A BLOODY TRAGEDY.

A Portsmouth Cooper Shoots His Three Daughters and Then Suicides.

A Portsmouth, N.H., despatch says: A terrible tragedy occurred here to-night, and there is great excitement. A mob of several hundred people surrounds the house where the bodies of three dead persons partly attest the extent of the crime. Fred H. J. Hein, aged 45 years, a cooper in the employ of the Eldredge Brewing Company, has a family of three daughters. The eldest, Carrie, aged 15 years, keeps house for him, his wife, who it is said was unfaithful, having left him several months ago. Since she left it is reported the girl Carrie has become wayward. Hein's trouble preyed upon his mind until he resolved to end the matter and remove from temptation the three female members of his household. Two of them and the murderer himself lie dead in his home, while last at the hospital the third daughter lies dying with a bullet in her neck, and at his home C. W. Taylor, a well-known hardware merchant, whose name has been connected with that of Mrs. Heim, lies with two bullet-holes in his back. Before the discovery of Hein's deed a body of officers and citizens were scouring the city in search of him, and had he fallen into the hands of the mob he would have been lynched.

The story of the murder is: Charles W. Taylor, while entering his residence about 7.30 to-night, was rushed upon by the murderer, who fired two shots, both of which took effect in the small of his back. He is still alive, but will hardly live. Shortly before 8 o'clock people in the vicinity of Hein's house heard five pistol shots fired in rapid succession, and Maud, the 13-year-old daughter of Hein, ran out of the house and down the street. She proceeded but a short distance when she fell, saying, "Father has shot me." The girl was taken to the hospital, where she now lies in a critical condition. Three shots were fired at her, all taking effect.

The lower part of Hein's house was the scene of the murderer's most horrible work, and it shows evidence of a desperate struggle. The kitchen was covered with blood, and everything was in great disorder. Just outside the back door of the house lay two bodies. Carrie, the oldest girl, lay with her face covered with blood, the bullet having entered the left side of the face, passing upward toward the brain, death resulting instantly. Across her prostrate form lay Bertha, the youngest daughter. When found she was unconscious, and expired in fifteen minutes, the bullet that caused her death having entered her head just behind the left ear. In the front chamber was found the dead body of Hein on the floor. A bullet had passed through his head from the revolver which lay by his side.

THE STRANDED BARCELONA.

Capt. Boyle and Two Officers Remain on the Wrecked Vessel.

A Quebec despatch says: E. C. Fry, Lloyds' agent at this port, returned from the stranded steamship Barcelona Wednesday evening. The crew and cattlemen of the stranded vessel, 34 in all, also came up leaving Capt. Boyle and his two officers in charge of the wreck. The crew will be paid off here. Mr. Fry states that he found the Barcelona in a bad position. She is lying on the south edge of Red Island shoal, with a list to port, and heading southsouthwest. She is on the rocks forward of the engine room after bulkhead, and the bottom of this part of the steamer is believed to be badly crushed, as it was completely filled fifteen minutes after she struck. She is tipped by the stern ten to twelve feet, and at high tide the water is about eight feet above the main deck aft, which is submerged as far as the forward hatch, the forecastle being the only place on the main deck free of water. The captain and all the officers have been compelled to take up their quarters on the upper bridge, and they had very little food and no water for two days until obtaining some of the latter from Red Island lighthouse. To reach Red Island lighthouse the only boat remaining had to receive a canvas bottom to replace a large portion of the wooden one broken and with this and baling the water out with buckets, the captain managed to reach Green Island telegraph, and afterwards Red Island for water. On the 3rd September, while on the passage out, the Barcelona encountered a terrible hurricane, during which three of her crew were washed overboard. The Barcelona is undoubtedly a total loss.

A SUNDAY SMASH-UP.

A Freight Runs Into an Excursion Train With Disastrous Results.

A Sunday's Chicago dispatch says: At 8 o'clock to-night a switch engine on the Chicago, Burlington & Quincy Railway ran into the rear of an excursion train on the Illinois Central near 18th street. At this hour 40 people are reported killed and a large number injured. For a time the confusion was so great that even an approximate idea of the loss of life was impossible to obtain. First reports from the police had it that 40 people probably had met death, while the railway officials said only two or three persons were certainly known to have been killed. Within half an hour, however, four mangled corpses had been dragged out of the heap of broken timbers and twisted iron that marked the spot where the collision took place. By this time it had also been ascertained that at least three other persons were seriously injured and six others slightly. The collision took place near Douglass Park, and the victims were Sunday excursionists returning to the city. The freight train crew assert that they passed Millard avenue under a clear signal. Millard avenue is only a short distance from where the smash-up occurred.

THE TRAIN WRECKERS.

A Choice of Versions as to the Story of Their Confessions.

A Troy, N. Y., despatch says: It is stated to day that the confession of John Reed, Thos. Cain and Arthur Busti, three of the men engaged in wrecking the Montreal express on Tuesday, Sept. 4th, has been placed in the hands of counsel for prosecution, and that besides these three men the statements implicate John Cordial and John Kieman. It is said details of the plot are given. The confessions, it is stated, will be presented to the grand jury now in session as evidence on which to procure the indictment of the prisoners.

At the adjourned examination of Kieman and Cordial to-day, W. J. Ludden stated that he was counsel for all the defendants, but it was said by the counsel for the prosecution that Cain, Buest and Reed had said they did not desire counsel and did not desire an examination.

Mr. Ludden said he had conversed with the prisoners yesterday, and they denied making any confession. Reed, Mr. Ludden said, had told him he would be ready for examination this morning.

An Explosion in a Mine.

A Wilkesbarre, Pa., despatch says: An explosion of gas took place in the Murray Hill shaft of the Lehigh & Wilkesbarre colliery this afternoon. The body of Anthony Jennings was soon taken out, badly burned. There were only five men in the shaft. Their names are: Lawrence Casey, James Sullivan, James Boswell (fire boss), Edward Bulbeen and Anthony Jennings. The shaft is one of the gasiest in the world. At 3 o'clock a rescuing party, consisting of Supt. Scott, Foremen James Ford and Morgan and Mine Inspector Williams, entered the shaft in search of the men. They returned at 4 o'clock and reported that all were dead except Edward Bulbeen, who was seriously burned. The dead were brought from the pit to the surface, a distance of 600 feet, and taken to their late homes.

The Editorial "We."

New York *World*: As Artemus Ward says, the man with a tape-worm is justified in saying "We."

It is noted in the New York stores that the new silks for dinner and evening toilets are magnificent in design and coloring. Flowers and sprays of the most delicious tints almost cover the most exquisite grounds of rich brocades.

A letter from Lord Knutsford is published stating that the law officers of the Crown advise the question of the Trinity University musical degrees to be brought by petition before the Privy Council.

The British census will be taken in 1891. The cost of the census of Great Britain in 1881 was £172,000 for a population of 26,000,000. For England and Wales the cost per 1,000 of the population was £4 15s. 5d. in 1861, rising to £5 5s. 7d. in 1871, and £6 12s. 6d. in 1881. The number of enumerators was nearly 85,000 and in 1891 the number will not be far short of 40,000.

IRISH LEADERS IN JAIL.

Particulars of the Arrest of Messrs. Dillon and O'Brien Yesterday.

THE CAUSE OF THE TROUBLE.

A last night's London cable says: Later information shows that Mr. Dillon was arrested at Ballybrack, where he was visiting his uncle. He was hurried under a strong guard and with the utmost secrecy, to the railway station, where a special car was in waiting. As soon as he entered this the train was started for Dublin. Only a brief stop was made here, when the prisoner was carried on to Tipperary, the tenants of which town he is charged with having incited to refuse payment of rent to their landlord, Smith-Barry. The arrest of Wm. O'Brien was made at the Glengariff Hotel. Mrs. O'Brien was present. The charges against O'Brien are based on speeches made by him at Limerick and Tipperary, in which it is alleged he advised his auditors not to pay rent. From Glengariff O'Brien was immediately taken to Cork. A warrant has been issued for Mr. Dalton, who has been active in the work of the Land League. The police are keeping a strict watch on the headquarters of the Land League in Dublin. Persons entering or leaving are subject to close scrutiny. Despatches from Tipperary report that the organizers of the local branch of the league are under close police surveillance. The activity of the police indicates that the authorities contemplate further arrests. It is considered probable that warrants are already out against many leaders in the Land League of secondary rank, who have made themselves obnoxious by the active part they have taken in recent anti-rent campaigns. This sudden action of the Government has fallen like a thunderbolt from a clear sky. The Irish Nationalists had no suspicion of the impending blow, and are at a loss to know what it means. Mingled surprise and indignation are the predominant feelings. Despatches from various parts of Ireland show that the Nationalists are everywhere greatly excited at the arrests.

There was no abatement of interest throughout the day in the Irish arrests. Up to 7 o'clock this evening no definite information has reached London of the specified utterances of Dillon and O'Brien on which the warrants for their arrest were based. Neither had the Government given out any official explanation which would throw light upon the sudden and unexpected resort to a vigorous Irish policy. It is commonly supposed to night that the ostensible grounds for O'Brien's arrest are to be found in a very plain speech that he made last Sunday to an assemblage of peasants at Schull, in County Cork. He dwelt upon the failure of the potato crop and spoke of the gloomy outlook for widespread distress which Ireland must face this winter. Warming to the theme, he said: "For tens of thousands of small farmers through Ireland it will become a question this winter whether they are to have food, or their landlords." Confronted with such an alternative, he thought there should be no hesitancy as to a choice. He advised the tenants on every estate to meet and consult as to what proportion, if any, of their rent they could honestly pay. When that question had been determined they should all abide by the decision. If the farmers, he said, should give to the landlords money which was needed to buy bread for their children, the Irish leaders would not dare to appeal to the world to come to the rescue of such a nation of slaves; but if tenants would absolutely refuse to pay a penny of rent until every family that tilled the soil was placed beyond the reach of starvation, then if the Government evicted starving people from their poor homes it would be swept out of existence by a torrent of English indignation, and the whole civilized world would send money and assistance for the benefit of the tenants.

Michael Davitt was interviewed this afternoon in regard to the arrests. He took a very hopeful view of the situation and thought the effect would be entirely favorable to the Irish cause. "If Messrs. Dillon and O'Brien," he said, "had deliberately established the exigency for arresting the popularity of the plan of campaign and heightening the prestige of the Land League they could not have accomplished their purpose in any way more successfully than by inducing Mr. Balfour to take precisely the step that he has taken of his own volition. It is just what they wanted. There had begun to be a feeling in Ireland that the plan of campaign has been carried far enough. These arrests will be sure to rouse public sentiment in its favor again. Mr. Balfour has not made a greater mistake since he has been in chief authority over Ireland."

A Dublin cable says: Mr. O'Brien and wife arrived at Tipperary at 9 o'clock tonight. The public lamps were not lighted. The couple were enthusiastically cheered during their passage through the town. Canon Cahill and other friends met them at the Court House.

IN DEATH UNITED.

An Artist and an Actress Suicide Together by Agreement.

A New York despatch says: About daybreak this morning Gustave G. Koch, a young German artist, ascended to the elevated road platform at Canal street, and exchanged a few words with Emile Rossie, an actress, 19 years of age, who lived at 140 Canal street, her room overlooking the elevated station. Koch said: "Yes, I have come, Emile. Are you ready?" The answer from the window was not heard. The man turned, and the next moment shot himself through the temple, falling dead on the platform. Before the report had died away another shot was heard in the girl's room, and it was soon found that she had also committed suicide by shooting herself through the heart. The couple were engaged to be married, but the girl's mother opposed the match so strongly that they decided to die together. Emile Rossie was a member of Amberg's stock company. She had been on the stage since babyhood. Her father and mother lived in Berlin. Her father was an Italian singer of note, but died some years ago. The girl's mother is a German writer and novelist, and she was ambitious for her child, and hoped she would make a good match.

To California and Florida Free.

The Fireside Weekly, the popular Canadian story paper, is offering subscribers such tremendous prizes as a free trip to California and return, first-class; a $200 sealskin mantle; handsome Shetland Pony; return ticket to Florida, first-class; silver Tea Set; Lady's Gold Watch; china Tea Set; Mantel Clock; silver Watch; Dickens Works; Waverly Novels, and many more. Those prizes are for persons sending the greatest number of words constructed from the letters "Fireside Weekly." The contest is open to everyone sending in with their list $1 for The Fireside Weekly for Six Months, which also entitles them to a handsome premium. The competition will be open for sixty days, but an additional prize of an elegant silver water pitcher is offered to the largest list received during September. Send five one-cent stamps to 9 Adelaide St. West, Toronto, for sample copy and premium supplement.

A Cute Sharper.

Several California papers recently contained a matrimonial appeal signed by a "young and beautiful Hungarian maiden, an orphan without means, but well educated and with domestic tendencies, who seeks a companion for life." The answers were to be directed to Paris, where the young lady was employed as a nurse. Incredible as it may seem a dozen offers from marriageable young Frisconians came over the sea. A lively correspondence ensued, and finally each of the wooers received an exquisite photograph and an affirmative answer from the beautiful Hungarian maiden, with the request that the lover should send the necessary cash for a transatlantic passage ticket. The swindler, or the syndicate of swindlers, netted 6,000 marks in all by the trick. And now the prospective bridegrooms, among whom are some well known names, dare not whisper their misery.

—Pride like the summer girl goeth before the fall.

St. Gothard tunnel is nine and one-half miles, Mont Cenis eight and one-third, Hoosac about four miles.

Garibaldi's widow is about to contract a marriage with a Dr. Gabriel Tanferna, who is engaged at the naval academy in Leghorn. Signora Garibaldi made his acquaintance on the occasion of the illness of her son, Manlio, about two years ago. Last June, when staying at Maddalena, she was visited by Admiral Tabrani and his wife, and in the presence of other visitors, officers and friends, introduced Dr. Tanferna as her future husband. The wedding day is not fixed yet.

THE BENWELL TRAGEDY.

Rex Birchall on His Trial for Murder.

OSLER'S ADDRESS TO THE JURY.

The Chain of Circumstantial Evidence He Has Forged.

Birchall Buoyant and Chirpy Through it All—The Story of the Dead Succinctly Told by the Crown—The Witnesses to Swear to Seeing the Two Men in the Swamp—The Jury Cautioned.

Brief History of the Case.

(Woodstock Sentinel Review.)

As the trial of J. Reginald Birchall for the murder of F. C. Benwell begins on Monday it may be worth while here to give a brief resume of the circumstances connected with the murder and the events that led to the arrest of the accused, to enable our readers the more intelligently to follow the case throughout. Of course it will be readily seen the impropriety and the injustice of publishing anything at the present stage of the case that would tend to prejudice Mr. Birchall in the public mind; and it is intended, therefore, to give nothing but the plain, historical facts, devoid of suggestion, comment or embellishment. These facts may be briefly stated as follows:

On February 21st of this year two young men named George and J. Elveridge went to a swamp situated on the second concession of Blenheim, between Eastwood and Princeton, to chop. In that swamp, which has since become notorious as the "Swamp of Death," "The Benwell Swamp," or "Dead Man's Swamp," they found the body of a young man stretched on a pile of sapplings. Investigation disclosed two bullet wounds in the back of the head, one behind the left ear and one about the nape of the neck. The body was frozen stiff. The hat, collar and necktie of the deceased had been removed, and were found a short distance from the body, and the vest and trousers were unbuttoned. From the various articles of the dead man's clothing had been cut, as if with a pair of scissors, those portions on which were supposed to have been the name or initials of the deceased, and this precaution it was supposed had been taken for the purpose of preventing identification. The body was taken to Princeton, where a post mortem examination was held. Speculation was rife as to the identity of the murdered man and the motive that led to the crime. The body lay exposed in the undertaking establishment of Mr. Swartz, Princeton, for several days and was visited by a continuous stream of interested people, many of whom thought they recognized in the features of the dead man a face they had been in life. On February 22nd, a cigar case was found near the spot where the body had lain and on this case was written the name "F. C. Benwell." This was the first clue as to the identity of the young man. But who was F. C. Benwell?

On February 24th the coroner's inquest opened at Princeton. The evidence there brought out seemed to cast suspicion on two men well known in Woodstock, Geo. Barber and Robt. Caldwell. A drinken drive through the country one night suspiciously near the time when the murder must have been committed, gave strength to the theory that they were the guilty parties and some blood found on a pair of boots worn by Barker while killing pigs was regarded as furnishing striking corroboration. The first light thrown on the gruesome mystery was when, on February 28th J. R. Birchall and wife arrived at Princeton and asked to see the body of the dead man. The name F. C. Benwell on the cigar case had been brought to his notice and he had come all the way from Niagara Falls to ascertain if the murdered man was a man he knew. On the following day the body was exhumed and was identified by Mr Birchall as that of a young man who had accompanied him from England.

Meanwhile Government Detective John W. Murray, who had been following the Baker and Caldwell clue, was attracted to Brantford by a report that the signature "F. C. Benwell, Bristol, Eng.," had been found in a hotel register there. While in Brantford he heard of Birchall's identification of Benwell, and proceeding to Paris came up with that person there and had an interview with him. Birchall proceeded to Niagara Falls, and the following day was arrested by Mr. Tom Young, Chief of the Ontario Police, on suspicion of being the murderer of the man he had identified. Mr. Flynn, the Customs officer at the bridge, had in his charge some luggage and on one of the trunks was the name "F. C. Benwell." This name corresponded with the name on the cigar case, and when Mr. Birchall came to remove the luggage the suspicions of the Customs officer were excited and these suspicions he communicated to the authorities. The result was Birchall's arrest. On March 4th Birchall was brought up for examination before Magistrate Hill, of Niagara Falls, and at that examination Mr. D. R. Pelly related for the first time the marvellous story of his experience on his first visit to Canada—a story which excited the profound interest of two continents and which resulted, thanks to the busy efforts of newspaper reporters, in establishing fully the identity of both Birchall and Benwell, and in determining the events connected with the latter's fatal visit to this Dominion. Up to this time the only evidence of importance against Birchall was that furnished by Pelly's graphic and touching story; but the identification of Birchall with "Lord Somerset" whose cousin in Woodstock it is perhaps not necessary to refer to here, excited intense local interest, and *Sentinel-Review* reporters were set to work in this neighborhood to see what they could do to unravel the mystery. The evidence thus brought to light is familiar to most of our readers and will be brought out in full during the coming week. The stories of Miss Smith, Miss Swayzie, Miss Cromwell, Mr. Hayward, Mr. Buck, Mr. Logan, Miss Lockhart, Miss Fallon and others were brought out through the agency of the *Sentinel-Review* and first appeared in these columns, though most of them were afterwards repeated at the inquest. On March 7th the inquest resumed at Princeton, and Mr. Pelley identified the body of the young man as that of F. C. Benwell who had sailed from England with himself and Birchall. The result of the coroner's inquest was that Birchall was held to be guilty of the murder, and his wife in being accessory after the fact, a charge which, by the way, is not to be pressed against her. Birchall was subsequently removed to Woodstock jail and was there identified by a number of witnesses who are to give evidence at the coming trial.

A last Monday night's Woodstock despatch says: The great Birchall-Benwell murder case opened to-day, and the first part of the evidence leading to the clearing up of the great Blenheim swamp mystery was presented before an intelligent and, as it is believed, unprejudiced jury. The day was fine and many visitors came in from outside the town. The interest of all the people was centered on the court room, and the murder trial has simply blotted out all other subjects of conversation.

The prisoner had rested well and rose betimes. He dressed first in his customary, rather shabby suit, and had his breakfast, which he seemed to enjoy. He devoted a considerable time then to his toilet, dressing with as much care as if he were going to a ball. Before 9 o'clock, the time for him to take his usual outing in the jail yard, he was ready for the events of the day. When the door to the yard was opened and the guard called him Birchall came down the winding iron staircase which leads from the corridor on which his rooms are to that below which opens upon the yard. He looked the picture of nattiness. His black moustache showed blacker than usual against his carefully shaven face. From his Christy stiff hat to his polished, highly-polished shoes he was strictly correct in every detail of dress. He wore a black chinchilla coat and vest. His collar had its points turned down, and he wore a soft black necktie. In the centre of his shirt bosom one plain gold stud appeared, being strictly in keeping with his general make-up and in perfect taste.

How He Looked.

The court was not crowded, but was well filled, largely by witnesses and members of the jury panel. Birchall walked firmly and quietly to the dock, closely scrutinized by every eye in the house. The people saw simply a good-looking young man dressed with unusual care; a shade of additional pallor on the face and increased dilation of the pupils of the eyes being the only signs manifest about him of his being under any excitement. The shadow of a nervous smile flitted across his face as the deputy sheriff opened the door of the box and motioned him to his place. He sat down at once, and it was then found to the disappointment of many who desired to look at him that only the upper portion of his head could be seen above the top rail of the box. The only people having a clear view of the prisoner's face during the trial, unless a change is made, will be the Judge upon the platform and the ladies, for whom seats have been specially reserved behind the Judge. Guard Entwhistle took his place immediately behind the box.

He Pleads Not Guilty.

A few seconds after the prisoner had taken his place the solicitor, Mr. S. G. McKay, stepped over for a short consultation with him. There was a wait of about fifteen minutes, during which several ladies entered. Mrs Birchall and her sister, Mrs. West-Jones, were not present. They remained indoors. Mrs. Birchall is by no means improved in her nervous condition by the knowledge that the day of the trial had at last come. Court Crier McKay opened the court after the usual form and at once the case was called. The court clerk rose with indictment in hand, and looking to the box called the prisoner's name. Birchall at once rose and the indictment was read indicting him by the name of John Reginald Birchall for the murder of Frederick Cornwallis Benwell.

"How say you, John Reginald Birchall?" asked the clerk. "Guilty or not guilty?"

The prisoner's reply was clear and distinct, "Not guilty."

"Are you ready for your trial?" asked the clerk.

Birchall looked toward the table where the lawyers on his side were assembled.

Mr. Blackstock rose. "I am here for the prisoner, my Lord," said he, "and we are ready to proceed."

Mr. Osler's Address.

In his opening address to the jury Mr. Osler explained that he had been retained by the Crown with Mr. Cartwright, the Deputy Attorney-General, and Mr. Ball, County Crown Attorney for the County of Oxford, to conduct the case for the prosecution. "The case to be presented," said he, "is made up of many unusual and extraordinary features, and the jurymen, who have no doubt read the newspaper accounts of the murder, will do well to remember nothing but the evidence to be presented to them during the next few days. It would be unfair not only to the Crown, but to the prisoner, to have on the jury a man whose private opinion had predisposed him either for or against the accused, so that you will do well to cast aside all prejudice, and judge of the case from the evidence you have sworn to hear. You will remember that to-day the prisoner stands in the dock an innocent man, entitled to the fullest consideration, and until you have given your verdict in the case he must be so looked upon. You must eliminate from your minds all feelings of prejudice, and discard the impressions you may have formed from what you have read in the newspapers. In order that you may be enabled to follow the evidence for the Crown more closely, and so that my learned friend who represents the prisoner may know exactly what kind of a case he has to meet, I propose, as a matter of duty, to set in detail many of the circumstances connected with the case. A few of the witnesses for the Crown I have not yet seen, but from the scores I have already spoken to I have learned sufficient to give you an intelligent and correct outline of the case." Mr. Osler then gave the following

SUMMARY OF THE CASE.

On the morning of Friday, the 21st of February last, two young farmers visited a place called the Blenheim swamp, which is situated on lot 22 in the second concession of Blenheim, for the purpose of cutting some cord wood, while prosecuting their work found the body of a young man lying on a pile of sapplings. The body was frozen, and the condition of the clothing showed the kind of weather to which the remains had been exposed. From the position of the injuries the first had frozen it into the soft soil. The other leg was crossing the left, and was supported by a branch or root. The right arm was in an upright position. The right arm, which was upright, was sustained by a mass of frozen ice and snow, which had fallen into the mouth of the sleeve and frozen solid. The collar that he had worn had been jerked off the deceased. The force used had carried the button and a piece of the shirt with it. Every name had been cut off the clothing, from the shirt, the collar, to the drawers. There was nothing upon the body itself which would indicate who it was. The hat was found without any maker's name in it. The sweatband was turned out, and if it had had any name or lining this had also been torn out. Two bullet holes were found in the head of the deceased. No blood was seen until underneath the place where the head lay the snow was scraped away and a small quantity of blood was found. Next day the snow was scraped away and two articles found, a cigar-case and a pair of spectacles. The cigar-case can be identified, but the glasses cannot, beyond the fact that deceased's brother will prove that they are about the same strength as those usually worn by deceased. The body was removed to Princeton and a post mortem made. The examination showed that the body was that of a well-nourished man.

The Evidence.

The Crown has something over 70 witnesses to examine. Some of them will be very short. Most of them speak to but one incident, and I do not think there will be more than one, or perhaps two, witnesses whose examination will occupy long time.

William McDonald was the first witness called. All the other witnesses were ordered to retire. A mighty host they made as they rose in their places and started for the door. Under Mr. Osler's examination, Mr. McDonald stated that he was a retired farmer, living in Woodstock. He first knew the prisoner in November, 1888, when he came out from the agency of Ford, Rathbourne & Co., emigration agents, as a farm pupil. Mr. McDonald placed him with a farmer named Wilcox, he thought, in Dereham township, but the prisoner stayed only one night there. He came to Woodstock with his wife, and stated he had not come to Canada to work on a farm. He lived at witness' house for a few weeks, and then went to board with Mrs. McKay. The prisoner remained in Woodstock four or five months, but entered upon no particular business.

Mr. Blackstock took the witness, and it soon became evident that he has a strong grip of the case and a strong determination to fight it through with all his ability. Under his questions Mr. McDonald stated that he had been employed for three years in the farm pupil business, getting a commission from the agency for the pupils he placed. He denied emphatically that he had got anything from the farmers. He had continued this business until about four months ago, when it ceased. His last letter about that time was not answered. He gave the names of pupils he had placed, one of them being F. A. Somerset, a name which caused a smile among the people who know Somerset now as Birchall. He remembered Dudley and Graham, but did not know where they were now. Dudley had gone to Pickthall's as a pupil, but did not remain, and witness had gone to Princeton to see the body of Benwell, because he saw in the papers that it was an Englishman, and thought he might be able to identify him. He believed that statement in the Woodstock *Sentinel Review*. He was at Niagara Falls on other business when the inquest was on and was called upon to give evidence. He explained how he was standing on the station platform when he was introduced to Chief Young as one who knew Birchall. He had never seen Young before. They did not talk over what evidence he would give.

When asked what they talked about a laugh followed when he answered that they talked about how pretty the falls were and so on.

This witness' cross-examination was made with a view to show that he had been charged with swindling in the farm pupil business; that Birchall was a pupil of his; and that he had expressed regret for giving evidence against Birchall at Niagara Falls.

This concluded the cross examination, and Mr. Osler rose to further question the witness. Mr. McDonald said: My brother-in-law is turnkey at the jail, and I acted for him during his illness. I never got a cent in these transactions except my commission.

Birchall's Letter to Col. Benwell.

"The next thing of importance," said Mr. Osler in his address to the jury, "is that on the 19th or 20th of February the accused wrote a letter to Col. Benwell, the deceased's father, in England. That letter is so important that I will read it to you. Bear in mind that on the 17th the young man had gone with him. Bear in mind that he had come back on the evening of the 17th, stating that Benwell was dissatisfied with the farm and he had gone west. Bear in mind that it was after all this that he wrote to Benwell's father. The letter has not got a date on the face of it, and therefore it is important for you to bear in mind that it was on the 19th of February he took the post-office box 313. This, as you will see from the contents, conclusively proves that it was on a date subsequent to the disappearance of deceased. The address 'Messrs. Birchall and Benwell, post-office box 313, Niagara Falls,' is stamped across the face of the letter in type which the prisoner had. The letter reads:

"Please address Messrs. Birchall and Benwell, P. O. box 313, Niagara Falls, Ontario, Canada.

"My Dear Sir,—

"We arrived here safely after a very pleasant journey, the sea being rather rough than otherwise. We came up by sleeping car from New York. We had a very pleasant trip indeed. Your son has inspected all my books and all my business arrangements, and I introduced him to people who knew me well. He suggested taking other advice, but, of course, was perfectly willing, and he consulted a barrister in London, Ont., concerning the business with satisfactory results, and he has decided to join me, as he has found all that he wished to be satisfactory. I think we shall make a very good business together. The books show a very good profit for last year. I think the best way is to place the money in our joint names in the bank to the credit of our reserve fund. We shall take the additional piece of land that I mentioned to you as we shall require it for produce. The best way to send money out is by banker's draft. Drafts for us should be drawn on the Bank of Montreal, New York. They have a branch in London, and I think the London & Westminster also do business for them. Letters of this kind should be insured and registered. We are holding a large sale early in March, and your son was somewhat anxious to share in the proceeds of the sale, which I am quite willing that he should do, and we have signed our deed of partnership, and shall, I am sure, never regret doing so. Your son is, I think, writing you by this post. Kindly excuse bad writing on my part, but I am rather in a hurry to catch the mail. My letters are generally written by typewriter, as they are so much more legible and clear of any doubt as to words. We are having paper printed properly, and this will be ready in a few days. I think you will be pleased that your son has found things satisfactory and I quite agree that he did much the best thing in coming out to see the business first. I shall send you weekly particulars of all business done, so that you can see for yourself how things go on. This will be satisfactory to you I think. Or course with regard to the money any bank in New York would do for a draft. We have opened a business account in our joint names at the American Back here. Your son will doubtless explain his views in his letter. With kind regards believe me, dear sir, sincerely yours,

"(Signed) J. R. BIRCHALL.

"Lieut.-Col. Benwell,
"Iesultdene, Cheltenham."

The contents of the letter were listened to with the deepest of interest, as well as Mr. Osler's significant observations regarding it.

THE CIGAR CASE.

What the Crown will prove is that the prisoner sent a telegram from Buffalo to himself at Niagara Falls, telling him to send the baggage to the Fifth Avenue Hotel, New York. This message is in Birchall's own writing. The following day it came to the prisoner's knowledge that the name "F. C. Benwell" had been published in all the newspapers as that found on a cigar case near the dead body of a man in the Oxford swamp. He knew he would have to face it, and he decided to go to Princeton. If he did not go Pelly would go there, and he would be suspected. He sent Pelly to New York and started to Princeton, arriving there in the evening, and the conversations he had with several men in Princeton will come out in evidence. He said that Benwell had written to him from London, dated after the 17th, and that the deceased had sent his baggage checks to him at the Falls, asking him to get the baggage out of bond. He drove back to Paris that night, but returning next day identified the body of deceased, which had been exhumed, as that of the young man who left Niagara Falls with him, F. C. Benwell. He made statements to witnesses at Paris with reference to the habits of deceased, saying that he was a man of bad habits, and liable to get into trouble, which a witness of the Crown will emphatically deny.

On opening the court in the afternoon Mr. Osler continued his address to the Crown. After the 17th the prisoner, assisted by Pelly, passed Benwell's baggage through the Customs at the Falls. Upon the prisoner when arrested were the keys of the deceased's baggage, also a gold pencil with the words "Conny, Sept. 16th, 1869." The Crown would prove that this pencil belonged to the deceased, and was in the habit of carrying it constantly on his person. The Crown would prove that this was a birthday present to deceased, and that "Conny" was the family name of young Benwell, "Cornwallis." The Crown would also identify the Astrachan cap worn by Birchall on his trip to Eastwood. Turn now to the finding of the body. The body was found about 11 o'clock on the morning of the 21st of February. If the theory of the Crown is right, the murder occurred shortly after mid day on the 17th. So this man's body could have been lying there four days. (Mr. Osler then produced a map of the spot.) Leading through this swamp from the 2nd concession there was what was known as a hunter's trail leading to Pine Pond. After the prisoner had left Woodstock he got into this swamp, and, burning away the soil, the trees fell and blocked up the trail. The body was found not where it had fallen from the shots, but near by. It was lying on the back, a root or branch supporting the head. The left foot was in such a position that it had frozen it into the soft soil. The other leg was crossing the left, and was supported by a branch or root. The right arm was in an upright position. The right arm, which was upright, was sustained by a mass of frozen ice and snow, which had fallen into the mouth of the sleeve and frozen solid. The collar that he had worn had been jerked off the deceased. The force used had carried the button and a piece of the shirt with it. Every name had been cut off the clothing, from the shirt, the collar, to the drawers. There was nothing upon the body itself which would indicate who it was. The hat was found without any maker's name in it. The sweatband was turned out, and if it had had any name or lining this had also been torn out. Two bullet holes were found in the head of deceased. No blood was seen until underneath the place where the head lay the snow was scraped away and a small quantity of blood was found. Next day the snow was scraped away and two articles found, a cigar-case and a pair of spectacles. The cigar-case can be identified, but the glasses cannot, beyond the fact that deceased's brother will prove that they are about the same strength as those usually worn by deceased. The body was removed to Princeton and a post mortem made. The examination showed that the body was that of a well-nourished man.

The Evidence.

The Crown has something over 70 witnesses to examine. Some of them will be very short. Most of them speak to but one incident, and I do not think there will be more than one, or perhaps two, witnesses whose examination will occupy long time.

William McDonald was the first witness called. All the other witnesses were ordered to retire. A mighty host they made as they rose in their places and started for the door. Under Mr. Osler's examination, Mr. McDonald stated that he was a retired farmer, living in Woodstock. He first knew the prisoner in November, 1888, when he came out from the agency of Ford, Rathbourne & Co., emigration agents, as a farm pupil. Mr. McDonald placed him with a farmer named Wilcox, he thought, in Dereham township, but the prisoner stayed only one night there. He came to Woodstock with his wife, and stated he had not come to Canada to work on a farm. He lived at witness' house for a few weeks, and then went to board with Mrs. McKay. The prisoner remained in Woodstock four or five months, but entered upon no particular business.

Mr. Blackstock took the witness, and it soon became evident that he has a strong grip of the case and a strong determination to fight it through with all his ability. Under his questions Mr. McDonald stated that he had been employed for three years in the farm pupil business, getting a commission from the agency for the pupils he placed. He denied emphatically that he had got anything from the farmers. He had continued this business until about four months ago, when it ceased. His last letter about that time was not answered. He gave the names of pupils he had placed, one of them being F. A. Somerset, a name which caused a smile among the people who know Somerset now as Birchall. He remembered Dudley and Graham, but did not know where they were now. Dudley had gone to Pickthall's as a pupil, but did not remain, and witness had gone to Princeton to see the body of Benwell, because he saw in the papers that it was an Englishman, and thought he might be able to identify him. He believed that statement in the Woodstock *Sentinel Review*. He was at Niagara Falls on other business when the inquest was on and was called upon to give evidence. He explained how he was standing on the station platform when he was introduced to Chief Young as one who knew Birchall. He had never seen Young before. They did not talk over what evidence he would give.

When asked what they talked about a laugh followed when he answered that they talked about how pretty the falls were and so on.

This witness' cross-examination was made with a view to show that he had been charged with swindling in the farm pupil business; that Birchall was a pupil of his; and that he had expressed regret for giving evidence against Birchall at Niagara Falls.

This concluded the cross examination, and Mr. Osler rose to further question the witness. Mr. McDonald said: My brother-in-law is turnkey at the jail, and I acted for him during his illness. I never got a cent in these transactions except my commission.

Birchall's Letter to Col. Benwell.

"The next thing of importance," said Mr. Osler in his address to the jury, "is that on the 19th or 20th of February the accused wrote a letter to Col. Benwell, the deceased's father, in England. That letter is so important that I will read it to you.

THE TWO MEN SEEN.

The Crown will bring two witnesses to prove the presence of Birchall and Benwell at Eastwood station and at different points along the road towards the swamp where the body was found, and some of these witnesses, remember, had previously known Birchall when he was travelling under the name of Somerset. There are witnesses, too, who will swear to having seen Birchall returning to Eastwood station, and it will be proven absolutely that he left Eastwood by the afternoon train of that day. Perhaps it would be well to go back for a moment and point out that when Birchall left Buffalo with Benwell he told Pelly that he would hear from him by 2 o'clock as to where Pelly and Birchall's wife were to join them at the Falls. But he was not heard from at that time, and nothing further was known of his movements until a message was received from him at 9 in the evening, and shortly afterwards he himself arrived alone, saying that Benwell had gone to London to see if he could find a suitable farm. The Crown will show that Birchall arrived very shortly after the train from Buffalo arrived, and that when he sent a telegraphic message from the Bridge to Pelly he used the assumed name of Bastill. On that night he told Pelly that Benwell had inspected the farm, had become sulky, would eat nothing, and that he had sent him to look at some farms, having seen him off on the train. On the following day Birchall and wife and Pelly went to the Falls, and Birchall informed Pelly that Benwell had taken his (Birchall's) pistol with him. At the Falls, the Crown will show, Birchall engaged a post-office letter-box numbered 313, for which there were two keys. One of these he gave to Pelly, and the other he kept himself.

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