

THE DISPATCH.

VOL. 3. NO. 22.

WOODSTOCK, N. B., OCT. 28, 1896.

PRICE TWO CENTS

Blacksmiths' Supplies

—FOR THE—

Fall and Winter Trade!

We now have in stock

- 50 Tons Assorted Bar Iron,
- 15 Tons Assorted Sled Shoe Steel,
- 200 Kegs Assorted Iron and Steel Horse Shoes,
- 200 Boxes Horse Nails,
- 10 Tons Cable Chain,
- 50,000 Assorted Carriage and Sled Shoe Bolts,
- 6 Peter Wright Anvils,
- 12 Peter Wright Vices,
- 4 Horse Shoe Calking Vices,
- 12 Blacksmith's Bellows.

To arrive this week

178 Tons Cumberland COAL.

All for sale at the very lowest prices.

W. F. DIBBLEE & SON.

Great Reduction in Boots and Shoes.

Having to raise a large amount of money by the First of November next, we will sell goods for CASH VERY CHEAP to that date. Call and see us.

CONNELL STREET. BOYER BROS.

OUR SILVER IS STERLING, OUR PLATE IS THE BEST.

How to
Make 20
Minutes
Valuable.

Go to Carr & Gibson's and examine their special fall lines. They have a new stock of CHOICEST PIPES at Lowest Prices. Jewellery of all kinds. Watch Cleaning and Repairing.

CARR & GIBSON.

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Wholesale & Retail
HARDWARE,

Tinware,
Lamps,
Stoves,
Pumps,

LUMBERMEN'S and MILLMEN'S SUPPLIES.

22 KING STREET.

NO LAWYERS FOR HIM.

A PECULIAR CHARACTER AND A CURIOUS CASE.

Lorenzo Murphy and Charles Mitchell are Allowed to go.—Two Juries Disagree.—Murphy his own counsel at first.—Hartley Reduces the Majority by One.

It has been sometime since as much interest was taken in a criminal case, as was shown in that before Mr. Justice Landry last week, when Lorenzo Murphy and Charles Mitchell stood in the dock to answer the charge of breaking into a house and committing robbery. The alleged crime was committed on Sept. 2nd. Miss Lizzie Horseman was the main witness for the crown. She said that she with her friend, Miss Carrie Scribner, were sitting up stairs in Mr. Joseph Scribner's house near the park. She heard a noise, and on going down stairs, saw the prisoner, Lorenzo Murphy, rifling the pockets of a pair of Mr. Scribner's trousers while the negro, Mitchell, stood on the steps leading up to the trap door, by which the prisoners had entered. She attempted to give the alarm, when Murphy put his hand over her mouth, threw her down and then the two escaped. There had been, Mr. Joseph Scribner said some \$19.50 in his pockets and only \$2.00 and some change was there when he looked on Wednesday afternoon. Such in brief was the charge against the prisoners. It will be recollected that they were arrested in Houlton, and Police Magistrate Dibblee sent them up for trial.

The amusing feature of the case lay in the fact that in his first trial Murphy defended himself, and did it with a good deal of dexterity.

"Do you want counsel" said the Judge.

"Oh! I guess not" replied Murphy, "I think we're capable of handling this case ourselves."

Charles Mitchell, the negro asked if he had anything to say. "No! my partner will conduct this case," he replied. Murphy said "Your Honor, he and I have been together and what one knows the other knows. I don't see any use of his testifying." So he did not testify.

The difficulty that the jury had to face was reconciling the time upon which the complainants said the affair took place, and the evidence of certain witnesses for the defence. Miss Horseman said the robbery took place between 10 and 11, about a quarter to 11, she thought. T. McCarron, night watchman, said that she gave him the alarm just as he was coming down stairs. It was a quarter to eleven.

The prisoners brought Thos. Flemming to prove that he met these tramps at 9 o'clock opposite the Broadway school house. Daniel Thompson said he overtook them at a quarter to ten, at Lockwood's turn, going in the direction of Houlton.

Robt. Bull, on the Houlton road, said that he talked with the prisoners at his house some ten or twenty minutes. It was about a quarter past ten when they arrived and twenty-five minutes to eleven when they left. His place is three miles from Woodstock. In the course of his evidence Mr. Bull told Mr. Appleby, who was acting for the crown, that Murphy said to him, "I will not starve in this country. If I cannot get bread I will steal it, and if I cannot steal it I will get a six-shooter and hold up somebody."

Here Murphy interrupted "This talk is unbecoming. It never took place at all."

After this Murphy gave his own evidence. It was on the lines of that previously stated by him. Some amusing remarks were made. After leaving Bull's they came at a quarter to 12 to Richmond. "The 'boy' went into a ministers house and asked for something to eat. He got some slices of bread and brought them out and we ate them. He said the man was a priest, but I said, no, he had a mustache, and did not look like a priest to me."

To Mr. Appleby: Murphy said he did not know Scribner's house. The day before the alleged robbery he and "Charlie" had been out to the park for pastime. He now lived in Brooklyn, N. Y., was a carpenter by trade but of late had worked with circuses. Then the prisoner briefly addressed the jury. He manifested no hesitation, and talked away with the utmost confidence. He denied that he had said if he could not get a living he would steal. He contended that it was strange that nobody saw them in broad daylight, and if he had got the trap door open without making a noise, he was unlikely to make a noise emptying the trouser pockets. He concluded by saying he would leave the case with confidence in the jury's hands.

In addressing the jury Mr. Appleby was

very moderate. Towards the last of his address he asked the jury to consider what they thought of this man Murphy, apparently intelligent, going around the country begging with this negro.

Here Mr. Murphy interposed "I object to that. It has nothing to do with the case."

His Honor said counsel had a right to make comment in the course of his speech. His Honor drew attention to the peculiarity of the case. If the prisoners were not guilty, Miss Horseman must be making a deliberate misstatement. At the same time it was hard to reconcile the story with that of the witness, Bull.

The jury went out and deliberated two hours. They came back and said there was no prospect of their agreeing. They stood 7 for conviction, 5 for acquittal.

His Honor dismissed them.

Another jury was called on Thursday, and this time the prisoner was defended by Mr. J. Chipman Hartley. The evidence was much the same as previously. The jury were an hour and a half out, and could not agree. This time it was 6 to 6.

On Friday morning the judge ordered the prisoners brought to him.

Mr. Appleby addressing the court said:—These prisoners have been tried twice, and in both trials the jury have failed to agree. I have no fault to find with any jurymen. Although they differ from the views I entertain, I believe they acted conscientiously. Having been twice tried I cannot hope to get a conviction at this court. As the evidence in the second charge would be precisely the same as in the first, it would not be worth while to try that. I would suggest to your honor that they be discharged on their own recognizances of \$100 each to take their trial at the next circuit court.

The Judge explained to the prisoners the position in which they stood. It was exactly the same as if no trial had been held at all. He spoke of the ability Murphy had shown and advised him to separate from the negro and start to earn a livelihood, whereby he would be kept from the need of going around begging.

The prisoners then went up to the clerk's desk and acknowledged themselves to be indebted to Her Majesty, the Queen, in the sum of \$100 each, to be levied for if they did not appear at the next Circuit Court in April to stand their trial. Then they passed into freedom.

Her Majesty will probably whistle for the \$200.00.

Some people, however think her Majesty will not have to whistle. Murphy met one of the witnesses after the trial, and said "I'll be back again in April to stand my trial. All together Murphy is a puzzle."

Colpitts vs Hagerman.

The case against Dr. Hagerman for violation of the Canada Temperance Act was finished on Thursday night last. It appears that when the Brighton Engineers were in camp at East Florenceville in September J. R. Tompkins gave one Chris Gegie who was a private, a written order on Dr. Hagerman for something or other and Chris went and got the order filled. Some one got wind of the transaction and thinking the order was for liquor, caused an information to be laid against Dr. Hagerman. Chris swore that he received the order, gave it to the doctor and returned with the parcel. He did not know what the order was nor what the parcel contained. Capt. Tompkins gave evidence. The order was for several pounds of pot barley. It was the only order he sent to Dr. Hagerman. He sent no order for liquor whatever. The order itself was given in evidence. It became perfectly clear to the prosecution and the judge that there had been no whisky in the transaction. Mr. Connell did not ask for a conviction Charles Appleby appeared for Dr. Hagerman.

Insurance Case.

A case of considerable interest was tried at the Circuit Court on Monday. It was cited as S. E. Campbell vs. Commercial Union Ass. Co. S. E. Campbell the plaintiff purchased some time ago the old Chase mill above Houlton. It was burned to the ground the 19th of January last. \$2300 worth of insurance had been carried on the mill. When it came to be time for a settlement with the company, the latter refused to pay the claim in full. They made an offer of \$1500, which the plaintiff refused to take. The defence claimed that the policy did not cover all the mill, but only a portion of it, and they also set up the claim that the proof of loss had been served on Miss M. M. Allen instead of on a regular agent of the company. Hartley & Carvell and L. A. Currie of St. John appear for the plaintiff; M. B. Dixon of St. John for the defendant.

Yesterday morning, it was agreed to adjourn the court until the 17th of November, when this case will be tried.

A BADLY BUNGED EYE

HAS ALVIN D. CLARK WHEN HE COMES TO WOODSTOCK.

To Lay a Complaint against Geo. A. Lamaroux.—Examination before P. M. Dibblee and Defendant is sent up for Trial.—Brought Home for Burial.

Before Police Magistrate Dibblee on Saturday afternoon a serious assault case was tried. Both parties live in Greenfield of this county.

Alvin D. Clark of Greenfield, said: I am the complainant. On Thursday last, when I drove home George Lamaroux was in my house waiting for me. He followed me out to the yard where I was taking out my horse. We seemed friendly. He followed me into the stable. While I was unharnessing my horse he asked me why I stopped his team from ploughing. I said because I had a right to. He asked me what right I had. I told him while I occupied the land I controlled it, and my time did not expire until next March. He said the premises were his. I asked him how that was. He said he had bought them. I asked him when. He said the other day. I asked him if he had a deed, and he said, no. I said I had never been notified that he had bought the land, and while I occupied it should control it. He said with a big oath, I will be there before daylight ploughing. I said I forbid you drawing another furrow on these premises while I remain here. He said again I will be there before daylight ploughing, if you prevent me I will murder you on the spot. I said I shall not create a trouble but I simply forbid you now, and will carry it to action if necessary.

He wanted me to come out on the road and he would knock the d— face off me. I said I did not want to fight and would not. I said if that is the man you are, I want nothing to do with you. Get off my premises and eternally stay off. He said they are not your premises, I'll come back and knock the d— face off you. He started toward me on the run, pulling off his coat as he went, jumped and struck me in the face. I had on a big fur coat buttoned up. I don't know whether the blow or that I tripped on my coat made me fall. He continued kicking me after I had fallen down. I tried to recover but could not recover myself. I said, George, for God's sake that will do. He said I'll kick the — — big heart out of you. He still kicked and struck me. I hollered "murder" and he left. I had writings of the premises on which I am. I saw Dr. Rankin he said my skull was fractured and my nose probably broken. The assault was on my farm in the parish of Wicklow of this county.

The prisoner said that the complainant told him to get on the road, or he would boot him on the road. He then called me a liar, and I struck him.

The witness denied that.

When the prisoner said I am no lawyer and you are not either, I said "George let me reason with you. I don't want you to plough while I have the premises. I did nothing to provoke the assault."

On Tuesday morning the enquiry into this case was continued. Dr. Rankin testified that Clark consulted him. He, Clark had sustained an injury to the base of the nose, and there was a slight fracture to the upper nasal. There was also an abrasion under the right eye and other bruises. The magistrate committed Lamaroux for trial at the next county court in December. His bail in \$400, and two sureties, his father, and Mr. Stephen B. Appleby in \$200 each were taken for the defendant's appearance in court.

Brought Home For Burial.

Dr. R. H. Upham and Mr. M. C. Upham of Boston, arrived in Woodstock on Thursday last with the remains of their mother, the late Mrs. T. C. Upham, who died in Boston, the first of the week. The remains were buried in the parish churchyard on Friday afternoon, Archdeacon Nesles officiating, and a number of relatives and friends of the deceased attending. Mrs. Upham, whose maiden name was Elizabeth H. Hay, was born in Digby, N. S. Her father moved to St. John and subsequently to Woodstock. Here Miss Hay was married Mr. T. C. Upham, in 1836. Afterwards they moved to Boston. Mr. Upham died five years ago and his remains were brought here for burial. The two sons already mentioned are the only children. Brundage Hay, Mrs. W. S. Corbett of Woodstock; Thos. L. and G. W. Hay, St. John, are relatives of the deceased, and Mr. Henry Upham of Woodstock is brother-in-law.

Mrs. Upham's mother was Miss Hester Naylor, of Danbury, Conn. She came to Nova Scotia, after the revolution, with the loyalists.