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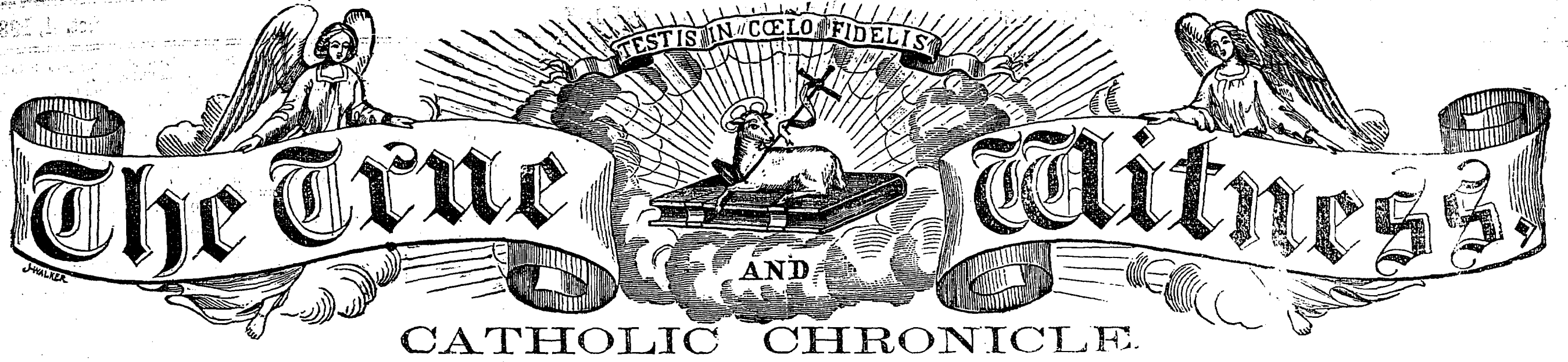
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IRELAND

LONDON, Sept. 26.—It is understood that Davitt and Dillon explicitly denied that any difference existed between the latter and Parnell. Dillon resigns solely because of ill-health. There are hopes in the party that he may be able to resume his duties after a year's rest.

DUBLIN, Sept. 26.—James Hickey was murdered near Templemore, county Tipperary. Two brothers of a family lately evicted were arrested on suspicion.

Gerald Fitzgibbon, prominent among the counsel for the defence in the State trials of 1843, is dead.

DUBLIN, Sept. 29.—All the "suspects" in custody have been released in view of the expiration to-morrow of the Coercion Act.

The brother of Walsh, who was arrested recently at Galway, has been found guilty as accessory to the murder of constable Kavanagh. The jury recommended him to mercy on account of the youth of the prisoner.

Judge Lawson sentenced him to be hanged on the 28th of October. The jury also recommended Walsh to the mercy of the Court, because there was no positive evidence that he actually fired the shots that caused Kavanagh's death.

The witness for the prosecution had given false evidence. The Judge said he would forward the jury's recommendation to the proper quarter. He could hold out no hope to the prisoner that it would be acted on. Walsh again became greatly excited, and cried out that justice would yet overtake his false accusers.

DUBLIN, Sept. 30.—Judge Lawson to-day ordered the release of E. Dwyer Gray, on the payment of £5000 fine. Gray's bail is remitted.

DUBLIN, Sept. 30.—Judge Lawson while defending his act in imprisoning Gray on legal grounds, said he felt justice had now been vindicated, a better state of things being observable.

DUBLIN, Sept. 30.—Justice Lawson, ordering the release of Gray, pointed out that since his imprisonment a considerable change for the better had taken place in the tone of his paper, the Freeman's Journal.

The Judge said the action taken by himself and the law officers had been effectual in preventing the course of justice from being impeded. The order of the Court in regard to Gray's surties were made to prevent any publications similarly objectionable from appearing, but in event of such publications hereafter the Executive had the full power necessary to deal with them.

He was also, he added, not without hope that a reaction would spring up against the system of crime and outrage which had long disgraced that country.

LONDON, Oct. 1, 1 a.m.—Intelligence has been just received here that the Castle and military barracks at Enniskillen, Ireland, are burning, and fears are entertained for the safety of the powder stores.

In Dublin the news of the release of Dwyer Gray caused general rejoicing. Gray left Kitzbühel at 1 p.m. with a number of friends. He was very ill during his imprisonment, and his wife has been an inmate of the jail with him, nursing him.

A hurricane prevailed in Ireland to-day. At Cork more damage was done on land than has been caused by any storm for twenty years.

The American ship "Harvey Mills" from Liverpool for New York, lying at Queenstown, was driven ashore, and several yachts sunk in the harbor. At Newry a large number of houses were greatly damaged and the town was flooded; at Limerick twenty feet of spire of the R. C. Cathedral was blown down causing a panic among the congregation, which, however, was quickly allayed. The County Jail was damaged.

The gale was severely felt at Bangor and Killarney, and along the whole southern coast of Ireland. It is feared serious shipping casualties have occurred.

AMAROU, Oct. 1.—In the examination yesterday of men arrested on the charge of treason-felony, the informer deposed that the prisoners were members of a society whose object was the extermination of landlords and bailiffs, and had committed various acts of arson. He said an American named Burns provided funds to carry out its purposes.

ALL DECENT PEOPLE have a contempt for piracy and plagiarism. The Holman remedies have been imitated. Beware of imitations. Holman Pad Co., N.Y.

THE SHAMROCK-TORONTO LACROSSE MATCH.

The lacrosse match between the Shamrock and Toronto Clubs, played on Saturday last in the Queen City, has given the respectability of the National game another lift. The contest was a magnificent one in every respect, and critics admit that for skill and science of the game and for gentlemanly behaviour on the part of the players, no finer exhibition was ever witnessed on the field.

The match resulted in favor of the Shamrock by a score of three games to one.

Before the lacrosse match a contest in long-distance throwing took place between Dally of the Shamrock and Mackenzie of the Toronto club, in which the former was victorious, throwing the ball a distance of one hundred and thirty-five yards and three inches. During the lacrosse match he made, on several occasions, even better throwing.

Holloway's Pills.—Health or Wealth.—No sane person would hesitate an instant in the choice between these two conditions. Now is the season to secure the former either by restoring or confirming it. These Pills expel all impurities from the system which fogs, fog vapours, and variable temperatures engender during winter; this medicine also acts most wholesomely upon the skin by discharging the liver of its accumulated bile, and

by exciting the kidneys to more energetic action; it increases the appetite for food and strengthens the digestive process. The stomach and liver, with which most disorders originate, are fully under the control of these regenerative Pills, which not only kindly yet most efficiently on the tenderest bowels.

OBITUARY.

The death of the Rev. Father McNulty, of Dundas, Ontario, which took place on Saturday, September 30th, will be heard with regret by many outside of his own parishioners. The funeral takes place on to-morrow (Tuesday, October 3rd.) at 10 o'clock.

Asst. City Clerk Jackson, of Ottawa, on Saturday afternoon September 30th, reported to the police the sudden death of his wife.

Sergeant Major O'Leary immediately went to Mr. Jackson's residence on Nicholas st., and found Mrs. Jackson lying on the floor below the stairs, quite dead. It is not known under what circumstances she expired. A coroner has been notified and an inquest will be held.

Mr. Louis Blanchard, an old and respected citizen of Montreal, is dead at the age of 75 years. The deceased was born in Laprairie on the 12th of August, 1807, and he had been in the city since 1824.

He was largely engaged in the fur and hat business, and by his integrity and uprightness of dealing gained from all with whom he had transactions respect and esteem. Afterward he entered the customs in the Inland Revenue Department at this city.

It is with a feeling of heartfelt sympathy and deepest regret that many will learn of the death of Francis O'Neill, of Fitzoy, who died on the 25th of August, at the age of 73 years.

For many years he occupied one of the most responsible positions in the township, and was also an active agent for the True Witness for many years and a constant subscriber to it since its introduction into this country.

In the loss of him, many amongst us have lost a good friend and an esteemed citizen, which was plainly seen by the immense crowd that attended his funeral, which was one of the largest that ever took place in Pakenham.

His family has indeed lost a friend who can never be replaced; he was a most kind and respectful husband, a tender father and a sincere Christian, whose life may be looked upon as an example to his fellowmen. Never has it been known that he allowed worldly considerations to cause him to neglect his duties towards his Creator.

Those who were present at his death could not fail to be edified by his great fortitude and calm resignation to the will of God. His great confidence in the goodness and mercy of God could not fail to impress upon the minds of many the truth of the old saying, "that as a man has lived, so shall he die," which has been, I firmly trust, a happy exchange from the toils of life to the joys of heaven for all eternity.

THE REPRESENTATIVE PIANO MANUFACTURERS.

Wm. KNABE & Co.—This firm is one of the oldest in the country. Their growth has been solid and steady, not an ephemeral upspringing, and their position, therefore, is unsurpassable and unassailable. They have relied upon the real merits of their instruments, and avoided all cheap-trap and rickety. The outcome is a business whose firm and steady prosperity is an enviable and relative value of pianos is not well known, but a few brief words about the "KNABE" will be of interest.

The tone combines volume and richness, with sweetness and purity, and evenness through the entire scale. With so elastic a touch that the player can bring out the subtlest expressions without the rod. In another quality yet this firm is especially supreme—tenacity of holding tone. Evidence of this is found in their extensive use in conservatories, where the severest of all tests is applied.

ECCLIASTICAL CHANGES IN THE DIOCESE OF MONTREAL.

Rev. L. A. D. Marechal, Vicar-General. Rev. A. Nantel, Assessor. Rev. H. T. Clement, Cure of Ste. Marguerite. Rev. E. Desmarais, Cure of Ste. Louis de Gonzague.

Rev. F. E. Lassier, Cure of Contrecoeur. Rev. A. Palanque, Cure of Ste. Hubert. Rev. C. F. Dezols, Cure of Pointe aux Trembles.

Rev. T. Forget, Cure of Ste. Agnes de Dundas. Rev. C. Beaubien, Cure of Lavaltrie. Rev. J. Anhin, Cure of Ste. Jean de Matha.

Rev. A. Charbonneau, Cure of Ste. Lazare. Rev. T. Marechal, Cure of Ste. Jacques Achigan. Rev. Aug. Provost, Cure of Cote St. Paul.

Rev. N. Desrosiers, Cure of Ste. Henri de Montreal. Rev. P. Chailion, Cure of Bieubeurieux Alphonse.

Rev. T. M. Allard, Cure of Ste. Agathe. Rev. J. Daigneault, Vicar of Ste. Henri de Mascouche.

Rev. F. Beauchamp, Vicar of Ste. Joseph de Montreal. Rev. M. Bisson, Vicar of Hochelaga.

Rev. E. Brissette, Vicar of Notre Dame de Grace. Rev. Emile Pepin, Vicar of Ste. Rose.

Rev. Edm. Pepin, Vicar of Boncherville. Rev. J. B. Durivage, Vicar of Ste. Augustin.

Rev. L. Casauban, Vicar of Les Cotes. Rev. E. Boudreau, Vicar of Coteau St. Louis.

Rev. T. Viau, Vicar of Ste. Oyprien. Rev. F. Fahey, Vicar of Notre Dame du Bon Conseil.

Rev. F. X. Limoges, Vicar of Ste. Oyprien. Rev. J. Charlebois, Vicar of Notre Dame de Grace.

Rev. F. X. Babeau, Vicar of Ste. Cecile. Rev. A. Boucher, Vicar of Vaudreuil.

Rev. J. D. Ethier, Vicar of Ste. Cecile. Rev. A. J. Belanger, Vicar of Ste. Onesime. Rev. N. Gauthier, Vicar of Joliette. Rev. A. M. Martin, Vicar of Laprairie. Rev. A. A. Labelle, Vicar of Ste. Henri de Montreal.

Rev. F. Baillarge, to the College of Joliette. Rev. J. Desrosiers, to the College of Bigard. Rev. G. Lefraiture, to the College of Montreal.

Rev. A. Vallant, to the College of L'Assomption. Rev. J. Gratton, to the College of Ste. Therese. Rev. J. L. Levesque, to the College of Verennes.

Revs T. Hurteau, T. E. Dagenais, J. B. Cousineau, P. Berard and P. Leduc have sent in their resignations on account of bad health.

THE SPRINGS DID NO GOOD.

The following item is given for the consideration of those of our readers who are in search of just such an article as that referred to in the following statement of Mrs. George A. Clark, a well-known lady of St. Catharines: "I cannot refrain," says Mrs. C., from bearing testimony to the wonderful effects produced by the use of the very best remedy in the world, St. Jacobs Oil, for rheumatism. I had rheumatism and dropsy and did not walk a step for fifteen years. I tried nearly everything our most skillful physician prescribed, —Clifton Springs,—St. Catharines Springs, and, residing with a celebrated German doctor who pronounced my case incurable. I neglected everything of no use I was induced to try St. Jacobs Oil, and it has certainly done wonders for me. I heartily recommend it to any who may be suffering as I did. I have not had any use of my right arm for more than a year; now, however, I can raise it very nearly to my head."

THE DUTIES OF IRISH CATHOLICS IN ONTARIO.

To the Editor of The Post and True Witness.

Sir.—Under this heading a few days ago I noticed the suggestions of a correspondent that the Irish Catholics of Ontario should unite with the Orangemen to secure the defeat of the Reform party at the coming elections. It is wonderful how a change of scene will effect, in some natures, a change of opinion.

Does any of your readers forget the memorable outbreak of M. W. K.—"The curse of Orangemen is upon us," &c.; when he won the hearty applause of his impulsive countrymen for his generous devotion to the Old Land and the Old Church?

A short time after this, at the late Mr. Devlin's election, this self-same correspondent announced himself a Reformer and a supporter of the cause of Blake and MacKenzie, on Charlotte Square, in this city, before an audience of several hundred electors.

Consistency, thou art a jewel! The Reformers were then the lords of the Treasury benches. Your peace-loving correspondent was in outspoken opposition to Conservatism, and better still, he was the champion of the Irish race and the old Roman Faith.

O Tempora, O Mores! The Liberal Government has fallen; your correspondent is a Conservative knight errant, and he panders to that system in opposition to which he risked the lives of his fellow-men. But enough; it will be time for the Irish Catholics of Ontario to unite with the Orangemen in the fetters of political thraldom when the day of Orange Emergency men in Ireland is past and gone.

We all hope for the day when education and the love of a bleeding fatherland will raise the mind and soften the heart of our Orange fellow countrymen. But let it never be said that we joined hands in brotherly co-operation from the base and sordid motives of "the leaves and fishes of office." Your correspondent urges that we elect an Irish Catholic into the Cabinet. To change an old proverb, if elected, will take an Irish Catholic into the Cabinet. Two birds in the hand are worth one in the bush. Was not Mr. Fraser elected in his childhood by an Irish mother and a devout Catholic? Will any one reproach him of being untrue to the traditions of old Ireland and her cause? Who founded the Catholic League in Ontario? Those are questions which require an answer before we speak of change.

One word in conclusion: A strong point is sought to be made against Mr. Mowat's administration, because out of fifty-four employees in a Government department only one is an Irish Catholic, but your correspondent should also have added that the largest number of these officials are old romances of former Conservative administrations. This exclusiveness is the outgrowth of Conservatism the world over, and to take an example which, on account of its proximity, will be more striking:—In this Province of Quebec, the hotbed of Conservatism and bankruptcy, out of 47 employees in the Prothonotary's office of Montreal, there are only two Irish Catholics, and although one of them holds the important and responsible position of Accountant, he does the work of his predecessor, and does not actually draw one half his salary. Another instance of Conservative generosity!

PLAIN TALK.

ANOTHER "SAMUEL OF PUSEN" LIABLE TO RUN THE ROUSE.

Some time ago a young Hungarian Jew applied to Captain Smith of the Brunswick Hotel for employment, stating that he was penniless and desired to gain an honest livelihood. Captain Smith said he could take the position of hotel bootblack, which, while rather humble, about a well patronized public house is quite lucrative. The young man said he would accept the position and went to work. He stayed just five weeks, and in that time had cleared fifty-nine dollars over and above expenses. He then left for San Antonio, much to the relief of the proprietor of the Brunswick, who was afraid if he remained much longer, like "Samuel of Puseen" he would own the house.

Before leaving Austin he purchased a ticket in the Louisiana State Lottery, and just received information that he has drawn one-fifth of the capital prize of \$75,000, giving him \$15,000. When that young man again visits Austin he will register his name on the Brunswick book, giving the autograph of the most notorious swindler incident to recently acquired wealth.—Austin, Tex., Statesman, Aug. 19.

THE INFORMER CASE!

"THE POST"—MCNAMEE LIBEL SUIT.

The Cause Celebrated at Last—Formal Examination of Witnesses—Mr. McNamee in the dock—He has a very bad case—The witnesses will show what happened in '63—His interview with John O'Mahoney, and the Organization of the Fenian Society; Fenian Society organized a Branch of the Fenian Brotherhood—John McNamee says otherwise—The Whole Story from an Unwavishing Witness—Mr. McNamee files his motion—Requested—A Full Report of Yesterday's Proceedings.

Wednesday, Sept. 27.

The long-talked-of informer case commenced Tuesday morning in the Court of Queen's Bench, which was densely thronged with a crowd of interested spectators. Judge Ramsey presided, and Messrs. Outimet and Davidson acted as counsel for the Crown. The prosecutor (Mr. McNamee) was present with his counsel, Edward Carter, Q.C., D. McNamee, Q. C., M. P., and Mr. Barry and the defendant (Mr. John W. H. Keay, Q.C., and Mr. C. J. Doherty. Nearly all the Fenian Jury, although discharged for the term after the jury in the case had been empanelled, remained in their seats to hear the proceedings. The utmost interest was manifested, although the proceedings this morning were principally of a formal nature.

His Honor Judge RAMSAY took his seat on the bench at twelve minutes after noon, when Mr. C. P. Davidson, Q.C., announced that the case of "The Queen against Whelan" was to proceed with. He also informed the Court that the prosecution was a private one.

The names of the witnesses for the prosecution were then called, and James Stewart and the Rev. A. J. Bray did not answer.

EMANELLING THE JURY.

The work of empanelling the jury was then commenced. Mr. Michael Cuddy, who swore that he was prejudiced in the case from what he had read, was not allowed to serve.

THE JURY.

The jury were:—Alexander Cooper, Humphrey Byrdwell, Emory Laroux, William Dunn, T. Crossan, Michael O'Reilly, Fred. Baker, Jerome Demers, William Stewart, George Wilson, James Turner, and Richard Carriac.

The following witnesses were then called on behalf of the prosecution:—Normand, Thos. P. Gorman, H. L. O'Neill, P. McGuire, Mr. J. P. Quinn, Mr. J. Quinn, St. Mark, John McEveats, Rev. A. J. Bray, Jas. Stewart, Right Honourable Sir John A. Macdonald, A. P. Macdonald, Sir Francis Hicks. The last five gentlemen failed to answer to their names.

Sir Francis Hicks, however, arrived in Court at eleven o'clock.

Mr. Barry, in addressing the jury, said that the case they had before them was what was called in law a libel. Mr. McNamee, the private prosecutor in the case, complains that in March last an article appeared in a journal called The Post, attacking his character.

The matter was a very serious one. Mr. McNamee was charged with a great many offences against his honor and honesty. He was charged with first introducing Fenianism into Canada, and by inducing misguided men to join that organization he sold information to the Government, thereby enriching himself. He was also charged with being a crimp and a bounty broker, or, in other words, sold men by intrigue to the American Government during the late war. In the article complained of he was also accused of offering money to a certain person to put daylight through a gentleman who then occupied an important position in the country. Mr. Barry then explained the libel and its injurious effects on the reputation of the defendant.

Mr. SCHILLER was the first witness called and deposed that he was the Clerk of the Peace and Clerk of the Crown, and that he had in his possession a declaration proving the proprietorship of The Post; he also had in his possession a copy of the newspaper dated 15th March, filed by the private prosecutor in which the alleged libel was published; knew the defendant Mr. Whelan.

Cross-examined by Mr. Kerr.—The Declaration was filed by Mr. Whelan on behalf of The Post Printing and Publishing Company, the proprietors of The Post.

The declaration was then read to the jury. Mr. J. Quinn testified that The Post having been circulated in the city.

Mr. M. J. F. Quinn testified that he had read the article complained of, and heard it publicly discussed.

Counsel then went over with the witness the whole of the charges contained in the libel, in order to substantiate the intended alleged and placed upon various passages by the indictment. The witness considered that the epithets "crimp," "informer," and "bounty broker" had special opprobrium attached to them, and were looked upon by Irishmen as meaning the perpetration of the most serious crimes, almost the most serious a man could be guilty of, next to murder, or even equal with murder.

Q. Is an "informer" looked upon with a great amount of contempt by Irishmen than among English or Scotch?

Court.—We must take the usual acceptation of the word. In English an informer means a person who denounces crime—an approver as he is called; the word in itself is innocent and proper; we are all sworn to inform when we take the oath of allegiance, and those who have not taken the oath of allegiance are presumed to be bound to denounce traitors and conspirators; and so there is nothing wrong in that; if the Irish population choose to raise a moral code for them-

selves, that does not alter the nature of other people's acts.

The witness, in defining Fenianism, said it was an organization whose object it was to free Ireland, and who to further that had made a raid on Canada and a bounty broker was a man who induced others to join the Northern Army in the civil war in the United States; the general acceptance of the term crimp, however, he considered was a person who induced sailors to desert their ships for others; witness considered that in the eyes of Irishmen the accusation of being an informer was one of the worst that could be made; knew Mr. McNamee had been recently made a candidate for the presidency of the St. Patrick's Society; knew that there had been some talk on the 17th March about not allowing the defendant to wear his regalia or walk in procession; witness also testified to the damaging effect produced in the public mind by the article; was present at the celebration in the evening, and heard some hoisting and also applause.

Cross examined by Mr. C. J. Doherty:—Did not know the doctrines of the Fenian organization, but understood it to be illegal; from the general understanding at the time the object of the Fenian organization was to make a raid on Canada; was aware that the Fenian organization existed many years before a raid was contemplated; was also aware that some of the branches of the Fenian organization did not approve of the invasion of Canada necessarily; a man might be a Fenian and not approve of the invasion.

A discussion here ensued on the general acceptance of the term Fenian, which question in His Honor putting the following question to the witness:—

"What was the acceptance of calling a man a Fenian on the 15th March last?"

Witness.—I would understand it one who was opposed to the Government of Her Majesty the Queen, and was amenable to the law.

Q. So that when the article says he betrayed persons whom he had made amenable to the law, it means persons whom he induced to become members of an organization which was subversive of the law. A. Yes.

Sir Francis Hicks deposed that he was once a Privy Councillor, and was a long time in public life; was chief editor of two journals in this country, and had contributed extensively to the British press; knew The Post newspaper; did not read the article, but heard it read; understood the meaning of the word Fenian to be a member of the Fenian organization; whether it would be considered a compliment to call a man a Fenian depended on his political views; he understood a Fenian was disloyal to the Queen, and that the Fenian organization was an illegal society; did not know what a political banner was; considered the tendency of the article would be to injure Mr. McNamee in the eyes of his fellow citizens; considered the terms "informer, crimp, bounty broker," etc., were disparaging; witness considered that there was no doubt that there were illegal societies in Ireland, who if informed upon by one of their members, would be apt to take that member's life.

His Honor in dealing the prosecution to put a number of illegal questions, said that of course any illegal organization objected to being informed on, but that would not prove that to call a man an informer would be libellous. If he (the Court) knew of the doings of any treasonable organization he would take immediate measures to inform the authorities, and if any one were to call him an informer, he would say, "Yes, I am an informer; I would inform of every treason or felony coming to my knowledge, and, if necessary, I would do it secretly."

Henry L. O'Neill deposed he was an employee of The Post Printing and Publishing Company on the 15th March; estimated that between nine and ten thousand papers were circulated on that day; an extra edition was also struck off.

Francis B. McNamee testified that he was the private prosecutor; that he knew the defendant, J. P. Whelan. Witness wrote the letters appearing in The Post of 15th March, as addressed by him to Rev. Father Dowd and to Mr. Whelan, and the letters appearing in the same issue of The Post, as signed by Mr. Whelan, were letters written by Mr. Whelan. There was one letter addressed by witness to Father Dowd that did not appear in The Post. The charges made against himself in the article in The Post were each and every one of them false.

Q. (by Mr. Macmaster)—At the time that this article appeared did it affect you? Did you feel it? A. I should say so. I don't think any man on the top of the earth ever stood in a more terrible position than I have ever since. I have often felt that I would rather be dead than live, and I would to-day rather be dead than feel that one lot of these charges were true.

Q. Have you been spoken to much about it? A. Yes; everywhere, both in Canada and the United States. I have been all over the country and in the States, and people have pointed the finger of scorn at me, and I did not know but my life would be taken. I have been carrying my life in my hand. If there was a particle of truth in that article I would not want to live four and twenty hours.

Q. How do you mean by carrying your life in your hand? A. An informer is so odious in the eyes of my countrymen.

Court.—That is of no importance in this case. A man's life is often in danger for doing right.

Q. The charge of inducing people to join an illegal association and then selling them to the Canadian Government, is that false? A. Yes, perfectly false.

Q. And this charge about inducing people to go into the American army, of being a crimp and bounty broker? A. That is perfectly false. I am prepared to give an explanation about that if the Court allows me.

Mr. MACMASTER said he would have plenty of opportunity later on.

Witness continuing.—Defendant was a very strong opponent in the Society election, in fact went as far as to use violence.

Cross examined by Mr. Kerr: Knew late Mr. John O'Mahoney of New York; he was the Head Centre of the Fenian Organization as far as public notoriety went; first made his acquaintance in the fall of 1862 in No. 6 Centre street New York; the acquaintance was brought about by witness having gone on a pleasure trip through the United States; he belonged to the St. Patrick's Society, and as that society had invited John O'Mahoney to lecture to them, and, as he was leaving for New York, Mr. McNamee, then the President, asked him to call on him, and asked him why he did not come here and lecture, in fact why he did not answer the invitation; and Mr. McNamee having obtained him (witness) a copy of the Society's resolution and given him a letter of introduction, he (witness) called on O'Mahoney.

Q. Was Mr. O'Mahoney looked upon as the recognized Head Centre of the Fenian organization? A. There was no such thing as Fenianism, in my opinion. There was no talk about Fenianism then. I think it was the Phoenix Society at that time.

Q. Was that the predecessor of Fenianism? A. I think it was. Q. And was O'Mahoney the head of that at that time? A. That I cannot say, but he was looked upon as one of the most prominent Irishmen in New York; but as to Head Centre, I don't think Fenianism was talked about then.

Q. Did not Fenianism exist in 1862? A. Not to my knowledge; not that I can say positively. I remember talking with O'Mahoney, but I think, as far as I recollect, it was the Phoenix Society; but the conversation was very short between us. My object was to secure him for a lecture for the St. Patrick's Society in Montreal. I have no doubt we went over the pros and cons of everything going on in Ireland. In some things no doubt we agreed, and in some we disagreed.

Q. Were you entrusted by O'Mahoney with any documents or any instructions for establishing any society here? A. Nothing that I am aware of, outside of what his answer would be to the St. Patrick's Society.

Q. Are you perfectly certain you had no instructions from him respecting the organization of a society here? A. I think I am certain; I have no recollection of anything of the sort; this is 20 odd years ago.

Q. Now, sir, when you returned to Canada on that occasion did you not state to any persons in Montreal that you were authorized by O'Mahoney to establish here a branch of the particular Society to which he belonged? A. No; I don't know that; O'Mahoney wanted to come on here and lecture, and what I stated verbally, or talked of amongst the members of the St. Patrick's Society or the Committee, I cannot bring to mind; I cannot recollect anything of the sort.

Q. Is it not possible that you told certain members of the Society on the Committee that O'Mahoney wished to establish a branch here of the organization to which he belonged—the Phoenix or Fenian Society? A. I have no recollection.

Q. You won't swear that you did not, will you? A. I swear I have no recollection.

Q. Will you swear that you did not tell them that? A. I swear that I have no recollection.

Q. Could you have done so and have no recollection of it now? A. I might have done it and have no recollection now, or I may not have done so.

Q. Did you almost immediately after your return from New York, on the occasion in question, call a meeting at your own house in order to lay before the people who came there the result of your mission to New York? A. I have no recollection of calling any special meeting on my return from the United States; several of my friends called at my house, and I gave them as graphic an account as I could of my interview with O'Mahoney, and of my travels through the States; I have no recollection of any meeting except the regular meetings of the Society, at which I reported what I had done in New York.

Q. Those were not meetings in your house, were they? A. No, there were a number of friends of mine, members of St. Patrick's Society, and other friends met on Sunday afternoons and other afternoons when they heard I was home, friends may have come to see me and talk to me of my visit to the States.

Q. Do you remember seeing, among those friends who were at that time at your house, Mr. John McGrath? A. I don't recollect; but he has been at my house several times.

Q. Do you remember seeing Mr. Patrick O'Meara the Asst-Intendant City Clerk at your house at that time? A. He may have been; I don't know now.

Q. William Mansfield? A. I have no particular recollection of him being there.

Q. Or Daniel Lyons? A. I have no recollection of him particularly; but he has been at my house after.

Q. And John Robinson? A. I have no more special recollection of John Robinson than any of the others; he has been at my house several times.

Q. And William O'Hagan? A. I give the same answer regarding him.

Q. And E. O'Mearley? A. I have no recollection of the name.

Q. Or Patrick McCaffrey? A. I have special recollection; he has been at my house several times.

Q. Or Thomas Driscoll? A. I don't know the name particularly.

Q. And Frank O'Reilly? A. What! I'd that my brother-in-law?

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that particular time. Is that what you say? A. Yes.

The Court—You have no recollection of any meeting at your house or any assemblage there of these people at the time of your return from New York in 1862? A. No; I have no special recollection of any special meeting of that sort with these men whose names have been mentioned.

Q. Have you any recollection of any meeting since your return from New York in the fall of 1862 at which these people met? A. I say that frequently, on several occasions, friends came and saw me at my house; I gave them an account of my trip to New York and what I thought of O'Mahoney.

Q. Did you at any time invite these people to come to your house? A. I have had several parties at my house.

Q. At that time? A. Yes, social parties.

Q. You invited them to come there socially? A. Yes.

Q. You held no post in St. Patrick's Society then, did you? A. I was not President, but I think I was a committee-man long before 1862.

Q. Did you take part in the formation of a society called the Hibernian Society, about that time? A. I did.

Q. Do you remember who were the members of that Hibernian Society? A. I have a recollection of some of the members.

Q. Who were those that you recollect? A. I was a member myself.

Q. And the others were? A. Well, you see it was a Society that was in existence a very short time. We had several short-lived little clubs and societies at the time and during my time in Montreal. This Hibernian Society was a very small affair, and I don't know especially who were the members.

Q. Was Mr. O'Meara a member of it any length of time? A. Well, he is here; he will answer for himself.

Q. But I would like to know from you? A. Well, I cannot answer that.

Q. You do not remember, then, whether he was a member or not? A. He was mixed up in so many little things with us that I have no recollection now.

Q. Was he not Secretary of the Hibernians for a time? A. Well, I declare, I could not swear whether he was or not.

Q. Was not Mr. John Robinson the Treasurer of that Society? A. I have no recollection of it.

Q. Were you not the President of that Society? A. I was not President, I was at a meeting of the Hibernians Society, at the organization of it, and I was at a few of its subsequent meetings; but very few of them, for two or three months; not less than two months and not more than three, and I never belonged to them after. They disappeared in my opinion; I don't think we had any President.

Q. Were you chairman? A. I think I was chairman; if I remember correctly I was.

Q. Where was the Society organized? A. Well, I declare I don't know where the first meeting was held.

Q. Was it not at your house? A. Not so far as I recollect.

Q. Could it not have been that the first meeting for the organization of it was at your house and you have forgotten it? A. If it was, I have no knowledge of it.

Q. Will you swear it was not at your house? A. As far as I can recollect it was not at my house. It was such a trifling affair, that the whole thing has passed out of my mind.

Q. When was it organized? A. Some time in the winter of 1862, I think.

Q. And when was it that you saw O'Mahoney in New York? What month? A. September, 1862, or October.

The Court here took recess till 2 p. m.

AFTERNOON SESSION.

The Court re-assembled at 2.10, when the cross-examination of Mr. McNamee was resumed.

Q. What was the object of the Hibernian Society? A. To assist in ameliorating the condition of the people of Ireland, so far as I can remember.

thinking, assiduously working for the amelioration of the condition of the people of Ireland? A. I think he did.

Q. And was it to those people that these funds raised by the Hibernian Society were to be sent? A. I think so; I should judge so.

Q. Will you allow me to refresh your memory in reference to a draft or copy of a constitution either dictated to you or suggested to you by O'Mahoney on the occasion of your visit to New York? Was there not such a constitution furnished to you by O'Mahoney, and submitted by you to that meeting in your house for the Constitution of the Hibernian Society or some society of the same nature, or was it submitted at any other meeting? A. I do not remember.

Q. It is quite possible that that may have been done, though I don't recollect. Q. In the Hibernian Society, after it was organized, was there any pledge administered to persons who joined it? A. I think there was a promise that we were to assist the people of Ireland.

Q. Was it recognized either by the constitution, by-laws or otherwise, that this Hibernian Society was in subjection to any other society, which would be looked upon as a species of mother society? A. Well, it might be looked upon in that way by some people, that it had some affinity with Irishmen in New York, or in Ireland. As I have stated before, I belonged to the Hibernian Society not less than two and not more than three months, and never belonged to it from that day to this; that was in the fall of 1862.

Q. You must have established it then almost immediately after your return from New York? A. No—Oh! well, yes, it was not long after.

Q. How many members were there of the Hibernian Society? A. To the best of my recollection there were ten.

Q. Did a number of the members retire from the Hibernian Society? A. I am not aware that a number retired or that it was dissolved altogether; I am not aware of any of its workings from my being a member of it; I am not aware of its working after the first few months; what it did afterwards I have no knowledge of.

Q. When did the Fenian Brotherhood arise? A. I really think it was in 1863 or 1864 that the first talk was heard of Fenianism. I have not been giving it thought and have not had time; I have been day and night at my business for the last four months; I have not even read up on the matter to post myself on this; if I had any chance of reading up, I could give you the day and date for everything of the sort.

Q. Was not the Fenian Brotherhood in existence in 1860 in Ireland, with branches in New York and the States generally? A. I have no knowledge of it.

Q. Is it not a fact that the money to be raised by the Hibernian Society was to be sent to Ireland in order to assist in the movement for making Ireland a Republic? A. I could not answer that.

Court—We must come to the point. You are accused of being a Fenian; and the real question is whether you are one or not. A person would not have a right to complain of being called a Fenian if he is one.

Q. Is it not a fact that this money was to be sent home to Ireland in order to assist parties agitators for the formation of a Republic of Ireland and for the severance of Ireland from Great Britain? A. Not to my knowledge. Any money that I sent, or was the means of sending, was for the benefit of the people as against the tyranny of the landlords.

Q. Did you ever send money to Ireland as President of the Hibernian Society? A. I have sent lots of money to Ireland. I really cannot say how the Hibernian Society's money went, but it was intended for Ireland.

Q. Have you no knowledge of its being sent? A. I have not.

Q. During the time you were President of the Hibernian Society was there any money expressly raised for being sent to Ireland? A. I dare say there was, but I have no knowledge of it at the present moment. If you give me some data I shall certainly tell all I know about it.

Q. Have you no knowledge of money being sent to Ireland by the Hibernians, or to New York? A. No.

Q. Or to O'Mahoney? A. Well, if it was sent to New York it would be sent to O'Mahoney.

Q. He might have received from there. Have you any knowledge of its being sent to O'Mahoney? A. I really have not at the present moment.

Q. Was not your withdrawal from the Hibernian Society owing to certain persons refusing to join it on account of your connection with it? A. Not to my knowledge. I retired from it of my own will, as far as I know.

Q. Did this Hibernian Society afterwards become a branch of the Fenian Brotherhood? A. Not to my knowledge; I left it. I have not the slightest doubt that like myself and most Irishmen the members of the Society would be in friendly accord with any movement that would be for the amelioration of the condition of the people of Ireland.

Q. Then you consider that Fenianism was a movement for the amelioration of the condition of the people of Ireland? A. There is a difference of opinion on that. A statesman in the House of Commons stated, I believe, that the Fenians had done some good in Ireland; I think he said they were the means of disestablishing the Church in Ireland which was one of the steps in the right direction; I think I read that in the public press.

Q. I am asking your own opinion of the Fenian Brotherhood; do you think it calculated to ameliorate the condition of the people of Ireland? A. I believe the Fenian movement helped to enlighten the people.

Q. And you consider it, therefore, a praiseworthy movement? A. In Ireland, yes; any movement that will tend to elevate the people, the manhood, has my sympathy, and it is the easiest thing in the world to get as much money as is wanted for assisting the people of Ireland; it is easy to get it from any Irishman that is worth a dollar; it is no matter talking.

The Court—The point is are you a Fenian or not? If you are you, need not be very much offended at being called one; you were asked if this Hibernian Society became merged in the Fenian Brotherhood; you said you supposed it would naturally sympathize with it; you rush off to say that whatever Irishman has money would contribute to the support of such a movement. Morally, you may think this right. But you are called a Fenian, and the question is whether you are one or not. The issue must be kept perfectly clear before the jury without any sort of confusion. Put your question again, Mr. Kerr.

Q. Do you approve of the Fenian organization, Mr. McNamee? A. As in Ireland, yes. Q. You consider that it is justifiable and right in Ireland do you? A. I consider that every movement for the amelioration of the people of Ireland is right.

Court—A man may consider what he likes, if he does not act and break the law.

Q. Did you not aid and assist the Fenian organization during its existence? A. I think I did.—yes.

Q. What did you do? A. Well I really could not tell you more than I am a strong sympathizer, perhaps not so much with Fenianism as with any movement that would be going on for benefiting the Irish people.

Q. That is not aiding and assisting. Did you give Fenianism your moral support, or did you give it material support? A. I have no recollection of any material support whatsoever; but moral support, or sympathy, you may call it.

Court—You won't be punished for your sympathy. Did you go to any of its meetings or swear in members? A. I organized, or was, so far as I recollect at the organization of the Hibernians.

Court—And remained with them two months? A. Yes.

Court—And do you think it was a part of the Fenian organization? A. When I was a member of it the feeling and strong sympathy of myself and the others were in favor of it.

Q. And the money that was to be raised by that Society organized by you was to be applied to the purposes of Fenianism, was it not? A. I did not say it was organized by me.

Court—You said you were Chairman at the organization? A. As far as I recollect I was the Chairman. Since this trial commenced I have been told I was not, but I believe I was.

Court—You said you were not President, but you said you were Chairman? A. But since then I have been told that I was not Chairman.

Q. Was the money that that Association was to raise to be applied for Fenian purposes? Was that your intention and the intention of the rest of the members of that Society? A. I would not say that, but they were to go to the assistance of Ireland. I have no recollection that Fenianism was talked of then.

Q. Was it for the purpose of enabling the people of Ireland to raise an insurrection against the British nation? A. Oh, no; it was for the purpose of assisting the people of Ireland.

Q. To do what? A. To ameliorate their condition.

Q. How? A. By the means they have used since—agitation.

Q. Was not force one of the means? A. Well, I don't think I ever went for force, because I never thought there could be force enough to obtain their independence. I looked upon force as being too much to expect from people that had no money and no arms, and I never dreamt of force. But all this happened some 20 years ago. We were all more or less enthusiastic in our younger days over these questions.

Q. I think you have said you approved of the Fenian Association? A. As far as I recollect there were a great many things done in Ireland that I approved of.

Q. Were you acquainted with the objects of the Fenian organization? A. From what I have read in the newspapers; yes.

Q. What were those objects? A. The elevation and the improvement of the people of Ireland.

Q. Do you mean that you are not aware that the object of the Fenian Brotherhood was to separate Ireland from Great Britain? A. I have seen it put that way; I was not in favor of a separation.

Q. Were you at that time brought in connection with the Honorable Mr. Cartier? A. I was a political supporter of Sir George Cartier since I knew what it was to know what Canadian politics are; and I was a supporter of him from when I have any recollection of knowing him.

Q. Had you any conversation with Sir George then Mr. Cartier, with reference to the Hibernian Society? A. Never; nor with Sir John A. Macdonald or any member of the Canadian Government, either on Fenianism, Hibernianism, or any other subject connected with these societies.

Q. Or with Mr. Schiller, Clerk of the Crown? A. Never to my knowledge.

Q. Or Mr. Counsel, then Judge of Sessions here? A. Never.

Q. Or Mr. Arnold? A. Never.

Q. Or with Mr. Pomerville, Sir George Cartier's partner? A. Never; that is to say, outside of discussing the subject publicly, perhaps, but I never had a private conversation with any of these parties you have mentioned.

Court—You may have talked of the subject? A. Yes.

Court—But never made any secret communication to any of these parties? A. Never.

Q. Did you receive from the Government, or any of these officers mentioned, or any other official acting for the Government, any money for the purpose of employing it in the discovery of Fenianism, or any return for any information that may have been given to the Government? A. Never; the man that would propose such a thing to me would take the consequence in a short time.

Q. What kind of pledge was taken by members of the Hibernian Society? A. As far as I recollect, it was for the purpose of assisting the people of Ireland.

Q. What species of pledge or affirmation was it? A. There was no affirmation. So far as I can recollect there was a promise to keep the business of the Society within the members. It was not for outside purposes.

Q. And to work for the amelioration of the condition of the people of Ireland? A. Yes.

Q. Were members of the St. Patrick's Society members of the Hibernian Society? A. There were members of the St. Patrick's Society, and there were members of the Hibernian Society who were members of the St. Patrick's Society.

Q. Did you yourself administer the pledge to any of these parties who joined the Hibernian Society? A. I think the whole of us promised together that we would keep the business of the Society within itself. There was no oath whatsoever, and no signs nor passwords.

Q. Were you engaged in railroad-ing in the United States at all at any time? A. I thought I was.

Q. You thought you were? In what year was that? A. During the summer of 1863 A. P. Macdonald sent for me; I met him at the St. Lawrence Hall; I was then idle; not being of that turn of mind does me a great deal of good, I was anxious to get to work; he showed me a contract that he was to get from the Atlantic and Great Western Railway; he told me the prices he was getting, and that if we could supply the land, 70 miles, with men, he would give me an interest in the contract; he showed me the figures and I thought it an immense contract; the figures were immense from the prices we were receiving for such work in Canada; "Now," I says, "is this thing genuine; I went out to Ohio and saw the railroad authorities there, the managing superintendent; and he showed me the whole matter and that A. P. Macdonald would get the contract for the 70 miles of road provided he could stock it with men; I said, "there is not the slightest trouble in stocking it with men, if I go in with him, and if he gives me a half interest in the contract;" but I said, "be sure of getting this contract;" I came back home again; then I went with A. P. Macdonald to stock the line with men; I went down to Quebec and got all the men from my works that there had been on before, and sent them out to Ohio; I sent several of my own relations; I went out myself; came back again several times; we were about two months stocking the line with men; the pay was from two to five dollars a day; I received from A. P. Macdonald a telegram in Quebec to meet him in Toronto at once; I went and there he showed me, or told me that there was some misunderstanding between him and the directors; that they would not give him the contract, but that they would pay him for superintending the work and that if I would go and take a portion of the work they would pay my expenses up to date. I said, "I have not gone into this thing for days' pay; there is no pay going to pay me by the day; pay me my expenses to date and 'we part.'" But I felt terribly aggrieved at the time. For the two months I was stocking that line with men, or assisting A. P. Macdonald to do so, I never received one cent for my services, and never charged a cent; I felt so annoyed at not having received the contract, for I thought it would have been an immense fortune, and I think it yet. I went out after and saw the works going on and everything in working order, and the line was built and running.

Q. How many men did you send out there? A. I could not tell you well; there was a large number; there must have been, I suppose a couple of thousand men; there was only \$5 charged from Quebec to Akron, in Ohio, and for every ten men sent there was a free ticket for a man to accompany them.

Q. At the time you sent these men neither you nor A. P. Macdonald had the contract, had you? A. We had the promise of the contract, and I was as sure of it as that I am standing in this box; I sent my own brother-in-law and a dozen at least of my own first cousins, believing we had the biggest contract that I ever heard tell of.

Q. I don't suppose your idea was the same as Mark Twain's of sacrificing all his wife's relations; however, what became of these men? A. They worked on the road; I have seen several of them; I expect some of them here during this trial. [The learned counsel here proceeded to call over the names of some of the men who were sent to Ohio, and to ask the witness if he remembered them. Among these were Patrick Bennett, Alfred Ralph, Blanchet, Lepriere, William Cooper, Cannon, Thomas Graham, Nix, A. Doherty, Mahoney, James Mullens, the witness remembered some of these names; but had no recollection of most of them.]

Q. You had a number of agents in Quebec, had you not, for getting these men? A. No, not that I know of. I may have hired some men there to assist me, but I had no agents.

Q. Did you employ John Bennett? A. He may have assisted and I may have paid him for his time. A number of other names including John Green, Michael Dineen, James Fahy, Jeremiah Greenlow, were mentioned to the witness, who denied having any connection with some of them, while others he could not remember.

Q. Did you employ parties to get these men together to send to Ohio? A. I had no agents.

Q. Did you employ people as runners to go to the neighboring population to see after these men to work on the railway? A. It is more than likely I have.

Q. Do you remember their names. Was Jeremiah Greenlow one, or Frank Gulesham or Thomas Gulesham? A. You are mentioning respectable men's names in Quebec who you are not justified in doing.

Q. That is not the question. Did you employ these men to get working people together? A. No.

Q. Or a man named Haden, or Thomas Kirby, or James O'Brien, or John O'Leary, or Robert Smith, or James Ward? A. Not at all, they were not agents of mine.

Q. And in Montreal did you employ Eugene O'Rourke, or James Stanley, or Hugh Brennan, or Hugh O'Rourke to get men to go to the States? A. Never.

Q. You knew Mr. Brydges of the Grand Trunk Railway? A. Yes.

Q. Did you about 10 years ago offer \$500 to Michael O'Reilly on condition that he would put daylight, as it was expressed, through Mr. Brydges? A. No.

Q. Michael O'Reilly is a connection of yours? A. First cousin and brother-in-law.

Q. Had you any difficulty with Mr. Brydges in 1872? A. Our friendship together has been the same from 1863 to the present day.

Court—Then you never had a quarrel with Brydges? A. Never; I look upon him as one of my best friends in Canada; he has stood by me and befriended me, and perhaps sometimes I have been wrong.

Q. When did you first run for the Presidency of St. Patrick's Society? A. In 1869; and since then I have been elected four times; I was President when this libel was published on the 15th of March last.

Q. And you were a candidate for re-election? A. No; I do not think I would have run again only for that libel; I think I had it two years running and was perfectly satisfied to retire, and would have thanked anyone to take my place.

Q. Do you remember Michael Murphy was arrested in Cornwall? A. I do.

Q. For what was he arrested? A. Well, Fenianism.

Q. Were you at Cornwall while Murphy was under arrest? A. I was subpoenaed up by the Crown; I was examined as a witness, and my evidence is published to the world.

Q. Did you give evidence against him? A. It is here; you can read it.

Q. Did you endeavor, while there, to make a person named Michael McNamee to join the Fenian Brotherhood? A. That's all *popocate*. That's old Whelan's talk.

RE-EXAMINED BY MR. OUBERT.

Q. Did you ever materially assist Fenianism in breaking the law? A. No, sir; not that

I know of. When the invasion of Canada was talked about I used every means in my power and disdained to talk against any such movement all I could. Fenianism in Ireland was all very well, but the invasion of Canada was talked against by me.

Q. Will you explain a little more what you mean by saying the Fenian movement, or any other society, was for elevating the people? Did you mean by any unlawful means? A. By agitation; by the usual ways that the prominent leaders in Ireland were taking for relieving Ireland; as to the wild schemes of relieving Ireland by force of arms, I have always discountenanced them.

Q. You never encouraged them? A. By force of arms, never.

This ended the case for the prosecution. Mr. Doherty then opened the defence by calling as the first witness

Patrick Mullens, laborer, of Quebec, deposed that he had known Mr. McNamee about 23 years; he had known him since the time he (McNamee) came to Quebec to gather men to go to Ohio; witness was one of the first to be picked up; he was engaged by Mr. McNamee himself, who told him to come along and he would be paid a dollar a day to work on this railroad in Ohio; he (witness) was in the first gang that went up to Ohio; there was about two hundred in that gang; two other gangs of about the same number followed at intervals of about a week; when witness went to Ohio he and the others made a bit of a kind of a road; he could not say whether it was a railroad or a switch; it was a kind of a switch in a swamp; there were no bars and no timber laid on it; and after working there about three weeks when the three gangs came they all turned out to work one morning and found the tool boxes and shanties all one, and they were left in the swamp, and a man named O'Donnell that was over them was seized by them; they held him, and they got paid for what they had worked; and then some of the men had to enlist in the American army; witness hired a substitute; this bit of a switch was off at the side of the back, on the right of the road; it was a broken up spot; they were not making a track at all; and as soon as the third gang came the work was stopped. There were about 600 men together in the three gangs.

Q. Do you know what became of the larger portion of these 600 men? (Question objected to by prosecuting Counsel.)

Court—Unless it can be shown that there was a conspiracy to put these men in that position, in such a position that they could do nothing else but enlist the charge of crimping and bounty looking will not be proved. There is a specific charge in the plea of justification, and it will have to be proved that the prosecution was engaged in this operation and violating the law. He is in reality accused of violating the Enrollment Act, and this must be proved specifically. If you can prove by A. P. Macdonald that this was not true about having a promise of a contract, and that there never was such a railroad contract, you may ask generally from this man what was done, but I will not allow it to go very far.

Q. Can you tell us what became of these men? A. Some came home and some—most of them—enlisted in the army there. We could get nothing to live on up there.

Court—Did a great many of the men who went out there enlist, having no means down there? A. Yes.

Court—You must bring forward some evidence of Mr. McNamee having done this. Bring forward a man who was engaged as a soldier for instance.

John McGrath was next called to the stand. The following is a *verbatim* report of his examination by Mr. O. J. Doherty:—

Q. You know Mr. McNamee? A. Yes.

Q. In 1862 were you a member of St. Patrick's Society, Montreal? A. No.

Q. Is it to your knowledge that Mr. McNamee was? A. Not being a member of the Society, I could not swear that he was.

Q. Do you remember that in the fall of 1862 Mr. McNamee made a journey to New York, or that he stated to you that he had? A. No, he did not tell me.

Q. Do you know whether or not there was a meeting held in the house of Mr. McNamee in the fall of '62? A. Yes.

Q. Were you present? A. Yes.

Q. Was Mr. McNamee there? A. Yes.

Q. Were you there by invitation? A. By invitation from Mr. McNamee.

Q. By invitation from anyone? A. There was something like a round-robin, like me asking you and you asking me to be there.

Q. Who asked you? A. To be positive I would not say, but I think it was Dan Lyons.

Q. At any rate you were asked to go, and you went? A. Yes, I was there.

Q. Were there many there? A. There were eight or ten.

Q. Did Mr. McNamee make any statement, and to what effect? A. He stated that he had been to New York on a pleasure excursion, or something like that.

Q. Did he mention any person whom he had seen in New York? A. Yes.

Q. Just tell us what he said about his journey to New York? A. After some hesitation on witness' part the Judge put the question, "What was the object of the meeting? You were expected there?" A. I was.

Q. You found several persons there; what was the object? Was it to tell you what he had done in New York? A. Well, yes.

Judge RAINY—What did he tell you in pursuance of this object? A. Well, what was the object?

Court—You have told us he asked you to go there? A. No, your Honor, it was not him that asked me.

Court—Well, you were asked, and you were expected, and you found eight or ten people there and Mr. McNamee was there, and you have said that the object was to tell you what he had done in New York. Now what did he tell you he had done in New York? A. He told us that the St. Patrick's Society had invited John O'Mahoney to come here and give a lecture, and that some kind of dilatory answer had been received from him, and therefore, he (McNamee) was asked before going away to New York to call on O'Mahoney and see why he did not come here.

Court—Well, what took place after that? (more hesitation on part of witness) Mr. Doherty continuing—Q. Did he tell you of any commission O'Mahoney had charged him with to you? A. He did not tell me of any commission on anyone in Montreal, for I don't suppose that O'Mahoney was acquainted with anybody then.

Q. Who did he say gave it to him? A. Mr. John O'Mahoney.

Q. Did he tell you the contents? A. He did not tell us what they were, because he passed the book around for us all to see.

Q. What was that book? A. It was the Constitution of the Fenian Brotherhood.

Q. Did he tell you for what purpose Mr. John O'Mahoney had given him this Constitution of the Fenian Brotherhood? A. He did not tell me.

Q. Did he tell the meeting? A. He told the meeting.

Q. What did he say the purpose was? A. Well, if you have read the Constitution you ought to be posted on it.

Q. What did he say O'Mahoney's purpose was in giving him the book? A. The book speaks for itself.

Q. What did he expect Mr. McNamee to do? Did he tell the meeting that O'Mahoney told him what he gave him the book for? Did he give it to him merely to read it? A. It

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[John McGrath's evidence continued.]

Court. But we want it in legal evidence. What was the object of the movement as far as this organization was concerned? A. It was to sever Ireland from the yoke of England and to establish a free and independent Government on Irish soil.

Q. And that is the revolutionary movement to which the money and means of this organization 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 contributing money to purchase arms to free Ireland from England in a revolution.

Q. The witness went on to say that subsequent meetings were held in Mechanics' Hall, when contributions were levied on members, and that afterwards Mr. McNamee resigned the Presidency because he was solicited to withdraw from the Society, by himself amongst others.]

Q. Why? A. We had called a meeting at the Mechanics' Hall, and there were certain parties came and when they saw McNamee they would not join, saying he was a politician. 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 ostensible withdrawal he among other outside people, contributed funds to the organization. I had conversations with him after his ostensible withdrawal and he never expressed any lack of sympathy in the movement.

Cross-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 accomplishment of precisely the same thing as the organization referred to by you in your examination in chief, that is to bring about a severance between Ireland and Great Britain so far as legislation is concerned? A. Not being a member I can't say what their objects are.

Q. Are you aware that one of the objects is to raise 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 branch. A. I do not know.

Q. You have heard Mr. Doherty lecture upon such matters. A. I have.

Court. I will not allow that. It is not a lecture.

Q. Have you not heard some very celebrated men and orators advocate the severance of England from Ireland.

Court. 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. Do you know Mr. O'Mahoney. A. I know him personally afterwards.

Q. But, at the time of this meeting at McNamee's house, 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 Phoenix, and I knew it through that, and I sent correspondence to that paper.

Q. Were you spoken to about your evidence before you came into Court? A. By whom?

Q. That is what I want to know? Court.—There will be no harm in his belief spoken to about his evidence; the question should be whether he was spoken to improperly; suppose the Crown prosecutor brought up a witness without knowing what 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 as to what you could prove? A. No.

Q. How do you account then for being summoned here as a witness? A. I cannot account 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 else.

The Court then adjourned until next morning.

The second day's proceedings in the Court of Queen's Bench.—Something about "Clipping" and the American war.—The proposal made by Mr. McNamee to Mr. O'Reilly, "putting daylight" through Mr. C. J. Brydges.

The second day's proceedings in the case were of the most interesting character, and the Court room was densely thronged.

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 deny any one; I was never in partnership with him; I never took part in sending any man to the States on his account; I remember that he engaged a lot of men in Quebec some time but could not recollect the exact date; there was a handbill posted up in Quebec directing men to go to the Grand Trunk shed advertising for men to go to work on a railway; knew some of the men engaged to go to work, but could not 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 Quebec, stevedore, sworn.—I know Mr. McNamee, the private prosecutor, for 30 years; during that time was never engaged on behalf of Mr. McNamee in taking men out to the United States. I wanted to go to Cleveland to see my mother, and knowing that he (McNamee) was sending men out to Ohio to work, I asked him if he would give me a passage up and down if I went with a crowd of men; and he told me he would, but I did not go with the men, because there was some trouble about the men going, I don't know what; I believe the authorities stopped the men from going; I don't know why; did not know at that time that the reason that the men were stopped by the Government was because they were being taken there to be drafted into the American army; I heard two or three years after that the authorities took it in hand to stop them from going.

Q. Why? A. They didn't like to be having the population put out of Quebec, I suppose. I think it was during the American war that this occurred; it was publicly proclaimed 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 sent; I worked in his office a short time, but the business stopped like a clap; I swear positively that I never went to the United States with a gang of men; (witness excitedly) I never was in the crimping business; I never started with a gang of men employed by McNamee to the United States; I went by myself; don't know whether there were 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 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. McNamee to the United States to work on a railway, and afterwards found out it was a blind; I might have said something about it; I don't remember; I just told them what I told you; I did not go at first because the authorities put a stop to the men leaving; I went some months after the time when I was 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 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. Whelan. (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. McNamee 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 I 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 hands.

Another letter from Mr. Whelan being handed to the witness, Mr. Justice Ramsay asked why these letters were being brought into the case by the prosecution at this stage of the trial.

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 RAMSAY:—So you are making your case out of the defence.

Mr. MACMASTER:—No, your Honor; our 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 these before, your Honor; and I submit that the contents of these letters, which repeat the libel, tend to show malice.

Judge RAMSAY:—Well, this is a very unusual way of proceeding; and the only inference that I can draw is that you have been in communication with the defendant's witnesses.

After some further discussion, the second letter was read to the jury; Mr. Kerr remarking that its contents would show that the defendant's object in writing to the witness was perfectly legitimate; the letter stated that a subpoena was sent to the witness, and that he was wanted to state what he knew of the taking of men from Quebec in 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 say?)

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

Q. Mr. Tracey 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 Callaghan (laughter); saw Mr. Tracey once in Quebec, and he asked me what I knew about the case.

Johannann 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 know 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 a day.

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 and his brother; and I had a lot of young children too, but he was my oldest boy, and a neighbor meets me, and says she: "Mrs. Joynt, your son has gone on the cars. He has gone away to a railroad." But there was no railroad at all there when my poor boy reached; and my husband went to McNamee 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 away my boy?"

Q. What did he say? A. He gave me no decided answer; he gave me two shillings to follow my son, and told me to go along with Billy Brown; Billy Brown was starting with another batch of thirty or forty men for Mr. McNamee; and Mr. McNamee also gave me \$3 along with the two tickets to follow my boy along with this man Billy Brown; I says to McNamee, says I: [he is there (pointing to the prosecutor) and he knows it] "I will be the end of you for taking away my boy." My husband said to him: "Why did you take my boy?" He (McNamee) said, "I did not know he was your boy;" and my husband says, "You couldn't but have known it, for there are no Joyns in Quebec but my family;" he then went with my man to the telegraph office to telegraph for my boy; well, the next morning I was up early enough; you may be sure, and I went out, and Mr. McNamee was standing at the telegraph office;

I said to him: "Have you any account of my boy?" He said, "No, I have no account of your boy; to tell with you and your boy?" I collared him by the neck, and I bats him with my hand, and chased him through the streets with a crowd; and he is there (pointing to prosecutor) and he knows it; and only my husband took me off I would have thrashed him; and, no mistake, women as I am; he was the cause of many a tear to my eyes, and 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 had yet any account of my boy, and he said again, "Do tell 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 Railway 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 Nixon taken away and never returned; they went into the army; and my boy was taken over and there was no railroad there.

Q. When you went to Mr. McNamee what did you accuse him of doing? A. I asked what made him take my boy away; he gave me no satisfaction.

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 over there!

Q. Did Mr. McNamee 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 Joyns.

Cross-examined by Mr. MACMASTER.—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 you were given tickets and money by Mr. McNamee, to go after your son, you did not go? A. I would not be let go by my husband.

Q. Did you return the money to Mr. McNamee? 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 after? A. Oh, I knew long before it was the American army they were being sent to.

Q. Did not Mr. McNamee say he was 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 heard Mr. McNamee telling your husband? A. No, I didn't; my husband told me he said so.

Q. I suppose there were a great many people went out to the railroad? A. There were plenty, 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 Barry, 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 distribute tickets to laborers who were supposed to be going to a railroad in Ohio; he was setting all the men he could get; a few days afterwards I saw Mrs. Joynt screaming at him and abusing him; McNamee said to Mrs. Joynt that he did not know the boy was her son; saw McNamee give Mrs. Joynt two tickets, but saw no money; Mrs. Joynt accused McNamee of taking her boy to the American army; he said, however, to the best of my recollection—I am not certain—that he sent him to a railway, and I think he said he would bring him back; it was understood in Quebec, and I heard hundreds say it, that he (McNamee) was gathering men in Quebec for no other 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; 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 say?)

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

Q. Mr. Tracey is the brother-in-law of Mr. McNamee, is he not? A. I think so; a step-brother-in-law or something like that.

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McNamee had any sympathy for me; do not wish to put a construction on his words; Mr. McNamee did not offer the money; he did not produce the cash, but he mentioned the best feeling between me and McNamee; I am married to Mr. McNamee's sister; was never separated for a considerable time; 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 Mr. McNamee's writings some 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 McNamee 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 interfere with my bread and butter; and he said, no; and I remonstrated with McNamee 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 Superintendent 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 End; don't remember ever saying that I would yet ruin Mr. McNamee; know John McCreven of Montreal met him once or twice; don't remember ever saying to him that I would yet ruin 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 patently; 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 McEnery, hotel-keeper, Cornwall, Ont., sworn.—Have resided in Cornwall 30 years, and was there in 1866; I know the private prosecutor and saw him there at that time; kept an hotel there at that time; had a conversation with him; he was in Cornwall along with Mr. Lyons; they were there to see Murphy and associates who were confined in jail for Fenianism; I had a conversation with Mr. McNamee with reference to Fenians and Fenianism; 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 put you through;" I suppose he meant to enroll me in the body order of Fenianism (laughter); the preceding conversation led me to put that construction on his words.

Cross-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 conversation with McNamee; there were only the two of us; did not know him intimately before; the conversation occurred in front 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 Quebec.—Knew McNamee for twenty-five or twenty-six years; did not know anything personally about his doings there; only knew by what remark said.

Patrick O'Meara, of Montreal, deposed.—Knew McNamee; was Secretary for St. Patrick's Society in 1862; knew McNamee made a journey to New York in the fall of '62; at that time, by a resolution of the Society, a letter was written by the Corresponding Secretary of the Society, Mr. J. Curran, inviting Mr. John O'Mahoney to lecture in Montreal; saw a 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; it was at Mr. McNamee's invitation; when I arrived at the house there were others there numbering four or five; 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 the 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. McNamee had the constitution of the Hibernian Society at the meeting and produced it; 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. McNamee 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 business to know; I then left the Society on that account, and became the Rev. Father Dowd denounced the society as being a branch of a secret society; it was started first more as a benevolent society; thought the letter was produced by the corresponding secretary and not by Mr. McNamee; 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 organization.

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 Desrivières street, between Bonaventure and St. Antoine streets.

Q. When was it? A. During the month of September, 1871, about the 26th of the month; I left the road on the 22nd.

Q. Who was the man who made the proposition to you? A. Unfortunately, it was the private prosecutor, Mr. McNamee.

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 any man who would take the bread and butter out of his children's mouths.

Witness, continuing, said.—McNamee knew all about my dismissal from the G. T. B.; 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 ceased.

Cross-examined by Mr. MACMASTER.—McNamee was not complaining of any grievance that himself had at the time of the conversation; I do not believe that Mr. Mc-

think he made any statement as to what it was, but he handed it around. Q. Didn't he make any statement as to what it was? A. We could see for ourselves; it was not a constitution of the Fenian 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 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. DOHERTY.—Q. That is what you understood about it until you made this discovery about where the money was going to? A. Certainly; 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 McNamee; Mr. Gaherty was standing with him (witness) at the time; and McNamee approached and in a joking sort of way, said "There goes something like \$100 a head" (referring to the men). This was during the time of the American war; knew other men—whom he believed McNamee had employed—had gone before these; did not know their destination.

Cross-examined by Mr. MACMASTER.—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 being a member of the Hibernian Society; could not remember anything particular about it; did not remember joining any society where he took a premises or pledge.

Cornelius Corcoran, fullerer, Montreal, testified.—I was approached in 1863 by Hugh Brennan with a view of my going to the States; he told me he was acting for Mr. McNamee.

Mr. Justice RAMSAY here suggested that 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 down for the present.

Bernard Tansy 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 nationality in Montreal, and the position of the President of that Society entitled the holder to stand forward as the representative Irishman, and as such he would on all public occasions act as that representative.

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Q. What has been the effect of Mr. McNamee 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. McNamee 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 one.

Court.—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 active 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. O'NEILL, Q.C.—I have not been a member of St. Patrick's Society for 7 years; I think Mr. McNamee was not President when I withdrew; there was 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 Irish Societies—benevolent and temperance—in Montreal;

THE TRUE WITNESS

Subscription per annum in advance... \$1.50

WEDNESDAY, OCT. 4, 1882.

CATHOLIC CALENDAR OCTOBER. THURSDAY, 5.—Office of the Blessed Sacrament.

TO SUBSCRIBERS. We have mailed to all those who are in arrears for subscriptions, &c., to THE TRUE WITNESS a statement of their indebtedness.

"NOT GUILTY." The famous Informer case was brought to a close on last Thursday night. The jury returned a verdict of "not guilty," declaring that the defendant, Mr. John P. Whelan, Manager of THE POST AND TRUE WITNESS, was not guilty of libel in having given publication to the charges contained in the "Indictment," which appeared in the columns of THE POST AND TRUE WITNESS on the 15th of March last.

THE "STAR" AND THE INFORMER CASE.

The verdict rendered by the jury in the famous Informer case, has sent the Star into the most untractable hysteria. The result has brought it no end of displeasure; in fact, we do not remember our evening liminary ever appearing on the streets foaming with such rage, since the day it told the people of Montreal the infamous lie that the Catholics had poisoned the wells of their Protestant neighbors in an adjoining municipality, as a method of retaliation for some supposed wrong.

The result of the harvest in Canada will prove to be much larger than was expected a few months ago, and the general returns from the farming districts of the country are of the most satisfactory character. The crops are rich and abundant and are far ahead of those of last year.

In the Church of Notre Dame on Sunday, Cure Rousselet took occasion to refer to the immoral tendency of the feuilletons or stories published in some of our contemporaries, and warned parents to keep low literature out of reach of their children.

SEE, FEEL, AND BELIEVE.

"Truth conquers," and PUTNAM'S PAINLESS CORN EXTRACTOR is the embodiment of truth. "Actions speak louder than words," and its action on corns of every description has been the means of extending its reputation far and wide.

the spirit of vindictiveness makes a wonderful change come over man in general and our contemporary in particular.

We are exceedingly sorry that the abolition of trial by jury should be advocated, no matter how feebly, on account of THE POST, but then we take some consolation in one of the Star's utterances, which says that trial by jury survives as a necessary evil, because no good substitute has been discovered.

There is a question we would like to put to the Star. Was this article written at so much per line, or was it a voluntary contribution from interested parties? In any case it bears the stamp of disappointment, spleen and envy.

When Dillon announced, a few days ago, his intention of withdrawing from the public arena for a short time his enemies at once set the rumor afloat that his retirement was brought about by discord between himself and Parnell.

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THE INFORMER CASE

The McNamee - "Post" Libel Suit.

The evidence in rebuttal - Mr. A. P. Macdonald and James McShane, M.P.P., on the stand - The former gentleman's contradiction of McNamee's former statements - The address to the jury by Mr. C. J. Doherty.

The Court of Queen's Bench this morning was again crowded with interesting listeners in the cause celebre of McNamee vs. Whelan for criminal libel.

John E. McEwen, the object of whose testimony was to show that the witness, Mr. Michael O'Reilly, was biased in his evidence. Mr. McEwen testified that he was a clerk and a resident of Little Italy, Ont.; he knew the witness, Michael O'Reilly, and was acquainted with him for some years; had met him about three years ago on St. James street, when they had a conversation in which the name of Mr. McNamee was mentioned; O'Reilly seemed to be smarting under some wrong which McNamee had done him.

The Court thought this was unnecessary, as O'Reilly himself admitted that he was not on friendly terms with McNamee. James A. Roche, agent, G. T. E. Detroit Junction, Mich., on being sworn, said - He knew the witness Michael O'Reilly, and in several conversations which he had had with him, four years ago, believed his disposition towards Mr. McNamee to be one of hatred and a desire for revenge.

A discussion here ensued on the legality of this evidence, the prosecution seeking to discredit the testimony of O'Reilly. Angus P. McDonald, contractor, of Toronto, was next called, and said he was a contractor for thirty-two years, and knew the private prosecutor, Mr. McNamee; had entered into an agreement with him in 1863 or '64 to give him an interest in a contract in which he had in Ohio he stocked the road with men; at that time labor was very scarce in the United States, owing to the excitement at the Pennsylvania oil well, where laborers were being paid three dollars a day; told McNamee to go to the contract and look at it and if he thought well of it that he would make an arrangement for his supplying the men; he afterwards was engaged in Quebec and Montreal getting men for the road and sent about six hundred out; there were 5,200 men in all engaged at the work, which was two hundred miles in length; was two years finishing the contract.

On being cross-examined by Mr. Doherty witness stated that he did not promise Mr. McNamee a half interest in the contract. Q. Did you ever tell Mr. McNamee that the English company who were building the road had refused you the contract? A. No; I could not have told him that because I had the contract some time before I saw Mr. McNamee.

Q. Did you tell him that you were only acting as a superintendent on the work on days' pay? A. Certainly not; that would be absurd, as I had the contract for building two hundred miles of the road.

Q. Did you offer him work superintending at days' pay? A. No, I did not; he stopped working of his own account, his reason I believe being that he considered that I took the work at too low a figure.

Q. Did you pay him anything for his services? A. No, he would not accept anything, although I offered money to him for his trouble.

Q. When did you commence the work? A. In the summer of 1863, in June or July, I think.

Q. You say you sent passports for all the men you took from Canada. How many did you secure? A. I secured 6,000 passports and paid \$3,000 for them to the American Consul, or at the rate of 50 cents each; the passports were handed to the men on their arrival at Akron, Ohio; was not prepared to swear that he was the only man who took men from Canada into the United States at that time.

Mr. CARVER - Have you any recollection, Mr. McDonald, of telegraphing to Mr. McNamee about that time that the English company had refused to carry out their contract with you? A. No, I have no recollection of such a thing.

Mr. James McShane, M.P.P., was next called and gave testimony to the effect that he considered that Mr. McNamee was never the cause of preventing the leading Irishmen from taking part in Irish affairs generally in Montreal.

The following is a verbatim report of Mr. C. J. Doherty's eloquent address to the jury: -

May it please the Court: Gentlemen of the Jury: There have, doubtless, been before this Court cases, even at the present term, that may, perhaps, at a first glance, seem to have involved more serious issues than the case I am now called upon to argue before you, cases that may appear to have been fraught with much more serious consequences and results, either to the party standing accused or society, than this case; but I think, on a closer view, it will be seen that it is impossible to imagine a case where the questions you are going to be called upon to decide can be of greater importance to the party who stands accused than in the present case, and for that reason I feel that in opening the argument on the part of the defence I am undertaking a very serious, a very important duty, and one to which I feel I can hardly bring that degree either of natural talent or careful preparation which a case of this nature and gravity requires. But I feel, gentlemen of the jury, that I have not incumbent upon me what is sometimes incumbent upon counsel pleading for merciful consideration for a cringing, guilty man; but that I have to plead the case of a public journalist who is striving to do his duty to that public of which it is his privilege to be the mouthpiece and instructor; a man who is striving to do his duty to that portion of the community to which his paper is specially addressed, and who is doing this boldly and fearlessly, and without regard to what inconveniences, pains or expense he may be put to, or even what punishment may fall upon him, if you, gentlemen, should - although I cannot for a moment suppose that you will be led - by the ingenious eloquence for which the learned counsel employed against him are distinguished - with such an error as to find a verdict against him.

The indictment, that he, John Patrick Whelan, contriving and unlawfully, wickedly and maliciously intending to injure, vilify and prejudice one Francis Bernard McNamee and to deprive him of his good name, fame, credit and reputation, and to bring him into public ridicule and contempt, scandal, infamy and disgrace on the 15th day of March, 1882, unlawfully, wickedly and maliciously did write and publish, and cause and procure to be written and published, a false, scandalous, malicious and defamatory libel in the form of a certain article in THE POST newspaper, printed, published and circulated in the city and district of Montreal, containing divers false, scandalous, malicious and defamatory matters, and things of and concerning the said Francis Bernard McNamee, according to the term and effect following, that is to say; and then the indictment sets out the article. Before going into what that article was, and before enquiring into whether it was or was not true, there is incumbent upon you this duty: There is more than one plea filed to this indictment. The first plea filed by the defendant is a plea of not guilty; he pleads that he did not do the thing of which he is accused. That is the first plea you have to dispose of. The first thing you have to decide is whether your client did on the 15th of March, 1882, publish this article in the newspaper called THE POST; whether he, John Patrick Whelan, did it. If you should find that he did publish it, you would then have to decide whether he did it falsely, wickedly and maliciously, and with intent to injure, vilify and prejudice Francis B. McNamee. And if you should get that far, you would then have to go further and ask yourself the question whether that article was true, and whether the publication of that article was for the public benefit; whether, in fact, he was justified in publishing it. It was incumbent upon the prosecution on being met with the plea of "not guilty," to establish before this Court that John Patrick Whelan did publish the article complained of. Now, the sole evidence upon which the prosecution have rested that allegation against John Patrick Whelan, - an allegation which is the very cornerstone of their whole case, - the sole evidence adduced to establish that allegation, is of the shape of a declaration, sworn by John Patrick Whelan, produced here before you. Does that declaration establish that John Patrick Whelan published the article complained of? That declaration is to the effect that THE POST Printing and Publishing Company, are the owners, printers and publishers of THE POST newspaper, and also of THE TRUE WITNESS AND CATHOLIC CHRONICLE; and that these two newspapers are printed and published at the Company's office, 761 Craig street. Now, gentlemen, the prosecution come here and they ask you to find the accused guilty of an offence which may entail the most serious consequences upon him, and they satisfy themselves and they seek to satisfy you of his guilt by merely producing a newspaper called THE POST, and by producing the article published in it and then producing this declaration - not a declaration that John Patrick Whelan prints or publishes THE POST newspaper, or that he ever did, but that that newspaper is published by THE POST Printing and Publishing Company, a body politic and corporate - a person in the eye of the law responsible for all its acts, and liable to indictment just like any other person for any libel it may publish. They produce this declaration showing that THE POST newspaper is printed and published not by John Patrick Whelan at all but by a person entirely clear and distinct from John Patrick Whelan, and a person responsible for its own acts and deeds apart from the acts and deeds of John P. Whelan. Now, gentlemen of the jury, I am not going to deny that the defendant would have been responsible if the prosecution had come before you and shown that although my client was not the proprietor or printer or publisher of that paper, he had banded himself to procure THE POST Printing and Publishing Company to publish the article in question, and that he had done the writing of it, and caused it to be published in this paper. But where is the evidence of that? Where is there any attempt made to make that evidence? It is no where. For all the evidence brought before you - and it is upon the evidence that you must give your verdict - is that it was THE POST Printing and Publishing Company that published that article on the 15th of March; because, for all the evidence you have before you, Mr. John Patrick Whelan, on that day, was not in the city of Montreal. For all the evidence that there is before you he did not see that article, and may never have seen it before any of the witnesses saw it. There is no legal evidence before this Court that he had anything to do with the writing or publishing or circulating of that article. Now, gentlemen of the jury, as I have said, and it is not necessary that I should dwell upon it at greater length, that was the first duty of the prosecutor to establish clearly and distinctly to your satisfaction, without any possibility of doubt, that it was John Patrick Whelan who did this thing. If you should find that Whelan did do this thing I would ask you on what you would base your finding? Would it be on that declaration? If you rest upon that, then it is THE POST Printing and Publishing Company who did this thing. If you build your verdict on that, then it is THE POST Printing and Publishing Company and not the defendant who did this thing. If you do not rest upon that declaration, then there is not a word of evidence on the point. We have a boy put in the box, and he says, "I bought a copy of that paper on the 15th of March." And then they ask, "Where did you buy it?" And then they say, "I bought it at the office of THE POST Printing and Publishing Company." Mr. Whelan did not give it to him. Mr. Whelan did not circulate the paper for all the evidence that you have before you. The boy bought the paper in the office of the company. Where is there anything connecting Mr. Whelan personally with that transaction? Evidently it is not there, it is not in that evidence. And if not in that, it is certainly not in the evidence of any other witness.

Now, gentlemen of the jury, I might leave the case there. The defendant did not do it. The prosecution have taken the trouble to prove that somebody else did it. But, the prosecution ask you not only to find that John Patrick Whelan published this article, which they have taken the trouble to prove he did not publish, but they ask you to find that he published it wickedly and maliciously and with intent to injure, vilify and prejudice Mr. McNamee, and to deprive him of his good name, fame, credit and reputation, and to bring him into public ridicule, contempt, scandal, infamy and disgrace. Now, if he did publish this article, although I don't think it possible for you to say, according to the evidence, that he did, but if we were to suppose for a moment, for argument's sake, that he did publish this letter, then I would ask you before you find that he did it maliciously and wickedly and with intent to injure, vilify and prejudice Mr. McNamee and deprive him of his good name, fame, credit and reputation, I would ask you to look at a document which the prosecution have taken the trouble to

produce, and which is printed in this same paper with the article complained of, and which Mr. McNamee swore to as being a letter of his to the defendant; and after reading that letter, would ask you gentlemen, as honest men, sworn upon oath to render a verdict according to the evidence, whether it will be possible (even if recorded by the eloquence of the eminent counsel called by the prosecutor to the support of his case, you go so far as to say that the defendant did publish this article) for you, in the face of that letter, to say that the defendant published that article maliciously and wickedly and intending to injure Mr. McNamee's good name, fame, credit and reputation, and the other eminent and distinguishing qualities of Francis B. McNamee. Gentlemen, I will read the letter. It is as follows: -

MONTREAL, 10th March, 1882. JOHN P. WHELAN, Esq., Managing Director of THE POST, Montreal.

SIR, - I have seen, as you have also seen, the correspondence which has passed between the R. W. Father Doherty and myself on the other, and I regret that you have met my Reverence's kindly and well-meant efforts in so unfair and inelegant a manner. I have written to Father Doherty to the effect that by the position you have taken, the whole case has passed from his friendly jurisdiction and that I must now deal with you personally. To that effect I now make you the following offers, either of which you can accept: 1. That the case (that is, the accusation against me) I have been an informer be submitted to the arbitration of - (a) Of three lawyers, to be chosen by you, one by me they to choose a third. (b) Of three Irish Catholic laymen, to be chosen in the same manner as under heading (a). (c) Of three lay gentlemen, not Irish Catholic, also to be chosen in the same manner as under heading (a). The arbitrators of any class to be unlimited powers to make investigations, call for documents, examine witnesses or hear legal arguments on both sides. 2. That, in case you do not select to submit the case to any kind of arbitration, you publish some statement in THE POST concerning this matter upon which I can enter a charge of libel, so that the whole case may be ventilated and decided in the law courts.

If you decline any and all of these I hold the right to publish all this correspondence, and to brand you as an irresponsible and cowardly slanderer.

Yours, &c., F. B. MCNAMEE.

There is the position in which the defendant stands. We have nothing to do with what precedes the publication of that paper on the 15th of March last. The learned gentlemen objected to one word of evidence of what preceded that publication. So that gentlemen of the jury, the position in which the defendant stands to day is this. In this case the prosecutor is nominally the Crown; but, in reality, the prosecutor is Mr. McNamee; and it is Mr. McNamee who accuses and seeks to punish the defendant for publishing this article in THE POST. But, gentlemen of the jury, you cannot convict the accused unless you find that he did this maliciously with intent to defame and vilify Mr. McNamee; and I ask you, gentlemen, what is the position Mr. McNamee made for the defendant? Why is it that this article appeared? How did it come to be published? Is it possible that courts of justice are to be used to punish men for complying with the request of the party who claims to be injured? Mr. McNamee stands before you, and he poses as a much-injured man, as a man who carries his life in his hands, and who, as he walked on "the top of the earth," was so miserable that life was unbearable to him, a man, moreover, who would rather die than one iota of these charges against him should be true. Well, what was the position forced upon Mr. Whelan by Mr. McNamee? Mr. McNamee required that he should publish this or be branded as a cowardly liar and irresponsible slanderer. There is a maxim of the civil law of this country that an injury is not done to him who seeks it. How then could there be malice or an intent to defame and vilify Mr. McNamee, when he demanded the publication by this letter? How can you hold that this act was done maliciously to vilify and defame McNamee, when McNamee comes and says, "I make you these two offers. I call upon you to publish a libel against me." "I call upon you to state these things publicly against me. I call on you to publish an article in your paper, and if you do not do it I will brand you as a cowardly liar and slanderer."

Gentlemen of the jury, are you going to punish the accused at the instance of the accuser, because the accused, if he has done anything at all has complied with the request of his accuser, - because Francis Bernard McNamee thought it to his interest and for his benefit and advantage that something should be published in that newspaper upon which he could base a prosecution for libel, because his position evidently was such either before the public or before his own conscience, I don't know which, but there was evidently an accuser somewhere by whom he was rendered uncomfortable, that it was necessary for him that there should be an investigation in this matter and that it should be gone into. Are you, I repeat, prepared to punish the accused at the instance of the accuser because the accused has done this act, if he has done it, at the request of his accuser, because that accuser, listening to the voice of his conscience, and desiring (from some motive, or reason, or hope) an exhibition of his offences before the public, felt that his position before his fellow-citizens or his own conscience was such that, without it, his career was very nearly ruined? Are you going to punish the defendant at the instance of Mr. McNamee, for doing that which Mr. McNamee called upon him to do, and indulged in threats against him if he did not do it? The prosecutor says to the defendant that (upon the supposition that you gentlemen would give a verdict of guilty) either the defendant must go to prison for serving his (the prosecutor's) ends and purposes or be branded through the streets and byways of this city, and through other cities and towns, as a cowardly liar and irresponsible slanderer. The prosecutor, by the letter in question, asks, in other words, permits, the defendant and makes the proposition to the defendant to publish the statement, for which to-day the prosecutor says "You shall go to prison; for which to-day the prosecutor says, "You shall be branded as a criminal," for which says the prosecutor to-day, "These 12 men shall find you guilty of having maliciously libelled me," with intent to vilify and defame my character." And said the prosecutor in his letter, "If you don't do it; if you don't publish an article against me I shall dispose with a court and jury, and with all the formality of the law. I shall take it upon myself to convict you of being a slanderer and a liar, and publish that to the world in general."

I think, gentlemen of the jury, you see now that there is not merely no proof before you that the defendant did publish this libel, but that, moreover, if he did publish, or whosoever did publish it, did so at the special instance of this prosecutor, to satisfy I don't know what. It is strange. No men who are perfectly innocent go to newspapers to get libels published against them so that they may have a prosecution. Their consciences are at ease. They don't need any performance at all. They don't clamor for libels, and when they get them presented, it is not for me to say what Mr. McNamee's motives were. We

can each one of us - as each member of the public who hears this trial and reads that article undoubtedly will - come to his own conclusion concerning these motives. But I say, gentlemen, that you cannot find the defendant guilty of that with which he is charged; because even if he did the act, there is a lack of that essential element, malice - a lack of the intent to injure, vilify and defame Mr. McNamee. There was purely and simply a compliance with his request to give him that opportunity which somehow or other he found necessary of ventilating his character in a public court, and because he (McNamee) thought he required a libel to be published against him.

I think that the accused might rest upon his plea of not guilty and leave his case there, in your hands; and you would have no alternative but to say that that plea is substantiated, and repeat it in a verdict of not guilty.

But there was another means of defence open to the defendant, and of which he has availed himself. It is what is called a plea of justification. The defendant has come forward and said that when these statements were made, they were made truthfully; and that, moreover, the prosecutor was a man holding such a position and aspiring to such public position, that it was in the interest of the public that they should be published; and they were published accordingly; in order that knowing what manner of man the prosecutor was, the public might deal with him for their own protection in what manner they thought fit. It becomes, therefore, your duty, gentlemen of the jury, - in the very improbable event of your considering it necessary to go any further than the plea of "not guilty," - to consider this plea of justification. Look at the article complained of, and look at the plea of justification; and consider the proof which you have heard here before you, and I might add the proof which you have seen here before you. The bulk of the article reads as follows: -

"As the result of our enquiries we now declare that the person referred to in the article clipped from the Hour is Francis Bernard McNamee, President of the St. Patrick's Society of this city. Against him we make the following charges: - "Firstly - That he was among the first to introduce Fenianism into Canada and was the principal, if not the sole instrument, in the original organization of a branch of that body in this city, and that he endeavored to graft Fenianism on the St. Patrick's Society, as it then existed. "Secondly - That having so introduced Fenianism and induced unsuspecting and misguided persons to become members of the Fenian organization, he betrayed his dupes to the Government of Canada, revealed to that Government all the plans and designs of the men whom he had made amenable to the law, so that he might be enriched by their betrayal. "Thirdly - That the introduction of Fenianism was not the first illegal means he resorted to of making money, for it is well known that during the American war he was engaged as a crimp and bounty broker, and employed agents in the business. "Fourthly - That in the expression in his recent speech in St. Patrick's Hall, where he refers to the fate that should be meted out to "genuine" informers, - mark the word - he has shown himself to be in character as well as in expression, the same man who, not many years ago, offered to a certain person \$500 "to put daylight through" a prominent citizen who had been head of a leading public concern, and had done him (McNamee) some real or supposed injury. "Fifthly - That starting in his career as an election bummer, having fitted himself by a course of crimping, bounty-brokerage and informing, and made money at each, he has not been content to enjoy his ill-gotten gains in obscurity, but has obtained and forced himself forward, on all public occasions, as the representative of Irishmen of Montreal, has posed as the absolute dictator in matters affecting the Irish community, till he has nearly succeeded in driving all respectable Irishmen in disgust from taking any active part or interest in such matters, and has been, in fact, a disgrace and an incubus upon the shoulders of the Irish people of this city, thwarting, or perverting to his own personal aggrandizement, every step that they have taken in connection with national or other affairs. "These are the charges we make against Francis Bernard McNamee. In doing so we have but put in plain words what has been hinted, whispered, and said more or less openly for many years. "We make these charges calmly and deliberately in the fulfilment of what we feel is a sacred duty. In his speech, to which we have already referred, Francis Bernard McNamee declared that he would leave the charges brought against him to the verdict of the people. We have now laid before the Grand Jury of his choice the indictment upon which we have felt it our duty to arraign him. It remains with him to decide when these shall be called upon to substantiate these charges before another tribunal. Meanwhile, so far as these columns are concerned, we have done with the informer business. We have said our say."

Hitherto, I have not asked you to consider evidence other than that attempted to be made by the prosecution; and even now, when it becomes a question of asking whether these charges are substantiated, I will not ask you to go one step further than the evidence of the witness for the prosecution; but that evidence and the way it was given I will ask you to consider and scan very carefully. Gentlemen of the Jury, there are times when what a man refuses to say, and what a man denies, and above all, what a man cannot recollect; go very much further to show what in fact and in truth that man has done than any statement of men who won't speak or who will deny, or who when they can't deny, can't remember, would be worth to establish any fact. You have seen the manner in which the private prosecutor has given his evidence. He was put in the box to prove the case for the prosecution; he was the man upon whom the prosecution relied to satisfy you of the truth of everything he was going to say; he was, in fact, the very head and centre of all; around him and around his virtues, real or supposed, have been gathered the whole effort of the prosecution and the whole endeavor to create a species of sympathy with a man who had been wronged, whose feelings had been injured, and a man who carried his life in his hands, and who did not want to live for another half hour if one iota of these charges in the article were true - not if all these charges were true, but if one single iota of them were true. Well he got into the box. He told you a very plaintive story, it was almost heartrending; for months this substantial looking, muscular individual had walked on the top of the earth, because not being an ordinary mortal he wanted, I suppose, to read the very highest elevation for his perambulations - he preferred a more elevated walk than we ordinary mortals are satisfied with.

can each one of us - as each member of the public who hears this trial and reads that article undoubtedly will - come to his own conclusion concerning these motives. But I say, gentlemen, that you cannot find the defendant guilty of that with which he is charged; because even if he did the act, there is a lack of that essential element, malice - a lack of the intent to injure, vilify and defame Mr. McNamee. There was purely and simply a compliance with his request to give him that opportunity which somehow or other he found necessary of ventilating his character in a public court, and because he (McNamee) thought he required a libel to be published against him.

I think that the accused might rest upon his plea of not guilty and leave his case there, in your hands; and you would have no alternative but to say that that plea is substantiated, and repeat it in a verdict of not guilty.

But there was another means of defence open to the defendant, and of which he has availed himself. It is what is called a plea of justification. The defendant has come forward and said that when these statements were made, they were made truthfully; and that, moreover, the prosecutor was a man holding such a position and aspiring to such public position, that it was in the interest of the public that they should be published; and they were published accordingly; in order that knowing what manner of man the prosecutor was, the public might deal with him for their own protection in what manner they thought fit. It becomes, therefore, your duty, gentlemen of the jury, - in the very improbable event of your considering it necessary to go any further than the plea of "not guilty," - to consider this plea of justification. Look at the article complained of, and look at the plea of justification; and consider the proof which you have heard here before you, and I might add the proof which you have seen here before you. The bulk of the article reads as follows: -

"As the result of our enquiries we now declare that the person referred to in the article clipped from the Hour is Francis Bernard McNamee, President of the St. Patrick's Society of this city. Against him we make the following charges: - "Firstly - That he was among the first to introduce Fenianism into Canada and was the principal, if not the sole instrument, in the original organization of a branch of that body in this city, and that he endeavored to graft Fenianism on the St. Patrick's Society, as it then existed. "Secondly - That having so introduced Fenianism and induced unsuspecting and misguided persons to become members of the Fenian organization, he betrayed his dupes to the Government of Canada, revealed to that Government all the plans and designs of the men whom he had made amenable to the law, so that he might be enriched by their betrayal. "Thirdly - That the introduction of Fenianism was not the first illegal means he resorted to of making money, for it is well known that during the American war he was engaged as a crimp and bounty broker, and employed agents in the business. "Fourthly - That in the expression in his recent speech in St. Patrick's Hall, where he refers to the fate that should be meted out to "genuine" informers, - mark the word - he has shown himself to be in character as well as in expression, the same man who, not many years ago, offered to a certain person \$500 "to put daylight through" a prominent citizen who had been head of a leading public concern, and had done him (McNamee) some real or supposed injury. "Fifthly - That starting in his career as an election bummer, having fitted himself by a course of crimping, bounty-brokerage and informing, and made money at each, he has not been content to enjoy his ill-gotten gains in obscurity, but has obtained and forced himself forward, on all public occasions, as the representative of Irishmen of Montreal, has posed as the absolute dictator in matters affecting the Irish community, till he has nearly succeeded in driving all respectable Irishmen in disgust from taking any active part or interest in such matters, and has been, in fact, a disgrace and an incubus upon the shoulders of the Irish people of this city, thwarting, or perverting to his own personal aggrandizement, every step that they have taken in connection with national or other affairs. "These are the charges we make against Francis Bernard McNamee. In doing so we have but put in plain words what has been hinted, whispered, and said more or less openly for many years. "We make these charges calmly and deliberately in the fulfilment of what we feel is a sacred duty. In his speech, to which we have already referred, Francis Bernard McNamee declared that he would leave the charges brought against him to the verdict of the people. We have now laid before the Grand Jury of his choice the indictment upon which we have felt it our duty to arraign him. It remains with him to decide when these shall be called upon to substantiate these charges before another tribunal. Meanwhile, so far as these columns are concerned, we have done with the informer business. We have said our say."

Hitherto, I have not asked you to consider evidence other than that attempted to be made by the prosecution; and even now, when it becomes a question of asking whether these charges are substantiated, I will not ask you to go one step further than the evidence of the witness for the prosecution; but that evidence and the way it was given I will ask you to consider and scan very carefully. Gentlemen of the Jury, there are times when what a man refuses to say, and what a man denies, and above all, what a man cannot recollect; go very much further to show what in fact and in truth that man has done than any statement of men who won't speak or who will deny, or who when they can't deny, can't remember, would be worth to establish any fact. You have seen the manner in which the private prosecutor has given his evidence. He was put in the box to prove the case for the prosecution; he was the man upon whom the prosecution relied to satisfy you of the truth of everything he was going to say; he was, in fact, the very head and centre of all; around him and around his virtues, real or supposed, have been gathered the whole effort of the prosecution and the whole endeavor to create a species of sympathy with a man who had been wronged, whose feelings had been injured, and a man who carried his life in his hands, and who did not want to live for another half hour if one iota of these charges in the article were true - not if all these charges were true, but if one single iota of them were true. Well he got into the box. He told you a very plaintive story, it was almost heartrending; for months this substantial looking, muscular individual had walked on the top of the earth, because not being an ordinary mortal he wanted, I suppose, to read the very highest elevation for his perambulations - he preferred a more elevated walk than we ordinary mortals are satisfied with.

fed with, but at all events he says he walked on the top of the earth—I don't know where that is—with his hands, and through Canada, in fact everywhere wherever he went, and everybody was talking about the man who walked on the top of the earth; and he was exposed to dangers that were peaceful mortals are not exposed to; wherever he went the people were talking about the man that walked on the top of the earth, and whose life was in his hands. He seems, however, to have had a pretty good grip of it, for he turns up safe and sound, in spite of all those terrible dangers that he was exposed to. After the private prosecutor had prepared you with that pathetic reference to his sufferings, the counsel for the prosecution thought they had had enough of him. Of course he had sworn in enough of him, round, positive terms that all these accusations against him in this article were false; there was no hesitation about that; as far as that went his recollection was perfectly clear, not disturbed by a solitary doubt; the accusations were perfectly false, not some of them, and there was each and every one of them; and there was not one iota of truth in them: otherwise the gentleman was willing to die immediately. There was no trouble about his recollection so far; but sometimes it makes a difference in reference to what a man is asked, by whom the questions are put, and sometimes a man remembers a great many things and forgets others that seem as easily remembered as bread and butter, when he has been asked for dinner, and then he comes back with a hazy remembrance of what he had previously forgotten. Well, gentlemen, this manly lawyer, at first that there was not one iota of truth in anyone not one of these accusations, and wanted to die in half an hour if there was, what does he do when he begins to be asked about the particular facts and circumstances? Somehow or other, his recollection begins to get muddled, he remembers going to New York in 1862, and seeing John O'Mahoney, and then coming back to Montreal, but he did not recollect and he wouldn't swear whether he did or he did not hold a meeting and organize a Society. It is no part of my argument here, to dwell on this organization. What I want to draw your attention to is the evidence of Mr. McNamee, and the way in which he gave it. He said he bitterly complained that it was a libelous, defamatory and injurious and false accusation to say that he was instrumental in organizing Fenianism in this country. That is what he says in his indictment, and that is what he said in the sworn information basing that indictment. It was something he repudiated and it tended to vilify and ruin him to accuse him of having done this; and when he comes in the box here he swears that that accusation about him is perfectly false and without an iota of truth; but afterwards, when we come to particulars, when we get down to the facts, and begin to question him on what he did as to Fenianism, he evinces a sudden want of recollection; and he resorted to the un-English habit of dissembling. He remembered seeing O'Mahoney in New York, but didn't recollect what that gentleman gave him, nor what he suggested about it, nor that he had a meeting at his own house on his return from New York, nor that a society was then organized, and that the plans of that society were, and didn't remember exactly who belonged to it. And yet, gentlemen of the jury, with all this lack of recollection, with all this impossibility that seems to have come upon him of remembering what took place in the fall of 1862, this man, who could not recollect whether he belonged to such a Society or not, or whether he had formed one, that man sitting there before you had a few minutes previously undertaken to swear in that box that it was absolutely false that he had organized such a Society. It was a good beginning to the evidence that was going to follow. Would any of you, gentlemen, feel justified in swearing that there was not one iota of truth in a statement that you did not know anything about? Or that you had not done a certain thing, if you had not a particle of recollection whether you had done it or not? The prosecutor could recollect being sent for by Mr. A. P. Macdonald and going in a carriage to the St. Lawrence Hall, where he stated certain things which he (the prosecutor) recollected perfectly and which occurred in 1863, but what took place in 1862 in his own house between himself and his own friends, living such a serious thing as the organization of a society to assist in revolution is forgotten. Well, gentlemen this prosecutor who could not recollect goes to his dinner. I don't know whether it was because he was fatigued and hungry that he was unable, in the morning, to recollect, but when he came back he had a mere accident, met with a man who had jogged his memory, but still he only had a kind of a hazy recollection. Of course the meeting with this man was an accident. It is true it is somewhat remarkable that he should happen to be a witness for the defence, but these accidents will happen, and people do sometimes evince peculiar interest in the witnesses whom other people summon. A similar accident happened when Mr. Whelan's letters were obtained by the prosecutor's friends from a witness for the defence. However, the prosecutor walking on the top of the earth had met a man who didn't walk upon the top of the earth and who had a memory which was not blurred; and so it might be convenient for the man who did walk on the top of the earth to have a hazy recollection. So he said he had some idea about a society in 1862 which had in view the amelioration of the condition of the Irish race, but he really did not remember what he actually did. Mr. McGrath, however, had told him there was a meeting, and he had a hazy recollection of it. This is the kind of evidence you are asked to believe, and upon which the whole prosecution is based. This prosecutor, evidently, on going into the box thought it an awful thing to be called a Fenian; but before he got down, and after he found that there were evidently men who were not so ashamed of being Fenians as to deny it under oath—I do not say whether they were right or whether the prosecutor was right in being ashamed to own that he was a Fenian—when I say he found that there were men coming forward, then this man who swore that it was a libel on him and an infamous disgrace to call him a Fenian—this man, I say, who was ashamed in the morning of being a Fenian, and who told you that the Fenian organization was organized to strengthen the hands of Lord Palmerston; this man who wriggled in every way to get out of admitting that he had been a Fenian; this man who would descend to forget the past, to forget his own deeds, preferring to cover them up with the convenient word "disremember"; this man who asks you to find the accused guilty because he has called him a Fenian; in the afternoon this very man, the prosecutor, admitted here in a sort of qualified way, that he did sympathize with Fenianism, but still didn't sympathize with what everybody knows Fenianism is. When he found that there were other people here who remembered better than he

did, he admitted part of the truth then, and began to rather approve of Fenianism; and then it was no libel to call him a Fenian! If he stands here before the world and says, "I approve of that thing called Fenianism; I gave it my moral support; the only discussions I had among Ministers of the Crown about Fenianism were in its defence," where is the libel? If this be the truth, why did he accuse the defendant of having libelled him? I leave that, gentlemen of the jury, for you to decide. I can understand a man standing upon one of two grounds. I can understand a man who says, "This thing was wrong, and it was an outrage to say a man was connected with it." I can understand a man who says that, and comes before a jury of his countrymen and asks them to convict a man for having said it of him. Or, I can understand a man who says, "I did that; I approved of that thing; that thing was right." But then I would not understand that man coming before a Court of justice to ask for a conviction for saying he was that which he thought was right.

Now, in this connection let me draw your attention to an inaccuracy which goes further than lack of recollection on the part of this prosecutor. He told us positively that he had given nothing to Fenianism, but moral support or sympathy, and that he did not give it material support. But we have it on the testimony of a witness, against whose credibility nothing has been brought, that Mr. McNamee not only paid his dues while a member of the Society, but even after his ostensible withdrawal he subscribed to the funds of the Fenian organization. This witness came forward and swore openly and manly and above board and without fear to having done what he believed it was right for him to do; and that witness has told you this about the prosecutor actually helping the Fenian organization with funds, and he has testified to that in direct contradiction to the prosecutor's evidence.

Now, gentlemen of the jury, let us pass on to another accusation against the prosecutor, that of being a crimp and bounty broker, and of transporting men from here to the States during the American war; and let us consider his own evidence upon that accusation. When his counsel asked him if that were true he replied that it was not; but there was evidently something that troubled him for all that; for he added, "Oh I can give an explanation about that." Somehow, however, his counsel did not want the explanation, for he put the prosecutor off by telling him he would have an opportunity later. And sure enough Mr. McNamee had an opportunity giving that explanation; and gentlemen of the jury, I don't think that any reasonable man, looking at facts and the statements of men in a reasonable manner, that you can require anything more than that explanation of Mr. McNamee, unasked for and uncalled for, and which he himself felt within himself that it was necessary to give of that wholesale exportation, (which admittedly he was engaged in), of men from this country to a point in the United States at a time when a great civil war was going on there, at a time when the population in that country was liable to be drafted into the army, when men for the military service of that country were at a premium. I say I don't think you require any further evidence than that explanation of his in order to satisfy you as to the purpose for which he exported those men. I don't know how it is possible to qualify that explanation unless indeed I were, like the writer of this so-called libellous article, to travel out of the region of dictionary words to indulge in a slang term and say it was too ruse; for it is really the most incredible story that, I think, so far as my limited experience goes, an intelligent jury have been asked to believe in. You are told by Mr. McNamee, a contractor, a man who has made his money in that business of contractor, a man who has been in the business a great number of years, that in 1863 he went to the St. Lawrence Hall and there saw another contractor, Mr. Angus P. Macdonald, who told him he had a promise of a contract for the construction of 70 miles of railroad in Ohio, in which contract Macdonald would give him a half interest. McNamee says Macdonald gave him the prices he was getting, which prices, says McNamee, were immense in comparison to the prices got in this country, so much so that he thought he was going to make a fortune. Well, this contractor of experience, Mr. McNamee, who must know as well as anybody can, that there is many a slip betwixt the "cup and the lip," and that it is very unsafe to enter into serious obligations without knowing where you stand, this experienced contractor took Macdonald's word for it; the only precaution he took being to take a journey to Ohio where he saw a railroad officer who told him Macdonald was going to get the contract, provided he could stock that 70 miles of railroad with men. McNamee in his unbounded confidence accepted, not only the word of Macdonald that he would give him half an interest in a contract he was going to get, but with child-like faith he took the word of this other gentleman, this stranger, that Macdonald was going to get the contract. Well, McNamee asks you to believe that on the strength of this he came into Canada, went into the several large cities of the country, took men and shipped them off to the States and guaranteed them from two to five dollars a day each; and he says he took about 2,000 of them; thus undertaking an obligation of from \$4,000 to \$10,000 a day. This shrewd contractor says he did that upon the mere word of Angus P. Macdonald, that he was going to get a contract, or that somebody else had promised Angus P. Macdonald a contract, and that Macdonald had promised him a half interest in it. I do not know if there are limits to the faith of man's nature, but I think there are limits to the credibility of a man; and I think there are limits to the stories that are told by men who tell you about things that McNamee told you here about Fenianism; and I think you can have that the possible belief that a man can have that a man of McNamee's calibre—a man of his experience in that business, who has labored and made money in the business as we are given to understand—asked no evidence in writing, asked no evidence in fact, knowing that he had not a contract, but merely a promise of one, and took all this risk upon the chance of Macdonald keeping his word to give him a half interest in the contract and upon the chance of this other party keeping his word with Macdonald. He asked you to believe that on the strength of this he undertook this immense obligation, and that he gathered men in different cities here and took all the trouble and exertion described to you without anything in the world to guarantee him, and with no tangible evidence that he was entitled to anything for it. Now, that is his own story, gentlemen. But I don't think you believe that story. If, however, there was any shadow of a doubt, in your minds, any possibility of your thinking that story true, I would ask you to call to mind one or two other witnesses, not very willing witnesses who have been put before you by the defence, and from whom I

cannot disguise the fact) we did not elicit the evidence which, according to our instructions, we believed we could elicit, but by whom, nevertheless, we have proved several facts in contradiction to the prosecutor. I would ask you to consider these particular facts in connection with what the prosecutor was doing in reference to the exportation of these men, and which he himself considered required explanation, and place those facts with that explanation and with the manner of his giving it, and then I would ask you what do you believe these 2,000 men were sent to the United States for. You have it established in evidence that 600 of these men were sent in batches of 200 a week, within a period of three weeks to the one point in Ohio, and were set to work together to build what they were told was to become a switch in a swamp near Akron, Ohio, and that which the last batch of 200 men arrived the work on this bit of a switch was stopped and 600 men were left in foreign country, without means and without work, to shift for themselves, and being hundreds of miles away from home there was no alternative open to them but starvation, or that employment or service that Mr. McNamee would scorn to run any man into. The prosecution have undertaken to adduce evidence in rebuttal, which evidence has tended to rebut nothing at all; for where they had substantial facts to meet they made no attempt to rebut. You have the evidence of Mulline, unasked—requiring no firm explanation to support it—that these men were sent by McNamee ostensibly to work on a railroad, and that shortly after their arrival the majority of them were forced to enlist in the American army; and you have also the evidence of John Mackenzie, who deposes to seeing McNamee on the wharf at Quebec, when he (McNamee) was sending off a batch of men, and he says that on that occasion Mr. McNamee came up to him and Mr. Garley and, referring to the men he was sending away, as a species of cattle, he said, "There goes a load worth a hundred dollars a head to me." Take all this into consideration along with the evidence of A. P. Macdonald in rebuttal, that every man taken into the United States at that time was liable to be drafted into the army, so much so that he went to the extraordinary expense of \$3,000 in getting passage for his men. Take and connect all these facts together, and I ask you where was the \$100 ahead going to come from that Mr. McNamee was going to get? You know who he was going to get the pay from? I leave that to you.

The innocence and confiding nature of Mr. McNamee is only equalled by his self-sacrifice and devotion to the interest of A. P. Macdonald. He tells you that he labored for three months gathering men together, and sacrificed his cousins and first cousins and his wife's relations and shipped them to Ohio, and that he went there himself and spent his time and gave his trouble, and then he says he got a telegram from Mr. Macdonald, who, when he went to see him, told him it was all a humbug; that he hadn't got the contract and was not going to have it; and that they had all been humbugged together; but if he McNamee liked to work as a superintendent on the work he would get so much a day. But McNamee did not want his trouble; he had gathered and sent away all these men, and they were worth \$100 a head to him; and he would not take anything from A. P. Macdonald. There is McNamee's story of explanation; and there also are the facts proved in relation to this business of exporting men and that go to throw light upon that explanation, and I ask you what you think about it? But as if that explanation did not satisfy the prosecutor's counsel, and left a lingering idea that their client's conduct wanted further explanation; as if they felt that his explanation wanted a little more explanation, and as if they did not expect you to believe their own client—for you know we did not bring any witnesses expressly to contradict that explanation; for it contradicted itself,—the prosecution think it necessary to have it bolstered up, and they bring Mr. A. P. Macdonald from Toronto to tell you his story. Well, he told his version of the thing: "The first thing he told you was that he did not tell McNamee that he was promised a contract, because," says he, "I had the contract long before I saw McNamee." The witness who came to corroborate began very early in his evidence to contradict. McNamee had told us that this section of railroad was 70 miles long. Macdonald says nothing of the kind, but that it was 200 miles long. Second corroboration of McNamee's evidence (?) Then Mr. McNamee had told us that the prices under this contract were so fabulous that he was going to make a fortune. There were millions in it. McNamee was going to retire after that contract. He was going to be a wealthy man forever; and he wanted the contract to go on, but Macdonald sent for him and told him there was no contract; but they could both go on at day wages, at which McNamee was highly indignant because those prices were immense, and he was greatly annoyed with Macdonald, so mad that he hit the whole thing up. Well, the gentleman who comes here to corroborate that McNamee's explanation, proceeds to corroborate that explanation in this way. He says he did not tell McNamee that he could keep his arrangement—half interest—on account of not getting the contract, because, says Macdonald, "I had the contract." And with regard to the immensity of the prices, he corroborates McNamee by saying that the prices were so low that they would not pay, and McNamee would not continue the work, he declined it. The fact is that Mr. McNamee's disinclination to go on with this business seems to have arisen just when it was getting about time to stop bringing men. As long as it was a business of bringing men over, and could get \$100 ahead for an odd 600, he could afford to work for Macdonald for nothing, but when that could not be kept up any longer McNamee found the prices too low. Angus P. Macdonald could afford to tell you the whole truth about so far as his knowledge goes. He had nothing to explain, and he was willing by his evidence to assist Mr. McNamee so far as he could truthfully. That gentleman did not know, I suppose, about that \$100 ahead, and he told the facts as they were, so far as he was concerned. Mr. McNamee had to keep up his character. He had said that he was getting \$100 ahead for these men, and he had to tell something that would explain how it was that he was getting \$100 a head for these men without showing the real source whence he was getting that money; and so he says that the prices mentioned by Macdonald in connection with this compact were immense. It is very unfortunate sometimes to have witnesses in corroboration coming from a distance, when the corroborating witness in telling the truth happens to contradict the witness he is brought to corroborate. The filmy web of delusion which McNamee had tried to weave over your brain is gone; it is wiped away.

So far from McNamee imagining that there were immense prices in this railroad contract, he knew perfectly well that there was no money in it and he declined it. Where then was this \$100 a head coming from? He had that. You know it. Where did it come from? From the railroad. McNamee got nothing. From the railroad, McNamee, according to Mr. Macdonald's evidence, expected nothing, because the prices were so low that it would not pay him. The men who were taken over into the States were left in a state which compelled the majority of them to enlist into the American army; and you can easily imagine where the \$100 a head came from. They needed men in the American army, and were notoriously paying a premium for men and they got men from among those sent over by Mr. McNamee.

Now, with regard to this accusation that McNamee was one of the first to introduce Fenianism here, and that he induced certain misguided persons to join the organization, and that he betrayed his dupes and revealed the plans of the organization to the Canadian Government, so that he might be thereby enriched. Now, gentlemen of the jury, I have no desire to bridge over any hiatus in the evidence in this case. It is not necessary for the case of my client; and I am free to admit that upon this accusation there were witnesses who, our instructions justified us in believing, would give certain testimony, but who failed to give it. My client, relying upon the information which he had received, contented himself with bringing these witnesses, and did not bring others who could explain and unravel this part of the business, and who my client still believes could do so; and consequently we do not wish to deny the fact that three of our witnesses, whom we brought into the box, did not make the proof we expected. Nevertheless there are certain things in this case that tend to a certain direction, and it is my duty to draw your attention to them. In the first place I will bring you back to Mr. McNamee's evidence, and I will ask you to contrast with that the evidence of Mr. McGrath, and ask yourselves why these two men, who it is proved were members of the same society, the one being the organizer and the establisher and the other merely a member, why these men have taken such different attitudes. The prosecutor in the box evinced hesitation and a reluctance to connect his connection with the organization or society, with McGrath, whether this man be right or wrong matters not, had no hesitation at all to tell the truth. Why was it that the prosecutor hesitated and doubted and was reluctant to say anything about it? Gentlemen of the jury, there must have been a motive. It is evident that when he could not get out of admitting his connection with the organization he tried to say he approved of it in some sort of vague general way. Why did he not speak out like a man, be it right or wrong? Why didn't he say "I have done it, and I dare to stand up and say I have done it." Why? There must have been some other reason other than the mere reason of his membership in that organization. You will readily understand that while the man who having been merely a member of such an organization might stand up in the broad light of day and say "I was a member of that organization and I promised not to be unfaithful to that organization," whereas another man, who, it is true, had been a member but had not been loyal to that organization which he had joined in secrecy and in private and who knew that the powers and authorities of this country were aware of the manner in which he acted towards the organization that he had sworn to be faithful to, would naturally be reticent, and you can explain by this motive the difference of attitudes taken by the private prosecutor and this man McGrath. For my part I feel to see any other explanation. But there is another consideration. I would ask you to note this fact; that when there was no Fenianism in Canada, when there was no organization of the kind for an informer to operate upon, Mr. McNamee goes to New York, where he sees Mr. John O'Mahoney. He returns to Canada seemingly innoculated with enthusiasm for Fenianism; he gathers other men around him and he calls a meeting, at which a branch society is organized, having regular meetings, regular contributions and sending regular remittances to persons outside of Canada, to be used for Fenian purposes. When that Society was begun, Mr. McNamee was hot and strong. Now, a man who organizes a Society from honest motives, would be the most active in keeping it up after getting it properly started, and the most anxious to remain in it. But the prosecutor having brought this Society into existence, having given it shape and life, who had induced other men to come into this Society formed with a constitution similar to that of the Fenian Brotherhood, that man who still continued to approve of Fenianism, when the work of the Society was to be done, when he should have been most anxious to remain in it, slips quietly out. Gentlemen of the jury, his peculiar work was done. There was now a Fenian organization where there had been none before; there was work for the operations of an informer where there had been none before. The web had been woven, the flies had dropped into the net, and they were ready to be sacrificed. The private prosecutor, as I have already said, slipped quietly out. He had set the ball rolling and he took steps to let it be known that he had some sympathy with the Fenian movement. He took occasion to talk to Ministers of the Crown, and got known as a Fenian. Gentlemen of the jury I leave you to consider what that points to. I ask you to explain to yourselves the conduct of that man. The pretended motive for leaving the Society is that he left because some people who wanted to join did not like him. I would ask you to consider his character and to say whether that is a likely thing or not, on the part of a man who is shown, by the uncontradicted evidence before you, to have forced himself forward in Irish matters, who has insisted on being a representative Irishman. Do you believe that such a man, from no ulterior motive, would step down and out from a movement in which his sympathy was enlisted and to which he still subscribed, a movement of which he was the creator and father? I do not believe that it was possible for you to believe that story or to come to any other conclusion than that there was an ulterior motive in that withdrawal. Gentlemen of the jury, what that motive was is a matter which I leave to your consideration. You have heard it established here that there were men whose business it was to spy and ascertain and give information of the movements of the Fenian organization, and that such men were paid, that the information they gave was paid for. It is true that we have not been able to put in the box a witness who would swear that, to his personal knowledge, the private prosecutor was among those persons who so supplied information; but gentlemen of the jury, in the absence of any explanation satisfactory to you, his withdrawal from that Society, the sudden change of the social of a man who felt it necessary to establish Fenianism where Fenianism was not, and whose zeal suddenly died out in two or three months after the organization

by him of this society, that sudden change and alteration of his principles and ideas, which induced him to abandon the work he had begun, and to throw it aside,—all seem to point to one conclusion. We know, however, from the other witnesses that the Society did not actually die out; for he was, after his withdrawal, still in communication with the members, and knew its doings, and subscribed to its funds; and we know the fact that the Government was paying for and obtaining information of the doings of the Fenians. Sworn constables did not get this information. This was a secret society; somebody who was trusted by the society must have supplied the information. These facts, coupled with the manner of the prosecutor in giving his evidence, must be carefully considered by you, and I leave it to you to decide what conclusion they point to.

Now, with regard to the public character of this man, you have had it established before you that he occupies a day the position of President of the St. Patrick's Society, the representative Society of the Irish nationality in Montreal; that he has occupied that position for four years; and that at the time of the publication of this article he was a candidate for the office. You have had it established in evidence that the position of the President of the St. Patrick's Society is a representative position; and it is for you to say whether this publication of a man occupying such a public position was in the interest of the public; whether it was the duty of any fearless, disinterested, impartial journalist to say to those who were blindly placing this man in the position of a public representative, in the position of representative of the Irish Catholic part of the community. "Know you what manner of man this is? Do you know what kind of man you have been putting forward as your representative,—that you are putting forward the man against whom there exists this terrible evidence concerning his association with the business of crimping and bounty-broking,—of taking the population of this country and selling them to the service of a foreign country?" a man of whom, with regard to the accusation against the prosecutor of having made an offer to put daylight through a prominent citizen, you have the testimony of Michael O'Reilly, who says that McNamee attempted to hire him for \$500 to assassinate Mr. J. J. Brydges, at that time occupying the prominent position of General Manager of the Grand Trunk Railway. It is true that this man O'Reilly with perfect candor and frankness admits that he is no friend of Mr. McNamee. He says: "It is true there are no feelings of friendship between us. He has injured me, and I have not forgotten it, but I do not wish to do him an injury. I do not wish to do otherwise than tell the truth." What man of you, gentlemen, is there who,—if anyone approached you with a proposition of that kind,—would not shun the individual who should either be capable of making such a proposition or capable of conceiving the probability of your entertaining it. If men such as that—men guilty of such offences as have been proved as clearly as can be proved against the prosecutor—are to stand forward and hold representative positions, and to lead those different classes of population that are ultimately to be called upon to make great Canadian people, those different classes whom we all hope to see as do very distant day consolidated together in that great Canadian nationality, which we all proudly look forward to, in which these different public representatives shall be recognized as possessing the same rights and responsibilities of each of these portions of the population, and in which the portion of that Canadian nationality must be judged of by such a representative, then, gentlemen of the jury, I have gone to say that I should for the first time in my life have to regret to say that I am an Irish-Canadian.

Well, gentlemen of the jury, you are asked to say in the first place whether John P. Whelan published this article, and I think you will find that there is no proof before you that he did. If, however, you should by any possibility come to the conclusion that he did publish it, then you will have to enquire whether he did it maliciously, and I think you will find that that is utterly impossible. If you do get as far as that, you will have to decide whether on the 15th of March last it was the duty of the defendant as a public journalist occupying the position of the publisher of a newspaper like *The Post*, to publish these things in the face of his honest belief in their truth, knowing this man to be a public man, knowing he aspired to a public position, knowing he was endeavoring to put himself forward in the distinguished position of which I have spoken, in the face of the fact that this man, the private prosecutor himself, felt that so critical was his position that his deeds, or rather misdeeds, required ventilation in his own interest. I ask you, under these circumstances, what any one of you would have done under similar circumstances. Would you have stood quietly by and seen this man go on quietly by while this disgrace was inflicted on your people? Would you have stood quietly by and seen this man exulted in the position of representative, and the representative of your people? Would you not feel that the charges hanging over his head were of so grave and serious nature that there was a necessity for an investigation? Would you stand quietly by while that man, I say, was using endeavors in which he had been previously successful, and in which there was too much reason to believe he would still be successful to get himself into that distinguished position of which I have spoken? I ask you as a respectable man, as honest man with the interests of your people at heart, and with the interests of this country and of this city at heart, would you stand quietly by and see that work going on and say nothing,—more particularly if your people looked to you as a public journalist to keep an eye on public men and see that they should be guarded from being represented by any but men of whom a people might be proud and not ashamed? If any one of you stood in that position, with the sacred duties of a public journalist imposed upon you, if you had undoubted information that the man aspiring to and holding this high representative position had organized a society of the nature of the Fenian Society and afterwards revealed its doings for his own gain, that he had attempted to hire a person to assassinate a prominent citizen in this city, if you had information that led you to no other conclusion, that pointed out the prosecutor as an informer, and as guilty of all these different offences; and if, to supplement all this, the man's own guilty conscience urged him, that man came and said, "I must have an investigation; my position is such that I require it." Would you not think your duty remained undone, that you that you had failed in one of the sacred duties incumbent upon you as a publisher if you did not publicly state what you knew? It was at a moment when something must be done. This had been going on for years. The prosecutor had been occupying this re-

presentative position for four years. No other had been found to undertake the task of exposing him. There had been no other man with that devotion to his people and that determination to do his duty, which would impel him to give his time, pains, anxiety and money to the investigation of these charges—charges which the whole Irish people of this country had an interest in solving. In the person of my client the man was found to do his duty, with nothing to gain for himself—neither money, position, credit, reputation,—with nothing to gain, and having nothing before him but great expense, and perhaps criminal prosecution also,—but that I know his case is safe in your hands,—I might add a word to a prison cell; that prospect before him with nothing but duty, to respect before him to set about his duty, to do about the duty that other men had failed to do. He undertook to solve and investigate these charges; for long months he has labored, spending his money and giving his time so that this matter might be cleared up, and that justice might be done to his people; so that this man unfitted for this representative position of which I have spoken should cease to occupy it. This is what my client says to you gentlemen; this is all that my client has done. I say to you that this prosecutor being a man aspiring to public position, it was only just and right and proper that what has been proved against him here should be made known to the public, and that it was to the public interest that the whole of the accusations made in the article should be publicly investigated and made manifest. Of course I do not pretend that it is my province to tell you what the law is. That is the province of the Honorable Judge; but I desire to draw your attention to this: that it is incumbent upon you to decide whether or not, as a matter of fact, the accused is guilty of the offence with which he is charged, and it is your duty, in endeavoring to arrive at a conclusion, to take into consideration the whole of the facts concerning it—the position the defendant occupied as a journalist, and the facts he had before him,—and to enquire whether, under the circumstances, and in view of his position, he felt it honestly to be his duty to do that which he did; and I think that you will come to the conclusion that under the circumstances, with the evidence having regard to the relative positions of the prosecutor and defendant, and their respective relations to and connection with the Irish public, it was not only right, it was not only a lawful thing for my client to do, but that if he wished to fulfil the duty incumbent upon him as a journalist he was in duty bound to bring those charges before the public, and to state exactly that which he knew and believed to be true.

I, therefore, leave the case now in your hands, in the hands of a jury of my client's fellow countrymen, confident that you will come to the conclusion that the prosecution have not in the first place made out a case against my client, and that you will find his plea of not guilty well founded; but even if you should go further to the plea of justification, I feel confident that you will weigh and consider the evidence thoroughly and impartially, that you will have due regard to the positions these parties respectively occupy, and consider the nature of the evidence made out by the prosecutor and the evidence brought forward by the defendant, and that you will in fine consider carefully the whole of the circumstances of the case and come to the conclusion that far from doing a thing for which he should stand indicted here before you today, far from his being in the position of wrong-doer, sinner and imporing money, my client has done that which he conscientiously believed to be his duty, and that which I believe any one of you in the same position would believe to be your duty; and I, therefore, feel the utmost confidence that you will not by your verdict declare the man a criminal for doing that which—knowing the facts and circumstances he did know—it was his duty to do.

AFTERNOON SESSION.

On the opening of the afternoon session of the Court of Queen's Bench on Thursday, Mr. W. H. Kerr, Q. C., on behalf of the defence proceeded to address the Court. He said that before addressing the jury he wished to make some observations to the Court to some legal points arising in the case. He then pointed out that under the Libel Act there were, as he submitted, two distinct classes or descriptions of libel, one of which consisted in the publication of a defamatory libel by a defendant, knowing it to be false, and this offence, under the second section of the act, was punishable by fine to the extent of \$400 and imprisonment not exceeding two years; while the other description of libel consisted in merely publishing a defamatory libel, the ingredient of knowledge of its falsity being wanting, and this offence, under the third section of the Act was punishable by fine to the extent of \$200 and imprisonment not exceeding one year.

In the present case the libel charged against Mr. Whelan was the printing and publishing of libellous matters, knowing the same to be false. The indictment, therefore, in this case was framed under the second section of the act, and in order to maintain that indictment (Mr. Kerr) maintained that it was absolutely requisite that the prosecution should have established that the defendant not only published the libel in question, but that when he so published it he knew it to be false, and that if that proof had not been made by the prosecution, the indictment in law must fall to the ground. The recent Libel Act had introduced new ingredients into the law of libel. It had, for instance, brought in the plea of justification, which did not exist under the old law of libel; and it had also divided libel into these two classes or offences, by its second and third sections respectively. There was only one count in the present indictment, and that was framed under the second section of the Act, which second section threw the onus on the prosecutor to prove guilty knowledge on the part of the defendant of the falsity of the libel charged. The learned counsel was not aware of any case in which this point had been argued, but he cited the most recent work on libel (Ogden's, page 580) to show that where the indictment was framed under section 4 of Lord Campbell's Act (analogous to the second section of the Canadian Libel Act), the prosecutor must give some evidence that the defendant knew that the words used were false; but in no other case need the prosecutor give any evidence of the falsity of the libel. The ordinary presumption of malice and of guilty knowledge would be sufficient under the mere publication of an libel charged under the second section of our libel act. It was for this reason that the defendant caused the publication knowing it to be false, and then and only then could the presumption arise that he did it to gratify his malice.

Mr. EDWARD CARTER, Q. C., replied that Mr. Kerr's point might have been well taken in a case where the defendant had pleaded a simple plea of not guilty; but in this case there was a plea of justification by which the defendant, in effect, admitted the libel, but

[Continued on Eighth Page.]

IRISH NEWS.

From the recent Irish agricultural reports for last year, it appears that no decrease had taken place in small holdings. There has been an increase of 3,517 separate holdings since the end of 1880. The largest increase took place in farms of one to five acres. Then come those above five and less than fifteen acres. But farms of over 15 acres have decreased in number—those from 15 to 30 having declined by 725, and those above 50 and less than 100, by 538, and so on in proportion to the greater extent of the holding.

On Saturday the Sub-Sheriff, Mr. Frederick Hobson, proceeded to Fort Prospect Nursery, the property of Mr. William Abraham, chairman of the Limerick Board of Guardians, where he had recently made a seizure for non-payment of rent of the plants, flowering shrubs, &c. Mr. Abraham, who holds on lease, having refused to pay what he considers an excessive rent. Not a single purchaser attended from either the county or city of Limerick. A Mr. Holmes was present on behalf of the landlord and purchased a few lots, when the Sheriff, observing the hopelessness of doing business, adjourned the sale.

The People is the title of a new popular newspaper which has just been established in Newry. Its programme embrace all the points of the national programme; and the style in which its comments on passing events are written, together with the general character of its contents, strongly recommend it to the favorable attention of all patriotic Irishmen in the district in which it has been established. It is a good sign of the times that such an organ should make its appearance in such a place as Newry, and we hope it will be long before it ceases to fulfil the mission with which it has been charged.

Mr. F. H. O'Donnell, M.P., on Tuesday left London for Ireland, where his engagements include an address to his constituents and a lecture under the auspices of the Omagh Catholic Literary Association. Apropos of the member for Dungarvon, the *Bombay Gazette*, received by the last mail, chronicles the engagement of Mr. O'Donnell, his brother, to a Lancashire lady who, in addition to great personal attractions, brings him a fortune of £50,000, and considerable expectations, and naively suggests that under the circumstances he can afford to forgive Sir Ashley Eden for his harshness. Mr. O'Donnell has led his fiancée to the altar since the publication of this announcement.

A dreadful accident occurred on Monday morning at the harbor works in course of progress on the Murrugh of Wicklow, by which two men lost their lives. The boiler of one of the powerful steam cranes employed in the construction of the new steam-packet pier blew up at about half-past four o'clock with a terrific explosion, killing two men who were unfortunately close at hand. One of these was the engine-driver, named McDonald, and the other a watchman, formerly a Sergeant in the Wicklow Artillery Militia, named Nalty. The latter was literally blown to pieces, while McDonald's body was carried a considerable distance into the river. Death in both cases was instantaneous. Several other men employed in the works had a very narrow escape, portions of the debris being blown in all directions. The bodies were conveyed to the Bridge Hotel.

The various coalfields of Ireland are estimated to possess 182,280,000 tons of fuel. The collieries at work in 1880 numbered 49. The total output during that year amounted to 13,719 tons. The imports of coal from England, Scotland and Wales for the same year were 2,862,163 tons, of which Belfast consumed 882,182 tons. A sad instance of the decay of Irish manufactures is afforded in the decline of the iron industries of the country. In 1880 there were 21 iron mines in operation, yielding 239,325 tons of ore. This was all sent out of the country to be smelted; yet Ireland is not deficient in coal, and should at the present moment be manufacturing its own iron. Ireland has, in fact, no iron-making industry, though she has one hundred and thirty-five founderies, employing 11,227 hands. Two hundred and fifty years ago she had many large iron works, which have since vanished from her soil. This sad fact is owing to bad landlordism as much as any other cause. Iron companies have been repeatedly frightened out of the country by the difficulty of obtaining perpetual leases of the land intended to be covered by costly and valuable works. For the past three centuries everything seems to have happened for the worst, as far as native Irish manufactures are concerned. The trade manufactures alone seems to have escaped by a miracle.

SICK HEADACHE, FOUL STOMACH AND BILIOUS ATTACKS Readily cured by a few doses of McGALE'S BUTTERNUT PILLS. They are free from mercury and can be used with safety in any climate or at any season. Ask for "McGALE'S," they are the only genuine anti-bilious PILLS offered for general use. Price, 25c. per box or 5 boxes \$1 mailed, free of postage, on receipt of price in money or postage stamps. B. E. McGALE, Chemist, Montreal.

THE "ASIA" DISASTER. PARRY SOUND, Ont, Sept 26.—Mr Sparks, of Ottawa, arrived here on the steamer "Emerald" on Saturday en route for Byng Inlet for the body of his brother, which had been found by some fishermen and taken there for burial. Mr J C Miller kindly placed the tug "Minnehaha" at his disposal for the trip. He returned here last night, bringing the remains with him. He left this morning by the steamer "Magawattaw" for Midland en route for Ottawa. There is no truth whatever in the statement that Miss Morrison refuses to attend the Inquest going on there. When the "Emerald" arrived here on Saturday Miss Morrison was in bed and very weak. The captain sent orders for Miss Morrison to go on board, but by what authority was not shown, and her medical adviser declined to allow her to be moved. Miss Morrison herself objected to go by the "Emerald" as that boat is thought by many to be utterly unseaworthy. Miss Morrison's friends here have been consistently in communication with the authorities about her attendance at the investigation. A message was received from Captain Scott to-day asking her to attend at Collingwood and she will go there at once.

GRATEFUL WOMEN. None receive so much benefit, and none are so profoundly grateful to show such an interest in recommending Epp's Bitters as women. It is the only remedy particularly adapted to the many ills the sex is almost universally subject to. Chills and fever, indigestion or deranged livers, constant or periodical sick headaches, weakness in the back or kidneys, pain in the shoulders or different parts of the body, a feeling of lassitude and dependency, are all readily removed by these Bitters. — *Courant.*

*Thousands of women have been restored to perfect health by the use of Lydia E Pinkham's Vegetable Compound.

M Sheehan, of Osoda, Mich, writes: I have used Dr Thomas' Electrolic Oil on horses for different diseases, and found it to be just as you recommended. It has done justice to me every time, and it is the best oil for horses I ever used.

SCOTCH NEWS.

The North British Railway Co. are stated to be projecting a new line, which will open up a splendid district for tourists. The line, after leaving Dumbarton, will run up by the side of Loch Lomond, through Tarbert on to Tyndrum, where it will cross the Oban line, and thus make that charming spot more accessible. Leaving Tyndrum it will cross the head of Loch Leven, and passing below Ben Nevis will reach Fort William. Thence it will run up the south side of the Caledonian Canal through Fort Augustus to Inverness. A glance at the map will show the immense saving of distance which will thus be effected over the present routes, as in comparison with the serpentine Highland Railway; it is very straight, and those who have visited Inverness will be ready to acknowledge the need for some quicker method of transit. If an important train is to be caught at Perth, a considerable margin ought to be allowed or it will assuredly be missed, for an hour or two is of no importance whatever on the Highland line.—*Land.*

Glasgow people will soon be intimate with the preaching of the Rev. Father Burke, O.P. Father Burke has ever been ready to lend his charming voice and the result of laborious study to all Catholic charities—and none more than those of Glasgow; and now, when he appears in the character of preacher, instead of as a diaphanous figure, it would be but right that the greatest expectations should be realized. The present "church" at Tallaght is an extended old coach-house, and quite unfit as a place for the offering up of the Sacrifice of the Mass. Indeed, so inadequate a place is it, that the ceremonies usually performed by the order cannot be gone through properly; some have to be curtailed, and others dispensed with altogether. Surely the Catholics of Glasgow will do their best to remedy this state of matters and so relieve the anxiety of him who has done so much to vivify the position of the Catholic Church in the world. The liquidation of the City of Glasgow Bank continues to proceed in a satisfactory manner, and the end of the tragic story of this concern will be reached as the annual meeting of the shareholders, which take place in a few weeks. The Scotch banks, although the largest creditors, by special arrangement permitted all others to have the opportunity of being paid before them; but this having been done, they received the first installment of their money yesterday. It will be remembered that the amount due to outside creditors was £470,000, and the whole sum has now been claimed except £10,000, on which, in accordance with the official intimation, no interest will be given.

"BOOHUPAIBA." Quick, complete cure, all annoying Kidney, Bladder and Urinary Diseases. \$1. Druggists.

Charles B. Ford had spent three years in State prison, but he was regarded as a thoroughly reformed man, and no opposition was made to his admission to the Detroit bar. He has since attempted to pass forged notes, and been so much of a disgrace to his profession that a hundred lawyers of his county have signed a petition to disbar him.

Ayer's Hair Vigor promotes the growth, and improves the beauty of the hair. It imparts an attractive appearance, a delightful and lasting perfume. While it stimulates the roots, it cleanses the scalp, and adds elegance to luxuriance. Its ingredients are harmless and its effects are enduring; and thus it proved itself to be at once the best and cheapest article for toilet use.

The Plymouth (Mass) bell-ringing case has been decided at last. The plaintiffs had for many years owned and occupied houses near a large woolen mill, on which, some time ago, a large bell was placed. This bell was rung several times every day, to summon and dismiss the operatives. The plaintiffs claimed that it was a nuisance, and injured their property and destroyed their comfort. After a long trial the Court has decided that the plaintiffs are fully entitled to an injunction against the ringing of the bell.

YES, EVERYWHERE! In her bath room, in her drawing room, in her boudoir, in her carriage, at the ball or opera, on the promenade, everywhere, a lady requires as the extreme of refined enjoyment and fashionable luxury the fragrant aroma of the genuine MURRAY & LAMMAN'S FLORIDA WATER.

The population of Scotland is ascertained to be 3,735,573. In 1871 the population was 3,380,018, so that the decennial shows an increase of 375,555 persons. Deducting this increase from the excess of registered births over registered deaths during the ten years—as ascertained to be 468,883—the loss to Scotland due to excess of emigration over immigration has been 93,328.

Mr Abraham Gibbs, Vaughan, writes: "I have been troubled with Asthma since I was ten years of age, and have taken hundreds of bottles of different kinds of medicine, with no relief. I saw the advertisement of Northrop & Lyman's Emulsion of God Liver Oil with Lime and Soda, and determined to try it. I have taken one bottle, and it has given me more relief than anything I have ever tried before, and I have great pleasure in recommending it to those similarly afflicted."

On March 29, 1879, Mr. Coke, father of the present Earl of Leicester, voted on the motion of Sir George Savile, seconded by Mr. Dunlop, afterward Lord Ashburton, for Catholic emancipation. On March 29, 1829, emancipation was carried. Mr. Coke, in his place in Parliament pressing his vote for it.

Charles Wyndham, now manager and chief performer in the leading comedy company of London, is to make a tour in this country next season. In a recent speech he told how he began as an actor in New York, where he had to play the part of a young man who was sent to South America. The next morning he read in a newspaper that it would be a comfort to the public if he would go there in reality. He showed this to Mrs. John Wood, the manageress of the theatre and she said that the suggestion was good. He hopes his reappearance will deserve more complimentary criticism.

* Revenge is too dearly purchased at the price of liberty. It is a disordered liver giving you a yellow skin, a constipated bowels, or do your kidneys refuse to perform their functions? If so take a few drops of Kidney-Wort and nature will restore each organ, ready for duty. Thus health will be cheaply purchased at the price of Kidney-Wort.

Horstford's Acid Phosphate Valuable Medicine. Dr. W. H. PARMALEE, Toledo, O, says: "I have prescribed the 'acid' in large variety of diseases, and have been especially satisfied that it is a valuable addition to our list of medicinal agents."

PAPERS READ AT THE FORESTRY CONGRESS. AN APOLOGY FOR THE PIONEERS. The Hon. J. W. Caldwell, of Cincinnati, Ohio, President of the Cincinnati Pioneer Association, wrote affirming that none had done more for the advance of the country than the two first generations of pioneers, and asking gentle treatment for them. The pioneers had to clear the ground, and though they lost the forest they stocked the land for increasing millions of population. There was no market for their lumber, so it was burned; those millions have now made a market. As to what is now to be done—each man should plant a tree on his lot that he feels. The writer is the first American born and oldest survivor of the first Irish immigrant family that settled on the west of the Ohio River, and his father kept one-sixth part of 300 acres as primeval forest. As to legislation—the road (tax might be remitted to farmers who plant a tree on their land, or a portion remitted according as he plants trees on his farm. The *Navigator*, published at Pittsburg in 1882, speaks of sycamores 15 feet thick at a feet from the ground, and which he had seen he could believe it. The black locust, black walnut, wild cherry and poplar are all rapid growers and valuable as timber.

PLANTING ON RAILROADS. Mr. John A. Warden read a paper on the planting of railroads. He said that the New York *Post* or the *Nation* suggested that great operations in forestry might be carried on by joint stock companies, which could do service beyond the scope of most individuals. To grow a forest worthy of the name requires large capital for land, material and labor, and the returns are slow. The only reason for growing a forest for profit of the harvest beyond a generation of men, hence they who plant can rarely expect to reap. Tree planting is a permanent and sure investment, but being for a while without any return, has little attraction for the poor man. Life insurance, it is a continual drain until the tree is established, but when they reach maturity the returns are eminently satisfactory. The railroads already incorporated are in possession of millions of acres, just where forest is needed to meet the enormous demands for further construction and repairs, to meet the necessities of the increasing population, and to protect the investment of their influence upon the climate, forests are most needed. It is believed that storms, hurricanes and cyclones may be, at least, much modified by the planting of trees. One of this kind has been commenced in Illinois, and has achieved a considerable success. Catalogue, 100,000 in number, planted on the Missouri River, Fort Union, in 1871, and in the autumn of 1882, and the following spring, with three seasons' growth, reached eight feet in height, with a diameter of about two to two and a half inches. If tree planting is a good policy for railroads in a heavily timbered country like Missouri and Arkansas, it will certainly pay in Nebraska, Minnesota and Kansas.

A YOUNG MAN writes: "I have used Mack's Magnetic Medicine and am much pleased with the result. It has cured me after Doctors and other medicines had failed. See advertisement in another column." Lord Charles Beresford, the Irish sailor who carried off the palm for whatever bravery was displayed at Alexandria, has a brother Lord William, who was the hero of an incident of the Zulu war, in which the green isle had it all to herself. In a reconnoitering party, an Irish sergeant had been wounded and unhonored by some Zulus. Lord William who was with the party, saw the sergeant placing his back against a stump to receive the Zulus. Beresford at once rode back to him. The sergeant said—"Go on, sir, save yourself; why should two die when one will suffice?" Beresford replied—"If you do not get on my pony I will punch your head." The sergeant, thus threatened, half climbed and was half lifted on the pony, and Beresford sprang onto the animal's back; but the swift-footed Zulus were upon them, and their doom would have been sealed had not another Irishman come to the rescue. This was Sergeant O'Coole who rode back to his comrades at once, and sent down the leading Zulus, thus saving the day, with its double load, to escape. Beresford and O'Coole, received the Victoria Cross for their bravery. It is rather a curious idea, however, that a man, in the face of certain death, should have to be threatened before he would permit himself to be saved.

Since vitality or nervous strength is endangered most speedily by the use of Fellow's Syrup of Hypophosphites, it is the remedy calculated not only to mitigate the violence of wasting diseases, and induce a rapid recovery, but also to protect such as use it from being attacked by epidemic maladies.

GERMAN ROMAN CATHOLIC CONVENTION. MILWAUKEE, Sept. 26.—In the German Roman Catholic Convention to-day the Milwaukee delegation moved to make it obligatory for Catholics to have their children educated in Catholic parochial schools, not in public institutions. It should be the duty of the Central Society to see that a sufficient number of parochial schools were organized to accommodate all Catholic children, and a school board should be created to supervise the schools. The same delegation submitted a communication relating to the close organization of all Catholic citizens, for the purpose of protecting their rights and privileges. Catholics should learn from their enemies, and support at political elections only candidates pledged to protect the rights of Catholics. The prescription of candidates for political offices, merely because they are Catholics, should be prevented at all hazards. After unanimous concurrence was expressed in these views, the matter was referred for formal report to committee. Resolutions will be reported to-morrow, declaring that "we believe in being temperate in all things, drinking included; we consider erroneous and unwise the condemnation and prohibition of the gifts Providence has bestowed, such as wine and other beverages secured from fruits and grain. We consider the present prohibition a mental epidemic, lacking in logical and moral educational principles. We especially protest against the prohibition declaration that poor-houses and jails throughout the country are filled through the effects of the license system. Maine is a prohibitory State and has no fewer beggars, insane and criminals, than any other State. The cause of a good deal of these troubles is due to the fact that a great portion of the American youth are reared without proper moral influence. We refer the American people with pride to our German Catholic elementary schools, in which not only reading, writing and arithmetic are taught, but the main principles of honest action, so that the children become aware of the objects of life, and learn to be obedient to the reasonable government of their parents. We are of opinion that the attacks of the prohibitionists upon personal liberty endangers the stability of American institutions. Whoever wishes to support the latter should oppose prohibition." A cablegram was received from the Pope concurring in his blessing upon the Central Society.

FOR CRAMP AND PAIN IN THE STOMACH.—Take a teaspoonful of Perry Davis' Pain-Killer in hot, sweetened water, every half hour till relieved, bathing the stomach and bowels freely with the medicine at the same time. It never fails.

Sir Garnet Wolseley is a total abstainer from intoxicating beverages. So is Sir Frederick Roberts. T. P. O'Connor, in the *New York Sun*, says that Sir Charles Dike has been a teetotaler for several years. His dinner usually consists of a small chop and a cup of tea. The one luxury he allows himself is the smoking of long ponderous cigars. Curiously enough his chief, Lord Granville, has to practice similar abstinences. Mundella, the Vice President of the Council, is also a water drinker. Harcourt, threatened with incontinent obesity and afraid of a too vehement tongue, has also lately abjured the wine cup. Chamberlain is a violent smoker, and drinks little, if at all; in fact, with the exception of Gladstone, who can still take his "whack" of everything that's going, and one or two others, this is one of the soberest Administrations on record. We observe that among Englishmen of education and ability, and who carry the load of extensive affairs, the tendency is towards increasing abstinence, and that even total abstainers are growing pretty numerous. It is a tendency which we commend to the thoughtful attention of our men in public life, our professional and business men.

Consumption Cured. SINCE 1870 Dr. Shewar has each year sent from this office the means of relief and cure to thousands afflicted with disease. The correspondence necessitated by this work has become too heavy for him, I came to his aid. He now feels constrained to relinquish it entirely, and has placed in my hands the formula of that simple vegetable remedy discovered by an East India missionary, and found so effective for the speedy and permanent cure of Consumption, Bronchitis, Catarrh, Asthma, and all Throat and Lung Diseases; also a positive and radical cure for Nervous Debility and all Nervous Complaints. Its remarkable curative powers have been proven in many thousands of cases, and actuated by the desire to relieve suffering humanity, I gladly assume the duty of making it known to others. Address me, with stamp, naming this paper, and I will mail you, free of charge, the recipe of this wonderful remedy, with full directions for its preparation and use, printed in German, French or English.—W. A. NORRIS, 149 Power's Block, Rochester, N. Y. 16-13c0w

HOW TO GO TO SLEEP. I venture to suggest a new but simple remedy for want of sleep. Opium in any form, even the *Liquor Opii sedati* and chloroform, will leave traces of their influence the next morning. I therefore prescribe for myself—and have frequently done so for others—onions; simply common onions, raw; but Spanish onions, stewed, will do. Everybody knows the taste of onions; this is due to a peculiar essential oil contained in this most valuable and healthful root. This oil has, in my own case, highly soporific powers. In any case they never fail. If I am much pressed with work and feel I shall not sleep, I eat two or three small onions and the effect is magical. Onions are also excellent things to eat when much exposed to intense cold. Finally, if a person cannot sleep, it is because the blood is in the brain, not in the stomach. The remedy, therefore, was obvious. Call the blood down from the brain to the stomach. This is to be done by eating a biscuit, a hard-boiled egg, a bit of bread and cheese, or something. Follow this up with a glass of milk, or ewer water, and you will fall asleep, and will, I trust, bless the name of the writer.

One dose of BAXTER'S MANDRAKE BITTERS will relieve Sick Headache. One bottle effects a cure. Price 25c per bottle.

BANK OF BRITISH COLUMBIA. The half-yearly meeting of the Bank of British Columbia was held in London on September 12th, Mr. Gillespie presiding. The balance at the credit of the profit and loss account at the end of June amounted to £14,019, of which the directors proposed to appropriate £10,380 in payment of a dividend for the half-year at the rate of 6 per cent per annum (free of income tax), to add £2,000 to the reserve fund (now amounting to £40,000), and to leave £1,639 to be carried forward. The chairman proposed the payment of the dividend at the rate of 6 per cent per annum for the half-year, and this was carried.

"ROUGH ON RATS." Clears out rats, mice, roaches, flies, ants, bed-bugs, skunks, chipmunks, gophers. 15c. Druggists.

THE BANK OF ENGLAND. Owing to the great increase which has taken place of late years in the general business of the Bank of England, considerable alterations are being carried out in the internal arrangements of the vast building in Threadneedle street. It is in connection with these that the old entrance from Princes street is to be reopened. That doorway was closed and completely built up during the Chartist demonstration of April, 1848. It was at that time apprehended that an attack would be made on the Bank, the old party cry of 1832, "To stop the Duke, go for gold," being revived in a manner still more menacing than a mere "run," however extensive in its operation. In fact, provision was made for placing the Bank in a state of siege, the roof being fortified by sappers and miners, and a strong garrison maintained within. It is an interesting reminiscence that the last one to enter by the Princes street doorway was no less distinguished a personage than King George IV. The changes in progress embrace the removal of the secretary's offices from their present position the Princes street side of the building, where also the branch bank department and the public drawing department are in future to be located. These, again, necessitate other rearrangements, such as the shifting of the printing establishment from the basement to the top of the building, and the removal of the bank note sorting department from its present site to another part of the structure. This work has been undertaken by the governors solely to meet the public convenience, and to expedite, as far as possible, the despatch of the enormous business done daily at the Bank.

EPP'S CHOCOLATE AND COMFORTING.—By a thorough knowledge of the natural laws which govern the operations of digestion and nutrition, and by a careful application of the fine properties of well selected cocoa Mr. Epps has provided our breakfast tables with a delicately flavored beverage which may save us many heavy doctors' bills. It is by the judicious use of such articles of diet that a constitution may be gradually built up until strong enough to resist every tendency to disease. Hundreds of subtle maladies are floating around us ready to attack wherever there is a weak point. We may escape many a fatal shaft by keeping ourselves well fortified with pure blood and a properly nourished frame.—*Civil Service Gazette.* Made simply with boiling water or milk. Sold only in packets and tins (1 lb. and 1 lb.) labelled—"JAMES EPPS & CO., Homoeopathic Chemists—London, England." Also makers of Epps's CHOCOLATE Biscuits for after-dinner use.

As a cure for all diseases of the Lungs, DOWNS' ELIXIR has no equal.

SKINNY MEN. "Wells' Health Bearer" restores health and vigor, cures Dyspepsia, Impotence, Sexual Debility. \$1.

BEST AND COMFORT TO THE SUFFERING. "BROWN'S HOUSEHOLD PANACEA" has no equal for relieving pain, both internal and external. It cures Pain in the Side, Ache or Bowels, Sore Throat, Rheumatism, toothache, Lumbago and any kind of a Pain or Ache. "It will most surely quicken the Blood and Heal, as its acting power is wonderful." "Brown's Household Panacea," being acknowledged as the great Pain Bearer, and of double the strength of any other Elixir or Liniment in the world, should be in every family handy for use when wanted, "as it really is the best remedy in the world for Cramps in the Stomach, and Pains and Aches of all kinds," and is for sale by all Druggists at 25 cents a bottle. [G26

MOTHERS! MOTHERS! MOTHERS!! Are you disturbed at night and broken of your rest by a sick child suffering and crying with the excruciating pain of cutting teeth? If so, go at once and get a bottle of MRS. WINSLOW'S SOOTHING SYRUP. It will relieve the poor little sufferer immediately—depend upon it; there is no mistake about it. There is not a mother on earth who has ever used it, who will not tell you at once that it will regulate the bowels, and give rest to the mother, and relief and health to the child, operating like magic. It is perfectly safe to use in all cases, and pleasant to the taste, and is the prescription of one of the oldest and best female physicians and nurses in the United States. Sold everywhere at 25 cents a bottle. [G2

All the People of the Dominion of Canada are Concerned. Here are some more of the many hundreds of the leading men of the Dominion of Canada, who have been cured of Catarrh, Bronchitis, Asthma and Lung Disease by Dr. Souville's Spirometer, an instrument which conveys medicinal properties direct to the seat of the disease. Read and judge for yourself. "Several of my family and friends have been cured of bronchitis, asthma and catarrh by using the Spirometer." John P. Whelan, Manager of The Post and True Witness Montreal. Mr. C. Hill, Montreal, catarrh and bronchitis. Mr. DeBoucherville, of the Indian Department, Ottawa, catarrh of many years; now cured. Mr. George Ager, Ottawa, catarrh and lung diseases cured. Mrs. Smith, London, wife of Medical Detective, cured of catarrh. George Maguire, Toronto, 482 Adelaide street, west; daughter cured of asthma. George Willis, Exeter, Ont., catarrh and bronchitis. J. D. Armstrong, 136 Yonge street, Toronto, catarrh and catarrhal deafness. Thomas Telfer, 12 Melinda street, Toronto, asthma; cured. Mr. Benjamin A. Drake, St. Ursula street, Montreal, for many years suffering from bronchitis and asthma, is now cured.

Also, the no less surprising cure of Mrs. Benoit, 114 Cathedral street, daughter of Mrs. David Perrault, who suffered from asthma and bronchitis for over eight years, and who is now perfectly cured. Mrs. Adameo, of Belleville, cured of bronchitis, and her sister cured of bronchitis and lung disease.

The above is sufficient to convince the public of the merit of the Spirometer. The instrument will be expressed to any address. Call or write, enclosing stamp, to M. Souville, ex-Aide Surgeon of French Army, 13 Phillips Square, Montreal, where Physicians and sufferers can try it free.

NEW ADVERTISEMENTS. **EARS for the MILLION** For the Cure of Deafness. **Lee Choo's Balsam of Shark's Oil** Positively Restores the Hearing, and is the Only Absolute Cure for Deafness Known.

This Oil is abstracted from peculiar species of small White Shark, caught in the Yellow Sea, known as *Carasodon* household. Every Chinese fisherman knows it. Its virtues as a restorative of the hearing were discovered by a Buddhist Priest about the year 1410. Its cure was so numerous and many so seemingly miraculous, that the remedy was officially proclaimed over the Empire. It has become so universal that for over 300 years Deafness has existed among the Chinese people. Sent, charges prepaid, to any address at \$1 per bottle.

HEAR WHAT THE DEAF SAY! It has performed a miracle in my case. I have no earthly noise in my head and hear much better. I have been greatly benefited. My deafness helped a great deal—think another bottle will cure me.

"Its virtues are UNQUESTIONABLE and its CURATIVE CHARACTER ABSOLUTE. AS THE WRITER CAN PERSONALLY TESTIFY, FROM EXPERIENCE AND OBSERVATION. Write at once to HAYLOCK & JENNEY, 7 Day street, New York, enclosing \$1.00, and you will receive by return a remedy which will enable you to hear like anybody else, and whose curative effects will be permanent. You will never regret doing so.—EDITOR OF THE CANTONVILLE REVIEW." "Send to any office in the Mail please send money by Registered Letter." Only imported by HAYLOCK & JENNEY, (Late Haylock & Co.) 7 Day Street, New York. Sole Agents for America. 8 G

KIDNEY-WORT THE GREAT CURE FOR RHEUMATISM, GRAVEL, GOUT, NEURALGIA, MIGRAINE, BRUISES, SWELLINGS, AND ALL AFFECTIONS OF THE URINARY SYSTEM. It cleanses the system of the uric poison that causes the dreadful suffering which only the timely use of this GREATLY IMPROVED and REVISED KIDNEY-WORT can relieve. It is a sure and speedy relief, and in short time cures the most obstinate cases. PRICE, \$1.00 per BOTTLE, SOLD BY DRUGGISTS. PREPARED BY W. D. KELLOGG & CO., BURLINGTON, VT.

TO SAW MILLERS The British Canadian Lumbering and Timber Company, Toronto, wish to contract with sawyers who will erect one or more Water or Steam Saw Mills on the Upper Ottawa, and saw wood for a term of years about 15,000,000 feet of Lumber annually; the logs to be piled up by the Company. 51 F

PROVINCE OF QUEBEC, DISTRICT OF MONTREAL. In the Court—Dame Mary Ellen Brown, wife of Joseph Trouillotte dit LaJeunesse, merchant of the Village of Canton de Charlevoix, in the District of Montreal, and authorized by the Court in this case, Plaintiff, vs. the said Joseph Trouillotte dit LaJeunesse, Defendant. An action in separation as to property has been instituted in this cause. Montreal, 12th September, 1882. ROBINSON & FORTIN, Attys, 107 Place St.

Lydia E. Pinkham's Compound FOR MAN AND BEAST THE BEST REMEDY FOR RHEUMATISM, NEURALGIA, CRAMPS, Sprains, Bruises, Burns and Scalds, Sciatica, Backache, Frosted Feet & Ears, and all other Pains and Aches. It is a SAFE, SURE, and EFFECTIVE Remedy for Galls, Strains, Scratches, Sores, &c., &c. ON HORSES. One trial will prove its merits. Its effects are in most cases instantaneous. Every bottle warranted to give satisfaction. Send address for pamphlet, free, giving full directions for the treatment of above diseases. Price 25 cents, and 50 cents per bottle. Sold every where.



From the Health of Lydia E. Pinkham

LYDIA E. PINKHAM'S VEGETABLE COMPOUND. Is a Positive Cure For all those Painful Complaints and Weaknesses so common to our best female population. A Remedy for Women. Invented by a Woman. Prepared by a Woman.

The Greatest Medical Discovery Since the Dawn of History. "It restores the drooping spirits, invigorates and harmonizes the organic functions, gives elasticity and firmness to the step, restores the natural lustre to the eye, and plants on the pale cheek of woman the fresh roses of life's spring and early summer time. Physicians Use it and Prescribe it Freely." It removes fatness, flatulency, destroys all craving for stimulant, and relieves weakness of the stomach. For the cure of bearing down, causing pain, weight and ache, in the uterus, permanent cure by its use. For the cure of Kidney Complaints of either sex this Compound is unsurpassed.

LYDIA E. PINKHAM'S BLOOD PURIFIER will eradicate every vestige of Humors from the Blood, and give tone and vigour to the system, of man woman or child. Instant on having it. Both the Compound and Blood Purifier are Prepared at 23 West Broadway, Lynn, Mass. Price of either, \$1. Six bottles for \$5. Sent by mail in the form of pills, or lozenges, on receipt of price, \$1 per box for either. Mrs. Pinkham freely gives directions of inquiry. Enclose stamp. Send for pamphlet.

No family should be without LYDIA E. PINKHAM'S VEGETABLE COMPOUND, for its combination, effectiveness, and simplicity of the Liver. 25 cents per box. Sold by all Druggists.

THE BEST REMEDY FOR Diseases of the Throat and Lungs. **AYER'S CHERRY PECTORAL.** In diseases of the pulmonary organs a safe and reliable remedy is invaluable. AYER'S CHERRY PECTORAL is such a remedy, and no other remedy can be so confidently relied upon. It is a scientific combination of the medicinal principles and curative virtues of the finest drugs, chemically united, of such power as to insure the greatest possible efficiency and uniformity of results. It strikes pulmonary diseases, afflicting prompt relief and rapid cures, and is adapted to patients of any age or either sex. Being very palatable, the youngest children take it readily. In ordinary Coughs, Colds, Sore Throat, Bronchitis, Influenza, Croup, Whooping Cough, Asthma, Croup, and all the other affections of the Throat and Lungs, Pectoral are magical, and multitudes are annually preserved from serious illness by its timely and faithful use. It should be kept at hand in every household for the protection it affords in sudden attacks of Whooping-cough and Consumption there is no other remedy so efficacious, soothing, and helpful. Low prices are inducements to try some of the many mixtures, or syrups, made of cheap and ineffective ingredients, now offered, which, as the cure is not curative qualities, can afford only temporary relief, and are sure to deceive and disappoint the patient. Diseases of the throat and lungs demand active and effective treatment; and it is dangerous experimenting with unknown and cheap medicines, from the great liability that these diseases may while so trifled with, become deeply seated or incurable. Use AYER'S CHERRY PECTORAL, and you may confidently expect the best results. It is a standard medical preparation, of known and acknowledged curative power, and is as cheap as its careful preparation and fine ingredients will allow. Eminent physicians, knowing its composition, prescribe it in their practice. The test of half a century has proven its absolute certainty to cure all pulmonary complaints not already beyond the reach of human aid. Prepared by Dr. J. C. Ayer & Co., Lowell, Mass. SOLD BY ALL DRUGGISTS EVERYWHERE.

Medical.



JACOBS OIL THE GREAT GERMAN REMEDY FOR RHEUMATISM.

Neuralgia, Sciatica, Lumbago, Backache, Soreness of the Chest, Gout, Quinsy, Sore Throat, Swellings and Sprains, Burns and Scalds, General Bodily Pains, Tooth, Ear and Headache, Frosted Feet and Ears, and all other Pains and Aches.

No Preparation on earth equals St. Jacobs Oil... SOLD BY ALL DRUGGISTS AND DEALERS IN MEDICINE. A. VOGELER & CO., Baltimore, Md., U. S. A.

HEALTH FOR ALL HOLLOWAY'S PILLS

This Great Household Medicine Banks Amongst the Leading Necessaries of Life.

These Famous Pills Purify the BLOOD, and act most powerfully, yet soothingly, on the Liver, Stomach, Kidneys & Bowels.

Giving tone, energy and vigor to these great MAIN SPRINGS OF LIFE... HOLLOWAY'S OINTMENT

HOLLOWAY'S OINTMENT

Its Searching and Healing Properties are Known Throughout the World.

FOR THE CURE OF Bad Legs, Bad Breasts, Old Wounds, Sores and Ulcers!

It is an infallible remedy. If effectually rubbed on the Neck and Chest, as salt into meat, it cures SORE THROAT, Bronchitis, Coughs, Colds, and even ANTEMLA.

HOPE FOR THE DEAF

Dr. Peck's Artificial Ear Drums PERFECTLY RESTORE THE HEARING and perform the work of the Natural Ear.

Bells, &c.

McSHANE BELL FOUNDRY!

Manufacture these CELEBRATED CHIMES AND BELLS for CHURCHES, ACADEMIES, &c. Price-list and circulars sent free.

HENRY McSHANE & Co.,

BALTIMORE, MD., U.S.A.

BUCKEY BELL FOUNDRY.

Bells of Pure Copper and Tin for Churches, Schools, Colleges, Farms, etc. Free Warranted. Catalogue sent free.

VANDUZEN & TIFT, Cincinnati, O.

MENEELY BELL FOUNDRY.

Belles known to the public since 1832. Church, Chapel, School, Fire Alarm and other bells; also Chimes and Bells.

MENEELY & CO., WEST TROY, N. Y.

CLINTON H. MENEELY

SUCCESSOR TO BELL CO., MENEELY & KIMBERLY,

Bell Founders, Troy, N. Y. Manufacturers of a superior quality of Bells. Special attention given to CHURCH BELLS. Illustrated Catalogue sent free.

\$5 to \$20 per day at home. Samples worth \$5 free. Address STINSON & Co., Portland, Maine.

\$200.00 Reward!

Will be paid for the detection and conviction of any person selling or dealing in any bogus, counterfeit or imitation HOR BITTERS, especially Bitters or preparations with the word HOR or Hors in their name or connected therewith, that is intended to mislead and cheat the public, or for any preparation put in any form, pretending to be the same as HOR BITTERS. The genuine have cluster of Green Hops (notice this) printed on the white label, and are the purest and best medicine on earth, especially for Kidney, Liver and Nervous Diseases. Beware of all others, and of all pretended formulas or receipts of HOR BITTERS published in papers or for sale as they are frauds and swindles. Whoever deals in any but the genuine will be prosecuted.

Hop BITTERS Mrs. Co., Rochester, N. Y.

\$7 a WEEK, \$12 a day at home easily made. Copy sent free. Address Taus & Co., Aquia, Md.

THE COMET OF A SEASON!

By JUSTIN MC CARTHY, M. P.

There was a long service before the orator of the day appeared. The spiritual guide who usually conducted the ministrations of the church began by reading various portions from the theologies of all countries, the object of this exposition being to show that whatever men might have said, or thought they said, or wanted to say, at all times and in all ages, on the question of the soul and the future life, they all believed exactly the same thing, and that the more strongly they contradicted their neighbors the more irresistibly did they prove that they and their neighbors were in complete accordance.

At the right time, and from a side-door to which people's eyes would not naturally have turned, Montana suddenly came out and stood in an instant full in face of the congregation, on the platform from which the former speaker had just been addressing them.

CHAPTER XV. "DO NOT A MEETING LIKE THIS MAKE A REWARD?" Perhaps, if Montana had not had time to resist the first impulse of his mind, he might have given in to what certain writers call "the voice of nature."

Perhaps, even then, if Lady Vanessa Barnes had not been with him, if she had not been brought in to the place by him, if he had not exhibited her as a sort of ostentatious captive in front of the whole congregation, he might have taken the part for a moment of a sincere and honest man, and gained by it in the end. But he could not resolve to step down from his pinnacle of greatness in her presence.

still only dreaming of a career; that time when even you yourself seemed a burden to an ambitious young man determined to dazzle the world, and all bent back by the obliging arms of his lover's wife.

Montana stood erect on his platform, determined to belong to the future and not to the past. He saw his father's eyes fixed on him with intense and wistful eagerness.

Perhaps, if Clement Hope had had a mind free to pay any attention to the subject, he might have become a little sceptical too; but, happily for his continued faith in his leader, his whole soul was absorbed in the effort to keep Mr. Varlowe in decorous restraint.

Lady Vanessa listened, with good-humored indifference—that is to say, she listened to a passage now and then, and as she did not care much about the continuity of the race, she allowed her thoughts to wander away to anything else.

CHAPTER XVI. "ALL FANCY-SICK SHE IS." Montana got into Lady Vanessa's carriage. He was to have luncheon with her and her husband that day.

At the same time, six long years of bed-ridden sickness, costing \$200 per year, total \$1,200—all of this expense was stopped by three bottles of Hop Bitters, taken by my wife. She has done her own housework for a year since, without the loss of a day, and I want everybody to know it for their benefit.—N.E. Farmer.

that Montana knew it. This had not occurred to her at first. She thought, like everybody else, that the poor old man was simply the victim of an hallucination born of his love and his hope.

As Montana passed out of the room he fixed on Clement a special look of affectionate interest and sympathy. Mr. Varlowe gazed wistfully after him, and made a movement as if he would leave his seat.

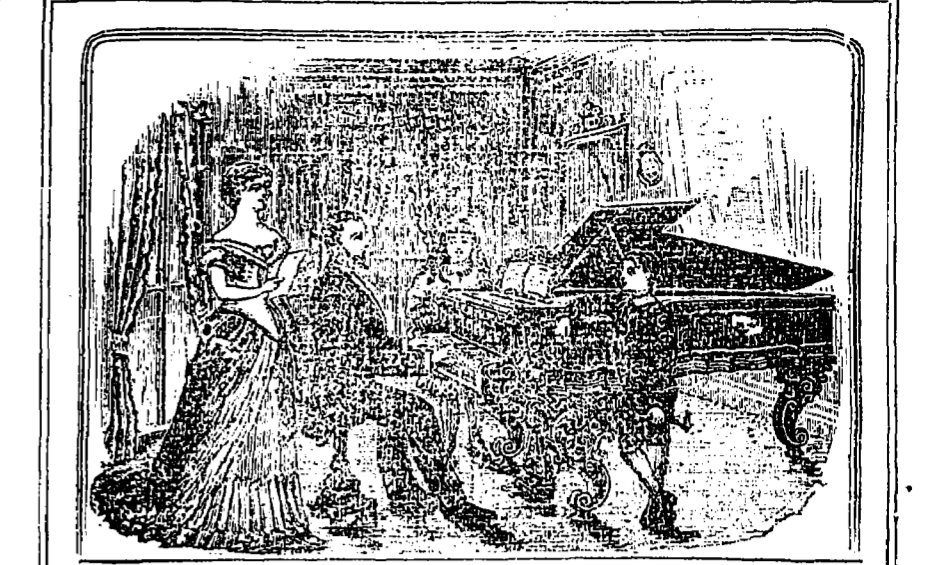
"You don't mean to say you don't know me, Edmund, my boy? You don't mean to say you don't recognize your father? You are Edmund Varlowe. Good God! of course you are. I'd know you among ten thousand!"

"My dear old friend," said Montana, sweetly, "I am sorry, so sorry, to have to disappoint your hopes, your very, very natural hopes to see your son. Assuredly you will see him one day yet—pray Heaven you may. But you are mistaken about me. I am not your son. I could wish I were, to be the son of so fond a father, and to be able to give him back the hope of his life; but you will trust to a better and a higher hope than I can give you. I am not your son."

CHAPTER XVII. "ALL FANCY-SICK SHE IS." Montana got into Lady Vanessa's carriage. He was to have luncheon with her and her husband that day.

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Musical Instruments, &c.



THE WEBER BABY GRAND. RECEIVED HOME.

"THE WEBER PIANO"

Is generally acknowledged the grandest instrument of music which ever appeared in the household, or a laudable Lyric Stage. Its tones are pure and beautiful beyond all others.

NEW ADVERTISEMENTS.

The Public is requested carefully to notice the new and enlarged Scheme to be drawn Monthly.

L.S.L. Louisiana State Lottery Company.

Incorporated in 1868 for 25 years by the Legislature for Educational and Charitable purposes—with a capital of \$1,000,000—to which a reserve fund of \$50,000 has since been added.

Table with columns for Prize Amount and Number of Tickets. Includes entries like 1 CAPITAL PRIZE, \$75,000; 2 PRIZES OF \$10,000; etc.

1867 Prizes amounting to \$265,500. Application for rates to clubs should be made only to the office of the Company in New Orleans.

\$66 a week in your own town. Term and \$6 outfit free. Address H. HALLET & Co., Portland, Maine.

A PERFECTLY RELIABLE ARTICLE OF HOUSEHOLD USE IS THE COOK'S FRIEND BAKING POWDER.

It is a preparation of pure and healthy ingredients, used for the purpose of raising and leavening bread, cakes, etc. It does the best work at least possible cost.

WELLS, RICHARDSON & CO'S IMPROVED BUTTER COLOR.

A NEW DISCOVERY. For several years we have furnished the Dairymen of America with an excellent artificial color for butter, so meritorious that it met with great success everywhere.

STAMMERING

Over 800 stammerers have been cured by us during the past three years. Testimonials, &c., free. Address Stammering Institute, London, Ont.

GLASGOW DRUG HALL

Warner's Safe Kidney and Liver Cure; Safe Diabetes Cure; Nervine and Tonic Bitters; Supply just received at the GLASGOW DRUG HALL.

Professional Cards.

DR. J. L. LEPROHON. OFFICE AND RESIDENCE 237 ST. ANTOINE STREET.

DR. KANNON, C.M.D., M.C.P.S. Late of Children's Hospital, New York, and St. Peter's Hospital, Albany, etc. 218 St. Joseph Street, opposite Colborne Street.

NOTICE!

We would respectfully call the attention of the public to our large and varied stock of MARBLE MONUMENTS, HEADSTONES, TABLETS, &c., &c.

Which for neatness, beauty of design and prices defy competition. MARBLE AND LIMESTONE POSTS, for enclosing lots, always on hand.

CUNNINGHAM BROS., BLEURY STREET.

Dye Works.

WE RECOGNIZE IN THE increasing patronage we are receiving that we have been successful in doing the BEST OF WORK in Dyeing and Cleaning Ladies' and Gents' Goods, such as Coats, Hats, Dresses, Shawls, Curious, Table and Piano Covers, &c., and we shall endeavor to keep pace with the times in the newest colors the art of dyeing can produce.

ROYAL DYE WORKS, 706 CRAIG STREET, N.B.—We have no Branches or Agencies in this City. Established 1870.

BRISTOL'S SARSAPARILLA & BRISTOL'S SUGAR-COATED PILLS

THE BEST BLOOD PURIFIERS! PREPARED BY LANMAN & KEMP, NEW YORK.

STAMMERING

Over 800 stammerers have been cured by us during the past three years. Testimonials, &c., free. Address Stammering Institute, London, Ont.

CANADA. PROVINCE OF QUEBEC, DISTRICT OF MONTREAL.

Dr. Geo. M. L. LeDuc, Superior Court Judge, Montreal, authorized a certificate in English, that he had entered an action in separation of beds against the said Philippe Chapput, Montreal, 5th September, 1882.

"TILL WARNED, OR BY EXPERIENCE TAUGHT"

people will continue to weaken their systems by the use of the ordinary disagreeable drugs, when the Oriental Fruit Laxative is a greater purifier and strengthener of the digestive organs. It is prepared by the MEDICAL SPECIATISTS MANUFACTURING Co., Montreal. Price 25c. 51 LI

GLASGOW DRUG HALL

Warner's Safe Kidney and Liver Cure; Safe Diabetes Cure; Nervine and Tonic Bitters; Supply just received at the GLASGOW DRUG HALL. RICHIELEU RENAL MINERAL WATER, Nature's Remedy for all diseases of the Bladder and Kidneys. Call or send for Pamphlet of Analysis and Testimonials. Price 50 cents per Gallon. GEMMEOPATHY.—A full assortment of Medicines and Books. Also, HUMPHREY'S SPECIFICS, Family Medicine Chests refilled. J. A. HART, Druggist. Country orders promptly filled. 38 LI

THE INFORMER CASE.

McNAMEE "THE POST" LIBEL SUIT.

Continued from fifth page. said: "All I have published of you is true, and it was for the public interest that it should be published."

Mr. Justice RAMSAY remarked that the point taken by Mr. Kerr was that there were two misdeamors, two different sorts of libel created by a guilty knowledge of its being false.

Mr. CARTER contended that these two sections of the Libel Act merely had reference to varieties of the same offence, but did not divide libel into two different offences; and he went on to contend that guilty knowledge must, as in the case of many other offences, be presumed from the acts of the defendant.

Mr. KERR thought it absurd to contend that because the defendant had justified these should therefore be a presumption that he knew the libel to be false. If the defendant justified the libel it was clear that he could not have known the libel to be false, because in order to justify he must show the charges made in the libel to be true and published for the public benefit.

Mr. JUSTICE RAMSAY after some further discussion decided that he could not withdraw the case from the jury on the legal point now raised, but that the case was to go to the jury.

Mr. KERR then addressed the jury for the defence. He said: "Resuming the arguments made by Mr. Doherty I have no intention to keep you any great length of time. I would, however, call your attention gentlemen to the question whether Mr. Whelan was convicted at the time he made these charges that they were false. Have you had a title of proof of that? Have you not had most conclusive evidence in the world that he really believed that these charges were true? Can you swear, on the oath you have taken, to give a verdict according to the evidence, that he was fully aware of their falsity? If you could it would be your duty to bring in a verdict of guilty upon this indictment. But if you are not convinced of this by the evidence you have had laid before you—if you are satisfied clearly beyond the shadow of a doubt that Whelan knew these charges to be false, you cannot bring in a verdict of guilty; it is utterly impossible for you to do it with any regard to your oath. There is no possibility of your finding him guilty on an indictment of this kind, charging him with publishing this libel, knowing it to be false. You cannot do it on the evidence before you; and you are bound to acquit him. I think, and I believe you will be of the same opinion, that the whole of the circumstances of this case show that the defendant acted in the most perfect good faith that could possibly be imagined."

Now, gentlemen, what proof is there of the publication having been made by the defendant? A publication by THE POST Printing & Publishing Company is not a publication by Mr. Whelan. Who were the printers and publishers of that Post newspaper? The Post Printing & Publishing Company. Who sold that newspaper? The Post Printing & Publishing Company, at their office in Montreal. Mr. Whelan is relieved from the responsibility entirely. Now, take another point. I lay it down, and the learned Judge, I fancy, will lay it down also as a matter of law, that where a party induces another to make a statement or asks for a statement, he cannot then claim that he is injured by that statement, inasmuch as he himself drew it out. [Mr. Kerr here cited to the Court authorities to support the principle of law he was explaining to the jury.]

Now, gentlemen, in dissecting the heads of the libel, we come first to the charge that Mr. McNamee was one of the first to introduce Fenianism in Canada and that he organized a branch society; and I think you can have no difficulty in coming to the conclusion that the private prosecutor had a great deal to do with the introduction of Fenianism here. He went and saw O'Mahoney, the head of the Fenian organization in New York; he called a meeting on his return and according to McGrath's evidence produced a warrant for establishing a Fenian branch society, and that, being necessary to cloak the proceedings, such a branch was inaugurated under the name of the Hibernian Society. Can you, gentlemen, say that my client, in making this particular charge against McNamee, said what he knew to be false. I fancy that my client has on the contrary proved the truth of that most conclusively.

With regard to the second charge, namely, that McNamee, having introduced Fenianism and induced persons to join the organization, betrayed them and revealed their plans in order to enrich himself, you are urged to consider carefully the manner in which he gave his evidence. The establishment of Fenianism here by McNamee is proved, that is shown to be true; consequently that portion is well justified, and with regard to the betrayal of the dupes to the Canadian Government, you can easily understand that the distribution of the secret service money is so managed as to keep parties receiving it carefully veiled from public view, and even if any officers could be found with a knowledge of these things they would shelter themselves under the privilege given them by law.

With reference to the charge that McNamee is a crimp and bounty broker, it has been shown that he took away to the States some 2,000 men, ostensibly for the purpose of working on a railroad. The evidence of one of these men, who was fortunate enough to return to Canada, shows that the railroad was only a deception, and that a majority of his comrades, who were sent out there with him by Mr. McNamee, were left in a foreign country without work and without money, and were compelled to go into the American army. People who do this sort of thing do not go publicly and openly about it. We know that this procuring of troops here for the American army was in full blast here at that time; and that the Government were obliged to take measures to stop the carrying off of men to the United

States in order to be offered as a sacrifice to the god of war. I think, gentlemen, under the circumstances and in view of the evidence actually placed before you of what Mr. McNamee did and Mr. McNamee said about this wholesale exportation of men across the line, I think you will hardly fail to come to the conclusion that the \$100 a head he himself mentioned in connection with a batch of these men was the price of his part of the work in sending the men over and placing them in a position in a foreign state, where they should have the two alternatives of starvation or enlistment; and certainly, in the face of the evidence before you, you cannot come to the conclusion, as you must in order to find a verdict of guilty, that the defendant knew this accusation to be false.

So far as the charge made against the prosecutor of having offered a bribe to induce the assassination of a prominent citizen, I think that the evidence of Michael O'Reilly proves most conclusively that he did this. O'Reilly says that at a time when he (O'Reilly) had been discharged by or through Mr. Brydges, the then General Manager of the Grand Trunk Railway, and when he (O'Reilly) was smarting under a real or supposed injustice at the hands of Mr. Brydges he was intercepted and spoken to by the prosecutor on the subject of this grievance, and was then and there offered by the prosecutor, who is his wife's brother, \$500 to put daylight through Mr. Brydges. Now, it is pretended that this may have been a joke on the part of Mr. McNamee, or it may have been in earnest; but, gentlemen, any man who chooses to make an offer of this sort to a man whom he knew to be excited and smarting under the influence of a supposed injury at the hands of the person upon whose life this price of \$500 was put cannot expect to have such a mild construction put upon his language. People are not in the habit of joking in this manner; and surely, gentlemen, you cannot for a moment, in the face of this evidence of O'Reilly's, entertain the idea that Mr. Whelan knew this accusation against Mr. McNamee to be false.

In fact, gentlemen, I think you must come to the conclusion, as Mr. Whelan did, that it was perfectly true. Now, gentlemen, these are the accusations contained in the alleged libel, and I cannot see, for the life of me, how you can find that the defendant published them, and knew them to be false. And if you cannot do that, you must certainly find a verdict of not guilty. I say that the prosecution have not proved this indictment. But even I suppose, gentlemen, that you were to consider it necessary to go further than the plea of not guilty I think you will be of opinion that my client has fully substantiated his plea of justification. This part of the case has been so thoroughly and so ably put before you by my associate Mr. Doherty that I will not detain you further than to remark that so far as the public interest in this matter is concerned, I lay down the principle that where a man comes forward, aims at public office, obtains the position of representative Irishman as Mr. McNamee did as President of the St. Patrick's Society, he courts public criticism, and so long as that public criticism is in good faith, as I contend it was in this instance, under such circumstances, statements published made in such criticism are privileged. I say that if remarks are made bona fide, and in good faith on the conduct of a public man, they are privileged, and the party cannot be brought up for libel and cannot be convicted of libel, unless it be proved that he made the statements knowing them to be false. Gentlemen, we merely ask justice at your hands, and I feel confident that after the careful and impartial consideration which will be given by you to this case, you will come to the conclusion that we are entitled to a verdict of not guilty.

Mr. McMASTER, Q.C., cited authorities to show that notwithstanding the fact that THE POST Printing and Publishing Company were the publishers, Mr. Whelan was personally responsible, as according to law all persons concerned in publishing a libel are equally guilty of a misdemeanor. He also held that it was competent for Mr. Whelan, in his plea, to state that he had no knowledge of the publication, and that not having done this it was an admission of his knowledge. He referred to the serious charges that had been made against the prosecutor, and denied that it was in the public interest that these statements should have been published. He also held that the defence had failed to prove every one of their allegations, and that not having done this the prosecution were entitled to a verdict against their hands. Every allegation had to be proved, and also that it was in the public interest that they should be published. He then reviewed the different charges in detail, contending that not one of them had been proven, that Mr. Whelan had failed in his case, and that the prosecution was entitled to a verdict of "Guilty." The address was a very forcible and eloquent one.

Hon. Justice RAMSAY then commenced his charge to the members of the jury:— The present case, commenced the Judge, was, as had truly been remarked, one of very great importance, in fact, all cases of libel at the present time were important in themselves, because libel is one of the most annoying of the minor offences, and because it is becoming in this country so widespread. It is, therefore, of the greatest importance that the true principles governing the liberty of the press so-called and the protection of private individuals should be rightly understood. The liberty of the press doubtless was of great importance, but much nonsense was abroad concerning the subject. The only right meaning of the liberty of the press was that it should not be subjected to any particular censure and nothing more. But under this impression it was thought that any man with a pen in his hand, an inkstand at his elbow and some paper could do anything he pleased, which he held was a grave mistake. What he had first to decide in this case was whether the defendant had published a false and malicious libel against Mr. McNamee. A libel, he explained to them, was a writing injurious to the character and reputation of an individual, and in its fundamental sense had no connection with the intention or falsity of the report. There was no doubt, he thought, that the article complained of was a libel. The accusation made against the defendant was met in two ways by the defendant, first by him pleading simply "not guilty," that is to say that he did not write or publish it, and that it was not a libel under the statute. The defendant had also availed himself of the privilege granted by the statute, of saying that the libel was true and that he had published the statements in the public interest. The law said that if the accused establishes this he should be entitled to a verdict of "Not Guilty." The defendant in this case, Mr. Whelan, had in consequence of the privilege alleged that every word contained in the article complained of, was true, and that in writing it he was doing so in the public interest. If they thought that Mr. Whelan had proven this then he was entitled to a verdict of "Not

Guilty" at their hands. But the defendant had also claimed that he should have the same verdict under the simple plea of "Not Guilty," because he held that the prosecution had not proved that he was responsible for the publication of the article in question. This claim, he considered, was unfounded in law, and unsupported by the facts of the case, as the record of proprietorship was signed by Mr. Whelan, and that rendered him responsible. Besides this, Mr. O'Reilly, one of the witnesses for the prosecution, had testified that Mr. Whelan had the immediate control and regulation of all the issues of the paper, and as the article complained of had appeared in one of the issues, Mr. Whelan was responsible for it. The defendant had also claimed that he could not be charged with libel, as he held that he was simply complying with Mr. McNamee's request in publishing the article. But the letter of Mr. McNamee to Mr. Whelan had not requested him to publish the article, but dared him to do so in order that he might take out an action for libel. He did not see how Mr. McNamee's words could be turned into an idea that the article was published at his request. As to whether Mr. Whelan, when he published the article, was aware that the statements were false, all he had to say was that if they did not believe his justification, his guilty knowledge would be fully established. The question next arose, had the defendant proved his plea of justification. By this plea the responsibility of proving the charges was shifted from the shoulders of the prosecutor to those of the defendant. It was for them to examine and decide whether the article had been proven to be true or not. The Hon. Justice then proceeded to review the charges and the evidence bearing on them in detail. In regard to the first charge, namely, that Mr. McNamee had introduced Fenianism into Canada, he said Fenianism was a crime and that accusing a man falsely of such an act was a libel for which, if found guilty, he might be severely punished. The next charge made against the prosecutor was even more infamous one than the first, for it charged him with selling his name to the Government of Canada. There was another charge equally as heinous, that of sending men from Canada to a foreign country, and selling them to fight the battles of that country. This was a very serious charge, for it meant in reality that the prosecutor had sold these men to become murderers. The learned Judge remarked that he himself as Crown Prosecutor had much to do during the American war with crimps, and could say that the horror and disgust with which these people were regarded at that time was great, and that there had never been any difficulty experienced in discovering them and bringing them to justice. Notwithstanding this, they were now asked to believe that Mr. McNamee had sent two thousand people to the States to be enlisted in the army, and still nobody knew anything about it, and not one person had been produced who could prove it. The theory of the defence seemed to him to be that Mr. McNamee had sent a number of men to work on the railroad in the United States; that while there these men had enlisted in the American army, and that necessarily Mr. McNamee was to blame for their so enlisting. There would be no justification for such a proposition. In regard to the charge that Mr. McNamee had offered \$500 to a man named O'Reilly to shoot a prominent citizen, there was a little more evidence produced on this point, as O'Reilly had sworn positively that Mr. McNamee had made such an offer. This was a most serious charge. But he would ask the jury whether, if they were now trying Mr. McNamee on this charge, they would believe O'Reilly's statement uncorroborated by any other evidence. If not, then Mr. Whelan had no justification in publishing it. The last charge against Mr. McNamee, of the effect that he had pushed himself forward in Irish affairs and proved an incubus to the Irish people, was, he considered, worthless, as when a man is charged with a public wrong he should be charged with some specific act of wrong. Referring again to the charge of Fenianism, the learned Judge said that there could be little doubt after the evidence that the Hibernian Society at its commencement or shortly afterwards worked in connection with the Fenian Brotherhood, an illegal association. The defence had succeeded somewhat on this allegation, and if this allegation had stood alone then the defence might have had some claim to a verdict. What he considered another very unfair proposition against Mr. McNamee was, that because he left the Hibernian Society he intended to betray his countrymen. This proposition, he considered, was not only very irrational but very unfair. There is no difficulty as to the cause of Mr. McNamee leaving the society; he had simply done so at the request of those who were not satisfied with him as President. The hon. Justice concluded by again remarking that people get themselves into all kinds of difficulties on the question of libel, and a great deal of nonsense was spoken on what was called the sacred duties of the journalist. The journalist, in his opinion, stood in the same position as any other man in the community. He had no privileges whatsoever, or sacred duties of any kind to fulfill. The journalist has no more right, nor was it his duty to denounce his neighbour more than any other man. The journalist had, doubtless, greater facilities for harm, but on this account his responsibility was greater. They had, however, nothing to do with this; all they had to decide was whether or not the article was a libel, about which he considered there could be no doubt. Next they had to decide whether the statements made by the defendant had been proven to be true and whether it was in the public interest that they should have been published. It was, however, necessary that every one of the allegations should have been proven to be true. If one was proven and the others were not, it was their duty to find the defendant guilty.

The jury retired at 5.10 o'clock, and not having agreed upon a verdict at six o'clock the court was suspended until eight o'clock in the evening.

THE CLOSING SCENE IN COURT. At eight o'clock in the evening a large crowd had gathered in the Court Room and conversing in whispers. A few bets were made on the probable result, but there seemed to be a majority who were of the opinion that the jury would disagree. The private prosecutor, strange to say, was absent, and as some merry-fac'd individual remarked, "was probably sending telegrams to his friends." It was also whispered about that a brass band had been engaged to escort his friends to his residence after the verdict had been rendered, and certainly four members of a well known band were seen returning from the direction of the Court House some time afterwards with muffled instruments.

Hon. Justice RAMSAY took his seat on the bench at a few minutes after eight, when the clerk of the Court was sent to the jury room to ascertain if the jury had agreed. The answer was that they had not, one of the jury wishing to ask a question. Whether the question was answered or not is a mystery, but a delay of about half an hour occurred when there was a light knock on the inside of the jury room door, and all conversation ceased as if by magic. There was a dead silence as the jury took their places in the box and faced the Court. Mr. Slocote, the Clerk of the Court, then arose and asked the usual formal question, "Gentlemen of the jury, have you agreed upon your verdict?" To this there was a general assent. "What say you, gentlemen?" he continued, "Do you find the defendant, John Patrick Whelan, guilty, in manner and form, as laid in the indictment, or not guilty?" There was a momentary pause, when one voice, for all answered, "not guilty." There was a burst of approbation, which, however, was nipped in the bud by the court officials. The defendant was then discharged, and the Court of Queen's Bench adjourned.

Messrs. Doherty and Whelan were immediately surrounded by numerous friends, when a great deal of handshaking and congratulations were indulged in. To describe the expression on some of the faces on the other side would require the pen of a Dickens. It is universally admitted on all sides that the eloquent effort made by the brilliant young barrister, Mr. C. J. Doherty, had the desired effect on the jury; in fact, in a private conversation which ensued after its delivery, the Hon. Judge Ramsay paid that young gentleman a very high compliment.

MR. WHELAN RECEIVES THE CONGRATULATIONS OF HIS FRIENDS. Since the close of the great libel suit on Thursday night, Mr. Whelan has received the hearty congratulations of his friends from all parts of the Dominion, and even the United States, on the result of the trial, as the following telegrams, among many others, will fully testify:—

OTTAWA, Sept. 29.—Everybody here delighted at the verdict. All friends send congratulations. Informer charged, insignificant at best, crestfallen. Rumored that every plan was brought to bear on the Government here to prevent witnesses from appearing, and most strenuous efforts made by aforesaid crowd to block proceedings.

NEW YORK, Sept. 29.—Informer case chief topic of conversation. Jury's finding regarded as correct one. We congratulate you.

BUFFALO, Sept. 29.—Friends here are highly pleased. We congratulate you on the issue.

TORONTO, Sept. 29.—Opinion divided here. Verdict, however, regarded generally as a righteous one.

CHICAGO, Sept. 29.—No two opinions as to the justness of verdict. Informer business played out.

HAMILTON, Ont., Sept. 29.—Friends here satisfied at result, and congratulate you on justness of verdict.

CORNWALL, Ont., Sept. 29.—Accept congratulations of friends here. Everyone satisfied that verdict is a just one.

QUEBEC, Sept. 29.—Verdict hailed with delight. Your friends here offer most hearty congratulations. Informer crowd mum and dumfounded.

PASSOBY, Ont., Sept. 29.—Great excitement over verdict. Accept congratulations of friends.

BOSTON, Mass., Sept. 29.—Verdict was no surprise. Your many friends extend their congratulations.

KINGSTON, Ont., Sept. 29.—Unanimous feeling of satisfaction at verdict. Accept our good wishes.

THE EXHIBITION AT MONTREAL AND ITS MUSICAL RESULTS—THE N. Y. PIANO CO.'S PROPOSAL. Dear Sir,—In July last, when it was decided to hold the Provincial Exhibition in Montreal, the above piano house, actuated no doubt by a view to further their own interests, but also with a laudable desire to interest and attract visitors, proposed to give the use of the Queen's Hall, which they control, for a competition between the leading American and Canadian pianos, then entering for our trade. Some of the pianos in which the N. Y. Piano Co. dealt were specially selected for attack by rival dealers in this city, jealous of their success. They boldly made the issue by proposing a new way of settling these disputes; this was none other than a challenge to test the pianos claiming superiority in the Queen's Hall, where the public would be admitted to judge of their quality for themselves. In this proposal it was suggested that the pianos paired in the order of their respective merits, "Weber" vs. "Steinway"; "Decker & Son vs. Decker Bros."; "Heintzman & Co. vs. Mason & Blich"; and "R. S. Williams and Son, of Toronto, against any other Canadian manufacturer. The artists named for the proposed contest were those who had recently played in public for the respective houses. Had the challenge been accepted, there is no doubt, great interest would be excited in musical circles by the contest. The beautiful Carreno with her favorite "Weber Piano," pitted against Joseph on the stage of the Queen's Hall, would produce music worthy of the gods, and would, moreover, inaugurate a decidedly improved method of bringing the merits or demerits of the respective instruments to public notice. The "pulling" indulged in by manufacturers and agents of inferior pianos, would be transferred to the instruments themselves, and "the survival of the fittest" would undoubtedly be the result of such contests as was here proposed.

The very parties who declined this contest are now loudest in praise of the pianos they feared to submit to a public trial. One Ontario manufacturer characterized the proposal "sublime impudence," this, I am informed, is the same firm who recently sent one of their partners to Europe to present one of their pianos as a gift to an eminent pianist, begging in return the usual "certificate." The certificate was politely given, but the "piano" was soon after handed over by the artist to a charitable institution. No matter, the "certificate" done the business. Why, should he, who knew nothing of piano-making himself, risk a public competition with the piano of a practical manufacturer like Heintzman?

The certificate to business was good so long as it was confined to pianos of undoubted merit, but its monopoly by third and fourth-rate pianos in the last few years has destroyed its value. The people now desire to hear the instruments and judge for themselves. The house of Weber, which obtained more certificates from eminent artists than any other in this country, never relied wholly upon them, but invited the people in every town and city to hear their pianos and judge for themselves. The wisdom of the founder of this great house is justified by the immense popularity of their instruments to-day. I shall be surprised if the proposal of the N. Y. Piano Co. is not nearer adoption than the old fogys of the trade are willing to admit.

Yours respectfully, H. J. S.

MR. G. W. MAULLY, Pavilion Mountain, B.C., writes: "Dr. Thomas' Electrolic Oil is the best medicine I ever used for Rheumatism. Nearly every winter I am laid up with Rheumatism, and have tried nearly every kind of medicine without getting any better, until I used Dr. Thomas' Electrolic Oil. It has worked wonders for me, and I want another supply for my friends" &c.

BIRTH. DAVITT—At Janesville, P.Q., on the 18th September, the wife of Michael J. Davitt of a daughter.

MARRIED. MULLIGAN—PLANNERY—At St. Alphonsus' Alameda Island, P.Q., by the Rev. James C. Lynch, P.P., on the 18th September, 1882, P. A. Mulligan to Julia Kate, daughter of the late William M. Plannery and step-daughter of F. Lynch, Esq. No cards.

DIED. MCMENAMIN—At St. Gabriel Village, on the 27th inst., Mary, eldest daughter of Daniel McMenamin, aged 41 years. Glasgow, Scotland, papers please copy.

NEW ADVERTISEMENTS. SCHOOL TERM OF 1882-83. SCHOOL BOOKS. A COMPLETE ASSORTMENT OF ALL THE STANDARD SCHOOL AND COLLEGE TEXT-BOOKS, NOW READY. EMBRACING WORKS ON ALGEBRA, ANATOMY, PHYSIOLOGY, HYGIENE, ETC., ARITHMETIC, ASTRONOMY and METEOROLOGY, BOOK-KEEPING, BOTANY, CHEMISTRY, COMPOSITION and RHETORIC, DICTIONARIES (English and Foreign Languages), DRAWING, EDUCATION, FRENCH, GEOGRAPHY, GEOLOGY, INERALOGY, and METALLURGY, GEOMETRY, TRIGONOMETRY, SURVEYING, NAVIGATION, ETC., GERMAN, ENGLISH GRAMMAR and ETYMOLOGY, GYMNASTICS, CALISTHENICS, PHYSICAL EXERCISES, HISTORY, ITALIAN, LATIN, LITERATURE and ART, LOGIC, MECHANICS and ENGINEERING, METAPHYSICS, MYTHOLOGY, MUSIC, NATURAL HISTORY, NATURAL PHILOSOPHY, OBJECT and KINDERGARTEN TEACHING, PENMANSHIP, POLITICAL AND SOCIAL SCIENCE, READERS, PRIMERS, SPANISH SPELLERS, TEACHERS' AIDS, and ZOOLOGY.

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