

# SUITS IN THE SUPREME COURT OF ONTARIO

## Malicious Prosecution Case Adjourned—Land Purchase From Mohawk Indians—Deseronto Action.

### Sexsmith vs McMath.

This was an action for malicious prosecution brought by Thomas Sexsmith of Tyendinaga against James McMath of Richmond, the latter having accused the Plaintiff of stealing a bull and shipping same through drovers west of Toronto. At the criminal trial at Napanee, Mr. Sexsmith, the Plaintiff, was honorably acquitted, and now seeks \$10,000 damages for false arrest and malicious prosecution. Mr. L. McCarthy, K. C., of Toronto, represented the Defendant with Mr. John English of Napanee, and asked for an adjournment of the action till the next jury sittings, on account of the absence of Mr. Preston, Acting Crown Attorney of Lennox and Addington, partly on whose advice it was said the arrest had been made. There were troops of witnesses from the eastern part of the County subpoenaed for the Plaintiff, and the Tyendinaga public was much disappointed at the interesting trial not being proceeded with. Messrs Northrup & Ponton represented the Plaintiff, who is also bringing an action for slander against the Defendant McMath.

### Reid vs Lazier & Allen.

This was an action brought by W. W. Reid of Shannonville against the Executors of the late Frederick R. Lingham Estate and Mr. Lucius E. Allen, for commission on the purchase of lands from the Mohawk Indians and others for the purposes of the Ontario Limestone, Cement and

Clay Company, about six years ago. The Chancellor gave judgment for the Plaintiff for \$500 and full costs against the Lingham Estate and dismissed the action as against Allen, who, however, was ordered to pay his own costs. Messrs. Northrup & Ponton for Plaintiff, Messrs. Porter & Carnew for Defendant Allen, and S. Masson, K.C., for Defendants the Laziers.

### Wilson vs Rathbun Company.

Probably the smallest verdict ever given by a jury in the Supreme Court of Ontario for the death of a man was that given in this action brought against the Rathbun Company by the widow and Administratrix of a resident of Deseronto for alleged negligence and insufficiency of equipment in connection with a building in their lumber yard at Deseronto, through which alleged defects it was claimed the deceased lost his life by falling through and drowning. It was shown that the deceased had been subject to fits, that the buildings in question had been used as they were for seventeen years without an accident, and that the Defendants had no notice or knowledge of any want of safeguards. The jury apparently took a compromise and sympathetic view of the situation and gave a verdict to the widow and children for \$150, for which judgment was entered (subject to appeal within 30 days) but on the lower scale of costs only. Porter & Carnew, Solicitors for Plaintiff; Northrup & Ponton, Solicitors for Defendants.

## Grateful For Gifts

The Secretary of the Quinte Chapter, I.O.D.E., has received the following letter from the Ladies' Territorial Committee, London, Eng.:

Dear Madam:—Thank you very much indeed for your kind letter. The bale of gloves has arrived and we are indeed immensely grateful for it. It is a splendid contribution, quite one of the best we have ever had. Please convey our heartfelt thanks to Mrs. Boyce and all the members of the Order who so kindly contributed. The gloves will be immensely useful, and are not at all too late. We are still supplying mine-sweepers with the waistcoats, and they are delighted with them. We have sent out 6000. We are now busy collecting socks and

shirts as these are and will be greatly needed.

With renewed heartfelt thanks,  
Yours truly,  
The Ladies' Territorial Committee.

## RECRUITING MEN IN TORONTO

### Lieut. Wallace Wants Platoon of 60 Men to Come to Belleville.

A chance to enlist for overseas service was open today and will be open tomorrow for 60 Toronto men. Lieut. W. W. Wallace has opened recruiting at 16 Adelaide street, West, Toronto, for a complete platoon for the 39th Battalion, Belleville. The platoon of which Lieut. Wallace has been in com-

mand has practically all been taken to reinforce depleted regiments at the front and he has received Lt. Col. J. A. Preston's permission to duplicate the platoon for the 39th Battalion. Upon enlistment Toronto recruits will come at once for preliminary training to Belleville and the chances are that further drafts may be required at any time. Lieut. Wallace is anxious to sign on a number of men with previous experience to act as non-coms.

## Boys Canadian Club Held Last Meeting

On Friday, April 30th, the Boys' Canadian Club held the last meeting of the term. Some of the girls were kind enough to serve refreshments. While the boys were eating Mrs. Wilkins and Miss I. Lane favored them with music.

After all signs of refreshments were over, Harold Copin moved that a toast be given to the King which was responded to by the boys. Miss A. Logue then sang "Johnnie Cannuck's the Boy."

The minutes of the last meeting were read by the secretary, Winndal Johnson.

Mr. J. W. Johnson gave an interesting address on France, speaking principally on Calais and Paris.

Master Grant Maidens moved that a hearty vote of thanks be rendered to him which was seconded by Master Harry Mills.

The meeting broke up about four o'clock by singing the National Anthem.

## Light Brackets at Y. M. C. A.

The Y.M.C.A. Building on Campbell street is now decorated with two handsome brackets and lamps which add much to its attractiveness. Mr. Bruce Burnham, pattern maker of the Belleville Hardware, who made the design has made his home at the Association rooms almost since the opening of the building. The work reflects great credit upon him. The light brackets are in the form of embossed iron work with the Association motto and design of the triangle within the circle. The brackets were made in Belleville and are a fine specimen of local iron art.

## Hull Was Again Remanded

As Isaac W. Claus, the Indian, who was wounded in a fight at Point Amable is not yet able to leave the general hospital, Crown Attorney Anderson this morning asked for a further remand in the case of Thomas J. Hull, accused of the offence. Hull was remanded until May 11th by Magistrate Masson.

Mother Graves' Worm Exterminator will drive worms from the system without injury to the child, because its action, while fully effective, is mild.

# INTERESTING CASES HEARD BY CHANCELLOR BOYD AT SUPREME COURT SITTINGS

## A Prosecution for Libel—Accident During Railway Construction—Hastings and Prince Edward People Feature in Action Over Estate—Pinnacle Street Railway Case—Suit Over a Spring in Thurlow Township.

We are indebted to Mr. J. Williams, Deputy Clerk of the Crown and Marshal of Assize, for the following information, &c.:

### SUPREME COURT SITTINGS.

The Docket of cases entered for trial at the sittings held at Belleville last week, before His Lordship Chancellor Boyd and a Jury, were disposed of as follows:—

#### O'Connor vs Southworth.

This was an action for libel. The parties reside near Marmora, the Plaintiff being the proprietor of the O'Connor Hotel, and the Defendant the Vice-President of the Deloro Mining and Reduction Company, both doing business in the Township of Marmora. During a local option campaign in that Township last winter the defendant published and circulated an open letter wherein he referred to the business of Hotel keeping as a business for making drunkards, that licenses were issued for that purpose and the persons procuring such licenses knew it and referred to Mr. O'Connor's bar as being the one most inimical to the people where the defendant carried on their business. Plaintiff contended these statements were a libel on his business. Defendant contended it was fair comment on a matter of public interest directed against the business in general and not Mr. O'Connor in particular.

#### Blohm vs Hayes.

These two actions were consolidated and ordered to be tried together.

The actions arise out of a contract by which Blohm purchased from Hayes his apple crop for 1914 and each party claims the other did not perform his part of the contract. Owing to the war Blohm was in England and could not return to Canada for the trial and on the motion of his counsel the trial was postponed till next sittings.

#### A. Abbott, Trenton, E. Guss Porter, K.C., Counsel for Hayes.

#### Sandford vs Grand Trunk Railway, et al.

The Plaintiff, a fish dealer of Belleville, is the owner of a house and lot abutting on the G. T. Railway track on Pinnacle street just where it crosses the C.N.O. Railway and the C.P.R. and claimed that in the construction of the latter railways the line of the G.T.R. in front of his house and Pinnacle street on which the road is situated had been raised up to such a grade as to cause the water to flow on to his house and lot causing ice, carrying earth and debris thereon and causing other damage and depreciation of his property as a home.

#### Parties settled in Court, the Defendants constructing a stone wall along the Railway to prevent the water, &c. from getting on to Plaintiff's lot; building a new walk and driveway approach to Plaintiff's premises and satisfying the Plaintiff's claim for damages and paying all his costs.

#### Porter & Carnew, for Plaintiff; MacMurphy & Spence, Toronto, for Defendants.

#### Actions Tried Without a Jury.

#### Froats vs Ore Mountain Mines.

Plaintiff who resides in Marmora made a contract with defendants who carry on Mining in Lennox & Addington for the construction of a shaft at their mines. Plaintiff contended Defendants prevented him from carrying out his contract and sued for wages and damages. Defendants contended Plaintiff did not perform his contract through his own fault and forfeited any right to be paid.

#### Settled between the parties at Court, the defendants satisfying the plaintiff's claim.

#### A. A. McDonald, Solr., E. Guss Porter, K. C., Counsel for Plaintiff.

#### Farmer & Schelter, Kingston, for Defendants.

#### Walker vs. Bacon.

The Plaintiff, Stanley Walker, and Defendant, Charles W. Bacon, are farmers owning adjoining farms in Thurlow. Very near the line fence between their farms there is a living spring which the Plaintiff claimed was on his land and had been used by him and his predecessors in title for over 40 years and was at least 2 feet inside the fence dividing the lands and on his side, and that defendant had 4, 5 or 6 years ago without permission moved the fence so as to enclose the spring on his side and deprive the Plaintiff of the use of it.

#### The Plaintiff moved the fence back where it was before and the Defendant again moved it around the spring this being done two or three times during the last 5 years, when plaintiff brought this action to have it declared that the spring belonged to him and was on his land and that the

#### Meagher vs Randolph McDonald Co.

This was an action for damages arising out of the construction by the Defendants of the new docks at Belleville. The Plaintiff was a workman in employ of Defendants in doing the cement work on the piers. During the course of his work of top dressing he had to wash his roller for finishing the top in the Bay, reaching down from a pier to do so. Plaintiff complained that the place where he had to get down and cross was dangerous on account of wires strung across it to reinforce the concrete and not being sufficiently lighted at night when he was working he tripped on the wires and fell on an upright stake injuring his side.

#### The parties settled in Court the defendants satisfying the Plaintiff's claim for damages and paying costs.

#### Porter & Carnew for Plaintiff.

#### R. J. McGowan, Toronto, Solicitor and Langs Hamilton, Counsel for Defendant.

#### Coulson vs Dingman.

A great deal of interest was taken in this suit the parties being prominent in this County and Prince Edward. The Plaintiffs (husband and wife) brought action against the Defendant who is Executor of the will of Jane Dingman, late of Picton, and an aunt of the female Plaintiff claiming that they had left their home in Foxboro and went to live with Jane Dingman in Picton under a bargain with her that she would pay them well or would give them \$1200, she had in the Bank of Montreal in Picton if they remained with her as long as she lived and took care of her, she to furnish everything in the matter of

living. Jane Dingman had no children or nearer relatives than nephews and nieces of whom Mrs. Coulson the Plaintiff was one, the others some 13 or 14 in number opposing her claim. The deceased it appeared had made a will after the Plaintiffs went to live with her by which she willed Mrs. Coulson \$300, but her husband was one of the witnesses to the will so that the devise was void. The plaintiffs remained with her from April to December.

#### Judgement was entered upon the finding of the Jury for the Plaintiffs for One thousand Dollars and costs.

#### Porter & Carnew for Plaintiffs.

#### R. H. Hubbs, Picton, Solr. G. Grant, K.C., Toronto, Council for Defendant.



Our Handsome Footwear Styles elicit many compliments and much admiration

Our Ladies' Colonials Oxfords and Pumps have a character of their own Priced at \$1.50 to \$4.00 Great Values

The J. J. Haines Shoe Houses BELLEVILLE NAPANEE TRENTON SMITH'S FALLS

## Last Days

This is the Last Week of Our April Sale

If you have not had your share of the good things that are going, be sure you get in this week.

Bargains in Wall Paper, Agateware, Soap, Brooms, Soda, Starch, Fancy Goods, etc.

THE BEEHIVE CHAS. N. SULMAN

## Wash Goods, Wash Goods

Thousands of yards of the newest in Wash Materials, including Plain and Fancy Crepes, beautiful Figured Voile, White and Colored Muslins, Checked and Plaid Dress Gingham, etc., at 10c to 25c yard.

### Double Width Dress Materials

We are showing a splendid range of New White Crepes, Ratines, Voiles, Cashmere, Serges, etc., all double width, 36 to 54 inches wide, at 35c to \$1.00 yard.

### Specials in our Men's Dept.

Men's Black Cotton Socks, sale per pair ..... 5c  
Men's Tan Cotton Socks, sale per pair ..... 10c  
Men's Fine Soft Shirts, separate collars, each ..... 75c  
Men's Blue and White Stripe Overalls, pair ..... 75c  
\$1.25 Men's Fine Negligee Shirts, reversible collars, ea ..... 79c  
\$9.00 Men's Genuine Waterproof Coats, sale each ..... \$6.50

WM. McINTOSH & Co.

Deafness cannot be cured by local applications, as they cannot reach the diseased portion of the ear. There is only one way to cure deafness, and that is by constitutional remedies. Deafness is caused by an inflamed condition of the mucous lining of the Eustachian Tube. When this tube is inflamed you have a rumbling sound or imperfect hearing, and when it is entirely closed, Deafness is the result, and unless the inflammation can be taken out and this tube restored to its normal condition, hearing will be destroyed forever; nine cases out of ten are caused by Catarrh, which is nothing but an inflamed condition of the mucous surfaces.

We will give One Hundred Dollars for any case of Deafness (caused by catarrh) that cannot be cured by Hall's Catarrh Cure. Send for circulars, free.

F. J. CHENEY & CO., Toledo, Ohio. Sold by Druggists, 75c.

Take Hall's Family Pills for constipation.

Warts are unsightly blemishes, and corns are painful growths. Hollaway's Corn Cure will remove them.



## Smart Spring Overcoats!

Every good dresser appreciates a smart Spring Overcoat!

Our Coats are very much admired by Men who like swagger, stylish Garments.

We'll take great pleasure in showing you all the new models if you will step in for just a look!

### Raincoats

A Good Rain Coat is a necessary adjunct to the Wardrobe of every Man who cares for his Clothes.

Spring Weather is always fickle and Rain is just as wet in the Spring as it is in the Fall!

We're showing a great variety of Waterproof Raincoat fabrics. Coats cut long and full.

Our Raincoats are a good Spring Overcoat and Raincoat combined.

Every Coat is fully guaranteed.

# Quick & Robertson

THE HOUSE OF GOOD CLOTHES