THE TRUE WITNESS AND CATHOLIC CHRONICLE

THE TRUE WITNESS The Post Printing & Publishing Company

761 CRAIG ST., Montreal, Canada.

Babscription per annum (in advance).....\$1.50 Offergymen, Teschers & Post-Masters....\$1.00 Olubs of 5 or more (per annum each)....\$1.00 WEDNESDAY.....OCT. 4, 1882.

CATHOLIC CALENDAB.

OCTOBER. THUBSDAY, 5 .--- Office of the Blessed Sacrament FRIDAY, 6 .- St. Bruno, Confessor. SATURDAY, 7 .- Office of the Immaculate Con-

ception, SUNDAY, 8.-Nineteenth Sunday after Pentecost. St. Bridget, Widow. Epist. 1

Tim. v. 3-10; Gosp. Matt. xili. 44-52; Last Gosp. Matt. xxii. 2-14. Bp.

Kelly, Bichmond, died, 1829. MONDAY, 9.-SS. Dionysins and Companions,

Martyrs. TUESDAY, 10 .- St. Francis Borgia, Confessor. Bp. Galberry, Eastford, died, 1878.

WEDRESDAY, 11.-Foria.

TO SUBSCRIBERS.

We have mailed to all those who are in arrears for subscriptions, &c., to THE POST and TRUE WITNESS a statement of their indebtedness. We request those who receive such accounts to remit as early as possible. The amounts in most instances are small, but in the aggregate to us they amount to thousands of dollars. Some of our agents have been very active in our behalf of late, for which we sincerely thank them, also those of our subscribers who have promptly responded; those who are yet in arrears we sincerely desire to hear from them. Monies can be safely forarded to this office by Post Office order or istered letter.

"NOT GUILTY."

The famous Informer case was brought to a close on last Thursday night. The jary returned a verdict of " not guilty," declaring that the defendant, Mr. John P. Whelan, Manager of THE POST and TRUE WITNESS, was not guilty of libel in having given publication to the charges contained in the " Indictment," which appeared in the columns of THE POST and TRUE WITNESS on the 15th of March last, thus practically maintaining the plea of justification entered in this case.

THE "STAR" AND THE INFORMER CASE.

The verdict rendered by the jury in the famous Informer case, has sent the Star into f the most untractable hysterics. The result has brought it no end of displeasure ; in fact, we do not remember our evening luminary ever appearing on the streets foaming with such rage, since the day it told the people of Montreal the inand forcing it to the washerwoman's keeping It in the washtub for a few years we had the satisfaction of seeing it | honor. gradually emerge in a garb less offensive to Catholics and to our Irish and French citiward career and has served as a firm bit in its month. But there are times when the ears and attempt to break loose: and yesterday, it appears, furnished our contemporary an occasion to make one of its spleeny dashes. The long looked for opportunity of dealing THE FOST a blow was almost at hand, and representatives of the Star bied themselves to the Court of Queen's Bench to be the first to receive and herald the news of the condemnation of THE POST. But alas! the wish was father to the thought, and when the jury pronounced a wardict of "not guilty," the eyes of the representative luminaries went twinkling at a furious rate and their chins drooped immeasurably. What was now to us done? Why, attack the jury, of course ! And that is just what the Star attempted to do in the most impotent fashion. Because the jury in the Informer case, which was neither of Irish composition, nor French, nor English nor Scotch, nor Catholic, nor Protestant, but a conglomeration of all these elements, there being six English-speaking Protestants, four Irish Catholics and two French-Canadiaus found THE Post "not guilty," our contemporary demands, with palpable spleen and malice, that the whole jury system be wiped out. Just imagine this safeguard of liberty being thrown overboard at the instance of the Star. Well, we should wish to expostulate !! Do not be in such a hurry, dear contemporary; you may want a jury some of those fine days, so do not endanger your chances, and, by all means, do not soften your brain any further by running your head against a stone wall. trial by jury is about as satisfactory a method of arriving at a conclusion as to a man's guilt or innocence, as tossing a half penny would be." But our contemporary adds "that it does not claim any originality for the idea ;" this addition saves its character somewhat, for if it originated the idea, people would have attributed the fact to lunacy, but it only repeats the ides, and as such commands the attention that would be given to a parrot. And we have no hesitation in assuming that If the verdict had gone the other way, the Star would have said nothing disrespectful of have been the most intelligent that over enzered the box, and would have deserved to be for equine disorders and injuries. Prepared.

the spirit of vindictiveness makes a wonderiul change come over man in general and our contemporary in particular, We are exceedingly sorry that the abolition of trial by jury should be advocated, no matter how feebly, on account of THE POST, but then we take some consolation in one of the

Star's utterances, which says that trial by jury survives as a necessary evil, because no good substitute has been discovered. Is it not a pity that there was no substitute which would declare THE POST guilty. Really we are beginning to be touched by the Star's lamentations. Would not our contemporary interview Captain Melville, who has just returned from the Polar Seas, and ask him if no "good substitute" could be found in those frozen regions which know neither the broiling heat of the sun nor the white heat of anger and rage. If the civilization of ages cannot produce a good substitute, there might be some chance of finding one ontside of its criminal pale. In the meastime we would not like to adopt that too puny suggestion of our contemporary to ascertain a man's guilt or innocence "by tossing up the witness, Michael O'Reilly, and was aca half-penny." The suggestion is "too too"; we were going to say it was like its author, but that would be insinuating too much. "Tossing a half-penny" to see whether a man should be deprived of his liberty or of his life would be a decidedly interesting experiment. The next time our contemporary is in the clutches of the law, let it ask to have its fate decided in that fashion, for, as it says, such a method "would be equally intelligent | not on friendly terms with McNamee.

and more fair upon the whole, than trial by jary." It would be the best thing that the Star could do, for if it is ever placed in the dock, the jury might remember this odious. comparison of "tossing a half penny" and tion towards Mr McNamee to be one such remembrance might not be good for of hatred and a desire for revenge.

There is a question we would like credit the testimony of O'Reilly. to put to the Star. Was this article written at so much per line, or was it a voluntary contribution from interested parties? In any case it bears the stamp of disappointment, spleen and envy.

There is a last point in the Star's article to which we desire to attract particular attention, and it is the statement that "Mr. sylvania oil well, where laborers were being Doherty offered, on the evening of the first day of the trial, to withdraw the charges, enter a plea of guilty, make a public apology through his paper, and pay a penalty of five hundred dollars." The Star lies wittingly in making these statements, which are quite in harmony with the rest of the article length ; was two years finishing the con-Our contemporary has been too "previous;" it should not attempt to twinkle before dark, as it is liable to cast a treacherous light.

WHEN Dillon announced, a few days ago, his intention of withdrawing from the public arena for a short time his enemics at once set the rumor afloat that his retirement was brought about by discord between himself the contract some time before I saw Mr. Mcfamous lie that the Catholics had poisoned and Parnell. Dillon has risen to explain and the wells of their Protestant neighbors in an | to deny the truth of the rumor. He says that adjoining municipality, as a method of retal- he resigns because of ill-health, and not belation for some supposed wrong. This organ cause of any difference between himself and abourd, as I had the contract for building two which was established under questionable Parnell. John Dillon has performed a laudauspices, never could forgive THE POST for trip- able amount of work for the Irish people ; his ping it up in its race of bigotry and time, his talents, his energy and his health working of his own account, his reason I behave been placed at their service. He has tub for assistance. After fought their battles with a will, a purpose and with courage. His name is deserving of The result of the harvest in Canada will prove to he much larger than was expected a In the summer of 1863, in June or July, I zens. The Post has bridled the Star's way- iew months ago, and the general returns from think. the farming districts of the country are of the most satisfactory character. The crops are did you secure? A. I secured 6,000 passmost docile animals will hold up their | rich and abundant and are far ahead of those of last year. This is to be especially remarked in the produce of fall and spring their arrival at Akron, Ohio; was not prewheat and oats. Pease and barley are also above the average, while hay just holds its own. The pointo crop seems to be that at that time. which has most suffered and the fact is already discernible in the quotation of prices, Names about that time that the English comwhich are unusually high in this early part of the season. On the whole, however, there is every reason to be satisfied and thankful for the abundant yield of nature's | called and gave testimony to the effect that fraits.

(Continued from Third Page) THE INFORMER CASE

The McNamee - " Post " Libel Suit.

The evidence in rebuttal — Mr. A. P. Macdonald and James McShane, M. P. P., on the stand-The former gentleman's contradiction of Mc Namee's former statements — The address to the jury by Mr. C. J. Boherty.

The Court of Queen's Bench this morning was again crowded with interesting listeners in the cause celebre cf McNamee vs. Whelan for criminal libel. Judge Ramsay took his seat on the bench at about a quarter past ten, when the counsel for the private prosecution announced that they intended bringing forward same evidence in rebuttal. The first witness called was

John E McEvenue, the object of whose tesimony was to show that the witness, Mr Michael O'Reilly, was biased in his evidence. Mr McEvenue testified that he was a clerk and a resident of Little Bideau, Ont ; he knew quainted with him for some years; had met him about three years ago on St James street, when they had a conversation in which the name of Mr McNamee was mentioned: O'Reilly seemed to be smarting under some wrong which McNames had done him.

Judge BAMSAY here asked what the object of the examination of this witness was? Mr BARRY said it was to prove that the

witness O'Reilly was blased. THE COURT thought this was unnecessary. as O'Reilly himself admitted that he was

James A Roache, agent, G T R, Detroit Junction, Mich., on being sworn, said-He knew the witness Michael O'Reilly, and in several conversations which he had with him, four years ago, believed his disposi-A discussion here ensued on the legality of

this evidence, the prosecution seeking to dis-

Angus P McDonald, contractor, of Toronto, was next called, and said he was a contractor for thirty-two year, and knew the private prosecutor, Mr McNamee; had entered into an agreement with him in 1863 or '64 to give him an interest in a contract in which he had in Ohio if he stocked the road with men : at that time labor was very scarce in the United States, owing to the excitement at the Pennpaid three dollars a day ; told McNamee to go to the contract and look at it and if he thought well of it that he would make an arrangement for his supplying the men; he atterwards was engaged in Quebec and Montreal getting men for the road and sent about six hundred out ; there were 5,200 men in all engaged at the work, which was two hundred miles in tract.

CROSS-EXAMINED.

On being cross-examined by Mr. Doherty vitness stated that he did not promise Mr. McNamee a half interest in the contract. Q. Did you ever tell Mr. McNameo that the English company who were building the road had refused you the contract? A. No : I could not have told him that because I had Namee.

Q. Did you tell him that you were only acting as a superintendent on the work on days' pay? A. Certainly not; that would be hundred miles of the road.

Q Did you offer him work superintending at days' pay? A No, I did not; he stopped proprietor or printer or publisher of that ing that he considered that I took the

the indictment, that he, John Patrick Whelan, contriving and unlawfully, wickedly and maliciously intending to injure, willfy and preudice one Francis Bernard McNamee and to deprive him of his good name, fame, credit and reputation, and to bring him into public ridicule and contempt, scandal, infamy and disgrace on the 15th day of Maroh, 1882, unlawfully, wickedly and maliciously did write and publish, and cause and procure to be written and published, a false, scandalous, malicious and defamatory libel in the form of a certain article in THE POST newspaper, printed, published and circulated in the city and district of Montreal containing divers false, scandalous, malicious and defamatory matters, and things of and concerning the said Francis Bernard Mc-Namee, according to the term and effect following, that is to soy; and then the indictment sets out the article. Before going into what that article was, and before enquiring into whether it was or was not true, there is incumbent upon you this duty: There is more than one plea filed to this indictment The first plea filed by the defendant is a plea of not guilty; he pleads that he did not do the thing of which he is accused. That is the first plea you have to dispose of. The first thing you have to decide is whether my client did on the 15th of March, 1882, publish this article in the newspaper called $T\pi E$ Post ; whether he, John Patrick Whelan, did it. If you should find that he did publish it, you would then have to decide whether he

did it falsely, wickedly and maliciously, and with intent to injure, vilify and prejudice Francis B. McNames. And if you should get that far, you would then have to go further and ask yourself the question whether that article was true, and whether the publication of that article was for the public benefit; whether, in fact, he was justified in publishing it. It was incumbent upon the prosecution on being met with the plea of "not guilty," to establish before this Court that John Patrick Whelan did publish the article complained of. Now, the sole evidence upon which the prosecution have rested that allegation against John Patrick Whelan,-an allegation which is the very corner stone of their whole case,-the sole evidence adduced to establish that allegation, is of the shape of a declaration, sworn by John Patrick Whelan, produced here before you. Does that declarpublished the article complained of? That Printing and Publishing Company are the owners, printers and publishers of THE POST newspaper and also of the TRUE WITNESS AND CATHOLIC CHRONICLE, and that these two Company's office, 761 Craig street. Now, gentlemen, the prosecution come here and they ask you to find the accused guilty of an offence which may entail the most serious consequences upon him, and they satisfy themselves and they seek to satisfy you of his guilt by merely producing a newspaper called THE POST, and by producing the article published in it and then producing this declaration-not a declaration that John Patrick Whelan prints or publishes THE Post newspaper, or that he ever iid, but that that newspaper is published by The Post Printing and Publishing Company, a body politic and corporate-a person in the eye of the law responsible for all its acts, and liable to indictment just like any other person for any libel it may publish. They produce this declaration showing that THE POST newspaper is printed and published not by John Patrick Whelan at all but by a person entirely clear and distinct from John Patrick Whelan, and a person responsible for its own acts and deeds apart from the acts and deeds of John P. Whelsn. Now, gentlemen of the jury, I am not going to deny that the defendant would have been responsible if

produce, and which is printed in this same can each one of us-as each member of the paper with the article complained of and public who hears this trial and reads that which Mr. McNamee swore to as being a let. article undoubtedly will-come to his own ter of his to the defendant; and alter reading conclusion concorning that you cannot find that letter I would ask you gentlemen, as say, gentlemen, that you cannot find honest men. sworn upon oath to render a ver- the defendant guilty of that with which ter of his to the defendant; and after reading dict according to the evidence, whether it will be possible (even if rereuaded by the at all, which I maintain has not been proved eloquence of the eminent counsel called by there' is a lack of that essential element the prosecutor to the support of his case, you go so fur as to say that the defendant did publish this article) for you, in the face of that letter, to say that the defendant pub. lished that article maliciously and wickedly and intending to injure Mr. McNamee's good name, fame, credit and reputation, and the other eminent and distinguishing qualities of Francis B. McNamee. Gentlemen, I will read the letter. It is as follows :-

MONTREAL, 10th March, 1882. JOHN P. WHELAN, ESQ., Managing Director of The Post, Montreal.

Managing Director of The Post. Montreal. SIR.-I have seen, as you have also seen, the correspondence which has passed between the R.v. Father Dowd on the one side and yourself aud myself on the other, and I regret that you have met his Reverence's kindly and well-meaut efforts in so unfair and insolevt a man-ner. I have written to Father Dowd to the ef-fect that by the position you have taken, the whole case has passed from his friendly juris-diction, and that I must now deal with you per-sonally. To that effect I now make you the fol-lowing offers, either of which you can accept: I. That the case (that is, the accusation sgainst me that I have been an informer) be submitted to the arbitration----(a) Of three Irish Catholics, laymen, to be chosen in the same maner as under heading A. (c) Of three lay gentlemen, not Irish Catho-lies else to be choren in the renould reading the submodent of the sub the reading A. (c) Of three lay gentlemen, not Irish Catho-lies else to be choren in the renould of the subset of the subset

slanderer.

Yours, &c.. F. B. MCNAMEE.

There is the position in which the defendant stands. We have nothing to do with what precedes the publication of that paper | of this city. Against him we make the fol. on the 15th of Merch last. The learned genation establish that John Patrick Whelan tlemen objected to one word of evidence of what preceded that publication. So that, declaration is to the effect that THE POST gentlemen of the jury, the position in which the defendant stands to day is this. In this case the prosecutor is nominally the Crown but, in reality, the prosecutor is Mr. Mc-Nemee; and it is Mr. McNamee who accuses newspapers are printed and published at the and socks to punish the defendant for publishing this article in Inc Post. But, gentlemen of the jury, you cannot convict the accused unless you find that he did this maliciously with intent to defame and vilify Mr. McNamee; and I ask you, gentlemen, what is the position Mr. McNames made for the defendant? Why is it that this article appeared? How did it come to be published? is it possible that courts of justice men are to be used to punish for complying with the request of the party who claims to be injured? Mr. Mc-Namee stands before you, and he poses as a much-injured man, as a man who carries his life in his hands, and who, 88 he walked on "the top of the earth," was so miserable that live was unbearable to him. a man. moreover. who would rather die than one lota of these charges against him should be true. Well, what was the position forced upon Mr. Whelan by Mr. McNamee? Mr. McNamee branded as a cowardly liar and irresponsible concern, and had done him (McNamee) some slanderer. There is a maxim of the civil law real or supposed injury. of this country that an injury is not done to malice or an intent to defame and vilify Mr. the prosecution had come before you and shown that although my client was not the McNamee, when he demanded this publication by this letter? How can you hold that

Qet 4, 1882

conclusion concerning these motives. But he is charged ; because even if he did the act malice-a lack of the intent to injure, villey and defame Mr. McNamee. There was purely and simply a compliance with his request to give him that opportunity which somehow or other he found necessary of ventilating his character in a public court, and because he (McNamee) thought he required a libel to be published against him.

I think that the accused might rest upon his ples of not guilty and leave his case there, gentlemen, in your hands; and you would have no alternative but to say that that plea is substantiated, and repeat it in a verdict of NOT GUILTY.

But there was another means of defence open to the defendant, and of which he has availed himself. It is what is called a plea of justification. The defendant has come forward and said that when these statements were made, they were made truthfully; and that, moreover, the prosecutor was a man holding such a position and aspiring to such public position, that it was in the interest of the public that they should be published; and they were published accordingly; in order that knowing what manner of man the prosecutor was, the public might deal with him for their

chosen in the same manner as under heading A. (c) Of three lay gentlemen, not Irish Catho-lics, also to be chosen in the same manner. The arbitrators of any class to have unlimited powers to make investigations, call for docu-ments, examine witnesses or hear legal argu-ments on both sides. II. That, in case you do not select to submit the case to any kind of arbitration, you publish some statement in The Post concerning this matter upon which I can fasten a charge of li-bel, so that the whole case may be ventilated and decided in the law courts. If you decline any and all of these I hold the right to publish all this correspondence, and to slanderer. was, the public might deal with him for their own protection in what manner they thought it. It becomes, therefore, your duty, gen-temen of the jury,—in the very improbable event of your considering it necessary to go any further than the plea of justification. Look at the article complained of, and look at the plea of justification; and consider the proof which you have head here before you, and I night add the proof which you have seen here before you "The bulk cf. the article reads as follows: reads as follows :---

"As the result of our enquiries we now de. clare that the person referred to in the article clipped from the Hour is Francis Bernard Mc. Namee, President of the St. Patrick's Society lowing charges :---

"Firstly-That he was among the first to introduce Fenlanism into Uanada and was the principal, if not the sole instrument, in the original organization of a branch of that body in this city, and that he endeavored to graft Fenianism on the St. Patrick's Society. as it then existed.

"Secondly .- That having so introduced Fenianism and induced unsuspecting and misguided persons to become members of the Fenian organization, he betrayed hig dupes to the Government of Canada, revealed to that Government all the plans and doings of the men whom he had made amenable to the law, so that he might be enriched by their betrayal.

"Thirdly.-That the introduction of Fenianism was not the first illegal means he resorted to of making money, for it is well known that during the American war he was engaged as a crimp and bounty broker, and employed agents in the business.

" Fourthly .-- That in the expression in his recent speech in St. Patrick's Hall, where he refers to the fate that should be meted out to "genuine" informers,-mark the word-he has shown himself to be in character as well as in expression, the same man who, not many years ago, offered to a certain person \$500 "to put daylight through" a prominent required that he should publish this or to citizen who had been head of a leading public

"Fifthly-That starting in his career as an him who cocks it. How then could there be | election bummer, having fitted himself by a course of crimping, bounty-brokerage and informing, and made money at cach, he has not been content to enjoy his ill-gotten gains in this act was done mallciously to vility and obscurity, but has obtruded and forced him-defame McNamee, when McNamee comes self forward, on all public occasions, as the

In the Church of Notre Dame on Sunday, Cure Rousselot took occasion to refer to the immoral tendency of the feuilletons or storles published in some of our contemporaries, and warned parents to keep low literature out of reach of their children.

SEE, FEEL, AND BELIEVE.

"Truth conquers," and PUTNAM'S PAINLESS CORN EXTRACTOR is the embodiment of truth. "Actions speak louder than words," and its action on corns of every description has been the means of extending its reputation far and wide. The explanation of its success is that it performs all that it claims to do, viz., to remove the worst corns in a few days without psin. Beware of imitations and substitutes. Sold by druggists overywhere. N. C. Polsos & Co., proprietors, Kingston, Ont.

Oll has been struck on the farm of the Nelson Mousseau, near Belleriver, Ont., at a depth of 81 feet.

The city of Toronto's real estate assessment It is a lamentable thing to be told "that this year is \$48,990,130, being an increase over last year of \$2,725,506.

The efforts of distinguished public speakers and performers are often impaired by hoarseness. No specific for throat and lung affections has been found to remedy this trouble public of which it is his privilege to be Mr. McNamee, and to deprive him of his good with such certainty and promptitude as the mouthplece and instructor; a man THOMAS' ECLECTRIC OIL. This inexpensive who is striving to do his duty to that portion but sterling remedy used inwardly and out- of the community to which his paper is wardly, oftentimes in a few hours entirely overcomes sore threat or a cold, and may be depended open to produce the best effects in incipient bronchitis, asthma, croup, catarrh, quinsy and other affections of the breathing organs. It is also a sovereign remedy for rhoumatism, neuralgia, kidney disorders, piles, this venerable system, but the jury would excortation of the nipples, bruises, scalds and for which the learned counsel employed ly and with intent to injure, vilify and prejahurts of all kinds. It is also used in some of the leading trotting stables of the country. N12 68 84

work at too low a figure. Q Did you pay him anything for his ser-

vices? A No, he would not accept anything, although I offered money to him for his trouble.

Q When did you commence the work? A

Q. You say you secured passports for all the men you took from Canada. How many ports and paid \$3,000 for them to the American Consul, or at the rate of 50 cents each : the passports were handed to the men on pared to swear that he was the only man who took men from Canada into the United States

Mr. CARTER-Have you any recollection, Mr. McDonald, of telegraphing to Mr. Mcpany had refused to carry out their contract with you? A. No, I have no recollection of such a thing. Mr. James McShane, M.P.P., was next

he considered that Mr. McNamee was never the cause of preventing the leading Irishmen from taking part in Irish affairs generally in Montreal.

The following is a verbatim report of Mr. C. J. Doherty's eloquent address to the jury :---May it please the Court:

Gentlemen of the Jury :

There have, doubtless, been before this Court cases, even at the present term, that may, perhaps, at a first glance, seem to have involved more serious issues than the case I am now called upon to argue before you, cases that may appear to have been fraught with much more serious consequences and results, either to the party standing accused or society, than this case ; but I think, on a closer view, it will be seen that it is impossible to imagine a case where the questions you are going to be called upon to decide can be of greater importance to the party who stands accused than is the present case, and for that reason I feel that in opening the argument on the part [of the defence 1 am undertaking a very serious. a very important duty, and one to which I teel I can hardly bring that degree either of natural talent or careful preparation which a case of this nature and gravity requires. But I feel, gentlemen of the jury, that I have not incumbent upon me what is sometimes incumbent upon counsel pleading for merciful consideration for a cringing, guilty man; but that I have to plead the case of a public journalist who is striving to do his duty to that the mouthplece and instructor; a man specially addressed, and who is doing this did publish this article, although I don't be put to, or oven what punishment may fail upon him, if you, gentlemen, should-alagainst him are distinguished --- with such an error as to find a verdict sgainst him. Now, gentlemen of the jury, the charge

THE POST Printing and Publishing Company to publish the article in question, that he bad done the writing of it, and caused it to be published in that paper. But where is the evidence of that? Where is there any attempt made to make that evidence? It is no where. For all the evidence brought before you-and it is upon the evidence that

paper, he had busied himself to procure

you must give your verdict-is that it was THE POST Printing and Publishing Company that published that article on the 15th of March ; because, for all the evidence you have before you Mr. John Patrick Whelan, on that day, was not in the city of Montreal. For all not see that article, and may never have seen it before any of the witnesses saw it. There is no legal evidence before this Court that he had anything to do with the writing or publishing or circulating of that article. upon it at greater length, that was the first duty of the prosecutor to establish clearly any possibility of doubt, that it was John Patrick Whelan who did this thing. If you should find that Whelan did do this thing I would ask you on what you would base your finding? Would it be on that declaration? If you rest upon that, then it is THE POST Printing & Publishing Company who did this thing. If you build your verdict on that, then it is THE POST Printing and paper in the office of the company. Where is there anything connecting Mr. Whelan

it is not there, it is not in that evidence And if not in that, it is certainly not in the evidence of any other witness. Now, gentlemen of the jury, I might leave The prosecution have taken the trouble to prove that somebody else did it. But, the prosecution ask you not only to find that John Patrick Whelan published this article, which they have taken the trouble to prove he did not publish, but they ask you to find that he published it wickedly and maliciously and with intent to injure, vilify and prejudice name, fame, credit and reputation, and to bring him into public ridicule, contempt, scandal, infamy and disgrace. Now, if he ment, for argument's sake, that he did pub-

and says, "I make you these two offers. I " call upon you to publish a libel against me. "I call upon you to state these things pub-"licly against me. I call on you to publish "an article in your paper, and if you do not "do it I will brand you as a cowardly liar " and slanderer."

cuser, because the accused, if he has done anything at all has complied with the request of his accuser, --- because Francis Bernard Mc-Namee thought it to his interest and for his bethe evidence that there is before you he did | nefit and advantage that something should be published in that newspaper upon which he could base a prosecution for libel, because his position evidently was such either before the public or before his own conscience, I don't know which, but there was evidently an Now, gentlemen of the jary, as I have said, and it is not necessary that I should dwell ed uncomfortable, that it was necessary for him that there should be an investigation in this matter and that it should be gone into. and distinctly to your satisfaction, without Are you, I repeat, prepared to punish the accused at the instance of the accuser because the accused has done this act, if he has done accuser, listening to the voice of his conscience, and desiring (from some motive, or reason, or hope) an exhibition of his offences befor the public, felt that his position before his fellow-citizens or his own conscience was such that, without it, his career was very Publishing Company and not the defendant nearly run? Are you going to punish the who did this thing. If you do not rest upon defendant at the instance of Mr. McNamee, that declaration, then there is not a word of for doing that which Mr. McNamee called evidence on the point. We have a boy put upon him to do, and indulged in threats in the box, and he says, "I bought a copy of | against him if he did not do? The prosecutthat paper on the 18th of March." And then | or says to the defendant that (upon the supthey ask, "Where did you buy it?" "I position that you gentlemen would give a verbought is at the office of THE POST Frinting dict of guilty) either the defendant must go to be you to consider and scan very carefully. and Publishing Company." Mr. Whelan did prison for serving his (the prosecutor's) ends Gentlemen of the Jury, there are times when not give it to him. Mr. Whelan did not cir-culate the paper, for all the evidence that you streets and byeways of this city, and through denies, and above all, what a man cannot have here before you. The boy bought the other cities and towns, as a cowardly liar and irresponsible slanderer. The prosecutor, by the letter in question, asks, in other words, personally with that transaction ? Evidently permits, the defendant and makes the proposition to the defendant to publish the statement, for which to-day the prosecutor says You shall go to prison; for which to-day the prosecutor says, "You shall be branded the case there. The defendant did not do it, "as a criminal;" for which says the prose-The prosecution have taken the trouble to cutor to-day, "These 12 men shall find you guilty of having maliciously libelled me. with intent to vilify and defame my character." And said the prosecutor in his letter, " If you don't do it; if you don't publish an "article against me I shall dispense with " court and jury, and with all the formality " of the law. I shall take it upon myself to " convict you of being a slenderer and a liar, and publish that to the world in general." I think, gentlemen of the jury, you see now that there is not merely no proof before you

that the defendant did publish this libel, but boldly and fearlessly, and without regard to think it possible for you to say, that, moreover, if he did publish, or whosever what inconvenience, pairs or expense he may according to the evidence, that he did publish it, did so at the special instance that, moreover, if he did publish, or whoseever did, but if we were to suppose for a mo- of this prosecutor, to satisfy I don't know what. It is strange. No men who are perthough I cannot for a moment suppose that lish this letter, then I would ask you before feetly innocent go to newspapers to get libels you will-be led-by the ingenious eloquence | you find that he did it maliciously and wicked- | published against them so that they may have a prosecution. Their consciences are at dice Mr. McNamee and deprive him of his rest. They don't need any such performance. good name, fame, credit and reputation, I They don't, clamor for libels, and when

representative Irishman of Montreal, has posed as the absolute dictator in matters affecting the Irish community, till he has nearly succeeded in driving all respectable Irishmen in disgust from taking any activepart or interest in such maiters, and has been, in fact, a disgrace and an incubus upon the

Gentlemen of the jury, are you going to shoulders of the Irish people of this city, punish the accused at the instance of the ac-] thwarting, or perverting to his own personal aggrandizment, every step that they have taken in connection with national or other affairs.

"These are the charges we make against Francis Bernard McNamee. In doing so we have but put in plain words what has been hinted, whispered, and said more or less openly for many years.

"We make these charges calmly and deliberately in the fulfilment of what we feel is a sacred duty. In his speech, to which we have already referred, Francis Bernard Mc-Names declared that he would leave the charges brought against him to the verdict of the people. We have now laid before the Grand Jury of his choice the indictment upon which we have felt it our duty to arraign it, at the request of his accuser, because that i him. It remains with him to decide when we shall be called upon to substantiate these charges before another tribunal. Meanwhile, so far as these columns are concerned, we We have done with the informer business. have said our say."

Hitherto, I have not asked you to consider evidence other than that attempted to be made by the prosecution; and even now, when it becomes a question of asking whether these charges are substantiated, I will not ask you to go one step further than the evidence of a witness for the prosecution; but that evidence and the way it was given I will ask recollect, go very much further to show what in fact and in truth that man has done than any statement of men who won't speak, or who will deny, or who when they can't deny, can't remember, would be worth to establish any fact. You have seen the manner in which the private prosecutor has given his evidence. He was put in the box to prove the case for the prosecution; he was the man upon whom the prosecution relied to satisfy you of the truth of everything he was going to say; he was, in fact, the very head and centre of all; around him and around his virtues, real or supposed, have been gathered the whole effort of the prosecution and the whole endeavor to oreate a species of sympathy with a man who had been wrong ed, whose feelings had been injured, and a man who carried his life in his hands, as he walked on the top of the earth, and who did not want to live for another half hour if one lots of these charges in the article were true-not if all these charges were true, but if one single iota of them were true. Well he got into the box. He told you a very plaintive story, it was almost heartrending; for months this substantial looking, muscular individual had walked on the top of the earth, because not being an ordinary mortal he wanted, I suppose, to reach the very highest elevation for his would ask you to look at a document which they get them prosecute. It is not for me to perambulations-he preferred a more elevaphotographed into its' columns. But, then, only by Nontineop & LYMAN, Toronto, Ont. | made against my client is, in the words, of the prosecution have taken the trouble to say what Mr. McNamee's motives were. We ted walk than we' ordinary mortals are satis-1.1.1.1.9

ist where contains a figurable strategy of the sequelbundes wave reas Server territer and 化化合物学 法知道的 计非正式抽题 医结节分析 2. 1.