

SAYS LATE S. MAY CHILDISH AT DEATH

Cousin Alleges. He Was Influenced in Disposing of Large Estate.

RELEASED FROM JAIL

Justice Sutherland Finds Sandwich Farmer Not Properly Committed.

At Osgoode Hall yesterday an attempt to set aside legacies under the will of the late Samuel May and for the removal of W. G. Thurston, K.C., and Charles F. Wheaton as executors came before Mr. Justice Clute on an application by Albert D. May for an injunction to restrain the executors disposing of the estate or voting upon its shares in the Dodge Manufacturing Company. The application was adjourned for a week and L. P. Hellmuth, for the defendants, undertook that in the meantime there should be no disposition of the estate and no voting on the stock. J. Gray appeared for the plaintiff.

The plaintiff states that he and his three sisters were cousins and next of kin of the late Samuel May. He had entered the employ of the testator shortly after the foundation of the billiard table business, some forty years ago. Considering these and other circumstances he expected that the late Mr. May would fully provide for both himself and his wife in their old age. Plaintiff alleged that his cousin was easily influenced and of a trusting disposition. He further declared that at the time of his death he had approached second childhood.

Dr. Andrew Eadie, who attended Samuel May since May 6, 1911, said that the disease with which he was affected had a great influence on the brain and thoughts and rendered him susceptible to be influenced by the will of another.

Released From Prison.
Mr. Justice Sutherland yesterday delivered judgment ordering the release of Harry Knight, a farmer, from the jail at Sandwich, where he was confined for the alleged, unlawful and wilful neglect of his two children. On Oct. 2, 1914, Knight was charged before J. H. Smart, police magistrate for the Town of Kingsville, Essex County, with neglect of his children, Lulu and Delbert Dodge by reason of drunkenness and disorderly habits. On the back of the information the magistrate endorsed a memorandum of the alleged conviction to the effect that the accused would be sent to Central Prison for one year with hard labor, the sentence to take effect in thirty days unless Knight disposed of his property and moved from the neighborhood. Below this were added the words, "Sentence suspended," written probably at a later date. No formal conviction had ever been drawn up under the hand and seal of the magistrate.

On Sept. 26, 1916, Magistrate Smart issued a warrant for the commitment of Knight to the Central Prison for one year, adding that sentence had been suspended until the above date. Knight was arrested and was confined in the jail at Sandwich. He applied for and obtained a writ of habeas corpus on Oct. 31, 1916, and on this motion for discharge the accused attempted to show by affidavits that he was wrongfully held.

Mr. Justice Sutherland, in returning judgment, said: "I am of the opinion that the evidence was sufficient to warrant a conviction. I am unable to find any conviction on which the warrant of commitment could be properly laid on this ground alone. If suspension of sentence could be considered as having been made under section 1081 of the Criminal Code then the magistrate had not called upon accused to appear and receive judgment."

In the Window
of every second-hand typewriter shop, what machine is most prominently displayed? The Underwood. Why? Because the second-hand dealer can sell an Underwood more readily, and at a higher price, than he can any other typewriter. He trades upon its popularity and reputation.

That he may glorify a second-hand typewriter by calling it a rebuilt; that he assumes but little responsibility; that his guarantee is like the dew before the summer sun; are points which are not pertinent to this advertisement. We mention this characteristic of the second-hand shop merely because it is positive, if indirect, evidence of the superiority of the Underwood typewriter.

United Typewriter Co., Limited

Underwood Building 135 Victoria St.
Toronto, Ont.

BRANCHES IN ALL CANADIAN CITIES

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There's no use trying to interview Professor Sengarclic now, Pa. He's in one of his hypnotic trances!

Poo! Poo! I got a scheme wot'll put this fake trance of his on the blink!

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and the warrant to commitment was prematurely issued. I therefore make an order that accused be released from custody and it will contain a clause protecting the magistrate."

The court will sit on Monday, Dec. 4, at 11 a.m. for the delivery of judgments in the following cases: Re West Nisouri, Welsh v. Webb, Doan v. Neff, Paines v. Curley, Huffman v. McCloy, Sanderson v. Sophiasburg, London Shoe Company v. Levin, Presto-Lite v. London Engine.

WILLS PROBATED

Mrs. Mary Kemp, sole beneficiary of the estate of \$12,920, left by her husband, John Kemp, who died in Toronto, November 1, has applied for probate of the will.

Jonathan Barstow, who died in York Township Oct. 26, left an estate valued at \$11,419, which is bequeathed to his wife, Rebecca Barstow. Upon her death the property is to be given to her son, Firth I. Barstow.

Miss Daisy Potts, 208 Balsam avenue, Toronto, fiancée of Pte. Horace W. Gunn, of the 3rd Battalion, who died in action in France, Feb. 14, 1916, receives the major part of the estate of \$183. She is given a piano and half the money, while the residue of the estate passes to members of his family living in England.

The surrogate court judge will determine which is the true copy and which is the duplicate in which a mistake was made in the case of two holograph wills filed in connection with the estate of Mrs. Rebecca Hastings, who died in Toronto Oct. 9, leaving an estate valued at \$9075. Under one will the Methodist Missionary Society is bequeathed the residue of the estate after certain bequests are made, and under the other it is bequeathed the balance of the real estate. Legacies were as follows: Sarah D. Spencer, a niece, shares in the Maple Leaf Milling Company; Elwood Wiman, nephew, \$700; Rachael Horton, Margaret J. Durnan and Catharine Kerion, \$400 each; Jane St. Lawrence, Annie Fullerton, Donald Harris, Geo. Gibbard and the Aged Women's Home, \$200 each; Edith Saucers, \$150; Douglas and Audrey Stevens, \$75.

James Golden, husband of Mary Golden, who left an estate valued at \$4093 when she died at her home, 61 Logan avenue, Nov. 26, receives the major part of the estate. Clara E. Collins and Thomas Mince, friends of Mrs. Golden, and the priest who officiated at the funeral also share in the estate.

The estate of her husband, W. J. Farley, a member of the Toronto Fire Department for thirty years, will receive one-half of the estate of \$1088 left by Mrs. Farley, who died at York Mills Oct. 9, 1916. The remainder will be divided between two sisters, a brother, nine nephews and five nieces of Mrs. Farley.


Mrs. Arthur Blakely Buried At Mount Pleasant Cemetery

In the presence of a number of lifelong friends the remains of the late Mrs. Arthur Blakely were laid to rest in Mount Pleasant cemetery yesterday afternoon. Rev. Dr. Solomon Cleaver officiated at the service held in Stone's undertaking parlors, Sherbourne street, as well as at the graveside.

Mrs. Blakely was very well known in Toronto and was an active member of Sherbourne Street Methodist Church choir for many years. For the past few years Mr. and Mrs. Blakely had resided in California, where in Pasadena and Los Angeles Mr. Blakely occupied a prominent place in musical circles.

PORT RECEIPTS INCREASE.

For the month of November receipts at the port of Toronto totaled \$2,780,000, an increase of more than \$850,000 over the corresponding total of \$1,935,513 for November last year. The extra revenue for the past twelve months to date was \$33,156,769, an increase of \$15,366,253 over the total of \$17,790,516 for the preceding twelve months.



DOMINION
RUBBER SYSTEM
AND ASSOCIATED COMPANIES

Shoe Dealers are Entitled to Higher Prices for Some Brands of Rubbers

On a great many of our lines of Rubber Footwear there have, of necessity, been small advances in prices, for these reasons:—

Since the war the price of crude rubber has fluctuated, registering as much as 40% advance and then sagging back almost to 1914 figures. But ocean and freight rates on it have doubled—marine insurance is away up—and then there is the War Tax. Moreover, cottons used in rubber footwear are up 25% to 100%, chemicals 25% to 300%, dyes a good deal more than that, and labor is scarce and higher paid. All these items must be included in our costs.


Our policy has been, and will continue to be:—


To maintain fully the quality of each and every brand of our rubber footwear, regardless of expense.


To maintain, as long as we can, stability of prices to dealers, advancing just as little as possible considering the higher manufacturing cost.


If your shoe dealer asks you a little more for our rubbers, he is quite entitled to it. To his increased cost he must also get added profit to make up for his increased expense of doing business.


The public will find any increases we make on our brands of Rubber Footwear insignificant compared with the saving that the consistent use of Rubber Footwear accomplishes. The additional cost of our brands of Rubbers is, however, fully justified, because they are backed by the same reliable quality that has won popularity for these well-known marks:—



"JACQUES CARTIER"


"GRANBY"


"MERCHANTS"


"MAPLE LEAF"


"DAISY"


"DOMINION"

Canadian Consolidated Rubber Co. Limited

Largest Manufacturers of Rubber Goods in the British Empire
EXECUTIVE OFFICES - MONTREAL, P.Q.
SIX LARGE, UP-TO-DATE MANUFACTURING PLANTS IN CANADA
28 "SERVICE" BRANCHES AND WAREHOUSES THROUGHOUT CANADA

ANOTHER HEAVY MAIL.

The vast bulk of the Christmas parcel mail for overseas troops is on its way, according to the local postal authorities, who state that the parcel mail that closed in Toronto on Wednesday night does not exceed 30,000 parcels. This mail is a large one, however, and will require about 2,000 sacks to transport it. Two weeks ago, when the heaviest parcel mail closed, there were almost 45,000 parcels and 3,000 bags were required.

The men at the post-office are looking forward to a little easier time from now until the middle of the month, when the parcel mail will again be exceedingly heavy on account of Christmas mail to the various parts of Canada.

WILL MOVE QUARTERS.

The soldiers' aid commission is expected to move its quarters at the end of this week or the beginning of next from its office in the parliament building.

ings, where it is now, next to the license commission's offices, to the house on College street, formerly occupied by Sir John Gibson when he was lieutenant-governor. The license board will probably make use of the room in the buildings thus vacated.

Polly and Her Pals

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Pa's Trance-Tester Wor

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By Sterrell

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