

**Third Suit Against Railway
Heard Here by Justice Raney**

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with toes still in it. He had not picked it up, he said, for he was "nervous."

Villeneuve's evidence was the feature of the morning session. He was giving his story for the first time, not having appeared at either of the previous trials. Villeneuve told the court he had been subpoenaed only a week before, but he declared he had not come forward because of his business relations with Bill Johnston, station agent for the C.N.R. at Kapuskasing, whom he allowed ten per cent on automobiles sold. Witness admitted to Mr. Slaght that he had been known at one time as "The King of the Bootleggers" around Kapuskasing, he told Mr. Laidlaw he had been "in the bootlegging business" in 1925, subsequently had sat on the Town Council, and he convulsed the court when he declared that his former place "she's now the liquor store building, but then she was the bootlegging building."

According to this witness, he had spent two 30-day terms in jail, one at North Bay and one here, but he informed Mr. Slaght, in answer to one question that he was a "decent citizen" and he repudiated the lawyer's suggestion that "you were too yellow to go and help him," the reference being to Alexander after he had been hurt by the train. Villeneuve declared he had not seen Alexander at the time, but he had seen what he described as "two things black," and which he later had noticed were suitcases, and which apparently had been tossed from the train. At that time, witness had been squatting at the freight sheds "watching for the Provincial Police," as he had expected a load of liquor in that night. From his vantage point he claimed to have noticed a number of things.

"Were you in the wholesale, retail, or jobbing business?" asked Mr. Slaght, rising to cross-examine.

"I am Nap. Villeneuve," replied witness, amid laughter, and his

various replies to questions put to him provoked so much merriment in court that Mr. Justice Raney had to check the tendency to levity. Villeneuve told the court that "when Harry Constable (former License Inspector who was later murdered) wanted to make a raid he did not get off the train at the station, but dropped off at the rear end", and he was expecting Constable and Weatherall (Provincial Officer, formerly located at Cochrane) that night. Villeneuve had seen "young Moffatt" pick up the suitcases, he said. He told Mr. Laidlaw that Alexander had been in the liquor business, although not handling the stuff himself, but having agents. Robitaille, who was said by witness to have been working for him in various capacities, had helped him in his liquor business, witness said, and he told the court that he, Villeneuve, was both wholesale and retail and that he bought the stuff in quantities and sold it "by the can or by the glass."

Evidence given for the defence during the Wednesday afternoon session was very largely a repetition of testimony heard at one or other of the earlier trials.

Mrs. S. Bigouette again told of having seen Alexander walking through the first-class car, which she had boarded farther east, when the train neared Kapuskasing, and she had not seen him return, she declared. Dan Fillion, fur buyer, who had got on at Fauquier, and who denied having bought any liquor on the train, told the court plaintiff had gone back through the first-class car after the train left Moonbeam (the stop before Kapuskasing), and witness said that, as the train was approaching Kapuskasing, he had seen Ferguson, the front-end brakeman, opening one of the four outside doors between colonist car and the first-class coach. That door was the north-west door of the latter car; the others were closer, witness swore.

The evidence of Ferguson, killed in the recent smash at Drocourt, was admitted by consent between counsel, and Mr. Laidlaw's motion for non-suit was not granted by His Lordship.

Lucien Moffatt repeated the story he had previously told when he stated that, on the night of the accident, he had been hiding behind a box car in the yard watching for liquor, and he said he had seen two suitcases containing alcohol thrown from the train. He had taken the stuff, he said, but he had no partner in the business. To the judge, this witness said he "was supposed to steal it." He had treated his friends, he said, but had not sold any of the liquor, nor had he taken any of it to his father's hotel. He watch-



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ed the train for liquor, he said, "four or five times a week."

Three brothers of Mrs. Bigouette swore they had found Alexander lying on the tracks about 15 feet west of the crossing.

That Alexander himself was bringing a supply of liquor with him on the train and that he (witness) was at the crossing to meet him, was the testimony of Fred. Lafleur. Alexander had arranged with him, he said, to leave the train at the crossing, but he had missed his step and had rolled under the wheels. Lafleur had sent for help and had picked up a parcel containing two gallons of alcohol and had gone away. He was closely questioned by Mr. Slaght on his past record, and he admitted he had spent 30 days in Haileybury jail last year and that at the age of ten, he had been sent to the Reformatory at Montreal for assaulting his mother with an axe. This was in 1908, when he lived at Maniwaki, and he spent three years in the institution, where he learned shoemaking. Asked why he had denied, at the first trial, this term, he said he "was not in jail, but in a Reformatory," and he claimed that, as regards his trade, he had just started to learn it in Montreal.

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Former goalie of the Toronto Maple Leafs, now with the New York Rangers, had his laugh this spring when the Gothamites put the Toronto team out of the running for the Stanley Cup.

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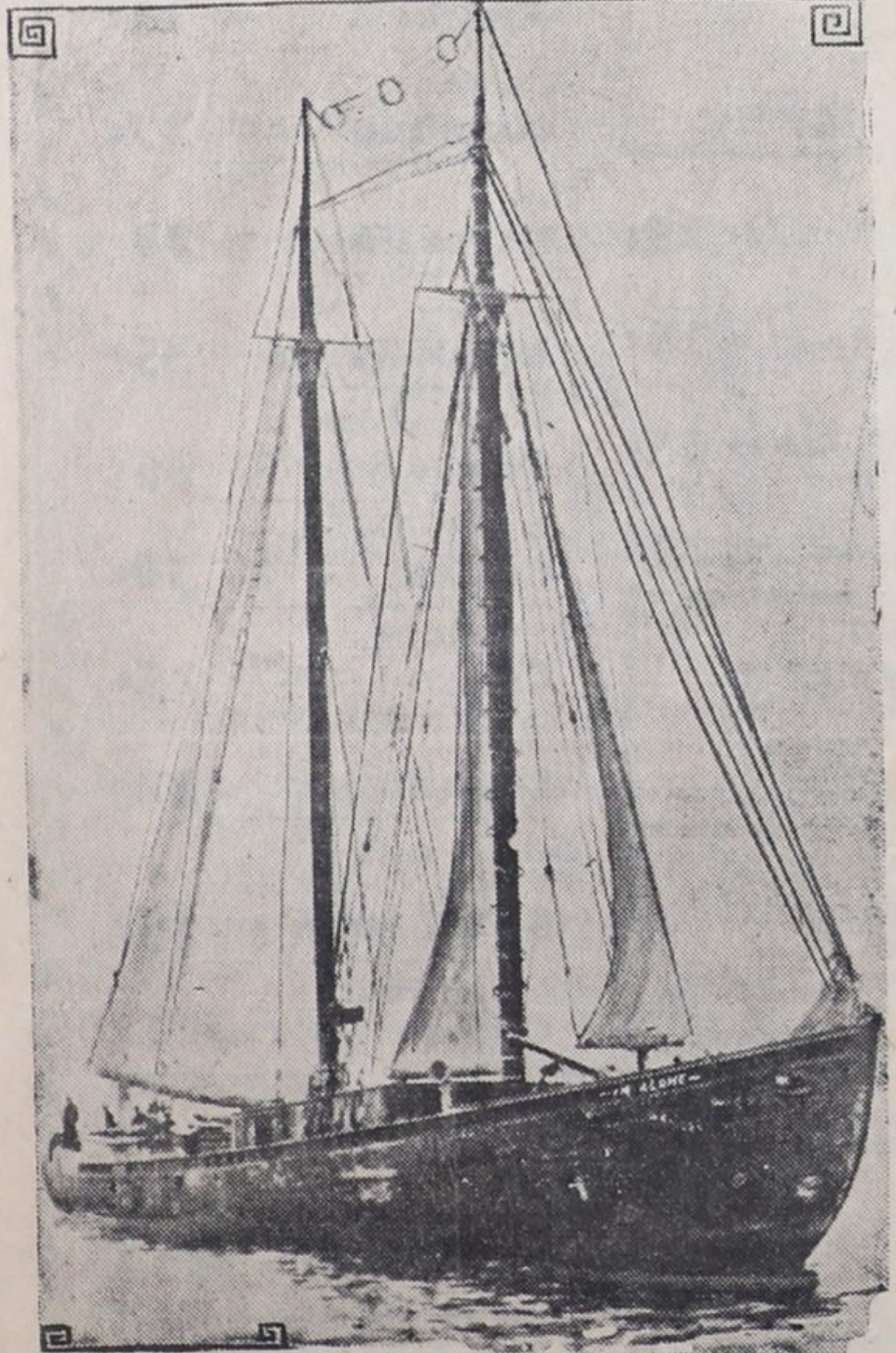
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International complications between Great Britain and the United States may result from the sinking of the British schooner, "I'm Alone" by the United States Coast Guard cutter "Dexter" off the Gulf of Mexico. The British vessel was reported by the captain of the ship, who is a Canadian, to be outside the international line—twelve and a half miles—when the Dexter gave chase. The "I'm Alone" refused to "heave to" and was destroyed by gun fire. One member of the crew was drowned.

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