

GUILTY OF MANSLAUGHTER

George Harding on Trial for Killing Andrew Gowanlock.

The Decision Was Reached by the Jury in Less Than Half an Hour—Eloquent Addresses by the Opposing Counsel.

George Harding, the groom, who struck Andrew Gowanlock, of Thornhill, in the yard of the O'Neill House on the evening of Aug. 23 last, was found guilty of manslaughter at the assizes yesterday. The jury, in arriving at the verdict, was out 25 minutes. When they returned the throngs in the court room waited with bated breath. Harding was pale, and looked steadily at the chief justice when the result was made known. Sentence was pronounced.

EXPERT EVIDENCE.

Following is a condensation of Wednesday afternoon's evidence:

Dr. W. J. Teasdale was the physician who first examined Gowanlock after the blow struck by Harding. Life was then extinct. Death was due to rupture of a blood vessel at the base of the brain. The rupture was caused by dislocation of the third vertebrae. Authorities gave as cause of such dislocation falls or blows on the head. Dr. Teasdale had never heard of such effect being produced by a blow on the chin.

Dr. Chas. F. Neu said a blow on the chin would be more apt to cause fracture of the jaw or fracture of the skull than to cause a dislocation of the vertebrae.

Dr. Hadley Williams said a blow delivered directly in front would not likely cause a dislocation. Weaker parts would be more likely to give way. A fall might easily cause dislocation. If a man's head was turned sideways as much as possible a blow on the chin might also result in the same way. The first vertebrae was the weakest, but in case of dislocation it was the fifth that was usually out.

THE DEFENSE.

Richard Jones for the defense described Gowanlock's condition previous to the trouble with the prisoner as very quarrelsome. Gowanlock had used bad language toward Harding.

Robert Way also heard Gowanlock cursing Harding, and said he was quarrelsome toward the witness also.

Dr. J. D. O'Neill told of having ordered Gowanlock out of his stable on Aug. 23, on account of his objectionable conduct.

Dr. Blackwell, for whom Harding had worked at odd times, gave the prisoner a good character.

The prisoner, George Harding, was then put in the box.

He said he was born in London, 35 years ago, is a butcher by trade, but for several years has followed the business of groom. He first saw Gowanlock on the morning of Aug. 23, the day of the tragedy. Gowanlock was then under the influence of liquor.

His next saw the man in the evening. Gowanlock came towards the witness in the O'Neill House yard where witness was bandaging a horse's legs and grossly insulted him. The prisoner thought Gowanlock's design was to grapple with him, and kept moving about on guard. Beach seized the witness and told him to sit down. Gowanlock went away and came back, still offensive. The third time he came out he had his coat and vest off, and advanced towards the witness with his hands raised. Witness took a few steps to meet him. Gowanlock shoved the witness on the chest, and witness struck Gowanlock two quick blows with his left arm, swinging short with his right. He did not hit Gowanlock on the chin. He would not have struck him first. He did not see Gowanlock fall, and it was some time later he heard the man was dead. When he did hear it he immediately gave himself up.

Mr. Adam Beck, for whom the prisoner had worked off and on for the past six or seven years, gave him a good character. Edmund Meredith, Q.C., addressed the jury for the accused. He made an eloquent plea for acquittal. The jury was sworn to give the prisoner the benefit of the doubt. He said it was only upon thoroughly reliable evidence the prisoner could be found guilty. Nearly every witness called for the crown had been confronted with the evidence given at the inquest, and each one pointed out by the crown prosecutor himself. Gowanlock had insulted the prisoner in the grossest manner. He was the aggressor. The blows were delivered by Harding in self-defense. No man could have absolute and perfect control of his temper. After what had taken place it was only natural Harding should strike back. There was also the doubt, Mr. Meredith said, about the blows by Harding causing the fall. One witness, Harry O'Neill, thought Gowanlock was pulled back by some one. The crown had failed to establish the cause of Gowanlock's fall.

E. F. E. Johnston, Q. C., very ably presented the case of the crown. As to the witnesses' statements, he said some of the witnesses had either forgotten what they said at the coroner's inquest or for some other reason were giving different evidence. He was not imputing bad motives, but memory was deceptive. Of the plea that Harding was justified in striking Gowanlock, the learned counsel said foul language was used by both men. There was no pretense that it was the reason for the blow being struck. Deceased had been much under the influence of liquor. The action on Harding's part was deliberate, when he might easily have walked away.

The chief justice followed the impassioned appeals of the opposing counsel with a clear and cold presentation of the essential features of the evidence. The jury had decided as to the cause of death. Was the dislocation the result of a fall, and was the fall the result of a blow delivered by the prisoner? If so, was the blow delivered in self-defense? If not, the act was a wrongful one, and the prisoner was guilty of manslaughter. There was no

evidence to show that Gowanlock was pulled back after Harding struck him, and there appeared to be no reason why Harding should not have walked away before striking Gowanlock. To establish the offense, it was only necessary to prove that the deceased came to his death at the hands of the prisoner, while committing a wrongful act. No malice needed to be proven. The use of bad language did not justify one person making an assault on another.

PETERSON INQUEST

Expert Witness Mitchell Says Machinery Was Dangerous.

No Proper Facilities for Replacing the Belt—An Adjournment.

Dr. Ferguson, coroner. Foreman Geo. Cairncross and twelve other jurors continued the investigation last night of the circumstances attending the death of Nellie Peterson, who was killed at the pork factory last Friday, while replacing a belt on a pulley. The inquest was held at the Windsor House, Pottersburg. The jury visited the factory in the evening, and inspected the gearing. Ten witnesses were examined. The Canadian Packing Company was represented by Mr. I. F. Hellmuth, and Peterson's widow by Mr. E. W. M. Flock.

Manager Ginge was called, and stated that Peterson was a regularly qualified engineer, and he had considered him a careful and competent man. As engineer he had had full charge of the machinery, as well as the engine. He was on duty in the engine room when he went out to replace the belt. The machinery had been inspected by an expert when the company took it over, and reported satisfactory.

W. Hartslevon swore that he saw the accident, as he was applying a belt at the counter-shaft pulley at the time. Peterson was standing on a ledge of the wall on a level with the pulley. He would require to stoop down to reach the pulley. Witness could not see what part of Peterson's clothes had been caught first.

Mr. Larsen, foreman, said Peterson was in full charge of the machinery, and was carrying out his instructions in replacing any belt on a pulley. He was a competent and careful engineer.

Wm. Chambers said he was employed in the sausage room, but up till within the past few weeks he was in charge of the machinery, and it was part of his duty to put belts on pulleys when required. He did not know of anyone having been appointed in his place.

James Creighton, fireman at the factory, said he went out of the engine-room at the same time as the engineer. He did not see the accident, but hearing the noise was on the scene a moment later. He did not think the electric wires interfered with replacing the belt. Peterson was in the habit of applying the belt once or twice a week when the machinery in the adjoining sausage-room was to be put in motion.

F. E. Mitchell, a mechanical engineer, was sworn, and said that at the request of counsel for the widow, he had examined the machinery which caused the accident, 24 hours after it happened. Everything was apparently just as it had been when the accident occurred. He stated that there was no platform or other means by which the belt could be replaced from a safe position. The man had to climb up on a ledge of the wall, on a level with the pulley, and feed the belt from the far side, reaching over the shaft and two electric wires, which ran parallel with the shaft. Besides, contact with the electric wires might cause a shock which would throw a man off the ledge. The bolts clamping the pulleys projected through the arms far enough to permit of the catching clothing that came within their reach. He was of the decided opinion that the deceased was in a dangerous position to apply a belt. Besides, the belt in question had never been off the pulley, unless the object were to save wear, as there was a shifter in the adjoining sausage-room, and an idle pulley on which it was intended to be put when the machinery in the sausage-room was not in use.

Dr. Laurie stated that he was called immediately after the accident, and found Peterson dead. The body was badly crushed and portions of it were detached.

The inquest was adjourned till Monday night next, when the evidence of the present engineer and one or two other witnesses will be taken.

TO THE COUNCIL

Manager of the Canadian Packing Company Makes Reply.

To the Editor of The Advertiser:

Did Ald. Pritchard know what he spoke about at the council meeting of Nov. 21 re the Canadian Packing Company's sewer? I never knew that the Canadian Packing Company had asked anything unfair of the city. When the company came out here (1892) it was recommended by Sir John Carling to build in London, and we wanted to build where the Watson box factory now is situated; but the bylaw says that no slaughter-house is allowed inside city limits. But the council of that year were willing to do anything to locate the new industry near London, and they asked us if they could do anything to help; but we thanked them, as at the time we knew of nothing, as we wished to start without any help. After the lot was bought, our contracts let to London contractors only. I went home in December and expected to see the buildings finished in the spring of 1893, when I came out with skilled labor, but to my great disappointment they were not finished before July, although we were recommended to take the best architect, as he was employed by the city as engineer. Before starting we had made arrangements with a then prominent butcher in the market to handle our offal, but after the first killing he could

not take it, as he did not expect so much, so we got permission to take the market clerk to occupy an empty stall in the market until we could ask the council to rent it at the usual rate. But it was rented to a butcher in the market, and the council declined to rent it to us shortly after it stood empty.

This summer we made application to the city for tapping their sewer at East London, we to lay a six-inch sewer at our own expense, and we were willing to pay a yearly sewer tax on our property, just the same as any other factory of our size, lying in the city, has to pay. After two inspections by the committee (and several meetings), it was told us that the committee would recommend permission to tap the sewer under the following condition: We to construct a fifteen-inch sewer from Egerton street to city limits (which would cost about \$1,200) and make it a present to the city, and we also, at our own expense, construct a six-inch sewer to packing-house, and give a guarantee that no grease or any other objectionable matter should go into this sewer. This we accepted, and the committee then recommended it, but it was referred back to committee by council; and then again was recommended by the committee, and again sent back after such nice speeches by Ald. Pritchard and Ald. O'Meara.

I do not think that our solicitor has cracked any black-whip at the committee, as they have met us in a very courteous and business-like way, but he might have cracked the whip over the council for the very unbusiness-like way they treated the committee and written drill. The field officers' examination will include discipline and law, interior economy, battalion drill, brigade drill, guard and sentries and written drill.

TORONTO AHEAD

More Cases of Kidney Disease Cured in Queen City Than in Any Other in the Province.

Alexander Brown, 119 Elizabeth Street, Cured of Rheumatism—Found No Other Remedy Would Help Him—Two Boxes Fixed Him.

Toronto, Nov. 22.—This city is the home of the great world-remedy Dadd's Kidney Pills. The discovery of the medicine that would act on the kidneys was made here, and here is where Dadd's Kidney Pills made their first cures. It is interesting to note the fact that a greater number of cures from the different forms of Kidney Disease is made in Toronto than in any other town or city in Ontario.

This is a significant fact. Dadd's Kidney Pills were introduced here. They have been known longer in Toronto than anywhere else. If they were not a sterling remedy it is impossible to suppose that they would have had anything but a temporary favor in this city.

So far from this being the case, however, they have become the popular medicine here. They are in greater demand in the drug stores of Toronto today than they have ever been before.

Alexander Brown, 119 Elizabeth Street, Toronto, says: "I have been troubled with Rheumatism for three years, also with pains in my back. I have tried several remedies but could not get any relief. I have used two boxes of Dadd's Kidney Pills and am now a well man."

Mr. Joseph Stratford, general manager of the Farmers' Binder Twine Company of Bramford, denies the statement of Mr. Fulton, of the Consumers' Company, that the Bramford Company earned its big dividend by selling fibre instead of manufacturing.

GALT MAN SHOT.

Galt, Nov. 23.—Andrew Harvie, son of the late Arthur Harvie, sen., who was killed by his stallion some months ago, narrowly escaped an equally sad fate near Atwood Tuesday afternoon. Mr. Harvie, with a number of others, was hunting hare at Atwood. About dusk one of Harvie's companions was confident he saw a hare. He fired and the charge entered Harvie's arm and abdomen. Harvie had one hand wrap-

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At the Police Court.

Fred Dunn, cigarmaker, was charged with non-support of his wife, Mary P. Dunn, at the police court this morning. The case was enlarged until tomorrow. Dunn, it is alleged, went away some six months ago, leaving his wife and two children behind. During that period, Mrs. Dunn says, he contributed nothing to her support, and she had to go and live with her mother.

John Newman, an aged citizen, charged with the same offense, was allowed to go, as the complainant, Frederick Templar, did not appear to prosecute.

Elizabeth Black, a drunk, was remanded.

Give Holloway's Corn Cure a trial. It removed ten corns from one pair of feet without any pain. What it has done it will do again.

Mrs. M. A. Vickroy, killed in a runaway accident in Prescott, Ariz., was famous for lobbying mining claims through congress, her record being \$400,000 worth in 15 years.

Obituary.

MISS ELIZABETH LOFT.

Miss Elizabeth Loft, the daughter of the late Mr. Fishwick Loft, died this morning at the home of her sister, Mrs. West of the 10th concession of London township. She had suffered for more than a year. Deceased was much loved by a large number of friends. The sympathy of the community will be extended to her family in their sad bereavement. The funeral will be held tomorrow at 1 o'clock to St. John's cemetery.

MRS. M. E. ADAMS.

Mrs. Maggie Ellis Adams died yesterday of consumption. Deceased had been ailing for some time past. Only two weeks ago her husband, the late Mr. Wm. Adams, died. The funeral will take place from the residence of Mr. Joseph Marks, Grey street, at 2:30 o'clock tomorrow afternoon.

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