

EMERSON ON HIS TRIAL

The Old Court Room Filled With Deeply-Interested Spectators.

The Prisoner's Wife and Babe Among Those Present.

Preliminaries of the Examination—Names of the Jurors Chosen and Those Challenged—Opening Address for the Crown—The Evidence Begun.

MOORE VS. STREET RAILWAY CO.

Judge Meredith delivered his charge to the jury when the court resumed after lunch. He reviewed the evidence, and gave the following questions to the jury to answer, in order to assist them in reaching a verdict:

1. Was the plaintiff's injury caused by neglect of defendants?

2. If so, what was the neglect? State fully.

3. And if so, might the plaintiff, by the exercise of ordinary care, have avoided the injury?

4. Or was the cause a mere accident, for which neither plaintiff nor defendant is to be held responsible?

5. Assessment of damages.

The jury retired at 3 o'clock, and at 6:30 returned and informed his lordship that they were unable to agree.

The judge urged them to come to some conclusion, and pointed out that should they fail to agree there was no alternative but another trial, the cost of which would be considerable.

He suggested that they retire until 8 o'clock, and should no agreement be reached at that hour they might disperse. To this the jury consented, and were locked up again. At 8 o'clock sharp the judge took his seat, and the jury, having agreed upon a verdict, the answers to the questions proposed were:

No. 1—Yes.

No. 2—There was no room enough for the teams to pass on either side of the railway track, and that the filling was not sufficient.

No. 3—No answer.

No. 4—No answer.

No. 5—One hundred and fifty dollars damages.

The judge then requested that the jury retire to his room for a few minutes and endeavor once more to answer the questions. When they had retired his lordship proposed as a settlement of the case, "that the \$150 stand, with county court costs, and no set off of costs." This could not be arranged between the parties, and the jury was sent for. They could not agree either, and his lordship dismissed them, expressing his appreciation of their efforts. The fact that there was no agreement was evident, he said, that the case had been well-considered.

The case will stand for argument before Judge Meredith, at a time convenient to all parties, and if amicable arrangements are made, the case will again be tried at the next assizes.

J. B. C. Franks vs. P. McPhillips—This was an application to set aside a \$500 return made by the defendant on the ground that it was taken to secure future costs. Defendants alleged that when the mortgage was taken there was over \$500 of costs due, and asked that the return be made to the master to ascertain the amount due on mortgage. Granted. E. Fraser (Stratford) for plaintiff; R. M. C. Toth for defense.

Patmore vs. Crane will stand over by consent, until next non-jury sittings.

Mayell vs. Dymont—An action to recover \$3,752, for breach of contract, was in progress when the court rose at 6:30.

TRUE BILL OF MURDER.

The grand jury returned a true bill against W. D. Emerson for murder.

THURSDAY MORNING.

W. D. Emerson, actor, who shot and killed James Tuttle, proprietor of the Wesley Stock Company, at the Music Hall, on April 1 last, was placed on trial this morning. Before 2 o'clock the court room was filled with spectators, among whom were many women, most of the latter occupied seats in the jury box, to the right of the bench.

At 9:30 Judge Meredith took his seat, and a few moments after Emerson, the accused man, was led into the court and placed in the dock. He was dressed in a neat business suit, and took his place with steady step. Since incarceration Emerson has grown a beard, which somewhat alters his appearance. His wife, with tearful eyes, carrying in her arms her baby girl, was seated a short distance from the prisoner, and as their eyes met and their gaze fell on the little one, who is fortunately too young to comprehend the terrible position of her father, an expression of agony passed over the countenances of both husband and wife that was not unheeded by those who watched the proceedings.

When the clerk of the court read the indictment, Emerson, with a clear voice, but quiet manner, advanced to the railing of the dock and said "Not guilty."

The prisoner's demeanor throughout the proceedings was that of a man who suffered great mental strain, and he looked from judge to jurymen with unmistakable restlessness.

SELECTING THE JURY.

The selection of the jury was not accomplished without difficulty, and 24 were called before the necessary 12 took their seats to the left of the judge to consider the evidence which means so much to the prisoner.

The twelve selected are: Henry Thompson, farmer, Stratford; Wm. Beeton, farmer, Adelaide.

Ed Mason, farmer, McGillivray; John H. McCallum, builder, Ekfrid; R. Jackson, tinsmith, Parkhill; R. Ralph, farmer, London township; R. Sutherland, farmer, Carleton Place; A. S. McDonald, yeoman, Ekfrid; James Campbell, farmer, Delaware; Robert Conkey, farmer, Adelaide; Albert Needham, farmer, London township.

Those rejected by the crown prosecutor, Louis F. Heyd, were:

Walter Foster, merchant, London; John C. Evans, builder, London; James Dunn, saddler, London; James H. Ford, agent, London; John McCubbin, farmer, East Williams.

Charles Finchamp, clerk, London; John Dawson, confectioner, London; Andrew Fisher, joiner, London; John G. Dodd, builder, London.

Those challenged by Mr. P. Johnston, prisoner's counsel, were:

Samuel Felker, farmer, Moca; G. W. Patrick, farmer, Westminster; John Armstrong, farmer, Newbury; James Darling, farmer, McGillivray.

OPENING OF THE TRIAL.

The jury being sworn, the case was addressed by the crown counsel. Many of the women in the room sobbed as the address proceeded, for Mr. Heyd went over all the circumstances of the sad affair, and traced, step by step, the company, from its organization until April 1, when Emerson shot Tuttle, and swore that led to the fatal deed. As Mr. Heyd went on his forceful eloquence increased. He appealed to the jury to divest their minds of all the influence of sympathy, newspaper talk or gossip. The crown counsel, bringing conviction to their minds, and if they were satisfied that the prisoner did the deed deliberately, and under such circumstances as to constitute the crime of murder, they must return a verdict of guilty.

THE EVIDENCE BEGUN.

Wm. Newman, one of the property men, was the first witness called. He swore to the stage plan, and answered a series of questions regarding the personnel of the company and stage appliances.

Witness described the "full" house, and how when the raising of the curtain was delayed the audience became somewhat noisy and impatient and called "hurry up." Witness went into the details of what occurred between Emerson and Manager Wesley regarding the money Tuttle owed the prisoner. He had seen Wesley hand Emerson something, but did not know what it was. Emerson said "It would not do." The latter refused to go on and play until he got his money up to that night. There was no further play, witness said, and Mr. Emerson walked up and down the stage, apparently going over his part. Mr. Tuttle was sent for, and when he came up he advanced towards Emerson and asked, "Do you want to see me?" Emerson said, "Yes," and then refused to go on with the play until he had got his money. Tuttle advanced towards Emerson and drew back his right hand. A blow followed, and both men staggered back a step, when there was a pistol shot and a flash coming from the direction of Emerson. Tuttle dropped to the floor and Emerson said, "I did this in self-defense." Witness could not remember who was on the stage at the time.

Mr. E. F. B. Johnston, prisoner's counsel, cross-examined the witness. Mr. Newman could not remember who was on the stage at the time.

Q.—Did you see Tuttle when he came up? A.—Yes.

Q.—What condition of mind was he in—did he appear angry? A.—I don't know; he seemed to be in a hurry.

Mr. Johnston then read from witness' deposition before the coroner, wherein he said Tuttle had been very angry when he came on the stage. Witness admitted that he had not seen any blows struck; did not see where Emerson had been, and did not see where the flash came from. Witness then told of Tuttle's duty—that of selling tickets in the box office—and of how, a night or two before that of the murder, Tuttle, having found the box office locked, flew into a rage and smashed the door in rather than wait for the keys to be brought. On another occasion he had heard Tuttle cursing the actors.

Harry O. Wesley, manager of the company which bore his professional name, was the next witness. Witness told of his engagement by, and of the organization of the company for, Mr. James Tuttle, the murdered man. Emerson took the leading role in the majority of the plays. While in London Emerson played in "The Octoroon," "Passion's Slave," "The Lightning Rod Agent," and "All the Comforts of a Home." Asked if the revolvers were used in any of these plays witness said "There was a revolver used in 'The Octoroon,' but it was not fired." Emerson spoke to him regarding his wages before the show, and said he would not go on until he got his money. Witness said he wanted him to go on, and said the money would be all right. Witness said that Tuttle, during the day, had spoken about a runner in circulation that (Tuttle) was going to skip out. Tuttle drew from his pocket a large roll of bills, saying there was enough money for everybody.

The witness (Wesley) continuing, corroborated the previous witness regarding the refusal of Emerson to play until he got his money to date, at the time he (Wesley) gave him money which Tuttle had sent on hearing of Emerson's refusal. Witness said he went out then to his dressing-room, and sent Jack Lee, the property man, to tell Tuttle. The next time witness came on the stage Tuttle was lying on the floor. He washed the injured man's face and put a chair under his head. He heard Emerson say, "Send for an officer. I did this in self-defense. A doctor was asked for from the stage and told that an accident had happened. The audience took the matter as a joke, it being the 1st of April. Coroner Flock was sent for. Witness said Emerson knew considerable about revolvers, as he was formerly a member of the United States navy. At one time Emerson had showed witness a trick, which consisted of turning a revolver and firing it without the aid of another person. It required very nimble fingers to do it.

Cross-examined by Mr. Johnston,

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I will guarantee that my Kidney Cure will cure 90 per cent of all forms of kidney complaint and in many instances the most serious forms of Bright's disease. The disease is complicated and four-ounce vial of urine. We will analyze it and advise you free what to do.

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At all druggists, 25c a vial. Personal letters to Prof. Munyon, 1505 Arch street, Philadelphia, Pa., U. S. A., answered with full medical advice for any disease.

KIDNEY CURE

witness said Emerson had asked Tuttle for the money owed him for playing at Tilsbury. Tuttle had promised to pay on Sunday, and on Friday, night no money had been forthcoming. Emerson then refused to play until he was paid, and that was why the two days' money had been given. A day or two before this, witness heard Tuttle talking about being asked for money, and said he heard the doctor say, "I'll make him wait until I get good and ready." On Friday afternoon, when Tuttle showed the roll of bills and said he had the money, but would "keep them" until he had the doctor's money. He knew that some of the others had demanded their money. Witness, while talking with Emerson, did not notice anything unusual. He did not appear angry, and was as cool and collected as ever.

Asked again regarding Tuttle, witness said that while in Brantford, he had seen Tuttle fly into a rage, strike a man and knock him right across the barroom. After the shooting, Emerson's manner was that of a man who meant what he said, when he requested that someone send for an officer. He did not appear angry or in any way hurried.

Q.—Did you know Mr. Tuttle to be a man of violent temper? A.—Well, he was a man like other men—he had a temper.

Q.—Was he a man with a violent temper? A.—He was a man who would not let himself be at upon.

Q.—A man with a strong, determined mind? A.—Yes, sir.

Witness, on being asked if Tuttle had ever had any trouble with a Mr. Seaman, who played the leading role in the opera house, said that he had some words. Tuttle had a large bunch of keys in his hand, and witness interfered to stop any further trouble between the two men. Witness said the bunch of keys which Tuttle would have used as a deadly weapon to have used on anyone. Asked as to Emerson's appearance after the shooting, witness said the blood issued from a cut in his lips which had been inflicted by a blow.

Mr. Heyd re-examined the witness regarding two occasions when Tuttle displayed violence of temper. The first occasion was the dispute with Seaman at the door of the opera house in Brantford. Seaman had rented the opera house from Tuttle for a week, and agreed to pay the rent in advance. Seaman did not abide by the terms of the contract, and when the Wesley Company wanted to use the opera house for an afternoon rehearsal, Seaman objected, as he had rented the place. Tuttle, who was interested in the Wesley Company, then went to Seaman, and the rumour that followed was over the fact that Tuttle threatened to deprive Seaman of the opera house altogether. On the second occasion, when he knocked the man across the bar-room, Tuttle and his antagonist were engaged in a dispute over game-cocks. The man called Tuttle a vile name, and then the latter struck him.

The court adjourned for lunch at 1:10 and the jury were conducted to their rooms, where they were supplied with lunch by the sheriff.

AN AFFECTING SCENE.

Soon after the trial began, the court room became packed to the doors, and when the court adjourned it was some minutes before the prisoner could be conducted to his cell. Much sympathy was expressed for him, as he passed along the crowded corridors, with the air of a man satisfied with what he had done, and fearless of the consequences. At the entrance to the jail, Emerson took the hand of the reporters, and in his clasp there was more than he could express. His wife met him a moment later with a fond embrace. He kissed the face down which the irrepressible tears flowed, and encircling her with his right arm, he walked through the barred gate and was lost to view.

Emerson says he feels well, considering all things, but his chief anxiety is for his wife and baby girl.

MIDDLESEX.

GLANWORTH, Sept. 28.—Rev. E. H. Savers, of Wilton Grove, has left for Iowa, U. S., to recuperate for a few weeks.

Edward Ryan and Miss Isabella Thompson, daughter of John Thompson, of Yarmouth, wedded their way to the manor of Wilton Grove, where the Rev. E. H. Savers caused the two hearts to vibrate as one on Saturday morning.

Hugh McLachlin, a sturdy Scot, of Glasgow, who tips the scales at 250 pounds, guest of Elder John H. Elliott, of Westminster.

Miss Kate Taylor left for Aberdeen-shire, Scotland, last week, after a sojourn here of one year with her brother, P. Taylor.

Advertiser Agent, J. D. Meekison.

Strathroy, Sept. 29.—Misses Pincombe, of this town, carried off 105 prizes at the fair here, and 50 at Watford.

At the last regular meeting of the Women's Christian Temperance Union the following officers were elected: President, Mrs. Heard; vice-presidents, Mrs. Martin, Mrs. Evelyn, Mrs. Armstrong, Mrs. Jordan; recording secretary, Miss Hamby; corresponding secretary, Miss Henderson; treasurer, Mrs. Wright.

On Wednesday, Sept. 28, the residence of Mr. Joseph Buttery, West Front street, was the scene of a very pretty wedding, when his youngest daughter, Miss Maud Buttery, was married to Mr. Thomas Berlin Mitchell, druggist, of Oshawa. The ceremony was performed at high noon by Rev. T. E. Harrison, of Stratford, assisted by Rev. Mr. Gundy, of this town. Miss Buttery's wedding gown was of white Ottoman cord silk, en train, with bridal veil caught in place with orange blossoms. She carried an exquisite

shower bouquet of white bridal roses and maiden hair ferns. The bridesmaids were Miss Winnifred Van Valkenburg, of Forest, and Miss Lillie Stepler, of Stratford, dressed in pink and orange, and carrying bouquets of pink and white carnations. Mr. Charles Owens, of Oshawa, and Mr. Fred Mitchell were groomsmen. Mr. and Mrs. Mitchell left on the 4:10 train for their home in Oshawa, the bride going away in a traveling costume of purple broadcloth, trimmed with tawn and braided in white and gold, and tawn velvet hat, trimmed with purple velvet rosettes and Prince of Wales plume. Quite a number of guests from a distance attended the wedding.

Mr. Frank Evans, of Toronto, who has been spending a couple of months in town with a view to improving his health, returned on Saturday. The vacation considerably helped him.

Miss Aggie Smith is spending a few days with her sister, Miss Maggie Smith, Lobo.

Miss Edith Hughes, of Napier, is visiting friends in town this week.

Rev. Mr. Gundy, of the Front Street Methodist Church, will preach the quarterly pre-communion sermon in St. Andrew's Church on Friday evening next, beginning at 7 o'clock.

Mrs. A. W. Dawson, who has been visiting her sister, Mrs. Patterson, returned to her home in London last week.

The trustees of school section No. 6, East Williams have engaged Mr. J. McLachlan as teacher in place of Mr. McGugan, who has resigned for the purpose of studying medicine.

Mr. R. P. Smith, who has been visiting friends in Watford for some time, returned home on Saturday.

Mr. Bert Frank has returned to Detroit to resume his studies at the Detroit College of Medicine.

BELMONT.

Belmont, Sept. 28.—A unique fruit social was held in the basement of Knox Church last evening, under the auspices of the H. Y. P. H. M. Rev. John Curry, pastor, presided. The quartet, Messrs. James and Frank Campbell, A. D. McCallum and Vida Campbell, was artistically rendered. Solos were given by Rev. W. Quance, Mrs. (Dr.) Meldrum and Miss Edith Hughes. Stringed instruments were delivered by Rev. W. Quance and Wm. Cousins.

George Willis shipped a carload of prime steers on Monday to the European market. W. A. Willis accompanied the consignment to Montreal.

Rev. H. J. Warren, M. A., of St. Thomas, conducted anniversary services in the Methodist Church last Sabbath. The offerings of the congregations totaled \$60.

The annual thanksgiving services in connection with St. George's Church, Belmont, will be held on Sunday evening, Oct. 9, at 7, and in St. Peter's Church, Dorchester Station, the same day, at 2:30 p.m. A sermon suitable to the occasion will be preached by Rev. J. T. Eyles, of London.

Rev. Canon Richardson, of Memorial Church, London, will give an address in St. Peter's Church, Dorchester Station, on Thursday evening, Oct. 6, at 8. The public are cordially invited to attend.

The communion of the Lord's Supper will be celebrated in Knox Church next Sunday. Preparatory services are being held this week by the pastor, Mr. H. J. Warren, of St. George's.

W. H. Odell will ship a carload of stockers for the Buffalo market Friday, and one valuable horse.

LAMBETH.

Lambeth, Sept. 28.—Mr. and Mrs. Walter Jordan, of St. Thomas; Constable Wm. Sadler, of Byron avenue, South London; Mr. and Mrs. H. Elledge and Mrs. Elledge, sen., of Delaware, spent Sunday at St. Sadler's.

Mr. M. Vandellinder, of Chicago, spent Sunday at his old home.

Mrs. Baker, of Littlewood, is visiting her daughter, Mrs. Geo. Vandellinder.

Quance Bros., under the carpenter-ship of Art Adams, of Scottdale, raised their barn on Tuesday evening by the light of the moon.

Messrs. G. Bogue and J. Doyle are exhibiting poultry, grain, etc., in Wallaceburg today.

Miss Edith Ryckman is entertaining cousins from Cleveland.

Mr. and Mrs. M. Vandellinder intend visiting their son in Chicago. They leave tomorrow.

KOMOKA.

Komoka, Sept. 28.—Last Saturday evening Mr. and Mrs. John A. McKellar celebrated the 25th anniversary of their wedding. There were 40 invited guests present from all quarters.

Mrs. McKellar's genial manners and the way she was attired gave her every advantage of a newly-married woman, while Mr. McKellar appeared to have just passed through the ordeal. The table in the sitting-room was laden with many costly presents and silverware, while the large table in the dining-room was covered with every kind of eatables and fruit imaginable, of which everybody partook. The evening was altogether a most enjoyable one; a good programme was given by some of the male members of the party, while some of the fair sex sang some of their old favorites. The evening was closed by singing the old familiar hymn, "God be with you till we meet again."

Auctioneer Wellsman has quite a stock of stuff stowed away in his store-room for Monday's sale. Mr. Wellsman thinks there are good prospects ahead this year.

Mrs. Keene, of Detroit, is home on a visit to her parents, Mr. and Mrs. J. Mathieson, of this place.

Mr. David McDougall and his bride returned home from their honeymoon trip last Monday evening.

Mr. P. McKellar, who has been in the mounted police force in the Northwest for a number of years, and who went out to the Klondike with the detachment of mounted police, is home on a visit to his relatives and friends in this place. According to reports he has amassed quite a fortune while in the golden region. Mr. McKellar intends to return in the spring.

MOTORMEN AND CONDUCTORS.

Wisely Pin Their Faith Firmly to Dodd's Kidney Pills.

Toronto, Sept. 28.—The motormen and the conductors in the Toronto Street Railway Company's employ are a most intelligent, shrewd and respectable body of men. It is no easy task to impose upon them in any way, and when these facts are considered, it will at once be seen that the evidence of these men, regarding the wonderful efficacy of Dodd's Kidney Pills, must carry the very greatest weight. A great many of them have been cured of Kidney Disease by Dodd's Kidney Pills, after all other medical efforts had failed. There is no wonder the boys pin their faith so firmly to "Dodd's."

Remember the Fly

When you cool a drawing of Monsoon Indo-Ceylon Tea you do not lose its zestful relish and delicious aromatic strength. These came with the sap in the leaf --and they are wholesome. In artificially flavored teas, the chemical scents, released with the boiling water --decompose when the drawing grows cool--and then it's rank.



ARKONA.

Arkona, Sept. 28.—Mr. G. Finley and wife moved to Watford on Tuesday.

Mr. J. Sadler has moved into the home vacated by Mr. Finley, and will now carry on the harness shop as well as the barber business.

Mr. W. Bell and wife, of Forest, visited Arkona friends on Tuesday.

Mr. D. Love and family moved to Strathroy on Tuesday.

The harvest home in connection with the M. E. Church was well attended, the receipts amounting to over \$40.

Owing to another engagement, the Rev. A. J. Snyder did not attend the harvest home, as advertised.

Miss Ada Hooper wheeled to Watford on Monday.

Mr. A. P. Campbell, of Upper Sandusky, Ohio, who has been visiting his cousins, the Misses Gertrude and Ada Hooper, for some time past, has returned to his home.

Miss Lettie Ott, of friends in Sarnia for the past few weeks, returned home this week.

T. K. Pool, of Theford, visited town on Tuesday.

S. P. Brown, proprietor of the Bertram cheese factory, secured first prize at the county fair, held at Watford. This speaks well for Mr. Brown's skill as a cheesemaker.

Mr. Johnson, of Widder, will erect a sawmill on the property lately purchased from Mr. Russell for that purpose.

A. E. Augustine will move his jewelry business from Kells' block into that of J. Jackson.

F. Thorpe expects to move his barber shop from the present stand into that being vacated by A. E. Augustine.

Quite a number of our townspeople will attend the Parkhill, Theford and Forest fairs.

Mrs. Rhodes and daughter, of Toronto, were the guests of Mr. Showler last week.

Mr. G. Ott is busy shipping grapes as a present.

Wedding bells ring for one of Arkona's fair on Wednesday.

The trustees of school sections Nos. 16 and 20 of Bosanquet and Warwick have, after a month's hesitation, accepted Mr. G. W. Logan's resignation. He leaves on the 1st of October to attend the medical college in Sarnia. During his sojourn among us Mr. Logan has won many warm friends, and his loss will be felt, both in the school and section. His friends join in wishing him every success in his new studies. Mr. C. Bluet, of Hamilton, has been secured to fill the vacancy.

AN EX-U. S. CONSUL'S TRIBUTE

To Dr. Fowler's Extract of Wild Strawberry.

There is scarcely any remedy anywhere that has received such heartfelt praise from all over the land as Dr. Fowler's Extract of Wild Strawberry. Steadily, year by year, for over forty years now it has grown in public favor solely on its merits, and is today without a peer for the cure of Diarrhoea, Dysentery, Summer Complaint, Cramps, Colic, Cholera, and all bowels trouble of children and adults.

The following letter from Mr. Edward Young, formerly consul at Windsor, N. S., speaks for itself:

207 Maryland Ave., N. E., Washington, D. C., Jan. 3, 1898.

Messrs. T. Milburn & Co., Toronto.

Gentlemen.—Since my return to this city from Windsor, N. S., where I was U. S. consul for eleven years, I am unable to obtain from our druggist Dr. Fowler's Extract of Wild Strawberry, which myself and family prize so much. I always kept it in the house when at Windsor ready to use when I had anything that disagreed with me.

Please advise me where I can obtain it here, as I do not know of any medicine so useful as this.

Respectfully yours, (Signed) Edward Young.

A DINNER PILL.—Many persons suffer excruciating agony after partaking of a hearty dinner. The food partaken of is like a ball of lead upon the stomach, and instead of being a healthy nutriment, it becomes a poison to the system. Dr. Carmelee's Vegetable Pills are wonderful correctives of such troubles. They correct acidity, open the secretions and convey the food partaken of into healthy nutriment. They are just the medicine to take if troubled with indigestion.

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