

INSIST ON DOCK
BEING PURCHASED

Joint Committee Re-affirms Previous Action.

City Solicitor Says to Buy the Property

Rather Than to Face the Costs of a Law Suit.

The special Bay Front and Finance committees met yesterday afternoon to consider the letter received from Lion C. L. Hyman with reference to the Rogers dock. The chairman present were Messrs. Atwood (chairman), Main, Stewart, Kelley, Wallace and Bowerman. Chairman Atwood read the correspondence that had passed. Ald. Wallace thought that before any further steps were taken the City Solicitor should give the committee an opinion as to the liability of the city if the Government filled in the east side of the Rogers property. The question of guaranteeing the Government against any claims for damages was a serious one, and the committee should have the advice of Mr. MacKellan.

The latter replied that, while the city would not be liable for the land under the Rogers dock, it would be liable for the Rogers dock. He would not guarantee that the city would not be liable for damages. It was a very nice legal point that the Rogers dock would have to settle. He said: "I would not undertake to say that a claim could not be successfully made. I will say this, however. It was my private business I would rather buy the dock than take a chance of getting sued for heavy damages. You know how uncertain the law is."

Ald. Stewart wanted the Government to go on and advertise for tenders, the city giving the assurance that it would indemnify the Government against any claims for damages. He was satisfied the city would not incur any liability by building up against the dock.

Ald. Wallace thought that nothing should be done until the law on the subject was looked up, and he suggested that Mr. MacKellan engage, if necessary, a marine law expert.

Ald. Main, Bowerman and Bailey were convinced that the best and safest way was to buy the dock, and on motion of Ald. Bailey and Bowerman it was decided to recommend to the Council to purchase the dock at the price named, \$60,000. In this resolution will be incorporated the opinion of Mr. MacKellan that it would be better to buy the dock than to take a chance on a law suit.

Ald. Stewart ridiculed the idea of the dock being sold to any other party before the city decided to buy it, and he advised the committee to wait until something satisfactory was learned as to the law on the subject. This was Ald. Wallace's opinion also.

STANDS TILL TRIAL.

HAMILTON STEAMBOAT CO. VS. MACKAY AT OSBOURNE HALL.

Mr. Justice Falconbridge gave judgment yesterday in the suit of Hamilton Steamboat Company vs. Mackay, on motion by plaintiffs for interim injunction restraining defendants from obstructing the passage-way or slip by which the steamer Modjeska reaches the wharf at Hamilton. Held, that the legal right of plaintiffs is by no means clear. It is not possible to declare on the material before the court that defendants' use of the slip is illegal or unreasonable. It is not alleged that defendants are not acting in good faith in the exercise of what they deem to be their right. Nor is it clear that the consideration of the comparative mischief or inconvenience to the parties which may arise from granting or withholding the injunction is a governing principle of determination in plaintiffs' favor. Motion stands over until the trial without injunction in the meantime. Damages of \$10,000, in the case in the cause, unless the trial Judge shall otherwise order. E. H. Ambrose (Hamilton), for plaintiffs. J. Dickson (Hamilton), for defendants.

MOUNTAIN THEATRE.

LARGE CROWD SAW A NEW BILL LAST EVENING.

The popularity of the shows at the Mountain Park Theatre by George H. Summers and excellent company increases nightly. The first performance of one of their strongest productions, The Irish Priest, was given to the largest house of the season, so far, last evening. The story of the plot is a wholesome, elevating one, filled with scenes of tender heart interest, enlivened by bright comedy and containing many novel effects and striking situations. George H. Summers as Father Whalen is seen in the principal role, and plays it to perfection. Miss Simpson, O. T. Burke, Wm. Snyder and Fred J. Dority are all worthy of much commendation. The latter is very clever. The play is in three acts, and the scenery is all new and pretty.

Specialties between the acts are introduced by Miss Simpson, Louis Chevalier, a good comedian, and the picture machine, with comic films. The 44th Band enlivened the park during the day with musical selections.

The Gambler's Wife is announced for next week.

Danger Not so Great.

(Toronto Globe.)

One of the regrettable, but unavoidable results of the crusade against pulmonary tuberculosis has been to fill people with a false sense but often unnecessary dread of infection. With proper and by no means costly precautions the disease may be rendered almost harmless to the friends of the infected, and if these precautions could be carried out rigidly enough and maintained with sufficient persistence, "consumption" would gradually but steadily disappear in spite of congenial predisposition. Meanwhile it is hard on afflicted individuals to be alarmed if they have smallpox or bubonic plague. Tuberculosis is not in the same class as these contagious diseases, and philanthropy can undertake no more humanitarian work than to educate the community to a clearer view of the whole subject.

What They Want.

(Toronto Star.)

What the British public may fail to grasp is that the Canadian Manufacturers' Association is in favor of closer union so long as it is compatible with larger dividends.

THOUSANDS VISITED THE
GREAT MUNDY SHOWS.

Carnival Co.'s Auspices Opening at Britannia Grounds Last Night.

Col. Mundy's Big Carnival Company opened a week's engagement here last night in a blaze of glory. Long before 8 o'clock the scene at the camp, Barton street east, from Wentworth street to Sherman avenue, presented a most animating scene—the shouts of the ballyhoos and barkers, the roars of the lions and the thousands of electric lights combined to carry the memories of the local visitors back to the Old Boys' Re-Union days, or rather nights. The crowd numbering fully three thousand, inside the canvas walls, was goodnatured and orderly, and seemed bent on having a good time and seeing all the sights. The camp is laid out in a semicircle, the main entrance being in the middle of the block. The midway is in the centre of the show and it is here that Holden, who was announced as "the highest salaried dare-devil in the world," the "Death-trap Loop," the latest invention for tempting death. This thrilling act was performed at 10.45, and the immense crowd of spectators held their breath. The danger of the act was enhanced last night by a shower of rain, which made the chute slippery. The management were inclined to postpone the ride, but in view of the large, anxious, first-night crowd, Holden said he would perform. A large canopy was drawn down the speedway before the Diavolo mounted his wheel. It seemed less than a second from the time Holden started on his journey, 50 feet up in the air, till he flew around the loop and the trap sprung and he shot out into the arms of two attendants.

The biggest show in the group, and the one which attracted the most people last night, was the \$250,000 trained animal arena. Here most sensational performances were given in a large cage, by lions, pumas, tigers, bears and leopards. Each performance lasted about an hour, and the trainers were given hearty applause for their daring achievements with the monarchs of the forest and jungles, as well as the smaller wild beasts. Those who took part in the

performance were Mlle Van Gorder, Louis D. Ballastra, Herr Vallesse Popescu, who introduced his lion jockey Duke, riding his pony "Bob" and Major Crawford, an animal scared veteran. Crawford entered the cage with two untamable lions, one of which is Wallace, and has killed three trainers. He passed through the cage, from end to end, keeping the beasts off with a pair of tongs.

Dreamland also attracted large crowds and was one of the attractive and best shows in the big collection. Here some wonderful illusions were given and the visitors were all mystified. The House that Jack Built was one of the new things to the visitors, who got much amusement out of the place. A large crowd visited "Miss Brown, from London," who appeared as the central figure in several beautiful living pictures, representations of masterpieces of famous artists. Among the other attractions were "The Cave of the Winds," "The Fire and the Flame," "The Hero after Perilance's Pictorial masterpiece," "The Cave of the Winds," and "The Gibson Girls." The last named show was the most popular, and the audience was worth more than twice the price of admission.

Last night the hippodrome, where the feature acts of the world's greatest acrobats and jugglers are performed, was not in place. Everything about the hippodrome was got in shape this morning and the opening performance is being given this afternoon. Holden, "Diavolo" will loop the loop at 4.45 this afternoon, at the close of the performance in the hippodrome.

To-morrow evening the management announce that Frank Planka, a barber, played at the Manhattan Barber shop, will enter the lion's cage and shave Mr. Wm. Stroud.

There are 190 people connected with the big shows which will perform every afternoon and evening this week. There are two bands and several electric organs and pianos, and there is music all the time.

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