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SNIDER WAS FOUND "NOT GUILTY"

(Continued from Page 1)

"I saw the flash, but could not see the weapon, but heard the report," said the witness. MacDonald said that Clarke was in front of them, and when he heard the report he ran. Cross-examined by Mr. Herrington witness said that Snider just opened the door, fired and then stepped back. Witness said that he had joined the bunch at Alf. Kenyon's and they had made a "bee-line" for Snider's and he was not certain why he followed up the gang. He said that he had never heard the boys say "Let us go up and raise the devil with Snider." He said he did not know who upset the closet.

Jasper Schermerhorn, who was the next witness, said that he had known Snider for years, and said that he was up at Snider's on the night in question. He said they went up for the usual treat which they got yearly. He stated that he saw the lantern hanging on the kitchen door, Snider came out of the kitchen door, witness saw a flash, saw something move in Snider's hand, heard a report, and then ran. Percy Clarke said: "He shot me."

Cross-examined by Mr. Herrington witness said that they were out for treats, and they had got treats before. He said that the boys did not remark "let us go up and raise the devil with Snider." He denied that there were any revolvers in the party of boys. He said that there was not anything said about pulling Urban Snider out and taking him to the creek. When asked if he ever knew about boys going into Snider's store and filling their pockets, witness said that he had never seen anything like that. Why asked by Mr. Herrington if he had heard about ten or fifteen locks being broken on the boathouse, and Snider's boat being nailed to the floor, said he rir not know anything about it.

Another Witness To Shooting.

Harold Wood, who was next called, told of getting to the rear of Snider's house, saw Snider come out of the door, raised his arm, and fire, and he was positive that Snider had a revolver. "I heard one of the girls say, (and I think it was Alice Code who lived with the Snider family for twenty-five years) to Urban Snider, "what are you going to do with the gun." Witness said he saw the flash and Urban Snider stood on the stoop for a few seconds and then went in. Under cross-examination witness denied ever helping himself to Snider's boat, but said that he had been out with Snider fishing a couple of times. He had also been out in Snider's boat with a man named Kilgannon, but they had got permission from Snider to use the boat.

Miss Alice Code, the next witness, told of having lived with the Snider family for twenty-five years, and she had been assistant switchboard operator. She told of looking out the door a short time before the shooting is alleged to have taken place, but could not see anything, and said it was too early for the boys to come around. After that she went into the office where the switch-board is located. The next thing she heard was when the alarm was given that a boy was shot. Miss Code stated that a few minutes later a man by the name of George Burnett came into the office and asked if Urban was there and he said something to Urban. There was then a call for the Chief of Police of Napanee, and she turned around and told Urban about the call going in. She stated that she told Urban about the Chief of Police coming and he said that he had not done anything. He said that he did not do anything, and he would not. She stated that Urban had two revolvers that she knew of and they were in the house on the night in question, she also said she saw some cartridges for the revolver Miss Code told of taking Chief Barrett up to Urban's room where he found one revolver under the bed tick. One revolver was loaded. At this point U. M. Wilson showed her a box of cartridges, and she identified these as the ones which were in the prisoner's room on the night in question.

Cross-examined, witness said that the water-closet which was upset on the night in question, was seventy paces from the house. She said that the boys of the village were always tormenting Urban, and they had broken a glass in the store, and Urban had on several occasions phoned in to them to come and help him at the store, as the boys were tormenting him. She stated that the lantern at the kitchen door had a smoky chimney and she could not distinguish anything in the yard She also said that the boys had never come to the side door before for treats. Witness said that Snider was never accused of shooting before in his life, and she had known him for twenty-five years. Miss Code said that she had never known him to wilfully injure anyone, and he was very affectionate.

In Serious Condition.

Dr. Munroe, who attended Percy Clarke, after he was shot, said that when he was brought to his office he was in a dying condition, and he called an ambulance and had him taken to Kingston. He said the bullet had entered between the first and second ribs on the right hand side, and was found between the fourth and fifth ribs in the rear The bullet had evidently travelled at an anglo of forty-five degrees. An envelope containing the bullet was handed the doctor, and he recognized it as the one which had been taken from Clarke's body. He stated that it was a thirty-eight calibre bullet, and he was with the Chief of Police when they tried it in Snider's revolver, and it fitted perfectly. The doctor stated that the platform was three foot seven inches from the ground. Mr. Herrington said that he had no questions.

Chief of Police Barrett was the last witness for the prosecution. He told of entering the Snider home, arresting Urban, and finding two revolvers, one a nickle-plated one which was fully loaded, and a blue revolver which was the thirty-eight calibre one, which was found between the ticks. Witness said that this revolver was empty, but he looked to see if there were any powder marks. He found that it had been cleaned, but there was a very strong smell of powder as though it had recently been fired. He stated that the package of cartridges were thirty-eight and thirty-two calibre, and they had been found by him in Urban's bedroom.

W. S. Herrington called H. S. Davy, a resident of Odessa, to give character evidence. He said he had known Snider since his birth, and he had always been a good citizen as far as he knew. But when he suggested about the boys tormenting Urban Snider, witness said he had heard that, but had no personal knowledge of same.

B. G. Hamm was also called for character evidence, but he said that he, like the other witnesses, had no personal knowledge of the pranks which the boys had played on Snider.

The accused was the next witness. Urban Snider stated that he had lived in Ernesttown all his life, and he had been bothered by the boys of the village, and named Clarke as one of the boys who had tormented him. He stated that he had two dozen locks broken each year on his boat-house, and that he saw Clarke one Sunday afternoon this summer near his boathouse. He stated the locks on the house had been broken and he had found block-smith's room which had evidently been used for smashing them. He said that he would estimate that seventy-five locks had been smashed by the boys. Referring to his store, Snider said that Clarke and the Wood boy had stolen lead pencils and candy, and the practise was to blow out the lights and then fill their pockets. The windows in his store had been broken four or five times each year. The boys would wrestle in front of his store, and one of the boys would fall through the window, and then the boys would steal cigarettes. He said he estimated that he had lost one hundred dollars in theft for smokes. Snider stated that he did not see or hear any persons about the premises, but he heard a noise in the rear of the yard, and when he did he opened the door, fired straight up in the air to scare them. Getting back to the stealing in his store, he said that the boys had even gone so far as to steal his watch. He stated that he did not have any reason to suspect that he had shot anyone on that night.

Under cross-examination by Mr. Wilson, witness said that he was not going to walk to Napanee and prosecute the boys for stealing in his store. To Mr. Wilson Urban Snider said that he had heard a noise in the back yard, but did not investigate before he shot into the air.

Lawyers' Addresses.

Mr. Herrington, when addressing the jury, said that no person was more sorry for the shooting than the prisoner at the bar. He contended that the crown had failed to establish that the shooting had been done with intent. He said that Snider was of a very nervous temperament and was very excitable, and the man had been tantalized for months, but he did not want the jury to think that this was any reason for the shooting. He said that the evidence pointed to Clarke as being one of the chief tantalizers in the teasing of the prisoner.

Mr. Herrington said there was no evidence to point toward criminal intent for Snider could not eat his meal after the shooting as he did. For that reason the jury must find him "not guilty" with intent to do grievous bodily harm. Mr. Herrington contended that Urban Snider did not commit any unlawful act as it is legal to fire off a gun on one's own premises. The boys were where they had no business. He thought that the prisoner had already been in jail since the night of the affair, and he had paid a severe enough penalty, and he appealed to the jury to find the prisoner not guilty on both charges.

Mr. Wilson in opening his address, said that if "intent" was not the motive, what did Snider have the gun for on that night? He said the boys did go for treats, and as far as the evidence about Snider opening the door a crack and firing out, it was contrary to the evidence of the boys, as they distinctly stated that he came out onto the platform and fired. In closing his remarks he said he would leave the matter entirely with the jury whether they would accept the evidence of the boys, which had not been contradicted by the defence, or that of the prisoner.

Judge's Charge.

Judge Madden in his charge, summarized the evidence very briefly. He said that the case was a plain one, and the facts were simple. He stated that the crown had established that Clarke was shot by the prisoner, and as far as the prisoner shooting in the air to scare the boys, that was not justified in this country, and there was a proper way to stop boys tormenting, and it was by law, and not by firing in the air. As far as shooting in the air was concerned to frighten the boys, he would leave it to the jury whether that was the right thing to do but Snider was liable under the law for scaring the boys with a gun. The judge also made it clear that the prisoner, according to the evidence, could be found guilty under the second endictment as well as the first.

Judge Madden said as far as the second charge was concerned the fact that the boy had been shot, and this was not denied by the defence, was sufficient evidence for a conviction. As far as the fact of Urban Snider having a month in jail, he told the jury not to take any notice of that.

The members of the jury were: Jriden Weese Walter Frink, Bruce Rescola, William Kehoe, Luke Trumpour, Andrew McGee, George Creighton, William Millings, James Davis, George Vanconoughnet, Harold McCall, T. M. Asselstine.

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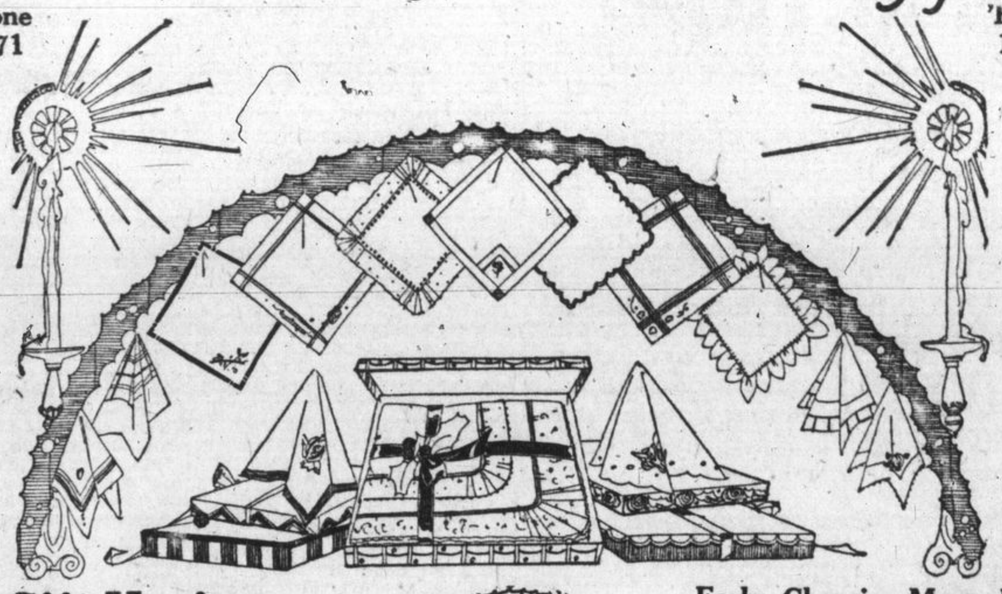

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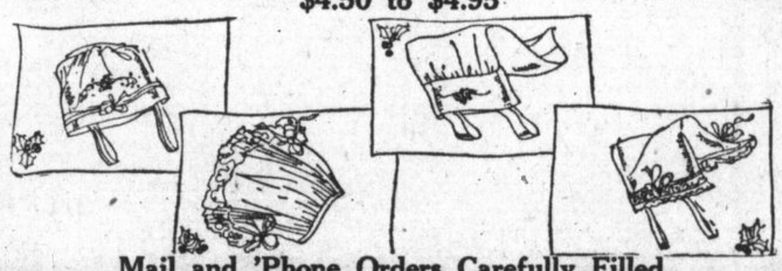

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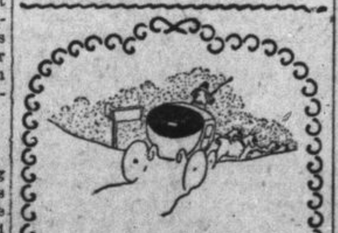

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THREE MEN ARRESTED.

Charged With Shooting Heifer Of Amos Hudgin.

Picton, Dec. 9.—Three men have been arrested in connection with the shooting of a heifer belonging to Amos Hudgin. They are now in the county jail and will be brought before Magistrate Williams next week for preliminary hearing.

Miss Dorothy Rowers, R.N., of the SS. Melita, is with her mother and sister, Paul street, for over the holiday season.

Miss M. Gibson has gone to Montreal to spend the winter months at the home of her sister, Mrs. J. Peck.

Miss Folkard and Mr. and Mrs. George Wellman and little daughter have got nicely settled in their new home on Queen street.

Mr. R. Davidson, President of the Hospital Board and Dr. C. A. Publow went, to Toronto to protest against recent legislation which makes the operation of small hospitals more difficult.

Mr. and Mrs. Albert Collier have returned from Kingston where they were guests of Dr. and Mrs. R. J. Lake.

Mrs. Mae Whattam is in town en route from Rochester to Winnipeg where she will spend some time.

Mrs. S. A. Garrison has returned to her home on Queen street after an extended visit with Mr. and Mrs. M. P. Garrison in Toronto.

Mrs. Bruce McDonald went up to Toronto on Friday. On her return she will be accompanied by Mrs. H. J. Allison who has been spending some time in the city with Mrs. McDonald's mother, Mrs. H. Johnson.

Mr. and Mrs. J. P. McLelland have gone to spend the winter in Toronto where their daughter, Miss Hazel McLelland is attending Normal School.

Paul Leavens of Hillier is with his daughter, Mrs. George Bell, Ferguson street.

W. R. Williams, Science master at the Collegiate Institute, gave his illustrated lecture on "Trips into the Southern Seas" at the Young People's meeting in St. Andrew's church Monday night.

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