BARTON AND HAMILTON.

ull Text of the Judgment of Judge Anglin

the Water and Sewer Cases Recently Tried

With Comments and Conclusions by Township Solicitor.

Herewith is printed the full text of ne judgment in the recent action be-veen the Township of Barton, homas Barnes and other residents of arton as plaintiffs, and the city of arton as plaintiffs, and the city of amilton as deferdant, over the right the people of the township to use with water and the city sewer systim, under the terms of the annexabir proclamation of 1903. As will seen it is published in the form of notice from Mr. W. A. H. Duff, solowed to the township when the township lamilton as defendant, over the right for for the township, who makes ertain comments and draws certain proclusions which are found followng the judgment proper:

NOTICE. To Residents of Barton.
The following is a copy of Mr. Justice angin's judgment as settled by him

ind signed: In the High Court of Justice. Hon. Mr. Justice Anglin.

The seventeenth day of December, 1908.

The Corporation of the Township of Barton, Thomas Barnes, J. H. Somer-tille and Hannah Cowell, Plaintiffs,

The Corporation of the City of Hamilton, Defendants.

Defendants.

1. This action coming on for trad on the 30th day of November, 1908, before this court at the sittings holden at Hamfton for trial of actions without a jury, in presence of counsel for all parties, upon hearing read the pleadings, and tearing the evidence adduced, this Court ras pleased to direct this action to stand ever for the further hearing of evidence and counsel until the first day of Defember, 1908. And this action coming on for the further hearing of evidence bember, 1908. And this action coming but for the further hearing of evidence but the said 1st day of December, 1908, In presence of counsel aforesaid, this Fourt was pleased to direct this action should further stand over until the third lay of December, 1908, for the further ay of December, 1908, for the further tearing of evidence and counsel, and not being reached on that day this action stood over until the 4th day of Desember, 1908, and this action coming on the said 4th day of December, 1908, in bresence of counsel for all of said parties, upon hearing the evidence adduced and what was alleged by counsel aforesaid, this Court was pleased to firect this action to stand over for judgment, and the same coming on this day for judgment in presence of counsel aforesaid, Court doth declare that the

2. This Court doth declare that the Tgreement bearing date the 6th day of March, 1903, made between the Corporation of the City of Hamilton and the Torporation of the Township of Barton, referred to in the fifth paragraph of the statement of claim herein, and programed by the Lieutenant-Governor of the Province of Ontario in Council by proclamation bearing date the 13th day off March, 1903, and referred to in the 5th paragraph of the statement of March in 1903, in the paragraph of the statement of March in 1903, in the region is not valid.

7.1hs Court doth further declare that the plaintiff. Thomas Barnes, is entitled to have the houses erected on his property in Barton connected with the sawers of the City of Hamilton, as claimed in the statement of claim in this action under and upon the terms of said agreement of 6th March, 1903, and said proclamation of 13th March, 1903, and this Court doth order and direct the defendants to afford to the plaintiff, Thomas Barnes, such sewer connection acthe plaintiff. Thomas Barnes, is entitled to have the houses erected on his property in Barton connected with the savers of the City of Hamilton, as claimed in the statement of claim in this action under and upon the terms of said agreement of 6th March, 1903, and said proclamation of 13th March, 1903, and said proclamation of 13th March, 1903, and this Court doth order and direct the defendants to afford to the plaintiff. Thomas Barnes, such sewer connection accordingly and that the defendant do within a reasonable time restore the but the defendant of the condingly and that the defendant do within a reasonable time restore the but the defendant of the condingly and that the defendant do within a reasonable time restore the but the defendant of the condingly and that the defendant do within a reasonable time restore the but the defendant of the condingly and that the defendant do within a reasonable time restore the but the defendant of the classic Helen in the ancient Troy of a great new land.

Lady Beatrice wore a gown of some mauve stuff, with a white coat. The brim of her straw was tipped very slightly over the white forehead, more perhaps to shade her eyes, for she had no parasol.



connection of the said Barnes which they

connection of the said Barnes which they cut off.

And this Court doth further declare that the sewer on Sherman avenue in the city of Hamilton is not overcharged and that the sewer into which the Sherman, avenue sewer debouches is capable of carrying off any sewage and water which can be carried down by the Sherman avenue sewer.

9. And this Court doth further order and adjudge that the defendants do pay to the plaintiffs their costs of this action forthwith after taxation.

Judgment signed the 9th day of February, 1909.

T. H. A. BEGUE.

T. H. A. BEGUE, Deputy Clerk:

Settled—Sgd. F. A.

8-2-09. J.
Ent'd in Judg't Book B.
folio 280-9th February, T. H. A. Begue, D. C.

currence) or if one of the engines should break down or any other accident to water supply should occur the city would be absolutely without fire protec-tion. That the Barton reservoir of 11 million gallons' capacity is useless for fire protection. That the only reservoir of any avail for that purpose is the James street reservoir of capacity of 11.2 million gallons (and this is usually

half empty in the afternoon).
Under these circumstances if the city should attempt to furnish water to resi dents of Barton lying east of the city and north of the mountain as an induce-ment to come into the city before establishing increased pumping capacity, the city would undoubtedly be restrained by

Earl Roberts and Lady Pole-Carew

An Incident of the Quebec Tercentenary.

It happened on the first Sunday morning of the celebration, and three days It happened on the first Sunday morning of the celebration, and three days before the Prince of Wales arrived. The air was crisp and sunny, and the visitors, citizens, soldiers and sailors were bubbling over with good humor that the first day had opened so auspiciously. A regiment of Ontario infantry, in their blue uniforms, came marching down St. Jean street shortly after 10 o'clock. The mounted officers, the prancing horses, the sparkle of the brightly polished accoutrements, together with

polished accourtements, together with the playing band, instantly raised a tiny whirl of excitement among those on the streets. The men marched as far as the little English Church, and filed in. The windows, looking from the outside, were pyramids of white helmets. Around the vicinity of the doors a

were pyramids of white heimets.

Around the vicinity of the doors a goodly bunch of newspaper men and camera fiends had gathered. There was evidently something more on the tapis, and the crowd that had gathered determined to learn what, and staged on. The crowds at Quebec were the best matter and not parties on the terms of the said agreement of the 6th March, 1903, although not parties to this action, have enforceable rights thereunder.

3. This Court doth further declare that at the present time the water supply of the city of ilamilton is inadequate for fire purposes and that it cannot add to the present demands upon its present service without meuring serious danger and cannot now be compelled to supply residents of Barton aforesaid with water.

4. This Court doth further declare that the agreements of 6th October and 27th October. 1902, referred to in the lith paragraph of the statement of claim herein should be read and construed as one agreement, but this Court doth further declare that the defendants are not entitled to flamilton.

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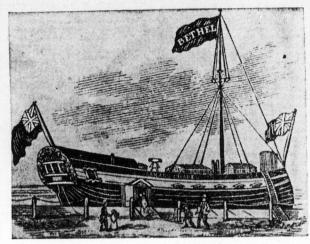
5. This Court doth further declare that be defended to a shining landau. Amidst a murmur of admiration from the onlookers, the carriage stopped at the curb, and the carriage stopped at the curb, and the car

181d and paid for by term declare that the defendants are not entitled to require the plaintiffs and other signatories and subscribers to the agreements of the and 27th October, 1902, in the pleadings mentioned, and other residents of Barton, as a condition of giving sewer secommodation under the agreement of the March, 1903, and proclamation of 18th March, 1903, to execute agreements containing provisions as to not opposing annexation of territory with City of Hamilton, and as to relinquishing ownership of pipes, etc., laid and paid for by them.

7. This Court doth further declare that the plaintiff, Thomas Barnes, is entitled to have the houses erected on his property in Barton connected with the

THE FLOATING CHAPEL.

Where a Times Valued Contributor to "Quiet Numerous Cures Reported at the Hour" Preached For Many Years.



THE FLOATING CHAPEL.

sketch by Mr. H. T. Miller, of Vineland, of the work among the marines of Engand. Mr. Miller is a regular and vilued

The date of this issue brings to me the sixtieth anniversary of my appointment by the Port of Hull Society for the Religious Instruction of Seamen to the ther and grandfather were both master mariners out of the port of Great Yar-mouth. My father died in the port of Rotterdam, when I was six years old, and, like many a poor boy, the sea was the only outlet for youthful energies. I was apprenticed to a new vessel which raded up the Mediterranean, and spent traded up the Meshterranean, and spent-six years in the vessel in various capaci-ties, the last two voyages serving as chief officer, and the responsibilities of this position were felt to be early enough. In the year 1848 I went to Hull, seeking employment, and a good minister paid me some attention, and after a brief acquaintance told me that he was secre-tary to the Seamen's Society, and hinted that a vacancy would soon occur, which he thought possibly I could fill. After two trips ub the Baltic, I coiled up my ropes and received my appointment on the day mentioned. My equipment was slender, but I had the grace of God, good health, and an opportunity, and these are three stars in my heaven even to-day.

served as a church for long years. Her wooden walls echoed many a penitent's ong. In the gallery over the clock the orphans of seamen were in attendance in their pretty uniform, and it was in teresting for the worshipping sailor to see the children of former shipmates.

The Times has much pleasure in subnitting to its readers the following brief
ketch by Mr. H. T. Miller, of Vineland,
the work among the marines of Engand. Mr. Miller is a regular and willed
ontributor to the Times "Quiet Hour":

At length the dock authorities ordered
that the old ship be repaired, and my
opinion was that she would never come
back to her berth, so I held a valedictory
service, and preached from the words
on tributor to the Times "Quiet Hour":

107 Zion it shall be said, this and that
man was born in her," on the 15th Sept.,

After six years of happy service I was promoted to the office of Deputation Secretary for the Shipwrecked Mariners' Society, which embraced the coast line of the British Isles.

Society, which embraced the coast line of the British Isles.

In 1880 I was appointed minister to he we'south Bethel, Liverpool, a large building, built by one benevolent man at a cost of \$40,000. Here I spent a term of eleven years, in touch with the thousands of seamen in the largest seaport in the world. But I felt a great want in my large church. I had no father'ess children in uniform on a Sabbath, and yet sailors' fatherless children by the hundred were in the nort. I pleaded with my Bethel Committee, time and again, but with no avail. After some three or four years I took my plea to a marine association of masters and mates. Soon I was rewarded and my prayer an amine association of masters and mates. Soon I was rewarded and my prayer answered. The money flowed in, and children were found by the hundred, and very soon the Seamen's Orphanage shot ahead of all the local charities, and for years the seaves of some 900 or 1000 children. of all the local charities, and for years it has succored some 900 or 1,000 children annually, 400 in the magnificent building and 600 non-resident children living with

England's women. It was only a passing incident of many in that spirit-haunted city. But the memory of this ing incident of many in that spirit-haunted city. But the memory of this occasion on that bright Sunday morning will not soon be a fleeting one, for the boys with the pencil who were lucky enough to be out of bed.—J. A. Sinclair.

MY VALENTINE.

Cupid Is King--He May be Visible

Danger From Lunaucs.
Shelburne, Ont., Feb. 12.—"There are
at least thirty persons in Dufferin
county who should not be at large,"
said Crown Attorney W. J. L. McKay
to-day. He estimated that in Ontario

persons mentally deranged, who should be locked up.

The Imperial Fire Insurance Company, with a capital of three million dollars and head office at Winnipeg, is applying for an act of incorporation.

Receipt That Cures Weak Men--Free

Send Name and Address To-day You Can Have It Free and Be Strong and Vigorous.

in her attitude. She looked and was the classic Helen in the ancient Troy of a great new land.

Lady Beatriee wore a gown of some mauve stuff, with a white coat. The brim of her straw was tipped very slightly over the white forehead, more perhaps to shade her eyes, for she had no parasol.

The general was out on the walk almost as soon as the horses stopped. He gave his hand to the fair woman in the carriage, and she stepped out and up the church steps, without as much as a frou-frou of skirts, a pleasant, merry little smile radiating from her eyes all the time.

There was a sigh of contentment when all was over, and the camera men beamed with pleasure. There was nothing else doing in that vicinity till the service was over, but we had seem our fill, had crowded close on the bravest, most modest little solder in the world, and filled our eyes on the most beautiful of sealed our eyes, or classic beautiful of filled our eyes on the most beautiful of sealed envelope, our ellims of them early and she seem our fill, had erowded close on the bravest, most modest little soldier in the world, and filled our eyes on the most beautiful of

IT'S THE TALK OF THE COUNTRY SIDE

How Dodd's Kidney Pills Cured Mrs. Samuel Thompson's Dropsy.

4. This Court doth further declare that the agreements of 6th October and Strip Honor to claim as one agreement, but this Court doth further declare that the defendants are not entitled to require residents of Barton as a condition of furnishing them with water under the agreement containing provincians to not opportuniting them with water under the defendants are not entitled to require residents of Barton as a condition of furnishing them with water under the defendants are not entitled to require the plaintiffs and other signatories and may be a so not opposing an action of various pipes and other appliances laid and paid for by them.

**A This Court doth further declare that staff acree, and recommendation of furnishing them with water under the defendants are not entitled to require the plaintiffs and other signatories and may be a subscribers to the agreements of the defendants are not entitled to require the plaintiffs and other signatories and grant of the statements of the agreements of the hard of the statements of the agreements of the country of the statements of the agreements of the country of the statements of the country of the country of the statements of the country of the country of the country of the statements of the country of her about Dodd's Kidney Pills, and so she asked her husband to get her a box.

After taking them a while she took a bad turn. Something would come up in her throat and she would vomit. The water would just fly from her mouth. But from that time she commenced to get better, and to-day she is a well woman. Dodd's Kidney Pills cure Dropsy by putting the Kidneys in condition to take the surplus water out of the blood. They always cure it.

In the about Dodd's Kidney Pills cure and to day she is a well woman. Dodd's Kidney Pills cure Dropsy by putting the Kidneys in condition to take the surplus water out of the blood. They always cure it.

FEBRUARY CANADA-WEST.

FEBRUARY CANADA-WESI.

"Canada West" for February opens with an article of unusual interest by property of the following p or the brown man in Canada as a use al Canadian citizen-servant. "The Let tul Canadian citizen-servant. Inc. ter-ters of a Remittance Man to His Moth-er," by W. H. P. Jarvis, is concluded. The short stories include "The Honor of a Squaw Man," "The Girl and the Boss," "The Finish of the Tangahoula Bridge Club," by J. de Q. Donehoo.

Cinb," by J. de Q. Donehoo.

Girl's Awful Death.

Belleville, Feb. 12.—Mabel Blanche
Bates, the two-year-old daughter of Mr.
and Mrs. Edward Bates, of Roslin, fell into a pail of boiling water her mother had placed upon the floor.

Agreed To. London, Feb. 12.—The customs committee of the French Senate has concluded consideration of the draft agreement supplementing the commercial comvention with Canada, and agreed to it in principle by eleven votes to four.

YEAR AT THE SANATORIUM.

Mountain Institution.

Annual Meeting of the Health Association.

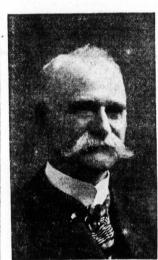
Addition of Free Dispensary in City Fully Justified.

If we had through the misfortune of war, or the sudden rise of pestilence. or through some awful calamity, the destruction of life that annually takes place on account of the spread of tuberculosis, we should be appalled, and mass meetings would be held in every community, and demand would be made community, and demand would be made that the most urgent measures should be adopted. It is only because we are accustomed to this waste of life, and are prone to think it is one of the dispensations of Providence, that we go about our business, little thinking of ventive measures that are possible. Charles E. Hughes.

The annual meeting of the Hamilton Health Association was held in the board Health Association was held in the board room yesterday afternoon. After the reports, which were of a very encouraging character, had been read the officers for the ensuing year were elected. Mr. J. J. Evel presided and in his remarks spoke of the many improvements that had been made at the Sanatorium during the past year, all of which have gone towards making it one of the most complete institutions of its kind in America. The success which attended the erica. The success which attended street showed the need of such an stitution. The number of patients treated there has been nearly double that at the Sanatorium. Mr. Evel thanked Mrs. Crerar and her band of work-

without temperature has elapsed. Since the inception of the hospital 195 had been treated up to September 30th, 1908. ANNUAL REPORT

Mr. W. J. Southam, honorary secre tary-treasurer, submitted the annual re



W. D. LONG, Re-elected President of the Hamilton Health Association

1907 ... Cash subscriptions

conforming with the practice general in

The maintenance expenses are in com-parison considerably higher, but the re-port of the physician in charge shows that the number of patients treated has been in excess of any nine months' period since the sanatorium was opened.

\$14.687 69

BOVEL MANUFACTURING CO., Dept. O. Montreal, Can. sented by Mrs. P. D. Crerar. Co-operating with the staff the league has worked wonders in improving the grounds and House supplies Landscape gardening and farm-Medical supplies

State whether we are to address you as Mr., Mrs., or Miss....

FREE!

\$200.00 IN CASH

And 500 Valuable Premiums Given Away

RSEOH [the name of a large animal]

RAEBD [the name of a staple article of food]

Can you place the above sets of letters in proper order, so as to spell the words wanted? It is not easy, but with patience and perseverance it can be done. It may take a small amount of your time, but as there are eash prices and whushle premiums given away as an advertisement, it is well worth your time to make an effort.

It is just possible that you may have entered contests before and have not been successful, but please remember that in this instance you are dealing with a reliable firm and that there are over five hundred prizes to be distributed.

Write your answer to the above needty and plainly on a slip of paper, and send it to ma at once. Both writing and neatness count in this contest. If you do not happen that the prize belongs to you. All this may take up a little time and be a little trouble, but the prize belongs to you. All this may take up a little time and be a little trouble, but the prize ser handsome and valuable, and worth many times the amount of time that anyone will give to the above.

Should you read this advertisement and yet not desire to enter the contest for your part of the above.

This contest is not open to children under 14 years of age. We propose to hold a contest for young people very shortly, but will not accept entires from children in this one. Below is the prize list for the most correct, best written and neatest solution of the above.

oth 10 oth Prizes, hve prizes of \$10.00 each. \$50.00 in Oash
15th to 16th
15th to 16th
15th to 16th
15th to 15th
15th to 1

CONDITIONS

contest.

There is a simple condition that must be compiled with, about which we will write you as soon as we receive your answer to the above.

This contest is open to persons of either sex over 14 years of age. No entries will be received from children with the received from the sound of the received from the sound of the sound o

I wish to enter the above contest, and agree to accept the decision of the thre ges appointed by the Bovel Manufacturing Co., where decision will be final.

judging of the above will be in the hands of three gentlemen of egrity, who have no connection whatever with this office.

No employee of ours nor any of their relations will be allowed to compete.

We do not ask anyone to send ANY OF THEIR MONEY in order to enter this

LEAMOTNR [the name of a large city]

board were very active in disposing of Christmes stamps in aid of the sanator-ium. The generous and ready response of the merchants and citizens of Ham-ilton made of this work a pleasure. The stamps were presented by Mrs. Southam, and through this campaign \$1,244.40 was Stationery and printing Stable and hennery supplies white plague. Mr. P. D. Crerar impressed upon the Telephone

LADIES' AUXILIARY.

Miss Elsie Bell Forbes, secretary of the Ladies' Auxiliary Board, submitted a report from which the following extracts are taken:

Miss Renton has proved herself a most efficient and sympathetic nurse, and her circle of influence has been greatly enlarged since the opening of the down town dispensary. Among other duties her work entails the almost daily average of thirty-four visits to patients who are having home treatment in the city. Dr. Holbrook holds a clinic twice a week at the dispensary during his visits there. The establishment of this down town branch is proving to be a further step in the right direction.

The Ladies' Auxiliary Board wishes to express their deep regret at the death of Miss Doolitte, one of the sanatorium's best friends. The patients, both on the mountain and in the city, were indebted to her for many weary hours brightened because of her kindness and thoughtfulness, and many added comforts through her generosity.

The past year has been a most progressive one, new features having been a most progressive

A MILLION IN FIVE YEARS.

An advertiser, whose name is an house-hold word in the remotest corners of the