

not answer, and the following, viz: William Wilson (Fitzroy), William Croskery, James Gilchrist and James Watt, (4), were challenged by the defence.

The following jurors were then summoned by the clerk, viz: George Cavanagh, James Tierney, Robert McDaniel and Benjamin Hodgins (4).

The defence claimed the right to challenge another juror, without cause, but it being found that (including Mr. Sparks) twenty had already been challenged peremptorily, this was refused, and

Hon. CAMERON, J. H., challenged George Cavanagh, for cause, in that he had expressed an opinion as to the guilt of the prisoner, and required that the jurymen be examined.

Mr. Cavanagh was thereupon sworn, and the Hon. J. H. Cameron examined him.

CAMERON, J. H.—Have you ever said that the prisoner at the bar was guilty of the crime of which he stands charged?

JUROR—I have not.

CAMERON, J. H.—What have you said in regard to this case?

JUROR—I said that, according to what had appeared in the papers, it looked like it.

THE COURT—Have you made up your mind as to what verdict you ought to give?

JUROR—I have not made up my mind either way.

Mr. O'REILLY—The juror had said only that from what he had seen in the public prints, it looked as if the prisoner was guilty, and if such an expression of opinion, upon mere newspaper reports, was a valid objection, then the whole people of the country might be similarly objected to.

In reply to the Court, the juror stated that he had not formed any opinion upon the actual guilt of the prisoner, and that he was prepared to listen to the evidence he might hear on the trial, and judge of it independently of what he had read in the newspapers.

THE COURT—Have you any other evidence to offer, Mr. Cameron?

CAMERON, J. H.—No, My Lord, the statement made by the juror that the case, as reported by the papers, looked like as if the prisoner were guilty, was all that he had to offer, and that had been admitted.

The two first jurymen, William Purdy and William Morgan, were then sworn as "tryers" and his Lordship briefly explained to them, the case they had to determine, viz., whether Cavanagh is an indifferent and fair juror, in fact to try the issue. He then recited the statement of the juror, and invited them to retire and talk the matter over between them, and then to inform the Court of their decision.

After a brief retirement the "tryers" returned to Court, and gave their finding that Cavanagh was unobjectionable.

George Cavanagh was then duly sworn in as juror. James Tierney was challenged by the Crown. Robert McDaniel was sworn in, and Benjamin Hodgins being called to be sworn, the Hon. Mr. Cameron claimed the right of peremptory challenge as against him, because the defence had been compelled to challenge Jonathan Sparks without cause, when prepared to do it with cause.

The Judge took a note of the objection, and Hodgins was sworn.

There being but one juror now required to complete the panel, Samuel Conn was called and sworn in, without objection from either side.

#### *The Jury.*

The following twelve "good men true" then answered to their names as being "sworn," viz:

|                 |                    |                   |
|-----------------|--------------------|-------------------|
| William Purdy,  | Thomas Weatherley, | John Feeles,      |
| Matthew Heron,  | George Cavanagh,   | Benjamin Hodgins, |
| William Morgan, | Robert W. Brown,   | John Wilson,      |
| William Gamble, | Robert McDaniel,   | Samuel Conn.      |

#### *The Indictment.*

The Clerk read the indictment as follows: The Jurors of our Lady the Queen, upon their oaths to wit: } present, that Patrick James Whelan, on the 7th day of