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EVIDENCE WAS CONCLUDED POLICE COURT THURSDAY

And an Adjournment Was Made Until Monday, When Argument Will Hearing of Evidence.

Magistrate Farrell heard evidence in showed 550 pounds. tice court, on Thursday. The evidence been weighed. There was more on it was concluded at 2 p.m., when an adjournment was made until Monday might have made a little difference in the weight.

& company, James Sowards. Robert off the sleigh. Crawford, Booth & company, and the James Sowards told of the system Frontenae Lumber and Coal company, at his office. His brother generally did flowing for the hearing.

ducted the prosecution. ed. Arraigned on the charge of send-

John Hurley, driver for the company was to weigh without a horse was the first witness called. To Mr. McIntyre, he said he had been acting as driver for Mr. Swift for eleven months, and had been driving on Feb. "How do you account for the 23rd, the day on which the offence was change?" the witness was asked. alleged to have taken place. On Feb. "I cannot say, the scales are sup- transaction?" Better be a little ahead of the 23rd, he delivered a load of coal to the posed to be all right." spring rush. We are making large home of Mrs. McKenzie, 17 Division | Witness said that within a few days sales of Furniture and Carpets to street. He had been given a ticket of the time the load was seized the rom the office when he left. On his scales had been repaired and then way to deliver the coal he was stopped tested by Police Constable Arniel, who asked to see his ticket, and afterwards his coal was weighed at the city scales;

with the load, and without the load. Constable Arniel said he was present Francis king, who appeared for the when the coal was weighed. The gross company, submitted the statement weight amounted to 2,575 pounds. The from 1 rol. A. P. Knight as to the sleigh was then weighed, and went 650 weather on Feb. 23rd, the day of the James Daly, tessee of the hay mar- showing seven degrees above zero and ket scales, was called. He was at at 8 p.m. twenty above. The highthe hay market when Constable Arniel est temperature between these two

came with Driver Hurley, from Swift's. hours was twenty and a half above gross weight amounted to 2,575 and the lowest five above. pounds. Witness produced his ticket, W. H. Wormwith, of the Wormwith which verified the figures he gave. The Piano Co., said that on Feb., 23rd inspector Thomas Gallagher in June to the factory, from Booth's. last and also on Wednesday of this Stanley Christmas, a driver for the

peared for James Swift & company, had been weighed by Mr. Arnielf witness said the test of coal had been made on a very disagreeable day. The said Mr. McIntyre. "Did you nosnow was very deep and soft. The tice any difference in it?" sleighs weighed heavier than usual. "Any examination made of scales be fore the weighing was carried out?" "No, not that I am aware of."

waggons fifty pounds. Previous to the day in question, when test was made, he noticed that the sleighs weighed Upholstering promptly

"Can you tell what was wrong with scales when examined last June?" "I thought they were all right." Witness said that on this occasion spector reported that there was some

Mr. Swift was the first witness called by the defence. To Mr. Rigney, he a said, he recalled the load of coal sent to Mrs. McKenzie. He explained the system in vogue at his yard. Ice eighteen inches thick, dear and morning the scales were adjusted. each cart was also weighed. This was Mayor Carson sold his grey stallion recorded with the names of the drivers "Young Harrison" to Mr. Snell of on a slate. On this occasion witne weighed the coal himself. He made allowance for the tare, and considered that his scales were as good as any in the city. His gross weight was 2,-On March 1st there were 51 patients 575 pounds, and the city scales 2,620. It was a bad day for the test.

"I have been in the coal business for forty years," added the witness, "and my scales have been tested, both J. Campbell Strange Receives Post civic and government officials, and the scales have been correct."

Witness had on one occasion found J. Campbell Strange, for years chief clerk in the office of Postoffice Inspec- that ice on his sleighs made a differtor Merrick, has received the appoint- ence, and he had allowed for a tare of ment of deputy inspector, a position 60 pounds, and in the case of two cuswell deserved in view of good service. tamers this had been made up to The last deputy inspector was P. H. them

Macarow, who was moved to Toronto Witness said it was very difficult to find all the scales weighing the same. His were tested May 31st, 1911. Eggs and Butter Cheaper.

Butter and eggs took another drop scales of Mr. Swift in May last, but price on the market on Thursday he had inspected them on other occa-

morning. Eggs were selling at twen sions. ty-eight and thirty cents a dozen, and "And what can you say about butter sold for thirty cents a pound. them?" asked Mr. Rigney. is expected that the price will even "They are as good as any in the to lower in the course of a few days. city.

Witness said that the capacity the market scales was ten tons, and The masters and mates and engineers that at Swift's was seven tons. held a combined smoker at their rooms Witness said that on Wednesday he on Wednesday evening. After the had been on a load of coal at the smoker the evening was spent in cards city scales, had it weighed, and then with the usual result that the masters turned around on the square and reseven and one-half pounds.

"How do you account for this?" water furnace, b. & c.; large etc. Dutton's.

verandah, nice lot, 212 Al- Miss Gladys Caldback entertained the correct way of weighing coal. about thirty of her friends at her would be to weigh it without the

home on Monday evening. Cards and horse attached to the sleigh 2,000 - Double frame, 7 o other games were played until mid- Mr. McIntyre held that the evidence rooms each, b. & c., rent night, when supper was served. of the witness on his opinion could not be taken, as he was not an exert. If the witness knew about the chance of the horse laying back on the load, the coal dealers should know it,

> Witness told the magistrate that he had inspected the city scales on Wednesday and found them to be correct.

> Second Case Opened. The case against James Sowards George Turpin, driver, said That on ebruary 23rd, he had taken a load itness was taking the place of another driver. Witness had secured his table Timmerman, and having the

and when the weather, was bad, they were weighed twice a day. To Mr. Rigney witness said that when the sleigh was weighed on the AT city scales, he could not say as to

snow or ice being in it. No precautions had been taken to rin the sleigh James Daley recalled the load brought to the scales from Sowards' be Heard-Court Room Filled for by Constable Timmerman, The gross weight of the sleigh was 2,475 pounds and when the sleigh was weighed it

he case of the five local coal dealers, Constable Timmerman, who stopped charged with delivering coal under the load, said that there had been weight, on February 23rd, at the po- snow on the sleigh, when it had first

All the dealers pleaded "not guilty." Witness said that no special precau-The dealers charged are James Swift tion had been taken to clear the snow

Messrs. T. J. Rigney and Francis the weighing, and a record was kept King appeared for the coal dealers. | of the tare of the carts, and allow-The court room was filled to over- ance made for the same. The system was similar to that at Swift's. Wit-City Solicitor D. M. McIntyre con- ness made a test on February 27th at the city scales. He had a load weigh-The case against James Swift, of ed at his scales, and it showed 2,600 James Swift Company, was first call- pounds, and at the city scales, 2,580. On the afternoon of the same day he ed. Arraigned on the charge of send-ing out coal under weight, he pleaded had another load weighed at his of-fice, and it showed 2,560 pounds, and at the city scales 2,550. Another test

Third Case Called.

The case of Booth & Co. was then taken up, but before it was heard test, at 8 a.m., the thermometer

cales had been tested by government two loads of coal had been delivered week. A certificate from Mr. Gallagh- company, identified ticket produced in r, showing scales to be correct, was court as one given to him by William Arniel when he was about Examined by T. J. Rigney, who ap- take out a load of coal. The coal "That load was a lot shy-160 lbs,"

"No. I did not a notice any differthe load from Booth's weighed 2,425 pany on February 23rd, and the drivwet pounds, gross weight. The sleigh er, Thomas Evans, was called. deal more. The schedule for sleighs was "disappointed," as he termed it, that he had been requested by the varied from 10 to 25 pounds, and on in the weight of this load, as it ap- lady of the house to pour a pail of

William Arniel said he looked after told of a test he had made of the weighing at Booth's. He had sleigh at the city scales. One day his weighed the load of soft coal screen sleigh weighed 620 pounds and on anings for Wormwith's. An order had other occasion it showed 640 pounds. load was the first. In this case he on both days. weighed the coal and it left the On this particular occasion there scales 150 pounds short. He knew was about fifteen or twenty pounds this when the load went out. For the of ice in the bottom of the sleigh afsecond load he gave orders to the ter the coal was taken out. driver to "load heavy" so as to Elmer Williams told of weighing the make up the amount lost on the firtt coal, and said that on the day in load. The weight of the second load question he had taken the tare of the showed 180 pounds heavier. The se-sleigh, and it showed 610 pounds. On cond load went out tmmediately after February 22nd, it showed 615 in th

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tion that the first load had been held up by the police. "So-in fact Wormwith's factory had thirty pounds to the good in the

Yes: that was the case. to get a sufficient amount to make

Witness was questioned by Mr. Mc

"When you found the load was 150

pounds short why did you not make

"You know it was your duty to put the correct weight on each ticket?

"I did not know that." "But it is the case. Asked by Mr. King, witness said that just ten minutes clapsed between the time the first and second toads

were weighed on the office scales. William Arniel, jr., driver for the company, told of having loaded heavy far the second load of coal going to Wormwith's, as he had been instructed. He did not know thing about the weight of the load.

The Fourth Case-The next case taken up was that against the Frontenac Lumber & Coal

. W. Lane, Gore street, told James Daly's evidence showed that having received coal from the com-

Witness said if the weather was wet pounds, gross weight. The steigh Witness told about considerable ice and soft the sleighs weighed a great weighed 585 pounds. Witness said he being on the sleigh, and also stated water an the load to "keep down the been given for two tons and this The weather was precisely the same

Witness said that when the second February 23rd, the tare showed 595

Asked as to the weighing, witness said that he always took notice to see that the traces were slackened, as he believed, in this way, he could !

get an accurate weight Constable James Craig, who "held up" the load, gave evidence. He said he went with the driver to see coal delivered, and told about a pail of water being put on the load

bottom of the sleigh. "No. I did not." "The driver says there was ice

"No, there was not," Witness said that the usual amount of coal dust was in the bottom of the sleigh, but declared that there

Asked by Mr. King, witness said that he did not think the placing of the water on the coal would make any difference. Had he thought it 3 have allowed the driver to place it on. "You are not in a position to say there was no ice or water in the

"I did not see any water or ice." According to the evidence of the prosecution, the Frontenac Lumber comuany was 25 pounds short in their

Fifth Case Called.

It was 1,30 p.m. when the last case hat against Robert Crawford, was

Frank Mallen, driver for the company, was called, and told about the delivery of coal, and said that when the coal was being weighed, he had bis horse "easy" so as the proper weight could be secured

Robert Crawford explained to Mr. Rigney that his sleighs were weighed twice per day, morning and afternoon.
This rule had he carried out on Feb. 23rd. One great difficulty experienced was in having pieces of coal being caught between the platform. For this reason an iron bar was kept at the scale, to rid the scale of this obstrucwith there was a tendency to weigh light. A horse, the witness explained was just like a man. When he tired, would lay back, and this would tend to make the weight heavier. If the

been thrown on the load by the horse," been outlined.

"T could not detect it every time." the case, and at 2 o'cleck the court Witness said that he himself had adjourned until Monday morning, when weighed the same load again, after the argument will be heard.

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horses moved forward, it would weigh rig had passed off the scales and reighter. Just what amount would be turned and had found a difference in involved, witness could not give an the weights. The witness would agree

that ten pounds would be sufficient to "You can tell whether weight has allow for any such a mishap that had The evidence of Mr. Crawford closed

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