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BRUISES—SPRAINS—SORE THROAT

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

THURSDAY, Jan. 10th.

COMMISSIONER—Give every allowance for the preparation of this case.

MR. WINTER—I have no objection to an adjournment until Monday. I think Mr. Curtis is here this afternoon, and has with him the ledger.

COMMISSIONER—We will now deal with that matter.

Leslie R. Curtis (re-called).

Examined by Mr. Howley.

Q.—You told us this morning that in your books, apart from this fire insurance loss account there was an account of Archibald Brown as a client?

A.—Yes.

Q.—This I think is a ledger account for Brown from 1910 dowa to the beginning of 1922?

A.—Yes, from December, 1916 to January, 1922.

Q.—In whose handwriting are the entries in that book?

A.—All the entries except the final balance are in the handwriting of Miss Miller.

Q.—In whose writing is the final entry?

A.—In Mr. Fraser's, dated January, 1922.

Q.—That is the ledger account of Brown from 1916 to 1922?

A.—Yes.

COMMISSIONER—May I look at it?

MR. HOWLEY—And the last item in January, 1922 is simply the balance item which was transferred to a new ledger?

A.—Yes.

Q.—This, I think is Brown's account for 1922?

A.—It is.

Q.—That is immediately following from this?

A.—Yes.

Q.—The writings are in the handwriting of whom?

A.—In the handwriting of Mr. Fraser, all except the balance which is in the handwriting of the assistant accountant, Miss Noseworthy.

Q.—And, I think, in this book is Brown's account for 1923?

A.—Yes.

Q.—In whose handwriting is that?

A.—Miss Noseworthy's.

Q.—And the account is closed out from 1923?

A.—Yes.

COMMISSIONER—Just tell me. This account to January, 1922, I do not see any entry of this cheque received in respect of the Insurance on Brown's account?

A.—There is a reference made to it in another account. There was no account kept in respect of fire insurance losses. If there was a fire the cheque would be paid over.

COMMISSIONER—If you had been good enough to dole out this insurance before the cheque came, would you doubt the account?

A.—We may have in this particular case, in view of the fact that payments were made to Brown before the money was received. We opened a special account called Globe and Rutgers Fire Loss account.

Q.—I should have thought in the meantime, after those sums had been paid, and before you had got the cheque from the Insurance Company, you would have debited Brown with the amounts. Supposing the Insurance Company had never paid, had gone broke, what would have happened then?

A.—We would have been out the money.

Q.—But you have not debited him. There is no entry of those things being debited. They were paid in February, May, January and March, 1921, and there is no entry in this book for 1921 at all in this account?

A.—No, they did not appear there. They would appear in another account, in another book.

Q.—I was just enquiring what the system was. I should have expected to find that if you were paying these amounts for Brown, and you had not received the cheque from the Insurance Company, Brown would have been debited with the amounts.

MR. HOWLEY—Now, Mr. Curtis, in these ledger accounts that we have just examined there is no reference to Brown's Insurance transaction at all, except the transfer of the balance from fire loss account?

A.—Yes.

Q.—Was there a fire loss account kept in your books?

A.—There was at that period.

Q.—I think that that account was headed "Globe and Rutger Fire Loss Account"?

A.—Yes.

Q.—Is that it?

A.—That is it.

MR. HOWLEY—Might I say here, sir that this account deals with other matters besides Brown's.

COMMISSIONER—I think I ought to be able to identify it, after all we have been told. I do not propose to make public anybody else's fires.

Q.—Now whose handwriting is this in?

A.—Mr. Fraser's.

COMMISSIONER—There is the receipt here of the cheque from the Bank, August 19th. This suggests that the money had not been received until August 19th, and that payments out had been made during the months of February, March and May.

MR. HOWLEY—Might I say, sir, that the memo which we had here this morning was taken from that account, and may possibly help you.

COMMISSIONER—I preferred to see these accounts myself. I think, perhaps if you want to ask Mr. Curtis any questions about it you shall have an opportunity to do so. In the meantime, in this account here there is an entry on August 19th, "on a/c fire loss Alexander Brown, policy number 42252, $4085.00. This morning's evidence was that the cheque came to your office from the Insurance Company, and was acknowledged by a letter dated July 15th, 1921. In that book, however, it is put down as being received in August.

WITNESS—The cheque had to be sent to Brigus for endorsement, and returned to us. The correspondence put in this morning explains that.

COMMISSIONER—You had the actual physical receipt of the cheque itself, and you sent it to the Magistrate to have it endorsed and returned by him to you. Then I do not know when it was returned. L.R.C. 5 ought to show that. This is L.R.C. 5. You will remember that we had some difficulty in reading it It is dated August 18th. Then I think we find that the date this cheque is entered in the book is August 19th. Those dates seem to correspond very well.

Cross-examined by Warren, K.C., Attorney-General.

Q.—Mr. Curtis, whose book is this?

A.—That is the firm's book.

Q.—Not a special book for the insurance?

A.—No, the firm's book.

Q.—How is it that your private account is entered in this firm's book with respect to fire losses?

A.—You will notice that all those entries are in the handwriting of Mr. Fraser, and he was not in the office all the time that those things occurred. But when Mr. Fraser came he tried to find what payments were made to Brown under the loss.

COMMISSIONER—I would point out that some of these entries are not in order of date?

A.—Some of the entries were not made at all. There is a cheque put in that is not in that book.

Q.—First of all, all the entries there were not made on the dates that payments were made?

A.—They were made out since Miss Miller left.

Q.—Was the whole page written at once?

A.—In the latter part of 1921.

Q.—Do you know whether the entries were made before the receipt of the cheque from the Insurance Company?

A.—I cannot swear.

Q.—And in the meanwhile was there no record kept of this?

A.—No.

Q.—Where was Brown's account kept before it was entered in this?

A.—I think some entries were made—I might say that when Mr. Fraser got in the office the books had gotten away behind. As a matter of fact when Mr. Fraser took charge the cash book had to be back written for a period of three or four months, and this book had to be written up from the cash book.

MR. WARREN—You say this entry paid F. McNamara, this payment would not be made on the date that appears on this page?

A.—That would be taken from the cash book or from the receipt of Mr. McNamara. At any rate it was taken from one of the books of account of the office, that is of the firm.

Q.—The firm did not pay the money?

A.—If the firm did not pay the money, I did and the firm reimbursed me.

Q.—By what method did the firm keep tract or account of whether they or you paid it. You say you paid the amount, not the firm. How is it that the firm's books show the account?

A.—You will see there in August I collected one of the amounts.

Q.—Was that because it was paid to you personally?

A.—It was only paid to me then at that date.

COMMISSIONER—Is there in that same ledger a list of the payments that you made for the firm?

A.—No.

MR. WARREN—Is this entry paid L. R. Curtis meant to show that you paid the money, or does it show that that money was paid to you?

A.—It shows that I paid the money originally, and it was paid back to me.

Q.—Was there anything to show that you were paid the money that you had advanced?

A.—That was a matter between the firm and myself. If I did not get the money it was credited to my account.

COMMISSIONER—Shall we find anywhere in that book a list of the repayments to you?

A.—I do not tink so. I remember just after Mr. Fraser came he went through all the cheque stubs, and I got credited with all the amounts I had paid.

COMMISSIONER—I dare say you and your own firm understand how your books were kept, but it is hard for a stranger.

MR. WARREN—I understand that you made a mistake this morning, about the cheque paid to Ayre & Sons?

A.—Yes, that was paid by the firm, not by me.

Q.—How would that cheque be signed?

A.—By Miss Miller. R. A. Squires, per J. G. Miller.

Q.—I notice that there is no folio in these entries to show where they came from?

A.—No. Some may have come from the cash book, some may not. That would depend upon whether this book was written up at that time or not.

Q.—I want you to explain how the firm keeps a record in the firm's books of amounts paid by you, for instance to McNamara, out of your own account?

A.—Probably that money came back to me in the course of a week or a fortnight.

COMMISSIONER—It was probable that no account was kept.

WITNESS—I was probably reimbursed.

Q.—Your own Bank book might show that?

A.—My own book would be so mixed up that I could not myself tell you, unless I could get the deposit slips.

Q.—Did you keep them?

A.—No.

MR. WARREN—On February 22nd, it appears that McNamara was paid $1082.35, does that mean that McNamara was paid by the firm or by you?

A.—That means that McNamara was paid by me that amount, and that amount was probably re-paid to me.

COMMISSIONER—What I understand is that McNamara was paid, and that the amount ultimately came from the firm.

MR. WARREN—How would you be reimbursed?

A.—I would be reimbursed by cash or by credit to my account.

Q.—Now, how much was reimbursed by credit and how much by cash?

A.—It would be about half and half. Sometimes I did not get the whole amount in cash, but partly credit and partly cash.

Q.—When you say that you were paid in part by credit, then there must have been an account for you in the books to show your receipts?

A.—Yes.

Q.—Where is that?

A.—Those sheets would be in the vault, in the private drawer. I can bring them.

COMMISSIONER — Possibly we might like to see them.

MR. WARREN—You would then be credited in your account with this amount of $1082.35 in respect of McNamara?

A.—Unless I was paid so much in cash, then it would not appear in my account at all.

Q.—Surely if you gave a cheque for $1082.35 that would be credited to you in the books?

A.—Yes, but the books were not entered up?

Q.—Then it was not credited to you?

A.—No. I would give a cheque, and when I received reimbursement I would probably tick my cheque stub, and let it go at that.

COMMISSIONER—I wonder what would have happened if you had had the misfortune to die.

WITNESS—I understood that every cheque I gave was being credited to me, but I found out that that account was not entered. I went right through my cheque book with Mr. Fraser after he took charge.

MR. WARREN—Before Mr. Fraser came, in February you gave your own personal cheque to McNamara. Was there no note of that at all?

A.—The cheque would stand there.

Q.—But that was your own private cheque book?

A.—There would be an entry made in the cash book when I was reimbursed. That is if any cash was paid out to me.

Q.—How would they know how much to reimburse you?

A.—There would be my memo.

COMMISSIONER—What I hoped was that, as Miss Miller made a definite statement, the books of your firm would either correct it or confirm it. But the books are in a state of chaos.

MR. WARREN—You say that you gave a cheque for $1082.35, and the only reference to it would be a memorandum made on the back of your stub book?

A.—Yes.

Q.—You swear to that?

A.—Yes.

Q.—You think that it might be entered up afterwards?

A.—Yes.

Q.—So that from the evidence which we have now it was the practice to keep accounts of amounts paid out on the back of some ordinary book, without its going through the accounts. Then Mrs. Harsant may not be incorrect when she says that for amounts paid in, the only record was a note on the back sheet of some book?

A.—That may be.

Q.—So that it was not unusual then for amounts paid in or paid out to be noted in this way, so that they would not pass through the books?

A.—No. I might point out that there is one cheque here that has not passed through the books.

COMMISSIONER—I dare say there has been but I am sorry to say that the books do not enlighten me very much. I dare say you understand your own books; now after this keep better books. They do seem to suggest, however, and it is just fair that I should state, that the inference that Miss Miller drew yesterday was not right, that the monies were paid or that some monies were paid out to or on behalf of Brown before the money was received in respect of his loss from the Insurance Company. Is there nothing further we can do to-day Mr. Howley?

MR. HOWLEY—I would like to ask leave, sir, to take this ledger away again.

COMMISSIONER—I do not desire it. This was a matter that I was not anxious to embark upon at all; but as it was suggested that it involved serious imputations, I embarked upon it so that these imputations might be either confirmed or modified and it is only fair that I should say so. We shall now adjourn until Monday morning and I hope then that we shall go straight on.

Adjournment was then taken until 11 a.m. Monday.

THE COMMISSIONER—Mr. Howley I think the next move is with you.

Mr. Howley—I would like to present to you, sir, Mr. Merton T. Lewis of the New York Bar, a gentleman who acted as Attorney General for the State of New York during the war.

THE COMMISSIONER—I assume from your opening remark that he is associated with you on behalf of Sir Richard Squires. I shall be pleased to hear as I think it would be most advisable to hear him in the interest of his client.

MR. LEWIS—I desire to say a word, sir, just to express my appreciation of the courtesy that has been so generously afforded me and I trust that I shall be some help in developing the facts in this case.

THE COMMISSIONER — The what we look for, assistance from the Bar.

MR. HOWELY—Before proceeding further might I be permitted to refer to an erroneous newspaper report of Thursday's proceedings, erroneous as much as it completely misrepresents on the questions which I put before you.

THE COMMISSIONER—I would like to know what authority I have for the newspapers?

MR. HOWLEY—I do not propose to suggest that you have any sir.

THE COMMISSIONER—I do not know whether I have the right to commit them for contempt, have I?

MR. HOWLEY—I would ask with your permission, sir, to have it appear on the records with a view to having prompt corrections made.

THE COMMISSIONER—I think I had better address yourself to the newspapers and ask them to make corrections. I have no authority to make them make corrections and I do not think I am concerned in the reports.

MR. HOWLEY—The Attorney General stated at the opening of the inquiry that it was the intention to furnish daily the newspapers an official report of the proceedings.

THE COMMISSIONER—I think the newspapers had their own reporters here. I do not know of any that they got of an official nature. I am unconcerned as to how the newspapers obtained their information or as to how they used the information.

(Continued on page 7).

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