

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

(Continued from page 5.)

show-down in August in connection with any personal matters of your own?

A.—No.

Q.—Did you have any personal conversation with him in connection with any matter in which Mr. Meany was interested?

A.—Not directly; no.

Q.—Do you remember whether you were in Halifax during the summer or fall of 1922?

A.—Yes, sir.

Q.—At what time?

A.—September and October, I think.

Q.—At what time did you go there?

A.—I think it was about some time in September.

Q.—Early part or the latter part?

A.—The early part.

Q.—How long did you remain in Halifax?

A.—About one week.

Q.—Where were you later?

A.—No, sir.

Q.—Are you sure about that?

A.—I was only there on my way up. I went up that way, stayed over, and then went on to Montreal from that.

Q.—I will show to you what purports to be a telegram, and ask that you read it to yourself, for the purpose of refreshing your memory a little, if you will.

(Passes telegram to witness.)

WITNESS.—(Reads telegram) That is an absolute lie, Sir.

Q.—Did you send that message?

A.—I never saw it. I sent another one.

Q.—Then you did have some communication with Sir Richard?

A.—No, but I can explain—

Q.—I asked you particularly if you sent any communication—written communication—to Sir Richard after the show down in August, and my recollection of your testimony is that you did not remember if you did. Is that right?

A.—Yes, and I stand to it still.

Q.—Now you say that you did not send that message?

A.—No, it is a lie, whoever sent it.

Q.—But you say you did send another message?

A.—Yes, and I can tell you how that happened.

COMMISSIONER.—Then you did send a message from Halifax?

A.—No, I did not send it myself from Halifax, but my name was used on a message.

Q.—Oh, then it was a message sent by somebody else?

A.—I saw a message written by a party in Halifax, who asked me if they could use my name. It was a message to Sir Richard Squires, enquiring if he would like to make arrangements to meet Mr. Meany.

MR. LEWIS.—Were you the party?

A.—No.

COMMISSIONER.—We have had those telegrams before, I think.

MR. LEWIS.—Who was the party that made that request?

A.—Mr. Collishaw. (Laughter.)

COMMISSIONER.—This name for some reason or other is always received with laughter. I seem to be the one person who doesn't know anything about it.

MR. LEWIS.—I presume you and I, your Honour, are the only people who are in the dark. He must be a very amusing individual.

COMMISSIONER.—Oh, quite. Quite the wit of the place. I should think.

MR. HUNT.—You are not putting that in, Mr. Lewis?

MR. LEWIS.—I don't think you would consent to have it in.

MR. HUNT.—Anything in connection with Mr. Collishaw I would like to go in.

COMMISSIONER.—I am not at all anxious to see it under present conditions.

MR. LEWIS.—I have not offered it to you.

COMMISSIONER.—I think you have exercised a wise discretion, and we shall leave it as it is.

MR. LEWIS.—What was the occasion of your visit to Halifax, Mr. Miller, if you can recall it?

A.—It was in connection with the hope of an agency for St. John's.

Q.—Was Mr. Meany there with you?

A.—No, I went up alone.

Q.—Did he meet you there while you were there?

A.—He came up on one boat and went back on the return boat.

COMMISSIONER.—He went on a later boat than you?

A.—No, I went from Wabana.

MR. LEWIS.—And you met him there?

A.—Yes.

Q.—By prearrangement?

A.—No.

Q.—By accident?

A.—No, I think he was up on some other business.

COMMISSIONER.—Still, it might be by accident if you met. Did you know he was going to be there? At Halifax?

A.—No.

Q.—Did he know you were going to be there?

A.—I think he heard I left shortly after I had gone.

MR. LEWIS.—At what hotel did you stay?

A.—The Halifax Hotel.

Q.—You conferred with Mr. Meany while he was there?

A.—I only met him for a short while once or twice.

Q.—At the Hotel?

A.—I think so, yes.

Q.—That was after the show-down of course, and I suppose that it may have been discussed between you?

A.—Yes, sir.

Q.—Do you know whether Mr. Meany sent any cable message to Sir Richard?

A.—No.

Q.—From Halifax?

A.—No.

Q.—Did you authorize him to use your name to cable a message to Sir Richard?

A.—No.

Q.—Do you know of anyone who did prepare and send a message from Halifax to Sir Richard during that time?

A.—Yes.

Q.—Will you tell us who it was?

A.—Mr. Collishaw.

Q.—And you authorized him to send a message and sign your name to it?

A.—Well, he suggested it.

Q.—Did you agree to his suggestion?

A.—Yes. He sent the message himself.

Q.—Is this the message he sent?

A.—No.

Q.—Did you receive a copy of the message he sent?

A.—No, but I can get it.

Q.—You saw it before he sent it?

A.—Yes.

Q.—And you have a copy of it?

A.—I have not the copy.

Q.—You can get a copy of it?

A.—Mr. Collishaw should be able to produce the copy of it.

Q.—Is Mr. Collishaw within the jurisdiction of this Commission?

COMMISSIONER.—Is he within the territory of Newfoundland?

A.—No.

MR. LEWIS.—Is he likely to be?

A.—Well, you could get him if you wanted him.

COMMISSIONER.—Where is he?

A.—The last I heard of him he was in Nova Scotia.

Q.—Is he a resident of Newfoundland—of St. John's?

A.—Yes.

Q.—He is ordinarily a resident here, but is away at the moment?

A.—Yes.

MR. LEWIS.—Do you know why he went?

A.—No.

Q.—How long is he away?

A.—He was in Halifax in last September, when I was there.

Q.—And he has not come home yet?

A.—No.

COMMISSIONER.—A dull winter, I am afraid, for Newfoundland.

MR. LEWIS.—Do you know whether he was there in October?

A.—I am not sure. The trip I took was September and October.

Q.—To Halifax?

A.—Halifax and Montreal.

Q.—Was Mr. Collishaw in Halifax in October?

A.—I have no idea. I was not in Halifax in October.

Q.—Was he in Halifax at all?

A.—He was there when I was there.

Q.—You authorized him at that time to send a telegram to Sir Richard and sign your name to it?

A.—Yes.

MR. LEWIS.—It is now two minutes to five.

COMMISSIONER.—(To Witness): "I authorized Collishaw to send a message in my name." Is that right?

A.—Yes.

COMMISSIONER.—I think, as I have said before, owing to two gentlemen engaged in this Enquiry being engaged elsewhere, we cannot sit to-morrow, but I hope it will be possible to sit on Wednesday. (To Mr. Hunt): Do you think it will?

MR. HUNT.—It may be possible, sir.

COMMISSIONER.—Is the Attorney General prepared to go on until you are free? I should like not to take another day if we can avoid it.

MR. WARREN.—I am prepared, sir.

COMMISSIONER.—Then I adjourn until 11 o'clock Wednesday morning.

CONTINUATION OF CROWN EXAMINATION OF MR. J. J. MILLER.

COMMISSIONER.—Is Mr. Miller here?

Mr. Miller returns to witness box.

MR. LEWIS.—May I ask, if your Honour please, for the production of the exhibits: the notes, drafts, etc.

COMMISSIONER.—I presume they are here.

ATTORNEY GENERAL.—Yes, I shall produce them.

MR. LEWIS.—If your Honour please, I am forced to ask the courtesy of the Court this morning because of this situation. I think that the Brown insurance matter was left somewhat in the haze. I found that Mr. Brown, who is in the city to-day, plans to leave the city to-morrow, for home. I talked to him and he gave some positive statements which I think will tend to clear the atmosphere on that subject.

COMMISSIONER.—My attitude respecting the Brown matter from the first was that it is absolutely immaterial to the discussion. I think I rather submitted that attitude to Mr. Howley and suggested to him not to probe the matter. The only facts in the Brown matter which could have any bearing on the question in any way was conclusively established, and I think any more facts in the Brown case regarding insurance would be immaterial.

MR. LEWIS.—Miss Miller deposed that she had personally paid Brown, in cash, not by cheque. Her statement has not been substantiated by anyone.

COMMISSIONER.—Rather was it contradicted by documentary evidence.

MR. LEWIS.—Perhaps the documentary evidence may be subject to some correction. Brown tells me—and I think his credibility cannot be questioned—that he never received one dollar at any time from Miss Miller.

COMMISSIONER.—I have already said that that was contradicted by documentary evidence which was produced here by Mr. Curtis, showing how the payments to Brown were made. The cheque from the insurance company was not received until July and was not in fact perfected until it got the endorsement of Brown, through the instrumentality of a certain magistrate. That was established by documentary evidence, and in case it would go forward and be detrimental to Sir Richard Squires I made that statement publicly. It was also suggested that the

reason the cheque had not been received from the insurance company was that the office had not sent forward to the company certain large premiums; but again it was established that that was not the reason why the cheque had not been received.

MR. LEWIS.—In addition I think Miss Miller testified that at the time Mr. Brown called, at the office of Squires and Curtis he threatened litigation against them.

COMMISSIONER.—That is not Miss Miller's evidence. Most distinctly he threatened litigation; but the question whether he threatened against the company or against Squires and Curtis, and, in my judgment, following the evidence of Mr. Curtis, it was merely a threat of legal proceedings and that no party was mentioned. We must just consider this, that this matter is entirely outside my domain to decide. This matter may be brought up to Miss Miller in cross-examination, but I cannot consider irrelevant. The rule is, if you put things in cross-examination for the purpose of shaking the credibility of the testimony of a witness you are bound by that person's answer.

MR. LEWIS.—Of course.

COMMISSIONER.—I have previously told you that I accept it as documentary evidence that the cheque had not been received from the insurance company at the time Brown was paid; and I accept it also on the ground that Brown was anxious to get his money and was talking about legal proceedings in a vague way but not specifying whether he proposed to sue the company or their Agents. I do not think it is necessary to go further on that point.

MR. LEWIS.—Would it be improper to call Brown and get his testimony to show when the cheque was deposited and for the purpose of questioning the credibility of Miss Miller's testimony?

COMMISSIONER.—Bear this in mind that Miss Miller's evidence as to her paying this money to Brown was not accepted. It was deposed by other witnesses and it was established that she paid the money to Mr. Curtis which went to Brown.

MR. LEWIS.—I am not familiar with that evidence because I was not here at the time.

COMMISSIONER.—The question was whether it was \$1,000 or \$784 which was one of the payments in advance made by Curtis and which he admitted to me he got from Miss Miller.

MR. LEWIS.—I would not presume for a moment to assert what evidence was taken in the liquor matter, other than it was clear and decisive, because I was not present as you are aware.

COMMISSIONER.—I am unhappy was.

MR. LEWIS.—I was unhappy absent.

COMMISSIONER.—Then you are in luck.

MR. LEWIS.—If there is any doubt on the subject of the actual transactions between Brown and Curtis, I desire to clear them up, but now that the point has been made clear, I am quite content to let the matter lay.

MR. LEWIS.—Mr. Miller I showed you a thirty day draft on the Bank of Nova Scotia for the sum of \$873.75 which I think you identified and has been marked?

A.—Yes.

MR. LEWIS.—Is that the draft that was drawn and paid?

A.—Yes.

Q.—I also showed you a draft for \$1500, one of those that were marked, is it?

A.—Yes.

MR. LEWIS.—I also showed you a draft of August 17th for \$2000; that is also one of them, is it?

A.—Yes.

Q.—Here is another of August 16th for \$5000, that is also one of them, is it?

A.—Yes.

Q.—There is also one here dated August 14th for \$5000, is that one?

A.—Yes.

Q.—And one of August 16th for \$4000?

A.—Yes.

MR. LEWIS.—The first draft for \$6978.75 was paid out of the funds of the Dominion Iron and Steel Company, I understand?

A.—The note was signed by the Dominion Iron and Steel Company.

Q.—Was it charged up to the Dominion Iron and Steel Company?

A.—It was charged up to Suspense account.

Q.—But the payment was made to the Bank on behalf of the Company?

A.—Yes.

Q.—Did anybody in connection with the Company other than yourself have any knowledge of such payment?

A.—Not that I remember.

Q.—Is your answer no?

A.—The note must have been passed.

Q.—I am not speaking of the note;

but the draft, whether any person but yourself had any knowledge of it being paid out of the funds of the Dominion Iron and Steel Company at Wabana to the branch Bank of Nova Scotia there?

A.—It might have been passed into me by one of the clerks of the Dominion office.

Q.—Did you get permission from the Company or any superior officer of the Company to do that?

A.—I am not sure.

MR. LEWIS.—Did you have any authority from the Company or any superior officer of the Company to use the money of the Dominion Iron and Steel Company for the purpose of paying that draft?

A.—No, not that I remember.

Q.—In other words you appropriated, did you not, the moneys of the Company by which you were employed for the sum of \$5000.75 and used that sum for a purpose of your own and without any legal right to do so?

A.—No.

Q.—Did you have a legal right to pay out the Company's funds for the discharge of an obligation that the Company had not entered into themselves?

A.—I notified our own people.

MR. LEWIS.—I am not speaking of when the payment was made.

ATTORNEY GENERAL.—I understand you are referring to August 8th, the date the cheque was drawn.

COMMISSIONER.—And it was paid on September 11th. He had no authority on August 8th.

MR. LEWIS.—Now did you communicate with anybody from August 8th when the draft was drawn up to the time it was paid in September?

A.—I think I notified the Company at the time.

COMMISSIONER.—Apparently he is varying his testimony.

MR. LEWIS.—That is another matter.

WITNESS.—Here are the letters.

COMMISSIONER.—If there was a communication of this transaction, I shall want to see it.

MR. LEWIS.—It is quite proper your Honour, that you should see it.

MR. LEWIS.—Are you prepared any after having so testified that you had advised your superior officer prior to the payment, that you were to pay it at the time it became due?

A.—Yes, at the time Sir Richard Squires sent for me in July.

Q.—When was that?

A.—Previous to July he asked me for accommodation for \$55,000 before I went back to Wabana and called on by Mr. Glennie and asked get in touch with my people to make a note for \$20,000 and fix up accommodation for Sir Richard.

(Continued on 9th page.)

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