THE MERCER ESTATE.

Application by the Ontario Government Important Law Suit in the Court of The Governor-General to the Ottawa to Bject the Occupant.

by lands held—as the lands of the late Andrew Mercer were held—in free and common socage, could be escheated to the Crown by failure of heirs; and, that in a Crown by failure of heirs; and, that in a solony which became such by conquest, and which was now under a different law to that which previously prevailed, it required some positive enactment, either Imperial or Colonial, to introduce into it the old feudal law of escheat. He held, in the first place, that the Court of Chan-ery had no jurisdiction in an escheat case on the ground that the question involved was one of law and not equity; and, if it was said that a recent Act gave the Court of Chancery jurisdiction, he had to reply that that Act was passed subsequent to the death of Andrew Mercer. Another point death of Andrew Mercer. Another point in this case was that the present procedure took the form of an application for a writ of ejectment, while ejectment cases should be tried by a jury. Again, the tenure in this country, being free and common soeage, and not feudal, the question was whether a country where no feudal tenure. The argument might be raised that where an owner had left no heirs the respect would no somewhere, and that death of Andrew Mercer. Another point in this case was that the present procedure took the form of an application for a writ of ejectment, while ejectment cases should be tried by a jury. Again, the tenure in this country, being free and common source, and not feudal, the question was whether a country where no feudal tenure existed was subject to the rules of feudal tenure. The argument might be raised that where an owner had left no heirs the property must go somewhere, and that converters was the Crown; but that was answered by the doctrine that if a man held property after the death of another, freehold and soil were vested in him and the churchwardens; and that the defendants; that according to the canons of the Church the firehold and soil were vested in him and the churchwardens; and that the defendants of a mighty nation. (Prolifering to the result of the puriod the part of the puriod; the thoroughly Canadian in all thing the th

Me thought not, because he was not the direct representative of the Crown, but an appointee of an appointee of the Crown; and because the Attorney-General of the Dominion must take presedence of the Attorney-General of a Province with respect to those rights and prerogatives of the Crown, which had not been assigned to the Attorney-General of the Province by Imperial legislation. In this connection he contended n. In this connection he contended under the B. N. A. Act all the casua and territorial revenues of the Crown in Canada, which formed the consolidated revenue, were handed over to the Domin-

PASTOR AND FLOCK. EDUCATIONAL PRIVILEGES.

To the Right Res. the Lord Bishop of Toronto:

Letter received; congregation determined not to give Mr. Johnson admission to church or parsonage; will resist to the last extremity.

F. W. GLEN,
C. E. MARTIN,
W. WESTERN,
V. CARMICHAEL,

Lay Delegates.

A number of letters having been filed, and the evidence taken of Mr. John Cavan, lay delegate, Mr. F. W. Glen, churchwarden, and Kev. Mr. Johnson, the case was adjourned until after vacation.

A Faithless Wife. Hamilton, Dec. 22.—This afternoon an affair took place in the western part of the city which caused a considerable sensation. John Marshall, a mechanic in Greening's wire works, resides at 209 York street. A below. In this connotion he contended that one of the the constitution of the constitu

MONTREAL, Dec. 18.—The Temporalities Board of the Presbyterian Church in Canada, of which the Rev. Dr. Jenkins is Properties, dent, was some time since legally sessible, in the interest of the remanant of congregations which did not fall in with the union in which the present Presbyterian Church and in the Interest of the resplayerian Church and the John Lurch of Scotland, in the interest of the resplayerian Church and the John Lurch of Scotland, in the interest of the resplayerian Church and the John Lurch of Scotland, in the interest of the resplayerian Church and the John Lurch of Scotland, and the John Lurch of Scotland, the John Lurc

Public School Children.

OTTAWA, Dec. 20.—The public hildren's entertainment in the

Stace the conclusion of the celebrated Messeer estate trial and since the decision on the part of the Ontario Government to cover a Reformatory with the moneya and proceeds of the preperty of the late Min for the Court of the Reformatory with the moneya and proceeds of the preperty of the late Min for the Court of the Reformatory with the moneya and proceeds of the preperty of the late Min for the Court of the Reformatory with the moneya and proceeds of the preperty of the late Min for the Court of the Reformatory with the moneya and proceeds of the preperty of the late Min for the Court of the Reformatory with the moneya and processed of the preperty of the late Min for the Court of the Reformatory with the moneya and processed of the preperty of the Late Min for the Reformatory with the moneya and processed of the protein of the estate in dispute which is situated at the corner of Bay and Wellington streets. Notice to quit the Bishop to appoint to an attempt, which is situated at the corner of Bay and Wellington streets. Notice to quit the Bishop to appoint to an attempt to the Bishop to the Perfect of the State of the P not invited to the parish, and that the vestry wanted Rev. Mr. Fortin. The Bishop objected to the appointment of Mr. Fortin on the ground that he was a young man, that he belonged to a remote diocese, that the appointment of a clergyman from another diocese would be a wrong to clergymen who had laboured long and well in the diocese of Toronto and who were well fitted to occupy the vacant and very desirable post, and that it was the Bishop's prerogative, according to the canons of the Church, to nominate a clergyman. Mr. Johnson was therefore hoensed. When it was announced by letter that Mr. Johnson was therefore hoensed. When it was announced by letter that Mr. Johnson was licensed, the churchwardens sent the following telegram to the Bishop:

December 3, 1878.

To the Right Rev. the Lord Bishop of Toronto:

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F. W. GLEN, C. E. MARTIN, W. WESTERN, V. CARMICHAEL, Churchwardens.

The vestry also adopted a resolution authorizing the churchwardens to keep the Rev. Mr. Johnson out of the church. The resolution read:

"That this vestry instructs and enjoins the churchwardens of this Church not to permit Rev. C. C. Johnson or any clergyman or layman on his behalf to have access to orenter the church or the parsonage unless instructed to do co by this vestry."

A petition was also sent to his Lordship asking him to reverse his decision. This he said he could not do. When Mr. Johnson arrived at the church doors on Sunday, December 8th, he found them closed against him. He held service in a half that day, and subsequently entered the suit in Chancery, setting out as follows:—That he was duly appointed by the Bishop; that on

CANADIAN ITEMS.

Mr. Lannagan, of the Depart agriculture, has been superannuat

Mr. Wm. Gibson, an old and highly respected resident of Petersville, is dead.

Miss Roberts, of Rockland, N.B., is twelve years old and weighs 217 pounds.

The telephone was on Tuesday successfully worked between Montreal and Ot-

Liberal-Conservative Associations are being extensively organized in New Bruns-wick.

The Kingston Whig enquires why a Maritime Court cannot be established in A joint stock company is being organ in London East for the manufactur

chewing gum. The Newfoundlanders think they ought to get £250,000 as their share of the Fishery award.

The body of Costafrolaz, recently hung at St. John's, is said to have been stolen from its grave.

An anti-tobacco association has been formed at Tottenham. Members wear red

formed at Tottenham. Members wear red and pink ribbon.

A rich phosphate mine has been discovered on the Spalding lot in the 9th range of Templeten.

Small-pox is very prevalent in the village of Embro. Three new cases have occurred there this week. Mayor Sanson, of Orillia, has fallen heir to a large sum of money through the death of a relative in Scotland.

of a relative in Scotland.

The Baptist church, of Kingston, has extended a call to Mr. Charles Cook, of Pastors' College, London.

His Excellency the Governor-General has given \$100 for the relief of destitute families in Ottawa Ward, Ottawa.

in Ottawa Ward, Ottawa.

Mr. Owen Weese, of Thurlow, has lost three cows recently by eating cornstalks containing a large quantity of smut.

A first-class musical society is what Kingston desires the most. The talent is there, but it wants stirring into life.

Palmer's locksmith's shop at St. Catharines was broken into on Wednesday night and four revolvers and a bunch of skeleton keys stolen. Evidently professionals in Mr. R. W. Barker, Post Office Ins

building in Kingston, which is said to be behind the age.

The Dominion Firemen's Association will hold a meeting at Kingston about the mid-dle of February, to decide upon the place and time of the regular summer convention

and tournament.

The St. Themas Times says it believes Mr. W. K. Muir has tendered his resignation as General Manager of the Canada Southern railway, the resignation to take effect on 1st January.

The Manitoba Free Press understands that a gentleman recently from Leipsic is in Winnipeg, and intends establishing nitro-glycerine works somewhere in the locality of Rat Portage.

The people of St. Johns, Que., have christened last Friday, the day on which Costaflorat was hanged, Black Friday, because it was the first execution that has taken place in the district.

year.

The triplets recently born at Montreal have been christened Victor, Lorne, and Louise.

A canoe ferry has been established at Montreal between Hochelaga and Lon-

tendent at a salary of \$800 a year.

A proposition has been made to add a Minister of Education to the New Brunswick Ministry, and it is probable that action will be taken in the matter at the next session of the Local Legislature.

The Montreal Licensed Victuallers' Association have appointed a deputation to proceed to Quebec and ask the Government to amend the License Act, which now bears heavily on local tavern keepers.

Two trunks were recently found secreted Two trunks were recently found secreted in a sewer at Fredericton, N.B. They were discovered to be the property of William Hanson, a painter, who had left the city. Why he hid them there is a

secret.

The Cape Breton Times says that it is reported that the long lost Charlie Ross has turned up somewhere in the vicinity of Cow Bay, C. B. A letter to this effect

The Presbyterian church at Carlisle wa broken into on the night of the leth by tramps, who made a fire of the bibles and hymn books. The men escaped capture, but a woman who was of the party, was William James, a hero of Trafalgar, re

cently died in East Nissouri at the age of 104. He was born in August, 1774, and served under Nelson over seven years, dur-ing which time he was only twenty hours on land.

The London Board of Trade have been discussing the advisability of expending a portion of the Ontario surplus in macadamized roads. A petition in favour of the scheme will probably shortly be pre-sented to the Legislature.

A temperance convention is to be held in Montreal on 31st inst. to promote united and concentrated effort on the part of the various temperance orders, church temper-

tons was run at the rate of forty miles an hour with no perceptible friction.

The remains of the infortunate man, Joseph Carey, who was killed on Wednesday, on the market at London, were buried yesterday by the corporation. The man having been a Protestant, the relief officer obtained admission for the two children to the Protestant Home, the family being utterly destitute, but the widow, who is a Roman Catholic, refused to let them go. them go.

The Orillia Packet says :- "About two months since an old Briton named Kett, aged 85, and who had lived in Massachuaged 35, and who had lived in Massachusetts for 28 years, travelled 700 miles to Dalton, County of Victoria, Ont., that he might die under the flag of his fatherland. The old man is hale and hearty, and says he would not go back to the Union again for all the States in it. The is a pity every Canadian isn't a Kett.

Canadian isn't a Kett.

Recently the racehorse Diamond, owned by H. Ford, of Prescott, when being exercised threw his jeckey, Tom O'Hara, a Toronto boy, and started off at a quick gallop, dragging with him the boy, whose foot had caught in the stirrup. The lad, with much difficulty, was rescued from his perilous position, but not until he had received such injuries as, it was feared at one time, would prove fatal. He is now, kowever, doing well, and is expected to recover.

At the meeting for the relief of sufferers At the meeting for the relief of sufferers by the Glasgow Bank failure, held in Montreal on Friday, the chairman, Mr. John Rankin, alluding to the difficulty of helping any person, believed there was as much distress in Montreal as there was in Glasgow. Mr. Buntin thought that the Glasgow Bank crash should be a lesson to the Scottish people; also that unlimited banking liability should never be permitted. However a committee was formed to collect subscriptions.

ceived a marked illustration recently. There was no business before the Grand Jury at the last session; they had not a blessed thing to do, but it took them four days to do it. At a dollar and a half a day the expense of a panel of twenty-four-Grand Jurors would be \$144, a pretty good sum for the country to have to pay for absolutely nothing.

Mrs. Farrell, wife of the convicted murderer of Conway, returned to Quebec on Saturday from Ottawa, where she saw the Minister of Justice, who, however, declined to hold out any hopes of a commutation of Farrell's death as a commutation of Farrell's death and sleep on the ground floor, which is only 15x20. Seated on benches, which are also used as beds and which line the room, all engage in basket making. Two bables, which are the youngest members of the family, are taken care of in old time Indian style, being fastened to a board about three feet long, which is made to do service as a hammock and rest. All are very industrious, and make no complaints of their lot.

Minister of Justice, who, however, declined to hold out any hopes of a commutation of Farrell's death sentence. The execution is fixed for January 10th. Mrs. Farrell was not able to see either the Governor-General or Princess Louise.

A new patent anti-friction car-box was applied for the first time to some trucks at the Ontario car works, London, on Saturday, and found to be a very valuable invention. The practical effect is to diminish the friction and draught power by from 50 to 70 per cent. A car laden with fifteen tons was run at the rate of forty miles an hour with no perceptible friction.

The practical effect is to diminish the friction and draught power by from 50 to 70 per cent. A car laden with fifteen tons was run at the rate of forty miles an hour with no perceptible friction. city, the police carried him away. The hanging seemed only to have whetted his appetite, for he declared, "I have hang one man to-day, and would like nothing better than performing the operation over again." One half of his fee was devoted on the following day to paying a fine and costs, thus fitly closing his holiday ex-

practising in Hamilton and the surrounding county have formed themselves into a law Association," for the purpose of supporting a law library for the use of its members a law library for the use of its members, to be kept and maintained in the Court House, and for promoting the general interests of the profession, and good feeling and harmony among its members. The association is formed under the provisions of the "Act respecting Library Associations, &c." The first trustees for managing the affairs of the association were appointed at a general meeting of the profession, held at the County Council chamber on Tuesday last, and are as follows: sion, held at the County Council chamber on Tuesday last, and are as follows:—

Æmilins Irving, Q.C.; Thos. Robertson, Q.C.; Richard Martin, Q.C.; F. McKelcan, Q.C.; B. B. Osler, Q.C.; George M. Barton, Dundas; Alex, Bruce, John W. James, and Robert R. Waddell, The profession numbers sixty-two practitioners in Hamilton, Dundas, and Ancaster.

A clue to the burglars who have be A clue to the burglars who have been plundering the stores at Barrie of late has been found. On Thursday Constable Campbell, of that place, during a dispute with a gas works employé named Gould, elicited the fact that Gould and another employé of the gas works, named Lang, were partners in the ownership of a quantity of knives. Campbell having obtained a search warrant proceeded with two a search warrant, proceeded with two other officers to the Victoria Hotel and subscriptions.

At a meeting of the leading citizens of New Hamburg and Wellesley, on 7th inst., it was decided to establish a beet root sugar manufactory in the former place, and \$26,000 were subscribed for that purpose. A committee, composed of Messrs. Samuel and Fred. Merner, and J. G. Reimer, was appointed to interview the Ontario Government with reference to the securing of a grant of money. A firm in Boston, it is stated, has guaranteed the sum of \$50,000

arrested Lang and Gould, who were suaying their room the constables found two trunks ready for shipment, addressed to Hamilton. These, on being opened, were found to contain a number of pocket knives, revolvers, and plated goods, stolen from Johnston's hardware store two weeks ago; a chronometer, stolen from M. Shanasey, of the Simcoe House, last October; a brown tep coat and part of a gun stolen from the Queen's Hotel, with other articles, including several burglars' tools. The prisoners were articles and their room the constables found two trunks ready for shipment, addressed to Hamilton. These, on being opened, were found to contain a number of pocket knives, revolvers, and plated goods, stolen from Johnston's hardware store two weeks ago; a chronometer, stolen from M. Shanasey, of the Simcoe House, last October; a brown tep coat and part of a gun stolen from the Queen's Hotel, with other articles, including several burglars' tools. Kingston desires the most. The talent is there, but it wants stirring into life.

Diphtheria continues its ravages in Nova Scotia. In Lunenburg County an entire family of ten are all prostrated by it.

The North-Western Omnibus Company has been organized in Winnipeg to make connection with the trains at St. Boniface. The London School Board has raised the required age of children for first attendance at the public schools from five to six years.

Mr. George Morton shipped 187 tons of choses from the Kingston district during November, for which he had paid 8c a pound.

Mr. George Morton shipped 187 tons of choses from the Kingston district during November, for which he had paid 8c a pound.

A temperance convention is to be held in Montreal in the part of the promote united and concentrated effort on the part of the prisoners were arraigned before the Mayor yesterday and Princess for the Halifax charities has been to assist in establishing this manufactory.

The \$400 donation from the Marquis and princess for the Halifax charities has been to a saist in the part of the Princess for the Halifax charities has been to a saist in the part of the Princess for the Halifax charities has been to a saist in the part of the Princess for the Halifax charities has been to a saist in the following manner:—\$50 cach to the Dispensary Association for the Montreal Post says:—"A very curious Customs seizure took place lately. A lady geing from Montreal undertook to sunggle some silks for the benefit of her friends arraised the result of the Protestant Intention of Dr. Dickson.

Seventy-eight patients were treated in the following manner:—\$50 cach to the Dispensary Association for the Montreal Post says:—"A very curious Customs seizure took place lately. A lady geing from Montreal undertook to the Protestant Intention of Dr. Dickson.

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The Montreal Post says:—"A very curious Customs seizure took place lately. A lady geing from Mo burglars' tools. The prisoners were arraigned before the Mayor yesterday and remanded until Monday. Gould comes from London and Lang from Hamilton.

threatening her with being searched in eliciting from her the confession that she had goods concealed about her person. She was made to deliver them up. They consisted in a parcel of silks, in value about \$50. The lady said she was highly constant of Brulington V."

A correspondent writes to the Kingston take up the whole matter of the deepening of Lake St. Peter as a Dominion public treatment of a relative very nearly resulted recently in serious consequences, has caused the death of several horses.

The Galt Reformer says:—"There is some talk between the Great Western, Grand Trunk and Canada Southern rail. A consequence an interest of a single way monthly and an attempting any experimental properties of a single way monthly and attempting any experimental properties of a single way monthly and attempting any experimental properties of a single way monthly and attempting any experimental properties of a single way monthly and attempting any experimental properties of a single way monthly and attempting any experimental properties of a single way monthly and attempting a the High School entrance examination at Belleville, forty-six have been provisionally admitted.

It is rumoured in Montreal that Ald. Nelson, of that city, is about to be taken into the local Cabinet as Provincial Treasurer.

A number of white crows have been seen lately in the neighbourhood of Windsor, and Mr. J. W. Drake shot one a day or two ago.

On Saturday last 1,190 sheep, 138 cattle, and 51,690 pounds of dressed poultry were taken over to the American side from Brockville.

In Bracebridge the police are much more strict than they are in Toronto, for there is the High School entrance examination at Belleville, forty-six have been provisionally that the cruelty of a neighbour, whose ill treatment of a relative very nearly resulted recently in serious consequences, has caused the death of several horses.

The Galt Reformer says:—"There is some talk between the Great Western, Grand Trunk and Canada Southern railways of building a tunnel under the St. Clair river from St. Clair, on the American side, across to the Candian side."

A few days ago the infant daughter of Mr. John Lynch, of Peterboro', was running about with a pair of scissors in her hand, when she tripped and fell, the seissors entering the corner of the eye, penetrating to the brain, and resulting in death.

The Quebec City Council has adopted a strict than they are in Toronto, for there

THE ENGLISH MAIL

Interesting Summary of New

IMPORTANT CATTLE REGULATIONS. The Times publishes a long and imperant order-in-Council which has appeared a supplement to the London Gazette, will be remembered that the result of t long conflict towards the close of last sion over the Contagious Diseases (Ani Bill was to leave to the Privy Council D partment a large discretionary power wit respect to the importation of foreign cattl The act came into force a couple of month ago, but it was expressly stipulated the no order-in-Council framed under its prevision should take effect until the end the year. The rules now published will therefore, be enforced only on and after Newyear's Day.

All foreign cattle are divided for the

purposes of the order-in-Council into four closses. To the first-class belong animal coming from countries which, in the coinion of the Privy Council, are danger countries of the Privy Council, are danger ously infected countries. Of these the landing at English ports is absolutely prohibited. The countries falling under this prohibition are Austro-Hungary, Russia Turkey, Greece, Italy, Roumania, and Montenegro; in fact, the whole eastern half of Europe. From these countries no living beast whatever can be imported integrand. In the next category are animal from all other countries not favoured by a from all other countries not favoured by special exemption to be presently explaed; these are to be admitted to "fore animals wharves" established in the port of London, and at Sunderland, Hartlepool Goole, Grimsby, and Plymouth. But all animals so received must be slaughtered within ten days from the date of landing, and during the interval are to be subject to the strict supervision of an invertee of the strict supervision of the strict supervision of supervision of the strict supervision of the st be subject to the strice

supervision of an inspector of the Priv Council, who will have unfettered power t disinfect, and even to destroy, whatever h may suspect to be contagious. The courtries upon the western seaboard of Europ nearest to our own coasts, Germany, Hol-land, Belgium and France, not being in cluded either in the schedule of the pro ibitory rule or in that of the subsequen be assumed to fall within this class, and the their cattle dealt with in this way To meet the case of animals intended for exhibition, acclimatization or domestication, an indulgent provision is made: the sion, an indulgent provision is made: the slaughtering order is not to be enforced in respect to them provided they are landed at the port of Southampton, and are there submitted to a strict quarantine, as directed in the fifth schedule of the Act. The conditions under which animals will be admitted to and released from quarantine are, it will be remarked exceedingly. are, it will be remarked, exceeding ent, and the authority of the inspec for of the Privy Council will remark upreme over the favoured beasts from the rantine station to the time of the o the owner or consignee. The four countries which the Privy Council regard at present as reasonably free from the danger of contagion, and which are consequently altogether exempted from slaughter or quarantine. Those countries are Canada, the United States, Denmark, Sweden and Norway, Spain, and Portugal. During the progress of the bill in Parliament, the Government gradually surrendered the application of the compulsory slaughter clause to one after another of these countries, and it maid now be difficult for the Privy Council to refuse what, if the Act had contained and now be difficult for the Privy Council to refuse what, if the Act had contained the amendments accepted in the House of Commons by the Ministry, would have been granted as a matter of clear right. But even from the favoured countries the importation of cattle is subjected to precautionary conditions. They are to be Council, and can only be moved on his certificate. If disease be detected, it is to be stamped out by severe measures, varying in severity with the character of the contagion. The risks of importers in this particular are considerable, for it is provided that "if an inspector of the Privy Council finds disease in any animal of a cargo, every animal in each separate part of the cargo shall be dealt with as if that disease had been found in an animal in each separate part." A single case of pleure preumonia or for and dealt with as if that disease had been found in an animal in each segarate part." A single case of pleuro-pneumonia or foot and mouth disease, for instance, even when occurring in an isolated lot of animals, will compel the slaughter of the whole cargo, either on board or at the nearest "foreign animals wharf;" and if a single animal from a cargo thus falling under indirect condemnation be allowed to mix with animals of another cargo or cargoes, all the latter will be subject to the same treatment. It is unnecessary to say that a single case of cattle plague will be dealt with by the immediate slaughter of the whole cargo. We may observe that, besides the countries above-mentioned, the Channel Islands are brought by the present order in Council under the rules of the fourth class. The Isle of Man, which in the schedule of the Act is classed with the Channel Islands, is exempted from any restrictions whatever. There are other less important, though sufficiently stringent regulations relating to inspection, disinfection, and so forth. That the Privy Council is desirous to close every gap through which disease

to close every gap through which disease might make its way into England from abroad may be judged from the following rule, the preciseness of which has an almost ludiorous effect:—"If a vessel arriving has on board the carcas of a foreign animal, horse ass or mule which was taken on on board the carcass of a foreign animal, horse, ass or mule, which was taken on board for the purpose of importation, but has died on the voyage, the master of the vessel shall immediately on arrival report the fact to the principal officer of Customs at the port. The carcass shall not be landed or discharged from the vessel without the permission in writing of the principal officer." The Customs authorities are also empowered to seize and detain, and, if necessary, to destroy, not only animals of any, kind, but "fodder or other articles" which may be thought likely to introduce infection. The farmers, the Times thinks, infection. The farmers, the Times thinks, ought to be content with the zeal for the exclusion of disease to which these regula-tions testify. Whether the consumers of meat will be equally content with a system which undoubtedly narrows the channel of supply is not altogether clear.

THE IRISH PARTY. The following extraordinary letter ap-pears to-day in the Freeman's Journal: "House of Commons, Thursday. "Sir,—The Address in answer to the Royal Speech, which calls upon us to sanction the blood-stained acts of the Royal butchers who have invaded Afghanistan, as passing through the House without any division representing the protest from the Irish nation, without any demand by the Irish party for the restoration of the Irish Parliament, or even the redress of grievances. The man who has brought this disgrace upon our country is Isaac Butt. At an informal meeting of the Irish members to-day I denounced him as a traitor to the Home Rule party and the Irish cause, and I now repeat the accusation. At a uture time I shall review thesteps taken by Mr. Butt in his work of betrayal, leading p to the supreme treason of the present