

Guelph Evening Mercury

OFFICE.....MACDONNELL STREET
SATURDAY EV'G, JAN. 23, 1869.

WHALEN.

We trust that there is an end to the expensive farce of endeavouring to obtain a new trial for Whalen. It would seem that the higher the standing of a murderer's victim, the more difficult it is to carry out the provisions of the law for the punishment of the guilty party. Had Whalen's victim been an obscure man, the murderer would doubtless have been hanged long ago, and Mr. J. H. Cameron would be minus his big fees made up by the money of Fenian sympathizers. The Court of Error and Appeal has decided that the judgment of the law on the culprit should be carried out and declined to grant leave for an appeal to the Privy Council of England. In the meantime, unless Mr. Cameron should manage to have the case referred to the English Court, and unless the prisoner be further respited, he will be executed at Ottawa on the 11th of February.

THE WHELAN CASE. THE CROWN SUSTAINED

Notice of Appeal to Britain.

Whelan was brought up on Friday morning before the Court of Error and Appeal, to hear the decision to be rendered in this case, as presented to the Court on the 4th inst. For more than an hour before the time appointed for the delivery of judgment, a large crowd thronged the avenues leading to the Queen's Bench Rooms; in fact, the numbers assumed such proportions that the Sheriff thought it advisable to admit only by ticket. The prisoner presented the same cool and collected appearance that has marked his presence at Court on previous occasions, but listened with more attention to the judgments, as feeling possibly that the final verdict was being reached in his case. Their Lordships took their seats shortly after eleven o'clock, after which the President of the Court, Hon. W. M. Draper, read his judgment, which is a lengthy and elaborate document. He held that the judgment of the Court should be affirmed.

The other judges then read their decisions, after which the President stated that the decision of the Court was that the judgment of the Court below was affirmed. The judges in favour of granting a new trial are Judges Haggarty, Morrison, Sprague and Vankoughnet; against a new trial, Judges Draper, Richards, Mowat, A. Wilson, J. Wilson and Wynne.

The Hon. J. H. Cameron, applied then on behalf of the prisoner, for leave to appeal to the Privy Council in England. The learned Counsel stated that four Colonies had this right to appeal to England, but the Privy Council refuses to hear an appeal unless the Clerk of the Court certifies that the appeal has been allowed by the Colonial Court. It appeared, he said, that this course was rendered necessary in cases of a criminal character.

The President asked whether any case could be pointed out where a case like this on a Writ of Error was referred to the Privy Council. In this case, clearly, the diversity of opinion was such that no application for leave to appeal could be refused, if before our own Courts. But the case here was different. They were asked to grant it where they had not the power.

The Chancellor—Our giving you leave to appeal can confer no jurisdiction on the Privy Council; nor can our refusal deprive them of any right to hear the case.

Mr. Cameron—But a rule of the Privy Council's procedure requires leave from the Colonial Court.

The President—Strictly speaking this is not an appeal; it is a case of writ of error.

C. J. Haggarty asked if Mr. Cameron was sure that the Privy Council had a right to hear this case on appeal from the Colony.

Mr. Cameron—I think so, under the Imperial Act of 1844.

After some further argument, Mr. Cameron put in his motion for appeal, when the Court retired for an hour to consider it.

The President said—"We have looked at the case, and only find one with regard to Canada, which we find composed of extracts from our own statutes. They, he said, found none in which it is declared, as a necessity, that there should be leave from the court. They found no rule which could prevent the case going on a writ of error such as this, and therefore they thought they should not grant this leave.

An order was then drawn up remanding the prisoner to the custody of the Sheriff of Carleton, and he was removed from court.

Sheriff Jarvis determined to lose no time in transferring the responsibility of the custody of the prisoner to his original custodian at Ottawa, and very quickly and very secretly made preparations to send Whalen off by the evening's train going east. The prisoner was heavily manacled, as upon his journey from Ottawa hither, and was dressed similarly, having a very heavy Scotch plaid tightly pinned around his shoulders. He looked very pale; but stepped on to the station with his usual firm and jaunty tread. The moment the train stopped at the Don Station, he was hurried into the sleeping car at the end of the train. Whelan was hardly ensconced in the berth allotted to him when the whistle sounded, and the train started at a rapid rate around the bend, being then, at six o'clock, nearly an hour behind time.

As our judges have decided not to give an order for appeal, or refuse it, but to remain neutral, it remains to be seen whether the prisoner will proceed any further with the case. As the original order for the prisoner's execution is not abrogated, there was no need to fix a new day for that purpose, or to make any order relating to it. Unless reprieved or Mr. Cameron attempts to appeal without leave, his execution will take place on the day fixed by the order reprieving him, which is the 11th of February.

The Nine Martyrs.

A POLITICAL DRAMA IN TWO ACTS.

(From the Hamilton Times.)

ACT I.—SCENE—A room in the house of "the Hon." J. Macdonald, Premier of Ontario—Table laden with wine.

(Enter Messrs. Greeley, Eyre, Lauder, Craig, Smith, Barber, McGill, Cockburn and Swinerton, M.P.'s (martyrs) headed by the Premier. They all take seats around the table. The Premier takes the chair, and lays a written document addressed to the *Globe*, with space for nine signatures, on the table.)

THE PREMIER (rising).—
My friends and fellow nine,
You're welcome here to all of mine
I pray you, therefore, drink the wine
As long as you're able.

(They all drink long life to Sandfield and his "pure" Government.)

The Premier returns thanks and continues:
You all have felt, as well as I,
The rude attacks, the tyranny
Of the hated *Globe*,
Which will not cease, until it die,
Good names to rob.

Therefore, if you do not feel scared;
I have a document prepared
For you to sign,
Denouncing the vile sheet that dared
You to malign.

That dared to criticize your acts,
And publish all the little facts
Of your career,
As if you could be off the tracks
When I am near.

This letter, published, will be sure
To kill George Brown beyond a cure,
And set you free
To "grind your axes" bright and pure
And follow me.

(He sits down.)

Mr. GREELEY—I think we understand each other.
Mr. EYRE—Although it's treason to McKenzie,
And will put Blake into a frenzy,
I'll sign the letter.

Mr. LAUDER—Dear Sandfield made me a trustee,
And therefore can depend on me.
Mr. CRAIG—John S. is chieftain of Gengarry,
I'll do his will—I dare not tarry.

Mr. SMITH—And I will not be far behind,
For Leeds has many an axe to grind.
Mr. BARBER—I'm loath to do it, but "the mill"
Must be kept going, and I will.

Mr. SWINERTON—Your wine, dear Sandfield, is so good,
I'll sign the letter with my blood.
Dr. MCGILL—
"Five hundred pounds" hangs on this signing,
I can't afford to make a whining.

Mr. COCKBURN—
Dealing, as I do, in lumber,
Requiring axes without number,
I, too, will sign.
(They all subscribe, embrace, sing a hymn to the tune of "Martyrdom," and retire.)

N. B.—For Act II—Retribution—see *Globe* January 20th.

Mr. BARBER.—The Milton *Champion* referring to the charge made by the *Globe* against Mr. Barber, that he is a tool of the Ministry from pecuniary motives, says it is due to himself and to "glorious old Halton" that he should prove it to be false and libellous. "If true the dignity of Halton is involved in the insults heaped upon Mr. Barber by the unmanly language of the Premier."

FIRE IN HAMILTON.—Two destructive fires occurred in Hamilton on Thursday night, by which the wool factory Humphrey & Newberry, and the manufacturing establishment of L. D. Sawy & Co., were levelled to the ground. The loss in both cases is estimated at some thousands of dollars. On Friday afternoon another fire broke out in the bellow manufactory of James Dallyn, James, when the building was destroyed. Loss not known.

SPAIN DECLARES FOR MONARCHY.—Contrary to the predictions of many, the result of the elections just concluded for members of the constituent Cortes shows unmistakably that an overwhelming majority of the people are in favour of a monarchical government. The cities of Seville, Barcelona, Alicante, Saragossa, and some others, however, have been carried by the Republicans, and the strength of that party in the new Cortes will be about 100 members, opposed to whom will be 300 monarchists.

NEW ZEALAND.—Fifty Europeans and their families have been massacred by the natives in New Zealand—and, as is generally the case in this colony, the colonists themselves are to blame for this new trouble. Some time since, when 10,000 British troops were stationed there, they annexed a large tract of land belonging to the natives, and made no provision for defending it when the force was withdrawn. "If people will take what does not belong to them, merely because the proper owners are not Caucasians, they must bear the consequences. The story of William Penn should be read and remembered by settlers in a savage country."

BIRTHS.

BALFOUR—In Mount Forest, on the 15th inst., the wife of Mr. William Balfour, of a daughter, O'BRIEN—In Mount Forest, on the 15th inst., the wife of Mr. James O'Brien, of a son.

ALLEN—On the 20th inst., the wife of Mr. Alex. Allen, of a son.

SEYMOUR—In the township of Egremont, on the 20th inst., the wife of George Seymour, of twin daughters, &c.

MARRIAGES.

JONES—WARRNER—On the 14th inst., at the residence of the bride's father, by the Rev. Mr. Hays, Charles A. Jones, M.D., to Miss Sarah Louisa, daughter of Andrew Warner, Esq., all of Rockwood.

TAYLOR—SWINERTON—At the residence of the bride's father, on the 23rd inst., by the Rev. W. S. Griffin, Mr. Chas. Taylor to Susan Alice, second daughter of Mr. Wm. Swinerton, miller, all of Guelph.

MCCOLL—LADY—By the Rev. Mr. Tuck, of Rockwood, on the 18th inst., Mr. Duncan McColl, merchant tailor, to Miss Margaret Lady, both of Waterloo village.

LADDY—BYZ—At the residence of the bride's father, on the 21st inst., by the Rev. J. W. German, Mr. Joseph Laddy to Mary, second daughter of William Byz, Esq., all of Pilkington.

GERMILL—MCKELLAR—At Walnut Grove, near Chatham, on the 20th inst., by A. A. McCall, Mr. J. R. Germill, Jr., of the Chatham *Boomer*, to Miss Jessie, fourth daughter of Archibald McKellar, Esq., M. L. A. for Bothwell.

GLENN—LINDSAY—On the 7th inst., at the residence of the bride's father, by the Rev. Thos. McGuire, Mr. John Glenn, of Glenfaden, to Nancy Ann Lindsay, daughter of Mr. James Lindsay, Maynoe.

ANDERSON—RICHARDS—On the 14th inst., at the North American Hotel, Glenfaden, by the Rev. Thos. McGuire, Mr. Andrew Anderson, Winfield, to Mary Louisa, daughter of Mr. Wm. Richards, Winfield.

DIED.

FERGUSON—In the township of Arthur, on the morning of the 13th inst., the wife of Mr. Robert H. Ferguson.

O'HENRY—At Acton, on the 20th inst., the beloved wife of Mr. John O'Hern.

PHILLIPS—In Peel, on the night of Saturday last, the wife of Mr. Robert Phillips.

PUBLIC NOTICE.
All persons indebted to the Estate of the late JOHN HENRY CLARKE are requested to call on one of the Administrators and settle before the 1st of February next, and all parties having claims against the said Estate will please present them on or before the above date for payment.

JAMES G. WRIGHT,
JOHN KIRKLAND,
WILLIAM STEVENSON,
Administrators to the Estate.
Guelph, Jan. 22.

Mrs. ROBINSON'S DOMINION STORE

OUT THIS OUT.
LIST OF
ENGLISH NEWSPAPERS
AND
PERIODICALS
FOR 1869, AT
Day's Bookstore,
Opposite the Market, Guelph.

Any of the following Magazines, &c., will be mailed for one year, free of all postage, for the amount mentioned. Send your orders at once, with cash in registered letter, to T. J. DAY, Bookseller, opposite the Market, Guelph. I import by every steamer, so that my customers may rely on being supplied at the earliest date.

The following List of Prices includes all Postage:

All the Year Round	3s 2d
Argyll	2s 6d
Army List	5s 0d
Art Journal	5s 0d
Atlas	2s 6d
Band of Hope	4s 0d
Belgravia	4s 0d
Bible Christian Magazine	1s 3d
Bond Street (music)	3s 7d
How Bells	2s 0d
Boys of England	2s 0d
Boys' Own Magazine	2s 0d
British Messenger	4s 0d
British Mother's Journal	1s 0d
British Workman	4s 0d
Builder	4s 0d
Cassell's Magazine	2s 1s
Chambers Journal	2s 0d
Chemist	1s 7d
Children's Friend	1s 4d
Children's Hour	4s 0d
Christian Observer	2s 0d
Cromwellian	3s 0d
Church of England Monthly Magazine	3s 0d
Churchman's Family Magazine	4s 0d
Civil Engineer	7s 0d
Contemporary Review	3s 0d
Cornhill	4s 0d
Cottager	4s 0d
Cutter's Monthly	3s 0d
Dublin University Magazine	9s 0d
Edinburgh	2s 0d
Edinburgh Medical and Surgical Journal	2s 0d
Edinburgh Philosophical Magazine	9s 0d
English Mechanic	2s 0d
English Domestic Magazine	2s 0d
Englishwoman's Journal	4s 0d
Family Herald	4s 0d
Family Treasury	2s 0d
Farmer's Magazine	2s 0d
Flora World and Garden	2s 0d
Fortnightly Review	2s 0d
Fraser's Magazine	9s 0d
Gentleman's Magazine	4s 0d
Golden Hours	2s 0d
Good Words	2s 0d
Good Words for the Young	2s 0d
Gospel Herald	2s 0d
Gospel Magazine	2s 0d
Harvard Square (Music)	2s 0d
Homilet	2s 0d
Illustrated Times (monthly parts)	0s 0d
Infant's Magazine	2s 0d
Kind Words for Boys and Girls	2s 0d
Ladies Treasury	2s 0d
Leisure Hour	2s 0d
London Journal	2s 0d
London and Paris Magazine of Fashion	4s 0d
London Society	4s 0d
Macmillan	4s 0d
Magazine for the Young	2s 0d
Methodist New Connection Magazine	2s 0d
Metropolitan Tabernacle Pulpit (Spurgeon's)	2s 0d
Missing Link	1s 0d
Once a Week	2s 0d
Our Own Fireside	2s 0d
People's Magazine	2s 0d
Penny Illustrated Paper	2s 0d
Photographic Magazine	2s 0d
Primitive Methodist Magazine	2s 0d
Polyt Analyst	2s 0d
Quiver	2s 0d
Rainbow	2s 0d
Reynold's Miscellany	2s 0d
Routledge's Boys' Magazine	2s 0d
Scattered Nation	1s 0d
Scientific Review	2s 0d
Sixpenny Magazine	2s 0d
St. James' Magazine	4s 0d
St. Paul's Magazine	2s 0d
Sunday at Home	2s 0d
Sunday Magazine	2s 0d
Sunday School Teacher	6s
Sunday Teacher's Treasury	1s 0d
Sword and Trowel	2s 0d
Temperance Spectator	2s 0d
Temple Bar	4s 0d
Times' Magazine	2s 0d
United Presbyterian Magazine	1s 0d
Victoria Magazine	3s 0d
Western Magazine, fine edition	3s 0d
World of Fashion	3s 0d
Young Englishwoman	2s 0d
Zodiac	2s 0d

English Weekly Papers.
Illustrated London News, including extra numbers and colored plates..... 9 00
Illustrated Times..... 6 00
Mail twice Week..... 12 00
Mark Lane Express..... 10 00
News of the World..... 4 00
Public Opinion..... 5 00
Punch..... 5 00
Saturday Review..... 9 00
Times, daily..... 20 00
Telegraph, daily..... 1 00
Standard, daily..... 17 00
Weekly Dispatch..... 5 00
Weekly Times..... 2 50

Quarterly Reviews.
Edinburgh Review..... 3 00
London Quarterly..... 3 00
North British..... 3 00
Westminster..... 4 00
Blackwood's Monthly Magazine..... 3 00

American Monthly Magazines.
Harper's Monthly..... 3s 0d
Atlantic Monthly..... 3s 0d
Godey's..... 3s 0d
Frank Leslie's..... 3s 0d
Me. Demore's Mirror of Fashion..... 3s 0d
Pheonological Journal..... 0 00

Any American Magazine or Newspaper furnished and mailed promptly to subscribers. As it is impossible to give a price list of all magazines and newspapers, in this small space, I will be happy to reply to any enquiry on the subject. The above prices include postage. Parties calling at the Store for any of the above will be charged the regular price, less the postage.

T. J. DAY,
BOOKSELLER.
Large Double Store, directly opposite the Market Crossing.
Guelph, Jan. 20.

VALENTINES!
FOR THIS SEASON

Cupid's Headquarters

Will be at SHEWAN'S OLD STAND, where

J. B. THORNTON
COMING
Will shortly present to

ALL LOVERS!
Great and small, a beautiful assortment of VALENTINES.

Comic, Sentimental and Artistic.

NEW BUTCHER SHOP.
The subscriber has opened a new Butcher Shop on the London Road, near the Guelph Marble Works, where he is prepared to sell Beef, Mutton, Pork and Lamb as cheap as it can be bought in the market sheds. The subscriber respectfully requests a share of public patronage.
Guelph, Dec 23 dwlm B. B. PRESANT.

NEW MUSIC BOOK.
"THE WREATH OF GEMS," a Collection of the most Popular Songs, Ballads and Duets of the day, with Accompaniment for the Piano-forte. Boards, \$2.50. Cloth, \$3.00. Cloth, full gilt, \$4.00. Sent post-paid on receipt of price. O. DITSON & CO., Publishers, 277 Washington Street, Boston. C. H. DITSON & CO., 711 Broadway, New York.

LAND PLASTER.
PARIS and CALEDONIAN PLASTER at the Montreal Produce Store, at the old stand below the railway crossing.
Guelph, Jan 17. dwlw GEO. BALKWELL.

NOTICE TO DEBTORS.
The Executors of the late Dr. Parker have placed the Medical Accounts of the said Estate in the hands of Mr. R. MEREDITH for collection, who is authorized to grant receipts for the same. He will be found at the store of Messrs. C. & T. Mor-dith, west side of Wyndham Street, a few doors below the Old Post Office. All accounts not paid by 1st February next will be put in suit in the Division Court.
GEORGE ELLIOTT,
N. HIGGINBOTHAM,
EDWARD BLAKE,
Executors.
Guelph, Jan.

NOTICE TO THE PUBLIC.
The subscriber begs to inform his patrons and the public that during his absence in Scotland his business will be carried on as usual. Parties requiring work will please call at his shop, Market Square, where all orders will receive prompt attention.
Guelph, 6th Jan. dwtf JAS. BARCLAY

PUBLIC NOTICE.
The subscriber has to intimate that during his absence in England all orders left at the shop will be promptly attended to as usual. Parties indebted to him will please call at his house and settle as early as possible.
W. H. JACOME.
Guelph, 6th Jan. dw2

ESTATE LATE DR. PARKER.
The Executors of the late Dr. Parker have placed the Medical Accounts of the said Estate in the hands of Mr. R. MEREDITH for collection, who is authorized to grant receipts for the same. He will be found at the store of Messrs. C. & T. Mor-dith, west side of Wyndham Street, a few doors below the Old Post Office. All accounts not paid by 1st February next will be put in suit in the Division Court.
GEORGE ELLIOTT,
N. HIGGINBOTHAM,
EDWARD BLAKE,
Executors.
Guelph, Jan.

New Advertisement.

1869. BY SPECIAL REQUEST. 1869.
G. B. FRASER
Always desirous to please the public, responds to their request by commencing another

ON SATURDAY, 23rd JANUARY.

1869. BY SPECIAL REQUEST. 1869.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.

ON SATURDAY, 23rd JANUARY.