

SHOULD NOT HAVE ADMITTED EVIDENCE

Conviction Against Stratford Man of Breaking Temperance Law Quashed.

APPEAL IS DISMISSED

Attack on School Bylaw of Village of Creemore Fails.

On a motion before Justice Clute at Oranville Hall yesterday the conviction of William Molvin by Police Magistrate John Makins on Nov. 10 at Stratford of unlawfully having liquor in his shop, the same not being a private dwelling, was quashed.

The conviction was attacked on the grounds that there was no evidence to support it and that there was an improper admission of evidence. On Oct. 17 there was found in a cupboard a bottle containing cherries and a small quantity of liquid which contained 52 per cent. proof spirit. The police constable had searched the premises and at that time was not appointed an inspector under the act.

The accused admitted that a bottle containing cherries and some liquid had been found in a cupboard, where he had discarded it about two years ago. He had kept the mixture for indignation on his doctor's orders, but had not used it for two years and had forgotten the bottle entirely. The bottle, he claimed, was covered with dust and contained only a tablespoonful of the liquid.

The police officer gave evidence, to the admission of which the accused's counsel objected. He said he had been watching the place and had seen indicated persons at the shop.

Justice Clute says that if the magistrate had been satisfied that the bottle had been discarded two years ago there should have been no conviction, as the accused did not have it in the sense implied by the statute or did not knowingly have it at all. That was, he held a matter of fact for the magistrate, and from the conviction it must be assumed that he did not support the contention of the accused.

He held that the evidence of the constable regarding having seen intoxicated men leave the premises had nothing to do with the charge in question.

Dismisses Appeal. The police officer gave evidence, to the admission of which the accused's counsel objected. He said he had been watching the place and had seen indicated persons at the shop.

By the company's rules premiums were due on the first of each month and if not paid by the end of the month application for reinstatement had to be made accompanied by a medical certificate, showing good health. For three months the insured allowed his policy to lapse and did not comply with the conditions of reinstatement payments, the policy being accepted by the local agent, had not been accepted by the head office. The premiums which had been paid and under the rules of the company forfeited were ordered to be accepted in lieu of costs.

An action by James Richardson & Sons of Kingston against the London Accident and Guarantee Company for \$24,064.99 was dismissed by Justice Latchford. It was alleged the defendants guaranteed a company that was constructing a grain conveyor.

The motion of John Davis to quash a bylaw of the municipal corporation of the Village of Creemore was dismissed with costs by the chief justice. The bylaw was for the purpose of borrowing \$16,000 for the sale of debentures for the erection of a school, and was attacked on the following grounds: That it was not signed by the head of the municipality at the meeting of the council; that no one except the reeve had authority to sign it, and he did not; that the proposed school was intended to serve a portion of the Township of Nottawasaga, and the cost should be levied against the ratepayers of this portion, and that the bylaw was unreasonable.

Dealing with the first and second contentions, the judgment stated that the council had no authority to borrow the money being raised, the reeve, by mandamus, might be compelled to sign it. The council had statutory authority to levy the whole of the rate on the village and had not exceeded the authority granted in the provincial act, and the chief justice thought he had no right to interfere.

Widening Lake Shore Road Will Necessitate Expropriation. In a discussion with the board of control regarding the widening of the Lake Shore road from Elizabeth Street to the Humber, George H. Gooderham, M.P.A., yesterday declared that for a strip of two miles from Mimico and New Toronto all the land fronting on the lake would have to be expropriated. The board were concerned about the probable cost and left it to engineers of the highway and harbor commissions, Commissioners Harris and Bradshaw, to prepare a report.

Mr. Gooderham proposed an 8-foot roadway for this section, two 18-foot sections with the radial tracks in the centre. Peter White, K.C., in his belief, would eventually be in the city and expropriation proceedings would never be carried out cheaper than at the present.

AWARDED DAMAGES. Truman Horton, Buffalo newsboy, was awarded \$100 damages in his suit for \$450, against Samuel Leonard of Toronto, for injuries sustained by Leonard struck him with his motor car in Buffalo, October, 1915, by general sessions.

Leonard was sternly cross-examined by Peter White, K.C., in his testimony to answer questions. He admitted the possession of a poor memory. The decision of the jury is subject to a subsequent appeal on a question of law, which was raised.

STEALING STEEL. Toronto builders claim that there is a new form of larceny developing in the city. One man reports the loss of several steel girders from a building in the course of construction, also sheets of lumber.

Toronto premises BANK OF HAMILTON. Established 1812. THE BANK OF HAMILTON BUILDING. 100 King Street West. Capital \$5,000,000. Assets \$10,000,000. M. C. HART, Manager.

CITY HALL NOTES

There is sure to be a labor candidate in Ward One for the board of education to replace Trustee Oakley, who retires this year. T. A. Stevenson and James Jones have both been asked to stand, and between them they promise to come to a decision.

S. W. Nelles, of the Brunswick Police Exchange, which firm has been served with a notice under the high cost of living order, says the farmers are the men who hoard up the supplies. He knows one, he said yesterday, who is holding 8,000 barrels of potatoes and expects \$5 a barrel for them.

The question of double-decking the C. P. R. bridge at Summerhill avenue will come before the works committee today at 2 o'clock. A large delegation from Moore Park and North Toronto will be present to ask that this construction be undertaken in connection with the work to be started by the railway company.

The board of control decided yesterday that in future all street name signs shall be placed on the corner lamp post instead of being tacked up on buildings.

The board of control took no action yesterday on the request of Miss McColl for remission of taxes on the Y.M.C.A. property which it is proposed to use as a soldiers' club. Controller O'Neill said he would support it providing a guarantee was forthcoming that the work would be carried on for at least six months. Controller O'Neill wanted information as to the necessity of the establishment when numerous others are in operation.

Large Quantities of Heroin May Be Entering Canada. According to G. E. Gibbard, editor of The Pharmaceutical Journal, New York; that U. S. criminals ship large quantities of heroin into Canada and reship the surplus back to the United States, thereby making huge profits, is probable. Heroin, not coming under the heading of a morphia drug, salt or compound, is not recognized by Canadian law, or regulated and prohibited like morphia products which are tagged and traced from importation to sale. In New York State the operation of the interstate commerce law keeps watch over all heroin manufactured and its disposal. Hence its shipment to Canada as an ordinary commodity, where it loses its identity as a drug.

DR. BEATTY NOT GUILTY. Is Acquitted by Judge Coatsworth on a Charge of Having Committed Perjury.

Dr. James G. Beatty, a pathologist in the Western Hospital, was acquitted by Judge Coatsworth in the general sessions yesterday of the charge of perjury in connection with testimony he submitted in the case of Dr. Coulter. Dr. Coulter was acquitted of the charge of performing an illegal operation upon Annie Sweet. The girl denied that the doctor took a blood test. Dr. Beatty during Coulter's trial testified that he made a blood test of the Sweet girl, but did not keep records to verify his statements.

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LIQUOR CASES HEARD. The Usual Heavy Fine is Registered Against Those Found Guilty. Charged with keeping liquor in a place where there were more than three lodgers, George Nickelson came up in the police court yesterday and was fined \$200 and costs for three months.

Alleged to have committed a breach of the Ontario Temperance Act, Harry Kosoky failed to appear in court yesterday, and the case was adjourned till tomorrow.

INDEFINITELY REMANDED. Judge Coatsworth, in non-jury sessions yesterday, gave to an indefinite remand in the case of Emanuel Topp, charged with trading with the enemy, when Crown Attorney Thurston expressed doubt that the case could be tried in a Toronto court. The act is declared to have taken place in Collingwood. R. T. Harding is counsel for the defendant.

CIVIL SERVANTS IN KHAKI. Ten per cent of the men in the inside provincial civil service have enlisted, according to Dr. J. D. Goggan, retiring president of the Ontario Civil Servants' Association. Seventy of a total of 688 inside civil servants have joined the force, while other services have contributed 218.

WINGATE IS POPULAR. An Alexandria correspondent states that the appointment of Sir Reginald Wingate as high commissioner of Egypt, is very popular, he being considered to be undoubtedly the best man to replace Earl Kitchener.

WHEAT FALLS OFF IN ANOTHER SCARE

Germany's Message on Sinking of Arabia Frightens Chicago Dealers.

FEAR BREAK WITH U.S.

Traders in Pit Engage in Selling Drive, Crumpling Prices Rapidly.

Chicago, Dec. 7.—Unrest about possible renewal of difficulties between the U. S. and Germany had a bearish effect today on wheat and emphasized weakness that resulted from a let up in export demand. The close was heavy, 1c to 3/4c net, and the market was 1 1/2c to 1 3/4c and July at \$1.48 1/2. Other leading staples, too, all showed a setback. Corn 1 1/2c to 1 3/4c and Novembers 22 1/2c to 23c.

Altogether it was known long before noon the German message on the sinking of the Arabia presented a chance that the U. S. Government would take a sharp different view of the facts, wheat traders did not seem much impressed with any sense of danger until the last 15 minutes of the session. Then the German message, saying that a break with Germany over the Arabia might occur at any time, led to a selling drive, in which prices crumpled rapidly. Apparent complete absence of interest in the market was a previous source of depression which was added to by forecasts of large shipments from Australia and lack of any adequate number of freight carriers in the North Atlantic.

Prospect of export buying, which since the first of the week had been on a big scale, would be continued today seemingly in the morning, but owing to nothing in the end. Temporary advances in price of wheat accordingly formed the basis in the morning, and were helped by word that ships would be withdrawn from the Argentine trade, presumably for sale between the United States and Europe.

Only gave way with other grain. Scarcity of cars tended to restrict demand from the West, and the market was said to have disposed of 240,000 bushels. Provisions fell in response to a decline in the hog market. Futures were conspicuous on the selling side.

Camp on Sussex Downs is Scene of Cheery Animation. AT BAYONET PRACTICE A REFORMED NATION

Col. Greer Says Life in England Suits His Men Well. Wonderful Changes Have Taken Place in the Flowery Kingdom in Five Years.

Canadian Associated Press Cable. Toronto Sportsmen's Battalion. The London Daily News publishes an interesting letter from Peking dated Nov. 14, giving a remarkable picture of the changes in China that have resulted from the establishment of the republic. It says: "Today is a red letter day throughout the length and breadth of this land. It is the Juliet Quatorze in France, the first of July in Canada. The streets, the shops, the houses are bedecked with quinqueter; the public buildings and pinnacles (commemorative arches) on the highways are festooned; for exactly five years ago the declaration of independence was signed in blood at Wuchang by the man who today is the president of the republic. Despite all evils and forbiddings, however, the republic has come to stay, and on the fifth anniversary of its nascence it is robust and vigorous, because its strength is that of one who has gone thru an ordeal of fire.

"This note of steady progress is perceptibly reflected in the economic conditions of the metropolis. That is the first and foremost impression which is borne upon one who returns to China after an absence of over seven years in England. Congested the city still is, but cramped and wretched the streets are no longer. All principal thoroughfares are macadamized, the even the thoroughfares or 'alleyways' abutting on the main arteries are generally kept in good repair—a fact which is attested by the spectacle of quite eight score of motor cars of equal number owned by private individuals. The roads are well lighted by electricity at night and splendidly polished at all hours. Here the capital is the grandest with its swords or truncheons, as well as the soldiers with their carbines, do duty as guardians of the peace, and between them Peking has earned the reputation of being the best policed city in the world. Above all, the sanitation of the inhabitants is being looked after.

Neteworthy Reforms. "Almost as noticeable as the economic progress of the city is the conspicuous absence of the old opium dens, as well as queues or 'pig-tails.' The first is a three-fold story, and the phenomenal success of the Chinese people in extirpating this insidious evil requires no dilution in The Daily News. The second is a welcome change especially to the industrious workmen or rickshaw-pullers, who do their trade in the broiling heat of a Peking summer. But the innovation is optional, with the consequence that there are still some few queues about, confined mainly to the old-fashioned, but to strapping adults in the prime of life. "In the way of recreation men now frequent billiard halls and the inevitable theatres and cinematograph exhibitions. Put perhaps the most noteworthy reform of all is the opening of the Central Park right in the centre of the metropolis. It is ideally situated and most artistically laid out. In acreage it is about as big as your Green Park, but in fauna and flora it is a miniature of Regent's Park and Kew Gardens. Here modern Peking society congregates, thanks to the shelter of the surrounding foliage and the blandishments of the ubiquitous tea-house and restaurant. At one end of

GOES SLOW ON MEAT. An Italian royal decree, which enforces the closure of all shops and public resorts except theatres at 11:30 at night is to be followed by another forbidding the sale of meat, or its consumption in public restaurants, on two consecutive days in the week. More and more persons are using the so-called collapsible overnight bags in black or red morocco leather. These bags usually are unfastened, some having a roll made for the lining of the bag for the owner to fit as she likes. Some of the rolls are made in Pullman apron fashion.

A REMARKABLE CASE. The guests at the boarding table, says The St. Louis Star, were discussing diet. "I lived on eggs and milk for two months," remarked one lady, "and I actually gained ten pounds." "And I," said a gentleman, "lived for more than a year on nothing but milk, and gained in weight every day." "Mercy!" cried the chorus. "How did you manage to do it?" The gentleman smiled. "I cannot say that I remember," he replied, "but I presume my method was similar to that of other babies."

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GIVE US His Name Young Men! Every day is precious. Only MEN can save the Empire. Don't hold back his name. Whose names we have in hundreds. Don't wait to be canvassed. Don't wait for "moral conscription" or any other form of compulsion. Join us now. It's your fight as well as ours.

CHINA CELEBRATES ITS FIRST OF JULY

The Fifth Anniversary of the Setting Up of the Republic.

A REFORMED NATION

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MAILED

AVIATOR HAS FUNERAL EQUAL TO A PRINCE. Captain Boelcke was Honored by Many Officials of German Army.

Reports from Dessau state that the funeral of Capt. Boelcke, according to the Loket Anzeiger, like that of a prince. His father, mother and three brothers were present, and officers of all ranks, including a captain of the Argentine army, Gen. von Lyncker, the commander of the fourth army corps, also attended as representative of the emperor and the Duke of Anhalt. There were a large number of aviators, among whom was Caspar, who first bombed Dover. A number of Turkish aviators also accompanied the long procession to the cemetery. The streets were crowded with soldiers, scouts, civilians and children.

FAILURE TELLS. The Munich Neueste Nachrichten states (says a wireless message from Bern) that two more high officers of the German army have been placed on the retired list. Lieut-Gen. von Scholtz and Lieut-Gen. Emil Henig. Both held commands on the western front.

LESS DRINKING. Sir Charles Wakefield, the retired lord mayor, in taking leave of the justice room officials as chief magistrate, remarked upon the pronounced dimittion in cases of drunkenness which, he said, was probably owing to the liquor control board's regulations restricting the hours of consumption and also to non-treating regulations.