

THE OLD OLD SAD STORY.

Disappointed in Love, Young Woman Suicides.

Left Letter to Man of Whom She Was Too Fond.

Had Taken Hypodermic Injections to Cause Death.

Albany, N. Y., April 6.—Disappointed over a love affair, Ethel Shaw, an attractive woman about 28 years old, was found dead in her room in the Ten Eyck Hotel this morning.

Death was due to an overdose of morphine and strychnine hypodermically administered. Miss Shaw was a nurse and registered from New York City. She had a brother living in Montreal. The woman left several letters, including one addressed to Dr. G. Scott Towne, health officer of Saratoga, in which she said:

"My dear boy—Unfortunately I have become too fond of you, so the breaking of our engagement means to me complete wreckage. Don't get any other girl to love you. Yours, Ethel C. S."

The postscript read, "No mother has a right to spoil a son's life. When two people marry they should be given a chance. Every woman knows this. Miss Shaw evidently had made all preparations for her death. When found she was lying on the bed with a silk robe wrapped about her and her arms folded on her breast. A hypodermic syringe and a box containing morphine vials, one of which was empty, were found at her side. On the dresser were several letters.

The woman came to Albany yesterday. During the night groans were heard coming from her room, but it was believed the woman was ill. Several hours later an attempt was made to enter her room, but the door was locked and there was no response to repeated raps. A bell boy finally crawled over the transom and discovered the body.

Among the letters was one to Mrs. McKenzie, Free Delivery route, White Plains, in which Miss Shaw wrote: "I am frightened and lonely, but it seems to me so much worse to go on. Love to all of you, Isabelle and others. Ethel."

Other letters were addressed to Mrs. Samuel Carey, No. 38 West 46th street, New York; Allen C. Shaw, care Dale & Co., Montreal, Canada, a brother, to whom she left all her possessions, and directing the payment of \$1,000 to Mrs. Samuel Carey, and an "Easter greeting note to Miss Kitty Riley, of Roosevelt Hospital, New York, containing a \$10 bill.

A bank book on the U. S. Savings Bank of 606 Madison avenue, New York, was found showing that the woman had made a deposit of \$25 in that bank yesterday. Her total deposits were \$489. Several valuable pieces of jewelry also were found.

BATH FOR ROY

And He Will Have to Go to Jail to Get It.

Roy Ross, Wood street east, was arrested by Constable Brown last night, charged with vagrancy. He appeared at court this morning and his appearance suggested his first treatment. "I'll demand him to jail to have a bath," said Magistrate Jelfs, after one look. Ross was accordingly remanded a few days.

It was the first time this year that Dr. A. J. Case was drunk. Constable Campaign, jun., arrested the doc. last night for the offence. He was allowed to go this time, as it was his first time, and he was profuse in thanks. Thomas Street, Vinemont, saw his chance in this decision. "This is the first time this year," he said. He was also allowed to go.

Several of the officers of the I. O. F. left today for Toronto to attend the reception being given the Supreme Chief Ranger there this evening.

MAY BE SUBMITTED IN JANUARY NEXT.

City Has Assurance That Board of Control Legislation Will be Passed.

Mayor McLaren and the civil department which went to Toronto yesterday to try to get the municipal act amended so as to permit Hamilton to elect a Board of Control, received what practically amounts to an assurance that the request will be granted. His Worship is very enthusiastic over the proposition. At one time he thinks the public looked upon this as a move to create a job for someone, but he thinks that the great majority of the people now recognize the necessity of such a system of municipal administration. To have a live executive body on the job every day the Mayor thinks would make quite a change in municipal circles. He thinks that the cost would not exceed \$4,000 for four controllers, which, with the Mayor, would make a Board of five. This would not be very large remuneration for the right kind of men, but his worship thinks that later on, as the work grows, the amount could be increased. He would not expect men to devote all their time to the work for such remuneration. The matter, of course, will have to be submitted to the people and Mayor McLaren is not sure whether it would be advisable to do so before the end of the year or wait until January. Some full expression of opinion. The Council this year, he believes, is composed of

NO COURT.

Nothing Ready For County Court Session This Morning.

When Court Crier Jos. Greenfield called for order this morning in the County Council Chamber, where Judge Snider was to have held County Court, there were three lawyers before him, and none wished to proceed with their cases. There were but four cases on the list, and one was settled, that of Biggs vs. Gilbert. Two more were postponed, Bradley vs. McDonald, and Siderski vs. Granatstein, and one was not ready, Hammond vs. Kittson. The adjourned cases were laid over until the June session.

EVA FAY IS REMARKABLE.

Clever Woman Who Makes No Claims to Supernatural.

A half hour's talk with Mrs. Eva Fay is sufficient to convince the most sceptical that she is a remarkable woman, and one gifted with more than the usual five senses. When asked by reporters for an interview this morning she replied that she would be delighted, and answered their questions frankly. Her wonderful personality strikes one immediately. She has a charming manner and is a brilliant conversationalist. She is young, very beautiful and has dark gray eyes that seem to have the power to look right through one, and discover one's innermost secrets. Her nature is wonderfully sympathetic and seems to have that ethereal charm that fills the room, leaving a pleasing sensation of wonder and mystification. Mrs. Fay, though far from being a suffragette, is a believer in her sex. She claims that women are more sympathetic, less selfish and more self-sacrificing than men. "What gives you that impression?" she was asked. "My correspondence," she replied, pointing to a table that was piled five or six inches high with letters. "The men invariably ask about themselves—what am I to do or what shall I do, while, on the other hand, the ladies generally ask about others, thereby showing that their interest is less selfish than that of the man." Mrs. Fay is a vegetarian, and gives as her reason for this her horror of taking life. She claims no supernatural power, and asserts that she arrives at her answers by mental telepathy and purely scientific means. On her programme she admits that she is not infallible, and leaves it to the audience to guess or figure out for themselves her methods. When asked if she thought she could throw light on the recent murder mystery, she replied that she intended to answer some questions at the theatre later on, and intimated that there might be developments in the case within the next ten days. Mrs. Fay gave as evidence of her power the foretelling of Roosevelt's election and many other things. She expressed her delight with Hamilton, its beauty, and was much pleased with the appreciative audiences that attended the theatre. The conversation then drifted along on commonplace things until Richard Harding Davis' book "Vera, the Medium," was mentioned. Mrs. Fay claims that this book is a portrait of herself and her work, and objects to the conclusion of fraud and fake. In the book Vera gives a long engagement on Broadway, New York, and Mrs. Fay is the only mental telepathist who has ever appeared there, she says. Mrs. Fay is gathering evidence now, and expressed her intention of starting a suit for libel against the author.

91st. Highlanders, Attention!

Every member of the regiment should have a swagger stick for next parade. Some fine swagger canes with the regulation crest are offered for 25 cents at Pearce's cigar 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.

WATER POWER.

Ontario and Quebec Manufacturing Centre of America.

Our Merchantable Timber Less Than That of States.

(Special Despatch to the Times.) Ottawa, April 6.—Mr. R. E. Young, superintendent of Dominion railway lands, at the Commons committee on forests, waterways and water powers, this morning made the remarkable statement that the merchantable timber of Canada was very much less than that of the United States. He said the forest area of the Dominion had been variously estimated at from eight hundred million to a hundred million acres, and it was probable that the value would be less than any estimate which had been made. Regarding the water powers of the Dominion, he said that apart from Ontario information on the subject, it was very incomplete. However, he estimated the total horse power known to be available at 25,682,907, of which 17,075,939 was in Quebec and 3,129,108 in Ontario, exclusive of Niagara Falls. British Columbia two millions, Alberta over one million, Northwest Territories six hundred thousand, Manitoba 504,000, Saskatchewan five hundred thousand, Yukon 547,000, New Brunswick 150,000 and Nova Scotia 54,000. The authorities, he said, were too conservative, but this was their purpose. Representing the water power on a basis of five pounds of coal per hundred per horse power, this represented 551,137,590 tons of coal per annum. Mr. Young said that Professor Young recently declared that the territory in Ontario and Quebec where the water power mainly lies would be the manufacturing centre of North America. He endorsed this declaration.

THE AUTOS.

Municipal Committee Makes Rules for Them.

Restrictions Proposed With Pains and Penalties.

(Special Despatch to the Times.) Toronto, Ont., April 6.—The special report of the Sub-Committee of the Municipal Committee appointed to deal with the question of automobile legislation was read and adopted with very little discussion by the Municipal Committee this morning. Mr. George Fainton, South Waterloo, said that the majority of the Sub-Committee had been against drastic legislation, but there was a minority report drawn up by Major J. J. Craig and Duncan Ross, who have been all through the session strongly in favor of stern measures against motorists.

Section two of the report declares that all drivers of motor vehicles for hire or pay must, on the request of a constable, produce a license.

Section three declares that no automobile shall pass a stationery street car at more than four miles an hour.

Penalties for violations of the speed regulations have been increased. For a first offence a fine of \$50 or one week's imprisonment or both. For the second \$100 or one month or both. For the third or subsequent offences imprisonment not exceeding ninety days, or a fine not exceeding \$500, or both.

"There is a general impression that farmers' wives and daughters might still be allowed to use the roads occasionally without being molested," said Mr. Kohler, and Mr. Valentine Stock thought that on Saturday and Sundays automobiles ought to be kept off the roads altogether, so that farmers could go to market and church without being dumped in the ditch.

Offences under the act are divided into two classes, major and minor offences. The major offences are: Racing for a wager, inflicting serious injury, or driving away without furnishing the name. Prior convictions shall be kept track of by the entering up on the driver's license by the convicting magistrate of the date and nature of the conviction.

When the driver comes up on his third conviction, the license will be cancelled for three years. If the driver does not hold a license at the time of the conviction he shall not be allowed to take one out for a period of time which shall be determined by the magistrate.

The motors shall be taken into custody for three months, and the costs of storage shall be charged against it.

If the owner can guarantee that the car shall not be driven for three months he may keep it, but if operated in the meantime it shall be considered to be without a license. The chauffeur and employer are both liable if the chauffeur works for hire. The employer is liable for the conviction along with the chauffeur.

For minor offences the present fine of \$10 is changed to read up to \$50.

WHO IS BUSH?

He Never Lived at the Present 58 Ray Street.

Enquiries made about John Bush, who has fallen heir to some money by the death of an aunt in Australia, and whose relatives in England are trying to find him, show that he was here some years ago. He never lived or boarded at what is now 58 Ray street north, the address given on his cards, that house having been occupied continuously for 28 years by the present holder, who never kept roomers or boarders. However, the street numbers were changed a dozen years ago or more, and No. 58 was a block further north. People on the street remember a man named Bush who boarded there.

Renew Your Old Hat

With an application of Oriental hat dye. It makes an old soiled hat look like new. You have all the leading colors to select from. They are water-proof, and do not run off. Come in and let us show you samples of colors. Sold at 25c. per bottle.—Parke & Parke, druggists.

Freshman Drowned

Syracuse, N. Y., April 6.—The body of Ross A. Freeman, of Brooklyn, a freshman of the college of Liberal Arts, of Syracuse University, was found by Prof. Scott in the bottom of the swimming pool in the new gymnasium, at an early hour to-day. Prof. Scott had promised to teach the young man to swim this morning. Freeman went into the gymnasium last evening and was not seen again.

When he did not appear at his boarding house the other men thought he had gone out to spend the evening and had been detained. The body was found in deep water, and it is thought that the young man, in trying to learn the stroke by himself, went in beyond his depth and was drowned.

Freeman was a member of the Phi Delta Theta fraternity.

THE MAN IN OVERALLS

The frost being out of the ground, the Beach is showing some life again.

The missionary movement and the Marathon race are live topics. Which of them are you interested in?

The asylums are overcrowded, I am told. Still lots of inmates are just crazy to get out, and others are just crazy enough to be in.

Now that there is a building boom in the city, a lot of idle men should get to work.

If Andrew Carnegie's money is tainted the sooner it is taken from him the better.

Does anybody envy Mr. Foster and his lot?

At the rate things are going now, the Beach will soon be nothing but a railway route, with the dwellers routed off the strip.

Buffalo on Good Friday?

What would Arthur Heming, Jack Russell, Cory B. Kilvert and the other Hamilton celebrities in the artistic world think, if we allowed the Art School to go down?

Day by day I am beginning to see that the German panic scare in Britain is being worked and promoted as a Tory device to dish the Liberals.

This has been about the poorest Lent ever put in. Too much excitement and public clamor for meditation or thought.

It's certainly time the streets were scraped. Some of them are awful.

Don't speak so loud, Carnegie may haul in his \$75,000 offer.

The Stanley Mills' excursions help us all along.

I hope Dr. Lyle will show the Labor party that it would be a crime to allow the Art School to go under.

There seems to be no hurry to have the vote upon the power question. Any odd lot, I suppose, will do.

T. J. Stewart does not appear to be so ready to jump into a scrap down at Ottawa as he was at the City Hall.

I hope Mr. Jelfs will see what can be done to set young Bradley free.

I feel lonesome these days, missing the learned newspaper disquisitions on the peak load.

Anybody any more complaints to make about the detectives or the police? Now would be a good time to take a crack at them.

WANTS MONEY

Ninety-Firs' Band Suing London Old Boys' Association.

Chisholm & Logie, acting on behalf of Harry A. Stares and the Hamilton Musician's Protective Association, have issued a writ in the County Court against Dr. William English, superintendent of the Asylum, William Yeates and Fred Harding of this city, and Dr. George Clark, of London, for \$273, for services rendered under a contract, on July 30th, 1908. Mr. Stares is suing the executive of the London Old Boys' Association for pay due the 91st Regiment Band, for the time the members put at the head of the Hamilton Contingent. Considerable correspondence has passed between the parties, without an agreement being reached.

NOT KNOWN HERE.

(Special Despatch to the Times.) London, Ont., April 6.—Thomas Harman, a young man claiming to have worked as a cartoonist on Hamilton and Toronto papers, was sentenced to three months in the Central Prison this morning by Magistrate Love for entering the room of Philip Grove, a Montreal traveler, and stealing his grip and several parcels of goods that he had.

SAMPSON TRIAL.

Lyons, N. Y., April 6.—When the trial of Mrs. Georgia Sampson, charged with the murder of her husband, Harry Sampson, was resumed to-day, District Attorney Gilbert outlined the case for the prosecution.

BEACH SAVED.

No Running Rights Over Burlington Beach

For T., N. & W. Railway, at Least Not Just Now.

(Special Despatch to the Times.) Ottawa, April 6.—There was a Hamilton case before the Board of Railway Commissioners this morning. Allan Boyce, of Toronto, appeared before the Commission and pressed the application of the Toronto, Niagara & Western Railway for running rights on Burlington-Beach, near Hamilton.

While all of the line had not been definitely located the general route of the line had been decided upon, and it included the passage of Burlington Beach. "It has not been decided upon by me," remarked Chairman Mabee, of the Railway Commission. "If the application is granted it will mean that the sites of several summer cottages will be destroyed and the only breathing space in that vicinity will be taken away."

The lands sought to be entered upon are owned by the Grand Trunk Railway Company, and on their behalf Mr. Biggar opposed the application. The matter was finally closed when Chairman Mabee remarked that it would be perhaps better to let the matter rest without granting the application for the present at least. He said, "We will let it stand until you are ready to build and probably we will all be dead by that time." He further stated that before the application was granted better cause would have to be shown than the Board had yet heard.

DEAR INDIANS.

How the Ontario Government Squanders the People's Money.

Paid \$100 Each For Fifteen Pictures of Indians.

Toronto, Ont., April 6.—Fifteen Indian portraits, which cost the Ontario Government one hundred dollars apiece and for a while decorated the corridors in front of the Prime Minister's office, but have since been relegated to a more obscure portion of the building, were the subject of a warm ten minutes' discussion at the meeting of the Public Accounts Committee this morning. There was an item in the miscellaneous accounts, "Edmund Morris, portraits, Indians, the American race, \$1,500."

"How many of these portraits were there?" demanded Mr. Sam Clark, of Northumberland.

"Fifteen."

"You don't mean to say you paid \$100 apiece for those things?"

"Yes; why Mr. Oslar paid \$20,000 for an Indian portrait."

"Well, I think this Government must have more money than it knows what to do with, for of all the ugliest pictures that ever were hung these are the worst."

R. R. Gamey—You could buy the Indians themselves and bring them down here for less than \$100 apiece."

Said the Provincial Treasurer, in a tone of disgust: "Your artistic taste is not so sufficiently cultivated."

Sam Clark—Thank God, it is not. Does the Provincial Treasurer say he thinks this expenditure was justified?"

Hon. Mr. Matheson said, certainly.

"Then I must say I have not as good an opinion of the Provincial Treasurer as I had," returned Mr. Clark.

It developed that the portraits were bought on the instruction of the Arts Committee, of which Hon. Mr. Hendrie and Hon. Mr. MacKay were members.

RESERVED.

A. M. Lewis Fighting License Reduction in East Toronto.

Mr. A. M. Lewis, of this city, at Toronto yesterday morning, argued an appeal on the part of John Brewer, hotel-keeper, in what was East Toronto, from the decision of Chief Justice Meredith on March 3rd, refusing to quash the license reduction by-law passed by the Toronto City Council, before a Divisional Court composed of Chief Justice Mulock, Mr. Justice MacLaren and Mr. Justice Clute. Mr. Lewis objected that the Council was not empowered to pass a by-law for more than one year. They ought, he said, pass a by-law for the then ensuing year, "or" for any future license year. Mr. W. C. Chisholm, City Solicitor, and Mr. F. R. MacKellen, Assistant City Solicitor, opposed the motion. Mr. J. B. MacKenzie, on behalf of Mr. W. J. Robinson, of Shaftesbury avenue, argued his appeal in connection with the same matter. Judgment was reserved in the first case, and the second was not quite concluded at the hour of adjournment in the afternoon.

ARRESTED TWO

Charge of Highway Robbery Registered Against Thos. Freely.

Constable Gibbs saw a little act being worked in an alley about 1:30 to-day which led him to arrest two men. In an alley near Vine and Macabn streets he saw what he considered a highway robbery. One man, who was sober, appeared to him to be rifling the pockets of the drunken one, and transferring the contents to his own. Thomas Freely, 34 Kent street, is the name of the man who was sober, and the charge against him is highway robbery. The other man was still dead to the world at press time, and the police do not know his name yet. The case will be called to-morrow.

HAS SURPLUS.

Annual Meeting of Twentieth Century Club Last Night.

The annual business meeting of the Twentieth Century Club was held last night. The financial report showed that the assets of the club are \$3,343 in excess of the liabilities. The following were elected directors for the ensuing year: Messrs. J. W. Lamoreaux, D'Arcy Martin, Henry New, C. H. Peables, Thomas Fanning, W. J. Easterbrook, Richard Jose.

On behalf of last year's directors Mr. Martin presented Mr. Thos. Fanning with a Morris chair and a basket of roses for Mrs. Fanning.

ARE BUSY ON BAY FRONT.

This Season Promises to be Busy One on Water.

There is an air of activity along the waterfront these days that promises the busiest season Hamilton harbor has experienced in years since navigation is in full swing. In addition to the annual hustle and bustle among boat builders and owners, the work at the re-entrant wall and the scheme of the Mutual Steamship Company to increase the docking facilities at the foot of Catharine street to handle the passenger and freight service of the eleven boats that will run from here this year, the Hamilton Ferry Company is arranging to begin work on the docks it will build for its boats. Soundings were taken this week, and actual building operations will be begun within a few days.

For this season at any rate there will be only one dock on this side of the bay. It will be at the foot of Hughson street, in front of the old street railway power house. On account of the shallow water there it will probably be necessary to build a dock over two hundred feet in length.

On the north shore of the bay docks will be constructed half a mile below Brown's Wharf, at the Holy Sepulchre cemetery, at the powder magazine, Bay View, and probably at Carroll's Point. A fast service to all these points will be given, and other docks will be built along the bay later at points where business justifies it.

WHAT WILL THEY ASK?

Temperance People Will Have Their Chance on April 20.

License Inspector James Sturdy in this issue advertises the annual public meeting of the License Commissioners to consider the applications for the year 1909-10. The meeting is to be held in the office of the commissioners, Bank of Hamilton chambers, on the afternoon of Tuesday, April 20, at 2 o'clock. The board has power to issue 68 licenses for the year. Last year there were 68 hotels and one beer and wine licenses issued, and for the coming year 67 applications have been made for hotel licenses and one for beer and wine. There are also 17 shop license applications, all renewals, that having been the number of licenses issued for 1908-9.

What representation the temperance forces will make at this meeting has not yet been decided upon. When the question of license reduction was before the council some of the aldermen who opposed reduction stated that, if the council did not interfere the commissioners would voluntarily make a reduction this spring. The statement was taken to be more or less authoritative, and will give the temperance people something to work on.

Lee's Maple Syrup.

You know that the first run of sap makes the best syrup. We have about one hundred gallons, all first run, maple syrup that is fine delicate in flavor and color. It won't last long, so don't delay ordering what you may require for future use. Sold in gallon cans and by the measure. Sold only by Bain & Adams, 89-91 King street east.

(Continued on Page 10.)

GORDON WILSON'S BILL GOT KNOCKED.

Board of Health Cannot Compel Council to Give It Whatever Money It May Want.

(Special Despatch to the Times.) Toronto, Ont., April 6.—The Act to amend the Public Health Act, introduced by G. C. Wilson, of South West-wood, was considered at some length. Mr. George Lynch-Staunton spoke for the bill, drawing attention to the proposed amendment whereby the Provincial Board of Health is to be allowed to act irrespective of the outbreak of any specific epidemic. At present the board has to wait till its assistance is asked for to wait till the epidemic has spread all over," said Mr. Staunton. The clause which would have compelled councils to vote such money as the Board of Health may deem necessary was withdrawn after considerable discussion.

"The question simply is, shall the Board of Health be in the same position as the trustee board of a school?" asked Chairman Hanna, who did not think the clause at all advisable.

"Well, hasn't the Board of Health the right to spend such money as it thinks necessary now?" asked Mr. Neely.

"No, only in epidemics," was Mr. Staunton's reply.

"I don't think we have any right to use such language to a council elected by the people," objected Mr. Neely.

"It simply gives the board a free hand; they need have no regard for expense, and the council has no discretion," was Mr. Hanna's summing up.

"Lost," was the cry, and the clause goes out.

Nuisances and the abatement of nuisances was the next consideration. It was proposed that any one not satisfied with the action of a Board of Health might appeal summarily to county judge, and the proposal was fought out to a vote and finally lost.

Mr. Lynch-Staunton explained that a Board of Health might hold that a slaughter house, for instance, was not a nuisance and the proposal was that any one suffering might in two or three days' notice appeal to the judge. "We just want the present proposal simplified," Mr. Lynch-Staunton explained.

"At present the only recourse is to a regular indictment, a waste of time and considerable expense; surely this is plain to all."

Mr. Hanna objected to the shortness of time for notification to the Board of Health, but Mr. Staunton replied that under the present system a man never got any notification at all, but was simply arrested.

"You want the County Judge to do (Continued on Page 10.)"

TWO FALL IN PISTOL DUEL.

Ohio Dry Leader Shoots Down Two Assaulters.

Fire From Behind Poles—One May Die.

Dentist Drops Two While He Escapes Unhurt!

Wellsville, O., April 6.—A tragic climax to the bitter struggle between the wet and dry forces of this place came to-day, when, in a duel, with the opponents using telegraph poles as barricades, two men were shot down and one of them probably fatally hurt.

The participants in the battle were Dr. Hamlin Barnes, a dentist and a leader of the dries, and William Zellars and Ben Davidson, who had been ducking on a houseboat on the Ohio River.

Zellars and Davidson were wounded by the dentist, who escaped without a scratch, and it is stated that Davidson may not recover.

Dr. Barnes, who is a member of the Good Citizens' League and a strong enemy of the liquor element, recently has been threatened with death, and in view of this menace has been permitted to carry a gun.

The shooting occurred late this afternoon on the Cincinnati and Pittsburgh Railroad tracks near the Ohio, and not far from the floating bootlegging establishment. Barnes who takes exercise by walking every Sunday, inadvertently straggled near the battilwick of his foes.

While passing he was accosted by Zellars and Davidson. The dentist, knowing the antipathy the men held for him, tried to get away and told them he wanted no trouble.

"Let me pass," he said, and stepping around them he walked rapidly down the track.

The men followed, jeering. Then they picked up stones from the track and hurled them at his revolver and the missiles, took refuge behind a telegraph pole. Then, it is alleged, Zellars drew a pistol and fired two shots. Neither shot took effect.

Barnes, the instant his enemy opened fire, whipped out his revolver and retaliated. His first shot hit Zellars in the hip and Zellars fell, dropping his weapon as he sank.

Davidson, seeing his companion down, grabbed the abandoned gun, himself leaped behind a telegraph pole, and let go with the gun as fast as he could load and pull the trigger. In the meantime Barnes' weapon had not been hit, two bullets having lodged themselves in the pole behind which Davidson stood.

Then Davidson in trying to get a better aim, leaped out from his place of refuge, and Zellars, who had been reloading, saw him and fired. Zellars was wounded in the neck. That ended the battle.

The dentist, seeing neither man stir after falling, believed he had killed them both. He hastened without further investigation to the City Hall, where he gave himself up to the police. Later he was released under \$1,000 bond.

The wounded men were taken to a hospital in East Liverpool,