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THE CANADIAN CHAMPION
MILTON, MAY 26, 1887

THE OAKVILLE SENSATION.

THE QUEEN VS. W. H. YOUNG AND W. D. BROTHERS.

We give below the evidence and proceedings at the trial of Police Magistrate Young and our didn't-know-it-was-loaded inspector on the charge of assault preferred against them by Mr. Nicholas Murphy, barrister, of Toronto. As we were unable to send a reporter to Oakville on the 14th inst., we give our readers the Oakville Star's version of that day's proceedings and our own reporter's of those of Saturday last.

OAKVILLE STAR.

From the bulk of the following evidence it will be easily seen that the magistrate ordered the removal of Mr. Murphy from the court room, which order was almost as quickly enforced, or rather tried to be enforced, by Inspector Brothers. Just here a good deal of difference in opinion exists as to what occurred. From the evidence given on Monday evening, we are bound to believe that Mr. Murphy was violently used, and even without being allowed time to comply with the order from the magistrate to leave the court. So far the evidence has been one-sided, therefore we are not in a position to judge who was right or who was wrong. When the remainder of the evidence is heard on both sides on Saturday next a better opportunity will be given for us to arrive at an impartial conclusion. The witnesses sworn were: William Boon, Murray Williams, B. G. Regan and Orlando Wall. We first give in the smallest possible compass Mr. Murphy's sworn explanation of the case.

Before hearing Mr. Murphy and after the names on both sides had been read over, Mr. Shilton asked Mr. Murphy if he didn't think it was too bad to be the means of turning the whole town out to see the fun.

Mr. Murphy.—Oh! it makes no difference to me.

The magistrate said that I—Murphy—should not come here to intimidate the court or prejudice the case. A similar remark was made at the trail on Monday by the magistrate in the course of the Williams case. In answer to this remark in addressing the bench I said I would give my learned friend to understand that the court would neither be intimidated or cajoled, nor would it be taught as it knew everything in its own estimation. At once the police magistrate, or rather the defendant Young, turned to Inspector Brothers and said, "Put that man out of court." Defendant Brothers at once made towards me and seized me by the arm and endeavored to pull me off the platform. I asked him who he was? His answer was: "I will soon let you know who I am." I raised my hand to strike him, when the defendant Young said: "Don't resist the constable Mr. Murphy." I then asked Brothers if he was a constable? He said, "Yes." I said, "Then take your hands off me!" He released his hold. While I was asking who he was he retained his hold quite violently and seemed anxious to create a row. When he let go of me I started for the door, but returned for my hat and having secured that went out. I had not been asked by defendants Young or Brothers to leave the court or I would at once have complied with the request, as I was only exercising a paternal duty in being in the company of either of them. That is my evidence.

Cross-examined by Mr. Shilton.—Was out here last Monday. Had trouble with the court or at least the court had trouble with me. The only trouble I had was to see the painful ignorance of the Bench and its arbitrary exercise of power. The second charge against the witness was read over to me in court for the first time. Had not been previously informed by mail at my office in Toronto, neither did Williams know anything about this second charge till read in court. The magistrate refused to comply with my request for an adjournment of the second charge, which if proven against the witness would have subjected him to imprisonment. The exercise of arbitrary power was again displayed. I refuse to disclose any of the questions or secrets of my client. The police magistrate ordered me to sit down on Monday last. He spoke about fining and committing for contempt of court, when I was only doing my duty to my client and trying to teach the magistrate some law and not his own arbitrary will. Do not know whether the magistrate said anything about not being accustomed to be treated in that way or not. I believe he did say something to that effect, and that I came out for the purpose of intimidating the court. I had trouble once before with a court, the presiding personage was Judge McKenzie, who at the time fined me $100. He afterwards withdrew the fine and apologized, at the same time admitting that he was in the wrong. No other judge or police magistrate ever put me out of court. Col. Dennison never put me out of court, nor had we ever any altercation with the exception of a trivial one, which occurred about the first time he sat on the bench. He afterwards admitted I was right and said after court I should not speak so abruptly during the holding of court, or words to that effect. No other judge was guilty of such gross misconduct or used such language to me as Police Magistrate Young did. I never used such language to any other police magistrate or judge on the bench, because I never had reason to in the discharge of my duty. I object to answer some of the questions put by my cross-examiner. Remember coming into court to-day, also remember asking you—Mr. Shilton—whether you were going to call Murray Williams or not. I do not recollect your answer. I remember asking the police magistrate to note that he had refused to allow me to lead the witness Williams in cross-examination. Do not remember the police magistrate's answer. I did not insist on the police magistrate putting on record that he—the P. M.—was wrong and I—Mr. Murphy—was right, but I asked it to be ruled or recorded as to whether I could lead the witness for the prosecution in cross-examination or not. Do not recollect the police magistrate telling me to call my witness. Asked to have objections made to questions put by Mr. Shilton. I do not think I told the magistrate he did not know his duty. I do not think I told him he was arbitrary. Yes, he told me to sit down. He did so because he did not know his duty. Did not leave any sparring with the police magistrate. I only wish I had. I ordered Mr. Williams to take down the names of some of those in court, and not to obey the magistrate. Williams had not been sworn. I did not say I would defy the court. I resisted being taken out of court by the constable. The magistrate's bad temper made him act as he did. Mr. Shilton said, "sit down sir." The Bench ruled that I—Mr. Murphy—should stand up during examination. Mr. Murphy sat down when he got ready, nevertheless, and continued to sit although told not to by Mr. Shilton. Murphy refused to say whether he told the magistrate or not that he knew more law than all the lawyers, all the judges and all the books in court. Very likely I told the magistrate that I would not sit down when told to. Remember making the objection that the adjournment asked for was not legal. I said I would not give the section on account of the uncourteous manner in which I had been treated at the last court.

WILLIAM BOON sworn, said—Was present in court to-day. There was no request by defendants Young or Brothers for Murphy to leave court in my hearing. Heard Mr. Young say, "Take that man out of court." Brothers advanced about twelve feet and grabbed him by the arm. Murphy had not time to leave the court. Brothers then tried to pull Murphy off the platform, and said, "I will show you who I am." I think Young then said he is a constable. Murphy then told him to take his hands off and walked out after returning for his hat. Brothers used violence in trying to pull him off the platform, which I did not consider necessary. The scuffle lasted about half a minute.

CROSS-EXAMINED BY MR SHILTON.—Am a bricklayer in town by trade. Was sitting back in the hall and was a witness in the case. An objection was raised by Mr. Murphy when Mr. Shilton asked the witness "Are you a Scott Act or anti-Scott Act man." The bench sustained the objection. Mr. Murphy said, as near as I can remember, that the court would not be taught as it knew all its own estimation. Was not at the first trial. Did not hear Mr. Young or Brothers request Mr. Murphy to leave the court. Heard Mr. Young tell Mr. Murphy to sit down before he left the court. Did not hear Mr. Murphy make any reply, nor did I hear him say he knew more than all the lawyers, all the judges or all the books in court. Mr. Murphy was caught by the arm and jerked. Heard Mr. Brothers say, "I will soon show you who I am," Did not hear what Mr. Young said. Have been in court before. Have heard a counsel address the bench in a very similar way to that in which Mr. Murphy addressed the court. It was at Milton. Mr. Young was the judge and Mr. McGibbon was the lawyer. Remember Mr. McGibbon being asked to sit down four or five times which he refused to do. The Magistrate fined him twice, $5 each time, which was paid. The case was a Scott Act trial against the Southern Belle. Do not remember what Mr. McGibbon said to Mr. Young.

MURRAY WILLIAMS sworn said—I saw Mr. Murphy standing near the far end of the table and heard Mr. Young say either to "Take or put that man out." Brothers jumped up and immediately caught him by the arm and used him, as I would call it, violently. Heard Mr. Murphy say to Brothers "Go away from me." Did not hear either Mr. Young or Brothers request Mr. Murphy to leave the court, which request could not have been made without my hearing it. Brothers jumped up as quickly as he could, after being told by the magistrate, to take hold of Murphy. Heard Mr. Young order or say "Put that man out," and also "Brothers was a constable." Saw no unwillingness on the part of Murphy to go out.

(Continued on third page).

(Continued from Second Page)

CROSS-EXAMINED BY MR. SHILTON.—I swear Mr. Murphy did not say anything to me about the evidence given. I did not believe Mr. Brothers had any right to take hold of Mr. Murphy. Mr. Murphy drew back and I thought he was going to strike Brothers when he "Brothers—had hold of him. Did not hear Mr. Young say Brothers was the constable. Was sitting by the door. Mr Murphy raised objection to the witness being lectured by Mr. Shilton, and told witness if Mr. Shilton continued to lecture him to tell him to "mind his own business." I am a peddlar by trade. There are no hotels in town. (Mr. Shilton asked the witness: "Are you Scott Act or anti-Scott Act." Witness replied by saying, "It is none of your business." The bench sustained the answer of the witness.) Did not hear Mr. Murphy tell Mr. Young that he know everything in his own estimation or words to that effect. Did not hear Mr. Murphy tell Mr. Young that he could not be taught anything. Do not remember Mr. Murphy telling Mr. Young that he was grossly used at the last court.

RE-EXAMINATION.—There was no time for Mr. Murphy to leave the court from the time Mr. Young spoke till Brothers had hold of him.

B. G. REGAN sworn, said—Was in court to-day during the Williams trial. Saw Brothers take hold of Mr. Murphy and thought there was a scuffle. There seemed to be a counter action between the two of them. Heard Murphy say "who are you," and heard the reply, as near as I can tell, "I will soon show you who I am." I heard no request made for Murphy, I think, to go out. No request was given to him to leave the court without my hearing. There was no opportunity of Murphy leaving the court without he ran, and even then he would have met Brothers. He might have jumped over the rail and got away. In my estimation Brothers's conduct to him was not very gentle.

CROSS-EXAMINED, said—Am a japanner by trade. Have no reason to believe Mr. Murphy was in bad humor, as I never before saw him. I never saw a counsel treat a justice as Mr. Murphy treated the Police Magistrate to-day. The first part of Mr. Murphy's evidence was correct in reference to intimidation. Probably his contemptuous insinuations were right; I do not know. Mr Murphy said that both the counsel and the bench know all about it, and there would be no use of trying to intimidate it or teach them anything. Do not remember the Police Magistrate saying "sit down" to Mr. Murphy. Do not remember having heard Murphy say he would not sit down. Remember hearing Mr. Young or some one else say "Take that man out or remove him." Mr. Murphy made no move to go. No one put him out. Saw Mr. Brothers take Mr. Murphy by the arm; he walked quickly. I should say he shook him. He took hold of him firmly. Mr. Murphy looked surprised and pulled back. After he heard the command he made no move to go, he was speaking at the time. Saw a shadow rise. Did not see Mr. Brothers use any violence towards Mr. Murphy. He did not shake or strike him. He might or might not have pinched him. He held him firmly.

RE-EXAMINED—Murphy had not time in the ordinary way of leaving, to get out of court before being taken hold of by Brothers.

ORLANDO WALL sworn—Was in court to-day. Saw defendant Brothers take hold of Murphy. As soon as the Police Magistrate said "Take that man in charge," Brothers rushed from where he was sitting and before Murphy had time to answer took hold of him violently. Murphy said, "What, will you dare to put your hands on me?" And the magistrate said, "Don't resist the constable," and then Murphy surrendered at once. There was no necessity, as far as I could see, for hands being laid on Murphy at all.

CROSS-EXAMINED.—Am a watchmaker. Do not know whether there was a contempt of court committed by Mr. Murphy or not. Heard Mr. Murphy say that you—the court—know all about it. Will swear that Mr. Murphy did not say "I Will not sit down," because the question was not asked him. Mr. Brothers came towards Murphy as quick as he could get there. He shook him or used as much violence as I would call shaking. Heard the magistrate say "Don't resist the constable."

RE-EXAMINED.—There was no request made by Brothers or Young for Murphy to leave the court before Brothers seized him, and do not think any such request could have been made without my hearing.

Court adjourned till Saturday afternoon at 2 o'clock.

SECOND DAY'S PROCEEDINGS.

On Saturday last the trial of the assault case was resumed. Mr. Murdoch, of Toronto, appeared with Mr. Murphy and assisted him as counsel, and Mr. Shilton again acted as counsel for defence. A representative of the CHAMPION was present and reported the proceedings. The first witness examined was

CHARLES BREDIN.—Live at Oakville. Mr. Murphy asked Mr. Young to take down some questions. Mr. Young refused. Mr. Murphy insisted on evidence being taken down and his objection being noted. Mr. Young directed defendant Brothers to put Mr. Murphy out. Brothers caught hold of Mr. Murphy and pulled him. Mr. Young was the only occupant of the bench. He did not request Mr. Murphy to leave the court before directing Brothers to put him out. Brothers attempted in a rough manner to pull Mr. Murphy off the steps. Mr. Murphy said "Who are you?" Brothers said "I'll show you who I am," and pulled Mr. Murphy towards the railing. Mr. Young said "Don't resist the constable." Mr. Murphy went towards the door and then came back for his hat. Brothers had hold of Mr. Murphy between half a minute and a minute. Brothers said "I'll show you who I am." Mr. Murphy said "Take your hands off me." Mr. Murphy and Mr. Williams left the court together. I was sitting near the door. heard all that took place and if any request had been made by Mr. Young that Mr. Murphy should leave court, would have heard it.

Cross-examined.—Heard the magistrate refuse to take down objections that Mr. Murphy made. Don't know what the objections were. Mr. Murphy asked three or four times to have them taken down. Did not hear Mr. Murphy refuse to sit down. Mr. Murphy said he thought the magistrate thought he knew more law than all the lawyers. Mr. Murphy resisted when Brothers tried to pull him off. Don't remember Mr. Murphy saying "and I reiterate it." (Counsel for defence here attempted to examine witness as to proceedings at first hearing of Williams case. Counsel for complainant objected and the objection was sustained.)

RE-examined.—As Mr. Murphy was leaving court Mr. Shilton told him he should return and apologize to the court. Don't recollect Mr. Murphy's reply.

R. R. CHISHOLM.—Was present on Monday last at trial of Williams' case. Mr. Young presided. Mr. Murphy asked Mr. Young to take down some objection that he made. Mr. Young told

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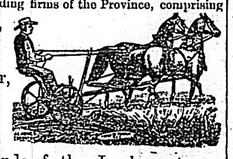

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NOTICE is hereby given that at the next regular meeting of Burlington Council, to be held on Friday, the 27th May, 1887, a By-law will be introduced for the purpose of closing Green Street and opening in place of it one running from Main Street to the waters of Lake Ontario, as or about the middle of the property of John Waldie, Esq.

G. C. BASTEDO, Clerk.
Burlington, 25th April, 1887. 46 4t

Horses Wanted.

THE OFFICERS OF HER MAJESTY'S Imperial Government, who are in Canada to purchase Cavalry Horses, will visit at Wallace's Hotel's, Milton, Wednesday, June 15th, and purchase horses fitted for

RIDING PURPOSES,

Not less than 15 hands 2 inches nor over 16 hands high; not less than 4, nor over 7 years of age, sound in all respects; of bay, brown, chestnut or black color. For suitable horses good prices will be paid. For full information and further particulars apply to JOHN HENDRIE, Hamilton.
48-2t

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ALEXANDER

will stand for mares during the season of 1887 as follows:

MONDAY, May 2nd, will leave his own stable, Hornby, and proceed to Wallace's Hotel, Milton, for noon; Kerr's Hotel, Campbellville, for night
TUESDAY, Eden for noon; Western Hotel, Guelph, for night.
WEDNESDAY, Dolby's Hotel, Blora, for noon; Commercial Hotel, Fergus, for night.
THURSDAY, McClure's Hotel, Belwood, for noon; by way of Marsville to Gale's Hotel, Hillsburg, for night.
FRIDAY, Ballinafad for noon; Bennett's Hotel, Georgetown, for night.
SATURDAY, to his own stable for noon, and remain until the following Monday morning.

The above route will be continued each week during the season ending June 25th, health and weather permitting.

PEDIGREE.—Alexander was sired by the celebrated race horse, King Tom, by Lexington; dam by Ashbough's Royal George, he by Old Royal George, etc.

TERMS.—To insure, $10 or, $18 for two mares, of which $1 is payable at time of service, balance 1st January, 1888; single leap, $3, payable at time of service. Insured mares must be returned to the horse each week or they will be charged whether in foal or not. Parties disposing of their mares before January 1st, 1888, will be charged whether in foal or not. All accidents at risk of owners.

WM. BURGESS, Proprietor

Notice.

THE Court of Revision for the Township of Nelson for A. D. 1887, will hold its first meeting at the Township Hall, Nelson, on Monday, the sixth day of June, at the hour of two o'clock p.m., for the purpose of hearing complaints against the Assessment Roll for 1887.

DANIEL McLAREN, Clerk.
Nelson, May 7, 1887. 47-3t

Notice to the Public.

NELSON, March 30, 1887.

As I told some parties last season that one of Charles Porter's young stallions was not sired by General Stanton, as he advertised him, and accused him of giving one of his colts a false pedigree, and as that report got circulated through the county, I here state that I have since made enquiry and find that I was mistaken. The pedigree is correct. They are bred as he advertised, and they are without doubt full brothers, being both sired by General Stanton.

J. BRUKON,
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The Synod of the Diocese of Niagara will meet at the school-room of Christ Church Cathedral Hamilton on the morning of Tuesday, the 31st inst.

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These three lines are pronounced bargains. We offe with every feeling of confidence to our patrons. W obtained them at a great sacrifice for spot cash. We sell every yard at only a small advance. We will h tremendous rush for these goods and we invite all wh to make their selections early before the choice of st are broken.

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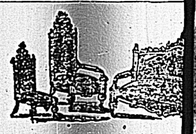

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his large and well-assorted stock of Furniture at prices lower than been offered hitherto in the Town of Milton, consisting of
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Parlor Suits from $50, and upwards,
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Hamilton, May 2, 1887.

THOMAS C. WATK