

Dog Bylaw Now Admitted Invalid

Appeal Against Fine Imposed Was Sustained When Magistrate Laidlaw and Constable Allen Consent That Judgment Be Given A. W. H. Lauder, Appellant.—Case Was to Have Been Heard Tuesday.—Appellant May Take Action For Malicious Prosecution.

The famous Durham dog bylaw controversy has at last been settled, and the net result is that the bylaw has never existed and that host of Durham's citizens who were fined some months ago for allowing their dogs to run at large, were unjustly treated. This is the result of the appeal entered by Mr. A. W. H. Lauder of this place, and who on Tuesday of this week received judgment when both Magistrate Laidlaw and Constable Allen agreed that judgment should be given for the appellant, together with the cost of the appeal. The case was to have come up before His Honor Judge Owens of Walkerton, but as judgment was all that could have been gained in the event of hearing, the withdrawing of their defense by the respondents made matters easier for the sitting justice and court was not called.

The case arose out of a conviction registered some few weeks ago. Mr. Lauder was amongst the first draft of the citizens who were brought before Magistrate Laidlaw and fined. At this time it was pretty generally felt that the authorities were overstepping their authority, but as the fine with costs was in the neighborhood of only seven dollars the fine was paid rather than go to the expense of an appeal and the possible chance of losing out.

As a result of the finding of the local police court several citizens got rid of their dogs, while others tied them up and kept them on their own property. Mr. Lauder was amongst those who disposed of their canines, but it seems that while he was in Toronto on business the dog came back, was spotted by the authorities and another charge laid. According to Mr. Lauder's story he went over to the residence of the magistrate to explain that the dog was not his, but this had no effect—he was fined anyway. He entered an appeal. Mr. Lauder also charges that he was never able to see a copy of the original bylaw prohibiting dogs from running at large. Be that as it may, his appeal was duly entered and was to have been heard on Tuesday of this week, when the receipt of the following from the respondents made the hearing unnecessary:

"We hereby consent that judgment be given in this action allowing the appeal of the above named appellant and quashing and setting aside the conviction appealed against, with costs of appeal to be paid by respondents to the Appellant, and directing the Respondents to repay to the Appellant the amount paid by him for fine and costs on such conviction." The above was signed by both the magistrate and the constable.

May Sue Respondents

In speaking to The Chronicle on Tuesday afternoon Mr. Lauder had not definitely made up his mind whether he would sue the respondents for malicious prosecution. In his statement he says that he is out considerable time and money, counsel fees, telephone bills and other expenses that he does not see that he should lose for no other reason than the authorities who caused his summoning and imposed the fines had failed to look up the law before they took action.

The dog bylaw has caused quite a lot of discussion, and no end of dissatisfaction as it has been felt by numbers of people that the local authorities were rather overstepping their authority and administering fines on the assumption that the total costs were not sufficient to cause an appeal from the finding of the local court and upsetting of the verdict. Should Mr. Lauder decide to go ahead with his suit for damages he will have a lot of sympathy and the trial will cause no small amount of interest.



DR. PETER MCGIBBON, M.P. The Federal Member for Muskoka is seriously ill at Toronto suffering from an arm infection.



HAS UNIQUE HONOR
A close-up of Bugle Major C. A. Day, M.M., of Ottawa, who was chosen this year again, for the eleventh time, to sound the "Last Post" and "Reveille" at the Armistice Day ceremonies in front of the Dominion Parliament Buildings.

TARA YOUTH KILLED WHEN TRUCK UPSET

Was Returning Home From Owen Sound When Accident Occurred.

Harvey Scarrow, the younger son of Mr. and Mrs. J. G. Scarrow, of Tara, was fatally crushed in a car accident on Saturday night about nine o'clock.

Harvey had motored to Owen Sound with his mother and brother earlier in the day and they had preceded him home, after Harvey had made arrangements to follow with Mr. Earl Rushton, who was returning that evening with a truck load of flour. When they were coming into the village on Brook street just east of the railway crossing, they met a Ford car driven by Russel Neil, who was on his way to Owen Sound, accompanied by Clifford Wark. In passing, sufficient room had not been allowed and the hub caps of the two cars came together.

The steering gear of the truck was broken by the impact and the truck swerved across the road to the south side, where it overturned. At this instant, Harvey, jumping to save himself, was caught by the falling car and pinned underneath.

Assistance was immediately called, and the injured and unconscious boy was taken to his home, where he passed away in a few minutes.

In County Jail On Serious Charge

W. Wiggins of Durham Arrested on Saturday Night and Taken to Owen Sound Jail.—Held For Attempt to Commit Abortion.

Following a visit of Provincial Constables McClevis of Hanover, Nelson of Walkerton and Denton of Owen Sound, to his premises on Saturday night last William Wiggins was placed under arrest and taken to the county jail at Owen Sound on a charge of attempting to commit an abortion. The young woman in the case is said to belong to a well-known family in a town some miles from here, and was taken to Durham hospital following the arrest of Wiggins. She is said to be about 23 years of age.

According to the police Wiggins had been under suspicion for some time past and on several occasions police officers and detectives were about the premises nearly all night in an attempt to prove a case on him. They have had evidence for some time that he was engaged in his nefarious work but not strong enough to secure a conviction, the result being that they bided their time and on Saturday night caught him "cold". He was taken to Owen Sound immediately after his arrest and will appear before Magistrate Spremer for a preliminary hearing some time this week. In the meantime he is being held without bail.

In the raid Saturday night the three constables are said to have secured sufficient evidence to prove his guilt without even the necessity of further evidence and as the crime is the most serious one on the calendar with the exception of murder the outcome of the case will be watched with interest locally. Wiggins is a man around 50 years of age and it is alleged that he has been in this business for a considerable time.

OPENING NEW OFFICE

The W. Calder Estate, of which M. G. Calder is manager, has opened an office in the Whitmore building on Garafraxa street, one door south of the barber shop, and are already in possession and doing business. The move has been contemplated for some time as it was felt their coal and insurance business could be looked after more efficiently with an office located in the centre of the business section.

Egremont Farmer Killed When Hunting

Thanksgiving Day Saddened at Home of George Lane, When Son Arthur Was Accidentally Shot.—No Inquest Will Be Held.

Arthur Lane, 26, was accidentally killed shortly before noon Monday on his farm in Egremont Township in a hunting accident.

Lane, who is unmarried, and whose farm is about two miles east of Dromore, went rabbit hunting early in the morning with several of his brothers and his nephew, Elwood MacDougall of Toronto, who was visiting him. About 11 o'clock they decided to go in for Thanksgiving dinner, all of the party having been invited to the home of Lane's father for the meal.

On the way out of the bush MacDougall stumbled, his gun being discharged. MacDougall was walking directly behind Lane and the charge of the shotgun entered the unfortunate man's back. He died in about 10 minutes, the body being taken to the home of his father, George Lane, whose farm is directly across the road from that of his son.

Coroner Perry, of Mount Forest, has investigated the occurrence and has come to the conclusion that it was wholly accidental and that no inquest is necessary.

Mr. Lane is survived by his parents, Mr. and Mrs. George Lane, Egremont Township; seven brothers, John, Robert and Andrew of Proton Township; William and Wesley of Georgetown; Russell, of Toronto, and Melville, of Egremont Township. Three sisters, Mrs. John McDougall, Toronto, and Ethel and Vina at home, also survive.

SAYS MISS MACPHAIL SUFFERS BREAKDOWN

Winnipeg Physician Orders Woman M. P. Two Weeks' More Quiet.

Her speaking tour in Saskatchewan cancelled, Miss Agnes Macphail, M.P., intends returning to her home at Caylon, Ont., as soon as she is able. She was taken from the train on arrival in Winnipeg a week ago Monday and since that time has been in bed at the home of a relative, Mrs. J. C. McCloskey.

The member for South Grey, though cheerful and very much interested in national affairs, will not be able to get up for perhaps two weeks, her physician has told her. Added to the tonsillitis attack, Miss Macphail is suffering a general physical breakdown which is described as "not serious".

Since parliament prorogued early last summer, Miss Macphail has been constantly busy. Returning from Europe only a month ago, after attending several conventions, including sessions of the League of Nations at Geneva, she immediately plunged into the Ontario election campaign and at its conclusion left for the west where she intended a four-weeks' speaking tour.

ARMISTICE DAY OBSERVED HERE

Annual Decoration of Soldiers' Monument Took Place Following Church Service on Monday.—Short Service Was Held by Local Clergy.

The annual decoration of the Soldiers' Monument here took place on Monday shortly after noon following the union service held in Queen Street church. The service at the monument was conducted by Rev. E. Hayes, Anglican. Rev. W. H. Smith of Knox church read the scripture lesson, Rev. Mr. Armstrong of the Presbyterian church delivered the address and Revs. Priest and Fiddes of the Baptist and Queen street churches, offered prayer. The monument was fittingly decorated at the proper time by wreaths placed by the I.O. E. and the War Veterans, Mrs. Sparling officiating for the former and Mr. C. H. Darling for the latter. Owing to inclement weather, a light rain falling just before the service, there was not as large a crowd in attendance as was hoped for.

Held Union Service

There was a fair-sized congregation present for the union service in Queen Street church in the morning. The service was conducted by Rev. H. S. Fiddes, the pastor, and the sermon was preached by Rev. Mr. Priest of the Baptist congregation. Revs. Armstrong, Hayes and Smith assisted in prayer and in the reading of the scripture lesson.

TEMPERATURES FOR PAST WEEK

| | 8 a.m. | Max. | Min. | Rain |
|-----------|--------|------|------|------|
| Thursday | 34 | 40 | 34 | — |
| Friday | 30 | 36 | 24 | — |
| Saturday | 34 | 44 | 30 | — |
| Sunday | 32 | 48 | 28 | — |
| Monday | 40 | 44 | 33 | 56 |
| Tuesday | 42 | 47 | 42 | — |
| Wednesday | 42 | 50 | 42 | — |

To be unduly elated if you win, or unduly depressed when you lose, is a sign that you are carrying too much ball and not enough ballast.



SUCCEEDS TOMMY GORMAN
"Nip" Dwan of Toronto, who has taken over the duties of business manager of the New York American Hockey Club.

Bear Cubs Shot By Local Hunters

Messrs. P. Gagnon and W. Gray Had Exciting Adventure at Durham Furniture Company's Camp at Hastings.

Sault Ste. Marie seems to have had the advantage of fancy wild animal stories for the past couple of years but it remained for two Durhams to stage a hunt last week which, if not the equal of the Sault wolf and moose stories still lends color to the idea that civilization has not destroyed all the wild animal life in older Ontario.

Mr. Gagnon spent last week in the Durham Furniture Company's camp at Porterville in Hastings County where everything is pretty nearly as it was 50 years ago and if one cares to wander through the bush he will find that the wolves howl and the bears prowl in their native state much as they did in the days of Brebeuf and Lalement. To the dwellers in the more settled regions of the province a night in the bush up in that country would prove one of thrills and chills.

It was while "cruising" over the company's timber limits that Messrs. Gray and Gagnon, the former in charge of lumbering operations at the camp and the latter managing director of the factory here, and accompanied by one of the bushmen, discovered what looked like a bear's den. It was. There were three of them all cubs it was afterwards learned, but this was not known when the hunt was on. The men had no firearms with them with the exception of Mr. Gray's "sometime" gun. That is, sometimes it went off, sometimes it didn't. Approaching the den the party were confronted by the first bear and opened fire. Bill Gray held the gun but it refused to spring into action. After a couple more tries one of the cartridges did go off and accounted for Bear No. 1. Immediately afterwards it was discovered that there was another one in the den and with Mr. Gagnon in charge of the artillery the action was on again. After considerable manipulation the gun behaved like an oldtimer and Bruin No. 2 was disposed of. Looking into the den what was the surprise of the party to learn that either they had not killed the first animals dead enough or there was still another occupant. Not trusting the gun too much they called to their fellow woodsman to lend them his axe that they might, Horatius-like, turn back the thundering horde that threatened their very existence. The woodsman demurred. "Lend you my axe? Nothing doing. You might break the handle." And that was that. Nothing to it but take a chance with the old pea-shooter again. After several attempts the deed was done and all three bear cubs, about half grown, were horsed about.

It is quite evident that the old she bear had deserted the cubs and this was the thing of which the hunters were not sure. Had she been in the den there would have been no end of excitement and in case she did happen to turn up the hunters lost no time in getting back to camp. Returning next day the animals were brought in and at least one of them will arrive in Durham this Wednesday evening. As Mr. Gagnon has promised us a nice juicy steak, a roast, a boll, and goodness knows what, we are sitting in our sanctum as this is written, licking our lips in anticipation and wishing the train would come.

And the best of the story is that it is absolutely true. Now that it is all over the laugh may be on the successful hunters but anyone who has ever seen a mad bear on a rampage can imagine what would have happened had old Mamma Bear arrived on the scene about the time her cubs were being dispatched. There is nothing quite so dangerous as a mother bear protecting her young and to be caught without dependable firearms is courting extreme danger if not death. We are glad that the hunt turned out so successfully. In the meantime we shall keep the frying pan close to the stove so that no time may be lost when that bear meat arrives.

Markdale Boy Dead in Shooting Accident

Elmer Hutchinson Almost Instantly Killed When Accidentally Shot by Kinsman.

Elmer Hutchinson, 15, son of Mrs. Edith Hutchinson of Markdale, was shot and almost instantly killed, Monday afternoon, at about 3 o'clock, while he and two chums, Alvin Noble and Gerald Fitzpatrick, were shooting at targets. The accident occurred in the village, a short distance from Alvin Noble's home.

The boys had just returned from shooting rabbits, and had placed some targets for practice. Elmer had fired at the target and started to run forward to examine the result just as Alvin Noble fired. The shot entered the unfortunate boy's body, finding its way into the heart. His two companions immediately rushed the dying boy to the house of James McGee, which was nearby, but he passed away before they could reach the house. Dr. L. Carefoot was called, but life was already extinct.

Coroner Dr. Bibby of Fiesherston, was notified, and, after viewing the remains, he decided to hold an inquest. A jury was appointed and met at 8 o'clock, when they examined the body. They adjourned to meet November 22.

The late Elmer Hutchinson was of a very bright disposition, widely and favorably known both among the young and old of the village. His untimely death has cast a deep gloom over the village, where deep sympathy is felt for his mother and sister, Miss Nina, now of Toronto. His father died some years ago.

A LARGE APPLE

Mr. Dan Wade of Bentinck was in our office the beginning of the week and showed us a big Northern Spy apple he selected from his crop grown this year. The apple measured 12 by 11 inches and weighed ten ounces and three quarters. This is not a record by any means but this season when the apples are said to be plentiful though small, it is quite a good sample. Mr. Wade says he has plenty of Spys of approximately this size but admits that in selecting the one he brought in to town he did not pick the smallest of the lot.

HAD GOOD DANCE

The Thanksgiving dance of the I.O. D.E. in the Town Hall Monday evening was well patronized. The music was supplied by a Walkerton orchestra. The receipts were considerably over \$100.

SCHUBERT CHORAL SOCIETY ANNOUNCEMENT

At a meeting called for and conducted, October 9, it was decided to await the consummation of the Historical Pageant ere proceeding with the reopening of the Schubert Choir.

The capable leader of last year, Prof. A. H. Workman, is again available, being already on the ground as a private instructor of vocal and instrumental music.

As the pageant practice has been filling a large place in the development of Durham's talent, so is the choral, which has an unlimited capacity for membership.

A programme and social evening is being arranged for the evening of Thursday, November 21, at 8 o'clock, to be held in the High school. At this meeting plans for this year's work will be fully discussed. Come, air your views, and make suggestions.

The public might be interested in perusing the Choir's financial statement which is as follows:

| November 1928 to April 1929 | |
|---|----------|
| Receipts | |
| Received from membership fees | \$141.25 |
| Received from members for music | 23.80 |
| Concert receipts | 68.50 |
| | \$233.55 |
| EXPENSES | |
| Salary of Prof. Workman | \$122.50 |
| Mr. Ritchie, caretaker | 13.75 |
| P. Ramage, advertising | 1.75 |
| F. Henderson, concert caterer | 15.00 |
| F. Irwin, tickets and advertising | 4.00 |
| Mr. Vick, concert violinist | 5.00 |
| Use of town hall and piano | 14.00 |
| Amusement tax | 4.11 |
| Music and postage | 20.87 |
| High School Board for use of school, lighting | 2.00 |
| | \$202.98 |
| Balance in Bank | \$30.57 |

With this balance music can be purchased and the members thus be minus that personal expense this year.

Like every organization which continues from year to year, opportunity is given for improvement in the financial standing. As we thus progress, the fee, which is small, in comparison with the value received by the faithful member, will, no doubt, be reduced from year to year. This will be one of the considerations of the evening.

All interested are invited to come on Thursday evening, November 21.

Foshay Plants to Be Continued

Receiver in Bankruptcy Says They Are All Sound, and Will Continue in Operation.

According to a dispatch from Minneapolis, Minn., on Monday, public utility plants allied with the W. B. Foshay Company, which went into receivership a week ago, will continue operations.

The concerns, scattered through a score of states and in Alaska, Canada and Central America, were in sound condition, Joseph Chapman, receiver for the Foshay Companies said.

In his first statement since taking charge of the Foshay properties, valued at \$20,000,000 and encompassing three holding companies, Chapman said overhead costs of the organization had been reduced \$500,000 a year through curtailment of activities at the headquarters at Minneapolis and in the 20 sales offices throughout the country.

Progress also was being made in straightening out the affairs of the W. B. Foshay Building Corporation as well as the Utilities Consolidated Holding Corporation, Chapman said.

The three parent Foshay companies Chapman said, have more than 20,000 stockholders. From January 1 to September 30 of this year the W. B. Foshay Company sold \$6,944,000 worth of securities.

"During the first nine months of this year," he said, "The W. B. Foshay Company paid a total of \$815,653 in commissions alone to its salesmen in Minneapolis and other offices which distributed stock."

"In July the securities sales of the Foshay concerns started to decline and by October had dwindled to practically nothing. The entire operation of all the Foshay companies depended on sales of stock to the public. So when the sales of stock stopped, Mr. Foshay stopped."

"It is fortunate that the public realizes that the Foshay failure was in no way due to, or a reflection of, financial conditions in Minneapolis, and that no institution outside the Foshay system had any connection with the system or its collapse."

HYMENEAL

HAAS—THORNE

The marriage of Frances E. (Deanie) Thorne, daughter of Mr. and Mrs. E. J. Thorne of Holstein, formerly of Devon, England, and Robert A. Haas, son of Mr. and Mrs. Alfred Haas of Egremont was solemnized on November 11, at Trinity United church, Holstein. Rev. R. F. Mercer officiated, assisted by Rev. C. A. Jay of Bartonville. The church was beautifully decorated with ferns and pink roses. The bride, who was given in marriage by her father, looked charming in a gown of ivory satin with embroidered tulle veil caught with orange blossoms. Old English lace from her mother's wedding gown trimmed her dress and she wore a ring which has been in the family for five generations. She carried a shower bouquet of chrysanthemums and ferns. Miss Jean Ellis was bridesmaid and wore a gown of shell pink satin and tulle with hat to match and silver slippers. She carried a bouquet of russet mums and ferns. The groom's attendant was his brother, Mr. Arthur Haas. Miss Islay Sim, cousin of the groom played the wedding music and during the signing of the register Miss Reta Haas of Bridgeport played a violin solo. The bride's mother was frowned in navy spanish lace over french grey, with hat to match and the groom's mother wore olive green crepe with rose-biege hat. The ushers were Mr. W. T. Thorne, brother of the bride and Mr. Alexander Sim, cousin of the groom. The groom's gift to the bride was a gold bracelet and to the bridesmaid, organist and soloist, french bead-bags. After the ceremony a reception was held at the home of the bride's parents followed by a buffet luncheon. Later the bride and groom left by motor for a trip to Eastern cities, the bride travelling in a navy gorette dress, navy satin broadcloth coat trimmed with beaver with hat and shoes to match. On their return they will reside on the groom's farm on the 14th concession of Egremont.

Among the guests from a distance were Mr. W. T. Thorne, Hamilton; Mr. and Mrs. Arthur Robinson and Mr. and Mrs. F. Allingham, Guelph; Mr. and Mrs. A. Hart and family, Mrs. Vanstone, Mr. Earl Vanstone, Mr. and Mrs. Clarke and family and Miss Adeline Haas of Toronto; Rev. and Mrs. C. A. Jay of Bartonville; Mr. Will Christie, Fort William; Mr. and Mrs. Harvey Groat and Mr. William Haas of Mount Forest; Mr. and Mrs. A. Sithes and Mr. and Mrs. H. Sithes, Inglewood; Mr. and Mrs. Irvin Haas and family and Mr. Wilfrid W. Roedding of Bridgeport.

HAD FINGER REMOVED

Mr. W. S. Hunter, who has been suffering for the past several months with an infection in his finger, had the digit removed at the Durham hospital this week.