

The Chatham Daily Planet.

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Established 53 Years Ago.

106th Semi-Annual Opening of Millinery on Wednesday, March 22nd, 1905, and Following Days

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OUR ADVERTISEMENTS PAY.

E.G. RUTAN NOT GUILTY

So Said Ballot Box Jury at Belleville on Saturday.

Judge Charged Strongly Against Him, and When the Verdict Was Rendered Told Him He Was Fortunate. The Testimony Taken Saturday Included That of Rutan in His Own Behalf—Some Missing Ballots.

Belleville, March 20.—The trial of E. G. Rutan for conspiracy in connection with bogus ballot boxes went on Saturday. Pretty much the same evidence as that given at the preliminary investigation was presented, but a few new points came out.

Charles Cochran, proprietor of the Albion Hotel, Kingston, testified that certain boxes addressed to one Kerfoot had come to his place last October and had been taken away by Rutan, who had told him the boxes were expected before they came.

Layton Guss, liverman, of Kingston, swore to driving Rutan and some boxes of literature from the Albion Hotel to Shipley's house at Harrowmuth.

25 Ballots Short. Evidence entirely new was given by Returning Officer Franklin, of Frontenac, who swore that he had given 135 ballots to Deputy Returning Officer Hawkey, and the latter had denied receiving more than 109. The returning officer had then contended to credit Hawkey with 109, and had changed the figures in his sheet to correspond. Patrick Shortell, the returning officer's clerk, corroborated that official's testimony.

Col. Percy Sherwood swore to examining the ballots cast in the riding of Frontenac, and finding that 25 ballots were unaccounted for. Messrs. Taggart and McDonald swore that a bogus ballot box was used by Hawkey on Nov. 8 at Clarendon and Miller poll. Robert Emmet Harpell told the story of the drowning of the boxes in Sydenham Lake.

Rutan in the Box. In the afternoon E. G. Rutan took the witness stand in his own behalf. His evidence was practically a blank denial of nearly all Phil Lott and Harpell had said. He said he was working for Shipley copying circulars the day he was asked to drive Phil Lott to Kingston. He was not in the car when it was driven back to Phil Lott's house.

He drove Phil Lott to Kingston, but did not get a letter from Shipley to Lott, Lott said. They did not discuss election matters, and never mentioned ballot boxes at all. Phil Lott, Rutan said, pulled the letter to Lott out of his pocket, and asked Rutan to show him where Lott lived. Rutan again denied having carried the letter from Shipley to Lott. Rutan also denied that Lott drew diagrams of the boxes, as sworn to by Phil Lott. Rutan said he had been approached by Shipley to go to White's Hotel and call for a couple of boxes of literature in company with Mr. Guss, the liverman. He did not remember that Shipley told him the boxes were addressed to anyone in particular. He did not know where the boxes came from or any more about them. There was nothing about the boxes which would lead him to think they did not contain literature. He had never told Harpell that the boxes rattled on the drive to Shipley's house. He directly contradicted the statements of Harpell and Phil Lott.

Did See One of Them. Rutan told that Shipley had taken him into a room in his house and showed him a bogus ballot box, saying, "Don't you think that a slick rig?"

He (Rutan) said: "Well, a man would be a fool to try to use a thing like that." That, Rutan said, was the first he saw or heard of the bogus boxes.

This was on the Saturday before the election. Rutan related how Harpell came to his house and told him Shipley wanted to see him. He (Rutan) said he told Harpell he didn't know how he could go, as his wife had a headache. His wife, however, told him to go, and he went.

Rutan then denied that Shipley had said to him: "We must get rid of them." What did happen, Rutan said, was that Shipley took him into the house and asked him to help get rid of the bogus boxes. Rutan said Harpell made the remark: "We'll put them where the devil couldn't find them." And not he, Shipley suggested that the boxes should be put into Sydenham Lake. Harpell, Rutan said, knew from the first that he was to go and help drown the boxes.

Again He Denies. Cross-examined by Mr. Hellmuth, Rutan again denied that he had carried the letter from Shipley to Lott, and when confronted with the proof that he had sworn to having done so at the preliminary investigation, said he swore falsely then. Several other inaccuracies in his evidence were pointed out.

It was 5 o'clock when all the evidence was declared closed, and Mr. Mabey, of Toronto, began his address to the jury. At 7 o'clock the Crown Prosecutor, Mr. Hellmuth, began his address to the jury.

The Judge's Charge. The judge charged strongly against the prisoner. He reviewed the evidence. Rutan's change of memory in regard to the letter to Lott was almost unaccountable. The jury was called on to believe all the witnesses who had appeared in the box, for it was a daily occurrence that statements were made by witnesses which were entirely contradictory. They must take into consideration the accompanying circumstances. Politics had nothing to do with the present case, which was inaugurated for the protection of society, for the sanctity of the ballot, and for the common weal.

County Constable's Crime. London, March 20.—John T. Westcott, a County Constable of Huron and Middlesex, Saturday pleaded guilty to fraud and blackmail and was sentenced to nine months in the Central Prison.

As to the punishment, neither judge nor jury were concerned in that. The law provided that, if a man committed a crime he knew, that if detected and found guilty, the law provided an adequate punishment for him. They must judge by the evidence adduced. If they were satisfied that Rutan was in the room that night and was at Cochrane's Hotel in connection with the boxes, then they must find that he was connected with the conspiracy. In conclusion the judge said that it did not matter how small a part a man played in a conspiracy, if he was involved in it, he was connected with it at all, he was equally guilty in the eyes of the law with those who took a leading part.

The jury retired at 8:55 and were out till 11:45, when they returned with a verdict of "Not guilty."

"You Are Fortunate." Judge MacMahon said, "Stand up, E. G. Rutan. The jury have taken a lenient view of your case. You are fortunate. You have had a narrow escape, and I would advise you to be more careful hereafter. As a good citizen you should have brought the matter to the attention of the authorities when you first heard of it. You may go."

It is understood that the next case called will be that of the King v. F. J. Relly.

MURDER IN MONTREAL

Father Kills His Son With a Heavy Iron Poker.

Montreal, March 20.—Murder was committed early Saturday morning at 42 Dorset street, when William Phelan, 55 years of age, struck his son, William Phelan, 17 years of age, with a heavy iron poker.

About 10:30 o'clock a woman by the name of Mrs. Kate Phelan, came over to No. 2 station, which is just around the corner, and said that a young man was lying in the house in a dying condition, covered with blood.

Two constables immediately went to the house and found young Phelan lying on the bed at the point of death. A heavy iron poker, covered with hair and blood, was on the floor.

The boy's forehead was crushed. Mrs. Phelan said to the police that William Phelan, the father of the boy, came to her and said that he had killed his son while he lay in bed.

Young Phelan was taken to Notre Dame Hospital, and it was at once seen that he had but a few moments to live. Hardly had the priest reached his bedside to administer the last rites of the church when the young man died.

No reason for the crime has yet been ascertained, but Mrs. Phelan told the police that since the death of his wife, some months ago, the husband had been drinking heavily, although he had never been known to threaten violence to any one.

The man was immediately placed under arrest, and taken to police headquarters.

Didn't Kill His Wife. Montreal, March 20.—Napoleon Laporte, charged with having killed his wife, was acquitted late Saturday evening, as it was proved that the woman had been drinking with another man and had fallen downstairs.

DOMINION DAY IN THE WEST.

Invitations Extended to Sir Wilfrid and Earl Grey.

Ottawa, March 20.—Walter Scott, M. P., on behalf of Mayor Laird, of Regina, has presented a preliminary invitation to Sir Wilfrid Laurier, suggesting the presence of His Excellency and the Prime Minister at Regina on July 1 next, as the civic authorities in contemplation of a fitting celebration of next Dominion Day, which will be the birthday of the new provinces of Alberta and Saskatchewan.

In order to make the celebration worthy of such an historic occasion it is proposed the Lieut.-Governors of the two new provinces should be sworn in on that day at Regina in the presence of the Vice-Royalty.

The Prime Minister is not yet able to make definite acceptance of the invitation, but Mr. Scott and Mayor Laird trust to obtain the consent of both His Excellency and Sir Wilfrid to attend the ceremonies.

Engine Drops Into River. Buffalo, March 20.—An engine and one car part of a train of fifteen cars derailed and plunged into the Niagara river about 7:30 o'clock Friday night close to the Canadian end of the International bridge. The train was on the Michigan Central tracks and was a Michigan Central train. Engineer Delaney stuck to his post to the last, thinking to check the speed of his engine, but when he saw he could not be yelied to his fireman to jump, and then jumped himself. The engine and one car jumped the snubhook block at the foot of the decline and plunged into the river.

Slashed in Hotel Fight. Toronto, March 20.—Louis Dimerio and Frank Rosa, Italians, used a razor and a knife on Henry Pinkerton, William Prince and Edward Crawford in a fight in the New Century Hotel, Saturday night.

After the two men had been arrested Arthur Algate, 14 Maplewood place, struck one of the prisoners. He was also locked up on a charge of assault.

Cremation in Canada. Montreal, March 20.—Adolph Davis, formerly superintendent of the old North Shore Railway, and eminent engineer, died here, and his body was cremated Saturday, according to his will.

County Constable's Crime. London, March 20.—John T. Westcott, a County Constable of Huron and Middlesex, Saturday pleaded guilty to fraud and blackmail and was sentenced to nine months in the Central Prison.

GRAND RACE TO HARBIN

Chinese Receive Notice That Japs Will Enter April 10.

Japanese Torpedo Boat Lost During a Storm—Japanese Are Conducting a Flanking Movement North of Tie Pass, and They Took Kaiyuan on Saturday—Linevitch's First War Report Says Japs Occupy Fakoman.

St. Petersburg, March 20.—The best military opinion here on the situation is that the rival forces are engaged in a grand race to Harbin. Kamamura is hastening along the Kirin road, while Nogri, Oku and Kuroki are harassing Gen. Linevitch's army on the flanks and in the rear. A flying column has been sent to Tsikhar to cut the railroad in the rear of Harbin, the Japanese moving with wonderful rapidity. The Sungari bridge across the Sungari river near Harbin is the first objective point of the race. The bridge is nearly a mile long and is the greatest span on the Trans-Siberian Railway.

On Tie Harbin. With the Japanese Army in the field, via Fushun, March 18.—(Delayed.)—The Russian army continues its northern retreat, the Japanese following. The latter have occupied Fakoman, to the west of Tie Pass, and have captured three miles south of Kaiyuan. Large Russian columns are retreating towards this place from the southwest. The natives report that they are not stopping there, where the hills make a defence possible. If the retreat is forced it probably will be continued to Harbin. The Russians are reported to be badly disorganized.

Harbin, March 20.—The Chinese here are in an excited state and say notifications have been received that the Japanese will enter Harbin April 10.

With the many wounded who are arriving at Harbin from the southward are crowds of Russian inhabitants of the region evacuated and employees of the railroad.

Jap Torpedo Boat Lost. London, March 20.—The Daily Telegraph's Yokohama correspondent says that during a storm a Japanese torpedo boat destroyer was lost off the Indo-China coast.

LABOR QUESTION CRITICAL.

Chinese Asking Exorbitant Wages for Aiding the Russians.

Gunsu Pass, March 20.—The first army, which has been covering the retreat of the Russian forces from the south, is withdrawing slowly, checking comparatively light attacks by the Japanese. The Japanese are conducting a flanking operation on the right, and from the Russian column Japanese batteries are visible, keeping pace a short distance away.

The Red Cross detachments at all of the intermediate stations to Harbin are working night and day, operating, bandaging and feeding the wounded. The Chinese are leaving Gunsu Pass for Kirwin, and the labor question is therefore growing critical, though Chinese receive the unprecedentedly high wages of 40 to 50 cents a day.

20 Miles North of Tie Pass. Tokyo, March 19.—Headquarters of the Japanese armies in the field, reporting under day's date, says: "Our detachment continuing its advance north pursued the enemy to Kaiyuan, some twenty miles north of Tie Pass. Kaiyuan was evacuated by the enemy on Saturday, after he had set fire to the railroad station."

Japs Occupy Fakoman. St. Petersburg, March 19.—Commander-in-Chief Linevitch, in a telegram dated Saturday, says: "On March 17 Japanese batteries bombarded our divisions in the valleys of Tayanpan and Yanpu. The enemy appeared near Taotaitse (on the railroad about 25 miles north of Tie), and our cavalry has occupied Fakoman. Our armies continue their concentration."

In Rear of Russians. Tokyo, March 20.—In a report to the war department Field Marshal Oyama says that the Japanese right army, under Gen. Kuroki, is proceeding rapidly along the Kirin road, above Pelling.

Press Czar to Make Peace. St. Petersburg, March 20.—While Emperor Nicholas, whose word is final, still declines to abandon the prosecution of the war, and the Government maintains its ability to continue the conflict, the Associated Press is in a position to state that powerful influences, including several of the Emperor's own ministers, are now strongly urging that the time has come to indicate to Japan Russia's desire for peace upon a reasonable basis.

KUROPATKIN AND LINEVITCH.

Send Formal Messages to the Czar From the Front.

St. Petersburg, March 20.—A telegram from Gen. Kuropatkin to Emperor Nicholas, dated March 17, says: "In accordance with the orders of Your Majesty, received March 16, I handed over to Gen. Linevitch to-day the command of the land and sea forces operating against the Japanese."

Gen. Linevitch, in a telegram to the Emperor, under the same date, says: "In pursuance of the orders of Your Majesty, I assumed command of the land and naval, operating against the Japanese."

Kuropatkin Not in Disgrace. St. Petersburg, March 20.—It is stated on high authority that at Gen. Linevitch's request the Emperor has appointed Gen. Kuropatkin commander of the first army, and that he assumed command yesterday. This cannot be confirmed. An earlier report said he left Saturday for St. Petersburg.

Kuropatkin Wounded.

Gen. Kuroki's Headquarters in the field, March 18, by way of Fushun.—Gen. Kuroki's army continues to lead the Japanese force, which have not been engaged for nine days in a hard pursuit, and they have covered a distance of more than ninety-five miles with frequent fighting. A few prisoners are secured daily. It is reported that during Gen. Kuropatkin's resistance at Tower Hill on the first day's battle, he was slightly wounded by fragments of an 11-inch shell which fell near him.

Regret Kuropatkin's Dismissal. Paris, March 20.—The French Press yesterday morning devoted eulogistic articles to Gen. Kuropatkin, expressing regret at the Emperor's abrupt recall of the Commander-in-Chief. The Echo de Paris says that Grand Duke Nicholas Nicholasievitch has been ordered to start for Manchuria to investigate the situation there, and that his report will result in a decision as to a continuation of the war or peace.

Kuropatkin Commanded. Tokyo, March 20.—A despatch from the headquarters of the Japanese armies in the field, dated Friday, says: "According to statements made by prisoners, the force of the enemy resisting us south of Tie Pass on Wednesday, March 18, consisted of three divisions. Gen. Kuropatkin personally commanded during the battle in the neighborhood of Tie Pass, Tuesday, March 14."

Inspection of Horses Ordered. St. Petersburg, March 20.—In connection with the mobilization of a new army, an Imperial decree orders an inspection of horses in 22 districts of the military divisions of Odessa, Warsaw and Moscow.

British Steamer Stranded. Tokyo, March 20.—The British steamer Mar, while attempting the passage of the straits, bound for Vladivostok, was caught in the ice and is stranded off Surul promontory. The crew abandoned the vessel and landed on the island Hokkaido. The Mar sailed from Barry, Wales, on November 28.

ANARCHIST LAY-OUT.

Police of Moscow Find It and Arrest 300 Persons Connected With the Revolutionary Party.

St. Petersburg, March 20.—The secret police of Moscow have discovered an organizing section in conjunction with the revolutionary party in London, and three hundred persons already have been arrested. The police found in a store internal machines, hand bombs, and a quantity of explosives and weapons, together with printing presses and revolutionary documents, included among the latter being letters to the central committee and correspondence relating to the assassination of Grand Duke Sergius.

FOREMAN FATALY STABBED.

Warsaw Workmen Carrying Out Their Threats of Revenge.

Warsaw, March 20.—Now that most of the strikes are ended, the workmen are beginning to carry out the threat of revenge on such of their fellows as refused to quit work with them. On Saturday a foreman who had refused to join the strikers was fatally stabbed, and yesterday a workman who had refused to walk out was shot and severely wounded. The authorities fear that these incidents are only the beginning of a series of such outrages. The working classes are greatly excited in anticipation of orders for mobilization. The men are determined to offer violent opposition. Scarcely a day passes without the appearance of seditious literature.

School Strike Acute.

The school strike at Warsaw is reaching an acute stage. The authorities issued a final order that boys not returning to school before Wednesday will be expelled, regardless of their number. The Polish educational committee, which recently went to the Emperor, is angered at the Government's non-conciliatory attitude, and met here yesterday and resolved to support the boys in striking.

Peasants Disorders Grow.

St. Petersburg, March 20.—The peasant disorders are growing rapidly in the black soil belt and other districts of Southern Russia. Provincial journals bring alarming reports, showing that an actual reign of terror already exists in some districts. Not only are estates plundered and buildings burned, but landlords are brutally murdered.

DISMISSED FROM ARMY.

Result of the Court Martial Held on Russian Officers.

St. Petersburg, March 20.—The verdict of the court martial which tried the officers and men of the several batteries of artillery from one of which a shell was fired during the blessing of the waters of the Neva on Jan. 19, scattering missiles in the vicinity of the Imperial pavilion, was announced Saturday. Capt. Davidoff and Sub-Lieut. Kureff, of the 17th Battery, First Regiment Horse Artillery of the Guard, were found guilty of neglect of duty and sentenced to be dismissed from the army and to imprisonment in a fortress, Davidoff to a year and a half and Kureff to a year and five months. Sub-Lieut. Roth, Jr., was sentenced to imprisonment for a year and four months. Lieut. Roth, Sr., to detention in quarters for three months, and two gunners to detention with disciplinary battalions for two years. Lieut.-Col. Polzoff and Gunner Patrikeff were acquitted. The court found there was no connection on the part of any of those on trial with a plot to assassinate the Emperor.

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