

PITT CASE WAS SETTLED.

Mr. Pitt Gets Possession of the Child.

Protich Slander Case Settled Out of Court.

At the Spring Assizes yesterday afternoon the jury in the action of Bolton vs. Hamilton Street Railway had a merry time of it for nearly four hours. It brought in a verdict four times, and each time had to retire, as some of the findings were not correct. The final verdict was for \$450 and costs for the plaintiff. A. M. Lewis acted for the plaintiff, and S. F. Washington, K. C., for the defendant.

This was the case in which the driver of the late Miss Chown's rig was injured when the rig was struck by a street car on upper James street, last autumn.

The next action taken up was that of Hobbey v. the Grand Trunk Railway to recover \$10,000 damages for the death of Henry Hobbey. It was brought by the deceased's wife, Mrs. Mary Frances Hobbey, and children, H. H. Bicknell appeared for the plaintiff, and W. H. Biggar, K. C., and L. McCarthy, of Toronto, for the defendant. On Jan. 13 Henry Hobbey was run over by a freight train at the corner of Ferguson avenue and Cannon street. The plaintiff claimed that the defendants were negligent in that the company ought to have a watchman at this point to warn pedestrians, and that the engineer and fireman of the engine could have avoided the killing of Hobbey by reasonable care. The defence denied the allegations of the plaintiff. The addresses of both counsel were finished last evening, and his lordship charged the jury this morning at the opening of the court.

Guiseppie Greco was brought before the chief justice yesterday afternoon, and was arraigned. Through his lawyer, M. J. O'Reilly, K. C., he pleaded not guilty, and his lordship announced that the case would be taken up the first thing this morning. Leopold Scarrone was sworn in as interpreter for the trial. Justice Riddell had last one case before him at the non-jury sittings yesterday afternoon, but it lasted long enough—five hours. It was Sawyer-Massey vs. Mr. and Mrs. Wm. Hodgins, of Port Perry, and was brought by the plaintiff to recover the balance due under an agreement to purchase an engine and separator, amounting to about \$1,300. The defence claimed that the agreement was fraudulent, and that Mrs. Hodgins had not received independent advice. His lordship held that the plaintiff had acted fairly in the matter, and gave judgment for the full amount. Kirwan Martin for the plaintiff, and S. S. Sharpe, of L'Orignal, for the defendants.

At the non-jury sittings of the High Court this morning, Justice Riddell disposed of three orders in the order of action of Burns vs. the Toronto & Niagara Power Company for \$1,000 damages for trespass. His lordship advised the parties to get together and settle the case. In the meantime he will reserve judgment.

The action of Pitt vs. Pjopolas for the possession of a child was satisfactorily settled, after hearing the evidence of Mr. John Pitt. Pitt told of having signed a document for his wife, which she lay dying, which was to the effect that he gave up possession of the child to her sister, Mrs. Pjopolas, on her death. Pitt claimed that he was forced to do this by the doctor who attended the deceased, as he told him to sign the paper to keep his life quiet in the matter, and then brought the case to a close by having the plaintiff pay the costs of the defendant in the present action, and ordering that the defendant is to be no wise to interfere with the child at any time. The plaintiff is not to impede the good faith of his wife, Hugh Rose for the plaintiff, and George Lynch-Staunton, K. C., for the defendant.

The action of Stewart vs. Taylor has been laid over for the next sittings of the court. The action of Bradley vs. Sinclair over a stock transaction was on at the time of adjournment.

The slander suit of Lefkowitz vs. Protich has been settled. Mr. Louis Lefkowitz, 106 James street north, brought action against Mr. B. Protich on an account of statements made in an article in the Spectator of January last. Mr. Protich has written Mr. Lefkowitz, explaining that he said nothing, directly or indirectly, accusing the latter of doing anything in any way dishonest, and did not say he had been guilty of dishonesty in the United States. Mr. Protich maintains that he still believes the stories told about poverty among the foreigners in Hamilton was exaggerated, but believes that Mr. Lefkowitz was not aware of the fact.

SANFORD PICNIC.

The employees of the W. E. Sanford Co. held a meeting last evening in Mr. A. Meinke's shop, John street south, to complete arrangements for the picnic to Niagara Falls and Buffalo on Saturday, June 20, via the T. H. & B. Railway. The following committees were appointed: Hon. Chairman, Mr. Sweet; Chairman, Joseph Horn; Secretary, J. J. Ferguson; Treasurer, Alf. Palmer; Printing, H. Walsh, Geo. Cheyne, J. Jolley, H. Atwell, jun., and H. Dods. Games—A. Palmer, A. Meinke, W. Paset, J. Weber, H. Atwell and T. Curtis, jun.

Transportation—R. J. Ferguson, A. Palmer, J. Munz. Refreshments—J. Roderick, J. Mundel, D. Burrows, M. Mueller, H. Mueller, P. McCabe, A. Moss, R. McIntosh, H. Jackson, M. Hutton, J. Waring, W. Smyth, M. McQuady, A. Wild, H. Linnabone, G. Riach and G. Meier.

DEATH OF MR. GALLIVAN.

Mr. Jeremiah Gallivan, a highly respected resident of the east end, who had lived many years in Hamilton and made his home on Ontario avenue almost ever since the street was opened, died quite suddenly this morning. He had been suffering with heart trouble about a week. Mr. Gallivan was 75 years of age. The funeral will take place on Friday morning at 8.30, from his late home, 24 Ontario avenue, to St. Patrick's Church, thence to Holy Sepulchre Cemetery.

WHITNEY SICK.

Toronto, Ont., May 20.—Premier Whitney, who is confined to his residence with a bad attack of rheumatism, passed a bad night. He is unable to work, and unless there is a considerable improvement, he may not be able to take any active part in the present campaign.

GAITY FIRE.

Empire Day—Registration Court—Sutherland Campaign.

St. Catharines, Ont., May 20.—A roll of film in the Gaiety Moving Picture Theatre on Ontario street caught fire about 5 o'clock yesterday afternoon, and burned very rapidly. The operating room being fireproof, the fire was easily controlled. No panic ensued, as few, if any, of the people in the building at the time knew that a fire was in progress.

The city public schools will observe Empire Day with a celebration at the Armories, when, assisted by prominent local vocalists, patriotic songs will be sung, and Mayor Campbell will deliver an address. The daughters of the Empire will present each class with a historic picture to be hung up in the school room.

The Registration Court has been in session the past two days, and nearly seven hundred manhood suffrage voters have been enrolled. The court sits again on Saturday. It is expected that in all about 1,000 names will thus be added to the list.

ARRESTED ON OLD WARRANT.

Toll Gate Assault Case of 13 Years Ago.

Auto Driver Fined \$10 For Over Speeding.

Eddie Binke Arrested on Charge of Theft.

There is a chance that the Barton murderer will be caught yet if a certain three men on the police force at present are put to work on the case. The three men are Constables Campaign, Lentz and Bettles, and the trick they turned last night was a "beaut." They arrested a man who has been a fugitive from justice for thirteen years on a charge of aggravated assault. April 16, 1890, a warrant was issued for Oliver Smith and the charge contained in it was that the day before Smith did unlawfully assault one Joseph McGrath, and do him actual bodily injury. Smith left town. He was living with his parents at the time and even they were left in ignorance of his whereabouts. He arrived home a few days ago, a physical wreck, and went to live at Crown Point. The police got wise, in some way, and the three constables mentioned went after him and arrested him without any trouble. This morning he was remanded till Friday at the request of S. D. Biggar, K. C., and bail was fixed in the sum of \$200. The assault is said to have been a very brutal affair. The story told by the police is that Smith was driving through a toll gate west of the city, kept by the complainant, Joseph McGrath, and he refused to pay toll. Hot words followed, and Smith drove through and then went back to have it out. In the trouble which followed McGrath had part of his ear bitten off. The police think they can lay their hands on McGrath in time for the trial on Friday, and it is expected that an interesting case will be the result.

"He was driving down James street yesterday morning at the rate of at least 30 miles an hour," said Constable Joe Duncan, when Jack Wilson, of Goering's garage, pleaded not guilty to a charge of over speeding a machine he was driving. George Cairns, motorman on the street railway, and Dan Allen both swore that the driver was exceeding the speed limit. The defence was that there were no people in the vicinity and no damage was done. The Magistrate imposed the nominal fine of \$10, but said that the next man would be fined the limit.

Detectives Campbell and Coulter and Acting Detective Two, arrested Eddie Burke, 73 John street north, at his home last night on a charge of stealing \$45 from Louis Hare on Monday night. A remand until to-morrow was granted in the case and no bail was fixed. Hare claims, the police say, that he, Burke and another man, were drinking together on Monday night and that, he was relieved of his wad.

William Martin's wife did not want to press the charge of non-support against her husband this morning and as hubby promised to do better in future, he was allowed to go home. William Broughton, Little Falls, wishes he had stayed at home instead of trying to ride the bumpers on the T. H. & B. He was caught by Detective Macdonald, of the company, and this morning was fined \$5 and \$3 costs, or 21 days in jail.

Malcolm Macdonald, an old and decrepit actor, who has been a character here and there for years, was fined \$2 this morning for being drunk. He claims to have been on the stage with some of the greatest actors of fifty years ago.

Susan Moore and Sidney Williams were each fined \$2 for being drunk.

YOUNG BURGLARS.

Two Brothers Who are Heading For the Penitentiary.

(Special Despatch to the Times.)

Ottawa, May 20.—Two brothers here, aged seven and ten, have broken into the summer home of Mr. Justice Latchford, near here, and helped themselves to cigars. They also burglarized four other cottages there, taking playing cards, a Teddy bear and other things. The ten-year-old "Jesse James" smokes, and sampled several of the choice Havana. After setting their fast pace, the boys insulted a Miss Hartin, of Bell's Corners, by tapping her horse with a stick and throwing stones at her, set fire to some railroad ties, and played truant for several days. The stolen stuff was found at their father's home. Both boys are arrested, but in view of their ages County Chief Hamilton hardly knows yet what to do with them.

HAS ACCEPTED CALL TO KNOX.

Rev. A. E. Mitchell Will be Inducted on 28th.

He Left It to the Ottawa Presbytery

After Laying His Views Before the Meeting.

(Special Despatch to the Times.)

Ottawa, May 20.—Rev. A. E. Mitchell, for the past seven years pastor of Erskine Presbyterian Church, has formally accepted the call extended by Knox Presbyterian Church, Hamilton, and will preach there on Sunday, the 31st inst. Next Sunday will be his last at Ottawa. The call was sustained at a special meeting of the Ottawa Presbytery, held at Knox Church here yesterday afternoon, at which Rev. J. W. H. Milne presided. Rev. Dr. Fletcher, for the Hamilton Presbytery; Mr. J. G. Gibson, for the session of Knox Church, and Mr. A. D. Dines, for the congregation, appeared as a deputation from Hamilton.

Messrs. J. T. Pattison and T. Bowman, for the session; and D. M. Chambers, J. B. Manson, G. McKeggy and Rev. Mr. White, for the congregation, appeared, representing Erskine Church, and very strongly opposed the call.

Mr. Mitchell is now paid \$1,700, and has a manse free of rent. In Hamilton he will get \$2,500 a year, but it is understood this does not include a residence. He will also be allowed six weeks' holidays annually.

Rev. Dr. Fletcher was the first one heard, and told previous steps taken. The Hamilton pupil had been vacant since January last, and when the congregation had heard Rev. Mr. Mitchell they were a unit in the opinion that he was the man for Hamilton. The speaker told something relative to the history of Knox Church, Hamilton.

Mr. Gibson touched on the fact of there being 1,100 people attending Knox Church, and that no matter how well the Board of Management or the elders did, what was needed was an energetic pastor. It was not for them to discuss the advisability or inadvisability of making a call from another Presbytery. They had to follow the rules laid down by the General Assembly. They were not going to promise Mr. Mitchell any "snaps" in Hamilton, but said the congregation would be loyal to him.

Mr. Alex. Dines followed in much the same strain, and dwelt on the fact that the call had been unanimous. The delegation from Erskine Church strongly opposed the call. Mr. Pattison, who was first heard, said, "This call to our pastor came to us like a bolt from the blue. It seems there is a growing need for men of Mr. Mitchell's calibre in Hamilton." The speaker then told what had been done: the advances in membership; how Erskine Sunday school was progressing, and emphasizing Mr. Mitchell's energetic manner of working, said, "Let me say to the brethren of Hamilton that if they do succeed in their request they had better get busy and build a tabernacle like the one Rev. C. H. Spurgeon preached in that held 9,000."

Mr. Bowman considered there was an element of the selfish in the Hamilton congregation extending the call. Mr. Mitchell had at Erskine built up a strong Sunday school. "Those young converts need feeding," said Mr. Bowman, and the man that is feeding them now can do so better than anyone else."

Mr. Mansoll dwelt on the good feeling between pastor and members. He said they could not claim the wealth of the Hamilton congregation had, but made up for it in loyalty to their pastor. Mr. McKeggy and Rev. Mr. White also spoke much on the same lines.

Rev. Mr. Mitchell recalled part of the church history, showing that since he came here a new church Sunday school and manse had been built; that the church property, including land, was worth \$50,000, and that half of this was paid; that the revenue annually was now enough to meet current expenses, interest on the mortgage, and pay off \$200 a year. "Those young converts tended to draw him to Hamilton and others that would point towards staying here. Since coming here he had worked hard, that at times the pace has been almost more than he could keep up with. From this he argued whether it would not be wiser to drop out and let someone else take up the burden. He also pointed out that the situation had appealed to him in three ways. He could remain here possibly as pastor of Erskine for the rest of his life, but in such event would the congregation not expect the progress that had been going on to continue as rapidly as ever. He could stay on for two or three years. Or he could accept the Hamilton call. He also dwelt on the fact that several of his relatives and those of Mrs. Mitchell live in or near Hamilton; that proximity to Toronto University would afford better advantages for a member of his family, and so on. He left it with the Presbytery to decide whether he should go or stay.

On motion of Rev. Dr. Armstrong, seconded by Rev. Dr. Ramsay, the call was sustained. The mover and seconder and Revs. Melroy, Milne, Anderson and others testified to Mr. Mitchell's worth and the exceeding regret they felt at his leaving the city.

It was arranged that the induction should take place at Hamilton on Friday, May 28. Rev. Dr. Fletcher will preside; Rev. Thos. McLachlan, of St. James' Church, will preach; Rev. S. H. Gray, of Dundas, will address the congregation, and Rev. John Young, of St. John Church, will address the minister.

MYSTERIOUS JAP.

Los Angeles, Cal., May 20.—Immigration officials were notified last night of the arrival of a mysterious Japanese steamer at Gaviota in Santa Barbara County. The vessel carries a large crew. When the captain attempted to land his men the authorities at the small seaport prevented it.

CAPTAIN DEAD.

Port Dalhousie, Ont., May 20.—Captain R. McGrath, born in Port Dalhousie 77 years ago, an old lake captain in the sixties, also an old lake hotel keeper and two years ago appointed light-house keeper, died this morning.

Miss Withers (showing photograph of herself)—"I'm afraid it's rather faded. Things (inexperienced) aged 19. Yes, but it's just like you.—Brooklyn Citizen.

Summer opening days this week

The Right House

"HAMILTON'S FAVORITE SHOPPING PLACE"

Summer opening days this week



Summer Opening: Beautiful new hats Flower-laden, lace trimmed beauties

What \$5.50, \$6.50, \$7.50, \$8.50 and \$10.00 will buy

As fresh as a June flower garden, the summer millinery will go out on parade in the morning. The hundreds of beautiful flower trimmed, lace trimmed and be-ribboned beauties form a brilliant style exhibition that every woman will want to see and study—fresh, new and radiant creations ready for the holiday wear. Every hat developed by our own artists after Paris inspiration—and so lovely and clever that they could meet with complacency a face to face contest with hats at double their price elsewhere. Come and see the remarkable exhibition of \$5.50 to \$10 hats.

Beautiful summer hats at \$7.50

BEAUTIES, every one. Hats equal to those shown elsewhere at \$10 to \$12.50. They were specially trimmed and will go on display to-morrow. Leghorn, lace and lingerie styles in becoming new shapes that are at once distinctive, pretty and elegant for summer wear. Lace and ribbon and flower trimmings. No two alike in their style treatment. Right House price \$7.50.

Children's summer hats in many pretty styles

Simply trimmed broad-brim Straws for play wear, pretty flower and ribbon trimmed Flops up to the dainty lace, ribbon and embroidery creations. A wide assortment, of summer styles, is ready, 50c to \$5.00 each.

Untrimmed Leghorns—Half price

LEGHORNS are the popular summer Hats—This splendid special purchase comes just in time for women to secure one with some of the special sale roses—a few deft stitches, and presto! There you are, a stunning dress creation at only a third to a half of real value. And just at the commencement of needtime. Natural Leghorns in the new high crown styles, \$1, \$2 and \$2.50 each. Value \$2, \$4 and \$5.

French roses, to trim them with, reduced

A fresh new lot of beautiful, rich, full French Roses have arrived and will go on sale to-morrow at half their real value. They were specially purchased; 2, 3 and 6 to the bunch—and, 30c a bunch, instead of 75c.

Very smart, cool, new wash suits for women and girls

A WONDERFUL showing—Infinite variety of charmingly beautiful suits and dresses for the little miss, the young woman or the grown-up. Smartly tailored styles or dainty lingerie creations with elaborate lace trimmings. Mulls, Persian Lawns, Muslins, etc. All white, white with colors and pinks, sky and champagne shades; lace trimmed, embroidery trimmed and tucked beauties.

Women's wash dresses and suits \$2.50, \$3.50, \$4.50, \$5.00, \$6.50, \$7.00 to \$35.00

Children's wash dresses and suits \$1.00, \$1.25, \$1.50, \$1.75, \$2.00, \$2.50 to \$ 9.00

Women's jumper suits at \$6.50 each

Linen Jumper Suits, in green, navy, brown, sky, trimmed with narrow piping of white or lighter tones of self. Side pleated skirts with fold trimming at bottom. Very special at \$6.50.

Women's Prince Chaps suits at \$9.00

Nobby Striped Prince Chaps Suits, made of fine cotton poplins; tailored coats, trimmed with plain shades; 9-gored tailored skirt, bias fold trimmed.

Children's suits are ready

If anybody ought to be as fresh as the flowers in the spring sunshine, the children ought. Dainty, fresh, new Wash Dresses are ready here. French two-piece, Sailor and one-piece styles, in fine white lawns and organdies, \$1.25 to \$4.50.

Percale and lawn dresses \$2.00

Also neat Checked Gingham and Polka Dot Prints, one-piece and French styles, embroidery and strap trimmings, \$2.00.

Thomas C. Watkins

A great quality and value store

Thomas C. Watkins

WITNESS SAW GRECO WITH KNIFE IN HAND.

(Continued from page 1.)

hand, and yelling "Don't come out here or I will kill you."

"What did you see of Rieszio?"

"I saw Rieszio holding his left side." Witness said that he was followed out of the house by Bruno Greco, who had a big stick in his hand, and told witness to keep quiet or there would be trouble. Bruno, the witness said, struck another Italian named Leonardo with the stick. Witness took Rieszio into one of the shanties.

"Why did you not go back into the same shanty with Rieszio?" "Because I was afraid something would happen, as Bruno had a stick in his hand and Giuseppe had the knife, and both stood in the doorway."

"What did you do with the wound?"

"I made some bandages of handkerchiefs."

"What became of Giuseppe Greco?"

"I left him in the shanty yard and did not see him any more."

"What did you do with Rieszio?"

"He was taken to Dundas."

"What kind of a road was it from the quarry to Dundas?"

"It was a good road. It was cold and snowing on the way down to Dundas."

"What did you do when you arrived in Dundas?"

"I went for a policeman."

"What did you do with Rieszio?"

"He was taken to the City Hospital in Hamilton."

"Who was with you when you brought Rieszio to Hamilton?"

"Four Italians and three Englishmen."

"Was there any other way by which they could have brought him from the shanty to Hamilton?"

"I did not speak English and could not get assistance."

"What time did you reach the Hospital?"

"About midnight."

"What time did the stabbing occur?"

"About a quarter to eight."

The cross-examination by Mr. O'Reilly then began, and he asked how long the witness had known Rieszio. Witness said about five years.

Witness said that all the Italians in the shanty, with the exception of the Greco brothers, came from the same place.

The court adjourned with the hearing of some of the questions put to the witness at the Police Court.

Kirkpatrick Discharged.

William Kirkpatrick, the lad charged with the death of John J. Cummings, at the McPherson Shoe Factory, on January 16th last, is free, the Grand Jury returning "no bill." The decision of the jury came as no surprise to the Crown officials, as the remarks of Chief Justice Mulock left the impression that there was no intent on the part of Kirkpatrick, and that the death of Cummings was due more to accident than anything else.

Mr. George S. Kerr, K. C., counsel for Kirkpatrick, expressed his satisfaction at the result.

Governor Ogilvie's son, James Ogilvie, of Publow & Ogilvie, went to the jail in company with Kirkpatrick's father this morning and handed over the order for the release of the boy. Young

The Daily Fashion Hint.



Collars and jabots of sheer linen, which are easily copied. The jabot of back is a new conceit.

Kirkpatrick was overjoyed and had smiles for all. He and his father had a pathetic meeting. The two proceeded home.

CANADIAN SUICIDES.

New York, May 20.—A man who registered at the Hotel Manhattan as Wm. Marling, of Canada, committed suicide to-day by jumping from a window of the hotel. The body was later identified as that of Percy G. Marling, 35 years old, of Montreal. He had been at the hotel since Sunday last. It is believed that financial troubles caused him to end his life.

One Million Dollars

Would be no good without health. No health is possible if indigestion and constipation is in evidence. Laxa-Food will give relief from these and kindred troubles without medicines. Leading grocers and druggists, or A. W. Maguire & Co.

Much would have more and lost all. German.

CAR DERAILED.

Woman Hurt on 5 Cent Excursion to St. Catharines.

(Special Despatch to the Times.)

St. Catharines, May 20.—One of the large open trolleys on the N.C. & T. R., conveying people from Welland and other points to St. Catharines on the McLaren & Co. 5 cent excursion to St. Catharines, was derailed near Thorold this morning.

A broken flange caused the car to leave the track on a steep embankment, but although there were one hundred passengers aboard, Mrs. J. Gaiser, of Welland, was the only one who sustained any injuries, and hers were very slight. Over 500 excursionists came through from Welland and intermediate points to spend the day in the city.

Narrow is the way which leadeth to life.—Bible.

BRANTFORD NEWS.

(Continued from page 1.)

Mr. T. H. Preston. He was very optimistic of the prospects of the party in the ensuing elections, and left for Paris in the evening where he delivered a stirring address in the interests of the Liberal candidate in North Brant, Mr. Geo. L. Telfer.

Notes. Rev. G. A. Jackson, of Sherbourne Street Methodist Church, preached a fine sermon last night to an open meeting of the annual Brantford District conference.

A fancy dress carnival at the Roller Rink last night proved a most successful affair, and the costumes were very unique. There were over 150 entries.

\$5000 was raised yesterday \$5 for assault and \$1 for abusive language on Geo. Williams, of Fanfield Plains. He pleaded guilty and no evidence was taken.

Information has been laid against Constable Carlisle, of the Indian Reserve, that he supplied liquor to Indians. The case will be heard on Friday before Squires Ham and Hunter. The case is believed to be the result of spite work against the constable.

Mr. W. G. Raymond is to deliver a lecture on "Wolves," to the pupils of Alexandra School, on Empire Day.

A resident of the reserve named Johnson, who was recently fined \$50 and costs by Squire Howell, has appealed his case. He was convicted of supplying liquor to some Indians, the result of which was a stabbing affray.

SHOT HIS FATHER.

George Sterry Determined to Prevent the Old Man's Marriage.

New York, May 19.—Because he was about to be married again, George Sterry, 72 years old, was shot and killed to-day by his son, George Sterry, jun. The younger man committed suicide. The father was a member of the large wholesale drug firm of Weaver & Sterry, with a place of business at 106 Pearl street. He was engaged to be married to a young school teacher of Brooklyn, and his engagement had caused serious family quarrels.

ON HIS WEDDING DAY.

Young Physician Cuts His Throat—Bride His Niece.

New York, May 19.—While his fiancée was waiting for him to take her to Providence, R. I., where they had planned to be married to-day, Dr. Jacob Haas, a young physician, cut his throat and his wrists in an effort to end his life. He was taken to a hospital. Haas had written a note in which he said he was without means and in poor health, and that death was the only solution of the problem which confronted him. The girl to whom he is engaged to be married is his niece.

One of the oldest of Toronto's business men passed away shortly before midnight on Monday at his residence on Wheeler avenue, at Kew Beach, in the person of James Bain, sen., father of Dr. James Bain, jun., chief librarian of the Public Library.