

The Chatham Daily Planet.

VOL. X.

CHATHAM, ONT., WEDNESDAY OCTOBER 30, 1901

NO. 286

W. B. W. B. W. B.

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TWO FREIGHTS IN COLLISION

Ugly Wreck on the Lake Erie Railroad at Fargo Last Evening.

Fortunately no one was injured—The Auxiliary Train From Chatham—Main Line Clear.

About 7.25 last evening an ugly smash-up occurred on the L. E. & D. R. R. at Fargo just south of the M. C. R. and L. E. & D. R. junction.

At the point of the accident two switches converge with the main track about 150 yards below the junction depot. It appears that a working train was operating on the switch and had not cleared the main track when a way freight, coming along on the through line, collided with it and wreck resulted. Both trains were moving southward and the engine of the way freight struck the cars of the switching train. Two of these were thrown clear of the track into the ditch, one being turned completely over and another badly demolished. The engine was also seriously broken up and jumped the track.

The news of the accident was at once telegraphed to Chatham and instant preparations made for manning and equipping an auxiliary.

At 9.10 the auxiliary left: the round-house with several scores of men and full equipment. With the wrecking hands were L. E. Tillson, local passenger agent; Stuart Austin, mechanical superintendent of the road; Harry Morris, roadmaster, and a representative of The Planet.

MR. AUSTIN INJURED.

Just prior to the departure of the auxiliary Mechanical Supt. Austin sustained a very painful injury. He was assisting in the removal of a heavy truck of baggage at the G. T. R. junction and slipped; the wheel of the truck passing over his right foot. He was assisted into the waiting room at the junction and Roadmaster Morris undertook the duties of physician. The foot was found to be badly crushed and bleeding, the nails of two toes being torn away. It was carefully bathed and bandaged by the impromptu doctor, and Mr. Austin pluckily decided to accompany the auxiliary although suffering considerable pain.

A BAD MESS.

On the arrival of the auxiliary at Fargo it was seen that many hours' labor awaited the workmen. The big engine, No. 34, which had jumped the track, lay obstructing the main line. She was in a very badly derelict condition. The cow-catcher was torn away and the front of the locomotive badly stove in. The wheels had ploughed into the embankment and only the fact that the engine was of more than ordinary size and weight prevented her going entirely over. Fortunately no explosion took place.

MIRACULOUS ESCAPE.

The escape of Engineer Wm. Easton and Foreman Arthur Kennedy, who were on the locomotive at the time, was little short of miraculous. Both received terrible shocks by the collision and the jumping of the track, but both stuck pluckily to the engine until she reached a standstill.

The freight cars on the working train, with which she collided, were badly demolished and thrown hither and thither. No one, however, was injured.

WRECK CREWS AT WORK.

With commendable promptness and system the wreck crews went at once to work on their long task and by eight o'clock this morning the main track was reported clear.

The passenger train from London, drawn by Engineer David Burwell, reached the scene shortly after nine o'clock last night to find the line blocked. The railroad had, however, made every preparation for the convenience of passengers and it was met on the northern side of the wreck by a special drawn by Engineer Michael Mennion, which, after transfer, conveyed passengers, express and baggage promptly to Chatham, so that very little delay was encountered.

HOW IT OCCURRED.

The reports current that the accident occurred by some defect in the switch are altogether without foundation. The switch overlaps the main line at the point of collision and the shunting way freight was not anticipating the approach of the working train for some time. The switches were in perfect order and both trains had the right of way on their respective lines.

TENDERS.

Will be received by the undersigned at the City Clerk's office, up to 4 o'clock p. m., of Monday, the 4th day of November, 1901, for that parcel or strip of land (about 12 feet in width) situated on the north side of King Street, between the Henry Poole Block and the store of Massey & Knight, being composed of the easterly part of Lot Letter Y.

The lowest or any tender not necessarily accepted.

W. G. MERRITT, City Clerk.

RICE COMES BEFORE JURY

Last of the Notorious Trio of Desperadoes Charged with Murder.

Will Give Evidence on his own Behalf—Legal Technicality May Arise.

Toronto, Oct. 30.—Fred Lee Rice, the last of the Rutledge band of burglars, will be placed on trial for his life before Chief Justice Falconbridge in the assizes to-day. Of the three men who led the association of criminals who have been known to police officers as the "Rutledge gang," and the "College crowd," Rice alone is left. Rutledge, the organizer of the band and the man who planned the raid which promised so well upon Canadian banks and custom houses, in desperation took his own life and Jones was killed in the affray in which the crime that Rice has to answer for was committed. The youngest and most inexperienced of the three desperadoes has to-day to face the most terrible ordeal of all, trial for murder, with the result a practically foregone conclusion.

Rice, however, is not at all cast down over the prospect before him. He has relatives fairly wealthy who have arranged that his defense shall not be weakened by lack of funds, and the young man himself will give evidence in his own behalf. He will plead "not guilty" to the charge of murder and the onus of proving that he and not the other two men, now dead, who occupied the cab with him on June 4, the day that Constable Boyd was killed, fired the fatal shot, will be placed on the crown. It will be admitted by T. C. Robinette, the counsel for the young prisoner, that Rice sat in the carriage directly opposite to Boyd, that he alone had his right arm free and that the bullet that killed Boyd might naturally be expected to have come from his pistol, but Rice will swear that Boyd was murdered by Rutledge and that he was ignorant of the plan of escape until he was ordered to run from the back by his companions. In support of this story Mr. Robinette will call seven other witnesses, but the case for the defense, of course, will centre in the testimony of Rice. The story will be flatly denied, it is believed, by Constable Walter Stewart, who was in the back when the tragedy occurred. Hugh Guthrie, of Guelph, will be the crown prosecutor.

There has been some talk of a legal argument upon the procedure of placing Rice upon trial upon a charge of murder while he is undergoing another sentence. This argument is expected only in the event of a verdict adverse to the prisoner, which the counsel for the defense last night declared that he did not expect. Although the contention may have some weight, it is scarcely expected that it will prevail. The case is somewhat different from that of a convict who has killed a prison guard, while serving a sentence. In this case Rice is charged with the commission of a crime committed while he was in the eyes of the law an innocent man, and after which the alleged crime he was sentenced to a term of imprisonment for another offence. The argument of course will be that he cannot receive sentence for one crime until he has served his time for the other.

The assizes were opened Monday, and Chief Justice Falconbridge appeared clad in the robe worn by justices of the Court of Oyer and Terminer previous to the year 1877 and omitted since. Since that time the judges have worn the black silk robe of the King's counsellors but the judges having decided to revive the old custom, the chief justice reintroduced the practice yesterday. The robe worn by him was of dark purple, with a heavy drab hood, cuffs and collar, the latter being worn beneath the usual white collar and pendants. His lordship charged the grand jury as to the cases on the docket and true bills are expected this morning.

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WON HONORS IN LONDON.

An excellent song recital was given in the First Presbyterian church last evening by Mrs. John Cooper, nee Miss May Lillywhite, and Mr. Wm. H. Brackin, both of Chatham, assisted by Mr. A. Caven Barron, at the organ. The audience was large and the program of such an artistic character that it was unfortunately altogether too brief. Mrs. Cooper, who is a great favorite with London audiences, was in excellent voice and mood, and the audience exhibited the keenest delight for she never sang more sweetly and effectively. Her pronunciation was delightful, free from all affectation, and one could hear the whole musical poem with the greatest satisfaction. Mr. Brackin is a tenor of great power and sweetness—a young gentleman who sings with clearness of intonation, with the fervor of a tenor robusto, and withal intensely musical. His efforts were also thoroughly enjoyed, especially in the duet "The Wings of the Dove" and "Hosanna." Mr. Barron played on the organ in a delightful manner. The selections chosen were with the view of showing the organ to advantage, since the instrument has been refurnished. Mr. Barron certainly is a very clever organist and musician.—London Free Press.

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The "ARK" H. McAulay