

STORY IMPLICATES CITY POLICEMAN,

But Chief Smith Had Police Say There Is Nothing In It at All.

William Bowerman, real estate agent, is advertising a reward of \$100 for information re an alleged plot against his son, Percy, who was arrested on October 1 on a charge of highway robbery.

As Mr. Bowerman's charge evolves itself into an accusation against one of Chief Smith's men, the chief this morning was inclined to tell his side of the case on behalf of the man in question.

BRANTFORD POOL ROOMS.

Movement to Have Them All Shut Up in That City.

Brantford Will Likely Make Contract With Cataract Co.

Mad Dog Scare—New Church Organs Being Installed.

Brantford, Feb. 6.—Evidently some of the enthusiastic moral reformers of this city are bent on making Brantford a model place in every respect, according to the latest move.

A rabies scare was started in Brantford township this week, a dog having every symptom of the disease making its appearance on farms belonging to Young, A. Westbrook and W. F. Powell.

Matters are said to be in a fair way for settlement between the city and the Cataract Power Company, as regards the lighting situation.

No less than three churches in this city are installing new and expensive organs, and expect to have the same by Easter.

Last night's lecture before the Canadian Club by Albert Hubbard, the noted American humorist of East Aurora, was disappointing in some respects.

Many local hotels put up bulletins last night (inside) on the Shrub-Longboat race.

Local collegiate trustees have introduced a scheme for a \$70,000 building, and are again coming to the people with a by-law.

Grimsby tomatoes, cucumbers, mushrooms, sweet peppers, sweet potatoes, Boston head lettuce, radishes, new potatoes, cranberries, Malaga grapes, lemons, grape fruit, ripe pineapples, coconuts, oysters, smelts, ciscoes, haddies, pigeons, mince-meat, etc.

The Grand River for the second time this winter broke up again last night.

Grimly tomatoes, cucumbers, mushrooms, sweet peppers, sweet potatoes, Boston head lettuce, radishes, new potatoes, cranberries, Malaga grapes, lemons, grape fruit, ripe pineapples, coconuts, oysters, smelts, ciscoes, haddies, pigeons, mince-meat, etc.

The best quality of briar pipes, with genuine amber mouth pieces and sterling silver ferrules, are shown at peace's pipe store.

POWER QUESTION GOES BACK FOR VOTE OF THE PEOPLE.

Such is the Decision of the Council After Hearing the Opinion of Mr. Hellmuth on Judge Anglin's Decision.

City is Bound by Cataract Lighting Contract For Five Years, But is Not Bound to Take Power—Litigation Probable.

A majority of the aldermen at the informal Council meeting held last night to consider the report made by I. F. Hellmuth, K.C., of Toronto, the lawyer engaged to give an opinion on Justice Anglin's decision in the Cataract case, instructed the special power committee to bring in a report on Monday night, recommending that a by-law be submitted to the people to let them decide whether the city is to break the contract with the local company.

HELLMUTH'S REPORT. Mr. Hellmuth's report, which was considered by the special committee yesterday afternoon was read to the aldermen by Mayor McLaren. It was as follows:

Having carefully considered the judgment of Mr. Justice Anglin in Smith vs. Hamilton, together with the by-laws and papers, and having considered the provisions of the municipal act and the authorities bearing on the subject, I will shortly state the general conclusions I have come to in regard to the matter.

By-law 775, passed on July 18th, 1908, approving of the power contract with the Cataract Company, and the power contract itself, are, in my opinion, in view of the decisions of the Ontario Courts, not enforceable against the city, so far as any obligations are thereby imposed of taking and paying for power from the Cataract Company for the year 1909 and subsequent years.

According to the construction placed by our courts upon section 389 of the consolidated municipal act, no municipal corporation can create obligations of this nature not payable within the mun-

icipal year, unless by a by-law assented to by the ratepayers. Whether by-law 775, approving of the power contract with the Cataract Company, falls within the provisions of section 389 depends upon the interpretation to be placed upon section 31 of the contract.

If this section 31 means, as Mr. Justice Anglin says, that there is no binding obligation upon the city after 1908 to take or pay for power from the Cataract Company, except as authorized by future councils from time to time, then the assent of the ratepayers was not required by by-law 775; but with this construction placed upon section 31, no obligations other than those contracted for in the year 1908 are imposed upon the city.

In my view, therefore, irrespective of the interpretation placed upon section 31, any obligations intended to be imposed upon the city beyond the year 1908 are not enforceable.

In coming to this conclusion, I have not overlooked the fact that Mr. Justice Anglin has expressed the opinion that if his interpretation of section 31 is not correct, the Council, by virtue of section 566, paragraph 4, clause (6) of the Consolidated Municipal Act, would have jurisdiction to pass by-law 775 and make the power contract, although the assent of the ratepayers had not been obtained; but, while I recognize that the opinion of the judge is entitled to the greatest weight, I am forced to come to an opposite conclusion, in view of my reading of the decisions in our courts, the most

MAY BE DEADLOCK AT MONDAY MEETING

City Officials Believe Cataract Company Will Beat the City In Case of Litigation.

Opinion was divided in the City Hall this morning as to whether the Council on Monday night will settle the power question by awarding the contract for the electric pumps at the Beach or referring the matter to the people. It looked to-day as if a by-law would be submitted to the ratepayers. The Council will probably first be divided on the question of awarding the contract for the pumps. Chairman Clark, of the Fire and Water Committee, has decided to urge that this be done. Four aldermen, Messrs. Gardner, Allan, Farmer and Ryan, were not present at the meeting last night. Two of these favor closing the contract with the Cataract. Aldermen Farmer and Ryan are claimed by the Hydro-Electric aldermen as supporters. One of these aldermen, it is said by the Cataract supporters, will vote for the contract rather than plunge the city into litigation. This will give the Cataract a majority of one, unless Mayor McLaren voted, and that would create a deadlock.

It cost the city \$250 for Mr. Hellmuth's opinion. A number of the officials and aldermen fail to see where the city is if further ahead by getting it. While a number of questions are specifically answered, Mr. Hellmuth's opinion at the end of the report, in which he says that in view of the chances of litigation he is by no means prepared to say that the city can repudiate or ignore the contract with the Cataract without the risk of having to pay damages places the matter on the old footing. The plaintiff in the action against the city to break the Cataract contract contended that clause 4 of by-law 566 prevented the city making a five-year contract. Mr. Hellmuth agrees with this. The city contends that it had power under a special clause to make a five-year contract, Justice Anglin's decision, the officials say, supports this. He held that the Cataract a majority of one, unless Mayor McLaren voted, and that would create a deadlock.

(Continued on page 16.)



ALLAN STUDHOLME, M.P.P. For East Hamilton. Has a front seat in the Legislature.

LOOKS LIKE PIRACY.

Steamer Katanga Forced to Pay \$5,000 by Guayaquil Admiral.

Victoria, B. C., Feb. 5.—The British steamer Katanga, which reached port this morning from Guayaquil, on her way to Comox for coal, was molested \$5,000 by an Irish Admiral of the Ecuador Government when at the southern port. The Admiral, said to be a deserter from the British navy, had a small tugboat mounted with guns, and came to the Katanga, demanding \$5,000.

A GLITTERING SHAM.

Mr. Winston Churchill Speaks of Imperial Preference.

London, Feb. 5.—Speaking at Newcastle, Mr. Winston Churchill denounced the anti-democratic proposals of the tariff reform party. Broadening the basis of taxation meant placing burdens on the poor. Imperial preference was a glittering sham. The conflict between a hungry and an angry population at home and reluctant colonial Governments abroad would cause a more terrible collision, and one more injurious to the empire, than the loss of a great battle.

Taken With a Chill

Is usually the story of gripe. At the first indication of a chill or catching cold, get a box of Parke's Laxative Quinine Cold Cure Tablets and take them according to directions. They seldom fail to break up a cold in a day. These are chocolate coated tablets and are easy to take. Sold at 20c a box.—Parke & Parke, druggists.

PLEASED MR. WATKINS.

To the Editor of the Times: Sir,—Just a few words to say how delighted I was with Messrs. Stanley Mills & Co.'s "Made in Hamilton" exhibition. I had the pleasure of seeing it on the opening day, and would suggest to those who have not yet been there to go without fail and they will be well rewarded. Frederick W. Watkins. Hamilton, Ont., Feb. 6, 1909.

HIS FOOT INJURED.

Delmonico Lizzo, 333 Bay street north, an Italian laborer employed at the Rolling Mills, Queen street north, was taken to his home in the ambulance at 4:25 o'clock this morning from the works. His foot was badly crushed by a bar of iron which fell upon it, and he will not lose his foot or any part of it.

SAFETY DEPOSIT BOXES

To rent at \$2 a year and upwards, for the storing of deeds, bonds, stocks, wills, silver and other valuables. TRADERS BANK OF CANADA.

EUELOW MAY RETIRE.

New York, Feb. 6.—A Berlin cable to the Times says: Rumors of the approaching collapse of the Finance Reform Bill, of the dissolution of the Reichstag, and the retirement of Chancellor Von Buelow are freely circulated here.

TIE CONTEST THE LATEST.

Collegiate Institute Had an After-noon's Diversion.

Two or three of the forms of the Collegiate Institute had an innovation yesterday which, for fun, had fudge making at Christmas beaten all the way. The boys and girls had arranged tie contests, the boys to wear fancy ties and the girls to do the judging and award prizes. Some of the neckwear was wonderful to behold, and when one of the masters called his room to order at 2 o'clock and saw the display he immediately sent for the Principal, to have an understanding. The contests, however, did not interfere with the afternoon's studies. The students worked hard and then let themselves out for fun at 4 o'clock. A tie worn by Willie Wright in room 13 was a dream. While classes were on he managed to keep most of it under cover of his coat, but when the contest came on and he spread it out for inspection by the judges, it was glorious—28 inches broad, in orange, blue, green and white, with frills and lace and crimped edges. This tie divided first prize with one worn by O. Kohler, which consisted of a narrow shoe lace. Another wonder was a South African memorial tie, with soldiers worked in the piece, in fancy colors, and a son of Principal Thompson wore an art production that received a V. H.

This particular room was to have had a sleighing party to Ancester last night, and put on the tie contest as a substitute.

AGAR DISPLAY.

Something Worth a Visit at Stanley Mills & Co.

One of the exhibits at the Home Industries display at Stanley Mills & Co.'s, which is worthy of special mention, but which, unfortunately, was not included in the published list because the entry was not made in time, is that of The I. M. Agar Company, makers of pickles, sauces, catsups and relishes, mince-meat, condensed mince-meat, packaged dates, self-rising pastry flour, etc. This firm makes a fine display of its pickles and sauces, all made from vegetables grown around Hamilton, vinegar made in Hamilton and spices from British possessions. The firm's motto is "Stand by your own," and they live up to it. All visiting the Industrial Exhibition should see the Agar display—and get a sample.

GOMPER'S CASE.

Rochester, N. Y., Feb. 6.—After officially commending the decision of Justice Wright, of the U. S. Federal courts, in the Samuel Gomper, Mitchell and Morrison decision, and passing resolutions favoring deep waterway development, the National Brickmakers' Association of America has adjourned. The 600 delegates to the convention are leaving town to-day.

SAIL FOR HOME.

Gibraltar, Feb. 6.—The American battleship fleet began preparations for their departure this morning and at 1 o'clock the ships steamed away, homeward bound for Hampton Roads, where they are due to arrive on Feb. 22.

A musicale in aid of St. Peter's Church will be held at the residence of Mr. and Mrs. J. A. Zimmerman, 121 Wentworth street south, on Monday evening.

HAMILTON ASSOCIATION.

This Old Society Goes Back to Its Original Name.

A general meeting of the Hamilton Scientific Association was held in the Museum, Public Library building, last evening. There was a large turnout of members and the general public. The first business of the evening was to revise the constitution of the society—for the first time since its organization. There were not many changes made in the original constitution, and those that were made were of a minor nature and with the object of leaving the transaction of business in the hands of the Executive Council and lessening the work of the minor boards.

The principal changes and additions were as follows: That no member is eligible to vote if his membership fee is one year overdue, and a member who has not paid up for two years shall be expelled from the association.

That the name be changed from "Hamilton Scientific Association" to that in the original charter—"Hamilton Association."

That all new members must be recommended by the Council before being admitted to membership.

That meetings may be called by the Council at any time, instead of holding only regular meetings.

That no person can belong to any sections of the association unless he is a member, in good standing, of the association.

That if the association at any time is closed the museum, which belongs to it, be turned over to some like society or interested person.

E. Morrison, B. A., of the Collegiate Institute staff, gave a lecture after the close of the business session entitled, "Hugo De Vrie's Theory of Mutations." Mr. Morrison explained the De Vrie theory, which was that new plant life sprang into existence suddenly and without warning, and was not the result of variations of former plant life. In contradiction of that theory are Darwin and Wallace, unanimous that new plant life is the accumulation of variations. Mr. Morrison's lecture proved highly interesting and instructive.

AT THE COLONIAL.

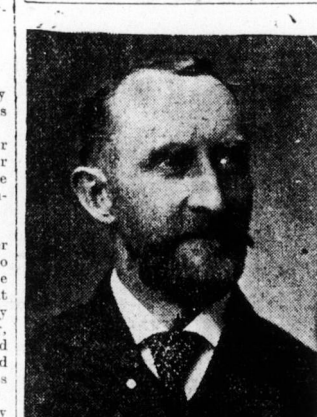
The J. Frank Mackey Talking Picture Stock Co. has played to record business at the Colonial Theatre this week. During the first half of next week the company will produce "Thanksgiving Day," a rural drama as interesting as the old "Homestead," while the last half of the week the great comedy "Friday the 13th," built for laughing purposes only, will be produced. The subjects are free from suggestion and are particularly pleasing to ladies and children. The admission to the theatre is only 5 cents.

Right Now

You want Parke's glycerol to apply to your chapped and roughened hands. It is not greasy or sticky and dries into the skin immediately, leaving it soft and smooth. A trial will convince you that it is the best hand lotion. Sold in 15c and 25c bottles. Parke & Parke, druggists.

Hundreds of People

Have bought freely of the big values offered in men's suits and overcoats the last few days. Just as good overcoats you; \$24 overcoats \$18, \$15 overcoats and suits \$9.98, \$12 and \$8.98. 40 boys' and girls' knitted tops 29c, worth 50c. Fralick & C., 15 and 15 James street north.



DAN REED, M.P.P. For South Wentworth. Has a front seat in the Legislature.

THE LASH.

Callan Should Get It If Convicted of This.

Alonso Callan, 186 John street north, was committed for trial this morning on the serious charge brought against him by the mother of a thirteen-year-old girl, Mrs. Walker, 15 Simcoe street west, laid the information, and her young daughter, Alice, was the complainant. The evidence was of a revolting nature. George S. Kerr, K.C., appeared for Callan, and pleading not guilty, declined to elect. Several witnesses swore they saw Callan with the little girl on Thursday afternoon, the day it is alleged the assault took place. The child cried as she told the story to Crown Attorney Washington. Dr. Balfe gave medical testimony. Happily the assault had not been of a very serious nature. Mr. Kerr offered no defence, and his client was committed for trial.

Mary Leitch, 251 Bay street north, and Hannah Edwards, 26 Ardvoilch street, were fined \$2 each for being drunk.

ELECTION IN SIGHT.

British Government Said to be Forcing Crisis.

Newcastle-Upon-Tyne, Feb. 6.—Winston Spencer Churchill, President of the Board of Trade, in a speech here last night, said that a general election "already is on the horizon and will not be improperly retarded."

Such a statement, by a member of the Government will cause a flutter in political circles. There have been rumors lately of a considerable difference of opinion among the members of the Cabinet on the navy question, an influential section being opposed to a great increase in the building programme. It is believed, however, that Mr. Churchill in his speech to-night was not alluding to this discussion, but to the probability of a dissolution of the House of Commons after the next session as an outcome of difficulties in meeting a large deficit in the next budget.

SUCCESSFUL COMPANY.

The twenty-eighth annual meeting of the North American Life Assurance Company was held at its office in Toronto, as reported in another column, when the regular business in connection with the annual meeting was transacted. The report presented showed that the business had been conducted on a conservative basis, which resulted in a further reduction in the ratio of expenses to premium income, while the financial soundness of the institution was enhanced by a large increase in the assets, and the increasing of the net surplus.

Under the careful guidance of efficient officers, with a faithful and thoroughly capable staff, the North American cannot fail to show the best results for both its shareholders and its policyholders.

Mr. W. J. Waters, whose office is in the Bank of Hamilton building, is the office during the past year is highly of business which passed through his office during the past year is highly creditable to himself and staff.

KILLS WOMAN: HANGS SELF.

Slays Her While Enraged, Then Takes His Own Life.

Two Children Also Hurt by the Shots.

Dispute About Board Bill Leads to Murder and Suicide.

Farmingdale, L. I., Feb. 6.—Frederick Buckholt shot and killed Mrs. Elizabeth Rust last evening, wounded her two children with bullets that were meant for their mother and then went to the attic of his home and hanged himself.

His wife, who witnessed the tragedy, gave attention to the wounded woman and children, and when search was made for her husband later he was dead. The shooting took place in Buckholt's home. He was a carpenter who made a living jobbing about the country side. He and his wife had no children, but for years they had had living with them the two children of Mrs. Rust. She was divorced and earned her living by doing housework in the village. She paid the board of the children.

Recently there was a dispute about the board. The children, a boy and a girl, fourteen and twelve years old, respectively, were getting big, and it is said that Buckholt demanded more money for their board than their mother had been paying. More Mrs. Rust said it was impossible for her to pay.

Mrs. Rust visited the children last evening and the discussion about their board led to a quarrel. Buckholt, it was said, became enraged, and getting his revolver, opened fire at Mrs. Rust. The children were clinging to her at the time and they were slightly wounded. Their mother was killed almost instantly.

One of the bullets entered her breast and must have reached the heart. Another entered her neck. The bullets which missed the woman and hit the children lodged in the walls of the room. Willie Rust was out on the nick and his sister Gertrude was slightly wounded in the back.

Coroner Charles Bueflin was called and took charge of Mrs. Rust's body. He is one starting a search for Buckholt, who had left the room after the shooting. Neighbors were positive that Buckholt had not left the vicinity.

MANY MURDERS.

Body of Young Woman Found in a Cistern in Dayton, O.

Dayton, O., Feb. 6.—Another murder mystery has been added to the long list which already shames this city. Late to-day the body of a young woman was dragged out of a cistern in the rear of a vacant house. Her brother has identified her as Lizzie Fuhrart, eighteen years old, of Vandalia, O. She has always borne a spotless reputation at her home. She came to this city on December 29th, to look for employment and was staying with her aunt, a Mrs. Deeters.

The body was badly decomposed and discolored and the features are almost unrecognizable. The face shows bruises and other evidences of violence are plainly visible. A burlap bag enshrouded the upper portion of the body.

If this murder occurred on the 29th of December, it followed that of Mary Forschner by only about a week. The police fear that both crimes were the work of a pervert who is still at large. Albert Wilkie, employed at the Davis sewing machine factory, was arrested here to-night on suspicion. Wilkie is the sweetheart of the murdered girl, but says he has not seen her since she came to the city on December 29th.

SUDDEN DEATH.

Gannings, Ont., Feb. 6.—George Glassford died suddenly this morning in the house of Simpson Frances, where he had gone for his morning's milk.