

New Advertisements.

HOT AIR FURNACE. — For sale, Mill's \$200 Wood Furnace, as good as new...

WANTED. — By the 22nd of October, a good cook who can wash and iron. Also a housemaid. Must have references.

WANTED. — Board and lodging in a private family where no other boarders are kept. Board not to exceed 25 per week.

WANTED to rent by the 1st or middle of November next, for six months, a comfortably furnished house with all conveniences, in good locality.

FOR SALE. — A splendid chance for a Market Garden. Brick house and five acres land, 5 miles from town.

SIX Salesmen Wanted By JOHN HOGG.

20 Pant Makers Wanted BY JOHN HOGG

THE PEOPLE'S STORE, 61 GUELPH.

NEW CAB. — The subscriber begs to notify the people of Guelph that owing to the increased demand for accommodation he has just purchased a second new cab...

FOR SALE, A LARGE NEW ROUGHCAST HOUSE, and good lot on Woolwich street...

OIL, OIL, OIL. — Guelph Oil Works. Just received at the warehouse of the above another lot of that superior water white Export Oil...

MONEY TO LOAN. — The undersigned hasover \$50,000 to lend on good farm security.

THE undersigned have entered into partnership in the practice of their profession.

NELSON CRESCENT GROCERY. — W. A. SUDDABY. Begs to inform the inhabitants of Guelph and vicinity that he has leased the store lately occupied by R. S. King...

ST. VINCENT DE PAUL SOCIETY. — GUELPH CONFERENCE. LECTURE. — Mr. James Fahey will deliver a lecture in the Town Hall, Guelph, on Tuesday Evening, October 20th...

JUST ARRIVED. — A splendid and choice assortment of COAL SCUTTLES AND COAL VASES.

John M. Bond & Co. Direct Hardware Importers, 75 Richmond Street, Guelph.

PARENTS. — Teach your Sons that which they will practise when they become Men.

SEND THEM TO A FIRST-CLASS SCHOOL. — It may cost a little more, but it will be found the most profitable in the end.

THE BRITISH AMERICAN COMMERCIAL COLLEGE has built up an enviable reputation in this country, and stands unrivalled in every department.

RETURNED. — Mrs. Adam Robertson returned a few days ago from her trip to Scotland.

LAND SALE AT FORT GARRY. — The Hudson Bay Co's land sale at Fort Garry has been very successful.

ATTEMPT TO BURN EMIGRANT SHEDS. — An attempt was made to burn the Government emigrant sheds at Lewis, near Quebec, on Wednesday morning.

A HANDSOME PRESENT. — Herr Zoellner, of Waterloo, was a few evenings ago the recipient of a handsome purse, containing \$100, as an acknowledgement by the Waterloo Ladies' Aid Society.

MEMBER NEAR MARMORA. — A dreadful murder was committed about two miles from Marmora on Wednesday night 14th instant.

LEVIN DICKINSON. — An Indian, who was sentenced to a year's imprisonment and 50 lashes for a criminal assault upon a young woman near Copetown, about a year ago, received his second instalment of lashes a few days ago.

THE BODIES OF FIVE BUFFALO HUNTERS, supposed to have been murdered by Indians, and horribly mutilated, were found on the road between Arkansas Valley and Fort Dodge.

Guelph Evening Mercury FRIDAY EVENG, OCT. 16, 1874.

Town and County News

We are now in the midst of Indian summer, with its beautiful, dreamy, enjoyable days.

CHEAPER THAN EVER. — Josh Billing's Allminax for 1875, for sale at Anderson's bookstore. Price five cents.

SOCIETY. — The Orange Association of Guelph are making arrangements for a soiree to be held on the evening of Guy Fawkes Day, 5th November.

Mrs. HARDY. — On Thursday evening next, 22nd inst., in the Town Hall, Mrs. Hardy, who visited this town some months ago, will deliver a temperance lecture, under the auspices of the Temperance Societies of Guelph.

INCENDIARISM. — While Mr. Chadwick, a farmer in the township of Arthur, was absent in Guelph on Saturday, 10th inst., some evil disposed individual set fire to a stack of hay on his farm which was totally consumed.

CONCERT ORGAN. — Messrs. W. Bell & Co. have just finished a very fine toned organ, to be used at the Jennie Watson and Hardy concerts through Canada.

NEW COUNTY. — A meeting was held at Palmerston on Tuesday, for the purpose of considering the desirability of forming a new county, with Palmerston as county town.

RUNAWAY. — This forenoon a team belonging to Mr. Thomas Simpson, of Winterbourne, ran away from Kennedy's produce store.

NEW YORK, Oct. 16. — A London despatch says that the compensation paid England by the Madrid Government amounts to £75,000—£40,000 of which was paid on account of the Virginia betchery.

ENGLAND would not recognize the present Government until all claims are admitted.

LEPINE'S TRIAL. — The Lepine trial occupies the Court exclusively and public attention largely.

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BY TELEGRAPH TO THE MERCURY Conference of Powers.

Collision in British Channel

Eleven Lives Lost. The Jews to be Righted.

A Railroad Conference. The Virginus Betchery Again

England's Claim Paid. England Vetos the Spanish Government.

London, Oct. 16. — The Standard's Paris correspondent telegraphs that he hears that Austria and Italy propose a Conference of Powers to consider the Spanish note to France in the same manner as the Luxembourg question was treated.

The British ship Kingsbridge, from this port for Sidney, came in collision in the British Channel with the ship Candahar, and was sunk. Eleven of the crew of the Kingsbridge were drowned.

Hamburg, Oct. 15. — A London despatch states that England will withdraw its diplomatic representative from Rome.

Vienna, Oct. 16. — The Italian Consul at Bucharest has refused to open negotiations for a commercial treaty, while the Jews in Romania are deprived of their rights, and the American Consul, Mr. Peixotto, has taken the same stand.

Chicago, Oct. 15. — A Railroad Conference fixed cattle rates from Chicago to New York at 55 cents per cwt., and from Chicago to Buffalo and Pittsburgh pro rata at New York rates.

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WELLINGTON FALL ASSIZES. Court House, Guelph, Oct. 15.

HOOD vs. GOV.—continued.

(We give the evidence in this case fuller than we had room for yesterday.)

Joseph Hobson, P.L.S., testified to having taken levels of the river near Hood's property in 1862. The observations extended from Gow's dam as far up as Evan Macdonald's house.

There was a fall in the water between these points, in the direction of the dam, of about three inches. In 1868 I found no appreciable fall in the water between Mr. Hood's property at the north-east point and Gow's bridge.

Am of opinion that the back water was caused by the dam. There was a current in the water near Macdonald's house in 1862; in 1868 the water was quite dead.

Believe the old dam was standing in 1862.

T. W. Cooper, P.L.S., said:—On the 4th October, 1873, when the lower dam was being repaired and the water was out of the pond, though it was flowing over the upper dam, with a fall of about a foot, I took the rise and fall of the surface of the water at the Dundas bridge 6 feet 4 inches below the top of the pier; at the head of the first bay the water was 3 feet 6 inches below a bench mark I made; at the second bay I made a mark even with the level of the water.

On going on the 22nd November, 1873, I found 2 1/2 inches of water going over the lower dam, while at the Dundas Bridge the water had risen 12 1/2 inches, and at the second bay 10 1/2 inches.

I made another observation on the 18th April, 1874, and found nine inches of water flowing over the dam. At the Dundas bridge the water was raised 13 inches, at the bench mark 14 inches, and at the iron bar 15 1/2 inches.

There was a fall in the river when in its natural state from the second bay to the dam at that time of 2ft 3in. The effect of the dam is to raise the water along Mr. Hood's land to a height of 1ft. 8in., and thus prevent the drains from the side of his lands from carrying off the water from the land, and also to overflow the land in different places.

The rise in the water back of the dam is affected by the volume of water going over the dam. On the 3rd of September, 1874, the dam was composed of masonry 3ft. 3in. high, and of timber above that 10 inches high, and plank on the edge 6 inches.

Wm. Grain, P.L.S., corroborated the evidence given by Mr. Cooper. The effect of the dam would be to saturate portions of Mr. Hood's land. The old dam, nearer the Dundas Bridge, would assist the new one in doing this.

If both dams were down it would reduce the volume of water near Mr. Hood's premises by one foot eight inches.

Cross-examined by Mr. Guthrie—I did not notice any other cause such as springs, in the land, to cause this rise on Mr. Hood's land. In September I found the premises all spongy and wet.

I think all the land is affected by the dam.

M. C. Schofield, P.L.S., testified that he had made a survey in 1855 on the property adjoining that in question, lying along the stream a little lower down. Early in 1872 he found the majority of the lots bordering on the river flooded with water.

The water got lower when the spring freshet abated, but during the summer the land was never free from water.

Cross-examined by Mr. Kerr—I think the survey in 1855 was in August or September. The land near the river was then covered with a thick cedar swamp. In 1872 the cedar trees had been removed.

George Hood, plaintiff, sworn—Have owned the property in question about 20 years, and lived on it 18 years. The land is not now in the same condition as it was when I got it. I cleared most of it of the cedar and elms that were on it.

Most of the elms are now dead. The river has increased in height, and damages my property by overflowing the land in some places, and in others, drains opened by me bring water on the land from the river instead of carrying it off.

I used to cultivate land which I am not able now to cultivate. I grew barley, potatoes, and timothy hay, which I cannot grow now because the land is saturated with water.

It is fifteen years since I opened the drains. There are springs on the land. The main spring was run into a creek, as well as the other drains. I made two underdrains, and also two surface drains to empty into these, but since the second dam has been built on the river these are entirely obliterated.

The water which used to come down the creek has not a free passage now and saturates the land through. When the drains were first dug they ran the water off freely. They were about two feet deep. The creek is now filled up. It was a spring creek. When I bought the land there were a few loose stones across the river which turned the water into a race.

The water ran through these like a race. To these stones, were added pebbles, etc., and about 1860 Mr. Gow built a permanent dam a little below the old one. Have offered to settle this matter with Mr. Gow if he would give me \$2,000. I was always willing to refer the matter to arbitrators, provided he would draw the water off. I own about twenty acres, I paid for it from \$100 to \$120 per acre, with some lots less than \$100.

If the land were clear of the water it is worth more now than when I bought it; as it is now, there are eighteen out of twenty-one acres directly affected by water, and the most of it is not worth the taxes. I have built a house on the land at a cost

of \$3,000. I get \$150 a year rent for it and the land. The land would rent, if it were dry, for \$75 or \$80 per acre as pasture. I can tell that my land is affected by the water from the fact that the water will rise and fall during the days when the mill is working. On Sundays the water stands at a dead level near my land.

On Oct. 3rd I tested the matter in this way:—I went to the dam and found three-quarters of an inch of water running over it; then went to the Dundas bridge and made a mark level with the water on the west pier, then at the part of my land where the main drain runs into the river, I put in a stake; at the second bay I put a stake level with the water; at Victoria bridge, about two miles farther up, I made a water mark; I then went about forty yards above this bridge and put in a stake level with the water on the Saturday. On Monday between seven and eight o'clock, while the mill was running, I found the water at the crest of the dam seven inches lower than on Saturday, and the same at all the other points.

The river is a dead level from my place for three miles up. The water is very deep in some places. Have made examinations every day since the 3rd, and found that the dam regulates the water at all the other points.

Cross-examined by Mr. Kerr—Mr. Tuck, my tenant, and Mr. Cooper, went with me at these examinations. Probably half the land cost \$100 an acre, and some cost \$125. There were only two or three lots at less than \$100. Two years ago I left the house and Mr. Amos rented it at \$200 a year. Mr. Tuck now rents it at \$150. Do not think the dam of stones injured the land. When I went on it first it was affected by the spring freshets and all rains, but it would not be covered by them. The land along the river from the bridge up to cedar swamp. It was boggy in the spring, but during the summer it was fit for pasture. There was a spring, but I do not think it flooded the land.

There is a spring now, caused in my opinion, by the choking of the drains mentioned. The water does not flow away, but saturates the land. There is also a pond on the table land, caused I think by the choking of the underdrains. It was about 1860 that I made the main drain, and for about three years it drained the land well. In the spring of the year the water would never remain on the land up to the month of June. I cultivated this land for about seven years, till after the drain was made in 1860. The low land is not now worth the taxes and has not been for the last thirteen years.

The land has been more or less used every year for pasture land. The land is drier now than it has been these seven years, but this is a dry season. Before Mr. Gow built the last dam, he said he would deepen the race, but he has not made this offer since. He has always been willing to arbitrate, but I wanted him to open the flood-gates, and he declined. There are now seven or eight acres of land actually covered by water from the dam.

Mr. Cameron.—There are patches here and there covered with water which amount in all to seven or eight acres. Mr. Gow at first used the water for a tannery and would not require so much as he does now for the oatmeal and woolen mills.

George Tuck said:—Went on Mr. Hood's farm in March last. The land all along the river was wet to a distance in some places of about two hundred yards. I would give twice as much for the land if it were as dry as what I now pay. Of the \$150 I now pay for rent, the land is worth about \$40. I pastured this year seven cows and three horses. Witness corroborated Mr. Hood's evidence in regard to the state of the water.

Barney O'Neil.—About fourteen years ago I dug a drain for Mr. Hood from the river towards the house, and cleaned it out twice. It was about nineteen inches deep. Have seen the drain since. It would not serve as a drain now. It is choked with water.

Mr. Guthrie.—There was water in the drain when I saw it a week ago Sunday. The water was in it for about ten days from the river. The drain would measure about nineteen inches below the level, except at a distance from the river, when it was made deeper, in order to drain a pond on the land.

James Millar.—Rented Hood's land in 1857, and stayed till 1862. The drain referred to is now choked up now, that there is in fact no drain. On the forenoon of one day last week the water reached the land four feet from the bank of the river, but in the afternoon it had receded. The land now could not be ploughed—it is too soft.

Arthur McQuillan.—On October, 1873, I saw the drain on Mr. Hood's land, and the water was running at it. About two weeks ago the river was up to the top of the water in the drain. Have known the Victoria Bridge since it was built. The water there now is fifteen or twenty inches higher than it was then. I notice this by the width of the river at that point.

Mr. Kerr.—Cannot say that any change has been made in the bed of the river at the bridge. First remarked the rise in the river about ten years ago.

Robert Matthews.—Have known the property in question 24 years. The Dundas bridge was built in 1850. Think the water at the bridge dam made in 1851. The water at the bridge raised after the dam was built. Got land adjoining Mr. Hood's, on the river, about fifteen years ago. The water has raised since that time about two feet. Saw Mr. Hood's land about 14 years ago. It was dry and easy of cultivation. It is now unfit for cultivation.

Mr. Kerr.—Mr. Gow's first dam was made of loose stones. The river is both wider and deeper at the Dundas bridge than it was in 1850. It was then six inches deep, but now it is three feet eight inches deep. I sold my land to Hood about eight years ago for \$1 1/2. There were about two acres in it. When I bought my land the bank at the edge of the river was three feet high; now it is about 18 inches. Hood's land was so dry when I lived there first that it was dangerous to light a match for fear of fire.

Robert Crowe.—Came to Guelph in 1832. Remember the building of the Dundas Bridge. Mr. Gow's second dam raised the water about two feet. Where the second dam was built the stones of the first dam could not be seen. Had difficulty in going up the river in boats before the dam was built, but not much afterwards, used to wade across the river, where the Dundas Bridge now stands, when it was built. The water was about six inches deep.

William Lawrence.—Moved hay for Mr. Hood three or four years after the

drains were cut, about 15 years ago. The hay was good about four years ago. It cut the crop. Mr. Hood gave me the whole of it for the cutting. The hay was sour. The water in the river was higher at this time than at my previous engagement. If Mr. Gow's drains were removed it would make a difference. Have cleaned out the river for six or seven years, for boating parties. There was a stone near Evan Macdonald's which we raised to about two inches above water. At Evan Macdonald's I planted some potatoes and the crop turned out splendid. Don't think the ground could be cultivated now.

Mr. Kerr.—The land was about fifty yards from the river where I planted potatoes about seven years ago. It is lower than other parts of the farm. The land could not be cultivated now without the risk of getting oaten or horses munched, and if drains were cut they would be filled from the river in its present state. The year I cultivated potatoes Mr. Hood sowed grass seed, but it was not fit to cut now. Eight or nine years ago the water in the Second Bay in the summer time was as low as six inches.

Francis Marriott.—Remember when Gow's first dam was built, when the Dundas Bridge was built; have crossed the river dry-shod. At Wellington street there were two culverts made after the second dam was built, to keep the back water from overflowing the street.

William Pearson, mason, said; was employed by Mr. Gow about eleven years ago to build his present dam. It was lower down than the former one. There was no provision in the arrangements for backing water. The stone work at the new dam is not quite so high as on the old one. Since I built the new dam, there is a square timber fastened on top, and planks above it.

Mr. Kerr.—I got levels for the height of the dam, and instructions to provide for the addition of timbers above the masonry.

FRIDAY, Oct. 16. The case of Hood vs. Gow, was resumed this morning.

William Hower deposed.—Came to Guelph in 1874. The Dundas bridge was built about 1851. The south arch of the bridge used to be quite dry; now it is covered with water. Have seen under the bridge when the bed of the river was quite dry. Moved in May last to near Hood's property. It is now a great deal wetter than it used to be. Years ago I have crossed the river near Hood's by stepping on the stones; could not do that now. The hay crops grow then were good; now they are very poor. Remember Hood's drains; have seen water flowing quickly through them. They are now filled up.

Mr. Kerr.—Am not a judge of land. The open drain is blocked up from one end to the other. The back water fills it up. It was more than ten years ago that I saw the crop on Hood's land. There is water now on the land.

John Goggin.—Worked for Mr. Hood about six years, about fifteen years ago. Finished the drain Barney O'Neil commenced. The drains then carried the water into the river. The other day we put a spade into the ground where the ditch was and found it mostly water. Helped to sow timothy seed one year, and it grew that year, but is no use since.

Mr. Guthrie.—The drain I dug was from two to three feet deep. Part of Hood's land is higher than the river. It is soaked with water, too.

Henry J. Sanders.—Have lived near the Victoria bridge since 1832. The shoal near my place used to be almost dry; now the water is knee-deep. Cannot say whether this rise was sudden or gradual. The shoal has never been dredged out to my knowledge.

Mr. Kerr.—First noticed the rise in the water about fifteen years ago.

TO BE CONTINUED.

History of Guelph.

The Presbytery of Guelph in connection with the Canada Presbyterian Church, met in Elora on Tuesday, 13th Oct. After reading the minutes and taking down the sederunt, commissions were read from the three Kirk sessions to ruling elders to represent them in the Presbytery and their names were added to the roll. The Treasurer's books were referred to a committee for audit, who, after having duly examined them, reported, stating that the ordinary fund was overdrawn, and that there was a balance in hand on the account for the erection of the new church in North Luther.

The statistical reports of congregations were examined, and the Clerk was instructed to correspond with those in arrears for stipend, urging the payment of the same, and requesting to be informed what action had been taken by the next ordinary meeting. Attention having been directed to those which had sent in incomplete returns, the Moderators of the Kirk sessions of such, whether vacant or settled, were enjoined to see to it that full reports were made next year. The Report from the Committee on Sabbath School Conference was handed in and read by Mr. Bentley, Convener, and on motion was received. The programme of meetings were adopted, and the Committee re-appointed to carry out all necessary arrangements for holding the Conference. The Conference on the state of religion was postponed till next ordinary meeting, and a committee appointed to arrange for the same by preparing subjects for discussion and engaging speakers to introduce them at the meetings. An extract minute from the records of the Presbytery of Bruce was read, to the effect that Mr. A. G. Forbes, of Bervie, and Kinloch had declined the call addressed to him by the congregation of West Fushinch. The Clerk reported the returns he had received from sessions and congregations to the Assembly's Remit on Union, fifteen sessions and fourteen congregations expressing themselves in favor of the same, and two sessions and one congregation proposing modification in the Basis or Resolutions. He was thereupon instructed to forward the same and any others he may receive in time to the Clerk of the Assembly. The

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