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A mule may be all right as a riding animal, but he doesn't look it. When a lawyer gets busy and works with a will he is almost sure to break it.

## ELLIS ON TRIAL FOR HIS LIFE

Continued from page 1.

cut some wood and he was there all Tuesday and Thursday, leaving the latter night to look for his traps. He was to return and I waited up till 11.30 that night. I went to look for him on Saturday and body was found on Sunday. On Sunday after the body was found I saw Ellis walking on the trail of blood. I had no talk with him, not being on speaking terms with him. A day or two before he was arrested he said to me, "Supposing we look for the gun," and I said "I do not care about the gun—I want to find Lew." The trail of blood extended along the road some 45 feet. I never told my granddaughter anything about Lew killing a cat or setting fire to barns."

To Mr. Robinette—"I did not send for Lew to come down. He did not go out by Ellis' Tuesday or Wednesday night at all. The small trap he went to see was found in his pocket when the body was found. Ellis' and my place adjoin each other. The body was found 40 or 50 rods from Ellis' house. He lifted his trap and was on his way home."

### CONSTABLE WELSH.

Mr. John Welsh, of Minden, in part said: "When looking for the body we discovered the blood trail on the road. The trees are probably ten feet high and the branches touch the ground. From where Ellis stood at the tree to where I first saw blood was 52 feet away. There was a small clot of blood and then a stream of blood thereon for 40 feet. Some places you could hardly see the blood and in other spots the stream of blood was several inches wide. At the end of the 40 feet there was a pool of blood. Ellis told me he shot twice and that Porter was in a falling condition when he shot the last time. After being arrested he changed his clothes. He expected his father and sat down and wrote him a letter."

Barrister Robinette objected to the letter being submitted as evidence.

Continuing witness said: "Ellis then guided me to where he stood when he shot Porter and he also showed me where the gun was hidden nine feet away behind a stump. He first told me that Mr. Porter went by. Ellis asked Porter if he noticed his cattle. Porter replied, 'Is it cattle you are looking for, or is it me,' and Ellis replied, 'It is you I was looking for I could have got you long ago. Then Ellis said Porter shot at him. Ellis further said he went on up to look for his cattle, came back and met Porter and got behind a tree and the shooting took place. Ellis said Porter passed him again and Porter shot at him again and then Ellis shot at Porter. I couldn't find no mark of the bullet from Porter's gun on the trees or the stump. The body was 472 feet from where Porter was killed. Ellis told me he carried the body and dragged it that distance."

### CHARLES WOOD.

To Mr. Robinette witness said: "I found other shells, but not ones to correspond with the gun on exhibit. Ellis said Porter shot at him first. Porter was going north away from his father's house. Ellis said 'Is that you Lew,' and Porter then at Ellis. Ellis said he intended going back and doing away with the body. Ellis said he was under a tree, not behind a tree."

To Mr. Meredith—"Ellis said he was going to destroy the body, but he couldn't go back."

As the witness for the crown continued to be examined, evidence accumulates the chances of "Lew" Ellis escaping the gallows for juggling lead into his brother-in-law, Lew Porter, one lonely night in all foot's month appears to grow fewer. Crown Prosecutor Meredith is conducting his case skillfully and overwhelming evidence is piling up, but wait.

All the while Counsel Robinette for the prisoner is on the que vive cross-questioning the crown witnesses. He elicited the remark from Constable Welsh, of Minden, that Ellis told him (Welsh) that he was "behind" the side of a tree and not "behind" the tree, as witness stated on previous examination. Further that the constable had found shells in the vicinity of the murder, which were from some other gun other than that carried by Porter or Ellis, and Justice Clute reprimanded the constable for not reproducing these shells in court. They are 50 miles away at Minden. The constable produced the empty shells fired from Ellis' gun, but the ones said to be fired by Porter cannot be discovered.

The defence will bring forth witnesses who will tell of hearing a number of shots fired, while the prisoner only remembers of firing twice. The question naturally arises was anyone else shooting on the night of the murder.

The court room was crowded to the doors this morning. The prisoner paid the strictest attention to all that was said. He presented a picture as he sat in the small fenced-in docket, leaning forward on the railing on both elbows, his small sharp-featured face in striking contrast to his bushy hair, which has grown to considerable length. He refuses to put on a white collar, claiming that he never wore one in all his life.

Courthouse, Oct. 23, 9 a.m.—When court opened Constable Welsh was recalled and stated that Ellis was right hand man and a good shot. "I saw him shoot a turkey's head off, which protruded out of a hole, at 200 yards."

### DETECTIVE REBURN.

Detective Henry Reburn, of the provincial force in part said: "I have been in police office 31 years. I was first called in on May 1 to investigate this case and visited the house of the prisoner."

On objection being raised by Counsel Robinette the witness was cautioned not to relate any conversation which took place between the prisoner and witness.

Continuing Detective Reburn stated: "I asked him if he wanted any assistance. I was present when Constable Welsh made the arrest and heard Welsh warn Ellis. Ellis then said that Porter passed his place about 7.30. Ellis said he came out and went south, came back to the house, got his dog and gun to look for his cattle. Down at the swamp he met Porter."

At this point the witness corroborated Con. Welsh's statement in regard to the conversation which took place between Porter and Ellis and the details of the shooting.

Continuing witness said: "Ellis said that Porter was leaning over on the ground after he (Ellis) fired the second shot. He told Con. Welsh he would show him the place of the shooting and where the body was hidden, and we three went together to the place. He took us to where Ellis was supposed to have fired the two last shots (where Porter was standing.) It would be impossible to see where the dead body lay from the road. It was in the woods and hidden. Ellis said his wife died four years ago and hard feelings existed between the two families ever since. Porter's family charged that Ellis did not get a doctor for his wife. It was in the winter time and the snow was deep. Ellis said Lew fired at him, the prisoner replying, 'That will do Lew.'"

To Mr. Robinette witness said: "He told me that Porter fired first. Ellis said 'That will do, Lew,' then both walked away, Porter going towards his father's house, while Ellis was walking away from his house. Then Ellis returned and was coming back when he saw Porter coming north again—away from his father's home, and Ellis then got behind or under a tree, he spoke to Porter and Porter fired. According to Ellis' story Porter fired two shots at him first. Ellis' house is about 45 rods north from where the shooting took place, and three-quarters of a mile from where Porter lived. If Porter had gone straight home he would have been safe, but he returned and he had his trap in his pocket."

CHESTER KELLETT

When sworn told of the finding of Porter's dead body.

CHARLES WOOD.

The above witness stated that on the night of the murder he heard some shots in the direction of the place where the murder took place. I was about two and a half miles away and heard two shots about 7.30 o'clock. There might have been a minute's difference between the two shots. I then heard three more shots two or three minutes after the firing of the first shots."

To Mr. Robinette witness stated he distinctly heard five shots, first two shots, and after an interval three shots in rapid succession.

CORONER POGUE.

Coroner Dr. Pogue, of Minden, explained how the bullets entered the body and the damage inflicted. He also swore to the authenticity of the report submitted re the evidence of Ellis at the inquest held in Minden. There was no external bleeding, but it was clear that Porter was shot three times. "In my opinion Porter had his back to the man who fired the first shot, as it entered underneath the shoulder. I also visited the home of Ellis and the scene of the shooting. Along the road there were pools of blood, while in some places there was a strip of blood three and 4 inches wide. There was a great deal of bleeding."

Mr. Robinette—"I am surprised at you making such a statement. Doctor's opinions do not amount to much some times."

Continuing Dr. Pogue stated to Mr. Robinette: "The first wound would not cause death, although the second one would in time. After receiving the second wound he would have difficulty in walking 40 feet, as his lungs were punctured. He would not be able to walk at all after the third shot in the abdomen."

Counsel Robinette endeavored to point out that Porter was not necessarily shot from behind as he might have been moving about in his excitement. Having fired two shots, and there being no more left in Porter's gun, Porter might have turned to run away, thus accounting for the shot passing through his shoulder and through his lungs.

### DR. WHITE.

Dr. White, of Kilmount, who performed the post mortem, was next called: "I think he must have had a gun in his arm."

To Mr. Robinette—"I remember Mr. Hounsell bringing me a letter about a year ago, which I gave to



ARTHUR A. ELLIS.

Inspector Miller."

To Justice Clute—"I can see, no way in which that wound could be inflicted if the two men were facing each other. If the pool of blood was to the north of the tree, Porter must have returned."

### DR. JOHNSON.

Dr. Arthur Juke Johnson, of Toronto, when called, stated that there would have been much blood from the first wound in the arm. Porter would lose power of his arm after the first shot. I think the first bullet in the arm must have come from behind. A man could advance 40 feet after receiving the second wound through the lung. He received the wound while he was standing sideways to his assailant. After walking forty feet he would begin to choke from the blood and might stoop him down. "The position of the wound in the abdomen indicates to me that Porter must have been stooping far down or on his hands and knees when he received it."

### THE DEFENCE.

Courthouse, Oct. 23, 1 p.m.—The previous hour and a half in the trial in question has been a very drastic one, as the evidence printed below will show.

The prisoner was the first witness for the defence and gave his evidence quite clearly. In part he said: "In April last I saw Porter, the deceased, go past my place on the 24th, the night before the shooting. He carried a magazine over his right shoulder. I never spoke to him and did not see him come back that night. I live alone. On the night of the shooting I saw him go past again, going north. A few minutes later I went south to look for my cattle. I did not see the cattle, went back to my house, got my gun and dog and went north to look for my cattle. I met Porter first 40 or 60 rods north of my gate. I said 'Did you see anything of my cattle?' and he said, 'No, is it cattle you are looking for or me,' and I replied, 'No, Lew, if it was you I was looking for I could have got you long ago.' We got a few paces from each other and he swore and said 'By— if you want me you can get me now.' He fired and I said, 'Now Lew, that's enough,' and I levelled my gun at him, but didn't fire. He went on and so did I from each other. I did not find my cattle, and so started back again. I could see somebody coming towards me on the road. I stepped off alongside of a balsam tree, stood there a few seconds, and Porter went past, going north. After he got by 50 or 60 feet I said, 'Is that you Lew.' My gun at the time was pointed off into the bush. Before Porter got by I heard a noise in the bush, and that is why my gun was pointing that way. He fired again and the ball whizzed by me. I fired at him, and by the time I reloaded he was coming towards me. I fired again. I do not remember firing the third shot. I fired the second shot because I was afraid he would fire at me. I felt badly, stood there a few minutes, and then partly carried and dragged him to the bush. I then went home. I remember finding a letter a year ago on the pathway leading to my house. It was wrapped around a stone and I decidedly believed the contents and I took copies of it and gave it to Hounsell to take to Magistrate Fielding. I gave the original letter to Inspector Miller."

Crown Prosecutor Meredith objected to the letter being submitted and for the time being it was omitted. Counsel Robinette stated that he had the girl's admission to Inspector Miller that she wrote the letter in question. Ellis was in a state of fear. Fear was an important element in the case and relative to a fact.

To Mr. Meredith Ellis stated that when he dragged the body he hardly knew for what purpose he did so. He was nervous. "I don't know why I concealed the gun either. I can't say that I was always afraid of Porter."

"You went south looking for your cattle with no gun and no dog, so why did you carry the gun when you went north?"

"It was late in the evening, and as force of habit I took my gun."

"You knew Porter went north?"

"Yes. We spoke but we didn't stop. Porter turned and fired at me and missed me. I was terrified at being fired at, but walked on. On

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returning I saw someone coming and got under the tree, for I supposed it was Porter. He passed and I called him, but didn't think he would shoot at me again. I could have "cracked" at him without calling him."

Justice Clute—"Why did you step to one side?"

"I did not want to meet Porter, if it was him. I could see that he was partly turned away when I fired the first shot."

INSPECTOR MILLER.

Inspector John Miller, of the Provincial force, stated that a year ago he got a letter from Mr. Ellis (the prisoner) asking him to visit Kilmount to investigate certain charges. "I saw the girl Edith Porter, and at first she denied writing and then acknowledged it. She said at first she was afraid of her grandfather and her uncle."

This letter was at this stage admitted. It appears above.

EDITH PORTER.

Miss Edith Porter, natural child of the deceased Mrs. Ellis, was again called, and when asked by Counsel Robinette if she still denied the authorship of the letter, she said she would swear that she did not write the letter. "I told Mr. Miller I did not write it, and I still deny it. I did not care what became of 'Lew' Ellis."

To Justice Clute—"I was told by a schoolgirl that the two Hounsell boys wrote the letter."

win Corscadden and Mr. Chas. Courtney, formerly of Lindsay; Mr. Wm. Dayman and Mr. P. H. Coakley and Mr. Turner, of Saskatoon.

Among the pretty floral tributes noticed on the bier were the following from the family and kind and sympathizing friends: from the family, a heart of flowers; Mr. and Mrs. John Belch, a spray; Mr. and Mrs. P. H. Coakley and Miss Jean Poast, a sheaf of chrysanthemums; Dr. and Mrs. Wright, a spray of calla lily; Mr. and Mrs. Jas. Mulvican, a spray; Mr. and Mrs. Robert Douglas, a spray; Mr. Chas. R. Deyell, a spray; Mr. and Mrs. Wm. Dayman, a spray; Mr. and Mrs. F. A. Wilson, a spray of carnations.

—Miss Margaret Meehan is taking a course in commercial telegraphy at Mr. Paton's school in this town, and this reminds us of a letter we just read from Miss Davy, Moose Jaw, Sask., on October 1st. Miss Davy, who is a recent graduate of Mr. Paton's, states she started work for the C.P.R. as operator in Moose Jaw town office, at \$70.00 per month. Girls in the same office are getting \$95.00. She recommends getting to see the business and go West. This school offers young men and ladies a splendid opportunity to equip themselves with a good business at small cost.

PASSED HIS EXAMS.

It took Mr. E. R. Taylor, of Keene, just five months to graduate at the National School of Telegraphy in this town. Yesterday he passed the railway examination at the depot, and entered the G.T.R. as operator at Lakefield.

Snow apples are plentiful in York county orchards.

Saskatoon will have a refuse incinerator to cost \$60,000.

The Connaughts have thanked the citizens of Ottawa for "the hearty and spontaneous reception" on their home-coming.

When a man gets married he is never quite sure whether his male friends envy or pity him.

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