

UPHELD HOLLAND LANDING BYLAW

Task of Upsetting Local Option Legislation Formidable, Says Court.

EMIL NERLICH'S APPEAL

Stated Case Before Appellate Division Soon—Toronto Firm Wound Up.

At Osgood Hall yesterday, Mr. Justice Macdougall dismissed the application of J. Sharpe to have the Holland Landing local option by-law quashed. In the judgment he states that the discretion exercised by the courts as to the quashing of a by-law is vested in the provincial executive. The change was introduced in 1908 and while the court is bound to decide according to law and may quash a by-law, the effect of the decision is dependent on the minister.

In pointing out that recent changes in the municipal law have transferred the cause of proof from the defence to the applicant, he says: "The onus upon those supporting the by-law is confined to showing compliance with the principles laid down in the Act, while upon the applicant is laid the burden of showing that the result was affected by the proved irregularities."

Under a previous proof of irregularities unsettled the basis on which the vote rested and the tribunal had to be satisfied that the result was not affected. By the change in the section when the irregularities are proved the court does not concern itself with the effect subject to compliance with the principles of the Act, unless it is made to appear that the irregularities did not affect the result. In the opinion of his lordship the legislature has provided that courts will not in the future have to busy themselves annually in considering the infinitesimal and unimportant mass of suggested improper option votes.

Can. Have Full Title. Mr. Justice Macdougall gave judgment in the action of Matilda Hetherington v. N. C. Sinclair, Irving E. Perkins and Herman O. Tool of the Township of Harwich, Kent County. The plaintiff was a widow, the defendant, Mary Jane Crawford, who borrowed a sum of money from Sinclair and gave a deed for some property in 1900 the arbitrator who was appointed to reconsider and readjust the affairs of the estate found that \$1677 was due to Mr. Sinclair. She states that Sinclair reduced since then to give her an accounting of the receipts from rentals on the property.

In 1914 Sinclair sold some of the property to the other defendants at \$10 an acre and the plaintiff claimed that the price was low and unfair, and further that the other defendants have no right to the property which they purchased. His lordship decided that if the plaintiff pays the sum which was due to Sinclair she can have full title to the property.

Before Chief Justice Mulock in chambers Deputy Attorney-General Cartwright appeared for the plaintiff and the case of Emil Nerlich should take when it appears before the appellate division on May 10. Nerlich was found guilty by a jury under Chief Justice Mulock on a charge of "conspiring to commit an indictable offence," and is appealing the verdict.

Wind-Up Heyes Bros. On the application of Daniel Jacobs, a creditor for \$118,220, an order was granted by Mr. Justice Sutherland winding up Heyes Bros., Ltd., wholesale tobacconists, Toronto. The company was incorporated with a nominal capital of \$100,000, of which \$80,000 is said to be subscribed and paid up. G. T. Clarkson is named interim liquidator.

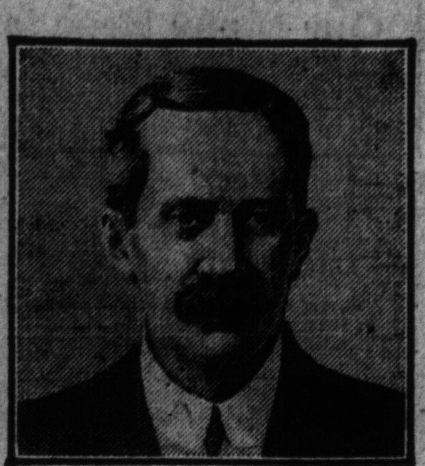
The first appellate court list for Monday is: Blackhall v. Roisel, Doel v. Kerr, Re Schooley and Lake Erie and N. Railway, Vandekie v. James, Dilde v. Seller, Gough, McAllister v. T. H. and B. Railway.

My friend, the stories of perfect health and unlimited energy are more apparent and more highly rewarded now than ever before. Today the world belongs to the man who has "lost his grip" on account of disturbances to his bodily health and normal functions. All those who find themselves in this predicament are compelled to take a back seat in life's game as it is played in this strenuous generation, while the strong and healthy men, who are the backbone of public opinion, accept the health and normal functions of their fellow-beings and the true admiration of all.

WHAY MY FREE BOOK CONTAINS
As I have previously said, my little book of 16 pages, fully illustrated, is a lesson in hygiene and strength training, but also it is a guide to the use of the human body. It contains a full and complete description of the human body, its organs, and its functions. It also contains a full and complete description of the human mind, its powers, and its functions. It is a book that every man and woman should have in their home. It is a book that will give you a new and better understanding of your own body and mind. It is a book that will give you a new and better understanding of the world around you. It is a book that will give you a new and better understanding of your own life. It is a book that will give you a new and better understanding of the human race. It is a book that will give you a new and better understanding of the universe. It is a book that will give you a new and better understanding of everything.

WHOLE FAMILY USES THEM

"Fruit-a-tives" Keeps Young and Old in Splendid Health.



J. W. HAMMOND, ESQ.
SCOTLAND, Ont., Aug. 26th, 1912.
"Fruit-a-tives" are the only pills manufactured, to my way of thinking. They work completely, no gripping whatever, and one is plenty for any ordinary person as a dose. My wife was a martyr to Constipation. We tried everything on the calendar without satisfaction, and spent large sums of money until he happened on "Fruit-a-tives." I cannot say too much in their favor.

Those who have been cured by "Fruit-a-tives" are proud and happy to tell a sick or ailing friend about their wonderful tablets, made from fruit juices. 50c a box, 6 for \$2.50, trial size 25c. At all dealers or sent on receipt of price by Fruit-a-tives Limited, Ottawa.

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BRITISH RIFLE FIRE VASILY SUPERIOR

German Mauser Adapted for Sniping, But Weak for General Defence.

ROSS ARM EFFECTIVE

Usefulness of Canadian Weapon for Sniping Proved in Practice.

Canadian Associated Press Cable. LONDON, April 30.—The following is contributed by Lt. J. B. Ross, of the Royal Grenadiers, Toronto, and of the 3rd battalion, 1st division Canadian expeditionary force, who is at present in England on sick leave. "It was during the early part of the war that the British Expeditionary Force after its accomplishment of one of the greatest achievements in military history, stood at bay on the Marne. At this period, before the fighting became 'stale-mate,' before the opposing armies had commenced seriously to 'dig themselves in' and fight continuously from the cover of their trench parapets, we used to read of the superiority of British marksmanship and the demoralizing effect of their rifle fire on the Germans. During this stage of the war we constantly read of the British soldier being inclined to treat the German rifle as a joke, expressing anxiety only on account of Jack Johnson's coal-boxes and black Maria's.

During the past few months we have not heard quite so much contempt expressed for our enemy's marksmanship, and many allusions are made in letters from newly-arrived soldiers who are very quick to disabuse the minds of friends at home as to opinions they may have formed from earlier correspondence and reports. Since my return from France I have been constantly asked why it is that so many of our men fall victims to the German sniper, apparently without any chance of retaliation, my questioner being, 'If the Germans have got us in such a position that we cannot put our heads over the parapet of a trench and cannot even make our shooting from loop-holes safe, why cannot we with our superiority of aim do likewise?' For the benefit of those who take a general view and are not versed in small arms I am offering an explanation that I hope may prove satisfactory.

Speaking first of our own army. After a careful study of the system of training used by our allies and our enemies, I venture to express the opinion that no finer or more thorough system exists in the world than that used by the British army today. That this article a treatise on marksmanship I could dwell at some length on the system which has reached its culminating point in efficiency. Suffice it to say that during the last ten years the effect of this training has been watched by experts and the "cone of fire" has been narrowed year after year.

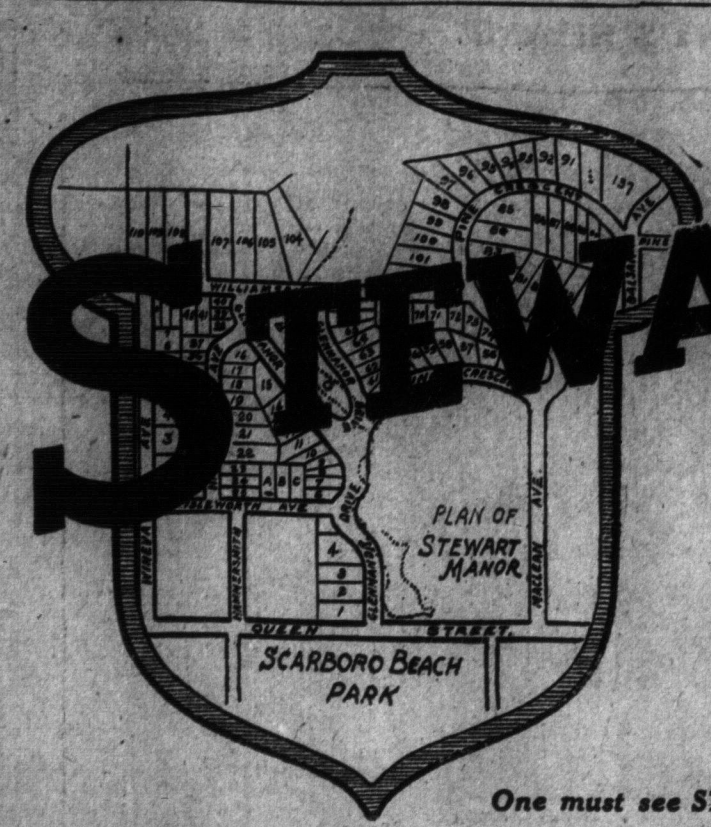
The British soldier knows his rifle down to the minutest detail, and is taught to use it, not as a prize-winner or pot-hunter, but as a soldier. His military efficiency is measured by his marksmanship, and we find battalions containing full companies of marksmen. He is taught the importance of rapid fire, and every soldier in the army is a marksman. The British soldier is a marksman, and he is a marksman because he is a British soldier.

Superiority of Fire. The rifle of the British army is made for the obtaining of superiority of fire preparatory to the assault. It is not a "sniping" or Bliley weapon, and is never meant to be. The shortness of its barrel, which gives it its perfect balance, alone detracts from its value for skilled or fine shooting. Its trajectory is therefore much higher than that of the long-barreled rifles.

According to reports the Germans employ specially trained snipers, who use their long-barreled Mausers, fitted with telescopic sights; these rifles, having a very flat trajectory up to 700 yards, it is therefore easy for them during the present trench fighting to assume a temporary superiority over the British soldier. Their loop-holes are arranged at a distance of their trench line, and their sniping is done exclusively from these loop-holes doubly because they are so well protected.

British Fire Best in Assault. While I do not intend to belittle the effect that this sniping has on us I can candidly state that on us it is being made or repulsed, our superiority of fire is being maintained. It may be of interest to know that the Ross Rifle, with which the Canadian contingent is armed, is similar in trajectory to the German Mauser. Also owing to its aperture sight with its fine adjustment in degrees, every Ross Rifle issued is a rifle that can be used for sniping as well as for general construction, is nevertheless of delicate mechanism, requiring knowledge and constant care, and while its merits for rough service remain yet to be proved, its barrel and its sights are absolutely perfect; its trajectory is flat, and for long range shooting it is second to none.

Speaking generally, the men of the Canadian contingent are good shots, and in the battalion to which I belong we have men who have taken up sniping as a hobby for years. These men have "sniped the sniper," and many a German sharpshooter has answered the call of a Canadian bullet. After my first experience in the "man trenches" I formed the opinion that the German snipers were well concealed in the rear of their trenches, from which points and at long range they did their deadly shooting. I am now, however, convinced that they are in the front of the trenches, and fire from carefully constructed loop-holes such as I have described. Periscopes, while invaluable for general observations, are of little use in locating these loop-holes, as they can only be held up for a very short time before a bullet smashes the upper mirror. When an enemy loop-hole is successfully located it is only a matter of taking a chance through our own loop-holes before that particular locality is "more serene than sniping."



STEWART MANOR

The Place to Build Your Home

One must see STEWART MANOR to realize its natural beauties

A PARADISE FOR CHILDREN. 1. Stewart Manor is almost the only open space left in this district, and is situated immediately opposite to Scarborough Beach Park, on high dry land, beautifully wooded. Children can play safely and to their heart's content within its spacious boundaries amid the beauties and wholesome freshness of the inviting woods.

IMPROVEMENTS PAID FOR. 2. The owners have spent large sums on improvements. The property was planned by expert landscape architects into beautiful crescents, driveways, etc., walks, sewers, water and gas are installed, roadways graded and electric service provided.

CLOSE IN. 3. It is not an outlying district, being nearly one mile this side of the eastern city limits and only 25 minutes from Yonge street by street car.

CLEAR TITLE. 4. Stewart Manor is free of all encumbrance and is held under Land Titles Act, assuring clear title without expense.

AN INVESTMENT OF HIGH CHARACTER. 5. Stewart Manor land is an absolutely safe and guaranteed investment. The property already contains many desirable homes, and discriminating home builders are taking advantage of our easy terms to purchase and are steadily buying up available lots.

WE WILL HELP YOU BUILD. 6. You can begin building immediately on any lot available, and we are equipped in every way to help you in your building if desired.

Why not phone or call today regarding appointment to see property and discuss terms?

COX & CUMMINGS LIMITED

CANADA LIFE BUILDING 44 KING ST. W. TORONTO. PHONE MAIN 2524-4727

OFFICE ON PROPERTY 2118 QUEEN ST. E. PHONE BEACH 629

FOE'S BIG LOSS AT STEENSTRAATE

Force of Four Thousand Men Was Virtually Wiped Out.

HAVRE, April 30.—The virtual annihilation of 4000 Germans who crossed the Ypres canal and fought at Steenstraate is described by the newspaper, Vingtieme Siecle. Belgian heavy artillery destroyed the bridge, while field artillery showered them with shrapnel. Many tied handkerchiefs to their bayonets and raised them in sign of surrender, but immediately their own quick rifles, the newspaper says, opened fire and mowed them down pitilessly. Many survivors were made prisoners by the Belgians.

SPLENDID HEROISM IN YPRES CONFLICT

Canadian and British Battalions, Nearly Surrounded, Fought Way Out.

LONDON, April 30.—When the full story is told of how the British and Canadian soldiers fought in the Ypres conflict, it will be found that they displayed tremendous heroism and at times struggled against tremendous odds. Wounded men arriving from the front today, tell stories of the dastardly way in which apophizing gas was used and of the fiendish shelling of hospitals containing wounded. A private of the Royals of Montreal was wounded by shrapnel in the thigh and picked him up in the open. They had not gone far when a shrapnel shell burst over their heads and killed the young bugler. The Montreal man shortly afterwards crawled to shelter where he was picked up by a stretcher. He saw hundreds of Germans dressed in khaki and killed in the terrific struggle which began on Thursday. At one time several Canadian battalions and a number of English ones were surrounded on three sides by an enemy, were in an exposed field, and in a desperate situation. They were forced to retire over an open plain and were exposed to a terrible fire. Later they were reinforced and gave it back to the Germans.

Wills Probated

Under the will of Mrs. Valda L. Bonnick Kennedy, leaving an estate valued at \$10,150, her mother, Mrs. Esther Lois Bonnick, receives a legacy of \$5000, together with household furniture, etc. The husband, David Ernest Kennedy, receives the balance of the estate, together with option of purchasing 68 Warren road for \$20,000. Two brothers and three sisters will share equally the estate of Mrs. Mary Whaley, valued at \$1985.

It All Came From Strain and Cold

But G. K. MacDonald Found Relief in Dodd's Kidney Pills.

Nova Scotia Man, After Fifteen Years' Suffering, Finds a Cure Through Dodd's Kidney Pills. "I was a sufferer from kidney trouble for fifteen years from lame back and kidney trouble. Mr. George K. MacDonald, a well-known resident of this place, is telling his neighbors of the great benefit he has received from using Dodd's Kidney Pills. "My trouble started from a strain and a cold," Mr. MacDonald states. "I was troubled with stiffness of the joints and cramps in the muscles. My sleep was broken and unrefreshing, my limbs were heavy and I had a dragging sensation across the loins. "My back ached and I suffered from rheumatism, when reading an advertisement led me to try Dodd's Kidney Pills. "I am only too pleased to say that the treatment was successful. Dodd's Kidney Pills have done me a great deal of good. "Mr. MacDonald's symptoms show that he was troubled with kidney disease. That's why Dodd's Kidney Pills cured him."

Best and First War Pictures

There are six solid pages of the very latest pictures of the war in next Sunday's World. They include a drawing, from cabled descriptions, of the BATTLE OF LANGEMARCK, the review of TORONTO TROOPS AND NURSES, an EATON ARMORED CAR CLIMBING STEPS at the Exhibition grounds, and several pages of photos direct from the war zone. The Sunday World's rotogravure section reproduces photos in their natural shades and in sepia ink. The reproductions are as fine and as clear as the photographs.

A feature page this week will be the best pictures in the TORONTO CAMERA CLUB SALON. These are really magnificent examples of pictorial art.

Seven sections—two all pictures. Five cents—Out Saturday evening.

The Toronto Sunday World

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SUING FOR WOOD BURNED.

Judgment Reserved in Case Against C.N.R. Brought by Farmer.

Mr. Justice Middleton reserved judgment in the case of Benjamin Allen, who is suing the Canadian Northern Railway Company for \$5000 for loss of the wood around his summer residence in Burton Township, Parry Sound. The property consisted of 27 acres and was covered with hemlock, spruce, birch, maple, beech, cedar, poplar and oak trees, which were destroyed by fire on May 14.

CONSUMERS' GAS WILL PAY.

Mrs. Lucinda King was awarded in the assize court yesterday \$5000 damages against the Consumers' Gas Company. Her husband was awarded \$500. The action followed injuries received by Mrs. King, who fell into an excavation on Oakwood avenue.

LOST AGAINST STREET RAILWAY

Wm. Schiffell Was Unsuccessful in Action to Recover \$5000 Damages.

William Schiffell, a waiter, lost his action in which he sued the Toronto Street Railway for \$5000 damages. Schiffell alleged that while he was attempting to board a car at the corner of Queen and Bathurst the car started forward and he was thrown over. A motor truck, the property of Elias Rogers, which was passing at the time, passed over his leg, which had to be amputated.

Blood Thin and Weak Too Nervous to Sleep

Here is Another Case in Which Dr. Chase's Nerve Food Proved Its Great Reconstructive Influence.

This blood and exhausted nerves usually go together. A considerable portion of the blood is constantly consumed in keeping up the vitality of the nervous system. Once the blood is deficient in quantity or quality, the nervous system suffers. Headache, neuralgia or sciatic pains are the indications in some cases, while in others weakness, nervousness, irritability and sleeplessness are the most marked symptoms.

Mrs. R. E. Catlin, Elm Springs, Sask., writes: "For years I was troubled with nervousness, and could not sleep at nights. Also had lack of color as a result of the blood being thin and weak. Mr. husband saw Dr. Chase's Nerve Food advertised, and got some for me, and wanted me to try it. I did so, and it has proven a wonderful help to me. By enriching the blood, it has restored color to my face and has built up the nervous system. Now I rest and sleep well, it is a great restorative treatment. I test and prove its merits in your own cases. 50 cents a box, 6 for \$2.50. All dealers or Edmondson, Bates & Co., Toronto."