

SAUNBY CASE ENDED AT LAST PLAINTIFF ASKED \$35,000 NOW GIVEN ONLY \$2,140

Motion Made in the High Court Today Confirming the Finding of Justice Finkle, Who Assessed the Damages to Plaintiff—Finish of Twelve Years of Litigation.

The celebrated Saunby case, that has been before the courts for about twelve years, was settled this morning, when a motion was made before Mr. Justice Meredith for payment of judgment of \$2,140 in full of all damages sustained by the plaintiffs.

The motion confirmed the judgment given some time ago by Judge Finkle. The suit was commenced in 1896 by Mr. Saunby, who desired to restrain the water commissioners from damaging him by placing splash boards on the dam at Springbank, the by-law backing the water of the north branch into his millrace, and rendering his mill machinery useless.

The water commissioners would not agree that this was the case, and put the splash boards on the dam as usual. Wanted \$35,000 Damages.

Mr. Saunby then claimed \$35,000 damages and the suit was defended by the city.

That started a litigation that went for years through practically every court in Canada to the Privy Council in England.

In some of the suits the city was

successful, and the Privy Council a year ago gave judgment for the plaintiff, and stated that the damages should be assessed by a referee. Judge Finkle presided over the case, and it was transferred to Toronto, where a legal battle was waged over the admissibility of certain expert evidence.

This point was settled in favor of the city, and the concluding chapters of the action were reached.

The Judgment.

Judgment was given in favor of Mr. Saunby for \$2,140 in settlement of all his claims against the city. The motion today merely confirms that judgment, making final the decision, thus ending the case.

As would be expected, the case was a very expensive one to the city. The continuous litigation has cost London about \$9,000 during the eleven years it has been in court.

It is quite probable that the case has cost Mr. Saunby quite as much money to prosecute.

Ivey & Dromgole represented Mr. Saunby, and Mr. T. G. Meredith, K. C., appeared on behalf of the city.



JENIO TIERNEY.

Of St. Peter's School, Who Won the Murphy Medal, by Securing the Highest Number of Marks of Any Pupil From the Separate Schools, Who Tried the High School Entrance Examinations.

SECTION OF ARM WAS AMPUTATED

Necessary in Case of a Parkhill Lady Hurt in Wreck Near Allandale.

Barrie, Oct. 16.—Complications having developed this afternoon, the doctors attending Miss Hoson of Parkhill, who was injured in yesterday's wreck, decided to amputate a section of the arm, which was broken yesterday, and this was done, below the elbow.

Mrs. John Wilson, of Meaford, who received a broken arm and leg in the wreck on the G. T. R. near here, yesterday, rested quietly during the night, but owing to her advanced age the probabilities are against her recovery. She is the only one whose injuries are likely to prove fatal.

Percy Herment of Toronto and Mrs. Potts of Collingwood left the hospital after having their wounds dressed.

MR. WILLIAM MASON STATES HIS CASE

Does Not Desire to Cast Reflection Upon Any Person.

Mr. Wm. Mason, of Hyde Park, about whom an account was published in Thursday's edition of The Advertiser, as to his being held up on Oxford street, positively denies that he has any knowledge as to the identity of his assailants. Furthermore, Mr. Mason wishes to state that he was not in a London West store at all on the night of the holdup.

He was robbed, as stated exclusively in The Advertiser, but he does not wish to throw any reflections on any people, as he could not identify the robbers.

COCKBURN FUND TOTALLED \$728.80

Mrs. Kingsmill's Efforts Prove Highly Successful.

Mrs. (Dr.) Harry Kingsmill announces that the Cockburn fund shows over all expenses the sum of \$728.80. This sum will be at once handed over to the widow of the late Sergeant John Cockburn, who was killed in the Western front.

Mrs. Kingsmill undertook the work of raising this fund, promising to secure \$800, and she is given great credit for her unselfish action, but she gives all the credit to those who so kindly donated and assisted the fund in many other ways.

THE WEATHER.

TOMORROW—SOME SHOWERS.

FORECASTS.

Toronto, Oct. 17—8 a.m.

Today—Fresh or strong southerly winds; fine and warm.

Sunday—Mostly fair, but a few local showers, chiefly towards evening or at night.

TEMPERATURES.

	Today.	Yesterday.
London	56	42
Calgary	30	40
Winnipeg	38	40
Port Arthur	32	40
Perry Sound	54	70
Toronto	52	46
Ottawa	42	44
Montreal	58	56
Quebec	58	46
Father Point	52	40
Dawson	28	28
Atlin	28	28
Victoria	46	52
Vancouver	42	42
Kamloops	30	30
Edmonton	24	42
Battleford	28	40
Prince Albert	22	40
Qu'Appelle	32	40
St. John	44	40
Halifax	38	72

WEATHER NOTES.

The depression which covered the Western States yesterday morning has reached Lake Superior, with much diminished energy.

Elsewhere on the continent the pressure is generally high.

Rain has fallen locally and heavily in Manitoba, while the fine, warm weather continues from the lakes to the Atlantic.

POLICE SEEK INFORMATION

The police received two letters yesterday asking them to try and locate persons who have been missing for some time. John J. Dwyer, an attorney in Hartford, Conn., wrote, asking for information regarding Jeffrey and John Flynn, two young men who came to the United States from the city of Waterford, in Ireland.

It is supposed that they are in Canada some place.

The other letter was from Mrs. Bert Eberly, of Colegrove, Cal., asking for information about Jerry Heenan, an old gentleman who left Lansing, Mich., last year, to come to London.

Mr. Heenan left in March, 1907, and nothing has been heard of him since.

Christmas presents sent last year have been returned, and letters also.

Mrs. Eberly is very anxious concerning the aged gentleman's whereabouts.

So far the police have been unable to locate either of the parties mentioned.

TWO C. P. R. FREIGHTS CRASH ENGINEER SEVERELY INJURED

Accident This Morning at Schaw, a Station Near Toronto—One Train's Side Scraped the Other—Crew Jumped, But Did Not Altogether Escape.

A serious accident occurred on the C. P. R. this morning at Schaw, a small station on the C. P. R. near Galt.

East-bound freight No. 50, from London to Toronto, had pulled into the siding at Schaw to let west-bound freight No. 65, from Toronto to St. Thomas, pass.

No. 50, it seems, was not clear of the main line, and before Engineer Boylan, of train No. 65, could stop his engine, it plunged into the last five freight cars and the van of No. 50.

The cars and the van were badly wrecked and a stove in the van of No. 50 was knocked over and set fire to the wreckage, which burned fiercely. The engine of Train No. 65 was caught in the middle of the wreckage and disabled, and is so badly burned that it is useless.

Caught Fire.

The trainmen had the greatest difficulty in preventing the fire from spreading to the other cars, and had it not been for the engine of freight No. 50, which pulled them away, they would all have been burned.

Conductor Carson, of freight No. 65, whose home is in Toronto, was seriously injured. Engineer Boylan, of the freight from Toronto, jumped, as did his fireman, and both escaped injury.

The main line is completely blocked, although auxiliaries from London and Toronto have been working for some time trying to reopen it for traffic.

BRENER SENT FOR TRIAL CHARGE OF HOUSEBREAKING

Watches the Prisoner Is Alleged to Have Sold Were Identified as the Property of a Lady in London Whose Residence Was Robbed.

George Brener was committed for trial at the general sessions by Magistrate Love this morning on a charge of housebreaking and theft.

After hearing the evidence, the court was asked by Mr. H. M. Graydon, who appeared for Brener, to make the charge housebreaking and not burglary.

For housebreaking the prisoner is liable to fourteen years in penitentiary or for burglary life imprisonment is the extreme penalty.

One of the Victims.

Mrs. Nellie R. Gray, of 143 Elmwood avenue, stated that on Sunday evening, Sept. 13, she went to church after locking up her house. When she returned she found the front door open and the hallway littered with burnt matches.

On going upstairs she found that her room had been entered and jewellery to the value of \$175 taken. Mrs. Gray identified the jewellery produced in court as belonging to her.

Tried to Sell It.

A well known wholesale jeweller, stated that Brener came to his place of business and tried to sell a lady's gold watch. On the following day he came again and sold the watch for \$2.50.

The jeweller said the watch was worth \$35, as a new watch.

To Mr. McKillop, witness stated that he had not been suspicious at all.

Bought a Watch.

Andrew Thompson, a deliveryman, stated that he had bought a watch from Brener at St. Mary's fair.

The watches produced by Mr. Thompson and Mr. Stewart were identified by Mrs. Gray as her property.

Brener Arrested.

Detective Egelston stated that he had arrested Brener on Sept. 25 in a local hotel. He had told him he wanted to ask him about a watch he had sold.

Brener said he had got it from a tramp whom he did not know.

When asked where the rest of the jewellery was Brener said there wasn't any more, but on being searched in the police station a handkerchief containing a number of the missing articles was found on him.

Committed to Trial.

After hearing the evidence Magistrate Love said he had no hesitation in committing Brener for trial.

SCORE OF TOWNS WIPED OUT BY MICHIGAN FOREST FIRES

Twenty-seven Persons Dead and Millions of Dollars Damage Done—Survivors Tell of Horrors of the Rescue Train Disaster.

Alpena, Mich., Oct. 17.—With twenty-seven persons known to have perished yesterday in Presque Isle County, and with forest fires still raging uncontrolled through the counties of Cheboygan, Presque Isle, Alpena and Alcona, as well as in scattered districts through Northern Michigan, diligent search was begun today to determine the full extent of the holocaust. It may take many days to reveal tragedies that are likely to have occurred on isolated farms, with families fighting bravely to the last to save their lives and their modest homesteads. The death list may not be fully known for a week.

But it needs no elaborate details to determine that the property loss will run into the millions. Whole villages have been blotted off the map, and logging camps by the dozen have been destroyed with their entire season's output. Near Turner, in Arenac County, a flock of nearly 100 sheep were burned alive. In the immediate vicinity of Millersburg, in Presque Isle, alone the losses are estimated at half a million dollars. Other districts where bad forest fires are reported are in the neighborhood of Elmira, Gaylord and Johannesburg, in Otsego County, Cadillac in Wexford County, Grayling in Crawford County, where 4,000,000 trees planted by the state forestry commission were destroyed; Grawn, in Grand Traverse County, and Caseville and Bad Axe in Huron County, in the "Thumb" district. In the upper peninsula threatening forest fires are reported around Sault Ste. Marie, Menominee, Escanaba and Calumet and Houghton.

In Grave Danger.

At Koss, near Menominee, eighteen homes are reported destroyed, with as many more threatened. Navigation has been practically suspended at the Soo owing to the dense smoke. Alpena, Long Rapids and Rogers City were last night reported in grave danger.

At Alpena last night the common council at a special meeting authorized Mayor McKnight to issue what temporary relief he thought best for the fire sufferers.

(Continued on Page Nine.)

Real Estaters Favor Ward Plan Of Electing Aldermen in London

Matter Discussed at a Meeting Last Night in the Rooms.

At a well attended meeting of the Real Estate Owners' Association held last evening, the question of returning to the ward system of electing the city council was discussed, and the majority of the members expressed themselves as being strongly in favor of the move.

"The R. E. O. A. are a unit for a return to the ward system," said a member to The Advertiser, today, "Among the principal reasons are that a better class of men can be obtained. Each ward then would have full representation, so distributed that the interests of the whole ward are more thoroughly looked after."

"Under the present plan often a ward has no representation, and practically the whole council come from the slate of the politicians, thereby shutting out any chance of a good man getting elected if brought out or offering himself independently. Thus we are subject to a machine made council, and men who are unknown to the ratepayers in common are thrust upon the community by the political mill. The R. E. O. A. are, therefore, favoring the repeal of the present plan and a return to the ward system."

St. Thomas For Spring Water Supply Even Though It Has Filtration Plant

Plenty of Spring Water in This District To Supply London for Years.

The opinion is still very strong throughout the city that there is an abundance of spring water to supply the city for years to come.

It is pointed out that if there is a million gallons of water at Kilworth and another million gallons at White and Cronyn springs, there must be more water in the neighborhood, if it was looked up.

On the farms of Mr. John Roulston and Mr. George Roulston, about one mile from the White farm, are some very fine springs. On each farm there are as many and as large springs as on the White property.

"There are just as good springs on my farm as on the White farm," said Mr. John Roulston. "If the water commissioners will visit my property I will show them that I am correct. There are also some very fine springs on my brother's property near me."

The distance these springs would not be much greater than to Springbank, and they would flow to the city by gravitation. The cost would not be excessive. It would cost about \$30,000 to bring the Cronyn and White springs to London, and with only a mile to bring the others, the expense would not be exceeded by \$10,000 at the outside.

Two million gallons at that price certainly would not be excessive. It is probable that the water commissioners will visit the property some day next week.

Artesian Wells.

Mayor Goddes, of St. Thomas, is in favor of artesian wells, as that system is proving helpful to the St. Thomas supply.

"We have added a million gallons of water to our supply by artesian wells," he informed The Advertiser. "The water is of the very best quality, and is helping out our supply wonderfully. It is expected that we will continue to sink wells to increase our supply. We are now supplying the Michigan Central with water. I do not know the conditions prevailing in London very well, but judging from our own location and circumstances I do not see why you cannot get enough water about the city to last you for many years. I think the water is there if you get it."

Of course he declared that the filtration plant in St. Thomas was doing very satisfactory work, but the supply of St. Thomas will not be increased by filtration but by artesian wells.

Church's 71st Anniversary Sunday

The First Congregational Church will observe its 71st anniversary tomorrow, when the preacher of the day will be Rev. W. T. Gunn, M. A., B. D., secretary of the Congregational churches in Canada. Rev. Mr. Gunn is an interesting and able preacher, and a man whose executive ability had much to do with the success of the Congregational jubilee movement. Rev. Mr. Hamilton, the pastor of the church, will assist Mr. Gunn in the services tomorrow. On Monday evening a tea-meeting and entertainment will be held, when the speakers will be Rev. J. Gibson Inkster, M. A., Rev. E. B. Lancelotti, Rev. W. H. Harris and Rev. W. T. Gunn, while the musical programme will be contributed by Misses McBride, Porteous and Weston and Messrs. Moule, Webster, Wheeler, Linnell and Gosling.

Rosa Laveich's Children in London Said To Be In an Orphan Asylum

Woman Figured Largely in a Famous Murder Trial in Detroit.

The Detroit Free Press says: The Percy Bowin trial has passed into history. Almost a year has elapsed since Rosa Laveich took the witness stand as chief witness for the people and swore to the damning evidence that would have convicted the youthful slayer before almost any jury in the world.

Bowin is in the wilds of Canada, under an assumed name, living down his lurid memories. Rosa is in Detroit, likewise incognito, and with a buried past.

The Laveich woman made a record for herself on the other side of the border before she evaded the immigration department to grace our shores.

Two Firewater Cases in Police Court

In the police court this morning Daniel McCallum, a young man 20 years old, was fined \$5 for being drunk and disorderly.

McCallum hired a horse last night and became intoxicated and insisted in driving in front of the street cars and making them slow up.

This was reported to the police and he was at once arrested.

Magistrate Love told McCallum he was getting off lightly and thought he ought to be charged with cruelty to animals for driving a horse around so.

The magistrate disposed of "Bill" McKenna for the winter by informing him that if he was in town on Monday he will be arrested and sent down for six months on a charge of vagrancy.

McKenna has appeared very frequently in court lately on charges of drunkenness and has been warned repeatedly by the magistrate.

Last night he was again arrested in a hopelessly drunken condition and was allowed to go this morning on the charge of drunkenness. If he returns to the city at any time before six months from Monday he is liable to arrest and imprisonment.

The case of Joseph Grace, charged with fraud, was enlarged until Monday.

Two first time drunks were allowed to go.

Sir Wilfrid Laurier at the Capital

Ottawa, Oct. 17.—Sir Wilfrid arrived at Ottawa at noon today. He appears in splendid health and is evidently standing the work of the campaign well. The Prime Minister expressed himself as confident that the result of the polling would surprise his political opponents. Sir Wilfrid will speak in Ottawa tonight. The largest hall in this place has been secured and indications are for the greatest political demonstration that ever occurred at the capital. Conservatives here now concede the election of both Liberal candidates by majorities of above a thousand.

The Net Revenue Will Be \$25,000

It is expected that the net revenue from the water commissioners will be \$25,000. Last year it was \$19,000.

This amount will be considerably in excess of the estimates, and may enable the council to pull through without an overdraft.

The total sum received from the waterworks by the city last year was \$55,000. Of this sum \$7,246 47 was

applied on capital expenditure, and the sum of \$29,264 62 was applied for interest, sinking fund, etc., leaving the sum of \$19,000 for the city.

The receipts this year will be considerably in excess of \$55,000 and the expenses will not be much greater.

The opinion is general about the city hall that there will be a handsome increase over last year's revenue for the city.

the Abruzzi to await the consent of the whole royal family to his marriage with Miss Katherine Elkins, hoping that the duke little by little would give up the idea. This has had an opposite effect to that anticipated and the duke is strongly resolved to marry Miss Elkins.

Milan, Oct. 17.—It is stated that the King recently requested the Duke of

Abruzzi More Determined Than Ever to Marry Miss Elkins.