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## A NEW TACK BEING TAKEN UP IN CELEBRATED SAUNBY CASE?

### Defense Claims It Is—Dam, as Well as Splash Boards, Alleged to Have Caused Loss to Millowner.

The case of Saunby vs. the Water Commissioners of the city of London, is still dragging its weary length through numerous legal coils at the court house.

Yesterday and today argument has been going on relative to the damage the plaintiff has claimed as the result of the placing the splash boards on the Springbank dam by the water-work department years ago.

Like the famous case of Jarndyce vs. Jarndyce, no one appears to know when it will end.

"Is argument on the damages question likely to end today?" The Advertiser asked Mr. C. H. Ivey, of Ivey & Dring, who, with Mr. I. F. Hellmuth, of Toronto, and formerly of London, is appearing for the plaintiff. "Search me," Mr. Ivey answered, as he leaned back and listened to Mr. Hellmuth's question to Engineer Bell, of St. Thomas, an expert who is appearing for the city.

Settlement Not Likely.

"Is there any chance of a settlement of the case now?" The reporter asked Mr. Meredith, the city solicitor, who is appearing for the defense. Some time ago it was stated that the plaintiff had offered to settle for \$7,000.

Mr. Meredith surveyed the court room for an instant, and tossed his head in the direction of Mr. Hellmuth. "It doesn't look like a settlement," he said. And he continued making notes of Mr. Hellmuth's questions, some of which made him smile.

Engineer Bell was being put through a fire of questions today by Mr. Hellmuth, who was frequently prompted by Mr. Ivey, but the St. Thomas engineer apparently knew what he was talking about, and he did not place the plaintiff's solicitors.

Plaintiff on New Tack.

It was said by the defense that the plaintiff had adopted an altogether different tack today, and that Mr. Hellmuth is now seeking to establish the fact that Mr. Saunby suffered through the building of the Springbank dam as well as through the placing of the splash boards upon it.

It is alleged that in the main trial, Mr. Saunby and his counsel admitted that no damage had been sustained by

the building of the dam, but merely through the splash boards.

If the contention of the plaintiff's counsel is admitted in the summing up of damages, a new field of argument will likely be opened up which will prolong the suit for years.

Some of the questions answered by Engineer Bell were of much interest to the general public.

Engineer's Interesting Answers.

In reply to Mr. Hellmuth, Mr. Bell said that there is a fall in the river level from the forks to the Springbank dam of probably 20 feet.

He did not consider that an ordinary rain will affect the current or volume of water of the river. The ground will absorb any ordinary rain.

Mr. Bell then made a statement which is of much interest to Londoners, as there are people here who claim that if a river water plant is installed London will have plenty of water practically forever for all purposes.

Thames Volume Will Decrease.

Mr. Bell stated that the volume of water in the Thames is and has been gradually decreasing for the past hundred years, and that in the future it will decrease probably at a greater rate than in the past, owing to the constantly improving system of drainage in the district through which the river runs.

He would not say the stream will dry up entirely in the future, but he would say that it will become a very small stream.

Within the last few years it has diminished much more rapidly than formerly, because prior to a few years ago there was not much draining done in these parts.

Further, Mr. Bell said he did not believe that the Springbank dam can possibly be the cause of any ice jam in the river sufficient to do any property damage.

The plaintiff is trying to prove that the dam caused the water of the Thames to back up and take the power away from the Saunby mill wheel, to the detriment of the property and the loss of the owner.

The defense is seeking to prove that this is not the case, and that if any damage was sustained by the plaintiff it was not through the dam, but through the splashboards, and then only upon very rare occasions when floods occurred in the river.

## BEAR OVERTOOK AND ATE COOK

### Pursued by Brute and Killed Near Manitoba Lumber Camp.

Dauphin, Man., May 22.—On Sunday, while John May, the cook of Camp No. 4, of the Red Deer Lumber Company at Etomiam, was taking a stroll, he came across a black bear. The animal showed a vicious disposition, and May fled for the camp with the bear in close pursuit. He was struck down and instantly killed, his vitals being torn out and the body partly eaten before the alarm was given.

May came from Smith's Falls in December.

### WILL EXCHANGE VISITS

#### Relations Between British and Spanish Royalty Very Close.

London, May 23.—According to the Madrid correspondent of the Telegraph, the relations between the Spanish and British royal families are becoming closer daily, and it is intended to make the future of the two countries one of perfect and intimate accord. Members of the British royal family propose henceforth to spend much of their holiday time in Spain, and with the view to their accommodation King Alfonso will by 4 two chateaux in the neighborhood of Villagarcia, a port much frequented by British squadrons. It is intended that they shall be ready by the summer of 1908 at the latest.

## TEAMSTERS REJECT OFFER

### No Prospect of Settlement in the Strike at Montreal.

Montreal, May 23.—Although the longshoremen's strike is over there is no change in the disagreement between the Shelden Carriage Company and their teamsters. Both sides are remaining firm, and it looks as though there was no hope at all for a speedy settlement of the trouble. Mr. Belcourt, manager of the company, told the men that if they would return to work the company would deal with them in the best possible manner. The company are willing to grant a uniform scale of \$1.75, as they say that, while part of the men are worth this much or even more, there are many whose services are not worth more than \$1.50, and that they could not therefore grant all the uniform increase. The men are standing firm for the increase, and refuse to take less.

## NEW ONTARIO SOLD; PRICE PAID \$6,500

### Another Hotel on King Street, Near the Market, Changes Hands.

The New Ontario House, on King street, opposite the Market Square, has been sold to Mr. Robert Ferguson, of this city.

The house was owned by Messrs. Westbrook & Barkland. The price paid by Mr. Ferguson is said to have been \$6,500. The hotel is well situated, and of late has been considerably improved.

Mr. Ferguson will take possession in a few days. The New Ontario is the second hotel in the vicinity of the market to change hands within a month.

## SPRINGWOOD CLUB SHOOT

### Practice and Trophy Events at the Weekly Match.

The following scores were made at the weekly shoot of the Springwood Gun Club yesterday afternoon:

PRACTICE EVENT.

Clinger	Shot at	Broke
Parker	20	12
Glover	20	12
Brook	20	12

TROPHY EVENT.

Brook	Shot at	Broke
Clinger	20	12
Glover	20	12
Parker	20	12

## INDIAN NOAH'S HEARING

### Several Important Witnesses to Appear at Today's Hearing.

It is expected that some very sensational evidence will be brought out this afternoon at the hearing of Indian Noah before the court. There is a strong feeling that at least two of the witnesses who gave evidence at the inquest have concealed the really important part of what they know of the affair, and much interest is being displayed in reference to what may come forth. Four witnesses will give evidence this afternoon.

The most important witness perhaps will be Annie Fisher, the Chippewa squaw who was seated in the cage with Noah a few minutes before the fatal blow was struck. It has been said that Noah and Fox had engaged in a fistie encounter about two weeks before the tragedy.

## BURNHAM RESIGNS

### President of Mutual Reserve Company Was Indicted for Forgery.

New York, May 23.—Frederick A. Burnham, indicted for grand larceny, and forgery, tendered his resignation from the presidency of the Mutual Reserve Life Insurance Society, yesterday. The resignation was accepted, and Archibald Haynes, formerly general agent for the Equitable Life Assurance Society, was elected to succeed Mr. Burnham.

At the same meeting George D. Eldridge tendered his resignation as vice-president, actuary, and member of the board of directors. His resignation from the office of vice-president was accepted, but he still remains actuary of the company, and member of the board of directors. No successor as vice-president was chosen today.

It was stated that there was no truth in the report that a Philadelphia company was endeavoring to secure control of the company.

## MENACED THE MINISTERS

### Stormy Scene Follows Strike Interpellations in Belgian House.

Brussels, May 23.—The discussion in the Chamber of Deputies of interpellations, regarding the recent strikes in Belgium, led yesterday to a stormy session. A number of Socialists, benches surrounded the ministerial benches, and threatened the ministers with their fists.

## KNOX PRINCIPALSHIP

### Professor Ballantyne Has Refused to Stand for Nomination.

Toronto, May 22.—Prof. Ballantyne has declined to stand for nomination before the assembly for the principalship of Knox College, notwithstanding his selection by the board of management. He conveyed his decision by letter to the board yesterday, and that body adopted a resolution of regret. The nomination of a principal will be held meanwhile in abeyance, pending the securing of a capable financial agent, who will organize the campaign for the raising of funds for the erection of new college buildings fronting on the university lawn.

## STEAMERS ARRIVED.

May 22. Reported at. From.

Republic	New York	From
Canadian	Boston	From
Westernland	Queensdown	From
Saxonia	Queensdown	From
Gallia	Marseilles	From
Teutonic	New York	From
Teutonic	New York	From

## PASSENGERS COMPLAIN.

Montreal, May 23.—Complaints have been made to the shipping companies that second-class passengers, among them many persons of refined tastes, are put through unnecessarily severe medical test by the immigration authorities at Quebec. These tests are said to include jumping and dancing and running up and down the shed floor. It is said the matter will be brought to the attention of the interior department.

## BRUTAL CRIME IN MANITOBA

### Young Immigrant Murders the Daughter of a Killarney Farmer.

Killarney, Man., May 22.—A brutal crime started this community this afternoon, when a young English immigrant named Lawrence Rowland, assaulted Miss Georgina Brown, a farmer's daughter, and then murdered her. He afterwards made an unsuccessful attempt to commit suicide.

The girl kept house for her brother on a farm two miles from here. Rowland had been making his home there for two years past. The brother was absent from home for two hours this afternoon and it was during this time that the crime was committed. The murderer cut the girl's throat with a razor, and then his own with a butcher knife.

## 1,000 SULTAN TROOPS

### DEPART WITH RIFLES

#### The Important Garrison of Uskub Deserts to a Man.

Belgrade, Serbia, May 23.—The Turkish garrison at Uskub, consisting of about 1,000 men, has deserted. The soldiers claimed that they were given bad food, and that other conditions were unendurable. They carried off their arms, and thus far only 50 men have been captured.

Uskub, is situated about 100 miles from Saloniki with which it is connected by rail. It is an important trade center, and has a population of 20,000, consisting of Turks, Albanians, Serbians, Bulgarians and Greeks.

## CUT LIVE WIRE; NERVY THIEF THIS

### Takes 700 Feet of Wire Despite Heavy Voltage Passing Through.

Hamilton, May 23.—A nervy thief appeared in the police court this morning. He was Harry Smith, an electrician, and the charge against him was stealing 700 feet of copper feed wire from the H. G. and B. Electric Railway Company. Smith climbed a pole one of the city limits and cut the wire while a current of several hundred volts were passing over it. He protected himself by the use of a pair of rubber gloves. Today he pleaded guilty to the theft charge, and was remanded for a week for sentence.

## INSPECTOR IS PRESIDENT

### East Middlesex Teachers Elect Mr. Thompson Head of the Association.

At this morning's session of the East Middlesex Teachers' Association officers for the coming year were elected and two excellent papers read.

Prof. Patterson, of the Western University, spoke at length on "The Ethical Basis of Education."

"Essential Factors of a Good School" was the subject of an address delivered by Mr. Wm. Scott, B. A.

The officers elected were:

President and Librarian—Mr. P. J. Thompson.

Secretary—Miss Blanche Hayes.

Treasurer—Mr. Geo. Duncan.

First Vice-President—Mr. H. A. McFayden.

Second Vice-President—Mr. Warren.

Auditor—Mr. J. Day and Mr. J. A. McNaughton.

## AN INTERIM INJUNCTION.

Toronto, May 22.—This morning an interim injunction was granted on the application of the Glenora woolen mills by Chief Justice Meredith restraining the Merchants' Bank, carrying out a strike of the stock trade, advertised for tomorrow. The injunction is returnable on Monday.

A winding-up order has been applied for by William Hogg, of Waterloo.

## THE WEATHER.

### TOMORROW—MOSTLY FAIR.

#### FORECASTS.

Toronto, May 23—8 a.m. Fair. Today—Moderate variable winds; generally fair and a little higher temperature. Friday—A few local showers, but mostly fair; stationary or higher temperature.

## TEMPERATURES.

Stations. 8 a.m. 3 p.m. Weather.

Calgary	32	50	Fair
Winnipeg	32	48	Fair
Port Arthur	38	52	Cloudy
Parry Sound	46	54	Cloudy
Toronto	40	54	Cloudy
Ottawa	48	58	Fair
Montreal	48	58	Clear
Quebec	48	58	Clear
Father Point	42	52	Cloudy

The first column in the above table records the temperatures at 8 o'clock this morning, and the second column records the minimum temperatures during the 24 hours previous.

## LOCAL TEMPERATURES.

The highest and lowest readings of the thermometer at the local observatory for the 24 hours ended at 8 p.m. Wednesday were: Highest, 57°; lowest, 29.5° above.

## WEATHER NOTES.

A few light showers occurred during the night in the lower lake region, but the weather in Canada generally has been fair and continued unseasonably cool, except in British Columbia and over the Yukon Territory.

## \$642,000 Increase Shown in Ward One Assessment

### Ward Shown To Be Forging Ahead—Population Increase of 500 Is Expected.

Assessment Commissioner Grant today made public the census and assessment returns for No. 1 ward, for 1907. The population figures are not as yet complete, but Mr. Grant places the increase for the year in the ward at 450.

The total assessment for the ward shows an increase of \$642,612. These figures are very satisfactory.

It is estimated that with an increase of nearly 500 in No. 1 ward, the total increase in population of the city for the year will go over the 2,000 mark, as West London, North London and East London are to be depended upon to show big gains over last year.

The assessment figures show the city to be forging ahead at a very rapid rate.

## \$2,000,000 Increase Expected.

This year the increase of nearly \$2,000,000 in No. 1 ward gives rise to the belief that the total increase in assessment for the city over last year will be close to \$2,000,000.

At a 20-mill rate, this would add \$40,000 to the amount to be collected for taxes next year.

Figures presented by Mr. Grant show that in 1887 the assessment of No. 1 ward totaled \$5,527,310; in 1897 it totaled \$6,061,840, and the figures taken this year show it to be \$3,349,314.

Thus the increase in assessment in the ward during the past decade has been \$2,257,474.

Of the increase this year, the first four, or the business, divisions, give an increase of \$441,694.

On the other hand, the increase in population comes almost solely from South London, or the residential district.

## Where Population Falls Off.

Year after year the assessors report a loss of population in the business districts of No. 1 ward, owing to the fact that residences are being constantly abandoned to make room for factories and stores.

It should be explained that the assessment department assesses a year ahead, and that what is known as the assessment for 1908 is really the assessment figures of 1907.

Mr. Grant furnishes the following comparative figures relating to the land, buildings, business and income assessments of the ward for this year and last:

Year.	Land.	Building.	Business.	Income.	Total.
1905	\$2,641,054	\$3,439,787	\$1,275,230	\$350,631	\$7,706,702
1907	2,985,140	3,577,747	1,388,230	398,107	8,349,314
Net gain	\$344,086	\$137,960	113,000	47,476	642,612

It will be noticed that land values during the year have materially advanced, as have also the value of the buildings.

Business assessment shows a respectable increase, but the increase in income assessment is quite small, being only \$47,476.

## EARL GREY NAMES MEN FOR HONORS

### Secretary Scott and the Hon. Mr. Lemieux Slated for Knighthood.

Ottawa, May 22.—Inquiry in regard to this year's birthday honors, in connection with which the names of several Canadians are now being mentioned, reveals the fact that, following the precedents of recent years, no announcements need be looked for before the month of June, for although the 24th of May is the day set in Canada for the official observance of the King's birthday, it is not so in the old country.

It seems to be generally understood that, following precedent, knighthood will be conferred upon Chief Justice Fitzpatrick of the supreme court of Canada. The name of Hon. T. R. W. Scott, secretary of state, is also mentioned for the honor of knighthood, as well as that of Hon. Rodolphe Lemieux, postmaster-general and minister of labor. Charles Marcell, M.P., deputy speaker of the House of Commons, is said to be slated for a C.M.G.

## SOME PROTESTS MADE.

The recommendation of these honors to his majesty is a prerogative that has been exercised in Canada by the Governor-General, although there has been from time to time a protest that the selection should be made by the crown's responsible advisers.

The cabinet is usually informed of the honors proposed by his excellency just before the list has been sent to England, but even this has never been done by letter, but only by word of mouth to the Prime Minister, and the Governor-General apparently does not recognize that the matter is one in which he is obliged to take the advice of his advisers, although in some instances he has seen fit to do so.

## CHARGED WITH CONSPIRACY

### Three Toronto Men Said to Have Attempted Big Frauds.

Toronto, May 23.—Cecil R. Elliott, jeweler; Albert J. Hopkins, tailor, and Norman Hopkins, telegraph operator, were before the police magistrate this morning on charges of conspiracy to defraud. Albert Hopkins and Cecil Elliott are charged jointly with conspiracy to defraud the Anglo-American Insurance Company out of \$4,000; Norman and Albert Hopkins are charged with conspiracy to defraud the Toronto Railway Company out of \$300, and C. R. Elliott and Albert Hopkins are charged with attempting to defraud the Street Railway Company out of \$485. The prisoners pleaded not guilty, elected to be tried by jury and were remanded till Tuesday for preliminary examination. Bail was refused.

The charge against Albert Hopkins and Cecil Elliott arises out of a fire on the jewelry premises of Hopkins on April 30. The stock was insured in the Anglo-American for \$4,000. The Hopkins brothers are alleged to have developed the habit of falling off street cars and then collecting damages from the street railway company.

## SWITCH-TENDER KILLED.

Niagara Falls, Ont., May 23.—Robert Cain, aged 20 years, and unmarried, employed as switch-tender in the G. T. R. yards, jumped on to the pilot of engine No. 573 at 7:15 this morning, to ride up to the next switch, when a jolt threw him off his balance, falling in front of the engine. Cain was run over and his right foot cut off at the ankle and the left badly crushed. The unfortunate man was taken to the City Hospital, where he died.

## SIR WILFRID AT FRENCH CAPITAL

### Says Intermediate Tariff Will Be Brought Into Play in Europe.

London, May 23.—The Paris correspondent of the Express says Sir Wilfrid Laurier has enabled him to state that it is proposed to negotiate treaties with certain countries, including France, Italy and Switzerland. The policy of the Canadian Government, which is thoroughly understood and appreciated by Downing street, may be said to be the maintenance of the preference given Britain and the development of trade with Britain's least dangerous competitors under the integrated tariff.

Sir Wilfrid Laurier believes that the idea of colonial preference is growing very fast in England. He entertains a hope that it is being put into practice. For that reason it is unlikely that he will consent to any scheme which might prevent Canada at some future date from joining in a commercial union of the empire.

The Standard's Paris correspondent, confirming the statement in the Express, says he was struck by Sir Wilfrid Laurier's perfect confidence in the future of Canada, his loyalty to Britain and the British Government, and the practical philosophy with which he accepted its decision on preferences, but as to the soundness and wisdom of which he had great doubts. It is evident that he regrets sincerely the Government's refusal to take it up.

It appears certain that his attitude towards the preference proposals at the conference was dictated by the necessity of admitting the fact that Britain must judge what suits her best.

## C. P. R. WINS BIG CASE

### Relieved of \$200,000 Damage Suits Following a Collision.

Vancouver, B. C., May 22.—By a judgment given in the admiralty court at noon today by Mr. Justice Martin, the consolidated civil suits for damages against the Canadian Pacific Steamship Company, amounting in all to about \$200,000, have been dismissed.

The suits arose over the collision between the Princess Victoria, owned by the C. P. R., and the tug Chehalis, of the Union Steamship Company's fleet, which had been chartered by Mr. Robert Bryce and party of fifteen, to go up the coast to inspect the oyster beds. The Chehalis was sunk, and nine people were drowned.

At the investigation held immediately afterwards the C. P. R. was held responsible for the accident, and Capt. Griffin's certificate canceled for six months. Capt. Griffin was later tried and acquitted on a charge of manslaughter, and the damage actions were then instituted. Instead of trying each action separately, the several actions were consolidated. Robert Bryce's was made a test case. In all the damages asked were \$200,000. The defendants moved for trial by jury, but the motion was refused by the full court of Victoria, where the action was tried.

## FINNISH DIET MEETS.

Helsingfors, Finland, May 22.—Pursuant to a decree issued by Nicholas, emperor of Russia, and grand duke of Finland, the members of the first single chamber diet of Finland, elected under the new constitution, assembled for the first time yesterday, but beyond the verification of credentials, no business was transacted. The election of a president will take place today, and the delivery of the formal speech opening the diet has been postponed until Saturday.

## Redmond Was for the Bill But Bowed to Public

### Will Continue to Support Government on General Legislation.

Dublin, May 23.—The Nationalists are of the opinion that one result of the rejection of Mr. Birrell's Irish bill by the National convention will be to compel the Liberal party at the next general election, to incorporate in its programme some genuine home rule scheme. In the meantime, they expect that the present Parliament will take up Mr. Bryce's Irish university bill, and other Irish legislation.

The Irish members of the House of Commons will continue to co-operate with the Liberals on general legislation. The Opposition politicians in Ireland profess the opinion that the outcome of the convention threatens John E. Redmond's leadership of the Nationalist party, and declare that Mr. Redmond and the other Irish members of the House came to Dublin from Westminster, intending to support the bill, but when they reached Ireland they were forced to bow to public opinion. They say it would be interesting to learn how far the Irish members were consulted in the preparation of the bill, and whether or not they promised the cabinet their support. It is certain that the Nationalist party would have been hopelessly split if the Irish members had attempted to stem popular feeling, and the worst dimensions of recent years would have resulted.

## WARNS MUNICIPALITIES

### Bank Manager Advises More Caution in Raising Funds.

Toronto, May 23.—Mr. D. R. Wilkie, president and general manager of the Imperial Bank, sounded a note of warning to municipalities in his address to the shareholders yesterday. He admonished them on the tendency of municipal corporations to incur indebtedness and make expenditures before they had arranged the funds. Municipalities, he said, must realize that the money market was subject to much variation, and prices at the market had been refused by these corporations, which still proceeded with the expenditures, only to find later that their bonds were saleable at much greater discounts. Mr. Wilkie pointed out that the market for municipal securities in Great Britain had undergone a drastic change in the past twenty years, and that the old country investor had excellent opportunities at home.

## THE RECOUNT BILL.

Albany, May 24.—Governor Hughes sent to the Legislature today a special message, urging the passage of the so-called New York recount bill, which provides judicial procedure for the recounting of the ballots cast in the McClelland-Hearst majority election in New York City in 1905. The governor also recommends that the Legislature postpone its final adjournment until after the bills all have become a law.