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THE ADVERTISER, LONDON, ONTARIO, MONDAY NOVEMBER 23, 1908.—TEN PAGES

JOHN GARVEY WINS HIS CASE MAY DRIVE ON CARLING STREET

Police Magistrate Love Hands Down His Decision in Matter Which Has Caused Much Comment in London—The Verdict of the Magistrate in Full.

After a week's consideration of the case against Mr. John Garvey, charged with driving teams onto the Carling street sidewalk, Magistrate Love this morning gave a decision most favorable to him. The finding in the case against James Tuffield was similar. Magistrate Love's decision is as follows:

The complainant in this matter charges that the defendant drove a span of horses attached to a lorry on the sidewalk on the south side of Carling street, thereby committing a breach of bylaw No. 760, section 17, of the consolidated bylaws of the city of London. The defendant denies doing so, and among other matters of defence claims that the place whereon he drove, being a portion only of the sidewalk and pavement in question, is practically not a sidewalk at all, but that a cement pavement was theretofore constructed on the south side of Carling street, extending from Richmond street to Ridout street, which pavement, under a special arrangement entered into between the ratepayers on the south side of that street with the then municipal council, was to be used as a driveway for horses and vehicles by those businessmen requiring to load and unload vehicles with merchandise from their business premises on that street.

Mr. Rumball's Testimony.

This arrangement is supported by the testimony of Mr. Rumball, who was mayor of the city at the period in question, and also that of several aldermen and the city engineer, who held that position at the time of the construction of the pavement. If such an arrangement was arrived at it is regrettable that it was not concluded in a businesslike manner, as there appears to be no documentary evidence either by memorandum or council minutes, minutes of committee or council, or otherwise, of the fact of the conclusion of the alleged arrangement; at all events, if such documentary evidence exists, it was not produced at the trial. The best evidence and the legal evidence of such a bargain on the part of the council would be the production of the minutes of committee and council showing the nature of such arrangement.

Bargain Entered Into.

However, as a matter of fact, there can scarcely be any doubt that a bargain of that character, or somewhat in the nature thereof, was entered into between the parties in question. This is evidenced by the fact of the unusual width of the whole pavement, by the character of the construction of the pavement, and its continued use for

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First Step Toward Reorganization of Middlesex County Constables

Taken at a Meeting Held for the Purpose on Saturday Afternoon.

The reorganization of the county constabulary of Middlesex was commenced on Saturday afternoon last, when a special committee appointed for the purpose met and discussed the matter.

For some time the constabulary has not been organized as it should have been.

High Constable Hughes brought the matter to the attention of the council in January last, and with the special

committee has been endeavoring to bring order out of the system. All the municipal councils were communicated with, and were instructed to submit the name of a desirable man in each locality as county constable.

Will Prepare a Bylaw.

Practically all the municipalities have done so, and accordingly, it was decided to ask the county solicitor to prepare a bylaw governing the appointment of the county constables according to the municipal act.

These constables, 22 in number, will receive at the beginning \$10 per annum, with fees. It is expected that the salary will be raised from time to time, and the fee system done away with. The bylaw will be submitted at the December meeting of the county council.

THE INDIAN SUMMER TIME

This is Indian summer!

Those wise weather prophets who know all the vagaries of the weatherman, state emphatically that this is the real thing, and that all others are base imitations.

They declare that everybody shouted Indian summer during that fine spell in October, because they were scared there would be no more good weather, such as is being experienced at the present time.

Whatever it is, it is immense! It is sunshiny and bright, just as cheerful as a letter from home.

The goose wishbone weather prophets, who some time ago said that there would be a mild winter, are having the time of their lives with their "I told you so's."

It is great weather, but comes at the wrong time.

The majority of people were just getting used to their flannels, and they are not very comfortable just now.

Great Many Killed in Chinese Revolt

New York, Nov. 21.—A cable dispatch to the Herald from Shanghai says: The accession of the Emperor took place on Thursday. A large number of Prince Ching's death, which have been in circulation, are contradicted.

A decree has been promulgated ordering the officials of the provinces to capture rebels for summary beheading and promising a reward.

There is a serious mutiny in the

garrison at Ngan King, on the Yangtze, where fighting is being waged in the streets. A large number of persons have been killed and houses have been destroyed.

Three battalions from the manoeuvres have been ordered to proceed to Ngan King and restore order.

Commander Chen Hon Yung killed and murdered.

Marquette Conductor Instantly Killed

[Special to The Advertiser.]

Blenheim, Nov. 23.—Henry Pook, a Pere Marquette conductor, was instantly killed today about 11 o'clock while superintending the switching of

freight cars. Apparently he was knocked down by a moving car, the blow causing death. He did not fall beneath the cars. The dead man resided at St. Thomas and leaves a widow and several children.

City Council Has No Power in Question

The city council has no power to declare part of the pavement on Carling street a sidewalk. Such is the opinion of City Solicitor Meredith, received this morning by Mayor Stevely.

The idea was to widen the sidewalk at the rear of the wholesale houses, giving more room to teamsters, and allowing ample room for pedestrians.

However, that cannot be done.

Some other way out of the difficulty will have to be discovered.

Magistrate Love has, however, decided in favor of Mr. Garvey using the present walk, and the case promises to drag on.

No definite decision has been arrived at by the residents of the north side of the street, but it is more than probable that an appeal will be taken against the decision of P. M. Love, and that the question will be threshed out in a higher court.

COMMENDED C. P. R.

Ottawa, Nov. 21.—At yesterday's meeting of the directors of the Canadian Forestry Association the G. N. R. was commended for its care while burning railway ties on its Saskatchewan lines.

M'COIG'S ELECTION TO BE PROTESTED

Chatham, Nov. 21.—The Conservatives of Kent have decided to protest the election of Mr. Arch. McCoig on the usual grounds.

TWO BROKE THROUGH AND WERE DROWNED

Winnipeg, Man., Nov. 21.—Harry Vidal and John Stephenson, fishermen, while setting their nets at Fisher's Bay, Lake Winnipeg, a few days ago, broke through the ice and were drowned.

A RUMOR RE THE NEW BISHOP

Now Said That Rev. Father Hand, of Toronto, Will Be Chosen.

Though there is absolutely nothing official on the matter as yet, a rumor in Catholic circles today stated that Rev. Father Hand, of Toronto, is to be chosen bishop of the Diocese of London, to succeed His Grace Archbishop McEvay.

BOARD OF WORKS OFF FOR TRIP

Will Inspect the Gas Fields of the West.

The board of works leave tomorrow morning for Leamington, Tilbury and points west to inspect the gas fields in that district. The committee last week visited the Port Dover fields. When the most strenuous objection to the council on the possibilities of the fields.

APPLICANTS ARE WORKING ON EXAMS

For the Position of Assistant City Treasurer of London.

On Saturday eight applicants for the position of assistant city treasurer wrote on the examination attesting their fitness for the position.

"I have not looked at the papers yet," said City Treasurer Bell, who conducted the examination. "I will make my report to the council as soon as I have completed the work."

NOT AFTER NEW LOAN

Mr. Fielding Denies It Is Object of Visit to London.

Ottawa, Nov. 22.—Hon. W. S. Fielding, minister of finance, who leaves for London and Paris on Wednesday, was asked in regard to the report that another Canadian Government loan was about to be placed in London. He stated that the report was incorrect. He would while on the other side look into the financial situation with regard to future needs, but it was not his intention to place any Government loan at present. He will be back in time for the opening of the session of Parliament in January.

HELD FOR MURDER

A C. P. R. Cleaner Placed Under Arrest at Winnipeg.

Winnipeg, Man., Nov. 22.—Thomas Hicks, a C. P. R. car cleaner, is under arrest, suspected of murdering Eccles Lennox, a Grand Trunk Pacific brakeman, at Portage la Prairie. On Monday Lennox started for the old country to bring his family to Canada. His dead body was found in a car the next morning in the C. P. R. yards at Winnipeg. He was shot through the head, and a revolver lay by his side. There was \$50 in his pocket, and it was thought to be a case of suicide.

Hicks is charged with having killed Lennox after having had a row with him over money, and left the gun by his side to suggest suicide.

PROTESTS STRATTON.

Toronto, Nov. 21.—J. H. Burnham, the Conservative candidate in East Peeterboro at the recent federal elections, has issued a writ against Hon. J. R. Stratton, his successful opponent, alleging the usual bribery and corruption.

THE WEATHER.

TOMORROW—SHOWERS.

FORECASTS.
Toronto, Nov. 23—S. a.m. Fresh southerly winds; mild and showery tonight and on Tuesday.

TEMPERATURES.

Today. Yesterday.
8 a.m. Min. Max.
London, Saturday 33 40 54
London, Sunday 30 40 54
London, Monday 40 40 54
Calgary 28 22 48
Winnipeg 28 22 48
Port Arthur 28 22 48
Perry Sound 46 30 44
Toronto 40 30 44
Ottawa 34 20 36
Montreal 38 28 42
Quebec 22 24 36
Pater Point 24 24 36
Vancouver 46 36 54
Kamloops 46 36 54
Edmonton 22 26 36
Battleford 14 24 36
Qu'Appelle 22 26 36
Halifax 28 46 54

WEATHER NOTES.

A disturbance now developing over the southwestern States will probably move toward the great lakes.

The weather continues mild throughout the Dominion, and no important changes are indicated at present.

ANOTHER MUTINY FEARED

London, Nov. 22.—Evidence of unrest in India have deepened the apprehensions with which the outlook in that section of the British Empire is regarded in responsible quarters. King Edward's recent proclamation seems to have had the immediate effect of initiating a series of political offences and demonstrations of disaffection. The alarmists are talking of another mutiny, and one highly placed officer in particular, who has just arrived in London from India, is circulating a statement to the effect that the Indian Government is in the possession of evidence showing that a systematic propaganda has been set on foot with the object of tampering with native troops.

In official circles the idea of another mutiny on any considerable scale is regarded as practically impossible, but, nevertheless, the situation is viewed with considerable anxiety. One authority—that same Indian officer—said:

"We wish that we could ascribe the agitation to the partition of Bengal alone, for then it would die down, but the truth is that sedition and unrest are spreading to all parts of the peninsula."

PUBLIC SCHOOLS OF ONE TYPE FOR THE BRITISH ISLES

Third Attempt to Harmonize Conflicting Interests in the Old Country Results in a Compromise Measure—Likely To Be Strongly Opposed.

London, Nov. 22.—The Government yesterday issued the text of their third attempt to draw up an education bill which will draw support from all parties to get through parliament. It is, of course, a compromise and will undoubtedly meet strenuous objection on the part of all extremists. But as the most influential of the bishops have agreed with the most influential members of the Liberal party in formulating the terms of the bill there are good prospects of its revival.

Fairly good control and freedom from tests are two of the main principles to which the Government has striven to give effect. All schools receiving rate aid pass under control of the local education authority. No

teacher employed or seeking employment is required to subscribe to any specified religious denomination or attendance, or abstain from attending any place of religious worship, or give any religious instruction.

These provisions, the Government maintains, provide one type of school throughout the country, as a whole apparatus of managers appointed to guard the interests of a particular denomination passing away.

This makes a great distinction from the old bill, which involved a sacrifice by the church, in compensation for which she gets "the right of entry." This takes the form of a provision that if any parent desires it, denominational religious instruction may be

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Alderman Favors Abattoir Idea Put Forth by the Packing Company

Think It Will Prove the Solving of a Much Vexed Problem.

The proposition that the Canadian Packing Company establish an abattoir in connection with their plant, is meeting with general approval, and several of the aldermen have declared themselves in favor of such a course. It would solve a much-vexed problem for the city of London, and at the same time retain a profitable industry in the city.

"I think it is a good proposition," said Ald. Stewart. "We need an abattoir, and we need it badly. We are considerably behind other cities in this regard, and if we can get the Canadian Packing Company to do that work it will be of decided advantage to us. It will guarantee a pure food supply for the city of London."

Will Have a Conference.

"We will have a conference with Mr. Reichtzer, of the Packing Company, at our earliest convenience," said Mayor Stevely. "The meeting will likely be this week. Then we will discuss the scheme in its entirety. I have all along felt that a plan would be evolved that would keep the company in London, and I still think that they will remain here. We want the industry, and I think we can keep it."

"As for an abattoir there is no doubt that we need one. Every up-to-date city has one. If proper arrangements can be made there is no reason why the Canadian Packing Company should not do the work."

"However, we will discuss the matter this week, and then we will know just where we are at."

Want to Discuss It.

"We want to discuss the question with the commission," said Mr. Beck. "There is plenty of water there, and I think this scheme of artesian wells will solve the difficulty. We will have a conference with the commission as soon as it can be arranged. The well at the London Electric Company yields 250,000 gallons, and several wells of that size would soon solve the question."

Mayor Speaks.

"I had a short conference with Hon. Adam Beck this morning," said Mayor Stevely. "He is in favor of artesian wells, and is anxious to discuss the question with the commission. We tried to arrange a meeting, but we could not do so. We will hold a meeting probably Wednesday evening, or some day the latter part of the week, when we will discuss it with Mr. Beck. We have no scheme ready for submission to the people as yet, but we will have one very soon."

G. T. R. yard engine No. 54 jumped the tracks on the siding south of the roundhouse this morning. It was replaced without the aid of the auxiliary.

ST. THOMAS LADY MAKES CHARGES EX-INMATE OF LONDON ASYLUM

Claims Physician of St. Clair, Michigan, Had Her Wrongfully Placed in the Local Institution—Was There Last in December of 1905.

(Special to The Advertiser.)

Port Huron, Nov. 21.—Miss Jennie Alexander, formerly a well-known nurse of this city, but now a resident of St. Thomas, Ont., has filed suit for \$25,000 damages jointly against Dr. Albert E. Thompson, of St. Clair, Michigan, her former employer, and ex-Sheriff Thomas Moore, also of St. Clair, alleging that she was falsely imprisoned in an insane asylum at London, Ont., at her instance.

The Allegation.

Miss Alexander alleges in her declaration that on the night of Oct. 25, 1905, she was taken from the home of Herman Fisher, in St. Clair, and was taken to the St. Clair county jail and later transported to the asylum for the insane at London, Ont. She avers that it was Dr. Thompson, by whom she had been employed as a nurse in the St. Clair city hospital, who instigated her imprisonment in the county jail and later her confinement in the madhouse. She declares that Dr. Thompson called Thomas Moore, then sheriff of this county, by telephone and that the latter sent officers to St. Clair to bring her to Port Huron. Miss Alexander further avers that after she had been employed in the Port Huron hospital for several years she went to St. Clair, where she took charge of Dr. Thompson's hospital in that city.

Accuses the Doctor.

Miss Alexander adds that on several occasions Dr. Thompson flew into a fit of passion and declared she was insane. The young woman declares that her employer accused her of causing trouble for him in St. Clair.

She says she was discharged on two occasions and was taken back to work once, but that when she returned to St. Clair, after being discharged on the second occasion, to get her personal effects, she was taken from her bed at the home of former County Clerk Fisher, and conveyed to the jail at Port Huron.

Abuse is Alleged.

Miss Alexander alleges that when the officers who arrested her arrived at the Fisher home in St. Clair she was pulled and dragged about, and that she was struck and forced to leave the house with the officers. The next day, Miss Alexander says, after spending the night with the police matron, she was taken to the London, Ont., asylum by the police matron. According to the declaration, the young woman was confined in the asylum until Dec. 22, 1905. As a result of her confinement in the asylum, Miss Alexander declares she came ill and greatly injured in health and mind.

The London End of It.

Inquiries at the London Asylum confirmed the report that the woman had been confined to the asylum on two occasions, the last time in December, 1905.

"The woman was confined here before my time," said Dr. Robinson, medical superintendent of the asylum. "In fact, none of the present medical staff know anything of her case whatever. Some of the attendants remember her quite well, however. According to their stories she was always going to sue some person or persons, but I personally know, I cannot state whether she was insane or not when confined here, but the attendants seem to think she was in causing trouble for him in St. Clair."

Talbot Street Church To Be Enlarged

It is likely that steps will be taken in the near future to either enlarge the present Talbot Street Baptist Church or else secure a larger site and build a new church.

In speaking of the matter to The Advertiser this afternoon Rev. A. J. Vining said he intended to take the matter up with the church board as

soon as possible, as something must be done.

"We will have an architect go over the present church this week and see if we can enlarge the galleries in any way," he said. "We have thought of securing the Grand Opera House for the winter, but nothing definite has been done in the matter. We need a new church badly, as the present one is totally inadequate for accommodating the congregations."

Conscience Money After 18 Years Grand Trunk Officials Are Shocked

Man Pays for Ride He Beat the Company Out Of in the Long Ago.

Paying for a railway fare eighteen years after getting the ride is not unusual, but such a case is reported at the Grand Trunk offices here.

Last week a resident of this city went to the Grand Trunk depot and putting down a \$10 bill, said he wanted to pay for a fare from Detroit to London.

"Do you want a ticket?" asked the official.

"No," the man answered. "I merely want to pay for the fare."

"Well, what will I say to the officials," said the Grand Trunk man. "I must have some reason you know."

The Story.

"Well, the story is just this," said the man. "Eighteen years ago, when quite a young man I was in Detroit, broke. I hadn't a cent to my name and I wanted to get to London. I boarded a Grand Trunk train and succeeded in getting here without paying my fare. I have lived here ever since, and I thought I should pay the company for that ride. It was a great help to me, and although no person knew anything about it, I think it is my duty to pay for the ride."

Accepted the Money.

The money was accepted, of course, and was sent on to headquarters. "We do not find many like that," said the official. "The majority of men do not scruple to beat a corporation, and we receive no recompense from them, if by some manner they do succeed."

Women Fight a Duel to the Death

Gainesville, Nov. 22.—A duel to the death with knives was fought yesterday between Mrs. James Crabtree and Mrs. Frank Graham, sisters-in-law, in a lonely spot in the woods eight miles

from Gainesville. The two women had quarrelled over family matters. The women met according to appointment, and on a lonely mountainside fought out their duel. Mrs. Graham's throat was cut, and she died immediately.

British Schooner Goes to the Bottom

Boston, Nov. 21.—Five men, including Capt. Obed Knowlton, of the British schooner High C, lost their lives as the result of a collision in Broad Sound early today, with a barge in tow of a tug. The schooner sank. The drowned are Capt. Obed Knowlton, 45 years of age, of Advocate, N. men.

S. First Mate Wm. Merriam, Parrsboro, N. S.; Steward James Millberry, Advocate, N. S.; Seaman Albert Mills, Advocate, N. S.; Seaman L. Mosher, Parrsboro, N. S.

The survivors are Second Mate Orrin Millberry and two Norwegian seamen.

Three Killed by Crash in the Fog

Peterboro, Ont., Nov. 22.—Between 12 and 1 o'clock this morning a collision occurred on the C. P. R., four miles west of Pontypool, being caused by a switch having been left open.

A double-header going west collided with a light engine coming east.

The engineer and fireman of the light engine, with a brakeman named O'Connor, who also was on the engine, were killed.

The names of the dead engineer and fireman cannot be learned as yet.

Toronto, Nov. 23.—Three men were killed in collision on the C. P. R. near here this morning owing to an open switch. A double-header freight crashed into a standing freight. Engineer Findlay, Toronto Junction, and Fireman Sweet and Brakeman O'Connor were killed. Front engine of the double-header was smashed to scrap-iron.