

## THE LAST REFUGE.

easier its grinding, and that it was unreasonable to expect them to invoke the criminal law. Notwithstanding this argument, Mr. Corley failed to act. Some time later I addressed the following letter to Mr. Kingsford, Police Magistrate:

31 Oriole Road, Toronto, 10th Feby., 1919.

R. E. Kingsford, Esq.,  
Toronto, (Police Magistrate.)

Dear Sir:—

I think it would be well for me to lay the case I have in mind before you in writing, rather than accept your kind offer of an interview. I may say that I have consulted Mr. Corley on this matter, and he admits that it would make an interesting case, but requests that I obtain a recommendation from my solicitors for its prosecution. My solicitors object to do this, saying that if the case is not made out, Mr. Corley will blame them for having prompted it.

On the 28th day of July, 1914, the Toronto Stock Exchange closed down in panic. On that day I had with Messrs. O'Hara and Co., of this city, some eight hundred shares of Hollinger stock, fully paid, besides funds in cash and credit balances. On that day O'Hara refused to deliver more than two hundred shares of Hollinger he held for me. And he refused to give me any money.

On November 2nd, 1914, by letter of that date, withdrew authority from O'Hara to deal with a certain sale of Montreal Power stock, yet in spite of this letter, O'Hara continued to pay out my money to meet the demands made by Messrs. L. G. Forget & Co., of Montreal. By letter dated 20th December, 1915, from his (my) solicitors I again repudiated O'Hara's dealing with Forget and other brokers in regard to several alleged sales of stock by O'Hara, but notwithstanding such repudiation, O'Hara continued to pay out my money.

On May 9th, 1916, I called on O'Hara and asked him to close out a sale in United States Steel open in my account. This O'Hara refused to do. I then wrote him protesting against this action, pointing out that it was plain plunder. Notwithstanding this letter, O'Hara continued to pay out my money.

In the autumn of 1918 O'Hara assigned to Messrs. Clarkson, with liabilities of approximately a hundred thousand dollars.

At the meeting of creditors Clarkson told me that forty thousand dollars had been lost by the bookkeeper and junior partner speculating and bucketting orders. Since then I learn on the best of authority that the bookkeeper by the use of dummy accounts, etc., was responsible for practically the whole of the insolvency of the firm. This man is by name \_\_\_\_\_.

It is a principle of law that:

1st. A client's money in a broker's hands is fiduciary.

2nd. A broker has no authority to deal with a client's money save by direction of that client.

I feel that in doing as \_\_\_\_\_ did should be theft. He was in complete charge of the office by my observation.

On the 16th of May, 1916, I went overseas in the Canadian Army, and a good deal of my losses through O'Hara occurred while I was away. I feel that if the payment of my money by O'Hara can be made theft that the Court may order restitution, therefore I ask that mine be made a separate case, and I feel that I am entitled to official sympathy. The man to see in Clarkson's is \_\_\_\_\_, an accountant. There is no doubt in my mind but that O'Hara or his man \_\_\_\_\_ is a criminal on other counts.

I have the honor to remain, sir,

Your very obedient servant,  
(Sgd.) W. H. P. JARVIS.

In due course I received the following reply:

18 St. Joseph St.,  
Toronto,  
18th Feb., 1919.

Dear Sir:—

I have spoken to Mr. Corley and shown him your letter. He tells me he asked you for details of the transactions you complain of which your solicitor might supply. He also told you to see the Attorney-General.

As soon as the particulars required and you have seen the Attorney-General Mr. Corley will look into your case.

It seems to me that you would be wise to let your solicitors supply the Crown Attorney in a professional way with the full details required. If a summons is asked for it must be requested in writing with sufficient material to enable the Crown Attorney to come to a satisfactory conclusion.