with you? A .- Only one.

the field with one to us.

not think there is.

of miles away? A .- Yes.

from the west side of the fence.

Q .- You saw this man four months

ago at a distance of eight rods, only

for a minute, and would swear posi-

tively as to the identity of this man?

Q.—No question about it? A.—No.

Q .- You would still keep to that if

dozens of people said he was hundreds

Q.-Are you claiming any of the re-

ward? A.—No, sir.
Witness said that if he had arrested

the man there would have been \$1 50

It was that he did not see whether or

## Is Marion The Man?

across the concession to Mr. Dempsey's place. After Mr. Fuller went away,

witness went back and got his shoes

Q.-What pace was the prisoner going? A.-Not very fast.

Q.—Was he walking backward or forward? A.—He went east and stood

Q.-How far was Shaw behind him?

Witness could not answer this ques-

tion, but said they were close enough to talk. Witness heard three shots

fired, but didn't know who fired the

first shot, as he was not near enough. Fuller and Dempsey followed the pris-

oner some distance with a rifle. The

men did not follow the peg-leg into the

bush, because it was no use, as it was

getting dusk. Witness said prisoner

was dressed in dark clothes, and had a

vest on. His hat might have been stiff once. It was rolled down, and didn't

Cross-examined by Mr. McPhillips:

Q.-Are you sure of the date? A.-I

stand high on his head.

am telling you I think I am.

more than once and looked behind.

-Not very fast.

Q.-What pace was Shaw going? A.

Preliminary Hearing in the house for a shotgun, and he directed him where to get one. He was sent Toohey Murder Case.

efforts to Connect the Slayer on. He went out and then saw the peg-leg going towards the bush, with shaw following. of the Policeman

With the Assaulter of Watchman Ross.

Strathroy Witnesses Positively Identify the Prisoner

As the Tramp to Whom They Gave Food and Water the Evening of the Murder.

The Skirmish Between the County Constables and the Peg-Leg Described-Watchman Ross Positive That Marion Brown Is the Man That Assaulted Him the Evening of the Murder.

Thursday Afternoon.

The court resumed at 2:20, and the usual crowd jammed into the court

HUGH TURNER.

Hugh Turner, lot 17, con. 9, Caradoc. was the first witness called. He remembered that on Sunday, June 26, a one-legged man came to his father's place, but he did not know where he

Mr. Magee-Can you describe him? A.—He was a peg-leg, a mulatto, about 5 feet 7 inches in height.

Q.-Do you see him here? A.-I see a man who looks like him very much.
Q.—Did you see any difference between them? A.-The man who called at my place had a little heavier mustache -a week or so's growth.

Q .- Any other difference? A .- He had different clothes on.

Q .- As to features? A .- The features of the prisoner resemble very much those of the man that called. There may be another man who looks like

Cross-examined by prisoner's counsel, witness said he would not like to say positively that the prisoner was the man who called, but he looked very much like him.

Q .- How was the man dressed? A .-He had a dark suit on and a black hard hat—at least, I think it was a hard hat. faded black. Witness could not say which leg was

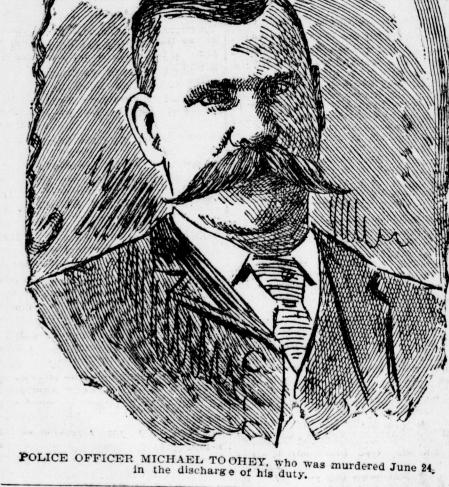
MALCOLM CAMPBELL.

Malcolm Campbell, of Brooke township, said he lived on lot 29, con. 9. He described the position of his land, but did not know how far it was from the railway. It was about four miles from Alvinston.

Q .- Do you remember Monday, the 27th of June? A .- Yes, sir.

home at the time. Q .- Could you describe this stranger? like the man who sits

there (pointing to the prisoner). Witness said that the peg-leg came



A .- I don't think it; there are lots of things that might be.

May? A .- I cannot see it like that. Q.-Can you give me any reason why you know it was the 27th of June? A. -No reason to give you, only that I know that was the date. I cannot do

A .- I think it was Monday. Q.—But you are not sure? A.—I think

Witness said his memory was all he had to go by. He admitted that it was not an unusual thing to see tramps about there. They often came in for He would not have paid any special attention to this man (meaning the prisoner) if those people had not

after, and have never seen him before? A.-I think I can.

Q.—Is there a possibility of your being mistaken? A.—There is anybody. Q.—This may not be the man at all?

not in this case. That is the man. this man was hundreds of miles away on this date, what have you to say?

to the house with Gillies and Fuller, and when going round the house saw the peg-leg go toward the barn. Wit-ness called to him and said: "Hold on, there, I want you." The tramp laid the revolver on the fence, and witness remarked "Don't you know that you will be taken?" to which the peg-leg said: "If I am taken, I'M be

Witness said the prisoner then turned north, and Fuller then asked Dempsey for the gun and fired in that direction. Fuller was trying to get another shot at the peg-leg, when the latter fired. Dempsey then asked for the gun saying that it would shoot wherever it pointed. The tramp saw witness following him and then said: "I am waiting for you-I am coming." When witness got near to the tramp the latter got off the fence and said "Come on you --- peg-leg. I

am waiting for you." A.-Have you only one leg, Mr.Shaw? A.-Yes.

Witness then said the prisoner went in the direction of the woods after this, and that the witness circled round through the woods to head him off, as side road. Witness saw him again ly- ing things worse for himself. ing on a log in the same wood. His gun went off, but witness thought it was fired to scare the witness out of the taken alive. woods. The witness admitted that he Fuller the gun that there were only No, sir. two cartridges, but could not say how

Q.-Like a sharpshooter? A.-Yes,

constable? A.—Twenty years.
Q.—Is that the way county constables generally do? A .- Yes, sir, when dealing with characters of that kind.

Q .- Are you positive that this is the man-yes or no? A .- That is the man (pointing to the prisoner). Q .- You are one of those positive fellows who could not be mistaken? A .-

P. FULLER

one of those who went to Mr. Campbeil's after the peg-leg. Gillies went in first, and they remained outside. When Gillies called to them they went up, and witness said he was on the opposite side of the house to the peg-Q.—You can undertake to swear to leg. Mr. Shaw left witness and went the identity of this man four months caught sight of the peg-leg. Shaw called to him and said, "I want you," but the tramp paid no attention. Shaw "Hold on, we want you; and we're going to have you." The peg-leg then said, "I'll tell you straight, that you'll you to say—anything. A.—I have never take me alive. I want to warn you to keep back. I have a better revolver than you have." Fuller saw a man coming (Dempsey, by name), and said to him, "Give me that rifle."
Witness fired it in the direction of the peg-leg; but said it was more to scare him than to hurt him. The pegleg kept on going. The prisoner put up his revolver, and Dempsy asked for the rifle, saying it would shoot anything it was sighted for. Dempsey fired a shot, and the tramp said, "Now, you — — , you can't fire any more—you haven't any more cart-The tramp then went into

> prisoner being the man? A .- Not the Cross-Examined by Mr. McPhillips:

> prisoner on the night in question was about ten rods, and that was about 7:15. The prisoner turned and faced witness about 50 times, while he was

retreating. Q.—That was after you got the crack at him with the gun? A.—Yes, sir; it was after the shot was fired; but I told you I did not fire at him-I fired

Asked to describe the tramp's dress. witness said he wore a dark serge suit. It was neither black nor blue, but gray, made so by dirt. He believed the man wore a plaid shirt, but had a vest on. The tramp had mustache considerably longer than his beard. His hat was one with a hard rim, and once the prisoner took it off and waved it in the air. Witness corroborated the statement as to what had passed between Shaw and the pegleg. Shaw had told the tramp that witness believed he was making for the he wanted him, and that he was maktramp said that he knew what they

for him. Dempsey said when he gave of Policeman Toohey in London? A .-

bring this man back? A.—Maybe I would shoot anything it was would have got shot.

Q.—Had you any warrant in your possession that day? A.—No, sir.

Q.—Had anyone with you? A.—No, sir.

Q.—I suppose you had heard through the papers that this was a dangerous woods. Witness was positive that the prisoner was the man Q.—I suppose you had heard through the papers that this was a dangerous man. How many revolvers had you prisoner was the man. JAMES ROSS.

Q.—You thought that was not suffi-cient, and started to hunt for a shot-James Ross, the G. T. R. watchman, was the next witness. He was on duty on the night of June 24. His orders gun? A.-No, sir. The man ran across were to allow no one to walk on the Q .- Your idea in getting the gun was track, and he ordered a one-legged tramp off the premises. The man was Q.—Your idea in getting the gun was because you could get a shot at him, and he could not at you? A.—Yes, sir. Fuller fired at the peg-leg, witness said, as he was retreating, and then the man turned and fired at Fuller walking along the side of a freight that had just come in from the west. The tramp refused to go when ordered off, and struck witness in the face, and knocked him senseless. When asked his age, Mr. Ross said "Past 60 years." Q.—Is there any possibility of your being mistaken as to the identity of this man? A.—There might, but I do Q.—Have you any doubt obout his being the man? A.—No, sir, I have

Cross-examined by Mr. McPhillips, witness said the man who struck him was dressed in a light-colored suit, which was very dirty. Q.—Is there a possibility of your being mistaken about this man? A.—

No mistake at all. The witness was asked this question in many ways, but his statement could not be shaken. Witness said the hat prisoner wore was a black one, pretty much like the one produ ed.

L. W. STOKES. L. W. Stokes, of 12 Pearl street, was in it for him.

Mr. McPhillips asked Mr. Shaw how going along Adelaide street on the night of June 24, about 8:50, and saw Q.—You think it was Monday, the not the prisoner was firing at him when the prisoner coming along the track. When ordered off he knocked Mr. Ross stiff on the track. He assisted Mr. 27th of June? A.—Well, I didn't fix it the pistol was discharged in the bush. Ross to the shanty, after securing help. The prisoner then went down track and disappeared between the cars, about 150 feet away. The clothes he wore that night were much the man. darker in color than those he had on

> This witness was put through a very vigorous cross-examination, in which he swore positively that the black hat produced (the one that was found near ence if the murdered policeman) was the one the prisoner wore on the night in question; and that he would know the coat again prisoner wore. Questioned regarding the man's wooden leg, witness said that it had been altered from the way it was on the 24th of June. The peg-leg was a solid piece then, and now it was in two pieces. There were no bolts in the peg-leg then. Witness said the man who assaulted Mr. Ross had no mustache, and of this he was also positive.

Friday Morning.

The scene at the police court this morning was similar to that of yesterday. All through the proceedings on Thursday the prisoner smiled at many things the witnesses said, and sometimes looked a little downcast. On the whole the air of Marion Brown for the past two days has been that of a man confident that no ill would befall him.

T. J. O'SULLIVAN. Mr. T. J. O'Sullivan, of 732 York street, was the first witness called this morning. He remembered the 24th of June last. On that day he saw a onelegged man standing in front of his place between 7 and 9 o'clock in the evening. He described the man as having a dark complexion, dark mustache and dark clothes; wore a light shirt, and a soft felt hat like the one produced in court, and wore it inclined toward his forehead. The tramp carried in his hand a short stick. Witness had only seen the peg-leg for a few mo-Q.-Will you look at the prisoner and

see if that is the man. A.—To the best of my knowledge that is the man Witness then said that his wife and an old gentleman had called his (witness') attention to the man, and asked if he were not "a hard-looking citizen." Witness had replied that he did not think so.

Cross-examined by Mr. McPhillips,



ABRAHAM LINCOLN DILLEY, the U. S. Marshal who arrested Brown at North Yakima, Wash.

witness said he had asked to be allowed to see the prisoner at the jail, and had been allowed to do so. He thought the prisoner was the same man, but would not be positive. After leaving witness' place on the evening of June 24, the man was going east, and did not walk as though he had committed an assault. Witness could not recognize the hat as the one which the tramp wore; was positive he wore a vest, and his clothes were pretty well worn; the man had a mustache longer than his beard.

Q.-Will you look at the prisoner and see if he is not a good-looking colored man, with an exceptionally pleasing countenance-nothing vicious about

Witness said he was pleasing enough looking in his present condition, but his wife thought the tramp she saw opposite his place was a hard-looking citizen. Witness could not say whether the man his wife had called his attention to had a pleasing countenance.

MRS. THOMAS SHORT.

Mrs. Short, 739 York street, was called. In answer to Mr. Magee, she said on June 24 she had seen a peg-leg man. He was dressed in dark clothes with a wooden stump on the left leg. Q.-Will you look at the prisoner and see whether or not he is the man? A. -He is the man.

Cross examined by prisoner's counsel, Mrs. Short said she first saw the peg-legged tramp while standing and talking with Mrs. Johnston near her

Q.-Will you look at the prisoner and see if there is anything brutal, vicious. or hard-looking about him, but that on the contrary he is a very good-looking and pleasant looking man? A .- I'M

not have had to go to Washington to him to halt. Mr. Dempsey said the you as particularly bad about the man.

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Witness, with emphasis, "He has a very bad eye."

The magistrate did not think that such questions were material. Mr. McPhillips-Well, all right, your worship, I suppose the ladies have their own opinion about men's eyes. Q.-Would you swear positively, unquestionably and undoubtedly that this is the man you saw? A.—Yes; he is

Q .- And if I have a hundred witnesses to say that he was hundreds of miles away from here at the time, would you still hold to your present A .- It would make no difference if you had 500. Q.-Woman like, eh? A .- (With dignity)-Yes.

MARCUS SMITH.

Marcus Smith, of 791 York street, said that while standing in the door of his house, on the night of June 24, a one-legged man passed his place. He described the man as short and stout, wearing dark clothes, with a black, soft felt hat. The prisoner resembled the man very much.

Q.—What called your attention to him particularly? A.—As he passed the house I heard him say to my little girl, who was playing outside, "— you, what are you doing here—get out Q .- Have you heard him speak since?

A.-Yes, sir. Q .- How does the voice of the prisoner correspond with the voice you heard that night. A.—It is very much

Mr. McPhillips cross-examined the witness at length, regarding the expression that the tramp used to he witness' little daughter, and the witness became excited. Then the coun-

sel got a little excited. Mr. Magee objected to the proceedings, and the discussion dropped, without the witness taking back any-Witness would not say posithing. tively that the prisoner was the man, although he looked very much like

(Continued on page 5.)

A Thousand Tongues.

him.

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leg got out of the house while the men were going there, and went toward the

now under examination for the murder of P. C. Michael Toohey on there about 7:30 in the evening, and wanted something to eat. He sat and ate in the summer kitchen.

Q.—Did you have any conversation with him? A.—I asked him how far he

had come, and he said from Wyoming,

told him he would get there quicker if

he kept to the railway, and the prisoner

and that he was going to Hamilton.

replied that he had strayed there.

MARION BROWN, alias "Tom Allen."

Witness then described the prisoner's position in the summer kitchen. He was near the south door, nearly opposite a north door, on a chair, but witness could not say who put it there. While there County Constables Duncan Gillies and another came to the north door, and asked if they had seen a peg-legged tramp going that way. Gillies talked very loud, and said that the peg-leg had shot a policeman in London. He was told that the peg-leg was in there, and then Gillies went and called Phillip Fuller and Jack Shaw. who came toward the house. The peg-

Q .- Did you notice anything? A .- Yes, I noticed a gun, a long revolver, nickel-plated. It was a long one. Witness did not see the handle, because that was in his hand. He had it by the handle when he flourished it. Witness said Fuller came running back to his

Q.—Did any stranger come to your in any way at all, but it struck me ouse? A.—Yes, sir. Myself and that that was the date. Witness had get behind not put it down, because he didn't expect to be called on any more. Q.-It might have been the 27th of

Q.—It might have been the 27th of

anything else with you. Q .- You are positive of the day of the

A.—You may say that.
Q.—It may not be the man? I want Q.—There is a possibility of your being mistaken? A .- No, sir; I think Q.—If we have it established that

Would you still swear? A .- It makes no difference. I feel sure that he is

JOHN SHAW. John Shaw, of Watford, said he went

Q.—Why did you say he would be taken? A.—We thought he was the man wanted for the murder of Toohey.

Q .- There was nothing said about far away the prisoner was at the time. any charge? A .- Nothing that I re-Cross-examined by Mr. McPhillips: member of. Q.—So you got a little nervoue? A.— Witness e. Yes, sir.

Q.—And if you hadn't, they would only to frighten the fugitive and get Q.—

Witness-I was looking for a tree to Q .- How long have you been a county

Q.-Well, you swear the prisoner is the man? A.—He looks like him.

Yes, sir.

P. Fuller, of Watford, said he was called again to the peg-leg, and said,

ridges." the woods. Q.-Have you any doubt about the

Q.-You never saw this man before, from the 27th of June until today? A. Witness said the nearest he got to

at the fence.

wanted him for, and would never be Q .- He did not say what he wanted got nervous, and went back to watch him for-or that it was for the murder house.

> Witness explained again that when say that he is good-looking but a bad Q.-Will you point out what strikes