

and E. G. swears that before nine o'clock, and a few minutes after he entered the house, the Dr. went into his bed room and shut the door for the night. M. M. swears that she passed E. Gordon's room door about nine o'clock, and saw her not, as her door was shut—that she then went into the Doctor's room, the door being open. E. G. swears that at that time the door of her room was open and the Doctor's shut. M. M. swears that from nine to ten o'clock the Dr. was walking in the dining room and parlour down stairs. E. G. swears that from nine to ten o'clock he was in his bed room up stairs! Yet, in speaking of these witnesses, the Commissioners assert, that they "WERE REMARKABLE FOR THEIR INTELLIGENCE, CLEARNESS OF MEMORY, CANDOUR AND ACCURACY." III

The fact that the Commissioners have attempted to plead against the witnesses in any case, is most conclusive evidence that their testimony remained in force notwithstanding all the efforts of the defence to break it down, and on the other hand the fact that they plead for a witness, is proof that in their judgment his testimony needed their help. That this was true in the case of Patrick Mullaney is shown thus: Mullaney swears,

"Cuttell who was the farthest away from the slaughter-house of any of the witnesses, swore that it was a nuisance, and that he left on that account. I knew that he left in order to go to a house that was a dollar a month less."—*Leader's Report*. The house that Cuttell left was James Orford's; the one he went to was John Jackson's—the time he left the one and went to the other was June 9th, 1853—the amount of rent paid for each house is shown by the following copies of receipts given by their respective owners:

"Toronto, June 9th, 1853.—Received from Mr. J. Cuttell the sum of fifteen shillings, for one month's house rent, "ending June 9th." JAMES ORFORD."

"Toronto, 11th July, 1853.—Received from Mr. J. Cuttell, seventeen shillings and six pence for one month's rent due the 9th. JOHN JACKSON."

All the strange statements of Mullaney respecting the cock fighting, and the cutting of the reins, are declared by both of the Cuttells to be as directly the opposite of facts as are his statements respecting the rent—the falsity of which fortunately admits of the above documentary proof—and that Cuttell fled from Toronto, through dread of being prosecuted for perjury, the Court could not urge, as it had ample proof of its falsehood offered in open court. Yet the Commissioners plead, that the testimony of Cuttell is impeached by that of Mullaney, and that this impeachment is not neutralized—that the credibility of Cuttell is not restored by the subsequent testimony of John Donogh and Thomas Stevenson!—Why not? Why say the Commissioners, Mullaney is a 'respectable tradesman'? True, he is a butcher—which is unquestionably a respectable trade; but surely the Commissioners know that a man might rise to that position without having acquired any marked reputation for either *intelligence* or *virtue*. While they must admit that John Donogh never could have obtained his position had he not enjoyed the reputation of being endowed with both intelligence and virtue in a highly creditable degree. Without such a reputation, it is perfectly obvious that the Wesleyan denomination never would have intrusted him with the management and control of their valuable printing establishment. Against the testimony of Donogh and Stevenson, Mullaney certainly needed help. But surely it was not the province of the Court to furnish that help; especially in the extremely liberal manner in which they so lav-

ishly bestow it, as not only in this case and the others already mentioned, but also in the case of the College servants, the help rendered is very extraordinary and took some who were present completely by surprise. The pleading of the Commissioners, in behalf of the testimony of Morrow, like the whole of their pleadings in every other case is so *exclusively* on ONE SIDE from first to last, that it could not have been more so, had the Commissioners stood before the world, not as judges, but as the colleagues of Dr. Conner.

#### IV. THE DEMAND FOR A PROSECUTING OFFICER IN COMMISSION COURTS.

The amount of the responsibility and revolting drudgery thrown upon the party who presented information to the University commission, was so great—so unlikely to be *freely* and *voluntarily* assumed by any individual, for the public good, that Mr. Dick has no hesitation in admitting that it stands as a partial excuse for the offence committed by the conductors of those prints which have asserted that he acted under the instigation of others who had agreed to reward him handsomely for his mercenary toil.—The excuse, however, is only *partial*, as all men are bound to know the truth of what they affirm, which in this case was impossible, the statements made by them being thoroughly false; Mr. Dick was neither instigated nor hired to undertake the part he acted in this investigation—the whole arose in a manner very simple and easy of explanation. In a purely incidental manner he happened to hear the positive assertions of an individual who directly charged the guilt of gross uncleanness upon one, whose character the welfare of Canada required should be free from all such imputations. He immediately and from a clear perception of personal duty, and from no other motive, did then and there assure all who were present, that unless the charges were retracted he would most certainly bring them to bear against the party implicated. The charges were not retracted but repeatedly reiterated up to the time that the Commissioners met and advertised, calling for information against the President. Mr. Dick in simple accordance with his pledge given as already explained, appeared before the Commission, and laid before the court the information which he had in THAT ONE, AND ONLY MANNER, in which the Commissioners WOULD CONSENT to receive it. To say that the manner was not honorable is to pronounce the Commission a conclave of villains; as none but adapts in villainy would in so grave an inquiry, leave no door open for the admission of information, but one that would necessarily stamp with dishonor every man that approached it! Suspecting no villainy, anticipating no dishonor, Mr. Dick, as stated, preferred his charges; expecting however that, that as the court was one of inquiry it would actively bestir itself in searching diligently into each charge. But instead of this, as soon as the case was opened, he found himself thrust into the position of a public prosecutor, and the whole responsibility of bringing home the charges thrown upon him, while the Commissioners folded their arms and looked on without offering him the slightest encouragement or assistance. In the light of these revelations he saw his position to be a most extraordinary one, that in addition to all the responsibilities which he had voluntarily assumed in the preferment of the charges and in the employment of counsel, there was thrown upon him the whole burden and toil of the unpleasant drudgery of the investigation—labor more than enough for the undivided attention of any man—while such attention it was impossible for him to bestow, as much of his own daily business was such as did not admit of postponement; and to ask assis-