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

(Continued from page 5).

authority by the Bank nor did you cancel it yourself. Is that the position?

A.—I do not remember.

Q.—Will you tell us whether the stamp on the back of the endorsement that was cancelled was put on after its return to you, or was it put on by the Bank before its return?

A.—It must have been put on before its return.

Q.—Would not this in the usual course of business be returned to you at Wabana, after having been dishonoured at St. John's a couple of days?

A.—Yes.

Q.—And upon its return to the Bank at Wabana what would be the course then?

A.—It would be returned to us.

Q.—Was it returned shortly after and during the month of April?

A.—Likely it would be returned during the month of April.

MR. LEWIS—You say it would likely be returned; but was it?

A.—It must have been.

Q.—Would it be returned with the statement at the end of April?

A.—It would likely be returned separate.

Q.—Would it be held and returned with the vouchers?

A.—No.

COMMISSIONER—I do not see any reason why the Bank should do that? The Bank might have got itself into very considerable difficulties if they did not give you those notes or dishonoured cheques?

MR. LEWIS—If the Bank had forwarded it for collection and it was presented for payment at the Bank in St. John's and payment had been refused, would it not have been the duty of the St. John's Bank to protest this note?

COMMISSIONER—I should have expected the Bank to send it back to the person who sent it in and give him notice at once that the cheque had been dishonoured.

MR. LEWIS—My understanding of the law of negotiable instruments is that a document presented at any Bank for payment has to be paid.

COMMISSIONER—But if the Bank say "No Funds".

MR. LEWIS—But if in the meantime an individual had given you a cheque upon his account and you had endorsed that cheque and forwarded it for collection on the Bank to which it was drawn, and that Bank then find it to be of no value, would you expect it to be protested?

COMMISSIONER—That is another matter. I am not talking about that.

MR. HUNT—I don't think, Mr. Lewis, that the practice you referred to is the practice here.

MR. LEWIS—Perhaps, I am wrong then.

Examination in Chief of Asst. Manager of Bank of Nova Scotia.

CHARLES FROST (Sworn).

Examined by Mr. Howley.

Q.—Mr. Frost, I think you are of the Bank of Nova Scotia?

A.—Yes.

Q.—What is your position there?

A.—Assistant Manager.

Q.—I think you can produce the account of Sir R. A. Squires in that Bank during the period between August and December 1920.

A.—I can produce a memorandum which I made of that account.

Q.—Have you the memorandum there?

A.—Yes.

Q.—Are those copies of entries in your books?

A.—Yes.

Q.—Hove you examined the copies with the originals?

A.—Yes.

Q.—And they are correct?

A.—Yes.

Q.—Were those entries at the time that the transactions were recorded?

A.—Yes.

Q.—Have you a spare copy of it?

A.—I have it in duplicate.

Q.—I will just take you through them separately. What is the first one in order of date?

A.—My first one is on August 3rd, 1920, and the number D. 3037.

Q.—Any other particulars?

A.—The amount is $5973.75.

COMMISSIONER—Is that paid to R. A. Squires' account that day?

A.—Not the exact amount. The proceeds of that draft.

Q.—I do not quite understand.

A.—I mean that the draft is a thirty days draft and it was discounted.

Q.—It was paid subject to discount?

A.—It was paid at once subject to discount. $5932.88 was credited on August 3rd.

MR. WINTER—By whom was it drawn?

A.—According to this it was drawn by Squires and Winter, per R. A. Squires, per J. G. Miller.

Q.—Payable thirty days?

A.—Yes.

Q.—Drawn on whom?

A.—Dominion Iron and Steel Company, Ltd.

COMMISSIONER—In your books, I understand $5933.88 is credited to R. A. Squires. Do your books state that that is credited by reason of a thirty days' draft drawn by Squires and Winter, per R. A. Squires, per J. G. Miller?

A.—That is not in the books.

Q.—All that is in your books is that the account of R. A. Squires was credited with the sum of $5933.88 on that date?

A.—$5932.88.

Q.—Is this the only item that appears in your books?

A.—The number of the draft appears. Number D3057. That is the same number that is on the draft.

COMMISSIONER—Let me have a look at the draft. Yes, that D3037 appears on it. Does the date appear in the books?

A.—Yes. It is dated August 3rd, 1920.

Q.—Does the name of the drawer appear in the books?

A.—It appears in the books as Squires and Winter.

Q.—But per R. A. Squires, per J. G. Miller, does not appear in the books?

A.—No.

MR. WINTER—Does anything else appear in the books?

A.—Thirty days' draft, drawn on the Dominion Iron and Steel Company, Ltd. And it appears that the proceeds of the draft were credited to the account of R. A. Squires on August 3rd, 1920.

Q.—Does the initial for it appear in the books?

A.—No.

Q.—Does the existence of an overdraft appear in the books?

A.—In the account of R. A. Squires I have taken a note of the overdraft on August 3rd., at the commencement of the day, and at the closing. At the commencement there appears an overdraft of $11,194.06.

Q.—And it was reduced by this amount?

A.—Yes.

Q.—To how much?

A.—$5261.17.

Q.—Then this was put to the credit of that account?

A.—To R. A. Squires' account.

COMMISSIONER—What I wanted was not merely to have notes taken, but to have copies of entries in the account.

WITNESS—I have gathered this from six or seven different books. I could not very well make a copy of them.

COMMISSIONER—There is a certain statute which allows copies of entries in Banker's books to be produced in evidence, to relieve bankers of the necessity of bringing all their books to Court. That allows them to bring copies of entries in the ordinary books of the Bank, but it does not allow people to go and make just what extracts they please but only allows them to bring copies of entries. Is not that so Mr. Attorney?

MR. WARREN—As I take it, there are copies of entries in the books.

WITNESS—There is certain information that is not copied from entries.

COMMISSIONER—I want you to give me only what appears in the books. What you have just told us is from copies of entries in your books with respect to this draft?

A.—Yes.

Q.—Does that contain all the entries?

A.—Yes.

COMMISSIONER—I shall take it at present. You can cross-examine about it hereafter, and it may be that you will desire to see more of it.

MR. WINTER—What is the next one?

A.—It is dated August 10th. The number is D.3164, the amount $4000. Draft of R. A. Squires, payable on demand.

Q.—Does it say whom it is drawn on?

A.—J. J. Miller of Bell Island.

Q.—That is credited to R. A. Squires' account on that day?

A.—There is an entry on August 10th. 1920 in R. A. Squires' account. Credit $3990.00, charges deducted $10.00.

Q.—Is that a bank charge?

A.—Exchange.

Q.—Are there any other entries?

A.—At the beginning of August 10th. 1920 there was an overdraft of $3697.96 which was covered by the proceeds of this bill.

Q.—Exactly covered?

A.—No, there would be a balance to the credit of the account.

Q.—Those are all the entries relating to that?

A.—Yes.

Q.—What is the next one?

A.—Dated August 14th 1920, number D 3238, amount $5000.00, drawn by R. A. Squires on demand. Drawn on J. J. Miller, Bell Island. In the account of R. A. Squires there appears an entry on August 14th, 1920, credit $4990.45. Bank charges $9.55. At the beginning of August 14th there was an overdraft of $2797.45, which was covered by the proceeds of this bill.

Q.—That is all of that?

A.—Yes.

Q.—What is the next one?

A.—Draft dated August 16th, 1920, number D 3250, amount $5000.00 draft of J. J. Miller payable on demand, drawn on the Dominion Iron & Steel Company, Limited, endorsed by R. A. Squires. The proceeds were credited to the account of R. A. Squires on August 16th 1920, being $4987.10. And at the beginning of August 16th. 1920 there was an overdraft of $3196.12.

COMMISSIONER—Which was again covered.

A.—Covered.

MR. WINTER—And the next one?

A.—The next one is a draft dated August 17th 1920, number D 3269, amount $2,000.00, and drawn by R. A. Squires, payable on demand ,drawn on J. J. Miller. There is an entry in the account of R. A. Squires on August 17th 1920, credit $1995.85.

Q.—Anything else appear in the books?

A.—That is all that relates to that draft.

Q.—Was there any overdraft at that time?

A.—There was no overdraft that day.

Q.—What is the next one?

A.—I have here a memorandum of a note, number L 5067, dated August 16th, 1920 for $20,209.30.

COMMISSIONER—I see 5067 on the top of this, but I don't see L or any other letter?

WITNESS—I should not expect to find that letter there.

Q.—The letter was put there in your records for the purpose of distinguishing a different class of transaction?

A.—A different class of bill. According to the record it is signed by the Dominion Iron & Steel Company, Limited, payable sixty days after date, and endorsed by R. A. Squires. It is drawn August 18th, 1920, and under date of August 28th 1920 there is an amount credited to the account of R. A. Squires of $20,039.85, which is the proceeds of this note, less interest and charges $169.45.

COMMISSIONER—Have you any more.

MR. WINTER—Are there any notes charged to the account at all?

A.—Yes, there are two notes charged to the account on that date in our books?

Q.—What are they?

A.—There is a note marked "Daily Star note" due August 19th, 1920, the amount is $13,704.30, and there is another entry marked "Mursell note" due on August 14th.

Q.—For what amount?

A.—$6000.00.

Q.—These would be on the debit side?

A.—Yes.

Q.—What is the next one?

A.—Number 5093.

Q.—That is a draft, is it not?

A.—Yes. Dated Nov. 27th, 1920 for $1500. Draft of R. A. Squires drawn on J. J. Miller. Payable Nov. 26th, 1920, without grace. There is an entry in the account of Sir Richard Squires on Nov. 29th, 1920, of $1496.25 being the proceeds of this bill.

MR. WINTER—Would you mind repeating the amount?

A.—$1500. Charges $3.75. Proceeds $1496.25.

Q.—Is there anything against the account?

A.—The account was not overdrawn at that date.

Q.—What is the next one?

COMMISSIONER—That is the list, is it not? Those are correct entries that is copies of entries from your books?

A.—Yes.

Q.—When did you enter the St. John's office?

A.—1914.

Q.—And you have been in the bank here in St. John's since 1914?

A.—No.

Q.—How long have you been in St. John's?

A.—Since 1921.

Q.—And these transactions took place before you were here?

A.—Before I returned to St. John's.

Q.—When did you check these up?

A.—The day before yesterday.

Q.—Did you ever check them up before that?

A.—No.

Q.—Do you ever remember checking them up, or talking about them with Mr. Meaney?

A.—No.

COMMISSIONER—We don't know the exact amount that entered Sir Richard Squires' account. Do any of you gentlemen wish to cross-examine this witness.

MR. LEWIS—I don't want to ask him any questions, but I think Mr. Howley may want to.

MR. HOWLEY—Yes, with reference to the other branch of this enquiry, into the Liquor Control Department, which has not closed.

COMMISSIONER—I hope it is not the Brown matter.

MR. HOWLEY—No, it is not the Brown matter?

Cross-examination of Mr. Frost by Mr. Howley.

Q.—Mr. Frost, do you recollect and account in your books in 1921 known as the L. R. Curtis trust account?

A.—I remember there was an account there.

Q.—Do you recollect if you had any written instructions from any person with regard to that account?

A.—I remember that there was a certain document on file regarding the operation of the account.

A.—Yes.

Q.—Is that a copy?

A.—Yes.

(Continued on page 7.)

BILLY'S UNCLE — The Patient Got Up Too Soon. — BY BEN BATSFORD