HAMILTON EVENING TIMES WEDNESDAY. MAY 5 1909.

that to form the theory of suspectin this young woman would be imprope Nothing was further removed than the any motive should actuate my friem Mr. Washington, or myself, throug out. We have endeavored to the be of our ability to present the actu-facts in connection with this tragedy. My only comment is on the extreme

Now, Mr. Coroner, one other obje have to make. It is that one

I have to make.

suspi



(Continued from page 6.)

church in Manchester or Richmond. He had made a very exhaustive investiga-tion among musical people and choir-masters, but he could find no one who ever heard of the man Foster mention-ed by Miss Kinrade as having charge of the choir where she same. ed by Miss Kinrade as having charge of the choir where she sang. Mr. Staunton protested against the detective making a speech or repeating what others told him.

could not find anyone of the of Foster, a choirmaster, in any

ou were not able to find any trace

of Miss Kinrade having sang in any church whatever down there?

No. As a result of your investigation, we you any reason to believe her atements in that regard are true? have n

Manchester, Mr. Pender said, was sephave none." Mr. Pender said, was sep-ited from Richmond by the James ver. The girl, he said, was accus-ned to cross by car, over the bridge, d return the same way. The Man-ester church is one of the largest-ver, J. J. Fix is the pastor. It is the ly Presbyterian Church there. He w Mr. Fix, among others. The girl rived about April 40 at Virginia ach, as she had stated. This was out 95 miles from Richmond and wort 80 miles from Portsmouth and orfolk.

moulded from time to time to suit the evolution of human society and the pro-gress society is making. It is within the memory of persons in this room that neither the plaintiff to barbarous times, excluding the right of the parties to testify. Within ten years, in fact, it was impossible for a person accused of a crime to go into the witness box and testify on his own behalf, but it is now a matter of daily occurrence to see witnesses exercising this new statutory right. I have no doubt that before very long we will ad-yrance a step further, when the accused person will not only be competent but might very well be competent but might very well be competent but might very well be competent but

THE RIGHT OF WITNESSES. Now I am afraid that it is not gen-erally understood by the public that within the last three or four years a very notable additon to the statutory laws has been made by the Legisla-tures, both Dominion and Provincial, that of the Dominion having been read in your presence yesterday. It is now no longer competent for a person to re-fuse, as it once was the right, to an-swer a question on the ground that the answer to that question may tend to in-circiminate that person. The witness must answer the question, but is pro-tected because the answer can ordy be used against him in case of perjuiry. I need scarcely toll you that that is a very important change in the law of our land, and invests those whose duty the law, not only with a much greater power, but with much greater obliga-tons. THE RIGHT OF WITNESSES.

Now, Mr. Coroner, I wenture to say hat I have never been engaged in any roceeding in any court of justice, chich I think has been carried on with nore dignified propriety and fairness that which has now, I am glad to y, drawn to a close. We have en-eavored to bring before you and the try every particle of evidence which we use into research of ession of.

CROWN HAS NO THEORY.

CROWN HAS NO THEORY. I have been frequently asked during hese proceedings :"What is the theory if the Crown in this murder?" Sir, the nswer is, the Crown has no theory, and ught not to have any theory. That is swer is, the Crown has no theory, and ght not to have any theory. That is expression which may be legitamately dif a criminal prosecution is on foot ainst anyone, but, as has been said a frequently no end is on the hard frequently, no o ay indeed be a one is on trial here. a result of evidence ight out in this investigation that legitimate object of prosecution, for the moment no one is being pro-

friend, Mr. Washington, and I "As my friend, Mr. Washington, and 1 sheeived our duty it was that we nould bring every particle of evidence efore you, that could throw any light in this unhappy tragedy, not only what be got, but what would be suggested by myone else. In consequence of that willing we have brought before you eme evidence that we thought had no

no evidence that we thought had ho ring on this proceeding. take, for example, the evidence out some strange person being seen he two or three blocks away from be kinrade home one alternoon. While seemed unimportant to us, we realiz-that others were entitled to hear it, a that you or the jurors might take

Well, now, Mr. Coroner, so far as the actual tragedy is concerned, the situa-tion is this: A murder took place, and I scarcely need say in making these ob-scrvations, I don't intend to say any-thing of the evidence, which would be improper, as it is your office and that of the jury, but this murder took place, and the young woman who was un-doubtedly there at the time of its com-mission comes forward and says, "I know the circumstances under which the same areas committed and I will

Mr. Charles Peepies, Sanford avenue, was called in regard to a conversation that he and his sister had about Christ mas time with the Misses Kinrade. He said they met them on the street, and the conversation turned on Miss Flor-ence's return from Virginia, and it was the conversation turned on Miss Flor-ence's return from Virginia, and it was stated that Miss Ethel was disappointed at the return, as she had made prepara-tions to visit her in the south. He

that I realize are open to any one mind that I realize are open to any one who heard the statements of this young woman. One is the attitude of doubt, seeing the report itself is incoherent, with marks of improbability about it, as to which I say nothing. Then there is the attitude of the person who, hav-ing heard the story says, "I have pass-ed through the stage of doubt, and I am now in the frame of mind where I absolutely refuse to believe the story at all."





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HAMILTON, CORNER HING EAST THOMAS C. WATKINS ONTARIO

Brown against the building of a cement sidewalk on Sanford avenue, between

blown against the binner of a common sidewalk on Sanford avenue, between Main and King streets. Three of the four residents who own lots there ob-jected to it, he said. It was on the blank side of their lots, and he thought it was on state of moment to nut the walk

t was a waste of money to put the walk own. The Board decided to withdraw he walk.

POWER WITH TIDES.

BILL TO DEVELOP BAY OF FUN

DY CURRENT.

of the Fundy tides could be reaped.

Province.

OPPOSED TO THE SWITCH

If It is to be Built Upon City Street.

Night Watchmen at Wellington and Wentworth Streets.

facts in connection with this tragedy. My only comment is on the extremely unworthy office of those not connected with the proceeding, and unaware of the difficulties that beset the path of those who have to make important deci-sions on the evidence brought before the jury, to impede the paths of jus-tice or embarrass those discharging these offices. Sanford Avenue People Have Ceof this proceeding has been lost sight of. It is not merely to bring to light any facts connected with the commission of ment Walk Petition Withdrawn.

facts connected with the commission o the tragedy, but also to relieve any per The application of the T., H. & B. Rai cons who are under unjust suspicion reference to the commission of ad for permission to construct a sid ng from the spur line to the premises o crime, and it is important, it should be borne in mind, that one of the effect. W. Bird & Son Company, crossing th of this inquest is to relieve persons who night have been under very cruel suspi Beach road, was discussed by the Board Works last evening. This application ons, perhaps who were under crua spicions in connection with this crime as dealt with on a former occasion, bu I take two instances of that. Take the case of Mrs. Kinrade, who was in the the Board could not see how the witch could be put in without damaging he street, it was turned down. Mr. S. D. Biggar appeared in the interests of he F. W. Bird Company, and gave a atement of the case from the com any's point of view. He said that the was built on the gravitation sys tem, and if the city would not allow the company to raise the road the required and all opportunity of minicating decisions and showing, if her statement is accepted, that she had no complicity in it. So also is the case of the son, Ernest Kinrade. He has also had an opportunity of having his statements, as given to the jury, ac-cepted, and I am saying nothing about that. He has had the opportunity of relieving himself of this cruel suspicion. One would have thought that the voice of criticism would have been si-lemeed by the awful fact that in one of the principal thoroughfares of this city, almost three months ago, was commit-ted this foul and bloody deed, and that, at this moment, no expiation of that of-fence has taken place. DUTY TO THE DEAD. company to raise the road the requires height it would necessitate an entire re-building of the factory. He claimed that this district was essentially a factory one, and more attention should be paid to their needs than to the desires of the the company were residents. He said the company were willing to contribute any reasonable am-ount to do away with any of the objec-tions the Board might find in the fulfilatoms the Board might find in the bard ment of the application. L. F. Stephens, representing the residents who own pro-perty along the street, objected very strongly to the switch being put in. He said that it would mean that the street would have to be raised two and a half hest point, and would not rance, but prove det DUTY TO THE DEAD. Surely we have not arrived at a pass where, in the anxiety about the comfort of the living, we forget the voice hushed in death; that this tragedy has taken place; that the law has been affronted; that justice has been affronted and that no step except this investigation has been taken to avenge the offence. Mr. Coroner, I hope whatever angry pas-sions, which I deeply deplore, may have been excited outside these walls, will find no echo or response inside these walls. I am sure they won't. To all of us engaged in this enquiry, charged with the solemn obligation of pursuing the truth, representing British justice, in the forum, which we now are, it behooves us all, in the performance of thet, dute to seended it with dimity. the property that the Bird Company had He claimed that the Bird Company mag ground on the other side of their pro-perty that was level and could be used for the purpose as well as the road. He said that the only reason why the com-pany did not use that hand was because said that the only reason why the com-pany did not use that hand was because they would rather keep that for building purposes and use the city's land for the switch. He proposed that the City En-gineer be instructed to look over the land and see if it were not as easy for the company to install this switch on its own property as across the Beach road. Mr. Biggar was willing to adopt this course, he said, but wished the Board to give its consent to the company's ap-living to the Railway Board for permis-

to give its consent to the company's ap-plying to the Railway Board for permis-sion to put it in. His reason for this was that it would expedite matters. The Board agreed to this, and the mat-ter was laid over until further informa-tion was collected. The report of the security it behoves us all, in the performance of that duty, to conduct it with dignity, fairness and propriety. Therefore, while I offer no comment whatever on the evidence brought before us, because it would be imperfuence on my part. I know I can with confidence surrender now norm of the task which has fallen

tion was collected. The report of the committee regarding cement walks on York street was then read. It stated that the Telephone, Street Railway and other companies had agreed to move their poles. The walks igreed to move their po will be built this spring.

MR. LECKIE'S CALL

Hamilton Presbytery Favors His Removal to Beverly.

Commissioners to the Asseml ;---Help For Armenians.

At the meeting of the Hamilton Presbytery, held in St. Catharines on Mon-day last, a report of the committee of Will Dam Fifteen Streams-Sir Rich-Statistics, presented by Rev. D. R. ard Cartwright Fears That it Drummond, gave the information that Would Infringe on Rights of the there are at present 40 self-sustaining congregations, with 50 ministers, an in-

Ottawa, May 4.—In the Senate this afternoon Mr. Ellis moved the second reading of a bill to incorporate the Fundy Tidal Power Company. This bill increase of 336, and 12,936 adherents in the back of the second sec afternoon Mr. Ellas moved the second reading of a bill to incorporate the Fundy Tidal Power Company. This bill proposes to develop power from the tides of the Bay of Fundy, and in doing so to dam the streams entering the bay. increase of 336, and 12,336 adherents in the church. The report further recom-mended that a cordial vote of thanks be tendered the laymen of St. Catharines and Hamilton for the good work that is being done. An effort should be made to stimulate systematic and pro-vertionate giving in aid of Missions. He thought the bill might be given a second reading with the understanding that the principle should be adopted, and the bill should be carefully looked into

that the principle should be adopted, and by the committee. Sit Richard Cartwright thought the bill would require a good deal of con-sideration and if allowed to go to com-mittee should be most carefully looked infringed on the rights of New Bruns-wick. Senator Wood said he would not Senator wood said he would not

Senator Wood said he would not dvise for against the passage of the Fundy tides could be turned into power it would be a great achievement. Senator Donyile thought the com-pany should be given a chance. It pany should be given a chance a

General account of the second this morning: Rev. Dr. Lyle, Hamilton; Rev. Dr. Anderson, Burlington; Rev. Dr. Rat-cliffe, St. Catharines; Rev. W. J. Day, Simcoe; Rev. W. T. Ellison, Cayuga; Rev. Duncan M. Buchanan, Jarvis; Rev. D. M. Robertson, Stra-bane; Rev. J. A. Wilson, Hamil-ton pany should be given a chance. It would be a wonderful thing if the power ton

of the Fundy tides could be reaped. Senator Ferguson thought it too much to give a company a blanket charter for all the rivers, but the St. John, falling into the Bay of Fundy. If an experi-ment was to be made, authority should not be riven over more than over ton. Elders-Messrs. Charles E. Gray, Hamilton; David Gibson, Caledonia; W. J. Quinsey, Cayuga; Adam Craise, Port Dalhousie; John Madill, St. Cath-atines; George Black, Hamilton; Charles P. Hardy, Hamilton; George Ucip Caluda not be given over more than one stream. If powers could be taken from the tides, New Brunswick and Nova

from the tides, New Brunswick and Nova Scotia might desire to initate Ontario and produce power and distribute it on their own account. Senator Loughed said the bill pro-posed to give control of fifteen streams. The motion for a second reading was deferred until Wednesday. JUMPED RAILS. Accident to Penetang Train on Grand Trunk Railway. Allandale, May 4.—As the south-more the grand the grand the grand the grand the grand the grand the south-the grand the south-the grand the south-state of the second the south-the grand the grand the south-the grand the grand the south-the grand the grand to grand the south-the grand the grand the south-the grand the grand th

Trunk name Allandale, May 4.—As the south-bound Penetang train on the Grand Trunk was approaching Phelpston station, and running at about 10 to 13 miles an hour, the engine jumped the rails, but fortunately did not leave the track, and the train was immeti-ately brought to a standstill. None of the passengers have been reported hurt, but the conductor, Thomas Ta-ton, and the baggageman. Harry ton, and the baggageman the baggageman the accident, the action taken by the trustees of the church property to the Public School board, whose school was recently burnt. A new church will be built, for which about \$6,000 has already been collect-ed. He further asked permission to ap-ply \$400, which was collected in aid ply \$400, which was collected in aid ply \$400, which was collected in aid station, and running at about 10 to 13 miles an hour, the engine jumped the rails, but fortunately did not leave the track, and the train was immedi-ately brought to a standstill. None of the passengers have been reported hurt, but the conductor, Thomas Pa-ton, and the baggageman. Harry Hamilton, who were both in the bag-gage car at the time of the accident, were severely shaken up and brused. The 'mail elerk. A. Kirkpatrick, was also shaken and bruised. The train arrived here about an hour and a haif late. On motion, the Pre-tioned the action of the Presbytery sanctrustees, would not yet sanction the securing of a would not yet sanction the securing of a mortgage on the property. Rev. Dr. Smith reported that the Treasurer's books had been examined and found correct. The Moderator appointed Messrs. George Black and E. Gray and Rev. D. R. Drummond and Rev. M. Wilson a late. A coincident was that it was exactly lar accident on the line on New Tears Day, 1908, and the baggageman was in an accident to the Penetang summer ex-press several years ago. An investigation will be held by the officials into the cause of the accident. The Moderator appointed Messrs. George Black and E. Gray and Rev. D. R. Drummond and Rev. Mr. Wilson a collect funds in aid of the committee to Armenian sufferers. The Presbytery adjourned to meet

cool imperiate that story and have implicit faith in the account given by the young woman, and what took place, it must be obvious to anyone that to ask her any question except for the purpose of identifying the criminal who urpose of identifying the criminal who ommitted the crime is an absolutely and improper proceeding. t there are two other attitudes of

about 80 miles from Portsmouth and Norfolk. Did you succeed while in Richmond finding anyone of the name of Foster answering the description given? No one of that name connected with any church choir. In the inquest came to an abrupt close the witness box. Mr. Blackstock arose and, addressing the coroner, said, "Mr. Coroner, that concludes the last of the start of the story or the moment when you intely decline to believe, then it is ob-vestigation further and see what signifi-came your doubt evolves. vestigation further and see what signifi-cance your doubt evolves. In that connection it becomes ex-tremely important to know who is the person who asks you to believe these statements, and, secondly, whether there is any reason why you should re-fuse to believe, or any set of facts which, on the other hand, compel you to believe.

house so close to the time of the com mission of this offence as to suggest mission of this offence as to suggest that she might have some knowledge or complicity in it. I need hardly say no more awful suggestion could be made with reference to the mother. Now, as a result of this investigation, if the jury accepts the statements she made, and that you or the jurors might take forent view, and while it seemed to no bearing, the same time we I am I am saving nothing about that, she has had an opportunity of vindicating her-self of that foul aspersion, and showing, v, Mr. Coroner, so far as the

doubtedly there at the time of its com-mission comes forward and says, "I know the circumstances under which that murder was committed and I will tell you what the circumstances were." Well, now, Mr. Coroner, the minute you accept the story of the young wo-man, I agree that every question asked after the story is accepted, as true, is cool impertinence. The moment you say you believe that story and have implicit faith in the account given by

Then, as far as your investigations

Kin did you learn anything of Miss I de being away between the 10th rade being away between the April and 15th day of May? She was never absent at all.

Did you enquire to find out if there was a cottage occupied by persons namwas a cottage occupied by persons nam ed Foster at Virginia Beach?

And found none?

I made an exhaustive inquiry and no one of that name is known there. Did anyone ever come to see Miss Kin-rade while at Virginia Beach?

rade while at Virginia Beach? She had three visitors—that is all l could learn, Mr. and Mrs. Butler, from Portsmouth, and a man who had been in their employ, who went in an-swer to the reply of the advertisement. During the five weeks, as far as his investigation showed, not another per-ion went to see her. Miss Kinrade lived there like a good, respectable girl. She was in a condition of great distress when he arrived there, and wept constantly for several days. She registered under 1 new name at the Hotel Munroe on the lith day of May, and resided there until the there. a new name at the Hotel Munroe on the 11th day of May, and resided there until June 17, when she went to live with Mr. and Mrs. Butler.

witnesses whom I am instructed to call in connection with this inquest, and

Mr. Blackstock recalled Mr. Pender and asked him if he had been able to

Mr. Charles Peebles, Sanford avenu

couldn't recall any other part of t conversation, or whether it was stat

that Miss Florence intended returning

MR. BLACKSTOCK.

Masterly Address by the Crown Examiner in Summing Up.

it only remains now that I should, on behalf of my friend, Mr. Wasnington, and myself, thank you and the jury for the very great attention which has been

given to this evidence during the extraordinary demands we have felt it neces sary to make on your time and attention, and, also that I should thank the officials for the assistance reived in the progress of the investiga-

terven in the progress of the intercega-tion. I recall, Mr. Coroner, that there has been in connection with this case a cer-tain amount of criticism of the proceed-ings which have taken place here. I need scarcely tell you that in so far as that criticism affects myself, I should not think of interrupting the progress of this enquiry by stopping to refer to it. Like every other person who has to discharge any portion of public service my conduct in that office and the dis-charge of that duty is the subject of legitimate criterism and for animadver-sion in so far as that criticism is ani-mated by a desire of promoting the ad-

to believe AN UNPLEASANT DUTY.

Now, in the prosecution of these ideas I assumed, and must admit, that the the Crown was not only entitled, but, in view of the peculiar circumstances of this case, it was incumbent on the Crown to endeavor, as far as possible, to remove the doubts which surrounded the case and accordingly we conceived

the case, and accordingly we conceived it to be our duty to endeavor to give this jury as faithful a picture as we ould of the circumstances surrounding could of the circumstances surrounding the commission of this crime. So far as my own connection with the dis-charge of that duty is concerned, a more odious, distasteful and unpleasant duty was never cast upon me. It is one from which I would have been very glad to have been relieved of through the pro-gress of these proceedings. And it is no mixed by an endeavored to perform gress of these proceedings. And it is one which I have endeavored to perform

ny nortion of the task which has fallen on us, confident that the same propriety that has characterized the ceedings throughout, will characterize them to the end. I am sure there will be no infusion of malice, no prejudice, or any other consideration than the which should animate all, the desire that

which should animate all, the desire to produce what is the only legitimate sub-ject, namely the actual truth. So tense was the silence during Mr. Blackstock's address, that one might have heard a pin fall.

CORONER ANDERSON.

DUTY TO THE DEAD.

A Careful Summing Up by the Presiding Officer.

siding Officer. Coroner Anderson spoke briefly, but his remarks were pointed. He first thanked the jurors for the patience shown during the protracted sessions and for their close attention to the case, which is unparalleled in many ways in the history of Hamilton. It has aroused a great interest locally, excited large sec-tions of the populace, and the enquiry has been watched by people all over the country. In addition to arousing public feeling, it has been the means of raising legal questions that have been answered in part. These questions no doubt will be answered fully, and the authority of a coroner's warrant settled for the fu-ture.

June 17, when she went to live with Mr. and Mrs. Butler.
Pender said he made another exhaustive investigation about the reception which was said to have been given by Mr. and Mrs. J. K. Wells, and he declared positively it did not take place, On the 12th of May, when the reception was said to have taken place. Miss Kin- sohe kaves positively at Virginia Beach. She left there on the morning of May 15. and left on July 20 to return home.
Did you get any information of July?
On the Sunday following her arrivals from Portismouth best oroseed the river to Norfolk.
I don't think there is anything else,

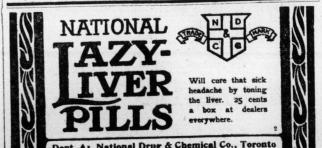
agreed to more their poies. The man-will be built this spring. The report as to gates and watchmen on the G. T. R. crossings at Wellington and Wentworth streets and Victoria avenue was received, and it was decided to request the company to have night-watchmen placed there on account of the noise in that vicinity caused by the num-erous factories. A committee consisting of Chairman Allen, Ald. Robson and Secretary Bren-nan was appointed to consider the offer

the same crew which met with a simi-lar accident on the line on New Year's

A committee consider the offer an was appointed to consider the offer of Charles T. Rasherry to sell his gravel property on the Burlington Heights.
 The request of Dr. H. S. Griffin and others for asphalt parement on Walnut street, from King to Main streets, was refused. The Board considered that the parement would be an unnecessary expense.
 The savoy Theatre Company was granted permission to erect a cotton sign in front of its building on Merriek street. As a local improvement the application for the paring of an alley north of King street, from Jarvis 20 Wellington street, see alocal improvement the application for the paring of an alley north of King street, from Jarvis 20 Wellington street, was alocal weight. The Mayor, who refused to sign front of its buildington street, was green at the Council meeting to may the bar alocal improvement the application.

ment would be an unnecessary expense. The Savoy Theatre Company was granted permission to erect a cotton sign in front of its building on Merrick street. As a local improvement the application for the paving of an alley north of King threet, from Main street to Dela-mare avenue, was also granted. A petition was presented by John E. Submitted to Galt. Galt, May 4.—The Hydro-Electric by-law will again be submitted to the popu-lar vote. Notice of motion to this effect was given at the Council meeting to-night. The Mayor, who refused to sign the by-law already ratified by the Coun-cil, on the score that it was not in har-mony with the original agreement, and who expressed his intention to carry an appeal to the Privy Council, has decided to await the result of the fortheoming vote before taking the course threatened.

As a local mark of an alley north of King for the paving of an alley north of King street, from Jarviz 20 Wellington street, was granted. A petition for street watering on San-ford avenue, was also granted. Im-provements will be made on Avonda'



Dept. Ar, National Drug & Chemical Co., Toronto

again at 1.30 p. m. In the absence of the Moderator, Rev.

The the absence of the Moderator, Rev. Dr. Ratcliffe presided at the afternoon session, which was of brief duration. The call extended by Beverly congre-gation to Rev. Mr. Leckie, of Lounds-borough, was sustained by the Presby-tery. The pastor's stipend will be \$900, a manse will be provided, and Mr. Lec-kie will be granted four weeks' holidays. Messrs. Robert Garroch, George Jam-ieson and Robert McQueen, of Beverly, spoke in support of Mr. Leckie, and stated the petition had been largely signed by members of the congrega-tion.

tion. Chippawa congregation was given per-mission by the Presbytery to mortgage the church property to the extent of \$1,000 and to dispose of the old manse, with a view to erecting a new one. The meeting was adjourned at 2 o'. clock, to meet again in St. Paul's Church, Hamilton, on May 25.

William Vergette, a prisoner in the Central Prison, died in the infirmary of that institution at 5 o'clock yester-day morning of acute tuberculosis. He had been an inmate of the hospital for sixteen days. Vergette was of French descent, and came from Port Arthur. He had been an inmate of the prison since September last, and was serving a long team for forgery.