

Witness said that so far as his own opinion went, he was not prepared to say whether death was due to a fall or a blow.

Dr. Williams said that the fracture of the skull might have been caused by one impact or two.

Asked if he had found on the skull any evidence of the delivery of 14 or 17 blows swung by a powerful man like the prisoner, witness said he would expect the skull to show more evidence of fracture than he found.

Asked as to the condition of the scalp after the delivery of 15 or 16 hard blows, witness said he would expect it to be more severely torn.

SHOULD HAVE BEEN MORE BLOOD.

Witness said he was unable to account for the absence of blood at the trapdoor or in the room. With the incision made, the process of putrefaction would assist in spreading the area of the boggy mass on top.

Dr. Williams said the wounds described by Herbert, there would be much more blood.

Mr. Johnston handed the witness the fatal axe and skull, and asked him to show how the conical wound found in the scalp could have been made by the axe.

Dr. Williams replied: "Oh, I won't pretend to do that."

"You are very wise," was Mr. Johnston's rejoinder.

With a blow struck as described by Herbert, it would be difficult to induce a downward cut, as was found.

The judge asked a similar question, illustrating his query by rising and himself handling the axe, while the doctor held the skull. Witness said it would not be quite impossible for such a cut to be made.

This concluded Dr. Williams' evidence.

A TORONTO EXPERT.

Dr. George A. Bingham, a practicing Toronto surgeon, was next called. He

ordering an adjournment, Judge Britton observed that unless night sessions were held the trial could not be concluded before Monday, a condition which he desired to avoid. He asked the jury if they were willing that a night session should be held, in which case he said court would be resumed at 8 p.m.

EVIDENCE ALL IN TONIGHT.

Counsel on both sides rose and pointed out that they were of the opinion that all the evidence could be finished by Friday night, leaving Saturday for the addresses of counsel, the judge's charge to the jury, and the finding of a verdict by that body.

The members of the jury, after consulting together, announced through one of their number that they would prefer not to hold a night session. If necessary they would be willing to sit on Friday night in order to get the evidence all in.

Court was accordingly adjourned till 9:30 Friday morning.

FRIDAY'S SESSION.

The fifth day of the Sifton trial opened with the crown's third medical witness in the box. The medical testimony took up a considerable portion of the morning session. The attendance was larger than at any previous morning sitting, among the spectators being noted a number of medical students. There was also the usual contingent of world-minded females, who devoured with avidity the ghoulish details which cropped out from the evidence.

INJURIES CAUSED BY BLOWS.

Dr. Eliphaz Wilbur Gustin, of St. Thomas, was the first witness to assume the stand on the opening of court. He proved on cross-examination to be a very argumentative witness. To Mr. Clute he said that he

tearing another statement, when counsel cut him short.

Witness protested that he wished to answer and thought to have a right to do so unless stopped by the judge.

"The judge may have to stop you," thundered Mr. Johnston. "Do you know that a man's life is hanging on the questions I am asking you?"

"I would not be in this box if I did not understand it," was Dr. Gustin's reply.

"Then why this animus?" queried Mr. Johnston sharply.

To Mr. Clute witness said that while the blow on the head would stop excessive bleeding while the body was in the room, the throwing of the body out of the room would cause a reaction which would start the blood flowing again, thus causing the formation of the pools found.

The judge reproved the witness for stating as a fact that the body was thrown out of the wall.

This finished Dr. Gustin's evidence.

EXPERTS HAD DIFFERED.

Dr. John Ferguson, who was educated in Great Britain, and who has been practicing in Toronto since June, 1881, was next called. He had, he said, been for 11 or 12 years professor or practical anatomy and demonstrator of dissecting at Toronto Medical College. He had had some experience with cases of fracture.

Dr. Ferguson said that while not denying the possibility, he considered it extremely improbable that the injuries found were caused by a fall. They were more compatible with a series of blows.

To Mr. Johnston witness admitted that there had been differences between the experts for a crown witness at the last trial and the present one. Mr. Johnston then asked witness as to what injuries to the skull and scalp would be expected from hard swings of blows.

NO TRACE OF POISON.

Dr. Ellis, provincial analyst, was the first witness called by Mr. Johnston. He said he had received from High Constable McLoud the axe and the viscera. Witness had examined the stomach, but found no trace of strychnine or other poison. He had examined the axe and found hair on it. The hair had all the characteristics of cow's hair.

To Mr. Clute witness said he was not certain that it was cow's hair, but it had the characteristics. The blood found was mammalian, but witness could not say it was human blood.

Witness replied that taking Mr. Johnston's literal statement, he would expect more lacerations to the scalp and more damage to the skull.

To Mr. Clute Dr. Ferguson said he had received the chips taken from the skull in the Sifton case, and had examined them with another doctor. He found mammalian blood on them, but the lapse of time had been such that the blood could not be identified. He had so changed that it was impossible to determine if it was human blood.

Dr. Friend R. Eccles and Dr. Wm. Waugh, of London, deposed that they had assisted Dr. Williams in performing the postmortem. The report as submitted was correct.

High Constable McLoud was recalled and asked what time he reached Edgar Morden's house on the night of Herbert's alleged confession. Witness replied he left the city about 11 p.m., reached Morden's about 12:30 and left at 2 a.m.

To Mr. Clute witness said he only knew of Herbert's presence half an hour before he left.

Mr. Clute admitted that the stomach of Joseph Sifton and the axe were sent to Dr. Ellis, Provincial analyst, for examination.

"That the case for the crown, my lord," said Mr. Clute.

"Defense?" was the judge's laconic rejoinder.

Dr. Arthur Jakes Johnson next took the stand. He is a member of the staff of Toronto General and Grace hospitals, a coroner, and for 25 years surgeon to the Toronto railway. In these capacities he had seen a large proportion of the head injuries in Toronto, and had been engaged as a post-mortem expert by either the crown or the defense in all the important criminal cases in Ontario for ten years, except the Birchall case.

The injuries to the skull, said Dr. Johnson, could have been caused by a fall. They could not have been caused in the way indicated by Herbert's story. The striking of blows on the top of the head, as described by Herbert, would have smashed in the top of the skull.

The blow which would cause the fracture on the side of the head would have crushed or at least cut the ear.

With the fracture on the side of the skull, further repeated blows would smash in the skull.

The injuries to the head were not made by an axe in the manner described by Herbert. The blow which produced the boggy feeling on the top of the head would be a light one.

The boggy condition of the scalp could be caused by a fall, but not by blows as described.

HERBERT'S STORY IMPOSSIBLE.

"Is there anything that you do not know about injuries from falls, doctor?" was Mr. Clute's opening question on rising to cross-examine Dr. Johnson.

"Oh, yes," replied Dr. Johnson. "You can account for any injury by a fall." "Taking Herbert's own words, and not those put in his mouth by my esteemed friend, what do you say as to the injuries inflicted?"

"I would not say that the skull does not show injuries bearing out his evidence."

Asked as to the possibility of a man standing on a ladder after being dazed, witness said that a man dazed so badly as to remain unconscious, would have fallen at once. If the muscles of his neck were limp, all his other muscles would be limp, too.

Witness said it would be impossible to prearrange an accident so as to obtain any given injuries.

Mr. Johnston having interrupted Mr. Clute, the latter said "I'm learned friend getting uneasy."

"Not at all," said Mr. Johnston. "The longer you keep at the doctor, the better I'm satisfied."

"Then you should not interrupt," Mr. Clute finished his cross-examination at 12:30.

To Judge Britton the witness said it was possible for a man to have a fractured skull and yet not lapse into unconsciousness for some hours.

Barrister Isador F. Hellmuth, of the firm of Kingsmill, Hellmuth, Torrance & Saunders, of Toronto, was next called. He had gone to see Walter Herbert in jail on July 26, of 1906. Witness told Herbert he must hear his story before accepting a brief. Herbert told his story, saying that Joseph Sifton's death was due to accident.

The next morning witness read in the papers an alleged confession from Herbert. Witness told Herbert he could not take his case. Before leaving Herbert's cell witness said:

"Herbert, I would like to know



Be a friend to Yourself!

Take proper care of yourself. Look after that most important possession—your health. A little neglect or carelessness may open the door to serious illness.

Abbey's Effervescent Salt

taken regularly will keep you in good health. It clears the head, gently regulates the bowels and drives away constipation. Do not take substitutes. Insist on "Abbey's."

Sold by all druggists.

which is true—this alleged confession or the story you told me?"

Herbert answered, "Mr. Hellmuth, whatever you read or see, the story as told you yesterday is the true one."

Mr. Clute did not cross-examine. The next witness called was Dr. Hugh McCullum, F. R. C. S., of London, a member of the staff of Victoria Hospital, a lecturer on pathology and clinical medicine at the Western Medical College, and an examiner in Pathology at Toronto University.

Dr. McCullum said he was responsible to produce by blows the injuries found, but they were quite compatible with a fall.

With blows given as described by Herbert, there would be spurring of blood on the assailant and on the surrounding floor and objects. The skull would be all smashed in and the scalp all cut.

With a fracture as found in the post-mortem, and subsequent blows applied to the top of the head, the fracture would go clear across the top of the head.

A blow on the right side of the head, pelting the scalp violently, the boggy mass could be produced without the application of any blow to the top of the head.

There is no conceivable injury that could not be caused by a fall, said the witness.

Court adjourned at 1:10 for an hour.

MARKLE'S MINERS WERE EVICTED

Six Families Turned Adrift—Small Operators Will Stand by the Commission.

Washington, Nov. 7.—Col. Carroll D. Wright, recorder of the anthracite coal strike commission, received a telegram today saying that it is understood that the large part of the independent operators in the Lackawanna and Wyoming coal regions have agreed to become parties before the commission and accept its decision.

There are about 70 of these operators working smaller mines in the anthracite region.

Hazleton, Pa., Nov. 7.—Six families occupying company houses at Luzerne County. The six days expired on Monday.

The commission have no idea when they will be able to make their decision. Between now and the 14th of November Recorder Wright will be kept busy preparing for the real work of the commission.

To Lo k After Douchbores.

Regina, N. W. T., Nov. 6.—Inspector Wilson, Sergt-Major Church and nineteen mounted policemen left yesterday for Portage la Prairie by train to await orders in connection with the Douchbores. They own horses and equipment with them.

Missionaries Leave for India.

Toronto, Nov. 7.—Dr. Geo. H. Menzies, Mrs. Menzies, Miss Kate Campbell and Miss Edith Blain left for Montreal yesterday on their way to Central India, where they will carry on work as missionaries under the Presbyterian Church. They will sail from New York on Sunday. Dr. Menzies, who is a medical man as well as a minister, will devote his life to famine children.

Home Mission Work.

Toronto, Nov. 6.—A joint meeting was held today of the committees appointed at the Methodist General Conference in Winnipeg and the Presbyterian General Assembly in Toronto, to arrange co-operation in the home mission field. The opinion of the meeting was the greatest unity as to the desirability of co-operating, and the two general secretaries, Drs. Sturges and MacLaren, were instructed to communicate the home mission superintendents and report at an adjourned meeting.

EARTHQUAKE IN PORTUGAL.

Lisbon, Nov. 7.—A severe earthquake shock has been felt at Guarda, in the Province of Beira, and at other places. The houses and villages have been many houses have been destroyed.

STEAMSHIPS COLLIDE.

Hamburg, Nov. 7.—The steamer Graf Waldersee, outward-bound for New York, collided with the Spanish steamer *Real*, also outward-bound, today. The *Graf Waldersee* is reported to be damaged, but the *Real* returned today.

GOOD FOR THE COFFEE.

Mexico City, Mexico, Nov. 7.—Walter Everett, of California, president of the Pan-American Railway, now under construction in the State of Chiapas, has reached here from the scene of the recent volcanic disturbances in Guatemala. He says the ashes would be great benefit to coffee planters, because they killed off noxious insects and will serve as fertilizer.

FRENCH MINERS' TROUBLES.

Paris, Nov. 7.—The present indications are that the miners will accept the adverse decision of the arbitrators and return to work. Their leaders say it would

be a breach of faith to enter into arbitration and then refuse to accept the results.

Basile, the Socialist deputy, has challenged M. Leglère, editor of a provincial paper, because of the latter's criticisms of M. Basile's course during the strike.

THOUGHT FATHER WAS PLAYING GHOST.

Vienna, Nov. 7.—An extraordinary instance of superstition is reported from the village of Gross-Zornitz, in Hungary. The house of a widow, named Mrs. B., was visited by a ghost, and the police were unable to discover the culprit. The widow's young son, becoming possessed of the idea that his father rose from his grave nightly and bombarded his former home, went to the cemetery, dug up the corpse, dragged it nearly a mile, and burned it. The boy was arrested.

RUSSIA SNUBBED BY THE AMER.

Communications Re Afghanistan Must Be Addressed Through Government of India.

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Opinions were called for, and one opinion suggested that the bearer of the letter be killed. The *Amer* caused a reply to be written, in which it was stated that he was willing to discuss the matter, but it was impossible to change in a moment the whole tenor of Afghan policy. All future communications must be addressed to the Government of India, according to the precedent set by the late Amir, Abdur Rahman.

CRITICISM RESENTED.

Referring to Emperor William's approaching visit to England, the Berlin correspondent of the London Times says certain German journals which chronicle with manifest satisfaction any evidence of friction between Great Britain and France or Russia, speak as if Germany were the only power which must not be trifled with by the British press, and as if Germany's policy must never be considered at all in the light of its present or future bearings on British interests.

These papers, says the correspondent, would apparently like to see in England a spirit of jovial good-fellowship and compliance towards all things German.

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THE WEATHER TODAY—Generally fair and colder.

Hundreds of pleased customers attended our Great Silk Sale last Saturday morning, when with few exceptions we cleared entire lots of Silks reduced to 25c, 35c and 50c yard. All we have left is here to be sold at the same low price—three pieces of regular 50c silk selling at 25c yard, and two pieces at 35c yard.

In order to have another big day and attract many customers, **Saturday Morning We Will Start to Sell \$1.00 and \$1.25 Fancy Velvets at 69c yard.**

We haven't many left, as the demand for Fancy Velvets for Winter Waists has been very keen. Still we have enough to make an interesting and profitable day—profitable from your viewpoint. They are odds and ends to be sure, else we would never think of selling them at such a low price. Come Saturday morning at 9 o'clock and secure your share of this swell material. In the lot are

About 100 yards of Fancy Velvets, 3 patterns that were \$1.25 the yard, and 4 patterns that were \$1.00 yard; all are silk faced velvet in pattern, patterned stripes and some in solid colors of blue, dark green, cardinal and electric blue. Also one piece black patterned velvet, with the new medallion pattern. Your choice of the lot at **69c** per yard.

2 pieces of Fancy Velvets in Persian patterns, regular price 50c yard. Also goes on sale Saturday morning at 9 o'clock for only **39c** per yard.

Selling Furs at Drygoods Prices---Big Inducements.

There's a long winter ahead and we desire our customers to get the full benefit of their fur. Our entire stock, which is unequalled in the country, is placed out at drygoods prices.

Thibet Sets, consisting of boa 54 inches long and nice large muff, only for the set... **\$12.25**

Beautiful first quality Alaska Sable Muffs, selling at \$10.50, \$11.50 and... **\$13.50**

Handsome Long Fur Bear Muffs, style and elegance. Only... **\$15.00**

Children's Gray Lamb Capes and Gaudlets, and Persian Lamb Capes and Gaudlets at lowest prices.

One Style of Corset Will Not Suit Every Figure.

You know this, and we know it, too, else we would not have to carry so many styles in order to give our customers satisfaction in every respect. To do this we carry an assortment of styles, suitable for different figures, in which the comfort and fit combined with durability, are the important points for consideration. The French P. D. Corset has been thoroughly tested, and we confidently recommend it to our customers as being highly satisfactory.

Style A—For medium figures, in gray and white cotton, double steel, straight front; extra good value for **\$1.00**

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Style C—Straight front, full gored hip, fine French cotton, nicely trimmed with lace and ribbon. Price only **\$1.50**

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