the saw marks were visible, but demonstrated that the carpenter, a matter of fact, was sawing the or packing, which did not in any

floor or packing, which did not in any way form a projection. Then a series of experiments was given which reminded one of Dr. King's demonstration at the last trial of the Johnstonian theory as to how Wells was looking for the weight when it struck. Mr. Osler called Mr. Galt over to the south wall of the court room and after a series of practical experiments and measurements asked Mr. Galt if he could say the distance from the place where the weight would fall that the deceased with the power of sight

place where the weight would fall that the deceased with the power of sight of an ordinary man would have to stand in order to look at the weight. Mr. Johnston objected to the evidence, as he claimed that Mr. Osler's hypothe-sis was not the contention of the de-fence. "I shall follow that in a mo-ment," said Mr. Osler, "and show that the position of the defence is even more absurd than this." Continuing, the witness said that the most convenient place to stand would be about two feet six inches. A man wearing glasses would have to stand even farther away. away

An Important Contradiction. At the last trial the whole fabric of the defence was based upon the assumption that the hook was improper-ly caught when the weight met an ob-struction and threw the hook out of the eye; the weight in falling struck. Wells on the head and felled him to the floor with his head beside the buf-fer block, on which it struck, then toppled over onto Wells' waiting head, and caused the fractures shown in the skull. The point was raised by the Crown that the weight, because of its great weight and great momentum, would reach the floor first. The de fence answered that the weight would strike on the buffer and rest there un-til Wells got his head beneath. In his evidence Mr. Galt swore that if the hook was as the defence allege the bottom end of the weight would strike clear of the buffer block. After a long hypothetical cross-exam-ination by Mr. Lount. His Lordship nption that the hook was improperly caught when the weight met an ob-

After a long hypothetical cross-examination by Mr. Lount, His Lordship took the witness in hand, and brought

to "Was the insurance that was sought to be effected on that occasion on the life of the prisoner?" "No, sir, not on his own life." "On whose life was the application for insurance made at that time?" was Mr. Osler's next question and that from surance made at that time?" was Mr. Osler's next question and that which raised an objection from the de-fence, which practically opened up the looked-for "subsequent insurance" ar-gument between Mr. Osler and Mr. Johnston: At the request of the laster sentimes, the further was discussion. Mr. Osler's Argument. Mr. Osler's Argument. Mr. Osler's Argument. Mr. Osler's Argument. Mr. Osler's next nuestion would be the last witness built, and made some slight repairs to the elevator shaft. The greater part of the work was done by Charles Hackney, employed by the shaft consisted of some loose boards out daressed the court, as follows, on the all-important subsequent insurance evidence: "The objection taken by the defence had been taken because it was known that the preliminary question would be succeeded by many others showing a conspiracy between the prisoners to en-sure the life of Martha Wells, the wife sa conspiracy between the prisoners to many others showing a conspiracy between the prisoners to many others the wing the first floor above the succeeded by many others showing a conspiracy between the prisoners to many others thowing a conspiracy between the prisoners to many others thowing a conspiracy between the prisoners to many others thowing a conspiracy between the prisoners to many others thowing a conspiracy between the prisoners to many others thowing a conspiracy between the prisoners to many others thowing a conspiracy between the prisoners to many others thowing a conspiracy between the prisoners to many others thowing a conspiracy between the prisoners to many others thowing a conspiracy between the prisoners to many others thowing a conspiracy between the prisoners to many others thowing a conspiracy between the prisoners to many others thowing a

house, and also made an examina-tion and test just prior to the last trial. The cage was about evenly bal-anced with the weight. With a man operating the pull rope, the cage would ascend about 30 feet a minute. If the weight in ascending struck an obstacle no slack would be produced, as the weight would remain loaded. Reversing the order, and having the weight descending, the weight meeting with an obstruction, no slack would be produced, as the weight of the cage on the other end of the rope would keep the rope sufficiently loaded to maintain its tension. This, the wit-ness said, he had demonstrated by practical experiment. nue of legal escape was open to the prisoners in the event of conviction fol-lowing admission of the evidence now sought to be introduced. At the close of Mr. Osler's argument, Deputy Attor-ney-General Cartwright made a few remarks favoring the admission of the testimony, but the defence passed the matter over into the hands of His Lordship without argument.

Lordship without argument. The adverse Becision. In determining upon the proposition Justice Ferguson thanked Counsel for the assistance they had rendered him in acquainting himself with the law on the subject, and stated that he had never before taken so deep an interest in any legal question. He had firmly made up his mind not to be governed by the actions of any former Justice, and after due deliberation' had arrived at the conclusion that the testimony practical experiment.

Mr. Osler's examination in chief of the witness was unfinished when the court rose at 5.30.

at the conclusion that the testimony was not admissible, and so ruled. Mr. Osler, for the Crown, asked for a reserve case, and said that the pri-soners would be held, in the event of MR. MOSS WILL PROSECUTE Suit of the Lord's Day Alliance **Against Hamilton Street Rall-**

soners would be held, in the event of acquittal, until the point just decided by His Lordship, should receive the at-kention of the higher courts. When the jury was returned into court after the noon recess, His Lord-ship explained that he had ruled out this evidence, and that the question propounded to Witness Kerr, just prior to their retirement would not be an-swered. way Company. Hamilton, Nov. 12 .-- Judge Rose opened the non-jury sittings at the Court House to-day. The suit of the Lord's Day Alliance against the Hamilton Street Railway Company for running cars on Sunday will probably not come

up till Thursday or Friday. Charles Moss, Q.C., of Toronto, will be the leading counsel for the plaintiff. The most important case was that of Miller v. Hamilton Police Benefit Fund, which was a suit by Mrs. Miller, widow of the late Constable Geo. Miller, who died in 1891, for \$1200 from the benefit fund, into which deceased had paid \$92 in premiums. No pay-ments were to be made from the fund until it reached \$8000, which it did in March last, and the widow then brough suit. The defence is that when the deceased died he had no claim, and the widow cannot now recover since it has been increased. No evidence was taken, but the papers were filed and the case will be argued in Toronto later. George Watson, Q.C., and T. C. Haslett for plaintiff; J. V. Teetzel, Q.C., and W. S. McBrayne for defence. Projector Party achieves

of merchandise. In building the platform Mr. Kidd stated that he had cut a hole also in In building the platform Mr. Kidd took the witness in hand, and brought out a strong point for the defence. when the witness admitted that if the deceased might, in endeavoring to as-certain the cause of the obstruction place his head nearly under the line of the descent of the defence the the weight so that when a heavy load At the request of the defence the no blood on Dallas Hyams when he reached home on the day of the kill-ness said she did not notice what cloth ing Dallas wore that day. **The Subsequent flavers**. J. W. Kerr, an agent of the Stand-ard Life Insurance Company, testified to a conversation with one of the prisoner" or kwas the prisoner endeav-oring to insure?" asked Mr. Osler, but the defence raise an objection and the concerning the safet yof the soliditon to 'Was the insurance that was ought to 'Was the insurance that was ought ''No, sit, not on his own life." I'No, sit, not on his own life." **Projector Pew's schemes.** E. A. C. Pew, a projector of many schemes, was in the city to-day inter-viewing the aldermen regarding his proposition to bring electric power to e Hamilton by a waterway from the Grand River to the city, and stated that as soon as the company got its franchise it was ready to proceed with the work Among some of his plans is one to construct an electric railway from the Falls to Toronto, but as it is his intention to operate the line on Sunday, he would not proceed under the Ontario Act, and he will take pre-liminary steps this week for applica-tion for a Dominion electric View of the state the scheme of t



Thomas' Church, where, less than a week ago Miss Consuelo Vanderbilt was made the Duchess of Marlborough Miss Pauline Payne Whitney, daughter of William C. Whitney, former secretary of the navy, was, shortly after noon to-day, wedded to Almeric Hugh Paget, the youngest son of the late Gen. Lord Alfred Paget, and grandson of

the first Marquis of Anglesea. As far as the ceremonials go, the affair was not less brilliant than the Marlbornot less brilliant than the Marlbor-ough-Vanderbilt wedding. It was, per-haps, more distinguished, though the bridegroom, again an Englishman,does not inherit a title. On this occasion, numbered among the wedding guests were President Cleveland and members of his Cabinet, who journeyed from Washington to do honors to the young couple. There were present, too, Gov-ernor Morton and a score of diplomats. It was, indeed, a state occasion, as well as a great social function. <u>Marnificent Music</u>.

THE TORONTO WORLD WEDNESDAY MORNING NOVEMBER 13 1895

It was, indeed, a state occasion, as well as a great social function. <u>Magnificent Music</u> Long before noon the church was crowded and all were anxiously await-ing the coming of the bridal party. In the meantime, the musical program, which was one of an exceptionally high order, was proceeded with. Ed-ouard De Reszke, the basso of the Ital-ian Opera Co., sang to organ accom-paniment. Franz Ondricek, the violin-ist, who has just arrived from Europe, to play his first American engagement, followed with "The Elegie," by Laub, to organ accompaniment. Then came the great treat of the musical program when Mme. Nordica and M. De Reszke sang a duet, "The Crucifix," by Faure, also to organ accompaniment. Mme. Nordica earned much admiration by her superb rendition of the "Ave Maria," by Gounod, which was made even more effective with a violin ob-ligato by Mr. Franko and accompani-ment by the excent and full string or ment by the excen

Added to the sample lot today is a big purchase of house

even more effective with a violin ob-ligato by Mr. Franko and accompani-ment by the organ and full string or-chestra with harp. Handel's "Largo" was played by Mr. Franko with all the strings, harp and organ, and the choir sang to organ ac-companiment the Bridal March from Weber's "Der Freischutz." There was also organ selections by Mr. Warren. At the conclusion of the ceremony the bride and groom, Mr. Whitney and the best man went into the vestry, where the marriage registry was sign-ed. While this was going on musical selections were rendered by the or-gan, orchestra and soloists. The Breakfast.

The Breakfast. The wedding breakfast was served at

At a meeting of the Parks Commit-tee this evening to consider the ques-tion of annexation, the following re-solution was passed: "That the city's solicitor be instructed to prepare a bill to present to the next session of the Ontario Legislature, embodying similar terms to those herewith sub-mitted, and asking for the annexa-tion of the Beach to the city of Ham-iton." Notes. At a meeting of florists held last night it was decided to have a four days' flower show, opening on Noy. The wedding breakfast was served at the Whitney's nearest friends had been invited. Among those who par-ticipated were President Cleveland, Sceretary Lamont, Governor and Mrs. Morton, the British ambassador, Sir Julian Pauncefote, Lord Westmeath and Lady Colebrooke. The wedding gifts were numerous and valued at hundreds of thousands of dollars. Mr. and Mrs. Cleveland sent a large two-handled silver cup and Secretary La-mont a beautiful painted fan. The Wedding Gifts. to make up on some customers what

we gave to others; now that ain't fair play. We are treating everybody alike, nor have we all the time to advertise The Wedding Gifts. get your money back. Our customers

Mr. Whitney presented his daughter with the famous Whitney family jewels. In addition he gave her a mag-nificent necklace, consisting of over nificent necklace, consisting of over

250 pearls and 200 diamonds. Another

beautiful necklace, composed of over 200 green opals and diamonds was the

gift of Charles William Bingham



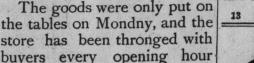
A most pronounced strike was made by the Clapp Shoe

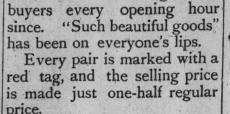
Co. when they purchased a sample lot of 3000 pairs boots and shoes manufactured for a shoes to rent in vaults, ab-

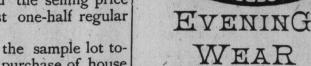
A. E. PLUMMER,

Manager.

wholesale concern by some six solutely fire and burglar proof. Wills or eight of the leading manu- received for safe custody, without or eight of the leading manu-facturers of United States and Canada.







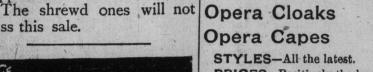
212, YONGE ST

75, 77, 79, 81 Queen West.

got 50 per cent. profit on them. Why,

they know the goods are that much

cheaper than in any other store of this



PRICES-Positively the lowest. Silk Blouses

The dainty stripes and patterns so popular just now. **Evening Silks**

Every demand of fashion fully met. few new pieces displayed in east win-low each day.

Fans A few specially selected unique

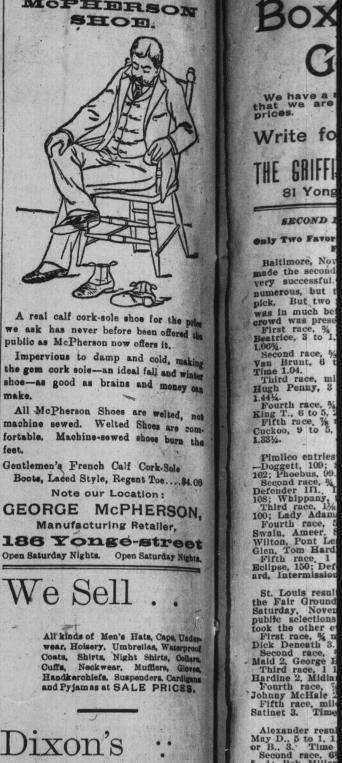
Evening Gloves An old saying, but true, when goods Every kind. have to be given away it is time to get rid of them. Now our goods ain't in AND STILL OUR EXTRA that condition; hence we can't give them away; if we would we only have

Ladies' Genuine French Kid Gloves (post free) \$1 pair. John Catto & Son

TO RENT

King-street, opposite the

a specialty.



THE MOPHERSON



Sixth race, 6½ 1; Dillon J., out,

UNWIN & CO. (LATE UNWIN, BROWN & Sankey). Established 1852. Medi-cal Building, corner Bay and Richmond-streets. Telephone 1836.

VETERINARY.

LAND SURVEYORS.

had been taken because it was known that the preliminary question would be succeeded by many others showing a conspiracy between the prisoners to en-sure the life of Martha Wells, the wife of H. P. Hyams, for about \$200,000, an insurance which would cost from \$6000 to \$7000 per year, an insurance which would be placed upon the life with first payments to be satisfied by promissory notes. "The Crown proposed to follow up this by evidence to show that it was being obtained upon misrepresenta-tions made to Mrs. Harry P. Hyams, and also inquiries made by the prison-ers as to the effect of satisfying the premiums by notes, and as to whether the amount received be payable in the event of death during the currency of the notes. "It was also proposed to show that the insurance was totally beyond the

the insurance was totally beyond the means of the prisoners to keep up, and its only visible object was to realize the claim by the death of Martha Hyams, or in other words that a conspiracy was on foot to insure and murder.

"The question was whether that was ridence to the issue. It was charged that the prisoners murdered Wells for insurance, and the insurance for \$30,-000 had been taken on his life on the same system of quarterly payments. It was proposed to show that by de-ceit or fraud prisoners had obtained the bulk of the money.

The Twins' Methods.

"The argument was that the subsequent insurance on the life of Martha Wells showed the method of the pri-Supposing the prisoners were soners. indicted for Indicted for conspiracy to murder for insurance the evidence of the death of Wells would be but one of the overt acts within such conspiracy, and evi-dence could be given of the attempt to insure Martha Hyams as the other act

in the same conspiracy. "The presentation of the testimony would be evidence of a system to be adopted by the prisoners for making money out of unlawful death by inrance. The evidence was also ten-red upon the ground that it threw surance. light upon the issue whether the death was accidental or by design.

hibit this morning. "It was not necessary that the sec-ond act should have been a completed one. The distinction did not exist in ond act should have been a completed one. The distinction did not exist in the cases that a line is drawn upon the subsequent act being one of murder or akin to the one on trial. The cases showed it to be sufficient that an at-tempt should be proved, though it need not necessarily be successful."

Where the Hendershott Case Differs.

Mr. Osler was particularly anxious not to take up the time of the court with extended argument. He had al-his work, no one could touch the weight his work, no one could touch the weight with extended argument. He had al-ready furnished His Lordship with a brief containing a reference to cases bearing upon the subject, and under-stood that the defence had acted simi-barly continuing his remarks Mr larly. Continuing his remarks, Mr. Osler said: "The ruling of the Chief Justice in the Hendershott case is not binding on Your Lordship, seeing that the ruling was. upon the tender of evi-dence of an attempt to insure a had dence of an attempt to insure a bad life. The fraud there intended was to get | a policy on the life of the man known as 'Patsy, the Diver,' and have it improperly passed as a good life by the loctor. It was argued that that in-surance was to be realized upon by doctor. It was argued that that in-surance was to be realized upon by natural death and not by murder, and that there it was not evidence of an attempt to insure and kill."

Where Judges Don't Agree.

Where Judget bon't Agree. Mr. Osler referred to the adverse ruling on the attempted introduction of this evidence on the occasion of the former trial, and stated that while the decision of a former judge was cer-tainly entities to a great amount of respect, it was in no way binding on the present court. His Lordship re-plied that he knew it was not binding, our that it was the rult to which Mr.Osut that it was the rult to which Mr.Os- witness noticed considerable blood on had already ust aside a former ruling of the former judge in declining to ad-mit the testimony of the Street Rall-way Company's employes. Mr. Oslar during to ad-mit college donsiderable blood on a sugar barrel and a soap box on the ground floor and also spots of blood on three boxes of the first floor. No Slack Under Any Conditions.

Mr. Osler dwelt upon the seriousness of the class of crime charged against the defendant, and stated that an ave-

Can't Foel the Public. Every successful business man has proved this great truth. It never was better exemplified than in the case of St. Leon Water. For years tremend-ous efforts have been made to estab-lish a reputation for other so-called medicinal waters. But every attempt has proved unsuccessful. "St. Leon" has proved unsuccessful. "St. Leon" is now practically the only medicinal water used by the Canadian people, simply because they have found it just as represented, and that it never failed to effect a cure when used ac-cording to directions. Sold by the glass, bottle, barrel or carload a 101 1-2 King-street west, and all repu An Admission of no Value.

table dealers. Wabash-Montezuma Special,

On cross-examination the witness said that had the board been original-ly cut off the square, it might have projected. He also admitted finding Every morning at 11.03 this super-latively equipped train leaves Dear-born Station, Chicago, and starts on her flight toward the land of the settwo nails projecting through the south face of the weight shaft, into the face of the weight shaft, into the weight shaft about a quarter of an inch. He knocked these off with his hammer. In re-direct examination the witness said that the nails which pro-jected into the box would not stop a 200 pound weight. The Plank to Be Produced. Before the witness stepped down from the box Mr. Osler asked permis-

riving at Hot Springs, Ark., next morn-ing, Texarkana noon,San Antonio fol-lowing morning and Laredo same evening, where direct connection is made with a through train for the City of sion to allow the witness to step down and be re-called in the morning. Mexico. Time tables and pamphlets of Mexico and this great railway from The defence objected to such a course of procedure, Mr. Lount contending any railroad agent, or J. A. Richard-son, Canadian passenger agent, N.E. cor. King and Yonge-streets, Toronto. that it was unfair to the defence ito allow the witness to make a further to. examination and thus fortify himself.

Mr. Osler said that he had no desire to conceal anything. It was his inten-We have uo besitation in saying that Dr. J. D. Kellogg's Dysentery Cordial is with-out doubt the best medicine ever intro-duced for dysentery, diarrhoea, cholera and all summer complaints, sea sickness, etc. It promptly gives relief, and never fails to effect a positive cure. Mothers should never be without a bottle when their chil-dren are teething. tention to have Engineer Galt go to the warchouse and cut out the por-tion of the plank from which the de-fence allege the projection was cut. Arrangements were made to have a carpenter, appointed by the defence, visit the warehouse in company with

From the East End.

OCULIST.

Crown Attorney Curry, Detective Cud-dy, Engineer Galt and Mr. Hackney. St. Michael's Hospital. The new additions to St. Michael's Hospital have been completed and will be formally opened in a few days. To The plank will be produced as an ex-

A New Witness With a New Fact. assist in the management of the in-stitution an Advisory Board has been appointed, composed of the following : President, His Grace Archbishop Walsh; 1st vice-pres., Hugh Ryan; 2nd vice-pres., Sir Frank Smith; sec., H. T. Kelly; the other members of the Board being His Worship the Mayor, Thomas Long, Matthew O'Connor, and a re-

complete box. Prior to this there had been the east and west sides of the presentative of the Provincial Government.

No family living in a billous country should be without Parmelee's Yegetable Pills. A few doses taken now and then will keep the Liver active, cleanse the sto mach and bowels from all billous matter and prevent Ague. Mr. J. L. Price, Shoals, Martin Co., Ind., writes : "I have tried a box of Parmelee's Pills and find them the best medicine for Fever and Ague I have ever used."

A Sidelight on the Financial Aspect.

The St. Andrew's Brotherhood, local The cost of the work was a little over \$8, which the witness experienc-ed a great deal of difficulty in collectbranch, met last evening in the church room in First-avenue. There was a fair attendance, as there was also of the members of the Y.P.G., which met br twice, besides making several visits to the prisoners in person before his claim was satisfied. The "Profitable" Business They Were Boing. W. H. Riches, wholesale jobber, testi-fied to having had dealings with the

under the presidency of Mrs. W. F. Summerhayes. "A Trip Round the World" is the the title of an entertainment at Ding-man's Hall on Thursday evening next under the auspices of the Unity com-mittee of St. Matthew's Ward. Summerhayes.

These two desirable qualifications, pleas These two desirable qualifications, pleas-ant to the taste and at the same time ef-fectual, are to be found in Mother Graves' Worm Exterminator. Children like it.

John Fensom, jr., elevator manufac-turer, said that at the instance of the

D^{R.} W. E. HAMILI,-DISEASES EYE, ear, nose and throat. Room 11, Janes Building, N. E. Cor. King and Yonge-Sts. Hours 10 to 1, 3 to 5. Crown, he yesterday examined the ele-vator in the Colborne-street ware-

Can't Fool the Public.

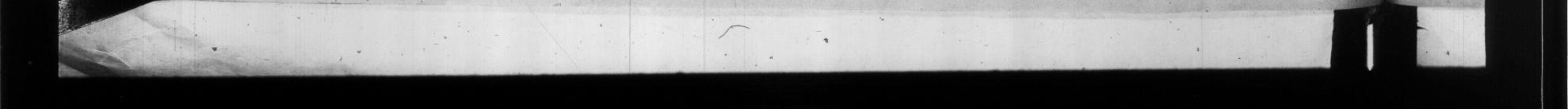
feather fan, ivory sticks; a complete traveling case by the groom's family; Mr. Depew, silver coffee service; Mrs. Astor, silver dessert service; Mr. and Mrs. Thomas F. Gilroy, gold mounted scent bottle; Mr. and Mrs. Richard Croker, large silver edged mirror; Mr. and Mrs. John Jacob Astor, large silver vase; Mrs. Chamberlain, silver dish. The bride and bridegroom will go to Minnesota for a short time, and as

winter sets in will sail for the Riviera and thence to Cairo. FISH. GENTLEMEN Boneless Codfish 4c lb. Finnan Haddle 7c lb. Fine Fresh Oysters 25c quart. Fine Fresh Herrings 12c dozen. 調、調 Who can Ap-PRODUCE. preciate a Oatmeal 25c stone. Cornmeal 25c stone. Peas 2c lb. Beans 2c lb. RHIM High Class 75-81 Queen-St. W. Wine DRINK G.H.MUMM'S Extra Dry H Mumm & Are You Extra RESMO Thinking Dry of a Watch BAILIFF J. WILLIAMS, BAILIFF AND VALU-ator. 124 Victoria-st. Phone 1167. STORAGE. TORAGE - BES: AND CHEAPEST IN alty. Letter storage Co., 369 Si lins-stonus, HOTELS. G BAND UNION HOTEL, ORILLIA, Ont., close to G.T.R. Station. Terms \$1 per day. W. W. Robinson, proprietor. RICHARDSON HOUSE, CORNER KING and Spadina, Torouto, pear railroads the money. RL and Spadina, Toronto, near railroads and steamboats; \$1.50, per day; from Union Station take Bathurst-street car to door. S. Richardson, prop. A magnificent as



permanently in ty of any kind; no adjusting resistance no jerks; no dead alive. Malled to any ad \$1.50, by THE HA (Mmited), 35 King-

M ONEY TO LOAN ON MORTGAGES, life endowments and other securities. Debentures bought and sold. James O. McGee, Financial Agent, 5 Toronto-street.



LIOTT, Prop.