

SAID IT WAS VERY TRIVIAL

Judge Scores City and County Over Law Suit.

A Real Estate Case Heard Yesterday Afternoon.

Capt. W. G. Reid Won His Suit Against Robertson.

At the Assizes this morning, Justice Latchford continued taking the evidence in Barton Township vs. The City, to compel the city to pay to the township \$232.38, as its share in the construction of a sidewalk on the mountain. At the outset of the case Mr. Hugh Rose, K. C., of Toronto, contended that his Lordship had no power to try the action, as it was a matter for the Railway Board to deal with. His Lordship, however, held that this court had the power, and directed that the parties proceed.

After one or two witnesses had been examined, his Lordship wanted to know why such a trivial dispute had been brought into court. No one on either side was particularly anxious to answer the question. It was evident to his Lordship's mind that the city and the township were at arms over the building of the sidewalk from the first. Each side was strongly insistent as to its strict rights in the matter. Looking at the matter from the correspondence that was read by Mr. Rose, the court came to the conclusion that the city had no reason to object to the building of the sidewalk.

His Lordship held that the plaintiffs were entitled to recover from the defendants the amount of the corresponding reasonable rate, that is to say, the cost of constructing a piece of the sidewalk about 25 feet in length, for which his Lordship held both parties responsible. The cost of this would be about \$25, and he ordered the township to pay \$12 of that amount, bringing the claim down to \$232.38. The value of the old lumber is \$157, and if the township does not return the lumber it will further reduce the claim to \$62.

His Lordship did not think that the plaintiff was entitled to High Court costs on the County Court side. The defendants receive High Court costs as a set off. His Lordship said that it was with unseemly haste that the writ had been issued in this action.

In the action of Reid vs. Robertson, tried last week, His Lordship gave judgment in favor of the plaintiff, Capt. W. G. Reid. The company is ordered to deliver to Mr. Reid 100 paid-up shares in the company. Mr. Reid is not to receive his full claim for salary, but allowed two months' salary at \$100 per month, and the costs of the action.

The action of Brown vs. Lea, damages for wrongful detention of machinery, has been settled out of court. Justice Latchford's remarks from the bench yesterday afternoon, at the assizes, in the action of Burke vs. Launders, caused those present to sit up and take notice.

Some time ago Thomas Launders employed Burke & Company to buy a sand-pit on Burlington Heights. The pit, according to the evidence, was bought by Burke and company for \$550, in their own name, from George Burwell, and sold to Launders for \$1,550. The defence stated that Burke pretended that the \$1,550 was Burwell's, and that the pit, Burke got a mortgage from Launders of \$1,000 and also received \$550 in cash. Later the mortgage was assigned to Mrs. A. L. Burke.

Launders found out that the price paid to Burwell by Burke was not \$1,550, but \$550, and he refused to pay any money on the mortgage.

Mrs. Burke then brought the present action against Launders to compel him to pay the money on the mortgage.

After hearing the case, His Lordship said that he had to reject the evidence of the Burkes, and accepted the evidence of Launders. "Where one person employs another to act in the capacity of agent, it should be the duty of the agent to do everything in his best and most straightforward manner. The agent is not entitled to make any more profit than what comes from his regular commission," said His Lordship, who held that Burke was the agent for Launders and was bound to give the latter the land at the price he had paid for it, viz., \$550. Burke should have disclosed the amount he paid to Launders. His Lordship said that he further found that Burke had pretended to Launders that he had paid \$1,550 for the land, this was not proper. Mrs. Burke could not hope to succeed under the existing conditions. He dismissed the action with costs. Hugh Rose, K. C., of Toronto, appeared for Burke, and George Lynch-Staunton, K. C., for the defendant.

The defence have offered to pay the balance owing to Burke, about \$400, if he will pay the costs of the action.

In the action of McGregor vs. Van Allen Shirt Company, His Lordship directed that the matter be taken before the Local Master, who will decide just how much Mr. McGregor is entitled to, in wages, if at all. McGregor is suing for \$1,215.61 wages, which he claims is due him for his services to the company, when he was acting in the capacity of manager of the company.

Cresca Delectables.
Goods of the highest quality, and approved by experts. Anchovies in olive oil, capers, caviar, olive oil, grape vinegar, French mustard, truffles, pistachios, paprika, sardines, asparagus, spinach, mushrooms, haricots, figs, macadoines pate-de-foie-gras, concombres, marrows, Gava jelly, figs, stuffed figs, stuffed dates, rose leaves, orange blossoms, Pistachio nuts. Peaches, Hobson & Co., Ltd.

Fralick & Co. Make a Sensational
Purchase of 200 men's suits, on sale to-morrow at a third under price, every new whim of fashion embodied in these garments. \$12 suits, \$8.99, \$29 suits, \$13.24, \$15 suits, \$9.99, \$25 suits \$17, \$35.50 men's pants, \$2.50, 13 and 15 James street north.

A Good Razor.
We have them in your favorite make. We have all the leading makes in both the safety and old English styles. Our stock of shavers' supplies is the most complete to be found anywhere. Parke & Parke, druggists.

TEA TABLE GOSSIP.

An interesting lecture on "Field Work" will be given to the officers of the Ninety-First Regiment this evening by Major Roberts.

Sheriff's Officer Stewart left for Kingston this morning with John Campbell, who is off to serve his term of four years for burglary.

A wire at Bartonville short circuited last night and put the Hamilton street lights and street cars out of business for about an hour.

Canton Dickens' Club will meet at the residence of Mrs. Ramsay, 35 Forest avenue, next Saturday afternoon. Mrs. Potts will read selections from Nicholas Nickleby.

Ottawa Journal: Mrs. Hoodless, of Hamilton, has been visiting for a short time with her nephew, Mr. J. B. Hunter, McLaren street. Mrs. Hoodless is a prominent worker in the National Council of Women.

In view of the recent controversy that has started in the newspapers over certain views held about the Bible and its inspiration, Rev. J. Roy VanWyeck will in Westminster Presbyterian Church next Sunday discuss the two important themes, "Authority in Religion" and "What is Essential Christianity."

A fine example of the decorators' art can be seen at the Grand Trunk Street Station. The waiting rooms have been re-decorated, and very beautiful they look. The fresco and stenciled work is very fine, and something very superior to that generally seen around railway depots. The work has been done by the Grand Trunk's own painters.

Next Friday evening Rev. R. G. McBeth, of Paris, will deliver a lecture in St. Paul's Church school-room on "The Life and Work of the Late Dr. Robert McLaren, Superintendent of Presbyterian Home Missions." Mr. McBeth, who was born in historic Kildonan, and has spent nearly all his life in the west, is well known to the public as the author of several books on the early history and conditions of the great Northwest. Those who know the speaker look forward to a very profitable and interesting hour next Friday night.

STUDHOLME Slighted in the House by the Hamilton Conservatives.

(Special Despatch to the Times.)

Toronto, March 10.—The action of the Hamilton Conservatives in having a city bill introduced by Mr. Harry Elber, of South Huron, created some little comment in the House yesterday in view of the fact that Allan Studholme, M. P. P., is in the House from East Hamilton. Being a private bill, Major Hendrie could not have introduced it even had he been present. Mr. Studholme feels that he has been slighted in the matter.

Mr. Studholme says that he feels that he stands very much alone in the House and that the Conservatives of Hamilton do not consider him. "I stand for the laboring man and for the city of Hamilton, in spite of everything," he said.

WAS INSANE And in That Condition Girl Ended Her Life.

That Anne Koslanske, the young Austrian Pole, who dropped to death from the High Level bridge last Saturday morning was a suicide, committed while she was not in her right mind, was the pith of a verdict rendered last night by the jury enquiring into the case under Coroner Hopkins. The evidence was similar to the report already published. Miss Koslanske was seen to fall from the bridge after climbing over the railing. Daniel Harrison, of Plains Road, gave this testimony. He said the girl apparently did the deed deliberately.

The brother and sister of the dead girl gave the best testimony. They said the girl had been acting very queerly for a week or more before her death, and was undoubtedly insane. W. Murphy, K. Cummins, and George Unsworth gave evidence of having taken the body from the water. They said the muscles were still twitching, and they thought the girl was alive. Medical testimony showed she was dead before she went under the surface, however. The jury took only a short time to arrive at their verdict.

CANADA LIFE. Question of Profits Up Before the Banking Committee.

(Special Despatch to the Times.)

Ottawa, March 10.—The Ottawa Bill in which the Canada Life Assurance Company seek to make it clear that policyholders are entitled to 90 per cent of profits on insurance business only and that shareholders are entitled to interest on capital stock came before the Committee on Banking and Commerce to-day and excited a good deal of opposition.

Messrs. Barker, McDonnell and Nesbitt took the view that it was never intended that the policyholders should participate in all the profits or that shareholders should not receive interest on their stock, but this view was opposed by Mr. Sprague and Mr. Henderson, the latter whom made a strong attack on the Canada Life Company and talked out the bill.

Sea Bathing. Renew your delightful experiences of sea bathing by a course of baths in the Saline Waters of the St. Catharines Well. That tired feeling will disappear. Apply "The Welland," St. Catharines.

The Bennett Bros. Mill.
The old Bennett Bros' mill, corner of Market and Park streets, is now running again and is prepared to supply all the old brands of flour, etc. Highest price paid for grain. Telephone 1517.

Another Libel on Canada.
From an advertisement of leading bottles in a Canadian paper: "When the baby is done it must be unwashed and laid in a cool place under a tap. If the baby does thrive on the milk, it must be boiled."—Glasgow Herald.

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.

THE WEATHER.

FORECASTS—Strong westerly to northerly winds, occasional rain or snow. Thursday strong northwesterly and colder.

WEATHER NOTES.
The disturbance which was in the Mississippi valley yesterday now covers the country from the upper lake region to the New England States attended by snow and rain. In the Western Provinces decidedly cold weather prevails this morning owing to the advent of a marked cold wave from the northward.

Washington, March 10.—Eastern States and Northern New York—Rain, probably changing to snow flurries and much colder to-night; Thursday, clearing and much colder; high wind and much snow. Western New York—Snow and much colder to-night. Thursday, snow, high northwesterly winds.

The following is the temperature registered at Parke & Parke's drug store:
9 a. m., 33; 1 p. m., 40; 1 p. m., 40; lowest in 24 hours, 25; highest in 24 hours, 40.

MR. T. L. KINRADE GIVES INTERVIEW.

(Continued from Page 1.)

man was at her heels, but she was afraid to look around. She cried out, "Lock yourself in your room, Ethel," but she says that she did not raise her voice very much, and thinks that her sister did not hear her. Upstairs she went to her room and got the money. In the meantime Ethel went down the back stairs, as she was always in the habit of doing. She had an additional reason because her furs were on the table in the back dining room. When the murderer saw Ethel dressed and apparently going out he fired at her. Florence ran down stairs, and thinks she must have swooned. She thinks she gave the man the money and then attempted to get out of the back parlor window, but that she was dragged back. "I can feel his hands on me yet, father," she says at times.

Mr. Kinrade is certain that Florence swooned while the murderer made his escape through the back door. "Then she ran out and gave the alarm. It is wonderful that she escaped, and probably owes her life to the presumed fact that the revolver was empty."

Mr. Kinrade then told of receiving the terrible news. "Gertrude was at the Collegiate; my wife had gone down to the police station to complain of the suspicious characters who were house breakers, who would haunt the house, if, as usual, was at my school. The oldest son, Ernest, is married, and does not live at home. On that day he was working at his business of building contractor in another part of the city. This accounts for the fact that the two girls were home alone. I usually remain in the school until 4.15. About 4.10 one of the teachers told me I was wanted at the 'phone. I asked if it were urgent, and she picked up the receiver. "A tramp has broken into your house and shot your daughter, Ethel; she is dead," was what I heard."

"I rushed home as quickly as possible. Entering I saw a girl lying on the floor, with her hat on and a veil over her face. Lifting the veil I saw that it was my poor Ethel."

Mr. Kinrade went on to state that there was no possible theory, but the deed was done by a homicidal maniac. "Neither of my daughters had any enemies."

"Had you?"
"None that I am aware of."

"Do you make a habit of keeping money in the house?"
"At times I have considerable. I own considerable property in Hamilton, and rents and other incomes amount to \$500 a month. The rents come in irregularly and sometimes accumulate."

Mr. Kinrade then touched on the personal side of the tragedy. "I have lived for my children," he said. "My life was bound up in my family. I have married only once, and my wife is still living. I have five natural and legitimate children: Ernest, the eldest, who is married; Ethel, who is dead, Florence, Earl and Gertrude. Ethel was 24 years of age; Florence is two years her junior."

"Ethel was frail, slight and spiritual," continued Mr. Kinrade. "She looked much younger than she was. She and her sister were constant friends and companions."

Mr. Kinrade then turned his attention to firearms. "I have never had firearms of any sort in the house since I married," he said, "and there was no gun in my home at the time of the tragedy."

GOT HIM? Harry Smith's First Question to Brother Officer.

Constable Robert Leutz was allowed to visit his injured brother officer, Harry Smith, at the City Hospital, last night. "Hello Bob. Have they got the man that shot me yet?" was the wounded man's salutation. Bob told him that his assailant had made a clean getaway. Smith said he was feeling rather weak, but was recovering rapidly. He does not yet understand the serious nature of the wound and the operation.

Mrs. Smith is recovering from her nervous collapse and the shooting of the officer will have no serious results.

FOUND BULLET. The bullet which wounded Police Constable Harry Smith last Thursday night when the unknown burglar shot him down, was from a 32 calibre revolver. A porter at the City Hospital found a 32 calibre bullet in the corridor the night Smith and James Hanley were taken into the institution.

RELIABLE INSURANCE AGENT. Mr. J. A. McCutcheon, room 59, Federal Life building, places all kinds of insurance, being the representative of several strong companies. He also loans money on city and farm properties on first mortgages, and is a thoroughly reliable business man. He will be glad to give all information concerning insurance, etc., and his rates will be found very reasonable. Read his card.

Notices of Births, Marriages and Deaths which are inserted in the Daily Times also appear in the Semi-weekly Times. 50c first insertion; 25c for each subsequent insertion.

MARRIAGES.

MATTHEWSON-MILLER—At 186 Emerald street north, by the Rev. J. W. Trotter, John G. Matthewson, to Miss Jessie Miller, both of this city.

DEATHS.

BRAIT—At the City Hospital on Tuesday, March 9th, 1909, James W. Brait, aged 28 years.
Funeral Friday, at 2 p. m., from his late residence, 11 Minto avenue, to Hamilton Cemetery.

Habit

People often talk about the strength of habits—bad habits; but good habits are just as strong, and the strongest habit of all, when once acquired, is the Savings habit.

One dollar will open an interest-bearing account with the Dominion Bank.

GET THE SAVINGS HABIT.

The DOMINION BANK
Main Office—39 MacNab St. N.
East End Branch—Corner King and Wentworth Sts.
W. K. PEARCE,
Manager.

THE TRADERS BANK OF CANADA

Dividend Number 52 QUARTERLY DIVIDEND

Notice is hereby given that a dividend at the rate of SEVEN PER CENT (7%) per annum upon the paid up Capital Stock of this Bank has been declared for the three months ending 31st March, 1909, and the same will be payable at its Head Office and Branches on and after Thursday, the first day of April next. The transfer books will be closed from the 15th to the 31st day of March next, both days inclusive.

By Order of the Board,
STUART STRATHY,
General Manager,
Toronto, February 26th, 1909.

Shareholders' Meeting

Office of Canadian Westinghouse Company, Limited, Hamilton, Ont.

The Annual General Meeting of the Shareholders of the Canadian Westinghouse Company, Limited, will be held at 10 o'clock on Thursday, March 12, 1909, commencing at 1 o'clock sharp, farm, consisting of 47 acres, more or less, being made known by time of sale. Also horse, cattle, implements and other articles too numerous to mention.

The transfer books will be closed for this purpose on the 15th day of March, 1909, at three o'clock, and on the 15th day of March, 1909, at ten o'clock, a. m.

By Order of the Board,
JOHN H. KEIR,
Secretary,
Hamilton, Canada,
March 10th, 1909.

Auction Sale of Real Estate, Farm Stock, Implements, Etc.

The executors of the late Richard E. Webster have instructed W. H. Kelly to sell by public auction, at his late residence, situated on Lot 1, Concession 1, Township of Grandferry, March 12, 1909, commencing at 1 o'clock sharp, farm, consisting of 47 acres, more or less, being made known by time of sale. Also horse, cattle, implements and other articles too numerous to mention.

GREEN BROS., Funeral Directors.

OPEN DAY AND NIGHT. Charge most reasonable and satisfaction guaranteed.

IRA GREEN, Prop.,
Tel. 27, 125 King St. E.

TOO LATE TO CLASSIFY

CHARLS WANTED AS APPRENTICES ON coats. 275 John street south.

THE TRUE COMFORTER.

When my nearest friends forsake,
When I am wretched and forlorn,
I refuge with the Father take,
My pang to heaven's God is borne;
Unchained by words, my silent sigh
Steals to the Loving One on high.

What deepest, kindest, stirs the heart,
What human lip can ever speak,
What n'er to human ear can dart,
Hath voice to Him who shields the weak;
Its mystic force to Him unrolls,
The spirit's source, the soul of souls.

In Christ's dear name I will outpour
My fullest bosom—Lord, to Thee;
Learn by sweet silence to adore;
To see, by seeking not to see;
My needs shall feed Thine altar's flame,
If I then breathe in Christ's dear name.

Hymns of Denmark.
As one whom his mother comforteth, so will I comfort you.—Lk. 11:17. 13.
God has not so created the creatures that after creating He abandons them. He loves them, delights in them, is with them; moves and sustains each creature according to its kind. We Christians know that with God creating and sustaining are one thing.—Luther.

WHEN ISN'T A DOZEN A DOZEN?

Pittsburg, March 9.—There was a row yesterday morning at 48 Aurelia street when Mrs. J. Wagner, of next door, came in with a dozen of eggs and that she recalled that she had borrowed a dozen from Mrs. Mary Brown at No. 46 some weeks ago.

Mrs. Brown announced that a dozen eggs would not square matters. While she had lent her neighbor only a dozen eggs, they were worth 50 cents a dozen at the time, while to-day the price is 20 cents.

Steamship Arrivals.

March 9—
Devonlan—At Boston, from Liverpool.
Haverford—At Philadelphia, from Liverpool.
Lonsdale—At Queensstown, from New York.
Montclair—At Liverpool, from St. John.
Brandenburg—At Bremen, from New York.
Chicago—At Havre, from New York.
Keeleigan Lute—At Gibraltar, from New York.
Indiana—At Genoa, from New York.
Mokke—At Beyruth, from New York.

Women's Accounts

are especially welcomed by this Bank.
Not only is absolute safety assured, but every convenience is extended, and both officers and employees are glad to give every possible assistance.

There is a comfortable reception room, provided with writing materials and desks.
None but new money, whether coin or paper, is given to the Bank's customers.

THE TRADERS BANK OF CANADA

KING STREET WEST

EXECUTOR

By naming this Company as Executor under your will you have the assurance that your Estate will have the benefit of the Company's wide experience in dealing with all classes of Trusts.

The TRUSTS AND GUARANTEE COMPANY, Limited
43 AND 45 KING STREET WEST, TORONTO
ESTABLISHED 1897.

Capital Subscribed \$2,000,000.00
Paid up and Surplus \$1,300,000.00
JAMES J. WARRIN, Managing Director.

NOTICE TO CONTRACTORS

Tenders for Shops East of Winnipeg.

SEALED TENDERS addressed to the undersigned and marked on the envelope "Tender for Shops," will be received at the office of the Commissioners of the Transcontinental Railway, until 12 o'clock noon of the 10th day of March, 1909, for the construction and erection of shops in accordance with the plans and specifications of the Commissioners of shops east of Winnipeg.

Plans, details and specifications may be seen at the office of Mr. Hugh D. Lundsen, chief engineer, Ottawa, Ont., and Mr. S. R. Poulin, district engineer, Winnipeg, Man. Persons tendering are notified that tenders will not be considered unless made on the printed forms supplied by the Commissioners, which may be had on application to Mr. Hugh D. Lundsen, chief engineer, Ottawa, Ont.

Each tender must be signed and sealed by all the parties to the tender, and witnessed, and be accompanied by an accepted cheque on a chartered bank of the Dominion of Canada, payable to the order of the Commissioners of the Transcontinental Railway for the sum of one hundred thousand dollars (\$100,000.00).

The cheque deposited by the party whose tender is accepted will be deposited to the credit of the Receiver-General of Canada as security for the due and faithful performance of the contract according to its terms. Cheques deposited by parties whose tenders are rejected will be returned within ten days after the signing of the contract.

The right is reserved to reject any or all tenders.
By Order,
F. E. RYAN,
Secretary.

62124
The Commissioners of the Transcontinental Railway,
Ottawa, 30th January, 1909.
Newspapers inserting this advertisement without authority from the Commissioners will not be paid for.

PENITENTIARY SUPPLIES

SEALED TENDERS addressed "Inspectors of Penitentiaries, Ottawa," and endorsed "Tenders for Supplies," will be received until Thursday, March 11, 1909, at the office of the Inspectors of Penitentiaries, Ottawa, Ontario, for the following institutions, namely:

Kingston Penitentiary,
St. Vincent de Paul Penitentiary,
Porcupine Penitentiary,
Mantle Penitentiary,
British Columbia Penitentiary,
Alberta Penitentiary, Edmonton, Alta.

Separate tenders will be required for each of the following classes of supplies—
1. Coal
2. Lard
3. Canned Goods
4. Fresh Fish
5. Fresh Meat
6. Groceries.

Details of information as to form of contract, together with forms of tender, will be furnished on application to the Warden, at which places forms of tender may be obtained. The Inspectors of Penitentiaries, Ottawa, February 27, 1909.

HAMILTON GAS LIGHT COMPANY

The Annual General Meeting

Monday, March 15th, 1909,

at 12 o'clock, noon, to receive the report of the directors for the past year, for the election of directors for the meeting year, and for the transaction of other business.

By Order,
JOHN KILLOR,
Superintendent.

Spring Wall Papers

Now Arriving

A. C. TURNBULL

17 King Street East

Jersey Cream Baking Powder

Is Absolutely Pure.

"Canada's Best"

Special 25% Reduction

On all our New Mourning Hats and Widows' Bonnets this week. See those \$3.50 New York Mourning Hats, a correct shape to drape with a veil. Showrooms open till 9 p. m.

Hinman-Atkinson
4 John Street North

FORD AUTOMOBILE \$1,000.00

A sample of the touring car is to hand. See it. Automobile Garage Co., 80-82 Bay north, Hamilton agents.

AMUSEMENTS

GRAND FRIDAY AND SATURDAY

FREDERIC SANTLEY IN BILLY THE KID AND NIGHTS

AL. H. (METZ) WILSON

Next Monday Evening

AL. H. (METZ) WILSON

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