

BOYS, LOOK HERE!

WANTED at this office, a number of boys to sell
The Evening Mercury
 Active lads can make good wages after school hours. Apply at the counting room at once.
 Guelph, 23rd November

Guelph Evening Mercury
 OFFICE.....MACDONNELL STREET

SATURDAY EV'NG, DEC. 5, 1868.

The Whalen Case Before the Judges.

When was brought before the Court of Queen's Bench in Toronto on Friday, being the day fixed for hearing the arrangements on the Writ of Error. The prisoner was brought up to the Hall in the same manner as on the previous occasions on which he appeared before the judges, was dressed in the same sombre black but was evidently more concerned than on any previous appearance at Court. He took his seat near the reporters' desk, but shifted his position in his seat frequently and was nervous and agitated. A very large crowd assembled in front of the enclosure of the Court room, and as the doors opened a rush was made to the seats, which filled up in a very short time. Mr. John Hilliard Cameron appeared for the prisoner, and Messrs. O'Reilly, C. Robinson, and J. T. Anderson for the Crown.

Mr. Cameron's first objection to the validity of the trial was that no commission had been issued to the Judge to hold it. He contended that, whether there was a commission, or no commission, the authority to hold the court should appear on the record, because it was a recognized principle that the king can do nothing in the way of making any grant or order, unless it be by some instrument, with one or other of the seals recognized by law attached to it. He fortified this view by an elaborate reference to the Statutes bearing on the subject, and by numerous citations from English law authorities. Mr. Cameron then proceeded to adduce arguments and authorities in support of his second objection. "That no jury process is awarded upon the said record, nor could any such process be legally awarded by the said William Buell Richards as such Chief Justice, inasmuch as, for the reason firstly above assigned, he had no jurisdiction nor authority to order or award such process as a Justice of Oyer and Terminer and General Gaol Delivery for the said County of Carleton. Wherefore in that there is manifest error." He contended that, from the terms of the record, the Court was merely a Court of Oyer and Terminer, and not a Court of General Gaol Delivery—a distinction which he held was of essential importance, as regarded the form of the jury process.

His third objection was with reference to the challenge of the jurors. He would ask—first, was the challenge for cause good, if it appeared on the record? Secondly, could it be made before the peremptory challenges were exhausted? Thirdly, was there a waiver by the prisoner of the challenge for cause; and, if so, did that cure the error of the Court, if the Court was in error? Fourthly, is a writ of error the proper way to bring the matter before the Court. He proceeded to argue these points at great length, and held that the prisoner had not been allowed the full right to challenge. He then considered the fourth objection. In the Juror's Act, Consolidated Statutes, U. C., page 362, provision was made for compelling the "until twelve jurors were drawn, who do appear, and who after all just causes of challenge allowed, remain as fair and indifferent." He contended that in this case, all just causes of challenge were not allowed, because the prisoner had a right peremptorily to challenge Benj. Hodgins, and that challenge was set aside. He thought they would decide that, if the prisoner had been improperly interfered with in his right of peremptory challenge, and that if they held the ruling of the court below to be erroneous, nothing done by the prisoner could be a waiver of his right; and that if he had lost one of his peremptory challenges by error of court nothing he afterwards did could deprive him of the right given him by statute and by the common law, that he should be tried by a jury of his peers, free and indifferent. Mr. Cameron concluded by apologizing for having detained the Court at such length, having spoken upwards of two hours.

Mr. Christopher Robinson replied on behalf of the Crown, and he was followed by Mr. Anderson on the same side. The learned counsel took up the objections *seriatim* and by argument and cases cited, held that the objections were not valid. Mr. Cameron replied, and at the close the prisoner was remanded till their Lordships' ruling is known.

\$500 REWARD.—The County Council of Wellington have done a just and proper thing in offering a reward of \$400 for the apprehension and conviction of John McWhinnie who, spurred by jealousy, with fierce deliberation took the life of John Scroggie. This sum with the \$100 already offered by the Township Council of Minto, will make the reward \$500, and it is to be hoped that some clever detective will now think it worth while to follow up the murderer and bring him where justice awaits him. Hitherto it was not to be expected that the search for McWhinnie would extend much beyond the neighbourhood where the crime was committed. So long as there was reason to believe that he might be lurking in the vicinity of his home constables might exercise vigilance, but when it became more than probable that he had effected his escape to the States, and when \$100, which would perhaps not pay half the ex-

penses, was all the remuneration that was to be had for bringing him back, it is no wonder that he has thus far enjoyed perfect immunity from all punishment save that inflicted by his own conscience. But \$500 will go a considerable length, and we may now hope that the disgrace of allowing a murderer to escape with scarcely the pretence of an attempt to capture him will not stand against us much longer. Had John Sandfield MacDonald's government not been such worshipping of its money bags justice might have been done ere now; but we understand that although the Premier was appealed to he refused anything in the way of reward, remarking that these things never did any good. To find McWhinnie would be a task of no great difficulty for a detective of ordinary abilities; he was widely known, and had a "phiz" that would render him easily distinguishable; and when caught, the trouble would be over, for his guilt is so clear that his acquittal would be simply impossible.

LOCAL ITEMS.

A resolution, complimenting Archibald Campbell, Esq., of Nassagaweya, was unanimously passed at the late meeting of the Halton County Council. This vote was well deserved.

SOME PORK.—Mr. Shortreed, of Guelph township, brought twenty-one dressed hogs to market on Friday, which together weighed 5,520 lbs., and were bought by Mr. J. T. Brill for \$7.90 per cwt.

We are glad to hear that Mr. Charles Clarke, of Elora, is so far recovered as to be able to attend in his store again. He has been confined to the house ever since last July in consequence of the injury to his knee by a fall from his horse while attending battalion drill at Guelph.

On Wednesday afternoon two boys were skating on the millpond at Elora, when one of them named Kilpatrick, venturing out too far broke through the ice and sank. He was rescued by a youthful tyro named Frazer, who brought a board into a boat, and brought the drowning boy to land.

GRAND CHARITY CONCERT IN ELORA.—A grand concert in aid of the orphans of St. Joseph's Hospital, Guelph, will be given in the Drill Shed, Elora, by the choir from Hamilton, on Tuesday, the 12th of January. Tickets, 25 cents. The programme will be carefully selected, and as some of the singers are well-known for their great musical ability, the entertainment promises to be, in all respects, a first-class one. The object is a most laudable one, and well worthy of patronage.

SOCIAL PARTY.—Mr. Miller, of the Castle Garden Saloon, took advantage of the meeting of the St. Andrew's Society Celebration Committee last night, to invite them to an oyster supper at his house. About a dozen gentlemen sat down to a splendid spread, and after they had done ample justice to the good things, the health of the host and hostess was drunk by the company, who highly complimented them on the satisfactory way in which they had catered for the Celebration on Monday night. Other toasts followed, and a couple of hours were pleasantly spent around Mr. Miller's table.

HAMILTON BANKING AND EXCHANGE OFFICE.—We should have noticed earlier the advertisement of Mr. Arch. McKeand, who has succeeded to the business formerly carried on by Mr. John W. Murton, in the well-known Banking and Exchange office, 9 James Street, Hamilton. From Mr. McKeand's well-known ability and experience we have no doubt he will continue to keep up the character and business of the office. As will be seen by the advertisement, he is prepared to buy and sell specie, bonds, drafts, &c., at the lowest rates. He is also agent for several steamships and railroad lines. All business, whether attended to personally or by letter, will be promptly executed by Mr. McKeand.

DR. HOWITT'S LECTURES.—As already announced the first of Dr. Howitt's series of lectures in connection with the Mechanics' Institute will take place next Friday evening. The tickets of admission are so arranged that one issued for the season will admit a whole family—the price being \$1. From the number already sold of these, and the avidity with which they are bought, we are certain that this scheme of the Institute will prove a splendid success. We would advise all our young readers to procure tickets for the course, as well as heads of families, and set apart every Friday night throughout the winter for attending the lectures, as we are convinced they will derive a great deal of benefit from them.

MARRIAGES.

FISKE-HENDERSON.—At Guelph, on the 2nd Dec., by the Rev. John Hogg, Mr. John Fiske, Guelph Township, to Mrs. Mary Henderson, Guelph.

DIED.

THOM.—At the Manor, Woolwich, on Saturday Nov. 28th the Rev. James Thom, aged 70 years.

DARBY.—At Nassagaweya, on the 24th ult., Mr. Edward Darby, aged 82 years.

New Advertisements.

PRIVATE BOARD WANTED.
 Wanted a Single Room with good board in a private family, near Post Office. Apply with terms. **WILLIAM HENRY, P. O., Guelph.**
 Guelph, Dec. 5, 1868.

CAUTION TO THE PUBLIC.

Notice is hereby given that from and after this date the subscriber will not be responsible for any debts contracted in his name, without his written order and signature attached.
STRICKLAND DUFFIELD.
 Guelph, Nov. 12.

APPRENTICE WANTED.

Wanted at THE MERCURY Office an apprentice to the Printing business. A stout, active, well educated young man, 15 or 16 years of age, from the country preferred. Apply at once.
 Guelph, 3rd December.

DYEING DAILY.

The subscriber, having purchased the most complete recipe for a **Hair Dye** ever invented, turning red or grey hair to a most beautiful dark brown or black, invites all

PERSONS WHO DYE

To give him a call. Resuscitation guaranteed to perfection.
J. MIMMICK, Hair Dresser.

FURTHERMORE, read, the subscriber also intimates to the public that he has in good working order one of the best machines in the Dominion for **Grinding all kinds of Cutlery**, viz: Razors, Knives, Scissors, &c. Charges moderate, and **JOSEPH MIMMICK, Hair Dresser,**
 Guelph, December 4. dtw Next Post Office.

ARCHIBALD MCKEAND,

(Successor to John W. Murton),
Banking and Exchange OFFICE,
 No. 9, JAMES STREET, HAMILTON.

BILLS OF EXCHANGE.—uncurrent Money and Specie bought and sold at best rates.
5-20 Bonds bought and sold at a slight advance on New York rates.
 Agent for the National Steamship Company, weekly Line of Steamers between New York and Liverpool. Also for the London and New York Steamship Company, fortnightly Line between New York and London.
 Tickets via the Michigan Central R. R., and the Michigan Southern and Northern Indiana R. R., for all points West and South, Royal Mail Line to Montreal and intermediate ports.
 Agent for the Kershaw & Edwards' celebrated Fire and Burglar Proof Safes.
 Guelph, Dec. 1, daw 1y

SPEED LODGE No. 180.

The next Regular Meeting of this Lodge will be held in Masonic Hall, on Tuesday evening, Dec. 8th, when a full and punctual attendance of all the members is requested. Election of Officers.
J. CRIDFORD, Secretary
 Guelph, 2nd December. wld4

STRAYED BOAR.

Strayed from the farm of the subscriber, near Guelph, on Tuesday last, a black Suffolk Boar two years old, in good condition. Any one returning him, or giving such information as will lead to his recovery, will be rewarded.
 December 5. dswl **PETER GOW.**

GUELPH

TANNERY FOR SALE.

That available property situate in the Town of Guelph, consisting of Tannery, Dwelling House, and Office, all Stone; also, Wooden Stables. The Tannery has 70 Vats and 10 Leaches, and is run by Steam. The house is

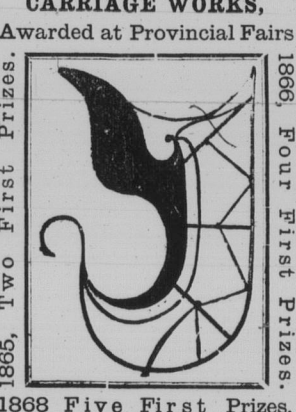
IN THOROUGH REPAIR

The main building could be advantageously turned into a Brewery, Foundry, or Woollen Factory. The whole property will be sold upon terms.
 Apply at the Tannery, or to **BEARDMORE & CO.** 6 Wellington Street West, Toronto.
 December 4th. dAWT-w2t

HEADQUARTERS!

CARRIAGE WORKS,

Awarded at Provincial Fairs



1868 Five First Prizes.

The Subscriber has now on hand a stock of those ELEGANT and SUBSTANTIAL

CUTTERS

Which have taken prizes wherever exhibited, to be sold at LOW PRICES for cash or short credit.
J. B. ARMSTRONG.
 Guelph, Nov. 19. wotf

CASTLE GARDEN SALOON.

Market Square, GUELPH.

THE Subscriber begs to inform the public that he has leased the above premises for a term of years, and has refitted it in a very superior and substantial manner, and hopes to share a portion of the patronage of the public.

THE BAR

is besupplied with the best

Wines, Liquors & Cigars

And the table with the delicacies of the season. In fact no expense will be spared to make it a first-class establishment.

LUNCHEON!

Every day from 1 to 3 o'clock.

OYSTERS AND GAME,

Etc. Dinner and Supper parties provide on short notice, at reasonable charges.

JOHN MILLER,
 Proprietor.

Late of the Commercial Hotel, Whittly

CLARK'S EXCELSIOR

Washing Composition!

The best and Rarest Discovery of the Age, for Washing P. robes,

Worth Twenty Dollars a Year

In a family of eight or ten persons.

It will wash in hard or soft water. Clothes require no rubbing. The dirt is boiled out in ten minutes, and the washing may be on the line before breakfast. It is warranted not to injure or discolor the clothes, and will also remove paint, grease, or stains of all kinds. Give it a fair trial and you will never be without it. "Family Rights" containing full directions for making and using the Composition, 41 cents. Sold at the Patentee's Music Store, and at A. B. FETTER'S Drug Store.
W. WARNER CLARK,
 Patentee Guelph, Ont.

DOMINION HOTEL,

GUELPH.

JOHN BUNYAN begs to inform his friends and the public that he has leased the above Hotel, in the BRICK HOUSE, MACDONNELL-ST., a few doors above Higginbotham's Drug Store, and immediately opposite Messrs. Sharpe's Seedstore. There is a good stable attached to the house, with good and commodious stabling. Every attention will be paid to customers in order to secure their comfort and convenience. The best of liquors and cigars always kept at the bar. Good accommodation for Boarders by the week at reasonable rates.
 Guelph, July 13th. dwly

SALT, SALT

Wholesale and Retail

A. H. R. KENNEDY'S

FLOUR AND FEED STORE,

UPPER WYNDHAM-ST., GUELPH

Guelph, July 24. dw-tf

COOK WANTED.

Wanted a First-class Cook, to whom liberal wages will be given. Apply to
J. MILLER, Castle Garden Saloon,
 Guelph, November 23. dot

A NEW VOLUME OF MUSIC FOR

THE YOUNG FOLKS,

Containing: I. Musical Notation. II. Rounds and Exercises adapted to Physical Action.—III. Songs for all occasions. IV. Sacred Pieces.

BY W. O. PERKINS,
 Author of "The Nightingale," "Sabbath School Trumpet," &c.

The whole forming a most attractive Music Book for Juvenile Classes, Schools and Seminars, and one that cannot fail to be admired by all Teachers and Scholars. Price 25c. Sent post-paid.
OLIVER DITSON & CO., Publishers.
 277 Washington Street, Boston.
C. H. DITSON & Co., 711 Broadway, New York.

BANKRUPT STOCK FOR SALE.

F. B. KNOWLES,

Of the Village of Rothsay, Ont.,

has assigned to me, for the benefit of all of his creditors, the whole of his stock of

DRY GOODS, CROCKERY, CROCKERY,

HARDWARE, BOOTS & SHOES, &c.

The Stock is all quite new, and the Goods in excellent condition.

Tenders for the above Stock will be received by me up to the 13th of December, 1868, at so much in the \$2. The Stock Book or Schedule of Stock can be seen at my store in Guelph up to the 10th instant.

JOHN HOGG, Assignee.

Guelph, 2nd December. dw2

CHEESE. CHEESE.

100 INGERSOLL FACTORY,

50 SMALL DAIRY.

PARSON'S STILTON,

REESOR'S STILTON.

Kentish Filberts, English Walnuts,

Brazil Nuts, Chestnuts,

Soft and Hard Shelled Almonds,

New Turkey Figs, Desert Raisins,

French Prunes.

At

JOHN A. WOOD'S,

Wyndham Street.

Guelph November 31st. dw

LOOK OUT FOR THE

137 UNRIVALLED 27

Mason & Hamlin Organs

Expected in a few days at

CLARK'S MUSIC STORE

They won the **First-class Medal** at the recent World's Exposition in Paris. They are not only the **Best**, but also the

Lowest Priced Instruments

which can be produced in America.

AGENTS WANTED.

W. WARNER CLARK.

Market Square, Guelph.

Guelph, Dec. 3. daw 1f

GREATEST ATTRACTION YET!

THE HOLY BIBLE,

Illustrated by Gustave Dore,

Price, \$40.50.

MILTON'S PARADISE LOST,

Illustrated by Gustave Dore,

Price, \$20.

DANTE'S INFERNO,

Illustrated by Gustave Dore.

Price, \$15.

ATA LA.

Illustrated by Gustave Dore.

Price, \$15.

These valuable works will be sold at

CUTHBERT'S.

ON SATURDAY NIGHT.

Guelph, 3rd December. dw

STILL ON THE MOVE.

H. METCALF,

SADDLER,

Begs to notify his customers and the public that he has returned to the OLD STAND,

IN THE NEW BUILDING,

Which has been built and fitted up expressly for his business, and that he has a large stock of the following Goods—

Harness, Light and Heavy; Saddles, good and cheap; Trunks of the Cheapest and Best make; Whips, Belts,

Brushes, Combs, &c., in good supply. Special attention is directed to any Stock of HORSE

CLIPPING, Blankets, Sursutings, A call is solicited. Repairing done as usual.

H. METCALF.

Guelph, December 4. dw

JAS. MASSIE & CO.

Will open their Retail

Store in the New Alma

Block on SATURDAY

morning the 5th instant

with a choice assortment

of Fresh Groceries

Guelph, 3rd December. d

Bills 104 NEW GOODS Silver 100.

FOR THE HOLIDAYS

FRUIT. FRUIT. FRUIT

CROP 1868.

Layer Raisins Seedless Raisins Currants Turkey Figs
 Bunch Muscatel do. Valencia do. Prunes Havana Oranges

Lemon, Orange and Citron Peel, FLAVORING EXTRACTS.

NUTS.—Soft Shelled Almonds, Shelled Almonds, Walnuts, Filberts, Brazil Nuts, Chestnuts.

Orange Marmalade and Confectionery, Sardines, English Potted Salmon, Potted Meats, Fresh Lobsters (in the shell and canned.)

HERMETICALLY SEALED GOODS.—Peaches, Strawberries, Blackberries, Tomatoes and Green Peas.

APPLES. APPLES.

One hundred barrels choice hand picked Fruit, in fine Rhode Island Green, Golden Russett, Red winter and Spitzenberg.

BISCUITS.—Soda, Abernethy, Picnic Crackers, Oyster Crackers, Ginger Nuts.

FISH, FISH.—New Finnan Haddies, Smoked Salmon, Bloaters, White Fish, Salmon Trout, Cod Fish, Haddock, Sealed Herring, Labrador and Lake Herring, Pickled Cod Fish.

OYSTERS, OYSTERS, OYSTERS

Bny Platt & Co's Baltimore Oysters. Expected in a few days, Oysters in the shell.

NEW TEAS, Sugars, Coffees, Tobaccos, and General Groceries.

LIQUORS.—Fine Old Rye, Malt and Common Whiskies, Sleeman's Ale, Bass' Pale Ale, Guinness Porter (old, and in splendid order.)

CROCKERY.—A large assortment, complete in every department.

GLASSWARE (Plain and Cut)—Tumblers, Wines, Goblets, Decanters, Spoon Holders, Butt Coolers, Fruit Dishes, Preserve Plates, Sugar and Creams, Water Bottles, Salt, &c. **FIN HEAVY PLATED CRUETS.**

CHRISTMAS AND NEW YEARS' PRESENT

A large stock in Gift China Mugs, Teas, with a variety of mottoes, Children's Toy Tea Sets.

The foregoing Goods will be found on inspection and trial to be fresh and good, and to form a large and complete assortment, the prices of which will be as low, if not lower, than the largest and biggest puffing house in the trade.

Guel