

Our Sixty-Third Year—No. 14

LINDSAY, ONTARIO, FRIDAY, APRIL 3, 1908

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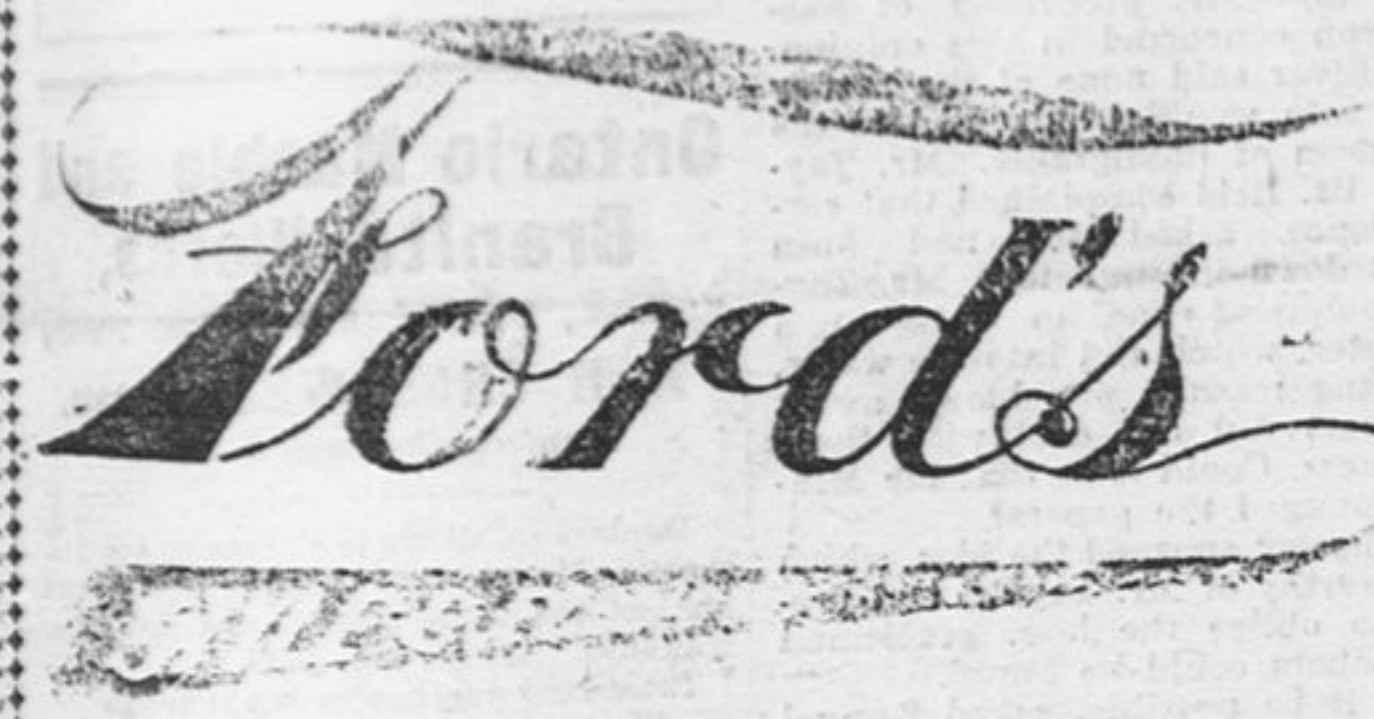
MANY ARE BUYING AND SAVING

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There are New Dress Goods, Silks, Cottons, Muslins, Grottones, Art Satens, Shirtings, Wool Blankets, Gloves, Hosiery, Underwear, Ribbons, Laces, Embroideries, Collars, Belts, Corsets, Veilings, Umbrellas, Parasols, Lace Curtains, Veilings, Spring Coats, Skirts, Raincoats, Waists, Wrappers, Satens and Silk Underskirts, White Muslin Underwear, Children's Dresses, Men's Underwear, Socks, Braces, Hats, etc., etc.



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—CONCERNING—

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For Lindsay and Victoria County.

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1000 CATTLE TO PASTURE. On the Highland Ranch—For that number there is 10 acres to each beast—\$2 50 for season.

Highland Ranch cattle did remarkably well during the bad season of 1907. Did you see the cattle that came home from the Highland Ranch last year? If not, ask questions and thoroughly satisfy yourself that you are making a very wise move by sending your cattle to the Highland Ranch this year.

NOTICE TO FARMERS

We have still on hand some good varieties of fancy as well as the old Blue Imperial Peas to give out to growers for seed. Those who intend growing and have neglected to arrange for their seed should write or call at our office at once and leave their order.

JAS. M. SQUIER & SON, SQUIER & FLAVELLE. Lindsay, March 29th, 1908.

EGGS FOR HATCHING.—\$1.00 and \$2.00 per doz. from the best R. C. Rhode Island Bred in Canada. Prolific layers of large, brown eggs. They are small eaters and a first class table fowl. Infertile eggs replaced free. ARMAND WELSH, Lindsay, Ont.—d.w.m.

PROCEEDINGS IN THE FAMOUS RANDALL-SWITZER HOCKEY TRIAL

EVERYONE PLEASED WITH ASPECT OF CASE—DECISION RESERVED.

Magistrate Jackson Presided in a Satisfactory Manner—Many Witnesses Examined on Both Sides—Some of the Evidence in Brief.

Evening Post of April 1. The postponed hockey trial took place on Tuesday afternoon in the police court at 1.30 p.m. before Magistrate Jackson.

Crown Attorney Devlin and Messrs. Finlayson and Shorw appeared for the prosecution and Mr. G. H. Hopkins, K.C. for the defence.

An interesting argument took place between Messrs. Devlin and Hopkins as to whether the former should conduct the prosecution, or whether the Midland lawyers should preside. It was decided by Magistrate Jackson to have the Midland lawyers preside.

The witnesses were then excluded from the court room and the trial was proceeded with.

Owing to the interest taken in this hockey trial by our citizens generally, we had decided, when we started, to give the full evidence, but owing to our limited space and the large number of witnesses being examined and a lot of the evidence being the same, we were compelled to omit some of the evidence, except of the most important witnesses and the plaintiff and defendant.

Dr. Ardagh, of Orillia, was the first witness called for the prosecution, and on being examined by Mr. Finlayson, replied—"I am an eye, ear, nose and throat specialist, practising in Orillia. I received a telephone message one morning to meet the train and examine a man named Switzer, who had received an injury to his eye. I examined him at my house, prescribed for him and sent him home, and was to see him in three or four days. I examined him the evening before the first trial, and gave him some treatment. He may never have very good sight again. He described the various ways that he might have received the injury. The injured eye may effect the other eye.

Under cross-examination by Hopkins—"I have been practising medicine 15 years and have been an eye specialist two years and six months. Switzer was examined by another eye specialist. I did not see him for a month. There were some marks in the eye. I could not say how eye was struck, but the upper circumference of eye and interior were injured. I never treated a case of this kind before. He may possibly recover sight of eye."

position of centre. I know Randall to see him; he layed right lying on the Lindsay team. I am not aware of them having any trouble with Randall during the game. The assault took place three or four minutes from the end of the game. Midland were defending the eastern goal. There was a scrimmage near the east end, and I started after the puck, and Randall was before the puck. He was close to the boards and I was coming up behind him. He hit me with the blade of the hockey stick, but I am not sure. I would not swear I saw the stick coming. He was playing the puck toward the entrance. He stopped before he came to the puck and hesitated, but he could not have played the puck and got away from me, and I would have had to follow. I could not have avoided the blow. I was knocked unconscious and was in that state on the road to the hotel. I was attended by Dr. Vrooman, White and Clarke. There was no trouble or words between me and Randall. I think the blow was deliberate. The score at the time the accident happened was 6-5 in favor of Lindsay.

I went to Midland the next day and was treated by Dr. Ardagh, of Orillia and Dr. Reeves, of Toronto. My eye is very poor now, and I cannot see except out of the side."

Cross-examined by Mr. Hopkins—"I have been playing hockey about ten years. I am a fast skater, but I do not know whether I can skate faster than Randall. The accident happened five feet from boards. I did not see puck when Randall came, after I got half way across the rink. I would not say I was a slow skater. On several occasions I got hit in the face before in the game and years ago accidents but one. I was hit on face three times this winter, twice besides the time I was hit by Randall. I was never hit in the face before with a hockey stick. When I was within two or three feet of the puck it was legitimate for him to strike my stick up. I was not near enough to be struck by a fist. We did not collide to my knowledge. I would contradict any person who said we did. I do not recollect dropping or how I fell."

Mr. Switzer and Mr. Hopkins at this point showed the positions of Switzer and Randall and what positions they were standing in and the way they were stooping when Switzer claimed the blow was struck.

Thomas Fitzpatrick—"I am a boot and shoe merchant in Midland. I was in Lindsay on the night of the hockey match and was there through the whole game. I do not know know Randall and never met him, but he was pointed out to me on the ice. I was west from the place where the assault occurred. They were about three or four feet away from the boards. Randall was in the penalty box on the far side of the rink. Randall came first across the ice and Switzer came across to meet him. I could not see the puck, but I saw it come in there. I do not know whether he came right up to the puck or not. Switzer was about two feet behind Randall when he went for the puck. Randall had an opportunity to play the puck, but turned his head and saw Switzer, and then swung his stick and hit him with the heel of the hockey stick. Switzer went down in a heap. The referee came up and Randall said "I did not mean to do it," three times. I did not hear what the referee said. I saw Switzer lying on the ice. It looked to me as if the blow was struck deliberately. Switzer fell with his feet towards the boards.

Cross-examined—"The accident happened about ten feet from the boards and I think Switzer is mistaken if he said five feet. I should think the puck was within three feet of the boards, and I would not swear the accident happened seven feet from the puck. The game was fast and exciting and the crowd were greatly excited. I could not give you the position Switzer was in when he was struck, and I do not know what position his stick was in and could not say whether he was going to play the puck or not, as far as I could see, but I would not swear the blow was struck deliberately.

William Riddell, Athlone—"I am a G.T.R. employee. I was at the hockey match. I have no connection with Midland. I was in the box merely as a spectator. Only the timekeepers were in front of me. Randall was in the box and asked how much time there was to play, and was told there was 2 or 2 1-2 minutes. When Randall was leaving the box, he said, "Watch me get somebody." As far as I can remember Randall was ahead, although I am not sure. I did not see the assault. Samuel Caldwell Barrie—"I was in penalty box as timekeeper. Randall came over to the penalty box and one of the timekeepers said there was 2 1-2 minutes to play, and shortly after that he said, "2 1-2 minutes to play, watch me get somebody." I did not see this trouble. I should judge about half a minute after play started the assault on Switzer occurred. When Randall came over to the box after the assault he said, "I did not mean it."

calling Randall first. Finally Mr. Hopkins had his way, and Mr. Knight took the stand.

Leigh B. Knight, sworn, said—"I was a timekeeper in the penalty box. The game had stopped a moment. Randall skated up, and as he went away he said, "Watch me go. I wouldn't swear he didn't say anything else. I didn't see anything further that Switzer lying on the ice."

Cross-examined—"Randall was only penalized once—the time when he was supposed to have hit Switzer. I won't swear he didn't say "Watch me get him," and nobody else can say so either. I said "Don't say anything to Randall. He has a bad temper. He might hurt someone."

Bert D. Menzies, Lindsay—"I was in the penalty box. Randall asked the timekeeper what time there was. He was told two minutes. He said, "Watch me go." I did not hear him say, "Watch me get him."

Cross-examined—"I'll swear he said "Watch me go." I will swear that he said nothing else but "Watch me go."

Finlayson—"Then you say all these men swore falsely."

Hopkins—"I object."

Frank Cote, sworn—"I am left wing on the hockey team. I don't know a great deal about the accident. I was near the penalty box when Randall came over. The time-keeper told me there were just two minutes to play. Randall skated over and said, "What is that." Then, on being told, skated back saying, "Watch me go." I was afterward talking to Newton. He said "Here they come." I looked around and Switzer was lying on the ice."

Cross-examined—"I just heard "Watch me go." Randall had his hand on my shoulder and I am sure he didn't say anything else."

Mr. Hopkins then asked the County Attorney to call Mr. Hancock for the information of the court.

County Crown Attorney Devlin—"The Crown has no knowledge that this man should be called. This is the first I have heard of this man. I don't know how this man can help either the prosecution or the defence. This point let to quite a lively tilt between the lawyers. Hancock was finally called for the defence."

W. S. Hancock, referee, Toronto, sworn—"I know Randall and have seen him play several times. I have very seldom penalized Randall, and on this night did not do so. The puck was faced off to the Midland goal. The puck went about ten feet from the boards. I was opposite it. Switzer got there first by a very close margin. Both were skating very fast. Switzer was a low skater. I caught Switzer raise his stick and I caught Switzer in the eye. I couldn't swear this as their backs were toward me. There was a blow struck. Randall's stick slid up Switzer's stick. I think the two men collided. Switzer fell and went into the boards. Neither of the men hesitated. They were playing the puck when this occurred. I penalized Randall because I thought I was reasonably sure Randall hit him. A great many penalties are handed out when the referee is in doubt. If I thought it was deliberate I would have reported Randall to the Association."

Cross-examined—"I wouldn't like to contradict a person who saw it at close range, who said Randall got their first, but I don't agree with him. I deny that Randall stopped before he got to the puck. It is not an offence to stop close to the puck, as these were situated, and one or two check the other. The matter rests with the referee. To strike a man in the face or any place is an offence at any stage of the game. I can't swear positively how Switzer's eye was lost. I penalized Randall for the rest of the game. I thought thought this was a severe offence. I didn't consider it a matter of criminal assault or I would have reported him to the O.H.A."

Joseph Dwyer, Peterboro, sworn—"I was on the south side of the net. The men were skating fast toward the puck. Switzer was ahead. Randall came on a slant. Body check took place. Switzer fell."

Cross-examined—"I used to live in Lindsay. The accident happened about seventy feet from me. The men were back toward me. The puck went about four feet from boards. I don't yet believe Switzer has lost his eye."

Jos. Robertson, Peterboro, sworn—"Switzer was going very fast, but Randall, although going fast, was not going so fast as Switzer. Switzer got going so fast he lost control and then went into the boards. His stick struck first."

Cross-examined—"Switzer didn't realize how fast he was going. The stick struck the boards and he ran into the end of it."

They converged on an angle at the puck. Randall checked Switzer for the puck. It was 8 or 10 feet from the boards. I couldn't see the stick after the two men came together. Switzer was knocked off his feet and went feet first into the boards. He bounced out about four or five feet."

Cross-examined—"Switzer's back was to me. Randall checked his stick and body checked him and went on with the puck. He didn't strike a blow at him or twice at him."

Newton Small, sworn—"I was behind the netting at the east end north of the door. I couldn't see which got to the puck first. They came together at an angle. I could not see their sticks. Nothing happened except that Switzer went into the fence, striking feet first, the head two feet behind the feet. The body fell rapidly as though struck back."

Cross-examined—"The accident happened 40 or 50 feet from me. Switzer's head did not strike the boards. I think his own stick struck him and thrust him back. Can't swear how his eye was hurt."

Jas. Daniels, Lindsay, sworn—"I was on the north side of the rink about six feet east from the accident. The puck shot from the center of the ice to the north side of rink. Randall and Switzer came for it. Switzer's feet struck the boards. Randall got the puck. Both sticks were on the ice. I was watching closely, and there were no blows. Switzer struck against butt end of Randall's stick when he came to the boards. They were out quite a distance when they checked."

Cross-examined—"I was in the front row. There was a body check. Switzer went into the boards feet first. It was done so quickly, I could not see which stick hit him. Randall's stick never left the ice. Randall did not strike him with his stick."

Wm. Grant, Port Perry, sworn—"I was on the north side of the rink about twelve feet from the accident. I saw the men come together, skating fast about twelve feet from the boards. One fell and went into the boards."

Cross-examined—"I didn't see anything happen that would cause an accident. It would have been almost impossible for a blow to be struck and for me not to see it."

Wm. McDonald, Midland, sworn—"I was goalkeeper for Midland. I did not see the accident, as their backs were toward me. I went into the dressing room. I saw a doctor, tending to Switzer. Nobody asked me how it happened. I did not say how the accident happened at the time. I was not present when Handley gave an account of the accident."

As the hour was growing late, and as there were quite a number of witnesses still to be called, Magistrate Jackson adjourned the case till 9.30 Wednesday morning.

Court re-opened at 9.30 Wednesday with Magistrate Jackson in the chair. Geo. Reilly was the first witness called, and said—"I was on the north side about 25 feet from the accident. I saw Switzer and Randall come up but Switzer got there first. They came together and Randall body checked him, and he went down on the ice. I did not see Randall strike Switzer and do not think he hit him intentionally."

Under cross-examination by Mr. Finlayson Mr. Reilly gave more details of the game, and in some he was contradicted.

Delmar Adams was the next witness—"I was on the north side of the rink, about 20 feet from where the accident happened. I should judge the Midland man got there first. Randall body checked him and their sticks clashed and Switzer fell down with his feet to the boards. Randall did not lift up his stick and deliberately hit Switzer."

Cross-examined, he said—"I am not interested in the hockey club and never made any statement of my evidence."

Anon King was next on the stand and said—"I was close to where the accident happened. I saw the men coming and Switzer had the puck and Randall body checked him, and he fell towards the side of the rink. There was no stop before the collision. I did not see Randall lift his stick over his shoulder and hit Switzer."

On being cross-examined Mr. King corroborated his evidence.

Kenneth Randall, on being called to the stand in his own defence, said—"I live in Lindsay, but my home is in Kingston. I played hockey three years with the Lindsay team, two years with the junior and one instance. I do not know Switzer except to see him in the game which was a good fast one. I was not penalized in any of the games with Midland. Switzer skates very low, much lower than I do and was likely to get hit in the face. I do not recollect talking to any person in the south-west corner of the rink, and Switzer got to the puck first."

Continued on page 5.