

THE PIGOTT CASE SETTLED.

C. P. R. and Contractor Get Together and Settle.

Mr. Pigott Said to Receive About \$175,000.

Mr. Pigott's Remarkable Memory—Building of a Railway.

Toronto, Dec. 3.—A surprise was sprung at the Assize Court this morning when it was announced that the action brought by M. A. Pigott, of Hamilton, to recover \$500,000 from the Guelph & Goderich Railway, controlled by the C. P. R., had been settled out of court. The litigants got together on Saturday afternoon and came to an agreement. On the strength of this agreement Justice Britton this morning dismissed the action, each party to pay its own costs. While both sides refused to make public the particulars of settlement, it is understood that Mr. Pigott receives about \$175,000. In some respects the action is unique. Mr. Pigott's marvelous memory in the witness box has been more than once remarked upon. He was on the stand for sixteen full days answering questions under examination and cross-examination, which is a record in Canadian law circles. The action was entered in April, 1903, and covered a total of 32 months. Of this 28 days were occupied in court-room proceedings of the actual trial. The action was brought by Mr. Pigott to recover extra cost of work done in constructing the railway from Guelph to Goderich. The principal points under dispute were the classification of material removed, extras for overhaul, and extra charges for pumping water from foundations. In all these questions the railway claimed that originally the contract covered the entire cost, while Mr. Pigott maintained that there were extra charges.

Some idea of the nature of the action is shown by the exhibits entered by both parties. In the defence alone there were 50,000 letters, 1,200 plans, 60 profile plans, a box of 600 books containing records of levels, pictorial representations of cross sections of the line at every 100 feet of the entire 40 miles between Guelph and Goderich, official records showing the force of men and teams employed every day from the fall of 1904 to 1907 on each class of work, of which there were sometimes six classes being carried on at once, and all estimates and calculations from start to finish of the work.

YOUNG MEN.

Ministerial Association Discusses Problem of the Day.

At the regular meeting of the Ministerial Association this morning Rev. John Young introduced the following motion, which was carried unanimously.

That this Association endorse the action of the Moral Reform Council, of Canada, amending the criminal code with a view to prohibiting race track gambling in the Dominion, and that a copy of this resolution be forwarded to the city representatives in the Dominion Parliament.

T. F. Best read a paper dealing with the young man problem of the city, and gave a number of suggestions whereby the interest of the young men could be aroused in the work of the church. The pastors of the churches, he said, should show more interest in their young men. There should be more complete organizations for holding and interesting them. He also suggested mass meetings, to be held for men at different periods, and that the work of the Laymen's Missionary Movement be made especially a young men's undertaking. The paper brought about a long discussion and the Association passed a hearty vote of appreciation to Mr. Best.

The following members were introduced and received into the Association: Rev. C. E. Burrell, Barton Street Baptist Church, Rev. J. H. Howe, of Crown Point, Rev. G. W. Hewitt, a retired minister from Toronto Conference.

At the next meeting, on December 20, the special speaker will be Rev. George Jackson.

NO CLAIM.

East Flamboro Not Entitled to Dead Man's Money.

Judge Snider heard, in the Surrogate Court, the case of East Flamboro against the executors of the late J. Mullin for the recovery of \$317.15 for maintenance and care of Mr. Mullin while alive. The old man was a charge upon East Flamboro, who had him put in the House of Providence and paid for his maintenance. Shortly before his death he became heir to a legacy of \$300 from an Irish estate. The township, after his death, claimed they were entitled to the amount.

His Honor said that after considering the case and the authorities cited he was of the opinion the provisions made were a gratuity and no contract to repay them had been made and there existed no liability on the part of the administrators to pay the township for the old man's keep. Bruce, Bruce & Conwell, for the township, and W. M. McClelland for the administrators.

HEAVIEST MAN DEAD.

(Special Wire to the Times.) Ottawa, Dec. 3.—James J. Muldoon, postmaster of Muldoon, Que., near Ottawa, the heaviest man in Canada, died yesterday, aged 54. He weighed 461 pounds. He and his five brothers married six sisters.

TO SWEAR HIM.

(Special Wire to the Times.) Ottawa, Dec. 3.—Rodolph Boudreau, clerk of the Privy Council, has gone to Victoria to administer the oath of office to T. W. Patterson, the new Lieutenant-Governor of British Columbia.

Cheap notoriety is really dear at any price.

TEA TABLE GOSSIP.

J. R. Seavey, of the Normal School, accompanied by his pupils, will visit the exhibition of the Royal Academy of Arts this evening.

R. Chandler, F. Garman, Frederick Greenfield and Walter Greenfield will sail on the Lusitania for Liverpool on December 8th.

A Provincial charter has been granted to the Burlington Gasoline Engine Company, Limited, of Burlington. Capital \$40,000.

Rev. D. R. Drummond, B. D., of St. Paul's, will be the preacher at the pre-communion service in Eskine on Friday evening of this week.

James Dodd, of Stoney Creek, had some shoes stolen from his wagon on Saturday. He left the wagon in the Court House Hotel barn.

T. W. Sheffield will give an address on swimming on Saturday to St. Mark's Chapter, Brotherhood of St. Andrew, in St. Mark's Parish House.

Mr. Lawrence Glasco, of the local branch of the Bank of Montreal, leaves tomorrow for Winnipeg, having accepted a promotion in the bank's service.

The inquest on Leo Barry, who was killed at the city dock on Saturday, will be held tomorrow night at 8 o'clock at No. 3 police station. Dr. Baugh is the coroner.

Among the passengers who will sail on the Adriatic on December 8th will be Mr. and Mrs. D. Crosswhite, Misses Eva and Clara Burton, S. G. Workman, H. and Miss Bulbrook.

James Smuck, of Chicago, formerly with the International Harvester Company, here, has been appointed chemist in the company's plant at Auburn, N. Y. Mrs. Smuck is visiting her parents, Mr. and Mrs. D. J. Peace.

Charles F. Raymond, formerly of this city, a well-known newspaper man, is working on his fourth book, which will be on the market in about a year. It is a socialist love story, the opening scenes of which are taken near Guelph, closing in New York and Chicago.

Mr. D. McGee, former Hamilton man and teacher in First Methodist Sunday school, who is now home on furlough from India, will give an illustrated address on his work in that country in First Methodist school room this evening.

The Divisional Court has dismissed the appeal of Mr. James Walter Barrett from the judgment of Chief Justice Meredith, dismissing his action against Mrs. David H. Guesner for revision of a contract of sale by defendant to plaintiff of seven acres fruit lands at North Grimsby.

At Toronto on Saturday, in Hamilton Bridge Co. vs. General Constructing Co., G. H. Kilmer, K. C., for defendants, moved to set aside default judgment entered on Oct. 28, 1905. H. M. Mowat, K. C., for plaintiff. Order made. Defendants to have a week from this date to deliver statement of defence.

Mr. Watson, Knox College student, preached at both services in Chalmers' Presbyterian Church, Mount Hamilton, yesterday. His topic in both sermons was the home mission work of Knox College students, which he described as pioneer work in the Northwest. Collections in aid of the mission fund were taken up.

COMPERS' CASE.

Suit Against Labor Men Goes to Supreme Court.

Washington, Dec. 6.—The Supreme Court of the United States to-day granted the petition for a writ of certiorari in the contempt case of Samuel Compers, Frank Morrison and John Mitchell, officers of the American Federation of Labor. The effect of the decision will be to bring the entire record in the Brock stove and range case to the Supreme Court for review.

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STILL MISSING.

No Trace of the Rosalind—The Strathclyde Overdue.

New York, Dec. 6.—The Red Cross line's headquarters in this city stated to-day that the last they had heard of the Rosalind, which sailed from Halifax for St. John's, Nfld., six days ago, was when the St. John's office reported that the steamer had passed Cape Race, Nfld., on Friday on its way from Halifax to St. John's. From this report the officials here hoped that the Rosalind was safe, and was being detained from making a landing at St. John's because of the heavy weather and dense fogs, which have prevailed in that vicinity for several days.

Another vessel over which the maritime exchange is disturbed is the British freighter Strathclyde, which sailed on Oct. 30 from Barry for Hampton Roads, and which has not been reported. She was in ballast and had a crew of 35 men. The vessel was due on Nov. 19.

New York, Dec. 6.—Letter to-day the Red Cross line received word from their agent at St. John's, Nfld., that a wireless had been received from the Rosalind on Saturday, and that the steamship was then off Cape Spear, in a heavy sea, and unable to pick up the fog signals.

THE GAMBLERS.

Eighteen Toronto Men Fined This Morning.

Toronto, Ont., Dec. 6.—Fifteen men arrested in a raid on an alleged gambling den at 427 1/2 Yonge street last night were heavily fined by Magistrate Denison in the Police Court this morning. Through their counsel, J. W. Curry, K. C., all pleaded guilty.

Herbert Pollock, aged 41 years, a barber, and George Bishop, aged 37, a cook, 10 Mulock street, were fined \$50 and costs or 60 days in jail each for keeping the gambling resort.

The other men were fined \$20 and costs each for frequenting the place.

HEAVY SENTENCES.

Montreal, Que., Dec. 6.—The two Tolman money lending girl clerks, who recently pleaded guilty to charges of usury, were fined \$500 each to-day, and to remain in jail for three months until the fines are paid.

FRIGHTENED BY UMBRELLA

And Horse Owner Seeks Damages From the County

Councillors Are Inclined to Fight Damage Cases.

Question of Beach Taxes Comes Up This Afternoon.

Wentworth county legislators met this morning for the final session of the year. Considerable business of an important nature was considered and passed upon. From present indications it appears as though the Council will soon dispose of the business.

Warden Gage in opening the meeting briefly outlined the order of business. Among the communications read by County Clerk Jardine were two letters claiming damages and also a letter from County Constable Sinclair, claiming half the amount of the fines of the automobile drivers who had been convicted for over-speeding. He claimed \$30.

The damage cases were first taken up, and resulted in the Council taking a firm stand in the matter. The first was that of Malcolm G. McPherson, who claimed damages because his horse became frightened at an umbrella in the hands of a child who was walking along a road where he was driving, about a quarter of a mile from Freeton. He claimed his buggy was damaged to the extent of \$25, his horse to the extent of \$50, and his clothes to the amount of \$7.

Councillor Hills asked if the county should be held responsible for mushrooms that grew up in a night or for umbrellas in people's hands. His opinion was that McPherson should not go out driving on a rainy day, if his horse was going to shy at umbrellas.

It was explained that the matter complained of was a ditch which the driver said was seven feet deep, near the Freeton cheese factory.

"Do you think it shied at the smell of the cheese?" asked Councillor Hills.

The matter was referred to the Road Superintendent to report, when the road will again be taken up.

R. W. Elmore asked for damages for injuries to himself and wife, which he claimed were caused by a defective culvert in the neighborhood of Mount Hope. He intimated his intention of taking legal proceedings if he was not recompensed.

Councillor French, who lives in the vicinity of the culvert, said the culvert was all right, but that Mr. Elmore, an old man, drove in a wagon, and as he had a drop of a few feet, the wagon turned over and his wife had her arm injured. The road was about 32 feet wide and was not dangerous.

Road Superintendent Taylor said he did not consider it wise to fix all the culverts up, as the cost would be very heavy.

Councillor Hills advocated that the culvert be repaired, if it was necessary, but thought it advisable to fight a number of cases until the county could see where they were at in the matter.

It was decided to take no action. Warden Gage announced that a special meeting of the Legislative Committee had been called for at 1.30 to discuss the Beach tax matter.

An amusing occurrence was that two of the county constables had claims to the \$20 reward for the arrest and conviction of Warren Malloy on a horse-stealing charge. The first was that of Constable Laidman, who outlined how he had followed the culprit and telephoned to Constable Williams at Dunnville to apprehend him.

Constable Williams claimed the reward on the ground that he had made the actual arrest. The councillors were nonplussed, and although many of them favored giving Laidman the reward, they could offer no suggestion as to how Williams should be paid.

The by-law in regard to the question was looked up, and was to the effect that the person who apprehended or caused to be apprehended the thief was entitled to the reward, and the treasurer was instructed to pay the \$20 to Constable Laidman. It was decided not to grant Constable Williams anything.

WELSH LADIES.

Creat Crowd Enjoyed the Sacred Concert Last Night.

Having grown into public favor through their two recent concerts in this city, the Royal Welsh Ladies' Choir drew an immense audience for the sacred concert in Association Hall last evening. The place was packed and many were turned away. The choir, under the direction of Madam Hughes-Thomas, made as favorable an impression in sacred music as they did in the secular at the two previous events. The programme included choruses, quartettes, duets and solos, filling an hour and a half with the praises of God. One of the best sung choruses numbers was "God Shall Wipe Away." "The Lost Chord," sung by one of the mezzo-sopranos as a solo, with humming accompaniment, and "The Homeland," as a contralto solo, were also gems.

MURDER DONE.

George Eddy Admits He Killed John Reid.

Watertown, N. Y., Dec. 6.—George Eddy, wanted in connection with the murder of John Reid at Puski, was arrested here at 9 o'clock this morning.

Eddy admitted that he committed the crime, and is confined to the county jail.

JAIL FOR MORSE.

Washington, Dec. 6.—The Supreme Court of the United States to-day denied the petition of Charles W. Morse, the former New York banker, for a writ of certiorari, thus leaving in effect Morse's sentence of fifteen years' imprisonment.

JUDGE'S WIFE DEAD.

Winnipeg, Man., Dec. 6.—The wife of Chief Justice Howell died last evening at Pasadena, Cal.

Leather Goods

Our stock of leather goods is well worth inspection.

We have searched the samples of all the best manufacturers, English, American and Canadian, and the result is the best assortment this store ever offered.

Ladies' purses, card cases, bags, writing folders, fitted travelling cases, men's pocket books, purses, bill folds, etc., in endless variety.

ROBERT DUNCAN & COMPANY

Phones 900-910.

James and Market Square.

THE WEATHER.

FORECASTS—Strong southwest and west winds, cloudy and colder with local snow flurries. Tuesday fair and moderately cold.

WEATHER NOTES. During Saturday and early Sunday a severe storm developed in the Mississippi valley and moving northward has caused heavy gales on the Great Lakes, especially on Superior. The western cold wave has spread eastward and now embraces western Ontario.

Washington, Dec. 6.—Western New York—Colder; Tuesday fair, colder, moderate to brisk southwest to west winds.

Toronto, Dec. 6.—Forecast for lower lakes and Georgian Bay—Southwest and west winds, cloudy and colder with local snow flurries; Tuesday fair and moderately cold.

Lakes Ontario—Brisk to high west winds, diminishing by Tuesday morning, cloudy and colder to-night; Tuesday, partly cloudy.

Following is the temperature for the past 24 hours, as registered by Parke & Parke:

9 a. m., 31; 11 a. m., 32; 1 p. m., 32; 3 p. m., 29; 5 p. m., 27; highest in 24 hours, 32.

OPENED VALVES.

Merritt Factories Flooded With Water From Old Canal.

(Special Wire to the Times.)

St. Catharines, Ont., Dec. 6.—Some careless person nearly caused a serious flood in Merritt about midnight last night by opening the valves of lock 19, old canal. In consequence, the water rose and the high wind which prevailed all night caused it to overflow the banks and flood the Rioridon Paper Mills yards, Wilson's foundry and machine shop and the Lybster Mill, now in process of construction. Some difficulty was experienced this morning starting the machines in the Rioridon Mills. The opening of the ditches along Merritt street and the digging of ditches through the mill yards obviated serious damage.

(Special Wire to the Times.) St. Catharines, Dec. 6.—The pupil of the Presbyterian Church at Thorold was declared vacant yesterday by Rev. Dr. Ross, of Port Dalhousie. Rev. J. W. McLeod, who had been pastor for six and a half years, resigned at the end of November, and was last Thursday inducted into the pastorate of Garrafraxa Church, in the Presbytery of Guelph.

TWO DROWNED.

Two Little Children Lose Their Lives in Creek.

(Special Wire to the Times.)

Belleville, Ont., Dec. 6.—News reached here to-day of a sad drowning accident which occurred yesterday. Mrs. Edward John of Madoc, with her two children, was on a visit to the former's parents, Mr. and Mrs. John Keoh, at Black Creek. During the afternoon the two children went out on the ice on the creek, when it broke, the children both being drowned. It was some time before they were recovered. What adds to the sadness of it, the father of the children died suddenly two weeks ago. They were her only children and the mother is prostrated with grief.

STRICKEN IN RIG.

Former Mayor of Sarria Gets Sudden Call This Morning.

Sarria, Ont., Dec. 6.—David Barr, jeweller, former mayor and one of Sarria's most prominent citizens, died suddenly this morning. Mr. Barr and Alex. Kelly were out driving in separate rigs, when Mr. Kelly noticed Mr. Barr drop the reins. Mr. Kelly stopped the horse and asked a gentleman passing to drive Mr. Barr home. Mr. Barr, however, was unconscious when he arrived home. Medical aid was summoned, but he did not regain consciousness. He was 65 years old and is survived by a wife and three sons.

COLLIDED AT SEA.

Cuxhaven, Germany, Dec. 6.—The German steamer Helene Blumenfeld, badly crippled, made her way into port to-day and reported having been in collision during the night with the Danish steamer Nioble. The latter was left in a sinking condition, the crew being taken on board the Blumenfeld. The vessels are small coasters.

INSURANCE EXPIRES.

Duluth, Minn., Dec. 6.—Eight vessels cleared from Duluth harbor late last night, just within the limit for the expiration of marine insurance, and there is a fleet of about thirty boats, the greater part of which will make post season trips down the lakes, still in port. The insurance season closed with unfavorable weather prevailing.

STEAMSHIP ARRIVALS.

December 4.—Minneapolis—At New York, from London. Calcutta—At New York, from New York. Philadelphia—At Southampton, from New York.

December 5.—Zealand—At Antwerp, from New York. Lario—At Naples, from New York. Sateindam—At Cape Race, from Rotterdam. New York—At New York, from Southampton. La Bretagne—At New York, from Havre. Verona—At New York, from Genoa. Duce di Genoa—At New York, from Genoa. Columbia—At Mobile, from New York. Bohemian—At Liverpool, from Boston. Caronia—At Punaloe, from New York. Odric—At Gibraltar, from New York.

December 6.—Montreal, Que., Dec. 6.—The Allan Line royal mail turbine steamer Victoria, from Liverpool for Halifax and St. John, N. B., arrived St. John 7.30 a. m. December 5th. The Allan Line steamer Pomeranian, from Glasgow and Liverpool for Philadelphia via St. John, N. B., and Halifax, arrived St. John 9.15 a. m. 10-day.

December 6.—Lapland—At New York, from Antwerp. Calcutta—At New York, from Glasgow. Montreal, Que., Dec. 6.—Empress of India left Hong Kong 7 a. m. December 4th, for Vancouver.

Two Little Brothers Drowned in River Near Tweed.

Tweed, Ont., Dec. 6.—The two sons, aged five and seven years, of Mr. Edward Kehoe, of Actinolite, about five miles from Tweed, were drowned on Sunday afternoon while riding down the bank of the river on a sled. The ice, not being strong enough, broke, and both boys were drowned before help could reach them.

To Tempt Appetite.

Shell and bulk oysters, venison, snags, rabbits, Long Point ducks, chickens, turkeys, ducks, geese, well-hung beef, fresh Cambridge sausage, Brussels sprouts, O. A. C. cheese, O. A. C. butter, muffins, crumpets, pineapples, grape fruit, Malaga grapes, choice table raisins. Extra help and prompt delivery. —Peelies, Hobson & Co., Ltd.

Fralick & Co. Offering Greater Values.

Then any other store in the city. By reason of our unequalled buying facilities 2,000 dollars worth of \$18 suits and overcoats will be on sale Saturday morning at \$13.99. You will certainly notice that you are at headquarters. 100 boys' Buster Overcoats at \$2.99, worth \$5. 13 and 15 James street north.

1% Investment Guaranteed Interest Paid Quarterly Write For Booklet Mercantile Trust Co. OF CANADA, Limited HON. WM. GIBSON, President Bank of Hamilton Bldg. S. C. Macdonald, Manager

NOTICES OF BIRTHS, MARRIAGES AND DEATHS which are inserted in the Daily Times also appear in the Semi-Weekly Times. 50c first insertion; 25c for each subsequent insertion.

BIRTHS.

RIPLEY—On Saturday, December 4th, 1906, to Mr. and Mrs. Ralph C. Ripley, 18 Slater street, a daughter.

DEATHS.

BARRY—Accidentally killed at Mutual Steamship Company's dock, Hamilton, on December 4, Martin Leo, beloved son of Mr. Martin Barry, 419 Catharine street north. Funeral from his father's residence, Tuesday, December 5, at 2.30, to St. Lawrence Church, thence to Holy Sepulchre Cemetery.

FRASER—In this city on Saturday, December 4th, 1906, Upphia Fraser, relict of the late Peter Fraser, aged 94th year. Funeral took place this afternoon from the residence of Mr. John H. Hendry, 191 Sherman avenue south. Interment at Hamilton Cemetery.

FALCONER—At the family residence, Brookline, on Saturday, 4th December, 1906, Margaret, second daughter of James Muir, and wife of Alexander Falconer, of New York, aged 43 years.

FRASER—In this city on Saturday, December 4th, 1906, Harold August, youngest son of Alexander and Jennie Lowery, aged 5 years and 7 months. Funeral from his parents' residence, 210 Gibson avenue, on Tuesday at 2.30 p. m. Interment at Hamilton Cemetery. Friends please accept our sympathies.

MARTIN—At his late residence, 296 James street south, on December 5th, 1906, Hubert Martin, in his 53rd year. Funeral Tuesday at 2.30 p. m. Interment at Hamilton Cemetery.

MAGILL—On Monday, 4th December, 1906, Anne Eliza, relict of Charles Magill. Funeral from the residence of her son-in-law, Dr. T. H. Husband, Thursday at 3.30 p. m. Private. Interment at Hamilton Cemetery.

VACANT PULPIT.

Thorold Presbyterian Church New Without a Pastor.

(Special Wire to the Times.) St. Catharines, Dec. 6.—The pupil of the Presbyterian Church at Thorold was declared vacant yesterday by Rev. Dr. Ross, of Port Dalhousie. Rev. J. W. McLeod, who had been pastor for six and a half years, resigned at the end of November, and was last Thursday inducted into the pastorate of Garrafraxa Church, in the Presbytery of Guelph.

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