OPENING ADDRESS OF CROWN COUNSEL.

History of the Case and Evidence of the Whalen Family.

NEARLY TWO HUNDRED WITNESSES.

LONDON, Oct. 4.—When Mr. Justice Armour took his seat on the bench at halfstanding that admittance was limited to grand jurors, petit jurors, litigants, witnesses, lawyers, pressmen, and a few ticket holders, was crowded. In view of the expected prolonged character of the series of Biddulph trials which were about to commence the longed character of the series of Biddulph trials which were about to commence, several little details for the convenience of those who had to attend it had, it was noticed, been during the two days' recess attended to. For the comfort of the counsel the seats and tables had been re-arranged. For the convenience of the official stenographer a platform and desk had been erected immediately opposite the witness-box, and for the assistance of the jury a large map of that portion of Biddulph township in which the persons connected with the tragedy resided had been put up in the rear of the witness-box. The map was drawn in three divisions, the first showing the witness-box. The map was drawn in the rear of the witness-box. The map was drawn in three divisions, the first showing the positions of the farms of the Donnellys and the vigilantes; the second showing on a large scale the geography of Whalen's Corners, where Wm. Donnelly lived; and the third indicating on a larger scale they did the first where Wm. Donnelly lived; and the third indicating on a larger scale than did the first division the relative positions of Whalen's and Donnelly's houses. The counsel in attendance were Mr. Irving, Q.C., assisted by Mr. Jas. McGee and Mr. Hutchinson, for the Crown; and Mr. W. R. Meredith, Q.C., Mr. Hugh McMahon, Q.C., assisted by Messrs. J. J. Blake and Geo. McNabb, for the dafence. The Court having been opened with the usual formalities, Mr. Irving directed that Jas. Carroll should be placed on trial on the charge of murdering Judith Donnelly. The placing of CARROLL ON TRIAL BY HIMSELF,

and the not improbable, though not expressed, prospect of the remaining prisoners being tried singly on each of the four indictments against them, should they not be convicted on the indictment first taken up, when it is considered that there may be a should they are given a slight when it is considered that there may be a hundred witnesses in each case, give a slight idea of the length of time which will be consumed in the hearing of the entire case. The unpleasant character of the trial would, it was feared, lead to a difficulty in the selection of jurors. This difficulty has not occurred, and the absentees, though it was said they would be numerous, have been comparatively few. When the jury was caffed only two jurors failed to answer to their names, but later on, when the challenges were made, eight more failed to answer. Fourteen jurors were challenged—with evident satisfaction to themselves—on behalf of the prisoners, and seven on behalf of the prisoners, and seven selves—on behalf of the prisoners, and seven on behalf of the Crown. One juror who was called into the box was excused on the ground of his father's illness. Another one was pointed out by Mr. McMahon as being very deaf.

deaf.

"Are you so deaf that you will not be able to hear if you have a seat near the witness-box?" asked the Judge.

"I have been obliged to sit in a front pew in church foreyears," was the young man's reply, "I feel I would not be able to do justice to so important a case." He was ordered

The challenges came in in one or two cases so close upon the point where the juryman had commenced his oath, that his Lordship ruled that when a juror had placed his than on the book he could not then be challenged. Finally

THE JURY was empanelled. It stood as follows:— Thos. Hall, Wardville; Alex. Ross, Met-calfe; W. Knapton, London township; A. Calle; W. Knapton, London township; A. Brownlee, Westminster; W. Cameron, West Williams; Calver Birtch, Westminster; Wm. Spence, London; Jas. Douglass, Newbury; Jas. Rogers, London; W. Grant, jr., Biddulph township; Peter Hunter, North Dorchester; Jno. Drake, Caradoc. The jury having been sworn,

g been sworn, Mr. McMahon requested that the Crown Mr. McMahon requested that the Crown witnesses be put out of Court.
Mr. IRVING made a similar request regarding the witnesses for the defence.
The requests having been granted, the witnesses on both sides were called, and marshalled in Indian file into the grand jury and witness rooms. About a hundred and wents names, including those of several

twenty names, including those of general newspaper correspondents, were called on the side of the prosecution and forty-five, including those of the Rev. Father Connolly and Mr. Coughlin, M.P., were called for the defence. So many persons having been compelled to retire the audience was materially reduced in numbers.

ADDRESS OF COUNSEL FOR THE PROSECUTION. Jehnny Connors said was not admissible. In support of his point he quoted a case which occurred in England. A man named Bedenfield was accused of cutting a young woman's throat, and the only evidence against him was that the murdered girl shouted as she ran towards a friend, "Oh, see what Bedenfield has done," pointing at the same time at her throat. The conclusion to which the Chief Justice who presided at the trial came was that the only case in which such an exclamation could be used as evidence was where it was a dying declaration or while the felony was proceeding. If Connors had been one of the parties attacked, and he was in the course of his flight from persons committing a felony, his statement to a third party might be admissible.

On the part of the Crown, Mr. Irving contended that there was a distinction between the two cases. Mr. Inving then addressed the jury, giving them a concise history of the care. "This case," he said, "is one of no ordinary kind. The prisoner stands channel case," he said, "is one of no ordinary kind. The prisoner stands charged with having murdered Mrs. Judith Donnelly, in the township of Biddulph, on the morning of February the 4th. Mrs. Donnelly was the wife of a farmer living on what is known as the 6th line, the church, chapel, or Roman line of the township of Biddulph. She had three sons, two of whom ordinarily live in the house with her, and her husband, and there was staying with her at hysband, and there was staying with her at the time of the tragedy a niece named Bridget, who had but recently come from Ireland. It so happened that the same day old Donnelly and his wife had to appear beor five miles east of Lucan, to answer to the charge of having burnt down the barns of Mr. Ryder, who lived near them. All the family had to be at this investigation, and as it was important that some one should be at home to look after the chores, a son of Michael Copnors, of Lucan, John, a boy of twelve, was got to go out to the farm and stay there over-night. John Donnelly went in the evening up to Whalen's Corners, three miles distant, where he wanted to borrow a cutter for the morn. tended that there was a distinction between the two cases.

His Lordship ruled that what Connors told another person could not be gone into just then.

The Witness then proceeded—"I thought that the boy was crazy, and when he began to tell me that—"

"Now, now," called out Mr. Meredith, "you must not say what he said."

"Well, when he told me what he did tell me, I told him to take eare what he was saying, as he might not be telling the truth, and as he and I might be called up to the court. My husband went out to see the house which was barning, but found he could do nothing. I do not think he went to my son John's before he went to the house, neither do I remember now saying that he was going over to look for something." Connors went to bed. Before he went he said—"

"Mow, you must not say what the boy said." Me Meadth. we wanted to here we wanted goes the season of the season Whalen's Corners, three miles distant, where he wanted to borrow a cutter for the morning, and stayed there all night. So there was in the house the old man, Mrs. Donnelly, James Donnelly, Bridget, and the boy Connors. When bedtime came the old gentleman took the boy to sleep with him, and the others went to bed in various rooms, but before they went to bed a young man named Jas. Feehely visited them. When he went away he called at Patrick Whalen's house opposite, and after staying there saw two young women hamed McLaughlin home. When he was half way home with them he met three men, Jas. Carroll, the prisoner, being one of them. Now to return to the conduct of the victims of this tragedy. The Donnellys went to bed. At half-past one in the morning the boy Connors, who was awakened by a noise, saw a man standing by the bedside ordering old Donnelly to get up and dress himself. The boy says that the man who was standing there was the prisoner Jas. Carroll. The old man said to Carroll, 'what have you got against me new; show me your warrant.' 'Oh, there's time enough for that'. Carroll re-

The effect of getting an answer to such a question, his Lordship ruled, would be to make an insinuation against a person unknown, and there was no necessity for doing

that.

In reply to Mr. McMahon, the witness stated that there were valances around the four-post bedstead in which Johnny Connors and the deceased, James Donnelly, slept.

To Ma Irving the witness said that the partition between the two bedrooms in the Donnelly house extended to the cering.

THE FIRE AT THE DONNELLY'S.

there had been a good deal of, litigation and unfriendly feeling among the neighbours; barns were burned down, animals mutilated or stolen, and the Donnellys had been suspected. In fact a charge against them of burning one of Patrick Ryder's barns was to be tried on the morning of the day of their death. As an indication of the state of feeling which existed, I might mention that the clergyman of the parish got his parishioners to form a club for the purpose of mutual aid in discovering the perpetrators of crimes. I should say that the Church was that ancient form of Christianity known as the Church of Rome, and that is the reason why the road it was on was known as the Roman line. The club was in the habit of meeting at a school-house south of the Donnellys, which, because it was in the neighbourhood of a cedar swamp, was called the Cedar Swamp schoolhouse. Some members of the club formed themselves into another organization, known as the Vigilance Committee. This committee undertook to regulate what took place in the neighbourhood, and on one occasion authorized the prosecution of Thomas Donnelly before the Grand Jury for the robbery of a man named Ryan, and engaged in a search for a cow belonging to a man named Thompson, which had been lost. Regarding Thompson suspected the Donnellys of taking it. The committee thereupon, headed by Carroll, took upon itself to search Donnelly's premises, but there was no warrant issued authorizing such a search. Carroll declared, almost in terms of violence that he would put an end to these matters. The men—and there were forty of them—having violently searched Donnelly, who lived at Whalen's Corners, three miles from the old man's farm. Now, to go back to the burning of the Donnelly homestead. Patrick Whalen, though he knew of it, walked past the place the next morning, borrowed a horse, and went to where the trial of Donnelly as night had gone to his brother William's, and slept Donnelly house extended to the caring.

THE FIRE AT THE DONNELLY'S.

PATRICK WHELAN, husband of the previous witness, a characteristic Irish farmer, was examined by Mr. Irving. He said he could not remember what time he went to beed nor what time his write retired, but he knew that in the middle of the night the door was opened and he was awakened.

"My wife got up," he continued, "and the boy told her to get up the old man, I came down and stirred up the fire to warm up the boy. It took about ten minutes to fix the fire. I told him I thought he was very foolish to be out at that time of night, and he said a lot of men had come to Donnelly said."

"Oh, no, never mind that; you must not say what he said."

"Well, I looked out of the window and all I could see was like a lamp in the window. I looked a second time and thought the lamp was just going out, but when I looked again I saw the kitchen was on fire. I then went over to my John's place and saw him there is his shirt. I did not go back home to get my mits, but I ran across the fields to Donnelly's house."

The result is a second time and thought the lamp was just going out, but when I looked again I saw the kitchen was on fire. I then went over to my John's place and saw him there is his shirt. I did not go back home to get my mits, but I ran across the fields to Donnelly's house."

The results of the fire of the house all the bodies I had seen was one. I saw the trails of men's feet around the house, but I could not say the number. In the front of the house, between five and mine feet from the front door, I saw blood. I came to the house a second time, and that time the kitchen fell. I then saw a second body, that of Mrs. Donnelly, just to the left of the kitchen fell of the wind when I is the bodies I had had with Carroll, the prisoner. The case was settled by Martin McCarthy for me, and I went up to pay the expenses. I me Carey and others on the, way to Grantham. It delt them of the affair, but I do not shink.

The first of the first of the first of the ham to settle some costs regarding a trouble
I had had with Carroll, the prisoner. The
case was settled by Martin McCarthy for me,
and I went up to pay the expenses. I met
Carey and others on the way to Grantham.
I told them of the affair, but I do not think I and went to where the trial of Donnelly was to have taken place. The trial was, of course, adjourned. John Donnelly at night had gone to his brother William's, and slept there. In the middle of the night, and just after the hyrnings the other place the crowd

Whalen's Corners, ——"

Mr. McMahon here interrupted Mr. Irving, remarking that he did not know how far the learned gentleman might be justified in going into that case.

"It may that the Crown is trying to show," his "Lordship remarked, "that Carroll was at both places with a gang of men on an unlawful errand."

after the burning of the other place, the crowd of men came outside of Wm. Donnelly's, at

lawful errand.

o'clock.'

Shure, no; we have a bedstead," the

witness replied. "What I mean is, do you sleep up stairs or "I thought you wanted to know if I slept on the floor," (Langhton) on the floor." (Laughter.)

His Lordertp—"If I hear any laughter or disorder in the court I will clear the room and fine and send to gaot those who create the distributed."

A DISPUTED POINT.

at both places with a gang of men on an unlawful errand."

The counsel for the prosecution then proceeded to detail the circumstances of John Donnelly's murder, how William Donnelly was called for, how John ran to the door and was shot, and how that Carroll, the prisoner, was recognized by William Donnelly as one of the men engaged in the demonstration. He then related how the dying John Donnelly was hauled into the house by Hogan, and how that Nora Donnelly, William's wife, placed in his hand a blessed candle. "Through the whole of this terrible tragedy," he said, "there is one woman, Nora Donnelly, whose conduct will appear to us to have been almost evangelic." Herconcluded by observing that in some cases it was difficult to prove even that a crime had been Carnigan to put my name down. This was just when there was a talk about men going about burning barns, shaving horses tails, and cutting their throats. I do not know that there was any connection between the meeting in the school-house and the book increase in the church. ring in the school-house and the book signed in the church. As to joining the Vigilance Committee, I can only say that if going to the school-house was joining the committee then I must have joined it." difficult to prove even that a crime had been committed, but in this case no such difficulty presented itself.

The hearing of evidence was then commenced. The three first witnesses testified merely to the accuracy of the plans, and to the position of Donnelly's house.

Cross-examined by Mr. McMahon-"There A with 1800 with 1828 odd.

Ann William, sworn—"I am the wife of Patrick Whelan, and have lived opposite the Donnelly place seventeen or eighteen years. The night before the fire I went to bed about eleven o'clock. I think I was the last to go to bed. Our back door that night was not bolted. We often leave the door upholical. The next day he came to take her, and want-Jas. Feeheley, who was at the house in the evening, went home ahout eight o'clock. William Feeheley stayed till about ten ed to search my house. I would not let him, and took an axe to him. He then took me for assault, but we settled the case out of court, with the magistrate's consent." THE VIGILANTS' PLEDGE. ock,"
Do you sleep on the ground floor?" asked

The vigillants' plede.

The pledge which was signed at the church door was here put in. It reads:—"We the undersigned Roman Catholics of St. Patrick's of Biddulph pledge ourselves to aid our spiritual director and parish priest in the discovery, and putting down of crime in our midst. We at the same time protest as Irishmen and Catholics against any interference with him in the legitimate discharge of his spiritual

duties."

Mr. McManon proceeded to examine the witness as to individual cases of barn burning the disturbance."
The WITNESS continued—"Between one and two in the morning Johnny Connors came to my house and ran into my room. He and horse mutilation.

"I cannot go into the evidence of these burnings," his Lordship protested. "We cannot try them according to the character of the neighbourhood. The deeds are just as likely to have been done by one party as the Here Mr. MEREDITH interrupted the witness, contending that evidence as to what Jehnny Connors said was not admissible. In

"We want to show the necessity for the Vigilance Committee," Mr. McMahon sngthe committee."
"What we want to show is that the pur-

what we want to show is that the purpose of the committee was to detect crime and stop their depredations."

"The existence of the committee has been proved," his Lordship said, "but you know that such combinations, though commenced for one purpose, often carry out a very different purpose."

ent purpose."

John Whelan, eldest and married son of the last witness, testified to having seen the fire before the arrival of his father at his house. "I was awakened," he said, "by my child, who was sick, and, turring round to rock the cradle, I noticed through the window that Donnelly's place was on fire. My father came and awakened me and afterwards father came and awakeried me and afterwards went home—at least he said he was going home. I went to the fire; saw the tracks in the snow and the blood in front of the house. I went to my father's house afterwards, but I did not hear my mother say anything to John Connors. All I heard her say was, that whoever did it, it was a bad deed. I asked Connors myself very easy whether he knew who had done it. I mean by 'very easy,' in a low voice. I went to the fire again at eight o'clock. I saw Carroll that morning after I had come back from the fire. I saw him pass my house on the road. When I first saw the fire, I would not have gone out to the fire if my father had not come."

O: "Why?" A. "I did not care about

WILLIAM WHELAN, the second youngest son of Patrick Whelan, who was called, testified in a tone so low that his Lordship festibet in a tone so low that his lordship found it necessary to reprove him for not speaking out. He said that he came downstairs while his father was at the fire. His brother, who last gave evidence, did not go to the fire. "I cannot," he proceeded, "remember what was talked about when I came downstairs."

I had had with Carroll, the prisoner. The case was settled by Martin McCarthy for me, and I went up to pay the expenses. I met Carey and others on the way to Grantham. I told them of the affair, but I do nouthink I said anything about the boy. I saw Carroll, the prisoner. I did not say anything to him about the fire, but we went in and had a drop together at the bar. I know the Cedar Swamp schoolhouse. I was there one part of a night before Ryder's barn' was burnt. I was invited there. I know nothing of

THE VIGILANCE COMMITTEE.

I understood, however, that the meeting was a meeting of the Vigilance Committee. The object of the committee was to keep down rogues, house-burners, and house-breakers, and to give them up to the law. I went to the meeting with Ryan, Sullivan, and John Kain. I staid two, three, or four hours at the meeting with Ryan, Sullivan, and John Kain. I staid two, three, or four hours at the meeting broke up."

Q. "Why?" A. "Because I was tired out of my life sitting there talking."

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Q. "Why?" A. "Because I was tired out of my life sitting there talking."

A "Oh, chatjing about farming and others things. Edward Ryan, John Dorsy, and James Carroll asked me to join the committee. I did not hear anything that night about prosecuting Thos. Dornelly, Three was no chairman. I know of a book which had to be signed at the church. I told Jim was doing thing. I asked him if he had a warrant for me on the Ryan but burning barns, shaving horses 'tails, and cutting their throats. I do not know that

thing to Ryan:" TO LEGAL CROSS-FIRING.

a member of the vigilance committee. The Court rose at 7.30 p.m. to sit again at

SECOND DAY. London, Oct. 5 .- The Assize Court was LONDON, Gett 5.—The Assize Court was opened at Mine to clock this morning, and it has continued in session, with about a quarter of an hour's intermission for linch, for nine and a half hours. The principal witness was John O'Connor, the lad who saw all that transpired at the Donnelly homestead on the fatal night. The little boy appeared in the box perfectly ealm and collected, and gave his evidence with childlike simplicity and in a most straightforward manner. During his cross-examination he was

During his cross-examination he was submitted to a most searching series of questions, to all of which he made ready answers. The witnesses who preceded him and immediately followed him were examined with mediately followed him were examined with a view to the corroboration of his testimony, while those who were examined at a later period of the day were called with the object of dealing with different branches of the case, the main one of which was circumstantial connection of the prisoner with the murder. Throughout the proceedings James Carroll maintained a demeanour by no means excited. He listened to the evidence implicating him, and which he had heard several times before, with calmass, but he bent forward eagerly and which he had heard several times before, with calmaness, but he bent forward eagerly and anxiously to catch the replies given to the questions put by the cross-examiners. His old acquaintances in court he pleasantly acknowledged, nodding to some and greeting others with a shake of the hand. The jury gave a most attentive hearing to the evidence but when an adjournment was decided upon they left the court room without the least rejuctance. The jurymen are, of course, fecked up. They do not leave the bailding. The business of some of them is therefore slightly interfered with. One juryman is a high school trustee, and just at the close of high school trustee, and just at the close of the court his wife appeared to ask if he would give the schoolboys a half-holiday for the fair. Through the judge, he granted the request, and then retired to his seclusion, hoping, no doubt, that his holiday from legal studies would soon come.

A MYSTERIOUS HORSEMAN.

the dullon and the horse, but I do not know who he was—(with this the witness spasmodically thrust his hand across his mouth.)

Mr. Irvine—Oh, take your hand out of your mouth. We want to get all the evidence we can, and you are thrusting your hand into your mouth to prevent the little you know from coming out. Now, did the man carry om coming out.
ything?
WITNESS—Yes.

Witness—Yes.
Q. Was it a gun? A. Yes.
Q. How did he carry it?
Witness illustrated with a stick, which he held in a slanting position in his left hand.
Q. Are you sure he held the gun that way? Q. Are you sure he held the gun that way? A Yes.
Q. Did not he have it in his other hand? You know his right hand was towards you. A. Oh, yes, he had it in his right hand.
Q. Now, was not the gun pointed downwards to the ground?
Mr. McMahon—I think these questions are rather of a leading character.
His Lordship—It is very difficult, you see, to get at what is the fact without leading a little. It is not as if the witness told a straightforward story.
Mr. McMahon—Yet I think that when the Crown counsel asks the witness if the horseman held the gun downwards, he is suggesting an answer.

horseman held the gun downwards, he is suggesting an answer.

His Lordshir—It is a perfectly fair question. It is capable of being answered by either yes or no.

The Witness continued—My cousin said it was a gun that the horseman was carrying, and that perhaps he was out to shoot the country. The gun was held downwards.

In reply to Mr. Meredith, witness said that the horseman was riding slowly in the direction of Ryder's house.

James Horsens, sworn:—I live a mile and a quarter south of the Donnelly homestead. Patrick Whalen told me of the Donnelly fire at seven in the moraing after it had occurred. I went up to the fire and met John O'Connor on the way. I asked him if it was true that the fire had burned up the Donnellys, and he said—

he said—

Mn. McMahon—Stop, stop. You must not say what he said.

WITNESS—Well, then, I asked him where did he go, and he said—

Mr. McMahon—No, you must not say what he said. WITNESS-I asked him how he got out of the house and how many men were there.
Q. Did you ask the boy if he knew any of the men? A. I did.

the men? A. I did.
Q. Did he give you any answer? A. He did not. Q. Did you understand nothing from his Mr. Meredith—That is not a proper His LORDSHIP decided that it could not be

JOHN O'CONNOR'S EVIDENCE.

JOHN O'CONNOR, the youthful principal witness in the case, was then called. The boy's name is O'Connor, Mr. Irving explained, in reply to a question from the judge, but people call him Connors. Having been sworn, the lad, replying to Mr. Irving, testified in a bold loud voice to his having gone to Donnelly's the night before the murder. He said :—We fixed up things in the evening, and after John Donnelly had harnessed the pony and driven away to Whalen's Corners, Thomas and I fed the horses and we all went to bed. There were in the house the old man, the old woman, Bridget, Thomas Donnelly and myself. After the old man had said his prayers he said I had better go to bed with him. Thomas said I should go with him. After a little talk like that it was decided that I should sleep in the bed with the old man. The old man slept on the outside and I slept against the wall. Before I went to sleep I heard Jim Feehely's voice in the kitchen talking. After I had been to sleep some time, Mr. Donnelly awakened me by getting up. There was a man tanding at the door with a lighted candle in JOHN O'CONNOR'S EVIDENCE side and I slept against the wall.

Before I went to sleep I heard Jim Feehely's voice in the kitchen talking. After I had been to sleep some time, Mr. Donnelly awakened mend gentleman is geing too far?"

I don't think so," his Lordship replied.

"I don't think so," his Lordship replied.

"I' don't think so," his Lordship replied.

"What had he against him now." The man said he had another charge against him. The man I seem to sleep some time, but it was while John Donnelly's body was bying in the house.

Q. Who was it who first spoke about Donnelly's hands being tied when he was killed? A. I don't know.

Q. How did the subject happen to be discussed? A. I don't know that. As to the handcuffs, I thought I heard them rattle before in the lighted candle in his hand. The old man got up and put on his pants and clothes. He asked the man, "What had he against him now." The man said he had another charge against him. The man I saw was walking, about the tops. Mr. Donnelly went out to the kitchen to put on his boots. I heard him ask Tom if he was handcuffed, and Thomas answered, "Yes, he thinks he's smart." The old man then came in for his overcoat. I gave it to him, and he went out to the kitchen again. I then heard the old man were lying. If she said I told her so, she is mistaken. When the old man called for his overcoat I said "Here it is." When I handed it. to him Carroll was standing by and must have heard the was the house.

The witness is certainly not hostile.

"I don't think so," his Lordship replied.

"What had he against him now." The man said the was had another charge against him.

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"What had he against him now." The man said the was handcuffs, I thought I heard the old man. I never saw such things before and the old man. I never saw such things before and the old man. I never saw such the handcuffs, I thought I heard the was handcuffs, I thought I man said there was lots of time for that.

man said there was lots of time for that.

Q. Who was it that said there was lots of time for that? A. James Carroll.

Q. Who was it that stood with the candle at the door? A. James Carroll now? A. Yes, over there (pointing to the prisoner in the dock). I heard Mrs. Donnelly tell Bridget to get up and light the fire. Bridget was in bed with Mrs. Donnelly in the next room to where I was. Two or three seconds after Tom asked for the warrant a lot of men rushed into the house. I then ran out and saw Bridget run up the stairs. I tried to run up after her, but she had closed the door behind her and I could not open it, so I ran back to the room and got in under the bed. A little while after I saw Tom rush across the sitting-room, open the front door, across the sitting-room, open the front door, and go out. I heard hammering with sticks outside. The men then pulled him in and threw him on the floor. One man said—"Go

and get a shovel and BREAK THAT FELLOW'S SKULL OPEN !" They hit him four or five blews on the head With a shovel.
Q. Did you hear that? A. Yes.

His LORDSHIP—But did you see the shovel? WITNESS—No. The men then took a light WITKESS—No. The men then took a light and looked at Tom. I then saw Thomas Ryder and John Purtell. At this time I had got partly behind the clothes basket, which was under the bed.
At the instance of Mr. Irving, Purtell and Ryder were brought into court.
Mr. Irving then asked—Are these the two

men you saw?

men you saw?

WITNESS—Yes.
Q. Who is this man? (pointing to the fair man of the two.) A. Thomas Ryder.
Q. And who is this other man? A. John Purtell. Ryder had on a grey cap with a peak, and the lugs tied up. Purtell wore black clothes. One of the other men had on a woman's dress. Another wore a long overcoat, and still another had a blackened face. There were about twenty men present, I should think, by the way they were tramping. One of the men asked where was Bridget. Another said she was up-stairs, and some of them ran up-stairs. I did not hear what took place up-stairs except the tramping. When they came down-stairs they came into my room and threw coal-oil on the bed. I believe it was coal-oil, because one of the men said coal-oil would sometimes burn off and not take fire at all.

thought Bridget and the old man had run into the bush. After the old man came back from his son's, Joe Whalen and I ran across to the fire. We saw a big patch of blood on the front of the house. When we went back to Whalen's, soon after we were sitting talking, and one of them said it was a great fire-bug to escape. While we were sitting there William came down stairs. Joe and I went to bed together. In the morning, after breakfast, I was standing at the door with Will. I said I wondered what kept John Donnelly so long away. Will said that maybe John was shot. Soon after I saw Walker driving down in a cutter with John's pony. He drove into Whalen's and told us how that

He then drove right back again without going to the old place where the fire had been. I afterwards visited Donnelly's place again, and then took one of Donnelly's place again, and then took one of Donnelly's horses and rode home to Lucan. On my way I met Mr. Hobbins and several others. When I got home I told my father about the fire. Several people talked to me about the affair on the streets, but I would not tell them whether I saw anyone. I would not tell my mother for some time, but at last I did. When Tom Donnelly was thrown on the floor, I heard something rattle like a pair of handcuffs. There were no valances around the bed under which I was lying when I hid myself from the men. Cross-examined by Mr. McMahon—I did not not say at the coroner's inquest that I tipped the clothes basket over in order to see what was going on. I pushed it down towards my feet, but I did not tip it. I saw one man with woman's clothes on. JOHN DONNELLY WAS SHOT.

what was going on. I pushed it down towards my feet, but I did not tip it. I saw one man with woman's clothes on.

Q. Did you tell any one that you saw a whole lot of people with blackened faces and wearing women's clothes, and that they chased the Donnellys into the woods? A. I might have said so.

Q. Did you not say so at Whalen's? A. I might have said it.

Q. Did you see them? A. No, sir.

Q. Then what you said at Whalen's was not true? A. No, sir, not about that. I knew Ryder and Purtell well. Ryder wore a cap with a peak and lugs. Purtell wore a black suit and a black felt hat without lugs.

Q. You knew Purtell? A. Yes, sir.

Q. Look at him now. Do you see much difference in him? (Purtell, who wore a thin side whisker, a light moustache, extending at each end almost to his chin, and an imperial, came forward.) Do you see much difference in him? A. I don't see much.

Q. You see his moustache? A. Yes.

Q. Had he a beard on the lower part of his face? A. Well, I won't say. At all events I recognised him by the cut on his mouth. (Purtell has a very noticeable scar on the left side of his lower, lip.) One man I saw had a black beard. I never saw him before, and he

Q. Why did you say at Whalen's that the Donnellys were driven into the woods by men with blackened faces? Could you not have told the truth at that time? A. I thought they were driven to the bush at that time, and that was why! I said so. I do not remember telling Mr. Simpson or Mr. Fox that all the men I saw at the burning were people with blackened faces in women's clothes, and that I could not recognise anybody. If I did say so I should have been telling an untruth. I saw young Mr. Stanley at Lucan the day after the murder. I may have told him that I could not recognize the men who were at the burning. If I did so I was not telling the truth. I remember a discussion taking place in our house, about the old man's body being tied with a rope. My mother and sister were present. I do not think my father was. I do not remember what day it was, but it was while John Donnelly's body was lying in the house. MUST HAVE BEEN A STRANGER.

Carroll was standing by and must have heard

His LORDSHIF—Are you satisfied that Car-rol saw you? WITNESS-I thought he did.

WITNESS—I thought he did.
Q. Do you think he must have heard you speak about the coat? A. Yes, sir. When the men had killed Thomas Donnelly they did not say "Where's Bridget?" but "Where's the girl?" and they went up stairs after her. When they came down stairs some one asked about her, and the reply was "She's all right." [Here Mr. McMahon proposed that the witness and the jury should adjourn to another room where a four-post bedstead had been put up in order that the jury might judge of his ability to see what was going on in the next room.

His Lordehip—I suppose that everyone has seen a high four-post bedstead, and no purpose can be served in showing one to the jury again.

Mr. McMahon—It is not a high four-Poster. His Lordship decided that there was all the more reason for saying that an examina-tion of the bedstead was unnecessary.

tion of the bedstead was unnecessary.

After a quarter of an hour's recess,

Ronert Keere was called by Mr. Irving
and sworn. Mr. Keefe, who lives near the
Donnelly homestead, testified that he went to
see the ruins of the Donnellys' house. He
saw there a jack-knife lying in the ashes near
the body of the old man. He also saw a
buckle and a spade. He observed that

A. Oh, no i I only sung and laughed and the state of the way.

Refer at the state of the Donnelly's house. He saw there a jack-tanife lying in the sahes near the body of the old man. He also saw buckle and a spade. He observed that the saw there a jack-tanife lying in the sahes near the body of the old man. He also saw buckle and a spade. He observed that the saw there a jack-tanife lying in the sahes near the body of the old man. He also saw buckle and a spade. He observed that This extll. Or The Old Man ways encourse the body. He also noticed that Thomas Donnelly's bead was broken.

To Mr. Meredith—The spade I saw, lay near Toth Donnelly's body. It had red spots on it like fire spots. It lay in the cellar among the potatoes, where ithad fallen with the body. It could not have been placed there for the purpose of shovelling potatoes.

Mrs. OCOSNOR, who proved to be the possessor of a rich Irish brogue, was next called. Having been sworm ahe said —It was on the morning after the murder that one of my girls said. "Ho ome, mother, and look as Johnny coming home." Oh, some the said was a saw the same of my girls said. "Ho ome, mother, and look as Johnny coming home." Oh, some point is shot." I says, "Good God, Johnny, how did your some way of the me! "says I. "Mrs. Whelan of "T saked." "Don't still, but it's burned." "How did it st burned?" I saked. "Don't still, betaute the said way of the me! "says I. "Mrs. Whelan old me," says he, "I saw Carroll there. "Mr. Intrine—You must not say what he said.

Wirkses—Well, I says, "Johnny, it's too bad that men should come in and kill people like that in the night. We must report it." So I got his father to go and telegraph to the family members of Donnelly's family that were away.

The witness was cross-examined by Mr. Mr. Minnebrira—But here it's in writing the third was at the murder. She continued—I should be said the possible was the mangistrate's investigation that my son said he saw Carroll with a candle in his hand, and Purtell and with a candle in his hand, and Pur

Donnelly's relatives of the murder. Mr. Porte, the telegrapher, wanted to be assured of the fact before he sent a telegram, and asked that the boy be produced. He went for the boy, but while he was getting him other news had reached the village of the

To Mr. Meredith-I did not go about the village with the boy talking about the mur-der, telling people that the boy could tell all about it. THE CONSTABLES' EVIDENCE.

S. G. Moore, constable, said—I went out from London to the Donnellys' place; I saw blood in front of the door; I saw Jas, Carroll on the morning of February 5th on Kain's farm; he was passing from one outhouse to another. I have with me a pick-axe which was given into my keeping by Peter Butler. William Hodge, County Constable, said he went to Lucan on the afternoon of the day following the munder, and saw Johnny O'Connor and received his statement, telling him to tell no one else. I was instructed to arrest James Carroll. The next day I got him on the road walking north near Maher's farm. I told him the chief of police wanted him at Lucan. He said all right, he would go as soon as he had changed his clothes. He changed his clothes—putting on a different togat and shirt. He then came down, and when he was putting on his boots in the when he was putting on his boots in the kitchen he and Mrs. Maher and old Maher were talking low. After we got some distance on the road to Lucan, Constable Pope being with us, I asked Carroll if he had his handcuffs with him. I think he said "yes." I think Pope asked him if he was at the fire. He said "no, but he saw it, as he was at Thompson's and slept there that night."
When we got to Lucan I told Carroll we had We put him into the lock-up and searched him but he had no handcuffs upon him. I heard the prisoner say to Pope on his way up that he did not go down to the fire until the

morning after it occurred.
"You did not say," Mr. McMahon, remarked, "at the Magistrate's investigation that Carroll said he saw the fire but did not go to it. You have some new light now."
"I don't remember that; I omitted to mention that. I always try to tell all I know. I
think when I found Carroll he had not his cuffs with him. I remarked to him that he said on the road he had his cuffs."

CONSTABLE HODGE'S CROSS-EXAMINATION "Now, in your original deposition you made this statement to the Magistrate," Mr. Mc. Mahon continued:—"I did not say anything to Carroll; I did not remind him that he said on the road he had his handcuffs with him."
"I think I did remind him."
"Then," said Mr. McMahon, "you come with a different story to-day."

with a different story to-day."

CHARLES POPE, a county constable, said—I went out to Lucan with the previous witness. I received a statement from Johnny O'Connor, and went out to arrest Carroll. When we met Carroll we said the Chief wanted him to come and help us work up the case. He said he would go and change his clothes, which he did at Mahers'. While at Mahers' he had some talk with the folks there. While in the cutter driving to Lucan I asked Carroll if he had his cuffs with him. He said he had. As we passed Donnellys' place I pointed at the ruins and said there were

"THE RELICS OF OLD DECENCY THERE." Carroll did not look at the place. I said it was a bad matter, and he said it was. I am not sure whether I asked him if he saw the fire or not. I remember when Carroll was appointed constable. I saw him after the appointment, and said to him that now he appointment, and said to him that now he was in a position to get at them, meaning the Donnellys. He said "I'll be the cause of their being banished out of Lucan." On a previous occasion he expressed to me an expectation that he would be the special constable to arrest Tom Donnelly. It was because of that that I made the remark I did about his being in a position to get at the Donnellys. Previous to that John Donnelly had had Carroll arrested on the charge of shooting at Donnelly's mother. Carroll said at Maher's house at the time of his arrest on that charge that he had not lifted a revolver at Donnelly's mother. Maher said that in view of the conduct of the Donnellys some society should be formed to get the Donnellys-out of Biddulph.

To Mr. Meredith—When Carroll was speaking about getting a special warrant there was

a warrant out against Thomas Donnelly, who was hiding and could not be got. Maher did say when he mentioned about the society that it would be a good thing if the Don-

that it would be a good thing if the Donnellys did-not-live in Lucan, as they were the
cause of all the trouble.

Q. Did you agree to that? A. Well, I sometimes agreed with the Donnellys and sometimes with the other parties. When I
was arresting a Donnelly I would
laugh and talk to him, and when I was
arresting one of the other crowd I would be
just as smiling. (Laughter.) While on the
way to Lucan Carroll said he did not see the
ruins of the place where, the fire had been
until the evening of the day after the fire.

Q. Do you mean evening or afternoon? A. Q. Do you mean evening or afternoon? A. Afternoon.
Q. Your fellow constable said just now, that

Carroll said he first saw the remains of the fire on the morning of the day it occurred.

A. Well, I think it was the afternoon that he said.
Q. How did Carroll conduct himself on

Q. And you were boisterous, I suppose
A. Oh, no; I only sung and laughed and
talked on the way.

CRIEF OF POLICE WILLIAMS ON THE STAND.

and Mrs. Maher were subsequently cannot say that Mr. and Mrs. Mr. arcested by reason of any action they were arrested on the inform. Donnelly. Am not aware the more more much consider the more released becaused Clay was putting up a job hen I took the recently fired rev Ryder's house one of the sons, a laman, said he fired a shot out of the was firing off caps on a toy pist showed him how a revolver went of the fire-board. He showed me the fire-board which the shot made that here six chambers, recently for ad been six chambers recently garding the piece of hardwood, away the first time I got it because no blood nor hair upon it. I tho no blood nor hair upon it. I thorever, it was just the thing to hit a fee Mr. McMahon—But it would no Irishman.
WITNESS-I don't know that.
could crack your head with it. (L.
Mr. McMahon-But is not that

of stick the boys at the school-hou would be likely to play ball with?
WITNESS—To Mr. Irving—All the
were arrested, I think, on the infor
Wm. Donnelly.
FRANK FOREES, Grand Trunk sta ter at Lucan, sworn, said:—I boo parture of trains and the conduc their arrival. On the morning of 4th conductor Spethgew arrived special freight train going west at ronto time. The train left at 1.30. half-an-hour at Lucan, according to WILLIAM SPETHGEW, conductors and he thought he arrived at Luc although his train was booked as a 1.20. He was booked as leaving 1.50. About half a mile from the saw what he thought to be a fire.

To Mr. Meredith—I saw the fire

A REPORTER ON THE STATE CHARLES ALBERT MATTHEWS, of tiser newspaper, sworn—I went to the afternoon of the day of the fi-the ruins of Donnelly's house, and tons there. I found a spade near hold of the front door of the house under a portion of the remains of ing. The spade was taken posses ome people living near. The sp marks on the iron part of the han those on the handle of PETER BUTLER said he drove th

jury to see the ruins of the bunick was found there and pur At half-past six Mr. Irving Mr. IRVING—There are two wi lord, who have been taken ill, a journ now the business will not r

His LORDSHIP-Well, suppose half-past eight to-morrow morning. The counsel were heard to pressions of surprise, and Mr. In Lordship agreed, and the court ro

DROWNED AT SE carticulars of the Loss of Capt. T the Steamship England On the 15th ult. a brief telegram

lished in THE MAIL, announcing to the steamship England of the Nat New York, and stating that voyage from Liverpool her capta hald Thomson, had fallen overboar drowned. Beyond that bare sta particulars of Captain Thomson's have been published in any paper, tleman writing to a mutual friend of the captain and himself tells Capt. Thomson had a number of aco in Toronto, who will now learn the his death for the first time. The left Liverpool on the 1st September fine weather throughout the voyage Thomson was taken ill the day Queenstown, and was confined to fer five days, during which to officer Ellis, son of Mr. J. E. El city, assumed command of the the 9th ult, the captain said he better, and took his dinner in the cording to his usual custom wh He spent the afternoon and ever night, when, after for some time with the chief office he would go and have a yarn with he would go and have a yarn with a He spent a couple of hours with medical man, and then returned o tending to take a turn in the ear air before retiring. About 5 a.m. hoy to prepare his bath. On the ing the captain was missing, an thought he had gone below. After few minutes, and Capt. Thomso turning, the boy became alar aroused chief officer Ellis, who thorough search of the ship to be n thorough search of the ship to be to no purpose, the gallant but captain was never seen alive again. way in which his strange disappe be accounted for, says the writer before referred to, is the supposit stood on the third rail, as he was i of doing, to look over the stern at chains, which sometimes got out of either slipped his foot or was sein fit and fell overboard. It was, of no use to turn the ship back with the picking the captain up, and so officer took command and brought safely to port in New York, arrivin the 14th ult. Captain Thomson was esteemed by everybody who knew passenger and seaman alike unite in have been a thorough sallor to have been a thorough sail ready officer, and as courteous a get ever walked a ship's deck. The held a meeting on the last day of t and adopted a resolution of sym Mrs. Thomson and the captain's a Mrs. Thomson and the captain's a which they requested the chief kindly convey to the afflicted familiaso decided to address a letter to tors of the National line expres

The Stipendiary Magistrate Arthur's Landing is interested in B soal fields.

managed both during the captain's after his lamentable disappearance,

Miners are getting very scarce number are wanted at Silver Isle and other works here. Fire clay has been found to exis quantities under the water of Thun-this was disclosed by the late sur have been made.

The recent developments at S are causing considerable attention to that district, and during the weeks Chicago, Cincinnati, Det Philadelphia capitalists have been spondence with parties there. FATAL EFFECTS OF GAS POISON

man named James Wilson, who was by inhaling coal gas at the Shakespe Toronto, on Tuesday week, died Toronto, on Tuesday day at the hospital. never recovered consciousness, bu supposed that he was improving or was able to partake of on Sunday night, however, uninaymptoms set in, and he sank gradu the hour stated, when he breathed Dr. Thorburn, in whose charge he all that was possible for him, but the gas had already done its work, a could not be saved. The deceased up the country purchasing a few could not be saved. The deceased up the country purchasing a far which he intended to settle He only arrived from Glasgo land, a short time ago, and st expressed that he should blow the instead of turning it off; but still, of this kind are very commonly rethis acountry, so much so indeed the greater care than is usually observe taken by all who reside or lodge or hotels where gas is used. Mr. W. brother residence as is used. Mr. V. a brother residing at Hamilton, charge of the remains and remove from the hospital for burial. It considered necessary to hold an in