

THE DAILY EXAMINER.

DECEMBER 7, 1895.

THE HYAMS' MURDER TRIAL.

No criminal case in the history of Canada has attracted so much attention as that of the Hyams' twins, who, after a second trial, were on Saturday last acquitted of the crime of murder. The prisoners were charged with having murdered one William C. Wells in a warehouse used by them in the city of Toronto. On the 16th of January, 1893, young Wells, who was in their employ, was found dead, under circumstances which at the time led to the belief that he had been accidentally killed by a weight of an elevator falling upon him. Wells was insured for \$30,000, which, upon his death, came to his sister, Martha Hyams. On the 9th of May, 1893, Harry P. Hyams, one of the prisoners, married Miss Wells. Some time afterwards this man made efforts to place insurance to a large amount upon the life of his wife, and this led to an enquiry, with the result that on the 12th of January, 1895, the prisoners were arrested, charged with murdering young Wells. They were tried before Mr. Justice Street, in May last, and after fourteen days trial the jury disagreed, eleven being for acquittal and one for conviction. They were a second time tried before Mr. Justice Ferguson, and on the 30th November, after 26 days trial, were acquitted. The Ontario Government spared no expense in the endeavor to secure a conviction. The Government secured the services of B. B. Osler, Q. C., who is considered to be the ablest criminal lawyer in Canada, and it is said that the cost of the prosecution exceeded \$60,000. But, notwithstanding the tremendous power and outlay of the prosecution, a conviction could not be obtained. The prisoners were also defended. It is said by the Toronto Empire that their defence also cost \$60,000, and further, that "if the accused had not had wealthy friends they could not have made their defence, and, not being able to make their defence, it is just possible that they would have been hanged." The fact, continues the Mail and Empire, "that vast resources are so necessary to meet the unlimited expenditure of the Crown suggests the question whether our system of criminal procedure is all that it should be? Is it not possible that the tremendous power and the huge outlay of the prosecution may, in the case of men who are poor or friendsless, result in injustice?" The Toronto Globe, in referring to Mr. Osler's closing address on behalf of the Crown, speaks as follows: "Mr. Osler's address was perhaps, the most vigorous one which has ever been heard in a court of justice in Canada. He did not leave a point untouched in all the mass of evidence submitted, and the way in which he connected and presented it to the jury was fair, forcible, convincing, and His address did not occupy in point of duration more than half the time taken up by either of the counsel for the defence. It was stripped of all unnecessary language, everything he said having a direct bearing on the point under consideration, and in the mind of the large portion of his audience he clinched absolutely each department of his case as he terminated it. But it was the Judge, who is said in England to be the prisoner's counsel, who evidently saved the jury from being carried away from their duty by the skill of Mr. Osler. He was not, it seems, afraid to state his views on the law and the facts. The Globe says: "Mr. Justice Ferguson immediately began his charge to the jury. In his charge the learned Judge did not take up the specific points of the evidence, but rather dealt with the broad general outlines of the case. The general trend of his charge was decidedly in favor of the prisoners, and he spoke frequently of the unsupported suspicions which seemed by the charge of the prosecution to be directed against the accused. He scarcely touched at all upon the evidence elicited by the Crown's examination in chief, but frequently brought into clear relief the points which were obtained by the counsel for the defence in their cross examination of the witnesses. The testimony of the defence, too, was given much credence by his Lordship. The charge was a very strong and clear one, admirably delivered, and was listened to with profound respect, not only by the jury, but by the thronged court room. Toward the close of his charge His Lordship was especially impressive, and when before dismissing the jury, after a very strong charge to them in favor of the prisoners, he pointed out to them that the true spirit of British justice leaned toward the escape of many guilty persons rather than the mistaken conviction of one innocent one, the audience in the court room felt that the scales of justice were held by a strong and steady hand. The Judge's charge did not suit the Crown, for we find that immediately after it was delivered and the lives of the prisoners committed to the jury, Mr. Osler made a motion for a reserved case, and the press despatches tell us that he was in a rage when he did so. We are also told that the Judge asked Mr. Osler whether he was "making these objections up." The jury acquitted the prisoner on the first ballot, and after an absence of forty minutes.

LETTERS TO THE EDITOR.

GUARDIAN VS. MARTIN.

Sir,—The Guardian does not yet see that Mr. Martin is in sympathy with your able North-west correspondent in respect to the "Scripture readings, prayers, religious instruction and text books" authorized in the public schools established in Manitoba under the acts of 1890. Well, I shall make another quotation which may perhaps open its eyes to the fact. Mr. Martin is reported to have said, in the course of a speech delivered before the Winnipeg Liberal Club on the 20th of February, 1894: "He was himself not satisfied with the School Act and had never been so. He had made a strong effort to have the public schools controlled by the Government really made national schools with religious instruction, and he was now convinced that the only school which could be justified as constitutional. He said that the State had no right to interfere with the different denominations, but had the right to interfere in the matter of religion; but he contended that they would not do the one without the other. It had been urged by satisfied supporters of the Act that none could complain of the educational element introduced, as it was of the broadest nature. But they found that the Roman Catholics had the very greatest objection to this provision of the Act, and he was himself dissatisfied with it, and was glad many Protestants shared his objections. . . . The Roman Catholics had honestly stated that in their belief the two forms of education should be together. The Protestants admitted, on the other hand, that it was impossible to have religious training in the schools, and only asked that it be recognized—insisting, however, on imposing their views on others in that respect. Rather than that small amount of religious training should be done away with in the schools, the Protestants said they would prefer the old state of affairs. He would leave it to his audience to determine which was the more honest statement of the two."

NEWS NOTES.

Lantaulm & Co., of St. John, paid \$1,030 for the steamer Thames, sold at auction in Halifax lately. The Canadian Department of Marine has a fleet of no less than sixteen steamers under its control which are used in the light-house and fisheries protection service. Of these sixteen vessels, four are steel, four iron, three composite and five wood. The British Government is said to intend asking the Parliament for an additional two million pounds, to be devoted to building warships next year. This will raise the total of the naval estimates to something like \$22,600,000. This policy of being first on the sea goes deep into the British pocket as well as tickles the British pride. The Captain and mate of the British ship Why Not have been tried in England for deserting their posts while the vessel was on fire, and leaving the passengers to look out for themselves. The judge who presided said their conduct was a disgrace to the nation, and sentenced the captain to six and the mate to two months' imprisonment. During the last half year a sum of \$12,500,000 was doled out to the paupers of England and Wales. The number of paupers, which sank rapidly after 1864, is now on the increase. In 1884 four people out of every hundred in England were paupers. In 1891 it had got down to two. The rate this year is 22.4 per 1,000. BENEFITS ARE TOO SOON FORGOTTEN. But in the case of Wilson's celebrated Invalid's Port Wine the experience is different, because those who have felt its fine effects in building up enfeebled constitutions, have not hesitated to speak of it gratefully to others. It is not a medicine at all, and yet it has all the effects, and more lasting effects, than some medicines for rich, strong and generous. It makes the blood and invalids are surprised to find that he has a new lease of life and working powers after its use. A thoroughly reliable old port, which acts as a tonic, bringing back appetite and aiding digestion. Sold by all dealers at \$1 per case of 12 quart bottles, half case \$4 or 75 cents per bottle. Address—Bordeaux Claret Co., 30 Hospital Street, Montreal. 246. POLIOMYELITIS.—It is announced that Peter Mahar and Bob Fitzsimmons have been matched to battle to a finish for a purse of \$20,000. The fight is to take place near El Paso, Texas, between the 11th and 15th of February next. BADLY INJURED.—Part of the cornice of a building on Granville Street, Halifax, tumbled down a day or two ago. A man named O'Brien, belonging to Hants County, who was passing along the street at the time, had his right leg broken and received internal injuries. STEAMERS MOVEMENTS.—The Northumberland arrived this forenoon from Pictou, bringing the Nova Scotia mail. This will probably be the last trip of that steamer this season. She will go south in about a week's time. The St. Lawrence was unable to get to Point du Chene yesterday on account of the gale. She left Summerside at the usual time to-day. The Steamer will be due from Pictou this afternoon, bringing the foreign mail. THE UGANDA MISSION.—This was the subject of the lecture given by Rev. Mr. Grubb in St. Paul's schoolroom last evening. The story was told in an interesting and convincing manner and was listened to with the closest attention. The lecturer showed the good work done by the missionaries, and closed with an eloquent appeal for aid, expressing the earnest hope that the time was not far distant when St. Paul's church would send at least one missionary into the field. VICTIMS OF PARALYSIS.—A Canadian N. B. despatch reports that on Thursday last, while attending the mission services at the pro-cathedral, Mrs. John Sheehan was stricken with paralysis of the brain. She never recovered consciousness and died on Monday afternoon. On Sunday night John Patterson, aged about 50, had a paralytic stroke while coming out of the pro-cathedral after the mission services of the day were over. He was removed to the hospital, where it was found his right side was paralyzed. December's early frosts are upon us. Our frost proof mitters are just the thing. —McKay Woolen Co. Fur coats, fur caps, cloth caps, underwear, shirts, gloves and hosiery at the Bargain Corner. Cure For Sleeplessness. GET INTO BED AND REPEAT I Deal at the Central Drug Store. You'll not repeat it very often—you'll drop off, feeling at ease in your mind that it's the place to get anything in "drugs" and get it right. A. W. REDDIN, Phm. B., Central Drug Store, NORTH SIDE OF QUEEN SQUARE. dec7

TELEGRAPHIC.

SPECIAL DESPATCHES TO THE EXAMINER.

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CHARLES B. PERKINS, Secy. Y. M. L. A. dec7

Y. M. L. A. The Y. M. L. A. of St. James' Church will commence this season's Course with a Grand Entertainment in the New Hall on TUESDAY EVENING, December 10, under the direction of Mr. S. N. Earle. PROGRAMME: 1. Inst. Duet—Overture to La Gazza Lutra. Miss Russell and Mr. Earle. 2. Vocal Solo—"My Lady's Bower." Miss Marion McKay. 3. Reading. 4. Inst. (Organ and Piano)—"Die Heil Yelmauchen." Miss S'ambles and Mr. Earle. 5. Inst. Quartette for Violin, Cornet, Flute, Piano. Mr. Leslie Cook. 6. Song—"Time and Tide." Miss Bessie Brown. 7. Reading. 8. Vocal Solo—"Only a Year" (Waltz Song). Miss Bertha Nicholson. 9. Piano Solo—"Dance Negre." Miss Maud Brennan. 10. Vocal Duet—"List to the Merry Birds." The Misses Earle. 11. Cornet Solo—"Scotch Airs." Mr. C. P. Fletcher. 12. Vocal Solo—"Carissima." Miss Benoit. 13. Reading. Miss Flo McKenzie. 14. Vocal Duet from Opera "Olivette." Messrs. Peake and Cook. 15. Vocal Solo—"O'Bliss, Promise Me." Miss Florence Earle. 16. Song—"I'm Sorry That I Did." Mr. George Rogers. 17. Inst. Quartette for Violin, Flute, Cornet, Piano. Admission, 25 cents. Entertainment at 8 o'clock.

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JURIES AND THEIR VERDICTS. Sir,—Will you kindly permit me to inform the eminent strangers at present conducting meetings in this city that it is usual before a jury gives a verdict in a case, and that therefore the request in last night's meeting that the audience adjudge give a verdict after hearing a statement of one side only of a dispute I question, was not in accordance with our accustomed mode of procedure. JERON.

THE BODY MUST BE WELL NOURISHED NOW, to prevent sickness. If your appetite is poor take Hood's Sarsaparilla. Call early if you want one of our beautiful baver (verocats), price \$18, marked down at 10 k custom prices.—S. A. McDonald, The Fashionable Tailor. nov. 7, 2in.

CHARLES B. PERKINS, Secy. Y. M. L. A. dec7

TELEGRAPHIC.

SPECIAL DESPATCHES TO THE EXAMINER.

The Antigonish Candidate. ANTIGONISH, N. S., Dec. 7. At a convention of the Liberal-Conservative party yesterday Joseph A. Chisholm was unanimously selected to contest the seat at the Dominion Parliament election. Hon. Mr. Dickey and Sir C. H. Tupper made speeches.

Improved Finances of Canada. OTTAWA, Dec. 7. The West Huron bye-election will probably be held on Jan. 9. The financial outlook continues to improve. The revenue for the past five months increased \$1,319,000, and the expenditure decreased \$1,850,500.

Schooner Brudenell Ashore. HALIFAX, Dec. 7. In the gale of yesterday the schooner Brudenell went ashore on Dartmouth, but got off. It is thought that the damage is slight.

The Sultan Submits to the Inevitable. LONDON, Dec. 7. A despatch says that the Sultan has decided to consent to each of the powers having second guard ships at Constantinople.

DOES ITS WORK IN SIX HOURS. A Medicine that will Relieve Distressing Kidney and Bladder Diseases in Six Hours Deserves Your Attention. Those who suffer from kidney troubles suffer acutely. Where some kinds of sickness can be borne with fortitude, it is no easy matter to exercise this virtue when one is a sufferer from kidney troubles. Hope may sustain a person when a medicine is being used that doctors say will eventually effect a cure. But who wants to continue an agonizing course of treatment when a medicine like South American Kidney Cure is within the reach of everyone and that it so speedily as well as certain in its effects? This new remedy has been thoroughly tested by learned physicians, and stands to-day ahead of any medicine used for this purpose. It does not pretend to cure anything else, but it does cure kidney disease. Sold by Dr. S. W. Dodd.

50 Granby rubber coats for only 1.75 at J. B. MacDonald & Co. nov 27 4in. Ladies dress goods in dress lengths for 50c, 90c, \$1.40 and \$2.50, exceptional value a genuine bargain at J. B. MacDonald & Co. nov 27 4in. Sanderson & Co's assortment of fruit for Xmas making is very complete. Best quality and lowest prices is their motto.

Reading Maketh a Full Man. If this be so, then we run a first-class restaurant. The variety in our "Food for the mind" is immense.

NEWLY ARRIVED. Poets in Cloth and Padded Levant. International Teachers' Bibles. Prayer Books and Hymnals. Boys' Own. Girls' O. Leisure Hour. Sunday at Home. All the December Magazines, Christmas Numbers, Toy Books, Booklets, Xmas Cards and Calendars. Follow the crowd to-night and to

WE ARE YOURS every time for bargains in BOOTS and SHOES. What factory turns out the largest quantity and the best goods? Now, hands up! You will all acknowledge it is McCREADY'S. McCreedy's Other goods you have tried and found wanting. Once you have tried McCreedy's you will wear them right along. We have them, to come to the old Shoe Store, established for over 25 years, and we will please you. A. E. McEACHEN, THE SHOE MAN. dec7

XMAS CAKE. We have everything needful to make your Xmas Cake the very best you ever had. Choice Valencia, Muscatel and Sultana Raisins, cleaned Currants, Cooking Figs, fine Pastry Flour, fresh Citron, Lemon and Orange Peels, Frosting Sugar, Shelled Almonds, Pure Extracts, Dessicated Cocoa Nut, and all the other necessary good things used in making Xmas Cake. We keep the best