

The Chatham Daily Planet.

VOL. X.

CHATHAM, ONT., TUESDAY, MAY 14, 1901

NO. 141

....An Argument....

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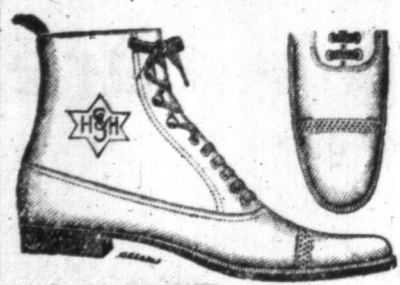
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A. A. Jordan

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HEAVY BOER LOSSES REPORTED BY KITCHENER

British Occupy Louistrichart—A Machine Gun, Hundreds of Horses and Wagons and a Great Quantity of Ammunition Captured.

London, May 14.—Lord Kitchener, in a despatch from Pretoria, dated May 12, says:—"Grenfell has occupied Louistrichart, capturing fifty Boers with rifles. Louistrichart was previously held by six British with forty surrendered Boers."

"Other columns report eight Boers killed, 20 wounded, 132 prisoners, 24 surrenders, and a machine gun, 6,400 rounds of ammunition, 150 wagons and 870 horses captured."

BOER OPERATIONS.

Cape Town, May 13.—A force of Boers raided a store Friday thirty miles from Richmond, Cape Colony.

BOERS STILL HAVE FIELD GUNS.

The Boers who were in the Bedford district last week have moved north into the Transvaal. They still have a couple of field guns. Gen. Campbell, of the Seventeenth Brigade, while returning from Middleburg, met with opposition from forces of the Boers, who employed two guns and two pom-poms. They moved parallel with the British force. Gen. Smith-Dorrien's brigade was also sniped at considerably before re-entering Wonderfontein, the force opposing having a pom-pom.

A HOT ENGAGEMENT.

The Yeomanry, including the recent drafts, have had a hot engagement at Scharpsburg. They behaved splendidly. Subsequently the Boers' command

moved south to West Greylingstad. Gen. Knox and Gen. Elliott's columns are converging on this force, which is shirking a fight.

KAFFIR CROPS SAFE.

Large areas of Kaffir crops were not touched during Gen. French's recent operations.

RECRUITING.

Recruiting is going on for a new force of the mines division of the Rand Rifles. The military authorities have sanctioned the recruiting of 800 men, including 100 each for the May, Primrose, City and Goldenhuis mines. These recruits will be given preference in securing work when the mines start crushing again.

MRS. BOTHA SAILS.

Durban, May 14.—Mrs. Louis Botha, who has obtained consent to interview Mr. Kruger, and urge him to advocate peace, sailed to-day for Europe on the steamer Dunvegan Castle.

THEY MISSED IT.

London, May 13.—At a banquet of the Cornish Association, held in London last night, Gen. Pole-Carew said: "At the beginning of the war had the Boers fully realized their strength and our unpreparedness, we would have been driven into Durban and Cape Town, and we would have presented the spectacle of reconquering South Africa from the sea coast."

JUDGMENT FOR \$1,250 AGAINST CHATHAM TOWNSHIP

Insurance Inspector Leitch Wins His Suit for Damages—Other Doings at the Local Sittings of the High Court.

The now historical case of Leitch vs. the Township of Chatham is now a thing of the past, and the coffers of the municipality will ere long be called upon to disgorge the respectable sum of \$1,250, as compensation to the plaintiff, coupled with the costs of action, which will be by no means inconsiderable. The case opened at one o'clock with a somewhat formidable array of legal talent prepared to do battle royal. Meredith & Judd, of London, and M. Wilson, K. C., appeared for the plaintiff, and Fraser & Bell for the township.

The evidence tended to show the following:—In February, 1900, the plaintiff, Leitch, who is an Insurance Inspector, residing in the city of London, and Oscar Atwell, a driver for John Henderbott, were returning to this city from Chatham Centre, by way of the Prince Albert Road, when at a point about 2 1/2 miles from the city, the horses went off the road into a ditch, four feet deep. The buggy was precipitated into the bottom of the ditch, and Leitch received injuries, which, according to the evidence of Dr. T. K. Holmes, of this city, and Drs. McAllum and Waugh, of London, were of an exceedingly serious nature, calculated to impair his health permanently, and even to make his ultimate recovery doubtful.

The plaintiff's counsel contended that the accident was entirely owing to the poor state of repair in which the road was at the time of the accident. They showed that a washout had caused the ditch to encroach into the travelled portion of the road, thereby rendering it dangerous and unsafe for travel. Doctors, surveyors, civil engineers, farmers, councillors, path masters and school boys, all gave evidence for the one side or the other, and it was nearly six o'clock before the last witness for the defence was allowed to step down from the box.

When Mr. Fraser rose to open his argument for the defence, His Lordship asked him if it was his intention to argue that the road was in a reasonably safe condition of repair, and, upon receiving an answer in the affirmative, His Lordship remarked that if would be no use for him to adopt this line of argument, as he would certainly find against the defendant upon that question.

Continuing, His Lordship said that he would find that the road was out of repair; that the defendants were responsible for its condition inasmuch as they had been negligent in allowing the road to remain in such a state that it was unsafe for travel; that the accident had not occurred by reason of the negligence of the driver, Atwell, and that the township was liable for damages to the plaintiff. The chief justice spoke with much vigor regarding the condition of the roadway and ditch at the point where the accident occurred. He referred to it as nothing but a "death-trap" and remarked that it would be more in the interests of justice if municipalities who were responsible for accidents of this kind were indicted for manslaughter than if they were made defendants in a suit for pecuniary compensation.

Mr. Fraser contended that there were miles upon miles of such ditch-

es in the western peninsula, and that if it was incumbent upon townships to fence these ditches in from the roadway, it would involve an expenditure of hundreds of thousands of dollars.

His Lordship replied that it was not his contention that all such ditches should be fenced, but that in this particular instance the road and ditch had not been guarded insofar as was practicable. In his estimation the place in question was nothing but a "death trap." Coming down to the question of costs, the Chief Justice facetiously remarked that the only point here in doubt was the smallness of the doctors' bills.

Mr. Fraser, on this phase of the question, argued that the plaintiff should be awarded the amount of the doctors' bills only, as it had not been proven that Leitch was permanently injured or that his health was permanently impaired.

Mr. Wilson asked that the damages be assessed at the full amount, viz., \$2,000, as the evidence of the physicians called for the plaintiff had aged at least fifteen years since the accident.

"You may say that now as counsel for the plaintiff, Mr. Wilson," remarked His Lordship, "but I don't think that he would consider such a statement as a compliment when the trial is over. Without erring on the side of excessiveness, I think that if I assess the damages at \$1,250 I shall be awarding the plaintiff only what is due him. The costs will follow."

SLOAN VS. SLOAN.

It was shortly after 6 p. m. when Leitch vs. Chatham was finished. The next case was that of Sloan vs. Sloan. This is an action brought by Mrs. Martha Sloan, widow of the late Samuel Sloan, Sr., through her solicitor, J. B. Rankin, K. C., claiming dower in the estate of the late Samuel Sloan, Jr., her son. The defendants are the two sons of the plaintiff, Jas. F. Sloan and George W. Sloan, who are the executors of the estate of the late Samuel Sloan, Jr. W. F. Smith appeared for the defendants.

The first witness for the plaintiff was Deputy Registrar T. K. McKeand, who produced certain deeds and mortgages with reference to the farm in question.

The court rose at 7 o'clock, and was resumed this morning at ten, when this case was again proceeded with.

The evidence was all in by 11:30 o'clock. His Lordship was greatly in favor of having a compromise effected, after having heard the evidence, and asked Mr. Smith to communicate with the official guardian, John Hoskin, K. C., of Toronto, as there are two infant children of the late Samuel Sloan, Jr., interested in the property in question. It will also be necessary to take the evidence of Judge Woods, who drew certain deeds in connection with the land. His Lordship therefore allowed the case to stand over. He will himself consult with the official guardian in order that he may ascertain what the prospects for a settlement are.

This was the last case on the list and the court rose at 11:45. The Chief Justice left for Toronto on the afternoon train, accompanied by the official stenographer, Mr. Horton.

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for Men and Boys, both high cut and low, leather top and strap across vamp, canvas tops, heavy rubber soles, just the thing for any kind of sport.

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First Shoe Store from market.

STRUCK SNAG AND SOON SANK

Fate of a Passenger Steamer—Twenty-Two Members of the Crew and Two Passengers Missing.

St. Louis, Mo., May 14.—A special from Grand Tower, Ill., says:—The steamer City of Paducah sank in 25 feet of water five minutes before tea o'clock Sunday night, in less than five minutes after striking a snag, and while backing out from Bronkhorst landing. The bodies of the two passengers who were drowned have been recovered and 22 members of the crew, most of them negroes, are missing. All of the officers were saved. First Mate Tobias Royal, of St. Louis, says only about twelve passengers were on board, and all were saved except two. The body of Dr. J. W. Bell, of Bell's Landing, Tenn., was taken out of his stateroom. The remains of a young woman, on which was a visiting card reading, "Mrs. Harry L. Allen, 3,430 Eads avenue, St. Louis, Mo.," was recovered from her stateroom. Two friends travelling with the drowned woman, who started back to St. Louis on the steamer City of Clifton, said the young lady was engaged to marry Dr. C. A. Meredith, of St. Louis. Several hundred dollars' worth of jewelry was found on her body. The passenger list has not been recovered. A diver is searching for it. Only the hurricane deck is above water, which reaches to the skylights of the cabins. All the state-rooms are completely filled with water. The steamboat drifted a third of a mile below the landing before she sank.

The first mate says the boat went down within three minutes after striking the snag. He was on the cabin deck, and escaped by climbing through the skylight. It is supposed that most of the missing deck hands, who were on the lower deck, were washed down this river. The boat lies down about 100 feet from the Illinois shore, the forepart of the hurricane deck being under water. She appears to be a total wreck.

The coroner, C. E. Knauber, of Murphysboro, Ill., is now holding an inquest, while the diver is searching for more bodies. Thomas J. Johnston, watchman for the boat, who is said to be among the lost, was 85 years old, and has been a steamboat man for 60 years. He lived in St. Louis.

BIRTHDAY PARTY.

Master Ray Bowers, Barthe street, entertained a number of his school mates last evening, it being his sixth birthday. About 20 little boys and girls were present, and a most enjoyable time was spent by all. There were present Lila and May Watts, Winnie and Cliff Auyler, Frank Tichborne, Rodge Bowers, Norman Bell, May and Emma Roberts, Lizzie Bowers, Currie Phillips, Blanche and Henry Sylvester, Pearl Hardicar, Willie Armstrong, George and Johnny Roberts, Ray Redner. Master Ray received many presents.

LOSS OF A SCHOONER.

Goderich, Ont., May 13.—Capt. Dean, of the steamer Advance, arrived here today and reports coming across the schooner Narragansett, of Milwaukee, in the middle of Lake Huron, 25 miles due east of Point Au Barres. The crew had abandoned her and she was full of water. He put three of his men on board and towed her towards Goderich for about three hours, when she sank in about two minutes, eleven miles north-west of Goderich.

The barge Fostoria was struck by a cake of ice in the St. Clair River near Sarnia and sunk. The mate and a seaman were drowned.