## Death-Knell of Grippe

The death-knell of Grippe is sounded-medical science has given us the secret for dealing this "grimmest" of ailments a blow that will effectively and permanently expel it from the systemand prevent the dire distress that follows in its wake.



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#### Uwanta GRIPPE Capsule

is not a violent treatment, but if you are a victim to Grippe or subject to colds and coughs, it will cure you as certainly as night follows day .- Just one thousand testimonials to prove the truth of it-and you can verify any or all of them by writing.

All druggists sell Uwanta Capsule -or you can order direct by enclosing 25 cents to

UWANTA M'T'G CO., Ltd. Ottawa, Ont.

## FERRY'S SEEDS

Known and sown whereber good crops are grown. Sold everywhere. 1902 Annual FREE. D. M. FERRY & CO.

The Weekly Post.

LINDSAY, FRIDAY, MAR. 21st, '02

## COMMUNICATIONS

The Librarians' Salary.

(To the Editor of The Post.) Dear Sir,-I see by the report of the meeting of the Public Library Board which appeared in the issue of your paper of the 9th inst., that the request of the librarians for an nerease of salary has been refused. and why? Is it because they already receive a reasonable amount for their services? No person who mot imbued to an extraordinary degree with the spirit of a modern 'assertion. Then what is the reason? "Because we (the Public Library Board) cannot afford it." Then we cannot afford to have

Shylock would dare make such an brarians-the town of Lindsay as municipality cannot afford to have in its employ two adults drawing the miserable pittance of three hundred ollars a year. Think of it! about 8c. per day !

municipalities do not pay any more. If a criminal was to stand in a witless box and claim that he was justilied in stealing because some other individual had done likewise, would that argument be entertained by judge or jury? But such an argument would be on a par with that used by the Library Board for keeping in its employ two citizens at so unfair a wage.

We sincerely hope, for the honor of the town of Lindsay, that the Li brary Board will reconsider their decision and grant the more than reasonable request of the librarians -Yours, stc.,

NORTH WARD CITIZEN. Lindsay, March 14th, '02

RECEIVED AN ADDRESS

When They Were Leaving Reaboro - M Wm. Corneil Goes to Peterborough The members of the Canadian Order of Foresters at Reaboro met in their lodge rooms recently and presented Messrs. Wm. Cornell and Jos Bradley with the following address, which was accompanied by a useful and costly present to each: Messrs. Wm. Corneill and Jos. Brad-

Dear Brethren,-in view of your wiftly approaching departure from Reaboro, we your brathren in fraternity in this place, wish to express to you our esteem and good wishes. To say that we will miss you would be but a faint idea of our feelings, but we love to realize that "Tis better to have loved and lost than never to have loved at all." May you' be useful, beloved and happy in your homes, as you have been here. As a pledge of our good wishes we ask you to accept these gifts.—Signed on behalf of the Brethren of Court Reaboro, No. 557, C.C.F. Thos. Skeace,

Thos. Downey, James Greet. Mr. Corneil will make his nome in Corneil has taken up his residence in Petemboro, having purchased a house there. Mr. Bradley has moved on to the David Toole farm, south of Ome-

A Wonderful Preparation

"Rokco Cereal Coffee," pure, wholeby leading physicians. Rocko is equal to 40c. coffee, but only costs 1 the price and is used at meals instead of poisonous teas and coffee. By constant use ROKCO CEREAL COFFEE will give you vim, vigor, vitality, energy, health and strength, and is a positive cure for dyspepsia, indigestion, etc. 10c. packages, 15c. lb. or 2 lbs. for 25c. For eale by ALL GROCERS.

For sale by P. J. HURLEY, Lindsay.

## Full Text of the Judgment Delivered at Osgoode Hall on Wednesday.

We publish in full the judgment of the Master-in-Chambers upon the application to unseat the Council. It will be seen that he adopts the view of the case taken by Town Solicitor Hopkins in his opinion. The Master seems to think that Mr. Jackson, from the financial statement published on 15th December, 1900, and the auditor's report for 1900, should have known that By-law No. 917, passed on 3rd December, 1900, transferring these mortgage to the Sinking Fund, had not been carried out. This, in justice to Mr. Jackson, should be explained, and the explanation is easy. First, the financial statement to 15th Dec., 1900, was not produced before the Master at all, and if it had been, would not show the fact; second, the auditor's report is not published for months after, (the auditor's report for 1901 is not yet published) and Mr. Jackson says he had no occasion to refer to it and no reason for imagining that the by-law had not been carried out in due course.

If it was not intended to carry out By-law No. 917 in 1900, as alleged by ex-Mayor Smyth, it is surprising that, as there were three meetings of the Council and three meetings of the Finance committee after it was passed, that the by-law was not repealed or some reference made to it. Alderman Hore and ex-Aldermen J. D. Graham and E. P. Gillogly all make affidavits and corroborate Aldermen Jackson, and state they intended By-law No. 917 to be carried out, and never heard to the contrary. It is a pity ex-Mayor Smyth did not take his colleagues into his confidence. His action, without any authority from the Council, in improperly directing the auditor that By-law 917 should not be carried out, has apparently caused the whole trouble.

#### REX ex Rel. MALLON v. INCLE et al.

later A. D. Mallon for an order set- | twenty-nine hundred dollars. ting aside and declaring invalid and void the election of the respondents, sub-sections 2 and 3 of section 418, ceipts exceeding the estimated ex-

tem the Commissioners communicat- to) proceed upon By-law No. 917. ed with the Mayor and Council of the town with reference to carrying about the sum paid for the fire alarm out the work during that year, and requesting money for the purpose-if hundred and fifty-one dollars than the work, passed a report of the Finance committee on the fourth August, him and the former chairman of Fin-1900, on the motion of Alderman

one mill on the doilar, and that the lished under the provisions of section sum thus raised, together with the 304 (6, 7 and 8), cap. 223, R.S.O., amount under the two mortgages on | 1897, showed the payments to the Queen's Square property, amounting | Water Commissioners of the fifteen to one thousand dollars, be set aside | hundred and eighty-five dollars and for the necessary extension of the | ninety-three cents from the general

as mortgagees. A by-law was passed at the next meeting of the Council directing a levy of one mill on the the town the two mortgages in ques- eral funds of the town of Lindsay in dollar for the purposes above mentioned; and, on the fourth September, motion of Alderman Jackson, direct- active interest in the matter, and the seventeenth of August, 1901, the ed. proceed with the work at once, as the Council had provided nineteen hunored dollars for extensions, and the town treasurer was thereby authorized to furnish funds to the board from time to time as they required On the nineteenth November, 1900. by-law numbered 917 was Introduced in the Council authorizing the

disposal of the two mortgages referred to in the Finance Report of the fourth August, and the investing of the proceeds in the waterworks extensions. This by-law recited that the corporation held two certain mortgages from S. P. Davis annd C G. Preston, respectively, given in part payment of lots sold to them pursuant to 46 Victoria, chapter 36, upon which there was respectively due two hundred and eight dollars and interest, from first January, 1900; and eight hundred dollars and interest from first October, 1900: that it was desirable to dispose of them and invest the proceeds in the extension of the waterworks, that the Town had moneys on hand for investment being moneys belonging to the Sinking Fund under bylaws numbers 492, 528 and 575; and it was thereby enacted that the said thereby set apart as part of the said | cit to the Water Commissioners on the Sinking Fund-the same to be charged up at their face value, with interest to the date of the passing of this by-law; and it was further enacted | three cents to the Council on the ninth that the proceeds of the said mortgages received from said Sinking Fund be and same were thereby set apart to be invested in the extension of the waterworks system, and the Town Treasurer was thereby authoized to pay same to the Board of Water Commissioners on account of the extensions above referred to, and

waterworks acct. The by-law was finally passed on the third December, The cost of the extensions was treasurer what he wanted. only fifteen hundred and eighty-five rot nineteen hundred dellars, as es- ditor) did not seem to be aware that for respondents. timated; and the amount of same was a by-law had been passed disposing of paid in three sums of five hundred these two mortgages, but I assured dollars, on the fifteenth September, him that there had; and he said he five hundred dollars, on the fifth would tell the treasurer what I want-October, five hundred dollars; and five hundred and eighty-five dollars He is mistaken when he says that he and pinety-three cents on seventh of December, 1900,-or four days after the passage of the by-law No

that the same be charged up to the

None of these three sums was paid

out of the Sinking Fund. In addition, however, to these payments, the fire alarm system, which was estimated at one thousand dollars, actually cost twelve hundred

This is an application by the re- sale of the mortgages, estimated at

With reference to the payment to the Water Commissioners out of the George Ingle as Mayor, and Alexan- general funds, the Town Treasurer der Jackson, John Hore, John O'- states on examination that he believ-Rielly and William M. Robson, as Al- | ed it was through an oversight that dermen, of the Town of Lindsay, held | the money was paid out of the generon the 30th of December, 1901, and all funds instead of the Sinking Fund; 6th of January, 1902, on the ground and Mr. Alderman Jackson states in that the Council of said town unlaw- | an affidav't that it was always the fully diverted \$960.80 of the Col- intention that the proceeds of the legiate Institute Sinking Fund and two mortgages should have been paid that the respondents voted for the one mill on the dollar was greater such current or other expenditures, timated, and that the expenditure on | was incorrect. whereby they respectively became the waterworks was less than the disqualified from holding office under amount estimated, the estimated rependiture by over five hundred and The facts of the case appear to eighty dollars; and that when it was ascertained, he discussed the mantter In the year 1900 the Town of Lind- with the chairman of the Finance say purchased the Waterworks Sys-, committee (since deceased), and with tem, then in operation in that town; the town auditor, and concluded it and it was taken over by Comm's- was not necessary to resort to the sioners on behalf of the town on the mortgages on the Sinking Fund and first July, 1900. Having been applied that their position being so favorto to put down extensions of the sys- able they did not (and did not intend

It will be seen that nothing is said matter was the one understood by ance, as the financial statement for Jackson, authorizing a by-law to be | 1900, and ted by the town auditor, introduced at the next Council meet- and also the financial statements up ing to strike an additional rate of to the fifteenth December, 1900, pubwaterworks and for a new fire alarm | funds of the town, and also set forth the position of the funds and invest-The two mortgages referred to in | ments of the Collegiate Institute this report were held by the town | Sinking Fund and that they had not been interfered with, and further that the town held as an asset of

> of these financial statements, states that he supposed the transaction had been carried out.

It also appears that the interest on land sixty dollars and eighty cents these mortgages, also fifty dollars, was for the "Corporation mortgages part of the principal on the Preston mortgage, were received and credited to the general funds of the town subsequent to the third of December.

On the third June, 1901, the Secretary of the Board of Water Commissioners applied to the Mayor and Council of the town to submit a bylaw to the ratepayers to raise four thousand dollars with which to extent the waterworks system. The estimated expenditure included the sum of fifteen hundred and eighty-five dollars and ninety-three cents paid for extensions in 1900-as above set out. The Council immediately submitted the by-law as requested; and it having been carried by the ratepayers on the eighth of July, it was finally passed by the Council on the fifteenth July, 1901. Debentures were thereupon issued, and the proceeds thereof, amounting to four thousand one hundred and forty-four dollars and ninety-three cents were paid over by Counthirtieth September, 1901, who repaid the above mentioned fifteen hundred and eighty-five dollars and ninety

Alderman Jackson, being the chairman of the Finance committee in 1901 tried to arrange with the Town Treasurer on or about the seventeenth August, 1901, to have out of the mone eys to be repaid by the Water Commassioners a sum equivalent to the value of the two mortgages above mentioned set apart as a Park Fund. The treasurer being busy, he saw the auditor and requested him to tell the

ed and see that it was attended to. told me it was a complicated matter and that he had better put it him to draw a resolution.

Immediately thereafter, and on the seventh day of August, 1901, the treasurer drew a cheque on the Ontario Bank, Lindsay branch, as follows: "Pay to the General Town Account and fifty-one dollars and two cents, nine hundred and sixty dollars and making a total outlay of two thousmaking a total outlay of two thous- eighty cents and charge to Collegiate and eight hundred and thirty-six dol- Institute Sinking Fund Account, prolars and minety-five cents against the ceeds of Corporation Mortgages numlevy of one mill on the dollar and the bers one and two, transferred to Sink- good shape.

Knowlson, Treasurer." And the same day he deposited his cheque to the credit of the general funds of the town, the deposit cheques having written on the face the words "Charge Collegiate Institute Sinking

Fund Account and credit General Ac-

count nine hundred and sixty dollars

and eighty cents." This was on Saturday, the seventh August, and on Monday, the nineteenth August, the following resolution was carried by the members of the Council-the respondents being

"Moved by Alexander Jackson, seconded by J. O'Rielly, that the sum of eleven bundred and twenty-seven do ars and four cents. made up as follows : Cash on hand January 1st, 1901. one hundred and sixteen dollars and twenty-four cents; cash received on April tweifth, 1901, on account of principal of Corporation Mortgage number 2, fifty dollars ; and proceeds of Corporation Mortgages numbers 1 and 2, transferred to the Collegiate Institute Sinking Fund account and the proceeds advanced to the Board of Water Commissioners, and by them refunded to the Corporation, nine handred and sixty dollars and eighty cents, be and the same is hereby set apart as a Park Improvement Fund, and that all expenditures for Park improvements during the present year be charged to said fund."-Carried." Geo. Ingle, Mayor or Chairman.

Thereafter, the nine hundred and sixty dollars and eighty cents was entered in the books of the town with other moneys, and used in connection with the Park improvement. The only change in connection with the two mortgages was that on the back of the Preston mortgage the Town Treasurer wrote in lead pencil the following words: "Transferred to the Collegiate Institute Sinking Fund Account 17th August, 1091." "F. K." The other mortgage having been at the time mislaid no memorandum was

As I have already shewn, the amount advanced by the Council in 1900 to the Waterworks Commissioners was not, as a matter of fact, reapplied the same or the larger per- out of the Sinking Fund, and that he paid until October, 1901, so that the tion thereof towards paying the cur- supposed it had been done, but Mr. statement in the above resolution of rent or other expenditures of the | Smyth, the Mayor for 1900, states | the nineteenth August that the nine municipality in the year 1901, and that the amount received from the bundred and sixty dollars and eighty cents had been refunded to the Corporillegally diverting of said moneys for than the nineteen hundred dollars es- ation by the Water Commissioners.

For the relator, it is claimed that the Council had no power to invest the above mortgages in the Collegiate Sinking Fund account; that the Bylaw 917 authorizing such investment was not carried out in 1900, and was not intended to be carried out; that the resolution of nineteenth August, 1901, was a diversion of nine hundred and sixty dollars and eighty cents of the Sinking Fund moneys under section 418 (3) of the Consolidated Muni-

It is perfectly clear that the investment of the two mortgages in quessystem which was greater by two tion in the Collegiate Institute Sinking Fund was an improper one under the Council were in favor of the work the estimate. It, however, may well teh statute (section 420.) Had they being done. The Council, agreeing to be that Mr. Smyth's version of the been first mortgages on a farm, instead of a town lot, I do not think there could be any valid objection to the investment, on had they been debentures, no objection could be made. See Section 420 (3)

However, no diversion took place in 1900; and what took place in 1901 was an attempt to carry out the provisions of By-law 917, passed in 1900. know of nothing to prevent the bylaw being carried out in a year subsequent to its passage provided it is Cape Police, already mentioned, a a proper one and be not rescinded. raised by borrowing it from the Sink- their ground after the panic . had

ing Fund on the investment of the mortgages was obtained from the gen- troops off the field." ance committee for 1900 -- in the face | funds for the outlay which it was intended in 1900 to have been made under By-law 917 but in doing so he expressly states that the nine hundred numbers 1 and 2, transferred to Sinkink Fund account, By-law 917." And the mortgages were entered as the investment belonging to the Collegiate Institute Sinking Fund, and they so appeared in the financial statement of fifteenth December, 1901, so that this Sinking Fund remained intact, and no diversion of it was actually

What I understand section 418 (3) provides against is the using of Sinking Fund for other purposes so that the fund is not forthcoming. The Council's duty is to invest the Sinking Fund from time to time-(section 420) Such investment cannot be called a diverting of the fund. It may be, as in the present case, an investment in an improper security. The penalty for doing that is provided for by section 425, but that is different from the penalty attached to the diverting the fund as provided for by sec-

No proceeding can be taken under section 425, as since the commencement of these present proceedings, an Order-in-Council has been obtained from the Lieutenant-Governor permitting the investment in the mortgages in question. Of course, had there been diversion under section 418 (3) this Order-in-Council would not have ary sisted the respondents.

I am, therefore, of opinion that the application to unseat the respondents must fail; but as the proceedings of the Council were very irregular, and gave room for investigation, in refusing the order I do so without costs; each party will bear his own costs. A. B. Aylesworth, K.C.; John Mc-Sweyn and M. J. Kenny, for relator; In his affidavit Mr. Jackson pres G. H. Watson, K.C.; G. H. Hopkins; dollars and ninety-three cents, and ceeds to state: "He (meaning the au- Hugh O'Leary, K. C., and F. D. Moore,

> Railway Notes. -The Grand Trunk is constructing

an extensive ore dock at Point Edward for the handling of ore from Sault Ste. Marie and Duluth on its way to the smelters at Hamilton. through himself, and that I instructed | The tracks are now being laid, and it is expected the dock will be ready for use by the opening of navigation. -Toronto Star: Mr. Harry Ferguson, general roadmaster of the Grand Trunk, came into town yesterday, and reports having seen bluebirds be-

tween Port Colborne and Erie, a sure

skin of spring, and also that farmers

were plowing between Port Colborne

Heroic Conduct of the Infantry and the Artillery.

THE PANIC WAS CAUSED

Mounted Troops Retired, But the Infantry With the General Held Out For Three Hours Longer-The Cape Police Held Out Longer Still, Until British Guns Were Turned on Them-Itrly's Friendship.

London, March 17 .- The War Office has received the following communication from Lord Kitchener at Pretoria: "Lord Methuen has sent me a staff officer with a dictated despatch from which it appears that certain particulars previously given are inaccurate. The rear screen of mounted troops was rushed and overwhelmed at dawn. There was a gap of a mile between the ox and the mule convoys. mounted supports, to the rear the screen, with Gen. Methuen, immediately reinforced by all the available mounted troops and a section of the 38th battery, maintained themselves for an hour, during which the convoys were closing up without disorder.

"In the meanwhile, two hundred infantry were being disposed by Lord Methuen to resist the Boar attack, which was outflanking left of the rear guard. The Boers pressed that attack hard, and the mounted troops attempted to fall back on the infantry, got completely out of hand, carrying away with them in the route the bulk of the mounted troops.

"Two guns of the 38th Battery were thus left unprotected, but continued in action, until every man. with the exception of Lieut. Nesham, was hit. Lieut. Nesham was called on to surrender, and, upon refusing to do so, was killed.

"Lord Methuen, with two hundred of the Northumberland Fusiliers and two guns of the 4th Battery, then found himself isolated, but held on for three hours. During this period, the remaining infantry, viz., 100 of the Lancashires, with some 40 mounted men, mostly Cape Police, who had occupied the kraal near the wagons, also continued to hold out against the repeated attack of the Boers.

"By this time Lord Methuen was wounded and the casualties were exceedingly heavy amongst his men. Their ammunition was mostly exhausted, and the surrender was made

at about 9.30 in the morning. "The party in the kraal still held out, and did not give in until two guns and a pom-pam were brought bear upon them at about ten o'clock, making their position un-

"It is confirmed that most of the Boers wore our khaki uniforms. Many also wore our badges. Even at close quarters, they could not be distinguished from out own men. "It is clear the infantry fought well, and the artillery kept up the traditions of their regiment. In addition to the 40 members of the few parties of Imperial Yeomanry The money which was intended to be and Cape Police continued to hold swept the bulk of the mounted

From other despatches it appears 1900; and in drawing the cheque for that Gen. Methuen was shot while It is somewhat surprising that Al- nine hundred and sixty dollars and riding to bring up the mounted 1900, a resolution was passed, on the dermar Jackson-who took such an eighty cents on the Sinking Fund on troops, and that his horse was kill-

with the greatest courtesy and consideration. He ordered his return to Klerksdorp under the care of his own nephew and a medical officer. According to the Klerksdorp correspondent of The Daily Mail the burghers were so angry at this that a party of them went out and brought General Methuen back, General Delarey, however, overruled the

objections of the burghers.

Lord Methuen's Casualties. London, March 17.-The Office publishes a list of tional casualties to Gen. Lord Methuen's force in the fight with Gen. Delarey. This list gives names, of ten other men of the Imperial Yeomanry killed and thirtythree wounded. The first list gave the names of four officers and thirty-eight men killed and seventytwo men wounded, in addition to a number of officers.

Lady Methuen Turns Back. London, March 17 .- Lady Methuen arrived at Southampton yesterday morning from Cape Town. She had been notified of the wounding and capture of Lord Methuen at Madeira A message was sent to her from the War Office, stating that husband was doing well and been moved to Johannesburg. She had her baggage transferred at once to the Castle liner Walmer Castle, which sailed for Cape Town Saturday

Another Commandant Caught. Pretoria, Transvanl Colony, Friday, March 14 .- Commandant Celliers of the Kroonstad, Orange River Colony, commando of Boers, was British recently in the Heilbron Dis-

No Italian Intervention. Rome, March 17 .- In the Chamber of Deputies Saturday Signor 1 rinetti, the Minister of Foreign Affairs, replying to a question, said the Government of Italy declined to take the initiative in proposing European intervention in South Africa. He was glad of the opportunity to say that the relations between Italy and Great Britain were never more cordial and ntimate than at present.

Death to Be Investigated, Huntsville, March 15 .- A man named Samuel Cooper was brought to the General Hospital from Seguin Falls a few days ago. He was suffering from the effects of cuts and several gunshot wounds. He died from and Merritton. The frost was com- his injuries yesterday. Coroner Reece pletely gone, and the ground was in | will hold an inquest on the body to-

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similating the Food and Regulaling the Stomachs and Bowels of

INFANTS CHILDREN

Promotes Digestion, Cheerfulness and Rest. Contains neither Oprum, Morphine nor Mineral. NOT NARCOTIC.

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Harness and Horse Goods. Bargains on every side.

Special Bargains Saturdays

Owing to Repairing having to be done on our store, we are compelled to dispose of our entire stock before the first of April. Parties wanting a good HARNESS, ROBES, BELLS and BLANKETS, it will pay you to call and inspect our stock. Everything Guaranteed Satisfactory. Remember we sell cheap

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Wall Papers, Mixed Paints (Sanderson's, Peacy's and Sherwin-William's makes) Oils, Leads, Dry Colors, Varnishes, Furniture Polish, Gold Paint, Paint Brushes, Kalsomine Brushes, Kalsomine, Paris White, Alabastine in all shades.

WALL PAPERS, Extra value and large varieties to select from in 5 cent papers with borders to match; 10 cent papers with 9 or 18 inch borders and ceilings to match are specially good value

and newest designs. TAILORING and DRESS GOODS DEPARTMENT, Still busy.

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tries, Window Shades, etc. SUGARS-Carload Redpath's best Granulated and Vellow to hand. Prices

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