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ELEVENTH YEAR. THURSDAY MORNING, SEPTEMBER 25. 1890. ONE CENT.

SIGNS OF THE STRAIN.

Birchall Beginning to Grow Extremely Anxious,

STIRRING DAY AT WOODSTOCK.

After His Removal to the Jail in the Evening He Appears Down-hearted and Reserved—An Outline of What the Defence Will Probably be—An Expert in Writing Identifies a Tell-Tale Telegram as Having Been Sent by the Accused to Himself—Chief Tom Young's Story of the Arrest—A Graphic Chapter of Court Scenes.

WOODSTOCK, Sept. 24.—Birchall has at last begun to show signs, if not of actual distress, then of deep interest in the proceedings which are going on around him. This was certainly noticeable in his demeanor all through to-day's proceedings, which grow interesting as they progress. It can hardly be said that there were any visible signs of weakening on the part of this remarkable prisoner, placed in the awful position that he is, but he certainly has developed a very lively and keen interest in the doings in the court.

Two or three hours after he was removed to jail to-night, however, he began to appear quite down-hearted, and was noticeably reserved in his communication with the officials at the prison. The strain is at last telling on the nervy prisoner.

For the first time since the trial began he to-day riveted his eyes on the witnesses as they were called up one by one. The doctors' testimony especially, and that relating to the weather of the week in which the murder was committed, he followed closely. He did not smile much to-day, or do any sketching while in the box, but instead made what appeared to be copious notes of the testimony given, and frequently sent memoranda over to his lawyers, or beckoned Mr. McKay or Mr. MacMurchy to give them points for Mr. Blackstock. When the court adjourned at 6 o'clock he had in his hands a dozen or so sheets of paper on which he had jotted down his memoranda. At times his pale face became overcast with anxiety. At none of the preliminary examinations which took place at Niagara Falls did the accused show any of the apparent concern which he did to-day. This was generally remarked during the sitting of the court. Neither Mrs. Birchall nor her sister, Mrs. West-Jones, came near the courtroom to-day, nor is it likely that they would have put in an appearance yesterday out that Mrs. Birchall had to appear to hear the final disposition of her own case. This absence of the wife and sister-in-law of the accused causes not a little speculation as to its real meaning.

One of the new points brought out to-day was the identification of the message signed "Stafford," sent from Buffalo on Feb. 21 to Birchall at Niagara Falls, as being in prisoner's handwriting. The receipt of the message was proved by Manager Burnett of the Great Northwestern Telegraph Company, and Expert Odes swore positively that the message was in prisoner's handwriting.

The Line of Defence.

At last the defence are beginning to show signs of what their final contention will be. I think that I can state it to the readers of The World this morning, although a tack may be made at any stage. Up to the present time there has been no mention of an alibi, but Mr. Blackstock, from a question asked of a witness to-day, apparently had that in his mind. The defence, then, will probably be this: The presence of Birchall at Eastwood on Monday, Feb. 17 last, in face of the strong evidence to be presented under that head, will be admitted. That Benwell was with him will also probably not be denied. That the two men separated at or near E stwood. That Birchall returned to Niagara Falls alone. That he and Benwell may have agreed, because of the latter being dissatisfied with his prospects in Canada, to separate. That Benwell set out on his own hook and fell in with his murderer or murderers, who after killing him started to carry his body to Mud Lake, in rear of the swamp, but being unable to trudge through the thick underbrush to the dark and dismal waters of the lake, where it was to be thrown in, deposited it in the swamp where it was found. That Benwell was murdered after Monday, the day he separated from Birchall, and this being the case the presence of frozen sleet and ice in his coat sleeve can easily be accounted for by the storms which prevailed in the neighborhood not only on the Monday night but on subsequent days and nights of that week.

This presumably will be the general outline of the defence, but certain other contentions will no doubt be strongly argued.

The crown, of course, is fully prepared to meet these theories, to substantiate which it has already presented some very damning evidence, with much more to follow.

It may happen, too, that Mr. Blackstock will attack in the most approved fashion the testimony of the witnesses who will attempt to identify Birchall and Benwell on the Grand Trunk train on that fatal Monday and his presence on the railway platform at Eastwood. Miss Allie Smith is the crown's strongest witness as to the identification at the Eastwood station. This young lady is kept well out of the way at the O'Neill House, only being visible to the naked eye during meal time. The letter written by Birchall to Benwell's father on Feb. 21, which has already been printed in The World, is one of the crown's strongest points as to the object of getting the young man out of the way. As one of the crown lawyers remarked: "There is murder in that document if ever there was in anything in the shape of writing."

The crown to-morrow will probably begin by trying to prove the journey from Buffalo to Eastwood and to the fatal swamp made by Birchall and Benwell on Monday, Feb. 17. Mr. Osler will endeavor to trace this step by step by ticket agents, train hands and other witnesses, and then Birchall's return journey from Eastwood to Niagara Falls, when the message to Felly was received by Operator Phemister at Niagara Falls at 7.44 p.m. The cross-examination of Miss Fallon and Miss Smith by Mr. Blackstock will probably be the most exciting scene in the whole trial.

Four Hundred Fair Ones.

Of course the interest in this remarkable trial grows apace. Visitors are flocking to Woodstock in large numbers. Among the visitors at the court to-day were Mr. John B. Freeman, M.L.A., North Norfolk, and Sheriff McKim of Wellington.

So many prominent ladies of Woodstock having attended court on Monday and yesterday, the desire of the average maid and matron of the town to gain admission to the room has become almost universal. At the afternoon sitting of the court the room was almost entirely filled with ladies, young, old and middle-aged. There were nearly four hundred of them in the room. Even male ticket-holders were refused admission, to accommodate the fair visitors. If this preference continues, which it is likely to do, there will be a very poor show for any but the lawyers, the ladies and the reporters, whose numbers have now swelled to about forty.

There is little prospect that the trial will end this week, although the progress made this afternoon was very considerable. Mr. Justice MacMahon is much opposed to delays or disturbances of any kind, and he firmly insists on keeping the ball rolling for the seven or so hours that the court sits daily. The number of crown witnesses is variously stated at 75 to 120, but it is known that several of these, whatever be their number, are merely held in reserve. For instance, it is now given out that Detective Murray, who has played such an important part in working up the crown's case, will not be put in the box at all. This may or may not be so. As for the witnesses for the defence I have not as yet seen or even heard of a single one. If there are any they are certainly being kept well under cover. The address of counsel will probably last considerably over a day.

A Spar With the Doctors.

The morning session was devoted to hearing the doctors who made the post mortem examination and their theories as to how long the body of Benwell had lain in the swamp before it was discovered about 11 o'clock on the morning of Friday, Feb. 21. Two of the medical men examined were Drs Oliver Taylor and C. R. Staples of Princeton. Mr. Taylor is a clerical-looking young physician. Both of these gentlemen, it seems, refused to give Mr. Hellmuth any information about the results of the post-mortem other than was submitted by them at the inquest at Princeton, although it was known to the defence that that statement had been very considerably amplified since and put in the possession of the crown. Therefore Mr. Blackstock, in his cross-examination, put both of these gentlemen through the roasting process, and he severely criticized the doctors for favoring the crown as to the real nature of the examination, after making a statement thereto on oath, at a previous examination, "behind the prisoner's back," as the learned counsel put it. Mr. Blackstock and Mr. Osler were just about getting into a wrangle on this point when His Lordship put a peremptory stop thereto. Mr. Osler, however, did not leave the incipient battlefield until he had declared that the defence were now refused access to any documents which the crown proposed to submit in the case. The drift of the crown in connection with the examination of the doctors was quite apparent. They evidently wish to prove that:

Benwell, being murdered on Monday, Feb. 17, lay in the swamp until the following Friday.

During Monday night there was a heavy sleet storm, followed on other days up to Friday with more sleet, rain, snow and cold weather.

The right arm of the body was so elevated when found that the sleeve of the mackintosh was filled with ice, which subsequently became so solidified that it took nearly 1½ hours to remove it.

That the crown evidently anticipates a witness for the defence who will swear that Benwell was seen alive after Monday, Feb. 17.

That if the body were not in the swamp on Monday night, during the aforesaid storm of sleet, that the coat sleeve would not have been filled with the frozen sleet found therein.

Therefore, that Benwell was really murdered during the Monday in question.

And the defence is evidently prepared to meet these contentions, as pointed out above.

What the Medical Men Say.

Dr. Taylor was the first witness. He told about visiting the swamp on the day on which the body was found, Feb. 21. Deceased was lying on his back, with the right arm elevated. The body was solidly frozen. Witness only remained a few minutes at the swamp. He next saw the remains in the undertaker's rooms at Princeton. The clothes were still on then: overcoat, undercoat, vest and pants. On the inside of the overcoat and between it and the undercoat and between the undercoat and the vest was a considerable amount of frozen snow and ice. The right coat sleeve was completely filled with the same substances, which were as thick as witness' hand. He saw the body next morning again. The face and hands were dark-colored. After being thawed out the color of the face was more natural. Witness thought the body had been in the swamp perhaps four days, possibly a little more. He described the discovery of the bullet wounds, one on the left side behind the ear, with inverted edges, and the other immediately behind the head. On the left side, too, were found about 40 grains of powder imbedded in the ear and side of the face. The hair above the wound was singed.

Mr. Osler placed the waterproof worn by Benwell on a constable and turned up the collar, exposing the bullet hole in the cloth. Witness said one of the wounds in the head corresponded in position to the spot which the hole in the coat-collar rested in the constable's head. The bruises on Benwell's body were caused either immediately before or within two hours after death, and might have been produced by a fall, a pinch or a blow. A body standing upright and falling upon an uneven surface would be likely to produce the marks. Dr. Taylor described the course of the bullets. One took a course upward and forward along the right side of the brain and dropped down alongside the skull in front. The second bullet journeyed upward and forward, passing through the central portion of the brain and lodging to the left of the centre of it. [The constable's head was utilized for the purpose of illustration.] The lower bullet, which passed through the medulla, must have been instantaneously fatal, but either was sufficient to cause death. Deceased could not have fired the shots himself. The only food found in the stomach of deceased consisted of several pieces of split peas, aggregating four or five peas in all. The doctor was returning home on Feb. 17 and described the weather. It commenced raining and freezing as it fell in the evening and continued until midnight, at which hour witness returned home. Next morning the ground was covered with ice.

To Mr. Blackstock witness stated that the body was frozen stiff, and that mortification had not set in in the slightest. Dr. Taylor then minutely detailed the course and location of the bullets. The condition of the body next came under review. Witness stated that with a dead body not frozen and exposed to the air decomposition is looked for on the third day, but of course all depended upon the weather. The Doctor stated that a small piece was missing from the ear; he thought it had been gnawed off. Witness said the body was that of a strong and vigorous young man, a man who was abundantly able to take care of himself in a scuffle.

An attempt was made, but unsuccessful, to shake the Doctor's testimony with respect to the sleet storm of Feb. 17.

Thought It Might Be Pickthall.

Dr. A. B. Welford, the swell young physician of Woodstock, was also examined at length as to the post mortem. It came out in his testimony that the right sleeve of Benwell's waterproof and undercoat were filled with sleet, frozen so solid that it was impossible to separate the clothing from the flesh, even after the body had been in the undertaker's room thawing out several hours. The doctor next spoke of the discolorations on the groin of deceased, and testified that inasmuch as inflammatory action had not set in, this discoloration could not have taken place more than 1½ hours before death; it might have occurred between the period represented by 1½ hours prior to and 2½ hours after death. The man had been dead at least 48 hours. In testifying that the body was not decomposed the doctor explained that the bronze-bluish appearance of the body was due to the fact of it having been frozen and exposed to the air. The witness also explained a peculiarity about the lower bullet wound in the head. The upper edge of the wound was burned with powder, but the lower edge bore no trace of powder, as if, when the weapon was placed against his head, the lower part had been protected by something. [The Crown say it was the collar of the waterproof Benwell wore.] Witness next stated that the neck-band of deceased's shirt indicated that whoever had torn off his collar had jerked it off while the man lay on his back in the swamp.

To Mr. Blackstock witness stated that he went to Princeton with Miss Pickthall, who desired to see the body, thinking it might be that of her brother, Neville H. Pickthall, who was missing at the time.

Witness also stated that he noticed on the drawers worn by deceased below the left knee a mark as if made by a charred stick, and there was also a small abrasion on the leg itself. He thought, with the other witnesses, that the body looked as though it had been placed on the saplings where found.

Dr. Charles R. Staples of Princeton, who assisted at the post mortem, corroborated the other medical men. From the condition of the stomach, witness did not think Benwell had eaten anything for six hours before his death.

Scoring the Stupid Constables.

At this stage His Lordship had to adjourn court nearly an hour earlier than usual because none of the necessary witnesses could be found, although they were all supposed to be in the grand jury room downstairs. His Lordship rapped some of Sheriff Perry's stupid constables over the knuckles for their thick-headedness, and he remarked that he hoped that in future a man with an ordinary amount of intelligence would be placed near the door to see that the witnesses were forthcoming when wanted. The inability of these stupid tipstaffs to keep the front steps and the stairs leading to the court room clear is frequently manifest. Often those who are entitled to admission find it very hard to get into the room owing to the crowd around the doors.

George A. Orchard, reeve of Stamford and warden of Welland, his county, and Robert Thomas, assessor of Stamford, were called to prove that no person named Birchall or Somerset had owned a farm in the vicinity of Niagara Falls. Mr. Blackstock asked the last witness if the Falls didn't provide exceptional facilities for carrying a contemplated murder into execution.

George Burnett, manager of the Great Northwest Telegraph office at Buffalo, produced a telegram from one of his messengers, dated Feb. 27, 1890, bearing the official mar of the sending operator, as well as the receiving mark. It was a paid message of 19 words and cost the sender 23 cents.

John H. Baldwin, whose wife conducted the lodging house at the Falls in which Birchall and his wife boarded, produced several letters written to him by Birchall after his departure. These were put in for the purpose of comparison with the other exhibits alleged to be in Birchall's handwriting.

Postmaster N. W. Woodruff of Niagara Falls, Ont., testified that he rented box 313 to the prisoner Birchall for the 6 months ending Aug. 19, 1890. Mr. Woodruff recognized the stamp produced as belonging to his office, and explained how the type was changed.

L. McCormey of the Canadian Pacific telegraph office at Niagara Falls identified a telegram dated Feb. 25 and also message dated Feb. 26 as received at 3.40 p.m. that day from prisoner for transmission.

Fred Stoner, teller in the Bank of Niagara at Niagara Falls, N.Y., said that on Feb. 24 last an account was opened at the bank by prisoner in the name of J. R. Birchall. The amount of the account was, according to defendant's pass-book produced, $132, which has since been closed. Witness asked Birchall his occupation and he replied that he was buying horses for the English government.

Prof. Wolverton of Woodstock Baptist College, Dominion meteorological observer for this district, was called to prove the character of the weather during the week of the murder. The blotter bearing the original record of observations signs which the translation thereof was produced. Observations, witness explained, were taken at 3 a.m. and every four hours afterwards during the 24. These showed the various gradations of the weather. The records proved that at 8 o'clock on the evening of Feb. 17 (the alleged day of the murder) rain commenced to fall, and it rained without cessation until 12½ next morning. There was a pretty heavy storm, 34-100ths, or nearly one-half of an inch, being the fall. It gradually became colder, with frost on Tuesday, the 18th, and at 9½ on the evening of Wednesday, the 19th, rain and sleet fell. At 5 o'clock on the morning of Thursday, the 20th, snow began to fall and the register shows that it was drifting. It was also gusty with drifting snow on Friday morning, the 21st, the date of the discovery of the body.

Mrs. McKechnie, by the way who is the first lady witness called, and J. M. Slamp, who assist in taking the weather observations, corroborated generally Prof. Wolverton's testimony.

Mr. Hellmuth cross-examined these witnesses as to the storms subsequent to Monday, for the purpose, no doubt of strengthening the theory of the defence that the frozen sleet and ice found in Benwell's coat sleeve could have found its way thither after Monday.

Douglas Felly's Revolver.

Douglas R. Felly was called to the box again, and handed to Mr. Osler the revolver he had brought from England with him. He identified another couple of letters as being in Benwell's handwriting.

In cross-examination by Mr. Blackstock, Felly said Birchall's revolver was smaller than his. He said a photo produced was a fairly good likeness of Benwell. He was with Birchall all the time before the fatal Monday with the exception of twice for a short time, so that, he said, it would have been impossible for him to have gone away before that Monday on a trip.

Charles Benwell was recalled to describe the manner in which certain clothing found in his brother's trunk were marked, with a view to proving that the clothing of the dead man was cut in the same place. His Lordship ruled this evidence out.

John Gregg, the Princeton sexton, was recalled and testified to suspicious circumstances which happened near the cemetery in March last, a horse and buggy driving up to the cemetery gate, turning as if to enter the grounds, and then driving away. Gregg, who said he had been up nights for five weeks, thought that the presence of the vehicle was connected with an attempt to steal the body of Benwell.

J. H. Hull, a well-known lumberman of Princeton, who had conversations with Birchall prior to and after his identification of Benwell's body, related to the jury the various stories told by prisoner. Mr. Hull's evidence was remarkable from the fact that he was the only witness thus far called who did not connect the date of the murder with the ball at Jerry Dake's at Princeton. This witness particularly recollected affairs because his son was married on Wednesday, Feb. 19. When Birchall talked to Hull he told him practically the same story which he had told Undertaker Swartz, viz., that Benwell was a young man fond of cards and who would likely be led into a game or might frequent a house of ill-fame. Birchall told this witness also that he had received a letter from Benwell, in which was mentioned that the writer would probably return to Woodstock, and perhaps Paris, as he was looking for a farm in the locality. After the identification of Benwell's body by prisoner, witness again saw the latter, who told him of the identification of the body. Another conversation arose with respect to the letter, and when witness asked Birchall if there were any letter-head on the envelope or letter, prisoner replied, "Oh! he didn't exactly write me from London. He just sent me his baggage checks and keys in an envelope. Prisoner also stated that Benwell had a brother residing somewhere in the United States.

The witness then gave a description of the weather from Feb. 17 to Feb. 22, from which it appeared that it was sloppy on the 17th, with rain at night. Next day it was considerably colder. The sleet-storm of Wednesday witness described as lasting but a few minutes, being preceded by snow and ice and followed by snow.

[This evidence is important in view of the theory which the defence will put forth that Benwell was not placed in the swamp where found until after the rainstorm of Tuesday night, and that the ice and slush which was found in the sleeves of his clothing lodged there during this storm.]

A Gallant Captain in the Box.

Captain Peter H. Cox, who is a gentleman farmer living near Paris, was another witness with somewhat the same story to tell. The captain's fierce red mustache was carefully waxed a la militaire. He saw Birchall at Paris the day the prisoner went to Princeton to identify the body. The captain remarked to Birchall that he would be glad to assist him in any way he could in tracing the mystery. Birchall told the captain that Benwell had left him some days ago to go to London, Ont., to look for land, finding which he and deceased were to go into partnership. The Captain proceeded: "Birchall told me that he had heard from Benwell last week from London. He did not write on the paper of any hotel, nor did he know at what hotel in London he had stayed, but he thought he was staying with friends. Birchall did not think that Benwell had got to drinking and that he (Benwell) had not been shaved since they parted. He said Benwell's things were at his (Birchall's) house at Niagara Falls and that he had known Benwell in London, England. He did not know if the dead man had much money with him."

George Phemister, telegraph operator in the Great Northwestern office at Niagara Falls, testified that the message produced was received by him at 7.44 p.m. on Feb. 17. The evening accommodation from London was due at 7.10. There were eight words in the message, and the person who handed it in paid 25 cents for its despatch. The message read as follows:

"February 17.

"*Felly, Stafford House, Buffalo:*

"Arrive Buffalo nine o'clock. Must remain there to-night. (Signed) BASTELL."

Witness said further that he visited Birchall in jail between 9½ and 10 o'clock on the evening of March 1, the object of the interview being to get some facts for the newspaper press, which representative he was. He told Birchall who he was. Birchall told witness that he had been to Princeton and had identified the body. Prisoner also said that he had last seen Benwell alive on Monday afternoon, Feb. 17, at the Grand Trunk depot at the Falls, that deceased was the son of Col. Benwell of England; that he had known him for six months, and the family a considerably longer time. Birchall also said that while at Buffalo he had received a letter from Benwell from London since the latter had gone west containing the checks to receive the baggage in the custom house. He said that Benwell had $70 of $100 with him; that Benwell was temperate and that Benwell had friends in New York whom he would consult as to the disposal of the remains. Prisoner said Benwell had a black or brown bag with him when he left for London, that he (prisoner) had been over to Canada before several times buying and selling horses.

The Man Who Owns the Swamp of Death.

George Hersee, the owner of the now famous "Swamp of Death," testified that he saw prisoner, or Somerset as he was then called, at Pine Pond on three different occasions in one week during the winter of 1888-89. Somerset came out with others in a two-horse "shay" the first day; the second day he drove out four-in-hand. Somerset told witness he was the third son of Lord Somerset of England.

Mr. Cartwright, who examined this witness, asked what Somerset said with respect to his business there. Mr. Blackstock objected to this question and intimated that the crown had endeavored all through to secure evidence not legally admissible.

His Lordship: "I don't agree with you at all. The evidence has been confined strictly to what should be admitted."

Mr. Hersee then described Pine Pond and Mud Lake to the jury. Birchall had told him that he knew the locality, that he had been through it and knew it about four years previously. He did not know who owned the land on which Mud Lake was located, but had heard some one say his brother did. Witness described a number of little lakes similar to Mud Lake in the locality.

To Mr. Blackstock witness said that ladies generally accompanied Birchall on his trips. Witness offered Birchall $100 if he would sell his farm to some of his English friends. Mr. Hersee said he thought there were a couple of boats at Pine Pond when Somerset was there, and when one of them disappeared witness had remarked that he thought an Indian had stolen it and taken it to Mud Lake.

Joseph Piggott, a farmer of Blenheim, knew prisoner in 1888-9 as Lord Somerset. He had seen him in May, 1889, driving towards Pine Pond, which is 1½ miles distant from the place where the body was found. In Oct., 1889, a fire occurred in the swamp, which burned down the timber and blocked the trail to Mud Lake. The roots of the saplings were burned through to the extent of an acre, starting 50 feet from the second concession road, and the first wind blew all the saplings down. The tracks leading to the spot where the body was found were part of the old trail, and it was near here where the fire first blocked the trail.

During the cross-examination of this witness Mr. Blackstock became more aggressive than at any time during the trial. He frequently objected to witness for not answering more promptly, reminding him that he did not want to bring a stumping machine into court to pull the answers out of him. Witness was smiling most of the time, and when the learned counsel referred to the agricultural implement his face expanded into a broad grin.

James Ellis, also a yeoman of Blenheim, testified that during the hunting season in the winter of 1888-9 he saw prisoner, whom he knew as Lord Somerset, in the swamp of death. There was another young Englishman a little further in the swamp. He described the trail as an old sleigh-path, formerly used by hunters to reach Mud Lake. No difficulty was experienced by witness in reaching Mud Lake by this trail in June last.

Several times during his cross-examination Ellis convulsed the audience with merriment. He said he was sometimes a farmer, sometimes a stumper and betimes a carpenter, but indignantly denied that he lilied in the hatus bafing, promising to go to work stumping as soon as "these people let me loose out of here." Witness said he met prisoner, he thought, late in October, 1888, near the swamp; he was standing alone and had a gun in his hand, and witness passed the time of day with him. [Prisoner was not in Canada in that October, consequently witness either is mistaken in his man or has got the date mixed.]

Re-examined by Mr. Ball he said that he could not tell the month, he had no way of affixing the date, and it might have been a month or two later in the year when he saw him.

Tom Young Describes Birchall's Arrest.

When Chief of Police Tom Young of Niagara Falls entered the witness box a ripple of excitement was observable in court, and the prisoner, who seems to have a liking for the giant-like officer, looked toward the witness box, where the tall form of Mr. Young loomed up nearly three feet above the top of the rail. When Young commenced to speak, however, prisoner cast his eyes down and never once looked up. The detective related the circumstances leading to Birchall's arrest. Becoming suspicious Sunday he placed prisoner under surveillance and subsequently arrested him in bed at Baldwin's boarding-house, finding in his possession the gold pencil case produced, engraved "Conny, Sept. 15, 1886," receipts for 1 trunk and 1 box, dated Feb. 4, 1890; a gold pen and a number of letters; also the keys produced which afterwards were found to fit Benwell's baggage. When the effects found on the prisoner were placed on the table at the boarding house prisoner reached out his hand to lift them up, but witness remarked, "I will take charge of those."

To Mr. Blackstock witness stated that he cautioned prisoner from saying anything, as it might be used as evidence against him. This was after Detective Murray had seen him. Witness believed that Mr. Murray also cautioned prisoner against talking. Mr. Blackstock read the evidence of Detective Murray given at the coroner's inquest, in which he admitted that he had persistently endeavored to secure a statement from Birchall and asked: "You would not have acted in the way Murray did, Mr. Young?" and was rather non-plussed by the reply, "I rather think I would."

James Flynn, Grand Trunk station agent at Niagara Falls, testified to the passing of Birchall's baggage and his statement that the boxes in the custom house were in his charge and would be passed in a few days. Nothing new was elicited.

Introducing Expert Testimony.

Mr. Osler put in a number of letters from J. R. Birchall to D. R. Felly, the agreement between Birchall and Felly, and the four letters produced by Mr. Baldwin, for the purpose of laying the foundation for the introduction of expert testimony. After Douglas Felly had told of seeing in Birchall's possession a stamp for making impressions similar to that produced and to seeing prisoner using it and to seeing him purchase two or three ink pads in New York, the expert testimony was called.

Connor O'Dea, writing master for 18 years at the British American Business College, Toronto, who had made a life study of writing, testified that every man had his peculiarities and he could detect whether two distinct documents had been written by the same man. He positively identified the letter sent to Col. Benwell and signed by Birchall as being in the same handwriting as those sent by prisoner to Felly, as well as the writing on the passenger list of the Britannic and the telegram sent from Niagara, in some of which witness said "An attempt had been clearly made to disguise the hand."

Court will open at 9¾ a.m. commencing to-morrow.

LIKE KEMMLER'S CRIME.

A Buffalo Brute Tries to Kill His Housekeeper and Then Attempts Suicide.

BUFFALO, Sept. 24.—Several reports of a revolver, followed by the frightened cries of a woman, startled the people living in Adams-street, near Broadway, late yesterday afternoon. The noise of the shooting and the cries came from Frank Miller's house at 350 Adams-street. The neighbors rushed in and a ghastly sight confronted them. Marie Kurtz was found lying in the back yard covered with blood which flowed freely from several wounds in her body. A short distance away they found Frank Miller. The blood was oozing from a bullet-hole in his head. Lieut. Zacher sent Miller to the Emergency Hospital and the woman to the Fitch.

The shooting almost resulted in a double tragedy. When the Fitch physician examined Mrs. Kurtz they found that she had been shot twice in the neck, once in the back and once in her hand. There was also stabbed in the shoulder and on the hand. Miller's skull was trephined by Dr. Daniels.

The story of the double shooting was learned from Mrs. Kurtz. She has been living with Miller as his housekeeper for two children. Miller had four children and between the mismated couple and the six children harmony has not prevailed in the family for a long time. Miller had an appetite for whisky and he conducted himself badly when he was like a madman when intoxicated. Brawls were frequent and several times the couple were separated while fighting by neighbors.

On Sunday Miller got drunk again and had a terrible fight with the woman. He threatened then to kill her and she left the house. She returned yesterday afternoon and told Miller that she would not live with him again. She began to pack her trunk to depart when Miller stopped her.

"You Frenchman, —, I am going to kill you. This is your last day on earth."

"I am going to pack my things and leave you," the woman answered.

"You will never need them more," Miller remarked, at the same time grabbing her by the throat. Then ensued a fearful struggle.

Miller tried to choke her, but she broke away. He pulled out his revolver and fired at her four times, while she pleaded in vain for him to save her life. He fired four shots into her, the first two going into her neck, the next into her back, and the fourth through her hand.

Mrs. Kurtz struggled violently with Miller. He dropped the revolver and drawing out a knife plunged it into her shoulder, stabbing at the time that he would cut her throat. He stabbed her in the hand also. The woman broke away from him and cried for help.

Miller, without waiting to see whether he had killed the woman or not, then turned the revolver towards his own head and discharged the weapon. He was insensible when found.

Mrs. Kurtz, in her story to Coroner Kenney, was too her ante-mortem statement, says that she was not married to Miller, but lived with him.

Miller is about 31 years old and Mrs. Kurtz is 30. She has been married twice. Eight years ago she was married to a man named Winters, shortly after one child was born. Christ Kurtz was wedded to her five years ago. Kurtz abused her, and finally left her for another woman whose name she did not know.

Will Dewdney Resign?

It would surprise no one to learn of the resignation of Hon. Mr. Dewdney after the scarifying he gets from Dr. Wild in the sermon of last Sunday, reported verbatim in this week's Canadian Advance; 3 cents copy. All newsdealers. Trial trips 4 months 25 cents. Office, Yonge-street Arcade.

A Great Day at Whitby.

WHITBY, Sept. 24.—The Ontario and Durham fair is a big success. 10,000 people attended this afternoon and the main building was crowded to-night, the Dominion Organ and Piano Company's band delighting the audience with one of their fine musical programs.

President Harrison's Vacation Ended.

WASHINGTON, Sept. 24.—The President and party returned to Washington at 8½ o'clock this evening. The trip from Crasson was marked by no incident beyond the assembling of small crowds at the stations where the train stopped. The President said this evening he felt much benefited by his vacation.

Henry Heath's Hats.

A shipment of this celebrated English maker's hats is just received by Dineen. Heath of London is now acknowledged to be the leader of fashions in gentlemen's hats. Only made in fine qualities. Silks $7.50, felts $4. Call in and see them to-day at W. & D. Dineen on corner King and Yonge-streets.

The cutters are thoroughly experienced. The tailors the best money can procure and you'll save money by ordering your clothing made at The Model Clothing Store, corner Yonge and Shuter-streets.

Sheffield House Importing Company (Registered),

5 Yonge-street, below King, will sell goods retail at wholesale prices. We only keep the best goods. C. E. Robinson, Manager. 246

Epicures should try the Grand Restaurant de Paris in Academy of Music. Everything superb. ed

Island Subscribers.

The World will discontinue their delivery on the Island on and after Saturday, Sept. 27.

Cooking ranges 25 per cent. cheaper than any place in city. Wheeler & Bain, King east.

Athletes all chew Adams' Tutti Frutti Gum. Pure and healthful, 5 cents.

DROWNED IN LAKE WINNIPEG

TWO MOUNTED POLICE OFFICERS PERISH IN THE WAVES.

Corporal Morphy, a Toronto Boy, One of the Victims—The Patrol Boat Keewatin Wrecked—Captain Watts' Terrible Experience—Twelve Days in the Water Without Food.

WINNIPEG, Sept 24.—The steamer Aurora has arrived at Selkirk from Lake Winnipeg with Capt. Watts of the wrecked patrol boat Keewatin. Watts took the vessel out on Lake Winnipeg some weeks ago with several mounted policemen, whose mission was to investigate reported smuggling at Grand Rapids. After being stationed on the lake for some time he started for Selkirk in company with Corporals Morphy and Rene, both members of the Northwest Mounted Police. They left Spider Island Sept. 6 and had only been out a few hours when a terrible storm came up. Seeing danger ahead if exposed to the fury of the waves for any length of time they headed the Keewatin for Swampy Island, a place of shelter and resort for lumbering men and fishermen on the lake. When they reached the shores of the island the sea was running so high that it would have cost them their lives to have attempted landing. They cast anchor, but the wind blew harder until it became a perfect hurricane and finally the anchor broke away and they drifted about in the darkness until 7 o'clock on the following morning.

The storm continued with unabated fury and the waves were running so high that the men were fearful of going outside the cabin lest they should be washed away. A few minutes after 7 o'clock a monstrous wave struck the yacht on the side, doubling her over. Corporal Morphy, who is a son of the late Barrister Morphy of Toronto, and Mr. Rene, a nephew of Lieutenant-Governor Royal, clambered on the side of the boat, while Watts remained in the cabin, which was a watertight compartment.

The men remained in their respective positions for four hours. The wind and waves showed no signs of going down and Rene began to despair, said there was no hope for them, and becoming desperate he declared he was so weak that he could no longer hang on. His companions tried hard to keep him on the side of the boat, but he slipped off and sank without a struggle crying as he went down, "Good-bye."

This was an awful sight for Morphy and Watts, but they clung to the drifting timber to encourage them. By this time had extricated himself with great difficulty from the cabin and was with Morphy on the outside of the yacht exposed to the cold winds and rain. The men were about distance away they found their strength would soon be exhausted. Tue lashed themselves with ropes to the boat.

In this condition the men remained for two days and two pitch dark nights, with neither food nor water in the storm-tossed craft, at times and just as the hopes of the men were raised the wind would freshen into a breeze and then a storm. Finally, after two days of most intense suffering of both mind and body, poor Morphy fell exhausted and was swept. When he was going he looked up into Watts' face and said:

"Matthew, I'm going, I hope you will survive to tell the tale. God bless you."

He never rose again. Watts, who is the oldest man of the three, being 66, held manfully on though he never expected to reach shore alive. He took the life left by Morphy and fastened it to the coat more securely. In this way he spent ten days without food. He was picked up in an almost unconscious condition at the end of the tenth day by Indians near Gladstone Island. He was quite a distance from shore when they found him. The Indians took him on shore and cared for him until last Monday, when the steamer Aurora came along and brought him to Selkirk.

Watts is feeling better to-day and will likely recover. His feet are badly injured. He will be taken to Winnipeg hospital to-morrow. Watts is well known in Selkirk as a boat builder. The yacht will be a complete wreck. It was owned by Governor Schultz, but was leased as a patrol boat to the Dominion Government.

KILLED AT KINGSTON.

Stonecutter Dougald Sims Struck on the Head by a Falling Boom.

KINGSTON, Sept. 24.—An accident occurred at the dry dock to-day resulting in the death of Dougald Sims, a stonecutter employed on the works. A cargo of stone was being unloaded from a scow at the southwest side of the yard by means of a derrick. About half of the stone had been unloaded and the derrick had hoisted another piece into the air when, just as the boom swung round over the spot where the unfortunate man was working, an iron hinge on the top of the apparatus gave way allowing the heavy timber to fall. It struck Sims almost squarely on the head and he never moved or spoke afterwards his death must have been instantaneous. He was picked up and carried to his house, just opposite the railway cottages, by the horrified workmen who were eye-witnesses of the accident. Nothing could be done as life was extinct.

The deceased man was 40 years of age, and came from the village of Little Metis, Que. He had been with the firm of N. K. & A. Connolly for 17 years, and his industry and faithfulness won the admiration of his employers as well as his fellow-workmen. Sims leaves a wife, but no family.

The Packingtown Strike.

CHICAGO, Sept. 24.—The delayed arrival of Grand Masters Sweeny and Sargent is tending to precipitate a general strike among the Stock Yards Switchmen Association employes. Six switchmen were discharged this morning, making twelve in all, for refusing to work with Chicago, Burlington & Quincy non-union engineers. Two Burlington engines were side-tracked. All the men in the yards will refuse to work with Burlington men. It is believed notaing except the counsels of Sweeny and Sargent can prevent another tie-up.

Steam Fire Engines.

John D. Ronald, the well-known steam fire engine builder of Brussels, Ont., announces that it was the intention of his firm to have exhibited one of their fine fire steamers at the Toronto fair, but owing to the large number of engines they have been making for the Northwest they were unable to do so. Mr. Ronald knows how to construct an engine and will guarantee its maximum power, efficiency, simplicity and durability at minimum cost.

Furs! Furs!

Ladies requiring seal skin garments or furs of any description, don't purchase without interviewing Grant & Co., 77 King-street east; they are in a position to give you the best value in Canada, satisfaction in fit and quality guaranteed. Fur garments re-dyed and remodelled at moderate prices. Special inducements to early buyers. 246

The success of the Order Tailoring Department at The Model Clothing Store, corner Yonge and Shuter-streets, has been phenomenal. 'Tis the prices do it.

Pierre Brunet's Restaurant de Paris, Academy of Music, is the place for delicacies. His chef de cuisine has no equal in this country. ed

How to cure Indigestion—chew Adams Tutti Frutti Gum, 5 cents.

Leader 25 Lane.

Complicated and intricate watch adjusting my forte. E. A. Beeton, high grade watch specialist. 246

Yonge-street Arcade Gallery—Finest Cabinets $1.50 per doz., any style. 246

Geo. S. McConkey's Restaurant, 29 King-street west, open till 11.15 p.m.

THEIR BOAT CAPSIZED.

Three Young Men Drowned Near Sundridge—One Body Recovered.

SUNDRIDGE, Sept. 24.—This morning about 9 o'clock three young men named Arthur Bowyer, Charles McDonald and Hugh Roney went out in a sail boat intending to cross Stoney Lake, a distance of about three miles. This afternoon men on the other side of the lake discovered the boat lying on its side and after reaching it found Arthur Bowyer hanging in the rigging drowned. The other two are missing and are supposed to have been drowned also. The recovered body was brought to the village this evening and will be forwarded to relatives at Bracebridge by to-morrow morning's train. Efforts are being made to find the others.

Mr. Bowyer was one of those who so miraculously escaped from the Queen's Hotel fire a month ago and was only recovering from injuries received there.

NEWS OF THE OLD WORLD.

Order Restored at Goa — The Silesian Miners' Strike—Earl Spencer Denounces the Government.

GOA, India, Sept. 24.—Order has been restored here and the ringleaders in the election riots have fled. The elections continue.

VIENNA, Sept. 24.—The miners' strike at Troppan, Austrian Silesia, continues. Troops are guarding the pits. At Michalkowitz 70 per cent. of the colliers are at work.

LONDON, Sept. 24.