

ECHO OF THE FARMERS' BANK AT OSGOOD HALL

Georgetown Couple Appealed Against Decision, Naming Them as Contributors.

NEW BATTLE RAGES SOON

Justice Kelly Transferred Dispute Over Will From County to Supreme Court.

Mr. Justice Lennox at Osgood Hall yesterday dismissed the appeal of Mrs. Maria Lindsay and James R. Lindsay of Georgetown against the decision of Referee MacAndrews, who placed both appellants on the list of contributors of the defunct Farmers' Bank. Counsel for the plaintiffs argued that the Farmers' Bank was never properly incorporated as a bank. It is held that it is too late, after enjoying the fruits of the shares, to say that the issue of the charter to the bank was irregular. "I am unable," said the judge, "to grasp the distinction which is attempted to be made between a holder of shares and a shareholder."

If this judgment is sustained it will mean that those who subscribed to Farmers' Bank stock and held it at the time of the winding up in January, 1911, will have to pay in the neighborhood of \$500,000 under double liability.

In a short time the Watson arbitration award is to be the issue in a new legal battle to rage in Osgood Hall. The Watsons have decided to appeal to the appellate division against the decision of Official Arbitrator P. H. Drayton, K.C., that the 12 acres taken by the city at the mouth of the Humber boulevard scheme is worth only \$53,000.

At the arbitration some of the witnesses estimated the property at a quarter of a million. Mr. Drayton found that the land was of little or no value.

To Supreme Court.

Mr. Justice Kelly has made an order transferring from the surrogate court of Wellington County to the supreme court, a dispute as to the estate of the late G. S. H. Wilson of Guelph, who died at Berlin, Sept. 17 last. The widow attacks the will, which purports to have been made four days before his death.

By the will, a brother, W. A. Wilson,

high school principal at Halleybury, is appointed sole executor, and with the exception of the cash and household furniture, the whole estate is left to him in trust for the testator's son, A. H. K. Wilson. The estate is worth \$9000 and the widow claims that her husband intended that she should get the whole estate for herself and child. The widow also alleges the will made expresses the intentions of her husband's brother, at whose home he died.

TEUTONS CANNOT SEND TROOPS TO ERZERUM

Reinforcements Impossible to Dispatch From Constantinople to Caucasus.

PETROGRAD, Jan. 28, via London, Jan. 28.—In the Caucasian campaign there have been no official reports of a further advance since the recent successes were made known, and it is assumed that the Russians have halted before Erzerum fortress while awaiting the arrival of heavy artillery.

According to a statement made to the foreign press by the military expert of The Birshey Velomosty it is a practical impossibility for the Germans to send reinforcements from Constantinople to assist the Turks at Erzerum. Even the bringing up of troops from Baghdad, the most likely expedient, would mean the weakening of the forces which are facing the British in Mesopotamia.

The Russians are now within three or four miles of the outer fortifications of Erzerum.

QUERY SENT TO AUSTRIA ABOUT LOSS OF PERSIA

United States Wants to Know Whether Austrian Submarine Sank Liner.

WASHINGTON, Jan. 28.—The United States has addressed another enquiry to Austria asking if any of its submarine commanders have knowledge of the destruction of the British liner Persia. A statement that they had none, reported to have been handed to Ambassador Penfield several days ago, never has been received here.

STOLE SUGAR BAGS, GETS TWO YEARS.

Two years in the penitentiary was

SHARP ATTACK REPULSED

Dangerous Condition Relieved Just in Time by "Fruit-a-tives."



MR. F. J. CAVEEN.

622 East Gower Street, Toronto.—"For two years I was a victim of Acute Indigestion and Gas in the Stomach. It afterwards attacked my Heart, and I had pains all over the body, so I could hardly move around. I tried all kinds of medicines, but none of them did me any good. At last, acting on the advice of a friend, I decided to try 'Fruit-a-tives.' I bought the first box last June, and now I am well, and constant distress of mind and body. If you are bothered with any Stomach Trouble, and especially if Constipation troubles you, take 'Fruit-a-tives.'"

"FRED J. CAVEEN."

Simple Indigestion often leads to Heart Attacks, Catarrh of the Stomach and constant distress of mind and body. If you are bothered with any Stomach Trouble, and especially if Constipation troubles you, take 'Fruit-a-tives.' 50c a box, 6 for \$2.50, trial size 25c. At all dealers or sent postpaid by Fruit-a-tives Limited, Ottawa.

the sentence imposed upon Hubert Hinton, accused of stealing two bags of sugar from a G.T.R. freight car, by Colonel Denison in the police court yesterday. Thomas Ellis, an expressman, also implicated, was allowed to go.

ILLNESS OF JURYMEN CAUSED POSTPONEMENT

If Trial of McCutcheons Has to Be Recommended, Will Cost Crown Big Sum.

SUED FOR INVESTMENT

Not Having Received Reports of Property Sales, Shareholders Went to Court.

At 1 o'clock yesterday afternoon an adjournment was made in the trial of the McCutcheon brothers until Monday morning on account of the illness of Jurymen William Church of East Gwillimbury Township, who was seized with the grip. It is not expected, however, that the illness will be serious, but if it should and the trial has to be recommenced, the cost would be enormous.

Another Brantford man, Fredrick Simmonds, was put in the box when the court resumed yesterday morning. In his evidence he stated that he invested in the Braemar syndicate for the purchase of property in Weyburn, Saskatchewan. He was approached by L. W. Whittaker, the Brantford man who was responsible for the raising of subscriptions in that town, and was asked to become a member of the syndicate to be formed with a capital of \$24,000. Of this amount, the McCutcheons were to raise \$14,000 in Calgary and the balance was to be invested in Brantford. He was asked the names of the purchasers of the property for the syndicate and replied that the McCutcheons were acting as agents for the proposed firm. Whittaker said he was very much surprised to find later that the head offices of the company were to be located in Calgary and he immediately protested to Mr. Whittaker.

Anxious About Money.

To L. F. Hellmuth, who conducted the cross examination, Mr. Simmonds admitted that the receipt he received stated that the capital of the company was \$72,000, but that was not in accordance with the agreement which was received two weeks previous to the receipt. He did not turn up the receipt as anticipated and he began to get anxious about his money. He saw Whittaker, who promised an interview, and the latter stated he was only subpoenaed last night.

A Toronto traveler, W. H. Barker, 55 Gore Vale avenue, testified that he put \$500 in a Braemar syndicate on the advice of D. S. McCutcheon, to whom he was introduced in Calgary early in 1912. He never received any money back.

Some interesting evidence was given by Harry Stooke of Toronto, who invested \$500 in the Braemar syndicate property at Prince Albert. He received a receipt for his cheque from G. D. McCutcheon, who said that only \$1000 was to be invested by Toronto people, all the money coming from outside and the property would be handled from the Calgary office.

Mr. Stooke stated that he was also a shareholder in Connought Park, Alberta, in which he had invested \$500, making his cheque payable to Goodman and Galbraith as they were solicitors for the McCutcheons. He declared that one of the McCutcheons had informed him there would be no call for a second payment as the sale of the lots would clear up the purchase. Monthly reports of how the lots in this property were selling were received by him from Goodman and Galbraith during the time they acted for the accused, but after that he heard nothing.

Sued McCutcheons.

Mr. Stooke said he sued the McCutcheons in connection with the Prince Albert property on the advice of A. K. Goodman, who received \$250 on his behalf with a promise of the remaining \$250 in a month. He did not receive the balance.

Replying to Mr. Hellmuth the witness said that Goodman had never given him any information in connection with the Prince Albert property. Counsel for defence asked if he had the statement of claim in the action, and on his replying in the negative Mr. Goodman, who was sitting beside the crown counsel, offered to telephone for them. The witness said the action was brought because he had not received his certificates.

Walter McGill, a Thornhill traveler, had been in the employ of the McCutcheons for about a year. He had been employed to sell lots in Council Crest and was to receive \$20 for each sale. He sold 48 lots in this subdivision to about fifteen purchasers, most of whom were in Galt.

SCHOOL CHILDREN WILL SEE "DYNASTS" PLAYED

Chief Inspector Cowley has sent circulars to the schools in Toronto notifying the teachers that the public school pupils will be allowed to attend the production of "The Dynasts."

The city has been divided into three districts, eastern, central and western, and the days of the play will be Tuesday, Feb. 8, Thursday, Feb. 10, and Friday, Feb. 11.

The scholars will be dismissed at 2.30 and the performance will commence at 3. The funds will go to the Red Cross Society.

MANY LIVES LOST IN GERMAN TRAIN WRECK

PETROGRAD, Jan. 28.—One hundred soldiers and train employees were killed by the wrecking of a German ammunition train en route from Lida to Somorzen, according to advices received here today. The train was wrecked by a washout, and large quantities of shells exploded.

EMPEROR FRANZ JOSEF IS BECOMING WEAKER

LONDON, Jan. 28.—Emperor Francis Joseph of Austria has suffered a severe chill and is growing weaker and more depressed, according to a Copenhagen despatch today. Copenhagen reported receipt of Vienna despatches declaring that the Archduke Karl was in constant attendance at the emperor's bedside.

PUNISHED FOR DISLOYAL TALK.

CALGARY, Jan. 28.—John Reid, a British subject of Scottish birth, charged with making seditious statements at public meetings, was sentenced today to fifteen months' imprisonment.

LIBERTY

The Vital Question at Issue in Prohibition Campaign

THE vital question at issue in this Prohibition Campaign is not whether we shall drink or not. That is, after all, a minor matter. It is whether free men shall be deprived of their liberty; whether, at the dictation of a party controlled largely by professional agitators, the rest of the community shall be coerced as to the manner of their individual life. That is the real point, compared with which all other points are secondary.

Those who are opposing Prohibition in this contest are, therefore, fighting for exactly the same principle as that for which the Allies are fighting in Europe, namely, Liberty.

Where PROHIBITION Would Lead

For, if these so-called crusaders have the right to dictate to you as to what you shall drink, why not as to what you shall eat, what you shall wear, how you shall conduct your business, how you shall amuse yourself, and how you shall worship your God. These are not mere vain imaginings. History is full of such attempts; and a self-assertive, self-righteous party has again and again prohibited almost anything that can

be mentioned. Indeed, in certain States of the American Union to-day the playing, even in a man's own home, of games such as dominoes, draughts and cards, which may possibly lend themselves to betting, has been put under the ban; in another State a game of billiards in public is not allowed; in another the smoking of a cigarette; and in another it is actually proposed to regulate the style and character of women's wearing apparel.

Inevitable Results of Coercion

The aim, then, is to restore the regime of the old Puritans, who, although upright in character and possessed of many sterling virtues, were obsessed with one dominating idea, that it was their mission to force all men, under heavy penalties, to conform to their narrow views of life. The result is well known: Pharisaism, the creation of a cold, self-centered character, evasion of the law, tyranny, and at last a reaction, ending in an era of excess and immorality. And yet, strange to say, the Puritans never proposed for a moment anything so drastic and tyrannical as the Prohibition of the use of beverages, of which they themselves partook with a clear conscience as being gifts of God.

Well, the people of Ontario do not propose to return to the Blue Laws and other tyranny of Puritanism.

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A noted dentist says "We eat more than our early ancestors but we chew less. Our jaws don't get the exercise they ought to and don't develop to allow sufficient room for big, strong teeth."

Chewing gum is one of the best possible things. It exercises the gums, rubs off food particles that cause trouble to teeth and strengthens the saliva glands."

Get this Perfect Gum in the sealed package—clean, full-flavored and good for you!

Write for free copy of "WRIGLEY'S MOTHER GOOSE" Wm. Wrigley Jr. Co., Ltd., Wrigley Building, Toronto

Chew it after every meal

BRITISH ENTRENCHING ON TIGRIS AT FELAHD

Turks Report No Change in Situation Near Kut-el-Amara.

CONSTANTINOPLE, Jan. 28, via London, 5.17 p.m.—The following statement on military operations was issued today by Turkish army headquarters:

"Iraq front: The enemy is entrenching the region of Felahe. There has been a feeble and intermittent artillery duel. Near Kut-el-Amara there is no change in the situation."

"Caucasus front: Artillery engagements and outpost skirmishes have been continued."

"Dardanelles front: On Jan. 25 a hostile monitor fired some thirty shells in the direction of Akchah without success. Our airmen threw two bombs against the monitor, which stopped firing and retired."

CHANGE IN CONTROL OF WINNIPEG TELEGRAM

Charles Roland, Formerly of St. Catharines, President of New Company.

WINNIPEG, Jan. 28.—Reports of the transfer of control of The Winnipeg Telegram were confirmed this afternoon. Charles P. Roland, formerly a newspaper publisher in St. Catharines, Ont., where he was born, has announced that he will be president and general manager of the reorganized company, with the following Winnipeg men as directors: W. J. Bulman, president of Bulman Bros.; G. V. Hastings, late president of the Lake of the Woods Milling Co.; W. J. Christie, head of W. J. Christie & Co., and Edward Peck, managing editor of The Telegram. All these, he says, hold shares in the new company. The paper will continue to uphold Conservative policies.

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"For the boy been taken up in the slogan of eve who knits. At The West Richmond being received in day for the big which closes in a time—February room was filled tendence of enthus was served from o'clock thru the Rose Tea Com demonstrator, and was also enjoyed. Toronto firms wa in the offer of the gany which has piano for the kn remainder of the Program re buted by Paul Mrs. Herbert and have all kindly co in future entertainers. A cheque f by the treasurer, R. D. Beaton, the Whitevale Red Cr ter which stated been made by a of the league, used to purchase Today the knitt from 12 till 5 o help with the cam are able. If you c learn—it is an e and your donat make "Sox Day." Please wash all e and address the mond street, Phon

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The popular c trains, "The Ride between Toronto a public an opporti day in Toronto, the midday train midnight train, on road.

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SNAKES BIG IN

Farmers Say and Barns

An interesting number of field and rears will between Dr. R. ington, D.C., and

"GO THE AL TO 61 Qu