I ask my learned friend if Mr. Marron produced this? I do not have an original of this.

MR. GRAHAM: This came from the D.T.I.

MR. MUIR HUNTER: I dare say it came from the D.T.I. I want to know where it came from in the first place.

310. Q. At any rate, have you ever seen this letter before - the letter in these terms? A. No. I asked Mr. Marron, which he seemed to do, to clear the matter up over Mrs. Cunningham's employment with Vinleigh, and this seems to be the culmination of it, and I would like to correct something else there. As far as I know, Mrs. Cunningham didn't have £1,250 per annum. She only had £1,000. So somebody has been sticking the £250 on there.

311. Q. We will come to that in a moment, you see. I am asking, really, about documents. You do not have any documents about the subject matter of this letter? A. No.

312. Q. Do you know what the subject matter is? A. No.

313. Q. The subject matter of this letter, Mr. Cunningham, as you will discover at the appropriate time, is that you complained that you had not received your pay.
A. I would probably complain that Mrs. Cunningham hadn't received her pay.
314. Q. In fact, the evidence seems to be - it may be incorrect - that you complained that you had not received your pay.
A. Well, could I .. ?
315. Q. Would you look at the footnote? A. Could I just .. ?
THE REGISTRAR: Just answer questions, Mr. Cunningham.
316. MR. MUIR HUNTER: Would you look at the footnote? It says, "This letter followed a telephone call to me from A. Cunningham asking why he had not been paid, but I don't know why he asked me and not Mr. Marron." A. Well, the person who wrote that's probably written it down wrongly, hasn't he? Because, as I've said before and I'll say it again, I have never been on Dan Smith's payroll.
317. Q. At any rate, you do not have any letters of this kind?
A. No.
318. Q. Well now, Mr. Marron has produced and Mr. Smith has produced letters about the dispute concerning the income tax position in Progressive Public Relations. Have you any more documents about that? A. No.
319. Q. Did you know that there was a dispute about the income tax?
A. Mr. Marron informed me that there was .. You're speaking of Progressive company now?
320. Q. Yes. A. Mr. Marron mentioned this to me, but I thought I'd made it quite clear that, although I agreed initially to become a partner in Progressive Public Relations, I didn't receive any money from it; I didn't do any work for it; and after twelve months I said I wanted to be completely disassociated with it.
321. Q. Well, I thought you said this morning that you agreed that you were the person for whom Mr. Marron was nominee; is that right? A. That's right. I'm saying that initially I was attached to the company. I did no work for it for twelve months; I received no pay; and finally I advised Mr. Marron to disassociate myself from the company. I've said that three times, I think, to-day.
322. Q. You have got no pay for it, you say. Did Mrs. Cunningham get any pay from it? A. No. Mrs. Cunningham wasn't involved with Progressive.

323. Q. I am just looking at a letter which is not in your bundle dated 27th September, 1971, where Mr. Marron is writing to -- you will not find it there because it has not been copied for this purpose -- Mrs. Cheeseman and says, "It is observed you take the view that our Mr. Marron and Mr. Andrews should be responsible for the accountants' fees." That is for the drawing up of accounts. "This company was not the property of the partners of this practice for we were acting on behalf of clients. Surely our clients should be responsible for the accountants' fees," and so forth. Did Mr. Marron ask you to pay the accountants' fees for Progressive? A. No. My recollection of that is that it was after I disassociated myself from the company altogether.
324. Q. And what did you do with the shares which Mr. Marron was holding on your behalf? A. I told him to get rid of them.
325. Q. In what sense? A. Well, in any sense he wanted to. He's the lawyer; not me.
326. Q. But how do you .. You mean set fire to them or something? A. I don't know. I couldn't say. This was all a nebulous venture, this. Nothing ever came of it, and, as I've said and I'll keep repeating, I didn't do any work for it; I didn't do anything at all like that for it. In point of fact, it had completely escaped my attention - that bit of it.
327. Q. Do you know where Progressive Public Relations got its funds from? A. Well, I think there were a hundred £1 shares - I'm not quite sure about that, even. As I say, I looked upon this as a very abstract thing, you know. You know, when Smith used to come and talk to you, you'd say, "Yes," because, as I explained this morning and I will explain again, the aims, as set out by him to me, were very good indeed. He wanted to set in progress negotiations, speaking from memory, on the old assembly rooms, Newcastle, with the Vaux Brewery Company, and I did nothing about that because I wasn't a member of the Newcastle Trades' Council. The other point was that he was keen to arrange with people to build a trade union complex in Gateshead, and I remember when I was a member of the Fairfield's board, the late Lord Carron coming to me and asking my opinion about it, and I told him not to touch it with a barge pole, and my own Union certainly wouldn't become involved in it, but I

think that approaches were made to a number of trade unions about that. The other things he wanted me to do was to mention his name to industrialists when I was meeting them in negotiations, and that's as far as it went. I didn't do any of these things, as I've said, in twelve months. I was too busy to do anything at all about anybody. I had to completely forget about it, and to me, as I said before, it was quite a fantasy, as far as I was concerned.

328. Q. Well, this is all very strange, Mr. Cunningham, in the light of the documents. A. Pardon?
329. Q. I said that in the light of the documents what you said is difficult to understand. Do you know Mr. Dews of Castleford? A. No, never met him in my life.
330. Q. Never met him in your life? A. Never met him in my life.
331. Q. And do you know Mr. Roebuck of Mexborough? A. Never met him in my life.
332. Q. And do you know Mr. Ken Allen of Peterlee? A. I know Mr. Ken Allen. He's the clerk with Peterlee, yes.
333. Q. Well now, do you, in fact, know whether Mr. Allen received any money from Progressive Public Relations? A. No, I didn't know that Mr. Allen had any connections at all with Progressive Public Relations.
334. Q. You see, I am looking at a letter dated the 3rd March, 1969. A. You might find that difficult to believe, but it's true. I didn't know any of those two fellows and I didn't know that Mr. Allen was in any way connected with Progressive.
335. Q. Was Mr. Marron acting for you, do you suppose, in March 1969? A. Yes, I think he would be.
336. Q. I am looking at a letter addressed by Smith to Poulson dated the 3rd March, 1969, whereby Mr. Smith wished to re-arrange the payments that he was receiving from Mr. Poulson. Now, I will tell you that Mr. Poulson was paying Mr. Smith by bankers' order £1,524 a month. Now, did you know that Mr. Poulson was paying Mr. Smith? A. No, no.
337. Q. Where did you think Mr. Smith got his money from? A. Well, he had a public relations business, you know, and he used to often say to newspapers he was making £30,000 a year. I don't know where he got it from. It was

none of my business, you see. I wasn't Smith's partner. I mean, I don't know where Smith was getting his money from.

338. Q. In this letter he says, "Please adjust the monthly payments as follows: Bankers' order to Lloyds Bank, Newcastle, £1,232. 6s. 8d.; cheque or bankers' order to John Marron" - that is your solicitor - "£291.13s. 4d." And that brings us back to the total of £1,524. So what has happened is that £291.13s. 4d. has been carved out of Mr. Smith's monthly cheque in favour of your solicitor. (Document handed to the witness.) Do not trouble yourself at the moment about the ink writing - I will explain that. A. No.
339. Q. Well now, did you know that Mr. Marron was receiving £291.13s. 4d. a month? A. No, I didn't.
340. Q. You mean you never heard about it? A. No.
341. Q. What could it have been for in this connection? A. I don't know. "I keep saying to you that as far as Progressive was concerned I never did any work for it; I received no money from it; and to me it was a fantasy. It was just one of these things that Smith used to talk about.
342. Q. Take this letter back ...
- MR. MUIR HUNTER: Could we call this AC.4, sir?
- THE REGISTRAR: Yes.
- MR. MUIR HUNTER: It has come out of a separate file. I hope you do not mind it being marked. It is my own working copy.
343. Q. .. and now look again at the 2nd of May, 1969. A. Yes.
344. Q. Now, do you see £291.13s. 4d.? A. Yes.
345. Q. That is the same sum we have just seen and heard, is it not? A. Yes.
346. Q. That is one twelfth of £3,500. A. Yes.
347. Q. And that, apparently, is in some way distributed among four persons, or things, described by their initials. A. Yes.
348. Q. Now, Mrs. Cheeseman identifies these as yourself, Andrew Cunningham; C.D. as Christopher Dews; T.R. as Thomas Roebuck; and K.A. as Ken Allen; with the sums set out against their names. Well now, can you not throw any light on this? A. I can throw no light on it at all. As I've said, I was never on Dan Smith's payroll personally, apart from Mrs. Cunningham being employed by Vinleigh, and neither was I on Poulson's payroll, and all the salaries that Mrs. Cunningham got the tax was deducted at source, and her insurance card stamped, and then, in turn, I declared her