

LONDON APPEAL IN POWER CASE

Heard Yesterday Before Judge Anglin, Who Has Reserved Judgment.

Toronto, Feb. 12.—The municipalities of Toronto and London are appealing today to the divisional court, with Mr. Justice Anglin presiding, from Mr. Justice Lachford's dismissal of the motions to set aside the Beardmore and Smith statements of claim, or stay the actions until such time as the hydro-electric commission should be added as a defendant.

Toronto's grounds, with London's reasons much the same, are as follows: "The plaintiff, in effect, is endeavoring to bring an action that, under the provisions of s. 8 of the Hydro-Electricity Act, 1906, cannot be brought without the consent of the Attorney-General, and such consent has been refused."

"Unless the hydro-electric is a party to this suit, the plaintiff cannot be granted at the trial, and the action, therefore, is a frivolous and vexatious one, and should be dismissed or stayed."

"If relief to the plaintiff's claim could be granted him at the trial, it is in effect of such an unsubstantial character as to make this action frivolous and vexatious. No judgment could be given in this action that would free the defendants from their liability to the hydro-electric commission in the contract referred to in the statement of claim. Therefore, no such judgment could relieve the plaintiff and the other ratepayers on whose behalf he sues, from the liability to pay through the corporate funds, or under an execution levied, or a judgment for specified performance, to the said commission."

This action, in effect, was an action by a principal to have it declared that a contract made by his agent with another party is invalid, and no such action can be properly brought without the other party being before the court.

Is Legislature Supreme?

In the course of argument Mr. Fullerton suggested, "What to see what the Legislature will do; they're the supreme authority in this country."

"Here's a case involving millions," said Mr. Justice Magee to Mr. Fullerton. "Shouldn't any party be able to take the matter to the privy council?"

"Certainly," assented the corporation counsel, "and all parties should be there."

Mr. Justice Anglin asked, "Is there a question of fact? Isn't it one of law?"

Barred by Legislature.

Mr. Justice Magee again inquired: "Should the plaintiff be barred from going to the highest court in the realm?"

"If he is barred," answered Mr. Fullerton, "it is because of the Legislature. Mr. E. F. B. Johnston, K.C., has said that the hydro-electric commission can be added, but he hasn't added the commission."

When F. R. MacKellan was arguing, also for the city, Mr. Justice Magee queried, "Do you argue that, if the commission was willing to appear, and came here and consented, this court could not go on?"

"Certainly," was Mr. MacKellan's answer.

"Surely that is not so," dissented Mr. Justice Magee. "If the commission represents the crown its coming here and consenting would be equal to a fiat."

Judgment was reserved.

VERDICT OF SUICIDE.

Bowmanville, Feb. 12.—The finding of the jury at the inquest last night into Dr. Charles Hadden's death was that he may not recover by an explosion in the McAdoo tunnel, along the Hudson River here today.

The accident is supposed to have been the result of a premature blast. The three men were members of a gang engaged in building a spur to connect the two tunnels on this side of the Hudson River. The dead men are Martin Cleaver, 35 years old, of this city, Charles Coleman, of New York, the injured foreman, was taken to the St. Francis Hospital.

BOTH GAINED

BY CHANGE TO POSTUM.

"We have given Postum over a year's our only regret is that we did not try it before. Previously we used coffee twice a day and were very fond of it."

"My husband had been subject to severe attacks of sick headache for years and at such times could not endure the sight or smell of coffee. This led me to suspect that coffee was the cause of his trouble."

"I was also troubled very much with acidity of the stomach and heart palpitation after meals. I had been doctoring for this but had not suspected that coffee was the cause."

"Finally we purchased some Postum and it did for me what the medicines had failed to do. The first day we used Postum I noticed less of my trouble, the second day was entirely free from it and have never been troubled since."

"My husband has been entirely free from attacks of sick headache since he quit coffee and began to use Postum."

"I have heard people say they did not like the flavor of Postum, yet I have served it to them without detection, because it has the color and snappy coffee taste, similar to mild high-grade Java. This shows they had not made it right. When made according to directions in package, it is as delicious as coffee and besides it is wholesome."

Name given by Postum Co., Battle Creek, Mich. Read "The Road to Wellville" in pags. "There's a Reason."

Ever read the above letter? A new one appears from time to time. They are genuine, true, and full of human interest.

LINCOLN'S MEMORY MONUMENT MARKS

Roosevelt Lays Cornerstone of Magnificent Statue of Emancipator.

Hodgenville, Ky., Feb. 12.—Henceforth the birthplace of Abraham Lincoln is to be marked by a pile of stones. The emancipator of a race, and the liberator of the negroes of a nation, built his own monument in the heart of the world, and appropriately the physical structure which has now found a beginning at the place where Lincoln first saw the light, takes the simpler name of a memorial. It is to be a simple, classic building of granite, and it is hoped that it may be completed some time next fall, when the then President Taft will officiate in dedicating it as the President, Theodore Roosevelt, to the President, laying its foundation-stone.

The cornerstone-laying took place after appropriate forensic ceremonies, which were participated in by the President of the United States, Governor Augustus E. Wilson, of Kentucky, former Governor Joseph W. Folk, of Missouri, president of the Lincoln Farm Association; Hon. Luke E. Wright, secretary of war, who spoke as an ex-confederate soldier; General James Grant Wilson, of New York, who represented the union soldiers; and I. T. Montgomery, of Mississippi, a negro and an ex-slave.

With one exception the orators, representing not only the conflicting sides in the great struggle, but the present generation as well; the two political parties and the white and black races as well as the different sections of the country, spoke from the same platform over which fluted a splendid new specimen of the stars and stripes.

Not the least interesting feature of the ceremony was the character of the crowd which composed the audience. There were probably six or eight thousand people present, many of whom had come in on special trains from Louisville and other Kentucky cities. The majority, however, were from Luray and adjacent counties.

Mrs. Ben Hardin Helm, the only surviving sister of Mrs. Lincoln, 92 years old, who had expected to be present, was kept at her home in Louisville by her infirmities.

The exercises were conducted under an open-sided tent, erected beside the cabin in which Lincoln was born 100 years ago today. The weather was somewhat disagreeable, but the damp though the atmosphere was, the large throng stood with bared heads during the hour and three-quarters consumed by the exercises.

President Roosevelt and his immediate party arrived shortly before 11 o'clock, after a drive over a heavy clay road from Hodgenville, and five minutes afterwards Governor Wilson called the assembly together.

The speakers' platform accommodated few except the participants in the exercises and the President's party. The President was cordially and deferentially received. He was frequently interrupted by applause.

A STARTLING STATEMENT

Dufferin Prosecutor Says Thousands of Lunatics Are at Large.

Shelburne, Feb. 12.—Crown Attorney McKay today said, "There are 3,000 people mentally deranged and who are a possible menace to the public safety at large in the province of Ontario."

This startling statement he based on conditions in his own county. "There are at least thirty persons in Dufferin County who should not be at large," he said. "That is about an average of three in each township. Dufferin County is not exceptional. The same might be said safely of each of the ninety constituencies of Ontario."

Mr. McKay said his estimate was most conservative.

He estimated the number as high as 5,000," he said.

Rumor came coming in from all parts of the county about people of dangerous tendencies in each township. He has a peculiarity in the county at present.

NEW TURKISH CRISIS

Plot to Dethrone Sultan Unearthed at Constantinople.

Berlin, Feb. 12.—The recent changes in the Turkish ministry are due to the discovery of a plot against the Sultan that had for its object his deposition, according to the Frankfurter Zeitung. The plan was to dethrone the Sultan today, while he was riding to the Solank celebration, and proclaim as Sultan Prince Yusuf, the eldest son of the late Sultan. The publication of the correspondence with Prince Yusuf is expected in a few days, and this undoubtedly will clear up the incident.

The Grand Vizier, Kiamil Pasha, was fully informed of the conspiracy last week, and he consequently wanted the Sultan to at once appoint Nazim Pasha to the post of minister of war, an average of three in each township. The Sultan, however, was opposed to this, because years ago, he had degraded Nazim Pasha and made him serve three years as a common soldier. Owing to the threatened danger, the Sultan finally yielded, and made the appointment.

It is reported that the ministers of foreign affairs and just, the correspondent concludes, resigned last night.

IMPERIAL PRESS CONFERENCE

Editor of Chronicle Denies That It Has a Political Aim.

London, Feb. 12.—Robert Donald, editor of the Daily Chronicle, writes the Canadian Associated Press, via the cable of Jan. 11, Mr. Donald says the imperial press conference is absolutely non-party, and has no reference to politics, no question of political or fiscal policy has arisen, or is ever likely to arise.

A committee has been appointed to organize a private conference between the Canadian and British press in this country. This committee has not been selected for their opinions, but because of their representative positions.

At the merchant tailors' dinner in the Hotel Astor, New York, some of the men wore gray and blue evening dress.

OUTDOOR STAFF IS APPOINTED

Hospital Trust Held a Regular Meeting Yesterday Afternoon.

At the regular meeting of the hospital trust, held yesterday afternoon in the city hall, Drs. Angus Graham and G. J. A. Thompson were appointed general practitioners; Dr. E. Seaborn, gynecologist, and Dr. P. Buckle, eye, ear, nose and throat specialist for the new out-door staff which has recently been arranged for connection with the out-door treatment system adopted at Victoria Hospital.

Dr. Shaw was appointed by the trust to take the place on the in-door staff made vacant by the death of Dr. Hodge.

A Visiting Nurse.

The visiting nurse for consultation and instruction in tuberculous cases will be appointed right away," said Chairman Scream, "and will be ready to commence her work on Monday. We ask that all cases of tuberculosis wishing treatment be reported at the hospital as soon as possible in order that the visiting nurse may get right on with her work. Her services are entirely free and she will visit all patients reported and do everything possible for them."

Memorial Hospital.

The chairman also announced that the Meredith Memorial Hospital was complete now, and that the outdoor treatment system will be in operation next week. The rules have been drawn up and were approved. Among the more important are those in which it is stated that no proprietary medicines will be supplied at the free dispensary, and that no medicines shall be prescribed except by the physicians in attendance at the regular hours, from 8 to 2 and from 2 to 5.

Mr. Heard's Report.

Superintendent Heard's report for the month showed that the number of patients admitted was 42; 65 females; 75 children; 38; making a total of 150. Number of patients discharged, 140; 41 males; 109 females; 24; making a total of 125. Number of births, 13; number of deaths, 4; number of operations, 42; number of patients receiving treatment on Jan. 31 was 126, and the total receipts for the month, \$1,845.60.

Trust Are Grateful.

The trust wish to thank the following friends for cash contributions for the Christmas cheer for the inmates of the hospital.

Messrs. Stevely, Judd, Yarker, T. G. Meredith, Beck, Chalmers, Graham and Dorothy Stevely, Messrs. Morgan, Nolan, Hayward, Jones, Whiskard, Cairncross & Lawrence, Gray, John D. Wilson, Meek, Eccles and Drake, unknown friend, 200 earnings; friend, 48 earnings; Bible Flower Mission, cut flowers.

The Ambulance.

Superintendent Heard reported that it would cost \$175 to place the ambulance on wheels. The board decided to let this matter stand for the present.

There were present Chairman Scream, Trustees Judd and Turnbull, Mayor Stevely and Secretary Heard.

EMBRO INCIDENTS GOOD GRIST OF NEWS

A Fine Lot of Horses Change Hands—Concerts and Lectures Billed.

Embrow, Feb. 10.—The annual meeting of the Embrow Bible Society was held in Knox Church on Wednesday evening.

Rev. Mr. Bright, of Ingersoll, occupied the pulpit of Knox Church, on Sunday last, Rev. Mr. Barber preaching in Ingersoll.

Mr. D. R. Ross is the recipient of a number of Oriental articles, in the line of sashes, table covers, beads, etc., from his son, James, who is now in Asia Minor.

Mr. W. E. Saunders, of London, is billed to lecture in the town hall on the evening of Wednesday, Feb. 11, on the subject, "Our Native Birds." This is the fourth lecture of the series under the auspices of the fifth class and Public School Literary Society.

The managing committee of the Curling Club announce a band concert in the skating rink on the evening of Friday, the 19th. The Woodstock band has been engaged for the occasion.

The Embrow meeting was held in the town hall on Tuesday, and notwithstanding the very unfavorable weather, were well attended. The addresses were very interesting and practical. In the evening a splendid programme was rendered by local talent.

D. A. McLeod, of Brocksburg, has bought the Murray (Mason) 100-acre farm.

Mrs. (Dr.) Green and children were over-Sunday guests of London friends.

Rev. F. H. Langford, of Toronto, visited his brother, Rev. F. W. Langford, for a few days last week.

Messrs. John F. Brown and Robert Marshall are attending the agricultural convention in Toronto this week.

Miss Allene, of Whitcomb, is visiting with her brother and sisters at present.

Mr. Roy Porter was the guest of St. Thomas friends over Sunday.

Dr. D. Smith, of Stratford, was a visitor at his home here on Sunday.

Messrs. Davies and Bland shipped two loads of cattle on Saturday last. Heved his 2-year-old gelding Dan, weighing 1,540 pounds, to Mr. Robert McGee, of Beachville, the price being \$225. On Wednesday he shipped a handsome 1-year-old, Luckenough, weighing 1,330 pounds, to Mr. J. H. Webster, of Cartwright, Manitoba, the price being \$200.

Mr. Wallace, our most noted horse buyer, purchased a number of very valuable horses in West Zorra last week, securing three handsome black teams, viz.: Mr. John McIntosh's (of Maplewood), for which we understand he paid in the neighborhood of \$400; a matched black team from Matheson Bros., and another from Hugh McKay, 4th line.

Mr. William Youngs, of Youngsville, has disposed of his fancy greys to Messrs. Allan & Cummer, of Seaforth. Mr. Youngs, of Ingersoll, also picked up a number of good ones. West Zorra is the home of the Clyde.

AN ALDERMAN SUICIDES.

Chicago, Feb. 12.—Alderman Joseph F. Kohout, long a Democratic leader in the city council, committed suicide today by shooting himself in the head in the basement of his home, 28 Douglas Boulevard. His wife found the body.

Alderman Kohout was a candidate for re-election. He was a participant in a spirited contest to obtain the nomination. Disappointment over the failure of his ward club last night to endorse him for re-nomination is supposed to have prompted the suicide.

REAL ESTATE MEN FOR LAW REFORM

Two Resolutions Passed at a Meeting Held Last Night.

"Resolved, that this association learns with pleasure that it is the intention of the Ontario Legislature at its approaching session to introduce a measure of law reform. We feel that in no department is the public service is reform so much needed as in that of the law. Our laws are extremely antiquated and in their present shape are better adapted to piling up fees for the lawyers than for dispensing justice, to the public. We feel that the Ontario Legislature will accept the measure, and we ask that all cases of mortgage law be referred to the Legislature. After a great deal of discussion on the part of the members, the above resolution was passed at last night's meeting of the Real Estate Owners' Association. Numerous instances were related in which the costs had greatly exceeded the amount involved. The simplification of the mortgage law would be appreciated by every lover of justice and fair play and we feel that the Ontario Legislature will accept the measure, and we ask that all cases of mortgage law be referred to the Legislature. After a great deal of discussion on the part of the members, the above resolution was passed at last night's meeting of the Real Estate Owners' Association. Numerous instances were related in which the costs had greatly exceeded the amount involved. The simplification of the mortgage law would be appreciated by every lover of justice and fair play and we feel that the Ontario Legislature will accept the measure, and we ask that all cases of mortgage law be referred to the Legislature. After a great deal of discussion on the part of the members, the above resolution was passed at last night's meeting of the Real Estate Owners' Association. Numerous instances were related in which the costs had greatly exceeded the amount involved. 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