THE WEEKLY BRITISH WHIG.

VOL. XXXV. KINGSTON, CANADA, THURSDAY MORNING, NOVEMBER 15, 1866. NOS. 270 & 46.

FRIDAY MORNING, NOV. 9, 1866.

LETTERS AND TELEGRAMS.

J. R., Montreal; G. S., London.

If our readers are not thoroughly disgusted with the Fenian Trials at Toronto, we are. 'A great cry and little wool.' A mighty fuss et preterea nihil. A great array of legal talent, and little whereon to exercise that talent. The result of the trials of the two Clergymen pleases no one. If the one man was guilty, so was the other. Why make flesh of one man and flesh of the other? Juries, it is true, are capricious bodies, and oftimes yield to prejudices; but the singularity in these cases is, that the Jury which convicted Father McMahon was exclusively Protestant, while that which acquitted his brother Protestant Priest, was partly Roman Catholic. The evidence in both cases was nearly alike, but on behalf of the Protestant Divine, came several of the New York ecclesiastics to testify to the goodness of his private character, while the Roman Catholic Clergyman was passed by unnoticed by his fellow Priests. This probably had its due weight with the Jury. At any rate, Father McMahon must be pardoned, for it would be the height of injustice to punish him now that his fellow Fenian has got off scot free.

And we are not pleased with the trial of the boy Parry. It was the undoubted duty of the Crown Officers, before this lad's life was placed in jeopardy, to have seen whether there was any good evidence against him. Others were liberated against whom there was no evidence, and why not him? To say nothing of his being a mere boy, who possibly did not know the meaning of the word Fenian, or what the Fenians were about to do. And it brings contempt upon a Canadian Court of Justice, in the eyes of strangers, to behold such a solemn farce, as trying a boy for High Treason, against whom there was no reliable testimony. Surely such clever lawyers as Messrs. J. H. Cameron and R. A. Harrison should previously have looked into the merits of the case, and advised the entering of a nolle prosequi?

And we are not pleased with the conduct of the Crown Lawyers, in not putting on the back of the indictments the names of all the witnesses they intend to call. This exhibits great carelessness on their part, or it shows that these cases for the Crown are not got up with due diligence or foresight. Mr. Justice Wilson has overruled the legal objection to the reception of such evidence, but his decision may be upset, and then the two convicted prisoners will have to be liberated or tried again.

And we don't like the remarks of Mr. Justice Wilson at these Trials, neither his Charges nor his Prefaces to the sentences. But it may be looked upon as indecorous to say more, and we shall abstain. He wants dignity.

And lastly, we don't like the delay in these trials. If report speaks truth, to-day week the Court of Assize will rise, and all those not tried will have to wait until the Winter Assizes. Probably by that time the British Ministry may have listened complacently to the appeals of the United States authorities for pardon, and the remaining jail birds may be let loose. At all events, if the Crown Lawyers can't make out better cases than those they have brought forward, that would be the better thing to do.

FROM EUROPE.

CABLE AND STEAMER NEWS.

(By Atlantic Cable.)

London, Nov. 6.

Earl Derby has encouraged the deputation on the subject of the Nicaragua railroad.

London, Nov. 6.

The American vessel General Sherman, got ashore at Corea. Forty persons on board were murdered by the natives.

Berlin, Nov. 6.

A royal decree reduces the Prussian force in Saxony to a peace footing.

Vienna, Nov. 6.

The project for military reform in Austria includes the universal liability to serve in the army, the use of breech loading arms and other measures.

London, Nov. 6.

The United States iron clad Miantonomah has arrived here.

(By Steamer.)

News from Greek sources state that a great battle took place in Candia on the 17th October, between the Cretans, numbering 20,000, and the combined Turkish and Egyptian troops, numbering 30,000. The latter are said to have been repulsed, and Hamuit Pacha wounded.

It is rather significant that while the Erie Defence Fund at a recent date amounted to about £15,000, the committee who have determined to prosecute him have not as yet succeeded in raising half that amount, and were to issue an appeal for further sums.

The correspondent of the Manchester Guardian writes from Paris as follows:—

The accounts of the state of the Empress Carlotta's health which reach us from Miramar are most depressing. The unfortunate princess has been persuaded to take some nourishment, but she still labors under the idea that her Mexican servants wish to poison her. It appears that the former maitre d'hotel of the Emperor and Empress did not accompany them to Mexico, and has established a restaurant in the neighborhood of Miramar, to which the Empress drove the other day. She sent for the man and his wife Zelika, and begged earnestly of them to return to the castle for the purpose of superintending the cooking of her food, remarking that she felt hungry.

Le Nord, alluding to the recent report of a secret understanding between Prussia and Sweden, for the partition of Denmark, says:—

'We hear from Copenhagen that a certain agitation has manifested itself in Jutland, which is being fomented, in order to bring about the entry of this Danish province into the Zollverein, seeing that the commerce of Jutland inclines towards the South. The Ultra Danish party repudiates these tendencies, which it considers as a first step towards the incorporation of Jutland with the Prussian monarchy. So much for Prussia.' As regards Sweden, the Aftonbladet, of Stockholm, recently published an article attributing to Russia aggressive plans against Sweden. 'We learn,' says this Swedish paper, 'from persons in a position to watch the pulse of Russia, that in the influential circles of St. Petersburg there exists a very hostile feeling towards Sweden. In the highest circles of the civil and military administration, Sweden and Norway are spoken off as troublesome and dangerous neighbors, who out to be reduced to weakness should a new conflict arise out of the Eastern question. In Sweden we cannot rely upon the neutrality of Russia, &c.'

SOLDIER'S QUILT.—Those who went through the ladies' department at the late Provincial Exhibition here, will remember a very beautiful and elaborately-worked quilt made, not by a lady, but by a bandsman of the 17th Regiment. The exhibitor and maker, private Tarpy, intends to dispose of his quilt on the 15th instant, by a raffle, and tickets may be purchased at the bookstores of Backus, on Toronto street, and Thompson, on King street, and at the shop of Mrs. Webb, Yonge street. The quilt can be seen at Graham's carpet store, No. 3 King street. We described the article at length at the time of the Provincial Show, and will only say now, in addition, that it is a most excellent piece of work, and that Mr. Tarpy seems to be a very industrious and worthy young man.—Globe.

*** A highly moral young man indeed! As the citizens of Toronto know less of his antecedents than do the Kingston people, we would caution them against giving the fellow the slightest encouragement. The quilt referred to above, was to be put up at a raffle in this city about two weeks ago by Tarpy, but as soon as he collected the money on his tickets, he suddenly disappeared, quilt and all. No doubt the cunning chap tells the Torontonians the same stories of privation and hardship, as moved to compassion the ladies of Kingston, who purchased the tickets more on the score of sympathy for the crafty fellow, than for the chance that offered itself of winning the quilt. As the same article has been made to serve the purpose of raising the wind in other places, it is to be expected that should he pursue his confidence game in Toronto, that somebody will look sharply into his case. He may yet hear from his friends in Kingston.

HORRIBLE BARBARITY IN PALERMO.

The report of the royal commissioners in Palermo, in the Official Gazette of Turin, contains the following account of deeds so horrible that it is to hoped there is great exaggeration in the statement:—

'A large number of agents of the public force were massacred in a brutal manner. An artillery-man was crucified in the Victoria quarter; the eyes of the unfortunate man had been torn out, and he had been mutilated in a horrible manner. Near St. Antoine, a carbineer who had refused to cry out 'The republic for ever,' was stunned by a blow on the head, and was then thrown upon a burning pile which the monks of the convent had lighted. At the gates of the convent and at Monterealе the flesh of the carbineers killed was sold at so much the piece. Almost all the religious houses gave an asylum to the rebels. The monks fired on the soldiers; at the royal palace the White Benedictines were seen to aim from the windows at the troops, and when a shot told they cried out 'Viva Santa Rosalia!' At Misilmeri some massacres took place. A local guard named Sartorio was condemned to be torn in pieces with the teeth, and the women undertook the execution of the fearful sentence. The man was bound, and the woman, having been let loose upon him, tore strips of flesh from his body and limbs. He was soon a horrible and bleeding mass, suffering tortures which cannot be described.'

TERRIBLE FIRE AT BOSTON.—Boston, Nov. 4.—Late last night a fire broke out in the basement in the rear of Van Franklin Street, which is the centre of a large five story granite front block, stretching from Hawley to Arch street. The flames soon burst through the roof, and notwithstanding the strenuous exertions of the firemen it gained rapidly, and spread to the right and left to Nos. 49, 47, 45, 39 and 37. The loss is variously estimated at from $300,000 to $500,000 and is said to be mostly insured, but the details cannot be learned to-day.

FROM MEXICO.

THE ABDICATION OF MAXIMILIAN.

Washington, Nov. 5.

Minister Romero received the following letter by way of New Orleans, dated Vera Cruz, October the 26th.

Maximilian left the City of Mexico on the 23rd Oct. resigning verbally in favor of Gen. Bazaine. Gen. Bazaine endeavored to persuade him to delay his departure until Gen. Castelnau's arrival two days later, but he declined, and, escorted by 800 Austrians, proceeded to Orizava. The Captain of the Austrian brigade states that as soon as Maximilian arrives, he will at once leave for Europe. It is said that Maximilian will publish to-day a manifesto at Orizava. General Castelnau reached the City of Mexico soon after Maximilian left and took possession of the Palace and assumed the reigns of Government. The French soldiers who had entered under General Castelnau's influence.

FROM MEXICO VIA TEXAS.

La Cronica says the Empress' mission was to demand from France officers for the Imperial Army organizing in Mexico; a new General-in-Chief in place of Bazaine; to postpone until April the return of the expeditionary corps, and to extend the time for the payment of the debt two years longer. She has been completely successful in all her requests.

The Emperor Maximilian is taking the offensive in all parts. Taxes are collected without trouble.

The Emperor has issued a degree confiscating the property of non-residents, and all who openly or covertly aid the Liberals.

The Imperialists defeated 800 Liberals near Vera Cruz, taking 200 prisoners. Business was good at Vera Cruz. The Emperor was paying debts as fast as the claims were presented.

The French regiments announced to embark, had left for the interior. Eight hundred men, whose term had expired, had enlisted in Maximilian's new army.

THE FOREMOST MAN IN CANADA.

The Montreal Herald in objecting that so large a number of our public men are going to leave the Province as delegates to England, when the government will be in the hands of a military administrator, incidently speaks in very high terms of Attorney General Macdonald:—

'If, however, Sir John Michel, in the absence of Lord Monck, were to have the assistance of those members of the Cabinet who have a reputation with the public—especially we would say of that member of the Cabinet who enjoys a reputation for ability, the evil would not be so great. We are political opponents of Mr. John A. Macdonald, and we believe that he has done, and is still doing a great deal of evil to the country. There are of course men whom we should prefer—men even as administrators; but he has to a very large extent the confidence of his own friends which is in itself a source of strength, and we who do not profess to be his friends politically, are bound to add that he largely deserves it—that he is the one man in the ministry upon whose advice the head of the government could rely in case of emergency; for courage, coolness, and above all, for sound common sense. We shall think it a real misfortune, whoever else shall leave Canada at this moment, if Mr. Macdonald shall not remain, and we believe that Sir John Michel will hardly be fairly treated if his best councillor shall go away.'

No better answer than this could be given to the attacks of which Mr. Macdonald has lately been the object.

HOG DISEASE.—Thousands of hogs are dying from disease in the States, and their diseased carcases are converted into lard; it therefore behoves those who use that article as food to know if possible where it comes from, for it would be a very easy matter to spread disease by using it. It is not safe to believe that diseased lard can be detected in these days, when almost every article of food is scientifically adulterated and counterfeited.

THE MURDER AT DUNDAS.

The Dundas murderer, William Douglass, is in jail at Hamilton and will be tried at the present assizes. The facts of the case are briefly these: Douglass was employed in Garthshore & Co's foundry, and killed his wife in cold blood by shooting her with a gun, the ball passing through her breast in the region of the heart, and causing instant death. The murderer's victim had a child in her arms at the moment of the fatal deed, which narrowly escaped the fate of its mother, having been badly burned by the discharge of the gun. A little daughter of the murderer, aged only six years, after the death of the mother, seized the child and ran out to a neighbors, and gave the alarm. One George Boyd, residing in an adjacent house, immediately visited Douglass' premises, and found the doors bolted. With little ado he forced an entrance, and confronted the murderer, standing over the prostrate form of his wife, and in the act of putting a fresh cap on his gun, a double-barrelled fowling piece.—Douglass quietly permitted himself to be taken into custody, and remarked indifferently that it was merely an accident. It is reported that both Douglass and his wife were given to intemperate habits, and lived inharmoniously, and the supposition is that the dreadful crime was committed in a fit of passion while maddened with drink.

THE FENIAN TRIALS AT TORONTO.

SLAVIN FOUND GUILTY AND SENTENCED TO DEATH.

The Fenian trials were resumed on Wednesday. Wm. Haydon was first placed in the dock. The prisoner was arraigned on the 18th October, and not being ready, his trial was fixed by himself for the 31st October. On the 31st it was postponed till Wednesday, when, by request, it was again put off.

Wm. Slavin was then placed upon his trial. He is a small man, of unprepossessing appearance, and quite deaf. Hon. J. H. Cameron, Mr. John McNab and Mr. R. A. Harrison, appeared for the Crown; Mr. Kenneth McKenzie and Mr. James Fleming defended the prisoner.

Mr. Harrison opened the case for the Crown, and stated that the evidence to be brought forward would show that according to his own statement, prisoner had been formerly in the United States army—that he is an American citizen, and of the Roman Catholic religion—that he was with the Fenians who crossed over into Canada to levy war. It would be proved that the prisoner was among the Fenians, and that he had in his possession a particular gun, known to the people of Fort Erie as a Fenian gun, although he denied having it in his possession.

Private Metcalfe of the "Queen's Own" was the first witness. He deposed that prisoner admitted to him recently at the old gaol that he was concerned at Ridgeway.

John Stockdale deposed to receiving a Fenian musket from the prisoner, who came to his farm, near Fort Erie a couple of hours previous to the fight at Ridgeway. He then admitted he was a Fenian. Three other witnesses corroborated this evidence, substantiating the case for the crown. The prisoner gave as a reason for his surrendering that he was deaf, and not being able to hear a sentry's challenge might be shot.

Mr. Mackenzie for the defence, before he produced his witnesses, submitted that no case had been made out on two of the counts. He then called three witnesses, the first being a Fenian prisoner. Prisoner and he visited Fort Erie together the day before the fight to obtain work on the railway, but were disappointed, and forced to remain there, being without money to pay their passage back to Buffalo. They did not countenance the Fenians. The wife of an hotel-keeper of Fort Erie corroborated this evidence. The prisoner had no connection with the Fenians, being in search of legitimate employment. Mr. McKenzie made a vigorous appeal to the jury on behalf of his client, Mr. J. H. Cameron replying on behalf of the Crown in an able and powerful speech.

Judge Wilson in his charge said that the first count in the indictment charged the prisoner with being an American citizen and with having entered Upper Canada in company with divers evil disposed persons with intent to levy war on her Majesty. The second count charged him with having been in arms with the intent of levying war on her Majesty, and in the third count he was charged with having committed an act of hostility against her Majesty. His Lordship did not think there was evidence to sustain the first and third counts, and the jury should not bring him in guilty on these counts. They should find out whether they believed his story about the finding of the gun, and say how much he prevaricated in his statements, and whether he joined those in arms with the intent of levying war on her Majesty. It was clear that the prisoner could not have committed an act of hostility, as he was arrested in the morning of the second of June, before the battle had occurred at Limeridge, and also before the fight at Fort Erie.

The jury then retired, and after an absence of forty minutes, returned a verdict of guilty. The prisoner, who expected an acquittal, received the intelligence calmly, but soon began to show signs of weakness. Mr. McKenzie made an application to arrest judgment, but his motion was overruled.

His Lordship then proceeded to pass sentence. The prisoners when asked if he had anything to say was deeply affected, leaned over towards His Lordship and in a tremulous voice and most sympathetic manner said that he was innocent of any crime in Canada, and had not come for the purpose of committing offence.

His Lordship, also deeply affected, said that he had a very painful duty to perform, and one which he would gladly avoid if he had the power to do so, but he had no discretion in such matters. He was very sorry to see such a respectable looking young man placed in such an awful position; and one who had received such a good character; but he had no doubt it was his sympathy for those whom he immagined were oppressed that had led him to come to this country. That the prisoner had been with the Fenians there was no doubt, and that he had left them at an early hour in the morning, having doubtless repented, was equally clear. His Lordship then stated that he would lay his case before his Excellency, and he had no doubt he would commute his sentence he was about to pass on him; but if he did so, he would be confined in a place for many years of his life, and he hoped that if he should live to come out he would profit by his experience. He did not wish to hurt his feelings by referring further to his case. The sentence of the court, therefore, was that the prisoner be taken from hence to the place from whence he had come, and from thence on Thursday, the 13th day of December next, to the place of execution and hanged by the neck till his body be dead, and might God have mercy on his soul.

The Grand Jury presented true bills the same day against the following prisoners:—Patrick O'Neil, Patrick Curran, John Grace, Daniel Quinn, John Moran, John Gallagher and Henry Lavill; and no bills were presented against George Wells and James Bell, who were discharged from jail.

The prisoners under sentence of death, through the intervention of Mr. Thurston, U. S. Consul, are permitted to receive after inspection, wine or other delicacies which may be sent them by their friends.

LYNCH SINCE HIS SENTENCE.

The Milwaukee Sentinel publishes the following letter received in that city by one of the relatives of the condemned Fenian, Robert B. Lynch:—

"MILITARY PRISON, TORONTO,
"Friday, Oct. 26, 1866.

'My Dear——: My trial commenced on Wednesday, and was concluded last night. I was most ably defended by our old and talented friend Richard Martin, assisted by another gentleman, named Doyle. It is unnecessary for me to enter into the details of the trial, as you will see a full report of it in the New York Herald, and all the Irish papers. I was unable to produce the evidence that could prove my innocence, as they were liable to arrest themselves, and their sworn evidence could not to be received unless they were present. I was found guilty, and sentenced to be hung December 13, 1866. I am innocent; but it was necessary, to satisfy the Canadian people, that an example should be made of some one. I was the person selected for this sacrifice, though I had no military connection with the Fenians. But if it is a crime to love my native land, then I am willing to suffer death, for I am guilty of that crime, and will meet it like a man. Don't be uneasy about me. My death upon the scaffold will bring no disgrace upon you, the children, or any of our family, particular for such a crime as this. Many true and noble patriots died for this noble cause—why should I complain? I have not the slightest doubt but that the witnesses against me must have mistaken me for some other person.

'Considering that I am a doomed man, I am in as usual spirits and in good health. The governor and all the officers of the prison are very kind to me.

"Yours affectionately,
"R. B. LYNCH."

*** This is very great pot—the vagabond knows very well that he won't be hanged, and therefore can afford to be as brave as a sheep. Besides what does the fellow mean by 'loving his native land?' Surely that love is not shewn by entering a peaceful country, robbing and murdering its inhabitants?

SATURDAY MORNING, NOV. 10, 1866.

LETTERS & TELEGRAMS.

H. G., Ottawa, with rem.; A. & L., Montreal; D. & P., Philadelphia.

ESSAYS ON MANY THINGS.

No. 8.

——"Revenge at first though sweet,
Bitter ere long, back on itself recoils."

I am heartily ashamed of my humanity when I find that there are persons who, while they profess the Christian religion, renounce the chief tenet of the faith they avow, by loudly clamouring for the blood of the condemned Fenians. Such Pharisees, upon being remonstrated with for their want of charity and consistency, attempt to justify their conduct by the fallacy of patriotism. They doubtless think that if the Fenians be not hanged, the Volunteers will throw down their arms in disgust. I don't believe it. I don't think that the extension of mercy to the doomed prisoners would be attended with such a consequence. To hold the contrary would imply that the Canadian Volunteers

"Have souls so narrow,
They know not the godlike gift of forgiving."

It may be true of a few of the Volunteers, like those winged worthies of Ridgeway report, who obscured their flight by the dust they raised; or of that certain other valiant who had from the enemy in a hog pen, and afterwards boasted of it as a feat of strategy and valor; but to maintain that such parsimony of soul is an attribute of our Provincial Force, is a gross and malicious libel. Our Volunteers are brave, and the brave are ever merciful. 'Tis only cowards who are cruel and nurse revenge, for

——"Revenge we find
The abject pleasure of an abject mind."

The pretext of such vindictive minds for the execution of the culprits is, of course, Justice; but to these flinty-hearted heathens who know no mercy, and who hear no prayers, I would reply—

"Though justice be thy plea, consider this—
That in the course of justice none of us
Should see salvation: we do pray for mercy,
And that same prayer doth teach us all to render
The deeds of mercy."

And that

"The quality of mercy is not strained;
It droppeth as the gentle dew from heaven
Upon the place beneath. It is twice bless'd;
It blesses him that gives, and him that takes:
'Tis mightiest in the mighty; it becomes
The throned monarch better than his crown."

That's all I can say just now on that subject—my head's full of a gentle theme—I saw a wedding yesterday.

"Christ saw a wedding once, the Scripture says,
And ne'er another all his earthly days."

So that crooked, cynical fellow, Pope, wrote, or to that effect; but the same must have been penned under a pressure of bile, developed by Lady Mary's cruelty to his passion. You and I know, Mr. Editor,

"Though fools spurn Hymen's gentle powers,
We, who improve his golden hours,
By sweet experience know
That marriage, rightly understood,
Gives to the tender and the good
A paradise below."

I'm on matrimony (although she's dead God bless her, only six months come next March)—

"Oh! but she was good and she was fair,
None! None! on earth above her,
As pure in thought as angels are,
To know her was to love her."

I gave an order for an elaborate tombstone for her burying place yesterday. Sing

"I wish I was married and never to rue,
Plenty of money and nothing to do."

I'm in a jocund mood just now, and I'll give you a pennyworth description of the wedding I saw yesterday.

Yesterday morning beamed in gloriously upon this ancient and classic locality. The weather, which until yesterday was cold and stormy, suddenly changed, the clouds lifted up, the wind ceased, and the gorgeous God of Day blazed forth with all the heat and fervency he could muster on the 8th November in this Hyperborean region. It seemed as if the window of heaven was uncurtained in special honor of the event—the consummation of true lovers' vows. The very atmosphere, usually raw and disagreeably harsh at this inclement season of the year, imbibed the spirit of the occasion, and became as fresh and balmy as a fairy's breath. In a word, nature was as affable as possible, and considering her impoverished wardrobe, looked as well as she could look in the russety garb of her fall attire.

At an early hour the Cataraqui Quarry, ordinarily dull and dreary, to despair, began to assume an appearance of bustle and activity, which indicated to the most casual observer, that something of an unusual character agitated the fossil and phlegmatic burgers of the limestone metropolis. King Street and the several streets and avenues intersecting it were particularly noticeable for their life and activity. Gay equipages whirled hither and thither, directed by Jehus in smart liveries, with white favors in their lappels; the cabbies were impressed, too, into the service, and provoked universal admiration in their burnished plugs and white gloves, while the ladies, the dear ladies, thronged the side-walks in chameleon hues.

"O woman! dear woman! whose form
and whose soul
Are the light and the life of each spell we
pursue;
Whether sunned in the tropics, or chilled
at the poll,
If woman be there, there is happiness too."

I give it up—I can't go any farther. I hear that infernal fellow, Murphy, grinding away in the next room. His mill is at work upon a poem for St. Andrew's Day, and from the little I've seen of it, you'd better get your life insured or invest in a loaded blunderbuss, if you publish it in the Whig. Look out for squalls.

LANTY MAGUIRE

November 9th, 1866.

THE FENIAN TRIALS AT TORONTO.

On Thursday the Court of Assize re-opened at Toronto, and the proceedings of the Court commenced by the arraignment of those prisoners against whom true bills had been found the previous evening. Hon. J. H. Cameron, Q.C., Mr. R. A. Harrison and Mr. J. McNab appeared for the Crown, and Messrs. McKenzie, Q.C., Fleming and Fenton for the prisoners.

Patrick O'Neill, of indifferent demeanor, was the first prisoner arraigned.

Mr. McKenzie, before the prisoner pleaded, moved that the indictment be quashed, on the ground of a misjoinder of count, and that the offence was committed in the County of Welland, and therefore cannot be tried in the County of York, it being one of the two counties united.

Mr. R. A. Harrison contended that his learned friend had placed a wrong construction on the interpretation clause, and that as to the second ground, his Lordship had overruled that objection by his decision in an application of the same nature that was made the previous evening.

A lengthy legal argument here took place between the learned counsel.

Mr. K. McKenzie—I would ask your Lordship to allow me until to-morrow to consider which course I shall adopt in this case; whether I should enter a demurrer, or allow the prisoner to plead over.

His Lordship—Very well; I have no objection.

The prisoner was then removed, and Patrick Magrath, another of the tribe, was placed in the dock.

Mr. McNab opened the case for the Crown, and called the witnesses for the prosecution.

Dennis Sullivan sworn—I am a soldier in the Royal Canadian Rifles and had been on outpost duty at Fort Erie two years on the 1st of June last. On that day a man came and told me the Fenians were going to land, and they did land about a mile from Fort Erie. There were about 600 of them all armed. I saw the prisoner with them, he was armed with a Fenian rifle sighted at from three to five hundred yards, with fixed bayonet, and he was detailed to stand guard over me after they took the prisoner.

Cross-examined—I was taken prisoner about five o'clock. I was not frightened at all. I took everything I saw very coolly. I saw prisoner next day on the dirty dock with some others. I said to him you have got caught in the trap at last, to which he replied, "It can't be helped." A man from the 60th Rifles, named Henry Farr, told me that he thought the prisoner had deserted from the 4th battalion 60th Rifles.

John Metcalf sworn—Witness was at the skirmish at Ridgeway. I saw the prisoner in the jail and gave him the usual caution. He said he was a British subject and a native of Galway, and a Roman Catholic; that he resided in Brooklyn, New York; that he crossed over to Fort Erie on Friday afternoon in a skiff with two men; that on Saturday forenoon he was arrested and let go, and was again arrested on Sunday by some soldiers; that he was at the Fenian camp, where he saw Col. O'Neil; and that he stopped in a stable, at a cider-house, about a mile from Fort Erie.

Mr. McKenzie—Prisoner is indicted, my lord, as an American citizen and the evidence shows him to be a British subject.

Mr. R. A. Harrison—This is all the evidence, my Lord, that the Crown intends to produce. The prisoner will have to be acquitted on this indictment, but he would ask to have him detained in custody as there was something more against him.

His Lordship in addressing the jury explained that the evidence showed the prisoner to be a British subject, and he could not therefore be tried as at present indicted. He therefore directed the jury to return a verdict of acquittal.

Mr. McKenzie then submitted that a British subject could not be tried twice for the same offence. He should therefore be discharged.

Mr. R. A. Harrison—The Crown has further evidence. The prisoner, my Lord, if he is tried again, will not be tried as an American citizen.

The Court at one o'clock adjourned till ten o'clock next day.

It is Mr. McKenzie's intention to take the following objections to all the indictments preferred against the Fenian prisoners yet untried, containing double counts, and in the case of the Queen vs. Magrath he will advise the prisoner to plead a plea of autrefois acquit:—

1. On ground of misjoinder of counts, that he is charged as an American citizen.
2. That he is charged as a British subject, and that he is charged with what amounts to high treason.
3. A man can be a citizen of a foreign State and a British subject at the same time—There cannot be distinct offences charged in the same indictment.
4. That it appears on the face of the indictment, that the offence charged therein, against the prisoner, were committed in the County of Welland, and the indictment, therefore, could not be legally preferred against him.

His Lordship overruled the objections.

The Grand Jury brought true bills against the following Fenian prisoners:—John Hughes, Patrick Donohoe, James Burke, James Spaulding, William Orr, Patrick Keating, William Baker, Barney Dunn, and Frederick Fry.

John Sheridan, one of the prisoners, has been discharged, the Jury having ignored the bill.

John Hughes, another of the prisoners, was arraigned, and desired to be tried at once, but as the Crown was not ready, the case was indefinitely postponed.

The Grand Jury also returned a true bill against Patrick Magrath, who was tried and acquitted, as above, as an American subject. He is now charged as a British subject.

Fourteen prisoners remained to be arraigned yesterday, after which the case of Drummond, so often postponed, was likely to come off.

A TRAITOR.—At the Rochester Fenian meeting a few days ago, was Dennis C. Freely, who ranted in the usual strain about the oppressions of the "British on," and urged on the dupes of Fenianism in their wild and iniquitous designs. This Freely, until three months ago, was a citizen of Cobourg, C. W., where he wore the Queen's uniform as a volunteer, and where he used to spout about the unfairness of the imputations of disloyalty cast, as he alleged, on his co-religionists.

NEW WORK ON SURVEYING AND ENGINEERING.

Mr. J. L. P. O'Hanly announces his intention to publish a Treatise on Surveying and Engineering which will, we have no doubt, be of great value to Canadian surveyors. The profession have not hitherto had a treatise worthy of the name of a text-book, and Mr. O'Hanly proposes to produce such a work as will fill the void. It is his intention to treat his subject in three divisions, namely: Land Surveying, Engineering Surveying, and Geodetical Surveying. The work will contain a series of mathematical tables, original and selected, which the author claims will be worth more to surveyors than the book. We have every confidence in the ability of Mr. O'Hanly to produce a work worthy of the countenance of the profession. His acknowledged personal ability, general and professional, and his great experience, extending over sixteen years, in Canadian surveying, eminently fit him for the task he has undertaken. We think that he deserves all the encouragement which his professional brethren in all parts of the Province, can possibly throw in his way; and we hope that they will respond in such a way as will warrant him in proceeding with his work. The profession have most to gain by the publication of Mr. O'Hanly's treatise.—Ottawa Citizen.

*** A work on practical Surveying applicable to Canada is much wanted. The English and American works being confined to plain Surveying, fall far short of what a Canadian Surveyor requires, the tables being incomplete and wholly inadequate. Mr. O'Hanly's reputation as a gentleman of considerable literary attainments is well known; a practical experience of Surveying in the forests of Canada for the past sixteen years, eminently fits him for the successful accomplishment of the undertaking. The cost of publishing a scientific book of this character is considerable, and we trust that the profession will encourage native enterprize, and subscribe liberally for the work. To the Lawyer and the Engineer, as well as the Student, desirous of being "posted" in practical Surveying, the work will be invaluable, and we have no doubt that Mr. O'Hanly will be handsomely remunerated for his skill and enterprize.

MONDAY MORNING, NOV. 12, 1866.

LETTERS & TELEGRAMS.

E. C. & Co., New York; C. J. P., Philadelphia.

FENIAN TRIALS.—There is little to admire and much to condemn in the conduct of the Crown Lawyers at Toronto. They are either very negligent or very ignorant—most probably the former. It is their bounden duty to have all the Crown witnesses examined before trial, and this surely never could have been done in the case of McGrath, who was acquitted on the technicality of being indicted as an American Subject, while the Crown testimony proved him to be a British Subject. Another Bill of Indictment has been brought in against him as a British Subject, but how he can be again tried for the same crime when once acquitted, is more than we can tell. So, in all probability the prisoner will escape punishment through the negligence of the Crown Lawyers.

CONFEDERATION.

The "Canadian News," received by the "Damascus," gives its opinion that Confederation may certainly be now regarded as an accomplished fact. The London "Daily News," speaking of this proposed union, says that it has information that the additional sum found necessary for the completion of the Intercolonial Railway that is to connect Quebec with Halifax has been arranged for, and it also understands that the direct line from Chicago to Port Huron, and thence by bridge across the River St. Clair to Port Sarnia, the Western terminus of the Grand Trunk Railway in Canada, has also progressed to this extent, that the owners of the land through which it passes have made the road with the gradients, and will next contract for the supply of the rails on the security of a mortgage of the line itself. When, therefore, the Intercolonial, at one extreme of the Grand Trunk line, and the Michigan Central direct at the other extreme, are complete, it is computed that passengers will be able to travel from Chicago to Halifax and vice versa without changing carriages.

The "Canadian News" also understands that the delegates from the maritime provinces who still remain there have agreed, as between themselves, upon all the necessary preliminaries, so that the Canadian delegates will find on their arrival everything in readiness for the discussion and settlement of the details of the whole scheme of Confederation—a scheme which, as Mr. Cardwell remarked the other evening when addressing his constituents at Oxford, "we watch with the most friendly interest, for it is proposed thereby to unite the various provinces of British North America in one Confederation, extending from the Rocky Mountains to the Atlantic Ocean, having an unlimited territory, with a large population, with commercial enterprise, and with maritime energy, which will constitute no mean community among the nations of the world. And so being the people of this confederation not only do not desire themselves to be an independent nation, but they hold it to be the highest pride and privilege to remain the foremost dependency of the Crown of England.'

PRESENTATION TO R. CHANONHOUSE, ESQ., HIGH BAILIFF OF THE CITY OF KINGSTON.

On Saturday afternoon last, the Hon. John A. Macdonald, Member for the City of Kingston, took advantage of the presence of a good many of Mr. Chanonhouse's friends at the British American Hotel, to present to him a testimonial of his great esteem for his private worth and public character, in the shape of a Gold Watch and Chain, value $160. Mr. Macdonald, in presenting the Watch and Chain, spoke a few plain, sensible words; he said he had long known and appreciated the kind and useful services always rendered him by Mr. Chanonhouse, and he had long coveted this opportunity to testify, in a small degree, his sense of Mr. Chanonhouse's services. He wished Mr. Chanonhouse long life to wear the Watch and Chain, and hoped for himself that he might have equal long life to see it.

Mr. Chanonhouse replied in terms befitting his position. He thanked the learned Attorney General of Upper Canada whom he was proud to consider a personal friend, and wished the generous donor every happiness in this life and the life to come.

THE MERCHANTS' EXPRESS COMPANY.—This new U. S. Express Company, recently established in Kingston, with Mr. E. Jones, the Exchange Broker, as its Kingston Agent, is destined shortly to work a revolution in the high charges usually made for packages from the United States cities to Canada. At present its termini are the cities or towns immediately on the frontier, and this is, because the Canadian Express Company refuse to carry on through the Provinces the packages and parcels from the other side, brought by the Merchants' Express Company, without prepaying the charges. This very true the American Express Company are large shareholders in the Canadian Express Company, and may have a controlling power over its actions; but we opine, that this is a very suicidal practice, for it can only result in the formation of another Canadian Express Company, and then neither Company would do more than pay its way.

THE FENIAN TRIALS AT TORONTO

On the opening of the Court on Friday, by the direction of Judge Wilson, the Fenian prisoners against whom true bills had been found by the Grand Jury, were brought up and arraigned. They were respectively Patrick Curran, 50 years of age, of manly appearance, and well clad; Henry Lavell, about 50 years of age, poorly dressed, and of unassuming countenance; John Gallagher, Daniel Quinn, John Moran, and John Grace, all of true Fenian physique, the latter poorly clad, though he has lately been awarded $1650 as his share of the reward for the arrest of the conspirator Booth, he being concerned in his capture; Bernard Dunn, 50 years of age, of tall and powerful appearance; Patrick Donoghue, 25 years of age, and respectable appearance; Frederick Fry, a Swiss, a small man of repulsive countenance; and William Baker, James Burke, James Spaulding and William Orr, all of very ordinary appearance.

The prisoners, without exception, pleaded not guilty, and none of them were ready for their trials. Finally Donoghue's was definitely fixed for Tuesday.

Mr. Mackenzie, for the defence, in all the cases made a motion to quash the indictments, on the grounds that have already appeared in the BRITISH WHIG. The learned counsel also stated that he would not be ready for some time to go on with the cases of the several prisoners owing to the trouble he experienced in procuring witnesses. The Crown Counsel stated that they desired to proceed with the cases without the least delay; whereupon Mr. Mackenzie said he would arrange with the Crown so that a number of the prisoners could be remanded until the next Assizes.

The case of Magrath, acquitted the previous day of being an American subject levying war, was brought up to be tried as a British subject. Mr. Mackenzie pleaded autrefois acquit and, at his urgent request, it was agreed that the issue raised in the case should be tried on Monday.

TRIAL OF DANIEL DIAMOND.

Daniel Diamond was then placed at the bar. Hon. J. H. Cameron, Messrs. R. A. Harrison and J. McNab for the Crown, and Mr. K. Mackenzie, Q.C., and Mr. J. Fleming for the prisoner.

After a Jury was empannelled, Mr. McNab opened the case for the Crown briefly, and then called the witnesses for the prosecution.

John Metcalfe, Queen's Own Battalion, sworn—I was present at the fight at Ridgeway, and saw Ensign McEachten shot there. The prisoner made the following statement, which I took down at the time. He said he was an American citizen, and a native of Ireland; that he was a Roman Catholic, and worked with a puddler; that he usually resided in Philadelphia, and left there for Pittsburg; that he was in Buffalo six or seven weeks before the raid; that he came over into Canada on the 1st of June; that he returned to Buffalo the same night, and crossed over again on Saturday, when he was arrested.

Reuben Mosier, sworn—On Saturday, 2nd June, by directions of Captain King I arrested the prisoner about four miles from Fort Erie, on the banks of the Niagara river. I asked him if he had any arms. He replied no. I then searched him when he told me he had a revolver, and put his hand in his pocket and drew it out. I took it from him. It was a six barrelled revolver, loaded, but not capped. When I arrested him he said he was no Fenian.

Thomas Somersbury, sworn—I belong to the Welland Battery, and was present with several others when prisoner was arrested. As we were going down the river Maine one cried out "a Fenian." Captain King then ordered us to arrest him. He said he was no Fenian, but refused to state where he came from. There were some cartridges taken from him by one Higgins.

Nelson Higgins corroborated the evidence of the preceding witness.

Elon Topper, (sworn, but objected to by Mr. McKenzie on the ground that the witness's name was not on the back of the indictment)—The Fenians arrived in Fort Erie on the 1st of June. They asked provisions for 1,000 men, but there were not as many as that. They landed at the lower ferry, and from thence marched to the village. Some of them stayed on the brow of the hill, and the remainder were on the front street searching for provisions. It is a customary thing in the states to carry revolvers.

Joseph Newbiggin, sworn—The Fenians when they left our farm went down the river road about four miles, and then went down the town line between Bertie and Willoughby. Prisoner was arrested on Edwin Herschey's farm, about four miles below Fort Erie.

This closed the case for the Crown.

DEFENCE.

Joseph Corne, sworn—I reside in Buffalo, and am Superintendent of the Buffalo Iron and Nail Company. The prisoner was in our employ for about a month before the ra