

JUDGMENT GIVEN IN RECENT CASES

His Honor Judge Sutherland, Has Rendered Decision in Reserved Judgment Cases Recently Tried Here.

At the recent division court sitting here before His Honor Judge Sutherland, judgment was reserved on the action Clark Metals Limited of Durham vs Goldsmith Bros. of Owen Sound, in which the plaintiffs sought to recover for cost of dies required for the stamping of parts for a patent window lock for the defendants. The plaintiffs also sought to recover damages for breach of contract in not being allowed to go ahead with the completion of the window locks. The defendants entered an action for the recovery of some \$114 paid the plaintiffs on account, as the lock was not satisfactory. His Honor found for the defendants and directed that the amount paid by them to Clark Metals be returned to the defendants.

The case of W. Calder vs Smith Bros. was an action to recover the amount due on certain insurance policies delivered to the premises of the defendants, and which were returned as this insurance had been placed in another company. The renewal receipts had been on the premises of the defendants some two months and had not been returned when request for payment was made. The defense argued that it was not their intention to renew this insurance had been placed in another company. The renewal receipts had been of the premises of the defendants, and which were returned when request for payment was made. The defense argued that it was not their intention to renew this insurance, that they had placed it elsewhere, and that the renewal receipts had not been delivered to them, but to their bookkeeper, and they knew nothing of it.

Assured is Not Liable

In giving judgment, Judge Sutherland says: "The defendants are merely a trading partnership. No doubt each could bind the other, or rather the firm, but I cannot agree that delivery to the bookkeeper of the renewal premium receipts is delivery to the defendants or the firm." Further along in his written judgment, His Honor says: "There is no evidence that defendants intimated in any way their desire to renew the policies. Counsel stated that the intention was the other way—namely not to renew but to insure elsewhere. Be that as it may I am of the opinion that an insurance agent cannot by merely leaving the renewal receipt with the insured bind him to pay the premiums. If the assured does subsequently pay, well and good, but in my view he is not in any way bound and return the receipt which was left at his place of business, without his instructions, or perhaps without his knowledge, under the penalty of being liable for the premium."

Judgment was given for the defendants, dismissing the action, with costs, if asked for.

From the above we would take it that insurance agents should demand payment at the time of the delivery of the renewal receipt, or have it in writing that the assured intends carrying the policy and will settle for the same at a later date.

SUMMER SERIES HELD ON MONDAY

Local Branch of Women's Institute Was Addressed by Mrs. T. W. Meek of Alton.—Final Meeting at Holslein, June 21.

The summer series meeting of the Durham branch of the Women's Institute was held Monday afternoon, June 6, at the home of Mrs. Burgess.

The president, Mrs. Glass, took charge of the meeting and after the usual opening exercises, the minutes of the May meeting were read by the secretary, Mrs. J. F. Giles.

It was decided to open the meetings at 2:30 sharp, instead of three as in the past. After a few items of business Miss Stella McCrae favored the gathering with a delightful piano instrumental which was enjoyed by all.

Mrs. T. W. Meek of Alton, delegate from the Department, was present and gave a splendid address on "Citizenship". She spoke chiefly on the children, as she said a good child will in the future make a good citizen. She urged the parents to get in closer touch with the school teacher, that in so doing it would be more beneficial to the child as well as the parents. Mrs. Wilson favored the audience with a pleasing solo.

Mrs. Meek then gave a splendid paper on "The Art of Living," which was very instructive and humorous as well.

A short time was devoted to the question drawer. Mrs. Meek answering very pleasantly the questions that were asked.

At the close of the meeting the members of the society were asked to be present at the final meeting in Holslein on June 21. Mrs. Meek concluding her series of summer meetings on that date, it is hoped a good representation from Durham will be present.



SIR CHARLES PARSONS of turbine fame, upon whom was bestowed the Order of Merit in the King's birthday honors.

CHICKEN THIEVES OPERATING IN GLENELG

Farm of Mr. John O'Neil Visited First of Week and Many Chickens Stolen.

Chicken thievery is becoming prevalent in Ontario, and especially in the vicinity of Toronto, one magistrate has said that any person convicted before him of this offense will go to gaol and get the lash as well.

Recently, Grey county has been visited on several occasions, but the district surrounding Durham, so far as we have heard, has escaped fairly well.

In a recent issue, we reported thefts at the farm of Mr. Henry Damm in Normanby, and last Sunday night or Monday morning visited the premises of Mr. John O'Neil in Glenelg and appropriated over 100 of this season's crop ranging in age from four to eight weeks.

On learning of his loss on Monday, Mr. O'Neil got in touch with Provincial Constable Denton in Owen Sound, who is now working on the case, it is to be hoped, with good results.

There is altogether too much petty thievery prevalent throughout the province and it is not asking too much to request the powers that be to hand out the maximum sentence to any of this class of gentry who appear before them and are proven guilty.

DIED IN TORONTO AFTER LONG ILLNESS

J. H. Harding of This Place Suffers Second Bereavement in Two Weeks When Sister Passed Away Monday.

Residents of this community will sympathize with Mr. J. H. Harding in the death of his sister, Miss Rebecca Frances Harding, who passed away at her home in Toronto on Monday of this week after a prolonged illness. Mr. Harding's father, it will be remembered, passed away quite suddenly in Toronto on the 19th ult.

The death of Miss Harding was not unexpected, and it was she that Mr. Harding went to Toronto to visit upwards of two weeks ago, when his father, previously in good health, was suddenly stricken with paralysis and passed away the same evening.

The funeral of Miss Harding is being held from the residence of her brother-in-law, Mr. Walter Mottershead, 55 Epsom avenue, Toronto, this Thursday morning at 10 o'clock, and following the ceremony at the home will proceed by motor to the family plot in Forest Lawn cemetery, Orangeville, where interment will be made at 12 o'clock.

SUN RING ON MONDAY WAS PRETTY SIGHT

Prophets Somewhat Diffident About Expressing Results Expected From Monday's Phenomenon.

Durham's front street looked as though it were populated by sun worshippers about noon last Monday, as nearly all were standing with their eyes heavenward gazing at a huge ring about the sun and which, with the bright sunshine presented a beautiful spectacle.

While there were many who did not seem to know what it was, what it portended, or what it was about anyway, we have since met a couple who tell us that they have seen this kind of thing before but do not know that there is any particular meaning to it more than that it might foretell a storm, much the same as a circle around the moon.

The halo was quite defined around the noon hour, but disappeared shortly afterward.

Tuesday's dailies in reporting the occurrence give the opinions of the astronomers, that the ring or halo was caused by the sun's rays passing through a mist of ice, frozen vapor, or "ice dust" at a high altitude. The phenomenon is not believed to have any effect whatever on the weather.

J. P. WHELAN SELLS HAMILTON STORE

Ratification by Shareholders All That is Needed in Big Purchase Deal Made Last Week With T. Eaton Company of Toronto.

Residents of Durham will have more than a passing interest in the announcement in Friday's daily papers that The Arcade Limited, of Hamilton, was being sold to the T. Eaton Company of Toronto. This large concern has for years been under the management of Mr. J. P. Whelan, a former Durham boy, and son of Mrs. T. R. Whelan, here. From a small beginning, The Arcade has steadily increased its business until it is now one of the largest and best stores of its kind in Ontario. It would have to be to attract the attention of such a firm as the T. Eaton Company, and the opinion locally is that the Eaton interests will pay almost any price to eliminate the opposition from their Hamilton and vicinity trade.

While the terms of the agreement have not yet been made known, Mr. Whelan has said that they were satisfactory and the directors are recommending acceptance to the shareholders. A special meeting for ratification of the agreement has been called Tuesday of next week. The Arcade was founded by Mr. Whelan 16 years ago, when he took over the old Arcade on James street, Hamilton, and under his management and personal supervision its progress financially has been miraculous.

The Arcade had no preferred stock, but there is common stock worth \$1,000,000 which is not listed. There is also a \$400,000 bond issue, and the Eaton Co., it is said, will assume this. The bond issue will be retired at par value or better by the new owners, it is stated. There are 2,200 shareholders, the great majority residing in Hamilton and district.

No announcement has been made as to staff changes. The T. Eaton Co. have not made any official announcement, leaving the matter in the hands of the local firm for the present.

STREETS RECEIVING ANNUAL OVERHAUL

Gangs of Men Have Been at Work For Past Week Getting Thoroughly Ready For Annual Application of Oil.—Front Street Being Drained.

Durham's front street has been a hive of industry during the past few days, this reason being the annual overhauling in preparation for this summer's oiling; and the way the dust has been lying about it is nearly time that this had been applied. There will only be a few days more, however, elapse, before this work will be completed and the town's biggest dust problem solved for the next few months.

This year the Council has decided to use one of the patent spraying machines, and have engaged one from a municipal oiling company which will be here this week in all probability. The decision to use this special machine has been arrived at after several years' use of an ordinary sprinkling cart, which, while doing fair work, was not wholly satisfactory, as considerable difficulty was experienced in keeping the oil hot, especially if the day on which it was laid was cold. The use of the special machine, it is thought and hoped, will lay the oil much better, apply it to the road at the proper temperature, and the saving in oil will more than pay for the cost of laying.

For the past few days the Board of Works has had men at work on the streets grading and removing the surplus gravel and dust, and putting on a fine coat of crushed stone. In the main part of the town, where the drainage system has been anything but satisfactory, the old drains are being dug up and replaced with sufficient fall to carry off the water, and this, it is thought, will make the oiling more effective, lay the dust much better and last longer than with the old system.

ARMY MASS MEETING HERE NEXT SUNDAY

Commandant Hurd of London, Will Address Gathering on "The Helping Hand."—Good Program also Being Presented.

The Salvation Army mass meeting in connection with the annual self-denial week is being held in the Town Hall next Sunday evening at 8:15. Besides a program in which Army members from outside points will take part, local talent will also have a part in the service.

The principal address of the evening will be that of Commandant Hurd of London, financial representative of West Ontario, who will give his famous lecture, "The Helping Hand." Miss Macphail, M. P. will be in the chair, and the Mayor, as well as other members of the Town Council will take part.

No admission fee is being charged, but a collection will be taken to defray expenses.

The black silk stocking. Fashion says, has come back. To all appearances, filled with pride.—Detroit Free Press.

COUNCIL TO ACCEPT I. O. D. E. OFFER

Daughters of Empire Plans for Remodelling Town Hall Met With Approval of Town Fathers at Last Regular Meeting.—Collector to Look After Balance of Taxes Unpaid.

At the regular meeting of the Town Council last Monday night, it was decided that the Council accept the offer of the local chapter of the Daughters of the Empire to remodel the Town Hall, subject, of course to the approval of the Fire marshal and under the supervision of the property committee of the Council.

Briefly, the I. O. D. E. have plans to remodel the upper part of the building which call for the placing of the stage in the north end and changing and rebuilding the present stairway so as to have the dressing rooms on the first floor and connected with the stage by a stairway. The plans will do away with the waste space in the front of the building, enlarge the stage by removing the present dressing rooms and placing them on the first floor underneath, and it is estimated that these changes will increase the seating capacity of the building by upwards of 100. The Daughters told the Council that they had money to do this work, that they purposed placing an asbestos curtain in front of the stage, and the Council would not be required to put up one cent of the expense. As they were discussing the decorating of the hall anyway, they would be placed under no financial obligations whatever, and that when the job is finished, instead of being an expense, Durham's play palace would be "a thing of beauty and a joy forever."

Mrs. J. H. Harding was the spokeswoman for the Chapter, and was backed up in her oration by Mrs. A. Livingstone, Mrs. F. Irwin, Miss E. Kress and Miss J. Weir.

Street Oiling Soon

The principal matter discussed, and it didn't get very much at that, was the question of oiling the streets. The oil was here, and Mayor Murdoch said that he had sent a wire to the street oiling company to get on the job but had had no reply. The streets were being put in shape for their annual bath and the only thing missing was the oiling machine, which would probably arrive at once.

The application of Smith Bros. to erect another gas tank on Garafraxa street in front of their premises got short shrift. The Council (Continued on page 5)

NEW "STOP" SIGNS INSTALLED YESTERDAY

Motorists and Others Are Requested to Co-operate With Town Authorities in Making Our Streets Safe For Wheeled Vehicles and Pedestrians.

The new "stop" signs ordered by the Council are here and in position and from now on, henceforth, and so long as the motoring season lasts it will be the duty of all motorists and others to come to a full stop before crossing or coming on to Garafraxa street at the corner of Lambton or at Mill street. The stop signs have been erected as a safety against accident, and while there have been no serious smashups at these junctions as yet, it was deemed advisable to erect the signs before any damage was done.

As there is a penalty for violation of this "stop" order, motorists are warned to pay strict attention, conform to the law, and thereby avert an accident that might cause damage or serious injury to themselves or others.

Another feature, too, that it might be well to note is that the fact that while there are stop signs at these intersections, this does not mean that Garafraxa street can be turned into a speedway by any means. Motorists navigating "through" streets are required by law to approach all intersections at moderate speed (ten miles an hour, we think it is), with their car under full control and able to come to a stop on short notice. Those who think that, because Garafraxa street has been designated a "through" street, they are entitled to go breezing through at an immoderate speed, will have a rude awakening if summoned before the magistrate.

Careful driving at all times on our thoroughfares is all the town authorities request, and no reasonable man can object to this. The new regulation is going to be enforced, we are told, but enforced sensibly, and with the desire to control traffic rather than place further restrictions on the motorist.

SOLD GLENELG FARM

Mr. A. B. McLellan concluded a deal last Saturday with Mr. Archie McArthur of the 4th concession, Glenelg, whereby the latter acquires his 50-acre farm and gets immediate possession. The farm is situated at Lot 27, Concession 2, N. D. R., and is the McLellan homestead, where Archie was born and raised, and from which he had no great desire to part. We understand that Mr. McArthur intends using the property for the raising of hay and as a pasture for his stock.



DAME NELLIE MELBA

Upon whom the King conferred the Grand Cross of the Order of the British Empire in his birthday honors.

WELL-KNOWN RESIDENT CALLED SUDDENLY

Mrs. John Backus Stricken With Paralysis Late Monday Afternoon and Passed Away Early Tuesday Morning.—Was Respected Resident of This District During Whole Lifetime.

The sudden passing of Mrs. John Backus early Tuesday morning was indeed a shock to this community, for while it was known by many that she had been taken suddenly ill the previous evening, the news that she had passed away during the night was something the citizens were not prepared for.

Mrs. Backus was one of the pioneers of this section in the truest sense of the word, as she had spent her whole life in this locality and was very highly regarded by a wide circle of friends and acquaintances. Since coming to Durham, Mr. and Mrs. Backus have, by their true neighborliness, congeniality and good qualities made many warm friends and the surviving partner has the deep sympathy of the whole town in his loss.

The late Mrs. Backus was born in Bentinck, on the 3rd concession north of the Durham road. She was the daughter of the late Mr. and Mrs. George Adlam and has never lived out of the immediate vicinity. Born on the 1st of March, 1857, she was in her 71st year. On the 9th of October, 1876, she was married to Mr. John Backus, and immediately following their marriage Mr. and Mrs. Backus took up residence on their farm, Lot 70, Bentinck, on the town line between that township and Normanby. Here they lived until coming to Durham eight years ago.

Last October, Mr. and Mrs. Backus quietly celebrated the anniversary of their golden wedding at their home here, the intention being to hold a family reunion this summer, when it was expected that all the members would be present and once more gather under the parental roof.

Though the deceased had not been in the best of health for some time past, she could not be said to have been ill. Last Sunday she attended service at the Queen Street church, and on Monday afternoon went to visit a neighbor, Mrs. William Ryan. Returning home about 4 o'clock, she was conversing with Mr. Backus, when suddenly she fell off the chair on which she was sitting to the floor. Apparently unconscious when Mr. Backus helped her to rise, she soon lapsed into unconsciousness and passed away about 2 o'clock Tuesday morning.

Besides her husband, Mrs. Backus leaves to mourn three sons and four daughters: William, in Normanby; John, in Cabri, Sask.; Arthur, in Wilkie, Sask.; Mrs. John Leith (Ida), in Holslein; Mrs. George Sharp (Gertrude), in Guelph; Mrs. John Sharp (Violet), in Normanby and Mrs. S. Jackson, (Mary), in Lumsden, Sask. The oldest child, Martha, died in infancy. She also leaves four brothers and three sisters: Robert in Toronto, William in Bentinck, and David in Durham. Mrs. W. Brown and Mrs. H. Reay in Bentinck, and Mrs. J. A. Aldred, in Durham.

While Mrs. Backus will be greatly missed in the community, and especially by neighbors on Gouless street, it is in the home that the full force of the blow will be felt for she was primarily a home woman, devoted to her family, and her every thought seemed to be for their comfort. We sympathize sincerely with the family in their loss.

The funeral, awaiting those en route here from the West, will be held from the Queen Street church at 2 o'clock Saturday afternoon, in charge of her pastor, the Rev. Mr. Peters. Interment will be made in Maplewood cemetery.

ALEX. MacDONALD DIED ON WAY TO HOSP. AFTER CAR ACCIDENT

Fatal Accident Occurred at Foot of Varney Hill Last Night When Durham Dairyman's Car Was Struck by One of Arrow Coach Lines Busses.—Inquest Will Be Held.

An unfortunate accident occurred at the foot of Varney Hill last night shortly after six o'clock resulting in the death of Mr. A. C. MacDonald, local dairyman, who passed away while being taken to the hospital immediately after the accident.

Mr. MacDonald, who was proprietor of MacDonald's Dairy, here, is supplied with milk for his route by Mr. William Bogie, and it was while he was on his way for his daily supply that the accident occurred. According to what evidence could be obtained by The Chronicle shortly after the accident, Mr. MacDonald and his son John had left Durham about six o'clock at about the same time that the southbound Arrow Coach Line bus left on its night run to Guelph.

The bus was in charge of driver Leslie Hauck and was descending the hill at about 22 miles an hour, with Mr. MacDonald's car ahead. When the latter reached Mr. Bogie's gate the car, driven by John MacDonald, stopped, and the elder man got out, presumably to open the gate, the car being still in the middle of the road. The driver of the bus, we are told, blew his horn when he saw the car stop and put on his brakes, but there was insufficient room for him to pass and he crashed into the hind end of the MacDonald car, stripping it of three wheels and otherwise damaging it.

After getting out of his car, Mr. MacDonald evidently passed around to the front of it and when it was struck by the bus the smaller car was turned around twice or three times, and it was then that Mr. MacDonald was injured, his own car striking him and besides cutting him badly about the head, he was otherwise internally injured.

Dr. A. M. Bell was on the scene of the accident only a few minutes after it occurred and took the injured man to the hospital, but he passed away before reaching that institution.

The late Mr. MacDonald was in his 56th year and was born in Egremont, where he spent the whole of his life with the exception of a year or so in the West. For the greater part of the time he farmed in his native township, but about four years ago moved to this vicinity, conducted farming in the neighborhood of Darkies' Corners, and last year came to Durham and started the dairy which bears his name. He had worked up a good business, had a good plant, and was doing well.

Seventeen years ago he was married to Miss Florence Bell of Egremont, who, with one son John, survives, and to whom the deep sympathy of all is extended in their tragic bereavement. Besides these he leaves one brother, Ronald, near Collingwood, and three sisters, Mrs. Angus McCannell and Miss Mary at Proton Station, and Mrs. Archie McLeod of Carman, Manitoba.

At time of going to press no arrangements have been made for the funeral other than the remains will be laid beside those of his parents in the Priceville cemetery. The day of burial is not yet decided on.

(Continued on page 5)

HEAVY LOSS BY FIRE OF SUSPICIOUS NATURE

Chopping Mill at Kenilworth; Tramps Are Suspected.

Fire of a suspicious nature, destroyed the chopping mill of J. J. Cannon, at Kenilworth, early on Friday morning, causing a loss of upwards of \$8,000, with only \$2,000 insurance. The day before the fire there was no activity around the mill, which was operated with an oil-burning engine, as the manager was busy that day unloading a carload of screenings and had just finished storing the 30 tons of this grain in the mill that day.

The fire was noticed around 3 o'clock in the morning, with flames bursting forth from the vicinity of the garage at the rear of the mill, and, with no fire protection available, there was little or nothing the people could do.

The township hall in the same village was also destroyed by fire early on Tuesday evening after the assembling of the Township Council the day before. It is reported that tramps have been seen in this vicinity of late and many are of the opinion that these knights of the road may be responsible for these fires.

TEMPERATURES OF PAST WEEK

Following are the temperatures of the past week, with the highest and lowest registered every day during the period preceding 24 hours. The readings were taken at 5 o'clock each evening.

	Min.	Max.
Thursday	36	71
Friday	38	74
Saturday	54	62
Sunday	43	57
Monday	33	66
Tuesday	44	72
Wednesday	52	76