Greater Hamilton's Most Reliable Newspaper

THE HAMILTON TIMES.

Read Times Ads

AT GRIMSBY.

Jury Blamed Company For Not

Having Protected Crossing.

No Blame Attached to Any of

the Crew.

Engineer of Railway Commission

is Investigating.

(Special Despatch to the Times.)

Grimsby, Jan. 21 .-- Before Coroner Dr.

Alexander, at 1.30 o'clock yesterday af-

THE INQUEST

NO 19

All the News-It Pays to

VOL LII.

U. S. WIFE SUES SCOTCH LAIRD.

Chorus Girl Asks Divorce From Titled Scotchman.

Husband Files a Crossbill Accusing Brother Officer in Guards.

Says Husband Admitted Love For Mrs. Atherton.

London, Jan 21.-Immense interest is being taken in the double-barrelled society divorce suit commenced in Edin-burgh to-day. Mrs. Clara Elizabeth Stirling, nee Taylor, of Washington, who described herself as the daughter of a United States government official, is seeking a dissolution of her marriage with Mr. John Alexander Stirling, Laird of Kippendavie, Perthshire, and former-ly a Heutehant of the Scots Guards, on the ground of alleged misconduct with Mrs. Mabel Atherton.

Mrs. Mabel Atherton. There is a cross petition by Mr. Stirl-ing against his wife, alleging misconduct with Lord Northland, the eldest son of Lord Ranfurly. The court was crowded to day with smart people when Mrs. Stirling, a pale and rather plump young woman in sables and a black picture hat, arrived early, with her solicitor, the Honorable Charles Russell. Lord North-land was accompanied into court by his father.

father. Mrs. Atherton, tall and handsome, Mrs. Atherton, tall and handsome, wore a fur toque, with a large white ai-grette, and had a row of pearls and pearl eardrops. Mrs. Atherton is well known in London society. Her husband, Celonel Thomas Atherton, formerly of the Twelfth Lancers, divorced her be-cause of her alleged relations with Capt. Yarde Buller, heir to Baron Churstoni. Captain Yarde Buller afterward married Miss Denise Orne, an actress. WIFE'S SUIT HEARD FIRST.

after her marriage she went to her mo-ther, in America, and remained there till January, 1905. Her husband came till January, 1905, Her husband came out to her and they were then married in church in the presence of her family. They then went on a honeymoon trip, and Mrs. Stirling described their life af-ter this. She said they travelled about together and visited the Viviera and had a residence in London. Their child was born on June 24th, 1907, and she gave way to tears while speaking of this.

LIVED HAPPILY, SHE SAID. e witness said she and her husband happily until Mrs. Atherton came he scene and that her husband was duced to Mrs. Atherton in May last

introduced to Mrs. Atherton in May last year. The witness knew Mrs. Atherton had been divorced, and said her husband told her Mrs. Atherton had asked him to take her to the opera. Witness said she consented, she herself going Io the theatre with her brother-in-law. She said her husband returned at half-past one o'clock the next morning, say-ing that after the opera he and Mrs. Atherton and others had been to supper at the Savoy. No suspicion crossed the witness' mind. On another day her hus-band had tea with Mrs. Atherton. He returned saying he had heard a very pathetic story of Mrs. Atherton's treat-ment by Captain Yarde Buller, and was in great sympathy with her. He asked the witness to meet Mrs. Atherton, and she did so.

Iney all became great friends and the witness considered Mrs. Atherton a she and her husband and Mrs. Ather ton visited Paris, and one morning, the ting by Mrs. Atherton's bed. Even then she said also was not Even then she said she was not un easy about his conduct. One evening

easy about his conduct. One evening they all dined on the terrace at Bellevue, a suburb of Paris, and as her husband was about to walk into the gardens with Mrs. Atherton she acted his Mrs. Atherton she asked hir HUSBAND ADMITS LOVE.

Mr



Her death occurred at Dorking, Eng-land. She was originally Miss Lillian Warren Price and was first married to Louis Hammersley, of New York, who left her, a fortune of \$7,000,000. The eighth Duke of Marlborough was her second husband.

BALFOUR-SOUTHAM.

Fashionable Wedding in Christ's Church Cathedral To-day.

In Christ's Church Cathedral, at 3 Miss Denise Orne, an actress. WIFE'S SUTT HEARD FIRST. Mrs. Stifling's action was taken up first, and she at once entered the wit-ness box. She gave her age as twenty-four, and said she was married in Octo-ber, 1904, at the Registry Office, in Lon-officer in the Guards; and he asked her to keep the marriage secret till he had frest, in America, and remained there. Mrs. Call Balfour, size of the groom, and Mr. Wilcox Doolittle supported the with a catheral, in the presence of a large number of personal friends of the young couple.



Miss Walker Wins Her Breach of

Toronto, Jan. 21 .- Wild bursts of er

thusiasm and laughter were heard in the Jury Assizes this morning through the three-inch oak door behind which the Walker-Wheatiey jury was deciding to Walker-Wheatley jury was deciding to give \$300 damages to Miss Walker, who sued Mr. Wheatley for \$3,000 damages for breach of promise. They took an hour and a half coming to this decision. The \$300 is the am-ount that Miss Walker says she spent on her trousseau and house linen. Mr. Justice Clute said in addressing the jury: "Wheatley admits having ask-ed Miss Walker to marry him on Wed-nesday, the 20th of April, 1908; that he

the jury: "Wheatley admits having ask-ed Miss Walker to marry him on Wed-nesday, the 29th of April, 1908; that he spoke to the clergyman. But he also admits that he told her later that it was impossible for him to marry her on that day. Afterwards he asked her to marry him. "You must understand that the law is

that where there is a promise of mar-riage and a breach, any subsequent offer does not release the one which makes the breach from liability. That is, if

The Dundee Club held its second card party of the season at the residence of Mr. James Glen, 282 Robert street, last evening. A most enjoyable evening was spent by all who were present. Re-freshments were served and the enter-tainment broke up in the wee sma' oors, with many congratulations to the host

with many congratulations to the host and hostess for the capable manner in

HAMILTON. CANADA. THURSDAY, JANUARY 21, 1909.

load of 75 babies was distributed

in New Orleans to-day. The pre-

cious freight came from the New York Foundling and Orphan Asy-

lum. Scores of foster parents

were waiting at the station to lay

they had previously applied.

THE MAN IN

control over signs. Many of them are eye-sores and some of them hurt the

Let us have another whirl at

before he loses control and the

There is a good deal of the old woman

about Attorney-General Foy. What have Police Magistrates got to do with the toleration or non-toleration of dis-reputable houses? That circular should have been sent to either the Chief of Police or Police Commissioners.

Of course, the Government may build the county poorhouse and charge it to the county.

uns the machine

this city.

stuff.

res. Ask any oculist.

ermen?

OVERALLS

THE HOUSE **75 Babies OPENED TO-DAY** New Orleans, Jan. 21.-A can

Earl Grey Reads Speech in French and English. Many Bills Introduced on all Sorts

of Subjects. (Special Despatch to the Times.)

Ottawa, Jan. 21 .- The formal opening of Parliament took place at 3 o'clock this afternoon. Earl Grey read the King's speech. He communicated the de-King's speech. He communicated the de-sires of the Government for the session from the throne, first in English and then in French. Sir Wilfrid Laurier introduced the first bill of the session, under the tradi-tional title of a bill for an Act respect-ing Oaths of Office. This is the last that will be heard of the bill until next version when it will be introduced acci-

-----No doubt, if the county does no busy and build the poorhouse, the den will have to go to jail. session, when it will be introduced again as it has been ever since Confederation The debate on the reply to the Speech will be begun to-morrow. Did you hear Peter Bertram chortle

ver that "toleration" order ing in wealth. The other Boards are nearly starving. The Board of Works is on its uppers, and looking for help. Certainly the city should have some

The debate on the reply to the Speech will be begun to-morrow. The session has opened with the record number of notices of motion and ques-tions, no fewer than 58 having been sent in up to noon to-day. Of these Mr. Fos-ter is responsible for 33, covering prac-tically every subject of political interest, from the Cassels Commission to the man-agement of the Intercolonial Railway, the Civil Service Act and South African land grants. The most important of these notices is in favor of Canada as-suming her share of naval defence, and it is in these words: 'In view of her great and varied resources, of her geographical position and national environment, and of that spirit of self help and self re-spect which alone befits a strong and growing people, that Canada should no longer delay in assuming her proper share of the responsibility and financial burden incident to the suitable protec-tion of her exposed coast line and great sea ports."

sea ports." Another resolution expresses the opin-ion that the time has arrived for a prac-tical system of co-operation between the' (Government of Canada and Great Bri-tain for the settlement in Canada of suitable immigrants form Great Britain and Ireland, Dr. Schafmer, of Souris, Manitoba, gave notice of a resolution in favor of

Dr. Schalmer, of Souris, Manitoba, gave notice of a resolution in favor of government-owned grain **elevators** at Fort William and Port Arthur, and also of the transfer elevators between the ports and the Atlantic seaboard.



Fire Department Estimates Passed Promise Case.

On to Committee.

The reporters took it for granted last light that when Chief Ten Eyck dashed if to a fire at 11 o'clock while the Fire and Water Committee were considering stimates for the fire department that the meeting was over. It was only a

trifling blaze, however, and the Chief

trifting blaze, however, and the Chief hustled back before the aldermen left the hall, and the estimates were thresh-ed out. The only item cut out of the \$85,000 asked for was the \$5,000 grant W. Barnard and T. Wilson were ap-pointed temporarily to the department. The veterinary work for the department. The veterinary work for the department. Baker, R. L. Craig and J. W. Groves.

A sub-committee last night had a conference with Superintendent Fisher, of the T., H. & B., about the bridge over Garth street. The company agreed to pay half the cost. Estimates will be

secured. The company will likely take the matter to the Railway Commission. Inter-Urban Railway propose cor into the city? Down Main street?

J. C. Springstead was granted a permit to-day for a brick house on Cannon street, west of Madison street, to cost \$1,800. HE EXPLAINS.

Sergeant Walsh Tells His Slory of the Case.

A VOLCANIC ERUPTION

Causes Mountain Lake to Overflow and Do Damage.

Six Hundred Houses Destroyed by Onake Near Smyrna.

claim to the little ones for whom Manila, Jan. 21.-A despatch ************************ ceived to-night from Lucena, in the Taybas Province, confirms the ~~~~~ ports of a volcanic disturbance there and states that the greatest damage was done in the fields under cultivation. The roads and bridges in the neighborhood of Saraya were destroy-All the damage reported was

done by the inundation which follow-ed the outbreak of the volcano of Lag-nas and was caused by an explosion which let loose the waters of a moun-

which let loose the waters of a moun-tain lake. The explosions in Lagna, volcano continue according to the despatch and were very severe between 8 and 9 o'clock Wednesday night. The erup-tions apparently have been slight. The Cemetery Board seems to be roll-600 HOUSES DESTROYED.

600 HOUSES DESTROYED. Constantinople, Jan. 21.—An of-ficial despatch reports that more than 600 houses were destroyed by the earthquake yesterday at Phocaea, 25 miles northwest at Smyrna. The shocks continue to be felt and the people are seeking refuge in the mountains. The Minister of the In-terior has been despatched to render assistance to the sufferers.

FEEDING VICTIMS.

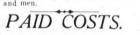
The revenue from snow fines will be mighty small this season, so far as I can see. FEEDING VICTIMS. Rome, Jan. 21.—The gravest pro-blem which Italy now faces is that of providing for the 200,000 refugees made homeless by the recent earth-quake who are congregated in Naples or scattered throughout Calabria and Sicily. Their support is costing ap-proximately \$200,000 a day, an enor-mons sum which neither c, arity nor the resources of the state can bear for any length of time. Besides charity has had the effect of rousing the ap-petites of the low and turbulent class-es resulting in numerous disorders. Thus it is made plain that it is more urgent to give work to these thousands instead of fostering in them the belief that they can indefin-itely continue living on public char-ity. good roads by-law. Can we trust the ald-One man told me yesterday that he one man told me yesterday that he was opposed to license reduction. He wants an inspector appointed who will sample the liquor to see if it be the pure quill or not. Now, who wants the job? That's right, Mr. Mayor. Put your foot down on the political worker police-If politics is to rule in the police force, good bye to discipline: If Chiem Smith knows his own biz he will stamp it out

APPRECIATED.

Fire Department Remembered on Anniversary of Fire.

W. H. McLaren, President of McLarn's, Limited, has sent a letter to Chief

en's, Limited, has sent a letter to Chief Ten Eyck of the fire department, enclos-ing a cheque for 850 for the Benefit Fund. This cheque was sent on the 19th inst., the first anniversary of the big fire at McLaren's, when a heavy loss was entailed, but where the fire department did excellent work. With the letter and cheque sixty-four cans of coffee were sent to the Chief to distribute among the men, Chief TenEyck wishes to thank the McLaren Company on behalf of him-self and men. The aldermen mustn't get it into their neads that the hotel men are running A meet place for the next hole-and-corner meeting of the Hydro-Electric aldermen would be down in the City Hall cellar.



Unexpected Turn Taken in a Police Court Case.

Policemen have special temptation to booze. But the only safe course for them to follow is to cut it out entirely. It will be money in their pocket, it will save their good name and perhaps their situation and peace of mind. Goodness knows, they handle enough of "awful examples" to disgust them with the stuff. The expression on the face of James E. Murphy, of Ancaster, at court this norning, was one of benevolence. Murmorning, was one of benevolence. Mur-phy charged John Nevilles, formerly of this city, with assaulting him last night, while the pair were going to a sleighing party near Ancaster village. The ben-evolent expression swept over his face as he announced to the court that he wished the charge to be dropped, as he had forgiven Nevilles. For instance, how does the Desjardins Yes, Hamilton should have a Fair, and a good one at that. There would be money in it for us all. Mr. Champ might say a good word for it the first chance he gets.

nad forgiven Nevilles. "I'm agreeable, but you pay the costs," aid Magistrate Jelfs.

The agreeable, but you pay the costs," said Magistrate Jelfs. Murphy's face underwent a sudden change when he heard this, and he stat-ed that he did not think he should pay the costs. "You are given three chances," said the court, "Pay the costs, go on with the case, or go to jail." Murphy decided to pay the costs, which amount-ed to \$3.38. The men were going to a sleighing party in separate rigs, and in an argument as to who should turn out of the road they came to blows. James Moran, the youth who pleaded guilty to stealing an accortison from James Crisp a few days ago, was allowed to go on deferred sentence, as several people spoke a good word for him. Jos-eph Midwinter, who was arrested with Moran, and committed for trial, will have his case settled at the High Court in a few days.



he Socialist candidate who has beer elected at the by-election at Nanaimo, B.C.

Olivio vs. T., H. & B. Decided Against the Plaintiff.

At the Assizes yesterday afternoon, in he-case of Olivio va. T., H. & B., the jury brought in a verdict for the defendissing the action. The verdict stated that the accident was unavoidable

action of Sutton vs. The Brant ford & Hamilton Railway for \$10,000 damages for an injury to a workman, was satisfactorily settled. Cahill &

of humanine, crated them and sent them to Toronto. Mr. Lalonde returned home from a trip, the following day, and went immediately to the Hoodless office. The furniture was returned eight days later. In addressing the jury, His Lordship held that the case was very unfortunate, and that the plaintiff was not entitled to recover what is known as vindictive damages. All they could passess would be the actual loss, while his furniture was missing. J. A. Oglivie for the plaintiff and George Lynch-Staunton, K. C., for the eifendant. The jury brought in a verdict, assessing the damages at \$5 for the plaintiff or actual loss of time. The judge reserved his decision as to the liability of the defendant.

COMPANY A ANNUAL. The annual meeting of "A" Company of the 91st Regiment was held last even-ing, in the Buglers' room of the new armory. The electric of the ing, in the Büglers' room of the new armory. The election of officers result-ed in Capt. Edwin Skedden being elect-ed to the presidency. Lieut. Penny and Lieut. Armstrong were elected lst and 2nd Vice-Presidents, respectively, and Sergeant Pyrke, secretary-treasurer. Strong committees were formed for sports, entertainment and rifle shoot-ing. The members of the company were enthusiastic over the prospects of the coming season's work.

See Our Windows-Study Prices.

2 may over the clossing at night, and pe-destrians were very few after twelve o'clock. To the Crown Attorney he said the night was clear, with little wind. To Mr. Pope—The Council of the vil-lage had never mentioned anything about the protection of the crossing to witness. The train was on the south track. Walter Terryberry, section foreman, said he was called by Mrs. Van Dkye at whose place he boarded, about 3:30 a. m. the morning of the accident. Terry-berry helped to carry the body of Mr. Wilson inside. The horses were lying about 200 yards east. They were about two feet apart on the south side, a por-tion of the sleigh was still on the cross-ing, the remainder was scattered about remainder was scattered along the tracks. Witness buried the horses. There were fences along both sides of his section. Two overhead bridges and an underpath are in the corporation lim-its. This was the only public level cross-ing. He had never taken any notice of cars obstructing the view in yards. cars obstructing the view in yar (Continued on Page 3.)

ternoon, the inquest into the death of MR. J. HAWTHORNE WAITE, Mr. and Mrs. George Teeter, Gordon Nelson and Mr. and Mrs. Wm. Wilson, opened here in the town hall. Everybody that could possibly pack themselves in-DEFENDANT to the building was there when Coroner Attorney Brennan, assisted by Mr. J. S. WON THIS.

xamination of the first witness, Dr. examination of the first witness, Dr. Morris, before a jury consisting of the following citizens of Grimsby: Foreman, R. Hagar; Jas. S. Randall, J. W. Un-win, Percy Millward, Edrick Johnson, A. F. Hawke, Albert Marsh, D. F. Morrow, A. Bourn, J. H. Wells, Jas. Aitchison, Geo. Miller. "I was called shortly after 3 o'clock Saturday moming." said the witness

Campbell, of St. Catharines, began the

"I was called shortly after 3 o'clock Saturday morning," said the witness, "when I arrived, the three injured were in the waitingroom, Mrs. Wilson, Gordon Nelson and Lottie Teeter. The dead were in the freight room, Mr. and Mrs. Geo. Teeter, and Mr. Wm. Wilson. Mrs. Wil-son died about an hour afterwards. I sent Nelson to Hamilton Hospital. Eventmeen of the scalar wave immediate

has been employed 8 years at Grimsby Station. The day watchman goes on at 7 a. m., and quits at 7 p. m. There is no watchman on duty at night. He had been at the statism Station. The day watchman goes on at 7 a. m., and quits at 7 p. m. There is no watchman on duty at night. He had been at the station in same capacity five years ago when the accident ook place then. He made no report to the com-pany then, he said, regarding the cross-ing. He had no authority to warn them. There were four empty fright care

ing. He had no authority to warn them. There were four empty freight cars on one siding, and six on the other, the night of the accident. He did not think Ingri of the accident. He did not think the view was totally obstructed. In answer to Mr. W. W. Pope, Mont-real, solicitor for the Grand Trunk, Mr. Bonham said there was not, in his esti-mation, one-twentieth part of the traffic going over the crossing at night, and pe-destrians were very few after twelve o'clock.

"Jack, are you in the know, but I Atherton?" He said: "I don't quite know, but I think I must be." "I was very much upset and cried." said the witness, and later she asked him what was going to be done. He "Kiddy, I shall never be anything but

(Continued on Page 3.)

Not Much Money Needed. Twenty-five cents is all you need to uy a good pipe at peace's cigar store He offer ie barg ins that are worth Take your choice for

which the guests were received.

double the price. Take your choice fo 25 cents at 107 king stteet easr.

TO PRIVY COUNCIL IF NECESSARY.

IF INECCESSARY. Most Expensive Litigation If City Tries to Break Cataract Contract. The power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be in shape tilled to call upon the company to the power question will be the question to power question will be the power question qu

The power question will be in shape or the Council to deal with on Mon-lay night. This morning the formal to the council to deal with on Mon-lay night. This morning the formal for the Council to deal with on Mon-

day night. This morning the formal

for the Council to deal with on Mon-day night. This morning the formal judgment in the action to upset the city's contract with the Cataract Com-pany arrived from Toronto. Accom-pany arrived from Toronto. Accom-panying it was an interpretation of the judgment by Hugh E. Rose, who hat deal immediately sent his written opinion to Mayor McLaren and the correspondence will be placed bors the Council when it meets on Monday. It was hoped that the formal judg-ris still a variety of construction placed upon it. As contended by the fect that the action is dismissed with opinion is that the contract is bind moth parties. Mr. Rose's view in brief is that the city while en-

ing on both parties. Mr. Rose's view in brief is that the city while en-

(Continued on Page 8.)

A sergeant on the police force who thinks he is the one Mayor McLaren was referring to at the Police Commissioners' meeting yesterday, gave out statement this morning. He said that Mayor McLaren was right in saying he had paid Mr. Hedland the money for had paid MT. Rediand the money for driving a rig on election day, but it was his son's money and his son's rig. The sergeant says he was out of the house only about twenty minutes on election day. His son asked him to hunt **up a maa** who could drive the rig and to pay him for it, and this is the extent of his con-nection with the matter.

police got there.

TROUSERS FREE.

The Lyons Tailoring Company, 114 James street north, have decided to cele-brate the beginning of a new era by making a startling gift proposition. For one week only they will make to making a startling gift proposition. For one week only they will make to measure any suit or overcoat in their stable for banquets, cafe, house and store that formerly sold as high as \$25 hotel trade. These cysters are raised on for the phenomenally low price of \$15, beds located in Narragamsett Bay where together with a pair of trousers, abso-lutely free, that would cost \$5 any-furnishings is being sacrificed at a dis-count of from 50 to 75 per cent.

MUST PAY \$60 A YEAR.

MUSI FAI 300 A ILAN. (Special Despatch to the Times.) Toronto, Jan. 21.—Mr. Justice Blatch-ford made an order this morning direct ing Mr. A. Wardell, of Dundas, exce-utor of Mrs. Bridget A. C. Mowatt, to pay to the Sisters of St. Joseph, Hamil-ton, 860 a year for three years for the support of Agnes C. Mowatt, the late Mrs. Mowatt's eleven-year-old daighter.

Centenary Young Men Had a Pleasant Evening.

I would hate to see any of the police nen put on the "Indian list."

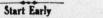
THE FIRESIDE.

The Fireside Club of Centenary Church held a very successful and in-structive meeting on Tuesday night. E. McLean McDonell, of Toronto, was a guest of the club, and entertained the members with a number of selections from J. Whitcomb Riley, J. G. Whittier from J. Whitcomb Riley, J. G. Whittier and Dickens. Among the notable num-bers were "Sweetheart," the English chap's idea of life in a piece known as "Don't Cher Know," a short piece from Dickens" "Bleak House," and "Good-bye, Jim, Take Care of Yourself." His sub-ject was "Humor and Humorists." Those present were enthusiastic over Mr. Me-Donell's clever readings. On February 2 the club will hold a luncheon at 6.30 p. m., when Rev. Byron H. Stauffer,

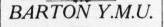
2 the cub will hold a more of at 0.50 p. m., when Rev. Byron H. Stauffer, pastor of Bond Street Church, Toronto, will address the members on the sub-ject "Obstacles in the Way of Civic and Moral Reform."

Neptune Brand Oysters.

Are the purest, plumpest, most gener-ous preportioned and carefully selected stock that are being shipped from Nar-ragansett Bay, and are especially de-sirable for banquets, cafe, house and hotel trade. These oysters are raised on



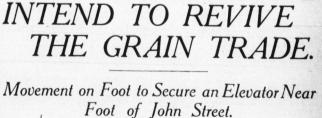
east.



Interesting Debate on Capital Punishment Last Night.

Judging by the enthusiasm at the Bar on Street Young Men's Union meeting held last evening, this society will prove one of the contenders in the city debat

Fralick & Co. made men's high-grade fur-lined overcoats with Canadian otter collar and dark rat lining, \$65. With Per-siau lamb collar, \$68. Fur-lined, with muskrat lining and lower grade otter collar, \$50. Special sale of men's suits at \$9.98, worth \$15.—Fralick & Co., 13-15 James street north.



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