

## MAN WAS HANGED BY MISTAKE

Defended Sweetheart and Error of Justice Not Found Till Too Late

### LORD SHAW'S MEMOIRS

Strange Case of Judicial Blundering Unfolded by Lawyer in Case

Errors of justice in this country are few and far between. But they do occur occasionally. Here is the true story of one such, says Pearson's Weekly.

A man named Doherty and his sweetheart were standing at the door of her dwelling near the Bridge of Rutherglen. A man passed and flung a word of gross insult at the girl. Doherty sprang forward and seized a hoe that was leaning against the wall. He struck the man a single blow, or, as you might say, gave the man a whack with the hoe. Unhappily, and most surprisingly, the blow killed the man.

There was not the slightest suggestion of deadly intent, nor the slightest hint of anything like animosity further than the passing resentment against the affront to the sweetheart by his side. And Doherty's good character was sworn to; his life had been blameless. It was as plain a case of manslaughter—and not a particularly bad case of manslaughter at that—and as plainly not a case of murder as ever was seen. Yet Doherty was hanged.

Enfeebled Judge. How so terrible a miscarriage of justice came to be perpetrated is told by Lord Shaw of Dumfries—when he defended the unhappy man—in his newly published volume of reminiscences entitled "Letters to Isabel."

The case was tried before Lord Neaves, an old and somewhat enfeebled judge; and, partly owing to his summing-up, partly to the eloquence of the Crown Prosecutor, the jury got it into their heads that the law was that a murderer had been committed. They convicted, with a recommendation to mercy.

Then misadventure upon misadventure. The Home Secretary had the petition of reprieve sent to him; the judge backed it with a recommendation that it be granted. But it was the holiday season; some confusion, it was said, occurred with another and far less deserving case of capital murder where a false plea of insanity had been set up. The Home Secretary, by that, as it may, reprieved the latter man, declined to interfere in the Rutherglen case, and young Doherty was hanged.

Another case in which a miscarriage of justice was barely averted at the last instant, and by the merest accident, is strikingly narrated. The charge was one of forgery. Lord Shaw defended, and after carefully perusing all the documents he came to the conclusion that the accused was undoubtedly guilty, and that a conviction was a foregone conclusion.

So, donning his wig and gown, he went down into the cells on the eve of the trial, and interviewed the prisoner. What followed is best told in Lord Shaw's own words.

"Mr. Prisoner," I asked, "have you a family?"

"Sir," he said, "I have a wife and eight children."

He was a broadly-built, simple-minded-looking, honest-looking man. But the case against him was clear; and how to get him the easiest terms was the point.

"Mr. Prisoner," said I, "I have gone over all the documents and honestly I think that your best way would be just to plead guilty at once."

The next day the accused was brought up and placed in the dock. He rested his two hands on the rail in front of him. Lord Shaw stared hard at them. They were broad, fat, bulging, unwieldy hands. The forgery was a most skilful, precise and delicate piece of work.

Instantly flashed across my mind—those hands could never have done it. I leaned over the dock and said: "Mr. Prisoner, plead not guilty." He rose, dazed but obedient, bowed to the judge and so pleaded. The judge said sharply: "I thought this was to be a plea of guilty."

"The prisoner pleads not guilty," said I. He looked at me, then at the prisoner; and the trial began. It ended in the complete acquittal of the accused.

TO SETTLE SILESIAN ROW GENEVA, Sept. 1.—The Council of the League of Nations this afternoon decided to refer the Silesian question to the four non-permanent members of the Council for settlement. They are Paul Symans of Belgium, Dr. V. K. Wellington Koo of China, Count Quinones de Leon of Spain, and Dr. Gustavo de Cumba of Brazil.

## FINE YACHT RACES ON BIG DAY PLEASE SAILORS AND LANDSMEN "CLIP" OF TRENTON IS WINNER

Kingston, Napanee and Trenton Yachts Present Wonderful Picture and Crowds Enthusiastically Acclaim Valiant Efforts—Handicap System Brings Victory to Fraser Yacht—Time and Details.

YACHTING was re-established at Belleville and on the upper reach of the Bay of Quinte on Wednesday when the G.W.V.A. challenge cup was carried off by the "Clip" of Trenton, owned and sailed by Mr. D. Fraser, of Trenton, on the old Fish-er cup course in Big Bay. Four Kingston craft and one Napanee yacht contended for the one hundred dollar silver trophy. The yawl "Portia" of Trenton was becalmed on its way from Trenton and was not able to reach the course in time to enter.

If the Veterans' outing accomplished nothing more than the restoration of boating to its logical place in the hearts of the people, it accomplished much.

The course followed by the six craft on Wednesday afternoon was over the old course sailed in the Fish-er Cup race many years ago. The first buoy was within a short distance of Massena Park shore, the first leg stretching directly east for over two miles to a point near the Prince Edward shore. The northeast stretch was towards Point Anne and the return was to the starting point. The course was twice around the triangle covering a distance of approximately twelve miles.

The craft that completed were: No. 1—Heather, owned by Percy Laidley, Napanee, with M. B. Mills, F. B. Mills, and B. Beaubien of the Kingston Yacht Club as crew.

No. 2—Kathleen, owned by H. Richardson, of Kingston, the crew being V. A. Mines, Walter Steady, D. M. Jennett and M. McGillivray, of the K.Y.C.

No. 3—Clip, owned by D. Fraser, of Trenton, D. Fraser, skipper, F. Fairman, W. B. McClung, crew.

No. 4—Chirya, J. A. Dalton, Kingston, owner; D. Carruthers, D. Nickle, J. C. Broom, crew.

No. 5—Sylvia, Wm. Casey, Kingston, owner; H. Hora, S. Calvin, W. Winterbottom, H. Butler.

No. 6—Thistle, Principal Dr. Bruce Taylor, Queen's University, Kingston, owner and skipper; Miss Mary Taylor, Miss Leslie Taylor and Miss Lois Taylor, crew.

Sylvia, the mahogany yacht of Mr. Casey, was the scratch. She gave the Kathleen, Chirya, Thistle and Heather thirty seconds handicap per mile and the Clip 70 seconds per mile, the Clip having 49 seconds per mile handicap over the Kathleen, Chirya, Thistle and Heather. These four were in the 18-foot class, the Clip in the 16-foot and the Sylvia in the 28-foot.

Mr. Wm. Rogers, who sailed on the "Atlanta" at Chicago, and is known as Belleville's crack amateur yachtsman, laid out the course on Wednesday morning.

There was a good breeze blowing at eleven o'clock in the morning but by noon it had calmed down with little prospect of wind. The race started at two o'clock sharp. For the first few minutes the wind was fair, but long before the first buoy was reached, the yachts ran into a dead calm. To catch the little breeze that blew—although the water showed not a ripple for an hour or so—the yachts were compelled to tack. The Kathleen tacked farther to the north than the others except the Thistle, the latter going a full half mile beyond the rest. The Kathleen caught a little (wind and was closely followed by the Thistle as they tacked for the first buoy. The Kathleen turned it at exactly one hour and twenty-nine minutes after the start. It had been a drifting match for the greater part of this leg of the course. Chirya went around two minutes after the Kathleen, the Thistle being third. The Sylvia reached the buoy at 3:34.30 p.m. but had to tack again to get around it. The second time she came to the buoy was at 3:38.30, and was beaten around it by the Heather at 3:40.30, both being within touching distance. The Clip of Trenton had rounded at 3:34.00.

The race to the second buoy was much faster, a breeze having sprung up in the southwest. The Kathleen caught a breeze coming out of the Big Bay and was able to take advantage of the heavy canvas. It was a race between her and the Chirya and Thistle to the buoy, passing within a few seconds. The Sylvia had gained on those ahead appreciably and was stepping along at a very fast clip. The Kathleen turned the second buoy at 4:09, the Heather at 4:12.

The third stretch saw a pretty race westward, the six yachts first racing in pairs. The breeze had freshened and the craft were able to step out at the rate of eight or so knots per hour. The Chirya turned at the third buoy at 4:35.

The second run over the first stretch of the course was led by the Sylvia which gradually increased her lead to about a quarter of a mile, passing the buoy at 4:57.

Fourteen minutes later she turned the next northeast buoy with three and a half minutes lead on the Chirya.

The last leg of the course was covered in 24.42 minutes, the Chirya giving less than half a minute in the last three miles. The Sylvia crossed the line at 5:55.42, followed by the Chirya at 5:59.35, the others being close behind except the Clip which was 12.58 minutes behind the Sylvia.

The time of the races was as follows:—

First gun—1.30 p.m.

Second gun—1.55 p.m.

Third gun (start)—2.00 p.m.

1st Buoy.

Kathleen ..... 3:29.00

Chirya ..... 3:31.00

Thistle ..... 3:32.00

Clip ..... 3:34.00

Heather ..... 3:40.30

Sylvia ..... 3:41.00

2nd Buoy.

Kathleen ..... 4:09.00

Chirya ..... 4:09.30

Thistle ..... 4:09.30

Sylvia ..... 4:10.00

Clip ..... 4:11.30

Heather ..... 4:12.00

3rd Buoy.

Chirya ..... 4:35.00

Kathleen ..... 4:35.12

Sylvia ..... 4:35.20

Thistle ..... 4:35.30

Heather ..... 4:37.10

Clip ..... 4:38.00

4th Buoy, (Second Time)

Sylvia ..... 4:57.00

Chirya ..... 4:58.00

Thistle ..... 4:58.00

Kathleen ..... 5:01.00

Heather ..... 5:01.30

Clip ..... 5:06.00

5th Buoy, (Second Time)

Sylvia ..... 5:11.00

Chirya ..... 5:14.30

Kathleen ..... 5:16.00

Thistle ..... 5:17.00

Heather ..... 5:17.30

Clip ..... 5:21.00

Finish.

Sylvia ..... 5:35.42

Chirya ..... 5:39.35

Kathleen ..... 5:41.40

Thistle ..... 5:42.19

Heather ..... 5:43.00

Clip ..... 5:48.40

Corrected Time.

1st Prize, Clip ..... 3:32.52

2nd Prize, Chirya ..... 3:35.33

3rd Prize, Kathleen ..... 3:35.40

Sylvia ..... 3:35.42

Thistle ..... 3:36.19

Heather ..... 3:37.00

The "Clip" had a handicap of 15.48 minutes over the "Sylvia" and 9.48 minutes over the others. These four others had 6.00 minutes handicap over the Sylvia.

The yachting committee officials were:

Chairman—Judge Willis.

Sec'y.—W. E. Schuster.

Judges—F. E. O'Flynn, Judge Willis, Wm. Carney.

Starter—William Rogers.

Acting with these were President E. D. Finkle, Secretary E. H. Liddle of the G.W.V.A., J. V. Doyle, Geo. Caldwell, S. E. Carman.

Mr. F. E. O'Flynn, who is an enthusiastic boatman, placed his motor launch, the "Allie Dale" at the disposal of Judge Willis and the committee. The spacious craft followed the yachts about the course, first pointing out the first and second buoys. Aboard were Judge Willis, Mr. O'Flynn, Major S. E. Carman, Lt. George Caldwell, J. V. Doyle, Mr. venue today.

## DUCKS

Twenty or twenty-five local sportsmen are in the marshes today shooting ducks, the season having opened this morning. Among them were Messrs. Mark Sprague, Arthur Sprague, Harry Day, Arthur Jones, Herb Collins, John Pringle and others. The season lasts until the first of December.

Sluder, Mrs. (Dr.) Bruce Taylor and Mrs. Pinkley of Kingston, Mr. Jack O'Flynn as skipper and press representatives. The party were very grateful to Mr. O'Flynn for his generosity.

Other launches kept close to the course.

The prizes in the race were: 1st G.W.V.A. challenge cup; 2nd, security lock by McLaughlin's and 3rd two tubes by H. A. Wood, Mfg. Co.

Belleville boatmen expressed their gratitude to the visiting yachtsmen. There is not a yacht at Belleville and only the kindness and sporting blood of the yachtsmen of Kingston, Trenton and Napanee made the race possible. Next year Belleville boatmen hope to have a number of worthy craft here.

## JUSTICE CLUTE DIES IN TORONTO

Was for Many Years Outstanding Figure of West Hastings

### HAD LONG ILLNESS

Was Formerly Successful Lawyer and Enjoyed Confidence of all

Hon. Roger Conger Clute, for many years an outstanding political figure in West Hastings, died late Wednesday afternoon at his home, 19 Walmer Road, Toronto, after a long illness. He had been a judge of the Supreme Court of Ontario.

Of United Empire Loyalist stock, Mr. Justice Clute was born near Picton on Aug. 18, 1848, and was educated at Stirling grammar school and Albert College, Belleville. In June, 1873, he married Rosa, daughter of the late Henry Corby of Belleville. He was called to the bar in the same year, and became a K.C. in 1890. He practised his profession at Belleville, and often was crown prosecutor. He was a very successful lawyer and enjoyed wide repute for his legal abilities. He went to Toronto in 1903. He was an unsuccessful candidate in the Liberal interest in West Hastings for the Commons in 1901, and was elevated to the bench in 1900.

He was a royal commissioner on several occasions, notably in 1899, regarding miners and mine-owners in British Columbia, and in 1900 relative to Chinese and Japanese immigration into Canada. In 1905 he imposed a fine of \$10,000 upon the Central Supply Association and the Master Plumbers' Association, on a charge of conspiracy.

A man of strong personality, he declined to receive a congratulatory address from the bar on his appointment to the bench. In religion he was a Presbyterian. He is survived by his widow, one son, Arthur R. Clute, barrister, and one daughter, Mrs. William Lucy, of Devonshire, England.

Mr. Justice Clute started practice in Belleville with the late A. R. Dougall, and practised until 1897, part of the time with Mr. John Williams of this city. Mr. W. S. Morden, K.C., was at one time a member of this firm. While here he was solicitor for the Dominion Bank and held many important briefs. He did a large counsel practice in all parts of Ontario.

He had twice occupied the bench here as presiding judge at the assizes.

The late Judge Clute built the residence at the corner of Victoria and Blecker avenues, now owned by Mr. J. W. Evans.

### BIG CUSTOMS REVENUE

OTTAWA, Sept. 1.—Excise and customs revenue to the total of \$20,614,494 was collected during the month of August, according to a statement issued from the Department of Customs and Inland Revenue today.

## VETERANS' PICNIC IS HUGE SUCCESS

Good Crowd Goes to Park by Motor Car or Boat and Enjoys Outing

### RESULTS OF CONTESTS

St. Mike's Won Ball Game by Long Score—Dancing Big Feature

The Great War Veterans' outing at Massena on Wednesday was one of the most successful of the summer season, it being the last half holiday. The afternoon boats swelled the attendance at the park, and the evening crowd was very large. Ideal weather conditions prevailed, and the sports were unique. The Veterans were satisfied with the results of the day, and their friends had an outing of rare enjoyment.

The yacht race was the big event. Hundreds gazed after the white sheets on the Big Bay course, the starting buoy of which was between the park and Point Anne. The day was clear and the race was easily discernible, even at the eastern stretch. The Clip, of Trenton, was first; the Chirya, of Kingston, second, and the Kathleen, of Kingston, third.

The dinghy race was won by Mr. Fred Lazier, first; Miss V. McLean, second; and Mr. Ed. George, third. Canoe and motorboat races did not materialize.

The aquatic events included a swimming match for boys, which was won by R. Blaker, first, and C. Johns, second.

A special event was held for ladies in swimming, the prizes being put up by His Honor Judge Willis and Mr. F. E. O'Flynn. Miss Lazier won, Miss Howe being second.

The single ladies' race was won by Irene Finnegan, with Evelyn McKerrrow second, and Eva Branton, third. The results of the single men's (open) race follow:—first, Grant Madsen; second, A. Bowyer; third, W. Mills.

Potato race—R. Howe, 1st; E. McKerrrow, 2nd; R. J. Edwards, 3rd. Single ladies' race (daughters and sisters of veterans)—G. Lazier, 1st; A. Lloyd, 2nd; Miss Warner, 3rd. Miss Edwards, 4th.

Egg-and- spoon race—G. Lazier, 1st; E. McKerrrow, 2nd; and Mrs. Whitney.

Baby show—Baby Bell, 1st; Baby Kimmerly, 2nd; Baby Cordes, 3rd.

Prize walk—Miss Mary Doran and Mr. William Holway, 1st; Miss Burns and Mr. Harold Woodley, 2nd. Judges, T. Ramsay, W. J. Price and Norman McDonald.

Napanee was overwhelmed and crushed by the St. Mike's nine of Belleville, in an exhibition baseball game when they were defeated by 13 to 1. The match was never in doubt, but the locals slammed in a good many runs in the last two innings. The lineup:

Napanee—Huffman, c.f.; Stewart, 2b.; Vanalstine, l.f.; Loucks, c.; Rogers, r.f.; Huffman, 3b.; Stewart, s.s.; Johnson, 1b.; Loucks, p.; Grass, spare.

St. Michael's—Miles, s.a.; Young, 1b.; Robinson, r.f.; Platt, c.; H. Smith, p.; Clapper, 3b.; Platt, c.; Percy Cornell, 3b.; Pat Cornell, l.f. Comrade C. A. Thompson operated the refreshment booth on the Brockville on all trips between the city and the picnic grounds.

The Veterans' committee, including Comrades Finkle, Liddle and Madsen, were tireless in their efforts to make the day one of the best in local G.W.V.A. history. It was their second big event of the season.

Their success in launching yachting in this section of the Bay of Quinte will not be forgotten by enthusiasts in boating.

The dance hall was the mecca of hundreds of young people who tripped the measures both afternoon and evening, the temperature being suitable for dancing.

The last boat arrived back at ten thirty last night.

### TODAY'S MARKET.

Today's market was large in point of produce offered, but there were no marked changes, with tomatoes at \$1.00 per bushel, hay \$30 ton, plums 50c to 75c peck and corn 10c dozen.

### MOTOR CASE STANDS OVER

Result of Accident on Kingston Rd. Early in Summer

A charge of reckless driving of a motor which had been laid against a Trenton motorist named Smith as a result of an accident on the Kingston Road several months ago when his car overturned in the ditch was to have come up in police court today but was enlarged for eight days.

## WEDDINGS

CAVANAGH—McKIM.

A quiet wedding was solemnized at St. Michael's Presbytery last evening at eight o'clock, when Anna Pearl, only daughter of Mr. and Mrs. T. McKim, Belleville, was united in the holy bonds of matrimony to Thomas L. Cavanagh, son of Mr. and Mrs. James Cavanagh, Belleville, Rev. Father Whalen officiating.

The young couple were attended by Miss Mary Cavanagh and Mr. J. V. Boyle. After a honeymoon trip Mr. and Mrs. Cavanagh will reside in Belleville, where both are well known.

LOTT—HALL.

At high noon, Wednesday, August 31st, 1921, a quiet but pretty wedding was solemnized at the Presbyterian manse, when Rev. A. S. Kerr officiated in the holy bonds of matrimony, Rhoda Olive, eldest daughter of Mr. and Mrs. C. H. Hall to Mr. Harry Lott, only son of Mr. and Mrs. E. B. Lott, of Frankford.

The bride was attended by her sister, Miss Hazel Hall, while Mr. Frank Moon assisted the groom. The bride looked charming in a suit of brown broadcloth richly embroidered with tulle and a bunch of pearls and carried a bouquet of pink roses.

After the wedding dinner which took place at the home of the bride's parents, Everett St. Mr. and Mrs. Lott left via the G.T.R. for Toronto, Niagara Falls, Brampton and western points. On their return they will reside at Frankford.

CAIRNS—COOK.

The marriage took place at 76 Goddess Street, on Wednesday, August 31st, of Mr. John Cairns, of Centre, Prince Edward Co. and Miss Florence Mary Cook, daughter of Mr. Alfred Cook, Mr. and Mrs. Cairns will reside in Ameliasburg where the groom is a prosperous young farmer.

Rev. A. S. Kerr, of St. Andrew's Church, officiated. The wedding march was played by Miss Amelia Clarke, of Foxboro. Only the immediate relatives of the contracting parties were present. After a wedding repast, Mr. and Mrs. Cairns left on the International Limited for Toronto. Upon returning they will reside at Centre.

YEREX—PYE.

The marriage took place quietly on Wednesday, August 31st, of Miss Myrtle M. Pye to Mr. Arthur Leslie Yerex, elder son of Mr. and Mrs. W. J. Yerex at St. Thomas' rectory, the Reverend Archdeacon G. R. Beamish officiating. After the ceremony a luncheon was served at the home of the bride's parents, Mr. and Mrs. Wm. Pye, 42 Dundas Street, after which Mr. and Mrs. Yerex left on their honeymoon to Toronto and Niagara. Later they will reside in Trenton.

The bride has been for some time a member of the staff of The Ontario.

## Obituary

WM. CHARLES KEEGAN.

William Charles Keegan, a highly respected resident of Madoc Junction, passed peacefully away on Monday, August 22nd, after a lingering illness.

Deceased was 65 years of age and had lived all his life in that vicinity. He was held in the highest esteem by a large circle of friends and in the community in which he resided for so many years. He is survived by his wife and one daughter, Gertrude.

The funeral service was conducted by Rev. B. P. Byers of St. John's Church, Stirling. Interment in Stirling cemetery.

Floral tributes: Pillow, family; wreath, Mrs. M. Wright; cross, Mr. and Mrs. Matthews; wreath, Mr. and Mrs. Bennett; sprays, Miss May Fletcher, Mr. and Mrs. Frank July, Mr. and Mrs. Calberry, Mr. and Mrs. J. Bird; shears, Mrs. G. Good, Mrs. Wm. Fitzhett, Mrs. Edgar Morrow, Miss Olive Stapley, Mrs. John Thompson.

### THEIR CASE ADJOURNED

Three men charged with operating games of gambling were before the police magistrate today and were enlarged for eight days.

### INFANT DAUGHTER DIES.

Dorothy Margaret Cummings, infant daughter of Mr. and Mrs. H. R. Cummings of Sidney died on Wednesday afternoon.

An electro-magnet instrument has been invented by a French scientist to test a person's memory and power of attention.

## SAYS LIQUOR JUST POURS IN

U. S. Customs Officials Across From Cornwall Is Badly Worried

### ROADS LINED WITH CARS

Night Operations Described by Man Who Says he "Can't Stop It"

CORNWALL, Sept. 1.—John W. Bero, United States customs officer at Hogsburg, across the river from here, is out with the statement that scores of