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JOHN FLUREY

NEXT TO TERRY'S.

Goodman Versus Capt. Jos. B. Parkin

JUDGE HARDING RENDERS JUDGMENT IN FAVOR OF THE PLAINTIFF.

Our readers will remember the trouble that occurred a couple of months ago between Capt. Jos. Parkin, of this town, and Mr. F. J. Goodman, of Rosedale, as a result of blasting being conducted by the former upon a roadway with the permission of the township Council. A stone propelled by a blast penetrated the roof of the Goodman domicile, whereupon the owner, waxing angry, entered suit for the injury, claiming unstated damages.

The suit was tried before His Honor Judge Harding on Dec. 21st, Mr. F. A. McDiarmid appeared for the plaintiff Goodman, and Mr. Leigh R. Knight for the defendant, Parkin. Judgment was reserved and was rendered on Saturday as follows:

Judgment.

Section 657 of the Consolidated Municipal Act, 3rd Edward, 7th chapter 19, as amended by 4th Edward 7th, chap. 23, sec. 30, authorized the corporation of any county or township lying south of the Thorah River, Lake Nipissing, and the River Mattawan, where minerals are found, to sell or lease, by public auction or otherwise the right to take minerals found upon or under any roads over which the township of county has a jurisdiction, if considered expedient to do so.

Before the Council of any township or county can take advantage of this enactment, minerals must be found, and in this case there is no pretense that minerals have been found where the defendant is sinking his shaft, or any part of the highway leased him by the Council of the township of Fenelon.

The township of Fenelon exceeded their authority, and grantee, the defendant, is a trespasser upon the public highway and might have been indicted for creating a public nuisance. In my opinion the operations of the defendant are dangerous to residents, and should not be allowed to proceed. I do not deal with other matters argued before me, holding the plaintiff entitled to the injunction claimed by him and to damages, which I fix at \$20, with costs of suit on the County Court scale.

Dated at Lindsay, this 29th day of January, 1909.

Close of the Stock and Seed Judging Courses

SATURDAY SEES THE END OF VERY SUCCESSFUL EVENT.

The stock judging continued during the remaining part of Saturday afternoon in the Academy of Music before a crowded building of eager farmer listeners and the program was carried out and finished successfully.

From 1.30 in the afternoon the stage was kept busy with harness horses, the first being single drivers and hackney breeds, which Dr. Reed demonstrated and explained.

The hackney entire horse was of a beautiful build and one of the finest animals of its kind that the doctor had seen for some time. This horse was owned by Mr. McKinnon, of Valentinia.

Mr. E. Stewart, of West Ops, also showed a fine bay mare which, against its opponents Dr. Reed would not criticize. The other animals for exhibition belonged to Mr. Brown, of East Ops.

Mr. Leddy, of West Ops, showed a fine team of carriage horses, which took second place in the Christmas Fair held in town in December last. The team which took first at the fair, owned by Mr. Graham, of East Ops, was expected, but owing to one of the animals having a lame foot, it was decided not to bring them to town.

VICTORIA COUNTY COUNCIL

ADJOURNED ON SATURDAY

(Continued from page 5.)

documents referred to them, and beg to recommend as follows:

1. That the course pursued by Jas. Graham, esq., in having repairs made on Scott's ridge, on the boundary between Carden and Mara, be approved. The amount expended was \$80.50, and a claim has been made on the County of Ontario for half the amount.

2. That the communication from the Clerk of the Township of Ops respecting the West Cross Creek bridge be filed, for the reason set forth under Section 6 referring to resolutions.

3. That the application of the Township of Ops for the use of the Stone Crusher be referred to the Controller.

4. That the communication from Messrs. Bowman & Connor and the Ontario Bridge Company respecting bridges be filed.

5. That the communication from the Ontario Provincial Good Roads Association be filed.

6. That a Petition to the Legislative Assembly be introduced to the Council in the terms of the draft transmitted by the Clerk of the County of Grey, for an amendment to "The Act for the Improvement of Public Highways", to provide for a Township System.

Your Committee have examined accounts as follows, and beg to recommend that the same be passed, namely: County of Peterborough, share of repairs, Pigeon Creek floating bridge.....\$55 65 John Carew, lumber, Ops Scugog bridge.....21 77 John Carew, lumber, Ops Scugog bridge.....3 55 Edwin Brooks, cartage, Emily Creek bridge.....1 50

REPORT OF FINANCE AND ASSESSMENT COMMITTEE.

To the Municipal Council of the County of Victoria:

1. That the sum of \$500 be granted for expenditure in connection with the Agricultural Department of the Lindsay Collegiate Institute, and that John I. Michael, Peter Hawkins and Joseph T. Beatty, esquires, be a committee to control and direct the expenditure. Mr. D. A. Mackenzie, the local representative of the Ontario Department of Agriculture, addressed the committee, and outlined estimates of the year. On the general question of the advantage to the county of the local agricultural department, the committee was addressed by Mr. S. J. Fox, esq., M.P.P., G. A. Putman, esq., Superintendent of Institutes, C. A. Zavitz, esq., Professor of Field Husbandry, etc., J. Lockie Wilson, esq., Superintendent of Agricultural Societies, and William Channon, John Carew and Johnston Ellis, esquires.

2. That the sum of \$100 be granted to the Victoria Poultry and Pet Stock Association. The application for a grant has been read.

3. That the sum of \$100 be granted to the Children's Aid Society. The application has been read and a deputation from the Society have addressed the committee.

4. That the sum of \$50 be granted to the Hospital for Sick Children. The appeal of J. Ross Robertson, esq., has been read.

5. That a grant be made to the Ross Memorial Hospital on the following terms, namely: The Hospital to be paid eleven-sevenths of whatever amount may be required from municipalities at the end of the institutional year to enable the Board of Governors to close the year without a deficit, provided that the amount to be paid by the County is not to exceed \$1100.00.

6. That a grant of \$100 be made to the South Victoria Agricultural Society, and a grant of \$50 to each of the other Agricultural Societies in the county whose directors file with the clerk and treasurer a report of the year 1908 showing that the Society was in active operation.

7. That the sum of \$25 each be granted to the East and West Victoria Farmers' Institutes.

8. That the sum of \$10 each be granted to the East and West Victoria Women's Institutes.

9. That the sum of \$100 be granted to the Lindsay Public Library, and the sum of \$50 to each of the other Public Libraries in the County.

10. That a free pedlar's license be granted to Mr. Archibald McGillivray for the year 1909.

11. That there be communicated to the Board of Railway Commissioners for the Dominion of Canada, the opinion of the Council of the County of Victoria that the Railway Companies should be compelled to give protection to level crossings by erecting bridges or subways or by placing gateways and watchmen. To the mind of the Council it has demonstrated beyond a doubt that even with the exercise of ordinary precaution persons who have occasion to pass over railway tracks cannot protect themselves, and no other course is open than to remove the source of danger by effectual means and thus bring about a cessation of the appalling toll exacted in the destruction of human life.

12. That the Government of the Province Ontario be urged to consent to no change in the relations of the English Land Company to the Provisional County of Haliburton and the Province that will have the effect of perpetuating the tying up of the ter-

ritory by the Company, thus preventing the settlement of families on the land and contracting the tax-paying power of the provisional County. The County of Victoria is interested indirectly, but none the less practically, because of the union of the Provisional County of Haliburton with the County of Victoria for judicial purposes, and the limited power of the Provisional County to contribute its share of the expenses of Administration of Justice, the County of Victoria being in fact unable to obtain from the Provisional County the proportion of such expenditure which should be paid, on account of the low assessed value of the Provisional County in comparison with the expense incurred to the County of Victoria by reason of the union.

Your committee have considered the documents referred to them, and beg to recommend as follows:

1. That the sum of \$25 be granted to the Lindsay Law Association.

2. That the sum of \$12.50, the amount of an account presented by the Lindsay Sanitarium for the maintenance of a woman who was finally committed to the House of Refuge, be paid.

3. That the woman of extreme old age, Mrs. Drain, at present in the Sanitarium, be sent to the House of Refuge temporarily, and that the Warden and the Clerk take steps to have the woman removed by her relations. There is no responsibility resting on the County, but humanity demands that she shall be cared for until she is provided for elsewhere.

4. That in view of the cases referred to in the two preceding paragraphs the proprietor of the Sanitarium be informed that in future the Council will assume no responsibility whatever, unless at the outset there is a direct order given by some official who has authority to act for the County.

5. That no grant be made to the Prisoners' Aid Association.

6. That the correspondence with the Board of Railway Commissioners respecting the Lindsay-Whitby train service be filed.

7. That the correspondence with the Board of Railway Commissioners relative to the Omemees station be filed.

8. That the registrar's statutory return of fees for the year 1908 be filed. The amount of surplus payable to the County is \$30.07.

9. That gratification be expressed on account of the reduction of the rate of interest on advances from the Bank of Montreal from 5-1-2 per cent. to 5 per cent.

10. That the list of exhibitors from the County of Victoria who won prizes for apples at the Ontario Horticultural Exhibition in November last be filed. Prizes were awarded to five exhibitors, amounting to \$16.50.

11. That no action be taken on the request of the Clerk of the Township of Bexley for the adoption of the alternative provisions of the Assessment Act relative to copies of the assessment rolls, under which a copy would be furnished to the County Clerk in every third year instead of annually.

12. That the communication from the American Surety Co. respecting treasurer's bonds, be filed.

13. That the communication from the representative of the Ontario Department of Agriculture with accounts be filed. The claims have been paid out of the appropriation for the year 1908.

14. That the statement of cases disposed of by the County Police Magistrate in the December quarter, 1908, be filed. The amount of fines and fees payable to the County was \$76.50.

15. That the municipal authorities of the Provisional County Haliburton be informed of the conditions existing in connection with the cases of two men and a woman who live on the boundary between the Counties and are in abjectly indigent circumstances. They have no claim on the County of Victoria for admission to the House of Refuge, and yet are a burden on the community at Kinnmount and on the Township of Somerville. The Board of Management have refused to admit these persons, but in the event of the Provisional County undertaking to pay one-half the cost of maintenance of such of them as may be offered for admission, the Board of Management is authorized to receive them.

16. That a petition to the Legislative Assembly, in the terms of the draft transmitted by the Canadian Association for the prevention of tuberculosis be introduced to the Council.

17. That the Government be urgently desired to at once take up the question of providing for the care of indigent and other consumptives in the Province, and through the Education Department to provide for the subject being taught in all departments of our Public and High Schools and Collegiate Institutes.

18. That the representatives of the County in the Legislative Assembly be asked to urge upon the Government the necessity of at once taking steps to provide institutions for the care of the large number of indigent and other consumptives in the province for whom there is no place of refuge.

19. That the sum of \$50 be granted to the National Sanitarium Association.

20. That reports as follows be filed, namely: Children's Aid Society; North and South Victoria Agricultural

Societies; Fenelon Agricultural Society; Lindsay Law Association; Public Libraries of Norland, Woodville, Manilla, Bobcaygeon, Kinnmount and Omemees, 1908, and Omemees, 1907.

Your committee beg to recommend that the report of the Board of Management of the House of Refuge for the year 1908, and in connection therewith the report of the physician and the report of the Government Inspector, and the list of admissions and discharges. Your Committee beg to express their satisfaction with the terms of the documents and would recommend that the report of the Board of Management be re-introduced to the Council. Our Committee beg leave to introduce a by-law to give effect to the recommendation of the Board of an allowance of three hundred dollars per annum to the Clerk and Treasurer in consideration of his services, and that the question of a settlement with the Town of Lindsay in relation to the extension of the sewer from Sussex-st. across the Park to Peel-st., be referred to the Board of Management with power to act.

Your committee beg to recommend that the statement showing the moneys at the credit of the Corporation on December 31st., 1908, and the various statements of liabilities and assets be subjoined to this report.

Your committee beg leave to introduce a by-law to authorize the Warden and Treasurer to borrow money.

Your committee have examined accounts and claims as follows, and beg to recommend that the same be passed, namely:

Messrs. Graham and Howkins, expenses, Whitty\$ 6 00 St. John's Industrial School, maintenance32 50 Victoria Industrial School, maintenance53 98 McDiarmid & Weeks, solicitors, services7 00 W. A. Shouldice, 'bus to House of Refuge4 00 Expenses, representatives, Canadian Conference of Charities and Correction31 10

Net amount\$2100 59 Equivalent of Legislative grant\$1350 98 Further payment December 16, '08 749 61

2. That John W. Staples and Samuel Truman, esquires, be appointed to represent the inspectors of East Victoria and West Victoria, respectively, at the annual convention of the Provincial Association of School Trustees of Ontario.

3. That the communication from the secretary of Cobourg Collegiate Institute relative to the terms of reception of pupils from adjoining Counties, be filed.

4. That the sum of \$26.05 be paid to the Board of Education, Port Perry, the amount for which the County of Victoria is liable for the maintenance of County pupils in the year 1908.

Your Committee recommend that the account of Messrs. Hart & Riddell for stationary supplies, amounting to \$10.35 be passed.

REPORT OF APPOINTMENTS TO OFFICE COMMITTEE.

Gentlemen,—Your Committee have considered all the resolutions of the Council instructing them to report, and the communications referred to them, and beg to recommend as follows:

2. That David Eagleson and John Kelly, esquires, be appointed auditors of County accounts.

3. That George C. Byng and Taylor Parkin, esquires, be appointed auditors of accounts for Administration of Justice.

4. That Alexander Jackson, esq., be appointed a trustee of the Lindsay Collegiate Institute.

5. That Frederick Sandy, esq., be appointed a trustee of the Omemees High school for the unexpired portion of the term of Thomas B. Laidley, esq., whose resignation be accepted.

6. That Thomas C. Ivory, esq., be appointed a trustee of the Omemees High School.

7. That James H. Knight, William H. Stevens and Thomas A. Kirkconnell, esquires, be appointed a Board of Examiners.

Your committee beg leave to introduce a by-law to give effect to the foregoing resolutions.

DEATH OF PIONEER SETTLER.

One of the oldest settlers of this district was removed yesterday morning at an early hour by the grim reaper in the death of Mrs. A. Corley, of Little Britain road.

This lady had reached the honorable old age of 89 years, and was quite well and hearty until about a week ago, when, through the effects of a slight fall, she quietly passed away.

Mrs. Corley was about a year ago predeceased by her husband, with whom she came to this country in the early forties, where they hewed out a home for themselves in the woods.

The deceased was a member of the local St. Paul's Anglican church since its erection in Lindsay. There is left to mourn her loss several sons and daughters.

The funeral will take place from her late residence to the Riverside cemetery to-morrow.

Your Committee recommend that the chairman be authorized to take tenders and award contracts for fuel and other supplies for the Court House and Gaol.

Your Committee recommend that the chairman be authorized to exercise supervision of the Court House, Gaol and Registry Office and surrounding premises during the year, and to make such improvements and repairs as he may find to be required for the purpose of keeping the buildings and premises in a satisfactory condition.

Your committee recommend that the Clerk and Treasurer be authorized to procure a portrait of the Warden for 1908, to be hung in the Council chamber.

REPORT OF COMMITTEE ON EDUCATION.

Gentlemen,—Your Committee have considered the resolutions of Council, on which they have been instructed to report, and beg to recommend as follows:

1. That the sum of \$25.00 be granted to the Victoria Educational Association.

2. That the sum of \$50.00 be granted to Union School Section No. 1, Laxton and Somerville, to be paid on the order of the Inspector of Schools.

3. That a committee composed of Dr. David Gould, James Graham, esq., and the Warden, be appointed to meet the Boards of Education of the Town of Lindsay and the village of Omemees for the purpose of adjusting the amounts to be paid for the maintenance of County pupils at the Collegiate Institute and High school of the respective Boards, and that leave be granted to introduce a by-law to confirm the appointment of the committee.

Your committee have considered the documents referred to them, and beg to recommend as follows:

1. That a summary of the settlement with the Board of Education of the Town of Lindsay for the maintenance of County pupils in the year 1908, be embodied in this report as follows:

Amount for which County becomes liable\$2731 59 Less fees paid to Board by County pupils631 00

Net amount\$2100 59 Equivalent of Legislative grant\$1350 98 Further payment December 16, '08 749 61

2. That John W. Staples and Samuel Truman, esquires, be appointed to represent the inspectors of East Victoria and West Victoria, respectively, at the annual convention of the Provincial Association of School Trustees of Ontario.

3. That the communication from the secretary of Cobourg Collegiate Institute relative to the terms of reception of pupils from adjoining Counties, be filed.

4. That the sum of \$26.05 be paid to the Board of Education, Port Perry, the amount for which the County of Victoria is liable for the maintenance of County pupils in the year 1908.

Your Committee recommend that the account of Messrs. Hart & Riddell for stationary supplies, amounting to \$10.35 be passed.

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R. M. MASON, Veterinary Surgeon. Honor Graduate of Ontario Veterinary College, 1884. Office Day Every Saturday. Office—Francis St. Fenelon Falls.

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CANADIAN ORDER CHOSEN FRIENDS. Fenelon Falls Council, No. 188A, Meets in G.O.P. Hall Second Monday of each month. A Fraternal and Beneficent Society for ladies and gentlemen which gives insurance at actual cost. Also Sick, Funeral and Disability benefits at actual cost. Mrs. E. A. McARTHUR, C.C. A. E. TERRILL, R.

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