

# Scored!

(Continued from Page 1.)

gets too warm for my learned friend, he cannot wait for his argument. (Laughter.) Why didn't they put Sharkey in the box—he was in the city. If they wanted to put him? (Laughter.)

Mr. Robinson—It would take too long a time.

**MORE TICKETS GIVEN.**

Mr. Osler then touched the case of Frank J. Harvey. Ryckman and Fitzhenry swore they had been sent to see Harvey by Richardson. Richardson swore he did not know Harvey. Mr. Osler then produced Toote's telegram to Richardson, "Send Harvey down at once." How could Harvey go unless he had a ticket.

Mr. Osler, in the witness Payne's case, said that Payne swore he got a ticket and some loose change from Toote. There were four witnesses to this transaction—Toote, McMillan, (Toote's clerk), Payne and Dillon. McMillan was not called. Payne swore Toote gave him a ticket and some change. There was an entry in Toote's book of \$4.25 paid Payne. That would represent the ticket and the odd money.

**THE MYSTERIOUS PAYNE.**

Mr. Osler then produced Mr. Toote's private book and said: "There is an entry here of the \$3.40 which Mr. Toote says he paid for Payne's ticket. Put that under a magnifying glass, and you will see the \$3.40 written over other figures. Toote swears the other item of \$4.25 was paid to another Payne. He can't describe this other Payne—can't say whether he is an old or a young man."

**THE MISSING WIGMORE.**

As to A. S. Wigmore, Toronto, Mr. Osler said he was clearly proven Wigmore was an agent. Wigmore had been sick ever since he received a subpoena. (Laughter.) He lived in Toronto, but seemed to require a more southern climate now.

Mr. Robinson—He fell from a bicycle and hurt himself.

Mr. Osler—Yes, I believe he hurt the bicycle.

Mr. Osler said Wm. G. Webb came to London from Toronto to vote on a ticket given him by Wigmore, for which Wigmore had not been repaid by Webb. This was the Webb about which Wigmore telegraphed, "Webb wants more." That telegram was unexplained.

Mr. Osler then read from the testimony of Fitzhenry, already published, with reference to getting money and a ticket from Graydon for Lockington.

"You must remember, my lord, that Graydon spent two days looking for Lockington."

"It is true that Fitzhenry and Ryckman were not in the same walk of life as Graydon and had not the same advantages; but is that to weigh against them? Two witnesses swear that Graydon gave them money and a ticket. Three swear to the existence of these tickets. Against that you have Graydon's improbable statement—the statement of a man who was giving tickets for voters to go to another place."

**MEDDLING WITH WITNESSES.**

Mr. Osler pointed out that Ryckman had been in the court the first day of the trial and had fled the next. He was afraid to go into the box and not tell the truth. Ryckman was a highly respectable young man, not of drinking habits, and why should he want to break his subpoena, except through the terrorization of Graydon, Toote and others? Mr. Osler strongly denounced Graydon's action, as a solicitor, in attempting to get a declaration from a witness under subpoena.

**JUDGES DIFFER.**

Justice Robertson, somewhat testily said Mr. Osler had no right to cross-examine Mr. Graydon in this way, as Graydon knew he would be attacked by Ryckman's evidence, and (Graydon) naturally wished to see what Ryckman was going to say about him. Mr. Osler very emphatically differed with his lordship. Mr. Graydon's actions would not be tolerated in civil or criminal proceedings, and were a fair subject of comment.

"I think so, too," said Judge Ferguson.

**AN IMPORTANT CASE.**

As to the Fitzhenry case, it was a question between the credibility of Fitzhenry and Richardson. Richardson said he did not know Fitzhenry. Richardson said he gave money; but then he may have given it as a loan, as when the commission met he was simply asked whether he had paid or given the traveling expenses of Fitzhenry. There is one item of corroboration as to the story of Fitzhenry and Richardson, and that is the class which leads almost to a conclusion. In both cases, the evidence is corroborated by the circumstance of the error in the voters' list. There were two men of the name of Wm. Fitzhenry—father and son? Is it possible that Fitzhenry could have invented the story that he was wanted to go down and personate his father? The Conservatives had a voters' list which had the name of his father on it; the real voters' list had "Wm. Fitzhenry, brakeman," on it. This was shown by the canvassing book. The Conservatives alone knew by their canvassing books that Fitzhenry's father's name was on a list which would entitle him to go down early and vote instead of his father, who, they had told him, "the Grits had got hold of."

Justice Ferguson—is there no law?



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by which a case like this can be referred to the master? (Laughter.) Judge Robertson—For the purpose of finding where the truth is? Mr. Osler pointed to the statutory account of the election expenses, and he found there the Free Press account, which included payment for the advertisement, inviting all Conservative sympathizers to the club. The Conservative Association could not repudiate that which took place at this club, as it was their headquarters.

**THE ATTIC ORGIES.**

"On the night in question a number of men, not less than half a dozen voters, and sworn up to 15 or 20, were found incapacitated on these premises, and the club authorities ask your lordships to believe that notwithstanding all this evidence there is no responsibility on anyone connected with this manipulation of voters. I will endeavor to bring this home to one or more who are under the circumstances to be created as agents of the candidates."

Mr. Osler repeated the names of George Johnston, Walter Stevenson, Frank Cameron, Pat Howard, George Greenwood, Hugh McCurdy, and Alfred Green, and said that he would attempt to prove that undue influence had been used in the case of these men.

Mr. Osler then said he would argue that the following were agents: Alf McCoubrey, who it was stated, took Johnston upstairs to have a drink, and who was not called to deny it; Fred Griffin, Fred Wright ("Nosey") John I. Cooper, Morris Dillon, Thomas Webb (otherwise known as "Skitters"), Thomas Tracey, J. A. Graham, Luke Jeffries.

**A LITTLE COMEDY.**

Judge Robertson—Jeffries was not called.

Mr. Osler—No.

Mr. Robinson—We called him three times.

Mr. Osler—Yes, after he had gone out of the door. We saw your little comedy.

Mr. Osler added "Red" Robson, Joe Major and John Butler to the list of agents. "Important witnesses have not been called," he said. "Neither McCoubrey nor the doorkeepers have testified. There is no evidence to show that beer must have been brought up very late at night."

At 6:30 p.m. the court adjourned till 11 a.

**Saturday Evening.**

The court room was full at the evening session, which by arrangement was devoted to Mr. Robinson, who had to leave the city on Sunday. Mr. Robinson, before entering upon his argument, expressed his regret at disarranging the usual order of things by speaking before Mr. Osler had finished. He had cabbed in an endeavor to postpone his departure for England, but he had not succeeded.

Mr. Robinson, in commencing his review of the evidence, pointed out that Mr. Toote did not expect to receive one cent extra on account of the election. It was necessary to receive his regular salary as secretary of the Conservative Association. Under these circumstances, he refuted his learned friend's statement that the election would have been voided if Mr. Toote's expenditures had been included in the statutory account of the returns. It was very doubtful if Mr. Toote had been guilty of a corrupt act in having voted. The petitioner had not claimed the seat, and upon the evidence it would have been perfectly useless for him to do so.

**SAYS THE ELECTION WAS PURE.**

Was this case one in which there was a desire on the part of the respondent to conduct the election legally and purely? It might be thought that whatever the reputation of London and the developments of former election trials, he could safely congratulate the citizens of London upon its elevation of morals. In 1874 it was shown in an election trial in London that \$40,000 had been spent in open corruption. In the present instance, after a trial lasting twelve days, after presenting all the evidence of the petitioner to be true, the total amount expended for corrupt purposes was found to be \$77.10. That was the absolute truth, giving the petitioner the credit of every word which they claimed was true; and after the examination of between 80 and 100 witnesses, the result was a counsel generally brought forward his best evidence first, and this was the result. Mr. Robinson charged that Mr. Osler had dealt largely in insinuations and reflections upon respondent's agents, for the alleged tampering with witnesses; yet a liberal agent, one Cooper, had given \$5 to a witness in payment for giving evidence. This was undisputed and proved by Cooper's letter, produced by a witness for the petitioner. The petitioner largely based his case on the charge that railway tickets were furnished several voters to come to London; yet they had the sworn evidence of four men—Forsey, Howard, Ryckman and Knowles—that they came to vote on tickets furnished by Sippl, in the interest of the petitioner. One man swore he had taken the respondent's money for a ticket, and then had come down on a ticket furnished by the other side. If this election is asked to be set aside in the interests of purity, then by all means let the petitioner asked to have an election voided for bribery. The result, which by the evidence of his own witnesses has been committed to a greater extent on his side than on ours."

**A RAP AT MR. OSLER.**

His learned friend had attributed to every act, apparently innocent, or which might have been innocent and guilty, the character of fraud and illegality. If anything was capable of two constructions, his friend asked that the worst be put upon it. If one went to London in the heat of an election campaign and believed every word of the story he heard, he would not find an honest man in the city. It was asserted, and the speaker had heard it himself, that the Imperial Oil Company contributed \$30,000 to this election, but it was proven to be ridiculously false.

Mr. Robinson then ridiculed Col. Leys' wordy letter to Ryckman, and put a very bad construction on it. Mr. Robinson referred to the Lloyd charge, and claimed that there was no arrangement between Graydon and Richardson to pay Lloyd money or a ticket. The loss of \$1.50 and the gift of a ticket by Richardson to Lloyd was not a corrupt act, as they were given to Lloyd to influence his vote. Lloyd desired to vote for the respondent, and the money and ticket were given him to enable him to reach London.

**GRAYDON DEFENDED.**

Mr. Graydon and Mr. Toote had accounted in their books for every expenditure they had made, and the indictment against Mr. Graydon, that because he received money the day he went to Detroit, he took it with him to spend in bribery, was wrong. Mr. Graydon remembered Mrs. Stevenson in the box. A straightforward woman, who was plainly telling the truth. It showed that something violent and unusual must have occurred to pay some accounts before he went. There was not a shadow of proof that

Mr. Graydon was not telling the truth. Mr. Robinson referred to the evidence of Harry, who said he had received \$3 and a railway ticket from Mr. Graydon in Detroit. Mr. Robinson said from party's evidence to prove that Harry did not know where Harry was at the time, but afterwards saw him in London and never spoke to him about the Detroit occurrence. This was most remarkable. Mr. Robinson said, and was strong proof against Harry's identification of Mr. Graydon. Mr. Robinson alleged that the witness Lockington had been brought from Detroit to give evidence by an unknown agent of the Liberals on the ground that if left to himself, someone might get hold of the witness and induce him to tell a lie. What resistance could be placed upon a witness whom they were afraid to trust alone?

**THE ATTIC ORGIES.**

Mr. Robinson took up the attic charges, and said the case was even ground for the belief that the attic affair was a job put up against the Conservative party instead of the Liberal. The crowd in the attic consisted of the refuse of both parties. They were helplessly, hopelessly, stupidly drunk. If it was true these orgies were promoted by any party on the most prominent street of the city, in the most public portion of London, and in full view of the other party's headquarters, as the Conservative Club was, then that party must have sunk to a state of idiocy. Because some men smuggled some beer into a room above the club, which had not been used for weeks, were the club authorities to be held responsible? As well say that because one went home and found a drunken man there the householder was responsible for it? The men in the attic were the most degraded lot in the city, excepting Chalmers, Brock and Loughrey.

**"UNIMPEACHABLE" WITNESSES.**

Every one of them was contradicted by men of unimpeachable standing. There was not a word of evidence to show that any of the men in the attic had been asked about his vote, and every one of them was at liberty to vote on election day. Mr. Robinson then devoted himself to the matter of agency, and argued that not a single corrupt act had been traced to an agent of the candidate. He concluded his masterful address, in which the judges took copious notes. At 11:30 the court adjourned till 10 a.m. Monday.

## Why Not?

**Conservatives Do Not Put Witnesses in the Box**

**To Contradict the Story of the Attic Inmates.**

**Mr. Osler Says That They Dare Not.**

**Why Not Alf McCoubrey? Why Not Thomas Webb?**

**Why Not "Nosey" Wright? Why Not Billy Nasson?**

**Why Not Thomas Wheeler? Why Not John A. Graham? Why Were They Not Put in the Box to Deny the Attic Witnesses and Clear Themselves?—None of the Doorkeepers Called—Crushing Arguments by the Brilliant Counsel.**

**Monday Morning.**

Mr. Osler resumed at 10 a.m., taking up the attic charges with chilling effect. Was the ory all a bad dream on the part of the witnesses who were there? It now stood confessed that there were voters brought to the Conservative headquarters intoxicated, and lured there and made intoxicated after they entered. It was also proven that the Conservative Association had full control of these rooms, for Mr. Toote, their secretary, admitted he put men on the door to control the attic in this way. Mr. Toote and others would argue that they only took control after the harm had been done, and that some persons, not agents, promoted these orgies afterwards. So prominent an agent as Alf. Carrothers took a drunken train to those premises, in a state of inebriety towards which Alf. Carrothers' treat continued. Now, it was admitted, that upon those premises, there was earlier in the day, a keg of beer. It was also admitted by the defense that in the morning there were two kegs there. It was therefore made out by the evidence of the defense that something during the night, after Mr. Toote's guards were put on, a further supply went to the attic. Starting with one keg early in the evening, the morning light disclosed the two. Either that, or a sufficient supply of beer was laid in.

**BEFORE THE ORGY STARTED.**

As to when the beer went up, it was disclosed by evidence that it went up while four guards were on the door—Ivey, Butler, Graham and Jeffries. Only one of these called says it went up in the night; the other guards were not called to contradict him. They were asked not to believe what Mr. Stevenson's evidence because he was drunk; but it must be remembered that the loss of \$1.50 and the gift of a ticket by Richardson to Lloyd was not a corrupt act, as they were given to Lloyd to influence his vote. Lloyd desired to vote for the respondent, and the money and ticket were given him to enable him to reach London.

**TERRIBLE TO LOOK AT.**

His eyes were black, his face was bruised, and his lips were cut, so that Mr. Robinson had to give up. His shoulders and his legs were black. He was in bed three days and unable to attend to his business. Mr. Graydon remembered Mrs. Stevenson in the box. A straightforward woman, who was plainly telling the truth. It showed that something violent and unusual must have occurred to pay some accounts before he went. There was not a shadow of proof that

**Some Women**

jump at it. They're quick to see the advantages of Pearlina, quick to economize and save, quick to adopt all the modern improvements that make life easier. And these quick women are the ones that are likely to use Pearlina (see with-) in the right way, and to find new uses for it, and get most out of it.

**Some Women**

have to be driven to it. They wait until they can't stand the old-fashioned way of washing any longer. Then they get Pearlina. But ten to one they use it for only part of the work, or use it some way of their own, or use something else with it—and don't get half the help they ought to.

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## Wily Spaniards

Fall into a Trap They Had Prepared for Cubans.

Captain-General Weyler Has a Narrow Escape from Capture—Spanish Gunboat Seized and Burned.

Key West, Jan. 23.—A horrible story comes from the Province of Santa Clara, telling of quick retribution to the Spaniards for their butchery and barbarous method of warfare. A Spanish force, under Capt. Martelli, entered the place, which had been the camp of the insurgents, and before going away secretly poisoned the wells and a fine spring noted for affording extra pure water. That evening a Spanish band of guerrillas entered the town after the others had left and used the water, from which over 35 men died. The guerrilla captain charged the Cuban residents with poisoning his men. He took the principal residents prisoners and shot them dead. He then turned the women over to the tender mercies of the men, who shot young boys who attempted to save their mothers and sisters and burned the village. The next day some of the Spanish troops told the guerrillas the story of the trap they had set for the Cubans, and learned that their own companions in arms had been caught by their own barbarous plot.

Havana, Jan. 25.—Gen. Weyler has received his baptism of fire in the field. At all events ten of his body guard, a corps of Cuban negroes who enjoy the distinction of guarding the person of the captain-general when he takes the field, arrived here Tuesday night seriously wounded with machete thrusts. Several have since died. Eight members of the same corps, all wounded, reached Havana on Wednesday morning. From their accounts it is clear that early on Tuesday morning the rebels made a bold attempt to capture the captain-general which was nearly crowned with success.

Gen. Weyler entered the village of Cuatro Cameros on Monday afternoon. Orders were given that all the inhabitants should leave their homes within two hours. The village being deserted, the torch was applied, and all the houses, about 300 in number, were destroyed.

The captain-general then proceeded toward Gopaste, which was reached after nightfall, and halted some distance outside the village. The insurgents had concealed themselves in the town. Their plans were evidently well laid, and it is quite probable that they might have succeeded in capturing the desired prize, the Spanish commander himself, but for the fact that the guns of some of the concealed rebels were accidentally discharged, giving the alarm to the royal troops.

Before the Spanish advance guard recovered from its surprise the rebels, seeing that their plan had partially failed, rushed from their places of concealment and attacked the enemy with great fury, inflicting severe loss in their resistless onslaught, pursuing the rapidly retreating Spaniards to a point almost within range of the troops in Gen. Weyler's main body.

On Tuesday night the insurgents opened fire with cannon upon the Spanish gunboat Cometa, anchored off Sierra Morana. While the crew on board the Cometa were in confusion, the dispatch adds, insurgents in small boats rowed out to the shore and set her on fire, burning her to the water's edge.

Washington, Jan. 25.—In response to a resolution of Congress the President sent to that body today a list of claims against Spain on file in the State Department, made by American citizens, whose property had been destroyed in Cuba. The claims aggregate \$10,000,000.

Tampa, Fla., Jan. 25.—Carlos Aniles, a well-known literary man, and a Cuban by birth, died on Sunday at Havana. He had been suffering from Guano bacca. The funeral procession on Monday was stopped by a mob of Cuban soldiers, who broke open the coffin, took out the corpse, and, after beating it with their muskets, threw it into the gutter, and forbade the mourners to take it up. The people dispersed in fear of their lives. Some hours later they recovered the body and buried it. Aniles had not called himself with the insurgents.

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