

GUILTY.

(CONTINUED FROM PAGE 1.)

before him on the table, which is literally covered with letters, cigar boxes, books and sketches of every description. He sat there on his law bench and ate his breakfast in a meaningless way, now and then ceasing for a moment to glance over the high wall which surrounds the dreary place at the far off sky. In each instance his eyes took on a meditative appearance, as if thinking of his earlier and brighter years, or perhaps of the unfathomable love of the wife who had stood by his side throughout the many wanderings of his shipwrecked life. While he was thus eating and gazing alternately, his guard was informed that the carriage had come for the prisoner.

Mrs. Birchall, who has not been present at the trial more than twice owing to illness, was there to-day accompanied by her sister, Mrs. West-Jones.



DETECTIVE YOUNG.

In a marvellously unique and energetic strain of eloquence Mr. Blackstock referred to the love that burned in the soul of Mrs. Birchall for the prisoner in the dock. It was after 3 o'clock when Mr. Blackstock sat down, after speaking for five hours and fifteen minutes.

When the court resumed at 3:30 Mr. Osler, on behalf of the Crown, began his address to the jury. He dealt minutely and with wonderful ability with every phase of the evidence, and at times ascended to the very pinnacle of his inimitable and ingenious eloquence in dealing with the nefariousness of the prisoner's allurement of young Benwell from a home of luxury in England to a foreign land, the inhabitants of which were strangers to him. His eyes and face took on a most tragic appearance, and turning from the jury for a moment he looked straight at Birchall, and pointing with his finger said in tones of thundering eloquence, "There locked up in the breast of that man is the whole terrible secret. Why, why, why, I say, does not he speak?"

It was 7:35, and the court had been sitting since 9:30 a. m., except during the twenty minutes intermission in the afternoon. Judge MacMahon explained to the jury the nature and relative strength of "direct" and "circumstantial" evidence, weighed very closely the statements of the witnesses, and showed the bearing of the law on the different points at variance. His Lordship, continuing, went into a consideration of the facts of the case from the arrival of the party in Buffalo.

The learned judge seemed to place great stress upon the letters to Colonel Benwell, which he analysed fully and dwelt upon at length. In concluding he called upon the jury in the most solemn manner to do their duty as they would expect him to do his. The judge having finished his charge, the jury retired.

At 11:30, however, the door of the court room was thrown open and an excited mob made a rush to get inside. Judge and jury were in their places and a glance revealed the fact that they had come to a verdict. It was true.

The sheriff was at once dispatched for the prisoner and arrived a few minutes later with his charge heavily handcuffed.

It was generally suspected before he arrived that the verdict was against him, and it could be seen that the moment he entered he feared the worst. It took the constable some minutes to remove the handcuffs, but the prisoner sat there patiently, though his face was terrible to behold. His eyes had a most unnatural appearance, though aside from this he strove to suppress all signs of the internal excitement that racked his system.

His counsel, Mr. Blackstock, was not present, as it was reported he had been taken ill immediately after the jury retired at 10 o'clock.

The judge on the bench was in a state of almost nervous prostration. He had hardly expected a verdict so soon, and every word he spoke was in husky tones.

When the prisoner had been unhandcuffed and order restored, the clerk of the court rose and asked the foreman of the jury if they had decided upon a verdict, and the answer was "We have."

"What is your finding?"

"We find the prisoner, Birchall, guilty."

Each jurymen was requested to rise and separately asked by his Lordship whether he found the prisoner at the bar guilty or not guilty and the answer, given in a clear, confident tone, was in the affirmative.

The judge was about to proceed when Mr. Hellmuth, on behalf of the prisoner, rose and said:—

"Your Lordship, in the absence of my learned friend, Mr. Blackstock, I wish to found a reserve case on the Mellerish letters."

His Lordship—I don't think there is anything on which to found a reserve case on the Mellerish letters.

Mr. Osler—I move for the sentence of the court.

There was an awful silence, during which every eye was fixed upon the prisoner, who, whatever emotions may have been raging in his breast, kept how a clear eye and a calm face.

The judge in solemn tones asked the prisoner "What have you to say, John Reginald Birchall, why the sentence of the court should not be passed upon you for the felony of murder of which you are convicted?"

The answer came in clear tones and with the dignity surrounding a man who is under the awful shadow of death, "Simply that I am not guilty of the crime, my Lord."

The silence, deep as it was before, became oppressive beyond measure. The judge's voice sounded like the tolling of a solemn bell.

His Lordship then addressed the prisoner as follows:—"It is part of a solemn and painful duty cast upon me to pass upon you the sentence of the court for the felony of which you have been convicted. I can only say I fully concur in the verdict which has been returned by the jury on the indictment against you. You have been defended with great ability and there has been no point connected with the defence that has not been fully brought before the jury and pressed upon them with all the fervor and all the ability that human nature could command, and while I say that I may add also that the inevitable conclusion that has been reached in the mind not of the jury, but of almost every one who has listened to the trial was that you conceived and premeditated and carried out the murder of a young man who had been entrusted to you by an aged father as the heir of his patronage. It was your duty and your bounden duty, to have looked after and protected him. Notwithstanding that, without any compunction on your part, you prepared to take his life and reap the miserable reward that you thought was to be obtained by asking the price of blood money which you would get by the draft that was to come from England and the property which you immediately took possession of. It is melancholy to think that a young man with the education you possess, with opportunities which no doubt you must have had to further your own material interests, should so far have forgotten himself as to pursue the course which you have pursued and should have prepared to dip your hand into the blood of a fellow-man. It is melancholy to think that within such a short period after you became a married man and became connected with an estimable and respectable family you should have brought this trouble and disgrace upon them. I can hold out to you no hope whatever of any commutation of the sentence I am about to pronounce. There is, I may say to you, but a short time in which you can be permitted to live, and I earnestly implore you to take advantage of every hour that remains to make your peace by supplicating the throne of Heavenly grace for forgiveness of the offenses committed by you in the flesh.

J. Osler
J. O. Somerset

The sentence of the court upon you, John Reginald Birchall, is that you be taken hence to the place whence you came, and that there within the walls of the prison, between the hours of 8 o'clock in the morning and six in the afternoon on Friday, Nov. 14th next, you be hanged by the neck until you are dead, and may the Lord have mercy on your soul.

Birchall stood erect in the dock while the terrible sentence was being passed upon him, but with downcast eyes, only once daring to look at his Lordship.

When the judge had concluded, the prisoner sat down. A glance showed that his legs and hands were uncontrollable and twitched nervously. All present looked with pitying eyes at the unfortunate young man as he sat there with a dazed hunted look.

J. C. Benwell

After the sentence had been passed Birchall called one of his counsel over and requested that the terrible truth be kept from his wife as long as possible but the depressed and sorrowful gentleman had to admit to him that an inkling of what the verdict would be was gained before he himself had arrived, and the Rev. Mr. Farthing was requested to break the terrible news as gently as possible to the stricken wife. The rev. gentleman found her and Mrs. West-Jones at the Commercial hotel, and before he uttered a word they knew his message. The poor woman immediately fell into a swoon, and her sister was so much distressed by the news that she has been very ill ever since. Mrs. Birchall was after a time restored but her nerves were so severely shocked that she lay for two hours in a dazed and semi-conscious condition. Everything within the power of her attendants was done. The reverend gentleman offered words of hope, but she appeared not to heed them.

While Birchall was sitting in the dock after being sentenced and before his removal to jail a reporter shook hands with him. The palm of the prisoner's hand was wet with cold perspiration, but his bearing throughout was a marvellous evidence of calmness. As he entered the hack which was to convey him to the jail from whence he can never return, it is said that he was as cheerful as ever, the only thing apparently weighing on his mind being the breaking of the news to his wife.

ELMA COUNCIL.

According to adjournment the Court of Revision for the Aikins drain met at Newry on the 24th Sept. Members all present; previous minutes read and signed. The Reeve of Mornington was present and an arrangement was come to so that arbitration would not be necessary. Moved by Mr. Lochhead, seconded by Mr. Richmond, that the township engineer be instructed to consider and re-adjust the assessment of the Aikins drain. Carried. The Reeve of Ellice was also present but no arrangement could be made so the Ellice extension drain will have to go to arbitration. Court of Revision having concluded Council met for general business. Minutes of last meeting read and signed. Moved by Mr. Bray, seconded by Mr. Lochhead, that the Ditch Inspector be instructed to have the Engineer's award (re Shannon & Hamilton) put into effect by letting the contract. Carried. Moved by Mr. Richmond, that orders be issued for payment of the following accounts:—J. Holman \$6, A. Hallman \$6, R. Smith \$10.50, H. Martin \$4.50, H. Meben \$10.50, S. Stewart \$3, C. Hellar \$6, R. Ross \$3.75, H. Runnenberg \$3.75, J. Robbie \$3.00, T. Robbie \$1.00, J. Fullarton \$4.50, and T. Cockwell \$3.00, for assisting the engineer in the south western drain and that the said amounts be charged to said drain. Carried. Moved by Mr. Lochhead, seconded by Mr. Bray, that in reference to certain questions asked in reference to drainage, the Reeve be instructed to get legal advice. Carried. Moved by Mr. Bray, seconded by Mr. Lochhead, that Robert Morrison be appointed collector of taxes for the current year. Carried. Moved by Mr. Richmond, seconded by Mr. Lochhead, that orders be issued for payment of the following accounts:—J. H. Birnes \$12.25, cutting ridge T. L. E. G. H. Crittenden \$7.00 culvert and road; W. Taylor \$19.50 ditching con. 15; W. Long \$6.75, culvert con. 16; J. H. Holmes \$9.10 two culverts deeds and 2 discharges for township; N. Parker \$1.50, repairing two culverts con. 12; D. Smith \$2.00 clearing ditch Engineer's award and \$2.50 repairing boundary E. and G; J. Chapman \$27.25, ditch sideroad con. 7; W. Shearer 21 cents spikes for bridge; J. McIntyre \$6 ditching gravel road; A. Porter \$1, repairing culvert con. 6; J. Mitchell \$13.60, gravel; T. Grubber \$11.80, gravel; Clerk of Division Court, Listowel \$7.53 re McIntyre's appeal. Carried.

T. FULLARTON, Clerk.

Donegal.

Thomas H. Beggs was taking in the London Fair last week.

Quite a number from here attended the anniversary services in connection with the Atwood Presbyterian church on Monday evening. They report having spent an enjoyable evening.

As items have appeared in THE BEE from time to time containing accounts of flax, fall wheat, corn, etc., lately branching out into mammoth potatoes, it may not be amiss to state what Donegal can do in the shape of cucumbers. In the garden of Wm. Aldred may be seen one which measures 1 foot, 7 inches in length and weighs 2 pounds 6 ounces. Another from the same bed measured 1 foot 5½ inches in length and turned the scales at 1 lb 12 oz. Who can beat this?

Monkton.

Mrs. Blaikie, of Michigan, is visiting this week with her old friend, Mrs. C. H. Merryfield.

Several contracts of ditching and grading in the township of Logan were let last Saturday by Deputy-Reeve Keyes at Longway's hotel.

There was no service in the Presbyterian church last Sunday owing to Rev. A. Henderson, M. A., the pastor, assisting in the anniversary services at Atwood.

Joseph and James Adair having completed building a beautiful verandah for John Sanders. John's cottage always handsome is vastly improved by this latest addition.

Owing to getting more work than he could perform with one machine our popular thresher James Holman has had to purchase a second machine. Such enterprise deserves success.

Mr. Hallman realized quite handsomely from his auction sale last week. His farm was sold for \$2,925, which is a fair price according to the present land value. The purchaser was Mr. Holmes, of Elma.

Quilting parties are again becoming fashionable, but is there not cause for anxiety when two such parties are held at the same house within a few weeks of each other? "Coming events cast their shadows before."

The funeral sermon of the late Mrs. Boyle was preached on Sabbath last by Rev. Mr. Brandon. The rev. gentleman took as his text "To die is gain," and in language at once sublime and pathetic he gave consolation to the bereaved and painted in brilliant colors the bright and blessed future of Christians.

Township of Elma.

Notice is hereby given that a Court will be held pursuant to The Ontario Voters' Lists Act, 1889, by His Honor the Judge of the County Court of the County of Perth, at Wynn's Hall, Newry, on

WEDNESDAY, OCT. 15, 1890,

At 12 o'clock, noon, to hear and determine the several complaints of errors and omissions in the Voters' List of the municipality of Elma for 1890.

All persons having business at the Court are requested to attend at the said time and place.

THOS. FULLARTON,

Clerk of Elma

Dated 30th September, 1890.

J. S. GEE'S

Stock is now being filled up with choice goods for the Fall and Winter trade.

DRESS GOODS.

We would especially call the attention of the public to our Dress Goods department, having bought extensively in these lines in all the NEWEST SHADES AND PATTERNS, and ranging in price per yard to come within the reach of any. Kindly call and look through our stock, it will pay you.

Our 12½c. lines Plain and Striped Meltons, also our All Wool Plads at 12½c. per yard are excellent value and going fast.

Newest Styles in FELT HATS for the Autumn trade. Also in

BOOTS & SHOES, GROCERIES, CROCKERY,

&c., we claim to be in the front rank. An invitation is extended to one and all to Give Us a Call and look through our stock as we feel convinced that our Goods and prices will secure a fair share of your trade.

J. S. GEE, - NEWRY.

THOMPSON BROS.,

CORNER STORE,

Listowel, - Ont.

Leading Dry Goods House.

MILLINERY-

A SPECIALTY.

Boots and Shoes,

Hats and Caps,

GROCERIES.

TWEEDS AND

Cents Furnishings.

BIG BARGAINS

—FOR THE—

NEXT 40 DAYS

—AT THE—

Listowel Woolen Mill

Having decided to clear out a large assortment of my

FULL CLOTHS & TWEEDS

Left over from this season, have marked them away down. Come and inspect for Yourself and SAVE MONEY. Large assortment of

SOUTHDOWN STOCKING YARNS

On hand. Only place in Town to get

Pure Wool Bed Blankets and Fine Flannels that will not shrink.

COME EARLY and get Good Choice for Goods are Sure to Sell.

B. F. BROOK.

LAMONT'S

MUSICAL EMPORIUM!

LISTOWEL, - ONT.

6-QUESTIONS-6

—FOR THE—

PEOPLE OF ELMA

TO ANSWER:

1. Do you purpose buying an Organ or Piano?
2. Do you wish to rent a Piano or Organ?
3. Have you seen our beautiful Six-Octave Piano-Cased Organ?
4. Do you know that Lamont Bros. are the only men in the county of whom you can purchase the celebrated Bell and Doherty Organs.
5. Do you know that by writing a card and directing it to Lamont Bros., Listowel, you can procure an A 1 Organ or Piano?
6. Do you want a Sewing Machine?

Parties doing business in Listowel should call at the Emporium and see the

Wonderful Orchestrome,

SHEET MUSIC

FURNISHED AT HALF PRICE.

LAMONT BROS., - LISTOWEL.