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KINGSTON, ONTARIO, THURSDAY, APRIL 26, 1917

SECOND SECTION

STRANGE TALE TOLD IN COURT

Conflict Between Innocent Party And the Ontario Temperance Act.

SMITH'S FALLS MAGISTRATE

INTRODUCES NEW PRECEDENT TO LEGAL FRATERNITY

But Justice Masten Knocked the Magistrate's Decision to Smithers—Charges Fit For a Comedy Drama.

Toronto, April 25.—An astonishing tale of a conflict between an innocent party and the Ontario Temperance Act was told in the Weekly Court at Osgoode Hall before Justice Masten yesterday just before his Lordship quashed a conviction against John Cahill, of Smith's Falls, who was fined \$200 and costs for an alleged violation of the Ontario Temperance Act.

The police magistrate of Smith's Falls introduced a new precedent to the legal fraternity of Ontario when he decided that a person who has liquor thrust upon him is to be held responsible for the disposal of that liquor. Justice Masten did not give the matter any lengthy consideration when the facts had been related to him, and reserved judgment only in the question as to whether the police chief of Smith's Falls should be required to pay the costs of the litigation. James Haverson, K.C., who appeared for John Cahill, urged on a plea of justice that the chief should be so treated. The town would in that event be required to pay it, he said, and the case against his client had been instituted by the town merely with a view to increasing the municipal revenues to the extent of \$200. "A fine of \$200 means something to the financing of a small place," he said, "and this is the gamble they make."

The story of the case as related by Mr. Haverson was as follows: John D. Cahill, of the Township of Elmley, near Smith's Falls, ordered three cases of whiskey from Hull, Que. The express company delivered the parcels to the home of John Cahill in Smith's Falls. Cahill was at the time absent from his home, and Mrs. Cahill demurred as to the advisability of accepting the shipment. The expressman suggested that her husband had ordered the liquor without her knowledge, and that she should pay the 50 cents express charges due on the shipment and take it into her house. This she agreed to. Late in the evening when her husband was at home two strange men called and asked for the liquor which, they said, had been ordered by them. They paid the express charges and carried the stuff away. Two days later a very indignant John D. Cahill came to John Cahill's home and demanded his parcels. It was told that they had been taken away, and he immediately adjourned to the town police headquarters and laid a theft charge against Cahill.

The details given in the theft charge incited the chief of police to lay an information under the Ontario Temperance Act against Cahill. The latter case was the first to be tried, and Cahill was fined \$200 and costs for illegally disposing of liquor

contrary to the provisions of the Ontario Temperance Act. "We will now proceed with the theft charge," said the magistrate, after passing sentence.

"Oh, no you won't," said counsel for the accused. "We have had enough comedy for one day. The County Court will try the theft charge." The County Court a short time after dismissed the theft charge without calling on the defendant to appear.

The Great Need For Rich, Red Blood

To be perfectly healthy the human body requires a constant supply of new rich blood. Nearly all the ills from which people suffer arise from one cause—poverty of the blood. If the blood is rich and strong it absorbs nourishment from the food which passes into the stomach and distributes that nourishment to the brain, nerves, muscles and every part of the body. When the blood is weak and poor in quality it cannot do its natural work of feeding brain and body, hence weakness and disease. Headaches and backaches, loss of appetite, poor digestion, nervous irritability, pimples and unsightly blotches on the skin all indicate that it is not doing its appointed work, and that your condition if not remedied will grow worse and worse. To bring about a perfectly healthy condition no medicine can equal Dr. Williams' Pink Pills. Their one mission is to make new, rich red blood, which reaches every part of the body bringing with it new health and increasing vitality. Thousands testify to the truth of this statement, many of whom may be found in your own neighborhood. Dr. Williams' Pink Pills may be had from any dealer in medicine, or by mail at 50 cents a box or six boxes for \$2.50 from The Dr. Williams' Medicine Co., Brockville, Ont.

FAMILIES SHARING IN PATRIOTIC FUND

\$12,661,036 Distributed Up to December 31st of Last Year.

Ottawa, April 26.—In all 52,911 families comprising 114,993 persons, were sharing in the benefits of the Canadian Patriotic Fund on December 31st last, according to a return brought down in the Commons in response to a motion by Dr. J. W. Edwards, of Frontenac. Of the number, 26,153 families, or 79,192 individuals were in Ontario. The total amount distributed up to that date was \$12,661,036, of which \$4,758,318 was distributed in Ontario. The amount contributed to the fund to that date was \$18,243,032. The amounts subscribed by the Governments and people of the several provinces were as follows: Alberta, \$1,064,047; British Columbia, \$1,354,185; Manitoba, \$114,449; New Brunswick, \$629,591; Nova Scotia, \$728,952; Prince Edward Island, \$78,112; Quebec, \$4,499,671; Ontario, \$8,624,090; Saskatchewan, \$929,533; Yukon Territory, \$29,576.

Oh Dry Those Tears.

The lady was complaining to her dairymaid regarding the quality of her milk. "Short of grass feed, madam, this time of year," said the jocular milkman. "I often stand and watch them crying, because they feel their milk don't do them credit. You don't believe it?" "Oh, yes, I believe it," said the lady, "but I wish in future you'd see that they don't drop their tears into our can."

ONE WAY GERMANS HOLD UP ALLIED PURSUIT



A pictorial idea of the wanton destruction that has marked the retreat of the Germans in France is here depicted in scene No. 1, which shows shade trees cut down by the Germans in Peronne, and scene No. 2, showing fruit trees destroyed in the Nesles district during their retreat.

25-CENT WAR TAX AT RACE TRACK GATES

License Fee May Also Be Raised in Ontario—Special Audit Ordered.

Toronto, April 26.—Hon. T. W. McGarry, Provincial Treasurer, announced yesterday that in all likelihood the amusement tax on race tracks in the province will be increased from ten to twenty-five cents per head. He added that the Government had employed Messrs. E. R. C. Clarkson & Sons, auditors, to make an independent audit of the books of racing corporations, and from this the Government hoped to be able to make a public statement either before or during the session of the House.

The present provincial license fee of \$4.25 a day was fixed by statute, but if the report of the auditor justified it and was recommended, an increase or adjustment would be proposed. This audit had been authorized by the House in the course of the last session, but as the Government under existing laws had no power to change the license fee they proposed to meet the immediate need by raising the amusement tax. He believed it would be operative before the King's Plate, which would be run on May 19.

HOLD POSITIONS TO THE DEATH

So That Defences of New German Line May Be Completed.

FROM DROCOURT TO QUEANT

ENEMY RESISTANCE HARDER THAN ANY YET SEEN.

English and Scotch Meet and Defeat the Best Troops Brought Up in the Open.

War Correspondents' Headquarters, April 25.—Fighting that is harder and more stubborn on both sides, more desperate in resistance on the enemy's part, than anything since the battles of the Somme, has been in progress east of the Arras since our hour of attack yesterday morning. For the German army they have been two days of dreadful struggle, for ourselves days of grim struggle, with many attacks and counter-attacks, which in the end have won and held important ground. The enemy has clearly resolved to defend this approach to the northern section of the Hindenburg line, though it cost him thousands of lives.

That line, which critics at home seem to believe a German myth, is a very real line running down in the section through Drocourt and Queant, but its defences are not yet finished, and while pioneer battalions, following the armies of forced labor by French civilians and Russian prisoners, are working day and night in its trenches and emplacements the German General Staff has ordered the positions in front to be held to the death, and that order has been obeyed by many German battalions, as the dead bodies that lie upon the ground prove to heaven above.

Big Fight in Open.

The German High Command is bringing up their best reserves of men against us in heavy numbers. They are fighting hard, and in these counter-attacks suffered heavy casualties, but as these two days' fighting shows, our English and Scotch troops can meet them and beat them in the open in spite of the massed German guns which support them, and on the balance the fortune of war in this second phase of the battle of Arras is in our favor, for we have many prisoners and our losses are much lighter than theirs. But we have no easy walking victory this time, and our men are confronted by the main German armies, no longer fighting rearguard actions, but standing to battle and striking hard back when we strike, and only yielding, as they have had to yield up to the time I write, after desperate and bloody conflict.

What is termed a capital fellow may be handicapped for want of capital.

To-morrow serves as excuse for not doing things that are needful today.

Unless backed up by energy, brains do not amount to much.

SWEEP OF TYPHUS IN RUMANIAN CAPITAL

Malady Has Claimed Many Victims Among the Doctors and Nurses.

London, April 26.—A fearful despatch from Jassy, refers to the ignorance of the world on events in the present Rumanian capital, and the sufferings in the overcrowded city from hunger and pestilence.

Typus is claiming the greatest toll. The despatch concludes: "The appalling malady has claimed many victims among the members of the medical staff, and nurses, both native and foreign, who all tended the sick, doing noble acts of devotion. With the arrival of mild weather some of the epidemic, it is hoped, will disappear, especially typhus, which has been mainly due to overcrowding during the cold season. In a few weeks fighting will be resumed all along the fronts. Events on the Rumanian front may perhaps contribute in no small degree to anticipate the success of the general offensive of the Allies. Great as are the misfortunes of Rumania the heart of the nation is undimmed, and all men look confidently forward to the triumph of the cause of liberty and justice."

DISCREDITABLE NEGLIGENCE.

Sir Hamar Greenwood's Strong Criticism of the British Government.

London, April 26.—Following Captain Guest in the debate on the venereal diseases bill in the Commons Sir Hamar Greenwood said that the figures given by Captain Guest, namely, that seven thousand Canadian soldiers from one camp went through a disease hospital here, was a record of negligence that was not only a discredit to any Government, but would have an effect in Canada, which, he could assure the House, did not make for better feeling with the home country.

During a recent visit to Canada, continued Sir Hamar Greenwood, "I met many fathers and mothers whose boys had been sent back to Canada, debilitated and ruined for life because they had been smothered by some hapless who were still allowed to go near the camps, and especially in this great metropolis. These parents again and again said to me: 'We do not mind our boys dying on the battlefield for England, but to think we sent our sons to England to come back ruined in health and a disgrace to us, and to them is something the home country should never ask us to bear.'"

GIVE UP ALL.

Berlin Paper Urges Government to Declare Such is its Peace Policy.

London, April 25.—A despatch to the Exchange Telegraph Company from Amsterdam says: "The Berlin Vorwaerts publishes an article urging the German Government to declare before the whole world that peace must be reached without the sacrifice of territory by any belligerent or the payment of any war indemnity." "The Vorwaerts adds that Germany must immediately bind herself to this programme. An agreement with the enemy, it continues, will not be reached immediately, but the negotiations would be bound to bring about an agreement later. The Vorwaerts concludes by saying it believes the Entente Governments will soon show an increasing desire for peace."

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