

The Chatham Daily Planet.

VOL XI

CHATHAM, ONT., SATURDAY, MARCH 15, 1902

NO. 79

THOMAS STONE & SON THOMAS STONE & SON

Another Choice Lot of Dress Goods

We have now a showing of New Dress Goods never before equalled in this store, all the new and most correct weaves and colors are spread on our counters for your inspection. We would be glad to show them to you.

- | | |
|---|---|
| 40 in. wide, bright finish satin cloth, all wool, very special value, in colors black, navy, brown and cardinal at a yd. 50c | 44 in. wide, twilled cotton suit- ing, good weight and fine finish, suitable for tailor- made costumes, in colors oxford grey, fawn, brown and navy, extraordinary value at a yd. 50c |
| 44 in. wide, fine silk and wool French crepe-de-chine, in the new shades of mode, tan, silver and rosea green, special at a yd. \$1.50 | 54 in. wide, fine satin venetian cloth suit- ing, in shades of brown, tan, fawn, slate, silver and green, special value at a yd. \$1.50 |
| 42 in. wide, pure wool French crepe de chine, in every desirable shade, very special value at a yd. 75c | 32 in. wide, new bordered wool delaines, the latest Paris tip for waists, in cardinal, navy, rose, tan, etc., special at a yd. 50c |
| 48 in. all-wool coating serge, in black and navy only, good weight, bright finish, very special value at a yd. 50c | 2 in. wide, very fine all-wool French figured delaines, in light and dark grounds, very special at a yd. 40c |
| 42 in. wide, silk and wool crepe de chine, in the new shades of rose, rosea green, tan, mode, brown, pink and blue, special at a yd. \$1.25 | 60 in. wide, extra fine finish black coating serge, special 75c |
| 44 in. wide, new French canvas velle, the latest in New York, all wool, in such new shades as silver, slate, rosea, cream, tan and biscuit, special at a yd. \$1.00 | 42 in. wide, satin venetian suit- ing, in new shades of fawn, brown, navy and mode, special value at a yd. 65c |
| 52 in. wide, all-wool cloth suit- ing, in every desirable new shades, extra fine finish, un- spotted, very special value at a yd. \$1.25 | 40 in. wide, all-wool coating serge, in every light and dark shade, very special value at a yd. 25c |
| | 44 in. wide, fine cheviot serge, in black and navy, suitable for shirts and suits, very special value at a yd. 75c |

Thomas Stone & Son



For Discriminating Women
The Acma Turn

This is the shoe that makes walking a pleasure.

It has a heavier sole than an ordinary turn, yet Perfectly Flexible. Has a Live-Wool-Felt Pad innersole, which absorbs perspiration. Prevents dampness, increases circulation of the blood. No jar is possible with the elastic pad. This shoe is strictly up to date in point of last.

Call and See Them
As we are Sole Agents for this shoe in Chatham.

TURRILL, The Shoe Man

GRAND OPERA HOUSE

Wednesday, March 19th

THE FAVORITE

Humorist and

Buffo-Basso

J. Williams

..MACY..

Taking the place of Edward F. Elliott in the LYCEUM COURSE.

Prices 50c, 75c and 1.00. Plan opens Tuesday morning.

(Coming Numbers in the Lyceum Course)

April 2—Miss Jessie MacLachlan (instead of the Knott Arden Concert Co)

April 21—Edmond Vance Cooke

CANDY SALE

FRIDAY and SATURDAY

The McKay's will offer the largest assortment of 100 Candles ever offered in Chatham.

No artificial extracts used in any of our goods.

McKAY'S SUGAR BOWL CONFECTIONERY

KING ST.

MATTERS IN BAD MUDDLE

Formalities to By-law Omitted by old Board Annuls Election of the New.

Legal Lights Differ as to Attaching Blame in Binder Twine Fiasco.

Affairs in the Chatham Binder Twine Company are once again in statu quo.

As mentioned briefly in yesterday's Planet a startling discovery was made by the shareholders, assembled supposedly merely to deal with a company by-law, that certain legal formalities in connection with a by-law adopted by the old board had been omitted. The enactment in question enlarged the Board of Directors from five to seven members and, as this by-law seems to have lacked confirmation in the technicalities of statute, it appears that the new board were never legally elected. Nor are the old board legally elected, but hold the position as the original provisional directors, owing to neglect in legally organizing.

This state of affairs came as a thunderbolt to the majority of the shareholders and opinion differed as to the course to pursue. Matthew Wilson, K. C., who appeared for ex-president M. J. Wilson gave his opinion to the effect that the old board were still in control. Fred Stone, solicitor for the company, and Col. J. B. Rankin, K. C., who was in attendance as a shareholder, would not go so far. Thus the matter stands. President Leverton and the members of the new board on learning the facts at once expressed their willingness and desire to withdraw until such time as their election was legally confirmed, and ex-President Wilson and the old board assumed control again. The matter came up during the discussion of the by-law submitted by the new board appointing Director J. B. Ross as manager of the company and asking his assumption of the duties of secretary-treasurer. M. J. Wilson moved that his solicitor, M. Wilson, K. C., be heard. J. N. McCoy asked who would pay for such legal advice.

Mr. Wilson—"That's all right. I will not cost the company anything. I won't cost that."

The motion carried. Mr. Wilson, K. C., gave his opinion to the effect that the by-law overrode the statutes in that it gave the prospective manager absolute control of the whole concern and made his power greater than that of the directors.

Proceeding Mr. Wilson said that the by-law recently passed by the old board increasing the number of directors from five to seven could not stand because it did not conform to statute. It had never been published in the Gazette nor a certified copy forwarded to the Provincial Secretary as required by statute. Mr. Wilson accordingly gave it as his opinion that there was no new board of directors and that the old board remained in control.

Mr. Wilson's address created a profound sensation and several shareholders rose to speak.

"Before we do anything let us hear from our own solicitor," cried Mr. Parrott and calls for Mr. Stone followed.

Mr. Stone, solicitor for the company, said he had not prepared or handled the by-law in question. He was out of the city at the time the old board drafted and dealt with it and he understood that they had secured the services of Mr. Wilson to prepare it. As far as he was concerned, the first objection to the effect that the present by-law gave the manager absolute control was concerned, this could be easily remedied by inserting the clause "acting under the direction of the Board of Directors." As to the validity of the by-law he could not say off-hand. He was, as he said, not in the city at the time, and it had been taken out of his hands and placed in the hands of the gentleman now finding fault with it. Laughter and applause.

Mr. Wilson asked to reply. He said that in the absence of Mr. Stone the directors came and asked him to prepare the by-law. He did so and told them to submit it to their solicitor at once. He telephoned Mr. Stone the morning of the meeting. He found no fault with the by-law but it was the duty of the company's solicitor to see that it was published in the Gazette and forwarded to the Provincial Secretary.

Mr. Stone—"The by-law was drawn the night before the meeting. Did you advise them to pass it the next day?"

Mr. Wilson—"I said the meeting would have to be adjourned."

Mr. Stone—"For what purpose?"

Mr. Wilson—"That the statute might be complied with, the publication secured and the copy forwarded to the Provincial Secretary."

Mr. Stone—"Then you were attending to that?"

Mr. Wilson—"Oh, no."

Mr. Stone—"But you just said you told the directors."

Mr. Wilson—"Not a word. I told them to submit it to you."

Mr. Stone—"But you had been called upon to look after the by-law?"

Mr. Wilson—"Only to draft it."

Mr. Stone—"Then why was I not asked to proceed?"

Mr. Wilson—"I told the old directors to submit it to you."

President Leverton said matters were evidently in a bad mess. The lawyers had, perhaps, lost lots of fun recently in the farmers' quarrelling, but it was the farmers' turn to laugh now.

J. B. Rankin, K. C., who was in attendance as a shareholder, was asked for a disinterested opinion on the legal tangle.

Mr. Rankin said it looked very much as though the company had no legally appointed directors. As to the lawyers' difference he thought Mr. Stone was right. Mr. Wilson had been secured to draw the by-law and should have seen that the proper formalities were attended to. He thought Mr. Rankin would have had nothing to do with it under the circumstances. However, if Mr. Wilson, K. C., had told the truth when he said he had instructed the directors to submit the by-law to Mr. Stone, he thought ex-President Wilson had been at fault in not doing so.

M. J. Wilson—"I gave it to him to look over."

Mr. Rankin—"But you did not tell him that certain formalities had not been complied with."

M. J. Wilson—"I didn't know. How could I?"

Mr. Rankin said the best thing to do was to go right ahead and mend matters. The necessary formalities should be complied with at once.

The old board—"It is a terrible thing that these muddles occur."

M. Wilson, K. C., when asked for his opinion, stated that the old board were still in control and the old president still president.

Mr. Leverton said that the muddles matters were in was very annoying. It put the new directors in a very uncomfortable position and he was also very unfortunate for the shareholders who had been put needlessly to the expense of attending so many more meetings, and he deplored the size to withdraw until such time as their election was legally confirmed, and ex-President Wilson and the old board assumed control again.

The matter came up during the discussion of the by-law submitted by the new board appointing Director J. B. Ross as manager of the company and asking his assumption of the duties of secretary-treasurer.

M. J. Wilson moved that his solicitor, M. Wilson, K. C., be heard.

J. N. McCoy asked who would pay for such legal advice.

Mr. Wilson—"That's all right. I will not cost the company anything. I won't cost that."

The motion carried. Mr. Wilson, K. C., gave his opinion to the effect that the by-law overrode the statutes in that it gave the prospective manager absolute control of the whole concern and made his power greater than that of the directors.

Proceeding Mr. Wilson said that the by-law recently passed by the old board increasing the number of directors from five to seven could not stand because it did not conform to statute. It had never been published in the Gazette nor a certified copy forwarded to the Provincial Secretary as required by statute. Mr. Wilson accordingly gave it as his opinion that there was no new board of directors and that the old board remained in control.

Mr. Wilson's address created a profound sensation and several shareholders rose to speak.

"Before we do anything let us hear from our own solicitor," cried Mr. Parrott and calls for Mr. Stone followed.

Mr. Stone, solicitor for the company, said he had not prepared or handled the by-law in question. He was out of the city at the time the old board drafted and dealt with it and he understood that they had secured the services of Mr. Wilson to prepare it. As far as he was concerned, the first objection to the effect that the present by-law gave the manager absolute control was concerned, this could be easily remedied by inserting the clause "acting under the direction of the Board of Directors." As to the validity of the by-law he could not say off-hand. He was, as he said, not in the city at the time, and it had been taken out of his hands and placed in the hands of the gentleman now finding fault with it. Laughter and applause.

Mr. Wilson asked to reply. He said that in the absence of Mr. Stone the directors came and asked him to prepare the by-law. He did so and told them to submit it to their solicitor at once. He telephoned Mr. Stone the morning of the meeting. He found no fault with the by-law but it was the duty of the company's solicitor to see that it was published in the Gazette and forwarded to the Provincial Secretary.

Mr. Stone—"The by-law was drawn the night before the meeting. Did you advise them to pass it the next day?"

Mr. Wilson—"I said the meeting would have to be adjourned."

Mr. Stone—"For what purpose?"

Mr. Wilson—"That the statute might be complied with, the publication secured and the copy forwarded to the Provincial Secretary."

Mr. Stone—"Then you were attending to that?"

Mr. Wilson—"Oh, no."

Mr. Stone—"But you just said you told the directors."

Mr. Wilson—"Not a word. I told them to submit it to you."

Mr. Stone—"But you had been called upon to look after the by-law?"

Mr. Wilson—"Only to draft it."

Mr. Stone—"Then why was I not asked to proceed?"

Mr. Wilson—"I told the old directors to submit it to you."

President Leverton said matters were evidently in a bad mess. The lawyers had, perhaps, lost lots of fun recently in the farmers' quarrelling, but it was the farmers' turn to laugh now.

J. B. Rankin, K. C., who was in attendance as a shareholder, was asked for a disinterested opinion on the legal tangle.

Mr. Rankin said it looked very much as though the company had no legally appointed directors. As to the lawyers' difference he thought Mr. Stone was right. Mr. Wilson had been secured to draw the by-law and should have seen that the proper formalities were attended to. He thought Mr. Rankin would have had nothing to do with it under the circumstances. However, if Mr. Wilson, K. C., had told the truth when he said he had instructed the directors to submit the by-law to Mr. Stone, he thought ex-President Wilson had been at fault in not doing so.

M. J. Wilson—"I gave it to him to look over."

Mr. Rankin—"But you did not tell him that certain formalities had not been complied with."

BOTH SIDES OF QUESTION

Views Held by Old and New Directorate Boards of Binder Twine Co

Meeting of Provisional Directors this Morning-Solicitor Stone will be Consulted.

The Binder Twine Company is now in the hands of the provisional directors of the company. President Wilson took charge this morning and a meeting of the directors was called. There were present, President Wilson, and Messrs. Hutchison, Bullis and Howard. Mr. McKay was not present, owing to his being out of town.

It was decided to have the disputed by-law pass through the necessary conditions and have it published in the Gazette, and also send a copy to the Provincial Secretary as demanded by law. After the by-law is thus put through a general meeting of the stockholders will be called, when the permanent directors will be appointed. No step will be taken without first receiving advice from the company's solicitor, Mr. Stone. The meeting adjourned until 7 o'clock this evening.

President Wilson, in conversation with the Planet after the meeting, said:

"We intend to shove this by-law through as fast as we can and call our meeting of the shareholders in as short a time as possible. It is our intention to get the factory in running order just as soon as we can."

"We have about 50 tons of twine on hand. This will be sold at wholesale price to pay off the lien on the factory, which is held by the promoters, Messrs. Henderson and Cummings. This twine will be sold to any farmer during the next two weeks at wholesale prices."

"Our night watchman has resigned and we have laid off the engineer, thus saving \$80 a month. The superintendent and foreman will watch the building and do all that is necessary."

The Planet this morning interviewed J. J. Ross, managing director of the new board, and asked him for a statement concerning the present position of that body.

Mr. Ross smilingly produced the following letter. "I think that explains our action and conduct," he said.

The letter is on the company's paper and reads as follows:—

Chatham, Feb. 14, 1902.

J. J. Ross, Esq., Chatham, Ont.

Dear Sir:—You will please take notice that you have been elected as Director of the Chatham Binder Twine Co., Ltd., and it will therefore be your duty to meet at the office of the company at Chatham on Monday, February 17th, at the hour of 2 o'clock p.m., for the purpose of organization and for the transaction of any other business that may be brought before the meeting.

Yours truly,

Chatham Binder Twine Co., Ltd.

T. C. SMITH, Sec'y-Treas.

Mr. Ross was asked for a further statement concerning existing conditions.

"I have no objections, if it is desired," replied Mr. Ross, yet it cannot be to the best interests of the company to do anything now but earnestly seek, everyone of us, to do all in our power to get matters straightened out and placed on a profitable business basis at once.

"After having received such a highly appreciated expression of confidence as was kindly accorded me at the election of directors by the shareholders, I think, perhaps, it is due to them that I should make some explanation of my position and the situation."

"On receiving the notice of my election I think it was reasonable to assume that the previous Board had performed the necessary duties in complying with the law. At all events, it was scarcely incumbent upon the new Board to review all the acts of their predecessors to ascertain if they had been legally performed."

"We found many matters in an embarrassing condition. The factory was closed down, two tons of raw material which had been in Chatham on the day of the election had been rejected and returned by the previous Board and also an order for about \$12,000 worth of additional raw material from New York cancelled for want of funds to pay for it, for which it is feared, the company is liable for a claim of over \$600."

"Then, when the directors were negotiating for a loan it was found that the by-law did not give the company the power to mortgage their real estate, the word 'real' having been omitted. This rendered necessary the calling of a general meeting for the purpose of passing a new by-law to enable the company to do so, and the

present fiasco resulted."

Mr. Ross expressed his regret that this "had occurred," as he feared it might injure the standing of the company, besides putting the shareholders to much additional expense. He trusted, however, that all would unite to pull through the difficulty and bring the concern out of it to the prosperity to which it was entitled.

UP-TO-DATE RAILROAD

The Canadian Pacific Railway, always alive to the interests and comfort of their patrons, have added an important feature to their through trains.

Commencing Sunday, March 16th, and daily thereafter until further advice, a first-class Sleeper will be attached to train No. 7 leaving Windsor Street Station, Montreal, 10.05 p.m., for Ottawa, and commencing Monday, March 17th, to train No. 8 leaving Ottawa, 4.13 a.m., for Montreal.

Passengers from Montreal will be allowed to remain in car after arrival in Ottawa until 9.00 a.m.

Passengers from Ottawa may board car at Ottawa 9.00 p.m. evening previous.

Berth rate between Montreal and Ottawa, \$1.50.

SNOW AT THE SOO

Detective Skirving arrived from the "Soo" yesterday afternoon, where he has been on professional business. The heavy rain experienced in Chatham on Wednesday last was converted into snow at Grayling, Mich., the pines and spruce being loaded down with the "beautiful."

Around Cheboygan and Mackinaw City there is no snow, Mackinaw Island is perfectly free from it, and there is none around the "Soo."

The Straits of Mackinaw are jammed with ice from shore to shore, but the stout car ferry, "Sainte Marie," made light of it. There is no ferry running between the American "Soo" and the Canadian side, and it is somewhat risky at this season crossing the river, as there is ice only part of the way. One has to walk about half a mile across rotten ice full of air-holes, until open water is reached, then stop off in a row-boat and complete the journey by water. The route, which is just below the rapids is marked out by spruce boughs.

Many Chatham people are in the Algoma district, but "Billy" Campbell, of the Imperial Bank, wished particularly to be remembered to Chatham friends. The weather was lovely and building is booming on both sides of the river. The Canadian "Soo," when viewed from the American side, is a magnificent looking place, and destined to take front rank among the glories of the Dominion. This is going to be a "boom" year up there. Carpenters are in demand, as are also plasterers, lathers and almost any class of mechanics.

LADIES ENTERTAIN

Gave a Most Enjoyable Social at the Victoria Ave League Last Night.

Some time ago the gentlemen of the Victoria Avenue Epworth League entertained the ladies to a social evening. Last night the ladies turned the tables, and gave the gentlemen and friends one. The program was a good one, and was well carried out. It was a great credit to the ladies. Mrs. T. T. George, wife of the pastor, occupied the chair.

The program was as follows:—

Opening Hymn.

Chairwoman's address.

Instrumental Solo—Miss Sauer.

Vocal Solo—Mrs. Walker, acc. by Miss Simpson.

Recitation—Miss Maggie Kingsville.

Vocal Solo—Miss McCall, acc. by Miss Bracken.

Inst. Duet—Misses Elizabeth Bracken and Irwin.

Vocal Solo—Miss Coldell.

Vocal Solo—Miss Oldershaw.

Inst. Solo—Miss Hazel Pritchard.

Inst.—Miss Mae Peate.

Inst.—Miss Edmondson.

After the program cake and coffee were served. When the light refreshments were over Messrs. J. Carleton and L. Parrott, on behalf of the league, complimented the ladies on their excellent entertainment, and the Robert Clements presented Mrs. George, who had so ably acted as Chairwoman, with a beautiful bouquet of carnations. It was a success financially as otherwise, \$21.00 being realized. The evening's entertainment ended with God Save the King.

SETTLERS' LOW RATES WEST.

Chicago & North-Western R'y: Every day during March and April. Colonist one-way second-class tickets at very low rates from Chicago to points in Colorado, Utah, Montana, Nevada, Idaho, Oregon, Washington, California, Victoria, Vancouver, New Westminster, Nelson, Rossland, and other points in Rocky Mountain District.

Also special round-trip Homeseekers' tickets on first and third Tuesdays, March, April and May. Full particulars from nearest ticket agent or B. H. Bennett, General Agent, 2 East King St., Toronto, Ont.

LORD WOLSELEY FOR THE FRONT

Former Commander-in-Chief Leaves for South Africa To-day

Commandant Mantz' Command Elude Their Pursuers at Gottenburg.

Heilbron, Orange River Colony, Tuesday, March 11.—Commandant Mantz, with the Heilbron command of Boers, broke through the Heilbron-Wellhoek blockhouse line at Gottenburg last night. The Boers had been pursued for several days. So far as known only one Boer was killed, and five were captured. The British columns, during the course of the pursuit of Commandant Mantz, picked up scattered parties of Boers aggregating fifty men.

LEAVING FOR THE CAPE.

London, March 14.—Field Marshal Lord Wolseley, the former commander-in-chief of the British army, starts for Cape Town to-morrow, and, although the officials deny that his trip is anything but a private visit, gossip connect it with the military situation. It is pointed out that Lord Wolseley's knowledge of South Africa, gained as a fighter and administrator, might be highly useful to Lord Kitchener either at the base (Cape Town) or at Pretoria.

SAYS IT IS A PRIVATE VISIT.

Lord Wolseley himself says his trip is entirely private. Colonel Frank Rhodes and Arthur Rhodes, brothers of Cecil Rhodes, and Lady Methuen will be passengers on the steamer which will take Lord Wolseley to Cape Town.

AT REST

Funeral of Mrs. Ross was Grandly Impressive in its Simplicity

Toronto, March 14.—The funeral of the late Mrs. Geo. W. Ross this afternoon was impressive in its simplicity. The drawing-room, in which the remains lay, and in which the service was held, was filled with floral tributes from colleagues of Mr. Ross and friends of Mrs. Ross, in all parts of Canada, and also from many public bodies, among them the Sons of Temperance, with which Mr. and Mrs. Ross have been long associated. The great part Mrs. Ross had taken in the life work of the Premier. So marked had been, he said, that like a city on a hill, it could not be hid. Mrs. Ross had been a member of his congregation in his first charge, over thirty years ago, and in her life there was that natural kindness of nature, mingled with dignity, that had made her beloved by all with whom she came into contact.

The funeral was a private one, but there was a great gathering of friends who accompanied the remains to Mount Pleasant Cemetery. The pall-bearers were the six colleagues of Mr. Ross in the Government, and the House having adjourned, the members of the Legislature, Liberal and Conservative, were present in a body to show their sympathy and respect.

WIPED OUT

Smallpox has been completely Banished from Chatham Tp—Good Work of M. H. O.

The quarantine has been raised from Chatham Township. This is the report from Dr. Charteris, the medical health officer of the township. The attending physician was moved from the township last Monday, and the quarantine in the last house will be raised next Monday.

This is a very encouraging report and reflects much credit up M. H. O. Dr. Charteris, who handled the smallpox patients from the beginning. The first case was on the 8th of January, and since that time up to the present 24 cases have been handled. When the disease first broke out Dr. Charteris ordered the schools closed, and strictly enforced quarantine in every case where small-pox was evident and ordered everyone in the infected district vaccinated. In this he met with great opposition from the residents, but the doctor was firm, and as a result the disease is completely stamped out in a couple of months.

The council are indeed to be congratulated upon having the services of such a competent health officer.

If men were as anxious to do right as they are to get their rights, the world would be righted.