

The Enquiry Conducted by T. Hollis Walker, K.C.

JANUARY 15.

Q.—She got \$4,000.00 from Mr. Meany shortly after I came back.

COMMISSIONER.—As to this some time. What do you mean?

A.—I cannot place the exact date; it represented \$4,000.00 to me.

Q.—We are upon a question of dates. She told you about the \$4,000.00 before she told you about the \$20,000.00?

A.—I believe so. I am absolutely sure she told me about the \$4,000.00 very soon after I came back.

COMMISSIONER.—I thought she would have told you about both.

A.—That is my recollection.

MR. WARREN.—And immediately you returned the \$4,000.00 to Mr. Meany?

A.—That was a cash matter. She owed the \$4,000.00 to Mr. Meany.

Q.—But she did not tell you about the \$20,000.00?

A.—Not necessarily contemporaneously with that.

Q.—You have said you are quite sure she did not tell you that? How was it she told you about the \$4,000.00 she got from Mr. Meany? Appropos of what? How did she come to tell you that?

A.—I was at my office and she told me that she owed the money to him, and I arranged and got the money.

Q.—Were you asking her what had happened to your affairs or did she volunteer it?

A.—I passed into the office. I may have been alone or with some friend. I was in the office a few minutes and during the course of the interview this thing was specially referred to. It was a cash transaction that I was dealing with.

COMMISSIONER.—She may have reviewed the whole of the affair of the office right through, but this is the one that stands out.

A.—There was no general review.

MR. WARREN.—She volunteered the statement that she got the \$4,000.00 and that was all?

A.—I say that is all I remember of that interview; the \$4,000.00 she got from Mr. Meany.

Q.—You don't remember anything else?

A.—As a matter of fact you were discussing with Miss Miller your financial position after your return at this time. Am I correct?

A.—I am not prepared to say whether in the interview other items or other accounts were referred to. The one that was specifically done with was the \$4,000.00 one.

Q.—You had been away 4 months?

A.—Yes.

Q.—A \$20,000.00 note had come in, apparently been renewed. You had instructed Miss Miller to make certain payments. To go into the Star Account, and I suppose you, naturally, had some private cheques that you had drawn from time to time. Now then with all that did you en-

quire into your financial position?

A.—I have no recollection of any considerable conversation with Miss Miller at all.

Q.—You gave no thought of it?

A.—I found myself involved in a lot of political affairs and so I got out of touch with the business of the office.

COMMISSIONER.—The answer to this question is, no.

MR. WARREN.—You came back after four months and you did not bother about your financial affairs at all?

A.—I bothered very little about it.

Q.—But you remember this particular part about the information of the \$4,000.00?

A.—That was a cash transaction.

Q.—And you went and got the \$4,000.00 immediately?

A.—Yes.

Q.—And you gave Miss Miller the money?

A.—Yes.

Q.—Did you give it to her in a cheque or cash?

A.—My recollection is that I gave it to her in cash.

COMMISSIONER.—Where did you get the \$4,000.00? It is a very important thing?

A.—I cannot remember.

COMMISSIONER.—That transaction stands out above everything. You thought it was so important that you got the \$4,000.00 and gave it to Miss Miller but you don't remember where you got it?

A.—No, I have no recollection of it.

Q.—If you looked in the pass book would you see it? You would not be carrying that amount in your pocket?

A.—No.

Q.—You must have got it from the bank?

A.—It might have been got in connection with the political campaign association or from some of the bank accounts.

Q.—Could you show us in the account where you got it?

A.—No. But I would be glad to put my accountant at it.

Q.—Who is that?

A.—Mr. Fraser.

Q.—This is a matter for yourself. Did you go to the bank yourself to get it or did you cash a cheque?

A.—I have no recollection of it at all.

COMMISSIONER.—Your memory is so vivid about this incident that it was cash. I thought you might be able to show how or where you got the cash?

A.—I will only be too glad to instruct Mr. Fraser to go through all the records.

MR. WARREN.—No, no. Fraser had nothing to do with this. That was December 1920 and he was in Montreal.

A.—He is the only person I could get to go into it.

COMMISSIONER.—You are the per-

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Q.—Were you not interested in knowing whether she had paid it or not, and whether she had given any documents in your name. She obtained the money as your agent?

A.—Yes, and I was paying it back, and that disposed of the matter.

Q.—But you would have wanted to see those cheques returned and destroyed?

A.—In the ordinary course of business, yes.

Q.—But this was not in the ordinary course of business?

A.—I depended upon Miss Miller to do the right thing.

Q.—Did you never ask her if she had done it?

A.—I have no recollection.

Q.—You say that you did not want to be under any obligation to J. T. Meany, and now you say that you never enquired whether he had any of your papers?

A.—The \$4,000 was paid off and that was all of it. Miss Miller was regarded by me as an absolutely reliable person and I was quite satisfied that if I gave her \$4,000 she would have taken it to Meany.

COMMISSIONER.—She says she did tell you. That is the difficulty. You say that she would do the right thing, and I think the right thing would be to tell you that she had brought the money to Mr. Meany.

A.—My answer to that is that I have no recollection except the outstanding thing of my action.

COMMISSIONER.—She had made entries on the stubs of the cheques which would not help strangers but were enough for her, so that she could put her hand in a moment on particular cheques and show what they were, and I understood.

WITNESS.—There was no cheque book looked into so that I have no recollection of her having told me, or of my asking her. I am not prepared to make an exact and definite statement of what was said.

Q.—The question is whether you were aware of certain things taking place?

A.—I am aware of her getting \$4,000 from Meany which I returned.

Q.—You know that you got the \$4,000, but you do not know where you got it from?

A.—No.

Q.—Was there a note made in any book about getting this \$4,000?

A.—I do not know.

Q.—If you had got \$4,000 from the safe would there not be an entry to

show that it had been taken out?

A.—Unless somebody had paid me in that \$4,000 there would not be \$4,000 in the safe.

Q.—Would campaign fund money usually come in cash?

A.—I would sometimes deal with it in cash and sometimes it was credited in the Canadian Bank of Commerce or the Bank of Nova Scotia as would be desirable under the circumstances.

Q.—If that was a matter in the ordinary course of business would it appear in the cash book?

MR. WARREN.—She had got money from a person to whom you did not wish to be under any obligation?

A.—Yes. And I gave her the money to pay it back.

Q.—If that was an ordinary commercial transaction would it not appear in the books?

A.—I do not know whether it would or not. I should judge from the evidence that it would not. That is a matter on which the books would have to be examined.

COMMISSIONER.—According to her evidence, that is I gathered from her evidence that these things were kept

out of the books because they were not quite straight.

MR. WARREN.—Yesterday you were asked why you had cancelled Miss Miller's power of attorney, and you said that Mr. Cramm, a law student in your office, and the auditor, and Mr. Curtis objected to the office system, and therefore her power of attorney was cancelled.

WITNESS.—These were amongst the reasons. All the trouble about my office was when I was away.

Q.—What had the janitor to complain of?

A.—The report that I had was that a considerable amount of liquor was being consumed in my office during the summer.

Q.—That is after August?

A.—Yes. Secondly Mr. Meany was there more than I liked.

Q.—What else?

A.—There was a report to me by Mr. Cramm, a law student at my office to the effect that he was not prepared to remain longer in the office in association with Miss Miller?

Q.—Anything else?

A.—Mr. Curtis took the position that there was a large amount of work outstanding in connection with the

accountancy that was not being attended to. Then there was a transaction which came to my notice in connection with the Anglo-Newfoundland Development Company, in which a promissory note had been signed by A. Sculley per J. G. Miller.

Q.—Within her powers under the Power of Attorney?

A.—I disputed that as a matter of law. But she claimed that it was. COMMISSIONER.—Was there anything very wicked in that?

WITNESS.—From my point of view. This note over my signature had been discounted which was payment, by the A.N.D. Company by the Bank of \$3600.00.

Q.—You thought it ought not to have been done?

A.—No. The first thing I heard of that was when a demand was made on me by the A.N.D. Company for payment of the note. I repudiated the note and refused to admit liability on it, and I indicated to them and to their solicitors that they would have to take suit.

MR. WARREN.—These matters caused you to think that she should not have a power of attorney to sign for you?

A.—Yes.

Q.—Did it make any difference in your opinion of the confidence you could place in her?

A.—It certainly did.

(Continued on page 5).

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