

# BIRCHALL IS GUILTY.

## SO DECIDED BY THE JURY IN A VERY FEW MINUTES.

### After a Short Deliberation They Return With a Verdict for Murder in the First Degree—The Prisoner to Hang Nov. 14—Story of the Trials of the Wife.

WOODSTOCK, Ont., Sept. 30.—At the Birchall murder trial yesterday Blackstock, for the defense, spoke for five hours. He reflected on the alleged reckless methods of the prosecution and the apparently careless manner in which witnesses for the crown seemed ready to swear away a man's life. His summing up was on the evidence bearing on Birchall's identity. Discussing on the moral character of his client, he said he was unable to point out an example of the course observed by Birchall which would be consistent with his professed honesty of purpose. The only explanation of Birchall's statements to Pelly and Benwell, inducing them to come out there, which Blackstock could offer was that Birchall expected to secure through them money to enable him to go into business and make good his promises. He denounced the manner of conducting the identification of the prisoner as disgraceful, and appealed to the jury to think only of the evidence before them in making up their minds. The time would come when the mystery surrounding this crime would be cleared away. He closed with a touching reference to the devotion of Mrs. Birchall.

Oster closed the case for the crown. He reviewed the story in detail and analyzed Birchall's negotiation with Benwell into one fact—a plan to entrap young Benwell to make a representation he knew would be false to the moment he arrived in Canada. The motive was to secure the \$500. He detailed Birchall's dealings with Pelly and said the outcome of all this fraud and deception could be but one thing and that was Benwell's swam. "Look at it all as you read the correspondence; read between the lines and you will see there just the simple, awful word 'murder.'" The jury retired at 9 o'clock last night.

The judge in his charge to the jury reviewed many points in the case at length. He pointed out the difference between direct and circumstantial evidence, showing that the latter, when conclusive was the far more reliable. He called attention to the important fact that Birchall had keys to Benwell's baggage and reverted to the letters written by the prisoner to Benwell's father. If the \$500 was sent to the firm as requested in the letter any member of the firm could claim it. The prisoner speaks of the purchase of another piece of property and that Benwell would write by the next mail. What was the object of these letters? All was deception and the prisoner must have known Benwell would never write such a letter to his father. The condition of the clothing on the body found, the thought, disproved the theory of the murder was for plunder. The significant mark on the clothing had been removed, and had it not been for the finding of the cigar holder, Benwell's death would always have remained a mystery.

The jury retired at 9:30 and returned at 11:30 with a verdict of murder in the first degree.

When asked if he had anything to say why sentence should not be passed upon him, Birchall replied: "Simply, I am not guilty of murder."

The judge then said: "I fully concur with the verdict of the jury," and sentenced Birchall to hang the 14th of November.

This morning she was told of the verdict in the presence of the physician and bore up bravely. Stricter watch is kept over Birchall. Many believe he will cheat the gallows by committing suicide.

### THE PRISONER'S WIFE.

How She Conducted Herself Before and During the Trial.

WOODSTOCK, Ont., Sept. 30.—One of the interesting figures in the great trial is Mrs. Birchall, the prisoner's wife. She has won many friends in Woodstock, and those who regard Birchall as the most cold-hearted scoundrel that has been on the horizon of public notoriety in a long time, sympathize tenderly with his wife. A refined and cultivated Englishwoman, handsome, accomplished and dashing, she is regarded as having wrecked her happiness and thrown away her life on a worthless wretch. Few people who knew Mrs. Birchall when she first came to Woodstock, or who saw her at Niagara Falls before the dreadful revelation of the gloomy Tamarack swamp, would now recognize her. In the gaunt, pale and shrunken figure which at rare intervals is seen upon the streets. In seven months she has changed from a young and comely girl, lively, cheerful and attractive, with the bloom of English health upon her cheeks, to a sad and prematurely white-haired woman with shrunken eyes and pallid face. Mrs. Birchall is living here at the Commercial hotel, on Graham street, and, aside from her husband, the only person with whom she has any intercourse is her sister, Mrs. West-Jones. The latter came out from England in March with her father, David Thompson, who is traffic manager of the London & Northwestern railway and a man of some means. He arrived at Niagara Falls on March 25, and, after spending about ten days there, making one visit to his son-in-law in Woodstock jail, he returned, leaving Mrs. West-Jones with her sister. The two removed to Woodstock in April, and have been there ever since at the Commercial hotel. During the summer they avoided all society and kept to themselves and have never left the town except upon one occasion when they went out to the Tamarack swamp to see the place where Benwell met his death. For this trip they selected a dull, rainy morning when few people were about and they drove out of Woodstock by the back lanes to avoid observation.

Mrs. Birchall is a tall, light-complexioned woman with light-brown hair and large, pensive blue eyes. She always dresses smartly and seems to have an unlimited supply of rich, expensive gowns. During the trial she only appeared once in court, when she went to hear her indictment disclosed on Tuesday morning. Yesterday she took a short walk on Dundas street, the main street of the town, with her sister. Mrs. Birchall carried a large

bunch, of long stemmed roses and wore a dark blue and white silk gown, long suede gloves and a short black fur cape. While Mrs. Birchall never was quite so plump and rounded as Mrs. West-Jones was, when she arrived in America in February, strong and well built. It is said she has lost nearly thirty pounds in weight, and now weighs about 100 pounds. She has been in steadily declining health ever since Benwell's body was found and her husband arrested. At one time it was believed in Woodstock that she had never been married to Birchall, but that story was set at rest when a copy of the marriage register in England was introduced in court as evidence. Almost every evening she goes to the Woodstock jail to see her husband. He is in much better health than she is. She has a horror of reporters and avoids publicity because she is pointed out and stared at.

It is a mystery who is putting up the money for Birchall's defense. Mr. Stephenson, who, while detesting Birchall, would not like to have a son-in-law hanged, is believed to have contributed largely to the cost of the defense. The government detectives here have a card of Birchall's as a theatrical manager and the assertion has been made that his wife had been an actress. When asked if that were true Birchall showed more indignation than when charged with the murder. It is not generally known that he and his wife spell their names differently. At one time she signs all letters "Birchell" and at another "Birchall," and they have cards printed both ways. He says that the reason he changes the spelling is that one branch of his family in England use "Birchell" and the other "Birchall," and that expecting a legacy some day he wishes to please both sides. Mrs. Birchall is in receipt of many letters from England by every mail, but none arrive for her husband. Mrs. West-Jones is regarded as the handsomest woman in Woodstock. She dresses in even a more pronounced manner than her sister and attempts in every way to divert her attention from the events of the trial. Every evening they read the reports of the proceedings in court and talk it over with the prisoner.

### FAITH IN PARNELL.

Confident in the Ultimate Success of His Movement to Secure Home Rule.

CHICAGO, Sept. 30.—At the Palmer house, last night a complimentary dinner was given to W. J. Hynes, the well-known Chicago lawyer who has for a long time taken a conspicuous part in the Irish affairs of this country, who has just returned from a visit to Ireland. The dinner was given by M. E. Stone, W. K. Sullivan, John R. Walsh, Judges Pendergast and Morgan and a number of other friends of Hynes, over a hundred in all.

In the course of the after-dinner speech Hynes gave a review of his observations in Ireland, and said he met no man of "national sentiments" in Ireland who had not implicit faith in Parnell and confidence in the ultimate success of his movement to secure home rule. Hynes said that up to the advent of Parnell's movement he believed in the efficacy only of "organized force honorably employed" for the attainment of Ireland's autonomy, but since the inauguration of Parnell's policy that had had his undivided support. No one, he said, who had made a personal visit to Ireland and seen the condition of the people could regard the absentee landlord as anything but a bird of prey.

Speaking of the failure of the potato crop he said that from personal observation he knew there was no exaggeration in the reports and that absolute starvation followed a failure of this crop. In conclusion, Hynes spoke of the uniform courtesy and consideration with which he had been received by members of parliament and those prominent in the Irish cause.

### DEATH OF A CHEROKEEAN.

Col. Boudinot, Lawyer, Statesman and Orator, Passes Away at His Home in Fort Smith.

Fort Smith, Ark., Sept. 30.—Saturday Col. Elias Cornelius Boudinot, the lawyer, statesman and orator, breathed his last after an illness of about eighteen days. He was buried Sunday with Masonic ceremonies. Col. Boudinot was a quarter blood Cherokee Indian. He was born in New Echola, Ga. His Indian ancestors were noted for their prowess in war and their eloquence and sagacity in the councils of their country. In 1861 he was secretary of the convention which took Arkansas out of the union. At the adjournment of this convention he went to the Cherokee nation and raised a regiment of Cherokees for the confederate army. He was elected major of this regiment and afterward became lieutenant-colonel. Col. Boudinot became a member of the confederate congress, in which capacity he served until the war closed. Shortly after the war he became involved in a dispute with the federal government, which dispute was finally settled by an act of congress in 1871. In a speech in the Cherokee nation he put forth the idea that the Indians should drop their tribal customs and become citizens of the United States. For this he was forced to flee from the Indian territory to see his wife, but latterly the Indians of the territory had become reconciled to his doctrine and satisfied he was their best friend.

### EXODUS FROM KANSAS.

On Account of the Crop Failure Many People Are Seeking New Homes.

ARCHISON, Kan., Sept. 30.—There is an extraordinary exodus of people from western Kansas on account of the crop failure. The rush is so great that the railroads have sent agents into the country to work for business. There is no work in the country and the near approach of winter is literally driving the poor people away. All who can buy an outfit travel overland, while others take passage on the railroads. Farmers who have spent from five to twenty years trying to make a success are, some of them, selling out, and others abandoning their claims to the mortgages and getting away. A prominent railroad man in this city who was in Smith and other counties last week looking for business was told by a farmer who has lived twenty years on one farm near Superior that he is offering everything at a sacrifice and will leave a large party for Louisiana, where the most of the emigrants are going. He is satisfied that western Kansas will not produce sure crops in his lifetime, and he will therefore leave. Hotel men are also selling out and getting away. Jobbing houses have ceased sending their traveling men in the country, and, in consequence, the hotel business has fallen off practically to nothing. While the tide is largely in the direction of Louisiana, many emigrants are going to Oregon.

### Pan-American Expenditures.

WASHINGTON, Sept. 30.—The secretary has sent to the senate a statement of the disbursements from the appropriation for the expenses of the Pan-American conference. The appropriation was \$125,000 and the expenditures \$124,979.89, the balance being turned into the treasury.

### Birth and Death of Parties.

The course of American politics, not alone in this generation but ever since the founding of the republic, has been one of transition. The birth and death of political parties has followed the evolution of ideas. It follows that ideas create political parties and sustain them in periods of activity. When a political party has outlived ideas and depends for power solely upon past achievements it is beating the air in a futile attempt to delay the hour of its dissolution as a political entity.

It is hardly necessary to remind the American people that this constant reconstruction of parties is a sign of political health. When a great political party can no longer appeal to the judgement of the masses its vitality necessarily becomes either stagnant or corrupt. Narrowing parties may die, but the great mass of intelligent and do not divide; while real-ists and scisms are easily worked up in the ranks of the oppressed.—*Ex.*

Yes there is a Republican scheme in this second congressional district of Kansas. It is plain on its face that even he who runneth can see it. It's here from Wall Street. It's here in the interest of monopoly for the purpose of crushing the people. Farmers, laborers and all true friends of the people, stand shoulder to shoulder for your rights.—*Kansas Agitator.*

### They are Both Right.

Two of our valued correspondents write as follows: "The first says, 'I am afraid this Independent move is intended to defeat the Democratic party.'" "The second says, 'I am afraid your Independent party was started to defeat the Republican party this fall.'" We think the fears of both our correspondents well grounded, but we do not see the necessity of fear. If both the old parties had been retired to a state of "innocuous desuetude" some years ago it would have been a cause for universal rejoicing.

We hope the fears of our correspondents will be fully realized.

THE wonderful growth of the independent movement in politics in the west and south, gives promise to the toilers that better days are in store for them. Too much can not be expected this fall, but the ice will be broken, and two years hence the controlling power in the national congress will be in the hands of honest men to whom the power of King Caucus is unknown and unfeared. Men elected by the people freed from party thralldom, will see that justice is done to the poor man. The independent movement in politics is in to stay, and God speed the day when it shall be able to supplant entirely corrupt and unwholy monarchy now fastened upon us by the old party leaders.—*St. Joseph (Mo.) Labor World.*

We believe that under just systems nineteen out of twenty men would have the necessities and many of the luxuries of life all along, and when old age should creep on—that time of life when nature warns to cease from toil, would be possessed of sufficient to keep them the balance of their days in comfort and without active labor. But how is it? What percent of the old men after thirty or forty years of hard work and self denial are so situated? Inquire into the condition of the first twenty men you see.—*Chillicothe (Mo.) World.*

Now that King REED has constituted himself the legislative branch of the government and is trying to gather in a portion of powers of the judiciary, his freaks are entitled to some consideration, aside from that which the ordinary charlatan gets. His latest "fad" in his legislative capacity was the attempt to lock the members of the house of representatives up until they would agree to obey him, when Representative KILGORE, of Texas, became unruly and kicked the door down, and several of the members broke out with out consulting Mr. REED.

We suspect the next thing the undaunted REED will do will be to soundly spank all the members of the house and send them to bed without their suppers, and as for the incorrigible KILGORE, he may find himself locked up in a dark closet for a week or two at least, on an allowance of bread and water. What business has a representative of any portion of the American people to an opinion as to what ought to be done in congress, anyway? Can't REED tell them all they ought to know?

In his judicial capacity Mr. REED is considering the question of the constitutionality of the journal of the house. If he should decide it unconstitutional and abolish it, he could then kick the members out of doors, keep them in at noon, and chastise them in anyway he saw fit, without the fear of having such a thing as an official record, for there would be none except what he himself might see fit to declare such.

However to consider the matter seriously—but the idea of a congress of one man and that man THOMAS BRACKET REED—we give it up.—*Sioux City Liberty Bell.*

SCRATCH a rampant third or fourth party man and you find an assistant Democrat.—*S. C. Journal.*

THE Democrats seem to have a deal of assistance this year. In fact that's about all there is of the Democratic party.

CAN you assist monopoly in robbing labor and expect people to call you an honest man? Perhaps you have not thought of this. You had better stop and think of it before you go to vote again.—*St. Louis Monitor.*

THE St. Louis Monitor says party lines are getting pretty badly torn up in Missouri this year. Voters are declaring themselves free and independent people, and, as such, will give their tickets a lively scratching.

DON'T kick the banker too hard. He is simply taking advantage of the condition of things you have been voting for.—*Burr Oak (Kan.) Western Advocate.*

THE next meeting of the National Farmers' Alliance and Industrial Union will be held at Osceola, Florida, in December next.—*Georgia Farmer.*

He has done neither and for this I denounce him. The Republican party cannot afford to follow the lead of a branded criminal. He has failed to justify himself, and though opportunity and ample time have been given him, he remains silent. His silence under such circumstances is the con-

cession of guilt. An honorable man does not long daily when his honor is assailed. He has delayed too long to justify the belief in his innocence, and he stands a convicted criminal before the bar of public opinion. Under such circumstances he should be driven from the head of a party whose very life his presence imperils. The Republican party done enough for its pretended leader. Let him be relegated to the rear. It is no longer a question of his vindication; it is now a question of the life of the party itself.—*Sioux City Liberty Bell.*

### G. O. P. Schemes.

The scheme of the Republican party in every congressional district where the people have some chance of victory is to divide the liberty vote and thus secure a walk-over for monopoly. To accomplish this there is a big corruption fund always ready. The forces of the party are intelligent and do not divide; while real-ists and scisms are easily worked up in the ranks of the oppressed.—*Ex.*

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