IN THE MURPHY ASSAULT CASE

The Jury Could Not Agree on a Verdict.

A Burglar's "Billy" Figures in the Proceedings-Accused Bailed to Appear at Next Court.

WEDNESDAY AFTERNOON. The June county sessions of the peace resumed in the afternoon at 1:45, Judge William Elliot presiding. The assault case against Scott and Castle occupied the whole afternoon.

The grand jury brought in no bill against John Stanfield, an East End youth charged with having assaulted a special constable in the employ of

the street railway company. James Murphy, complainant in the case against John Scott and Charles Castle, swore that he went to the car stables on the day the assault is alleged to have taken place, May 24. Murphy said he was walking down Lyle street, in company with three other men, when the defendants, who were standing in the doorway of Maker's livery stable, called him 'seab," and other names. He left the other three men at the corner of Dundas and Adelaide, when Castle came up behind him and struck him a nasty blow on the back of the head. Castle again hit complainant on the face and also on the body. Complainant had a headache for some days from the effect of the blows. Somebody called 'Police!" and the defendants started off at a lively clip, north, on Adelaide street. Policemen Johnston and Egleton went after them.

Judd, cross-examining-How many times have you been up at police

Mr. Murphy-I cannot tell you. Mr. Judd-What charges have you been up for?

Mr. Murphy-For hanging around the streets. Mr. Judd-Why were you laid off from the street railway company for a month at New Year's? Murphy refused to answer this ques-

Mr. Judd--You were a member of the union at last strike?

Mr. Murphy-Yes. sir. Mr. Judd-Did you ever give these

men any cause to trouble you?
Mr. Murphy—No, sir. Mr. Judd-Do you ever use foul language? Mr. Murphy-Not very often,

Mr. Judd, at this point, produced a billy," loaded with lead and a ball on the end, and showed it to the Mr. Judd-Murphy, did you have this

burglar's instrument with you on the morning of the assault? Mr. Murphy-Yes. sir.

Mr. Judd-Did you flourish it in your

Mr. Murphy—Yes, sir. Mr. Judd—Why did you have this

Mr. Murphy-To protect myself. Oliver Pannell sworn, said that both men had called "scab" after he and Murphy, in company with two nonunion men named Dawson and Reeder passed. Witness saw Castle and Scott following Murphy down Adelaide street, and then lost sight of them. Cross-examined, witness said ther

were four or five men in front of Maker's livery, but he only took notice Castle and Scott. John Reeder swore to about the same story as the previous witness.

Cross-examined, witness said he saw the men running, and thought they

were after Murphy.
Mr. Judd-Why didn't you go to
Murphy's assistance? do Mr. Reeder-Had no reason to

Detective Egleton sworn, that he saw the defendants on Lyle street. Constable Johnston and he were standing on the corner of Elizabeth and Dundas streets, and Castle and Scott were standing close by. He heard defendants call "scab" after the four non-union men. When Scott and Castle disappeared on Adelaide street, he, in company with P. C. Johnston, started to run in that direction. He saw Murphy standing at the edge of the sidewalk Castle and Scott were standing facing Murphy. When they saw him (Egleton) coming the defendants took to their heels. Policeman Johnston jumped on a wheel and

went after Castle, and captured him at the corner of Princess avenue and William street. Scott was arrested

the following day. Cross-examined, witness said he did not see the alleged assault. He heard no actual threats made. Constable Johnston, sworn, saw the defendants on the morning of May 24, at about 9:40. He was in company with Detective Egleton. He had chas-ed and captured Castle, who offered

cross-examined, witness said all he heard the defendants say was, "I have no use for these — scabs."

Mr. Meredith—How far were you from the men when this remark was made?

P. C. Johnston-About twelve feet. Mr. Meredith-Could you swear that one of these men made this remark? P. C. Johnston-I cannot. Mr. Meredith-Did you take any

names of persons who saw the alleged assault? P. C. Johnston-I did not. Mr. Meredith—And why not?
P. C. Johnston—I did not think it

This closed the case for the crown.

THE DEFENSE.

George Castle, one of the defendants, sworn, said he had lived in London for over twenty years. He was employed by the M. C. R. as a teamster. He had never been charged with any offense in the police court. He was married and had one child. He, in company with Scott, had gone to Dreaney's livery to hire a horse, but all the horses were out, so they proceeded to Maker's livery on Lyle street, to try and procure a rig. He saw the complainant Murphy pass, but said nothing whatever to him. Mr. Judd-Did anyone cry "scab"

after Murphy?
Mr. Castle-I believe the crowd did. Mr. Judd-Did you go up Adelaide street with the intention of following

Mr. Castle-No, sir. Mr. Judd-Were you in any way connected with the street railway company?

Mr. Castle—No, sir, in no way. Mr. Judd—Did you strike Murphy? Mr. Castle-I never raised a hand to

Mr. Judd-What did Murphy when you got up to him? Mr. Castle-He drew a loaded billy, and smashed at Scott and hit him

Mr. Judd-What did Scott do? Mr. Castle—He struck at Murphy, who continued to flourish this leaden

Cross-examined, defendant told the same story in every particular. The leason he ran was that numerous oth-

er persons had scattered and ran. John Scott, the other defendant, sworn, stated that he worked on the M. C. R. He had lived in London three years. Previous to that he had been a farmer in Westminster township. He corroborated Castle's statement. (Scott) was a married man with one child, and lived on Dufferin avenue. He had only used the word "scab" once that day, and did not assault Murphy. Cross-examined, defendant swore he had used no obscene language to Murphy. His evidence was not shaken.

Charles Eggett, an East End youth, employed at Leonard's boiler shop, swore he saw Castle and Scott on Dundas. Did not hear them call

'scab. Mr. Judd-Did you see Murphy turn down Adelaide street.

Witness-Yes, sir. Mr. Judd—Did you see Scott and Castle come up with Murphy?

Witness—Yes, sir.
Mr. Judd—Did either of defendants strike Murphy? Mr. Castle—No, sir.

Mr. Judd-You can positively swear Witness-Yes, sir. Mr. Judd-Did you see Murphy strike

Witness-I did, sir. Cross-examined, witness said there were about 15 or 20 people present when the police arrived. The reason he had gone to Adelaide street was that he had been standing with a num-ber of others at Dreaney's livery, when Mr. Dreaney told them to take a walk, as too large a crowd was con-gregating. He had seen the two defendants go into Dreaney's livery and enter the office. He had never been up at the police court. He did not know

the defendants personally.

Frederick Smith was with Eggett, and saw the defendants overtake Murphy. He saw Murphy draw his "billy" and hit at Scott. Smith corroborated the evidence of the previous witness.
Cross-examined, he stated that he
had not cried "scab." or in any way interfered with the non-union men. He saw defendants, and did not hear them cry anything after Murphy. Wm. McRoberts was with Eggett and

Smith. His story was practically the

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same as that of the two previous witnesses.

This closed the defense. Mr. Meredith, in addressing the jury, said the defendants were respectable citizens and were in respectable posi-If the men were convicted they would lose their positions, and their wives and children would suffer. How could a body of men convict a man on the evidence of a miscreant like Murphy? "Could it," be said," asked Mr. Meredith, "that an honest man would carry such a weapon as this loaded "billy?" Is it from the evidence of such a man that you would convict honest citizens? God help any man if he is convicted because he runs away. I admit it was not a prudent thing to do, but most people would do the same thing under the circumstances. The two defendants and three young men have all sworn that Murphy committed the assault. Can you take Murphy's word against these men? No corporation has any right to interfere with unions. God knows we need unions in these days of combines and trusts. Labor is continually being crushed. I say God help the men of the country if they cannot form unions in an endeavor to get fair

County Crown Attorney Magee said Murphy was a British subject, and was earning his honest day's pay. No one had a right to interfere with him. He thought Murphy was justified in carrying the loaded "billy," as he was afraid of bodily harm from strike sympathizers.

Judge Elliot, in charging the jury, said that people had no right to in-terfere with others who wanted to work. It was a piece of tyranny that men should prevent others from working because they refused to work themselves. The fact that the defendants had run away was the strongest kind of evidence that they were guilty. It was a cowardly and sheepish act.

The jury then retired to consider the

evidence, and after an hour's deliber-ation failed to agree. They stood nine for acquittal and three for conviction. The jury was discharged, and the accused were bailed to appear at the next court of competent jurisdiction.

THE FAKE POSTAL

Contents of Card Received by Magistrate Shliehauf.

[St. Thomas Journal.] The card received by J. C. Schlie-hauf, J.P., purporting to come from Mr. Duncan Bole, stating that he was busy planting potatoes at Sault Ste. Marie to attend the trial is said to have been the product of the St. Thomas fake factory. The card was posted in St. Thomas,

and reads as follows: "Sault Ste. Marie, 12-6-99. "Dear Sir,-Am busy hoeing corn, planting potatoes, and teaching Dutchmen how to escape the wrath to come. Do not think that I will be able to

> "Yours in Vaterland. "DUN COME BOLE."

BODIES FOUND AT LEAMINGTON. Leamington, Ont., June 15.— The bodies of a man and woman were discovered floating in Lake Erie near here yesterday morning. The body of the woman has been identified as that of Miss Hooper, of Kingsville, who, along with her sister, brother and two other young men, were drowned last October, while crossing to Pelee Island in a sailboat. The other body came ashore near Oxley, and had evidently been in There was nothe water a long time. thing by which to identify it.

Rev. W. F. Clarke has withdrawn his application for dismissal from the Congregational Union.

West Huron Election Case Adjourned to Toronto

For the Testimony of a Witness Named Linklater.

Voters Who Claim to Have Received Money-A Number of Charges Abandoned and Dismissed.

Goderich, June 15 .- The third day of the West Huron trial began yesterday at 9:30, and William Young, of the township of Colborne was the first witness. He was examined as to organization in his township, and gave the names of persons who went from there to be present at the nominating convention. At Smith's Hill he introduced one John Wilson to a stranger named Brown, who said he was working up the P. P. A.'s to vote for Gar-

Charles Stuart, of Colborne, and Thomas Elliott, said they had a drink of whisky with Brown in the latter's room. Both witnesses were Conservatives, and had voted before the drink. John Wilson, of Colborne, also had a Brown drink on election day, but was promised nothing for his vote.

Nathaniel Boggs, the hotelkeeper at

Smith's Hill, was the next witness. He remembered Brown staying at the hotel. Brown got no liquor on polling day, but some days before he did. He got a bottle one time, and he treated over the bar.

Mr. McPherson contended that an offense against section 170 of the elections act had been established, viz., the giving of intoxicating liquor in a tavern on polling day, and asked to have charge 33 amended by adding the name of Brown to that of Young.

Mr. Watson opposed this. When the court resumed after lunch there was some further argument, and the court then allowed the amendment asked for by Mr. McPherson, with leave

to the respondent to give further evidence. Mr. Garrow was then called as a witness on his own behalf, and denied any

personal knowledge of Brown. He said he understood now that Brown was simply to canvass P. P. A. votes. Judgment was reserved upon the

question of the effect of the evidence as establishing an offense against section 170 subject to the right of respondent to give further evidence.

NOT PROVEN.

George Jardine, of Goderich, said he voted at the election. Proudfoot asked him to vote for Garrow. Witness said he did not know. Proudfoot asked him to go over to the British Exchange Hotel in Goderich and wait, which witness did. Proudfoot came in presently with a stranger. Witness went into a room with the stranger, who handed him \$2 and asked him to vote for Garrow. Witness afterwards voted.

Mr. Proudfoot was called in answer to the evidence. His account of the matter was that Jardine spoke to him and asked for money for his vote. Mr. Proudfoot said: "We have no money, and turned away. That was the whole conversation. Did not ask Jardine to go to the British Hotel, and did not see Jardine at the hotel; did not see a stranger speak to Jardine at the hotel; it was not true that, directly or indi-rectly, he had to do with buying Jar-

The court held that this charge was not proven. Four more charges were dismissed in quick succession, no corruption be-

ing proven.

Mr. M. C. Cameron, barrister, Goderich, said he spoke in the riding at Mr. Garrow's request. He was introduced to Capt. Sullivan, whose photograph he recognized. Witness had graph he recognized. Witness had never contributed to "Club Blazes" or the "Sons of Rest," and was never in their rooms. He went to the club on polling day, without going inside, and asked some of the members to vote for

Peter Wylie, Joseph McMillan, Mur-doch McGuire and Donald McPhail, members of the club, all denied having received any inducements to vote.

The club charge was therefore dismissed. Charge 34 was also dismissed and charges 35, 36, 37, 38, 39, 40, and 41 were abandoned. Charges 43, 44 and 45 were likewise thrown out. Alfred Marriott, of Wingham, voted

at the election. Before the election a man knocked at witness' door about 2 o'clock in the morning. The man showed something in his hand when he opened the door and told him to vote for Garrow. Never saw the man before or since. It was a \$2 bill he left. Someone was standing out in the street.

Witness kept the money.
Cross-examined, witness said he made no promise, and this did not influence

John Rogers, a Wingham voter, was at the Queen's Hotel at Wingham on the night of the 6th of December, and met John T. Linklater, who told him to stand at the back door. He went there, and a stranger stepped up, with whom he went out to the shed. The stranger gave him a \$2 bill and told him not to forget Garrow. Did not know the man at all, but gave a description of him and recognized a photograph.

Cross-examined, witness said that Linklater said nothing about the elec-

tion. Thomas E. Gray, of Wingham, an engine driver, said that on, the night of the 6th of December, about 9 o'clock, he met Walter Vanstone on the street. Vanstone asked which viay he would vote. Witness said he would vote for Beck unless he got money. Vanstone said he would meet witness between 1 and 2 o'clock at his oven house and satisfy him, but he did not do so. Cross-examined, the witness said he

was joking. He would not have taken the money. He did not get any money in the election. John McLeod, of Wingham, met Linklater before the election about 9 o'clock in the evening. Linklater said nothing about the election, but told him to meet a man in the street at a

certain place, which witness did. The man gave witness \$2 and told him to vote for Garrow. He did not see the man well, and could not recognize a picture.

Cross-examined, witness admitted that he was sworn at the poll. He said he did not receive the \$2 for his vote, for "it never changed his vote any." A number of charges were then dis-

missed or abandoned. Mr. McPherson contended that the payment of Mr. Guthrie's expenses was illegal practice which would affect the result. Judgment reserved as to this

The evidence was then concluded, with the exception of that of Linklater, which is to be taken in Toronto next Saturday at 10 a.m. The court then hear any application that may be made.

JOTTINGS FROM NEAR-BY PLACES

LAKE SHORE.

Lake Shore, Bosanquet, June 13. . The hospitality of the Baptists of Forest and vicinity during the Middlesex and Lambton Association, held there this past week, is beyond praise. The utmost goodwill prevailed. Friends of other denominations seemed to enjoy the services, and refreshments were served in the curling rink. We noticed several Methodists assisting about serving refreshments, and others helping to dispose of them. Meals and accommodation were provided free to all who attended the meetings.

THAMESFORD.

Thamesford, June 12,-An enthusiastic barn raising occurred on Saturday, June 10, at the premises of Mr. Alexander Kerr, when 130 men and 43 ladies participated. The structure is 45 feet wide, 70 feet in length, with 16 feet posts, lying upon a stone wall 8 feet high, equipped with all the new appliances. Thompson Brellen had the contract for masonry. The men were divided, one-half under James McCorqudale and the other under Wm. Hossack, with Daniel Ross, framer and builder, master of ceremonies. An error having occurred, the race at one stage was declared practically off, when the detachments moved placidly forward toward completion at an early hour. The menu was excellent, and East Nissouri belles, to the number of 43, graced the proceedings. Athletic sports, music and songs abounded.
Mr. Grey, of Seaforth, and his bonny bride were kirked in St. Andrew's Church on Sabbath.

Miss Maud Cawthorpe, of Iowa, is resuperating at her parental home.

Miss Jennie Calvert, of Banner, was hurt on Saturday while returning from the demonstration at Ingersoll, When opposite the premises of Mr. Bailey a fast driver, who was also returning from Ingersoll, collided with the rig in which were Mrs. Calvert, Nesbit Calvert, aged 10 years, and Miss Jennie Calvert, hurling them into the ditch. Mr. Bailey hastened to the assistance of the party, while the sistance of the party, while the Thamesford aggressor continued his journey. Miss Calvert was brought here, and Dr. Williams found several of her ribs were broken. Mrs. Calvert and son sustained a seven shading up and son sustained a severe shaking up.
The vehicle was badly wrecked.

EXETER

Sad Death of Miss Monteith-Gardening Pays-Preparing for July 12.

Exeter, June 14.—The sad news comes of the sudden death of Miss Mon-teith, daughter of Robert Mon-teith, Thames road. Miss Monteith was a most highly respected young lady, beloved by all who knew her. Death was caused from drowning in a cistern. The entire community ex-tend their sympathy to the parents in their sudden and sad bereavement.

The remains of Miss Kestle, who died at Teetersville, were brought to

Exeter on Monday and laid to rest in the Essex burial ground. Miss Kestle passed away at the early age of 15 Another old settler, Mr. Isaac Whit-

lock, of Usborne township, passed to the great beyond. He had attained the advanced age of 70 years. As a neighbor he was kind, as a farmer he was thrifty, and most highly respected by The teachers, officers and scholars

of the Trivitt Memorial Sunday school are preparing for their annual festival, which will be held on the church lawn, on Friday evening, June 23. Something in the way of a lawn social, with ice cream and refreshments will be the order of the festival.

Mr. B. B. Tomlinson, of Detroit, Mich., called on friends in Exeter on Tuesday while en route to Goderich on a "bike." Mr. Tomlinson is tak-ing a week's holiday in this way, after which he goes to St. Louis, Mo., where he will oversee the establishing of an extensive factory for the manufacture of a valuable patent.

A number of officers, teachers and

scholars of the Trivitt Memorial Sun-day school attended the annual Sun-day school convention of the Deanery of Huron, at Hensall, on Wednesday. Mrs. C. Senior, of Blenheim, is still lying very ill at the residence of her son, J. Senior.

Mr. Frank Willis, who went to Blenheim to take charge of a photo gallery, is home again. Mr. Willis is un-

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For headache (whether sick or nervous), for headache (whether sick of hervous), toothache, neuralgia, rheumatism, lumbago, pains and weakness in the back, spine or kidneys, pains around the liver, pleurisy, swelling of the joints and pains of all kinds, the application of Radway's iteady Relief will afford immediate ease, and its continued use for a few days effect a permanent cure.

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Internally—A half to a teaspoonful in half a tumbler of water will in a few minutes cure Cramps, Spasms, Sour Stomach, Nausea, Vomiting, Heartburn, Nervousness, Sleeplessness, Sick Headache, Flatulency and all internal pains

SOME TESTIMONIALS.

Messrs. Radway & Co.—Gentlemen: I have been a great sufferer from neuralgia. I give thanks to your good remedy, which has effected a permanent cure in my case. Henceforth our house shall never be without your valuable medicine, Radway's Ready Relief. You have my permission to publish this letter. Gratefully yours.

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Justice of the Peace, Melbourne, Ont., Canada, April 28, 1899. April 28, 1899.

April 28, 1899.

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settle. Exeter, we hope.

The rain on Tuesday evening was a most refreshing one, indeed. Vegetation was much benefited thereby. We are pleased to state that the loss on stock sustained by Rollins & Stewart, through the recent fire at Cataract, is covered by insurance. Negotiations on the burned mill had not

been closed by them at time of firefortunately for them. An old-fashioned "raising" took place on Wm. Penhale's farm, about twelve miles west of Exeter, Saturday, which resulted in a frame work ready for one of the finest bank barns in this section. Mr. R. N. Creeck, teacher, did the "yo-heave" act to the

entire satisfaction of both captains and Mr. George Manson, who takes some pride as an amateur gardener, has proven that the home garden pays when properly cared for. Besides attending his boot and shoe store, and doing repairing, he has sold nearly 150 boxes of tomatoes, as well as a number of cabbage and celery plants. Last year Mr. Manson cleared nearly \$50 from products of his garden, besides having abundance for family use. Who says a garden does not pay?

Twelfth of July next will be a memorable one in the history of Exeter. Very extended preparations are being considered to accommodate the visiting Orangemen throughout the country. Between the hotels, restaurants and private booths there will be enough menu for everybody.

Mr. John McInnis, who was prostrat-

ed from an attack of paralysis on Monday morning last, has not yet fully recovered.

Judging from the numerous loads of wool being hauled to the Exeter woolen mills one would imagine that that institution was receiving its full quota

Steamship Arrivals.

of patronage.

Steamship Arrivals.

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