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A. L. ANDERSON & CO., general agents for Canada, 138 King St. W., Toronto, Ont. The Canadian Post.

A VICTIM OF CIRCUMSTANTIAL EVIDENCE.

LINDSAY, FRIDAY, JANUARY 23, 1891

PART THE FIRST. From Archibald Laing, Box 1236, P.

O., Pittsburg, U.S., to Mr. Bainbridge, Q. C., London.

"Reports of the result of Edward Layton's trial for the murder of his wife have been cabled here and published in the papers. There will, of course, be a new trial. If at or before that new trial you establish Layton's innocence, I hold myself accountable to you for a fee of \$25,000. If you will employ yourself to that end, I have cabled to Messrs. Morgan & Co., bankers, Threadneedle street, to pay upon your demand the sum of \$10,000, \$5,000 of which are your retaining fee, the other \$5,000 being an installment toward any preliminary expenses you may Incur. This sum of \$10,000 is independdent of the 25,000 mentioned above, and of course your own professional bill of costs will be paid in addition. Messrs. Morgan & Co. are empowered to advance you any further sums that may be necessary for your investigations. Set every engine afoot to obtain the acquittal of Edward Layton; spare no expense. If \$1,000,000 is necessary, it is at your command. Send to me by every mail full and detailed accounts of your movements and proceedings; omit pothing, and make your own charge for this and for everything else you perform in the task I ask you as a favor to undertake. Your reply immediately by cable will oblige, and, up to 100 words, is prepaid. I do not wish Edward Layton to know that I have requested your medita-Rion on his behalf. It is a matter entirely and confidentially between you and me. write to you by the out going mail. Perhaps you may obtain some useful information from a Mr. James Rutland; I cannot furnish you with the gentleman's address, but Edward Layton and he were once friends.'"

Dr. Daincourt drew a deep breath. "Startling indeed," he said. "This Archibald Laing must be the man of whom we have heard as making an immense fortune by speculating at the right moment in the silver mines. If so, he is good for millions. Do you know anything of him?"

"Not personally," replied the lawyer; "only from report and hearsay. He is an Englishman, and must be an amazingly shrewd fellow; and that he is in earnest is partly proved by this cable, in which no words are spared to make his meaning

While he was speaking to his friend, the lawyer was busily engaged writing upon a blank telegraph form, which was inclosed in the envelope delivered by the

"What will you do in the matter?" asked Dr. Daincourt. "Here is my reply," said the lawyer, and he read it aloud:

"From Mr. Bainbridge, Q. C., Harley street, London, to Archibald Laing, Box 1236, P. O., Pittsburg, U. S.

"Your cable received. I undertake the commission, and will use every effort to establish Layton's innocence, in which I firmly believe. There is a mystery in the matter, and I will do my best to get at the heart of it. I will write to you as you desire." He touched the bell and the servant ap-

"Give this to the telegraph boy," he said, "and pay his cab fare to the telegraph office, in order that there shall be

When the servant had departed, the lawyer rose from his chair and paced the room slowly in deep thought, and it was during the intervals in his reflections that the conversation between him and Dr. Daincourt was carried on.

"Is it not very strange," said the lawyer, "that I am advised in this cable message to seek information from the one juryman who pronounced Layton innocent, and whose address I have not ob-

court, "very strange.

"Yes, it is indeed," replied Dr. Dain-"Of course I shall find him; there will not be the least difficulty in that respect. Tell me, doctor. It was proved at the trial that Mrs. Layton's death was caused by an overdese of morphia, taken in the form of effervescing lozenges. It was established that she was occasionally in the habit of taking one of these lozenges at night to produce sleep, and her maid swore that her mistress never took more than one, being aware of the danger of an overdose. The usual mode of administering these noxious opiates is by placing one in the mouth and allowing it to dissolve; but they will dissolve in water, and the medical evidence proved that at least eight or ten of the poisonous lozenges must have been administered in this way, in one dose, to the unfortunate lady. The glass from which the liquid was drunk was found, not by her bedside, but on the mantel shelf, which is at some distance from the bed. It is a natural inference, if the unfortunate woman had administered the dose to herself, that the glass would have been found on the table by her bedside. It was not so found, and the maid declares that her mistress was too weak to get out of bed and return to it. unaided. These facts, if they be facts, circumstantially prove that the cause of death lay outside the actions of the invalid herself. The maid states that when she left her mistress the bottle containing about a dozen lozenges was on the table.

by her mistress' bedside, and also a glass

and a decenter of water; and that when

she visited her mistress between b and 7 o'clock in the morning there were no lozenges left in the bottle, and the glass from which they were supposed to be taken, dissolved in water, was on the mantel shelf. Now, in my view, this circumstance is in favor of the prisoner." "I cannot see that," observed Dr. Dain-

"Yet it is very simple," said the lawyer.
"Let us suppose, in illustration, that I am
this lady's husband. For reasons into which it is not necessary here to enter I resolve to make away with my wife by administering to her an overdose of these poisonous narcotics, and naturally I resolve that her death shall be accomplished in such a manner as to avert to some reasonable extent suspicion from myself. I go into her bedroom at midnight. Our relations, as has been proved, are not of the most amiable kind. We are not in love with each other-quite the reverseand have been living from the first day of our marriage an unhappy life. Indeed, my unhappy life in relation to the lady commenced when I was engaged to her. Well, I go into her room

at midnight, resolved to bring about her, death. She complains that she cannot sleep, and she asks me to give her a morphia lozenge from the bottle. I suggest that it may more readily produce sleep if, justead of allowing it to dissolve slowly in her mouth, she will drink it off at once dissolved in water. She consents. I take from the table the bottle, the decanter of water and the glass; I empty secretly into the glass the eight or ten or dozen lozenges which the bottle contains; I pour the water from the decanter into the glass, and I tell my wife to drink it off immediately. She does so and sinks into slumber, overpowered by a sleep from which she will never awake. Perhaps she struggles against the effects of the terrible dose I

have administered her, but her struggles are vain. She lies before me in sure approaching death, and both she and I have escaped from the life which has been a continual source of misery to us. The deed being accomplished, what do I, the the murderer, do? There are no evidences of a struggle; there have been no cries to alarm the house; what has been accomplished has been well and skillfully accomplished, and I am the only actual living witness against myself. What then, I repeat, is my course of action? Before I killed her I removed the bottle, the glass and the decanter from the table by the bedside.

wish it to be understood that she herself, in a fit of delirium, caused her own death. This theory would be be utterly destroyed if I allowed the glass from which the poison was taken to be found at some distance from the unfortunate lady's bedside. Very carefully, therefore, I place not only that, but the decanter which contained the water, and the bottle which contained the lozenges, within reach of her living hand. To omit that precaution would be suicidal, and, to my mind, absolutely untenable in rational action under such circumstances. Do you see, now, why the circumstance of the glass being found on the mantel shelf is a

proof of my innocence?" "Yes," replied Dr. Daincourt, "I recognize the strength of your theory-unless, indeed, you had in your mind the idea that it would be better to throw suspicion upon a third person; say, for the sake of argument, upon the maid." "That view," said the lawyer, "demolishes itself, for what I would natur-

ally do to divert suspicion from myself, a third person would naturally do to avert suspicion from him or herself." "True," said Dr. Daincourt; "you seize vital points more readily than I. Have

you any theory about the strange lady who accompanied Layton home from Pre-"I have a theory upon the point," re-plied the lawyer, "which, however, at

present is so vague and unsatisfactory that it would be folly to disclose it." "And the nine of hearts," said Dr. Daincourt, "you have not mentioned that

lately-have you forgotten it?" "No," said the lawyer; "it is my firm opinion that round that nine of hearts the whole of the mystery revolves."

PART THE THIRD.

THE MYSTERY OF THE NINE OF HEARTS. "From Mr. Bainbridge, Q. C., to Archi-

bald Laing, Esq.: "DEAR SIR: Last night I received your cable from Pittsburg, and sent you a message in reply, accepting the commission with which you have been pleased to intrust me. This morning I called upon Messrs. Morgan & Co., bankers, Threadneedle street, and learned from them that they were prepared to advance me the \$10,000 of which you advised me. I drew upon them for that amount, and received from them a notification that they would honor my further drafts upon them the moment they were drawn. I asked them whether, in the event of my desiring to draw, say said yes, for even a larger amount if !

£5,000, I was at liberty to do so. They required it. I did not explain to them the reason of my asking the question, but I will do so to you. It has happened, in difficult cases, that information has had to be purchased, and that a bribe more or less tempting has had to be held out to some person or persons to unlock their tongues. I have no reason suppose that anything of the sort be necessary in this but I wish to feel myself

fectly free in the matter. I am satisfied with your bankers' replies, and I shall spare neither money nor exertion in the endeavor to unravel the mystery which surrounds the death of Mrs. Edward

"It is scarcely possible you can be aware of it, but it is nevertheless a fact that, apart from my professional position in this matter, I take in it an interest which is purely personal, and that my sympathies are in unison with your own. Were it not that I have had some knowledge of Mr. Layton, and that I esteem him, and were it not that I firmly believe in his innocence I should perhaps have hesitated to engage myself in his case, and you will excuse my saying that your liberal views upon the subject of funds might have failed to impress me. It is, therefore, a matter of congratulation that enlist myself on Mr. Layton's side as much upon personal as upon professional grounds. The time has been too short for anything yet to be done, but it will be a satisfaction to you to learn that I have a slight clew to work upon. It is very slight, very frail, but it may lead to something important. Your desire for a full

specially employ. I could not myself un-

dertake such a detailed and circumstan-

tial account as I understand is your de-

sire to obtain. Besides, it will save time.

which may be of great value in the elucir

and complete recital of my movements shall be complied with, and I propose, this end, and for the purpose of coherence and explicitness, to forward the particulars to you from time to time, not in the form of letters, but in narrative shape. This mode of giving you information will keep me more strictly to the subject matter, and will be the means of avoiding digression. After the receipt, therefore, of this letter, what I have to say will go forth under numbered headings, not in my own writing, but in that of a short hand reporter, whom I shall

"I am, dear sir, faithfully yours, "HORACE BAINBRIDGE."

What struck me particularly in your cable message was that portion of it in which you made reference to a Mr. James Rutland. It happens, singularly enough, that this Mr. James Rutland was on the jury, and that he was the one juryman who held out in Mr. Layton's favor, and through whose unconquerable determination not to bring him in guilty has arisen the necessity for a new trial. Eleven of the jury were for a conviction, one only for an acquittal-this one, Mr. Rutland.

The first thing to ascertain was his address, which you could not give me. However, we have engines at our hand whereby such small matters are easily arrived at, and on the evening of the day after the arrival of your cable message I was put in possession of the fact that Mr. Rutland lives in Wimpole street. I drove there immediately and sent up my card.

"I have called upon you, Mr. Rutland," I said, with respect to Mr. Edward Layton's case, in the hope that you may be able to give me some information by which he may be benefited."

Mr. Rutland is a gentleman of about 60 years of age. He has a benevolent face, and I judged him, and I think judged him correctly, to be a man of a kindly nature. Looking upon him, there was no indication in his appearance of a dogged disposition, and I lost sight for a moment of the invincible tenacity with which he had adhered to his opinion when he was engaged upon the trial with his fellow jurymen. However, his conduct during this interview brought it to my mind. "It is a thousand pities," he said, in re-

sponse to my opening words, "that Mr. Layton refused to accept professional assistance and advice. I was not the only one upon the jury who failed to understand his reason for so doing." "It is indeed," I observed, "inexplicable, and I am in hopes that you may be

able to throw some light upon it. I have "I can give you no information," was his reply; "I cannot assist you." "May I speak to you in confidence?" I

"Yes," he said, "although I have nothing to tell. To any but a gentleman of position I should refuse to enter into conversation upon this lamentable affair; and indeed it will be useless for us to converse upon it. As I have already said, I have nothing to tell you."

This iteration of having nothing to say and nothing to tell was to me suspicious, not so much from the words in which the determination was conveyed as from the tone in which they were spoken. It was flurried, anxious, uneasy; a plain indication that Mr. James Rutland could say something if he chose.

"Speaking in confidence," I said, taking no outward notice of his evident reluctance to assist me, "I think I am right in my conjecture that you believe in Mr. Layton's innocence." "I decline to say anything upon the

matter," was his rejoinder to this re-"We live in an age of publicity," I observed, without irritation; "it is difficult to keep even one's private affairs to one's

self. What used to be hidden from public gaze and knowledge is now exposed and freely discussed by strangers. You are doubtless aware that it is known that there were eleven of the jury who pronounced Mr. Layton guilty, and only one who pronounced him innocent." "I was not," he said, "and am not aware that it is known.'

"It is nevertheless a fact," I said, "and it is also known that you, Mr. Rutland, are the juryman who held out in Mr. Layton's favor." "These matters should not be revealed," he muttered.

"Perhaps not," I said, "but we must go with the age in which we live. Mr. Layton's case has excited the greatest interest. The singular methods he adopted during so momentous a crisis in his life, and the unusual termination of the judicial inquiry, have intensified that interest, and I have not the slightest doubt that there will be a great deal said and written upon the subject."

"Which should not be said and written," muttered Mr. Rutland. "Neither have I the slightest doubt," I

continued, "that your name will be freely used, and your motives for not waiving your opinion when eleven men were against you freely discussed. We are speaking here, if you will allow me to say I have no hesitation in declaring to you that I myself believe in his innocence." He interrupted me.

"Then, if you had been on the jury, you would not have yielded to the opinions of eleven, or of 1,100 men?"

He spoke eagerly, and I saw that it would be a satisfaction to him to obtain support in his view of the case.

"I am not so sure," I said; our private opinion of a man when he is placed before his country charged with a crime has nothing whatever to do with the evidence brought against him. Let us suppose, for instance, that you have been at some time or other, under more fortunate circumstances, acquainted with Mr. Layton." "Who asserts that?" he cried, much dis-

"No person that I am aware of," I replied. I am merely putting a case, and I will prove to you presently that I have a reason for doing so. Say, I repeat, that under more fortunate circumstances you were acquainted with Mr. Layton, and that you had grown to esteem him. What has that purely personal view to do with your functions as a juryman?"

"Mr. Bainbridge," he said, "I do not wish to be discourteous, but I cannot continue this conversation."

"Nay," I urged, "a gentleman's life and honor are at stake, and I am deavoring to befriend him. I am not the only one who is interested in him. There are others, thousands of miles away across the seas, who are desirous and anxious to make a sacrifice, if by that sacrifice they can clear the honor of a friend. See, Mr. Rutland, I will place implicit confidence ! in you. Last night I received a cable from America, from Mr. Archibald know the name of the juryman who was

"Mr. Archibald Laing!" he cried, taken by surprise. "Why, he and Mr. Layton

But he suddenly stopped, as though fearful of committing himself. "Were once friends," I said, finishing the sentence for him, and, I was certain, finishing it aright. "Yes, I should certainly say so. Read the cable I received." And I handed it to him.

At first he seemed as if he were disinclined, but he could not master his curiosity, and after a slight hesitation he read the message; but he handed it back to me without remark.

"Mr. Archibald Laing," I said, "as I dare say you have heard or read, is one of fortune's favorites. He left this country three or four years ago, and settled in America-where, I believe, he has taken out letters of naturalization—and plunged into speculation which has made him a millionaire. No further evidence than suspiciously his cable message is needed to prove that . "Do you not think it natural," I said, he is a man of vast means. Why does he i in reply, "that every person's eyes at that ask me to apply to you for information ' moment should be turned upon you?" concerning Mr. Layton which I may "Of course," he said, recovering himprobably turn to that unhappy gentle- self-"quite natural. I should have done , the same myself had I been in a better



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[SCENE IN EDITOR'S SANCTUM.]

Enter Subscriber - "I suppose you | and they are responsible and able to are ready to substantiate any statement pay if they fail." your paper makes?"

Sub .- Well, then, can you prove that Dr. Sage's Catarrh Remedy will cure difficulty of clearing throat, expectora-

to do so?"

curable case of Catarrh in the Head, tion and end in the grave.

SYMPTOMS OF CATARRH.—Headache, obstruction of nose, discharges falling Editor-"Oh, yes; we have the compositors 'prove' everything that is 'set | into throat, sometimes profuse, watery and acrid, at others, thick, tenacious, mucous, purulent, bloody and putrid;

eyes weak, ringing in ears, deafness, Catarrh in the Head-you advertise it tion of offensive matter; breath offensive, smell and taste impaired, and Ed.—Certainly, my dear sir. Tens general debility. Only a few of these of thousands have proved that. Why, symptoms likely to be present at once. the proprietors offer \$500 for an in- Thousands of cases result in Consump-

> On the move -Liver, Stomach, and Bowels, after

> Dr. Pierce's Pleasant Pellets have done



their work. It's a healthy movement, too-a natural one. The organs are not forced into activity one day, to sink back into a worse state the next. They're cleansed and regulated-mildly and quietly, without wrenching or griping. One tiny, sugar-coated Pellet is all that's needed as a gentle axative; three to four act as a ca-They're the smallest, cheapest, the easiest to take. Sick Headache, Bilious Headache, Constipation, Indigestion, Bilious Attacks, and all derangements of the Liver, Stomach and Bowels are promptly relieved and per-

"I was but slightly acquainted with Mr. Laing," said Mr. Rutland. "He and I were never friends. I repeat once more that I have nothing to tell you."

I recognized then that I was in the presence of a man who, whether rightly or wrongly, was not to be moved from any decision at which he had arrived, and I understand thoroughly the impossible task set before eleven jurymen to win him over to their convictions.

"Can I urge nothing," I said, "to induce you to speak freely to me?"

"Nothing," he replied. I spent another quarter of an hour endeavoring to prevail upon him, but in the result I left his house no wiser than I had entered it, except that I was convinced he knew something which he was doggedly concealing from me. I did not think it was anything of very great importance, but it might at least be a clew that I could work upon, and I was both discouraged and annoyed by his determined attitude.

On the following morning, having paved the way to further access to Mr. Edward Layton, I visited the unhappy man in his prison. He was unaffectedly glad to see me, and he took the opportunity of expressing his cordial thanks for the friendliness I had evinced toward him. I felt it necessary to be on my guard with him, and I did not, thus early, make any endeavor to prevail upon him to accept me as his counsel in the new trial which awaited him. There were one or two points upon which I wished to assure myself, and I approached them gradually

and cautiously. "Are you aware," I said, "of the extent of the disagreement among the jury?" "Well," he replied, "we hear something even within these stone walls. am told that eleven were against me and

one for me." "Yes," I said, "that is so." "A bad lookout for me when I am tried again, Mr. Bainbridge," he said, "it is very kind of you to visit me here, and I

think you do so with friendly intent." "Indeed," I said, it is with friendly in-"Is it of any use," he then said, "for me to declare to you that I am innocent of

the horrible charge brought against me?" "I don't know," I said, "whether it is of any use or not, because of the stand you have taken and seemed determined to "Yes," he said, "upon my next trial I shall defend myself, as I did on my last.

I will accept no legal assistance whatever. Still, as a matter of interest and curiosity -looking upon myself as if I were somebody else-tell me frankly your own opin-

"Frankly and honestly," I replied, believe you to be an innocent man." "Thank you," he said, and I saw the tears rising in his eyes. "Do you happen," I said presently, "to

in your favor?' "No," he replied, "I am quite ignorant of the names of the jurymen." "But they were called over before the

trial commenced. "Yes, that is the usual course, I believe, but I did not hear their names. Indeed, paid no heed to them. Of what interest would they have been to me? Twelve strangers were twelve strangers; one was no different from the other."

"They were all strangers to you?" I asked, assuming a purposed carelessness "Yes, every one of them." "And you to them?"

"I suppose so. How could it have been medica have made such cures? "But when they finally came back into court, and the foreman of the jury stated

"Were you watching me?" he asked,

manently cured. place than the dock. Well, was surprised; I fully anticipated a verdict of "And," I continued, "although you

may not remember it, you leaned forward

and gazed at the jury with an appearance "I remember that I did so," he said; "it was an impulsive movement on my "Did you recognize any among them

whose face was familiar to you?" "No; to tell you the truth I could not distinguish their faces, I am so short "But you had your glasses hanging

round your neck. Why did you not use It amazed me to hear him laugh at this question. It was a gentle, kindly laugh,

but none the less was I astonished at it. "You lawyers are so sharp," he said, "that there is scarcely hiding anything from you. Be careful what questions you ask me, or I shall be compelled"and here his voice grew sad-"to beg of

I held myself well within control, although his admonition startled me, for I had it in my mind to ask him something concerning the surprise he had evinced when the nine of hearts was produced from the pockets of his ulster; and I had it also in my mind to ask him whether he was acquainted, either directly or indirectly, with Mr. James Rutland. His caution made me cautious; his wariness made me wary; I seemed to be pitted against him in a friendly contest in which I was engaged in his interests, and he was engaged against them.

(Continued on seventh page.) Cuticura Remedies.

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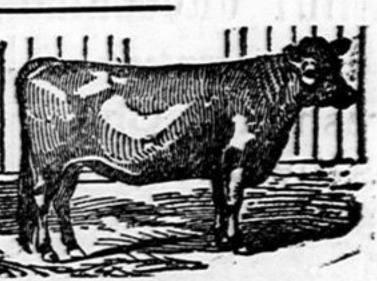
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HEADQUARTE

Baker's Block Kent-st., Linds ARTIST'S GOODS a Spe

The Canadian

NEWS OF THE WI MOME AND FOREIGN ITE INTEREST.

Sathered from the Telegraph

chosen as leader of the Irish parlian -Captain McGivens, an old res Kingston, shot himself in the head revolver Tuesday, with suicidal int

said that he did not promptly funds intended for the relief of -In the event of Mr. John Dillo

ging mission.

the czar respecting the treatment ordinary diplomatic channel.

known as "Garth Grafton," the C. writer, was married at Calcutta las to E. C. Cotes, a member of the c vice in that city, and son of Rev. of Berkes, England.

-The high tides did \$10,000 day Digby county, N.S., on Monday. were covered, stores flooded, huncords of wood carried away, re

other damage done. recommendation is that it should -John Linton, while chopping

and one portion springing back str on the forehead. He was unmarr -Near Liberal, Kansas, the other pack of wolves attacked Mrs. A. J. and her six year old boy. The wor severely bitten and the boy car Though soon afterwards rescued was so badly bitten that he canni

-When the United States sen journed on Saturday evening it h n continuous session for thirty session unprecedented in length for years. The republicians were to push through the "force" bill, democrats were opposing it. -A man named Wilder, doing h in New York and Boston, has been

ed with amuggling opium into the aded by snow, and as the attempt

unsuccessful it is feared they are to death. -On Saturday last a man na Campbell started from Rathoun in of intoxication for Coe Hill, but or a short distance when he lay down railway track, and when picked t time after his fect were frozen stiff, hands and face were badly froze feet will have to be amputated.

ply the inhabitants with provisi

president of the Charter Oak Life ance Co., who fled to Canada son ago, returned to Hartford the oth appeared in court and pleaded g embezzlement of \$10,000. He was ed to one year in state prison ar there immediately. Bartholomew 70 years of age and in feeble health.

-Messra W. H. Beatty and W. Corham of Toronto; F. H. Walker of erville and J. P. Wiser of Presco interviews with the ministers of and inland revenue with reference proposed sale of 16,000 gallons of an whiskey, besides rum, brandy as autumn. The distillers fear that such a low price as to injuriously their business. The ministers pron endeavor to dispose of the stuff manner that would be least injur

-A discussion having been start the effect of Dr. Koch's discovery Eaglish experts on the subject were and have been given to the public. have particular reference to a str credited to a Brooklyn physician t insurance companies would have t their tables of mortality in consequent. Koch's lymph. It has been out that the lymph has yet to be capable of curing or even materis visting the sufferings of those with tuberculosis. Even if it achieve this much desired result, I remains that the mortality from co popularly supposed. The diagn disease, even in its early riages, is

W. A. Goodwin. IN VICTORIA COUNTY FOR

ROOM PAPER and PICTURE F

. A. GOODWI

Machine Needles, Alabastine a Works Agency

LINDSAY, FRIDAY, JANUARY

-Mrs. Lucy Wood celebrated he birthday at Barre, Vt., on Friday. -Emin Pashs is said to be eng constant hostilities with the Arab of Lake Victoria. -The Paris Siecle announces the Dillon, upon his arrival in France,

cannot live. -Mr. Timothy Harrington has a Bublin Insuppressible for libel for

accepted as leader of the Irish pa William O'Brien will return to the States and continue his interrup -The Lendon mansion house pe

in Russia has been returned to En order that it may be presented thro -Miss Sarah Jeanette Dunca

washed out, flour and meal destro -Opinion is greatly divided 'am ropean medical men as to the value of Dr. Koch's lymph. The with extreme care, as in some case ministration produces fatal results

woods at Birch & Linnet's camp, north of Fergue, was instantly h Tuesday while felling a tree, while

bly recover.

States from his branch house in He used to take it over in a gripsad pounds at a time, and beat Uncie of \$30,000 in a few months. He w Heavy snowstorms have again red in many parts of Europe, inter traffic and causing great distress. I Africa the small town of Sabdon

-George M. Bartholomew, f

the market.