



An important theft of secret mobilization documents has occurred in the German army.

The Prince of Wales' Fusiliers, of Montreal, will visit Toronto on Thanksgiving Day.

William Ellis, the old man who attempted to commit suicide at Belleville, is dead.

There are several vacancies for musicians in the recently formed Royal Canadian Artillery Band.

The Government has given notice of appeal in the Lord's Day case as to the powers of the Province.

J. Fenden, a patient at Deer Park Sanitarium, was found dead below the C. P. R. viaduct, Toronto.

Gilbert Parker, the well-known Canadian litterateur, is expected in Ottawa in the course of a few days.

Mr. Sifton will appoint an official to issue permits for the importation of liquor into the Yukon, a fee of \$2 per gallon being charged.

Elias Shantz, superintendent of the Phillips, Alberta, Man., Sunday school, dropped dead as he was about to dismiss the school.

The coroner's jury at Smith's Falls has found a verdict of wilful murder against Thomas Blake in connection with the death of his wife.

James Rogers, London, Ont., man with steady employment and a bank account of \$2,000, has been sent to the Penitentiary for two years for stealing.

Geo. Harding, charged with killing Andrew Gowenlock in the yard of the O'Neill House, London, Ont., has been committed for trial on a charge of murder.

S. Gagnon, a young apprentice in Gilmour & Hughson's mill at Ottawa, was killed while doing a horizontal bar act on a fast revolving shaft, which turns beneath the mill.

Manitoba's big wheat crop now on the move, deliveries are general all along the main line of the C. P. R. and all over the southeastern portion of the Province. Most of the crop grades No. 1 hard.

John L. Hanna, Chief of Police of Duluth, Minn., was shot and killed by three moonshiners, whom he was trying to arrest. A posse of 125 men was organized and has started in pursuit of the moonshiners.

A convention of the Reformers of South Western Ontario, in the City Hall, Guelph, on November 1st, to nominate a candidate for the Dominion Parliament at the next general election.

Mr. John McCrae, B. A., M. B., late Fellow in Biology at Toronto Dental Hospital, has been appointed to the research and teaching fellowship in pathology at McGill University.

At Munich there is a hospital which is entirely supported by the sale of old steel pens and nibs collected from all parts of Germany. They are made into watch springs, knives and razors.

The Catholic Young Men's Convention at New York calls upon President McKinley for a thorough investigation of the reported desecration of Catholic churches in the Philippines by United States soldiers.

An order of a thousand tons of special brands of iron has recently been placed in Glasgow by Canadian buyers, owing to the high prices ruling in the United States. Good judges think the movement is likely to increase.

Orders to sell on an enormous scale at the opening of the New York Stock Exchange were in evidence throughout the day. Blocks of 1,000 shares and upward were the rule in all stocks quoted. The industrials were the severest sufferers.

The London edition of the Standard and Diggers' News, of Johannesburg, says that returns from the field cornets of the Transvaal and Orange Free State show that 22,000 burghers are ready to take the field at short notice.

Hon. Mr. Blair and President Shaughnessy, of the Canadian Pacific Railway, have been enforcing in Montreal regarding a settlement of the differences between the Intercolonial and the Canadian Pacific Railway. There are prospects of a satisfactory settlement.

Hugh, the 6-year-old son of F. C. Kilbrath, of Woodstock, was badly burned on Sunday. His small sister was carrying a pan of boiling water when the two children and the contents were spilled on the boy. His face and the whole front of his body were scalded.

The town of Scharding, on the Danube in Austria, is flooded. The inhabitants of Ebensee and Steyr have deserted their dwellings. As a result of the floods, a house has collapsed, burying a man and child in the ruins.

News has been received in Montreal, that Mr. Chamberlain, Colonial Secretary, has appointed Dr. Hamilton K. Wright (McGill, 1895) as pathologist to the Straits Settlements, with instructions to study more especially the remarkable disease known as beri-beri.

The Executive Committee of the Baptist Foreign Mission Board is greatly encouraged by the receipt of a letter from a well known Toronto Baptist, stating that he and his wife would support a missionary in India between them if a suitable man was procured.

"Tollendal," the lovely summer residence of the late Dalton McGee, of Q. C., charmingly situated on the shores of Kempenfelt Bay, it is learned, has been purchased by Mr. Henry Hoffman, a millionaire brewer, of East St. Louis, the consideration being \$11,000.

The Board of Regents of the University of California has accepted the plans of Mr. Bernard, the French architect, for the new buildings for that institution, to be constructed at the expense of Mrs. Phoebe Hurst. The cost of these edifices will be between \$7,000,000 and \$8,000,000.

# PONTON'S THIRD TRIAL.

## The Famous Napanee Bank Robbery Case up Again.

### A JURY WAS QUICKLY SECURED.

The Change of Venue a Good Move—A Careful Review of the Case by the Chief Crown Counsel—Mr. Baines' Evidence—Newspaper Criticism Criticised—Ponton on Bail—Mackie May Not Testify—What Influences Were Brought to Bear on Him?

Courier report: Tuesday, the first day of the Ponton trial, proved the wisdom of the Crown in securing a change of venue in the case from Napanee to this town. Although the Cobourg court-room is an exceptionally small and cramped apartment, the people who attended barely crowded it, and there is none of the excitement over the trial which characterized the last hearing of the case in Napanee. At the last trial the feeling against the prosecution was so great that Ponton was retained in custody during the trial, and of course was not allowed to converse with his friends. Today, when it was found that there was no excitement over the case, the Crown prosecutor consented to allow Ponton his liberty on bail bonds, practically nominal bail bonds, throughout the day, was to-night released and permitted to go to his hotel. When the court rose the men were not present, and for a few moments it seemed as if the young man would have to be taken to the jail. Mr. Osler, however, offered to take any other bondsman, and finally said that he would accept Col. Ponton, the prisoner's uncle, and Ponton himself as securities for the prisoner's appearance in the morning. The ex-bank teller brightened up considerably when he heard Mr. Osler's words, and appeared to be delighted with the liberty allowed him.

**THE CROWN COUNSEL.**  
A significant event in the opening of the trial was the long and steady address of Mr. Osler, who spoke at far greater length and with considerably more attention to detail than he gave in his opening speech at the last trial. The counsel in the case

guilt was shown by the evidence. In considering this evidence they were not to go merely on the words spoken, but on their reasonable belief of the truth of these words.

**THE DUTY OF COUNSEL.**  
His functions, Mr. Osler continued, and that of his associates, differed



GUS PORTER, PRISONER'S COUNSEL.

most materially from the functions of those who appeared for the defence. The position of the Crown counsel was described by Queen Elizabeth, who, when her attorney-general was called by some one to counsel, said: "Let him not be described as a counsel for the Queen, but a counsel for the truth." This was practically and theoretically the duty of the Crown prosecutor. It was the duty of the counsel for the defence, to put it tersely, "to get his client off if he could." It had been held that the counsel defending a man whom he knew to be guilty was an accessory after the fact, but the law did not hold him so. There was no consideration upon the jury to consider the moral question of guilt or innocence; they only were to decide if the prisoner was guilty according to the evidence, and the evidence alone.

**EVIDENCE OF AN ACCOMPLICE.**  
Mr. Osler then went into an outline of his case, remarking that, while the evidence was practically and theoretically the greatest benefit in the way in which a crime was committed, they would readily understand that such evidence should receive the greatest scrutiny from both judges and jury. They had to consider, however, how the story of an accomplice was supported by other testimony, and to take the story with its supporting evidence, and ask themselves what weight the two together carried. The Crown would present the evidence of an accomplice supported by other substantial evidence which would be mentioned during the trial, and spoke of the prejudice against such officers.

**POINTS OF THE CASE.**  
In describing the points of the case, Mr. Osler went over the various locks in the vault and safe in the bank in which the money was hidden, and in which the different ways seemed to be no doubt that whoever opened the safe opened it with the aid of the combination, and it was for them to consider whether the combination was obtained from the prisoner, or whether it was obtained from the prisoner, or whether it was obtained from the prisoner, or whether it was obtained from the prisoner.

**MR. OSLER'S ADDRESS.**  
At 3:25 o'clock Mr. Osler rose from his chair, which is within three feet of the jury box, and leaning his arm on the broad railing, began to speak to the twelve men who sat in two rows facing him. He began by telling them that it was their duty to make a true deliverance between the prisoner and the Crown. He asked them especially to cast from their minds any impressions formed from newspaper articles and arguments. He regretted to say that there was so far forgotten its duty in the administration of justice as to publish an article tending to pervert justice. The article might have been the result of carelessness, the publisher of the paper probably not knowing how necessary it was that the jury should be kept perfectly free from any outside influences until a verdict had been reached. He did not mean to deny that a newspaper had an undoubted right to comment on a trial, but a pending trial was an offence against justice and could receive severe punishment. If, he said, after the Crown and the defence had to offer, and there still remained in their minds an honest and not a conjured-up doubt, it would have to go for the benefit of the prisoner. A verdict in a trial in France had convicted the whole world, for there was a great feeling that justice had not been done, and that a verdict of guilty had been given on evidence which was not conclusive. Knowing that they could realize that it was necessary that they were absolutely satisfied that

that there was on the part of those who entered the bank knowledge which they could only obtain from Ponton. The Crown prosecutor in this connection mentioned the belief of Fare and Holden that there was \$20,000 in bonds in the bank, and of a similar belief on the part of Ponton. He asked the jury not to consider each circumstance an isolated circumstance, but to consider the evidence as a whole. He referred to the public feeling in the case, and said that the plea had been used: "He's a nice young man; nice family; let him go." But what would the community say? It would be a nice thing to do, and an easy thing, but the voices of emotion swayed by feeling was not the right way to try a man. In this way, and with another appeal for a fair and conscientious consideration of the evidence, Mr. Osler at 5:35 o'clock closed his address, after speaking exactly two hours and ten minutes. His address was considerably longer than his opening speech at the last trial, and the details of the case were explained more thoroughly. He walked around the table and shook hands with each of the salient points which he desired to be impressed on the minds of the jurors.

**EX-MANAGER BAINES.**  
As Mr. Osler resumed his seat, Sir John Boyd asked for the first witness for the Crown. The Crown prosecutor called Mr. Henry Baines, Manager of the Dominion Bank at Napanee at the time of the robbery, in August, 1897. In answer to questions, Mr. Baines described the staff of the bank at that time, saying that he was then in charge of the ledger-keeper, and Green junior. He gave a detailed description of the bank and its outbuilding, and said that the door of the vault was so situated that it was in full view of any one passing on the street. The vault was locked with a three-wheel combination lock of the Sargent & Greenleaf make. Ponton and the junior clerk knew the combination of this lock and the witness and Durant had the combination of the safe, which was locked with a four-wheel combination. He carried the key of the treasury himself, there being a duplicate key in the custody of the Merchants' Bank at Napanee. This duplicate key could not be obtained except on the order of two officials of the bank. Mr. Baines gave the amount stolen at \$23,000, not including some rare coins which belonged to himself. Of the \$22,000 a sum of \$10,000 was in unguished \$10 bills, and there was \$3,000 in \$10 bills, which he had signed that day. Mr. Baines identified some of the coins found on the person of Ponton and the junior clerk. On the morning of August 28 he received a message from Ponton, brought by Green, to the effect that the vault could not be opened. He

### AFTER THE VERDICT.

Cobourg, Ont., Sept. 23.—Wm. Hamilton Ponton was declared innocent of complicity in the robbery of the Dominion Bank at Napanee, by the jury this morning. The twelve men accepted but one hour in coming to their verdict, and when they filed into court shortly before 1 o'clock and rendered their finding of "not guilty," a great shout went up and the cheering was continued for several minutes, while a general rush was made for the dock. The sheriff shouted for order, but scarcely any notice paid any attention to him. Ponton's mother, who sat in front of the dock jumped to her feet, and he caught her in his arms and kissed her repeatedly. Then Mr. Porter walked around the table and shook hands with them both, and Ponton was then led out among a throng of people. When he reached the street he was again cheered, and he received an ovation at his hotel, the Dunham House.



SIR JOHN BOYD, THE JUDGE.

The address of Mr. Osler on behalf of the Crown, was a masterly effort, but was very brief. His argument was that a convincing case had been made out aside from the evidence of accomplices. His Lordship's charge was also brief and, if anything, was slightly against the prisoner.

While the jury was deliberating upon the verdict Pare and Holden were brought into court. Holden pleaded guilty to the charge, but Pare, increased at being left out of the Ponton case, said he would not plead guilty unless he was promised consideration for the time that he had spent in jail as a Crown witness. After some delay the court appointed Mr. F. M. Field of Cobourg, as lawyer for Pare, and the two left the court for a conference. Pare, after the conference, pleaded guilty and was sentenced to three years and Holden to four years.

Roach was arraigned, pleaded guilty and was allowed to go on the suspended sentence. Mr. Osler said that had Roach been tried he could not have been convicted.

### ANOTHER WHEAT CORNER.

#### Chicago Capitalists Plan to Beat Leiter.

Chicago report says: A corner in wheat, backed by more millions in cash than Joseph Leiter could ever aspire to and founded on commercial common sense, has been quietly suggested here by the heads of the Wear Commission Co., of the Old Colony building, with \$2,000,000 in cash, and with those controlled by the Wear, to guarantee its success. The main factors in the Wear Commission Company are Charles B. Wear, President, and Portus B. Wear, Vice-President, and these two men have been filling the elevator with wheat from the bin of Armour. The latter thoroughly appreciated the Wear scheme and has interested himself in it. He was not Leiter's friend, for knowing the young man had the elevator interests against him and sums in hand, he would not have been so ready to support him. Leiter did not know this, but found it out later. The Wear has elevators of their own. With elevator room at Chicago for almost fifty million bushels of grain, it has been necessary for a long time for the warehousemen to bring grain from the market's natural supply has been insufficient, and of late there has been special necessity for activity to keep his business going. Armour has for months owned the bulk of the wheat stock—grain that he brought from the Northwest, and which went to Joe Leiter's benefit, and which went back into Armour's hands when the "Bong Napoleon" went broke.

### HAVE MANY MILLIONS BEHIND IT.

In August December wheat went to 25 cents over September, and the Wearers began buying September and selling December themselves, making the "change," as it is called, where they would get cash when sold or hedged for December at a price two cents to two and a half cents over September cost, and a half profit to cover the expenses and housed it. For a long time there has been a general agreement among the Chicago elevator owners not to pool each other's reserves, and above stocks of grain, and each other's clear they have observed. The Armour people either do not take notice of it, or do not take it seriously.

### PREPARATIONS FOR WAR.

The departure of the transport Jeingra for the Mediterranean today, with 1,100 troops was witnessed by a large and enthusiastic crowd. At the special activity in the department, where Maxim guns, lyddite shells, balloon equipment, gas reservoirs, water carts, ambulances, armoured wagons, and other paraphernalia of modern warfare are being hurried forward.

### BOERS WILL NOT RECEDE.

London cable: Advice from Cape Town this evening are to the effect that the Afrikaanders declare that the Transvaal will not recede further, and that if the Imperial Government does not recede from its present position News supports the contention of 1884 abolished the suzerainty. According to other advice, the burghers are rapidly going into laager, while the exodus of the Orange Free State Stock Exchange at Johannesburg resolved to close the moment martial law is proclaimed, but all current contracts will be carried out until the meantime the merchants are creating barricades in front of their shop windows.

### FREE STATE RAAD MEETING.

At Pretoria the interest seems to be centred in the meeting of the Orange Free State Volksraad to-morrow (Thursday), which it is hoped may somehow suggest a modus vivendi that would save the situation. On the other hand, advice from Bloemfontein announce the arrival of a large number of members of the Raad sitting in already agreed upon, as the lot with the Transvaal, all the Free State burghers being fully armed and ready to start at a moment's notice. A special train from Johannesburg says that 450 persons left by one train today.

Stephen Law, aged 68 years, a farmer who lived on the third concession of Exhiteke township, in the bushy, and his head and shoulders becoming fastened between the shafts and the hub of the wheel he was dragged to death. A useless life is only an early death.—Goethe.

### PONTON NOT GUILTY.

Cobourg, Ont., Sept. 23.—A verdict of "not guilty" was returned at 12:35 p. m.

### CHICAGO CAPITALISTS PLAN TO BEAT LEITER.

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### STEPHEN LAW DRAGGED TO DEATH.

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### THREATS BY THE BOERS.

#### British Troops' Movements May Cause War.

#### KRUGER APPEALS TO THE QUEEN.

A London correspondence to the Central News from Pietermaritzburg, Natal, says it is stated on good authority that the Transvaal has notified Sir Alfred Milner, the British High Commissioner, that any further movement of troops towards the Transvaal border will be regarded as an unfriendly act.

The Johannesburg correspondent of the Morning Post cables, under date of Tuesday, that Boer officers are urging the Government to begin hostilities before the British reinforcements arrive. It appears that only a feeling of superstition prevents the adoption of this course. It is stated unofficially that the Boer High Commissioner refuses arbitration, and that Boers will begin war. If no reply is received by Thursday the Boers will regard the forwarding of British troops across the border as a declaration of war. The Boer High Commissioner states that he will not allow correspondents to accompany troops in the event of war.

A Cape Town despatch says: "It is stated that Sir Alfred Milner has telegraphed to President Kruger, the Orange Free State, asking to be informed as to the Free State's attitude towards the Transvaal, and assuring that the despatch of British troops to the frontier does not menace the Free State."

#### PREPARING FOR DEFENCE.

The London office of the Johannesburg Standard and Diggers' News has received the following despatch: "Every preparation is making for a stubborn defence. The Boer High Commissioner's negotiation to secure financial regarding the questions raised. Bitter complaint is made of Sir Alfred Milner's reservations and unexplained matters. The South African Republic sincerely desires a peaceful settlement, but believes that influential capitalists are determined to obtain possession of the country, otherwise Mr. Chamberlain would agree to arbitration."

#### KRUGER APPEALS TO THE QUEEN.

The Cape Town correspondent of the Daily Mail says: "President Kruger has cabled a strong personal appeal to the Queen, beseeching her to intervene to prevent the outbreak of a column in length, and is intended to 'searify' the consciences of the ungodly when published. Reliable information has been received here that a large command of Free State burghers has been despatched to that point from Bloemfontein during the past week. If the Free State joins the Transvaal, the British are likely to be fought at Boshof. The Cape Cabinet has determined to prolong the session of the Assembly indefinitely, so that it may be sitting when hostilities begin."

#### A SPECIAL DESPATCH FROM ROME.

Says that the Italian Government, in reply to Mr. Kruger's request for intervention, has advised him to yield.

#### THE BOER OFFICERS ARE URGING THE GOVERNMENT TO BEGIN HOSTILITIES.

It is felt that the Orange Free State can best be forced to action by successful military demonstration on the part of the Transvaal.

#### THE CORN MARKET FARMERS OF YARMOOUTH ARE HOLDING THEIR WHEAT.

They believe that war with the Transvaal is imminent. In such an event they anticipate a big advance in the price of wheat.

#### SIR ALFRED MILNER'S DESPATCH TO PRESIDENT KRUGER.

Sir Alfred Milner informs him that the British and Transvaal Governments are still hopeful of a friendly settlement. Should this hope be disappointed, Sir Alfred says he looks to the Orange Free State to preserve strict neutrality and to prevent military intervention by any of its citizens.

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### FOR

Does that disappointed Mr. Chamberlain... knowledge of things, in order to understand when I have... But he will... who would... stamps... to be... Mr. Chamberlain... that he was... thing, and... wisdom, and... and... I think I... for you... rough it for... to have... as smoothly... see the... Carpenter... I do not... I live... must eat I... I think I... I am well... "Can you... you your... Again... No, sir... accept his... hands of... under no... probably... Mr. Chamberlain... independence... measure of... wealth at... to be... Well, I... while, "I... some way... to be... a... at this... should be... regarding... I think... fessed, I... heart... He was... and in... made... upon his... hard, and... resolution... the... he... He walked... rary, where... reading... The... attention... dainty but... A pair of... and then... a... brought... spouse, and... made the... not an hour... Walter... who he... to stop at... to get off... and received... that thrilled... solve to... to her the... come... Instead of... walked past... entered, and... plate the... "B. B. O... Gorton,"... to Forest... more over... than his... interview... "I Will... Walker... to New... for a week... He was... railed... it would... nature his... interference... At the ap... with... guided by... should not... to find... ly encourage... which... "Well, my... as he... the... your... sidered... today... "I think... please... "Has your... the... "No, sir... living, and... a fair... adoption... what... best for... That's... for the... and invest... Count... year to... master... consented... special... that... he had... will not... -harrier... been... but I... the end... "I will... up my... death... "That is..."