THE SIFTON MURDER TRIAL.

The Evidence All In---Addresses by Counsel and Judge--Verdict of the Jury.

At the Sifton murder trial at London, the latter part of the case was principally taken up by medical evidence. Several witnesses were also recalled.

John Sifton, brother of the late Joseph Sifton, and uncle of the prisoner, was called as a Crown witness, but gave good evidence for the defence. In the first place he said that Gerald Sifton did not, as far as he was aware, know of the contents of Joseph Sifton's will. He said further, he had never asked for an inquest.

In cross-examination Mr. Johnston got the facts about the famous butter paper &ill, made on the night before the tragedy, before the jury, and all about Edgar Morden and his doings with it. John Sifton had entered suit against Morden and gained a verdict, having proved that the butter paper will was a forgery.

By John Waters, Registrar of Middlesex, it was attempted to prove that Gerald Sifton was financially involved, and in such circumstances that the death of his father would afford great relief and a great inheritance.

Mr. Johnston objected. He pointed out that there was no evidence that Sifton knew the contents of his father's will.

The Court upheld the objection.

David Leckie identified the knife found in the straw in the Sifton barn mow as the one he had lent Joseph Sifton a few days before his death.

MARTIN MORDEN

was recalled. He said that Gerald Sifton had told him that the late Joseph Sifton had in his will left an inheritance to him (Sifton). He would not swear to the day or month the conversation took place, nor anything more about it. Sifton had said to him, "Everything is willed to me." That, he remembered distinctly.

"Why did you not tell of it when in the box the other day?" asked his Lordship.

"I did not think it was necessary," said Morden.

Edward Peters, a neighbor, said that there had been trouble between Joseph and Gerald Sifton, because of Joseph calling Mrs. Sifton names. He said he would have been mad, too, if his wife had been called such a name. Joseph Sifton was a quarrelsome man.

Dr. Williams, of London, said he believed the bruises of S fton's head might be made by a fall or a series of blows. He discredited Herbert's statement that ten or twelve blows were poured on the head.

Dr. Williams stated that neither Sifton's skull nor Dr. McNeill's evidence as to the conditions he found, told any such story as that told by Walter Herbert of the number of blows from two such powerful men delivered with intent to kill.

Dr. Roome told much the same story.

DEFENCE GIVES EVIDENCE.

Dr. Arthur Jukes Johnson declared that the theory that the skull had received a number of forcible blows, as described by Herbert, was absurd. Such blows delivered on top of the head would crack the skull like an eggshell. The boggy mass on top of the head could have been produced by impact with the ground. A metallic surface like an axe would not be likely to produce the injury. The blow which caused the wound on top of the head, he believed, produced the fracture on the right side. The skull, he said, was not consistent with anything in the evidence.

In the cross-examination, Dr. Johnson admitted to Mr. Riddle that the boggy mass on top of the head could have been produced by a blow from the flat side of an axe. The wound on the back of the head, he asserted, could not be produced by the flat of an axe, as described by Herbert.

DR. CAVEN'S EVIDENCE.

Briefly, the evidence of Dr. Caven, of Toronto, amounted to this: The death of Joseph Sifton might have been due to a fall or to blows. He was inclined to the fall theory. A series of blows would have separated the periostium from the skull. A single blow from an axe at right angles would not have produced the skull fracture. A fall would have produced all the wounds found.

Dr. McCallum, of London, said that the wounds were consistent with a fall, or two or three blows from an axe, but not consistent with a dozen hard blows. He favored the fall theory.

Dr. Wishart, of London, was of the same opinion.

"Could a man," Mr. Johnson asked, "who wished to conceal a crime, so gauge the blows with an axe to produce these wounds?"

Dr. Wishart declined to answer.

Dr. Balfour, superintendent of Victoria hospital, London, laid stress on the fact that there was not much blood about. If an axe had been used in the mow there would have been blood.

To Mr. Riddell he said that blood might have been spilt on the chaff and never reached the floor.

Dr. Routledge, of Lambeth, and Dr. Neu corroborated what had already been said by other doctors. They said the injury to the skull might have been caused by an axe, but the blows must have been very light ones. A fall was more consistent.

Dr. Shaw, of London, went further and said he would recognize an axe wound and this was not of that kind.

Dr. J. D. Wilson, London, based his evidence of a fall on the fact that there was blood in the bladder which meant a sudden shock.

Provincial Analyst Ellis said there were no traces of strychnine in the body, there was a trace of mammalian blood on the axe and also hair, probably cow's hair, though he would not be certain.

The first problem of the defence was to account for the blood on the ladder up which Joseph Sifton climbed to the trap door. Harry Smith, a sheep skin dealer, explained that he had brought sheep skins, some of them bloody, down that ladder shortly before the tragedy, and they would leave their mark.

Allan Routledge also testified to bleeding sheep being in the barn about that time.

Richard Irwin and J. L. McIntosh swore that Gerald Sifton was left-handed. This is important in connection with the evidence of Herbert.

Andrew Rogers, the second hired man on the Sifton farm, denied certain interviews with Herbert, which had been sworn to. Rogers also denied that Gerald Sifton had choked his wife in his presence, as Herbert had stated, nor did he hear Gerald Sifton say on the morning of the tragedy that if Joseph Sifton and Mary McFarlane were not already married, he would put the old man in a place where there were no marriages.

Mr. Johnston said he would waive etiquette and call Mr. Hellmuth. His Lordship consented.

Mr. Hellmuth said that shortly after the arrest Herbert had sent for him and asked him to take his case. He told precisely the same story as told by Gerald Sifton. On the next day the confession of Herbert appeared in the press. Mr. Hellmuth went to the jail and told Herbert he could not act for him. He asked Herbert if his confession was true, and Herbert replied: "No matter what anybody says or what I may have said, the story I told you yesterday is true."

Mrs. Mary Sifton contradicted Herbert's story. She swore positively that her husband had not choked her and contradicted the evidence of Mr. McFarlane regarding threats. Gerald had said that he did not care which of the boys helped with the hay fork.

This closed the evidence for the defence.

ADDRESS FOR THE DEFENCE.

When Mr. Johnston rose to make his address the court-room was jammed with an eager and attentive audience. In opening, he pointed out to the jury that the life of a young man was at stake, not only his life but the happiness and life of his wife.

"You are not here to decide whether Gerald Sifton is guilty or innocent," said the counsel, "but to say, upon the evidence, and the class of evidence that has been brought before you, whether he has been proven guilty of the crime with which he is charged. It is for you to say that we shall have no newspaper trials, no detective trials, but that men shall be given a hearing upon the evidence that is given from the witness box, and on that alone." Only when the evidence carries home the conviction to the jury could a verdict be found When between thirty and forty skilled physicians and surgeons, although differing in minor points all agreed as to the improbability of Herbert's story of murder, surely that showed great doubts in their minds. If these men expressed grave doubts and many of them said that the story of Herbert was practically incredible, surely the jury must have serious doubts as to the same thing. The Crown witnesses had themselves said Herbert's statement was inconsistent with the facts found. They were not trying Gerald Sifton upon newspaper stories. If that system were adopted trial by jury might be abolished and court and justices wiped out. Upon the Morden's evidence Mr. Johnston was especially severe. The trail of the serpent was all over their testimony. Wherever there was the greed of money there was the name "Mordens." Where you find the man who heard his betrothed traduced and raised not his voice or hand you find again "Morden." In their story is the voice of the perjurer and the hand of the forger. The man who tells a story in order to be safe—a story which is incredible to the doctors, who is taken into the dark chamber of iniquity and the very pit of hell, underneath his record is written Walter Herbert, Edgar Morden. Mr. Johnston described the testimony given by Burgess as to Sifton's alleged admissions. The Morden-McFarlane-Herbert chain of evidence was attacked, and Mr. Johnston asked if upon that evidence they could send a man to the rope of the hangman. He said that Gerald Sifton's desire to prevent the marriage was a natural one, and his action in seeing Martin Morden, Mary McFarlane's affianced husband, one that would occur to any man. If murder were to be committed would he go around trying to peddle the job? If the Mordens were men who could be hired to commit murder their evidence was not worth the utterance. Herbert's story was reviewed, and Mr. Johnston said that the doctors could not admit it as being true. The jury could not accept it as given, and when they commenced to sift it through, what portion of it could they believe? They must reject it altogether. The responsibility of the jurymen Mr. Johnston pressed home, and, in closing said:—"You have to do it upon the evidence which I say is unexampled in the history of criminal trials in this country."

THE CROWN CASE.

Mr. Riddell opened by stating that the Crown had not called Edgar Morden because they did not wish to produce a witness against whom there was the slightest taint. The defence had scored Martin Morden because he had not married a woman who had admitted her unfaithfulness. They might as well talk of a Sifton gang as of the Morden gang in connection with this case. The time that the alleged bargaining for the will was going on the will was in the custody of Crown Attorney Magee. Even if Gerald Sifton did not know the contents of the will he must know that a marriage would seriously impair his chances. Despite the insinuations there was nothing to show that Inspector Murray had not conducted his investigation with the same honor and fairness that distinguished the many cases he had handled in his long career. There was no doubt that Joseph Sifton and Mary McFarlane spent that Friday night at Edgar Morden's house. Was there a true will drawn up, and after that another will? That was a mystery. He did not think that any man who had seen and heard the two men give evidence as to seeing Joseph Sifton with the axe would believe them. Mrs. Sifton's story was a natural one, for a woman would forgive anything or do anything for the man she loved. It was impossible that Herbert could have invented his story, for he lacked imagination to do so. His evidence gave not only the more probable, but the only possible explanation.

Prof. Caven had said there must have been two blows, and one of the doctors called for the defence, after examining the premises, said foul play. It was incredible that Joseph Sifton had climbed up a 6 by 6 scantling to knock off the boards. Mr. Riddell emphatically denied that any pressure was brought to bear upon Herbert, who had made his first confession to an uncle. There was no possible compensation, no inducement which would lead Herbert to admit that he had helped to kill a man. Herbert had been over a year in jail, and in that time he might possibly have diminished his own and increased Sifton's part in the crime. If the Mordens had made up a story they might very well have said that Gerald had confessed to them. Mr. Riddell closed by dwelling upon the responsibility of the jurors to decide the case upon the evidence, and said that no sympathy should deter them from their duty. They should follow the Biblical law and render justice.

THE JUDGE'S CHARGE.

On Thursday morning Mr. Justice McMahon began his address to the jury. After warning the jury of their duty he began to speak of the motive of the crime which, according to the Crown, was formed on the evening before the tragedy, when Sifton learned of the approaching wedding of his father. "The motive is established," said the judge, "by evidence not very reliable." The case was an unusual one in the fact that, according to the Crown, Sifton had gone about here and there offering rewards to people to kill the old man. He went to James Morden, who directed him to Martin Morden. Here his Lordship commented very severely on the conduct of the Mordens for not at once informing the authorities and telling Sifton that they

INTENDED TO INFORM.

Following up the story his Lordship spoke of Herbert's evidence regarding a bargain with the prisoner on the morning of that day. He pointed out that both Rogers and Mrs. Sifton contradicted the statements made and showed the impossibility of such a bargain being made.

BUTTER-PAPER WILL.

The butter-paper will was touched on to show that the Mordens had some inducement to give evidence against Sifton. They got an offer of $1,000 for that will from Gerald Sifton. Did the Mordens go further and offer an inducement? If Herbert's evidence is untrue, there is no evidence upon which a conviction can be made.

The judge seemed to make much of Dr. McNeil's evidence. To him Gerald Sifton suggested giving the old man, when about to die, strychnine. "That was incomprehensible, but people were sometimes incomprehensible."

"To sum up in a word or two," said his Lordship, "Walter Herbert was an accomplice, and although the jury may convict on the evidence of an accomplice alone, the law says the judge is to warn the jury, as I now warn you, that it is unsafe to convict on such evidence without some corroboration, for it is very easy for an accomplice to shift the blame from his own shoulders to those of the man he accuses.

"The corroboration you have is the fact of the prisoner's going to James Morden and Martin Morden, and the statements made by Dr. McNeil. This evidence may or may not afford corroboration. That is left to you to say. Most of the medical evidence was to the effect that if the blows were administered as described the skull would be crushed, and that the theory of a fall is more consistent. But if Walter Herbert struck the first blow, as he says, the medical evidence must be eliminated. If you have any doubt, give the prisoner the benefit of the doubt."

The charge was completed at 11:40 and the jury retired. It was very impartial, though slightly in favor of the prisoner.

JURY FAILS TO AGREE.

Nine for conviction, three for acquittal, stood the jury on the trial of Gerald Sifton for the murder of his father, after five hours' argument in the jury-room. His Lordship was satisfied that the jury could never reach an agreement, and discharged them. Sifton went back to his cell to await a new trial at the Spring Assizes.

At two minutes to five Thursday afternoon, twelve men filed into the court-room while an expectant crowd sat hushed in awed silence. In the dock sat Gerald Sifton, a man whose very life depended upon the word of those twelve silent men. Beside him, staring wild-eyed into space, her very soul reaching out to receive the first intimation of the verdict, sat the prisoner's devoted wife. His Lordship leaned toward the jurymen.

"Gentlemen of the jury, have you agreed upon your verdict?" asked Clerk MacBeth.

"No, my Lord," replied the foreman in a low tone.

The crowd breathed easier, the only thing to break the silence was the convulsive sobs of the little woman in black.

Mr. Justice MacMahon told the jury that every man's conscientious opinion must be regarded, and asked the foreman if there was any possibility of an agreement. Mr. O'Sullivan replied that there was not, and his Lordship announced that he would not keep the jurymen further.

With magnificent nerve Gerald Sifton had faced the ordeal, and when the announcement was made there was no change in his expression. His faithful wife bent forward and buried her face in her hands, sobbing bitterly. As in the solemn stillness the judge wrote down the formal disposition of the case, she lost control, and her friends had to come to her assistance. Clear-eyed and calm-faced, Sifton heard the report of the jury, and walked from the court room back to his cell with a smile on his face.

GREATEST BATTLE OF WAR.

A British Garrison of Less Than 300 Held 4000 Boers at Bay.

A despatch from London says:—All the accounts of the fighting at Fort Itala, including those from the South African correspondents of the newspapers show that it was one of the most striking offensive and defensive engagements of the war. The whole British garrison there numbered only 300 men, with two 15-pounders and a Maxim gun. An outpost of 80 men, under Lieuts. Kane and Lefroy, occupied the summit of the hill, out of sight of the main camp, which was on the slope of the hill. At about midnight 600 Boers rushed the outpost. Their onslaught was so sudden and fierce that for twenty minutes only bayonets were used. Overwhelming odds soon decided the possession of the outpost. Lieut Kane fell dead shouting:

"NO SURRENDER."

Lieut. Lefroy was severely wounded, and the whole force was disabled. The main camp was thus reduced to 220 men. The Boers assailed from all sides. From about 1 a.m. throughout the remainder of the night and all the following day the little garrison withstood them until seven in the evening, when the outlook seemed desperate. The British had been without water for many hours, the Boers having cut off their supply, and their ammunition was fast failing. Almost suddenly the Boer fire began to slacken, and soon after the attackers withdrew, either learning that General Bruce Hamilton was approaching or in sheer despair of secceeding. Their retirement opened the way for the wounded commander to withdraw his exhausted force which reached N'Kandhla in the morning. Among the Boers killed were Generals Opperman and Schultz and Commandant Potgieter.

According to a statement which reached Durban from N'Kandhla, a British military surgeon who ascended Itala in the morning to attend the wounded there was immediately made a prisoner by Boers, who compelled him to

ATTEND THEIR WOUNDED.

Consequently the British wounded lay unsuccored during the day in the broiling sun without water.

The attack on Prospect seems to have been only disastrous to the Boers. The camp was well situated for defence, and although the garrison numbered only twenty men, with one Maxim, they withstood all attacks, notwithstanding the dashing bravery of the assailants. The latter withdrew without achieving their purpose, and their dead were piled around the fort. The British loss was one killed and 12 wounded.

The Boers have never hitherto displayed such reckless daring, and their defeat is the worst smash they have sustained. Major Shapman, commanding the British, seemed to bear a charmed life. Gen. Kitchener has congratulated him.

On Saturday the Boers captured a large British convoy. Gen. Hamilton pursued them and came into action with them, but no details of the fighting have been received, though it is reported that the Boers were again punished.

MARKETS OF THE WORLD

Prices of Cattle, Grain, Cheese, &c in the Leading Markets.

Toronto, Oct. 8.—Wheat—There is a quiet trade with millers only, who are buying sparingly. New 57-lb wheat is quoted at 65c middle freight, and heavier grades at 66c. Old wheat to millers quoted at 67½c low freights. No export business. No. 1 spring is quoted at 68c east, and No 2 goose at 61c. Manitoba wheat is lower, No 1 hard selling at 79½c, grinding in transit, and No 2 hard and No 1 Northern at 77½c, g.i.t. For Toronto and west 2c lower.

Oats—The market is quiet and prices easier. No 2 white sold at 34½c low freight to New York. On track here they are quoted at 37c.

Peas—The market is steady, with sales of No 2 at 70 to 71c, high freight.

Barley—The market is steady. No 1 quoted at 52c middle freight. No 2 quoted at 48½ to 49c; No. 3 extra at 47½c, and feed at 45c.

Corn—Market is quiet, with prices firmer. Offerings small. No 2 Canadian yellow quoted at 56c west, and mixed sold at 55½c west. U.S. corn nominal at 61c on track here.

Rye—The market is quiet, with cars quoted at 48c, middle freight, and 49½c east.

Flour—The market is quiet. Ninety per cent. patents, $2.60 bid, in buyers' bags, west, but none offering. Locally and for Lower Province trade prices of choice straight rollers, in wood, are $3 to $3.20. Hungarian patents, $4, bags included, at Toronto, and strong bakers', $3.75.

Oatmeal—Unchanged. Car lots on track here, $3.95 in bags, and $4.05 in wood, broken lots 30c per bbl. extra.

Millfeed—Bran is offering at $13 to $13.50 in bulk, middle freights, and $14 in car lots here. Shorts sell here at $16 in car lots.

LIVE STOCK MARKETS.

Toronto, Oct. 8.—The receipts at the Western cattle market to-day were 78 carloads of live stock, including 1,321 cattle, 1,605 sheep and lambs, 800 hogs, 70 calves and milch cows, and five horses.

There was a good, lively market here to-day, and, while the quality of the market was only fair, the demand was active, and prices firmer. Everything was sold out early.

Export cattle was in steady demand to-day, and for choice stuff 5c per lb. was paid.

Butcher cattle of the right kind was in good request. More good to choice stuff would have sold to-day at from 4 to 4½c per lb.

Stockers were in good supply and were quoted at unchanged prices.

Feeders were scarce and wanted

Good milch cows are also wanted; the range of price to-day was from $25 to $45 each. Up to $50 will be paid for the right kind.

There is a steady enquiry for good veal calves, which will easily bring (if of the right kind) up to $10 each.

Export sheep are worth 3c per lb.

Lambs are worth from 3½ to 3¾c per lb.

Hogs are quoted at the prices of Tuesday, with the probability of a further decline.

The best price for "singers" is 7¼c per lb.; thick fat and light hogs are worth 7c per lb.

Hogs to fetch the top price must be of prime quality, and scale not below 160 nor above 200 lbs.

Following is the range of quotations:—

Cattle.		
Shippers, per cwt...	$ 4.25	$ 5.00
Butchers', choice	4.00	4.50
Butchers', ordinary to good	3.25	3.75
Butchers', inferior ...	2.75	3.00
Sheep and lambs.		
Choice ewes, per cwt	3.00	3.25
Butchers' sheep, each	2.00	3.00
Lambs, each	2.50	3.50
Bucks, per cwt...	2.50	3.00
Milkers and Calves.		
Cows, each	0.00	45.00
Calves, each	2.00	10.00
Hogs.		
Choice hogs, per cwt.	7.00	7.25
Light hogs, per cwt.	0.00	7.00
Heavy hogs, per cwt.	0.00	7.00
Sows, per cwt...	3.50	4.00