

Charles Pope Connelly, Constable, testified as to the arrest of Carroll.

Mary Thompson.—Is acquainted with James Carroll and Wm. Carroll. Wm. Carroll lived at her place on the night of the murder. James and William Carroll slept together in a room in her house. The evidence of this witness went to show that James Carroll did not go out on the night of the murder.

William Thompson, the husband of the last witness, testified that Carroll could not have gone out of his house that night without his knowledge. He further stated: "I am a member of the 'Vigilance' Committee: it was formed last summer; I signed a declaration; it was to support law and order, and to look for anything that was lost, and if anyone knew that they would tell; it was in the porch of the church that I signed it; it was a kind of book; there were other persons in the porch when I signed; the clergyman, Father Connelly, suggested it to the parish from the pulpit. I attended some of the meetings of the Committee. Anthony Heenan, John Kennedy and James Carroll were there; there might have been 20 more.

William Donnelly testified as to the murder of his brother John. He said: "I was disturbed about half-past two by John coming out of his room through my room to the kitchen. I didn't speak to John. He said: I wonder whose hollering fire, and rapping at the door; he kept right on and opened the door. When John opened the door going into the kitchen from my room, I heard them holler 'fire! fire! open the door, Will.' I heard the door opened; I then heard two shots in rapid succession almost together. John fell back against the door from my bed-room to the kitchen; I heard his head strike; he then said: 'Will, Will, I'm shot! and may the Lord have mercy on my soul.' I turned the side of the blind and looked out. I saw John Kennedy, James Carroll and James Ryder." This witness was cross-examined at great length.

The investigation was proceeded with from day to day, a mass of evidence being taken, until the 12th of March, upon which day the prisoners were committed for trial at the ensuing Assizes in London on the charge of murder. In the ordinary course a Coroner's inquest was held, touching the death of the Donnellys, before Mr. Thomas Hossack, coroner of Middlesex,

the verdict rendered being an open one, that the parties were murdered and burned on the night of Tuesday, the 3rd, or Wednesday, the 4th of February, 1880, by some party or parties unknown.

The fact that nobody was implicated by this verdict suggested that there was a likelihood that a fair and impartial jury would not be obtained in Middlesex to try the prisoners. A change of venue was sought, and the accused were brought before the Court of Common Pleas and Queen's Bench at Osgoode Hall, Toronto, on the succeeding 17th May, in obedience to a writ of *Habeas Corpus* issued by the Crown, with a view that the place of trial should be changed from that county to another. Mr. Emilius Irving, Q.C., appeared for the Crown, and Mr. Hugh McMahon, Q.C., and Mr. W. R. Meredith, Q.C., M.P.F., for the prisoners. The argument was heard before the full Court of Queen's Bench, consisting of Chief Justice Hagarty and Justices Armour and Cameron. The application was refused, Chief Justice Wilson and Justices Galt and Osler, of the Common Pleas, concurring in the refusal. The prisoners were remanded back to gaol to await their trial.

The trial of James Carroll, for the murder of Judith Donnelly (the result of which would decide the guilt or innocence of those indicted with him), commenced before Mr. Justice Armour, at London, on the 4th October, 1880, and proceeded day by day until the 9th of the same month. Messrs. Irving, Q.C., and Jas. Magee, for the prosecution, and Messrs. McMahon, Q.C., Meredith, Q.C., Macnabb and Blake, for the prisoners. After an extended inquiry the evidence being materially the same as in the preliminary investigation, and a most exhaustive and able charge from the learned Judge, the jury were unable to agree, and were discharged.

The second trial of Carroll opened in London, on the 27th January, 1881, amidst much excitement. The interest, which appeared to have died out at the close of the first trial, was revived sectional feeling being also fully aroused. The presiding Judge was Mr. Justice Cameron, the Counsel respectively the same as at the preceding trial. Mr. McMahon, Q.C., whose able efforts on behalf of the prisoner cannot but be admired, discredited in a most forcible appeal the testimony of Johnny O'Connor, and the evidence generally given by the witnesses on behalf of the prosecution. Mr. Justice Cameron in a

charge, were of the belief of perjury. A verdict was reached after a recess of ten minutes. The Court House was empty. The perjury was not proved. The perjury was not proved. The perjury was not proved.

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