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ELEVENTH YEAR. TUESDAY MORNING, SEPTEMBER 23, 1890. ONE CENT

FULL OF SURPRISES.

Dramatic Opening of the Birchall Trial.

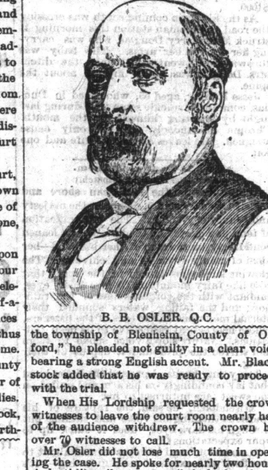
THE JURY CHOSEN IN 40 MINUTES.

Eleven Farmers on the List—The Prisoner in a Clear Voice Pleads "Not Guilty"—Mr. Osler's Dispassionate but Terrible Arraignment of the Accused—Facts Welded to Facts in an Iron Chain—A Well-Guarded Letter for the First Time Brought to Light—Other New Links—Retired Farmer Macdonald's Story—Douglas Pelly in the Box When the Court Adjourns.

WOODSTOCK, Sept. 22.—Quite startling and dramatic indeed were the opening scenes in the Birchall murder trial to-day. The opening hour was set for 11 o'clock, and by that time a couple of hundred persons who had been provided with the necessary passports partly filled the Town Hall. Sixty-six of the audience were jurymen, the balance being lawyers, reporters, local clergymen and those townspeople who considered themselves fortunate in securing tickets of admission. The room was so arranged as to specially accommodate the court officers, the lawyers, the jury and the reporters, of whom there were 30 present. The floors were covered with shavings to prevent noise disturbing the judicial serenity of the court room.

Throughout the entire sitting of the court, which took 1½ hours for lunch, the Town Hall was surrounded by a great concourse of people all clamoring for admission. None, however, without tickets could get in.

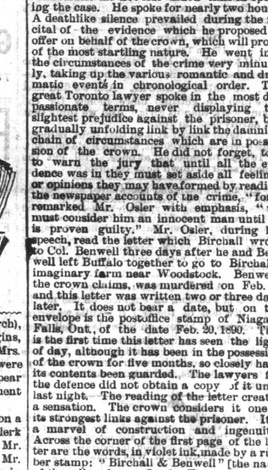
Mr. Justice MacMahon took his seat upon the stage at the south end of the hall. Four feet above His Lordship's head was a telephonic transmitter, from which ran half-a-dozen wires connecting with the residences of some prominent townspeople, who thus were enabled to hear the proceedings at home. On the right of His Lordship sat County Judge Finkle, and to the left and in rear of his "bench" were a dozen or so ladies. Among them were Mrs. G. T. Blackstock, Miss Finkle, Mrs. H. J. Finkle, Mrs. Farthing (wife of the curate of St. Paul's Church), Mrs. A. Pattullo, Mrs. (Captain) Higgins, Miss Higgins, Miss Pattullo, Miss Ball. Mrs. Birchall and her sister, Mrs. West-Jones, were not in court. It is said they will not appear during the trial, much to the disappointment of the audience.



B. B. OSLER, Q.C.

Immediately in front of the stage, on a raised platform one foot high, sat the officers of the court and the Crown lawyers. First in importance was B. B. Osler, Q.C., the senior Crown officer. Beside him sat Mr. J. R. Cartwright, Q.C., Deputy Attorney-General of Ontario, while across the table was Mr. F. R. Ball, Q.C., Crown Attorney for Oxford. Detective John Murray sat at the table with the Crown lawyers.

At still another table, two feet away, sat the lawyers for the defence—Mr. G. T. Blackstock, Q.C., Mr. Isadore F. Hellmuth, London, and Mr. G. S. McKay of the firm of Finkle, McKay & McMullen of this town. To the west of the Crown officers' table is the jury box. The prisoner occupied an extemporized "dock" quite handy to Mr. Blackstock's chair. It is four feet long, two feet wide, and when Birchall was seated inside barely the top of his head, which is amply covered with raven black, nicely-trimmed hair, could be seen by the spectators. At 10.46 exactly Birchall was brought into court by Deputy Sheriff Perry and Chief of Police Young of Niagara Falls, the prisoner having been driven over from the jail, three blocks away, in a covered cab. Birchall walked briskly up the centre aisle and was as briskly pushed into the "dock" by the officers, which was immediately surrounded by half-a-dozen tipstaffs. As was mentioned in The World in a previous dispatch, Birchall is, notwithstanding his six-months' confinement, much stouter than he was when first arrested at Niagara Falls. His face, though, is somewhat pale. He was freshly and cleanly shaven, and his black mustache looked as though it had been carefully attended to behind the prison bars. The prisoner certainly did not look depressed or dejected, and he exhibited the some coolness he has shown ever since his arrest. Not even during the deadly recital of the strong chain of circumstances by Mr. Osler in his opening remarks, which seemed to fasten the guilt of this awful crime on the prisoner, did he once wince or change color. He was neatly dressed, his clothes being carefully brushed. He wore a short black box coat, black vest and black trousers. His linen was spotless, and around his stand-up collar was a black bow-knot tie. This in brief was the outfit of the young man in the box.



SHERIFF GEORGE PERRY.

The Murdered Man's Brother.

One of the early arrivals at the court house was Mr. Charles Benwell of Cheltenham, Eng., a brother of the murdered man. The family resemblance of the dead man and Charles is somewhat striking, and as young Benwell passed up to the front of the room in company with Mr. Ball Birchall gave him a sharp look, but Benwell never for a single moment returned it. He never as much as once glanced towards the prisoner, although for fully an hour he sat within six feet of him. The resemblance between Charles Benwell and Captain Harry Brock of Toronto was remarked by several persons who have seen both of these young gentlemen.

The selection of the jury occupied nearly an hour. Of the 66 members of the double panel present 41 names were called. Of this number the defence challenged 19 for cause, and the crown challenged 10. This left "twelve good men and true" unchallenged, who were finally sworn in as the jury. The first name taken out of the box was that of Clayborne Showers, farmer. This gentleman walked up to the box with his right arm in a sling. He had no sooner taken his seat than Mr. Blackstock remarked: "Challenged for cause." The crown challenged the second man called, J. R. Stewart, farmer. The jury is pre-eminently one of yeomen, one alone being designated by any other title. They are:

ALBERT CLARE, North Norwich, farmer.
ROBERT MURRAY, West Zorra, farmer.
ALFRED MCCANN, East Zorra, farmer.
DONALD MURRAY, West Zorra, farmer.
JOSEPH LONGFIELD, West Oxford, farmer.
AUGUSTUS BUSHEL, North Norwich, farmer.
GEORGE CHRISTOPHER, Ingersoll, gentleman.
J. D. SMITH, Blandford, farmer.
DANIEL MCLEAN, West Zorra, farmer.
A. S. MCKAY, East Zorra, farmer.
JAMES MCKAY, East Zorra, farmer.
JOHN MCKAY, West Zorra, farmer.

The jurymen are for the most part young and middle-aged men and all are intelligent cooking.

He Pleads Not Guilty.

The prisoner was arraigned under the name of John Reginald Birchall. To the indictment read by Clerk Canfield, charging him with "the murder of Frederick Cornwallis Benwell on or about Feb. 17, 1890, in the township of Blenheim, County of Oxford," he pleaded not guilty in a clear voice, bearing a strong English accent. Mr. Blackstock added that he was ready to proceed with the trial.

When His Lordship requested the crown witnesses to leave the court room nearly half of the audience withdrew. The crown has over 70 witnesses to call.

Mr. Osler did not lose much time in opening the case. He spoke for nearly two hours. A deathlike silence prevailed during the recital of the evidence which he proposed to offer on behalf of the crown, which will prove of the most startling nature. He went into the circumstances of the crime very minutely, taking up the various romantic and dramatic events in chronological order. The great Toronto lawyer spoke in the most dispassionate terms, never displaying the slightest prejudice against the prisoner, but gradually unfolding link by link the damning chain of circumstances which are in possession of the crown. He did not forget, too, to warn the jury that until all the evidence was in they must set aside all feelings or opinions they may have formed by reading the newspaper accounts of the crime, "for," remarked Mr. Osler with emphasis, "we must consider him an innocent man until he is proven guilty." Mr. Osler, during his speech, read the letter which Birchall wrote to Col. Benwell three days after he and Benwell left Buffalo together to go to Birchall's imaginary farm near Woodstock. Benwell, the crown claims, was murdered on Feb. 17 and this letter was written two or three days later. It does not bear a date, but on the envelope is the postoffice stamp of Niagara Falls, Ont., of the date Feb. 20, 1890. This is the first time this letter has seen the light of day, although it has been in the possession of the crown for five months, so closely have its contents been guarded. The lawyers for the defence did not obtain a copy of it until last night. The reading of the letter created a sensation. The crown considers it one of its strongest links against the prisoner. It is a marvel of construction and ingenuity. Across the corner of the first page of the letter are the words, in violet ink, made by a rubber stamp: "Birchall & Benwell" (the name of the alleged new firm). The envelope has a two-cent and a three-cent Canadian stamp attached, while on the inside were enclosed two stamps of similar denomination. The letter reads:

The Tell-tale Letter.

Please address Messrs. Birchall & Benwell,
P.O. Box 313.
Niagara Falls, Ontario, Canada.

MY DEAR SIM: We arrived safely here after a very pleasant journey, the sea being rather rough than otherwise. We came up by sleeping car from New York and had a very pleasant trip indeed. Your son has inspected all my books and all my business arrangements and I introduced him to people who know me well. He suggested taking other advice, so I of course was perfectly willing, and he consulted a barrister in London, Ontario, concerning the business with satisfactory results; and he has decided to join me, as he has found all that he wished to be satisfactory. I think we shall make a very good business together. The books show a very good profit for last year. I think the best way is to place the money in our joint names in the bank to the credit of our reserve fund. We shall take the additional piece of land that I mentioned to you; as we shall now require it for produce. The best way to send money out is by banker's draft. Drafts for us should be drawn on the Bank of Montreal, New York. They have a branch in London and I think the London and Westminster also do business for them. Letters of this kind should be insured and registered. We are holding a large sale early in March and your son is somewhat anxious to share in the proceeds of the sale, which I am quite willing that he should do, and so we have signed our deed of partnership and shall, I am sure, never regret doing so. Your son is, I think, writing you by this post. Kindly excuse bad writing on my part, but I am rather in a hurry to catch the mail. My letters are generally written by typewriter, as they are so much more legible and clear of any doubt as to words. We are having paper printed properly and this will be ready in a few days.

I think you will be pleased that your son has found things satisfactory, and I quite agree that he did much the best thing in coming out to see the business first. I shall send you weekly particulars of all business done so that you can see for yourself how things go on. This will be satisfactory to you, I think.

Of course with regard to the money any bank in New York would do for a draft. We have opened a business account in our joint names at the American Bank here.

Your son will doubtless explain his views in his letter.

With kindest regards, believe me, dear sir, sincerely yours.

(Sgd.) R. Birchall

LT.-COL. BENWELL,
Isculdene,
Cheltenham.

Unraveling the Tangled Skein.

Mr. Osler, after referring to the unusual and extraordinary circumstances surrounding the case, told how at 11 o'clock on the morning of Feb. 21 the dead body of a young man had been found by two farmers in the swamp on lot 22, 21 concession of Blenheim township, frozen stiff and bearing indication of the weather during the preceding days that it had evidently lain there. The character of the wounds proved the victim to have been murdered. Next followed a concise review of happenings in the early stages of the case, how what at first seemed a mystery with nothing to unravel it was partially cleared upon discovery of the cigar case bearing the name of "F. C. Benwell." The developments from that time forward until March 2, when Birchall was arrested, were traced step by step. The identity of the murdered man as the eldest son of Lt.-Col. Benwell, a retired army officer, of Cheltenham, Eng., was mentioned.

The career of the prisoner was then sketched so far as it is known in Canada. His appearance in Woodstock under the name of Somerset in the late fall or early winter of '88 and his representations that he was the third son of Lord Somerset were referred to and the fact cited that he was a frequent visitor in the neighborhood in which the body was found. Although more familiar with what is known as Pine pond to the north of the swamp, he had on more than one occasion been in the swamp hunting. To this circumstance the crown attaches very considerable importance.

We next hear of him opening negotiations through one Mellish of Cheltenham with Col. Benwell for arranging a partnership between the prisoner and the Colonel's son in a farm and business. Birchall alleged he carried on in Canada. The proposal was favorably received by the Colonel and the result was the young man was to proceed to Canada. After seeing the business and taking time to ascertain if it was up to representations he was to pay £500 sterling and a partnership deed was to be executed. The farm prisoner represented to be 11½ miles from Niagara Falls and his business to at of buying horses in the rough, grooming and feeding them up and selling them at a profit, and he said he had a large contract for a supply of horses to the Canadian Pacific Railway.

WATER COLOR SKETCH BY BIRCHALL.

Upon these arrangements Benwell started, no money being paid by the father, because the agreement was subject to personal inspection. But, concurrently with these negotiations, were negotiations for a partnership between prisoner and Douglas Pelly, and an agreement was effected under which Pelly handed over £150 for partnership in the same business, neither Benwell nor Pelly being aware that there was to be more than one partner. The embarkation of the party in the White Star liner Britannic, the signature of Birchall on the register of himself and wife as "Mr. and Mrs. Bushell" (another bit of evidence not heretofore made public), the trip to New York and thence by Erie Railway to Buffalo, where they arrived Sunday morning, Feb. 16, were described and another new fact brought out that while stopping at the Stafford House Birchall and Benwell practised writing each other's signature.

WATER COLOR SKETCH BY BIRCHALL.

Two Set Out, Only One Returned.

The trip of Birchall and Benwell on Feb. 17 was then minutely set forth. Their boarding of a fast express at Buffalo, the purchase of two tickets for Eastwood at Suspension Bridge, N.Y. (the only two sold to that point on the 17th), the journey by express train to Hamilton and changing there to the accommodation, which alone stops at Eastwood, their alighting from the train at Eastwood at 11.14, and going together toward the swamp, which is 4.61 miles distant, and prisoner's return alone by a route covering 4.83 miles would be proven by many witnesses. The train arrived at Eastwood at 11.14 a.m. and was due to leave at 3.38 p.m. The distance to and from the swamp is about 9½ miles, and prisoner would have 3 hours and 44 minutes to cover it. As a matter of fact the round walk only requires 2 hours and 48 minutes, so that he would have an hour and 36 minutes to spare for loss of time on the way and for the committing of the murder.

Prisoner's return from the swamp alone will be proven, and at least one witness will swear to seeing him on the train which left Eastwood at 3.38 on the afternoon of Feb. 17. The tracks through the fields showing the presence of the two men on the journey to the swamp and the presence of but one on the return will serve as corroborative proof.

The scene now shifts east to the Falls and Buffalo. Birchall's representations that he only intended going to Niagara with Benwell, his promise to send a telegram for Pelly to come on at 2 p.m. of the 17th, its receipt at 5 p.m. and the fact that this telegram had been filed in the telegraph office by Birchall himself at 7.47, three minutes after the delayed train from Eastwood arrived there, were cited, as well as the fact that Birchall did not sign his own name to it, but misspelled it purposely so that Pelly would think it a mistake. Asked by Pelly where Benwell was, upon his arrival in Buffalo a few minutes after the telegram came to hand, Birchall replied that he did not like the farm and was sulky, and would not eat anything, so after running about the Falls all day he had sent him west to look at some farms. The fact that the stomach of deceased was empty showed that he had not eaten anything.

The various statements made by Birchall to Pelly at the Falls, the statement of Birchall that Benwell had taken prisoner's revolver with him, the clearing of the baggage from the custom house, and the production by Birchall of Benwell's keys, and opening of the latter's trunks were mentioned, and another new piece of evidence referred to—the engaging by Birchall of postoffice box 313 at the Niagara Falls post office and the payment of six months' rent in advance on Feb. 18, the day after his trip west with Benwell.

Cunning That May Convict.

Mr. Osler here read the letter which is printed above. He then produced a gold pencil case which deceased was in the habit of carrying and which bore the inscription, "Conny, Sept. 15, 1869," which was found in prisoner's possession. This pencil case, which is of a peculiar make, was presented to deceased on his birthday by a member of the family, the name "Conny," an abbreviation of Cornwallis, being what he was known by.

In describing the condition of the remains he argued that the man must have been killed close by and placed where found. There were various proofs both on the body and on the ground that the body had been placed where found after death but before rigor mortis, or the stiffening of the body, had set in.

Mr. Osler's recital of the facts, many of these absolutely new to the public, and more especially the letter to Col. Benwell from Birchall, created a perceptible sensation throughout the court house. This letter the crown looks upon as the key to the whole situation and the most incriminating circumstance in its possession. The supposition is that Birchall intended to send a second letter to Col. Benwell—this one in typewriting—and that he would have forged the dead man's name to it as he had, according to witness Pelly, been imitating the young man's signature in the Buffalo hotel. It is not likely that he would attempt to palm off an entire letter on Col. Benwell, and so the cunning project of the type-written letter with a forged signature struck him. A story of a somewhat similar transaction in connection with a famous murder was printed a couple of years ago in a New York periodical. This is another of the crown's strongest links.

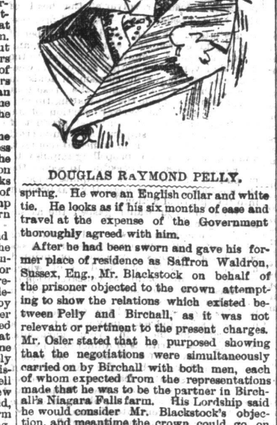
A Retired Farmer's Story.

The first witness was William Macdonald, a retired farmer, who now sports a pointed mustache, stand-up collar and dickey and wears a perpetual smile. This witness, who at one time acted as turnkey in the Oxford Jail in place of his brother-in-law, Mr. Forbes, who was sick, received a commission from Forde, Rathbun & Co. of London, Eng., for placing farm pupils sent out by that firm with farmers here. The prisoner was sent out to witness in October, 1888, under the name of "F. A. Somerset." He was placed on Mr. Wilcox's farm in Dereham, but only remained one night, returning to witness' place in Woodstock next morning, where he stated that he did not come out to this country to work on a farm. His wife was with him, and they remained with Macdonald for 2½ weeks, subsequently taking apartments. Witness described the high life of "my Lord Somerset" during his stay in Woodstock, explaining that most of the prisoner's time was spent in driving livery horses.

To Mr. Blackstock, Macdonald said he succeeded a man named Burgess (deceased) in 1888 as representative of Forde, Rathbun & Co., and acted for them until four months ago, when the business ceased. Among the pupils sent out by Macdonald were parties named Young, Hercklock, Woodhouse, Wheeler, Lound, Pardoe and, with a smile, "F. A. Somerset," also two or three others he could not remember. Witness said he drank a good deal at times and had done considerable drinking with Somerset. In addition to the bonus paid Macdonald, each farmer also received what Mr. Blackstock called "a sweetener." Had known Neville Pickthall for six years. Pickthall came here as a pupil eight years ago. Birchall's former companion in Woodstock, Dudley, was another of Macdonald's pupils and he was "placed" on Pickthall's farm in East Oxford, 8 miles from Eastwood. Dudley went to the farm on a month's trial, and did not stop the month out, but witness admitted that he signed a certificate to Forde & Rathbun, stating that Dudley had remained the month, and he received $125 from the firm, $62.50 of which he paid Pickthall at the time of the agreement, and the balance at the expiry of the six months. Macdonald received his commission of $35, but got nothing from Pickthall. Witness admitted that he had some words with Birchall, the latter having written to Forde, Rathbun & Co., accusing Macdonald of forgery. He denied that he had ever circulated the report that Birchall and his wife were a runaway couple from England, although he had repeated the rumor to Miss Cuthbertson, and she told Birchall and his wife, hence the unpleasantness. Macdonald denied emphatically that he had ever made a proposition to Birchall to join him in the farm pupil business. Macdonald was in the habit of lending Birchall money in sums of from $10 to $50, all of which had been paid back except the last sum of $30, which was still outstanding. Witness positively denied that when he visited Birchall in jail he had been forced to give his evidence, nor did he tell the prisoner that he had tried not to do him any harm in giving his testimony at Niagara Falls. As a matter of fact he did not remember having said anything to prisoner.

Pelly in the Box.

All eyes were riveted on the door when the name of Douglas Raymond Pelly was called. As the young man passed the prisoner's dock Birchall turned his head and followed him with his keen dark grey eyes until he entered the witness box. Mr. Pelly was dressed in a swell suit of light clothes very suggestive of spring. He wore an English collar and white tie. He looks as if his six months of ease and travel at the expense of the Government thoroughly agreed with him.



DOUGLAS RAYMOND PELLY.

After he had been sworn and gave his former place of residence as Saffron Waldron, Sussex, Eng., Mr. Blackstock on behalf of the prisoner objected to the crown attempting to show the relations which existed between Pelly and Birchall, as it was not relevant or pertinent to the present charges. Mr. Osler stated that he purposed showing that the negotiations were simultaneously carried on by Birchall with both men, each of whom expected from the representations made that he was to be the partner in Birchall's Niagara Falls farm. His Lordship said he would consider Mr. Blackstock's objection, and meantime the crown could go on with the other part of the testimony.

Mr. Pelly then proceeded with his evidence and related the various interviews he had with prisoner and the correspondence which had passed between them. Birchall's story of his electric lighted Niagara Falls farm and its appointments of English servants, Dandy Dinmont stallions, etc., was related to the jury. The prisoner said that he had quite a number of horses on the farm, his business being buying horses in the rough, grooming and feeding them and selling them at a ranch. He mentioned Macdonald (the last witness) and one Peacock as his farm hands. The various letters received from and written to Birchall by Pelly were put in and identified by witness, as was also the agreement under which Pelly paid over the £150 but were not heard pending his Lordship's ruling. Birchall told Pelly that Benwell was going out as a farm pupil and that he had consented to look after him for his father on the passage over. The exhibit by Birchall of a revolver on the train up from London to Liverpool, the meeting with Benwell on the wharf and the embarkation of the party in the White Star line steamer Britannic of Feb. 5 were described by witness and the efforts of Birchall to keep the two men apart as much as possible.

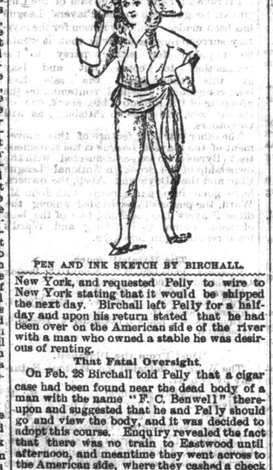
A Long Farewell.

On arrival at New York on Feb. 14 each of the trio exchanged some money, Benwell having about 25 sovereigns. Next morning they arrived at the Stafford House, Buffalo, where witness said prisoner and Benwell engaged in imitating each other's signatures. He did not remember who suggested the pastime. That night it was arranged that Birchall and Benwell should go to Niagara Falls next day and Mrs. Birchall and I should remain over in Buffalo. Birchall said it would be better for us to remain behind as the people on his farm were not expecting him and he wished to take them by surprise and have them prepare for the others. Monday morning before witness was up Birchall came into his room. He was dressed in a blue jacket, wore thick boots and had on a black imitation Astrachan cap very similar to the cap produced. Birchall arranged then to send a telegram to Pelly by 2 o'clock telling him to come on. A copy of this telegram was produced and the fact explained that it did not come to hand until 8½ and Birchall put in an appearance himself shortly afterwards and said he had left Benwell in Niagara Falls, that he was very sulky and did not like the farm on which he had been placed nor would he eat anything. He, however, intended staying around the Falls.

Saturday morning Birchall, his wife and Pelly decided to go to Niagara Falls and took all the effects including those of Benwell with them, checking the goods of Benwell to Suspension Bridge, N.Y., Birchall stating that he did not know on which side of the river Benwell would remain and he did not wish the bother of checking and re-checking the trunks and fetching them through the customs. When they left the Stafford House Birchall was dressed about the same as on the preceding day. Pelly noticed that Birchall's foot gear, a pair of field boots, were very muddy. He got them cleaned early in the morning in front of the hotel.

Tuesday, Feb. 18, was passed in visiting the falls and securing a boarding house. On the 19th they visited the custom house and cleared the baggage, including Benwell's. Birchall produced Benwell's keys and opened the baggage. They then proceeded to the postoffice and Birchall engaged box 313. Birchall objected to visiting the "farm" for various reasons: it was too muddy, there was not enough snow for sleighing, he was too busy, etc.

Next day Pelly told Birchall he thought he was a fraud, that he had brought him out under false pretences and he would not have come had he known as much about the affair. Birchall replied that of course if Pelly was not satisfied he could leave. Pelly never saw the farm. Birchall told Pelly that he was going to Buffalo, as there was a letter and telegram waiting him there and he wished to see the contents. Pelly went to St. Catharines and on his return on Feb. 27, Birchall stated that the clerk in the Stafford House had received a telegram from Benwell requesting him to send the heavy baggage on to the Fifth-avenue Hotel, New York, and requested Pelly to wire to New York stating that it would be shipped the next day. Birchall left Pelly for a half-day and upon his return stated that he had been over on the American side of the river with a man who owned a stable he was desirous of renting.



PEN AND INK SKETCH BY BIRCHALL.

That Fatal Oversight.

On Feb. 28 Birchall told Pelly that a cigar case had been found near the dead body of a man with the name "F. C. Benwell" thereon, and suggested that he and Pelly should go and view the body, and it was decided to adopt this course. Enquiry revealed the fact that there was no train to Eastwood until afternoon, and meantime they went down on the American side, where they cashed a check at the Bank of Niagara. After their return Birchall suggested that he and Mrs. Birchall should go up country and that Pelly should go to Eastwood. Birchall said he would go to Paris, as that was the nearest point he had been told, although he did not know the locality as he had never been there.

Witness described his fruitless journey to New York state; saw Mrs. Birchall with Birchall on Feb. 28, when the latter said, "Do you know Benwell has got my pistol?" Pelly asked, "Did you give it to him?" and received "No, he took it from me."

On Saturday Pelly learned that the body of the dead man had been identified as Benwell's. He also spoke as to his identification at Princeton on March 8 of the body and clothing of Benwell. The clothing found on the body was exhibited to witness. He failed to recognize the Mackintosh coat, as he had not seen Benwell wear it. He, however, recognized the hat, black and white check tweed suit, green silk tie and white spots. Birchall, in conversation with Pelly, mentioned Drumbo, Woodstock and Pine Pond. Drumbo, which was described as a terrible place, he said was within a short drive of Niagara Falls and was "the worst sheet of water where Niagara Falls people drove to enjoy a picnic. Birchall said he was very fond of driving and frequently took spins into the country. He also said the old man who he had left on his farm was Benwell of Somerset, and he had been called by that name by parties who did not know him.

The court rose at 6 o'clock, Mr. Pelly's evidence not being finished. His cross-examination by Mr. Blackstock in the morning will last a couple of hours, it is expected.

A Frequent Smiler.

During the lunch hour Birchall's dinner was brought to him in the court room. He ate the liberal supply of viands sent over from the hotel with relish, and he laughed and joked with the tipstaffs. Birchall, in fact, is a frequent smiler, and when he does so he displays something that a man so particular about his dress generally hides either by natural or artificial means—two the three badly decayed front teeth. This is a considerable blemish to his appearance when he opens his mouth wide. On leaving the court room for the hall after the adjournment, he smiled familiarly at some young men and women in the crowd which stood outside in the square. About 500 people were jammed around the only exit from the room to get a view of the now famous prisoner.

Deputy Chief of Police Stuart arrived from Toronto this evening. The deputy has been subpœnaed as a crown witness. So have Staff Inspector Archabold, Detectives Davis, Alf Cuddy and Jack Cuddy. The latter accompanied the deputy as far as Woodstock, going on to London to look after some of the Toronto crooks who are attracted thither by the fair.

Before the jury left the court-room for the night His Lordship cautioned them about attempting to form an opinion in advance. The jury were escorted to the Royal Hotel by four constables, where they will be quartered during the trial.

SAYS HE CAN PROVE AN ALIBI.

Birchall Promises to Confound the Press and Minions of the Law.

LONDON, Sept. 22.—Reginald Birchall, who is now on trial in Canada for the alleged cold-blooded murder of Fred Benwell, near Woodstock, seems to have been beguiling his prison hours by writing long letters to his friends.

In a recent note to a member of his family in Norwood he says the severity of Canadian justice does not frighten him in the least. However black the facts given out by police detectives for their own vainglory, they are not a feather's weight. He can prove an alibi, he says, which will confound the press and minions of the law. He winds up with this:

"You may look for me to arrive in England within two weeks after the trial. I shall certainly prove my innocence and be acquitted."

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

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

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

The largest stock of trusses, crutches, abdominal supporters, shoulder braces, is carried by the one-price firm, established twenty years, of Charles Clubbe, 134 King-street west. Trusses in hard rubber, celluloid and leather, from 75c upward. 26

THE WIMAN-FARRER PLOT.

NO IDEA OF RECIPROCITY ENTERTAINED AT WASHINGTON.

The Globe Trying to Crawl Out of Its Disreputable Attempt at Deception—Jaffray and McMurrich the Victims of the Two Conspirators—The Mail Goes For Its ex-"Conspirator" Editor.

If anthing were wanted to convict The Globe of gross deception in the matter of its report from Washington that the joint committee there were likely to recommend reciprocity with Canada it is to be found in its despatch from Washington yesterday and its comments thereon. There is no doubt now that the whole thing was concocted by Wiman and Farrer, and that beyond mailing copies, as The World stated yesterday, of the proposal to members of the joint committee and to Mr. Blaine there was "nothing to it." There is not the slightest evidence to show that any such proposal was discussed by the committee or that Mr. Blaine had expressed his approval of it. The Globe has found out that it made a huge mistake in the attempt it had made to mislead the Canadian public, and it is now trying to do its best to redeem itself, but in a most clumsy manner. As for Messrs. Jaffray, McMurrich, Tait, Cook and Taylor they certainly owe the Canadian public a better explanation than that made in their paper of yesterday of what is a dastardly act on the part of The Globe, which they are supposed to control.

Attacking the Business of the Country.

These bogus yarns that The Globe is circulating by the aid of Wiman and Farrer are calculated to injuriously affect the business interests of the country. Men whose trade is affected by competition from the United States naturally take alarm when they see or hear of a sudden removal of the tariff wall. They further are disposed not to increase their business or to go into new lines if they are to be subject to a sudden change in the tariff. This evidently is the object of Wiman and Farrer to make business uncertain and to create a feeling of distrust.

Wait Till Congress Speaks.

[From The Hamilton Spectator.]

On Saturday The Globe discovered its error, and announced that "the proceedings of the conference being carried on in secret, it is impossible to know just what has passed on that subject." And this after it had given a quarter of a column of what professed to be the exact language of the proposition before the committee. Having thus acknowledged that its statements of the day before were false, The Globe went on to say that the scheme for reciprocity with Canada will probably not be included in the McKinley Bill, but that "it will be adopted as a separate matter at the next session of Congress."

Of course the proposal is one which is to be dangled before credulous Canadians like the Butter worth Bill and which will never even be brought to a vote. When the United States Congress makes a proposal it will be the duty of Canadians to give it careful consideration.

A Gross Deception.

[From The Mail of yesterday.]

From the national as well as from the lower or party standpoint the publication of this canard was a grave mistake. Let us look at it from the point of view of our business interests. Canada is undoubtedly to be placed at a disadvantage by the McKinley tariff. Our products are consequently looking for other markets to avert the pending injury. If business men and politicians are falsely informed that Secretary Blaine, the Administration and the Republican party in the United States are eager to volunteer to aid they are inspired with false hopes, and are led to take false steps. In our judgment nothing can be more reprehensible than to publish information on this subject which, in addition to being untrue, is calculated by misleading the country, to add to the business injury which pending American legislation is expected to inflict. Looking at the matter in the light of party interests it is obvious that the Liberals, through the circulation of unfounded reports as to the present attitude of the Americans towards us, are being exposed to unnecessary danger. The party has advocated unrestricted trade. Everybody knows its position on that question. It is bound to enjoy all the advantages that can accrue from our attitude favorable to reciprocity, whether the Americans are willing or not. If, however, the ruling party in the United States is, for a political purpose, represented to be anxious to reciprocate, when as a matter of fact the contrary is the case, the unfounded statement may suddenly react upon the gentlemen in whose behalf it is made. These are party interests in the United States as well as in Canada. We have been told already that Republican interests forbid even the presence of a feeling favorable to reciprocity now that an election is pending. As recently as Thursday last the Ohio wool growers, in convent on at Columbus, declared that for Canada there ought to be no reciprocal trade. If as a conspicuous advocate of a party in Canada connects the administration of the United States unwarrantably with the question, that administration may, in selfdefence, and at a very inconvenient time for the party, make its actual position known. Nothing could suit the Tories better, when an election is pending, than a repudiation by such a man as Secretary Blaine of a story advanced for the Liberals that he is anxious to afford the opportunity to open free trade with Canada.

In the interests of the business of this country the truth should be known on the subject of reciprocal trade. So far as can be learned then there is no important movement in Washington in favor of it. In the country public opinion with regard to it is chaotic. The border farmers do not want it; the wool growers will not have it. In the east manufacturers have thought of it as a means of securing raw material free of duty, and in both the east and west some advanced politicians and economists have advocated it. That the idea is growing is evident. On Thursday last the Massachusetts Democratic State Convention passed a resolution in its favor. But, generally speaking, it is not brought prominently into politics, except by those who wish to declare against it. To say that the Americans are clamoring for reciprocity, and to add that the administration is promoting an unrestricted offer through a committee which cannot now deal with the question, is to take a gross liberty with the public of Canada.

Senator Evarts' Tea Amendment.

NEW YORK, Sept. 22.—The Herald's Washington special says: There is a general misapprehension as to the effect of the "tea" amendment to the Tariff bill offered by Senator Evarts, now in conference, and which will stand. It is generally understood that this amendment will seriously interfere with the movement of tea on through bills of lading from China and Japan via Vancouver and the Canadian Pacific Railroad to the United States. This impression is incorrect. The fact is the amendment was aimed at certain English firms who have been importing teas into England and temporarily holding them for ultimate sale in small lots to retail dealers throughout the United States, thus coming into direct competition with American importers and jobbers. The amendment was intended to put a stop to this English competition and was not aimed at Canada, though the latter country might have been incidentally affected. It had been shown that to foster this trade to the fullest extent English steamship owners agreed with English importers to carry their teas from China and Japan to England and to forward the same in any quantities from England to the United States at any time within six months after its arrival in England free of freight from England to the United States. Then the English firms put their drummers in the United States and went in to capture the retail trade. The amendment was offered to protect American importers from this competition and Senator Gorman's amendment confines it to just that object.

Not Ripe for Reciprocity.

BUFFALO, Sept. 22.—The Commercial (Republican Protectionist) in a leading article this afternoon says: The time is not ripe for reciprocity with Canada, and before Congress will seriously consider the subject the Dominion Government must clear the field of much legislation that discriminates against Americans in a spirit so hostile as to constitute a permanent barrier in the way of closer and more friendly commercial relations.

A Hitch in the Conference.

WASHINGTON, Sept. 22.—Although a meeting of the Conference Committee on the Tariff Bill had been called for this morning when the hour of meeting arrived the Democratic members were notified there would be no meeting. The reason for the postponement was a desire on the part of the Republican conferees to consult further among themselves upon the points remaining in dispute. It appears no progress has been made since Saturday morning in the disposition of the sugar, lumber, binding twine, pension period and metal amendments, but that these, the most important matters still open, are in such shape that if an agreement can be reached upon one it will probably also result in agreement upon the others. According to Republican members of the conference it is impossible to say whether complete agreement can be reached and a report made to the House to-morrow, but it is hinted that a report may be made within the next two days that will cover all points of difference that have been adjusted, leaving the Senate and House free to express their wishes respecting the matters still open. It is intimated the metal schedule is the bone of contention. A report is current that the iron and steel men are not satisfied with the concession made by the Senate conferees, and demanded the restoration of McKinley rates. If they do they naturally take alarm when they see or hear of a sudden removal of the tariff wall. They further are disposed not to increase their business or to go into new lines if they are to be subject to a sudden change in the tariff. This evidently is the object of Wiman and Farrer to make business uncertain and to create a feeling of distrust.

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