

VOL. LII.

HAMILTON, CANADA, SATURDAY, JUNE 5, 1909.

NO. 133.

CASES FOR SESSIONS

Which Open Before Judge Snider Next Tuesday.

Thirteen Jury and Eleven Non-Jury Suits Entered.

Seven Criminal Cases Are Also on the Roster.

The General Sessions of the Peace open on Tuesday next, June 8, before His Honor Judge Snider. The following are the Grand Jurors: Frank W. Bradwin, Hamilton; Chas. Smith, Dundas; Everard Godwin, East Flamboro; Geo. Bartindale, Hamilton; Jos. W. Bates, Hamilton; Robert Inksetter, Beverly; Thos. Allen, jun., Hamilton; Robt. B. Aeres, Hamilton; Jas. J. Steele, Dundas; W. W. Peacock, Barton; Geo. G. Austin, Hamilton; Geo. J. Sharpe, Ancaster; Rufus J. Goodale, Glanford.

The civil list is as follows: Jury cases: Smyth vs. Stewart—A. C. Beasley; Nesbitt & Co.

Foyster vs. Dominion Guarantee—Kerr & Thomson; Staunton & Co. Brown vs. Canadian Express—Lees, Hobson & Co.; W. H. Biggar. Lee vs. Land—M. Malone; S. D. Biggar. Cornell vs. Nobbs—M. Malone; Lewis & Arrell.

Whitcomb vs. Canadian Guarantee—Lee & Farmer; S. F. Washington. Smith vs. Bennett—Lazier & Lazier; Donald Ross.

Guest vs. Webb—Chisholm & Logie; Bell & Pringle.

Levy vs. Hamilton Street Railway—Martin & Martin; Gibson & Co. Manders vs. Canadian Express—Lees, Hobson & Co.; W. H. Biggar.

Johnson vs. Johnson—H. D. Petrie; Bruce, Bruce & Co.

Malone vs. Hamilton Street Railway—M. Malone; Gibson & Co. Stockwell vs. Copeman—Staunton & Co.; J. R. Layton.

Non-jury: Siderski vs. Granatstein—W. T. Evans; Heyd & Heyd.

Bradley vs. McDonald—W. T. Evans; S. F. Washington.

Biggs vs. Gilbert—H. D. Petrie; Lees, Hobson & Co.

Thompson vs. C. P. R.—S. D. Biggar; A. McMurchy.

Petrie vs. Mumford—S. D. Biggar; A. Abbott.

Walsh vs. Stevens—S. D. Biggar; S. F. Washington.

Baguley vs. Misener—Harley & Sweet; James Bicknell.

Hunter vs. County of Wentworth—J. W. Lawrance; Bruce, Bruce & Co.

Williams vs. Petty—Lees, Hobson & Co.; Nesbitt & Co.

Burland vs. Perry—Bell & Pringle; Dewart, Maw & Co.

McInnes vs. Sekeu—Staunton & Co.; H. Petrie.

Criminal cases: John Nevill, shooting with intent. William Edmonston and Albert New, assault and robbery.

Thos. Simpson, stabbing with intent. Edward Hughes, aggravated assault. John Birmingham and Eric Austin, housebreaking and theft.

William Aitchison, burglary. Helena Sajkic, perjury.

OUT ALL NIGHT

Eleven Hundred Excursionists Got Home For Breakfast.

The aquatic carnival given by the Thirteenth Band last night was held under very unfavorable weather conditions. Rain and a dense fog came on shortly after nightfall. A thicker fog had not been seen around the Beach for years. Considering the weather the attendance was splendid, fully 2,000 people going on board the Turbinia and Modjeska, and filling both boats comfortably. The Macnea did not go out. The Ivan R. carried the fireworks. Music by the two bands was greatly enjoyed, but it was not a good night for fireworks. About 10:30 the Modjeska and Ivan R. returned, and the former's load of passengers disembarked. The Turbinia, however, could not make the canal, and rather than run any risk with 1,100 passengers on board Captain Bongard decided to wait until the fog lifted. It didn't lift, and he had to wait for daylight. The vessel steamed in at about 6:30 this morning. Fortunately the street railway company had kept cars in waiting.

Much credit cannot be given to the officers of the Turbinia for their kindness to the passengers. Every possible convenience was made for them. The ladies' cabin afforded protection from the rain.

The local steamboat companies are applying to the Government for a fog horn at the Beach. Had one been available last night the Turbinia would have made the canal all right.

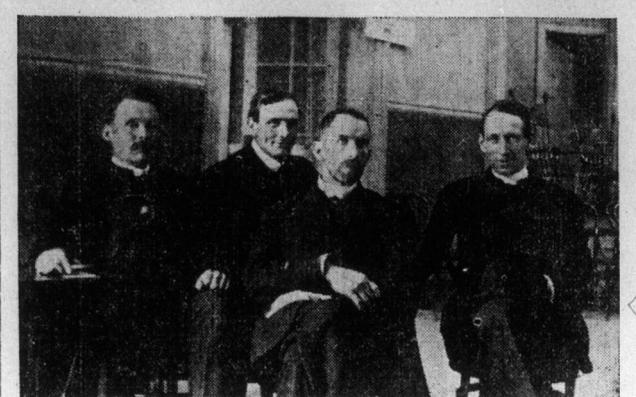
HARD ON HIM.

Boy Went Into Convulsions in Police Cells.

William Riley and Willie Lusty, the Toronto youths who were arrested on Thursday by Detective Campbell on a charge of stealing a horse and buggy belonging to James R. Gibson, Toronto, were sent back to their native city yesterday afternoon. As no money was sent for the transportation of Percy Chase, he was left in the cells. Later on in the evening Chase became hysterical at being left alone and fainted so badly that he was seized with convulsions and had to be taken to the City Hospital. He was all right this morning and will be sent to Toronto this afternoon. Gibson drove his horse back yesterday.

The Italian Minister of Marine has ordered the construction of ten destroyers and one scout ship. They are to be completed within 20 months.

PROMINENT PEOPLE OF THE ASSEMBLY



Rev. W. Forbes, Rev. R.S. Scott, Rev. W. Simons, Rev. D. Lang, Tatamagouche, N.S., Hillsburg, Ont., Vermilion, Ont., St. John, N.B.

Rev. Wm. Forbes is the successful assistant and successor of the venerable Dr. Sedgwick.

Rev. R. S. Scott is a good type of our Knox College graduates and Ontario clergy.

Rev. W. Simons is one of Principal King's "old boys," has an institutional church, and without salary, superintends 23 mission stations.

Rev. D. Lang is the eloquent pastor of St. Andrew's Church, St. John, where Judge Forbes is a member of session.

STEWART VS. TRUTH RE THE CATARACT.

Hansard Proves That Stewart Deliberately Misrepresented—The Report Quoted.

T. J. Stewart, the principal anti-Hamilton power advocate, has been endeavoring to create doubt as to the ability of the Cataract Company to supply current to the city under the contract upon which the electors will vote on Monday.

Stewart's plan has been to allege that the Cataract Company was entitled to use 700 cubic feet a second from the old Welland Canal, and that, in 1906, it applied for and obtained 300 cubic feet more. Even with this increase Stewart has again and again stated that the Cataract Company is using within 6 per cent. of its limit of water supply.

The company has given that statement official denial. Giving as his pretended authority a statement said to have been made by the Minister of Public Works on the floor of the House in 1906-07, as recorded in Hansard, Stewart has repeated his false statements.

Let us see what the official record says. The matter came up on February 18, Mr. Clare, M. P., asked a number of questions to which the Minister of Public Works replied. The questions bearing on this matter and the replies were:

1. What amount of water has the Cataract Power Company the right to divert from the Welland Canal for power purposes?

Ans.—One thousand feet per second. H. How much of this is being used at the present time?

Ans.—Cataract Power Company is using not over 400 cubic feet per second. V.—Has any application been made for an increased amount of water from the Welland Canal, and what is the intention of the Government regarding the granting of the same?

Ans.—There is no application in the department for a further increase of water from the Welland Canal.

Let the honest ratepayers of Hamilton ask themselves why Stewart so misrepresents the situation and misquoting the statements of the Minister to try to make it appear that the Cataract Company was, in 1906, using more than 700 cubic feet of water a second, and that with 300 cubic feet additional it was now within 6 per cent. of the limit of its supply.

The statement of the Minister of Public Works bears out the statement issued by the Cataract Company. The Government Blue Books prove the truth of it by the record.

What becomes of Stewart's repeated untruth? What good cause does he hope to advance by such methods?

TWO FALSEHOODS NAILED.

To the Editor of the Times: Sir,—It is time to pin two current falsehoods in regard to this company. The sources of the first will be readily placed. It is stated that we are using 94 per cent. of our water leased from the Government. The telegram from the Superintendent Engineer of the Welland Canal, quoted below, disproves that conclusively:

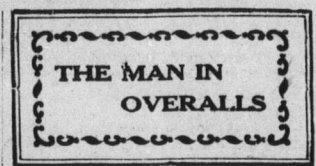
"I have just written you that according to measurements taken by my engineers to-day you are using somewhat less than five hundred cubic feet per second, although under your lease you are entitled to use one thousand cubic feet per second."

The second statement, made by a Minister of the Crown, is to the effect that this company has refused to sell power to the Hydro-Electric Commission. We will not quote the letters but if any one is interesting in the truth we shall be pleased to show them to him, and dispose of this statement. Or any paper can publish them if it chooses, letting the public judge.

And so on through the list of statements made in attack on a legitimate business honorably conducted. What will any thinking man say of a Government enterprise whose promoters take so little interest in confining themselves to the truth?

Further, our undertaking is entitled to the support of the plain truth which should not be too much to expect from a Minister of the Crown or a member of Parliament. Yours truly,

Wm. C. Hawkins, General Manager. The Hamilton Cataract Power, Light & Traction Company, Limited, Hamilton, 5th June, 1909.



THE MAN IN OVERALLS

New story next Tuesday. Have you got your dog on a string?

If those \$5 fines for wheeling on the sidewalk are not more effective, they better be made \$10. Perhaps, however, it is intended as a revenue tariff.

Presbyterian doctrine will predominate in Hamilton pulpits to-morrow. How many will preach predestination?

I am told that the Hydro-Electric boomers are buying votes. Where did the money come from?

Now that the real estate men have joined the Greater Hamilton movement things should begin to happen.

Another show place for the visitors in town is the revetment wall. Go down and have a look. When stretched along the bay front it will be a great sea wall promenade.

I have no doubt but Col. Hendrie feels quite annoyed about those attacks on the Mayor, so ungentlemanly and uncalled for.

Geo. H. Summers has a clever publicity man. That poster of his is worthy of honorable mention in theatrical circles.

Col. Hendrie ought to be satisfied with that apology of the Spectator. It was abject enough.

Up in Guelph they are using clothes lines for dog leashes, with the result that doggie can walk on one side of the street and its owner on the other.

The man who votes Hydro-Electric on Monday takes big risks. Will you take it?

To tell the truth, I have an idea that Hon. Mr. Hendrie would be quite pleased if the Hydro-Electric by-law was beaten on Monday. It's pretty well known that he is more or less sick of the whole thing.

Of course, Mr. Stewart will also want to be on the Board of Control.

Perhaps Chief Smith will keep an eye on the men with the long green on Monday.

If you go on the water to-morrow, don't be foolish or take unreasonable risks. I know there is no danger and no chance of your being drowned. But somebody will be the next victim, and you can't tell for sure who it will be.

There was peace and quietness in the city when Stewart was in Ottawa. Now all is turmoil and wrangling again. I never saw such a man.

Anyway, see that your dog sleeps with his bedroom window open.

Pay no attention to the agitators. Vote for what you think best for Hamilton.

"Love Finds the Way." The Times new story begins next Tuesday.

Give a dog an ill name and hang him. There are dogs and dogs, and the well-bred, well-behaved dog should not have to suffer because the city is afflicted with a lot of useless mongrel curs, that are a pest to everybody around, destroying property and destroying our night's rest with their hideous noise. I may be singular in my views, but I believe that dog owners should be made to show cause before they can purchase a tag.

If their dog is useful, if it is pure bred, if it is well trained, I would grant a tag. If the dog is shown to be a mongrel, a useless, destructive cur, it would get no tag from me. If such a law were in force, the present drastic measures would not need to be enforced. I sympathize with the dog—the under dog in this case, that can't now even have a dog's life. The dog is man's most faithful friend. What kind of a friend is man to it? What about that indignation meeting?



E. B. O'REILLY, M.D., Who was elected W. M. of the Barton Lodge last night.

Genuine Calabash Pipes. South African Calabash pipes, with meerschaum bowls, are light in weight, very durable, cool smoking, and color well. They are sold in all sizes, with silver mounting, at Pease's pipe store, 107 King street east.

Marching Through Georgia. This would have been easy if the marchers had had British Army Foot Powder, because it relieves and cures tired, aching and sweaty feet. It makes walking easy and tight shoes comfortable. Sold in sprinkler top cans at 25c.—Parke & Parke, druggists.

PROMINENT PEOPLE OF THE ASSEMBLY



Rev. J.A. Wilson, Rev. J.G. Potter, Rev. J.E. Munro, Rev. J.R. Van Wyck, Hamilton, Peterborough, Gladstone, Mass., Hamilton

Messrs. Wilson and VanWyck were "snapped" in the corner of the reception room, receiving two commissioners. One is Rev. J. G. Potter, the popular member of Assembly and minister of St. Andrew's Church, Peterborough.

The other is Rev. J. E. Munro, whose "staying powers" may be judged from the fact that he has been 16 years in his present pulpit in the west.

FAMILY CASES NOT FOR PUBLIC COURT.

Judge Teetzel Gets Pratt vs. Pratt Settled and Probably Wright vs. Wright.

Mr. Justice Teetzel took a strong stand in two family suits at the non-jury sitting of the High Court yesterday. He advised the parties to the actions of Pratt vs. Pratt and Wright vs. Wright to make concessions and come to a settlement. He said probably all would be better off financially and certainly all of them would be in a better state of mind afterwards and would be able to sleep better. It was an unfortunate thing when members of the same family got into litigation.

The first case of the two called was Pratt vs. Pratt, the plaintiff, Mrs. D. B. Pratt, suing the T. H. Pratt Company for a declaration and an accounting on \$5,400 stock in the company and for an order to compel the directors to declare a dividend. Messrs. Staunton and Cahill acted for the plaintiff and Messrs. Middleton (Toronto) and Bell acted for the defendants. After some preliminary explanations on the part of counsel, His Lordship suggested Mr. E. R. C. Clarkson, of Toronto, be agreed upon as arbitrator, to value the stock in trade of the company, examine the books and determine the value of the shares. T. H. Pratt expressed willingness to leave the matter entirely to Mr. Clarkson; otherwise he insisted on the case being tried at once.

The solicitors conferred with their clients and then a conference of the solicitors took place, after which Mr. Middleton announced the arrangement reached. It is that Mr. Clarkson is to value the stock and books of the company and determine the value of the shares as a going concern. The amount set by him is to be paid by Mr. T. H. Pratt and Mr. Peables, the majority stock holders. In the event of Mr. Clarkson declining to act the case is to be tried at the next court.

In the suit brought by Mrs. E. T. Wright against H. G. Wright for an accounting and a declaration in regard to the partnership which existed between her husband, who died some time ago, and his brother, H. G. Wright. His Lordship said that as one of the late Mr. Wright's heirs is a minor the responsibility of the parties to the action were all the greater. If the court decided that the business had to be sold all concerned might suffer loss. He strongly advised the parties to settle the matter and give more or take less than they felt that they had a legal right to do. He adjourned the case till the next court pending a settlement, but made

an order that Mr. W. G. E. Boyd, accountant, is to have access to the books of the concern at all times, representing Mrs. Wright, but that he is in no wise to interfere with the management of the concern. H. G. Wright is to continue as manager and is not to be liable personally for any losses sustained by the firm unless through gross carelessness.

Ross and Telford appeared for Mrs. Wright and Kerr & Thompson for H. G. Wright.

Proctor vs. Carscallen was settled on the terms stated in last evening's times. The action of Ross vs. Townsend for wages was referred to the local Master, Judge Snider.

The suit of Godolph vs. Chertkoff for \$1,750, commission on a sale, stands over until the next court.

Small vs. Morley was referred to special referee Monk.

Justice Teetzel gave judgment in suit of Chadwick Bros., vs. the Parkin Elevator Company to recover \$750 for goods supplied. He held that plaintiffs were entitled to \$500, which defendants admitted was owing, and which they paid into court. The counter-claim set up by defendants for the difference between \$750, the amount sued for and the \$500, was awarded to the defendants, with costs. The costs of the main issue from the time the money was paid into court until the end of the trial, including the costs of the partial hearing before Justice Anglin, were ordered to be paid by the plaintiffs.

The last action to be heard at this sitting was Ross vs. L. J. Applegarth & Sons, specific performance of agreement. On or about October 1, 1908, plaintiff claims he obtained a lease from defendant of the first flat of No. 27 King street east. Dr. Ross agreed to allow defendant to arrange the ground floor for an amusement theatre as long as it didn't interfere with the light, air and view of his operating room and the erection of a rear building was not to be closer to it than 16 feet, with the understanding that he was to get a lease of the first flat. The defendants, Mr. Ross alleges, went on with the alterations and subsequently repudiated the lease.

The defendants say there was no agreement at all. The trial was being fought out when court closed at 6:30. After adjournment at 6:30 the parties got together on the suggestion of the Judge and arranged for a lease on terms satisfactory to both parties. The defendants are the proprietors of the Crystal Palace Amusement Theatre, and the plaintiff is Dr. Ross, the dentist, who practices dentistry above it.

NO WRONG INTENDED

In Use of Bottles Without Registering the Mark.

Health Inspector L. McDonald charged Harold E. Warner, 315 King street east, proprietor of ... Cloverdale Milk Company, at police court this morning, with using milk bottles not registered at the Health Office. W. A. Logie appeared for the defendant. He said that the company had decided to change its identification mark and had ordered a supply of new bottles. Some of the bottles had arrived and were being used and the company was waiting until the complete supply arrived before registering the mark. Under these circumstances, although the Magistrate found the defendant guilty, he did not think it was a case for a fine.

Murray Glover, 152 King William street, was arraigned on a d. and d. charge laid by C. stable J. Duncan. The defendant pleaded guilty and was fined \$5 and the defendant fined \$5 on the first.

Charles Grant charged Charles Jenkins, 108 Wood street east, with refusing to pay him \$20 wages. The complainant said he had been hired by Jenkins to work at \$10 a week, and had left a steady job to accept

this position. The man Jenkins previously had working for him, witness said, had been discharged, but after he had been working for four days the former employee sobered up and was re-engaged by Mrs. Jenkins. Grant was then discharged. The defendant did not appear and Grant was given judgment for \$20.

ENJOYED IT. Mrs. Hendrie's Entertainment of Assembly Was Delightful. The garden party given by Mrs. Hendrie at the Holmstead to the visiting delegates to the Presbyterian Assembly was largely attended, over 900 being present. Mrs. Hendrie, Miss Phyllis Hendrie and Mrs. Lyle received. Supper was served in a marquee on the lawn, and Mrs. John Crear, Mrs. R. R. Waddell, Mrs. Calder, Mrs. J. S. Henderson, Mrs. John Harvey, Mrs. Eves and Mrs. Renwick poured tea. The Ladies' Aid of Central Presbyterian Church had charge of serving the refreshments, and Anderson's Orchestra supplied music. Mrs. John S. Hendrie, Mrs. Hay, Mrs. Braithwaite and Mrs. Will Hendrie helped in entertaining. Pipe-Major McGregor gave some selections on the pipes.

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.

LET PEOPLE DECIDE ISSUE

Mayor Has Nothing More to Say on Power By-law.

Another Farcical Hydro Meeting Last Night.

Stewart and Studholme Talk Glibly About Millions.

Although he has publicly declared that he has documents from the Hydro-Electric Commission which will disprove the statements made by ex-Mayor Stewart about the cost of Niagara power, Mayor McLaren said this morning that he had only two men approach him for the information. His Worship said he had nothing further to say to the people, nor any further reply to make to those who were attacking him before the by-law is voted on. He is satisfied to let the ratepayers be the judge, and has no fear about the verdict.

Another meeting in the interest of the Hydro-Electric scheme was held at Britannia Park last night, and, like those held earlier in the week, was a farce. Jim Miller, president, and the same speakers addressed the "crowd." Ex-Mayor Stewart declared the Dominion Power & Transmission Company had given away "millions of dollars" of watered stock practically free. Allan Studholme was so wrapt up in his subject that he failed to notice the laughter when he seriously announced that people "travelled millions of miles to see Niagara."

Chairman Crooks, of the Board of Health, ex-Chairman Quinn, Dr. Roberts, Medical Health Officer, and Dr. Parry leave to-morrow for Rochester, and will spend Monday getting pointers in connection with the pure milk campaign for babies to be carried on here during the summer months.

Six more cases of scarlet fever were reported to the health department last week. Other infectious and contagious diseases reported include four cases of German measles, and one each of typhoid and measles.

The Cemetery Board's financial statement for the month of May shows receipts of \$1,395, as compared with \$1,379 for the corresponding month a year ago. The expenditure amounted to \$1,767, and \$363 was set aside for the perpetual care fund.

COLLEGES REPORTED.

This Was Their Day at the General Assembly.

"We thank thee this morning with all the blessings and privileges it brings. We bless thee that the Master hath been with us leading us into a greater sense of duty and brotherly love."

Thus Rev. F. M. Dewey's prayer was a test of the spirit of the Assembly this morning. The refreshing rain of the night had filled the well-ventilated church with bracing air.

President Forrest, of Halifax, reported for the Presbyterian College of the Maritime Provinces. It referred to the loss of Principal Magill to the college, but the gain of Dalhousie University in securing him for the chair of Philosophy. The Assembly was asked to approve the appointment of Rev. Dr. Clarence MacKeown, of Winnipeg, to fill the position of principal.

Principal Scrimger then made his first appearance before the House, to speak for Montreal Presbyterian College. He said: "Our first thought is one of sorrow at the death of Professor MacKenzie, of the chair of Biblical Theology. We have more consolation in the success of another department of our work, namely in securing a gentleman from France to take charge of the French work. We therefore ask that Rev. Charles Bieler be inducted. We have not been able to secure a successor to Dr. MacKeown, but ask for power to do so should a suitable man be found."

The report was seconded by Rev. A. A. Graham, of St. John's and was adopted.

BROKEN NOSE,

But Was It Smith's or Holloway's That Got Blow?

Two colored men, John Smith and William Holloway, got into a mix-up on Barton street, near Victoria avenue, last night, and one of them received a blow over the face with a bottle and had his nose split open. The injured man was taken to the City Hospital, where he had his wound dressed, and then left. The hospital authorities say this man was Smith, but P. C. Lentz, who happened on the scene in time to assist the injured man, says that it was Holloway. No application has yet been made to the Police Magistrate for a warrant.

Responding to many inquiries as to what was being done in connection with the Kinrade case, the Attorney-General stated yesterday that the department was still actively engaged on the matter.

"God made the country, and man made the town," quoted the Wise Guy. "Then the devil must have made the suburbs," added the Simple Mugg, who had recently invested at Swamphurst.

Woodson—You're not as strict with that youngster of yours as you used to be. Bronson—No, for economy's sake. Every month I used to have to buy myself a new pair of slippers and him a new pair of pants.—Boston Record.