### WOULD NOT TRY THE CASE

Justice Teetzel Leaves the Proctor Suit For Justice McMahon,

Who Will Also Hear That of Biggar vs. McBrayne.

Non-Jury Sittings Opened With a Long List of Cases.

The spring non-jury sittings of the High Court opened here this morning, Mr. Justice Teetzel presiding. When the court opened Mr. Geo. Lynch Staunton moved for leave to set up a counter claim in the action arising out of the caveat filed against one of the wills of caveat filed against one of the wills of the late John Proctor, who left an estate valued at several hundred thousand dollars. He stated that the deceased had received the property of his first wife. Other counsel in the case were: S. F. Washington, Martin & Martin; E. D. Cahill; A. C. Beasley; F. W. Harcourt, and J. W. Nesbitt. A warm passage of words took place between Mr. Staunton and Mr. Washington, His Lordship stated that he had decided not to try the gase, knowing the deceased, and in view of questions which would probably arise. He also said he would not try the partnersup action of Biggar vs. McBrayne. He had arranged with Mr. Justice McMahon to come here as soon as he is through with the St. Catharines Court and try these two actions. He expected that His Honor would be able to get here on Thursday or Friday.

J. W. Nesbitt submitted that Proctor disposed of this property, which was

disposed of this property, which was trust property, and therefore had no legal right to will it to the children of

be sailed under the stars and stripes and which was "t in the United States was launched on Saturday at the Ecorse yards of the Great Lakes Ingineering Works, Detroit, under ideal weather conditions. The Stadacona, as the boat is called, is owned by the Inland Navigation Company and is the largest of their "eet which comprises eleven boats. The Stadacona is 500 feet in length, has a fifty-six foot beam and capacity of 9,500 gross tons and will carry iron ore and grain when east bound and coal when west bound. Not only is she the largest of the Inland Navigation Co. fleet but is the largest Canadian owned steamer on the lakes. Mr. A. B. MacKay explained at a luncheon at the Detroit Club after the launching that the reason the boat was not built in Canada was because the Canadians did not have the facilities to build a boat of the size of the Stadacona as quickly as the American companies. The Hamilton party who were present at the launching were: Mrs. R. O. MacKay. John Milne, J. P. Steadman, A. Hope, A. W. Peene, J. F. Kavanagh, W. G. Walton and daughter, George Spence and F. A. Magee.

Chief Armstrong, of Port Arthur, and Borland, of Woodstock, are demanding too high a salary for the ob of chief of Kingston fire brigade.

### TEA TABLE GOSSIP.

-Mrs. Abbott, wife of Rev. Canon Abbott, rector of Christ Church Cathedral, is seriously ill.

-In the Public Schools junior drill competition the Caroline Street School won. West Avenue School came second.

-Mr. Russell Treleaven will give a recital of "Enoch Arden" at the league meeting in First Methodist Church tonight.

-Mrs. Jonathes Geforth

night.

—Mrs. Jonathan Goforth, a returned missionary from Honan, China, will give an address to-morrow evening in St. Giles' Church.

—Grace Morton. 32 Augusta street, was arrested by Detective Sayers this morning, and lodged in the police cells on a charge of theft.

—The friends of Miss Olive Wilson will be pleased to hear that she has passed her musical theory examination with first class honofs.

—Mr. J. Moffat, of this city will ad-

-Mr. J. Moffat, of this city, will address a meeting of the laymen in Welland on Wednesday on the progress of the movement in this city.

—The piano, organ and music dealers of this city will close their stores every Wednesday at 12 o'clock during the months of June, July and August.

—During re-construction of tracks all Barton street cars will run east on Wil-son street to Sanford avenue, then over on Barton street to end of trip. Cars re-turn by way of Barton street.

Barton street cass will run east on Wilson street to Sanford avenue, then over an Barton street to Sanford avenue, then over the Sanford San

J. W. Nashi mutited that preduced the services of Mr. Same and the property which are also that the services of the property which are also that the services of the property which are also that the services of the property which are also that the services of the service

### Interesting to Beach People.

The splendid patronage we are already receiving from Beach residents proves beyond the shadow of a doubt the immense popularity of the splendid service we have given in previous years. With the success and knowledge gained in former years we apply ourselves to this season's trade with a vigor and determination to eclipse our best previous effort.—Peebles, Hobson Co., Limited.

### AIRSHIP DOWN.

Stuttgart, May 31.—Zeppelin II., with the count and his two engineers, and a crew of seven men on board, came down in a meadow near Unter Tuerkheim, this morning. The landing was most successful. The airship came down lightly, but immediately rose again and continued its journey toward Friedrichafen. It passed Ensingen at 9.25, and Kirokeim, below Teck, at 10.15 a. m.

### LAUNCH ACCIDENT COST TWO LIVES.

(Continued from Page 1.)

see that they had disappeared. For a moment the significance of their disappearance did not appear to him, but in a flash he saw that they must have fallen overboard. Turning the boat around hastily he returned as nearly as possible in the boat's wake. Looking ahead he saw the body of one of the young men about a hundred yards away, rise to the surface. He did not know which it was, but, steering the boat in that direction, he stepped down to turn off the engine so that the launch would stop when it came near the swimmer. After stopping the flow of gasoline he stood up, but the body had disappeared, and did not come to the surface again. McEwen then tried to start the engine, but as he was unacquainted with its workings, his attempt was fruitless, and for over an hour the boat, with its single unhappy occupant, lay stranded in the middle of the bay. He finally succeeded in attracting the notice of Richard Wilson, who was out for a sail in his gasoline launch, and who went to his assistance, and after some difficulty the boat was towed back to the Beach. County Constable William Hazell was notified, and a fruitless attempt was made to recover the bodies. David McEwen then returned to Hamilton, and to him fell the task of breaking the sad news to the bereaved families.

Harry McEwen was 29 years of age, and for a number of years boarded with Mr. William Ford, 476 York street, manager of the Simcoc canning factory, whose wife is a sister of the deceased.

### STATUE OF LINCOLN.

Hodgenville, Ky., May 31.—In this quaint little town to-day there was unveiled a statue of Abraham Lincoln, veiled a statue of Abraham Lincoln, three miles away from the farm on which the emancipator was born. Mrs. Ben Hardin Helm, of Louisville, a close relative of Mrs. Lincoln, pulled the cord that released the drapery and showed the martyred President sitting in a chair, his face bearing the old kindly expression familiar to the people of the entire world.

amilton are now occupying their we premises at the corner of ing and MacNab streets, where a meral banking business will be

insacted.

The ladies' room in connection
th this branch has been equipd with all modern requirements
d accounts of ladies and children
ll be given special attention.

Branchea in Hamilton:

MAIN OFFICE-Corner King and MacNab Sts. EAST END BRANCH— Corner King and Wentworth Streets.

W. K. PEARCE, Manager

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

### DEATHS

PETRSON—At the City Hospital on Monday, Jist May, 1909, Albert G., son of George Peirson, of Brampton, Out., aged 24 years. Funeral service at the residence of Robert G. Wilson, 208 Hughson street north, this Monday evening, at 7.30 o'clock. Interment at Brampton, Out.

### O.J.C. ENTRIES.

Horses Named For Woodbine Races To-morrow.

Woodbine, May 30.—(Special). There are seven races on the card here again o-morrow, the feature being the Stanley Barracks Cup for 4-year-olds and up and 2 1-2 miles. This is the longest race of the meeting on the flat. Following are the entries:

First race, Dufferin purse, 3-year-olds and up, selling, one mile (10):

Aralia	95
Morroco	
Cannie Maid	104
Greondale	114
Woolstone	
Silverin	
Colonel Zeb	
Restoration	
Lyndhurst	
Petulant	
Second race, Rutland purse, year-old fillies, five furlongs	maio
Miss Benton	
Lady Etna	107

Lady Etna 107
Lady Sybil 112
Chilton Queen 112
Ethel Etta 112
Magdalen 112
Winterday 107
Woolfonso 112
Vild Fire 112
- ront Row 112
Sorel 112
Miss Raffaello 112
Third race, Ontario purse, maiden, year-olds and up, 1 1-16 miles (3)
Desert Star 98

 Desert Star
 98

 Fort Garry
 108

 French Shore
 100

Fourth race, Stanley Barracks Cup, 4-year-olds and ap, about two and a half

Moneymaker	140
Elmhurst	150
*Bobbie Kean	157
Prince Hampton	165
Fin Maccool	145
*Vilhalla	135
Tourney	157
*Smithson entry.	

Fifth race, Fashion Plate, 3-year-old fillies, seven furlongs-
 Search Light
 107

 Ballet Girl
 112

 Many Colors
 112

 Chilla
 117

Sixth race, Glasgow Purse, selling, 3 year-olds and up, one mile and seventy

Crawford .... x88

Woolwinder	102
Descommets	x95
Varieties	x102
Cunning	105
John Garner	
Confessor	110
King of Mist	112
Lasalle	x90
Toll Box	93
Desperado	99
Flarney	102
Restoration	107
Carthage	
Debar	112
Seventh race, Dufferin Purse,	divi

3-year-olds and up, one mile-

 
 Zagg
 111

 Holscher
 x112

 Nasturia
 95

 Sensible
 101

 Protegogiet
 101
 

## FLAG INCIDENT

Marred the Solemnity of the Decoration Day Services.

There was a flag incident in Hamilton resterday. W. W. Cooke Post, Grand Army of the Republic, had the U. S. flag out at Green's hall in honor of flag out at Green's hall in nonor of Decoration day, when a policeman came along and wanted to know when it meant, and why the British flag was not out. It was soon noised around that the policeman had ordered the removal of the flag, and there was some feeling about it. However, the police say the officer did not order it in, and this is confirmed by the commander of the post, who says he simply asked about it.

### LITTLE GIRL'S FALL.

While gathering wild flowers on the mountain side near the head of Wentworth street yesterday afternoon, Violet Dryden, 294 King street west, fell a distance of nearly twenty feet, and was rather seriously injured. She was taken to the City Hospital in a semi-conscious condition. She was much better this morning, and the authorities say will not suffer any permanent injury.

# Women, Attention!

man can.

Many men who cannot save anything themselves,
wisely make their wives the family treasurer, and upon them devolves the responsibility of putting by something for the inevitable rainy day.

The Traders Bank welcomes the accounts of women, and its officials and clerks are always ready to give them any advice or assistance they may require. Every woman, whether married or single, should have a sav-

A few dollars will start an account. When you are down town call at our Bank and start an account. Open

THE TRADERS BANK

21 and 23 King Street West

# KOOL KITCHEN KOMFORT

Should be studied just now by every housewife in Hamilton. The hot weather is right here. Why keep along in the old rut of drudgery when a clean convenient Artificial Gas Range will lighten your work to an astonishing degree? Drop in to-morrow and talk it over.

HAMILTON CAS LIGHT COMPANY PARK STREET NORTH

### NOTICE TO PUBLIC

Commencing Tuesday, June 1 1909, and commencing Tuesday, June 1 1909, and construction work of the construction was a superscript of the construction of the construct

PATENT NOTICE

canada patent, No. 106,706, dated June 11th, 7, granted to Marrin Elgas, of Los Angeles, U. S. A., for PANTALOONS PROTECTOR The above invention is for sale, or use, and I am prepared to manufacture and furnish the article at a reasonable cost. JOHN H. HENDRY, Hamilton, Canada.

### THE WEATHER.

FORECASTS - Moderate easterly winds, fine and warm. Tuesday moderate to fresh east to south winds, a few scattered showers or thunderstorms, but mostly fine and warm. The following is isued by the Department of Marine and Fisheries:

Temperature.

8 a.m. Min. Weather.

 
 8 a.m. Min.

 Victoria
 66
 52

 Calgary
 72
 48

 Winnipeg
 72
 54

 Port Arthur
 64
 50

 Parry Sound
 74
 44

 Toronto
 72
 52

 Ottawa
 70
 44

 Montreal
 68
 56

 Quebec
 70
 46

 Father Point
 62
 48

 WEATHURD NOTES
 Cloudy Fair Clear Fair Fair Fair Clear Cloudy Cloudy Cloudy

WEATHER NOTES.

WEATHER NOTES.

The western depression continues to hover over the Missouri valley and pressure has also remained low in the Maritime Provinces since Saturday. Heavy rains have fallen in Saskatchewan and Alberta attended by numerous thunderstorms and showers have been more or less general in the Maritime Provinces.

Washington, May 31.—
Eastern States and Northern New York—Increasing cloudiness; showers to-day or Tuesday; light to moderate variable winds.

Western New York—Showers conight or Tuesday.

Lakes Erie and Ontario—Moderate variable winds, mostly easterly and southeasterly showers to-night or Tuesday.

The following is the temperature registered at Parke & Parke's drug store:

9 a. m., 68; 1 a. m., 75; 1 p. m.

9 a. m., 68; 1 a. m., 75; 1 p. m., 78; lowest in 24 hours, 52; highest in 24 hours, 78.

### CANADIAN CRUISER

The Most Powerful Vessel on the Upper Lakes.

(Special Despatch to the Times.) Montreal, Que., May 31.—The fisheries Montreal, Que., May 31.—The fisheries protection cruiser built at Newcastle-on-Tyne for the Canadan Government arrived in Montreal harbor this morning, and was inspected on behalf of the Marine Department by Hon. L. P. Brodeur and accepted. The Simcoe was specially built for the Government, and is the most powerful vessel, either American or Canadian, on the upper lakes, and is especially adapted to carry heavy guns. She can be converted into a cruiser, and will be stationed at present in Georgian Bay. It is said her heavy guns are already shipped to a lake port for her. STEAMSHIP ARRIVALS.

tou.

Irg.nia—At New York from Naples.

eltic—At New York, from Liverpool,
oordam—At Rotterdam, from New York.
mpress of Britain—At Liverpool, from Que

Keenis GLI4—At St. Michael's, from New York.

-York.

a m. 20 second cabin, 20t steerage passengers.

Steemer Lake Michigan, C. P. R. Line, from Antwerp, inward 8.35 a.m.,

Its Fruity Flavor.

"Old boy, that oration of yours was a peach."

"It wasn't so bad. I had—er—pruned it down till it was 'ust about the right size.

"len't there some talk that Gringo is going to mater the infinistry?"

to make the property of th

10

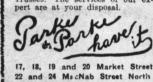
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BERMINGHAM'S OPEN ALL HOURS AMUSEMENTS.

### BENNETT'S

ALICE LLOYD

THE McNAUGHTONS

No advance in prices: Seats now on cone 2028. Reduced rates on all class arriving in Hamilton about 8 p. m

# MAPLE LEAF PARK

Big Free Show This Week
MARTELL FAMILY, direct from New York
Hippodrome, in sensational cycling set.
THREE NORHANS
World's Greatest Trapece Artists. World's Greatest Trapeze Artists.

Grand Hip odrome Performano
This big show given free in front o
stand afternoon and evening.

Massed band concert on Tuesday.

AQUATIC CARNIVAL FRIDAY EVENIE

FIREWORKS FOUR PALACE STEAMERS.
THREE REGIMENTAL BANDS.
uner Modjeeks, XIII Band.
uner Macassa, 77th Band.
uner Turbinia, XIII. Band.
uner Turbinia, XIII. Band.
uner Ivan R. fireworks bost.
te leave 8.15. Tickets 25 cents.



LEAVE HAMILTON, 8:30 a. m.
LEAVE TORONTO, 5:30 p. m.
RETURN FARE 75c; SINGLE FARE 50c
10 TRIP BOOK TICKET \$3.50
Macassa and Modjeska tickets are good on
Iurbinia and vice versa.

MACASSA AND MODJESKA Hamilton and Toronto

Good for Families or Friends. Single 50c Return 75c Turbinia tickets good for passage on Steamers Macassa and Modjeska.

OAKLANDS
This beautiful pleasure spot will be opened for excursions early this season. For particulars are the properties of the HAMILTON FERRY COMPANY WOODMAN BROS., Props.
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Price's Flavoring Extracts Just received a fresh shipment of these celebrated Extracts: Vanilla ...... 40c Fruit Coloring ... ... 30c

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## Holiday Hats for \$1.50



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W E have a young lady going from house to house talking up

Social Soap a pure, hard soap. Give her an order on your grocer for 25c worth and try it. It is good soap.



Lawn Mowers

Get yours sharpened early and avoid E. TAYLOR'S

hone 2541. II MacNab Me