

CASE WILL NOW GO TO PRIVY COUNCIL

Davies Estate Scores in Second Round of Brickyard Litigation.

APPEAL SUCCEEDS

Appellate Division Reverses Decision of Mr. Justice Lennox.

The Davies estate scored in the second round of the famous Taylor-Davies litigation yesterday when the appellate division reversed the judgment of Mr. Justice Lennox setting aside the conveyance by E. K. L. Clarkson, assignee of Taylor Bros., of the late Robert Davies of 140 acres of land northeast of the city, including the Don Valley Brick Works. The case will now be carried by the Taylors to the judicial committee of the imperial privy council.

The opinion of the appellate court was delivered by Chief Justice Sir William Meredith. Justices Ferguson and Hodgins also filed opinions concurring in the result reached by the chief justice. The amount involved in the litigation is approximately \$1,500,000.

The Original Action.

The original action was brought by Isabella Taylor on behalf of herself and other creditors of Taylor Bros. to set aside the conveyance of land above referred to, including the Don Valley Brick Works, and for a declaration that the late Robert Davies acquired the property for the benefit of Taylor Bros. and their creditors. She claimed that Mr. Davies as an inspector in the assignment proceedings stood as a trustee for the creditors and did not buy in the property for his own benefit.

Had Lien on Property.

Davies had a lien on the property for \$100,000. He took over the same at a private sale from the same at its appraised value, \$45,000. Since 1902, the date of the sale, real estate north-east of the city has made a spectacular rise in value, and Mr. Davies in 1913 secured \$300,000 from the C.N.E.R. for about seven acres of the land after it came into his possession. The brick works under his management proved to be a veritable gold mine, with earnings running as high as \$100,000 a year.

Partnership Personnel.

The partnership of Taylor Bros. at the time of the assignment consisted of John F. Taylor, Edward Taylor, and William B. Taylor. William B. Taylor is the only surviving member and the present action was instituted by his wife, Isabella Taylor, as a creditor of the estate. William Laidlaw, K. C., is her solicitor and the case was tried before Mr. Justice Lennox on behalf of the plaintiffs, Wallace Nesbitt, K. C., and the late M. K. Cowan, K. C., while J. F. Hellmuth, K. C., and A. W. Ballantyne, K. C., appeared for the Taylors and W. N. Tilley, K. C., represented Mr. Clarkson. In the appellate court the appeal was argued for the Taylors by Mr. Nesbitt and Christopher Robinson, K. C. and the other side was presented by Messrs. Hellmuth and Tilley.

Appeal to Privy Council.

William Laidlaw, K. C., solicitor for Mrs. Taylor, when seen by a reporter for the World last night, announced that an appeal bond was already prepared and that the case would be carried directly to the privy council. The appellate division, in reversing the judgment of Mr. Justice Lennox, holds that the late Robert Davies did not acquire the property as a trustee and that it was at the time of the conveyance in 1902 worth less than the amount of his claim. Stress is laid upon the fact that the Taylors acquired in the transaction and took no steps to set aside the conveyance for many years. It is suggested by the chief justice that the Taylors only commenced to move in the matter after the Canadian Northern Railway Company was condemned by the government for a small part of the property which it secured from Mr. Davies by expropriation proceedings. The meeting of creditors which ratified the conveyance from Clarkson to Davies is adjudged to be legal, altho the calling of such meeting was not advertised in the Ontario Gazette. The fact that Mr. Davies did not value his claim before taking over the property is held not to have been a sufficient irregularity to avoid the conveyance.

Chief Justice's Comment.

In commenting upon the claim of the Davies estate that the Taylors, including Mrs. Taylor, the plaintiff, acquired in the conveyance from Clarkson to Davies and thought the consideration at the time to be adequate, Chief Justice Meredith said: "It is incomprehensible to me that anyone believing the property to have had a value would have accepted the small dividend that was paid without making any enquiry as to how it was that so little was being realized from so valuable a property; and yet, if the husband is to be believed, he never made any enquiry as to how it was being done with the valuable property which had been entrusted to the assignees. This leads me irresistibly to the conclusion that no one entertained any such extravagant views as to the value of the property as it is now said in the view that the one occurred in the view that the estate was hopelessly insolvent, and that so far from there being anything left for the assignees, the creditors would receive only about one-fifth of the amount of their unsecured claims; and it is difficult to escape from the conclusion that it was not till after Davies had succeeded in obtaining and maintaining an award of a very large sum of the compensation which a railway company was to pay him for an insignificant part of the property that the respondent husband came to the conclusion that it was unjust that Davies should enjoy the very large profit that his acquisition of the property will yield him, and decided to set about endeavoring to 'pick a hole' in the transaction by which he had acquired it, and thereby divert to himself the whole or a part at least—of the realized and prospective profits which otherwise would go to Davies."

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Intoxicating Liquors Defined as Different From Ontario Standard.

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First Consignment of A, B and C Decorations Will Be Distributed at Once.

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SASKATCHEWAN FAVORS PROHIBITORY MEASURE

Premier Martin Issues Statement Endorsing Action of Dominion Government.

Regina, Dec. 26.—Premier W. N. Martin of Saskatchewan expressed satisfaction with the prohibitory legislation enacted by the Dominion Government today and issued the following statement: "The announcement that the Dominion Government by order-in-council under the War Measures Act, has determined that Canada, on April next, will be under a complete prohibitory law, has been received with general approval by the people of Saskatchewan. "Almost all the provinces of Canada have now in force prohibitory laws which go as far as their constitutions will permit, but it was necessary for the Dominion to supplement the legislation by prohibiting the importation into Canada and by stopping trade in liquor between the provinces. The beneficial effects of our local prohibitory law have been of such a character as to lead to the conclusion that Dominion-wide prohibition will be better. Economic conditions will also decrease waste and will so increase the efficiency of the nation that we will be assured of still greater efforts being put forth to see that Canada performs her full duty in the great world crisis." (Signed) "W. N. Martin."

PROOF SPIRITS BARRED BY NEWEST DECREE

Government Makes Amendments to Prohibition Order to Harmonize With Provincial Law.

Ottawa, Dec. 26.—In the regulations touching the importation and sale of liquor adopted by the government on Dec. 23, the general phrase "alcohol" was used in dealing with the alcoholic contents of liquors which should be deemed intoxicating under the several provincial prohibition statutes. The provincial prohibition statutes make use of the technical phrase "proof spirits," a slightly lower alcoholic content. It has been considered advisable to amend section two of Saturday's regulations by substituting the words "proof spirits" for the word "alcohol" therein, thus obviating any possibility of confusion which would arise from two different standards. This amending order, which it is understood was passed at today's council meeting, brings the provincial laws and the Dominion regulations into complete harmony in this regard and removes all possibility of misunderstanding.

Province Has Right to Tax Company With Federal Charter

The divisional court yesterday here Chief Justice Sir William Meredith allowed the appeal of the Harriett Lithographing Company and so upheld Ontario's right to grant a license from Dominion companies doing business in this province.

The basic principle of the British North America Act, which the chief justice, "was intended to be that each province should be autonomous and master of its own house." Originally Justice Maheen held that the extra-provincial corporations was ultra vires, but by the decision yesterday this was reversed.

ESCAPE THRU WINDOW.

Finger smudges and other marks on the dusty window of the juvenile court show how Jacob Rosen and Robert Dorland managed to escape while they were awaiting trial for the theft of a motor car. The two youths were in the detention room, and by placing a table under the window they were able to reach the sill and then drop 10 feet to the floor beneath. The youths are still at large. No one appears to have seen or heard them go.

NATIONAL DAY OF PRAYER.

January 6, the first Sunday of the New Year, will, at the suggestion of His Majesty King George, be observed throughout the empire as a day of special prayer and petition. The idea is being taken up enthusiastically in Toronto, the heads of the various denominations arranging the services to take place on that occasion. A point that will be emphasized on this special day of national worship will be the need for reliance upon God in this critical period in the world's history.

BRICKLAYERS AT FRONT.

John Vick, of Local No. 2 of the Bricklayers' Union, told a reporter for the World that his lodge had sent 27 men to the front and that 23 of these had been killed. The lodge has paid out some \$10,000 in various ways on behalf of members overseas during the past three years, and is still carrying on.

ALBERTA PEOPLE BACK LIQUOR SUPPRESSION

Premier Stewart Telegraphs Approval to Sir Robert Borden.

Edmonton, Dec. 26.—Premier Charles Stewart this afternoon wired to Sir Robert Borden the following in relation to the new order-in-council regarding the restrictions on the liquor traffic in the Dominion of Canada: "Aside from the national approval of any measure tending towards the conservation of all food products for strictly war purposes, the Dominion order-in-council prohibiting the transportation of liquor into any part of Canada wherein the sale is now illegal is the legal complement to the enforcing of the will of the people of this province as exemplified by the overwhelming majority given on the Alberta prohibition referendum."

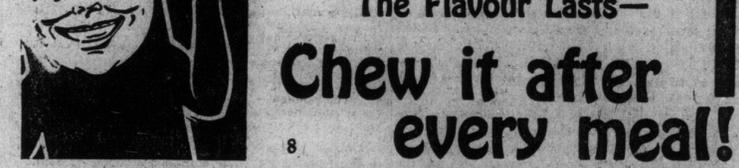
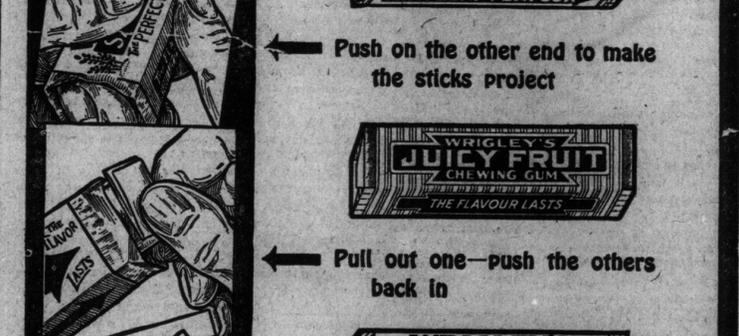
SUPPLIES MISSING LINK IN TEMPERANCE CHAIN

Premier Norris of Manitoba Expresses Pleasure at Prohibition Law.

Winnipeg, Dec. 26.—Premier Norris (Manitoba) today gave the following statement to Canadian Press Limited: "In reference to the recent order passed by the Dominion Government concerning the control of the liquor traffic it is regarded as very satisfactory to the provincial government, rendering more effective the Manitoba Temperance Act. It supplies the missing link and with I believe, be acceptable to the great majority of the people of the province."

WRIGLEYS

THE FLAVOUR LASTS



Open the sealed end with your finger nail

Push on the other end to make the sticks project

Pull out one—push the others back in

Unwrap the double cover and see how surpassingly full-flavoured and delicious it is!

MADE IN CANADA

THREE KINDS

The Flavour Lasts—

Chew it after every meal!

DOCTOR UNDER ARREST IN WARD AT HOSPITAL

Action Taken Following Death of Girl After Alleged Illegal Operation.

Dr. R. McP. Turner, 391 Gerrard st., is being held by the police on a charge of manslaughter in connection with the death of Marion Stone who died yesterday at the General Hospital following an alleged illegal operation. Dr. Turner himself is confined to St. Michael's Hospital suffering from blood poisoning. His condition is said to be very grave.

ARGENTFEUIL SEAT LIKELY FOR UNION

R. A. Drapeau, K.C., Makes Statement in Toronto to This Effect.

R. A. Drapeau, K.C., of Montreal, was in the city yesterday and left for Ottawa last night. He is one of the counsel who are looking after the account in the electoral riding of Argenteuil, Quebec, and is satisfied that the Union government candidate will be given the seat. Seen by a reporter at the King Edward Hotel last evening, Mr. Drapeau said: "I am a French-Canadian and a Roman Catholic, but I am also a life-long Conservative. My father-in-law was Hon. Mr. Mousseaux, who for many years was a minister of the crown in Sir John Macdonald's cabinet. I am therefore anxious that the people of Ontario should not run away with the idea that we are all disloyal in Quebec