

The Chatham Daily Planet.

VOL. XIII

CHATHAM ONT., FRIDAY, APRIL 22, 1904

NO 98

EXCEPTIONALLY GOOD

Millinery Bargains

FOR SATURDAY SHOPPERS.

We invite your inspection of our Special Millinery Display; we place on sale a great variety of Trimmed Hats made in our workrooms and copied from the latest New York and Paris models.

Worth \$4.00, \$5.00 and \$6.00 on sale at **\$3.50, \$4 and \$5.** Note the saving.

Splendid Value in Shirts.

We are selling shirts as cheap as they can be bought to-day at the mills in case lots. Some months ago we took advantage of the market and bought largely. We are, therefore, able to give you extraordinary value.

Finest Canadian Standard Sheetings at 10c and 12½c

American Mackinaw Twill Sheetings, Black and Blue at 15c.

DRESS GOODS—

Elegant dress goods, the very latest weaves and colorings at lower prices than ever before.

AT 50c YD.—

Voile and Etamine Dress Goods, 44 inches, in all the dainty colorings and black, equal to what you formerly paid 75c and \$1.00 for.

AT 50c YD.—

Flake and tweed mixtures, the very newest effect in all the popular shades, 44 to 46 in wide, very special value.

AT 37c YD.—

Elegant flaked dress goods, the very newest of this season's effects in navy, black, cardinal, green and blue, guaranteed every thread wool, equal to any 50c dress goods we have ever shown, 37c yd.

Extra Value in Cottonades

Special Bargains in Gingham at 12½c

Dainty White Waistings that delight the eye, and are easily priced—20, 25, 35 and 40c.

Extraordinary good value in

Laces and Dress Trimmings

LADIES' WATERPROOFS—

We invite your inspection of the largest stock of Cravenette Waterproofs in Western Ontario, bought at syndicate prices. We can save you dollars on them, \$5.00, \$6.00, \$7.00 and \$10.00.

CARPETS AND CURTAINS—

Special sale of carpets and lace curtains, if you need any home furnishings just take a look around, then come and see ours, you will notice at once the saving.

INLAIN LINOLEUM AT 90c YD.—Never sold before for less than \$1.25

SCOTCH LINOLEUM AT 50c YD.—

A fine range of patterns to choose from 2 and 4 yds wide. Axminster Carpets Brussels Carpets Tapestry Carpet Wool Carpets and Rugs of all sizes.

AGAIN WINS IN THE APPEAL

Judges Unanimously Sustain Jury's Verdict Vindicating The Planet.

Appeal Was Dismissed on the Showing of the Appellant—Comment of Mr. Justice Street.

The Divisional Court at Osgoode Hall, Toronto—Chief Justice Falconbridge, Mr. Justice Street and Mr. Justice Britton—yesterday heard the appeal of the plaintiff in the recent case of Philip vs. The Planet for alleged libel and dismissed the same with costs, confirming the verdict of the Kent County Jury. J. P. Maybee, K. C., appeared for the plaintiff and W. R. Riddell, K. C., and O. L. Lewis represented The Planet.

The hearing of the appeal was concluded in a little over an hour, the Court being unanimous in the matter. The Planet's counsel were not called upon to argue the appeal at all, as the judges dismissed the case at the conclusion of the argument for the plaintiff, holding that the appeal failed on their own showing.

The judges were very emphatic in their comments. Mr. Justice Street informed the plaintiff's counsel that there was no reason to urge objections to the charge of Chief Justice Meredith as the jury as it was a distinctly proper one in view of the evidence, and that the present Court so held. Chief Justice Falconbridge pointed out that the jury, which was evidently an intelligent one, were adequately informed as to the disposition they were to make of the evidence concerning the solicitor Kerr.

The Chief Justice announced that the Court was unanimous in finding that there were no grounds for the consideration of the appeal, which was consequently dismissed with costs.

The legal report of the case in today's Toronto papers is as follows:

Philip v. Stephenson—J. P. Maybee, K. C., for plaintiff, moved to set aside judgment of Meredith, C. J., dated 18th October, 1903, at the trial with a jury at Chatham. The plaintiff was defendant of the 24th Kent Regimental Band, and alleged that the defendant, the publisher of The Chatham Daily Planet, on 10th July, 1903, falsely published certain paragraphs in his paper as to the disorganization and dismissal of the regimental band. The defendant denied that any report was published maliciously, and alleged that the subject of the band and regiment was a matter of public interest, and that the report was a fair and accurate report of a public meeting of the officers of the regiment. The defendant also contended that the words used, taken in the natural and ordinary meaning and significance, were true, and did not, as the plaintiff alleged, involve a criminal charge. W. R. Riddell, K. C., and O. L. Lewis (Chatham), for defendant, contra. Appeal dismissed with costs.

PIONEER CALLED

One of the oldest pioneers of the County of Kent passed away last evening about ten o'clock, in the person of Mrs. Archibald, relict of the late James Archibald.

Deceased was in the 87th year of her age and for some time has been residing with her niece, Mrs. W. H. Harper, Selkirk St. She was born in South Argyllshire, Scotland, and came to this country with her parents about 1834, and they settled down in the Scotch settlement, Chatham Twp. She was a staunch Presbyterian in religion and a devout member of St. Andrew's Church. She was a widow, her husband having died in 1858. She had one son, James, who has also been deceased for forty years. She had no other children. She was a sister of the late Squire McNaughton, who was so well known here.

Deceased had been ill for a very short time, some three weeks, and death was caused from old age. The funeral will take place to-morrow afternoon at 2.30, from the residence of W. H. Harper to the Maple Leaf Cemetery. Rev. Dr. Battisby will conduct the obsequies.

LOCAL LEGAL

Mason & Eish Pass Co. vs. Thompson—Mr. Wilson, K. C., for plaintiff, appeared from judgment of Judge of County Court of Kent sitting without a jury in favor of plaintiffs for \$290.50 and costs. The action was to recover the price and interest of a piano and bench. The plaintiffs alleged that the instrument was delivered according to the agreement. The defendant set up in his evidence that the piano, etc., were received by him on approval only, that he never accepted them, and that they were returned by him to plaintiffs, who received and accepted them. O. L. Lewis (Chatham), for plaintiff, contra. Judgment reserved.

Roadmaster Harry Morris, of the Pere Marquette, was in the city yesterday on business.

END OF THE "LIBEL CASE"

The judges of the Divisional Court at Osgoode Hall, Toronto, yesterday gave judgment dismissing with costs the appeal of Harry C. Philip in his case against The Planet and confirming the verdict of the Kent County jury vindicating the course pursued by this journal.

It is always a serious matter for a newspaper to be dragged into the courts on a charge of having libeled any person, no matter how humble his station in life—in fact particularly so in such a case, because, corresponding to the influence and power of a newspaper, is the moral obligation to refrain from the abuse of that power to wrong those who are least able to successfully defend themselves. The libel law also very justly affords opportunity to a newspaper which may have unintentionally wronged a man to make reparation without the necessity of a suit for damages being instituted, so that, if a newspaper feels that it has been guilty of an injustice, it can, in most instances, repair the injury without forcing the individual to resort to the courts to obtain justice.

The Planet is not a paper which prides itself on "never taking anything back" lest its prestige be injured. That is a very weak position for any journal to assume. Newspapers, like individuals, are not infallible, and occasionally make mistakes, and we believe the paper which, when it has unintentionally done an injustice, frankly and cheerfully confesses the fact and makes every possible reparation, strengthens itself in the estimation and good opinion of the public—which good opinion is the best asset a newspaper can possess. At the same time a public journal which allows itself to be bulldozed into silence by a threat of libel proceedings, when it is convinced that it is acting in the public interest, is not only remiss in its duty to the public, but weakly sacrifices for mercenary considerations the confidence which the public reposes in it.

Recently, as our readers are aware, The Planet was placed in the position of having to defend its course before a high court jury. Early last fall John G. Kerr, solicitor, issued a writ for libel against this journal on behalf of Mr. Philip. We decided it was our duty to fight the case, and did so. It came to trial and the jury promptly and unanimously found a verdict for the paper. The judgment was appealed, and the court of judges yesterday dismissed the appeal and confirmed the verdict with costs.

This further and final vindication is very gratifying to The Planet. This journal had no feeling or improper motive towards the plaintiff. It was felt that he was made the victim of others throughout—that he was urged on by associates who feared to jeopardize themselves in the search-light of the court room. The evidence went to show that the young plaintiff was poorly advised, and his unfortunate choice of solicitor, under the circumstances, was alluded to by the Chief Justice during the trial. Mr. Philip himself, we believe, and always believed—is a young man of much worth and considerable ability, and we are very sorry that he has been placed in his present position.

The Planet also sincerely regrets to learn that the costs of this unfortunate case will probably be heavy. But, doubtless, if there are those who have influenced and assisted the young man in the course which has resulted so disastrously, they will come forward promptly now and give him practical evidence of their professed friendship and identification with his cause. Surely it is not fair that Mr. Philip should be called upon to bear the bitter brunt alone.

For itself, The Planet confesses to considerable gratification upon the outcome. While we could have no better vindication than the verdict—now doubly strengthened—conveys, we sincerely appreciate the many kind messages of endorsement and congratulation which have been received. For the kindly and voluntary assistance so heartily extended by many esteemed citizens during the course of the case, we return thanks—and especially to our earnest, energetic and capable counsel, Mr. O. L. Lewis, who had complete charge of The Planet's case throughout. We can only say that the verdict and its confirmation encourage a renewal of that confidence which The Planet has always felt, that the people stand by a newspaper that stands by them.

Some people are too weak to turn over a new leaf.

How humble is the spirit of man when his finances are at a low point.

THE "SOO" DEAL GOES THROUGH

Messrs. Connec and Bowman Both Vote For It—The Opposition Protest

And Move to Disallow the Votes of the Contractor-Members—Close of Debate.

Toronto, Friday, April 22.—With the votes of Messrs. Connec and Bowman; contractors for the Algoma Central Railway, a loan of two million dollars was voted to the said Algoma Central Railway in the Legislature at 12.20 this morning. At least the motion to hoist the bill was defeated by that vote. But the end is not yet. It is a new spectacle in a Legislature, a new defence of decency and precedent, and a new triumph of graft over patriotism. The Opposition do not propose to mildly submit, and have moved to disallow the votes of the members named, which will be considered in the morning. Before the taking of the vote Mr. Whitney formally challenged the votes of Messrs. Connec, Bowman and Stratton. The Speaker announced there was no distinct rule on this point, and proposed to leave it to the House to decide. Then Mr. Hendrie, of Hamilton, and Walter Beattie, of Leeds, repeated their position of indirect interest, coupled with the announcement that they would vote against the measure if permitted. In the absence of any rule the Speaker left the matter to themselves, giving the Government the privilege of challenging the votes. He went farther, and said that when votes of a number of members were challenged they must be considered individually by the House voting while one member retired at a time. Mr. Whitney was surprised at this ruling, and protested. He thought the Speaker should not consider what would happen so long as law and precedent was upheld. This matter will be disposed of at the morning sitting.

CLOSE OF THE DEBATE. Resuming the debate on the Soo Guarantee Bill, Mr. Downey (South Wellington), read the agreement between Connec and Bowman and Foley Bros., sub-contractors of the Algoma Central Railway, which sets forth that the Connec firm were to receive ten per cent. of the profits on the construction of the railway. He claimed the contract substantiated the charges made by the Opposition. He also declared the reported opposition to the Soo companies by the Steel Trust was nothing more than a "bogy," because, if the Steel Trust wished to injure the allied companies, they could do it more effectively by "cornering" the production of Bessemer ore.

Mr. Pettipiece declared the bill was but a part of the Government's development policy, the security ample and the interests of the province well safeguarded.

Mr. Hanna said he had no connection with allied interests of the Standard Oil Company, either as solicitor or otherwise.

Dr. Willoughby briefly expressed his disapproval of the bill.

Mr. Bowman, Liberal whip and Mr. Connec's business partner, declared there was no foundation whatever for the charge that he had tried to force the bill through the House. No such agreement as mentioned had been made or consummated in any form.

Mr. Connec then read a letter from Foley Bros., which states that they had never performed any work for Connec & Bowman on a 10 per cent. basis, and that all reports to the contrary were absolutely untrue. The document in the hand of the Opposition was not of greater value than was the paper.

Mr. Foy followed, and had just begun to speak when the Speaker left the chair, it being six o'clock. In the evening it was a battle of the leaders. Foy and Gibson, Whitney and Ross constituted a galaxy of talent worthy of the close of a historic debate.

Continued on Eighth Page.

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WALLPAPER
IN CANADA

SPRING TIME SHOES

And shoes for all the world, or at least no mean part of it, are here in alluring Spring array. Rich indeed, is the gathering that this great shoe store offers to Man and Woman, Boy and Girl, whose shoe needs are focused on the coming of Spring

Everything in Shoes for Everybody...

Is our motto, and it is literally fulfilled in this new spring stock now ready for your inspection. Beginning with infancy and ending with old age. Our prices range from 25c to \$5.00. Dozens of styles at every price. Many exclusive novelties in Patent and Ideal Kid and Patent Leather.

Won't you step in to see the new footwear?

Turrill
THE SHOE MAN.
Repairing done at store

THOS. STONE & SON

GOOD BARLEY AND TIMOTHY SEED
For Seeding Purposes.
Prices Right.

The Canada Flour Mills Co., Ltd
CHATHAM, ONTARIO.

LEATHER GOODS!

Auto Bags from 50c. to \$3.00
Chattelaines from 10c to \$2.00
Purses from 5c. to \$1.50
Novelty Bags from \$1.00 to \$2.00
Music Rolls from 75c. to \$1.50

WELDON'S
Next Door to Macdonald's



GO TO THE
ARK
—FOR YOUR—
Garden Tools.

Garden making and cleaning up time is coming.
Please Read This List
You may see something that you require

Garden Trowels, 5c.
Garden Weeders, 10c.
Garden Forks, 10c.
Garden Rakes, 25, 35, 50 and 60c.
Garden Hoes, 35c, 40 and 45c.
Garden Spades, 75c.
Children's Garden Sets, 15c, 25, 50c

Men's Strong Spades, 90c.
Men's Square Face Shovels, 75c.
Men's Round Face Shovels, 75c.
Men's Long Handled Shovels.
Men's Narrow Tine Spades.
Lawn Rakes.
Lawn Trimmers.

Lawn Mowers—3 styles—High Wheels, Medium Wheels, Low Wheels. This store has always some specialties to offer. See our **Handicraft** Stands and **Plate Replicas**. Something new. Samples in Window. **Black Lights** sold only at "THE ARK."

H. MACAULAY