

Middlemarch Tragedy.

PRISONERS COMMITTED FOR TRIAL

The preliminary examination of this noted trial has been going on for the last week, and we give below all the important new evidence that has been brought out.

HENRY COUSE, of New Sarum, said he was in the woods on Sunday, Dec. 23rd. He proposed to Messrs. Swisher, Campbell and Joseph Stevenson and others that they look for the missing axe. Messrs. Campbell and Swisher went off one way and Mr. Couse and Stevenson in another direction. It was not a minute before Mr. Swisher called out, and when witness went over to where they were he learned that they had found the axe. The axe was shoved in under the bark of an old log. The bark had been broken away and exposed the axe. He judged that the axe had been put in the log with care to conceal it. He identified the axe produced as the one found, by a nick in the blade. There was blood on the pole and on the butt end of the handle when it was found. The handle looked as if an attempt had been made to wash off the blood marks. He noticed that the axe which chopped the nick, which was lying under the tree, had a nick in it. He compared the marks on the skull with the axe, and found the nicks corresponded. He also saw the axe compared with the marks of the chopping on the sapling cut down, and the nick in the axe matched with the nicks in the chopping marks on the stump. The axe with the wire wound around the handle, the one left in the woods, and which David Hendershott thought was his son's, but which John Hendershott said he brought from the dead man, witness said was not used in chopping down the tree, or cutting the skull.

The blunt axe, the one John Hendershott produced as the second axe which he and his brother used in the woods, Mr. Couse said that axe never cut down the tree. It would not chop at all.

DUNCAN HENDERSHOTT said he was a brother of the prisoner and an uncle of the dead man. Mr. Donahue—it is not true that you have been aiding the defence all you could? Witness—I don't think so. Mr. Donahue—is it not true you have not aided the crown? Witness—I have never been asked to. Mr. Donahue—is it not true that questions have been put to you in behalf of the crown and you refused to answer? Witness—I had no right to answer. I was not under oath.

Mr. Donahue—is it not true that I asked you to point out the limb on the fallen tree, which was cut off, and you refused to answer? Mr. McDonald—I told him not to answer any questions. Mr. Donahue—you chose to do what Mr. McDonald asked you to, instead of answering my questions? Mr. Hendershott—I didn't say anything. Mr. Donahue—you didn't answer? Mr. Hendershott—I didn't answer. Mr. McDonald—Because I told him not to, and Mr. Donahue asked if his examination was not a proper one.

Police Magistrate White—I am not going to listen to any argument. Mr. Donahue's examination is a proper one. Mr. McDonald contended that Mr. Donahue was cross examining and abusing the witness, and had no right to treat the witness in any such way. Police Magistrate White—I am not going to argue the case. Unless you state some valid objection to any question the examination must proceed.

Mr. McDonald—Mr. Donahue is cross examining the witness. P. M. White—There is not one question in the nature of a cross examination. Mr. Donahue is treating the witness fairly. I will stop him when I think he asks an improper question. Go on, Mr. Donahue. Mr. Donahue—Why did you refuse to answer the question I put to you at the tree? Mr. McDonald—You got your answer. Police Magistrate—it would be much better if you would not interfere.

Mr. Donahue (to Mr. McDonald)—Keep quiet. P. M. White (to Mr. McDonald)—I will not allow any more interruptions. The witness continuing said he did not think he had any right to answer the question because he was not under oath. He never answered any question of anybody. Mr. Robinson and Mr. McDonald came for him to go to the woods on Monday, and he went at their request. He went to point out the position as near as he could in which the deceased lay under the tree, and also to point out the blood spots to the doctors.

Mr. Donahue—Were you under oath when you did this? Witness—I was not. Mr. Donahue—Why did you do it? Witness—Because I was asked to. Mr. Donahue—Was it because you were doing all you could for the prisoners? Witness—it was not. It was only as much for you as I could do.

Mr. McDonald again objected to the questioning, and wanted to know what it was all about. The police magistrate told Mr. McDonald to have patience like himself, and he would see. The witness said he pointed out four or five blood spots to the medical men from London. He pointed out that the head of the deceased lay so that the edge of the knot would strike it. He did not point out to the medical men any limb or twig which would strike the dead man. Witness admitted that Mr. Donahue did ask him to point out any twig or branch of the tree which would strike the dead man, and that he refused.

The witness said he did not answer because Mr. McDonald told him not to. He could not say whether the tree had suggested down or not. Witness was at home in Fingal when he first heard of the killing. The prisoner Welter told him about it. He drove up with John Hendershott's rig after 4 o'clock. Welter said "I have had news for you." Witness asked "Is John hurt?" Welter said, "No, worse than that, it's Will." Witness asked, "What's the matter?" and Welter replied that a tree fell on him. Witness then went into the house, got his clothes on and drove to Middlemarch with Welter. On the way down Welter told him how Will had run for his watch, stumbled, fell, and the tree fell on him. Witness asked if there was any carelessness in felling the tree, and Welter said there was not. Welter also told him that John and his daughter had gone to Eden. The prisoner told witness that Charles Welter had telegraphed to John in Eden. Welter drove witness to Wardell's gate, and he and Mr. Wardell went to the woods. He did not know at this time that there was an insurance on the dead boy's life in favor of John. He understood Will was carrying an insurance, but he did not know how much, or to whom payable. He did not learn these particulars till told by his brother David. He was not sure whether it was Sunday or Monday that David told him the amount of

the insurance, and that it was payable to John. When David told him the amount he did not believe it, and thought David was exaggerating. Asked if he thought \$11,000 was a heavy insurance for a poor boy to carry, he said it was more than he carried, viz: \$2,000. He thought \$11,000 a remarkably heavy insurance. He never spoke to John about the insurance at all.

Mr. Donahue—Tell the truth that you were shocked when you heard there was \$11,000 insurance on the dead man. Witness—I don't know that I was shocked. I was surprised.

Mr. Donahue—Being surprised and suspecting there was a crime behind it, why did you not speak to John about it? Witness—I hardly ever bother myself about other people's business.

Mr. Donahue—Oh, dear! Witness—Continuing, said that he had no opportunity to speak to John, there were so many around, and besides he did not bother about it, as he did not meddle with other people's business. He knew on the Monday that the two prisoners were suspected.

John never spoke to him about the insurance in presence of David. If John swore to that it was not true. Mr. Donahue—Why did you not speak? Were you not as much interested in David as in John? Witness—I was at the time.

Mr. Donahue—Are you now? Witness—No, I'm not. Mr. Donahue—Did you ever speak to Welter about the insurance? Witness—No.

Continuing, the witness said that when the clothes were brought from the woods Friday night he took charge of them. He handed the watch and vest to Mrs. C. Welter. She said, "Mr. Hendershott, you had better take care of the watch." She handed the watch to him and he kept it till Saturday afternoon when he handed it to his brother David. The watch given to David as that of his son was shown to witness.

Mr. Donahue—is this the watch you gave to David? Witness, after looking the watch over, said, "It is not. The watch I gave David was an open face, stem winder and stem setter. There is a mark on the watch I know by."

Continuing, he said there was a mark made by the point of a knife on the setter of the watch. He and Charles Welter were examining the watch the Friday night of the "accident" and could not find it with out pulling the little lever out, and he made a mark with the knife on the inside of the case in opening it.

After the witness had opened the watch and examined it carefully he admitted that the watch was the one he gave David. JAMES L. BANCROFT, proprietor of the Penwarden Hotel, said he first heard of the killing on Friday, Dec. 14, at 5 p. m., from Charles Welter. In the evening he started to drive his daughter and Miss Edith Welter to Middlemarch to John Hendershott's, but met Wm Welter and another man on the hill west of the city. Welter got out of the rig and told him of the accident, about deceased running for his watch and the tree falling on him and killing him. Witness did not understand Welter to say that deceased stumbled and fell before the tree struck him. Mr. Bancroft said it must be a great shock, and Welter said it was, that he was so excited he did not know what to do about it at first. He did not tell John Hendershott that it was his nephew and not his brother who was killed. (Hendershott in his evidence at the inquest said Mr. Bancroft told him.) The witness knew Patrick Fitzpatrick. He was quite an intemperate man, a fact generally known to every one.

EDITH WELTER, who lives in the city with her mother, was dressed in mourning. She said she was a relative of prisoner Welter, and Hendershott's dead wife was her cousin. She and deceased kept company since last July, being engaged to be married. She saw deceased alive the Thursday before he was killed. The deceased told her last September that he was going to get insured. It was December before she knew he was insured for \$11,000, but did not say to whom it was payable. She told Mr. J. L. Bancroft, Miss Bancroft and herself meeting Welter on the hill Friday night when they started to drive to Middlemarch. Meeting Welter they came back to the Penwarden House. At the hotel Welter told her deceased had run after his watch and the tree fell on him and killed him. Saturday afternoon she went to John Hendershott's and remained until after the funeral, returning to St. Thomas Wednesday morning. Prisoner Welter drove her to the city. On the way witness asked Welter to come down during the week, when Welter answered, "I will if I am not in jail."

Miss Welter replied, "Oh, Will, they can't put you in jail." Welter—You don't know what they can do, Edith. When left Will Hendershott in the woods left him in a pool of blood at the tree. There has been time enough for someone to have scattered the blood around the woods.

Miss Welter—"If the worst comes to the worst, have Mr. Oaler." Welter—I intend to. Miss Welter—I don't think you did that, but if I thought you did, I would see you hanged.

Welter replied, "I suppose you would." St. Thomas, Ont., Jan. 11.—The fifth day of the investigation into the Middlemarch murder has come and gone and the case still drags on. Three sessions were held to-day, and a large number of witnesses examined.

At the morning session Duncan Hendershott of Fingal was on the stand for a couple of hours, and described a pitiable dispute between the relatives of the murdered man over his clothes. J. L. James Howker, John McLaughlin and Colin A. Gregory told of the position of the body under the tree, the bloody pool of water in which the axe was washed, and identified the clothes.

W. H. Partridge gave important evidence, and George Lowry produced copies of telegrams sent by Charles Welter and Duncan Hendershott on the night of the killing.

At the afternoon session, David Hendershott, father of the deceased, N. W. Moore, jailer, W. R. Jackson, jeweler, and E. Langdon, turkey Eggs dealer, and Gilbert Roche, who said the watch worn by the prisoner Welter was the property of the murdered man, and the one given to the father of the deceased as that of his son, was the property of prisoner Welter. When Welter was questioned in the jail by County Crown Attorney Donahue, he said the watch was his own, that he had got it six or eight weeks before in a trade with a stranger he could not describe, at the Penwarden Hotel, giving his own watch and \$1 to boot for it.

Mr. and Mrs. J. Ketchum of Bayham told of receiving the telegram, saying "William Hendershott is dead," and the discussion as to whether it was the uncle or nephew. Prisoner Hendershott expressed the opinion that it was his nephew, and that perhaps a tree fell upon W. J. Ostrander, blacksmith, Eden, said that Hendershott told him that his nephew had probably been killed by a tree falling upon him. He brought a new watch in the fall, said Hendershott, and probably while running for his clothes and watch had been struck by a falling tree and killed. When going to bed in Eden that Friday night a policy fell from Hendershott's pocket, and prisoner produced the other policy and Ostrander read them both.

Hendershott swore at the inquest that he never carried the policies with him. At the evening session George Stanton, Middlemarch, Hendershott, Southwood, and Mrs. W. J. Ostrander of Eden told of the visit of the Hendershotts there, and Mr. and Mrs. J. L. Bancroft of visits, and Hendershott's conversations which took place in the presence of the prisoners in the Penwarden Hotel, contradicting the statements of the prosecution, and Miss Hendershott in regard to those conversations.

Court adjourned at 10 p.m. until 9:30 Friday morning. St. Thomas, Jan. 14.—At the magisterial enquiry into the Middlemarch murder on Saturday, Patrick Fitzpatrick, known as "Pat the Diver," was the first witness called.

Fitzpatrick said he had drunk heavily for the past 10 years, and time and again had been brought up before the police courts for being drunk. He went out to sober up. He got out of Central Prison on Saturday, April 29, 1894. From April till the following June he saw the prisoners frequently, and both prisoners treated him several times at the Penwarden House. They had a knowledge of his habits, Hendershott said. He did not know as regards Welter seeing him drink. He denied owing Hendershott anything. Hendershott never asked him for a coat.

He saw both prisoners in June. Both prisoners came to him at the Penwarden House, and Hendershott wanted him to get insured. Pat saw no money to pay premiums on \$2000 insurance; that he didn't have enough money to "feed his nose," Hendershott said. He would pay the premium if Pat would make the policy payable to him. Pat said, all right, that he would see them again, and Hendershott said, "You will have a good time." After this conversation they had a drink, Welter treating.

About a week after that he met Welter at the Penwarden House corner. Welter asked Pat if he was feeling all right. Pat answered "Yes," and Welter said, "We will go right over to Roche's and get examined." Mr. Roche said witness would have to be examined by a doctor first. He had a doctor that, having known Pat for 22 years, he could not think of passing him. Welter said they would call in a day or two. The doctor felt Pat saw nothing, that morning it was 94. What Welter did that day was simply carrying out the agreement made the week before. The doctor felt Pat saw nothing, and shot. About a week after Pat met J. W. Cook, local agent of the Covenant Mutual Life Insurance Co., Hendershott, three times went to Dr. Duncombe's office. They went there to get witness examined for a policy of \$2000 in the Covenant Mutual Life Insurance Co. Hendershott, in his evidence at the inquest, said he signed an application for insurance.

He identified two signatures, "Patrick Fitzpatrick," and the application for \$2000 insurance, which was dated June 7, 1894. In answer to questions in the application it was made to say that he took a glass of beer occasionally, and his habits were always temperate. He requested the insurance to be paid to John Hendershott, my foster father and best friend.

John A. Hendershott is not his foster father, and is not related to him, and he did not know that Hendershott was described as his foster father.

Witness continuing, said that Dr. C. Duncombe examined him on that occasion. He met Cook and Hendershott on Talbot-street together some time after this, and told him that Dr. Duncombe had told him that the company about me drinking, and they could not get the policy. Cook and witness went to Port Stanley to get an insurance of \$2000 on the life of Hendershott, and Cook said they would not know Pat down there, and he could pass. Mr. Cook paid railroad fare, and Pat was to be examined by a doctor. Witness was not examined because he was drunk. All the time witness thoroughly understood the policy was to be payable to Hendershott. About a week after that Hendershott shot, and Mr. Cook told Hendershott, Hendershott laughed, and said Pat would have drinks, then they went back to Dr. Marlett's office, who said that when the policy came back he and witness would have a good time. He also told Pat that if he wanted to get a quart or half a dollar he knew where to get it. Pat didn't know what Hendershott meant by a good time. The policy was never issued. Patrick did not know why.

Dr. Duncombe testified that he reported on Fitzpatrick's application; "Applicant has been very intemperate, and consider him a poor risk." After the application had been rejected, Mr. Cook told him Pat had reformed, and asked if he could not pass him; the doctor refused.

Dr. C. W. Marlett, of Aylmer testified as to reporting favorably on Fitzpatrick's application, he not knowing the man's habits.

Dr. C. Duncombe, recalled, identified an application for \$5000 insurance on the life of W. H. Hendershott in the Covenant Mutual Life Association. It was dated Sept. 1, 1894. The deceased came in with prisoner, John Hendershott, and Mr. Cook. The policy was made payable to John Hendershott.

Gilbert Roche said that W. H. Hendershott, the deceased, was first examined by Dr. Kain for \$6000 in the New York Reserve Fund. He was afterwards examined by Dr. McLarty.

Mr. Roche had been talking to John Hendershott for over a year about insurance, and John said his nephew was talking of insuring his life. Mr. Roche told John to bring his nephew in. John brought in the deceased and introduced him to Mr. Roche.

A couple of weeks after Mr. Roche met Hendershott on the street, and a short time after he came in to Mr. Roche's office in company with John Hendershott. The deceased said he came to be insured, but was disappointed, as to getting money. The witness was anxious to get the insurance, and arranged with the deceased that he should pay part, and that soon would pay the balance. The three were together when the arrangement was made. The deceased paid \$5 that day on the premium of \$48, the next payment of \$15 was to be made within sixty days of the receipt of the policy, making \$63 in all. On April 1, 1895, \$12.50 was due. John Hendershott was present when the application was filled out, and when the deceased in answer to questions answered the application and made no application for insurance to any other company, and had no other insurance on his life. He never knew deceased was insured in the Covenant Mutual Life Co. after he was killed. After the policy on life of deceased for \$6000 came John Hendershott paid the balance of \$13, the first premium on the \$6000 policy.

W. R. Jackson, jeweler, testified that the watch found in deceased's vest had been purchased from him, and sold him by Prisoner Welter on August 25, 1891. This completed the case for the Crown, and the defence called no witnesses.

Police Magistrate White, as required by section 591 of code, asked the prisoners, who swore to their oaths, if they had any statement to make. Welter replied: "I have nothing to say." Police Magistrate (to Hendershott): "Have you?" Hendershott: "No, sir."

County Crown Attorney Donahue did not oppose the evidence, stating that he felt to be unnecessary. Police Magistrate White then committed the accused to stand their trial as charged at the next court of competent jurisdiction, and the investigation, which lasted seven days, was at an end.

A CANADIAN CONSPIRACY. To Oust Americans From the British Meat Trade.

New York, Jan. 14.—The Sun's London special says: There are some pretty shrewd men among those interested in the Canadian cattle trade, as is shown by their latest move. They are seeking, and with a prospect of success, to change the dispute between the Chicago and New York shippers of meat and the London exporters and importers from its present position of a mere quarrel as to trade customs, into a vast American conspiracy to get the control of the entire meat business of this city, with the ultimate design of enormously increasing the cost of food to the poor consumers.

Let us suppose this iniquitous Yankee plot, says a benevolent Canadian cattle agent, "by affording our colonial brethren facilities for sending their nice oxen to our markets, and selling them on reasonable terms. By doing that you get cheap meat and defeat foreign wiles at the same time."

This view is actually being forced upon the attention of the Board of Agriculture, and American shippers had better take heed. The Board of Agriculture objects to the importation of live Canadian cattle, because the disease exists in Canada, and they decline to run the risk of bringing it into this country, and then having to stamp it out at vast expense.

"But," the Canadian agent says, "we still deny the existence of the disease. But admitting that there is some risk, we are prepared to take all of it. Admit our cattle, and if you should be able to trace a single case of the outbreak of the disease to one of our beasts, we will guarantee to defray the entire cost of stamping it out." That is the scheme now under consideration. It remains to be seen whether it will tempt the Board of Agriculture objects to remove the existing prohibition of the importation of live Canadian cattle, because the disease exists in Canada, and they decline to run the risk of bringing it into this country, and then having to stamp it out at vast expense.

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Exciting Fire in Bradford, Pa. Bradford, Pa., Jan. 14.—At 6:45 o'clock a destructive fire started in the Sheeha House, at 99 South Main-st. The weather was intensely cold and the firemen were greatly handicapped in fighting the flames. Mary Callahan leaped from the second story and escaped with a broken ankle and arm. Mary Jones also jumped, but escaped injury. Mrs. McQuinn, residing over Smith's property, rushed down the stairs to Main-street with her clothing on fire. The flames were extinguished and she will recover.

A Fire-bridge Hotel in Ashes. Brockville, Ont., Jan. 13.—This morning the Railway Hotel, a frame structure, owned by George Neil and occupied by James B. Brown, was destroyed by fire. The special south-bound train, which was en route to Ottawa, stopped at the building occupied by William Storey as a wheelwright shop, which was partially destroyed. The loss is estimated at about \$2000, partly covered.

Four Fires Damaged in Lindsay. Lindsay, Ont., Jan. 13.—This morning four fires destroyed W. B. Blair's tailoring establishment was damaged. The Canadian Post presses were damaged by water. Also the Catholic Literary and the Catholic Mutual Benefit Association rooms.

\$3000 Blaze at Belleville. Belleville, Ont., Jan. 13.—At 7 o'clock last night fire broke out in the Smith block, in the part occupied by H. Fawell, dealer in carriages, sleighs, harness, agricultural implements, etc. Before the fire was gotten under control it had done \$5000 damage, on which there was insurance of \$2500. Fire was caused by lamp explosion.

Freaked Up in Passing. Prettiness dies quickly. Better that the feet slip than the tongue.

Where it is weakest there the thread breaks. Though the sun shines leave not your cloak at home.

Stag-Stagger. Young Love (to his fiancée)—But, my love, you surely don't mean to blame me for giving a farewell kiss party to my bachelor friends? The Adored One—No, I shouldn't object to a stag party. But from all I hear, I am forced to conclude that it became a stagger party before it was over.—New York Tribune.

Mr. Roche had been talking to John Hendershott for over a year about insurance, and John said his nephew was talking of insuring his life. Mr. Roche told John to bring his nephew in. John brought in the deceased and introduced him to Mr. Roche.

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3 FARTHING'S Great Stock-Taking Sale. Everything Offered at Great Bargain Prices

GREAT BARGAINS IN Ordered Clothing. GREAT BARGAINS IN Silks and Dress goods. GREAT BARGAINS IN Gents' Furnishings. GREAT BARGAINS IN grey and White Cottons. GREAT BARGAINS IN Cottonades, Tickings & Linens. GREAT BARGAINS IN Small Wares & Fancy goods. GREAT BARGAINS IN Carpets & House Furnishings. GREAT BARGAINS IN Hosiery and gloves. GREAT BARGAINS IN Flannelettes and Sheetings. GREAT BARGAINS IN Everything.

Inspection will Convince You.

3 FARTHING'S Tea, Tea, Tea

Swinns Bros. beg to announce that they have just received a large consignment of Sun Cured Japan Tea, and are offering same at undermentioned exceptionally low prices:

5 lb. Parcel Selected from Finest Garden Pickings, \$1.25. 5 lb. Parcel Uncolored Japan, very choice, \$1.00.

CALL AND INSPECT OUR STOCK OF SUGARS. WE CARRY A FINE LINE IN CIGARS AND TOBACCOS.

SWINN BROS.

NOTICE TO CREDITORS. Of Hiram James Brown, late of the Town of Aylmer, in the County of Elgin, Gentleman, Deceased.

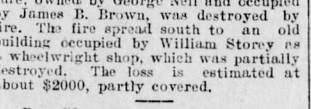
PURSUANT to Section 26 of Chapter 110, of the Revised Statutes of Ontario, 1887, and amendments thereto, notice is hereby given that all creditors and others having claims against the estate of Hiram James Brown, late of the town of Aylmer, in the County of Elgin, gentleman, who died on or about the 11th day of December, A. D. 1894, are to send by post, prepaid, or otherwise deliver to Miller & Backhouse, of Aylmer, Ontario, Solicitors, their Christian names and surnames, addresses and descriptions, the full particulars of their claim, a statement of their accounts, and the nature of the securities (if any) held by them, and to do so before the day last aforesaid, the undersigned Executors will proceed to distribute the assets of the said deceased among the parties entitled thereto, having regard only to such claims of which notice shall have been given as aforesaid, and the said Executors will not be liable for the said assets, or any part thereof, to any person or persons of whom claim or claims of notice shall not have been received by them at the time of such distribution.

Dated at Aylmer this 13th day of January, A. D. 1895. MILLER & BACKHOUSE, Solicitors for EMBELINE BROWN and BOLIVAR S. BROWN, Executors.

RAILS FOR SALE. The undersigned has for sale two thousand green black ash rails, 12 ft. long, all cut on dry land, and good road to them. They are a choice lot. First come, first served. WASHINGTON MCKENNEY, 5th con. Glencoln, Lot 27, Malahide.

NOTICE. The annual meeting of Nova Scotia St. Cheese Co. will be held at the factory on Saturday, Jan. 19th, when the regular business of the company will be attended to, such as receiving the auditor's report, election of directors and any other business that may come before the meeting. Patrons cordially invited to attend. L. C. McCONNELL, Pres.

DELICIOUS BROWNIES. Address J. T. ROWE, Manufacturer of Organs and Pianos, Stools, and dealer in Pianos, AYLMER, ONT. Please mention this paper when writing.



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