### Examination Of the Peg-Leg

Before the Police Magistrate,

Charged With the Murder of policeman lying face downwards on the ground. Policeman Toohey.

21s Counsel Protests That Proceedings Are lilegal.

Alleges That the Prisoner Was Denied Extradition-Evidence of Witnesses Who Heard the Shots -Testimony as to the Prisoner's

Marion Brown, alias "Tom Allen," of Texas, is a name now known from the Atlantic to the Pacific, and the owner of it was arraigned before Pocharge of murder. When a prisoner of as produced in court. any note is arraigned in London, there is always a most curious crowd of spectators who wedge their way in to spectators who wedge their way in to scrutinize the poor unfortunate. This when the policeman passed Elias morning was no exception to the rule. Long before the court was opened the was on Elias street with fam Yates, Witnesses began to arrive and created buzz and stir in sharp contrast to the usual impressive silence of the police station. There were about 50 witnesses present, and these, together overabundant quota of lawyers and spectators, among whom were many ladies, augmented the gathering to proportions seldom seen at the

Brown was brought from the county jail to the police station in the patrol wagon early in the morning, in order that he might be arraigned without any unnecessary difficulty. As the prisoner entered the court by the rear door and hobbled over to a seat near the cage, there was a general shifting about and craning of necks. Brown looked about him and smiled as he took his seat, and then an inquiring look

overspread his face. Marion Brown, otherwise called Thomas Allen," said the magistrate, "It is charged that you, on the 24th of June, 1898, feloniously did shoot and kill one, Michael Toohey." At this point Mr. P. McPhillips, the

prisoner's counsel, arose before the prisoner had time to plead, and said he had an objection to make, not that he feared the ultimate result of the examination, but he objected to the examination going on. The prisoner, he said, was not properly before the court on the charge of murder, as had just been read. Brown was a natural born American and an American citizen, domiciled in the United States at the time of the arrest. He had been arrested on the charge of selling liquor to Indians, and was in jail at North moved to Seattle, under the pretense, know whether he lived on the east as Mr. McPhillips understood, that he was going there for trial. He had been brought here without anything of the charge having been mentioned, and under the Ashburton act selling liquor to Indians was the only charge on which he could be tried. The prisoner had been brought without the usual means being resorted to, and if the examination went on, he would offer the objection that he was not properly before the court. The prisoner had been deprived of the right of extradition by illegal means. He was entitled to extradition under the provisions of the treaty, and he (the prisoner's counsel) objected to any examination taking place until the prisoner had been taken to Yakima, and brought back properly. He had notified the attorneygeneral, the minister of justice, and the American authorities of the matter, but had not yet had time to receive a reply.

Mr. Magee-There is no other charge than the one of murder. The prisoner was found in Canadian territory, arrested, and brought here.

The magistrate asked Mr. McPhillips what material he had before the court upon which to base his argument. When none was produced, the magistrate overruled the objection.

Mr. McPhillips then made a formal objection to the issue of the warrant the ground that there was no evidence of authority for it.

under protest from Mr. McPhillips, after the crown had consented to the witnesses being excluded from the

THE FIRST WITNESS.

Wm. McKerricher, 931 Lorne avenue, was the first witness. On the night of June 24 the witness had been on the camp grounds. He described the place the fatal deed was done, and how he came to be in the neighborhood that night. On the way down Ontario street he saw a person as though

IN HIS SHIRT-SLEEVES. standing near the bush on the west side of the street. On the way south he met three soldiers going towards the camp grounds. He had not spoken to the man in the shirt-sleeves as he passed near him. A little farther down towards the corner the witness met a policeman. He was going in the direction of the bush. Witness followed the policeman until the shots were fired. He had heard voices, one of which came from the direction of the man in the shirt-sleeves, and the other appear-

ment afterwards there were TWO SHOTS,

and as soon as help came wriness walked up to the place where the shots appeared to come from. He found the

when asked by Mr. Magee why he did not speak to the object in the shirt-sleeves, witness said it struck him as peculiar that a man in his shirt-sleeves should be standing in such a place in that condition, and he got away from it as soon as possible. While going away from the place he met the po-

liceman, followed by many boys.

Cross-examined by Mr. McPhillips,
witness said he fixed the time by the discharge of the 9:30 gun a few minutes later. Witness admitted that it was so dark that he could hardly distinguish anybody or anything much farther than eight feet away. He could not say whether or not the policeman had his baton out, or whether the policeman's belt was undone or not. He saw no handcuffs. He thought that the shots had been fired at the policeman, who said, "Hold on there!" He could lice Magistrate Parke this morning at | not recognize the black hat found near the Carling street police station on the the spot that night as being the same

CUTHBERT BALL. Cuthbert Ball, aged 13, of 526 Ontario street, was called, and said that Roy Cox and Roy Dealy. They followed the policeman, but when the policeman got near the tree the boys fell back. The policeman had his lantern shining it along the fence. Witness could not say whether the lantern was on his belt or in the policeman's hand. The policeman was a little ahead of them shining the lantern all the way from Elias street. When the policeman got to the tree, witness heard a shot and then the policeman said "Here, here, there," and immediately there was a second shot and the boys ran back. Witness had heard a scuffiing sound near the fence. After the shots were fired the boys went back to the corner and met three soldiers and followed them up to the place. When the boys and soldiers got to the bush they heard greans, and going a little further saw the policeman, who was not dead when they got to him. His helmet was a short distance away. Cross-examined by Mr. McPhillips-Witness could not say how far away they were when the shots were fired, they were on the opposite side of the bush to the policeman. He saw no revolver, but after Dr. Seaborne turned the body over witness saw a revolver picked up from under the officer's head. Before the shots were fired the policeman was looking along the fence with the lantern. He could not say who fired the shots, nor had he seen any of the pieces of Toohey's watch before Dr. Seaborne moved the body.

EDWARD GRIMSTEAD. Mr. Edward Grimstead, of 507 On-

tario street, was the next witness. or west side of the street. He did not know the name of Elias street, as he was a stranger in the city. Witness noticed a policeman go by his place on the night of the shooting, about 9:30 o'clock, and shortly before that he noticed a man with a peg-leg on the opposite side of the street, also going towards the railway. Witness could not say which leg was the peg-leg, nor whether the man was light or dark. Witness remembered people passing both ways, and on both sides of the street, between the time the man with the peg-leg and the policeman went by. Witness was sitting on the veranda reading a newspaper at the time. While admitting that he could not be clear nor exact as to the time, witness believed it was ten or fifteen minutes after he noticed the man with the peg-leg that the policeman passed. could not describe the face of the for-Witness mer, but said he wore a soft black felt hat on the back of his head. The hat was like the one in the crown attorney's hand. After watching some soldiers fooling for a few minutes, witness walked up the street towards the track. He was the third to arrive at the scene of the tragedy, two gunners from the camp having got there before that.

Witnesses described the position in which the officer was lying, and said the officer's revolver was in his hand. The body had not been disturbed beby a Victoria, B. C., magistrate, on fore the witness arrived. Witness described how he found the works of a f authority for it. watch, a lead pencil and the officer's The examination was proceeded with helmet lying on the ground. Nothing was done to disturb these articles or the body before Dr. Seaborne arrived, further than what was done by the witness, and that was to pick up the

parts of the watch. Cross-examined by Mr. McPhillips-Mr. Grimshaw explained the position of his house, where he had lived for a year or more. He did not know the name of the streets. When the man with the peg-leg passed he was sitting on the veranda—from which place it. could be plainly seen that the onelegged stranger was of a very dark

Q .- Of course, you wouldn't undertake to say that the prisoner here is the man? Ans.-No, sir, I would not-the hat resembles the one the peg-

-You saw nothing of the shooting? A .- I heard a couple of shotsthey sounded like a fire-cracker from where I was.

Q.—Could you say about what sized all it would be. A.—About a 32ball it would be. calibre shot. Witness explained that he had seen

# Apollinaris

"THE QUEEN OF TABLE WATERS."

Bottled only at the Spring, Neuenahr, Rhenish-Prussia.

A Toronto party recently charged with refilling Apollinaris bottles bearing the genuine labels was convicted and fined by the Toronto Police Magistrate.

## D. Williams' Pink Pills

Make Rich, Red, Life-Preserving Blood.

Marion Brown Arraigned ed to be that of the policeman, who said, "Hi! hil Hold on there!" A mo-



strong. Let it go straight to the point then. To make oneself sick first, to weaken and

purge the poor ill body, expecting to have it strong in consequence, is not going straight; it is aiming around the corner, and that is not the sort of aim that generally hits the mark.

### DR. WILLIAMS' PINK PILLS FOR PALE PLOPLE

atc directly and straight. They build up and tone up the system at once; their beneficial effect is recognized at once. They strengthen and only strengthen. Be sure you obtain DR. WILLIAMS'--look for the name, "Dr. Williams' Pink Pills for Pale People." Don't accept anything that does not have that name printed on it in





Take care that there shall be no MISSING WORDS

Dr. Williams' Pink Pills are sold by all dealers in medicine or sent postpaid at 50 cents a box, or six boxes for \$2 50, by addressing the Dr. Williams' Medicine Co., Brockville, Ont.

the prisoner was not dressed the same policeman's pocket. He had not seen any handcuffs, but saw the baton in the policeman's hip pocket. The rethen as now.

volver he saw was about the color of The revolver of the dead policeman was produced and this, witness said, swear that the hat produced as the and Mr. Steppler, and several others one picked up at the place of the murder was the one the tramp wore. Witness remembered that the watch-pocket of the policeman was torn. When asked to identify the bullet taken from the policeman's watchpocket, witness took the cold lead in his hand and said, "it doesn't look like

the same bullet." EDWARD H. ROWE.

Edward H. Rowe, teamster, Strathroy, who lives in a house adjoining the railway property, said he remembered the night of June 24. Mr. Magee—Did you see anyone pass through your yard on that night? A.—

-Could you give me a description? Witness said he was a short, stout man, dark complexion, almost a colored man. When asked if the man were in court the witness pointed to the prisoner near the dock, and said, "There he is."

Q.-Where did he come from? A.-I don't know. There was a train just pulled in, and it stopped in front of my house to let a passenger go by. Witness described the movements of wore at the time was very much like the prisoner after passing through the yard. He went east, and then turned west. Witness didn't know where the prisoner went to then. After a while prisoner came back. Witness had just had supper, and was pumping a pail of water, and the peg-leg passed through witness's yard again, when the tramp said: "Will you give a fellow a drink of water?" After taking the drink the peg-leg made for the freight train, which by this time was pulling out towards London. Witness watched the man, and saw him jump on the freight, and was surprised at the manner in which he did it. It struck witness at the time that the prisoner was a mighty active fellow for a peg-legged

Cross-examined by Mr. McPhillipssuppose tramps are a daily occurrence around your place? A.—Yes, sir. Q.-Did you see any other tramps

that day? A .- Yes. Q.-Why did you notice this one particularly? A .- Because he was a different color to most tramps. Colored tramps, the witness said, were not so numerous as white tramps, and he did not see any other colored tramp that day.
Q.—Which leg was off? A.—The left

Q.—Have you ever seen him from that time until today? A.—I have never seen him from then until now.
Witness was asked if he had heard the next day about the shooting in London. His answer was "Yes," but

When asked if he had put two and two together to reconcile the identity of the peg-leg, who passed through his yard with the one who is supposed to have shot Toohey, witness said, "No." He had told Wm. Fitzpatrick about the man.

Q.-Will you swear that he is the man you saw in your yard? A.—Yes. Q.—Are you positive? A.—I think so. Q .- You think so-but you are not Witness demurred a little at the quite sure? point, not wanting to say positively whether or not the prisoner was the man. Prisoner's counsel then put the question again emphatically, and

asked: "Are you positive, upon your solemn oath, that this is the man? A. -I am pretty confident. Prisoner's counsel pressed the witness, and finally Mr. Rowe swore positively to the identity of the prisoner, as the man to whom he gave the drink, and could not be swerved from

that position. Q.—Is there any possibility under heaven of your being mistaken? A.-Well, I don't see how.

Q.-It is said every man in the world has his double, an image—so you may have seen the other fellow? A .- I don't

Witness could not swear positively, to the hat; but the one the prisoner the one produced.

MISS EMMA HORNER. Miss Emma Horner, of Strathroy, on being called, said she had seen previous witness in Strathroy. June 24 she was living in Mr. Steppler's house, where a tramp called. He was a short, stout fellow, very dark com-

Q.-Which leg was off? A. - I don't plexioned. know, but I think it was the left. Q.-Will you kindly look around and see if he is here? Witness (looking at the prisoner)-

That is the man.
Witness said the prisoner went to Mr. Steppler's and asked for something to eat, and waited at the door until it was brought. He was not dressed then the same as now.
Mr. McPhillips cross-examined the

witness, who said that after hearing of the shooting in London, and reading the description in the papers, she concluded that the man who did the shooting was the mulatto peg-leg she gave Q.-Upon your solemn oath, would the food to.

you swear that the prisoner is the same man? A .- Yes, sir. Q.—Is there any possibility of your beim mistaken? A.—Yes, there is.
Q.—Then you believe he is the man?

Q.-And that is as far as you'll go? A.—Yes, sir. Mr. Magee—You have no doubt about his being the man? A.—No, sir. The court then rose for an hour.

#### GAINED THIRTY-NINE POUNDS.

The Experience of Miss Flora Ferguson, of Sydney-For Five Years She Was An Almost Helpless Invalid.

From the Sydney, N.S., Reporter.

Many of our Cape Breton readers, especially those residing in Sydney and vicinity, will remember the subject of this article, and also knew Miss Ferguson when residing at her home on Hardwood Hill, just on the borders of the town, From 1890 to 1895 sickness preyed upon Miss Ferguson, and from a bright and healthy girl she became an invalid, completely given up to weakness and despon-dency. In the spring of 1895



she left her home and went to the States, where she has a sister and other friends, thinking that a change of climate might benefit her. While there she was attended by medical men, but without any improvement; in fact she gradually grew worse, until she used to spend the greater part of every day on the lounge at her sister's. Friends came to see her, only to go away with the sympathetic remark, "Poor Flora, she is not long for this world.' From the beginning of her sickness up to the time when the first box of Dr. Williams' Pink Pills was taken, she had tried upwards of twenty different kinds of medicinesome from doctors and some

of the many patent drugs for sale at druggists'. Hearing from the friend of the value of Dr. Williams' Pink Pills, Miss Ferguson resolved to give them a trial, and requested her sister to get her a box. As day by day went by she began to feel better and her spirits to return, and in the course of a few weeks she walked a mile to the postoffice and home again. Miss Ferguson continued taking the Pills until she had used eight boxes, when she was completely restored to health and happiness. While ill she had greatly run flown in weight, and at the time she began using Dr. Williams' Pink Pills, was reduced to 102 pounds, and when she had completed the eighth box her weight, had increased to 144 pounds. Recently she called at the home of the editor of this paper to leave her address to have the Reporter forwarded to her at Arlington, Mass. During the conversation with her the above facts were told to Mr. Richardson, the editor, and with beaming countenance Miss Ferguson agreed to have him tell the people "How Dr. Williams' Pink Pills brought her from the gates of death to the enjoyment of health." He was astonished, as gates of death to the enjoyment of health." He was astonished, as being well acquainted with her when in Sydney, knowing how ill she was and seeing her a phy sically changed person was enough to be amazed at the change.

#### AGONIZING PAINS OF SCIATICA.

Probably no trouble that afflicts mankind causes more intense agony than sciatica. Frequently the victim is utterly helpless, the least movement causes the most agonizing pains. To those who are suffering from this malady, the following statement from Mr. John Hayes, of Hayesville, York county, N. B. will point the road to relief and cure. Mr. Hayes says: "For upwards of twenty years I have suffered from weakness and pain in the back. Some four years ago my trouble was inten-

sified by sciatica settling in my leg. What I suffered seems almost beyond description. I employed three doctors, but all to no purpose; I had to give up work entirely, and almost despaired of This continued for two yearsyears filled with misery. At this time was advised to try Dr. Williams' Pink Pills, and after using six boxes both the sciatica and the weakness in the back which had troubled me so

long were gone. I was again a well men and feeling fifteen years younger than before I began the pills. Nearly two years have passed since I discontinued the use of Dr. Williams' Pink Pills, and in that time no symptom of the trouble has shown itself. Under God I thank Dr. Williams' Pink Pills for what they have done for

Mr. Hayes voluntarily te stifies to the truth of the above state-

ment before Edward Whosea d, Esq., J. P., and his statements are further youched for by Rev. J. N. Barnes, of Stanley, N. B.

#### MIDDLESEX NEWS

A Westminster Wedding-Fire at Wellburn-85 Pupils in Attendance at Lucan High School.

Thorndale fair gate receipts amounted to \$168. R. Ferguson and bride, of Hamilton,

have returned from Detroit. Mr. Wm. Haley, Cherry Grove, has sold his farm to Edward Near. Price, Mrs. John Clark and family of Kansas, are the guests of Mrs. H. Lockrey,

of Granthurst. The blacksmith shop of John Jermyn, Wellburn, was discovered on fire recently. Loss \$10.
Wilfred, the little son of Harry and Alice Tolson, Melbourne, died on Oct.

14 after a long illness. Rev. Wm. Wilson, of Ostrander, O., occupied the pulpit in the Presbyterian Church in Tempo on Sunday. The brickwork of the Lucan Methodist Church is completed, and work on the interior is now in progress. Mr. Wesley Richards and Miss M. Campbell, both of Middlemiss, were married in Melbourne on Monday.

There are now 85 pupils in attendance at the Lucan high school. This is 17 more than at the same date last A. Langford, of Devizes,

FOR BILIOUS AND NERVOUS DISORDERS such as Wind and Pain in the Stomach, Giddiness, Fulness after meals, Headache, Dizziness, Drowsiness, Flushings of Heat, Loss of Appetite, Costiveness, Blotches on the Skin, Cold Chills, Disturbed Sleep, Frightful Dreams and all Nervous and Trembling Sensations, THE FIRST DOSE WILL GIVE RELIEP IN TWENTY MINUTES. Every sufferer will acknowledge them to be

A WONDERFUL MEDICINE. BEECHAM'S PILLS, taken as directed, will quickly restore Females to com-plete health. They promptly remove obstructions or irregularities of the sys-tem and cure sick Headache. For a

Weak Stomach

Impaired Digestion Disordered Liver IN MEN, WOMEN OR CHILDREN Beecham's Pills are Without a Rival LARCEST SALE
of any Patent Medicine in the World.

moved on Tuesday to his new home in London, where he intends continuing in business.

Rev. Mr. Howard, of Courtright, will succeed Rev. Mr. Cluff, Thorndale, who recently removed to his new charge at Strathroy. The apple packers are busy in the

vicinity of Tempo packing apples for the old country market. The price paid is \$1 35 per barrel for winter fruit. The Lucan paper has changed hands. The editor will now be Mr. Phillips, Mr. Irwin having declared his

intention of returning to Brussels. Anniversary services will be conducted in Knox Church, Belmont, next Sunday. Rev. G. H. Smith, of Thamesford, will preach morning and evening. Mrs. R. Armitage, of London, has rented the house and store on Main street, Lucan, belonging to Arthur Goodacre, and intends starting a fancy

Miss Mabel Denton, Harrietsville, is in the hospital at Toronto, having an operation performed on one of her eyes, as a result of an accidental shot from an air gun.

Mr. A. C. Graham, grand organizer of the A. O. U. W., is in Belmont in the interests of the Belmont Lodge. About 15 new members have given in their names during the past few days. On Tuesday morning, at the residence of the bride's mother, on con. 5, Westminster, Miss Lizzie Jenkins was united in marriage to Mr. Eldon Carroth-

"ALWAYS TAKE THE G. T. A WHEN YOU CAN. S. S. S.-SAFETY SCENERY AND SPEED."

ers, also of Westminster, by Rev. E. H.

Sawers, of Wilton Grove.

This is the weather for Flys. 84 tf

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