

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

(Continued from Page 11.)

A.—In the one I best remember I appeared for the Plaintiff.

Q.—In what Court?

A.—The Supreme Court. I have done some Magistrate's Court work also.

COMMISSIONER.—I suppose you were called before you were admitted, you had some form of tutelage.

WITNESS.—I was called to Sir Richard Squires?

Q.—How long?

A.—Five years.

Q.—But your experience during that period would only be by observation. Actual experience you did not get until you became qualified?

A.—No.

MR. LEWIS.—Since you became a solicitor and entitled to try cases, you have tried, you think, only two?

A.—There have been only two cases really which I have conducted on my own. I have been associated with others in some cases.

Q.—Now, was there a time within the last two or three or four days when you received a telephone call from the Attorney General?

A.—Yes.

Q.—Can you tell us when that was?

A.—Sunday evening between a quarter of six and six.

Q.—Could you tell us that conversation?

A.—Mr. Warren telephoned and told me that he, the Attorney General, was speaking, and that Jim Miller had just been to see him, and he had made an extraordinary statement, as a result of which he was going to have to call me as a witness. He thought, however, to do me the personal courtesy of letting me know, and he asked me if there was anything in it there was any truth in Miller's statement. I told him I could not say whether or not there was any truth in Miller's statement until I had heard it. He told me the statement was of such a nature that he could not give it over the telephone, but that he would not mind telling me, or something to that effect.

COMMISSIONER.—If it was the statement that I read I think he was quite right in not repeating it over the telephone.

WITNESS.—I told him he could let me know to-morrow some time, and he told me that time was getting short, and that he might not have an opportunity of telling me to-morrow. I told him I had no intention of appearing against Miller, but if he called me I would have to come.

COMMISSIONER.—Your presence is more or less compulsory. You were ordered to come.

MR. LEWIS.—Now, after your talk with the Attorney General on Sunday evening, what did you do, if anything, in connection with the matter?

A.—After evening service I went to Sir Richard's house, and told him that I believed the Attorney General was going to call me in relation to some statements made by Miller.

Q.—And did you have with you at the time you went to the house this document which you have produced here in your own handwriting dated December 20th?

A.—No.

Q.—Where was that document at that time?

A.—Sir Richard had it.

Q.—Did he have it at his house?

A.—At his house.

Q.—And he produced it and delivered it to you?

A.—At my request.

Q.—Had you seen it prior to that time since you gave it to Sir Richard Squires?

A.—No.

Q.—You discussed the matter with me that Sunday evening, did you not?

A.—Yes.

Q.—And I told you to reserve this document and submit it to this enquiry?

COMMISSIONER.—I don't think we can have the instructions which are given by Counsel to a witness.

MR. LEWIS.—You produced this pursuant to my instructions?

A.—Yes.

MR. LEWIS.—I show the witness a typewritten statement and ask him to read it.

COMMISSIONER.—Have you read it?

A.—Yes.

MR. LEWIS.—Have you seen that paper, or a paper identical or substantially identical with that in the hands of Mr. Miller?

A.—What do you mean by substantially identical?

Q.—At the time the preparation of the evidence was under way for submission to Mr. Hunt—in other words, that is a copy of Mr. Miller's statement?

A.—No, it is not a copy as I saw it.

Q.—Very well, I don't care to go any further with the matter. I do not know anything about it. Had you, Mr. Curtis, discussed the paper dated December 20th with Sir Richard from the day that you delivered it to him till Sunday evening last?

A.—No.

Q.—Did you see it after that time?

A.—No.

Q.—Did you see Mr. Miller alone in the private office of the Newfoundland Coal and Trading Company?

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A.—Yes.

Meany indicate in any way that he had an appointment with you?

A.—He told me that Mr. Miller had asked him to see me.

Q.—And he then took charge of the conversation?

MR. LEWIS.—Is there anything in that conversation to which you testified yesterday that you did not remember then but now recall?

A.—I would really have to see what I said yesterday to answer that question.

COMMISSIONER.—I will just remind you of the heads of it. Reads from notes.

WITNESS.—Did I not say something about his having political ambitions. He said that he did not want to be down and out with Sir Richard Squires, and he felt that he might participate in the next election as one of his best friends and political supporters, and that he might have a cabinet position.

MR. HUNT.—Did he say in whose cabinet?

A.—Sir Richard Squires.

MR. LEWIS.—Do you recall anything else in that connection, Mr. Curtis?

A.—I did not hear the Commissioner reading it. He said something about trusting Sir Richard.

Q.—What did he say about trusting Sir Richard?

A.—He said that Sir Richard Squires was the one man in politics he would trust to-day. I can't remember anything further.

COMMISSIONER.—It is much the same as you have told us before.

MR. LEWIS.—I want to ask you this question. Did you at the time you went to the office of Mr. Miller and had consultations with him—did it occur to you that the invitation that came from Mr. Meany through Mr. Miller to you was extended in good faith or in bad faith?

A.—Mr. Meany had asked me to see him and I saw him and I did not really give the matter of good faith or bad faith any thought.

Q.—You did not give it any thought?

A.—Except that Mr. Miller had asked me to go.

Q.—And Miller had been your client and you had acted for him professionally, and you were good friends, and on cordial relations with Mr. Miller at the time?

A.—Yes.

Q.—The only question of any possible abandonment of a section of the account had reference to the Liquor Control section?

A.—Yes.

Q.—And Miller was not interested in that himself in any way?

A.—Except that his sister was in it.

Q.—But how did you get the impression that he was afraid himself?

A.—He was afraid that Meany might injure his sister.

Q.—That was what you understood he was afraid of?

A.—Yes.

MR. LEWIS.—Did you ever, during the various calls of Mr. Miller at your office have any doubt of his good faith in the matter of seeking your advice on the subject?

A.—No.

Q.—When he acquainted you of the invitation conveyed to you by him from Mr. Meany, did you have any doubt of the invitation of Mr. Meany so conveyed?

A.—Yes.

Q.—What was there in connection with that doubt. How did that arise?

A.—I never particularly trusted Mr. Meany, anyway.

Q.—Any more at this time when the invitation to call upon Meany came than you had?

A.—The conversations in that relation sort of made me suspicious.

Q.—Before you went, did you have those suspicions?

A.—I had had that conversation with Mr. Miller.

Q.—You had a real definite business purpose in calling upon Mr. Miller at his office that day?

A.—Yes.

Q.—And that was to procure the execution by him of a legal document which you had yourself previously prepared, and which was ready for execution at the time?

A.—Yes.

Q.—And prior to its execution had there been anything said to you on that day or while you were at Miller's office on that day as to a meeting with Meany?

A.—Yes.

Q.—When was that said on that day?

A.—During the morning.

Q.—Had Mr. Miller called upon you during the morning at your office?

A.—Yes.

Q.—And had he invited you to come to his office to have the paper executed?

A.—No.

Q.—No, he asked me to come to the office to see Meany. But I also told him that I would have that document ready.

Q.—Was it not ready when he was at your office?

A.—No.

Q.—And you told him it would be completed when you went to see him?

A.—Yes.

Q.—Did you find Mr. Miller alone in the private office of the Newfoundland Coal and Trading Company?

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Howley would care to suggest any objection.

COMMISSIONER.—I should not make an order without considering if you have any objection to raise.

MR. LEWIS.—I have only for the moment seen the statute.

MR. HOWLEY.—Whilst under the Act, which my learned friend has referred to in the course of his application, there is apparently no reason why such an application should be anything but an ex-parte application; I should like to point out that so far as we are concerned any bank entries in any of the banks that can in any way have any connection with the object of this enquiry, we shall be prepared to give the full details of but we do say and say most urgently and emphatically that the private and personal transactions of Sir Richard Squires with these banks, that cannot in any way be admissible and ought not to be the subject of enquiry and investigation.

COMMISSIONER.—It won't.

MR. HOWLEY.—It has been asked for a general inspection in all the accounts in the banks.

COMMISSIONER.—I quite follow your willingness to have the entries produced which have bearing on the matter, but how are the other side to be able to do that matter unless they have seen the entries to judge for themselves.

MR. HOWLEY.—I shall be prepared to say that I shall be prepared to submit to you and your learned friends, out of court, our entire bank statement and let them select such items as they think admissible.

COMMISSIONER.—That is all they will do; only they will get the statement from the bank direct and look through it to have an opportunity of asking questions about the items which they think may be relevant. That is much the same as you suggest.

MR. HOWLEY.—I have no objections to that point at all.

COMMISSIONER.—Of course every one will hope that no unnecessary prying into Sir Richard's affairs will take place. I think it is only fair that he should be protected from prying into his private business. I shall keep a strict watch on that myself. I don't quite see how they could deal with the matter unless they have a full account before them. Suppose I were to subpoena the bankers to bring the account; it would be the same thing. I should have to do it, shouldn't I? I think this is the most convenient form of order and we must all of us be on the watch that no prying into Sir Richard's private affairs is done.

MR. HOWLEY.—This may be the most convenient form of order if it were necessary. But I submit that the furnishing of those statements is not necessary, and I submit further merely as a technicality that this Act is not applicable to the present proceedings. Section 5 says:

"On the application of any party to a legal proceeding, a court or judge may order that such party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of such proceedings."

MR. HOWLEY.—In the first section, the section containing the various definitions, we are told that:

"The expression 'Court' means the court, judge, arbitrator, persons or person before whom a legal proceeding is held or taken."

COMMISSIONER.—I am not to be found there. I quite agree. You must find me in the act of parliament which gives the Governor the power to call the commission. What are the terms of that Act?

MR. HOWLEY.—I don't question that at all. We have not a public Enquiries Act. I don't question the power in the ordinary course of a commission.

COMMISSIONER.—The Act is made that gives me power to make that order under the Banker's Act.

MR. HOWLEY.—I submit that the application is—

COMMISSIONER.—It depends upon that Act and we cannot get on without that Act. I want to see what the power are.

MR. WINTER.—I think it is in this Act itself.

"The expression 'legal proceeding' means any civil or criminal proceeding or inquiry in which evidence is or may be given, and includes an arbitration."

COMMISSIONER.—Isn't this a civil enquiry, Mr. Howley. It is an enquiry, I hope it has been a civil one.

MR. LEWIS.—There has been some evidence of criminal.

COMMISSIONER.—I have no hesitation in saying that it is not a criminal enquiry.

MR. HOWLEY.—In the technical sense I don't think it is a civil enquiry.

COMMISSIONER.—What do you think would come under the head of civil enquiry?

MR. HOWLEY.—I think there is an expression in the Act which distinctly indicates in your what is contemplated by a civil enquiry and that is arbitration.

COMMISSIONER.—Far from it, being the same as arbitration, arbitration is mentioned in addition to it.

COMMISSIONER.—You want something different from arbitration, outside arbitration, what kind of a thing could you suggest to me would be meant by a civil enquiry other than this. I am very much impressed with the idea of whatever put in the word

"enquiry" in addition to the word "arbitration" and I find great difficulty in thinking they meant to exclude such an enquiry as the present. I come within the expression "court" and I am entitled to make this order. I thought further that the Act should provide when these enquiries are taken, for the summoning of witnesses and the taking of evidence like this.

Act quoted which given the Governor power to have a commission or enquiry.

That seems that the Governor can by the commission confer these powers. Now the Commission will say what powers the Governor did confer upon me.

Reads from Royal Commission.

"That is pretty wide. I am entitled to enquire into all matters by legal means. I think one of the legal means is by making this order."

MR. LEWIS.—Will you honour me with a suggestion in view of this word

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