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LESUEUR LOSES HIS APPEAL CANNOT USE MACKENZIE LIFE

Sir William Meredith Gives Judgment Dismissing the Appeal From Mr. Justice Britton's Decision, and G. G. S. Lindsey Wins Action for Second Time.

mentioned in the statement of claim; an order restraining the appellant, his servants and agents from publishing carried from publishing any book containing extracts or copies or any information derived from any of the books, letters, newspaper files and papers contained in the collection of G. G. S. Lindsey, concerning the life of the late William Lyon Mackenzie. Mr. Lindsey is the grown Mackenzie, and had in his possession this information concerning the life of the latter. Dr. LeSueur was engaged by Morang & Company Limited, to write a book on the life of Whiten Mackenzie collection of the latter. Dr. LeSueur was engaged by Morang & Company Limited, to write a book on the life of Whiten Mackenzie collection of the latter. Dr. LeSueur was engaged by Morang & Company Limited, to write a book on the life of the latter provided from the statement of claim; and agents from publishing any book containing to be published any book which contains any of these extracts or copies or any information 'avowedly obtained from the Mackenzie collection'; damages which he assessed at \$55. and he directed that judgment sider what rights, if any, as between him and the respondent, the appellant, his servants and agents from publishing on causing to be published any book which contains any of these extracts or copies or any information 'avowedly obtained from the Mackenzie collection'; damages which he assessed at \$55. and he directed that judgment should be entered accordingly with costs, and also dismissing the counter claim with costs.

Facts Concealed.

"My brother Britton does not, in terms at least, find that there was an agreement, express or implied, on the faith of which the respondent that question does not accepted that question does n ssued judgment dismissing the appeal

coks and papers otherwise than was accordance with the understanding Charles Lindsey; that the appellant knew that he could not have obtained access to the collection had he reveal ed his true feelings or declared his greal intention'; and that the appellant concealed from Charles Lindsey and

from the respondent, the fact of his eriticism of the manuscript of the writer who was first employed by Morang & Company to write the life

scrandson of Mackenzie, and had in his possession this information concentration the possession this information concentration was engaged by Morang & Company Limited, to write a book on the life of William Mackenzie was that the possession of Lindsey, for publication in a series issued by that company, and the use of the Mackenzie was written and presented to the manuscreessary to get access to the company for its approval. The book was rejected by the company, who considered illar Lyon. Mankers to the character of William Mackenzie which would any to the character of William Markers of the manuscrees of the manuscr

the respondent and Charles Lindsey to understand that the views and feelings of the appellant towards Mackenzie to the public was a fair one; that he had no bias against Mackenzie, and that he had no feeling or opinion which would prevent him, as a writer, from truly presenting the facts and circumstances of Mackenzie's life and character, and that the respondent and Charles Lindsey "should believe as they did in refersion to the appellant intended that the respondent that the appellant intended that the respondent that the appellant arrangement with the respondent; that the appellant when he found that he could not with the respondent; that the appellant made that the respondent that the appellant made that the respondent in the section of the respondent of the structured by statute to subscribe towards and country were required by statute to subscribe towards and provided that the preventional lines'; that he intended to write of Mackenzie not as one of the Mackenzie's life on their than conventional lines'; that he intended to write of Mackenzie on the respondent, or destroyed, the extracts and copies he had made and a that time intended to write of Mackenzie on the respondent in the respondent of destroyed, the write of Mackenzie on the respondent in the respondent of destroyed, the write of Mackenzie on the respondent in the respondent in the general acceptance of that term but as a "puller down"; that the appellant made use of the 'Mackenzie collection' of the respondent of destroyed, the write of Mackenzie on the respondent in the respondent of the prevention of the province of the prevention of the preven

"If I am right as to the terms upon which the appellant obtained access to and the use of the Mackenzie collec-tion, it follows, I think, that he may be restrained from committing a breach

agreement.
Makes a Precedent. Morang & Company to write the life of Mackenzle, and upon these findings the learned trial judge held that the respondent was entitled to: An order requiring the appellant to deliver up to requiring the appellant to deliver up to

are willing to testify to their cures by

and who would be glad to share their knowledge with others if written to. I send the names of these men to anyone who requests them. There is not another remedy in the world to-day that has proven as effective. Its cures speak volumes for the good work it has accomplished.

I cannot take up more space with those extracts. But if you will send me your address , will mail you free my

beautifully-illustrated book, along with testimentals from thousands of grateful people who have been fully restored to

very truly.

ELECTRICAL TREATMENT

Lame Back, Weak Kidneys, Nervous Debility, Sciatica, Constipation, or any of the numerous diseases which lead to an early breaking down of the system. If you have any of these troubles they should be attended to at once. You

have tried drugs, and found that if they even stimulated you, they did not cure, but left you with some new trouble as a result of the poison put into

day suffering mental and physical torture as a result of their weakness, while right at their doors others are being cured of the same disease. One who has not known it himself cannot realize the feelings of those in an advanced stage of Nervous Debility, nor does he hear it, for they do not talk of their troubles.

stage of Nervous Debility, nor does he hear it, for they do not talk of their troubles. Even when they are fortunately led to use the remedy which is now so well known—Dr. McLaughlin's Electric Belt—and are cured by it, they do not mention it to their closest friends; hence the prevalence of this trouble, and the means of cure are appreciated only by those who have had experience. And yet I have thousands upon thousands of grateful patients who are willing to testify to their cures by

ELECTRIC APPLIANCES

Address,......

Dear Sir,—I have worn my Belt for a month, and I am well pleased with the results. I feel better in every way:

have a good appetite, and my food digests well. Yours

and I am glad to say that I have received the greatest

benefits from it. My back is a great deal stronger, and the pain in my legs and arms has gone and I am feeling

the pain it my legs and arms has gone and I am leeling
like a new man already. You may use this letter in any
way you wish. Wishing you every success, I remain,
yours truly.

WILLIAM McCONNELL.
Bon Accord, Vic. Co., N.B.

Dr. M. O MoLAUCHLIN, 237 Yonge St., Toronto, Can. Gentlemen,—Please send me, prepaid, your Book, 12-28-12

Name.....

Office Hours: 9 a.m. to 6 p.m. Wed. and Sat. 8.30 p.m.

Dear Sir,-I have worn your Belt for a month now.

IRA S. ACKER, Birchtown, N.S. .

It is pitiable to think of the vast number of people who go on from day to

Perfect health and strength denote the absence of disease. are weak it means that you lack that which is the foundation of strengthof life itself—Electricity. You may be afflicted with Rheumatism, Dyspepsia,

I AM A SPECIALIST IN

your system.

Dear Sir,—I have used your Belt since last November, and I feel much better. I am well pleased with the Belt. It has proved all you claimed for it. Yours respectfully, DANIEL CHATTERTON, Cobalt. Ont.

DANIEL CHATTERTON. Cobalt. Ont.

Dear Sir.—I am glad to say that your Belt has made a permanent cure of my case. After using the Belt and following directions for three months I feit like a new man, and have not used it since. As it is now over eighteen months since I stopped using the Belt, and have had no return of my trouble, I find I am cured, and words cannot express the gratefulness I have towards you and what your Belt has done for me. Before sing your Belt I weighed 140 and now I go 170. I am recommending your Belt to all my friends. I remain, yours truly,

LEON ROLFE, Lime Ridge, Quebec.

This appliance has cures in almost every town and city in the country, and if you will write me I will send you testimonials given to me by people that are probably well known to you. My Belt cures Rheumatism, Sciatica, Lumbago, Backache, Kidney Trouble, Nervousness, Constipation, Indigestion and Stomach Trouble. I have a beautiful 80-page illustrated book, which I will mail, sealed, to any address FREE. This book is full of lots of good, interesting reading for men. Call to-day. If you can't call, send coupon for Free Book.

health and strength.

that has been brought to the attention of the court by the able counsel who argued the case for the appellant.

"If the appellant intended to use the documents themselves for a purpose inconsistent with that for which he had obtained them, and they were entrusted to him, I apprehend that there can be no doubt that it would be proper that he should be restrained from doing so, and I can see no reason why, if that is the case, he should be at liberty to accomplish the same purpose by using, not the documents themselves, but copies of or extracts from them which he has made.

The appellate division of the Ontario high court yesterday morning saued judgment dismissing the appeal of Dr. W. D. LeSueur of Ottonia an order restraining the appellant, his an order restraining the appellant his an order restraining the appel

MUST FIND NEW HOME

No Longer Room in Osgoode

titles office. This department of civic and county importance, which has long been nestling beneath the generosity of the provincial government, will now have to seek a new home. It is generally conceded that the new location will be in the registry office, which has been under the consideration of the property commissioner for some time. Mayor Hocken, Controller O'Neill and Property Commissioner Chisholm approached Hon. J. J. Foy and Edward Bayly, K.C., yesterday afternoon to come to an agreement in the matter. It was acknowledged that for years this office had been allowed space in Osgoode Hall at the deference of the government until the commissions would

Steamship Special to Portland, Maine,
Via Grand Trunk Railway.
For the convenience of passengers
salling on the White Star-Dominion
line steamship "Teutonic," Cunard line S.S. "Ausonia" and Allan line of his agreement, and the respondent is entitled to have the copies and extracts, made from them, delivered up to be destroyed because the appellant threatens to use them in breach of his agreement. coaches, tourist and first-class stan-dard Pullman sleeping cars, leaving Toronto Union Station at 1.30 p.m. Fri-Makes a Precedent.

"It was argued that there is no preat Portland, arriving there at 9 am.

sepondent all the extracts from there is none that I am aware of, or Yonge streets. Phone Main 4209.

ART SALE Highly Important Unreserved Catalogue Auction Sale

162 Valuable Oil and Water-Color Paintings the Late Sydney Strickland Tully,

Iuesday Aiternoon, Dec. 9th 128 King Street East

and a Quarter Long.

In the Dachstein Mountains of Austria there are numerous caverns, among them being one which is 6500 feet long containing huge ice masses, and said to be the largest ice cave in the world. The a scorching sun may be blazing outside on the bare mountain rock, The Scientific American states that there is always a wind blowing thru this underworld, freezing everything within it reach.

The Dachstein ice cave comprises several domes filled with ice, which communicate with one another thru a number of frozen galleries. An ice crevice eighty-nine feet deep and one hundred and sixteen feet in width traverses the floor of the cavern, one hundred and sixty-five feet from the entrance Gigantic ice pillars were found to tower on both edges of this chasm, in the depth of which there unfolds a fairy-like ice scenery. The Dachstein ice cave comprises sev

Beyond the abyss the cavern widens out into a mighty dome ("Tristan Dome," it is called), where a plain ice sheet reaches from one wall to the other, carrying ice stalagmites of the most fantastic shapes. This hall is continued in a gallery, thru which flows an ice river. A hall of imposing dimensions, 396 feet in length, 231 feet in width and 116 feet in height, called "Parsifal Dome," is next entered, quite abruptly, which exhibits an immense variety of ice formations of every description.

The descent to the bottom of the cave is made over an ice river, known as

made over an ice river, known as ontsalvasch Glacier. At the foot of the acter a lake of ice spreads from end to

At a recent dairy convention in Oregon it was shown that one man with an electric milking machine can milk four times as many cows as he can hy hand in the same length of time. It was also shown that the output of Tully, A.R.C.A., takes place on Tucsday afternoon, Dec. 9, at Chas. M. Henderson & Co.'s Art Gallery, 128 King Street East. The entire collection will be on view day previous to sale. No art lover should fail to attend this important sale.

Tully, A.R.C.A., takes place on Tucsday ankle white and white strip of the derson & Co.'s Art Gallery, 128 King Street East. The entire collection will be on view day previous to sale. No art lover should fail to attend this important sale.

Estate Notices. MORTGAGE SALE OF VALUABLE

Under and by virtue of a power of sale contained in a certain mortgage, which will be produced at the time of sale, there will be offered for sale by public auction, at the auction rooms of Messrs. C. M. Henderson & Co., 128 King Street East, in the City of Toronto, on Saturday, the 17th day of January, 1914, at 12 o'clock noon, that valuable parcel of property, being lots Nos. 23 and 24 in Block F, on the west side of McRoberts avenue, in the City of Toronto, according to registered plan No. 886.

The property has a frontage of 72 fect more or less by a depth of 132 feet more or less by a depth of 132 feet more or less. On this property are said to be erected two frame houses, known as Nos. 136 and 140 McRoberts avenue.

The property will be offered for sale, subject to a first mortgage and subject to A reserve bid.

Terms and conditions will be made known at the time of sale, or can be seen on application at the office of MACDONALD, SHEPLEY, DONALD & MASON.

Mortgagee's Solicitors.

28 Toronto Street, Toronto.
Dated this 4th day of December, 1913.

686666

The entire collection will be on view as previous to sale.

Sale at 2,30 sharp.

CHAS. M. HENDERSON & CO., Tel. M. 2358.

Auctioneers.

CHAS. M. HENDERSON & CO., Tel. M. 2358.

Auctioneers.

We are instructed by Company. Auctioneers, at their toronto, pay Meesars, the form of 12 o'clock mon, by Meesars, the form of 12 o'cloc

DAKEY'S "WELLINGTON" KNIFE POLISH

milk was cleaner and better, because covered palls are used with the milking machine, thus decreasing the number of bacteria in the milk.

Continental Life Building, 10.6

Administrators, Administrators, Canada Life Building, their Solicitors. Among improvements to be carried

Estate Notices.

ADMINISTRATOR'S NOTICE TO CRED-itors and others—in the Estate of Mar-garet O'Grady, deceased.

In the County of Wellington, Manufacturer, Deceased.

NOTICE is hereby given pursuant to I Goorge V. Chapter 26, that all persons having cialms or demands against the estate of the said Christian Kloepfer, deceased, who died on or about the ininth day of February, 1913, are required to send by post, prepaid, or deliver to the undersigned administrators, the Trusts and Guarantee Company, Limited, Toronto, or to the undersigned, Macdonell and Boland, its solicitors, on or before the thirty-first day of January, 1914, their Christian and surnames and addresses, with full particulars in writing of their claims and statement of their accounts, and the nature of the securities, if any, held by them, duly verified by statutory deciaration.

And take notice that after the said thirty-first day of January, 1914, the said administrators will proceed to distribute the assets of the said deceased among the parties entitled thereto, having regard only to the claims of which it shall then have notice, and the said administrators, the Trusts and Guarantee Company, Limited, will not be liable for said assets, or any part thereof, to any person or persons of whose claim notice shall not have been received by it or its said solicitors at the time of such distribution. Dated this fourth day of December, A. D. 1913.

THE TRUSTS & GUARANTEE CO.

LIMITED,

E. B. STOCKDALE, General Manager.

MACDONELL & BOLAND.

2 Toronto Street, Toronto,
Solicitors for the said Administrators.

D6,20J3.17

The paper and control the strict of the paper and the paper at the pap Notice is hereby given that the above Insolvent has made an assignment of its estate to me for the benefit of its creditors by deed dated Nov. 20, 1913, and the creditors are notified to meet at my office. 15 Wellington St. West, Toronto, on Wednesday, the 10th day of December. 1913, at 3 o'clock p.m., for the purrose of receiving a statement of its affairs, appointing Inspectors and fixing their remuneration, and for the ordering of the affairs of the estate generally. All persons claiming to rank upon the estate of the said Insolvent must file their claims with me on or before the 28th day of December, 1913, after which date I will proceed to distribute the assets, thereof, having regard to those claims only of which I shall then have received notice.

F. C. CLARKSON, 15 West, Toronto, Dec. 2, 1913. 62

ADMINISTRATORS' NOTICE TO CRE-ditors and Others in the Estate of George Noble, Merchant, Deceased.

WELLINGTON KNIFE POLISH
Best for Cleaning and Polishing Cuttery,
3d. 6d. 1/- 26 & 4/
WELLINGTON KNIFE BOARDS
Prevent friction in cleaning & injury to Knives.

POLYBRILLIANT METAL POMADE
Never becomes dry and hard like other Metal Pastes.

SILVERSMITHS SOAP
For Cleaning Plate.

EMERY EMERY CLOTH.

GLASS PAPER BLACK LEAD

Manufactured by

John Oakey & Sons, Limited

Wellington Mills, London, England.

milk was cleaner and better, because covered palls are used with the milking machine, thus decreasing the number of bacteria in the Estate of George Noble, Merchant, Deceased.

NOTICE is hereby given pursuant to the provisions of 1 George V. Chapter 26, Section 55, that all persons having any claim or demand against the late George Noble, who died on or about the sixteenth day of September, 1913, in the City of Toronto, are required to send by post, prepaid, or deliver to the undersigned, the administrators of the estate of the said of George Noble, on or before the fifth day of January, 1914, the ranness and addresses and full particulars in writing of their claims and statements of their accounts, and the nature of the security, if any, neld by them.

And loke notice that after the said diffit day of January, 1914, the said administrators will proceed to distribute the assentiated thereto, having regard only to the claims of which they shall into the said assets, or for any person or persons of whose claim they shall not have had notice at the time of the distribution thereof.

Dated at Toronto, this fifth day of December, 1913.

Continental Life Building, Toronto, Administrators.

LAMPORT & FERCUSON.

Canned Life Building, Toronto.

LAMPORT & FERCUSON.

The descent to the bottom of the cave is made over an ice river, known as Montsalvasch Glacier. At the foot of the glacier a lake of ice spreads from end to end of the hall, carrying loc stalagmites of animal likeness. Over an ice wall fifty feet deep, and thru a portal formed by huge ice arches, access may be had to the second part of this underground world. This is distinguished from the former by a considerably higher temperature, preventing the formation of ice.

During the past summer the telephone company at Temple. Texas, placed a transmitter in the band stand placed of greenish shining ice domes. The largest room is "King Arthur's Dome," a practically central hall, 666 feet long, 320 feet wide, and 100 feet high. Its huge side galleries contain, in addition to stalagmites of cauliflower shape, an enormous mass of crystalline erratic blocks, brought down to those depths from the central Alps by the underground rivers of an early geological period.

At a recent dairy convention in Oregon it was shown that one man with an electric milking machine cas milk four times as many cows as he can be deaded the solution of Newcastle, N.S.W.. Australia, is the buffding of Newcastle, N.S.W.. Australia, is the buffding of the supply in the buffding of the buffding of the supply and electric power plant to supply and also dealins the sum of \$54 and such further to the dealins the sum of \$54 and such further the fill and electric power plant to supply and also dealins the sum of \$54 and such further the elaims the sum of \$54 and such further the elaims the sum of \$54 and such further the buffding of the undersigned with the tramway system when it is electric.

Take NOTICE that the undersigned claims the sum of \$54 and such further the tramping of the supply and elaims the sum of \$54 and such further the buffding of the undersigned that it is electric.

Take NOTICE that the undersigned claims the sum of \$54 and such further the tramping of the supply and electric power land to a supply and electric power land to a supply

POPULARITY—Sunday World

The creditors of Margaret O'Grady, late of the City of Toronto, in the County of York, deceased, who died on or about the 2th day of August, 1913, and all others in the estate, are hereby notified to send by post, prepaid, or otherwise deliver, to the undersigned Administrator, on or before the twenty-fourth (24th) day of December, 1913, their Christian and surnames, addresses and descriptions, and full particulars of their claims, accounts or interests; and the nature of the securities, if any, held by them. Immediately after the said 2th day of December, 1918, the assets of the said testator will be distributed amongst the parties entitled thereto, having regard only to claims or interests of which the Administrator shall then have notice, and all others will be excluded from the said distribution. NATHONAL TRUST COMPANY, LTD., 22 King St. East, Toronto, Ontario, McMASTER, MONTGOMERY, FLEURY & Co., its Solicitors herein. Dated at Toronto, this 27th day of Nomember, 1913.

NOTICE TO CREDITORS—IN THE Matter of the Estate of Christian Kloepfer, Late of the City of Guejph, in the County of Wellington, Manufacture, Deceased, who died of or about the night of the Matter of the state of the City of Guejph, in the County of Wellington, Manufacture, Deceased, who died off or about the night of the state of the said Christian Kloepfer, Late of the City of Guejph, in the County of Wellington, Manufacture, Deceased, who died off or about the night of the Minister of the Interior. No. B.—Unauthevized publication of this advertisement will not be pc'd for.—26886 and of February, 1913, are required to

dersigned. The lowest or any tender not necessarily accepted.

Newspapers inserting this advertisement without authority of the Department will not be paid.

DUNCAN C. SCOTT,

Deputy Superintendent

General of Indian Affairs.

Department of Indian Affairs,

Ottawa, Ont., December 1, 1913.—51904





NOTICE is hereby given that a meeting of the Board of License Commissioners for the City of Toronto will be held on Friday, December 19, at the hour of 2.30 p.m. to consider the following application for the transfer of license:

James McGrath, 547 Dundas street, asking to transfer his tavern license to John C. Ward.

All persons interested will govern themselves accordingly.

Toronto, Dec. 5, 1913.

R. S. BURROWS,

Chief Inspector.

Board of Education

SEALED TENDERS, whole or separate, addressed to the Secretary-Treasurer of the Board, will be received until Friday Noon, December 12, 1913

Heating, Howard School

-AND-Plumbing, Heating, Electric Wiring and Heat Control, Regal Road School.

Specifications may be seen and all information obtained at the office of the Superintendent of Buildings, City Hall Each tender must be accompanied with an accepted bank cheque for five percent. of the amount of tender or its equivalent in cash. Tenders must be in the hands of the Secretary-Treasurer at his office in the City Hall not later than 12 o'clock on the day named, after which no tender will be received. The lowest or any tender will not necessarily be accepted.

W. C. WILKINSON, Secretary-Treasurer. W. O. McTAGGART, Chairman of Committee.

POLSON IRON WORKS LIMITED TORONTO

STEEL SHIPBUILDERS ENGINEERS AND BOILERMAKERS

MELVILLE & SON, delaide and Toronto 9.s. Agents, M. 2010.