

VOL. LII.

HAMILTON, CANADA, SATURDAY, JUNE 12, 1909.

NO. 139.

FOUND HIM NOT GUILTY.

John Nevilles Acquitted of the Shooting Charge.

Accused Swore He Was Not Out of the Pool Room.

The Jury Took Two Hours to Come to Decision.

John Nevilles, accused of shooting P. C. Harry Smith at the home of E. W. Kappel, Ray and Market streets, on the night of the fourth of March last, while Smith was attempting to arrest a burglar, was acquitted at the General Sessions yesterday.

Nevilles went into the box and told his own story. He said that on the night of the shooting he went to Carson's pool-room about 7 o'clock and remained there until about 11, when he and Charles Rogers went up King street and met Constable Tuck at the corner of King and Park streets. Shortly after Smith recovered from his wound, witness said, he was taken into the City Hall on suspicion of having done the shooting, but was allowed to go, because it had been shown that he was elsewhere. A day or so later he was arrested on the charge.

Crown Attorney Washington recalled Constable Tuck and Brannan and Sergt. Bainbridge bore out Constable Tuck's evidence on the knife question. W. J. McNair and John Tremlett also gave evidence. They said that on the night of the arrest they went to the barber shop and Carson told them that he first heard the report of the shooting about 8 o'clock, as he had a man in his chair, and he looked his way at 8 o'clock.

M. J. O'Reilly, K. C., who acted for the prisoner, delivered a strong address on behalf of the prisoner. The only strong evidence against him was Constable Smith's, and from the time he went into the hospital until he came out he had said nothing about the prisoner shooting him. Why in the face of the circumstances, had he not laid the information against Nevilles sooner, if he recognized him on the night of the shooting as being the guilty person? When he comes out of the hospital he says Nevilles is the man who shot him. Was this natural? Would you not have expected him to name the guilty one at once, if he knew who he was? He says that while in the hospital he was conscious, and yet when Chief Smith named a man to him, while there, he answered, "No, it wasn't that man." The first night he went to the hospital, Dr. Langrill says he told him in quite a rational way all that happened. The nurse who attended him said she thought him quite rational at times. The witnesses for the defense were business men of this city, and some quite prominent in business circles. These men all swear the accused was at Carson's pool-room from 8 to 11 o'clock. Surely the evidence of so many should have greater weight than that of one man. A lot had been said about a knife, but there was no evidence to show whose it was, nor was it put in as evidence. The question of convicting a man of such a charge was a

(Continued on Page 7.)

HAISTE WON.

But George Nicholson Gave Him a Very Hard Finish.

The voting contest on Hamilton's most popular traveller closed at Maple Leaf Park last night, and after the ballots had been counted, C. M. Haiste was declared the winner, with a lead of sixteen votes over George Nicholson. Mr. Haiste is city traveller for the McPherson Shoe Company, and his friends worked hard for him all through the contest. He will get the diamond ring which has been on exhibition in Klein & Binkey's window. George Nicholson polled the most votes yesterday, but Haiste had a big lead on him, which "Nick" failed to overcome. Mr. Nicholson had been in Montreal the greater part of the week, and did not have a chance to do anything until yesterday. The standing after the final count:

C. M. Haiste 1,608
George Nicholson 1,592
J. R. Sturdy 1,174
Ray Hill 1,167

The scrutineers last night were Court Thompson and J. A. McDonald, and Geo. Nicholson was present to see that none of his votes were overlooked.

Another big free show has been booked for next week at the park. The famous Marriott Twins' company of five acrobats and trick cyclists will come here direct from a successful season in the New York vaudeville houses, and the act is said to be even more sensational than the one given last week by the Martell family. New attractions are being added at the park each week, and it is expected that the circle swing will be ready by the middle of next week. The big water building will be changed into a dancing pavilion, and will be managed by a first-class dancing master.

Fine English Briar Pipes.

B. B. stamped on a pipe is a guarantee of material and workmanship. They are made of the finest quality of briar and sold in all shapes at peace's pipe store, 107 King street east.

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.

PULL IT DOWN OR REMODEL ENTIRELY.

That Is Building Inspector's Advice In Regard to Victoria Avenue School.

Building Inspector Anderson, with the Chairman of the Building Committee and Secretary Foster, yesterday afternoon inspected the Victoria Avenue School, which the Board of Education was asked to tear down, replacing it with a new \$90,000 building. Mr. Anderson expressed the opinion that the school should either be torn down or entirely remodelled. In one of the rooms he discovered that the floor had settled over three inches. The light in some of the building vibrated during heavy wind storms, but Mr. Anderson does not think there is any danger. He strongly recommends that the third storey be removed and the school made a two-storey building. The spiral staircase, it is said, in case of fire would act as a fine for the flames. The light in some of the rooms is very bad, and would be much worse if an addition were erected to the north.

Although the Board of Education on Thursday night decided to place fire escapes on the school, there is some opposition to this. It is said that the children never practice on the fire escapes erected last year on the Hess and Queen Victoria Schools, and that there is danger of a panic in case of fire.

The appropriation for the dog catchers will last only another ten days and the police will be asked then to enforce the by-law and summons people who do not obey the regulation. Complaints have been made that in some cases dogs have been taken off front door steps and lawns and the owners are talking of going after the city.

The Hamilton City Council and Press Gallery have challenged the Toronto City Council and Press Gallery to a baseball match to be played in Toronto the latter part of this month. Ald. Church will make the arrangements for the Toronto team, and has appointed a committee, consisting of Ald. Maguire and O'Neill and Controller Ward to cooperate with him.

Infectious and contagious diseases re-

ported at the Health Office during the past week include eight cases of scarlet fever, five of whooping cough, four of measles, one of typhoid and four of diphtheria.

This morning Mills & Hutton took out a permit for a \$10,000 stone addition to the school-room of St. Paul's Presbyterian Church. William Pringle secured a permit for a frame building on Princess street, between Sherman avenue and Lottridge street, to cost \$300.

In connection with the tent charges which were discussed at the last meeting of the Cemetery Board, it is explained that the charge of \$5 to \$10 made by the undertakers does not include such services as grave dressing, etc., while the \$1.50, for which it was said the Board could do it, includes nothing but the cost of handling the tent.

Mayor McLaren and Mr. H. B. Hubbard, general manager of the Atkins Saw Company, have returned from Pittsburgh, where they attended the sixteenth annual convention of the American Hardware Manufacturers' Association, held at the Hotel Schenley. They were there on the invitation of Mr. Hubbard's cousin, Charles S. Hubbard, who is chairman of one of the committees. The convention brought together hundreds of the biggest manufacturers in the United States and His Worship and Mr. Hubbard gave out much information about Hamilton, the greatest manufacturing centre in Canada.

Hamilton will likely extend an invitation to the Pennsylvania newspaper editors, who will be in Toronto soon as guests of the Grand Trunk Railway. They are going to the Georgian Bay and Muskoka districts. It is thought that they may be induced to come to Hamilton for a few hours to take a peep through the manufacturing district and see some of Hamilton's beauty spots.

Relief Officer McMenemy and Adam Brown, President of the Children's Aid Society, are representing Hamilton at the convention of the National Conference of Charities and Corrections, being held at Buffalo.

BORDEN'S REPLY.

Minister of Militia on Rev. Dr. Pringle's Charges.

(Toronto Star.)
In view of the statements made by Rev. Dr. John Pringle, of Sydney, N. S., at the General Presbyterian Assembly yesterday, the Star wired to Sir Frederick Borden, Minister of Militia, as follows:

"Rev. Dr. Pringle says he was asked to campaign in your riding last election, and offered as much for four addresses as was equal to a year's salary in the ministry; also attacked you personally. Do you know of offer, and will you take the suit, he says he challenges?"

The Star received the following reply from Sir Frederick Borden, dated from Canning, Nova Scotia:

"Your telegram received. I never heard of the Reverend Doctor Pringle unless he happens to be the Reverend Pringle, formerly of the Yukon. If so, he evidently continues to play his old part. I know nothing of his engagements, but had he presented himself here dur-

ing the last election my majority would doubtless have been considerably increased by the exposure of his Yukon record.

"Presumably he hates me because I am a member of the Government which declined to play his game of self-glorification and self-advertisement, involving denial of justice and fair play.

"The ravings of such a person are not entitled to much notice. Nevertheless, you may publish this in conjunction with your telegram.

"F. W. Borden."
Sir Frederick has placed the matter in the hands of his counsel, Hon. Wallace Nesbitt, K. C.

TO MISS LANCELEY.

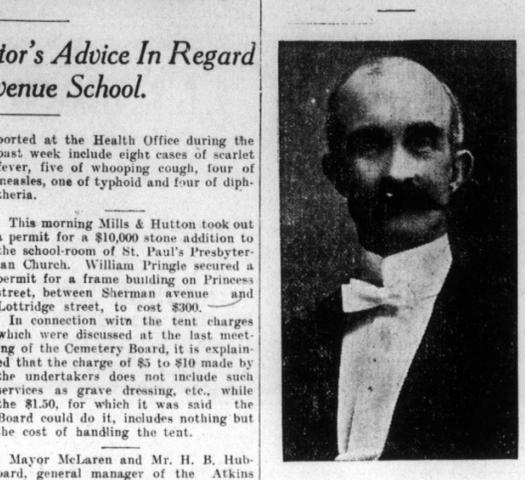
A pleasant event took place last night at the close of the regular rehearsal of the Dundas Centre Methodist Church choir, London, when Miss Lanceley, who is removing with her parents to this city, her father, Rev. E. B. Lanceley, becoming pastor of First Methodist Church, was made the recipient of a beautiful pearl brooch from the choir. The presentation was made by Mr. Parnell Morris, who expressed in appropriate terms the regret felt at her departure. Though taken by surprise, Miss Lanceley showed the hereditary gift of eloquence and thanked the choir for their kind remembrance.

A Renewal.

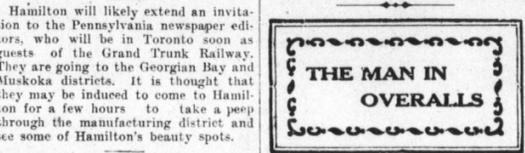
Your old hat can be made to look like new with an application of Oriental Straw Hat Dye, a waterproof color that won't rub off—25c. per bottle. Oriental Straw Hat Cleaner cleans the dirt and tan off white straws—15c. per bottle. Parke & Parke.

JAMES OGILVIE

Who Has Been Nominated For D.D.G.M. of I.O.O.F.



At the quarterly meeting of Hamilton district No. 9, Independent Oddfellows, held last night at their hall, John street north, Bro. James Ogilvie, P. G., was the unanimous choice of the Past Grand for the honorable position of D. D. G. M. This recommendation will go before Grand Lodge at Ottawa in August, and no doubt the worthy brother will receive the appointment. Bro. Ogilvie is popular in I. O. O. F. circles, and will have the hearty support of his colleagues.



They say that Ex-Mayor Stewart would like to take another whirl at the Mayor's chair. He seems to want to be in hot water all the time.

If you have \$1,000 that you don't exactly need, the Y. M. C. A. would be glad to get it.

But the Barton murderer must be dead by this time.

Read the new constitution of the Hamilton Liberal Association and get posted as to your duty.

The Mayor can be depended upon to deal promptly with any City Hall conspiracy against himself, if such a thing exists.

This is the last day to see the Art School pictures. Go up this evening and enjoy the treat. Costs nothing.

Give the bow-wow a walk out tomorrow. The dog catchers will likely be at church.

The moonlight excursion and the strawberry social are now about due.

If the Kinrade jury get the money they might hold their first annual picnic in Dundurn Park on the last of July.

How's your boy getting along at school? Do you ever hear his lesson or help him with his sums? What's that?

If the evening is favorable there may be another march out of the bottle brigade to-night.

Well, if you must go sailing on Sunday see that somebody goes along with you who knows how to manage a boat.

I have an idea that Mackenzie King could settle the moulders' trouble if he was given the chance.

It is just as necessary to keep the alleyway clean as it is to keep the street clean.

Then who shot Constable Smith?

I spent nearly an hour yesterday afternoon up in the Art School, looking over the work of the students and noting the various arts and crafts taught there, and the apparatus and machinery employed by the teaching staff, and after the inspection was over I came to the conclusion that if the citizens only knew what the Art School is and what it does they would emphatically declare that the school must not be closed, that it must be continued. I am only sorry that I did not go earlier in the week, then I could have urged you all to take the exhibition in, and judge for yourselves. Even yet I would ask you to go to this evening and have a look around. I am not an artist nor a connoisseur, yet I know a chromo from an oil painting, and I venture to say that not a few of the fine art efforts show talent and skill which ought to have a chance to be cultivated, and the work in the industrial, architectural and machinery departments will bear the intelligent scrutiny of experts. This school is not a fad. It is a school where a student in almost any branch of industry can be taught that which will make him or her an expert in the higher branches of the trades and professions—will make it possible for them to do the work which is now largely given out to foreign workmen—to those who have studied abroad. It would pay the manufacturer of this city to keep the school going. To let it go down would be to turn the hands of the clock back twenty years.

CAMPAIGN AGAINST SUNDAY SELLING.

Proprietor of "The Palms" Fined \$40—Illegal to Deliver Goods on Sunday.

At Police Court this morning five dealers were summoned for breaking the Lord's Day Act.

Sam Seigel and Manuel Frouman were charged by P. C. Lord and Staton with selling meat on the Sabbath. P. C. Lord said he had warned the men that it was unlawful to carry on business on that day, but that they did not heed the warning, and complained that Sam Quveral, who lives across the street, carried on business in the same way. The defendants said the orders were taken the night before and the goods were left on the ice over night, and the people called for them in the morning. More than 125 parcels were kept on the ice over night. Crown Attorney Washington said the prisoners were evidently under the impression that taking the orders the night before and delivering the goods on the following day was not a breach of the Act. Magistrate Jelfs explained that no complete sale had been made until the goods were delivered, and therefore the law had been broken, but let them off on the promise that they would close shop at 12 o'clock on Saturday nights and remain so over Sunday.

Sam Quveral was up on a similar charge, and pleaded not guilty, but did not deny that he had sold goods on the Sunday. He was let off on condition that he respect the laws of the country. The proprietor of the "New Palms," King street east, was summoned for selling ice cream and soft drinks on Sunday. Mr. Gaud, of Nesbitt, Gaud & Dickson, appeared for him, and said not only had ice cream and candy been sold, but lunches as well, when they were called for, and produced a menu card on which the bill-of-fare was printed, to prove it.

The manager, Alex. McFarland, said people were supplied with whatever they called for, whether in the line of lunch or ice cream, but the most of the trade was done in ice cream.

Mr. Gaud submitted that there was no case, on the ground that a restaurant was entitled to sell ice cream when it was called for, but the Magistrate fined the defendant \$40.

John Seamens, King street east, was another one of those charged with breaking the Lord's day act. P. C. Lentz was the complainant, and said he had visited the place and found ice cream being served, but there was an absence of the lunch that was supposed to be served. The policeman asked the defendant if he did not know he was doing wrong, and Seamens answered, "I am going under the instructions of my lawyer."

"That is a bad thing to do," jocularly commented Mr. Washington. A fine of \$10 was imposed.

Andrew Lewis, colored, was charged with assault. The case centred around the fact that a young woman, while walking with a young man, had called him a "coon," and he had resented it in vigorous language, and had knocked the young man down, rendering him unconscious. A witness said he had heard Lewis call the young lady a "dirty" name, and saw him knock the young man down. Lewis was fined \$5.

David Graham, who has had frequent acquaintances with the police, and received many warnings, was charged this morning with vagrancy. Constable Yaxley, while in plain clothes, had been approached by Graham, who asked him to help pay his fare to Chicago, but Yaxley warned him, and as Graham did not take heed he arrested him. As Graham was an old offender the Magistrate gave him one month.

George Lacking, charged with neglecting to send his child to school, acknowledged that the boy had been kept at home to attend to the children while his mother was house cleaning. Inspector Hunter appeared, and said the boy was now at school, and the case was dismissed.

Catharine Mahar was assessed \$2 for over-indulgence at the flowing bowl.

The case against John Stout, charged with misappropriating collections of the Union Life Insurance Co., was not pressed.

A PRISONER BREAKS JAIL.

Campbell Escaped From Thorold Police Cells Last Night.

Think Some Friend Must Have Let Him Out.

Over Three Tons of Iron Stolen From Old Welland Canal.

(Special Despatch to the Times.)
St. Catharines, Ont., June 12.—A sensation of no mild order was caused in the otherwise quiet town of Thorold this morning, when it became known that W. J. Campbell, who was arrested yesterday near DeCew's Falls, and locked up in the police cells, was missing. When Chief Darby went to the lock-up early this morning to attend to the wants of the prisoner he found the cell which he had been occupying empty, and no trace of the man left. It is not known definitely how he made his escape, but it is thought that some one entered the police office by a rear window and, getting possession of a key to the cells, liberated the prisoner, whose whereabouts have not yet been ascertained. When the Chief went off duty at midnight, everything was in a satisfactory condition at the lock-up, but it is believed that a friend of Campbell must have been watching for a favorable opportunity to accomplish his purpose. Altogether over three tons of the iron which Campbell was suspected of stealing from the old Welland Canal bridge at Thorold has been found. Officer McNamara, of the Ontario police force, Niagara Falls, and Acting Chief McCarthy, of this city, having located an additional 2,150 pounds yesterday afternoon on the premises of Samuel Siegel, a scrap iron dealer in this city.

George Lacking, charged with neglecting to send his child to school, acknowledged that the boy had been kept at home to attend to the children while his mother was house cleaning. Inspector Hunter appeared, and said the boy was now at school, and the case was dismissed.

Catharine Mahar was assessed \$2 for over-indulgence at the flowing bowl.

The case against John Stout, charged with misappropriating collections of the Union Life Insurance Co., was not pressed.

The Parks Board next week will consider the question of purchasing the old Lansdowne Park property for a civic park in the northeast end. Some of the commissioners had a scheme in view to acquire the land on the water front recently taken over by the Otis-Fensom Elevator Company. Now that there is no opportunity of getting this site for a park, they are inclined to favor the proposition to take over the Lansdowne property. Their interest in the matter has been spurred on by a report that the owners are about to open a street through it, and lay out building lots. The park runs from the west side of Wentworth street, over to Victoria avenue inlet. The board may also consider the matter of securing a large block of land to the south owned by the Webster estate. These two properties would make a fine big park. With the exception of North End Park the city has no park property along the water front, and it is thought this land could be secured much cheaper now than ten years hence.

WANTED FOR PUBLIC PARK.

Movement on Foot to Secure Lansdowne Park Property.

The Parks Board next week will consider the question of purchasing the old Lansdowne Park property for a civic park in the northeast end. Some of the commissioners had a scheme in view to acquire the land on the water front recently taken over by the Otis-Fensom Elevator Company. Now that there is no opportunity of getting this site for a park, they are inclined to favor the proposition to take over the Lansdowne property. Their interest in the matter has been spurred on by a report that the owners are about to open a street through it, and lay out building lots. The park runs from the west side of Wentworth street, over to Victoria avenue inlet. The board may also consider the matter of securing a large block of land to the south owned by the Webster estate. These two properties would make a fine big park. With the exception of North End Park the city has no park property along the water front, and it is thought this land could be secured much cheaper now than ten years hence.

FOR DETROIT.

Knights Templars Have Arranged For a Fine Excursion.

Godfrey de Bouillon Preceptory of the Knights Templars, of this city, announces an unusually attractive excursion for Friday, July 2. The destination is Detroit, and tickets will be good including the great holiday of the year in the United States, Independence Day, which will be celebrated on Monday, July 5. Tickets will be \$2.45 for adults and \$1.25 for children, with proportionately lower rates from Brantford, Paris and Woodstock. The local committee is making special arrangements for the accommodation of ladies in Detroit, via the Y. W. C. A. of that city and first-class hotels. The train will leave Hamilton at 3 p. m. on Friday, the 2nd; a special will leave Detroit on Sunday at 11 p. m. Detroit time, but tickets will be good to return by any train until Monday evening.

LIFTED HER PURSE.

Mrs. Nesbitt, 84 Wellington street north, while shopping on central market this morning had her purse stolen. She had just purchased some goods and laid her purse down while picking the things up, and neglected to take the purse, and when she returned for it it was gone. She at once reported the matter to the police, and they are on the lookout for the purse.

A SAD CASE.

A 16-year-old lad named Simpson, who resides with his mother at the corner of Mulberry and MacNab streets, was taken to the hospital to-day. Although the boy is 16 years of age, he doesn't look to be over 13, and is very feeble. No person but his mother can manage him, and as she is required to work for her own support, it was found necessary to make other provision for him.

WILL APPEAL TWO CASES.

Mr. Gaud, of Nesbitt, Gaud & Dickson, will appeal against the decision given by Magistrate Jelfs this morning in regard to selling ice cream on Sundays, in both the case of the "New Palms" and Seamens. The contention of the proprietor of the Palms is that the selling of ice cream should be allowed in the summer time to make up for the lack of lunches sold. In winter more lunch is sold, but in summer ice cream is mostly in demand.

MUST HAVE THE TIMES.

Mr. John Clark, of Jerseyville, renewing his subscription to the Times, says: "This is my fifty-fifth renewal to your valuable paper. It seems a long time, but then I always enjoy my newsy columns."

Next Saturday.

Those in charge of the Citizens' Campaign Committee excursion and picnic to Niagara Falls per T. H. & B. R. on June 19 are doing everything to make it a success. A committee has gone to the Falls to-day to make final arrangements for a good time.

SETTLEMENT APPROVED.

Following the terms upon which a settlement of the Proctor will case was brought about at recent non-jury sittings. Mr. Justice McLachlan has forwarded a ruling sustaining the last will of the late Mr. Proctor and ordering that it be probated. He further ruled that the real estate, stocks, cash and jewelry of the late Rachael Proctor, referred to, form part of the estate of John Proctor.

OLD SOLDIER.

It was a Veteran Who Dropped Dead Yesterday.

The old man who dropped dead in Carroll's grocery store yesterday morning was identified last night by Byron Getty, 254 York street, as Thomas Murphy, a British army veteran, who boarded with Getty. As Mr. Getty did not return home until last night and Murphree died instantly in the morning the police were unable to identify him. Murphree had been seen in the neighborhood daily and had purchased goods at the store, but his name and residence were unknown until last night.

MUST HAVE THE TIMES.

Mr. John Clark, of Jerseyville, renewing his subscription to the Times, says: "This is my fifty-fifth renewal to your valuable paper. It seems a long time, but then I always enjoy my newsy columns."

Next Saturday.

Those in charge of the Citizens' Campaign Committee excursion and picnic to Niagara Falls per T. H. & B. R. on June 19 are doing everything to make it a success. A committee has gone to the Falls to-day to make final arrangements for a good time.

Mr. Wm. Grimm, Cleveland, writes: "I am ever so much obliged for sending the paper, and please continue. Here is the money for the next year. We can't get along without it."