

A GAS CASE BEING TRIED.

O. P. L. C. Suing Simpson Brick Co. For Bill.

The Defendants Say Meter Was Fraudulently Interfered With.

Judge Teetzel Fixes Damages in Webb vs. Box.

Mr. Justice Teetzel held an evening session of the non-jury High Court last night, to make up for the afternoon having been "off" to allow His Lordship to attend a June wedding.

When court re-opened at 8 o'clock the action of Webb vs. Box et al. was continued. The lawyers had failed to reach an agreement during the afternoon, consequently it fell to the Judge to settle the question. Great amusement was created by the discussion as to the value of three horses. These horses were sold at auction by defendants for \$1.25, \$2.25 and \$3.25; they were evidently bought for speculation purposes, as the purchasers disposed of them again at a profit of about \$1 each. One of these was sold a third time for \$11, the vendor took a note for the amount, which was no good. Evidently these horses got into the hands of professional horse dealers, who made a nice little profit out of them, so that horses are sometimes valuable after their working days are over.

Court adjourned at 10.45. After some discussion the judge held that the valuation of goods by plaintiff had been too high, this morning held that the sale was illegal. After careful consideration and taking into account the counter claim he allowed the plaintiff judgment for \$164.60 and costs. The amount of the sale was \$464.60, allowing defendants \$300 for damages done to property by plaintiff. He fixed the costs at \$175.

The next action was Ontario Pipe Line Co. vs. the Simpson Brick Co. The plaintiff claims that at the request of the defendants on or about June 30, 1008, they supplied to the defendant 2,028,000 feet of natural gas, the property of the plaintiff at 50 cents per 1,000, amounting in all to \$1,014, which defendants refuse to pay. The plaintiff claims \$1,014, with interest from June 30, 1908, with further and other relief, as the nature of the case requires.

The defendants deny the plaintiff's claim, and say that the sum of \$507 of the said amount represents the penalty for failure to pay the balance of \$507 within the time allowed by the plaintiff's regulations, and submit that if the findings of the jury are in favor of the plaintiff it is owing that the balance of \$507 is owing that it is remitted on the following grounds: On the 1st day of September, 1908, and from time to time thereafter, the plaintiffs installed several meters on defendants' premises, known as the Aberdeen Brick Yards, for the registration of the quantity of gas since which time up to about the 17th day of August, 1908, the plaintiffs have supplied gas to the defendants for manufacturing purposes at their yards, and from time to time during the said period, there has been fraudulent manipulation of the said meters by the servants and agents of the plaintiffs, and that owing to such manipulation the meters were frequently made to show a much larger quantity of gas than was actually consumed. They claim that from time to time they have been compelled to pay much larger sums for gas than was right. The defendants also say that three men in their employ, Samuel Thompson, George E. Bevan, and John Pearce, discovered an employee of the plaintiff, whose duty it is to read the meters, altering and manipulating the meters with intent to defraud the defendants, and that the defendants immediately informed P. V. Byrnes, manager of the gas company of the occurrence.

The defendants claim that the plaintiffs have been supplying them with gas as aforesaid, which cost \$1.25 to \$1.45 for burning 1,000 bricks. From information obtained by the defendants from brick makers throughout Ontario and elsewhere, who are using gas for brick-making, they believe the cost of burning 1,000 of brick should not exceed \$1, and that the large amount used by them can only be ascribed to fraudulent manipulation of the said meters. By way of set off the defendants claim against the plaintiffs the sum of \$250, being an equivalent to a reduction of 33.3 per cent.

Mr. J. W. Nesbitt, K. C., appeared for the plaintiff, and Geo. H. Watson, K. C., of Toronto, for the defendant.

The bookkeeper of the plaintiff was first called, but had no personal knowledge of the items. He merely made entries in the books of reports made to him, but could not vouch for their correctness. Mr. Pyle was next called, but had no knowledge of the readings except that of May 26. J. G. Carruthers testified that he shut the gas off on the 2nd of June. It was registered at that time at 2,025,900 feet, and that the defendant's later turned the gas on without any authority. The Government's stamp was on the meter used at that time. Being cross-questioned by Mr. Watson, he said he had shut off the meter, and had not given instructions to anyone to turn it on. None of the employees of the company would turn it on without his orders. He was asked why he broke the seal on the meter, and said he didn't know that he had broken the seal. He had not broken any government seal. He was asked what he did with the seal on June 5, but said he did not know whether he was there on June 5, if he were there he probably cleaned the meter, but did not break the seal. He said that at no time had he changed the readings of the meters, nor had he ever been asked by Mr. Byrnes as to breaking the government seal. So far as he could remember Mr. Byrnes had never spoken to him with respect to the charge made by Messrs. Thompson, Bevan and Pearce.

Mr. Watson—Was there a seal on this meter? Witness—There was a government seal on it to seal up the meter to keep it from being moved.

Mr. Watson—Once the government seal is on it cannot be tampered with? Witness—No.

Mr. Watson—So that if the government seal was on it would have to be broken in order to tamper with the meter? Witness—Yes.

Mr. Watson—Why did you move the dial? Witness—I did not move it.

Mr. Watson—Did you ever break a government seal? Witness—No.

Mr. Watson—I am instructed that you changed the meter in June. Witness—I deny the charge. Court adjourned at 1.15 with this case still in progress.

TEA TABLE GOSSIP.

Lieutenant-Governor Gibson was in the city to-day.

Mrs. A. Elmore Richards is ill, and has been ordered to take a complete rest by her physician.

The appointment of Miss Esther Horne as contralto soloist of Central Church has been confirmed.

Miss Moore, of this city, will assist Knox Church choir, Burlington, at its anniversary services on Sunday.

Mr. Robert C. Wright, baritone, of this city, will sing a solo in the Methodist Church, Burlington, on Sunday evening.

Mrs. Sanford is to give a reception at her Burlington Beach home on June 10th, in honor of Her Excellency the Countess of Aberdeen.

C. Percival Garratt and George Fox will give an organ and violin recital in Central Presbyterian Church on Monday evening, June 14th.

Hamilton Municipal Chapter, Daughters of the Empire, will hold its last meeting of the season to-morrow morning at 10.30 in the Y. M. C. A.

Mr. W. G. Reid, commission agent, will leave on Saturday for Kentucky on business and in search of health. He has been suffering from rheumatism for some time.

The dealers in the market had yesterday afternoon closed their stalls and had a half holiday. They intend to close every Wednesday afternoon during the summer months.

The R. H. Y. C. first dance of the season will be held on Friday evening. It may be slow, but she is considered out of danger. Dr. William Oler, regius professor of Oxford University, who is in Canada attending the medical association annual meeting, was in consultation with the family physician yesterday at the home of Lieut.-Col. Gwyn, Dundas, where Mrs. Abbott is staying.

The death occurred this morning of a well-known resident in the person of Jean Davidson, wife of Mr. William Davidson, at her home, 28 Wentworth street. She had not been in very good health for some time and her illness took a serious turn about a week ago.

St. John Church and leaves a husband and two children. The funeral will take place on Saturday afternoon and will be private.

The expansion of the Thomas C. Watkins' business has recently enabled the firm to secure abroad and at home greatly undervalued lots of seasonal and needful merchandise of standard Right House qualities for special under-price selling on Fridays.

The character of the goods offered at the genuine price savings of each Friday's offerings have so greatly appealed to citizens generally as to have just doubled the business of this day over those of former Fridays.

See the special offerings in to-night's advertisement, and go to the Thomas C. Watkins' store to-morrow. You will be a highly pleased customer, we think.

CHANGE IN TIME TABLE.

Commencing Saturday, June 5, the Hamilton Steamboat Company will place the fine steamer Modjeska on the route and along with the steamer Macassa will give a service of three round trips, leaving Hamilton at 10.00 a. m., 2.00 and 5.30 p. m.; Toronto 9.00 a. m., 2.00 and 7.00 p. m.

Special attention has been paid to the outfit of the Modjeska this season. No expense has been spared to put this steamer in first class travelling. Patrons will find every comfort in travelling by this line, during the summer season.

AQUATIC CARNIVAL.

Everything is ready for the big aquatic carnival to-morrow night. Special arrangements are made for the street railway to handle the crowd. Passengers for the Modjeska and Macassa will be able to get on board after 7 o'clock. No tickets will be sold at the wharf until after 8 o'clock, so that ticket holders must get down early. The boats will not stop at the piers, either going or coming.

Tickets are still on sale at Anderson's music store, J. Forth's store, Kennedy's store, Walter Howell's or may be had from members of the 13th Band. Kennedy's store will be kept open until 10 o'clock to-night to enable any who wish to get tickets.

Father—It's near midnight, and I can't see why Anna's fellow hasn't sense enough to go home. Little Willie (in a government seal) He can go, papa. Sister's sitting on him.—Town Topics.

THE RIOT IN PHILADELPHIA.

A Hundred Wounded Under Treatment in the Hospitals.

Police Cells Crowded With Persons Arrested For Rioting.

Trouble Caused by Running Street Cars After Dark.

Philadelphia, June 3.—Conditions outwardly were peaceable this morning in Philadelphia, following last night's riotous outbreak in certain sections, when the Philadelphia Rapid Transit Co. put into effect its order to run cars after midnight, something that has not been attempted since the strike of its motormen and conductors began last Saturday.

All those injured in last night's rioting will recover. About 100 are under treatment in hospitals. The station houses were filled to overflowing with persons arrested for rioting. As illustrating the ugly feeling engendered by last night's rioting there were more minor disturbances this morning, probably than at any time since the strike began. Nothing serious happened however, the strike sympathizers merely devoting their energies to the harassment of the strike-breakers, and others who are running the comparatively few cars that are on the street.

Four hundred additional sub-police-men were sworn in this morning, and Timothy O'Leary, assistant superintendent of police, who has been in active charge of the policing of the city since the strike began, declared to-day that if necessary, to preserve order, 1,000 extra men will be enrolled for police duty.

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Notices of Births, Marriages and Deaths which are inserted in the Daily Times also appear in the Semi-Weekly Times. 50c first insertion; 25c for each subsequent insertion.

BIRTHS.

ECCLSTONE—On Tuesday, June 2nd, to Mr. and Mrs. Alfred W. Eccleston, a son.

MARRIAGES.

TURNER—BICKLE—On June 2nd, 1909, at the residence of the bride's uncle, Mr. Frank Briggs, 156 Hughson street south, by Rev. John Lyle, Co. D. Marshal witness Bickle to Campbell Strang Turner, youngest son of Alexander Turner, Hamilton.

DEATHS.

BROWN—In Dundas, on Wednesday, June 2, 1909, Joseph Brown, aged 69 years. The funeral will take place on Friday (to-morrow) morning at 9.30 to St. Augustine's Church, to St. Augustine's Cemetery.

DAVIDSON—In this city on Wednesday, 2nd June, 1909, Jean Scott, beloved wife of William Davidson.

DOUGHERTY—In this city on Wednesday, June 2nd, 1909, at his late residence, 159 Emerald street south, Michael Dougherty, in the 78th year of his age.

FLYNN—On Thursday, June 3rd, 1909, at her mother's residence, Dundas, Mary, eldest daughter of the late John Flynn, formerly of Kibberley, Ontario, died.

MCDONOUGH—At his late residence, 251 MacNab street north, on Wednesday, 2nd June, 1909, John McDonough, in his 86th year.

MILBURN—Drowned in Hamilton Bay, on Saturday, May 29th, 1909, Albert Garfield Milburn, aged 25 years.

McEwen—Drowned in Hamilton Bay on Saturday, May 29th, 1909, Harry McEwen, in his 31st year.

STRONG—Suddenly on Wednesday, 2nd June, 1909, Ernest Roy, only son of Mr. and Mrs. Joseph Strong, aged 28 years.

WOODBINE—Drowned in Hamilton Bay on Saturday, May 29th, 1909, Harry McEwen, in his 31st year.

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