

CLARKE MUST STAND TRIAL AGAIN ON TWO COUNTS

After Six Hours' Deliberation the Prisoner Was Acquitted on the Common Assault Charge But the Jury Disagreed on the Criminal Assault and Attempted Rape Counts, Standing 10 to 2 For Conviction—Prisoner Remanded Until Oct. 23rd.

The case of the King v. Clarke was begun in the supreme court Thursday before his honor, Judge Landry. Attorney General Pugsley appeared for the crown and J. E. M. Baxter for the defendant. The case was continued throughout the whole day and a large number of witnesses were examined.

MORNING PROCEEDINGS

At the morning session Miss Amelia Vaughan was first called. She told of being out on the Howe road some time during the latter part of May or the first part of June. She was accompanied by Miss Muriel Knox.

ing near that road. The children who were with them started for home, and Grace went along a little piece with them. This was about five o'clock. The witness said that she and Mrs. Baxter went to get a dish when she heard her daughter, Grace, coming and crying, "Oh mamma! Oh mamma!" She asked her daughter what the matter was and she said a tramp had hurt her. They then went and told the man who was hearing about the assault and they started to find the man.

DR. CORBETT'S EVIDENCE

At the afternoon session Dr. Geo. C. Corbett was the first witness called. Dr. Corbett said he was a registered physician. He examined Ethel Train on Friday evening in August last. He found no external marks of violence but found blood on her clothing.

CROSS-EXAMINED BY MR. BAXTER

Q.—Did you see anyone in the jail who might resemble the prisoner? A.—I could not say. Q.—Were you instructed to notify me that this excursion was about to take place? A.—No.

MR. BAXTER OUTLINES DEFENSE

Mr. Baxter then brief addressed the jury on behalf of the prisoner. He said that the case was a particularly difficult one to try because of the extreme range in point of time. It is a hard position for a man to be placed in to be called to give evidence on a quarter of a day from 24th of May until 24th of June, and consequently that the prisoner could not have been at the place where Miss Vaughan was assaulted on Monday morning, the 6th of August, consequently the prisoner could not have been at the place where the assault took place.

Isaac Erb, photographer, the next witness, was called to prove that the photographs offered in evidence by the crown were photographs of the place which was pointed out by the witness as the place where the assault on Ethel Train took place. This mode of offering evidence as to the locality was objected to by Mr. Baxter, and the point was not pressed by the attorney general.

Jenny Adams, sworn, said she was 15 years of age and lived with her father on Millidgeville avenue. Witness heard Grace Tuttle being assaulted. She saw the Tuttle girl after the assault had been committed. Witness said she knew the prisoner. On the afternoon of August 4th she saw the prisoner on one of the hills east of Millidgeville road. Witness identified the prisoner as the man she saw on the hill.

To Mr. Baxter—Witness said she had not talked about the assault to anyone since the day of the occurrence. On that day she had talked with Mrs. Baxter. Sergeant Kilpatrick, the next witness, told of seeing Ethel Train in the north end police station shortly after the assault was committed.

PRISONER'S WIFE TESTIFIES

Mrs. Clarke, wife of the prisoner, was next called. She was in a very nervous state. The witness stated that on the night before August 4th her husband came in very late. On the morning of August 4th her husband went off to work. The witness stated that she had dinner as usual. Mr. Haslett and Mrs. Price were to dinner with us. My husband had dinner with us.

FORENOON SESSION

At the forenoon session two witnesses were examined by the crown. Robert Baxter, the first witness, said that he was on duty at the jail on the 2nd of August, but took no part in looking for the man. Mr. Morgan said that on the same day he saw some people running and yelling. Witness said he looked for the man, but saw nothing of him. This closed the case for the crown.

children picking cranberries. Witness said he returned to his home about 4 o'clock. He told his wife he was not feeling well and went into a bedroom and went to sleep. His wife arose about 5 o'clock and found him there. He had no milk for tea. In the evening witness and his wife spent the evening at Mrs. Thompson's.

STIKES TO HIS STORY

Cross-examined by the attorney general the prisoner told the same facts as in his direct examination. He admitted that he sometimes walked out the Millidgeville road. He said he was in the area of the crime on August 4th. He did not work on the Bay Shore to do some work. I thought they would be through by noon. I had some work in the I. C. R. depot laid out for these two days.

GOES TO JURY THIS MORNING

This closed the case for the defense, and court was adjourned until this morning, when Mr. Baxter, for the defense, and the attorney general will address the jury, and his honor will deliver his charge.

William E. Clarke, who was collectively tried on the charge of common assault on Miss Amelia Vaughan, criminal assault on Grace Tuttle, and attempted rape on Ethel Train, was acquitted of the first offence, while on the two more serious counts the jury, after deliberating for about six hours, disagreed, standing 10 to 2 for conviction and two for acquittal. The prisoner's application for bail was refused, and he will again be put on his trial on the 23rd inst.

On Saturday morning J. E. M. Baxter, counsel for the accused, and Attorney General Pugsley, on behalf of the crown, delivered their addresses, both of which were very able efforts. His honor Judge Landry in his charge complimented the jury on their high regard for the law, and said that he was proud to have been improved upon. Dr. Pugsley also congratulated Mr. Baxter, saying that he was one of the ablest young men practicing at the bar in New Brunswick.

CLARKE ON THE STAND

Wm. E. Clarke, the prisoner, was called to the stand. The prisoner said that he had lived at 31 Metcalf street, and during that period had worked with the C. P. R. On Wednesday, the 1st of August, he went to work in the Bay Shore. He went to the Bay Shore Thursday and again went to Bay Shore. In the afternoon the witness and Haslett went to Rodney wharf and worked until 12 o'clock at night.

Friday he worked all day on Rodney wharf and worked until 12 o'clock at night. Saturday, the 4th of August, he worked until noon. He met the foreman at the ferry and told him he was not able to work that afternoon. Witness said he was in the boat and had dinner. A young man by the name of Haslett was at his home and also an aunt of the prisoner, Mrs. Price. Mr. Haslett was the first to leave the house after dinner. The witness left. It would then be somewhere near two o'clock. Prisoner then got ten cents from his wife and went to Black's shop and got a shave. There were a number ahead of him and witness had to wait about an hour. He then went into the car sheds and sat down for about five minutes. From there he went to a knoll about 300 yards from his house, where he stayed about an hour. While there he partly donned his coat. Witness said he observed some small

greatly roughened by the heavy gale, which blew all day. The body was weighted with mud, great cakes of which filled every pocket, and it had worked in under the clothes in large quantities. When examined it was found that the watch Gorham carried was gone, but a piece of the chain and the charm still remained. The key to the watch which he carried was also missing. On the body were found cut links, a few small papers, a couple of flannel samples, a pair of socks, and other books.

BODY OF ALBERT J. GORHAM OF MONCTON FOUND IN RIVER

MONCTON, N. B., Oct. 7.—Battered and bruised from contact with stones and floating debris of the Petitcodiac River, and beyond recognition by two weeks in the water and clothes weighted with many pounds of mud, the body of Albert J. Gorham lost two weeks ago Saturday was recovered this afternoon. George Hoar, residing about eight miles up river, on the Westmorland side first saw the body and Stewart A. Steeves recovered it from the water as it drifted ashore.

MYSTERY IS STILL UNSOLVED

Nothing heard of Capt. Edgett since First of July—Property Sold

MONCTON, N. B., Oct. 7.—Captain Abel Edgett, a well known resident, and who was in charge of various schooners running out of this city for a number of years, has been missing since the first of July, but as he was in the habit of going into the woods on his recent trips, his relatives here are not especially alarmed about his safety. The finding of a skeleton in the woods near here a couple of days ago aroused fears that it might be Edgett, but the identification today of these remains as those of "Paddy" Donohue, set these fears at rest. Donohue was an aged man and belonged to Hochberg, but claiming to have been born in Dublin, Ireland, he did odd jobs for farmers in the vicinity, and was capable of doing a good day's work in spite of his advanced age. He was 70 in the best of health, and was believed to have been walking through the woods he was overcome by sick a spell, and lying down, dead.

The C. E. Knapp homestead at Dorchester was sold by auction here today and purchased after some lively bidding, by R. W. Hewson of this city, the purchase price being \$1,000.



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When taken out of the water Steves says the flesh was quite white, and he could easily recognize the remains as those of Gorham, with whom he was well acquainted. The body became greatly discolored when exposed to the air and was unrecognizable when brought to Moncton. A large bruise on the left side of the forehead was about the only mark of the two weeks' tenancy in the waters of the river. When the body was found the collar remained unfastened in one side, confirming the story of the boys who saw the body just after Gorham was drowned from the wharf. They said that on one side the collar stood up, and as it was a habit of Gorham to leave his collar unbuttoned on one side this at the time strengthened their belief that it was his body which had been seen in the water.

BIG ATTENDANCE AT MT. ALLISON

SACKVILLE, N. B., Oct. 7.—The attendance at Mount Allison University this year exceeds all former records. The figures are as follows: Number of new students is fifty-four, including four post graduate, one Junior, four sophomores, twenty-three freshmen in arts, seventeen in science, and five theology. There are 104 boarders in residence, while the total registration is 134. This number does not include special students from the ladies' college and academy.

MRS. MARY McDONALD

The death of Mrs. Mary McDonald, wife of Daniel McDonald, took place at an early hour Friday morning. Deceased had been in failing health for some months. Besides her husband, Mrs. McDonald is survived by two sons and three daughters. They are Miss Sarah and Louis and Fred J. McDonald and Mrs. C. W. Robinson of Pittsburgh, and Mrs. E. W. Deveny of San Francisco. Many friends will sympathize with the family in their bereavement. The funeral took place on Sunday.

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(Special Ottawa) From that as the result of all the provinces of British Columbia drop their claim and to go to Ontario was the result of this agreement.

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We have All Celebrate This

W. H. T. Ma