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THE ORANGE LEADERS.

The further proceedings of this case was continued this morning at 11 o'clock, with the bllowing examination of Colonel George

Smith by Mr. Barnard, Q.C.:-Q. Have you now in your possession the book you referred to last evening? A. Yes, I have and I produce it, marked H.

Q. Yesterday you spoke of a book which contained the Orange obligation as well as their constitution in law. Does the exhibit all contain the Orange obligation? A. I did not say yesterday what the book con-

Q Have you in your possession any book containing the Orange Obligation? A. I have not, if exhibit " H " does not contain it. I did not look into the contents of the book when I gave it to Mr. Bond.

Q. Look at the obligation contained in first and second pages of exhibit "F" and please state if it is the obligation taken by members of the Orange Order, or some section or division of such Order? A. To answer that I will have to declare myself a member of the orange Order, which I decline to do, as I might thereby criminate myself.

Questions by Mr. Doutre to Col. Smith.— Have the books E and H any authenticity for you? A. No more authenticity for me than the Jesuit oath, which I produce here in a book entitled the "Jesuits" by R. W. Overbury, published by Houlston & Stone, 65 Paternoster Row, London, in 1846, marked "I."

R. On whose authority is that Jesuits' oath given? A. Archbishop Usher.
Q. Will you read the text of that oath? A.

I.A.B., now in the presence of Almighty God, the Blessed Virgin Mary, the Blessed Michael the Archangel, the Blessed St. John the Baptist, the Holy Apostles, St. Peter and St. Paul, and the Saints and Sacred Host of Heaven, and to you my ghostly father, do declare from my heart without mental reserva-tion that His Holiness the Pope (Urbain) is Christ's Vicar-General, and is the true and only head of the Catholic and universal Church throughout the earth, and that by the virtue of the keys in binding and loosing, given to His Holiness by my Saviour Jesus Christ, he has power to depose heretical kings, princes, states, comnonwealths and governments, all being megal without his sacred confirmation, and that they may be safely destroyed; therefore, with utmost of my power, I shall and will beind this doctrine and His Holiness rights and customs against all deserters of the heretical (Protestant) authority whatsoever: especially against the now-pretended authority and Church of England and an resum order.

herents, in regard that they and she, order.

Q. What reasons were given during the vour original intention? denounce and disown any allegiance as due to any heretical king, prince or State named Protestants, or obedience to any of their inferior magistrates or officers. I do further declare, that the doctrine of the Church of England, of the Calvanists, Huguenots and all of the name of Protestants to be damnable, and they themselves are damned and to be damned. I do further declare, that I will help, assist and advise all or any of His

any other territory or kingdom, I shall come to and do my utmost to extirpate the heretitai Protestant doctrine and to destroy all their pretended powers, regal or otherwise. I do further promise and declare that I am dispensed with to assume any religion heretical for the propagation of the mother Church's interests, to keep secret and private all our agents' counsels from time to time as they entrust me, and not to divulge, directly or indirectly, by word, writing or circumstances whatsoever, but to execute all that shall be proposed, given in charge or discoursed into me by you,

holiness' agents, in any place wherever I shall

my ghostly father, or any of his sacred covenant, all which I (A. B.) do swear by the blessed Trinity and blessed sacrament which lam now to receive, to perform on my part and to keep inviolably, and do call all the heavenly and glorious host of heaven to witness these, my real intentions, to keep this, my outh; in testimony hereof I take this most holy and blessed sacrament of the Eucharist, and witness this vow further with my hand and seal in the face of this holy covenant, this

day of _____, Anno Domini ____.
Anno McNally, restaurant keeper, was then sworn and examined by by Mr. Bar-Q. Do you know the defendants? A. I

know David Grant, Thomas Ingram, and Frederick Hamilton. Q. Are you aware that they are members of

the Loyal Orange Association? A. I can only answer that by criminating myself. I decline

Q. Look at exhibit "E" and state if the printed book constitutes said exhibit, contains the constitution and laws of the Loyal Omnge Association? A. The book itself so

Q. Does it not besides, to your knowledge, really contain the constitution and laws of the Loyal Orange Order? A. I decline to

answer that, as I could not answer it without having an intimate knowledge of such laws. Q. Please look at exhibit "F," and state if the obligation contained in the first and second pages of said exhibit is an obligation which the members of the Order or the members of some division of the Order, are permitted to take? A. I must decline to answer

that, for the same reason. Q. Is it the case that after you were summoned this morning your intention was to answer the above question frankly, and without equivocation (1). A. I thought I did answer them without equivocation. I don't

exactly understand, that. Q. Do you mean that you have not declined to answer such questions? A. I mean that I have no equivocation in declining to answer.

Q. When you were fillst summoned and you intend to decline to answer? A little always mended to answer.

Q. Do you mean that you intended answering, or that you meant to decline to admit that you were an Orangeman? A. I never intended not to answer.

Mr. Desnoyees here interfered and said that the witness was simply playing with words, so the previous question was again put.

A. My intentions were to admit it. Q. How did you come, after you entered the room, to change your intention? A. After consideration, I came to the decision that it was better not at present.

counsel for the defence.
Q. Did you tell Mr. Poutre that it was your

intention to admit all the facts within your knowledge in connection with the Orange Order : and did he, after he had taken you into an adjoining room with David Grant, one of the accused, and Colonel George Smith, now present, advise you not to admit the facts, but to decline to answer on the ground that you might criminate yourself? A. I did not tell Mr. Boutre it was my intention to admit all the facts within my knowledge in connection with the Orange Order, and after a consultation with them, they lest me to my own judgment.

Q. Please mention the substance of what you did tell Mr. Doutre? A. I told Mr. Doutre that I thought it would be wise to ad-

mit the fact of being an Orangeman.

Q. Did you tell him that you were one?

Q. Did you give him to understand that you were an Orangeman? A. The question of identity was not raised. I had no intention to admit that I was an Orangeman; but he may have understood that I was one; and it is unlikely that he could have understood. anything else.

Q. What were your reasons for consulting him? A. Principally the interests of the

Q. Please explain your meaning? A. I wanted to know would it not have been wiser to admit the fact in the present stage of the proceedings.

Q. Did you yourself think that it would have been wiser? A. I thought so.

Q. Why did you request that the defendant, David Grant and Colonel George Smith should be present at the interview? A. As they were the leading defendants in the case, at least David Grant, I thought it would be better to know what they thought of it.

Q. Was it because you knew David Grant to be an official high in the Orange order that you desired his presence at the interview? A. I decline to answer that for the reason that it might criminate myself, for if he were an official I could only know it by belonging to the

A. Principally because it would tend to crininate myself; secondly, that the present moment was not opportune.
Q. Are you aware that an offer had been made to non-ndon the criminal prosecution against the agendants, provided they should agree to test in d fair manner before the Civil Court the questions of the state tion of the legality of the Order and the right of Orangemen to walk upon the 12th of July? A. I am only aware of it from reading it in the

I am only aware of it from reading it in the public papers.

Q. Are you satisfied in your own mind that there is any good ground for your fear that you expose yourself to a criminal prosecution if you?

A. Straply the Let that this prosecution has proceeded on the ground that an affirmative to these questions would criminate.

Q. Are you prepared to answer if the pardon of the Crown is offered to you, so as to relieve you from any possible apprehension of any criminal prosecution? A. Not at the present stage of this proceeding.

Q. Why? A. Because there is likely to be a point if an affirmative answer is given.

Q. What do you mean? A. I can scarcely answer any plainer.

Q. Why can? you answer more plainly?

A. I can't answer, because I don't know at what time or in what during the interview you of the proventies of the point will be given. be in England, Scotland and in Ireland, or in

what time or in what way this point will be given.
Q. Do you mean that during the interview you had with Mr. Doutre, Col. George Smith and David Grant, you were told it is their intention at some future day to admit that the defendants were Orangemen, that the society is a secret one, and the members thereof bound by an oath of the nature of that which has been exhibited to you? A. With regard to the first part of the question, it was hinted that there might come such a time. With regard to the second, the nature of the oath was not spoken of at all.

Q. Were the nature of the oath and the serrecy assumed? A I really could not tell what the assumptions of these gentlemen were.
Q. What were your own assumptions? A. I had no reason to assume anything.

Q. Was it your opinion that the nature of the oath and the secrecy should be admitted when you first came to the room this morning, in obedience to the summons served upon you and before you had the advantage of obtaining the advice of Mr. Doutre? A. It was my opinion that the flast day of the prospection. from the first day of the prosecution.

Cross-examined by Mr. Doutree—Q. Is it not true that you have never spoken to Mr. Doutre, and that he had never spoken to you when you demanded his advice this morning? A. It is

demanded his advice this morning? A. It is true.

Col. Smith's cross-examination was continued by Mr. Doutre as follows:

Q: Is it to your knowledge that the foregoing text of the Jesuit outh was published in some newspapers in Montreal about a month ago, and that its authority has not been denied in any newspaper? A. It was published in the Star some time ago, I think, word for word, and I have never heard its authenticity denied, and I also saw it on a fly sheet.

Re-examined by Mr. BARNARD, Q. C.:

Q. You stated that "E" and "H" have no authenticity for you. Please state your grounds? A. Because they don't appear to be printed by any authority. There is no name attached to them.

to them.

Q. Do you state upon your oath that you believe them to be unauthorized? A. I believe there is nothing on the book by which I could swear that they are authorized.

Q. Please state whether or not you believe them to be authorized, frrespective, by the title of the book? A. How can I tell whether or not they are authorized when there is nothing on the books to inform me? I can form no opinion I cannot tell.

the books to inform me. I can form no opinion. I cannot tell.

Mr. BARNARD appealed to the Court, saying that such a form of answer would not be tolerated in any case but the Orango cases.

Col Smith—This is a superior case.

Mr. BARNARD—Unless Col. Smith wishes to make a farce of these proceedings, he must either refuse to answer, and give his reason, or answer in the affirmative.

The MAGISTRATE directed the witness to give his answer.

The MAGISTRATE directed the witness to give his answer.
Col. SMITH—How can I give an opinion without going through the books?
The investigation then proceeded:
Q. Is it because you decline to answer, or from the absence on your part of any source of knowledge? A. I have no source of knowledge mobiling before me but the books.
Q. Have you any source of knowledge on the

subject other than what is now before you? A. No.

No.

Q. Are you acquainted with the constitution of the Orange Order? A. I decline to answer that question, because four Jueges have already given their decision that I am not obliged to criminate myself.

Q. How came you to say the book about the Jesuits, which you produced, had any authenticity? A. I said that book was as authentic to me as exhibits "E" and "II."

Q. For aught you know it may be a travesty and an imposture? A. I see the names of high authorities in the Roman Catholic Church quoted in the book; it may be an imposture after all.

Q. For aught you know, is it an imposture or

Q. For aught you know, is it an imposture or not? A. I don't know whether it is an impos-

ture or not.

Re-cross examined by Mr. Doutre—
Q. Does the book bear thescharacter of being seriously written?

A. I have always under

scriously written? A. I have always understood so.

Hugh Blake Scott sworn—I am acquainted with Messes, Grant and Hamilton in this case.

Q. Look at this exhibit and state whether it really contains the constitution and laws of the Loyal Orange Association? A. I decline to answer that, as it might leng to criminate me and so endanger my personal liberty.

His HONOR—We will take your personal band. (Laughter.)

(Laughter.)
Q. Look at the obligation contained in exhibit F and state whether that is the obligation taken by members of the order, or some of them? A. I decline to answer for the same reason given

son given.

Q. Why do you suppose that you incriminate yourself by answering? I decline to answer

yoursett by miswering. I see the that,
Mr. FARNARD—You are bound to answer.
WITNESS—The reason is because I should criminate myself.
The magistrate was called in and the witness required by him to answer.
A. Fair learned counsel having given their opinion that the Orange Order was illegal, I second be criminating myself by saying anything would be criminating myself by saying anything that would show that I was essenceted with the

that would show that I was essenceded with the Order.

Q. Are you aware an offer was made to the defendants to abandon the criminal prosecution, if they would agree to having the question of the legality of the Order fairly tested in a purely eivil suit, for the purpose of avoiding the chance of trouble on the 12th of July next? A. I heard it rumored that such was the case, but I had no interview with any person whem I would consider a good authority on the subject.

Q. Do you state, upon your outh, that you have any apprehension that you might be criminally prosecuted if you answered? A. I can't judge, because the authorities have it all in their own power.

in their own power.

Q. And you have no other reason, have you, for refusing to answer than the fear of a prosecution? A. I can't say much of the fear of a prosecution. It would not trouble use much if I was prosecuted on this account. I have no other

fear."
Q. Why, then, do you refuse to answer? A. Well, I'd rather be prosecuted for this than for stealing five cents.
Q. If the Crown offer you a pardon protecting you against the possibility of any future prosecution, would you then object to answer? A. If the defendants were criminals—if they were guilty of anything that I considered criminal. Twenth tors for the author. I know against would testify to anything I know against

By Mr. E. CARTER, Q.C .- Look at the crossexamination of Dunbar Browne, Esq., a witness examined in this case in which, in answer to a question as to the aim and objects of the Orange Association, he answers as folthe usurper, and heretical opposing Q. What reasons were given during the lows:—On reading the general declaration I have sacred Mother Church of Rome. Interview to change your original intention? find it stated that it is formed sirous of supporting to the utmost of their power the principle and practice of the Christian religion; to maintain the laws and constitution of the country, &c. : do you agree with Mr. Browne in his exposition of the aim and objects of this Orange Association? A. If that is what they aim at, I agree with that.

Q. Look at book "E," purporting to be the Constitution and By-Laws of the Loyal Orange Association of British America, and state whether the general declaration to which Mr. Brown refers in his answer is a quotation from the first and second pages of the said book, "E"? A. Mr. Browne's answer is a copy of what is to be found in said book, "E.

Q. You have no doubt, then, from what Mr Browne has stated, as also from the general declaration to be found in the said book, & E, to which your attention has been called, that the said book, "E," contains truthfully the object and aims of the association, and is in reality the Constitution and Laws of the Loyal Orange Association? A. I respectfully decline to answer that question.

Q. For what reason; is it because you are ashamed to acknowledge that you are an Orangeman? A. I have heard some one say that the opinion of four learned counsels deterred them from acknowledging publicly that they had anything to do with the Associa-

Q. Apart from what you have heard, do you really believe yourself that after the statement of the aim and objects of the Orange Order that you yourself feel that you might incur criminal responsibility by stating that book "E" contains the constitution and laws of the Orange Association? A. The only inference I can draw from it is that not knowing on what act the aforesaid learned counsel based their opinions I decline to answer.

Mr. Carter, Q.C., made application to the Court to compel the witness to answer the question.

Mr. DOUTRE, Q.C., resisted the application, and His Honor gave his decision sustaining the witness in his refusal to answer Q. Look at the book marked "H" produced

by George Smith, a witness examined in this case, as being the book he lent Mr. Bond, containing the obligation of the Orangemen, and state whether you recognize that book as being or containing the obligation of Omngemen? A. It appears according to the title page of the book, to be such, but I decline to say that it really is.

The Grand Jury Room becoming overcrowded an adjournment was made to the Criminal Court room where the examination vas resumed.

Watson Richardson, Sergeant of the city police force, was next sworn. By Mr. E. CARTER, Q. C.:

Q. Look at the the book "E," produced on behalf of the prosecution, and also the book marked "H," produced by the witness, George Smith, purporting to be the constitution and laws of the Loyal Orange Associa tion of British America, and state whother you recognize the said books as containing the constitution and laws of the Loyal Orange Association of British America? A. I decline to answer lest I might criminate myself."

Q. Look at the cross-examination of Dunbar Brown, Esq., examined as a witness in this case, and state whether in answer to the

question: As to what was the aim and object of the association, do you agree with him in the answer he has given? A. I decline to answer for the same reason as before given.

Q. Compare Mr. Browne's statement with the general declaration on the first and second pages of books "E" and "H," and state whether you find that the aim and objects of the Orange Association are therein set forth in elmost the same words? A. I decline to answer for the same reason.

Mr Carter asked the Court to order the vitness to reply to the question.

The Court decided that the question should be answered.

** AVitness—Yes: the exhibits " E " and " H '

correspond with the statement in the crossexamination of Mr. Browns. Q. Where is the lodge of the Orange Asso-

ciation in Montreal? A. On St. James street. ever the reading-room of the Prince of Wales' Regiment, somewhere in the neighborhood of Mr. Arnton's auction rooms.

Q. On which flat is the lodge room? A J. cennot say, but I know it is not on the ground

Q. Did you see any of the defendants when arrested on the 12th July last? A. I save some of them, namely, Thomas Ingram and Frederick Hamilton: they were on horse-back in front of the Orange Hall on St. James street, where we were on daty on the 12th of July. I was on duty there with the armed party, consisting of fiky-eight men and four sergeants. We marched from the Central Station about eight o'clock, and remained under arms until half-past tive o'clock. To the best of my knowledge the defendants were only about twenty minutes in front of the hall when they were arrested.

Q. Please state what the object of the two defendants in being on horsekack in front of the hall on that day? A. I sappose the two defendants were on horseback for the purpose of leading the body in the half to church.

Q. Do they generally call such persons marshals? A. Yes. Q. Did you see them with any regalia? A.

I did not, nor did I notice anything on the hat one of them wore? Q. Did you see David Great going in and coming out of the hall on the day in

question? A. I saw him in company with the Mayor and Ald. Mercer. They came from somewhere in the building in the neighborhood of the hall.

Q. Were you aware that the Orangemen intended to walk on that day? A. I saw it by the papers, that's all.

Q. Were you present when the Orangemen were removed from the hall in cabs? A. Yes, I was the Sergeant in charge of the armed parties and had orders from the Mayor to send two policemen with each carriage, which I did. The policemen had their londed rifles with them. There were thirty or forty cabs. I cannot say how many persons were so removed in cabs; I enmot even say if there were one hundred more or less, but I know there were a good many cabs employed O. From the number of cabs so employed could you not state whether more than lifty

were so removed from the Orange Hall? A. There must have been over fifty.

CROSS-EXAMINATION. By Mr. Doutne, Q. C .- Did you hear the Mayor or anybody connected with the Corporation, or police force, or any one else express ing an apprehension that any riot or breach of the peace might originate from the Orangemen walking on the 12th of July last? A. 1 did not.

Q. From whom was a breach of the peace apprehended? A. From the party opposed to the Orangemen.

to the Orangemen.

About half-past two o'clock this afternoon the further hearing of this case was resumed before M. C. Desnoyers, Esq., P.M.

The first witness examined was Charles Boon, who was examined as follows by E. Carter, Esq., Q. C:—

Q. You are a merchant tailor, residing in the City of Montreal? A. Yes,

Q. Do you know the defendants in this case?

A. I know three of them, namely, Messrs, Thos. Ingram, David Grant and Frederick Hamilton.

Q. Hawe they ever employed you to make regalia for them such as Orangemen wear? A. They have not; although I make regalla for any perhave not; although I make regalla for any perhave not; although I make regalla for any per have not; although I make regalla for any per son desiring such; but I never received o from any one of the defendants to manufacture

from any one of the defendants to manufacture any.

Q. Have you ever seen any of the defendants wearing the regada of the Orange Order? A. I cannot say, but I might have seen some of them wearing regalia, but I don't think I did.

Q. Have you ever received any order from any official, such as the Secretary of the Orange Order, to make regalia for any lodge? A. No, not for any Orange lodge.

Q. Do you know where the Orange lodge is?

A. It is in St. James street; at least, so I am informed.

Q. Were you in the Orange Hall on the 12th of July last? A. No.

Q. Were you in the Orange Hall on the 12th of July last? A. No.
Q. Were you outside the building? A. I was. Mr. Carter, Q.C., here left the Court for a few minutes, for the purpose of consulting his confrere, Mr. Barnard, and returned to Court, stating that the latter, who was then engaged in the Court of Appeals, wished to examine Rev. Mr. Dondiet before closing the case.

Mr. Doutre, Q.C., objected to any further delay, and asked that Mr. Carter examine the witness himself. This the latter agreed to do to avoid loss of time, and, accordingly, Rev. Chas. Dondiet was duly sworn and examined—
By Mr. Carter, Q.C.—Can you state whether on the 12th July last the Orangemen intended to walk in procession? A. By the newspapers I learned that; but I had no official information to that effect.

with in proceedings of the process o fers to him, but I defendant Ham! An adjournm ments to allow sulting Mr. Ba, tion of the witp ace for a few mo portunity of con-nurther examina-

Q. On what ground do you decline to answer? be the by-laws of the Orange Associa-

A. Because as the proscention makes it a crime to be an Orangeman, I decline to answer as I might eriminate myself.

Q. Is it not the case that the exhibit shown to you is an authorized publication of the Order, and that several editions of the book have been printed and distributed to a very large number of persons to your personal knowledge? A. If the proscention holds exhibit "E" to be the authorized constitution of the Orange Order, on what grounds is the action based against the Orangemen?

Q. Please answer my former question and dispense with asking questions in return? A. I could not say to my personal knowledge that the exhibit in question is an authorized publication of the Order, but I hope it may be proved to be such; and my ground for answering thus is that I have no other reason to think it authorized beyond what I see printed on the cover, never laving seen more than one dozen copies in my life. I am not personally aware that a large number of them have been distributed.

Q. Without expressing any opinion as to the

distributed.

Q. Without expressing any opinion as to the character of the book, it is one with which you are personally acqualated? A. I have never seen this edition, and consequently cannot tell what is in it.

Q. Picase look at the book? A. Do you mean that i should read it from beginning to end?

Mr. Barnard-Don't evade my question.

Please look at it and take the proper time to enable you give an abswer? A. It would take 21 hours at least to compare it with the edition have seen. ave seen. Mr. Bannann—Then let us adjourn. I will

give you six hours.

WITNESS-I appeal against such a proceeding.

It is an insult to the Presbyterian Church to which I belong, I will not be trilled with in this manner, and must appeal to the Magistrate.

which I belong. I will not be triffed with in this manner, and must appeal to the MagIstrate.

Mr. Barragre-I will give you forty-eight hours if you like.

Mr. Douther-But we object to this. We want to close this thing. The witness must be examined here.

Mr. Douther-I cannot examine the book by this time to-morrow. My duiles as a clergyman have prior claims upon my attention, and I cannot well afford to lose my time here. I tell you frankly I think you only want to gain time.

Mr. Barraub,-I have no intention of being wanting in respect to you, I assure you on my word, as a gentleman.

Witness-I know that; you are doing your duty to your clients. I accept what you say in a continue, I seems to me at a cursory glance to be similar to me edition I have seen, but the edition which I have seen may not be authorized for any persenal knowledge that I have of the matter.

Q. Have you the edition in question, and will you pronounce it? A. I have the copy but I desline to answer as to whether I am willing to pronounce it.

Q. On what grounds do you object? A. On

desifie to answer as to whether I am willing to pronounce it.

Q. On what grounds do you object? A. On the grounds that the prosecution should be satisfied with the copy fivey have got and the means taken to prosecute.

Q. Please explain yourself? A. I refer you to the exidence given by other witnesses on this point.

Q. When you ailude to the means taken by the prosecution to get the exidities produced, or any of them, please avoid insimuation and state

Q. When you allude to the means taken by the presecution to get the exhibits produced, or any of them, please avoid Insimuation and state what you mean? A. I mean no more than the sworn evidence as shown in this matter, and not having any personal knowledge further in this matter, I cannot state more.

Q. Do you refuse to produce a copy of the constitution and laws of the Loyal Grange Association in your possession? A. That question assumes that the copy in my possession is really the constitution and laws of the Loyal Grange Association, while I stated before that I had no personal knowledge of its being what Is here as Association, while I stated before that I had no personal knowledge of its being what Is here as-umed, an authorized edition, and I refuse to

Q. The question assumes no such thing as you suppose. To you refuse to produce the copy you have, such as it is? A. I do.

Q. As a question of fact, is it not the case that As a design of material nor the case time sermons of yours have been reported at length in printed newspapers, and have been delivered by you in your capacity of Chaplain of the Loyal Orange Association? A. I have been so re-

Q. Have you been so reported repeatedly? A. I may have been. A. I may have been.

Q. Were you reported in particular as having in that enpacity, preached a sermon on the 12th of July last, in which you alluded with great force to the right of Orangemen to walk on that day, brespective of any consequences that might ensure? A. The report of the sermon I preached will speak for itself. If at any time I shall be on trial for what I said, I will defend it. I refer to the reports of the Witness and Stac.

Q. And you acknowledge, do you not, the exactness of these reports? A. They are correct, upon the whole.

actness of these reports? A. They are correct, upon the whole.
Q. Furnished by yourself probably? A. Partly,
Q. And you never protested against their being correct? A. No, I did not.
Q. Are you a duly ordained minister of the Gospel? A. I am a minister of the Presbyterian Church in Canada in good standing.

Church in Canada in good standing.

Q. Are you aware that an offer had been made to drop all criminal proceedings against the defendants, provided they would co-operate in obtaining an authorative and final decision at to the legality of the Order, and the right of Orangemen to walk in procession through the streets of the city, with or without regalia?

A. Your question makes me aware of it for the first time in a definite form, I saw something of it in the newspapers, but did not pay much attention to it.

tention to it.

Q. Are you aware that the arrest of the defendants was for the mere purpose of making it a test case, upon the recommendation of a number of of Protestant Magistrates, and the number of of Profesiant Magistrates, and the unanimous recommendation of the press of the city, for the purpose of avoiding the risk of riot and bloodshed in the future? A. I am not aware, having been until now, under the Impression that the defendants were arrested upon the deposition of a certain Lawrence Patrick Murphy, expressman, himself one of the class most opposed to Orangemen.

opposed to Orangemen. Mr. Barnard said this afternoon that the grounds on which he claimed a committal were two: 1. That the defendants were members of an illegal association under the Consolidated Statutes of Lower Canada, chap. 10, amended by the 29 Vict., cap. 46, section 6 and 2. That under the common law the defendants had no right to walk in procession in the streets under circumstances calculated to provoke a breach of the peace. The defendant belonged to an association, the constitution of which required an oath by which the proceedings of that association were to be taken under the terms of the former statute, which were sufficiently plain and were made plainer by the act. He referred to the exemption of the Free Masons from the statute as a charitable association. It was no use to talk of these statutes not being in force, and, as to their effect, it requires no argument to show the effect of provisions which were so plain. These provisions were designed to punish members of secret associations, and those members who took onths This moroling the mination of Rev. Mr.

Doudlet was continued by Mr. Barnard, Q.C., as follows:—

Q. Did you even; see the signature of David Grant or have you ever seen him to sign his name? A: I have not:

"Q. Please look at exhibit." E." and state if it really contains the constitution and laws of the Orange Order? A. From the title of the book it appears to be such, but if you wish to know it as to my personal knowledge, I decline to the seenes witnessed here would be sufficient to show that it was a secret Association at that. It might have not the constitution and laws of the orange Order? A. From the title of the book it appears to be such, but if you wish to know that it was a secret Association at that. It might be asked if these by-laws had been proved to be the bullence of the Orange of the Orange. not required or authorized by law. He next referred to the laws of the

tion. There was no doubt there had been a conspiracy to keep the truth from coming out. Well, if the Orangemen thought they could plunge the city of Montreal into riot and bloodshed in order to assert their rights, they might be quite sincere. But it was curious that these loud-mouthed men should resert to such a petty, sneaking method in the presence of the city of Montreal, and be fore a judicial tribunal. There had I can wit nesses who did not tell us they were trangment, but they showed it by many stone. they could plunge the city of Montreal into men, but they showed it by many signs. When the constitution and by-laws were submitted to Mr. Dunbar Browne, he said the book appeared to be the by-laws in question, thereby giving the key-note to other witnesses. In cross-examination it was endeavored to prove that the Association was a

nesses In cross-examination it was endeavored to prove that the Association was a most praiseworthy one.

In resexamination Mr. Brown was asked whether the Association was a purely beneficient Association, whether it was not a political Association, and the keynole of it belias obnoxious to the majority of the lubabitants of Lower Camada. With regard to the songs, he was asked whether they were not obnoxious? He replied that he believed they were not authorized. Thus, Mr. Brown stated in one case whether a volume is authorized and refused to do so in another. He appeared to be a blind partizan, ready to play any prank with Justice. So much for Mr. Dunbar Brown's evidence: It ought to be taken for what it is worth. Then Mr. Mc. Nally came here, and Mr. Boutre could hardly lait understand that he was an orangeman, when the Court was interrupted for a conference between blin and a witness who had come here swearing to tell the truth, the whole truth, and nothing but the truth. Whether anything was said or not under that treatment, the witness came here and said that he declined to answer, while finally admitting that he came here to tell everything. We had here the defendants and their friends playing a part in the messence of the Court, which shows they hadn't a very high idea of justice, or the part justice proved that they were Orangemen har more clearly than if they had sworn to it at once Then, again, on that day these men met in the Orange Lodge room along with other men in order to take part in a procession. It was proved this procession was certain to produce a breach of the peace, and that was a common law offence. Alliation had been made to the presence of the walltary and Special Constables. We have the state haw authorities to the effect that such processions in would produce a breach of the peace were an offence at common hay. The armoned tought be that they have a right to walk the State hay authorities to the effect that such processions as would produce a breach of the peace were an offence at common law. The argument might be that they have a right to walk in procession as well as individuals; the answer was the law was in practice, and that there could be no right in the streets beyond individual motion, and that it was only when the numbelpal authorities consented that there should be a procession through the streets. Under those clicumstances he would ask for the committal of the prisoners.

of the prisoners.

Mr. Doutree asked where Mr. Barnard found the pretended statute regarding the offence at cominon law. - Mr. BARNARD said he would send for the olumes. Mr. Douthe asked what Mr. Barnard thought

of the preamble to H. Victoria.

Mr. Barnard said that if it was excepted, it showed that otherwise they would have been

under the law.

Mr. Douthe—Is the preamble part of the law?

Mr. Barnam said he had no objection to consider it as such. He saw by the oath contained in this book that the members of the Loyal Orange Association were admitted to take an oath (the oath read), which showed that these men were not permitted to have any social intercourse (laughter) with a certain class of citizens. In taking such an oath, he believed men took one not authorized by law. The law could not countenance such an oath.

Mr. Cartten here produced the authority first asked for by Mr. Doutre; and read to the effect that it had been laid down by a very learned judge, that any meeting calculated in the opininder the law.

ing that any neeting calculated in the opin-judge, that any meeting calculated in the opin-lon of rational men to cause riot and bloodshed was an unlawful assemblage.

Mr. Boutrage then spoke. He said he intended to build so high a wall round his learned friend to build so high a wall round his learned friend that no magistrate could dare commit the accused by law. The law referred to was the 11. Victoria chap 5, passed in the troublesome times, 1835. It was well known that in 1837 there were a large body of men claiming certain rights, and who afterwards broke huto open rebellion. At first they drilled openly, but after the disaster of 1837 at \$1, Charles and but after the disaster of 1857 at St. Charles and St. Eustache a large number emigrated to the States, and formed secret organizations. This led to the passing of the law under discussion. Two letters had been published in the paper by Mr. Bethune and Mr. Carter, denying that the preamble was not part of the law. Now, Mr. Barnard said the preamble was part of the law. Mr. Barnard said the preamble was part of the law.

Mr. Doutre maintained that the preable was

Mr. Barnard and the preamble was part of the law.

Mr. Borthe maintained that the preable was part of the law, and quoted from the Consolidated Statutes of Canada and the Consolidated Statutes of the prosecution. The preamble spoke about certain weak and evil-minded persons who had of lade endeavered to seduce subjects from allegiance to Her Majesty. Whenever the oath was mentioned it was in connection with solidion and such offences. Mr. Carter had said it often happened that Statutes went beyond the object for which they were made. That was sometimes so, but not when the object was defined. The whole of this Statute, it was clearly stated, was directed against sedition. After some technical remarks, Mr. Doutre said that to be an Orangeman was not an offence; to make promises in an Orange Lodge was not an offence; and up to 1875, there was no law against extrabile thing if an Orange body, an Association proved to protect the Crown against all attacks, should full under a law directed against sedition, The words "to make an unlawful outh or engagement, or to be required to keep secret the acts or proceedings of any seciety" must be taken as coming under the words of the foregoing provisions respecting sedition. Were it otherwise, many a temperance society must come under the law, for there was no statute to authorize a man to swear he would not drink. With reference to the statute respecting meetings calculated to provoke a breach of the peace, and stating these were to be regarded as an unlawful assembly, the learned counsel said that if a few persons agreed to meet in a house, and this were made public, the Magistrate might forbid the meeting because there were a dozen disorderly characters in it. Not one witness for the prosecution, save Lawinence of othe peace, and stating these were to be regarded as an unlawful come when, instead of being insulted

[Continued on eighth page,]