

THE CITY AND STREET R'Y

Dispute Before the Ontario Railway Board

As to Responsibility For Repairs of Streets.

Mr. Waddell Makes a Big Fight Before the Board.

(Special Despatch to the Times.) Toronto, Ont., June 22.—The hearing of the question of the jurisdiction of the board on the dispute between the city of Hamilton and the Street Railway Company was begun before the Ontario Railway and Municipal Board at 11.30 this morning.

"I appear to ask for an order against the company to enforce payment from the company for certain repairs in some of the city's streets," said Mr. Waddell. "These repairs were made during the years 1906 and 7."

"I'll have to make a slight statement first," he said. "In 1905, 6, 7, a portion of the asphalt pavement got out of repair. Notice was served on the company to repair the spaces between the rails and for two feet on the outside of the rails."

"Repairs outside the rails or for their share of the cost that I am asking. Has the board the right to order such payment?" he asked. "If the company does not do the work in two days after notice, the corporation has the right to do the work and assess the cost on the railway."

"I don't think there is any doubt about that," said Chairman Leitch, of the Railway Board. "We have full jurisdiction to enforce payment."

"The chairman said—We could order them specifically to do the work. The question arises through your power not having invoked the power of the board."

"Exactly. I do not wish to be sent to the Court of Appeal. I shall be perfectly well satisfied if this board will interpret our contract. I do not wish to go to the Court of Appeal just to find out what the jurisdiction of this court is."

"You would leave the damages unassessed?" "Yes," Mr. Waddell said. He added that in his application he had asked for damages for harm done the pavement adjoining the parts which were allowed to get out of repair."

After some further argument Mr. Leitch announced that the Board would reserve its judgment in the matter of jurisdiction and announce its judgment shortly. This afternoon the Board will hear the question of the annexation of part of Barton township.

WANTS ELGAR.

Detroit People After One of Canada's Famed Choirs.

Dr. A. S. Vogt, of Toronto, was in the city yesterday, and took charge of the senior university examination of music, which was held in the Conservatory. He remarked that the standard here was the highest of any place he had examined this year, outside Toronto.

TEA TABLE GOSSIP.

—Mr. Harry Weaver and daughter, Miss Cohoe, Toronto, have gone on an extended trip to Seattle, Wash.

—A horse belonging to Lumsden Brothers fell on the wet pavement on King William street this morning and broke the shaft and harness.

—The police have a golf bag and outfit which was found and handed to them. The bag is tagged "Montreal," and the owner evidently came from England.

—The late Rev. Prof. Gregg, of Toronto, who died on May 28th, left an estate of \$11,148.33 in his widow during her life-time, and afterwards to the sons and daughters.

—Mrs. Watson and Miss Violet Watson, of this city, were guests at an at-home given by Mrs. Law at her home in Toronto yesterday, to meet Capt. and Mrs. Richmond, of Virginia.

—The following Hamiltonians were registered at the Canadian High Commissioner's office in London, England, during the week ending June 8: W. S. Mrs. C. and W. A. Freeman, John Mrs. Miss M. and Miss J. Moodie, Dr. G. M. Biggs, the Misses Cleland, and Miss Gavelier.

—The regular meeting of the Hamilton Women's Co-operative Guild will be held on Thursday at 3 p. m. The meeting will be addressed by Mrs. Marion Deans, of England, who is a most able and interesting speaker.

—A number of small, mischievous boys took some skins and baby carriage robes from Mr. Pett's tannery on Murray street, and as a result may have to face a charge of theft. The boys cut the robes into fancy shapes and made regular Buffalo Bill suits out of them, but their fun had not gone very far before Mr. Pett discovered the loss.

—Court Benedict, Independent Order of Foresters, met last night, and elected delegates to High Court meeting at Chatham in August. Rev. T. DeCourcy Raynor and E. S. Hogarth were the ones selected, with Frank Cooper as alternate.

—The question of the jurisdiction of the board came under question, and Mr. Waddell read extensively from the Ontario Railway Board act of 1906 to show that the board had a right to adjudicate in the matter.

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—The remains of Eleanor Jeanette Rutherford, daughter of Mr. and Mrs. Fred J. Rutherford, were laid to rest this afternoon in Hamilton cemetery, the funeral taking place from her parents' residence, 137 Markland street.

—The funeral of Annie Hines, wife of Edward H. Hines, took place this afternoon from her mother's residence, 75 Wellington street south, to Hamilton cemetery. Rev. Canon Wade conducted the services, and all floral tributes were numerous.

—The death of William Pitt, widow of the late William Pitt, died at her sister's residence, MacNab street north, after a few days' illness, aged 70 years. The funeral will take place to-morrow afternoon to Hamilton cemetery.

—Katherine Kelly died this morning, after an illness of some time, at her residence, 215 Ferguson avenue south. She leaves a husband, two sons and two daughters. The funeral will take place to-morrow morning to St. Patrick's Church, thence to Holy Sepulchre cemetery.

—The death took place this morning at the family residence, 43 Augusta street, of Archie Duncan, son of Archibald and Elizabeth Johnston, aged 32 years. Mr. Johnston has been in New York for the past ten years, and died while on a visit home to his parents. The funeral will be private.

—The funeral of Jennie Stander, wife of Nathaniel (Thorne) Twinn, took place at 3.30 o'clock this afternoon from her mother's residence, 314 Wilson street, in Hamilton cemetery, and, although private, was attended by many friends.

—The funeral of Rev. Dr. William, pastor of Emerald Street Methodist Church, conducted the last sad rites at the house and grave. The pallbearers were Chas. Cox, David Twinn, Wm. Grey, Wm. Millman, Frank Temple and H. Jenkins.

—The funeral of Mrs. Wm. Grey, Joseph and David Twinn, Mr. and Mrs. Wm. Gray, Mr. and Mrs. James, Belle McCardle, Gussie Clio, Maud Livingston, Lizzie Higgins, Flo. Axford, Mrs. Johnson, Willa Seaton, H. Speers, Emma and M. Millman, and girls of Mr. Ballard's class, Victoria avenue school.

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WANT FUNDS PROVIDED.

Board of Health Willing to Do Work on Mountain.

The Finance Committee will be asked to furnish funds for the collection of garbage in the eastern annex and the east end mountain top during the summer months.

—The Board of Health last night after considering the petition of residents from these districts decided that this was the best it could do.

Mayor McLaren informed the board that he had no objection to the work being done, but he wanted to know where the money was coming from, as the annex property owners pay the city only eight and a half mills on improvements, and the mountain people would not begin paying at the city rate until the waterworks system was installed.

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H. J. C. RACES.

Royal Hotel Handicap Feature For To-morrow.

His Honor Lieut.-Governor Gibson will formally open the H. J. C. races this afternoon. He and a number of other prominent persons here for the opening were dined at the Hamilton Club at noon by Senator Wm. Gibson, President of the H. J. C.

Following are the entries for to-morrow:

First race, six furlongs, three-year-olds and up, selling—

Arilla ..... x85 Edgely ..... x97 Alice George ..... 100 Frank Lord ..... 102 Proutagest ..... 104 Croydun ..... 96 Serenade ..... 96 Little Osage ..... x100 Ida Reek ..... 100 Sally Preston ..... 104 Bob R. ..... 105 Blue Coat ..... 105 Sabado ..... 106

Second race, five furlongs, two-year-olds, selling—

Broadsword ..... 101 Autumn Girl ..... x102 Kyras ..... 104 Fairmount II ..... 104 Calvesca ..... 106 Pulka ..... 107 Infernal Queen ..... 101 Johnny Wise ..... 104 Love Watches ..... 101 Galt Pirate ..... 105 Jack Denner ..... 108

Third race, about one and three-quarter miles, steeplechase, for four-year-olds and up—

Vihalla ..... 135 Wuerzburger ..... 137 Long Service ..... 147 Tourney ..... 147 Andrew Summers ..... 137 Student King ..... 137 A. Powell ..... 147 W. B. Fassig ..... 155

Fourth race, the Hotel Royal Handicap, one and one-eighth miles, three-year-olds and up—

Donald Macdonald ..... 98 Lady Esther ..... 104 Moquette ..... 113 Green Seal ..... 100 John E. McMillan ..... 110 Stanley Fay ..... 129

Fifth race, six furlongs, Canadian bred, three-year-olds and up—

French Shark ..... 110 "Shoo Lark" ..... 117 "Port Garry" ..... 115 "Cannie Maid" ..... 117 Bilberry ..... 120 Caper Sauce ..... 125 Generous Moor ..... 105 Cecil Rhodes ..... 114 Out-of-Step ..... 117 The Globe ..... 118 Monarack ..... 123 Glimmer ..... 128 "R. Davies" entry.

Sixth race, six furlongs, three-year-olds and up, selling—

Almena ..... 92 El Oro ..... 101 Cooney K. ..... 102 Lady Carol ..... 105 Sir Edward ..... 110 Cleopatra ..... 115 Refined ..... 115 Cunning ..... 102 Hinko ..... 104 C. W. Burt ..... 106 Bellwether ..... 114 Salvatille ..... 115

Seventh race, 1-16 miles on the turf, selling, three-year-olds and up—

Woolwinder ..... x95 Bell S. ..... x103 Adoration ..... 108 Restoration ..... 110 Henry C. ..... 115 Spanish Prince ..... x99 Holscher ..... x108 County Clerk ..... 105 Oberon ..... 115

Following are the scratches for this afternoon's card:

First—Simcoe, Cooney K. Second—King Avondale. Fourth—Woolwinder, Aronack, Guy Fisher, Donald Macdonald. Fifth—Uncle Jimmy Gray, Cloisteress, Pal.

The first game in the Central Soft Ball League was played at the Sawyer-Massey field last night, between the St. Patrick's and the Beavers. The former won by a score of 14 to 5.

Last night at the East Hamilton Y. M. C. A. the Indoor-Outdoor League was re-organized for the coming season, the following teams being represented: Emeralds, Woodlands, Frost, Wre, Y. M. C. A. Mr. P. Dreshbach was elected President; F. Meyers, Secretary-Treasurer. The games are to be played on Woodland Park every Monday and Friday nights, commencing July 5.

The Juvenile Tigers lacrosse team had a good work-out last night at the Victoria Park. The team will be somewhat changed for the game with the fast Capitals to-morrow evening at 7 o'clock sharp, at Victoria Park. Mayor McLaren will face the ball. The ground will be roped in, so as to keep the spectators off the field, and there should be a bumper crowd to see the two teams play. To defray the expenses a collection will be taken up.

Doric Lodge of Masons held its annual meeting last night, a large number of members participating in the evening's business, and quite a lot of visitors being present, including R. W. Bro. John Hoodless, who represented the D. D. G. M., and V. W. Bro. Grant, district secretary. The election of officers resulted as follows:

Geo. B. Perry, W. M. John Moffat, S. W. Wm. G. Cheyne, J. W. Wm. G. Ellis, Chaplain. W. Bro. James Dixon, Treasurer. W. Bro. Dr. C. V. Emory, Secretary. Wm. Tocher, Tyler. W. Bro. Dr. J. A. Loughheed and W. Bro. W. F. Montague, Auditors. W. Bro. James Cheyne, Trustee. W. Bro. A. B. Clark, representative on the Masonic Benefit Board. W. Bro. G. B. Perry, representative on Sanatorium Board.

St. Peter's Choir Make Presentation to Him.

Mr. H. E. J. Vernon, Mus. Bac., formerly organist and choirmaster of St. Peter's Church, who has been appointed to the same position at St. John's Presbyterian Church, will commence his duties on Friday night, when the first choir practice will be held. Mr. Vernon was presented with a handsome umbrella by the members of St. Peter's choir, Rev. W. J. TenEyck making the presentation. While musical director at St. Peter's, the choir attained a higher standard than was ever reached before and the members of the church are sorry to lose him.

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You'll Make No Mistake

By looking at the top-notch suits and trousers the Fratier Co. are showing. A recent big purchase gives you a chance to save \$1 to \$8 on a suit. The very newest and best made clothing in Canada, mostly browns and greens.—13 and 15 James street north.

Efforts are being made to form a Kingston Old Boys' Association to go to Kingston on Saturday, July 24 for three days. The Toronto Association has arranged for a special train with a rate of \$2.30 for the round trip. Mr. Ulrich Burke, of the Mayhew House, has the water in hand.

Women, Attention!

Women as a rule are better savers than men—they have a knack of making a dollar go just twice as far as a man can.

Many men who cannot save anything themselves, very wisely make their wives the family treasurer, and upon them devolves the responsibility of putting by something for the inevitable rainy day.

The Traders Bank welcomes the accounts of women, and its officials and clerks are always ready to give them any advice or assistance they may require. Every woman, whether married or single, should have a savings account.

A few dollars will start an account. When you are down town call at our Bank and start an account. Open Saturday evenings.

The TRADERS BANK OF CANADA

THE WEATHER.

FORECASTS—To-day and on Wednesday, moderate to fresh south to southwest winds; a few local showers or thunderstorms, but mostly fair and decidedly warm.

A few scattered showers have occurred in the Maritime Provinces. Southwestern Ontario, Manitoba and Alberta, and rain has been general again in Saskatchewan. Very warm conditions prevail from the lake region eastward.

Washington, June 22.—Eastern States and Northern New York—Partly cloudy, showers in north and central portions to-night or Wednesday; not much changed in temperature; light to moderate west winds.

Western New York—Showers to-night or Wednesday. Lakes Erie and Ontario—Moderate south and southwest winds. Showers to-night and Wednesday.

The following is the temperature as registered to-day at Parke & Parke's drug store:

9 a. m., 70; 11 a. m., 72; 1 p. m., 72. Lowest in 24 hours, 68; highest, 96.

BUFFALO BILL.

The Genuine Col. Cody Here Next Tuesday.

Col. Cody (Buffalo Bill), does not come often, but when he does he can be relied upon to furnish something new.

His wild west has had several features added, and the Far East will be entirely new, and with the strange antics and dances of Oriental people, in a grand pageant, where musical trained elephants will astonish the most learned musicians, by actually playing wind instruments, using their own lung power, and not simply playing or turning automatic musical machines.

Col. Cody has had a most interesting career. He was a Government scout in the United States, regular army, as cowboy and pony express rider across the continent, from Omaha to San Francisco. It was he who originated the far-famed "wild west" exhibition, and for a quarter of a century conducted his congress of rough riders of the world throughout the United States and all the countries of Europe, notably England, where he was a prominent feature of Queen Victoria's jubilee in 1887, returning in 1891-2.

Major Lillie gained his cognomen of Pawnee Bill by friendly association with the Pawnee tribe, and belongs to the next generation of Col. Cody. He saw how successful the "wild west" had proven, and being wise in his generation, decided to organize an exposition in an antipodal continent to it. Having in no way vinted to the "wild west," his "great far east" made a success only second to Col. Cody's enterprise. Now these two should have united their exhibitions, for it should be understood that neither belongs to the class of "shows," because each portrays an epoch, and a condition, in anthropological study.

The combined "wild west" and "great far east" will arrive here on Tuesday next, June 29, and our citizens will have an opportunity to see American cowboys, girl-Asiatic warriors from Hindostan, Burma, Ceylon and the weird East Indies—in fact all the great East. With these Col. Cody's assemblage of Indian braves, cowboys, Mexican Vanquers, cavalry of the veterans of armies of America, Germany, Italy and other European powers.

There will be no street parade, every energy of men and horses being devoted to giving perfect performances.

U. O. F.

Fine Bunch of Students Are the University Cricketers.

No finer lot of men have visited Hamilton in a good many years than the University of Pennsylvania cricketers, who were here yesterday. They interested all the Hamilton people they met, and showed by their conversation that they are U. of P. enthusiasts. Of the 4,500 students enrolled at the university, 50 are from Australia, attracted by the medical and dental fame of "Pensy." Three of the visiting cricketers were Australians. The university pays all the expenses of its various teams.

Keel Cool Desk Fans FOR \$13.00

ELECTRIC SUPPLY CO. 67 James St. South. Tel. 23

TOO LATE TO CLASSIFY

LAST ON SUNDAY LAST, SOMEWHERE between St. Paul's Church and Victoria avenue in history, a great part of the crowd. Reward, Times.

Steamship Arrivals.

June 21.—Lake Marquette—At Quebec, from Liverpool. Valparaiso—At New York, from Dover. Mount Temple—At Quebec, from Glasgow. June 20.—At Quebec, from Newcastle. Hesperian—At Montreal, from Glasgow. Critic—At New York, from Glasgow. Tom, di Savioia—At New York, from Genoa. Berlin—At New York, from Genoa. Canada—At Liverpool, from Montreal. Montreal—At Liverpool, from New York. Minneapolis—At London, from New York. K. P. Cecil—At Cherbourg, from New York. Canada—At Gibraltar, from Boston. America—At Naples, from New York. Finland—At Naples, from New York. June 22.—Kaiser Wilhelm II.—At New York, from Bremen. Montreal, Que. June 22.—Lake Manitoba arrived here 9.30 this morning. Cape Race, Nfld., June 22.—Steamer Meantime (new), Liverpool for Montreal, was 120 miles east at 8.30 a. m.

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OPEN ALL HOURS

A telephone message will reach us just the same as calling at the office for the first call. H. A. GREEN, Prop., Tel. 29-57 GREEN BROS., Funeral Directors, Corner King and Catharine.

AMUSEMENTS.