

McGrath says distinctly it was understood that the money would be employed in the purchase of arms to overturn the Queen's Government and to establish a republic in Ireland. If, therefore, the defendant had confined himself to this he probably would not have been prosecuted, or he would have readily been discharged. But the second charge is much more serious. To accuse a man of laying himself open by his acts to indictment, and to the risk of being hanged, is doubtless a libel, but the moral guilt is as nothing compared with the accusation of entrapping others into crime for the purpose of denouncing them to justice. It is impossible to conceive a more horrible accusation. Yet this is what is charged. Now, what is the proof on which the defence relies? It is said McNamee left the Hibernian Society just after founding it, and that his action points to the conclusion that he sold his knowledge of the organization to the Government. The defence does not even pretend that there is any evidence beyond this. The three witnesses on whom they relied to prove payments to McNamee deny all knowledge of anything of the kind, and one, being pressed, says not only he does not know of any such thing, but that, from what he knows, he does not believe it to be possible. I think the conclusion the defence wishes you to arrive at is most unfair. If Courts decided on such presumptions, no one would be safe against the wildest charge. But, in addition to this, the reason of McNamee's leaving the Hibernian Society is fully proved by one of defendant's witnesses.

The third accusation is almost as injurious as the second. It is a charge of having sold his countrymen to fight the battles of a foreign State—to become, in fact, akin to wholesale murderers. Again, of this charge there is no direct evidence, and, I must say, it seems to me to be in the last degree improbable. We are asked to believe that the prosecutor sent 2,000 men out of Canada in the space of three months, in violation of the Foreign Enlistment Act, and yet not one man, so entrapped, has been produced, and no charge was ever brought against him at the time. I was then the representative of the Attorney-General, and I had numerous cases of this kind. Public excitement against foreign enlistment was very great,

and there was no difficulty in getting evidence and convictions against guilty parties. Yet, this man, who was ostensibly sending off men by the hundred to work on a railway that, we are told, did not exist, escaped without even a trial.

There is only one point, but I think not a very important one, in which I cannot agree with the prosecution, and it is as to the story McNamee told about the railway. It is certainly very odd that he should have gone to all this trouble and expense to raise men without some security from McDonald, the contractor, or from his principals. Again, McDonald's story does not agree with McNamee's. But these differences do not prove the accusation made by the defendant.

There is a little more evidence as to the shooting story than as to the others, but again I don't think it justifies defendant. Has he proved his accusation? If McNamee were on his trial for the offence of hiring O'Reilly to murder the person in question, would you, without any corroboration, believe O'Reilly's story told years after the event, and by an avowed enemy? If not, defendant has not proved his charge to be true. Besides, O'Reilly tells us he told Whelan that McNamee might be in joke. What right then had Whelan to make the charge implying necessarily that McNamee spoke in earnest?

If you are not convinced that all the accusations are proved to be true, and that it was for the public good that they should all be published, the prosecution is entitled to a verdict of guilty against the defendant. In conclusion, I have to repeat, as the contrary has been so earnestly insisted upon, that journalists have no more a mission to spread about evil stories of their neighbor than you or I have, and that when they speak of their duty—their sacred duty—in this respect, it is mere cant and rubbish. They have greater facility to do good or evil in this way than others and that is all, and therefore they should be held to the most rigorous account.

[Verdict, Sept. 28: *Not Guilty.*]

APPOINTMENTS.

The Hon. J. C. Aikins, senator, has been appointed Lieutenant-Governor of Manitoba, from the 2nd of December next, *vice* the Hon. J. E. Cauchon, whose term of office will expire on that day.