

TOOK POISON AND DIED.

Sad End of Brantford Dentist and Real Estate Agent.

Hamilton Firm May Sue Some Brantford Merchants.

Hamilton Teacher Gets Position in Brantford Collegiate.

(Special Despatch to the Times.)

Brantford, Jan. 9.—Death under very peculiar circumstances came to Dr. W. F. Templar, a prominent dentist and real estate holder, here late yesterday afternoon, and the symptoms of the case point strongly, according to the authorities, to poisoning. Shortly after three o'clock he walked from his office, above the Canadian Express Company building, across the road to his residence. He staggered into the house, exclaiming: "I have taken a seedletz powder." He collapsed on a sofa and immediately went into convulsions. Four doctors were hastily summoned, but the deceased was beyond human aid. He expired in a few minutes.

Coroner Ashton was notified and was present before death came to the patient. According to the coroner, the symptoms were strychnine poisoning. A search was at once made of the dentist's office, where the door was found locked. The door was broken in and the empty papers of the powder were found. They were of the usual seedletz powder description.

There are said to be other circumstances surrounding the death, making the case a most perplexing one. Coroner Ashton refused to call the death a suicide, and is continuing the investigation. An inquest has not been decided upon. An autopsy will likely be held. The medical authorities state that a seedletz powder would not produce convulsions, such as had been evident. The case caused a deep sensation here yesterday, and has aroused considerable interest. The deceased was very widely known, and was in his 37th year. He married Miss Westbrook, of Langford, a few years ago, and had just recently taken occupation of a very palatial new residence on Dalhousie street, next to the postoffice. He was the holder of large real estate interests, and had recently been unloading all he could.

Coroner E. C. Ashton announced this morning that no inquest would be held in the death of Dr. W. F. Templar here yesterday. After the consultation with the four doctors who attended the deceased, there was found nothing of an incriminating character in the slightest way.

SOME TROUBLE. Local merchants here are up in the air over threatened litigation with a Hamilton firm which deals in oil and linseed polishing soap used on store interiors, especially on floors. It appears several were recently called upon by a travelling salesman, who later forwarded a sample of the product with the option, it is said, to the merchants that the same could be returned in forty days, if so desired. The merchants generally took the option and shipped the stuff back. Now the firm comes back and threatens suit for payment. Several cases are likely to arise.

GETS APPOINTMENT. The Collegiate Board last night ratified the appointment of George D. Ralston, B. A., of Hamilton, to the position of assistant science master at the Collegiate Institute. The appointee has had a varied experience as teacher, and his testimonials were considered the best out of several applicants.

A SANITARIUM. Dr. G. D. Porter, a member of the Anti-Tuberculosis League, addressed a meeting of prominent citizens in the Council chamber yesterday afternoon in the interests of the organization of a league in Brantford to help on the work the local doctors have commenced in erecting a sanitarium on the outskirts of the city. An excellent site has been provided on Strawberry Hill, and construction will be started in the spring. A campaign will be inaugurated to raise funds.

GENERAL NOTES. The Collegiate Board will probably make another appeal to the ratepayers for money for a new building before deciding on going ahead. A block of fifty seats has been kept for Hamiltonians at the Toronto-Brantford pro. hockey game on Monday night, special seats on the B. & H. Radial have been secured. The Dairywomen's Association and Canadian clay makers convene in this city next week.

GAS FUMES

Nearly Caused the Death of Two Young Men at Chatham.

Chatham, Ont., Jan. 9.—Byron Burr and Roy Lier, young men, had a hair-breadth escape from death by asphyxiation by natural gas here. A hot air pipe through which natural gas fumes from a base-burner escape to the outside, and which passes through the bedroom in which the young men slept, had been open all day. As a result the gas collected in the bedroom during the night, and had it not been that Lier "accidentally" awoke at 4.30 a. m., there would have been a tragedy. Lier staggered and fell after he had opened a window, while Burr also fell to the floor overcome.

KILLED BY TRAIN.

Walkerville, Ont., Jan. 9.—Chas. Labadie, aged 38 years, of Windsor, connected with the Banwell Implement and Carriage Co., was struck last night by the Grand Trunk flyer, due here at 10.38, while crossing the railway tracks on Argyle road. He was killed instantly.

SAFETY DEPOSIT BOXES.

To rent at \$4 a year and upwards, for the storing of deeds, bonds, stocks, wills, silver and other valuables. TRADERS BANK OF CANADA.



WALTER SCOTT, of Death Valley. He is also known as Scotty the Spender and after burning up his money, is now endeavoring to join the United States Marine Service.

A GOOD SALE.

Beautiful Property of Judge Snider at Oakville.

Oakville, Ont., Jan. 9.—W. S. Davis to-day disposed of about 35 acres to Byron E. Walker, president of the Canadian Bank of Commerce. This is without a doubt the most picturesque lake front between Hamilton and Toronto, high rolling land on each side, with ravine and winding stream coursing through to the lake, magnificent old chestnut, birch, hickory, pine and walnut trees dotted here and there through, and a thickly lining the ravine. The beach has over a thousand feet frontage, easy access forming a small bay, which will afford excellent and safe bathing. The Hamilton Radial electric sub-station is only five minutes' walk distant. It is expected Mr. Walker will erect a fine country home, similar to Mr. James Ryrie's or Mr. W. H. Brouse's.

The property sold adjoins Judge Snider's own summer home, and the 21 acres connected with it.

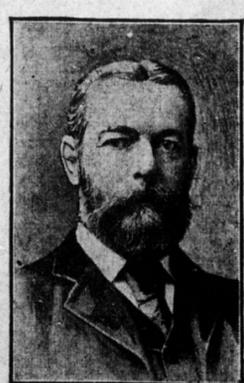
FOR WARDEN.

Names of Reeve Gage and Reeve French Mentioned.

Although the County Council does not meet for two weeks yet, there is much interest in the wardenship. Reeve J. Walter Gage, of Barton, has been mentioned, but the friends of J. A. French, Reeve of Glanville, are pressing his claims. It is said that two of the Conservative members are supporting Mr. Gage. Mr. French, like Mr. Gage, is a Liberal, but it is claimed that he can get the solid Conservative vote—six members—he would have a good chance.

HON. MR. FISHER.

Election of Minister of Agriculture Has Been Protested.



Montreal, Que., Jan. 9.—Hon. Sydney Fisher, Minister of Agriculture, was served yesterday with papers protesting his election in Brome County. The legal time limit for protests has passed, but, owing to the absence of the Minister in Europe attending an international agricultural conference, the time limit in his case was extended by the courts. Mr. Fisher returned from Rome only a few days ago, and the bailiff who was introduced with the serving of the papers has been seeking an opportunity since then to meet Mr. Fisher. This was obtained yesterday at Farnham when Mr. Fisher was passing through that place on a train.

PAPER PULP.

Winsted, Conn., Jan. 9.—Paper pulp has been produced from sugar cane at the mill of a local company, according to the foreman in charge there. Dr. J. H. Butte, of Houston, Texas, engaged the mill about the middle of December for experiments in making paper pulp from sugar cane.

Don't Cut Off the Bars.

We don't cut off the bars of castle soap sold by us at 20c, but give you the original 2 1/2 lb. bars just as they come to us from the manufacturer. This is the original "Shell" brand castle soap. We have it also in cakes at 25c and 50c per dozen. Parke & Parke, druggists.

TWO SENATORS FOR HAMILTON

The Board of Trade Has Taken the Initiative

And Will Circulate a Petition at Early Date.

Mr. W. B. Champ Unanimous Choice For President.

At a nomination of the Board of Trade yesterday afternoon, the nomination for the members of the council were held. Mr. W. B. Champ, for president; Mr. W. J. Southam, for vice-president, and Mr. Charles Stiff, for secretary-treasurer, were the only names mentioned for the important offices, and at the election meeting which will be held on Friday afternoon next, they will be elected to the respective offices. The following gentlemen are retiring this year from the council, and have been renominated: Seneca Jones, J. Turnbull, T. W. Lester and S. O. Greening. Other names were suggested and put up for nomination, but on account of the fact that they were not present, it was thought advisable to find out whether they would submit their names for nomination, before publishing them. The only other business was the approval of a petition to be circulated by the board of Trade, asking for the appointment of two Senators from Hamilton. The matter was brought to the attention of those present by Mr. Cyrus Birge, who explained that a meeting of representative manufacturers was held last week at which it was decided to press for the appointment of a Senator from this city. Mr. Birge said that Hamilton has not been represented since the death of Senator A. T. Wood and he considered that the matter should emanate from the Board of Trade, it being the official body. He then moved that a petition be prepared and placed in the hands of a committee for circulation. The committee that will act in the matter is Mr. Robert Hobson, Mr. W. B. Champ and Mr. George C. Copley. Mr. Birge was asked if he would place in his motion the need for two Senators instead of one, and Mr. Robert Hobson, the second, thought it would be a better plan. This was incorporated in the motion.

It was hinted that it would be a good plan to have a strong delegation to go to Ottawa to back the petition when it was presented to Premier Laurier, but nothing definite was decided. The thought also comes to me that a wife and mother, know as well as, if not better, than a man what sort of an education would be most suitable for a girl, and there are lots of girls in the public schools. Make an effort to-morrow to try to remember the text until Monday morning. Some day I may give a plug of tobacco to the man who remembers both of them until Monday night. The hotel men having made up their mind to fight the Grit party, need they be surprised if the said party wades into them? The West Hamilton election won't be forgotten for many a day. When both Mayor-elect McLaren and Ald. Bailey thank the Times for the fairness with which it dealt with them in the recent campaign, you may mark it down that this journal always strives to do the fair thing. One more suggestion: The Christmas carolers might turn out at Monday's inauguration ceremony and give the "merry gentlemen" one in honor of the new Mayor. The proposal to put my old chum, Mr. Charles Baird, on the Cemetery Board suggests that he is a dead one, which is not the case. Now, I hear that the east end mountaineers are reaching after electric lights. It is mighty dark up there when the moon is not on deck. Ald. Peregrine can have my vote for any committee he may pick out. Made, in answer to yours of this date, I may say that I have not heard that the moral reformers are in favor of the city granting a bonus to all young men getting married before Easter. Certainly the proposal looks good to me. The Daughters of the Empire are another class of ladies who are always doing something for somebody else. The more they do the more they seem to like it. That was a fine speech Friend Washington made before the judge in Toronto the other day. I must get the Canadian Club to invite him to dinner. It would save a lot of trouble if these United States murderers would get a certificate of insanity before they do the killing. The latest proposal is to move the Collegiate Institute skating rink up to Victoria Park. (Groans.) How about the projected art gallery, gentlemen? Anything doing? Any prospects? The season for talking about such things will soon be over. The Herald talks just as if it had been hard to jail one's friends these days. Here's the Spec. inquiring at Mayor Stewart when it should be waiving kisses and throwing bouquets at him.

MUSIC EXAMS.

Hamilton Results in the University Examinations.

The results of the examinations in music, held in December at the Hamilton Conservatory were announced last night at the University of Toronto, as follows: Junior theory—Class I.—Miss A. M. King, 2; Miss M. P. McKay, Pass—1; Miss A. L. Kerr; 2; Miss E. Pirie. Intermediate theory—Class II.—Miss M. M. Smith, Pass—1; Miss L. E. Bowers. Primary piano—Class II.—Miss R. Cline, Miss C. M. Kelly; 3; Mrs. K. Spence; 4; R. M. P. McKay, Pass—1; Miss C. Orlerton; 2; Miss A. Pricipp; 3; Miss J. E. Russ. Junior piano—Class III.—Miss E. Walls, Pass—1; Miss H. M. Springer; 2; Miss L. V. Good, Miss H. E. Lowe; 4; Miss C. Bradshaw; 5; Miss M. Rowell; 6; Miss E. Fisher; 7; Miss M. M. Nunn. Senior piano—Pass—1; Miss S. D. M. Fisher, Miss L. Griffin; 3; Miss M. M. Murphy; 4; Miss M. Havill; 5; Miss M. White. Primary singing—Pass, Miss G. I. Webber. Senior singing—Pass—1; Miss D. W.

HELD DEBATE.

Victoria Avenue Baptists Won From Emerald Methodists.

An interesting inter-club debate was held last evening in the Emerald Street Methodist school room between members of the Young Men's Debate Club of that church and the Victoria Avenue Baptist Church Literary Society. The subject, "Resolved, that Asiatics should be excluded from Canada," proved very interesting. The debate became quite exciting at times, and the audience was very enthusiastic. The Victoria Avenue Baptists, upholding the negative, excelled themselves and carried the day. The debaters were John Peebles, L. M. Holding and W. McCullough. The Emerald Street debaters, upholding the affirmative, were R. Mennery, C. Keys, R. A. and R. Davis. The judges were V. Stevens, Mr. Leah and M. White. After the debate a musical programme was presented and was thoroughly enjoyed. It was: Piano duet, Misses D. M. and Hunking; solo and reading, Mrs. Mackey; solo, Mr. A. S. Devine. Mr. Allan, pastor of Victoria Avenue Baptist Church, spoke a few bright and encouraging words to the debaters. Mr. Zimmerman, president of Barton Y. M. U., also spoke encouragingly. Other speeches were given by Mr. J. Posible, president of the Victoria Avenue Society; Mr. Vipond, president of the Emerald Street Society. Dr. Williamson, pastor of Emerald Street Church, seemed very pleased to see all and spoke a few joyful words. The meeting closed with "God Save the King."

FATAL AUTO SMASH.

New York, Jan. 9.—Thrown from an automobile heading against a fence, Edward C. Gilman, a well-known young real estate broker of Flushing, L. I., was instantly killed in a ride which a party of young men and women of Flushing were taking through Long Island early to-day. The fellow who thinks the world owes him a living should remember that the world doesn't always pay its debts.

Bain & Adams' List.

New potatoes, butter beans, endive, new beets and carrots, pineapples, ripe tomatoes, green peppers, Boston lettuce, cucumbers, snow apples, anishrooms, Spanish onions, muffins, crumpets, maple syrup, comb and extracted honey, apples, Roquefort, Gorgonzola, Swiss, Edam, pineapple, Oka, English Stilton, Limburger, Cumbenbert and old Canadian cheese. Bain & Adams, 89-91, King street east.



A NEW YORK STREET PREACHER. He is a familiar figure and talks for hours on street corners with stopping and without regard for the size of his audience.

THE MAN IN OVERALLS

Be careful on the ice. We want no drownings this season. Shop before 8 p.m. if you can.

If you have a dollar or a quarter to spare you might let Geo. Buskin have it.

If there were no politics at the City Hall the chairmanships would soon be settled.

Unnatural as it may seem, Mayor Stewart declares he has neither been butting in nor pulling wires.

Furnace eating up the coal? The Collegiate Institute skating rink is not a thing of beauty, but it may be a joy for the boys.

The thought also comes to me that a wife and mother, know as well as, if not better, than a man what sort of an education would be most suitable for a girl, and there are lots of girls in the public schools.

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Dr. Roberts, Medical Health Officer, suggested that if the laboratory was established at the hospital that an independent board consisting of the chairman of the Board of Health and Hospital Board, Dr. Langrill, the Medical Health Officer and the president of the Medical Society should form an independent committee to have charge of it.

TO OVERCOME TECHNICALITY

Which Prevents Ald-Elect Ryan From Taking His Seat.

Clark Seems to Have Won Fight For Chairmanship.

Board of Health in Sympathy With Laboratory Movement.

Quite a stir was caused in the City Hall this morning when it was reported that a member of the new Council, Alderman W. J. Ryan, was disqualified because he is surety for a contract S. J. Cheeseman is executing for the city. Mr. Cheeseman's tender for a sewer in the west end was recently accepted by the Sewers Committee. Alderman Ryan was one of his sureties. It is understood that all that was necessary to complete the agreement was for the city officials to attach their signatures. When Alderman Ryan heard that he was likely to be disqualified because of his connection with the contract, he consulted his solicitor, W. T. Evans. A new contract with new sureties was submitted to the city, but the officials were not authorized to accept it. There is one way out of the difficulty. Alderman Ryan could remain away from the Council meetings on Monday and the Council at night could reject the old contract and accept the new one, with other sureties. In this way Alderman Ryan would have no interest in the proceedings and could take his seat in the Council at the next meeting of that body. Alderman Ryan was elected in Ward six, just losing ex-Ald. Howard by two votes. If Alderman Ryan is not permitted to take his seat in the Council, under the new system, a new election would be necessary. It is not thought, however, that there will be any objection to him retaining his seat, as he was fairly elected and quite innocent of the technicality on which he might be unseated.

Ald. Clark has probably won out in his fight for the chairmanship of the Fire and Water Committee. It was announced to-day in the City Hall that Ald. Applegate, who it was hoped would line up with the temperance people to support Ald. Wright, will be found with Ald. Clark's supporters when the vote is taken. The temperance candidates had a conference yesterday afternoon, and although they said there was nothing to make public to-day it was hinted that they would spring a surprise on Monday.

Ald. Wright has not abandoned hope yet of being elected chairman. He has been persistently reported that he was one of the men the reductionists were relying on, and he partly confirmed this himself to-day, when he intimated that he would be in favor of cutting off twenty places. An hotel-man is authority for the statement that Ald. Wright pledged himself in front of witnesses not to vote for reduction. Ald. Wright has stated since his election that he pledged himself to no one. It is said the only condition on which Ald. Anderson can get the chairmanship of the House of Refuge Committee is that he line up with the combination which is backing this slate.

Eleven aldermen have promised to support the following slate: Finance—Peregrine. Board of Works—Allan. Fire and Water—Clark. Sewers—Juttan. Markets—Gardner. House of Refuge—Anderson. Harbor—Guy.

The Council Chamber is being prepared to-day for the inaugural meeting of the new aldermanic board on Monday morning at 11 o'clock. After City Clerk Kent reads the official returns for Mayor and aldermen, Rev. D. R. Drummond will open the proceedings with prayer. The new Mayor will then be introduced by the ex-Mayor and deliver an inaugural address. The different matters contained in it will be referred to committees and the striking committee to draft committees will be appointed. The Council will then adjourn until evening.

City Engineer Barrow has finished the plans for extending the Catharine street and Ferguson avenue sewers through the reventment wall, and the work will be gone on with as soon as the Sewers Committee authorizes it.

The health report for the week shows three cases of chickenpox, one of whooping cough, four of diphtheria and five of scarlet fever.

Henry Dunham was granted a permit to-day for a frame house on MacNab street, between Wood and Burlington streets, for Stephen Patton, to cost \$800.

The Board of Health last night appointed Chairman Quinn, Thomas Crooks and Dr. Roberts a committee to look into the matter of establishing a civic laboratory. The members expressed themselves warmly in sympathy with the movement, and pointed out that for three or four years they had tried in vain to have something done. They expressed a willingness to discuss the matter with those in authority. Ottawa, Belleville, London, Kingston and other cities have municipal laboratories, and the board regretted that Hamilton was so far behind. Dr. Mullin and Dr. Griffin, representing the Hamilton Medical Society, outlined the scheme laid before the Hospital Governors the other day. They stated that the Hospital Governors favored having the laboratory run independent, but promised to supply the room and the equipment the hospital has on hand now. They urged that one of the chief advantages in having the laboratory at the hospital would be that there would always be one of the house surgeons on hand when the man in charge might be absent.

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LAKE DISTURBED.

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MRS. ALBERT BARNEY. Washington woman provides that after death city will become possessed of her studio and house.

HAINS' TRIAL.

Evidence Nearly All In and Summing Up on Monday.

Thornton Visibly Depressed and Deranged Appearance.

Flushing, N. Y., Jan. 9.—A few words spoken in rebuttal and sur rebuttal to-day and all the evidence in the trial of Thornton Jenkins Hains will be in. The State will call the eye-witnesses of the shooting of William E. Annis to deny the testimony of John Tierney, an ash collector and witness for the defense, who said he was on the boat when Captain Hains killed the publisher. The testimony of the many witnesses will be brief, and Prosecutor Darrin said to-day that he had reason to believe that both sides would be ready to sum up on Monday. The defense, it is understood, will call only one witness in sur rebuttal.

Justice Crane told counsel that he wanted them to conclude with the taking of evidence to-night, and indicated that he would not permit any "fishing excursions."

Thornton Hains has been visibly depressed since he left the witness stand Thursday, and spectators in court spoke of his deranged appearance.

It was stated in court to-day that John Tierney, the ash collector, is ill with pneumonia at his home. Warden Sleth, of Queen's County jail, testified in rebuttal that he saw Officer Fallon seated next to the defendant on the night of the coroner's inquest, when Thornton Hains is said to have told the officer that "he would go to hell to get Annis and kill him again."

BUILDING TAX.

Earthquake Zone Exempt From Building Tax For Fifteen Years.

Rome, Jan. 9.—The parliamentary committee which is considering the measure proposed by the government in the Chamber of Deputies has modified them, with the consent of the cabinet. The changes provide that the building taxation is to be 2 per cent. for five years, instead of 5 per cent. for two years, and that the earthquake zone be exempted from a building tax for fifteen years. A further provision is that all unclaimed valuables in the devastated district be devoted by the government to the relief of the survivors.

HOLLY CLUB.

Enjoyable Social Event at the Britannia Rink.

A large number of young people attended a private dance held last evening at the Britannia Rink, under the direction of the recently organized club—the Holly. The affair was a success in every way, and a large number witnessed the spectacle from the balcony. The east end rendezvous never presented a more attractive appearance, being artistically decorated with holly for the occasion, and brilliantly illuminated with different colored lights. The scene was a brilliant one—the decorations and illumination, the merry crowd on the floor, and the ease with which the dances were run off making it one long to be remembered. There was skating in the forepart of the evening, after which the club members and friends tripped the light fantastic until the wee sma' coors. Lomas orchestra filled the air with music. Those who were responsible for the success of the affair were W. Lynch, J. Mooney, G. Saunders and W. Daniels, jun.

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THREE DIE IN NIGHT FIRE.

Another Probably Fatally Burned in Tenement.

And 50 Have Narrow Escape From Death.

Passerby Rouses Tenants and Carries One Youth From Danger.

New York, Jan. 9.—Three persons are dead, another was probably fatally burned, and 50 others had narrow escapes last night when fire swept through a five-story tenement-house at 668 Ninth avenue.

The bodies, those of two women and a boy, were found in an upper hallway, burned beyond recognition.

The fire started at midnight, when most of the tenants were sleeping. It began in a print shop on the ground floor and was carried speedily through the building by means of the dumb-waiter shaft.

The loss of life would have been greater had it not been for the prompt and brave action of Nicholas Gentner, a young man of the neighborhood, who, helped several families on the lower floors to escape, and then ran upstairs to help the people there.

On the fourth floor he found James Fay, eighteen years old, unconscious from smoke and already seriously burned about the face and body. Gentner picked up the boy and struggled with him to the roof. Fay was hurried to a hospital, where it was said he would probably die.

Fay's father and mother and their four other children were saved by firemen. The other tenants escaped by way of fire-escapes or the roof.

CENTRAL MEN.

Interesting Address on Cause and Effect of Earthquake.

The postponed meeting of the Central Church Men's Association was held last evening at Central Church and a large number of members attended. Rev. W. H. Sedgewick was in the chair, but after a brief address turned over the duties of chairman to Mr. R. K. Hope and an informal meeting was held. Mr. William Johnson gave a short address on the formation of the earth and the cause and effect of earthquakes which was very timely, coming right after the terrible disaster in Sicily. His remarks were interesting and instructive. Mr. Sedgewick gave a short address on the work of Dr. Spender, editor of the Westminster. He told us of four golden rules of Spender's, given in "Comments by Mr. Bagshaw," and dealt with their use in everyday life.

A musical programme was contributed to by C. Percival Garratt, piano solo, and Messrs. James Fung, Jack Moddie and Kerr, vocal solos. Mr. Garratt was accompanist for the vocalists. After the programme the members adjourned to the hall where a general supper had been spread for them.

General business of minor importance was discussed before the meeting and reports of the different committees received.

WAS TAUGHT GOOD LESSON

Jail For Man Who Made Himself Objectionable.

George Howcroft, 304 Catharine street north, was taught the severity of Canadian laws for wrongdoers, this morning, getting two weeks in jail for acting in an indecent manner before some ladies and school children. Howcroft has been out of work for two months, and with the easy optimism of his class took his last remaining coppers to contract a jag. He succeeded admirably, and wandered aimlessly around till he struck Shaw street and Emerald street. There two ladies were walking along the street and some children were playing near, and this was the spot Howcroft chose for his unseemly conduct. He made himself most objectionable, and the police were telephoned for from a store nearby. Constable Gravelle went to the scene and arrested him. This morning at court the ladies gave evidence against the prisoner, and as he had nothing to say he was convicted. His wife was in court, heartbroken. After thinking it over for some time the Magistrate asked Howcroft how long he had been here, and the prisoner said two years.

"I can fine you as high as \$50 for six months or both," said his Worship, and Mrs. Howcroft tried a swoon. His Worship added that he did not want to be extreme in either leniency or severity. "I think it will serve the purpose if I send you to jail for a fortnight," he said, and the prisoner was led away.

Charles Warsmley, charged with selling liquor without a license, and for whose arrest a warrant was issued when he did not appear last time the case was called, appeared this morning