And Sentenced to be Hanged on Nov. 14.

## PELLY'S NARROW ESCAPE

A Solemn Scene in the Woodstock Court Room.

THE PRISONER'S DEMEANOR.

Eloquent Addresses by Osler and Blackstock-The J: 0 v Out an Hour and a Half - A Terrible Ordeal for the Prisoner-" I Am Not Guilty of the Crime, My Lord "-The Prisoner Back in Jail Esfore One and Put in Charge of the Death Watch-Precautions Against fuicide.

WOODSTOCK, Nept. 29.—The fate of John Reginald Birchall was solemnly sealed at exactly midnight to-night, when the jury brought in a verdict of guilty of the wilful murder of Frederick Cornwallis Benwell in the lonely Blenheim swamp on Feb. 17 last. It just took the jury 11/4 hours to make up their minds, although it was supposed by many when the court room was finally cleared at 10 o'clock that they would remain out for three or four hours. The jury were unanimous on the first ballot, but they discussed the matter for over an hour before coming to their final decision. The court room itself was utilized for the purpose of considering the verdict and the big crowd were bundled out into the chilly atmosphere with very little ceremony by the posse of constables. Birchall when the room was cleared was whirled away to the jail. At 111/4 precisely Deputy-Sheriff Perry tripped across the square to the O'Neill House where Mr. Justice MacMahon was in waiting in his room. The deputy informed the judge that the jury had agreed and in 10 minutes His Lordship was back in his seat on the stage. There was a rush for places in the court room after His Lordship entered the room. Although it was so near the witching hour of midnight half-a-dozen ladies were bold enough to squeeze into the room among the 400 or so of men.

Birchall was brought back to the room at exactly 11.48. He was securely handcuffed to Constable Marshal Anderson. When he sat down in the dock it took the constable nearly five minutes to remove his ill-fitting manacles. The prisoner's face was white blanched, and he seemed to realize that it was all over with After the names of the jury had been called Clerk Canfield, amid a death-like stillness, said: "Gentlemen of the jury, have you agreed upon your verdict?" George Christopher, the most intelligentlooking man on the jury and who is a retired farmer living at Ingersoll, had been chosen foreman and he immediately arose and said: "We find the prisoner guilty of the murder."

Hellmuth asked to have the jury pould and this was accordingly done. As each of the twelve names was called out His Lordship enquired: "How say you? Is John Reginald Birchall guilty of the offence charged?" Each one of the twelve answered, "Guilty."

Mr. Hellmuth: "Your Lordship, in the absence of Mr. Blackstock, who is unable to be present. I move that the crown reserve the case because of the introduction of the Mellerish letters." His Lordship: "I see no reason to reserve

the case." Mr. Osler: "I move for the sentence of the court." eyes were turned towards the man, and in a solemn voice the judge commanded the prisoner to stand up. Birchall did so promptly, his face becoming ghastly pale, but he did not appear to move a muscle. He fixed his eyes steadily on the judge, who returned the glance as he leaned over on his table and prepared to pass sentence. His Lordship spoke with somewhat of a tremor It was Justice Mcvoice. Mahon's first death sentence. His Lordship then asked: "What have you to say, John Reginald Birchall, why the sentence of the court should not be pronounced on you for

the felony of murder that you have committed?" The prisoner looked more intently if possible at the judge and said in a loud, clear voice: "Simply that I am not guilty of the crime, my lord."

The audience looked on with something almost akin to paralysis. His Lordship then addressed the prisoner as follows: It is part of a solemn and painful duty cast upon me to pass upon you the sentence of the court for the felony of which you have been convicted. I can only say fully concur in the verdict which has been returned by the jury on the indictment against vou. You have been defended with great ability, and there has been no point connected with the defence that has not been fully brought before the jury and pressed upon them with all the fervor and all the ability that human nature could command, and while I say that I may say also that the inevitable conclusion that has been reached in the minds not only of the jury but of almost every one who has listened to the trial was that you conceived and premeditated and carried out the murder of a young man who had been entrusted to you by an aged father. It was your duty and your bounded duty to have looked after and protected him. Notwithstanding that, without any compunction on your part, you prepared to take his life and to reap the miserable reward that you thought was to be obtained by asking the price of the blood money which you would get by the draft that was to come from England and the property which you immediately took possession of. It is melancholy to think that, along with the education you possess, with opportunities which no doubt you must have had to further your own material interests, you should so far have forgotten yourself as to pursue the course which you have pursued and you should have prepared to dip your hand into the blood of your fellow man. It is melancholy to think that after such a short period after you became a married man and became connected with an estimable and respectable family you should have brought this trouble and disgrace upon them. I can hold out to you no hope whatever of any commutation of the sentence I am about to pronounce. There is, I may say to you, but a short time in which you can be permitted to live, and earnestly implore you to take advantage of every hour that remains to make your peace by supplicating the Throne of Heavenly Grace for forgiveness of offences committed by you in the flesh.

The Sentence of the Court upon you, John Reginald Birchall, is that you be taken hence to the place whence you and that there within the walls of the prison between the hours of 8 o'clock in the morning and 6 in the afternoon on Friday, Nov. 14 next, you be hanged by the neck until you are dead, and may the Lord have mercy on your soul." Birchail did not stagger, nor did an audible syllable escape from his lips. He sank back easily in his chair in the dock, while the spectators flocked around his box or peered over the top of the rail at the doomed man. He did not look to the right nor to the left, but simply gazed ahead of him, Mr. McKay and Mr. Hellmuth walked over to him and he shook hands with both of them, adding a pronounced, "Thank you gentlemen." Once more it became necessary to clear the

court room. The jurymen mingled with the spectators and seemed glad once more to breathe the air of freedom after their eight days of confinement.

Pifteen minutes after midnight Birchall be store and be a way - - - -

found himself back in the jail with the death watch placed upon him. It was whispered throughout the crowd that he would commit suicide, but ample precautions have already been taken at the jail to prevent that.

Mrs. Birchall had long since retired, having been given a power ul opiate by her physician to quiet her nerves. But the awful news was subsequently broken to her by Mr. Hellmuth. Thus ended this court chapter in this awe-

inspiring scene. FEATURES OF THE DAY.

Some of the Visitors to the Court Room-Some Sympathet's Scenes.

Among the early arrivals at the could room were Dr. MacMahon, M.L.A. North Wentworth, and brother of the presiding judge. The doctor reached town at 6 o'clock this morning, coming from the Mrs. Blackstock arrived from Toronto at

an early hour and was present all through the iong session of the court. The addresses occupied five minutes mora than 111/2 hours in delivery. Mr. Blackstock spoke for 5 hours and 10 minutes, Mr. Osle for 4 hours and 10 minutes, and His Lordship for 2 hours and 15 minutes. The speakin; lasted from 9.55 a.m. to 9.55 p.m., with a short intermission for lunch. All through these lo g and anxious hours the prisoner sat with his eyes riveted on the speaker, as the case happened to be, or on the jury. Only his beat was visible above the top of the rail of the dock, and his face wore an anxious and tright ened look all through the lengthy order l For an hour at a time he sat with a statue-.ikd pose of the head, appearing at intervals as 11

he were attempting to mesmerize the twelve good men and true. Very few of them, however, returned Birchall's anxious stare. They sat nervously in their cha.rs, drank copious draughts of water handed them by the constables and seemed wrapt in nothing elsa b t the words that fell with measured pace first from Mr. Blackstock, then from Mr. Osler, and last of all to the stern judicia phrases of His Lordship. After the shades of night had gathered over the court room the gas was lighted and still the incessar recital of the remarkable circumsancel surrounding the case went dramitically along. Outside in the square there was a dense crowd, and they bowled and yelled themselves hoarse in revenge for not being admitted to the already crowded room. Their unseemly disburbances did not in the least appear to disturb the judicial serenity of Mr. Justice MacMahon at his court, for it was while His Lordship was speaking that the throng ouside yelled their loudest. Occasionally Mrs. Birchall and her sister

Mrs. West-Jones were in the court room during the speech of Mr. Blackstock and they sat immediately behind his chair. They, however, left the room when the gentleman had finished his speech. Mrs. Birchall, haggard looking at all times gave way to the milting mood when Mr. Blackstock feelingly and pathetically referred to the garland of wifely devotion that invested all her actions towards the accused man since his arrest seven months ago. The scene in the crowded court room during the recital by Mr. Blackstock of this touching reference to the unfortunate woman, for who can say that she is not unfortunate. was pathetic in the extreme. Many of the ladies in the room looked toward the woman and her sister with involuntary and proffered sympathy, but the poor creature heeded them not. Her thoughts were God only knows what-probably they were cast in a once happy home in far-off England, perhaps in her husband's lonely cell, perhaps the black shadow of the gibbet filled her soul with horror and dread. No one in the room seemed to more thoroughly appreciate the situation than Mr. Blackstock and the legal gentlemen who so ably assisted him in the

d fence, Mr. I. Hellmuth and Mr. G. S. McKav. No counsel ever went into the task by explaining away to a jury the iron chain of circumstances with more earnestness, with more genuine whole-souled expression in his countenance, than did the young advocate from the Queen City. In strange contrast was the expression on the countenance of Mr. Osler. He seeme. like an old warrior who was about entering a battle which he had already won, like a race horse who looked with contempt on his fellow-competitors. But, withal, Mr. Osier was not harsh or spiteful in presenting his facts and backing them up with the experi-

ence of an old court campaigner. The judge, it was remarked from the outset, while he no doubt spoke to the jury as a teacher would to a class of pupils acted as if it was a foregone conclusion and that to him the fact was clear that the strong arm of the law had descended upon to right person, and that it was his duty to so impress the jury and Canadians ought to be extremely thankful that they had no more to do with this terrible crime than bringing the guilty man to justice.

Farmer Costan Gets a Seat in Court. At exactly 914 o'clock Mr. Justice Mac-Mahon came out upon the stage and took his seat upon the "bench." The chairs whice had been placed so conspicuously to the left of that of His Lordship had been re moved, and the favored ladies who occupied these places formerly had to seek seats in the body of the court-room. Therefore the court had the whole stage to itself, with n one else to share the limelight, if there h. been such an adjunct to this theatrically-set

His Lordship, turning to Mr. Blackstock, said: "Any evidence?" "Yes, my Lord, was the reply, "John McMaster." A Canadian Pacific telegraph messenger boy stepped into the witness box and testified that he delivered the telegram from the S. afford House, Buffalo, to Birchall, savin there was a letter and telegram for prisoner,

to Mr. O'Neill, clerk of Bamfield's Imperior Mr. Blackstock said that since Saturday a new witness had appeared on the scene. He read an attitivit by Mr. Hellmit i to tue effect that James Costan, a tarmer living by a mile from Princeton, could give some evidence in the case. His Lordship s id be might be called and he was sworn. Costan was a farmer near Princeton. He reco.! seed the circumstance of the body being found in the swamp. On Tuesday evening of that week a young man, apparently about 35, 4 stranger and well dressed, called at his house and asked to remain over night. He said ho came from Brantford and wanted to go to Woodstock. Witness told Lim he could had s'ay. Prisoner said be had applied at many of the houses along the road and they refused to accommdate him. He also asked if there were any woods near. He afterwards saw that body of the man found in the swamp, but he did not bear any resemblance to the man

It was quite apparent that Farmer Costan had resorted to this ruse to gain admission to the court-room and get a good seat. Mr. Osler did not deem it necessary to crossexamine the witness. George Patterson, who took the depositions at the Princeton inquest, was called to prove these. To Mr. Osler he said he did not take question and answer, but wrote it in parrative form, and necessarily had to put down his own interpretation of the evidence as given by each witness.

witness saw.

The register of the Metropolitan Hotel, New York, was put in, which showed that on Feb. 15 last, Birchall, his wife. Pelly and Benwell were all registered at that house, written, as stated by Mr. Blackstock, in the prisoner's handwriting.

The Effort of His Life. Mr. Blackstock, although he seemed to be laboring under a great load during the first hour of his address, gradually became easier in the presentation of his facts. Everyone who listened to the address admits it should Le counted as the effort of his life beiore a jury. He did not enter into theories, as he frequently remarked that he would not, but he explained away, one by one, according to his views, the strong links of the circumstantial evidence. Mr. Blackstock', address throughout was of that strong and intense kind. He fastened his eyes constantly on the jury, very seldom looking towards the prisoner or around the court room. Birchall followed his counsel's remarks with the keepest of interest, and his gaze towards the stal-

wart voung advocate who was engage i in the task of saving his neck from the rope was never diverted for an instant. Mr. Blackstock's face was male and be looked careworn, like one who had sat up for a couple of nights preparing his herculean effort, but ne exhibited no signs whatever of fatigue during the whole time of his address, which lasted exactly 5 hours and 10 minutes. He did not close without paying a clever compliment to the ability of Mr. Osler, who, he said, was always found on the side of defending prisoners, and it was worthy of remark that he should now be engaged on behalf of the crown. His Lordship, too, was painted to the jury as a gentleman who had made his mark at the bar, both as a prosecutor and as a defender, and La bespoke from the tench every fairness and considerstion for his client. There was no a stir in the court-room during Mr. Blac! stock's telling speech. There was no effort at applause, for, no doubt if there had been, it would have been pomptly suppressed. Mr. Blackstock took occasion to roast detectives generally, and John Murray in pa: ticular, not because of the way that he ha worked up the case, but evidently because of the thorough manner in which that office. had worked up his case for the crown law-

...r. Osler's address was just one hour shorter than that of Mr. Blackstock. Mr. Osler, who is such a familiar figure before juries all over the province, adverte! to his old practice of getting directly of posite the 12 good men's line and talked a. through those long hours to the jury and to jury alone. He appealed as sympathetical. for the prisoner's conviction, as he has on many occasions pleaded for an accused man'i acquittel of some serious crime. As i.i. his opening address, Mr. Osler carefully went over the whole circumstance of the crime, it! motive, how it was committed and how all effort had been made to cover up all tracks of the deel. Mr. Osler also took occasion to defend De-

tective Murray from the onslaught made or him by Mr. Blackstock, holding that this Government officer had worked up the evidence on behalf of the Crown in a clever an I astute manner. "The h tred of Murray by the prisoner was reflected through his counsel." declared Mr. Osler. The crown prosecutor told the jury emphatically that he had no doubt of the prisoner's guilt and he asked for his conviction

on the overwhelming chain of circumstancel presented by the crown. His Lordship's a ldress was a general review of the evidence, during the course of which he fully instructed the jury on point,

THREE STIRRING ADDRESSES.

Mr. Blackstock Holds the Floor for Over

Five Hours, Mr. Blackstock then arose to deliver his address to the jury. He said: Howevel feeble and inadequate my own capabiliti may be I have every hope of receiving you! indulgent sympathy during the address. A solemn and imposing scene is being enacted you are participating in the gravest, most responsible and most awful function which civilization presents to the human being; you are debating the question of life and death. Society, for his own protection, has said that under certain circumstances it has the right to step in and anticipate the messenger of death; that though God gave life man has 1 right to take it. There are in this community, as well as in many others, a large faction who maintain that under no circumstances should society have the right to forfeit huma i life, and many states have abolished capital punishment. We live in a country where the law still enforces the death penaity, and while we should uphold the law the only justification for its existence must by the highest necessity founded upon thi strongest proofs. A vast proportio of the evidence submitted was such as could only be cuallenged upon oath in the box, but the prisoner was not competent to enter the box in his own behalf, the law diff not permit it, it conferred upon him ni privilege of combating the statements of thi witnesses if he could. Another difficulty was that a large proportion of the evidence was of circumstanc's far removed from the present scene-some of it took place in Eng. land. A considerable portion of the evidency was sprung upon the defence and they werr u able to secure testimony to refute it. A . other chapter in the narrative of difficulties

The Attitude of the Press. I would be the last person to prescribe the liver as of the public press, but if a verdict of zail y is pronounced by you, gentlemer, it will not be upon the evidence, but becaust the dagnet of the newspaper has been a your through the shany slough of inventiand a sinuation. The human mind is not se constituted as to be able to dissociat! the testimony given in the witness bol from what they had read or been tob! consequently the jurors would be unable to elimina e intirely trona their minds entirely the false 1 apressions they have formed or the incluent stages of the case. In making use of the stanguage I do not wish to condemn indiscriminately the work done by the newspapers. Some of the work was go d work. In my own opinion all that honest detective work in this case has been done by the newspapers. While not denyin; the light of the press to publish a fair accountrof all the facts, it was not their province when a man was on trial for his life to a ubush the wassper of invento that dare not come into the box to seal its t stimony with the oath. The expensive and extensive preparations made by the Crown were referred to. The defence had no money to bring witmesses from England, to bring testimony from Nevalu, or with which to purchase the Ellises. While the testimony of many of the witnesses for the crown was loaded with malica and dishonesty he defied anyone to put a finger on a witness for the defence win showed indications of unreliability. This solerors for the defence had found then: serves crippled at every turn because they had not the funds at their disposal to meet the enormous expense connected with this cas. They had labored almost without reand for months, because having undertaken the case of the prisoner they felt constrained to leave no stone unturned to see that Li secured justice. All the circumstances co. strain me to ask you to bring upon this cast your fide ity and clear sightedness. It is n & done the prisoner who is on trial. The incitations of the country are on trial. It is on trud whether we shall return to mob law, other the newspapers or a jury shall try a man. I therefore ask you to sink the plummet line of your intelizence and your hele esty to the bottom of the evidence, for I tell you my client has been pilloried for a crune of which he is innocent, but it endangered by mangnant passions and prejudices to which no prisoner in any court of his ice has ever been exposed. After exproming the duty of the advocate and pointing out the utier unremainity of the taste mony of detectives, Mr. Blackstack cautioned one jurors that if in the conduct of the call here had been faults of temper, faults of tion, if one witness had been unjury preset another too harsaly dealt with, not to la the pash of censure fail upon the prisone in upon the shoulders where it belonged.

his was the fault, not the priso ers. The I arned counsel also pointed out that bircha l was not on trial for the honesty of his co. . eact, and told the jury that, unexparied, the dealings of the prisoner will learwell were not consistent with his innocence or dishonest dealings. it was und-mable that he had made sait ments to reduce the diceased to come out to this country which were not in accord with the facts. It appears that he was each hivoring to get somebody else out here to immi-h the capital with which to start a business. and brought him here on talse representations as to his business. But you have Li right to take into consideration the noics.y or d shonesty of these dealings. I do not, therefore, defend him upon these points: first, because I should be at a loss to do so. and secondly, because it is not the charge in

the indictment. Silting the Evidence. Mr. Blackstock then proceeded to review the evidence with respect to prisoner's statements to Lumberman Hull, Operator Phemister and Captain Cox. I do not say that his witnesses were delib .. ately faire, but take into account the

Let me point to two cases illustrating that.
Hull was put in the box and said, "Prisoner told me that he had a letter from Benwell, etter from Benwell enclosing a baggage receipt," and then paused; then continued that he was going off at Woodstock or Paris on his way back, and Hull imagined that he said the letter contained this latter state-Take another case. Pelly says prisoner spoke often of Pine Pond; that was within easy drive of Niazara Falls. asked Pelly if he mentioned Niagara Falls, and he said yes; I asked him if he mentioned Woodstock and he said yes, and I have not the slightest doubt in the world what actua. y took place was that the prisoner wet speaking of Woodstock and not Niaga: .. Falls when Pine Poi d was mentioned. Wrs the Prisoner at Eastvo at Mr. Blackstock then proceeded to discu-

the case under two heads: "Was the prisoner

at Eastwood on Feb. 17? and "Even supposing ne was at Eastwood, what then?" Th prisoner and Benwell unquestionably left Buffalo on Feb. 17. The crown say they bought tickets that morning at Niagara Falls for Eastwood. Why were those tickets not produced, and why was not the agent who is said to have sold these tickets summoned as a witness! Is it because the evidence will not fit? The difference in the stories of identification told by Conductor Poole at the inquest and at the trial, the fact that he had originally testified that the piece of baggage put off at Eastwood wan checked and at the trial stated that it was not, were alluded to. The latter circumstance, the learned counsel said, might by due to the fact that Conductor Poole had since found out by hunting up the record at Eastwood that no piece of baggage was cuecked off there. He also pointed out that it was unlikely that either Poole, Brakehay or News Agent Duffy, to meeti in hundreds of people a day, would be able to recognize again a person whom they had seen but once, while their descriptions of clothing worn by the prisoner did not tally with that of other witnesses, thy more than did their description of the omplexion and height of the two men. Duffy ays prisoner told him his nam; was Smith; what necessity existed for saying anything of the kind? If he had committed a crime prisoner would not be likely to say unything. He would want to hide. With espect to Miss Lockhart and Miss Choate Le would like to speak of measured terds, but is it possible not to express one's feelings of aversion that two respectable women will come forward and, a; papently with feilings of malice, try to wear away the life of this man! On! gentlemen, the meanness of human nature. Thesi would rather consign the prisoner to a felon's grave than admit that they were mistaken until you present them with the documents proving it. Contra ting the stories of Miss Choate and Conductor Poole, Mr. Blackstock stated that they did not fit in at all. The presence of prisoner at Eastwood station was next discussed. "Do you believe the amplired story of Miss Smith! as ad Mr. Blackstock. At the inquest she said nothin. about prisoner having said that he had been in the Northwest, or that he was going to hamilton for his baggage. Was she not likely to remember more distinctly what prisoner said when the circumstances were fresh in her mind than six months after Then her query, "Are you Somerset of Dudley! showed that she did not recogniza prisoner, although he is totally different from Dudley. Was the man she saw Dudley! And were not Miss Swayzie and the other people at the station mistaken also. In this connection Mr. Blackstock referred to what he called the disgraceful manner i. which the identification of the prisoner by the witnesses had been brought about, and referred in terms the reverse of complimentary to the Government detectives, whom his characterized as hellhounds of justice. Jame! Hayward's evidence was discredited owin ! to his admission that he had pointed out at Woodstock races last May a man whom he said he would feel like saying was Birchall, only he knew the latter to be in jail.

Circumstantial Evidence. At this stage Mr. Blackstock read a list of a score of cases in which innocent men had been convicted and in some cases execute owing to their positive identification by witnesses who subsequently found they were mistaken.

Where is the Motive? Where was the motive for the murder! The crown did not pretend to contend that Birchall murdered Benwell for his money but their theory was that it was done in order to induce Colonel Benwell to send out the £500. While many of the statements i the famous letter were untruths, others werd such as must prevent Birchall securing the money unless Benwell was alive. The instructions to send the money insured in the names of both parti ! prevented the possibility of Birchall securinthe money unless Benwell also put in an appearance. If he was dead and Birchall knew it, how absurd for him to suppose that his could obtain the money! It proved that Birchall expected Benwell to turn up in f. w days and write to his father. Th: journey of Birchall to Princeton and L1 Pleatification of the body was cited as an a . ditional proof of his innocence, while the fact that on his previous visit to this country this prisoner had been under the alias of Somerset was explained by the fact that he was a bankrupt and did not wish his creditors t know where he was located. The presence of Benwell's keys and gold pencil case in Birchali's possession was another proof of his innocence; had he killed deceased would he have kept these incriminating evidences in his possession when he had a chance to destroy them? In conclusion, Mr. Blac! stock warned the jury that they should give the prisoner the benefit of any doubt which existed, and when the truth was revealed, a: it would be some day perhaps by the confession of the real murderer, they would by glad that they had acquitted the prisoner. air. Blackstock concluded by referring to the devotion of prisoner's wife, who had clung like a beautiful garland around his neck, displaying the greatest affection and trustfulness in his innocence when the clouds which surrounded him appeared to be tha darkest.

A Terrible Arraignment. Mr. Osler began his reply at exactly 3.35 He remarked that in February last a young Engl shman comes to this country full of life and hop, and a few days after he is found foully murdered in a swamp. A duty devolved upon the community to find out who committed that crime. The duty has devolved upon the crown; the crown seeks no man's life, but nevertheless this duty remains. Some of the jury might be opposed to capital punishment, but this was no place to discuss such a subject, since as they had taken a juror's oath they must fuifil that duty honestly and conscientiously. Mr. Osler then printed out to the jury that it was their duty to find a verdict according to the evidence presented. Should it turn out subse quentiy that such testimony was incorrect they were not to charge their minds with the responsibility therefor; it was upon the witnesses the responsibility rested. Let us first consider, said Mr. Osler, the relationship which existed between thi prisoner and deceased and whether from that relationship there was any object in the murder-any gain to the prisoner, for the effect dejends upon the background the view you may taki that relationship. In the outset it is fair that you should consider the weight to be attached to circum. stantial evidence. If society cannot depend upon circumstantial evidence then all crimes of skill and deliberation must go unpunished:

The Motive for the Murder. Mr. Osler, under the head of the object of the murder, referred to the experience of tue prisoner in Canada from December, 1888, to May, 1859. With that knowledge and experience of the country he proceeds to England. How he o cupied himself from May to November of last year is not before you and need not be. The story next commences with a correspondence through one Mellerish with Col. Beawell and his son. The letter of

December 28, 1889, written by Birchall to Col. Benwell direct with relation to the engaging of deceased as a partner with prisoner in his farm in Ontario, and mentioning that the writer's brother had been for six years his partner, was read by Mr. Osler. Conceive the object of that letter. There was an expressed intent in the mind of the prisoner to entrap some young man to Canada and secure £500 upon representations that can be proved to be absolutely false. - Ask yourselves what termination was possible in the mind of the prisoner as to how he was going to get that £500 without farm, without business, without any of the possessions he represented be had. The next date is Jan. 27. Between these letters there had undoubtedly been conferences between these parties, which we are unable to give you owing to the Alness of Colonel Benwell. In this letter he prepares the mind of the father for his (prisoner's) correspondence as to the business of the "company." Every line of the letter intimates that Birchall would the corresponding member of the not young Benwell Knowing that he wasn't going to have a sale in March (a suggestion made undoubtedly to appeal to young Benwell's love of gain, intimating as it did that he would receive a share o. the profits), the jury have a right to accept the view that this was part of the schem; proposed by the prisoner to get that £500. It could not be got in a lawful way, for the material did not exist upon which it was to be advanced.

Its Termination was the Swamp of Death What was the object of that scheme, what termination could it have except the Blenheim Swamp! Mr. Osler then took up the embarkation of the party on board ship. Pelly ascertains that Benwell is going out, apparently on the same mission, to become a partner. Appealed to, prisoner tells Pelly, in direct contradiction to what he has told Colonel Benwell, that young Benwell is merely going out to be placed on a farm and that he would get rid of him as soon as he could. Prisoner's glowing description of his alleged farm at Niagara Falls proved to be untrue was contrasted with his visit here under an assumed name and not for any good purpose, and the fact that he was a bankrupt referred to. Prisoner's stories to Undertaker Swartz, to Constable Watson, Operator Phemister and others were also ment.oned under the head of the relation ship of the parties and the object of the murder. He had got all he was to get from Pelly-the £120-and could afford to laugh at him. That's the distinction between the

two young men. The Letter of Guilt. Take that situation and the letter of Feb. 20-a letter writer two or at the outsile three days after the deate -a letter that you cannot study too much. That I tter was written by a man who had not snown himseir a fool in any other correspondence. In a letter was not written to be followed by another from the son in a day or two, stating that there was no business, no farm-that he had been defrauded. Take it, gentlemen, and read it between those lines, and the word you read, gentlemen, between these lines is MURDER. The man who wrote that letter knew that the right handed Co. Bellweil's son would never more communicate with his father; he knew that that son was cold and stiff in death. In that letter it states Benwell had inspected the books. Where are the books It says he had consulted a lawyer in Loudon. Where is the lawyer! It states that prisoner had introduced Benwell to several persons. Who are these persons! Why is there no explanation given! He Could Have Drawn the Money All Right, He met the argument of Mr. Blackstock

that, inasmuch as Buchall in his letter requested Col. Be well to send the money w the firm he would be unable to get the money if Benwell was dead, by pointing out that thi letter requests the money to be sent to tue firm of Birchall & Benwell, so that either member of the firm could get the money without the presence of the other. On th. correspondence, coupled with the return of prisoner to Buffale accompanied by Benwell, with that telegram in his own handwritin; signed Bastell, he claimed that be would have a right to ask for a conviction of this man without the slightest evilence as to the journey and as to the prisoner's identification. The burden is up in the prisoner to show where he was our reb. 17. Where was he! Why, gentlemen, my learned friend said that the prisoner's mouth was closed. My learn ed friend knows that at the close of the case the prisoner has a right to stant up in the doci and make an explanation of the circumstances, to tell the jury may plausible tale ha likes and I cannot cross-examine him. He cannot, although his like is thempling in this balance. He prefers to lemain shent and sees to discredit the evidence of the crown, con sequent upon little disagreements. It was gien to mim to snow whom he met, with whom he dined; but in all that Niagari country he cannot find a man who will come forward and say "I saw him." Hie made at arrangement to send a telegram at 2 o'clock. And now as to the identity! If you believe any one of these witnesses as to prisonet having been identified in any spot it covers the whole journey. The crown does not have to trace min all along the journey. Can you say to yourself that Miss Lockhart and hiss Choate are mistaken and that Conductor Poole is wrong? Do vou take the responsibility of rejecting their oaths! Then as to Alired Hayward, whom Mr. Blackstock has particularly selected out for criticism. What interest has he in the matter except to tell the truth? And yet because he could not pick out a grey constable with a nondescript tace from the gallery, rendered indistinct by a cross-light, the defence claim that his story recongnizing a man whom he knew as Somerset is talse. Coull any of you gentlemen pick out your own wife or daugnter from the near seats in that gallery! Mr. O her next referred to the tes timony given by the various witnesses who saw the two men going eastward to the swamp. Let's see how the time-bill of these withesses will agree. The journey would take 1 hour 45 minutes to reach the swamp. So that if we start these men from Eastwood at 11.14 and allow them 3% miles per nour, which is a rair pice, they could not reich th swamp till 12.39, 21 minutes to 1. Presumin; that the prisoner left the swamp in time to caten the train if it was on time, the latest he could leave was 24, so that he had a margin of time of 1 hour and 36 minutes. There may have been some of that times taken on the going journey, some of it was used in the swam, and he may have los some time in the return journey. Bu there is that margin for the deci. for the cutting of the clothing a. for the return. Now we come to the return journey, and we have the evidence of two witness s positively identifying the prisoner. Why should they be disbelieved! What i. terest had they! Now there is a peculiavalue in the evidence of Alice Smith. 17:1 she quail under the vigorous attack of my learned triend! Did sae give you the in. pression of a girl who was not telling the truth! It is more than identification by a passing glance. It is the identity of the individual by conversation. She knew the man but she mixed the names. Six months betore she knew which was Dudley and which was Somerset. This is just one of the little things by which it can be told the witness is telling the truth. If she has made up the story she would have no preliminary doubts. Then as to the weather. The tall of rain on Wednesday night the 19th was so slight that the water-gauge at the Woodstock observatory would not catca it, but the coas sieeve of the vectim caught it all or enough to make a sould cake of ice therein. On the Monday night there fell 43-100ths of an inch of rain with the air below freezing, and that filled the sleeve and inside the coef with ice. There was no blood on the snow or ice, but the crust had to be broken inrough, and there was the testimony of the deed written by nature itself raising herself up in test mony against tue assassin. The Judge's Summing Up.

His Lordship began his solema charge to the jury at 8.20 precisely. At exactly 9,55 His Lordship gave the cast to the jury and the court room was cleared to allow them to consider then verdict. or transfer to a transfer to

Greatest Murder Canada's Histor Deadly Web Woven A Prisoner-The Career Successful Swind EFULL FACTS OF T Testimony of Many Imbesses-A Cigar-Case Play nt Part in the Sensationa Letter in Which Murder Pretty Florence Birchall to the Address of the Cour udge's Charge.

> ellous one in every part. n have woven a territory cumstantial evidence The trial has taken, of ra has been the seement tre ent for days. The t ded by curious per per in it da and the United Street opened on Monday Sar Judge MacMahor prisoner J. Reginald Bi norning at his customarca and afterwards las bis toilet. Hat - 1 +1 ess. His black is a sile in u-ua against the co From the Christy - . 1 ... 1 bly-pal shed shows here was every detail of des He

CODSTOCK, Sep. 29 - The

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Zorra, farmer, Donall M. farmer, Joseph Longitalian mer, Augustus Bu-in. mer, George Christ par men, J. D. Sm th, Branch A McKay, East Z ria, la ...... West Zorra, far ner The prisoner pleated to 5 Oder. Q.C., e nducted to pro triconer being defend of Toronto, Birdin his position, being all. as at any time duri garage Het ok copious notes of the tr In his opening a lilr -- \ the case from the inguite and evidence was taken in the

of ring its las. tes ith Tue crown put 57 4. il sa s il the defence some THE STORY OF THE CI The story of Bire cut in minute detail. In the Bircha'l was bern in the tay Lancastire, England and -father, the Rev. J years rector of Can of the and of Whalley. He sale

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hat there was a co be poor girl who has seen im, she evidently says and world but Birchail. ii ' 11 cape for her. Wise will heerful way, he share the pre cith him hand in hand in the aire that he has led in the canner splashed with the noor boy he butcher it is and chave been turned in the dindness of her day day is it ary-almost a sort

LORD AND LAD . - ME Bed she been a free a it if bat every instinct within ber. cand as a lady, would have r rotty nearly everything Birc retect in Woodstock is is to not leman-Lord Some mast-and under these chier deery round of swinding

semandard group of social wife of the Birchall brai His wife aided him in wike appearance and speed

SE **L**inware!

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