

# Proved!

Continued from page 1.

To Mr. Osler, witness said: "Carrothers met me one day at the Boswell House and said he had not given me money for my vote. He said he would sign papers to that effect. I said, 'Let's see you do it.' He took me to Mr. McPhillips' office and signed a paper. I signed one, too. I did not swear to it."

To Mr. Helmutz, witness said: "Tracy was with Carrothers at the Boswell House. Witness said neither Tracy nor Sharkey had paid him anything for his vote. He had made a declaration to that effect."

## "BULLDOZZED."

To Mr. Osler, witness said, after signing the declaration exonerating Tracy and Sharkey in McPhillips' office, he was asked why he objected to including Carrothers in the declaration. Witness told McPhillips that Carrothers had given him \$5, and would sign a statement to that effect. Witness said: "All right, let's see you do it." Carrothers signed it and witness followed suit."

Mr. Osler: And that's the way you were bulldozed?

"I object to my learned friend making such statements," said Mr. Helmutz.

"Because it's the truth," replied Mr. Osler laconically.

## JAMES MURPHY.

James Murphy, examined by Mr. Macbeth, said he saw Ray the day before election and in consequence of what Ray told him, witness went to the Conservative committee room on Simcoe street to see Aid. Carrothers.

Q: What took place between you and Carrothers?

## OBJECTION OVER-ruLED.

Mr. Helmutz objected. There was no charge about Murphy in the particulars.

Mr. Helmutz's objection was overruled.

Witness said Carrothers took him into a little room and asked him for his vote. Witness said: "I will if you give me what you gave Ray."

Judge Robertson: What did Carrothers say?

## WASN'T CROSS-EXAMINED.

Witness: He pulled out a \$5 bill and gave it to me.

Mr. Helmutz declined to cross-examine the witness.

Mr. Osler: I need not argue about Carrothers' agency. It is admitted in argument.

Judge Ferguson: I think so.

Mr. Osler showed that Carrothers and James Murphy were voters.

Mr. Helmutz said Carrothers was not in the court room to reply, but would be there in the morning.

## PATRICK QUIGLEY.

Patrick Quigley, examined by Mr. Macbeth, said he was a voter, but did not vote. He knew Robert Carrothers. The evening before the election he saw Carrothers at his (Carrothers') residence on Horton street.

Q: Were you in the house?

A: Yes.

Q: What took place?

A: He asked me if I was working at the Assylum. I said "Yes." He said: "You will vote for Beattie?" I said: "Yes; you can depend on that." He handed me a \$5 bill.

## NOT A PERJURER.

Q: Did you try to vote that day?

A: Yes; but the oath was put to me and I could not take it.

Q: Did Carrothers owe you any money?

A: No.

Mr. McKillop showed the poll-book of division 18, that Quigley had refused to swear.

Mr. Helmutz: Was that all the money you got for your vote?

A: That's all.

Witness said there was no bargaining as to his vote. Carrothers had not canvassed him.

Q: Didn't this generosity surprise you?

A: Well, he had left word on my boarding-house to call on him. (Laughter.)

Q: But did you go expecting to get money?

A: Well, I didn't know, but I thought I would go to see him.

## BOB WASN'T FLUSH.

Mr. Macbeth: Why did you go to Carrothers?

A: He left word at my boarding-house.

Q: Was anything said after Carrothers gave you \$5?

A: Yes; I wanted \$10. (Laughter.)

Q: Did Carrothers give it to you?

A: No; he said he had paid out all the money he had that day, and couldn't even make it \$7. (Laughter.)

## JOHN SULLIVAN.

John Sullivan, examined by Mr. Macbeth, said he was a voter in London, and knew R. M. C. Toothe. He saw Toothe the evening before the election in the Conservative reading-room.

Q: How came you to go there?

A: He had previously told me to call there, as he wanted to see me.

Q: What occurred at the reading-room?

A: Toothe asked me if I had a brother named Toote. I said, "Here he is, here." (My brother was with me at the time.) Toothe said to me: "You played in the band?" I said: "Yes." Toothe said: "Will you vote for Beattie?" I said, "I will not promise."

He said: "Will you promise you won't vote for Hyman?" I said: "Yes." Toothe said: "That's all right; that's just as good." Then Toothe gave me some money—\$4.

Witness described exactly how he, his brother, and Toothe stood at the time. Toothe gave him a small roll of bills and he did not look at it until he left the room. He found two \$2 bills.

Q: Had you any other dealings with Toothe during the election?

A: Yes; he hired me to get up a drum corps for the Tupper demonstration. Mr. John O'Hearn first spoke to me about this. We went to the Conservative Club and saw Mr. Toothe and Mr. Graydon. Mr. Toothe said he wanted to get up the corps and that it would be a permanent thing. I agreed to get up the corps, and the night of the Tupper procession I got \$2 from Toothe. I got \$1.50 more, the night before the nomination.

Q: What was the \$1.50 for?

A: He wanted me to go to the nomination.

Q: Did you get any more, and when?

A: I got \$3 on nomination day of the day after.

Q: Was anything said about your vote before the payment at the club the night before the election?

A: Yes; Toothe spoke to me about it nearly every time I saw him. He wanted me to see my father and brother about their votes.

As it was 6 o'clock, Mr. Helmutz deferred his cross-examination of the witness until morning.

# Toothe Talks.

## The Master Mind of the Party in the Box.

## Denies the Stories of Both John and Thomas Sullivan.

## Says He Never Asked John's Vote or Paid Him for It.

## Mr. Toothe Gets Excited and Is Told to Keep Quiet.

## Thursday Morning.

When the court resumed at ten o'clock this morning, John Sullivan, shoemaker, was cross-examined by Mr. Helmutz.

Witness said he thought the \$4 given him by Mr. Toothe on June 22 was for his promise not to vote for Mr. Hyman. He had voted, and taken the oath at the polls, though he understood that all he had to swear to was that he was John Sullivan. When witness went to see Toothe, the latter said: "You've been playing for the Liberal. Fleet, and they didn't use you right."

KNOCK OUT THE LIBERAL FLEET

When witness promised he would get up a drum corps, Toothe said that he wanted men and money. Witness said Toothe made no arrangement about the pay, but said it was to be a permanent drum corps to knock out the Liberal Fleet.

Toothe had asked witness about his vote during the first interview they had. Toothe said he would give the members of the drum corps \$1.50 or \$2 apiece. Toothe then asked him for a list of names. Witness presented a list of ten or twelve, and Toothe said it did not matter if there were two or three more. Witness denied he had some of these men would take smaller sums than others, so that there would be more left for him (Sullivan). Witness had hired the drummers, telling them they would get \$1.50 or \$2 apiece.

"It was after the Tupper demonstration," said the witness. "I went up to the club, and Toothe said, 'You have done first-rate. Here's \$2; go over and blow yourself.' (Laughter.)"

CHEER FOR BEATTIE.

"Afterwards Toothe gave me \$1.50, and said, 'Come up to the nomination.' I said I could not, as I was going fishing. Toothe said, 'Never mind the fishing; there's something better than that.' I went fishing early nomination day, but got back in time for the nominations."

Q: What were you to do there?

A: Toothe told me to cheer for Mr. Beattie. (Laughter.)

Judge Ferguson: And did you cheer for him?

A: No, sir. I was tired after the fishing, and my feet were wet, so I did not feel like cheering for anybody. (Laughter.)

Judge Ferguson: Was the band to play at the nominations?

A: Yes.

Judge Ferguson: And the money was given you to cheer for Beattie?

A: Yes.

Judge Robertson: Did you understand that the previous \$2 was given you to treat the bandmen?

A: Yes, sir; to take them over to Avey's.

Witness said he had signed a receipt for \$3, in full payment of his services as bandmaster. This \$3 had been given him, in addition to the \$2 for treating, and the \$1.50 for nomination day.

Witness repeated that Toothe had asked him to vote for Mr. Beattie, the night before the election, and witness had declined. Toothe then asked him not to vote for Hyman, and witness consented.

Witness said he had received a letter from Mr. Toothe after the charge had been made, asking him to call at his office. Witness, in response, went to the office of Toothe & McPhillips, and found there Mr. Beattie, Mr. Mahanick, Aid. Douglas, Mr. Dillon and others. Mr. McPhillips said to witness, "I thought you were a good man." Witness replied, "I don't think I am." (Laughter.) Mr. McPhillips asked him to sign a declaration stating that he was not in the attitude witness admitted he was not in the attitude, but refused to sign the declaration, because he was under subpoena and did not want to get into trouble.

Toothe said there was another charge, but the book was at Mr. Helmutz's. Toothe asked him to call again, and witness did call again, and saw Toothe.

## SERIOUS ACCUSATIONS.

The witness continued: "Toothe asked me if he had ever canvassed me for my vote. I said that he had asked me to vote for Beattie. Toothe said, 'Don't you say that. You'll get into trouble over this. Those people have got you summoned. They "if" care for you. O'Hearn is not going up. He is going away. What's the matter with you going, too? What's the matter with you going till you blow us over?' I said, 'My wife is sick, and I must stay and take care of her.' Toothe said, 'You can get someone to take care of her, and we will make it all right with you.' I said I would not do it. Toothe replied, 'You are no good. I said, 'I am just as good as you.' Toothe said, 'No, you're not. I said, 'I am.' Then

TOOTHE GRABBED ME.

I said, 'I am just as good as you, though. I may not be as good a fighting man as you.' He would not let go his hold of my coat collar, and shoved me out."

Q: Did the crowd see this?

A: No; Toothe had previously asked them to go out, and Toothe and I were alone.

Q: Did you propose, in the presence of Mr. McPhillips, that you should make up a story?

A: No; not nor in the presence of any other man.

Judge Robertson: I have got as far as where he put you out.

Witness: Yes. He would not let go. He said that he would punch my head.

Judge Robertson: But he did not?

Witness: No.

Mr. Helmutz: Did Toothe say: "You know you promised to engage the band if I would vote for Beattie?"

A: No; I did not.

Q: Did Toothe say in presence of Mr. McPhillips: "Who are you there with, such trash or dirt as this?"

A: No; McPhillips was not there.

Q: Did Toothe say it?

A: No.

Q: Then you left?

A: He put me out. That is how I left.

Witness continued: "I know John Farrell, but I do not know a barten-tine named Gannon. Do not think I went into the City Hotel the following night, and did not at any time go into the hotel cursing and swearing at Toothe for throwing me out."

Mr. Helmutz asked witness if he had applied an offensive epithet to



# Before Retiring....

take Ayer's Pills, and you will sleep better and wake in better condition for the day's work.

Ayer's Cathartic Pills have no equal as a pleasant and effectual remedy for constipation, biliousness, sick headache, and all liver troubles. They are sugar-coated, and so perfectly prepared, that they cure without the annoyances experienced in the use of so many of the pills on the market. Ask your druggist for Ayer's Cathartic Pills. When other pills won't help you, Ayer's is

THE PILL THAT WILL.

wards Toothe. Witness replied "No," but Toothe had used a worse expression than that towards him (witness).

COULD NOT BEAT TOOTHE.

Mr. Helmutz: Did you not tell a Mr. Osmer, in the corridor of this court house yesterday that you could swear as many lies as Mr. Toothe could?

A: No, sir; I did not, and what's more, I never followed the truth-rejoinder, and Judge Ferguson rebuked the crowd. I will swear in a number of special constables myself," he said. "To have this room cleared out if such an unseemly demonstration occurs."

Witness said the oath was not read in full to him at the polls. Edmund Meredith identified him as John Sullivan, and he was not sworn.

A REBUKE.

Mr. Helmutz: Were you ever in the police court?

Witness: Once, seven years ago—never since. A man slapped me in a crowd, and I slapped him. He admitted it was a mistake.

Judge Robertson: And I think it is a mistake to bring such a matter up here.

THOMAS SULLIVAN.

Thomas Sullivan, sworn, testified to the interview between his brother John and Mr. Toothe in the Conservative Club the night before the election.

Witness heard Toothe ask John not to vote for Hyman, and saw Toothe slip some bills into John's hands. Witness was a member of the Tupper Drum Corps.

Cross-examined by Mr. Helmutz, witness said he got \$2 from Mr. Toothe for his services in the corps. Nothing was said to him about voting; he had no vote. Mr. Helmutz failed to establish any evidence.

Mr. Osler showed John Sullivan to be a voter, and also Thomas Sullivan, printer, but not the witness.

Mr. Osler said the evidence on the case was closed, and Mr. Helmutz, for the defense, called

JAMES COUSINS.

Witness said he was the deputy returning officer at division No. 3 at the last election.

Mr. Osler objected to the evidence of Mr. Cousins, on the ground that it was irrelevant.

Judge Ferguson thought it was collateral. The question was, "Did Sullivan have a brother?" Mr. Cousins' evidence had nothing to do with the issue.

Mr. Helmutz argued that the evidence was relevant, and that it showed that Toothe was a man of influence.

Judge Ferguson complained about Mr. Helmutz's persistence. The case needed only to be stated to convince one of the evidence was collateral.

Judge Robertson did not agree with Judge Ferguson, and thought the evidence admitted.

Judge Ferguson: Yes, it does. If my learned brother does not agree with me, I will not press my objection."

The witness, Mr. Cousins, was then asked by Mr. Helmutz if he administered the white oath to every one who was sworn.

Witness replied, "Yes."

To Mr. Osler, witness said if a man was being sworn, and the scrutineer rose and said, "Oh, that's all right; I know that man," witness might stop putting the oath.

To Mr. Osler, witness said he did not remember swearing Sullivan that day.

Sullivan was marked as being sworn in the poll book, but the clerk had entered it, not the witness.

Mr. Cousins then withdrew, and Mr. Helmutz having failed to make his point—that Sullivan had swallowed the oath, "You see where all this leads us to," said Judge Ferguson to Mr. Helmutz, "It is better to abide by the rules."

R. M. C. TOOTHE.

R. M. C. Toothe said Sullivan came to him one night and suggested that a drum corps of which Sullivan was head, be hired for the Tupper demonstration. Sullivan had been drinking. He gave witness a list of between 9 and 12 boys, who would play, and opposite each name the amount each would require. The whole amounted to between \$21 and \$25. The bargain was clinched and Sullivan promised to supply the men and be on hand for that sum.

Q: Did you speak about his vote?

A: No; I did not know he had a vote. He was there only 15 minutes.

Witness admitted that on the night of the demonstration he might have given Sullivan \$2.

Witness said he paid the other members of the drum corps, who usually came up with Sullivan for payment. Some of these members took less money than Sullivan had put down for them on the list; so that when witness came to settle up with Sullivan there was more coming to Sullivan than originally intended.

Q: What about Sullivan's story that you paid him \$1.50 and asked him to go to the nomination and cheer for Beattie?

A: I told him no such thing. He

came to me the day before the nomination, and said he wanted me to go fishing. I gave him \$1.50 on account of band money, and took his receipt.

SAYS IT IS FALSE.

Q: John Sullivan and his brother swear that at the Conservative Club the night before the election you asked John Sullivan to vote for Beattie, and gave him \$4.

A: The statement is absolutely untrue.

Q: Did you see him in the club the night before the election?

A: Not that I know of. If any man came to me on an expedition of that kind I would remember it well.

Witness told of Sullivan's visits to his office and contradicted Sullivan's version of them. The \$4 transaction was never mentioned by Sullivan to him. Witness had come to him one evening in December, about the time trial started. McPhillips was the only other person there. Witness was surprised to see Sullivan and thought he had been sent over to try to trap him. (The several districts and the other officers of the Grand Chapter.)

"Sullivan said, 'I want you to arrange what we are going to swear to.' I said, 'As this is an important matter, I know what I am going to swear to.' Sullivan said, 'You know I would not have voted for Beattie if it hadn't been for you enjoining me.' I said, 'Sullivan, you're a liar. I took him by the coat and threw him out into the street.'"

Continued on page 6.

## EXETER.

An Interesting Wedding and Two Funerals.

Exeter, Jan. 27.—The man, Wm. Baker, of Exeter, who was arrested in Detroit, on a charge of forgery, was brought to Exeter Tuesday.

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