COURT-OF QUEEN'S BENCH. THE ALL AND THE CARDINGS

THE SHEPPARD LIBEL CASE MAJOR DUGAS EXAMINED.

TUBSDAY, Sept. 22nd.

His Honor Mr. Justice Ramsay took his seat

It is Honor Mr. Justice Ramsay took his section the bench at 10 o'clock this morning, and the charge of libel on Major Dugas and the 65th Mr. C. P. Davidson, Q.C., in opening the case aid that the jury would have to consider the charge of 1 bel before the Court, which arose ou of an attack on the 65th Battalion in connectical with its despatch to the North-West. It left the afterno n of the 2nd of April and Was acthe afterno n of the 2nd of April and was accompanied by Major Dugas, the Police Magistrate of this city. On the 21st of April there appeared an article in the Toronto Morning News, alleged to be founded on interviews with Sergeant Nelson of the Royal Grenadiers and Dr. White. The learned counsel then progeeded to read the article in question. Mr. Macmaster objected to the reading of any

document not proved.

His Honor held that the indictment could be

Mr. Davidson proceeded to say that an article had been published containing most frightful charges against Mojor Dugas and his comrades; of such a character, that, if true, that officer and those with him ought not to have worn Her Majesty's uniform for a moment. Libel meant the defamation of any person by writings or pictures to injure him. By statute it was arranged that in such a case a plea of justifica-tion might have been put in. This had n t been done. In former days cases like that before the court rest d almost wholly with the judge. Now it was different, and the jury would have to judge as to the matter between

would have to junge as to the matter between the Crown and the defendant, Major Dugas, Judge or Sessions and Police Magistrate, being sworn, said he was maj r in the 65th Battalion. On the 28th of March last the 65th Battalion was called out to proceed to the North-West. There should be eight com-panies in the regiment of forty-two men. At panies in the regiment of forty-two men. At the time of departure there were about 319 men. The regiment left on the 2nd of April by the Pacific Railway. He identified the paper put in his hand as a copy of the Toronto Morning News, an issue containing the libet. At the time (April 21st) that paper was published by Mr. Sheppard, according to his own spoken and partition statement.

The witness then read from the deposition of E. E. Sheppard before the Magistrate, to prove the knowledge of he publication and his respon inility for it.

admitted the responsibility of ownership and distribution of the paper. He saw in the article the words "before we got to the gap." The term "gap" me at the in ervals uncompleted on the railway. The reticle referred to the 65th Battahon. He considered the term "infernal Frenchmen" in the article applied to French Canadians. He considered that the terms "lacked and the terms of th bolted" a d "mutinied," and hat "they kept others three days in the snow," applied to the 65th Argument, and that the scurr llous attacks made on the corps applied, he considered, to elitor of the Toronto News, was examined personally. He considered that the ined and testified that he was the cory of the charges alleged by Dr. White also applied to of the paper in question. He said Mr. Stop

To Mr. Macmaster—He was a guest at Mr. Macd maid's, at Win iper, at Moarce Harbor, and class dered that the article applied to himand considered that the charge of stealing blankets at Monroe Horbor, alleged in the article, applied to hims If. He was more or less acquainted with the Queen's Regulations. He had heard the term, 'men of the batt lion' used in a sense embracing the officers. A general andressing a regiment distinguished between the officers, non-commissioned officers and men. He understood the term "men of he 65th," and his general instructions were in getting in the a non-referred to the officers as well as this news to print nothing but what was true the men. They were specially charged with stealing knives and forks. He was not aware of any blankets being distributed to the officer, along the route. No blanket-were distributed at Monroe Harbor; he consid-ered that the charge made against the men with reference to "some of the regiment" in Winni- An editorial article explaining this report peg appled to himself, as he was in ited out to houses; he considered the remarks of Sergeant Nelson as to his being disinfected applied to the officers; the te in "major" in the article he considered applied to himself; he considered himself the only major of the 65th at the time of his depar ure; Malor Hughes had nover sent in his resignation as in jor of the corps, as he had been promoted out of the rank of major of the regiment; he understood the 'erm " French man" applied to himself: he was a French Canadian; he considered a French Canadian to be one of F ench origin, there were some French men from France in the regiment; Sheppar acknowledged that he was the editor and pro Prictor of the News
The judge warned Mr. Macmaster that he

must be more ca eful in his examination He (witness) had a civil action against the paper f r damages He did not say to Shep pard that every man in the regiment woulding actions against the paper. He may have said be would drive the detendant out of the country, a he regorded him a nuisance, and not a person to have in the country, where he was endeavo in to stirup strife. He may have used expressions to the effect that he though that the best way to punish him was by attacking his picker. He had expressed his regret

DUELLING WAS NOT ALLOWED,

so that such men might not be ch cked in thei tendency to all order people. He returned to the city from the North-West sick, and went back in three weeks. There was great curies ty exhibit-1 at the time, and he was baset for in He came home & one. He has heard that the defendant had said in his depo sition before the magistrate that he would investigate the cuarg s.
On Mr. Macmaster offering to put this in

His Honor said the document was rather an

aggravation than an excuse.

The Witness—He knew that defendant went to the Northwest, and offered, through Mr. Macroaster, to make explanations, but it was

with restrictions which were not acceptable. D vidson said that the conversations which has to see place on the subject were private. If the counsel for the defence referred to them, he would have to bring the whole before

rine Witn'ss-4 proposition to a certain extent of regraction and analogy was made, but it was made with threats. It was said that if the offer was not accepted worse things would be said of the regiment. The reason why the efferwas not accepted was because of the threat-He unders cod all the offer, made as in the direc tion of a ranging the matter, but it was four months fter the publication of the scandals Had seen an article in Le Monde of September 5th, headed "Nunquam Retrorsum," urging the prosecution of the suit.

lins it nor ruled this last question out. To Mr. Davidson—The rank of the Brigade Major (Hughes) was that of Lieut.-Colonel.

Mr. Davids n-When you came back— His Hosor-This has nothing to do with the natter. The case is energible. Mr. Dugas' matter. The case is one of libel return b d we hing to do with it.

Mr. Macmaster asked to put in certain copies of the News to show absence of malico.

The Court ruled that this could not be done. The ners explanation and retraction would not prove absence of malice. The defendant must be shown to have been innocent of the offence. His responsibility had been established by his

own acknowledgement.
The libelious articles were then read to the

jury. C. W. Bunting, of the Toronto Meil, was sworn;-Had lived in Toronto about twenty-five years, and had known the defendant for or five years as the Editor of the News : witness had been connected with the press for several years; there was no registration ever having told Mr. Napierre required for newspapers in Ontario; it was every Frenchman, from the Colonel known in Toronto that Major Dugas was an officer of the 65th when it went to the North-

West. To Mr. Kerr—At the time of the 65th going to the Aorth-West he believed the names of the he might die like Hackett.

Mr. Charles Napierre said he had spoken Man. He did not know whether the people of the Nelson about the article, and the latter

Ontario were especially acquainted with the fact that Major Duray was an officer of the regi-ment: Mr. J. Bergeron, M.P., said he had read the

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article complained of a few days after its publication. He had no doubt the article applied to the officers and men of the officers and men of the form that Major was a re that it was well known that Major Dugas was the major of the 65th. He understood, and others had expressed themselves to the same effect, that the article referred to the officers and men of the regiment.

Mr. C. Cornellier, barrister, gave similar evidence. Mr. W. Jarvis, journalist, said he saw a copy of the p. p. r in question in his office. It came from Toronto.

Mr. W. E. Blumbart, of La Presse, gave

similar testimony. He saw the article and or-dered it to be translated for the taper. He considered it applied to the officers of the regiment. To Mr. Macmaster—No action had been taken

against his paper for publishing he article. From the general tone of the article it applied to the whole regiment.
This closed the case for the Crown.

Mr. Kerr said o verdict could be rendered on the indictment. There was only one indictment, and it implied guilty knowledge. No evidence had been wought forward to that effect. His Honor had held in the Tasse case that guilty knowledge must be proved

His Honor said that he had not held this That was under a spicial statute, and he had told the jury that it must be especially treated He had told the jury that if there was to guilty

knowledge they were so t find.

Mr. K-rr cited 37 Vic., sec. 2 and 3, to show
that guilty knowledge was necessary to convict.

that guilty knowledge was necessary to convict. The defendant was under rection 2, which required a guilty knowledge. That, he held, had hot been proved. He cite! Odger to establish the need of such proof.

Mr. Davidson objected to the grounds taken. He held that the guilty annowledge of the defendant had been proved by the presence of his name on the paper and by the cross-examination by the defendant's counsel. He h d also by the acknowledgement in his affidavi shown his responsibility. As a matter of evidence, the charge had been proved. charge had been proved.

the Court took the matter in consideration and rose for recess.
On the Cour re-ass-mbling Mr. Justice Cau-

say overruled the point raised by Mr. Kerr. Sergt. Nelson, the suppo-ed author of the interview, was examined and stated that the article was not in accordance with what said, which was a conversation with third person. He had not used expressions attributed to him. What he the expressions attributed to him. Major Dugas, continuing, said that in the said was with reference to certain rumers which presence of Mr. Desnoyers the defendant had had applied on to the 35th Battalion and not to said was with reference to certain rumers which the 65th.

Louis Kribbs, of the News, cave testimo, y as to wr ting the article, which in some points be

Dr. White, whose "story" forms part of the libel, said that he had merely spoken of errain matters which he h d heard as current dong the C. P. R., and had warn if the report r who spoke to him not to use his name.

After recess Louis Kribbs, the city elitor of the Toronto News, was exampard had nothing to do with the local department whatever, that being entire'y under charge of witness; he interviewed Nesson himself and a reporter interviewed Dr. White, which was sent in in the ordinary course of office business. The editor, Mr. Sheppard, had no knowledge of the fact that such an tuterview was to be printed. He had no in struction from the defendant as to his duties. xeept that having in charge the reportorial tell he is responsible for all the city news, and his general instructions were in getting in every particular and sufficiently corroborited. This was left to the witness to judge, is he is the head of the department. Sergt, Nelson and Dr. White were interviewed away rom the office and at their respective homes. was printed by the News on the day following that on-which the interview took place (this editorial was then introduced and read in evi-

Cross-examined by Mr. Davidson-Am in he employ of Mr. Sheppard, who is notive nanager of the News Saw Sergeant Nelson on the 20th April, 1885, about noon. Dark know who was present at the time, and a co it was completed went back to the office and wrote it out and sent it to the compositor. Did not see Mr. Sheppard at all on that day ; ne had no knowledge of what board motier was to be used on that day. It is not truthat Sergeant Nelson asked not to have the interview published, and sail he only knev the facts from hearsny. Sirgeant Nelson did not say he was commissioned by some other person to furnish certain information. The words in the main are the ones used by Sergeant Nelson, the direct charges are very likely he same words he used, but the stronge tharges of the lot were toned flown, as the same words could not be used in print. Witless during the interview cautioned the genleman only to give what came under his own ersonal knowledge. The interviewed gen deman in addition pressed him to publish his utterances, which it was alleged were even more strong than they appeared. In the main the words made use of in the article were the words spoken by the sergeant. The entence alluding to the drunkenness of flicers and men contains the precise language spoken by Mr. Nelson. It was not possible or Mr. Sheppard to have seen the article until he saw it in print. The proof-reader tits in the city editor's room, which is one flat bove the room of the editor. The defenlant goes home at eleven at night as a rule. Sergeant Nelson, Toronto, said he was interviewed by Mr. Kribs, but did not consider it in the nature of an interview. Regarding the 65th Regiment, he was talking to friend when Kribbs arrived and he sat and took notes of what was said. There are many things contained in the report which he knew from his own knowledge, and others which he heard from other persons. Mr. Kribs was asked not to print the notes which he had taken, and he said he would not. Think the sentence "stole everything they could lay their hands on" was used by himself regarding the charge that officers and men of the 65th had committed nuisances in private houses; very likely used the words charging the offence, but only knew from heareny as to the

trnth. To Mr. Macmaster-Was subsequently called on by a Globe reporter a few days niter the interview appeared in the News; don't re member whether he had told him he could find all he knew about the matter in the North-West and the 65th regiment in the News. A good deal of what is charged in the News is true, as the witness knew of his own knowledge. Knows Mr. Napierre very well; mot him after the article was published and had a talk with him, and told him that Kribs had given witness' name as the author of certain charges which he only knew by hearsay. May have told Napierre that he was afraid of being courtmartialed on account of what he had told the News reporter. The article in the News is in substance the result of the talk had with a friend, at which time Kribs was present. Major Dugas came to Toronto and saw witness about coming here; told him he was John Dugas. Witness denied " that every Frenchman, from the Colonel down, should be court-martialed." The witness refused to say whether he said to Mr. Sheppard that he was afraid to come to Montreal lest

said he was mad at this name appearing, but the same thing. Tameant negligence and care that the information was true.

In reply to a motion for acquittal by Mr. Macmaster 82221110 TO Della ZAZ His Honor said the defence was entitled to an acquittal if they had proved that there was no knowledge of the publication. Mr. Kerr contended that the case was one of privilege!

"His Honor said the case was one for the jury and not for the court. A newspaper editor should be held to a greater liability than an ordinary citizen, because he has niore of a power and can make himself heard in the community in which he resides. He is a power for good or evil, and if he abuses his rights he should a held to a strict account ability under the raw, and I shall most cer tainly instruct the jury to trat fleet. Again, the responsible head of a paper cannot avoid the law of libel by making a subordinate re-sponsible in his stead. But I shall instruct the jury fally upon these points. Proceed with your case.

Mr. Kerr announced that his client would address the court on his own behalf. Mr. Sheppard, who seemed to speak from imperfect recollection of a written speech re ferred to the fact that he was a stranger in " strange city, with the whole population and the whole province against him, while his prosecutors had every advantage on their side. He had been represented as a roaring lion who was trying to destroy the French race and steal their character, but this he could assure them was far from his design The complaint against him had been made by Police Magistrate Dugas. He was sure niest of them knew that gentleman in his social if not in his official capacity, and they must feel more for him on that account. Mr.

Shippard then went on to compare the straightforward way in which his witnesses had given their evidence with that of the Crown witnesses, who hung their heads and quibbled and were continually appealing to the judge to ask if they were obliged to speak the truth. He spoke in a most sarcustic way of Sergeant Nelson, in whom the truth did not habble out, but was corked up tight, and he (the witness) was determined not to hate the cork drawn if he could help it. Mr. Sheppard complained of being persecuted, and said that ever since the article appeared writs had been pouring in on him until now wherever a person came near him he expected is was another writ. Instead of asking him to jublish a contradiction they served him with a crit for an action of \$50,000. As he

distinct have the money at hand, he pocketed the writ and offered to go over the same go would as the 65th and investigate the matter t thinself and state the facts as he found hem. This was taken up by the French Cornections as a fresh insult, but all the same we went quietly over the ground bimedif and f and that there was a certain amount of both in the charges.

Mr. Davidson objected to Mr. Sheppard unducing any proofs or speaking of the truth of the strole. That should have been done of the strele. n the plea, which ought to have been filed t the outset. It was too late now,

The court ordered Mr. Sheppard 1 ot to uch upon the truth of the article at all, out Mr. Sheppard the next moment drifted back to the subject and said he had with him affi lavits made by persons in the North-West as to the bad conduct of the 65th.

Mr. Davidson protested against Mr. Shej pard being allowed to make charges against h 65th, which it was impossible at the present time to disprove.

Mr. Sheppard then produced a copy of Le Monde containing his photograph and a titter article against him, but was forbid ien to xhibit it to the jury.

Mr. Sheppard then said he believed there should be only one flag and one language in the country, and he would not change his opinions to please any jury. Some of the flicers regretted that duelling had gone ou of tashion. He regretted it to, for it would we a more agreeable way of settling the diffi it glory and of colvalry. He never heard of him until he was arrested. Nobedy knew em in Ontario. "This chivalrous major," Fraid, "is police magistrate, and how car-I have burt him? He has not lost his situa-tion, his health, or," surveying the portly form of the Major, "in flesh. Major Dugas p recuting me to win a little cheap glory for himself. The chivalrous major was here when a battle was being fought in the Northwest, and that is a good many miles from here. He was here because he could not stay away. He left the North-West just as a bettle was coming on That was a strange coincidence. The gal ant me for had palpitation of the heart, which was not surprising in view of the circum-

The judge here warned Mr. Sheppard to

take care what he said for he would be hele esponsible. Mr. Sheppard went on, "the article is said to be libellous because it said that som of the soldiers did not want to fight, bu wanted to go home. Now, was there no some one who did not want to fight? was there not some one who came home? It was very strange that an efficer who left his regiment in the field was chosen for the champion of the corps while the other officers who sustained their honor is the field took no action. Major Dagas was self-appointed committee of one to proseute the case, and did so only to make it appear that he was standing up for all that wagood and true and noble. Although he was so very ill with pulpitation, he had pussed a dozen hospitals on his way home. "Gentle men." he emoluded, "I come before you to demand justice. I don't appeal to him fomercy. I am not so degraded as to supplicate to such as he. What I published was in the public interest A section of the press published a letter from Father Andre, accusing General Middleton of stealing furs. Was that in the public interest? At any rate the Gene ral took no action in the matter.

The Court interrupted and ruled that that had nothing to do with the present case. Mr. Sheppard closed with an appeal for simple justice. During the delivery of his address he was repeatedly hissed by some of the spectators.

The Court then adjourned.

ANOTHER ARREST.

As Mr. Kribs, the city editor of the Toronto News, was leaving the court he was taken into custody by the High Constable, on a warrant, taken out by Capt. Robert, of the 65th, charging him with having written the articles containing the alleged libel. He was taken before Police Magistrate Desnoyers and pleaded not guilty. His trial was fixed for I'hursday afternoon. He was admitted to bail in \$200 and two Montreal pressmen in

WEDNESDAY, Sept. 23rd. His Honor Mr. Justice Ramsay took his seat on the bench this morning at ten o'clock and the

trial was preceded with.

Mr. Davidson, Q C., addressing the jury for the prosecution, said the defendant was charged with mulicious libel, and the statute on the sub ject discriminated between kniwledge of false hood on the part of the libellers. The jury might find him guilty without knowing the charge to be false, or simply not guilty. The indictment used the word "maliciously." The indcitment used

the charge of carelessness the def ident in such c ses was guilty. In the present case it was proved that the difendant had in this event admitted the falsehood of the charges. The the of "not guiky" was virtually a confession that the article was false. The jury would have to decide at what moment the defendant come into the knowledge of the falsehood. It was for him to have proyed this. The defendant had in his own p. per declared that "the News is not prepared to vouch forthe truth of the statement," so that at the time of publication he implied that he was not aware of the truth of the statement. of the statement. The next point for the jury to a k was, was the article published with want of knowledge or an hority on the part of the defendants. At the head of the paper appeared his name, forming in effect a declaration that he was the owner and editor of the paper. But the defendant had in his address stated that he supervi ed the whole paper, an was, therefore, responsible. The law of agency and responsibility n connection with libel was no broader than in other matters. The agencs of the defendant had no doubt much liberty, but the defendant had no doubt much liberty, but the defendant had no doubt much liberty but the defendant had no do dant, unless he gave extraordinary proof that he had taken care to see that nothing went into the c lumns of his paper without his authority, was criminally responsible. The jury would know that the witness Kribbs told them that the contold the tale as it was told to us; nothing extenuatic gor setting down hight in malice," and further, "that we feel constrained" to publish the statements. By that the defendant made himself responsible. The term "we" was that used by editors as representing themselves. These utterances, twenty-four bours after the pppearance of the article, showed a knowledge It was not for the Crown to prove absence of guilty knowledge as it was for the defence to prove the negative. The appearance of the article was pre-unprive proof of guitt. The learned counsel then alluded to the apparent effort of the defendant to shift the responsibility on to his subordinate. He also alluded in elequent and earn at terms to the cruel attacks made on Major Dugas at a time when he was sick, and yet insisted on going to the scene of action in spite of medical advice. The learned counsel also criticized very severely the vulgar wit and impertmence indulged in by the defendant in his address, and he trusted that contact with lawyers would have the effect of im-proving his manners towards his fellow beings, But he was glad to ourn from this to the matter before the court. Was the defendant guilty of the publicati n of the article? The evidence would lead them to judge of this—notably that of Mr. White. The defendant complained of being brought to Montreal; but he was brought here on the complaint of Major Du as, under the law of the land. If the defendant was afraid to come to Montreat, he should have confin-d his libels to his own city. It was absurd to auppose that Major Dugas should go to Toronto to vindicate his character. In his civil suit i was not like'y that Mr. Dugas would receive \$50,000 But the defendant did not seem to ! able to appreciate the fact that a man might raine his reputation or seel himself hurt and injured by attacks on his loyalty, honesty, decency and courage. The detendant, in his complaints, seemed to have forgotten that reperation and amendment had been in his hands Why did he not apologize? It was true that offers had been made with one hand, bu with a moral revolver in the other. A generoa recantation would have reli ved him of the pro secution, but instead he had extended threats and more that this, he had aggravated his offence by got g to the North-West with a lawyes and a notary public in an attempt to establish the truth of his attacks. He would remind the jory that a si ilar case was tried in thi-Court some few years ago, in which err. Gagnon was inducted, and though a plea was put in showing that he was absent from his office at the time of publication, a motion to set aside the verdict was not allowed by the judges.

THE JUDGE'S CHARGE.

His Honor in charging the jury said the case had produ ed a tedi us trial out of a simple case. The pros cu ion had clearly proved their the a more agreeable way of settling the difficulty than by a lawsuit. But he failed to see how he had injured Major Dugas, the light doubt A prima factor case of the laws matter. cally admitted by the defence. It was not to be questioned that the matter published was libel i its project form. It was both obscene and fifthy The next questio was its publication. The es sence of libel consisted in its publication. The was p receive clear. It was not the writing, but the publication of a libel, for which a man must be held responsible. The jury had, therefore, to decide wheth r the matter published was bellous a whe her the defendant published t? The first point could not be questioned, and was practicelly avowed. Then, as to the "out neation," toere was no doubt, as the defendant name was on hap per, and he had admitted an the afficavit made by the police magistrate The Cr wn case was clearly es ablished. The defence has dethe plea that the defendant has o know edge of the fals-hold of the article and that he was excepted by statutthe law of abel stood before the common law a precisely the same position as any other crune. Presu aption could be repelled by posiive evidence. An impression, however, prevaled that there were dange a in presumption of far as mutters connected with the press were ome-rned. Repeling ev de ce could be brough in as to the p esumptive guilt. The leaner alge cited the case of Su Francis Burdett, i which Chief Justice Prest h druled in this wa on a motion to set aside a verdict. The rule w on unusal one unde. British law. The question was then—had the defen e repelled the C owevidence? It was said they had, but he had endeavore to recell it by means of another How had he done it? By entru-ting to anoth adangerous libel, and he realt of which was second libel worse than the first. The defend int allows a subordinate to do all the mischionder his own eye and then claim immun to on er the statute. Neither common law no statute gave this immunity. The defendant, who came to ask their mercy on his behalf, forgetting that use to Mr. Dugawho came to ask their mercy oy shifting his respons bil ty was putting him-self in a peculiar position. But there was another point. The defendant had confessed to hs eporter that the aricle was "tart," bu had the next day stated that the filthy licel was on "very good authority." The jury must not regard the statement that the defendant ha ordered the truth in his paper only to be published. A newspaper must not publish even a dischout truth. The learned judge then reflected severely on the conduct of the defendant's course in the priceedings and said his argument was largely that he ought not to punish him to the purious severes and said his argument was largely that he ought not to punish him to the punish him to be severed as a severe severe severes and said his argument was largely that he ought not to punish him to be severed as a severe severe severes and severes and severes and severes as a severe severes and severes and severes and severes as a severe severe severes as a severe severe severes as a severe severe severe severes as a severe severe severe severe severes as a severe severe severe severe severe severe severes and severe seve ish him as a poor stranger, and as Major Dugas was a powerful resident in Montreal. But Major Du as had not offered to take these ac tions until he had given the defendant a chancof retracting. The offer was accepted by the retor that he would provisionally absolve Major Duga and he aggravated his offence by his subsequent journey to the North-West. His course was much as if a man beat another on the street and then went to make an investigation into his case on right for so doing. The jury might return, if they thought fit from the evidence, a verdict of "guilty," not according to the indict-ment, but "guilty of publishing a malicious libel without knowing the same to be false." This would be a special verdict. The learned judge then instructed the jury that the case of the Crown was established, and they would have to deal with the points he had put before them.

THE VARDICT.

The jury, after a short deliberation, returned a verdict of "publi-hing a defamatory libel without knowing the same to be false."

THE SENTENCE.

Mr. Kerr asked until to-morrow to put in a plea for a new trial on account of certain por-tions of the Judge's charge.

careful trial and every chance of defence exexhausted. The pleased no kn wledge of the publication was not supported, and the accused should also remember that the repeater of a should also remember that the repeater of a libel was as had as the one who propagated it. The plea of ignoranes had not been supported. The article had been printed with a full knowledge, and a mode of settlement proposed that the charges should hang over the attacked members of the community until the defendant had investigated the charge. The accused had offered to constitute himself an illegal commission to examine into the truth or falsity of the matter, an undesirable course not to be tolerated, and the drea-ful effects of which were recently seen in England. Such a course would be null and void before a court. The learned judge then enlarged on the great responsibility of rubit hers of newspapers, who, while they had great opportunities had no immunities. They set in motion wast machinery, and the uld be very careful. The popular cry as to the liberty of the press was mere clap trap, which night do for the hustings or other places where public prejudice was an easy instrument, but in a court of law it could have no weight. The liberty of the press did not give the right to any man to libel size fellow creature. Those conducting papers sometimes said they had to live and must suit the public tastes. They might have to live, but not dishonestly, and to slauder and injure his versation with Sergeant Nelson took place on the 20th April, and that the matter we too fellow creatures by falsehoods was a dish nest press immediately. He also proved that it was method of living. He thought the jury was usual practice for the detendant to be present and to supervise matters, and he was in town at the time. More than the, the defendant had in the time. More than the, the defendant had in in lies own columns stated that "we have simply inhment than that he cherwise would have had to do. It would be a punishment which he hop d would teach the accused that conduct such as his could not be permitted to continue, and that society should be protected. He would impose the highest fine allowed by the statute, which gave power to the judge to fine or imprison, or both. The sentence was that the accused pay a fine of \$200 and be imprisoned until maid. The fine was paid.

HE DREW HIS REVOLVER.

MR. SHEPPARD ATTEMPTS TO DEFEND HIMSELP AT THE COURT-HOUSE. Quite a sensation was caused this morning among those who have been attending the Sheppard trial, just after the case had been decided by the judge and the defendant had paid his \$200 fine and costs. It appears that he was leaving the court, followed by Mr. Kribs, the acknowledged writer of the libellous article, and other persons, when he was considerably justled, and a young French Canadian, helonging to one of the volunteer regiments, rushed for ward with an upraised whip, as though to strike him. Mr. Sheppard, thoroughly frightened, hurriedly thrust his hand into his overcoat pocket and the gleaming barrels of a revolver were just appearing, when Captain Giroux, one of the members of the 65th, in terposed and prevailed upon him to put the weapon away, at the same time assuring him that there was no ground for fear. During the row and discussion which ensued Mr. Sheppard was again arrested for having a loaded revolver in his possession, and he was immediately brought before Police Magistrate Desnoyers, but as there was no one to press the charge the case was amicably settled, the re colver being confiscated. He was then taken by a private passage through the Court House, to evade the crowd, and in a couple if minutes emerged from the west end of the Court House, on St. James street. He was quickly recognized, however, and a large number of anxious persons rushed after him to get a good square look at him. He was accompanied by Mr. C. P. Davidson, Crown prosecutor, and up to the time he had ntered the Hall no further attempts at violence had been attemp ed on him.

SPORTING NOTES.

The following, taken from the Freeman's Journal of the 11th, will be read with inter at: -On yesterday evening the Irish Athletic eam left Amiens street terminus at half-past seven for Derry, on route to Canada, where they go to seek glory and renown on fields where manly strength and provess contend in friendly rivalry. The team are accom-panied as captain by Mr. Fred Gallagher, ditor of our enterprising contemporary Sport. with whom originated this laudable uses of forming a team of Irish athletes to perform on foreign fields those deeds of strength and endurance and activity which so often have made local athletic meetings remarkable Every member of the team is a distinguished whilete, and was selected by the editor of Sport after giving many proofs of his fitness to represent abroad the Irish race physically The public generally, not to smak of sporting arcas, have given an earnest of their practixpenses of the team, and if the latter return ome crowned with victory, as their is every sope they will, a reception of a very wain haracter will be given them. The following comprise the team; -W. J. M. Barry, John. Parcell, E. J. Walsh, Dr. R. E. Sproule Owen Harte, R. I. C., Daniel De aneg Bulger, J. D. Christian, M. J., Hayes, J. E. Hussey. I fine band of athletes they looked when ney assembled at the station, surrounded by nundreds of ardent admirers and well wish rs. Each man wore a handsome undress (nicket) cap, of fine black cloth, with the itials "I A. T." worked in gold on the peak he caps were presented by Messrs Tauff Caldwell, tailors and outfitters, Graftor. treet. An influential gathering of gent'emen aterested in athletics bade them farewell, and for helf an hour before the train left the thletes were kept very busily ougaged accoowledging the well-wishes of their hosts of iends. Warm cheers particularly were wen for Fred. Gallagher, Barry and H yes-Warm cheers particularly were nd the train left the termious amid a perfect dorm of applause, the heartiness of which ould not be mistaken. Mr. Gallagher reived the following letter from the Lord Wayor before leaving :--

DEAR MR. GALLAHER, I regret more than words can tell you that close confinement to my room, from the effects of a bad cold, will event me this evening attending at Amiens treet to wish you and the gentlemen of the rish athletic team, on the very threshold of your long journey, bon royage and a safe return. I can assure you that I will await with much anxiety and interest the results of the several friendly battles you will wage in the great country you are about to visit. Three months are some of your term will return. months ago some of your team raliantly wrested from England a few of her prized athletic championships, and all must applaud the enterprise and pluck which to-morrow will lead you across the Atlantic to measure words in friendly combat with America's ablest athletes. Judging by the achieve ments of your men in the past, I am sanguine that they will do credit to the Old Country," and that their indomitable Irish plack and intense earnestness will bring them home victorious and unscathed. You, my friend, Mr. Gallagher, as captain of the team, deserve well of the athletic community and the country generally for all you have done for the Irish Canadian corps; and while I am certain you are justly proud of each one of your mon, they may safely return the complimen in the same coin and have reason to be proud of their captain. You will be pleased to convey oy personal good wishes to each member of your "Irish Brigade," and my hearty and sincere In lay minds the word might be confus- His Honor refused to accede to this, and proing, as its legal meaning was not that of ceeded to pass the pertunction of the Court. He had not mean told the accused that he had had a long and ant time over land and waterand a safe and

Sentember 10.

Hot and dry skin?
Seedding sensations?
Swelling of the ankles?
Wague feelings of unrest?
Yothy or brick-dust fluids?
Aching loins?
Yramps, growing nervousness?
Itrange sereness of the bowels?
Inaccountable languid feelings?
Inaccountable languid feelings?
Ine-side headache? Backache?
Yrequentattacks of the "blues"?
Huttering and distress of the

Albumen and tube leats in the water? Fittul rheumatic pains and neu-ralgia?

1.oss of appetite, flesh strength? Constipation alternating with looseness of the boweis?
Drowsiness by day, wakefulness at night?

Abundant pale, or scanty flow of dark water?
Chills and fever? Burning patches
of skin? Then

YOU HAVE

The above symptoms are not developed in any order, but appear, disappear and reappear until the disease gradually gets a first grasp on the constitution, the kidney-poisoned blood breaks down the nervous-system, and finally pneumonia, diarrheas, bloodlessness, heart disease, apoplexy, paralysis or convulsions ensue and then death is; inevitable. This fearful disease not a rare-one—it is not every-day disco der, and classus more vicinias than any other compilator. piaint.

pinint.

It must be treated in time or it will cain the mastery.

Don't neglect it. Warner's SAFE ture has cured thousands of cases of the worst on it will cure you if you will use it promptly the only specific for the universa

BRIGHT'S DISEASE.

speedy return to old Ireland, where you wil meet a cordial coad mille failthe.

Very aincerelv yours,

JOHN O'CONNOR, Lord Mayor.

Fred. Gallagher, Esq., Captain Irish Canadian.

Athletic Team

Athletic Team.

The members of the Irish athletic team arrived at Toront, yesterday afternoon. They afterwards visited the Rosedale grounds and engaged in desultory practice. They say they hardly expect to win anything at running on Saturday, as ten days' travel has put them entirely out of condition.

Dyspepsia in its worst forms will yield to the use of Carter's Little Nerve Pills aided by Carter's Little Liver Pills. They not only relieve present distress, but strengthen the stomach and digestive apparatus.

Sleeping with the nead to the north and the physical and mental advantages to be derived therefrom is a subject in which interest is being revived. A German physician of note was quoted many years ago as saying that he believed he had added at least a decade to his ofe, beside keeping his health perfect by this practice.

THE WEAKER SEX

are immensely strengthened by the use of Dr. R. V. Pierce's "Favorite Prescriptions," which cures all female derangements, and gives tone to the system. Sold by druggists.

Sea water has been converted into a beverage. A little citric acid or citrate of silver is added to the briny liquid, chloride of silver is precipitated, and a harmless mineral water is produced. An ounce of citrate renders a half pint of water drinkable. Seven ounces would turnish aship wrecked man with water for a week. The question is how to secure the citrate to the ship-wrecked man. It is recommended that those who go to see carry with them a bottle of the citrate protected by an India rubber covering, or that such bottles should be furnished in life preservers. In the latter case, however, the people about to be shipwrecked must not leave the life preservers behind. It, with presence of mind, they remember to take them, all the agonies of thirst portrayed in nautical stories may remain unrealized fiction.

Holloway's Pills can be confidently recommended as a domestic remedy for the ailments of all classes and conditions of people. Young and old of both sexes may take this medicine with the certainty of deriving bem fit from its use, when disorder or discuse is making them interable. Holloway's Pills are unrivalled for their purifying, aperient and strengther. ng proporties. They remove indigestion, palpitation and headache, and are specially -riviceable in complaints peculiar to females. Each box is wrapped with printed instrucions for the guidance of invalide, who will readily understand, from carefully studying them, the best way of recovering health, Holloway's Pills will work a thorough change on the constitution of the week and nervous.

Dr. Crichton Browne says that the men of to day cut bread, "not in the sucut of their faces, but in the fever of their braics." Apoplexy, neuro cephalus and paralysis are, he says, carrying off an increased number of victims every year. In England curing the tive years 1861 5 they caused 105, 189 deaths, and in 1876 80 the number had increased to 145.503.

ADVICE TO CONSUMPTIVES. On the appearance of the first symptomsgeneral debility, loss of appetite, pallor, chilly sensations, followed by night sweats and cough

prompt measures for relief should be taken.

Consumption is scrofulous disease of the lungs: -therefore use the great anti-scrofula, or blood purifier and strength-restorer, -Dr. Pierce's Golden Medical Discovery, Superior to Cod liver oil as a nutritive, and unsurpassed as a pectoral. For weak lungs, spitting of blood, and kindred 'affections, it has no equal. Sold by druggists the world over. For Dr. Pierce's amphiet on Consumption, send two starons to WORLD'S DISPENSARY MEDICAL ASSOCIATION, Buffalo, N.Y.

The Times of India says there are 22,000, 000 widows in India, none of whom can ever marry again. For the rest of their lives they are deprived of ornaments and colored garments, their heads are shaved, they are condemned to the coarsest and poorest food, and wear out their days in seclusion as the lowest drudges of the household. They have to live like nuns.

A \$400 madstone brought from Ireland to New York has been in the possession of the Piles family, of Sullivan county, for 200 years. It is gray in color, is full of pores, and seems to be as light as so much paper. One thousand persons have used it, and its present value is \$400.

Some of the camels taken in Texas in ante war days, with a view to breeding them for army transportation contracts, have pernetuated themselves in a herd in Bastrop county, whence showmen make frequent purchases.

Biscuit were eaten in a McPherson, Kan., hotel recently, made from flour ground from wheat which was standing in the field ninety minutes previous to the call to supper.