

# DEFERS RULING FOR SEVEN DAYS IN MAGILL CASE

## Magistrate to Decide If Accused to Face Trial in Higher Court

### CHART HIGHLIGHT

After the crown had presented a summary of its case against William H. Magill, aged 65, former stockbroker of 146 Markland street, who faces four charges of conspiracy and four under the foreign exchange control order, Magistrate H. A. Burbidge to-day deferred judgment one week in the matter of committing accused for trial. The crown's case was completed shortly before noon after four days of preliminary evidence. C. W. Reid Bowlby, K.C., is special crown prosecutor appointed by the department of justice. H. A. F. Boyde, K.C., and R. R. Evans, K.C., are associated in defence of Mr. Magill.

Highlight of the final preliminary evidence was the admission as an exhibit of a chart prepared by Inspector James M. Fell, of the foreign exchange control board, by which the crown alleged it had shown the relation between stock purchases at Buffalo and stock sales at Toronto. First page of this chart contained two columns, in the first of which were listed amounts of Canadian currency paid accused, according to the evidence, when he sold Imperial Oil and International Petroleum stocks through Toronto brokerage houses. In the second column were shown amounts of Canadian currency used to purchase more of these stocks through the accounts of Mary E. Hein and Gerald Reardon in Buffalo brokerage houses. The crown alleged it had shown a relation between the sums of currency involved.

#### Makes No Statement

When Mr. Bowlby advised His Worship that the crown's case was concluded for the preliminary hearing, His Worship asked accused if he cared to make any statement.

Accused declared he did not.

In his summary, Mr. Bowlby contended: "The crown has not only proved a probable case, but also a strong one of conspiracy."

His worship declared before deferring judgment that there was strong evidence of accused having been involved in the export of Canadian currency, but not of accused having been involved in the import of currency as well as stocks.

"The whole matter had better stand over for one week," His Worship said.

#### First Witness

N. E. Saint, of the accounting department, the F. J. Crawford company, Toronto, was the first witness called when the preliminary hearing was resumed. He identified a record of stock certificates and declared the certificates had been brought into the Crawford company offices and presented to him by the accused.

He did not describe the certificates or note their value. He identified 15 carbon copies of receipts which he said were given accused upon receipt of the stock certificates.

Frederick N. Francis, cashier in the Toronto office of Bongard & Co., stock brokers, also identified copies of receipts which he testified were given accused when he turned over Imperial Oil and International Petroleum stocks at the Bongard offices. Witness also identified a letter from accused by which H. O. Magill and Allistair Skinner were given authority to pick up more than \$16,000 in cash, the money due on certain of the certificates brought in to the Toronto company's offices by Mr. Magill.

#### Identify Receipts

Allistair Skinner was called to identify copies of certain receipts, signed by accused after they had been forwarded through the Hamilton offices of Bongard & Co.

Ian MacGregor, employed by White-Haldenby, brokers, Toronto, identified a record of sales of stocks by accused through this company.

Charles Wilton Fleming, an official of Dominion Securities and White-Haldenby, brokers, identified \$52,000 worth of cheques, endorsed by accused and alleged to have been cashed by him. This amount had been sought in cash, he said, after accused had disposed of certain stocks through White-Haldenby.

#### Inspector Called

Here Mr. Bowlby called James M. Fell, an inspector under the foreign exchange control board. Mr. Bowlby advised His Worship that witness had checked all the exhibits and had studied a transcription of the evidence taken to date, when in this city last Wednesday. From the information made available, witness prepared a chart which would assist the magistrate in reviewing the evidence.

On page 1 of the chart, which was admitted into evidence as exhibit 48, was contained a record of cash allegedly handled by accused.

A column on the left-hand side of this page showed various cash amounts paid accused in Ontario, according to the evidence. The column on the right-hand side of the page allegedly related to the other column, inasmuch as it showed Canadian currency paid into the offices of Goodbody & Co., brokers, at Buffalo, for Imperial Oil and International Petroleum stocks.

Pages 2, 3, 5 and 6 allegedly show a relation between the purchase of certain Imperial Oil and International Petroleum stocks at Buffalo and the sale of these stocks on subsequent dates through brokerage houses in Toronto.

Page 5 contains two columns of figures, alleged to be the relation between bond purchases in Toronto and bond sales in Buffalo.

#### Brief Cross-examination

Mr. Boyde's cross-examination of the inspector was brief. He asked if it was true that the chart showed a total of more than \$185,000 in Canadian currency paid accused through various Toronto brokerage houses.

Witness replied it did.

Mr. Boyde then asked if it were true that the chart showed only

\$143,000 in Canadian currency paid into Buffalo brokerage houses for the purchase of stocks.

Witness replied again that such was the case.

Mr. Boyde revealed there was a discrepancy amounting to approximately \$42,000 in the amounts received at Toronto and those paid out at Buffalo. Witness admitted the discrepancy, and reported that only \$143,000 in stock purchases at Buffalo had been proven in evidence.

*Handwritten notes:*  
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