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

THURSDAY, Jan. 17.

Cross-Examination of Sir Richard Selby by Warren, K.C. (Continued.)

Q—She asked you for \$120.00?

A—Yes, that was the \$120.00 that I had in mind yesterday.

Q—She said you a visit before you went to Montreal in January, 1923, that would be about a year ago, and asked you for \$120.00 for three months' salary.

A—That is the amount that she said she wanted.

Q—You have stated that she went to you before you went away in January 1923, and asked you for \$120.00.

A—That is my recollection.

Q—Why did you not give her the amount that she asked for?

A—I cannot tell you that I gave her a cheque for \$120.00.

COMMISSIONER—But why \$80.00 instead of \$120.00?

A—I do not remember at the moment.

Q—Were there no funds there?

A—Well I should judge there were.

Q—Well I should suspect not. Somebody says you owe me some money, and I want \$120.00 on account, and you only gave her \$80.00. I do not see why you should not give her \$120.00 unless it was not convenient at the time.

A—The fact is that I gave her \$80.00, but what the idea was in my mind at the time I do not know.

MR. WARREN—But eleven days afterwards you gave her a further \$40.00?

A—That is quite clear. Because she had asked me for it before I went away.

Q—Do you remember anything else about that interview?

A—The only thing I remember about it is the financial transaction.

Q—That she asked you for \$120.00 and you gave her \$80.00?

A—I do not remember whether I gave her \$80.00 at the moment, or whether I sent it to her.

Q—Do you remember anything else about that interview?

A—No, I do not know anything else that happened at the interview.

Q—You did not talk to her, nor did she talk to you about any other financial matters?

A—Not that I have recollection of.

Q—Would she have been likely to talk about any other matters?

A—No, she would not have been likely to.

Q—Why would she not have been likely to?

A—She would not have been likely to talk about any other matter. She might, in connection with campaign funds or something of that kind with regard to political accounts, but as to any suggestion of her talking about these Meany monies, she certainly did not.

COMMISSIONER—Miss Miller says that when she spoke to you you gave her an evasive reply. I wish you

would try to answer the questions and not to evade them.

MR. WARREN—You see, you have been following this enquiry from the beginning, and I take it that you heard your counsel suggest that the friendship between Mr. Meany, Miss Miller and Mr. Miller was responsible for some of the evidence that was given here. Mr. Howley suggested that.

A—He suggested it, yes.

Q—You see, therefore, that it is obviously necessary for me to show that that is not the case. You say that Miss Miller was financing your campaign funds from time to time under an implied authority. Now, as far as you know, did she do any financing for you or for your firm, as far as you know, outside campaign funds?

A—Yes.

Q—She did do some financing for you or for your firm outside campaign funds?

A—Yes, I discovered it in connection with the accounts. I did not discover it until long after the financing had been done.

Q—When did you discover that?

A—In June 1921.

Q—Is that all?

A—That is the only thing that I had any knowledge of up to the information that I have recently received.

Q—I take it that you mean at that time. And you know now that she did some financing?

A—Yes. From the evidence before this tribunal I gather she financed some insurance payments.

Q—Anything else?

A—I have no knowledge of anything else.

Q—Anything else for your firm?

A—I have no recollections at this moment.

Q—What financing did you find out she had done in 1921?

A—In June 1921 cheques were received by us from one or other of both of our insurance companies in connection with insurance in the names of Godden and Tucker, but the receipt of these cheques had been delayed because the fire loss returns had not been forwarded.

Q—Did you find that she had been financing those two particular transactions?

A—Yes.

Q—Did you complain of it?

A—No.

Q—I do not quite follow that?

A—I shall explain it to you. In June 1921 the office received cheques from our insurance companies payable to the order of Tucker and Godden, Thomas Godden and Charles Tucker. I am not actually sure that the cheques were made out in that way, but I take it for granted that the cheques were payable to the order of these people. When these cheques were received Miss Miller informed me that she had received monies to pay these people in advance in whole or in part and that the amount of the monies that she had advanced or secured to make those payments was \$2,125.00. The cheques for those were, so I am informed.

Q—Who told you?

A—Up to that time I had personal knowledge, but after that . . .

Q—What you are going to say now is from rumour?

A—What I am going to say now is information that I have from the accounts. I did not know of this transaction until recently.

Q—Did you get this \$2,125.00 from your accounts?

A—No, I knew that amount because I refunded it to Miss Miller. She had paid that amount in advance.

in advance. Did she pay you where she got the money from?

A—Not to my recollection.

Q—When was this money due?

A—I have no recollection. I would have to refer to my books.

Q—Was Miss Miller doing anything wrong in doing this?

A—No.

Q—She was merely financing you?

A—The position was, of the insurance returns, if the loss sheets for together with the necessary documents completed had been forwarded to the Company at the proper time, a cheque for any loss would have been received by our office and paid over.

COMMISSIONER—The interpretation that I had made of the situation was that it was not convenient to ask the insurance company for a cheque because there were arrears of premiums due from your office?

WITNESS—I submit, sir, that that is not a correct interpretation, because the cheques were I believe in these particular cases received by Mr. Fraser before the complete returns had been forwarded to the company.

By forwarding returns Mr. Fraser did not mean forwarding premiums, but he meant forwarding documents indicating the monthly statement.

COMMISSIONER—He may have meant it, but that is not what he said. We shall have to ask Mr. Fraser that.

MR. HOWLEY—As a matter of fact I propose to ask leave to recall Mr. Fraser.

COMMISSIONER—What I understood was that the cheque in the Brown case could not be received before Mr. Fraser had completed the reports and forwarded them. It is a mystery to me why anybody should go to the trouble of borrowing money to finance this thing by instalments, if all they had to do was to write and get a cheque.

WITNESS—I do not understand it at all.

COMMISSIONER—There must have been some idea in her mind that the cheque ought not to have been applied for.

WITNESS—The cheque would be made payable to the assured not to us.

MR. WARREN—That cheque is made out in Miss Miller's handwriting?

A—Yes.

Q—And it is signed by you.

A—Yes.

Q—She went to you and told you that she had secured \$2125.00 for Messrs. Godden and Tucker to pay them as advances on their insurance.

A—I just remember that I paid her this cheque.

Q—You gave her therefore a cheque for the amount that she said she had advanced. Did she tell you where she had got the money?

A—No.

Q—Did you enquire from her why she had done this thing?

A—I do not remember any particular enquiry. Her explanation to me that the insurance cheque had not been received at the time she had made the advances, but that now the insurance cheque had come and she desired to have a refund of the amount she had paid. She would make out the cheque for the amount, send it down to me at my office and I signed it.

Q—Is that a common practice?

A—That is the only instance I know of.

COMMISSIONER—I wonder what would have happened in your office if something had happened to the insurance company, and it had been unable to pay you, and did not send the cheque?

A—The money would have been lost by my office.

Q—Did you not think that was a dangerous thing to do?

A—The United British and Globe and Rutgers Insurance companies, were in my judgment as safe as the Bank of England.

Q—Did you give Miss Miller a cheque for \$2125.00 on her own statement that she had advanced these monies, and without any enquiry at all practically?

A—Absolutely.

Q—Supposing the man had gone bankrupt, what would have happened?

A—It would have been for his trustee to deal with it.

Q—The whole of the insurance

cheque would have gone to the trustee.

A—He would have had to endorse it before I could use it.

Q—The whole amount of the cheque would then have been payable to the trustee?

A—I would claim less the amount I had paid.

Q—But you would have had to make a claim in the ordinary way with other creditors, and you would only get a dividend.

A—I would argue that the full amount of the advance would have to be first deducted.

Q—Do you think, as a lawyer, that you would have any chance of success? The trustee would claim the whole of the insurance.

A—He would be entitled to the balance.

Q—But would you not have to come along with the other creditors, make your claim and get a dividend. Had you taken any assignment or legal charge?

A—No, I do not know what was done, but I take it for granted that there were none.

Q—Then you had no claim by way of mortgage or assignment on the money. Surely that was a risky thing for you to do?

A—Yes, I suppose it was.

Q—The matter, so far as I can see, is that you had not forwarded the fire loss returns, and consequently the cheque had not been received. I should have thought that you would have made a little disturbance in your office because instead of the documents being forwarded from your office this course was adopted, which might have landed your office into a considerable loss.

A—There is no doubt that it made it necessary to take steps to stop it.

Q—What steps did you take?

A—Fraser had been employed.

Q—But not until June?

A—But I knew the conditions in the office.

Q—Do you say that these transactions with Godden and Tucker made necessary your importation of Fraser?

A—No.

Q—Well, what did you do. Did you give instructions that no cheques were to be paid until the insurance cheques were received?

A—No. Mr. Fraser was in charge. He was an expert accountant, and I knew that he would do properly.

MR. HOWLEY—Before proceeding any further might I ask that the various cheques already should be put in evidence.

COMMISSIONER—They will be put in, by all means. I have a note of them here.

COMMISSIONER—They are June 1, January 23, December 21.

MR. HOWLEY—Then there is this other one with reference to the payment to Miss Miller in respect of this Godden and Tucker insurance.

COMMISSIONER—I will get them in order.

1. December 17th, R. A. S. 11.

2. June 24th, R. A. S. 12.

3. January 19th, R. A. S. 13.

4. January 9th, R.A.S. 14.

MR. WARREN—You stated that Mr. Fraser had been employed to stop these things?

A—He had been employed to take charge as business manager of the office, and to get everything up to date.

Q—And he went to you with a list of cheque stubs that he could not understand. What did you do to help him?

A—He did not come to me with a list of cheque stubs.

Q—I understand that he had a list of queries, and he talked to you about them. What did you say?

A—I told him I could not give him any information about them, and I told him to do the best he could with them.

Q—He told you that those cheques marked "F. T." were outstanding and he did not understand them?

A—My recollection is that he mentioned the list, but he did not specifically refer to any cheque.

COMMISSIONER—I think Mr. Fraser told us that beyond the fact that he mentioned that he had a list, he did not specifically call Sir Richard's attention to those matters.

MR. WARREN—And when he talked to you about the list of outstanding amounts you told him to do the best he could?

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about it, because I could not carry all the office troubles as well as the public and political matters I was engaged in. It meant an abandonment of my own interests for the things that I was carrying at the time.

Q—Then you did not look into that list at all?

A—No.

MR. WARREN—Sir Richard, do you know to whom that cheque was charged—that cheque for \$2,125.00?

WITNESS—I have no idea.

Q—Then I must ask you to find out to whom that cheque was charged—that cheque for \$2,125.00?

A—Mr. Fraser would probably be able to tell you. He would be able to find out by looking at the bank records.

COMMISSIONER—Is he here?

A—No.

COMMISSIONER—Well then, I suppose a telephone message could be sent him and his activities engaged. Tell him to look it up and see what he can find. Of course I don't expect him to perform miracles, but I should like him to look it up.

(Mr. Curtis instructed to telephone Mr. Fraser.)

MR. WARREN—Just a minute—before Mr. Curtis goes out—I should also like to have the records of this Fire Loss claim of Godden & Tucker. You say, Sir Richard, that the Fire Loss papers had not been forwarded to Head Office?

A—I am speaking merely from what I heard here the other day, and found out during the last few weeks.

Q—Found out from whom?

A—From the statement made here.

Q—But I am speaking about the Godden & Tucker claim. You say the loss papers had not been forwarded?

A—Mr. Fraser would probably be able to explain the reason why they were not forwarded.

Q—Did he explain it to you?

A—No.

MR. WARREN—We shall ask Mr. Fraser about that. Was it through some negligence on the part of somebody in your office that the claim was not forwarded?

A—I am personally of the opinion they should have been forwarded on the day after the Fire Adjuster's report was received.

Q—But for some time after they were not?

A—So Mr. Fraser informs me. I have no personal knowledge.

Q—Do you know whether this was on the Globe & Rutgers account?

A—I don't know which company it was.

Q—And you gave a cheque for \$2,125.00, and did not know what Company it was for?

A—Absolutely. She told me it was a fire insurance adjustment which she had paid for the convenience of these people, and I made out a cheque to pay her for my advances she made.

COMMISSIONER—You took no receipt from her?

A—No.

COMMISSIONER—Then during 1921 you had perfect trust in her faithfulness?

A—She said she paid that account of \$2,125.00, and I signed the cheque as a matter of course.

COMMISSIONER—That is not an answer to my question, unless you mean by that "as a matter of course" that you trusted her. I thought, you see, that there was some suggestion that you had altered your opinion of her. But at that time when she came to you, you pay her an amount of \$2,125.00 (which I dare say appears a small amount to you but looks a very substantial amount to me) simply upon her word that it was due to her?

A—Yes.

COMMISSIONER—You did have trust in her?

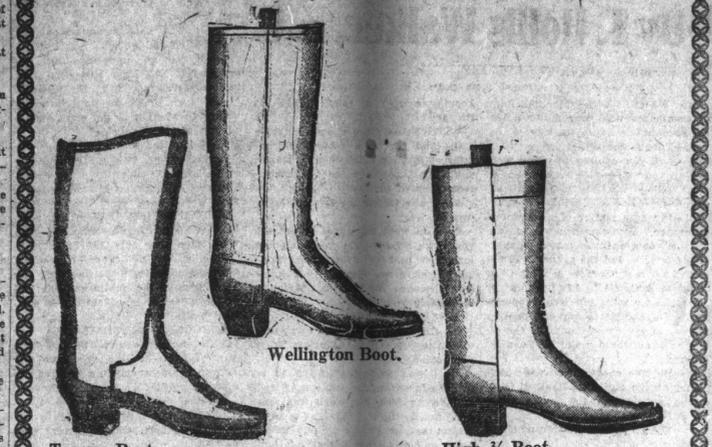
A—Yes, absolutely.

COMMISSIONER—There was no suggestion made to you by anybody that she ever misappropriated any moneys or had been in any way unfaithful to your interests?

WITNESS—None, up to that time.

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sons why you cancelled her power of attorney. . . .

COMMISSIONER—On this cheque \$440.00 I think the word "bearer" was crossed out, but "order" was not put in. . . .

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