

THIS ORIGINAL DOCUMENT IS IN VERY POOR CONDITION

The Evening Mercury

VOL. VI. NO. 109

GUELPH, ONT., CANADA, FRIDAY EVENING, DECEMBER 13, 1872.

PRICE ONE PENNY

Business Cards.

OLIVER, MACDONALD & OSBER,
Barristers and Attorneys-at-Law, Solicitors in Chancery, &c. Office, 100 Wellington Street, Guelph, Ont.

D. E. BROOK,
OFFICE AND RESIDENCE
Directly opposite Chalmers' Church,
QUEBEC STREET, GUELPH.

FREDERICK BISCOE, Barrister and Attorney at Law, Solicitor in Chancery, Conveyancer, &c. Guelph. Office, corner of Wyndham and Quebec Streets.

AUSTIN C. CHADWICK, Barrister at Law, Solicitor in Chancery, Conveyancer, &c. Office, 100 Wellington Street, Guelph, Ont.

STEPHEN BOULT, Architect, Contractor and Builder. Planning Mill, and every kind of Joiner's Work prepared for the trade and the public. The Factory is on Quebec Street, Guelph.

CHARVER & HATHERLY, Contractors, Well Sinks and General Jobbers. Executions of all kinds undertaken by day or job.

WILLIAM J. PATERSON,
Official Assignee for the County of Wellington.

THORP'S HOTEL, GUELPH, remodelled and newly furnished. Good accommodation for commercial travellers. Free omnibus to and from all trains. First-class Livery in connection.
May 14/72 JAS. A. THORP, Proprietor

LEMON & PETERSON,
Barristers and Attorneys at Law, Solicitors in Chancery, Conveyancers and Notaries Public.

A. LEMON, H. W. PETERSON, CHAS. LEMON, County Crown Attorney

GUTHRIE, WATT & CUTTEN,
Barristers, Attorneys - at - Law,
Solicitors in Chancery,
GUELPH, ONTARIO.

NEW COAL YARD.
The undersigned having opened a Coal Yard in Guelph is prepared to furnish all kinds of
Hard and Soft Coal
At moderate prices. Orders left at the store of John A. Wood, Upper Wyndham Street, will be promptly attended to.
GEO. MURTON, Guelph, Nov. 1, 1872

J. M. MARRIOTT,
Veterinary Surgeon,
M.B.C.V.S., L.H.F.V.M.A.,
Having lately arrived in Guelph from England, and taken up his residence here, in connection with the practice of his profession. Orders left at the Veterinary Office, or at Mr. Kirkland's, Paisley Street, opposite Howard's new foundry, will be promptly attended to.
Having had great experience in all diseases of Horses and Cattle, all cases placed under his treatment will receive the greatest attention. Charges moderate.
Guelph, Oct. 19, 1872.

PRIZE DENTISTRY.
DR. ROBERT CAMPBELL
Licentiate of Dental Surgery
Established 1864.
Office next door to the "Advertiser" Office, Wyndham at Guelph.
Residence opposite Mr. Boulton's Factory, Quebec Street. Teeth extracted without pain. References kindly permitted to Drs. Herod, Clarke, Tuck, McGuire, Herod, McGreggor, and Cowan, Guelph; Drs. Buchanan and Phillips, Toronto; Drs. Elliot, & Myers, Dentists, London, Ont.

W. M. FOSTER, L. D. S.,
SURGEON DENTIST, GUELPH.
Office over E. Harvey & Co's Drug Store, Corner of Wyndham and Macdonell-sts. Guelph.
For Nitrous Oxide (laughing gas) administered for the extraction of teeth without pain, which is perfectly safe and reliable.
References kindly permitted to Drs. Herod, Clarke, Tuck, McGuire, Keating, Cowan and McGreggor, Guelph; W. K. Graham, Dentist, Stratford.

DOMINION SALOON.
FRESH OYSTERS
IN EVERY STYLE
to be had at this saloon.
The best Liquors and Cigars always in stock.
Guelph, Sept. 20, 1872. DENIS BUNYAN,

H. D. MOREHOUSE,
Exchange Broker,
Market Square, Guelph.

AGENT FOR
Inman Steamship Company,
Between New York and Liverpool, leaving New York Thursday and Saturday.
Lakes Superior Royal Mail Route,
Leaving Collingwood every Tuesday and Friday.
Michigan Central Railway Company
—AND—
Erie Railway Company.

GORDON STREET BAKERY.
ESTABLISHED 1855.
J. SOLZ hereby tenders his sincere thanks to his numerous customers for the very liberal patronage he has received, and begs to inform them that he is now building a SECOND LARGE OVEN in order to meet the requirements of his steadily increasing business.
The Bread, &c. will be delivered by J. Solz, Junr. All orders promptly attended to.
Remember the stand - next to F. W. Stone's store, Gordon St., Guelph.
Dec. 5, 1872.

STORE AND DWELLING FOR SALE
OR TO LEASE.
The undersigned offers for sale on reasonable terms, or will rent for a period, the store and dwelling at Bristol, Township of Erin, at present occupied by Mr. Maclellan, Foster street. The store is situated in a good locality, on the gravel road between Guelph and Erin. This is an excellent opening for a party with a limited capital, as a good business can be carried on, and arrangements may be made to continue the store office in connection with the store.
Particulars apply to JAMES MANSIE, Guelph, Nov. 25, 1872.

New Advertisements.

TWO GENTLEMEN WANTED - As Boarders in a private family. Apply at this office. 10-10-72

GOOD GENERAL SERVANT Wanted at once, in a small family. Apply at this office. 10-10-72

TO LET - The large room over the MERCURY OFFICE, formerly used as a Temperance Hall. Suitable for an office or for any light manufacturing purpose. Enquire at the Mercury Office. 10-10-72

CORN FOR SALE - For sale, 10,000 bushels of corn. Apply to A. R. DAVIES, On the Market.

WANTED - A Situation as Book-keeper and Accountant. Will write the correspondence and collect accounts, if necessary. By a person of considerable experience. Salary very reasonable. Address T. T. M., box 122, Guelph. 10-10-72

SEWING MACHINES FOR SALE.
For sale, the Wenzel, Lockman and Howe Sewing Machines, all first class and cheap for cash. Enquire at the Mercury Office. 10-10-72

TO MASON - Tenders will be received at the office of the undersigned, where the plans and specifications are to be seen, up to Dec. 21st, for the erection of a stone building on the site of St. George's Church, for Dr. Clark. STEPHEN BOULT, Guelph, Dec. 11th, 1872.

D. W. GINGRICH, Architect, Guelph, Ont., is prepared to execute all kinds of plans for Buildings, Churches, Bridges, &c., and make specifications. He is also ready to superintend Buildings, &c., while in course of erection, on work and materials and at short notice. Terms moderate. Give him a call. Office with Mr. Hatch, where specimens may be seen and orders received. 10-10-72

CITY WOOD YARD. - The subscriber has opened a Wood Yard, next to the new English Church, where he will keep all kinds of wood, cut and split, and will deliver it in quantities to suit purchasers, in any part of the town. Orders can be left at Mr. Ferguson's shop, opposite Chalmers' Hotel, Cork St. Hay and Straw kept on hand. THOS. KER, Guelph, Nov. 28, 1872

BUILDING LOTS FOR SALE. - Two lots of 66 feet frontage, each on Wellington Street, by 106 feet deep, being a portion of the open space between the Curling Rink and Mr. Barclay's property, for sale. They are very convenient to the centre of the town, and will be sold cheap for terms. See, apply to the undersigned, Town Hall Buildings, Guelph. CHAS. DAVIDSON. 10-10-72

FINAL NOTICE.
The subscribers being about to dissolve partnership, beg to notify all parties indebted to them that the amounts due must be paid to them on or before the 24th inst. as the business of the firm must be settled by that date; otherwise they will have to be paid into Court with costs.
All parties having claims against the firm, will please call and state the same. GOWDY & STEWART, Guelph, Dec. 9, 1872. dwt

BUSINESS NOTICE.
The undersigned having purchased one of Messrs. Gowdy, Stewart & Co's, Steam Saw Mills, near Georgetown, on the Grand Trunk Railway, and being about to remove the same to Guelph, beg to notify all parties indebted to us, either by Note or Book Account, that the same must be paid on or before the 15th December, otherwise they will be positively placed in Court for collection.
DODD & BANNINGMAN, Guelph, Nov. 29, 1872. dwt

TEMPERANCE ENTERTAINMENT
I. O. of G. T.
The second of the series of Popular Entertainments, under the above auspices, will be given in the Good Templar's Hall,
On Saturday Evening, the 14th inst.,
And will consist of Vocal and Instrumental Music, Recitations, Readings, Dramatic Sketches, &c.
To commence at a quarter to 8. Admission 10 cents. Ladies free. For particulars, see programme.

NOTICE TO CONTRACTORS.
Sealed tenders will be received by the undersigned up to Monday, 16th inst., for the erection of a Stone School House, in Section No. 1, Guelph Township, Centre of said section, to be included in one tender. Plans and specifications to be seen at Mr. Boulton's office on and after the 10th inst., where tenders are to be left. The parties do not bind themselves to accept the lowest or any tender unless otherwise satisfactory. Security will be required for the due performance of the contracts, and money advanced as the work progresses.
Signed M. SWEETNAM, Jr.
W. M. CRITCHIE,
D. KELHEB, Trustees.
December 4, 1872. 24-10-72.

ANNIVERSARY SERVICES.
Chalmers' Church
The Anniversary Services in connection with the Opening of Chalmers' Church, will take place on
Sabbath First, the 15th inst.
When special sermons will be preached on the occasion, by the Rev. Wm. Inglis, of Toronto, and Rev. J. Muir, of Galt.
A Collection will be taken up on each occasion in aid of the Building Fund.

A SOIREE
Will be held in the Church on MONDAY EVENING, following, the 16th inst.
Addresses will be given by the Rev. Walter Inglis, of Ayr, and Rev. Mr. Grant, of Ingersoll, Rev. Mr. McMillan, of Woodstock, and others.
The Choir, under the able leadership of Mr. W. H. K. Maitland, of Galt, will sing some choice pieces throughout the evening.
Tea will commence to be served at 8 o'clock, precisely. Tickets, 25 cents each, to be had of Messrs. G. & A. Haddon, J. Bink, W. Stewart, W. J. Little, and the Drug and Book Stores.
Guelph, Dec. 2nd, 1872. dd

Improved Berkshire Boars
WITH PEDIGREES.
For the service of sows this season, on the premises of the undersigned.
Terms - Cash at time of service.
ALLAN SIMPSON,
Guelph, Dec. 9th, 1872. dwt

AUCTION SALE OF FARM, FARM STOCK AND IMPLEMENTS. - Mr. THOMAS HAYMAN has been instructed by Mrs. David Morton, to sell by auction on the premises, lot 24, 7th concession, on the Brock Road, midway between Morrison and Aberfoyle, Puslinch, on Friday, the 30th December, the following property: 1 span working horse, 1 yoke of oxen, 1 cow, 2 calves, 2 years old, 2 yearling steers, 1 yearling heifer, 3 spring pigs, 1 yearling lamb, and 1 ram (well bred), 2 spring pigs, 2 lumber wagons, 1 light dc., 2 lumber-leighs, single wheel, 2 pig hoppers, 3 ploughs, 1 scuffle, 2 sets double harness, and a quantity of hay and straw; also, household furniture. Terms, for the hay and straw, cash; for the other articles, 35 and under, cash; for that amount 12 months credit on furnishing approved notes. Sale to commence at ten o'clock. At the same time, the term will be offered for sale. Terms made known at 10 o'clock.

RAILWAY TIME TABLE - Winter Arrangement - On after Monday, 18th November.

Grand Trunk Railway
Trains leave Guelph as follows:
WEST
2:17 a.m.; 9:45 a.m.; 1:50 p.m.; 6:00 p.m.; 8:33 p.m.
*To London, Godrich, and Detroit. 170 to Berlin.

EAST
8:05 a.m.; 7:30 a.m.; 11:00 a.m.; 4:12 p.m. and 8:33 p.m.

Great Western - Guelph Branch.
Going South - 4:50 a.m., 12:35 p.m., 1:05 p.m. for Hamilton; 4:55 p.m.
Going North - 11:45 a.m. for Chifford; mixed 1:15 p.m. for Chifford; 4:35 p.m. for Fergus; 8:05 p.m. for Fergus.

Guelph Evening Mercury

FRIDAY EVEN'G, DEC. 13, 1872

Town and County News.

There has been an immense traffic in cattle on the W. G. & B., and Galt and Guelph Railways this week in consequence of the cattle fair.

REMEMBER the social to be held in Knox Church this evening. Tea at 6 o'clock. All wishing to spend a pleasant evening should attend.

The bazaar held by the ladies of Knox Church, Elora, on Tuesday, in aid of the building fund of the new church, was very successful, as was also the concert in the evening.

STILL AHEAD. - New arrivals of bound volumes for 1872. Leisure Hour, Sunday at Home, Good Words for the Young, Quiver, Cassell's Magazine, at Andersons cheap Bookstore.

BOUND VOLUMES FOR 1872 AT DAY'S BOOKSTORE. - Sunday at Home, Leisure Hour, Good Words for the Young, British Workman, Band of Hope, Children's Friend, Infant's Delight, Child's Companion, now on hand at Day's Bookstore.

Y. M. C. A. - At the weekly meeting of this Association last night, the Committee appointed to consider the matter of engaging a paid Secretary reported that they had written to the sister societies in Toronto and Hamilton for information, and hoped to be able to report at an early meeting.

The first curling match of the season came off at Fergus on Wednesday, and put up at one of the Hotels where the wedding dinner had been ordered a day or two previously. A few well wishers accompanied them. As the time drew near for the knot to be tied, and as the Bridegroom thought over the solemn and imposing ceremony which was soon to take place, it appears, alas! the weakness of man, he could not help asking himself "can I stand to go through the trying ordeal." He withdrew to the open air that he might calmly consider the matter, promising to return shortly. He quickly came to the conclusion that it was too much for human nature to endure and accordingly took to his heels and made good his escape. The sorrowing maid and the rest of the party when they ascertained the bird had flown, started for home somewhat displeased with the conduct of the faithless one. - *Listener's Banner.*

A NOVEL ENTERPRISE. - The Globe says a number of wealthy men interested in the oil business, are forming a company for carrying out an enterprise not altogether new in its character, but novel so far as Canada is concerned. There have been some difficulty experienced in obtaining prompt delivery at all times of oil shipped from Petrolia to London, it has been determined, in order to overcome the difficulty, to lay a pipe between the two places to convey the oil. As they are on a level as regards each other, it will be necessary to erect what might be termed relay pumps at intervals of say every ten miles or so, to force the oil on to the next pumping station. The whole distance is about sixty miles, and it is estimated that the cost of establishing communication in this manner will be by the neighborhood of \$100,000. Notice of application for a charter has appeared in the Ontario Official Gazette and it is intended to proceed with the work with as little delay as possible.

SAD AFFAIR AT LAKEBIDE. - The London Herald records a sad affair at Lakeside. It appears that a young lady named Marion Bartley, of that place, had conceived an attachment for, and had been seduced by a designing scoundrel of middle age, living in her immediate vicinity. She made no confidants, and strictly concealed her unhappy condition from her most intimate friends and relatives. A day or two previous to her death she consulted with a well known doctor of St. Mary's, and received medicine from him. Immediately after taking a dose of his prescription, she was seized with violent convulsions, which continued unabated and with increasing severity until she was released by death. Public indignation against the base villain who had betrayed the girl, and exposed her to such deep suspicions of collusion between him and the doctor to remove her, grew so loud, that her body was exhumed, and a post mortem examination held on it by Coroner Adams, assisted by Drs. Ross and Hall. Although nothing definite was elicited, we are credibly informed that the contents of the stomach are to be sent to Toronto for analysis, and every effort made to unravel the mystery surrounding the affair. The libertine who was the cause of it all, conducted himself at the inquest with the most unbecoming effrontery, and manifested an indifference which not only earned universal execration, but merited a severe reprimand from the foreman, and a threat of commitment from the coroner. The verdict rendered was that "Deceased came to her death from effects of medicine, or from causes unknown."

Local and Other Items.

Wolves infest the Miramichi Road, N. B. A pack of seven reconnoitred a traveller last week.

It is reported that shortly after the commencement of the new year the *Globe* will be stereotyped from new type, which, while decreasing expenses, will give a much better appearance to the paper.

By the *Confederate* we learn that Mr. W. Bently, of Mount Forest, has made an offer to that corporation to commence a Sewing Machine Factory, and employ continuously for ten years, from fifty to sixty hands therein, for a bonus of \$5,000.

DEFRADING THE BANK OF BRITISH NORTH AMERICA. - Wm. A. Laidlaw, a Cuban, and one of the Directors of the Montreal branch of the Bank of British North America, has been arrested at New York, charged with feloniously appropriating funds of the bank to the amount of \$300,000. He will be taken to Montreal for trial.

We understand that the fine yacht *Orion*, of Toronto, will sail for England at the opening of navigation, and will probably take part in some of the English regattas. She will be manned entirely by yachtmen. This will be the first instance of a Canadian yacht going to England.

Mrs. James Dempster, of Gannagoque, received a letter from her son in Saginaw, and read it in the post office. He told his mother he was in good health and doing well. On her way home from the post office she met a messenger from the telegraph office, who handed her a telegram announcing the death of her son by the falling of a tree.

The *Daily News* publishes a letter from Garibaldi to his Italian friends, in which the General says he joined France in '70 purely from devotion to democratic principles; yet he feels a pang of sorrow because he had to fight against those noble Germans, who, in their progress towards truth, are struggling against the hydra of Jesuitism. He confesses with shame that Italy is going back to Jesuitism.

We are told that a few days ago a couple came to the village to get married and put up at one of the Hotels where the wedding dinner had been ordered a day or two previously. A few well wishers accompanied them. As the time drew near for the knot to be tied, and as the Bridegroom thought over the solemn and imposing ceremony which was soon to take place, it appears, alas! the weakness of man, he could not help asking himself "can I stand to go through the trying ordeal." He withdrew to the open air that he might calmly consider the matter, promising to return shortly. He quickly came to the conclusion that it was too much for human nature to endure and accordingly took to his heels and made good his escape. The sorrowing maid and the rest of the party when they ascertained the bird had flown, started for home somewhat displeased with the conduct of the faithless one. - *Listener's Banner.*

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THIS MORNING'S DESPATCHES

Another Sea Disaster.
Lady Disraeli Dying.
The Gale in Versailles.
Storm on Anticosti Island.
Lighthouse Keeper and Family Drowned.
Death of Edwin Forest, the Tragedien.

London, Dec. 12. - The ship *Franklin*, which fell from Hamburg several days ago for San Francisco with a large number of emigrants on board, stranded on the coast of Vlieland, an island of the Netherlands, in the North Sea, and went to pieces. Eighty persons are known to have perished.

No hope is now entertained for the recovery of the Viscountess of Beaconsfield, wife of the Right Honorable Benjamin Disraeli.

A special despatch from Paris to the *Daily News* says that the gales there on Tuesday last were dreadful. Versailles was also visited by a hurricane. The damage to property was very great, and several persons were killed in both cities.

New York, Dec. 12. - A letter from Gaspe Bay, dated 6th inst., states that the lighthouse on Anticosti Island was completely destroyed in the late hurricane. The house of the lighthouse keeper was also destroyed, and Mr. Baxter, the keeper, his wife and six children were all killed.

Several small fishing vessels were also wrecked.

New York, Dec. 13. - A special to the *Herald* from Washington says Vice-President Colfax will undoubtedly resign his position in order to take the editorial charge of the *New York Tribune* on the first of the new year. It is understood that his salary will be but \$5,000 less than that received by President Grant, and at least ten shares in the paper will be contingently held at a fixed price for Colfax.

New York, Dec. 13. - Arrived, steamers *Calabria* and *Minnesota* from Liverpool.

The *Times* New Orleans despatch says, nothing but the presence of the United States troops prevents an outbreak, and as long as the Federal protection required more than at this time.

Philadelphia, Dec. 12th. - Edwin M. Forrest, the tragedian, fell dead this morning while dressing at his residence on North Broad street.

Salt Lake, Dec. 13. - Major Howell, Commander of Green River exploring expedition, has arrived from Arizona. He reports that the discoveries made are of great interest, and scientific value and light is thrown on the mythology of the Utah Indians, and relics of extinct races of lost civilization have been found.

Key West, Fla., Dec. 12. - The steamer *St. Louis*, from New Orleans for New York, on the 8th, at 8:20 p.m., sprung a leak about 170 miles from the South West bar. The pumps were kept constantly going, but the water gained about a foot per hour, and at 2 a.m. the passengers and crew got into the boats, and by the steamer till she sunk, at 5:30 a.m. the same day. The boats then steered for Tortugas, and every soul landed safely, after being thirty hours in the boats.

West Puslinch Tea Meeting.
In accordance with announcement, a missionary tea meeting was held in the West Puslinch Church on Thursday evening. The night was very pleasant and the number of persons present must not have been less than 300. After devotional exercises the many good things provided by the fair ones were dispensed by the "lads and lasses," in the most methodical and approved style. The supply was ample and of a quality that could not have been surpassed by places even more pretentious. After all had partaken, there was still "enough and to spare." Tea being over, the pastor, Rev. Andrew McLean, took the chair, and after a few appropriate remarks called upon the Rev. Mr. Acheson, of Galt, to address the meeting. His speech consisted chiefly in urging the people to increased liberality in supporting the various schemes of the Church for the promotion of the cause of Christ in the world. He thought a great deal more might be done in support of the gospel. Rev. A. D. Macdonald followed in a speech of some length, strongly advocating the claims of home and foreign missions. The numerous openings in new settlements could not be filled without men and means. Whilst Knox College was doing a noble work in educating young men to the ministry, yet money was wanting to provide the wherewithal to enable them to enter new fields now opening up in various sections of the Dominion. The time had also come when foreign missions should claim their attention. Rev. Mr. Little, of Nussagaue, followed in a somewhat similar strain. The speeches were excellent, and were listened to with marked attention by the audience. The Wesleyan choir, from Guelph, was present, and entertained the proceedings with some of their choicest anthems. Votes of thanks having been passed to the choir and the ladies, the meeting closed with the benediction.

LONDON QUARTERLY. - This reprint, for October, has been received from the publishers, Leonard Scott Publishing Company, New York. Its contents are: The Duke of Wellington as a Cabinet Minister; the completion of St. Paul's; Baron Stockmar; the Consciousness of Dogs; Velasquez; Journal of a French Diplomat in Italy; East African Slave Trade; the Position of Parties, &c. For sale at the Booksellers in town.

Court of General Sessions and County Court.

Before His Honor Judge Macdonald.
Thursday, Dec. 12.
PUSLINCH ASSAULT CASE.
John Smith and Chas. Patrick Smith, of Puslinch, were indicted for having assaulted Mr. Allan McIntyre, of the same township, on the evening of the 1st day of November last. Mr. Peterson for the Crown; Mr. Guthrie for John Smith; and Mr. A. Dunbar for Charles P. Smith.

ALLAN MCINTYRE, sworn - Live in Aberfoyle; went with another party to the mill to get a quarter of beef weighed, whilst there, I treated; the Smiths were there also; McLeish came in and asked me to treat him also; I was introduced to one Brown and asked him to drink also; Charles Smith immediately said go Brown, "if you drink with McIntyre you drink with one of the most G-d-d-meaneest men in Puslinch;" McLeish drew my attention to the expression, and Charles Smith repeated it; I told him to drop that kind of thing; C. Smith asked me if I dared him; I replied that I did; he then went for me, and a scuffle ensued between us; then J. Smith seized me by the hair of the head pulling out a considerable quantity; the marks are still visible; God and Bosch then separated us, and as John Smith was being pulled off he gave me two blows on the side of the head, saying at the same time, "d-n you take that;" whilst we were scuffling, McLeish, as he says by mistake for that of Charles Smith, twisted my nose; (great laughter); during the scuffle John Smith put his fingers in my mouth and tore the side of it; also injured it inside.

Cross-examined by Mr. Guthrie - Witness denied that he used any abusive language towards the Smiths; think it must have been John Smith who pulled my hair from observing his hands and recognizing his voice; (John Smith being behind him); can't identify him; otherwise; will swear that my mouth was torn; (witness was requested to show his mouth to the Jury); and also the inside of his mouth was injured.

W. M. Toop testified that he was present on the occasion of the scuffle, and swore to the facts as stated in previous witness evidence.

On cross examination - It was elicited that witness was threatened for appearing as a witness in the case; can't say whether John Smith pulled McIntyre's hair, but saw Smith's hand in McIntyre's hair; did not threaten to bring the parties up before a magistrate until after the scuffle, when McIntyre had his coat off to fight the Smiths' one at a time, if it was fighting they wanted he said; I commanded them to keep the peace in the Queen's name; witness explained that he did not bring the parties before a resident magistrate because the only magistrate in the Aberfoyle neighborhood was an uncle of Smith's; he also evidently considered that the matter was not a very serious one and hardly calling for the interference of a magistrate.

By Mr. Dunbar - Can't say, on account of the position I was in, whether McIntyre first struck the blow; noticed abrasions on C. Smith's face, and his eye was discoloured; noticed also that one side of McIntyre's mouth was out, and inside his mouth also.

From the witness witness name was on the back of the indictment, but whom the Crown Prosecutor did not wish to call for the Crown, but who was nevertheless insisted on by the defendant's Counsel, being put in the box by Mr. Guthrie, and immediately after testified that it was in consequence of Smith's hearing McIntyre using abusive language towards them that they came out of an adjoining room, and that from one thing and another they proceeded to scuffle with one another; Charles Smith came towards McIntyre; heard McIntyre say after the scuffle that if he had a knife he would rip their guts out; supposed he referred to the Smiths.

By Mr. Peterson - I separated the parties along with Todd and McLeish.

JAMES HENNING testified that he was present on the occasion; heard McIntyre say that Charles Smith was a d-n mean rogue; the Smiths then came out to the bar room, and immediately after clinched; they were each other half way; saw no blows; heard John Smith say let us separate them, and saw John seize McIntyre round the shoulders; noticed C. Smith's face considerably scratched and a good deal of blood on his face; did not observe if McIntyre's face was hurt.

After the Crown prosecutor had briefly addressed the Jury, Mr. Guthrie, for the defence, contended that the case was one of an ordinary public house brawl, and should never have been brought before the Grand Jury in the first place, and, judging from the evidence, if anyone was to be punished at all, it ought to have been McIntyre, for the manner in which he had disregarded Charles Smith's face. That McIntyre himself was not much hurt was shown by his readiness to fight the Smiths, one at a time.

His Honor in summing up expressed himself as decidedly of opinion that the case should have been settled before a magistrate, and that, from the evidence adduced, the one giving and the other accepting a challenge, both parties were liable to be punished for assault.

The Jury, after an absence of nearly an hour, returned a verdict of common assault against both defendants.

MCCORDINALE vs. WILKINSON. - Action on promissory note against Alexander Wilkinson, of Puslinch. Verdict for plaintiff \$114. Mr. Guthrie for plaintiff. Mr. J. P. McMillan for defendant.

ONTARIO BANK vs. ROBERT PATTERSON. - Action on promissory note for \$200, alleged to be made by the defendant and endorsed by Edward T. A. Perry. The defence set up was that the defendant had never signed the note. A number of witnesses were called by the plaintiffs, and other signatures of the defendant were produced. The defendant swore that he never had signed a note of \$200 for Perry, although he admitted having signed one of the same date for \$100. The Jury returned a verdict for the plaintiffs for the full amount. Mr. Guthrie for plaintiffs. Mr. Biscoe for defendant.

HOLMAN vs. ANDERSON. - Settled between the parties. Mr. Dunbar for plaintiff. Mr. Guthrie for defendant.

MCKENZIE vs. MCKENZIE. - Action for balance of a commission account. Referred to arbitrators for settlement.