CLOSING SCENES AND VERDICT IN THE TRIAL OF ALONZO DOUGHERTY

CATERPILLARS BY THE MILLION

Stop Heavy Freight Train in New Brunswick, Had to Shovel Them Off the Track—Much Damage Done Trees.

ST. JOHN, June 19.—(Special).—Caterpillars are creating havoc in sections of this Province.

A regular army of them is reported from York County between Tracy and Cork stations on the line between Fredericton Jct. and McAdam.

Thursday evening the pests started to cross the track and a heavy freight train that came along and rushed on them was soon stalled three times in a distance not greater than a mile the train was stopped by the pests.

The train crew were forced to use shovels to clear the tracks.

They reported there were millions of caterpillars and that they had eaten almost every green thing in sight and had wrought particular havoc to poplar trees.

More than an hour was spent in getting the train past the spot and it was only by shovelling the caterpillars off the line and piling up gravel that the train men succeeded in overcoming the difficulty.

CLEAR CHICAGO OF DENS OF VICE

CHICAGO, June 17.—A crusade to stop the selling of intoxicating liquors in disorderly resorts and ultimately to drive these places out of Chicago, will being when indictments against twenty-five or thirty of the keepers are returned by the grand jury to-day. Two indictments are sought against each proprietor one for the illegal sale of liquor and one for maintaining a disorderly house.

The evidence was secured by detectives of the Law and Order League. The previous grand jury refused police regulations of the sale of liquor in these houses and referred the evidence to the present grand jury. It is understood indictments by each succeeding jury will follow until this illegal practice is driven out of the city.

MEMORIAL TO TELEPHONE INVENTOR.

BRANTFORD, Ont., June 17.—The committees in charge of the proposed memorial to Alexander Graham Bell, inventor of the telephone, in this city, have adopted a definite scheme. The memorial will take the form of a monument to be erected at a central gore, bounded by West Wellington and King streets, which will be acquired for $14,500. Sculptors have consented to submit designs.

SENATOR ST. HUSTER ROBBED.

DETROIT, Mich., June 17.—State Senator St. Huster, of Boston, a delegate to the Republican National Convention in Chicago, was robbed of $300 and his return ticket to Boston on a Michigan Central train as it was being transferred from Windsor to Detroit on a ferry Sunday afternoon. If captured the thief would probably be charged with robbery on the high seas, a crime punishable by life imprisonment.

THEY ARE RECONCILED.

NEW YORK, June 17.—Evelyn Thaw and her husband have become reconciled and will not be separated, according to a statement by Daniel O'Reilly, Evelyn Thaw's counsel. Mr. Reilly added that "despite the attitude of Mrs. Wm. Thaw and other members of the Thaw family, who have been opposed to Mrs. Evelyn Thaw, she will retain her position as the wife of Harry Thaw." Mr. O'Reilly said Evelyn Thaw will remain in New York so as to be in communication with her husband.

Minard's Liniment used by Physicians

OLD ROMAN SECRET TO PREVENT RUST

LONDON, June 18. — Inspector Simpson of the Blackburn fire brigade, claims to have discovered a liquid, the principles of which after many months' test, has been pronounced by leading engineers, to be the old Roman secret which has been lost five hundred years. When painted with this preparation the dampest room becomes dry. Freshly plastered walls treated with it can be papered immediately. Ironwork, covered with this preparation, cannot rust. It completely prevents the weeping of the inner skins of iron ships, and the oxidation of marine growths, barnacles, etc., on the bottoms of vessels.

TO KEEP LINES EAST AND WEST

TORONTO, June 17—Sir Thomas Shaughnessy was the guest of the Board of Trade at the King Edward Hotel tonight. The President of the C. P. R. did not say much new in his speech. He said he saw no reason under the present conditions why the West should not prodhce a hundred million bushels of wheat this year, besides other crops, and that would pretty well settle the prosperity of Canada or the next year or so. Tge conditions of commerce and social intercourse were naturally north and south, but in the interests of solidarity and unity of Canada the lines of transportation and commerce should be kept as much as possible east and west. Sir Thomas advocated the appointment of a trade commission to deal with the trade question the same as the railway commission now deals with railway questions.

PATRICK'S APPEAL DENIED

New York, June 17—The application for a writ of habeas corpus by Albert H. Patrick, who is serving a life sentence in Sing Sing prison for the murder of William Marsh Rice, an aged Texas Millionaire, was denied by Judge Lacombe in the United States Circuit Court. Patrick set up the claim that his conviction and sentence to death, which has been commuted to life imprisonment, was a result of a conspiracy to plunder the Rice millions. The motive, he asserts, was to prevent him from enforcing Rice's will; leaving the greater part of the Rice fortune to him.

Keep Minard's Liniment in the Hou

NEW WONDERLAND

Excellent Motion Pictures Tonight for Close of Week New Illustrated Song "I'll be Waiting Dearie, When You Come Back Home"

For the end of the week at New Wonderland, there is a program of unusual interest, and one which last night created unnumbered eulogisms on its worth. The Chinese picture is grand—every detail of it is seen with a clearness which is remarkable. The different scenes are most interesting, and one follows closely the depiction of customs in this far off land.

The remainder of the numbers are equally good, and the commingling of laughter and pathos which tonight's program offers is certainly a happy combination.

Miss McKinnon's song this evening is another of those which catch the ear and take firm hold on the music loving public. "I'll be waiting Dearie when you come back home" is out of the ordinary on sweetness and tuneful harmony; while the singer knows just how to give it the expression which invariably charms. She will also sing "Bridget McCue" by special request. Follow the crowd to New Wonderland tonight! Spend half an hour in keen enjoyment and instructive pleasure! Come and bring a friend along too! There is a ready welcome and cosy hall for every one.

New Wonderland offers attractions unlimited to all who enjoy good entertainment.

Able Addresses by the Counsel for the Defence and for the Crown—Comprehensive and Impartial Charge By His Lordship Mr. Justice Fitzjerald—Verdict Rendered: "Not Guilty, By Reason of Insanity When the Act Was Committed"

(From The Guardian Summerside Representative.)

Yesterday afternoon saw the conclusion, in the Summerside Courthouse, of the trial of Alonzo Dougherty.

When Court opened at ten o'clock a. m., Mr. McQuarrie, K. C., at once proceeded with his address to the jury on behalf of the prisoner, and Attorney-General Palmer followed for the Crown.

The two addresses were most creditable to the Bar of this Province and nothing but unforseen press of matter prevents extended reports of same in this column.

His Lordships masterly summing up and charge appears herewith:—

JUDGE FITZGERALD'S CHARGE.

Gentlemen. — Culpable homicide is murder according to the criminal code. (A) If the offender means to cause the death of the person killed. (B) if the offender means to cause to the person killed any bodily injury which is known to the offender to cause, death, and is reckless whether death ensues or not.

Supposing the prisoner sane, the uncontradicted evidence adduced before you, and the confessions of the prisoner establish the fact that the prisoner committed a wilful and deliberate murder absolutely without justification or excuse, this being so and it being my duty to tell you so, I need not further define the nature of the crime to you, except to refer to two words which have been used freely throughout the trial, namely MALICE and MOTIVE. As to the first "Malice," this word in its legal sense denotes a wrongful act done intentionally without just cause or excuse. It is not required of you to find any previous grudge or malignant feeling. It is sufficient if any act likely to produce a serious injury is done wilfully. Therefore in the case before you, if the prisoner fired at the deceased, intending to do him serious injury, that is such evidence of malice as the law holds to be murder.

As to the other word "Motive." There is evidence given before you of a motive for the prisoner's act which if you believe it, would justify your finding that one existed in the mind of the prisoner prompting the crime. You have heard that evidence, it is for you to determine its value and to find accordingly.

I have however further to instruct you, that motives may exist unknown and innumerable, which might prompt the crime murder and which from their very nature might never be known. You have to find that the act was intentionally done, before you can convict for murder, but (quoting the words of an eminent judge) "As to motive, if you find a man intentionally kills another knowing the nature of the act, that is sufficient."

(His Lordship then quoted from Mr. Justice Bramwell on this point.)

Shortly therefore supposing the prisoner sane it is only necessary for you to determine in the words of the criminal code, did he mean to cause the death of the deceased or did he mean to cause him any bodily injury known to prisoner to be likely to cause death and reckless whether death ensued or not—for if he did either, he is guilty of murder.

The prisoner however raises as a defence, the fact that at the time he committed the crime he was insane.

That is a defense always open to every prisoner charged with the commission of a crime.

It is necessary to say a word to you, instructing you what the law is, in relation to this offence.

(His Lordship went into a lengthy explanation of the law, bearing upon this point.)

From the statute and dicta the law appears to be clear therefore that—

One. That the legal presumption is that the prisoner was sane when he committed the crime.

Two. That the plea of insanity is one for him to prove.

Three. That the proof must be clear and satisfactory to you.

Four. That the insanity proved must be shown to have rendered him incapable of knowing the nature of his act. Or if he did, that his act was wrong.

To substantiate this defense the prisoner puts upon the stand his father, whose evidence you will remember and who testified that, Mrs. John Callaghan whose father and witness' grandfather were brothers was a part of the time not able to take care of herself and lost her reason; J. H. Locke who gave the same evidence; David Reeves who told you that Mrs. Burns the prisoner's grandmother on his mother's side was of unsound mind and that her sister, his wife, was as he terms it "bad in her mind at times, but not too bad," and that some of her brothers were soft, Wm. Jenkins who told you that one Angus Dougherty an uncle of the prisoner's father was a person of unsound mind; and the prisoner went on the stand and swore that after he had passed over the hay mowed field on the way to the track and where he met and shot deceased and until he said "Joe is dead" he remembers nothing. That he did not know he did it, nor why he did it; and Dr. Jardine testified that assuming an impulse and the prisoner's story to be true, he would class him a person laboring under impulsive insanity; Dr. Conroy who says that under such a recital of facts, if true, such an act would not be inconsistent with insanity; and Drs. McLennan and Sutherland who gave somewhat similar evidence which you will remember. This evidence gentlemen will require your careful attention and it will be for you, and you alone, to determine. Is it of such a clear and satisfactory nature as will, in your judgment, establish the prisoners defense of insanity at the time he committed the crime? He is now admittedly sane.

In judging and determining on such a defense it will be material for you to bear in mind what the prisoner actually did and what he says—what account of the act did he himself give immediately after the event? Are they such acts and admissions as are consistent with insanity at the time of the commission of the offence?

What he did according to the evidence on oath before you is that sometime on the evening of Sunday the 10th of May last, knowing that Stella McDonald (a young girl to whom he was paying attention and whom he had asked to marry him) had gone walking on the railroad track toward Summerside with the deceased and other girls—took a revolver from another coat in his home and afterwards walked down the track in the same direction as that taken by the deceased and Stella, that he met them a mile and a quarter from Miscouche returning home from Summerside; that when he came within a short distance of these two he pulled out and pointed a revolver toward them and said, "Hold up." That the deceased then said "that is a revolver Lon," that Stella then said "Don't, Lon, Don't" The prisoner then fired hitting the deceased in stomach and immediately after deceased crossed his arms over his stomach, stooped and turning around fell on the track and then prisoner advanced closer to the deceased and fired two shots into his head. That shortly afterwards he carried the body across the track and placed it on the other side of the railway fence.

What he said after the killing to many persons you will remember. I will only recall to your memory what he said immediately after or on the early morning after.

To Stella McDonald on the way back from the commission of the act, when she asked him why he had killed Joe, he said, according to her evidence that he had got into a fit of passion. That same night he gave the same reason to Catherine Gillis as she swore, and early the next morning when Dr. Monaghan asked him if liquor was the cause, he answered no. If there had been any quarrel? "No," and then when Dr. Monaghan asked him what was the reason he answered, and the Rev. Dr. swore, that he did it in a passion or in a fit of passion.

It will be for you to say if such answers are consistent with his present oath that he did not know what he did nor why he did it.

I deem it my duty further to remind you that Dr. Monaghan testified as follows:—

"I think peisoner said he was dead and I think he said I shot him in the temple," and you will remember the evidence of Walter Schurman as to what the prisoner said to him of the shooting of deceased in the head and the oath of Stella McDonald that she did not know deceased was shot in the head until after the inquest.

And further to remind you, that Catherine Gillis and Stella McDonald both swore that on their way to Dr. Monaghan's, in the early morning, after the deed was committed, the prisoner said to them;—"now don't you tell Father Monaghan it was jealousy, because it wasn't, I was not jealous." and further of the prisoner's suggestion to the witness Schurman that Stella had told hime he had shot deceased in the head; and further to bring to your attention the oath of Urban Gillis who swore that he asked the prisoner if the other girls had continued with Stella and deceased to Summerside, would he have shot McMillan and that prisoner replied "Oh No No, I would not."

And further that to the question asked the prisoner, when on the witness stand, relating to his fight with Lou McMillan, his telling Stella that he would shoot himself if she kept going with Lou McMillan, his only answer was "I don't remember." And that he made the same answer when asked if he had told Miss Gillis he had done it in a passion, and the same answer when asked if he had told both Miss Gillis and Stella not to say to Father Monaghan it was jealousy; and the same answer as to whether he said the shots were fired right after one or other or not, and the same answer whether he had told certain persons named that he had shot deceased in the stomach and in the head. I would also remind you that the prisoner when on the stand made certain specific denials of the testimony of certain witnesses for the crown. He denied that he told Dr. Monaghan he had done the act in a passion and that he had told the doctor he had shot the deceased in temple. He denied that Urban Gillis asked him the question, would he have shot McMillan had the other girls been with him and Stella to Summerside, and that he answered, "oh no no, I would not have done it."

These are as far as I remember his positive denials you will yourselves recollect if there were others.

I desire also to direct you attention to the medical evidence given by the crown to that of Dr. Goodwil whose teaching and experience in diseases of the mind entitles his evidence to additional weight. He tells you that assuming all the statements of the prisoner to be true, as he himself detailed them on the stand yesterday, he does not recognize in a person in such a condition of mind any insane condition, although total unconsciousness of an act done by a person would indicate insanity. To that of Dr. Warburton and Dr. Johnson who gave the same testimony and to that of Dr. Carruthers, who as I understand his evidence, said if among other statements of the prisoner the one he made that he was wholly unconscious of his act, be accepted as true, a person in that state would not, in his opinion be sane. You gentlemen however heard that evidence and it is for you and not for me to say what it was and what weight should be attached to it.

In addition moreover to this expert testimony given in answer to a hypothetical question which may or may not be based on facts you heard the answer of Dr. Conroy, Dr. Goodwill, Dr. Johnson, Dr. Carruthers, and Dr. Warburton to the question I put to them, all of whom examined the prisoner and all of whom tell you that from their several personal conversations with and examinations of him, they did not see any reason to believe that the prisoner is now insane or was so at any time previously. The only other medical gentleman asked the question, Dr. Jardine, answered it as you heard. It is for you to say how far he agreed or disagreed with his five fellow practitioners.

The prisoner's defence rests on the truthfulness of his statement before you, and all the medical expert testimony is based, and only is of any value if these statements are true—are they?

Is this evidence such that you can accept it without question? How is it supported by his conduct at the time, by his after-expressions—which are material indications of what his conduct and intention was—is it corroborated by other testimony? It is contradicted by witnesses, whose veracity you have no reason to doubt? What evidence have you to support his statement; that one statement upon which everything rests—that he was wholly unconscious at the time he did the act?

In closing I say to you, such evidence as I have pointed out you must necessarily weigh and consider before coming to any conclusion. Does it point to sanity and knowledge and consciousness on the part of the prisoner when he committed his awful act? Here and now I tell you that you and you alone are to determine that, and every question of fact.

My duty in this respect is but to direct your attention to such portions of the evidence as I think require consideration at your hands.

On you rests the responsibility of the verdict—you are trying the issue whether the prisoner was sane or insane when he shot deceased—I am not. My office requires that I direct you as to the law. I have done that. It is clear and further than that I give you every assistance in my power in the administration of justice in this Province. I have tried to do that, and so to conduct this trial that the prisoner should have full and ample opportunity of presenting his defence.

I ask to let no other thoughts enter your minds, and as God-fearing, independent, rational men, bend your whole energies to the inquiry before you and so find as reason and justice demand.

There is no contest in this Court or in any of His Majesty's Courts between the people and the Crown; no demand here or else where but that the laws of the people as made by themselves shall be upheld, and in a free Judiciary, composed of Judge and Jury, have the people put the responsibility of the enforcement of their own laws.

The criminal law of this country has been enacted for the protection and safeguarding of the lives and properties of the people, and it has enacted that no human life can be taken without justification or excuse, and that it must be made clear and satisfactory to you as the guardians of the people's safety that when a life is taken there has been sufficient justification or excuse before the manslayer can be declared innocent of crime.

This is a cool, deliberate, cruel murder, urged and prompted by evil passion, rankling jealousy, or some unknown reason or motive, or the unfortunate standing before you for trial was not a responsible being when he killed Joseph McMillan, and by reason of that excuse he has committed no crime.

I leave you to the determination of that issue, and with that alone; for with the result of your verdict you have no concern and the law throws on you no responsibility in respect thereof. Your verdict must be either "Guilty," or "Not Guilty by reason of the prisoner's insanity at the time he committed the offence charged."

It was 12.30 when His Lordship concluded.

The jury were then sent to their room to find a verdict and Court was adjourned till three o'clock.

At three they reported. The foreman said the jury wished to know if a verdict "Not Guilty"—because of insanity at the time of committing the deed, were rendered, would the prisoner be confined for life?

His Lordship said it was a matter he could not answer for them. He asked them to return and find a verdict.

They retired and about fifteen minutes later returned and gave their verdict as above,—"Not guilty because of insanity at the time of committing the deed."

Ask For Minard's And Take No Other.

WILFUL MURDER NEAR TO DAWSON

Murderer Shot Two Companions Killing One, Wounding the Other and Escaped—Body Found—Police After Criminal.

OTTAWA, June 19—(Special)—Word of a murder in Yukon has just been received from Dawson by Col. White Controller of the Northwest Mounted Police.

The telegrams received show that a man named Anderson reached Selkirk in Yukon this week with the story that while he and two companions named Elfois and Bergman were making their way out of the country, Elfois shot and killed Bergman on Yukon River about 12 miles below Selkirk.

Elfois, who is missing, also shot and wounded Anderson, but the latted managed to escape and reached Selkirk

TO WALK ACROSS CONTINENT

A Couple of Young Englishmen Expect to Make A Novel Trip

TORONTO, June 17.—On June 18th, two young Englishmen, John Wayne Harley, on the staff of "The Gentleman's Journal," of London, England, and Arthur David Hadley, will start from the city hall, Toronto on a circular tour from Toronto to Vancouver, Seattle to New York and Halifax to Toronto for a wager.

To win the wager they have to (1) walk in three years with a break of not more than a month between each section of the tour; (2) to start without any money; (3) to earn food and expenses while on tour; (4) to sleep every night in a tent; (5) all baggage to be drawn in a hand cart; (6) to get a book signed by the mayor, town clerk, a magistrate, or the postmaster of every city, town or village they pass through.

They hope to earn their expenses by photography and illustrated arti-

THREW ACID IN HIS FACE

Toronto, June 17—On a charge of throwing carbolic acid on the face of Edward Chandler, Mrs. Elizebth Ellen Taylor, of 249 Lappin avenue, was commited for trial by Magistrate Ellis yesterday. Mrs. Taylor was allowed her liberty on bail for $3,000. Chandler admitted having been intimate with the prisoner for a long time before his marriage, and said that the woman had, before throwing the acid, upbraided him for not coming to visit her and her child.

ROW AT HUNGURIAN WEDDING.

Welland, Ont., June 17—At a Hungarian wedding celebration here in the foreign quarter, following the marriage of Barkey Balini and Carrie Ana, a serious stabbing affray took place. All the injured are foreigners. George Tampas is in jail charged with the offence. The row started because two women who came to celebrate were asked to leave, but refused.

DIED.

McDONALD—In this City, June 20, 1908, at the residence of her son-in-law J. T. Clarkin, Mrs. Mary McDonald, widow of the late John J. MacDonald, Orwell, aged 83 years.

Six young men were arrested last evening and lodged in the City Police station on suspicion of stealing liquor from Powmal Wharf.

Minard's Liniment Lumberman's Friend

CANNIBALS GOT SWIMMING WHITES

MADRID, June 18.—Further reports have been received here from the west coast of Africa concerning the sinking by a tornado on the upper Congo river of the steamboat Ville De Burges last May.

Of the six Europeans who lost their lives four were caught by cannibalistic natives while attempting to reach the shore by swimming and later killed and devoured.

A total of seventy negroes were drowned.

TEMPERANCE SPIRIT GROWING IN WEST.

LETHBRIDGE, Alta., June 17.—Rev. W. G. W. Fortune, field secretary of the Alberta Temperance and Moral Reform League, predicted last night no bar-rooms in Alberta in five years. He says hotel men have told him the same thing. Temperance people will ask the Legislature for 7 o'clock closing.

WILL OPPOSE THE BILL.

BRANTFORD, Ont., June 17.—At a special meeting last night, the City Council declared against the Dominion Power Company's bill, now before Parliament, on the ground that the privileges sought interfered with the rights of municipal councils in regard to the control of their own streets. The council authorized Mr. W. F. Cockshutt, M.P., to oppose the measure.

The Sunday Revival services at the Christian Church this City will begin at 10 a. m. with a childrens' meeting and Mr. Mitchell wishes every child under 15 years of age to bring a string as long as the child is tall. At 11 o'clock in the morning, sermon: at 4 o'clock the special meeting for men only, and the evening service at 7. There will be special music at all these meetings and on Sunday evening Prof. Bilby will give one of his interesting and instructive cartoons.

THE WEATHER.

TORONTO, June 20—(Special)—Fine, westerly winds, warm.

Condensed Advertisements

Too late for Classification.

LOST—Yesterday in this city purse containiag sum of money. Finder leave at 10 Haviland St. 6-20d2ir11.

WANTED—For the Fanning school District No. 118 a male teacher for principal. $80 supplement. Also an assistant $50 supplement. Robt. Stewart, Secy. 6-19d8i.

TEACHER—Wanted for Belle River School— Principal and assistant. Supplement for principal $25 and $10 for assistant. Apply to M. F. Riley Secy. 6-20d1w.

TO LET—House on Fitzroy St. number 317, eight rooms and pantry, large yard, fruit trees and stable. Mrs. John Hughes. 6-20d3ipd.

WANTED—A second class school teacher wanted for Grand View School No. 129. Male teacher preferred. Twenty dollars supplement. Apply at once to. A. D. Finlayson, Sety of trustees. 6-20d3i.

WANTED—A teacher for Springvale School. Supplement $30. Apply to F. C. Dollar, Secy of school Trustees. Brookfield. 6-20dr1wpd.

PIANO FOR SALE—Prof. Singleton's Cabinet Grand Piano. "Mendelssolin's" being too large to enter the cottage rented, will be sold at wholesale price. Nearly new. "A chance in a lifetime." See it at Mrs. Allan's Fitzroy St. 6-20d1ipd.

WE—Give good discounts for cash or trade. List of articles bearing discount will be changed each week and displayed in store. To get the benefit call every week and see discount sheets. Highest current prices for produce. A. Matheson & Co., Grand View. 4-18dfsmtwth2mpd