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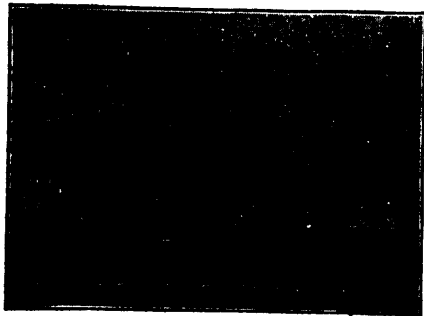
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Toronto, Ontario

THE TRUSTS AND GUARANTEE

COMPANY, LIMITED

Capital - - \$2,000,000

Executors, Administrators, etc.

Offices and Safe Deposit Vaults,

14 King St. West, Toronto

President - J. R. STRATTON, M.P.P.

Chartered to act as Executor, Administrator, Guardian, Trustee, etc. Agent for investment of moneys and management of estates. Safe Deposit Boxes to rent. Wills appointing the Company executor or trustee held without charge. Correspondence invited.

T. P. COFFEE, Manager.

THE JOHN EATON INSURANCE SUITS.

Judgment was given on Tuesday last in the Ontario Court of Appeal in the suit of the Bank of Toronto against various fire insurance companies, having policies on the dry goods stock of John Eaton & Co., Toronto, decided in the Court below in favor of the Bank of Toronto, plaintiff. The companies which had appealed, were five in number; two British, the Caledonian and the Manchester; three Canadian, the Quebec, the Keystone, and the London Mutual, the aggregate of whose policies was \$17,500. The court found in favor of the bank upon all branches of the appeal, accepting the explanation of the padded stock sheets given at the trial.

Chief Justice Burton, in delivering judgment, said: "This case has been a long time on the list, but it is not surprising, since the first trial of it lasted 37 days. My brother Moss has carefully examined the evidence and has made an analysis of it which has greatly assisted us in coming to the conclusion we have. I have myself given the voluminous evidence a very careful reading, and I have come to the same conclusion as the learned trial judge. The suspicious feature of the case was what had been called the padding—the padded stock sheets—which showed an amount of between \$90,000 and \$100,000. But on reading the evidence I have come to the conclusion that the insured had no knowledge of this. There was no reason for fraud or concealment at the time of the stock-taking, which was taken fairly and showed stock to the amount of \$277,000. The bank had employed accountants to examine the books, apparently with a view of seeing whether or not they would make an advance, and Mr. Cross, the accountant, found that there was stock to the value of \$299,000. When he discovered that this stock-taking was less he advised the bank of the fact. Regarding these stock sheets we find there was no fraud intended. Baker, the man who had the custody of the sheets, says they suddenly became missing, and their disappearance is a mystery still. Fearing dismissal, he was afraid to mention the fact to his employers, and had adopted this scheme of padding the sheets to the extent of the missing ones, but with no intention of fraud. The bank had put them in with proofs of loss, which they would never have done if fraud had been intended. The padded stock sheets have been, we think, successfully accounted for. It is impossible for us to interfere with the judgment of the court below. The appeal will be dismissed."

This judgment was concurred in by the other judges of the court, viz., Mr. Justice Osler, Mr. Justice MacLennan, and Mr. Justice Moss. The last-named reviewed the case at length, and in conclusion said that independently, from his own examination of the case, he found in favor of the bank. But Mr. Justice Osler concurred in the result, but only because he could not see his way to reverse the findings of the trial judges. The evidence in ex-

JOHN MACKAY

Public Accountant, Auditor, Receiver and Trustee

Bank of Commerce Bldg., Toronto
Cable Address: CAPITAL. Tel. No. 2732.

THE INSOLVENCY AND LIQUIDATION
DEPARTMENT OF THE

Western Loan and Trust Company, Limited,

IS OPERATED BY

W. Barclay Stephens

Manager of the Company.

Under the laws of the Province of Quebec the Company cannot be appointed directly to trusts, such as assignees, etc. Therefore, Mr. Stephens will act on behalf of the Company in all such cases, the Company assuming all responsibility and reliability in regard to any trusts which may be placed in his hands.

Address communications to

W. BARCLAY STEPHENS,

13 St. Sacramento Street, MONTREAL, Que.

The Dominion Permanent Loan Co.

12 King St. West, Toronto

Capital Stock paid-up.....\$1,059,295 24

Reserve 37,535 90

Total Assets 1,427,931 11

Debentures issued for 1, 2, 3, or 5 years at highest current rates, with interest coupons attached, payable half-yearly.

J. R. STRATTON, M.P.P., President.

M. HOLLAND, General Manager.

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BARRISTERS, SOLICITORS, &c.

D. E. THOMSON, Q.C.

DAVID HENDERSON,

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