

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

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of the Star a \$14,000 note and had another note for \$6,000 on account of Murrell; and that all told represented a liability of \$30,000 that she had to take care of; and on top of that you telegraphed to Miss Miller as follows:

"Have telegraphed Goodland to give you list Star accounts, pay Murphy immediately, credit arrange at also one thousand dollars Star note Canadian Bank, renew balance."

Q.—Why did you wire her that you had telegraphed Goodland to send her list of the Star accounts?

A.—I cannot tell you what was in my mind when I sent that message in 1920.

Q.—Surely there was some reason for that?

COMMISSIONER.—Was it to merely excuse herself with? Or was it that she was to pay the accounts?

A.—She was to do as she reasonably could do to carry the thing along, as she had been doing before.

Q.—Was she to pay the list of accounts when she got it?

A.—Some accounts might have been urgent and had to be attended to right away; other accounts represented commission accounts; others represented accommodation of the party and the Star.

Q.—You mean she was to deal with them according to the best of her discretion?

A.—Yes.

ATTORNEY GENERAL.—In other words, according to her ability she was to finance them?

A.—No, that would not be the idea, supposing there was a note between the Star and Mr. A.P.

COMMISSIONER.—Well what was it that you wanted her to do?

A.—The best she could under the circumstances.

Q.—And to bring those things to an end by the payments of renewals on notes and generally as best she could manage for the time being?

A.—For the immediate settlement.

Q.—Perhaps, that is not a good phrase of mine, it was for the moment you say; and probably until your return?

ATTORNEY GENERAL.—Well you were with \$30,000 facing you. What was Miss Miller to do at the time to relieve the pressure?

A.—To begin with, there would be substantial amounts coming in from the Star.

COMMISSIONER.—They would not be very substantial would they, in view of the weekly deficits that we heard about?

A.—They would not be substantial; but they would be very considerable.

ATTORNEY GENERAL.—From what source was she going to get the money to pay this list of accounts and to relieve the pressure?

A.—From money that would be coming into the office in the ordinary course of business and a considerable portion of which would normally be passing to myself personally; and besides she could handle them through accommodation, because I had no knowledge that the Bank of Nova Scotia would step on me.

ATTORNEY GENERAL.—Did you or did you not know that the Bank was going to arrange the accommodation?

A.—No.

Q.—Did you attempt to find out?

A.—No.

Q.—You made no attempt to arrange for the accommodation and you telegraphed to Miss Miller personally to relieve the pressure on the

debited to the account, and I presume, paid. The next was a cash transaction of \$200. These were all debits. Then there was a transaction identified with a name that I cannot identify at the moment, of \$275. Then there was a payment to Goodland of \$100. Then there were cash payments, or payments by cheque of \$300. Later there was a payment of \$351. All this in August. Later there was evidently the payment of a note with which one of the members of the party was identified, \$1000. Then there were cash payments totalling \$200. Then there was a thirty day note \$440, which appears to have been paid. There is no record as to whether it is a payment or a renewal.

COMMISSIONER.—It is debited?

A.—Yes. The next is a note of sixty days \$500, which is a debit. A couple of other miscellaneous items, of \$109.50 and \$150. Payment of insurance \$60.15.

Q.—Are there any credits?

A.—During that period there are no credits. Then there is a debited entry of \$750, which was probably some previous payment made by myself before I left town. "A.A.S." is after it, which seems to indicate that it was paid by myself personally. There is another note in the name of a member of the party, for the same amount as before, and in the same name. I do not know whether that is a duplicate entry, or whether it should have been renewed before. \$1000, same name, same amount, and which appears to be the same note. Then there is an Anglo Nfld. Development Co. note of \$1000. Whether this is a renewal or whether it was paid it is impossible to tell from this record. It appears as a debit. There is another Anglo Nfld. Development Company transaction of \$150.00, which appears to have been a payment by cash or cheque. Then there was a payment to the Bank of Montreal of interest on some accommodation which appears to have been running there—\$174. From the entry it is not clear what it is.

Q.—That is the only entry that I have any record of here, that was in September. In August there are very considerable debits amounting to more than \$10,000, and no credits, and quite considerably more than \$10,000 if these notes were paid. If these notes were paid, it would be very considerably more than that—that note of the Anglo Nfld. Development Company, and that \$1000 note. If these were actually paid it would be increased by \$5,000.

Q.—That was one of the things that she had to look after and deal with in your absence?

A.—Yes. If that note, on a member of the party was paid this would be increased.

Q.—Even apart from that this would be getting on the \$15,000.

A.—Around there.

ATTORNEY GENERAL.—Referring back to the payments that were made to the Star in June and July—by whom were these paid?

A.—In June, 1920?

Q.—May, to begin with.

A.—In June there was \$1,600.00 out and no payments in.

Q.—How were the payments made?

A.—In June taking the first one cash \$400.00.

Q.—That \$400.00 would probably be paid by the office. I could only ascertain that from the cash book. The next item is a small credit.

Q.—Those items, Sir Richard, would those represent payments made by you of which you sent a memorandum to your office to have them entered?

A.—I would have to look at the cash book. They would probably be paid by the office. I think that is in Mr. Fraser's handwriting, paid Star \$700.00. After that appears R. A. S. That would indicate that was a personal payment made by me.

COMMISSIONER.—Made by you on Aug. 13th?

A.—That is the date on which it was entered. The payment was probably made before I left.

ATTORNEY GENERAL.—I thought there were more R. A. S. items. June 17 cash per R. A. S. \$130.00. Just plain cash \$400.00, cash \$200.00, cash \$750.00, all on the 17th August. You had gone then.

WITNESS.—That is right.

Q.—Take July 24th. Cash \$300.00, same \$300.00, same \$300.00. How would those three separate accounts be paid? I suppose you would have to look at the cash book?

A.—I do not know that I would know then.

Q.—They would, either come from you personally or from your office?

A.—Yes.

Q.—And does that mean that these accounts were paid by cheque or by cash?

A.—I could not tell you that. If they were marked as cash in the ledger, the presumption would be that they were paid by cash. I have no personal knowledge of the accounts during that period at all.

Q.—It looks then as if there had been a steady drain during the three months preceding your departure for England. Do you mean that you went away without making any provision for that, and Miss Miller had no authority to do anything to keep the drains going?

A.—No. I have not said that.

COMMISSIONER.—He told us yesterday that she was acting within the

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such interview. Some time in May I

received a telegraph message from Mr. McDougall saying that they had heard that the matter was being considered.

Q.—I want to test this. I hope I am not interfering with you, Mr. Attorney, but I think we ought to go back to this, because Mr. Miller was very definite about it. He says that you asked him to get in touch with these people and bring them down here?

Q.—So far as you can remember when did the question of the new SHERCO contract first come up? That is after your election as Prime Minister?

A.—I do not remember when it first came up. I remember approximately when messages were first received from Mr. Wolvin and Mr. Melness.

Q.—Mr. Wolvin saying that he heard that the matter was under consideration, and that he wanted to get a fair hearing. To which I replied, telling them that if they wanted to take the matter up, they would have to be down here within a certain time. That was followed by Mr. Melness and Mr. McDougall coming down here, my recollection being that that was about the end of May.

Q.—Mr. McDougall came here, and Mr. Melness, and also Mr. Chambers, did they not?

A.—I do not remember Mr. Chambers.

Q.—All you remember are Mr. McDougall and Mr. Melness?

A.—And Mr. Gills was here at the time.

Q.—Is it a fact that you had interviews with them by yourself?

A.—Yes.

Q.—Where?

A.—I think one occasion I entertained Mr. Melness and Mr. McDougall at my house. I think on another occasion also I entertained them. I treated them with exactly the same courtesy.

Q.—They were social gatherings?

A.—Yes, and any matters of interest were discussed.

Q.—Was Mr. Miller present at any of these?

A.—I have no recollection of his being present.

Q.—Then you won't swear that he was not present?

A.—No. I will not swear that he was not.

Q.—At what time of the day did you have these social meetings? Were they at midday or night time?

A.—I think they were probably in the evening, except on a holiday, when we went for a motor run, or anything of that sort.

Q.—Do you know when these interviews were?

A.—I have no note of the interviews.

Q.—The evidence is that they were here for a fortnight. Were you not continually seeing them?

A.—I was continually seeing Mr. McDougall. I think also Mr. McDougall. But Mr. McDougall and I had not been close friends from the personal standpoint. I am quite sure that I brought them for a run to Holyrood, and I think on another occasion we had lunch at Brigus. That was on a whole holiday or Sunday. I know that I extended every possible courtesy that I could to them.

Q.—Was the question of the royalty on ore brought up at any of these meetings?

A.—Yes. If there were any general discussions that subject would probably have been discussed.

Q.—What were they here for?

A.—To lay before the Government their views in connection with the royalty situation.

COMMISSIONER.—There is a matter that I think ought to be put to him. Was it Miller that brought these men here?

A.—Not that I am aware of.

Q.—Mr. Miller has told us that that in the year you sent for him and asked him if he could get in touch with the Dominion from people and ask them to come down?

A.—I have no recollection of any

question.

A.—I have not the faintest idea.

COMMISSIONER.—Or why he went through this sort of performance, fetching Miss Miller out of bed to go down to the Bank and carry a heavy box. I hear that it was a large parcel and a heavy one.

A.—It was not particularly heavy.

Q.—Did you not ask her if she knew what it contained?

A.—No.

Q.—That is what she said.

A.—The matter that a package was brought to my house was known in St. John's within a fortnight.

COMMISSIONER.—In St. John's things soon get about, whether they are true or false.

COMMISSIONER.—Wasn't this after Mr. Meany had been cross-examined?

MR. WARREN.—No, it was before Mr. Meany had been cross-examined. It was on the 25th of January.

COMMISSIONER.—Was it on the 25th?

MR. WARREN.—Yes, sir.

MR. WARREN.—Mr. McDougall was examined first in the examination.

COMMISSIONER.—Here it is, "I got a message through Mr. Butler." (That was the gentleman who sent the post card). "I went to the Crosbie Hotel and Mr. Melness asked me if I would do something personal for him to Sir Richard. I said I would and he gave me a parcel for Sir Richard." (Commissioner reads from his own notes).

WITNESS.—I don't think I would have been so foolish to make an observation of that kind to a clerk.

COMMISSIONER.—If you would not have been so foolish, I should have thought that you would have been wise enough to challenge it when she was in the box. You did not challenge it and of course I took it that her account of this transaction was true. However, I am to take it now, notwithstanding that, that you now want to contradict it.

A.—I was not in court when her statement was made and my answer is that I would hardly be foolish enough to make it.

Q.—But was your attention not called to the fact that she had made that statement. It was on the 25th of January; she came into the box and was offered for cross-examination;

which examination was continued the following week. On January 24th we went on with her examination in chief and instead of her being cross-examined we went on with Mr. Gills. She was put in the box on the 30th and offered for cross-examination. Do you mean to say that in the five days in between the matter of the parcel had not reached your knowledge?

A.—I knew she had given evidence.

Q.—Didn't you enquire what the evidence was?

A.—I knew generally.

Q.—Did you not read that?

A.—I may have read it, heard it, or I may have been told by my counsel.

Q.—But wouldn't you have instructed your counsel to challenge that statement. In the ordinary course if you want to challenge a statement that the witness has made, don't you put it to the witness in cross-examination? Isn't that the practice?

A.—I would decide if I would or not.

Q.—Wouldn't you expect if you did not that the judge would accept the unchallenged testimony?

A.—A matter of doubt in my mind. I would expect him to take it as one of the incidents of a long examination.

Q.—Yes, quite, but as one which was not challenged, I thought this parcel was one of the things which was arousing attention and I should have thought that if her account of it was untrue that your account of it would be put up to her. What did you say to her?

A.—I asked her where it had come from.

Q.—What did she say to that?

A.—She said it had come from Mr. Gills.

Q.—Were you expecting a parcel?

A.—Mr. Melness was telling me that it was coming.

Q.—That it was coming in that peculiar way?

A.—Oh, I don't know.

Q.—Did you know it was coming in cash?

A.—Coming in cash may mean a very different thing in England, but we get our subscriptions here in all sorts of forms.

Q.—From the Bank?

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A.—From new contributors.

Q.—This was not an anonymous contributor, but they sent it to you in cash?

A.—Why shouldn't they?

Q.—Is it the usual thing? (To Mr. Warren).

MR. WARREN.—Why should they?

COMMISSIONER.—It seems to me a very extraordinary and unusual thing but you tell me that it is customary here.

A.—I know one of the largest firms in St. John's who gave a very large subscription and charged it to one of their dealers so that the account would not show that they had given a subscription.

COMMISSIONER.—That may be so, but they did not want to be known. Do you mean that Mr. Melness did not want to be known?

A.—No, my opinion is that Mr. Melness did not care a rap of his fingers.

Q.—If Melness did not want to keep it a secret—

A.—If Melness wanted it kept secret he would not have employed a young lady in my office to give her a secret message.

Q.—But no message was given her.

A.—When a man wants to give a subscription of \$5,000 and he wants it to be a secret, he would give it himself.

COMMISSIONER.—Unfortunately Mr. Melness does not seem to be available. Both sides have tried to get him here.

MR. KNIGHT.—Excuse me, sir, but Mr. Melness has left for here.

COMMISSIONER.—Is that so. It has not been conveyed to me.

MR. LEWIS.—I think I said and I think the record shows that my information is that Mr. Melness is on his way or is about to start for St. John's.

COMMISSIONER.—I should like to see a record that would show that; certainly did not reach my brain. If it reached the shorthand writer's notes it must be my brain that is at fault.

MR. KNIGHT.—We passed the telegrams that we had received.

COMMISSIONER.—They did not reach my brain.

MR. LEWIS.—I did at the time hand in a letter and I made the next statement that my information was that Mr. Melness was either on his way or was leaving.

COMMISSIONER.—All I can say is that it never reached my brain. I thought Mr. Melness was still, what we might call, a non-starter, but I am delighted to hear that he is coming; I think he may give us some light.

MR. WARREN.—Now, Sir Richard, to come back to the parcel: I don't know whether you heard Mrs. Harcourt say it or not but she said, in addition to the conversation, that you took her into the little room off the Colonial Secretary's Department; do you remember doing that?

A.—I don't recollect it but it would be the usual thing to do. If anyone called to see me, who was not very important, my practice was to take them into that little room and see them. I might see a dozen or more in that little room while someone was waiting for me in the other room. I called that my expeditious box; that little room.

Q.—How big do you say the parcel was?

A.—I cannot describe the parcel; I know it was a package that contained \$5,000.00 in notes.

Q.—Mrs. Harcourt said it was 13 or 15 and fairly heavy. Did you open it?

A.—I got the \$5,000.00.

A.—But I don't remember the actual physical opening. I cannot describe the nature of the package, the packing paper or the tissue.

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