

## A GREAT LEGAL BATTLE EXPECTED IN THE R. P. SMITH WILL CASE

Some Sixty Defendants to the Action Have Been Named.

A HUGE FORTUNE IS AT STAKE

Individuals and Various Churches Are Affected—History of the Famous Will.

Mr. J. M. McEvoy, acting for the plaintiffs in the action to break the will of the late Richard Portingall Smith, of Strathroy, who left a very large estate to various charities and individuals, today filed the statement of claim in accordance with an order issued by County Judge Macbeth a few days ago.

Some sixty defendants to the action have been named and one of the greatest legal battles in the history of Ontario courts will be in progress shortly.

Those Interested.

On application of Mr. A. G. Chisholm for the plaintiffs, Mrs. Robert Howie, John Winter, Benjamin T. Garside, Ann Caroline Frost, William Frost, Frederick George Frost, Josiah Henry Frost, Reuben Frost, Mrs. William Reid, Mrs. Walter H. Washington, Mrs. Thomas Garside and Mrs. John Gensie, Judge Macbeth ordered that the list of defendants to the suit be amended to take in a number of others. Therefore, those who are now interested in the case, together with the above defendants, are the plaintiffs John Cowan, Julia Barr, Olive Millar, William A. Vail, Matilda Vail, Helen Vail (an infant, under the age of 21 years), the Children's Aid Association of London, Ont.; the governing council of the Salvation Army in Canada (as owners of the Rescue Home of the Salvation Army in London, Ont.); the Woman's Christian Association of Strathroy, Ont.; Annie S. Stanley, Pauline Stanley, Charlotte Napper, Charles Napper, Richard Napper, David Napper, Albert Diprose, Marion Diprose, George Washington Portingall, the Presbyterian Church in Canada, Harold Doty, the Sarnia General Hospital, the London and Western Trust Company, Limited, Captain Le Niven, Alexander Henry Stewart, Jessie Maud Stewart, Thomas Smith, Elizabeth Price, Catherine Ann Smith and John Follinsbee.

Mr. John Cowan, the first named in this list, was the solicitor and executor of the deceased, while the others are beneficiaries under the will which the plaintiffs seek to have set aside, the amount involved being about \$200,000.

The judge commands that within fourteen days the statement of claim, together with a copy of the order amending the list of defendants, be served upon each of the defendants to the action. Within six weeks after receiving these documents the defendants must file their statement of defence, and three weeks following that again the plaintiffs must record the joinder of issue in order to have the suits proceed in court.

History of the Case.

The history of the case is told in the statement of claim.

Richard Portingall Smith died at the town of Strathroy on the 25th of May, 1911, and on the 4th of July, what purported to be his last will, dated the 31st of December, 1907, with a codicil attached, dated the 24th of September, 1910, was produced to probate in the surrogate court of the county of Middlesex. Probate was granted to the defendant, John Cowan, as sole executor, as though the document, purporting to be the last will and codicil of Richard Portingall Smith, were the only testamentary evidence left by the deceased.

On the 2nd of November, an order was made in the surrogate court of Middlesex, that John Cowan, executor, should leave in the office of the registrar of the court, probate of the will. In order that the plaintiffs might proceed for revocation of the same or for the admission to probate of the wills or codicils.

Beside the will and codicil thereto, which were produced on the 4th of July, 1911, as aforesaid, on the 2nd of November, 1910, Richard Portingall Smith is said to have made and published in lawful form a codicil to his last will, in which he bequeathed the following sums to certain of the plaintiffs, as follows:

The Beneficiaries.

Mrs. Robert Howie, London	\$ 5,000
John Winter, Strathroy, laborer	1,000
Benj. T. Garside, St. Thomas, fireman	5,000
Ann Caroline Frost, London, spinster	15,000
William Frost, London, carpenter	5,000
Charles Frost, London, Town-ship, farmer	5,000
John Frost, Mitchell, in Perth, farmer	5,000
Fred George Frost, Sundridge, Musoka, farmer	5,000
Josiah Henry Frost, Perth County, farmer	5,000

(Continued on Page Ten.)

## SEE NO JOY IN WINTER ON FARM

Correspondents Make Claims for City as the Place to Live In.

SOME CHANCE TO KICK

Advantages of Education and Entertainment Without Severing Home Ties in Urban Communities.

"Is life more pleasant in the city than on a farm in the winter-time?" a question debated by a country gentleman yesterday, has brought several responses, which The Advertiser presents with perfect neutrality.

### CLAIMS ADVANTAGES FOR CITY.

To the Editor of The Advertiser:—You have invited letters on the question whether life on a farm or in the city is preferable. I would rather live in the city. Life is not so lonely as on a farm. There is nothing more cheering than the faces of your fellow-men, and nothing that tends to develop all that is worth an effort to accomplish good as competition.

Take education and entertainment. Only a very small beginning toward an education can be acquired in the country. You must come to the city to complete it. The high schools and universities are in the cities. If you intend to enter one of the learned professions, law, medicine or the church, you must break the home ties on the farm, and how many lawyers, doctors or preachers would there be if their ranks were recruited only from city boys.

### Lack of Entertainment.

As to entertainment, there are no theatres in the country, where the mirror is held up to nature, where the burlesque artist preserves and hands down all the good old sentimental songs and uncorks all the latest jokes. At the theatre you get from time to time from the lightest comedy to the heaviest tragedy, and every string in the human instrument is played on—and the church in the city offers comfort, but in the country you must "pitch Old Dobbin to the hay," and jog along to the meeting house through dirt and mire and wind and snow and slush to hear something not half as good as you might have read in a book at home without going to the trouble of hitching up.

No, I do not think I live in the city.

Continued on Page Five.

## MUST PAY MR. O'NEIL THE SUM OF \$1,250

Judgment in Damages Action Against the Township of London.

Mr. Justice Middleton, of the high court, has given judgment in the case of O'Neil vs. the Township of London and Clatworthy. The township of London is to pay \$1,250 to the defendant for injuries received, and the action against Thomas Clatworthy is dismissed.

Clatworthy was in charge of the township weigh scales in the village of Ilford, the condition of which was such that when O'Neil was driving off the scales in November, 1910, with a load of hay, his load tipped over and he sustained a broken thigh.

Action was entered by the plaintiff against both the township of London, who owned the scales, and the keeper, Thomas Clatworthy.

## LOCAL LICENSE BOARD HAS BEEN REAPPOINTED

Messrs. Greer, Jones and Drake Are Named for the Current Year.

A dispatch to The Advertiser from Toronto says that the London license board, Messrs. A. B. Greer, Thomas Jones and Dr. E. P. Drake, has been reappointed for 1912.

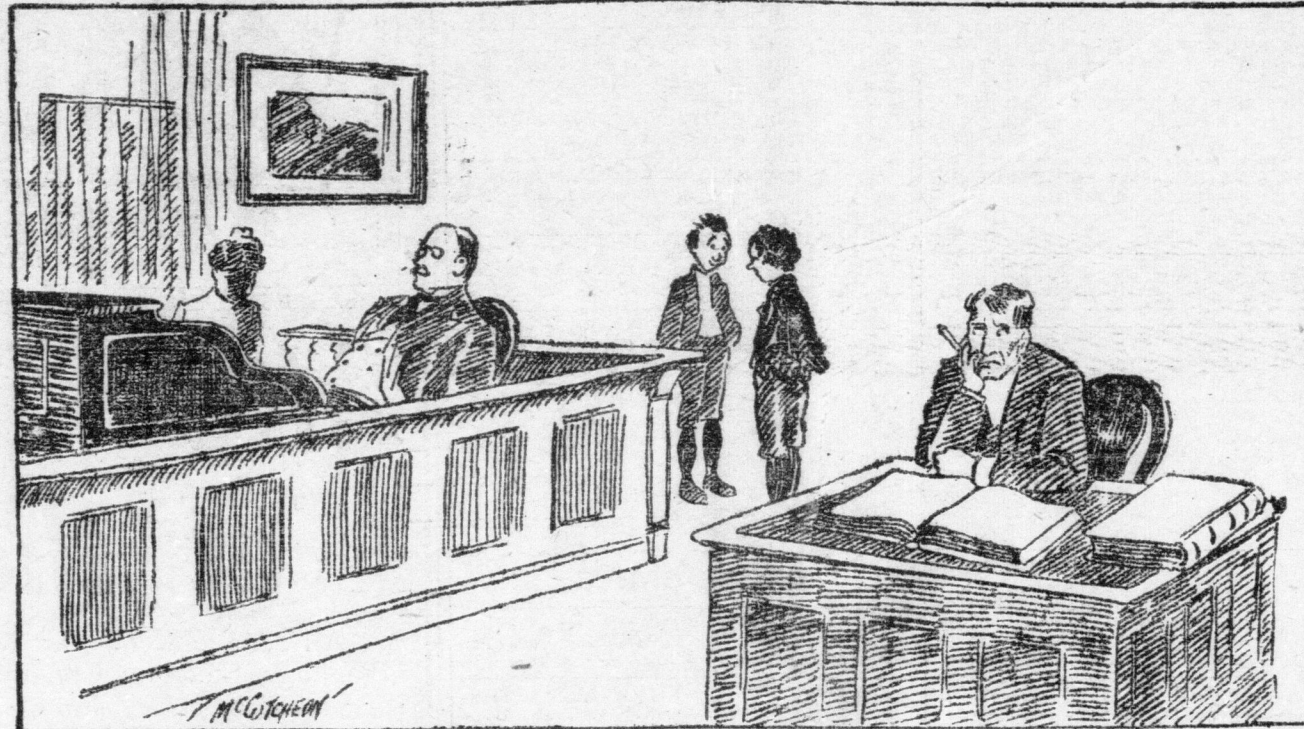
"I don't think there is a city in the world where the liquor law is better enforced," said Inspector Galpin this morning in commenting on the local situation. There has been a marked decrease in the number of violations by hotel-keepers during the past year, and I can see little room for improvement. Of course there is always a little leeway here and there, but on the whole I think the people of London have caused 165,000 violations on the state of the liquor traffic in this city.

"I do not think there will be any change in the number of liquor licenses for this year at least. There are now about 50 licensed bartenders in London, but the number fluctuates somewhat from one month to another."

## ALL PLEASANT JOBS COME ONLY AFTER YEARS OF HARD WORK.

By John T. McCutcheon.

[Copyright, 1912, By John T. McCutcheon.]



"Here am I, slaving along at \$15 a week, and there is Baxter, working only half as hard as I do, and getting ten times the salary I get. I wish I had a snap like his."



How Baxter Got His Snap.

## ATTITUDE OF MANCHU PRINCES MAY BRING RUIN TO CHINESE

Hopelessness of Monarchical Struggle Now Recognized, But One of the Great Powers Is Obstructing Completion of the Republic.

### ABDICATION SEEMS CERTAIN.

[Canadian Press.]

Chicago, Jan. 20.—According to a cable dispatch from Peking to the Chicago Daily News the abdication of the Manchu dynasty is an accomplished fact, and the delay in issuing the edict already drawn up is solely to prevent an uprising by the reactionary of the imperial family, headed by Prince Kung. It is also declared that Pien Tsun will be the temporary capital of China, while a new government is being formed.

[Canadian Press.]

Nanking, Jan. 20.—The foremost of the Republicans here declared today their belief that the Manchus and the younger imperial princes are determined to bring China to ruin and dismemberment as a final despairing act.

Few persons now refuse to recognize the hopelessness of the Manchu struggle. Yuan Shi Kai is practically held a prisoner in Peking, and poses as a champion of the Manchus in order to save his own life. He still urges a monarchy, according to the advice received here, though Tang Shao Yi, his closest friend, and intimate, asserts that Yuan really favors a republic.

Agreement Was Drafted.

A few days ago a complete agreement was reached between Yuan and

Tang, and President Sun Yat Sen and the minister of justice in the provisional cabinet, whereby the Manchus accepted the liberal terms offered, and Yuan and President Sun Yat Sen mutually agreed to a dual government in the north and south, headed, respectively, by Yuan and President Sun, the signers guaranteeing to administer affairs conjointly until the form of a permanent government is decided upon by the national convention. This agreement was actually drafted and initiated, when Yuan, on behalf of the Manchus, sought to amend it. This alarmed the Republicans and they broke off negotiations.

### Republicans Against It.

The members of the cabinet of the cabinet are firmly convinced that recognition of the republic by the powers will come quickly unless the influence of certain of the powers is too strongly against it.

The members of the Republican assembly which elected Dr. Sun Yat Sen to the presidency, are now engaged in drawing up a form of constitution for the new Chinese republic.

China, Jan. 20.—Four transports conveying Republican infantry and artillery arrived here this morning from Woo Sung. Some of the troops disembarked and took up their quarters in the city. There were no indications of hostility on the part of the population. The whole city remains quiet.

## Max Aitken's Scheme a Dream

[Canadian Press.]

Montreal, Jan. 20.—Secretary Robb, of the shipping federation of Montreal, discussing the proposal of the Eastern Canada Power Company to ask Parliament for power to dam the St. Lawrence and divert it from its present channel near Cedar Rapids in connection with its \$100,000,000 electrical generating scheme, says the magnitude of the scheme is enough to kill it. Besides, Parliament would not sanction it because it would interfere with navigation, he says.

### THE WEATHER.

TOMORROW—FAIR AND COLD.

Forecast.

Toronto, Jan. 20—8 a.m.

Moderate to fresh southerly to westerly winds; generally fair and cold today and on Sunday, but some light local snow, chiefly tonight.

Temperatures.

The following were the highest and lowest temperatures during the 24 hours previous to 8 o'clock this morning:

Stations.	High.	Low.	Weather.
LONDON	29.5	0	Clear
Victoria	42	42	Rain
Calgary	24	12	Clear
Winnipeg	24	12	Fair
Port Arthur	22	14	Fair
Parry Sound	12	8	Snow
Toronto	26	6	Fair
Ottawa	36	14	Fair
Montreal	34	2	Clear
Quebec	34	8	Clear
Halifax	32	4	Clear

Minus (—) means below zero.

Weather Notes.

Fair, cold weather prevails generally over the Dominion, except on the British Columbia coast, where rain is falling.

## BREAK FAITH WITH LIBERALS

South Renfrew Conservatives Renounce Agreement Signed By Twenty-Eight Members.

### OPPOSE MR. GRAHAM

Although Their Legislative Candidate Was Unopposed According to Compact.

"We, the undersigned members of the Conservative party of South Renfrew, hereby undertake that if Thomas A. Low, M. P., resigns his seat in Parliament, we will allow the nominee of the Reform party to be returned for the present Dominion Parliament unopposed, provided the members of the Reform party on their part undertake that T. W. McGarry, the present nominee for the Legislature, be allowed his election by acclamation. (Signed) J. B. Ferguson, president; L. McNamara, secretary; A. Barnett, J. A. Barnett, G. B. Ferguson, John MacKay, J. A. McKee, James Fennelly, James S. Dempsey, John Brennan, H. F. McLachlin, Armon Burwash, J. H. Burwash, Trevor H. Groat, M. Galvin, J. C. Moles, T. S. Church, Dan McLachlin, L. M. Carwell, C. W. Boland, E. J. McGarry, A. A. Ferrier, J. F. French, Chris. Miller, R. D. Scott, R. C. Wilson, Harry Richards."

Renfrew, Jan. 20.—A direct and unqualified breach of faith is entered to the discredit of the Conservatives of North Renfrew for all time.

The controlling association, when it nominated Dr. M. J. Maloney to oppose Hon. George P. Graham, deliberately cancelled a signed and solemn document to place no candidate in the field against Hon. Mr. Graham, in consideration of the Liberals allowing T. W. McGarry, M. P., to return to the Legislature unopposed.

Mr. T. W. McGarry, M. P., declared that he would stand by the agreement, and that while he and his honorable friends would not vote against Dr. Maloney, they would neither work nor talk for him. This was most significant of the split within the otherwise apparently harmonious party, but it was most emphatically received with applause. It was also significant that when the meeting dispersed there were dozens of the delegates who expressed the hope that "Tom Low will accept and so get us out of this dirty snarl."

But Tom Low will not accept. He is out for good, or at least it so appears. He has given up his seat to Hon. Mr. Graham, and he is going to deliver the goods. He has, of course, not made any answer yet in words, but his actions speak louder than words, for within two hours of the close of the Conservative convention Messrs. Low and Graham started off for Sand Point to hold a meeting there. Thus it appears that the fight is on. Honor has been thrown to the winds by the machine element of the Conservative party in the riding, at the dictation of Hon. J. D. Reid, Hon. Frank Cochrane, and the Whites of Renfrew.

## MILLIONS FAMISHING IN YOUNG REPUBLIC

Presbyterians at Shanghai Appeal to America for Million in Gold.

[Canadian Press.]

New York, Jan. 20.—The Presbyterian Board of Foreign Missions here made public today the following cablegram: "Shanghai, China, Jan. 19.—2,500,000 famishing people. Relief urgently needed. Must rely upon America, owing to revolution. Committee appeals for at least one million gold." This was signed by Bishop Graves, of the Protestant Episcopal Church, and the Rev. E. C. Lobenstein, of the Presbyterian Church, both of whom are in Shanghai.

## ELECTRIFY THE L. & P. S. RY. AND PAY THE CITY \$15,000 YEAR

Probable Terms Which Will Be Offered London-By Lake Erie Coal Company For the Line to the Lake—Some Estimates of Cost of Electrification.

Much interest is being taken in the offer to be made the city on Tuesday by the Lake Erie Coal Company for electrifying the London and Port Stanley Railway.

It is understood that the company will agree to electrify the road on the following conditions:

That they be given a lease of the line for 25 years.

They will handle all freight and passenger traffic.

They will give the city in rental about \$15,000 per annum, as at present. They will maintain the existing passenger rates.

There are other details of the agreement to be arranged, information regarding which has not yet been presented to the city.

The Estimates.

Their estimate of the cost of electrifying the road is \$400,000, or thereabouts. This does not make any provision for double-tracking this line—merely making the present road an electric railway.

It is expected that the estimates prepared by other engineers will be presented to the board after the offer of the company is received.

One of these estimates calls for the expenditure of \$235,000 for doing this work, and includes double-tracking. An additional amount might have to be placed in this estimate if it were found necessary to lay heavier steel.

This estimate was prepared by Mr. Frank R. Dark, when in the employ of the water commission. It was a rough estimate, but it was thought at the time sufficient to cover the cost. It is understood that Superintendent Glauz has given a rough estimate of the electrification, and it is in excess of that of Mr. Dark, running in the neighborhood of \$250,000. He advocated in certain particulars a better and more substantial construction, as it was a city project.

### To Secure an Expert.

There is a proposal on foot to secure the services of an expert, who is at present in the employ of the New York Central Railway. This man has had much experience, is an acknowledged authority, and he can be secured for a sufficient length of time to give a definite estimate of the cost.

This man's name will be proposed to the London and Port Stanley Board and from the information given The Advertiser, his services will in all probability be secured.

In order to give the franchise a vote of the people will have to be taken, it is explained, owing to the terms of the Beck bill introduced during the last session of the Legislature. The proposition of the Lake Erie Company would have to be submitted to the people, and it is expected that a definite proposition to electrify the road as a civic undertaking will be submitted to the ratepayers at the same time.

## FINANCE COMMITTEE ASK \$25,000 FOR UNION TRACTION DEPOT

It Is Proposed To Have Item Included in London Bill.

At a special meeting of the finance committee, held yesterday afternoon, it was decided to ask the Legislature to ratify the issue of debentures to the amount of \$25,000 for a union traction depot in London.

It will be remembered that the by-law voted on Jan. 1 for this purpose received 2,344 votes, while 2,528 were necessary, being one-third of the votes on the list—7,583. The by-law was defeated according to the strict

letter of the law, but the Legislature will be asked to make legal the issue of debentures in view of the support given it by the citizens.

There was not much discussion over the matter, Mayor Graham thought it was the duty of the committee to send the application on another stage. Traction lines were of great benefit to the city, and if London could secure another for a small outlay, it was the duty of the aldermen to assist.

He moved that the Legislature be asked to ratify the grant, and it was supported by the other members present.

No other business came up for transaction. Those present were Ald. Johnston, Mayor Graham, and City Clerk Baker.

## BUILDING COMMITTEE NAMED FOR PROPOSED NEW CITY HALL

First Business Will Be To Provide Temporary Office Room.

The city hall committee, in whose hands will be the construction of the new city hall, the securing of a suitable site, etc., providing a new hall is built, has been named by Mayor Graham, and consists of the following: Ald. Richter, Ald. Robinson, Ald. Wright, the chairman of the three standing committees, and Ald. Johnston, Ald. Spittal, Ald. Coles, Ald. Rose and Mayor Graham.

On Monday afternoon they will probably meet the water commission to discuss the question of additional room for the commission. The

office staff is badly crippled for want of room, and it will be necessary to secure better quarters at once.

The selection of a chairman will be made at this meeting. It has been suggested that Ald. Spittal be chosen, and it is quite possible that this will be done.

The auditorium of the present hall will probably be sub-divided into offices for the accommodation of City Engineer Wright and his staff, and also Assessment Commissioner Grant and his assistant.

City Architect Nutter will prepare plans and furnish an estimate of the cost of the proposed hall. The option on the Agricultural Loan Building lease, held by the water commissioners has not been exercised, and there is little probability that the premises will be utilized by the board.

## BILL MAY FORCE DECREE TO COURT

Mr. Lancaster's Bill Would Render Rome's Marriage Law Ineffective.

### DOHERTY TO DISAGREE

Believed to Hold Different View on the Matter Than Sir Alan Aylesworth.

[Canadian Press.]

Ottawa, Jan. 20.—To determine the constitutional aspects of the case and the relative powers of the federal and provincial authorities, it is quite probable that a reference will be made to the courts of the question of the marriage law involved in the agitation over the ne temere decree.

This proposal may emanate from the Government when the discussion arises, possibly on Monday, upon Mr. Lancaster's marriage bill. This measure declares any marriage to be void in Canada when performed by an authorized person regardless of his religious faith or that of the contracting parties.

While not saying so in so many words, the bill really is designed to render ineffective the decree of the See of Rome in relation to the marriage of its adherents by ministers of others beyond the pale of that faith. It is a Dominion enactment that is proposed. Sir Allen Aylesworth, when minister of justice, held that marriage under the British North America act became within the provincial jurisdiction. There is reason to believe that with that of his predecessor.

As a consequence the courts may be asked to decide the matter, and it is probable that the first case will go to the supreme court, and subsequently, if necessary, to the privy council. An official statement to that effect is not made, but it is reported as the Government's intention.

## CHLOROFORM WOMAN TO STOP LAUGHING

Incident Related by Daughter Causes Mother to Go Into Paroxysm.

Ames, Ia., Jan. 20.—Chloroform and three doctors were necessary to stop Mrs. A. Fox, of this city, from laughing over her daughter's story concerning an incident at a circus today. The mother had been laughing two hours when medical aid was summoned. She is now recovering from the illness which resulted.

## PER CAPITA TAX HAS BEEN GIVEN A BOOST

Bricklayers and Masons Will Pay a Flat Rate in Future.

[Canadian Press.]

St. Joseph, Mo., Jan. 20.—The Bricklayers, Masons and Plasterers' International Union have adopted a flat rate of 35-cent per capita tax, an increase of 12.5 cents a month.

A change was made in the method of applying the funds. Seventy per cent will be for mortuary benefits, 20 per cent for the general fund, and 10 per cent for the defence fund.

A committee has been appointed to secure data and draft a plan for a pension system. The matter will be submitted to the locals of Canada and the United States for a vote, and if adopted will become effective January 1913.

### CUMMINS FOR PRESIDENCY

[Special to The Advertiser.]

Washington, Jan. 20.—Senator Albert B. Cummins, of Iowa, progressive Republican, today announced his candidacy for the Republican presidential nomination in a statement in which he says that if the Republicans of Iowa believe him a fit man to urge before the Chicago convention, he will accept their decision.

READ!

READ!

Louis Tracy's Great Story

Cynthia's Chauffeur

Beginning on Tuesday in The Advertiser