

## MAGISTRATE COMMITS THREE BOYS FOR TRIAL

Evidence at Preliminary Hearing Into Charges of Interference  
With C. P. R. and C. N. O. R. Switches Was Lengthy—  
Boy Repudiates Under Oath His Signed Statement.

The case of the crown against the boys, Frank Wilson and Roy Sanford, charged with four very serious offences, involving the tampering with switch locks on the lines of the C.P.R. and C.N.O.R. and with placing obstructions on the line of the Canadian Northern came up for preliminary hearing this morning, before Magistrate Masson.

Upon advice from Crown Attorney Carnew and in agreement with Peter White, K.C., counsel for the C.N.R., Col. Ponton, K.C., counsel for the C.P.R. and W. C. Mikel, K.C. for the defence it was decided to proceed first with the charges against Frank Wilson.

Two detectives, Messrs. Page and Harper, were also in court.

Engineer Peter Menzies was the first witness called by the crown. He was engineer of the express train No. 7 of the C.N.R. wrecked on the night of the 29th of June at the Point Anne switch. He crossed the eastern bound express at Shannonville. He was proceeding past Thurlow station at about 20 to 25 miles an hour. Everything appeared O.K. Engine left the track and stopped on a shallow bank. There were 8 coaches on the train. Four coaches left the track. He immediately went back and discovered that the switch lamp and switch lock were gone. The fish plates were taken off. Stones had been placed between the rails at the switch point. Four bolts were found outside the rail with the nuts off. Could not tell the size of the stones. Asked as to cause of wreck expressed opinion that it was occasioned by removal of fish plates.

Cross-examined, saw all the circumstances related. Spent about two minutes in examination of condition of switch. Wreck occurred at 3.30 A.M. Nearly all trainmen have keys to fit the switch-lock. A blow from any instrument might open the lock. Locks do sometimes get put off. But witness was sure that only a blow applied to lock itself would cause it to open. It would be the duty of the last trainman using the switch to lock it. Saw two plates off—one on each side of the rails. It was on the south side of the main line where the plates were removed. Picked up the nuts and bolts. The bolts were broken, all four of them. They were broken off close to fish plates. Had been in C.N.R. service for 10 years as engineer. Had seen bolts broken, hundreds of times by workmen for the purpose of repairs. Had never known them to be broken accidentally. Witness didn't know the custom as to placing nuts inside or outside of rails. Saw stones on two ties, crushed. Some of particles were as large as hickory nuts. Was in a similar wreck on C.P.R. main line west of Calgary.

To Col. Ponton witness stated that he was alone when he made the examination and about two minutes after the accident.

Fredrick James Russell, conductor of the wrecked train, was passing from baggage car to first class coach. He described the condition of the train immediately after the accident. After ascertaining that no one was hurt, he went back to Thurlow station, about four or five car lengths and broke open the door and telephoned particulars to headquarters. He then went back and made discoveries similar to those described by the engineer. He found stones between the switch-point and the rest of the main line. Stones had been placed on three different ties. Would be as much as a peck measure full all told. The bolts were in a little pile. The plates were missing entirely. The coaches might be repaired. The engine was badly broken up.

To Mr. Mikel, witness stated that he spent the following day about the wreck. He spent about fifteen minutes examining condition of track. The case was still in progress as The Ontario went to press.

The preliminary hearing which lasted all through Saturday in the sweltering heat, closed at 7.20 in the evening, when the lads accused of tampering with railway switches—Wilson, Sanford and Lloyd were committed for trial.

Frank Ernest King, baggage-man on the wrecked train, corroborated the evidence of Engineer Menzies and Conductor Russell. Brakeman and Conductor Russell. Brakeman was with him when he made examination of the track. It was getting daylight but he had a hand

lamp. The stone had evidently been crushed by the east-bound train. The lever was in the normal position indicating right-of-way was clear. No. 10 and No. 8, both east-bound, had passed over this same track the same night.

Thos. H. Nugent, Brakeman, said the east-bound train passing would cause the crushing of the rock. A west-bound train would have little effect. He saw no suspicious characters lingering about. The stone could not be placed there unless the switch was partly open.

George Alexander Hoag, Assistant Superintendent of the C.N.O.R. Lines, came out on this train to Rideau Junction, and on the morning of the 30th, about 6.30, he received a report of the accident. He came via C.P.R. and arrived at the scene of the accident about 4 o'clock p.m. The condition of the wrecked train was described. He had had 33 years' experience as a railway-man. He had been assistant superintendent for 11 years. He saw powdered stone and crushed stone between the split rail and the main rail. The angle-bar or fish plates were missing. He found the lock the next morning about 9 o'clock, in the water and rushes beside the track. (Witness here produced switch-lock chain.) He expressed the opinion that it must have been broken by a heavy blow from a hammer or some other instrument. The lamp could not be shaken off the post by any ordinary jar. It could be lifted off. There was no crust on the wick. The target was in normal position and set for the main line. The steel train undoubtedly prevented a most serious loss of life. The damage to the train was estimated at \$7,000. There are three, separate, parallel lines of railway at this point. The engine truck stayed on the main line.

William Henry Doherty, of Shannonville, section-man for the C.P.R. saw two boys on a C.P.R. train at Shannonville on the 29th of June. This was between 4.30 and 6 o'clock in the afternoon. There were three or four boys in the party. He and two other members of the section gang were working in a cut about a mile west of Shannonville Station. He saw the boys on a freight train slowly passing where they were working. He saw the same boys in the hotel at MacDonald's Hotel, Shannonville. He thought they resembled the boys he saw on the train. They also resembled the boys in the dock but the witness would not swear positively they were the same. The boys he thought were on a flat-car on the train. They were sitting on a piece of wooden construction.

Mr. Mikel witness stated that freight train was going east, about 8 or 10 miles an hour. He saw nothing unusual about the boys to connect them in memory. He stood about the length of a telegraph pole from the boys when he saw them going into the hotel.

Jos. Albert Reid, of Shannonville, section-man of the C.P.R., saw two or three boys, apparently being between 15 and 19. They were accompanied by a man who would be about 30. He was dressed in khaki pants and light-colored shirt. He didn't see the boys again. He saw the man in khaki going into MacDonald's Hotel that same evening. The boys in the dock looked very much like those he saw on the train. He saw the boys a week ago in the cells but could not say they were the same as he saw on the train.

Thomas Ellis, of Belleville, who was working on the section of the C.N.O.R. east of the city on June 29, swore that on Friday night before the accident the lamp at the main line switch at Thurlow was burning in good order. The lamp was lighted on Friday morning at nine o'clock. It was filled with oil on the Saturday previous.

The switch was in good working condition on Friday morning, as he patrolled the line.

Record of Trains  
Stephen Garvin, operator for the C.P.R. and C.N.O.R., produced registers to show the arrival of trains at Belleville Station.

Witness at 2.10 or 2.15 a.m. on June 20, received a report from the conductor of train No. 78 and sent it to the despatcher and notified the Belleville police about 4.20 or 4.25 a.m. witness himself investigated with Constable Ellis.

Records of the C.N.O.R. were pro-

duced.  
No. 7, due to leave here at 2.30 a.m., was wrecked. There was record of this, but a report of it was received at 2.40 a.m. The next train due was at 7 o'clock.

Thos. Henderson, C.N.O.R. Foreman for the section six miles east of Marsh & Henthorn's and extending two miles beyond Thurlow, knew Ellis lighted the lamp on the switch. William David Barnett, C.N.O.R. Conductor of a freight which arrived here at 2 a.m. on June 20, told of conditions at the C.P.R. switch after the engine forced its way through. He saw no suspicious looking characters around. Life would have been endangered on west-bound trains.

What Might Have Happened

Alfred M. Gammell, Smith's Falls, C.P.R. locomotive engineer on the train which ran through the switch in Belleville yard, gave evidence of how he had found conditions at the switch—an opened switch-lock, and lamp removed. He was satisfied the lamp had not been moved by accident. If the conditions had not been noticed, a west-bound passenger train would likely have been derailed and turned upside down.

Ernest Teolis, who has lived in Belleville on a car of the C.P.R., is a section foreman. He lighted the lamp on June 19th at ten minutes to six in the evening. He again saw it at 7.30. It was all right then. He was called out at 2.15 and spiked the switch-rail after the accident.

How Lock is Opened

Myron Long, Roadmaster of the C.P.R., testified that he went over the road and passed over the switch on June 18th, when it was all right. He described the conditions on June 20th. The repairs entailed a cost of about \$12.  
He thought the lock produced was not opened by a stone but by a simple jerk on the chain, and demonstrated in court how this was done. All the locks would do this. Railway men did not open locks in this way. He had heard this could be done.

The Troop Train Passed

Thomas Hunter said he knew both Sanford and Wilson. He heard nothing of a C.P.R. switch being tampered with. He, Wilson, Porter, Coon, Earl Collins, Gordon Monahan, and others were on Victoria Park and saw a troop train pass over the bridge. Sanford was not with them on June 19th.

Witness, Johnnie Coon and Wilson got on the train. Witness got off at Pinnacle St. The rest rode on to the station. Then they came up to the crossing and met witness and others. Witness saw Wilson and Sanford in the railroad yard once early in the summer. No one ever told him how the switch was tampered with. Nobody had been talking to him about his evidence. He had never made any statement that he had heard anything.

Willie Porter, aged 15 years, living on Pinnacle Street, who was with the party in the story told by the previous witness, testified that he did not get on the troop train. He did not know how the switch came to be opened. He had never heard "any wild west boys" talking of the wreck.

Detective on the Stand

Herbert James Page, the chief special agent of the Canadian Northern Ontario Railway, was examined by Mr. Peter White, K.C., counsel for the C.N.O.R. He testified that he had a conversation with Frank Wilson in the police court room on the morning of July 5th. After being warned, Wilson made a statement. "He told me that he and Roy Sanford and Clarence Lloyd—"

Mr. Mikel rose to object to the admission of the statement.

Magistrate Masson noted the objection but said he intended to allow rather full scope to the investigation.

A Statement by Wilson

He said he and Roy Sanford and Clarence Lloyd had jumped on a C.P.R. freight and had ridden out to the top of the big grade of the C.P.R. near Shannonville where the water-tank is, and that they had jumped off, walked back a little, walked down a road and across a trail to the C.N.O.R. Thurlow Station. He said he jerked or knocked the lamp off the switch over by the Thurlow Station and that Lloyd and Sanford put some stones on the track. He said he was very sorry he had taken part in it. He said he was willing to put the statement in writing, after he had cried a bit. After a second warning, Wilson repeated verbally his statement to witness and Constable Ellis, then again to Ellis, who wrote it down, and after it was read over, Wilson signed it. Wilson said it was on the

night before the accident. The detective put in as exhibit the statement.

Wilson was asked if he were in the C.P.R. scrape. He said it was the same gang, but would not admit he had done anything wrong.

On July 14th in the tramp room of Wilson, in the presence of the Chief and Sergeant Harman and witness, told the same story of tampering with the Canadian Northern switch.

To Mr. Mikel—Witness had only two interviews of any account with Wilson. Detective Harry Harper had a talk about the C.P.R. wreck with Wilson in witness' presence. Wilson said if he served anything for this, he would do a 4—sight worse next time. Wilson refused to give any information. There were some admissions about being on a train but nothing incriminating unless supported by further evidence. Mr. Harper then left. Thereupon Detective Page had his talk with Wilson. Witness told him of the 15-year-old boy's statement, reading about three-quarters of it. Wilson first said it was true, and he started to cry. Then he made a general statement. He said that after going down to the wreck on Sunday he was sorry when he saw what had occurred. The boy seemed very sorry and very sincere.

Light Thrown off Switch  
George Kiser was examined by Mr. White, K.C. He knew the three accused. He remembered the Sunday afternoon after the C.P.R. wreck he saw Lloyd, Wilson and Sanford. "Frank Wilson told me he threw the light off the switch. That was all," Sanford and Lloyd said nothing to this. Witness did not tell Lt. Col. Ponton that Lloyd and Sanford said anything. Wilson said it in the presence of Lloyd and Sanford but they said nothing at all. Witness saw Wilson on Sunday throw a stone at a lamp or a C.P.R. switch. Wilson did not hit it. Lloyd told him not to throw at it or he might get put in jail. Wilson said he threw the C.P.R. lamp in the ditch.

Turning to the Canadian Northern wreck, Kiser said Sanford told him he was down there Saturday morning and that the train had missed going into the marsh by two feet.

Roy Sanford asked witness on Monday to go and see the wreck.

Mr. White, K.C., said he was informed that Col. Ponton and Detective Harper had been told by witness that he said Lloyd's father had had a talk with him.

Witness testified that Detective Harper met him talking to Mr. Lloyd, who said that they were not going to do anything until they got the fourth boy.

Witness said Clarence Lloyd was at the Rolling Mills until 11 o'clock with witness the night before the C.P.R. mishap. Lloyd's father did not ask witness to do anything.

Witness admitted telling Col. Ponton that Sanford told him that if he would go to Thurlow he would see a good wreck.

To Mr. Mikel—Sanford never told witness he had anything to do with the wreck. In Col. Ponton's office witness did not see Col. Ponton and Detectives Page and Harper make any notes.

To Mr. White—Col. Ponton asked the detectives to leave the room and he had a quiet conversation with witness.

Constable's Story of Wilson's Statement

Constable George J. R. Ellis reiterated Detective Page's evidence on the first interview, with Wilson on July 6th. The statement was reduced to writing. It was to the effect that they stopped at the Thurlow Station switch; Wilson knocked off the lamp, Lloyd broke the lock and Sanford put stones in the switch. Asked why this was done, Wilson replied just because they wanted to see a few cars run off. Nothing was said about punishment by the detective.

About the C.P.R. wreck, the constable repeated the same statement as Detective Page said Wilson gave.

Wilson can write. Wilson told Sanford in the cell-room on July 6th that he had made a confession.

Sanford said "What did you do that for, you 4—d fool?"

Wilson said they might as well tell as it would be known anyway.

Sergeant Arthur Harman told of an interview on July 14th in the tramp-room of the police station, when Wilson, Detective Page, Chief Newton and the witness were present. Page asked Wilson if the statements made by him were correct. He said they were. The sergeant told the substance of the interview as related above—Lloyd broke the lamp and Sanford and Lloyd put stones in the track. Wilson said he was getting dark at the time. They could see what they were doing. Wilson admitted that Page had treated him kindly and had used no pressure to obtain the statement.

Denied Truth of his Signed Statements

Clarence Lloyd, aged 15 years, who resides at No. 26 Franklin St., Belleville, was next called. He said he had been working in the rolling Mills and the Shell Factory. He was employed from 6 a.m. to 4 p.m. He was accustomed to going in swimming near the old mill.

He knew where the C.P.R. switch was that was broken, but he did not know who broke it. A couple of weeks ago last Sunday he went for a swim about three o'clock, with George Kiser. They came back up the track. They met Roy Sanford and Frank Wilson coming on a C.P.R. train. The latter said to get on and go for a ride. They tried to catch the train but failed. The others got off and the four walked up the track. Wilson was talking to Sanford about the switch lamp. He said he had knocked the old one off and had knocked the new one off. Lloyd advised him not to do it as he might get into trouble.

The party went up the street. Nothing was said about the switch. Witness shortly after left for home, the rest going on to Cobourg. "Do you know anything about the C.P.R. wreck?"

"No."

He remembered a troop train passing his place.

"Did you make a statement to any of the men working on this case?"

"Yes."

"Where was that?"

"In the Children's Shelter."

"Last night?"

"Did you ever make a statement in writing?"

"Yes, to the sergeant. I told them the truth and they would not believe it. I told them I never turned a switch."

"Had they ever said you had?"

"Yes."

He was never through the sweet clover near Point Anne. He never told anybody about it.

"Were you ever at Point Anne with Frank Wilson or Roy Sanford?"

"No sir."

"Were the statements you made here true?"

"No."

"Did you make statements that are not true?"

"Yes."

"When did you come to that conclusion?"

"When I told them."

"So then you made up these stories?"

"Yes Sir."

"Did you repeat these statements?"

"No sir."

"What part of these statements is not true?"

"None."

"Where did you get all the foundations? Where did you get the lamp?"

From Frank Wilson when he was near the hospital on the Sunday.

It was not true that he saw the troop train pass the night before the C.P.R. mishap. He denied his statement that he had taken off the lock. This was true

of the switch. It was not true that Frank Wilson turned the switch, as the statement said. Witness denied his signed statement that they opened the switch to see some cars run off, saying that he heard his mother read out of a paper about the switch. He admitted meeting Wilson at Johnson's livery stable one evening but denied that Wilson said to say nothing. They did not open the lock. His statement that they had jerked on the chain and opened the lock was not true.

Crown Attorney Carnew read the second statement relative to the C.N.O.R. wreck. Lloyd repudiated his statement which he said he made because he was afraid of being put in the cells. He denied the major part of the statement.

Mr. Carnew objected to Mr. Mikel's talking with crown witness.

Lloyd said he told Kiser after making the statements to the officers that they were not true. He had got his information from the questions of the detectives. So far as he knew, neither Wilson nor Sanford had anything to do with the wrecks. Witness had nothing himself to do with them.

To Mr. Carnew—Kiser came into the police station five minutes after the statements were made to the detectives. There he (witness) told him that the statements he made were untrue.

Crown Attorney Carnew said this completed the evidence in the case against Frank Wilson.

The magistrate asked Wilson if he had anything to say. On advice of counsel he said he had nothing to say and refused to give any evidence. Thereupon Wilson was committed for trial at the next court of competent criminal jurisdiction.

As to Sanford and Lloyd, Mr. Mikel

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consented that the evidence used in the Wilson case be admitted, Sanford was committed to jail and Lloyd to the Shelter until their trial.

### NEW POTATOES DECLINE

New potatoes were a little cheaper this morning, selling at \$2.25 to \$3.50 per peck. Quite a large amount was offered.

Eggs are higher at 36c to 38c per dozen. Butter sold at 40c to 41c. Shoats were offered at 113 per cwt.

Berries are fairly plentiful. Strawberries sold at 18c per box, raspberries 25c per box; gooseberries, 3 quarts for 25c.

Vegetables and greens are showing remarkable growth. Lettuce, cabbage, beets, onions of fine size sold at the regular prices.

Poultry sold at 75c to \$1 for spring chickens.  
Beef is unchanged at 16c for hindquarters.

Spring lamb is very scarce, and is worth 23c wholesale.  
Wool has advanced to 70c washed and 58c unwashed. Shearlings bring 30c to 60c.

### 1750 CIVIL SERVANTS MAY LOSE POSITIONS—GOVERNMENT ORDER

Ottawa, July 23rd.—Fifteen per cent of the government service in Ottawa, or 1750 in all, may lose their jobs. This is a result of the recommendation of the Public Service Committee of the National Service Board which has been confirmed formally by an order-in-council.

### ONTARIO REFORMATORY THING OF THE PAST

Guelph, July 23rd.—What was once known as the Ontario Reformatory is now a thing of the past. There is not a single prisoner of any description out at the institution, so beautifully situated a short distance from the city. The last three inmates were removed the other day to the farm at Mimico.

The W. H. Finkle farm was sold on Wednesday by Norman Montgomery, Brighton to Mr. W. H. Rutter, of Belleville.