

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

(Continued from page 6.)

per payroll transaction, so that the Commissioner can understand?

COMMISSIONER—So far as he was concerned, there was no record in the books that it had been paid. He would not know until he got the bank book.

MR. LEWIS—Is it not true that you made a requisition each month for the payroll account? You made an estimate of the amount you required?

A—Not for the payroll, for the general account.

Q—And you estimated the amount you thought would be required for the payroll and made a requisition for that amount?

A—For the general account included the payroll.

Q—And it would be transferred from the general account to the payroll account?

A—No. It would be deposited in the Bank of Montreal, St. John's, from Sydney.

Q—It would be an estimate, or requisition for the general account and payroll account?

A—Yes.

Q—Is it not a fact that the period when this \$20,000.00 was due, you added \$20,000.00 to your estimate more than you needed?

A—We always carried about \$20,000.00 over.

Q—Did you not add \$20,000.00 more than you would otherwise have done because of that maturing obligation?

A—I must have done I suppose.

COMMISSIONER—In Oct. I added \$20,000.00 to my estimate for the month's expenses in order to cover the note when it matured.

MR. LEWIS—Exactly. And you said that for the purpose of covering that note, did you not?

A—Mr. Gillis.....

Q—I want an answer to that question.

A—It was charged to our account.

Q—Therefore it was used for that purpose, was it not?

A—Yes.

Q—Now, as each draft was about to mature from time to time you increased your estimates sufficiently to take care of those drafts in the same manner?

A—Well, I could not get the notes moved by the company.

Q—For the purpose of meeting these drafts either drawn by you or upon the company?

A—For the purpose of meeting these drafts and providing funds for their payment as presented you increased the amount of your estimate submitted to head office, and you received an amount in excess of the normal amount required, sufficient to pay for those drafts, did you not?

A—In our estimates.....

Q—You had to cover it?

A—Yes.

COMMISSIONER—I do not quite know how he could be making an estimate for August provide for these drafts which he had set then drawn. All except one were payable and paid in August. There was one due about September 11th. That could be taken care of in the estimates for September. But he could not have taken care of the drafts paid in August in the estimates for August, because the drafts had not then been drawn.

MR. LEWIS—Have you any explanation for that?

A—I do not know what way it was done.

Q—They were simply charged to the account as they were presented.

A—Yes.

COMMISSIONER—Are you prepared to cross-examine Mr. Gillis?

MR. LEWIS—I spent a large part of the night in examining the testimony and exhibits, and as a result I have concluded not to ask any question of Mr. Gillis.

COMMISSIONER—I am not surprised, because as you know, some of these witnesses are called to give evidence on matters which may or may not be evidence against your client. I am not unaware that a great deal of Mr. Gillis' evidence is not evidence against Sir Richard Squires, but there are others to be considered.

MR. LEWIS—Quite. I do not think it would be necessary for the protection of my client's interests to cross-examine Mr. Gillis.

COMMISSIONER—Is there any other witness?

MR. KNIGHT—I desire to call Mr. Tasman.

COMMISSIONER—Is there any other witness that you have now?

MR. KNIGHT—No.

COMMISSIONER—Mr. Attorney, have you anybody else.

ATTORNEY GENERAL—Yes, sir, the Bank is to be called, but they are not ready yet, and Mr. Tasman I understand is to be called by Mr. Knight.

COMMISSIONER—He can be interposed when he comes.

ATTORNEY GENERAL—Of course, there is this to be said, that this being an enquiry, and as we want to find out all we can with regard to these matters, I have not mentioned Sir Richard Squires as a witness, but I think he is a witness who ought to be examined.

MR. LEWIS—I shall, of course, put Sir Richard Squires on the stand, but I give you notice that if you call him now, he will be your witness.

COMMISSIONER—I shall not pay any attention to a notice given by one counsel to another. If you are going to give notices you must address me.

MR. LEWIS—I had no intention of being discourteous.

MR. WARREN—I may say that I am not accepting any presents of that sort. I would like to explain that in my opinion there are two witnesses that we ought to have here, Mr. McInnis and Mr. Glennie.

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Willing to give evidence in Toronto if that can be arranged.

J. A. McLEOD,
General Mgr. Bank of Nova Scotia.

To which I sent the following reply:

Jan. 30th, 1924.

"General Manager,
Bank of Nova Scotia,
Toronto.

"Regret very much Glennie still feeling effect of his stay in Newfoundland. I hope he will recover when the investigation is over and that the bank will not suffer from the present inclement weather down here. As Commissioner desired Glennie's attendance these messages will be made public."

COMMISSIONER—I think I would like to have those amongst the papers if I may. I might hereafter just like to read through them. That being so, you have nobody else to call. There is the application which Mr. Winter made the other day with reference to the books of the bank, but the banks have not yet had time to get these ready?

ATTORNEY GENERAL—No.

COMMISSIONER—That can be interposed at any time. Probably its chief importance to you will be when Sir Richard Squires is in the witness box. That will be the end of the case on your side of the table. Do you wish to address me at this stage or after the witnesses are called?

MR. KNIGHT—After the witnesses are called.

MR. LEWIS—I wish to call my witness first.

COMMISSIONER—I will be quite prepared to fall in with whatever suggestion you may make. I suppose I may use the phrase which we have become accustomed to here, it is "up to you" to call the next witness.

MR. LEWIS—That is a very apt expression. But I don't intend to call any witnesses until the case for the Crown is finished.

ATTORNEY GENERAL—There is no case for the Crown.

COMMISSIONER—You mean that you are not going to call your witnesses until Mr. Tasman has been called?

MR. LEWIS—I expect to call my witness after all the evidence of those people summoned by counsel for the Crown had been presented. In other words, when I put my witnesses in the box I think I should be fully informed as to all that is going to be produced in support of the case against my client.

A—Yes.

MR. WINTER—Were you here when Sir Richard Squires went away?

A—No.

Q—Did you see Sir Richard himself when you were here?

A—Do you mean after our party left?

Q—No while you were here?

COMMISSIONER—Before you left did you see Sir Richard himself?

A—I am not sure if I saw him.

Q—You did see him during that year?

A—Yes. But I am not sure when it was.

COMMISSIONER—(Repeating) I saw him but I cannot say at what stage.

MR. WINTER—Do you know the date of the agreement?

A—The new agreement?

Q—The agreement when it was eventually ratified?

A—I think October 17th.

COMMISSIONER—I think we have been told it was November. In the Act is simply said "this (blank) day of November." The month is given but not the day.

A—What I was thinking about was that Mr. Wolvin was here in October and I thought it would be completed before he left.

Q—Do you know who signed it?

A—No.

COMMISSIONER—The signatures appended here are:—For the Dominion Iron and Steel Company: R. W. Wolvin, C. S. Cameron; Witness, Kempton. And for the Nova Scotia Steel Company: D. H. McDonald, McCall, Witness, Kelly Butler.

MR. WINTER—Why did you say October 17th?

A—I knew we were here in Oct.

COMMISSIONER—Were you here in October?

A—Yes, 1920.

MR. WINTER—Did you know Sir Richard was away?

A—Yes.

Q—Do you remember if Mr. Wolvin told you it was signed?

A—He did not tell me it was signed.

Q—You went to Bell Island that October?

A—Yes.

Q—What was your purpose?

A—I met Mr. Wolvin at Bell Island; he came down on one of our boats to Bell Island. I went down ahead of him on a different boat.

Q—Then you came to St. John's?

A—He came over and I came over afterwards. I did not come over with him.

Q—You went straight to Bell Island?

A—Yes. He went straight to Bell Island too.

Q—He did not say he was coming back to Bell Island?

No. He did not say.

Q—You must have known because I think you told Mr. Hunt that Mr. Wolvin was expected.

A—I was at Wabana when he reached from Sydney.

Q—He came to Bell Island and then to St. John's?

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DON'T FORGET THE BIG AMATEUR CONTEST—FRIDAY NIGHT.

(Hugh B. Gillis—Sworn Previously.)
MR. WINTER—Mr. Gillis, you came down to St. John's in May 1920?

A—Yes.

Q—With the other people representing the companies.

A—I came down to Wabana with Mr. Chambers and then crossed over here.

Q—I think you told Mr. Hunt you came at their request?

A—I think I came at the request of Mr. Wolvin.

Q—You were present at some of the conferences that they had with the Government.

A—I remember one Executive meeting and I think I went down a second night; I don't know if it was an executive meeting or not.

Q—I think you said the object of the directors coming to St. John's was to endeavour to fix the terms of the agreement?

A—Yes, the tax agreement.

Q—Did they consider the agreement itself at that time?

A—No, it was just a matter of preliminary discussions to find out what the ideas of the other parties were.

Q—When did the others go away?

A—I don't remember, Mr. Winter.

Q—Do you remember if they left before Sir Richard left?

COMMISSIONER—Before August?

A—No. I did not see the note; I saw the envelope.

Q—Did you ask to see the note?

A—No.

Q—You saw the envelope and how was it addressed?

A—It was addressed in script and to the Dominion Iron and Steel Co.

Q—You sent for Mr. Miller and discussed the matter with him?

A—Yes.

Q—They both told you it was a personal note of theirs?

A—Yes.

Q—Can you say why they mentioned to you that it was a personal note?

A—Mr. McDonald seemed somewhat disturbed that the note had been addressed up to the Company instead of to himself.

Q—And that is why he mentioned it to you?

A—Yes. That is the way I looked at it.

Q—Wasn't he disturbed about his own liability on it?

A—Yes.

Q—He would naturally mention it to you as a friend of his?

A—Yes.

Q—Did you see the note Mr. Gillis?

A—Not until January of this year.

Q—Did you ask him to show you the note?

A—I did not think the note was there; I thought it was still in the Bank.

Q—The bank where?

A—At St. John's.

COMMISSIONER—And it probably was. This was only the notice.

MR. WINTER—Now then, they told you Mr. Gillis that this was a personal note which they had signed jointly for \$20,000.00?

A—Yes.

Q—And you say that you received it as a personal?

A—Yes.

Q—Didn't that surprise you a little?

A—It certainly did.

Q—That they should have done this?

A—Yes.

Q—You were surprised. Didn't you express your surprise to Mr. Miller?

A—Yes.

Q—Did Mr. Miller tell you what immediate purposes it was required for?

A—No.

Q—Did he tell you about overdrafts or notes coming due?

A—No.

COMMISSIONER—Had you heard anything before August about Sir Richard wanting accommodation?

A—No.

Q—No mention of that subject at all in any shape or form?

A—No.

MR. WINTER—You say Mr. McDonald was disturbed because it was addressed to the company?

A—That seemed to disturb him more than because the note was due.

Q—It was a personal note between these two gentlemen?

A—Yes.

Q—When you found that these two gentlemen had issued that note didn't you associate it with the Company then?

A—No.