## VOL. XXIX.—NO. 10.

## MONTREAL, WEDNESDAY, OCTOBER 23, 1878.

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## COURT OF QUEEN'S BENCH THE ORANGE TRIALS.

Tuesday, October 15.

The Court of Queen's Bench opened shortly after ten o'clock this morning, their Honors Judges Ramsay, Monk and Cross on the Bench. Messrs. Archambault, Q.C., and Ritchie, Q.C., appeared for the Crown. THE GRANGE LEADERS.

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Messrs. Archambault, Q.C., and Ritchie, Q.C., appeared for the Crown.

This case, pursuant to adjournment, fell to be argued this morning, and the Court in consequence was crowded long before the hour of opening. The Orange leaders, as before, were represented by Mr. Doutre, Q.C., while Messrs. Carter and Bernard, as on previous occasions, appeared for the prosecution.

Mr. Doutre, in opening the argument, said that His Honor in taking the question of the change of venue into consideration, had been compelled to exercise his discretion. He had decided that it had not yet been sufficiently proved that it was impossible to secure an impartial lifty in Montreal, and asked for evidence in the time of other affidayits. He (Mr. Doutfel, in accordance with this decision, now produced five affidayits bearing on the subject, in which were contained most of the circumstances he was now about to mention. On the 12th of July five hundred special constables were sworn in, which proved flarge amount of popular excitement in the matter. For almost two months after the 12th July up to nearly the 2th September last the proceedings of the Police Magistrate in relation to the affulr were reported fully in the didly papers,—the Herald, Gazette, Willess and Star, and the Post, a Journal which circulates largely amongst the Irish Catholies. We also heard of one Scott, by whom the matter had been discussed with Lawrence Murphy. Murphy had said that the city was under an obligation to him for giving the information as to the procession, and that everybody in Montreal ought to be grateful to him, as he had saved the citizens from a scene of blood-shed never known before in the town. The witness had gone on to state that he had himself mixed in the mob, consisting of four or five himself in the mob, consisting of four or five himself in the mob, consisting of four or five himself in the mob, consisting four or five himself in the mob, consisting of four or five himself in the mob contented tha

real.

Iton. Justice RAMSAY—In what way does it show the state of public opinion—is it one-sided? Mr. DOUTRE said it was.

Mr. BARNARD spoke briefly against the motion for change of venue. He did not see why an impartial and honest jury should not be found in Montreal as well as in any other place. In this case all that people wanted was a simple decision in a court of law. That was his position, and he wished it to be clearly understood. He would not object to the trial going on immediately.

diately.

Mr. DOUTRE agreed, and consented to withdraw his motion, so that the trial might be at After some further discussion the case was adjourned until to-morrow morning.

THE RUSSELL-HARNEY SHOOTING CASE.

Mr. Carter, Q.C., appeared to ask for a change of venue in the case of James Russell, charged with feloniously shooting the young man name Harney. It was stated that the accused had done the act in solf-defence, and that the feeling in the district against the society to which he belonged, viz., the Orange Young Britons, was in disfavor amongst a large class of the community.

in disfavor amongst a large class of the motion, bity.

Mr. Archambault, in resisting the motion, said that he believed the Irish Catholics were not in such large numbers as to influence feeling amidst the community as pretended. Besides, there were plenty of unprejudiced Protestant English and Irish in the city.

Mr. Carter said that this week a new jury would be empanuelled about whom nothing at all was known. His sole object in making this motion was to secure a fair trial, as the case was one of importance.

one of importance.
Their Honors took the case en delibere.

MOTION TO QUASH.

A motion was made to quash an indictment charging Henry MeVittie with perjury, the statement being that the document in which the alleged offence was committed was not intended to be delicated to control of the contr

tobe filed in a court of law. WEDNESDAY, Oct. 16. The Court opened this morning at 10.80 o'clock, Mr. Justice Ramsay presiding. Mr. Archambault appeared for the Crown.

THE ORANGE LEADERS.

Mr. Carter said that his colleague, Mr. Barnard, had stated to him that he would be ready to go on with the case to-morrow morning.

His Honor said it had been arranged that the case should be proceeded with to-day.

Mr. Carter—It was understood that this morning my colleague should say when he would be ready.

Mr. Doutre said that the understanding was that there should be no further postponement unless good grounds were given.

Mr. Archambault spoke to the same effect.

His Honor said the case must go on.

Messrs. Carter, Q. C., and Barnard, Q. C., appeared for the private prosecution, and Mr. Doutre, Q. C., and Mr. Abbott, Q. C., for the defence.

Just as the case was ordered to proceed, Hon.

Just as the case was ordered to proceed, Hon Justice Mork also appeared on the bench.

Mr. Carter asked that as the jury was English speaking, they be sworn to the effect that they did not belong to an Orange society.

His Honor acceeded.

The first juryman called was Mr. David Mc-Rendy.

Rendy, Mr. Carter—The question I have to ask you Mr. Carter—The question I have to ask you,
Mr. McReady, is, whether you are a member of
an Orange Society?
Mr. McReady—Considering the amount of
agitation which has lately been going on in the
city on this question, I consider that to admit
that I was a member of that society might be
counted a criminal offence. (Laughter.)
Mr. McReady was, accordingly, ordered to
stand aside.
John Thomas, Timothy Healey, Daniel Mur-

MONTREAL, WEDNESDAY, OCTOBER 28, 18

It alimit, charged them with assembling tagether for the personner of holding a procession in the personner of the personner of holding a procession in the personner of the personner of holding a procession in the personner of the perso

with posteries with was that says of ship, or what?
Witness said he didn't suppose it was a sign of friendship. He would not say that they wanted to strike prisoner. Witness told them to go back to their places, which they did. They were in two rows, four deep, on each side of the street.

back to their places, which they did. They were in two rows, four deep, on each side of the street.

Mr. Doutre—Then you were considerably busy in keeping back these special constables?

Witness said he had ordered them to close in. At the time, he thought their attitude was a threatening one, but it might only have been curiosity. He didn't know who furnished the batons. He had seen one of the Orange party strike a gentleman at the hall door. He did not mean to say that the man who struck the gentleman was one of the defendants. The constables were divided.

HIS HONON—Did you attempt to clear the street—that is the question?

Witness—We did our best on St. James street. I helped the Deputy Chief to keep order. I should say there were five or six thousand persons in the vicinity of the hall—perhaps ten thousand. It was known in public that the Orangemen were to walk in procession to church. I believe the gentleman struck was Mr. Gault, present member of Parliament.

Charles Contant deposed that on the 12th July last he was on duty at the Central Station. On that morning five prisoners were arrested and brought to the office. He recognized four of them amongst the accused. He searched the prisoners and found badges, handkerchiefs and bands of various descriptions about their persons. (Articles produced and handed to the jury for inspection, as also a small book said to contain a subscription list towards the Orange Banner Fund, and taken from Mr. Frederick Hamilton). Witness had no communication with defendants.

Constable Ferdinand Beauregard said he went

ner Fund, and taken from Mr. Frederick Hamiliton). Witness had no communication with defendants.

Constable Ferdinand Beauregard said he went to the Orange Hall about nine o'clock, and saw the assmebly of persons there. He arrested Ingram, who was on horseback, apparently waiting for their companions to start in procession. Witness seen a lot of people inside who were crying "To h—ll with the Pope and Popery." Hamilton had a yellow cord around his hat.

By Mr. DOUTRE—Was on St. James street from nine a.m. until five p.m. He saw somebody struck with a pole inside the hall; did not see any special constables rush towards his prisoner, but heard them shout and told them to be quiet.

but heard them shout and told them to be quiet.

Pierre Desmouchel was the next witness. He arrested Hamilton, who was in the middle of the street at the time. He had also a yellow cord round his hat. Witness had never heard that the Orangemen meant to attack any one. He wasn't inside the hall, but would guess, from those he saw coming out and going in, that there were about 250 there.

Napoleon Langlois was on duty on St. James street on the 12th of July last. He believed that if the Orangemen had been in strong enough force they would have waiked.

THE ORANGE LEADERS.

Sergeant Kehoe was the first witness called this afternoon, and testified to the regalia produced being the property of Mr. Ingram. The Hon Jean Louis Beaudry, examined by Mr. Barnard, said that a letter professing to

represent the Loyal Orange Society of Montreal had been addressed to the Mayor and Corporation by a Mr. Hamilton (The letter announced the intention of the Orangemen to go to church in procession, and asking His Worship to assure them of protection.) Witness did not remember whether the letter had been produced in Council. There had been some excited discussion especially

between two members. Mr. Doutne objected. The Orangemen were not mixed up with that discussion.

The witness continuing, said :- What induced me to issue the proclamation, asking the citizens to stay at home, was the general fear existing among the citizens of Montreal Mr. Carren then said that the indictment that there would be a serious breach of the could keep that the defendants, which he held in his peace on the 12th. My desire, as well contact.

The Court met at 10 a.m., their Honors Justices RAMSAY and CROSS on the Bench. THE ORANGE LEADERS.

The same counsel were employed on both sides as yesterday.
Crawford Johnson, bookkeeper, Star office, was the first to enter the witness-box.
Mr. CABTER produced the proclamation signed by Fredk. Hamilton and published in the Star, asking who paid for it.
Witness said that to the best of his knowledge twas Frederick Hamilton, one of the defendant.

On enquiry, our reporter learned from the learned counsel employed in the case that there was no possibility of the affair going further. In criminal cases, unless there were a conviction, there was no possibility of appeal.

I know that the regalia produced are emblems of the Orange Order. Had there been a procession as proposed, I believe that they would have been attacked. The attack was expected from the Irish Catholics.

James Stewart, J.P., sworn, said that he had met Grant on the 12th along with Ald. Childs and Taylor and Adam Darling, J.P. They endevored to induce Grant to give up the idea of having a procession. Witness thought that Mr. Grant had said they had made up their minds to walk.

Mr. Barnard having explained the case to the jury in French.

Mr. Carers spoke in English. After alluding were now two indictments against the accused, David Grant. The first was to the effect that he had assented to keep secret the proceedings held in open lodge from any who were not members. As a question of law, it might be contested that the Statuta did not apply to the Orange Society, but he would call His Honor's attention to the fact that the bits section made provision for the exemption of Freemasons. Now, the inference he drew from the Javid Grant. The first was to the effect that he had assented to keep secret the proceedings held in open lodge from any who were not apply to the Orange Society, but he would call His Honor's attention to the fact that the bits section made provision for the exemption of Freemasons. Now, the inference he drew from the jury in French.

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ants.
Mr. Doutre being about to call evidence for

Portion from the fiber.

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NOT GUILTY.

BALLOT BOX STUFFING CASE.

In the Jacques Cartier ballot-box stuffing case, Hon. Mr. Chapleau, for the prosecution, and W. H. Kerr, Esq., Q.C., for the defence, adjournment was granted until Tuesday, when the new jury will have been empanelled.

ANOTHER ORANGE CASE.

His Honor adjourned the Court for half an hour. On his return Ma. Barnard applied for a postponement of the case in which the Orangemen were charged separately with belonging to an illegal secret society, as he was not now ready.

an megal secret society, as he was not now ready.

His Honon said that had Mr. Barnard let him know this half an hour ago, when he postponed another case until Tuesday, he would have had no objection to the application.

Mr. Barnann strongly pressed his request.

His Honon said he could not make the defendance of the present treather for the present

His Honor said he could not make the defendants suffer for the convenience of the prosecution, while there was really nothing in law against them. He was aware that the day before a private arrangement had been made between counsel that the defendants should be tried by a Protestant jury, who were not Orangemen, and in this instance, unless the defence agreed to a postponement he could not grant it.

Some discussion arose between the counsel for the prosecution regarding this private agreement, and

ment, and
Mr. Doutres said that, as he understood the
agreement come to between the learned gentlemen on the other side had been broken, and an
intention expressed to have a mixed jury in this
case, he would stand upon his rights and ask
that the services of advising counsel be dispensed
with. So far as possible, the case ought to be restricted to the care of one counsel.
Mr. Barnard having explained the case to
the jury in French,

which is offensive to some parts of the population, and various speeches were made. Without a various speeches were were than a said they had made up their minds to walk.

Mr. Carten—That's what I want to come to, Mr. Mayor. Do you rehamber any of the remarks made?

Without a various speeches were made. Without a various speeches were were were than a said they want of the regalls, after which cannot be interested to walk. Hugh Scott, farmer, gave some unimportant various speeches. Althout the want of the case called and when a sentence had the want of the case called and when a sentence had the want of the case called and the tregalls, after which was written by the remained in the regalls, after which was called and when a sentence had the want of the case called. Andrew McNally, restaurant keeper. He was affaid he should not be able to proceed on the believes which in the wast of the case. The case was a should not be able to proceed the wast of the case for the present of the case for the pres

evidence was identical with that published in the Post yesterday. The most of those in the hall, he said, were decorated with regalia, which, to the best of his knowledge, signified connection with the Orange Order. Six others were arrested the same day as Grant. They were also in livery. Witness understood the defendant was to act as Grand Marshal of the procession. He heard the Mayor asking Grant to forego the procession.

Mr. Carter-Of your own knowledge, was this an Orange-Lodge where the demonstration was held?

Witness-I don't know, but when I went into the hall they said they would make an Orangeman of me, and put a badge around my neck. (Laughter.)

Nathan Mercer, Alderman in the city of Montreal, was next sworth.

treal, was next sworn. Mr. Carter—Do you know where this Orange

lodge is?
Witness—Yes; it's near the office of Le Na-Witness—Yes; it's near the office of Le Notional. (Laughter.)
Witness then detailed what he had heare of the interview between the defendant and Mayor Beautry on the 12th.

Mr. Cautren—When you went 12to the lodge, were the immates decorated or not?
Witness—Oh, I must decline to answer that.
I was informed confidentially.
Itis Hoxon, on being appealed to, said witnesser.

Mr. Cautren—As the Court orders you, you are relieved from all responsibility of how. The Mr. Cautren—I must insist—
Witness—I decline to answer. I give evidence as a citizen, not witt any party feeling.
Itis Hoxon—This is a strict matter of law, and has nothing to do with your imaginary sense of honor.
Witness—I must decline, your Honor, be-

honor.
Witness-I must decline, your Honor, he-

Witness—I must decline, your Honor, because—
His Honor—Now, I am not going to argue the question with you, but to explain it. It is very unfair to the law that you should refuse to answer. You came here to tell the truth.
Witness—I came here to tell the truth, but I must refuse in this instance. The door was very cautiously opened to me. It is just the same as if a man were passing the door of a house which was accidentally left open, seen a lady, and refused to tell anything about it.
Mr. DOUTRE—On our side we must also insist on an answer.
His HONOR—Will you answer the question, witness?

His Honor—Will you answer the question, witness?

Witness—I did see persons in the hall with regallus. I give that answer most unwillingly, your honor.

His Honor—Very well.

Witness proceeding said he couldn't name any of the Orangemen he had seen with regalia. On being asked if he recognized a book, (produced) witness said he did. Asked from whom he got it, he said he had refused to answer that question previously, but Col. Bond having avowed the fact, he had now no hesitation in saying that he had got it from that gentleman.

Dunbar Brown next entered the box. All he knew about the proclamation signed "David Grant" was that he had seen it in the papers, (a hugh).

Grant" was that he had seen it in the papers, (a laugh).

Mr. Carter—Do you know whether David Grant is County Master of the Orangemen.

The Witness—I decline to answer that question, and the reason I decline is because it is my opinion that no one could know the position of David Grant as County Master without being it member of the Order; and I decline to answer a question which would subject me to such amoyance as the present defendants are now subjected to (laughter).

Its Honor objected to such witnesses being brought into the box, their evidence being mere-

question which would subject me to such annoyance as the present defendants are now subjected to tangeher).

Its Honor objected to such witnesses being brought into the box, their cyldence being merely a waste of time.

Witness, proceeding, said that he believed that premises at 81 St. James street to be an Orange iodge, because, when practising as a lawyer, he had examined the lease eight or nine years ago, and he understood they were rented for that purpose. He declined to answer the question as to whether the premises had been used as an Orange lodge ever since that time for the reason before given; he did not wish to place himself in the position now occupied by the defendant. He couldn't say in whose favor the lease was drawn out. He thought the lessor was Mr. Alexander (ross—now Judge Cross. (A laugh.)

The Court adjourned at one o'clock.

The following me the names of the Jury empanelled:—Toussaint Menard, Joseph Tremblay, Ferdinand Blain, John H. Jones, Domina Ladumiere, John McCallum, David McCallum, John Internonth Fouce-cault, Robert Told.

The following informs were challenged by the defence:—Joseph Peltler, Joseph Goyer, Olivier Guren and Januer Roach.

The Court opened at 2 p. m.

Hon. Justice RAMSAY on the Bench.

THE ORANGE CASE.

Edward Lang Bond was the first witness. He was shown a book purporting to be a copy of the Orange laws, which he was unable to ideraitly as the book lent by him to Alderman Mercer. He was not at liberty to say whether it was recognized as the Orange by-laws.

Mr. Cantren—Do you know the position of Col. George Smith in the Orange Order?

Witness (after some hesitation)—As none but an Orangeman could answer that question, I decline to do so, for it might criminate him.

George Smith, ex-colonel of millita, said he could not know of the existence of an Orange Society in Montreal unless he were a member of it. He therefore declined to reply, lest it might criminate him.

George Smith, ex-colonel of millita, said he remained bim.

George Smith in the Orange order?

His How

had been embodied in the Consolidated Statutes of Canada.

The learned judge went on to quote his charge to the jury, previously published in the Post of the 20th uit. The charges against the defendant were that he had taken an unlawful oath, and that he had made an agreement not to divulge anything that took place in the Lodge. Now it was necessary to prove that David Grant belonged to the Loyal Orange Association of British North America, and that he made an illegal agreement.

of British North America, and that he made an illegal agreement.
There was no proof that he was a member of the Association mentioned, although there was plenty of proof that he did belong to some association. The witnesses had all refused to answer any question that might throw light on the subject, lest they skould criminate themselves. Nor was there any o'tlence preferred to prove that the laws of the Orange Society mentioned made it an illegal society. As there was no proof, then, the defendants must be acquitted.

The Clerk—Are you agreed upon your verdict, gentlemen?
The Clerk—Do you find the prisoner guilty of the offence mentioned in the indictment, or not guilty?

the offence mentioned in the indictment, or not guilty?
The JURY—Not guilty.
Mr. DOUTRE—I suppose the other cases will not be proceeded with?
Mr. CARTER—I wish these cases postponed until to-morrow, in order that I may ascertain the wishes of my clients on the subject, and I have no doubt that they will then take my advice, and follow the line laid down in the presentations are also also being after the very case.
This was agreed to.
Immediately after the verdict was given Mr. Grant pushed forward and shook hands warms, by with the other offenders, to the great amuses ment of the Court.

(Confinued on eighth page.)

the feeling of opposition which exists to this

Witness, proceeding, said he thought from what he seen that those inside the building considered themselves protected as the crowd was cleared away from the front. During the day they amused themselves with that music which is offensive to some parts of the population, and various speeches were made. Wit-

It was the proposal of the Orangemen to meet

and walk that caused this great fear and anx-

Witness-If the procession had taken place,

I believe there would have been bloodshed,

place, what would have been the result?

and had proposed to send thom home in cabs.

outside.

of this large gathering was?

iety in Montreal.

procession in Montreal.

By Mr. CARTER-There was a crowd at 9

Mr. Douring-Well, was that a sign of friend- The order respecting the swearing of the They would have been excited, I believe, had special constables was given to the police by witness two days before the 12th of July; and as witness was not present at the swearing in, he was unable to regalia; they are a very peaceably-disposed tell anything regarding their creed or nationality. Witness could not say whether the pectable men; it is a shame to speak of them copy of the oath produced was or was not a as some people do. I wondered that so true copy of the affidavit taken by the special respectable men could have been called constables. Witness had allowed the small together at so short notice. Don't know boys in the Lodge to have something to cat, whether there was a Protestant amongst them

or not. By His Honon-I believe that the Mayor a. m., previous to the arrest of the defendants, intimated that he would protect the Orangeand there was quite a spirit of anxiety men if they walked without regalia, but if amongst many. Witness was in front of the not, he would arrest them.

Sir Francis Hincks was the next witness lodge the whole day, and saw a considerable number of young men enter with their re- called. He said he had resided in Canada galias. He recognized Mr. Grant, but none of more than forty-five years. He had no doubt the other defendants. There were about a that the inscriptions on the regalia produced couple of hundred people in the Orange indicated connection with the Orange Order. Hall, and a large number had gathered Had the procession taken place, there would have been a disturbance. He knew that wherever the Catholics were strong enough, Mr. Carter-Do you know what the cause they would prevent any such demonstration. The reason was that they knew that the Witness—I suppose one cause was curio-sity, and the other opposition. He did not Orangemen were opposed to them, and that think there would have been such a gather, they have been connected with the wrongs they have suffered for over a century, thereing had there been no talk of a procession.

fore they opposed them. By Mr. DOUTRE-Am not an Orangeman, and have never been one. I don't speak about the significance of the regalia from personal

Mr. CARTER-If this procession had taken knowledge. Rev. Alfred James Bray, sworn, deposed :know that the regalia produced are emblems and perhaps destruction of real estate, from

manie names... file and effect policies of a least of the policies of the control of the control

The state of the s