

7 EDWARD VII., A. 1907

Q. You then wanted him to ship direct to the department here at the prices you had arranged, not at his prices?—A. At the prices I had arranged, yes.

Q. And you told him that you had directed Mr. Ogilvie to send the order direct to Barber & Ellis?—A. Mr. Ellis said that he was quite agreeable to arrange to have it done that way, as they were in the habit of paying commission on orders of that kind.

Q. Mr. Ogilvie said that, did he?—A. Mr. Ellis said that.

Q. Then why should Mr. Ogilvie have made another bargain with the Ellis Company when he had a binding bargain with you?—A. I do not understand that Mr. Ogilvie did.

Q. Have you not read the correspondence, have you not seen it?—A. No, I have not.

Q. Mr. Ogilvie had complied strictly with your directions, and had sent the order direct to Barber & Ellis?—A. Yes.

Q. Here is his letter of the 3rd of November, 1905, to Barber & Ellis Company, re order for 125,000 envelopes:—

‘I inclose herewith order for 125,000 envelopes to be made to samples submitted. Please advise me at your earliest convenience if you are prepared to take the order at the price mentioned.’

A. Exactly.

Q. ‘And to make delivery in the time mentioned?’—A. Yes.

Q. These were your figures?—A. Yes.

Q. Can you explain why Mr. Ogilvie wanted to know if they were prepared to take the order at prices mentioned?—A. I do not know what Mr. Ogilvie’s object was, but I would naturally suppose that he would want to confirm those prices, to find out that he was sure they would do the work.

Q. But had he not bargained with you?—A. Exactly.

Q. Do you suppose he doubted your ability to carry out this contract?—A. I do not know anything about that.

Q. I want to see what your explanation is?—A. I do not know what Mr. Ogilvie thought. I would naturally think—

Q. He followed strictly your directions here in this letter?—A. Yes.

Q. How can you explain—A. Because—

Q. Wait a moment. Can you explain from anything that passed between you here why he should have immediately ignored you, and your name, the name of your firm, in this transaction, and deal afterwards with Barber & Ellis direct?—A. Because I had suggested it.

Q. That was in your letter, but did anything pass between you here to that effect?—A. No.

Q. You are quite sure?—A. Quite positive. I would take that from Mr. Ogilvie’s letter. That is a very natural proceeding; any business man would do anything of that kind.

Q. They would know of the bargain that the Munroe Company were to do the work?—A. I naturally presumed Mr. Ellis knew where this was coming from.

Q. And you think, as a man of business, it would not be natural to refer to what brought the communication into Ellis’ hands?—A. I do not think so.

Q. Well now, what was the next you heard about this?—A. Well, the next I heard was when I went to Mr. Ellis to get my commission.

Q. Yes?—A. It would be along some time in December, late in December, just before Christmas.

Q. Yes?—A. I telephoned to Mr. Ellis one day and asked him if the account had been settled. He said that it had been settled some time before, and I said then that I was going to call over to see him to adjust the commission. He said he was busy, and told me to come over, I think he said the following day. The next day he called me up by ’phone, and said that he was going out of town, and if it made no difference