### **COUNTY COURT** STILL SITTING

Further Evidence Given in the in the Long-Drawn-Out Horse Case.

The Sessions will now Probably Extend Into Next Week-The Proceedings.

The case of Gardiner vs. Hillman which has aroused so much interest in Chatham, becupied all of the attention of the Court yesterday after-

I Court resumed at half last one o'clock with J. R. R. Cathoart still in the witness box. When cross examined by Mr. Rankin, he said:

I had same team on 24th of May with sixteen of a load, seven or nine of them children from four to sixteen years old. I did not drive around town much before going; we went perhaps a mile and then straight out to the cottages. I will not swear that I watered the team at Cedar Springs on that trip. Defendant was with me on the 24th. Did not know he was to have the team that I had. I did not consider the day oppressively hot at the Beach. It was not uncomfortably hot. It was not a good day for driving because it was dusty. I was not looking at the horses all the time that I was there, but looked when I came up. I did not see the horse try to Le down or trembling. The horse was quite warm but looked all right. If it were a horse of mine I would have driven on to the cottages as was done, if the horse had tried to lie down. I do not remember telling defendant not to water at Cedar Springs. I do not remember telling plaintiff it was my fault that the horses were not watered at Cedar Springs. I think I said I did not think it advisable to water at Cedar Springs. I offered to contribute to help pay for the horse rather than use it go to law. I thought hay horse was sick but did not consider it exhaustion. I did not think it anything serious until 2.30 and do not consider the horse was neglected at the cottages. I was there when yeterinary came, but did not Nobody used a club or struck the horse. I do not remember if defendant was there or not. The verright. I do not know how long he lived after I gave him the dose at 7 o'clock. I very likely would have watered at Chaning Cross had I been driving. I did not hear anyone talking of having defendant arrested for

cruelty. Direct examination-The usual time to drive out was two hours and then we never forced them. I considered pace moderate. Bay horse would chafe under restraint necessary to keep him back even with other horse. We were acting on suggestion of Geo. B. Douglas when we got the horse up in the stall. The matter as to settlement was a suggestion of my own. I was acting as a friend of both parties. It did not result in anything.

Frederick Sheldrick, sworn, said :was with defendant on July 1st, 1901, met him at plaintiff's barn about 5,30 . m. The horses were hitched by Mr. Gardiner, Sr., I think. I did not hear Arthur Gardner tell Hillman it going to be a warm day and to be careful of the team. Mr. Gardiner said, "It is gloing to be a warm day, boys, take care of the horses, and water them oftem." We did not stop again in or near the barn. Hillman was driving with tight lines. Bay horse was prancing, but not running and the grey horse did not run at all. Bay had stopped running before we Got to Fifth street. Team started out rather briskly. We left barn about ten minutes to six o'clock, and drove four miles around town. not know what time we left Mr. Hill-man's on William street. I looked at my watch after 'we had passed Indian Creek, and it was then five minutes to seven The team swerved in at Charing Cross. We went up hill at Cedar Springs on the walk. We were going to Pardo's grove, but met Mr Cathcarts at Cedar Springs, just on Talbot street. The team was heading towards the pump at the hotel. We started for the Sottages, where Mr. started for the cottages, where Mr. Cathcart went to the store. I could not see the horses from where I was sitting, but heard nothing about the bay horse wanting to die down. We left the cottages about 3.30 for Blen-

heim, for a farrier.

Cross-examined-I have not been consulted as to how much I was to pay; understood we boys might help Hillman out if it was necessary. This was never talked over. We only said, "We will see you through with this." Bay horse did not run on King street. I may have been mistaken re-garding who hitched the team. We garding who hitched the team. We drove around town at about eight miles an hour. I have no idea what time we were at the corner of Head time we were at the corner of Head and Baldeon streets. Did not see whether horses went in towards the pump at Charing Cross of their own accord, or were pulled in by the driver. Bay horse would not go for me when I tried to take him out to water at ten o'clock. I did not see him drink. We may have gone over part sof the evidence all together. We



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talked of it on Tuesday morning. I

do not know that I would have wa-tered at Charing Cross.

Direct examination— I heard Mr.
Gardiner say it was a warm day, take care of the horses and water them often. I was told they turned in at Walker's to fool the girls. I offered to help him out because he was in a

Cross-examined- I will not say. Gardiner did not tell us the bay was Springs. a young horse and not to let him go as fast as fine wanted to.

Robert Knight, sworn, said :- I was with defendant on the 1st of July. We got to livery stable before six o'clock. I did not hear Arthur Gardiner tell Hillman it was going to be a hot day and to take care of the horses. I was with Hillman and horses. I was with Hillman and would have heard it if Arthur said it.
Mr. Gardaner said be careful and water the horses often. I did not stop after we once started until we got away ing sometimes results from the feed, in King St. The bay horse was neither did horse is scouring. The driver was know he was dying until after he was dead. The florse was now kicking in the stall to my knowledge. I helped to get it up and out of stable and used a piece of board to help get him used a piece of board to help get him. The team, I think, was not urged; went rather slowly. I did not hear of anything wrong with horses at Cedar Springs. The bay horse was panting when we get to the cottages.

when we got to the cottages Cross-examined:—I did not speak to the defendant about paying part of the costs of the case. Have a bet that Hillman will win the suit. A hat against a pair of boots is the handled horses for 35 years. Ordinstake. I am sure I will win my hat. -Laughter. I heard Gardiner say, of Hillman was read over. I never would not water. Scouring is very drove a livery horse until last win- weakening. Stomach out of order or ter. There seemed to be something

the matter with his hind legs."

Wm. Doherty, sworn, said: — Was one of the party on fst of July. I did not hear Gardiner say it is a warm day and to be careful of the horses. Just as we were going out of the sta-ble Mr. Gardiner said, it is a hot day, be careful of the horses and water them often. The bay horse was prancing, not running. The grey did

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of their success Cathartic pills never have and never can cure indigestion and stomach the bowels, whereas the whole trouble really in the stomach.

not run either. The bay horse was anxious to go and had to be held in. This seemed to worry him. Sheldrick looked at his watch after we passed Indian Creek. We trotted out, and Indian Creek. We trotted out, and walked up hill at Cedar Springs. Did not notice anything wrong with the horses when we got to the cottage. Cross-examined—I have no precuniary interest in this suit. My interest is only as a friend. I would think att my duty to help (Hillman if he had to pay. I heard Hillman's examination for discovery read in Lewis office on Tuesday morning. I did not hear

on Tuesday morning. I did not hear Mr. Gardiner say the bay was a young horse. I did not hear him say it was a warm flay. I did not see bay horse stagger at Cedar Springs and he did not try to be down there. I did not hear anyone at Cedar Springs talk of having us arrested for cruelty to animals. I noticed the horse's front animals. I noticed the horse's front legs would work but hind legs were stiff when he was brought out to water. I thought there was something wrong when hind legs would not work. I was with Mr. Catheart when the horse were from the less. when the horse was given the last dose of medicine and was there when

horse was brought out about six Miss Florence Hillman, sister of de-fendant, sworn, said—I do not know what time we left Chatham. It was before 7 o'clock. I was in the front seat with my brother and Pearl White. I saw my brother's watch after we passed Indian Creek bridge and it was five minutes to 7. The horses were driven with tight reins. The bay horse was excited and anxious to go ahead but the driver held from back. We were going to Pardo's Grove and were just going to the water trough at Cedar Springs when Mr. Cathrart met us. The bay horse did not appear to be anything wrong with the boyse at Cedar Springs or with the horse at Cedar Springs or when we arrived at the cottages.

Cross-examined—I consider my brother a very good driver. The horse was not puffing hard at Cedar

Miss Pearl White, sworn, said:-I was one of the party to go to the lake on the first of uJly. They came for me at my home on King street, near the hospital. The bay horse wanted to keep ahead, and if the lines were let loose he would twist his head and go fast. I tried to drive but could no thold the horses and gave the reins back to Mr. Hillman, I did not see back to Mr. Hillman. I did not see the bay horse try to lie down at Cedar.

Cross-examined-The horse was not exhausted when we got to the cot-tages. I noticed the bay horse was warmer than the other. faster to Cedar Springs than from

Cedar Springs to the Cottages.

A. H. White, sworn, said:—Have handled horses 40 years, I think they

ing up as they did.
W. D. Sheldon, sworn, said:—I have

hour and a quarter or an hour and a water the horses often. I did not half. I would consider their drive hear Gardiner say the bay was a very reasonable. I might, perhaps, young horse. I did hear Gardiner say it was a very warm day. I was in linguist going past Cedar Springs as they court Tuesday morning when evidence did. When the horse was scouring I over-driving may cause scouring. do not think the horse a proper one to send out under the circumstances. Cross-examined: -They would know nore about the horse than I would. Working on a farm will not get a horse ready for road work. I would water first at Charing Cross, but with their instructions they should water wherever they could. I would take the horse out of the harness if he wanted to lie down. It would depend on why the legs would not work whether I would send for a veterinary or not. Over-driving will cause the muscles to stiffen. A horse exhausted should be given a stimulant and be blanketed and moved around.

Direct examination:—I expect the greenest horse of a team to play out first. Chafings under the bit would help exhaustion. Over-driving should. effect both horses.

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