

LACROSSE BOODLE.

Further Developments in the Celebrated Cornwall-Montreal Match.

Mr. Flannigan's Test of "Forgetting" and "Not Knowing" Important Events—Examination of Andy Maloney and Other Witnesses.

After going to press last week the examination of Mr. Flannigan in the celebrated case of the M.A.A.A. and the Post was continued. The witness was most anxious not to remember the most important events, and he showed a great desire to know nothing. Witness said he was very sorry for the young fellows if anything was wrong; he believed the game was sold, and everybody else did; witness said the size of the body was that Jenkins put up the money and witness did the betting; then all were set a "divvy" up; he saw plainly that the game was sold, as one of the Montreal players was even very near placing the ball between the Cornwall goals; Jenkins did not say how many of the players were in the racket, but Jenkins told him there were "five stiff men," he knew Patterson, Brady, McNaughton, Michaud and Cameron, but would not say if these were the men; he was not sure; no person ever told him who the "stiff" ones were, but he had an idea who they were; saw McNaughton some days after the match, and the latter said that he might be brought into some trouble on account of the Post's article; witness saw Michaud often since the match, but the latter never said anything. Cameron did not say anything, either.

Mr. Doherty asked if witness did not understand that the "five stiff men" were Brady, Patterson, Cameron, Michaud and McNaughton, but Mr. McGibbon objected. Mr. Flannigan said if he was compelled to answer the question he would.

The question was not answered. Witness was in Pont's some days after the match, but did not remember saying that the match was a put up job; witness said the \$200 was a mixed up affair, and the settlement among the players let to some other person; Jenkins got some of the money; the players were not paid.

Cross-examined by Mr. McGibbon.—Witness said he was a good backer of the Shamrocks; witness and Jenkins spoke, prior to the match, about the game, and Jenkins said he thought he could fix the players; Jenkins wanted witness to be in the deal, as he (Jenkins) would feel safer; it was strange, witness said, the players did not want him in the deal, still they went for him to his stables and took him to Jenkins; didn't see any of the lacrosse players pass \$25 to Jenkins; saw Canniff writing something in a book; nobody saw what was in the book but Canniff and Jenkins; don't know anything about the "divvy" nor what the players were to receive; besides Jenkins and witness, who were to receive a "divvy" after the betting, there were Mr. Pont and the players; witness had \$465, results of bets, that he had to account to Jenkins for; on the night the five men met in Jenkins' money might have been put up by the lacrosse men unnoticed to witness; Jenkins had said that one of the players gave \$50 the night previous to the match, as a guarantee that they (the players) would carry out their bargain; between the three (Jenkins, Flannigan, Pont) there might have been about \$800 won; witness did not take much stock in what Jenkins had said, as the Montrealers might take a game, consequently he only bet \$35 directly on the match of his own money; Jenkins said, in referring to Fahey, that the latter had no money and was to be left in the cold; witness believes Fahey was the originator of the whole skin game.

Andy Maloney said he was a commission merchant and bet a great deal on sporting events. On the Cornwall and Montreal match witness bet on the result of the match and also made several bets that the Cornwall would take three straight; his reason for betting on three straight was that he heard Flannigan had bet on the same, and witness thought on seeing he would make a few bets also; only made about \$500 out of the betting; witness could not have made a great deal more at that rate of betting; witness could not remember if he was in Pont's the night before the match; heard a rumor that the Montrealers did not come about winning as they wanted the Cornwall to have an even chance against the Shamrocks; witness saw Jenkins betting, and believed that when Jenkins put his money up that way there was something in the wind.

Mr. Chas. Renaud was called. He said he was a reporter; had some money up on the match, but drew it again, as he heard that the game was not going to be besuaged. It was subsequently proved that Mr. Renaud was no reporter, and only had written a few articles for a Montreal paper some years ago and contributed to the New York World. Mr. Renaud knew very little regarding the game.

Joe Pont was then called, but was asked to stand down for a few minutes, when Allen Lowe, journalist of Montreal, was then examined, and said he belonged to the M.A.A.A. and was present at the match on Saturday, September 24th. On several occasions witness spoke to members about the game; he had, in conversation with some of the members of the team, charged them openly with selling the game; had called Brady and Patterson "boodlers," and they did not deny it; they did not admit the charges made in Sport; the affair was common talk in the M.A.A.A. rooms after the match and on the following Monday.

Joe Pont was recalled, and said he had about fifteen cocktails during the day and wanted the case to be postponed. He said he was sick the previous night, and did not feel just well enough to give positive evidence. He was asked if he would be sober by seven o'clock, to which Joe replied, "I'm as sober as a judge now, but I'm a little sick." It was intended to adjourn till seven o'clock last night, but after discussion an adjournment was made.

Judge Davidson took his seat on the bench shortly after ten o'clock and after the jury were called, Mr. C. J. Doherty summoned as his first witness for the day

MR. JOSEPH PONT, who was subjected to a severe examination for over an hour and a quarter. He Honor being forced to repeatedly remind the witness that he was contradicting himself.

He testified that he was a saloon-keeper of Montreal and after making an apology for his condition of the previous day went on to say: I know Patterson, Brady, McNaughton, Jenkins and Flannigan; on the Friday night preceding the Cornwall-Montreal match in question I was at Jenkins' place; I was there with Mr. Brady and I think Flannigan and Davy Patterson; it was about

8 o'clock in the evening; Mr. Canniff was not there; at least, I don't know him; my purpose in going down there was because on the Wednesday prior to the match there was some talk by Brady of betting, and I brought him down to Jenkins, where I learned a man wanted to bet; the party we wanted to see, who was going to put up some money, was not there; this party was some friend of Jenkins and was ready to bet \$50 that the Montrealers would take one game; and on our way met Patterson; we met Flannigan at Jenkins; he generally went around there; I did not think that Flannigan was brought there by Brady and Patterson; I went to meet Brady on Bleury street; at Jenkins we had a drink, and then went up stairs to the dining-room or sitting room; up there we had some talk about the match, as that is what we went there for; as far as I was concerned it wouldn't, in my opinion, benefit the Montrealers to beat the Cornwall, and I did not think they could win; I thought at the time there was no object for the Montrealers winning; I did not hear any suggestion made as to how many games the Montrealers should take; I went down there with Brady, who wanted to bet \$50; Brady gave me \$50, and that was bet, as he advised me to do, on the Montrealers taking one game. There was a man named Fitzgerald in my place who bet \$100, \$50 of which was Brady's; I think Flannigan won it; Brady was ready to bet that the Montrealers would get one game; Fitzgerald bet this way, but Flannigan bet on three straight. Fitzgerald wanted me to stand in with him on the \$100 bet, but I was betting the other way, and put up Brady's money instead; I put up \$10 of my own on Thursday.

"The party you went to look for with Brady was not with Flannigan?" "A—'I don't think so, or Jenkins would have said so."

"In your recollection, was it not said at the meeting in Jenkins' that if the Montrealers were not going to win they could just as well lose three straight?" "A—'I think Mr. Jenkins may have said something like that; I really don't know the answer made by the players; if they agreed with Jenkins they did not do so with me; I could not swear whether they did agree with Jenkins although I was there; after that interview I bet small sums on the Cornwall; other people bet my money also, for instance, Mr. Flannigan and Mr. Jenkins; I was aware that they were betting that the Montrealers would not take a game; I think I gave them \$100 or \$200 on Thursday or Friday, and, I believe, at the lacrosse grounds Flannigan bet \$100 and put the money in my hands; I lent him \$100 immediately afterward to bet some more; I would have lent him \$500 if he asked for it; I don't say that the \$100 I gave him was part of the stakes in my possession."

"You have implicit confidence in Mr. Flannigan?" "A—'Yes; he was always good for anything he borrowed from me. Jenkins and Flannigan must have bet \$300 or \$400 of my money, and the way they bet was that the Montrealers would not take a game."

"Is it a fact that the interview referred to rather confirmed your belief that the Montrealers would not take a game?" "A—'At that interview I was a sort of outside member."

"Oh! you were not to know too much about it?" "A—'I didn't want to know."

"I suppose that accounts for your being unable to give the answer made by the players to Jenkins' proposition?" "A—'Yes; I didn't want to know; it was not a private meeting; I heard some questions and some answers; I didn't want to know because I didn't pay attention."

"You had even money up and yet you did not care to pay attention to the answers?" "A—'I may have, but I disremember what it was."

After the interview I was more convinced that the Montrealers would not take the match; I don't think there were others interested in the bets besides Jenkins and Flannigan; Jenkins and Flannigan seemed to have an understanding that there was some money to be set aside for the players; I got that money and kept it; it was arranged, I believe, at the meeting on Friday that the players should get a share; Brady and Patterson, members of the team, used to frequent my place about once a week before the match, but I have not seen them much since they used to come and spend money in my saloon; they had confidence in me; I understood that Flannigan and Jenkins were to settle with me for the players; the understanding was that I was furnishing the money and I was to get a share. When we came to settle I found that my share was high, and I got two hundred from them; I was told it was for the players, but I kept it myself; there was no previous understanding as to

WHAT THE PLAYERS WERE TO GET so far as I know; the amount I got was small; they wanted to "skin" me.

At this moment Detective Fahey arrived in Court, attended by a Sheriff's officer, and for a moment or two every eye was turned upon him. He was allotted a seat well waiting to be called upon to give evidence.

Mr. Pont, continuing his evidence, then said: When I went to the saloon of Jenkins with Brady I talked about the match, and we went down there simply because Brady wanted to bet; on the second occasion, or Friday night, there was no talk between Brady and I as to how many games the Montrealers would win. I left Jenkins on Friday night with Brady and Patterson, and did not speak to them about the match, leaving them a short time afterwards; on the evening after the match I was in the St. Lawrence Hall; I was a little intoxicated at the time; I had made a little money and was feeling good, but I cannot say whether I then said "it was a fixed match," I must admit that it was a suspicious match."

"Had you any doubt on Friday that it was fixed?" "A—'It was not fixed in my hearing.' His Honor (severely).—'Answer the question; you can't stand there and evade the questions in the manner you are doing.'"

"Had you any doubt that at the meeting the match was fixed?" "A—'I don't know what to answer; I went there with Brady and the boys, and had nothing to do with the 'fixing'; I went there to bet my money; I was brought into the thing because I had money; I gave my money to Jenkins and Flannigan, because, in my mind, I believed it was a 'fixed' thing; I was to get a third of the proceeds.'"

"Did you believe that these two players (Brady and Patterson) were to 'fix' the match for you, Flannigan, and Jenkins without any consideration for themselves?" "A—'It was quite natural that they should get a share; I wasn't surprised when I got the money to give them; these players did not owe me a cent, but I kept the money that was given me to hand over to them, as I deemed it as much mine; the players did not play well; I consider I went into the pool because there was money in it.'"

"There wouldn't have been if the Montrealers took a game?" "No."

Since the match I spoke to Brady and Patterson about being subpoenaed. We did not talk about how we should testify; they never asked me for their share; they should have looked to Flannigan or Jenkins; Jenkins gave me \$200, saying "Give this to the players."

"Did you not say yesterday you were going to stand by the 'boys'?" "A—'I don't recollect; I was very full yesterday.'"

"Did you make such a statement to Detective Kellert?" "A—'I don't remember; I may.'"

"If you said it, would it be the truth?" "A—'Well I have no feelings for Flannigan and Jenkins after the way they treated me. I came here anyhow to state the truth.'"

At this point there was considerable subdued laughter, which caused His Honor Judge Davidson to exclaim, "I cannot imagine the pleasure people find in hearing a man profess his own disgrace and dishonor."

Cross-examined by Mr. McGibbon.—'The first time I met Brady he wanted to bet \$100 that the Montrealers would take one game; we went to meet Jenkins; I am in the habit of betting for myself and others; when we got to Jenkins' the latter said: 'The man's not around yet; the united bets of Flannigan, Jenkins and myself were made on the following day, Tuesday, at Jenkins'; Flannigan, Jenkins, I think, Mr. Fahey and myself, were present. On second thought, I am not sure whether Fahey was there; Jenkins said he had a pretty sure thing if he only had some money; he led me to believe that he was to

FIX THINGS WITH THE PLAYERS, and I judged that he could do it. Flannigan and I in the room and listened; I put up my money that afternoon on the counter; I contributed all I could, about \$300 or \$400; that money was to be bet by Jenkins and Flannigan; I took no receipt for it; I saw Brady on Friday; I think I told Jenkins that Brady was willing to let in one game, and he said that they didn't want to take his money; I judged from Jenkins' talk that Brady was one of the players that was being "fixed." On my way to Jenkins' with Brady and Patterson on Friday night I am not sure whether I had a talk with them about the fixing of the match; the size of Jenkins' dining room was about ten feet square; I was reading a paper at the table; Jenkins, Flannigan, Brady and Patterson were sitting in the corner; the nature of the conversation was about the lacrosse match; there was talk, certainly, about betting; I heard some one say "if you're going to lose you might as well lose three straight;" when I heard the remark I can't say that I picked my ears up, but I was supposed to hear nothing; Jenkins told me that I was to know nothing about it; I was to furnish the money and Jenkins was to furnish the "fixing;" I was not ten minutes in the room altogether; the conversation was not held in a monotone, but when I heard the talk about three straight I went downstairs.

"Did you hear any conversation that led you to believe that those players were entering into a corrupt bargain?" "A—'I know nothing strong.'"

"Do not judge of my book in which the agreement was entered. Brady gave me the money before the conversation up stairs. Flannigan was present and so was Jenkins and Patterson. Mr. Flannigan saw him give me the money."

"Would Jenkins or Flannigan care whom they won from?" "A—'Well, ultimately Flannigan won Brady's \$50 at my place; Brady told me to put it up on the Montrealers, and never countermanded the bet; Brady knew he lost it; Fitzgerald made a bluff at the American House, offering to bet \$100 on the Montrealers taking one game, and Flannigan heard about it and followed him to my place; Fitzgerald pulled out \$50 and asked me to put another \$50, which was taken up by Flannigan, whom I afterwards told that the \$50 was Brady's money; I did not tell anybody but Flannigan that it was Brady's money; on Friday night, at Jenkins', I was in and out of the dining room different times; I heard no agreement read out at Jenkins'; I did not see the bartender writing and did not know of any agreement, although I was impressed that there was such a thing, as Jenkins seemed to be confident that the Montrealers would not take a game; I think I told Brady not to put up his money on his own team; Brady replied that they would give the Cornwall a bad fight."

At this point the Court had become so packed with people, who were edging about and crowding in upon the lawyers and reporters, that His Honor ordered the doors to be closed, thus detaining a large number, who were in the passage, from entering. When order had been restored the witness continued his evidence as follows:—

Although told by Jenkins the next morning that the thing was fixed I still had doubts about it; the reason was that I heard other players were going to bet like Brady and I

there were only two or three who played very well; they didn't seem to be able to play, whether they didn't want to or not I don't know; I expected, after getting the \$200, that Brady and Patterson would call; I would have told them to see Flannigan and Jenkins, as it was with them they had the agreement.

To Mr. C. J. Doherty.—This \$200 was given to me after the publication of the article in THE POST; I don't know whether such publication prevented the players from coming to claim the money or not; the bet between Flannigan and Fitzgerald was in the pool arranged between Flannigan, Jenkins and myself; fifty dollars of Fitzgerald's \$100 bet was that given me by Brady to bet, and which naturally reverted to the Flannigan-Jenkins pool."

"Did you hear that there was any security given by Brady to carry out the bargain?" "A—'I suppose that by placing the \$50 in my hand it was a sort of guarantee by Mr. Brady to carry out any agreement he might have made with Jenkins and Flannigan; he did not say anything to me about it, though I judged as I have a good deal of experience in betting and

MR. BRADY BETS A LITTLE TOO. I bet the \$50 of Brady in such a way that it went right into our pool; Jenkins or Flannigan may have handed the \$50 back to Brady; after the match I wanted to have the business settled; I saw several large parcels of money at the St. Lawrence Hall in the possession of Jenkins and Flannigan on the night after the match, and we had several drinks together; they afterwards drove off together, and when I asked Jenkins to settle up he told me to come around next day, and when I went he put me off again until it was three or four days after the match before I got the \$81; I think it was pretty wise on the part of the players not to ask me for the \$200 after the exposure were made in THE POST.

To Mr. McGibbon.—'Was it a design on your part or that of Jenkins or Flannigan that you put up the \$50 of Brady at the time?'" "A—'It was not; if any body else had been betting against Fitzgerald besides Flannigan I would have done the same thing.'"

This closed Mr. Pont's evidence, and after the Court had told him that he had contradicted himself on different points he was requested to remain in court.

John Lewis, druggist, referee of the match, was then examined, and said he had a good deal of experience in lacrosse games; he remembered that out of the twelve Montreal men only nine played in their usual form; amongst those who did not play well were Grant, Brady and McNaughton. Patterson did not play his usual brilliant game, but played a good game. Brady played a weak game; McNaughton shot wide and played poorly; there were several opportunities of taking a game but they missed them; witness said he considered it a most unsatisfactory game, as he informed a Post representative after the match; he was of opinion that the team played more of a defence than a home game; the Cornwalls at any time were a superior team, but the Montrealers could have scored a game; the Montrealers were by no means playing up to their usual form, but witness' suspicions were not aroused at the time as to the team selling the game.

Cross-examined, witness said it seemed to him that on one occasion, when Mr. Brady could have put the ball through he did not do so; Mr. Lewis was aware that there was talk about the Montrealers intending to lose the game to give the Cornwall a chance to win the championship; in the match Mr. Lewis certainly considered that something was wrong, and continued to the Court, "If you want my opinion I must say that some of the players were

NOT PLAYING TO WIN THE GAME." Witness did not think Brady was playing to win.

Mr. Bernard Tansey was then sworn and said he was acquainted with Mr. Flannigan. The latter was at witness' place of business on Friday, the day previous to the match, with Mr. Jenkins and asked witness to bet \$300 on three straight games for the Cornwall. Flannigan offered Mr. Tansey the money. Witness refused to have anything to do with it.

Mr. W. L. Maltby, president of the M. A. A. A., was re-examined, and said that he was present at the Cornwall and Montreal match. After the first game Mr. Maltby, noticing that the home played badly, spoke to the captain about changing the men; witness considered that McNaughton, Brady and Patterson played a poor game, and he believed that the Montrealers were not playing to win. McNaughton said "I'll be damned if I'll change," when he heard the proposition. Witness did not believe that a single ball was thrown on the Cornwall goal; in McNaughton's runs and general play witness did not think that he was playing his game; from what witness heard before the game, the team preferred to lose the match; the only men who did play their game was Shanks, Sheppard, Geharty, and Urquhart; Carling did his best, as did Cameron in the last game; Mr. Maltby spoke in very strong terms against the manner in which the men acted on the field, missing opportunities to score, and he could not say that they had no intention of making any effort to win.

Before the court adjourned, Mr. C. J. Doherty read a telegram from Mr. Canniff, late partner of Mr. Jenkins, who has "what look" in which so many things of importance are written, and who can be in town tomorrow morning.

The court then adjourned. When the case of the M. A. A. A. vs. the Post was renewed the Superior Court room was again densely packed with interested citizens.

Frank Labelle, saloon-keeper, of Bleury street, was first called and testified that he had two bets on the Montrealers taking a game, one with M. P. Canniff and another with a man named Bergeron, the night before the match. Of course both bets were lost.

Martin P. Canniff, corset manufacturer, of Montreal, was examined, and said he bet \$25 to \$35 on Friday night previous to the match on three straight for Cornwall. Witness said he was a brother of Mr. Jenkins' partner, and his brother had given him a "tip" on Friday that a job was being put up, and he (witness) could bet that way.

This closed the evidence for the defence. Mr. Brad G. Moland was the first witness in rebuttal and said he was president of the Montreal club and acted as captain of the team on September 24th. He recollected that a proposition had been made him after the first game to change Grant from the home for Geraghty, but refused to do so. He heard no talk about the team agreeing to lose the match. He was ignorant during the match that anything was wrong, and was not surprised at the Cornwall team winning three straight. The team generally was not in good condition. Cross-examined, he said he knew the men had been associating with Pont and drinking.

Mr. Brady, soap manufacturer, who played second home in the Montreal-Cornwall match for the Montreal team, said he knew Pont, Flannigan and Jenkins. Witness met Pont on Bleury street accidentally on Wednesday night prior to the match; Pont was looking for him and said that a man was looking for witness to bet on three straight for the Corn-

walls; witness said the Montrealers would take one game; Pont took witness to witness Jenkins and went up stairs to a room; Jenkins said the party who spoke to him about the betting was not there, and nothing could be done that night; no reference was made to the coming match, and nothing was ever mentioned about the Cornwall winning three straight, or a proposition being made to allow them to get three straight; on Thursday witness met McNaughton and told the latter that he would go down that night; McNaughton and witness went to Jenkins' on Tuesday night with Pont, whom they met at the latter's place; nothing was done that night, and no proposition was made to allow the Cornwall winning three straight; on Friday witness met Patterson on Bleury street; witness mentioned to Patterson about the bet; they were passing Flannigan's tables, where they had frequently met and spoke to him about going to Jenkins'; Flannigan said he would accompany them; on the way down they spoke about the match; Flannigan did not say anything about his going to bet, and

WITNESS PLACED \$50 IN PONT'S HANDS to bet; witness did not know Canniff, and the bartender only came in the room with liquor and went out again; anyone could see him placing the money in Pont's hand; Pont took part in the conversation; Flannigan did not say much; there was no secrecy about what was going on; did not see Canniff make any entry in a book, or heard no bargain being made, and never heard that any agreement had been made about the team losing three straight to the Cornwall; had seen Pont in the latter's place after the match, and learned that the money had been bet and lost; witness did not know that Jenkins or Flannigan were betting on three straight; never gave Pont any money before that night; witness had no practice the week previous to the match; the team was a weak one; he did not hear about McNaughton going to be changed; did not hear about any of the members of the team entering into any compact to sell the match; witness declared that all stories about the game being sold were falsehoods.

Cross-examined, witness said he heard that some parties were willing to bet on three straight for the Cornwall on the grounds, amongst them Pont and Flannigan; witness was surprised at the time; he met Patterson on Bleury street, and taking a long road to go to Jenkins', they passed along Dorchester street and entered Flannigan's; they might have spoken about the number of games the team intended taking; they rushed out of Flannigan's on the entry of some person whom Flannigan said he "would see to-morrow"; had went up to Jenkins' room by the private door and met Jenkins by special appointment; Pont was there and there was no objection to Flannigan being there; witness had not told Flannigan that a person wanted to see him at Jenkins'; there was some talk between Jenkins and Flannigan about the strength of the team; witness might have said that the result of the match would make no difference in their position for the championship; might have said that the winning of the match was an indifferent thing to them; witness did not hear anybody say that "since you intend losing why not lose three straight games;" witness went downstairs that night; reason for the Montrealers not wanting to win was because the Shamrocks were wanted to be bettered if the Cornwall lost; after the match on Friday witness made no more bets that the Montrealers would take a game, as he heard the team would be weakened; no discussion ever occurred at Jenkins' about the Montrealers losing three straight games; this concluded his evidence.

Davy Patterson said he was a member of the Montreal team and had been for four years; he met Mr. Brady on Bleury street and went over to Flannigan's on Dorchester street; Brady told Flannigan he was going to Jenkins; they all left Flannigan's and proceeded to Jenkins' saloon; the conversation was opened about the bet; Jenkins told Brady the man was not there, but he could catch him before the match; they all talked about lacrosse matches, but no proposition was made to him or Brady that the Montrealers should lose three straight games and no suggestion of any such nature was made; witness did not see McNaughton on Friday night and only saw him on the field on Saturday; witness did not derive any benefit from the match and had not been led to believe that he would receive any money; no agreement was signed or made in Jenkins' on Friday night and no proposition was made.

Cross-examined, witness said Friday night was the only time he visited Jenkins; the team was very weak, but they might win a game, and Brady's bet was not extraordinary; witness said that it was only after they started up Bleury street that Brady said he was going to Jenkins'; almost immediately on entering Flannigan's they started talking lacrosse; they then decided to go to Jenkins'; at the latter's place Pont was seen; they were in Jenkins' private room sitting around a table; there was nothing done in the private room that could not have transpired in the stable; witness did not ask Flannigan if the men who entered while they were in the stable was all right; did not hear Brady ask either, though he might have done so; did not speak about the condition of the team at Jenkins'; don't remember any talk about what it would benefit the Cornwall by winning; did not interfere in any way with Mr. Brady's bet; there was no proposition made about the match on the following day; did not speak to Pont about the case after receiving the subpoena; remembered being on the corner of Alexander and Craig streets on the Monday morning after the match; McNaughton was there and Cameron also, but Brady was not there; did not remember having said that he (witness)

WOULD CATCH IT IN THE PAPER. Witness, re-examined by Mr. McGibbon, said he was on his way to work when he met McNaughton on Craig street, Monday morning.

Achille McNaughton was then sworn, and said he had known Jenkins for several months; was in Jenkins' on Thursday night, 22nd September, with Brady; had met Brady on Bleury street; at Jenkins', Pont, who had accompanied witness and Brady there, went down stairs and, although McNaughton had been in the place often before, he was introduced on this occasion to Jenkins; did not see Brady from Thursday night till Saturday on the grounds; heard nothing whatever of the meeting in Jenkins' on Friday night; there was no proposition to have witness change his position on the field; never received or expected to receive anything from this match; was in Jenkins' probably a couple of weeks after the match. Made a remark to Jenkins that the Post was pretty rough on the boys. Never said in the bar, or to anyone of the fellows will squeal. Nobody ever told witness that anything was being arranged for the Montrealers to lose.

Cross-examined, witness said he was introduced to Jenkins as one of the players on the Montreal team. The prospects of the match of the following day were discussed; there was no talk about them not getting a game. A bet on the Montreal team not winning a game was a poor one, and still Brady's bet on them getting a game was a good one. A pin in the groin would effect witness throwing the ball into the goal. He had no

occasion to throw into the goal on that day. Had asked Pont some days afterwards about the Post's article and Pont said they were pretty rough; he did not place any trust in them; had met Cameron and Patterson on Craig street the Monday morning subsequent to the match, heard from Brady that the latter had lost \$50 on the match.

John Grant, the Montreal player, never heard that anything had been done by any of the players to throw the match, nor that they did so.

Albert Shanks was called and swore the same. Cross-examined, he said, he made no remarks about the game after it had taken place.

E. Sheppard, Michaud, Cameron, Urquhart, Spriggins, Carling gave evidence similar to Messrs. Shanks and Grant.

Joe Pont was recalled and said he had told persons that the article in THE POST was tough on the players. Witness was asked by Mr. McGibbon.—'From what you know of Irwin Jenkins' reputation and what you do know of his reputation, would you believe him under oath?'" "I do not know him well enough to say if I would or not."

Judge.—'I think it would make but little difference if this witness would or would not.' Mr. John Laird testified to the effect that he knew Irwin Jenkins, and from what he heard about him he would not believe him under oath; he got his information about Jenkins from different parties, taking for example W. R. Biggam, who took such a prominent part in the famous Bathune-Ulmanoff foot race; witness said he had no love for Jenkins; Laird was employed in a gambling house in the city.

Detective Joe Kellert said he knew Irwin Jenkins, and would believe him as soon as any other witness; he said Jenkins and Laird were all gamblers, and worked against one another; had heard it said that Jenkins was considered a gentleman amongst his class; did not know anything much about Flannigan; had met him in gambling houses; this finished the evidence, and an adjournment was made till 6.30 o'clock.

Although the interval between the adjournment and re-assembling of the Court was unseasonably short, the large audience of citizens present, who have watched the case with so much interest since it opened, scarcely took time to go to their respective residences for supper, entering themselves with small collations procured at the different restaurants in the neighborhood.

Therefore, that at 6.30 o'clock every seat in the room was occupied, and as the minutes flew by the crowd continually increased, until the passages were blocked to such an extent that scores of persons were unable to see the counsel. The silence that prevailed was so death-like that a person could hear the Court room would be led to believe that there was no one within. Every word that was dropped by the counsel and the judge in their summing up the case was listened to with most respectful silence, and when the jury retired the audience were equally divided as to how the verdict would probably go. The general opinion, however, was that the verdict would be decided in the charges that it had made, and the certainty of those present that the finding would be against the newspaper can be imagined when it is mentioned that no one cared to bet otherwise than in favor of the Post. Promptly at 6.30 o'clock Judge Davidson ascended the bench, and after the jury had answered to their names Mr. C. J. Doherty rose, and in the course of an eloquent address which lasted over an hour and a half, presented the case in favor of the Post to the jury.

Mr. C. J. Doherty argued that the case was different from an ordinary suit for libel for damages. There was no question before them as to whether the articles were malicious or whether the publications were true or not, and this was what both parties contended for. There was no desire on the part of the defendants to do any injury to the M. A. A. A., for they all knew, and no one was more ready to admit the good that the association does for the young men of Montreal, and for the city as a whole, than the defendants in this case. There was no intention on the part of the defendants to injure that corporation, and their reputation coming from them that the Post was actuated by anything other than a desire to tell the truth. They had it from the president of the association that if some members of the club had sold the game the comment made by the witness would have been justifiable. If the witness had said the match was a fixed game, there was no doubt that certain players were in the company of professional gamblers in question; there was no doubt that after the interview the Cornwallers were to take three straight, and that three sporting men were ready to bet the same result. The evidence which the defence had presented to make was the evidence of the parties interested in the statement was that the agreement had been made with gamblers. Necessarily parties to such an agreement did not call in a notary, for in the natural order of things the parties first interested in that they alone should know about it. Therefore the defendant had to go into the enemy's camp and get evidence out of those that were guilty. The defence was managed after much difficulty in getting evidence from Jenkins, who told a story that was in its main features perfectly reasonable. All the circumstances and facts surrounding the transaction went to substantiate the story stated in THE POST. These people had witness at their elbow who desired to do a legitimate piece of business, and who had an open bet. In this case they had Jenkins meeting lacrosse players in his own house and talking with them and Flannigan about fixing the match. Their object was to get a sure thing, the security of which was the secrecy of the transaction. Mr. Doherty then went into a lengthy criticism of the evidence given by the different witnesses, and included the idea that these professional gamblers, who bet not for pleasure or sympathy, but

SIMPLY TO MAKE MONEY, should, after an interview with the players, in which the latter testified to their good faith by betting \$50 that the Montrealers would take a game, immediately go out and offer 2 to 1 that Cornwall would take three straight. The gamblers followed the course which they should have done, had they really made the bargain referred to. It was likely that the gambler, who were determined to make money by hook or by crook, and who had no money by hook or by crook, that it to be found among thieves, enough, as Pont said, to pay him his fair share, should, out of the munificence and generosity of their hearts, pay out \$200 to the players who had done nothing for them, and had in fact worked as hard as they could to make the gamblers lose their money. The affair was made public and the innocent youths had sense enough not to go and ask for their money, for they knew that the association with which they were connected would not stand it but would have the whole matter sifted to the bottom. There was nothing wonderful in a club winning three straight games, but it certainly was marvellous that Mr. Lewis and Mr. Maltby should suspect that three of the men were not playing to win, and that these should be the home. This impressed Mr. Maltby so much that he asked for them to be changed, and a better authority on lacrosse than he did not exist. There was a marvellous coincidence of circumstances in the existence, and the manner in which the prosecution wished them believed in and treated. Referring to Brady's evidence, he remarked that it was peculiar that he should have taken McNaughton, Patterson, Pont and Flannigan to Jenkins' at different times. None of them had any business there, but as soon as any of them heard of what bet with the mythical personage, it seemed such a strange favor to them that they had to rush right off with them to Jenkins'. There had been a secret conference

occasion to throw into the goal on that day. Had asked Pont some days afterwards about the Post's article and Pont said they were pretty rough; he did not place any trust in them; had met Cameron and Patterson on Craig street the Monday morning subsequent to the match, heard from Brady that the latter had lost \$50 on the match.

John Grant, the Montreal player, never heard that anything had been done by any of the players to throw the match, nor that they did so.

Albert Shanks was called and swore the same. Cross-examined, he said, he made no remarks about the game after it had taken place.

E. Sheppard, Michaud, Cameron, Urquhart, Spriggins, Carling gave evidence similar to Messrs. Shanks and Grant.

Joe Pont was recalled and said he had told persons that the article in THE POST was tough on the players. Witness was asked by Mr. McGibbon.—'From what you know of Irwin Jenkins' reputation and what you do know of his reputation, would you believe him under oath?'" "I do not know him well enough to say if I would or not."

Judge.—'I think it would make but little difference if this witness would or would not.' Mr. John Laird testified to the effect that he knew Irwin Jenkins, and from what he heard about him he would not believe him under oath; he got his information about Jenkins from different parties, taking for example W. R. Biggam, who took such a prominent part in the famous Bathune-Ulmanoff foot race; witness said he had no love for Jenkins; Laird was employed in a gambling house in the city.

Detective Joe Kellert said he knew Irwin Jenkins, and would believe him as soon as any other witness; he said Jenkins and Laird were all gamblers, and worked against one another; had heard it said