

Guelph Mercury

VOL. VII. NO. 82 GUELPH, ONT., CANADA, SATURDAY EVENING, NOVEMBER 8, 1873. PRICE TWO CENTS

Business Cards.

MEDICAL CO-PARTNERSHIP.
We, the undersigned, have entered into partnership for the practice of the Medical profession under the style and firm of Keating & McDonald.
EDWARD KEATING,
M.D., M.B., B.S., England
A.A. MACDONALD,
M.B., L.R.C.P. (Edin.), L.R.C.S., Edin.
Guelph, July 1st, 1873.

REMOVAL OF SURGERY.
DR. HEROD
Has removed his Surgery to the rooms above the Guelph Drug Store, where he may be found from 10 a.m. to 6 p.m. Entrance on Cork street. After 6 p.m. at his residence as usual.

DUNBAR, MERRITT & BISCOE,
Barristers and Attorneys at Law
Solicitors in Chancery, etc.
Office—Over Harvey's Drug Store.
A. DUNBAR, W. M. MERRITT, F. BISCOE,
Guelph, Oct. 7, 1873.

OLIVER & MACDONALD,
Barristers and Attorneys-at-Law, Solicitors, Notaries Public, &c. Office—Corner of Wyndham and Quebec Streets, up stairs, Guelph, Ont.

GUTHRIE, WATT & CUTTEN,
Barristers, Attorneys-at-Law, Solicitors in Chancery, Guelph, Ontario.

B. GUTHRIE, J. WATT, W. H. CUTTEN,
Guelph, March 1, 1871.

LEMON & PETERSON,
Barristers and Attorneys at Law, Conveyancers and Notaries Public.
Office—Brownlee's New Buildings, near the Registry Office.

A. LEMON, H. W. PETERSON,
CHAS. LEMON, J. County Crown Attorney
Official Assignee for the County of Wellington.

WILLIAM J. PATERSON,
Official Assignee for the County of Wellington.
Office—Opposite Town Hall, Guelph. 47

STEPHEN BOUT, Architect, Contractor and Builder, Planning Mill, and every kind of Joiner's Work prepared for the sale and the public. The Factory is on Quebec street, Guelph.

F. STURDY,
Sense, Sign, & Ornamental Painter
GRAINER AND PAPER-HANGER.
Shop next to the Wellington Hotel, Wyndham Street, Guelph. 47 47

IRON CASTINGS
Of all kinds, made to order at
CROWE'S IRON WORKS,
Norfolk Street, Guelph.

ROBERT CRAWFORD,
WATCH AND CLOCK MAKER, JEWELLER.
Wyndham Street, Guelph.

Gold and Silver Watches, Chains, Brooches, Rings, &c. Hair Flat and Device Work, Clocks and Time Pieces, Jewellery repaired and made to order. Plated Goods in variety.
Guelph, Feb. 12, 1873.

THORP'S HOTEL, GUELPH, renovated and newly furnished. Good accommodation for commercial travellers. Free breakfast and from all first-class class in connection.
May 14 1871 JAS. A. THORP, Proprietor

PARKER'S HOTEL,
—DIRECTLY—
OPPOSITE THE MARKET, GUELPH
First-class accommodation for travellers. Comfortable stabling and an attentive hostler.
The best Liqueurs and Cigars at the bar. He has just fitted up a room where Oysters will be served up at all hours in the favorite styles.
Pickled Salmon, Lobsters, and Sardines.
Guelph, Feb. 1873.

HOTEL CARD.
The Right Man in the Right Place.
THOMAS WARD, late of the Crown Hotel, begs to inform the travelling public that he has acquired possession of the Victoria Hotel, next door to the Post Office, where he hopes by courtesy, attention, and good accommodation, to merit a fair share of public patronage, both from old and new friends. The best of Liqueurs, Wines, Cigars &c., constantly on hand. A good hostler always in attendance. Communicate the apartment door to the Post Office.
(Late of Crown Hotel),
Guelph Dec. 5th, 1872.

J. H. ROMAIN & CO.,
Successors to Niles, Romain & Co., CANADA HOUSE.
General Commission Merchants,
AND SHIPPERS,
26, City National Bank Building,
Chicago, Ill.

References: Sir John Rose, banker, London; England; F. W. Thomas, Esq., banker, Montreal; The Marine Company of Chicago, bankers; Ross J. Carline, London, Ont.; Messrs. Grant, Brokers, Montreal; Senator P. Smith, (Frank Smith & Co.) Toronto; J. M. Miller, Esq., Perth, Ont.; late of J. M. Miller & Co., commission merchants, Chicago; W. Watson, Esq., banker, New York; D. Butters, Esq., Montreal; J. Smith, Esq., M.P., Clinton, Ont.; C. McGill, Esq., M.P., Hamilton, Ont.; T. C. Chisholm, Esq., S. B. Potts, Esq., Toronto.

W. M. POSTER, D.D.S.,
SURGEON DENTIST, GUELPH.
Office over E. Harvey & Co's Drug Store, Corner of Wyndham and Macdonald Streets, Guelph.
Extraction of teeth without pain, which is guaranteed safe and reliable.
Safely and successfully administered, Clark's Tonic, Keating, Cowan and MacGregor's Gelp; W. K. Graham, Dentist, Toronto.

PRIZE DENTISTRY.
DR. ROBERT CAMPBELL
Licentiate of Dental Surgery.
Established 1844.
Office next door to the "Advertiser" of Guelph.
Residence opposite Mr. Bond's Factory.
References: Drs. Clarke, Cook, McCarty, Herod, McArthur, and Cowan, Guelph; Drs. Bond, Bond, Bond, Toronto; Drs. Elliot & Bond, Toronto.

SKATES.

SKATES
Splendid Variety,
To suit the tastes of all.

Sleighs for Boys,
Sleighs for Girls,

AT
ALL PRICES
Made to go swiftly.

JOHN HORSMAN'S,
Guelph, Nov. 3rd, 1873.

New Advertisements.

NOTICE.—Pork cuttings for sale at the Guelph Packing House, opposite the Grand Trunk Passenger Station, Guelph, Nov. 7, 1873.

SEWING MACHINES FOR SALE.—For sale, several first-class Sewing Machines, different makes, all new cheap for cash. Apply at the Manuery Office.

TO LET.—A large two-story Stone Building in the centre of the Town, suitable for manufacturing purposes. Apply to Robert Melvin, Guelph. 47 47

MONEY FOUND.—The owner can have it on proving property and paying expenses by applying to John Pipe, Speedvale Mills, Guelph. 47 47

COMFORTABLE DWELLING HOUSE
TO LET.—On the Elora Road, opposite the Baptist Church, Seven apartments. Apply to Robert Cochrane, or to Joseph Heffernan, Wyndham Street. 47 47

PURSE FOUND.—Containing a sum of money, near the railway track. The owner can have it on applying at the Mercury office, by describing the property and paying the cost of this advertisement. 47 47

LOST.—Strayed from the premises of the undersigned, a dark brown colt, rising 3 years, has a white star on his forehead, long black mane and tail. Any person giving information where he can be found will be rewarded for his trouble.
Guelph, Nov. 8, 1873. GEO. J. GRANE, 47 47

COMFORTABLE DWELLING
TO LET.
A large stone house, opposite Mr. Romain's residence, Waterloo road. Possession by 25th Nov. inst. Apply to R. Taylor, or Lemon & Peterson, Guelph, Nov. 7, 1873. 47 47

DOMINION SALOON AND RESTAURANT.
Opposite the Market, Guelph. Oysters in their season. First-class accommodation for supper parties.
GEO. BOOKLESS, Proprietor, Guelph, Oct. 31, 1873.

RIE'S BILLIARD HALL.
In the Queen's Hotel, Guelph, opposite the Market.
The room has just been refitted in splendid style, the tables reduced in size, and everything done to make it a first-class Billiard Hall.
Guelph, Nov. 3rd, 1873. 47 47

Y. M. C. A.
The Ladies' Committee for the Building Fund of the Young Men's Christian Association have decided holding their Bazaar on Tuesday and Wednesday, the 23rd and 24th of December, the two days before Christmas. Contributions will be gladly received, and can be left at Mr. Higginbotham's, MRS. HIGGINBOTHAM, Guelph, Nov. 8, 1873. 47 47

HORSE SHOEING.
The subscriber would remind the inhabitants of Guelph and surrounding country that on and after Monday, the 10th, horse shoeing and general jobbing will be carried on by him in his old stand.

General Jobbing.
The subscriber would remind the inhabitants of Guelph and surrounding country that on and after Monday, the 10th, horse shoeing and general jobbing will be carried on by him in his old stand.

Upper Wyndham Street,
Next door to Mr. Hazleton's Furniture Store, and opposite Mr. James May's Fanning Mill Shop.
He will also keep on hand his celebrated Root Cutters, Ploughs, Cultivators, Turnip Drills, etc., etc., and sell cheap for cash.

Having secured a first-class Blacksmith, and by strict attention to business, he hopes to receive a share of the public patronage.
CHARLES THAIN,
Upper Wyndham Street, Guelph, Guelph, Nov. 8, 1873. 47 47

TOWN HALL, GUELPH,
2 NIGHTS ONLY
Friday & Saturday, Nov. 6 & 7.

COOL BURGESS,
GREAT
Trans-Atlantic Company
EUROPEAN STARS.

See Programmes and Opinions of the Press.
The leading artists of the Company are Charles and Marian Young, who are the best delineators of Scottish character that have ever appeared on this Continent.
—Montreal Star.

WANTED IMMEDIATELY.—A first-class Wagon Maker. Steady employment and good wages given. The employer has the option of working either for wages or on a share. Apply to James Taylor, M.P., Toronto. 47 47

Guelph Evening Mercury

SATURDAY EVENING, NOV. 8, 1873

Town and County News

St. Peter.—Another supply of the authentic report of the discussion held in Rome, between Catholic priests and Evangelical ministers, concerning the coming of St. Peter to Rome. Also for sale copies of *The Canadian Illustrated News*, with views of Guelph, likeness of Kiel, &c. For sale at Anderson's.

EXTRAORDINARY CONDUCT.—A remarkable fact has transpired during the proceedings at the present Fall Assizes, and this is that not less than four prisoners have been allowed to escape from constables in the northern part of the county. They are Hoban, for larceny; T. Donnelly, for larceny; Geo. Gregg, for larceny; and Geo. Gregg, assault with intent. Such outrageous negligence, to give it no worse name, calls for immediate investigation at the hands of the proper authorities.

RIFLE MATCH.—The annual rifle match of No. 1 Company, Guelph, 80th Battalion, took place at the range on Thursday. Private Crowe won the first prize and Company medal. The ranges were 200, 300 and 400 yards, five shots at each range. The following is the score:—
1st prize, Pr. Crowe, 3423—4334—2435—45
2nd, Pr. Weir, 3201—3294—3442—42
3rd, Pr. Burgess, 2922—3222—2923—33
4th, Pr. Ward, 3043—3242—3235—25
5th, Corp. Keeling, 3222—3223—3240—25
6th, Pr. Cowan, 2422—2220—2020—25
7th, Pr. Nicholson, 2202—3200—2002—16
8th, Pr. C. Burgess, 2202—3200—2002—16

COOL BURGESS and his company gave an entertainment at the hall last night. The programme opened with a series of character sketches by Charles and Marian Young, who also appeared subsequently in a melange of Scotch duets. The Scotch impersonations especially were very well done. Cool Burgess appeared both with white face and with black face. In the latter impersonations he was irresistibly comical, and brought roars of laughter. Some good comic songs and dances were given by two youthful vocalists. A solo in "The House" by not usually considered a very dignified or attractive performance, but Mr. Young attempted it last night, and elicited loud and continued applause by the wonderfully clever manner in which he manipulated the clicking ivory. He showed the audience some fun and good music with a concertina. Mr. Young is also a ventriloquist, and he gave a capital exhibition of his talent by keeping up a lively conversation with a set of odd looking dummies with movable lips. This was one of the most pleasing features of the entertainment. The evening wound up with a laughable farce in which Cool Burgess took the chief part. Another entertainment will be given to-night by the Company.

Town Council.
A special meeting of the Council was held on Wednesday night, when Mr. Mitchell reported that he had called a meeting of the Board of Bridge Commissioners, but the members did not attend, and there was consequently no report. After some conversation, Mr. McLaughlin moved, seconded by Mr. Heffernan, that the sum of \$100 be appropriated towards improving Paisley street, in anticipation of the new bridge. The motion was carried. Mr. Chadwick presented a petition from John Rice for transfer of a billiard license from Wm. O'Connor to the petitioner, which upon motion of Mr. Chadwick, seconded by Mr. Richard Mitchell, was granted upon complying with the necessary requirements.

POLICE COURT.
(Before the Police Magistrate.)
Nov. 8.
CONVICTED FOR TRESPASS.
Henry Hughes, laborer, of Guelph, was charged by the Chief-Constable with entering the Town Hall through one of the windows whilst the entertainment of Cool Burgess was going on. Fined \$2 and costs, or a month's imprisonment.

BREACH OF BY-LAW.
John Mackenzie, of Guelph, was charged with a breach of by-law, by buying eggs before eleven o'clock. Fined \$1 and costs.

CRUELTY TO A HORSE.
Felix Hans, one of the G. T. R. teamsters, was charged with unlawfully and cruelly beating his horse, attached to a heavily laden wagon, on Wyndham street, on the 4th inst. Mr. Robert Mitchell gave evidence. Fined \$1 and costs.

JALOUS HUSBAND.—On Thursday at Thorold a man named Flynn, whose wife is rather good-looking, attacked her with a large butcher's knife, cutting her face in several places, having, in his opinion, good cause for believing she was too intimate with another man. Upon being arrested he put the knife into the stove. After being in the lock-up a short time, he commenced cutting his own throat with his pocket-knife, although he was handcuffed, making a very dangerous wound.

THE Manitoba Legislature opened on the 4th. The Governor's speech referred chiefly to the enlarging of the Province, now under discussion. Attorney-General Clarke has introduced as Government business, Bills for the incorporation of Winnipeg, and representation by population. Mr. Hay, leader of the Opposition, gave the Bills his support.

THE Manitoba Wesleyan Institute was opened on the 27th ult. Its object is to furnish the advantages of higher education to the people of Manitoba, and it has accommodations for over 100 students. The Rev. A. B. Newman, B.A., graduate of Victoria University, has been appointed Principal.

The Rev. John Laing, of Ottawa, was last Wednesday inducted by the Presbytery of Hamilton into the pastorate of Knox's Church, Dundas.

A common cough or cold should never be trifled with; often when neglected it is converted into a serious and generally fatal pulmonary disease. The more prudent, aware of this, promptly use "Dr. Williams' Pink Pills," a curative which has sustained its reputation for over twenty years—they are always efficient and form a most beneficial influence on all the bronchial and pulmonary organs. Sold by all druggists and country dealers. Price 25 cents per box.

WELLINGTON FALL ASSIZES.

BEFORE MR. JUSTICE GALT.
Guelph, Nov. 8th.

SCHOOGIE VS. CORPORATION OF GUELPH.
This was an action brought by Messrs. Scroggie & Newton, grocers, Wyndham street, Guelph, against the corporation of this town, to obtain compensation for damage caused by the flow of water from the streets into the cellar of their premises in March last. Mr. Sinclair and Mr. Macdonald for plaintiffs; Mr. Guthrie for defence.

The following evidence was taken: Mr. Scroggie said that on the 7th and 14th of March this year the cellar of the premises occupied by him on Wyndham street was overflowed by water that came in from Cork and Wyndham streets, and from the cellar of Mr. Petrie, who occupied the premises next door. The goods in the cellar were greatly damaged in consequence. They consisted of liquors, syrups, whitening, sal-soda, soap, currants and raisins, paper bags, bottled ale and porter, and case goods. The water got into the liquor barrels, and some of the ale bottles were broken. Estimated the loss at \$317 old. The cause of the overflow was that the drain on the corner of Cork and Wyndham streets had become choked up, causing the water to flow into the cellars. Witness was cross-examined by Mr. Guthrie as to the manner in which the water got in, and as to the nature of the damage.

Mr. George Elliott said that on the occasion of the second overflow he saw the cellar flooded, and spoke to Mr. Howard about it. A drain on the corner of Cork and Wyndham streets was choked up, and as soon as this was cleaned, the water ran away and ceased going into the cellar.

George J. Newton testified as to the water coming in, and said that the most of it seemed to come from Wyndham street. Mr. Petrie's cellar was full also. On the 7th or 8th of March the Mayor, he said he could not do anything; I went to speak to the Chairman of the Road and Bridge Committee. The chairman said he could do nothing, and I let the matter rest. Mr. Marriott and three men came on the 14th, and the drain was cleaned, the surface water then flowed down Wyndham street, and ceased to come in from under the sidewalk; the cellar was full of water up to that time. There were spile holes in the barrels of liquor, through which the water got in; the liquors were damaged, and the syrup completely spoiled. In cross-examination Mr. Guthrie questioned witness as to why he only stated in his petition that the water came in through Petrie's cellar, whereas he now stated that it came in from under the sidewalk. There were about seven feet of water in the cellar when witness came in in the morning; saw it from the outside coming in underneath the sidewalk, at noon; it had been filling rapidly since morning; the cellar is about 10 feet high.

Mr. Rie said he was called on to make an examination of the damaged property; there was then six or eight inches of water in the cellar, and it had every appearance of having been full; made a memorandum of the state of the damaged liquors (produced); and witness proceeded to give particulars of the damaged liquors.

Mr. Guthrie cross-examined the witness with a view to show that the damage was not so great as claimed, and that some of the damaged property could have been saved, and made use of. Amusement was caused by his gravely appealing to the witness to say that if the wine was deteriorated in quality by water it was increased in quantity!

Robt. Chambers, employed on road-work under Mr. Marriott, stated that the box drain in question was choked up with ice, and he helped to clear it out on March 14.

Cross-examined.—No time was lost by Mr. Marriott in having the drain cleared out. The frost had been a severe one, and there was a sudden thaw with heavy rain. He had only known one other such heavy freshet within the last ten years or so. The drain did not usually choke up.

Mr. Guthrie submitted that there was no case. The action was based upon negligence of defendants, and there was no evidence of negligence. He quoted the case of Blyth vs. Birmingham Waterworks Co., 11 Exchequer, 781, in which the Water Company's mains were burst by an unusual frost, flooding the plaintiff's premises, and it was held that the company was not liable, because the apparatus was sufficient to meet ordinary requirements.

Mr. Marriott described the work that had been done at the corner of Cork and Wyndham streets—this had always been done. He had puddled it with stiff clay to prevent the water soaking through under the sidewalk. He described the choking and clearing of the drain on March 14. It had been obstructed by ice. He said that no time was lost in doing it. The drain had not been choked before. In his thirteen years' experience he had only known one so heavy freshet.

Cross-examined.—He had requested them to raise the grates. He knew that the water was inclined to run in the gutter; it was the worst corner in town. It was fully a foot from the top of the box drain to the surface of the ground, and it was 12 by 16 inches. In place of the box drain a new stone drain had been put in this summer, which was four feet square. On being chafed by this enormous drain, witness said he meant four feet deep; he did not know the size; he had had nothing to do with its construction.

Mr. Howard, deputy-reeve, said Mr. Elliott told him that the water was coming into plaintiffs' cellar from Petrie's premises, and steps were at once taken to remedy it.

For the defence, Mr. Guthrie said that the water got in through the gratings in the sidewalk. These gratings were only made for the convenience of the plaintiffs, and were a privilege to them, and they ought to take the risk attaching to them. If the town was to be rendered liable in a case of this kind, he would advise the Town-Council to close up all these gratings at once, and then would the storekeepers get their light? He claimed that plaintiffs did not make any order for to keep out the water; and that immediately the town's employees were informed of the matter they acted promptly and energetically to remedy it, and took reasonable care. Was there any reason to expect a stoppage of the drain? It was caused entirely by unexpected and unforeseen circumstances.

Mr. Sinclair said that if a corporation brought water artificially from one place to another they were bound to

WELLINGTON FALL ASSIZES.

BEFORE MR. JUSTICE GALT.
Guelph, Nov. 8th.

keep it from flooding the premises of the citizens, whether they were guilty of negligence or not. He contended that a freshet was to have been expected, and that precautions should have been taken against it. The evidence showed great neglect on the part of the defendants. The drain had no legal right to make cellars and put windows to them, but they had no legal right to excavate areas under the sidewalks, which was on the corporation property, and make gratings in the sidewalks. The jury therefore should say, in the first place, whether in their opinion this misfortune would have happened if the gratings and areas had not been there. In the second place, the town of Guelph was not bound at all hazards to see that the plaintiffs' cellars were not flooded. They would not have any ordinary precaution, due diligence, and were not responsible for the effect of violent storms. It was therefore for the jury to say in the second place, whether they considered the town guilty of neglect in allowing the drain to be obstructed by ice, taking into account the season, the weather, and all the circumstances of the case.

The jury found a verdict for plaintiff for \$317.47 on the question of negligence. They also found that if the gratings and areas had not been there, the water would not have run into the cellar. Leave was reserved to the defendants to move for the verdict to be set aside on this point.

THE GRAND JURY.

The foreman handed in the presentment of the Grand Jury. It stated that they had disposed of all the cases before them. The Grand Jury had visited the jail and the jail-yard, and found that great care was taken in preserving cleanliness and order. They would recommend that sufficient labour be obtained to keep at work the prisoners who are under sentence of hard labour; also that the prisoners under such sentence be supplied with good warm mitts, for use during the cold months of the winter. The jury have made enquiry of the prisoners as to the treatment they have received, and in all cases the replies were of the most satisfactory character. From the general appearance and the state of the whole premises, the jurors are happy to state that great credit reflects upon Mr. Mercer, the governor of the jail. The jury also desired to thank Mr. Sinclair, the Crown Attorney, for his great kindness to them during their sittings.

His Lordship said he would hand the presentment to the Sheriff, that he might provide means to carry out their recommendations. The insufficiency of labour to occupy prisoners was a universal complaint of Grand Jurors, but it would soon be remedied by the completion of the new Central Prison, probably early next year, to which such prisoners would be transferred. He had much pleasure in discharging the Grand Jury, and in thanking them for their attendance.

CLARKE vs. TOOLE.

This was an action of ejectment brought by the plaintiffs, who are executors of the late George Mackenzie Stewart, to obtain possession of a property held by James Toole, situated on Dalby street, being lots 11 and 12, in the first range of division F, formerly in the township of Guelph, now in the town. Dr. McMichael and Mr. Saunders for plaintiffs; Mr. Guthrie and Mr. Atkinson for defendants. The property belonged to George Stewart Mackenzie, and was willed by him to the plaintiffs. Proof of the will was put in. Mr. Guthrie stated that the defendant was a servant of Mr. Stewart, and claims that Mr. Stewart gave him the property on the condition that he erected or partly erected a house upon it. Unfortunatly defendant's evidence was only circumstantial and oral, and the learned counsel was aware that this evidence would only be of avail in the event of a verdict for the defendant. The property belonged to George Stewart Mackenzie, and was willed by him to the plaintiffs. 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