



(Founded in 1879 by W. J. Herder.)

Evening Telegram

The Evening Telegram, Ltd., Proprietors.

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Thursday, January 17, 1924.

Rebel or Patriot?

LICENCE DISTINGUISHED FROM LIBERTY.

In a recent trial in the New York courts in which an individual named Gillow was convicted for publishing articles advocating the overthrow of the Government by force, the defendant claimed that he had the same right of freedom of expression of his views as had been exercised by the signers of the Declaration of Independence.

In a measure, Gillow's defence was correct, for strictly speaking, the Americans at the time that he referred to were rebels in arms against the sovereign state, but the fact that their position after the revolution was such, that the "big stick" could not be applied to them, made all the difference between their position and his. It might be quoted as an instance of the end deciding the offence.

"Explaining that the statute under attack defined criminal anarchy as the doctrine that organized government should be overthrown by force or violence, and provided for the punishment of those who advocated such a doctrine, the state of New York contended it was not necessary to sustain a conviction under the law to prove that the advocacy of doctrines condemned by it, had or were likely to result in actual breach of the peace. The state had learned by tragic experience that the doctrine of anarchy was a dangerous one, and that it was not a community which undertake to act upon such feelings."

"The height of folly," the state declared, "is to punish only the unthinking perpetrators of the crime after it has been committed, and let the real cause, the instigator of the crime, under the guise of liberty of speech and freedom of the press, escape."

"It is those who spread the doctrines of violence, the state insisted, who make the state a hotbed of crime, who make assassination and similar crimes simple at the overthrow of the government by force possible."

The state insisted that it had the right under the constitution to protect itself from assaults and armed revolution and also from those who advocated assaults intended to overthrow it. It was inconsistent, the state asserted, for those advocating the overthrow of the present form of constitutional government in this country, to appeal when brought to trial for their acts to the protection of the constitution which they seek to destroy."

Supreme Court.

(Before the Full Bench.)
The Grand Jury are present and are addressed by the Chief Justice on the Bills of Indictment in the case of the King vs. Capt. Jesse Winsor. The jury retires to consider the Bills and at one o'clock had not reported.

G. E. Blaser & Co. vs. Horwood Lumber Co., Ltd.

Mr. Fenelon moved for Monday, the 21st, for trial.

G. E. Blaser & Co. vs. Reuben F. Horwood.

Mr. Fenelon also moves that Monday next be set down for hearing.

Lewis Davis vs. Wm. Mann.

Mr. Morris, K.C., for defendant, moves for the discharge of the jury and permission to plead. Mr. McNelly, for plaintiff, opposes motion and asks for costs. It is ordered that costs be allowed to be settled on final taxation and that other matters be left to the direction of the trial judge on Saturday, the 19th inst.

The Court rises until 3 p.m.

MINARD'S LIVERY REALS COT.

Cross Examination of Sir Richard Squires Continued this Morning

Enquiry Deals With Charges in Second Paragraph To-Morrow.

Yesterday afternoon the cross-examination of Sir Richard Squires was resumed by the Attorney General. A statement of the profits accruing from the insurance agencies was submitted by Sir Richard to the Commissioner for perusal. The latter after a scrutiny declared that the figures submitted appeared to justify the payment of the salary of \$480 per year to Miss Miller. Asked by the Attorney General what services she rendered to him after July 1921, he replied she was interested in the political party of which they (himself and Hon. W. R. Warren) were members. In short he said she rendered political services. He could not recall that after the spring of 1921 she assisted except in procuring the \$2000. To the Commissioner he said it was not her job, but it was what she did. To the Attorney General—*I paid her nothing for the work whatever.*

ATTORNEY GENERAL—How was the \$40 per month paid?

A—It was by cash or cheque or not at all. On one occasion he said he thought she was paid by cheque issued by himself.

COMMISSIONER—Was it a part of your law office business?

A—Yes.

COMMISSIONER—Then I should think the record of payments should appear on your ledger, I would have expected it on a special page or column.

THE ATTORNEY GENERAL here intimated that he proposed to again put Mrs. Harcourt in the box and was in duty bound to ask again some questions. Continuing he said whilst Miss Miller was being paid \$40 per month by you or your office she was doing political work gratuitously. Was financing the Star political work?

Asked if he had ever sent Miss Miller a cheque from the Rits Carlton, Montreal, the witness replied "To his recollection, yes."

The ATTORNEY GENERAL then asked why if the payment of Miss Miller was a business transaction of his office she was not paid there instead of by personal cheque sent from Montreal?

A—There is no reason and from a financial standpoint it made no difference.

For a few minutes following there was a little unpleasantness as Sir Richard, accused, the Attorney General of misquoting his evidence, and gave his own version of it. The Commissioner objected pointing out that he had heard the statement before and did not want it told twice. Asked by the Attorney General what Bank the cheque was drawn on, the witness said speaking from recollection it was on one of the city banks, either Commercial or Nova Scotia and was for about three months salary. Questioned if he received any communication from Miss Miller whilst he was in Montreal, Dec. 1921, the witness replied he had no recollection, but he would have his files searched to find out.

ATTORNEY GENERAL—On the 20th Dec. \$8000 was deposited to the credit of your account which you thought came from Miss Miller's brother.

COMMISSIONER—This was about a week after you left here and when you would be in Montreal?

ATTORNEY GENERAL—Did you get any communication re that deposit?

A—It is possible I may have. I will have a search made of my entire file.

Asked if he checked up his bank account after returning from Montreal, the witness replied No. He also did not remember being told at any time about the \$500 deposited in July. The witness being asked if anyone else besides Miss Miller and himself had made deposits, produced a number of duplicate deposit slips and after a few minutes examination said a number would show that deposits were made by Miss Sturges, not many by himself. That was one in connection with a promissory note transaction and others by Mr. Carow.

COMMISSIONER—Are there any by those gratuitous political workers.

WITNESS, still examining the slips, Yes, there is one here which I can't identify marked W.

COMMISSIONER—Probably Walker.

After the witness had spent a few minutes more review of the slips the Commissioner remarked that she (Miss Miller) is the only one of the band of workers that passed money into the account, to which the witness made rejoinder, "As far as I can identify."

In reply to the Attorney General the witness stated that from Nov. up to March 1921 the Bank of Nova Scotia cheque book had been entirely in the custody of Miss Miller and that during that period (after an examination of the stubs) he said there was no cheque stub in his name.

Asked by the COMMISSIONER if he had ever looked at the stubs the witness replied in the negative.

THE ATTORNEY GENERAL, addressing the witness said that as the credibility of Mrs. Harcourt and Mr. Meany had a great deal to do with the enquiry he was going to finally clear the matter up. He then referred to Meany's appointment.

The witness began to press for the full appointment and that he was favourable to it, but in 1922 not so favourably inclined. It was, however, a matter for the Executive and not for the witness personally to decide. Witness stated that he had under consideration the reorganization of the whole department. Witness upon his return to the country in Dec. learnt of the loan to Miss Miller of \$4000 and insisted upon its immediate return because he presented having accommodation for her, because he (witness) did not think that Meany's financial position warranted his loaning money. The same thing would have happened if witness had learned that money had been obtained from the Customs or Postal Departments. Witness further related that other gentlemen had come to him in connection with certain sums which Miss Miller had raised, but of which he had no knowledge and which caused witness concern.

ATTORNEY GENERAL—This is serious and I must make you prove it.

Witness replied that there was no suggestion of misappropriation implied.

ATTORNEY GENERAL—Then why worry?

Witness did not know to what purpose it was applied.

Considerable time was expended in ascertaining the cause of the change of feeling of witness to Mr. Meany taking full Controlship. Witness stated he did not consider it was in the public interest. Asked if he considered Meany suitable for other public duties, witness said Yes, that in certain ways he had great respect for him. He was an aggressive campaigner, a capable newspaper correspondent, an able telegrapher, and had considerable ability. Questioned as to his opinion of his honesty, witness had no reason to believe him dishonest. Following questions relative to the appointment of Meany to the position of Supt. of Postal Telegraphs, Mr. Warren asked witness to look at a letter and asked if he had sent it to Meany. It was dated Sept. 26, 1919, addressed to J. T. Meany and signed R. A. Squires. It had reference to the coming election in which Meany was to be a candidate in the Harbour Main district. In the event of his defeat he was promised if the party was returned to power that the writer would use his influence with the Executive to have him appointed Superintendent of Postal Telegraphs. It referred to the high opinion that the writer held of J. T. Meany. The witness acknowledged having written the letter, and probably complying with a request made by J. T. Meany in a letter of acknowledgment (copy of which was submitted) to make certain alterations in the last paragraph of his (witness) letter so as to make the promise of the appointment more explicit. Witness stated that at that time he thought Meany fit for an office of public trust. After the election, said witness, certain members of the Executive did not consider Meany sufficiently to be relied upon to be made Supt. of Postal Telegraphs. He was afterwards made instead Acting Controller by the Executive Government. During 1922, said witness in reply to questions, Meany's chances of being given full control became less and less, because of various applications for the post and because witness had in mind a reorganization of the Controller's Department. Witness thought that it had been suggested by the Minister of Finance and Customs that Meany should be made full Controller, but was of the impression that the matter was left to stand over until after the 1923 elections. Witness further added that the Committee of Council promised the appointment, and that witness therefore thought it should be made.

COMMISSIONER—Did you still consider him fit for the post?

A—A qualified yes.

COMMISSIONER—What is a qualified yes?

A—In some ways suitable, in some ways not.

COMMISSIONER—But had you not heard rumors of wrong doing?

A—There were criticisms appearing in the press and others round town.

Q—Anything with regard to communications?

A—I think in the spring of 1923.

Q—You had heard of them but did not oppose his appointment?

A—No.

Asked what happened after May to shake his confidence, witness said there was something about an overdraft, and the account was largely overdrawn.

Q—Was the burglary the first shock you got as to his integrity?

A—The burglary was the outstanding shock.

He (witness) had alleged that he (witness) was involved in the burglary, witness replied that the report of Head Const. Byrne referred to it. In submitting the report to the Committee of Council, witness asked that Meany be dismissed, but it was suggested that he be suspended pending the enquiry into the burglary.

Questioned as to a shortage in the Department, witness said he had no hint, that he had no knowledge the accounts were crooked, and that he believed the audit was full, complete and perfect.

COMMISSIONER—There was no audit that would detect the irregularity.

Witness was of the opinion that the audit would detect it.

The Commissioner said that it was from the Auditor General himself that he learned that the audit could not detect such shortages of cash.

The enquiry then adjourned until this morning at 11 o'clock.

THIS MORNING'S SESSION.

The enquiry resumed this morning at 11 o'clock. Sir Richard Squires was called to the stand and the cross-examination by the Attorney General, Hon. W. R. Warren, was resumed.

The attendance was not as large as usual. Before the proceedings started, the Commissioner handed back to Sir Richard the document put in evidence yesterday in relation to his insurance profits.

Witness stated that he had made a note of its effect or contents. He then stated that as the first section of the enquiry was not divorced entirely from the second paragraph, he would keep the first section open until the second one was finished and thus he desired, for the sake of facilitating matters, that Mr. Howley postpone his address or summing up. Mr. Howley in reply, said the next section would be in the hands of Mr. Lewis and the procedure would therefore involve two summings up. The Commissioner agreed and added that the first section would probably terminate today or early to-morrow when he would begin on the second paragraph.

MR. HOWLEY intimated that he was not aware of the progress Mr. Lewis was making with his case and doubted if he would be ready to proceed at once, whereupon the Commissioner said "they had got to be ready."

THE ATTORNEY GENERAL resumed the cross-examination asking the witness to produce the documents re payments of salary to Miss Miller on account of her insurance work. The following cheques were put in evidence:—

Nov. 30th, 1921, \$75, due for July, 1921, and last payment on former salary.

Dec. 17th, 1921, \$80, Canadian Bank Cheque.

March 11th, 1922, \$40, Office Cheque.

June 29th, 1922, \$120, Office Cheque.

June 30th, 1922, \$80, Office Cheque.

Jan. 19th, 1923, \$80, Canadian Bank Cheque.

Jan. 30th, 1923, \$40, Canadian Bank Cheque.

These were all the payments made to Miss Miller the witness explained. Asked about the cheques issued in 1923 the witness replied that one was made whilst he was in town, the other was made whilst he was in transit to Montreal.

COMMISSIONER—Your evidence yesterday was that you had sent her

a cheque for \$120. Asked if he knew what particular month the salary was for the witness said he did not know.

ATTORNEY GENERAL—This full amount is \$440—and you still owe her pretty well another year's salary? You remember she asked you for \$120 before you went away? Why did you give her only \$80?

A—I don't know why.

The Attorney General put further questions on the matter without getting a direct answer whereupon the Commissioner asked the witness if he wished him to believe that giving evasive answers was his practice.

Meany having said in his evidence that he received an evasive answer from Sir Richard, Asked by the Attorney General if Miss Miller did any financing for him outside the campaign funds, the witness replied yes—he discovered the fact in June 1921—and he knew from the evidence before the tribunal she had financed some insurance matters. Asked by the Commissioner what were the particular finances, the witness replied that he found she had been financing Thos. Gordon and Charles Tucker in respect of fire losses. Asked if he complained of it, the witness replied no.

The Attorney General the witness explained that Miss Miller had advanced money on the fire losses to the amount of \$3135 and that she was refunded the amount by his personal cheque.

ATTORNEY GENERAL—A most extraordinary woman! Did she tell you where she obtained the money?

A—I have no knowledge.

The Commissioner remarked that it was a mystery why anybody should go to the trouble of borrowing money to pay the losses, when it could be obtained readily by sending in the claims to the Head Office.

Sir Richard, questioned again, said he was positive Miss Miller did not tell him why she paid the money in advance of the receipt of the cheque from the head office nor where she had obtained the money.

The Commissioner commented at some length on the peculiar transaction to which Sir Richard replied that he had altered the practice since Mr. Fraser came. The cheques covering Miss Miller's salary and also one for the \$3135 were put in evidence and recorded.

The witness, being asked to explain about the outstanding accounts, said that Mr. Fraser had prepared a list and he told him to do the best he could with them. He (Fraser) told him there were hundreds of entries which he could not understand.

COMMISSIONER—How did you know you could not explain them?

WITNESS—I told him I did not understand the books.

COMMISSIONER—Do I understand you turned him down without looking at his list?

WITNESS—He did not bring the list in the first place and in any case I could not afford the time to go into such matters.

ATTORNEY GENERAL—Who was that cheque for \$3135 charged to?

WITNESS—I do not know.

It was suggested that Mr. Fraser be recalled to give evidence in connection with this cheque.

Referring to the Gordon & Tucker insurance claim, witness said the papers had not been forwarded as soon as they should have been. He did not know on what company the claim had been made. He had paid the cheque to Miss Miller to reimburse her for the advance payment of the claim, and had received no receipt.

The Commissioner remarked that this implied implicit trust in Miss Miller, to which witness assented. Prior to this, witness said he had had knowledge of the A.N.D. Co. It was partly on this account he had cancelled her power of attorney. In spite of that, he had given her \$3,135 without demur.

The Commissioner said he could

quite understand the cancellation of a power of attorney without casting any reflections on the person who had held it.

ATTORNEY GENERAL—Are you quite sure, Sir Richard, that that is the only case in which Mrs. Harcourt financed you or your firm?

WITNESS—It is the only case I have any memory of. If there is any other I shall be glad if you will tell me of it.

ATTORNEY GENERAL—Quite probably, I shall. Will you explain how you were paying money to Miss Miller out of your major political account?

WITNESS—There was no financial difference. The cheques I gave Miss Miller on the Canadian Bank of Commerce were not posted up in my office books. I did send memoranda of these payments to Miss Miller to my office. These payments were charged to the United British Commission Account, my personal Account, and the Globe and Ritz's.

THE ATTORNEY GENERAL (Referring to Ledger from which witness was answering his question) when were these accounts written up, Sir Richard?

WITNESS—I don't know. The only person who can tell you that is Mr. Fraser. The 1923 cheques have not yet been entered up.

Further questioned, witness said he was certainly taking an interest in his own affairs. To the Attorney General he said Miss Miller was not in the employ of his office after July 1921. She did not actually write up any policies, but she was engaged in soliciting insurance from the British Empire Steel Company. Her job was to control the Bell Ltd. business and get more, if possible. There was no understanding between him and Miss Miller and it was on that basis that she received \$40 per month.

ATTORNEY GENERAL—From July 1921 up to date then, Miss Miller has not had to do any work for you?

WITNESS—That is correct. I don't know whether I had a Letter of Credit account at the Bank of Commerce in 1922. I do not remember any interview with Miss Miller regarding my financing when I was away in 1922. I cannot recall the details of any arrangement in this connection, but Miss Miller had no authority to act for me with the Bank of Commerce. Witness, answering the Attorney General, repeated his denial of knowledge in connection with the cheques and L.O.U.'s held by Meany. His only information concerning them came from rumors.

ATTORNEY GENERAL—Had you any knowledge of cheques or L.O.U.'s or documents connected with your name?

WITNESS—All that I had knowledge of were the cheques I have told the court about.

ATTORNEY GENERAL—Had you any knowledge of any cheque that Meany in any shape or form was connected with?

WITNESS—Nothing whatever connected with the Liquor Control Department.

ATTORNEY GENERAL—When you swore you had not received any communication, written or verbal, from any departmental official, in connection with the L.O.U.'s, you did not consider me a departmental official?

WITNESS—That is correct.

ATTORNEY GENERAL—in your evidence you have said that you were not asked by the Minister of Justice to explain the documents. Was that a correct answer?

WITNESS—No.

COMMISSIONER—In what respects was it not true?

WITNESS—There were one or two interviews with Mr. Warren in which he referred to the charges that had been made against me. We did not discuss the details of them.

COMMISSIONER—Did he give you

any opportunity to explain the documents?

WITNESS—I had an opportunity to discuss the matter with him fully, if I cared to.

COMMISSIONER—Did he invite you to explain?

WITNESS—The nature of the interview was such as would make it an invitation to explain.

COMMISSIONER—You have been rather splitting straws, haven't you? You have not been very candid.

ATTORNEY GENERAL—You admitted that the first information of the existence of these documents was the proceedings of this enquiry, that is, beyond the rumors you heard on the street. Was this true?

WITNESS—That is true. I had no opportunity to see the documents and could not fully instruct my Counsel before coming here.

ATTORNEY GENERAL—Sir Richard, did you yourself make any attempt to investigate these rumors?

WITNESS—No, I did not make any demand for details of these charges. I made no application for a list of them.

COMMISSIONER—I rather gathered from your Counsel that you did not know anything about them, and did not have a chance to see such a list?

ATTORNEY GENERAL—Did you know I had stated in the House of Assembly that I was going to have a full enquiry into these charges?

WITNESS—I probably saw it in the newspapers. I received a communication from you in connection with it.

ATTORNEY GENERAL—Talking of rumors, did you say when you received it that you thought I'd gone crazy?

WITNESS—I don't know whether I expressed any doubts about your sanity, Mr. Warren. The notice referred to was put in evidence and read.

The enquiry then adjourned until this afternoon.

Kosy Felt Footwear for ladies and gentlemen at SMALLWOOD'S.—dec24,tf

Silvia in Port

S.S. Silvia, Capt. Mitchell, arrived from New York via Halifax at 4.30 this morning. The ship met with head winds and heavy seas while en route from Halifax. She brought a general cargo of provisions equal to 7,000 barrels and the following passengers: From New York:—Capt. Wm. Doyle, Miss H. Fitzgerald, Messrs. C. Gaisne, P. A. Wade and W. J. Goss. From Halifax:—Misses White (2), Mr. and Mrs. F. R. Emerson, Mr. J. S. Chapman, Mr. J. H. Penman, Mr. J. B. Blackwood, besides 12 in stowage. The Silvia is expected to get away early Saturday morning.

Barratts English medium priced Boots and Oxfords for Ladies' and Gent's at SMALLWOOD'S.—dec24,tf

Coastal Boats.

Argyle arrived at Argenta at 1.15 p.m. yesterday, sailing this afternoon on Bay route.

Kyle leaving Port aux Basques after the arrival of Tuesday's No. 1. Meigle leaving Argenta to-day.

Sagana left Port aux Basques at 6.48 yesterday for St. John's.

Prospero sailed for the Northwest at 7.30 a.m.

Portia is presumed to have left North Sydney yesterday for West Coast.

B. I. S. Dance under management of the B. I. S. Ladies' Auxiliary will take place Tuesday next (eve of whole holiday). Dancing 8.45 p.m. sharp.—Jan17,sl

TO-DAY'S MESSAGE

(For other messages, see page 2.)

CONSERVATIVE AND LIBERAL WHIPS GATHERING IN FORCES.

LONDON, Jan. 17.—The country watches to-day the end of the final scene in the production in the House of Commons of the "no confidence" motion, withstanding the belief that the throw of the ministry is inevitable.

Conservative whips are doing the most to keep their party at strength in amendment, especially Monday crucial vote. Other parties also urgently whipping up the members and there is every prospect of a full attendance at the vote on the first at which the confidence will probably be taken.

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