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A United Artists Production in Seven Parts.

The Enquiry Conducted

By T. Hollis Walker, K.C.

(Continued from page 6.)

LEWIS—That was a personal matter, was it not?
Yes.
So then this does not affect the money that was paid out of the Dominion Iron and Steel Company's funds? Are you prepared to answer that?
I told you that I had letters. But I don't want your letters, at your recollection.
COMMISSIONER—I don't quite follow the question. Do you mean whether he paid the money out of the Dominion Iron and Steel Company's funds? I did not gather he paid anything at all.
LEWIS—I did not ask him if he paid this question—
COMMISSIONER—At the time you paid the money out of the Dominion Iron and Steel Company's funds, was any authority to do it. That I understand your question. I may be that I made a mistake. I did not gather that he paid money. I take it that document represents the money.
LEWIS—I will repeat the facts. The first was: Was there a draft for \$4,000.00 drawn by your sister as pay for Sir Richard Squires, up to Dominion Iron and Steel Company, and accepted by you, and paid out of the funds of the Company?
COMMISSIONER—Yes, out of the funds of the Company, but not by

money on behalf of the Company to a person who is really a stranger, and what you are being asked about is why you allowed that to be done? Was it beyond the functions of your position as accountant to permit the payment of the Company's money by the bank to a person who was a stranger? You could have stopped it, I suppose?
A—I could have. The reason was that before I could get in touch with any of our people about Sir Richard Squires, I had only a couple of days, and when Mr. Glennie asked me about making certain payments, I made this payment, thinking that it would be in our interests, in the Company's interests, to do so.
Q—You could have told the bank not to pay the money?
A—Yes.
Q—But sometime during that interval you could have not authorized it? I did not have time.
Q—Not between August 3rd and September 11th?
A—I did so.
Q—Any time during that period of grace authority might have been given? Do you suggest that in the interval between August 3rd and Sept. 11th you had received any authority with reference to that document from any person superior to yourself in the Company?
A—I would like to submit a couple of letters to you.
MR. LEWIS—He has not said that these letters relate to these transactions at all.
COMMISSIONER—If they don't, I shall ignore them. Do you say that these letters have any reference direct or indirect to these matters?
A—Yes, sir. The letters relate to the total amount, including this amount.
MR. LEWIS—Mr. Miller, when was the first audit of the accounts of the Wabana office after the 11th of September, the date upon which this draft was paid?
A—March 31st, 1921.
Q—And when, with reference to that audit, did you write Sir William Reid?
A—In March, 1921.
Q—Shortly before the audit?
A—Yes, I think so.
Q—And that was the first information that you had given to any superior officer, or director of the Dominion Iron and Steel Company, was it not, of the fact that these cheques and drafts had been paid out of the accounts of the Company at the Wabana bank?
A—No.
Q—When, prior to that, had you given the Company any knowledge or information?
A—I mentioned it to Mr. Glennie during his visit to Wabana in the fall of 1920.
Q—Before the payments had been made?
A—I am not sure.
Q—Well, what time in the fall?
A—I am not sure of the exact month.
Q—There are three months of the fall, which month was it?
A—I am not sure. I did not keep any record of it.
Q—You did not keep any record of the transactions, and the only record

that exists is the record of the bank?
A—The record at the bank and the drafts.
Q—And you have no way of fixing the date of your communication to Mr. Glennie on the subject?
A—No, I have none.
Q—Where did the conversation take place?
A—At Wabana.
Q—In your office at Wabana?
A—In Mr. MacDonald's office, I think.
Q—Was anybody else present?
A—Mr. MacDonald and Mr. Glennie.
Q—What did you say to Mr. Glennie at that time?
A—I told him about the accommodation that had been arranged for Sir Richard Squires.
Q—Had any of the monies of the Company then been paid out on any of these drafts?
A—That would all depend upon the date that Mr. Glennie arrived at Wabana.
Q—It would seem to me that you might be able to specify one of those three months?
COMMISSIONER—I do not quite know when the fall is supposed to begin.
MR. LEWIS—I do not think September is generally regarded as a summer month in this hemisphere. I am inclined to think that that is merely a scientific statement.
COMMISSIONER—Well, when does the fall begin on this side of the Atlantic?
A—I will assume that September 21st, so that that must have been made after September 11th.
WITNESS—The note would likely be matured before Mr. Glennie came down.
MR. LEWIS—And paid as well as matured?
WITNESS—If it was sent to Wabana, it would be held in our suspense account, but there is no record kept in our office.
COMMISSIONER—It would be charged to the suspense account at the end of the month?
A—Yes.
Q—If it was paid by the bank on September 11th, would you get any information of that at Wabana before the end of the month?
A—Likely a few days before.
Q—I thought you said the other day that they rendered monthly accounts and this note matured on September 11th, would you receive any notice of that before the end of the month?
A—No.
WITNESS—(Repeating) I notified our people about it at the time.
MR. LEWIS—Had you notified them previous to the time you had written your name under the words "accepted"?
A—Not in connection with this draft alone, but I mean in connection with the total amount of the accommodation for Sir Richard Squires.
MR. LEWIS—Of course his unauthorized act may be confirmed by ratification, but we have no evidence of ratification.
COMMISSIONER—But he keeps on wanting to give it to you.
MR. LEWIS—I am quite willing if these letters show ratification that they should be brought out, but I think that evidence should be injected into the record by his counsel in examination. They are not part of my case. He has expressly testified that at the time he signed that he had no authority. Now, if subsequently there was a ratification of his act, then it seems to me apparent that the circumstances of ratification should be brought out by his counsel.

A—I would likely receive a notice a few days in advance.
MR. LEWIS—Do you know if you ever got this notice? It is the usual thing?
A—It would be usually done.
Q—Do you remember getting it?
A—I do not remember.
Q—The note matured on September 6th, would you be likely to have a notice in three or four or five days?
A—Yes.
Q—This draft is a thirty days draft as you have testified and it is dated August 3rd, and was forwarded by the Bank of Nova Scotia for collection, and probably immediately upon its receipt at Wabana was presented to you for acceptance? Was it not?
A—Yes.
Q—May I call your attention to the stamp. Is that your signature there?
A—Yes.
Q—Do you know upon what date it was accepted by you?
A—It would be on the note.
Q—The date appears not to have been put on the note?
COMMISSIONER—I remember looking for that myself.
Q—And it is your testimony that it was probably presented in the usual course of business?
A—Yes.
Q—And when presented for acceptance, was accepted by you in the usual course of business?
A—Yes.
Q—The acceptance must necessarily, in the usual course of business, have been three or four or five days after August 3rd, must it not?
A—It would likely be.
Q—When it was presented for acceptance did you put this stamp "accepted, payable at Bell Island Branch" and signed in your handwriting, Dominion and Steel Company, J. J. Miller.
A—No, I never put that stamp on it. It was there when you signed it, that stamp.
A—It must have been.
COMMISSIONER—Possibly that is the Bank stamp. The Bank would stamp upon it the word "accepted," and send it to you to sign?
COMMISSIONER—What authority did you have to accept that document?
A—Nothing more than that I thought at the time that I was doing it in the Company's interests. I notified our people about it.
COMMISSIONER—Then you had no authority at all.
MR. WARREN—He stated that he had notified his people about it, in answer to your question.
WITNESS—(Repeating) I notified our people about it at the time.
MR. LEWIS—Had you notified them previous to the time you had written your name under the words "accepted"?
A—Not in connection with this draft alone, but I mean in connection with the total amount of the accommodation for Sir Richard Squires.
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COMMISSIONER—You have asked him whether he had authority on August 3rd and you have asked him whether he had authority on September 11th. He says that things had taken place in the interval between the two dates, which he refers to as ratification, and I want, at the earliest possible date to find out what those were. You may want to ask him yourself some questions as to whether those things amount to ratification.
MR. LEWIS—I should like to submit to him the others of those drafts and get his testimony as to all of them, before there is any evidence of ratification.
COMMISSIONER—You may follow your own course. It does not strike me as the most convenient, but you are the best judge of your own case.
MR. LEWIS—Now the next draft to mature seems to have been the draft of August 10th, 1920, for \$4000.00. I show the witness the draft and ask him if he signed his name to the accepted stamp appearing thereon?
(Draft shown to witness.)
COMMISSIONER—Is the acceptance in your writing?
A—Yes, sir.
MR. LEWIS—That was drawn upon you individually?
A—Yes.
Q—And was not payable out of the funds of the Dominion Iron and Steel Company?
A—Yes.
Q—Was it paid out of your personal funds?
A—No.
Q—Out of whose funds was it paid?
A—It was charged to the Dominion Iron and Steel Company's account in suspense until Sir Richard returned.
COMMISSIONER—The money was paid out by the bank; it has got the word "paid" upon it; the bank paid it to you or if they did not pay it to you to whom would they have paid it?
A—Sir Richard.
Q—Whose money was it that went to Sir Richard?
A—The Company's.
MR. LEWIS—It was paid upon presentation on Aug. 12 as appears by the stamp?
A—Yes.
Q—Did you direct the bank to pay your personal draft from the funds of the Dominion Iron and Steel Company?
COMMISSIONER—May I look at the note, please. This does not purport to be accepted on behalf of the Company. The Company is not referred to on this document. What is suggested is that the bank would not pay the document out of the Dominion Iron and Steel Company's funds unless they had instructions to do so, is that right?
A—Yes.
Q—Did you instruct the bank to pay that document out of the funds of the Dominion Iron and Steel Company?
COMMISSIONER—Did you give any instructions to the Bank Manager at Wabana?
A—No, to Mr. Glennie at St. John's.
MR. LEWIS—It seems to have been paid at Wabana, your honour?
WITNESS—The drafts were negotiated in St. John's.
COMMISSIONER—What do you mean?
A—Mr. Glennie accepted them here.
MR. LEWIS—Of course in the interval there may have been some conversation with you and Mr. Glennie here?
Q—Mr. Glennie was Manager of the Bank of Nova Scotia at the time I told them about it.
Q—When did you speak to Mr. Glennie?
A—At the beginning of the audit.
COMMISSIONER—You had already spoken to him about the bills to come?
A—Yes.
MR. LEWIS—I submit that neither Mr. Glennie nor the Manager of the Bank at Bell Island had any authority.
COMMISSIONER—That is not the question at present; I want to find out the facts. What took place?
MR. LEWIS—What authority the bank had from the Dominion Iron and Steel Company?
COMMISSIONER—You were asking him a question which comes a little early in the point of chronological order. We want to find out what was done and by whose authority?
MR. LEWIS—If your honour will bear with me, my recollection is that the question I asked him to answer was; I previously asked him if he had not control of the Bank account, to which he answered he had; then I asked him if he had authorized the payment of that draft, a personal matter, out of the funds of the Dominion Iron and Steel Company's at the Bank at Wabana.
COMMISSIONER—And I think I took the matter a little out of your hands by saying this; the Bank would not pay a document which has no reference whatever on the face of it

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to the Dominion Iron and Steel Company, unless by specific authority.
MR. LEWIS—I asked him if he had told the bank to do it and he answered that he had some conversation with Mr. Glennie, beforehand. But Mr. Glennie could give no authority to the Manager at the Bank of Nova Scotia at Wabana to pay the draft.
COMMISSIONER—He could do it without authority at his peril. He could do it and then come and tell us. I want to find out if he did it.
MR. LEWIS—May we have this question restated. Did you, Mr. Miller, direct any officer at the Wabana Bank to pay this draft out of the funds of the Dominion Iron and Steel Company; of which you were the financial Manager at Wabana at the time this draft was paid?
A—My own draft.
MR. LEWIS—Yes, your own draft.
WITNESS—The draft was returned from St. John's to Wabana for collection; they did not have the funds to cover it and it was left in the suspense account until Sir Richard returned. This was a matter of holding it for two months only and we expected to fix it up when Sir Richard returned.
COMMISSIONER—But on the face of the draft it was paid on presentation. Dated August 10th and paid August 12th. That does not indicate that it was charged to suspense.
A—It was charged up temporarily until Sir Richard returned.
MR. LEWIS—But it was drawn on the 10th and paid on the 12th; it was drawn on the 10th on sight; and paid on the 12th and I take it that no bank pays \$4000.00 without making a record of it and the bank has made

the record by which it is cashed; as dated by the stamp "paid." I want to know if you authorized the payment of that money from the funds of the Dominion Iron and Steel Company, under your control?
A—There was no other account to charge it up to.
Q—They paid it from that account?
A—It was charged up temporarily.
Q—Was it thought it could be put back? Do you suppose it was not credited in the bank or the company?
A—No, sir.
Q—It was made a matter of record in the bank?
A—Yes.
Q—Then the books show that \$4000 was deducted from the Dominion Iron and Steel Company, in that bank and charged to the Nova Scotia Bank in St. John's which amounts to a payment to the St. John's bank.
A—The bank records would show \$4000.00 loss.
Q—Was that by your direction?
A—There was no alternative.
COMMISSIONER—Did you direct the Bank manager at all in the matter?
A—With Mr. Glennie in St. John's, yes, sir.
MR. LEWIS—When did you give directions to the Bank manager at Wabana?
A—The notes went through St. John's; it was a matter of passing them through Wabana for collection.
Q—What instructions did you give to the manager at Wabana?
A—To leave it in the suspense account.
COMMISSIONER—To pay it to Sir Richard and leave it in the suspense account until he returned?
A—Yes, sir.
Q—When did you do that?
A—When it matured, I suppose.
COMMISSIONER—I think the Bank managers seem to be very complacent here.
MR. LEWIS—Yes, your honour, a good place to borrow money, I am thinking of putting through a little deal.
Q—You kept an account at the Wabana Bank?
A—Yes.
Q—Personal account?
A—Yes.
Q—You made deposits and drew cheques?
A—I would make deposits, not draw cheques only sometimes.
COMMISSIONER—Most people

—By Bud Fisher.

MUTT AND JEFF



THE LITTLE FELLOW TAKES HIS HAT OUT OF THE RING.

