

W. H. CHITTICK AWARDED \$100

Verdict in His Suit Against the
Railway Company.

Edward C. Brown Brings an Action
for \$2,000—The Trial of George
Harding for Manslaughter Begun.

In the suit of Chittick vs. the London Street Railway Company, at the Middlesex assizes, the plaintiff stated that on the day of the accident he and Col. F. H. Leys, M.P., drove up to the fountain, at the corner of Rectory street and the Hamilton road. The rear wheels of the buggy were across the track. They had not been more than a minute there when a car turned off Rectory street, and stopped within eight or ten feet of the buggy. Then the car continued and came in contact with the buggy, shoving the rig forward on the horse and causing the latter to bolt. The passengers were both thrown out and injured.

Col. Leys corroborated Mr. Chittick's evidence. In cross-examination, Col. Leys was questioned about having asked vs. information against Motorman Talbot. Witness had asked, he said, on information given at that time, but he had since ascertained that the information was wrong.

Joseph Shrimpton, John Penwarden, and other eye-witnesses of the accident, were called, and all agreed that the car struck the buggy. Some said the car stopped five feet from the buggy before starting again, others said fifteen feet. As to the length of time the car stopped at that point, there was also a difference of opinion. The defense called only the motorman, Freeman Talbot, and the conductor, Wm. Crittice. They both said that the car did not strike the buggy. Talbot said the car stopped one minute before continuing, and Crittice said "four or five minutes."

Mr. Hellmuth, in addressing the jury, held that the employees of the street railway company had not been guilty of negligence, and that the accident had been due to the horse becoming frightened. Mr. Meredith said the fact that the car was brought to a standstill within ten or fifteen feet of the buggy was evidence of negligence on the part of the street car employees. He also asked the jury to place dependence on the evidence of independent witnesses—all of whom said the car struck the buggy—rather than on the evidence of the employees of the company.

The judge in his charge said that if the car only came within two feet of the buggy the defendants would be acquitted. He asked a question for the jury to decide on the evidence submitted.

The jury retired at 3:30.

VERDICT FOR \$100.

When the court adjourned last evening the jury had not arrived at a verdict in the suit of Chittick vs. the London Street Railway Company. Subsequently the decision to award Mr. Chittick \$100 was reached.

THE SUIT OF E. C. BROWN.

Edward C. Brown, of King street, brought action against the street railway company to recover \$2,000 damages for injuries received on July 19 last. George C. Gibbons, Q.C., appeared for the plaintiff, and Hellmuth & Ivey for the defendant.

Mr. Brown is a carpenter, residing on King street, and is 65 years of age. He stated he was struck by a west-bound street car at the corner of Dundas and Colborne streets, and received gross negligence on the part of the crew as the cause of the accident. He was returning home from work on the evening of July 19, and attempted to cross Dundas street from the northeast corner of Colborne street to the southwest corner. As he left the kerb he gave a glance to the east and noticed no car. Just as he reached the north track the car struck him and he was rendered unconscious. He heard no warning from the car. Mr. Brown's collar-bone was broken and he has not since had the use of his left arm.

Aid Plant was walking east along Dundas street at the time and, perceiving Mr. Brown's danger, should have attracted the attention of Mr. Brown or the motorman, but failed to do either. The car was going fast. Witness could not estimate the speed at the hour. The car was not sounded until just as Mr. Brown was struck. The brake was then applied, but the car did not stop until it had gone nearly half a block.

John McLean was walking with Aid Plant, and also saw Mr. Brown's danger when the car was some distance away. The car was traveling fifteen or twenty miles an hour at the time. Mr. McLean corroborated Aid Plant's evidence.

Miss Rockwood, who was walking on the south side of Dundas street, was attracted by the rapidity with which the car approached Colborne street. It was going eighteen or twenty miles an hour, she said. She did not see Mr. Brown.

Mr. De Hart, formerly superintendent of the London Street Railway, said a car going eight or ten miles an hour, under ordinary circumstances, could be stopped in one and a half or two car lengths.

City Engineer Graydon was called to give evidence relating to the frequency of the violations of the city

HEART HUMBAG.

It is fashionable today to have a new heart scare every 24 hours. The commonest symptoms of dyspepsia or nerve trouble, such as palpitation, weak spells, loss of appetite and poor circulation, are magnified and distorted into serious signs of heart trouble, with the object of frightening the public into taking this or that heart remedy. If a hundredth part of the heart trouble we hear about were real, the cemeteries would be filled in a month. A wrong construction is put upon common ailments in order to humbug the people into the belief that heart disease is prevalent, whereas real heart trouble, which is so sadly and suddenly fatal when it does occur, is a rare disease. Lonsided arguments cannot convince an intelligent people. Iron is the vital element of the blood. Too little iron means weakness, lack of spirit, pallid cheeks, shortness of breath, sleeplessness, nervousness, loss of vital force, ending in general breakdown. The only way to get Blood and Nerve Pills in the soluble form you need, in combination with other curative agents in such a manner that disease cannot resist them. You feel yourself getting well when you take Dr. Ward's Blood and Nerve Pills.

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bylaw to regulate the speed of street cars, but the judge ruled that the evidence was irrelevant.

Motorman John McNeen and Conductor Brown were called for the defense. The motorman said he rang the bell as soon as Brown left the sidewalk. Mr. Brown was walking in a westerly direction, and he (McNeen) believed the plaintiff had not seen the car until it was too late to stop. Mr. Brown was struck by the corner of the vestibule just as he reached the track. The power has been turned off at Burwell street. McNeen's evidence was corroborated by the conductor.

The evidence of the plaintiff's physicians and the medical testimony submitted by the defense differed mainly as to the probable time of Mr. Brown's recovery. Mr. Brown's physicians said he would not have the use of his arm for two years, and for the defense it was said his arm would be all right in a year at the outside.

The case was adjourned shortly before 6 o'clock, owing to the illness of a witness for the defense. Prior to the adjournment Mr. Hellmuth moved for non-suit on the ground that contributory negligence had been shown by the evidence for the plaintiff. But the chief justice decided to leave the matter with the jury.

SUITS POSTPONED.

The suits of Anderson vs. G. T. R., and Ashplant vs. the G. T. R., have been postponed to the January assizes.

TRUE BILLS.

The grand jury returned true bills against Jordan Pickell, charged with bigamy, and against John McDonald and Frank Cahill, charged with burglary and assault.

No bill was found against James Cullen, charged with theft and forcible entry.

WEDNESDAY MORNING.

The suit of Edward C. Brown against the London Street Railway Company was resumed when the court opened at 9 o'clock. Oscar Smithers, an employee of the company, was called for the defense. Smithers was on board the car which struck Brown, and corroborated the evidence given by the other employees of the company.

Mr. Hellmuth, in summing up the defense, submitted that the plaintiff's negligence was the cause of the accident. With regard to the speed at which the car was running, Mr. Hellmuth said the only witness was a little girl.

Mr. Gibbons, in addressing the jury, said stress on the evidence which had been submitted, to show that the car was going at a great rate of speed. The defendants had objected to other evidence which Mr. Gibbons wished to submit on this point. "How are we to get evidence to please these people?" he said. "We can't have experts at the street corners waiting for accidents." He held that the plaintiff had about twenty miles an hour, and that he had proved that the car was going the car going had not been sounded until just as Mr. Brown was struck.

The charge justice charged wrongly against the plaintiff. Whatever might be said against the street railway company, he said, smiling, it certainly was a benefit to the legal fraternity. Three of these cases had already been tried, and eight more were to come up. It was a matter of great satisfaction to his lordship that in the previous cases the juries had acted reasonably and moderately. He understood that there was an unreasonable prejudice against the street railway company in this city. Why, he could not understand. Street cars were the greatest of modern conveniences. The cars had to be run reasonably fast, but there was no law regulating the speed at which they should run. They were governed by the surrounding circumstances. As to how fast this car was running, the best judges were the men who run cars. Given if they were guilty of negligence, they would not be liable if the plaintiff had not exercised reasonable care and prudence. The plaintiff's contributory negligence could relieve the defendants from liability.

The jury retired at 10:15.

GEORGE HARDING ON TRIAL.

Shortly before 10:30 George Harding, charged with causing the death of Andrew Gowanlock, was brought into the court room to stand his trial for manslaughter. Little difficulty was experienced in empanelling the jury. The following were the jurors sworn: Wm. Clark, Caradoc; Frank Inch, Metcalf; Wesley Woodhall, Westminster; Caley Fleming, West Nisour; Donald McLeish, West Nisour; Ephraim Langford, Biddulph; Peter Dewar, Lobo; Donald McTaggart, Geo. Reid; James Walker, Metcalf; Geo. Cochrane, Caradoc; John Geary, London, and Fred Bailey, West Nisour.

E. F. B. Johnston, Q.C., for the crown, reviewed the circumstances surrounding the death of Gowanlock at the yard at the O'Neill House, on the evening of Aug. 23 last.

WILLIAM COLLINS.

The first witness called was Wm. Collins, proprietor of the O'Neill House. Gowanlock had boarded at the O'Neill House five or six weeks, and witness believed that he was quarrelsome under the influence of liquor. About dusk on Aug. 23 witness heard loud words in the yard, and on going out he found a stranger leaning over the prostrate form of Gowanlock. Witness asked the stranger what was the matter. The stranger replied it was none of his (O'Neill's) business.

To Mr. Frank Love, counsel for Harding, the witness said Gowanlock had been drinking during the day and was quarrelsome.

DUNCAN BLUE.

Duncan Blue, the hostler at the O'Neill House, was called. He was working in the hotel yard just outside the stable, and saw Benjamin Beech head Harding out of the stable, and heard Beech tell Harding to sit down and have himself. Loud words had passed in the stable. Gowanlock was out in the yard then, and wearing a dark coat. He went into the hotel, and came out with another coat on. Some water was thrown at him from the hotel. Gowanlock went back to the hotel and came out the third time in his shirt-sleeves. Witness then said to Gowanlock, "Get into the house and don't make any disturbance." He said that because it looked as if there was going to be trouble. Gowanlock looked angry, and was angry at the witness when told to go in. Gowanlock kicked at a horse that Blue was leading, just after Harding and Beech came out of the stable. Blue told Gowanlock to be careful that he would get kicked in the legs. Gowanlock replied that he could get another pair of legs. Blue was in the stable when Harding struck Gowanlock.

Questioned by Mr. Johnston, Blue said he had known Harding for ten or twelve years. He had known Gowanlock four or five years. Mr. Johnston tried to show that Blue's sympathies were with Harding.

THOMAS SHAVER.

Thomas Shaver, a laborer, living on Briscoe street, went to the O'Neill House at 7:30 in the evening of Aug. 23. He saw Gowanlock, but could not say that he had been drinking. "Just before the fight I heard Harding say, 'Are you out here to kick me?'" The witness

said Gowanlock made no reply. The men were ten or twelve feet apart. Harding walked up to Gowanlock and hit him twice very quickly, with both hands. Gowanlock did nothing before he was struck. Then he raised both hands with the palms toward Harding. Witness was about 20 feet away at the time. There was nothing unusual about Gowanlock, except that he had his coat off. Witness saw nothing to cause Gowanlock to fall but the blow struck by Harding. After the man fell, Harding went out of the yard. When Blue told Gowanlock to go into the house, Gowanlock said in an angry tone, "Keep away from me. I'll kick you." Witness did not know how it was the two men came together.

WILLIAM DYER.

William Dyer was in jail on the charge of drunkenness, and when brought into the court-room handcuffed, with a constable. Mr. Johnston protested against witnesses being brought to the stand with handcuffs on. Dyer descended to the final fracas. After Gowanlock came out to the yard he walked up towards Harding, and stopped within five or six feet. Harding said, "You've come to kick me." Witness did not know how it was the two men came together.

Mr. Johnston produced Dyer's signed declaration taken at the request of the crown, and the witness said it must be right, and that Harding came towards Gowanlock.

Dyer did not see the first blow struck. Gowanlock stood for a minute or so after the blow was struck before he fell. Witness and Harding then walked away.

BENJAMIN BEECH.

Benjamin Beech, an hostler, was one of the crowd in the hotel yard when Gowanlock was struck by Harding. Beech was the man who took Harding away after the trouble between the two men in the stable. At the inquest, Beech said he heard Harding say to Gowanlock, "I can kick you." To Mr. Johnston today Beech said he did not hear a word said by Harding. What he swore to at the inquest was untrue, he said, if the declaration was correct.

COULD NOT AGREE.

At 12:30 the jury reported that they could not agree on a verdict in the suit of Edward C. Brown against the street railway company, and were discharged.

Mr. Hellmuth will move before the division court for judgment.

To Mr. Love, Beech and the men had been in the stable. He did not hear them, but saw three or four men run up to the stable door. He took hold of Harding by the coat collar and told him to behave himself. Harding was caught hold of Harding because he was the nearest to him. Beech was not afraid of either of the men.

Harry E. O'Neill, son of Dr. J. D. O'Neill, who was the whole trouble, gave a detailed account of the whole circumstances, as was given by him at the inquest. His evidence was given with admirable coolness. The young man was but three or four feet away when Harding and Gowanlock came together.

Alexander McInnes, of Woodstock, the stranger spoken of by Mr. Collins, as the stranger noticed stooping over Gowanlock just after the row, repeated his evidence as given at the inquest.

KILLED HIS FRIEND'S CHILD

Murderous Outcome of a Family Quarrel in Camden, N. J.

New York, Nov. 22.—The wife of James Baxter, of Camden, N. J., left him because she said he beat and tortured her, and took refuge with the family of Jerry Ryan, Ryan and Baxter, a veteran of the Spanish war, and they have been friends for years.

Baxter went to Ryan's house last night, and asked his wife to marry him. She refused even to speak to him, saying she was afraid he would kill her. Baxter thereupon drew a revolver and began shooting. Mrs. Ryan was struck by three bullets, one of which passed through her body and killed her child behind her. A fourth went wild and a fifth buried itself in Ryan's left arm.

In a frenzy Ryan grabbed the murderer and knocked his head against the wall and the floor, until he begged for his life. When he found his child was dead, Ryan tried to kill Baxter, but was prevented.

Mrs. Ryan will probably die. Ryan's injury is not serious. Baxter was arrested.

JOHN BULL AND UNCLE SAM

Whitelaw Reid Talks About the Anglo-American Entente.

New York, Nov. 22.—The 131st annual banquet of the Chamber of Commerce was held at Delmonico's last night, and brought together a representative business men of New York. There were also a number of distinguished guests. President Jessup presided. After congratulating the members of the chamber upon the prosperous condition of the country, he proposed the toast of the United States. Next President Jessup proposed a toast to Queen Victoria, while the orchestra played "God Save the Queen." The principal speakers were Gov. Roosevelt, Hon. Thomas B. Reed and Whitelaw Reid.

Mr. Reid spoke to the toast: "The existing friendly relations between the United States and Great Britain." and said in part: "Long ago Thomas Jefferson remarked that of all nations on the earth Britain could do us the most harm, and therefore we should sedulously cultivate the friendship with her. These latter days have shown that of all the nations of the earth Great Britain and the United States can give each other the most cheer and do each other the most good. There is a mutual motive on both sides for the same sedulous cultivation of the same cordial friendship. In the lamentable wars in which both are for the moment unhappily involved, the nearest either nation do to 'have' the other, as for itself, an honorable and a speedy end to conflicts which neither began. Few thinking people seriously suppose either war can have any other but the most obvious and inevitable result. The heavier the blows will win. For the rest, whatever may be the natural sympathies aroused for the feeble side in either war, the end which is thus foreseen from the beginning will be best for the security of personal rights, for the ordered liberty and the advancing civilization of the world. Meanwhile it cannot prevent the return of good relations between the two peoples of the world nearest to ourselves in origin, aims and interests—the two great Indo-Germanic peoples ruled from London



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and Berlin. That is an event in the world's history, auspicious for us and auspicious for the solution of eastern problems, in which we must now bear our share. No doubt it is our duty to cultivate friendly relations with all peoples, and they may be right who say that in general we should seek no special relations with any. But you cannot over-rule the forces of nature, nor bind with the parchment of diplomacy the hidden and irresistible influences of blood and history. I say without hesitation that if there are three great nations in the world that God's nature meant for eternal peace and amity with each other, those three are Great Britain, Germany and the United States. There is obviously every reason why England and Germany should now be friends. Yet more should the United States welcome and prize the growing friendship of each. We are rivals in trade, just as you friendly merchants are all rivals in trade. But we are also indispensable customers to each other, and we have a common interest in the east, the interest of the open door. We have pledged the open door to the Philippines to Spain by a document which is now the supreme law of the land, as well as the constitution and what we give to Spain we shall not refuse to the most favored nations. The Philippines, then, are through our possession, added to the commercial map of the world, and I venture to think that in the century which is dawning they will fill a large space upon it. Does anyone in this company of great republicans what our trade with them will be to us, if they are open to everybody? Let me answer by asking what good our trade with Great Britain is to us? It is open to everybody. Or our trade with France or Germany? Does anyone believe that with the political control and with the Pacific Ocean in our hands, we must still be such feeble competitors in eastern markets that we cannot command trade? I have not thus rated the enterprise or the ability of my countrymen. So we welcome to the east all the world, and are sure that those we shall see oftenest there will be our English and our German friends. Together we shall enter the vast, awakening unknown, where dwell one-fourth of the people of the world, and where, together in peaceful rivalry, we must bear our respective shares of the world's burden in the dark places of the earth.

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Chattanooga, Tenn., has just received a detachment of 30 Mormon elders sent from Salt Lake, Utah, to propagate Mormonism in the Southern States.

LIFE SAVED.—Mr. James Bryson Cameron, aged 72, was confined to his bed with inflammation of the lungs and was given up by physicians. A neighbor advised me to try Dr. Thomas' Electric Oil, stating that his wife had used it for a long time with the best results. Acting on this advice I procured the medicine, and less than half a bottle cured me. I certainly believe it saved my life. It was with reluctance that I consented to a trial, as I was reduced to such a state that I doubted the power of any remedy to do me good.

The British Archaeological School in Greece has resumed the work of excavating in Milo.

THERE is not a more dangerous class of disorders than those which affect the breathing organs. Nullify this danger with Dr. Thomas' Electric Oil—a pulmonary of acknowledged efficacy. It cures soreness and lameness when applied externally, as well as swelled neck and crick in the back, and, as an inward specific, possesses most substantial results.

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JOTTINGS FROM NEAR-BY PLACES

KOMOKA.
Komoka, Nov. 19.—The Baptists of this place had a platform meeting last night. The addresses were very interesting and instructive, and all present felt benefited by going.

Miss Maggie Sinclair has returned home from Toledo, and is expected to go back shortly.

ARVA.
Arva, Nov. 21.—Mr. Ernest Anderson, of Arva, has resigned his position as teacher in school section No. 4, Delaware, owing to ill-health, and left for Montreal yesterday, from which place he sails for Scotland on Thursday. His many friends wish him a speedy recovery and a safe voyage.

DORCHESTER.
Dorchester Station, Nov. 22.—Dissolution of the partnership between J. H. Hicks and J. W. Hunt, merchants, occurred on Monday. The business is to be conducted by J. W. Hunt.

Miss Jennie Richmond has been engaged as saleswoman for Mr. J. W. Hunt.

Mr. John H. Birch and Mr. William Capstick have formed a partnership. Dr. S. W. Moore, of Michigan, who left here about fifteen years ago, paid his sister, Mrs. Daniel Sutherland, of this place, and his brother, James Moore, of Mapieton, a flying visit. He proposes resuming the practice of his profession here.

Reeve Neely, shipped on Monday a herd of 200 prime hogs for the Hamilton market. The price paid was \$3.65 per cwt.

Miss Watson has been re-engaged to teach school at Hamilton road at a salary of \$225.

GLADSTONE.
Gladstone, Nov. 22.—A straw stack belonging to R. D. Stirrin collapsed, burying two bovines. One of the animals was dead when extricated.

Mr. Hoar, of St. Thomas, has sunk three wells, one for Collin Campbell, at a depth of 45 feet; one for William Moore, at a depth of 85 feet, and one for Edward Rogers, at a depth of 75 feet, with a diameter of 4 feet.

Earl McMurray has entered the service of Messrs. Edward & Frank Groat.

The trustees of the village school have re-engaged the services of E. S. Stephenson as teacher for 1900; salary, \$400.

MOUNT BRIDGES.
Mount Bridges, Nov. 22.—Mr. Martin and family, of Michigan, are re-newing old acquaintances here.

Mr. James Bond has the sympathy of the community in the death of his 10-year-old son Ernest. About a year

ago the boy had scarlet fever and diabetes followed and resulted in his death on Sunday night. The funeral took place yesterday at 2 p.m.

Quite a number of the young people from here attended the box social given by the Delaware Epworth League on Friday evening. They had an enjoyable time.

Mr. Wesley Dingman is in London, attending the assizes as a juror.

Mr. and Mrs. Giles, of the Hamilton road, London, are visiting Mrs. Giles' brother, Mr. A. S. Jenkins, of the Muncey road.

Rev. J. E. Holmes preached a special sermon to the young people last Sunday evening. The church was crowded. Mr. Holmes is very popular with the young people. Crowds flock to the church every Sunday to hear his interesting and profitable discourses.



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