FRAUD WAS ALLEGED AGAINST M'CUTCHEONS

Letters From Goodman and Galbraith to Trust Co. Charged Misrepresentation.

HIS LORDSHIP'S CONCERN

Anxious to Know if Solicitors Were Retained by Crown to Procure Information.

The part played by A. K. Goodman day of the trial in the criminal as-

I. F. Hellmuth, K.C., for the defence continued his examination of John

MacMurchy, the branch manager of the Northern Trust Co. at Calgary, when the court opened yesterday morning.

After asking the witness a number of questions regarding the descriptions issued of the Mayfair subdivision at Edmonton, he enquired if he had received any statements from Goodman. & Galbraith which the accused were alleged to have made regarding the property. Mr. MacMurchy replied

to know just what position Goodman & Galbraith occupied in regard to the

His lordship intimated that N. F. Davidson, K.C., as crown prosecutor, should know, and in reply the latter stated that he understood Mr. Goodman procured information for the at-

"My instructions are that there was never any formal retainer of Goodman & Galbraith by the crown," he said. "Representatives of the attorney-general's department did ask Mr. Goodman to put at the service of the crown information for the prosecution."

Short Cut of Department.

His lordship asked if Goodman had just been retained as a possible witness, and the reply was that it must have been a short cut taken by the department to obtain information for a criminal prosecution by asking Goodman and avoid subpoenaing him. "My instructions are that there was

nan and avoid subpoening him.
"You see how unsatisfactory that is,"
said Mr. Justice Middleton, "I am not
concerned about Mr. Goodman or his
future. I want to know whether these braith as representatives of the crown."
Mr. Davidson finally said; "As representative of the crown I admit

what has been done by the department, without confirming it."
Considerable discussion followed and ultimately Mr. Davidson allowed the letters written before Jan. 15 to go in as exhibits. Several letters written by Goodman and Galbraith to the Northern Trust Company were suit in

Trust Company was asked to advise as to the charges of valuation of five different properties and the cost of sending a witness to Toronto to give evidence as to the valuation. The letter went on to deal with the methods employed by the McCutcheon Brothers in regard to the syndicating of properties and pointed out that "they magnified the property and induced the subscribers to believe that they would pay them back their money within one year and with enormous profits to follow." In another letter to the same company, copies of statements of claim in connection with five actions were enclosed and one paraof the letters the Northern merts of claim in connection with live actions were enclosed and one paragraph read: "However, the two props of our actions on which we rely are fraudulent misrepresentation; and the establishment of a fiduciary relation-

Naturations Satisfactory.

In a letter dated Oct. 10, 1914, from Goodman and Gal-ratth to the company, it was stated that the valuation charges were satisfactory and would be referred to their clients.

L. W. Whitaker, a Brantford manufacturer, testified that in 1914 two of the McCutcheors laid before him a proposition regarding Prince Albert property. They said they had sixty acres for which the McCutcheor Brothers were paying \$500 per acre that thers were paying \$500 per acre that was going to be syndicated for \$36,000. It was proposed to syndicate at \$600 per acre, and the witness was to raise \$8000, in return for which he was to get \$3000 in commission and the brothers to get the same. He said he raised the money from his own people in Brantford, and the syndicate was known as the Brantford Investors,

known as the Brantford Investors, Limited.

He stated that out of the \$3000 he had put up in the Prince Albert proposition \$2400 had come back to him but there had been considerable trouble with the investors, who bought lots thru him at his Brantford office.

Cross-examined by Mr. Hellmuth he was asked if he knew since his consection with the McCutchcons that they were selling real estate for the main purpose of making money, and he replied "Yes."

H. C. COX MAKES REPLY TO F. B. CARVELL, M.P.

Jse of Horses Was Impossible and They Were Not Given

n. Lieut.-Colonel H. C. Cox refied to the charge yesterday after-noon that his offer of 50 cavalry horses was refused, some of the horses afterwards being bought by agents for the militia department. The charge was made by F. B. Carvell in the Do-minion parliament at Ottawa on Tues-

The explanation is that when the war broke out the city offered to supply 50 horses for the Mississauga Horse, and the honorary colonel of the regiment, H. C. Cox, another 50. After they had been used for training pur-poses for a couple of months the commanding officer, Lieut.-Colonel Gor-don, and Hon. Colonel H. C. Cox waited on the minister of militia and offered him the 100 horses, provided the troops went overseas as a cavalry

The minister said he would very much like to accept the offer, which was worth about \$10,000 to the goverament, our there was no call for mounted men, and he could not send a mounted cavalry regiment overseas. In consequence of the reply received at Ottawa fifty horses were returned to the city and the other 50 cars. They were then disposed to Mr. Cox. They were then disposed of in due course, and some may have been bought by government agents.

---When some women are giving their men --- and when some men are giving their lives

--What Will You Give?

If you are the man or the woman we believe you to be, you'll give your very utmost cent to this cause.

One woman—(a careworn toiler by her looks) brought in her dollar-signed a 50,000 Club card, and said, I don't know where the dollar is coming from every month, but I'm going to get it, if I have to do an extra day's scrubbing to earn it.

-That's giving—that's sacrifice—that's the living spirit of the Bible story of the widow's cruse.

At the last campaign, Toronto's giving was done by about 12,000 people—which means that hundreds of thousands of people never gave a dollar. Surely that will not happen this time.

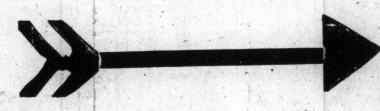
For remember, the man or woman who remains cold to this appeal may never have another opportunity to give—and you who have given wouldn't trade conscience with them for any money.

GIVE----and give now----TO-DAY----don't wait to be asked. There's a collection box at every Church, Bank, Moving Picture Theatre, and Hotel in Toronto. Also there are collection boxes at Simpson's, Murray-Kay's and Woolworth's, and the Union Station.

Let your gift be on record. Join the 50,000 Club-by pinning your cheque or bills to the coupon below and mailing it to Toronto and York County Patriotic Fund Headquarters. It's all the same campaign-50,000 Club and Patriotic Fund Association.

Give \$2.00 for \$1.00 that you gave last year

Give Double



Sign it and Mail it, or bring it to headquarters, or leave it at your nearest bank or church.

TORONTO AND YORK COUNTY PATRIOTIC FUND ASSOCIATION Affiliated with Canadian Patriotic Fund

For the purpose of raising \$2,000,000.00 (of which \$100,000.00 will be devoted to Toronto Red Cross work) to be administered by the above Association, in accordance with its constitution and by-laws, for the relief of wives, widows, children and dependents of residents of Canada who are or may be serving in the military and naval forces in connection with the present war, and in consideration of the subscriptions of others, I promise to pay to E. R. Wood, Honorary Treasurer of the Association, or his successor in office, the sum of in ten monthly payments as follows:

10% cash at the time of subscribing—the second and subsequent payments being on the first of each month thereafter, beginning with March and ending with November.

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