

### CITY TRIES TO NON-SUIT BULK OF LENNOX CLAIM

Claims Six Years Before Issuance  
of Writ Outlawed, Thinks Mr.  
Drayton—Architects on Stand.

A new feature has changed the complexion of the Lennox case. After the conclusion of the case for the writ yesterday, Mr. Drayton, Counsel for the City, attempted to dismiss the action almost entirely by asking Judge Latchford to non-suit the claim, or at least that part of it that was accumulated earlier than six years previous to the issuing of the writ for the present suit.

Based on his claim on the statute of limitations, Mr. Drayton argued to prove that only a small amount of Mr. Lennox's claim was earned within the six years previous to the issuing of the writ. Only two claims, that for furniture and furnishings, and that for adjusting accounts, were valid. All the others, he claimed, were outlawed.

Mr. Cowan in reply stated: "It is to be borne in mind, no matter what entry was made, or what money paid to Mr. Lennox, it was always entered under the general designation of 'rent'." It should not be read into this thing, that if the city is liable to Mr. Lennox, it might use the statute of limitations to evade payment of a debt due to the creditor.

"Do you maintain that the city should make payment on a claim that the city has no accounting of, or that Mr. Lennox has not an entry in his books for?" asked Judge Latchford.

Had Childlike Faith. "As regards that, Mr. Lennox did start to keep books, but he soon became lax in that business, but I maintain that the very fact that he did not have all this entered in his books is a plain circumstance that he relied on the city to treat him fairly in the work he has done."

Mr. Drayton cited a case tried in the English courts where a claim of \$5,000 against a corporation was dismissed on the decision that a running account could not be collected after six years elapsed.

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MORE GIRLS THAN ROOM  
PROBLEM FOR MR. HANNA

Alexandra School Thinks \$15,000  
Would Help Materially—Deputation For Queen's Park.

Many troubles were made known by the officials of the Alexandra School for Girls at the meeting of the Industrial Schools Board yesterday. It was declared that more school room, an assembly hall and another cottage were needed, and that there was a \$3,000 debt on the school. As matters now are, the school is overcrowded, and because of that overcrowding and lack of room, the teaching efficiency of the school is lowered. All of the girls are crowded into one school room, all grades together, and they cannot teach them in grades as they should. To ameliorate that condition to a small extent the officials want another school room, an assembly hall and another cottage. They decided that a committee wait on the Hon. W. J. Hanna and ask for \$15,000 from the government.

At present there are 109 girls in the institution, which is about 25 more than it was built to accommodate. Of those girls 18 are defective, and the committee, which will wait on Mr. Hanna, will be Mrs. Robert Kilgour, G. Towar Ferguson, Beverley Jones, C. Ferrier, and Miss M. Wilks.

The September report of the Victoria Industrial School for boys was presented by the superintendent, C. Ferrier. He reported that on Sept. 1 there were 310 boys in the school, and on Oct. 1 there were 315. During the month 13 were committed, 3 were returned, 2 escaped, and 11 were paroled. Miss K. Lyndon, who had been with the school for 18 years, and W. E. Pettigrew, who was there for five years, resigned.

Pamphlet Charge Fair.

He stated that it was outside the province of an architect to get out data for pamphlets. He would make extra charges for that. The usual charges for preparing plans and specifications and for supervision was 5 per cent, and additional charges were customary for new plans of alterations.

The carrying out of the Elliott & Nelson contract by day labor would not be part of an architect's duty, the witness testified. Under the existing conditions he did not think that 15 per cent. was too great a charge. The witness stated that \$10 an hour might be a fair wage, considering Mr. Lennox's position as an architect.

Eustace G. Bird of the firm of Carnegie & Hastings, New York, testified that 6 per cent. was the present charge on plans and specifications. Ten to 20 per cent. would be the charge for work similar to the completion of the Elliott & Nelson contract.

Mr. Bird thought that with good organization, an architect need not tell the work more than once or twice a week.

As to the closing up of accounts, he did not think that a charge should be made.

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MATINEE  
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Oct. 27—Matinee, 2 p.m., at Royal Alexandra Theatre.  
Oct. 28—8.15 p.m., Conservatory of Music.

Seal sale and exchange of tickets for matinees now on at Theatre Box Office, Oct. 28 at Bell Ticket Office, 148 Yonge Street.

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