

## The Enquiry Conducted By T. Hollis Walker, K.C.

(Continued from page 9.)

don't have it only on one side. You used it in the ordinary way?

A.—We have two accounts, general and savings; one of them I would deposit to but not draw.

Q.—You had two personal accounts?

A.—Yes.

MR. LEWIS—You have a general account upon which you draw as the occasion occurs?

A.—Yes.

COMMISSIONER—You also had a deposit account?

A.—Yes, sir.

MR. LEWIS—The cancelled cheques of the Dominion Iron & Steel Company over which you had control are returned usually with the statement of that account at the end of each month?

A.—Yes.

COMMISSIONER—The Dominion Iron & Steel Company rendered at the end of August showed a deduction of \$4,000 in the account; that would be accounted for by the payment of this draft out of the Company's funds in meeting your personal liability, would it not?

(Witness pauses).

COMMISSIONER—To whom was the cheque returned, to you or to the Company?

A.—To the Company.

Q.—What became of it?

MR. LEWIS—That is just what I was going to ask. Do you know if this draft did get back to the Company?

A.—Yes.

Q.—They came into your possession with the bank statements of the month and you preserved it?

A.—Yes.

Q.—You never forwarded it to the head office of the Company?

A.—No.

Q.—Did you forward the others?

A.—Not until the auditors came.

Q.—Did you leave it with the other cheques of the company or put it with your own?

A.—It was put in the safe.

COMMISSIONER—It was put in the safe with the Company's other cheques?

A.—Yes.

MR. LEWIS—With the statement?

A.—Yes.

Q.—I now call your attention to the draft drawn on the 14th day of August, 1920, for \$5,000, bearing upon its face "accepted at Bell Island, Newfoundland." I don't know if "branch" is there or not, but it is signed by J. J. Miller?

A.—Yes. (Witness looks at draft).

COMMISSIONER—That does not contain the name of the Company at all?

MR. LEWIS—No, it does not appear on the face of the draft.

Q.—Do you recall the presentation of that draft to you?

A.—Yes, it was dealt with in the same way as the other and was accepted by me and paid upon such acceptance.

Q.—Do you know of what funds that draft was paid?

A.—The Company's.

Q.—Did you direct the payment of that draft from the funds of the Dominion Iron and Steel Company?

A.—Temporarily, the same as the other.

Q.—Had you any authority from any officer of the Company to direct the payment of your personal obligations from the funds of the Company?

A.—No, not any more than that they were aware of what I had done.

Q.—That makes \$9,000, does it not, Mr. Miller, of the Company's funds?

COMMISSIONER—That makes nearly \$15,000.

MR. LEWIS—I mean personal; just those two.

COMMISSIONER—Oh yes, \$9,000 on documents which purport to be personal.

MR. LEWIS—Now we have the draft of August 16th, 1920, for \$5,000. Bank of Nova Scotia the sum of \$5,000. Charge to the account of the Dominion Iron and Steel Company. Signed J. J. Miller. Did you sign that draft, Mr. Miller?

A.—Yes.

MR. LEWIS—You put your signature to the draft?

A.—Yes.

Q.—Were those words "Dominion Iron and Steel Company" on the draft at the time you signed it?

A.—I am not sure; I could not swear to it.

Q.—If they were not there, upon whom were you drawing?

A.—It was in Sir Richard Squires' account.

Q.—That is non-responsive. I asked you if those words were not there upon whom was the draft drawn?

A.—It is endorsed.

Q.—The endorsement does not indicate upon whom it was drawn?

A.—They must have been there.

Q.—Where were you at the time this draft was paid?

A.—I must have been at Wabana.

Q.—You think you were at Wabana, do you?

A.—It looks like Mr. Mowatt's writing.

Q.—Who was present other than yourself and the Manager of the Bank?

A.—None.

Q.—Did you have any authority at the time this draft was drawn on August 16th to draw upon the Dominion Iron and Steel Company for the sum of \$5,000.00 (\$5000.00) payable on demand?

A.—I never had any Power of Attorney. Not for drafts or notes.

COMMISSIONER—The question is whether this was drawn without any authority?

A.—From the Company, sir?

Q.—From anybody in the Company?

A.—I was notified about it in the morning.

MR. LEWIS—Was this done without authority at the time?

COMMISSIONER—I shall put the answer "I have no authority except such notification as they had at the beginning."

MR. LEWIS—That was \$14,000.00 of the personal matters?

COMMISSIONER—May I look at that? By whom was it accepted?

MR. LEWIS—It was accepted by the Dominion Iron and Steel Company.

Q.—Accepted, signed by you?

A.—Yes.

COMMISSIONER—That cheque would probably be charged to the Dominion Iron and Steel Company?

MR. LEWIS—Had you any authority to accept this draft when presented to you?

A.—Not particularly.

MR. LEWIS—I now show you the witness a draft of August 17th, 1920 for \$2000.00, payable at sight apparently, no specified period. It amounts to a sight draft. Charged to the account of J. J. Miller, Bell Island, Nfld.

COMMISSIONER—This is more like the earlier ones drawn on behalf of R. A. Squires per J. G. Miller and drawn on J. J. Miller and charged to his account. This is endorsed "pay to the order of the Bank of Nova Scotia."

MR. LEWIS—This apparently was negotiable at the Bank of Nova Scotia here and the stamp put on it in order

that it would be paid at the bank at Wabana.

MR. WARREN—They are all like that, I think.

COMMISSIONER—What is the date of payment there?

MR. LEWIS—August 3, 1920. (To witness): Now this draft was drawn on the 17th of August, 1920, was it not? Is that the date of this draft?

A.—Yes, sir.

Q.—On the day or the time of this draft, namely the 17th of August, 1920, did you have in your Bank account at Bell Island an amount sufficient to pay this draft on presentation, \$2,000?

A.—Yes.

Q.—When this draft was presented for payment was it paid from your account?

A.—No.

Q.—If not from yours, then from what account was it paid?

A.—The Steel Company's.

Q.—And the account of the Dominion Iron & Steel Company was under your control at that time as it had been previously?

COMMISSIONER—Just the same as at the time of the other draft?

WITNESS—Yes.

MR. LEWIS—Was the payment of this draft drawn on yourself from the funds of the Dominion Iron & Steel Company?

A.—Yes.

Q.—Did you at that time have any authority from the Company, or from some superior official of the Company to give such substitution?

A.—The same as I said before.

Q.—And not otherwise?

A.—No.

COMMISSIONER—No more than you had before, if you had any; you had not been given any further authority?

A.—No.

COMMISSIONER—(To Mr. Lewis). The other one I think was in November.

MR. LEWIS—The date, your honor.

COMMISSIONER—The 27th of November, surely, is it not? If I remember rightly it was not very easy to distinguish the date, but I thought it was the 27th.

MR. LEWIS—Apparently, it is the 27th. Dated November 27th, 1920, at St. John's, payable to the order of the Bank of Nova Scotia, the sum of \$1,500.

COMMISSIONER—I made it out that it was the same as the last.

MR. LEWIS (showing draft to witness): Is that name J. J. Meaney?

WITNESS—No; J. J. Miller.

MR. LEWIS—Yes, J. J. Miller. Will you explain to Mr. Miller how the letter J, and then some other pen and ink marks happened to be there on the signature line?

A.—I do not remember, sir.

Q.—That J, is in your handwriting, is it not? (Showing to witness).

A.—It looks like it.

Q.—Can you tell us anything of what that is?

MR. LEWIS—Yes, I also.

Q.—That indicates that you started to write your name as "drawer" of that draft, and then changed your mind apparently?

A.—If so it was done in mistake.

COMMISSIONER—Apparently, I started to put my own name as drawer.

MR. LEWIS—And you wrote these two letters J.J.?

A.—Yes.

COMMISSIONER—Clearly you started to put yourself as drawer and changed your mind. R. A. Squires per J. G. Miller is shown upon it instead of by you.

MR. LEWIS—This draft, dated November 27th, 1920—drawn and dated on the 27th November—was payable on November 26th. How do you account for that?

A.—It looks like a sight draft.

MR. LEWIS—Why, even if it was a sight draft, is it payable even before it is drawn?

COMMISSIONER—If it was payable on the 26th, then it ought to be still more payable on the 27th. Does it matter very much?

WITNESS—It was made up on the 26th November, and paid on the 30th.

MR. LEWIS—How do you account for the difference between the date and the date on the face of the draft?

A.—Probably Miss Miller could tell you about it.

Q.—At any rate, it does not very much matter. It was endorsed by you and payable at Wabana.

A.—It was drawn on the 26th and paid on the 30th.

Q.—At that time did you have in your personal account at the Bank of Nova Scotia at Wabana, the of \$1500.00 available for the payment of this draft on presentation?

A.—Yes.

Q.—Was this draft paid from your personal account?

A.—No, from the Steel Company's.

Q.—Did anyone direct you to do so?

A.—No.

COMMISSIONER—You had no further direction simply the same?

A.—Yes.

MR. LEWIS—You had no more authority than you had had previously?

A.—No.

COMMISSIONER—These notes look like three twentys.

MR. LEWIS—I confess I am very much in the fog about these three notes.

COMMISSIONER—Only one of them was put through apparently. There is a revenue stamp on one of them. These others have not the Revenue stamp.

MR. LEWIS—I am not familiar with the Revenue Stamp Law here.

(To witness) I now show you a promissory note in form dated Bell Island August 16th, reading "60 days after date I promise to pay to the order of R. A. Squires at the Bank of Nova Scotia, St. John's, Newfoundland, the sum of Twenty Thousand Dollars, with interest at 6 per cent. per annum—I think that is per annum, per year. It is signed, "Dominion Iron & Steel Company, Limited, Angus McDonald, Manager, J. J. Miller Accountant." I ask you, Mr. Miller was this note signed by you on the day of its date?

COMMISSIONER—Which signature do you mean?

MR. LEWIS—I was asking whether it was signed by both on the day of its date.

COMMISSIONER—The witness has already told us it was not. He told us that he signed it, and that the Bank was not satisfied to have his signature alone, and it was sent to Mr. Angus McDonald to be signed.

MR. LEWIS—And is that your present explanation, Mr. Miller?

A.—Yes.

Q.—Upon what date, subsequent to August 16th, was it signed by Mr. Angus McDonald?

A.—I do not remember, because the note was returned twice.

Q.—What do you mean by that statement, Mr. Miller? Will you please be good enough to explain?

A.—The original note for \$20,000 was dated August 16th, and signed "J. J. Miller."

Q.—Where was the original note made?

A.—At the Bank of Nova Scotia, St. John's.

Q.—And it was signed by you only?

A.—Yes, I think so.

Q.—And there was no endorsement?

A.—No.

MR. KNIGHT—I did not hear that.

MR. LEWIS—Will you please speak a little louder so that the Counsel can hear you.

COMMISSIONER—Would it not be better if Mr. Miller came over to this side (indicating the left) and then Mr. Lewis, you will not be between the witness and Mr. Knight. I think this was a drawer.

A.—At the Bank of Nova Scotia, St. John's.

Q.—I asked you on what date?

A.—On August 16th.

Q.—The same date as this one?

A.—Yes—No, that note was copied from the first one.

Q.—And posted dated?

A.—Yes.

Q.—Which one?

A.—This one.

Q.—It was dated back, was it not?

A.—Yes.

Q.—I understood you to say, in answer to one of my first questions, that this was signed on the day of its date, and now I think your testimony is that it was signed on a date subsequent to August 16th? Is that right?

A.—This last note, sir?

A.—Yes.

A.—No, it must have been later than August 16th.

Q.—It must have been signed by you and Angus McDonald at some date after August 16th, the date on which it purports to be signed?

A.—Yes.

Q.—Can you tell us what that date was?

A.—I don't remember the date.

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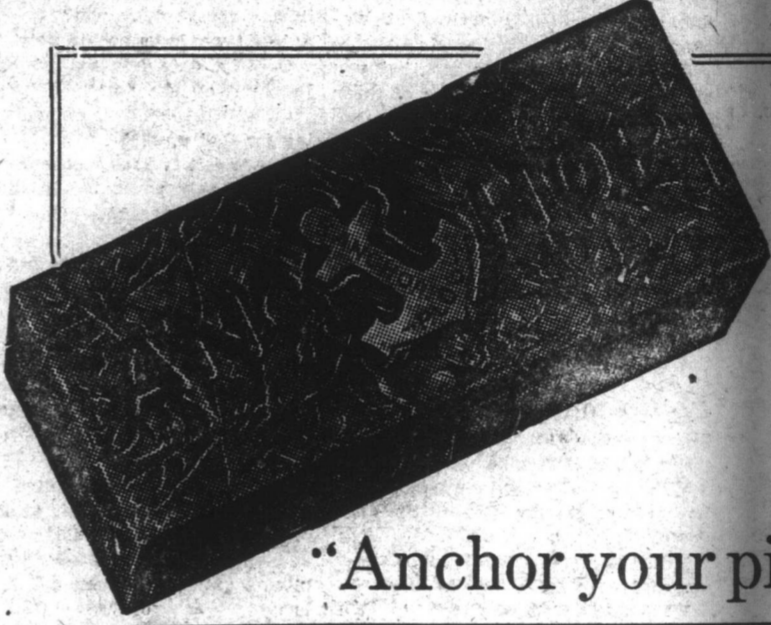
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afternoon we shall put him at this

side.

MR. KNIGHT—Even if I had a full view of the witness, I don't think I would be able to hear what he says.

COMMISSIONER—If there is anything you cannot hear, Mr. Knight, then please let us know, and we shall make him say it over again. It may inconvenience him, but it will be his own fault.

MR. LEWIS—Now, what was your answer, Mr. Miller?

COMMISSIONER—That the original was signed by him alone, in so far as I have got.

MR. LEWIS—When was that signed?

A.—At the Bank of Nova Scotia, St. John's.

Q.—I asked you on what date?

A.—On August 16th.

Q.—The same date as this one?

A.—Yes—No, that note was copied from the first one.

Q.—And posted dated?

A.—Yes.

Q.—Which one?

A.—This one.

Q.—It was dated back, was it not?

A.—Yes.

Q.—I understood you to say, in answer to one of my first questions, that this was signed on the day of its date, and now I think your testimony is that it was signed on a date subsequent to August 16th? Is that right?

A.—This last note, sir?

A.—Yes.

A.—No, it must have been later than August 16th.

Q.—It must have been signed by you and Angus McDonald at some date after August 16th, the date on which it purports to be signed?

A.—Yes.

Q.—Can you tell us what that date was?

A.—I don't remember the date.

Q.—Well, was it the following day

or a week later, or a month later, or what?

A.—I imagine it would have been within two weeks.

A.—It may have been two weeks later?

A.—Yes.

Q.—And there had been a note given. I think you said signed by yourself only, and without any endorsement, for the sum of \$20,000 on the date of August 16th.

A.—Yes.

Q.—Now, where were you when that original note—the one that was first signed—where were you when you signed that note?

A.—In Mr. Glennie's office at the Bank of Nova Scotia, St. John's.

Q.—You had had a conversation with him at that time?

A.—The Sunday previous, yes.

Q.—And as a result of that conversation you went to the bank on Monday?

A.—On Monday, yes.

Q.—And while at the Bank you signed and delivered your individual promissory note payable to the Bank sixty days after for the sum of \$20,000?

A.—Yes.

Q.—Now, what led to the substitution of this note in exchange for the note given, actually given on the 16th day of August?

A.—I explained to Mr. Glennie the circumstances.

Q.—What circumstances?

A.—That Sir Richard had left sooner than I expected, and that I did not have time to get in touch with my people, but that I would wire them right away, and in the meantime I gave him my personal note.

Q.—In the meantime you gave him your personal note for \$20,000?

A.—Yes, I gave him my note.

Q.—Now, I would like to ask you this question, Mr. Miller. Your personal acquaintance with Sir Richard at that time was of a very cursory character, was it not? In other words, you had had very little acquaintance with him up to that date?

A.—Very little, yes.

Q.—You had no business transaction with him, I think you testified on Monday?

A.—Only in connection with the arrangements for a meeting of the Steel Directors.

Q.—Meeting of what?

A.—The Steel Company's Directors.

COMMISSIONER—I think he has already told us about that.

MR. LEWIS—When I asked him about his personal relations with Sir Richard his answer was that he had some acquaintance with him in a political way, and some acquaintance

with him in connection with

thing else—it may have been a mission.

COMMISSIONER—He told us he brought various people over introduced them to Sir Richard made arrangements with him to them.

MR. LEWIS—But this acquaintance had been of a casual nature, as had had very little transaction with Sir Richard. Is that not so of Company matters?

A.—Yes.

Q.—Is it not so that apart from these company matters—I think previous testimony I remember saying you had no actual transactions, had you not?

A.—No. I had had other matters concerning the Company, these transactions.

COMMISSIONER—You were transactions with Sir Richard?

A.—Yes.

COMMISSIONER—I had this time, I take it?

A.—No.

Q.—He had never accompanied you in any financial way?

A.—To what amount, sir?

A.—No.

Q.—He had never accompanied you in any financial way?

A.—To what amount, sir?

A.—No.

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Q.—He had never accompanied you in any financial way?

A.—To what amount, sir?

A.—No.

Q.—He had never accompanied you in any financial way?

A.—To what amount, sir?

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