

LAWYER GOT JUDGMENT.

Judge Found That He Earned All He Claimed.

Proctor Will Case Will Come to Trial on Friday

Webb vs. Box Before the Court—An Evening Session.

When the non-jury court re-opened yesterday afternoon at 2 o'clock the Chadwick vs. Parkin case was resumed. A letter was produced by Mr. Secord, counsel for the defence, written by Chadwick Bros. on Feb. 17, 1908, in which the plaintiff said, in reply to a letter of complaint by defendants: "In looking over your letter we claim we have given you the kind of brass, namely, phosphor bronze."

John H. Shales and John Russell, inspectors of elevators, were called and asked their opinion on a specimen of the gear wheels in question. They said that, in their opinion, the material was hard and durable, also that the cutting out of the cogs was due to improper fitting.

Mr. Secord, in addressing the court, said that according to agreement, the gear wheels should have been phosphor bronze, and not what Chadwick Bros. should choose to supply. In view of the fact that Chadwick Bros. evidence had several contradictions, while that of the Parkin Elevator Co. had been clear and consistent, he submitted that the evidence of the company be preferred and submitted that judgment should be given in favor of the defendants.

Mr. Farmer submitted that the defendants' contra claim had not been established. There was considerable dispute as to the use of the terms brass, phosphor bronze, etc. They were used alternately, consequently no value could be attached to defendants' claim of deception.

Judge Teetzel reserved judgment, which will be given on or before Friday. The next action was that of Benjamin F. Hall, a Buffalo lawyer, against Mr. and Mrs. Chas. S. Jackson for \$1,923.73 for services rendered.

This lawyer claimed that he had done services for the defendants in the United States. On Feb. 13, 1909, he got a judgment in the Supreme Court of New York for \$1,500. On May 31, 1903, Mr. Jackson paid Mr. Hall \$230 on account, and has since paid nothing.

The defence is that the consent judgment in the Supreme Court of New York was obtained by fraud. Hall, the defence claims, said he would collect from a man named Young, who owed defendants money. The defendants further claim that they did not know how much Mr. Hall's claim would be; that he did not perform service for them for which he could claim such an amount, and that the \$230 payment on May 31, 1903, was in full of account.

THIS MORNING'S SESSION.

When court resumed this morning the action of Hall vs. Jackson was disposed of.

The judge found that the amount of the judgment of \$1,500 was reasonable for the arduous, loyal and successful services rendered by the plaintiff; that upon the records of the courts in Buffalo the defendants knew what the judgment was for, and with that knowledge paid \$230 on account, which saved the case from the statute of limitations, and that the whole correspondence and records were a corroboration of Mr. Hall's claim. He therefore gave judgment for the full amount, with interest at 5 per cent, and costs. He ordered immediate execution of the judgment.

The action of Proctor vs. Carscallen, which was postponed on Monday will be tried on Friday at 10 o'clock. Mr. Blackstock will act for Proctor and her two children.

The next action to come up was Webb vs. Box, et al. The plaintiff, Geo. F. Webb, assigned for the creditors of John E. Webb, brought action against Wm. Box, H. L. Rice and the St. Mary's & Western Ontario Railway Co. for \$3,000 damages.

On Feb. 28, 1908, John Webb entered into negotiations with the railway company to occupy a farm, known as the Sutherland farm, and owned by the company. He asked for a year's lease, and pending the negotiations took possession. It was claimed that he was given a verbal lease in April of the same year for one year at a rental of \$250. On July 31 Mr. Webb, who had the contract to build the railway, made an assignment for the benefit of his creditors a month later Mr. Box, on a warrant sworn out by Rice, distrained Webb's goods, made up of household effects, horses, crops, etc., to the value of \$1,545, and sold them. The seizure was made for the \$250 rent due in September. On the other hand the plaintiff claimed that there was no rent due when the seizure took place, and sued for \$3,000, double the value of the goods seized, and damages for illegal and excessive distress.

The defence was that Webb's lease expired on Sept. 1, 1908, and at that date no rent had been paid; that it was agreed, if Webb did not fulfil his contract to build the railway his lease on the farm should be forfeited; that Webb allowed the house to become in a dilapidated condition, and that he did not properly till the soil, and did not even cut down the weeds. The defendants also put in a contra claim of \$500, breach of the terms of the lease.

C. M. Macdonald, K. C., and W. R. Wadsworth, of Toronto, acted for the plaintiff; Geo. S. Kerr, K. C., and J. C. Makins, of Toronto, for the defendants. This afternoon the Judge gave judgment in favor of the plaintiff. He held that there was illegal distress. He arranged on the basis of actual loss.

The action of Morgan vs. Thompson, et al., for \$861.55 wages has been postponed until the next court; also the action of Smith vs. Allith for royalties. The court will sit this evening at 8 o'clock.

All the Comforts of Home.

The delivery service that we furnished for Beach residents last year was pronounced by our patrons as most excellent. We have the best goods obtainable, and with reasonable prices, and an up to date daily service we solicit your patronage. No other store in Hamilton is in a position to cater to you as well as we can. Peebles, Hobson & Co., Limited.

No matter how proud a man may be, there are times when he takes his hat off to his barber.

MAIL TO THE "GENERAL ASSEMBLY."

Gather, gather, gather,
Chieftains of a church
Which has never, never
Liberated the church.

When his Master called it
To sustain his cause
And proclaim the claims of
His eternal laws.

Hamilton rejoices
To extend a hand
To the peerless pastors
And elders of the land.

Who represent King Calvin's
Idea of the kind
Of doctrinal construction
That ought to mould the mind.

Come to call attention
To what their church has done
For the choicest country
Underneath the sun.

Come to plan and purpose
Greater doings still
For the Lord that bought them
To perform his will.

Hamilton's not perfect,
It is not the worst
Than her nearest neighbors,
Either with her purse,

Or, perchance, her pantry,
When the pastors pour
Laden with their biggest
Blessings, through her door.

And you may be certain,
Dearest of divines,
That the bard's in earnest
In these limning lines.

WILLIAM MURRAY.
Hamilton, 2nd June, 1909.

TEA TABLE GOSSIP.

—Harry Holley, 284 Ferguson avenue north, has reported to the police that his bicycle was stolen last night from in front of Wilson's shoe store.

Mrs. Martin-Murphy and pupils will give their annual recital on Thursday, June 3, tomorrow night, in Association Hall. Admission, 10 cents.

—It will be welcome news to all that Mrs. Abbott, wife of Rev. Canon Abbott, shows some improvement to-day. She is at her parents' home in Dundas.

—The Sketch Club in connection with the Woman's Art Association will have its first outing next Saturday afternoon, going to the Red Hill by the 2.10 H. G. & B. exp.

—Pebsona Gossip, 154 Park street north, had a good crushed while working at the rolling mill this morning. He was removed to his home in the ambulance. The injured member may have to be amputated.

Some of the Italian workmen who left work yesterday at the rolling mill of the Hamilton Steel & Iron Co. were back at their jobs this morning. The men gave no reason for quitting and made no demands. No delay was caused and their places yesterday were filled by other men.

—Leonard Guest, 39 Woodbine Crescent, was painfully injured while painting a roof at 67 Caroline street south this morning. The ladder upon which he was standing slipped, and he fell to the ground, and was rendered unconscious. The ambulance was called and he was taken to his home. His injuries are not serious.

DEAD LETTER.

Written by Mr. Kinrade and Returned from California.

Ottawa, June 2.—A letter of considerable interest in connection with the Kinrade case has made its way to the dead letter office in the capital. The epistle was written by Mr. Thomas L. Kinrade, father of the murdered girl. In order to trace the mysterious Marion Elliott, who was connected with some of Florence Kinrade's travels, the father some weeks ago wrote to a friend in California. This letter stated that the failure to locate the Elliott woman was preying heavily on the mind of Florence, who could ill afford to bear the extra torture. Mr. Kinrade asked for help to locate Marion Elliott. His letter never reached its intended destination, and the United States authorities sent it back to the Canadian dead letter department. It has since been returned to the writer. The letter contains the theory, prevalent in some quarters, that the Kinrades knew more about the missing Miss Elliott than they disclosed at the trial.

APPROVED OF.

Amalgamation of Wesley and Gore Goes Into Effect.

City Clerk Kent received word from Brantford this morning that the Stationing Committee of the Methodist General Conference has approved the scheme to amalgamate Wesley and Gore street churches, under the name of Central Methodist Church. The matter of arranging the details rests entirely with the Stationing Committee now and the amalgamation will take place at once. It is understood that Rev. Dr. Towell, past r. o. Wesley, and Rev. Isaac Couch, of Gore street, will each remain here another year.

PROMOTED.

Will King Goes to Higher Office With Navigation Co.

Will J. King, recently appointed representative of the Inland Navigation Co. at Toronto, left last night to assume the duties in connection with a later promotion to general agent of the company at Montreal. In his new position Mr. King will have under his supervision the passenger, grain and package freight interests of the line, and the many friends of this young Hamiltonian will be glad to hear of his rapid advance and their best wishes accompany him to his new post.

FOR THE CARNIVAL.

The boats taking part in the Aquatic Carnival on Friday evening next, June 4th, will not stop at the piers either going or coming. Persons on the Beach who wish to go, will have to come to the city to get on board.

Arrangements will be made to hold the Radial cars until the excursion comes in.

The tickets are being taken up rapidly, but are still on sale at J. Fort's grocery store, Anderson's Music Store, Walter Howell's drug store, and Kennedy's store, and from members of the XIII Band.

MUST DIE.

Toronto, Ont., June 2.—The Court of Appeal refused this morning to grant a stated case on behalf of Maurice Ryan, sentenced to be hanged at North Bay

O.J.C. ENTRIES.

Horses Named For Woodbine Races To-morrow.

Woodbine, June 2.—(Special.)—The Lionheart Steeplechase and the Newmarket Handicap are the feature events of to-morrow's card of seven races. The Stanley Produce Stakes is also on the card, but there will be only three starters in this. Following are the entries:

First race, London Purse, 3-year-olds, six furlongs—

Southern Bride 97
Many Colors 102
Balbek 107
Lasalle 109
Fulford 109
Pocomoke 112
Sensible 102
Stamford 104
Plummore 109
xPiute 109
Toll Box 112
xRegistered as Pinte.

Second race, Knowles Purse, selling, 2-year-olds, five furlongs—

Wildfire x97
Chilton Queen 102
Compton 105
Oppar 105
Chief Kee 110
Rounder x100
Lowry 102
Dave Nicholson 105
Galvesca 107

Third race, Stanley Produce Stakes, 3-year-olds, one mile and a quarter—

Shore Lark 115
Courtney 119
Desert Star 118

Fourth race, the Newmarket Handicap, 3-year-olds and up, six furlongs—

Hasty Agnes 84
Simcoe 100
*Consistent 100
Centre Shot 107
*Gridiron 115
Tasley 92
*Gibbs 98
Purslane 107
Creel 112
*Red River 128
*Waldon & Parr entry; *Dunlop & Harwick entry.

Fifth race, Lionheart Steeplechase, selling, 4-year-olds and up, about 2 miles (10):

Commodore Fontaine x130
Dacia 135
John Dillon 135
Jim McGill 139
Touchwood 143
Manzano 135
Dr. Keith 135
Judge Nolan 138
Steve Lane 139
Expansionist 155

Sixth race, Hamilton purse, selling, 4-year-olds and up, one mile (9):

Waterbridge x99
Holscher x105
Grounds 107
Dredger 112
Belle de Jessamine 115
The Globe 100
St. Claire 107
Protagonist x112
King of Mist 112

Seventh race, Hamilton purse, divided, 4-year-olds and up, one mile (9):

Grande Dame x97
Lynhurst 107
Campaigner 107
Bobbie Kean 115
Woolstone 117
Caper Sauce x107
Varieties 107
Dennis Stafford 109
Zipango 115

x Apprentice allowance claimed; track fast; weather clear.

SCREENS!

All Sizes to be Had at Stanley Mills & Co.

Screens! Screens! Screens! That is what you need now. The summer season is coming on, and with it comes the ever-present fly, who will make your life a burden if you are not properly protected. In the hardware department of Stanley Mills & Co. you will find screens of all sizes and shapes for both doors and windows, and the prices are quite reasonable.

Has your garden hose worn out? If so, you will do well to get some of the four-ply hose now on sale in the hardware department. It is heavier and more durable than the ordinary three-ply hose, and its lasting qualities have made it a good seller.

During June, July and August this firm will make a special Beach delivery on Wednesday of each week for the benefit of its customers. Make a note of it.

McKay's Great Hurry-Out Sale.

Only three days more for you to take advantage of some of the greatest savings on summer goods ever placed before the women of Hamilton by this store. To-morrow will witness immense selling in long silk gloves of quality, every pair in stock, reduced to cost, price, and in some cases less than cost. Visit the glove section to-morrow, and share in the savings. Women's summer vests, perfect goods, worth regular 50c, sale price 29c; perfect summer dress goods, comprising wool voiles, silk and wool collars, very best colors, worth regular \$1 and \$1.25, sale price 59c yard. Every person in need of summer goods of any description should make this store your headquarters for your every want during the remaining days of this great half-yearly sale event, R. McKay & Co.

BLOCKED THE TRACK.

On account of the construction work on the Street Railway tracks on Barton street, only half of the road can be used, and an argument as to who had the right of way occurred this morning between a driver for a dry goods house and the driver of a milk wagon. The argument became heated and looked like a fight until a policeman cleared things up. Before the policeman arrived the drivers had blocked two cars going west.

ECLIPSE OF THE MOON.

On June 3rd there will be one of the best opportunities for observing the eclipse of the moon by attending the garden party at Jubilee Hall, the premises of Mrs. J. B. Walker, Mountain Top, Stoney Creek. Green's orchestra and A. T. Mackie have been engaged to furnish the programme and a splendid time is anticipated.

The late Mr. E. T. Wright, whose will was entered for probate the other day, willed \$200 to the First Methodist Church.

THE DOMINION BANK

The main office of this Bank in Hamilton are now occupying their new premises at the corner of King and MacNab streets, where a general banking business will be transacted.

The ladies' room in connection with this branch has been equipped with all modern requirements and accounts of ladies and children will be given special attention.

Branches in Hamilton:

MAIN OFFICE—

Corner King and MacNab Sts. EAST END BRANCH—

Corner King and Wentworth Streets.

W. K. PEARCE, Manager.

DEATHS

MILBURN—Drowned in Hamilton Bay on May 28th, 1909, Albert Garfield Milburn, aged 25 years.

Funeral from the residence of his brother Robert, 142 Main street west, on Thursday at 1 o'clock to Hamilton Cemetery. Friends will please accept this intimation. Buffalo papers please copy.

MACDOUGALL—At his late residence, 251 MacNab street, on Wednesday, June 2nd, 1909, John MacDougall, in his 58th year.

Funeral Friday at 2.30 p.m. Interment at Hamilton Cemetery.

PETTINGREW—In this city on Tuesday, June 1st, 1909, Jane Curries, widow of the late John Pettingrew.

Funeral from her late residence, 101 West avenue north, on Thursday, June 3rd, at 2.30 p.m. to Hamilton Cemetery. Friends and acquaintances please accept this intimation.

FOR \$1,800.

Hamilton Widow Suing a Wallaceburg Company.

Through their solicitors, Messrs. Nesbitt, Gauld & Dickson, Messrs. Agnes Smith and her children, Myrtle, Roy, William and John, are suing the Canadian Bridge Co., of Wallaceburg, Ont., for \$1,800, the amount owing them by reason of the death of Wm. R. Smith, the husband and father of the plaintiffs. Mr. Smith was killed while in the employ of the company at Leithbridge, Alta.

Under the Alberta law, which is the same as the English law, the company is obliged to pay compensation where employees receive injury in the course of employment. If it were a trial for negligence on the part of the company it would be tried at Leithbridge, but under this act they may sue for judgment in this city where they reside.

GEO. WEBB HURT.

Was Moving a Heavy Iron Gate When It Fell Upon Him.

Mr. George Webb, the well-known builder and contractor, met with an accident this morning at his residence on the Mountain Top which will lay him up for a few days. He was moving a heavy iron gate which was stored up at his house and which formerly hung at the entrance to his lane on Concession street. In some way the gate, which is a heavy affair, fell upon Mr. Webb, cutting him and otherwise bruising him. Dr. James White was called and expressed the opinion that although he had been considerably shaken up, no serious results would follow and that he would be around again in a few days.

FOR FORGERY.

Warrant For Arrest of Man Posing as Harry Passmore.

For some weeks past a man has been going around the country representing himself to be Harry Passmore, a well-known newspaper man, formerly city editor of the Hamilton Morning Post and editor of the Toronto Telegram. In Guelph he endeavored to pass several worthless cheques, and succeeded in raising small amounts. In Toronto he victimized two or three furniture and shoe dealers. Last week he turned up in Windsor and tried a similar game. A warrant has been issued for his arrest on a charge of forgery.

AGED 85.

Mr. John McDougall, MacNab Street, Died This Morning.

An old and highly respected citizen, Mr. John McDougall, 251 MacNab street north, passed away this morning. He was 85 years of age, and had lived in Wentworth County for 65 years, coming to Canada from Scotland. He lived in the vicinity of Carlisle, carrying on a lumber and milling business till he retired about 28 years ago. He resided in this city for a number of years. His friends throughout the country will be sorry to hear of his demise.

Mr. McDougall leaves three daughters and two sons to mourn his death.

The funeral will take place on Friday afternoon at 2.30.

VERY BUSY.

More Work Than Victorian Nurses Can Keep Up With.

The monthly meeting of the House Committee of the Victorian Order of Nurses was held yesterday. Only one of the nurses was able to be present, the other two being busy on cases. During the past month it was found necessary to employ two outside nurses occasionally. The work has become too heavy for the three regular ones, there being enough to keep four busy.

The committee expressed its gratitude to Mrs. (Dr.) Webster, of Orchard House, Hamilton Asylum, and Mrs. J. Turnbull, of Arkislan, for two packages of infants' clothing.

SWORN IN.

Ottawa, Ont., June 2.—W. L. MacKenzie King was sworn in as Minister of Labor this afternoon at 3 o'clock by the Governor-General.

Writs for the by-election in North Waterloo made necessary by this appointment will be issued without delay.

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Women, Attention!

Women as a rule are better savers than men—they have a knack of making a dollar