# VOL. XXIX.—NO. 4.

## MONTREAL, WEDNESDAY, SEPTEMBER 11, 1878.

TERMS: \$1.50 per annum

THE ORANGE LEADERS.

WEDNESDAY, SEFT. 4TH.

This case was resumed this afternoon. Mr. lienzaire Dowire appeared for the defence. Mr. GEO. WALLACE, CKy editor of the Star, was recalled and re-examined by Mr. Barnard as follows :-

Q. Will you look at the Star of the 11th of July last and state whether it centains what purports to be the obligation of the Orange order? 4. It speaks for itself; it is headed "Orange obligation;" I have never read it over before.

Q. From whom was that obligation obtained! A. I haven't the slightest knowledge; I believe I have seen it before, but never read

O Can you give any information by whose authority and how it came to be published? A. It must have been given into the office, but by whom I have no knowledge; quite possibly it may have been taken from some other

Q Please give the names of the parties cannot say positively; I don't know of any others likely to give any more information.

know only by sight. Q. You have written a number of articles

information as to the movements and inten-tions of the Orangemen? A. As the matter has now entirely passed from my memory, I require the production of the articles in order

to refresh my memory.

Q. From whom did you derive the information contained in the article of the Star of the 8th of July? A. His Worship the Mayor, Lieut.-Col. Fletcher, Mr. Bethune, Q.C., and several other lawyers and gentlemen of that description.

Q. From what source did you derive the information that the statute was wholly inoperative, as published by you in the Star of the 8th July? A. I got it from the circulars which was sent into our office to be printed. Q. Do you know who sent that notice? A. Ido not; such affairs are transacted in the

basiness office. Q. Please state the names of the employees of the Star who are likely to know? A. Mr. Ichnson is the bookkeeper of the business office; there are several other employees in the office whose names I cannot give.

Q. Name the party who alone could have authorized the insertion of the advertisement in question, on which the paragraph is and disunion exists. of my recollection, he would be the most to give information concerning the question.

Q. Who inserted the paragraph in the Star of the 8th of July, headed the "Mayor's Action?" A. I did not write the article, but Ibelieve it was written by Mr. O'Connor, a member of the Star's staff.

Q. Are you aware that during the night preceding the 12th, the leaders of the Orangemen in Montreal met several magistrates for the purpose of discussing the question of abandoning their intention of walking on the the 12th? A. I heard they had a conference together in St. Lawrence Hall, but I didn't see them together, and have no personal knowledge whatever of what occurred, and I derived my knowledge from outside parties.

Q. Have you ever spoken to any of the defendants? A. Yes, I have spoken to Mr. Grant on the day before the 12th and on the

Q. About the party procession? A. Probably about the procession or their intention

Q. You knew at that time, did you not, that a proclamation had been issued, calling upon the Orangemen to walk in procession? A. Yes: I knew that a proclamation had been issued by David Grant, but at that time I did party as the defendant now in custody bearing same name. I looked in the directory, and finding the name David Grant, I proceeded to his house, and not finding that gentleman in, I was directed to where I could and David Grant; I found him shortly afterwards, and to the best of my knowledge I made no reference whatever to the proclamation: nor did he.

Q Would you please give us the nature of the interview? A. It would be impossible; the conversation was very short, and was confined exclusively to the question of the Orangemen walking, and he gave me to understand that they would walk in procession, if protected.

Q Did you go to him because you knew him to be an Orangeman, and did anything occur during the interview to convince you that he was? A. I never asked him if he was an Orangeman, and he never admitted he was

(The evidence of this witness was here suspended to allow the examination of Mr. Craig,

Official Assignee.) Mr. David Craig, official assignee to the estate of David Grant, was asked if he could recognize the signature of Grant, but he could not do so as he was only the nominal assignee, having lent his name to Mr. Fulton, a private

Continuation of the examination of Mr. Wallace.

Q. Did you think Mr. Grant is an Orangeman? A. I knew nothing whatever about

it, but have heard so from public report. Q. Can you state whether you know if the last have avowed themselves to be Orangemen? A. I have no personal knowledge of heir having done so.

CROSS-EXAMINATION BY MR. DOUTES.

Mayor enforce his proclamation by keeping by the crowd on the way to the evening.

the streets clear of a crowd of people on the police station. I remained the whole Q. Can you produce a copy of the letter rethe streets clear of a crowd of people on the said 12th of July? A. He did not, and I per-sonally remonstrated with him for allowing a menacing crowd to block the streets in the vicinity of the Orange Hall.

Q. From your information and your personal knowledge, do you think that a breach of the peace would have originated with the Orangemen? A. I do not, unless they were attacked, and I believe the greatest danger of attack was from the special constables, who were armed with staves.

Q. Am I to understand that the 500 special constables on the 12th of July were of no protection to the city in preserving order? A. They seemed to aid in preserving order, unless when the Orangemen were on the street. 'NB-EXAMINATION.

By Mr. Barnard—When you say from your personal knowledge no breach of the peace, as far as the Orangemen themselves were concerned, would have resulted from their walkwho might give information in this respect? ing in procession; please state how your per-A. Mr. Humphries and John Norris may conal knowledge is derived? A. I have not likely be able to give the information, but I stated that it was from my personal knowl-

edge.
Q From what source did you derive the Q. Do you know personally any of the personal knowledge mentioned in that article? defendants? A. None except Grant, whom I A. I may say I was informed that the Orangemen intended walking peaceably to church and afterwards back to their lodge room, and loth before and after the 12th of July in the the information I obtained was from the pub-Star relating to the Orange question, and if so lic press and public rumor. I never heard will you state from whom you derived your any person say there was any apprehension of a breach originating with the Orangemen. Q. Have you any more personal knowledge

of the peaceable intention of Orangemen than you have concerning the existence of Orange-men in Montreal? A. I have no personal knowledge of Orangemen being peaceful and law-abiding. I am not an Orangeman, and never have been; at the same time, not being an Orangemen, I have no personal knowledge of the existence of Orangemen in Montreal. To the best of my recollection I have never metany person in Montreal professing to be an Orangeman.

Q. Have you not some serious doubt whether any Orangemen exist in Montreal? A. I believe the order does exist in Montreal, but I have no personal knowledge of it; I have

never been in their lodge rooms.

Q. Have you ever tried to satisfy yourself as to form a conviction on the subject? A. I certainly have not, as I have no sympathy with any secret society tending to disturb the harmony that should exist amongst my fellowcitizens and fellow-countrymen, as I am sorry there is too much disunion among my fellowcountrymen, as it is among them the trouble

and have known of it as well. Q. Did you ever know of a body of Orange-

men attacking any persons? A. I have not heard of any such excesses on the part of reputed Orangemen in Canada.

The case was adjourned until 2 o'clock this

THURSDAY, SEPT. 5TH.

The investigation into this case was continued this afternoon before M. C. Desnoyers

Esq., P.M. The first witness was Nathan Mercer, alderman, of the city of Montreal, who was exam-

Q. Was there a meeting of the Council on

ined by Mr. E. Carter, Q.C., as follows :--

the 12th of July? A. A meeting was called to take steps for the preservation of the peace during that day. The witness continued: Nothing was done at that meeting, there being no quorum. So far as I know, I was the only Protestant member present. There was a good deal of excitement, and the Mayor addressed the special constables, and instructed them to obey the orders of the officers who were placed over them. not know that the David Grant was the same | The Mayor said to me that as the point of danger was in the vicinity of the Orange Hall and if any riot occurred it was sure to commence there, and he requested me to accompany him and to stay with him until all the danger of trouble was over, which I did. When the Mayor and I arrived at the Hall it was about half-past nine o'clock in the morning. When we arrived at the Orange Hall in St. James street, the Mayor asked at the door for Mr. Grant, the Master of the Lodge. Mr.

Grant, one of the accused, who is now present. came forward accompanied by a gentleman who, I believe, was introduced as the Secretary of the Lodge. There were a number of persons around the door and it was suggested that the Mayor and myself should have an interview with the gentlemen we had met in an adjoining office. There was a discussion. The mayor expressed himself in the strongest possible way that he was desirous of preserving the peace of the city, and Mr. Grant expressed himself also very strongly that he did not wish anything should be done to endanger life. The Mayor

said that if the Orange body would undertake to walk to church without regalia or banners he would protect the procession.

Mr. GRANT-" That's the first lie." Mr. CARTER-"Such language is perfectly

inadmissable."
Mr. Mercer—Mr. Grant said that he could not consent to doing that without first consulting the Lodge. During the same discussion the Mayor suggested that the procession should start, and he would at once arrest some of those composing it so as to make a test case to bring the matter before the courts. defendants before, on, or since the 12th of July Mr. Grant returned in the direction of the Orange hall, stating that he would submit the matter for the consideration of the lodge. I was informed, but cannot speak from personal knowledge, that an answer was received by had not been presented. I saw an advertise matter, and he would respectfully remind Q. Was it generally apprehended by the public that a breach of the peace would take place if the Orangemen walked on the 12th of July, as a self-an accomplicate on the 12th of July as to the received by ment of a proclamation in the Star of the 9th His Honor that he would be making himpublic that a breach of the peace would take walk. Soon after the Mayor received the an-of July, signed David Grant, calling upon the self an accomplicate on the 12th of July, as I was generally understood whom were on horseback, one. The world Grant County Master, on the 18th His Honor that he would respectfully remind ment of a proclamation in the Star of the 9th His Honor that he would be making him ent of July, signed David Grant, calling upon the self an accomplicate on the 12th of July, signed David Grant to the Mayor to the control of July as the self-walk them the world be making him ent of July as the self-walk them the world be making him ent of July, signed David Grant to July as the self-walk them the world be making him ent of July, signed David Grant to July as the self-walk them the world be making him ent of July, signed David Grant to July as the self-walk them to such that there would be making him ent of a proclamation in the Star of the 9th His Honor that he would be making him ent of a proclamation in the Star of the 9th His Honor that he would be making him ent of a proclamation in the Star of the 9th His Honor that he would be making him ent of July, signed David Grant to July as the self-walk the world be making him ent of July as the Mayor to July as the Mayor to July as the world be making him ent of July as the Mayor to July as the M

day on St. James street, and was within sight of the lodge all the time except when I went to the Court House. I went to the Court House with the consent of the Mayor to bail out the accused, as it was understood they were exercly arrested as a matter of form in order to form a test case. The ledge room was in one of the apper flats of the building, on St. James street. I had several interviews with the defendant Grant during the 12th of July in the building where the lodge room was. It was on the same flat as where the

lodge room is. I saw Mr. Grant come out of the lodge room. The first time I went to see Mr. Grant he was out of Soon after Mr. Grant came out and said he the building, and another time Laster in the asternoon there was a decision answer having been sent, but I believe he arrived at not to walk, and the Mayor and saw the Mayor in the course of the evening. others in the lodge, who wished, escorted home in charge of the police, which we did. the Orange quarters. I, however, took no part So far as I could see, there were not two in the official relations between the Mayor hundred persons assembled in the hall and lodge room on that day. During my interviews with Mr. Grant, I recognized him as the head official of the Orange Order, and he appeared to act as such. I do not know of any other Grant to whom the proclamation in the Witness of the 8th July, signed David Grant, County Master, could be attributed to except the defendant Grant. I do not know. any other David Grant. I was one of the Magistrates who convened a meeting of the full bench of Magistrates to consider means of preserving the peace on the 12th of July. I had previously heard from common report and otherwise that the procession would walk, and there would likely be a great loss of life. There was a very strong ground of belief that the reace of the city would be destrayed if the procession took place. There can be no reasonable doubt that if the pro-cession had walked on the 12th of July last, there would have been not only a breach of the peace, but also a loss of life.

## CROSS-EXAMINED BY MR. DOUTRE.

Q. Did you send a gentleman to the magistrate in charge of the troops on Place d'Armes Hill, requesting him to send to General Smyth for a regiment to be placed on St. Lambert Hill, as the mob could not be much longer restrained from attacking the Orange Hall and slaughtering the people in it? A. I am not aware of there being any mob on St. Lambert Hill, although I was within fifty or sixty yards of it the greater part of the day. There was a small crowd there, and a larger one at the top of Place d'Armes Hill. The only person I have any recollection of speaking to Q. Did you ever hear of an Orangeman at- Whitehead, who rode down to St. James tacking any person who differed from him in street, and I had some conversation with him

his religious belief? A. I have heard of ruf- as to the desirability of his requesting Gen. fianism by drunken blackguards on both sides | Smyth to come down from the Windsor Hotel, where he was located, and have an interview with the Mayor; but never for one moment during the day had I any fear of anyone in the Orange Lodge being slaughtered, unless they brought it upon themselves. Q. Did you request George Macrae, Esq., Q. C., to bring a verbal message to the magistrate

in charge of the troops or commanding officer on Place d'Armes Hill, and if so, state what it was? A. I have no recollection of sending any message to the commander of the troops by Mr. Macrae. In fact I had no power to do so without consulting with the Mayor, and would have taken the message myself.

Q. How could the Orangemen bring upon themselves the fear of being slaughtered? A. By walking in procession with regalia and banners, or going out into the street in their

Q. Do you know of any kind of regalia that can give any bodily injury to people looking at it? A. That is a difficult question to answer. They say a red fleg will make a bull fight, and it is my opinion that if any person had appeared in the street with Orange favors they would have been likely to get into trouble. Q. What kind of trouble? A. They would

have been in danger of being assaulted and perhaps losing their lives.

FRIDAY, SEPT. GTR.

PATRICK O'MEARA, assistant city clerk, was examined by Mr. E. Barnard, Q.C., as fol-

Q. Do you know any of the defendants personally? A. I know Mr. David Grant and Mr. Frederick Hamilton.

Q. Do you know John Hamilton whose name appears at the bottom of the letters marked "D. G."? A. I do not know John Hamilton at all.

Q. Do you know that the letter produced was sent to the Council? A. Yes, it was received by the Council, and by them referred to the Police Committee.

Q. Are you aware that the writer ever called at your office? A. I never saw him. Q. Did any of the defendants call at the

office of the City Clerk in connection with this letter? A. I don't think I should divulge the affairs of the office. I he matter was here referred to the Maria-

trate, who decided that the question should be answered.

WITNESS-Mr. Frederick Hamilton called at presented at the meeting of the Council that there would have been a breach of the Peace had they walked bea The composition of the control of th

ferred to? A. I can.

The witness here proceeded to the City Hall, and returned in a few minutes with a scrap book containing the letter, which had been clipped from some newspaper. Q. What was the nature of the letter? A.

The letter was from His Worship the Mayor to Mr. Grant, asking him to persuade the Cangemen to forego their contemplated procession. I delivered the letter personally, and as there were several persons present I thought they might be desirous of deliberating as to the course to be parsued, and I told Mr. Grant all day Saturday for the future. To this Mr. I would leave the room and await an answer. the building, and another time he would send an answer in the course of was in the lodge room, and was sent for, the evening. I am not aware of any myself undertook to see all the boys and On the day of the 12th of July last I had occasion several times to go to the vicinity of and the Orangemen on that occasion. The oath administered to the special constables on that day was the same as that taken by the members of the regular police force.

### CROSS-EXAMINATION.

By Mr. G. Dorrag-When did you cease to be in possession of the letter marked "G?" A. Since I gave it to Mr. Gosselin to produce here in court.

Q. Who asked you to give that letter to Mr. Gosselin? A. I understood it to be the Polico Magistrate, but I refused to give the counsel would continue to treat him as he the document without a receipt, and, properly had done up to the present there would be

speaking, it should never have left the office.

Q. Had you ary written order from the Police Magistrate to deliver this letter to Mr. Cosselin? No; I had no written order. A messenger from the Court was sent to the office some day tast week for this letter. When I arrived at the office Mr. Gosselin was taking a receipt for ft. I tore up the receipt, and refused to allow the document to leave the office. I then sent Mr. Gosselin to this Court to say that I could not allow the document to be taken from the office, but that I could give a copy of it. On his return he informed me that he had been ordered to appear next day with the document. Under the circumstances, I gave it to him, thinking it would be all right in the Magistrate's pos-

Q. You had only the verbal information from Mr. Gosselin of an order from the Court?

A. That's all I had, and I thought it was auite sufficient.

Q. Have you any personal knowledge that Mr. Gosselin received such an order? A. Of course I have not.

Q. Are you in the habit of delivering, on the verbal information of Mr. Gosselin, the official documents of the city of Montreal? A. I am not in the habit of doing so, for the simple reason that Mr. Gosselin could take them without asking me for them, as he might have done with the documents in ques-

Q. If Mr. Gosselin had such power, why did Q. If Mr. Gosselin had such power, why did you interfere in the first instance? A. For the reason I have already given, that I did not think it prudent to allow the original document to leave the office. When I told him so he refused to give it. When I handed the letter to Mr. Gosselin I told him not to leave it in the Court.

Q. Was there any enquiry made into the law respecting special constables and their duties at the City Hall at the time of the appointment of the 500 special constables?

A. No.

Q. Were you present when it was determined by the Mayor, or the City Clerk, to ob-

Q. Were you present when it was determined by the Mayor, or the City Clerk, to obtain an affidavit on which to base a warrant for the arrest of some of the Orangemen? A

No. I was not. Q. Were you sent to get some one to make such affidavit? A. Acting under the advice of Mr. E. Carter, the City Clerk instructed me to try to find some person to make the necessary affidavit to obtain a warrant to arrest some of the Orangemen, if they determined to walk in

procession with banners or regalia. A DEFENDANT-Or without? Q. What made you think of Murphy? I asked several parties, and after a while Mr. Murphy was brought to me. I did not request him my-elf. I could not say by whom Mr. Murphy was brought, and at the time I did not recognize him as Murphy, although I had known him some twelve or fit-

teen years ago. Q. Were you told by Mr. Carter or some one else what was required to be stated in that affidavit? A. The only information I got at the time was that it was necessary to obtain some person who could identify one two or more of the Orangemen.

The hour of adjournment having arrived Mr. DOUTRE, Q.C., contended that there seemed to be absolutely no evidence deduced towards the prosecution. A number of men had been brought up since the 18th July, and examined, without the deduction of any evidence tending to criminate the defendants, with the exception that the defendant Grant was an Orangeman. He was strongly inclined to the opinion that the intention of the prosecution was to drag on the case until the 24th inst., and suddenly spring up a bill before a Grand Jury, already catechised for the the office to ascertain why the letter was not purpose, who would see sufficient evidence to bring them under a pretended law which which took place a day or two previous. I had been discovered by the four Queen's Coun" understood at the time that Mr. Hamilton was sellors, although other eminent lawyers and one of the defendants, and was acting in his judges failed to see how the alleged offence capacity as one of the reporters of the Witness could be brought under that statute. The He did not mention John Hamilton's name, result would be a similar miscarriage of but he asked why the letter had not been pro- justice, as in the Hackett and other cases. sented. He stated that some of the members By thus springing a bill before the Grand of the Order had called at the Witness office, Jury, His Honor would be relieved from and were anything but pleased that the letter the necessity of giving a decision in the

country had their eyes turned towards this case, and it did not add to the dignity of the Court to continue a case when no evidence was forthcoming. Mr. BARNARD, in reply, contended that he

had been proceeding perfectly legally, and he had, notwithstanding the difficulties thrown in his way, proved the existence of sufficient grounds as to justify the magistrate in allowing the case to proceed.

His Honour agreed with Mr. Barnard

vhereupon Mr. DOUTRE suggested, with a view to facilitate the termination of the case, to proceed Barnard readily agreed.

SATURDAY, SEPT. 7TH. At eleven o'clock the hearing of this now cause celebre was resumed before Mr. Des-

noyers, P.M. The names of the defendants having been called, two of them, Ingram and Gibson, failed to put in an appearance, whereupon Mr. Barnard, Q.C., on behalf of the prosecution, objected to going on with the case so long as any one of the defendants was absent. He was led to take such a step owing to the remarks made last evening by the counsel for the accused to the effect that there was a conspiracy on the part of the prosecuting counsel in order to prolong the proceedings.

Mr. Douthe, QC., here remarked "You are still playing your little game;" a remark which was not heard by Mr. Barnard, who, however, noticed it on the copy of one of the reporters.

Upon seeing this Mr. Barnard said that if had done up to the present there would be to you the book lent him? A. I did not, for war to the knife, and he would insist on all I had forgotten that I had lent it to him. the defendants being present before continuing Ere case.

Mr. Desnovers said these could be no doubt that it was necessary to have all the defendants present.

Mr. Dourns then arose and said that Mr. Banard could proceed with the case whenever he liked, but the defendants would not appear any more unless brought by the offi-cers of the law. The defendants then left the Court expressing their intention not to again appear.

The Magistrate then ordered the forfeiture of the bail of Ingram and Gibson, and issued warrants for their arrest.

On application of Mr. Barnard to fix a day for the further hearing of the case, Mr. Des-noyers appointed Monday afternoon at two o'clock for the continuation of the enquiry.

MONDAY, SEPT. 9TH.

The further examination of this case was continued this afternoon before Mr. Desnoyers, P.M.
Edward Bond, Major of the Prince of Wales Rifles, was examined by Mr. Barnard, Q.C., as follows:-

Q. Please look at the constitution and laws of the Loyal Orange Association of America con-tained in exhibit "E" fyled in this matter, and tained in exhibit "E" fyled in this matter, and please state whether at Mr. Mercer's request that you should furnish him with a copy of the constitution and laws of the Orange Order you supplied him with a copy of such consitution aed law similar to those contained in this exhibit? A. At'Mr. Mercer's request I obtained for him a printed document in connection with this matter, but it being over a year ago. Hanned each with the in the second to the consideration of the consequence of the content of the consequence of the content of the conte ago, Teannot say whether it was similar to this

for him.

Q. Where did you get the document you procured for him? A. I borrowed it.

Q. From whom did you borrow it? A. I decline to answer without permission from the gentleman from whom I borrowed it.

Q. What sort of document was it that you obtained from that person; was it in print or in manuscript? A. In print.

Q. Did you notice the place of publication?

A. I did not, and I cannot recollect the fitte of the book.

Q. Was the book similar in shape to exhibit "E?" A. I cannot say, as it is over a year ago.

Q. Was the book you had ever read or seen he-

A. I did not, and I cannot recollect the little of the book.

Q. Was the book similar in shape to exhibit "E?" A. I cannot say, as it is over a year ago.

Q. Was it a book you had ever read or seen before? A. I decline to answer, as it might tend to criminate me.

Q. Please hear the evidence of Nathan Mercer read with reference to the book with which you supplied him, and please state, under your oath, whether you are prepared to contradict the statement made by Mr. Mercer?

Objected to by Mr. Doutre, Q.C., as illegal.

Mr. BARNARD, Q.C., maintained that the objection was not made seriously, and if the counsel for the defence intended to make a farce out of the proceedings he should state so, and then all parties would understand each other.

The question being allowed the witness said he decidedly would not contradict Mr. Mercer concerning the book, but he must have a very good recollection to identify the book marked by Mr. Mercer, he did not see that he was called upon to interfere with them in any way.

Q. Do you, or do you not, say that Mr. Mercer's statement about the book with which you supplied him is correct? A. I repeat I cannot supplied him is correct? A. I repeat I cannot handed by me to Mr. Mercer; therefore I decline to contradict or confirm Mr. Mercer's statement.

Q. Why cannot you not swear that exhibit "E" is similar to the one handed by me to Mr. Mercer therefore I decline to contradict or confirm Mr. Mercer's statement.

Q. Why cannot you not swear that exhibit "E" contains some one hundred pages of closely printed matter, which, I hold, justifies me in rehang to identify it with a book which simply passed through my hands over a year ago.

Q. It might possibly justify you if the book was previously unknown to you, but do you mean to say it was previously unknown to you.

A. I decline to answer, on the ground that it might tend to criminate me.

Q. Do you mean to swear that it is only the Orange obligation which Mr. Mercer asked you to supply him with? A. I have answered that question before

versation.
Q. What were you speaking of in the con-

Q. According to your opinion, did the to remove, fearing he might be molested ally in his own house about 7 o'clock in the evidence, the case will be closed. The whole the latter end of June, 1877, when the public press

the latter end of Jane 1877, when the public press were discussing the prospects of an Orange procession, and the subject came up in the course of discussing the general objects of interest, as men generally do in the course of friendly intercourse.

Q. Is it not the case that the question was as to the legal right of Orangemen to walk, and that in connection with the subject you offered to supply Mr. Mercer with the constitution and bylaws of the Orange order? A. I did not offer him any book; he asked me for it. The legal right of Orangemen to walk being one of the questions under discussion in the public press, it is quite possible that it formed the subject matter of our conversation.

under discussion in the public press, it is quite possible that it formed the subject matter of our conversation.

Q. Please look at Exhibit "E" and say whether it really contains the constitution and laws of the Loyal Orange Association? A. I find marked on the outside, constitution and laws of the Loyal Orange Association of British America.

Q. Do I understand you to say that it really contains the constitution and laws of the Loyal Orange Association, or do you deny it? A. It is impossible for me to affirm any more than I see on the face of it.

Q. Is it because you do not know what the constitution and laws of the order are; or is it because you have not read the book? A. It is because this being a printed book it must be only a copy of manuscript, and never laving seen such manuscript cannot identify it.

Q. Please state, under your oath, whether you have any real doubt that this exhibit "E" is an authorized issue of the constitution and laws of the Loyal Orange Association? A. I decline to answer, on the ground that it might tend to criminate me.

Q. Please look at exhibit "F" and state whether the obligation written on the first and second pages is similar to that which you furnished Mr. Mercer? A. I cannot tell you without comparing the two.

The following is the continuation of the evidence of Major Edward Bond, given after

evidence of Major Edward Bond, given after

we went to press :-Q. Is the obligation in exhibit F an Orange obligation? A. I decline to answer, as it would tend to criminate me.

Q. Did you ever ask Mr. Mercer to return

Q. Is it not the case that the person from whom you borrowed the book in order to lend it to Mr. Mercer was Col. George Smith, now present? A. I decline to say from

whom I borrowed it without permission of the lender. Mr. BARNARD submitted that the witness in this case had no right to shield himself behind his privileges in a case of this kind if his answer would in any way tend to throw:

light upon the subject of the investigation. His Honor did not see what purpose the answer, even if given, could serve.

Mr. Barnard stated that it would bring in Col. Smith's name and give ground for a sup-

plementary deposition, the Colonel having refused to answer questions on a former occasion on the ground that he was an Orangeman. Col. SMITH (energetically)-I never said so; state the facts.

Mr. Barnard—On the ground, then, that he would criminate himself. I want to have it proved that he is an Orangeman, and then take what further evidence he can give. The witness asked for a day in order to ask the lender of the book for his permission to

answer, which Mr. Barnard readily granted,

but Col. Smith, however, nedded to the wit-

ness and said, "Go ahead; give him his answer," and the deposition was continued. A. Col. Smith new present having authorized me to answer, I say it was from the said George Smith I get the book which I lent to

Mr. Mercer. Q. Are you aware that Col. Geo. Smith is an official standing very high in the Order? A. I decline to answer, as it might tend to

criminate me. Q. As you have not stated in what way your answer might criminate, please state whether or not you are an Orangeman? A. I regret very much to have to decline answering this question, on the ground that it might tend to criminate me.

No cross-examination. Col. George Smith sworn, examined by Mr. BARNARD:

O. State where you were asked by Mr. Bond, a witness examined in this matter, in the month of June last year or thereabouts, for a copy of the Constitution and Laws of the Loyal Orange Association, for the inspection of Mr. Mercer, a city Alderman, who wished for information on the legality of the Orange Order? A. Mr. Bond asked me if I could lend him any book containing the Obligation of the Orangemen, and on looking over the books in my library I found a book purporting to give the Constitution and Laws of the Orang Association, which I lent him. That is, to the best of my recollection. He said nothing to me about Mr. Mercer, so far as I recollect. Somebody else having asked me for information concerning the order, I asked Mr. Bond to let me have back the book I had lent him. I do not recollect having asked Mr. Mercer. I did not know that he had it.

Q. Have you got that book now, and will you produce it? A. I could not say at the moment. If I have it, I have no objection to produce it to-morrow. I don't think it will hurt any body.

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