egal aspect of the case ary to draw their own the evidence.

rt opened at 10 o'clock ng, Mr. Morrill asked put in as evidence a deposition of Capt. police court to show between it and the ef Clarke as to what stated to them about ation with Meahan. reneral interposed the this were allowed it chance to cross-ex-

ed the application. en moved for the disoner on the ground been shown that a n was necessary. d that the hospital ecided on an operataken place. He the point just then, counsel might bring on.

ening his charge to came before them, a ad for the life of a re lad, not yet 20 He was going to apin all sincerity, and the jurors would so weigh the evidence erdict was rendered and all look their and say "I am sur ke in my finding." red on Friday, the atopened the case as hter. It was beyond did not constitute a The learned judge counsel for the uded, lay down the ared any difference iey general and himbearing on the case uld be in its applithe law itself. Mr. jury in applying the who moved in the life and who had to the influence of surroundings that class to which the bar belonged. He e Criminal Code to and guilty intent to constitute the that the offender se death, or mean odily harm, reckless her death ensues st be maliciousness. I authorities in sup ntion, Mr. Morrill e crown to make rder must establish

to kill him or had ing against him. It g for a boy, a twenty, to stand from morning the grim and it required an ing weight of evidas this to convict ne of murder. He ever, that whatever ity there might anse, there was not astitute a case of as nothing in the that the prisoner seek the death of On the contrary feelings existing n. The law never an should be consuch evidence as t in this case. roceeded to argue nable doubt existeven a case of contended there show that Meased by the wound: evidence that as necessary, and ad failed to show nich they alleged as thrown by the

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after all been the not the result of a postmortem exly of the deceased for the surgeons say what caused th. Dr. Ellis had not even been am physical condition er any complid. Dr. Pilis himman died from nembrane of the ie, an older and ractitioner, who eration, testified was the cause but that he did symptom that in such a wound. ed Mr. Morrill. man. He had told uld not say what eath, but he did ther from the rexhaustion or inain. Dr. William he did not know n's death. The when the phynded the tal were unable use of death, the sition to find the guilty of John was the duty of made the car he crown had ut-

ary? Mr. Morthat every phyand had sworn ake an examina s necessary, and ne so far as to not think of atration at all. the prisoner's the evidence of accused was

very contradictory. There was evidence that the three men were intoxicated at the time, and it was not surprising therefore that the stories given two months after the event by the two survivors disagreed. The aspect of Rooney on the stand made it apparent that he was not certain of his ground, and the jury's examination of the locality showed that Rooney was mistaken in some important respects. The only material thing on which the prisoner and Rooney dif-fered was as to there being a dispute between them. He would leave that to the jury and if any doubt arose in their mind, he asked them to give the accused the full benefit thereof. There was no doubt Rooney was very much under the influence of liquor on that occasion. When he left and went to the Strait Shore he drank still more at two places, and must have become so drunk as to seriously impair his memory of what had taken place. The counsel earnestly besought the jury to carefully consider all these things in weighing Rooney's evidence.

Mr. Morrell then paid his respects to the man McDonald, who sold the liquor to the prisoner, the deceased and Rooney. Although admitting that he had sold them whiskey and gin, and that they were so noisy he had to put them out of his bar, in fear that they would disturb his sick wife. McDonald had the audacity to swear that they were not intoxicated. But against McDonald's statement was the evidence of Dr. Christie and others. who swore to the drunken condition of the prisoner, and of the deceased when taken to the hospital. Men, said the counsel, could not be connected ever so remotely with such an awful accident as this, without being affected thereby. And McDonald filt in his shrivelled up little soul that he could never rid himself of the consequences of his part in the transaction, but he also felt that the greater the punishment inflicted on the prisoner at the bar, the less possibly might be his own responsibility. Mc-Donald should have sold liquor to any other man on God's earth than the accused, and it was a hideous perversion of justice that would let the liquor seller go free and concentrate all punishment on the head of

Mr. Morrill then warned the jury against attaching too much importance to the testimony of those two away, claimed to have seen the prisoner in the clearing, and reminded them that if the death of Meahan was caused by an accident, the prisoner could not be held guilty

Taking up the evidence of the ac cused, the learned counsel said it was an awful thing for a man to stand in the shadow of eternity, but it was a still more terrible ordeal for him to take the witness stand, feeling that a look, a word, a slip of the tongue, might cost him his life. How much greater the odds then in the case of this poor boy, hardly twenty years of age; ignorant and not of forceful brain, pitted against the attorney general, keen and sharp, and skilled in the art of cross-examination! But did not John Walsh acyears of age; ignorant and not of forceful brain, pitted against the attorney general, keen and sharp, and skilled in the art of cross examination! But did not John Walsh acquit himself well in the witness box? He told his story in a straightforward way, and what was more, he looked the jury squarely in the face. After warmly complimenting Hon. Mr. White on the able manner in which he had conducted the crown case, having left nothing undone to make out the charge of manslaughter, Mr. Morrill took up the prisoner's evidence directed the jury's attention to the fact that he had sworn he had no intenwhatever of injuring Meahan; that they never had a quarrel, and that ill feeling had never existed between them. The prisoner's was the only direct evidence on this point, and counsel felt that the jury could not ignore the testimony of the man who, stepping out of the dock into witness box, had sworn he did not mean to kill John Meahan.

Turning his attention to the theory of the crown that the three men be came intoxicated, that two of them had a slight difficulty, and that when ram away, the prisoner assaulted the deceased, Mr. Morrill crown officer to defend the police, but pointed out that even admitting all he (White) felt it incumbent to state prove malice. The theory was an extremely doubtful one at the best, but not pleasant, but they were for a cleared away all doubt. It could have to punish offenders. In handling this easily got John Meahan's ante-mortem case, the chief of police had not exstatement. The attorney general ceeded his duty, even in approaching might reply that the prisoner could the prisoner in jail in the manner he that Meahan was in the hospital or the chief's duty to have informed the that he was in a dangerous condition. prisoner of Meahan's death, and from Dr. Christie's evidence was important his knowledge of the deputy sheriff, in that connection, for he swore that he doubted the prisoner's statement even Meahan himself did not know he that he had been kept in ignorance was so seriously injured, and he could of the charge on which he was held, not therefore have communicated his exact state to the prisoner had he asked about it. Walsh, according to that Walsh had not heard of Meahan's asked about it. Walsh, according to the evidence of the police, was arrested for common assault. And, said the counsel, there was a blunder or negligence somewhere. The meanest man in the Quen's dominions should have been treated better than was John Walsh. Chief Clarke gone to the prisoner in the jail on Sunday and there sought to fasten the noose about his neck, while concealing the fact that the man whom he was accused of assaulting was dead. He (Morrill) had no words deed, they had nothing to do with the class of people by whom they were drafted and enacted. Indeed, they had nothing to do with at his command to express the con-tempt he felt for men who acted as good or bad. They had to take the Chief Clarke had done. In God's law as it was, and under it give their chief Clarke had done. In God's name, if the St. John police are to descend to work of that kind, what will the place come to? They would not even give Walsh a fighting chance for his life, but from what he knew of Attorney General White, he did not believe that high-minded crown advocate would ever sleep a night peace-fully were the prisoner found guilty were the prisoner found guilty. vocate would ever sleep a night peacefully were the prisoner found guilty
of murder on evidence obtained in
such a revolting manner. The police
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manslaughter but since then the prisoner was believed to be
at the time of the wounding of Meahan, whether the accused was open
to any graver charge than that of or St. John "Byrnes," and kept the oner had entered the witness box and words murder and blood continuous he (Hon. Mr. White) was now bound ly ringing in his ears. But notwithstanding the gravity of the case, the their duty to carefully consider the chief of police swore, upon the stand, prisoner's evidence. Part of it was that he did not examine the prisoner evidently true. He made no outcry, in a cell in the jail, but in a room the there. He had quibbled in a matter Meahan was seriously wounded. He that affected the life of a fellow man, was reckless of the consequences to and everybody knew that it was a the deceased, and his admitted ac-

ly cells in that part of the jail where Walsh was confined. McDonald, the liquor seller, received a commission for the part he had played in the tragedy, as the crown called it, but the chief of police had not even that mercenary excuse for his dishonorable conduct in evading the question when the prisoner asked about Meahan's condition at the very time Meahan was lying dead.

The counsel after emphasizing the fact that Meahan had not asked for Walsh's arrest, which he would have done had the latter attempted to kill him or injure him-had not uttered one word against the accused-cited several authorities as to what constituted reasonable doubt and what was needed to establish "certainty of conviction" with a jury, and then took up the phase of circumstantial evidence. If the jury did not attach any weight to the evidence of the prisoner then all they had before them was a fabric based on circumstantial evidence. And that fabric in this case depended on the eyesight of men who testified as to what they had seen 400 or 500 yards away; on the evidence of drunken men, of the man who sold the liquor to the prisoner; on the testimony of medical men who could not say with certainty what caused John Meahan's death. There was not a perfect link in all this testimony, and the jury would be taking a fearful responsibility to condemn a man on this kind of evidence. Mr. Morrill read from the Criminal Code of Canada the sections relating to circumstantial evidence and illustrated the fallibility of this class of testimony by quoting several cases where people had been condemned and executed for murders which it was afterwards shown they had not committed. Circumstantial evidence, he contended, was an awfully flimsy thing on which to put a man's life in jeopardy, and while the jury might come to the conclusion that the prisoner had not told a wholly true story in the witness box,

him of even nanslaughter. Taking up the bearing of drunker ness on the case, Mr. Morrill said the law held that if a man fortified himself with liquor with the direct intention of committing murder, he could not set up drunkenness as an excuse for the crime. But, on the other hand, if there was no unfriendly feeling be-tween the parties, evidence of drunk-enness was legally admissible to show that reason was dethroned and that the man was not in a state of mind able of forming criminal intent. In his final summing up the counsel reasserted that there was not a single chase of the crown case that went beyond the possibility of doubt, and that in order to bring the prisoner in guilty of murderous assault, they must reject his entire testimony. Eighteen hundred years ago, said Mr. Morrill, the light that spread God's love, the light of Christianity was kindled in a Bethlehem manger. Three weeks hence messages of congratulation would pass between memthe evidence and the many doubts that enshrouded the crown's case, by their verdict to send John Walsh, the

a free man. ATTORNEY GENERAL WHITE, in summing up the case for the crown, said it must be a source of gratification to all that the prisoner had been ably defended by a counsel who had not only skilfully crossexamined the witnesses, but had made an eloquent and powerful address to Mr. Morrill had sought to lead the jury away by side issues and by an appeal to their sympathies, from the real facts of the case. The prisoner's counsel had made what might be called the usual attack on the police force. It was not the duty of the crown officer to defend the police, but this, the crown had still failed to that in matters of this kind the police the crown had it in its power to have certain purpose and especially to seek have got it, but Walsh did not know had done. He did not think it was

leading to non-legal minds. Under their oaths the jurors had nothing to manslaughter, but since then the pris-oner had entered the witness box and to point out to the jury that it was

mere quibble, as the rooms were real- tions pointed to a desire on his part to get away before he could be ide fied in connection with the matter It was for the jury to consider this carefully. He would not argue that there was sufficient doubt to do away with the charge of murder, but on the other hand it was not his duty and it was far from his desire press the evidence too far against the

With respect to Mr. Morrill's argunent about the unreliability of circumstantial evidence, he (White) admitted that all human justice, like all human institutions, partook of defects that came from human fallibility, but he ventured the assertion that in all the vast number of cases depending on circumstantial evidence there had been very few wrongful convictions. That would doubtless continue to be the case in the future, but he pointed out that most of the cases cited by Mr. Morrill had arisen long ago under a barbarous state of the law of murder, when criminals were not defended by counsel as they are now, and when the accused could not appear on the stand in their own behalf. Because injustice was sometimes done was no argument against the admission of circumstantial evidence. All the jury could do, Laving heard the evidence, was to search their minds as to whether a case had been made out beyond reasonable doubt, and if so no matter how unpleasant it might be, it was their duty to find John Walsh guilty.

Taking up the argument of the deence that the crown had failed to make out that Meahan had come to his death by the act of the accused, Hon. Mr. White claimed that no doubt could possibly exist as to the cause of death. The crown had shown that the injury was inflicted on the 5th of October. It had shown that the operation at the hospital was neessary. Dr. Christie, in his evidence, said seventeen pieces of bone were pressing in on the brain, and it was utterly absurd to say that this presit needed more than that to convict cure should not have been removed. According to the criminal law, and the learned judge would so instruct the jury, had the deceased died from the operation, the man who inflicted the original wound was liable for his leath. But all the doctors had testified that the operation was necessary and that Meahan had died from the wound received before he was taken to the hospital. Under the new code, however, if a man was in the last stage of consumption and some one caused him an injury which in itself would not have produced death, but accelerated the man's death, the party in-flicting the injury would be indictable for the crime of murder. The doctors in this case, however, made the usua examination before giving anaesthetics and found Meanan's heart all right. They said he was of fine physique; of athletic build, one put it. Dr. Christie, the jury would remember, had stated that a fracture of the skull is always serious, generally fatal, and he (Christie) had no doubt whatever, that Meahan ded from the effect of the original injury. Dr. Jas thristic testified that the pieces of bone were driven in so as to depress the brain very considerably; that he took out seventeen pieces, and that Walsh. In a humble cottage on the Strait shore a weeping mother was waiting to clasp her darling boy once to her bosom and he appealed to more to her bosom, and he appealed to there could be no doubt that the in-the jury, in view of all the defects of Hon Mr White made a passing re-Hon. Mr. White made a passing reference to Mr. Morrill's expression of

regret that the evidence of Meahar himself had not been secured, and prisoner at the bar, back to his home replied that the prisoner's counsel, in the exercise if his legal right, had objected to the crown showing what Meahan had actually said. Turning his attention to the evidence of the prisoner, Hon. Mr. White said it might seem easy to make up a story that would hold water, one that provided against every possible contingency, yet unless a story were true,

the jury. He regretted, however, that it was very liable to be punctured in a court of law. A story truly told fitted in, and dovetailed with every outside circumstance. That a made up story would not do this was the simplest proof of its falsity. The jury had heard the story told by the prisoner in his own behalf, and it would therefore be unnecessary for him to enlarge on its inherent weakness and absurd-ity. His counsel had said that the priso. er gave his evidence in the fear of death, was an ignorant fellow and was cross-examined by one skilled in trapping witnesses. He left it to the jury to say whether that was a fair criticism, whether he had in any way sought to trap the prisoner. True he had questioned him about his hat and coat, but he did no more than try to get him to account for the discrepancies in his story. The jury had heard the prisoner's evidence with regard to what took place on October 5th, that when they got the third bottle they talked about twenty-five minutes before taking a drink; that Rooney got up and walked off without a word, the prisoner thought taking the bottle with him; that when Meakan left in with him; that when Meahan left in an opposite direction from Rooney he (the prisoner) sat for three or four minutes, then got up, stepped out on the road, did not see Meahan, picked up a lobster can and threw a stone at it, etc. Now that story failed to account for the prisoner's hat being where Rooney said it was. It was in direct conflict with Rooney's testi-mony. The jury had heard Rooney testify, they had seen his manner or the stand and he (Hon. White) was satisfied that he impressed the jurors as a man who sought to tell the truth without any consideration as to the consequences. Unlike the prisoner, Rooney had no object in swearing falsely. A murderer would commit perjury to conceal his crime or to escape the consequences. He (White) did not say that on the ground that the evidence of prisoners should not be admitted. If immovemt about the best thing a prisoner can do is to take the stand on his own behalf. If guilty it was about the worst thing he could do. But in both cases it assists the course of justice. The question now to be considered was, Is Walsh's story reasonable? That was for the The fact that his counsel, who was presumed to be in his fullest confidence, at first set up a false defence, was strong against the prisoner. An innocent man would

have no reason to manufacture a false

story.

the story Walsh had told about firing The immortal Shakespeare, who saw stones at an empty can, and claimed that it was made up to meet the fact that Meahan was hit with a stone. The prisoner's recent visit to the ground had enabled him to fill in the details of this story, to concoct it, if he did concoct it, under the most favorable conditions. Whether the prisoner had a fight or an encounter with John Meahan nobody knew, but it was hardly probable that in throwing a stone at a can a short distance away he would throw it with sufficlent force to crash through the bushes, break in the rim of Meahan's stiff felt hat and drive his skull in upon the membrane of the brain. It was a damaging circumstance that the prisoner had taken off his coat. It was also evident that from the height at which he had placed the can on the tree, a stone thrown at it would have passed over Meahan's head. The learned counsel commented at some length on the improbabilities of the story of the stone throwing, which, he said, failed to account for what happened up to the time the prisoner left after hitting Meahan. In order to believe that story, continued Mr. White,

the jury would have to disbelieve all the other witnesses. He thought it was taxing their credulity too severely to ask the jurors to believe that after going a long distance for the third bottle of liquor the three men sat for 25 minutes without taking a drink out of it. Rooney's story that they took their first drink from the bottle in about five minutes was much more probable. The counsel recited Rooney's version of how he and the prisoner quarrelled, how the latter threw rocks at him and pursued him as he fled, and claimed that it bore the ear marks of truth. Flushed with victory the prisoner came back and in his drunken condition attacked Meahan and threw the stone that felled him to the ground. The blood was found where Meahan fell. Seeing the man was sertiously wounded and waking up to a consciousness of what he had done the accused started out across the clearing, and Meahan bleeding and staggering from the effects of the death blow came out soon after. The men who saw the prisoner and deceased were not as far off as the counsel for the accused had asserted, and one witness was so struck by the peculiarity of Meahan's walk that he mentioned it to a man who was with him. If the defence felt they could have broken down this bit of evidence they would have no doubt put the man to whom this was told on the stand. The attorney general then proceeded to argue that the prisoner's subsequent movements justified the conclusion that he was trying to escape.

If, continued Hom Mr. White, the jury believed the witnesses for the crown, they could have no difficulty in reaching a verdict. The defence had abandoned the theory that the deceased was injured by falling on a stone, but they did not abandon it till the prisoner had taken the complexion of the case, but he (White) ld not see how this circumstance could possibly affect a good honest defence. The evidence proved that the deceased and the prisoner were last seen together, and this coupled with the surrounding circumstances made up the strongest possible case against the accused. There could be no stronger case except evidence of the fatal blow itself. And the defer

utterly failed to break the force of the crown's case, The attorney general warmly com-plimented Mr. Morrill on the eloquence of his sympathetic appeal to the jury on behalf of his client, but he asked the jurors not to overlook the fact that if there was sorrow in the home of the accused, greater, deeper affliction had gathered around the fireside at which John Meahan had spent his ast Christmas on earth. But feelings of sympathy should have no influence on the jury, who had to base their

MUDIN MUDICUPALDIR.

The dangers of exposure to cold and damp vividly portrayed by one who has experienced them.

Mr. John Conboy, 250 Sidney Street, St. John, N.B., talked to our reporter about



his experience with kidney tro recent remarkable cure by Doan's Kidney Pills. Mr. Conboy's statement reads as

Pills. Mr. Conboy's statement reads as follows:

"For a number of years I have been troubled with kidney weakness, brought on by heavy lifting and exposure to wet and cold; also a heavy strain whereby I wrenched my back. I experienced great pain in the chest, extending through to the small of my back and around the loins.

"Before taking Doan's Kidney Pills my blood became vitiated, and my kidneys were greatly deranged in their action. I suffered also from nervousness and general debility, and I sim thankful to say that by the use of Doan's Kidney Pills, assisted by Laxa-Liver Pills, I am wonderfully improved. I also suffered from constipation and liver complaint, but found Laxa-Liver Pills an excellent remedy, aiding Doan's Kidney Pills in their splendid work.

"I am glad to testify to the wonderful curative powers of these great remedies, especially when they are used in combination, and feel assured that anyone trying them will not be disappointed in the result.

Laxa-Liver Pills Cure Constipatio and Sick Meadache.

Hon, Mr. White next commented on finding on the evidence before them. with a sight almost beyond human ken, with a sight almost omniscie had said "Mercy but murders, pardon ing those that kill."

JUDGE McLEOD

who began his charge to the jury at 2.29 p. m. and concluded at 2.55, said, in opening, that the case had reached that stage where it became his duty to draw the attention of the jurors to the law that governed it. His honor read over the indictment, which charged murder, remarking that under it they could find a verdict of manslaughter, and then briefly recited the main facts of the case as brought out in evidence. The prisoner, Meahan and Rooney were drinking. Rooney got a flask of liquor and they drank it on th hill; they then got a bottle of gin, and tater on the prisoner got the third bottle, out of which they had one drink. Meahan was in some way wounded, was taken to the hospital, and died there. The prisoner was arrested on October 6th, he day after the occurrence.

The first question for the jury to determine was, said his honor, whether r not the wound caused John Meahan's death The second question was whether

the wound was inflicted by the prisoner or not And the third-if by the prisoner, was it done under such circumstances as to constitute murder, manslaughter

or merely misadventure. As to the first question, did the wound cause Meahan's death, it did not seem to him that the jury would have much difficulty in reaching that conclusion. Indeed without the evidence of the medical men, it seemed to him that they each and all pos sessed knowledge enough to decide the question for themselves. The wound, the jury would recollect, was in the centre of the forehead. True, the deceased was operated upon in the hospital, but the jurors were not obliged to give much attention to whether the operation was necessary or not. The medical n.en who were on the stand had testified that it was necessary, but even if they were wrong, the death of Meahan would, as the attorney general had stated, be under the criminal code, attributable to the original wound. He could read the evidence of the medical men he recollected it, the three doctors, Dr. Ellis and both Drs. Christie, testified that death resulted from the wound. Did the prisoner inflict that wound? The evidence on behalf of the crown was entirely circumstantial, and whilst it was not shown except circumstantially that the wound was the act of the prisoner, on the other hand it was tried to be shown

on the part of the defence that the wound resulted from a fall. The jurors could bring their own intelli-gence to bear upon that, but it seemtained this severe wound in the cen-tre of the forehead by a fall, there stand. This was an important circumstance for the jury to consider. The jury were as competent as the counsel to weigh the evidence, hence he did not consider it his duty to enlarge further upon the testimony. The

for the crown with great ability, and the prisoner had been well and skilfully defended. His honor here reminded the jury that whilst it was true that drunkenness was no excuse for murder, and murder must be accompanied by malice, if a man vio lently strikes another so as to produce death, the law presumes malice. It was for the jury to say if in this case malice was present. It had been shown by the evidence that on the morning in question the three men, Walsh, Meahan and Rooney, were good friends, and that the de supplied the money with which the liquor was purchased. Notwithstanding McDonald's evidence, it might be reasonably assumed that they were all drunk. Was it possible then, that the prisoner was in a condition of mind, was possessed of enough in-telligence to distinguish what he was doing? Although drunkenness was no excuse for murder, it seemed to him that the facts would justify the jury in arriving at the conclusion that the prisoner was not guilty of murder. But it was for the jurors themselves to weight the evidence. Then was the act manslaughter or

nerely misadventure? His honor thought it was a most unfortunate circumstance that Meahan's deposition was not taken before his death The attorney general's offer to put in certain statements that had been made was no answer to that. Dying declarations were taken with great solemnity, but it did not appear that Meahan's statements were made with the knowledge that he was facing death. He could not help thinking somebody was at fault. Chief Clark. got from the hospital was good. He could not dispute that, but Dr. Christie on the other hand had said that he felt on Saturday the man would die. He did not know who was to blame, the hospital authorities or the police, but he hoped such a great wrong would not occur again.

Taking up the action of the chief of police in endeavoring to extort a

onfession from the prisoner, Judge McLeod said he felt bound to state that it was not right when Meshan was dead not to let the accused know it. The chief should have told the prisoner that Meahan was dead and that he was held on a charge of murder, before he attempted to ask him a single question. All that, however, did not, must not, affect the evidence

before the jury.

Was the act manslaughter or misadventure? If a man simply fired a stone, having no reason to think that danger would come from it, and another man was killed thereby, it would be misadventure; that is, assuming the act was done in the woods, but if it were done in the crowded streets of a city, then it would be manslaughter. The slayer might not have meant to cause death, or bodily harm likely to result fatally, but if the prisoner threw the stone at Meahan knowing him to be there, the jury might enquire if it was murder. If, however, the stone was not a thing

Œ BL SCRIBI BOTTLE CHOOL Croup, Coughs, Colds 50 YEAR

likely to cause death, then the act was manslaughter and not murder. His honor said the evidence had been pretty well gone into by Mr Morrill and the attorney general, and it would not therefore be necessary for him to occupy much time in reviewing it., It would be noted that Rooney's evidence differed from given by the prisoner. Rooney said Walsh wanted to fight, followed him and threw stones at him till he ran away to escape. The theory of the crown was that Walsh came back and in his frenzy threw stones at Meahan. This the prisoner contradicted on the stand, and it was for the jury to weigh the two statements. After reading some extracts from Rooney's evidence his honor said it was important to note that the place where the blood was seen was not where Rooney sald they were sitting. The prisoner's statement was that there was no quarrel, no words at all, that Rooney walked quietly away and that he did not follow him; that he thought Meahan, who had gone in another direction, had not returned; that he picked up a rock and fired it at an empty can, and that after he had thrown the stone he saw Meahan wounded in the face and bleeding. If the jury believed the prisoner's statement absolutely, they would have to disbelieve Rooney and find the prisoner's act was not manslaughter but misadven-

Outside of the prisoner's statement there was only circumstantial evid-ence. A strong attack had been made on it on that ground, but they all knew from experience that a good many crimes had to be proved by circumstantial evidence alone. comstantial evidence alone. It was the jury's duty to see if the circumstances pointed directly to the crime charged, without any doubt. Leav-ing out the prisoner's statement alto-gether, the jury had the fact that the three men, the prisoner, the deceased and Rooney were drinking together. They had the evidence of Leary that he saw the prisoner walk across the clearing without hat or coat, turn and han's stargering along. From this it would appear that the act could not have been done by the prisoner after Having considered these two questions, the came the point, was the prisoner's counsel had stated that the absence of some crown witnesses who had appeared at the preliminary examination had somewhat changed the Was that evidence enough to show that the wound was inflicted by the prisoner? But in addition to that the prisoner on the stand said he threw a rock at an empty oyster can, and that Meahan was struck. The jury must then, continued his honor, come back to the question is the prisoner's story true or not? They must consider three things: Was it murder? Was it manslaughter? Was it misadventure The first he thought was not ex-

tremely difficult to answer. The evidence it appeared to him would warrant the conclusion that it was not murder, but that was for the jury to determine, and he would not with-draw the evidence from them. But it all were drunk and the prisoner did. not then have intelligence enough to know what he was doing, it would be manslaughter. If they believed the whole evidence of the prisoner it. would be misadventure, not manslaughter.

His honor then cautioned the jury against being influenced by sympathy, and to find their verdict solely by the evidence before them. He again offered to read over any part of the evidence the jury wished. THE VERDICT.

The jury retired at 2.55 p. m. and re

When asked by Clerk Willet if they had agreed upon their verdict, Fere-man Jones replied: "We find the pris-oner not guilty of murder but guilty of manslaughter, with a strong recom-mendation to mercy."

Judge McLeod then instructed the

clerk of the court to enter a verdict of manslaughter, and thanking the jury for its attention and attendance, tion to mercy careful cons The prisoner received the verdict without manifest emotion. He has been a close observer of all the pro-ceedings throughout the trial, and has at all times conducted himself with that stoicism which is popularly supposed to have its favorite abode in the person of the red Indian.

VICTORY FOR FAST SIMCOR

Of one Thing Mr. W. H. Bennett, the Conservative Standard Bearer in Rast Simeoe, is Sure — He Suffered from Catarrhal Trouble and Found Speedy and Fixed Relief in Dr. Agnew's Catarrhal Powder.

In the coming by-election it will not be settled until the votes are counted, whether Mr. W. H. Bennet, who has represented the constituency with ability for years, will again be the successful candidate. One thing Mr. Bennett is perfectly certain of, whatever turn the election may take: When attending to his duties in Ottawa two sessions ago he was taken down with catarrhal trouble in the head. He used Dr. Agnew's Catarrhal Powder and over his own signature says that it worked like a charm, and at ickly removed the trouble and made him fitted for his parliamentary duties.

She—I have seen twenty-five summers.

He—Then you must have been blind for several years. Now, I own to having seen forty five.

She—Then that leaves you about 24 years of age, when one takes into consideration your falling of seeing couble.