

Awarded Damages For Breach of Contract

A. D. Noble Sued for Non-delivery of Purchased Cattle and Was Awarded Damages by Jury at Division Court Here Tuesday.—One Other Case Tried, But Others Held Over Till March Sitting.

There was a big crowd in attendance at the January sitting of the Division Court here Tuesday, the largest crowd, we are told, that ever attended a similar gathering here. The reason for so large a gathering can be attributed to the interest taken in the case, which was considered a most important one from the standpoint of the purchase and sale of farm stock throughout the country.

Briefly, the history of the case as gleaned from the evidence on Monday was this: Arnold D. Noble, a drover of Durham, claimed to have purchased from Franklin Murdock, farmer, of Bentinck, some 15 head of cattle. The purchase was said to have been made on the 4th of March of this year, and the animals were to have been delivered the latter part of May. Noble gave evidence as to having paid Murdock \$20 to bind the bargain. A few days afterward, and when Noble was in Toronto with a shipment of cattle, Murdock came to town, visited his house, and left the \$20 received on a table after Mrs. Noble had said that she knew nothing about her husband's business. Subsequently Noble returned the money by registered post, but stated that Murdock refused to lift it from the office and it was later returned to him. Some time afterward, and in fact up to the middle of May the two men had had conversation on the matter, and the net result was that when Noble visited the farm of Murdock some time about the middle of May to order out the cattle for shipment, Murdock refused to obey the order and hence the action for damages. Mr. Noble claimed the difference between the 7 cents a pound which he bid, and the eight and three-quarter cents for which they were sold on the Toronto market, less the cost of freight and selling, the whole amount of damages asked for being \$185.75. This in brief was Mr. Noble's evidence at the trial.

Murdock on Stand

In giving evidence for himself Mr. Murdock did not admit that a sale had ever been made. He stated that he had said he would not take less than 7 cents a pound for his cattle, and admitted that had Noble offered to take the cattle the next day or so he would have sold. He did not deny that Noble had offered him the 7 cents, but said that he would not consent to keeping the animals for three months after being sold. His story of the \$20 bill was that Noble, in attempting to take some money out of his pocket had dropped a \$20 bill, and that he (Murdock) had picked it up for him. In the ensuing conversation Murdock had reminded Noble of some \$4.20 due him on some hogs previously sold and that when he kept the bill in his hand it was for the purpose of going to his house and getting the necessary change, Noble having told him that if he would change the \$20 bill he would pay him the balance on the hogs. When he (Murdock) went into the house to get the change, Noble drove off. The whole transaction regarding the passing over of the money, it must be remembered, had taken place in Murdock's barn.

A Lengthy Trial

The trial lasted the whole of the afternoon. Commencing at 1 o'clock, it was 5.30 before His Honor Judge Sutherland charged the jury. The amount of evidence taken was large and in summing up his charge His Honor spoke wisely when he referred to the fact that while there was a great length of evidence, the case was of "small compass". He told the jury they were concerned only with the "facts" in the case and the amount of damages to be awarded in case they found for the plaintiff. It was up to them to determine whether or not in their opinion a contract had been entered into between the litigants. If there was a contract there would of necessity be damages; if there was no contract then there would be nothing to do but find for the defendant. It was their sworn duty to administer fairly and faithfully according to the evidence.

The jury, consisting of Messrs. D. A. Campbell, Alex. Cranston, Thomas Atchison, Victor Adams and Wesley Andrews were out for possibly half an hour when they signified that they had reached an agreement. Their finding was for the plaintiff, with damages of \$128.71.

The case, as we have intimated previously, was a long-drawn-out affair, with much evidence given, especially by the principals, considerable cross-questioning by the opposing counsel, but was mainly a matter of whether money paid by a drover to a stock raiser constituted a contract, and was the first case of its kind, we believe, to have ever been tried in Durham. It is copying the whole afternoon, it is not only unwise, but impossible for

LATE JOSEPH E. CAIN SERVED OVERSEAS

Passed Away Thursday Morning From Effects of Service in France.—Funeral Was Held Saturday to Durham Cemetery.

After a long illness caused directly from the effects of services overseas in the Great War, Mr. Joseph E. Cain, a well-known resident of the town, passed away early Thursday morning last. Born in 1896, the deceased was in his 32nd year.

The late Mr. Cain had resided in Durham since 1911. He was born in Brant Township, near Walkerton, the son of Mr. John Cain and the late Mrs. Cain. After attending the High School at Walkerton, he came to Durham, where he entered the employ of the Canadian Pacific Railway Company. He remained here until 1915 when he enlisted in the 142nd Bruce Battalion, with which he went overseas after training at London for some months. During his time in the army he saw much active service, served in many engagements, the most notable of which was the action at Vimy Ridge at which the Canadians covered themselves with glory. He was never wounded, but became a casualty in one of the German gas attacks, was returned to England, and came back to Canada after the armistice was signed. He spent some time in hospital in Toronto, but returned to Durham early in 1919.

It was in this year that he was married to Miss Margaret McLaughlin. For some time he appeared to be recovering, and though he made various trips to Toronto for treatment his condition was fairly satisfactory, though he never recovered sufficiently to engage in any active work. Last Labor Day he returned to his home here from treatment in Toronto and it was from that date that his condition kept getting worse. Though he was at times quite bright he had spells of illness and while it was known that his condition was not at all promising, his sudden passing on Thursday morning was a great shock to his wife, family and friends. Wednesday evening at 10.30 Mr. Cain was quite bright when he retired, but he passed away about 8.30 the next morning.

The funeral was held privately from his home on Garafaxa street on Saturday afternoon. Owing to the illness of Rev. B. D. Armstrong of the Presbyterian church, the services at the house and grave were taken by Rev. E. Hayes, Anglican. The pall bearers were Messrs. A. J. Lloyd, L. McGirr, D. M. Saunders, J. L. Stedman, F. F. McIlraith, S. Pender, A. S. Hastie and A. King. Amongst the floral offerings were a wreath from the local returned comrades, and sprays from his wife and family, from his father, Mr. John Cain and sister, Miss Matilda Cain, from Mr. and Mrs. T. Henderson and family, Mr. and Mrs. A. S. Hastie, Mr. and Mrs. D. M. Saunders, and the staff of the C. P. R., Durham.

Surviving him besides his widow are two sons and one daughter, Ross, Jack and Lorna, six, four and two years of age; his father, Mr. John Cain, Walkerton; and his sister, Miss Matilda Cain, of Detroit.

Mr. Cain's passing was a merciful relief from a long spell of suffering, and the members of the family have the sympathy of the whole community in their bereavement.

SERVICES NEXT SUNDAY TAKEN BY STUDENT

Owing to the illness of the pastor Rev. B. D. Armstrong, the services next Sabbath in the Durham Presbyterian church and at Burns church, Rocky Saugeen will be taken by a student from Knox College, Toronto.

us to go fully into the evidence. Lucas & Henry for plaintiff, O. E. Klein for defendant.

One Other Case Tried

The only other case to be tried was that of the Egremont Creamery Co. vs H. G. Moore & Co., Toronto, produce brokers. The Egremont Creamery Company, which up to last spring operated a butter-making plant at Holstein, sued the Moore Co. for \$200 claimed due on a consignment of butter. The Moore Company had received the butter from the plaintiffs but claimed that it was not up to No. 1 standard, and sold it as a consignment sale, collecting commission thereon. The Creamery Co. claimed that they had sold the butter outright. The case was tried before His Honor Judge Sutherland, who found for the defendants. O. E. Klein of Walkerton acted for plaintiffs, while two Toronto lawyers were present for Moore & Co.

Three other cases on the docket were laid over until the next Court in March.

PROF. J. H. FARMER McMASTER DEAN DIED SUDDENLY

Baptist Theologian Deemed Victim of Warfare Within the Church

His whole heart and energy bound up till the last in the affairs of the Baptist convention of Ontario and Quebec in this special time of stress and disunion, Professor J. H. Farmer, dean in theology at McMaster university, died suddenly at his home, 750 Bathurst street, Toronto, on Friday.

Had he lived till the 28th of this month, Professor Farmer would have been 70 years of age. To thousands of students and Baptists throughout the province the dean of the church did not look like age. An extremely active man, both of brain and body, he retained his slight and youthful appearance, and might have been taken for a man in his later fifties.

There is little doubt that the religious split in the denomination and the way his orthodoxy was held up for criticism so violently by the factions opposed to Prof. Marshall at McMaster University preyed upon Prof. Farmer.

A man in need of harmonious surroundings, he had been under tremendously heavy nervous strain during the past few years, his son, Dr. Arthur B. Farmer, psychologist, pointed out soon after his father's death.

Right up till Tuesday, according to his son, Prof. Farmer had been arranging pastorates and supplies, had been busy telephoning this man and that. On the Sunday preceding his death he preached at Fonthill, and, on Tuesday morning, although he did not feel very well, he got up and went down to the Central Y. M. C. A. to keep an appointment to conduct the morning Christian service, which is broadcast on the radio.

Tuesday afternoon, after his return home, he was stricken with an attack of acute indigestion and went to bed. He had two good nights. But early Friday a change for the worse came and he gradually sank into unconsciousness just before his death.

CHURCHES

QUEEN ST. LADIES' AID

The Queen Street Ladies' Aid held their annual business meeting in the church basement, Tuesday evening, with a large attendance for general business and the election of officers for the coming year.

The minutes of the December meeting were read and adopted. Mrs. McCrae led in prayer, followed by the 90th Psalm, read by Mrs. A. C. Kinnee. The Treasurer's report was received and showed the receipts during the year amounted to \$300.73, with a balance of \$117.53. Mrs. Twamley closed the meeting with prayer.

Officers for the coming year were elected by acclamation as follows: President, Mrs. P. Gagnon; Vice-president, Mrs. W. A. Glass; Secretary, Mrs. Geo. Yiirs; Treasurer, Mrs. C. Moore, Jr.

Sacramental Committee: Mrs. Aljoe and Mrs. Twamley.

Church Draping Committee: Mrs. D. M. Saunders and Mrs. R. Lawrence.

Flower Committee: Mrs. Roy Lawrence and Mrs. E. McDonald.

Parsonage committee: Mrs. McClocklin, Mrs. Hopkins and Mrs. Wolfe.

Hospital Committee for January and February, Mrs. Mark Wilson and Mrs. Roy Patton.

Visitors for East ward: Mrs. C. Moore and Mrs. A. C. Kinnee.

West ward: Mrs. Robert Campbell and Mrs. Robert Whitmore.

North Ward: Mrs. E. A. Hay and Mrs. D. M. Saunders.

This closed the meeting with a membership of fifty-four ladies. Mrs. W. A. Glass, being hostess, had the basement daintily fitted for the occasion and entertained the ladies to games, followed by an excellent lunch. The ladies returned to their homes feeling that they had spent a most profitable and pleasant evening.

KNOX CHURCH AUXILIARY

The Young Woman's Auxiliary, Knox Church, met for their regular monthly study meeting in the schoolroom of the church on Monday evening, January 9th, with the president, Mrs. Catlon, in the chair. The meeting opened with singing and prayer after which various items of business were brought before the society. The annual reports of the Secretary and Treasurer were received and adopted. During the past nine months the Auxiliary has raised \$185.28. The Scripture lesson was read by Miss Mary McKechnie. An excellent paper on "Missions and Race Attitude" from the study book was given by Miss



CANADIAN RETAINS SKATING TITLE

Charles I. Gorman, of St. John, N. B., retained the speed skating championship of the Middle States of the United States, when he defeated all comers at the Newburgh meet. Gorman, who is here seen holding the U. S. trophy, is also the speed champion of Canada.

SHORT COURSE AT HOLLAND CENTRE

E. F. Snider, of O. A. C., Guelph, Is Giving Lectures on Poultry Raising.

The Agricultural short course which is in progress at Holland Centre at the present time under the direction of Mr. T. Stewart Cooper, of the Department of Agriculture at Markdale, is proving to be one of the most successful ever held in this section of the country. There are over fifty, mostly junior farmers, taking the course and under the instruction of expert teachers from the Ontario Department of Agriculture and the Ontario Agricultural College, much of value is being taught. Included among those in attendance are twenty-five young ladies who are getting special instruction in millinery, domestic science and home nursing, and they are greatly interested in the work.

Mr. E. F. Snider, of the O. A. C., Guelph, is giving special classes during the week on poultry raising, while other speakers on various topics are expected during the week. The students are enjoying themselves socially while they are attending the classes and the residents of Holland Centre are doing everything possible to make their stay in the village pleasant, a number of social functions having been arranged for their benefit. Mr. Cooper and his assistant, Mr. Smith, are more than delighted with the success of this year's course, and are satisfied that the young people of the country are associating to the full the advantages of the instruction being given.

RED CROSS SOCIETY ARRANGE MEETINGS

First Meeting of Year was Held Tuesday, and Regular Schedule Was Adopted Till First Week in May.

The Durham branch of the Red Cross Society held the first meeting of the year on Tuesday of this week, the 10th inst., at the home of Mrs. Peter Gagnon. It is the intention of holding the regular meetings on the second and fourth Tuesdays of each month, commencing in each instance at 3 p.m., and the following schedule was adopted: January 24, at the home of Mrs. Aljoe; February 14, Mrs. George Juchs; March 13, Mrs. J. M. Burgess; March 27, Mrs. (Rev.) E. Hayes; April 10, Mrs. (Rev.) W. H. Smith; April 24, Mrs. McComb; May 8, Mrs. D. M. Saunders.

It has been suggested that the members preserve this list for future reference. All ladies interested in the work are cordially welcome.

Why He Objected

Ethel: "But why does your father object to him?"

Edith: "Oh, just so that he can say, 'I told you so' after we are married, I suppose."

Lane which dealt with the Christians' attitude toward oriental races, the need for study of race relations and interracial fellowship and the church.

The meeting closed in the usual way, by repeating in unison the class text and the Lord's Prayer.

Town Council Held First Session of Year

Full Board Present at First Business Meeting Monday Night, Which Adjourned Shortly After Eleven O'Clock—Committees For Year Named and Other General Business Done.

There was a full Board at the inaugural meeting of the Town Council last Monday evening, held in the Town Hall, the first one to be held in this building since the work of renovation was commenced some time ago. The following were present: Mayor J. N. Murdock; Reeve, A. Bell; Councillors, Thomas Henderson, Arthur McClocklin, P. J. McLean, R. McLean, Albert Noble and Arnold D. Noble.

Mayor Murdock opened the 1928 season by addressing the members of the Council in which he sought to emphasize the importance of having the deliberations of the Council conducted along proper lines, explained some of the discrepancies of former Councils, and asked the members for 1928 to join him in the effort to give the town good legislation with the least possible friction.

The reading of the minutes of the last meeting, with the usual communications from the Municipal World, the Sick Children's Hospital in Toronto, and the Ontario Good Roads Association was the next order of business. The Sick Children's Hospital was given the usual grant of \$10, and the meeting of the Good Roads Association was announced for February 22-3-4. The Finance Committee reviewed and passed accounts amounting to \$731.97, which were ordered paid on resolution.

Standing Committees for Year

Reeve Bell, as chairman of the Special Committee appointed Monday morning when the members-elect met at the Clerk's office to take the oath of office, reported. The committee recommended the following Standing Committees for the year, which were adopted by Council. In each case the first named Councillor is chairman:

Finance—A. Bell, A. McClocklin, Albert Noble.

Board of Works—J. N. Murdock, A. Noble, P. J. McLean.

Property—T. Henderson, R. McLean, A. Bell.

Fire and Light—A. Noble, A. D. Noble, P. J. McLean.

Charity—J. N. Murdock, P. McLean, T. Henderson.

Industrial—A. Bell, A. D. Noble, A. McClocklin, Dr. D. Jamieson, E. W. Limin.

Court of Revision—A. Bell, J. N. Murdock, P. J. McLean, T. Henderson, A. D. Noble.

Board of Health—J. N. Murdock, Dr. A. M. Bell, M. O. H., J. H. McQuarrie, W. B. Vollet.

The amount of 1927 taxes remaining unpaid was shown by the Treasurer's report to be \$2,752.06. This was smaller than last year but would be considerably smaller but for the fact that some of the taxpayers who were a day or so late thought that as they had to pay the extra five per cent anyway they might as well have the use of the money for a time longer. Reeve Bell thought this was not right. They had as much right to pay their taxes as any other ratepayer and some action should be taken to collect. The fact that they had missed the last day of grace and were assessed the extra five per cent was no reason why the taxes were not immediately due and payable. Councillor McLean thought that if two or three days of grace were allowed some of the money would have been paid, but other members of the Council were of the opinion that even this would not make any appreciable difference to some.

Town Officials Appointed

The reading of the various by-laws for the appointment of the different town officials resulted in the following being chosen:

Assessor—F. F. McIlraith, at a salary of \$125.

Auditors—J. A. Robb and Dr. J. F. Grant, at a salary of \$50 each.

Constable—H. Allen, salary \$720 per annum.

M. O. H.—Dr. A. M. Bell, salary \$100.

Fence Viewers—North Ward, W. Moffet; East Ward, T. Daniel; West Ward, J. Henry.

Poundkeeper—G. Ryan, salary \$5.

The appointment of the Auditors was the cause of quite a lot of discussion. Last year's officials, the same as appointed this year, had refused to accept the position at the former salary of \$25 each, claiming that the work was worth at least \$60. As this was quite a rise in salary over what the town had been in the habit of paying, the members of the Council were somewhat nonplussed as to what to do. Other men in town capable of conducting a proper audit had been approached but all were of the opinion that they would not handle the job at a remuneration of \$25. The Council were a man, however, in the opinion that the position was too important a one to pass over to unqualified officials, and in the absence

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EGREMONT YOUNG LADY DIED ON THURSDAY

Miss Martha Eccles Had Been Ill For Some Time.—Burial Was Made Saturday.

After an illness extending over a period of several months, Martha Eccles, youngest daughter of Mr. and Mrs. Major Eccles of Egremont, passed away at the parental home on Thursday of last week in her twentieth year. A young lady much beloved by a wide circle of friends, her death is very much regretted by many, who mourn with the family in their sad bereavement.

The funeral was held on Saturday afternoon, the remains being taken to Amos church, Bromore, where the pastor, the Rev. Mr. Purnell, had charge of the services, after which the body was laid to rest in the cemetery adjoining the church.

Besides her parents, there survive three brothers and two sisters: William, living near the family home; Gladys (Mrs. Harold Atchison), Toronto; Mabel (Mrs. Thomas Harrison) Invermay, Sask.; and Harold, at home. Another brother, Roy, was killed overseas.

The pall bearers were all cousins of the deceased young lady; Messrs. Fred, Frank, Cecil, Bert, Scott and Leslie Eccles, and amongst those from a distance attending the funeral were Mr. and Mrs. Samuel Eccles, Arthur; Mr. and Mrs. Dan Eccles, Conn; Mr. and Mrs. James Eccles, Brampton; Mr. Archie Eccles, Georgetown, and Mr. and Mrs. Thomas Atchison, Durham.

The floral offerings were beautiful, consisting of a wreath from Mr. James Eccles and family, spray from Mr. and Mrs. David Eccles, wreath from the father, mother and Harold, wreath from Mr. and Mrs. William Eccles, the former a brother of the deceased, wreath from Mr. and Mrs. John Renwick, Cecil Atchison, and Ruby Howe, Toronto, and Mr. and Mrs. Harold Atchison, Toronto.

OBITUARY

MRS. HUGH BRIDE

Mrs. Hugh Bride died at her home, Daly street, Thursday, in her seventieth year. Mrs. Bride was the daughter, Mrs. George Card of Plymouthe, Ontario. Thirty-seven years ago Mrs. Bride came to Palmerston and has resided in this vicinity ever since. She was a member of the Palmerston United church. Besides her husband, Mr. Hugh Bride, she is survived by two daughters, Mrs. George Card of Plymouthe, Michigan; Mrs. W. B. Wilson of Durham, Ontario, and one sister, Mrs. George Howe of Palmerston, and six grandchildren. The funeral was held from her late residence on Daly Street on Saturday, interment being made in the Palmerston Cemetery.

MRS. DONALD McQUEEN

Word has been received by Mrs. N. McCannell here of the death near Stayner of her sister-in-law, Mrs. Donald McQueen, who passed away Sunday morning. The deceased, who was before her marriage Miss Jane McCannell, was a sister of the late Mr. Neil McCannell and was born on the homestead in Glenelg near Top Cliff.

The late Mrs. McQueen leaves to mourn their loss her husband and family of five, Misses Sarah, Florence, Neil and J. D. at home, and Rev. Donald, Presbyterian minister at Essex. She also leaves three sisters, Mr. J. F. McLeod of Collingwood, Mr. F. McLean in Alberta and Mrs. N. McMillan of Swinton Park.

The late Mrs. McQueen was in her 65th year and had been a sufferer for some months from heart trouble and high blood pressure. The funeral was held Tuesday from her late residence, interment being made in Stayner cemetery.

"How fast is your car, Jimson?" asked Harkaway.

"Well," said Jimson. "It keeps about six months ahead of my income generally."

TEMPERATURES OF PAST WEEK

Following are the temperatures of the past week, with the highest and lowest registered every day during the preceding 24 hours

	8 a.m.	Min.	Max.
Thursday	16	26	42
Friday	32	40	22
Saturday	36	37	34
Sunday	35	40	34
Monday	32	36	31
Tuesday	33	37	32
Wednesday	36	36	35

Snowfall for Week

Thurs., clear and milder	.....	00
Fri., very stormy	.....	10"
Sat., mild with rain	.....	30
Sun., clear and mild	.....	00
Mon., cloudy, mild	.....	00
Tues., cloudy, mild	.....	00
Wed., slightly cooler	.....	00