

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

THURSDAY, Jan. 17th.

Cross-examination of Sir Richard Squires (continued).

COMMISSIONER—He has told you that there was a letter of credit account in the Canadian Bank of Commerce in the year 1921.

MR. WARREN—I did not pursue any cross-examinations yesterday because he did not know whether there was a letter of credit account or not. Now he says that he had one in 1921. There was a letter of credit account, but what was the nature of that account?

MR. HOWLEY—I do not want to deprive my learned friend of getting any information, but I have pointed out that I expressly asked him yesterday whether he wanted any particulars, and he told me that all he wanted to know was whether there was a letter of credit account or not. Is not that your recollection?

MR. WARREN—Not at all. I spoke to Mr. Howley across the table whether there was a letter of credit account, and if there was to get particulars of it.

MR. HOWLEY—I think the only question was "was there a letter of credit account?"

MR. WARREN—If you have not got the particulars I am afraid we must have them. There is now a request made for particulars.

WITNESS—I will be glad to get them.

MR. WARREN—What was the nature of that account?

A—I cannot give you any particulars about it at all, but I can get them at the Bank.

Q—Who started that account?

A—I cannot give you any particulars about it at all. I do not remember about it at all. Mr. Howley asked me to find out if there was an account or not, and I found out that there was, and I have told you that I would be glad to get the particulars if they were wanted.

Q—Who started that account?

A—I have not any idea whatever.

Q—So a letter of credit account was started in the Canadian Bank of Commerce in your favour, and you do not know who started it?

A—I do not know who opened that account, but I will be glad to find out for you.

Q—You had a letter of credit account for 1921?

A—I think the letter of credit account was probably from 1921 to 1922.

Q—Did you have a letter of credit account for 1922?

A—I do not require as to dates.

Q—Did you have a letter of credit account for 1922?

A—I told you that I had an account in 1921 which I think was continued to 1922, and I can ascertain the exact dates at the Bank.

Q—When you ascertain that can you get a copy of the account so that we can see where it began and where it ended?

A—Certainly.

Q—Did you draw any cheques on that letter of credit account?

A—I do not remember any cheques specifically marked Letter of Credit Account.

Q—Would there be any debits against that account?

A—I have not looked at that account at all.

Q—Who had authority except yourself to draw cheques on it?

A—Probably nobody. It is possible that as Miss Saunders had a Power of Attorney for the Canadian Bank of Commerce, she would have had power to draw on any account in the Canadian Bank of Commerce. Miss Saunders had a general Power of Attorney

A—In 1921 I left Newfoundland in August.

Q—Will you answer my question?

A—If there was a letter of credit account opened I suppose it would be opened in connection with drafts against letter of credit?

Q—Why not on this separate account?

A—It is probable that when I was going away in August I would open a letter of credit account. The practice in letters of credit is, when you go into a Bank or Hotel who hand the letter of credit to a clerk, who enters on the letter of credit the amount you want, and you sign a draft for that amount. The letter of credit is your identification.

Q—Why did you open a letter of credit account?

A—It would be because I was going away, and I would need funds during my absence, which funds I would get on letter of credit in accordance with the above explanation.

Q—You opened a letter of credit account because you were going away?

A—I have no particular recollection of any occasion on which I opened an account.

Q—I was only asking you why you would open it, and you said you would open a letter of credit account because you were going away so that you would have something to draw against.

A—Yes.

Q—And you do not know who opened the account?

A—I do not know whether I opened it personally or not.

Q—Do you know if the account was financed by anyone except yourself from time to time?

A—I can't tell you. I can find out from the Bank records.

Q—Do you know whether anyone else except yourself ever financed that account?

A—I can't tell you.

Q—Do you know whether that account increased between 1921 and 1922?

A—I cannot tell you that?

Q—Can you find that out?

A—I shall be glad to.

Q—If you did not open it yourself do you think could have opened it?

A—I cannot tell you that. I do not know that.

Q—You are not sure who opened it, but if you did not open it yourself who do you think could have opened it?

A—It might have been opened by Miss Saunders.

Q—Was it possible that it might have been opened by anyone except yourself and Miss Saunders?

A—I would not think it probable.

Q—It is improbable that it was opened by anybody else except yourself or Miss Saunders?

A—Yes.

Q—Is it improbable that anybody else except yourself and Miss Saunders made deposits to that account?

A—I can give you no information as to who made deposits.

Q—It is possible that anyone else except yourself and Miss Saunders could make deposits to that account?

A—It is not impossible.

Q—Then I take it that somebody else might have, with or without your knowledge. Do you know if the Bank had any instructions to deal with Miss Miller about that account?

A—I have no recollection.

Q—The fact that I can't remember means that you can put any construction you like upon the answer. All I know is that I do not know anything about it.

Q—You do not remember whether the Bank had any instructions to deal with Miss Miller in the matter?

A—No.

Q—Do you know if the Bank did deal with Miss Miller in the matter?

A—I have no knowledge, but you can find that from the records.

Q—Have you ever heard it?

A—I have no recollection whatever.

Q—Would it be a matter of great surprise to you to find that the Bank was dealing with Miss Miller with regard to this letter of credit account?

A—No. I would not be particularly surprised at anything.

Q—Nor I. Would you be surprised if you heard that the Bank was dealing with Miss Miller about this letter of credit account in 1922?

A—No. I would not be surprised at any transaction whatever arising in connection with it.

Q—Why would you not be surprised?

A—Because from the multitude of dealings of one sort and another that I have discovered during the last few weeks anything may have happened in connection with any of my accounts. That is why it would not surprise me.

Q—Would you have been surprised when you came back from your trip?

A—No. I would not. Just as I was not extremely surprised when she alleged that she had given me monies personally.

MR. WARREN—Sir Richard, Miss Saunders could not draw any money out of that account?

A—No, because she had no power of attorney.

Q—But still there was nothing to prevent her putting money in? Do you know if she ever paid any money into your letter of credit account?

A—I don't remember but I could find out for you.

Q—I am asking you, did you know

whether Miss Miller paid any money into that account?

A—I have no recollection of any conversation with her.

Q—I didn't ask you if you had any conversation with her, I asked you whether you knew, on your oath, do you know whether Miss Miller paid any money into the Bank of Commerce to your letter of credit account?

A—I cannot swear that because I have no recollection of my payments.

Q—Under general or specific?

A—No, neither general nor specific.

Q—If the Bank was dealing with Miss Miller in your letter of credit account in 1922 was it with your authority?

A—If Miss Miller was dealing with the account it would not be with specific authority, but if she paid them it would be on the records.

Q—You didn't think, if she made deposits to your letter of credit account in 1921 or 1922, now go on what were you going to say?

A—I do not know of any specific deposits made by Miss Miller for my letter of credit account for me. I shall be glad to get it from investigation.

Q—If the bank dealt with Miss Miller over your letter of credit account in 1922, was it with your authority, did you know?

A—I don't remember any dealings with that letter of credit account with which Miss Miller was connected, there may have been some.

Q—There may have been some? Surely it was a private account of your own?

A—It would be a private account against which I could draw on letter of credit.

Q—This is in 1922 and you say Miss Miller may have had something to do with it?

A—I am not saying she didn't; I say I have no recollection.

Q—Is it likely that Miss Miller could deposit, she could not draw against it, is it likely that she could deposit, not to your ordinary account but to your letter of credit account, without your knowledge?

A—It is quite possible that I would have no knowledge of any specific deposits which were made.

COMMISSIONER—Would she deposit political funds to that account?

A—I don't know.

Q—Ought she have done so?

A—I don't know.

Q—It was a strict letter of credit account you ought to know it.

A—I cannot tell you that but I can find out. When Mr. Howley informed me that you wanted to know if there was a letter of credit account, I first found out if there was one.

Q—I don't expect you to know when it began, but I should think you ought to know if there had ever been one.

A—I had no special account book or cheque book for any letter of credit account.

Q—It was a private account?

A—I could not say whether it was private or not but I could find out for you.

MR. WARREN—You mean to say, your letter of credit account was private or not?

A—I don't know if the moneys that went into the letter of credit account were private or political. I cannot tell you.

Q—Do you know if any personal amounts were drawn against your letter of credit account?

A—No, but the original letter of credit can be produced, showing everything debited and the bank will have an account. It is all a matter of record.

Q—Do you know who the Bank was dealing with, with regard to any of your accounts in 1922. Suppose you were overdrawn to whom would the Bank send a notice?

A—To me.

Q—I think I shall have to ask you, were you overdrawn?

A—I cannot tell you that without

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reference to the bank book. If I was overdrawn on the Bank of Commerce, I would get a telephone message from the Manager, saying that my account was overdrawn and asking me to make a deposit.

Q—Do you ever recollect having received a telephone message?

A—I have no recollection of it. I may have.

COMMISSIONER—It would be telephone to the office I suppose?

A—They would telephone to me wherever I was.

Q—Wouldn't it be to the law office?

A—No, not necessarily it would be to R. A. Squires personally.

Q—Supposing you were away? We have a list of your absences and I think they run over several months?

MR. WARREN—That is the question that I wanted to ask.

A—I think they might telephone to Miss Saunders, as she was the only one who had a power of attorney. They might phone my law office.

MR. WARREN—If Miss Saunders was the only person who had a power of attorney then she was the only one except yourself who could take money out but anyone could put it in. Might they have telephoned Miss Miller?

A—She was not there in 1921 and 1922. Not from July 1921.

COMMISSIONER—She was not a fixture there but I suppose she went there sometimes in connection with the insurance business if for nothing else.

A—I think Mr. Fraser said he did not see her in the office after July or August.

Q—But she has told me that she did go there frequently. She might have of the telephone message and pay anything in. Suppose Miss Saunders did it and was not in a position to pay it in. She might ask Miss Miller?

A—I don't think it is likely that she would.

COMMISSIONER—The money had to be got somewhere; unless the money was found there would be a deadlock.

A—I do not think so. I think the accommodation would be found.

Q—I daresay they did not telephone you until the account had been some time overdrawn. They would not telephone you until they thought the condition was becoming serious?

A—Or at the end of the month or balance day.

MR. WARREN—Supposing your letter of credit account was overdrawn, would Miss Miller have any authority from you to deposit anything, any authority whatever?

A—No specific authority. If my letter of credit account was overdrawn it would be a debit against R. A. Squires' account.

Q—I mean 1922.

A—Suppose I had a letter of credit account and it was overdrawn and my other account was in credit; then they would transfer some of my other account to the letter of credit account.

COMMISSIONER—But the letter of credit account was overdrawn and the other one was overdrawn?

A—Then the bank would be looking for funds.

MR. WARREN—Do you know if the Bank ever appealed to Miss Miller to provide these funds in 1922?

A—I don't know.

Q—Do you know if she did provide the funds for your letter of credit account in 1922?

A—I don't know.

Q—Do you know if she did provide the funds for your letter of credit account in 1922?

A—I do not.

MR. HOWLEY—She has not said so; she has presumed to have accounted for all the moneys and there is no suggestion that she dealt with them in this way.

COMMISSIONER—Miss Miller is going to be recalled. The Attorney General does not know everything about the evidence of Miss Miller. I do not know if she is going to give fresh evidence or not. The witness says he does not know. It gives nothing against you at present. You say you don't know. You are prepared to stand by the account if it comes up.

MR. WARREN—I would like to say that this would have come up yesterday in the ordinary course of cross-examination.

COMMISSIONER—It would have then been open to the same observations yesterday. Under the circumstances which is not the same as a civil suit; I shall not disallow the question.

MR. WARREN—I have no further questions to direct to the witness on this particular concern but I think in view of what has taken place in regard to these accounts, I shall have to make application to you on Chapter 92 of our Consolidate Statute for the inspection of these accounts. The letter of credit account.

WITNESS—I shall be only too glad to go through them.

COMMISSIONER—The letter of credit account is kept in a different form; the original letter of credit is with the Bank.

A—I think so.

MR. WARREN—I have asked the clerk to subpoena Mr. Archibald, to have the letter of credit cleared up.

COMMISSIONER—I think if there is any doubt we will bring Mr. Archibald here.

A—I have no objection whatever be the best course. Now there are

to the fullest explanation.

COMMISSIONER—Any objection that is taken I shall consider it. I don't mean that by bringing the witness here I am going to shut you out to object to the evidence.

MR. WARREN—In view of that Sir, in view of the fact that Sir Richard is going to produce all these accounts I don't press my motion for inspection.

MR. HOWLEY—I understand if you are making a subpoena for Mr. Archibald, I think it is best to make the one thing out of it. Let the account be produced by the Bank of Scotia.

COMMISSIONER—I think that will be the best course. Now there are a few things I would like to question the witness upon.

Q—In August, 1920, when this matter seems to begin, you were leaving for England?

A—Yes.

Q—At that time you knew that two notes at any rate, totalling \$20,000 were shortly due?

A—Yes.

Q—And you knew that other claims on the firm's assets were likely to fall due?

A—Yes.

Q—Do you remember if you saw Mr. Glennie of the Bank of Nova Scotia, before you left?

A—I do not remember any interview.

COMMISSIONER—I think that will be the best course. Now there are you had not seen Mr. Glennie to put the matters in order?

A—I do not remember if I saw him or not.

Q—You probably did not?

A—I probably did not.

Q—She also told us that Mr. Glennie complained of that and complained that these matters were not provided for, the account being overdrawn. Was the account overdrawn?

A—It was overdrawn about \$5,000.

Q—That was the only account that those who were left behind could obtain supplies from?

A—Yes. A copy of it is in the possession of the staff.

Q—Have you got it here?

(Continued on page 5).

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