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NO. 297.

CORY CASE AGAINST KERR.

Witnesses Swear That Inspector Gave Permission

For the Fisherman to Lay Nets Outside His Limit.

Delby Smith Found Not Guilty of False Pretence.

"Not guilty" was the verdict of the jury in the case of Delby J. Smith, tried yesterday in the General Sessions of the County Court on a charge of obtaining incandescent mantles from the Star Manufacturing Company, Toronto, on false pretence, by claiming he owned a house on Herkimer street, which was registered in his wife's name.

When the Court was opened in the afternoon Linton J. Tamin was the first witness called. He said he had met Eastman in Toronto a very short time after he had moved to that city from New Ontario. He had bought oil stock from him, which was supposed to have been paying a good dividend, according to the representations made. Witness said he would not believe Eastman on oath. The witness said he knew about ten who had made similar statements, and gave the names of four.

"Well, you can't say this man isn't upright if you have only heard four speak against him in a city with a population of 400,000," said Mr. Washington. Delby J. Smith, the prisoner, corroborated what Miss Snyder and Mr. Brick had said at the morning session regarding the conversation between himself and Eastman. He said he had been a resident of Hamilton all his life. He had been employed as a traveller, but had secured a couple of good "lines" that he could work around the district and settled down.

"Did you ever represent to him that you owned a house on Herkimer street?" asked Mr. Starnes. "No, I told him I had bought a house on Herkimer street two years previously."

"Did he say anything to you about his enquiries regarding your standing?" "Yes, he walked into my office one day and told me he had made enquiries and knew I owned a house on Herkimer street, and had control of my mother's \$60,000, but I then informed him that the house was in my wife's name and the \$60,000 had nothing to do with me."

Mr. J. Eastman, manager of the Star Manufacturing Company, was recalled, and said he had no conversation with Mr. Smith such as the stenographer and Mr. Brick had referred to. "Would you believe Tamin on oath?" "No, certainly not."

His Honor in giving his charge to the jury said it did not make any difference whether the money had been paid or not, the question they had to consider was whether Smith had bought the goods making misrepresentation, such as had been claimed, knowingly. The case was not between the two men, so they would not have to consider that, but only true facts which related to the charge for which defendant was being tried. If they found he had not made any misrepresentations then the prisoner would be given his freedom, but if they found otherwise he would have to be punished. If they were in doubt the prisoner should be given the benefit of the doubt.

The jury were out but a short time, when they returned with their verdict, and the prisoner was given his liberty. A case of deep interest to the fishermen on the Beach and along the lake shore, as well as numerous others, was next taken up, it being that of Cory v. Kerr, for damages for illegal seizure of fishing nets. The case will decide as to the right of a fisherman to allow a fisherman to fish outside his boundaries providing the fishing is poor in his own district. William Cory, the plaintiff, who lives at Van Wagner's Beach, said he fished for a living and had a license for the current year. During his 18 years as a fisherman he had frequently been outside of the boundaries described in the license when given permission to do so by the fishery inspector. The fishery inspector had told him that what he said was law and if he said a fisherman could occupy certain boundaries the Government accepted his ruling. He had no trouble until the first of this year, when 1,400 yards of his nets were seized a few weeks after the fishery inspector, Mr. Kerr, had given him permission to fish on the north shore, which was outside the boundaries mentioned in his license. (Continued on Page 9)

CORPSE SAT UP.

Yawned and Felt Better But Died After All.

Terre Haute, Ind., Dec. 17.—As an undertaker started to prepare the body of Edward Murphy for burial, the supposed dead man arose in bed and yawned. "I feel better after that long sleep," he said. Murphy had been in a state of coma for ten hours. He had been an invalid for a long time. But the undertaker was soon recalled, for Murphy really died yesterday, after joking to the frightened embalmer about his "first death."

SEALEY AND HIS EXCELLENCY.

W. O. Sealey, member for Wentworth, was summoned to the private office of His Excellency Earl Grey yesterday morning, where matters pertaining to general agriculture, trade and commerce, and particularly his recent speech at Boston, were discussed.

SAFETY DEPOSIT BOXES.

To rent at \$2 a year and upwards, for the storing of deeds, bonds, stocks, wills, silver and other valuables. TRADERS BANK OF CANADA.

R. C. A. CLOSED.

Exhibition Has Been a Success in Every Way.

After a successful three-weeks' exhibition the Royal Canadian Academy of Arts closed its thirty-first annual show last evening in the art gallery in the Public Library building. The exhibition was well attended, and Hamilton people showed their appreciation by purchasing pictures to the amount of \$1,000. Among these were a number of paintings by local artists, including "The Gloaming," by J. E. Gordon, and "Quebec," by Miss Marion Mattice. The President, Wm. Brynner, and the other officers of the Academy, expressed themselves much pleased with the first exhibition here. Previously they were held in Toronto, Montreal, Ottawa and Halifax, but it is more than likely that Hamilton will be included in the circuit.

STILL AFTER A CANDIDATE.

Bailey Balks and Stewart Will be Petitioned to Run.

Official Temperance Ticket Made Public To-day.

Seventeen Men Named—Others Who Talk of Running.

As predicted yesterday in the Times, W. G. Bailey decided last night not to oppose Mayor McLaren, and the Hydro supporters are out hot foot once more for T. J. Stewart to enter the fight. The latest scheme is to circulate petitions around the city urging the member for West Hamilton to permit himself to be nominated as the Hydro candidate for Mayor. It is hoped to secure a thousand signatures, and, armed with these, the committee will make another attempt to secure the consent of the ex-Mayor to run. Stewart looks like the latest hope now. If he refuses to buckle on the armor there is little chance of a fight. Aldermen Wright and Hopkins, who intimated that they would not be adverse to opposing Mayor McLaren, are not fancied by the majority of the clique which is trying to work up opposition. If Stewart stays out of it the Hydro Campaign Committee will probably content itself with trying to elect aldermen and controllers favorable to the cause. The Hydro people say they have been given an intimation by Stewart that if he does run he will resign his Parliamentary seat in West Hamilton, realizing that to hold it and reach out for the Mayoralty too would kill any chance he might have.

The Citizens' Campaign Committee has completed the work of selecting its candidates for the Board of Control and the council. The official ticket was handed out for publication to-day. It is as follows: For Controllers—Ald. W. H. Cooper. Ald. George H. Lees. Ald. J. M. Peregrine. For Aldermen—Ward 1—J. H. Horning, Ald. G. H. Milne, Ald. T. S. Morris. Ward 2—Ex-Ald. Jos. Kirkpatrick, Dr. R. T. MacDonald. Ward 3—Charles Duff, Ald. John Forth, Edward Morwick. Ward 4—William Brown, Dr. J. Edgar Davey, J. A. Williamson. Ward 5—James Harrison. Ward 6—Ben Johnson, ex-Ald. H. A. Martin. Ward 7—Ald. Wm. Anderson, R. C. Gibson, Ald. Thomas Robson.

It will be noted that there are only seventeen aldermen on the temperance ticket. It was thought advisable in some of the wards, where the vote is more divided, to concentrate the efforts of the workers on one or two men, instead of risking the defeat of three men if an attempt was made to carry a full ticket in each ward. Some of the Hydro supporters are sore at Bailey refusing to run, and there is talk of them opposing the placing of his name on the Hydro ticket for controllers. If Bailey had run for Mayor Jim Miller would have had a place on the slate. If Bailey is on the Board of Control, Jim will be shoved off. C. G. Bird was an alderman candidate in ward 6. Some of his friends are urging him to run. R. C. Ripley has been waited upon and asked to run in No. 1 ward for alderman. He is considering the matter, but is inclined to think it wise to wait a year.

CHECKERS.

Y. M. C. A. Players Defeated at Brantford Last Night.

The Y. M. C. A. Checker Club journeyed to Brantford last evening and tried conclusions with the Brantford club, but proved to be too young at the game for the more experienced players. Nine of the games were draws, but the large majority of wins were on the side of the Brantford team. The visitors were treated to an oyster supper at the close of the game, after which a number of happy speeches were made and the National Anthem brought an exceedingly pleasant evening to a close. A return match will be played just after the holidays. The Brantford team was: Messrs. Battle, Hill, Parks, Taylor, Lister, Smith and Adams. Local Y. M. C. A. team was Messrs. Vernon, Wildman, Harrison, Giltrie, Weatherall, Campbell and Best.

BADLY HURT.

(Special Wire to the Times.)

St. Catharines, Ont., Dec. 17.—John Brown, aged 70 years, an employee of the Riordan paper mills, is lying severely injured at his home in Merriton. While loading a wagon with sulphate at the mill he slipped from the shipping platform and fell to the ground below.

BRUSSELS MOURNS LEOPOLD.

Belgians' King Passed Peacefully Away—Regency Council Appointed—Royal Condolences—His Daughters Leave Palace.

Brussels, Dec. 17.—All Brussels mourns to-day. Flags on public buildings are at half mast, and private houses are draped with crepe. The body of the King, clothed in the uniform of a lieutenant-general, remains in the chamber of the "Palma," where death entered last night, surrounded only by those who in life had won and retained his close friendship. The expression on the dead monarch's face is peaceful and it is now known that the end was painless. The body will be placed in a casket this evening, when a period of mourning officially begins.

Dr. Thiriar said to-day: "I knew that the King was suffering from a malady of the heart. This was our chief anxiety when operating, but we decided to resort to surgery in order to save His Majesty from terrible suffering. As a matter of fact, he died without suffering at all."

Immediately following Leopold's death two nuns laid out the body, but it was not at once removed from the bed. The obsequies will take place at the Collegiate Church of St. Guldaloupe.

This morning early President Schollert proceeded to the palace and under his direction the Official Monitor published a special number announcing the formation of a regency council, composed of the council and ministers, which will nominally hold the reins of government until the heir to the throne, Prince Albert, has taken the oath of accession.

After much persuasion to-day, Baron Goffinet, Private Secretary to King Leopold, who is greatly affected by the sudden termination of His Majesty's illness, described the scene at the palace.

"The King's body," said the baron, "rests on his bed. His expression is peaceful. All of the household are in tears, gathered about the body. We have informed the ministers of the fact."

The newspaper correspondents were prohibited strictly from entering the palace this morning and were correspondingly disappointed. Meagre details of events transpiring within were made known officially.

It is said that Leopold will constitute a good-sized volume. The Princess Clementine and her sister Stephanie, with the Countess of Flanders, left the palace at an early hour. They were followed by His Majesty's intimate friend, Baroness Vaughan. The latter proceeded to Ballin Court, refusing to be interviewed.

This forenoon M. J. Davignon, the Minister of Foreign Affairs, officially notified the sovereigns and chiefs of state of Europe of the death of Leopold, King of the Belgians. Telegrams of condolence were early received from King Edward and Queen Alexandra, Emperor William, King Alfonso, Emperor Francis Joseph, King Victor Emmanuel and Queen Helene, President Fallieres of France, and Pope Pius X. The Pontiff has ordered a Requiem Mass for the repose of Leopold's soul.

Hundreds of other messages of sympathy and regret have reached the palace. The sittings of the courts have been suspended until the new King shall have received the crown.

The Man In Overalls

Every day's a bargain day now. Get in the push.

The hospital will finish the year with an overdraft. It insists on having three meals a day at any cost.

I couldn't sleep if the transmission line was run past my door. A touch means death.

What do the hotel men think of this new license scheme of Mr. Foy's?

The Christmas Times will be out to-morrow. Have you sent in your ad?

This secret opposition to Mayor McLaren's license scheme.

6 More Shopping Days Before Christmas

KEEP THE POY SHOPPING

DON'T FORGET!

Laren looks like a Black Hand affair. Those who have a hand in it seem ashamed of it.

Once more the Gore fence is to come down. It has no defence.

Mr. Brown, please make a note of the fact that there was no children's shelter for poor Willie Fowler. A fouler deed than his desertion would be hard to find.

Defeated in the Mayoralty fight, it would be all up with ex-Mayor Stewart in West Hamilton.

Instead of writing letters and putting on a poor mouth to Santa Claus, why doesn't the Toronto Telegram hang up its stocking and take its chances with the rest of us?

But the Herald's claim to be independent hasn't landed it on one of the independent boards.

If Halley's comet were open for an engagement, you would see the Toronto Exhibition people after it.

LICENSE REDUCTION.

To the Editor of the Times:

Some very excellent ladies and gentlemen in Hamilton desire to secure a further reduction in the number of liquor licenses in this city, and will put up aerobian candidates of their own way or tanking, or will seek pledges from candidates put into the field by other agencies. The number of licenses to be cut out of these ladies and gentlemen have their way has not been officially stated, but one authority speaks of fifteen, and others think the number should be greater.

In approaching a consideration of this question I think three things may be stated as unquestioned facts:

1. The great mass of the people of Hamilton desire that the evils of drunkenness should be reduced to a minimum.

2. A large majority of the people of Hamilton do not desire absolute prohibition of the sale of liquor. Whenever the question has been put before them, they have voted against it.

3. The great mass of the people desire to be honest in their dealings with their fellowmen. They wish to be just.

Now, sir, with your permission, I would like to address a few words to my fellow citizens on that last point.

A few years ago the license commissioners said, in substance, to certain hotel keepers: "You hold hotel licenses, and you have not hotel accommodation. Unless you provide that accommodation, your licenses will be taken off."

Whereupon the hotel keepers provided the needed accommodation. They spent many thousands of dollars in making their sleeping apartments comfortable and suited in every way for the accommodation of guests; and they provided more comfortable and better dining-rooms, with proper appliances for serving meals. Then, when they had proved their ability to keep hotel, their hotel licenses were continued. The demand for this change and this expenditure was made by the very people who now say that the licenses should be cut off and the expenditure made valueless.

The hotel man was justified in thinking that, while his license would be cut off if he failed to provide good accommodation, it would be continued if he did provide the accommodation, and if he should obey the law. To tell a man that his license will be cut off if he does not provide accommodation, implies that it will be continued if he does as he is required to do. On the faith of that implied contract the hotel-keepers, as has been said, spent a great many thousands of dollars.

Now the ladies and gentlemen of whom I have spoken, demand that the expenditure of all that money shall be made valueless. They ask that the licenses of fifteen of those men shall be cut off. They demand that the money should be spent now they ask that it shall be confiscated. They propose that these fifteen hotel keepers shall be deprived of their means of subsistence, and that, in addition, their capital shall be destroyed.

Is it just, is it honest? I am not addressing these questions to fanatics or extremists. I am addressing reasonable men and women. I am addressing those who wish to be fair and just. I am addressing those who desire to do to others as they would desire others to do to them. And to such I repeat the question, Is it honest to compel those hotel keepers to spend many thousands of dollars and then rob them of the money?

We Have Just Received

A complete line of shaving stropps direct from the factory. These were bought at a very low price, and we are going to give you the benefit of our purchase. They range in price from 35c up to \$2 each.—Parke & Parke.

If you wish to see your communications published, enclose your name and address to the editor. Unless you do so, they will find their way to the waste basket.

THE ORE CASES

Three More Arrests Made by Toronto Detectives.

Mr. Wilkinson Makes a Statement—Not Guilty Please.

(Special Wire to the Times.)

Toronto, Ont., Dec. 17.—Following the arrest of John E. Wilkinson, and Alexander Littlejohn, alias MacFarlane, on a charge of receiving stolen silver ore of a very high grade, three more arrests have been made this morning. Detective Murray Parkdale and arrested Nicholas Zovetz, and Dnyas Andras, a Hungarian and Swede, the latter of whom carried a loaded automatic revolver. Two other men they got away, as the detective was alone. They put up no resistance. In the court this morning all the men pleaded not guilty and were remanded till the 24th.

In a statement issued to the Times this morning Mr. Wilkinson stated that he was entirely ignorant of the amendment in the Criminal Code compelling written authority for the selling of ore. He also said that his books had been open for inspection at all times, and that his smelter in Chippewa was not carried on clandestinely, but had been established there because Toronto would not allow it here.

About noon still another arrest was made, Jacob Cohen, 78 Agnes street, near the City Hall, by Detective Tipton. A search of his house revealed a series of melting pots, and in the hands of the detectives a large series of cheques from Wilkinson, showing a total of over \$500 for November. The detective department is of the opinion that the investigation of the cases will show one of the biggest schemes, resulting in a most wholesale robbery of Cobalt mines. Other arrests will probably follow.

TO RUN TWO CANDIDATES.

Labor Party Makes Selections—Present to Mr. Studholme.

At the regular meeting of the Independent Labor Party, held last evening in the Labor Hall, John street south, the labor candidates for the coming campaign were nominated and endorsed. H. J. Halford and William Barrett were the two chosen, and in addressing the meeting pledged themselves, if elected, to attend to the interests of the laboring people at all times. They also believed in conducting civic affairs from a purely business standpoint; if successful they will be supporters of the Hydro scheme. A committee of sixteen was appointed to organize and canvass the various divisions in the wards in which the candidates will run. Mr. Barrett will run in Ward 7. Mr. Halford has not decided where he will stand. It was decided to have only these two candidates in the field this year.

At the conclusion of the meeting the Independent Labor Party football team presented Mr. Allan Studholme with a large photograph of the team, accompanied with a shield, suitably engraved. John Drury made the presentation. In a few well chosen words Mr. Studholme, who was taken completely by surprise, thanked the members, and hoped that they would be the means of bringing Association football before the public.

TO JAIL THEM.

Sydney, N. S. W., Dec. 17.—Business has been so demoralized by the coal strike that the Legislature to-day took the drastic step of passing a bill rendering both strike leaders and employers who instigate or aid a strike or lock-out liable to a year's imprisonment.

JUDGE DEAD.

Kingston, N. Y., Dec. 17.—Supreme Court Justice Geo. H. Fitts, of Albany, was found dead in bed at the Eagle Hotel this morning. He had been presiding at the trial term here.

The serene soul conquers all circumstances.—Florida Times-Union.

ECKER-BUSH.

Popular Binbrook Young People Married in This City.

Two popular young people of Binbrook joined hearts and hands in a happy matrimonial union in this city on Wednesday. They were Mr. Herbert Ecker, son of Mr. and Mrs. R. M. Ecker, and Miss Ethel Ann Bush, daughter of Mr. and Mrs. Amos Bush. The groom is a worker in the Methodist Church there, while the bride is active in the affairs of the Baptist Church, and both have a large circle of friends. The marriage took place at the residence of the bride's former pastor, Rev. Jas. Bracken, 366 John street north. They were unattended, and left for a trip west immediately after the ceremony, the bride wearing a travelling costume of brown with hat and furs to match.

GOOD FOR CHRISTMAS.

Regulars Are Keeping Out of the Police Court.

Four Months at Stone Pile For Two Youths.

Ancaster Cruelty Case Dismissed by the Magistrate.

"Christmas is coming. A significant sign is the falling off in police court attendance. Those who generally put in an appearance in the dock about twice weekly are evidently resolved to keep out of court before Christmas. Charles Robertson and Edwin Roffe, of any old place, were free yesterday; to-day they are jail birds. Young, dirty and unkempt, they were caught in the drag net for vagrants yesterday by P. C. Cameron and Barrett. Those two officers found Charles and Edwin spending the day in emptying liquid jugs and asking for subscriptions for the payment of the liquid. They came here, they said, from Toronto. They both said they had worked one short day in the Queen City, unloading coal. Prior to their visit in Toronto they said they had loaded and unloaded coal in Montreal, but neither could furnish names of their employers. The magistrate thought they were vags, all right, so over the bridge they went en route for Ogilvedon for four months, where they will break stone and leave strictly methodical men."

Joseph Johnston, 85 John street south, is a youthful modern Jehu. He drove his horse and rig on the wrong side when passing King and James streets. P. C. Thompson summoned him for a breach of the by-law. The fine was \$2, but Johnston wanted to speak in defence, and started to tell that his horse would not stand, when Chief Smith whispered to the lad to be quiet as he had got off lucky.

The magistrate said the fine for driving on the wrong side at King and James streets was usually \$5, but because defendant was not cheeky to the constable he reduced it to \$2.

Mrs. Susan Miller was charged with ill-treating her pigs by Inspector Berlinghoff, of the S. P. C. A. The precise nature of the alleged ill treatment was insufficient feeding. She has a farm of 25 acres in Ancaster township. Mr. Kirwan Martin was prosecuting counsel, while George Kerr, K. C., defended.

Several witnesses swore that in their estimation the pigs were underfed, but admitted that they could wander out in the fields. The trouble arose, apparently, over the death of a big old sow, supposed to have succumbed from starvation. After a long discussion, the case was dismissed.

The \$1,000 surplus which the Markets Committee has this year may be used for the purchase of a lot for the proposed new police station in the far east end.

The fact that the promised shake-up in the police department will await the erection of the new police station it is believed will influence the vote in favor of the \$50,000 by-law to be submitted in January.

E. W. Middleton was granted a permit to-day for a big monument on Stanton street, between Barton and Bristol streets, to cost \$2,000.

A SURPRISE

Given to A. E. and Mrs. Wilcox Last Evening.

The Stoney Creek friends of Mr. and Mrs. A. E. Wilcox, 154 Hess street south, who were recently married in Stoney Creek, gave them a surprise on Wednesday night, when a large number visited them in their pretty new home and presented them with a dozen silver knives and forks. Mr. and Mrs. Wilcox were completely taken by surprise, but Mr. Wilcox replied to the address accompanying the presentation in appropriate terms. The presentation was made by Dr. Thompson, and afterwards a very enjoyable evening was spent. Luncheon was served at 10.30. Mr. Wilcox, who is now manual training teacher in Caroline street school, was principal of the Stoney Creek school for six years, and gave splendid satisfaction, taking a prominent part in the social life and the church work of the village. Mrs. Wilcox was Miss Jennie Reeves, and was very popular with a large number of friends in Stoney Creek. Among those present were Dr. and Mrs. Thompson, J. A. and Mrs. Granger, A. E. and Mrs. Walker, J. H. and Mrs. McNeill, John Walker, and the Misses Ethel and Clara Walker, Miss Corman and Miss Wilcox, of Stoney Creek, and C. E. and Mrs. Kelly, of Hamilton.

IN HARD LUCK.

Mrs. Miller's Husband and Fine Team Gone.

Time is not the only thing that flits away—some husbands go likewise. Mrs. Susan Miller, of Ancaster, who was acquit of a cruelty to animals charge in police court this morning told of being left alone to support herself and little boy. Her husband disappeared last fall and has not been seen since, but she has heard he is in Stantons.

But it is not his loss she is bemoaning the most, it is the loss of a fine team of horses, which she valued at \$600 and worth, she says, he sold in this city for \$400 before going away.

All Ready

For a big day's business, the whole staff have for many days and nights been busy packing up goods and getting ready for the rush. Extra rigs and extra help have been provided. We assure you prompt delivery. It's impossible in this limited space to tell you of the many tempting things we have provided for you. We would simply ask that if possible you pay us a visit. We feel sure you will appreciate our endeavor. Kindly favor us as early as possible.—Bain & Adams.