[Continued from Second Page.] THE INFORMER CASE

THE POST "-MCNAMEE LIBEL SUIT.

[John McGrath's evidence continued.] Court. But we want it in legal evidence. Government on Irish soil.

Q. And that is the revolutionary moveorganization were to be sent to assist? A.

Certainly. Q. By what means was that revolutionary movement intended to bring about a free and independent Government in Ireland? A. Well, I was not posted in the inner working, but they are to be inferred.

Q. What was this organization's contributing means for? A. I understood we were authorities put a stop to the men leaving; I contributing money to purchase arms to free Ireland from England in a revolution. The witness went on to say that subseent meetings were held in Mechanics' Hall. when contributions were levied on members. and that afterwards Mr. McNamee resigned he Presidency because he was solicited to withdraw from the Society, by himself

amongst others.]
Q. Why? A. We had called a meeting at parties came and when they saw McNamee they would not join, saying he was a politi-Then at a concert held in the City Hall, I spoke to him and he said if he had kept anyone from joining he would withdraw. He withdrew ostensibly as a member, and the organization still continued. Mr. McNamee was afterwards at one of the meetings. I believe that after his estensible withdrawal he among other outside people, contributed funds to the organization. I had conversations with him after his ostensible with. drawal and he never expressed any lack of

sympathy in the movement. Oross-examination by Mr. Carter, Q.C.:-Q. You have heard of another association in connection with Irish matters, known as the Land League? A. Yes.

Q Is not the object of that Association the so hands. complishment of precisely the same thing as theorganization referred to by you in your examination in chief, that is to bring about a so far as legislation is concerned? A. Not of the trial. being a member I can't say what their objects

Q. Are you aware that one of the objects is to rase large sums of money to send to Ireland to assist the people. A. I only know from public print.

Q. Do you know there is a branch of the land League in Montreal. A. I have heard so. Q. And who is the President of that

Objected to by Mr. Kerr. Q. You have heard Mr. Doherty lecture upon such matters. COURT. I will not allow that. It is not

etiquette. Q. Have you not heard some very cele-

brated men and orators advocate the severance of England from Ireland. Count - There is no harm in advocating a

change of political system, but what we have to deal with here is a severance by violence. Q. Dou you know Mr. O'Mahoney. A. I knew him personally afterwards.

Q. But, at the time of this meeting at Mc-Names's nouse, you could not personally swear and did not know he was President or head of the Fenian Brotherhood? A. I used to read a paper published by him called The Phanix, and I knew it through that, and I sent correspondence to that paper.

you spoken to about dence before you came into Court? A. By Whom?

Q. That is what I want to know? Courr-There will be no harm in his being spoken to about his evidence; the question should be whether he was sposen to improperly; suppose the Crown prosecutor brought up a wituess without knowing wust he was going to say, I should say that he did not act very wisely. Q. Did you at any time before this libel

was published communicate with any of those connected with the paper? A. No. Q. Did you afterwards communicate with

them se to what you could prove? A. No. Q. How do you account then for being Summoned here as a witness? A. I cannot socount for how I was summoned or how anyone else was summoned. I cannot account for what other people do.

Q. Before appearing in court had you any conversation with Mr Whelan or any person connected with THE Post respecting the evidence you would give? A. No; nor anyone

The Court then adjourned until next morning.

The second day's proceedings in the Court of Queen's Bench-Something about "Orimping" and the American war—The proposal mase by Mr. McNames to Mr. O'Reilly, "Putting daylight" through Mr. C. J. Brydges

The second day's proceedings in the cause celebre were of the usual interesting character, and the Court room was densely througed.

The Court opened at a quarter past ten. Michael Huck, boarding master, of Quebec was the first witness called. He testified:— I know the private prosecutor, Mr McNamee, for upwards of 30 years; I have acted with him in elections, but not as his agent in any respect, and I dely any one to say; I wes never in partnership with him; I never took part in sending any men to the States on his account; I remember that he engaged a lot of men in Quebec some time but could not rethe Grand Trunk shed advertising for men to go to work on a railway; knew some of the tell the number; had no conversation with Mr. McNamee on the subject; was not spoken to by anyone since arriving in Montreal respecting the evidence I should give; knew Michael Burns when he was in Quebec.

John Bennett, of Quetec, stevedore, sworn -I know Mr. McNam -e, the private prosecutor, for 30 years; during that time was never engaged on behalf o. Mr. McNames in taking men out to the United States. I wanted to go to Cleveland to see my mother, and he would, but I did not go with the men, be-Cause there was some trouble about the men going, I don't know what; I believe the authe reason that the men were stopped by the Government was because they were being taken there to be drafted into the American from going.

Q. Why? A. They didn't like to be havpose. I think it was during the American war that this occurred; it was publicly placarded all over the city that Mr McNamee was sending men to the United States; worked in the office for nothing, for I got no pay (laughter); think there were about 500 men the business stopped like a clap; I swear States with a gang of men; (witness excitedly) I never was in the crimping business; I What was the object of the movement as far never started with a gang of men employed had yet any account of my boy, and he said gs this organization was concerned? A. It by McNames to the United States; I went as this organization from the yoke of Eng- by myself; don't know whether there were and to establish a free and independent other men on the train with me; I went to Cleveland in the winter; I returned in April; it was in a different part of Ohio that where ment to which the money and means of this the railroad was; never troubled my head about it; know Jeremiah and Frank Gallagher in Quebec; I don't think that I stated to them that I went with a gang of men for Mr | Nixon taken away and never returned : they McNamee to the United States to work on a went into the army; and my boy was taken railway, and afterwards found out it was a over and there was no railroad there blind; I might have said something about it; tell you; I did not go at first because the what made him take my boy away; he gave

to have gone with the men. Cross-examined by Mr. MACMASTER-I Saw the public placards in Quebec inviting men to go to the U.S. I worked in Mr. McNamee's office for a short time; I have no personal knowledge that the Government stopped the men from going; I thought it was the authorities, and I never went with a gang of men to the U.S.; I know Mr. Whelan the Mechanics' Hall, and there were certain and received two letters with regard to my being a witness in this trial: when some of the men returned from the United States they said something about there being a railroad there, but they soon shut up about it; identified letter from Mr. Whelau. (Witness nervously and excitedly, "Where did you get that letter? I don't know where you got it; give it to me.") After some discussion the letter was read to the jury. The letter was dated 20th April, and merely expressed a request for Bennett to give his evidence to prove that Mr. McNames acted as a crimp in Quebec, as he (Bennett) knew that he was one; I have been speaking to Mr. Whelan since I came to Montreal, but he never asked me whether î received his letters: I gave them to a man who asked me for them, and I don't know how they came into McNamee's

Another letter from Mr. Whelan being handed to the witness, Mr. Justice Ramsay asked why these letters were being brought severance between Ireland and Great Britain into the case by the prosecution at this stage

> Mr. MACMASTER submitted that the letters contained charges against Mr. McNamee, which amounted in reality to an extra publication of the alleged libel.

Judge RAMSAY :- But I cannot understand why you bring them in here; your case is closed; and we are now on the case for the

defence. Mr. MACMASTER: -But it is only now that we are able to put these in; we were not in a

position to do so before. Judge Bangay :-- So you are making your case out of the defeace. Mr. MAGMASTER :- No, your Honor;

case is made out; but these show a further publication of the libel.

Judge Ramsay: -You are making this out as something extra, as something additional to your case. Mr. MACMASTER:-We did not possess

the contents of these letters, which repeat the libel, tend to show malice. Judge RAMMAY: - Well, this is a very unu-

sual way of proceeding; and the only inference that I can draw is that you have been in communication with the defendant's witness-

After some further discussion, this second letter was read to the jury; Mr. Kerr ve- | American army; he said, however, to the best tedt world show that marking that its contents the defendant's object in writing to the witness was perfectly legitimate; the letter stated that a subposon was sent to the witness, and that he was wanted to state what he knew of the taking of men from Quebec in gathering men in Quebec for no other 1863, to work on a railroad.

RE-EXAMINATION. Mr. KERR-You manifested some astonishment at first when these letters were produced here. How did they come to leave your hands? A. I told a gentleman I had two or three letters from Mr. Whelan, and he asked me to give them to him and I did so.

Q. Who was the gentleman? Witness-I don't think it makes any difference. (To the Court)-Am I compelled to 88Y ?

Judge RAMSAY-Certainly. Witness-I gave one of them to Mr. Thos.

Q. Mr. Trahey is the brother-in-law of Mr. McNamee, is he not? A. I think so; a step-brother-in-law or something like that. Mr. KERR-To whom did you give the

other letter? Witness-To a man by the name of Calleghan (laughter); saw Mr. Trahey once in Quebec, and he asked me what I knew

about the case. Johannah Joynt was the next witness called-I know the private prosecutor, Mr. McNamee, and I'll never forget him.

Q. How long have you known him? A. I know him these many years; I knew him since before he was married to Mary Ann

Burns, that's his wife now. Q. About how many years? A. I suppose about - Ob, I could not explain the time; I know him, but I know this many

Q. Did you know him at the time of the American war? A. Did I know him? It's me that ought to know him, for he took away my boy aged seventeen.

Q. Under what circumstances? A. I was coming home to get the supper for my son Brydges); I had recently been discharged and his brother; and I had a lot of young collect the exact date; there was a handbill children too, but he was my oldest boy, and a monstrated with him at such a damnable proposed up in Quebec directing men to go to neighbor meets me, and says she: "Mrs. position, and he laughed and added that it Joynt, your son has gone on the cars. He has gone away to a railroad." But there was men engaged to go to work, but could not no railroad at all there when my poor boy reached; and my husband went to McNames and they telegraphed for my boy.

Q Did you go to Mr. McNamee yourself? A. I went to him and I said: "Did you take | between Bonaventure and St. Antoine streets.

away my boy?"
Q. What did he say? A. He gave me no decided suswer; he gave me two tlokets to I left the road on the 22nd. follow my son, and told me to go along with Billy Brown; Billy Brown was starting with | position to you? A. Unfortunately, it was another batch of thirty or torty men for Mr. | the private prosecutor, Mr. McNamee. McNamee; and Mr. McNamee also gave me knowing that he (McNamee) was sending \$3 along with the two tickets to follow my men out to Ohie to work, I saked him it he boy slong with this man Billy Brown; I says would give me a passage up and down it I to McNamee, says I: [he is there (pointing | would take the bread and butter out of his went with a crowd of men; and he told me | to the prosecutor) and he knows it] "I will | children's mouths. he the end of you for taking away my boy; my husband said to him; "Why did you take all about my dismissal from the G. T. R.; my boy ?" He (McNamee) said, "I did not thorities stopped the men from going, I don't know the was your boy;" and my husband know why; did not know at that time that says, "You couldn't but have known it, for "there are no Joynts in Quebec but my "family;" he then went with my man to the telegraph office to telegraph for my boy; well, army; I heard two or three years after that the next morning I was up early enough; you Names was not complaining of any grievance the authorities took it in hand to stop them may be sure, and I went out, and Mr. Mc-Names was standing at the telegraph office; versation; I do not believe that Mr. Mc.

I said to him: "Have you any account of my Namee had any sympathy for me; do not ing the population put out of Quebec, I sup- "toy?" He said, "No, I have no account of wish to put a construction on his words; Mr. your boy; to hell with you and your boy;" I collared him by the neck, and I bate him with my hand, and chased him through the streets with a crowd; he is there (pointing to prosecutor) and he knows it; and only my husband took me off I would have thrashed sent; I worked in his office a short time, but him; and, no mistake, women as I am; he was the cause of many a tear to my eyes, and positively that I never went to the United many a day I was very near out of my head through that man; I went afterwards to his (McNamee's) boarding-house and asked if he again, "To hell with your boy;" those were his words; there were twenty or thirty men from the country that I saw; he took them out of that Grand Trunk Bailway in Quebec for the army.

The Court-Is this to your knowledge? A To my knowledge! There was one young man named White and one named

Q When you went to Mr. McNamee what I don't remember; I just told them what I did you accuse him of doing? A I asked

me no satisfaction. went some months after the time when I was Q Did you accuse him of taking your boy away to be drafted into the American army A What else was he going to be done with him when there was no railroad and no work

> Q Did Mr McNames deny the charge you made against him of having taken away your son to be drafted into the American army A He couldn't deny it. Q Well, did he deny it? A No; he did not

he said that he didn't know it was my husband's boy but he knew my man well and that there were no other Joynts. Cross-examined by Mr. MACHASTER-My

son came back in a short time; he was sent for to come back home; there was no work when my son got there; he told me so. Court-You are not to say what other people told you. By Mr. MACMASTER-Although vor were

given tickets and money by Mr. McNamee, to go after your son, you did not go? A. would not be let go by my husband Q. Did you return the money to Mr. Mc

Nameo? A. Oh! I kept the money. Q. You knew the American war was going on, and you were naturally afraid of your son going with the army? A. I would not be

afraid, unless he was sent out there and there would be no work. Q. But you did not know there was no work till he told you atter? A. Oh, I knew long before it was the American army they were being sent to.

Q. Did not Mr. McNames say he sending them to work on the road? A. He told me no such thing; I got enough of him.

Q. And didn't he tell you he would send for your son? No, not to me, but to my husband.

Q. You beard Mr. McNamee telling your husband? A. No, I did'nt; my husband told me he said so. Q I suppose there were a great many peo-

ple went off to the railroad? A. There were pleuty, and never returned either.

Q. You never were out on the railroad yourself, were you? A. I was not out on them railroads at any rate.

Michael Surry, of Quebec-I was a resident of Quebec for twenty years, and knew the private prosecutor during the American war; he had an office near the Champlain Market, near the Grand Trunk wharf; I saw him disthese before, your Honor; and I submit that tributing tickets to laborers who were supposed to be going to a railroad in Ohio; he was getting all the men he could get; a few days afterwards I saw Mrs. Joynt screeching at him and abusing him; McNames said to Mrs. Joynt that he did not know the boy was her son; saw McNamee give Mrs. Joynt two lickets, but saw no money; Mrs. Joynt accused McNamee of taking her boy to the of my recollection-1 am not certain-that he sent him to a railway, and I think he said be would bring him back; it was understood in Quebec, and I heard bundreds say it, that he (McNamee) was purpose than to send them to the United States to be drafted in the army, never received any money from McNamee to give to Mrs Joynt; knew a man named Brown in Quebec who told him that he had taken men on two occasions to the United States; Brown's wife was present at the time; the time he left Quebec he went as an agent for Mr McNamee with a gang of men; knew some of the men who went; knew a man named Baiph in Quebec, and knew he had two sons; don't know that one of them went away with one of the gangs; except by hearsay.

Cross-examined by Mr Barry-Know Mr McNamee since 1854; know him a long time as a contractor; can't say whether he employed many men.

Q. At the time when you say these men were sent away by Mr. McNamee to the United States, are you aware that placards were posted up in Quebec telling men they were wanted to work on a railroad, and so on? A. In regard to placards I am not prepared to say, because I am no scholar, and I might see a placard as large as the windows of this Court House and not be ab!e to read it.

Michael O'Reilly, of Calumet, sworn-Kuow Mr. McNamee for a long time; know Mr. C. J. Brydges.

Q. Did the private presecutor ever make any proposition to you concerning Mr. Brydges, and what was it? A. Yes, he did, and I am sorry to say or repeat what it is; but of course I am obliged to do so. The man intercepted me one night as I was on my way home, and in course of conversation with him on my severance from the Grand Trunk he said to me, "Why don't you put daylight through that man?" (alluding to from the G. T. R. through Brydges; I rewould never be found out as I could go

away to the States. Q. Did he offer you anything to do it? A. Yes, he said he would give me \$500.

Q. Where did this conversation occur? A On Bonaventure street, or Desriviers street, Q. When was it? A. During the month of September, 1871, about the 26th of the month;

Q. Who was the man who made the pro-Q. Did he say anything about what he

would do if he was in your position. A. Yes, he said he would do it to sny man who

Witness, continuing, said - McNamee knew McNamee did not say anything about a contract; Mr. Brydges at that time was General Manager of the G. T. B., and it was through him that my connection with the road had

cessed. Oross-examined by Mr. MACMASTER-Mc-

McNamee did not offer the money; he did not produce the cash, but he mentioned the amount; unfortunately there has not been the best feeling between me and McNamee : I am married to Mr McNamee's sister; was never separated for a considerable; time I was once separated for four days through McNamee's instrumentality; I spoke to Mr. McNamee last about seven or eight years ago.

Q. What was the cause of your dismissal from the Grand Trunk? A. It came about through MrMcNamee writingsome anonymous letters to the Toronto Globe at the time, about Grand Trunk officials. The Superintendent showed his papers in his private car. A consultation had taken place and the conclusion arrived at after investigation was that McNames was the anonymous letter writer Q. Was it about you that the letters were published? A. No.

Q. Then how had those letters anything to do with your dismissal? A. Well I had had a confidential conversation with the Superintendent, and said to him that I trusted the affair would not interfore with my bread and butter; and he said, no; and I remoustrated with McNames about his conduct: in consequence of succeeding letters which actually narrated the interview between the Superintendent and myself, I was led to believe that my ultimate dismissal resulted from the Su-

perintendent assuming that I had broke

faith. COURT-It was out of these transactions that you were dismissed, was it? A. Yes; I remember at some time having a conversation with Stephen J. Quinn in regard to my relations with McNamee; did not recollect saying that I would be "even" with McNamee: might have said so, but don't remember: it was at my place of business at the Mile Ead; don't remember ever saying that I would yet ruin Mr. McNamee; know John McEvenue of Montreal met him once or twice; don't remember ever saying to him that I would yet rain McNamee and bring him down as low as he could go; swear I do not remember having said such a thing; don't believe I ever went so far; I might have expressed my contempt, but did not wish to injure him particularly; I usually say "every dog has his day," or "every man has his day," and that it would naturally come to this man's

lot to come down. Michael McEnerny, hotel-keeper, Cornwall Ont., sworn-Have resided in Cornwall 30 years, and was there in 1866; I know the private presecutor and saw him there at that time; Lkept an hotel there at that time; had along with Mr. Lyons; they were there to see Murphy and associates who were confined in gaol for Fenianism: I had a conversation with Mr. McNamee with reference to Fenlans and Feulanism; Mr. McNamee said to me, looking me sharply in the face, "Are you not one?" meaning, I suppose, a Fenian; I answered no, I never belonged to a society in my life yet: he then said to me. "When you come to Montreal call and see me and I'll out the preceding conversation led me to put that construction on his words.

Oross examined by Mr MacMaster-Did not at that time know Mr McNamee well; I had seen McNamee before; thought the Lyons mentioned was Daniel Lyons; he was not present during the the conversation with McNamee; there were only the two of ne; did not know him intimately before: the conversation occurred in frost of my house: Lyons told me the object of their visit was to procure counsel for Murphy and his associates; could not say that he saw Lyons and McNamee together.

Thomas Doderich, trader, of Onehec-Knew McMamee for twenty-five or twenty-six years; did not know anything personally about his doings there; only knew by what

Patrick O'Meara, of Montreal, deposed:letter was written by the Corresponding Secretary of the Society, Mr J J Curran, inviting Mr John O'Mahoney to lecture in Montreal saw the letter; an answer was received which was entered on the minutes: I went to Mr McNamee's house shortly after his return from New York to attend a meeting; could not swear, but to the best of my belief, it was at Mr McNamee's invitation; when I arrived at the house there were others there numbering four or ave; the objects of the meeting were to establish the Hibernian Society in this city, that is a branch of the Hibernian Society in New York; Mr McNamee suggested the organization of Hibernian Society in Montreal; Mr McNamee introduced the subject; he spoke of his trip to New York, and mentioned several names of parties he had seen in New York, among them being that of John O'Mahoney; he also mentioned the name of a General in the American Army; Richard O'Gorman's name was also mentioned; the Montreal branch of the Hibernian Society was not organized at that meeting; Mr Mc-Namee had the constitution of the Hibernian Society at the meeting and produced it; the constitution stated the object of the Society : it was to assist the people in Ireland to get better terms to secure a self-government similar to what we enjoy in Canada; Mr Mc-Namee spoke of an interview with John O'Mahoney; he mentioned Mr O'Mahoney being at the head of an organization by the name of the Irish Republican, since known as the Fenian Brotherhood; two months afterwards a document was produced from John O'Mahoney; at one of the meetings I made a motion to ascertain where the funds of the Society went to, and it was then that the document was produced from O'Mahoney, and a statement made that they had no ness to know; I then left the Society on that account, and because the Rev. Father Dowd denounced the society as being a branch of a secret society; it was started first more as a benevolent acclety; thought the letter was produced by the corresponding secretary and not by Mr. McNames; it was a notorious fact that Stephens was the Head Centre of the Fenian Brotherhood, and O'Mahoney was his representative in relation to the organization in America; I do not know exactly in what manner the Fenian Brotherhood contemplated securing the amelioration of the condition of the people, as there were so many splits in the camp; did not see McGrath at the first meeting at Mr. McNamee's house; he was at subsequent meetings; he was a member of that organiza-

tion The Court then adjourned until 2 o'clock. AFTERNOON SESSION.

Mr. Donerty continued the cross-examina tion of Mr. Patrick O'Meara. Q. At these meetings of which you have spoken who was the chairman? A. Mr.

Q. Did he produce any other document beanother document at the meeting when I re- such a name till it is proven one way or ansigned.

McNamee.

think he made any statement as to what it ways looked upon taum as bosom friends to was, but he handed it around.

Q. Didn't he make any statement as to what it was? A. We could see for ourselves; Brotherhood, but more of a power of attorney; he submitted it to the meeting.

Q. Did Mr. McNamee make any remarks concerning what it was? A. The document spoke for itself.

Q. Where did it come from? A. John O'Mahoney. Q. After the production of the document

you left the meeting? A. Yes. Q. So you don't know what transpired afterwards? A. No; it was left to the option of the members whether they would adopt it or not; this document would turn the Society, in fact, into the Fenian Brotherhood, if adopted.

Q. When the document was laid before the meeting was it not understood that it was a constitution of the Fenian Brotherhood which was to be adopted or not by the meeting; was there a statement to that effect? A. As I said before there was some difficulty about this time concerning the funds; there was an authorization produced at the meeting | and if we show that he did acts which would by McNamee; it was an authorization or some document of that sort from New York and was produced with a communication in reference to the funds and our having no right to know where such funds went; the document was something like a power of attorney rather than a constitution.

Q. To authorizing the formation of the Society as a branch of the Fenian Brotherhood? A. Yes.

Cross-examined by Mr. Edward Carter, Q.C.—The Hibernian Society was not a Fenian Society as first organized, but more of a benevolent society to assist by peaceable means; something same as the Land League in Montreal now, so far as I can remember.

Re-examined by Mr. Doughty-Q. That is what you understood about it until you made this discovery about where the money was going to? A. Cortainly; and then I left it. John Mackenzie, broker, Montreal, testified—Knew Mr McNamee for 25 years; had a conversation with Mr McNamee in 1863 about some men whom he (Mr McNamee) was sending off to the United States; was standing on the wharf in Quebec when the steamboat was going to cross with some men sent by Mc-Namee; Mr Gaherty was standing with bim (witness) at the time; and McNamee approached and in a joking sort of way, said There goes something like \$100 a head"(refering to the men). This was during the time of the American war; knew other men-whom a conversation with him; he was in Cornwall he believed McNamee had employed—had gone before these; did not know their destination.

> Cross-examined by Mr. MacMasten Knew Mr McNamee was a contractor and employed such kind of men.

Bernard Emerson, carpenter, Montreal, sworn, testified—Knew McNamee 15 or 20 years; was not aware of any transaction he (witness) had with him in regard to the Fenian Brotherhood; did not remember of you through;" I suppose he meant to enroll being a member of the Hibernian Society; me in the boly order of Fenianism (laughter); [could not remember anything particular about it; did not remember joining any so-

clety where he took a premise or pledge. Cornelius Corcoran, fruiterer, Montreal, testified—I was approached in 1863 by Hugh Bremnan with a view of my going to the States; he told me he was acting for Mr. Mc-Namee.

the defence must prove something to connect Brennan with Mr McNamee, direct, before this evidence could be allowed. The witness was therefore ordered to stand

Mr Justice RAMMAY here suggested that

down for the present. Bernard Tansey sworn, testified-I know

Mr. McNamee for 25 years; since I have known him he has always sought to push himself forward as the leading Irishman; he (McNamee) held the Presidency of St. Patrick's Society for three years, and holds it at present; this Society was organized originally as the representative of the Irish narick's Society in 1862; knew McNamee made | tionality in Montreal, and the position of a journey to New York in the fall of '62; at | the President of that Society entitled the that time, by a resolution of the Society, a holder to stand forward as the representative Irishman, and as such he would on all public

occasions act as that representative. Q. What has been the effect of Mr. Mc-Namee putting himself forward as the leading Irishman in Montreal? A. I think there would be more members if he had not been President of St. Patrick's Society; I know there was another Society-an Irish National Society-started afterwards, which would not have been started otherwise.

Q. I suppose the majority of St. Patrick's Society represents the respectable part of the Irish community? A. It did at one time, but there was some little difference, through Mr. McNamee being elected President, and another society was formed; there were many who refused to remain in the St. Patrick's Society with him as head.

Q Do you know what effect the part taken by Mr McNames has had upon the share taken in Irish national affairs in Montreal by respectable Irishmen? A. Well, they did not wish to have anything to do with him; they did not like to take any active part in anything with which Mr McNamee was connected; they did not want to meet on the same platform with him on public occasions.

Court-Who are these? A. Mr Mullarky for oue.

Count-The plea charges that Mr McNamee by his conduct, as described in the plea and the alleged libel, succeeded in driving all respectable Irishmen in disgust from taking any active part in Irish affairs in Montreal; Now that must be proved in its entirety.

Q. Has the position taken by Mr McNamee had the effect of driving nearly all respectable Irishmen from taking any acrive part in Irish affairs? A. It has driven a good many, I know.

Q. What is the membership of St. Patrick's Society? A. I don't know what number it has now; I think at one time it was as high as 400. Cross-examined by Mr. OUIMET, Q. C .- I

have not been a member of St. Patrick's So-

ciety for 7 years; I think Mr. McNamee was

not President when I withdrew; there were a good many prominent citizens withdrew at the same time; it was, I think, the first time any large body of members withdrew; I was a member of the Committee of St. Patrick's Society along with Mr. McNamee at one time; nobody left on account of him at that time; there are about 13 Itish Societies-benevolent and temperance—in Montreal; there is only one National Irish Society for each city; the one in Montreal is a branch of the St. Patrick's Society; it is called the St. Patrick's National Society; it is the one to which I belong; we had about 150 or 175 members when we started; I could not say how many there are now; Mr. M. C. Mullarky is President of St. Patrick's National Society; and Mr. McNamee is President of St. Patrick's Society; I have not counted how many Irishmen have ceased minding Irlah affairs on account of McNamee; we have heard a good deal for some time about this informer business, and people do side the constitution? A. Yes, there was not want to have to do with a man that has

other. as to what that document was. A. I don't great opponent of Mr. McNameo. A. I al- colors.

til this affair.

Q Is it not a fact that in spite of Mr. McNamee's sins leading Irishmen are still it was not a constitution of the Fenian taking an active part in Irish affairs in Montseal, for instance in the Land League? A. 1 helieve so.

Q. I suppose " public in general are not interessed i " There has been excitement about n, and every Irishman feels an interest; if there is an informer in our

midst it is as well to know that there is one. John Kelly, contractor, Montreal, deposed -I know the private prosecutor by sight for years; in the County of Hochelaga, about 22 years ago, there was an election in connection with worch Mr. McNames hired and paid men to mind the poll, to defend the poll, to keep the poll clear.

Count—What are you going to prove? Mr. Doserty-That Mr. McNames was an election bummer. That is the object of this witness' evidence.

Count...We had better have a definition of this term election bummer. Mr. Donkery-They charge us with hav-

ing called Mr. McNamee an election bummer; constitute a man an election bummer, I submit that is proper proof.

The Court-Yes; but what is an election bummer? It is not to be found in any dictionary that I know of.

Mr. Donenty-Well, your Honor, like a good many terms which have grown into our language we have a general idea of their meaning, though they are not in our dictionarles. The meaning is generally well known and understood.

The Count-Well, my understanding has not extended so far; and I would like to be enlightened. Let us get at a definition of this term "election bummer." Ask the witness what it means?

Q. Do you know, Mr. Kelly, what is understood by the words "election bummer?" A. Well, it would be hard for me to understand it when there are so many well-learned gentlemen in Court here that don't understand it. (General laughter.)

Q. I suppose you have kad more or less to do with elections? A. No; I have never taken any active part only in the one I have referred to with Mr. McNamee; and I would not have done so in that if I had known what it was for; I would not have gone there to fight in an election if 1 had known.

Mr. C. E. Schiller, the Clerk of the Peace, deposed that he was employed during the Fenian scare to send messages to the Dominion Government in reference to Fenian doings; from October, 1865, to January following, he was employed as paymaster to the Frontier Police; their business was to get information of the movements of the Fenians; all the information witness got was from the police themselves and no others; to his knowledge there were no others employed in obtaining such information; witness knew Mr. McNamee, and during the troubles was told to look after him as he was a Fenian, and that I was to be on the watch for him (laughter); Mr. McNamee had not to his knowledge been paid out of the secret service fund; the fund was to pay men whom he employed and nobody else received pay; Mr McNamee was not to witness knowledge employed by some one else; he might have been, but witness did not know of it personally; the other persons who had the employment of parties for giving information were Col Ermatinger and Mr C J Coursel; they were the persons afterwards; was only connected with it at the time of the first Fenian raid.

C J Courson Esq, M P, of Montreal, deposed that during the Fenian excitement he was Judge of Sessions and Commissioner of Dominion Police in 1868 and 1869; during the first Fenian raid 1 was not in charge; I was charged to keep a watch on the movement which was said to be organized from the United States into Canada and a certain part of Canada, that is the Province of Quebec; the parties employed by me to watch the movements of the members of the Fenian organization were in the United States; Chief McLaughlan and Secretary Ormond had the paying of money or rather cheques to persons employed in the business of watching or as

Q. Did you know the persons to whom cheques were so given as payment? A. I

knew some but not all. Q. Was Mr McNamee among these per-

sons? A. He was not. Q. Do you know that he was engaged in that watching or spying business? A. No, I never heard of such a thing until this trial commenced; I had a sharp lookout at the

time. Q. Do you know that any moneys whatever were paid to Mr McNames out of the secret service funds? A. I do not know of any, either directly or indirectly; there may have been, but I do not believe it: my believe is that Mr McNamee was on the other side.

Angus Ormond, of Montreal, agent of Marine and Fisheries and Inspector of Government Police, deposed :- I was Secretary of Mr Coursel during the time of the Fenian excitement here; I was charged with paying men employed in bringing information to the Government concerning the movements of the Fenian organization; I know McNamee; he was not among the persons so employed to supply information; I nover heard of him, I think, till four or five years ago; never received any information from him: I had charge of the payment of persons employed to get information at the time; his (McNamee's) name did not appear on the list of persons so paid; I certified such lists in

the absence of Mr Coursel. Q Was the list not certified by the Ihief of the Water Police, Mr McLaughlin? A.

No. Q. Were the Water Police not employed on the trontier? A. No, not in my time; I have no knowledge of their being so em-

ployed. Patrick S. Walsh, book-keeper, deposed-I know Mr. McNamee; I knew the Hibernian Society; I do not know what was the connection of Mr. McNamee with that Society; was connected with it myself in 1863, I believe, or about that time, I think; I was an officer of the organization as first fully organized; there was a caucus meeting that I never

attended. An application was here made by Mr. Doherty to have the case put over till this. morning, Mr. Kerr, Q.U., being afflicted with a severe cold affecting his voice, but the Court would only consent to this on condition that the defence closed their case, so that there might be no delay on the opening of the

Court. After some consultation between the defendant and his counsel it was decided to close the defence, although there was still witnesses who had not yet been examined. The case was then, upon that understanding; adjourned till this morning, when, after witnesses have been examined by the prosecution in rebuttal, the addresses of counsel to the jury will be made.

(Continued on Fifth Page)

go for one dime get a package of Dia mond Dyes at the druggist's. They color Q. Did Mr. McNamee make any statement Q. I understand that Mr. Whelan was a anything the simplest and most desirable