

AGAINST THE SIGNAL CO.

McPhee Won Suit to Recover Money Paid For Stock.

Biggar vs. McBryane Was Disposed of Yesterday.

J. R. Cambden Won Suit Against Amusement Co.

The non-jury High Court sitting was completed this morning, having lasted only two days. The important case of the list was that of Stewart McPhee vs. Universal Signal Company, and it was disposed of this morning.

The plaintiff sought to recover money he had paid for stock and for cancellation of his stock. Mr. McPhee said when he first expressed his intention of going into the deal Mr. G. T. Stewart, of John A. Street & Co., brokers, Toronto, had explained the matter, pointing out the cost of installing the apparatus required for signals and the amount of stock which had been sold.

Col. Logie, counsel for the plaintiff, read a letter to the plaintiff which stated that the stock would become invaluable. Another letter notified him that his note for the stock was due.

The witness said he had a second interview with Mr. Stewart, in which he asked him to take out more stock, and offered greater inducements than before, but the offer was not accepted.

G. M. Clark, counsel for the defendant, objected to all the conversations being gone into, but Col. Logie contended that the conversations were claimed and all the conversations had something to do with it. The objection was upheld.

When cross-examined Mr. McPhee said he had not seen Stewart prior to the time when the application was made. He had been shown the device, and considered it right, and still thought it was all right in itself. When he had gone to see it he was in the office for about a half an hour talking over the contract. He had been told of a proposal to install a signal system on the Michigan Central, which would have cost about \$300 per mile. Other railway companies, it was explained to him, were going to have systems installed, but it was the Michigan Central deal which made him think it a profitable investment.

Mr. W. S. W. Lewis, counsel for the plaintiff, said he had interviewed Mr. Stewart on Monday, Dec. 6, at 400 Queen street south, and afterwards every Monday.

The monthly meeting of the Boys' Home will be held on Thursday, December 2, at 10.30, at the institution on Stinson street.

Charles O'Hara, Catharine street north, has reported to the police that he had an overcoat stolen from the Metropolitan Hotel on Saturday last.

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The regular meeting of the Hamilton Union W. C. T. U. will be held tomorrow afternoon at 3.30 in the parlors of the Y. W. C. A. Subject, "Franchise and Municipal Elections, Legislation and Petition," by Mrs. Nichols.

Prof. Earl Barnes, of Philadelphia, will give the second of his course of lectures under the auspices of the Hamilton teachers in Centenary lecture hall on Thursday evening, December 2. Subject, "The Development of the Moral Nature."

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Mr. Logie requested that the letters Mr. Harcourt wrote to Mr. Webb, Chief Engineer of the Michigan Central, and also all letters Mr. Webb had written to him, be submitted, but Mr. Parker objected, stating they had not been called for. Mr. Logie said he had given Mr. Parker notice that they would be called for.

Mr. W. T. Stewart, superintendent of agencies of the John A. Street Company, said those who had purchased stock had not been told that the deals were about closed, but they had spoken of railways in general. All representations he had made he had received from the John A. Street & Company, whom he presumed had received such representation from the company. He had not told McPhee that he believed in the scheme to which he had put his mother's or his own money into it, or was likely to. McPhee had been in his office shortly afterwards, but he had not told him that the contract with the Michigan Central was about closed, but had said that negotiations were on. He had told McPhee the cost of installing the system was about \$300, and the charge was \$700 per mile.

Mr. John A. Street was recalled and Mr. Logie questioned him as to the money that had been paid over. He said all the money that had been received was paid over to the company.

His Lordship said he didn't think there was any doubt, by the evidence of the witnesses, as to the way the business had been carried on. Stewart admitted the statements of two of the witnesses, but his letters referred otherwise. It had been made to appear more tangible and substantial than it really was. He wasn't concerned with where the money went.

His Lordship gave judgment for the plaintiff with costs, and refused to stay the execution.

The case will be appealed.

The action of McLeod vs. Guest for injunction in connection with property at 12 Napier street, was settled out of court, by the plaintiff agreeing to purchase the property.

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Mr. W. S. McBryane, in giving evidence, said at the time the winding-up of the partnership was discussed by him and Mr. Biggar each had offered the other \$2,000 for a release to take over the business. Mr. Biggar had later offered to take over the liabilities of the firm for \$3,000, but he did not think the amount was proper, and expressed his intention of giving \$2,000, which Mr. Biggar accepted, and the release was given to him.

His Lordship held that the release governed all parties, but gave judgment for the plaintiff, restraining the defendant from collecting the Coburn account, which amounted to about \$125. The Coburn action against the Hamilton Amusement Company was the next to be taken up. The plaintiff, J. R. Cambden, sought to have the accounts which had been incurred verified. He further claimed that the business of the Gaiety Theatre, which the company had originally started, on the understanding that they were to supply him with money, had been carried on at a loss of about \$1,000, which was the amount of his salary, and other expenses. He wanted the shareholders of the defendant company to share the deficit.

The first witness, J. R. Cambden, the plaintiff, when cross-questioned by A. M. Lewis, counsel for the defendant, said he had been one of the original promoters of the company. He had been appointed as manager, but was really proprietor.

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GIRL SHOT.

Mysterious Shooting Affair in Toronto This Morning.

Girl Was Coming to Hamilton to Take a Situation.

(Special Wire to the Times.)

Toronto, Ont., Dec. 1.—A curious shooting took place this morning at 43 Osler avenue, when Jean Buckley, aged 16, shot herself through the left breast, with a .22-calibre rifle. There is little hope held out for her recovery at Grace Hospital, where she was taken. The girl was employed in a candy factory, and, so far as is known, she had no trouble. Early this morning she dressed herself, as usual, and after her father had left the house, put on her hat and coat, left her mother and brother downstairs, and went up into an empty attic, used as a store room, where a small rifle was kept. A moment later a shot was heard, and the girl was found lying on the floor, bleeding profusely. How the rifle had been fired is not known. The bullet entered the left breast and penetrated to within half an inch of the heart. The girl's brother said at first that his sister had called to him, that she was shot, but later he contradicted this. He stated that the rifle was not loaded, so far as he knew. It was reported that the girl was about to leave shortly to take a position in Hamilton.

Following is the temperature as registered at Parke & Parke's drug store: 9 a. m. 37, 11 a. m. 40, 1 p. m. 40, lowest in 24 hours 27, highest in 24 hours 40.

City Engineer Macaulay to-day received from William Hardy, secretary of the Selkirk Business Men's Association, considerable information in connection with the new Erie-Ontario Canal. The survey proposed by the Selkirk association is to carry the canal from Hamilton Bay to the gorge near the Red Hill at Bartonville, up to the summit of Mount Albion, with a series of thirteen locks, 30 to 50 feet in depth. Among the reasons urged in favor of this route are these:

It is about thirty miles shorter to Toronto than the present route.

It has the advantage of natural harbors at both terminals.

Sherk's Bay, the entrance from the lake, is clear of ice three weeks before the present entrance at Port Colborne.

The availability of the Grand River as a direct feeder for the canal.

The moderate amount of excavation for the proposed course. North of the Grand River there is an average depth of forty feet of earth, while south it is much less, especially the last twenty miles, rock being close to the surface.

The small number of bridges necessary if this route is used.

The small amount of lockage south of the mountain.

The distance from the border, an advantage from the point of view of those who consider it a menace to have the canal too close to the boundary line.

The cost of this route is roughly estimated as follows:

Excavations . . . . . \$28,975,000

Earth excavations . . . . . 2,115,000

Embankments . . . . . 2,933,000

Range lights . . . . . 50,000

Locks . . . . . 845,000

Land lights, etc. . . . . 600,000

Contingencies . . . . . 2,972,000

Total . . . . . \$38,490,000

The following building permits were issued to-day:

F. J. Lyne, brick house on William street, between Barton and Birge streets, \$1,200.

H. H. New, brick store and house, corner of Fullerton avenue and Birge street, for William Carroll, \$7,000.

George E. Mills, brick factory addition for the Laidlaw Bale Tie Company, Adams street, \$2,000.

At Toronto before the Railway Commission yesterday the Grand Trunk consented to the Quebec extension of its tracks in the east end with the base line sewer, The Radial and T. H. B. have already given permission.

The Board of Hospital Governors decided yesterday afternoon to point the interior of the Queen Adelaide wing and to lay terrazo floors in the isolation hospital, at a cost of \$1,065. Kent & Garvin got the contract. A phone will be installed in the new Southam home.

Dr. J. E. Davey and G. Williamson have the two most likely to be endorsed to represent the C. C. C. in Ward 4, at a meeting to be held next Thursday evening.

The Mayor has addressed the following letter to Chairman Crooks, of the Board of Health, in connection with the matter:

"I notice by sheet of the Board of Health for overtime, \$108.60, for three inspectors. While I have no right to say that these men did not put in this overtime, it is a very bad precedent to establish, as the City Council makes the salaries of these men, and it is a waste of time to do this if it is only to be allowed to increase and it might result in great leakage. I would suggest, and think it only reasonable, that all cases that affect established salaries should be brought before the Finance Committee and the Council before being paid in future."

Mayor McLaren was annoyed when he went to find that the Board of Health last night paid accounts from the three health inspectors for overtime amounting to \$108. The Mayor takes the stand that the men did not put in a straight salary, and he thinks the Board of Health should have consulted with the Chairman of the Finance Committee before paying the money. The accounts were paid some days ago, although they were not passed by the Board of Health until last night.

The temperance people are arranging to open a vigorous campaign this week. It is understood that they are working with Rev. Sam Small, the noted evangelist, to address meetings.

Ex-Ald. W. G. Bailey announced to-day that he had definitely decided to be a candidate for controller.

EXECUTOR AND TRUSTEE

This Company may be appointed executor and trustee under your will, thus securing a permanency of office and absolute security, such as no private individual could give, at an expense which is no greater than occurs when private individuals are chosen in similar capacities.

The TRUSTS AND GUARANTEE CO., Limited

43-45 KING STREET WEST, TORONTO

Capital Subscribed . . . . . \$2,000,000.00

Capital Paid up and Surplus, over . . . . . \$1,400,000.00

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TEA TABLE GOSSIP.

Donations for the annual Christmas tree for poor children will be received at the Deacons' home, 405 King street east.

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THE WEATHER.

FORECASTS—Fine and mild to-day then winds, increasing to strong breezes and gales; easterly to southerly winds; rain on Thursday.

WEATHER NOTES.

The severe Atlantic storm is still situated near Sable Island, while another disturbance is developing quickly in the western states. Gales continue to prevail in the Maritime provinces attended by snow and sleet, colder weather has set in over the western provinces.

Washington, Dec. 1.—Fair, slightly warmer to-night and Thursday.

Toronto, Dec. 1.—Lower Lakes and Georgian Bay—Fine and mild to-day, then winds increasing to strong breezes and gales, easterly to southerly, with rain on Thursday.

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Of Interest to Piano Buyers.

That the piano has become the universal musical instrument, and should have a place in every home, has become an axiom. That Goulay, Winter & Leeming are the leading factors in making this desirable acquirement possible is also an established fact, and just now they are offering in addition to their new Goulay pianos, a number of slightly used instruments at prices and terms so attractive as to place a fine piano within the reach of every household.

The list includes pianos by Mendelssohn, Mason & Risch, Gerhard Heintzman, and Irtzman & Co. If you are thinking of buying a piano, do not become nervous and overbalanced yourself, with the result that he came to earth somewhat more quickly than he had anticipated. Nothing daunted by this experience and believing that he was working along the right lines for accomplishing a successful flight, the inventor has built another machine and will make another attempt in the near future to fly from the mountain brow.

The new flying machine has been secured by Stanley Mills & Co., and will be on exhibition on the third floor of their big building. As this will be the first opportunity Hamilton people have had of seeing a full size flying machine, there will no doubt be great interest taken in it.

NOT ON PROHIBITION.

The press reports of the Alabama election of Monday on the prohibition question do not give a clear and understandable account of the situation in that State, says Rev. Sam Small, who is fully acquainted with the status of liquor legislation in Alabama.

The vote in Alabama is not a defeat for prohibition of the licensed liquor traffic in that State, he says. The question submitted in the election was whether the State policy of prohibition should be inserted as an article of the State Constitution, thereby removing it from the action of the General Assembly of the State, while the article should remain a part of the fundamental law. To this removal of the control of the question from the popular will as represented in the legislatures many of the strongest friends and supporters of prohibition objected, and voted against the amendment.

BRAVE MAN DEAD.

Philadelphia, Dec. 1.—Eshmayr Surkin, who during the reign of Nicholas the first in Russia, was given a life pension for bravery on the battlefield, died aged 100 years. Surkin came to America six years ago. He had sixteen children and nineteen grand-children.

SWITCHMEN'S STRIKE.

St. Paul, Dec. 1.—Both sides in the controversy between the railroads of the Northwest and the Switchmen's Union of North America, which resulted in a walk-out of the switchmen, between here and the Pacific coast last night, claimed to have the situation in hand to-day.

DOCTOR DEAD.

Quebec, Dec. 1.—Dr. C. S. Sewell, one of Quebec's most prominent physicians, died this morning after a short illness.

MISS CRISTABEL PANKHURST'S APPEAL TO COURT