

THE INFORMER CASE!

We now give the conclusion of our verbatim report (taken by Mr. James Crankshaw, B.C.L., Professional shorthand Reporter), of the trial of the McNamee-Whelan libel case as follows:—

Mr. D. MACMASTER, Q.C., addressing the Court on the legal aspect of the case, referred particularly to the personal liability of the defendant, and in reply to the contention that the defendant was not liable for the publication of the libel, he contended, and he contended, that the defendant, as managing director of the Post Publishing Co., was undoubtedly concerned in this publication and was consequently properly indicted.

Mr. KERR suggested a difference between that case and the present one is in the fact that Gagnon was the proprietor.

Mr. Justice RAMSAY—In that case it was the negligence of Gagnon, as proprietor, in allowing the article to appear in the paper that rendered him liable.

Mr. MACMASTER contended that the fact of the defendant having signed and sworn the affidavit of propriety and deposited according to law, and being the proprietor of the shareholding, and the managing director of the company, made him liable under the authority of the libel act.

Mr. MACMASTER then proceeded to address the jury. He said it was not his intention to detain them long as they must already be weary with the amount of time this trial had taken, and he had no doubt they desired to escape as soon as possible from the duties imposed upon them, however determined they might be, as he was sure they were, to discharge those duties properly.

He would not attempt to imitate the plan of the learned counsel who had first addressed them on behalf of the defendant, and who had gone a number of times over the evidence that had been adduced in the case, and some that had not been adduced, until the tale might be looked upon more in the character of a chapter from the "Arabian Nights."

What was the indictment against Mr. Whelan? On taking up the newspaper article proved in the case, they found that, on the 15th of March last, the defendant published to the world five or six very serious charges against Mr. McNamee.

What was the basis for that charge? The basis was that Mr. McNamee was a member of the Hibernian Society, which was established in Montreal, in the fall of 1862, and with which he was in it but a short time; and Mr. O'Meara had told them that at that time the objects of the Society were to give Ireland the same privilege of self-government as we now enjoy in Canada.

What was the charge against Mr. McNamee? It was that he was an informer, and that he had betrayed the Fenian movement to the Government.

Now, gentlemen of the jury, as honorable men, called upon to decide in the interests of justice between these two parties, you are confronted with this position of affairs. One says, "If you have a charge to make, make it openly;" the other says, "I have made an investigation; I have spared neither time, labor nor expense, and I make the following charges as the result."

laudable under some circumstances to be an informer, as, for instance, when a man sees a violation of the peace and takes means to have the culprit arrested; but in this accusation against my client there is not merely the charge of being an ordinary informer,—grievous though that may be,—but the charge of treachery damned by envy.

Then came the third charge, and that was that Mr. McNamee was a crimp and bounty broker, and the too plain insinuation being that Mr. McNamee had spirited men over into the United States at the time of the American war, and forced them into a foreign army, receiving a price from the American authorities.

These were the charges made, and he thought they would all admit as men to whom a good name was dear, that they should not be made unless they were true, and it was for the public good they should be published to the world.

He thought they would all admit as men to whom a good name was dear, that they should not be made unless they were true, and it was for the public good they should be published to the world. No one could afford to have the opprobrium of his private life turned open to the public gaze; for man was not perfect.

What was the basis for that charge? The basis was that Mr. McNamee was a member of the Hibernian Society, which was established in Montreal, in the fall of 1862, and with which he was in it but a short time; and Mr. O'Meara had told them that at that time the objects of the Society were to give Ireland the same privilege of self-government as we now enjoy in Canada.

What was the charge against Mr. McNamee? It was that he was an informer, and that he had betrayed the Fenian movement to the Government.

Now, gentlemen of the jury, as honorable men, called upon to decide in the interests of justice between these two parties, you are confronted with this position of affairs. One says, "If you have a charge to make, make it openly;" the other says, "I have made an investigation; I have spared neither time, labor nor expense, and I make the following charges as the result."

Now, gentlemen of the jury, as honorable men, called upon to decide in the interests of justice between these two parties, you are confronted with this position of affairs. One says, "If you have a charge to make, make it openly;" the other says, "I have made an investigation; I have spared neither time, labor nor expense, and I make the following charges as the result."

ed that this first charge with regard to Fenianism was not made out. Sympathy for it was not the charge against his client, but men were not to be punished for sympathizing. There was entire lack of proof in relation to the second charge, the gravamen of which was that the prosecutor organized a Fenian Society for the purpose of drawing in and afterwards betraying his dupes to the Government for gain.

The third charge was that the prosecutor, during the American war, was engaged as a crimp and bounty broker, and employed agents in the business.

He would ask the gentlemen of the jury what evidence had they of that? Had they any evidence whatever of it? If they were to take up the plea of the defendant they would see that he put forward the names of men in the city of Montreal and Quebec who were to prove that plea.

The next charge was that the prosecutor had offered a person \$500 to put daylight through Mr. Brydges, because he had been injured by him. There was a point of law specially applicable to this as to the other portions of the case, as to whether even if this charge were true it was in the public interest that it should be published in the newspapers.

What was the basis for that charge? The basis was that Mr. McNamee was a member of the Hibernian Society, which was established in Montreal, in the fall of 1862, and with which he was in it but a short time; and Mr. O'Meara had told them that at that time the objects of the Society were to give Ireland the same privilege of self-government as we now enjoy in Canada.

What was the charge against Mr. McNamee? It was that he was an informer, and that he had betrayed the Fenian movement to the Government.

Now, gentlemen of the jury, as honorable men, called upon to decide in the interests of justice between these two parties, you are confronted with this position of affairs. One says, "If you have a charge to make, make it openly;" the other says, "I have made an investigation; I have spared neither time, labor nor expense, and I make the following charges as the result."

Now, gentlemen of the jury, as honorable men, called upon to decide in the interests of justice between these two parties, you are confronted with this position of affairs. One says, "If you have a charge to make, make it openly;" the other says, "I have made an investigation; I have spared neither time, labor nor expense, and I make the following charges as the result."

most in Irish affairs, and he said there were fewer members in St. Patrick's Society since McNamee was the President of that Society. If the charge made in the last accusation was a grievous one against Mr. McNamee, it was far more grievous against the Irish people.

Would Mr. Bernard Tansey undertake to swear that anything done by Mr. McNamee would detract him from taking an interest in Irish affairs. Is Mr. Tansey any less an Irishman now than he was ten years ago? When did the time arrive that Irishmen would behold back? This was a slur on the Irish name.

He would ask the gentlemen of the jury what evidence had they of that? Had they any evidence whatever of it? If they were to take up the plea of the defendant they would see that he put forward the names of men in the city of Montreal and Quebec who were to prove that plea.

The next charge was that the prosecutor had offered a person \$500 to put daylight through Mr. Brydges, because he had been injured by him. There was a point of law specially applicable to this as to the other portions of the case, as to whether even if this charge were true it was in the public interest that it should be published in the newspapers.

What was the basis for that charge? The basis was that Mr. McNamee was a member of the Hibernian Society, which was established in Montreal, in the fall of 1862, and with which he was in it but a short time; and Mr. O'Meara had told them that at that time the objects of the Society were to give Ireland the same privilege of self-government as we now enjoy in Canada.

What was the charge against Mr. McNamee? It was that he was an informer, and that he had betrayed the Fenian movement to the Government.

Now, gentlemen of the jury, as honorable men, called upon to decide in the interests of justice between these two parties, you are confronted with this position of affairs. One says, "If you have a charge to make, make it openly;" the other says, "I have made an investigation; I have spared neither time, labor nor expense, and I make the following charges as the result."

Now, gentlemen of the jury, as honorable men, called upon to decide in the interests of justice between these two parties, you are confronted with this position of affairs. One says, "If you have a charge to make, make it openly;" the other says, "I have made an investigation; I have spared neither time, labor nor expense, and I make the following charges as the result."

St. Patrick's Society; and that it was his right to criticize him. So it was, so long as he fought with the sword of truth; but when he took up the dagger of falsehood and endeavored to stab Mr. McNamee, then he was guilty of a crime, and he must suffer the penalty.

"We make these charges," said the article, "calmly and deliberately in the fulfilment of what we feel is a sacred duty. In his speech, to which we have already referred, Francis Bernard McNamee declared that he would leave the charges brought against him to the verdict of the public. We have now laid before the Grand Jury of his choice the indictment upon which we have felt it our duty to arraign him."

He would ask the gentlemen of the jury what evidence had they of that? Had they any evidence whatever of it? If they were to take up the plea of the defendant they would see that he put forward the names of men in the city of Montreal and Quebec who were to prove that plea.

The next charge was that the prosecutor had offered a person \$500 to put daylight through Mr. Brydges, because he had been injured by him. There was a point of law specially applicable to this as to the other portions of the case, as to whether even if this charge were true it was in the public interest that it should be published in the newspapers.

What was the basis for that charge? The basis was that Mr. McNamee was a member of the Hibernian Society, which was established in Montreal, in the fall of 1862, and with which he was in it but a short time; and Mr. O'Meara had told them that at that time the objects of the Society were to give Ireland the same privilege of self-government as we now enjoy in Canada.

What was the charge against Mr. McNamee? It was that he was an informer, and that he had betrayed the Fenian movement to the Government.

Now, gentlemen of the jury, as honorable men, called upon to decide in the interests of justice between these two parties, you are confronted with this position of affairs. One says, "If you have a charge to make, make it openly;" the other says, "I have made an investigation; I have spared neither time, labor nor expense, and I make the following charges as the result."

Now, gentlemen of the jury, as honorable men, called upon to decide in the interests of justice between these two parties, you are confronted with this position of affairs. One says, "If you have a charge to make, make it openly;" the other says, "I have made an investigation; I have spared neither time, labor nor expense, and I make the following charges as the result."

of the land into statutes, and though that was laudable, it was dangerous to meddle with the fixed principles laid down by the collective wisdom and genius of ages. It had been suggested that the statute divided libel into two different degrees, one for publishing a libel knowing it to be false, and the other where there was no knowledge of its falsity.

"We make these charges," said the article, "calmly and deliberately in the fulfilment of what we feel is a sacred duty. In his speech, to which we have already referred, Francis Bernard McNamee declared that he would leave the charges brought against him to the verdict of the public. We have now laid before the Grand Jury of his choice the indictment upon which we have felt it our duty to arraign him."

He would ask the gentlemen of the jury what evidence had they of that? Had they any evidence whatever of it? If they were to take up the plea of the defendant they would see that he put forward the names of men in the city of Montreal and Quebec who were to prove that plea.

The next charge was that the prosecutor had offered a person \$500 to put daylight through Mr. Brydges, because he had been injured by him. There was a point of law specially applicable to this as to the other portions of the case, as to whether even if this charge were true it was in the public interest that it should be published in the newspapers.

What was the basis for that charge? The basis was that Mr. McNamee was a member of the Hibernian Society, which was established in Montreal, in the fall of 1862, and with which he was in it but a short time; and Mr. O'Meara had told them that at that time the objects of the Society were to give Ireland the same privilege of self-government as we now enjoy in Canada.

What was the charge against Mr. McNamee? It was that he was an informer, and that he had betrayed the Fenian movement to the Government.

Now, gentlemen of the jury, as honorable men, called upon to decide in the interests of justice between these two parties, you are confronted with this position of affairs. One says, "If you have a charge to make, make it openly;" the other says, "I have made an investigation; I have spared neither time, labor nor expense, and I make the following charges as the result."

Now, gentlemen of the jury, as honorable men, called upon to decide in the interests of justice between these two parties, you are confronted with this position of affairs. One says, "If you have a charge to make, make it openly;" the other says, "I have made an investigation; I have spared neither time, labor nor expense, and I make the following charges as the result."

PROFIT, \$1,200.

"To sum it up, six long years of bed-ridden sickness, costing \$200 per year, total \$1,200—all of this expense was stopped by three bottles of Hop Bitters, taken by my wife. She has done her own housework for a year since, without the loss of a day, and I was everybody to know it for their benefit."

MOTHERS! MOTHERS! MOTHERS!!! Are you disturbed at night and broken rest by a sick child suffering and crying with the excruciating pain of cutting teeth? If so, go at once and get a bottle of WINDLOW'S SOOTHING SYRUP. It will relieve the poor little sufferer immediately. Depend upon it; there is no mistake about it. It is not a mother on earth who has used it, who will not tell you at once that it will regulate the bowels and give rest to the mother, and relief and health to the child. It is perfectly safe. It is perfectly effective. It is in all cases, and pleasant to the taste, and in the prescription of one of the oldest and best female physicians and nurses in the United States. Sold everywhere at 25 cents a bottle.