

THE CASE OF THE McNAMARAS.

The case of the McNamara brothers which resulted, as our readers are aware, in their conviction, upon their own confession, of one of them for blowing up a printing office, causing the death of twenty-one persons, and the other of a similar crime, though not attended with fatal consequences, presents some features which to our ideas of criminal procedure are very remarkable. After the prisoners had been arraigned and pleaded not guilty, and after weeks had been spent in obtaining a jury, a delay which is one of the peculiarities of criminal trials in the United States to the astonishment of every one the accused withdrew their pleas of not guilty, and confessed their crimes.

In the meantime, relying as they say upon the declaration by the prisoners of their innocence, their fellow trade unionists had raised a fund of nearly \$200,000 for their defence. Now if these men were innocent what possible legitimate occasion was there for such a sum, either to prove their innocence or disprove their guilt. The idea seems so preposterous as to raise grave doubts as to the belief in the innocence of the accused, so confidently asserted.

Next we have the astonishing fact of the counsel for the defence, after great efforts, in the face of damning evidence against them, to induce his clients to plead guilty, arranging with the prosecuting counsel what the punishment was to be; the public being informed in the most public manner possible, that the chief criminal was to be imprisoned for life, and the second for fourteen years. This usurpation of the functions of judge and jury (the jury not being even complete) does seem to us very remarkable.

The conduct of the counsel for the defence in this remarkable case has again raised the oft-considered question as to the duty of counsel, who before trial become aware of the guilt of their client, and of the fact that the plea of not guilty is a false one. The position of a counsel who realises his honour as well as his responsibilities is in such a case a very trying one. We all remember the instance of Mr. Phillips, of the English Bar, to