

income to the income tax people, so I wasn't receiving £1,250 from Mr. Smith.

349. Q. Well, that is what, in fact, is set out in the letter, and you say it is a mistake. Did you not receive any sums of money via Mr. Marron?     A. None at all.
350. Q. Well, we will obviously have to have Mr. Marron asked what he did with the money, Mr. Cunningham. You see, the Court could examine Mr. Marron to ask him what he did with the money.     A. Well, I can't help that.
351. Q. Did your wife receive any of this?     A. No, she received a salary, as fully documented and set out in letters to the Trustee, by the way, who seemed to be making a few mistakes at the time, of the money she received. £397 gross - net, rather.
352. Q. £375, you mean?     A. Yes, net.
353. Q. The sum you have just repaid?     A. Yes.
354. Q. What was that for?     A. Well, it was for Mrs. Cunningham's employment with the Poulson organisation, as we said this morning. She commenced work on November the 1st, 1969, and she terminated ...
355. Q. We are speaking of an earlier period, from 1966, 1967, 1968 onwards.     A. Ah. From 1968 until 1969 Mrs. Cunningham wasn't employed by anybody. I think she terminated her employment with Vinleigh in 1966 or 1968. I'm not sure about that, mind you. I'm not sure about the date. So Mrs. Cunningham wasn't on anybody's payroll, and neither was I.
356. Q. Would you turn to the last sheet of the main file? I will produce the whole of the report if your counsel wishes to see it.     A. Yes.
357. Q. This is an accountancy analysis of the Vinleigh Public Relations operation.     A. Yes.
358. Q. You see, wages were paid as follows: Mrs. Cunningham £916.13s. 4d. for the year 1968.
- THE REGISTRAR: It is at the bottom of the sheet.
- MR. MUIR HUNTER: The last sheet.
- THE WITNESS: I've got this one, yes.
- MR. MUIR HUNTER: Yes. I can produce the rest to the Court if you wish to see it.
359. Q. They have identified those in the wages book as a payment to her in the year 1968.     A. I don't question that. I said she terminated employment in 1968.

360. Q. And then again she was paid in 1969 £416.13s. 4d. What was it for? A. Well, I don't know about that, Mr. Steer. I don't know about it at all. The only other money she was ever paid was when she was employed by Poulson .. If Mrs. Cunningham had received that, I would have known.
361. Q. Let us put Mr. Poulson's direct employment via Ropergate, which commenced in November, 1969, on one side, if you please. I want to know what Mrs. Cunningham was doing for Vinleigh, which you admit is in some way connected with Mr. Poulson? A. Well, I don't know whether Vinleigh was connected with Mr. Poulson, Mr. Hunter. As I've said, that's none of my business. I wasn't that intimate with Dan Smith that I used to ask him all about his business. All I know is that Dan Smith employed Mrs. Cunningham for advice on the interior of houses. It's a well-known fact ...
362. Q. Look, will you please stop talking about Mr. Poulson's employment at the end of 1969, which is not the question. What was Mrs. Cunningham doing for Vinleigh in 1968? Do you know? A. Yes. I thought I had answered that, with very great respect. Mrs. Cunningham was employed by Vinleigh to advise on the interior of houses, and I've said that.
363. Q. But Vinleigh was not an interior decoration organisation; it was a public relations company. A. Yes. Well, public relations companies, of course, as you well know, have got to go and advise people on the construction of houses; what they should look like; who should live in them; and what the interior should be like. There's nothing wrong in that.
364. Q. Do you say that to your knowledge Mrs. Cunningham was actually doing that work for Vinleigh? A. Yes, she was advising Smith.
365. Q. What did she actually do? A. She would visit houses and then she would tell Smith her opinions on them.
366. Q. In the year 1968? A. I think 1968. If I could get hold of the file I will tell you precisely when she did it.
367. Q. Which file? A. I have a file here, if it's the one you're referring to, sending it to you, the Trustees.
368. Q. But, if it is here, why can we not see it now? I thought it was not here..

MR. STEER: This is simply the file of the correspondence with the Trustee.

THE WITNESS: But Mrs. Cunningham definitely finished her employment with Vinleigh in 1968 and she wasn't employed any more by Dan Smith or any of his companies, to my knowledge, any more. Her next employment was with Mr. Poulson.

369. MR. MUIR HUNTER: Well then, if the wages book that is here analysed on this page shows Mrs. Cunningham to have been paid, you say it must be a mistake? A. Well, it must be a mistake until I get the date, Mr. Hunter. There seems to me to be an awful lot of mistakes here.

370. Q. Yes. Well, we shall have to ask Mrs. Cunningham to come and assist us. At any rate, you say that you never received a penny yourself? A. Never a penny.

371. Q. Now, I will show you the famous Official Receiver's schedule from which you can see the split which I have just told you about. (Document handed to the witness.)

MR. MUIR HUNTER: I think, sir, we could call this the Official Receiver's schedule. It has been used so frequently.

THE REGISTRAR: It has been called that all along.

MR. MUIR HUNTER: The Official Receiver's schedule - A.5.

MR. STEER: I wonder if I could intervene before you go on to this. It does seem to me that if Mr. Cunningham has a look at whichever file it is, he might help you about that date in relation to Mrs. Cunningham.

MR. MUIR HUNTER: That is the file that the letters came off.

THE WITNESS: Mrs. Cunningham's employment with Vinleigh Public Relations terminated on the 31st December, 1968, and the insurance cards, the P.45 and the tax returns can easily prove that.

MR. MUIR HUNTER: I see. So be it.

372. Q. Well now, this £291.13s. 4d. was paid from the date that I have shown you - that is to say, from April. (Document, A.5, handed to Mr. Steer.) You will see that the £1,524's continue, in fact, through errors in accounting, as one sum down to the 30th June, 1969 - (Figures indicated by Mr. Muir Hunter to Mr. Steer and the witness.) - and then they continue on down to September, 1969, in what I have called "the split". There is the split, you see, £291.13s. 4d. Do I understand you to say that if, as the documents and records show, Mr. Marron received £291.13s. 4d., no part of that was paid to you? A. That's right.

373. Q. Or to your wife? A. That's right.
374. Q. Or to anyone on your behalf? A. That's right.
375. Q. And you do not know whether any sum was paid to Mr. Dews or Mr. Roebuck? A. I don't know the gentlemen, and I would please ask you to believe that I wasn't involved to all that extent. I didn't know Dews and Roebuck and all these people.
376. Q. Well now, if it also appears that Mr. Ken Allen was receiving £500 a year -- you have stated that he was, at that time, 1969, in the employment of Peterlee and Aycliffe New Town. A. Yes.
377. Q. Did you know that Mr. Allen was being paid those sums? A. No.
378. Q. I mean, if he was, in fact, being paid. A. No.
379. Q. Can you conceive of any circumstances in which he could have been paid while in full-time employment? A. Well, I don't suppose I'm able to answer that. Mr. Ken Allen's actions have got nothing at all to do with me. I just knew Ken Allen as a Clerk to the Committee. I didn't go round asking Mr. Allen who was paying him or who wasn't paying him. I think that would have been an intrusion into his private life, wouldn't it?
380. Q. If Mr. Marron was your nominee, how could Mr. Marron possibly be dealing with these sums without your knowledge and consent? A. I've tried to tell you and I keep telling you that from the very initiation of the company I made it quite clear that I wanted to have nothing at all to do with it.
381. Q. Well, in what circumstances, therefore, was Mr. Marron your nominee? I mean, you cannot get away from this, Mr. Cunningham. You have said that on oath. A. I'm not getting away from it, and I'm going to say it again on oath; that from the initiation of the company I took no interest at all in it. I've tried to explain that to you. The shorthand writer has it down. I received no payments from it at any time, neither did my wife.
382. Q. Well, then, in what circumstances was Mr. Marron exercising the powers of the company? A. He was exercising the powers of the company because I was a partner in it at the very beginning. That's what I'm saying to you.

383. Q. What was the company supposed to be doing with the money which we can prove it was receiving, or do you say you did not know it was receiving any money at all?
- A. Well, I didn't know it was receiving any monies at all.
- MR. MUIR HUNTER: Has my learned friend got what we call the "P.P.R. file"?
384. Q. You see, I am going to show you a letter, which is again not on the main bundle, dated 4th April, 1969, from Mrs. Cheeseman to Mr. Marron. "Mr. Smith has spoken to Mr. Allen." - Mr. K. Allen - "Further to our meeting on Tuesday, he asks if you would ring him to make whatever arrangements are suitable. K. Allen." And then gives his private address. Well now, the arrangements in question appear to be arrangements for payment. Now, here is that letter, which must have been produced by Mr. Marron (Letter handed to the witness.) and attached to it is a bank account of the company, Williams Deacons Bank, from which you will see that Mr. Marron got £40 for himself and then there is a payment to Mr. Dews and a payment to Mr. Roebuck. A. None to me.
385. Q. Yes, but what is this all about, Mr. Cunningham? Do you say that Mr. Marron distributed the company's monies without your knowledge and consent? A. I keep saying to you - and this is the last time I'm going to say it - that from the initiation of the company I took no further part in it; I was never consulted about anything in it; I didn't want to have anything at all to do with it; and after about eleven months I completely disassociated myself from the company.
386. Q. How did you disassociate yourself? A. By advising Mr. Marron that I didn't want anything at all to do with it.
387. Q. Why did you say that? A. Because I wasn't doing anything for it. You know, it was a bit of an albatross around my neck, wasn't it? I mean, I didn't want to get involved in that anyhow.
388. Q. Well, if you did not know what it was about how could it be an albatross? A. Well, it's a bit of an albatross if a fellow in public life gets mixed up with public relations, isn't it? It could be misunderstood.
389. Q. But the name of the company is Public Relations. A. I know. That's what I say.

390. Q. Well, you see, so far as getting nothing out of it, it would be remarkable, would it not, if Mrs. Cheeseman thought that you were getting £1,250, which is the only sum which would make sense of the payments that Mr. Poulson was making. There is £1,250 missing, you see. A. Well, I didn't get it, and you'll never get me to even admit that I ever got it because I didn't get it, you know, and that's it.

391. Q. Have you ever asked Mr. Marron about what the company was doing? A. I don't think I ever did. I keep saying to you that I was completely disinterested in it.

MR. STEER: I wonder if I could intervene to try and help, sir. I have now a resume from Mr. Marron of what used to happen to these monies, I may say on the instructions not of Mr. Cunningham but of Mr. T. Dan Smith, I am told. Now, Mr. Marron is perfectly willing, if you think it right, for me to tell you what used to happen. I do not know whether you would like a written resume of it, or what.

THE REGISTRAR: Well, where solicitors are concerned, the practice is for a questionnaire to be administered.

MR. STEER: Yes.

MR. MUIR HUNTER: Well, I do not deny the position of Mr. Marron is a rather delicate one because my next questions are directed specifically to Mr. Marron's communications with Mr. Dews and Mr. Roebuck, of whose existence Mr. Cunningham professes himself to be unaware. It seems to me to put Mr. Marron, as Mr. Cunningham's solicitor, in such a position that he might wish to withdraw from the case, and he could then give his evidence to the Court uninhibited by the relationship of solicitor to client.

MR. STEER: Well, this is not at all difficult, really. I think that ...

MR. MUIR HUNTER: Well, if Mr. Marron wants to say something to the Court I have no objection at all.

THE REGISTRAR: Very well.

MR. STEER: I am doing this on the basis that you are really attempting to get information about material financial matters and that this is not just an excuse for interrogating Mr. Cunningham, but what Mr. Marron would say, and what he tells you through me, is that he was acting on the instructions of Mr. Smith, who was his client at that time; Mr. Cunningham was not concerned ...

MR. MUIR HUNTER: Could I have the time of this? March 1969?

MR. STEER: The time of this order we have heard about was in being; the bank concerned was Williams Deacons; there was a payment to Mr. Marron's firm by credit order; that went into their clients' account, and from there, on instructions, they paid to - and these are just names to me and I think were to Mr. Marron - somebody called Roebuck; to somebody called Dews; and on occasion, at any rate, to someone called K. Allen. Yes. There, then, is the simple situation.

MR. MUIR HUNTER: Well, there is £1,250 missing, then. Perhaps Mr. Marron could amplify the missing part of the sum. We can prove that sums at the rate of £291.13s. 4d. a month were paid. Perhaps Mr. Marron, through counsel, could indicate that those three recipients absorbed the whole of the funds. (Mr. Steer has a short discussion with Mr. Marron.) It is obviously in the clients' account, of course.

MR. STEER: Well, of course, obviously there were complicating factors like costs, but I dare say that Mr. Marron, given the opportunity, could get the precise figures out and you can have them. There is no need to make a mystery of this.

MR. MUIR HUNTER: No. Well, I will proceed, if I may, with the assistance of that very helpful intervention by my friend.

THE REGISTRAR: Yes.

392. MR. MUIR HUNTER: You say that you personally did not know Mr. Roebuck or Mr. Dews or what they did? A. No.

393. Q. Have you any reason to think that Mr. Marron knew who they were? A. No. I keep saying this very forcibly - I think I'll have to be more emphatic - that I did not on any occasion ...

394. Q. That is not the question. I said, "Have you any reason to think that Mr. Marron knew who they were?" A. No. I hadn't any reason to think who they were. I mean, I don't live with Mr. Marron; I don't speak to Mr. Marron every day.

395. Q. On the 28th February, 1969, Mrs. Cheeseman wrote in identical terms to Mr. Roebuck and Mr. Dews, who up to that time had been paid their retainer from Confersbrook (Public Relations) Limited, in these terms: "I have to advise you that your services with Confersbrook will terminate as from to-day and I enclose the last cheque from this company. There has

been a good deal of reorganisation of late and, contrary to your being transferred to Vinleigh (Public Relations) Limited" - remember "contrary" - "as advised on 11th January, you will shortly be hearing from Mr. J. Marron, solicitor, in regard to a client who has indicated interest in retaining you in respect of specific services." An identical letter was written to the two gentlemen. Now, do you suppose Mr. Marron is accurately reported there and do you know whether he wrote to them? A. Well, I don't know, Mr. Hunter. How am I to know who Mr. Marron writes to? He's a solicitor.

396. Q. He has got a file of this, you see. A. Yes, but I haven't got a file, have I?
397. Q. Mr. Marron appears as your solicitor, you see. The next letter: "Dear Mr. Marron" - the 26th March - "I am enclosing a letter, a copy of a letter, that I have despatched to Mr. Poulson's office; and you will see from the postscript that, following a meeting I had there yesterday, it is to be arranged that the first cheque will come to you at this month end which will enable you to proceed on the lines of the letter sent to C. Dews and T. Roebuck by Confersbrook, dated the 28th February. Mrs. Cheeseman sent you copies of these on the 4th March together with a draft letter to each offering the alternative employment," and this draft letter seems to have said something like this: "We are interested in retaining your services as a consultant in the area of Yorkshire in connection with the Hunt Committee Report." Well now, these are all communications addressed to your own solicitor. Is the Court to understand that you know nothing of them? A. Nothing at all.
398. Q. And that Mr. Marron has never told you what he was doing? A. Mr. Marron .. As I've said, I never asked Mr. Marron about anything at all like this. I don't see any reason why Mr. Marron should tell me, anyhow.
399. Q. Well now, you say that you never had any money from P.P.R. Let us just look at the file again. Mrs. Cheeseman was involved in a discussion about this and there was correspondence between her and Mr. Smith and Mr. Marron, and in a statement she made on the 23rd October, 1971, which is in your bundle .. You can just see the ink numbering at the top. That is it. She starts off by saying, "There is something decidedly odd about Mr. Marron's history of P.P.R.



Limited." Now, this document, of which we have a copy, is Mr. Marron's account of how the company came to be formed and was written for the benefit of the Inland Revenue. "The first thing that occurs to me when reading it over," she says, "is that Alderman Cunningham's name is conspicuous by its absence," and then she sets out her recollections and says she will give evidence before the Commissioners. That is the Commissioners of Income Tax. "So far as I am aware, you first met Mr. Marron by introduction from Alderman Cunningham in approximately February, 1969. This was after A.C. and yourself had a discussion upon the setting up of a company in which you could both participate." Just stopping there, is that something which you would accept? A. I would accept that my name would be conspicuous by its absence, if we could reverse ...

400. Q. No, no. The second paragraph, that "you" - that is Smith - met Marron by introduction from yourself - "you" is Smith, you see - in February, 1969. A. I introduced Mr. Marron to Mr. Smith in 1969 because Mr. Marron was the Union solicitor, and when Smith mentioned this to me I wanted somebody to, if I ever got involved, look after my interests. As I say, I didn't get involved, so ...
401. Q. Now, had you and Mr. Smith had a discussion upon the setting up of a company? A. Yes.
402. Q. So that is O.K.? A. Yes.
403. Q. The third sentence: "As you were both public figures, it seemed advisable for Mr. Marron to act, and he subsequently suggested that my maiden name would be preferable when I said it was widely known that I was associated with you" - that is Smith. Now, Mrs. Cheeseman's maiden name was what? Robinson, was it not? A. I don't know. I think I've only seen Mrs. Cheeseman once in my life.
404. Q. And then she describes how the company got set up, and the last sentence of the third paragraph: "Other than this, I did not attend to any payments out of this company, although I understood Mr. Marron was to do this and he was to pay C. Dews and T. Roebuck for their expected promotion of O.S.B. interest in their area, as far as I am aware." Now, you say you knew nothing about that? A. Nothing at all.
405. Q. If Mr. Marron agreed to do that it was without your knowledge.

Now, let us look at the next paragraph. "On a Saturday morning at (blank) April, 1969, Alderman Cunningham telephoned me asking if I knew why he had not received any money." Now, did you telephone Mrs. Cheeseman?

A. No. I didn't telephone her and I've never asked Mrs. Cheeseman in my life why I didn't receive any money. That's why I say that there's lots of funny things going on here.

406. Q. But, if this is accurate, there is a conflict of recollection between you and Mrs. Cheeseman. A. Yes.

407. Q. Now, you will notice that Mrs. Cheeseman was writing this report in 1971, which is two years ago, of course.

A. Yes.

408. Q. "I spoke to Mr. Marron hereon, who asked me to tell him" - "him" means Cunningham - "that there would be two months due at the end of April. I passed this message on, I think on a Monday, from memory. I have no idea whether or how this was declared" - and "declared" here means declared for tax - "by Alderman Cunningham," and then she goes on to say how the company ran out of money. And then in the fifth paragraph: "From what I gathered in subsequent months, I know you believed A.C." - that is yourself - "had been in direct touch with Mr. Poulson and your impression was that he was trying to organise direct payments for himself, and while I do not know the entire details, I have confirmation somewhere of a meeting which was arranged for 1.00 p.m. on the 26th January, 1970, at Catterick Bridge Hotel, which I understood was attended by Mr. Cunningham, Mr. Marron, yourself and Ropergate representatives." Now, did you attend such a meeting? A. That seems to be a bit of a vivid imagination on Mrs. Cheeseman's part, doesn't it, about that sort of thing?

409. Q. Why? I mean, either you attended such a meeting or you did not. A. But I am talking about "what I gathered in subsequent months, I know you believed A.C. had been in direct touch with J.G.L.P." I attended a meeting somewhere in Catterick Camp with Dan Smith and Poulson, yes.

410. Q. You did? A. Yes.

411. Q. With Poulson? A. Yes. I think Poulson was there.

412. Q. In about January, 1970? A. Well, I wouldn't know the date, Mr. Hunter.

413. Q. It was just after the case against Mr. Smith had been announced, apparently. She says, you see, "This meeting was after the case. When it was announced I remember you being very upset." Mr. Smith was arrested and charged with corruption at Wandsworth. Well now, you say there was such a meeting that you recall at Catterick. What was the purpose of the meeting? A. It was to discuss Progressive.
414. Q. But I thought you had disassociated yourself from that. A. This was in the very initial stages of it.
415. Q. We are speaking about the 26th January, 1970. That is the meeting that this statement is talking about. Did you attend such a meeting? A. Probably Smith would ask me down to have a bit of a natter about certain things, and probably I went down or I did go down, but I don't think anything ever came of it.
416. Q. What was the object of the operation? A. Just to talk about various things.
417. Q. What things? A. All sorts of things.
418. Q. What kind of things? A. Oh, well, the expansion of the North-East, the economy of the North-East, architecture in the North-East, buildings in the North-East - all that sort of business. Certainly not about Progressive.
419. Q. Let us consider one or two things. The first thing is that whoever had been paying out of Mr. Poulson's till to Progressive Public Relations had ceased to pay them. That is clear, is it not? A. Yes.
420. Q. You see, in October 1969 there are no cheques from Ropergate. Then Mrs. Cunningham, as you have admitted, receives payment of £375 from Ropergate for the period between October, 1969 and January, 1970. That is the sum you have repaid. Well now, the next thing is that Mr. Smith was being prosecuted, and the next thing is that Mr. Poulson has lost his empire. It has been taken over by a group. Now, were any of those subjects discussed at the Catterick Bridge meeting? A. No, no, I didn't know that Mr. Poulson had lost his empire until the proceedings started.
421. Q. Mr. Cunningham, you do appreciate that there were several people at this meeting, including your own solicitor, Mr. Marron ...

MR. STEER: Just a moment. This is what I was talking about previously, this morning.

MR. MUIR HUNTER: Well, I am assuming that Mrs. Cheeseman is correct ...

MR. STEER: Really, my learned friend must stop.

MR. MUIR HUNTER: For goodness sake, this is an enquiry of a very difficult character and I am not being assisted by the witness.

MR. STEER: But he ...

THE WITNESS: I am trying to assist you.

MR. MUIR HUNTER: All right, Mr. Marron was not there.

MR. STEER: Please stop, Mr. Cunningham. Heat, as my learned friend must recognise, will take us absolutely nowhere. This is a situation which I was, if I may respectfully say so, attempting to warn you about, sir, this morning. Here is an allegation made, which, incidentally, is a very serious one, and my learned friend should realise it ..

MR. MUIR HUNTER: What allegation?

MR. STEER: .. on the basis of a letter or a report written by a third party to a third party, and my learned friend is attempting to assume that things in it are true, and he is making allegations on the basis of it.

MR. MUIR HUNTER: I am not making allegations.

MR. STEER: This is nothing short of disgraceful, I submit.

MR. MUIR HUNTER: I really must defend myself. The witness has accepted that there was such a meeting. What I am endeavouring to do is to discover the purpose of the meeting and what was discussed thereafter.

MR. STEER: There is a proper way and an improper way of doing that.

MR. MUIR HUNTER: Mr. Cunningham is totally unable ...

MR. STEER: I am standing on this objection and I wish your ruling ...

MR. MUIR HUNTER: All right. I will withdraw my question, if I may, and ask Mr. Cunningham who he remembers to have been there apart from Mr. Poulson.

THE WITNESS: Mr. Smith.

422. MR. MUIR HUNTER: Mr. Smith, yes. Anyone else? A. Mr. Poulson.

423. Q. That is three. A. And myself.

424. Q. And no other representatives? A. No.

425. Q. I ask because Mr. Poulson, as I say, had lost his partnership - it had been taken over by his assistants - and I thought possibly there might have been some representative of the

- new partnership there. No? A. No, not that I can recall. I'm not quite sure which partnership Mr. Hunter is speaking of, anyway.
426. Q. Well, in fact, what happened was that two new partnerships were formed in the beginning of 1970 to take over the whole of Mr. Poulson's business. A. Oh, I see.
427. Q. I will not weary you with the names - there were very many of them. At any rate, you say that this meeting was of an entirely general character. A. Yes.
428. Q. And you cannot remember any specific subject which was discussed? A. No.
429. Q. Was there any discussion about the payment to Mrs. Cunningham? A. No.
430. Q. How did the payment to Mrs. Cunningham come about; do you know? A. Yes, quite easily. The payment to Mrs. Cunningham .. It wasn't a payment at all; she was employed, and I still persist in saying that, as I've said before.
431. Q. Yes, all right. Do not let us quarrel about the words. How did she come to be employed in October, 1968? A. Words are very important. Words are very important. You say this is an enquiry. Mrs. Cunningham, Mr. Poulson and a chap called Sale ..
432. Q. Sales, yes. A. .. came up to the North-East one day and they asked to have a talk to me and I said, "Yes," and I met them and we talked about general things, and whatever, and Poulson offered me a job and I refused, as I have continuously done since I first met the man.
433. Q. What kind of job? A. Public relations job, you know; but I refused.
434. Q. You mean, instead of your Union work? A. Instead of my Union work, yes. He asked me when I was going to retire, because there was no point in me taking on a job outside the Union.
435. Q. Yes, of course. A. And I said, "No," and then he said would I have any objections if he employed Mrs. Cunningham in the same situation as she had been employed by Vinleigh, and that was to have a look at houses and do this and do that, and I said that I didn't think it was right at the time. However, some time later I discussed this with Mrs. Cunningham and she received a letter from Poulson offering her a job, and we discussed it, and, like the other five and a half million women who are employed in

Britain, Mrs. Cunningham said she would accept the job. She accepted the job and payment started on November the 1st, I think, to be precise - I think I can remember that - some long time after we discussed it - weeks - and then Mrs. Cunningham was sitting waiting for orders about this sort of thing on what to do, and nothing came, and Mrs. Cunningham, as the Trustee well knows, resigned from the job of her own volition, after again I had talked it over with her, because it seemed obvious to me, if she wasn't getting any instructions about where to go and what to inspect, very obviously Poulson thought he was going to get something from me, and he never did get anything from me. So, that's as simple as that.

436. Q. Now I want to go on to quite a different subject, Mr. Cunningham. Would you take the main bundle, please?

A. This one?

437. Q. Yes. Turn back to the beginning, and you will recall that this morning I asked you a number of questions about your first meeting with Mr. Poulson and whether you would travel down to London, which you did not clearly recall, and then I want you to look at the letter dated the 18th November.

A. 18th November of which year, Mr. Hunter?

438. Q. 1963 - a letter addressed by Mr. Poulson to Mr. Kirkup.

A. 18th November?

439. Q. 1963. A. Yes, I'm with you.

440. Q. Got it? A. Yes.

441. Q. Now, Mr. Kirkup is an accountant who was associated with Mr. Smith, it seems, and he was written to at Claydan P.R., which is another one of Mr. Smith's companies. This letter reads, "I hope you have noticed about Durham city. Dan had arranged for us to get this with, I think, the help of the Chairman of the County Council, Alderman Cunningham. I leave it in your safe hands." A. Well, I would refer you to what my learned friend has said: "I think with the help of the Chairman of the County Council". And could you please put it on record that I had no influences whatsoever in Durham city? It was a Conservative controlled Council over which the County Council had very little or any say at all. All these letters say "I think."

442. Q. So what you are saying is that you did not have any connection with Mr. Poulson's organisation getting work in Durham city? A. Never at any time. Never at any time.

443. Q. Well now, three days before, Mr. Poulson has written to Mr. Dan Smith: "I saw Kirkup here" - that is the same gentleman - "in Pontefract on Monday last, and cleared up lots of things, and know how to carry on. I think we are going to surprise you. You will find a lot done when you come back. In fact, organised as we are, you can spend all your time touring Newcastle with the Corporation, looking after the new County town of Tyneside, and you can take over Durham County Council, Teesside and the lot, because Mr. Kirkup and I will have things so organised." Now, assuming that Mr. Poulson was not out of his mind, he was obviously describing in that letter, would you not agree, some arrangements he had made to get a grip on building or architectural work in your part of the world? False or true, that is what he is saying. A. He seems to have a very vivid imagination, if I may say so, if he's going to get the whole of Tyneside and Durham and Teesside. That, to me, is a lot of utter rubbish.
444. Q. Mr. Poulson had a turnover, you know, at his best, of £15 million a year. A. Well, there's a bit of rubbish.
445. Q. At any rate, do you know what Mr. Smith had been doing up there? A. I didn't know what Mr. Smith had been doing. I was no part of Mr. Smith's business, I keep saying to you. Mr. Smith didn't confess to me on a penitence stool everything he did.
446. Q. As a local person of great knowledge and, no doubt, many contacts, had anything happened which could be described as Mr. Smith or Mr. Poulson taking over Durham County Council, Teesside and the lot? A. No. It would have been over my dead body if they mean taken it over politically. I don't know what they mean by "taken it over". It's rather wild language, I think, like some of the language in these letters.
- MR. STEER: Sir, I am very hesitant about interrupting again.
- MR. MUIR HUNTER: It is a letter. Bless my soul, I am entitled to ask about that.
- THE WITNESS: Is my name mentioned in that letter?
447. MR. MUIR HUNTER: No, I am asking you as a witness of fact, Mr. Cunningham. A. Well, I didn't know of the whereabouts of the letter, did I?

448. Q. You may say Mr. Smith is a crook and a liar .. A. I have never said that.

449. Q. .. and a cheat and makes it all up just for the sake of getting money out of Mr. Poulson. You could say that, you see. A. I haven't said that. I haven't said that.

MR. STEER: This really is quite improper. What I was about to say, before that outburst from my friend, was that I hesitated to interrupt again, but this is fishing of the wildest sort. Might I invite your attention to the decision in the Maundy Gregory case, reported at 1935 Chancery Division?

THE REGISTRAR: Page?

MR. STEER: At page 65. The particular words about fishing are towards the end of the judgment, which is that of Lord Handworth, the then Master of the Rolls - this was in the Court of Appeal - and Lord Justice Slessor and Lord Justice Roma agreed with him. He said, beginning at page 73, "It would not be wise to attempt a definition of the limits within which an order for examination can be made or an answer compelled," which is what I am on about, "under Section 25, but if the claim to either is challenged, it seems to us that, when a compromise is being made which is not impuned by any documents, material or evidence before the Court and thus stands good and binding, it would not be right to compel an answer from a witness in respect of a matter to which he is not prima facie shown to have been a party or privy. The Court must deem the witness capable of giving information upon some grounds that appear to have a foundation. It ought not to lend itself to a mere fishing enquiry based upon the Trustee's hope to build up some case as to which there is before the Court no information showing that the witness was implicated."

Now, I apprehend that that must mean no admissible information against the witness, showing that the witness was implicated, and my learned friend is going from one letter inter alios to another, and he is not contenting himself with enquiry; there are allegations being made. This is going completely beyond the bounds of propriety, I submit. It is essentially what is not permissible here; it is fishing.



MR. MUIR HUNTER: Well, the letter which I have just read immediately precedes the next two letters in the bundle, in the second of which the witness is, in fact, directly implicated.

MR. STEER: Which letter is that?

MR. MUIR HUNTER: That is the letter of the 25th February, 1964.

MR. STEER: This was a letter to Mr. Poulson?

MR. MUIR HUNTER: From Mr. Smith.

MR. STEER: Well, that is exactly what I am talking about. This is nothing which can be the basis for any allegation against Mr. Cunningham. It is something inter alios.

MR. MUIR HUNTER: I am not making any allegation. If my learned friend would read the letter, which he may not have had the opportunity of doing, he will find that here is Mr. Smith, the organiser of the whole of Mr. Poulson's empire of selling houses and town centres and architectural services, writing to Mr. Poulson, his master, saying, falsely or truly, "Alderman Cunningham rang me last week." Now, I submit that, with the preliminary material about Durham to which this relates, I am entitled now to ask Mr. Cunningham did he ring Mr. Smith last week and talk about, in this case, roads, motorways and bridges.

THE WITNESS: No, no ...

MR. STEER: Yes. If the matter stops there, I agree. The trouble is that it is not stopping there.

MR. MUIR HUNTER: I am sorry, this is Mallory, not Smith.

MR. STEER: I want to make it clear that I am not for a moment attempting to hinder a proper examination, but my learned friend is going completely beyond those limits. If he simply takes any given letter as the basis for a straight question, asks the question and is content with the answer, well and good, but it is quite wrong to attempt to cross-examine someone to credit on somebody else's letter.

THE REGISTRAR: Yes, I agree with that.

MR. MUIR HUNTER: Well, I am sorry. I will re-phrase the question in the light of the letter of the 25th February, 1964. I am sorry, I misinformed the witness because the photograph is incomplete, but this is a letter from Mr. Mallory, Mr. Poulson's principal assistant at Middlesbrough, to Mr. Poulson about, it seems, a conversation he alleges with Mr. Cunningham.

450. Q. Now, did you, in fact, talk to Mr. Mallory on the telephone?  
A. I would talk to Mr. Mallory on the telephone because Mr. Mallory was the chap who was responsible for the design of the Union's Middlesbrough office. On occasions I would speak to Mr. Mallory on the telephone, but I have no recollection whatsoever of talking to Mr. Mallory about highways and bridges. In fact, I can't see how I could. I had nothing at all to do with highways and bridges.
451. Q. At any rate, the short answer to my question is, "Yes, I did sometimes talk to Mr. Mallory"? A. Yes.
452. Q. "What I talked about," you say, "was wholly confined to the building of the Union office at Middlesbrough"?  
A. Yes.
453. Q. And you further say that you never discussed with him the matter of roads, motorways and bridges? A. Well, I think, Mr. Hunter, it would have been superfluous if I had. I had no connection at all with roads and motorways and what-have-you. The Ministry of Transport builds motorways.
454. Q. Well then, would you go on to see what Mr. Mallory reports you to say. "He also said that another area of land in Felling would be coming to us." Did you say that?  
A. No. The most peculiar thing about all this is this - if you want the records we can give them to you - the only job that Poulson did in Felling - and I was responsible for the development of Felling and millions of pounds - was the Nursery Lane block, and I didn't give him that. It was done the proper way through a committee, through a consultation with the building firms who were going to do it, and all that. So if I worked for Mr. Poulson, I was a very bad employee.
455. Q. The committee at Felling which you have just referred to, is that the one of which you said earlier you were Chairman?  
A. Housing, yes.
456. Q. Did you sit on the occasion? A. Sit on which occasion?
457. Q. Sit on the occasion when the Nursery Lane flats were ...  
MR. STEER: Well now, there again, that is a completely impermissible question.  
MR. MUIR HUNTER: No, no. Mr. Poulson, Mr. Cunningham said ...  
MR. STEER: Would you please for a moment ... ?  
MR. MUIR HUNTER: With respect ...

MR. STEER: I am trying to make an objection. It is usual to be quiet whilst someone else is attempting to do that. This is a completely impermissible question. This is an attempt to cross-examine a man as to his credit on somebody else's document.

MR. MUIR HUNTER: That is not the point. That is not the question.

THE REGISTRAR: Mr. Cunningham has said that he was a member of this Housing Committee.

MR. STEER: Yes.

MR. MUIR HUNTER: And that it allocated it, sir.

MR. STEER: That has nothing to do with the point of my objection ..

THE REGISTRAR: Which is?

MR. STEER: .. which is, to put it essentially, that this is cross-examination going to credit. It is the making, in the form of question and answer, of allegations, and it is not a proper enquiry. It is, on top of everything else, quite fishing, and, on that basis, is impermissible; but I thought that we had established, because I thought, sir, that you were agreeing with me about this a little while ago, that it would be quite wrong to attempt to cross-examine a man to his credit on the basis of somebody else's document. If my learned friend will confine himself simply to putting propositions which appear from these letters of other people and asking the witness if those propositions are true or not, well and good. That is proper enquiry. But to go away from that to making allegations, as, in effect, he is doing, is quite wrong.

MR. MUIR HUNTER: Well, I make no allegation. If necessary, sir, the shorthand note could be read back. What happened was this: that when I asked whether there was a discussion about Felling, Mr. Cunningham broke into one of his long soliloquies, which I do not object to, in which he said, "Mr. Poulson had nothing to do with Felling. He never did anything but the Nursery Lane flats, and I had nothing to do with it." I then asked, "Was it not allocated by the Housing Committee?" and he said, "Yes," and I said, "Were you not the Chairman of that as you had earlier deposed to?" That, I think, is the sum total, and if my friend would leave that on the note, I will go on to the next subject.

MR. STEER: Ah, yes. If my learned friend goes on, well and good. I do not agree for a moment that that was the sum total. My friend has missed out the point to which I was objecting, but the note will show what I am talking about.

MR. MUIR HUNTER: Well now, may I continue with the next sentence in this?

458. Q. Mr. Cunningham, would you look at the next sentence in this paragraph. "He" - that is Mr. Cunningham - "particularly emphasised again that this was being done direct for us."

A. Yes, well, can I disabuse your mind of that? He said in the middle paragraph, paragraph one, second sub-paragraph, "He also said that another area of land in Felling would be coming to us." I can't understand that because I had nothing at all to do with land. This would be for a master plan, together with a hundred to a hundred and fifty houses initially. Now, Mr. Poulson was never the architect for a hundred to a hundred and fifty houses in Felling, or the other five and a half thousand that were built under my chairmanship.

459. Q. Very good. Will you now turn to the letter of the 12th May, 1964, please? This is a letter from Mr. Poulson to Mr. Smith, and perhaps I could explain, Mr. Cunningham, that the "Jeffrey" here referred to is an officer in the Ministry of Transport, Highways Department. A. Yes.

460. Q. We have evidence about him. And he says, "Dear Dan, Sorry Jeffrey has been unable to get in touch with you." And this is in connection with highways, you see. "We ought really to get Cunningham on to this work," which must, I think, mean highways, "in Durham." Now, he then goes on, "I shall be obliged, Dan, if you will ring him between nine and ten on either Friday or Saturday of this week." Now, did you, in fact, have any discussion at this time with either Mr. Poulson or Mr. Smith about roadways?

A. No. I don't understand what the letter means, and, as my learned friend has said, he writes a letter; he mentions my name in it; he doesn't specifically mention what I've got to do or what he expects me to do, which I never ever did do; and he gets on about Cunningham and this work in Durham. I have never ever been Chairman of the Highways Committee of Durham. So, therefore, I have got no say at all in that.

461. Q. Well, now, let us turn to ... ?

MR. MUIR HUNTER: Can I have the 11th of April, 1964.

CDS.2? This is not again in the file, sir. We only photographed the most important ones.

462. Q. This is a letter, Mr. Cunningham, from Mr. Poulson to Mr. Smith. A. The date, Mr. Hunter?

463. Q. It is not in your file. I will show you the copy, if you like. He says, "Test Match Tickets. Enclosed please find tickets as listed, which are available for you. I hope you will use these in connection with getting housing." That is what he says. And then he goes on, "It looks as though it does not include Skarne without they alter their tune." Skarne is the industrialised house system ..  
A. Sweden.

464. Q. .. one of those that Mr. Poulson was pushing. "I think they are a greedy, miserable lot and, after all, your agreement is a poor one and we can do much better than that. Another thing, it is too expensive. There are others as good and a lot cheaper," and remember in the mind of the writer - no reflection on yourself - these Test Match tickets are to be used to get housing, it seems. A. He must have been joking.

465. Q. Yes. Well, then he sets them out and we come to Leeds. "Two tickets for you to issue to your friends. I am keeping two for Cunningham and two for myself." Did you, in fact, go to the Test Match with Mr. Poulson? A. As I said this morning, when you asked me about it this morning ...

466. Q. It is a different Test Match. A. I don't know whether it is or not. I think, to my recollection, I've only sat one half day at a Test Match in my life, and that's all I know about that, but probably we did go - I don't know.

467. Q. Now, during this time - and we have now been talking about 1962, 1963 and 1964 - the only actual discussions that you have, I think, deposed to with Mr. Poulson or his staff are in connection with the building of the Union office with Mr. Mallory. A. Yes.

468. Q. Did you have any other discussions with Mr. Poulson about any of his work? A. Not that I'm aware of. I discussed with Mr. Poulson because at the time, as you have said, he was an architectural company of international repute, and he had done a lot of work in and around the North of England.