

# The Chatham Daily Planet.

VOL. XIII

CHATHAM ONT., WEDNESDAY, NOVEMBER 30, 1904

NO 282

## THREE DAYS SALE

....OF....

## Ladies' Jackets

....AT....

One-Quarter off Regular Prices

Thursday, Friday and Saturday we offer a magnificent assortment of 300 Ladies' black and colored jackets, at 1/4 off regular prices. The assortment of sizes is complete and we can fit you either in a black or colored coat. These jackets are all imported direct from Berlin, qualities are guaranteed, tailoring and finish are perfect. The season has been so mild that you have scarcely needed a jacket, and right now, as the cold weather is commencing, you have the chance to save 25% on the purchase.

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## VERY FINE POINT THIS

Hair Splitting Distinction Raised  
By A. B. Aylesworth, K.C.

Argument on Appeal Against the Voiding of the Election of Hon. E. J. Davis—In North York Case Counsel For Defence Argues That Election Trial Report Is Not Assurance of Guilt—Mr. Blackstock Shows a Change of Front Since Trial.

Toronto, Nov. 30.—The appeal of Hon. E. J. Davis from Chancellor Boyd and Justice Teitel in unseating him at the North York election trial was argued before the Court of Appeal yesterday and judgment reserved.

The section under which the Minister of Crown Lands lost his seat, reads as follows: "If on the trial of an election petition any candidate is proved to have personally engaged at the election as canvasser or agent any person knowing that such person guilty of any corrupt practices by a competent legal tribunal, or by the report of the judges upon an election petition, the election of such candidate shall be void."

A Fine Point.

In the case of Hon. Mr. Davis it was shown that he had engaged one William J. Robinson of Meaford as an agent, and that Robinson had by the judges in the North York election trial in November, 1902, been reported guilty of a corrupt practice in engaging a vehicle for the conveyance of voters from the polls.

The point raised by Mr. Aylesworth in his argument was that, while the statute provides that the agent must be "found" guilty by a competent legal tribunal or the trial judges, Robinson had only been "reported" guilty, which was quite a different matter. No man could be found guilty unless he were given a trial, which Robinson had not. By being merely reported, Robinson, Mr. Aylesworth had only been "disqualified for voting, nor as an elector, and if the statute did not prevent a man reported from being an elector, then he could take part in an election by promoting the candidature of anyone. To report a man was merely a method of informing the Legislature of the infraction of one of its statutes, and had none of the consequences which followed being found guilty by a competent tribunal.

A Change of Front.

Mr. Blackstock said he had been met with a very different argument to that advanced at the trial. Robinson had been reported guilty by the trial judges in North York. There were two classes of persons a candidate cannot engage: (1) a person against whom a summons has been issued; (2) one who has been reported for corrupt acts upon an election petition. Evidence at the trial was then reviewed to show that Davis was cognizant of the fact that Robinson was working in his interest, for it was contended that unless the agency of Robinson was established it mattered not if he was working in the riding.

The judges stated that in this case Robinson could not have been "personally" appointed, because the signed blanks were filled in after they left Mr. Davis' hands.

The person taking the oath in the polling booth swears to personal appointments, and the act prescribes that scrutineers shall be personally appointed; but the usual way is for the candidate to sign the appointments and they are handed to an agent to give to the scrutineers who fill in the blanks. Mr. Blackstock and S. B. Woods argued that were blank appointments are left with a committee it is the same as if the power was delegated to a man personally to the same extent as if he had given them out individually.

The judges, however, could not see how Davis could know that Robinson was to be appointed agent at a polling booth, in the absence of any evidence to show that he had given him the blanks or had directed some one else to appoint him. The fact that he got one from somebody did not prove "personal" appointment by the candidate.

Then Mr. Blackstock talked of what might happen if these blanks got into the hands of the wrong parties. If stolen from a committee room, he could understand that filling in the blank would not be "personal" appointment; but these men were acting in behalf of the candidate and were doing for him just what he would wish to do himself.

## THE ELECTION RETURNS.

Latest Figures Show That Liberals Have 65 Majority in the House.

Toronto, Nov. 30.—Here is the latest statement of the positions of the two parties in Canada as a result of the Dominion election. Many minor despatches have been published since Nov. 3, but few persons have had the patience to piece them together. All the elections have been held except in the Yukon, where date is December 18. The result is, therefore, known in 213 constituencies. As far as can be ascertained, there are 139 Government supporters and 74 members of the Opposition elected, giving the Government a majority of 65. The summary of the provinces is as follows:

	Con.	Lib.
Ontario	48	39
Quebec	11	54
Nova Scotia	0	13
New Brunswick	6	7

P. E. I.	3	1
Manitoba	3	7
N. W. T.	3	7
British Columbia	0	7
	74	139

Government majority—65.  
To be held—Yukon.

There had been doubt as to who was elected in Alberta, but a Winnipeg correspondent reported Monday night that Herron, Conservative, holds the seat by 73. In Yale-Cariboo, where the voting took place a week ago, the result was not yet complete, but Duncan Ross, Liberal, is reported to be elected by about 150.

Nearly 400,000 Votes in Ontario.

Ottawa, Nov. 30.—The total vote cast in the Province of Ontario in the last Federal election will be over 400,000. The Clerk of the Crown in Chancery expects to have all the returns in a few days. There are only three or four constituencies missing. The total votes received so far are 399,891. The Conservatives polled 200,199, the Liberals 197,039, and the Independents 2,653. In Middlesex Mr. Hatz ran against Mr. Boston as an Independent Liberal, and is included in the Independent list.

A Dominion Convention.

Montreal, Nov. 30.—The talk in political circles yesterday was indicative of a Dominion convention of the Conservative party, to be held either in Montreal or Toronto. It is held by many of the candidates at the recent Dominion election, as well as by the members of the different clubs and the rank and file generally that a frank heart to heart talk in open convention of the members of the party from every province in the Dominion would be useful, both in and out of Parliament.

## NOMINATIONS ON TUESDAY.

Centre Simcoe—C. E. Hewson, K. C., Liberal.

East Simcoe—J. B. Tudhope, M. P., P. Liberal.

West Middlesex—G. A. Stewart, Conservative.

South Renfrew—Hon. F. R. Latchford, Liberal.

Brookville—Hon. G. P. Graham, Liberal.

South Oxford—W. A. Dowler, Liberal.

West Victoria—Thos. Stewart, Liberal.

West Nipissing—J. Michaud, M. P., P. Liberal.

B. O. LOTT DID NOT APPEAR.

Failed to Answer and His Bail Was Forfeited—His Sureties Also Called But Did Not Respond.

London, Nov. 30.—At 10 a.m. yesterday County Attorney Anderson and Detective Chamberlain appeared before Police Magistrate Flint, with reference to extension of Bryon O. Lott's bail. Lott was not present, nor did any one appear for him. Lott was called three times and did not respond. W. H. Lott, Harry Brown and Geo. Whitty, who were sureties for him, were also called and did not answer. Mr. Anderson then asked that the bail be forfeited.

The Magistrate said he would endorse default on bond, but if Lott, as stated in his wire from Syracuse Monday, appeared during the day or for trial no doubt the Dominion Government would take the fact into consideration with regard to the sureties.

One Box Still Missing.

Kingston, Nov. 30.—Detective Parkinson, who has outdone the Belleville record by discovering nine bogus ballot boxes, returned to the city yesterday morning and left for Belleville at noon. He went to the ballot boxes by way of Harrowsmith to Napawa, and on to Belleville. The search for the tenth box was given up because the ice was too thin near the centre of the lake to walk on. As soon as the ice breaks up, probably in a few days, the search will be continued, as Rutian sticks to his statement that ten were thrown in.

Frank J. Reilly, who has figured so conspicuously in the Belleville trial, was bailed out yesterday afternoon after being in jail since Friday night, and reached Kingston last evening.

## PORT SIMPSON THE TERMINUS.

Sir Wilfrid Laurier Speaks of the Grand Trunk Pacific.

San Francisco, Nov. 30.—Sir Wilfrid Laurier, premier of Canada, arrived at Oakland yesterday and proceeded thence to Monterey. After a few days at the seaside he will go to Los Angeles for a short visit before returning east. Sir Wilfrid is on a tour of recreation, and is accompanied by his wife.

When interviewed, Sir Wilfrid said there was no doubt of the construction of the Grand Trunk Pacific Railroad across Canada and British Columbia. The work on it will soon begin. He said the terminus of the road would be at Port Simpson, B. C., and that all the preliminary details have been completed.

Sir Wm. Mulock At St. Louis.

St. Louis, Nov. 30.—Sir William Mulock, Postmaster-General of Canada, who is visiting the World's Fair, carefully inspected the postoffice yesterday, afterward complimenting Postmaster Wyman upon its excellent management. Sir William was particularly impressed with the pneumatic tube service, which, he said, was far superior to the system in vogue in any Canadian city.

## AFTER THE WHOLE FORT

Japs Capture 203 Metre Hill and Are Holding Position.

Command the Whole of Port Arthur Harbor and Make the Situation Truly Critical For the Russians—90 Per Cent of the Fortress in Their Hands—St. Petersburg Takes the News Seriously, But Sees Ray of Hope.

Tokio, Nov. 30.—The Imperial headquarters last night sum up the Port Arthur situation as follows:

"With regard to the enemy's forts at Singushu Mountain and eastward we have firmly captured the crests, and their glacis and counterscarps, and their vicinities, but the time to charge has not yet come. At present we are destroying the casemates and other caponieres. At 203 Metre Hill, by several charges, we succeeded in capturing the enemy's shelter trenches near the summit. At present our force is holding its position and endeavoring to capture the whole fort."

News the End.

It is reported that the attack against 203 Metre Hill by Japanese light artillery is succeeding. It is estimated that 90 per cent. of the work of the complete occupation of Port Arthur will be finished with this height in the possession of the Japanese. No part of the harbor of Port Arthur will then be concealed from the Japanese.

Japs Loss 4,000 in One Hour.

London, Nov. 30.—According to a Tokyo despatch to The Standard, there is an unofficial rumor that the Japanese hauled large calibre guns to the top of 203 Metre Hill, from whence their fire has a sweep of the whole harbor.

This report doubtless goes beyond the facts, but various despatches indicate the progress the Japanese are making in the reduction of Port Arthur. Japanese here explain the great importance of the capture of 203 Metre Hill, which, besides giving command of the harbor, will serve as a wide breach made by the Japanese and previously driven in between the Etse group and the Russians last retreat in the ravines at Liauti Mountain. They declare that retreat to Laotie will be effectually cut off, and that it is not unlikely that Laotie will be simultaneously attacked in the final assault.

Bennett Burleigh wires to the Daily Telegraph from Che Foo that in the last assault the Japanese lost 4,000 men in a one-hour's fighting. They claim to have captured two more of the northern forts, and a third, which is a part of the West Keekwan fort. They claim, Mr. Burleigh adds, to have effected a lodgement at Pigwood. But the Japanese are turning the fort on 203 Metre Hill, and that they are now tunnelling from the gorge below Laotie, which they hope first to damage and then to rush. The despatch continues: "Desperate fighting is proceeding daily, and the losses are admitted to be excessive, but the Japanese insist that Port Arthur must fall within twenty-one days."

See Ray of Hope.

St. Petersburg, Nov. 30.—Foreign reports of the fighting at Port Arthur are accepted here very seriously. If the Japanese have taken 203 Metre Hill, as reported, and are commanding the whole harbor, it is believed that the situation is critical. Experts on Port Arthur topography assert, however, that it is more likely that the Japanese have occupied some positions at the base of the hill and believe that with the concentrated fire of the covered forts the Japanese will find the top of the hill untenable, if they arrive there.

Berlin Disbelieves It.

Berlin, Nov. 30.—A despatch from Tokio to The Tagliche Rundschau reports that the Japanese storming of Port Arthur was abandoned on Nov. 28, because, though large breaches had been made in the Singushu, Rihlung and Keekwan forts, the Japanese were unable to enter on account of the heavy fire from the other forts and the resistance of the garrisons.

Fight Goes On.

Che Foo, Nov. 30.—Chinese and Japanese armies received here yesterday, while not beyond question, indicate the practical certainty that another general assault on Port Arthur began Nov. 24, and was continuing Nov. 27. It is certain that there has been severe fighting. The fighting is with the object of capturing additional Russian trenches. The summit forts seemingly were not attacked.

Many Japs Fell.

Mukden, Nov. 30.—The activity of the Japanese against Gen. Rennenkampf's front continued Nov. 28, culminating before noon in one of the severest fights in recent weeks. The Japanese retired only about 600 yards, but after the fight the Russians collected 230 Japanese corpses all from the 7th and 9th reserves brigades. The Russians also captured a large quantity of rifles, entrenching tools and red cross stores. Night sorties continue. Russian scouts prove very adaptable to this sort of work and go all around the Japanese in woodcraft. On the night of Nov. 25 a party of Siberian sharpshooters went out and captured every one of the guards in front of a Japanese party, cutting firewood, without arousing the suspicion of the Japanese that anything had happened.

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