

LOOKS LIKE A  
BATTLE NOW.City insists on Thomas Barnes Dis-  
connecting SewerAnd the Matter Will be Settled In  
the Courts.Committee Winds Up the Year With  
a Surplus.

It looks as if the long threatened legal battle to settle the question of the rights of property owners in Barton township to connect with city sewers and demand a water supply is on at last. The former phase of the dispute at least will probably be threshed out in the courts. Thomas Barnes, who is opening up a new survey of a hundred and fifty lots just outside the city limits, connected his private sewer with the Sherman avenue sewer without a permit. The Sewers Committee ordered the City Engineer to break the connection. The matter was allowed to stand until the meeting of the Sewers Committee yesterday, however, in the hope that an amicable settlement might be effected.

Mr. Barnes appeared and explained that he acted on the advice of Reeve Gage, of Barton Township, who had assured him that he did not require a permit. Mr. Barnes was anxious to have the matter quietly settled, if possible.

Some of the aldermen, however, were quite incensed at Mr. Barnes making the connection without getting authority from the city. The solicitor held that under the proclamation under which the annex became a part of Hamilton the city was not expected to give Barton accommodation in any of the sewers, the capacity of which might be taxed as a result. It was argued that this would be the case with this one. Mr. Barnes pointed out that he had contributed towards the building of the sewer in question although his name was not on the city's agreement.

The aldermen, however, could not see things in the same light and gave instructions that the connection was to be broken. Mr. Barnes took a cheerful view of the situation. "There is lots of time between now and when the sewer committee will be required to fight the matter," he observed.

A letter regarding the construction of a sewer by him on Main street, east of Sherman avenue, Mr. Barnes said he had been advised to make it 12 instead of 9 inches, by city officials. The difference in the cost would be about \$100. City Solicitor Waddell informed the aldermen that it would be illegal to contribute to the cost of sewers in the township or to drain surface water from there. No action was taken.

The Sewers Committee enjoys the proud distinction of clearing the year with a surplus of nearly \$350.

The appropriation for the sewage disposal works was \$18,000, and the expenditure as follows:

West end disposal works ..... \$ 22.35  
Ferguson avenue disposal works ..... 9,189.05  
Westworth st. disposal works ..... 5,559.86  
Accounts outstanding ..... 2,867.52

Balance ..... \$17,639.68  
Total ..... 390.32

The Sewers department had an appropriation of \$6,000. The expenditure was as follows:

Sewers—  
Salaries and Engineer's office ..... \$ 655.50  
General expense account ..... 172.40  
Flushing sewers ..... 468.75  
Advertising, printing and stationery ..... 125.75

Machinists, gullies and ventilators ..... 327.58  
General sewer repairs ..... 394.06  
Peter street sewer repairs ..... 499.02  
Cathcart street culvert under G. T. R. .... 1,112.33

Engineer's report, 1906 ..... 79.92  
Sewers over 12 inches diameter, 1,407.88  
Boys' Home sewer grant ..... 50.00  
James street catch basin ..... 100.00  
Berlin Machine Works sewer pipe ..... 97.50

Total ..... \$6,000.00  
Of the \$120,000 voted to build the new annex sewer about half of that sum has been expended, as follows:

Eastern Annex Sewage System—  
Septic tanks ..... \$26,662.96  
Trolley street sewer ..... 19,806.19

Paid for land ..... \$46,469.15  
Total ..... 23,000.00

Total ..... \$69,469.15  
Of the \$100,000 for the mountain drain \$9,837.76 was expended.

Ald. Jutten thought the city should proceed with the construction of a sewer on Oak avenue to prevent flooding at a cost of about \$4,000. It would provide work for unemployed men, he said. The City Engineer did not seem to think that this expense was quite justified until that particular part of the street was built up more. The aldermen decided that it was something for next year's Council to deal with.

**Lions' Pretty Window Display.**  
The Lyons Tailoring Company, 114 James street north, have a very fine window display of more than ordinary interest. Besides illustrating the marvelous values this great made-to-order clothing firm gives, the display is in keeping with the Christmas sentiment. The Lyons firm does not do things by halves, and those who have not been there should make it a point to see the decorations.

**HAMILTON LEGAL CASES.**  
The following cases came up at Toronto yesterday:

Re Gibson Estate.—J. M. Gibson, K. for trustees, moved for order authorizing advance of certain moneys out of share of beneficiary. Harcourt for an amicable. Order granted.

Re Darrah and Canadian Order of Deacons Friends.—Lyman Lee (Hamilton) moved for order for leave to pay certain moneys into court. Harcourt for infants. Order granted.

Re Fraser and Canadian Order of Foresters.—Lyman Lee (Hamilton), for society, moved for order for payment of certain moneys out of court. F. W. Harcourt, for infant child of deceased, contra. Motion referred to a judge in chambers.

## NEARLY \$2,000,000.

The Grand Trunk Places Orders  
for 100 Engines.

The Grand Trunk management has just placed orders for one hundred new locomotives, which represent an expenditure of nearly \$2,000,000.

These locomotives will be built during the winter, spring and summer—the last delivered by August next—in time to take their place in the road's equipment for the movement of next season's crop. The fact that no less than seventy out of the one hundred engines are to be built in Canada is likely to give satisfaction to all who are interested in the development of local industries.

## RIGHT TO ELECT.

Conviction in Hamilton Gambling  
Case Upset.

The Court of Appeal has decided that the action of the King against Lee Guey must be tried again. This was a case reserved by Police Magistrate Jelfs, of this city, and the question submitted to the Court of Appeal was whether the Magistrate had the jurisdiction to try the offence of keeping a common gaming house under the summary trials clauses of the criminal code. The court decides that the conviction must be quashed, and the question answered to the effect that the Magistrate had not jurisdiction to try the defendants without their consent, and that they had a right to elect to be tried by a higher court.

## NEW TRIAL

Secured for Edmonstone and New  
by Mr. O'Reilly.

Judgment was given yesterday in the appeal taken by Mr. M. J. O'Reilly, of this city, in the cases of Rex vs. Edmonstone and New, judgment (H.) upon case stated by the Chairman of the General Sessions of Wentworth. The defendants were indicted for robbery and wounding. The jury found defendants not guilty of robbery, but guilty of assault. The verdict was recorded as one of guilty of "the assault as charged."

Defendants were sentenced respectively to 20 months and 18 months in the Kingston Penitentiary. The questions raised were whether the verdict of the jury was rightly recorded, and if so whether it was rightly interpreted and acted upon by the chairman; whether a verdict of anything in addition to a verdict of assault should have been recorded; and whether the verdict as recorded imported anything more than an assault and battery such as could be included in a verdict of guilty of common assault. Held, that the questions reserved must be answered in the negative, viz., that the verdict was not rightly recorded, and was not rightly interpreted. The result is that the conviction must be quashed, but the case is one in which a new trial should be granted on the whole record, as the assault cannot be enquired into except as connected with an alleged robbery. The prisoners will thus have an opportunity of being entirely acquitted if they can persuade the jury of their innocence or of being convicted of the aggravated robbery, involving a possible sentence of imprisonment for life and whipping, or of unlawfully wounding, which is probably what the jury really meant to find. M. J. O'Reilly (Hamilton), for defendants, J. R. Cartwright, K. C., for the Crown.

**COURT AMITY.**  
Court Amity, No. 39, I. O. F., held its annual election of officers in the chambers over "Traders' Bank." The hall was well filled. H. T. Drope, D. D., S. C. P., occupied the chair, and under his personal supervision the election went on without a hitch, although keenly contested. Several applicants were initiated, and the extra large attendance made the work very impressive. The officers elected for 1908 are:

Court Deputy—Wm. Bailey.  
Court Physician—Dr. Langs.  
Junior Past Chief Ranger—Geo. Lay.  
Chief Ranger—A. E. Kenny.  
Vive-Chief Ranger—W. E. Law.  
Recording Secretary—J. H. Schrader.  
Treasurer—J. P. Dougherty.  
Chaplain—W. J. Gibbons.  
S. W.—H. Opperman.  
J. B.—R. C. Lee.  
J. R.—A. Held.  
S. B.—C. P. Anderson.  
Trustees—A. Hooker and Geo. Lay.  
Finance Committee—D. Hawkins and F. Munch.

Bros. J. McIlwraith, of Court Hamilton; H. E. Stone, of Court Oronokatekka, and W. J. Brown, of Court International, were scrutineers. Cigars and refreshments were afterwards enjoyed. Bros. C. P. Anderson and H. E. Stone gave musical numbers, and speeches were made by Bros. Wm. McAndrew, Geo. Tregenza and J. P. Owens, the last mentioned being from Dundalk, Ireland.

**Y. W. C. A. NEEDS.**  
To the Editor of the Times:  
Sir,—You will no doubt be gratified that some donations have come to the Y. W. C. A. in answer to the appeal of December 5th, which appeared in the Times of that date, asking for three single beds, mattresses, bedding, dressers, towels, chairs and rugs, your paper being specially mentioned by some who have given and some who have promised. These needs are not yet provided for, and the Y. W. C. A. Board confidently expect the public will bear them in mind and respond with generosity.

A Member of the Board.

**A Suitable and Serviceable.**  
Xmas present. A cardigan jacket, sweater, etc. Our line of Christmas goods will bear inspection; our prices are always close. Try us for a working shoe, mit or glove.—M. Kennedy, 240 James north.

**Paid in Real Money.**  
St. Thomas, Dec. 13.—For the first time in its history the M. C. R. has paid all its employees in Ontario, in New York, Indiana and Illinois in Canadian money, totalling \$300,000.

CENTENARY CHURCH CHOIR,  
ORGANIST AND SOLO SINGERS.MISS ADELINE SMITH,  
Soprano Soloist.

Choir music and its development

has claimed the attention of many of

the foremost musicians of the present

and past ages. In this city, especially

in recent years, there has been a marked

progress in choirs. Such a thing as an

individual choir producing one of the

standard oratorios would have filled the

heart of the leader of twenty years ago

with dismay. To-day such productions

are among the modern leaders' greatest

successes. A great change has also taken

place in Sunday music—not only in the

choir work, but in the solos. There is

more of the religious and impressive,

and less of the fantastic in solo work,

and the expression, "Sunday concerts"

does not apply at least in Hamilton, as it

once did. The Times of today begins a

church choir series, which will take in

most of the churches of the city, dealing

with leaders, organists, soloists and

choir work. Centenary, which is only one

of the recognized choirs where high-class

music is presented in an artistic as well

as a religious way, is first dealt with.

**W. H. HEWLETT, MUS. BAC.**  
Mr. Hewlett commenced his choir career

as a choir boy in the parish church of

his native town in England. Upon

people of Hamilton. Next Good Friday

Haydn's famous Passion music (Seven

Words) will be produced. Mr. Hewlett

has strong ideas regarding the devo-

tional aspect of choir music, and many

innovations devotional in character,

have been introduced in Centenary

Church that would have been considered

starting a few years ago. The choir is

governed, and there are now 54 on the

roll.

Mr. Hewlett has given 28 organ recitals,

in addition to other concerts in

Centenary Church since the advent of

the choir of the Dundas Centre Methodist Church in London, a church that is well known in Western Ontario for its good music. Under Mr. Hewlett's guidance the church sustained its reputation and it was with great regret that the trustees accepted his resignation in 1902. After spending seven months in Europe, Mr. Hewlett became organist of Centenary Church in 1903. Within a very short time Mr. Hewlett "made good." In six months arrangements were under way for the enlargement of the choir gallery and the rebuilding of the organ. The new organ was opened in April, 1904. It is practically a new instrument (with the exception of pipes taken from the old organ). It consists of four manuals and 47 stops, and is one of the largest organs in the Province. When the proposed organ is added, and other important improvements made, it will be able to hold its own with any in the country. Since entering upon his duties at Centenary Church, Mr. Hewlett has produced with his choir Mendelssohn's oratorio, St. Paul and Elijah, Spohr's Last Judgment, Gounod's Gallia, Spohr's God Thou Art Great, in addition to numerous miscellaneous and shorter works. As it is Mr. Hewlett's intention to exclusively devote his choral efforts to producing famous sacred works with his own choir, many musical treats may be looked for by the

W. H. HEWLETT,  
Organist and Leader.

removed to New York, and while there

accepted the position of soprano soloist

in the Church of the Holy Communion,

for one year, 1904. In 1905 she sang in

Dr. Parker's church, Madison square, in

1906 she became identified with the

First Presbyterian Church in Mount Ver-

non, and was there until she returned

to this city. She was then offered the

position of soprano soloist in Centenary

Church under Mr. Hewlett, which she ac-

cepted, and has been there since. Miss

Smith has had considerable experience

in concert and light oratorio singing.

**MRS. GEORGE ALLAN.**  
Mrs. George Allan is well known to

every lover of good singing in this city,

and her sweet contralto voice has charmed

many an audience during the time she

has been before the public. Her voice

is full of melody, and is rounded and

rich. Her lower and middle registers

have very few equals in this or other

cities. Mrs. Allan first studied with

Mrs. Bruce Wicks in this city, and

then under Mr. George Haslam, formerly

of Toronto, but now of Paris, France;

also with Mrs. Julia Wyman, who passed

away a few weeks ago. Mrs. Allan is

a scholarship pupil of Mr. George

Sweet, of New York. As a slight evi-

dence of how she is liked by the musical

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Contralto Soloist.

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Mr. Hewlett is an associate of the

College of Organists of Canada, Bachelor

of Music of Trinity University, gold

medalist graduate of the Toronto Con-

servatory of Music.

**MISS ADELINE SMITH.**  
Miss H. Adeline Smith is one of Ham-

ilton's own fair singers. Miss Smith is

truly ambitious, and no matter where

she may be singing she can always be

depended on to do her best. Miss Smith

has a sweet voice, not great in volume,

but pure and refreshing. She has been

studying for many years, and each year

sees an improvement. Her first vocal

instructor was Mrs. Harriett Ormsby,

then came three years of conscientious

study with R. Thomas Steele. After

completing the three years, Miss Smith

gave up studying for two years, but in

1904 she went to New York, and for

three years was a student under Walter

H. Robinson. Miss Smith is of the opin-

ion that her best work was done under

Mr. Robinson. Last June she returned

to this city. She has occupied numerous

church positions. Her first was in the

Listowel Methodist in 1902-3. Then she

have the privilege of hearing her for a

good many years to come.

## MR. VICTOR HUTCHISON.

Mr. Victor Hutchison, who occupies the tenor position in Centenary, is one of the best liked members of the choir, and as a musician and singer he stands well in the forefront of this city's musical circles. His voice is well trained, and he is a splendid reader. When he was offered the position left vacant by Mr. Chrystal Brown, it was realized that he had a very hard place to fill, but from the first Sunday he became an instant favorite, and has remained so. His voice is of the lyric quality, of high register, and clear as a bell, especially on the upper tones. Mr. Hutchison received his early training in St. Simon's English Church, Toronto, as a choir boy. Later he studied with Mrs. Bradley and Geo. Haslam, of Toronto, now of Paris, France. His first church position as soloist was in the Carlton Avenue Methodist Church, where he remained four years. In 1898 he went over to the Jarvis Street Baptist Church, which was Dr. Vogt's choir, and remained there six years, until 1904. He then went to Detroit for a year, and sang in St. Andrew's Memorial Church in that city. In 1905 he located in Hamilton, and became immediately connected with Centenary, where he has been ever since. Mr. Hutchison has been a member of the famous Mendelssohn Choir since its reorganization under Dr. Vogt, in 1900, and was a member of the Toronto Male Quartette in 1900.

## MR. ROY MCINTOSH.

Although Mr. Roy McIntosh has had a comparatively short career in the musical world of this city, almost every success has attended his efforts. He is what might be termed a "self-made" singer, having studied and worked himself without the aid of teachers, with the exception of Mr. Edward Pease, with whom he studied song singing. Mr. McIntosh's voice is full and rich, very resonant in quality. He has a pleasing manner and his diction is good. His first church position in this city was with the choir of First Methodist Church in 1905, which he held for a year, during which time he gave complete satisfaction. In 1906 he was with the choir of St. Paul's Presbyterian Church. At the beginning of 1907 he was offered the position of bass soloist in Centenary Church, which position he now holds. Mr. McIntosh is a conscientious singer and always does his best, and in that way he is always sure to please. He has sung the solo parts in Gaul's "Holy City" and "Stainer's 'Crucifixion.' Before coming to this city he was identified with church work in Simcoe.

## CHURCHES TO-MORROW

SPECIAL SERVICES AND SPECIAL  
MUSIC TO-MORROW.

Rev. J. K. Unsworth preaches at both

services in the First Congregational.

Dr. Lyle, in the evening, in Central

Church, will preach on "Dwelling in Ever-

lasting Fire."

"The Doctrine of the Deity of Jesus"

will be discussed by a minister of

Unity Church to-morrow evening.

Rev. John Young will take for his

evening subject, "Mephibosheth," on

Sunday evening in St. John's Presbyterian

Church.

In the First Methodist Church Rev.

R. J. Treleven will preach, 11 a. m.,

on "How to do a Great Thing," and

at 7 p. m., on "Great Turning Points."

Rev. S. P. Orpwood will preach at

the morning service at Christ's Church

Cathedral to-morrow, and Canon Almon

Abbott, M. A., at the evening service.

The pastor of Zion Tabernacle, Rev.

F. W. Hollinrake, will preach in the

morning on "God Investing Himself in

Man" and in the evening "Christ First

and Christ Forever."

In Herkimer Baptist Church anniversary

services will be conducted by the

pastor. On Tuesday evening the anniversary

tea will be held, at which the annual

reports will be given.

The City Firemen will have a sermon

especially devoted to them in Emerald

Street Methodist Church to-morrow

night by Rev. Dr. Williamson. All men

off duty are especially invited. Good

bright music.

WOULD HAVE  
CHECK SYSTEMTo Prevent Any Overlapping in Dis-  
tributing Charity.Urge That Clerk Be Appointed for  
That Purpose.Want City to Give Unemployed  
Something to Do.

At the conference yesterday afternoon in Mayor Stewart's office of those interested in charity work it developed that the principal reason for calling the meeting was to arrange some scheme to provide against overlapping among the charitable organizations of the city. Representatives from nearly all of these societies and several members of the city clergy were present. A resolution was passed urging the City Council to employ a clerk in Relief Officer McMenemy's office, whose duty it would be to enter up and carefully check lists handed in by the different charitable organizations of those being supplied by them. In this way it was hoped that much of the overlapping, which is said to exist at present, would be avoided. Mr. McMenemy, who was present, thought he could attend to this work without the assistance of a clerk.

The outlook for the winter was discussed, and while it was admitted that there were a number of cases the consensus of opinion on the whole was that there was no general hardship among the poor of the city. In fact, some of those who are in close touch with this work said that some of the people who had accepted the Christmas cheer distributed by the societies last year had refused it this year. The worst sufferers seem to be the new arrivals. It was agreed that the city and societies were well able to look after their own, but that this was not to be taken as an invitation to the unemployed of other places to flock here. The city will be urged to proceed with as much work as possible during the winter months, so as to furnish employment rather than encouraging the dispensing of charity, when it can be avoided.

Some of those present discussing matters privately thought that things were represented as being much worse than the circumstances justified.

Among the clergy present were Archdeacon Forrester, of All Saints' Church; Rev. Dean Mahoney, rector of St. Mary's Cathedral; Rev. S. B. Russell, pastor of Erskine Presbyterian; Rev. J. Treleven, of First Methodist; Rev. Samuel Daw, of St. John the Evangelist, and Rev. J. K. Unsworth, of First Congregational.

The various societies were represented as follows: