

FALL AND WINTER SUPPLIES. 1872. Retail Department. W. D. HEPBURN & CO.

BOOTS AND SHOES. Suitable for Fall and Winter Wear. We invite careful buyers to our system of doing business, viz.,

Small Profits and but one Price. W. D. Hepburn & Co. manufacture their own goods and feel that they can confidently recommend them as CHEAP and DURABLE.

HOME-MADE BOOTS AND SHOES. As we employ over FORTY HANDS we can supply a large portion of Guelph and surrounding country. All kinds of Boots and Shoes made to order.

Repairing done as Usual. TERMS CASH. Store and Factory Eastside Wyndham Street, Guelph, Sept. 27, 1872.

TOWN HALL. One Night Only! SATURDAY NEXT 9th November.

HOGAN & MUDGE'S MINSTRELS, BURLESQUE TROUPE, AND BRASS BAND.

Doors Open at 7: Performance to Commence at 8. PRICES AS USUAL.

Wm. GALLOWAY'S THE BEST CLOTHING.

Furnishing House. IN ONTARIO. Everything kept in Men's, Boys' and Children's Wear.

Call and See our Large Stock. W. GALLOWAY, Next do J. M. Bond's Hardware Store.

WE HAVE RECEIVED A SPLENDID ASSORTMENT OF Coal Scuttles, Coal Vases, Fire Irons, Fire Shovels, Wire Fire Guards, Fire Grates, Fire Iron Stands, Blower Stands, Coal Tongs.

JOHN M. BOND & Co., DIRECT IMPORTERS.

EVERY STOCK NEEDS Assorting in November AND THEY CAN BE ASSORTED WITHOUT DIFFICULTY.

JOHN MACDONALD & Co., TORONTO.

GAS FITTING AND STEAM FITTING. Done in the best style and most workman-like manner.

AT HOWARD'S. All kinds of Fixtures made to order on the Shortest Notice.

Changing Pipes, &c. or Repairs. Done on the shortest notice.

CASH FOR WOOL, HIDES, SHEEP-SKINS, CALF-SKINS, and WOOL PICKINGS.

The highest market price paid for the above at No. 4, GORON STREET, DAY'S OLD BLOCK, GUELPH.

Plasterers and recent contractors on hand for sale. MOUTON & FISHER, Guelph, April 19, 1871.

New Advertisements.

COOK WANTED. In a family. References required. Apply to Mr. McCormack's store, Wyndham St., Guelph, 23rd.

WANTED. A young man from 16 to 18 years of age, as Assistant in a Grocery and Provision Store. He must write a good hand, and be well recommended. Apply immediately to George Fraser, old St. Office.

TO LET. The large room over the MERCURY OFFICE, formerly used as a Temperance Hall. Suitable for an office or for any light manufacturing purpose. Enquire at the Mercury Office.

POCKET-BOOK LOST. Lost, on Sunday, either in Chalmers' Church or near it, a pocket-book containing a small sum of money and some papers. The finder will oblige by leaving it at the MERCURY OFFICE.

RARE CHANCE. All persons out of business or desiring of getting into a better paying one should not fail to send one dollar for full particulars, instructions and samples, whereby they will be enabled to make from \$1500 to \$2000 per annum. Address HENRY F. LEMONT & Co., 236 St. James Street, Montreal. 290-445-2nd.

LORNE PLACE-VILLA SITES. The subscriber has a number of Eligible Building Lots in Ferguson's Survey. Upon several lots there is a variety of bearing fruit trees. The neighborhood is healthy and pleasant; soil a fine loam, with gravel bottom. The property will be sold cheap, and on easy terms. Apply to Henry Hatch, Guelph, Oct. 25, 1872.

SHEEP STRAYED. Strayed from a field near Allan's Bridge, about a month ago, 9 sheep and lambs. One of the number is black, the others are white with black ears. All are in poor condition. Any one finding and returning them to me, or giving such information as will lead to their recovery will be suitably rewarded.

STORE AND DWELLING FOR SALE OR TO RENT. The subscriber offers for sale on reasonable terms, or will rent for a period, the store and dwelling at Bristol, Township of Erin, at present occupied by Mr. Mackintosh, Townmaster there. The store is situated in a good locality, on the gravel road between Guelph and Erin. This is an excellent opening for a party with a limited capital, as a good business can be carried on, and arrangements may be made to continue the store office in connection with the same. For particulars apply to JAMES MASSIE, Guelph, Nov. 24th, 1872. daw

J. MARRIOTT, Veterinary Surgeon, M. R. C. V. S., L., F. V. N. A.

Having lately arrived in Guelph from England, and taken up his residence here, intends continuing the practice of his profession. Orders left at the MERCURY OFFICE, or at H. A. Kirkland's, Paisley Street, opposite Howland's new foundry, will be promptly attended to.

Having had great experience in all diseases of Horses and Cattle, all cases of which his treatment will receive the greatest attention. Charges moderate. Guelph, Oct. 19, 1872. dwt

PHENIX MILLS, WATERLOO ROAD. Chopping and Gristing.

Carefully attended to, and satisfaction promised. Family and Fall Flour, Graham Flour, Cracked Wheat, Corn Meal, Chopped Corn, Feed and Millers' Ofsals.

Of all sorts for sale at the old Stand, Upper Wyndham Street. Next door to D. Naimith's.

Having our own Mill, parties dealing with us can rest assured of Flour, &c., of the best quality, and as cheap as any place in Town. Orders promptly attended to. Guelph, Oct. 31, 72. dwt

ST. ANDREW'S SOCIETY. The Annual Meeting of the Guelph Town and Township St. Andrew's Society, for the election of Officers and transaction of other business, will be held in Town Hall, On Friday Ev'g, 8th inst.

At half-past seven o'clock. A full meeting is requested. A. MACKENZIE, Secretary. Guelph, Nov. 6, 1872. dwt

FURNITURE. BARR & SKINNER, MANUFACTURERS OF.

Parlor Suites, Chamber Sets, Centre Tables, Extension Tables, Sofas, Teles, Lounges, Easy Chairs, Bedsteads, Bureaus, Sideboards, and All kinds of Furniture, also Sewing Machine Cabinets, Cases and Tops.

Employing men of great skill and experience in Cabinet-making, as foremen, and the best of workmen in each department, having a new shop, the most improved machinery, with ample steam power, and using good kiln-dried lumber, we are in a position to turn out as good and cheap goods as any in the market. The attention of the trade and public is invited. Guelph, Nov. 6, 1872. dwt

NEW FANCY STORE, Upper Wyndham Street, Next door to Mr. Naimith's.

Mrs. WINSTANLEY. Begs to inform her friends and the public that she has opened a Fancy Store on Upper Wyndham Street, where she will constantly have on hand a variety of Trimmings, Berlin Wool, Needles, Pins, Tapes, Chignons, Writing Paper, Envelopes, etc. etc.

Mrs. Winstanley has also opened a Registry Office for Servants and LENDING LIBRARY. Guelph, May 27, 1872. dwt

F. STURDY, House, Sign, & Ornamental Painter.

GRAINER and PAPER-HANGER. Shop next to the Wellington Hotel, Wyndham Street, Guelph. 47-48.

Guelph Evening Mercury

THURSDAY EVENING, NOV. 7, 1872

Town and County News. REMEMBER the meeting of stockholders of the Curling Rink, at Mr. Charles Davidson's office, this evening.

THERE are many new features in Hogan and Mudge's entertainment, to be given here on Saturday night. It is said to be a capital minstrel show.

DOMINION MONTHLY. The November number of this monthly has been received. It has a very good portrait of Professor Tyndall, and contains the usual quantity of interesting reading.

ENGLISH MAGAZINE. Mr. T. J. Day has sent us Bow Bells, Young Ladies' Journal, and Sunday at Home for November. These popular periodicals contain a great deal of reading matter, and all of them are profusely illustrated. For sale at Day's Bookstore.

THE MASONIC LECTURE. M. W. Bro. Morris lectured last night in Speed Lodge to an excellent audience. The lecture was quite equal in interest to the previous one, and contained considerable information about the Holy Land which was not given in the one delivered on Monday evening.

GENEROUS OFFER. Dr. Clarke announced at the Hospital meeting on Tuesday, that Mr. John Horsman had generously offered to support a bed in the Hospital for one year—equal to a subscription of \$300—or longer if necessary. Such genuine liberality deserves to be made public, as it may stimulate others to acts of benevolence in connection with this institution.

Mr. John Anderson has received his usual supply of those popular monthlies, Bow Bells and Young Ladies' Journal, both of which are replete with much valuable information for our fair friends, in the way of crochet, knitting, sewing and the many mysteries of the toilet. The illustrations in both are, as usual, profuse, and the reading matter seems undiminished in interest, as the various tales proved in their respective stages of development. For sale at Anderson's.

CANADIAN MONTHLY MAGAZINE. We have received the November number of this periodical, which continues to grow in interest and ability. An article on Party Politics deserves special notice, and the one on the Canada Pacific Railway, by Mr. Mills, supplies plenty of food for reflection. Altogether this number is, we think, the best yet issued. The contents are:—Carnism, a tale, by Louisa Murray; Memories, by M. E. Mitchell; The Last of the Hurons, by W. M. Wingthrow; M. A.; Anthelm Tins; Legislation upon Insolvency—a paper of great present interest; November, a poem; Industrial Schools, by W. B. McMerich, M. A.; Indian Summer, by Henry Raine; An Adventure, and no Mistake; Sleep, a poem; Railway Reform—the Canada Pacific Railway, by David H. M. W.; The Knight's Grave, a poem of more than ordinary interest, by H. M. Giles, of St. Catharines; Party Politics, by a Radical; and several selected articles. The delayed title-page for the first volume is now issued, and is very neat and pretty. Copies for sale at the bookstores.

Dr. Clarke and the "Herald." To the Editor of the MERCURY. Sir,—I wish through your paper to protest against the malicious and unjustifiable attack made by the Herald last night on Dr. Clarke for what he said about that paper's remarks on the proposed Hospital. Dr. Clarke may have many faults, which I am not prepared to screen or excuse; but it is acknowledged by all that he has all along been honest and sincere in his advocacy of an hospital in Guelph, and his very liberal description towards his opponents shows that he has not gone back in his desire for it, or his willingness to aid in its establishment. I honestly believe that the Herald foully libels him when it insinuates that he expects or hopes to profit in any shape or form by this hospital.

The Herald now seeks to deny that it first said anything adverse to the establishment of such an hospital, but its assertion to the contrary notwithstanding, every candid reader of that article came to the conclusion that an attempt was made to throw cold water on the movement at its very start, and the tone of the paper was only changed when the "head boss" found it was going against the popular current, and so he called in his jackal off that scent, and made him tone down his opposition, and damn the institution with faint praise.

Yours truly, A CONSERVATIVE. Guelph, Nov. 7th, 1872.

The Presidential Election. The Tribune gives Grant 213 electoral votes, 82 for Greeley and 71 doubtful. It says Grant has carried every Northern State, and Greeley probably every Southern State except the Carolinas. It gives Grant 40,000 majority in New York State, and Dix a majority somewhat less. Twenty-three Republican and ten Coalition Congressmen have been elected. The Republican majority in the Assembly is forty.

The Times says Grant carries 30 States. Grant and Dix's majority in New York State will be 25,000 and may be 50,000. Twenty-three Republican and ten Democrat Congressmen are chosen; for the Assembly, 79 Republicans to 49 Democrats.

The Herald gives Grant 29 States, and Greeley 8. Grant's majority in this State is 35,000.

The World gives Grant 253 electoral votes, and Greeley 118. Puts Grant's popular majority at 300,000.

The result of the Presidential election was published in London on Wednesday morning. The Telegraph believes that Grant deserves re-election, and the fact that he has been again chosen disproves the assertion that Republicans are ungrateful.

Local and Other Items.

The Intercolonial Railway will be opened at Halifax on the 11th inst. The people of Galt have good hopes of getting Goldwin Smith to lecture there some time next month.

The rails of the Canada Central Railway were laid to Renfrew village on the 1st inst., on which day the last spikes were driven home.

COMMERCIAL TREATY WITH FRANCE.—The new Commercial Treaty which has been for a long time in negotiation between Great Britain and France was signed on Wednesday.

The Galt Reformer says that Randall Farr & Co., of Hespeler, have sold out their stocking knitting machinery, and the purchasers have removed it to Guelph.

CONDUCTOR P. COONEY was run over while attending to his train on Tuesday forenoon, at Bothwell, on the G. W. R., and was so seriously injured that it is feared he will die.

A sad case presented itself on Tuesday in the Toronto Police Court. A once talented minister on trial for being drunk and disorderly, appeared with a black eye and a most dilapidated aspect.

The famous swindler, "Lord Gordon," who recently figured in the Erie Railroad suits as the victimizer of Jay Gould, has come to grief at last. He is "wanted" in the city of Edinburgh, where he has been figuring in jewellery operations under the title of "Lord Glencairn."

DEATH OF GENERAL MEADE.—General George G. Meade died at his residence, Philadelphia, on Wednesday evening, of pneumonia. He was a prominent officer in the late civil war, and commanded the Northern armies at the great battle of Gettysburg, when the Southern army under General Lee invaded Pennsylvania.

The woman Ince, who eloped from Galt with Newson, was pursued to London, and fled with her paramour, leaving several trunks behind. She returned on Monday, and threatens to prosecute her broker, Keble, of Dundas, for perjury. She left yesterday for Chatham.

COLLISION ON THE G. W. R.—A serious collision took place at the Wabeno siding of the G. W. Railway on Tuesday morning about one o'clock, between No. 12 passenger express going east and a wood train coming west. No one was hurt but the fireman of the express train, who in jumping off was severely but not dangerously injured.

FATAL ACCIDENTS AT TORONTO.—A young man named Falconer was run over by a train on the Northern Railway on Wednesday and instantly killed. A man named O'Brien was knocked down by a collision between two wagons the same day, the wheels of one of these passed over his body, and he died shortly after from his injuries.

The London Herald regrets to learn that the Ven. Archbishop Brough is at present seriously indisposed, and fears are entertained that no improvement may be looked for in his health. The reverend gentleman is, we believe, the latest Episcopal clergyman in that section of Canada, he and the late Bishop of Huron having come to London to place was a comparative wilderness.

At the last session of the Quebec Legislature, an additional grant of \$10,000 was made to the Board of Arts and Manufactures in Montreal, on condition of the society establishing schools in St. Johns, St. Hyacinthe, Sherbrooke and Three Rivers. We understand the Society are willing to carry out their part of the contract in respect to Sherbrooke, and to furnish instruction provided the town will furnish a suitable room. The course of instruction consists of drafting, sketching, designing and similar studies.

GOEDERICH HARBOR.—The Signal flatly contradicts the report lately going the rounds that Goedrich Harbor was fast going to wreck. It says: "The report with reference to the harbor is utterly untrue. The money granted for its improvement has been judiciously expended, and had the same diligence been shown in the prosecution of the works the first season, as has been this summer, the harbor would now have been completed. As it is, the new north pier has been finished except the planking, the south pier built above the water from its outer end entirely across the old entrance and to within a few feet of where it will terminate, and a large area inside the basin dredged out, so that vessels can depend on having 14 feet of water through the entrance and right up to the docks, while in many places there are 16 or 17 feet of water. It is true that during the stormy weather of the middle of last month the bank was washed away in several places, but the damage has been repaired and precautions taken to prevent its recurrence. So far from the harbor going to destruction it affords a safe anchorage for vessels, and when the further improvements contemplated by the government and the permanent docks to be erected by the town are completed, it will be second to none on the lakes.

Mr. Fellows is daily in receipt of letters of enquiry, from various parts, respecting his Syrup of Hypophosphites. One recently received, leads to the belief that the public mistake his meaning in reference to its effect in imparting superior energy to the mind. Where the intellect has been impaired by overwork or by kindred causes, the use of the Syrup, together with proper precaution in the use of food, clothing, exercise and rest, will restore full power to the brain and nerves. Superiority in genius consists in great capacity of brain for assimilating material from every quarter, and of developing in proportion, but as far the greater number are not well endowed by nature, consequently lacking this capacity, it would be quite impossible to find cranium spaces for material necessary to constitute the brilliant genius. Hence, although the Syrup will assist in restoring the mind which is lost, it cannot change a natural born idiot into an intelligent man.

Guelph General Hospital.

Act of Incorporation.

As this Hospital is now in a fair way of being established we give, for the information of our readers, the act for its incorporation, passed in 1861:

Whereas certain benevolent individuals of the County of Wellington are desirous of establishing a General Hospital in the Town of Guelph, in the County of Wellington, and have, by their petition, prayed for an Act of Incorporation for that purpose; and whereas it is expedient to grant the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Council of the Province of Canada, enacts as follows:

1. The Hon. A. J. Ferguson, D. Stirton, J. C. Jones, W. Walter, T. S. Parker, Rev. A. Palmer, Rev. J. Doucett, Rev. T. Adams, Rev. F. W. Clarke, Rev. J. Clarke, Rev. J. Holtzer, Rev. J. Hogg, Rev. H. Melville, Rev. E. M. Stewart, Rev. R. Torrance, C. Clarke, W. Robertson, J. Harvey, N. Elginthorn, G. M. Keeling, W. Clarke, H. W. Peterson, D. Allan and W. Sandilands, (in this Act hereinafter mentioned as Provisional Directors), and their successors shall be, and are hereby constituted a body corporate and politic, by the name of "The Guelph General Hospital," and as such shall have perpetual succession, and a corporate seal, with power to alter the name, and may sue or be sued, implied or not implied, and have the rights and powers of bodies corporate, and may, subject as hereinafter provided, acquire and hold all such real estate, or any goods, chattels, or effects as shall be granted, sold, given, devised or otherwise conveyed to the said Corporation, by any person or persons, body corporate or politic, for the use or support of the said Hospital, or the endowment thereof; Provided, always, that the annual revenue of the said Hospital shall not exceed twenty thousand dollars in any one year.

2. The first meeting of the subscribers of the said Hospital, to be held in manner hereinafter provided for the election of Directors, the said Provisional Directors shall be invested with the whole management and control of the said Hospital, and the affairs thereof, and shall and may open subscription lists for the purpose of obtaining subscribers for the said Hospital, and within one month after one hundred such subscribers for the annual sum of at least four dollars each shall have been obtained, may call a meeting of such subscribers for the election of Directors as hereinafter provided; Provided, always, that, after the election of the said Directors, the general management and control of the said Hospital shall cease to vest in the said Provisional Directors; but nothing in this Act shall be construed so as to prevent any of the said Provisional Directors being elected Directors.

3. The Government of the said Corporation shall be vested in a Board of Directors, which will consist of twelve ordinary Directors, to be annually elected by subscribers and donors to the said Hospital, and of such persons who shall become extraordinary Directors as hereinafter provided.

4. The first election of ordinary Directors shall take place at the town of Guelph, at such day and hour, and at such place as the Provisional Directors may appoint, provided that such day be not more than one month after the said one hundred subscribers have been obtained as in section two of this Act provided, unless as otherwise herein contained.

5. All subsequent elections for ordinary Directors shall be held annually at the town of Guelph, on the second Tuesday in June, at such hour and place as the Board of Directors shall appoint, and give notice of by publication in some newspaper published in the County of Wellington; Provided, always, that the corporate rights hereby granted shall not be forfeited in the event of no first or other election being held as above provided; but the same may be held on some other day to be appointed as aforesaid, and the previous Directors, whether ordinary or extraordinary, shall in all cases, hold office till the election of their successors.

6. The election of such ordinary Directors shall be made by and from among such persons as shall be subscribers to the amount of not less than four dollars for the then current year, and such persons as shall have given at any one time to the corporation money or property to the amount of forty dollars.

7. The said election shall be by ballot, and the said subscribers or donors may vote thereat either in person or by proxy; and when any vacancy shall happen by the death, resignation or retirement of any ordinary Director, the Board of Directors shall fill such vacancy for the remainder of the year in such manner as they may appoint.

8. The number of votes to which any subscriber shall be entitled at all meetings for the election of directors, shall be as follows: A subscriber who shall annually pay four dollars shall be entitled to one vote, and for every four dollars that he shall annually pay in addition to that amount, shall be entitled to another vote; Provided, always, that no subscriber for any amount shall be entitled to vote or take part in the proceedings at such meetings, who shall not have paid up his annual subscription; A donor who shall give at any one time to the corporation the sum of forty dollars, shall be entitled during his lifetime to one vote, and for every four dollars additional given annually shall be entitled to another vote.

9. It shall be lawful for any Municipal Corporation in the Counties of Wellington, Grey, Waterloo and Bruce from time to time, to contribute to the funds of the said Hospital; and, in the event of any such Municipal Corporation being a County Council, so contributing not less than four hundred dollars per annum, the Warden of each respectively shall be ex officio an extraordinary Director of said Hospital for that year, or on contributing one hundred dollars more, then any other member of the County Council, whom the Council may appoint, shall likewise be ex officio an extraordinary Director; and in the event of any such Municipal Corporation being a Town, Township or Village, so contributing not less than fifty dollars, the Mayor or Reeve thereof, as the case may be, shall be ex officio an extraordinary Director of the said Hospital for that year; or contributing fifty dollars more, then the Reeve of a Town, or Deputy Reeve, (if any) of a Township or Village, or there

being no Deputy Reeve, then any member of the Township or Village Council, whom the Council may appoint, as the case may be, shall likewise be ex officio an extraordinary Director of the said Hospital.

10. The Board of Directors shall, at their first meeting after every election, elect from among themselves twelve Trustees or Governors, who, with all other necessary officers, to be appointed annually at such meeting, shall hold office until their successors are appointed.

11. The Board of Directors shall have power to frame a Constitution for the said Corporation, and to alter the same when it shall be deemed expedient, and to make all such By-laws, Rules and Regulations for the admission into and general management of the said Hospital, or for holding the meetings of Directors and proceedings thereat, and for the payment of officers and employees, and generally for all purposes relative to the conduct and well working of the Corporation and the management and business thereof; and from time to time to repeal, alter, and amend such By-laws or any of them, and shall have power to appoint such officers and servants as they deem right for the management of the said Hospital, and to remove him, her, or them at pleasure, and appoint others in their places.

12. The said Corporation may acquire and hold such real estate, as of adjoining to the town of Guelph, as may be necessary for their actual use and occupation for the purpose of such Hospital; and they may also take any real estate in Upper Canada that may be given or devised to them, and hold the same till they can dispose thereof; but such disposition shall be made within five years from the acquisition thereof, otherwise the same shall revert to the donor, his heirs or assigns, or to the heirs or assigns of the devisee; provided, always, that any such devise of real estate must be made at least six months before the death of the devisee.

13. The said Corporation may invest their funds on mortgage of real estate in Upper Canada; and they may take any real estate that may fall to them by forfeiture of such mortgage, or under legal proceeding against any of their debtors; but in all such cases they shall be bound to dispose thereof within five years from their acquisition of the same; and they shall not, except as hereinbefore contained, take or hold any real estate whatsoever.

14. This Act shall be deemed a Public Act.

Wellington Fall Assizes.

Thursday, Nov. 7. McMILLAN vs. DISTRICT MUTUAL INSURANCE CO.—This case, which occupied all Tuesday and Wednesday, was concluded on the evening of the latter, at a little after 8 o'clock, when the jury, after a short absence, returned a verdict for the Insurance Company.

McMILLAN vs. WELLINGTON MUTUAL INSURANCE COMPANY.—The plaintiff, in consequence of the verdict in the previous case, consented to a non-suit, and so saved the additional expenses of unnecessarily detaining witnesses, amounting to \$50 per day. Hon. M. G. Cameron, Q. C., and Mr. D. Guthrie, for defendants.

ARTHUR MURDER CASE. William Ludlow was arraigned for shooting and killing David Hunter at Arthur station on the evening of the 12th July last. Mr. H. W. Peterson, County Attorney, prosecuted on behalf of the Crown. Hon. E. B. Wood appeared on behalf of the private prosecutor, the Hon. M. Cameron, Q. C., and Mr. Drew, appeared for the prisoner, instructed by Mr. A. Monroe, Fergus.

A considerable number of challenges were made on behalf of the prisoner, and also on the part of the Crown, before a jury was obtained. The witnesses were all ordered out of court previous to their being called on for their testimony. There are about 25 witnesses for the prosecution and nearly as many for the defence.

Mr. Peterson having opened the case and briefly narrated the facts connected therewith, as reported at the time, called as his first witness.

JOHN MOLLOY, sworn.—Made the sketch (produced) of the Arthur station, and explained to the Counsel the positions of the buildings and the various distances connected therewith.

THOMAS SROUBLE, sworn.—Was a conductor on the T. G. & E. R. on the 12th of July last; shunted the passenger car on to the side line almost opposite the water tank where the locomotive was; while there a man passed by the train on which we were loading wood, and a piece of wood tumbled off, which nearly struck the stranger, and in consequence some high and angry words passed between them; the stranger then passed on ahead of the engine still using angry words, such as, "he could lick any man on the train"; after wooding up the train went on to the station, and after we left the station some little distance a man jumped on to the flat car from the left side and laid hold of the brakeman, Campbell; as soon as I saw this I went on to the flat car and ordered the man off, and he then jumped off; I was ordering the engine driver to go faster when I heard two pistol reports, and after the second shot was fired observed that the alarm cord was being violently pulled, and I hurried down to the passenger car and there found the deceased bleeding from the mouth, and in a few minutes he died.

CROSS-Examined.—Think the train was going at the rate of about five miles an hour; the altercation alluded to occurred at the front end of the tender and I was at the back part; it was too dark for me to distinguish a person's features more than 10 feet off; it generally takes 8 to 10 minutes to wood up; the stranger alluded to would have to pass me on the east side of the tender to reach the baggage man, who was on the west side of the tender; the altercation lasted up to the time of starting from the wood pile; fell in with George Church after we had left the wood pile and had hitched on to the other part of the train which was in motion; I told him, believing him to be a constable, to look after the throw, and he told me there would be no difficulty; couldn't say whether the man who was in the baggage car and the man who had the altercation at the wood pile was the same man; he would be about five feet from me when he jumped off; noticed several persons wearing Orange badges at Caswell's tavern that day, and they all seemed very friendly.

GEORGE A. CAMPBELL, sworn.—Was brakeman on the train on night in question, and corroborated the evidence of previous witnesses as to the man and the