

ORANGEVILLE WELLS CASE.

Charge Against Douglass Withdrawn by the Crown.

Statements by Crown Attorney and Counsel for the Defendant.

Coroner Declared Proceedings to be a Farce.

Orangeville despatch: The liberation on suspended sentence of Jackson, the laundryman, has been followed by the withdrawal of the charge against A. C. Douglass, the druggist, an unspeakable crime stands unexplained, and Ontario justice is to all intents and purposes satisfied. That is the result of the proceedings which have passed as a judicial investigation of a case that has shocked the public mind throughout the length and breadth of the Province. After the abortive nature of the proceedings against Jackson the acquittal of Douglass was not unexpected, but the indignation aroused in the community is none the less strong on that account.

Police Magistrate Pattullo took his seat shortly after 2 o'clock. Counsel present were Crown Attorney McKay and Mr. E. F. B. Johnston, who appeared on behalf of the defendant.

After the information, which charged the defendant with having supplied with intent a noxious drug or other thing to Elizabeth Wells, had been read over, Douglass was asked what he had to say. Mr. Johnston said that, with all deference to His Worship and to the Crown, he refused on behalf of the defendant to plead or elect. The defendant had been charged with Jackson in connection with the same subject matter, but the case as it stood today was in a totally different position from that in which Jackson stood. Apparently Jackson had been convicted. Jackson, according to the evidence adduced so far, was the author of the wrong done originally, whatever might have been done subsequently. Whatever circumstances might have led up to the unfortunate woman's death were not at the present moment any concern of his. Jackson was the man who was interested in the whole matter. Jackson left the country, and in order to take proceedings to extradite him from Buffalo it was necessary to obtain some direct evidence implicating him in the offence. Mr. Douglass was the only one apparently from the facts who could give any direct testimony implicating the man Jackson, and the Crown, desiring to extradite the latter, asked Douglass to make a statement. The position now was different. Mr. Douglass was not going to make any statement. He was charged with crime, and however innocent he might be, no statement would be made to the Crown. Mr. Douglass was ready to proceed with the trial and to defend himself, but he refused to allow his client to open his mouth in the matter. The Crown was unable to proceed against Jackson without Mr. Douglass's testimony, and the position was taken by the other counsel in the case that if the Crown used Douglass as a witness in any transaction connected with the subject matter of the alleged crime, and got from him confidentially the story of the circumstances, he could not, according to the practice of the courts and the practice of the Crown, be prosecuted for that offence unless he committed perjury in giving the evidence. The Crown made no terms of bargain in that sense with Douglass, but it was told that no injustice would be done to him, and that he would be treated as such cases had been treated for centuries. The practice was that where an alleged accomplice was used for Crown evidence the Crown protected that witness to the extent of not prosecuting unless perjury was proved.

Upon that state of facts he trusted to the honor of the Crown, and relied on the fact that in no instance, to his knowledge, in the records of law in this Province or in England had been had there ever been a violation of that honor.

Crown Attorney's Statement.

Crown Attorney McKay said he agreed with practically everything that Mr. Johnston had said. He thought he had stated the law and the practice, and he desired to make a statement: "The Crown will not call any evidence and I consent that the charge be dismissed. In view of the discussion that has taken place, it is perhaps advisable that I should state the reasons for this course being adopted.

"In considering the matter it must be remembered that very much of the material evidence given at the inquest upon the body of the late Elizabeth Wells would not be available at the trial herein. All hearsay evidence is usually admitted before a coroner's jury, but is rigidly excluded at trials.

"After carefully reviewing the evidence given at the inquest and the statement of Jackson, together with all other available sources of information, I do not think that a jury would convict.

"From the point of view that Douglass has, so far as can be ascertained, save for the statement of Jackson, contradicted as above, told all he knew to the Crown officers, and that his story has thus been corroborated by the Crown, together with any collateral evidence against him that was discovered there by, and notwithstanding the Canada evidence act, I do not see how Douglass can be proceeded against without a grave breach of arrangement either express or implied.

"What effect the Canada evidence act will have in future cases remains to be ascertained, and it is not unlikely that the Hon. the Attorney-General will take this matter into his consideration, and will issue such directions as to him seem proper and just in view of the ends to be attained.

The Magistrate said the point was that a witness was bound to answer the questions, and if Douglass had been called in Jackson's case he would have been bound to answer.

Mr. Johnston—Not unless he was protected by an order of the court.

The Magistrate—It simply means that his answers shall not incriminate himself.

Mr. Johnston—The Crown has invariably protected such a witness. The Crown, technically speaking can try this man to-day and put him in the box, and if he had not taken objection to the evidence given at the inquest they could use it against him. But the principle goes further. The Crown having used him, it has now practically become a rule of law that the Crown cannot prosecute him.

The Crown Attorney thought that the Crown having obtained the story and collateral facts in evidence, the practice had been to protect the giver of that evidence, but the Canada evidence act might affect that question in the future—that was if the Attorney-General should make any direction with regard to it.

Charge Was Dismissed.

The Magistrate thought the last ground urged by the Crown Attorney was the stronger one. It seemed to him that the precedent which had been referred to had been abrogated by the Canada evidence act. If it was not, then the act was of no value.

The Crown Attorney did not think that it should be regarded as abrogated until new orders were issued.

The Magistrate—What has a man got to offer for his protection? What is he giving for it?

Mr. Johnston maintained that it was not a matter of giving in any way. The Canada evidence act did not relate to the case of a person charged with crime.

The Magistrate said in that case there was nothing to do but to dismiss the charge.

Dr. J. Henry, the Coroner, rising in court, protested against the decision. "Cannot you call some witnesses?" he asked. "This thing is a perfect farce. I can give evidence."

Magistrate Wanted a Clean Sheet.

Police Magistrate Pattullo, in dismissing the charge, made the following observations: "I think the defendant is making a very great mistake in not getting properly tried before a jury, and getting his reputation established. I want to end this thing. The defendant has been buffeted about in the Police Court here for nearly a year now and I want to be in a position to give an order. I think he should have pleaded not guilty and insisted on an open trial. It is going to leave this man in a bad position in the future. The British law assumes every person charged to be innocent until guilt is proven, but I am afraid in this case your fellow-citizens may not be so generous, and that this I shall dismiss the information, but I think it would have been far better for the defendant and for the community if the case had been disposed of and a clean sheet made."

THREE NEW OFFICIALS.

A SUPERINTENDENT FOR THE NEW FRUIT FARM.

An Additional Inspector of Apiaries—Crown Lands Agent Appointed at Parry Sound to Fill Vacancy Caused by Death.

A Toronto despatch: Several appointments were made at a meeting of the Cabinet held yesterday afternoon. They included that of Mr. H. S. Peart, B. S. A., lecturer in horticulture at the Agricultural College, as superintendent of the new experimental farm near Jordan Harbor, in the County of Welland. Plans are now in preparation for the buildings required for the carrying on of the experimental work at the farm.

Mr. J. L. Byer, of Mount Joy, has been appointed inspector of apiaries for the district east of Toronto as far as Belleville and north, including Peterboro and Victoria Counties.

Mr. Frank R. Dore, of Parry Sound, has been appointed Crown Lands agent there to fill the vacancy caused by the death of J. Ellis.

YOUTHFUL INVENTOR.

Six Flying Machines Invented by Boy of Fifteen.

New York, June 3.—The Herald has received the following despatch from Kansas City, Mo.: Lawrence J. Lesh, a fifteen-year-old mechanical genius, who has invented six flying machines, three of which have borne his weight, has gone to Chicago with his aeroplanes, which he will display at an exhibition of the Aero Club of that city.

The contrivance Lawrence Lesh will exhibit in Chicago is a motorless aeroplane. It is a guiding machine, built on the principle of a soaring bird. It weighs thirty-five pounds, is twenty feet long and eleven feet wide.

Young Lesh has written several articles for scientific papers, including "Flight of Birds" and "Flying Machine of Tomorrow."

HER CARGO AFIRE.

British Steamer Reaches Bermuda in Perilous Condition.

Hamilton, Bermuda, June 3.—The British steamer Boniface, from Galveston for Liverpool, arrived here this morning with a cargo of cotton on fire. The Boniface carried nine passengers, eight of whom are women. The flames were discovered May 26, when the vessel was 760 miles from Bermuda. The hatches were battened down, and the Boniface was headed for the islands. When she arrived here her cargo was burning furiously, and her decks were crumbling in.

MURDERER GOES TO TRIAL.

Lawrence Gowland's Confession Read in Court Before He is Committed.

Killarney, Man., June 3.—Lawrence Gowland, the self-confessed murderer of Georgina Brown, received his preliminary hearing before Police Magistrate Theo. Shannon this afternoon. His confession, full of brutal and disgusting details, was read in court, and acknowledged by the prisoner, after which he was committed for trial.



PRINCE FUSHIMI,
Who is now on his way to visit Canada.

SAN FRANCISCO'S LABOR MARKET.

Thousands of Men on Strike and Other Thousands Out of Work.

San Francisco, June 3.—Labor Commissioner W. V. Stafford has submitted this report to Governor Gillette:

"The San Francisco Musicians' Union has a membership of nine hundred. At this time but fifty are working regularly. The majority of the members in the union are taking turn about for this employment.

"Of about 6,000 clerks and salesmen in retail stores, 2,000 are out of employment, and those that are working get two days off weekly, some with and some without pay.

"There are 12,000 iron workers, 2,000 carmen, 500 telephone girls and 1,500 laundry workers out on strike.

"Ten thousand men of the building trades are out of work through strikes, lack of material and lack of money.

"Three hundred laundry wagon drivers are out of employment, as a result of the laundry workers' strike.

"Up to a month ago architects took draftsman who could not speak English and were glad to get them. Now there are four or five applicants in every office daily, and no work to be had.

"The restaurant business is cut in half and help diminishing proportionately.

"Four thousand laborers in street railroad work are laid off. They walk the streets in droves, looking for work, and congest the employment offices."

NEWS IN BRIEF

CANADIAN.

St. John's Anglican Church, at Madoc, was burned.

The Queen's Hotel at Hensall was destroyed by fire.

Mrs. Jane Reid, of West Huntingdon, committed suicide by taking carbolic acid.

Rev. W. J. Ford, of Glencoe, has been elected President of the London Conference.

Gustav Kern, alleged fugitive from Knoxville, Tennessee, had \$5,100 banked in Toronto.

Mr. W. S. Calvert, the Liberal whip, denies that there will be a general election this year.

It is said that United States parties are endeavoring to secure pulpwood concessions in Northern Ontario.

It is practically settled that Principal Falconer will accept the Presidency of the University of Toronto.

Montreal police have presented the City Council with a bill for \$8,000 for keeping order during the strike.

At Parry Sound Assizes Capelle, the Italian, was found guilty of the murder of William Dow, and Marano, his companion, was acquitted.

Thomas W. Harvey, former teller of the Enterprise National Bank of Allegheny, was found guilty yesterday on thirty-three counts for making false entries.

A man named Silbriski was arrested at Guelph yesterday. He is thought to have been concerned in the fire which destroyed the Toronto Exhibition buildings last fall and in a couple of cases of house-breaking at Guelph.

Montreal is agitated at the present time over the proposition made by Mr. Rodolphe Forget to sell to the city the electric light and gas plant of the Montreal Light Heat & Power Company. The company wants the modest sum of \$25,000,000.

William Bayard, of St. John, N. B., will in August next complete his 10th year in continual practice of the medical profession. He is 95 years old, but still visits a few patients.

Sir V. Caillard, presiding at the meeting of the British Loan & Trust Company, congratulated the shareholders on the almost monotonous record of prosperity in Canada.

BRITISH AND FOREIGN

Prince Fushimi, with Earl Grey and party, sails for Canada to-day.

The vicinity of Houston, Texas, has been swept by a series of cloudbursts and storms.

Russia has refused to receive back the

death of his son. The high court, in April, 1906, awarded him \$633.52 damages and costs. On the same day a writ of execution was issued against the chattels of Charles Gow and placed in the sheriff's hands for execution.

In the suit to-day by Hill against Charles Gow and C. J. Darling and W. J. Moore, executors of the will of John F. Gow, Hill contended that Charles Gow had conveyed his property immediately after judgment to his father for fraudulent purposes thus preventing him from collecting the claim.

Charles Gow's father, John Gow, died July 21, 1906. The morning after the funeral the son suddenly left the country, and relatives declared to-day that he had not been heard of since. The executors of the will maintained that they had no knowledge of facts that would tend to throw doubt on the validity of the conveyance.

The case was dismissed with costs.

BOY'S REMARKABLE GRIT.

Sight of Seeing Arm Amputated Well Worth the Pain.

Vienna, June 3.—A 14-year-old boy of the name of Tueck, astonished the prominent surgeon, Baron Von Eisellberg, by the remarkable grit he displayed in undergoing an operation.

Tueck's arm had to be amputated. He refused anaesthetics because he wanted to watch the operation. He resisted all the persuasions of the surgeon, who finally yielded. The boy did not wince and made no sound throughout, but watched the surgeon's work contentedly. He said afterwards the sight was so interesting it was well worth the pain. Baron Von Eisellberg recognized his pluck by giving him a watch.

HON. EDWARD BLAKE ILL.

Stricken With Paralysis in London, But is Improving.

Toronto despatch: The news that Hon. Edward Blake, formerly Premier of Ontario, and now member for South Longford in the British House of Commons, had been seized in London with a sudden illness, will occasion widespread regret in Canada. Information reached Toronto on Wednesday that the hon. gentleman had been the victim of a paralytic stroke, and a message of inquiry was at once despatched to London by Mr. W. H. Blake, K. C. Fortunately the latest intelligence is reassuring, a reply having been received yesterday to the effect that Mr. Blake's condition had undergone a satisfactory improvement. Mr. Blake is 74 years of age.

A cablegram received by Professor Wrong, son-in-law of Mr. Blake, yesterday morning announced that the patients' condition was satisfactory.

POTATOES GO SOARING.

They Supplant Wheat in Interest in Winnipeg Market.

Winnipeg, June 3.—Wheat is no longer king here. While all eyes have been turned upon it, the potato market has been very active, and almost as erratic and exorbitant.

For more than a week past deliveries have been small, owing, no doubt, to the rush of spring work, which is usually over by this date. While receipts have been receding the demand has been increasing, and prices have gone up like sky-rockets. Local deliveries have brought 85 cents to 95 cents on the track, for even quite small quantities.

Several cars have been brought in from Minnesota, and these cost \$1.05 on the track, and are sold in a jobbing way at \$1.15 to \$1.25. Dealers state that they think the top of the market has probably been reached.

MERGER PROVED A SUCCESS.

Satisfactory Report of Dominion Textile Co.—Dividend Declared.

Montreal, June 3.—The marked success that has attended the merger of the majority of the largest Canadian cotton companies was shown by the very satisfactory report submitted by the Dominion Textile Company at its annual meeting held to-day. The report showed the sales for the year to have been \$8,507,012.81, being an increase of \$376,008.85 in value over the previous year.

In view of the showing made for the past two years, and the bright outlook for the present year, the directors have declared a dividend of one and a quarter per cent. on the common stock of the company, payable on July 2, to shareholders of record on June 15.

CHINESE FAMINE.

A THOUSAND BABIES GET MILK FROM U. S. HELPERS.

Shanghai, June 3.—The famine which has prevailed for many weeks, causing hundreds of deaths and great suffering has been broken. The crops are still thin, but the hot weather of the past month has been favorable to a good yield.

American gifts have supplied milk regularly to 1,000 babies at the Hsu Choo Fu Temple, while 200 more have nourishment occasionally. The children are left with their parents or relations, as the Chinese dread foreign orphanages.

What is left of the gift will be turned over to the red cross society to relieve individual cases of need to grapple with the next crisis.

WAS ALMOST SUFFOCATED.

Toronto Man Has a Narrow Escape in a Hotel at Brockville.

Brockville, Ont., despatch: A Toronto man named Hurst, who has been making his headquarters at the Grand Central Hotel for the past few weeks, had a narrow escape from being asphyxiated this morning. A guest passing along a hallway upstairs detected a strong smell of gas, which was traced to the room occupied by Hurst, and the door being forced open, an unconscious condition in fact life was almost extinct. At the hospital he revived, but is still suffering. The gas jet in his room was found wide open.

HILL'S CASE DISMISSED.

Executors Say They Do Not Know Charles Gow's Whereabouts.

A Peterboro' despatch: At the non-jury sittings of the high court here to-day, Chancellor Boyd presiding, an interesting case came up, arising out of the killing of young Tommy Hill, in the Dummer Township tragedy of August, 1905.

Gow was passing the Hill homestead at night when he fired three rifle shots, one of which killed young Hill.

Gow was convicted of manslaughter and got three months in jail. Later Hill, father of the dead boy, entered action against Gow for damages for

FOUR KILLED; THIRTEEN HURT.

Holiday Excursionists Meet With Fatal Accident.

Eight of Them Lost Both Their Legs

Elyria, Ohio, June 3.—Four persons were killed and thirteen injured in a rear-end collision on the Cleveland & Southwestern traction road here early last evening. The front car was filled with holiday excursionists, nearly all of whom received more or less serious injuries. Within a few minutes ambulances and doctors were summoned and the wounded taken to the Elyria hospital, where two of the injured subsequently died. Eight of the remaining thirteen had both legs cut off, one lost one leg, and still another had both legs broken. The dead: E. O'Donnell, Elyria, crockery merchant; H. M. Billings, Elyria, Grand Army veteran; W. C. Allen, Elyria, claim agent for the Lake Shore Railroad; Wm. Sale, son of Rev. J. P. Sale.

Miss Suppes, daughter of Max Suppes, manager of the steel plant here, had both legs cut off. Motorman Fraundt, who was in charge of the car which caused the wreck, was arrested to-night on a warrant sworn out by Prosecutor Stevens, charging him with manslaughter.

A QUEER FISH.

MAYOR AND CHIEF OF POLICE OF BOISE THREATENED.

Boise, June 3.—Following the arrest and detention of a man named Carl H. Duncan on the charge of carrying concealed weapons, Mayor Haines to-day got an anonymous letter. Each word was carefully printed out. It read: "The man you have arrested is an honest workman. We ask that you release him at once. We also insist that you dismiss Chief of Police Francis. If not, we will find a way to get both you and the chief."

Duncan appears to be a socialist lunatic. When arrested he had on the most wonderful set of false whiskers and eyebrows that the eye of man has ever gazed upon. They were excessively luxuriant. Moreover, they did not match his hair or his complexion. It was scarcely remarkable that such an outfit attracted the attention of the police.

The man had with him a bag containing a variety of things that interested the coppers. They included a Colt automatic revolver, knife with a blade eight inches long, a pair of brass knuckles and a dozen skeleton keys.

Duncan also had a card showing that he was a member of Spokane Union of the Industrial Workers of the World, together with letters from Wade R. Parks.

WANTED DAMAGES IN FULL.

Miss Fallis Refused Offer in Breach of Promise Case.

Toronto despatch: Miss Lizzie Fallis, who was awarded \$1,000 against Policeman George H. Wilson for breach of promise, and instituted an action to set aside the settlement by Wilson of \$2,500 in favor of his wife, Alice Emily Caton. The case was tried before Mr. Justice Maclean in the Non-Jury Assize Court yesterday.

It appears that Wilson conveyed his equity in a 50-acre farm in concession 7, Vaughan township, and settled, besides, \$1,000 upon his wife. Miss Fallis claims that the settlement was made for the purpose of defeating her claim.

Mrs. Wilson was the only witness for the defence, and she stated that she would not have married Wilson had he not effected the settlement. She had heard that he had been in some difficulty, and would not leave her home Wilson to settle the matter, but she refused.

The arrangement was of the most business character," said Mr. Godfrey. "They had both got beyond the romantic stage, and love does not seem to have been a large factor in the matter."

Miss Fallis had been offered \$900 by Wilson to settle the matter, but she refused.

His Lordship remarked that he could not understand why such an offer was not accepted.

Mr. B. N. Davis, counsel for plaintiff, said he had advised acceptance, but plaintiff refused to act on his advice. Judgment was reserved.

SENSATION SPRUNG.

Bishop's Confraternity Something of a Surprise.

Quebec, June 3.—Something of a sensation was caused in the Anglican Synod by the admission of Principal Gibbons of Bishop's College, Lounsville, in answer to an inquiry that a chapter of the confraternity of the Blessed Sacrament existed amongst the students in divinity, of which the chaplain is Rev. F. G. Scott, the rector and rector of St. Matthew's Church, Quebec. All the professors, one after the other, declared they had nothing to do with the confraternity.

HEREDITARY SUICIDE.

Has Been in Seyre Family for Three Generations.

Binghamton, N. Y., June 3.—John Seyre, aged 63 years, to-day committed suicide in his home by shooting himself through the mouth, going into the same pantry to commit the deed in which his father and grandfather both killed themselves by cutting their throats, many years ago. Mr. Seyre lived in Washington Hall, six miles west of this city, the oldest home in Broome county, in which his ancestors for several generations have lived.

Mr. Seyre suffered from a sunstroke several years ago, to which is ascribed his act.