

HAMILTON, CANADA, MONDAY, APRIL 26, 1909. VOL. LII. NO. 98.

SIMPSON WAS COMMITTED

On Charge of Unlawfully Cutting and Wounding.

Jealousy Appears to Have Been Responsible For It.

Ross Wallace, Who Was Stabbed, Able to Leave Hospital.

Thomas Simpson, who was arrested by Sergt. Finch and Detective McDonald on Sunday morning, April 18th, on a charge of unlawfully wounding and doing grievous harm to Ross Wallace, was committed for trial this morning at the Police Court by Magistrate Jelfs.

The evidence made it look as if Simpson was jealous of Wallace, and had several times ordered his wife to have nothing to do with him. On the night previous to the affray Mrs. Simpson, being unable to get into her own house, spent the night at the boarding house, 22 Hunter street east, where Wallace stopped. Simpson is accused of entering the house the next morning and, without saying a word or asking any explanation, stabbed Wallace over the heart. A struggle ensued, in which Wallace got the upper hand. The landlord intervened and separated them. Wallace was taken to the City Hospital and Sergt. Finch and T. H. & B. Detective McDonald went to the home of Simpson, 152 John street north, and arrested him. Wallace's condition was serious for a while and the police, to anticipate any such thing as his death, took his ante-mortem statement, in which he accused Simpson of stabbing him. Simpson appeared in the Police Court the following Monday, but was remanded until this morning.

The testimony of Dr. Wickins was first taken. "When I went into the room Wallace was lying on the bed and when I examined him I found that he had been stabbed. I put on temporary dressings, and telephoned for the ambulance to take him to the hospital. I do not know the depth of the wound, as in view of his condition I did not probe," he said.

H. Glah, proprietor of the boarding house where Wallace stayed, and where the stabbing took place, swore that he heard a noise upstairs. He went up to investigate, and found two men on the floor. They were fighting. Wallace was on top. Glah separated them, and the other man, who he identified as Simpson, left the house hurriedly. "Did you see a knife?" asked Crown Attorney Washington. "No," replied Glah. "But I saw blood on Wallace's shirt."

"Do you want to ask the witness anything?" asked the court, turning to Simpson. "Didn't I ask you last summer to stop my wife going up there?" demanded the prisoner. "No, I don't think so," replied Glah. William David swore that he heard a racket upstairs and when he went into Wallace's room there was blood on his shirt. He asked him what was the trouble and he replied that Simpson had stabbed him.

Ross Wallace arrived from the hospital at this point and his testimony was taken. He swore that he lived at 22 Hunter street east, and that his wife and Simpson's wife are sisters. He said that Simpson called at his boarding house about 9 o'clock Sunday morning, left soon and returned again in about 45 minutes, but said nothing. He saw a knife in Simpson's hand. Wallace swore that he had always been friendly towards Simpson.

Sergeant Finch testified to having been called to the scene of the stabbing. He went to the house, and was taken upstairs into Wallace's room. Wallace was lying on the bed. He asked what was the matter, and Wallace said (Continued on Page 8.)

English Shag Tobacco.

W. D. & H. O. Wills, of Bristol, England, are the manufacturers of the celebrated Superior Shag Tobacco. It is sold in this city for 20 cents a tin at peace's cigar store, 107 King street east.

Shavers

Look here, we have the best selected stock of shavers' supplies to be found anywhere. If it is a good razor you want, we have it, also strops, brushes, soaps, powders, etc. Get the habit, buy your supplies here and save money. No trouble to show goods. Parke & Parke, druggists.

WILL CLIP THE SULTAN'S WINGS.

Constantinople After Siege--Four Thousand Arrests--Executions to Follow.

Constantinople, April 23.—Constantinople experienced last night the effects of the state of siege declared yesterday. The capital resembled a city of the dead. No one was allowed on the streets after 8 o'clock in the evening, and the carrying of arms by civilians as well as the publication of news likely to create distrust were strictly prohibited. The committee of union and progress has issued a statement denying the allegations attributing the recent occurrences to controversies between the political parties, and saying that the march of the constitutionalists on the capital was undertaken under the influence of the committee. The statement sets forth that the tragic events of the past fortnight were provoked by "wretches and vile personages who were injured by the proclamation of the constitution."

INQUEST WILL NOT PROCEED TO-NIGHT

No Shore Leave

Sault St. Marie, Mich., April 26.—Captains of the fleet held here by the ice blockade have adopted a unique plan to prevent desertions by members of the crews or attempts of unions to cause troubles. Instead of tying up at the piers many of the boats have anchored in the middle of the river and no sailors are given shore leave. The boats tied up at the piers permit no visitors aboard. One captain has a big smallpox placard exposed to prevent intrusions.

WAS UNUSUAL.

Woman Chase in the East End Caused Excitement.

What is believed to have been a lovers' quarrel caused the police some trouble yesterday. Early in the afternoon a man and woman were seen walking down Sherman avenue, below King. They seemed to be the best of terms. A short time after the residents were surprised to see the man chasing the woman up and down the street, through vacant lots, and behaving as though he had designs on her life. The residents became frightened, and telephoned for the police. Constable McLean was dispatched in all haste to the scene of the trouble. When he arrived all was quietness, and not a sign could be seen of what he had been led to believe might be a tragedy. He made enquiries at the first house on Sherman avenue, and was told that the two had disappeared further north. When he got to Barton street a gang of boys, who had been watching the chase with delight, told him that the couple had made it up, got on a car and gone up town. The police think the pair were out of town people, and as nothing has been heard of them since it is thought that they have left again.

ORDER MADE

For Production of Books in the Lighting Arbitration.

Mr. W. W. Osborne and Mr. Frank Waddell appeared before Judge Snider this morning in reference to the lighting arbitration. Mr. Osborne offered to produce all the books of the company that he thought were necessary for examination by the city representatives in regard to production, cost, etc. His honor then made a general order to produce the books within the customary time, ten days. No order was made regarding the inspection of the company's plant, and it is thought when the time is ready a meeting will be arranged for.

Bain & Adams.

Imported French prunes in glass jars, medium and large, sold by the pound. They are tender, the flavor exquisite; also California prunes, apricots and peaches; canned and preserved fruit in endless variety. A few gallons of Lee's maple syrup. Order before it's all sold.—Bain & Adams, 89-91 King street east.

Train the little children to keep off the street car tracks. There is danger there at all times.

Geo. Wild will have to get busy and do his prettiest up at Dundurn Park if he would take the shine out of the Rutherford Cemetery Park. What about that footpath through the centre of Dundurn Park? Is it still there?

I would like to say something nice about the effort of the Y. M. C. A. to put up a building for the boys. But I am afraid Mr. Best might not like it.

Mr. Murton got a good man when he got Ralph Ripley for chairman of the Membership Committee of the Greater Hamilton Association. Ralph is one of our young men of action, with ideas in his head.

Don't make yourself miserable about the weather. It will be warm enough yet for the thinnest blooded.

I think two hours at a time on the wireless station is as long as anybody should be asked to undergo. When it comes to four or five hours the Society for the Prevention of Cruelty to Animals should get busy.

I agree with Dr. Lyle that Hamilton should be good as well as great. Righteousness exalteth a city as well as a nation.

I would rather pay six cents for a ride in one of the new street cars than five cents for a ride in one of the flat wheelers.

The Validity of the Coroner's Warrant Will be Argued Before the Divisional Court at Toronto on Wednesday.

Mr. Staunton, in His Argument, Said That the Crown Examiner Accused Florence Kinrade of Murdering Her Sister.

(Special Despatch to the Times.) Toronto, April 26.—The Kinrade lawyers were temporarily successful before Mr. Justice Teetzel this morning. They blocked the inquest for two days at least. This morning at Osogood Hall they moved for a writ of certiorari to have the warrant issued before the court to have a decision handed down as to its validity. Mr. Justice Teetzel did not think that he had jurisdiction to deal with the motion and so referred it to the Divisional Court, when it will come up on Wednesday.

The result of the application means that the warrant will have to be filed in court to-day, in whose jurisdiction it will remain until the matter is finally disposed of on Wednesday. This means that the warrant for the arrest of Florence Kinrade cannot be executed to-day and the Crown will not produce further witnesses till this legal point is decided.

Mr. Lynch-Staunton, K.C., was here early to press his motion for a writ of certiorari in connection with the issuance of the Coroner's warrant. He met Mr. Thomas Hobson, the other counsel for the Kinrade family, and Mr. T. C. Robinson, K.C., in the library at Osogood Hall. They had a long conference and secured a lot of formidable law books containing cases bearing in the matter.

"I move, my Lord, following the move made by my learned friend, Mr. Robinson, for a writ of certiorari, to bring up the warrant issued by the Coroner in the Kinrade case," said Mr. Lynch-Staunton, before Mr. Justice Teetzel.

"I am here from the Attorney-General's Department," said Mr. Cartwright. "Is the Crown not represented?"

"My learned friend, Mr. Washington, told me he would not be here unless it were necessary. It is merely a prerogative writ of certiorari that we are applying for now. It is a matter in which the Attorney-General is interested," went on Mr. Staunton.

Then followed a minute or so of technical argument.

"We have an affidavit from Mr. Hobson setting forth the facts," said Mr. Staunton. "But first I wish to draw your Lordship's attention to one fact. Although a Coroner's court is a court of record, it is a purely statutory court, and not a common law court."

Mr. Cartwright objected. "But," said Mr. Staunton, "this is argument." He read from section 205 of the criminal code, "To infringe on the liberty of the British subject and to try to arrest this poor girl and put her in prison over Sunday, like the Coroner attempted to do on Friday night, had no precedent in the courts of British procedure, and contrary to all British law. According to some of the newspapers," said Mr. Staunton, "that warrant was issued to arrest the girl, dead or alive."

"That's not right," said Mr. Cartwright.

"If the wings of justice are so badly broken as they have been in this case, then justice in Canada has been dragged in the mud."

"Your Lordship, sitting on this bench, would not permit such a thing. It was not the license of counsel. It was the torture of this girl. I have yet to meet the man who has not condemned his proceeding in the most unmistakable terms. This should have been done in private; there was no necessity of making a theatrical spectacle out of it."

Mr. Justice Teetzel interrupted Mr. Staunton in his speech against the methods followed by the Crown prosecutors.

"There is no reason why this motion should be discussed this way. Nothing can be gained by learned counsel reproaching counsel on the other side. The latitude of a counsel engaged as 'Crown representative' in a case like this should not be confined, perhaps, to the limits of sensibilities of himself or the witness he is examining. It may be necessary, perhaps, to answer questions that are harrowing to the witness and the members of the family. I cannot say that counsel in this case asked questions that were outside the line of his duty to the public."

"But he made charges," said Mr. Staunton.

"If the evidence here is in a similar case, Get the Divisional Court to decide."

"If they want the evidence there they (Continued on Page 10.)"

submit that it should not be done this way." Mr. Cartwright submitted that it was all regular. "But it should have been in secret," Judge Teetzel.—This matter is so important that an expression of opinion by me is not likely to be satisfactory. Would it not be better to refer it to the Divisional Court? Mr. Cartwright—I am willing if the witnesses are likely to be produced as required. I think my learned friend is jumping too soon. Judge Teetzel—I think so too. The warrant has not been served. Mr. Cartwright—I am willing if my learned friend will give the undertaking that the witnesses will be produced. Mr. Staunton—I cannot give any undertaking. The girl is under surveillance with a couple of detectives watching her. She does not intend to leave the country. Mr. Cartwright objected. "The warrant has not been served. Judge Teetzel—Do you mean that the arm of the law is so short that it cannot reach a warrant until it is executed?" Mr. Cartwright—Yes. Judge Teetzel—I never heard of a warrant being made to quash a warrant before it was executed, but there may have been cases. I do not feel that I have power to pass upon this matter. The warrant is not before me. It is not here. Subject to common consent, I would prefer to return it to the Divisional Court. My decision would probably not be satisfactory to either party. His Lordship, in giving his decision, said: "I direct that a writ of certiorari should be issued reserving all the objections offered the crown returnable to the Divisional Court which is now sitting. This may mean an adjournment of the inquest at Hamilton, but it cannot be helped."

Mr. Cartwright.—The crown reserves the right to retain all objections to the writ on all other matters. "That is satisfactory to me," said Mr. Staunton.

"I am prepared to dispose of it as well as I may, but I think the best solution out of the question is to refer it to the Divisional Court. I will therefore issue a writ of certiorari on consent, returnable before the Divisional Court forthwith. The Divisional Court is now sitting and the matter could go on tomorrow. I think that is the quickest course; the crown of course reserves all objections to the issuance of the writ."

"I have no objection," said Mr. Cartwright. "It is a pro forma arrangement. By consent I can make the writ returnable to-morrow before the Divisional Court, presided over by the Chancellor."

"I think the evidence should be produced," said Mr. Staunton.

"What evidence," asked Mr. Cartwright.

"The evidence of this girl," answered Mr. Staunton.

"It would take three weeks," said Mr. Staunton.

"I am willing to take the newspaper reports of it," said Mr. Staunton.

"There is no precedent for it," said Mr. Cartwright.

"If the evidence here is in a similar case, Get the Divisional Court to decide."

"If they want the evidence there they (Continued on Page 10.)"

FOR BETTER HAMILTON.

Dr. Lyle Hopes Spiritual Development Will be Maintained.

Speaking on a timely topic, "A Better Hamilton," in Central Presbyterian Church last night, Dr. Lyle prayed that in the campaign for growth and expansion the development of the spiritual side of life would not be forgotten. This desire to expand was natural and right. Living things always desire to grow. When an individual, a city or a nation lived in its past it had reached a stage when it had seen its best. From history Dr. Lyle drew many illustrations to show that the great nations were far behind in their contributions to the world as compared with the smaller nations. The same principle applied to cities. He contrasted the great cities of London and Liverpool with little Oxford and Cambridge, and the men the latter had given the world. He hoped that in Hamilton's growth the material side of life would not be emphasized above the moral and spiritual. Materialism had its place. Referring to the development of citizens Dr. Lyle said that every man should ascertain what he was best fitted for and not take hold of something he was unqualified for by nature, by lack of education and experience. Care should be used in appointing men to office whose hands were clean and whose brains were clear—men with no side issues and political swings, looking toward Toronto or Ottawa. These offices were a sacred and solemn trust and should be so regarded. By observing all these things a city might not only be great but good.

SAFETY DEPOSIT BOXES

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

of a heart-breaker than the round-the-bone? Talk about cruelty to animals.

Is it fit and proper that Teddy Roosevelt should be lionized when he is hunting lions?

The yellow journals should be able to pick up a few more Kinrade stories of this kind. Some of the more morbidly interviewed Dr. English's boarders?

A lot of people seem to think that this inquest is a sort of public entertainment that they should not miss if they can get their hands on a complimentary ticket. Some of the more morbidly enthusiastic would even pay good money for a seat.

If those Kingston medical students must rob graves to get cadavers they bet they begin on those in their own or their professors' relations.

Now who will put another \$500 to Aid, Milne's \$500 to get that auditorium? I understand that the alderman is a fellow-countryman of Andrew Carnegie.

But all this habeas corpus business and pitting one lawyer against another is not helping to find the murderer. This inquest is costing you and me a lot of money.

Those rails being put down on James street south look heavy enough for the Grand Trunk Pacific. We should have smooth running cars soon.

There are some people who would like nothing better than to read the obituary notice in the papers of the Art School.

Come and get enrolled in the Greater Hamilton Association. Don't wait until you are asked. The movement is for your benefit also.

Abrahamson Forester's sermon to the St. George's Society yesterday was an awfully good effort, and Principal Colinson must have been gratified at the big turnout of the brethren.

HE RELENTED AT THE SIGHT.

Pathetic Police Court Case Over Ownership of Dog.

Girl Accused of Theft Fainted in Court Room.

Complainant Gave Her the Animal and Withdrew the Charge.

One of the most pitiable scenes ever witnessed in the police court was seen this morning when Beatrice T. Petty, 146 Cannon street east, was arraigned on the charge of theft. The complainant Charles E. Grish accused her of stealing a dog belonging to him. When Miss Petty was brought into the court room she was calm, but a realization of where she was and the position in which she stood suddenly struck her, and she turned deadly pale. A chair was secured for her and she was told to sit down. She sank into it as though deprived of all strength, and looked with beseeching eyes at the Magistrate. A policeman was dispatched to get a cup of water, and she was unnoticed for a few minutes, the attention of the court being directed to some other business. Her nerves were so worked up that she could not control herself, however. The Magistrate noticed her condition and called the case. "We will make this a summary case, and get through with it so that she can go home," he said.

M. J. O'Reilly, K. C., acting for the defendant, was agreeable to this course. "We can't go on," said the Magistrate, after taking a look at Miss Petty. "We had better adjourn it for a week."

Mr. O'Reilly turned to the defendant and asked her if that would be agreeable, but she became very excited and spoke with difficulty, and in a very shrill voice.

"You have got me up here for a thief and now I want you to go on with it." The court officers were becoming very uncomfortable with a fainting woman on their hands, who would not allow an adjournment. The complainant's heart became touched and he volunteered to drop the case.

"I'll give her the dog," he said, "she has had it for some time now, and I guess has become attached to it." "You can go," said the Magistrate. But the last words were not heard by the defendant, she had fallen to the floor in a faint and had to be carried from the court room to be revived.

Dropped Dead

Big Rapids, Mich., April 26.—Rev. E. G. Franok, pastor of the German Lutheran Church here dropped dead while administering the rite of baptism to a child at the close of the regular service yesterday. The preacher had apparently been in perfect health. As he stood at the altar, and without the slightest warning he fell to the floor and was dead when picked up. Rev. Mr. Franok was 57 years old and survived by a widow and nine children.

OUT FOR LARK

Three Toronto Girls Taken in Hand by Police Here.

Three young ladies ranging between the ages of indiscreet fourteen and sweet sixteen, left their home in Toronto on Saturday and came to Hamilton without a chaperon to have a really good time. Their parents noticed their absence late in the afternoon, and made enquiries first around home and then at the Union Station. They learned that three girls answering the description they gave had been seen entering the Hamilton train, and immediately telephoned the local police to be on the watch for them. About 9 o'clock they were discovered with a gang of boys near the corner of James and King William streets. The police promptly took them down to No. 3 police station. Their parents were notified, and, taking the next train to this city, they got their runaway children and returned to Toronto.

AT CHARLOTTE

Turbine to Have Good Landing For Weekly Service.

A despatch from Rochester says: Considerable attention will be given by the excursion manager of Ontario Beach Park to the subject of weekly Canadian excursions from Toronto, Hamilton and other points. President Canfield and the other officials of Charlotte have expressed a desire to co-operate in this phase of the work and dockage plans are being made for the Turbine steamship company and other Canadian lines that will, it is expected, expedite the landing of the crowds which are anticipated to result through the negotiations of those interested.

NO CHANGE.

Cool Prices in Hamilton Do Not Follow the Market.

There will be no change in the price of hard coal in Hamilton this spring. The price to the trade goes down on May 1 each year. In some cities, Toronto among them, the retail price follows, the result being that coal is cheaper than in Hamilton when the people are not buying and dealer winter approaches and everybody must buy. The Toronto price now is \$7.25 and the Hamilton price \$6.75. This latter price will be maintained throughout the year. The local dealers have followed this policy for a number of years.

NEW FEATURES OF LIGHT CONTRACT

To Run For Five Year Periods From August 31, 1909--Council Meeting To-night.

The most important matter to be considered at to-night's council meeting is the question of a Board of Control for Hamilton next year. It is proposed to submit this question with the power by-law to the people early in the summer. The aldermen to-night will try to get the matter in shape to be dealt with at the next council meeting. The new hospital site has not been selected yet, and although that by-law will be submitted with the others, it cannot be taken up to-night. Copies of the amendments to the old light contract and additional new clauses were sent to all the aldermen on Saturday, and after the regular council meeting to-night the contract will be informally considered. The amendments to the old contract provide among other things that the contract shall be for five years from August 31, 1909, the city within twelve months from that time to begin taking the minimum amount, 720 horse power, and the contract to be renewable for five year periods thereafter. The company agrees during the term of the contract not to raise its incandescent rates. In place of giving a ten per cent. reduction on Hydro rates in Toronto, the company agrees that this shall read ten per cent. less than any other municipality. The company agrees not to charge as its minimum rate for incandescent lighting in houses, including meter rental, more than 75 cents a month. All additions to street lights now in use shall be of most modern type and not less than 2,000 nominal candle power. The city reserves the right if advances in electrical art or improvements in apparatus render it possible to give a more efficient lighting service, to demand during the first year of the third five year period that the new system shall entirely replace the old one at the same cost per light. The matter is to be referred to the Railway Board or a board of arbitration if the parties cannot agree. The new clauses provide among other things: For power for all purposes at a price (Continued on Page 10.)

THE MAN IN OVERALLS