

THE THOMPSONS AGAIN IN COURT

The Evidence Given at the Special Session.

CASE OF JOHN EATON CO.

The Defendants Were Interested in Several Firms.

Transactions With the Bank of Toronto—The Purchase of the Thompson Company's Stock—Mr. Johnston Objects to the "Wholesale Shovelling in of Evidence" and to "Crazy Questions That Have No Bearing on the Case"—Arguments on Technical Points—Further Adjournment

The preliminary investigation of the fraud charge against Mr. A. Thompson, Boyce Thompson and T. C. Thompson promises to be a long-drawn-out affair. There was a special session of the Police Court yesterday afternoon and evidence was taken for a couple of hours, after which there was an adjournment until tomorrow.

Magistrate Kingsford was on the bench and the two defendants were in attendance with their lawyers, Messrs. F. B. Johnston, C. C. and H. E. Bidley.

Bank Transactions.

Mr. Cross, the accountant, took the witness box again and produced the statement of the affairs of the John Eaton Company and Crown Attorney Curry continued the examination upon it. Regarding a \$50,000 transaction with the bank Mr. Cross said that it appeared upon the company's books.

Mr. Curry: How does it appear on the books?

Mr. Johnston: This evidence, of course, Your Worship, is subject to my objection of Friday last.

Mr. Curry: I understand, Your Worship, that all the evidence given is subject to Mr. Johnston's objections.

The Crown Attorney resumed his examination, whereas Mr. Johnston objected on the ground that the transaction with the bank in no way affected the charge against the defendants, the case being entirely foreign to the matter.

Mr. Johnston continued that the issue was not to enter into the relationship between the Bank of Toronto and the John Eaton Company, Limited, and it was manifestly unfair and illegal to introduce transactions that had nothing to do with the charge against the defendants.

His Worship remarked that facts were what he wanted to get out and he would like to hear all the evidence. If at the conclusion he thought that any evidence should not be admitted, he would sustain Mr. Johnston's objections.

Mr. Curry said that the facts of the deal were brought out by the object of showing intent to defraud on the part of the defendants and he continued the examination of Mr. Cross who stated that on Dec. 3 the John Eaton Company, Limited, paid \$40,000 to the Army and Navy Company, \$20,000 to the Thompson and \$20,000 to Boyce Thompson.

"Can you tell where the company got the money to give cheques for such large amounts?" asked Mr. Curry.

"The bank seems to have discounted a note for the company," said Mr. Cross, and he afterwards stated that the thought the bill book showed that the note had been made by the company. The bill book, which was the only one in Mr. Cross' possession, was not produced, but was sent for. This book, however, showed nothing regarding the note, as it was not a bill book, but a note book, and as a consequence, the note was not produced and as a consequence, the note was not produced and as a consequence, the note was not produced.

"Is there anything which shows the amount of the goods sold, etc., taken over from the Thompson estate for \$45,000, as authorized by resolution of the company on May 22, 1895, and what liabilities were assumed?"

Witness had none of the books showing the transaction, but he did not tell "what portion of the \$45,000 was 'good' will." The transaction was, however, shown on the company's books.

The Purchase of the Thompson Stock. Mr. Curry went deeply into the transaction whereby the John Eaton Company, Limited, purchased the stock of the John Eaton Company, Limited, and he brought out that the shareholders of each company interested were:

Thomas Thompson & Son Company, Limited—Thomas Thompson, Boyce Thompson, T. C. Thompson, Thomas Bell and Charles Booth.

The John Eaton Company, Limited—John Eaton, Richard Baker, Harlan Walker, H. E. Bidley.

Army and Navy Company, Limited—W. A. Thompson, R. Baker, W. A. H. H. band, J. McGregor, Lizzie Thompson (in relation of the defendants) and a dozen or fifteen small shareholders.

Mr. Curry commenced to read the minutes of meetings of the John Eaton Company, Limited, from its commencement, whereas Mr. Johnston arose and thought there "should be a reasonable limit to this wholesale shovelling in of evidence," and he thought His Worship should decide what evidence had a bearing upon the case. The only money that was accounted for was that which was got from Mr. Curry in June, 1897, and in connection with which the Thompsons were charged with defrauding their creditors.

A long argument followed, during which Mr. Johnston referred to "crazy questions that had no bearing on the case."

The Warehouseman's Evidence. Robert Carrie, warehouseman, was the next witness, and Mr. Curry's first question was: "What dealings have you had with the defendants since May 19, 1897?"

Mr. Johnston again objected, but His Worship allowed Mr. Curry to ask the question. Mr. Carrie said that his dealings with the John Eaton Company, Limited, were in June, 1897, when the company was represented by Boyce Thompson, who did business with him. No other member of the firm saw him in the matter at that time, but at the subsequent dealing the firm was also represented by Mr. G. Bell, who was a confidential man of the company.

They were as follows: June 9, 1897, payable to John Eaton Company, Limited, \$1,000.19, endorsed by John Eaton Company, Limited, Boyce Thompson, Director; June 21, 1897, payable to John Eaton Company, Limited, \$1,417.26, endorsed by John Eaton Company, Limited, T. C. Thompson, Director; June 25, 1897, payable to cash, or bearer, \$623.26, money paid to Mr. Bell; July 8, 1897,

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Speaking of the climate in this country, Mr. Masenik said that he had never seen it while in Cleveland than he ever did in his own country. As it is winter there now, he was somewhat surprised to find that in America to encounter a temperature of 47 degrees in the shade.

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Speaking of the mining, Mr. Masenik said that miners get from \$20 to \$80 per day, and that there are many who are rich in the country. In the city of Klipdrift, he said, the people are practically no unemployed.

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