REPORT

OF THE CASE OF

THE COMMONWEALTH

VS.

JOHN KEHOE ET AL.,

MEMBERS OF THE ANCIENT ORDER OF HIBERNIANS,
COMMONLY KNOWN AS "MOLLY MAGUIRES."

LIBRARY OF CONGRESS
LAW
DEPARTMENT,
WASHINGTON.

INDICTED IN THE COURT OF QUARTER SESSIONS OF THE PEACE,

FOR SCHUYLKILL COUNTY, PENNA.,

FOR AN AGGRAVATED ASSAULT AND BATTERY

WITH INTENT TO KILL WM. M. THOMAS.

WITH THE

Testimony and Arguments of Counsel in Full,

STENOGRAPHICALLY REPORTED BY R. A. WEST.

POTTSVILLE:
MINERS' JOURNAL BOOK AND JOB ROOMS.
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PREFACE.

For many years the anthracite coal regions of Pennsylvania have been the scene of fearful murders and outrages which have almost invariably escaped detection and punishment. So carefully were these murders planned and executed, that a well-founded belief sprang up in the minds of those conversant with the facts that they were the work of an organized society of murderers. Among the most noteworthy of those murders were the following:

On the 17th of October, Alexander Rae, Esq., a mining superintendent, was shot upon the public road, in the neighborhood of Centralia, Columbia County. Several parties were arrested charged with this murder, against whom a strong case of substantial evidence was made out, and the testimony of an accomplice was also offered showing the suspected parties to be cognizant of, if not actually guilty, of the murder. The trial took place at Bloomsburg, Columbia County, but the defendants escaped by means of an alibi.

On August 25th, 1865, David Muhr, Esq., a colliery superintendent, was killed in Foster Township. He was shot upon the public highway in broad daylight, within two hundred yards of the colliery, where a large number of men were congregated, all of whom must have heard the reports of the firearms, and many of whom must have been witnesses of the occurrence, though no testimony could be elicited from any, fastening the commission of the murder upon any suspected party. Signals were given to the murderers from the neighboring hills immediately after the occurrence to enable them to escape.

On the 10th of January, 1866, Henry H. Dunne, Esq., a well-known resident of Pottsville, and the superintendent of one of the largest coal-mining companies in the Schuylkill region, was murdered in cold blood upon the public highway, within two miles of the town of Pottsville, while driving to his home from one of the collieries that he had in charge. No arrests were ever made, nor could any information ever be discovered leading to the identification of the perpetrators of this dastardly murder.

On the 15th of March, 1869, William H. Littlehales, Esq., superintendent of the Glen Carbon Coal Company, was killed upon the public road in Cass Township, Schuylkill County, while returning from Pottsville to his home. The perpetrators of the murder escaped, although the outrage must have been witnessed by many people in the neighborhood, from whom no information could ever be elicited leading to the detection of the assassins.

In Carbon County, which adjoins Schuylkill, frequent murders of the same kind have been committed during the last ten or fifteen years, including the murders of George K. Smith, Esq., F. W. S. Langdon, Esq., and Graham Powell, Esq., all of whom were colliery superintendents or connected with large mining operations.

Mr. Smith was attacked by a party of assassins in his own house and killed almost in the presence of his family, and, though many were suspected, it was impossible, until many years after the occurrence, to obtain any positive information as to the guilt of the suspected parties, some of whom after their arrest were rescued at night by their friends, who broke into the jail at Mauch Chunk, where the suspected parties were incarcerated.

On the 14th of August, 1875, Gomer James, a young Welshman, living in Shenandoah, Schuylkill County, was shot about midnight at a picnic by some person, then unknown, but who, according to the testimony elicited in the case now published, was Thomas Hurley, a member of the Ancient Order of Hibernians, commonly known throughout the coal region as "Mollie Maguires." Upon the 25th of August, 1875, at a county convention of the Ancient Order of Hibernians, held at Tamaqua, in Schuylkill County, it was agreed that a reward should be paid by the society for the murder of Gomer James, and a claim having been presented on behalf of Hurley, and contested by another member by the name of McClain, a committee was appointed to determine which of the parties actually committed the murder, and this committee, having heard the testimony, reported in favor of Thomas Hurley.

On the 14th of August, Thomas Gwyther, a Justice of the Peace, residing in the borough of Girardville, Schuylkill County, who had issued a warrant for the arrest of William Love, a member of the Ancient Order of Hibernians, was shot and killed on the public street by Love, who immediately fled and is still at large.

On the 6th day of July, 1875, about two o'clock in the morning, Benjamin F. Yost, a police officer in the borough of Tamaqua, was shot by two unknown men. Yost died a few hours afterward, and, upon the trial of the suspected parties, who have since been convicted of his murder, it was proved that Yost had offended one Thomas Duffy, a member of the Ancient Order of Hibernians, who, through James Roarity, Body Master of the division of the same order at Coaldale, secured the services of Hugh McGehan and James Boyle, two other members of the same infamous association, to commit the murder. James Carroll, the Secretary of the Tamaqua branch of the order, was an accessory before the fact to this murder, and received the murderers prior to the commission of the deed. McGehan, Boyle, Roarity, and Carroll, have all been convicted of this murder. Duffy having demanded a separate trial, will be tried during the early part of September.

On the 1st of September, 1875, at Raven Run, in Schuylkill County, Thomas Sanger, a mining boss, and William Uren, were shot and killed by five men, all of whom were members of the Ancient Order of Hibernians. These men were Thomas Munley, James O'Donnell, Charles O'Donnell, Michael Doyle, and a man named McAllister. Munley has already been tried and convicted for this murder; James O'Donnell and Michael Doyle are fugitives from justice.

On September 3d, 1875, John P. Jones, a mining boss at Lansford, Carbon County, was shot and killed by Edward Kelly and Michael J. Doyle, members of the Ancient Order of Hibernians, who had been drawn by the division at Mount Laffee, Schuylkill County, to perpetrate this murder, in consideration of the fact that a member of a branch of Ancient Order of Hibernians in Carbon County, to whom Jones was obnoxious, had killed Benjamin F. Yost, above referred to. Doyle and Kelly have already been convicted of this murder, as well as Alexander Campbell, the Body Master of Summit Hill division of the order.

In the fall of 1873 the Philadelphia and Reading Coal and Iron Company, who had become convinced that nearly all of the murders and outrages of the coal regions were the work of some criminal organization, secured the services of one

James McParlan, an Irishman and a member of the force of Allan Pinkerton's National Detective Agency, of Chicago. McParlan assumed the name of James McKenna, came into Schuylkill County, and after ingratiating himself into the good opinion of those who were suspected of being members of the Ancient Order of Hibernians, succeeded in joining that society in the early part of the year 1874. He remained in connection with it as a member until March, 1876, when in consequence of a deliberate attempt by the association to have him assassinated, on account of their suspicion that he was acting as a detective, he withdrew from the county. From information obtained by him, all the murderers hereinbefore referred to, who had committed offences since his connection with the association, were arrested, and their convictions have been mainly due to his testimony.

In addition to this, James Kerrigan, Body Master of the society at Tamaqua, who was charged with the murder of John P. Jones, and who was also an accessory before the fact to the murder of Benjamin F. Yost, has turned State's evidence, and furnished a great deal of valuable information and testimony in aid of the Commonwealth.

This book contains the indictment, testimony, and argument of counsel in the case of the Commonwealth against John Kehoe, County Delegate of Schuylkill County of the Ancient Order of Hibernians; Dennis F. Canning, County Delegate of Northumberland County; Christopher Donnelly, Treasurer of the Order in Schuylkill County; James Roarity, Body Master of Coaldale; John Donahue, Body Master of Tuscarora; Michael O'Brien, Body Master of the Mahanoy City division, and Frank McHugh, Secretary of the same, and John Morris and John Gibbons, members of the Shenandoah division of the Order, who were indicted, tried, and convicted at Pottsville, Schuylkill County, for an aggravated assault and battery with intent to kill William M. Thomas; and in the form of a supplement, will be found the testimony of James Kerrigan and Patrick Butler, both members of the Ancient Order of Hibernians, who, in two cases subsequent to the one given in full in this volume, respectively gave testimony on behalf of the Commonwealth.

The indictment is as follows:

IN THE COURT OF QUARTER SESSIONS OF THE PEACE FOR THE COUNTY OF SCHUYLKILL.

JULY SESSIONS, 1876.

COUNTY OF SCHUYLKILL, *ss.*

The Grand Inquest of the Commonwealth of Pennsylvania, inquiring for the County of Schuylkill, upon their respective oaths and affirmations, do present: That John Kehoe, Christopher Donnelly, Dennis F. Canning, Michael O'Brien, Frank McHugh, John Donahue, James Roarity, John Gibbons, John Morris, Thomas Hurley, and Michael Doyle, late of the said county, yeomen, on the twenty-eighth day of June, in the year of our Lord one thousand eight hundred and seventy-five, at the county aforesaid, and within the jurisdiction of this court, with force and arms, etc., in and upon one William M. Thomas, in the peace of God and of the said Commonwealth, then and there being, did make an assault, and with certain pistols, loaded with gunpowder, bullets, and other destructive material, which they, the said John Kehoe, Christopher Donnelly, Dennis F. Canning, Michael O'Brien, Frank McHugh, John Donahue, James Roarity, John Gibbons, John Morris, Thomas Hurley, and Michael Doyle, then and there had, him, the said Wil-

liam M. Thomas, then and there did shoot, wound, and ill-treat, and great bodily injury, dangerous to life, on the person of him, the said William M. Thomas, then and there did thereby inflict, with intent then and there him, the said William M. Thomas, wilfully, feloniously, and of their malice aforethought, to kill and murder, contrary to the form of the act of the General Assembly in such case made and provided, and against the peace and dignity of the Commonwealth of Pennsylvania.

GEORGE R. KAERCHER, *District Attorney.*

CONTENTS.

	PAGE
The Case for the Commonwealth,	9
Opening of Guy Farquhar, Esq.,	9
The Commonwealth's Evidence,	13
Testimony of James McParlan,	13
" William M. Thomas,	106
" Francis McHugh,	111
" George Byerly,	121
" A. P. Carr, M.D.,	122
" A. B. Sherman, M.D.,	123
" Philip A. Bissell, M.D.,	125
" F. W. Metz,	125
" C. M. Lewis,	127
" William Lewis,	128
" Thomas Price,	129
" Henry Lloyd,	130
" William M. Thomas,	130
" Adam Leckley,	131
The Case for the Defendants,	134
Opening of S. A. Garrett, Esq.,	134
The Defendants' Evidence,	139
Testimony of Mrs. Dennis Murphy,	139
" George Barnard,	141
" W. T. Creese, M.D.,	142
" W. A. Marr,	143
" John H. Kemmerer,	143
" Daniel Eyester,	145
" John Hower,	146
" Samuel Green,	147
" Henry Schofstall,	147
" Augustus Schlaseman,	148
" Martin Monaghan,	148
" Captain John McClee,	148
" Richard Doyle,	150
" John N. Evans,	150
" Benjamin Ressler,	151
" Thomas McDonald,	151
" John Kimble,	152
" Edward Thomas,	153
" William Harvey,	153
" Captain John McClees,	155

PAGE

Testimony of George Scott, ... 155
" Michael Grell, ... 156
" S. P. Jones, ... 157
" J. C. Williams, M.D., ... 157
" John R. Madara, ... 159
" George Keesler, ... 159
" Percival Bomboy, ... 160
" F. E. Bentzinger, ... 161
" Abram Hinkle, ... 162
" William Ramsey, ... 162
" Mary Hinkley, ... 163
" John Hildebrand, ... 163
" Mrs. Michael Boran, ... 163
" James Sweeney, ... 164
" Michael Brennan, ... 165
" James Kinney, ... 165
" John A. Louck, ... 166
Constitution and By-Laws of the Ancient Order of Hibernians, . . . 167
Argument of Franklin B. Gowen, ... 176
" M. M. L'Velle, Esq., ... 192
" Hon. James Ryon, ... 202
" George R. Kaercher, Esq., ... 218
Charge of the Court, ... 233
The Verdict, ... 238
Appendix, ... 239
Testimony of James Kerrigan, ... 239
" Patrick Butler, ... 250

THE TRIAL.

TUESDAY, AUGUST 8.

AT the opening of the Court this morning District Attorney Kaercher called for trial the case of the Commonwealth against John Kehoe, Michael O'Brien, Christopher Donnelly, John Donohue, alias Yellow Jack, James Roarity, Dennis F. Canning, Frank McHugh, John Gibbons, John Morris, Thomas Hurley, and Michael Doyle, charged with assault and battery with intent to kill William M. Thomas. All of the defendants but Hurley and Doyle were produced in custody. Judge Walker sat alone, the other judges being otherwise engaged.

George R. Kaercher, Esq., Hon. F. B. Gowen, Frank W. Hughes, Esq., Guy E. Farquhar, Esq., and Hon. Charles Albright appeared for the Commonwealth, and James Ryon, Esq., Martin M. L'Velle, Esq., and S. A. Garrett, Esq., for the defendants.

Upon the opening of the case Mr. Ryon asked for a continuance, on the ground that Hon. John W. Ryon, of counsel for the defendants, was unable to be present on account of ill-health, and because Henry McAnally, Philip Nash, David Kelley, and Daniel Dougherty, material witnesses, were absent. The morning session was consumed in the examination of witnesses and the argument of counsel on the question of continuing, when the Court finally refused the motion, and the usual recess for dinner was taken. After recess the case was proceeded with, the following jury being empanelled: Lewis Miller, Frailey; Henry Berger, North Manheim; John J. Thomas, St. Clair; Jacob Faust, Branch; Michael Kerkeslager, Schuylkill Haven; A. B. Herb, Hegins; Joseph Stetler, Pottsville; William Wilcox, St. Clair; Samuel Stoudt, Pottsville; Reuben Kieffer, Ashland; Uriah Good, Pottsville; Charles Rice, South Butler.

THE CASE FOR THE COMMONWEALTH.

OPENING OF GUY FARQUHAR, ESQ.

Mr. Farquhar opened the case for the Commonwealth, as follows:

With submission to the Court—Gentlemen of the Jury: John Kehoe, Michael O'Brien, Christopher Donnelly, John Donohue, alias Yellow Jack, James Roarity, Dennis F. Canning, Frank McHugh, John Gibbons, John Morris, Thomas Hurley, and Michael Doyle are charged in this indictment with assault and battery with intent to kill William M. Thomas. Of these parties, Thomas Hurley, and Michael Doyle are fugitives from justice. The Commonwealth has not been able to arrest them, and you have only been sworn to try the other prisoners whom I have mentioned.

Before going into the details of this case, it will be necessary for me to explain another matter so that you may more fully understand the attack which was made upon Mr. Thomas. For a number of years there has existed in this county an organization known as the Ancient Order of Hibernians, also known as the Mollie Maguires. It originated not in this country, but in Ireland,

where it existed many years ago under the name of Ribbonism. The organization was created for the purpose of resisting the actions of the landlords, or preventing them collecting their rents, and if one tenant would take the land from which another had been evicted for not paying his rent, the Ribbonmen maltreated the person who took such a place. At first they did not kill them, merely beat them, ducked them in ponds, and performed acts of that character. These outrages were committed upon the landlords and bailiffs, and the constables who were intrusted with the collection of or making distress for rents, and when the members of the organization committed these outrages they were generally dressed as women, and hence became known as Mollie Maguires.

This organization thus founded in the old country, was brought here by persons emigrating from Ireland. In this country the organization is composed of what is known as the National Delegate and a President, residing in the city of New York. They have a State organization in each of the different States, a county organization in the respective counties, and divisions or lodges. The organization was created ostensibly for a beneficial purpose, and it was intended that its objects and purposes should appeal not only to the benevolence, but to the patriotism of its members; but, in fact, at least so far as this coal region is concerned, the organization is a band of cut throats and assassins, who have stopped at nothing for the purpose of carrying out their plans.

All of these defendants are members of that organization. John Kehoe occupied the position known as the county delegate, or the chief man in the county. James Roarity was the head of the Coaldale division or its body master. Dennis F. Canning was the county delegate of Northumberland County, or the chief of that county. Michael O'Brien was the body master at Mahanoy City. John Morris was a member of the organization but held no office. Christopher Donnelly was the county treasurer of this county. John Donohue, alias Yellow Jack, was the body master at Tuscarora. John Gibbons was simply a member of that organization, and Frank McHugh was the secretary of the division at Mahanoy City.

The body master was the head of a division. When an application was made, by any of the members, for a murder to be committed, a county convention was called, at which all the officers of the county were entitled to attend; that is, the officers belonging to the division, including the county secretary, county treasurer, and body masters and all the other division officers. These officers were composed of the body master, secretary, assistant secretary, treasurer, and a vice-president or vice body master, which although seldom exercised was yet provided for in their regulations.

There was, at one time, in Mahanoy City a disturbance at which one George Major, the chief burgess, was killed. Daniel Dougherty was arrested, indicted, tried, and acquitted of that murder. He was a member of the order. He belonged to a division near Mahanoy City. Some time after he was acquitted there was a convention held at Mahanoy City, at which John Kehoe presided. Michael O'Brien, Christopher Donnelly, John Donohue, James Roarity, Dennis F. Canning, and Frank McHugh were present, and also one James McParlan. At that convention a complaint was received from Daniel Dougherty, that notwithstanding he had been acquitted of the crime of the murder of Major, an attempt had been made to assassinate him. The members of the convention sent for Dougherty; he was brought into the room, and he told them that he had been shot at several times, and showed them his coat in which were the holes of the bullets, which he alleged had been fired at him. In the course of his narrative he told the convention that he thought if Jesse and William Major, and William M. Thomas, who was known as Bully Bill, were *put out of the road*, he would be allowed to live in peace. He then retired from the room, when a motion was made and it was resolved that the three men he had named should be killed. Dennis F. Canning, the county delegate of Northumberland County, said that if it was necessary he would find the men who would put the Majors out of the way. Christopher Donnelly said that that plan would not answer; that he lived down near Mt. Laffee, and he thought that it was a very light job, and he could get men to commit the crime, and would go with them, if necessary, himself; and that it would not need any

assistance from Northumberland County. Canning said that that was all right, but if they needed any assistance in the commission of the crime he would furnish the men to do it. Kehoe then told Roarity, the body master of Coaldale, O'Brien, the body master of the Mahanoy division, and McParlan, who belonged to the Shenandoah division, that the duty of furnishing the men to shoot Bully Bill devolved upon them, and that in his opinion the best plan to commit the murder would be to go to —— in broad daylight in the streets of Mahanoy City and shoot him down on the spot. O'Brien objected to that. He said that in his estimation that was not the proper way to commit the crime; that the plan he would suggest for carrying out this murder would be to obtain men from a distance and bring them to Mahanoy City; to have a place prepared for them to board with some member of the organization; to have their board paid out of the county funds of the organization, and then that they should lie in wait on the railroad between the colliery where Bully Bill worked and his residence, and catch him some time when he was going from the colliery to Mahanoy City, or from Mahanoy City to the colliery, and then shoot him down and kill him. This plan was agreed to, and Kehoe then instructed James McParlan to bring men from the Shenandoah division to do the job. McParlan went home to Shenandoah City, and there was a meeting called of his division. He told them what he had been instructed to do, and, at that time, John Gibbons, Thomas Hurley, and Michael Doyle agreed to go along with him to do the job. McParlan took them to Mahanoy City and there saw O'Brien, the body master, and told him there were too many soldiers picketed around there to do their work in safety; that one of their lives was worth a great deal more than a thousand such as Bully Bill's, and he did not think it was right to risk the danger, as the soldiers might arrest them. At a subsequent meeting of the division O'Brien communicated to the members as his own, the statement which McParlan had made to him, and they then agreed not to risk their lives, and decided that they had better go home, as they concluded that they were in danger of being arrested. They went home, and McParlan was taken sick, and, while he was sick, John Morris who had been up in Luzerne County, returned home, and, in the place of McParlan, he was placed upon the committee to kill Bully Bill.

The meeting of the organization at which the murder of Bully Bill had been decided upon was held on the 1st of June, 1875, and, on the morning of the 28th of June, very early in the morning, these four men, John Gibbons, John Morris, Thomas Hurley, and Michael Doyle, went to the colliery where William M. Thomas was working, for the purpose of committing the murder. When they reached the colliery they found Mr. Thomas in the stable currying the horses. His business was that of a hostler, and he was at that time inside the stable, feeding the horses and preparing them for their work. These men waited outside for some time, expecting that Thomas would come out, but finding that he did not come out as soon as they expected, or growing impatient and fearing that a crowd of men would gather around on their way to work, they went inside the stable and commenced firing at their victim. Hurley and Gibbons both fired. Thomas was shot in the neck, I believe, and in the body. Two bullets struck him, but fortunately for these defendants as well as for Mr. Thomas, he was not killed. He sheltered himself from their firing as well as he could, behind the live stock in the stable, and thus saved his life. In their firing at him they killed a horse and a mule, and, I believe, wounded another mule. One of the animals that was shot fell down and Thomas fell with it, sheltered by its body. The noise of the firing together with the shouts of Thomas and another stable boss frightened off these defendants, but not before they believed they had killed him, from seeing him fall and the blood on his person; and, escaping from the scene of outrage, they believed that they would always be safe from detection.

It was a part of the plan of this organization, whenever they desired to commit murder, to select members who were strangers both to the person who was to be killed and the people of the locality where the crime was to be perpetrated. Those members who were selected were always to be unknown in that particular neighborhood, so that if they were observed, they would

not be likely to be recognized again, especially if seen only once, and that for a short time.

But the members of this organization were unaware of one fact. They did not know that in their midst was a detective, placed there for the purpose of finding out who were the authors of these crimes, and, if possible, to prevent them. In the summer of 1873, after a long series of crimes had been committed in this county, it became evident to parties owning large interests in the coal regions, that all these crimes were being committed by an organization, and it was therefore determined that this organization should be exposed. Application was therefore made to Major Allan Pinkerton, the head of the National Detective Agency, in Chicago, and an arrangement was entered into with him, by which he agreed to furnish a detective, who should come into this county for the purpose of becoming a member of the organization, and exposing its secrets and its crimes. James McParlan was the man selected for this duty. He was sent into this county, came here a stranger, and, shortly after his arrival, went from place to place in the county to learn its geography. Starting at the lower end, Port Clinton, and visiting Auburn, Schuylkill Haven, Tremont, Pinegrove, Tower City, Pottsville, St. Clair, Girardville, Tamaqua, Shenandoah, and Mahanoy City, he became acquainted with the manners and customs of the people. In order to move successfully to carry out the design with which he had been sent here, he represented himself as a fugitive from justice, and, by assuming a criminal character, he readily won the estimation of the class of people whose doings he was to expose, and soon gained their confidence and obtained admission to their Order.

He was initiated as a member of the Order of Molly Maguires at Shenandoah, and two of these defendants, John Gibbons and John Morris, were members of the same division as himself, namely, the division of Shenandoah City.

In order that he might have access also to the county council, he had himself elected an officer of the division. He was made secretary, and as such became entitled to a seat in their county conventions. In that capacity he attended the convention at Mahanoy, and there met the parties whom I have named, and took part in their proceedings. Through it he had himself appointed a member of the committee to kill William M. Thomas, had notice sent him of the intended attack upon him, and saw that the party whom he took did not commit the crime. He, Mr. McParlan was prohibited from communicating with any one except Superintendent Benjamin Franklin, in Philadelphia. Afterward the National Detective Agency placed another officer, Captain Linden, in this county, and McParlan was permitted to communicate with him verbally, but he was obliged to make a report of his investigations every day, and send it to the agency in Philadelphia, so that they might know what was going on. These reports will be produced here, and if Mr. McParlan tells anything upon this stand that is not true, he can easily be contradicted by his reports which were made at the time. He communicated these facts last summer, and gave the names of all these parties, but there was one thing in the way of their arrest. McParlan came under a pledge that he should never be used as a witness. It was a distinct understanding with him that, while he should expose these criminals, and give all the information he could, he never should be used upon the witness-stand, because if he was, his life would be in constant danger wherever he went, and his influence as a detective would be almost entirely destroyed. Therefore the authorities, although they knew the names of these parties, were not able to arrest them. But, fortunately for this county and for the peace of the community, McParlan was detected by the Mollie Maguires. They found out that he was a detective. They discovered who he was, and what he was, and what his business was in this county, and in order to save his life, he was obliged to leave. Then all reason for secrecy was gone. All reason why he should not be a witness was removed, and he consented that he would take the witness-stand, and the very day that he took this stand, these defendants were arrested and placed in jail.

McParlan will detail to you all the facts as I have detailed them. William M. Thomas recognized the two men who came into the stable and did the

shooting, namely, John Gibbons and James Hurley. He fully recognized them, and swears to their identity. We will show to you that these men were not at work upon the day we have mentioned; we will show to you that these parties were in Mahanoy City at the time that we place them there; and we will show you such corroborative evidence that you cannot fail to believe that all these parties took part in this transaction as I have narrated.

You will notice that we do not allege that either John Kehoe, Michael O'Brien, Christopher Donnelly, John Donohue, James Roarity, Dennis F. Canning, or Frank McHugh were present or near when this attack was made upon William M. Thomas. They were not anywhere near, so far as we know, when it occurred; but in the eyes of the law, the Court will tell you, that if they agreed to it, if they counselled it, if they assisted in it, conspired to do it and promoted it, they are just as guilty as the parties who perpetrated the crime. Aye, even more so, for it was their brains that concocted the scheme, and it was the weaker tools who carried it out; and the leaders should be punished. The law holds them equally guilty with the parties who committed the assault itself, and if we prove to you the facts as I have said, the Court will tell you, if you believe the facts, that you should find them guilty in manner and form, all of them, as they stand indicted.

THE COMMONWEALTH'S EVIDENCE.

JAMES MCPARLAN SWORN AND EXAMINED.

By Mr. Kaercher.

Q. What is your full name? A. James McParlan.

Q. What is your occupation? A. Detective.

Q. Connected with what agency? A. The National Detective Agency.

Q. Who is at the head of that agency? A. Major Allan Pinkerton, of Chicago.

Q. When did you first become a member of that agency? A. In the spring of 1872.

Q. At what place? A. Chicago, Illinois.

Q. Did you ever come into Schuylkill County? A. Yes, sir.

Q. When did you come? A. In October, 1873.

Q. Who sent you here? A. Major Allan Pinkerton.

Q. Did you receive any instructions from any one else except Mr. Pinkerton? A. Superintendent Franklin, of Philadelphia.

Q. Had you seen Mr. Franklin before you came here? A. Yes, sir.

Q. How long did you remain here? A. I remained until March, the 5th or 6th, 1876.

Q. Where did you go to when you first came to Schuylkill County? A. Port Clinton.

Q. Where did you stop there? A. I stopped with a man named Timmons.

Q. A hotel keeper? A. No, sir.

Q. How long did you remain at Port Clinton? A. I guess about one or two days; a day and a half, or something like that.

Q. Where did you go to from there? A. Auburn.

Q. How long did you remain at Auburn? A. A portion of a day.

Q. Where did you go to from there? A. Pinegrove.

Q. How long did you remain at Pinegrove? A. I remained until evening the same day.

Q. Where did you stop at Pinegrove? A. I did not stop at any place particularly.

Q. Where did you go to from there? A. Schuylkill Haven.

Q. Where did you stop there? A. The first night I was there I stopped at the Washington House, I believe; the following day I went to, I think, the Swan Hotel, on the main street.

Q. How long did you remain at Schuylkill Haven on that trip? A. About five days.

Q. Where did you go to from there? A. During the time I remained in

Schuylkill Haven I visited Pottsville, but returned the same day. On leaving Schuylkill Haven I went to Tremont.

Q. Do you recollect where you stopped at Tremont? A. The Mansion House, I believe, is the name.

Q. Do you recollect the name of the proprietor? A. His name is Graber.

Q. How long did you remain at Tremont? A. I guess about a week. During my time at Tremont I visited Middle Creek, Rausch Creek, Upper and Lower; Swatara, Newtown, Donaldson and those places around there.

Q. After you left Tremont where did you go to? A. Tower City.

Q. Where did you stop there? A. I believe it is called the Washington House. The proprietor's name is Daniel Kaufman.

Q. How long did you remain at Tower City? A. About five days.

Q. Where did you go to from there? A. I came back to Tremont, and remained over night in Tremont.

Q. Where did you next go to? A. Minersville.

Q. Where did you stop in Minersville? A. Mock's Hotel.

Q. Where did you go to from there? A. Went to Philadelphia on business connected with the agency.

Q. How long did you remain in Philadelphia? A. I guess a couple of weeks; I forget now the exact time.

Q. When you came back to Schuylkill County, where did you go to? A. To Pottsville, in December, 1873.

Q. Where did you board in Pottsville at that time? A. Mrs. O'Reagan's, East Norwegian Street.

Q. How long did you remain in Pottsville? A. Well, I remained back and forth in Pottsville, up to February of 1874. At the same time I visited different parts of the county, but I always used to make that my headquarters when I came there.

Q. Can you name some of the parts of the county you visited while you made your headquarters at Pottsville? A. Yes, sir; I came to St. Clair. I remained in St. Clair, I guess, five days or probably a week, and stopped with Mr. Taggert there.

Q. Was that a private house or hotel? A. A hotel. Then I left St. Clair and went to Girardville. I remained there about a week and stopped with Mrs. Birmingham. Her son kept a saloon. I had got acquainted with him in Minersville previous to my going there. He was tending bar for Mr. Mock at the time I stopped at Minersville. I left Girardville and went to Ashland.

Q. Do you recollect where you stopped at Ashland? A. The proprietor's name was Kinsler.

Q. A hotel keeper? A. Yes, sir; I stopped about a week there and returned to Pottsville, stopped some time in Pottsvile, and went from Pottsville to Mahanoy City.

Q. How long did you remain in Mahanoy City? A. Well, I guess over a week; I would not be very exact as to the time.

Q. Do you recollect where you stopped at Mahanoy City? A. The first time I went there, I stopped with a man named McGinty. I believe his name was James; I do not recollect his first name. He kept a saloon; a boarding house. The following day I got a private boarding house.

Q. What was the name of the boarding house keeper? A. Mrs. Haughney; a widow lady.

Q. When you left Mahanoy City, where did you go? A. I went to Tamaqua; that was in January, 1874.

Q. Do you recollect where you stopped in Tamaqua? A. I stopped at the Columbia House.

Q. Who kept it at that time? A. Peter Marks.

Q. Where did you go from there? A. I came back to Pottsville.

Q. Where did you next go, after you left Pottsville? A. I remained then in Pottsville up to February. I left Pottsville and went to Girardville, stopped all night there—I believe a couple of nights; I stopped on Saturday night and the following Sunday night On Monday morning I left Girardville and went to Colorado. From Colorado I went to Shenandoah.

Q. Did you stop any time at Colorado? A. Well, I did not stop long that

morning, but, going to Shenandoah, returned again upon the same day and stopped all night at Colorado.

Q. At whose place? A. A gentleman named Hughey Mulligan.

Q. Did he keep a hotel or a boarding house? A. No; he did not keep any hotel.

Q. Where did you next establish your headquarters? A. I went to Shenandoah.

Q. At what time? A. In February, about the 10th or 12th.

Q. Where did you make your headquarters after you left Pottsville and went to Shenandoah? A. I stopped for two or three weeks with Michael Lawlor on Coal street; and made my headquarters in Shenandoah from that time until I left this county in 1876.

Q. How long did you remain with Michael Lawlor? A. I guess about two or three weeks.

Q. Where did you remove to then? A. I went to Fenton Cooney's.

Q. In the borough of Shenandoah? A. In the borough of Shenandoah, on Coal street.

Q. Did he keep boarders? A. Well, he did not have any but me, just then.

Q. How long did you remain at Fenton Cooney's as a boarder? A. I made that my headquarters any time I would be in Shenandoah up to the time I left the county, in March, 1876.

Q. During the time that you went in Schuylkill County, down to March, 1876, did you get to know any of these defendants? A. Yes, sir.

Q. When did you first get to know John Kehoe? A. I first got acquainted with John Kehoe in Girardville, in December, 1873.

Q. When did you first get to know Christopher Donnelly? A. I got acquainted with Christopher Donnelly in January, 1874.

Q. When did you first get to know Dennis F. Canning? A. Somewhere about May, 1875.

Q. When did you first get to know Michael O'Brien? A. In the latter part of 1874, or the spring of 1875.

Q. When did you first get to know Frank McHugh? A. I got acquainted with him about the same time.

Q. When did you first get to know John Donahue? A. I got acquainted with John Donahue in the latter part of 1874.

Q. When did you first get to know James Roarity? A. Well, I got acquainted with James Roarity in January, 1875.

Q. When did you first get to know John Gibbons? A. I knew John Gibbons and got acquainted with him in February, 1874.

Q. When did you first get acquainted with John Morris? A. I got acquainted with John Morris in the summer of 1874.

Q. Are these men that I have named over to you present here in court? A. Yes, sir.

Q. Did you know a man named Thomas Hurley, and a man named Michael Doyle? A. Yes, sir.

Q. When did you first get to know Thomas Hurley? A. I got acquainted with Thomas Hurley in February, 1874.

Q. When did you first get acquainted with Michael Doyle? A. I got acquainted with Michael Doyle in the early part of the spring of 1875.

Q. You have told us that you were a detective, and in the employ of Allan Pinkerton; will you tell us for what purpose you came into Schuylkill County?

Mr. Ryon. That we object to.

Mr. Kaercher. What is your objection?

Mr. Ryon. As irrelevant and immaterial.

Mr. Kaercher. We have a right to prove the object of his visit; whether he came here as a resident or visitor, or for the purpose of investigating any particular course of crime.

Judge Walker. We think it would be material as tending to show that he was a detective.

(Exception noted.)

The Witness. For the purpose of investigating and finding out as to who

belonged to a supposed organization called Mollie Maguires; to see what kind of outrages they committed, and who committed them.

By Mr. Kaercher.

Q. As such detective, and coming into this county with such an object, what was required of you in pursuing your investigations?

Mr. James Ryon. What do you propose to prove by that?

Mr. Kaercher. We propose to prove that he was required to make daily reports of his investigations.

Mr. L'Velle. That is immaterial.

Judge Walker. It has a bearing upon his being a detective.

The Witness. I was required to make a daily report, when I possibly could do it, of all my proceedings.

By Mr. Kaercher.

Q. To whom were you to make your reports? A. Superintendent Franklin, of Philadelphia.

Q. State whether, in pursuance of your object in coming into this county, to discover whether there was such an organization as the Molly Maguires, you joined any such organization?

Mr. Ryon. Now make an offer embodying your whole proposition.

Mr. Gowen. The Commonwealth propose to prove by the witness, James McParlan, that as a detective officer he became a member of an organization known as the Ancient Order of Hibernians, of which each one of the defendants on trial was a member, together with Hurley and Doyle; that as a member of that organization, he, the witness, became cognizant of the fact that the organization was criminal in its character; that the attack made upon William M. Thomas was made in pursuance of a confederation among all the prisoners now on trial and others, as members of that order, and acting as such; and that the attack and wounding of William M. Thomas was made by certain of the prisoners now on trial, in pursuance of the agreement or confederation before referred to. This to be followed by proof of the attack upon and wounding of William M. Thomas.

We further propose to prove by the witness the rules, purpose, and character of the organization, and all the circumstances connected with the confederacy or conspiracy to kill William M. Thomas. It is proposed to prove that the attack upon and wounding of William M. Thomas was made in pursuance of the rules, regulations, and orders of this association, with the knowledge, co-operation, and connivance of all the prisoners now on trial.

Mr. Ryon. We object to the offer as irrelevant and immaterial. If there was a conspiracy, as stated in the offer, it is one of fact capable of being proved, and it does not depend upon the question whether these prisoners were members of the Ancient Order of Hibernians or not.

(Offer admitted. Exception noted.)

By Mr. Kaercher.

Q. State whether, after you came to this county, you joined any secret organization? A. Yes, sir.

Q. What was the name of it? A. The Ancient Order of Hibernians, more commonly called Mollie Maguires.

Q. When did you join the organization? A. In Shenandoah, on Tuesday, I believe, the 14th of April, 1874.

Q. At whose house was it that you became a member? A. Michael Lawlor's.

Q. By whom were you invited into this order? A. By Michael Lawlor.

Q. Was any one else present at the time? A. Yes, there was present Edward Ferguson, Thomas Hurley, Thomas McNulty, and Peter Monaghan.

Q. State what ceremony you were required to go through to become a member? A. I had to go down upon my knees; a certain obligation, that was called a test, was read to me, I repeating the words after Lawlor; then I paid three dollars of initiation fees, and was admitted as a member. I had to kiss this paper, this test, previous to getting off my knees.

Q. State whether or not it was a secret order? A. Yes, sir; a secret order.

Q. Was it known by any other name than the Ancient Order of Hibernians? A. It had several names. It was known as Molly Maguires, Buckshots, etc.

Q. What were the qualifications for membership in this order? A. It required men to be either Irish or of Irish parents. They must also be Catholics.

Q. How did members know one another, it being a secret organization? A. By signs and passwords.

Q. You have stated that you joined the division at Shenandoah. What was the name given to such a division? Was it simply called a division, or had it a number or a name? A. I do not know as it had a number. Sometimes we would get a number; but when we would come to look at it, some other division had the same number. Things were kind of mixed up, and we generally called it Shenandoah division.

Q. What officers were there connected with that division? A. There did not seem to be any officers there but Lawlor, alone.

Q. What position did he hold? A. He was what was called a division or body master.

Q. In the regular organization of a division what other officers are there?

Mr. Ryon. One moment! Is that in writing? Is there any written constitution or by-laws?

Mr. Kaercher. I am not asking for the contents of any paper. I am asking for facts. The constitution might have required officers and the divisions not have had them.

(To the witness.)

Q. State from your knowledge of other lodges what officers were required or were held in these different divisions, besides the president or body master? A. Some divisions had a president or body master, vice-president or vice-body master, secretary, assistant secretary, and treasurer, making in all, five officers at the head of a division. Others did not have that.

Q. Is there any higher body or organization in a county than that of a division? A. Yes, sir; county officers.

Q. What county officers were there? A. County delegate, county secretary, and county treasurer.

Q. Was there any other county officers or county body that could be called together? A. Yes; there was a county committee, sometimes, that was called together.

Q. Tell us how that was composed, or of whom. A. The way I have seen it work here the county delegate generally appointed the committee.

Q. He fixed the number and appointed the committee? A. Yes, sir.

Q. By whom were these county officers elected or selected? A. They were elected by the division masters, or body masters, and their officers—the division officers.

Q. Were they elected in one general assembly of the body masters and officers of the county? A. It was called a county convention.

Q. Then these officers would be elected in a county convention of the officers of the different divisions? A. Yes, sir.

Q. Is there any grade in this society above that of county officers? A. Yes, sir.

Q. What was that grade? A. State officers.

Q. What were the names of the different officers? A. There was the State Delegate, State Secretary, and State Treasurer.

Q. How were they selected? A. They were elected by the different county delegates of the different county officers as a general thing; but division masters that would happen to be in the immediate vicinity of where this election would take place and their officers had also a vote in their election.

Q. Was there any grade in this order still higher than that of State officers? A. Yes, sir; there were National officers.

Q. Where were the headquarters of the National officers? A. In New York.

Q. What were those National officers? A. There was the National Delegate, National Secretary, National Treasurer, and President of the Board of the city and county of New York, or something; I believe that is what it is styled.

Q. Do you know by whom these National officers were selected? A. By the different State officers; the same as in the case of the election of the State

Delegate. It seems that any division officers living in the immediate vicinity where the elections were held, who was present at the time, had also a vote.

Q. State where the headquarters of the State officers of the State of Pennsylvania were? A. In my time they were in Pittsburg.

Q. Was there any grade of the body higher than that of National officers? A. Yes, sir.

Q. What body was that?

By Mr. James Ryon.

Q. Are you telling all this from your own observation, or have you read it or heard it talked of by some one else? A. I have read it and heard it from the officers themselves.

By Mr. Kaercher.

Q. Have you learned it from members of the organization themselves? A. Yes, sir.

Q. State whether there was any higher grade than that of the National officers? A. Yes, sir.

Mr. James Ryon: One moment. We object to that. It is hearsay evidence and that of which the witness has no knowledge, and therefore he is not competent to testify.

Judge Walker. I understand that the witness speaks of his own knowledge, and he can state what he knows.

(Exception noted.)

By Mr. Kaercher.

Q. Proceed and tell us whether there was any higher degree in the order? A. Yes, sir; there was still what was called the Board of Erin.

Q. Of how many persons was this Board composed?

Mr. James Ryon: I desire to ask the witness what he knows about this.

Mr. Kaercher. We object to these interruptions; the counsel on the other side cannot take the witness out of our hands when he is under examination by us. He stated that he obtained his information from members of the order.

Judge Walker I have directed an exception to be noted. Proceed.

By Mr. Kaercher.

Q. You have told us there was still a higher grade, and that it was called the Board of Erin? A. Yes, sir.

Q. Of how many members was it composed? A. It was composed, I understand, of delegates from England, Ireland, and Scotland.

Q. How many from each place? A. I do not think that the number was limited; I never understood it to be.

Q. Where did they meet? A. They met at different places. Sometimes in England, sometimes in Scotland, and still sometimes in Ireland.

Q. They were called the Board of Erin? A. Yes, sir; that is what I understood.

Q. You have stated that the members were known to each other by signs and passwords. From whom were these signs received? A. They were received from this Board of Erin.

Q. To whom were they sent in this country? A. They were sent to the National Delegate.

Q. By this Board of Erin? A. Yes, sir.

Q. Did you ever hear by whom they were sent? A. Well, I have heard it talked among the members that a party who was a steward on the Inman line used to carry "the goods."

Q. Were these signs and passwords known by the name of "the goods?" A. They were known by the name of "the goods."

Q. Among the members? A. Yes, sir.

Q. To whom were these "goods" distributed by the National officers of New York? A. Distributed to the different State delegates.

Q. Where were they distributed by them? A. To the different county delegates.

Q. Did the county delegate make any further distribution of them? A. The county delegate in turn distributed them to the body master, the division master.

Q. Of the different divisions? A. The different divisions of the county.

Q. What did the division master do with "the goods," or signs and pass-

words? A. He or his secretary in turn distributed them to the different members of his division.

Q. State how often these "goods" were received by and distributed among the members? A. Once in each quarter; four times a year.

Q. Of what did they consist; of mere signs and mere passwords, or were there other signs? A. They consisted of signs, passwords, toasts, quarrelling toasts, and night passwords, some of them.

Mr. Kaercher. I will state that at this point of the testimony we desire to introduce the "goods" which were distributed to the different divisions, but we have not the papers in Court at present, and probably it would be better to adjourn than to interrupt the regular course of the examination.

Judge Walker. It is already half an hour after the time of adjournment.

Adjourned until Wednesday at 9 o'clock.

WEDNESDAY, AUGUST 9.

The Court was opened at 9 o'clock A.M.

EXAMINATION OF JAMES MCPARLAN RESUMED.

By Mr. Kaercher.

Q. At the adjournment of the Court last evening, you told us that the Ancient Order of Hibernians was a secret society, and that the members were known to each other by signs and passwords; can you give us any of the signs and passwords of that society?

Mr. Ryon. We object to that.

Judge Walker. That is embraced within the original offer, and is covered by the exception noted yesterday.

Mr. Ryon. I think the offer is different, and I desire to have an independent exception.

Judge Walker. It will be noted.

By Mr Kaercher.

Q. Can you now give us some of the "goods?" A. Yes, sir; I have some of them here.

Q. Read them, please; giving the date and quarter for which they were given. A. (referring to report). These are the goods which I received upon entering the organization, upon Tuesday, the 14th of April, 1874.

By Mr. Ryon.

Q. Are you reading from your own memorandum? A. I am reading from my own report; from my own handwriting.

Q. Made when? A. Made at the time when I received the goods, or at least that evening afterward.

The password is:

"The Emperor of France and Don Carlos of Spain,
They unite together and the Pope's right maintain."

The answer is:

"Will tenant right in Ireland flourish,
If the people unite and the landlords subdue?"

The quarrelling toast is as follows:

"Question. Your temper is high?"

"Answer. I have good reason to."

The night password is as follows:

"Question. The nights are very dark?"

"Answer. I hope they will soon mend."

The sign is the little finger of the right hand to the corner of the right eye

The answer is to catch the lappel of the vest with the little finger and thumb of the right hand; this should be the left hand, as I evidently have made a mistake in that particular.

These are the "goods" I received on Sunday, May 18th, 1874:

The password is:
"That the trouble of the country may soon be at an end."
The answer is:
"And likewise the men who will not her defend."
The quarrelling toast is:
"You should not dispute with a friend."
The answer is:
"Not if I am not provoked."
The night password is:
"Question. Long nights are unpleasant."
"Answer. I hope they will be at an end."
The sign is the front finger and thumb of the right hand to touch the neck-tie or top button of the shirt; the answer is the right hand to rub across the forehead, touching the hair.
These are the "goods" received Monday, August 10th, 1874:
The password is:
"What do you think of the Mayo election?"
"I think the fair West has made a bad selection."
The answer is:
"Whom do you think will duly betray?"
The quarrelling toast is:
"Question. Don't get your temper so high."
"Answer. Not with a friend."
The sign is by putting the thumb of the right hand into the pocket of the pants. The answer by putting the thumb of the left hand on the lower lip.
These are the "goods" received on Wednesday, the 28th of October, 1874:
The password is:

"What do you think of D'Israeli's plan,
He still keeps home rule from our native land."

The answer is:

"But still with good swords and men at command,
We will give long-lost rights to our native land."

The night password is:

"Question. The night looks gloomy."
"Answer. I hope we will soon have a change."

The quarrelling toast is:

"Question. You are very provoking, sir."
"Answer. I am not to blame."

The body master's toast is:

"Question. May the President of France, the General so grand"
"Answer. Banish all heresy and free Ireland."

I find that I have omitted the sign in these "goods," and I do not remember it now. I did not commit it to memory, for I never paid much attention to the "goods," anyhow.
These are the "goods" received on Saturday, the 11th day of January, 1875.
The password is:

"Question. Gladstone's policy must be put down,
He is the main support of the British Crown."
"Answer. But our Catholic lords will not support his plan,
For true to their Church they will firmly stand."

The quarrelling toast is:

"Question. Don't give way to anger."
"Answer. I will obey a friend."

The night password is:

"Question. The nights are getting shorter."
"Answer. They will soon be at their shortest."

The body master's toast is:

"Let every Irish patriot
Espousing Erin's cause,
In College Green
They may be seen
There making Irish laws."

The sign is the nail of the right thumb across the bridge of the nose. The answer the tip of the forefinger of the left hand to the chin.

These are the "goods" received on Friday, the 14th day of May, 1875.

The password is:

"What is your opinion of the Tipperary election?"
"I think England broke her Constitution by Mitchell's rejection."

The sign is:

"But didn't O'Connell resign his oath and seat?"
"Yes, and by agitation gained the emancipation."

The quarrelling toast is:

"Question. Keep your temper cool."
"Answer. I will not raise it to a friend."

The answer is:

The forefinger of the right hand in the left sleeve of the coat. The answer is: The thumb of the left hand in the left side vest pocket.

The body master's toast is:

"Here's that every Irishman may stand to his cause,
And subdue the British Government and its coercion laws."

These are the "goods" received upon the 4th of November, 1875.

The password is:

"Here's a health to every Irishman
That lives in Ireland,
To assemble 'round in Dublin Town
In memory of Great Dan."

The answer is:

"When born, he found our country
In chains and slavery;
He labored hard to set her free,
But now he's in the clay."

The quarrelling toast is:

"Question. You seem to be getting vexed."
"Answer. Not with you, sir."

The night password is:

"Question. These nights are fine."
"Answer. Yes, we shall have a fine harvest."

The sign is the tip of the forefinger of the right hand to the hole of the right ear; and the answer is the tip of the front forefinger of the left hand to the hole of the left ear.

These are the "goods" received on Saturday, the 22d of January, 1876.

The password is:

"Question. Home rule in Ulster is making great progress."
"Answer. Yes, if every Irishman would support the cause."

"I wonder if Ireland can gain tenant right?"
"Yes, if supported by the Irish members."

The night password is:
Question. "Moonlight is pleasant?"
Answer. "Yes; so is freedom."
The quarrelling toast is:
Question. "Be calm, sir."
Answer. "I am never too boisterous."
The division master's toast is:

"Here's to every Irishman that crossed the Atlantic wave;
That they may return with heart and hand, their native land to save."

I find I have omitted the sign also, in that report, I believe.

Q. There is a toast there called the quarrelling toast; what was the province of that toast? A. Well, if two members should meet in a bar-room, who were not acquainted with each other, and were going to fight, which was a very common thing, if one of them would give a portion of this quarrelling toast, the other would certainly see who he was right away, and, of course, if he struck him after that, he was liable to be tried by the society, and very likely dismissed.

Q. What was the province of the body master's toast? A. If a body master would leave this county, and probably leave this State, on a pleasure trip or any other kind of business, and meet another body master, he could tell him plainly who he was, through this toast, so that he could not forge anything on him; and the members, as a general thing, never got that toast; they sometimes got it at the latter end of the quarter, but they did not get it at first; at least I have never seen it as far as I have been connected with it.

Q. Could the members of one division join any other division in the same county? A. Yes; providing they were in good standing, and fetched a card or recommendation.

Q. How was that done. What evidence did they have to give that they were in good standing? A. Why, the division master or his secretary would fill a card, stating that he was a member in good standing, and all that sort of thing, and that would be all-sufficient to gain him membership in any other division in the same county.

Q. How was it if he went out of the county? A. Then this card had to go to the county delegate and receive what was called a private mark. Then, upon going to another county, he would present this card either to a county delegate or to a division master, and the division master, if it was to the division master that the card was presented, would take the card and send it to the county delegate to ascertain if this private mark was on it, as it was something that the division masters as a general thing did not know anything about; and if it was, of course, the member was admitted.

Q. Was there any provision for a member to go from one State to another? A. The provision was to take his travelling card along with him.

Q. Would it have to be marked by the State officers, or would the county delegate's mark be sufficient? A. The county delegate's mark would be sufficient, as far as I have seen.

Q. What was the practice of this organization in reference to committing crimes? A. It was a general practice to commit crimes.

Q. How was it done? A. Generally when there was an outrage to be committed, in the district where it was going to be committed, the division master of that district would either apply to another division or to the county delegate to get men who were unknown to the parties upon whom the outrage was to be perpetrated. These men would come and commit this outrage, and he would give a guarantee that if they wanted a like favor in their locality he would send the men. The men generally selected for that purpose were strangers.

Q. What penalty was imposed upon members who would refuse to join in the commission of these outrages or crimes? A. The penalty, as a general thing, was expulsion. I heard the county delegate one time instruct the division master of the division I belonged to—

Mr. L'Velle. Is this testimony what he heard the county delegate say?

By Mr. Kaercher.

Q. Who was the county delegate? A. John Kehoe.

Judge Walker. Proceed.

The Witness. I heard him instruct Frank McAndrew, upon the 24th of June last, that if he wanted his men to do any job, and they refused, to expel them immediately.

Q. That was upon the 24th of June, of what year? A. 1875.

Q. What was the practice of this organization, as to assisting members that might be arrested for crime? A. The practice was to raise money first, to obtain counsel; and secondly, to try and get as many witnesses as possible to prove an alibi.

Q. Was there any penalty imposed upon persons who would refuse to aid in these matters? A. The penalty, as a general thing, was expulsion; in fact, I have never known any that refused very much.

Q. In what manner would these divisions determine on the commission of crime; would it be in meetings of the organization? A. They would have a meeting; sometimes all the members would not be present.

Q. Sometimes all the members would be present, and at other times they would not all be present? A. Yes, sir.

Q. State whether any of these defendants belonged to the Ancient Order of Hibernians; the Order that you joined? A. Yes, sir; they all did.

Q. You say all these defendants belonged to that Order? A. Yes, sir.

Q. What position, if any, did John Kehoe occupy in that Order? A. County delegate of Schuylkill County.

Q. What position did Christopher Donnelly hold in the organization? A. County treasurer of Schuylkill County.

Q. In this Ancient Order of Hibernians? A. Yes, sir.

Q. Dennis F. Canning; what position did he hold? A. County delegate of Northumberland County.

Q. What position did Michael O'Brien hold? A. Body master of Mahanoy City.

Q. What position did Frank McHugh hold? A. Secretary of the Mahanoy City division.

Q. What position did John Donohue hold in the Order? A. Body master of Tuscarora, up to the 1st of September last.

Q. Where did he live? A. At Tuscarora at that time.

Q. What position did James Roarity hold? A. Body master of Coaldale.

Q. In Schuylkill County? A. In Schuylkill County.

Q. What position did John Gibbons hold? A. He was an ordinary member of the Shenandoah division.

Q. What position did John Morris hold? A. He was the same.

Q. These two men lived in Shenandoah? A. Yes, sir.

Q. In 1875? A. Yes, sir; a portion of the time.

Q. Where did John Kehoe live? A. Girardville.

Q. Where did Christopher Donnelly live? A. Somewhere about Girardville; I have written letters to him there.

Q. Where did Canning live? A. Locust Gap.

Q. Have you met these men in any meeting of that Order? A. Yes.

Q. At what meeting of the organization have you ever met Jack Kehoe? A. I have met him in county conventions.

Q. County conventions of the Mollie Maguires? A. Yes, sir.

Q. Where were those county conventions held that you met him? A. Well, I met him in one in Girardville, held in Lafferty's Hall.

Q. About what time? A. About the 4th or 5th, I believe, of January, 1875.

Q. Were any of these defendants present at that meeting, besides Kehoe? A. James Roarity.

Q. Any of the others? A. Michael O'Brien was there; Frank McHugh was there.

Q. How as to Canning? A. He was not there.

Q. Was Donnelly there? A. Christopher Donnelly was there.

Q. Were you present at any other county meeting or convention? A. Yes, sir.

Q. Where was the next county meeting or convention which you attended? A. I believe it was on the 11th of January, 1875.

Q. Where? A. It was held in the Old Town Hall of Pottsville.

Q. Which of these defendants were present at that meeting? A. John Kehoe, Michael O'Brien, Christopher Donnelly, James Roarity, John Donohue.

Q. Were any of the others present, that you recollect? A. No; I do not recollect.

Q. Where was the next convention of the Mollie Maguires that you attended? A. Well, there was another convention, when I come to think of it; I am not very positive about the date, but it was held somewhere about the latter part of 1874. I think it was held in Metz's Hall, in Mahanoy City.

Q. Was that in 1874 or 1875? A. No; it was in 1874.

Q. Was that before the meeting at Lafferty's Hall, in Girardville? A. Yes, sir.

Q. If any of these defendants were present at that meeting, give us their names. A. There was John Kehoe, Michael O'Brien, John Donohue, and James Roarity, and several others, of course.

Q. Were you present at any other county meeting or convention? A. Yes; another one held on Thursday, the 1st of June, 1875, at Mahanoy City, in Michael Clark's.

Q. Who were present at that meeting? A. John Kehoe, Christopher Donnelly, Dennis F. Canning, Michael O'Brien, James Roarity, Frank McHugh, and John Donohue.

Q. These seven defendants that you have named? A. Yes, sir.

Q. Were you present at any county convention after that? A. Yes; a convention held in Tamaqua.

Q. Upon what date, and at what place? A. Upon the 24th of August, 1875; held in James Carroll's.

Q. If any of these defendants were present at that convention of the Molly Maguires, tell us who they were? A. John Kehoe, Christopher Donnelly, Michael O'Brien, James Roarity, John Donohue, and several more. John Morris was there, but did not sit in the convention.

Q. Were you at any meeting of this order after that 24th of August, 1875? A. County meeting?

Q. Yes, sir. A. Yes; I attended another county meeting that was held in Girardville. I think it was in January, 1876.

Q. Who of these defendants were present at that meeting? A. John Kehoe was there, but I do not remember if Michael O'Brien was there.

Q. Were any of these others, that you recollect of, at the Girardville meeting? A. I am not sure; I won't swear. I would have to refer to my reports.

Q. Tell us whether or not Roarity was at that meeting? A. I believe Roarity was present; there were several others that I remember, and I believe Roarity was present at that meeting.

Q. At all these meetings that you have named were you present as a member? A. Yes, sir; I was present as a member.

Q. What position did you occupy in the order that entitled you to be present at this county meeting? A. I was secretary of the Shenandoah division.

Q. As the secretary of the Shenandoah division, did you ever meet John Gibbons and John Morris in any of the division meetings at that place? A. Several times.

Q. Were there more persons than you have named who attended at these various division meetings and convention meetings? A. Yes, sir.

Q. Give us some additional names of the men that you remember who attended the meeting that was held in the Old Town Hall in Pottsville. A. There was—

Mr. L'Velle. Wait a moment. What is the object of this?

Mr. Kaercher. The object of the question is to show the means of knowledge and information of the witness as to the workings of the association, and his acquaintance with the membership.

Mr. L'Velle. We ask that the Commonwealth make an offer.

Mr. Kaercher. There is an offer.

Judge Walker. The witness has testified that he was a member of this organization.

Mr. L'Velle. We object, upon the ground that it is immaterial. The question as to who might or might not have been members of this organization is entirely immaterial, provided they are not on trial under this indictment.

Judge Walker. The Commonwealth alleges, and this witness has testified, that he was a member of this association, and the question has been asked for the purpose of showing his knowledge as to the workings of the association.

Mr. L'Velle. Your Honor must have misapprehended the offer of the District Attorney. I suppose the District Attorney makes his offer.

Judge Walker. We will admit the offer, and note an exception.

By Mr. Kaercher.

Q. Go ahead and name some of the other members who were present at that meeting, and the positions they held in this organization?

Mr. L'Velle. That is the proposition to which we object at the present time. That is not in the original offer, and your Honor has not passed upon that proposition at all.

Judge Walker. We admitted the question, and have directed an exception to be noted.

By Mr. Kaercher.

Q. Answer the question. A. There was James Kinney, of Mt. Carbon, Frank Keenan, of Forestville, Jerry Kane, of Mt. Laffee, Patrick Collins, of Palo Alto.

Q. Patrick Collins, the County Commissioner? A. Yes, sir. There were John Regan, of St. Clair, Frank O'Neill, of St. Clair, William Callihan, of Mahanoy Plane; there was Patrick Dolan, Jr., of Big Mine Run; there was Lawrence Crane, of Girardville; there was David Kelly, of Wild Cat Run; there was a young man named Bradley, who, in the absence of the division master of Loss Creek, represented that body. He lived somewhere about Loss Creek, or somewhere in that neighborhood. There was Frank McAndrew, of Shenandoah; there was John Donohue, of Tuscarora; there was James Roarity, of Coaldale.

Q. That is the prisoner? A. Yes, sir; James Kerrigan, of Tamaqua.

Q. What position did he occupy in the order? A. Body master. There was Peter Burns, of Silver Creek or Mountain End, Michael O'Brien, of Mahanoy City, William Gormerly, of St. Nicholas, and there was still some more.

Q. It was a large meeting? A. Yes, sir. I believe there was also a fellow named Sherry who was there, from St. Nicholas, also.

Q. And the meeting was held in the old Town Hall, in the borough of Pottsville? A. Yes, sir.

Q. You stated that you attended a county meeting or convention in Mahanoy City on the 1st of June, 1875, at the house of Michael Clark? A. Yes, sir.

Q. Did you have any notice of that meeting from any of these defendants, prior to the time of the meeting being held? A. Yes, sir.

Q. From whom did you hear that the meeting was to be held? Tell us all about it. A. From John Kehoe. Upon Wednesday, the 26th of May, I believe, 1875, I went to Girardville, and I there saw John Kehoe.

Q. Did you stop at Kehoe's? A. Yes, sir; I stopped at Kehoe's.

Q. He kept a tavern there, did he not? A. Yes, sir; he kept a saloon.

Q. You stopped with him there? A. Yes, sir. He told me he had been to Mahanoy City some time previous—a few days, I guess—prior to this time, and that things were in a bad state; that the Modocs were raising the mischief, and that he calculated to call a meeting of the Ancient Order of Mollie Maguires of the county, to arm themselves and go to Mahanoy City and challenge them out to fight, and shoot them down in the daytime; but, upon considering the matter, he said that he thought he would not undertake that plan; that he had sent Thomas Donohue to Locust Gap for to tell Dennis F. Canning to meet him in Mahanoy City upon Tuesday, the 1st of June.

By Judge Walker.

Q. At Clark's? A. At. Clark's. Donohue had returned and stated that Canning was not home; that he believed the man was out at Pittsburg at the time.

By Mr. Kaercher.

Q. Where did Thomas Donohue live? A. He lived a little ways out of Girardville, in Butler Township, I believe.

Q, Did you see him here yesterday as a constable? A. I was not here yesterday.

Q. Is he the same man? A. Yes, sir; I expect he is the same man.

Q. Is he the man that was charged with the murder of Rae? A. Yes, sir; the man that was charged with the murder of Rae is the man that I refer to.

Q. You say this was on the 26th of May that Kehoe told you that Donohue had returned and told him that Canning was not at home? A. Yes, sir; I left Girardville that evening, and went to Shenandoah, and upon the following Friday, I believe, the 28th of May, I went over to Mahanoy City, and I saw Michael O'Brien there.

Q. One of these defendants? A. Yes, sir; Michael O'Brien told me that he had been talking to Kehoe, that he wanted a meeting called; that he wanted some steps taken to do away with these Modocs. He stated what he wanted was to get about six good men, armed with navy revolvers, and he would send a man around with those men, and this man would point out to those strangers who would come who he wanted shot, and that they could do it all in one night, and he did not see any difficulty in them getting away. I returned back to Shenandoah that same afternoon.

By Mr. Ryon.

Q. Who do you mean now, O'Brien? A. Yes; I mean Michael O'Brien, the prisoner.

By Mr. Kaercher.

Q. It was a conversation with Michael O'Brien? A. Yes, sir; and upon Sunday, the 30th of May, in the afternoon, I went to Girardville. I there met John Regan, of St. Clair, and Kehoe at Kehoe's house.

Q. What time did you get to Girardville that day? A. Well, I left on the afternoon train. It was after dinner. I would not be particular about the exact hour. I left upon the noon train on Sunday from Shenandoah. I would have to refer to the time tables of the cars to tell the exact train, but I went straight to Kehoe's after getting off the cars at Rappahannock, and Kehoe took Regan and I aside. In fact, we were setting in the kitchen; there was nobody present there but ourselves in the kitchen. He asked us if we had any good men in our division, good men that were good on the shoot. I believe that was about the expression he used. I told him that in the division I belonged to he knew that they were all young men, and were inexperienced in the business, and I did not think they would suit him. Regan stated that he thought he had a man who would be a good man, and he gave his name as Clark. Kehoe stated that he wanted Regan and I to meet him in Mahanoy City on Tuesday the 1st of June.

By Mr. Hughes.

Q. Where? A. At Michael Clark's; and we would determine what was to be done, because Mahanoy was in a bad state.

By Mr. Kaercher.

Q. What day were you to meet in Mahanoy City? A. The 1st day of June. This was on the 30th of May. While we were talking about this matter, I believe Dr. Carr, of St. Clair, and I believe Dr. Sherman, of Girardville, came down stairs. They had been up stairs. Mrs. Kehoe was sick or the baby was sick, or something, or she was just after being confined; and Regan went away in Dr. Carr's buggy. Dr. Sherman went away also.

Q. They drove away together? A. Yes, sir. Regan promised to be in Mahanoy the following Tuesday. Kehoe then instructed me to go over to Mahonoy upon the following day and see Michael O'Brien, and tell O'Brien to be ready for the meeting. I told him I would. Tom Donohue was in there, and he took Donohue and I aside, in a room off the bar, and told me there—

Q. This Donohue to whom you refer is not the prisoner? A. No, sir.

Q. That is the Donohue that is charged with the murder of Rea? A. Yes, sir. He told me there that there was a member of the Mollie Maguires that had got shot, somewhere about O'Connor's, or the Rappahannock, or somewhere about there, and that his name was Rusk; that he had got shot in the leg by a constable from Ringtown by the name of Lambertson.

Q. Was anything said at that time in reference to the meeting at Mahanoy City? A. Nothing; only Kehoe told me to go and tell O'Brien.

Q. Then you need not tell any other part of that conversation. Go on and tell us anything that was said with reference to the meeting at Mahanoy City? A. That was all that was said upon that occasion with respect to the meeting. I went to Mahanoy City on Monday, the 31st of May. I told O'Brien. I delivered my message as Kehoe gave it to me. We did not hold any conversation as to what steps should be taken.

Q. Did you return to Shenandoah on the 31st? A. Yes, sir; and upon Tuesday, the 1st of June, I went to Mahanoy City.

Q. What time did you leave Shenandoah that morning? A. The train leaves, I believe, somewhere about 9 o'clock. I went on the Lehigh Valley.

Q. Did any one go with you from Shenandoah to the meeting? A. No person but myself. When I arrived at Mahanoy City I met Kehoe and Donohue.

Q. This defendant here, John Donohue? A. Yes, sir; John Kehoe, John Donohue, Dennis F. Canning, Christopher Donnelly, James Roarity, Mike O'Brien, and Frank McHugh, and some more.

Q. Where was it that you first saw these men, or any of them? A. I first met them on the main street of Mahanoy City, a little east of the dead line. I should judge.

Q. That is east or west of the Mansion House? A. Well, it is west of the Mansion House.

Q. The dead line is west of the Mansion House? A. I think it is.

Q. Where is Clark's; is that east or west of the Mansion House? A. I should judge it was west of the Mansion House.

By Mr. Hughes.

Q. Down the valley? A. Down the valley.

By Mr. Kaercher.

Q. Toward Girardville? A. Toward Girardville.

Q. Is it on the main street? A. It is on the main street.

Q. Can you tell us whether it is near the western end of Mahanoy City? A. It is pretty near the western end of Mahanoy City; but I met them outside, and then we went to Clark's. When we went in we had a drink, and went upstairs and occupied a front room on the second floor.

Q About what time in the day was it when you went in there? A. I should judge it might be about half-past ten o'clock by the time I got in the room; it might be a little more.

Q. And you say the men that went in the front room with you were Jack Kehoe, John Donohue, Dennis F. Canning, Christopher Donnelly, James Roarity, Mike O'Brien, and Frank McHugh? A. Yes, sir; there was still another man who came in, but he is not here.

Q. Tell us whether this was a county convention of the Mollie Maguires or whether it was what you have described to us as a meeting of the county committee? A. It was what was called a county meeting.

Q. The men were selected by the county delegate? A. By the county delegate.

Q. And he appointed the meeting? A. Yes, sir.

Q. Who was this other man that you have alluded to as having been there in the room with you? A. William Gavin, the county secretary, of Big Mine Run.

Q. What county? A. Schuylkill.

Q. Do you know where Gavin is now? A. No, sir.

Q. What took place after you went into this room in Clark's? Tell us all that was said and done. A. When I got in the room, Kehoe was the President, and kind of opened the meeting, and told them he supposed they knew the

object that they had been called there together for, and I believe gave a description that the Modocs had tried to shoot Dan Dougherty, and commit some crimes of that kind. Then Christopher Donnelly objected to Frank McHugh. He asked what fetched him there. Michael O'Brien said that he was his secretary, and he wanted him to be in there. So Francis McHugh stayed there. Christopher Donnelly then made a motion that the convention should procure some stationery; that is, some pens and ink and paper, and for Frank McHugh to write a kind of minutes, or what purported to be minutes of the meeting, so that if any trouble should arise from the convention, they could produce those minutes to show that they had met there on legal society business. This paper was got.

Q. Do you recollect who went to get the paper, whether it was McHugh or not? A. Well, I do not recollect exactly.

Q. You recollect that some one went and got the paper? A. I recollect that the paper was got. I seen the paper on the table, but I do not recollect exactly who went for the paper. Then it was moved that Daniel Dougherty be sent for.

Q. Who was this Daniel Dougherty that they were to send for? A. He was a man that had been arrested and charged with the shooting of George Major, I believe, of Mahanoy City.

Q. State whether or not he was a member of this Order of Mollie Maguires. A. Yes, sir; he was a member of the Order. Dougherty was fetched into the room. There were two who went out after him. I forget now who they were. They got him in his boarding-house. He showed us one or two bullet-holes in his coat, somewhere up by the shoulder, and stated that he believed that Jess Major was the man that shot him, and he had come to the conclusion that the probabilities were that the Majors were going to kill him anyhow, and he thought that if the Majors and Bully Bill were put out of the way he would have peace. He was told to retire, and he did so.

Q. Were the names of the Majors mentioned? A. Yes, sir.

Q. What were they? A. William and Jesse Major.

Q. He was then told to retire? A. Yes, sir.

Q. Go on and tell what happened? A. After he had retired, Christopher Donnelly stated that he would furnish two men and go himself to shoot those two Majors. John Donohue stated that the Majors, in company with another man, I believe his name was Ferral, were at that time taking coal out of a drift, or doing something in that way about Buck vein, at Tuscarora, and it would be very easy to get them; but he wanted Donnelly not to make a move until he would send a man to Pottsville on the following Sunday to meet Donnelly and to tell him how they should act in the matter. Moreover, he, Donahue, stated that he and Donnelly would take care of their side of the mountain, if that we—referring to O'Brien, Roarity, and I—would take care of ours. Donnelly also stated the same. Kehoe then turned round and stated that it now devolved on O'Brien, Roarity, and I, as to how we would dispose of William M. Thomas or Bully Bill—he advocating that the best plan was to get a couple of men well armed, and go right up to him on the street and shoot him down in daylight, or any time he would get him.

By Mr. Gowen.

Q. Kehoe did that? A. Yes, sir.

Q. At what place? A. Mahanoy City. O'Brien objected to that mode of doing the business, and stated that what he would like in that case was to get a couple of men, I believe he named the couple, or some men, I could not exactly tell, get them a boarding-house, have their board paid out of the county funds, and for them to lay in wait upon the road. I believe he stated the railroad, between Mahanoy City and Shoemaker's patch, this patch being the place where Thomas lived; for them to lay on that road.

By Mr. Kaercher.

Q. That was O'Brien's plan? A. Yes, sir; to lay in wait and watch for him, and shoot him, either when he was in the act of going to Mahanoy City, or in the act of going home. Canning stated that he thought that was the best plan; hence it was agreed upon that that plan would be taken.

By Mr. Hughes.

Q. You said that the recommendation was that these men should be paid out of the county funds? A. The county funds.

Q. Do you mean the county treasury? A. Well, the county treasury, of course, of the organization; I do not mean the treasury of Schuylkill County.

By Mr. Kaercher.

Q. They had a county fund in this order of Mollie Maguires, had they? A. They seemed to have, from their conversation.

Q. Go on with your story? A. Canning stated that he considered that was the best plan; and the plan was agreed upon, or something in that way. Canning then asked the president, or the society at large, the parties who were present, if we wanted any men from him; to which Donnelly replied that we did not. Donnelly stated that the job was but a light one, and that we could do it ourselves. Kehoe stated he did not see any necessity of getting men off Canning. Kehoe then instructed me for to notify the members of the division that I belonged to, in Shenandoah, for them to hold a meeting and see what they were going to do; he also instructed Roarity to do the same; he told him, though, not to send anybody to do anything until he would get word as to whether it could not be done without him or not. The meeting then adjourned, and we had dinner; of course, there was some talk, but not in respect to the Major or Thomas affair. After dinner—

Q. Where did you take dinner? A. We took dinner in Clark's.

Q. All of you? A. I am not positive as to whether Roarity took dinner or not, or whether he hastened to get the cars to go up to Tamaqua; I am not sure whether he took dinner or not; but Kehoe, I, and Canning had dinner at Clark's. I believe Donohue and O'Brien did not, nor McHugh did not; but Gavan had dinner at Clark's. I am not positive as to Roarity, but Kehoe, Canning, and Donnelly, and I took the cars on the afternoon train on the Reading road for home; at least I took the cars to Mahanoy Plane, and Donnelly got off at the same place, and said he would walk up to Frackville.

Q. State whether the others took the cars for Girardville? A. Well, I do not know whether Canning's ticket was for Girardville or not.

Q. But you left them there? A. I left them there.

Q. And you went to Shenandoah? A. I went to Shenandoah. On reaching Shenandoah, I met Edward Monaghan, and told Monaghan concerning our proceedings.

Q. You stated that this was all that was said at the meeting, in reference to these conspiracies? A. There is one thing that I remember just now. After Kehoe had given us, me and Roarity, our instructions with respect to notifying our respective divisions what was wanted, to notify them of the proceedings of the meeting, it was then moved by himself that he would send for a man named McDonald, alias the hairy man, who lived, I understood him to say, somewhere around Pottsville.

Q. What was he to send for him for? A. To send for him and to put him on the track of those men; Kehoe claimed he was a good man on a clean job.

Q. What had that reference to—a clean job? A. A clean job had reference to either killing a man or—

Mr. Ryon. Never mind what it had reference to unless he said so.

Mr. Kaercher. It was a technical term in that society.

Mr. Ryon. Well, make your offer.

By Mr. Kaercher.

Q. State whether the term "clean job" was one that was in use in the society and among the members? A. Yes, sir.

Q. State whether or not it had an understood meaning among the members?

Mr. Ryon. That we object to.

Mr. Kaercher. We ask that question preliminary to asking what it did mean.

(Admitted. Exception noted.)

By Mr. Kaercher.

Q. Tell us whether it had an understood meaning among the members in this organization? A. Yes, sir; it had.

Q. Tell us what that meaning was? A. It signified the shooting of a man, or the beating of him well, or the burning down of a place, or any other outrage. If a man was sent to do a job of that kind and done it right, done it according to his instructions, that was a clean job in every sense of the word.

By Mr. Hughes.

Q. Was it a clean job if he was caught in the act, or, if he got away without being caught? A. If he got away without being caught, it was a cleaner job.

By Mr. Kaercher.

Q. You have stated this was all that was said in reference to the shooting of those men; can you give us any other part of the conversation at the meeting in Clark's that you recollect of? A. Yes, sir; Donnelly informed me that they had a boss down at the Beechwood Colliery. I believe he stated at Mt. Laffee—

By Mr. James Ryon.

Q. You say he informed you; did he inform you or the society, the parties present? A. He informed me that the parties had committed an outrage upon him.

Q. Was it in the hearing of the parties present? A. Yes, sir; it was in their hearing; at least, I suppose they could hear it, some of the parties.

Q. What do you say; some of the parties or all the parties? A. Well, I guess it was in the hearing of all the parties. He talked about it on two occasions that day.

By Mr. Kaercher.

Q. Go on and give the conversation? A. He stated that this man had refused to give work, or stated that he would not give any man work—of course they were not working at the time—who had gone to Mount Laffee to parade with the Ancient Order of Hibernians, on St. Patrick's day, at Mahanoy City. He then stated that they got a committee and met this boss and gave him a very good licking

Q. That he or the committee? A. Well, he said they got a committee; he did not say who they were.

Q. And they gave the boss a good beating; A. Yes, sir; and then I wanted to find out who the committee were and I referred to it again going down in the cars, but I was not able to find out who they were.

Q. Did he state where this man was beaten—in his house? A. He did not state; he said they had met him, and I would not naturally suppose it was in his house.

Q. Did he say how long previous to this meeting it was that they had this man beaten? A. He said it was some time back, may be some two or three weeks before.

Q. Can you give us a little more fully than you have, the language which Kehoe used when he referred to the object and the purpose of the meeting? A. Well, he stated that these Modocs done just as they pleased, and it did not seem as if an Irishman could get any law in Mahanoy City; that he would have to take the thing in hand and clear them out.

Q. What were the instructions that you received from Kehoe at the close of that meeting? A. I was instructed for to notify the members of my division.

Q. That was the Shenandoah division? A. Yes, sir.

Q. Did you notify the members of that division? A. Yes, sir.

Q. Whom did you notify? A. I notified Edward Monaghan, John Gibbons—

Q. This defendant? A. Yes, sir; Thomas Hurley.

Q. Did you notify any one else that you know of or recollect at this time? A. I did not notify others, but they did—those parties that I had notified.

Q. State whether the parties you have named, Monaghan and Thomas Hurley, were members of this Order? A. Yes, sir.

Q. State whether in pursuance of the notice you had been directed to give and did give, there was a meeting of the Shenandoah branch? Yes, sir; there was a meeting.

Q Where did it meet? A. In the bush at Ringtown Mountain, north of Shenandoah.

Q. North of Shenandoah, on the side of the mountain? A. On the side of the mountain near the Merchants' Hotel.

Q. On what day? A. I believe it was on the 4th of June.

Q. What time of the day? A. Well, it was in the evening, I should judge, about 9 o'clock; probably after 9; it was dark.

Q. Tell us, as clearly as you can, how many persons attended that meeting? A. Well, there was Edward Monaghan, Thomas Munley—

Q. Where did he live? A. Gilberton.

Q. Did he belong to the Shenandoah branch? A. Yes, sir; Michael Darcy—

Q. Where did he live? A. Gilberton.

Q. Did he also belong to that branch? A. Yes, sir; a fellow named Patrick Garvey—

Q. Was he a member of the Order? A. Yes, sir; Michael Doyle was there—

Q. Where did he live? A. Shenandoah; and Gibbons came there, and Hurley came there at the close of the meeting.

Q. That is this John Gibbons here? A. Yes, sir.

Q. Were there any others whom you have not named? A. None that I remember just now.

Q. Do you say there were others, but you do not remember just now? A. I do not remember any others; I do not know but I may have told them all.

Q. Tell us what took place at this meeting? A. Well, they all seemed to know the object of the meeting. Garvey remarked, "I suppose ye's all know the object of the meeting?"

Q. That was Patrick Garvey? A. Yes, sir. They all said so. And it was there determined that Gibbons, Doyle, Hurley, and I should go to Mahanoy City.

Q. For what purpose? A. To shoot William M. Thomas.

Q. Were your men volunteers, or were you selected by the meeting to go? A. Well, the men kind of volunteered, and then they said they wanted me along, and the meeting was satisfied that we should go.

Q. And you were selected to go with them? A. Yes, sir.

Q. The other three men, Hurley, Gibbons, and Morris, volunteered to go? A. Yes, sir.

Q. Did you go to Mahanoy City with these men? A. You named Morris?

Q. Yes, sir. A. Morris was not along.

Q. Who was it that was to go along? A. Gibbons and Doyle, Hurley and myself.

Q. Did you four go? A. We went on Saturday, I believe; it was the 5th of June; the day after the meeting in the bush.

Q. What time did you leave Shenandoah on the 5th of June? A. I should judge it was half-past four, probably, or five o'clock in the afternoon

Q. Where did you go when you went to Mahanoy City? A. We went to Michael Clark's.

Q. The place at which the meeting had been held? A. Yes, sir.

Q. Go on and tell anything that occurred between you and these men, or between yourself and Michael O'Brien? A. On arriving at Mahanoy City, at least, I had my plans of action prepared. I got to Clark's, met Frank McHugh, and a little after that I met Michael O'Brien in Clark's. I took O'Brien out of Clark's house, walked around a cross street there, and I told O'Brien that I thought it would be a very foolish thing to attempt to shoot Thomas. I told him that the military were around patrolling the streets, and around the breakers and railroads, and no doubt if we would attempt to shoot Thomas we would all be captured, and I thought it would be a foolish idea and we had better not mind it. O'Brien came to the same conclusion, and we came back into Clark's and told the men they had better go home; that we did not see that anything could be done.

Q. Give in detail the whole conversation that took place with O'Brien; what reasons were given for putting it off to another time? A. He went in and gave the reasons after I had given them to him.

Q. Tell us first what your argument was with him? A. My argument was that if we went out to shoot Thomas, we would surely be arrested; that the

military from the time of the riot, that had occurred only a few days previous, were there stationed at Mahanoy City; they were patrolling the railroads and guarding all the breakers, and that if we shot Thomas and made any noise, we were sure to be captured, and that one of our lives was worth a hundred such as Thomas's, and O'Brien agreed that that was the fact. Then we returned to Clark's, and went into the little room that is back of the bar, and O'Brien told the men—just used my words exactly—that it would be an utter impossibility to do anything, and that we had better go home; that when some other favorable chance would be he would notify us.

Q. What time was it that you started to return from Mahanoy City? A. I should judge it was half-past nine in the evening. It was very dark, and it had rained very heavy that afternoon and was wet. When we came to that little colliery there we have called the Foundry Colliery, west of Mahanoy City, we crossed over the mountain, and we were stopped there by a policeman, by a watchman.

Q. Do you know the name of the colliery now? A. It is called the Foundry Colliery. I do not know any other name, but it had another name I know.

Q. You were stopped by a watchman? A. Yes, sir.

Q. Did you know his name? A. I did not know his name, nor I was not near enough to him to see his face. He hollered out to us, halt!

Q. Who were present with you at that time? A. John Gibbons, Michael Doyle, and Thomas Hurley.

Q. This Gibbons who is here in court now? A. Yes, sir.

Q. State whether you met any other persons on that road home; after you had been halted, did you proceed on your road afterward? A. Yes, sir; we proceeded on our road, on the path along the mountain. We catched up with another man, and he seemed to be going to Mahanoy. I believe he had a little paper in his hand; I think he had. We got talking with him and walked along, and the man seemed to be a little afraid. I told him that he need not fear any thing, that it was very dark. So we came to Lanigan's patch, and we did not care for going around by the breaker, as there was watchmen there. We thought we could make our way around the rock bank, but we got into the swamp, and then the five of us got fast there and could not get out. We worked about, I should judge, in the neighborhood of an hour, trying to get out. This man, who lived in the neighborhood of Lanigan's patch, had lost the path. It was very dark, I recollect, and he was perfectly sober. How he lost himself I could not tell, but he lost himself and lost us too, for he told us to follow him. At the latter end we got out of Lanigan's patch pretty well satisfied. We tore our boots off; at least I tore mine anyhow.

Q. What time was it when you got home to Shenandoah that night? A. I judge it was getting along well up to 11 o'clock.

Q. State if you know what was the next step taken in relation to any of these defendants to kill William M. Thomas? A. Upon the 10th of June I saw Hurley and Doyle; they were going to Mahanoy—

Q. Tell us what was said by them?

Mr. L'Velle. How is that; relevant?

Mr. Kaercher. What is your objection?

Mr. L'Velle. Neither Hurley nor Doyle is one of these defendants.

The Witness. Gibbons was present at the time.

Mr. Ryon. What is the offer? What is it proposed to prove?

Mr. Gowen. We propose to prove the declarations of these conspirators, including one of the defendants, in relation to the conspiracy, and before the commission of the act.

Mr. Ryon. We object.

(Objection overruled; exception noted.)

By Mr. Kaercher.

Q. Tell us the conversation of the 10th of June between yourself and Gibbons, Hurley and Doyle being present. A. They stated they were going to Mahanoy City, and they would look out for Thomas; they asked me if I would go over, and I stated I did not feel like going, and they went alone, at least they went in that direction.

Q. Who went; tell us the parties that went? A. Hurley and Doyle.

Q. They went, and you saw them going in that direction? A. Yes, sir.

Q. Did they say where they were going to stop at Mahanoy City? A. They did not state where they were going to stop; they stated they would see O'Brien. I did not see them around on the 11th, and I thought I would go to Mahanoy City and see what was going on there upon the 12th.

Q. Who did you see when you went there on the 12th? A. I took Gibbons along with me, and we went to Mahanoy City. I saw Hurley and Doyle.

Q. Where were you when you saw them? A. They were in Mrs. McDonald's, a widow lady, who lived in the western part of the city, upon the main street. They were boarding there. I believe her house was burned down since; I think I heard something about it. I held a conversation with them, Doyle and Hurley, in the presence of Gibbons. They stated that they had not been able to see Thomas yet, but they were just as well there, and O'Brien got them board, and their board was paid for them, and there was no work anyhow, and they would wait for it. I told him I thought it was a useless thing, and they said: O, no; they would stop for it. I then met O'Brien, and I asked them if these boys would wait for Thomas, or something to that effect, and he said yes; there was no doubt but they would come out all right; things would be all right in a short time. I left then.

Q. Did he state anything, in that conversation, about their boarding-house, and how he had got them there? A. Well, he had fetched them there. Gibbons and I then drove to Mahanoy Plane.

Q. On the train? A. No; I had a buggy with me, and we stopped there. I seen William Callahan, and Gibbons asked Callahan why—

Mr. Ryon. Callahan has not been connected with this affair.

Mr. Kaercher. No; but Gibbons has; Gibbons was the man who held a conversation; Gibbons asked him.

Mr. Ryon. The declarations of Callahan cannot be given.

Judge Walker. Whatever was said in the presence of Gibbons would be evidence against him.

Mr. Ryon. Make your offer.

Mr. Kaercher. I will make it in the form of a question.

To the witness: State what Gibbons and Callahan said, in their conversation, with reference to the shooting of Thomas?

Mr. Ryon. We object to this, that the declarations of Callahan are not evidence against these defendants. The Commonwealth have not connected him with any combination, nor do they propose to connect him. Therefore such evidence is not competent.

Judge Walker. Whatever was said by Gibbons, either before or after the act, with reference to this subject, would be evidence against himself, and we admit it.

(Exception noted.)

The Witness. Gibbons asked Callahan what was the reason he did not send some men to Mahanoy City to shoot down those Modocs. Callahan, in reply, stated that some weeks previous he had given two navy revolvers to Friday O'Donnell.

By Mr. Kaercher.

Q. For what purpose? A. For the purpose of shooting Dr. Bissell, or some other of those Modocs, and they had done nothing yet.

Q. Is this man Callahan a member of the Mollie Maguires? A. He was the body master at Mahanoy Plane.

Q. The same man you have mentioned as attending the county convention? A. Yes, sir; there was other conversation transpired between Gibbons and Callahan, but it had no relation to the Mahanoy affair, and I suppose it would not be evidence.

Q. Where did you and Gibbons go from the Plane? A. We went to Girardville, and stopped there, and we seen John Kehoe, and stopped at his house.

Q. That was Gibbons and yourself? A. Yes, sir.

Q. Tell us any conversation that either you or Gibbons had with Kehoe. A. Gibbons told Kehoe that Hurley and Doyle were at Mahanoy City laying in wait to shoot Thomas; and Kehoe seemed to be very well satisfied, and said

no doubt all would be a success in just a little time. Kehoe said to me, "Is it a fact that they are there?" said I, "I seen them there to-day."

Q. Was there anything further said at that time? A. No; not at that time, upon the Mahanoy affair.

Q. Tell us when you next met any of these parties and had any conversation after that day? A. I believe it was on the 23d of June. Mike O'Brien came there to Shenandoah. He was accompanied by a man named John McDonald, who had formerly been a body master at Mahanoy City. He came down to my boarding-house. I was not feeling very well at that time. Michael Doyle was present.

Q. You were unwell? A. Yes, I was unwell at that time—I remember something else bearing upon that case. Upon Tuesday the 15th day of June, Patrick Clark of Mahanoy City, Thomas Hurley, Michael Doyle, and John Gibbons came to my boarding-house. I left the boarding-house with them and went up in the bush above the Kohinoor Colliery, and Hurley and Doyle stated that they had come home that morning from Mahanoy, but did not see any appearance of Thomas, and I advised them to stop at home. Gibbons declared no, that when they had nothing else to do they had better go and attend to it at once. He stated that he had the loan of a shot-gun, that it was at his house, and that he would fetch this shot-gun to Hurley and Doyle, and he would meet them a little east of the Gap breaker, belonging to the Thomas Coal Company, upon the Lehigh track and give this gun to them, and if they would see Thomas that they could just blow the head off of him at once with this gun, as he had loaded it enough. He told them that, and then I left them there. It was in the afternoon, I guess about 3 or 4 o'clock. I went down to the boarding-house to make out my report, and I saw Gibbons that same evening again, and he informed me that he had given these men the gun and that they had went.

Q. That was on the 15th? A. That was on the 15th, and on the morning of the 16th I saw the men in Shenendoah again. I did not know whether they had come back or not. They stated they had come back.

Q. When did you next see these men after they came back? A. About 7 o'clock on the 16th, Wednesday morning

Q. Was there anything said on the morning of the 16th? A. They said they had waited until about 1 o'clock, and O'Brien had not acted square and had not sent a man with them. They had waited on the track until about 1 o'clock, and then came back and—

Q. That was on the previous night, the night of the 15th? A. Yes, sir; they said they had waited that night up till 1 o'clock.

Q. Go on and tell us when you next had a conversation with any of these men about this shooting. A. I think it was upon the 23d of June, 1875, Michael O'Brien came—

Mr. Ryon. What do you propose to prove?

Mr. Kaercher. The conversation between the witness and some of these defendants in relation to this shooting of Thomas.

Mr. Ryon. You do not propose to show that it was done in any way in the progress of the act?

Mr. Kaercher. Certainly.

Mr. Ryon. They were not engaged in doing an act.

Mr. Kaercher. There was a declaration in pursuance of an actual conspiracy.

Mr. Gowen. The only offer we make is that we propose to prove the acts and declarations of the prisoners now on trial and their co-conspirators, in relation to the commission of this crime, and in pursuance of the conspiracy, made before the offence.

Judge Walker. We have admitted this before, and we think that answers every purpose.

By Mr. Kaercher.

Q. Tell us this conversation on the 23d; tell us, first, whom it was with. A. On the 23d, Michael O'Brien and a man named John McDonald came to my boarding-house.

By Judge Walker.

Q. Did they come to your boarding-house where you were sick? A. Yes, sir; they came to my boarding-house. I was sitting up.

By Mr. Kaercher.

Q. You were still unwell at the time. A. Yes, I was not well. Doyle asked O'Brien if they were going over to do that job and shoot Thomas. He stated there was a good opportunity. Thomas was there working at the same colliery where he was working, and it would be easy for them to come over. Thomas was working up on the day shift, and he would generally come out pretty early, probably about 2 o'clock.

Q. Early in the morning? A. No, early in the afternoon, and they could go and shoot him as he was coming out of the mine. Doyle said he was willing to go; however, he did not. There was not anybody went at that time. Upon the 24th of June, Frank McAndrew, who had been away from Shenandoah—

Q. Who was Frank McAndrew? A. He was the division master of Shenandoah. He had been away in Luzerne County from about Tuesday, the 18th of May, 1875. He had went to Luzerne, at Pittston, and had been working there. He had returned to Shenandoah on the evening of the 23d, he and John Morris and some more. He came to me—

Mr. Ryon. You need not tell what McAndrew said.

By Mr. Kaercher.

Q. Were any of these prisoners present? A. No, sir.

Q. Did you and he see any of the prisoners? A. Yes, we saw Kehoe that day.

Q. Did you have any conversation with any of these prisoners, he *taking* part in this conversation? A. Yes, sir.

Mr. Ryon. We object unless it is connected with this affair and in furtherance of the conspiracy.

Mr. Kaercher. We are not offering anything but what took place with reference to this affair.

Mr. Ryon. They may have had a conversation that was not in furtherance of this conspiracy.

Mr. Kaercher. I do not ask him that. I ask him with reference to a conversation, Kehoe taking part in it, with reference to this conspiracy.

Mr. Ryon. I would like to have it remarked that it has no reference to this conspiracy.

Mr. Gowen. We propose to show declarations in pursuance of this conspiracy made in the presence of Kehoe, and with his knowledge and consent, he taking part in them.

Mr. Ryon. I understand their offer is the same thing every time, but the declarations proved here are not in pursuance of this conspiracy at all. Whatever Mr. Kehoe and this witness may have talked about as to what they had contemplated at their Mahanoy convention, is simply a rehearsal of what they had agreed to do, and is not in furtherance of this conspiracy. What the law means as in furtherance of a conspiracy is where parties are either acting or aiding or laying plans to do an act, by word, deed, or action. What Mr. Kehoe may have said at another time, away from these defendants, in rehearsal of what they had agreed to do and what was the plan, is not a declaration in furtherance of a conspiracy; it is a declaration that *might be* good as against him. But to bind all the parties to a conspiracy by the declaration of one of the parties, it must be in pursuance of an act in furtherance of the conspiracy, and it must be something illustrating and defining the meaning of that act or the purpose or intention of it.

Judge Walker. Where the conspiracy is once formed, the acts and declarations of any of the parties in pursuance of the common object is evidence against every one; and the acts and declarations of each party, before or after the act, is evidence against himself. We think we have ruled upon this offer.

(Exception noted.)

By Mr. Kaercher.

Q. Go on and tell us of the transactions of the 23d of June. A. I have related the transactions on the 23d.

Q. Tell us the transactions of the 24th of June, when Kehoe was present, taking part. A. I was in Girardville upon that day.

Q. That is the second interview you speak of now? A. Yes, sir; Frank McAndrew was along; it was on Thursday, I believe. We saw Kehoe. We were in Kehoe's house, and Kehoe asked me, of course in the presence of McAndrew, if there had been anything done in Mahanoy yet. I said not, but told him, however, that O'Brien had been over upon the previous evening, and I had seen him, and he wanted somebody to go over. I told him I was in bad health and I could not do anything about it, and Doyle said he was willing to go. Kehoe then told McAndrew that when he, McAndrew, appointed men to do anything, if they did not, to expel them at once; that he, McAndrew, should attend to this business. Of course we had other conversations, but not in respect to the Mahanoy affair.

Q. When was the next time you had any conversation with any of the defendants? A. I came home that afternoon, and then I was not out anywhere until Sunday; I was not able to go out.

Q. You were unwell, and confined to the house? A. Yes, sir; upon Sunday, I think it was the 27th of June, in the evening, I was sitting outside of the door of my boarding-house, in Shenandoah, and Thomas Hurley came along, and a little afterward John Morris came.

Q. That is the John Morris here? A. Yes, sir; then Frank McAndrew and Mike Doyle came down from the vicinity of No. 3; they came in that direction. McAndrew and those men held some conversation, and I think that McAndrew did kind of remark, was any of them going over to Mahanoy.

Q. And who were the men with whom he held the conversation, or appeared to? A. The men were Hurley, Doyle, and John Morris, and I was present, sitting there; John Morris, Doyle, and Hurley said they were going, or ready to go; there was a man named Carey there, who was a member of the Ancient Order; McAndrew told Carey to go down to No. 3 and fetch Gibbons; Gibbons had been away for a few days, and had returned, I believe, upon Saturday evening.

Q. Did you know or hear where he had been? A. I heard he was up to Wilkesbarre; he so stated.

Q. Had you seen him prior to that time since his return? A. He had come to my boarding-house upon Saturday evening.

Q. What date? A. That would be upon the 26th of June.

Q. That was upon his return from Luzerne? A. Yes, sir.

Q. You said that McAndrew sent Carey, or told him to go for Gibbons? A. Yes, sir.

Q. What next occurred? A. The next thing that occurred, Gibbons came along in company with Carey; he stated that his shoe was kind of hurting his foot, and he was a little lame, and he asked what was the matter; McAndrew said, "These men here, Morris, Doyle, and Hurley, are going to Mahanoy to shoot Thomas in the morning as he goes out to work, and they want to know if you are going along;" Gibbons said he was, as he did not care to stop around Shenandoah, as he was afraid he would be arrested on account of something he had said to some of the bosses at Hecksher's colliery—

Q. Give us his language, if you recollect it. A. He stated he was drunk and had his gun with him, some time before he went away, and he heard that Forsythe was about taking a warrant out for him. He saw the gun in his hands and he was afraid that the boss would swear he was afraid of his life. Then Doyle stated that he wanted somebody to work in his place so his being away would not be noticed. He was working at Roads's colliery, and was laboring for a man named Cuff. He labored there for a few days or so.

Q. He wanted some one in his place? A. Yes, a couple of days or so. This Carey was not working and volunteered to go to work in his place. Morris stated he did not know whether his partner would go to work on Monday or not. He said he had a sore eye, I believe, and worked with a man named Patsy Matt; that he worked at the Plank Road colliery. Then it was agreed that a man named Daniel Sweeney would go to work in Morris's place, and that each of them would receive a day's wages, provided they would have money in the treasury.

Q. Was there anything said as to why these men should work in the place of Doyle, Morris, and Gibbons? A. Gibbons was not at work; there was only the two.

Q. What was said as to why these men should work in their places? A. In order that the two men would be working in the breast, and the time should be thrown in as though they had been working themselves; of course Hurley worked with his father, and all he wanted was his day's pay, and it was agreed he should get it. I should judge it was nine or probably half-past nine at night when they started. Hurley was in his shirt sleeves, and he went into my boarding house and took an old coat belonging to me.

Q. What kind of a coat was it that he went into the boarding-house and took? A. It was a gray coat, I think.

Q. An old gray coat? A. Yes; I believe it was a gray coat; I am nearly sure.

Q. What time did they leave? A. About half-past nine; right away; they did not stop.

Q. Did you notice at that time whether any of them had any arms or pistols? A. Well, I did not see any pistols at that time.

Q. Did they say anything about having any? A. Yes; they stated they had pistols.

Q. When did you next see any of these men? A. Upon the following morning, upon the 28th of June, I should judge about half-past seven o'clock.

Q. Where were you when you saw him? A. I was in my boarding-house, in my bed-room. I was writing my report when I saw Doyle coming into the rear door, and I put my report up and locked it in my valise, and waited until he came into the bed-room.

Q. Did you go anywhere with Doyle? A. I went to the Ringtown Mountain.

Q. How far from Shenandoah? A. It was just a little way up the mountain, right back of the borough of Shenandoah.

Q. Who went with you? A. Doyle.

Q. Any one else? A. No.

Q. When you got to Ringtown Mountain did you meet any one? A. I met John Morris.

Q. The prisoner here? A. Yes, sir; and John Gibbons.

Q. The prisoner? A. Yes, sir; and Thomas Hurley.

Q. Doyle had gone up with you? A. Doyle came with me.

Q. If any conversation took place there between any of these parties with reference to the shooting of William M. Thomas, tell us what was said?

Mr. Ryon. We desire to be understood that any conversation which may have taken place at that time is evidence only as against those who made the declarations and statements.

Judge Walker. The jury will understand that any conversation which occurred in relation to the crime, after the commission of the act, can only be evidence against those who made declarations and engaged in the conversation, and cannot affect the other defendants who were absent.

By Mr. Kaercher.

Q. Go on and tell us what was said on the Ringtown Mountain by Morris, Gibbons, and the others? A. The first one that spoke when I got up there was Hurley. He gave me a detail of what occurred. He stated that when they went to Mahanoy City—

Q. Tell us what was said and who were present? A. Gibbons and Morris were present.

Judge Walker. Tell us what was said in their presence?

By Mr. Kaercher.

Q. Were they *taking part in the conversation*? A. They were taking part in the conversation.

Q. Go on and give us the full details of that conversation? A. He stated that when they went to Mahanoy City—

By Judge Walker.

Q. This was Hurley that was speaking? A. Yes, sir; he said that on the night previous, Sunday evening, they went to Michael O'Brien's, and Michael

O'Brien took them to a boarding-house kept by a lady named Costello, and he gave them a bottle of whisky; that they stopped in Costello's until about daylight, and then proceeded to Shoemaker's patch, where Thomas lived. Thomas came out from his house at about half-past six o'clock in the morning; he came over to the colliery stable and was engaged there in talking to the stable boss and some teamsters, and Hurley himself went up and went into the door and shot him.

By Mr. Kaercher.

Q. Shot whom? A. Thomas.

Q. Where was Thomas at that time? A. In the colliery; in the stable; in the stable door. Hurley stated that Thomas threw his hat into Hurley's face, and Hurley shot again. Gibbons stated that he got right in then, and he shot at Thomas also, one or two shots. Morris stated that he got right up to the door then, and he fired a few shots, and Thomas fell in among the horses, and they were sure he was dead, and they didn't know but they had shot one or two horses.

By Judge Walker.

Q. Morris said that he fired one or two shots? A. He said that he fired one or two shots. Doyle had fired one or two shots outside. So Doyle said; that was all he done.

By Mr. Kaercher.

Q. Did McAndrew come up while you were there? A. I then left; they were all sitting there; they were wet with sweat. I went down to my boarding-house and took the portion of my report I had written and mailed it. I wrote a little more, at least, and went up town, and I met this Sweeny, who was to work in Morris's place that day, and Sweeny told me—

Mr. Ryon. Never mind that.

The Witness. I then met McAndrew, and in company with McAndrew I went to the mountain.

By Mr. Kaercher.

Q. When you had left the men? A. When I had left the men. The men there again repeated the statement to McAndrew as to how they had done this shooting; just merely a rehearsal of what they had before stated.

Q. Of what you had stated here? A. Yes, sir; Gibbons said that he was not going to stop around the mountains; that he was afraid to show himself; that he was remarkable; that he was afraid of being detected; that he was going away, and that it was his intention to go down to John Kehoe to try and get some money from him and clear out. He asked me if I could not find a card for him, or if I had a card to take along with him. I told him he might probably get a card at Kehoe's, but if he did not he could write to me and I would send him one. I wanted to keep him in my view until such time as I wanted him.

Q. Did you get letters from him? A. Yes, sir; I knew where he was.

Q. Have you any of those letters? A. No; I do not know as I have any of them.

Q. Did McAndrew take anything up to these men on the mountain? A. Yes; McAndrew fetched them up some lunch; at least he got Sweeny to fetch them some.

Q. What did he take them? A. Some pie, some pork or ham, and some cigars, and bread and butter.

Q. Anything to drink? A. No; they requested a bottle and I fetched that. I provided that for them; I fetched them a pint of whisky, anyhow.

Q. Did Gibbons go away from Shenandoah, that you know of, after that? A. Yes, sir.

Q. How soon? A. He went away on that evening.

Q. Did you ever have any conversation with John Kehoe about Gibbons going away? A. Well, upon Sunday, the 4th of July, 1875, I went to Girardville, in company with John Morris and Frank McAndrew, in a buggy, and McAndrew introduced Morris to Kehoe. It seemed that he had not known him personally previous. He told him—

By Judge Walker.

Q. John Morris? A. Yes, sir; the prisoner here. He told him that he

was one of the men that was at Mahanoy. Kehoe stated that he was very sorry that the job was not done right; but still he supposed they had done the best they knew how. He told me that Gibbons had been there that night, and from Gibbons's statement that he was sure that Thomas was killed. He stated that he, Kehoe, had not much money to give Gibbons; that he had given him one dollar and fifty cents; that he had to go to Pottsville on the following day, and that he required that money to be had; but that Thomas Donohue had given Gibbons two dollars, and also procured a horse and buggy to take Gibbons to Rupert's station, and seen him off on the cars for Wilkesbarre.

Q. Is this the same Donohue to whom you have referred as having taken part in the conversation on the 30th of May? A. The same Donohue. Donohue came in at the same time, and he corroborated Kehoe's statement that he had given Gibbons two dollars, and got a horse and wagon to take the boy away.

Q. And had taken him to Rupert's station? A. Yes, sir.

Q. Did you ever hear Kehoe afterward, at any time, say anything about this attack which had been made upon William M. Thomas? A. No; I do not know that he did refer to it, afterward; I do not think that he ever referred much to it afterward.

Q. Did you ever have any conversation with any of the other defendants after the shooting, with reference to it? A. Well, I had a conversation after with Morris. I often spoke about it with Morris; but somewhere about the 5th or 6th of June, 1875, I saw Gibbons in Wilkesbarre, and went down to Sugar Notch with him, where he was living, and we talked about the Thomas matter, but it was just merely a rehearsal of the former statement.

Q. Stating his part in the shooting? A. Yes, sir; and corroborating Kehoe's statement that he got a dollar and a half off of Kehoe, and he thought that it was very mean; that Tom Donohue, who was a poor man, gave him two dollars and provided a horse and wagon, and Kehoe who was better off than Donohue, only gave him a dollar and a half, and said that if it was not for that he would have had to stop in Girardville, as the dollar and a half would not have been of much good to him.

Q. In any conversation you had with Morris, did he rehearse his part in the shooting? A. Oh, yes, sir; several times.

Q. Did you have any conversation with Michael O'Brien, after the shooting, with regard to it? A. Not in respect to the shooting.

Q. He never alluded to it afterward, that you recollect? A. Not that I know of, only this: that O'Brien, upon the 25th of August, told me that Bully Bill was very quiet since he got that little caution, and he said that he thought things were all right now. That was on the 25th of August; that was the amount of my conversation with O'Brien.

Cross-examined.

By Mr. L'Velle.

Q. Is James McParlan your full baptismal name? A. That is my name.

Q. Your full baptismal name? A. My full baptismal name, so far as I ever learned.

Q. Except for purposes of detection or for purposes of deception, you go under no other name? A. I go under no other name.

Q. Was your mother's name Dougherty? A. It was not.

Q. You never signed yourself James Dougherty McKenna? A. No, sir; I never signed myself James Dougherty McKenna; not to my knowledge; I might; but not to my knowledge.

Q. You were born in Ireland? A. Yes, sir; I was born in Ireland.

Q. What year? A. Well, I guess it was about 1844, I believe.

Q. Fix the date as near as you can? A. 1844, I think; I am about thirty-two years of age, or something about that.

Q. In what part of Ireland were you born? A. I was born in the province of Ulster.

Q. What county? A. The county of Armagh.

Q. Not in the city of Armagh? A. No; not in the city.

Q. What part of the county? A. I was born about three miles east rather of the city.

Q. What is the name of the village or locality? A. There is no village; the name of the township is Drumahee.

Q. Is there such a thing known in Ireland as a township? A. Townland; I guess you are posted on those things.

Q. Can you tell us the name of the parish? A. Yes, sir; I can tell you the name of the parish.

Q. What is it? A. It is Mullabrack.

Q. Did that comprise in its boundaries the city of Armagh? A. It did not.

Q. Was your father living at the time of your birth? A. Yes, sir; and is at the present day.

Q. Are both of your parents living at the present day? A. Yes, sir.

Q. When did you leave Ireland? A. Well, I first came to this country in 1867.

Q. Please make your answers as responsive to my questions as possible; I did not ask you when you came to this country; I asked you when you left Ireland? A. I left Ireland, I believe, in 1863.

Q. You left home, did you? A. I left home but returned back again.

Q. I did not ask you that either; you say you left home in 1863? A. Yes, sir.

Q. Did you leave home to cross the water, or to visit other parts of Ireland then? A. I left home to visit England, and did so.

Q. What time in 1863? A. It was in October; I believe it was in October.

Q. Will your recollection serve you to tell us the date in October. A. My recollection will not serve me to tell you the date.

Q. Your recollection will not serve you to tell us the date? A. No; I cannot do it.

Q. You say it was in October? A. Yes, sir.

Q. When you went to England? A. Yes, sir.

Q. Did you go direct from your home to England? A. I went as direct as rail and water would make it at that time.

Q. Where did you take the rail? A. I took rail at Lisburn.

Q. For where? A. To Belfast.

Q. Was there not a direct line from Armagh to Lisburn in 1863? A. Yes, sir.

Q. How near was Lisburn to your place? A. Lisburn is twenty-one miles from our place.

Q. How came you to go to Lisburn to take the train, twenty-one miles distant from your home, when you could have taken it from Armagh? A. Well, for the same reason that has forced many parties to do the same thing; I was not very flush of funds, and I thought I would save the railroad fares.

Q. How many miles is Armagh from Lisburn? A. It is, I guess, twenty-three miles.

Q. Where did you take passage from Lisburn? A. White Haven.

Q. You travelled by rail, did you? A. From Lisburn to Belfast.

Q. From Belfast where did you go; to White Haven? A. White Haven.

Q. And from White Haven? A. To Carlisle.

Q. In England? A. In England.

Q. Can you tell us what shire Carlisle is in? A. I believe it is in Cumberland, but I do not think there is any shire attached to it.

Q. Was Carlisle a city or borough? A. I do not know; I have never lived there, but it seems large enough for a city.

Q. You have been there, though? A. Yes, sir; I have passed through.

Q. And then you do not know whether it is in a county or what it is in? A. Oh, I know it is in a county.

Q. Was the route from Lisburn by Belfast and White Haven the nearest you could take to Carlisle? A. Well, I do not know; but it was the usual route travelled by a great many of my neighbors; but I was not very well posted in geography, although you seem to think so.

Q. Were you accompanied by others on your route there? A. Yes, sir; I had another man there.

Q. What did you engage in, if anything, after your arrival at Carlisle? A. Why, I engaged in a little lunch. The first thing I engaged in was a little lunch of bread and cheese.

Q. Do you swear that this is your answer to my question? A. That was the first thing I done in Carlisle. I only stopped awhile to eat dinner, and then I walked ten or fifteen miles.

Q. I ask you again what you engaged in on your arrival at Carlisle? A. I went and eat lunch.

Q. Is that the answer which you make to my question? A. Yes, sir.

Q. And just what you understand my question to be? A. Yes; what I understand.

Q. I did not ask you that. I asked you whether you understand my question when I ask you what you engaged in on your arrival at Carlisle, and then you replied that you engaged in the eating of lunch. Is that a truthful answer to that question? A. That was the first thing I done in Carlisle.

Q. I did not ask you that.

Judge Walker. The witness says that the first thing he did on arriving in Carlisle, was to eat lunch.

By Mr. L'Velle.

Q. I want an answer to my question? A. I stated that the first thing I done in Carlisle was that I had lunch, and then I left Carlisle.

Q. Do you say here, upon your oath, that being engaged means the eating of lunch? A. I do not know. You can apply engaged to a great many things.

Q. You then apply it as you understand it? A. I apply it to several things. I understand that it is applied for several purposes. I have been engaged to eat dinner. I have made an engagement to get dinner, and have got it, too.

Q. What was your first employment in Carlisle? A. I had no employment. I did not look for any employment.

Q. How long did you stay there? A. I guess about twenty-five minutes.

Q. Only twenty-five minutes? A. Twenty-five minutes.

Q. Where did you go from there? A. I walked to—I forget the name of the station, but I believe it was called Low Road. I am not positive.

Q. How long did you stay there? A. I just got there in time for the coming cars, and saved my fare for twelve or thirteen miles.

Q. Where did you locate, in what part of England? A. I located in Gates Head, county Durham.

Q. How long after going to England did you locate there? A. I got there, I guess, upon that evening; upon the same evening that I was in Carlisle.

Q. How long did you stay at Gates Head? A. I guess I worked about a year in Gates Head. I lived over two years in Gates Head, though I did not work in Gates Head all that time. I worked in other places down the river.

Q. At what were you engaged. A. Chemical works.

Q. For whom did you work? A. I worked for different firms. The first firm I worked for was Christopher L. Hewson & Sons, at the Tyne Chemical Works.

Q. How long did you stay there? A. I worked for Christopher L. Hewson & Sons for over a year and a half.

Q. You say you were located in Gates Head about two years? A. Yes, sir.

Q. And were engaged in the chemical works all that time? A. Yes, sir; all the time I was in Gates Head I was engaged in the chemical works.

Q. Nothing else? A. Nothing else.

Q. How long did you stay in England? A. I stayed in England about three years.

Q. Where did you put in the third year? A. I put in a portion of the third year, or most of the third year, at a place called Walls End.

Q. What other part? A. Walls End, and then back to Gates Head again.

Q. In what were you engaged in Walls End? A. Chemical works also.

Q. You had no other employment while in England, except in the chemical

works? A. No, sir; and that was about as much as I was able to do. I did not see about anything else; I could not tend to anything else.

Q. After your three years sojourn in England where did you go? A. Back to Ireland.

Q. Back to the old home again? A. Back to the old home again.

Q. That was in 1866? A. Yes, sir.

Q. What time in 1866 did you return to Ireland? A. Well, I do not know, probably it was in the fall.

Q. In the fall of 1866? A. Yes, sir; I guess about September.

Q. How long did you remain at home? A. I guess about a couple of weeks.

Q. Where did you go to then? A. I got a situation in Belfast.

Q. What were you doing in Belfast? A. I was a stock-keeper in a wholesale linen warehouse in one of the rooms.

Q. In the city of Belfast? A. In the city of Belfast.

Q. With whom were you engaged? A. William Kirk & Sons, of Anvilcady, Armagh County.

Q. On what street was their store in Belfast? A. Their store was on Bedford street near Linen Hall, opposite Leadbeater's spinning manufactory You can trace it all up.

Q. How long did you say you were there at that business; about two years? A. No, sir; I did not; somewhere near about a year, I guess; I am not sure exactly.

Q. Was that your last employment in Ireland? A. That was my last employment in Ireland.

Q. After you left that store then, you left Ireland? A. No; I went home and stopped a few days.

Q. You went home again? A. For two or three days.

Q. From your home where did you go then? A. I came to New York.

Q. Can you tell us when you left home to come to New York City? A. It was in the spring or the early summer of 1867.

Q. When did you arrive in New York City? A. I believe it was in June.

Q. In the month of June? A. I think so.

Q. Do you recollect what time in June? A. I think it was getting on to the latter part of June.

Q. Where did you take shipping from? A. Liverpool.

Q. On what vessel? A. The City of London.

Q. What company does she belong to? A. She belongs to Inman line.

Q. After you came to New York City what did you embark in; what was your employment? A. The grocery business.

Q. You did not follow the chemical line in New York City? A. No.

Q. Did you enter into the grocery business immediately after your arrival in New York? A. Well, it was the first situation that I got, and I embraced it.

Q. How long after you arrived? A. I guess a couple of weeks.

Q. Was it on your own hook, or as an employé—a hand? A. As an employé.

Q. For whom? A. McDonald & Boas.

Q. Where? A. At the corner of Thirty-sixth street and Ninth avenue.

Q. Their business was wholesale grocers? A. No, it was retail, I should judge; there was not much wholesale business done there.

Q. Was not that firm a wholesale firm? A. No, sir; not to my knowledge. I did not see anything go out there by wholesale.

Q. Did they sell by retail exclusively? A. They sold by retail.

Q. Exclusively? A. Well, if any one ordered a package of goods I guess they would get them, but I did not see any packages sold. I delivered goods for them for two months, but I did not deliver them to any other store. I delivered them to people for their own use.

Q. Of your own knowledge, were they exclusively retail or wholesale dealers? A. Retail.

Q. What was McDonald's first name? A. I could not tell you.

Q. Do you know what Mr. Boas's first name was? A. No; the firm was McDonald & Boas.

Q. McDonald was an Irishman? A. Yes, sir; and so was Boas.

Q. Boas was born in this country? A. No; he told me he was born in Dublin.

Q. Did you know the first name of either of these two gentlemen? A. I did not.

Q. How long did you stay there with these gentlemen in their employ? A. I stayed in their employ near about two months or six weeks.

Q. Did you go behind the counter immediately after you entered their employ? A. Yes, sir; as soon as I entered their employ.

Q. You never had had any experience in your life before in the grocery business? A. Never had.

Q. And never made up a cartridge in your life? A. I never made up a cartridge in my life.

Q. It was a pretty large store, was it not? A. Why, not what I would call a very large store.

Q. How many hands were employed in it? A. There was another boy, or man, besides myself.

Q. Did you have a separate department of your own in the store? A. Well, I would attend to everything I was called on to do.

Q. What was the boy's name that was working with you. A. His name was Major Irwin, that was his name.

Q. Why were you only two months in that store? A. Because I got a better situation, which makes many a man change.

Q. A very good reason. Where did you get your next situation? A. I got a situation through the agents of William Kirk & Sons, the party for whom I worked in Belfast. Their agents lived in New York, and they got me a situation with a man named Cummings, at Medina, New York.

Q. Who were their agents in New York? A. Anderson & Smith, 33 Park Place. You can trace the whole thing right there.

Q. Were the Kirks wholesale commission merchants? A. They were not commission merchants at all; they manufactured and sold their own goods.

Q. And shipped them abroad? A. They had agents for disposing of them in this country.

Q. They were exporters? A. Yes, sir; they were exporters.

Q. Did you know the agents in the old country? A. The agents in the old country?

Q. Yes. A. They had several agents.

Q. Did you, in the old country, know this agent that obtained this position for you? A. No, sir; I did not know him in the old country, but I had a letter of introduction to him from the superintendent.

Q. The superintendent of the house in Belfast? A. Yes, sir.

Q. When did you present that letter? A. I presented that letter about three days after landing in New York.

Q. Personally? A. Personally. They had also received a letter about me, they stated.

Q. Why did you not get a situation from them? A. They had no situation, but they tried to get me a situation. The goods which they received were not unpacked. They were just samples, and they had only one man to receive the boxes.

Q. Did you give us the name of the agent? A. Yes, sir; I gave you two names—Anderson & Smith.

By Mr. Gowen.

Q. That was the firm? A. Yes, sir; they were Kirk's agents in New York.

By Mr L'Velle.

Q. Your letter of introduction was addressed to these two gentlemen? A To Anderson & Smith.

Q. And they procured you a situation? A. Yes, sir.

Q. What was that? A. A clerk in a dry goods store.

Q. Where? A. Medina, Orleans County, New York.

Q. Who was the proprietor? A. His name was Cummings.

Q. That was your first introduction into the dry goods business? A. That was my first introduction into the dry goods business.

Q. Do you know whether or not you were recommended as a dry goods clerk? A. I could not tell how I was recommended, but I know that Anderson & Smith recommended me.

Q. You know that, do you? A. Yes, sir

Q. Did they transmit your letter of recommendation by mail, or were you the bearer of it? A. I was the bearer of a letter from them stating to Mr. Cummings that I was the gentleman that they were speaking to him about, when he was in New York purchasing goods of them, a few days previous.

Q. Was their store a large one? A. Whose, Cummings?

Q. This party's in Medina, New York. A. No, sir.

Q. How many hands did he employ? A. He had three.

Q. Besides you? A. No; two besides me.

Q. What department of dry goods were you attending to? A. Anything; I waited on all the customers; I got a list of prices and went right along with my business.

Q. And yet never measured a yard of calico or muslin, or anything in your life before? A. I had never measured before, but I did it then.

Q. What salary were you to receive? A. Well, I was to get $25 a month and board.

Q. Will you please tell us how long you remained there? A. I remained there I guess about a month.

Q. In that store? A. Yes, sir.

Q. What time did you go there? A. I went there, I believe, in August.

Q. Did you go on probation? A. No.

Q. You went there as a full hand? A. Yes, sir.

Q. And you were employed as a full hand? A. Yes, sir.

(Here the Court took a recess for 30 minutes.)

AFTERNOON SESSION.

Cross-examination of James McParlan resumed.

By Mr. Ryon.

Q. You say you remained a month at Medina with Cummings; where did you go from there? A. From there to Buffalo.

Q. How long did you remain at Buffalo? A. I guess I stopped about half a day or a day.

Q. Where did you go from Buffalo? A. Chicago, Illinois.

Q. And there you remained until you came to Schuylkill County, did you? A. Not all the time. It may have been my headquarters, as a matter of course; but I didn't remain there all the time. The winter of that present year, I was not there; I was in Michigan that winter.

Q. You say you became a detective in 1872; what was your occupation prior to that? A. I said I became engaged with the National Detective Agency in 1872, but in 1868 I became a detective for another firm, W. S. Baubien & Co.

Q. What was that for? A. What was the reason why I became a detective?

Q. No; what was the business? A. The business was for the detecting of crime, as far as I could see.

Q. Who was the head of that? A. W. S. Baubien; he was a Frenchman.

Q. How long were you with him? A. Pretty nearly two years.

Q. Did you remain in Chicago at that time? A. A portion of the time, except when my business called me out.

Q. Did you remain any time out of Chicago? A. I always went out when I was called out on business, whenever I was wanted.

Q. Where did you go when you went out on business? A. Sometimes went to the southern part of Illinois; sometimes to Ohio.

Q. You were a detective, then, for two years prior to your connection with the Pinkerton Agency? A. Yes, sir; two years, pretty nearly, I had been

there. Sometimes I travelled a beat for this man Baubien; he had a preventive police force.

Q. How long had you been engaged with the Pinkerton Agency before you came to Schuylkill County? A. I became engaged with the Pinkerton Agency early in the spring of 1872, and I came to Schuylkill County in October, 1873.

Q. Had you been employed outside of the city of Chicago by Pinkerton? A. Well, generally in the city of Chicago.

Q. I say, had you been employed outside of the city of Chicago, prior to your coming to Schuylkill County, by Pinkerton? A. No.

Q. Who came with you into Schuylkill County when you first came here? A. There was no person came with me. There was several parties riding on the cars, but I did not know any person; I came alone.

Q. You had no person accompanying you? A. No, sir; I took care of myself.

Q. Where did you start from when you came directly to Schuylkill? A. I started from Philadelphia and came directly to Schuylkill.

Q. How long had you been in Philadelphia before you came up here? A. A few days; four or five days, I guess.

Q. Had you seen Franklin before you met him in Philadelphia? A. Oh, yes.

Q. Where had you seen him? A. I had seen him in the office in Philadelphia.

Q. I say, had you seen him before you met him in Philadelphia? A. I answered you yes.

Q. I asked you where? A. I said in the office. I answered both questions.

Q. In the office in Philadelphia, do you mean? A. Yes, sir.

Q. You do not understand my question. I asked you if you had ever seen Franklin prior to meeting him in Philadelphia? A. Oh, no; I had never seen Franklin prior to meeting him in Philadelphia.

Q. Had you anybody with you while you were in Chicago, prior to coming on this mission? A. No, sir; I was always able to carry myself around.

Q. You introduced yourself to Mr. Franklin? A. I carried a letter of introduction from Mr. Pinkerton.

Q. Did Mr. Franklin tell you where to go when you came into Schuylkill County? A. Yes, sir; he gave me a list of towns I was to visit.

Q. Did he direct you to visit Port Clinton? A. Yes, sir.

Q. And Auburn? A. Yes, sir.

Q. And Pinegrove, and all the places you have mentioned? A. Well, all of them, except one.

Q. What was that? A. That was Shenandoah. I took the responsibility upon myself of going there.

Q. When did Captain Linden come to Schuylkill County? A. In April, 1875.

Q. You were aware of his coming, were you? A. I was aware of his coming.

Q. Was that the first time you had met Captain Linden? A. No, sir; I had met Captain Linden in 1872, while in connection with the Pinkerton Agency, and I had seen him often previous to that.

Q. You had known Captain Linden, then, prior to your connection with the Pinkerton Agency? A. Yes, sir. I had no personal acquaintance with him, but I knew him by his appearance, and knew his business.

Q. Had you seen him in Chicago before? A. Yes, sir; I had seen him in Chicago often.

Q. He lived there, did he not? A. Yes, sir; he lived there.

Q. What was his business there? A. I understood him to be assistant superintendent of the Chicago office, and he holds that position to-day.

Q. You knew him very well, then, when he came to Shenandoah? A. Yes, sir; I knew him very well.

Q. And you say you were instructed to report to him verbally? A. Well, I got instructions in April, 1875, to report to him verbally, or in writing, if

I considered it safe; to report to him any way that I could under emergency.

Q. You told us, in this case and in the other cases, that you were instructed to report to him verbally, as I understand it? A. If I said so, I should have also added, in writing, and the best way I could.

Q. Did you ever report to him in writing? A. Sometimes I wrote to him, when I knew where he was.

Q. He came here in April, 1875? A. Yes, sir.

Q. Did he remain there from that time until March, the time you left? A. Well, he remained there. Of course, he made occasional visits to Philadelphia and other places.

Q. But he made Shenandoah his headquarters, did he not? A. Well, I don't think he did. He has been in Shenandoah when business led him there, the same as other places.

Q. Was not he there the most of the time? A. No, sir; not most of the time. It was a hard matter to find his headquarters It is something I do not know yet. Although I know him well, I do not know where his headquarters is in this county.

Q. Do you know whether he has any headquarters in this county? A. I do not know that he has any headquarters in this county.

Q. Was he in the town of Shenandoah in the months of April, May, June, and July of last year? A. He was there in April, and in the months of May, June, and July; and probably every month from then until this he was in Shenandoah during part of the time.

Q. Was not he stopping there during the whole time, or nearly the whole time during these months? A. He was not there during the whole time, because I met him outside of there during the time you have mentioned.

Q. How long after did you meet him outside? A. I met him several times outside.

Q. Was it by appointment that you met him? A. I have met him by appointment and I have met him by accident—run across him.

Q. Did you see him when you were in Shenandoah, during these months? A. Sometimes when he was there I would see him.

Q. Did you see him frequently? A. I seen him every time I had any information to carry to him, if I could. Sometimes I would run across him; and I would always do so if I could.

Q. Did you ever miss him when you wanted him? A. Yes, sir; sometimes I did.

Q. How often did you miss him? A. Well, I could not tell anything about it; I would go to see him, and if I could not find him, I did not know how to find him.

Q. Did you take any means to find out where he was? A. The means I took was to report to the Agency in Philadelphia. There they knew where Captain Linden was every minute in the day, at least every hour; whenever he made a movement he always dispatched to them.

Q. Whenever he made a movement he always sent a dispatch? A. Yes, sir; and wrote too.

Q. Then you could have found out where Captain Linden was whenever you wanted to? A. No; there was several times when I would have liked to find out where Captain Linden was when I could not.

Q. Could not you have telegraphed? A. No; there was many a time when it would not have been safe for me to telegraph, and therefore I had to do without seeing Captain Linden on those occasions.

Q. How long did you remain in Pottsville before you went up over the mountain? A. Well, probably a couple of weeks or ten days I guess, in Pottsville; maybe a little more.

Q. You stopped with Mrs. O'Regan? A. Well, Mrs. O'Regan was then her name. I don't know what name she has got now.

Q. Where did she live? A. She lived on East Norwegian street.

Q. About what place? A. Just right opposite that mill between Centre and Railroad streets.

Q. Did she keep a boarding-house? A. Yes; she kept a boarding-house.

Q. And there were other boarders there besides you? A. Yes, sir; there were other boarders there besides me.

Q. How many? A. Sometimes three, sometimes four; they came and went.

Q. Who were they? A Well, during the time I was boarding there there were several boarders. A fellow named Eugene Conner, a printer, I believe, boarded there. Another fellow named Charley—I could not tell exactly what his name was It was a German name, and I could not remember it well. A young man named Joseph Farrell, from Mahanoy City, who worked for Mr. Kerns, a tinner, was boarding there, and a good many came backward and forward. I could not remember them. I did not take much stock in the boarders.

Q. When did you first become acquainted with John Kehoe? A. I first became acquainted with John Kehoe in December, 1873.

Q. That was while you were in Pottsville, was it not? A. No; it was in Girardville I was then.

Q. Where was your headquarters at that time? A. At Mrs. Birmingham's.

Q. At Girardville? A. Yes, sir; I made that my headquarters.

Q. How long had you been there? A. Well, I guess I stopped there about a week.

Q. You stopped there a week, did you, all told? A. Yes, sir; probably a week, and maybe a little more. I would have to refer to my reports to find out exactly how long I stopped everywhere. I can get very near to it though.

Q Where did you meet Chris. Donnelly; you say you met him in 1874? A. I met him in January, 1874. I met him in John Deneen's saloon down on Centre street. The man is since dead.

Q. January, 1874? A. January, 1874.

Q. That was while you were stopping in Pottsville, was it? A. I had been away again and returned, and stopped back again in Pottsville

Q. Had you seen Donnelly from the time you met him in 1874 up to the 1st of June, 1875, that you speak of? A. I had seen him several times on several occasions.

Q. You had seen him on several occasions? A. O yes, sir; on several occasions, often, very frequently.

Q. Then you knew him, so that you were not mistaken in the man. A. I knew him, so that I was not mistaken in the man.

Q. How often had you met Canning before the 1st of June, 1875? A. met him once.

Q. When you first met him, had you anything more than an introduction? A. O yes; I ate supper with him in his father's house at Locust Gap, quite a long introduction; I spent a good portion of the afternoon in conversation with him.

Q. What time was it that you had supper with him? A. I believe it was in May; I am not exact as to the date. I can tell the date by referring to my report. I came through Locust Gap in company with Tom Donohue, and I went up and seen Canning.

Q. Who took you there? A. O, I went myself. There did not anybody take me.

Q. Did he keep a hotel? A. No; he did not keep any hotel.

Q. You had never seen Canning before that? A. I never had seen the man before that to my knowledge.

Q. You went there and took supper with him? A. I went there and introduced myself to him.

Q. And took supper with him? A. And took supper with him. He knew me. I introduced myself through the Ancient Order of Hibernians.

Q. And that was the only time you had ever met Canning prior to the time you met in Mahanoy City on the 1st of June? A. That was the only time I had ever met him prior to seeing him in Mahanoy City.

By Judge Walker.

Q. When was that? A. In May some time.

By Mr. Ryon.

Q. How long did you remain there that day? A. Several hours, I suppose.

There was several people there playing cards; there was a half brother of his there that day playing.

Q. Who was that brother? A. I believe his name was Jimmy Canning.

Q. Do you recollect anybody else who was there? A. I think there was a man named Grady there.

Q. Can you remember anybody else who was there? A. I cannot tell without referring to my reports.

Q. Well, refer to your reports and tell who was there. A. That would take some considerable time.

Judge Walker. Do that after the adjournment.

By Mr. Ryon.

Q. You say there were three other persons there besides Canning and yourself. A. Yes, sir; there was what I understood to be a half brother; he might be a whole brother, for all I know, and two other men.

Q. That you say was in the latter part of April, or the 1st of May. A. Yes, sir; somewhere about that, I guess.

Q. They were playing euchre. A. Well, I believe that it was forty-fives.

Q. Did you take a hand with them? A. I did not take a hand with them. I was neuter.

Q. Did the other parties take supper with Canning? A. The brother did.

Q. What did the other parties do when you went in to supper? A. They went out, and apparently went home; at least they said so.

Q. Then you and Canning and his brother took supper there, and the other two went home. A. Yes, sir; and his father was there also.

Q. How long were the other two in the house during the time that you were there? A. Well, it might have been, I should judge, about an hour.

Q. Were you in the house two hours altogether? A. Yes, sir; I guess I was.

Q. Did you go back to your headquarters again? A. I went to Pat Hester and stopped that night.

Q. Then you went further on. A. Further on; I went to what is called the Junction.

Q. How did you go there, on train or foot? A. O no, I walked it.

Q. How far is that from Canning's? A. I should judge that it is a mile; it might be more. I would call it a mile.

Q. What time did you first meet John Donohue? A. It was some time in the latter part of 1874.

Q. Where did you meet him? A. Mahanoy City, at Metz's Hall.

Q. Who introduced you to him there, or did you introduce yourself? A. John Kehoe.

Q. Was anybody else with you at that time? A. Yes.

Q. Who else was there? A. Frank McAndrew was with me; he came from Shenandoah with me on that occasion.

Q. Was anybody else present? A. Yes; there was a great number present that day.

Q. Well, I mean of your party? A. Well, which do you refer to in speaking of parties; you speak of Molly Maguires, do you?

Q. No, I did not speak of Mollies; I speak of your party, with whom you were when you were introduced to Donohue. A. Oh, there was present there John McDonald, Mike O'Brien, Peter Dolan alias the Bear, Dennis Donnelly alias the Bucky, and several more; there was a big crowd.

Q. Did they all see you introduced? A. Well, they was all in the hall; I guess they seen me. It was the first time I knew Donohue.

Q. Have you met him frequently between that time and the 1st of June, 1875? A. Yes, I met him a few times; I met him twice in the month of January, 1875.

Q. You say you were at Kehoe's on the 26th of May, 1875? A. Yes, sir; I believe about the 26th.

Q. Can you tell us who was there that day when you were there, at Kehoe's? A. I forget now, in fact, who was in; there was several parties, I guess, there; I forget the names.

Q. What time in the day was it? A. In the afternoon.

Q. Was anybody sick at Kehoe's that day ?. A. On the 26th of May ?

Q. Yes, sir. A. Not to my knowledge ; there was nobody sick on the 26th of May. There might have been ; I did not hear of it.

Q. You did not hear of anybody being sick there on the 26th of May ? A. No, I did not hear of it, that I can remember.

Q. And you do not recollect who you met there on that day ? A. No ; I do not know who I met there.

Q. Did you see Mrs. Kehoe that day ? A. I do not believe I did ; I don't think so.

Q. You told us that on the 30th you met Dr. Carr, and Mrs. Kehoe, you believed, was confined that day. A. I said she was after being confined ; I did not say whether it was that day or not.

Q. Do not you know that she was confined on the 26th ? A. It might have been, but I am very well satisfied she was not confined during the time I was there.

Q. How long were you there ? A. I stopped there during the afternoon.

Q. What time did you go there ? A. I left on the noon train from Shenandoah.

Q. And got there about half-past twelve ? A. Oh, no ; I got there about half-past one, one should think.

Q. What time did you leave ? A. I should judge it might be four o'clock, probably, or five.

Q. And you stayed at Kehoe's all the while, did you ? A. Well, I was not all the while in Kehoe's.

Q. Did you go right from the cars to Kehoe's ? A. I went right from the cars to Tom McLaughlin's, at the Finger-Board, and stayed in there for a few minutes.

Q. How long were you there ? A. Probably fifteen minutes.

Q. Then did you go directly to Kehoe's ? A. Then I went to Kehoe's.

Q. And you remained there during the whole time you have designated, until four o'clock ? A. Yes, sir, I believe I did.

Q. And you did not hear, during that time, that Mrs. Kehoe was confined during that day ? A. No, sir ; she was not confined during my time ; not to my knowledge, at least ; I heard nothing of it.

Q. Did you see Kehoe that day ? A. I did.

Q. Where was he ? A. Right in his bar-room.

Q. And you cannot recollect whether there was anybody else there ? A. Oh, I am sure there was plenty there. There was always some around there, but I did not take much notice of people coming there.

Q. What was your business there that day ? A. I came to find out how everything was. I came there in my business, as a detective, to find out what was new.

Q. I understand that ; but what special business had you that day ? A. No special business.

Q. Who commenced the conversation about the affairs at Mahanoy, you or Kehoe ? A. John Kehoe.

Q. John Kehoe commenced it ? A. Yes, sir.

Q. You did not say anything to him about the affair at Mahanoy City until John Kehoe commenced the conversation ? A. No ; I did not know there was such trouble as he represented to be at Mahanoy City, at that time.

Q. You had heard of the shooting of Dougherty, had not you ? A. I heard a report of that, but I could not tell anything about it.

Q. Were you not in Mahanoy City at the time he was shot at, or within a day or two afterwards ? A. I was not. I am not sure of the day he was shot at ; but I was in Mahanoy City upon the 28th of May.

Q. You say you went down there to see O'Brien ? A. I did not say I went on the 28th of May directly to see O'Brien, but I went on the 31st of May directly to see O'Brien according to Kehoe's direction. I stated that on the 28th of May I did see O'Brien while in Mahanoy City.

Q. You and Kehoe talked about affairs in Mahanoy City, and he told you they were bad, did he ? A. Yes, sir ; he said things were very much troubled.

Q. Did you make any suggestions how to remedy it ? A. No ; I did not

make any suggestions; I said it was too bad there was such a state of affairs, of course.

Q. You did not suggest the calling of the meeting? A. I did not; I had not any power to do such a thing as that, provided that I wanted to; it was his place to do that, and not mine.

Q. No, but you could suggest it to him very readily, if you felt so disposed. A. Well, he was the man who seemed to know how the state of affairs was, and, consequently, he was the man to make suggestions, being as he was boss; he was not asking my opinion.

Q. You were there on the 30th? A. Yes, sir; I was in Kehoe's on the 30th.

Q. And that was the day you met Dr. Carr and Reagan? A. Yes, sir.

Q. When you were at Kehoe's, on the 26th, where did you and Kehoe have your conversations? A. In the bar-room, he behind the counter and I leaning in front of the bar.

Q. Into what room does the bar-room open—what rear room? A. Well, there is no room exactly in the rear off the bar-room. There are two doors; one opens into the room that is used for a kitchen, I believe; in the winter-time I saw it so used, and the other opens into the sitting-room; I might call it an ante-room of the hotel. There are two rooms.

Q. There is a door entering into the kitchen from the bar-room, and standing by the bar you can see all that is going on in the kitchen, can you? A. I do not know about that. I do not know as my attention has ever been drawn to that matter. It seems to me there are some four lights of glass directly upon that door, and it strikes me very forcibly there is a curtain upon that. I have never tried to look into their kitchen from the bar.

Q. If the door was standing open, how would it be? A. It is just this way: If the door was open and you look in you would see a great part of the kitchen, and if the door was not open and did not look in you would not see anything.

Q. I was not there at all, so I could not look in. I want to know, you having been there, whether the door was open or shut, or whether you did or did not look into it? A. I do not know whether the door was open or shut, and I am satisfied then I did not look in, or otherwise I could not have told you.

Q. You were in the bar-room on the 26th. Did not a message come for Kehoe to go for Dennis Murphy's wife, and for the doctor. A I heard the request for him to go up for Dennis Murphy's wife; but I was not sure as to what Dennis Murphy's wife was wanted for. I did not know that she was a doctor. I admit that it strikes my memory very forcibly that that is correct. That draws my memory to the reason why I did not see Mrs. Kehoe.

Q. What time was that; before or after you had the conversation you have testified to with Kehoe? A. I remember some talk about Dennis Murphy's wife long after I had the conversation with Kehoe. In fact, now I remember seeing Dennis Murphy's wife on that occasion. She had come there before I had left. I left about that time, I believe. Tom Donahue, I believe, came up the road with me on that occasion, a part of the way. I know he did. It does enlighten my memory now a little upon that subject.

Q. Then you went away just about the time that Dennis Murphy's wife came there, you judge? A. I am not satisfied, but I remember seeing Dennis Murphy's wife there, I know, and immediately after seeing her I left.

Q. Where did you see her, in the bar-room or in the kitchen? A. I believe she came right in the bar-room.

Q. She went through into the kitchen did she? A. I believe she came out of the kitchen into the bar-room. I believe she had some business with Mr. Kehoe. I did not pay much attention to it.

Q. Had the doctor come there before you left? A. I do not think so.

Q. You did not see any doctor there? A. Not to my knowledge. I remember the fact of seeing Dennis Murphy's wife.

Q. I call your attention to the arrival of the train. The train arrives at Girardville about a quarter after two o'clock does it not? A. The train arrives at Girardville at twelve. At the same time I should state that I have already stated in evidence that I got off the cars at the Shenandoah branch at Rap-

pahannock. I did not come into Girardville. There is a station called Rappahannock on the Shenandoah branch; that is where I got off.

Q. That was coming from Shenandoah down? A. Yes, sir.

Q. That train comes down to meet what train going down or up? A. It comes down and it meets the train from Pottsville going over to Shamokin, but it is down generally a good ways ahead of the train coming from Pottsville, probably three-quarters of an hour, very likely. Most of you have travelled that route and could enlighten me on the subject. I forget now.

Q. You think it is three-quarters of an hour ahead of the time that the Pottsville train would reach the Plane? A. I think so; probably more than that.

Q. You only stopped at one place after you got off the cars? A. That is all.

Q. How long do you say you stayed there? A. Probably ten or fifteen minutes.

Q. You got off at Rappahannock? A. Yes, sir.

Q. That was how far; a mile and a half from Girardville? A. Oh, no; I should judge it was little better than half a mile.

Q. A pretty long half mile, I guess? A. You are probably better acquainted with the road than I am. It does not seem a long way when a man is walking through the city; probably three-quarters of a mile.

Q. You walked that distance? A. Oh, yes.

Q. Who went with you to Kehoe's on the 30th? A. There was not anybody.

Q. You went there alone? A. I went myself.

Q. That was on Sunday, was it not? A. Yes; I forgot; Michael Doyle did come there.

Q. Who did you find at Kehoe's that day when you went there? A. I found Tom Donohue was there; I found that John Reagan was there; I found that Dr. Carr was there; I found that Dr. Sherman was there; and probably a great many more came in and out. I saw Mrs. O'Donnell there.

By Judge Walker.

Q. That was on the 30th? A. Yes, sir; certainly the 30th. I found others there. Mrs. Kehoe's mother was there.

Q. Did you meet David Kelley there that day? A. I am not well satisfied; I will not swear to it as whether I met David Kelley or not.

Q. Do you remember meeting Philip Nash there? A. Oh, there was Philip Nash. You might merely state this way in respect to Kehoe. You would go there very seldom when you did not meet Philip Nash and Tom Donohue and the whole crowd. It was so natural to meet them that I never thought it worth while to report it.

Q. I did not ask you that; I ask you if you met Philip Nash that day? A. I do not recollect. I will not swear to it at the present time.

Q. Did Reagan come in after you got there, or was he there when you reached there? A. I found him there when I reached there.

Q. How did you go to Girardville that day; on the train, or with a carriage, or afoot? A. We went on the train, I believe.

Q. What time did you go there? A. It was after dinner, it might have been 2 o'clock when I got there.

Q. Is there any difference in the running of the train on Sunday and any other day? A. I do not know whether there is or not.

Q. Where did you get off the train that day; at Rappahannock? A. Rappahannock.

Q. Did you stop anywhere that day? A. I am not satisfied as to whether I took the train or walked it down. I believe it was the train.

Q. After you got off the train did you stop anywhere between Rappahannock and Kehoe's? A. I do not know as I did.

Q. You walked directly from the train over to Kehoe's, and got there about two o'clock? A. I got there about two o'clock, probably a little before two, probably after it. I am not sure about it.

Q. Two o'clock, then, or after, is your answer? A. Yes; it might have been a little before or after two.

Q. Was Dr. Carr there when you went to Kehoe's that day? A. I could not tell. During the conversation between Reagan and Kehoe in the kitchen of his house, Dr. Carr came down stairs, so I would naturally suppose he had been there previous to my going there.

Q. Did Kehoe come down stairs after you got there, or was he down stairs when you went there? A. I did not see him come down stairs; it might have been though that he did.

Q. Was Kehoe with you from the time you went into his house until the time Dr. Carr left? A. I guess not; not being in the bar-room all the time, but being in and out of the kitchen, he might have come down stairs without my knowing it.

Q. Was he with you when Dr. Carr came down stairs? A. Yes, sir.

Q. What part of the house were you in then? A. I was then sitting in the kitchen; and I should also state that during the time Reagan came into the kitchen to talk to Kehoe, he got up and came into the bar-room and waited upon some customers that came in there.

Q. You could see from the kitchen into the bar-room, could you not? A. I do not think that from the seat which I occupied I could see behind the counter. I sat immediately next the rear window.

Q. You could see across the bar-room from where you sat? A. No; I should not judge I could.

Q. What part of the room were you sitting in? A. I was sitting next the door that leads to the piazza or back stoop. The door is upon the extreme left at the same side. I was sitting, therefore, where it would be almost impossible for me to see what was transacting in the bar-room, unless I shifted my position, which I did not.

Q. Then Kehoe, Reagan, and you were talking in the bar-room? A. I do not think he went out any other time but when he went from the kitchen, but previous to that he left the bar and probably went into the kitchen and into the yard. I did not look where he went; I did not look after the man. He came back again and took us into the kitchen.

Q. How long were you there that Sunday? A. I remained there quite a while.

Q. How many hours? A. I do not know; probably three or four hours, probably more.

Q. Was Doyle with you all the while? A. No; Doyle did not hear our conversation. I believe Doyle was there that day; I am not satisfied; I do not swear to it.

Q. You do not recollect whether Doyle was with you or not? A. I know he was not with us when we were holding this conversation. I will not swear that he was there; but I will not swear that he was not. I would have to satisfy myself with my reports as to whether he was or not.

Q. The talk about furnishing the men to do the work occurred in a conversation between you, and Kelly, and Reagan? A. Yes, sir.

Q. Doyle was not present? A. He was not.

Q. This occurred in the kitchen? A. This occurred in the kitchen.

Q. You did not talk of this in the bar-room? A. No, sir.

Q. Did you have any talk about these matters at all in the bar-room? A. On the 30th?

Q. Yes; on the 30th? A. No; I do not know as we did in the bar-room. He told us in the kitchen. I believe it was in the kitchen that the first part of the conversation took place. Upon reflection I believe that it was.

Q. You do not recollect that Kehoe came down the stairs with Dr. Carr when he came down stairs, and you then first saw him? A. I do not recollect that he did. I know just previous to Dr. Carr making his appearance, that Kehoe and Reagan and I were in conversation. We had actually finished our conversation; we had talked the matter over, as I have testified to before, to-day, and I do not recollect of Kehoe going up the stairs. I do not hardly believe he did.

Q. About how long were you there before you saw Dr. Carr. A. Quite a little while, I should judge.

Q. How long were you in the bar-room before you went into the kitchen? A. O, fifteen minutes probably.

Q. Then you went into the kitchen and remained in the kitchen during the rest of the time you stayed at Kehoe's, did you not? A. Yes, sir; I remained in the kitchen up to about the time that Dr. Carr came down stairs.

Q. About what time of day was it that Carr came down stairs? A. It was in the afternoon; it might be three o'clock or it might be four o'clock. I could not state exactly as to the time, but I know it was clearly daylight. It was in the afternoon, long before dark. I know that; and it was after dinner. It was long before dark, but I won't swear exactly to the time.

Q. Do you recollect seeing Dr. Sherman that day? A. I recollect seeing Dr. Sherman that day.

Q. You know the doctor? A. Yes, sir; I have seen him often.

Q. Do you recollect seeing Dr. Sherman go in the house that day? A. I do not know as I do recollect that.

Q. Were not the stairs where you would see from the kitchen? A. Yes, sir; I could have seen him, but I do not know as I noticed him.

Q. From where you were sitting you could have seen him when he went upstairs? A. Yes; if I was sitting in the kitchen I could have seen him, but if I was sitting in the bed-room I could not.

Q. The stairs open down in the kitchen? A. They open in the kitchen.

Q. Is there any other way to go up and down stairs that you know of? A. Not that I know of.

Q. You were at Kehoe's often, and staid there over night? A. Yes, sir.

Q. They treated you very courteously, did they not? A. Yes, sir; they always treated me well.

Q. Mrs. Kehoe always extended every courtesy and kindness to you? A. They always did; the utmost kindness.

Q. You have been there often; you have been upstairs in the main part of their building? A. Yes, sir.

Q. And you are able to say that there is no other way of going up and down stairs except that way through the kitchen? A. Not to my knowledge; I never made a thorough investigation of the house; there might be some passages that I did not know anything about, but I have never seen any to my knowledge.

Q. You did not see Dr. Carr go out of the house and come back in a short time with Dr. Sherman and go up stairs did you? A. No, sir; I did not.

Q. You did not see Kehoe go immediately along after them? You did not see them come down stairs subsequently, and Kehoe with them? A. I did not. I seen them after they came down stairs, but at that time they were leaving the house and I did not see them come back again, and I remained quite a while.

Q. That is the time I mean. Are you positive as to the time? A. I cannot swear to the time. It was in the afternoon. I did not keep any particular account of the hour. I did not see them come back at the time they went out, because Regan and Dr. Carr got in the buggy together upon this occasion, and not Dr. Sherman, if my memory serves me right.

Q. Dr. Sherman was there with them? A. I do not think he got in the buggy.

Q. I do not think he did either—but he was in the house with Carr? A. Yes, sir; they had cigars, and I believe I had a cigar; I do not know at whose expense, but I think it was at Dr. Carr's, that I got a cigar previous to going out.

Q. Did you leave the kitchen then, when they came down stairs, to go out in the bar-room? A. Yes, sir; I was in the bar-room.

Q. After Dr. Carr left, did you go back in the kitchen? A. I went in the front room again with Kehoe and Tom Donohue; in the room next to the kitchen—the room immediately in front of the kitchen.

Q. That is not the bar-room? A. No, sir; that is not the bar-room.

Q. That is the sitting-room? A. That is the sitting-room.

Q. After you got a cigar you and Kehoe and Donahue went in the sitting-room? A. Yes, sir.

Q. And you remained there until you went back to Shenandoah that day? A. I remained there some time, and came back in the bar-room, and then I left.

Q. Do you recollect who held the horse for Dr. Carr? A. I do not. I did not go out in front.

Q. Do you recollect that Kehoe went out and held the horse? A. I did not go out in front. I heard Reagan say, "I must go; the doctor is going." He said that he had to go up with him. He said that he had to go up with the Doctor. Reagan told me so.

Q. You say that on that day Kehoe notified you to attend the meeting, and to go down and notify O'Brien that they would have a meeting on the 1st of June? A. Yes, sir.

Q. Where was Captain Linden at that time? A. Well, I should judge Captain Linden was somewhere about Ashland, but I am not positive where he was at that time.

Q. Was he not at Shenandoah? A. No; not at that time.

Q. How soon did you see him at Shenandoah after this? A. I seen Linden at Shenandoah upon the morning of the 3d of June.

Q. Where was he between the 30th and the 3d of June? A. I could not tell exactly; I think he was somewhere around Ashland, somewhere in that neighborhood. I only think so.

Q. You went back to Shenandoah that night? A. I went back to Shenandoah that night.

Q The next day you went to see O'Brien? A. The next day I went to Mahanoy and saw O'Brien.

Q. And told him that the meeting was to be held? A. Yes, sir.

Q. This was a meeting of the committeemen, was it not? A. Yes, sir.

Q. And not a meeting of the body masters? A. The body masters in general were not there.

Q. It was simply a meeting of men that were specially selected to meet there? A. Specially selected by the county delegate.

Q. You were one of those men that were specially appointed for that day. A. Specially for that day, I was.

Q, Had you any office in the Order at that time? A. I was secretary of the Order

Q. You held no higher office than that? A. Nothing higher than that; but McAndrew being away, I was supposed to be boss in the absence of the president and vice-president.

Q. In the absence of the president, and vice-president, then you were the vice-body master? A. I was the man who was looked up to for everything; I was the secretary.

Q. You were secretary? A. I was selected by Kehoe to play the part of body master on that day

Q. You were the man for that day? A. I was the man for that day.

Q. Where was the body master? A. He was at Pittston or Port Griffith, somewhere in that neighborhood, up in Luzerne County.

Q. That was Frank McAndrew? A. That was Frank McAndrew

Q. You went down there then to represent your lodge on the 1st of June? A. Well, I would judge so; I could not tell. I went there at the request of my county delegate, my superior officer in the organization

Q. You did not consult your organization before you left, did you? You did not call a meeting? A. I called no meeting; I had no authority to call any meeting.

Q. Then I say you did not? A. No.

Q. If the body master was away, of course you could call a meeting any time you pleased? A. If the body master was there he could call a meeting, but as I was not the body master, I could not call a meeting

Q. When he was away you were just as big a man as the body master? A. I should say that Kehoe requested me to go to Mahanoy, and I understood from that certainly, that he wanted me to do it.

Q. When the body master was away, or when McAndrew was away, as you say he was, you say you had authority in his absence to call a meeting. Then

you could act just as well as McAndrew could, in his absence, could you not? A. I had no authority except from the authority of the county delegate. There is a misunderstanding on your part.

Q. Then I understand you I suppose? A. I guess so.

Q. Then in the absence of the body master, you had no power to act at all unless you had authority to act through the county delegate? A. Yes; that is the idea.

Q. You could not, then, call a meeting in the absence of McAndrew? You could not hold any meeting of your organization except through the power conferred upon you from the county delegate to hold it? A. No; I could not hold a meeting. However, the divisions by themselves could get up a meeting.

Q. Well, but they did not? A. Well, that is to be found out, whether they did or not. We have not come to that yet.

Q. You did not call any meeting before the 1st of June, did you? A. I did not call any meeting; I did not.

Q. You have a written constitution, have you not, written by-laws, that regulate the powers and duties of your officers? A. There was.

Q. Have you got a copy of them? A. I have not at present; but I should just state, in answer to the question, unless there might be trouble afterward, that there is a printed constitution and by-laws, but I have not seen them lived up to in any respect by the organization.

Q. I did not ask you about that? A. Well, I wanted for to say so.

Q. A great many of us sign temperance pledges and join temperance societies, but very often drink when we get behind the door. What I want to know is, whether there was any constitution or by-laws in your organization? A. Of course there is not any temperance attached to this.

Q. Not so far, I presume, as you are a member; but is there not a constitution and by-laws for your organization? A. There was a constitution and by-laws.

Q. A state charter? A. Yes, sir.

Q. Was not your society organized under a charter passed by the State of Pennsylvania? A. There was a charter for the Ancient Order of Hibernians.

Q. You were organized under that charter, and had a constitution and by-laws. Did not that constitution and by-laws define the duties and powers of your officers? A. It states so, but they have never been acted upon. The writing of itself states so, but they have acted adversely.

Q. You have told us that you held your meetings in Shenandoah, have you not? A. Sometimes. We always selected the place, and we always found a place, whether it was in the bush or in a hall.

Q. Did you not hold your meetings in Smith's Hall? A. We held some two or three meetings there.

Q. Did you not hold all your meetings there? Had you not that hall rented? A. Three meetings, I believe, was held in Smith's Hall.

Q. When was that? When you first joined? A. No; after I joined.

Q. When was it that you used to meet up in the front chamber of Frank McAndrew's? A. The front chamber of Michael Lawlor's?

Q. No; I did not say Lawlor's; I said McAndrew's? A. Oh! It was during last fall that we met in McAndrew's garret.

Q. How long did you meet there? A. Well, I should judge from July till about the 1st of August. Up to the time I left Shenandoah that was the meeting-place.

Q. From July until March? A. Yes, sir; or August. I guess it was in August.

Q. Where did you meet prior to that? A. Well, we first met in Lawlor's, and another time we met in the bush; it was the second meeting that we had.

Q. Where was your regular place of meeting? Did you own any at all? A. We had no regular place of meeting fixed; we could get together and fix a place of meeting. We had a hall for three or four meetings, when the proprietor of the hall stated that he did not want our crowd there any more; and I think the man was right, too. We proposed to pay him for the hall, but the old fellow did not see through it, and he said "We had better git."

Q. What time did you have the hall? A. We had the hall in April.

Q. What year? A. 1875. I think we had four meetings there. We had it in March. We got it about March, 1875.

Q. And you had it in April? A. We had it in April.

Q. June and May? A. No; maybe up to about the middle of June. When we came to hold our June meeting we were ordered out.

Q. What time was your regular or general meeting? What time of the year or month was it held in? A. I forget. I think it was somewhere about the 24th or 23d. Somewhere about that.

Q. Then you had a regular place of meeting up to and after the 1st of June, 1875? A. No; after being turned out of the hall in June, we had not. I believe it was in June that we were turned out of the hall, but I am not sure except I refer to my reports.

Q. I say you had a regular place of meeting then up to and after the 1st of June, 1875? A. No; we met in June in an old shanty away down opposite the Indian Ridge Breaker there, belonging to Edward Monaghan. We had to force open a door, or something like that, or go through a window into the old shanty. We had the floor for a table, and the floor for a bench to sit on. The floor served for everything in that shanty.

Q. You did not give up the hall until after the 1st of June, then did you not have this place of meeting up to and after the 1st of June, 1875? A. Yes; somewhere about the July meeting we had got moved to McAndrew's, and we met there.

Q It was about the July meeting? A. The July meeting.

Q. What time in the month of June did you have to give up the hall? A. It would be about the 23d or 24th.

Q. And then you held the hall during all the months of March, April, and May, and until the 23d of June for your place of meeting? A. It was either in June or the month of May that we were turned out of the hall. I am not sure whether it was in May or June. I am mistaken in the month, whether it was in May or June that we gave up the hall.

Q. How long did you pay rent for it? A. I was not treasurer; but I think we paid a couple or three months.

Q. And you met once a month; that is, your regular meetings were once a month? A. Our regular meetings were once a month, and sometimes there were special meetings. There were special meetings held even in my absence.

Q. And you cannot tell us then the dates or the times that you held your meetings in Smith's Hall? A. I think it was in either May or June that we gave it up. We gave it up when we were forced to.

Q. That is not a great while ago, and you can recollect other dates very well; why cannot you recollect that? A. I did not think anything about it. There was nothing special in being turned out of a hall. We were turned out of most everywhere else, and there was nothing special in being turned out of the hall.

Q. Did you have the hall when you held your meeting in the bush on the 3d of June? A. Well, I do not know as to whether we had the hall or not. The meeting was called to be had in the bush. I do not think that we tried the hall upon that occasion. It strikes me that the treasurer was away and had the money anyhow; and they had no money to pay for any hall, and did not bother looking after one.

Q. I ask you whether they had the hall then or not, and, if you recollect, state it? A. I do not recollect about the hall.

Q. If you did have the hall then you did not have your meeting at your regular place of meeting? A. If we had the hall then we did not look after it, because the treasurer had absconded, carrying off the funds, which amounted to some eight or nine dollars.

Q. Who was your treasurer? A. His name was Joseph McHugh at that time.

Q. What time did he go away? A. He went away some time in May; somewhere about that time.

Q. Your recollection is that he went away in May? A. I think somewhere about May he went away. It was in May anyhow, probably earlier than that.

Q. When you got down to Mahanoy City, on the 1st of June, you had never met Canning but once before that? A. Never to my knowledge.

Q. You said that the meeting was called for the purpose of taking action upon the question pertaining to the safety of Daniel Dougherty? A. Well, that was a portion of it. It was called for the purpose of taking action as to how William M. Thomas and William and Jesse Major would be assassinated. That was the main facts of the meeting.

Q. Did you hear anything said there about forming a military company? A. Not at that time; nothing about forming a military company at that time.

Q. How long were you together in convention that day? A. I should judge, in all, a couple of hours.

Q. Was there anything else done there except to provide for the killing of the Majors and Thomas, that you have testified to? A. That was about the only provisions that were made there.

Q. That was all done in that meeting? A. That was all done in that meeting.

Q. At the same time and place? A. At the same time and place.

Q. It was all one transaction, was it? A. Yes, sir.

Q. You did not adjourn and then meet again that day, did you? A. No, sir; that same convention did not meet again on that day.

Q. All that transpired then in that body transpired during that one session, commencing at 9 o'clock? A. That is, in respect to the Thomas and Major affairs.

Q. The 30th of May was on Sunday, was it not? A. Yes, sir; to the best of my knowledge, it was on Sunday.

Q. What train did you take to Mahanoy City after you left Kehoe's? A. I walked up.

Q. What time did you get home to Shenandoah? A. It was dark, probably 9 o'clock. I met some parties along the road and I was not in any hurry.

Q. How many miles is it? A. About four miles, probably more.

Q. An hour or an hour and a half's walk, I suppose? A. Well, if a man wanted he could walk it in an hour and a half, and if he did not feel that way it would take him two or three hours, according to how the man felt.

Q. Which road did you take? A. I took the main turnpike from Girardville.

Q. Did you go by Colorado and Raven Run? A. I did not.

Q. Did you go by Loss Creek? A. Yes, sir.

Q. Then you went down by Mahanoy Plane? A. No; I did not go by Mahanoy Plane.

Q. Then you went up by Colorado? A. Well, I do not know that Colorado comes up by the main turnpike.

Q. Did you go through Dane's Patch? A. Yes; I went through Dane's Patch, and along Loss Creek by No. 3.

Q. Do you recollect taking Canning out that day, at Mahanoy City, and asking him to furnish you a couple of men to do a job? A. No.

Q. You do not recollect that? A. I know I did hold a conversation with Canning on that day, as I wanted to find out concerning a certain party which I suspicioned were guilty of setting fire to some breakers in Northumberland County, and I remember having a talk with Canning. I may have asked several questions of him, for I wanted to get to the bottom of that.

Q. Do you recollect asking Canning for a couple of men to do a job, and telling him that you would furnish men in return when he wanted something done, and Canning replying that he did not do anything of that kind in Northumberland County? A. I know that such a conversation did not occur. My recollection is very clear on that point. But, if it had been in respect to the other matter, for the purpose of getting him to tell me who had set fire to the Ben Franklin breaker and to the Helfenstein breaker, I know that I did hold a conversation with him in that respect that day, and I might have asked several questions of him. I had some men that I suspicioned myself, and I wanted to know whether Mr. Canning knew anything about those men, as to whether they committed this outrage or not; and he told me, in the course of the conversation, that a few men had gone out begging above the Helfenstein

breaker the morning after it was burned, and the people suspicioned they were the guilty persons, but they were innocent. That was the main part of our conversation.

Q. When was this conversation? A. This conversation was upon the 1st day of June, 1875.

Q. Was it private or open in the meeting there? A. That conversation was private. Of course I did not ask him to tell me who burned these breakers; but I done it in my own way of finding out such things.

Q. Where did you go after you had supper or dinner with the men at Mahanoy City? A. I left Mahanoy City and took the cars to Mahanoy Plane and changed cars to Shenandoah.

Q. What time did you take the train? A. Well, I took the afternoon train, and I know I arrived in Shenandoah about 3 o'clock by railroad time.

Q. Did you see any of the police force in Mahanoy City that day? A. I do not know as I did.

Q. Did you see Captain Linden there? A. No; I did not.

Q. Did you notify him of this meeting? A. Yes, sir; I had notified Captain Linden of this meeting.

Q. When did you notify him? A. I notified him upon Monday morning, the third day of May. I notified him that the meeting was to be held—at least I notified Mr. Franklin, which was equivalent to notifying Captain Linden.

Q. I asked you if you had notified Linden; I did not ask you anything about Franklin? A. I notified Mr. Franklin, and through him the notification would go to Mr. Linden.

Q. I ask you if you had notified Linden? A. No; not personally. I did not exactly know where to find Mr. Linden at that time.

Q. Then you did not notify him? A. No, sir.

Q. You say that notifying Franklin was equivalent to notifying Linden, because Franklin would immediately telegraph or communicate to him? A. Yes, sir.

Q. Then you notified Franklin on Monday, and you assume and swear that Linden, of course, knew of it? A. I expect so. Yes; he told me afterward that he knew it, upon Tuesday the day of the meeting. He told me he knew we were holding the meeting.

Q. You went home, and you called your meeting in Shenandoah? A. I did not exactly call the meeting. I went home, and notified some of the members just as I met them.

Q. Whom did you notify? A. I notified Edward Monaghan.

Q. One. A. I notified John Gibbons.

Q. Two. A. I told Thomas Hurley and Michael Doyle.

Q. Thomas Hurley and Michael Doyle; that is four. Is that all you notified? A. That is all I told.

Q. Did you fix a time for that meeting and tell them where you would meet them. Recollect now you were the chief man; you are body master from this time out? A. That may be your impression, but I did not even fix the time. I had not the authority even for that.

Q. Yes, *you* had. You told us in your examination-in-chief that Kehoe told you to go and call a meeting? A. I told you, in my examination-in-chief, that Kehoe told me to go home and notify the members.

Q. Yes; that is it? A. Well, notifying the members and calling a meeting are not altogether the same thing. I had not the authority to call a meeting.

Q. You said that when you had the authority of the county delegate you could act as body master in the absence of McAndrew, and you got the authority of the county delegate to call this meeting? A. I did not fix a place. There is a gentleman sitting right behind you, Mr. Gibbons, that fixed the place of the meeting and named the bush.

Q. Mr. Gibbons was not body master there, was he? A. No; but he was in company with Kelly and Doyle.

Q. Why did not you fix the place—you were the boss then? A. Well, I had not the authority of fixing the place. I was told to notify the men.

Q. McAndrew was away, was he not? A. McAndrew was away.

Q. And you was the secretary? A. I was the secretary.

Q. And they had no other officer there, for the treasurer had run away, too, had he not? A. Yes, sir; he had run away.

Q. And you say that when you had the authority of the county delegate you could act as body master, in the absence of the body master. Now you had all that, and why did you not fix the place? A. The county delegate did not at any time recognize that I was the body master. The body master did not resign. He had gone away to get a little work. The county delegate told me to notify the members, and I did so; and the members then concluded as to where we would hold our meeting, and named the time, and, of course, I agreed to it.

Q. And they fixed the place in the bush? A. Yes, sir.

Q. Who attended in the bush? A. There was Edward Monaghan.

Q. Well? A. Thomas Hurley.

Q. Well? A. Michael Darcy.

Q. Well? A. Patrick Garvey.

Q. Yes. A. Michael Doyle.

Q. Yes. A. And John Gibbons.

Q. Yes. A. Gibbons and Hurley came late.

Q. Then you got only two additional parties that you did not notify yourself? A. Well, I should judge there were three there according to my statement.

Q. What day was this? You said it was on the 3d or 4th of June. A. Well, it was on the 4th I believe. It was on Friday, and I think that was the 4th.

Q. In the afternoon? A. It was in the evening.

Q. Where was Linden at that time? A. West Shenandoah Colliery.

Q. Captain Linden was at West Shenandoah Colliery, was he? A. Yes, sir.

Q. Were there not a good many police about the town? The Coal and Iron Police were there, were they not? A. Yes; I guess there was a good many just about that time.

Q. Did anybody see you go down that day? A. No; I do not know whether they did or not.

Q. Did you notify Linden that you were to have a meeting? A. I notified Mr. Franklin.

Q. Well, you say that is equivalent to notifying Linden; did you see him about in any of your movements, looking on or watching the progress of things? A. No; I presume I was about enough to look on and find out the progress, and if Mr. Linden had come there he would have been recognized as a police officer.

Q. You presumed you were enough to look out after the progress of things, and you did not want Linden? A. He might have been somewhere around, but he was not in my presence.

Q. You were bound under your arrangement to come here, and you have stipulated, in writing, that you were not to be sworn, and that you were not to become a witness? A. It was not stipulated in writing; it was a verbal agreement.

Q. That stipulation was that you were not to be a witness on the trial of any of these cases? A. Yes, sir.

Q. What good would it do you to know of these things if you could not swear to them? A. We wanted to catch these men right in their tracks. We could not arrest them for what we knew they were going to do, unless they did it, and we wanted to take them right in the act.

Q. If you were not going to become a witness, how could anybody know that you were meeting in the bush, and that you were a member of the Mollie Maguires, and taking part in a Mollie Maguire meeting, unless somebody was quietly looking on to see these things? A. Well, I could not tell about that, for I could not always tell what time we were going to do anything.

Q. Linden was not in Mahanoy City that day, was he? A. Not that I know.

Q. Was there any other detective there, to your knowledge? A. Not to my knowledge. I could not tell how many detectives our agency would send out there.

Q. Were not O'Brien, and Powers, and other detectives sent here from your agency? A. Those men were not detectives

Q. Were they not policemen? A. They might have been. I was not acquainted with them, but I can swear positively they were not detectives.

Q. You say you did not know O'Brien; did you not see him in Chicago? A. I have seen him in Chicago since.

Q. Did not he come from there to this county? A. At that time I do not know where he came from, but I have seen him since, and he is no detective.

Q. Did not you know he was a member of your agency at Chicago, prior to your coming to this county? A. I did not. I did not know that such a man was employed by the agency, prior to my coming to this county.

Q. Do you know that he was employed by the Pinkerton Agency, before you came here? A. No, sir; not officially, I do not. I have seen him working for the Pinkerton Agency since, in Chicago.

Q. Captain Linden did not tell you that he was working in the employ of the Pinkerton Agency? A. Not before I left Chicago.

Q. Did he tell you so after you left Chicago? A. Since I left here I heard that O'Brien was employed by the Pinkerton Agency.

Q. Did not you know, on the 1st of June, that O'Brien, and Powers, and three or four others were working under the direction of Captain Linden, and were subject to his orders, as one of the officers of your agency? A. I did not know that the man O'Brien or the man Powers, that you have spoken of, or the several others that you have spoken of, were.

Q. Did you not hear that they were in the employ of the Pinkerton Agency? A. What I did hear was what Captain Linden told me; that he had some half a dozen men at his command, and that he could get all the men of the Coal and Iron Police whenever he wanted them.

Q. Did he not tell you that O'Brien and Powers belonged to the Pinkerton Agency? A. He told me that he had five or six special men, but I could not know that these special men might have been enlisted in his service.

Q. Then you knew that Captain Linden had all these men in his employ when you met in Mahanoy, and yet not one of the men were in that city to identify you or any of these parties as being there that day? A. I am very well satisfied that I would not allow myself to be identified by any of these men. I would have left the region the next day if I had known such a thing. That was in direct violation of my contract, to make make myself known to five or six policemen.

Q. You communicated to Franklin? A. That was my contract.

Q. Franklin communicated to Linden? A. Yes, sir.

Q. Would it not be a violation of your contract if there had been somebody to have identified these parties in Mahanoy City that day? A. I could not tell you about that. You may find out by and by, before we are through the trial, whether there was anybody there. I am not supposed to know all these things.

Q. You do not know whether there was or not? A. I do not know whether there was or not. I guess you will find out, as you progress with the trial. I do not know.

Q. Then you did not know that there was to be anybody in Mahanoy City that day to recognize these parties? A. I did not know anything about it.

Q. If there was, it was a violation of your arrangement with them? A. Well, that could be easily done without being a violation. It could be managed without being a violation of my arrangement.

Q. You told us, before, that it would be a violation of your arrangement for those parties to be identified in Mahanoy City? A. You wanted me to communicate direct with those men, by your question.

Mr. Gowen. The witness did not say anything of that kind. He said that it would be a violation of his instructions to be identified by five or six policemen.

By Mr. Ryon.

Q. I propose now to repeat my question. You told us, before, that if there

had been anybody sent to Mahanoy City to identify you and these parties, it would have been in direct violation of your agreement. Now, then, you say there might have been such persons in Mahanoy City, and that it was not a violation of your arrangement. Do you mean to say—

Mr. Gowen. I object to that statement, because it is a statement by counsel assuming a fact which is not only not the truth, but in direct violation of the truth. This witness has never said that it would have been in direct violation of his instructions, if other persons were or had been there to identify him. So far from not saying so, he positively did say that other people might have been there to identify him, without it being any violation of his instructions; but he did say that it would have been a violation of his instructions for him to have made himself known to Captain Linden or these other men who were there.

Judge Walker. I understood the witness to say that it would have been a violation of his contract to have made himself known to O'Brien, Powers, and these other men, but that it would not have been a violation of his agreement if any of Captain Linden's detectives were sent there to identify these parties.

Mr. Gowen. Your Honor's understanding of what the witness said corresponds with my own.

Mr. Ryon. He furthermore said that he did not know these men, and that he was not going to be identified by them, and would have left the county the next day if they had identified him.

The Witness. With the leave of the court I would like to explain this thing.

Judge Walker. You may explain it.

The Witness. For me to have communicated with those men in respect to their recognizing me, would be a direct violation of my arrangement, and I should not have intrusted myself with those men; but, nevertheless, these men who were employed by Mr. Pinkerton, under the direction of Captain Linden, might have been placed in some position where I would have been identified by the character I assumed, as being a notorious Mollie Maguire, but not as a detective. They were not allowed to know these facts, or else I should have left the region. I think Mr. Linden will bear out my assertions that some of them reported me as being a man of that character.

By Mr. Ryon.

Q. You could not have been in a position to be identified as a detective, in any possible way, during these operations of yours in this county? A. No, sir.

Q. Do you not know that you were known as a detective in this county? A. I know I was found out.

Q. Outside of the Pinkerton Agency and outside of the railroad authorities who employed you? A. No, sir; I did not know that.

Q. Do you not know that there were men in Tamaqua who knew you? A. No; I did not know that.

Q. You did not? A. For that matter, I should state that I have met men who said that when I came into the county, with my carpet-sack, in 1873, they knew that I was a detective, and it is probably upon that ground that the Tamaqua people might say so.

Q. Then you do not know that you were at all known by anybody in this county, outside of Captain Linden, as a detective? A. No; only from such parties as I have referred to that everybody knew me. The like of those men I meet every day; they all knew me.

By Judge Walker.

Q. Did you know at the time? A. I did not know at the time.

Mr. Gowen. Which time are you speaking of?

Judge Walker. Previous to March, 1876.

The Witness. Yes, I knew in February, 1876. I knew there was a good many.

By Judge Walker.

Q. Previous to January? A. No, sir; I did not. I knew in February, 1876.

By Mr. Ryon.

Q. You said that at that meeting, composed of yourself, Hurley, and Dar-

cay—did you say Gibbons? A. Yes, sir; I said Gibbons. I took him there. He was one of the first.

Q. And Monaghan; who else did you mention at the meeting on the 4th? A. I mentioned Garvey, Ed. Monaghan, and Doyle.

Q. Who did you learn was upon the committee that day? A. That was the made committee that day?

Q. Yes, sir; that made the committee to go after Thomas. A. Oh! John Gibbons, Michael Doyle, Thomas Hurley, and myself.

Q. You went down to Mahanoy City with them? A. Yes, sir; I went to Mahanoy City with them.

Q. You went down the next day, the 5th? A. Yes, sir.

Q. How did you go down to Mahanoy City that day? A. I walked it. It was a very common thing. It was a common mode of conveyance.

Q. How far is it from Mahanoy City to Shenandoah? A. I guess it is three miles, probably three and a half.

Q. Which way did you go? A. Through Lanigan's Patch, across the mountains, and came out by the Foundry colliery there.

Q. You did not go anywhere but right directly to Clark's Hotel, did you? A. Well, that was the place we went to first, certainly.

Q. And then you saw O'Brien, and then you sent these parties back again? A. I did not see O'Brien in Clark's Hotel for some time. It was eight or ten minutes before O'Brien came there.

Q. What time did you get into Mahanoy? A. We got into Mahanoy I should judge between six and seven o'clock.

Q. In the morning? A. No; in the evening.

Q. Then you saw O'Brien about what time? A. I guess it was half-past seven; it was not dark yet.

Q. You say there were soldiers around there; were there any soldiers in Mahanoy City then? A. Yes, sir; I guess there was, but I did not see them. From what I heard, I understood there was soldiers around there, but I did not see any.

Q. Were they there on the 1st when you were there? A. No; I did not see any there on the 1st.

Q. But you heard that they were there when you went there on the 5th? A. Yes, sir.

Q. Who told you there were soldiers there? A. I saw some account of it in the *Miner's Journal*, I believe, and it was common talk.

Q. What did you do with Hurley and Gibbons while you were out with O'Brien? Where did you leave them? A. I guess they were able to take care of themselves; I left them in Clark's?

Q. Did you find them there when you came back? A. Oh, yes; I found them all right when I came back.

Q. Where did you go? A. I took a walk around the street, around back by the creek.

Q. Where did you find O'Brien? A. I found him at Clark's.

Q. Did you see Clark before you went out to take a walk or after? A. I saw O'Brien both before and after.

Q. Was O'Brien with you when you walked out about the street? A. It was with O'Brien that I did walk.

Q. You concluded to abandon the idea and went home; is that the night that you got lost and stuck in the mud? A. That was the night we got lost in the swamp by Lanigan's breaker.

By Judge Walker.

Q. About 11 o'clock? A. Maybe 11 o'clock.

By Mr. Ryon.

Q. You had been drinking some? A. I guess we had a couple of drinks apiece.

Q. You were not drunk? A. No; there was no person drunk.

Q. Was it on account of the darkness that you got in the swamp? A. Yes, sir; we wanted to get around without having to go over the dirt bank and around by the breaker.

Q. Where was Captain Linden about the 5th of June? A. I should judge

Captain Linden was in Shenandoah. I guess so, but I do not know where he was.

Q. He was not in Mahanoy City? A. I do not know. He might have been in Mahanoy City for all I know.

Q. But you did not see him there? A. No; I did not see him there.

Q. Had you notified Mr. Franklin that you had gone out on this expedition on the 5th? A. Yes, sir; I had notified Mr. Franklin.

Q. Then, of course, Captain Linden knew it? A. Very likely he did; though at the same time I notified Mr Franklin that I would be able to detain it at that time, as Captain Linden was pretty much wanted at Shenandoah then. I notified Mr. Franklin of my being appointed on the committee, and that I would be likely to keep the matter back, and I succeeded in doing that.

Q. Did you notify them of the continual changes in the committee? A. I did; I notified them of everything.

Q. Who did you notify? A. I notified Franklin, and I notified Captain Linden whenever opportunity allowed me to.

Q. Did you have any talk with Linden at all about it? A. Yes, sir; I talked with Linden about it.

Q. How many times; more than once? A. Well, I should judge, maybe more than twenty times; I could not tell how often; that is, in reference to the different changes.

Q. You knew when these parties were going on that expedition? A. I did not know, not until the time that the job was executed; I did not know until that evening at about nine o'clock, or half-past nine o'clock.

By Judge Walker.

Q. That is the evening previous? A. The evening previous. I was ill at the time; and even if I had been well I would not have done it, as it was as much as my life was worth to have communicated the facts to Captain Linden.

By Mr. Ryon.

Q. Did you communicate the fact to Captain Linden? A. I did not, because I would not venture my life to do such a thing; I was not able to do such a thing—I was sick; and even if I was well, I do not believe I would have undertaken it.

Q. Who was boarding with you at that time? A. There was no one boarding with me at that time.

Q. With whom were you boarding at that time? A. I was boarding with Fenton Cooney.

Q. Where was Cooney? A. He was there.

Q. In the house? A. Yes, sir.

Q. What family had Cooney? A. He had a couple of children then. I do not know but what he had three.

Q. How old is the oldest? A. I guess there is one about five years old, another about three, and the other was a baby, I think.

Q. Whereabouts was Linden stopping then? A. I could not tell.

Q. You know he was in Shenandoah? A. I did not know for some time whether he was in Shenandoah.

Q. When did you see him last before that. If you had seen him twenty times you must have seen him nearly every day? A. I suppose I must have seen him several times. I seen him in the early part of the week. The greater portion of that week I had been sick.

Q. Do you know where Captain Linden boarded? A. No; I am not satisfied that I know where he boarded.

Q. You were able to walk out that evening with McAndrew, were you not? A. I did not walk out. I was just outside the door that evening.

Q. You did not notify Linden at all events? A. I did not, I was not able to notify anybody that night.

Q. And you did not make any effort to find Linden that night? A. I was not able to do so.

Q. You were not sick abed were you? A. I was sick sitting up. I have known a man to be sick twenty years and never lie in bed.

Q. You were outside the house, were you not, and around discussing these things? A. I was sitting outside the house.

Q. You were able to do that? A. Yes, sir.

Q. How long were you sick? A. Well, I had been ill from about the 23d, and, upon the 24th I had gone to Girardville, along with Frank McAndrew, and I felt worse from that, but I had not been out from the 24th up to the 28th.

Q. So that you had kept Captain Linden posted with every step that was taken until the very last step that was to be taken? A. That was the straw that broke the camel's back, and when that step was to be taken I was not able to notify him. I was not able, and it might be right for me to state that even if I had been well it would not have been possible that I could have left the house on that evening to have seen Captain Linden. I had good reasons for it, if you wish to hear them stated.

Q. Was anybody watching you that night? A. Yes, sir; I had a man there with me up to half-past 11 o'clock that night.

Q. Who was he? A. Michael Carey, who was the man that was going to work in Doyle's place on the following day.

Q. What kept him so late? A. I do not know what kept him so late, I am sure.

Q. He was with you and Cooney? A. He sat there with me.

Q. Where was Cooney? A. He was around about his house; Cooney did not interfere much in our movements.

Q. He was your company then and not Cooney's; what time did you see McAndrew that night? A. McAndrew left the same time that the men left for Mahanoy City.

Q. What time was that? A. It was after 9 o'clock. It might have been half-past 9, probably a little more.

Q. They left and went to Mahanoy City that night? A. They went in that direction. They stated that they were going there previous to going.

Q. How long were you sick after this? A. In fact, I was sick for several days; but I was able to go around a little.

Q. You were just as sick on the 29th as you were on the 28th? A. Well, I was a little sicker on the 28th than I was on the 29th, because I was on the recovery, and I began to feel a little better.

Q. On the 29th you were able to go up to the Ringtown Hill twice? A. Yes, sir; on the 28th, at least.

Q. The same day? A. The same day the work was done.

Q. How far from Shenandoah was that? A. Well, it might be a couple of hundred yards from my boarding-house; it might be 300 yards; I guess it was 300 yards.

Q. At which end of the town did Cooney live? A. The northwest.

Q. How far from the Merchants' Hotel? A. Quite a little ways from the Merchants' Hotel. He lived at the lower end of Coal street, at the extreme end of the street. If you have ever visited the town, maybe you can understand it. The Merchants' Hotel is at the corner of Main and Coal streets. I could hardly determine the exact line. It is quite a little distance.

Q. Is the Merchants' Hotel nearer the Ringtown Hill than Cooney's? A. Well, the rear portion of Cooney's house is back up against the mountain, and, of course, the northern portion of the Merchants' Hotel is up against the Ringtown Mountain also. It is all owing to what point you want to strike the Ringtown Mountain to know where the nearest is.

Q. You say it is two or three hundred yards from Cooney's to where you met these parties? A. Yes, sir; it is all of that, it is easily that, probably more.

Q. You were able enough to go there on the 28th? A. I managed to go there.

Q. Was Carey there before these parties left for Mahanoy City? A. Yes, sir; Carey was the man that went after Gibbons and fetched him.

Q. Who was it you say you loaned the coat to? A. It was Hurley.

Q. Is that the coat you loaned Doyle at one time? A. Hurley went in and took an old coat of mine. I believe it was the same coat. I did not pay much attention to what coat Hurley took

Q. Did Hurley bring back the coat again? A. Yes, sir; the same coat was fetched back again.

Q. Then you have it now or have you loaned it to some one else? A. I do not know. I guess it is somewhere about the court-house. I had it in court once; I think it is the same coat.

Q. That is the same coat you wore on the former examination, Doyle wore on his expedition to kill Sanger and Uren? A. Yes, sir; it was the gray coat that Doyle wore. I had two old coats, an old gray coat and an old brown one, but I am not satisfied which of the two coats Hurley took.

Q. You swore that Doyle took the gray coat? A. I know that Doyle took the gray coat. I swear to that. I saw him take that.

Q. You swore in your former examination, that Hurley took the gray coat? A. I say I think it was the gray coat that Hurley took. I know Doyle took the gray coat.

Q. You do not know whether Hurley took the gray coat or brown coat? A. I think it was the gray coat, but I will not swear positively.

Q. When did Hurley get this coat? A. He got it that evening, about 9 o'clock.

Q. That evening; or did he not get it before? A. He got it that evening.

Q. Was that the first time that he had worn that coat? A. I am not sure, I cannot tell. I should judge so.

Q. If he had worn any coat which he had borrowed from you, you would recollect it, I suppose? A. I seen him often take an old coat of mine. If it was wet he often took my coat. He frequently came to see me.

Q. Do you recollect whether he ever took this one? A. I could not recollect whether he had ever taken this one before or not.

Q. Where did Gibbons live at this time? A. Number Three Hill.

Q. Tell the jury in what direction that is from Mahanoy City? A. West of Mahanoy, or west of Shenandoah.

Q. I mean Shenandoah City? A. He lives on the western end of Shenandoah.

Q. On the western end of Shenandoah, down toward Hecksher's breaker? A. Yes, sir; just immediately opposite Hecksher's breaker.

Q. You told us that Gibbons had been away and had returned. A. Yes, sir.

Q. Where had he been? A. I do not know where. He stated that he had been up around Luzerne County.

Q. How long before this had he returned? A. The first time I knew of his return was on Saturday evening, which would be the 26th.

Q. He got back on the 26th? A. That was the first I knew of his return.

Q. How long had he been away? A. I could not exactly say, but I should judge he was away a week or ten days, and probably more.

Q. Did he take his family away with him? A. No; not at that time.

Q. He was away at one time with his family? A. Yes, sir.

Q. Was that after this? A. That was after this, but he might have been away with his family before, previous to my knowing him. I could not tell what the man's family might have been, or what he did with his family.

Q. Gibbons was about the first man you knew when you went to Shenandoah? A. Pretty nigh.

Q. You used to go to his house frequently? A. Not until 1875, when I went to his house a few times.

Q. You used to go there and visit his house and sleep in his house? A. I believe I was there a couple or three nights in his house, in Sugar Notch, Luzerne County, in October last.

Q. That was in October last? A. Yes, sir.

Q. Did you meet him in the city of Wilkesbarre in October? A. Yes, sir.

Q. You met him at Peter Gallagher's, did you not? A. Yes, sir.

Q. How did you find him there? A. I understood Gibbons was somewhere about Sugar Notch, and I met a man, and I heard him say that he was there, at Sugar Notch. I forget the name of the man, but I think his name was Lenahan, or something like that, and I asked him whether he knew a man by the name of Gibbons, and he said he did. It was through him that I found

out where he was. I believe he told Gibbons where I was, and he came to see me.

Q. Then you did not telegraph to him? A. No; I did not telegraph.

Q. You did not send a message from Wilkesbarre for Gibbons to come up and see you there? A. No.

Q. Not in the name of James McKenna? A. I sent word by this man, Lenahan, or whatever it was, in my own name, down to him, but I do not know what way he carried it.

Q. What do you mean by your own name; McParlan? A. The name of James McKenna. That was the name I gave myself there.

Q. Did you not send him a telegram in the name of James McKenna to come and meet you at that place? A. I do not know what this man might have done.

Q. You sent word by this man? A. I sent word by this man.

Q. To Gibbons, for him to come and meet you? A. Not to meet me, but to tell him I was in Wilkesbarre. I did not care whether he came or not to meet me, but I concluded to go and see him some time before I got there.

Q. Gibbons was keeping house at Hecksher's breaker? A. Yes, sir; but at that time he was keeping house at Sugar Notch.

Q. Was that in October, 1874, or 1875? A. It was in October, 1875, that I refer to. That was in Wilkesbarre.

Q. Before he went up there with his family, were you not in his house every day of your life when you were about Shenandoah? A. No; not every day of my life, nor half the days of my life, nor the third of the days of my life; was in his house but a few times.

Q. Where did Gibbons and you go to from Gallaher's, in Wilkesbarre, that night? A. I went with him to his own house, to Sugar Notch.

Q. Did you not go anywhere else? Did you not go to any other place in Wilkesbarre? A. We called at several places in Wilkesbarre.

Q. Do you remember going to Richard Benaleck's? A. I do not know such a man. I remember calling in a house, but I do not know who kept it. It was right across from where he lived. I do not know what his name was. In fact, the man kept a boarding-house there.

Q. You went there? A. Yes, sir.

Q. You found Doyle there, did you not? A. No; I did not find Doyle there.

Q. Did not Doyle find you there? A. I found Doyle afterward. It was quite a while afterward before I found Doyle.

Q. How long afterward? A. Some time. I seen Doyle, I believe, some time in November.

Q. Did not you see Doyle the same night? A. Not upon the same night; I did not.

Q. Did not you and he take a drink in Benaleck's that same night? A. Not with Doyle that night. I seen Doyle several times afterward. The last time I saw Doyle was in November.

Q. Did you know a man by the name of Tom Ryan up there, at Sugar Notch? A. Yes, sir; I believe I did see a man named Ryan there.

Q. Did you meet a man by the name of Kelley there, also? A. I could not tell about that.

Q. Do you recollect that there was a fight between Kelley and Ryan that night? A. I did not see it that night.

Q. Do you recollect of Doyle pulling out a knife that night? A. Nothing of the kind occurred.

Q. Do you recollect that you went over to Gibbons's house that night? A. Yes, sir; I recollect sleeping in Gibbons's house that night.

Q. Who took you over there? A. Gibbons.

Q. Who else? A. There were some other folks came in there.

Q. Who went over with you? A. I forget who the other parties were. Michael Murphey, I believe, came in there. There might have been some more.

Q. Did not Gibbons take you over that night, and were you not drunk? A. Well, I was not drunk. I should judge he was not very sober.

Q. Were you playing off, or had you been drinking too much? A. I had not been drinking very much, but I probably pretended to have a little in, so as to hear what was going on. There was a great crowd of strangers around Sugar Notch, and, in order to find out what was going on I may have played a little drunk. I knew that they would not take any notice of a drunken man.

Q. So you played off again this time? A. Gibbons knew me and that was all right, but the majority of them did not.

Q. Do you recollect meeting a man by the name of John Thompson that evening? A. I recollect meeting John Thompson the next morning; it strikes me very forcibly that John Thompson was working on the night shift.

Q. You did not meet him then that night? A. No, sir.

Q. Not until the next morning? A. He was working on the night shift.

Q. You are satisfied that you did not meet Doyle that evening, at Benaleck's? A. I do not think I did, unless I refer to my reports; but not so far as my memory serves me.

Q. What time was it that you went up there in October? A. It was in October.

Q. You staid up there until November? A. Well, I was down once or twice during that time.

Q. But you spent most of your time there? A. I spent a good portion of my time there, around Wilkesbarre.

Q. Now, you say you did not see Doyle there during the month of October, at all, or the month of November? A. Well, I mean to say the last time I seen Doyle was in the month of November. The last time that I saw Doyle I saw him in company with Thomas Hurley.

Q. Where was that? A. It was in Wilkesbarre.

Q. You did not see him at Sugar Notch at all? A. Yes, sir; I believe I saw him at Sugar Notch.

Q. Where did you see him at Sugar Notch? A. I saw Doyle on one or two occasions when I was up there.

Q. What time then? A. I do not know. I would have to refer to my memorandum. It was between October and November.

Q. It was not when you first went there? A. I do not know how soon it was after the first time I went there.

Q. Do you not recollect the time that Gibbons moved away from there and came back into Schuylkill County. A. Yes, sir; I remember the time. I went down there that evening and saw him.

Q. It was the 28th of October? A. I forget the date, I will have to refer to my report.

Q. Was it not a few days after you had been at Gibbons's and staid with him there? A. It was a week afterward; it was more than a week.

Q. You went to Gibbons's house twice then? A. Yes, sir; I came the first time he was going away.

Q. Which time was it that you saw Doyle there, either of those times? A. I am not positive; I will have to refer to my reports before I swear to the time I saw Doyle there. I will not swear to the time, either time.

Q. You say you saw him the first time? A. I will not swear to it.

Q. Do you recollect seeing Dan Dougherty there? A. No, sir; I do not recollect seeing Dan Dougherty there. I heard Dougherty was around Mahanoy City.

Q. Do you not remember seeing Dan Dougherty drinking there? A. No, sir; I did not see Dan Dougherty there.

Q. Do you not recollect seeing Dan Dougherty and Doyle, and drinking with them at a place called Warrior Run? A. I have never been at Warrior Run except passing through in the cars, and did not see Dan Dougherty since June, 1875, to the best of my knowledge; I heard he was around Warrior Run, or somewhere in that neighborhood. but I did not see him.

Q. Do you not recollect drinking with Doyle and Dougherty? A. I do not recollect doing so, and I swear positively to not doing so.

Q. At Benaleck's or Michael Farrel's, at Sugar Notch? A. No, sir; I did not see Dan Dougherty around there.

Q. You never saw him? A. No, sir.

Q. Did you ever see him after the 1st day of June, 1875? A. I believe that I seen him once, in Shenandoah, after that, come to think of it. He was over there, and came to see some parties that were members of a military company from Lebanon; but that is all I saw of Dan Dougherty.

Q. You gave Doyle some money when you met him there, did you not? A. Doyle borrowed one dollar of me, in Wilkesbarre, one day, but he said he would pay me.

Q. Is that all he got from you? A. That is all he got from me.

Q. What time was that? A. Some time in November; he was working in Plumtown. I was up frequently, and he said he had no money, and had not got his pay.

Q. You did not give him that money to send him away? A. I did not; I did not know that he had any call for going away. I wanted to have him just where he was.

Q. Why did you not keep him here then? A. I was not here when he left.

Q. Where were you when he left. A. He will be liable to turn up some time. We have plenty here now.

Q. I did not ask you that. A. I thought probably you wanted an explanation.

Q. I asked you what time he left Schuylkill County? A. I could not tell you exactly the day.

Q. Did you see Doyle in this county after the 1st of September last? A. Yes, sir; several times.

Q. What time did he leave here, do you know? A. I could not tell.

Q. How late did you see him here in the season? A. I seen him in different parts of September. I had been in Pottsville a good portion of September. In the month of September I visited New York, but I seen Doyle afterward when I returned from New York, near about the 20th of September.

Q. You cannot tell when they left? A. It strikes me very forcibly at the time you refer to Doyle was in Schuylkill County instead of being in Sugar Notch, on the 4th of November.

Q. You made a report to Franklin about the time they left? A. I made a report to Mr Franklin about whatever time I found out that he had left.

Q. When did you make that report? A. Well, I will have to refer to my reports; but I will produce it to you if you wish it.

Q. You cannot tell without reference to your reports? A. No, sir; I cannot really tell. I know he was there in September, but I know he was out of Schuylkill County in November. There was but the month of October intervening, but what time he left in October I am not positive.

THURSDAY, AUGUST 10.

Court opened at 9 A.M.

Cross-examination of James McParlan resumed.

Mr. L'Velle.

Q. You said yesterday that you received twenty-five dollars a month and your board while working for Cummings in York State? A. Yes, sir; it was my contract; I was to receive that.

Q. You said you were there about a month? A. Yes, sir.

Q. Why did you leave there? A. Well, there were two other clerks beside myself, and when I found that these two clerks had not been paid for two months I wanted my pay and I could not get it, and I kind of concluded that one month's pay was enough to lose, I went on the strike that time.

Q. You boarded with the proprietor, did you not? A. I did not; I boarded in the hotel.

Q. In the same town? A. In the same town.

Q. Who was to pay your board? A. The proprietor.

Q. Do you know whether or not he paid the board? A. I do not know anything about it; I should judge from the way he paid his clerks that probably he did not pay my board.

Q. Did you leave without any consultation with the hotel keeper? A. Yes,

I consulted with the hotel keeper to help me down with my trunk to put in the bus to take it to the depot.

Q. Then you did not consult with him as to whether he got his board bill? A. No; that was none of my business.

Q. Did you inform those who recommended you that you had left or you were to leave or were about leaving? A. I informed them previous to leaving.

Q. By letter? A. By letter.

Q. Then you went to Buffalo, New York? A. Yes, sir.

Q. What were you employed at there? A. No employment.

Q. How long did you remain there? A. About a day, I guess; somewhere about that.

Q. And you then went West? A. I then went West.

Q. How long after your going West were you employed as a detective? A. I guess about nine months.

Q. You never had any experience in the detective business prior to coming to this country? A. No, sir.

Q. On the day that you got to Kehoe's, on the 26th of May, did any one accompany you from Shenandoah to Kehoe's? A. No.

Q. You went alone? A. I went alone.

Q. What was your business at Kehoe's? A. I went there in my official capacity as detective to discover what was going on around Girardville.

Q. What time did you arrive at Kehoe's that day? A. In the afternoon, after dinner.

Q. Can you tell us the time? A. Not exactly; the train leaves somewhere about 12 o'clock or half-past 12.

Q. How did you get to Kehoe's, by rail? A. By rail.

Q. You came by the planes, did you, from Shenandoah? A. No.

Q. What station did you arrive at? A. Rappahannock.

Q. What train did you take from Shenandoah; the afternoon or morning? A. It was a noon train; the afternoon train leaves somewhere between 3 and 4 o'clock. I always called it the noon train.

Q. Did you, on that day, have any conversation about the contemplated meeting on the 1st of June? A. Yes, sir.

Q. With whom did you have it? A. With John Kehoe.

Q. Any others? A. No; not with any others directly.

Q. Will you please tell us what the conversation was that you had with Kehoe about your proposed meeting? A. He told me on that occasion that he had been to Mahanoy some days previous, and that Mahanoy was in a bad state, the Modocs were raising mischief there, and that he calculated he would have to notify all the members of the Order in the county, and have them arm themselves and go into Mahanoy right in the daytime and challenge the Modocs to fight, and shoot them right down in the street; that he had intended to do it, but he had kind of come to the conclusion, then, that he would call a meeting of a few of the body masters, and determine as to what they could do; that he had sent Tom Donohue to Locust Gap to see Dennis F. Canning, to have him attend the meeting, but Donohue had returned and said Dennis F. Canning was not at home. However, he calculated to hold his meeting the 1st of June.

Q. Did he tell you when he had sent Donohue to consult with Canning? A. He did not say.

Q. Did he, in that interview, mention any names of any persons which he proposed to have put out of the way? A. No; he did not mention any particular names.

Q. On the 26th? A. The Modocs.

Q. He did not mention William M. Thomas, commonly known as Bully Bill? A. He stated he had a very bad man, and I should infer—

Q. Never mind your inferences. A. Very well; he did not name him directly.

Q. Nor did he name the Majors directly, did he? A. No.

Q. You were examined on the hearing on habeas corpus of the Kehoe cases in this court? A. Yes, sir.

Q. Do you recollect stating on that hearing that he, at that meeting, spe-

cifically and particularly mentioned Bully Bill and Jesse Major? A. On the 26th of May.

Q. Yes, sir; that is the day I have reference to. A. I do not remember stating anything of the kind.

Q. Do you swear you did not state it? A. I swear I do not recollect it.

Q. Was it so if you stated it? A. I do not know as I stated it.

Q. If you stated it, was it true? A. I might have stated in the conversation that Kehoe of course remarked about the shooting of Dougherty, and that Major was the one that done it, and that Bully Bill was a very bad man, and stated facts of that kind. That was certainly true.

Q. If you did not state those facts, then it was not true? A. Yes, sir; if I did not state those facts, then I made a mistake. I should have stated those facts.

Q. Prior to your joining the Ancient Order of Hibernians did you have any knowledge of their organization? A. I did not; I had no knowledge, only what I gathered up through the county.

Q. Did you know of such an organization in Chicago? A. I did not. There was a Hibernian Benevolent Society in Chicago that I was acquainted with.

Q. I am talking of the Ancient Order of Hibernians. Did you know it elsewhere in the West? A. No; I did not know of it. I know I have heard of the name, but I was not officially connected with any society of the kind. I did not know of any Irish society that I saw in Chicago that was secret. I did not know anything about it. I do not know to-day whether there is such a society or not.

Q. You stated to-day that Kehoe proposed to have the men armed By what means did he propose to arm the men? A. He did not tell the means; the probabilities were that the men had arms of their own.

Q. Never mind the probabilities; did he say he proposed to form them into a military organization? A. He did not say anything of the kind on that occasion.

Q. Did he, on that occasion, state how they were to be armed? A. He did not; he stated they were to get guns and be armed; guns were mentioned no doubt.

Q. As far as your knowledge of the organization goes, is every county separate and independent of the other in the operation of its works? A. I do not know about that.

Q. You ought to know. A. In every county around the anthracite region which has come under my notice they are separate in one respect.

Q. What respect is that? A. They have a county delegate and they have their body masters; but when a crime is to be committed it seems as if they all get together.

Q. Is that the practice. Never mind what it seems, but what was the practice? A. Yes; it is the practice.

Q. On the 30th of May you came to Kehoe again, and you staid in company with Michael Doyle? A. I said I am not satisfied whether Doyle was right there or not; I kind of think that he was there.

Q. And you stated that Kehoe told you to meet him in Mahanoy City the following Monday? A. The following Tuesday.

Q Did you or did you not tell that Kehoe was to meet you on Monday, and to arrange with O'Brien as to the proposed meeting on Tuesday? A. No; I did not tell anything of the kind; but to enlighten you on the subject, my statement was this: that Kehoe requested me to go to Mahanoy and notify O'Brien to be ready to meet him on Tuesday.

Q. You did not state then, on the hearing of the habeas corpus, that Kehoe was to meet you, or that you and he were to meet on the Monday following, which was the 31st? A. I did not.

Q. What time on Tuesday did you meet at Clark's? A. I should judge ten o'clock; probably after.

Q. Where did you meet previous to organizing? A. I met him in the street, and we went to Clark's

Q. Did you all meet on the street together, and congregate? A. We met John Donohue and James Roarity and William Gavin; I believe they were

the first I met. Kehoe and Canning were some place, and they came up and down to Clark's. Roarity was along, and O'Brien came in, and we went upstairs and had our meeting.

Q. You went upstairs and organized? A. Yes, sir.

Q. Of course you appointed your officer; your sentinel? A. There was no doorkeeper appointed there.

Q. Did Dennis F. Canning accompany all of you upstairs? A. Yes, sir.

Q. Was Dennis F. Canning known to all of the members prior to that day? A. That I could not tell.

Q. Was not Dennis Canning introduced to the members by John Kehoe? A. That I could not tell.

Q. Was he introduced to them by you? A. He was not; he was taking part in the conversation with the members; they had been there time enough, long before I got there.

Q. You stated that Frank McAndrew was absent at this time? A. Yes, sir.

Q. Absent where; on business connected with the organization? A. No, sir; on business connected with himself; working.

Q. How do you know that fact? A. Well, I learned it from his own lips.

Q. Before his leaving, or after his return? A. Before he left for work I heard him say that he would go for work, and I saw a letter from John Morris to him asking him to come up, stating that he had work for him.

Q. What time did you see that letter? A. About the 15th of May, I should judge.

Q. Then he went up, did he? A. He went up upon the 18th.

Q. Did he get work? A. He wrote down to his wife that he had got work there. So his wife informed me.

Q. When did he return? A. He returned on the 23d of June; I think it was the 23d.

Q. Did you have any meeting of the organization from the 18th of May, the day McAndrew the body master left, until his return on the 23d of June? A. Yes, sir; there was a meeting; a meeting in the bush upon the 4th of June.

Q. Who called that meeting? A. I was instructed by John Kehoe to notify the members, and I did notify some of them.

Q. That was the only meeting that you had in the bush? A. No; we have had another meeting. Mr. Gibbons called another meeting once.

Q. What was his position in the organization? A. He was in no position, except an ordinary member.

Q. Did the rules of your organization authorize one simple member to call a meeting of the organization? A. The rules did not, you know; but the practice was everything.

Q. Did you ever know one simple member to have called a meeting of the organization before? A. I could not tell how many members had called it, but I know—

Q. I did not ask you that, but I ask you if you had known one simple member of the organization to call a meeting of the organization before that occasion? A. No.

Q. Then that was an exception, was it not? A. It was an exception, because the body master was away at the time; it was an exception, and I could not tell—

Q. Will you tell us, in the absence of the body master, who represented him? A. I should judge that Mr. Kehoe made me the representative the day I was at Mahanoy.

Q. Was Mr. Kehoe present at the meeting in the bush? A. He was not.

Q. Then Mr. Kehoe did not represent Frank McAndrew as body master in that lodge, did he? A. He did not represent Frank McAndrew body master.

Q. You were secretary of Shenandoah division? A. Yes, sir.

Q. And as such, you sometimes administered the obligation? A. Yes, sir.

Q. Whose duty is it to administer that obligation? A. The body master's duty.

Q. How long were you secretary of that division? A. From July, 1874.

Q. Whom did you succeed? A. I do not know as they had any secretary there at the time I was appointed.

Q. Did they keep minutes of their proceedings? A. Sometimes.

Q. Did you see any minutes of their proceedings kept by former secretaries? A. I never did.

Q. Then you do not know whether, prior to your installation as secretary, they ever kept any minutes at all in that lodge? A. I know that I attended two meetings and there was no minutes kept in that lodge.

Q. After you became secretary of that lodge, of course, you kept minutes? A. I kept some.

Q. How did you keep them; in detached slips of paper or in a book? A. In a book.

Q. Who had charge of that book? A. The division master.

Q. Was the secretary permitted to take that book outside of the division? A. I guess he might.

Q. What is your experience while you were secretary; did you have the minute-book in your possession or not? A. I had the minute-book in my possession from the 18th of May to the 24th of June.

Q. How came you to get possession of the minute-book on the 18th of May, when you were not body master? A. McAndrew gave them to me on going away until he came back.

Q. Was that the minute-book? A. That was the minute-book.

Q. Did you not tell us a minute ago, that you never in your experience knew them to keep minutes until you were secretary? A. I should judge that I was secretary there for pretty nearly a year, I refer now to May, 1875, and it was in July, 1874, that I became secretary; I had been secretary there for ten months.

Q. Where is that book now? A. I do not know; McAndrew took the book, and I do not know what he did with it.

Q. You were admitted into the Order in April, 1874? A. 1874.

Q. And by Mr. Lawlor? A. Yes, sir.

Q. Who was present besides you and Lawlor? A. There was Thomas Hurley, Thomas McNulty, Peter Monaghan, and Edward Ferguson; I believe that was all.

Q. At that time Hurley was a mere boy? A. He was a mighty strong boy.

Q. I did not ask you that question; was he twenty or over twenty? A. I am sure I do not know the man's age.

Q. From his appearance, what was it? A. I would take him to be twenty.

Q. Did they take any minutes of your initiation? A. No.

Q. There was no pen or ink there at all? A. I did not see any.

Q. Was there no writing of any kind done? A. No.

Q. Lawlor initiated you; put you through the form of initiation? A. Yes, sir.

Q. Were you on your knees at the time? A. On my knees at the time.

Q. Did you have a Bible? A. There was no Bible.

Q. He repeated the obligation to you, did he? A. Yes, sir.

Q. From memory? A. No; from a slip of paper.

Q. Was the obligation in writing or in print? A. It was in print.

Q. Can you repeat that obligation? A. No; I cannot.

Q. Have you heard the same obligation administered since then to others? A. Yes, sir.

Q. And administered by yourself? A. Yes, sir.

Q. And you cannot repeat it? A. No; not verbatim.

Q. How often since your initiation into the Order have you heard that obligation administered? A. That is something I could hardly tell.

Q. How often have you yourself administered the obligation? A. I could hardly tell that.

Q. Have you fifty times? A. No; I guess not.

Q. Have you twenty times? A. Probably twenty times.

Q. Can you tell us some of those whom you initiated? A. Yes; a good many, I should judge. I could tell some of their names.

Q. Tell us who they were? A. A man named Lowrey, of Turkey Run; there was a man named McHugh, of Shenandoah; a man named Burns, in Shenandoah; a man named Charles Hayes, in Shenandoah; a man named Travers, in Shenandoah; Edward Monaghan, in Shenandoah; Thomas Hyland, of Gilberton; and a number more. With the exception of two, I believe these were all men that had formerly been members and had retired, and were taken back again. Some of them had been expelled for a term.

Q. Was that Joseph McHugh whom you initiated? A. No; it was James McHugh.

Q. If a member had been dropped or expelled out of the organization through any means whatever, was he reinstated? A. If they were out a year and had been dropped for non-payment of dues, or had been expelled, they were initiated. That is the general way I seen them doing there. I cannot tell how they do elsewhere.

Q. Have you not undertaken on a prior occasion to repeat the obligation in this court? A. Yes; and can repeat a portion of it now; but I stated I could not repeat it all, verbatim.

Q. Can you in substance? A. Yes; I can give it in substance—not all of it, either, not satisfactorily.

Q. Well, we will be pleased to have all you know of it? A. Yes; you could have had that long since if you had asked it. This obligation, or test, is read by the secretary or the division master, something after this form: The name of the member to be initiated is called out by the president, or by the division master. He repeats the name himself of the man to be initiated, as it were, and says, "I, so and so, do declare to keep all things secret, and so forth, belonging to this organization, and if I hear a member ill spoken of, or otherwise abused, to espouse his cause at once, and to notify the said member at the earliest opportunity; and to obey my superior officer in all things lawful, and not otherwise, and so forth." I cannot remember the way it goes on; it is something pretty much to that effect.

Q. You obligated yourself, first, into secresy, did you not? A. Yes, sir.

Q. Next, obedience to your lawful officers, did you not? A. I do not know whether that was the next, or to espouse the member ill spoken of immediately.

Q. Did you, at all, obligate yourself to be obedient to your lawful officers in that organization? A. Yes; I was pretty obedient.

Q. Do you obligate yourself to be charitable to your brother members? A. Yes, sir; and to be fraternal.

Q. Was not all your obligation comprised within these four things—secresy, obedience, charity, and fraternity? A. Yes; that certainly comprised the obligations, but, with the exception of two, the balance never was lived up to. That was to espouse a brother's cause immediately, and to secresy.

Q. I did not ask you that. A. I beg your pardon; I thought you wanted to know.

Q. Yes; we will come to that directly. Did you at the time you were joining this organization, know that you were joining the Order of Mollie Maguires? A. I labored under the impression that I was, and I found out that it was a fact.

Q. You were only laboring under the impression? A. I was very well satisfied of it.

Q. Did you labor very hard? A. Not very hard; a little, not extraordinary. I had not to put myself much about to find that out.

Q. Your purpose in Schuylkill County was to find out the Mollie Maguires? A. It was my purpose to make inquiries about the Mollie Maguires, and I found out that the best thing I could do was to get in myself.

Q. And to find out their crimes, if possible? A. Yes, sir.

Q. But not to participate in them yourself? A. No, sir; not to participate in them myself.

Q. Nor to assist in perpetrating them? A. Oh, I would go on the ground sometimes; it was very necessary that I should.

Q. Did you indirectly assist in them? A. I should presume that the members so understood it.

Q. I did not ask you your presumption at all. I put you a categorical question; did you or did you not? A. I seemed to; it was not a fact that I was.

Q. Did you or did you not? I want an answer. A. Of course I did not, so far as I was concerned; so far as the members were concerned they thought so.

Q. Then you were not the party that Mr. Kehoe authorized to get men to kill Bully Bill, were you, or were you not? A. Certainly, I was the party.

Q. Did you deem that participation? A. No; I did not deem it participation. I went there for the purpose of finding out what they were going to do.

Q. At the time you joined the organization did you receive the goods then? A. I received the goods then.

Q. From whom? A. From Michael Lawlor.

Q. And immediately after your initiation? A. Immediately after my initiation.

Q. Did he give you those "goods" from a slip of paper? A. Yes, sir.

Q. Repeated them to you? A. Repeated them to me.

Q. Do you recollect what those you received on your first initiation were? A. I read them yesterday; I have them here in court now at present.

Q. When did you commit a knowledge of the "goods" to paper? A. I committed them upon that evening or the following morning.

Q. Embodying everything he told you that evening; embodying the "goods" in your report? A. As near as possible.

Q. Can you tell us, without referring to your report, what the goods were that you received from Mr. Lawlor, when you were initiated in April, 1874? A. I cannot.

Q. Were you exact in your report of what "goods" you received? A. I might not to an odd word.

Q. Did you ascertain, afterward, while in the organization, whether or not you were correct, or whether you omitted any part of the "goods." A. No; I might sometimes have omitted an odd word.

Q. I did not ask you that either. I wish you would answer somewhat responsively. A. I think it was the first "goods" you referred to.

Q. The "goods" you received from Lawlor on your admission into the organization. A. No; I did not find out whether I had omitted any inquiries or not.

Q. Did you take pains to ascertain whether you did or not? A. I do not know as I did.

Q. Do you know now, or have you ascertained since then, that you omitted any portion of the "goods" as given you on that occasion? A. I do not know; I did not ascertain; I believe them to be correct or very nearly.

Q. Then there might have been some password or something else appertaining to your initiation that you have forgotten on that occasion? A. I did not forget in respect to the password. There might be a word you know that would be omitted, but the regular programme of "goods" is there, I believe, as far as I got them. There might be a word omitted here and there.

Q. Did the organization have any special place of meeting in April, 1874, in the borough of Shenandoah? A. I could hardly tell you. This much I know: I was initiated in Lawlor's front room, upstairs, and we held our next meeting in the bush back of Lawlor's, or near Ringtown mountain.

Q. That was on the 4th of June? A. No; this was in May, 1874.

Q. What time in April were you initiated, what day in April, or what night? A. Tuesday, I believe, the 14th of April.

Q. And your next meeting was in the bush above Lawlor's? A. Yes, right in the rear of Lawlor's house.

Q. What time was that? A. I think it was some time about the 10th of May, 1874.

Q. Was the body master there? A. Lawlor was there. Yes.

Q. Lawlor was then body master? A. Yes, sir.

Q. Who was secretary? A. I could see no secretary.

Q. There was no secretary? A. Not that I saw.

Q. How many were present at that meeting? A. There was Thomas McAnulty, Thomas Hurley, Peter Moran, and I am not satisfied certainly

whether Ferguson was there or not, but it strikes me very forcibly that he was present.

Q. How long was Lawlor body master? A. I could not tell.

Q. Who succeeded him? A. Well, Lawlor left Schuylkill County somewhere about the 1st of July. Thomas Hurley was acting body master for a little while, and Barney Dolan came up from Big Mine Run. He was then county delegate, and he organized the division and appointed Frank McAndrew as body master.

Q. Do you mean organized or reorganized? A. Reorganized.

Q. Is the body master appointed by the county delegate, or is he elected by the members? A. He is elected by the members as a general rule.

Q. Is there a rule of the constitution for the appointment or the election of the body master? A. There is a rule in the constitution, but I have already stated this constitution is not lived up to.

Q. I did not ask you that. I asked you whether there is a rule of the constitution to that effect? Is the body master an elective or an appointive office? A. It is an elective office.

Q. How long is he elected to serve? A. It seems, from what I read, that he is elected to serve from year to year.

Q. One year? A. One year.

Q. Is the office of the secretary an elective or an appointive office? A. It is an elective office.

Q. Are those the only two offices of the division? A. No; there should be a vice-president, or vice-body master, who should also be elected; a treasurer, who should also be elected; and there is also an assistant secretary.

Q. Who was the vice-president or assistant body master while Frank McAndrew was body master? A. I do not know as we had any; I never saw any one act; I never saw any one elected.

Q. But you were appointed *pro tem.*, were you not? A. I was not appointed *pro tem.* I was required to attend the meeting at Mahanoy City, and I did so.

Q. And you were clothed with all the authority of a body master, were you not? A. No; I had no such instructions that I was body master.

Q. Has not the county delegate the authority to appoint a body master? A. Well, he has done it certainly.

Q. And the body master is the party through whom the "goods" come to the division from the county delegate? A. Yes, sir.

Q. He receives the "goods" from the county delegate and distributes them to the members? A. Yes, sir.

Q. Is there any special time for the election of a body master? A. Well, generally in the spring, somewhere in the month of April, as a general thing.

Q. Then after Mr. Kehoe conferred with you, or you rather conferred with him, on the 30th of May, did he know that Frank McAndrew was absent? A. Yes, sir.

Q. How did he know that fact? A. I guess he knew it. I could not tell; probably I conveyed the idea to him myself.

Q. It was not obligatory on the body master to inform the county delegate before his proposed absence from the county, or from the division, was it? A. I do not know, as far as that was concerned. As a general thing they do, and it is very likely McAndrew had done so.

Q. When do you know it to have been done? A. Only from the common ordinary talk.

Q. That is the only knowledge you have of it? A. That is all; the common talk amongst the organization.

Q. But you have never known it in your own experience or knowledge? A. No; not within my own experience.

Q. What time did you reach Shenandoah upon the 31st of May? A. Upon, I think it is, the 8.45 train which arrives on the Lehigh Valley.

Q. Did you go direct to O'Brien's house? A. I went to O'Brien's house.

Q. The suspension was prevalent all over the county at that time. A. Yes, sir.

Q. How long had it been so? A. I do not think there was any work going on from the latter part of December, 1874; no work of any account.

Q. What was O'Brien doing when you saw him? A. He was not doing anything.

Q. You found him at home? A. I found him at home.

Q. Was that the first intimation which O'Brien received of the proposed meeting on the morrow, the Tuesday following; that is, the information which you communicated to him? A. It does not seem so, from the conversation I had with O'Brien on the 28th.

Q. I did not ask you about the 28th. I am asking you about the 31st? A. Well, he certainly had intimations of it previous to that. Did not I tell you he told me so on the 28th?

Q. Why did Kehoe tell you on the Sunday before, the day before the 31st, that you should go and apprise O'Brien of the proposed meeting on Tuesday? A. I suppose—

Q Never mind what you suppose.

Mr. Gowen. One moment. How can a counsel ask a witness to tell him what another man meant in his own mind, unless the witness answers, "I suppose?" How can a man know what another man meant in his own mind? If the counsel object to the answer, we shall object to the question.

Judge Walker. The counsel asked the witness for his reasons, and he was proposing to state his reasons.

Mr. L'Velle. If the witness gives an opinion, it certainly might be an answer, but if he comes down to suppositions, it would not be an answer.

Judge Walker. The reasons of the witness might be founded upon suppositions. The witness may answer the question.

(Exception noted.)

The Witness. On the 28th O'Brien informed me, while in Mahanoy City, that he wanted to have a meeting—that there should be a meeting held; he did not know what time, but what he wanted was to get some six good men, well armed with revolvers—I think he stated navy revolvers—and to let them know what was to be done, and to get board in some place, and he would send a man to point out such men as he wanted shot, and that it could be done in one night, and that there could be no danger. Therefore I was well satisfied in my own mind that O'Brien knew all about the meeting.

Q. Did you communicate the information that you received from O'Brien to any member of the organization prior to Tuesday, the 1st of June? A. I communicated to the members that there was going to be a meeting—at least, to some of them—but I could not tell which of them

Q. You cannot tell which of the members? A. No; I cannot tell which of them; I cannot tell them in particular.

Q. Did you communicate the information to some of them in Shenandoah? A. Yes, sir.

Q. Did you tell them because they were going to have a voice in the meeting themselves? A. No; I told them I had been requested to go to Mahanoy City.

Q. And that they were to be represented there? A. Of course they were to be represented there. When I was there, there would be one of the members there, anyhow.

Q. This meeting was a meeting almost exclusively of committeemen or body masters? A. They were all body masters, except two—or, at least, there were four who were not body masters; or, looking at it right, there was five; there are not so many body masters.

Q. Who was the man that appointed them? A. John Kehoe.

Q. Did he appoint Dennis F. Canning? A. I should judge so.

Q. He appointed him to be there, in Mahanoy, on the 31st of May? A. He requested.

Q. Did you not know that Canning was not in the coal regions at that time? A. I know that he was in Mahanoy City, in the same room with me—in Michael Clark's—on the 31st of May. I know that much, but what time he had been out of the coal regions I cannot tell.

Q. Did you not know that on the 26th of May, and the 30th of May, Den-

nis F. Canning was at Pittsburg, collecting money for the organization? A. Upon the 26th of May, Kehoe told me that he had sent Donohue to ask Canning to attend the meetings, and that Donohue had come back and reported that Canning was not at home, and that he was at Pittsburg.

Q. He told you so on the 30th? A. No; on the 26th.

Q. Did he tell you on the 30th that Canning was at home? A. He did not tell me anything about it on the 30th. The first I knew about him was meeting him in Mahanoy on the 31st of May.

Q. Did you ever meet Canning at a meeting of the organization in Northumberland County? A. Not at a meeting of the organization in Northumberland County.

Q. Did you ever meet him as a member of the organization in Schuylkill County, except the Tuesday you have reference to? A. Yes, sir; I have met him as a member.

Q. Before that day? A. No; since that day.

Q. You never met him before that time? A. No; I met him as a member of the organization in Northumberland County. The time I introduced myself to him I introduced myself as a member, and I threw the sign to him and he answered it; that was in April, 1875.

Q. When was that? A. April, 1875.

Q. In his own house? A. I did not throw the sign to him in his own house. I asked him if he was Canning; he was playing cards, and I took him to the door, and I asked him if he was Canning, and he said he was. I said I was McKenna, from Shenandoah, and he said he had heard of me.

Q. Was that conclusive evidence to you that he was a member of the organization, because you threw the sign to him and he answered it? A. It was conclusive evidence, because I had it from various other sources that he was the county delegate.

Q. I asked you if it was conclusive evidence to you that he was a member of the Ancient Order, because you threw the sign to him and he answered it. A. It was conclusive enough when I knew the fact before I threw the sign; very conclusive.

Q. Then it was conclusive evidence to you that he belonged to the organization of Mollie Maguires, because you made him a sign and he gave you an answer; is that what you propose to swear here? A. It was very convincing to me when I had already had the fact from other sources.

Q. If you had no knowledge of a party before you met him, and he should throw you the sign of a Mollie Maguire, would that be conclusive evidence in your mind that he was a Mollie Maguire? A. If I wanted to be very strict I might have to refer to the password of the present date; but in this case, you know, it was an exception; I had before learned, through the organization, that Dennis Canning was the county delegate of Northumberland County, and I only threw the sign to him to make myself known, and not for the sake of finding him out. I was satisfied of that previous.

Q. Is it not a matter, notorious in the borough of Shenandoah, that there are men who are not Irishmen and not Catholics, alien to the creed and to the race, that have detected the signs of the Mollie Maguires in bar-rooms, where they have been passed between parties?

Mr. Gowen. We object to the question.

Mr. L'Velle. The object of the question is to show how susceptible a man is of being imposed upon by others who have detected the signs in bar-rooms, and, therefore, to attack the credibility of the witness in showing that, in this instance, it could not have been conclusive information to him that Dennis F. Canning was a Mollie Maguire. The object of the question is also to show that in the town of Shenandoah the murderers of the organization were so heedless and reckless in their signs and passwords, that within the last year and a half persons have gleaned them from their interchange in bar-rooms.

Judge Walker. We do not see how the question is material; but you may ask the witness if he knows of his own knowledge.

The Witness. I had no official knowledge of that prior to these trials; but I would just make this remark: that some of the signs which had been for-

merly used I have seen some of the young ladies throw to each other in the streets of Pottsville.

By Mr. L'Velle.

Q. You have never known ladies to be initiated into the order? A. I did not know; but probably it has been recognized now. There might have been a change.

Q. Have you always exercised every caution in throwing the signs in bar-rooms yourself? A. I seldom threw the signs in bar-rooms. I do not know as I ever had occasion.

Q. To throw them in bar-rooms? A. I never had occasion to do it.

Q. Did you not swear upon that witness-stand, that you threw a sign to Pat Dormer in his own bar-room? A. I did not swear anything of the kind, about throwing a sign to Pat Dormer in his own bar-room. I drank a portion of a toast with Pat Dormer, but that was not throwing a sign; and I did not know that that was a toast at the time; I only suspected it to be, and I found it was all right.

Q. You suspected that the toast by which you recognized Pat Dormer to be a member of the organization was a toast of the Order? A. Yes, sir.

Q. Was that before you became a member of the Order? A. Yes, sir; that was before I became a member of the Order.

Q. When did you learn that? A. I learned it as I was in the bar-room.

Q. From whom did you hear it? A. I could not tell; he was a stranger to me.

Q. Did you, or not, impose upon Pat Dormer that you were a member of the organization from that little interchange between you? A. I certainly imposed upon him that I had been formerly a member, the same as I had done with many others; he was not the only one.

Q. You were successful in doing that? A. Always, certainly.

Q. But you were successful in doing that on Pat Dormer? A. Yes, sir; and many other times.

Q. What time did you return from Mahanoy on Monday, the 31st of May? A. I returned upon the 2 o'clock cars; the noon cars.

Q. Did you state to the members then that they were to have a meeting, and the purpose of the meeting on the Tuesday following? A. I believe I did. My recollection is not very clear upon it. If I met any of them I certainly did.

Q. Do you recollect any of the members to whom you told it? A. No, I do not recollect.

Q. On the Tuesday that you met at Clark's, you were authorized to procure these men? A. I was told that I should notify the members and state to them the action of the convention.

Q. To notify the members of what? A. As to what were the proceedings at the convention.

Q. Were you not authorized to draft members from your association to commit this crime? A. I was not authorized to draft them.

Q. Or to make a selection from volunteers? A. I was to state to them the object.

Q. And only the object? A. To tell them what was required; to deliver my message. And what was required of me was simply this—

Q. Why did you state the object of the meeting to them? A. Why did I state it?

Q. Yes, sir. A. I was going to tell you what I was required to do.

Q Tell us that, if that was why you stated it? A. I was required to notify the members of the Shenandoah division, and to tell them the proceedings of the convention at Mahanoy City, and to see as to what means they would devise, what meetings they would have, and what they would act upon. Of course I was not notified to compel members to go down, or to draft members.

Q. When did you first, after the meeting in Mahanoy City, notify the members of what had been done in Mahanoy City? A. It was upon the afternoon of the same day, the 1st of June. Immediately upon arriving in Shenandoah I met Edward Monaghan, and I informed him. Edward Monaghan said, "I guess I will go over to Gilberton. I will see Munley and Darcy about it."

Further on in the afternoon, getting on to the evening, I met Gibbons, Hurley, and Michael Doyle; they were all aware of the meeting in Mahanoy City. They asked me what the proceedings were, but, of course, I would have told them what they were if they had not asked me. They agreed right there that we should meet in the bush. Gibbons said that the bush was a good place to meet.

Q. You agreed on this Tuesday afternoon? A. Yes, sir.

Q. Did you meet only Monaghan and Gibbons? A. I have already stated that I met Hurley and Doyle.

Q. On that day? A. Yes, sir.

Q. Was that the only preliminary meeting you had up to the 4th of June, up to the meeting? A. I seen those men going out on the parade the day of the riot in Mahanoy City; but I had no conversation respecting this matter.

Q. You had no conversation relative to the meeting on the 4th? A. No.

Q. Did you not state, on a prior occasion, that Gibbons was the first one to whom you communicated what had been done at Mahanoy City after your return to Shenandoah; that is, on the habeas corpus hearing? A. Gibbons then—

Q. Answer my question, "yes" or "no," and explain afterward. A. Gibbons was the first one to whom I communicated it.

Q. Answer my question, yes or no. Did you not on a previous occasion state that Gibbons was the first man with whom you talked about the meeting in Mahanoy City and told him what was required of you? Say yes or no to that question. A. I cannot state as to whether I did it or not.

Q. I want to ask you whether you recollect that you did or not? A. I do not recollect whether I did or not.

Q. If you did state that Gibbons was the first man whom you met there, you stated what you do not state now, did you not? A. No; if I did make that on the habeas corpus statement, it was simply in this way: that of the prisoners, Gibbons was the first man that I had met, and certainly he was there. Ned Monaghan was not a prisoner at the habeas corpus. Now, you want the full facts of whom I did meet, and everything, and upon reflection, of course, I recollect meeting Ned Monaghan down at the depot after getting off the cars.

Q. You state now that Gibbons, because he was a prisoner, was the only one that you had referred to on that occasion? A. I state that if I made that expression that that certainly was the idea in my head; nevertheless, these are the facts.

Q. Was not Ned Monaghan a member of the organization at that time? A. Certainly.

Q. Do you recollect that you were asked which of the members of the Shenandoah division you first communicated this information to after your return to Shenandoah? A. I do not recollect.

Q. But Monaghan you know to have been a member at that time? A. Certainly; I recollect very well, upon reflection, as to how the transaction took place.

Q. Did you recollect how the transaction took place when you gave your testimony upon the habeas corpus? A. I think I did.

Q. With such particularity as you do now? A. No; I have had more time to reflect now. This is a trial and the other was a habeas corpus hearing.

Q. The other was only a hearing? A. It was only a hearing; there is a good deal more comes out now, and I have had more time to reflect.

Q. If you were asked to tell all the names of the parties to whom you communicated this information, and omitted to name Ned Monaghan, then it was not true according to the testimony now. A. Certainly, I did tell what was true. The facts of that I do not remember particularly, but I remember that I did tell Ned Monaghan.

Q. Where did you tell Ned Monaghan, on the evening of the 1st of June, of the proceedings in Mahanoy City. A. Upon Mahanoy street.

Q. Did you meet him casually, or by prearrangement? A. I met him by accident; no prearrangement.

Q. You met him casually, in the street? A. I met him in the street.

Q. What time of day? A. It was a little after 3 o'clock by railroad time; it was just after getting off the cars.

Q. Where did you meet Gibbons? A. I met Gibbons down at my boarding-house, at least on Coal street.

Q. He came to see you there? A. I guess he did. I am satisfied of it. I am positive of it. He came to find out what the news was.

Q. How did Gibbons know that you were to have a meeting, or that you had had a meeting that day? A. He knew it; certainly. They all knew it. The thing was talked about a few days previous to the meeting.

Q. They all knew it? A. They all seemed to know it.

Q. Did they ascertain it in the organization, or incidentally as individuals? A. They ascertained it from the organization, but not at a meeting of the organization. They ascertained it certainly through the meeting of the organization.

Q. In the body of the organization, they did not ascertain it from the 26th until the 1st? A. Not in the body of the organization, certainly not; because there was no meeting that I was cognizant of.

Q. When O'Brien and you talked about this did O'Brien tell you that Kehoe was to call that meeting on the 1st of June? A. You refer to my meeting with O'Brien on the 28th?

Q. Yes, sir. A. No; he did not name the 1st of June.

Q. Would you have gone there as a representative of your division from the information you received from O'Brien, independently of the order you received from Kehoe? A. I would not have gone as representative of that division on that account, but, as a detective, I would have gone on my own account and tried to edge my way into the meeting somehow.

Q. Not as a representative? A. No; I would not. I could not have gone on the 1st on the information I received from O'Brien, because he did not state the 1st.

Q. Was that why you went on the 30th to see Kehoe, to be better informed of the contemplated meeting and its proceedings? A. That was a greater portion of my business; certainly.

Q. Then you had an object in view and a specific object in visiting Kehoe on the 30th of May? A. I had several objects. I always had an object in every step that I took, from the time that I came into the region. Sometimes not a specific object; but things are worked in this way; you may take a stroll around and probably find out a great many objects in a very short time.

Q. You were preadvised of the proposed meeting before you went to Kehoe's? A. No; not before I went to Kehoe's on the 26th I did not know of the meeting.

Q. Then you had the knowledge from Kehoe, prior to that which you received from O'Brien on the 28th? A. Yes, sir.

Q. Did you tell O'Brien that Kehoe told you all about it? A. I did not.

Q. You were very reticent as to what information you received from Kehoe, were you not? A. Certainly; I wanted to see Kehoe to find out all about it. I wanted to have both men's opinions, and consequently I did not tell them that I knew all about this thing.

Q. And then it was from the information you received from Kehoe on the 26th that you went to see O'Brien on the 28th? A. I had other business.

Q. That was a part of your business? A. I made that a part of my business.

Q. Did you tell any members in the Shenandoah branch what Kehoe told you on the 26th? A. *Yes, sir.*

Q. To whom? A. I am not positive as to any one in particular; probably to all of them that I met.

Q. Did you have any preliminary meeting of your division from the 1st of June up to the 4th, in Shenandoah, up to the time of the meeting in the bush? A. No, sir; we had no meeting up to the 4th of June.

Q. So far as you know, Monaghan, Doyle, Hurley, and Gibbons were the only members of this Shenandoah division that knew anything of this contemplated meeting? A. No, sir; not as I know, because there came over Thomas Munley, Michael Garvey, Michael Darcey, and they all seemed to know about it.

Q. You told us that Monaghan told you he would inform Munley and Darcy? A. Yes, sir.

Q. And they were there? A. They were there.

Q. What time of the day did you meet in the bush on the 4th of June? A. It was 9 o'clock, or a little after, in the evening.

Q. Quite public, in view of the Merchants' Hotel from the road? A. Yes; I guess you could have seen the Merchants' Hotel, but not very well, for it was dark.

Q. And then those men volunteered to kill Bully Bill? A. Yes, sir.

Q. And stated to you they would do it. Did they say when they were to do it? A. They were to go on the following afternoon or evening.

Q. Accompanied by yourself? A. By myself.

Q. Did you urge your assistance? A. Oh, I told them I would accompany them.

Q. Did you urge your assistance? A. I did not urge it.

Q. But you told them that you were as brave as any of themselves? A. Yes, I told them that when they said they wanted me.

Q. What time did you leave Shenandoah on the following evening? A. I should judge it was half-past 4 or 5 o'clock.

Q. Did you leave in a body? A. No; we did not.

Q. Did you leave by prearrangement from any particular place? A. Doyle and I were to go down Coal street, and we were to meet Gibbons and Hurley to the east of the Indian Ridge Breaker, on the mountain, going over to Lanigan's Patch.

Q. Where did you meet the others? A. There were but the four of us.

Q. Gibbons, Hurley, and who else? A. Doyle and I.

Q. You left your boarding-house alone, did you? A. No; I walked up the street with Doyle.

Q. Where did you meet Doyle? A. Doyle had been over at the boarding-house.

Q. Did not he board at the same hotel? A. Not at that time.

Q. Did not he come to that hotel and accompany you up the street? A. I did not stop exactly at the hotel; but he came to the boarding-house.

Q. Was Hurley disguised? A. No disguise.

Q. No disguise on any of you? A. No.

Q. How were you all armed? A. I was armed. I had a pistol.

Q. How were the others? A. Gibbons had a pistol. Doyle had a double barrelled pistol, and there was two navy revolvers. I believe Hurley had one and Gibbons had the other.

Q. Was it determined on at the meeting in the bush where you were to meet, or where you were to rendezvous on the following evening before the attack was to be made? A. No; we were to go. It was determined that evening—not exactly in the bush—what way we were to take. I seen them the following morning, and, of course, where we were to go was to Clark's.

Q. Had you devised no means of escape before the contemplated attack? A. Me?

Q. The four of you? A. No; I had devised means, so far as I was concerned, not to let the contemplated attack come to any conclusion at all, and it did not.

Q. That was your plan? A. Yes, sir; I had my plan all secure.

Q. And you carried it out? A. I carried it out.

Judge Walker. That, I understand, was on the 5th of June?

Mr. L'Velle. On the 5th of June, at half-past 4 o'clock.

(To the Witness.)

Q. How long did your meeting in the bush hold out? A. That is the meeting of the 4th of June?

Q. Yes, sir; an hour or half an hour? A. O, I guess probably half an hour.

Q. And that night you reported the proceedings of the meeting to the superintendent? A. Yes, sir.

Q. Did you suppose you were outvoted in the contemplated attack on Wednesday night; did you make any provision to have these men captured, and

were they all in your hands subservient to you? A. I had reported the fact of the meeting at Mahanoy. I had reported the fact of the contemplated meeting in the bush upon the 4th. I had also reported the fact that I expected to be on that committee, and that I was satisfied that I could postpone it until perfect arrangements were made to catch them all in the trap.

Q. Then they looked up to you as one of their leaders and officers, did they? A. They did not look up to me as a leader; they looked up to me as one of the committee that was going to kill Bully Bill.

Q. Had you charge of the committee? A. I had no charge of anything.

Q. And yet you say you postponed the attack that evening? A. Yes, sir; I postponed the attack that night without having charge.

Q. Through your persuasion? A. Yes, sir.

Q. Because why? A. I laid very good grounds down to O'Brien, and gave a very good cause.

Q. We want the grounds here? A. You shall have them; I will accommodate you with them. I went to Mahanoy and seen O'Brien. I took O'Brien out of Clark's. I left the men there. I told O'Brien that I had been studying the matter over, and had come to the conclusion that it would be utterly impossible for us to proceed with the killing of Bully Bill, from the fact that there were so many military stationed around; that they were guarding all the breakers and railroad tracks, and that if we made a movement, or even the firing of a shot to attract their attention, we had no chance of escaping, and that one of our lives were worth fifty such as Bully Bill's.

Q. Were the military patrolling the streets of Mahanoy then? A. Well, I could not tell; I heard they were.

Q. Did you know, of your own knowledge, that the military were there on the 5th of June last? A. I had not seen them, but I was satisfied from the report that such was the fact.

Q. Did O'Brien tell you they were there? A. No; O'Brien did not tell me until after I spoke to him.

Q. Did he acquiesce in your statement of the fact? A. Yes, sir.

Q. Have you ascertained since that the military were there on the 5th? A. Yes, sir; I have heard so.

Q. Was it understood that you were to meet Thomas in Mahanoy City? A. It was a kind of an understanding that he was to be in Mahanoy City.

Q. A kind of an understanding? A. Well, it was his general practice to be in Mahanoy City on Saturday night, to get drunk.

Q. How did you know that fact? A. Such were the statements made to me by parties who seemed to be familiar with the man's character.

Q. Was the 5th of June Saturday night? A. That was Saturday night, I believe.

Q. Did you know William M. Thomas at that time? A. O! I never seen the man in my life.

Q. Did any of the others know him personally? A. No; none of them knew him, to my knowledge.

Q. What time did you arrive in Mahanoy City? A. It was after 6 o'clock I should judge.

Q. Did the four of you walk in together to Mahanoy City? A. Yes, sir.

Q. And went into O'Brien's? A. No; we went into Clark's.

Q The four of you together? A. Yes, sir.

Q. Whom did you see there? A. There was a number of boarders there.

Q. Did you know any of them? A. No; I do not know as I would remember any of their names. They were men I had no acquaintance with.

Q. How long did you remain in Clark's? A. Well, we must have remained a couple of hours around there.

Q. In Clark's? A. We remained about two or three hours in Mahanoy altogether. I was in Clark's or was outside with O'Brien.

Q. How long did you remain in Clark's? A. We must have been in Clark's at least two hours.

Q. You do not recollect any person you saw there that night? A. Yes; I remember seeing Pat Muldowney and Clark's sons.

Q What are their names? A. Tom Clark and Pat Clark. I seen the old man Clark, and I seen Clark's daughters, and several more I could not tell—lots of folks. They kept a boarding-house, and there were folks going in and out.

Q. Did you know Muldowney or any of Clark's sons to have been members of the Order, or to be members of the Order at that time? A. Yes, sir.

Q. Which of Clark's sons were members? A. Both.

Q. What were their names? A. Tom and Pat.

Q. What is Muldowney's name? A. Pat.

Q. Where did you acquire your knowledge of their membership? A. I acquired my knowledge of their membership from themselves, from the fact of their parading on St. Patrick's day, and from the fact that Clark told me he had been secretary.

Q. That was sufficient information for you, was it? A. Yes; and I heard so also from our county delegate, from Mike O'Brien, who told me that Pat Clark was his most confidential friend, and a man I could depend upon—from his division master.

Q. Was Mike O'Brien county delegate? A. No; I say he was division master; I had that, too, from a good many sources. I might go over half the members in the county.

Q. *Had you* paraded with the Order on that day or on any Patrick's day while you were in Schuylkill County? A. I was parading with them that day.

Q. Did you know any men not members of the Ancient Order of Hibernians parading with you or with the order on Patrick's day? A. Yes; there was a few boys from about Loss Creek that did go up there and parade.

Q. They were not members, were they? A. So I was informed, that they were not members; a good few boys.

Q. Did you ever know any Protestant Irish to parade with them on Patrick's day? A. Well, I could not tell whether there was any Protestant Irish paraded with them on that Patrick's day. It was the only Patrick's day I did parade with them.

Q. It might have been without your knowledge? A. It might have been without my knowledge.

Q. And they might not have been members of the Order either? A. Very likely.

Q. Where did you meet Michael O'Brien on the night of the 5th of June? A. I met him at Clark's.

Q. And was it there that you had this confidential communication with O'Brien in reference to the troops being there, and the danger of the attack? A. It was not in Clark's that I had this confidential communication with O'Brien; I took a walk around that corner, and told him there just at the bridge that crosses the creek.

Q. You and he only? A. He and I only.

Q. Where were these other men, Doyle, Hurley, and Gibbons at that time? A. I left them at Clark's.

Q. They did not know anything of your interview with O'Brien that day? A. No.

Q. When did they know that O'Brien knew anything about it? A. They knew that O'Brien knew about the contemplated killing; they knew we were to go to O'Brien's.

Q. Then you did not go to O'Brien's at all? A. We did not go to O'Brien's. We were to meet O'Brien at Clark's.

Q. I thought you said that they knew all about your going to O'Brien's? A. I did not say I went to O'Brien's on that occasion.

Q. I know you did not, but I understood you to say they knew all about your going to O'Brien's? A. I understand you to ask me if O'Brien knew all about the contemplated assassination of Bully Biff?

Q. That is the question I asked you? A. Very well; I say that they did not know that O'Brien knew all about it.

Q. Where did they tell you they did? A. I told them O'Brien was at the convention.

Q. And you told them that O'Brien was to meet you? A. Yes, sir; and that O'Brien was to furnish men to show us who Bully Bill was; I told them that myself.

Q. After you and O'Brien had this conversation, what time did you leave Mahanoy City on your return to Shenandoah? A. I should judge it was somewhere about half-past 9 o'clock before I left.

Q. You four left alone did you? A. Well, Clark, and Paddy Muldowney, and I believe some one or two more, I forget their names, walked down to the Foundry colliery, that way, or at least to where the path leads off there in the lower end of the city.

Q. The lower end of the town? A. Yes. sir; the western end.

Q. Did you observe any caution in your movements? A. No.

Q. Any ways circumspect as to how you should go home? A. I proposed to go around the regular road, and Gibbons thought not, and Hurley thought not, and that we might as well go the near cut across the mountain.

Q. So you went across the mountain? A. So we went across the mountain.

Q. Did you see any troops on your way, coming or going? A. No; we saw some watchmen.

Q. When did you tell Doyle, Hurley, and Gibbons all the reasons why you did not stay and make the attack? A. Well, I did not state the reasons at all, because when I had made this statement to O'Brien we then went back into Clark's and went back into a rear room, off the bar, and sat down, and then O'Brien made a statement to them that it would be an utter impossibility for them to do this.

Q. Did O'Brien know these men before? A. Yes.

Q. All of them? A. I should judge he did.

Q. Did he know Doyle? A. I should judge so. It seemed to me as though he did.

Q. Did he know Gibbons? A. He seemed so; I did not introduce them. They seemed to be acquainted.

Q. Who proposed that you go into the back room? A. O'Brien.

Q. And they followed you without any intimation from you or from O'Brien, did they; or were they in the back room before you got there? A. No; they were in the bar-room, some of them, standing around there.

Q. Did not you introduce Gibbons to O'Brien that night, and call him in when he was talking to you and Clark or some strange person at the bar; did you not call him back and introduce him to O'Brien? A. I did not.

Q. Did you introduce any of them to O'Brien? A. I did not. I could not tell how they got their introduction, and do not know how long they might have been known to each other.

Q. On your way home, or before O'Brien and you parted, did you make any arrangement about shooting Bully Bill? A. O'Brien stated the certain propositions I had made to him and said that we would have to defer the shooting of Bully Bill at the present time, but would wait for a more favorable opportunity. The men said they were ready at any other time.

Q. Then they were ready on call. A. Yes, sir.

Q. When was the next attempt made that you know of to kill this man Thomas? A. Upon the 10th of June.

Mr. Gowen. I submit that this is the third time we have had this. I dislike to interrupt or make objections, because it usually prolongs an examination, but I suggest that we do not want all this story repeated.

Judge Walker. It seems to me that you have been over the ground very thoroughly.

Mr. L'Velle. I have not asked this question. I insist that I have not. I have not asked when the *second attempt* was made on Bully Bill.

Mr. Gowen. But he has been over it all.

The Witness. There was but one attempt. The parties had been there several times, but when the attempt was made it was upon the 28th of June.

By Mr. L'Velle.

Q. Did you know of that contemplated attempt before the 28th of June? A. I knew it upon the night of the 27th.

Q. What time of the night?

Mr. Gowen. I do not know what your Honor's rule is here. In Philadelphia it is invariably that but one counsel shall cross-examine. Judge Ryon yesterday went over this whole ground, giving the date and the time of every occurrence. My friend, Mr. L'Velle, may occupy the whole of this day going over the same ground, and then, to-morrow, Mr. Garrett may go over the same ground a third time. If there is more than one counsel allowed to cross-examine, I suggest that the same ground shall not be covered by both.

Judge Walker. In these serious cases we have not thought it advisable to restrict counsel in their cross-examinations, but we would suggest that the same ground be not travelled over by different counsel on the same side, and this ground has been thoroughly covered already.

Q. Will you tell us what hour of the night you were informed of this contemplated attack on the 28th? A. I guess it was 9 or half past 9; I guess it was not quite 10 o'clock.

Q. Who told you? A. I seen the men leave on their way to Mahanoy City.

Q. And you inferred from that that they were going to attack Thomas? A. I inferred from their own statements to me that they were going to attack Thomas.

Q. When did they make their statements? A. Just previous to leaving.

Q. In Cooney's? A. In front of Cooney's. We did not hold meetings at Cooney's.

Q. Did you know where Captain Linden was then? A. I did not.

Q. When did you know where he was before that? A. I seen him on that week.

Q. Where? A. Shenandoah.

Q. Do you know how soon before that you saw him? A. I had not been out for a couple of days previous, or three days. I had been ill myself.

Q. Where were you stationed when William Major was shot? A. I was in Shenandoah when Major was shot.

Q. You were in Shenandoah; you recollet the time, do you? A. I recollect some time in the fall. I would have to refer to my reports to get the exact time that it occurred.

Q. From information you received since then, you say that Dan Dougherty was not the man that shot Major? A. Yes, sir.

Q. How soon after the alleged shooting did you ascertain this fact? A. I ascertained that fact upon a Monday.

Q. The following Monday? A. Yes, sir.

Q. You were aware of the fact that Dan Dougherty was indicted for the murder of Major? A. Yes, sir.

Q. And on trial in Lebanon for that murder? A. Yes, sir.

Q. And you knew of his innocence?

Mr. Hughes. He did not say that he knew of his innocence.

Mr. L'Velle. He swore it was not Dan Dougherty.

The Witness. I had positive information that it was not Dan Dougherty. On the following Monday he seemed to know all about it.

By Mr. L'Velle.

Q. You knew he was in prison charged with that murder, you also knew he was on trial for his life, charged with murder, and yet remained silent? A. I also knew Dan Dougherty was apprised where John McCann was, and could get out at any time. The idea was that Dougherty was innocent, and knew where McCann was, and he would be tried, knowing he could be cleared, and meanwhile McCann could escape.

Q. I ask you whether you were aware of the fact that he was tried for his life in Lebanon? A. I was well aware of the fact.

Q. And knew from positive information received at that time, that he was innocent? A. Yes, sir.

Q. Did you know at that time where McCann was? A. Not before the trial.

Q. Did you know where McCann was? A. I had heard of him being several places around.

Q. Did you know the identical places where he was? A. Yes. I knew the identical places where he was after he shot Major, when I talked with him.

Q. Did you not see McCann on this Monday night that you have reference to, in Shenandoah? A. I did not.

Q. Did you not see him in Charley Hayes's that night? A. I did not.

Q. How soon after the murder of Major did you see McCann? A. Upon the afternoon of Monday; Major was murdered upon Saturday evening, and I saw McCann upon the following Monday.

Q. Where did you see him? A. In bed in Mrs. McDonald's, in Mahanoy City, upstairs, in the back room.

Q. Did you know he was then the man that murdered Major? A. Why, he then told me so.

Q. Will you please tell us what salary you received per week, or per month, while you were operating in this region? A. Twelve dollars per week and found in everything.

Q. All your expenses necessary and otherwise were paid? A. All expenses that were necessary. What is otherwise I guess I have got to be at that myself. I am not allowed unnecessary expenses.

Q. Do you deem or do you not deem whisky bills necessary expenses at that time or a portion of them? A. Sometimes they were necessary in ferreting out crime. The kind of criminals I had to deal with were a whisky-drinking crowd, and I had to keep track of them.

Q. You were very generous in treating that crowd? A. I am naturally that way, and there is a good many like myself.

Q. Might I ask you whether your expenses exceeded your salary while in this county? A. Of course; many a day's expenses exceeded a week's salary. That is a fact easily understood if you take into consideration board, railroad fares, and everything else.

Q. Sometimes two or three times more than your salary? A. Certainly.

Q. How did you receive your salary, monthly or weekly? A. I never lifted any salary at all. I had it invested in the office. Once in a while I wanted incidental expenses for a few days. My salary is always invested.

Q. How did you maintain your character as a detective in this county, without means, without money, without your salary? A. That was the easiest thing in the world.

Q. You drew on your own private means sometimes? A. I had a good deal of property you know, apparently, and at all times I had a pension of course. I had, there is no doubt about that. There was the time that I had served in the navy, and, at all times, when I met a good counterfeiter, why I shoved the queer, and I knew where there was plenty of gangs of them. Such little things as those I had to keep me up.

By Mr. Hughes.

Q. The question was how you maintained your character as a detective? A. I have showed how I had my living without work, and I would suppose that Mr. L'Velle himself should be very well aware now how I maintained my character as a detective.

Q. You do not understand his question. He did not ask you how you maintained your character among these people, but how you supported yourself without your salary? A. Why I got my expense money always, of course.

By Mr. L'Velle.

Q. How did you get that; by check or draft, or express, or how? A. By different ways; sometimes by post-office orders, and sometimes by express, and sometimes sent by Captain Linden. I got it in different shapes.

Q. Were they drawn in your own name when you got post-office orders or checks? A. Drawn in the name of James McKenna.

Q. You are still in the employ of the Agency? A. I am still in the employ of the Agency.

Q. And you have been since you came into this county, uninterruptedly? A. Uninterruptedly.

Q. Did you ever meet, in any of your county organizations or meetings, any of the State officers? A. O, yes.

Q. If so, which of them? A. I have met the State delegate and the State secretary.

Q. When did you meet the State delegate and the State secretary? A. I

met them in the convention held in Girardville about the 4th or 5th of January, 1875.

Q. Who were they? A. The State delegate was named Gallagher, Captain John Gallagher, or something like that, at that time, and the State secretary was J. J. Maguire.

Q. Where was he from? A. They both hailed from Pittsburg.

Q. What were they doing in Schuylkill County in January, 1875? A. They were trying the case of the Ancient Order of Hibernians against Bernard Dolan, the late county delegate.

Q. Did you ever meet them but once during the time you were a member of this organization? A. I never met them but once in a convention. I have met Captain Gallagher on two or three occasions, and I met J. J. Maguire, I guess, twice.

Q. But not in their capacity as State officers of this organization? A. No; they were State officers, but it was not in a meeting of State officers as far as I knew.

Q. They were here in January, 1875, both of them, acting in their official capacities in this organization, in this county? A. Yes, sir.

Q. And at that meeting at Lafferty's in Girardville? A. Yes, sir.

Q. Of whom was that meeting composed, of county delegates, or what? A. There was but one county delegate that I seen there; that was John Kehoe.

Q. Did they have a State meeting or a county meeting? A. They held a county meeting.

Q. Did they come to investigate some grievances connected with the organization? A. Yes, sir.

Q. You were present all the time, were you? A. I was present a great portion of the meeting; I was not present when it opened, but I came in there afterward.

Q. Was there anything spoken about murder or crime or anything at that meeting when these men were present? A. No; there was this spoken of—

Q. Just give me an answer first and you can explain afterward. A. Yes; there was a little spoken about crime.

Q. What was it? A. There was a national delegate that was present there.

Q. Who was that national delegate? A. His name was Campbell; and a Mr. Reilly was there that represented the President of the Board of the City and County at New York at the time. He was the representative of it, but I believe he was not the man that should have been there as I heard. After those men had given their decision in the Dolan case, Mr. Campbell made a kind of a speech to the parties that were present; to the convention. He stated that there had been some outrages committed, that men had got shot and men had got beat through the coal regions, and that it had given them a very bad name, and Barney Dolan replied that some fellows had to get a little beating once in awhile to make men out of them. It seemed to be pretty well taken. The old man Campbell, himself, said, in a kind of a way, "Well, I don't know." He thought if a man would oppose him he would jump up and fight himself. The old man was right, too, in that respect. That was the only thing about beating and killing.

Q. As far as the Constitution and By-laws are concerned, are its purposes not those of charity and benevolence to its members? A. Oh, yes; so far as the Constitution and By-laws are concerned if they would only keep one-third of them they might get along; but where they are teetotally abolished, there is where the trouble comes in.

Q. You have never known any of the members of the Ancient Order of Hibernians bound by any oath to commit crimes? A. The obligation would seem as an oath, and that is secresy. Crime is committed right through the agency of the organization, and that is secresy. I do not know but it would come very near under the pale of being bound under oath to commit crime. In my opinion it would.

Q. Are they not also sworn to do things lawful and not otherwise? A. Certainly; what does that amount to so long as none of these things come in?

Q. Then if they are sworn to acts of law and not otherwise, should secresy

bind them to that? A. The secresy is about as I have stated before to you, the only obligation that is kept in connection with that society or any part or portion of it that I have seen in these anthracite regions. Secresy is pretty well kept as a general thing.

Q. You stated that you had signs and passwords and grips? A. I said nothing in respect to grips.

Q. Not grips; but passwords and signs and toasts? A. Yes, sir.

Q. Of course, those signs and toasts were all consistent with their purposes, were they not? A. I should say so, so far as secresy was concerned.

Q. No; so far as the toasting was concerned, or a password; you say the night password is, "Moonlight is pleasant;" would that be consistent if it were passed on a dark night? A. Yes; it would not be very consistent, but, however, it would be the password passed in that quarter, whether there was moonlight or not; it would not be consistent though.

Q. Have you ever been at a meeting in Mahanoy City, where a man named Casey was expelled for misconduct? A. I was.

Q. Who was that man? A. He was a member of the organization, and he stole a box of cigars and a revolver from the county delegate, and of course he had to be expelled for it.

Q. And he was convicted of the charge in this Court, was he not? A. I heard so.

Q. Was it because he stole it from the county delegate, or because he violated the law and was guilty of a crime, that he was expelled from the Order? A. I could not tell exactly in that respect. This much I do know: that he would not have been expelled, providing he stole a whole case from anybody else; that is, from any person outside of the organization. But in going to thieve deliberately upon a member of the organization, and more especially his superior officer, the county delegate, of course that was odious. Besides, the county delegate stated there that if he had only returned the revolver he would have forgiven the segars, and would not prosecute him in court, and would have paid the expenses; but Casey refused to do all that.

Q. Did you say he charged him with the theft of the revolver, too? A. He charged it between him and a man named McDonough.

Q. Did he charge Casey individually with the theft of the revolver? A. The two of them was jointly charged. One went and conversed with the maid, while the other done the stealing. It was a mixed-up thing. I did not pay much attention to the trial.

Q. Was McDonough expelled? A. I do not think he was expelled altogether; he got a kind of a fine, or was reprimanded, or something.

Q. Were you not on the committee on grievances on that occasion? A. No, sir; I was not on the committee; I was secretary there, writing down some talk.

Q. You were secretary, were you? A. I was secretary.

Q. When were you notified of that meeting? A. I forget now; I think it was a dispatch I got.

Q. Did you get it, or did the body master get it? A. I believe the dispatch came to myself.

Q. From Kehoe? A. Yes, sir; for me to notify McAndrew. In fact, it was the day before the meeting, and if McAndrew got that anyway himself, being as he could not read, he might not come to the meeting.

Q. You stated that you received letters from Gibbons while you were in Luzerne County? A. I received a letter and I saw another.

Q. I ask you if you yourself received any letters from Gibbons? A. Yes; I received a letter.

Q. Where was Gibbons at that time? A. I forget exactly whether it was in Sugar Notch or not he was living. It was in Sugar Notch, however, or about Plymouth or Nanticoke.

Q. Where is that letter now? A. I do not know where it is; I forget whether I kept it.

Q. Did you deem the letter of any importance? A. No, I did not; there was nothing important in it.

Q. In any of those letters you saw? A. No; nothing of importance in any letter I saw coming from Gibbons; not a thing.

Q. Did you know Owen McClusky, of Mahanoy City? A. Yes, sir.

Q. Did you know him to be a member? A. No, I never knew him to be a member; I only saw the man about two or three times. I had heard folks say he had been a member.

Q. Did you know he had been expelled from the Order? A. I know he had been in the county jail for a number of years, and I suppose he did not pay his dues during that time.

Q. Do you know he applied for readmission to the Order? A. I don't know.

Q. Do you know anything at all about it? A. I heard that he wanted to get in, and there were some objections. I could not tell what the objections were.

Q. Where did you hear that; in Shenandoah or Mahanoy City? A. I heard it in both places.

Q. Do you know where he applied for admission to? A. I do not know that; I know he did not apply at Shenandoah. I should judge, from the fact that he lived at Mahanoy City, that it would be there he would apply.

Q. Did you not know if any persons were convicted of crime that they would be expelled from the Order, no matter upon whom the crime would be perpetrated? A. Yes, in this way. I have known persons expelled for crime and admitted again. I know Pat Hester was expelled, Jack Kehoe said, because he had been in the penitentiary; came into Schuylkill County to be admitted, and came over into William Callahan's division; and I heard Kehoe say if they did not admit him in Northumberland there would be some trouble with that county delegate.

Q. He would not be received in Northumberland County because he had served in the penitentiary? A. That was the representation Callahan made to me.

Q. Do you not know he was expelled from this county afterward? A. I do not know how that was settled afterward.

Q. Did you not know he was expelled? A. I did not know anything about that, and I do not know now.

Q. Did you not know at the time you were an active member? A. I did not know at the time I was an active member that he was expelled.

Q. Did you not when in Northumberland County ask Mr. Canning to go to Hester's with you, and he replied to you that he would not, and that he and Hester were not on good terms, for the reason that he would not admit Hester into the Order? A. No; I told Canning I was going down to Hester's. Of course I did not want to go to Hester's without somebody along, without somebody with me; I had sent Donohue ahead of me, I know, and I asked Canning if he would not go down. He said no; there was a meeting of the Miners' and Laborers' Union that evening, and they were about to distribute some funds in their hands that evening, and he had to attend to it. He asked me to come back after supper and stop all night with him. He said nothing about that he was at any variance with Pat Hester; not a word of that.

By Mr. Garrett.

Q. Who was it made the complaint at the Mahanoy convention of Thomas and the Majors? A. Kehoe was the man that made the complaint to me. Daniel Dougherty came in, of course, and stated, as I have already given testimony to twice, I guess, or three times, in this Court, in respect to the Majors and Thomas.

Q. Did you swear that Dougherty made the complaint at that convention, on the hearing at the habeas corpus? A. I did not; and I do not swear to it now, positively at least; I swear this, that Daniel Dougherty was called in; there was a committee appointed to go after Dougherty, and they went out and fetched him in; and he showed the bullet-holes in his coat, and he stated that Jesse Major was the man that shot him, and he came to the conclusion that the Majors would shoot him anyhow.

Q. Did you not state at the habeas corpus, in answer to Mr. Ryon, that Daniel Dougherty made the complaint in regard to the Majors and Thomas?

A. I do not know that I understood the question. He lodged the complaint, no doubt, in the form that I have already stated; that is, that if the Majors and Bully Bill were out of the way, he could have peace.

Q. What became of the Roarity committee that was appointed at that convention? A. The only facts I had respecting the Roarity committee was that upon the 18th day of July, 1875, Roarity told me that he had been to Tamaqua, and had fetched two men along with him, and upon arriving there that James Carroll presented them with a dispatch or a letter of some kind that had come from John Donohue, and told them to stop at home. He stated, of course, that their mission to Tamaqua was to go to Tuscarora, or to the vicinity where the Majors were at work, in order to assassinate these Majors. Therefore Donohue had seen that they had not a proper chance, and he prevented them on that occasion.

Q. Do you state the Roarity committee was to go to Tuscarora instead of going to Mahanoy City? A. The Roarity committee was instructed, or Roarity himself, for the committee, was instructed to not make a movement until he would get further orders, to be prepared; and any person can see that he must have got orders from some source.

Q. Did you not tell us to-day, and did you not tell us on the hearing on the writ of habeas corpus, that Kehoe notified you and Roarity that the only thing you now had to do was to look after Thomas, and that you had nothing to do after the Majors? A. I did not state that exactly then, and I do not state it now. My statement that I swore to was this: that Kehoe turned around after Donnelly and Donohue had agreed upon the plan as to how they were to assassinate the Majors, that he turned around to O'Brien and stated—O'Brien, and Roarity, and I, were sitting around the table, Kehoe was sitting to the right of O'Brien, I was sitting next to O'Brien, and Roarity to my left—he turned and says, it now devolves upon you as to how you would dispose of Bully Bill. Devolve upon us of course would signify Roarity, O'Brien, and I.

Q. What day was it Roarity told you he went to Tamaqua? A. He did not tell me on the date that he went there; but the date that he told me in reference to that Tamaqua affair, as near as I could judge, was on the 18th of July, on Sunday.

Q. Did not you swear on the habeas corpus, that Roarity told you, on the 18th day of July, that Donnelly had brought two men up to shoot the Majors? A. Yes. He told me that; he also told me that Chris. Donnelly had brought two men to shoot the Majors, and that Chris. Donnelly had informed him so; I forgot about that.

Q. Did you say anything on the previous meeting about Roarity bringing in men to shoot the Majors? A. If I did not, I should have no doubt, but I am almost satisfied I did.

Q. Do you swear you did? A. I am pretty nearly satisfied. I do not see how I could have made such a mistake; the facts were so clear and so plain in my memory when he told me he had fetched two men.

Q. Was there any other business done at the meeting of the 1st of June but the appointment of these committees? A. No, there was no other business exactly done. There was considerable talk. We did not appoint any other persons to kill anybody that I know of.

Q. Was there any word at that meeting of a military organization? A. There was not any word of a military organization.

Q. Was there no word of a military organization talked about at that meeting? A. There was not any word of a military organization talked about at that meeting.

Q. Are you prepared to tell us now exactly what Kehoe told you on the 26th and 30th days of May, as to the object of the meeting to be held on the 1st day of June, at Shenandoah? A. Oh, yes.

Q. As precisely as you can? A. Well, on the 26th of May, Kehoe told me that he had been in Mahanoy.

Judge Walker. This has been gone over.

Mr. Garrett. No, sir; this has not.

The Witness. This is about the sixth time I guess I have answered it here.

Mr. Garrett. I want to call his attention to what he said at the habeas corpus.

Judge Walker. Cross-examine as to what was said at the hearing on habeas corpus, but do not have the same story over again.

The Witness. On the 26th day of May, Kehoe informed me that he had been in Mahanoy some days previous to this date, and that it was in a very bad state; that the Modocs were raising the mischief there. He used a little more forcible language than that, in fact, and of course he stated that Daniel Dougherty had been shot; that he calculated the Irish people were not getting law or justice; that he would have a meeting of the Mollie Maguires; call them together, at least the Order, and let them get arms and go into Mahanoy, and challenge them out to fight, and if they did not come out anyhow, to shoot them down like dogs.

Q. That was to be the object of the meeting? A. He told me these were the conclusions he had come to, but on reflection, that he had dispatched Thomas Donohue to Locust Gap to notify or request Dennis F. Canning, the county delegate of Northumberland County, to attend at a meeting which he was going to call.

Judge Walker. Is this with reference to the testimony of the witness at the hearing on habeas corpus, or with reference to what was said by Kehoe on the 26th day of May?

Mr. Garrett. I do not care to go over that at all? I want to confine it to the habeas corpus testimony.

(To the witness.) Is that what you swore at the habeas corpus that Kehoe told you was to be the object of that meeting? A. You wanted to know of me, and for me to be as precise as possible, to tell exactly what was the language used by Kehoe to me on the 26th. I was getting around it.

Judge Walker. Mr. Garrett wishes to know about what you testified to at the hearing on the habeas corpus.

The Witness. I did not understand it that way. But, however, that is the fact.

By Mr. Garrett.

Q. Was that what you testified to at the hearing on the habeas corpus? A. I am not satisfied that I testified to all of that.

Q. Can you tell us what you did testify to? A. I do not recollect, but I am satisfied that is the substance of it.

Q. What you did testify to was the truth, was it? A. I am satisfied that what I did testify to was the truth, with this exception, that since the hearing, and upon reflection, probably I remember more. If I had more time to reflect upon it I may remember a great deal more yet.

RE-EXAMINED.

By Mr. Gowen.

Q. The first time you *met Dennis* F. Canning, the county delegate of Northumberland County, he invited you to dinner? A. To supper.

Q. And you took supper with him at his father's house? A. Yes, sir.

Q. How can you account for it that at the first meeting with a stranger he extended such hospitality to you.

Mr. Ryon. If anything was said let the witness give it, but not any inferences the witness might draw.

The Witness. I asked him if he was Canning; and he said he was. He wore a gold badge with A. O. H. on it. I saw him at the door; I throwed the sign to him, and he returned it. I said I was McKenna, of Shenandoah, and he said he had heard of me.

By Mr. Gowen.

Q. The badge you refer to was *the badge* of the Ancient Order of Hibernians? A. Yes; a man might wear it that was not a member of the Order, but from reputation I knew he was the man I wanted to see.

Q. You threw him the sign? A. Yes, sir.

Q. And you gave him your assumed name? A. Yes, sir.

Q. And that was the only introduction you required to share his hospi-

tality? A. Yes; besides I had written him letters for men who came to Shenandoah that belonged to the Ancient Order of Hibernians who wanted their cards, and they had informed me of Canning; and Canning had seen my name signed to some of these letters as secretary of the Shenandoah division.

Q. You stated in reference to going with the committee to shoot Bully Bill, that you were well aware you could keep it back. Did you mean by that answer that you could prevent the consummation of the attack? A. That I could prevent the consummation of the attack at that time; exactly.

Q. And I understood you to say that you had so informed Mr. Franklin? A. Yes, I had.

Q. If you knew at the time you were about going to Mahanoy City with the avowed intention, so far as the members of this organization knew, of participating in an attack upon Thomas, what Linden was doing around Shenandoah, state it? A. I know he was stationed at West Shenandoah colliery, and his men were there. They were working there, and threats had been made not only to destroy the breaker, but the homes of those who were working at that colliery.

Q. Do you know the fact that this was at the time when the attack was threatened and afterward made upon the West Shenandoah colliery by a large body of armed men? A. It was after the time.

Q. When Linden and his men were engaged with a large force in the protection of that colliery? A. Yes, sir; it would have been impossible for him to have left.

Q. You said that Linden had at his command a number of men that he could control, and that he could also control the Coal and Iron Police? A. Yes, sir.

Q. You also said that at that time you were not to be known as a witness? A. Yes, sir.

Q. State whether you did not know it was understood with the detective agency and Linden and Franklin that these men were to be, if possible, at the point where any outrage was to be committed, for the purpose of arresting the perpetrators in the act? A. Yes; and I have known the facts of that understanding to be carried out; and I have known Linden and his men to lay out at nights, and me to watch myself, several nights.

Q. State whether, in consequence of information furnished by you of intended outrages, Linden and his band of armed policemen laid out in the woods all night watching for persons, with the purpose of detection and arrest in the act? A. Yes, sir; I have known several instances.

Q. Was not that the means whereby evidence was to be obtained of their guilt? A. Yes, sir.

Q. And you, if necessary, were to be arrested with others in the participation? A. Yes; Linden was to take charge of me as being the worst man, and I was to escape.

Q. Was it not understood that you were, in some manner, to be designated or marked so that you were to be arrested so that no bodily harm could come to you, and that you were to escape his clutches, clear the county, and get off? A. Yes; and return in a few days.

Q. And you were to acquire the greater glory in consequence of your escape from Captain Jack? A. Yes; the papers could come down on him, but we did not care.

Q. You were asked yesterday whether you did not know you were known as a detective, and you said in February, 1876, you were known. I want to know all you know about that, how you discovered it, and what was known in reference to the subject? A. After the arrest of Thomas Munley and McAllister, there was a habeas corpus hearing here in this court. That was last February, I suppose; I am not positive as to the date exactly, without I refer to my reports. I being in Pottsville for a couple or three days, probably nigh a week previous to that, I came up to the court-house upon the morning of the habeas corpus hearing. I met Frank McAndrew, and he informed me then that they were making bets, certain parties coming down from Frackville, that I was a detective, and that I would go on the stand at the habeas corpus hearing. I told him it was not the fact; and I went and seen some

parties that was there. I seen Danny Hughes and a few more; and Hughes said he knew it was not a fact, but that upon that morning that John Kehoe did not come himself, but he sent his wife down, and sent her into the saloon to tell Dan Hughes to tell every one to beware of me; that I was a detective; that such was the report, and that he, John Kehoe, had it from responsible sources. I got into the facts of the case, and I went to Shenandoah upon that evening along with Frank McAndrew and a great number more of the members of the organization that was down here, and the following day I went to Girardville and saw John Kehoe, and I asked him as to what about those reports? "Well," he said, "I have heard it, and I heard it some time ago." "Well," said I, "what I want now is somebody to prove it. I am willing to let the societry try me. I will stand a trial; and if I find out," says I, "a man that is lying about me, I will make him suffer, no doubt, to say that I am a detective." Kehoe informed me that he had learned this from a conductor upon the Reading Railroad; that he was coming from Ashland, or at least between Ashland and Girardville; that this conductor had asked him into the baggage car to ask him if he had seen me or not; he made some reply, I forget what Kehoe said. Kehoe said that he heard I was a detective. I told Kehoe that I wanted to have some proof about this. Therefore Kehoe agreed that we should have a county convention and to have me tried. I told Kehoe to name the time and the date and the place where this convention should be held, and he did. I guess it was somewhere about the 1st or 2d of March, that the convention was to be held in Shenandoah, in Ferguson's Hall. He then got me some paper and pen and ink, and he stated that he was too nervous to write himself, and he just wanted me to write, and sign his name, to each of the division masters in the county. He said he was a little nervous. I went upstairs in a room in the second floor, and I sat down and I wrote to every division master in the county. I knew all their addresses myself already where they lived. He came up, and I showed him the form of the letters, and handed them to him to read. He said they were all right, and I sealed them. The envelopes were stamped envelopes, and he took them with him to mail.

I believe I stopped that night in Kehoe's, and the following day I came back to Pottsville. I reported all this. There was a number more told me. Patrick Butler, the body master of Lost Creek, he told me; he I heard was a detective, and that some men told him they must take action upon me. I said, "I have the advantage of them; I will take action upon myself; I will have a meeting, and have a fair trial." Upon I think the 26th day of February it was upon Saturday, John Kehoe came down to Pottsville, and he was in company with Manus O'Donnell, his brother-in-law. I seen him. He said he was going to see Mr. Ryon, in order to have Mr. John W. Ryon retained for the defence of McAllister. In the afternoon I met him again, and I asked him what news. He told me it was going to cost him two hundred dollars, "and," said he, "I got a good deal of news. The news is," said he, "that there is about two thousand five hundred men banded together in this county for the purpose of prosecuting the Ancient Order of Hibernians, and that there is positive proof that there is detectives amongst them, and that these detectives even gets money to go around and spend amongst them and find out all their secrets, and then turn around and either send them to the penitentiary or hang them." Said I, "There has been something in my mind for some time that there is something crooked going on, and that is the reason I am doubly cautious; but from whom have you received this information now?" "From Mr. John W. Ryon," said he; "that is the man; he is after telling me in his office."

Upon the day previous to my trial, Kehoe was in Pottsville. I saw him in Dan Hughes's. I had a cigar with him. He asked me if I was going upon that evening to Shenandoah. I said "Yes; I will be on hand for the trial to-morrow." I engaged to meet him in the afternoon. He was going to Ryon's, he said, and Mrs. Kehoe was in town. I came down in the afternoon, made my reports, reported having seen Kehoe, and being in town, and all that sort of thing. I returned to Danny Hughes's in the afternoon, but did not see Kehoe—did not hear anything at all of him. I then met a man named

Mullen, of somewhere near Tuscarora. Mullen told me what he had heard of me being a detective, and he considered that it would not be right to hold a meeting in Shenandoah. Some of them concluded I wanted to get all the officers and body masters assembled in Ferguson's Hall, and then have the whole crowd arrested by the Coal and Iron Police. I said to Mullen that was not possible; it was not legal, and it was not right to do such a thing as that, and, for fear there might be a suspicion, I told Mr. Linden he must not have a Coal and Iron Police there at all. I said, "I believe I can fight them right through, and make them believe I am no detective." The Captain was not very well satisfied, and believed I ran a very great risk, but I went. I got up to Shenandoah on the late train, and previous to getting to Shenandoah, I was in the smoking car. Manus O'Donnell came in, and informed me that Mrs. Kehoe was in the ladies' car, and wanted to see me. The train was stopped in Mahanoy City, and I got out of the car, and when I seen Mrs. Kehoe I asked her where was Mr. Kehoe; wasn't he along? She stated she thought he went up to Frackville on the afternoon train, and she had been to see her mother. She had been to see her mother, and I understood her to say she had been to Tamaqua. I suspicioned something was not right then, from Jack Kehoe telling me to be sure to be up that night, telling me he would be there and to be sure to be there.

I was getting a little nervous. It was well known to McAndrew that I was bound to be up that night. I even wrote up to them, and always whenever I would be away there used to be five or six of them at the depot, and I would get all the news, and we would have a drink. That night when I got to Shenandoah none of them were there. I thought it was very strange. I had myself pretty well prepared; I was pretty well armed. I went along the street and met some citizens, but none of my old acquaintances that belonged to the organization. I came as far as James McHugh's saloon, and who belonged to the society, and spoke to him as I was passing by. He asked me in, and I went in. He says will you have anything to drink. I told him I did not mind having a bottle of porter. He got the bottle, and hardly could get the stopper out of it. I noticed that he was very pale. I asked him had he the ague, or was he out on a spree, or had he been sick. He said no, he was cold standing around. I asked him if he heard the report about me. He said he had, but he did not believe it, and he would be around the following day and see how things were going.

Passing the Lehigh depot I met Mike McDermott; he was a member, and had been rather friendly with me always, but he hardly spoke. He passed by very quick; and just across the street from me I saw Edward Sweeney, another member, who was standing up against a lamp-post. I spoke to him; I halloed across the street, and I said, "Is that you, Sweeney?" He said, "Yes," and he came over. I said, "Have you seen McAndrew?" He said, "Yes." I said, "How long since?" He said, "About an hour." I said, "Has he gone to bed?" He said that he thought not. We kept on down the street. I was very suspicious of Sweeney, and I got him to walk in front of me. I said my eyes were bad, and I could not see; that the pavements had holes in them, or something. I got him ahead of me, and I made up my mind to keep him there.

When I got to McAndrew's there was a party posted inside and outside. There was a fellow named Grady. I think it was Grady outside and Doyle inside. There were two, one inside and one outside. I went in, and Sweeney came in and went out again. He said he was going to return home, but he returned after a little while with a little piece of snow, and throwed it over and struck McAndrew with it. McAndrew looked at me and said, "My feet are sore; I guess I will take off my boots," and Sweeney turned and walked out. From the rumors that were around, I was suspicious, of course, of everybody, and that seemed to be another clue that something was up, at least it appeared so to me.

I then asked McAndrew about the meeting. He said he had a hall rented, and that it was all right. I bid him good night, and when I got outside, instead of taking the usual road, I got in the swamp and crossed over and came out in front of my boarding-house. I went in, but I did not sleep much that

night. The next morning I came over and seen McAndrew, and went up town and met Ned Monaghan, and a fellow named Carlin, the body master at St. Nicholas, and Florence Mahony, the body master at Turkey Run, was there. Nobody else seemed to come, but a little after 10 o'clock there came in a couple of drunken men from Mt. Laffee; one was a little drunk, and the other feigned a little drunk.

Q. Who were they? A. Dennis Dowling and James Doyle or Mike Doyle; I believe Mike Doyle was his first name. He is a red complexioned big fellow. I asked them if they had just arrived, and they said they had just arrived, and had just come from the cars.

Q. Were they members of the Order? A. Yes; from Mt. Laffee. They said they had just come from the cars, and their appearance indicated they had not slept the night before. The fact was that there were no cars coming into Shenandoah at that time, and they had just come in, they said, right off the cars. Dowling turned and took me one side and asked me what was the matter. I said, "Didn't you hear; don't you know what you are called here for?" He said no, and I told him, and he said they wouldn't believe that. I called for the drinks, and sent for McAndrew, and took him in a rear room. Doyle kept getting drunker, and somebody took him away and put him to bed, or some place.

I did not see Kehoe; he did not appear, and so I made up my mind that I would go and see him to see what was the matter and why there was no meeting. I went out with McAndrew and engaged a horse and cutter of Martin Delaney. Dowling and Ned Monaghan got another horse and cutter. McAndrew speaking for it, and they got in. I asked McAndrew how this thing was. He said "Look here; you had better look out, for that man who is riding in that sleigh behind you calculates to take your life." He told me that Dennis Dowling was the man with Monaghan He said, "Have you got your pistols?" I said "Yes." He said "So have I, and I will lose my life for you. I do not know whether you are a detective or not, but I do not know anything against you. I always knew you were doing right, and I will stand by you. Why don't they try you fair?" I made up my mind that I would keep my eye upon Dowling, and I did as well as I could. We stopped at Danny Munley's and took a drink, and after we came out McAndrew informed me positively that he had saved my life. He told me that John Kehoe had came to Shenandoah upon the afternoon previous, and that he had assembled or gathered all the Mollies who were in town, and had spent a good deal of money amongst them, and that he told him, McAndrew, for God's sake to have me killed that night or I would hang half the people in Schuylkill County; and McAndrew said that he consented, and Kehoe and the men were satisfied, and they assembled just a little below the depot, twelve or fourteen of them, a little below the Reading depot, on the track.

Q. On the track? A. Yes, sir; waiting for the train to come up, and they were armed; some of them had axes and some tomahawks, and some of them had the sledges which they used in the mines. They did not feel very much like shooting me. There was too many policemen around, andthey did not want to make a noise, but I was to be inveigled down there and assassinated.

He said, "That is a fact; you will find out that you are in a queer company this minute." I said, "I do not give a cent; I am going down to Kehoe's," and I did, and I reckon when I went there, there was no man more surprised than Kehoe. His plans had not worked worth a cent. I was still a live man, right in his presence, along with the man who was to have assassinated me. I asked him about the meeting, and he said that he had come to the conclusion that there was no use trying me, and I thought so too; that he had come to that conclusion from information I had received a little while previous, as there would be no use gathering a crowd there. I said, "You had taken a great deal of trouble." He said, "You can go to Father O'Connor, and see him about it; you will find it all out." He says, "That is all I have to say." I said, "I will go to Father O'Connor, but I do not give a cent for any man in this county." I took the opportunity of blowing a little. I went to Father O'Connor's, but I could see the movements while in Kehoe's; there was Philip Nash—

By Mr. Ryon.

Q. Do you intend to state what you saw? A. I state what I saw in Kehoe's. Parties were there—

By Mr. Gowen.

Q. Tell who were there? A. David Kelley was one, and Philip Nash was another; Thomas Donohue was there, and there was several more—a fellow by the name of Butler—and they were talking to McAndrew upon this subject. There was a good many there, and I stated that I would go to see Father O'Connor. A good many had left quite a while before we started, and then we started for Mahanoy Plane, and stopped at Collahan's, and when we got to Collahan's, Philip Nash and Tom Donohue were there. They had heard that I was going to see Father O'Connor, and they were ahead of me—but they probably might have had business about the Plane; Tom Donohue—not the prisoner—but of Mahanoy Plane, he and Nash took McAndrew out and had a conversation, and after they came back they seemed quite uneasy. Nash went into Collahan's, and I went over to see Father O'Connor, but he was not home. I came back, and asked Collahan what was the matter, and he says, "Those men there want to kill you right here; Dowling wants my revolver." I said, "Has he got one?" He said, "Yes; but if I give him mine I will be unarmed myself." However, Dowling was not a good hand at that kind of business, and he kept getting drunker, and he was so drunk that McAndrew told him he would not let him get in the sleigh, and he told Monagan to get in the sleigh, and we drove away. I told McAndrew that if I saw Dowling make a motion toward me, I would shoot him—that I would sell my live pretty dear. But Dowling was drunk, so we left him at Collahan's, and we went to Shenandoah, and went straight to McAndrew's house, and I said, "I will go to my boarding-house." He says: "You will not go to your boarding-house." I said, "What is the matter?" And he said, "It makes no difference; you will sleep with me." And I did, and I was very glad of the chance, and the following morning I came down to Pottsville. Of course, I made out my report, and reported to Captain Linden. I went up, according to appointment, on that afternoon, in the noon train, to Mahanoy Plane, and I there met Dennis Dowling, and this Doyle, again in Collahan's. They were both sobered up a little then. I met McAndrew, and McAndrew told me he was going to see the thing through. He took me aside and said, "It was a pretty lucky thing that you did not go home last night." I said, "Why—"

Mr. Ryon. What is this for?

Mr. Gowen. We desire to have the whole narrative. First, because certain circumstances were drawn out by the cross-examination; and then we want to show it for the purpose of explaining an answer made to Mr. L'Velle's inquiry as to this society's attempts to prevent crime. I suppose the highest justice known to this organization is to hang a man by the neck in order to prevent him from divulging what he knows respecting the criminal deeds of one of its members.

Judge Walker. We will allow the evidence. The witness will proceed.

(Exception noted.)

By Mr. Gowen.

Q. Go on and finish your narrative. A. He stated that on the night previous—the night I slept with him—there came two or three men around by my boarding-house, and kept knocking about all night, but they did not manage to get the game, and they left an old carpet sack, so that they would be thought to be tramps. Of course, I had a different opinion as to their being tramps. I went to see Father O'Connor upon that occasion.

Q. On that day? A. On that day, but, as usual, he was not at home; he had gone to Philadelphia. I returned back, and saw Dowling and the others. They were all very kind, and still talking with McAndrew. I bid them good-evening, and I took the train and came down to Pottsville that night. I did not feel like going back any more to Shenandoah. I saw Captain Linden upon that evening, and I told the Captain that I came to the conclusion that they had had a peep at my hand, and that the cards were all played. I said

I would go up again, but I wanted him to keep a close shadow upon me. Captain Linden said he would, and he did so. I went the following day.

Q. That was Saturday? A. On Saturday; but I did not see Dowling nor Doyle upon that day, I do not believe. I forget now, exactly, and I will have to refer to my reports to see whether I saw them on that day or not; I think not, but I seen Father O'Connor. I asked Collahan to go with me to Father O'Connor's, but Collahan said he did not wish to go there any more, because Father O'Connor and him had had some words in respect to a sermon which Father O'Connor had preached about the Mollie Maguires, or Ancient Order of Hibernians, and that he had abused Father O'Connor, and did not feel like going in. I told him I would go in alone.

I went in and seen Father O'Connor. I was sitting in the hall waiting for Father O'Connor to come, and I heard footsteps and a man speaking while I was in the hall leading into another room. I heard this man speak and I knew his voice, and I heard him pull his chair alongside of the door; I supposed so from the motion. I heard Father O'Connor come in, and I told Father O'Connor I was James McKenna; that I was the man whom he had heard about, and that I was the man whom he had represented as a detective; that he had represented me as such and that it had ruined me, as I said, in the estimation of some of my fellow-citizens, and that they were greatly enraged against me, and from the fact that it was not true I would like him to deny it. He stated that he had not used my name, but that he had heard that I was a detective; and although he did not know me he thought that I was cognizant of crime long before the perpetration of it, and that I should have prevented it; that I acted as a stool pigeon—a common phrase among men—and that I knew all about crimes and took part in them instead of reporting them as a detective, and he did not think that it was right. He said that he had written a letter to Kehoe, and he had given it to a party to deliver, but the party had not delivered it but brought it back. He stated that he had told the men time and again that such would be their fate, but they would not hearken to his voice and would not leave the organization, and now they must suffer. He said I could go to Father Ryon, of Mahanoy City, and Father Reilly, of Shenandoah, and they knew more about it than he did. He said that he had learned of it only a little while previous, and he said that he had went down himself to Philadelphia to find out something about me, and to find out how close I was connected with some other party who was in this region; but he did not name the party. He said, moreover, "You were seen around Tamaqua about the time Kelly, Doyle, and Kerrigan were arrested, and you were seen in company with Kerrigan, keeping close company with him a little before Jones was shot." I told him I had business in Tamaqua; that I was sparking Kerrigan's sister-in-law, and, of course, I kept very close company with the brother-in-law. He laughed at that at the time, and he said he did not think there was any harm in that, that I had a right to go there. So I parted with Father O'Connor, and told him I would go and see Father Ryon and get things straightened out, and I would notify him of it, and he might inform the congregation that I was no detective. He stated that if I got things settled up in that way, he would be very happy to state so, as I had been injured in the estimation of my friends; but I had no notion of going to see Father Ryon or Father Reilly.

Q. While you were there with Father O'Connor, did you defend or denounce the Ancient Order of Hibernians? A. I defended them in a loud tone. I stated that it was a good society; that I had belonged to it a good many years; I forget how many I said; that it was all right, and that the crimes which had been committed in the county were all attributed to the society, but that they were not guilty of these crimes, but tried to prevent crime, and all that sort of thing.

Q. Why did you speak in this loud tone of voice? A. I was very well aware that Martin Dooley, a member of the Order, was sitting in the next room, and listening through the door, and I spoke loud enough so that he could hear.

Q. How did you ascertain that Martin Dooley was sitting in the next room listening to your conversation? A. I heard footsteps coming along immedi-

ately after I got into Father O'Connor's, and I heard him speaking to the maid-servant, and I also heard him ask her for a chair. She gave him a chair, and I heard the chair move right over beside the door. I was standing in front of this door, but the door was closed.

Q. You spoke in a loud tone of voice in defending this Order, so that he should have the benefit of your observations to Father O'Connor? A. Yes, sir, and that I should have the benefit of it also, to get out of there with my life.

Q. What occurred then? A. I came out and went to Collahan's, and told Collahan that things were all right, and I said that I would go and see Father Reilly, and that I would go the following day; that I had to go to Pottsville that afternoon or evening. Tom Donohue was there, and Tom was well pleased, and said he was very glad to hear it. Then I left Collahan's and called into Dooley's. It was on my way—

Q. The same man? A. The same man. I saw Dooley, and he commenced to laugh. I told him how I got along, and Dooley said, "I heard every word of it." He said, "I was in Father O'Connor's all the time, and it was a cute thing the way you gave your reasons for being in Tamaqua." He said, "You gave the society a pretty good lift." I said, "I know I did;" and he said, "You were telling the truth." Dooley seemed well satisfied that I came. I then went out of Dooley's and went to Frackville and took the train. Captain Linden shadowed me, and rode down in the same car. I left the county on the following morning.

Q. You left the county? A. Yes, sir.

Q. When did you next come to Schuylkill County? A. Last May.

Q. On what occasion, and for what purpose? A. To prosecute the murderers of Yost.

Q. As a witness? A. Yes, sir.

Q. You have stated that when you came into Schuylkill County you were not to be a witness. State what it was that induced you to change your mind and consent to be a witness? A. I found out then that it was well known that I was a detective, and that secresy was no longer of any account to me.

Q. That secresy was no longer any protection, of course, as everything had become known? A. Yes, sir; and therefore I informed Major Pinkerton that I would take the stand and prosecute those cases.

Q. You were cross-examined at some length by Mr. L'Velle, as to the amount of your expenses. Can you give us any idea, or estimate, description of what the character of those expenses was, what you had to spend money for, and how you spent it in this county in order to keep up your fictitious character? A. Of course I had to spend a good deal of my money, and, in respect to whisky bills, they were very large. I spent a good deal for railroad fare, and I had always to make good show of money about me, or otherwise I would have to go to work or do something.

Q. You have stated, in answer to a question of Mr. L'Velle as to how you maintained your character among these men, that you shoved the queer, that you had a pension, that you were in the navy. State whether you meant by that answer to convey the idea that you were actually engaged in the business of counterfeiting money, or that you had been in the navy, or that you were receiving a pension? A. Certainly, I was not.

Q. You merely represented these facts to the parties with whom you met, to account for your having money in your possession without working? A. Yes, sir; and it worked first-rate.

Q. When you told them that you were engaged as a counterfeiter, or in the business of counterfeiting money, did you meet with any opposition in this organization which has equality, liberty, and fraternity, and all those things as its mottoes, and did they expel you from the organization as being a person who was committing a heinous offence? A. No, sir; they seemed to think more of my company; and some of them asked me to get them a little of it.

Q. I think you told us, in answer to a question, that you informed these parties that you had killed a man in Buffalo? A. Yes, sir.

Q. Did they cease then to have any communication with you, or did they

take greater interest in you? A. Of course, I was supposed to be a good man on a clean job, and that confidence could be placed in me.

Q. Were you not obliged, in maintaining your position among them, to take a pretty active part in local politics? A. Yes, sir.

Q. And that involved a considerable expenditure of money? A. Yes, sir; there was a good deal of money spent in politics.

Q. Can you tell me what efforts you made to elect Patsy Collins as a commissioner in this county? A. I know I electioneered for Mr. Collins pretty well through the county, and I spent a good deal of money.

Q. It must have cost you several hundred dollars; can you tell us how much you spent for that purpose? A. I suppose I spent from the latter part of June, upon electioneering, some $250 or $300.

Q. Do you not think that it was pretty much through the instrumentality of yourself and this Order that Mr. Collins succeeded in obtaining his present position?

Mr. Ryon. We object to that.

Mr. Gowen. Well, we will let the answer be understood instead of expressed.

(To the witness.) The Delegate Campbell, the old man Campbell, from New York, whom you met at Girardville at the county convention, was the head man in this Order in the United States, was he not? A. He was the national delegate.

Q. And on that occasion, this national delegate of that Order, upon being informed by Barney Dolan that it was necessary sometimes to administer a beating to men in order to make them good men, did not express any serious disapprobation of that means of proceeding? A. No; he simply laughed at it, and he said if a man opposed him very hard, he would fight himself; he said that in a kind of joking way.

Q. As a principal member of the Order, when this suggestion was made by Mr. Dolan, Mr. Campbell did not think that the Order was very seriously engaged in the prevention of crimes? A. I could not infer from that impression—

Mr. Ryon. I object to that. It is bad enough to have a lot of stuff like this thrown on in this way without having his references.

Mr. Gowen. Then you should have kept it out. You opened the door to it, and now we want the whole thing.

(To the witness.)

Q. Mr. L'Velle asked you several times whether you did not know that members of this order were expelled in consequence of the commission of crime. You remember that question, do you not? A. Yes, sir.

Q. Now I desire to ask you whether you have any knowledge of the fact that this Order not only did not expel members for the commission of crime, but that they paid money and promised rewards for the commission of crimes; and if you have any knowledge of these facts, let us know how you acquired that knowledge? A. I believe myself upon reflection—

Mr. Ryon. No; not what you believe.

The Witness. Yes, sir; the facts that I know. It seems that men who have committed crimes—

Mr. Ryon. One moment. We object to that. If you have any facts give them.

Mr. Gowen (to the witness). Do not draw an inference from the facts. Let that be for the jury; but tell us the particular cases that you know of.

The Witness. In the particular case of Thomas Hurley shooting Gomer James he was to have a reward; and the particular case as to where Pat Hester was convicted and sent to the penitentiary; he was suspended or expelled, and there was a quarrel about his admission again into the society. Therefore, the facts are that when a man commits a crime and can get away with it he is respected. I know those to be facts.

Q. Tell us of the circumstances of Hurley. Was Hurley a member of this Order? A. Hurley was an active member of the Order.

Q. That is the same Hurley that you have been speaking of in connection

with this murder, and who is included in this indictment? A. The same Hurley.

Q. He committed the murder of Gomer James? A. Yes, sir.

Q. Tell us all you know in regard to that; where it took place, all that transpired, and the occasion on which Hurley was to receive money out of the funds of this organization for the commission of that murder? A. On Monday, the 6th of August, I received information at Tamaqua—

Mr. Ryon. We will object to that question and ask your Honors to note our exception.

(Exception noted.)

The Witness. I received information at Tamaqua that Gomer James had been shot on Saturday night previous. I went to Mahanoy City and remained there.

By Mr. Gowen.

Q. I do not care about your going into details about the facts; bring yourself down to the time at which this Order consented to pay him money for the commission of that crime. Tell us what occurred at that time, that is, tell all the circumstances as far as you can? A. On the 25th of August there was a convention held at Tamaqua.

Q. A convention of what? A. A convention of the Ancient Order of Hibernians, or Mollie Maguires. A county convention. However, it was appointed by Mr. Kehoe—

Q. John Kehoe? A. John Kehoe, the prisoner, to try some cases.

Q. To try what cases? A. To try such cases as came before it; some men were excused of disobedience, and little things of that kind, and I was appointed myself by Mr. Kehoe to take down the statement of members having charges to make against each other, to take down both parties' statements, and to give them to the committee and let them deliberate upon them. I done so. Thomas Hurley came forward, and I took his statement down. He stated that he had shot Gomer James on the 14th of August, and he demanded a recompense.

Q. Hurley demanded a recompense? A. Yes, sir; that was about the substance of his statement. Of course, I took it down, and I presented it to the committee.

Q. Who composed that committee? A. Well, John Kehoe was there; Michael O'Brien, John Donohue, Frank Keenan, Jerry Kane, Pat Dolan, Sr., and Frank O'Neal were in the room at the time; and Pat Butler then came in, and John Morris came in. I presented this to the committee. Frank Keenan was the man that picked it up and commenced to read it, and Pat Butler says: "I object to yez taking any action upon this thing, from the fact that there is a member of our division named McLane who claims to have been the one who shot Gomer James, and therefore he is entitled to the reward. He says he was the man, and he told me so." Then the committee stated that they would not take any further action on it, but of course the man who had shot Gomer James was certainly entitled to be recompensed; and therefore John Kehoe appointed Pat Butler and I for to investigate the matter, and see as to whether Hurley or McLane had shot Gomer James, and to report to him who was entitled to the blood-money.

Upon Sunday, the 29th day of August, Pat Buttler, Hurley, I, a fellow by the name of McCormick two young fellows named Walsh, Michael Carey, and still some others. There were young fellows that I did not know, but we met down at No. 3, in West Shenandoah, in the afternoon or evening, about 4 o'clock, it was not dark yet. Butler told us that he had notified McLane. McLane did not put in an appearance; he was to have been there at that time. Hurley came forward and said that he had shot Gomer James before his own mother. Carey said that he had seen Hurley shoot Gomer James. The Walshes stated that they saw Hurley shoot Gomer James. McCormick stated so, and some more, and then it was agreed between Butler and I that Hurley was entitled to the reward. So on the following day, Monday, the 31st of August, the Kohinoor colliery was stopped; I believe a man was hurt, and Hurley came to me and asked me to write out the report upon the matter; he said I was the man to make out the report. So I wrote out the report, or

wrote a letter and addressed it to John Kehoe, stating that we had investigated the matter, and that we reported in favor of Hurly receiving the blood-money, and I gave the letter to Hurley. As to whether he mailed the letter to Kehoe, or carried it to him, or ever delivered it to him, I could not tell.

Q. But you made your report in pursuance of your instructions? In pursuance of my instructions.

Q. And you met and adjudicated upon the fact, that is, between the rival claimants, that Hurley was the real perpetrator of the offence, and as such, was entitled to the reward? A. Yes, sir; I made my report to Kehoe, and I reported the facts to the Agency.

Q. You made two reports. One in your capacity as an Ancient Order man, and the other in your capacity as a detective? A. Yes, sir.

Q. State whether, at this meeting at Tamaqua, John Slattery was present? A. Yes, sir; John Slattery came to get a claim adjusted. He was tried there and came to defend himself.

Q. He was not on this committee? A. No, sir.

(Here the court took a recess for 30 minutes.)

AFTERNOON SESSION.

Re-examination of James McParlan resumed.

By Mr. Gowen.

Q. When you first came to this county, and went into the district in the mountains, you boarded at a Mrs. Birmingham's, did you not? A. Yes, sir.

Q. Where was that? A. At Girardville.

Q. Do you know her sons? A. Yes, sir; I knew them both.

Q. What are their names? A. James and Patrick, and I think that Patrick has a middle name.

Q. P. J., is it not? A. Yes, sir.

Q. Are either of them Mollie Maguires? A. They are not; they are very respectable young men, as far as my knowledge is concerned. They have a good reputation all over, from everybody.

Q. You stated yesterday in your examination that Reagan had said that he could get a man named Clark to do a certain job? A. Yes, sir.

Q. Did you know Michael Clark, of St. Clair? A. Yes, sir; I know a young man named Clark in St. Clair, and I believe his name is Michael.

Q. He is one to whom Reagen referred, is he? A. The young man I refer to—a young gentleman with black and curly hair—is not the one that Reagan referred to, because this Mr. Clark is not a Mollie Maguire. I met him twice. I met him on the occasion of the Democratic County Convention in this borough one year ago, and I met him once again in St. Clair.

Q. He is not the one to whom Reagan referred, is he? A. He certainly could not be, because he is not a member of the Order, and he could not possibly be a man who would do a job.

Re-cross-examined.

By Mr. L'Velle.

Q. Gomer James was killed on the 14th of August last, was he not? A. Yes, sir.

Q. At Shenandoah? A. Yes, sir.

Q. What was he doing at the time he was killed? A. Well, I was not there myself. Hurley and a number there told me that he was tending bar at a picnic.

Q. When did Hurley tell you that? A. He told me that on the 16th of August, on the evening or night of the 16th.

Q. You were in Shenandoah on the day of the picnic, were you not? A. I was not.

Q. Nor on the 14th? A. Nor on the 14th. I was at Summit Hill, and Storm Hill, Carbon County.

Q. You met Hurley very frequently between the 16th of August and the 25th of that month at Shenandoah, did you not, before the day of the convention at Tamaqua? I met him three or four times.

Q. At Shenandoah, was it? A. At Shenandoah I met him. I guess about probably three or four times; three times I guess.

Q. Did you see him after the 25th of August? A. Oh, yes, I saw him after the 25th of August.

Q. Very often? A. Pretty regularly.

Q. And in Schuylkill County? A. In Schuylkill County.

Q. Did you see him, after the 25th of August, out of Schuylkill County? A. Yes, I saw him, after the 25th, out of Schuylkill County.

Q. Where? A. Wilkesbarre.

Q. Luzerne County? A. Luzerne County.

Q. Can you tell when you saw him there? A. I should judge it might be about November, either October or November, I could not say certainly, without I would refer to my reports; but it strikes me very forcibly that it was in November.

Q. It was the first time after he left Schuylkill County, that you saw him in Wilkesbarre? A. It was the first time I saw him, and it was the first time I knew that he had left Schuylkill County.

Q. Did you see him more than once in Luzerne County? A. I saw him only once in Luzerne.

Q. Do you remember seeing him in Sugar Notch, Luzerne County? A. I never saw him in Sugar Notch, Luzerne County.

Q. Do you recollect sending a dog with him home to Shenandoah from Luzerne County? A. I recollect sending a dog home with him.

Q. Do you know where that dog is now? A. I do not.

Q. Do you know that Hurley sold that dog for ten dollars? A. I do not know anything about it.

Q. Do you recollect that he sent the dog to Schuylkill County, after you intrusted him with it? A. I do not.

Q. Did you not know at the time you saw him in Schuylkill County, that he was the self-accused murderer of Gomer James? A. Certainly I knew that he was the murderer of Gomer James, for he told me so.

Q. Did you know that he was under arrest for the attempted murder of Bully Bill? A. Yes, and I notified the high constable at Girardville about it afterward, and he said he would go for him to Parson's station. I notified Mr. Kehoe about that.

Q. Did you tell Mr. Kehoe that he was the murderer of Gomer James? A. Mr. Kehoe seemed to know it himself.

Q. I asked if you told him? A. Kehoe seemed to know it himself. The first time he saw me he told me Hurley had done a clean job.

Q. When did he tell you that? A. On Tuesday, the 2d of August, in his own house.

Q. Where was Hurley then? A. The night previous he was in Shenandoah. I presume he was there that day too.

Q. Did you give Hurley any money in Luzerne County? A. I did not. He did not ask me for it.

Q. You did not give him any money? A. No, sir.

Q. If you were a detective, why did you not have Hurley, the self-accused murderer of Gomer James, arrested in Luzerne County at that time? A. It is easy to give you information on that. I have told you so much about that to-day that I am almost surprised you ask me.

Q. You need not be surprised at that. A. No; I am not surprised at any question you ask me. I have already stated that I was not to go on the stand for a witness, and I had not the plans fixed to prove the murder by Hurley; but I did go on the stand as a witness, after Hurley told me he was under bail, and that William Thomas had identified him while in prison as being one of the parties that attacked him on the 28th of June; and that he was also under bail for the shooting or cutting of a man's throat any how, and trying to set fire to a man named Johns in Shenandoah, and that Mr. Kehoe had worked very well to get him out on bail. He told me, I believe, that a

man named Barney Dolan—yes, he did tell me that a man named Barney Dolan and Nathan Devitt had went on the bond. He said he went to see some friends; he could not get any work in Schuylkill County. I had this dog; I had it made a present to me; and it was one I estimated very much; a very nice dog of the species. I told him if I would have this dog at the hotel it might be stolen from me. I gave him this dog to take to Shenandoah, and I gave him this money for to pay the dog's fare. That is the money question, I guess, that you refer to. I gave him the money to keep the dog, or leave it at my boarding-house, or otherwise take care of him until I came down. This was on Monday. Michael Doyle was in his company, and the following day Doyle asked me if Hurley had gone home, and I said yes, he had gone home.

About the 24th, I think, of November, somewhere about that neighborhood, it was in November, there was a P. J. Gallagher, who formerly lived in Shenandoah, and I was in P. J. Gallagher's place, and Gallagher told me that Hurley had been seen the previous night in Wilkesbarre, in company with—

Q. Never mind what he told you. A. Well, I came down to Schuylkill County, and heard that Hurley had gone away; had jumped bail. I went down here to a foot race that was held at Cressona, and met Kehoe, and he told me that he had retained you, and had forwarded the money to defend Hurley in the case of the shooting of this Johns, I guess, or Bully Bill, I do not know which, and that you wanted $50, and that he had beat you down to $40; had curtailed your expenses, I believe, he said. Now I said, "I believe you can find Tom Hurley at Parson's Station." He said, "Very well; I do not like to lose my money."

Q. Hurley was quite a confidential friend of yours, was he not? A. Yes; I judge all the members of the organization were.

Q. Confine yourself to the question. I am asking you about Hurley? A. Oh, yes, sir.

Q. Do you know that he sold that dog? A. I do not know anything about it.

Q. You know that the dog did not get to Shenandoah? I know I did not get the dog. I know I lost the dog.

Q. You knew at that time that Hurley was one of the parties that made an attack on Bully Bill. Will you tell me why you did not notify the authorities of the intended attack on Bully Bill? A. I notified the high constable of Girardville, and he did not go for him. He did not bother himself about finding him.

Q. You gave no information of any of these crimes? A. I was not going to prosecute any case, but I would notify anybody in the society, that would come to a loss. I wanted to be very gracious to Mr. Kehoe, and told him where he could get that $40 he had given you.

Q. I believe Hurley had ingratiated himself into your pockets too? A. Yes, sir.

Q. To what amount? A. Forty or fifty dollars.

Q. He stole that from you? A. Yes, sir.

Q. And he was put under the discipline of the Order too, was he not? A. No; he refunded the money back, and said he was drunk when he took it.

Q. Was it not his mother who refunded the money? A. Yes, but it was his work.

Q. You gave her receipts for it? A. Yes, sir.

Q. And the papers were in her name? A. Yes, sir; I receipted it as agent or somehow; I forget how I made out the receipt; Tom Hurley's name was named in it.

Q. Did you not know your report from Shenandoah City stated that Hurley and Doyle had cleared out, and that you would not be bothered with them again, or the community was not to be tortured with them again?

Mr. Gowen. The reports themselves are the best evidence of what was done. We object to a parol offer of evidence of the contents of written papers, without producing the original.

Judge Walker. If you want to show the contents of a report, the papers are the best evidence.

Mr. L'Velle. We will insist on the question.

Mr. Gowen. If they want to contradict the witness by the production of the report then we have no objection.

Mr. L'Velle. I ask that question on cross-examination.

Mr. Gowen. For what purpose?

Mr. L'Velle. For the purpose of contradicting your witness.

Mr. Gowen. Then we have no objection.

The Witness. I will have to refer to the report of that date in order to ascertain what my report was upon the subject. I know my report was about the dog, and all that sort of thing, and about giving him money to pay the dog's fare. It all came in right.

Q. You stated you did not know of Hurley's having been a fugitive from justice, until you heard it in Luzerne County? A. I heard it in Schuylkill County.

Q. On your return from Luzerne? A. Yes, sir.

Q. Then you had seen Hurley in the interior of Luzerne? A. I saw him in Luzerne County, and he stated he had just got around.

Q. You know he was in prison? A. Yes, sir.

Q. You had no knowledge of his being in prison from any other source? A. Yes; from John Morris previous to that, and from Patrick Clarke.

Q. How long previous? A. Probably a week previous. I went to Wilkesbarre, and the following day went to Pittston and attended a funeral; I believe it was a cousin of John Morris or some relation of his that was dead.

Q. You also knew that Michael Doyle was charged with the murder of Sanger and Uren at that time? A. I knew he was the murderer; I did not know whether he was charged with it.

Q. Did you make efforts to have him arrested for that murder? A. He was working at Plumtown, and I reported and kept him under my surveillance.

Q. He escaped your surveillance, did he not? A. I do not know about that. I am not at liberty to state about that, and I won't swear to it.

Q. He has escaped your surveillance up to the present time, has he not?

Mr. Gowen. The witness is privileged in declining to answer the question. A detective officer who acquires knowledge of a fugitive from justice is not bound to reveal that knowledge so that counsel may know it, and the prisoners sitting here may write to their friends. They all know where Hurley is, and if they think his whereabouts are known, they will promptly notify him.

Judge Walker. I do not know that it is material that Hurley has escaped the observation or surveillance of the witness.

Mr. L'Velle. We do not propose to ask the witness at this time where this party is; but we propose, by this question, to elicit from these facts his relations with these parties, and to his profession as a detective. That has a bearing upon the facts and the bona fide of his testimony in this case.

Judge Walker. We do not think it is material.

(Exception noted.)

By Mr. L'Velle.

Q. You tell us that you knew of Doyle being one of the murderers of Sanger and Uren? A. Yes, sir.

Q. And you knew this when you saw him in Luzerne County? A. O yes; I knew it the morning that the murder was committed.

Q. Did you make any efforts beyond those your duty called for in writing your reports for the arrest of Doyle for that murder? A. I made no efforts at that time; I reported the facts.

Q. That is all, sir; I have no other question to ask you.

Wait! Let me hand you this book (book handed witness). What is that? A. It reads here: The Constitution and By-laws of the Ancient Order of Hibernians, instituted March 10th, 1871; chartered March 10th, 1871; adopted March 11th, 1871. Pittsburg: Barr & Meyer's Book Printing Establishment. 1871.

Q. Please look at that and see whether it is the constitution and by-laws of that organization? A. Yes, to the best of my knowledge, it is the constitution and by-laws. I believe there is a kind of revise constitution and by-laws that differs a little, but this might be the revised. They only differ a little

way. They do not amount to anything. This is the constitution and by-laws, or what purported to be the constitution of the Ancient Order of Hibernians, but the Mollie Maguires of Schuylkill County were governed by something which I proved during two years' experience was not a fact.

Q. Have you ever seen the constitution and by-laws regulating the operations of the Order of Mollie Maguires reduced to writing as you testified to here? A. I never did. We did not do any writing as a general thing.

Q. Then you had no constitution and by-laws except that? A. This was one of those shadows that was something like the minutes of the meeting that McHugh was to write out on the 1st of June. This purported and showed that something good was doing, whereas there was a different thing behind the scenes.

Q. Is that the only constitution pertaining to that Order that you know of? A. There are two constitutions; one is the revised constitution. They do not differ much, and I do not know whether this is the revise or not.

Q. Do you know whether this is the revised constitution or not? A. I could not tell.

Q. They differ very little? A. Very little.

By Judge Walker.

Q. There is no material difference? A. There is no material difference.

By Mr. Garrett.

Q. There is one question I forgot to ask you. When did Morris first say anything to you of the shooting of Thomas? A. I have answered on two occasions. I have answered on the cross-examination. On the morning of the 28th of June, 1875; and upon the evening of the 27th he stated he was willing to go, and would go, and did go.

Q. Did you swear at the hearing of the habeas corpus: "The first time that Morris intimated anything of the kind was somewhere in June, probably about a week before the execution of it. I do not think it is any more?" A. The matter had been talked over on the 24th. Morris and I talked with McAndrew, and I went to Girardville.

Q. Just answer this question. A. Yes, sir, we did; we all talked about the murder of *Bully* Bill.

Q. Did Morris talk about it to you a week before the shooting? A. That was not a week; it was within a week.

Q. Was it that week? A. It was within the week. It was on the 24th. They came around to see me almost every evening I was sick.

Q. You say it was on the 24th, and you say he came around every evening? A. No, sir; he could not have come around if he was not in the county.

Q. What did you say? A. I stated that after the 24th he came around; on the 25th, and 26th, and 27th.

Q. Prior to the 24th, when did you see him? A. I understood that he came on the 23d, but on the 24th I seen him.

RE-RE-EXAMINED.

By Mr. Hughes.

Q. You were at the Tamaqua Convention on the 20th of August; do you know James Sweeney, of Summit Hill? A. Yes, sir.

Q. Was he at that convention? A. I never saw the man at the convention.

Q. Was he a Mollie Maguire? A. Not to my knowledge.

Q. Not to your knowledge? A. I will just make this statement: that there was folks told me that he had belonged to the Mollie Maguires, but I had not seen the man belonging to the Mollie Maguires at all.

Q. You say this constitution and by-laws is the written law of the Ancient Order of Hibernians? A. Yes, sir; the printed law.

Q. State whether the constitution sets forth the practice and written law of the Ancient Order of Hibernians? A. It neither sets forth the practice nor the written law, which is the main embodiment of the Order.

Q. They are governed by the unwritten law, and that is a mere cover? A. *Yes, sir.*

WILLIAM M. THOMAS, SWORN AND EXAMINED.

By Mr. Kaercher.

Q. Where do you live? A. Mahanoy City.

Q. Where were you living in June, 1875? A. Shoemaker's Patch.

Q. How far is that from Mahanoy City? A. About a mile or a mile and a quarter.

Q. In the county of Schuylkill? A. Yes, sir.

Q. State whether or not there was an attack made upon you during the month of June, 1875? A. Yes, sir; there was an attack made on me on Monday morning, the 28th of June, 1875.

Q. At Shoemaker's Patch, in this county? A. Yes, sir.

Q. Where were you at the time the attack was made upon you? A. In the stable, talking to the stable boss.

Q. What hour of the day was the attack made? A. About half-past 6 in the morning.

Q. By how many persons? A. Four.

Q. Had you seen them before on that day? A. Yes, sir.

Q. Whereabouts? A. Sitting at the drift mouth.

Q. Sitting at the drift mouth of Shoemaker's colliery? A. Yes, sir.

Q. For what length of time had you them in your sight, there, at the drift mouth? A. About ten minutes.

Q. How far were you away from them at that time? A. About thirty yards.

Q. Did you see them pass from the drift mouth to the stable? A. No, sir; I did not go to the drift mouth. The drift mouth was away from the blacksmith shop.

Q. How far were you away from the men at that time? A. In the stable; I might be about forty yards.

Q. Just go on and tell what occurred in the stable. A. I stood in the stable, talking, with my hand on the horse's neck. There is a kind of track where the blacksmith shop turns around to the breaker as it goes up. I noticed them coming around, and one of them had a whitish coat on and his two hands in the coat pockets. I turned my head and looked at the stable boss, with my back to the door, and I heard a shot fired and I was shot, and I saw this fellow with the white coat on. He had a piece in his hand, silver mounted. I jumped towards him; I had my hands on the revolver, when he fired again and I was shot in the fingers, and just then another fellow came up and pulled into my neck here, and I got two shots in the neck.

By Judge Walker.

Q. That was three shots? A. Yes, sir; I received four altogether.

By Mr. Kaercher.

Q. Go on. Tell what occurred. The four men came to the door? A. Yes, sir.

Q. When you were shot, did you fall? A. Yes, sir; I crawled in under the horses.

Q. State how many shots were fired in the stable there at you? A. A great many shots; I could not give you an account of them.

Q. State whether any horses in the stable were killed. A. One horse was killed; I had my hand on his neck; the one next to him was wounded.

Q. When this man first fired at you, had he got up to the stable there? A. Yes, sir; he stood right at the side of the door; in the frame of the door.

Q. Where did the other men stand who came there? A. There was a kind of a double door. Hurley stood there and the others stood at the other frame door. Another went behind him as soon as he fired. I was with my neck toward him then; he shot me in the neck, and I throwed myself under the horses.

Q. Who was it shot you in the side and fingers? A. Tom Hurley.

Q. Who was the man who shot you in the neck as you turned toward Hurley? A. He is sitting over there.

Q. Just go down and put your hand upon the man that shot you in the

neck. A. Here is the man that shot me in the neck (indicating the prisoner Gibbons).

Q. Did you know that man's name at that time? A. No, sir.

Q. Had you ever seen him before? A. Not to my knowledge.

Q. Have you learned since what his name is? A. Yes, sir; Gibbons.

Q. Do you know what his first name is? A. John, I believe.

Q. How many of these men, if you can tell, fired at you through the stable door? A. I could only swear to two of them.

Q. You do not know whether any fired shots into the stable or not? A. I had my back turned toward them then.

Q. Stand up and show the jury where the shots took effect upon your person. A. The first one hit me in the breast; the second one, when I had hold of the revolver, touched me in the finger; the other in the side of the neck; and the other was lower down in under the cord of the neck.

Q. What did these men do after this shooting? A. They went away.

Q. State whether or not they were strangers to you? A. Yes, sir.

Q. You had never seen them before that time? A. I never seen them before that time; I seen them going up the hill after they shot me. One of them seemed to be a little lame.

Q. Who was your doctor to attend to these wounds? A. Dr. Bissell.

Q. Of Mahanoy City? A. Yes, sir.

Q. When did you first, after that, see any of these men, after they fired at you that morning? A. The first one that I saw was here in July; Thomas Hurley.

Q. Were you brought to the jail to see whether you could identify him? A. Yes, sir.

Q. State whether or not you picked him out as soon as you saw him? A. I did. I said to the man, "That is the man who shot me on the breast."

Q. Were there any others in the cell? A. I do not know whether there was or not; I think there were boys in there.

Q. When did you first see Gibbons? A. At the habeas corpus here.

Q. That was after the shooting? A. Yes, sir.

Q. Where was it? A. Sitting here in court.

Q. At the habeas corpus hearing? A. Yes, sir.

Q. How many were there here? State whether or not there were a number of other persons here at this time? A. Yes, sir; there was a great many. I guess there were ten or twelve.

Q. State whether or not you picked out Gibbons among them? A. Yes, sir; I picked him out the same way that I do now.

Q. State whether or not you identified Gibbons as one of the men that shot you? A. Yes, sir.

Q. And you identified Hurley as one of the men? A. Yes, sir; I did.

Q. State where these balls went that struck you in the different parts of the body? A. The first shot in the neck was only a glance shot and the other on the neck went under the cord and came out. The shot in the rib came out in the pit of the stomach. That is the one that killed the horse.

Q. That went out also? A. Yes, sir.

By Mr. Hughes.

Q. Which did it strike first, you or the horse? A. It struck me first.

By Mr. Kaercher.

Q. And none of the bullets remained in your body? A. No, sir.

CROSS-EXAMINED.

By Mr. Ryon.

Q. What time was this attack made upon you? A. Upon the 28th of June, about half-past 6 in the morning; on Monday morning.

Q. How long after they shot you did you see them going up the hill? A. Oh, about five minutes.

Q. Where was this—where did this occur? A. At Shoemaker's Patch.

Q. You say you never saw any of these parties before that time? A. No, sir; not to my knowledge.

Q. They were perfect strangers to you? A. Perfect strangers to me.

Q. What was Hurley arrested for, when you went to the jail to see him? A. I believe for cutting a man's throat, or trying to, in Shenandoah—a man by the name of Johns.

Q. You went there to see him? A. I went to see if I would know him.

Q. Were you confined there at the time? A. No, sir.

Q. Was it before that, or afterward, that you were put in jail? A. Before and after.

Q. You never saw Gibbons until you saw him here in the court-room? A. No, sir.

Q. That was the time that he was under arrest for this charge of attacking you, was it not? A. I believe so.

Q. You have never seen him since that time? A. I saw him in here on Tuesday.

Q. You never had seen him from the attack on you until he was arrested here on this charge for attacking you? A. No, sir.

Q. Tell us what particular mark you recognized about him to identify him? A. By his face and his hair.

Q. His general appearance? A. Yes, sir; he looked more scared than I did. That is what made me take so much notice of him. He looked as if he was ready for the coffin. That was the way I knew him. I told the men I would know two of them—and that is all I would know—him and Hurley.

Q. He looked scared and pale? A. Yes, sir.

Q. Did he look the same way when you saw him here? A. No; not quite so pale.

Q. Then that was not a very reliable mark? A. I recognized him by his face and his hair.

Q You have seen the same color of hair before, have you not? A. Yes, sir.

Q. You have seen the same complexion on other people, have you not? A. Not quite exactly like him.

Q. Well, what was there peculiar about it when you saw him here, in the court-room? A. There was nothing peculiar about him but his features. I knowed his features.

Q. Then, from the features, you judge he was the same man? A. Yes, sir.

Q. How was Hurley dressed that morning? A. He had a kind of whitish coat on, and a whitish hat, low crowned.

Q. Was it a felt hat? A. I could not tell you that exactly.

Q. What kind of pants had he on? A. I could not tell you what kind of pants. I had not much time to see his clothes.

Q. What kind of a coat had Gibbons on? A. A kind of a black sack coat.

Q. Was the coat black or brown, or what? A. It looked black to me, because I had not much time to judge it.

Q. Your recollection is that it was a black coat? A. Yes, sir.

Q. You were sworn on the habeas corpus hearing, were you not? A. Yes, sir.

Q. Did you swear then that Gibbons had on a gray coat? A. No, sir; I swore Hurley had a kind of grayish coat.

Q. But not that Gibbons had a grayish coat? A. It may be a grayish coat for all I know.

Q. How were the other parties dressed? A. I could not tell you.

Q. Who did you say fired the first shot? A. Thomas Hurley.

Q. Who had the silver-mounted pistol? A. Thomas Hurley.

Q. What kind of a pistol was it? A. I could not tell you what kind of a pistol it was; I did not examine it.

Q. Was it a revolver, or a single-barrelled pistol? A. It could not be a single-barrelled pistol, for he could not fire two shots out of it.

Q. Was it a revolver? A. I suppose it was; I have seen plenty of the same kind. It was about that long. [Nine inches.—REP.]

Q. Was it what was called a navy revolver? A. Oh, no; it was no navy revolver.

Q. You know what a navy revolver is, of course, and have handled them

often enough. Did Hurley have a revolver, or a common pistol? A. It was a revolver.

Q. What kind of a pistol did Gibbons have? A. It seemed to be a pretty long one. I had only the glance of my eye at the muzzle of that when he pulled it out. I did not look any more at that piece. It seemed to be pretty long.

Q. Was it a silver-mounted piece? A. No, it was black.

Q. Did you see the muzzle? A. No, sir; I had my back turned. After these four shots were fired, I thought it was time to retreat.

Q. Hurley shot first? A. Yes, sir.

Q. Who fired after that? A. They fired four shots, Hurley fired again.

Q. The first shot struck you in the side? A. It struck me on the breast.

Q. The second went in your finger? A. Yes, sir.

Q. Then the other two shots struck you in the neck? A. Not quite.

Q. Did the other shots that were fired hit you? A. No, sir; the others might have struck my clothes.

Q. Was Hurley here at the hearing on the habeas corpus? A. Here?

Q. Yes. A. No, sir.

Q. Gibbons was the only one here that you recognized that day, was he? A. That is all.

Q. Those two are the only ones that you have ever been able to recognize out of the four? A. Yes, sir.

Q. When you were in prison you occupied a cell with a man by the name of William Grady, did you not? A. William Grady?

Q. Yes, sir. A. No, sir, I did not.

Q. Did you know a man while in prison by the name of William Grady? A. No, sir.

Q. Did you know a man by the name of Bill Shoemaker? A. No, sir.

Q. Did you have any conversation with either Brady or Shoemaker, or any other person, in the prison yard, about the shooting affair, and did you not tell them that you could not recognize any of the parties that shot you? A. I told them outside of the prison, before I went in. I told Mike O'Brien, who was working in the same gang where I was working. That was for him to not know that I did know them, so that they would not run away.

Q. Did you tell that to any others? A. Yes; several others. I told them that I did not know who shot me; but I told Captain Linden the day after that I did; that I would recognize those two if I ever saw them.

RE-EXAMINED.

By Mr. Kaercher.

Q. Why did you not tell that you knew them; what was the object of your telling them that you did not recognize them when you could? A. For fear they would clear out.

Q. Did not Linden instruct you that you should say that they could not be recognized?

Mr. Ryon. We object to that.

Mr. Gowen. We do not want to ask what Captain Linden said to him, but whether it was or was not in pursuance of instructions from peace officers that the witness said he did not know them. That we ask. We ask him to say whether or not it was in pursuance of instructions from police officers, not to let it be known, that he stated he could not identify these men.

(Objection overruled. Exception noted.)

A. Yes, sir; Captain Linden told me that. He told me not to let it be known.

By Mr. Kaercher.

Q. For the reason that the parties might run away? A. Yes, sir.

Q. You were asked if you were in jail. State whether or not you were prosecuted by one James Dugan for assault and battery? A. Yes, sir.

Q. State whether you were tried for it? A. Yes, sir.

Q. And acquitted? A. I was.

Q. State whether or not the man that prosecuted you, James Dugan, was prosecuted by you? A. Yes, sir; I prosecuted him.

Q. State what has become of him? A. He cleared out.

Q. He has gone away? A. He ran away.

Q. State whether, at the time that you identified Hurley as being one of the men that committed the assault upon you, you swore out a warrant and had him arrested and placed under bail? A. Yes, sir; I had a warrant out for him.

Q. State whether or not Hurley ran away after that? A. I never seen him afterwards; he never made his appearance in court.

RE-CROSS-EXAMINED.

By Mr. L'Velle.

Q. You lived at Ashland for a number of years? A. Yes, sir.

Q. Were you ever arrested at Ashland for highway robbery? A. Not much.

Q. Do you swear that Mr. Bensinger and Captain Lodge did not bring you to Pottsville, on a charge of highway robbery in 1869, when they were on the Coal and Iron Police? A. No, sir; I had been acquitted at that time. Mr. Hughes had my part then.

Q. Were you acquitted of that charge of highway robbery? A. I never was tried for highway robbery.

Q. Were not you arrested in Ashland on a warrant issued by Squire Gallagher for stealing pork from a farmer in the valley? A. No, sir.

Q. And imprisoned over here? A. No, sir; I was arrested in Ringtown.

Q. Then you were arrested in escaping from justice after having run away for perpetrating this robbery? A. No, I did not. I was along with the party.

Q. Were you arrested for stealing money in St. Clair after you came back from the army? A. No, sir; I was not in St. Clair for a long time after I came back from the army.

Q. You did not live in St. Clair? A. No, sir.

Q. I did not ask you that? A. I did not steal money in St Clair.

Q. Were you not arrested in St. Clair for stealing one hundred and fifty dollars from Jacob Womelsdorf? A. No, sir, I was not.

Q. You were not arrested on the train for that? A. No, sir; I never was arrested on a train in my life.

Q. What were you arrested for? A. I was arrested for that pig scrape.

Q. And you were taken to Pottsville, were you not? A. No, sir.

Q. Where were you taken to? A. I left and went to Ohio.

Q. You cleared out? A. Yes, sir; I left the State.

Q. Did you know there was a warrant for you? A. No, sir.

Q. You jumped bail, did you not? A. No, sir.

Q. You were never arrested at all then? A. No, sir.

Q. After you stole the pork you ran away? A. No, sir; I never stole the pork.

Q. Then you were innocent? A. The rest had run away and I was left in the lurch.

RE-RE-EXAMINED.

By Mr. Kaercher.

Q. State whether or not you were tried for that? A. No, sir.

Q. You came back to the county how long after that? A. I guess nine or ten months after.

Q. Have you been here ever since? A. Yes, sir.

Q. Was no charge ever brought against you on that account? A. No, sir.

By Mr. L'Velle.

Q. Did not the Chief Burgess of Mahanoy City arrest you for vagrancy? A. For what?

Q. Vagrancy. A. I do not know what you call vagrancy.

Q. Laying around drunk and loafing; doing nothing? A. He sent me down for thirty days.

Q. What did he send you down for? A. I guess there was a little spite between us.

Q. Can you tell us why they call you Bully Bill? A. I cannot. My name is William M. Thomas. I am better known by Welsh folks by the name of Wilmad Frank, because my father's name was Frank, and I am Frank's son.

Q. But you cannot tell us why you are called Bully Bill? A. No, sir.

Q. You have been in the ring as a pugilist, have you not? A. No, sir.

Q. Have you never fought any prize fights? A No, sir.

Q. You never fought any prize fights in Ashland? A. No, sir.

Q. You never fought with Francis Britt, in Ashland? A. I fought with him, but it was no prize fight.

Q. But you fought with Britt? A. Yes, sir.

Q. Where did you fight him? A. Up in the brickyard.

Q. Outside of the town? A. Yes, sir.

Q. There was quite a concourse of people there that day? A. Yes, sir.

Q. And you were both seconded? A. Yes, sir.

Q. That was not a prize fight? A. No, sir; because there was no money.

FRANCIS MCHUGH, SWORN AND EXAMINED.

By Mr. Kaercher.

Q. What is your name?

Mr. L'Velle. Wait one moment. Let us see the indictment, if you please. (Indictment handed Mr. L'Velle.) Mr. District Attorney, is the witness on the stand one of the prisoners?

Mr. Kaercher. I suppose he is a prisoner.

Mr. L'Velle. Is he one of the defendants?

Mr. Kaercher. Certainly.

Mr. L'Velle. Then we object to the testimony on the ground that he is an accomplice.

Judge Walker. He is a competent witness.

(Exception noted.)

By Mr. Kaercher.

Q. What is your full name? A. Francis Joseph McHugh.

Mr. L'Velle. Swear the witness on *voir dire.*

The witness was sworn.

By Mr. L'Velle.

Q. Your name is Francis McHugh? A. Francis McHugh is my name.

Q. You are indicted as Francis McHugh, and known by that name? A. Yes, sir.

Q. You are one of the defendants on trial here? A. Yes, sir.

Q. Will you tell us whether any inducements or pledges have been held out to you, or offered to you, or promised to you, to go upon that witness-stand and testify in this case?

Mr. Kaercher. That question is wholly incompetent upon this examination. The only question that could be asked here that would have any relevancy at all would be for the purpose of laying the ground that he was an accomplice. The Commonwealth admit that he was, and offer him as an accomplice, and any such question as that which has just been asked him would simply go to his credibility, and would have place in a cross-examination, but has no relevancy in court on a question of competence.

Judge Walker. We think any inducements held out to him which would impeach his credibility would be proper on cross-examination, and not now.

Mr. Kaercher. Have you any other questions?

Mr. L'Velle. No, sir.

By Mr. Kaercher.

Q. You stated that your name is Francis Joseph McHugh? A. Yes, sir.

Q. How old are you? A. Twenty years last February.

Q. Where were you born? A. In Tamaqua.

Q. In this county? A. Yes, sir.

Q. What is your father's name? A. James McHugh.

Q. Is he living now? A. Yes; sir.
Q. Where is he living? A. Mahanoy City.
Q. You live with your father? A. Yes, sir.
Q. How long have you lived at Mahanoy City? A. Since the 4th of April, 1875.
Q. What business are you engaged in now? A. Laborer.
Q. In the mines? A. In the tunnel.
Q. What business were you engaged in in the year 1875? A. Last year?
Q. Yes. A. I was a laborer.
Q. Did you ever join an organization known as the Ancient Order of Hibernians? A. I did.
Q. When did you join it? A. I believe it was either in September or October, 1874.
Q. Whereabouts did you join it? A. Mahanoy City.
Q. In this county? A. Yes, sir.
Q. Who was the body master of this division when you joined it? A. John McDonald.
Q. Who was the secretary? A. Thomas Clark.
Q. Who was the treasurer? A. Mike O'Brien, I believe; I ain't sure.
Q. At that time? A. Yes; I think so; I ain't sure.
Q. In joining this Order were you required to go through any ceremony? A. Yes, sir.
Q. What was it; what did you do? A. Well, I went through what they call the test.
Q. Did you stand or sit when you took the test? A. I knelt down.
Q. In what way did you give your consent to the test? A. They read out the obligation to me, and I answered them, word for word.
Q. After you joined the Order were you ever elected to any office in the organization? A. I was elected secretary at the next meeting.
Q. Did Thomas Clark withdraw from the organization, or simply cease to be a secretary? A. He was suspended.
Q. How long did you continue to be the secretary of that branch? A. As long as I was in it.
Q. When did you withdraw from it? A. Well, I was not at a meeting, I suppose, since last August or September.
Q. August or September of last year was the last meeting you attended? A. Yes, sir.
Q. Did you receive the "goods" for that time? A. No, sir.
Q. Did you ever attend any county convention or meeting of the county committee of the Ancient Order of Hibernians? A. Yes, sir.
Q. When did you attend a county convention of that Order? A. I do not know the date now; it was the one at Girardville.
Q. What place was it held? A. At Lafferty's Hall.
Q. When did you attend a meeting of the county committee? A. That was the county committee—I do not know anything about a county committee. It was the officers of the division.
Q. Where did you meet the county officers of the different divisions at any other time after the meeting in Lafferty's Hall? A. I met them there again in Lafferty's Hall; I met them twice there.
Q. Did you ever attend any other meeting in the borough of Mahanoy City? A. Yes, sir.
Q. When was that? A. I attended there in June.
Q. June of what year? A. 1875.
Q. Who was present at the meeting that you attended in June, 1875? A. I was there, John Kehoe, Michael O'Brien, Christopher Donnelly, Bill Gavin, Dennis F. Canning, John Donohue, and McKenna.
Q. Known now as James McParlan? A. That was the name I knew him by.
Q. State whether or not James Roarity was there? A. James Roarity was there.
Q. You have named Kehoe, Donnelly, Canning, O'Brien, yourself, John

Donahue, James Roarity, and James McParlan, or James McKenna, as you then knew him, as having been at that meeting? A. And Bill Gavin.

Q. State when you first heard that that meeting was to be held? A. That morning.

Q. Who told you that it was to be held? A. John Kehoe.

Q. Tell us what he said when he told you that that meeting was to be held? A. He just told me there was going to be a meeting; I asked him what was going to be done at that meeting, for I saw them all there at the hotel, and he told me there was going to be a meeting.

Q. Did he tell you for what purpose? A. No, sir.

Q. Did he ask you to go to the meeting? A. No, sir; not then.

Q. Did he later in the day? A. Later in the day I was sent for him to go home.

Q. Where did you first see Kehoe that day? A. Down at the corner coming from the train, and Canning along with him.

Q. When did you next see them together? A. Up in Clark's when they were all together.

Q. What room was this; the front or back room? A. The front room, second story.

Q. Then you went back to Kehoe's after he had seen you and he had told you there was to be a meeting? A. Yes, sir.

Q. Who told you to go to the meeting? A. I suppose it was Tom Clark; he was passing up and down stairs, and he told me I was wanted there.

Q. Did he tell you for what purpose? A. He did not; I did not suppose he knew himself.

Q. Then you went upstairs after that? A. Yes, sir.

Q. Were all these defendants, except Gibbons and Morris, in the room at that time? A. No, sir; Mike O'Brien was not in the room at that time, and he came up afterward.

Q. Proceed and tell us everything that was said, while you were there, by any of the parties? A. The first thing when I came in I was ordered to go for paper.

Q. Who ordered you to go for paper? A. I do not recollect who it was, but I got the money from Bill Gavin, anyhow, to go for paper, and I went and got some paper, and brought it back and left the paper there. I was sitting next to Gavin and I handed it to him. He was county secretary, and I do not remember whether it was him or McParlan that said I should do the writing, but it was either one of them. All the writing that I done was that the meeting was called to order by Kehoe and to put down the date. Kehoe stated the object of the meeting was to see about the Majors and Bill Thomas, and one of the members, I do not remember who he was, did not make a motion but allowed that Dougherty should be sent for, and Dougherty was sent for and he came.

Q. Do you know who went for Dougherty? A. I do not recollect; he came there and showed the coat where he was shot at, and said it was Jesse Major that did it; and if these three men were out of the way he would feel safe in Mahanoy City.

Q. Which three? A. The two Majors and Bill Thomas.

Q. Go on and tell us what was next said. What did Dougherty do after that? A. Dougherty left after that. He was told to go outside; I do not know where he went to. Then it was passed that Christopher Donnelly and Jack Donohue was to attend to the two Majors below the mountain, and Mike O'Brien and McKenna and, I believe, Roarity, was to attend to Bully Bill.

Q. What was to be done to Bully Bill and to the Majors? A. They were to be shot, or, as it was called, put out of the road.

Q. That was what was determined upon? A. Yes, sir.

Q. Why were they to be shot? A. Well, because Dougherty was afraid of them.

Mr. Ryon. (To the witness.) State what was said.

By Mr. Kaercher.

Q. What did Kehoe say, if anything, as to why they should be shot? A. He allowed they were carrying on pretty far, and as much as to say they were

dangerous men; I cannot give his exact words, but that was the substance of it.

Q. Was that said in reference to Dougherty's case, or in reference to their general conduct in the city? A. In reference to their general conduct, I believe; Dougherty had left.

Q. What time was it that you met in session there? A. In the morning, I guess about half-past 9; I do not know; 9 or 10.

Q. And how long did you continue in session? A. Maybe half an hour or more; maybe an hour.

Q. Tell us the particulars that were given in reference to the shooting of the Majors, as to where they were at work, and how it was to be done; who was to get the men? A. Well, Donohue and Donnelly were to get the men, and some one, I do not know who, made the remark that they were working at the Big Vein, mining coal or getting coal, in daylight.

Q. Where was the Big Vein? A. It was near there; I understand it is somewhere around Tuscarora or Middleport; I do not know which.

Q. Do you recollect any conversation between Donohue and Donelly as to the getting of the men to do that job? A. No, sir; I do not.

Q. How was it agreed, if there was any agreement made, in reference to the shooting of Thomas; how was it to be done? A. Well, McKenna and Mike O'Brien were to get men to do that.

Q. And where was he to be shot? A. At his work, I suppose, or between Mahanoy and Shoemaker's.

Q. During this length of time that you were in that room, what else was done or agreed upon by this meeting, if anything, except the arrangement of the plans for the shooting of the Majors and Thomas? A. That was all.

Q. That was the entire subject of conversation at that meeting? A. Yes, sir; that is, while I was there. I do not know what they said before I went there.

Q. But while you were there, that was the whole subject of conversation? A. That was the whole subject talked about.

Q. And before they adjourned, the plans for the murders were agreed upon? A. I do not know that the plans as to how they were to be murdered was agreed upon, but the murder was agreed upon and the parties who were to do the murder were chosen.

Q. Do you recollect Donelly making any statement at that meeting in reference to a boss having been beaten? A. No, sir; I do not, and I don't believe he made it while I was there. Most of the time I was there I was talking to Dennis Canning. Most of their talk was between themselves.

Q. What conversation had you with Canning? A. Well, I was not acquainted with him before, and I asked him if he was county delegate, and he said yes; and I asked him how many divisions he had in his county, and he said five, and things like that; but it was nothing appertaining to the meeting.

Q. He was county delegate of what county? A. Northumberland.

Q. Did he say how he came to attend this meeting in Mahanoy City; whether he had received any notice from any one? A. If I am not mistaken he said he got a dispatch.

Q. From whom? A. From John Kehoe.

Q. Do you recollect hearing from any of the other members how they came to come there to that meeting? A. No, sir; I had no conversation with any of the other members.

Q. What kind of minutes did you take? A. I did not keep them—just noted down the day of the month and the year, and that the meeting was called to order.

Q. What was the object of your keeping that memorandum; what was said about it? A. To make it appear lawful.

Q. Why was it thought necessary to make the meeting appear lawful? A. That I do not know.

Q. Was it in case it was brought into question hereafter? A. I believe so, that they would have them to show after this.

Q. What did you do with that memorandum which you made of the meeting? A. I do not know what became of it; unless some one else took it, it is there yet.

Q. You left it there? A. Yes, sir; there was nothing on it for anybody to read.

Q. Did you have any talk with O'Brien, after that meeting, in reference to what had been agreed upon there? A. No, sir; I did not. O'Brien and I didn't generally have many talks about things like that.

Q. Did you ever have any talks with any of the other defendants about the meeting, or what was agreed upon? A. No, sir; I did not have any talk about it. I did not know when it was to be, or anything about it.

Q. Did you meet in Mahanoy City, at any time between the 1st of June and the 28th of June, John Gibbons, Thomas Hurley, John Morris, and Michael Doyle? A. I saw them in Clark's once.

Q. Do you recollect what time it was that you saw them at Clark's? A. It was in the evening.

Q. That was at Michael Clark's? A. Yes, sir; Michael Clark's.

Q. Was Morris there that night? A. I cannot say whether Morris was there at all.

Q. Tell us who were there that you can remember? A. I cannot say for sure that McKenna was there, and Gibbons, Doyle, and Hurley.

Q. State whether that was in the latter or early part of June, or whether it was after the meeting? A. It was a couple of weeks after the meeting.

Q. Do you know if Hurley, Gibbons, and Doyle, or others, of them boarding for a few days at Mrs. McDonald's, at Mahanoy City? A. Gibbons never boarded there; Hurley and Doyle boarded there; Gibbons never boarded there to my knowledge.

Q. Where did Gibbons stop, if you knew? A. Gibbons never stopped in Mahanoy over night, to my knowledge, but the other two did.

Q. For how long a time did they stay at Mrs. McDonald's? A. I do not know; they were there three or four days, it may have been more.

Q. Did you see Gibbons, Morris, Doyle, or Hurley, on the night before Thomas was shot? A. No, sir; I did not.

Q. Did you have any talk with O'Brien, after the shooting, about it? A. After the shooting?

Q. Yes, sir. A. No, sir; I do not know that I ever had a private conversation with O'Brien in my life.

Q. And never had any talk with any of these men, after the arrangement of the murder, about it? A. None that I can recollect of now.

Q. What minutes did you take of that meeting at Mahanoy City, containing the names of the members present at the meeting? A. I did not keep any. Yes, I believe I did write down the names of the members.

CROSS-EXAMINED.

By Mr. L'Velle.

Q. You say you are 20 years old, or thereabouts? A. 20 years last February, the 15th.

Q. Of these 20 years, how long have you resided in Mahanoy City? A. I came there in 1865, I was 11 years there the 4th day of last April. That is, 11 years out of the 20.

Q. You have been there continuously from 1865? A. No; I was working five or six months up at Harleigh.

Q. Harleigh, Luzerne County? A. Yes, sir.

Q. When? A. If I remember rightly it was this time three years ago.

Q. How long have you known John Kehoe? A. I have known him a good while. I do not know exactly now how long.

Q. Several years? A. Several years.

Q. Since you came to Mahanoy City? A. Yes, sir.

Q. Did you know him before that? A. No; I do not remember knowing him before that. I was only 9 years old when I went there.

Q. How long have you known O'Brien? A. I have known O'Brien, to speak to him, I guess it is now 3 years; it is more than 2 years.

Q. How long previous to that date did you know McKenna, or McParlan? A. Previous to what date?

Q. Previous to the 1st day of June, that you are talking about? A. I guess about 3 years and 4 months.

Q. Where did you form his acquaintance? A. Mahanoy City.

Q. You were introduced to him as an Ancient Order man, were you? A. No, sir; Thomas Hurley introduced me to him.

Q. As a friend of his? A. He introduced me to him as the secretary of the Mahanoy division; he was waiting for a car.

Q. What was the usual mode of introduction practiced among the members of your Order? Did they not call one another "brother;" did they not call each other "brothers?" A. The most that I heard used in an introduction was, "Mr. So-and-So, I will make you acquainted with this gentleman; he is a particular friend of mine." And I understood from that that he was a member or a brother, as you adopt it.

Q. Was that one of the passwords of recognition? A. No; it was a common word between them; you did not have to use that if you did not wish to.

Q. Was it known among the members that the words, "particular friend," designated a member? A. No, sir; but whoever wished to understand it, could; some would understand, and others might have their own way of introducing members. They might say, as you might, "He is a particular friend of mine," or, "A friend of mine."

Q. Was that the way you were taught to recognize one another? A. Nobody ever taught me to recognize one in that way; I saw others do it before.

Q. Those who were introduced in that way were members? A. Yes, sir; it was so understood.

Q. Did Doyle belong to the Mahanoy City division? A. Which Doyle?

Q. The Michael Doyle of whom you spoke. A. Not in my time.

Q. Did John Gibbons? A. No, sir.

Q. Did Thomas Hurley? A. No, sir.

Q. Did McKenna? A. No, sir.

Q. Where did they belong to? A. I understood they belonged to the Shenandoah division. I never was in the Shenandoah division, but I understood that Doyle belonged to Big Mine Run.

Q. How did you ascertain that fact? A. From brother members, from myself.

Q. The others belonged to Shenandoah? A. Yes, sir. This time that I knew Hurley first, he was not rightly a member either; he had no card. That is how I came to get acquainted with McKenna. McKenna was going to get a card for him. McKenna said he would send a card to him.

Q. You were intimate friends before this time? A. He was boarding at Clark's.

Q. Was Hurley living in Mahanoy City? A. Yes, sir.

Q. He then told you that McKenna was going to get him a card? A. Yes, sir.

Q. For what purpose was he to get him a card? A. For his transfer to the Mahanoy division. He had some fuss with Kehoe, and he thought he could get a card through McParlan.

Q. What time was this? A. In the spring of 1874.

Q. What time in the spring? A. I cannot tell the time.

Q. Was it in April? A. I guess it was before April.

Q. March? A. About March. I cannot swear positively of my own knowledge, because I never took notice.

Q. Hurley was then a member of the Order in Mahanoy City? A. Yes, sir.

Q. Where was he boarding? A. At Clark's.

Q. Was it then that you became acquainted with him? A. I knew Hurley when he went to board at Clark's.

Q. When did he commence boarding there? A. I do not remember the date. He boarded there before. He boarded there while the works were going on.

Q. What counsel represents you in this case? A. Oliver P. Bechtel and Judge Ryon.

Q. You have had frequent consultations with some of the officers of the law, during the last three or four days? A. Yes, sir; with Mr. Bechtel.

Q. He is your counsel? A. Well, I call him an officer of the law.

Q. I do not call him an officer of the law; he is an officer of the Court. I mean have you not had frequent interviews with the District Attorney, the Commonwealth's attorneys, or Captain Linden? A. Not either of them myself. My mother asked the District Attorney if he could not try my case separately, and he said no. That was her interview; I had nothing to do with it.

Q. Can you tell us whether others have not had an interview with the officers of the law in your behalf? A. Yes, sir; she had, and tried to get my case put back.

Q. Just hearken to my question? A. I understand it well.

Q. Will you please tell us whether others on your behalf have had interviews or consultations with any of the officers of the law since last Monday? A. No, sir; not to my knowledge.

Q. How did the District Attorney know that you were willing to go upon this stand as a witness? How did the District Attorney ascertain that fact? A. I suppose through my lawyer. I do not know how he found out; but I told my lawyer that that was the best defence I had to make. I had no other defence.

Q. Are you sure your lawyer told the District Attorney that you were willing to go upon the witness-stand. A. I do not know of any other way.

Q. Did you tell your lawyer to tell the District Attorney that you would go on the witness-stand? A. I did not tell my lawyer any such thing. I told him I would go on the witness-stand.

Q. Will you please tell us whether any promises have been made to you, by any one, that if you came upon the witness-stand you would get an immunity or be pardoned, or that you would not be punished for what you had done? A. No, sir; no promises at all.

Q. Do you expect any? A. Well, I expect a little less than I would receive had I sat listening to the evidence against me, without defending myself. I expect less punishment than if I had not done it. That is what I expect.

Q. Has McParlan sworn anything against you that you have not accused yourself of on the witness-stand? A. No, sir; but I think if they had all plead guilty it would have been better for their interest.

Q. Just answer my question and you will go along better. A. I am telling you; these three times I have answered.

Q. I will get an answer to what I want from you. A. You will have it if it is right and the truth.

Q. What were you doing on the morning of the 1st of June last, about nine o'clock in the morning? A. You mean as regards the work?

Q. No; what were you doing? A. About nine o'clock in the morning? I was with these prisoners about half-past nine o'clock that morning, at the meeting of the 1st of June.

Q. How came you to meet those prisoners on the 1st of June? Was it a matter of accident? A. It was a matter of accident.

Q. Then there was no prearrangement? A. It was a matter of accident on my part.

Q. No prearrangement? A. No prearrangement.

Q. Which of these prisoners did you first meet? A. I recollect standing on the corner and meeting Kehoe and some others; I cannot tell which ones.

Q. What conversation did you and Kehoe have? A. I walked down with him toward Owen Martin's; on the road I asked him what there was going to be; he said there was going to be a meeting; he said there was going to be a meeting in town to-day.

Q. Did he tell you what kind of a meeting, a county meeting or a regular meeting? A. He did not tell me what it was for.

Q. Who did you meet after meeting Kehoe? A. Nearly all met down at Martin's; I cannot say who came down with Kehoe; I believe Dennis Canning.

Q. Did you know Dennis Canning to be a member before that? A. No, sir; I never knew him to be a member before that.

Q. Who introduced you to him? A. I asked Kehoe who he was, and he told me.

Q. You introduced yourself as a member? A. Yes, sir; I saw he had a badge on him.

Q. You recognized him by the badge? A. Yes, sir.

Q. Did you ever see any persons wear badges that did not belong to the Order? A. No, sir; never. I saw Dr. Bissell, in Mahanoy, wearing a badge; but they say he don't belong to it.

Q. Suppose you did not know Dr. Bissell as Dr. Bissell, would you take him to be an Ancient Order man? A. No, sir; I could tell by looking at him that he is a Dutchman.

Q. Are you what is called an ethnologist? A. Ornithologist, you mean, don't you? Pronounce it so that I can understand it, and I will tell you.

Q. Where did you join the order of Mollie Maguires? A. Mahanoy City.

Q. When? A. Either in September or October, 1874.

Q. Where; in what part of the town? A. Clark's.

Q. Was Clark's the resort of the Order? A. Yes, sir; it was the resort in Mahanoy.

Q. Was it there they held their meetings? A. Yes, sir; at that time.

Q. In October, 1874? A. Yes, sir; September and October, both. They held two there that I was in; I do not know which of these months it was in, but the meetings were held there, and they were there after that.

Q. Who initiated you? A. Tom Clarke.

Q. Was he a body master then? A. No, sir; he was secretary.

Q. Was it the secretary who initiated you? A. Yes, sir; because the body master could neither read nor write.

Q. Then the honor devolved upon the secretary? A. Yes, sir.

Q. Can you repeat the obligation you took then? A. No, sir.

Q. Were you sworn? A. I was sworn by the obligation. I kissed that.

Q. What was the form of words you used when sworn? A. Well, I used every word that was in the obligation; that is, if they read it to me, I repeated every word that was read to me.

Q. You do not know what was read? A. I know a part of it.

Q. Then tell us what you know? A. The sum and substance of it was, to stand up to a brother, and not to hear him spoken ill of, and to inform all such members, and to keep bad characters out of the society, or words to that effect. I have not stated the right words of it, but that is the substance.

Q. When did your connection as a member of the Order cease? A. The last meeting I was at was in August or September of last year.

Q. Then you were only a member about a year? A. It was about a year from the time I joined that I was informed that I was no longer a member.

Q. From the time you joined the Order until you ceased to be a member, do you know of any crimes having been instigated within your branch? A. In our branch?

Q. Yes, sir. A. No, sir; I do not know of any in the Mahanoy branch.

Q. Nor did you hear of any reward set on crimes? A. No, sir; I did not.

Q. Nor did you hear of any bargain to beat, or murder, or to kill persons? A. No, sir; only on the 1st of June; that was not in a Mahanoy division meeting.

Q. Where were you at the county meeting? A. At Girardville, Lafferty's meeting.

Q. When was that? A. I do not know the date; I could not state the date; I was at two meetings there; I was at one meeting there the time Campbell was there and Reilly.

Q. Who is Reilly? A. Reilly represented himself to be president of the State and County of New York.

Q. Who was Campbell? A. He was the national delegate, or represented himself to be such.

Q. Were there any other officers there? A. Captain Gallagher and Jerry Maguire were there.

Q. Where were they from? A. Pittsburg.

Q. They were State officers? A. So they told me. I do not know whether they were or not.

Q. Can you tell us why they came there? A. I understood it was at the instigation of Barney Dolan, that he brought them there and called that meeting. He was "cut," as they called it, and he called that meeting to see whether they would decide if he was capable of holding office, and he called that meeting to see whether he could not be capable of holding office in the society.

Q. Were you there from the organization of the meeting until the close of the meeting? A. Yes, sir; most of the time. Part of the time they were in the back room deciding the question; but I was not in there. I was in the hall.

Q. Did you not hear one of these officers ask the members of the Order whether it was becoming criminal? A. No, sir; I did not; not that I remember.

Q. Did you hear any of them say that there was a bad report about the Order, and wishing to know the truth of it? A. No, sir; I do not remember.

Q. Did you hear any of them say anything to encourage crime? A. Say that they encouraged crime?

Q. Yes, sir. A. No, sir.

Q. You did not, at all? A. No, sir; I did not hear any one say that they should encourage crime; although they may have said it within my hearing; but I did not hear it.

Q. Were you there all the time? A. I was there nearly all the time in one part of the hall or the other.

Q. Was the hall so large? A. No, sir; but people can talk in different tones. You can speak where you are and I not hear you.

Q. Did you hear any of the delegates talking in the body of the convention about crime? A. Not that I recollect.

Q. Nothing at all was said about killing or beating people? A. Nothing about encouraging it that I heard.

Q. Did you not hear one of those men beseech the members of the Order to uphold its character and not to bring a bad name upon the organization? A. After the meeting was over Campbell gave some sort of an address, but I was in the back part of the hall and I was not paying any attention to it. I do not know what he said.

Q. You did not hear him say anything while the meeting was in session? A. The meeting was not adjourned then, but Barney Dolan's question was decided.

Q. Did you hear, at this Mahanoy City meeting, anything said about the organization of a military company? A. There was nothing said about it while I was there.

Q. Did you hear them saying anything about a body or an association called the Modocs, which were armed, and that they ought to be armed too? A. If they said it, they said it before I went up to the meeting.

Q. They had not organized until you went up? A. No, sir; they organized after I went up.

Q. You acted as secretary? A. Yes, sir; I acted as secretary, and done all as secretary that was required.

Q. Did you hear Dennis F. Canning say that he would supply any men to commit any deed of violence in Schuylkill County? A. What do you say?

Q. Did you hear any demand made on Dennis F. Canning for men? A. No; I did not. I do not recollect of hearing any demand made upon him, but I recollect Dennis F. Canning say that he gave his assent to certain things, and that he thought that that way was a good way. I heard him say nothing at all about men.

Q. Did Canning offer them any men? A. Not that I heard.

Q. But McParlan and O'Brien you say were appointed to attend to the Bully Bill matter? A. Yes, sir; and Roarity.

Q. Let me understand you. By appointment do you mean to say that the men that were appointed were to furnish men from their lodges or divisions? A. Yes, sir; they were to get men from their respective lodges to do the work.

Q. And McKenna got the men to do the work? A. The men were brought to board at widow McDonald's; Hurley and Doyle came from this place, but I do not know whether he got them or not; they came there, two of them—Hurley and Doyle.

Q. Did you ever hear Canning ask Dan Dougherty why the Majors, who fired on him, were not arrested? A. No, sir; I do not remember hearing him say anything about it.

Q. Did you know that Dan Dougherty was a Mollie Maguire at that time? A. I knew he was a member before he was arrested for the Major affair.

Q. I did not ask you that question. A. I do not know whether he was at that time or not.

Q. You knew he was a member before he was arrested? A. Before he was arrested I knew he was one.

Q. Were you a witness at Lebanon? A. No, sir; I was not.

RE-EXAMINED.

By Mr. Kaercher.

Q. You stated that Clark's was the general resort for the meetings of this Order in Mahanoy City? A. Yes, sir.

Q. When was it that you first knew it to be a resort for this Order? A. It was a resort there before I joined the Order.

Q. How long did it continue to meet there? A. I know I was there during three or four months at meetings, and after that it was at Clark's.

Q. Where was the place of meeting moved to? A. We met in Josh Holt's once or twice, and then we went down to Costello's.

Q. Was that the place of meeting for the Order in June, 1875, Costello's? A. Clark's was.

Q. In 1875? A. Yes, sir.

Q. After that it was held at Costello's? A. Then we went to Holt's.

Q. And afterward at Costello's? A. Yes, sir.

Q. You stated that it was in the winter of 1875, I think, that Hurley was working in Mahanoy City, that you introduced him to McKenna. Was it in the winter of 1874? A. I said in 1874, I think.

Q. You meant 1874 if you did say 1875? A. Yes, sir; that is what I meant to say.

Q. At this meeting in which Barney Dolan was present, and wanted to be reinstated as a member, do you recollect his making a remark that some of the men wanted a beating to make men out of them? A. I do not remember of him saying anything about it.

Q. At the time Campbell was making his speech, you were in the back part of the hall? A. I was in the back part of the hall most the time. The people then went up and talked with Campbell and Gallagher, three or four at a time.

Q. You stated that Canning assented to some proposition, as a good one, and agreed to it; what was that proposition? A. I believe it was to shoot Bill Thomas on the railroad between Mahanoy and Shoemaker's.

Q. Do you recollect who was the one in that meeting who proposed that plan? A. No, sir.

Q. Did he propose that plan? A. I remember a plan being agreed upon. I do not know who proposed it. I recollect it was agreed to. Canning allowed that that was a good one.

Q. Do you recollect any proposition being made before that, that it would be a good plan to shoot Thomas on the street in Mahanoy City? A. Yes, sir; there was such a plan talked of.

Q. Can you tell us who suggested the plan to shoot Thomas on the streets in Mahanoy City? A. John Kehoe.

Q. You were asked if there was any promise made to you in consideration of your becoming a witness for the Commonwealth. State whether or not any of these defendants have spoken to you about your becoming a witness, to the effect that you should not become a witness. A. No, sir; there was three or four of the women—Mrs. Kehoe was talking to me—

Mr. L'Velle. We object to that.

The Witness. None of the defendants. I did not talk with any of the defendants.

Q. You did not talk with any of the defendants? A. The conversation was with their women.

RE-CROSS-EXAMINED.

By Mr. L'Velle.

Q. Did you not hear John Kehoe say that if he were Dan Dougherty, and knew the people who had made an attempt on his life, he would walk up to them and shoot them in broad daylight on the streets? A. Repeat that, please.

Q. Dan Dougherty was fired at by the Majors; and did not John Kehoe say that if he were Dan Dougherty, and knew the Majors would shoot him, he would walk right up to them and shoot them in broad daylight in the street? A. I cannot say that he did.

Q. What did he say? A. To go right up and shoot Bill Thomas; shoot him in Mahanoy City, in the street.

Q. In the street? A. In broad daylight.

GEORGE BYERLY, SWORN AND EXAMINED.

By Mr. Kaercher.

Q. You are the warden of the Schuylkill County jail? A. I am.

Q. Did you have any conversation with John Kehoe, this prisoner? A. Oh yes, sir.

Q. Did you have any conversation with him about his trial? A. Well, not particularly about his trial.

Q. Or anything about these charges that were made against him? A. Well, during the trial of the Yost murderers I had been talking with him, and he asked me how I thought it would go with them. I said I did not know, but I thought it would go rough—

Mr. L'Velle. Perhaps it would be well to know what the Commonwealth proposes to prove by this witness.

Mr. Gowen. We propose to prove the declarations made by John Kehoe only as evidence against himself.

Mr. Ryon. We desire to know if there was any promise or threat made to or against Kehoe.

Mr. Kaercher. No, there was not.

Mr. Ryon. We want to see in regard to this.

By Mr. Kaercher.

Q. Did you offer any inducements to Mr. Kehoe to make this statement? A. I did not.

Q. Did you make any threat against him whatever? A. No, sir.

Q. It was a voluntary communication entirely? A. It was a voluntary communication. I was by his cell, and I stopped to talk with him, as I frequently do.

By Mr. Ryon.

Q. Did you say that there would be any benefit to him derived from any statement he might make? A. No, sir.

Q. You held out no inducement to him at all? A. No, sir; I was not authorized to by anybody.

Q. Did you tell him that it would be better for him to make a statement? A. No, sir; I used no threats.

By Mr. Kaercher.

Q. Tell us what he said and what you said? A. I could hardly state the exact words.

By Mr. Gowen.

Q. Go on with the conversation where you were interrupted. You said that you thought it would go pretty rough with them? A. I said it would go pretty rough with them. He said, "I think it will go rough with us too. I do not think that we will get justice." He said, "If we don't get justice, I don't think the old man at Harrisburg will go back on us." That might not

have been exactly his words, but that was the substance. He said that if we do not get justice here, that the old man in Harrisburg would not go back on them, or daren't go back on them.

Q. Did he make use of any expression like this: "Let them crack their whips," or anything like it?

Mr. L'Velle. Let him state the conversation as near as he can.

By Judge Walker.

Q. What did he say with reference to that? A. I cannot remember exactly. I would not like to swear to it, but it strikes me he did say, "Let them crack their whips."

By Mr. Gowen.

Q. He did say that "the old man at Harrisburg would not go back on them?" A. He said that "the old man at Harrisburg would not go back on us," or that "He won't go back on us."

No cross-examination.

Mr. Ryon. We move that this evidence be stricken from the record.

Mr. Gowen. We object to that.

Judge Walker. On what ground do you ask that it be stricken out.

Mr. Ryon. On the ground that it is not competent evidence in this case.

Mr. Gowen. As to Kehoe?

Mr. Ryon. As to Kehoe or anybody else.

Mr. Gowen. It is evidence only *against* Kehoe.

Mr. Ryon. It certainly cannot have any effect against these prisoners. It certainly does not bear upon the question of their guilt or innocence.

Judge Walker. It cannot affect any of the other defendants.

Mr. Gowen. It can only affect Kehoe.

Mr. Ryon. It cannot affect Kehoe, because it does not bear upon the question of his guilt or innocence.

Judge Walker. We will consider this question before it is finally disposed of.

Mr. Gowen. I hope your Honor will hear us upon this motion before you decide to strike this testimony from the records. I regard it as equivalent to an admission of guilt where a man converses about his trial, and instead of asserting his innocence, says, "let them crack their whips; we will get a pardon." It is evidence that he himself believes himself guilty, and that he cannot be acquitted.

Judge Walker. The testimony will not be stricken out at this time, and before the question is decided an opportunity will be afforded counsel on both sides to be heard.

A. P. Carr, M.D., sworn and examined.

By Mr. Kaercher.

Q. Do you remember being at Girardville, at the house of John Kehoe, in the summer of 1875? A. Yes, sir; I was there.

Q. What time were you there? A. I was there on Sunday, the 30th of May, 1875.

Q. Was that Saturday or Sunday? A. Sunday.

Q. Did you say Sunday? A. Sunday.

Q. What time did you go there? A. Well, I should judge it would be perhaps about half-past 3 o'clock.

Q. In the afternoon? A. Yes, sir.

Q. Did you drive there? A. I did.

Q. Did you go alone? A. No, sir.

Q. Who went with you? A. John Reagan.

Q. Where does he live? A. He lives in St. Clair.

Q. Is he living there now? A. For all I know.

Q. How long has it been since you have seen him? A. I have not seen him for some time.

Q. How long did you remain at Kehoe's? A. Well, I went upstairs and examined a baby of Mrs. Kehoe's that had a fissured lip—a hare lip—with Dr. Sherman.

Q. Had you been called there to attend this child? A. I was called there to see this child prior to going there.

Q. Can you give us any idea of the length of time you remained at Kehoe's? A. Well, it might be perhaps three-quarters of an hour or an hour.

Q. Did you then return home again? A. Yes, sir; I went home.

Q. Who went with you? A. Reagan.

Q. And this you say was on Sunday, the 30th of May, 1875? A. Yes, sir.

CROSS-EXAMINED.

By Mr. Ryon.

Q. What time did you go there? A. I should judge about half-past 3 o'clock.

Q. You left about half-past 4 or 5? A. Well, I could not say what time it was; it might have been half-past 4, or it might have been 5. I got back in time for tea. It was not dark when I got home.

Q. Who was there with you; what physician? A. Dr. Sherman.

Q. Did you go out for Dr. Sherman? A. Yes, sir.

Q. Did you go out to Dr. Sherman's office and walk back with him? A. I walked back with him.

Q. Did Dr. Sherman go with you to Kehoe's house? A. Yes, sir.

Q. State where you were in Kehoe's house? A. Upstairs.

Q. Was Kehoe up stairs with you? A. He was up there part of the time. Yes; I know he was upstairs; but how long I cannot say.

Q. How long he was up there? A. Yes, sir.

Q. Who did you find at the house when you went there? A. Indeed, I do not remember who was there; there was a good many persons there, probably, around in the bar-room.

Q. Could you identify any one; can you recollect any one by name? A. Yes, sir; I think I saw Donohue there, but I was not taking any notice particularly of the persons there.

Q. That is the only one you recognized? A. I do not just remember; I could not say who else was there.

RE-EXAMINED.

By Mr. Gowen.

Q. Did you know a man by the name of McKenna? A. Not at that time.

Q. Now known as McParlan? A. I do not remember that I ever saw him to know him until I saw him on the witness-stand.

Q. You cannot tell whether you saw him there on that occasion? A. I might have seen him there, but I cannot tell.

Q. You had no personal acquaintance with him? A. No, sir.

A. B. SHERMAN, M.D., SWORN BY THE UPLIFTED HAND AND EXAMINED.

By Mr. Kaercher.

Q. Do you recollect being at the house of John Kehoe some time in May or June, 1875? A. In May.

Q. With Dr. Carr? A. Yes, sir.

Q. What day was it that you were there? A. I think it was on the 30th of May.

Q. Do you recollect what day of the week it was? A. It was Sunday.

Q. Where did you meet Dr. Carr; at your office? A. He came into my office.

Q. Did he drive to your office, or walk there from Kehoe's? A. I think he walked there from Kehoe's; he and I walked back to Kehoe's.

Q. How long did he remain at your office before you went to Kehoe's? A. I think he was only there long enough for me to go with him. I think I went right away with him.

Q. How long did you remain with him at Kehoe's house? A. I presume we were there three-quarters of an hour.

Q. You went to see a sick child of Kehoe's, I believe? A. Yes, sir.

Q. Did you know James McKenna, or James McParlan, at that time? A. No, sir.

Q. You do not know whether he was there at that time or not? A. No, sir; there was several parties there; I could not say whether he was or not.

Q. Did you see Dr. Carr when he drove away? A. Yes, sir.

Q. Do you know whether there was anybody who went with him? A. Yes, sir.

Q. Did you know him? A. No, sir.

CROSS-EXAMINED.

By Mr. Ryon.

Q. What time was Mrs. Kehoe confined? A. She was confined on the 26th of May, if I recollect aright.

Q. About what time in the day? A. It was in the afternoon.

Q. Do you remember who was in the house at the time she was confined? A. I don't recollect distinctly any person except her mother.

Q. Do you remember seeing Mrs. Dennis Murphy there? A. Mrs. Murphy was there, but whether she was there before the confinement or not I cannot say. It strikes me, however, that she was not there till after, but I would not be positive as to that.

Q. About what time was it over? What time was the patient put to bed? A. Some time between 3 and 4 o'clock.

Q. You saw Mrs. Murphy after that? A. Yes, sir; she might have been there at the time, but I am not positive. It strikes me that she did not come until after.

Q. Do you remember the sending out for Mrs. Murphy? A. No, sir; I do not recollect that.

Q. How long were you there at the house that day? A. Well, I should judge about two hours.

Q. You went there about two o'clock, probably? A. Yes, sir; my impression is that I went there about 2 o'clock.

Q. Were you up and down stairs, or were you upstairs all the while? A. I think I did not leave the bedchamber after I entered it.

Q. Do you remember where Kehoe was during the time you were at the house? A. No, sir; I do not remember whether he was there or not; I could not say.

Q. Did you not hear that he was in the house at all? A. That he was not in the house?

Q. Yes, sir. A. No, sir; I could not say. He might have been there. I do not know. I have been often in his house. I do not know whether he was there on that occasion or not.

Q. You do not remember whether he went after Mrs. Murphy, and remained at Murphy's while Mrs. Murphy came down to his house? A. No, sir.

Q. What time did you and Dr. Carr leave there on the 30th? A. On Sunday evening?

Q. Yes, sir. A. Well, I suppose it was about five o'clock; I suppose somewhere about that time.

Q. Whom did you recognize there in the house when you left? You came down through the kitchen-room and through the bar-room? A. Yes, sir; we came down stairs through the kitchen into the bar-room. I recollect that Mrs. Kehoe asked us to have something to drink, and we refused to drink anything, for the reason, which makes me remember it more particularly, that Dr. Carr refused to drink, and said that he had quit drinking. We each took segars, and some of the parties who were sitting there also took segars, but who they were I could have no idea.

Q. Did you know them at the time? A. That I cannot tell either.

Q. You cannot tell whether you knew them or not? A. No, sir.

Q. You do not recollect who they were? A. No, sir; I cannot recollect.
Q. Were they sitting in the kitchen or the bar-room? A. In the bar-room.
Q. In the bar-room when you went down? A. I think they were.
Q. When you went down you saw no one in the kitchen? A. No, sir; I cannot say whether I did or not.
By Mr. Gowen.
Q. You are not positive of that? A. No, sir.

PHILIP A. BISSELL, M.D., SWORN BY THE UPLIFTED HAND AND EXAMINED.

Mr. L'Velle. What do you propose to prove by this witness?
Mr. Kaercher. That he was the physician who attended William M. Thomas, and who knows of his injuries.
(To the witness.) Q. Did you attend William M. Thomas after he had been shot, and make an examination of his person to see what wounds he had? A. I did.
Q. Describe what wounds you found upon his person? A. I found two flesh wounds, made by bullets, one upon his side. The ball had entered from upwards, grazing the rib, passing along the skin and out, and he must have stood with his back toward the party when they fired the ball.
Q. The ball had passed out in front? A. In front; another wound upon the neck, just grazing the skin, cutting through the skin, from the front upward. The second shot, as I understand it, was received almost after he received the first shot. When the first shot was received he turned around and got the skin shot in his neck.
Q. Did you observe a third shot on the neck which passed out upward and lower down than the other one? A. I believe I did, now that I think of it.
Q. State whether or not that was a deeper one? A. Yes, sir; that was a deeper one.
Q. Did you observe a wound upon his finger? A. Yes, sir.
Q. That was a simple flesh wound? A. That was a simple flesh wound.
Q. How far did this pistol-bullet that grazed the skin, or cut the skin upon the side of his neck, and pass from the jugular vein? A. It passed a little above it.
Q. What length above it, half an inch or a quarter of an inch? A. Well, it might have been a quarter of an inch, three or four lines.
Q. What would have been the consequences of severing that vein? A. It would have been instantaneous death, or death very soon from hæmorrhage.
No cross-examination.

F. W. METZ, SWORN AND EXAMINED.

By Mr. Kaercher.
Q. What is your business? A. Telegraph operator.
Q. Where were you engaged on the 31st of May, 1875? A. Girardville.
Q. You were telegraph operator there for what company? A. For the Philadelphia, Reading, and Pottsville Telegraph Company.
Q. State whether or not you were in the office on that day the 31st of May? A. I was.
Q. State whether you received that dispatch (dispatch shown witness)? A. I did.
Q. From whom? A. Mr. Kehoe.
Q. For what purpose did he give it to you? A. To send it away.
Q. Did you send it? A. I did.
Q. What time in the day, if you recollect? A. Ten minutes after one in the afternoon.
Q. And you sent it in pursuance of his direction? A. Yes, sir.
Q. Did he pay you for sending it? A. Yes, sir.

CROSS-EXAMINED.

By Mr. Ryon.

Q. You say you are the operator at Girardville? A. Yes, sir.

Q. By whose instruction did you bring that dispatch here? A. By Mr. Gowen's, I suppose.

Q. Who gave you direction to bring it here? A. I did not bring it here.

Q. How did it get out of your office; do you know? A. I sent it.

Q. To whom did you send it? A. To Mr. C. M. Lewis, of Pottsville.

Q. He is the operator at Pottsville, is he? A. Yes, sir.

Q. When you went into the office you took an oath, did you not? A. No, sir.

Q. Did you not take any oath to keep the dispatches you received secret? A. No, sir.

Q. When you were employed by the company did you take that oath? A. No, sir.

Q. You have never been sworn? A. No, sir.

Q. Were you ever put under any obligation at all not to disclose the dispatches which were handed into your office for transmission? A. No, sir; only what the rules and regulations which are given to me require.

Q. Is not that the rule of the company? A. Yes, sir.

Q. When did you send that to Lewis? A. I think it was last Friday.

Q. How came you to send it to Lewis? A. Because he asked me to.

Q. Is this the original dispatch? A. That is.

Q. It is not dated at all, is it? A. It has date the 31st of May, 1875.

By Mr. L'Velle.

Q. Who is C. M. Lewis? A. The manager of the Pottsville office.

RE-EXAMINED.

By Mr. Kaercher.

Q. You received no authority or direction from Mr. Gowen to prove this dispatch here? A. No, sir.

Q. None whatever? A. No, sir.

Q. Mr. Lewis is the general superintendent, is he not, in Pottsville, of the office in the county? A. Yes, sir.

Q. You directed it to be sent to him? A. Yes, sir.

Q. You did not know whether or not he was subpœnaed to produce it here, did you? A. No, sir.

Q. You were subpœnaed to come here as a witness? A. I received a telegram yesterday that I was to be here as a witness.

Q. State whether, when you sent this dispatch, you were able to send it directly to Locust Gap? A. I was not.

Q. What office did you send it to? A. I sent it to the office in Ashland.

RE-CROSS-EXAMINED.

By Mr. Ryon.

Q. Did you disclose to anybody that you had such a dispatch? A. I did not; not until I was asked last week.

Q. By whom were you asked? A. Mr. Lewis.

Q. You say he is superintendent of the county? A. He is manager of the Pottsville office.

Q. He is no superior of yours in the company? A. No, sir.

Q. He is simply the manager of an office, as you are at Girardville? A. Yes, sir.

Q. He holds the position of an operator, and that only? A. Yes, sir.

Q. He has no right to call upon you for dispatches? A. He has not. He was directed by the superintendent; at least I told him I would not send it to him unless I was directed by Mr. Sellers, the superintendent.

Q. Did Mr. Sellers so direct you? A. He did.

RE-RE-EXAMINED.

By Mr. Kaercher.

Q. Who is Mr. Sellers? A. The superintendent of this telegraph company.

C. M. LEWIS, SWORN AND EXAMINED.

By Mr. Kaercher.

Q. State whether or not you are a telegraph officer of the Philadelphia and Reading Telegraph Company? A. Yes, sir.

Q. In the borough of Pottsville? A. Yes, sir.

Q. State whether or not you were subpœnaed to have this telegraph here? (Telegraph shown witness.) A. I was.

Q. State whether you then procured the telegram from the office at Ashland? A. At Girardville I did.

Q. And Mr. Sellers directed that it should be sent to you, as you had been subpœnaed to produce these dispatches here in court? A. Yes, sir.

Q. State whether you handed that dispatch to anybody except myself? A. No, sir.

Q. Or its contents to any one? A. Not of that telegram.

Q. You gave it to me as the District Attorney? A. Yes, sir.

Q. Having subpœnaed you to produce it in court? A. Yes, sir.

Q. Did you before give the dispatch to Mr. Gowen, or acquaint Mr. Gowen with its contents, until after it was communicated to me as the District Attorney? A. Not until that time.

Q. You have kept this dispatch since in your custody, until it was handed to me a few moments ago? A. I kept it under lock and key.

CROSS-EXAMINED.

By Mr. L'Velle.

Q. Through what means did you arrive at the knowledge of the existence of this dispatch? A. Through what means?

Q. Yes, sir. A. Captain Linden came to me and said that a message of that kind had passed over our wires, and he requested me, as manager at Pottsville, to get it.

Q. When did Captain Linden so inform you? A. Captain Linden informed me, I think, the forepart of last week.

Q. Did he inform you through what termini it passed? A. He simply informed me that it passed over our wires through our hands. I then telegraphed to Sellers, our superintendent, and got his instructions, forwarded his instructions to the Girardville operator, received the dispatch, and kept it in my possession until I was ordered by the court, or the District Attorney, to give it up, according to our rules.

Q. Where is that rule? A. In our own book of rules.

Q. Have you your book of rules with you? A. No, sir.

Q. Where is it? In my office.

Q. Did Captain Linden tell you what particular part of the wires of the company it passed over? A. He told me the message was sent from Girardville to Locust Gap, by John Kehoe to Dennis F. Canning; he gave me the substance of that message. That was the way I traced the particular message I wanted to get.

Q. Captain Linden gave you the substance of the message you have produced here? A. Yes, sir; he did not tell me exactly what was in the message because I do not think he knew. He had to give me that to give me a trace.

Q. Will you please tell us what he did tell you about it; let us have the substance as he told you? A. He told me that there was a message passed through Girardville, sent by John Kehoe to Dennis F. Canning, at Locust Gap, on or about May 31st, 1875. I think he said it was a telegram calling on Canning—

Mr. Ryon. Stop! We do not want to know what was in the telegram.

The Witness. I thought that was what you asked me for.

By Mr. Kaercher.

Q. State whether Captain Linden had obtained information, as coming from one of the prisoners, that such a dispatch had been sent? A. No, sir, he did not; not to my recollection.

Mr. Kaercher. We now offer in evidence the telegram.

Mr. Ryon. We object to that as incompetent. The law says that the dispatch is secret and is private property, and cannot be used by the officers of the company or any other power, except by the consent of the parties.

The question of the admissability of the telegram was argued by counsel on both sides, and pending its consideration the court adjourned.

FRIDAY, AUGUST 11.

The Court was opened at 9 A.M.

Judge Walker. In reference to the telegram offered in evidence at the close of the session yesterday, we have come to the conclusion:

Upon examination of the several acts of Assembly (see Dig. I, 394), making it unlawful for any person connected with any line of telegraph in the State to make known the contents of any private dispatch sent over the wires, it appears to be the design of the Legislature to exclude such publication on the grounds of public policy, in order to prevent operators from divulging the private business of those persons who use the wires.

The act makes it the duty of the operator to preserve the originals for at least three years, and to produce the same in evidence when duly subpœnaed to do so by the individuals sending or receiving a copy of such message in any court of justice, or before any committee of the Legislature, and when the same shall be decided by such court or committee to be material to any issue or matter there to be tried or determined, under like penalty as in other cases.

The dispatch in question has now been produced in court and proved to be in the handwriting of one of these defendents, and the only question now is, is it legal evidence? We see nothing in the act to prevent its reception as offered. We have decided this question in other cases in this court, when dispatches were offered, and the judges were unanimous in their opinions. It is therefore admitted, in harmony with former rulings. In Philadelphia and other places they have also been admitted in evidence, under like objections.

The offer of the dispatch in evidence is therefore admitted and objection overruled.

Defendants except, and the Court seal this bill.

By the Court.

THOMAS H. WALKER, [SEAL.]
Additional Judge.

WILLIAM LEWIS, SWORN AND EXAMINED.

By Mr. Kaercher.

Q. Do you recollect where you were working on the night of the 5th of June, 1875? A. Elmwood Colliery.

Q. What name was it known by at that time? A. Elmwood Colliery.

Q. Was it ever known by the name of the Foundry Colliery? A. It was commonly called the Foundry Colliery.

Q. Who was watchman there on the 5th of June? A. I was one.

Q. Who were the others? A. John Davis and Samuel Baker.

Q. Was Marshall Bell there at that time? A. Yes, sir; he was the man that hired me.

Q. Was he one of the watchmen? A. Marshall Bell?

Q. Yes, sir. A. No, sir; he was outside boss.

Q. Do you recollect any party coming there that night? A. Yes, sir.

Q. How many came to the colliery? A. Four.

Q. What occurred at the colliery? A. There was nothing occurred with the four men.

Q. Do you recollect whether or not they were halted? A. Yes, sir.

Q. Who halted them? A. Me.

Q. Did you know any of the four men? A. No, sir.

Q. Where were they going? A. When I halted them, they told me they were going home.

Q. Do you recollect whether they said where that was, whether it was at Shenandoah? A. No, sir.

Q. They did not say where? A. No, sir.

Q. What time of the night was it? A. Well, as near as I can guess, I think it was between 9 and 10.

Q. You would not like to be any more certain than that? A. No, sir.

Q. You say Davis was there and Baker. A. Yes, sir.

Q. They are here, are they? A. Yes, sir.

CROSS-EXAMINED.

By Mr. Ryon.

Q. Was the military in the town of Mahanoy at that time? A. To the best of my knowledge; I would not like to swear to that. The military came here very shortly after the riots were in Mahanoy.

Q. When was the riot? A. I believe it was on the 3d day of June, 1875.

Q. They came over shortly after? You cannot tell whether they were there on the 5th or not? A. I would not like to swear.

By Judge Walker.

Q. The 5th of June is the evening you speak of? A. Yes, sir.

THOMAS PRICE, SWORN AND EXAMINED.

By Mr. Kaercher.

Q. Where were you living on the 5th of June, 1875? A. In Fowler's Patch.

Q. Where were you on the night of that day; do you recollect? A. Mahanoy.

Q. What time did you leave for home? A. About 10 o'clock.

Q. Tell what kind of a night it was? A. Pretty dark.

Q. Do you recollect meeting any men on your road home at or near Lanagan's? A. Yes, sir.

Q. How many men did you meet? A. Four.

Q. Can you tell us whether or not those four men became lost in the swamp there near Lanagan's—lost the road or the path? A. Yes, sir. I came to the men, and one of them asked me which was the road to Shenandoah, and I says, "I am going to Fowler's Patch, and that is not very far from Shenandoah, and," says I, "you can come ahead and follow me." Says he, "Don't be afraid; you're not going to be hurt yet."

CROSS-EXAMINED.

By Mr. Ryon.

Q. How came you to miss the path and get into the swamp; was it the darkness? A. Yes; it was dark. I could not see; I could not see them.

Q. How long were you before you got out then? A. Oh, not very long.

Q. What time was this; do you recollect what day of the month? A. I can't remember that.

Q. What month was it? A. That is a thing I can't remember.

Q. Did you not often travel over there more than once? A. Yes, sir.

Q. You have travelled over there often, have you not? A. I have been there these last eight years; between there and Mahanoy.

Q. You have travelled across there at 10 o'clock a good many times, have you not? A. Yes, sir.

Q. Of a dark night? A. Of dark nights and daylight.

Q. You have lost the road more than once? A. I know the road.

RE-EXAMINED.

By Mr. Kaercher.

Q. You did not lose it this time, did you? A. No, sir.

Q. The counsel for the defendants asked you whether you did not get into the swamp. State whether you did not have to go through the swamp always to get through that path? A. You do. The main road leads through that way. You come down one hill to the swamp, and go up another hill and then down to this patch; that is Lanagan's Patch.

Q. Were you parties travelling on the main road, or was it a path leading through these swamps? A. On the main road.

Q. Then you were not travelling in a path that night when you lead the four parties? A. Well, I was not on the road. I could not see the road. Of course I was thinking I was leading them on the road; I could not see.

Q. You did not get lost in the swamp, did you? A. Not that I know of.

Q. You went right straight along the road that night as you had done every night? A. Certainly.

Q. You have met people frequently when you have been travelling back and forth from Fowler's Patch to Mahanoy City, in the night? A. I met these four men that night; that is all.

Q. You have met others, have you not? A. Well, I might or might not. Of course, there is every man meets men like that.

HENRY LLOYD, SWORN AND EXAMINED.

By Mr. Kaercher.

Q. Where do you live? A. In Wadesville.

Q. Did you occupy any position there? A. In Wadesville?

Q. Yes, sir. A. No, sir.

Q. Were you a boss there? A. I was.

Mr. Ryon. What do you propose to prove now?

Mr. Kaercher. We propose to prove by the witness on the stand that, on the 11th of May, 1875, he was beaten; that he was a boss, and that he was beaten on the road to Newcastle on the 11th of May, 1875, in corroboration of the statement of McParlan that Christopher Donnelly, one of the defendants, told him, on the day of the 1st of June, 1875, that he had caused this man Lloyd to be beaten because he had said that he would refuse to employ any one who had paraded on St. Patrick's day.

Mr. Ryon. That is objected to as irrelevant and immaterial; that it is not corroboration, because the question here is the guilt of these defendants, charged not for the beating of this man, but an entirely different offence; that the Commonwealth cannot corroborate their own witness by collateral and immaterial facts.

Judge Walker. We have grave doubts of this kind of evidence, and will throw that doubt in favor of the prisoners. We sustain the objection.

WILLIAM M. THOMAS, RECALLED AND EXAMINED.

By Mr. Hughes.

Q. At the time the shots were fired that struck you in the neck, how far was the muzzle of the pistol from you? A. It may be six inches, as near as I can judge.

Q. Did the flash burn you? A. Yes, sir; burned my eye and the side of my face.

Q. How far was the pistol from you at the time you caught it with your hand when you were shot in the finger? A. Hurley was about four feet from me when I jumped towards him.

Q. Then the shots fired in the neck were after that? A. Yes, sir; I had hold of the muzzle of the revolver.

Q. Then the other man fired the shots in your neck? A. Yes, sir.

Q. Who was he? A. John Gibbons.
Mr. Kaercher. We now propose to read the dispatch to Kehoe.

"GIRARDVILLE, —— 31st, 1875.

"TO DENNIS F. CANNING,
"Locust Gap, C. G.

"Come to see me at Mahanoy City to-morrow morning at ten A.M.
"JOHN KEHOE."

"C. G." we understand is the private mark of the operator.

ADAM LECKLEY, SWORN AND EXAMINED.

By Mr. Kaercher.
Q. What is your business? A. Inside boss of Plank Ridge Colliery.
Q. How long have you been there? A. Three years.
Q. Do you know John Morris, one of the defendants? A. Yes, sir.
Q. How long have you known him? A. From June, 1875, up till now.
Q. What time in June did you become acquainted with him? A. He came to work there on the 21st of June, 1875.
Q. Did you employ him? A. Yes, sir.
Q. How long did he work there? A. Till February last, 1876.
Q. Until the time of his arrest? A. No; he left then.
Q. He left shortly before his arrest, did he? A. He left there in February; he has been away from here and back again since.
Q. He began to work on the 21st of June. Tell us what days he worked and what days he did not work? A. He worked up to the 24th.
Q. It was what part of a week? A. Three or four days.
Q. Was he on the day or night shift? A. The night shift the first part of the week, and the latter part of the week he was on the day shift.
Q. Did he work on the 27th or 28th of June? A. No, sir.
Q. Did he work on Tuesday, the 29th of June? A. He worked on Tuesday on the night shift.
Q. He did not work on Monday night then? A. No, sir.
Q. Did you have any talk with him as to why he did not work on the night of Monday, the 28th, on the night shift? A. No; I asked his butty in the night—
Q. Never mind what his butty said. Can you tell why you fix the night of 28th of June as the night that he did not work there? A. We started on the 17th of June to work; we had been idle for three or four months.
Q. Do you fix the 21st as to Morris? A. He came there on the Monday morning following.
Q. That was on the 21st of June? A. That was the 21st of June.
Q. Did you keep a record of the time? A. Yes, sir.
Q. Did you pay him for the 21st of June? A. Yes, sir.
Q. For the 22d, 23d, 24th, 25th, and 26th? A. No, I think he did not work on the 26th; on Saturday there was no night shift.
Q. Was there night shift put on on Sunday night? A. No. sir.

CROSS-EXAMINED.

By Mr. L'Velle.
Q. Are you inside or outside boss of that colliery? A. Inside.
Q. Did Morris work inside or outside? A. Inside.
Q. What at? A. Laboring with a miner.
Q. Is it your practice at that colliery that the superintendent or boss employs the laborers for the miners? Do not the miners *themselves* employ the laborers? A. If I give them liberty they employ the laborers; they must tell me first who they bring along with them.
Q. Who did Mack bring along? A. Morris.
Q. Is that his proper name, or McNamara? A. McNamara.
Q. Then he proposed to have Morris as a laborer? A. He told me before the 21st, and I said, "Yes, I did not care."

Q. When did he tell you? A. Sunday night.
Q. Where? A. In my own house.
Q. In Shenandoah. A. Yes, sir.
Q. Where did you know Morris prior to that? A. I did not know him then; I never saw him until the next day.
Q. Where did you see him the next day; at the colliery? A. Yes, sir.
Q. How long did you know Morris? A. From June, 1875, up till now.
Q. Up till the present time? A. That is the first time I knew him.
Q. When did you first ascertain that it was on the 21st of June that you employed Morris, or how did you ascertain it? A. I have got his time.
Q. Have you got it with you? A. No, sir.
Q. Is that the first time Morris ever worked at that colliery? A. That is the first time.
Q. How long have you been there? A. Three years.
Q. That is the first time Morris ever worked at that colliery? A. That is the first time to my knowledge.
Q. Could he not have worked outside without your knowledge? A. O, yes; he could. There is men work there sometimes that I never know of.
Q. He did work for Mack? A. Yes, sir.
Q. On inside work? A. On inside work.
Q. Is it your business to see the miners or laborers at work every day? A. Yes, sir.
Q. What control have you over the miners? You have no control over their daily labor, have you, unless they are paid by the week? A. I have the control over them in everything they are doing; I have to look after them.
Q. To see that the mines are properly worked? A. Yes, sir.
Q. Did you see Mack working every working day after the 26th, that he was there? A. Yes, sir.
Q. Could he have got laborers employed without your seeing them? A. He could at night.
Q. I say at night. A. Yes, sir.
Q. He could have laborers employed without your seeing them? A. He had that night, and I did not see him.
Q. Could he on more than one night? A. I suppose he might.
Q. Could he in daytime without your seeing him? A. No, sir.
Q. Tell us why he could not in the day? A. Because I am every place in the mines in the day.
Q. Did Mack work by the yard, or load, or day's work? A. By the yard.
Q. Did you know John Gibbons? A. Yes, sir.
Q. Did he work for you? A. Yes, sir.
Q. Where? A. Plank Ridge Colliery.
Q. What time? A. It must be three years ago now, or pretty near it.

Re-examined.

By Mr. Kaercher.
Q. Why was it that you, or the company, paid Morris for the 21st, 22d, and 23d of June? A. We paid him day's wages for company work.
Q. Was he doing company work in those days? A. Yes, sir.
Q. And the company paid him? A. Yes, sir.

Re-cross-examined.

By Mr. Ryon.
Q. Did he not work all through 1874 at this Plank Ridge Colliery? A. Not that I know of; not for me.
Q. Did he not work for Mack all through 1875—for McNamara? A. No, sir.
By Mr. L'Velle.
Q. How long did he work there altogether? A. From June, 1875, to February, 1876.
Q. That was all? A. That is all that I know.

Q. You do not know the fact that he worked eighteen months, altogether, for the last three years? A. Yes, sir.

Q. Do you know a man named Jack Kehoe, of Shenandoah? Jack Kehoe?

Q. John Kehoe, of Shenandoah? A. No, sir.

Q. Do you know a man of that name who worked for McNamara? A. Yes; I know Kehoe, of Shenandoah.

Q. Where did John Kehoe work last year, or the year before, 1874? A. I do not know; he has worked several places.

Q. Did not Kehoe and McNamara work there as miners? A. Not that year.

Q. Did they in 1876? A. I believe they did.

Q. Whom did McNamara have in Kehoe's place? A. I do not know.

Q. Do you know when Kehoe left McNamara? A. Yes.

Q. Tell us when? A. 1874; the latter part of it.

Q. Was it October or November or December? A. I do not know the month.

Q. Can you tell us whom he took in his place when Kehoe left him? A. The first work done in 1875 was in June. Then he took John Morris with him.

Q. Did he have anybody in Kehoe's place since the latter part of 1875, until he took Morris with him in June? A. I do not know.

Q. Then he might have taken somebody else without your knowing it? A. Yes.

Q. He worked every day? A. In 1875.

Q. Could you not tell us about 1874? A. I do not know about 1874 now.

Q. What called it to your attention that Kehoe worked there in 1874? Patsy Mack brought it to your notice, did he not? A. Yes, sir.

Q. When? A. The 21st of June.

Q. Since then did it not escape your memory, after Morris left in February? A. Yes, I know he left.

Q. How came you to go over the books to look whether he was employed on the 21st of June? A. I know he was at the time that we started work after the suspension.

Q. Was there any incident except your recollection to call it to your mind? A. I have his time in the books.

By Mr. L'Velle.

Q. I ask you now how came you to look at the time in the book? Who asked you to? A. Nobody.

Q. How did the Commonwealth know to get your name? A. I do not know.

Q. Did you tell anybody of this? A. Yes, sir.

Q. Did you tell Patsy Mack? A. Yes; I told Patsy Mack.

By Mr. Ryon.

Q. Do you remember the time that Pat Connor went away and left the gangway in 1874? A. Yes, sir.

Q. Who took his place in the gangway? A. John Kehoe, I think.

Q. What time was that? A. I do not remember exactly, now, at present. I think it was in 1874.

Q. 1874? A. I think so, I am not sure.

Q. Do you not remember that Morris and Kehoe went with McNamara when Kehoe went into the gangway? A. No, sir.

RE-EXAMINED.

By Mr. Kaercher.

Q. State whether, in 1874, the miners employed whoever they pleased to assist them as laborers? A. They never employed whoever they pleased since I went there.

Q. When did you go there? A. In 1873.

Q. Can you tell us whether Morris worked in the mines there, or about the mines, in 1874, or near that? You cannot tell us, I believe, whether he did or not? A. I do not think he did, to the best of my knowledge.

Q. You cannot tell whether he did or not positively? A. At the time of

this big suspension, Mack brought him down, and asked to take him along with him.

Q. On that your recollection is positive? A. Yes, sir.

Q. And you kept his time? A. Yes, sir.

By Mr. L'Velle.

Q. Where is the memorandum? A. I have it at home.

Q. Then you do not have it now? A. No, sir.

Mr. Kaercher. The Commonwealth closes.

THE CASE FOR THE DEFENDANTS.

Opening of S. A. Garrett, Esq.

With submission to the Court, Gentlemen of the Jury: I shall have but a very few words to say in opening this case. The position the defence occupies is a very peculiar one. The defendants are placed here almost without any defence whatever. That the majority of these defendants attended a meeting of the Ancient Order of Hibernians on the 1st of June we cannot deny. What took place there it is impossible for us to prove to you. The Commonwealth in this case have arrested and charged with this crime every man who attended that meeting, with the exception of McParlan, who is their witness in this case, and a man by the name of Gavin, whom we have been unable to find. In taking this course, the mouths of all the parties who were present at that meeting are entirely closed, and the defendants are left without being able to prove anything in their behalf as to the proceedings of that meeting. The only thing we can do is to accept the evidence of McParlan, as it comes before us, in order to see whether his evidence is of such a character as can be relied upon by you for the conviction of these defendants.

In the first place, we shall attempt to prove to you that Mr. McParlan has contradicted himself from the very beginning of his story to the close. We shall show to you that he has not only contradicted himself upon this stand, but that his story as narrated here is not the same story, in a great many essential parts, that he narrated upon the habeas corpus hearing of this case. We shall show to you, and say to the court, and ask them so to charge you, that the testimony of McParlan shows that he was clearly an accomplice; that no matter what his object was, in coming into this county, no matter whether he was or was not a detective, if the testimony as detailed by himself and by others shows that he came here and took part in these crimes and helped to plan them, or in any way aided and abetted their perpetration, he is essentially an accomplice, and that upon his testimony a jury cannot convict unless it can be corroborated in every particular.

Mr. McParlan tells you that he went to see John Kehoe upon the 26th and 30th of May, 1875. He admits that he spoke to him in regard to this meeting of the organization, and states that he went to Mahanoy City and told O'Brien, and that he notified a large number of parties as to the purposes and objects of the meeting and where it was to be held. He also states that he appeared in that meeting and agreed to what was done. He testified that he was appointed upon one of the committees; that after he left that convention he went to Shenandoah and notified the members of his lodge that they had to hold a meeting to carry out the purposes of this convention; that he told Gibbons, Monaghan, Darcy, and one or two others; and, that in pursuance of what he told them, this meeting on the 4th of June was held in the bush near Shenandoah. Although he did not call that meeting himself, as he testifies, and although he did not fix the place of meeting, yet he admits that he notified all these parties of the fact that there was to be a meeting held, and the purposes for which that meeting was called. He also testified in regard to that meeting that he attended it, and, if I remember correctly, stated to the members that its object was to carry out the programme which had been laid down at the Mahanoy convention, and that, thereupon, these parties agreed to go upon this mission of crime, and that he was selected and agreed to perform his portion of the duty which was assigned to him, and that in pursuance of the

plan, he did go with these three men to Mahanoy for the purpose of assassinating William M. Thomas, and that he or O'Brien got up this story in regard to the military being there, and that this matter was the fact.

Just at this point I submit to you this proposition; that whether this man McParlan did or did not assist in the perpetration of this crime, he, nevertheless, went to that meeting when it was conceived; he helped to perfect the plan, and he went with the men on this mission of crime; and even if he did not take any part in the actual perpetration of the offence, there is not a scintilla of evidence to show that he adopted any means to prevent its commission. On the other hand, the evidence is clear that he was always first to advise and counsel outrages, see to their execution, and never in the slightest manner adopted any means for the prevention of the same. In this way be became the main instrument in the commission of all these crimes. During all this time he was careful that no crime which he proposed should be carried out; but his conduct and acts taken together show very clearly his character, and that these crimes in their boldness, arose from his example.

We shall show you that Mr. McParlan was not at John Kehoe's on the 26th day of June. We have already shown to you, by the cross-examination of the witnesses for the Commonwealth, that Dr. Carr and Dr. Sherman, whom he placed at Mr. Kehoe's on that day, although they were there and came through that bar-room, stated they did not remember having seen McParlan there at that time. We shall show you by other witnesses who were present at that time, in corroboration of the fact we have already established by the cross-examination of the witnesses for the Commonwealth, that McParlan was not there that day, and that Jack Kehoe, instead of being where McParlan placed him, in the sitting-room and kitchen, was the greater part of that time in his wife's bedchamber. We shall show you that Mr. McParlan, upon the former hearing of this case, instead of testifying that Jack Kehoe had stated the objects of this meeting as he told you yesterday, then said that Kehoe had stated those objects quite differently. He has told you that Kehoe told him that the Modocs appeared to be having things in their own way in Mahanoy City, and that it was time the Irishmen took things in their own hands, and that he proposed to call out all the Irishmen and arm them for the purpose of challenging these Modocs, and if they did not accept the challenge, to shoot them down anyhow. He also testified that when they reached the meeting, this man Dougherty, who was shot by the Majors, was called in, and that at that time the killing of the Majors and Thomas was conspired. At the hearing of the habeas corpus he told quite a different story. Instead of then stating that Kehoe stated the objects of the meeting to be to take up arms against the Modocs, and Dougherty coming in and telling his story in regard to these parties who had shot at him, he said that Kehoe told him that the object of that meeting was to take means for the killing of William M. Thomas and the Majors, but not one word about the Modocs. Not one word was said here yesterday about Kehoe saying anything definitely about Thomas and the Majors. McParlan stated nothing about the commission of this outrage upon Thomas and the Majors. He did not mention their names at all, or that Dougherty had come into the convention, or as to that being the time when the killing of these men was proposed; whereas, upon the former hearing, he stated that the meeting was called for the special purpose of getting those men put out of the way.

In his testimony yesterday, upon cross-examination, he stated that there were three committees appointed; that he selected a committee from his own branch; that Michael O'Brien was to select a committee from the Mahanoy branch; and James Roarity was to select a committee from the Coaldale branch. He told you that in pursuance of that arrangement his committee was selected, and went to Mahanoy City. He told you, as far as that is concerned, the same story which he told at the hearing of the habeas corpus; but yesterday, in addition, he stated that Roarity told him upon the 18th day of June, that he had brought a committee to Tamaqua, for the purpose of going to Tuscarora to kill the Majors. His testimony at the hearing of the habeas corpus was, that upon the 18th day of June he met James Roarity in Tamaqua, and that Roarity told him, not that he had brought his own com-

mittee there, but that Christopher Donnelly had brought a committee up there to kill the Majors, and that he had received word from Donohue that he was not ready, and that he should not proceed in the commission of that offence; but yesterday not a word was stated by him as to Donnelly bringing a committee up there, until McParlan was cross-examined, and the words which he uttered at the hearing of the habeas corpus were placed in his mouth. Then he remembered and told you that this was so, and that if he did not state anything about the Roarity committee going over he should have stated it, because the facts were plainly upon his mind.

That is precisely what we say. These facts were plainly upon the mind of McParlan. They were there just as plainly two months ago as they are to-day, and Mr. McParlan, upon the hearing at the habeas corpus, was just as likely to tell the truth as, upon this stand, he was likely to tell us the truth yesterday; but upon that occasion he did not remember, and tell us that he did not say a word about Roarity going to Tamaqua, or about Roarity saying a word to him about it.

You are called upon here to render your verdict upon the evidence of McParlan, a man who came to this county in 1873 for the purpose, according to his own story, of detecting and exposing crimes. Let us see, therefore, exactly what Mr. McParlan has done. He came to this county in 1873, with the object, as he stated, and which I suppose we must glean from what he said, that there had been crimes perpetrated before then, which we all knew to be a fact, and that he was sent here on account of their commission. Mr. McParlan came here at that time, and we are called upon to-day, and we have been called upon on three or four occasions, not to try crimes that took place before the time of his advent into this county, not to try crimes that had taken place long before he became a member of the organization, but we are called upon to try crimes that have taken place since McParlan, by his own statement, came to this county, and was mainly an instrument in their commission. Not a crime has been brought before you; not a word has been said with regard to crimes that took place prior to the time that he came here. Not a word has been stated in regard to his real object in coming here, but we find that McParlan, knowing that he was unable to accomplish the purpose for which he was sent here, in order to get out of his dilemma, worked up new cases, even if he took no important part in them himself. I think you will say that it is conclusive that after his coming into this county he worked up and proposed crimes, and after aiding and abetting the men who committed them, turned around and came here and testified against their authors; but not one single word has been said as to his real object, and not a syllable has been said in regard to any crime which was perpetrated prior to the time when he came here. All that he has told you was simply directed to what has been done since he became a member of the organization.

The next witness which the Commonwealth produced upon the stand was William M. Thomas, the man who was shot on the 28th of June. We shall show to you something in regard to the character of this man, and I think we shall show to you such a state of facts as will compel you to say that the testimony of Thomas is hardly worthy of belief. That Thomas was shot at there can be no doubt, but that there might have been hundreds of others at whom Thomas had shot, nobody can deny; because, if it becomes necessary, we shall prove to you that Thomas shot at other people just as indiscriminately as other people shot at him; and if there was one man who ever shot at Mr. Thomas, there were perhaps hundreds of others who thought their lives were worth just as much as his, and if they attempted to commit violence upon Mr. Thomas, they knew full well that he was just as likely to commit violence upon them. Mr. Thomas, in his testimony, attempted to identify some of these prisoners. He told you that he could not identify all of them, but he thought that he could identify two of them. Before that he had stated he could not identify one of them. What was his object in making that admission? He tells you that he told Mike O'Brien so, so that O'Brien should not tell these people, and they should not run away. I cannot conceive why it was necessary for Mr. Thomas at that time to play the detective, and attempt to mislead anybody. He did not tell you that he had any reason to believe that O'Brien had any-

thing to do with this crime, or that O'Brien knew anything at all about the crime. Why then had he any reason to tell Mr. O'Brien anything at all about it. So far as Mr. O'Brien was concerned, why did not Thomas maintain silence? But the only reason which he gave for stating to O'Brien that he could not recognize any of these parties, was because he did not want these parties who had committed the outrage upon him to run away. Mr. Thomas says that at one time, he came from Tamaqua here, and visited the prison in Pottsville, and when here, he saw Thomas Hurley, who was in jail, charged with a serious crime, and made up his mind that Hurley was one of the men who shot him, and he so tells his story. He does not say that he recognized any of the other men, and repeats at different times, that he could not identify them; but he came at the hearing of the habeas corpus, knowing that these defendants were charged with this crime, in conjunction with Thomas Hurley, and he picked out one of these men as one of those who attempted to assassinate him. Yet, yesterday he swore to you that he had never seen this man Gibbons before, and that he had never seen him afterward.

We shall prove to you that Mr. Thomas did see this man Gibbons; that he did know Gibbons, and that he had often met Gibbons. We shall attempt to show you that shortly after the perpetration of this crime, Mr. Gibbons met Thomas in a drinking saloon in Ashland, and there conversed with him, and had half a dozen drinks with him; but that at that time Thomas never imagined that Gibbons was one of the parties who perpetrated this crime. Yet he came here and testifies that he identifies Gibbons, and that he knows that Gibbons was one of the men who shot at him, although he met him Gibbons a few weeks after the perpetration of the deed, and conversed with him, without even pretending to recognize him at all.

We shall further show you that this man is a convict; that he has been brought into this court upon several occasions for crime; that he is a fugitive from justice; that he is recognized as a man of a very low character; that he has been a vagabond around the streets for months; and that he is a man upon whose testimony no reliance can be placed, and upon which these prisoners should not be convicted.

The next witness the commonwealth called upon the stand was Frank McHugh. The difficulty with McHugh's testimony, in itself, was that in his answers to almost every question which was asked him by the defence, he did not remember; but forgot a good many things that were stated by McParlan, which were ascribed to have been done by him. His answer was that he did not hear certain conversations, or that he must have been out of the room. Why is it? Is it not simply the fact that this man McHugh is charged with being concerned in the perpetration of the crime for which all these defendants are indicted? He is indicted jointly with these other defendants for this crime, and, looking out for himself and for his own safety in the future, he determined to go upon the stand. He very naturally thought that if he gave his testimony on behalf of the commonwealth, his punishment would be light. He felt that going upon the stand, he would have to tell a story that would agree in some parts with McParlan's, or his testimony would do him no good, and as he did not dare to go upon the stand if promises were made to him by the commonwealth, he simply signified his willingness to become a witness, and to tell his story. Of course, he has had no conversation with the officers of the commonwealth, and, of course, they did not know what his story would be, but hearing the testimony of McParlan, he knew well that he must corroborate him in things which McParlan stated, or else his testimony would be valueless. In many essential particulars, his answer was always that he did not remember, or that he was not there when certain things occurred at that meeting in Mahanoy City.

Let us see, however, whether McHugh was not there at the meeting nearly all this time. We shall show to you, from the testimony of McParlan and McHugh, that there were several important things that Mr. McParlan testified to that McHugh says must have taken place while he was out of that room. McParlan tells you, however, that McHugh was there, and that before anything else took place it was suggested that McHugh should obtain writing materials in order to write out the minutes of the meeting; that that was the

first thing that took place in that convention, and therefore Mr. McHugh must have been there at the beginning of the convention, and he remained there until its close, so that he must have been in that room all the time that these matters transpired, and if Dennis F. Canning volunteered, as Mr. McParlan says, to send men over from Northumberland County, if they wanted them for the commission of this crime, and Mr. McParlan heard it, and, if as he says, Mr. O'Donnell heard it, then Frank McHugh must have heard it, because he was there from the beginning of the meeting to the end; and the only time he could not have heard it must have been when Dennis Canning and himself were engaged in conversation on one side of the room. I, therefore, take it that if that remark was made, McHugh must have heard it, because that was the only time that he was not in the body of the meeting; and, if he did not hear everything that was going on, it was when he was engaged at one side in a conversation with Canning.

We shall show to you, and ask the court to say to you, that McHugh, being an accomplice in this crime, his testimony needs corroboration, and that standing alone it is worth nothing at all. We shall argue to you in the closing of this case that both McParlan and McHugh are accomplices in this crime, and shall ask the court to charge that the testimony of one accomplice is worth as much as a dozen, and that if twelve accomplices should go upon that witness-stand and detail the same state of facts, a jury would not be able to convict upon their testimony, if uncorroborated.

But so far we have not seen a word of corroboration. Corroboration cannot be merely in the fact that McParlan came into this county as a detective, or that McParlan went to Jack Kehoe's, but there must be a corroboration as to the real and essential facts in the case. The only particle of corroboration of this story of McParlan's told upon this stand, has been the testimony of Thomas.

Upon the testimony of the witnesses the Commonwealth have rested their case, and in reply the defence has but little testimony to offer. In the first place, you must remember that every man who was present at that meeting, when this conspiracy is alleged to have been conceived, has been arrested. Their mouths are closed, and we cannot detail before you one single thing that there took place. No matter if nothing at all took place; if nothing was said in regard to these matters which the Commonwealth's witnesses have testified to; no matter how innocent the prisoners may be, they never can prove it.

The key is alone in the hands of McParlan and McHugh; they are accomplices, theirs is the only story we can take, and we are placed in such a position that our story is worth nothing. We shall present the few things that I have detailed before you in rebuttal of the testimony of the Commonwealth, and we shall further go on to show you that these men, prior to the commission of this alleged offence, were men of good character; that the majority of these men have lived and grown up in Schuylkill County, and that a great many of them have been well known here, and that until this charge was brought against them their characters were unimpeached and unimpeachable. We shall show you that Canning, the only man who lives outside of this county, is a man whose character is beyond reproach, and that not a word can be said against it. But in reply to this, the Commonwealth will say that these men are Mollie Maguires, and rest their case, believing that that accusation alone will be sufficient to convict them of this charge. If they were Mollie Maguires, or members of this Ancient Order of Hibernians, I cannot conceive why that should militate against them. The Ancient Order of Hibernians is a legal association. It claims your respect just as much as the Masons or the Independent Order of Odd Fellows. The society is chartered by the State of Pennsylvania, and the act of Assembly incorporating the Ancient Order of Hibernians was approved the 10th of May, 1871. The objects of the Order as set forth in the charter are these:

"To promote friendship, unity, and true Christian charity among its members, and generally do all and singular the matters and things which shall be lawful, to the wellbeing and good management of the affairs of said association, and shall have and exercise all the rights, privileges, and immunities

necessary for the purpose of corporation hereinafter stated, not inconsistent with this charter and the Constitution and laws of the United States and of this Commonwealth."

We shall also place in evidence the constitution of the Ancient Order of Hibernians, and we will show you that the Order not only possesses a constitution, but that it is lived up to. The object of the Order, as declared in the preamble of their constitution, is this:

"The members of this Order do declare that the intent and purpose of the Order is to promote friendship, unity, and true Christian charity among its members, by raising a stock, or supporting a fund of money, for maintaining the aged, sick, blind, and infirm members, and for no other purpose whatsoever."

The witness, McHugh, told you that he was one of the members of this organization for over a year, that all the time he was a member he never knew of any crime being considered, being proposed, or being carried out by the organization; and that the first time he ever heard of crime being mentioned in connection with the organization was at the meeting in Mahanoy City on the 1st day of June. I will almost venture to say that there is not a man in this organization in this county, or the adjoining county, who, to-day, can say that they ever heard of crime being spoken of in the organization, and I will go still further and say I believe that three years ago, before this man McParlan came into this county, there was not a man in the organization of the Ancient Order of Hibernians who had ever heard crime proposed or even spoken of in their councils. McParlan himself does not pretend to say that he has *discovered the perpetrators of* the crimes committed prior to his coming into this county, and, as he is now engaged in the prosecution of crimes which are alleged to have been committed since that time, I think it is fair to assume that even if he did not propose the commission of the crimes, he, at least, aided and abetted the men who are now on trial for these offences.

Then we say to you that these men being members of the Ancient Order of Hibernians, and the objects of this association being legal and just, the mere fact of the connection with the organization of those who proposed crimes does not make it criminal in its character, and the mere fact of this informal meeting of the organization which was not countenanced by it, at which crimes were spoken of or proposed, should not reflect upon the character of this organization and upon these men who stand indicted before you.

If we shall show you these facts as I have narrated them to you, we shall ask you to consider well before you render your verdict in the case. Consider the position which McParlan and McHugh occupy before you. Consider what McParlan came here to do, and what he has done. Consider the part which he has taken in the crimes of which these men are charged, and, if you make up your minds that he was in any way connected with the commission of these offences or either aided or abetted them in the commission of this crime, we say to you that McParlan is an accomplice, and that his testimony is worth nothing, and that the testimony of McHugh and Mr. Thomas is not such testimony as corroborates him; and, therefore, under no law of the commonwealth of Pennsylvania could you render a verdict of guilty against these prisoners.

THE DEFENDANTS' EVIDENCE.

MRS. DENNIS MURPHY, SWORN AND EXAMINED.

By Mr. Ryon.

Q. Where did you reside on the 26th of June, 1875? A. Connor's Middle Patch.

Q. How far is that from where Kehoe lives in Girardville? A. Well, I guess it is about three-quarters of a mile, to the best of my knowledge.

Q. Do you recollect the day that Mrs. Kehoe was confined, in June, 1875? A. Yes, sir; well, I do not remember the day, but I know I was there on the day she was confined.

Q. Well, it was her last confinement? A. Yes, sir.

Q. You recollect that it was in June, 1875, do you not? A. Well, I don't recollect the date; but I know it was on that day Mr. Kehoe came for me.

Q. Were you at Kehoe's house that day? A. Yes, sir.

Q. What time did you go there; how did you come to go there? A. Well, I was washing on that day; Mr. Kehoe came after me about one o'clock, to the best of my knowledge, and told me to get ready very quick and go down; that Mrs. Kehoe was sick and she wanted me. So I left my washing stand, and dressed myself and went down, and left Mr. Kehoe at my house, and when I got there Mrs. Kehoe was well, and her baby was born, dressed and all. I stopped there to very near six o'clock, to the best of my knowledge; and then I stood up and prepared to go home, and, at that time, Mr. Kehoe came in and came upstairs. It was very near six o'clock, because I got up and told Mrs. Kehoe that I would go home and return again. I would get supper and return again, and stop up with her that night; and it was very near six o'clock.

Q. You left Kehoe at your house? A. Yes, sir.

Q. Who else was around the house, at Mr. Kehoe's, that day? A. Well, there was nobody there when I went in, only her mother-in-law and the maid, and another old lady in the kitchen when I went upstairs.

Q. Tell us where the stairs to go up to the second story are in that house? A. It is right in the entry; just as you pass into the entry door you turn to the left, into the kitchen, and go upstairs.

Q. How often were you up and down those stairs that afternoon? A. Not only once. I came down into the kitchen.

Q. What time was that? A. Well, it might be about four o'clock. I came down in the kitchen.

Q. Was there anybody in the kitchen at that time? A. Nobody but the maid and old Mrs McDonald, Kehoe's mother-in-law.

Q. Did you see anybody in the bar-room at that time? A. Nobody that I saw.

Q Did you go into the bar-room at that time? A. No, sir.

Q. State whether you could see in the bar-room from where you were? A. Yes, sir; there is a door, half glass and half wood, and I could see into the bar-room.

Q. Did you see anybody there? A. No, sir.

Q. State whether you saw Kehoe at his house or heard him there any where through the house, from the time you went to Kehoe's until six o'clock when you say he came in the house and came upstairs? A. No, sir; to the best of my knowledge, as soon as Kehoe came from my house to his own he came upstairs.

CROSS-EXAMINED.

By Mr. Kaercher.

Q. What time did you get to Kehoe's house? A. Well, I guess it was nearly two o'clock. It took me some time to dress myself and get ready to go down.

Q. By which door did you go into the house? A. I went into the sitting-room door, and went right in through the sitting-room and upstairs.

Q. Did you go into the kitchen? A. Yes, sir; you had to go into the kitchen to go upstairs.

Q. You did not go into the bar-room at that time? A. No, sir.

Q. When you came down, about four o'clock, you did not go into the bar-room? A. No, sir.

Q. You paid no attention to who was in the bar-room, if there was anybody, did you? A. No; I did not pay any attention, but I could see through from the kitchen as I came down.

Q. Did you look through? A. Yes, sir; I looked through.

Q. And could not tell whether there was anybody there? A. No, sir; there was not one.

Q. Could you tell whether it was five o'clock when you came down stairs? A. Well, it might have been between four and five, to the best of my knowledge.

Q. And you did not see Kehoe from the time you left him at your house until you saw him about 6 o'clock coming upstairs into his wife's room? A. No, sir; that is the first time I saw him after leaving him at my house.

Q. Where he was from the time you left him at your house until 6 o'clock, you do not pretend to say? A. No, sir; I do not know where the man was.

Q. What time did you leave your own house; half-past 1 o'clock? A. It might be between 1 and 2 o'clock.

Q. How long does it take you to walk from your house to Kehoe's; half an hour? A. No, sir; it might take me fifteen to twenty minutes to go pretty lively. I am pretty stout, and cannot walk very quick.

By Mr. Albright.

Q. Who had charge of the bar in the bar-room? A. Well, I guess the maid, to the best of my knowledge.

Q. Do you know? A. To the best of my knowledge I think it was the girl —the maid.

Q. You did not go into the bar-room at all? A. No, sir; I did not go into the bar-room at all. I sat down at the table.

Q. You remained upstairs with Mrs. Kehoe until between 4 and 5 o'clock? A. Yes, sir.

GEORGE BARNARD, SWORN AND EXAMINED.

By Mr. Ryon.

Q. Where do you reside? A. Girardville.

Q. How long have you lived there? A. Going on seven years—very near seven years.

Q. You are acquainted with John Kehoe? A. I lived about three yards away from him.

Q. How long have you been acquainted with him? A. Well, I knew him for the last—since 1854 or 1855.

Q. State what his reputation, prior to this charge against him, was for peace and good order? A. Well, I never heard anything out of the way—that is, I never seen anything out of the way.

Q. What did you hear? A. I never saw much out of the way.

By Mr. Hughes.

Q. No, no; what did people say of him? A. I do not know that I saw anything.

Q. You were not asked what you saw. What did people say about him? A. Well, as to reputation, there is some talk that he kept the Hibernian House; that I seen on the sign. That is all I know.

By Mr. Ryon.

Q. That is all you ever heard against him? A. Never heard anything but what people was talking.

Mr. Hughes. That is just it—what people say about him.

By Mr. Ryon.

Q. What did people say about him for peace and good order in the community where he resided? A. Well, I cannot tell you; I do not know much about the affair. I believe people talked about him having been so and so, but then I never knowed anything myself.

Q. Did you hear anything against him, except this matter of Ancient Hibernians? A. I don't know as I did.

Q. He had that on his sign, had he not? A. He had that on his sign.

CROSS-EXAMINED.

By Mr. Kaercher.

Q. How long have you known Kehoe? A. Well, I knowed him since about 1854 or 1855. I think he left me then. That was in Middleport, where I got to know him, and he moved away, and I had not saw him for a number of years—I guess about 1862.

Q. Where did you get to know him? A. I think he worked a short time at St. Nicholas, at the place where I was superintendent.

Q. When did he first begin to keep the headquarters for the Hibernians? A. That must be some four years ago, I think, but I am not positive. I think so.

Q. Tell us who the people said the Hibernians were? A. Well, they generally call them the Mollie Maguires.

Q. State whether or not his place was reputed to be the headquarters of the Mollie Maguires in Girardville? A. It was, by some folks.

Q. Will you tell us whether the reputation of the Mollie Maguires was peaceable and orderly? A. No; I do not think—

Mr. Ryon. One moment.

Mr. Kaercher. We will withdraw the question, and get at it in another way. (To the witness.) You stated you had not seen him do anything? A. No, sir; I never was in his company.

Q. Never knew him to be concerned in any breaches of the peace—in fighting? A. Yes, sir; I seen him in scuffles, and I seen him tight already.

Q. How often have you seen him in a scuffle? A. Well, not more than once or twice.

Q. How often have you heard of his being engaged in any fighting? A. I do not know that I have heard of any other time.

Q. What did people say about his reputation for peace and good order? A. Well, I do not know as I have ever heard of anything until this thing has happened here. I have heard people talking off and on about his character, but then I could not tell you who it was any more. It was a general talk by everybody.

Q. Did you hear it discussed before he was arrested? A. Well, I heard people say he was keeping such and such a place.

Q. The headquarters for the Mollie Maguires? A. Yes, sir.

Q. Did they say his character for peace and good order was good or bad? A. I do not know as I heard either. I do not know as I have heard people talking about him, good or bad. I have never seen the man do anything out of the way to my knowledge.

Q. But when they did discuss his character, they alluded to him as keeping the headquarters for these men? A. Yes, sir.

W. T. CREESE, M.D., SWORN AND EXAMINED.

By Mr. L'Velle.

Q. How long have you known John Kehoe? A. Between three and four years.

Q. Where have you known him? A. In Girardville.

Q. Have you known him personally or by reputation? A. I have known him personally.

Q. From what you know of Kehoe, what is his reputation for peace, good order, and good conduct? A. I never heard anything against him for peace and quietness.

Q. Did you ever hear of his having been engaged in any acts of violence or breaches of the peace? A. No, sir.

Q. Nor do you know of your own knowledge that he has been so engaged?

Mr. Hughes. Never mind what it is he knows of his own knowledge.

The Witness. Am I to answer that question?

Mr. L'Velle. No, sir; not if it is objected to.

CROSS-EXAMINED.

By Mr. Kaercher.

Q. When did you get to know Kehoe first? A. I think three years ago last April.

Q. When people talked about his character for peace and good order, what did they say? A. Well, I never heard anybody talk very much about him.

Q. Tell us what you did hear talked about him? A. Well, I heard some people say that he was a good citizen, and I heard some people say that he was a Mollie; that is about all.

Q. Did you hear that he kept the headquarters for the Mollie Maguires in Girardville? A. No, sir; I cannot say that I ever heard it.

Q. You never heard that? A. I heard him called a Mollie.

Q. Did you hear that he kept the headquarters for the Hibernians? A. No, sir.

Q. You did not hear that? A. No, sir.

Q. You do not know that he has that upon his sign? A. I know he has "Hibernian House" on his sign; I believe that is the sign.

Q. Who have you heard say that he was a good citizen? A. Well, I heard many people say that he was.

Q. Tell us the name of one person? A. I could not really tell you the name.

Q. You could not give us the name of one? A. No, I could not.

Q. How many persons have you heard say he was a Mollie? A. Well, I heard it just in common conversation.

Q. Heard it frequently? A. Well, I heard it more than once. I could not say very frequently; perhaps once or twice.

By Mr. Hughes.

Q. You say that the reputation of Kehoe for peace and good behavior is good, as far as you know? A. As far as I know.

Q. Yet you have heard him called a Mollie? A. Yes, sir, I have.

Q. Do you understand that a man's reputation for peace and good behavior is good, and yet he can be a Mollie? A. Well, so far as I personally can tell. I say again I never saw anything wrong about Kehoe.

Mr. L'Velle. We object to that as irrelevant and improper.

Judge Walker. This point arose in the trial of the other cases, and it was ruled upon and admitted before. If the Commonwealth press it we will admit it.

Mr. Hughes. We do not care about pressing it any farther.

W. A. Marr, sworn and examined.

By Mr. L'Velle.

Q. You are a practicing attorney of this bar? A. I am.

Q. Where do you reside? A. Ashland.

Q. Do you know John Kehoe, this defendant? A. I do.

Q. How long have you known him? A. I cannot tell exactly; five, six, or seven years, perhaps.

Q. Will you please tell us if you know what has been his reputation in the vicinity where he lives, since you have known him, up to the time of his arrest, for peace, good order, and quiet? A. I never heard anything against him.

Cross-examined.

By Mr. Hughes.

Q. You never heard that he was a Mollie Maguire? A. I have.

Q. And yet you say you never heard anything against him? A. Nothing against him except that.

John H. Kemmerer, sworn and examined.

By Mr. L'Velle.

Q. You are a resident of Ashland? A. Yes, sir.

Q. Do you know John Kehoe, one of the defendants here? A. I do.

Q. How long have you known him? A. About five years.

Q. From your knowledge of him, what has been his reputation for peace and good order in the vicinity where he lives? A. Well, good, as much as I know.

Cross-examined.

By Mr. Hughes.

Q. You never heard anything against him? A. Nothing, but that he was a member of the Ancient Order of Hibernians.

Q. Do you know who they are? A. No, sir.

Q. Are they not reputed to be Mollie Maguires? A. Well, I believe that is the name, the Mollies.

Q. Then you had heard that he was a Mollie Maguire? A. I heard it, but I do not know whether he is such or not.

Q. I am not asking you what you know. I asked you whether people said so? A. Yes, sir.

Q. You had heard that he was a Mollie Maguire how long ago? A. Well, two or three years.

Q. And you regard that as nothing against his reputation to be a member of the Mollie Maguires?

Mr. Ryon. We object to that.

By Mr. Hughes.

Q. How do you reconcile the fact that he was a Mollie Maguire with your statement that his reputation for peace and good order is good? A. I reconcile it in this way, that all the business he had with me was right and proper and just; and the other, hearing that he was a Mollie Maguire was only hearsay.

Q. Do not you know you are called to the witness-stand to testify to nothing but hearsay, and that what you know of your own knowledge is not evidence at all; and do not you understand that all you can tell on that witness-stand is hearsay and nothing that you know of your own knowledge; it is only what people say of him? A. Well, that is all I heard people say, that he was a member of the Ancient Order of Hibernians, so-called Mollie Maguires.

Q. Then I ask you how you reconcile the fact that he was a member of the Ancient Order of Hibernians or Mollie Maguires with your statement, under oath, that his reputation—not what you know—but that his reputation was good; how do you reconcile those two things? A. For the very reason the one I have only got from hearsay.

Q. Do you not get reputation from hearsay? A. Yes, sir.

Q. Very well; you got that from hearsay? A. Yes, sir.

Q. And you know from hearsay that he was a Mollie Maguire? A. Yes, sir.

Q. Then you have got both from hearsay? A. No, sir; he has done work for me also.

Q. You were not asked what you knew about him; the question was what his reputation was, that is, what people say about him. That is the question, and you have sworn that what people say about him was good, and yet you swear that people say that his reputation is that he was a Mollie Maguire. How do you reconcile those two statements? A. I reconcile it that I have only got it from hearsay.

Q. Got what from hearsay? A. That he is a Mollie Maguire.

Q. Do you understand, then, that a Mollie Maguire is a man of good reputation for peace? A. Not if they act as is reported.

Q. Not if they act according to reputation? A. According to reputation.

Q. Then why do you say that his reputation is good, and yet that he has the reputation of being a Mollie Maguire? A. For the simple reason that all the business we had together he done right and proper.

Q. The business you had together is not reputation at all, understand that; it has nothing to do with reputation. You said his reputation was good, that is, what people say about him is good, and yet you say that the people say of him that he is a Mollie Maguire? A. Yes, sir.

Q. How do you reconcile those two things? A. I cannot answer any other way, only that I got the other from hearsay that he is a Mollie Maguire.

Q. Then is the reputation that you have heard of him, that is, what people say of him for peace and order, good or bad, outside of what you know yourself? A. His reputation outside of that is bad.

By Mr. Albright.

Q. Have not you said to Captain Linden and others, that he was a very bad man? A. If so as reported.

RE-EXAMINED.

By Mr. Ryon.

Q. You never heard anything against Kehoe having been engaged in violation of the peace, did you, personally?

Mr. Hughes. That is not a question for the defence.

Mr. Ryon. That is in explanation of his former answers.

Mr. Hughes. We have not asked a question as to what he heard of Kehoe's connection with individual breakers of the peace.

Judge Walker. Let him answer.

The Witness. I did not; not until after his arrest.

DANIEL EYSTER, SWORN AND EXAMINED.

By Mr. L'Velle.

Q. You are the chief burgess of the borough of Girardville? A. Yes, sir.

Q. And had been last year? A. The second time.

Q. How long have you known John Kehoe? A. I have known him four years.

Q. Where have you known him; in Girardville? A. Yes, sir.

Q. From your knowledge of Kehoe, what is his character for peace and good order in that town? A. So far as I can say, he was a peaceable man.

Q. What do people say of him? A. Well, he was blamed for being a Mollie.

Q. Have you ever known him or heard of his being engaged in any crime?

Mr. Hughes. We object to that. What has been his reputation is what must be shown.

By Mr. L'Velle.

Q. What is his reputation, in the town of Girardville, among the people? A. I do not know. I told all the men—

Q. Never mind that; what do the people say of him for peace and good order? A. He was blamed for a Mollie. As to good order, he kept good order.

Q. I am not asking you about John Kehoe as a Mollie, but John Kehoe as a citizen; do you understand the question?

By Judge Walker.

Q. What is his general reputation for peace and good order? A. He kept good order as long as I saw, while I was there.

CROSS-EXAMINED.

By Mr. Hughes.

Q. You were asked, not what you know about him yourself, but what his reputation is—what people say of him. Now, from what people say of him, is his reputation good or bad?

By Mr. Ryon.

Q. Prior to his arrest? A. Well, he was blamed for a Mollie.

By Mr. Hughes.

Q. I ask you the question directly: From what people say of him, and his being blamed for being a Mollie, was his reputation good or bad? A. I do not understand that exactly.

Q. You do not understand that reputation is what people say of him? You are Chief Burgess of the town of Girardville, and do not understand that? A. Well, they said he was a Mollie.

Q. You have said that he is blamed for being a Mollie, that is what people say of him; now then, from what people say of him, is his character good or bad? A. Well, that I cannot say; I cannot say what people said.

Q. You have just told us that people blamed him for being a Mollie. A. Yes, but I cannot say whether he is or not.

Q. I did not ask you whether you could or not; I asked you what his reputation is, whether from what people say of him his reputation is good or bad? A. Well, I cannot say; he is blamed for a Mollie; that is all I know and all I can say.

RE-EXAMINED.

By Mr. L'Velle.

Q. This is your second term to be burgess for Girardville? A. Yes, sir.

Mr. L'Velle. That will do, Mr. Burgess.

By Mr. Albright.

Q. Jack Kehoe has been constable while you were burgess, has he not? A. Yes, sir.

Q. And it is his second term, is it not? A. Yes, sir.

By Mr. Ryon.

Q. Grant was president, was he not, while you were burgess? A. I guess so.

JOHN HOWER, SWORN AND EXAMINED.

By Mr L'Velle.

Q. Where do you live; in the town of Girardville? A. Yes, sir.

Q. How long have you known John Kehoe? A. I could not tell you exactly; some three or four years, I suppose.

Q. Since you have known him, what has been his reputation for peace and good order in that town? A. As far as good order is concerned, that is all right; so far as good order is concerned I do not know anything against him. As far as reputation goes, that is rather bad.

Q. Do you mean when you say his reputation is rather bad, that his reputation, as you say now, includes good order or peace, or is it for something else? A. I never saw anything out of the way with the man.

Q. I ask you then, since your knowledge of Kehoe, extending four or five years as you say— A. Three or four.

Q. What has been his reputation for good conduct and good order, where he has lived? A. Well, as far as good order is concerned, he has always been good; as to—

Q. Now, as to good conduct? A. As to his conduct, that has always been good, but as far as the reputation goes, I never did hear much good.

Q. Please understand me, and do not talk so contradictorily; I ask you what his reputation in the neighborhood has been? A. One question at a time, and I will answer it.

Q. What do you people in the town of Girardville say about his behavior and conduct? A. His behavior is good, and his conduct, as much as I know, I never knew anything against him to my own knowledge.

CROSS-EXAMINED.

By Mr. Hughes.

Q. It is not what you know, but what the people say of him, that you are asked. From what the people say of him, what has been his reputation; was it good or bad? A. It is bad in my estimation.

RE-EXAMINED.

By Mr. Ryon.

Q. What do they say he was bad about?

Mr. Hughes. I object to that. The defendants have no right to cross-examine their own witnesses.

Judge Walker. He was asked with reference to Kehoe's reputation.

Mr. Hughes. Yes; but they can only ask him the general question.

Mr. Ryon. I will ask him a general question.

To the witness. What do you people say about his character for peace and good behavior? A. As far as his peace and behavior is concerned, I guess it is good as much as I know.

Q. What do they say about his character for peace and good behavior? A. That is good as much as I know. His peace is good, and as far as behavior is concerned, I have never known anything against him.

SAMUEL GREEN, SWORN AND EXAMINED.

By Mr. Ryon.

Q. Where do you reside? A. Girardville.

Q. How long have you known Kehoe? A. Somewhere between three or four years, I guess.

Q. What do the people say in the community where he lives about his character for peace and good order? A. I never heard anybody say anything against him.

CROSS-EXAMINED.

By Mr. Hughes.

Q. Did you never hear anybody say that he was a Mollie Maguire? A. I do not know that ever I did.

Q. You have lived in Girardville how long? A. About thirteen years, I guess.

RE-EXAMINED.

By Mr. L'Velle.

Q. You are not an Irishman? A. No.

HENRY SCHOFSTALL, SWORN AND EXAMINED.

By Mr. L'Velle.

Q. You are justice of the peace at Girardville? A. Yes, sir.

Q. How long have you been there? A. On the 16th of last July, it was four years.

Q. How long have you known John Kehoe? A. I know John Kehoe about four years; a little better I think.

Q. What has been his reputation for peace and good order in Girardville since you have known him? A. For peace and good order I never heard say anything wrong against the man.

CROSS-EXAMINED.

By Mr. Hughes.

Q. Did you never hear that he was a Mollie Maguire? A. I heard the expression more than once.

Q. Did you hear that his house was the headquarters of the Mollie Maguires? A. Not that I know of.

Q. Have you heard that he was a leading man among the Mollie Maguires?

By Mr. Ryon.

Q. Prior to his arrest? A. No, not that I know of.

By Mr. Hughes.

Q. All that you ever heard of him was that he was a Mollie Maguire? A. I heard, as a general talk, a great deal of speech between nationalities and men. Some would say this about the man, and another would say another, more or less prejudice existing.

Q. What do people say; that is what we are talking about. What did you hear said about John Kehoe? A. John Kehoe behaved himself very clever and decent, as far as I know.

Q. It is not what you know about him, but what people said? A. Well, some will say good and some will say bad.

Q. You have heard it both ways, have you? A. Yes, sir.

Q. For how long past? A. Well, only for lately; I could not say; five or eight months, or the like of that.

Q. Then you heard some people say good and some say bad? A. Yes, sir.

Q. And often heard that he was a Mollie Maguire? A. Some will term, more or less, actually a great number of Mollie Maguires, no doubt; and I have heard it often said to myself that he was a Mollie Maguire. Others will say they don't believe it.

Q. But he had the reputation of being a Mollie Maguire? A. It is a kind of a talk; yes.

AUGUSTUS SCHLASEMAN, SWORN AND EXAMINED.

By Mr. L'Velle.

Q. How long have you known John Kehoe? A. In the neighborhood of about four years.

Q. At Girardville? A. Yes, sir.

Q. What has been his reputation for good order and good conduct in the neighborhood of Girardville since you have known him? A. Well, the order was good enough; nothing bad, as he did nothing wrong, or something like that; I can't say much against them.

Q. Against whom? A. The Order was good enough. I can't say nothing about bad behaving.

CROSS-EXAMINED.

By Mr. Hughes.

Q. It is not what you saw yourself, but what people say about him that you are asked. What do the people say about him? A. Well, of course; I see more as I see doing. I hear some hard names and talk about being a Mollie.

Mr. Ryon. Prior to his arrest; do not speak of anything you heard since his arrest. Speak of his reputation prior to his arrest.

By Mr. Hughes.

Q. You said you heard the people talking hard names about him? A. Yes; on account of his being a Mollie Maguire, and what talk there was about it.

Q. That you have heard of him for how long before? A. That is since he has been in Girardville.

Q. Since you have been in Girardville? A. No; I am longer there than he is; since he has been there.

Q. Has his house been reputed to be headquarters of the Mollie Maguires? A. Yes, I heard that.

MARTIN MONAGHAN, SWORN AND EXAMINED.

By Mr. L'Velle.

Q. Do you know John Kehoe? A. Yes, sir.

Q. How long have you known him? A. Well, I think between three and four years.

Q. You reside at Ashland? A. Yes, sir.

Q. During the time you have known John Kehoe what has been his reputation for peace and good order? A. Well, as far as I have known him, it was pretty good at the time I knew him.

Q. When did you know him? A. I have not been there for three years much, and previous and since I did not hear much to the contrary except what I have seen in the public prints since the arrest. I heard nothing prior to the arrest.

CROSS-EXAMINED.

By Mr. Hughes.

Q. You never heard he was a Mollie Maguire? A. No, sir; not until his arrest.

Q. Do you live in Girardville? A. Ashland.

Q. Did you not hear that he belonged to the Ancient Order of Hibernians? A. No, sir; not until after the arrest.

CAPTAIN JOHN MCCLEE, SWORN AND EXAMINED.

By Mr. L'Velle.

Q. Where do you reside? A. In Locust Gap.

Q. What county? A. Northumberland.

Q. You are a justice of the peace there? A. Yes, sir.

Q. How long have you been so? A. I was elected in 1869, the first term.

Q. And have been acting as justice of the peace since 1869? A. Yes, sir.

Q. How long have you known Dennis F. Canning? A. Well, I suppose about five or six or seven years, perhaps.

Q. Where have you known him? A. In Locust Gap.

Q. From your knowledge of Dennis F. Canning, what has been his reputation, prior to the arrest, for peace and good order? A. I never heard his character called in question at all.

CROSS-EXAMINED.

By Mr. Hughes.

Q. You never heard he was a Mollie Maguire? A. Yes, sir.

Q. You say you have heard that he was a Mollie Maguire? A. Yes, sir.

Q. How long ago? A. Well, I heard that he was head man of the Mollie Maguires shortly after Hester and Smith were sent to the penitentiary.

Q. Did he succeed Hester? A. That I don't know.

Q. Was it his reputation among the people that he was the successor of Pat Hester among the Mollie Maguires? A. No; I did not understand it that way. I do not think that Hester was the head man of them at that time. I do not think that Hester was. The general understanding was that Pat Smith was.

Q. Then Canning succeeded Smith, according to reputation? A. There was some considerable time elapsed between the times that Dennis F. Canning took control of them.

Q. Is it not the reputation of Canning that he did take the place in the Mollie Maguires that Pat Hester once held? A. Yes, sir; that is the way I understood it.

Q. You have heard that Dennis F. Canning is a Mollie Maguire; that he is a leading Mollie Maguire; that he took the place of Pat Hester; and yet you say you never heard anything against his reputation. How do you reconcile those two statements? A. Well, I would reconcile it in this way. After Smith and Hester were sent to the penitentiary, as far as my general information is concerned, they reorganized on a new basis in our place, and I never heard of any depredations in Locust Gap while Canning was the head of the Order there.

Q. In Locust Gap! Have they their organization throughout the whole county of Northumberland? A. I do not think they have.

Q. Have they not an organization through the whole coal regions? A. I do not think it extends beyond Locust Gap and Mount Carmel, in our county.

Q. Does it not include Shamokin? A. I do not think they have an organization there.

Q. You say you have heard of no outrages in your county since Canning was there? A. No, sir.

Q. Were not Dreyer and Hoffman killed since then, in your county? A. I did not know those men at all.

Q. Two men murdered just outside of Shamokin? A. I did not know that there were two men of those names murdered in our county.

Q. You did not know that by reputation? A. No, sir; Dreyer and Hoffman?

Q. Yes. A. No, I did not know any such names; I do not think it was so, either.

Q. Where do you live? A. Locust Gap.

Q. How far is that from Mt. Carmel? A. Well, it is about two miles and a half.

Q. Did you hear of the murder of Hesser? A. Yes, sir; he was the coroner of our county.

Q. Is not that a reputed Mollie Maguire murder?

Mr. Ryon. I object to that.

The Witness. A. Not in our place it was not reputed so.

By Mr. Hughes.

Q. Have not you heard of an attempt to blow up a bridge a little west of Ashland by putting dualin powder under it? A. That was about a mile from where I lived in Locust Gap; yes, sir; I heard that.

Q. Has not that been since Canning has been at the head of the Order there? A. Yes, sir.

Q. Have you not heard of men attacking the locomotive engines, firing at them as they went by? A. Yes, sir; I did.

Q. Has not that been since Canning was at the head of the Order? A. Yes, sir.

Q Are not all those reputed Mollie Maguire outrages? A. No, sir; they are not.

Q. They are not reputed Mollie Maguire outrages? A. No, sir; not in our place they are not reputed so.

Q. You do not recollect that murder of Dreyer and Hoffman? A. I do not recollect as I ever heard those names in our county.

RICHARD DOYLE (COLORED), SWORN AND EXAMINED.

By Mr. L'Velle.

Q. Where do you reside? A. Locust Gap.

Q. What county? A. Northumberland.

Q. Do you know Dennis F. Canning? A. I do.

Q. How long have you known him? A. I suppose six years.

Q. In Northumberland County? A. Yes, sir.

Q. During the time you have known him, what has been his reputation for peace and good order? A. I have never heard him charged with anything wliile I knew him, prior to the time that he was arrested.

CROSS-EXAMINED.

By Mr. Hughes.

Q. You never heard that he was a Mollie Maguire? A. I heard that he was a Hibernian, and I always thought that there was a difference between a Hibernian and a Mollie Maguire.

Q. You never heard he was a Mollie Maguire? A. I could not exactly recollect; I suppose I did sometimes; but I did not hear generally that he was a Hibernian.

Q. You did hear sometimes that he was a Mollie Maguire? A. I suppose I did.

Q. Did you hear he held the same place that Pat Hester used to hold in Northumberland County? A. I heard he held an office in the society.

Q. It was the leading county office in the society, was it not? A. Well, in fact, I am not aware of the offices.

Q. I do not suppose you are; I do not want you to be aware of them; but I want to know whether you heard that he held a high office in the society? A. I believe it is the impression he had some office in it; but the degree of the office he had I cannot state, any more than he was higher than some that was in it.

Q. How long were you aware of that fact? A. It may be three or four years.

JOHN N. EVANS, SWORN AND EXAMINED.

By Mr. L'Velle.

Q. You reside at Mt. Carmel, Northumberland County? A. Yes, sir.

Q. How long have you known Dennis F. Canning? A. I have been personally acquainted with Canning somewheres, I think, about two years or over.

Q. Where have you known him? A. Well, I have known him as a resident in Mt. Carmel, and we have done business together occasionally.

Q. While you have known him what was his reputation for peace and good

order? A. I have known nothing of the man in his conduct with me, only that he was sober, perfectly upright, and a gentleman in all respects.

Q. What was his general reputation? A. His general reputation was good.

CROSS-EXAMINED.

By Mr. Hughes.

Q. It is what the people say about him that you are to state? A. Well, there is many rumors, I could not say. There is a great many stating information in this court, and stating they are Irishmen and Mollie Maguires, and consequently I never paid much attention to them. I never did. I never made a habit to do it.

Q. You are not asked for what you may think, but for what the people say about him? A. I could not say what people say, because there are hundreds of stories, some of them good and some of them bad; I do not think I would do justice to him or justice to myself if I paid attention to them.

By Mr. Ryon.

Q. What was his reputation prior to his being arrested? A. Prior to his being arrested I never heard people say anything about him.

By Mr. Hughes.

Q. You did not hear he was a Mollie Maguire? A. I did not hear his name pointed out as a Mollie Maguire at all.

BENJAMIN RESSLER, SWORN AND EXAMINED.

By Mr. L'Velle.

Q. Where do you reside? A. Excelsior, Northumberland County.

Q. How long have you resided there? A. About eight years.

Q. Do you know Dennis F. Canning? A. I do.

Q. How long have you known him? A. About fifteen months.

Q. What is his reputation for peace and good order? A. As far as I have known him it has been good.

Q. What has been his reputation? A. Good.

Q. You never heard anything against him? A. No, sir.

CROSS-EXAMINED.

By Mr. Hughes.

Q. You never heard him called a Mollie Maguire? A. Not directly.

Q. "Not directly." What do you mean by that? A. Not to say that he was.

Q. Did you hear people say that he was called a Mollie Maguire? A. I heard some people say that he was a member of the Ancient Order of Hibernians. I heard them say that he was.

Q. How long have you known that? A. It might be a year ago.

THOMAS MCDONALD, SWORN AND EXAMINED.

By Mr. L'Velle.

Q. Where do you reside? A. Locust Gap.

Q. Northumberland County? A. Yes, sir.

Q. How long have you resided there? A. Since 1861.

Q. Do you know Dennis F. Canning? A. Yes, sir.

Q. How long have you known him? A. I could hardly tell how long.

Q. How long, to the best of your knowledge? A. Six years, I should think.

Q. During the time you have known him, what has been his reputation for peace and good order? A. It has been good.

Q. Up to the time of his arrest? A. Yes, sir.

CROSS-EXAMINED.

By Mr. Hughes.

Q. You have been living at Locust Gap? A. Yes, sir.

Q. What have you been doing there? A. I have been at several businesses and works.

Q. What were they? A. I have been keeping tavern for two years; before that I was supervisor of roads; before that I was in the mines.

Q Are you a member of the Ancient Order of Hibernians? A. I do not know anything about them.

Q. Were you ever a member of that Order? A. No, sir.

Q. Have you ever heard that Canning was a member of that Order? A. I heard it talked of; yes, sir.

Q. You heard him called a Mollie Maguire? A. No; I never heard him called a Mollie Maguire.

Q. You never heard members of the Ancient Order called Mollie Maguires? A. Oh, I have heard it; yes, sir.

Q. You understand Mollie Maguires to be members of the Ancient Order of Hibernians? A Yes, sir; I understand them to be all one or the same kind of people.

JOHN KIMBLE, SWORN AND EXAMINED.

By Mr L'Velle.

Q. Do you know Dennis F. Canning? A. Yes, sir.

Q. How long have you known him? A. About four years.

Q. During the time that you knew him what has been his reputation for peace and good order? A. His conduct?

Q. His reputation for peace and good order? A. I cannot say anything about him.

Q. Where did you know him? A. Locust Gap.

Q. Did you reside there? A. I did.

Q. What was your business at the time you knew him? A. Coal operating.

CROSS-EXAMINED.

By Mr. Hughes.

Q. Did you never hear it said of him that he was a Mollie Maguire? A. Yes, sir.

Q. Then you have heard something about his character, have you not? A Well, as far as I know—

Q. Not what you knew; what people said? A. I heard them say he was a Mollie Maguire; that is all.

Q. How long have you heard people say that? A. Four years ago.

Q. And ever since? A. He belongs to it to-day, as far as I know.

Q. Do you know what place people said he held in the Order of Mollie Maguires? A After Pat Hester was put in jail, it was reported he took Pat Hester's place.

RE-EXAMINED.

By Mr. L'Velle.

Q. Do you not know that Dennis F. Canning was not in Locust Gap for two years after the arrest and conviction of Pat Hester? A. That I do not know.

Q. Hester was convicted in 1872, was he not? A. All that I know about Dennis Canning, he came to me and asked for work, and from that time I knew him.

Q. When was that? A. I think it was about four years ago this spring; he and three other men came right from the West. I did not know Dennis Canning myself at the same time; but I made inquiries about him.

Q. Where was that? A. That I do not know.

By Mr. Ryon.

Q. He was convicted for something about a burial? A. He had a trouble in Shamokin.

Q. It was since you started the new colliery that Canning came to ask you for work, was it not? A. He asked me in the old and the new.

EDWARD THOMAS, SWORN AND EXAMINED.

By Mr. Ryon.

Q. Where do you reside? A. Locust Gap.

Q. How long have you known Dennis Canning? A. I have known him for about six years.

Q. What do you people say of his reputation for peace and good order. A. His reputation was good since the first day I knew him until the present day.

CROSS-EXAMINED.

By Mr. Hughes.

Q. How long did you say you had known him? A. About six years.

Q. Did you ever hear he was a Mollie Maguire? A. I never heard that until the Saturday morning I heard he was arrested; I heard that the first time he was arrested.

Q. You never heard that he was the successor of Patrick Hester? A. No, sir; I heard that subsequent to the time he was arrested.

By Mr. Albright.

Q. How near did you live to him? A. Well, I guess about a hundred yards.

Q. Did you hear that he was a member of the Ancient Order of Hibernians? A. No, sir.

Q. You did not travel with him much? A. No, sir; I did not travel with him much, but I knew him well.

WILLIAM HARVEY, SWORN AND EXAMINED.

By Mr. Ryon.

Q. Where do you reside? A. Locust Gap.

Q. How long have you lived there? A. Between fourteen and fifteen years, I guess.

Q. How long have you known Dennis F. Canning? A. Between thirteen and fourteen years, to the best of my opinion.

Q. State what has been his reputation, up to the time of his arrest, for peace and good order? A. It has been good.

Q. Do you remember when Hester was prosecuted? A. Yes, sir.

Mr. Hughes. What is that for?

Mr. Ryon. To show that Canning was not there until two years after Hester was convicted.

Mr. Hughes. We object to your showing it in this way. The record is the best evidence of when he was prosecuted, if that is material.

Mr. Ryon. No, it is not. It is just what you have offered to show against us in this case.

Judge Walker. There has been a good deal of evidence on that point.

Mr. Hughes. This is a cross-examination to the credibility of your witness.

Mr. Ryon. We are calling his attention to an independent fact. It is our side of the case, and we have a right to do so.

Mr. Hughes. We object to the proof, unless it be made by legal evidence.

Judge Walker. Proceed.

By Mr. Ryon.

Q. Where was Canning before the time of Hester's conviction? A. I could not say; he was out West somewhere.

Q. Was he at Locust Gap? A. I could not say. He went West a couple of times; I do not know how long he was out there.

Q. You know he was not at Locust Gap? A. I do not know. I knew him when he was a little boy.

Q. You knew him when he came back to Locust Gap? A. Yes, sir.

Q. How long was he back? A. Three or four years, to the best of my information.

Q. Before he came back the last time, how long was he gone before he returned? A. He was out twice, I believe.

Q. How long was he gone the last time he was away, before he returned? A. I could not tell how long.

Q. Give us as near as you can, according to your judgment? A. Well, we never bothered to mind how long he was away.

Q. I know that; but I ask you to give the time, to the best of your recollection? A. I suppose he was away six years or better, or something like that, between the two times; I could not tell how long.

Q. You recollect when Hester was convicted, do you not? A. Yes, sir.

Q. About how long was that? A. I could not tell you the date of it. I only heard it remarked as it was coming on to the trial of this thing. We did not keep any date of it.

Q. Do you remember what the charge was against him? A. He was taken for the murder of Rae, or something like that.

Mr. Hughes. We object; we object. We want this ruled on now, whether it is evidence.

Judge Walker. How is this material?

Mr. Ryon. They have only made it material. They have cross-examined our witnesses and propose to say that Canning was the successor of Pat Hester.

Judge Walker. What do you propose to show?

Mr. Ryon. We propose to show that Pat Hester was convicted for the disturbance of a Catholic graveyard, and sent to prison for a term of years; that he was arrested, and, in pursuance of that arrest, convicted for the disturbance of that graveyard, and we propose to show that at the time of his arrest, and for two years after his conviction, this man Canning was not in the State of Pennsylvania at all. He was in the West.

Mr. Hughes. How is this witness competent to prove what is in a record in Northumberland County?

Judge Walker. It is a small matter. We do not think it is very material as to what the charge against Canning is; it can be proved.

By Mr. Ryon.

Q. Do you recollect what the charge was when Hester was convicted in Sunbury, when Smith, Gallagher and he were all tried together, I believe? A. Well, it was a dispute between the priest and them in the graveyard.

Q. What about? A. It was in the graveyard. I only heard of it. I was not there at the time either.

Q. It was about the Catholic graveyard was it? A. Yes; that is what I heard.

Q. Do you recollect whether Canning was living at Locust Gap at that time? A. I do not. I was not there myself at the time; I was away a few years myself down at a farm.

By Mr. Hughes.

Q. You heard Canning reputed to be a Mollie Maguire, did you not? A. I heard it talked about; that is all.

Q. And heard people say so?

Mr. Ryon. Prior to his arrest?

A. I heard some say it was their opinion, and that is all I have known of it.

By Mr. Hughes.

Q. How long have you heard people say so? A. Not very long.

Q. One, two, or three years? A. No; not to the best of my opinion, it is not so long.

Q. Was not Hester convicted of trying to force the burial of a Mollie Maguire in the Shamokin graveyard against the orders of the priest? A. I have been telling you I was not there at the time.

Q. I did not ask that, but what you heard, which is what you are to testify to. Was he not trying to force the burial of a Mollie Maguire? A. I heard so. I was not there at the time.

CAPTAIN JOHN MCCLEES, RECALLED AND EXAMINED.

By Mr. L'Velle.

Q. Do you recollect the trial and conviction of Patrick Hester? A. Yes, sir.

Q. John Gallagher and Patrick Smith? A. I do.

Q. Do you recollect when that was? A. Well, I think it was in August, 1873.

Q. Do you know whether Canning was living in Locust Gap at that time? A. No, sir; he was away; he was not there.

Q. How long after the trial and conviction did he return to Locust Gap; do you recollect? A. Well, it must have been pretty close on to five years. He came back shortly before Hester came out.

Q. Mr. Hughes asked Mr. Harvey a question whether or not it was because the party they wanted to bury was a Mollie Maguire that this riot took place. Do you recollect the circumstances attending the killing of Deagan at Locust Gap? A. He was not killed at Locust Gap; he was killed down below at the water station.

Mr. Hughes. Where are we running to?

Judge Walker. You may ask him whether he was imprisoned in consequence of forcing the graveyard.

Mr. L'Velle. That is not what I want to ask the witness, but whether, because Smith and Gallagher, Hester and others, reputed to be Mollie Maguires, had charge of the body, the priest refused to permit the burial of the body in the graveyard, and if the priest did not say, "Surrender the body to the union and I will take charge of it?"

Judge Walker. You are getting off from the subject.

GEORGE SCOTT, SWORN AND EXAMINED.

By Mr. L'Velle.

Q. Where do you reside? A. Locust Gap.

Q. How long have you resided there? A. About eighteen years.

Q. Do you know Dennis F. Canning? A. Yes, sir.

Q. How long have you known him? A. I guess about four years; between four and five.

Q. You have known him long; what has been his reputation for peace and good order? A. Good, as far as I know.

Q. Up to the time of his arrest? A. Yes, sir.

CROSS-EXAMINED.

By Mr. Hughes.

Q. You never heard that he was a Mollie Maguire? A. I have heard him reported so, to the best of my knowledge.

Q. Do you consider it is good reputation to be called a Mollie Maguire? A. I could not swear.

Q. I did not ask you to swear. You say his reputation is good, and you call him a Mollie Maguire. Then you consider one who is called a Mollie Maguire as having a good reputation, do you? A. I do not swear positively he is a Mollie Maguire.

Q. That is his reputation; what people say of him? A. Yes, sir; but I don't know.

Q. I asked for what people say of him, not what you know. I do not ask you now whether you know he was a Mollie Maguire. I do not ask for that. You say you heard he was a Mollie Maguire and his reputation was good. Do you mean to say that a man who has the common reputation of being a Mollie Maguire has a good reputation? Is that what you mean by a good reputation? A. No, sir.

Q. Then it is a bad reputation, is it not, to be called a Mollie Maguire?

If it is not good, is it bad? A. No, sir; it is not. I say it has been the common report that he has been a Mollie Magure, or belonged to the Ancient Order of Hibernians.

Q. You say that is not a good reputation to have the common report or the common reputation that a man is a Mollie Maguire. If it is not a good reputation to be called a Mollie Maguire, what is it, a bad one? A. I cannot answer that question that way.

Q. How can you answer? What way can you answer? You say his reputation was good, and yet his common reputation was that of being a Mollie Maguire. I ask you now whether a person who has the common reputation of being a Mollie Maguire can have a good reputation? A. I do not suppose he would, as far as the report goes.

RE-EXAMINED.

By Mr. Ryon.

Q. That is the report now, you mean? A. Yes, sir; at the present day.

By Mr. Hughes.

Q. How long has it been since you heard this common report that he has been a Mollie Maguire? A. It is not so very long; I could not tell exactly.

Q. As near as you can? A. Since these trials started.

Q. Then you never heard before these trials that he was a Mollie Maguire; do you mean to tell us that; do you mean to tell us that you never heard, before these trials commenced, or before these men were arrested, that he was a Mollie Maguire? A. No; I could not swear positively he was.

Q. I did not ask you that, and do not ask you now. I ask whether you heard people say, before he was arrested, that he was a Mollie Maguire? A. Yes; I heard them so represent.

Q. How long before he was arrested? A. I cannot say.

Q. About how long; a year or so? A. No; not a year.

Q. About how long? A. Before these trials were brought up.

Q. Before he was put in jail did you hear that he was a Mollie Maguire? A. A little while before that I heard it talked around.

Q. Are you one? A. No, sir.

Q. You do not belong to them? A. No, sir; I do not.

Q. Did you never belong to them? A. No, sir.

By Mr. L'Velle.

Q. You are of English descent? A. I am; I was born in America.

AFTERNOON SESSION.

MICHAEL GRELL, SWORN AND EXAMINED.

(Testimony interpreted by O. J. Aregood, Esq.)

By Mr. L'Velle.

Q. Where do you live? A. Locust Gap.

Q. How long have you lived there? A. Five or six years.

Q. Do you know Dennis F. Canning? A. Yes, sir.

Q. How long have you known him? A. Between two and three years.

Q. During the time you have known Dennis F. Canning, what has been his reputation for peace and good order up to the time he was arrested? A. I never heard anything bad about him; always good.

CROSS-EXAMINED.

By Mr. Hughes.

Q. Have you talked heretofore with Dennis F. Canning? A. Yes, sir.

Q. Have you talked to him in Dutch or Irish? A. I can speak a little English, but not very much. In that time I spoke a few words to him.

Q. Then it was only a few words you spoke to him? A. Yes, sir.

Q. Have you ever heard that Dennis F. Canning was a Mollie Maguire? A. Other people used to say that he was.

Q. Is a man who is called a Mollie Maguire a man of good character? A. It is more than I can say; they never done anything to me.

Q. The question is not what you know about him, but what people say about him? A. People say that he is a Mollie Maguire.

Q. The question is, is a man who is called a Mollie Maguire a man of good character? A. The Germans do not bother themselves about them.

Q. Do the Germans call Mollie Maguires men of good character? A. I cannot answer that; I do not know that.

Q. Do you not know that Canning has been called a Mollie Maguire? A. Yes, sir, from hearsay.

Q. Is that the best you can say for him? A. That is the best.

S. P. JONES, SWORN AND EXAMINED.

By Mr. L'Velle.

Q. Where do you reside? A. Mahanoy City.

Q. How long have you resided there? A. Thirteen years.

Q. Do you know Michael O'Brien? A. Yes, sir.

Q. How long have you known him? A. Well, I calculate I have known him for four, five, or six years.

Q. During the time that you have known him, up to the time of his arrest, what has been his reputation for peace and good order? A. Well, so far as I had anything to do with him—

Mr. Hughes. That has nothing to do with it. You are asked to tell what people say about him? A. I never heard any bad word for him from the people.

CROSS-EXAMINED.

By Mr. Hughes.

Q. Did you ever hear other people say that he was a Mollie Maguire? A. Not until he was arrested.

Q. You never heard of it before? A. No, sir.

Q. You did not know that he was a body master? A. No; not until he was arrested.

By Mr. L'Velle.

Q. Did he work for you a number of years? A. He worked for me for about four years.

By Mr. Hughes.

Q. Did you see the parade on the 17th of March? A. I did.

Q. Was Dennis F. Canning in the parade? A. I did not see it, but I heard, since he was arrested, that he was on horseback.

Q. If he was on horseback, did you not see him? A. Well, I might see him, but I did not take notice that it was him, but I heard he was in the parade.

Q. You saw him in the parade? A. No; I do not remember that I did. I heard afterward that he was on horseback.

Q. You heard that he was a leading man on horseback?

Mr. L'Velle. Since his arrest, Mr. Hughes.

J. C. WILLIAMS, M.D., SWORN BY THE UPLIFTED HAND AND EXAMINED.

By Mr. L'Velle.

Q. Where do you reside? A. Newcastle.

Q. This county? A. Newcastle, Schuylkill County.

Q. Do you know Christopher Donnelly? A. I do.

Q. How long have you known him? A. Twenty-five years.

Q. Where has he resided? A. Mt. Laffee principally.

Q. During the time you have known him, what has been his reputation for peace and good order? A. Never saw anything derogatory.

Q. I asked you what has been his reputation? A. It has been peaceable; I knew nothing wrong about him.

Mr. Hughes. It is not what you know, but what people say about him.

By Mr. L'Velle.

Q. Prior to his arrest you heard nothing against his character, but it has been since his arrest? A. Prior to his arrest.

Q. Up to the time of his arrest? A. Prior to his arrest.

CROSS-EXAMINED.

By Mr. Hughes.

Q. Did you not hear that Chris. Donnelly was a Mollie Maguire before he was arrested? A. It was a supposition.

Q Did not people say so; was it not talked about among the people? A. It was an opinion; it was an opinion.

Q. Was it not an expression used among the people that he was a Mollie Maguire? A. It was an opinion.

Q. Did you not hear the charge that he and Jerry Kane had got Michael Doyle and Kelley to go to Lansford to kill John P. Jones? A. I do not know anything about that.

Q. I do not suppose you do know anything about that, but I ask you whether it was not talked of among the people, and whether you did not hear, before this prosecution was commenced, that it was Christopher Donnelly and Jerry Kane who got Michael Doyle and Edward Kelley from Mt. Laffee to go to Lansford to murder John P. Jones? A. I never heard that, to the best of my recollection and knowledge.

Q. You never heard that? A. Not an expression of that kind.

Q. Did you not read of it in the newspapers?

Mr. L'Velle. We object to that.

Mr. Hughes. Is it not hearing of the fact if he read it in the newspapers, and is not that reputation? (To the witness.) Q. You say you have not heard it was Jerry Kane and Chris. Donnelly who got Michael Doyle and Edward Kelley to go to Lansford to murder John P. Jones; that Kane wrote the letter, and that Donnelly was the county treasurer? A. No; not before his arrest. I heard it afterward.

Mr. Ryon. You need not state what you heard after his arrest.

By Mr. Hughes.

Q. Before the arrest of these murderers? A. Not before Mr. Donnelly's arrest.

Q. Did you not hear, before Donnelly's arrest, that he was a Mollie Maguire? A. It was so reported.

Q. I mean reported. Was it not then the common report that he was a Mollie Maguire before he was arrested? A. It was so reported.

Q. So you mean to say that a man who was called a Mollie Maguire had a good reputation? A. I would like to have that question stated a little plainer.

Q. You know what people said there as to his reputation? A. Reputation? I do not believe all that people say.

Q. No matter whether you believe it or not; you are called to tell what you heard people say, and not what you believe? A. I have heard people say so.

Q. How many times? A. I answered that question.

Q. You have not answered the question once which I am going to ask you? A. Perhaps I am not able to do it.

Q. You do not know whether you are or not until you have heard it Do you mean to say that a person who is called a Mollie Maguire has a good reputation? A. After the prisoner? He is not, until he is convicted and found guilty.

Q. I am talking about reputation? A. There is a difference. I answered about his reputation before, that I heard nothing derogatory. I want to answer properly, to the best of my knowledge and belief.

Q. You did not hear anything against his character you say, at all, but you have heard that he was a Mollie Maguire? A. I have.

Q. Before he was arrested? A. Yes, sir; before he was arrested.

Q. Do you mean to tell us that a man who has the reputation of being a Mollie Maguire has a good reputation? A. That is a question I am not able to answer:

Q. You are not able to answer that question? A. No, sir.

Q. And yet you swear Donnelly had a good reputation? A. He had before.

Q. You swear that he had the reputation of a Mollie Maguire, and you swore that people who have the reputation of being Mollie Maguires, have a good reputation. You repeat that do you? A. (No answer.)

By Judge Walker.

Q. Do you say so? A. I do not understand the term.

By Mr. Hughes.

Then I will repeat it. You say he has a good reputation? A. That I could not answer.

Q. But yet you have already answered that he had the reputation of being a Mollie Maguire; now, do you mean to say, although you say you cannot answer, that a man who has the reputation of being a Mollie Maguire, has a good reputation? A. I cannot answer that question.

John R. Madara, sworn and examined.

By Mr. L'Velle.

Q. Where do you reside? A. New Castle.

Q. How long have you resided there? A. Some twenty years.

Q. Do you know Christopher Donnelly? A. Yes, sir.

Q. How long have you known him? A. Some twelve or fifteen years.

Q. Where does he reside? A. New Castle.

Q. Since you have known him, up to the time of his arrest, what has been his reputation for peace and good behavior? A. Well, I have never heard anything against him, no more than I heard he was a Mollie Maguire.

Q. Did you hear that prior to his arrest? A. Yes, sir.

No cross-examination.

George Keesler, sworn and examined.

By Mr. L'Velle.

Q. Where do you reside? A. New Castle.

Q. How long have you resided there? A. Fourteen years, or thereabouts.

Q. Do you know Christopher Donnelly? A. I do.

Q. How long have you known him? A. About five years.

Q From the time you have known him, up to the time of his arrest, what has been his reputation for peace and good order? A. Well, it was always good.

Cross-examined.

By Mr. Hughes.

Q. Did you ever hear that he was a Mollie Maguire? A. Yes, sir; there was some talk about it.

Q. Is that always a good reputation? A. Well, I do not know about that.

Q. But you have just sworn that his reputation was always good? A. I say there was nothing bad said about him, except he was a Mollie Maguire.

Q. You did not tell us that before; you did not say that there was anything bad about him, except he was a Mollie Maguire? A. He always behaved himself good around New Castle.

Q. I did not ask you how he behaved himself around New Castle. You were asked what his reputation was, and you said it was always good, and yet you say he was a Mollie Maguire, and, at the same time, said that he had a good reputation? A. There was not much talk about Mollie Maguires up there.

Q. You heard him called a Mollie Maguire? A. They did not call him one. That was the only talk about him that he was one.

Q. Do you call that good to be called a Mollie Maguire? A. I do not know what it is.

Q. You do not know what it is; what do the people say; is it understood to be good or bad to be a Mollie Maguire?

No answer.

Q. Cannot you tell? A. No.

Q. Do you mean to tell us that you never heard whether it was good or bad to be a Mollie Maguire? A. I did not know what it was.

Q. I did not ask you whether you knew what it was, but I ask you what people said; whether it was good or bad to be a Mollie Maguire? A. They did not say much about it, whether it was bad or good.

Q. You do not know, from reputation, whether it was bad or good to be a Mollie Maguire? A. I do not know much about that. He was a nice man around New Castle.

PERCIVAL BOMBOY, SWORN AND EXAMINED.

By Mr. L'Velle.

Q. Where do you reside? A. New Castle.

Q. How long have you resided there? A. Well, twenty-five or twenty-seven years.

Q. Do you know Christopher Donnelly? A. Yes, sir.

Q. How long have you known him? A. Well, I have known him since he was a boy, I believe.

Q. Where have you known him? A. Well, in Mt. Laffee; he used to live there, but now he has moved to New Castle.

Q. Since you have known him, what has been his reputation for peace and good order? A. As a neighbor?

Mr. Hughes. No; his reputation, and what the people say of him.

By Mr. L'Velle.

Q. What has been his reputation for peace and good order, up to the time of his arrest? A. Well, good; I do not know anything more. I did not hear nothing bad in that while.

CROSS-EXAMINED.

By Mr. Hughes.

Q. Did you not hear that he was a Mollie Maguire? A. I did.

Q. You think that is nothing bad about him? A. It is not called good.

Q. You have already said that you have heard nothing bad about him, but you did hear he was a Mollie Maguire? A. I mean as a neighbor.

Q. You were not asked about him as a neighbor. You were asked as to his general character for peace and good conduct. You say that you have heard that he was a Mollie Maguire, and that is bad? A. That is what we would call not good.

Q. Then it is bad? A. That is what I heard.

Q. Then his reputation is bad? A. Yes, sir.

Q. Did you not hear that it was Christopher Donnelly and Jerry Kane who sent Michael Doyle and Edward Kelly, who are now in the Mauch Chunk jail, convicted for murder, to Lansford for the purpose of murdering John P. Jones?

Mr. L'Velle. If you did not hear this before their arrest you need not answer the question.

Mr. Hughes. Of course, I refer to the time before their arrest.

Judge Walker. Before Donnelly's arrest.

Mr. Ryon (to the witness). You need not state what you read in newspapers.

By Mr. Hughes.

Q. Did you not hear that it was Christopher Donnelly and Jerry Kane that sent Michael Doyle and Edward Kelley, the two boys at Mt. Laffee, to Lansford for the purpose of murdering John P. Jones? A. I heard them say that they believed that they were not sure that they did, but they believed that they did.

Q. You do not consider that a good reputation, do you? A. No.

By Mr. Ryon.

Q. When did you hear anybody say that they believed it, before his arrest? A. Very shortly before his arrest.

F. E. BENTZINGER, SWORN AND EXAMINED.

By Mr. L'Velle.

Q. Do you know William M. Thomas, commonly known by the name of Bully Bill? A. Yes, sir.

Q. Do you recollect having arrested him in Ashland, charged with the crime of robbing?

Mr. Hughes. For what purpose is this testimony offered?

Mr. L'Velle. To impeach the testimony of Mr. Thomas.

Mr. Hughes. We object; you are bound by his answer.

Judge Walker. The inquiry will have to be confined to the character for truth and veracity of Mr. Thomas, as I presume it is intended to impeach his testimony.

Mr. Ryon. We propose to contradict the witness.

Mr. Hughes. You cannot contradict our witness by impeaching him as to an irrelevant matter.

Judge Walker. What was the question?

Mr. L'Velle. I asked the witness whether he had not arrested Thomas on the charge of robbery.

Mr. Hughes. If the question is asked for the purpose of contradicting William M. Thomas, the defence is bound by his answer, because the cross-examination of Mr. Thomas was not as to a matter relevant to the matter in issue. If your Honor has the slightest doubt upon the question we will furnish you with authority after authority, and page upon page, to the effect that whenever, on cross-examination, it is proposed to impeach a witness by proof of inconsistent acts or declarations, he may be questioned as to those acts or declarations, if they tend to degrade him or contradict him; but, if the subject-matter inquired of be not as to that which is relevant to the issue, which is material to the issue tried, if it be as to an irrelevant matter which simply tends to degrade him, the other side is bound by his answer. If it be as to something which affects his interest in the cause, which of itself affects his credibility, or if it be as to some subject-matter bearing upon the issue, as to which he has made inconsistent declarations, witnesses may be called for the purpose of contradiction; but if it be as to a matter which is outside of the question and irrelevant to the matter in issue, which simply tends to degrade him, as to whether he has been prosecuted for a murder or for a robbery, or whether he has been in any condition at all that tends to degrade him, and is not relevant to the matter in issue, the other side is bound by his answer.

Judge Walker. There is no doubt that in any matter brought out upon cross-examination which is irrelevant and not material to the issue, the defendants are bound by the answer of the witness. There is no doubt about the law on the subject

Mr. Hughes. Very well; now the defence has asked William M. Thomas whether he had been prosecuted for a robbery; not as to any matter connected with this prosecution, but something entirely independent of it. Has the fact that he had been prosecuted anything to do with the matter in issue? However innocent he might be, it would tend to degrade him, and the fact that he had been prosecuted upon some foreign matter, an alleged robbery, is not material to the matter in issue, and, consequently, when he was asked in regard to that irrelevant matter, the defence was bound by his answer, and they cannot call witnesses to contradict him.

Judge Walker. Whenever there is immaterial matter brought out upon cross-examination, the defendants are bound by the answer of the witness. The defence will be permitted to inquire as to the truth and veracity of Mr. Thomas, as that tends to impeach the credibility of his testimony, but Thomas has testified here to another transaction, as to whether he was not arrested for a robbery, and he gave his answer, which, it seems to me, is immaterial to this issue. Witnesses may be produced by the defence to prove that Thomas

is unworthy of belief, and his character for truth and veracity may be thus impeached; but it seems to me that the question as to whether he was convicted for robbery is a question entirely outside of the issue.

ABRAM HINKLE, SWORN AND EXAMINED.

By Mr. L'Velle.

Q. Where do you reside? A. Where do I stay you mean?

Q. Yes, sir; where do you reside? A. I live in Shenandoah.

Q. Do you know John Gibbons? A. Yes, sir.

Q. How long have you known him? A. I have known him over two years.

Q. Since you have known him, what has been his reputation in Shenandoah for peace and good order. A. No answer.

By Mr. Ryon.

Q What do people say about his character for peace and good order? A. I never heard people say anything about him. I have often been with him myself; I never seen him do anything but drink, for my part.

CROSS-EXAMINED.

By Mr. Hughes.

Q. Did you never hear that he was a Mollie Maguire? A. Yes, sir.

Q. How long has it been since you heard that? A. Well, I could not state exactly how long it is.

Q. Was it before he was arrested, before he was brought to jail? A. He told me some time ago himself that he belonged to the Ancient Order of Hibernians.

Q. He told you that himself? A. Yes, sir.

Q. And you heard that he was a member of the Ancient Order of Hibernians, or Mollie Maguires? A. Yes, sir; I have seen him parade with them.

Q. Do you mean to say that it is not hearing anything about him to hear him called a Mollie Maguire? A. Sir.

Q. You said you never heard anything said about him? A. I said I did not hear others talk about him.

Q. Did you never hear anybody say that he was a Mollie Maguire? A. I did; he told me himself.

Q. Did you not hear anybody else say that he was a Mollie Maguire? A. Not as I remember of. I have often been with him myself, drinking; but I never seen him doing anything.

Q. You never went with him to a Mollie Maguire lodge? A. No, sir; I did not.

RE-EXAMINED.

By Mr. Ryon.

Q. You say you saw him in the parade? A. Yes, sir; he knows that himself that I seen him.

Q. It was a public parade on the streets? A. I do not know; they went to Mahanoy that day. I do not know whether it was a public parade or not.

Q. The Ancient Order of Hibernians parade once a year, do they not, generally? A. Once a year?

Q. Yes, sir. A. Not as I know of. That was the first time I ever seen them parade to my knowledge.

Q. Where was that? A. That was in 1875, the 17th of March.

Q. Did you go down to Mahanoy City, too? A. No, sir; I did not.

Q. The Ancient Order men paraded then and went down to Mahanoy City? A. The people say they went down there. I did not go down there.

WILLIAM RAMSEY, SWORN AND EXAMINED.

By Mr. Ryon.

Q. Where do you reside? A. Mahanoy City.

Q. How long have you resided there? A. Ten years.

Q. Do you know William M. Thomas, otherwise called Bully Bill? A. I do.
Q. How long have you known him? A. I have known him five or six years, I guess, probably longer than that.
Q. What is his reputation for truth and veracity? A. Good, to the best of my knowledge.
No cross-examination.

MARY HINKLEY, SWORN AND EXAMINED.

By Mr. Ryon.
Q. Where do you reside? A. Shenandoah.
Q. Do you know John Gibbons? A. Yes, sir.
Q. How long have you known him? A. About two years, to the best of my knowledge.
Q. What is his reputation for peace and good order? What do people say about him, as to his character for peace and good order? A. I did not hear people say much about him.

CROSS-EXAMINED.

By Mr. Hughes.
Q. Did you ever hear them say that he was a Mollie Maguire? A. I heard them say that he belonged to the Ancient Order of Hibernians.
Q. You have heard them call him a Mollie Maguire? A. Yes, sir.

JOHN HILDEBRAND, SWORN AND EXAMINED.

By Mr. L'Velle.
Q. Where do you reside? A. I live down in Newtown, as we call the place.
Q. That is Shenandoah? A. Shenandoah, a little bit near No. 3.
Q. How long have you lived there? A. Three years and a couple of days; I do not remember the dates.
Q. Do you know John Gibbons? A. Yes. sir.
Q. How long have you known him? A. I have known him only—that is more than I can tell you exactly.
Q. A couple of years? A. Yes, sir; I believe I have known him about two years.
Q. Since you have known him, what has been his reputation for peace and good order? A. I do not understand you right.
Q. I say what has been his character for peace and good order? What do people say about him? A. Oh, what can I say about the people?
Q. What have you heard the neighbors say about him as to his being a peaceable and quiet citizen? A. I have to talk about myself; what I think about the man. I must say for myself I do not look for any man; I have to look for myself, and this man never harmed me; I can say that.
Q. Can you tell us what the people said about him there prior to his arrest? A. I stay at home every night and every day; I have plenty myself to do at home.
Q. Did you ever hear people say anything about his character, before he was arrested? A. You see the people is talking so much I cannot take notice of all the people say. How can I say so?
No cross-examination.

MRS. MICHAEL BORAN, SWORN AND EXAMINED.

By Mr. L'Velle.
Q. Where do you live? A. Shenandoah.
Q. How long have you lived there? A. Something on three years.
Q. Do you know John Gibbons? A. Yes, sir.
Q. How long have you known him? A. I have known him two years, to the best of my knowledge.
Q. Since you have known him what has been his character for peace and

good order, up to the time of his arrest; that is, what people say in regard to him? A. I have never heard any one say anything bad about him. I have always seen him quite peaceable as far as my knowledge goes.

CROSS-EXAMINED.

By Mr. Hughes.

Q. Have you a husband? A. Yes, sir.

Q. What is his name? A. Michael Boran.

Q. Where do you live? A. Shenandoah.

Q. Did you ever hear John Gibbons say that he was a member of the Ancient Order of Hibernians? A. I have heard people talk about it; that is all I know.

Q. How often have you heard that; how long ago? A. About a year ago or so, to the best of my knowledge.

Q. Do you mean to say it is not hearing anything against his character to hear him called a member of that Order? A. I do not know anything about it.

Q. You do not know about that as to whether it is against his character or not? A. I do not know.

Q. Is your husband a member of that Order? A. No, sir.

Q. He does not belong to it? A. No, sir.

RE-EXAMINED.

By Mr. L'Velle.

Q. Were you subpœnaed here? A. Yes, sir.

JAMES SWEENEY, SWORN AND EXAMINED.

By Mr. L'Velle.

Q. Where do you reside? A. At No. 3.

Q. Where is No. 3? A. In the borough of Shenandoah.

Q. How long have you resided there? A. Where I am living at present?

Q. Yes, sir. A. Some four months.

Q. How long have you resided in Shenandoah? A. Three years.

Q. Do you know John Gibbons? A. Yes. sir.

Q. How long have you known him? A. I could not tell exactly.

Q. Have you known him since you came to Shenandoah? A. Somewhere in the neighborhood of two years.

Q. Since you have known him, what has been his character for peace and good order? A. I never seen him do anything out of the way.

By Mr. Hughes.

Do not tell what you said; the question is what other people say of him.

By Mr. L'Velle.

Q. What is his reputation? A. I heard he was a member of the Ancient Order of Hibernians.

Q. How long is it since you heard that? A. He told me so himself.

Q. When? A. I cannot tell you exactly when.

Q. Is that the only information you have of his being a member of the organization because he told you himself? A. Well, I believe that is all.

Q. Before his arrest? A. I heard since he was a Mollie.

Q. I ask you, before his arrest what was his character for peace and good order in your place? A. I cannot say what it was; for my own part it was good enough.

Q. Did you never hear it questioned at all? A. I did.

Q. You did hear his character questioned for peace and good order? A. Yes, sir.

Q. What was the question? A. The question was that he was wild when he would be drinking. That was the only question that I heard about his character.

No cross-examination.

MICHAEL BRENNAN, SWORN AND EXAMINED.

By Mr. L'Velle.

Q. Where do you live? A. I live in the borough of Shenandoah.

Q. How long have you lived there? A. About three years.

Q. Do you know John Gibbons? A. Yes, sir.

Q. How long have you known him? A. I guess about that time.

Q. Since you have known him what has been his character for peace, quiet, and good order in Shenandoah? A. He worked awhile in the same colliery I worked. I never seen anything about him that was not quiet enough when he had no liquor in him. When he had liquor in him he was a little wild.

CROSS-EXAMINED.

By Mr. Hughes.

Q. How often does he get liquor in? (No answer.)

Q. Once a week, whenever he gets money? A. I seen him working pretty steady in the daytime.

Q. You heard that he belonged to the Ancient Order of Hibernians? A. Yes, sir.

Q. How long have you known that? A. I heard of it the last twelve months or over.

RE-EXAMINED.

By Mr. L'Velle.

Q. Have you ever seen him in a parade of the Ancient Order of Hibernians? A. No, sir.

JAMES KINNEY, SWORN AND EXAMINED.

By Mr. L'Velle.

Q. Where do you reside? A. Mill Creek, East Norwegian Township.

Q. Do you know John Gibbons? A. Yes, sir.

Q. How long have you known him? A. I guess I have known him since 1863.

Q. Since that time what has been his character for peace and good order? A. Well, I heard that he was a Mollie Maguire.

Q. Where did you hear this? A. When he was in Girardville, about 1874, I guess it was.

Q. He did not live at Girardville, did he? A. No, sir; he lived at Shenandoah then, I think.

Q. What has been his own reputation for peace and quiet? A. Well, it was good, as far as ever I knew. I never knew anything wrong with him only—

By Mr. Kaercher.

Q. Only what? A. That he belonged to the Mollies.

CROSS-EXAMINED.

By Mr. Hughes.

Q. If he belongs to the Order of Mollie Maguires, as it was called, is not that his own reputation, or whose reputation is it, if it is not his? A. I do not know how to answer that.

Q. You said that you had heard that he was a Mollie Maguire? A. Yes, sir.

Q. Then Mr. L'Velle wanted to know what his "own" reputation was; whose reputation was it when he was called a Mollie Maguire; his reputation, or somebody else's reputation? A. I guess it was his own.

Q. Then his own reputation is that he is a Mollie Maguire? A. I heard that he was a Mollie Maguire; that is all I know about him.

Mr. Ryon. We have quite a number of witnesses subpœnaed, but I suppose they cannot get here until half-past 2 o'clock. We have subpœnaed some from the valley, in our own county, and some from Luzerne County, whom

we expect here to-night. We supposed, from the time we expected the Commonwealth would occupy, that we had a sufficient number to occupy the time of the court during the day, but other witnesses, whom we expected here, have not yet arrived, and we ask the court to adjourn now until to-morrow morning, so that we may be ready to go on with the balance of the witnesses.

Judge Walker. The clerk will so enter the order.

SATURDAY, AUGUST 12.

Court opened at 9 A.M.

JOHN A. LOUCK, SWORN AND EXAMINED.

By Mr. Ryon.

Q. Where do you reside? A. Frackville.

Q. How long have you known Christopher Donnelly? A. Well, I have known him off and on in the neighborhood of ten or twelve years.

Q. What has been his reputation, prior to his arrest, for peace and good behavior? A. Well, I never heard anything against the man as to peace and good behavior.

CROSS-EXAMINED.

By Mr. Hughes.

Q. You used to reside in Newcastle Township? A. Yes, sir.

Q. When did you move away? A. September 10th, 1868, if I am not mistaken.

Q. Where have you been living since? A. Mahanoy Plane and Frackville during the time since. The places are not far distant apart.

Q. You have not been living in New Castle since you moved away? A. No, sir.

Q. Have you not heard that Christopher Donnelly was a Mollie Maguire? A. I have heard so.

Q. You say you never heard anything against his reputation? A. Not for peace and good order.

Q. Is not being a Mollie Maguire against peace and good order? A. It was styled so; I would take it to be such.

Q. When you say you have heard nothing against his character, you mean outside of the fact that he was a Mollie Maguire? A. Yes, sir.

Q. But you did hear that he was a Mollie Moguire? A. Yes, sir; I heard so; that was only of late.

Q. How long ago have you heard it? A. Well, it is about a year last March.

Mr. Garrett. If the court please there were three or four witnesses that were subpœnaed for the defence, and we fully expected them to be here this morning. They are not here, and therefore we are compelled to rest our case, reserving the right, if the Commonwealth call any witnesses, to call Mr. Duffy, if he comes into the court-house this morning, before they get through.

Judge Pershing. Are there any more witnesses?

Mr. Kaercher. We have no witnesses for the Commonwealth in rebuttal.

Judge Walker. Then the case closes on both sides.

Mr. Ryon. We are ready to submit the case without argument upon the charge of the court, if the Commonwealth will submit to that.

Mr. Kaercher. After consultation with my colleagues we have concluded that it is proper in this case to say something to the jury.

Mr. L'Velle. As far as I am concerned I am laboring under a very severe cold, and it is with hesitation that I will go to the jury. Nevertheless, if the gentlemen obliges us to, we must do our best.

Mr. Garrett. We neglected to offer in evidence the constitution and by-laws of this association. We now offer it; it is proved by McParlan on cross-examination.

Mr. Kaercher. There is no objection to it on evidence. The constitution and by-laws are as follows:

CONSTITUTION AND BY-LAWS

OF THE

ANCIENT ORDER OF HIBERNIANS.

INSTITUTED,	. . .	MARCH 10, 1871.
CHARTERED,	. . .	MARCH 10, 1871.
ADOPTED,	. . .	MARCH 11, 1871.

PREAMBLE.

THE members of this Order do declare that the intent and purpose of the Order is to promote FRIENDSHIP, UNITY, AND TRUE CHRISTIAN CHARITY among its members, by raising or supporting a stock or fund of money for maintaining the aged, sick, blind, and infirm members, and for no other purpose whatsoever.

These laws though human,
  Spring from Love Divine,
Love laid the scheme—
  Love guides the whole design.

Vile is the man
  Who will evade these laws,
Or taste the sweets
  Without sufficient cause.

INTRODUCTION.

The Motto of this Order is "FRIENDSHIP, UNITY, AND TRUE CHRISTIAN CHARITY."

UNITY, in uniting together for mutual support in sickness and distress.

FRIENDSHIP, in assisting each other to the best of our power.

TRUE CHRISTIAN *CHARITY, by doing to each other, and* all the world, as we would wish they should do unto us.

BRETHREN: It is beyond all doubt that the Supreme Being has placed man in a state of dependence and need of mutual support from his fellow man. Neither can the greatest monarch on earth exist without friendship and society. Therefore, the Supreme Being has implanted in our natures tender sympathies and most humane feeling towards our fellow creatures in distress, and all the happiness that human nature is capable of enjoying must flow and terminate in the love of God and our fellow creatures. So we, the members of this Order, do agree to assist each other, and conform to the following rules:

CONSTITUTION AND BY-LAWS OF THE ANCIENT ORDER OF HIBERNIANS.

ARTICLE I.

NAME.—This society shall be denominated "The Ancient Order of Hibernians of the United States," whose headquarters shall be the city and county of New York.

ARTICLE II.

OFFICERS.—The Officers of this Order shall be a National Delegate, National Secretary, General President, General Vice-President, Secretary, and Assistant Secretary, Treasurer and Board of Directors. Also a State Delegate, State Secretary, and County Delegates. Also, a President, Vice-President, Secretaries, and Treasurer of each Lodge or Division; all of whom shall hold their offices for the term of one year, unless removed by the Board of Directors for improper conduct.

ARTICLE III.

Duties of Officers.

SEC. 1. Duty of N. D.—He shall be called to preside at all meetings of the Board of Directors, and affix his signature and seal of the Order to all warrants. The Na-

tional officers will direct all processions in the city and county of New York, taking the lead thereof, watch the general welfare of the Order, and make known the condition of the society semi-annually.

SEC. 2. Duty of N. S.—The N. S shall correspond with auxiliaries abroad, keep minutes of the Board of Directors, make known the financial affairs of the Society annually, assist the N. D. in matters appertaining to the interest of the Society, and render such services as will tend to harmonize the Order.

SEC. 3. Duties of State Delegate.—He shall organize one new division in each county where none exist, preside at all State Conventions of the Society in the State, direct all State processions; that the State Delegate heads all State processions in the State except the city and county of New York, taking the lead thereof; attend to general welfare of the Order in his State, make known the condition of the Order annually at the State Convention.

SEC. 4. Duties of the State Secretary —The State Secretary shall correspond with the National Delegate, National Secretary, and County Delegates of his State, all communications to be countersigned by State Delegate, and assist the State Delegate in all matters appertaining to the Order, and report annually to the State Convention of the Order.

SEC. 5. County Delegates.—The duties of each County Delegate shall be to open Divisions throughout his county. preside at all meetings of the Board of Directors of his county, and correspond with the State Delegate and Secretary, and all Divisions in his county, and he shall take the lead of all county processions.

SEC. 6. Duty of the President.—The duty of the President shall be to preside at all general or extra meetings of the Order; to see that the Constitution and By-Laws are preserved inviolate and carried into effect; to affix his signature and seal of the Order to bonds and contracts lawfully entered into, and see that the same are properly engrossed upon its records.

SEC 7. Duty of the Vice-President.—In the absence of the President the duties shall devolve on and be performed by the Vice-President; and in the absence of both a chairman shall be appointed by the members present, with all the powers and privileges of the President during his absence.

SEC. 8. General Secretary.—The G. S. shall record elections and expulsions in the General Book, act in accordance with the Board of Directors, and to them report his acts whenever called upon. That Division Secretaries shall notify the County Delegates of all expelled members, with their name and address, he to notify the State Secretary, and he the National Secretary, who shall notify the differen State Secretaries of the same, and State Secretaries notify the different Divisions in their State.

SEC. 9. Assistant Secretary.—The Assistant Secretary shall engross in a book kept for that purpose, the minutes of all the transactions of the Order, at the meeting thereof; he shall notify the Standing Committee of all matters referred to them, and of such vacancies as may occur, and the name of such person elected to fill such vacancy; and render such services as the General Secretary may require.

SEC. 10. Duty of Treasurer.—The Treasurer shall have charge of, and be responsible for the safe keeping of all money belonging to the Order, and see that no disbursements are made thereof, except in compliance with a special resolution of the Order, approved by the Board of Directors and signed by the President and General Secretary, with the seal of the Order attached thereto; and shall also report quarterly to the Order, the state of the funds, with the amount of receipts and disbursements; he shall give a bond, with two sufficient sureties, for the faithful performance of his duties, and at the expiration of his office, he shall transfer all money, books, and vouchers belonging to the Order to his successor.

ARTICLE IV.

Officers—how elected.—The N. D. and N. S. shall be elected by the Board of Directors of New York City, State and County Delegates of all the States, and none other.

The general officers shall be elected by the general body, in their respective towns or cities, and the Division Officers shall be elected by their respective members. The election for all officers to take place on or about the 28th of March, after National Convention of each year.

The State Delegate and Secretary shall be elected by and from the Board of Directors of each Division and County Delegates of the different counties. The County Delegates shall be elected by and from the Board of Directors of the different Divisions in the County.

Article V.

Each Division shall have the power of making Rules and Regulations for its own internal welfare, provided always that such Regulations are in accordance with the general rules of the Order, subject to the approval of the National Officers, with their names appended thereto.

Article VI.

The Board of Directors, at their first annual meeting, shall choose from their number a Treasurer and a Committee of Finance, consisting of three, to whom shall be referred for examination all claims and demands against the Order, and who shall report the same to the Board of Directors, with their opinion thereon; and by so doing no fraud can be committed.

Article VII.

The powers and management of this Order shall be vested in the Board of Directors, who shall be composed of a President, Vice-President, Secretaries and Treasurer of each Division, and shall hold their office for the term of one year.

Article VIII.

All general and extra meetings shall be called by the President and General Secretary; and in the absence of the President, by the Vice-President; and it shall be their duty to call such meetings when requested in writing, by fifteen members.

Article IX.

This Order shall consist of an unlimited number of members. And as it increases, the State and County Delegates shall have the power of opening Divisions for the accommodation of the members, and issuing orders and directions for the management of the same, and shall call in all warrants for any flagrant deviation from the general rules of the Order.

Article X.

Eligibility of Candidates.—No person shall become a member of this Order who is not Irish, or of Irish descent; a Roman Catholic and of Roman Catholic parents. Any person wishing to become a member of this Order shall be proposed by having his name and occupation or calling of business registered, with the name of the proposer appended in a book, kept for that purpose in the Division room; and no person shall be admitted at any time unless he is of good moral character.

Article XI.

The names of persons thus proposed, on being read by the Secretary at any regular or duly organized meeting of the Order, may be balloted for at the next regular meeting; and if a majority of ballots be cast in favor of admission, then such persons shall be declared duly elected members of the Order.

Article XII.

Fines and Penalties.—Any member coming into the Division in a state of intoxication, and annoying the members, shall be fined in the sum of $1 and leave the Division room for that night. In default of complying with this order, he or they shall be excluded for six months, at the expiration of which he shall be allowed to re-enter, and become a full member of the Order.

Article XIII.

No member shall be allowed to speak more than twice on any subject without the permission of the presiding officer. Any member interrupting another, whilst on his feet, addressing the President, shall be fined in the sum of $1 for each offence. And should a member swear an oath in the Division room, he shall be fined in the sum of fifty cents for each offence, and if not paid at the time, it shall be entered as a debt against him, and he shall be deprived of all the benefits of the Order until the fine be paid.

Article XIV.

Should any member hold a dispute with another, or cast any reflection on his country, he shall be fined in the sum of fifty cents for the first offence; for the second, $1; and for the third, excluded from the Order—no more to be admitted.

Article XV.

Any member striking another shall be fined, for the first offence, in the sum of $5, and stand suspended until said fine be paid; and for the second offence, expulsion for life. And if a member so offended, strike the other in return, he shall be fined fifty cents; if the blow shall be struck in the Division room the aggressor shall pay the sum of $7.50, and the member so struck returning the blow, shall be fined $1 for the second offence. In case of any doubt as to the first offender, the case shall be brought before the Board of Directors, who shall try the cause, by bringing the parties before them, and their witnesses on both sides, and decide the matter—and their decision shall stand.

Article XVI.

Any member absenting himself three nights in succession, shall be notified by the Recording Secretary to attend on the next night of meeting, and if neglecting to do so he shall be expelled from the Order.

Article XVII.

Any member absenting himsef on a meeting night, shall be fined in a sum of twenty-five cents.

Article XVIII.

Any officer absenting himself on any night of meeting, shall be fined in the sum of fifty cents—sickness or absence from the city excepted.

Article XIX.

Any officer absenting himself three nights in succession shall be notified to attend on the next night of meeting, and neglecting to do so shall be expelled the Order; and should the members think proper, at any time afterwards to admit him as a new member, by his applying for admission, he shall not hold any office for the term of one year after his admission—sickness or absence from the city excepted.

Article XX.

When the President and Vice-President take their seats the President shall strike his mallet for the Division to come to order. The Vice-President shall respond in like manner, by striking his mallet. Should any member not come to order then, he shall be fined in the sum of twenty-five cents; should he not comply with the order of the President, assisted by the Board of Directors, said member shall be fined in the sum of fifty cents; and should he not comply then, the President shall order the floor officers to put him out of the room for the evening, when the Board of Directors shall take action upon the matter and fine or expel him, as they in their judgment may think proper, and from their decision there shall be no appeal; but said member may be admitted at the expiration of one year.

Article XXI.

No member shall be allowed any sick or aliment money, unless he is six months a member, and clear on the books of the Division, and only from date of filing such notice of such sickness, when such sickness is brought on by Divine Providence, and should he be three months in arrears he shall not be entitled to any benefits for one month from such notification.

Article XXII.

Any member of this Order who will talk of any business or transaction that may transpire in any Division room or place of meeting, he shall be handed over to the Standing Committee of the Division of which he is a member, or if at a general meeting it should happen, he or they shall be brought before the Board of Directors and tried, and if found guilty of the same, they shall be expelled.

Article XXIII.

Committees consisting of three shall be appointed by the presiding officers; all others shall be appointed by the meeting.

Article XXIV.

Schism.—Any member or members who will cause discussion or schism in the society, by frequent attempts at discord, or branching off from the society, his or their names shall be erased from the books, and they shall have no further claim on the property or benefits of the society for life.

Article XXV.

Any member who will bring charges maliciously designed against a brother, which he is unable to prove, or shall knowingly propose unworthy characters for membership, shall be subject to reprimand, fine, suspension, or expulsion, according to the enormity of the offence, as the Board of Directors may determine, and from their decision there shall be no appeal in any case whatever.

Article XXVI.

Resignation.—Any member who will give written or verbal notice of his intention to quit the Society, the notice shall be received, and if attested by two or more members, his name shall be erased from the books forthwith not to be readmitted for one year after such notice, and then only by permission of the Board of Directors, and by paying the usual initiation fee.

Article XXVII.

The initiation fee of this Order shall be $3. The monthly dues shall not be less than thirty-five cents. The weekly benefits in case of sickness shall be $5, and on the death of a member, the sum of $50 shall be appropriated to defray the funeral expenses.

Article XXVIII.

No member will be admitted in any Division unless he produces a certificate from the Division which he left, unless a visiting member.

Article XXIX.

The seventeenth day of March shall be a National Holiday of this Order, to be celebrated by a public procession of its members, and any member failing to parade shall be fined in the sum of $3, unless excused by the Board of Directors of his Division.

Article XXX.

No person under twenty nor over forty years of age will be eligible as a member of the Society.

Article XXXI.

That it shall be compulsory on all Divisions outside of New York City to raise a fund for the purpose of sending their State and County Delegates to the National Convention.

Article XXXII.

Any person joining this Order under an assumed name or age, or having any bodily ailment, and afterwards found to be so, he shall be expelled never to be admitted. This article to be read by the presiding officer of each Division, to the member before joining.

Article XXXIII.

The members of each Division, in each State, be required to attend Holy Communion, in a body, at least twice a year, at their Parish Church, or such Church as they may designate, and wear the Regalia of the Order.

BY-LAWS.

MEETINGS

SEC. 1. The regular monthly meetings of the Order shall be held on any stated evening. From the first day of October to the first day of April, the hour of meeting shall be half-past 7 o'clock, and from the first of April to the first of October, shall be 8 o'clock.

SEC. 2. When any question is before the house, no other motion shall be in order, except to amend, the previous question, to lay on the table, or to adjourn, which shall take precedence in the order in which they are named.

SEC. 3. Reports from all Committees shall be made in writing, and shall be filed, or correct copies entered by the Secretary of the body receiving them.

SEC. 4. When a member speaks he shall rise in his place and respectfully address the President, confine himself to the question under consideration, and avoid all personality or unbecoming language. (See Article XX of the Constitution.) Should two or more members rise to speak at the same time, the President shall decide who shall have the floor.

SEC. 5. No member shall speak more than twice on any one subject—five minutes allowed each time—but not oftener, unless to explain, or by permission of the President.

SEC. 6. When a member is called to order he shall take his seat until the point of order is decided. When an appeal is made from the decision of the President, he shall put it thus: "Shall the decision of the President be sustained?" Which shall be decided without debate.

SEC. 7. The President shall state the question properly to the meeting, and before putting it to a vote shall ask, "Is the house ready for the question?" Should no member offer to speak, he shall rise to put it, and after he has risen, no member shall be allowed to speak upon it.

SEC 8. All resolutions shall be reduced to writing, if the President or any member desires, and all reports of committees shall be in writing.

SEC. 9. On each night of general meeting, the President and Secretary shall give an account of all the money received and paid out for that quarter, in order to afford general satisfaction.

SEC. 10. If any member of this Order be convicted of robbery, perjury, or any other atrocious offence, he shall be excluded from the Order for life.

SEC. 11. No officer or member shall dictate to the President, or call his conduct in question, during Division hours, except by a regular motion made to the Vice-President; in default of doing so, to be fined as in Article XV of the Constitution.

SEC. 12. Should any dispute arise between the members of any Division on any matter or subject which they cannot conveniently settle by their own Standing Committee, which shall consist of seven members, the cause shall be brought before the Board of Directors, who shall determine the matter in question, and such decision shall be binding. (See Article XXV of the Constitution.)

SEC. 13. On the examination of a member for a breach of these rules, he shall be allowed to sit in the Division room during the examination, and be allowed to ask any question he may choose, through the presiding officer, to the person who is his accuser; but if he uses any abusive language to the Board or witnesses, he shall be expelled the Division room, and, although acquitted, he shall be fined in the sum of $1.

SEC. 14. No member shall stand a poll or fill any office except he is capable of keeping his own books and has been a member six months.

SEC. 15. When any member of this Order takes sick, a Visiting Committee belonging to the Division of which he is a member shall visit him; and should they neglect to do so, each of them shall be fined in the sum of $1. When said committee shall report the state of his health, and if it be so as he is not able to attend to his daily labor, the President shall give an order on the Treasurer, signed and countersigned by the Secretary, for the sum of $5 for each week during his sickness; and should he die, the sum of $50 shall be allowed to defray his funeral expenses.

SEC. 16. Any officer or member neglecting to attend the funeral of a brother member, shall be fined in the sum of fifty cents, except members of the Division to which the deceased belongs, who shall be fined $1; and on Sundays the fine shall be $1 for all, and be deprived of the benefits of the Order until said fine is paid.

SEC. 17. On the death of a member's wife, the Division to which said member

belongs shall pay the sum of $10 to defray the funeral expenses. But the members shall not be compelled to attend the funeral.

SEC. 18. Each Division shall have a High Mass said on the death of every member in good standing.

SEC 19. Each Division shall have an Assistant Secretary, who shall aid the Secretary by recording all fines and penalties. The Secretary and Assistant shall each have a book, and attend the meetings, call the roll of their respective Divisions, fine all absent members, take an account of the state of the funds of the Division, notify their committees on general and special matters, and sign all documents relative to their Division.

SEC. 20. All persons initiated in the Order shall pay the sum of $3, sign the Rules of the Society, and pay the sum of thirty-five cents monthly during membership, and ten cents for a copy of the Constitution.

SEC. 21. Propositions for membership shall be accompanied by the sum of $1 for each name proposed, which shall apply as part of the initiation fee. Should the candidate be rejected, the money shall be refunded.

SEC. 22. Any candidate accepted by the Order, failing to present himself for initiation within two months after being notified of his election, shall forfeit the proposition fee to the Society.

SEC. 23. The Board of Directors shall receive the sum of $1 quarterly from each Division, and shall appoint a Treasurer and Secretary to keep an account of all moneys received by said Board, and also the expenditures.

SEC. 24. The Board of Directors shall appoint its own President, Secretary, and Treasurer, at the annual election, and shall raise a stock or fund of money, in order to defray the expenses of said Board. They shall receive the sum of $1 quarterly from each Division, pay all the postage of letters of communication and printing of any documents belonging to said Board. The Secretary shall engross, in a book kept for that purpose, all the receipts and expenditures, and return an account of the same to all the members of the Order, at each quarterly or general meeting. The Chairman shall give an order on the Treasurer, countersigned by the Secretary, and all the members present shall have the power of rejecting or permitting the payment of the same; when the yeas or nays are taken, and a majority are in favor of paying a bill, the Treasurer shall pay the same, and the Secretary shall enter the same on the minutes.

SEC. 25. All property, such as general banners, books, staves of office, etc., etc., shall remain at headquarters designated by the Board of Directors.

SEC. 26. No member shall be exempt from fines imposed under the Constitution of this Order, unless the cause shall be presented in writing, attested by five members in good standing, and with the consent of a majority of the members of the Division of which he is a member.

SEC. 27. A member falling sick while in arrears on the books of his Division, for dues or fines, cannot liquidate such arrearages for the purpose of drawing benefits from the Order during his sickness.

SEC. 28. The General President and General Secretary shall take no action in regard to the funeral of a member until they have received notice from the Secretary of such member's Division as to his standing on the books.

SEC 29. Upon intelligence being received by the Secretary of a Division of the death of a member, he shall immediately report the standing of such member on his books to the General Secretary and General President for action as prescribed by the Constitution. If an officer should die, the Secretary of the Board will proceed as Secretary of a Division.

SEC. 30. All books and accounts shall be kept by the officers in a uniform system and ready for inspection by proper authority, at any regular meeting.

SEC. 31. Any brother, a member of this Order for six months, shall be entitled to the benefits thereof in case of sickness, provided such sickness or disability shall not be the result of immoral or improper conduct. (See Article XXI, Constitution.)

SEC. 32. No member shall be allowed any sick dues unless he has been sick one week, and then only from date of filing notice of said sickness.

SEC. 33. Members of a Standing or Special Committee, failing to perform their duty, shall be reprimanded, fined, or both, by the authority which appointed, unless sufficient excuse be given.

SEC. 34. Officers of each Division shall, in all processions, walk at the head of their respective bodies, and preserve order in the ranks.

SEC. 35. It shall be the duty of any officer who may see a brother appearing in procession, or in public, with his regalia on, in a state of intoxication, to take the

regalia off and report the name of such brother to his Division, with charges in writing.

SEC. 36. A meeting shall be held in each Division on or about the beginning of each month, after the opening of which the President shall order the proceedings of the last meeting to be read to the members. Money should not be received by any officer or member, but on the night appointed for meeting.

SEC. 37. The General and Division elections shall be held within one month after the State election, when the old officers' term expires and the new ones installed.

SEC. 38. Secretaries are required to keep a separate account of funeral fines from all other moneys received, and render a report of the Divisions at each quarterly meeting, failing they shall be suspended from office, unless prevented by sickness or absence from the city.

SEC. 39. Members of this Order in this State shall be required at least twice a year to receive Holy Communion, at their Parish Church, or such church as they may designate, and wear the rosette of the Order. The time to be the Sundays within the Octaves of the 15th of August and 25th of March. Any member failing to comply with this section, for the first neglect, shall be suspended for three months, for the second neglect, six months, and for the third, for life.

SEC. 40. No part of this Constitution or By-Laws shall be repealed, altered, or amended, unless a proposal in writing be presented to the Board of Directors one month previous to the discussion, when if two-thirds of the members present vote in favor of the motion it shall be adopted, and not otherwise.

ORDER OF BUSINESS.

When the Board of Directors take their respective seats, and the President calls the Division to order, the business shall be taken up in the following order:

1st. Minutes of last meeting.

2d. The call of the officers of the last stated meeting, who if not present, shall be fined according to Article XVIII.

3d. Reports of candidates and new members received.

4th. Petitions read and referred.

5th. Reports of committees read and referred.

6th. Communications read and referred.

Mr. Garrett. I now offer in evidence the pamphlet laws of 1871, pages 697–8. An act to incorporate the Ancient Order of Hibernians, of the State of Pennsylvania.

Mr. Garrett. I desire to read in evidence the following testimony delivered by William M. Thomas, at the hearing of the habeas corpus:

CROSS-EXAMINED.

By Mr. L'Velle.

Q. You say there were four men there that morning? A. Yes, sir.

Q. Did you know any of the four? A Never knowed them before.

Q. You did not know them to recognize them? A. I would know them if I saw them again.

Q. You do not recollect ever having seen any of the four before that day? A. No, sir.

Q. Will you tell us how this man here was dressed on that occasion? A. He had a kind of grayish coat on him; I hadn't much time to judge his clothes.

Mr. Garrett. I also desire to read in evidence, from the testimony of Mr. McParlan, at the same hearing, this:

A. On the 3d of May, which was on Sunday, 1875, I was in Girardville; I was in John Kehoe's; he was present there himself; there was several parties there, and there was a man named John O'Reagan, of St. Clair, present; Kehoe had a baby sick, I think, or his wife was sick, and O'Reagan had drove up with Dr. Carr—so he stated to me—and I saw them go away in a buggy. Kehoe took us aside—John O'Reagan and I—and told us that he wanted us to meet him in Mahanoy City on the first day of June. He stated that his

purpose for so doing was to see if there could be no plan devised to shoot William M. Thomas, Jesse Major, and William Major. He stated that it seemed to him as though those men just done as they pleased.

Q. What men? A. The Majors and Thomas. That one of the Majors had attempted to assassinate one Daniel Dougherty on the street, in Mahanoy, that the police passing, was only a few yards from the would-be assassin, and did not attempt to arrest him. He asked O'Reagan and I, jointly, as to whether in any divisions that we belonged to, there was a good old man who was not afraid to shoot. O'Reagan stated that he thought he had one who was a good man upon a job of that kind. I stated to Kehoe that I knew all the members that was in our division, and they were all principally young men, and I did not think there would be any use in having them come on on a job of that kind. He then requested me to come to Mahanoy City upon the following Monday—the next day—and tell Michael O'Brien to be ready to meet him on the 1st of June. I told him I would. Dr. Carr then came down stairs into the bar-room and had a cigar, I guess, or something of that kind, when O'Reagan left in the buggy with Dr. Carr for his home in St. Clair. I went shortly after to Shenandoah. I went to Mahanoy the next morning in the eight or nine o'clock cars on the Lehigh Valley, saw O'Brien and delivered my message. It was very brief; it was merely to meet Kehoe. . . .

Q. You did not raise any committees in Major's case at all, and you do not know of any committee having been raised? A. Yes, sir; I heard of it; I heard of a committee that had been there.

Q. Of any committee made to interfere with the Majors? A. Yes, sir.

Q. Where was that? A. James Roarity informed me—

Q. Where was that committee? A. He informed me that Christopher Donnelly and three men had been over for to shoot the Majors.

Q. Did he name the men? A. He did not.

Q. When did he tell you that? A. He told me that on the 18th day of July.

Q. Where were you on the 18th day of July, when he told you that? A. In Coaldale.

THE ARGUMENT.

Argument of Franklin B. Gowen.

Mr. Gowen addressed the jury, on behalf of the Commonwealth, as follows:

With submission to your Honors, Gentlemen of the Jury, it would be useless to disguise the deep interest which the community and you and all of us are now, and have been for some time, taking in that class of cases, of which this is one. It is not proper to refer to that which is not in evidence, and I shall not, if I can avoid it, say anything before you except that which is necessarily called out by the evidence in this cause. I may, however, say from this evidence, and it would be folly to hide it, or omit to speak of it in any connection, that there have been within the last two or three months several very serious and important causes tried, growing out of the revelations which have been brought to light in this country within the last three or four months. Other jurors have been impanelled and have passed upon the guilt or innocence of individual members of the organization, which, for so long a period of time, has been the dread and the terror of peaceable citizens in this and the adjoining counties of the anthracite coal-fields. But it has been reserved for you to be singled out to try not merely the question of the guilt of particular persons, but the far more transcendent issue of the guilt of the society itself which is now on trial for its life. The lives of these men who sit around this table are not in jeopardy, because the punishment of the offence with which they are charged, so far as the individual actors are concerned, is simply the punishment of imprisonment at hard labor. Therefore, you try no men for their lives, but upon your *verdict rests the question, which is of* far more importance to the people of this county, and the people of this State, whether this society shall not be adjudged to an instantaneous and ignominious death. That is the question which depends upon your verdict, for here, as defendants you have Jack Kehoe, the county delegate, and eight or nine body masters, the men who met in secret, the men who organized murder; nay, more, the cowards who condemned innocent men to death, who laid the plans to strike innocent men down in death, but who had not the courage themselves to strike the blow. Every member of his association, who, from this time forth, will be hanged in your jail yard will owe his death to the men who sit around this table. The poor young men, miserable wretches, bought for money to shoot the pistol, and to aim the dagger, and apply the torch, are but the minions of the men who sit there. Whether the guilty agents are executed or not is of great consequence to society; but it will be of little consequence if the real instigators of the crimes are permitted to escape.

You have in evidence here a great deal about the organization of this society. Let me speak of it for a few moments, in order, as nearly as I can, to present before you the salient points of the testimony. Here is a society organized in secret and maintained in secret, a branch, of another, the headquarters of which in this State are in Pittsburg, and in the United States in the city of New York. It derives authority, not from this country, not from the citizens of this country, not from any organization grown into existence under the institutions of this country; but from a society in a foreign land, *sitting* in secret in Ireland and Scotland and England, *and there concocting* the secret passwords and the signs and toasts, and sending them, once every three months, to the members of the society here, who hold their offices under the authority *of the so-called* Board of Erin

The gentlemen tell us that this society is a good society; but we try it by its acts. We try it, not by its written declaration, or by its printed books, but according to the evidence in this case, and by that alone you are to deter-

mine your verdict, which, as I said before, will not only convict the prisoners of the offence with which they are charged, but in the estimation of the people of this county, and of the whole country, will convict this society so that it will never hereafter lift its head to look man in the face, and above all, that no member will hereafter lift his hand to strike the blow that has so often carried terror to the community, which now looks to us as its last refuge.

This society was organized and controlled in this region by men of more than common ability—for the men sitting around this table are not the commonest men, so far as natural ability is concerned—organized by shrewd, bold, cunning, unscrupulous men for a purpose which to us to-day is as manifest as the purpose of any organization that was ever chartered, or any society that ever sprang into existence. What was that purpose? It was simply the same purpose which the same society in Ireland for so many years pursued with success. The purpose was to get the benefit of and use and enjoy the property of others without owning it, and without paying for it. The purpose was to make the business of mining coal in this county a terror and a fear; to secure for the leading men in this society profitable positions, and the control of large operations at every colliery. The purpose was to levy blackmail upon every man engaged in industrial pursuits in this county, so that the owners, under the terror which this organization had acquired, would gladly purchase peace and immunity, by having one or two, or more of these men in prominent positions in every colliery, and employ as many of their confederates, members of this organization, as possible, to protect their property from the villainy of their own Order.

What would this have led to? It is but little over a hundred years since such a custom existed in Scotland. The Lowland farmers living in the neighborhood of the Highlands paid money as blackmail in order that the Highland chief to whom it was paid, would not only restrain his own followers from driving away the cattle of his client, but would stand by him as his protector for the recovery of any property which might be taken from him by the followers of any neighboring chief, and when it was once known in that country, that a Lowland farmer had paid blackmail to a Highland chief, that moment his person was safe, and from that moment his property was secure. So it would have been in this county. No industrial pursuit could have been carried on except by those who employed the services of Jack Kehoe, or Christopher Donnelly, or Mike O'Brien, or some of these men, either by giving them a good job or paying them money—and to what condition would this county have been driven, and what would have been the result? Just so surely as we stand here to-day, would this county, in the course of a few years, have been turned into the condition of the middle and lower counties of Ireland thirty years ago. Every man of character and reputation and integrity would have been driven into other regions, and this great theatre of industry, this boundless deposit of mineral wealth with which God has blessed the region in which you live, would have been, for aught I can see, transformed into a desert. With these conspirators in the possession of everything that was of value, they would have driven out all honest industry, shooting down, either in the darkness of the night or in the broad daylight, as they became bolder, any man who dared to oppose the dictates of their society or set himself up in the opposition to their decrees. Can you doubt this? Can you believe, if a state of society such as has been shown to you here, upon this witness-stand, had continued for one or two years longer, that this county would not have been the pest-house and the lazar-house of the United States, controlled and ruled by a class of men to whom human life was no more sacred than the life of the worm they trod beneath their heel? What would have been your condition, and that of all of us, but for the check which has been received from the officers of the law who have been engaged in the punishment and detection of crime. This county would have been a refuge for every outlaw in the United States, and in the world. It would have been an Alsatia in which every man who committed crime was safe, the moment he crossed its boundaries. This organization now numbering in this county five or six hundred, would have swelled its numbers to tens and twenties of thousands; and would have become so strong that it would have openly defied the law, and then only

after open defiance of the law, its extermination would have been assured. But how many years would it have taken, and how much would we have paid as the price of securing liberty after such a state as that? Thanks be at Heaven, in a few months we have done more than could have been done in fifty years if such a course had been resorted to, and I think we will be able at the end of your labors, to thank you, as jurymen, and individually as citizens, for putting the condemnation of the law not only upon those who are now here for trial, but upon this very society itself, but for which hundreds of its misguided members would to-day have been honest, reputable, and worthy citizens. Some of these very men, guilty of crimes as they are, sitting here with their wives and children looking to them as protectors—upon whom the door of your jail must close for long, long years to come—but for this society might have been engaged as respectable, honest men in lawful avocations and in the receipt of honest wages. Their wives might have looked upon them with pride and their children respected and loved them in the belief that no stain would attach itself to them from bearing the names of their fathers. All this has been changed, and by whom? By this society, as I think I shall show you to-day. This society and two or three of its leaders are not only responsible for the death of every one of its members who will be executed according to law, but responsible for the destruction of all those whose characters have been blasted by affiliation with it.

I now turn your attention to this particular case. William M. Thomas, who was attacked and shot, did not die. It was, perhaps, the most miraculous interposition of Providence, that averted the death which threatened him, for he was shot in the neighborhood of two vital parts in the breast and in the neck, and one bullet passed probably within one-eighth of an inch of his jugular vein. The slightest tremor, the slightest wavering, the slightest fear on the part of the man that shot the pistol that contained the bullet which struck his neck, would have sent William M. Thomas into eternity. This society has something to be thankful for, and, strange as it may appear, the hardened character of its members is what they have to thank, because if the assassin's hand had trembled when he shot the pistol, it would have been just as likely to have wavered to the left as to the right, and the slightest wavering of a line or the hundredth part of an inch at the muzzle of the pistol, in one direction, would have sent the ball to the jugular vein of the victim, and in that event every one of the men who now sit around this table would have been guilty of murder in the first degree, and would have been hanged by the neck until he was dead.

At this point I want to say to you something about the law in cases such as this. A very common impression prevails that it is only those who shoot the pistol or point the dagger, and actually commit the crime, by carrying out its objects, who can be punished for the offence: but that is not the law. There is a distinction between murder and the lower grades of crime, which I can best illustrate by referring to this case. If William M. Thomas had died, the four men who went to shoot him would have been indicted for murder, and the other five men might have been punished in the same indictment, just as if indicted for murder. In the eye of the law they would have been accessories before the fact; but the punishment is just the same. If William M. Thomas had died, all of these men who sat at that meeting, at Mahanoy, and determined upon his death, would have been convicted of murder in the first degree; four of them as principals and five of them as accessories before the fact, and the punishment in both cases would have been exactly the same. Even in murder, the highest crime known to the law, an accessory before the fact, who participates in and takes part in deliberations which lead to the crime, who is cognizant of the fact, aiding and abetting it before it is committed, is just as guilty of murder in the first degree as the man who shot the pistol that caused the death; and, when you leave the crime of murder and come down to a crime of this character, which is an aggravated assault and battery with intent to kill, every man who took part at that meeting at Mahanoy City, and agreed that William M. Thomas should be put out of the way, is just as guilty of the crime of assault and battery with intent to kill as the four men who actually committed the assault.

Remember that this is the law of Pennsylvania. There is no distinction whatever, so far as the indictment or the punishment or the trial is concerned, between those who set the job on foot and those who executed the purpose of the men who determined that it should be done; and in almost all cases, the persons who concocted the crime, who agreed and conspired to carry it out, are not only legally as guilty as those who executed their purposes, but morally are far more guilty than the instruments whom, by terror or purchase, they induced to carry out the act which they were too cowardly to commit themselves. Therefore, you will dismiss from your minds, in this case, any nice distinction or difference between the relative shades of guilt of any one of these prisoners. If there had been fifty at that convention at Mahanoy City, all participating in this adjudication upon the question of the death of William M. Thomas, and only one, and he, perhaps, one who had not been present but was afterward selected, had gone to shoot William M. Thomas, and had shot him with the same result that followed the wounds which have been inflicted upon him, every one of the fifty would be equally guilty with him who shot the pistol. There is no distinction known to the law, and it has not been suggested on this trial that there is. We have heard no such claim, but, in opening a case for the Commonwealth, I always think it my duty to explain to juries, as nearly as I can, that which I understand to be the law; and about that which I have told you I am sure there can be no dispute. And now as to the evidence in this case. Upon a certain day a meeting of prominent members of this secret society was called to be held in Mahanoy City. Jack Kehoe, the County Delegate of this Order, the highest officer in the Order in this county, sent word, or had word sent, to nine persons, including Gavin, who ran away (for McHugh was not sent for, but afterward was brought in), to assemble in county convention, as it might be called, and they met at a public drinking-saloon, upstairs. In order, that if necessary, he might have some one from an adjoining county, so that if this crime was to be perpetrated by persons from a distance he would have some one there fit to select them, Kehoe telegraphed to Dennis F. Canning, who occupied the same position in Northumberland County, which Kehoe did in Schuylkill, to meet him in Mahanoy City, and Canning came. That telegram was given in evidence. It was offered here, though it was not necessary, for it was proved by McHugh that Canning said he had received such a dispatch from Kehoe, and, in consequence of that, was present at the convention. This convention met, and what did it do? The first thing Kehoe said was: "You all know what we are met here for." There was no doubt about that. This crime had been determined upon among the members long before. They knew it, and they wanted to proceed to business; but, before proceeding to business, they thought it necessary to get up some blind which they could put up before the eyes of justice, in case they ever were called upon to answer for their offences. They wanted a secretary to keep minutes, and Frank McHugh was sent for. There was some consultation among the older and more hardened members of the society about the advisability of admitting young McHugh to their council, and it was not until his character was vouched for by Mike O'Brien, his own body master, that it was agreed that he should remain. He came into the meeting, procured paper, and made some minutes of an ordinary or harmless character, which apparently showed a legal purpose for the meeting. Why? Simply as a deception; simply that they should have something to show if they should ever be asked what the objects of that meeting were. Where those minutes are we do not know; but, after this formality was gone through with, they proceeded to business, and the first thing to do was to send for Dougherty, a man against whom it was alleged the people that were to be killed had made threats, or by whom he had been attacked. Dougherty came before the meeting and related his grievances. Remember he was a member of this Secret Order. He related his grievances, and when asked the remedy for the ills he had suffered, said that if the two Majors and Bully Bill were out of the way, he thought he would be safe. That is the trial that was held. That is all the evidence that was adduced, and, after such a trial, and upon such testimony, this infernal tribunal, without hesitation, without a shudder, and as willingly, as gladly as they would have doomed a dog to death, solemnly

adjudged that these three human beings should be murdered in cold blood. Was there ever such an organization heard of? Search the pages of history and go back over the records of the world, and I will venture to say you will never find in any society, claiming to be civilized, such an adjudication to death, and by instruments of vengeance as ghastly and as horrible, as this society wielded for the murder of their fellow-men.

Far back in the middle ages we know of an association known as the Vehmgericht, or the Society of the Holy Vehme. It was organized by men, many of whom were the ablest, and, some of them, the best members of the society in which they lived. It was organized, because the powerful nobles and barons had reached such a pitch of lawless power, that human life was not safe under the ordinary tribunals of jurisprudence, as they then existed. Belonging to this society was some of the highest of the nobles of Germany, and, in one or two instances, it was doubtful whether the emperor himself was not a member. This society adjudicated men to death; but how? Never, in its wildest license, even in its most powerful day, when its name became an awful terror throughout Central Europe, did that society adjudicate the death of an individual unless he himself was brought before them, confronted by witnesses, and enabled to make his statement. It is true that it acted outside of the known forms of law; it is true that it sent its secret emissaries and captured the man charged with an offence, and against his will, and blindfolded, unknowing the paths over which he trod, brought him before the tribunal for trial for the offence. But when he was once before them, the shackles were stricken from his limbs, and he was a free man. The accusation was read to him; witnesses were produced before him, and he was enabled to cross-examine them, and he was, above all, permitted to make his own statement, and, in most cases, was permitted to clear himself of the crime by his own oath, or by some solemnity which, in the state of society then existing, was considered so august, and awful, and sacred, that it would not be taken by any one in vain. This was the Society of the Holy Vehme, and yet, although it never did more than I have said, and acted under restrictions which I have named, by reason of its secrecy, it became such a terror at last, that its own members found it had to be abandoned.

In some of the unsettled parts of this country, especially, years ago, in the southwest and in the far West, where organized society had not yet drawn around its members that protection which was necessary for the security of life and the safety of property, men often took vengeance in their own hands, and it was customary for them to shoot each other down upon the public streets, either for an imaginary or a real wrong. But how, and why, and when? In almost all cases the man who had a grudge against his fellow-man, or whose feelings were rankling under some insult which, under the code of honor to which he felt bound to adhere, could only be wiped out by an appeal to arms, either sent a challenge which permitted the challenged party to select his own weapons, and gave him a fair chance to defend his life, or else he gave this notice: "Arm yourself; be ready to meet me, and be quick when you see me, for when I see you I will shoot you."

It was, of course, a horrible state of society, but there was something manly, and in many instances, something almost chivalrous about it, for the party who challenged, by his challenge submitted to his adversary the selection of the weapons, and if those weapons were those with which he was not familiar, he felt in honor bound to accept them, though unfamiliar with their use, and thereby gave the challenged party not only a fair chance for his life, but a great advantage in the strife.

How is it with this society of the Ancient Order of Hibernians in Schuylkill County, that has imprinted upon its by-laws the motto, "Friendship, Unity, and True Christian Charity?" Friendship! Why, gentlemen, it has not even the name of friendship. Unity! Ah, yes, that is the only word contained in their motto to which they subscribe. Unity among themselves. Unity to defend each other in all events, and at all seasons. Unity is the one grand idea of their organization in the commission of outrages, murders, and crimes. Christian charity! This organization which compels its members, according to its by-laws, to go every three months before their priest and per-

form the duties of their religion. Christian charity! To meet in silent conclave, and without warning and without notice, condemn a man to death, and then, in the most cowardly manner, with the stealth and cowardice of the assassin, skulk behind their victim and strike him down as you would strike down a dog. True, there were some spirits in this organization that seemed to be opposed to this cowardly way of assassinating a man, and even John Kehoe said, "No; it would be better to go right up to a man in a public manner in the streets, and then to shoot him down." But is this to his credit, or is it otherwise? Was it because John Kehoe thought it was better to meet a man fairly in the public streets, and shoot him down, and run the risk of being detected and of being arrested, or was it because he felt that this society had arrived at such a pitch of power, and had acquired such a degree of immunity from all past and future crimes, that he, king of these coal regions, and lord of life and death, could go into the crowded streets of a populous town, with his minions at his back, and shoot down in cold blood any citizen who had opposed his designs?

Why was it? It was because he knew full well that if he went in open daylight, under the eye of heaven, and in the glance of thousands of his fellow-citizens, and shot in cold blood any man he pleased, he would have walked through the streets safely in consequence of the terror which his acts had inspired in the breasts of that class who might otherwise have been willing to arrest him, and in consequence of the almost universal aid which he knew would be rendered by that other class of people who consider it their duty, whenever an Irishman gets into trouble, no matter how base may have been his act, no matter how low, no matter how contemptible he may be, to try to shield him from its consequences. Nay, more; it was because John Kehoe knew that, no matter who saw him commit the crime, no matter how many men saw him strike the blow, when he was arraigned before this court for trial, if he could judge by what had taken place in the past, he could bring, for every single man who saw him commit the deed, ten who would swear to an alibi, and swear that he was not there at the time it was committed. Is not this true? Is not this the way in which this organization has maintained its power, and, further and above all that, if we may judge from the past, and judge from his own actions and declarations, it was because of his confident belief that, no matter what crime he had committed, no matter how he might be detected, no matter how he might be convicted, even in the face of his alibi, there was a power beyond us all, in this State, that would give him a pardon, and permit him to walk out of your jail, as so many fellow-members of his infernal organization have walked out before, with pardons in their pockets, which by them were considered not only pardon for the past, but immunity for any future crime which they might commit. And when Kehoe, in that Mahanoy meeting, *suggested to shoot* men down in cold blood in the public streets, it was not because he was chivalrous; it was not because he was noble; it was not because he wanted to give his adversary a fair chance for his life; but it was because he believed that this very manner of committing the deed would strike additional terror to the hearts of those who already were so frightened and so abjectly humiliated, disgraced, and outraged, by what he and his fellow-members had done, that they hardly dared lift their hands to prevent or to detect any crime his society might order to be committed.

McParlan has told you the whole history of these crimes. As jurors, here, you have never heard McParlan until you have heard him in this case. As citizens you may have done so, and you may know a great deal about him, but you must use only the knowledge which you acquire in this case; and that is, that he came here as a detective; that he was sent to this county very nearly three years ago; and that he was sent here for the purpose of ascertaining where this society met, who its members were, and how they committed offences. He came into this county and ingratiated himself into their confidence. He became among them a well-known character, and pretended to participate in their crimes; and he ingratiated himself still further with them by telling them that he had already committed many crimes. My friends, Judge Ryon and Mr. L'Velle, asked the witnesses questions as to whether

this society was not a good society, organized for the purpose of Christian charity, and to prevent and punish crime. Why, do not their laws say so? If you read the sentiments of Christian charity which are expressed in the printed constitution, which I hold in my hand, you can get as good reading out of it as you can out of some portions of the Bible, for a great deal of it is based upon the precepts of Holy Writ. Let us begin, therefore, with the advent of McParlan into this county, and let us see whether he was an able man or whether he was the reverse. Let us draw a distinction, perhaps not so far as ability is concerned, but so far as what we call tact is concerned. You understand what that means, and sometimes it goes a great deal further than ability. Let me draw a distinction, if my friends will not consider it invidious, between the manner in which McParlan joined this association and the manner which probably would have been adopted by my friends, Judge Ryon and Mr. L'Velle, if they had desired to connect themselves with it. Mr. McParlan's object was to join it, and that was the very thing he wanted to be asked to do. It is, of course, to be supposed that when a society asks a novice to become a member of the organization and enroll himself among them, they hand him their by-laws and constitution to read, and there can be no doubt that Mr. McParlan saw a great deal of that which was good and nothing of what was bad in the constitution and by-laws which are submitted to him. He probably first read the preamble, and in doing so found that it contained these words:

"The members of this Order do declare that the intent and purpose of the Order is to promote FRIENDSHIP, UNITY, AND TRUE CHRISTIAN CHARITY among its members, by raising or supporting a stock or fund of money for maintaining the aged, sick, blind, and infirm members, *and for no other purpose whatever.*"

Then he read these verses, for the Irish are fond of verse, and it is an infirmity which I fear I share, in common with those of the land from which my father came:

"These laws, though human,
Spring from Love Divine,
Love laid the scheme—
Love guides the whole design.

"Vile is the man
Who will evade those laws,
Or taste the sweets
Without sufficient cause."

And then he read this:

"INTRODUCTION."

"The motto of this Order is FRIENDSHIP, UNITY, AND TRUE CHRISTIAN CHARITY.

"UNITY, in uniting together for mutual support in sickness and distress.

"FRIENDSHIP, in assisting each other to the best of our power.

"TRUE CHRISTIAN CHARITY, by doing to each other, and all the world, as we would wish they should do unto us.

"BRETHREN: It is beyond all doubt that the Supreme Being has placed man in a state of dependence and need of mutual support from his fellow-man. Neither can the greatest monarch on earth exist without friendship and society. Therefore the Supreme Being has implanted in our natures tender sympathies and most humane feelings toward our fellow creatures in distress, and all the happiness that human nature is capable of enjoying must flow and terminate in the love of God and our fellow creatures. So we, the members of this Order, do agree to assist each other, and conform to the following rules:"

Now, if my friend, Judge Ryon, desired to enter this society, and I am very sure that, when he had read these sentiments, neither he nor I could have any objections to entering such a society, for I never heard sentiments which were of a more exalted character, and very seldom do you find, in the constitution and by-laws of societies of this kind, thoughts expressed in better lan-

guage. Therefore, my friend, Judge Ryon, cannot complain when I say that if he desired to enter this Order he would have done something like this: He would have gone to Mr. Kehoe, and shaken him by the hand, and said, "My dear sir, I believe in the doctrine that there is a Supreme Being watching over all of us; I believe in unity and friendship, and, above all, in true Christian charity. For the practical exercise of these virtues I presume your society has been organized, and for the purpose of aiding you in extending its benefits among the benighted people in this region, and joining you in carrying out this mission of good will toward man, and faith in God, I propose to become a member of your organization." What would Jack Kehoe and his fellow members have said to such an address? Perhaps we can better determine what they would have said to such an application made either by Judge Ryon or by myself, by listening to what they did say when a similar application, but couched in very different language, was made to them by Mr. McParlan. Mr. McParlan read this little book, and he read about unity, friendship, and true Christian charity. He read the verses, and he read all that I have read to you; and then, as he was a man who had considerable knowledge of human nature, what did McParlan present as his credentials, not only to obtain admission into this Order, but to become a recipient of its dearest secrets, and to be enabled to search the inmost recesses of the hearts of all its members?

"Unity, friendship, and true Christian charity" is the motto of your society, said Mr. McParlan. "I killed a man in Buffalo, and am here for the purpose of escaping from being hung, and my profession," said he, "is to pass counterfeit money, and I will give you fellows as much of it as you want," and at that instant their arms were opened wide to receive him, and he was folded to their dearest embrace in such a manner, that in the course of two or three years there was very little that they knew that Mr. McParlan did not know. But I am sure that if my friend, Judge Ryon, or myself had joined this society, under the belief which we might have entertained from reading the constitution and by-laws, we would never have known what was going on in that society, and we would only have been used for ornamental chaplains, for the purpose of being offered in evidence to prove that the society was so good that it had retained the services of local preachers. Can you have any doubt of what McParlan tells you? and McParlan gives the whole history. He has narrated the manner in which this society was instituted. He describes the whole secret to you with almost thrilling interest; and then, for the purpose of corroborating him, what have you next? We have called here from among the prisoners, right out of their midst, the youngest member, young Frank McHugh, whose father and mother I knew well from eighteen to twenty years ago up to the time I left this county, as decent, respectable, worthy, honest people, who I am sure left undone nothing to bring their children up in the fear of God, and to make them honest and respectable members of society. There is no more glaring and terrible commentary upon this society, and its effects upon the people of this county, than is here offered in this case of young Frank McHugh. A young fellow only twenty years of age, having an education rather better than the most persons in his sphere of life are able to receive from their parents, was drawn into this organization, and you may readily believe that when he joined it, as a young man only seventeen or eighteen years of age, he did not believe he was joining a criminal organization. I do not believe that young men, sons of honest parents, whose fathers and mothers are known to be good people, become criminals of their own will. It is from keeping bad company, from associating with men such as those who compose this association of Mollie Maguires that they are led into crime. There can be no doubt that this young man, when he joined the society, believed he was simply joining an Irish Catholic beneficial association, yet bad company ruined him. Associating with these men at Clark's and Michael O'Brien's, he was gradually indoctrinated with crime, and was made to believe that it was proper and right for him to carry out the orders of his society. So firmly did he believe this, that when he was sent for to come up to that meeting to act as Secretary, he made no objection. He sat down among them, a young man barely twenty years old. deliberately associated with them, heard them decide upon

the death of their fellow-men, and made no objection. Whom have we to thank for this? Whom have we to thank that the young Irishmen of this county are ruined by hundreds and by thousands? Do you not know, and do not all of us know? It is a sad and an awful thing when a man is arraigned before you, charged with having taken the life of his fellow-man. It is the highest crime known to the law, and it is punished with its most severe and ignominious penalty; but there is a higher crime than this. There is a crime which in its magnitude far transcends and exceeds any crime known to the criminal calender of the Commonwealth of Pennsylvania, and that is the crime not of the killing of the body, but the crime of the killing of the soul. How many young men, brought up by good parents, in good churches, and by pious priests, have been led from the path of rectitude and honesty by the influences of this society and of its leader, Jack Kehoe? Let him look around this table where these poor women are sitting, here in what is for years almost the last embrace of their husbands. Whom have they to thank that those husbands are to enter a prison cell? When they think of the life which is before them, and, God knows, it is tenfold worse than the most sudden widowhood, whom they must hold responsible? We have tried men here before this for taking the life which God had given to their fellow-men; but that life at the best was but a span. It was but a thing of threescore years and ten, perhaps fourscore; but this man Kehoe I arraign before you, chief conspirator, murderer, and villain, with having made money by his traffic in the souls of his fellow-men. How many households in this county are now weeping for the absence of those who have fled from justice? How many mothers kneel down every night by their lonely bedsides, and ask God to look into the wayward hearts of their sons, and turn them from the error of their ways, and how many of them have to thank Jack Kehoe for leading them astray and turning them into criminals? And for what? That he should live without work; that he should make money out of their crimes; that he should sell their votes for money to one party or another—it did not matter to him which; that he should be clothed in purple and fine linen, and fare sumptuously every day, while his poor victims were going down that deep descent over which frown the battlements of yonder goal, and beyond which looms ever the ghastly form of the gibbet and the rope. Let him look once again over this county, and let him think of the hundreds of other victims whom he has brought into their present state of misery and of want. How many of them are there? Shall I recount them to you? Do you not know it all? They are not alone the wives and mothers and children of these men, but they are the wives and mothers and children of hundreds of others who have not yet gone to the length that these prisoners have; and hundreds of others whose protectors have been killed by these infernal machinations of this Order. If he has any sensibility, if this man ever can think, I do not envy him his future life, no matter where it may be spent. He may be happy, and I often see him smiling at this table, because in this case his life is not in danger; but better for him if William M. Thomas had died, and the misery which he must suffer could have been cut short in a few weeks, or a few months. What is to be his life? Where does he go from here? To a solitary prison cell to brood not only upon his own crimes, but upon the crimes of others, and the wrongs which have been perpetrated by his society in this county. How many murders have been committed here in twenty years? Can you count them? Who are the guilty authors of these murders? I answer that they sit around this table. Has there been a murder committed within the past ten years that these prisoners do not know all about? What have they to think of when they enter their cells in prison? That at any moment, at any instant of time, by the aid of detectives or the treachery of friends, suddenly it will be known who killed Rea, who killed Littlehales, who killed Muir, who killed Dunn, and who killed Langdon; and then what exit is there for them from these prison walls? Have they to look forward in their solitary confinement, to that which has cheered the imprisonment of many criminals, to the time when their sentence shall expire, and they can come out again into the world and be restored to their families to earn a living, and, perhaps, to redeem their names and build up new reputations? For them there is no such escape. For them there is no such hope. Before them ever

looms the ghastly form of the gibbet, and at any instant of time, aye, even while I speak here to-day, the telegraph may bring me word that we have evidence that will convict them of crimes, the cause of which has been enshrouded in impenetrable mystery during the last ten or fifteen years. Nor is this all. When he contemplates these things, are there no other visions that will spring up before him? When he looks back upon his life, and the wrongs which he has committed, when he casts his eyes around this table, and sees his own wife beside him, and the wives of his confederates with their little ones clinging to them, and thinks of the many widows and orphans of those who have been murdered by the members of his society, it would be no wonder to me that he would eagerly and gladly accept the penalty of instant death upon the gallows, rather than that imprisonment which he must bear, and which must torture him by reflections which entail upon him the lingering agonies of a daily death. Let him look around here and see the forms which cluster about him to-day, and repeating the awful malediction of the great German poet, let me turn to him and say:

"Upon the faces of forms like these thy features are inscribed in the agonies of death; that forms like these will draw thy curtain when thou sleepest, and grasp thee with their clay-cold hands; that forms like these will flit before thy bedside when thou diest, and drive away the expiring prayer for mercy—and forms like these will stand by thy grave at the resurrection and before the throne of God when he pronounces thy doom."

This is the man you try to-day; the chief of all; responsible above and beyond all, and this is the man for whom there is not one single word of testimony except an attempt to prove that he has possessed a good character. Whatever testimony has been produced in his behalf, however, has resulted in nothing but to show that among his own people, by those whom he has himself produced here, he has been known for many years as a Mollie Maguire, which, I submit with the greatest confidence, is the worst character mortal man can have under the broad canopy of God's heaven.

The defendant's counsel, Mr. Garrett, attempts to attack the credibility of McParlan, on the ground that he was an accomplice. An accomplice! He! the man to whom, under heaven, we owe more than to any other man who ever came into Schuylkill County. He, the man who took his life into his own hand; the man who was faithful to his trust and faithful to his employer; the man who, when he knew that his mission had become known, when he knew that the assassins were at his heels, when he knew that Chris. Donnelly had selected the men to kill him, when he knew that the men were right behind him giving each other signals to strike the blow—was proved in the hour of danger. *He took his own life* into his hands and went through the coal regions and faced the assassins, and faced them down, until one good man, Frank McAndrew, saved his life. And I would consider, if I were the District Attorney of this county and had the power to advise the Court, that bad a man as Frank McAndrew had been, this one act of saving the life of McParlan should secure him an immunity from punishment for anything he has done heretofore as a member of this organization. You have probably heard the most thrilling account ever given upon the witness-stand in the story of McParlan's adventures, at the time of which I now speak. It was not to save his life that he went through the coal regions. He could have saved his life by taking the cars for Philadelphia, resuming his true name of James McParlan, and no one would have known that he was James McKenna, and his life would have been safe. It was not to save his life that he went to Shenandoah. It was not to save his life that he went to Kehoe and told him that he was no detective and asked him for a trial. It was not to save his life that he took a sleigh ride with Ned Monaghan, the High Constable of Shenandoah, following with his would-be murderer right behind him, ready to kill him. It was not to save his life that, coming to Pottsville again, he went back and saw these men again at Mahanoy Plane, and had that remarkable interview with Father O'Connor, where he knew that a Mollie Maguire, unknown to the good priest, was listening to everything that was said. The best way to have saved his life would have been to have taken the cars and left, and nobody would have heard of James McKenna again, and when James McParlan ap-

peared in a distant city, dressed as is this man now sitting in court, with his dark curly hair and spectacles, no one would have known him in that apparently inoffensive person the terrible Mollie Maguire, Jim McKenna, with his red wig and dirty clothes, who had so long been a terror to the good citizens of Schuylkill County. Why was it that he faced these men? It was to perform his duty. He was sent here on a mission, and, if he proved that he was not a detective; if, in the face of all the charges to that effect which had been made against him, he has been ingenious enough to disprove it, he would then have been considered the best man in this society by all odds; and Jack Kehoe would have had to look after his laurels; for then there would have been another county convention at Girardville, and Barney Dolan would have been avenged when Jack Kehoe was turned out and Jim McKenna was put in as county delegate. Or as you may have surmised, and I do not consider that I overstep my duty when I suggest to you, that if some trifling offence had been committed and Jim McKenna had been arrested with the rest of the party and sentenced to jail here for a month or two—which sentence he would very gladly have served out—when he came out of that jail he would have been the best detective in the world to have placed among the Mollie Maguires; and then, if he had had one other year without being known, you would have had the pleasure, I believe, of hanging some men who are not citizens of Schuylkill County. We would have got at the head of this order at Pittsburg, and we would have got at its head in New York; we would have got to its source in England, Ireland, and Scotland, and I believe established the affiliation of the head of the society with these murderers and with the killing of their victims, and show how they help criminals to escape. These defendants are mean and common criminals besides those whom it would have been my greatest pleasure then to have prosecuted before you. But the time had come when we had to stop. We could not face this thing down. Not only was his own assertion, not only was what he said to the members and what he said to the priest insufficient to clear him from the charge that was made against him of being a detective, but he found out from Frank McAndrew, on the very last night in which he slept in Shenandoah, that the assassins had been hiding around his own lodgings for the purpose of killing him, and then he had to fly.

Then his time was up. Then his duty was done. It was, of course, a sad disappointment that we could not follow this society further, but mingled with this disappointment came this benefit, that in consequence of his becoming known in this county as a detective, there seemed to be to him at least some reason why he should not hold us to the pledge which we gave him, that he would not be used as a witness in the prosecution of these cases. Then we had the benefit of his testimony—with what result I shall not attempt to speak until I hear your verdict. What is to be the result of all these years of labor, entered into with as proper feelings as ever actuated man to do aught under heaven, I shall not speak with any confidence until I hear your verdict.

I now propose, as I have the first argument to make for the Commonwealth, to refer to what has been said by the counsel of the defendants, in his opening speech, in reference to the testimony of McParlan and young McHugh. McHugh is criticized for not telling everything which McParlan did; and it is contended that McHugh's testimony is not believed because in relating to the Court what took place in Mahanoy City he does not state everything that McParlan does. Why that is the best evidence of its truth. It is impossible for two persons, listening to the same conversation and engaging in the same thing, after the absence of months, to remember exactly every word that was said. And remember this: McHugh was simply taking part in that meeting as an ordinary participator, never dreaming that he would be a witness or would be asked to tell anything, or that he ever would tell; while McParlan was there as a detective, a man trained to listen to everything which is important, and, at the end of the day, to note it down in writing; and hence McParlan is more apt to remember everything than McHugh. Indeed I may say to you here, that if three or four persons came into this court-room and each swore exactly to the same thing, without variation, almost in the same words, all swearing exactly alike, it would be good evidence that the tale had been

made up and that they had been comparing notes together; and such a story told upon the witness-stand is more doubtful than if told by people each of whom differs in some trifling particular from another, one omitting something which the other describes.

Let me give you the best illustration of this I can. I call before you the four greatest witnesses of the greatest act ever committed in this world. I take the four Evangelists themselves, St. Matthew, St. Mark, St. Luke, and St. John, the men upon whose writings the whole doctrine of Christianity is founded; the men in whose truth and in whose honor there is such implicit confidence in the Christian community, that but to doubt it would be to stamp the doubter with the mark of infidelity. These inspired writers, themselves eye-witnesses of the facts that they were transcribing; men rendered more than mortal by personal intercourse with the Deity; men inspired by God himself to be the truthful transcribers of the great works of human salvation, which our Lord accomplished when he walked upon this earth, differ in many instances in their narration of the same event. One omits to say something which the other tells; and you do not get the whole history of the life of Jesus Christ upon this earth, until you read the whole four books. Take up the miracle of the loaves and fishes, which is described by all of these apostles, and you will find that one has omitted some trifling incident which the other has given. Read the polemical works of the Christian world; read the disputes as to the authenticity of the Scriptures; study the writings of those great fathers of the church, who, in an early age were the exponents of these Scriptures, and, you will find scattered through all these writings and through all these controversies, the confident assertion that these very differences are the best evidence of the truth of the Evangelists. And why? Remember those who alleged the falsity of the Scriptures were unbelievers in Christianity, and claimed that the whole scheme was gotten up by human agency. That was the charge which early writers had to contend with and to disprove. If it were so, if the Scriptures were not truthful, if St. Matthew, St. Mark, St. Luke, and St. John, were themselves the originators of that which they related as facts, if it sprang out of their own brains, what would they have done? If they intended to create a new church; if they intended to create a new religion, and were themselves the inventors of that which they alleged to be truth, they would have compared their histories with each other, and all would have been the same.

So much for any criticism which I have yet heard upon the testimony of McHugh. No promise was made to McHugh. He says he believes he will get less, and he ought to get less punishment, because of his confession; and I will say here, to-day, that I will join the district attorney and my colleagues to ask the court to consider very much in his favor, the benefit he has been to the court of justice, and, above all, to consider his youth and the respectability of his family, and the manner in which he has been drawn into this society.

Let me now ask the young men of this county, those young Irishmen who are anxious to belong to this society, and those who are in it now, if they were in McHugh's place, what would they give if they had never joined it, and had listened to the admonitions of their mothers and of their fathers, and of their priests to keep away from it. I know the temptation to live without work. I know how these young men desired to be in Kehoe's place or in Canning's place. I know how they desired to be like those men who lived without labor, and who had plenty of money, and who wore good clothes.

Men brought up to labor think it is a grand thing to live without toil. But look at Jack Kehoe to-day, and look at Jack Kehoe one year ago, and compare his position now with what it was then; and let me ask any young Irish Catholic, eighteen or twenty years of age, whether, with the knowledge he has before him now, he would do as Frank McHugh did, and join this society, and I venture to say he will answer no. And then let me ask Jack Kehoe and his fellow-prisoners this question: What right had you to deceive these young men? What right had you to take them into this society, unless you told them its true character in this county, and the whole catalogue of its crimes? Let me repeat the words of the inspired writer:

"I have been young, and now am I old; yet never have I seen the righteous

forsaken, nor his seed begging their bread." And let me point to the lives and conduct of these men now on trial, as a warning and an example, and if I can create in the breasts of young men a feeling of loathing, and of horror of this organization, I am sure that, next to your verdict, there will be nothing to be more thankful for hereafter than that while punishing the guilty, we may rescue the innocent, and prevent hundreds and thousands from following the same downward path that inevitably must lead them to an ignominious, an awful, and a ghastly death.

But one other charge is made against McParlan. It is charged that he has permitted men to escape. He is charged, inferentially, by the manner in which Mr. L'Velle cross-examined him in relation to Thomas Hurley and one or two others, that he knew they were murderers; that he knew they were in Luzerne County, and that he gave no information which would enable the officers to arrest them; and, further, that he, knowing where crimes were to be committed, took no means to save human life. This is a grave charge; it is a high offence. But is it true? At the time this crime was committed, this county was in a state of fermentation from one end to the other. Bands of men who then claimed to be labor reformers, but whom we now know to be Mollie Maguires, were parading this county, and coming from adjoining counties to prevent men from earning their daily bread. Captain Linden was here, with a posse of armed policemen, and at the time McParlan went with his committee, professing to intend to kill William M. Thomas, Linden was stationed with all his men in defence of the West Shenandoah Colliery, where a number of brave men were determined to assert the right which every man in this country has—the right to work when and where he wishes. They were actually engaged in work in the presence of four or five hundred infuriated men, who were determined to prevent them from working, and Captain Linden could not leave. He had thirty, or forty, or fifty lives depending upon him; and he did not go to Mahanoy City that day, because he knew that James McParlan was one of the men to kill William Thomas; McParlan had notified Franklin that he was going with these men, and he would find means to prevent the crime from being committed; and he did prevent it, and, so far as Thomas was concerned, with McParlan on the committee, he was just as safe as if he stood in the midst of a regiment of soldiers. When he was attacked McParlan did not know of it until night, when he was in such a position that he could not prevent it.

McParlan sacrificed life! He tells you that time and again, upon his information, Captain Linden, with his armed men, has laid out in the woods, night after night, watching the people who were to be attacked, ready to protect them if the attack was made, and also ready to arrest the offenders in the perpetration of the act. You will remember that all this time McParlan was acting under the promise that he was not to be used as a witness. Therefore, of what use was the discovery of crime unless he revealed his knowledge to others? The only object of his intervention was that he should give information when the crime was to be committed, and then Captain Linden, at a whistle, would have sprung up with ten or twenty men, surrounded the murderers, caught them in the very act, handcuffed them in the very act, and brought them into this court to be punished; and if Captain Linden had caught these four men in the very act of shooting Thomas, put the handcuffs on them, brought them to the magistrate's office, taken them from thence to the jail, and stood side by side with them, day and night, from the time of their arrest until the time of their trial, I venture to say, with great confidence, from what I know of these people, that they would have had fifty men here to prove that they were not present at the time of the commission of the offence. That used to be the way in which crimes were tried in this county. I am glad to say that I believe from this time out it will be so no longer; and I am glad to bear testimony to the fact that this is the first trial of a Mollie Maguire I have ever known in which there was no attempt to prove an alibi. Why is this? It is because perjury has become as odious a crime as murder, for, if it had not been for perjury and the knowledge that perjury could be relied upon, there never would have been a murder in this county by this society; and we have accomplished a great deal, and gone great lengths in the onward progress of

reform when we can try eight or ten Mollie Maguires for the crime of murder or attempted murder, without a single witness coming forward to swear to an alibi.

The next witness is William M. Thomas, the man upon whom this attack was made. Is there any doubt in your minds that William M Thomas told the truth when he told you that four men came to the stable and shot him, and when he pulled down his collar and showed the mark of the bullet within an eighth or a quarter of an inch of his jugular vein? Did you have any doubt that a wound was inflicted on his breast, when he showed you where the bullet went in and where it came out? Did you have any doubt of the truth of his statement when he held up his finger and showed where the bullet scarified it when he attempted to catch hold of the pistol? Did you have any doubt of the truth of his statement when he told you that beneath the collar of his coat he had another wound which had gone deeper through the flesh? Did you have any doubt of that? If you did, it was dispelled, so far as the fact of any wound was concerned, by the two places in which you saw the marks of the wounds, and any remaining doubt was dispelled when the doctor himself came forward and described to you how he had examined the wounds upon Thomas, and found them to exist in the same manner as Thomas had described them.

What did my friend, Mr. Garrett, mean when he said that he would show you that Thomas had such a character that you could place no confidence in what he said? That could only have been because he was not to be believed when he said he was shot. If they believe it, it is perfectly right and proper for a lawyer to say that witnesses have characters so infamous that they cannot be believed, and if they have such characters, it is well for juries to be careful about them. Therefore, although I do not believe that in the mind of any one of you there is any doubt about this thing, yet, as my friend, Mr. Garrett, has referred to it, I must reply, for, with every man in this county as my client, I have a duty which I must not shrink from, no matter how wearisome or tiresome it may be to you to hear me, and no matter how exhausting it may be for me to speak. Therefore, I call your attention to this fact, and I submit that about the wounds on the body and on the person of William M. Thomas you should have no more doubt than St. Thomas himself had of the wounds in the hands and feet and side of our Saviour, when he placed his fingers upon them at the request of his Lord. I have no more to say upon that subject. You do not doubt it—you cannot doubt it. Why was Thomas's evidence brought into question, if it was not for discrediting his testimony? Will my friends say to me that because Thomas was arrested at one time for stealing pork, that the Mollie Maguires have a right to shoot him? Is that the law of Pennsylvania? Are they judges and jury? Do they determine who are to be shot and killed, and, when brought forward for the commission of their crimes, are they to say that it was proper to remove this man from the earth, for he was a despicable character? I know nothing about William M. Thomas, and, so far as you know, you have nothing to do with offences with which he has heretofore been charged. He was charged with offences and he has had fights with this very kind of people, and he was acquitted, and that is enough. But if they mean to say that Mollie Maguires, or any others, have the right to kill people because their characters are not good, then the foundations of society are overturned, and we have nothing to rely upon with confidence for protection. I tell them, in answer to this, that from this time forth, there is no man in this community, no matter how despicable, or how low his character, no matter how abject his condition; there is no man, no woman, no child how humble or how low so ever he may be, whose life is not just as sacred as the life of the bravest, the noblest, and the best man in this community, and I tell them that this society hereafter shall never commit another crime, no matter how miserable or how despicable the object may be upon whom it wreaks its vengeance, but the arms of justice shall be stretched out to arrest the perpetrator of the crime. There are many men, humble, poor, and miserable, striving for rights and toiling to support their lives, who think that what they believe to be their right is not accorded to them; there may be distinctions, and in society as it is organized now, there

always will be distinctions and differences between men, and upon the part of the poor and the humble and the lowly, there always will be a belief that those whom they think are above them have the best of this world's goods, and are to be envied. There may be honest differences of opinion, there may be differences about the rate of wages that a man will get, or the price he is to pay for his house or his home; but, from this time out, in this county, there is no man, however despicable and however humble, whose life in my eyes is not as sacred as the life of the judges that sit in this court. If there is anything to be accomplished beyond what we have already done, it is that human life shall be safe; it is that every man shall be protected; it is that men shall go to their daily work in the morning as freely and safely as the President of the United States walks from the White House to the Capitol; it is that every man shall rely with confidence upon the fact that if he is deprived of his property or his life, there are others standing around him and above him that will spring forward as his avengers. It is that

> The humblest minion, the obscurest vassal,
> The very leper shrinking from the sun,
> Though loathed by charity, might ask for justice.

That from this time forth, depending upon your verdict, the people of this county may be able to secure justice, no matter what may be their condition, their creed, or their nationality. They will be able to ask for justice, and, with God's help, they shall get justice.

I do not know that I need occupy your time any longer. I have taken, as all my friends who are associated with me have, a great interest in this case, and we have spent a great deal of our time in the hope of bringing to justice those who have so long disgraced this county. McParlan is charged with not saving life. How many lives of those who were to be murdered he has saved I cannot tell you. It becomes me not to speak of anything but that which is in evidence, and I have only his statement that he has known of many instances where his coadjutors laid out night after night for the protection of life; but there are other human lives that up to this time McParlan has protected and has watched. Look around this table. We were informed and knew months ago that these men were the perpetrators of the crime with which they are now charged, and from the time I first had any information about any of them, the life of that man became as sacred in my eyes as the life of any man whom they threatened. And why? From that time, in my own heart, and in my own mind, I solemnly dedicated these men to justice. Their lives became safe, so far as any influence I could exert, until the time came for their trial; and when some of the offenders in this society were arrested a few months ago, and when we heard rumors and reports of vigilance committees intending to take the lives of these men into their own hands, for the purpose of doing that which justice had not been able to do for them, I trembled for their lives with as much solicitude as I did for the lives of any upon this earth. I felt that I and those associated with me had a high and holy duty to perform. We wanted no vigilance committees; we wanted no reign of anarchy in this county; we wanted the majesty of the law to be enforced, and justice to be vindicated in an open and public manner.

No mother, through the long watches of the night bending over her sick infant, ever watched it with more tender solicitude than did I these men when I found their lives were threatened by lawless bands or vigilance committees. What good would such committees have done? What avail would it have been if these men had been killed in their house, or strung up on trees before their doors? That would have been as great a crime as they themselves had committed. It would have arrayed the several nationalities in this county at war with each other, and we should have had a reign of anarchy almost as bad as the reign of the Mollie Maguires. I waited until, with the help of God, in His own good time, I could redeem the promise I had made myself to bring these criminals before you. What more could I have done? The court is here, and you are here, and here are the prisoners. Look around this crowded court-room. Do you know the meaning of this assembly here wait-

ing upon your verdict and upon your deliberation? Do you know why it is that to-day, safe in the face of all these outrages, no man lifts his hand against one of these prisoners? Do you not know that with the full knowledge that Jack Kehoe is a murderer and Roarity is a murderer, and many more of these men are murderers, their lives are as safe from lawlessness and violence as my own life is? Why is it? Because there is in the breast of every good citizen a well-founded belief that these men are in the custody of justice, who will vindicate herself upon them through the instrumentality of your verdict. Will you then permit them to escape? Will you twelve men, solemnly sworn to find a verdict according to the evidence, disappoint the righteous expectations of a whole Commonwealth and turn these men loose again upon society? Not if I know you. Of what avail is aught that McParlan has done, or aught that my colleagues, or the District Attorney has done, or that this court has done, if twelve jurymen will hesitate or falter about the performances of their most solemn duty? Looking upon you is all this community; looking upon you is the whole State; nay, I might almost say, trembling upon the consequences of your verdict is all organized society in this country.

Upon the one hand I have shown you nothing but the evidence. Upon the other I show you that no arguments that have been already made are worth a straw compared with that evidence, and having done this, I submit with great confidence that acting upon the solemnity of your oaths you can extricate yourselves in no other way from the duty which has been imposed upon you, as good citizens, than by finding these men guilty in manner and form as they stand indicted. The punishment is not for you; it is for the court. With that you have nothing to do. You perform your duty when you render your verdict, and I now submit the case to your hands, in the confident expectation that you will perform that duty in no other manner than by inscribing upon the record of this court the verdict that these prisoners now under trial are guilty in manner and form as they stand indicted.

Mr. L'Velle. I ask that this jury be discharged, for the reason that the learned gentleman representing the Commonwealth, Mr. Gowen, has travelled outside of the evidence in this case, charging these men with crimes, to wit: the highest crime known to the law, without a scintilla of evidence in this case; charging them with the crime of murder, unproven, untestified to. Hence I ask you that your Honors discharge the jury from the further consideration of this case.

Mr. Hughes. Where is your authority for such a motion?

Mr. Gowen. If you do not like what I said, you may reply to it. I never heard of an application to discharge a jury for what was said in the first speech.

Mr. Hughes. I do not think such an application needs any reply, and it is altogether without precedent. Some exceptions may be taken to what a counsel says in the closing speech, when he asserts a fact that is material to the points in issue; but if anything said in an address to which there can be a reply, is ground for the discharge of the jury, there would be an end to all trials. There is scarcely a case ever tried in this court in which there has not been something said by counsel outside of the evidence.

The allegation is that my learned colleague said that certain of these men were murderers. Well, in what sense were these men charged? Murderers at heart, men that were guilty of the crime that was tantamount to murder. In the same point of view, what difference is there between the concoction of a murder and the sending of an emissary to execute that purpose; who successfully does so? Wherein is the moral depravity, the wickedness of heart, less in one case than in the other? There is a passage in Scripture that he who looketh upon a woman, etc., has committed the crime. Such is the case with the man who contemplates a murder, and endeavors to execute it. In the eye of the law he is a murderer, and whether my learned colleague meant to be understood in that sense or in any other is utterly immaterial. All that my eloquent friend, Mr. L'Velle, has to do, when he comes to reply, is to say

that if it was to be understood in any other sense, there is no evidence to fit in this case, and then your Honors will instruct this jury that this cause must be determined upon the evidence, and not upon any figures of speech.

Mr. Albright. I believe the authorities are that the exception must be made at the time the remark is uttered, and that it is too late after the counsel has taken his seat; and it is also the case that the exception can only be taken to the last address to the jury, and not to the opening argument.

Mr. L'Velle. I do not know that I can dispute that proposition of law but I refrained, through courtesy, from interrupting Mr. Gowen, as I did not desire to break the train of his remarks.

Judge Walker. We do not think that there is sufficient ground to grant the motion made by the counsel for the defendants; and we therefore overrule it.

Mr. Garrett. I desire here to submit the following points upon which we ask your Honors to charge.

1. That if McParlan participated in procuring the persons who made the assault charged, with the knowledge of the fact that such assault was to be made, and did no act to prevent it at the time it did occur; he is equally guilty of the offence, and is an accomplice, even though his intention and purpose may have been to avoid the act.

2. That McHugh is an accomplice, and as McHugh and McParlan are the only witnesses relating to all the defendants except Gibbons, the Court will advise the jury not to convict on the evidence of accomplices alone.

3. If McParlan and McHugh are both accomplices, their evidence is no stronger than the evidence of one alone would be.

ARGUMENT OF M. M. L'VELLE, ESQ.

Mr. L'Velle then addressed the jury, on behalf of the defendants, as follows:

With great respect to your Honors, Gentlemen of the Jury: I take occasion to say to you that never did counsel arise in defence of his clients more seriously or more gravely impressed with the duty which his obligation to his client imposes upon him than do I upon this occasion. But I am assured of your patience, I am convinced of your indulgence, I am satisfied of your great desire and anxiety to hear everything that we, on behalf of these prisoners, shall present to you, in order that you may see your way clear to their acquittal; for it is a most momentous case, it is a most important case, yes, it is a solemn case, to see nine men, surrounded by their wives and children, on trial for their liberty in this Court. Why is this? Why is it that the law constitutes you the arbiters, the custodians, and the guardians of their liberty? It is because of questions of fact, upon which jurors are to pass judgment; for all evidence in criminal cases has to be weighed, scanned, considered, and deliberated upon by a jury. The law you must take from the Court, absolutely, unqualifiedly; but the facts and the testimony are for your consideration and within your province, and, under your oaths as jurors, you are to pass upon them.

John Kehoe, Christopher Donnelly, Dennis F. Canning, Michael O'Brien, Frank McHugh—and here let me say, *en passant*, that I do not represent Frank McHugh, nor do I know that he is represented otherwise than by the Hon. O. P. Bechtel—James Roarity, John Gibbons, and John Morris are all here on trial. They are charged with an assault and battery with intent to kill William M. Thomas, in this county, in the month of June last.

I say to you, and the Court will superadd their opinions to mine, that you must not convict these men if there is the least doubt of their guilt in your minds; for the maxim of the law clothes them with innocence as pure as doves, yea, as white as snow, until that doubt is dispelled in your minds, and you see your way unequivocally clear to their guilt.

The first witness put upon the stand by the Commonwealth was James McParlan, known in this county by the name of James McKenna. He is a de-

tective, as he states to you on the witness-stand, and his testimony as far as that is concerned is beyond contradiction. How he came into Schuylkill County, under what authority, under what guise, he has detailed to you. He belongs to the Pinkerton Agency, a private enterprise in this country organized for purposes of private gain, having no authority of law, having no recognition in society, other than that it is the creation of this man, Allan Pinkerton, the head of that particular branch of the detective department in this country. The Department of Justice of the United States has a detective bureau. They have their detectives, they have their officers, lawfully authorized to detect crimes, but they have never authorized those detectives to participate in crime for the purpose of its detection.

I will be brief, and not go over the grounds that my colleague, Judge Ryon, shall occupy, but I will go to the salient facts in this case, and endeavor to show you, by proof at once irrefragable and beyond contradiction, why you should ignore every word that this man McKenna has told to you upon this witness-stand. He came into Schuylkill County in October, 1873, and his sinuous wanderings led him through the county, from town to town, from village to village, from hamlet to hamlet, authorized to go and locate at every place except the one place that he did go to, Shenandoah City, the only place that he says he was not authorized to visit. That was the town which he afterwards made his headquarters.

You are all residents of Schuylkill County, and you have all been anxious lookers on upon the state of society in this county for the last ten years. Nay, more, you are the conservators of the peace in this county; you are free men, doing your duty as good citizens and as officers of the law. Immediately prior to 1873, while the Miners' and Laborers' Union was in the heyday of its prosperity in this county—I say the union, and God bless it for the good work it did in this community—there was not a transgression or serious crime of any character in our county for years; not a man murdered for agrarianism or otherwise; not a malefactor to be brought to punishment. Why? Because crimes of the higher grade were absent from the county. And what came after? When wealth and capital made aggressions upon the rights of the private citizens, what followed? A disintegration of this union; a severing of it; a breaking of it up; and it is undeniable that crime then followed.

The very learned gentleman who addressed you goes back to Littlehales, to Dunn, to Rae, to Langdon, and to Muir. Were not they all murdered prior to 1865, with the exception of Mr. Rae, a case in which, myself I was concerned for the Commonwealth. Were not they all prior to 1865, with the exception of that case, and that case was not in this county. It was of an adjoining county, and I say, myself, from 1865 until 1873 there was no such thing as a murder case in Schuylkill County, not until the emissary of death, James McParlan, made his advent into this county, and crime since then has been in the ascendant. I say the ascendant, because I propose to prove to you that no crime has been perpetrated in Schuylkill County, except that which he himself assisted to plot, to counsel, to perpetrate, and to conceal afterward as far as he himself was individually concerned. Shall you, any one of you, no matter who he is, be capable of believing the fallacious revelations of such men? What do you think of a man that will insinuate himself into your confidence and ingratiate himself into your favor, nay, more, go to your homes, partake of your hospitality, take your children and fondle them upon his knee, and at the same time meditate your ruin and your death? What do you think of such a man? Is he worthy of belief? Is he to be recognized as the champion of public benefaction, riding the course of popularity and adulation as he has been?

We have been told that on the 26th and on the 30th of May last he went to Girardville, to Kehoe's. On one occasion he says that Kehoe told him, Bully Bill should be got out of the way, and on another occasion he says that Kehoe said the Modocs were doing too much, and that they should be put out of the way. He says that, in pursuance of that, on the 1st of June, they met in Mahanoy City, and that he, in the absence of his body master, had the franchises and privileges of the body master conferred upon him by his superior officer, John Kehoe, and that he went into that convention clothed with the privi-

leges, prerogatives, and authority of his body master. What followed after that? They went in there and he says that they there and then conspired to take the life of this man William M. Thomas, and this conspiracy, or the carrying of it into effect, was confided to himself, O'Brien, and Roarity. I say to himself, Mr. McKenna, O'Brien, and Roarity. Is it before you that O'Brien ever participated in carrying that into effect? Or Roarity? Who was it, pray? Who sent Michael Doyle and Tom Hurley to board at Mrs. McDonald's? They were not at the meeting. Who brought them there? Who sent them there? By whose means, and by whose instrumentality? By whose authority? By the authority of James McKenna. He got them there. He sent them there; he brought them there. Why? To carry, he states, the purposes of charge into effect. Thus did he participate in that crime? Did he get it up? Was he the man that got these boys into that atrocious design? What did they know about it until he returned to Shenandoah City that evening? He tells you he did not inform them. Is there any evidence before you that they knew a word about it? Was it communicated to them by another? Did O'Brien or Roarity? From the testimony, to the contrary, you must conclude, as a matter of fact, that James McKenna was the man himself who got these boys into that arrangement, because these boys are indicted and placed with others before the bar of justice to-day to answer for their paticipation in that crime.

He first assisted to get it up, and afterward he was the instrument of its revelation. If McParlan had not been there that day, would these boys have been here before you at the bar of justice? I ask you, as men of intelligence, as good citizens, to bring this home to yourselves, and ask yourselves how easy it would be to have seduced one of those poor boys by such a wretch as a detective, by such a wily miscreant, that will insidiously, like a snake, take his victim and cover him all over with saliva to make its passage the easier to swallow him down. Guard your children from such wretches, that are prowling around this country in the capacity of such a man as McParlan, seeking whom they may devour. Boys such as these are ever the victims of such wily intriguers as he. Take it home to yourselves, as fathers, and tell the community, tell *the wealth that dominates everything* in this county; yea, I regret to say it, and justice, too, that upon the testimony of such a man as this detective no citizen of this county should be condemned or convicted. Tell the gentlemen who represent the wealth of this county to see that justice shall be done to these men. It is for the good of Bully Bill that these learned and honorable gentlemen are here, coming into a court on the small crime of assault and battery with intent to kill, when the learned and efficient District Attorney has undertaken more important cases and disposed of them successfully.

I will not stand here and say that labor and capital are antagonized. I will not stand here and say that one is not necessary for the support, maintenance, and supremacy of the other. I say that they are the handmaidens of our country's prosperity and of our country's greatness, and that what one seeks to do can only be done by the aid of the other; and when there is no disproportionate power between them, then will the wheels of prosperity move along without colliding, calmly, smoothly, noiselessly, and harmoniously.

On the evening of the 5th of June McKenna piloted these men to Mahanoy City. He brought them there and he brought them back, as he tells you. Why did he take them there, and why did he bring them back? He tells you that he went there for the purpose of assassination, and with the design and intention of killing Bully Bill; but that he was scared or frightened, as he pretends, by hearing that the military were patrolling the town, and they then returned to Shenandoah that night again. From the 1st of June until the 5th, we have no evidence that this gentleman, whose employment as a detective, and to whom the duties belonging to a detective ought to be paramount to all other things in the world, did aught for the purpose of detecting and preventing this crime. Why did he not go and notify William M. Thomas of his proposed assassination; that these men had conspired to take his life, to work his ruin, and to plot his death? Is it reasonable to believe that in this nineteenth century, in this great anniversary of our national independence, when all the world shouts with joy that freedom is supreme in this great

country, a man would keep that secret in his own bosom and permit William M. Thomas to be slain ruthlessly by these men whom he brought, without giving him notice? Oh, specious pretext! blasphemous apology! Coming from a man professing to be a Christiam, and imbued with Christian charity! Is it reasonable? Is there a man in that jury-box that will not hazard his own life to save that of another, no matter what his creed, position, or country is? Would his heart be as hard as adamant, ever so steeped in iniquity and crime, that you would not try to save the life of an intended victim. Only a few weeks ago, in the town of Gilberton, a poor Irish miner lost his life, in trying to rescue his English fellow workman from death. What heroism for gentlemen in Mr. Pinkerton's employment to emulate, and yet not a notice was ever given to William M. Thomas.

Then this contemplated murder, this intended murder, was delayed still longer, until the 28th of June, and the night before the 28th of June, to wit, the evening of the 27th, he so plausibly tells you that he was sick, indeed, that he could not give notice to any one, in a populous town like Shenandoah, where there are law-abiding citizens; where the authority of the law is maintained in all its rectitude, its greatness, and its majesty; where the officers of the law are day and night to be seen parading that town; yea, where the learned gentleman, Mr. Gowen, has quartered the biggest portion of his armed policemen. Was not McParlan making that his headquarters from April, 1874, until June, 1875; and obliged in all humanity, in all charity, as a citizen, to try to save that man's life from the impending death of assassination, from the contemplated crime which he himself, for one, proposed to perpetrate.

Let us weigh that omission, that guilty omission, that sinful omission on the part of this man who pretended to be acting in the interest of the law, in the interest of good order, in the interest of safety and the security of society, and then ask yourselves did he act the part of a good citizen? Did he act the part of a man? And yet he comes upon that stand, and asks you to believe, with the most confident assertion that he himself is capable of, every word he says. Would it not be preposterous to credit him? Would you associate with a man whom you saw in a position to save your own lives, knowing that they were in danger, and not go and tell you, not go and try to avert that calamity to you, or to your friends, would you think him worthy of credit in a court of justice? Would you think his word would bring conviction to your minds? Would you think you could extract from your minds a conviction on his testimony?

On the evening of the 27th, he saw those men leave, and he says they left his house. It was on Sunday evening. On the following morning one of them came for him and brought him out on the mountain, where these parties had nestled themselves, had laired themselves in their flight, after their alleged attack upon this man. He was able to go in the morning, nay, more, he was able to bring them whisky, and then they told him they had made their attack on this man, Bully Thomas, and that they shot him. This was on the 28th. He says he went out twice that morning, though the night before he was *so sick*. If any of you know Shoemaker's Patch, where Thomas was working, you know it is not two miles from Shenandoah across the mountain. Did McKenna know where Bully Bill lived? Did he not know it as well as his alleged confederates in crime? Certainly he did, and better, because he was their leader, their guide, and their general. He was the man who had the cash to supply the whisky and fire the brain of these poor, susceptible, youthful enthusiasts. He was the man. He had the money, and he spent it lavishly. Nay, more! He was the man who spent $250 to elect the Democratic commissioner of this county. I am not in sympathy with that man's political success. I am not in sympathy with the party. Oh, what a perverse use was that for a detective to make of his employer's money?

Here the court took a recess of thirty minutes.

AFTERNOON SESSION.

Mr. L'Velle resumed his argument as follows:

At the adjournment of the court for dinner, I was discussing the *rôle* which McParlan assumed as a politician, when he was in Schuylkill County, and the assistance that he lent an officer elected in this county to a responsible, and as you all know, a most important office. He spent his money most effectually, and most admirably did he succeed; and, while I am on this subject, it is a matter of history that I, myself, was before the people, some two years ago, running for the office of Senator in my own district, and my good friend McParlan boasted that he defeated me; and I am glad, yea, I stand triumphant, nay, I exult, that I was defeated through the influence of such foul and filthy means.

So much for politics. You are aware, as I am, and as is the community, that he made pledges after pledges and broke them. He made promises after promises and he betrayed them. He swore and he forswore, and yet, in view of the manifold and multifarious characters that he assumed, the *rôle* that he played, the disguises he underwent, he asks twelve intelligent men, and unprejudiced I will say—because God forbid that prejudice, that resentment, that passion, that envy, nay, hatred or ill-will toward any man should ever find lodgment in the jury-box—to be prejudiced against another, because that other belongs to that proscribed band called Mollie Maguires, but I know you will not unless the crime of which he has been charged is brought home to him, clearly, unequivocally, and beyond a doubt or peradventure, because the laws of the land and this great Commonwealth seek no victim. It is their great desire that every man, be he ever so black, atrocious and villainous a malefactor, should not be tried on probabilities and convicted because of prejudice. Those things are the noxious vices of the soul, and wherever they find lodgment they will pollute honor, dethrone reason, and subordinate judgment to popular clamor and to popular passion.

The only question that is before you, and the Court will so tell you, is not that these men are guilty of murder, as the eloquent, learned, and brilliant gentleman that preceded me has told you; there is no such charge against them here, and that is as foreign to this case, as absent from this case, as treason at the present time. Hence I demand of you, in the name of justice, in the name of that God, before whom you must all appear, sooner or later, that you eschew from your minds all charges such as have been insinuated by my learned friend. When those charges shall be made in a court of justice, then will it be time enough for us to stand here before you and confront them; but until then they are out of place, and should not be interjected here before you.

There are three or four men against whom the Commonwealth have made no charges, except their presence on this occasion in Mahanoy City; and there is one, the poor man Donahue, in whose behalf we called no man to testify to character, but the Commonwealth will not dare say to you that his character was bad, because that we omitted to put his good character in testimony. Every man that lives, breathes, and has his existence in this great, glorious, and beneficent country of ours, is presumed to be a good man until the contrary is proven, and is entitled to the inalienable rights of life, liberty, and the pursuit of happiness, until deprived by a jury of his countrymen of any of them by due and legal process of law in a court of justice; and to do that the laws have prescribed rules and forms which must be complied with. One is that they must be indicted by a grand jury, in order that the charge, specifically and legally made, may be passed upon by a petty jury.

Now I invoke your particular attention to one fact, which has been testified to on the part of the Commonwealth, and it is this: How did John Morris, that young boy sitting there, not yet out of his teens, yet in the forenoon of his life, with his baby wife by his side, come to be introduced into this drama of crime? Who did it? I ask you to take it to your hearts, as men of intelligence, was it James McParlan? Was it not James McParlan who brought

them almost to the threshold of the gallows, to the brink of the grave? Was it not he that represented the Shenandoah division at Mahanoy, and that preliminary meeting in the bush, on the evening of the 4th of June? He was the man that represented Shenandoah City on that occasion in that secret conclave, as they might call it. And were the intended assassins not Shenandoah men, all of them? Was not Michael Doyle living there, though he belonged, as they testified, to another division, not located at Shenandoah; Tom Hurley the fugitive from justice, on whose life there is set a premium, to-day, was he not sitting there the bosom friend of McParlan? Who brought those four men there? Who commissioned the perpetrators of this crime? Who was the participant, the prominent participant, the most conspicuous actor in that conspiracy to kill William M. Thomas? Was it not McParlan, according to his own testimony? O! I trust in God that you have independence enough, manliness of heart, and of judgment, and of virtue and courage, to assert that when a man comes into a court of justice, he must come with clean, undefiled, and bloodless hands. Is McParlan in that attitude? Is he in that position? No! no! There he stands, the self-accused murderer and criminal. Is he not impeached by his own accusations? Is he not impeached by his own testimony? He went twice to Kehoe's on this mission of blood, as he tells you, and received his instructions, as he says, from Kehoe to be there, that he might carry the mandates and receipts of that conclave to Shenandoah, and get together these four young men, all in their teens, to commit this crime, and take the life of this man, William M. Thomas. Who else did it? Does he not tell you so himself, and do I make representations against him, for which he himself has not supplied the material? Have I charged him with any crime of which he is not the self-accused perpetrator? And yet we are told that he came into Schuylkill County for one purpose, and for one purpose only, to unravel the mysteries of this organization and to detect their crimes and criminals. As I before stated, in the five or the ten antecedent years to 1873, will your recollections supply you with one crime committed in Schuylkill County during the ascendency of that honest body of men called the union, that was banded together for one great and glorious purpose, to wit, the protection of their rights. But he came into Schuylkill County, and since then has there not been a carnival of crime, of blood, of misdeeds and transgressions of the law, innumerable, black, and atrocious from the very day he came into this county until the day that he left? Were his purposes noble and humanitarian when he came here, and, if they were so, have they not become most palpably and egregiously perverted? Because there has not been a crime committed in Schuylkill County, of which he has not been either the adviser, the conniver at, or the perpetrator. I say to you, no matter how unpopular may be the position of counsel defending a client who is decried and denounced by popular opinion, by popular clamor, and by popular prejudice, it is the duty of a lawyer, his sworn, unswerving duty to present his case to you in as intelligent and as honest a manner as he is capable of, and God knows I have no purposes to subserve, except to defend my clients to the best of my ability, criticizing, as I do, and honestly too, in the sincerity of my heart, and faithful discharge of unpopular duty, Mr. McKenna's acts, position, and intention, from the day he came into Schuylkill County, until the day that he retired from it.

It is well known that in the early part of the month of June, 1875, the county of Schuylkill was in a state of commotion, ready for a general conflagration, wanting only the application of the torch, and then it was that the Coal and Iron Company found it necessary to arm intelligent, honest, faithful policemen—and this I say they all are, every one of them I know to be worthy, faithful, intelligent men, who would sooner face death than do a dishonorable act—and in the town of Shenandoah about that time was the picked body of that force assembled under Captain Linden, the assistant superintendent of the detective force of this country, in Chicago, and next in authority to Mr. Pinkerton himself, and with whom Mr. McKenna, in his capacity as a detective, was obliged to communicate, correspond, and consult. He was there at that time, with his force, and why did McParlan not advise Captain Linden of this contemplated murder of poor William Thomas? Could not it have been prevented? Could he not have been put on his guard? And if he had

been on his guard, would he not have been protected by the good citizens of Mahanoy City, who would hazard their lives to protect him or any other man in danger of assassination? Yet, marvellous to say, not a reason has been given or adduced before you, gentlemen of the jury, why it was that William M. Thomas was not advised of this intended assassination by this detective. Could not James McParlan have done it? Why did he not advise the authorities, on the evening of the 1st of June, of this intended or contemplated murder? Why did he not do it on the second, the third, the fourth, or the fifth, or any other day up to the 28th? If he did, they just folded their hands and earnestly gloated over the prospect of the commission of this crime.

If William M. Thomas had been forewarned of this, would he not have been forearmed, and would not a posse of citizens have volunteered protection to his life and security there and everywhere? At that time McKenna did not know what hour, what moment, or what day this alleged diabolical conspiracy to kill him would have been carried into sure and successful effect. How easily they could have lain in wait on the morning of the 28th, and captured the proposed assassins while in the act of committing the crime. Then would every one have lauded the activity and vigilance with which this was accomplished, and the secrecy of the parties who protected his life. But no; not a voice, not a word was brought to his ears of his intended murder.

So much for that. It is a matter of history and notoriety in Schuylkill County, that Mr. Major was shot in Mahanoy City, in the month of November, 1874, and that a man named Daniel Dougherty, confessed to have been a member of that organization, was charged with the murder, arrested for it, and incarcerated in our county prison, and as a suspicion to show that he was the perpetrator of the deed, he carried in his own person a bullet which he had received on that night. On the Monday following this brutal and most atrocious murder of Major, McKenna tells you, on that stand, that a man named McCann, and the evidence adduced at the court in Lebanon, to which the venue and trial of this man Dougherty were transferred from this county, corroborates what he states here, confessed to him, in Shenandoah City, that he was the murderer of Major. Yet that man Dan Dougherty was taken over to Lebanon, put on trial for his life, defended by most able counsel, most prominent in the profession, and who did defend him most successfully, and during all that trial the secret was lodged in the breast of this man McKenna that Dougherty was innocent of the crime of the murder of Major, as innocent as the dove. Yet with this information in his bosom, James McKenna never raised his voice to avert the conviction of this man Dougherty. He knew that Dougherty was innocent. He knew, as he tells you, that McCann was the murderer of Major, and yet Dougherty was put upon his trial, and McCann went where the woodbine twineth—God only knows where. Then McKenna tells you how it was that this was done, and that it was in order that McCann should escape that Dougherty undertook the hazard of his conviction and the surrender of his life. What a fallacious pretext! What an apology to offer in a court of justice! Is that the man to whom was confided the detection of crime, and the bringing of criminals to justice, and, as an antithesis to that, the safety of the innocent, when he held all that information in his bosom, and yet permitted Dan Dougherty to be put on trial for his life without a word of warning? Yea, he would have permitted him to go to the gallows and be hung like a malefactor though an innocent man.

But my learned friends will tell you how easy it would have been to get a pardon for Dougherty. To get a pardon, after a jury of twelve men had passed upon the testimony, and after three respectable citizens of Mahanoy City, unquestionably mistaken in their testimony, swore that they saw Dougherty shoot this man Major down on the highway on that night! With three men so swearing to the guilt of Dougherty, will the gentleman tell me that a pardon could have been easily obtained for him? Would you conceal in the recesses of your heart, in the secret cells of your bosom, the knowledge of a murderer who had confessed himself a murderer? Would you keep that knowledge in your hearts and permit an innocent man to go to the gallows? Ah, foul would be the heart, infamous would be the intent, dishonest would be the purpose, unworthy of credit would be the assertion of any man, or any

expression therefrom emanating, that would conceal such a crime and see an innocent man go to the gallows. Yet does not McParlan tell you upon that witness-stand that that is what he did?

Then there is another fact that has been elicited upon this witness-stand before you. Was it not known to McParlan that Hurley was the murderer of Gomer James? Gomer James was shot on the 14th of August last, and yet Hurley was not arrested for this murder. Was it not known to McParlan that Michael Doyle was one of the murderers of Sanger and Uren? That murder was committed on the 1st of September, and yet Michael Doyle has not been brought to justice. He states that he met these men in their flight from justice in Luzerne County, in the month of October, and after he met them what did he do? Did he have Hurley arrested? Did he have Doyle arrested? Yet, from the testimony he gives against them, their souls are blackened with the blood of innocent victims. If McParlan tells the truth, no worse men ever disgraced God's earth than those two; and yet he could play with them, mingle with them, get drunk with them in Luzerne County, sleep with them, and never attempt to bring them to justice. Ah! but he says he told Jack Kehoe, the high constable of Girardville, that Hurley was in Luzerne County. Was that the way in which to give information? Why did he not go to the District Attorney in this county, and tell him what he knew of these men? Why did he not go to a justice of peace and tell him? If he was interested in the administration of justice, would he not have had these men arrested in Luzerne County at the time? Would any of you be so culpable in your duty as citizens as he was? Knowing that those men were guilty of murder, would you meet them in Philadelphia, and believing that they were dyed deep and black in crime, open your arms, embrace them, drink with them, commune with them, eat with them, sleep with them, form every kind of companionship with them, and let them run away and seek safety in flight? Where are these men to-day? They may tell you that they are shadowing them still, but if these men are under surveillance, they are certainly not under arrest, and I have learned to believe that a bird in the hand is always worth two in the bush.

This is the man, and this is the detective, who is put upon this stand to convict nine men of the intended assassination and murder of William M. Thomas. Here these men are, nine of them, and they cannot raise their voices in their own defence. Not a word. Not a breath can they utter. They are still as death, they are as silent as the grave. Not a word can they utter in their own defence. Not a word can they urge individually, or reason can they give why they should be acquitted in this case.

I asked you, as twelve honest men, some of you already in declining years, some of you feeble, yet having many, many days, I hope, of prosperity before you, to weigh well the testimony of this man. Deliberate on it, without any prejudice. Seek if you can, in your reason, in your judgment, and in your mind any doubt of their guilt, and if you should succeed, no matter how small, whether going to the discredit of McKenna, or whether you doubt, because the lips of these men being sealed and incapable of proving their innocence, give them its benefit.

I have a word or two to say about Thomas. It is a maxim, and a maxim you are obliged to receive truthfully and with all the sacredness that the law gives it, that a liar in one thing is a liar in all things; and let me remind you here that of the four men who were present at the assault on Thomas, as Hurley has gone away, Gibbons is the only man whom this witness pretends to recognize.

We will show you that on the hearing of the habeas corpus he stated that Gibbons stood at the door, and he, Thomas, in the stable quite near him, and consequently near enough to see him, and he, Gibbons, then wore a grayish coat on that day. A grayish coat; yet he swears to you upon this witness-stand that he wore a black coat on that day. Assuredly one of these two assertions must be false. If William M. Thomas, on a prior occasion, said that John Gibbons, whom he identifies as the only one now present who was at the attempted assasination, wore a grayish coat; and if he swore on this witness-stand that Gibbons wore a black coat, one of those two assertions

must be false. Let me read you what he said on the occasion of the habeas corpus hearing:

"Q. Will you tell us how this man here (pointing to Gibbons) was dressed on that occasion? A. He had a kind of grayish coat on him."

That was his answer—he had a kind of grayish coat on him; was Thomas mistaken, then? Some two or three months have expired since he swore to that fact, and that was nearer by two months to the time of the assault upon him than now, yet he swore on this witness-stand two days ago that Gibbons wore a black coat. I submit in all candor, in all honesty, and God knows in all fair play—for I do not want to screen any man if he is guilty—that William M. Thomas must have forsworn himself on one of the two occasions. If Gibbons wore a gray coat on that day, and if Thomas swears now that the man who shot him wore a black coat, Gibbons is certainly not the man. If Thomas swore within forty-eight hours that Gibbons wore a black coat, and if on the other occasion he swore that Gibbons wore a gray coat, Gibbons certainly is not the man. I will ask the gentlemen upon the other side to get out of this dilemma the best way they can, for the law says: "*Falsus in uno, falsus in omnibus;*" a liar in one thing is liar in all things.

Thomas Hurley, one of the other parties charged in this indictment with the intended murder of this man, was recognized in our prison by William M. Thomas. Poor vagrant that Thomas was, committed to the county prison for thirty days by the Chief Burgess of Mahanoy City, he is entitled to the same protection and guarantee for his life that you and I or any other person in this court-house are, or the President of the United States is. Thomas recognized Hurley in prison, when he was charged with cutting the throat and shooting Thomas Johns in Shenandoah last fall, as one of them who shot him. Hurley was taken before a justice of the peace and bailed out, and his next theatre of action was in Luzerne County with Mr. McParlan, and he told Mr. McParlan at that time that he was recognized by Bully Bill as one of the men who shot him, and that he was imprisoned for the cutting of Thomas John's throat. Did not McParlan know of this before? Hurley told McParlan that he had got out of prison, and if he told McParlan that he was the self-confessed murderer, as he is represented, did he ever tell McParlan that he would never again make his appearance in Schuylkill County if he could help it? Is it reasonable to believe that Hurley withheld that secret from his best and chosen friend, James McParlan? Yet McParlan never attempted to have Hurley arrested in Luzerne County, knowing that he was a fugitive from justice; knowing that he had jumped his bail; knowing at the same time that he was guilty of a still more heinous crime than this, namely, the murder of Gomer James. McParlan knew that this man Hurley was guilty of all these three crimes, and did he ever raise a finger to arrest Hurley himself? Or did he ever go to any justice of the peace, or any other officer of the law, to inform them that he was one of the vilest and worst criminals the world ever saw, and have him brought to Schuylkill County, where justice should be administered rigorously, but at the same time mercifully, to him?

But you will be told that when McParlan undertook to act in the capacity of detective, when he came into Schuylkill County, that he was not to go upon the witness-stand. How were these men to be convicted, if he was not to go upon the witness-stand? From the time that he came into Schuylkill County until he left it, has not crime been increasing? And yet, was any man brought to justice until McParlan left this region? Was that the way to detect crime?

Again, McParlan tells you that he was to communicate with Captain Linden, and all these men were to be arrested in the commission of crime, and he was to be arrested himself with them. That is one of the tricks that detectives resort to to make themselves famous. A great detective, the greatest in the world, he whom my friend McParlan tries to emulate, had himself incarcerated. He made it a point that he was to be arrested along with the persons whom he betrayed, and, in one instance, he went to jail for two years, in order to preserve the confidence of his confederates. Has McParlan done that? Yet he has told you that to be captured was his intention and purpose, and that then he was to be permitted to escape. That is all very fine; it is all very transparent; it is all very glittering; it is full of falsehood and sophistry. Why

did he not do it? He tells you what he was to do, but he does not tell you what he did not do. He was to do it, but he did it not. He says that was part of his contract. He was to permit himself to be arrested; he was to go with his confederates; but did he ever do it? I ask you, in the name of God, from his own testimony and lips, do you believe him? How many chances he might have given the officers of the law if he was honest in his purpose. Could they not have been captured when they went to Mahanoy City, when they went to attack Bully Bill? Might he not have surrendered himself by prearrangement, and thus carried the purposes of his contract into full effect?

I am sure I am wearying your patience. I am not equal, from the state of my health, to a further effort on behalf of these men. God knows that I only desire that justice should be done. I only desire that justice should be done to them as it would be done to you if you were yourselves on trial. Mercy without justice is a crime, and I say to you now, do your duty fearlessly, independently, manfully, but honestly and conscientiously.

I have but one word more to say, and that is about the young man, McHugh. He told you he is about 20 years of age. He was one of those who were carried into the communion and association with these parties by the magic power of secret societies. The Commonwealth placed him upon the stand, and he told you one thing which McParlan did not. He told you that there was no objection made to his presence that day at the meeting in Mahanoy City, and that O'Brien did not come to his rescue at that time, by saying that he was his secretary. He testified that he was present; that he was the acting secretary, making a minute of the proceedings; but he says no such conversation occurred as that which is related by McParlan. McParlan tells you that such a conversation did take place, and that the other members present at the meeting did object to McHugh's presence there, on that occasion. Which will you believe?

The history of the world is filled with instances of the conviction of innocent men on the testimony of spies and informers, because a spy and an informer has the same dishonest purpose, and the same foul object in view when he betrays his fellow criminal. What object had McHugh, when he volunteered to become a witness in this case? Do you believe him, when he says that he does not expect immunity from punishment? Society shudders when a man who is indicted for murder, in order to save his own miserable criminal neck, turns State's evidence, because society is always hightoned and honorable. Society is intolerant of anything that is low, mean, and cunning. You all despise an informer. You all dislike a spy. The man who will take you to his bosom, gain your confidence, and then insidiously and stealthily work upon your affections, your favor or your esteem, and then like a viper turns upon you and betrays you, ought to be condemned by every honorable and right-thinking man. It is a well-known fact, even from the many instances which have occurred in this court-room, that motive is the active agent in all these cases. In many whisky cases, which have been tried in this court, the spectacle of one neighbor prosecuting another for selling whisky on Sunday, out of mere revenge and ill-will, is commonly submitted to a jury of twelve men, who are called upon to gratify private spleen by their verdict, and who dismiss such cases with this admonition to the prosecutor: "Go home, act peaceably and in good faith toward your neighbor, do not invoke the verdict of twelve men, because you have a personal feeling against your fellow-man."

American juries are never subservient; they never will subordinate their consciences, their honesty, and their judgments to the despicable purposes of private revenge or personal feeling. We often experience in life that everything may be carried to excess. A man often finds that that which satiates the appetite induces disgust, and too much sweetness turns to acidity. Prosecution, when it savors of persecution, never will find commendation from the lips of twelve American citizens. Make a martyr of a man to any cause, and you will exalt him as a hero in the community; and why? Because the feelings of independence within a man's breast are intolerant of oppression. Every man acts his part in the world as God demands, as his conscience dictates, and as the law of his country expects of him; and I sincerely hope you will fearlessly perform your part in this important case, and if after delibera-

tion and consideration you are satisfied of the guilt of the accused, we will as cheerfully concur in your verdict of guilty, as we would if your final conclusion should be not guilty; and when the shades of death are obscuring your own visions, when your eyes are closed in final sleep, and your hearts cease to beat, then, and only then, you will find fellowship in eternity with those who may be the victims of prejudice and of passion.

The counsel for the defence made an offer to the Commonwealth that this case should be submitted to your consideration without argument, under the charge of the Court. And now I say to you that we have the most implicit confidence in you, and still more so in the great integrity with which God endowed his Honor, and the community of this country so proudly recognize in him. You will receive the law from him, and I aver he will lay the law before you as pure as the ermine with which he is proverbially surrounded. The law his Honor will apply to the evidence; it is your exclusive province to meditate on the facts. The evidence will you take with you, when you retire, and, as judges of the facts, I invoke you in the name of God, in the name of justice, in the name of your own immortal souls, in the name of your families and the community, to render a verdict of justice to these prisoners, uninfluenced by prejudice, unaided by passion or feeling, and then will you satisfy the demands of the law and the ends of justice, perform that duty fearlessly which the community expects of you, and for which your Maker will hold you responsible at the last great day, when the sound of the last trumpet shall summon yourselves to judgment before the tribunal of divine justice and mercy, and may God inspire you with the justice you, in this case, are sworn to administer to these prisoners.

ARGUMENT OF HON. JAMES RYON.

Mr. Ryon concluded the argument for the defendants as follows:

With submission to the Court, Gentlemen of the Jury: The time which I shall occupy in arguing this case will be as brief as it is possible for me to go over the facts of the case in a manner necessary to give you my views of the evidence without any unnecessary elaboration. I have no appeal to make to your passion, for I assume that jurors will not be swayed by anything outside of the facts in the case. This is an age of law, an age of civilization, where the liberty of the people are to be protected, and crime is to be punished according to law. If, therefore, an attempt is made to sway your minds from the facts upon which you have sworn to try this case, that attempt is not only not in pursuance to the oaths which you have taken in this case, but it is contrary to every precept of law and order. His Honor sits upon the bench, and you are here, in this jury-box, simply as the instrument of the law. His Honor has no right, nor have you, as jurors, any right to step aside from these broad rules laid down for the government of the people, and for the punishment of crime, no more than you have the right to lay aside any of the duties which pertain to citizens of this Commonwealth, or to violate any law which has been enacted for the government of society, because when you undertake to punish men for the commission of crime without evidence, or when you undertake to set aside the rules of evidence so as to convict men who, under the rules of law, should be acquitted, not only do you violate the rules of law as to the criminal that is before the court for trial, but you do a great injustice to every citizen of the Commonwealth. Although your motive may be a good one, although you may think that you are subserving public peace, or the necessities of the community, by setting aside the scales of justice, and yielding to what you may deem to be a great public necessity, that public interest is weighed according to the circumstances of the hour, and although you may think that you are acting for the public good, still, let it be understood, that never has there been a violation of the law from the bench or in the jury-box, but it has always been visited with a terrible retribution. The innocent have often been punished, for the reason that the minds of men have been swayed in the jury-box in times of great public excitement, and it has created prece-

dents by which innocent men have suffered in subsequent periods. It is, therefore, not for the interest of these prisoners or of yourselves as jurors alone, but for the interest of every other citizen, not only in this county, but in every county in this Commonwealth, that you should sit here, just as his Honor is bound to sit upon the bench, like a marble statue, yielding to nothing but what the evidence warrants you in doing, and what the rules of law, which his Honor will lay down to you, may warrant you in doing. The very moment you break away from the landmarks of the law, the very moment you yield to public feeling and passion, and sacrifice a man to public clamor, without proof of his guilt, even though in fact he may be guilty, you set an example that may fall upon the head of innocent men in periods far distant.

We have countless examples in the history of the past, and that is the only true guide that every thinking man has for the future, when law has been made to suit the case, *ex post facto* law, where star chambers have been improvised and men brought up before judges who sat in judgment for a special case and for the purposes of conviction; not two centuries ago, England was the scene of bloodshed and destruction of human life in the contest between the great factions of that country. When one was in power it removed under the forms of law as they called it, all objectionable men, and when the other party was in power, they called their great state tribunal, and judges made for the occasion, and for the purposes of conviction of men, and oftentimes great statesmen were brought up before these tribunals and sacrificed. When my learned friend who opened this case on the part of the Commonwealth told you that he had preserved these men for the sacrifice, reminded me of those days of English history, when tribunals were devised for the purpose of making sacrifice of persons charged with crime as a pretence for their destruction; and, thank God, in this day of civilization, of law, and of order, tribunals cannot be improvised for such purposes, and juries cannot be obtained for such purposes. Yet the human mind is the same in all ages. It is susceptible of impressions, and it may be moulded by cultivation for any object which may be set before it; and in addressing you these words I have done it for the purpose of calling your attention to the great period of excitement to which my learned friend on the part of the Commonwealth has referred. He swung his arm around this room and asked you why it was that this court-house was filled with people who sat here with anxiety pictured upon their countenances, and took such interest in this trial. He said because the public mind is aroused and excited, and that they were waiting here with intense expectation the result of your verdict. My learned friend did not say that you would convict these men, whether they were guilty or not, but he said that you would discharge your duty and convict these men. I use my own language in addressing you when I say that these people do not wait here for you to convict these men, whether they are guilty or not. There are here men of intelligence; they sit here to see that you perform your duty and your functions according to law, and that you do not yield to any great public excitement or impression, or that you will not be overwhelmed with numbers or by the great public excitement which pervades every part of this county against these men and others, as you have been told, who have been tried and convicted; I should not have mentioned the former trials of the men who have been convicted before this court, and I regret that the Commonwealth's counsel have felt it their duty or right to discuss questions not in evidence or properly before the court; but the gentleman who preceded me on the part of the Commonwealth has told you that there have been other convictions in this court of criminals called Mollie Maguires, and I presume the Commonwealth's counsel think those convictions according to law and warranted by the evidence, but I tell them that they will find plenty of people in this county who differ with them, and there are men who are as well satisfied of the innocence of some of these condemned men, even though a jury has declared them guilty, as my learned friend seems to be satisfied of their guilt. There are many in this county who believe that some of those convictions are erroneous and improper, and that innocent men stand condemned to-day. They believe this as truly as my learned friend believes that these men who have been convicted were guilty and ought to be punished.

When men are to be tried before courts and juries by public opinion instead of the law and the evidence, then has the right of trial by jury fallen indeed.

Public opinion has its legitimate sphere; and among all human agencies, none are so powerful nor so effective for the public good as public opinion in an intelligent and law-abiding country like ours, when that opinion is regulated and moderated by "sober second thought."

But in times of great and sudden revolutions and of great popular excitements, when the public mind is heated and excited, warped and prejudiced, directed by excitement, and oftentimes by caprice, "public opinion" is as often misguided and erroneous, as unstable and unreliable. What public opinion is to-day it may not be the same to-morrow, and if the law had to rest upon such sudden and capricious changes, the rights of life, liberty, and property would be held by an uncertain tenure, and the verdict of juries would be most uncertain. Go back a few years in the history of our State, and see what has been the various changes of public opinion. It was only about thirty-six years ago that we had almost a civil war in Pennsylvania over the question of Masonry and Anti-masonry. And then political parties were arrayed against each other, and the people from one end of this Commonwealth to another took sides, and became partisans; and yet this great excitement subsided in a short period of time, and we find nothing of the kind at the present day.

Public opinion is a most unreliable test, and among the most uncertain things. It is influenced by excitement, condemns without evidence and upon suspicion, and, therefore, I call upon you in the name of the law and of order, to let these remarks of our learned friend fall without weight upon your minds and make no impression upon your deliberations. Your duty is defined by your oaths and the law by which you are governed, and you, as twelve conscientious, honest men, must try this case, according to your duty, and anything else that may have been thrown into this case, not properly a part of the case, you must disregard and cast aside.

Who are these defendants, and what is the charge against them? There are here eight persons at this bar, and they are charged with the offence of assault with intent to kill. It is true, as the learned counsel said, that it is not a hanging matter, but it is equally true that their rights are just as dear and just as great as though it were. They are entitled to just as much consideration as if their offence was of a higher crime. It is no reason why you should lessen your consideration of the facts of this case because these defendants were not indicted for a higher crime. It is a case of assault and battery with intent to kill, and if the Commonwealth have proved each of these men are guilty under the evidence, you will doubtless discharge your duty, and we will not have a word to say. But if the Commonwealth has not proved their guilt, and if the evidence does not fully establish the charge in this case, then we want you to say, like twelve honest men, that they are not guilty, and, if I can satisfy you that the evidence submitted by the Commonwealth is not worthy of belief, that it does not sufficiently establish the guilt of these prisoners, then I shall expect that you will acquit them.

Eight men stand before this bar charged with crime. Our learned friends say that they are Mollie Maguires. What that means I do not know. They do not define Mollie Maguires, except that they are a band of robbers and murderers, and, as my learned friend would call them, forty thieves. If I had any evidence in this case to prove that these men were a band of murderers then I could feel that there was some ground for that remark, but I know of no evidence in this case that is worthy of your belief that shows that this organization is anything but a charitable institution, and so far as I know, and so far as the evidence in this case goes, which you ought to believe, it is just as charitable an institution, and just as much devoted to the objects of friendship as Masonry or Odd Fellowship, or any other beneficial institution in our midst. By whom has the Commonwealth proved that these men, who are alleged to be Mollie Maguires, are a band of murderers or robbers? McParlan has testified that they are commonly called Mollie Maguires, and you have been told by the learned counsel who opened this case, in the beginning of this trial, that the Mollie Maguires is an institution that originated in Ire-

land, and that they were called Ribbon Men. I have never heard or read of them being called Mollie Maguires, but I have heard of an organization called Ribbon Men in Ireland, and, as near as I can read it from history, they were originated by the Irish people for the purpose of defending their nationality and protecting their rights. The Irish are now and they have been no better than serfs or slaves. When they were subjected by the British Government, and held in subjection by the English crown, the lands under the Irish landlords were forfeited and placed in the hands of the friends of the crown, and, in our present age, there are but a few people among the whole Irish nation who can be classed as landlords. Their number can be counted almost upon your fingers. The rest of these people are the descendants of men whose property was stripped from them, and who were beaten and overcome by the power of the English Government, and they have been held ever since by force. Their property was taken away from them, and given to the friends of the crown. At that time that was the usage of the world. I am not speaking any word of censure against the British Government, because, among all the governments on the face of the earth, the English Government to-day is one of the best. But, at that time, that was the custom of the world. When the nation was conquered in war and overcome, the people were reduced to subjection, and their lands were forfeited and given to the friends of the conquering nation. That is the way that conquered nations were held in subjection; but, fortunately for the Irish race and nation, they have survived ages after ages, as a nation, and while peoples and nations have been blotted out from the face of the earth and not a vestage of them left to tell the traditions of their country, the Irish people have survived and lived, and to-day are a great and a noble people. They have their traditions; they have their patriotism and love of country, and a more sturdy, and a more hardy and more patriotic race never have lived upon the face of the earth, and, when we look to this country, what country is more indebted, I ask, than the people of this country to the Irish nation? To whom are we indebted for the great public improvements in this country? What class of labor is it that works our mines and tills our soil? Not only here, but you may go over every civilized country in the world, and you will there find the Hibernians.

It is to this class of people above every other class who have settled in this community that we are indebted for certain departments of labor. I do not say that they are more thrifty than the German or the English or the Welsh; I do not mean that; but I mean they are hearty, sturdy, industrious people, and that they have produced their share of labor in this country. To that extent they are entitled to our gratitude, and like other citizens, they are entitled to have a fair hearing in our courts of justice, and they claim nothing more.

When you hear the term Mollie Maguire used, what does it mean? Has there been an Irishman upon the stand for the last six months in this county who has not been called a Mollie Maguire? Can you distinguish between the witnesses who have been called in cases tried in this Court as to who are Mollie Maguires and who are not?

Every Irishman, so far as I have made any observation, has been classed in the same category, and it has been a sort of a moving curse which falls not only upon John Kehoe and these men who are arraigned here, but upon every man who has been brought on the witness-stand to testify anything in aid of these prisoners. The first question asked by the Commonwealth of every witness who was brought in this case to testify on behalf of the prisoners was whether he did not belong to the Order of Mollie Maguires. Upon the part of the Commonwealth there is no necessity for persecution. The Commonwealth is satisfied when the public officer prosecutes a prisoner. The Commonwealth is not bound to persecute, nor to seek blood, where no blood ought to flow under the law. When, therefore, you have this charge made that these men are Mollie Maguires, and that they are bringing their cohorts upon the stand to prove an alibi, you then hear the Commonwealth charge that every man who is brought here to testify, who is of Irish decent, is brought here for perjury.

Is there any trouble in determining who is a Mollie Maguire? You have

heard that they have their annual public processions; that it is an Order that exists in our midst the same as any other Order. They have their passwords and signs and countersigns, and so do Odd Fellows and the Masons and other secret societies. Why then should we regard them in a different light? They differ simply in those little minutiæ that are necessarily found to exist in other societies, because if they had not secret signs, parties who are not members of their Order would enter their lodges. The Masons have their own secret signs, the Odd Fellows have their own, and the Ancient Order of Hibernians have theirs, and every other secret society that exists in this country are obliged to have secret signs and passwords of their own. There is nothing strange in the fact that they have their toasts and their means of communication between their members. If you belong to any of these secret societies, you know that in travelling, the only manner in which members of these societies can make themselves known to each other is by means of these secret signs and passwords, and, if the Ancient Order men have adopted the same means of communication which existed in other societies, is it any reason that they should be regarded in the light of criminals, and be placed on trial for crimes of a high degree? Has not the Commonwealth proved that this very Mollie Maguire association, as it has been termed, has had their processions in Shenandoah and Mahanoy City; that they have paraded the same as any other order; why then is this charge made as to its being a secret society? What society is not secret? In the class of societies which I have enumerated as secret societies I have named the Masons, the Odd Fellows, and I can also add the Red Men, the Knights of Pythias, and scores of kindred organizations. They are all secret societies, and they would not be worth much if they were not secret societies; because the fact of their secresy is the very element of their preservation. If they were not secret societies, they would soon turn to a mob, and they would be disbanded. What was there in the constitution and by-laws of the Mollie Maguires that could not be proved as to any other of these societies? Witnesses could be brought upon the stand, if any of the other societies were arraigned, to prove the same as have been proved in relation to the Ancient Order of Hibernians. This organization has its toasts and passwords, and our learned friends seem to think that because of this fact they are all guilty of some great and heinous offense; but it is necessary that they should have the signs and passwords for the purpose of carrying out the beneficial objects of their organization. Therefore we say there is no more secresy about this society than there is about any other society, and we do desire that you should not be misled as to the character of this organization.

The next point to which I desire to call your attention, and which we do not deny, is that this man William M. Thomas, or Bully Bill as he is commonly called, was shot by somebody and somehow. We do not deny that, because we suppose that he did not shoot himself. But some of you may know the man whom they call William M. Thomas; you have heard of him. He is a rough. He is a man who could get shot twice a week if he could find anybody that felt desirous of engaging in that kind of business with him. He is a drunken rowdy, a vagabond, a man who uses a pistol with as much readiness as he ought to use his hands for labor, and he does use his pistol as much as he uses his hands for labor. He is one of that class of men who entertain no respect for others, and with whom the community always dread to come in contact when under the influence of liquor; and the fact that he was shot, one time last June by somebody, is no reason why somebody should be punished under the name of Mollie Maguires, unless they were the guilty perpetrators of the deed. We contend that the evidence that has been brought forward by the Commonwealth to identify these prisoners as having been connected with the shooting is not sufficient, and as to Gibbons the evidence of Thomas is too indefinite and unreliable to identify him. And so far as the other prisoners are concerned the evidence is not entitled to any belief, and you are compelled to establish the identity of the prisoners by some other testimony than that which has already been adduced.

These men are charged with the shooting of William M. Thomas, and the testimony upon which you are asked to convict them I desire that you should thoroughly understand, and, if you take the same view of the testimony which

I do, I think there will be no difficulty in your minds in coming to the same conclusion which I have formed. In the first place, the Commonwealth has produced one James McParlan on the stand, who swears that he came into this county as a detective in 1873; that he became a member of that Order in 1873; that by the means of his connection with that Order he is enabled to prove that these defendants entered into a conspiracy to kill Thomas and the two Majors, and that two of these defendants were engaged in the actual commission of the crime. You will recollect that when McParlan came into this county, there were no disorders of any kind, and the state of society was peaceful. You had heard of no outrages having been committed, and although we opened the door wide for our learned friends to prove any outrages which had been committed, yet they have not succeeded in proving the commission of any offence prior to the time that this man McParlan came into this county. That is the evidence in this case. Up to 1873 there had not been what is known as an outrage committed in this county for the last, at least, eight years. There had been bar-room fights and struggles between individuals which resulted in the shooting and wounding of parties, when under the influence of liquor, for that was generally at the bottom of these difficulties. They can be ascribed to no other cause, and I will venture to say that when this man McParlan came into this county, there was as much peace and good behavior reigning here as within the limits of any other county in this Commonwealth, with a mixed population such as this county contains, differing as it does from the old steady population of the county of Berks and other adjoining counties, whose inhabitants are comprised principally of one nationality and where they have not been addicted to use the pistol in the settlement of their difficulties with their neighbors. It is true we had had large labor strikes, and, during the past few years, frequent stoppages of work have occurred by reason of a suspension, but among those men who have been thrown out of employment you have heard of no outrages having been committed. Not a single instance can be mentioned of crimes which have been committed by a combination of miners against their employers, or against any of the bosses around the mines, prior to McParlan's coming into this county. After McParlan came here, in 1873, and obtained admission into the lodges of the Ancient Order of Hibernians, all at once, these disturbances broke out in this county. The scene of these outrages was principally in Tamaqua, Shenandoah, and Mahanoy City, and I desire to call these facts to your attention, because I intend to impress upon your mind as to who was the real author of this condition of affairs in this county, and, in connection with the facts within the limits of the case, I propose to show you, if I can, that of all the devils who have been in this county plotting against the peace and good order, that this man McParlan was the worst. That is not all, for he came here well supplied with money, and, with a shrewdness scarcely equalled, he has plotted all this deviltry, and carried it out to a most successful issue, because he succeeded in killing every man against whom his plans were formed. Uren and Sanger, Jones and Yost are to be numbered among his victims. We contend that within the light of the evidence which has been advanced in this case McParlan was at the bottom of all these crimes, and by the aid of the money with which he was furnished, and the power that he wielded, he not only plotted their commission but succeeded in carrying them out. I furthermore say that this man McParlan could have prevented every crime which has been committed since he came into this county. He could have saved the lives of every one of these men, if he had felt disposed to do it, but he did not do it, and I think I shall be fully able to explain to you the reason which influenced his conduct, and which guided his entire action during his professed investigation into these outrages.

The next witness whom the Commonwealth produced was Frank McHugh, who corroborates McParlan in many important instances, but upon whose testimony the Court will tell you you ought not to convict without it is corroborated upon material questions. As to William M. Thomas's identification of Gibbons I think you will treat that as it deserves. I shall, however, discuss it in its proper order, and I merely now call your attention to these

three witnesses to show upon whom the Commonwealth rely for the conviction of these defendants.

First, then, as to James McParlan. What is his character? Where did he come from? Have you heard any witness here who told you who McParlan is? Have you heard any witness come upon the stand who said that he knew McParlan in the past; that his character was good; that he is a respectable citizen; that he has never been in the State's prison, and that he is not a burglar or a thief? You have heard no evidence as to his true character, no witness has opened his mouth, but there were persons sitting in this courthouse, during this trial, who could have told you who McParlan was, if the Commonwealth had felt disposed to enlighten you upon this subject.

You have, therefore, the simple evidence of McParlan himself. He tells you where he came from, what he has been engaged in, and what he is doing here. He tells you that he came here in the character of a detective, and it is very important for you to know that he is here in that character. But he also stands before you a confessed criminal. He tells you that he was concerned in all these crimes, which he swears he helped to plot, and that he was as much a participant in their perpetration as any one of the prisoners, and it is for you to say whether he was an accomplice, and whether he is not a criminal, because if he stands before you as an accomplice who has turned State's evidence for the purpose of saving himself from punishment, this Court will tell you that you ought not to convict upon his uncorroborated testimony. Although McHugh relates the same story, the Court will tell you that the combined evidence of two accomplices is no better than the evidence of one accomplice, because an accomplice is an accomplice whose testimony is to be disregarded without corroboration, and if dozens of accomplices were produced it would not strengthen the testimony one particle.

How then does McParlan stand before you? You have heard how he came into this county, who kept him supplied with money, and what he was doing here. He swears he was engaged in plotting crime with the very men whom he inculpates now. The Commonwealth has not enlightened you upon the subject, and, therefore, you will have to take the testimony of McParlan as he gives it; and as the Commonwealth has not laid the full facts before you in regard to the subject, you ought to say to them that you will not convict these prisoners upon the testimony of a man of whom you have heard nothing until you heard of him in connection with these crimes. You should require the Commonwealth to produce to you satisfactory testimony that he is a man in the condition and position in which he represents himself to be. The Court will say to you that as the Commonwealth had it in their power to establish this fact and failed in so doing, the presumption is against them if they cannot prove that McParlan has a good character; and, therefore, I argue the question upon the law as it is laid down in our books, that McParlan stands before you in the light of an accomplice, and in no other way.

Assuming, however, for a moment that he is a detective, and is telling the truth, what then? You never heard of him until his connection with this case as an accomplice or a criminal. What information can you obtain from his testimony? If your own neighbor is put upon the stand, and he gives his evidence under oath, you weigh that evidence according to the knowledge which you have of that man's reputation and standing in the community. If you know that he is a professed liar you would not believe him under oath. If you know that he is a murderer, a thief, or a burglar, you would not believe him; and why? For the simple reason that he has been guilty of crime, and is not entitled to credence. If he is, however, a man of good reputation in the community, you will give him full credence, and you will believe his testimony, because you know the man, but when a stranger comes upon the stand and narrates a plain, simple story, if it is calculated to impress you as being untruthful, you will take it as the story of a stranger, and receive it for what it is worth; and I will venture to say that none of you will undertake to convict a man upon the testimony of a stranger concerning whom you know nothing. Unless there is testimony to convince you that he is entitled to full credence, either that he had lived in some community, or been engaged in some business, and that he had been a respectable citizen in good standing, you

will hesitate before accepting his statements as true. Jurors ought to know something of the character of witnesses who are strangers; because the very fact that a stranger like McParlan is brought on the stand to testify ought to be sufficient to convince you that his testimony is incapable of corroboration, or else the Commonwealth would fully corroborate him.

You have a right to give such credit to McParlan's testimony as you may think it is entitled to; but I undertake to say that you will never take the word of a stranger like McParlan when arrayed against the testimony of men whom you know to have good characters, and who have sworn that the reputations of these persons for peace and good order are good in the communities in which they live. McParlan is a witness, and these eight men are charged with a crime which prevents them from going on the stand and telling their story. The Commonwealth had a right to place them under an indictment and charge them with crime, but in so doing, their mouths are closed and you are thus prevented from hearing their side of the story.

I will venture to say that there are men lying in yonder prison to-day, against whom there is not a particle of testimony to prove their guilt; and yet they are held there in defiance of the law and their rights as citizens. They are held there by the demands of public prejudice, and there they will be held until they are either acquitted or convicted. But they are not the first innocent men who have been compelled to suffer. The history of all our courts of justice is full of such instances. In times of great public excitement the law is made to give way, either by direct violence or passive obedience to it by those charged with its administration; yea, it is trampled down, and the innocent are compelled to submit to suffer in silence by reason of violations of law.

These prisoners cannot tell their story, and there is but a single witness whom we could have produced in their behalf, and he is not here. Gavin, too, has fled, and if he had not he would have been sitting alongside of them in this court-room, and, therefore it would have done them no good even if he were here.

I say that the characters of these prisoners have been proved to be good, and when I say this I mean exactly what I say, and I do not speak it as a lawyer's argument. My learned friends upon the other side have said to every one of the witnesses whom we have produced to prove good character, "Why, did you not hear that these prisoners were Mollie Maguires?" "Yes," answered the witness, "I have." Every one answered that they had heard so; but that their reputation for peace and good order was good. "If they are reputed to be Mollie Maguires," asks the counsel, "how can you say that their reputation is good?" Some of the witnesses would answer, "I do not understand the question. I cannot tell you;, but I know their reputation to be that of decent, honest men at home. I have had dealings with them, and they have dealt righteously by me." And other witnesses have said that they always behaved like good, honest citizens. "Ah!" but says my learned friend, Mr. Gowen, and he dwells upon it with his glowing eloquence, "of all the creatures God has placed upon the earth, the Mollie Maguire is the worst. Sulphur and brimstone cannot be compared to a Mollie Maguire." And, therefore, because these men are known to be Mollie Maguires, or reputed to be Mollie Maguires, you should say in your verdict that the testimony as to their character is good for nothing at all, and, in other words, that it has proved them to have a bad character.

To illustrate the state of public feeling against these prisoners at the present time, I need only refer to the Morgan excitement connected with the Masonic Order. Then there was a hue and cry raised against Masonry, and to-day there is an outcry all over the county against the Mollie Maguires, and it was first raised at the time when McParlan came into this county. He is the man who has originated all the marvellous stories as to the outrages which have been committed by this organization. That men have been guilty of crimes of the character he narrates I do not deny, nor do I justify or excuse the crimes which have been committed. If the guilty men are caught they ought to be punished, but, in the name of manhood, and of law, and of order, I do say let no such clap-trap as Mollie Maguireism overwhelm the law and secure the

punishment of innocent men through the instrumentality of an excitement which has been aroused for a special occasion. I do not know how many Mollie Maguires there are in this county, but there are doubtless hundreds of them, while in the State of Pennsylvania, we have heard that there are forty thousand probably; and to make the sweeping charge that forty thousand men in this State are murderers and assassins, is to say what there is no evidence under God's heaven to warrant. An assertion of this character can be made for no other purpose than to make these prisoners suffer, whether they are guilty or not. It is an attempt to create an impression which should not enter your minds as jurors, and to swerve you from the requirements of the oath which you have taken to render a verdict which will be warranted by the law and the evidence in the case.

In the story which McParlan has narrated to you there are some details which are so absurd in themselves that they characterize his testimony as inconsistent and incredible from beginning to end. McParlan told you that, by the contract which he made with Mr. Pinkerton, it was expressly stipulated that he was not to become a witness. Can you conceive a more absurd statement? If he was not to become known as a detective, and go upon the witness-stand, what then? "Why," say the learned gentlemen, "we were to capture them right in the act of committing one of these offences." What good would have been accomplished, unless one or two things had occurred? McParlan had either to consent to be a witness, and come into Court and tell his story, or else the whole programme would have been an immense farce. If McParlan was not to be known, and he was not to go upon the witness-stand, what good would have been insured to the Commonwealth, or Mr. Pinkerton, or any one else, if four men were caught at Mahanoy City, under the supposition that they were waiting to kill somebody? People have a right to travel in the public streets, and on the public roads, and go through the waste lands, and I do not know that any restrictions in this respect can be imposed upon them. You all do it, and everybody does it, and if four men had been caught in Mahanoy City there would be no presumption that they were about to commit a crime, and if they happened to live in Shenandoah or somewhere else, what charge could have been preferred against them? You will see, then, how absurd the entire programme was. No charge could be proved against them without McParlan testified against them, and, therefore, he would have both to become known and to testify. It is alleged, on the part of the Commonwealth, that a scheme was to be arranged, and that McParlan was to take a prominent part in it. He was to keep the authorities informed of the proposed commission of the crime, where it was to be done, and when the parties were to be watched; and they were to be caught in the act. Right here, let us see in what that would have resulted. The Commonwealth has not proved to you that there was a number of policemen within three miles of any point where any of those outrages were committed, because if this scheme was made a matter of contract, there was either sense or else there was utter nonsense in it. If it was nonsensical in its character, then you must assume that his testimony is inconsistent and not entitled to credit, for you have a right to assume that McParlan was not a fool, and that his mingling with the people of this county, influencing our elections and influencing our conventions by the aid of the money which he spent like water, was not entirely a nonsensical enterprise; but if he was not to become known or his true character disclosed, it would be the merest nonsense in the world. Pinkerton would have been a fool, and McParlan too, because two men of sense could never have combined for the purpose of making such a proposition.

The next proposition which was urged by the Commonwealth was, that part of the plan consisted in the fact that these men were to be caught in the act and arrested. Is there any evidence that there was a policeman within three miles of the place where any of these crimes were committed? Did you not hear me ask McParlan, upon his cross-examination, if there were policemen in Mahanoy City ready to capture these men when they were about to commit crime, and he said that he could not tell; that he had only notified Franklin and Linden, that Linden knew all that Franklin knew, and Linden knew that he was going there with these four men to kill William M. Thomas?

You heard the counsel state that, at the very time that McParlan was there on this committee to kill William M. Thomas, Linden was watching the colliery at Shenandoah, and therefore could not have been present on the spot. When this thing was in contemplation, McParlan tells you that he knew of it the night before; that he was sick, and did not go, but that McAndrew and Hurley came there and sent for Gibbons. This was the night before the crime was committed, and the testimony is, that in Schuylkill County about that time there was fifty policemen who could have been called at that place at any hour of the day. Was there, however, on the spot of that attempted murder at that time, a single policeman to catch these men who shot William M. Thomas? Where were they? The flimsy, trifling reason which was given by McParlan was, that he was unable to inform anybody; that he was suspected of being a traitor, and that it would have been unsafe for him to have conveyed the information of the intended outrage. He said that he was afraid of his life, and yet Mr. Gowen told you that, after these men knew that he was a detective, he braved them all and went right into their very dens. And so McParlan tells you that, after they became satisfied that he was a detective, he travelled to Jack Kehoe's, and up to Shenandoah, through the valley, and that he rode in the very sleigh in which was the man who had intended to strike the fatal blow against his life, and yet he was not afraid then. He was then not afraid to travel among them, even when they knew that he was a detective, and therefore the reason why he did not convey the information to the proper authorities as to the killing of William M. Thomas, is the same as every other reason which he gave when he was put to the test in this case. As to why he did not stay the hand that was raised to strike down this man, he does not explain in any satisfactory way. He did not answer that question as an intelligent and candid man would have answered, but he answered it in a manner that clearly shows he designed to evade all questions as to the motives which prompted him upon that occasion. If, then, it would amount to nothing to catch them in the act, with McParlan's lips sealed, unless they were caught after the murder was *committed*, then the arrangement McParlan swears to about catching the parties in the act, was to let them kill their man first, and then arrest them afterwards. This would seem too inhuman to become the subject of a contract, and I do not believe such was the intention. And if it was not, then the whole story about catching the parties in the act was without foundation, as the practice of McParlan and his co-policemen proves.

The testimony of this man McParlan is utter absurdity. His statements in regard to this part of the programme are not only absurd, but it is so in regard to all the rest of his testimony. He will proceed to tell you a very plausible story, because he has had years in which to fabricate it, and there is every reason why he should know the date and time, because he has had plenty of time to concoct his statements. It is just the same in relation to all his statements respecting the criminal character of this organization. He tells you that there is a written constitution and by-laws. He knows that they are all right enough, but then he says the members of that Order do not live up to them. He is compelled to give his testimony in this manner in relation to that subject, because the very moment he told you that this constitution and by-laws were lived up to, he would have sworn these prisoners clear from the charge which is now made against them. But he well knew that in order to make his story complete he would have to swear away the constitution and the by-laws which he admitted govern this society not only throughout the United States, but its fountain-head in other countries. He states that there are State lodges, a central lodge in the city of New York, and that notwithstanding they adopted this constitution and by-laws, they are chartered by an act of the Legislature of Pennsylvania. If there was anything in his story that was truthful at all, he would have to make it correspond with the evidence which he has given relative to the workings of the society in other parts of this country. I propose to show you that what McParlan has told you in his testimony about the constitution and by-laws of this society is not true in fact, and not at all in harmony with their spirit and meaning. You remember that we asked him to define precisely what were the duties of every officer

in the society, and in proceeding to answer the question he detailed the duties of the various officers as part of his evidence in this case. We now propose to show you that there was not a particle of truth in the evidence which he gave, so far as his description of the duties of the officers provided for by their constitution and by-laws is concerned. You will remember that he told you the county delegate had the power of calling meetings of the association, and, in the absence of the President, the county delegate had the power to authorize the secretary to call meetings for the transaction of business in the lodges. Take the little book which contains their constitution and by-laws out with you, and you will observe that there is not a word of truth in his statements. Where do the officers of this society obtain that power, if they do not obtain it from the constitution by which they are governed? It will not do for our friends to say that they ignore this book entirely. They have proved that this organization in this county stands in close relation with the State and national organizations, and is a chartered institution by the laws of Pennsylvania. If then it was true, as McParlan tells you, that this society was governed by its constitution and by-laws, is it true that those officers have arrogated to themselves the rights which they do not possess under the by-laws? In looking over this little book we find the power of the county delegate to be as follows:

"SEC. 5. County Delegates. The duties of each county delegate shall be to open Divisions throughout his county, preside at all meetings of the Board of Directors of his county, and correspond with the State Delegate and Secretary, and all Divisions in his county, and he shall take the lead of all county processions."

Now comes the President:

"The duty of the President shall be to preside at all general or extra meetings of the Order; to see that the constitution and by-laws are preserved inviolate and carried into effect; to affix his signature and seal of the Order to bonds and contracts lawfully entered into, and see that the same are properly engrossed upon its records."

There is the duty of the President, and you will see as I go along reading these different points that the story of McParlan as to what is contained in the constitution and the practice under it is in diametrical opposition to the duties defined by the charter, constitution, and by-laws, as to the duties of these officers as is written down.

I will call your attention again to page 6.

"SEC. 24. The Board of Directors shall appoint its own President, Secretary and Treasurer, at the annual election, and shall raise a stock or fund of money, in order to defray the expenses of said Board. They shall receive the sum of one dollar quarterly from each Division, pay all the postage of letters of communication and printing of any documents belonging to said Board. The Secretary shall engross, in a book kept for that purpose, all the receipts and expenditures, and return an account of the same to all the members of the Order, at each quarterly or general meeting. The chairman shall give an order on the Treasurer, countersigned by the Secretary, and all the members present shall have the power of rejecting or permitting the payment of the same; when the yeas and nays are taken and a majority are in favor of paying a bill, the Treasurer shall pay the same, and the Secretary shall enter the same on the minutes."

McParlan told you that the President had the whole thing, that he ran the whole machine, that nothing could be done unless he gave his consent, or, in his absence, some officer in his place. The Board of Directors have the whole control of each division. They have such control of it as the County Commissioners have in this county, or that the Board of Directors have in the control of any society, and the President is simply the executive head that carries out the orders of the Board of Directors. You did not hear, in McParlan's testimony, anything about a Board of Directors. You did not hear that they had any Board of Directors, or that such a board had any such authority; and yet, you see in their Constitution that they have an entirely different system of government from what McParlan talks about. It would be nonsense for him to tell you that these organizations are all made in defiance of this instrument, for I will venture to tell you there is no organization in this county that has

not its board of officers under this constitution. If they had not they would not be recognized, for when they were organized the State officials had to come here. Their county meetings have been held in the presence of State officers, had been presided over by them; they have approved of the organization in this county, and its official connection with the bodies above it, and, therefore, they cannot say, with any degree of propriety, or truth, that the organizations here are organized differently from what they are at other places. Although McParlan can say that when they wanted to commit an outrage they did it in violation of their constitution and by-laws, there is no other means of contradicting him, for the reason that no such thing occurred, as we proved by McHugh, one of these defendants, who tells you that he has belonged to the lodge in Mahanoy City, and that he never heard of the concoction of any outrages in that division until the 1st of June, and that is the first time he ever heard of it. McParlan is not to be believed on this subject at all, as I will show you by further extracts which I will read to you from this book. He tells you that the members talked of this thing in John Kehoe's bar-room, in the presence of various persons. If you will turn to article 22 you will find:

"Any member of this Order who will talk of any business or transaction that may transpire in any division-room or place of meeting, he shall be handed over to the Standing Committee of the division of which he is a member, or if at a general meeting it should happen, he or they shall be brought before the Board of Directors and tried, and if found guilty of the same, they shall be expelled."

Again, I will call your attention to another important part, section 33, which enjoins upon the members their continuance in their church relation:

"The members of each division, in each State, be required to attend Holy Communion in a body, at least twice a year, at their Parish Church, or such church as they may designate, and wear the regalia of the order."

Then again as to drunkenness, section 35:

"It shall be the duty of any officer who may see a brother appearing in procession or in public, with his regalia on, in a state of intoxication, to take the regalia off and report the name of such brother to his division, with charges in writing."

Then again on page 13, section 10:

"If any member of this Order be convicted of robbery, perjury, or any other atrocious offence, he shall be excluded from the Order for life."

You will see that in that book, and as the foundation of this Order, there is the element of true friendship and Christian charity that enters into any order devised at the present day. What evidence have you that it is not lived up to? Just the evidence of McParlan, and he is contradicted by McHugh; because McHugh tells you that he never knew of any such thing in the organization in Mahanoy, and the first instance is this meeting in Mahanoy City.

It was no meeting of the Order at all, nor did it stand in relation to the Order. The fact that some of these parties, or all of them, were members of the Ancient Order of Hibernians does not stamp the Order with the responsibility of that meeting.

Who got up this meeting at Mahanoy City; who was responsible for it? Let us take the evidence. McParlan tells you that he went to John Kehoe's on the 26th of May, and he there had a long conference with Kehoe, and Kehoe told him that things were bad in Mahanoy City. There was no proposition for a meeting that day at Mahanoy City; McParlan staid there till he got tired, and then he says he went home in the evening and went back there again on the 30th of May. What was he doing there on the 30th of May? He tells you he was *talking* again about this trouble in Mahanoy City, and after he and Kehoe had a private talk, in *which Kehoe* told him to go down and tell O'Brien there would be a meeting on the 1st of June, he went there, and there he says that Kehoe appointed him one of the men, and he attended the meeting. Who got up this meeting, and in whose interest was it held? Let us go a little further. You will find circumstances tell tales as well as witnesses, sometimes, and whenever you can bring a circumstance down to contradict a man like McParlan, it does so with a telling effect; and the very dispatch which our learned friends value so highly is one of the strongest facts to con-

tradict this man McParlan that is in this case; because McParlan tells you that John Kehoe told him on the 26th of May that he had sent up to Canning, and Canning was away; yet they produce the dispatch here dated the 31st, the very day before that meeting was held, to Dennis Canning, to come down to that meeting at Mahanoy City on the 1st of June. It is not legally inconsistent with the story that McParlan tells, but, as we understand business relations and the habits of people, it does contradict him, because it is not reasonable to suppose that John Kehoe would send up there and find him away and then telegraph to him to come to Mahanoy City. It is inconsistent with the habits and practice in such things, although as a matter of fact, it might be true that he sent there, and yet sent a dispatch at the same time. And it is a strong fact to show that this man McParlan fixed up that story about sending him off on the 26th of May, because he got that story up to show how Dennis F. Canning came to the meeting, of the 1st of June. He says that Kehoe had sent Tom Donohue for him, and that Tom had reported he was away; but the fact is, when it comes out, that McParlan did not know Canning was brought there by the telegram of the 31st of May. McParlan went there on the 1st of June. He was one of the head men in it, and while they there in the convention it was said by some one of them, "We must go to work and get up minutes which will show upon the face of them that this is a legal meeting." McHugh says that nothing of the kind was said while he was there, and he tells you that he was there from the organization; that he got paper and sat down to write the minutes, and instead of minutes all he wrote was:

"Mahanoy City. Met 1st of June." That is all the minutes he wrote. How inconsistent. I suppose McParlan thought probably they had got up minutes and would have them here, and in order to make his story right, he must swear that the minutes showed one state of facts, while a different state of facts transpired at the meeting. But it so happened that they did not write any minutes at all, so it was altogether unnecessary for McParlan to invent the story he did. Therefore that is another of the inconsistencies in the line of his testimony, for if they did not write those minutes, McParlan, if he had known it, would have said so. The reason he told that was because he thought he would be confronted here with the minutes of that meeting; he supposed there would be minutes taken, and those minutes would be here to be read. Therefore he took time by the forelock, and made his story so that he could swear away the minutes before the defendants would have a chance to put them in evidence.

They have not called a witness to corroborate this man McParlan or McHugh that these men were in Mahanoy City on that day. It is a town of seven or eight thousand inhabitants, and the testimony is that these people came in there in broad daylight; that they walked through the public streets, and through one of the most public streets of that town; that they held their meeting in a time when there was great excitement, when they had had a riot, or, I think the riot was the very day, or the day after, in that city; they could have brought scores of witnesses if these men had been in that town that day to corroborate McParlan as to the presence of these men, but they have not brought a man, not a living witness, to tell you that these men were in that town that day at all—not a witness. That fact is only testified to by McParlan and McHugh, and when I speak about the weight of their testimony, I shall tell you what that testimony amounts to.

McParlan says it was agreed that these men should be assassinated, and that he was made the bearer of the word to his lodge at Shenandoah, that the committee was to be raised there to kill William Thomas. So, in getting up the meetings on the 26th of May, and on the 30th of May, if he swears what is true, then he figures the largest in the whole enterprise. You see wherever there is anything going on, or any deviltry to be done, McParlan puts himself there, and at the head of it. Then he says he went home from that meeting and got up the committee. He was one of the committee himself, and how does he tell you he called that meeting? Although they had what was then known as Smith's Hall as the place of their meeting in Shenandoah City, did he tell you they called their meeting there, and in a public way, so that the

members of that organization knew it? No. He tells you that he told three men—or four with himself, I think it was—and that with three others they went into the woods and held a meeting, not at the place where these people met, not at their usual place of meeting, not at the lodge-room, but went into the woods, and McParlan with them, and there they got up the committee with McParlan as one of them. So you see at every step McParlan takes the lead; he is put forward or puts himself forward. He states that he went down to Mahanoy City and came back, and to corroborate the fact that he was there, they put a man on the stand to corroborate what McParlan says, that in going over the mountain near Fowler's breaker, they got off the path and ran into the swamp. But that witness says: "No, we went through the swamp it is true, and it was a very dark night, but we did not lose our way." And in answer to the question on cross-examination: "Did you get out of the path and into the swamp, and lose yourselves?" he says: "We did not lose the way at all. I knew the road. It was very dark, but I did not get out of the road, and they did not." But McParlan would have you believe that they got into the swamp, and it took them an hour to get out of it. This man says it was a public road, and a public way. McParlan says they went through the swamp instead of taking the public road. This man says they went along the public road all the time he travelled with them.

Again, our learned friends have introduced McParlan's evidence as to the Tamaqua convention. What was the Tamaqua convention? It was where they said they were going to give some money for the killing of Gomer James. Just let us see the testimony as to the Tamaqua convention, and you will see that McParlan stands at the head, and is in the lead all the way through. His testimony is that he went down to Kehoe's after the killing of Gomer James and told Kehoe that Hurley had killed Gomer James, and he ought to have one hundred dollars, or ought to have something—and Kehoe said: "Yes, he ought to have more than one hundred dollars; he ought to have five hundred dollars." McParlan said there ought to be an assessment upon the men to pay it. Kehoe declined to do this, but said: "Let it be, there is going to be a meeting of the men and they can do as they please about it." McParlan tells you he took down the application of this man Hurley for his money, and took it in there; that it was objected to there by a man named Butler, who said McClain was the man who killed Gomer James. They appointed a committee, McParlan being one of the committee, and nothing was done except what McParlan himself done—it was never acted upon by any meeting or convention after that. McParlan, behold, is the head of the committee. Everywhere you see him. At every step that is taken McParlan is in the lead. He raised this controversy first in the convention, is an advocate of one of their claims, and then he is on the committee to settle it. McParlan did not keep him there; McParlan did not arrest him, although there was an act to which there were a dozen witnesses, yet Hurley has fled from justice.

There was never anything ever done in pursuance of the appointment of that committee; that is the end of it, and Hurley never got any money from these people.

So you see at every step McParlan has taken in this region he is in the lead, he is the man that not only gets it up, but he carries it out until the deed is to be done, he manages to get along at the head of them, and to work them up until they get upon the very verge of committing the act, and then he steps out under pretence of sickness or something else. But he urges them on to commit the act, and for what purpose? I think I know the purpose. If he was a detective, as he says he is, then it can be but for one purpose. To make himself a great detective, and give him a bureau under Mr. Franklin, he has to make some great and startling disclosures. It could not be done *unless some lives* were lost, some outrages committed. Therefore it was that these men were struck down, therefore it was that this community had to suffer under this stigma that the learned counsel who addressed you for the Commonwealth has talked about and widows and orphans mourning. And he has spoken to you of the laurels that McParlan wears as a detective. And it is true that he wears his laurels as a detective, if a detective he was at all, while Sanger, and Uren, and John P. Jones lie in their graves as his victims.

What weight will you give the testimony of such a man? I say that he is an accomplice, I say of all the men that deserve punishment this man McParlan deserves twice what anybody charged with crime in this county deserves; if it is true that anybody deserves hanging, this man McParlan ought to be hanged twice; because, if there is an author to this mischief and this deviltry anywhere, McParlan is the man who is at the head of it, who was instigating it, and who has brought disgrace, not only upon the county, but is the author of the distress among the families that the learned counsel has talked to you so feelingly about.

Being responsible, what is he but an accomplice? But our learned friends will tell you, "O, no, he was a detective. He was working in the capacity of a detective, and therefore he is not in the category of an accomplice." There are rules that apply to detectives as detectives that do not apply to accomplices, I will admit; but I will tell you what this case shows. If Mr. McParlan was but a detective working in his ordinary capacity and would discover these things without furthering them, that would stand by and simply look on without lending a helping hand, then, perhaps, the rule of law which the counsel on the other side have invoked would apply. But how is it here? I do not care whether McParlan intended that Thomas should be killed or not, in this case, so far as his act is concerned; I do not care whether he intended Sanger and Uren to be killed or not, it is enough for me to know that he failed to save their lives. In this case, where these prisoners are charged, he was one of the committee to do the work, and he was responsible to do either one of two things, either to disclose this crime to the Commonwealth and have these men arrested and punished before they committed the act, or use his influence to stop it and to prevent it. He did not have these men arrested, nor did he prevent the act. He knew of it the night before. He tells you he could have prevented it. The officers of the law could have prevented these men at half past six o'clock in the morning, before Thomas was struck down, and why did they not? For the simple reason that this man McParlan winked at that crime; he had set it up; he had furthered its progress, he had done everything that he could do but strike the blow. If it was true that these men struck it, as he swears they did, then it was his instruments that struck the blow, the pistol-shots were aimed by his tools and by his instruments. What responsibility then has he in this case? Do you suppose that if he was prosecuted for that offence and was on his trial here the Court would tell the jury that because he was a detective he was entitled to an acquittal? You would apply the same rule in weighing his testimony that you would in case the charge was made against him for the offence. Now let us see. If a man knows a crime is to be committed, and aids and abets it, he is guilty of the crime. If he aids and abets it for the purpose of detecting the crime, but having it in his power to prevent it, does not prevent it, he is more than a detective, he is then an accomplice and a *particeps criminis*, equally liable with the party, because, although he may not have intended to commit the crime itself or suffer it to be committed, yet if he went there, or if he knew it was to be done after he had helped to concoct it, and did not prevent it, in the name of God, and the name of the law, and in the name of common sense, did not he assist in it, did not he aid and abet it, is not he as responsible as the men who strike the blow, upon the common sense principle that when a man has set up a crime or helped set it up, and he can prevent it, and does not prevent it, although he may not see it at the time it may occur, and although he may desire to stop it yet he stands by and allows it to be done, he is just as guilty as the man that strikes the blow, and so the court ought to tell you in this case. I say therefore his testimony is on a par with that of McHugh, and that you ought to discard both, unless you can find it corroborated by other circumstances in this case.

I have told you they have not brought a living witness to corroborate this man McParlan in anything. They do not show he was a detective; they do not show he was at Mahanoy City; they do not show he was in any capacity at all, except the one which you would infer from his own story, and that is, that he is just as guilty of crime as those who entered into the commission of it.

Our learned friends will say that William M. Thomas corroborated him. You know this man, William M. Thomas, and it is not necessary for me to talk much about him. It is enough for me to say that, if you know him, you know his testimony is of no account. The learned counsel, Mr. Gowen, says that he infers, from the opening of the defence, that the defence will undertake to say that, because William M. Thomas was caught stealing pork, or charged with stealing pork, that therefore he is not to be believed. It is true that William M. Thomas says that he was charged with stealing a pig, that he ran away from this county and fled from justice, and that he staid away for a year or so before he came back into this county. He has been arrested for various crimes, and kept here in prison charged with various offences, and the truth is, to sum it all up, he is an outlaw, he is an outcast, and I believe he is a man who would get into a quarrel quicker, and shoot a man for less cause, than any other man I ever saw—and such is his reputation. He seems to delight in it; he seems to gloat over it. In a fight not long ago he exchanged shots with a man in Mahanoy City, whose name I do not now recollect, and between the two an innocent man who stood across the way was shot and killed. Talk about a man like that being a witness in a court of justice, that is vile all over with corruption. But that is not all. He has contradicted himself in this case in such a way that he is not entitled to belief. A man can always tell the truth if he knows it. Although he may be forgetful in some things, he will never tell the same thing twice so unlike that there is any great error in it. If he undertakes to detail it twice, under oath, he will tell substantially the same story, although he may not use the same language. You will recollect that he tells you that he said he could not identify any of the parties that shot him. That was before he undertook to identify any, but yet he says that Linden told him not to admit that he could identify the men. Why did not our friends undertake to corroborate that by Captain Linden? They did not do it. The gentlemen for the Commonwealth ask you to take hold of the slimiest kind of stuff to convict these men, witnesses you do not know, witnesses that are in the condition of criminals that you cannot take their testimony and rely upon the truth of it, or else they ask you to rely upon some outcast and scapegoat who is ready to tell one story one time, and another story another time, by which these men shall be punished, without the proper evidence of their guilt.

Not only that, but he tells you that at the examination on the habeas corpus he recognized Gibbons by his coat, and that he had on a gray coat. There is a little history connected with that gray coat, as McParlan tells you. Somehow or another this man McParlan looms up prominent in almost every outrage that has been committed in this county while he has been in it, and it is somehow or other capable of being shown that he is the instrument of it, and that he is at the head of it. McParlan says, I loaned this coat to Gibbons or Hurley, I do not remember which he says, but he says one or the other; he loaned the very gray coat that he had loaned to Doyle when Doyle went to kill Sanger. The same old coat, you see, that was used to kill Sanger was used to kill William M. Thomas. William M. Thomas says it was a gray coat that Gibbons had on; but when he comes here he had forgotten that it was a gray coat, and now he swears that it was a black coat; that Hurley had the light coat, and that Gibbons had the black coat, and that is his identification. There you see is a contradiction, because Gibbons had on a gray coat when the examination took place on the habeas corpus, and Thomas recognized it and swore it was the gray coat he saw at the shooting, and he recollected it, and now he swears that Gibbons wore the black coat. In this he is not like McParlan, because where McParlan gets into a little tight place and tells something he did not tell before, he says: "Well, I did not think of this; it has come to my mind since; the more I think of it the more I can remember, and if I would think longer I suppose I would recollect more." William M Thomas did not do that; he has not the acute sense that McParlan has, and therefore he gets out of it in this way. He says it was a black coat, and that he swore it was a black coat on the habeas corpus. It was not Gibbons, that is very evident. He did not identify Gibbons. "Well, what other marks have you?" "I take it because he has red hair." "Well, have you never seen red hair on

other people? is there anything peculiar about that?" "Not much." It all simmers down to the coat after all. So you see the identification which he makes out does not amount to anything. It is guesswork at most, and therefore you would not convict this man Gibbons upon the testimony of William M. Thomas, and you should not on the testimony of McParlan. Of course William M. Thomas did not identify anybody else; although Morris is here he does not identify him. I have taken as much of your time as I desire to take, and more perhaps than I ought to have taken, but in saying what I have said I have endeavored to discharge my duty to my clients. I have appealed to the facts of this case and to the law which I believe applies to it for the acquittal of these defendants. If I have succeeded in impressing my views upon you I am thankful; because I believe they accord with the true interests of justice in this case. I do not believe that men ought to be hung or imprisoned upon the testimony of men you know nothing of, or accomplices in crime who are swearing themselves out and swearing others in. The general rule is that the biggest knaves always turn State's evidence, because they want to get out and get somebody else in.

If you have a doubt after you have gone over all this testimony as to whether it is true, a doubt as to the facts that have been detailed to you, it is your duty to acquit them. Then testimony as to character is important testimony, and these defendants have been proven to possess a good character by a large number of witnesses, and by as large a number perhaps as we were justified in bringing here, and by responsible citizens, men that you know and to whom you will give the credit of the weight of their testimony. Of course our learned friends will enlarge upon the fact that they were Mollie Maguires, but these men swear that notwithstanding this fact they have good reputations for good behavior and peace, and I take it you will let that weigh in their behalf.

ARGUMENT OF GEORGE R. KAERCHER, ESQ.

Mr. Kaercher, the District Attorney, closed the argument for the Commonwealth as follows:

With submission to your Honors, Gentlemen of the Jury. Time flies on, but the lawyers seem never to tire; and yet perhaps, while they are often open to the charge of being wearisome and of sometimes consuming time needlessly, yet they are always vested with great and important duties when they rise to address a jury charged with the life or liberty of the citizen. You have resting upon you in this case more responsibility than is ordinarily thrown upon a jury. You have in your hands the liberty, not of one man, but the liberty of nine men. You have in your keeping the peace of one of the greatest counties in the Commonwealth. This case involves the life or the destruction of one of the greatest criminal organizations of which any mention can be found, and I will say to you now, that before I conclude the remarks which I shall make in this case, I shall show to you from the testimony, that never since the world began has there existed a more villainous society or more horrible organization than the one the leaders of which we have brought to this bar for trial.

These defendants are charged, in this bill of indictment, with an assault and battery upon William M. Thomas, with intent to kill him, and the first question which may suggest itself to your minds is: Why are these nine men charged with committing an assault and battery when we have proved that but two of them, Morris and Gibbons, were present? It may be asked upon what ground we ask for the conviction of the other seven men, and that raises a question of law which I will explain here. When men combine together and conspire, before the commission of a crime, to procure others to commit it, and, if in pursuance of that original conspiracy, the agents are selected, and they commit the crime, all the parties who enter into that conspiracy are equally guilty. For instance: In the city of Pittsburg twelve men may conspire to put to death a citizen of this county. They may select their instruments and send them into the county of Schuylkill, and here they may com-

mit the murder. Yet every one of those original twelve men could in such a case be brought from Pittsburg into this Court and tried and convicted of murder in the first degree, though they had never set foot within the borders of the county of Schuylkill. So it is here. We allege that the men who are now on trial before you, and who were not present at the attack upon William M. Thomas, procured the four men who were present, to commit this assault; that they conspired to have this man killed, and that it was only by a providence which turned aside the bullet a quarter of an inch from a vital part that these men to-day are not on trial for their lives. God was merciful to William M. Thomas. In His providence that bullet did not cause death, but had it done so all these defendants would have been guilty of murder in the first degree. So here to-day, we say that if we have proven that John Kehoe, Christopher Donnelly, Dennis F. Canning, Michael O'Brien, Frank McHugh, John Donahue, and James Roarity, along with William Gavin, who has not been arrested, conspired, in the city of Mahanoy, on the first day of June, to have William M. Thomas killed, and, if in pursuance of that conspiracy, John Gibbons, John Morris, Michael Doyle, and Thomas Hurley made an attempt to kill Thomas, and you believe that to be the truth, as established by the witnesses, then your verdict under the law and the facts must be, as to these defendants, every one of them, guilty in manner and form as they stand indicted.

Who are these men? The first name in this indictment is that of John Kehoe, a Mollie Maguire, the county delegate of Schuylkill County. Among these names you find that of Dennis F. Canning, county delegate and the controller of five lodges in Northumberland County. You have here Christopher Donnelly, the county treasurer of the Mollie Maguires of the county of Schuylkill. You have Frank McHugh, and Michael O'Brien, the secretary and the body master of the Mahanoy division. You have James Roarity, from the border of Carbon County, the body master of Coaldale, and you have John Gibbons, and John Morris, who were members of this organization.

This organization, known as the Ancient Order of Hibernians, or Mollie Maguires, as an organization, originated and carried on this attempted murder, and for that reason I shall address myself first to some remarks concerning this Order. The learned gentleman who last addressed you, who has had an experience of ten years as president judge of this court, told you that he did not know what a Mollie Maguire was, and I think he very successfully established that he did not. I must say I was surprised at his confession of ignorance on that subject, but I believe he was candid, because in the exposition that he gave you of Ribbonism he most successfully proved that he had not given much attention to that subject, or that, if he had, he had utterly misconceived the objects and purpose of Ribbonism and Mollie Maguireism. Twenty-four years ago Ribbonism in Ireland received its deathblow, and how? One day two men were arrested with arms in their hands hidden behind a hedge. They were charged with being there for an unlawful purpose, and they were brought to trial, and one of the parties, a man by the name of Thornton, turned State's evidence. He stated that they belonged to the Ribbonmen, and that they had met there that day for the purpose of killing Pat McArdle, a bailiff of one of the estates in the neighborhood. Thornton made a full confession of the intended crime, and Hodgens, who was with him, and a man named Breen, who had been in the plot, were executed, because they had conspired to murder McArdle, although they had not inflicted any injury upon him whatever—the law punishing a mere conspiracy to murder with death. Our own criminal code in Pennsylvania inflicts, instead of death, that which in comparison with it is but a trifling punishment, namely, an imprisonment of seven years as the utmost limit, and that is within the discretion of the court. Those two men, Hodgens and Breen, were convicted upon the testimony of the accomplice, Thornton, and Ribbonism, being completely exposed, perished out of Ireland from that day to this. It was shown in the trial of their case that Ribbon societies existed, and that if they determined that some cause of grievance, either real or imaginary, existed to their rights as tenants, the societies then met and determined upon the death of the landlord or the agent or the bailiff, and that they then procured the murderers to commit the crime, and after the murder was committed, the members of the

Order would hurry the assassins to some secret place of hiding, and if they were arrested the society were prepared with the ever-ready alibi to swear them out of the hands of the law. This man Thornton called in the agent of the estate (of which McArdle was the bailiff), a man by the name of Trench, and he gave him a full statement of how this society operated, and told him that Trench himself had been tried in a barn in which a dozen of the chief Ribbonmen of that section were assembled, and that they had voted his death, that they had selected his murderers, and that for one whole year two Ribbonmen, in the employ of the organization, followed Trench by day and by night, waiting and watching for a good opportunity to kill him. Mr. Trench had been put upon his guard and had escaped, and the conspiracy being exposed, the men who were in it fled from justice. You will notice the similarity between the proceedings of that society and the society which we have upon trial here to-day. I have not the least doubt in my mind, that this society which we have arraigned here is the offspring of this criminal society, which went down in Ireland in 1852, where it had flourished for long years, defying the government and defying the authorities.

The Ribbonmen were in Ireland called by various names, among the names being that of Mollie Maguires, and therefore you will see that Ribbonism was not an organization to elevate the nationality of Irishmen, as my friend Judge Ryon said, but it was an organization maintained by bad men for the commission of the most terrible crimes.

This society, now on trial in its chief members, is not the result or product of American civilization. It has been transplanted into our borders, and it has flourished here to the destruction of our best interests, and the hour and the day have come when it must be uprooted and destroyed forever, or civilization and government must perish from our midst. Between the spirit of murder and the spirit of law there can be no peace, no truce, and one or the other must prevail.

We have proved to you that this organization, as it existed in Schuylkill County, in Northumberland County, and in Carbon County, is a criminal one; that its objects and its purposes are criminal; and that when a murder is to be committed, to gratify the revenge of any member who considers himself aggrieved or injured from any cause whatsoevor, he makes complaint to his body master, to the head man of his division. If it shall be deemed worthy of the interference of the society, the body master seeks to procure from a neighboring division, men who shall execute whatever may be the resolve of the organization; these men enter upon the commission of the crime; they are strangers to the man who is to be injured, and being unknown to him they cannot be recognized, and their flight and escape is made easy; and if when the crime is done they are arrested for its perpetration, a host of friends spring forward to swear that they are innocent, and that they were not present at the commission of the crime. Against such a society, so organized, the ordinary instrumentalities of the law must fail.

This is the organization as we proved it to exist. We proved its general character by the witness McParlan. We were not permitted to go into detail in this respect. We were not permitted to read to you the roll of crimes which this society has committed, because under the law we could not go into particulars. We could only prove the general practice, but thanks to our friends on the other side, they have let a little more light into this organization than we could have done, and they have brought forth in their cross-examination the details of a number of offences which illustrate the true history of Mollie Maguireism as it existed in this county.

I will refer to some of them as demonstrating the character of the society. It was proved that Barney Dolan, of Schuylkill County, was an ex-county delegate of this Order. He occupied the high position of being its leader and its chief, and it was proved that on one occasion, at a public meeting of this Order, attended by its chief officer in the United States, Dolan uttered the sentiment, "that it was necessary sometimes to beat men in order to make good men of them," which remark was received with laughter by the head of the organization in this country. Again, you have the statement of Pat Hester (one of the unpunished murderers of Alexander Rea), a man who was con-

demned to a term of imprisonment in the Eastern Penitentiary for creating a riot in an attempt to force by the brave Father Koch, the priest of the parish of Shamokin, the body of a Mollie Maguire into the sacred ground of the church; that Hester returned and found in his place in the organization Dennis F. Canning, the county delegate of Northumberland County; that he desired to be readmitted into the organization, and no doubt to receive the signs and passwords, but that Mr. Canning objected to him. Whether Mr. Canning feared the rivalry of so great a criminal as Patrick Hester I do not know, but the fact that he was the alleged murderer of Alexander Rea, and had served out a term in the Eastern Penitentiary was no objection to his admission into the lodges of Schuylkill County, as an honored member. He was admitted, according to the testimony in this case, into the lodge of William Callahan, body master of Mahanoy Plane, and John Kehoe said, "that if the county delegate of Northumberland County did not admit Patrick Hester into the organization there, it would be bad for that county delegate." Again, in order to prove that this was an innocent organization, the defence undertook to show that Owen McCloskey was kept out of the organization. McCloskey was the man who, with a band of armed assassins, made the attack upon, and attempted to murder the brave old Gallagher, who stood in defence of his home in Mahanoy Township, and shot down some of his would-be assassins, wounding McCloskey, who was sent to the penitentiary. They succeeded in proving simply that McCloskey, who about 1867 was concerned in that desperate attempt to murder that old man, was a member of that Order then, because they sought to show that after he had served out his term of imprisonment—no! he did not serve it out, for he was pardoned out—he sought readmission into this organization, thus showing that this charter, which is produced here, this sham and delusion, a thing made up in 1871, has no relation whatever to this society, of which Owen McCloskey, according to the evidence in this case, must have been a member in 1867. This shows the character of these men, and it shows that Owen McCloskey did not consider that he would have been at all out of place in this Order; and I venture to say if there was any reason which was urged against his admission into the Order, it could only have been that if they readmitted him they would have shown to the public, so plainly that no man could fail to see, that they were the harborers of criminals, and criminals themselves; and it was only as a measure of self-protection and security against detection that this man was kept out of this organization, if he was kept out at all.

Again, you will recall as revealing the character of this organization, that Thomas Donohue, one of the men who had been charged with the murder of Rae, and who had been acquitted, and being the constable of Butler Township, in this county, took this defendant Gibbons, now upon his trial here, after he had made the assault upon William M. Thomas, to Rupert Station for the purpose of assisting him to escape. This shows whether these men held fidelity to the law, or whether they held fidelity to the society and crime.

Again, you have before you in evidence, as illustrating the character of this organization, the fact that an attempt was made to have James McParlan, the detective, murdered; that John Kehoe went to the borough of Shenandoah and there assembled all the Mollie Maguires in that town; that he spent money freely among them, and told McAndrew, the body master, "You must have this man killed, or he will hang half the people of Schuylkill County." My friend, Judge Ryon, did not invent the idea, as expressed by him here, that McParlan should be hung or that he should be shot. John Kehoe was months ahead of him in the expression of such a thought as that. Kehoe understood the situation exactly, and knew that if this detective were permitted to leave Schuylkill County with his mind stored with the knowledge of the criminal acts of the organization for the last three years, that every man in the society who had been engaged in crime would be liable at any moment to be called into a court of justice to answer for his misdeeds.

Again, you have another picture of the workings of this organization in the reward that was proposed to be given by this association to the murderer of Gomer James, who was shot down in Shenandoah on the 14th of August, 1875. Who shot him was unknown to the good citizens of that community.

His assassin fled, and it was another undetected and unpunished murder added to the long list of crimes previously committed. On the 28th of June previous, Thomas Hurley was one of the parties who made the dastardly assault upon the life of William M. Thomas. Later, in the same year, Thomas Hurley was charged with stabbing a man by the name of Johns in the throat and shooting him, inflicting serious wounds. Where, in the history of criminal jurisprudence, can you find a more despicable character than Thomas Hurley? Where a greater desperado? He had murdered one man, and attempted the murder of two others, and yet this man appears in a county convention of the Ancient Order of Hibernians, at Tamaqua, according to the sworn evidence in this case, and there, before John Kehoe, Christopher Donnelly, and James Roarity, of these defendants, declared that he was the man who had shot Gomer James, that it was a great work, and that he was entitled to a reward from this association for having rid the community of a dangerous man. And what was done when this announcement was made? I propose here for a moment to refer to the evidence that was given upon that subject. It reads like a tale from a most marvellous work of fiction, and it is almost incredible, even though it is proved and corroborated at every step.

McParlan, in his testimony, said that the committee for settling grievances assembled at the time of the holding the convention of the Order, on 25th of August, 1875, in Tamaqua; that "John Kehoe was there, Michael O'Brien, John Donohue, Frank Keenan, Jerry Kane, Pat Dolan, Sr., and Frank O'Neil were in the room at the time; and Pat Butler then came in, and John Morris came in. I presented this (Hurley's statement) to the committee. Frank Keenan was the man that picked it up and commenced to read it, and Pat Butler says, 'I object to yez taking any action upon this thing, from the fact that there is a member of our division named McLain who claims to have been the one who shot Gomer James, and therefore he is entitled to the reward. He says he was the man, and he told me so.' That the committee stated that they would not take any further action on it, but of course the man who had shot Gomer James was certainly entitled to be recompensed; and therefore John Kehoe appointed Pat Butler and I for to investigate the matter, and see as to whether Hurley or McLain had shot Gomer James, and to report to him who was entitled to the blood-money."

Then follow the details of the trial held to determine whether Hurley was the murderer of Gomer James. Patrick Butler and James McParlan, one Sunday afternoon in August, met a number of witnesses—two men by the name of Welsh, a man by the name of Carey and others, who were produced before that tribunal, upon the side of Mahanoy mountain, to prove that Gomer James had been shot by Thomas Hurley, and that consequently Thomas Hurley was entitled to the blood-money from the hands of John Kehoe. The report made in accordance with those facts was delivered by McParlan to Hurley, whether he ever delivered it to Kehoe is not known. Here is a fact brought out on cross-examination, by these defendants, that this trial was held on the mountain, near Shenandoah, by McParlan and Patrick Butler, for the purpose of determining whether Hurley had really shot Gomer James, and whether he was entitled to the reward. Did McParlan tell the truth in reference to this? He gives you the names of some half dozen witnesses who were present at that investigation, and if he did not tell the truth every one of those witnesses could have been produced here to prove that no such trial was ever held. And if those witnesses did not appear before that tribunal and testify that Hurley was the murderer of Gomer James, do you imagine that counsel, as able and learned and zealous as those who defend these prisoners, would have allowed such an opportunity to pass by unavailed of? It would have been competent for them to have done it, and having failed to do it, you must take the statement of McParlan to be true beyond all question.

What have we proven in regard to this organization? We declare in the light of these facts that it has rewarded *murderers*. Yea, we have found the county convention of the Ancient Order of Hibernians agreeing to pay blood-money, the price of the lives of citizens of the county. We have proved the fact that a high constable of this county, being the county delegate and chief officer of this organization, paid money to enable a criminal member to flee

from justice, and another constable conveyed the fugitive out of the county. We have proved that the county delegate of this organization commanded the body master of the Shenandoah division to have McParlan shot, and that a man like Hester, a convict from the Eastern Penitentiary, and who was a member before his incarceration, was reinstalled in the Order and became entitled to all its privileges.

We made a broad challenge. We said that this was an infamous organization, and that it was an organization of murderers. We challenged the defence as broadly as the challenge could be made, to stand up in defence of this organization, and what defence has been made? They say that it is a charitable and beneficial organization, that it is intended to relieve those who are in distress and who are suffering. What man has this association ever relieved within the County of Schuylkill? To what widow have they ever brought relief? What orphan have they ever reared or educated? Where are the recipients of their bounty? You will look in vain for them among the lodges scattered here and there all over the coal region. And we allege here, on the part of the Commonwealth, that it was a mere sham to call this a beneficial organization. Where is there any evidence to show that it is a beneficial organization? There is not one iota. Here as a prisoner we have the county delegate. Whom has he ever instructed to be relieved out of the county funds of the Order? Here is the county treasurer. To whom has he ever paid money for the purpose of mitigating suffering and want? I say it is a mere sham to present to this court this printed constitution and say: "We were benevolent, we were kind, and we were charitable," and yet no works are brought forward to prove it.

I was surprised when the learned gentleman who last addressed you, with a perfect knowledge of the evidence, took the constitution of this Order in his hand, and attempted to argue to you as reasonable and intelligent men, that this was a charitable and benevolent organization, as if for one moment you would entertain such an absurd proposition. In the light of this evidence such an allegation as this has nothing to rest upon. It is against all the facts in the case, against all the evidence, against all reasonable probabilities, and there is not a sane man in the universe who, in the face of this evidence, would believe it for one instant. As bearing on the subject of this being a charitable organization, we showed to you that they had a *quarrelling toast*. I do not belong to any secret association. I do not know whether charitable organizations ordinarily make use of signs and passwords; but I never heard of an organization started to promote friendship, unity, and true Christian charity, ever making provision for a quarrelling toast.

I never heard of a charitable organization importing such toasts from Europe, and I presume you never have.

In the history of Ribbonism to which I have already alluded, there is a story told of one of the members who was present at the meeting when it was resolved to murder Mr. Trench. He said, "After we shall have been successful in driving the Saxons out of our land, what will we do for fighting?" "Why," replied one of the members, "when we have not got the Saxons here to fight with we will fight with one another, you know," said he; "it is better that we should fight among ourselves than that we should not fight at all." And so here they adhere to the quarrelling toast, believing that it is better to fight among themselves than not to fight at all, but they never fight among themselves when they can find some one else to beat.

The preamble of this constitution contains some poetry, which I believe is supposed to express the sentiments of this organization:

> These laws, though human,
> Spring from Love Divine,
> Love laid the scheme—
> Love guides the whole design.

I suppose the sentiment of this poetry is considered to be in full accord with the constitution and by-laws of this organization, and yet, professing to be governed by "love divine" in its practice, it imports a "quarrelling toast"

once every three months, in order to further its objects and purposes, and to inculcate the doctrine of divine love.

I think I have said enough on this subject to reveal the true character of this order of Mollie Maguires, and to establish what are its objects and purposes. And here I might leave the Order, were it not that I have one word to say in reply to some remarks which were made by my friend, Mr. L'Velle.

He mentioned in connection with this association of Mollie Maguires the Labor Union of Schuylkill County. The two societies are not to be mentioned in the same breath. No man has any right to join the name of these men and this association which has been concerned in these crimes and murders, with a name representative of the laboring men of Schuylkill County. There does not exist to-day upon the face of the earth a more honest, a more intelligent, and more law-abiding population than the working men of Schuylkill County. They have conspired to commit no crime. They have committed no crime, and it is a terrible injustice to link the names of thousands of the best of the citizens of Schuylkill County with the members of this infamous organization, as being in some measure akin or alike to them. There is no more in common or alike between the laboring men of Schuylkill County and this organization, than there is between heaven and hell. The allegation was made by Mr. L'Velle, that when the Labor Union perished that then crime rioted throughout this county. It is true that crime did follow the disorganization of that society, but why was it? It was because while that organization was maintained, the members of the organization knew that if these men were allowed to perpetrate crime, if they were allowed to shoot down citizens and destroy property, away from the borders of Schuylkill County, where these things could not be known or could not be investigated, or the truth properly revealed, that the odium would fall upon their shoulders and overwhelm them. Therefore, it was, during the long days of the suspension, that all true working men in the county of Schuylkill outside of this organization, knowing better than we can do the character of these men, for they had often felt their violence, were ever on the watch to prevent any infraction of the law. And when the organization was virtually dissolved, and the men returned to their work, and the Mollie Maguires were left unchecked, uncontrolled, and unwatched, then crime and murder rolled its fearful course throughout the county, and it is most unjust to state anything, which can even by implication charge the working men of this county with being in any wise responsible for these crimes. They abhor them as much as any men in the world.

Having referred to this association and shown its character, I will refer for one moment to the extent of its power. James Roarity, one of these defendants, comes from the borders of Carbon County; you find here as a defendant, Dennis F. Canning, the county delegate from Northumberland County; all over this coal region it has its lodges. While this Order numbered probably not more than six hundred members in this county, which would not be more than three per cent. of the voting population of the community, yet in the mining sections of the county it dominated and controlled the local government of the townships; controlled the common schools, and the entire civil government of society in their districts was in their hands. With the power which they thus possessed, they could gather wealth, and it is for these reasons that you find men of mature age and men of intelligence at the head of the several divisions, using them to further their own interests and for their own aggrandizement.

It became, therefore, an object of importance to the leaders of the Order, and they sought by every means to strengthen its roll of members; and in this case the singular fact was established, that a man might be a peaceable citizen, never known to indulge in brawls and quarrels; that he might be a man of "good character for peace and good order," and yet, at the same time, unknown to the citizens of his community, he might be at the head of this organization. The members of the Order knew full well that, in order to preserve it intact, its proceedings must be kept secret, and that the men who committed crime must be the young men of the organization, who were comparatively unknown, and against whom suspicion would not be directed.

Thus, with their humble instruments, they could continue the work of crime, and the leaders all the while maintain their position in the community, unknown and undetected. In point of fact, these circumstances account for the singular evidence, which was produced here, of men testifying that the character for peace and good order of some of these men was good, but that their reputation was bad, because they were Mollie Maguires. One witness was called on behalf of one of the prisoners, and, after testifying that the defendant's reputation for peace was good, the very next instant, in response to the questions of the Commonwealth, answered it was a common report that the defendant had, in conjunction with Jerry Kane, the body master at Mount Laffee, sent two men, Kelly and Doyle, into Carbon County, to murder John P. Jones.

Four of these defendants attempted to prove good characters, and that is the character which they succeeded in establishing. The counsel who have addressed you in their defence have said that they have proved good characters, but, in my opinion, in the light of the evidence that has been laid before you, there does not exist a more infamous character, which can be attributed to any individual, than that which belongs to a man who is a member of this organization. Their characters have been proved by the defendants' own witnesses, some thirty-five in number, every one of whom testified that the prisoners, or those of them in reference to whom they were questioned, were Mollie Maguires.

The Commonwealth had no occasion to call witnesses to prove that the prisoners were of bad character, because the defendants alleged, unblushingly, that they were members of this Order which had plotted and committed these crimes.

What do the Commonwealth allege, as to the formation of this conspiracy?

On the 26th day of May, John Kehoe told McParlan that he had thought of calling a meeting in Mahanoy City of the Mollie Maguires of Schuylkill County, to shoot down the Modocs (as he called those citizens of Mahanoy City to whom he referred), in the streets; but that upon further reflection he had concluded that would not be a good plan, and that he had sent Thomas Donohue (a constable and guardian of the peace), to Dennis F. Canning at Locust Gap to ask him to meet him at Mahanoy City, on the 1st of June, that Donohue had returned and told him that Canning was away. On the 28th of May, McParlan met O'Brien in Mahanoy City, and O'Brien told him that something had to be done to get rid of the Modocs, and he believed in getting some men to shoot them down in the streets at night. On the 30th day of May, which was on Sunday, McParlan returned to Girardville, and Kehoe told him that he had fixed a meeting for the 1st of June; that he should be there, and that he should tell O'Brien to prepare for the meeting, which McParlan did. Right at this point in his statement McParlan testified that Dr. Carr and Dr. Sherman were at Kehoe's house at that time, administering to the relief of Kehoe's sick child; that Dr. Carr drove away from that house in company with a man by the name of O'Regan. He stated that he believed that they had cigars at somebody's expense, though he did not know at whose expense it was. Dr. Carr was called as a witness upon the part of the Commonwealth, and he corroborated the statement of McParlan, as to having been at Kehoe's house on that day in company with Dr. Sherman, and he testified, not only in full corroboration of McParlan's statements, but he volunteered the statement—not in consequence of any question which was asked him—that before they left, somebody proposed a treat, and that the parties who were present in the bar-room took cigars.

If McParlan was not there how could he have known these facts? How could he have testified to them, unless he was present at the time they transpired?

In reference to the conversation which took place on the 26th of May, the defence told you that they would prove that on that day Mrs. Kehoe was sick, and that the interview between McParlan and Kehoe never could have taken place. The testimony of McParlan was that the train which he took to go to Girardville arrived there at 12 o'clock; that he got off at Rappahannock, about half a mile from Girardville, and saw a man there, and then went down

to Kehoe's house; that he then saw Kehoe and had a conversation with him before Mrs. Murphy came in, but that he saw Mrs. Murphy just about the time that he was leaving. Did Mrs. Murphy contradict McParlan? No; but on the contrary she told her story like a truthful woman, and she said it was about half-past one o'clock when Kehoe came to her house, so that the difference between 12 o'clock and half-past 1 o'clock would have been abundant time for Kehoe and McParlan to have held their interview in reference to the matter, and then Mrs. Murphy came down to the house at 2 o'clock, which corresponds exactly with the time when McParlan left there.

You will recollect that Canning was away from home and that Donahue had returned and had communicated that fact to Kehoe. There was not time enough probably to get a message to Canning to request him to come to this meeting, and after his return Kehoe was forced to resort to the telegraph, and on the 31st day of May he telegraphed to Dennis F. Canning at Locust Gap: "Come and see me at Mahanoy City to-morrow morning at 10 A.M.," signed John Kehoe, which telegram has been proven by witnesses to be in Kehoe's own handwriting. The meeting was held. Kehoe, Canning, O'Brien, Roarity, Donnelly, Donohue, McHugh, and Gavin and McParlan were there; being all the parties who took part in this conspiracy. The meeting was held at the house of Michael Clark, in the borough of Mahanoy City, about 10 o'clock on that day. Clark procured them a room. They remained there to dinner, and the meeting probably lasted two hours.

The defence have said that the Commonwealth has not produced evidence of the fact that these parties were in Mahanoy City. We have proved Kehoe's dispatch to Canning, summoning him to come to Mahanoy City; and he would not have summoned him there unless he himself was going there, because he said he wished to meet him there. We have proved by McParlan and McHugh that all the parties we have named assembled in that room at that meeting.

Would it have not been very easy for these defendants to have produced Clark, the ex-secretary of this division, in order to prove that he did not procure this room for these men, or to have summoned the members of his family to prove that these men did not take their dinner there? We have not made a practice of putting Mollie Maguires on the stand to make out cases for the Commonwealth, unless, like McHugh, they have ceased to be members of the organization, and have washed their hands of it completely. And here was another opportunity to have overwhelmed and contradicted McParlan, if his testimony was not true.

They met in that room; but I will not detain you in going over the evidence to show the manner in which they plotted that murder, except to say that they brought in Daniel Dougherty, who had been charged with having shot George Major in Mahanoy City, and who had been acquitted. He was brought in and displayed the bullet-holes in his coat, and said there had been an attempt to shoot him, and that if Jesse and William Major, and William Thomas were put out of the road, he would feel safe in Mahanoy City. According to the testimony of McParlan, Dougherty, who was a Mollie Maguire, was then told to withdraw, and this organization then proceeded to determine in what manner they would murder these men. Kehoe had told them that was the object and the purpose of the meeting. There was no dispute about that. There was no occasion to take any action as to whether they would commit the deed or not. They were all agreed upon that subject, and they proceeded immediately to discuss the best way in which the murders could be committed. Christopher Donnelly and John Donohue were intrusted with the murder of the two Majors, who lived and worked near Tuscarora, and into the hands of Michael O'Brien, of Mahanoy City, and James McParlan, and James Roarity, was given the preparation of the plans for the murder of William M. Thomas. It was said that the murder of the Majors was a light job; that they could be killed very easily as they came from their work. In regard to the murder of Thomas there was a diversity of opinions and of plans. One party, Kehoe, proposed to shoot him down upon the public streets, but O'Brien, of a more cautious disposition, suggested that it would be better to kill him, as he came from his work, upon the railroad. And Den-

nis F. Canning, the county delegate, and the leader of five divisions, said that was the best plan; and then these men, having fully determined upon their plans, separated. If you believe that occurrence took place in that room as I have narrated it to you, does it not clearly establish that the seven men whom we have indicted here all conspired, in that room, and at that time, to have William M. Thomas murdered? If the proof of this fact stood upon the testimony of McParlan alone, that would be abundantly sufficient, for there has been no witness called to contradict him. No witness has been called to impeach him, and he stands here unimpeached and uncontradicted, and you cannot argue this sworn evidence out of the case by calling McParlan bad names.

The next step that McParlan was directed to take by Kehoe, was to notify the Shenandoah division of the action of the meeting. He gave the notice to the division, when John Gibbons, Thomas Hurley, and Michael Doyle volunteered to go to commit the deed. They did not require to be forced to proceed upon that errand. They understood the objects and the purposes of the organization, and when Kehoe's message was delivered to them, they were ready to spring to arms at once and execute it. McParlan tells you how the committee selected him, and that when he went with the three others to Mahanoy City, that he had no idea of allowing them to perpetrate any attack upon Thomas's life, except at such time as the officers of the law should be ready to seize them in the act, before harm could be done to him; and when he found that in the turbulent state of affairs then existing in that part of the county, it was impossible to get warning to the officers of the law and to Captain Linden, who would take the proper means to prevent any injury being done to Thomas, he made a plausible excuse to O'Brien to send these men back again. And they were sent home, as you will recollect, because O'Brien thought that the life of one of these men was worth the lives of a thousand such as William M. Thomas.

You heard the testimony of McParlan, that on the 10th of June these two men, Hurley and Doyle, returned to Shenandoah; that they remained there from the 10th to the 15th, waiting for a convenient opportunity to shoot William M. Thomas, and that during that period the body master, O'Brien, secured them board at the house of Mrs. McDonald. Why is not Mrs. McDonald or any of her family produced here to show that at that time these men were not boarding at her house? This would have been very easy, and it would have been a contradiction of McParlan if that fact could have been proved. But you will see that in the whole course of McParlan's testimony he does not for one moment seek to draw these parties into a corner, but everything is conducted openly, and where witnesses exist on every side, to contradict and expose him if he speaks aught but the truth.

Then again McParlan tells you that on the 23d of June he had a conversation with O'Brien, and O'Brien wanted to know why the men did not go over to finish this job. He also states that he had a conversation with Kehoe at Girardville, and he (Kehoe) said he supposed it would all go right in a little time, and inquired of McParlan whether Hurley was at Mahanoy City waiting for an opportunity to shoot Thomas, as Gibbons stated. You will recollect the conversation McParlan had with Callahan, the body master, at Mahanoy Plane, when Callahan declared he had given two revolvers to Friday O'Donnell to shoot Dr. Bissell, one of the citizens of Mahanoy City. Why have the defence not produced Friday O'Donnell here to contradict McParlan? Because he stands charged with the murder of Sanger and Uren, and when he comes into this court it will not be as a witness to contradict anybody, but to answer for the commission of two murders.

On Sunday night, the 27th of June, about nine o'clock, four men, Hurley, Gibbons, Morris, and Doyle, left Shenandoah City for the purpose of killing William M. Thomas, and McParlan tells you that they told him that they remained all night at the house of Mrs. Costello, in Mahanoy City, McHugh testified that it was to that place that the headquarters of this society were removed from Clark's. Here was another opportunity offered these defendants to have conclusively contradicted McParlan, but again they fail to avail themselves of the opportunity.

On the morning of the 28th of June an attempt was made to murder Thomas. In his testimony Thomas tells you that he was so close to Hurley, that one of his fingers was grazed by the ball which was fired as he made an attempt to seize the revolver, and that at that moment the prisoner, Gibbons, stepped forward and shot him twice in the neck. You will recollect that McParlan stated that Gibbons told him that Hurley opened the fire, which is according to the fact as Thomas testified to it, and that then Gibbons stated that he "got in and fired." And this is exactly in accord with Thomas's statement of the occurrence.

There you have the story of this crime as it is narrated by McParlan, and, if you believe his testimony, it is sufficient evidence, standing alone, to convict. In addition you have the testimony of Thomas, describing the manner of the shooting, the wounds upon his person, and a positive identification by him of the prisoner Gibbons, and of Hurley, who has fled from justice. He testified that when he first saw Hurley in jail (Hurley having been arrested upon another charge) he recognized Hurley at once, and had a warrant taken out for his arrest; that Hurley was admitted to bail, ex-county delegate Barney Dolan becoming his security through the instrumentality of John Kehoe, county delegate.

The members of this organization undoubtedly knew what was going on, and Hurley certainly knew that if he were kept in jail until the Commonwealth could prepare its plans and produce the evidence, the next charge that would be made against him would not be for the attempted assassination of Thomas, but that it would be for the murder of Gomer James. Therefore it was necessary that he should be released from jail, and that he should leave the county. The recognition by Thomas of Hurley and Gibbons establishes two important facts in this case. Upon the identification by Thomas, of the two men that McParlan says were in this conspiracy, and the testimony of McParlan, the Commonwealth could safely rest this case. Even assuming McParlan to be an accomplice, of which there is no evidence whatever, this identification by Thomas of these two men is a corroboration of his statement in a very material and important particular. Do you for a moment believe that Gibbons, Hurley, Doyle, and Morris started out to commit this crime for the purpose of revenging an injury they had received at the hands of Thomas? They did not know Thomas. He said that he had never seen them before, to his knowledge, and probably they had never seen him until that morning.

Yet they travelled away from their home and remained in Mahanoy, lying in wait for a convenient opportunity to kill him, from the 4th of June to the 28th of June. In season and out of season, by day and by night they concocted their plans, and sought a convenient opportunity to strike down and murder a citizen who had never done aught to them. Does not this fact prove, that the appointment of these four men constituted part of some plan or some plot, and how great must have been that organization, how strong must have been that power, that could induce four men like these without the hope of reward, by the mere force of confidence in this organization, to willingly enter into a plan to commit the high crime of murder in broad daylight, and upon the public highway. Why, gentlemen, young men do not generally enter upon a career of crime in that way. It has been well said that:

> Vice is a monster of so frightful mien
> As to be hated needs but to be seen;
> But seen too oft, familiar with her face,
> We first endure, then pity, then embrace.

And yet among the prisoners here, is a young man only eighteen years of age, just out of school, Frank McHugh having spent some time in the High School of Mahanoy City, as I am informed. This boy, a little above eighteen years of age, was admitted in the councils of this organization, together with the county *delegates of Schuy*lkill and Northumberland Counties—Kehoe and Canning—and the county treasurer, Donnelly, and they deliberately sat down and plotted the murder of three men. It was a horrible state of affairs, and he who shall hereafter paint the picture of murder, will paint the scene as it

was presented in that little front room in Michael Clark's tavern, in Mahanoy City. He will place at the head of the table John Kehoe, and upon his one side will be county delegate Canning, and upon the other side Christopher Donnelly, and the whole party will be grouped there, and it will stand as a picture of murder which has never been surpassed in its utter horribleness since time began.

Think of it! This organization for years past, has been sweeping into its ranks these young men throughout our coal region, leading them astray, leading them to felons' cells, and to the gallows. It would seem utterly incredible, and yet here they are. Here are the men who did the shooting, and there are the men who plotted the crime.

In addition to this evidence, to which I have called your attention, we have produced upon the stand Frank McHugh. He is an accomplice; that is, one of the parties who agreed to participate in this crime. He agreed to the murder of these three men. He tells you that he was about eighteen years of age when he first joined this organization; that he was selected as the secretary of one of its divisions; that Michael O'Brien was the body master, and that he was present at this memorable meeting. He also testifies that Canning told him that Kehoe had sent a dispatch for him to come down to the meeting; and that the meeting was held, and it was suggested that he, as secretary, should keep some minutes, so that their proceedings might appear to be lawful. He states that he did begin to keep some minutes of the meeting, but in the excitement of planning the murder of three human beings, the legality of the proceedings was overlooked.

The meeting decided that O'Brien, McParlan, and Roarity should procure the men for the murder of Thomas; and Donnelly and Donohue were to arrange for the murder of the Majors; and that it was not necessary for Canning, the county delegate of Northumberland County, to send any men, because these were, as was stated, light jobs, and easily handled.

You will recollect that McHugh's statement was not as full, and was not as complete, as McParlan's statement, and if it had been I would not have been inclined to believe him. McHugh was engaged with these prisoners in the plotting of that crime. He did not store up in his mind every word that was said, or to whom it was said. When he left that meeting that afternoon he did not go right to his home and write, verbatim, a statement of everything that was said at that meeting by these men. McParlan tells you, however, that he transmitted daily reports to his superior officer in Philadelphia of everything that was done in these meetings, and he used those reports to refresh his recollection. He therefore, of course, can give more fully the details of the conversations than would be expected from McHugh. McHugh tells you that he left this organization in September; that he has not been in the receipt of the "goods" of the Order since that time; and that he is not now a member. Yielding, no doubt, to the prayers and persuasions of his mother, he determined to leave an organization which led men into such crime; and through his counsel he expressed a willingness to go upon the stand and be a witness in the case. In reply to a question asked by the defendants' counsel, as to why he had consented to become a witness against them, he said it was all that he could do. "I had no defence," said he; "we were all guilty, and they had better done the same." And it would have stood better to the credit of these men if, instead of brazening out their crime, instead of standing here and denouncing these witnesses who have told the truth concerning this transaction, they had come forward and told the true story of their crime, and said it is true, we are guilty, and we acknowledge our participation in the crime. They did not adopt this course; and the law, therefore, required that they should be proven guilty before they could be convicted, and God forbid that the day shall ever come within this county, and this State, or this land, that its citizens cannot secure justice before courts and juries. I do not desire any jury to render a verdict from prejudice arising from nationality or religion, or any cause whatever, but I do ask of juries that when the evidence is complete and the proof is full, they shall perform their duly like men.

Then we have the testimony of the detective McParlan, and the testimony of McHugh, and the testimony of Thomas, which is treble proof of the guilt

of these defendants, and why should you not convict them upon this testimony? It was contended, as a matter of defence, that McParlan was an accomplice. It was proved to you conclusively, by the evidence which the Commonwealth offered, that McParlan was sent into this county as a detective, to join this association and to expose these crimes; that he remained here for three years, in the daily discharge of his duty, that he made written reports of his work, which were almost daily transmitted to his superior officer in Philadelphia, which reports were produced in court, and from them he read what is known as the "goods." We could not read these reports in evidence, but the witness refreshed his recollection by referring to them. He came into this county for the purpose of investigating these crimes at the risk of his life. If, at any time, during his residence among these Mollie Maguires, they had discovered satisfactory evidence that he was a detective, he would have been a dead man within twenty-four hours after this organization would have found a favorable opportunity to murder him. You cannot have any doubt upon that subject. He is not an accomplice, but he stands here just like any other witness. Unless some evidence is produced to show that he is not worthy of belief, or to contradict him, by showing that he is mistaken, you, as jurors, acting under your oaths, are bound to receive his evidence. Have they called a witness to prove that James McParlan is not worthy of belief? He first took the stand in Schuylkill County, in May of this year, and since that time the name of James McParlan, in connection with the exposure of the criminal character of this organization, in this county, has travelled around the world. His name is known to-day in every part of the civilized world. He has detailed on that witness-stand, step by step, year by year, the name of every place in which he has lived, and every man for whom he has ever labored, and if there existed on the face of the earth, one man who could raise his voice against his character, it would have been heard long before this. He has not lived a quiet secluded life; he has met many men in many places, and not a witness has been produced to say aught against him. These prisoners have known his life for three years, and if they knew anything damaging to his character, it would have been produced in evidence. They have not produced any witnesses against him, but they say, in the language of their counsel, Judge Ryon, he is "a devil and ought to be hung twice." That is undoubtedly a very harsh sentiment. Most men are satisfied with having men hung once, but the counsel for the defence would like to see McParlan hung twice; I cannot imagine what kind of punishment that would be. I hardly can see how that should afford the gentleman any satisfaction, but I suppose because he says that in his opinion McParlan should be hung twice therefore we should let the prisoners escape punishment.

That is all the logic I can see in that assertion. Yet this man McParlan, for days and months, while you were pursuing the ordinary avocations of life, was treasuring up day by day the evidence, which at the proper time, and in the proper way, would be introduced into a court of justice, and which would break down and utterly destroy this murderous organization, and bring its leaders to condign punishment. He was laboring to insure safety and security to the community, and to protect you and all of us in the future against the pistol and the knife of the secret assassin. I do not think a man who has labored to the full extent of his ability and knowledge, and it was with rare knowledge and diligence and fidelity, in behalf of the community, should be thus defamed and maligned. If his testimony cannot be controverted submit to it, and say so; but do not abuse him because you cannot contradict his statement. McParlan has rendered a service to this county and to its people, which no money standard can value. So far as it may protect property, so far as it may bring capital, to develop our rich lands and make this county as it should be, alive with industry and prosperity, that we may calculate; but the protection which his investigations have insured to this community by the destruction of the criminal organization which was in our midst, and which was leading astray the young men in the mining region, and bringing them up as criminals, is a consummation which no money standard can ever measure. His services have been immeasurably valuable, and instead of being

denounced, his name should be mentioned with gratitude by every right thinking man and woman in the community.

One or two thoughts in conclusion. I will state by way of remark, that the counsel for the defendants said they would prove that Thomas was a bad character; that he was unworthy of all belief. You will recollect that they made such an attempt, and the witness they called to prove it told you that Mr. Thomas's character for truth and veracity was good. They were no doubt disappointed at that, and thought they would not pursue that investigation any further, because the character of Thomas, which proved to be so good on first developments, was very likely to improve and grow better as they continued.

It is said that this society acted in the spirit of true Christian charity, and I have no doubt that the person who drew up the constitution of this Order had in his mind, at the time that he wrote it, that beautiful passage in the writings of Saint Paul, in which he alludes to what constitutes true Christian charity.

"Charity suffereth long, and is kind; charity envieth not; charity vaunteth not itself; is not puffed up.

"Doth not behave itself unseemly, seeketh not her own, is not easily provoked, thinketh no evil.

"Rejoiceth not in iniquity, but rejoiceth in the truth;

"Beareth all things, believeth all things, hopeth all things, endureth all things."

And when he thought of that, and was desirous of selecting a motto for this society, it was "true Christian charity," that thought no evil, that did no wrong, that believed in and practiced the truth. And this society in Schuylkill County accepted this constitution, and they never did a single act of charity, as far as we know, or a single act of benevolence. Charity! Where was it when these defendants in secret council plotted the murder of William M. Thomas, and Jesse and William Major? Where was the Christian charity in the four admitted members of this organization, when, upon the 28th day of June, they shot down William M. Thomas? Where was the Christian charity exercised by Thomas Hurley, when at the midnight hour he took the life of Gomer James? Where was the Christian charity of Doyle and O'Donnel, and the others, when they shot down Sanger and Uren? Where was the Christian charity of this organization and its members, when John P. Jones fell beneath the bullets of its assassins? Where is the Christian charity to be found in it? Why it was a horrible and a blasphemous mockery. There was no charity in it. There is nothing that can describe it. It was a horrid and murderous fiend, which strode through our streets, and through our towns, and left its victims scattered along the highways. It was Apollyon himself.

We have, in this case, brought to the bar of justice, the county delegates, and the county officers, the chief men. We have struck at the very life of this organization, and we mean, with God's help, to extirpate and to root out of this community, this criminal association. The war has begun, and it will go on, until the last one in this organization who has committed a crime shall be brought to justice. It may take one year, it may take twenty years, but it will go on, and it will never stop until the work has been accomplished. In this contest there will be no neutrality. All good citizens must stand together, and under the law, by fair trials, bring these men to their just deserts. All nationalities, all religions, all people must stand on the side with the courts, and with the law, or they must stand on the side with the murderers and with the felons. The people of this community have but one of two courses to pursue; they must be with the law or they must be against it. When jurors are called into the jury-box, the Commonwealth must prove beyond all doubt the guilt of the parties. But when that has been done, the Commonwealth has discharged its duty, and it then devolves upon the jury to do theirs, without fear, without favor, and without affection.

A remark was made in this case, which I must allude to before closing, and that is, that this was a small crime. It would have been murder in the first degree if that bullet that passed into Thomas's neck had gone but a quarter of an inch deeper. It was a murder, planned a month before its attempted

perpetration, and the conspirators adhered to their purpose throughout that whole month. They never wavered; they never hesitated. They contemplated the murder not of one man, but of three human beings. God had given them their lives, and whether they were valuable to the community or not, whether they were worthy citizens, or whether they were low characters, made no difference. But they were worthy and reputable men, and no body of men had a right to meet in secret conclave and decide to send those three souls back to their Maker, by the bloody hands of murderers. Yet this most enormous crime which was thus planned and attempted to be perpetrated, is called before you a small crime. It seems to me that the very difficulties of the case which the defendants' counsel labored under, seemed to confound in their mind all just appreciation of the language in which they indulged.

These men who lay in wait for the purpose of committing this murder, and did attempt it on the 28th of June, instead of being called criminals, are called by the counsel "youthful enthusiasts." It is difficult to believe that such language as that could have been used in the discussion of a case presenting such horrible features as this, and I shall pass from it without further remarks than I have made.

A most extraordinary statement was indulged in by Judge Ryon, at the close of his argument. Having no doubt thoroughly satisfied himself that all these defendants were innocent, and that therefore there was nobody left in the case except Frank McHugh, for whom no counsel had spoken, and believing that he must by his argument have thoroughly convinced you that all the rest were innocent, it became necessary in some way to get rid of poor Francis McHugh, because one man cannot commit the crime of conspiracy, and as he was not at the shooting, and if there was no conspiracy, therefore he must be innocent. McHugh had gone upon the stand and deliberately sworn that he was guilty; that they did not talk about anything else during all those two hours but the intended murder; that he was guilty and had no defence to make. He got up in the court and said that under the solemnity of an oath; yet Judge Ryon says you should acquit him too. If his argument had demonstrated that all the rest were innocent, then McHugh could not be guilty, and poor Mrs. McHugh in saving her son from a crime of which he was innocent, had induced him to commit perjury. That would be a most extraordinary state of affairs, and one which I venture to say no man has ever before assumed; and McHugh would hereafter say that he deliberately swore upon the stand that he was guilty and yet he was acquitted and found not guilty, because that necessarily follows if the proposition advanced by the defence is true.

I have a word to say to you in reference to Francis McHugh. He was the youngest man at that meeting. He was eighteen years of age. He was called into that meeting without knowing what was its object. Then a murderous conspiracy was planned in his presence by these men, some of them long past middle life, old men, men of high standing in this Order. He was swept into the current of that murderous conspiracy, gave his assent to it, and concurred in it—but in September following he left the society, and is not a member of it now. We thought that he, of all these defendants, stood in the fairest light to the Commonwealth; that he stood with less upon his soul than any of these defendants; that, by reason of his years, and by reason of the manner in which he had been led into the conspiracy by the county delegates and the county officers and the older men in this organization, he had less to answer for than the others. Therefore, when from his counsel the proposition came that he was willing to go upon the stand, the Commonwealth decided to call him. We could have refused to examine him, but we did call him, and he has pleaded to this indictment, and you must pass upon his case, with the case of all the other defendants.

If you believe that the Commonwealth have proved that this conspiracy existed, as concocted and determined upon in that room at Michael Clark's, and that the four men, Gibbons and Morris among the number, went out and attempted to perpetrate that murder, then of course you will be satisfied, that all the defendants who are indicted here, who have pleaded to this indictment and who are on trial are guilty, and your verdict must cover the case of Fran-

cis McHugh, and your verdict in that case should be that these defendants are, all of them, guilty in manner and form as they stand indicted. But I do believe, that in consideration of the fact that the Commonwealth have called Francis McHugh as a witness; that he has gone upon the stand; that he has so candidly and honestly told the whole truth in regard to this conspiracy, that in your verdict you should recommend Francis McHugh to the mercy of the Court. Whatever benefit or leniency that may secure for him, I take it that under the evidence in this case, he has fully earned, and it would be doing justice to him for the candid and honest manner in which he has acted, at this crisis in his life.

In the course of my remarks I failed to allude to a fact or two which we had proved in corroboration of the testimony of McParlan. I refer to the testimony of Leckey and Price. Price said that he had met four men, in the manner that was testified to by McParlan, on the night of the 5th of June, when he was, as he stated, returning from Mahanoy City, and was lost in the swamp; and the testimony also was that the party were halted in the manner McParlan stated. Leckey, the boss, has testified that on the day this murder was committed, and the day after, John Morris did not go to work as usual.

With these remarks I shall submit the case into your hands. If there has ever been a case in a court of justice made out clearly and beyond all doubt in my judgment, this is the case. We have produced to you two witnesses to the conspiracy, not one of whom is contradicted in any particular. There is no attempt to show that these defendants were not there at the time and place we allege; and would it not have been possible out of these seven men, who from different parts of this county assembled in that meeting, to have proved that one of them was at home, or that one was at work, or that one was here or there? and if they had broken the testimony as to any one of them, it would have shown that McParlan's statement, as to all of them, was in danger of being swept away. But to stand here, married men, with wives and children and families, living in populous communities, and not one of them attempting to show that they were not at Mahanoy City the day upon which we say they were, is a virtual confession.

Under this state of facts, what is the duty of the jury? If they believe the evidence, and there is nothing here and no reason shown why they should not, then their duty to the Commonwealth requires that a verdict of guilty in manner and form as they stand indicted shall be rendered; and if you approve of the suggestion which I have made to you that McHugh, who should be convicted with the rest, should be recommended to the mercy of the court, that may be done. Thus discharging your duty under your oaths, you will have discharged your duty to God and to men, and you can rest safe and secure that against a verdict so rendered, deliberately upon your consciences, nothing that can occur in this world or the world to come will ever give you occasion for one moment's regret at this faithful discharge of your duty.

Judge Walker charged the jury, August 12th, 1876, as follows:

CHARGE OF THE COURT.

Gentlemen of the Jury: John Kehoe, Christopher Donnelly, Dennis F. Canning, Michael O'Brien, Frank McHugh, John Donahue, James Roarity, John Gibbons, and John Morris, nine of the defendants, are charged in this indictment with an assault and battery upon William M. Thomas, with the intent to kill and murder him.

The other two defendants, Hurley and Doyle, are not on trial now.

The evidence of the Commonwealth is, that on Monday morning, about half-past 6 o'clock, on the 28th of June, 1875, when William M. Thomas was preparing to go to his work, he stopped at his stable at Shoemaker's colliery to talk with his stable boss, and while there four men approached him, all armed with pistols, and made an attack upon him, discharging a number of

shots in quick succession, four of which struck him, and he fell wounded, though not killed, among the horses.

The horse next to him was killed, and another one was wounded. He had seen the men at the mouth of the shaft, some thirty yards off, ten minutes before they came up.

They all fired upon him. Thomas Hurley shot first. One of the balls hit him in the neck, and another on the finger. Another shot him on the side. John Gibbons fired the third shot, and the ball struck him in the neck.

He says: "I stood in the stable, talking, with my hand on the horse's neck. There is a kind of track where the blacksmith shop turns around to the breaker as it goes up. I noticed them coming around, and one of them had a whitish coat on, and his two hands in the coat pockets. I turned my head and looked at the stable boss, with my back to the door, and I heard a shot fired, and I was shot, and I saw this fellow with the white coat on. He had a piece in his hand, silver mounted. I jumped toward him. I had my hands on the revolver, when he fired again, and I was shot in the fingers; and just then another fellow came up and pulled into my neck here, and I got two shots in the neck."

He identifies Gibbons here in court, and has pointed him out to you. Hurley he recognized in jail, and the other two men he says were strangers to him.

The muzzle of the pistol that was first discharged was within six inches of his head. The shot, aimed at a vital part, almost simultaneously discharged, in close proximity to him, show a deliberate intent on the part of the men, whoever they were, to kill, and had death ensued, it would have been murder in the first degree.

The doctor who attended him testifies to the serious nature and extent of his wounds, and the marvel is that he was not immediately killed.

James McParlan is called as a witness by the Commonwealth. He states that he is a detective employed by the Allan Pinkerton Agency, and was sent from Chicago to ferret out and discover the perpetrators of crime in this county, and arrived here in October, 1873. He remained until the 6th of March, 1876.

For this purpose he joined an organization existing in this State, called the Ancient Order of Hibernians, chartered by act of Assembly, but known in this locality by the name of Mollie Maguires.

He states that the Order had a written constitution and by-laws, which have been offered in evidence, and were lawful and proper, but which, by the practice of the members of the association in certain localities (of which this county is one), their designs and purposes became unlawful and highly criminal.

That the members formed themselves into a combination for the perpetration of murder, arson, and other crimes; and that they had certain secret signs, passwords, and toasts, by which they were recognized among each other; that they were under a government, the supreme power of which was the Board of Erin, which controlled the organization, which sometimes met in England, sometimes in Ireland, and sometimes in Scotland, which changed at certain periods the signs, passwords, and toasts, and transmitted them to the national officers of the association here in this country, and from thence they were sent to State officers, and by them to the county.

The county delegate was the highest officer in the county, and had in charge these signs. They were termed "the goods," and were given out and distributed every three months to those members who paid their dues.

McParlan testifies that he joined this association under the name of James McKenna, and that none but an Irishman, or the son of an Irishman, and a Catholic, could become a member of the association. He is both a Catholic and an Irishman.

He states that he is acquainted and has been for some time with every one of these defendants, and that they are all members of this association. That John Kehoe was, at the time of the shooting, the county delegate of Schuylkill County. Dennis F. Canning was the county delegate of Northumberland County. Christopher Donnelly was the treasurer of Schuylkill County.

James Roarity was the body master at Coaldale. Frank McHugh was secretary of the Mahanoy division. Michael O'Brien was body master at Mahanoy City. John Donahue was body master at Tuscarora; and that John Morris and John Gibbons were ordinary members of the Order, and held no office in it.

He states that on the 26th of May, 1875, he met John Kehoe at Girardville, and that Kehoe asked him whether in the Shenandoah division (of which McParlan was a member) they had not some old men who could shoot; and on the 30th of May, 1875, he told him that he wanted to call a meeting to assemble at Mahanoy City, at the house of Michael Clark, on 1st of June, 1875, to take measures to put out of the road the Majors and William M. Thomas; and that a meeting of the committee was accordingly called, and met at the time in an upper room in Michael Clark's house, and that there were present, John Kehoe, Dennis F. Canning, Michael O'Brien, Frank McHugh, John Donahue, James Roarity, William Gavin, and Christopher Donnelly, and himself. That Kehoe then stated that the Modocs wanted shot a certain man by name of Daniel Dougherty, who was a member of the association. That after some preliminary discussion Dougherty was sent for and appeared. Dougherty then said if the Majors and Bully Bill (meaning William M. Thomas) was put out of the road they could have peace.

Christopher Donnelly said he would furnish two men and go himself to shoot the Majors, and that he would take care of his side of the mountain.

Donahue stated that he did not want Donnelly to take the men until he sent word.

Kehoe said it devolved upon Roarity, O'Brien, and the witness to get two men, and they should go and knock him down.

O'Brien said he could get two men to lay in wait for Thomas above the railroad between Mahanoy City and Shoemaker's Patch, and when he was going to work to shoot him.

Canning said it was the best plan, and offered to furnish the men.

Donnelly objected, and said it was a light job, and that there was no necessity of getting men of Canning. Canning lives in Locust Gap, Northumberland County. The witness testifies that Kehoe told him to call a meeting of the Shenandoah division and select two men to do the job, and that he would send for Donnelly, a hairy man, and put him on the track of these men.

McParlan testifies that he then called a meeting to assemble on the 4th of June, 1875, and notified some of the members, and that there appeared at that meeting Thomas Munley, Edward Monaghan, Michael Dorsey, Patrick Garvey, Michael Doyle, Thomas Hurley, John Gibbons, and others, and that the meeting appointed Hurley, Doyle, Gibbons, and himself to shoot Thomas. The meeting was held in the bush about 9 o'clock in the evening. That when they got to Mahanoy City, the next day, the soldiers were stationed there, and he persuaded Michael O'Brien to give up the project at that time, or some of them might be shot, and one of their lives, he says, was worth a hundred lives of such men as Thomas.

O'Brien then upon his return to Clark's house, persuaded the men to give it up that day, which they did.

James McParlan further swears that he made reports from time to time of these proceedings by letter to Superintendent Franklin, his superior officer in Philadelphia, and verbally to Captain Linden, who was stationed in this county.

On Sunday, 27th June, 1875, the witness states he was at his boarding-house and was sick, when Hurley, Morris, McAndrew, and Doyle called. They stated they were now ready to go and shoot Thomas. Gibbons came along and said his foot was a little lame.

Frank McAndrew then said that these men were going to shoot Thomas, and asked Gibbons if he was going along. He, Gibbons, said he was, and, as there was a warrant out for his arrest for something he had done, he need not stay around there any longer.

The party, he states, composed of Doyle, Hurley, Morris, and Gibbons, started to kill Thomas on Sunday evening of 27th June, 1875, about 9 o'clock. Hurley being in his shirt sleeves, took McParlan's gray coat; they stated they all had pistols.

On the 28th June, 1875, at 7½ o'clock in the morning, the witness saw this party again. Gibbons told the witness that he had shot one or two shots at Thomas, and Morris said he had got right up to the door and shot a few shots at him.

Hurley said that on the night previous, Sunday evening, they went to Michael O'Brien's, and Michael O'Brien took them to a boarding-house kept by a lady named Costello, and he gave them a bottle of whisky; that they stopped in Costello's until about daylight, and then proceeded to Shoemaker's Patch, where Thomas lived. Thomas came out from his house at about half-past 6 o'clock in the morning; he came over to the colliery stable and was engaged there in talking to the stable boss and some teamsters, and Hurley himself went up and went into the door and shot him.

Thomas was in the colliery; in the stable; in the stable door. Hurley stated that Thomas threw his hat into Hurley's face, and Hurley shot again. Gibbons stated that he got right in then, and he shot at Thomas also one or two shots. Morris stated that he got right up to the door then, and he fired a few shots, and Thomas fell in among the horses, and they were sure that he was dead, and they didn't know but they had shot one or two horses.

This conversation happening after the commission of the crime would not be evidence against any of these defendants except those who made the declarations or were present when it occurred, and acquiesced in it, and we therefore caution you not to give it any weight against the absent defendants.

The witness among other things states that on Saturday evening, June 5th, after leaving Mahanoy, the party lost their way in a swamp, and they met a man, who conducted them out.

This man was Thomas Price, who testifies that on that night he came across four men near Fowler's Patch.

In addition to this evidence, Frank McHugh has been called by the Commonwealth, and he testifies that he did attend a meeting at Michael Clark's house, on June 1st, 1875; that he was asked to go there by John Kehoe; that he went without knowing the object, and that there were present on that occasion Kehoe, Roarity, Canning, Donnelly, O'Brien, Donahue, McKenna, William Gavin, and himself.

That he was secretary of the meeting, but only wrote down the date and names of those present, and kept no true account of the proceedings. That Kehoe stated that the meeting was called for the purpose of having the Majors and Thomas killed; that they talked over their plan, and it was then determined that Donnelly and Donahue were to attend to the Majors, and that O'Brien and McKenna and Roarity were to attend to Thomas.

In support of the testimony of McParlan's, the Commonwealth have shown, by the evidence of Adam Leckey, that he employed John Morris to work at the Plank Ridge Colliery on the 21st of June, 1875, and he worked there until Saturday the 26th of June, and that he did not go to work there on the 28th of June (the day Thomas was shot), but returned to work on Tuesday the 29th of June.

This is, therefore, important testimony as regards Morris.

The Commonwealth has also offered a telegraph dispatch from Kehoe to Canning, dated 31st of May, 1875, to come to see him, at Mahanoy City, tomorrow at 10 o'clock. This corroborates McParlan as to the meeting of 1st of June.

On the part of the defence Mrs. Murphy is called to contradict James McParlan with reference to the interview of the 26th of May, 1875, at John Kehoe's house.

She states that Kehoe called upon her to attend his wife that day, and that she went there about 2 o'clock, and remained until six, and that she did not see him, Kehoe, or any one else at his house during that time. Defendants have also read the evidence of McParlan and Thomas taken at the hearing of the habeas corpus to contradict their evidence taken here. A number of witnesses have been called as to the character of some of these defendants.

When a doubt exists in the minds of the jury as to the guilt of a defendant good character must also be taken into consideration, but where the offence is established clearly good character will not avail.

You will observe that the evidence shows that the actual commission of the crime was done by four men, two of whom it is alleged were Morris and Gibbons.

The other defendants now on trial were not present at the time, and can only be convicted on the ground that they were engaged in a conspiracy with the perpetrators of the crime.

A conspiracy is a combination or confederation entered into by two or more persons to do an unlawful or illegal act. And when once proved to exist the acts and declarations of each person engaged in it, in furtherance of the common object, before the commission of the offence, becomes the act and declarations of all the parties.

After the offence is committed, however, acts and declarations of each party can only be evidence against himself, and not against the other defendants.

The most important evidence in this case, and which is the key to the whole matter, is that of Mr. McParlan, who claims to be a detective. A detective who enters into communication with criminals without any felonious intent, but for the purpose of discovering and making known their secret designs and crimes, and acts throughout with his original purpose is not to be regarded as an accomplice; the question whether he was so acting is one of fact for the jury.

Sometimes it becomes necessary, in order to detect offenders, to match cunning with cunning and accomplish by artifice what could not otherwise be consummated. In efforts made to detect horse thieves, counterfeiters, incendiaries, and the like, detectives are in common use. State v. McKean, 2 Green, 635; 1 Greenleaf's Evid., sec. 383.

And the evidence of a detective does not require corroboration as an accomplice does. Fisher, Com. Law Dig., vol. 2, p. 2842, No. 6.

They are employed by nearly every civilized government—national, state, and municipal—and have become a part of the police regulation of the country, indispensable to the safety of the citizen and the maintenance of law.

The testimony of Frank McHugh, though voluntarily given, is that of an accomplice.

The testimony of an accomplice is entirely different from that of another credible witness; inasmuch as he has a stronger motive for testifying against the other defendants in crime. Generally his expectation is that his punishment will be mitigated by his exposure of the crime, although no promise is held out to him; therefore his testimony, when it is not corroborated, should be received with great caution by the jury.

The rule of law, however, gentlemen of the jury, is that you may convict upon the testimony of an accomplice alone without corroboration, but we instruct you not to do so, unless you can believe him.

That this shooting took place there can be no doubt. It is not denied. It is therefore an established fact in this case, if you believe the evidence.

The first question, therefore, for the jury to determine is: Did Morris and Gibbons, in company with Hurley and Doyle, shoot William M. Thomas, as testified to by him?

If you find from the evidence that they did, then they are guilty as they stand indicted.

You will further inquire whether these other defendants now on trial counselled, aided, abetted, or in way encouraged the commission of the crime. Whether they knew of it, agreed to it, and became a party to it by their acts and declarations—whether they conspired together to commit this crime. He who plans and designs a crime is as guilty, morally and legally, as he who commits it.

If these defendants did aid, abet, counsel, and encourage the commission of this crime, they *would* be guilty as they stand indicted, and so it would be if they procured or caused to be procured men to do it.

The testimony of McParlan and McHugh is, therefore, most important upon this point. There has been some contradictory evidence in this case. The presumption is that the witnesses speak the truth. When the testimony is contradictory, it is the province of the jury to reconcile it, and when you cannot reconcile it you can say who you will believe. It is the duty of the Com-

monwealth to make out the case clearly to your satisfaction, and where there is a doubt that doubt is to be given for the prisoners. But it must be a reasonable doubt, such as a prudent and honest man might entertain, under all the circumstances.

There are nine defendants now on trial—you have power to acquit or convict them all, or any of them, as the evidence warrants. You are the exclusive judges of the facts and the law in criminal cases; but you are bound to decide upon the evidence, and that alone.

The responsibility rests upon you, under your oaths, to do justice to the prisoners and the Commonwealth, irrespective of creed, nationality, or rank; without fear, favor, or prejudice, without regard to outside influence, opinion, or popular excitement, without regard to the allegations, or inferences, or figures of speech, illustrations or terms of expression in the arguments of counsel, accountable only to God and the law, under the evidence, and the evidence alone, and to render a just, true, and impartial verdict.

THE VERDICT.

After the conclusion of the charge of the judge, the jury retired, and in about *twenty minutes* returned and rendered a verdict of guilty against each of the prisoners, in the manner and form as indicted, with a recommendation to mercy in the case of Frank McHugh.

Mr. Garrett, of counsel for the prisoners, then moved for a new trial, but without appointing a time for the hearing of the motion, the court adjourned.

APPENDIX.

On Wednesday, August 16th, 1876, the same defendants, John Kehoe, Christopher Donnelly, Dennis F. Canning, Michael O'Brien, James Roarity, and John Donahue, were arraigned for conspiracy to kill William and Jesse Major, of Mahanoy City. The trial lasted three days, resulting in a verdict of guilty against each of the defendants, in manner and form as indicted.

During that trial James Kerrigan was called as a witness, and testified as follows:

Testimony of James Kerrigan.

By Mr. Albright.

Q. Up to the 1st of September, where did you reside? A. In Tamaqua.

Q. How old are you? A. To the best of my knowledge, I am between thirty-two and thirty-three. I could not swear positively to it.

Q. Are you a man of family? A. Yes, sir; I have a wife and children; three now, I believe.

Q. Did you become acquainted with any of these defendants at any time while you lived in Tamaqua? A. Yes, sir; I knew Christopher Donnelly, James Roarity, John Donahue, John Kehoe, and Mike O'Brien.

Q. All but one of these defendants? A. All but one.

Q. Did you become acquainted with them as members of the organization to which you belonged? A. Yes, sir; John Donahue was the first man that put me into it.

Q. Into what? A. Into the Mollie Maguires.

Q. Where? A. In Tamaqua; in Aleck Campbell's, down in an old clay cellar, with a candle.

Q. Did you belong to his division? A. I did at that time; we had a division in Tuscarora. There was none in Tamaqua at that time.

Q. Did you become acquainted with any of the other defendants as members of the Ancient Order of Hibernians or Mollie Maguires? A. Yes, sir.

Q. Who? A. Christopher Donnelly, Mike O'Brien, James Roarity, and John Kehoe.

Q. Where? A. Well, I met Christopher Donnelly the first time at Kehoe's house, at a meeting.

Q. Do you know when that was? A. I could not give you the date. I met him another time at Lafferty's Hall, in Girardville.

Q. Was that at the time the State delegate was there, and the National delegate? A. Yes, sir; Captain Gallagher was there, and a man by the name of Campbell, and a man by the name of Rielly.

Q. Did you meet them at a meeting in Tamaqua? A. Yes, sir.

Q. On the 25th of August last? A. No, sir; I met them all in Girardville except one man, whom I did not know.

Q. Then there was one man you did not know? A. I don't think I did.

Q. If you had any conversation with any of these defendants, in reference to the killing of William and Jesse Major, or heard anything said in their presence, will you state when and where it was, and what it was? A. Yes, sir; John Donahue came to me at Tamaqua, on Saturday evening, him and Jim Carroll, on the 5th of June, to the best of my knowledge, on a Saturday, and told me that John Kehoe had called a meeting at Mahanoy City, for to

get men to go and shoot the Majors. I was to be one of the men. The train was about to leave, and he wanted to go, and he told me to go over the next Sunday to Tuscarora. I went over the next Sunday to Tuscarora, and he called a meeting, and they were practicing there with a gun.

Q. He called the meeting? A. Yes, sir; I was to go for one, and Mike Dolan was another, and John Donahue and Christopher Donnelly were to send two men from Mt. Laffee.

Q. Who were those two men? A. Kane and Stanton.

Q. What was Kane's first name? A. I cannot tell you his first name; the other man's name was Stanton.

Q. Did you see those men? A. Yes, sir.

Q. State what they did there on this Sunday? A. We had a Springfield rifle out there, and we were shooting at an old tree to see which was the best shot. John Donahue and Mike O'Brien allowed that I had the best shot; that I knocked the bark off the tree, and they allowed that I was to take the Springfield rifle.

Q. To shoot the Majors? A. Yes, sir; Mike Dolan was to load the double-barrelled shot-gun; that was to be loaded with three cartridges and left in Charley Mulhearn's house, and we were to start away at twelve o'clock, and lay there the next morning until they came out to work.

Q. Did you see this double-barrelled gun? A. I did not see the shot-gun. We were shooting at the mark with the Springfield rifle.

Q. Were there pistols there? A. Donahue said that they were loaded in Mulhearn's house.

Q. The Majors were to be shot that night? A. That morning; we were to go there in the night-time and lay in the bush.

Q. What was done? A. Donahue had a man by the name of Mike Somers three days watching for them; he knew the way they were to come, but the Majors got word, or the washery stopped, and they did not go to work; and they went back to Mt. Laffee without the work being done.

Q. Was not the time fixed when they were to be killed. A. Yes, sir.

Q. What night? A. I can't remember the night. John Donahue sent a dispatch from Mulhearn's to Jim Carroll's to tell "the boy" to stay at home.

Q. Did he make an arrangement to send a dispatch to you? A. Yes, sir; he said that he would send me word.

By Mr. Ryon.

Q. Who sent you word? A. John Donahue sent word to Jim Carroll for "the boy" to stop at home.

By Mr. Albright.

Q. Was that what he told you? A. Yes, sir.

Q. What was the dispatch that you got? A. The dispatch was—Jim Carroll read it—not to send "the boy" over to-night; they called me "the boy." That was for me not to go, so that there would be no more remarks passed.

Q. Did you go? A. No, sir; I did not go.

Q. Why not? A. I didn't go that night.

Q. You did not go that night? A. No, sir; them men went to Donahue and told him that there was no use stopping there; that the Majors were not there, that they had stopped the washery.

Q. Did you see John Donahue afterward? A. Yes, sir; he told me afterward that they went and asked why I did not go.

Q. What did he say he had done? A. He said that they went there, but the Majors did not go to work, and that they blamed Slattery for telling them.

Q. Who did he say had gone to shoot the Majors that night; did he say who the men were? A. He said two men from Mt. Laffee.

Q. What did he say about Slattery? A. He said that Slattery was to blame for telling them; that they blamed Slattery for telling them.

Q. Were you present when any money was paid by Slattery or anybody else in the presence of John Donahue? A. Yes, sir; there was $5. Charley Mulhearn proposed that John Slattery had a very good man to go, and John Slattery allowed that his business would not allow him to go, and he put $5 on the table to put a man in his place, but who got the $5 I cannot say.

Q. You saw that money paid? A. Yes, sir; I saw $5 put on the table.

Q By John Slattery? A. Yes, sir. Charley Mulhearn was the man who proposed Slattery to go.

Q. Do you know whether anything was done by John Kehoe against Slattery for informing the Majors? A. Yes, sir; I know John Slattery was cut off on the 25th of August, as far as I understood it, in Tamaqua, at that meeting, and after they adjourned I had a letter from John Kehoe to go up because I was the man that put the charge on Slattery. I had a letter from John Kehoe to go up the next Sunday to Kehoe's house to see about Slattery, but I could not go. I was arrested, and I don't know what became of it afterward.

Q. Were you not at the meeting on the 25th of August, at Tamaqua, when the matter came up? A. Yes, sir; I was.

Q. Do you know what was done? A. I was put out off of the committee because I had made a charge against John Slattery, and a man by the name of Peter Burns, at the Mountain End. I had no more to do in the room.

By Mr. Hughes.

Q. Tell us where that meeting was held. A. It was held in Jim Carroll's house in Tamaqua, upstairs.

Q. What kind of a meeting was that? A. It was a county convention; Kehoe, the county delegate, called it.

Q. Name everybody who was there. A. John Kehoe was there, Christopher Donnelly was there; Mike O'Brien was there. I was not on that committee. I was at the meeting when the committee was to sit on him.

Q. Who was there? A. John Donahue was there; James Roarity was there; Christopher Donnelly was there; John Kehoe was there, and a fellow by the name of Reagan, from St. Clair. Christopher Donnelly made me acquainted with a man by the name of Frank O'Neill. Richard Condon was there, from Port Carbon; he represented the Port Carbon branch in Pat Collin's place. Patsy Collins, too, he allowed was out for Commissioner at that time, and he was electioneering, and he sent Richard Condon to represent the branch in his place.

Q. Do you remember any other persons that were there at that meeting; was Slattery there? A. Yes, sir; Slattery was there awhile, and went away again. I could not tell you how long Slattery remained there.

Q. Did you have any talk with Christopher Donnelly on that day about this Major matter? A. No, sir; I had no talk. I had with Mike O'Brien at the time of Bully Dowling's funeral.

Q. What talk had you with Mike O'Brien? A. I was at the funeral and they came from Shenandoah in buggies, and after they put up their rigs, I had a conversation with Mike O'Brien, and he asked me why Donahue hadn't shot the Majors, and I said that they had quit work. He said: "We attended to Bully Bill; we done our work." Donahue said that they had no right to come for me.

Q. Did Mike O'Brien say how they had settled Bully Bill? A. No; he did not say. He said that they were in the stable among the horses, and he said they had done Bully Bill's job.

Q. That they had killed him at that time. A. Yes, sir; they said that they had shot him.

Q. At this Tamaqua meeting, did you meet James McParlan? A. Yes, sir; I met James McParlan, and I was with him the night before; he was stopping in the Columbia House, and he told me—

Q. What name did you know him by? A. James McKenna is the only name I knowed for him.

Q. Did you have any conversation than what you here stated with any of these defendants on the subject of the Major killing? A. No, sir; I have no more than what I have stated.

Q. Did you have any talk with James Roarity any time about it? A. No, sir; I had not talked with Roarity about it.

By Mr. Hughes.

Q. McKenna was a pretty bad Mollie Maguire? A. Yes; he said he had killed a good many; that he had cut the ears off of a good many.

Q. You thought that he was a pretty bad Mollie Maguire. A. I thought he was a hard case, because he looked like a hard case.

CROSS-EXAMINED.

By Mr. Ryon.

Q. You say he was a hard case? A. I thought he was a hard case if he had done what he told us; he looked to be a hard case too at that time.

Q. You lived at Tuscarora in 1875, or did you live in Tamaqua? A. I lived in Tamaqua between 6 and 7 years, maybe more; I cannot swear positively how long; I did not live at that time in Tamaqua.

Q. How came you to go up to Tuscarora to practice with the rifle? A. Well, I will tell you; there was no division of the Mollie Maguires at the time I joined with Donahue. He was the body master in Tuscarora, so I had to go there. So I had to go there, and I belonged to the division that John Donahue belonged to, and John Kehoe. Aleck Campbell began to take "the goods" for Tamaqua, and Jim Carroll did all the business for them. "The goods" came to me in my name. I could neither write nor give them out.

Q. That is not telling me how you came to go to Tuscarora, to shoot with the rifle; I want to know how you came to go there? A. John Donahue came for me.

Q. John Donahue came for you? A. Him and Jim Carroll; I met them at Tamaqua, as the train was leaving for Tuscarora; they did not have the time to talk with me, and I took the train and went over.

Q. You took the train and went over the next Sunday? A. Yes, sir; to Charley Mulhearn's.

Q. Did he tell you what he wanted you for? A. Yes, sir; he told me what he wanted me for, in Tamaqua; but he had not time to tell me then, as the train was leaving.

Q. You knew that he wanted you to go on an expedition to kill the Majors? A. Yes, sir; I knew that; he told me.

Q. Then you went over? A. Yes, sir; I went over.

Q. You went over prepared to do it, then? A. No, sir; I had no firearms with me, and I could not do it with my fingers; I was furnished with a Springfield rifle, to practice.

Q. You went there to do the job at that time? A. I went there; he called a meeting, and I went there to see what was to be done, and when I was to go.

Q. Did you go out to shoot at a mark, to see who was the best shot, or did you select a committee? A. No; we went out; John Donahue, myself, Charley Mulhearn, Mike Dolan, and Mike Somers were there.

Q. Were those all who were present at that time? A. That is about all; we were practicing with an old gun, to see how she worked.

Q. Who was the best shot? A. They allowed that as I took the bark off of the tree, that I should take the Springfield rifle.

Q. The rest of them did not hit the tree at all? A. So they said; they examined it.

Q. You did hit the tree? A. They said that I shaved the bark off; and I could not hit the tree without shaving the bark off.

Q. Then you were to go, you say? A. Yes, sir; I was appointed one of the men to go.

Q. Who was appointed as the other? A. Matt. Donahue and Mike Dolan.

Q. Where is Mike Dolan from? A. From Tuscarora; he belongs to Yellow Jack's body.

Q. You, and Donahue, and Dolan, were to go from Tuscarora? A. Yes, sir; I was to start from Tamaqua.

Q. But you belonged to the Tuscarora Lodge, did you not, in 1875? A. Not at that time; I belonged in Tamaqua; I was there, holding "the goods," in Tamaqua, for the Tamaqua branch.

Q. You were dealing out "goods" on your own account? A. I could not deal them out much; I could not read or write; I could not give them out.

Q. Were you the body master? A. I was the acting body master.

Q. Then you three were to go from Tuscarora? A. There was three to go from Tuscarora, and I was from Tamaqua, which made four, and two men from Mt. Laffee, from Chris. Donnelly, made six.

Q. Who did you say were the men from Mt. Laffee? A. Kane and Stanton.

Q. You do not know Kane's first name? A. I was introduced to him as Kane; I cannot give you his first name.

Q. What was Stanton's first name? A. To the best of my knowledge they told me it was Johnny—Johnny Stanton, to the best of my knowledge.

Q. Were Kane and Stanton over there, at Tuscarora, at the time you were there? A. Yes, sir; they came on Saturday, and we were to leave that Sunday evening, and on Tuesday morning the Majors were to be shot, when they were at work.

Q. You went over Sunday evening to stay there until Tuesday morning, when you were to do the job? A. No, sir; I did not intend to stay there. I wanted to go to work, and I did, and then I got a dispatch to go over on Monday evening again.

Q. You intended to go over and help do the job? A. I really did intend to go, but I felt too tired that night, and I was not going to tramp. There was no train running at that time.

Q. So you concluded that you would not go? A. I backed out; I did not go over.

Q. You backed out? A. I did not say that I backed out. I did not go over because I felt too tired.

Q. Then you do not know that anybody made any attempt at all, aside from what you made yourself? A. John Donahue told me that the Majors did not go to work.

Q. You had no personal knowledge of that yourself? A. No; I did not see it. I do not know any more, but they told me that they went down with the other five men; that is what he told me.

Q. When was it that Donahue told you that they went? A. Well, it might be probably in the latter end of June.

Q. What day of the month was it that you were to be there? A. I would not be positive whether it was the 6th or 7th; I would not state positively. It was the next Saturday after the meeting was in Mahanoy City; the next Sunday we practiced, and the next Sunday Donahue came to me, to the best of my knowledge. I am most certain of it.

Q. Then Donahue told you that they went down there and found that the Majors had left? A. Yes, sir; that they did not go out to work.

Q. You said that he said that the Majors had made off? A. I said afterward that they blamed Slattery for it. I told Donahue something that Sam Major, the school teacher, had told me. John Slattery said Major could not have a school any more in Tamaqua, because the Irishmen went back on him, and Donahue told me to bring the charge against Slattery, and so I did.

Q. That is the charge you brought against Slattery? A. Yes, sir; I made the charge in John Donahue's meeting. I could not write myself.

Q. What was the charge you brought there at the Tamaqua meeting? A. It was the same charge; John Donahue put it from the division to the county meeting.

Q. What was the charge you brought against Slattery at the Tuscarora meeting? A. Well, Sam Major had told me in Tamaqua that John Slattery had allowed that he could not have any more school in Tuscarora, because all the Irishmen went back on him. Sam Major was a little tight. We had been in Jim Carroll's. I told Jim Carroll and John Donahue about it. John Donahue made me bring a charge in his branch in Tuscarora against him.

Q. That was the charge he made against him? A. Yes, sir; I stated it in the meeting in Tuscarora.

Q. That Slattery said that Sam Major could not have any more school in Tuscarora because the Irishmen went back on him? A. Yes, sir; and John Donahue said that they would have to cut off Slattery or suspend him, because they suspected him of telling Sam Major, or giving him the information in regard to the other Majors.

Q. That was the charge made against Slattery in the Tamaqua meeting, that he had said that this Major could not keep a school there any more, be-

cause all the Irishmen were down on him? A. I do not know whether they put it in that way or not in the meeting, but it was the same charge.

Q. The same charges you had made in the convention at Tamaqua? A. Yes, sir; John Donahue put them in the county meeting to John Kehoe.

Q. You made the charge in the Tuscarora meeting? A. Yes, sir.

Q. Then Donahue took an appeal, or did you take an appeal to the Tamaqua meeting? A. No sir; I hadn't the authority to take it from that branch to Tamaqua. John Donahue had to put it before John Kehoe; he was the body master of that branch.

Q. You were the man that made the charge? A. I got up in that meeting and spoke those words, and Charley Mulhearn had a charge against him for the same thing.

Q. You appealed, did you not, from the Tuscarora lodge; you appealed from the decision of the lodge? A. I appealed when they started a new branch in Tamaqua. John Donahue put me to take "the goods" there.

Q. At Tuscarora the majority was in Slattery's favor, was it not? A. That I can't tell you. I left there to go to that meeting. John Kehoe put the committee to sit upon it at the division meeting.

Q. Do you not know that they reported in favor of Slattery? A. At the division meeting.

Q. Yes, sir. A. Yes, sir; I heard that they did, but I was not present, and then John Kehoe put it to the county meeting.

Q. Then they held a county meeting? A. I had nothing to do with putting it to the county meeting; I had nothing to do with it after that.

Q. You were not in the Tamaqua meeting at all, were you? A. Yes, sir; I was picked out to be one of the committee men to sit that day, and then John Kehoe and I made out a charge against Peter Burns and one against Slattery. I could not sit on the committee. I was put out; the other seven men went out and sat. Frank Keenan went in my place.

Q. You were then selected on the committee. A. Yes, sir.

Q. But you had preferred the charge against Slattery and against Peter Burns? A. Yes, sir.

Q. And as you could not sit on the committee you went out? A. I went out back and afterward heard the reports that came out, some of them.

Q. You were out back and forth in the room? A. In the bar-room.

Q. Where the rest of the party were, but not where the committee was? A. Yes, sir; John Kehoe was not in the room where they were sitting. There was no one but the committee. John Kehoe was sitting with James McKenna; James McKenna was sitting outside.

Q. McKenna was not on the committee? A. No, sir; he was out in another room with John Kehoe taking down the proceedings of the meeting, and the charges which were made. John Kehoe had no business in there with the committee, but him and McKenna, were out in a room to themselves.

Q. You say that Frank O'Neill was there? A. To the best of my knowledge I think it was Chris. Donnelly that made me acquainted with him.

Q. Frank O'Neill of St. Clair? A. That is what he told me. I am most sure of it because there was a man there by the name of Patrick Reagan, I think his name was Patrick; he got a little tight in the bar-room and took off his coat to fight, and I am most sure that it was Frank O'Neill who made him put on his coat. Jim McKenna came down afterward when he knew what was the matter.

Q. Was not Richard Condon the man that you thought was Frank O'Neill? A. No, sir; I know Richard Condon well, for I will tell you the reason why, Condon was going to fight with a man by the name of Gormerly. He was going to fight both of us and that's the reason I know him.

Q. You had met Condon before that day? A. No; but I heard that he was a great fighting man at Port Carbon.

Q. And you did not know him before that day? A. No, sir; but I had heard of him before I was made acquainted with him.

Q. Had you met Chris. Donnelly before that? A. I had met Chris. Donnelly four or five times, to the best of my knowledge, at delegate meetings; four or five times before that, but I can't say; I will not be certain.

Q. How long had you known O'Brien before that? A. I had known O'Brien no longer than Chris. Donnelly; that is where I got acquainted with him coming backward and forward to the meetings, and at the conventions.

Q. What kind of a looking man is Frank O'Neill? A. Frank O'Neill is a kind of middling sized thin-faced man. I think at that time he wore a little kind of a whisker. A man probably 40 years of age or more, may be. I will not swear, but to the best of my knowledge he was.

Q. What is the color of his hair? A. I could not tell you exactly. I did not look at his hair that much. I did not examine the man's hair.

Q. He had a goatee, something like the one that you have? A. A great deal bigger and longer at that time. I know the man had it at the time I was made acquainted with him.

Q. Did he not wear a moustache? A. I think he had.

Q. Did you know a man by that name that attended that meeting that day at Tamaqua? A. O. there was lots of men there that I was not made acquainted with and did not know that was at that meeting.

Q. How many were there there that day that belonged to the meeting? A. There probably might be fifty or sixty men that day; there might be.

Q. How many did the meeting consist of? A. John Kehoe insisted that every division master had a right to be there, but there was others come that had no business there; they came on a pleasure trip, I guess.

Q. Then you do not know of a man by the name of Martin Rourke, who attended that meeting there? A. He might be there and me not know it. There was plenty of men that I did not know.

Q. You never had met Frank O'Neill before that day, had you? A. No, sir; I think not. I would not be sure whether I met Frank O'Neill in Lafferty's Hall or not.

Q. Who was the delegate from Glen Carbon, do you recollect? A. The delegate?

Q. The body master? A. Patrick Collins was the regular body master.

Q. I said Glen Carbon. A. I do not know who was from there.

Q. Do you not know it was a man by the name of Rourke who represented that division? A. No; I was only a green hand, going back and forth to these county meetings; I was only beginning to get my hand in and get acquainted with these fellows.

Q. You never preferred a charge against Slattery of informing the Majors of this intended attack upon them, did you? A. No, sir; I did not. John Donahue fixed up the charge; whatever he put in it I cannot tell you. I fixed up those words, I told them at John Donahue's meeting, and afterward he put them in writing.

Q. You never preferred such charges anywhere? A. I did at John Donahue's meeting, I tell you. I mean that he had notified the Majors that they intended to attack him.

Q. You did not charge him with that in the meeting? A. No, sir; I told him what he told Sam Major. That is what I charged him with.

Q. You know he was charged? A. Yes, sir; I charged him at Donahue's meeting. What Donahue put in the paper I cannot account for.

Q. Were you present when Donahue stated what the charge was? A. No, sir; I was not allowed in there; I was not one of the committee men.

Q. Was it not made in the general meeting where Kehoe was first? A. John Donahue gave them to John Kehoe; that was his place, and Kehoe put them before the board.

Q. Was it not stated there before all of them, in the presence of the meeting there, what Donahue's charge was? A. It might be in Kehoe's presence, but not in mine.

Q. You were in the meeting before? A. I was in the meeting before. The charges were not brought up until the committee sat.

Q. John Kehoe put them before the committee, and you never heard them specified in the open meeting then except before the committee? A. No, sir; I did not, for it was John Kehoe's place to call all the body masters together when that committee was called, and he did not do so, and there was a humbug held up and they held the meeting over. Some body masters got drunk,

and I was pretty well on myself. Reagan was drunk, and he was going to fight, and Kehoe had his excuse for that, and Rich. Condon was going to fight. They wanted to know why he did not call all the committees together, and they were asking what they was going to do.

Q. You are charged with the murder of John P. Jones, are you? A. Yes, sir.

Q. You were along with the party who killed him, were you not? A. Yes, I was; I showed them the road the day before, and I showed them part of the road the next morning.

Q. You were with them, and helped them to do it, did you not? A. No, sir; I was in Tamaqua the morning they had done it. I was laying with five dollars in my pocket waiting to buy whisky for them when they came back.

Q. You showed them the road, and pointed out Jones to them, did you not? A. No, I did not point out Jones to them; Aleck Campbell gave them the description as to that when they were at his house.

Q. Where were you in the morning when he was shot? A. I was where Campbell stationed me; I laid down until they came. I left at 3 o'clock in the morning and waited for them on the old road to Mauch Chunk. They came over the mountain.

Q. You have not had your trial on that charge, have you? A. No, sir; if I had I guess I would not be here.

RE-EXAMINED.

By Mr. Hughes.

Q. You said that the charge made against Slattery was that he had told Sam Major of the contemplated attack on the Majors? A. Yes sir; the one armed man.

Q. He told you something to the effect that nobody but an Irishman could be selected for a school teacher? A. Yes, sir; Slattery had told Major.

Q. And then Donahue suspicioned Slattery for having told Sam Major, or got Sam Major to tell about the contemplated attack on the Majors? A. Yes, sir.

Q What do you mean by saying he suspicioned him of telling about the attack on the Majors? A. Being that Sam Major and Slattery were so thick, and he used to drive over the mountain where Sam Major was, with the buggy.

Q. What do you mean by suspicioned about the Majors? A. That they suspicioned that Slattery told him to tell these Majors to get out of the road, or they would be murdered.

Q. Yellow Jack had suspicioned that Slattery told Sam Major to tell the other Majors they would be shot, and to not work there anymore? A. Yes, sir.

By Mr. Albright.

Q. The committee to whom the charges were to be preferred consisted of how many? A. I think, to the best of my knowledge, seven committee men were there that day.

Q. Do you know them? A. James Roarity, John Donahue, Chris. Donnelly, Frank Keenan; I cannot tell you now the rest. I do not remember the rest, but they were all committee men that day.

Q. You were asked to describe Frank O'Neill; would you know Frank O'Neill if you saw him? A. I do not know, I might. I believe that was the first time when I was made acquainted with him.

RE-CROSS-EXAMINED.

By Mr. Ryon.

Q. You say Chris. Donnelly was with that committee? A. Yes, sir.

Q. Did you see him at Tuscarora? A. I am not talking about Tuscarora; the 25th of August in Tamaqua, I saw Chris. Donnelly.

Q. He was not with the party at Tuscarora? A. No, sir; he had sent men.

Q. How did you know that? A. How did I know that?

Q. Yes. A. John Donahue told me; he had a letter before that from him, that Chris. Donnelly would guarantee to come up with two men to take him up at the meeting at Mahanoy. I was not at that meeting in Mahanoy.

By Mr. Albright.

Q. You were asked about the killing of John P. Jones. Who were the parties that shot him? A. Michael Doyle and Kelly.

Q. Where from? A. Mount Laffee as far as I know.

Q. Chris. Donnelly's division? A. I think it was, I do not know whether Chris. Donnelly lives in Mount Laffee or not. I know that he was the division master there. Chris. Donnelly was the division master when I met him; he used to represent the division up the mountain, at Jack Kehoe's.

Q. Do you know who was the division master last September, at Mount Laffee? A. No, sir.

By Mr. Ryon.

Q. I want you to name the committee which was appointed on the 25th of August, at Tamaqua, the committee that had these accusations in charge? A. Frank Keenan; James Roarity; John Donahue, was chairman of it; he was picked out as chairman of the committee, and I think Chris. Donnelly was one, and I cannot tell you the rest. I do not remember now the rest. I went out, and I know they were picked. I was picked myself and then I was put out of the room.

Q. How many were there on the committee? A. I think there were seven on the committee.

Q. Do you know the others or do you not recollect their names? A. They were not picked when I left. I was put out. Frank Keenan came in my place, on account of my bringing these charges against them.

Q. They were picked out of the general meeting where Kehoe sat? A. Yes, sir; they were the regular division masters, no one could be a committee man only the division master.

Q. They were picked out by Kehoe? A. John Kehoe had the picking of them. He was the man that picked them.

Q. Were not you in the committee making a statement against Peter Burns? A. No, sir; Chris. Donnelly wrote a statement for me, I could not write and I gave it to the committee. John Kehoe asked me who wrote it, and I told him Chris. Donnelly.

Q. Were you not called before it at all? A. Yes, sir; before I put the charge in.

Q. Was Donnelly in there? A. Yes, sir.

Q. Who was that committee composed of then? A. I do not recollect who they were, all I know John Donahue was chairman of it. Chris. Donnelly, James Roarity, and Frank Keenan were there.

Q. Where was Donnelly when he wrote the charge for you? A. Out in the back room.

Q. Where the committee met? A. No; he did'nt write it where the committee met; but in the back room I told you

Q. Who was in the back room? A. There was no one at that table but me and him at that time.

Q. Was the committee in session then? A. The committee was inside then, to the best of my knowledge.

Q. Do you not know that Donnelly was not the division master then at all, but that he was the county treasurer of the organization. A. I know Donnelly was the division master, because Campbell told me he spoke to him about getting men to kill John P. Jones. He told me to ask McKenna to use his influence to do so.

Q. Do you not know that he was not the division master in 1875? A. No; I do not know that he was not the division master. Whenever I met him, at least, he represented the branch.

Q. Who was the county treasurer in 1875? A. Chris. Donnelly was the body master and county treasurer for a long time.

Q. He was? A. Yes, sir. I will tell you how I know he was the county treasurer and body master.

Q. Who represented Mount Laffee in the Tamaqua division? A. Chris Donnelly did.

Q. Was there anybody else? A. Not as I know of. At the time of John Deneens' funeral each division had to pay $3 funeral expenses.

Q. Did you see Jerry Kane there? A. I do not know if Jerry Kane was there. I was made acquainted with a man by the name of Kane. I do not know his first name. I was made acquainted with Kane in Tuscarora. He was from Mount Laffee, but I do not know whether he was there or not.

By Mr. Hughes.

Q. Was he there at Tamaqua? A. I do not know. I do not recollect.

Q. Do you not know that the Kane that you knew represented the Mount Laffee branch? A. I didn't tell you that I saw Kane there. I said I saw Kane in Tuscarora, and was made acquainted with him.

Q. You did not see Kane at Tamaqua? A. I do not know. I might have seen him.

Q. You do not know that there was a man named Kane there? A. I do not. I was not made acquainted with him. I do not know that I saw Kane there. I was not made acquainted with no Kane.

By Mr. Albright.

Q. How do you know that Chris Donnelly was the county treasurer and division master? A. Well, there was a man here in Pottsville belonging to the Society named John Deneens, and he had died and there was $3 levied upon each division to pay his funeral expenses, and Chris Donnelly had it. He was a body master, and represented the branch. The county treasurer or division master had charged these $3 to me, and I returned and paid the $3 to him in Lafferty's Hall.

Q. What John Deneens was that? A. I only seen the man twice to know him. I saw him in John Donahue's, and I saw him once in Aleck Campbell's.

Q. Where did he live? A. He kept a kind of a saloon in Pottsville.

Q. When John Donahue received any of your money as county treasurer of the organization, how did you know he was the division master? A. He represented his division, the Mount Laffee branch.

Q. When you joined this society what did you understand it to be? A. I was taken in under the name of the Ancient Order of Hibernians, as a beneficial society, and if a man got sick or hurt he would get $5 from it.

Q. After you became a member did you find it to be the kind of society that it was represented to be? A. I found it to be a society for killing men, burning places, and beating men, as far as I knowed anything about it.

By Mr. L'Velle.

Q. When did you first join this Order? A. I cannot exactly tell you. I did not keep the day or date for I had no memorandum when I went into it.

Q. When did you first know that it was an organization for the purpose of murdering and killing men, and burning houses? A. When John Slattery paid Aleck Campbell $20 to send four men to burn Barney O'Hare's store.

Q. That was last May? A. That was last May between three and four years ago; and then when they paid $5 to burn down a schoolhouse in the middle of daylight.

Q. How much of that did you get? A. I played cards until I got blind drunk on it.

Q. I did not ask you that. How much of the $5 did you get? A. I told you I got my share of the drink, when I got drunk playing cards.

Q. How much of that money did you get? A. Campbell received the money, and then gave us the drink.

Q. You say that was four years ago last May? A. No, I will not swear positively; it may be around three or four years to the best of my knowledge.

Q. Is it three years ago? A. It might; it might be over; it might be less.

Q. Was it two years? A. I could not swear to it.

Q. Do you know what a year is? A. Twelve months in a year, if I am not mistaken.

Q. Do you know how many months it is since it was done? A. No; I didn't keep no account. I can just give you my conclusions on it.

Q. How long were you in the Order before that? A. I was two years.

Q. Before that time? A. No; not before that time.

Q. How long were you in this Order before the burning of Barney O'Hare's store? A. I might have been five or six months, to the best of my knowledge. I was only just green then; just getting my hand in. That was the first I knew of it.

Q. I want you to tell me how long you were in this society, to the best of your knowledge? A. I have *just told you.*

Q. Five or six months? A. I might have been.

Q. What time did you join? A. I cannot tell you; it was Sunday, in the winter time; I know it was Sunday. I was put on my knees in an old clay cellar with a candle. Aleck Campbell and Yellow Jack read a paper to me, and I kissed it and got up, and they shook hands with me, and told me to put my belly to the bar and treat all hands.

Q. Donahue read the text? A. Yes, sir.

Q. You do not know how to read or write? A, No, sir; I do not know my A B Cs. I never got any schooling that I know of. My mother died when I was three months old, and I had no one to send me to school.

Q. Did you not go to school to Henry S. Boner? A. No, sir; I do not know a man by the name of Boner.

Q. Did you ever go to school to a Mr. Boner in Middleport? A. I do not know. If I went I must have gone creeping.

Q. Did you not go to school to Charley Boner? A. I do not know; I do not recollect him. I must have been very small if I did.

Q. Did you not know a man named Boner, who was a blacksmith, around there? A. I knew a man, to the best of my knowledge, in Jim Buchanan's time, down the Sharp mountain. Boner was a blacksmith when I drove for John Kehoe.

Q. How long ago was that? A. I cannot tell you how long it was. I used to ride an old gray horse for John Kehoe.

Q. You did not go to school? A. No, sir; I do not believe I did. They kept me working as soon as I was old enough.

Q. Did you ever go to school a day in your life? A. I do not remember.

Q. You were born in Tamaqua? A. I was not born there. I was raised around Tuscarora. I think I was born in a place called Broadville, a little place below Tuscarora.

Q. Did you know the Boner family? A. No, sir; I did not know the Boner family.

Q. Do you know where Lewistown is? A. Yes, sir.

Q. Do you know Charley Boner, a blacksmith, there? A. No, I do not know him.

Q. You never went to school a day to Boner? A. Not as I know of. If I did, I do not recollect; I must have been very small, and I have got a pretty good memory. I do not *recollect of* going to school, so I must have been very small.

By Mr. Ryon.

Q. Do you remember the murder of Benjamin F. Yost, at Tamaqua, on the morning of the 6th of July? A. Yes, sir; right well.

Q. Are you one of the men implicated in that murder? A. Yes, sir; I led the men away after they shot him.

Q. You are one of the men who was arrested for that murder? A. Yes, sir; I was sent to show them the road after they shot him, and I showed them the road.

Q. You had something to do with this murder before you showed them the way after the murder? A. No, sir; the murder was between James Roarity, James Carroll and Thomas Duffy.

Q. Were you not present when Yost was shot? A. Yes, sir; I seen McGehan reach up and shoot him, and seen him fall off the ladder.

Q. Did you not take the men there, or pilot them to the place where they were going to shoot Yost? A. No, sir; Thomas Duffy took them up the railroad and left them there, and I was to meet them at the cemetery.

Q. You did meet them before the murder? A. Yes, sir.

Q. And was there at the time of the murder? A. I was there at the time they shot Yost, and I seen him fall off the ladder.

By Mr. Kaercher.

Q. You say that a man named Roarity was concerned in that murder? A. Yes, sir.

Q. What Roarity was that? A. James Roarity, the prisoner.

Q. The prisoner here in court? A. Yes, sir.

Q. You stated yesterday that you were introduced to a man by the name of O'Neill from St. Clair? A. Yes, sir; Chris. Donnelly to the best of my knowledge was the man who made me acquainted with Frank O'Neill, of St. Clair.

Q. Have you seen him to-day? A. I seen him pass by with the deputy sheriff; I recognized him come into court this morning.

Q. Do you know where he is? A. Yes, sir. He sits there in the corner alongside of that little boy (pointing to the defendant, Frank O'Neill).

Q. That is the man that you saw at Tamaqua at the convention, and to whom you were introduced? A. Yes, sir; I can swear positive to it.

By Mr. Albright.

Q. Was it the Mollie Maguires who killed Yost? A. The Mollie Maguires?

Q. Yes, sir? A. Yes, sir; it was them killed him.

By Mr. L'Velle.

Q. Did you ever know Frank O'Neill before that day? A. No, sir; I do not know as I did.

Q. You never saw him before that? A. Not as I know of. I might have seen him, but I never was made acquainted with him.

Q. Have you seen him since? A. I did not see him until he passed by with the deputy sheriff this morning.

Q. Was not Frank O'Neill pointed out to you? A. No, sir; I swear positive there was never a man who told me who he was, or pointed him out to me; I recognized him passing. I never saw him from the 25th of August until I saw him to-day.

Q. Did you not hear his name called as a witness in this case? A. I might hear this name called.

Q. Did you not hear it? A. I could not put cotton in my ears.

Q. Did you hear his name called? A. Yes, sir; I could not put cotton in my ears. I heard his name; yes, sir.

Q. Did you see him leave the witness stand? A. Yes, sir; I recognized him this morning, when he came in with the deputy sheriff.

Q. I did not ask you that? A. Yes, sir; I seen him go off the stand; I did not see him go on.

By Mr. Albright.

Q. Before he was called upon the stand did you name him to anybody? A. Yes, sir; I told Mr. Peeler, when he passed by, that it was Frank O'Neill; I recognized him with the deputy sheriff.

Q. You named him to him? A. Yes, sir.

Testimony of Patrick Butler.

On Saturday morning, August 17th, 1876, Michael O'Brien, Christopher Donnelly, John Donahue, James Roarity, Patrick Dolan, Sr.; Francis O'Neill, and Patrick Butler, were arraigned, charged with aiding and assisting to reward Thomas Hurley, for the murder of Gomer James. This trial lasted until Tuesday evening, August 22d, when a verdict of guilty, in manner and form as indicted, was rendered against each of the defendants. Patrick Butler, one of the prisoners, was called as a witness, by the counsel for the defendants, in the course of that trial, and testified as follows:

By Mr. Ryon.

Q. You are one of these defendants? A. Yes, sir.

Q. State whether you attended a meeting at Tamaqua on the 25th of August? A. I did.

Q. State whether you were a member of any committee that day? A. No, sir; I was not.

Q. State how that committee that was in session that day was got up? A. We all collected into the room, in the morning, that was to come there, and John Kehoe selected a committee amongst us of seven men, and the rest of us was told to disperse and walk around. So the remainder of us went about the town during the day; sometimes we came back through the place, went away and came back again through the town.

Q. How long were you there altogether? A. Not more than ten minutes, while he was picking out the committee.

Q. That is all that was done by the convention? A. That is all that was done by the convention.

Q. State where you spent most of your time, after that, during the day? A. Well, I was down stairs in the saloon and I was up the town, in Manus Burns's awhile, around through the town.

Q. State whether you were in the committee-room at all that day? A. No, sir; I was not. I was outside there.

Q. State whether you knew of any question about Hurley being brought before the committee that day? A. Well, all that I know about that is that I was across the street opposite to where we had the meeting; that was Carroll's, and John Kehoe was there. Frank McAndrew was there; and James McKenna, as I knew him then by that name, came there, and he says, "What is going to be done about Hurley?" Say I, "What do you mean?" "Well," says he, "Hurley ought to get the reward." Says I, "The reward for what?" Says he, "For killing Gomer James." Says I, "It was not him killed him." Kehoe was listening, and he asked if it was disputed between me and McKenna, and he says, "You can settle it between yourselves, and find out the right man." That is all there was there.

Q. What time of day was that? A. It was about 4 o'clock in the afternoon; it might be a little before it.

Q. What time before you started home? A. I went home in the train that night.

Q. Well, tell us about the meeting on Sunday that you heard McParlan tell about. Tell us all you know about it, how you came to go there? A. I went to Shenandoah the next day after coming home. I was working on the night shift that week, and that is the reason I got a day to go up.

Q. Where were you at work? A. Loss Creek.

Q. How far is that from Shenandoah? A. It might be a little better than a mile, or a mile and a half, I guess.

Q. How long have you been at work at that same place? A. Four years last spring. I went to Shenandoah, the next day after coming from Tamaqua, and I met McKenna on the road, in the street; I do not know where in the town exactly I met him, but I know I met him in the town; and he asked me how he could arrange matters to see who was the right man to get the money, as he told me that Hurley was claiming to get the reward. So I told him I would meet him on Sunday, at 3 o'clock, and I did meet him at the time exactly; I do not think I was five minutes off the time.

Q. Did you have any talk about deciding it, or anything of that kind? A. I said I would report in favor of Hurley. McClain told me he was the man that done it. McClain would not come along, because he said he would be afraid of Hurley. So I went there myself, and it was arranged there, I think, as long as McClain did not put in an appearance, that Hurley was the man that shot Gomer James. That is all I know about it. I do not know that any money was given, and I did not sign anything. I did not hear any other words about it.

Q. Did you say anything about reporting it or deciding it? A. I said I would give McClain a notice to come there. McClain had told me, previous to that, that he was the man that done it, and I gave him a notice to come, but he would not come. I asked him, afterward, why he could not come, and he said he would not come because he was afraid of Hurley. So I went there myself. So it was arranged, there, I think, that as long as McClain did not put in an appearance, Hurley was the man that shot Gomer James. That is all

I know about it. I hadn't seen nothing, and did not know nothing else, only those words.

Q. Did you ever hear anything spoken of about money for that purpose, except through or from McParlan? A. Not before that day in Tamaqua; never before.

Q. And the next time you heard it through McParlan? A. Yes, sir; I did.

Q. Did you ever hear anything about it since then? A. No, sir.

Q. Was anything done about it? A. I don't think there was.

Q. Did you ever know that any report was made about it? A. No, sir; I never did.

Q. Did you see Frank O'Neill at Tamaqua that day? A. I did not.

Q. Do you know him? A. I didn't; I don't think he was there. I would know him if he was there, I am sure.

Q. Do you know who represented the St. Clair division? A. John Reagan.

Q. He was there, was he? A. Yes, sir; he was there.

Q. Did you know Martin Rourke? A. I didn't know Martin Rourke.

Q. Did you know Jerry Kane? A. Yes, sir.

Q. Did you see him there? A. I saw him there.

Q. Do you know who was on that committee of grievances, as it is called? A. Yes, sir; some of them. I might not know them all, but I will tell you all of them I know.

Q. State all whom you recollect? A. Jerry Kane, Pat Dolan, Frank Keenan, Jack Donahue, and Mike O'Brien. That is all I know was on the committee.

By Judge Green.

Q. What Dolan is that? A. Pat Dolan, who is here to-day.

By Mr. Ryon.

Q. When did you first know O'Neill? A. The first Sunday after I was arrested. That is the time I seen O'Neill. I was made acquainted with him by John Kehoe; the second time I seen him I saw him on the platform with bracelets on.

CROSS-EXAMINED.

By Mr. Kaercher.

Q. Will you give us the names of the persons who were present at that meeting in Tamaqua? A. Yes, sir; I can. I may not be able to give them all. There was Davy Kelly, Lawrence Crane, Frank McAndrew, John Kehoe, Michael O'Brien, John Donnelly, Pat Dolan. Christopher Donnelly was at the meeting, and some of them was not at the meeting; some was on the committee and some was not; I am now giving the names of those I saw that time. Frank Keenan was there, John Reagan, and Jim Kerrigan; it was the first time I ever saw Jimmy to know him; Tommy Clark was there, Bill Gormerly and myself, Tommy Hurley, John Morris, Buckey Donnelly, Dennis Donnelly, John Love, Jim McKenna, and I don't know how many more.

By Mr. Ryon.

Q. Was Richard Condon there? A. Yes, sir; he was.

By Mr. Kaercher.

Q. Where is Larry Crane? A. I do not know.

Q. Is he about now? A. I do not know.

Q. Is he a body master? A. He was.

Q. Was William Gormerly a body master? A. He was.

Q. Was Tommy Clark there? A. He was.

Q. Was he a body master? A. I don't think he was.

Q. Where is Gormerly, if you know? A. I think I heard a couple or three weeks ago that Gormerly was drowned in some river; I do not know how true it might be.

Q. Where was he drowned? A. I did not hear where he was drowned.

Q. Was it in this county? A. I could not say where it was. Tommy Clark, I think it was, was the man, I think, that said he was drowned.

Q. State if you ever heard of money being paid for the commission of any

crime, until this conversation with McKenna about McClain and Hurley? A. Not that I know of.

Q. Did you ever hear of the Ancient Order of Hibernians, or the leaders in the organization, proposing the commission of crime? A. Well, there was some good men and some bad men. Some I did.

Q. Name some in the organization who were leaders, who proposed the commission of crimes?

Mr. Ryon. Do you mean to ask this witness whether he knows of any crime having been committed through the organization, or whether he knew men who were members to commit crime.

Mr. Kaercher. I ask him whether he knew of leaders in the organization who proposed the commission of crimes through the organization.

Mr. Ryon. We have no objection to that question.

Mr. Kaercher. We propose to learn whether they did it in that way.

The Witness. Well, it is a thing that is not done in the organization; it is done outside of the organization. At the same time the men who did it belonged to the organization; but the organization is for cutting them off, if they find out about it; that is the rules of the organization.

By Mr. Kaercher.

Q. But they do not live up to the rules of the organization, in that respect, do they? A. Not quite up to it.

Q. Tell us any instance, if you can recollect, where leaders in the organization proposed the commission of crimes through the organization and in the organization as members of it? A. I committed a crime myself, in the first place, before I started anybody else.

Q. You committed a crime yourself? A. No; I never committed any crime, but I intended to do it and tried to do it.

Q. Tell us when that was and where? A. That was when I joined the organization first.

Q. When did you join the organization first? A. I joined the organization in November or August, 1873. On the 15th of August, that is the day I joined it.

Q. Whereabouts did you join it? A. Raven Run.

Q. Who was the body master of that division then? A. Buckey Donnelly.

Q. Where is Buckey Donnelly now? A. In jail.

Q. How soon after that did you enter on the commission of crime through this organization? A. Well, about six weeks after that Buckey Donnelly told me to meet him one day.

Q. Whereabouts? A. To meet him in Girardville Station depot, and I met him there, and when I got there he was there, and Larry Crane was there, and Pete Finner was there, and Barney Dolan was there.

Q. Who was Barney Dolan? A. He was county delegate at that time.

Q. Were those other men whom you have mentioned members of the Ancient Order of Hibernians? A. Yes, sir.

Q. What was proposed there at that time? Was Donnelly there? A. Yes, sir.

Q. He was a body master and Barney Dolan was county delegate? A. Yes, sir.

Q. And the rest of them were members? A. Yes, sir.

Q. Was Larry Crane a body master at that time? A. No, sir; Philip Nash was body master at that time.

Q. What crime was proposed then? A. I did not know anything until I got to Mahanoy City. I found out there. We went to a man's house, I think his name was Jack McDonald, and had our supper there; they had some whisky there. Some whisky was fetched in and they drank it; I do not drink myself. I found out that we were going to shoot a man by the name of Ned Burke.

Q. Living in Mahanoy City? A. Yes, sir; we were fetched there where the man was; but I made a mistake, McDonough was along, and Pete Finner and myself. We were sent because we were young members.

Q. Was McDonough also a member? A. Yes, sir; we were shown the

man, and McDonough and I were to shoot him, and Finner; the rest went home.

Q. Did Barney Dolan go home? A. Yes, sir; and Buckey Donnelly and Larry Crane.

Q. Philip Nash was to meet you there, was he not? A. He was the man who got up the job.

Q. Was he a member of the organization? A. Yes, sir.

Q. What was his position at that time? A. Body master.

Q. How many of you men were present in Mahanoy City when it was determined that you and the two other men, being new men, should do the shooting? A. A man by the name of Ferby was along. I don't know the first name, but he was the man who showed us Burke.

Q. What attack did you make on Burke? A. He was sitting down on the stoop, and we went up and fired at him, but didn't hit him, and didn't intend to hit him, because Pete Finner and the others had got drunk and went home, and we were determined that we would not kill him, but we would fire at him and pretend to kill him.

Q. You did not intend to kill him? A. No, sir; we were near enough to kill him if we wanted to.

Q. Who were present at Mahanoy City, when you learned that you were to do this crime? A. These parties.

Q. Name them? A. Barney Dolan, Buckey Donnelly, Larry Crane, and Pete Finner, but I think he was drunk, and Ferby.

Q. Who was it, in this meeting of yourself and these men, that proposed that you should put Burke out of the road? A. The whole of them.

Q. What was the provocation that they had against Burke? A. I don't know what provocation they had against him.

Q. Who was the man, specifically, that wanted him put out of the road? A. Philip Nash.

Q. Where did Barney Dolan go after this had been determined upon? A. He went home on the 9 o'clock train.

A. And you men who were to do the crime were left there? A. Yes, sir.

Q. What hour of the night was the shooting? A. As nearly as I can recollect, I think it was 9 o'clock.

Q. When was the next crime that this organization, or its leaders started upon? A. The next time that I was at a meeting was in the winter time; 1874 I think it was; it was after Christmas.

Q. In the fall of the year 1873? A. I think it was after Christmas we were noticed to go up to Michael Lawlor's, in Shenandoah.

Q. Who gave you the notice? A. Buckey Donnelly.

Q. Who went to Lawlor's? A. O! there was a good many there that night; I don't know, and I could not tell you, anyhow.

Q. There was a number of persons at Lawlor's, was there? A. Yes, sir.

Q. He was the body master of the Shenandoah branch at that time, was he? A. Yes, sir; he was.

Q. When you got there did you find what was the object of the meeting? A. I did.

Q. What was it? A. To go over to Jackson's Patch, and commit some crime over there; but I didn't go over; Barney Dolan failed to make his appearance; he was to come and head the crowd, but he did not come.

Q. Can you tell us a little more fully what this crime was that was to be committed at Jackson's Patch? A. I cannot tell you.

Q. You know it was some offence that was to be committed there at that place? A. I believe so; Muff Lawlor played off sick, and said he would not go.

Q. And Barney Dolan did not come? A. He did not come.

Q. Was Buckey Donnelly there? A. Yes, sir.

Q. Was he ready to go? A. I suppose he was, if Barney Dolan came; I was ready to go myself.

Q. Do you recollect whether, on your road home that night from that meeting at Muff Lawlor's, there was anything happened that fixes this meeting specifically in your mind? A. Not going home that night there was not.

Q. Do you recollect going down by Delaney's? A. We went down by No.

3, and going down there we met John Delaney and his wife, walking on the other side of the road, and Buckey Donnelly pulled out his pistol and fired it in the middle of the road, and he frightened the woman; I told him it was not the place to fire; John Delaney went back among the houses, and he and some men came out with firearms, and we had to take the back track, and go out of the way of the shooters.

Q. That was when you were coming home from Lawlor's? A. Yes, sir.

Q. Do you recollect any offence that was to be committed still later in that year? A. Yes; I do.

Q. What was that? A. Buckey Donnelly met me one day in Bloss's saloon.

Q. This same body master Donnelly? A. Yes, sir; we went in there, and he showed me Tom Sanger, and, about two weeks after that again, he wanted me and Pat Shaw to go up on the drift and shoot him.

Q. Where was this man Sanger living? A. Raven Run.

Q. Was he a boss there at the colliery? A. Yes, sir.

Q. Was this man Shaw of whom you spoke John Shaw? A. Pat Shaw; he is now in jail here.

Q. That was in what year? A. In 1874.

Q. In the spring or fall of the year? A. I think it was in the summer time.

Q. He wanted you and Pat Shaw to go and shoot Sanger at Raven Run? A. Yes, sir.

Q. Who was Shaw; was he a member at that time? A. He was a new member.

Q. The same as you were? A. I was older than him; I had been in the Order maybe six months before.

Q. Where did Shaw go? A. We didn't go; we parted there in our patch where I lived.

Q. Did you refuse to go? A. I did.

Q. What did Shaw do? A. He refused to go.

Q. Did you know from anything afterward, whether he did go? A. Him and the Buckey went up to Loss Creek and got tight, and shot a poor man named Reilly in the leg, and Shaw is in jail now for that shooting.

Q. And that was the same day that it was proposed to you to shoot Sanger? A. Yes, sir.

Q. Do you know of any attempt made by Donnelly, the body master of Raven Run, and Nash, and Crane, to get men to shoot a man named McBrierty? A. I do.

Q. What do you know about that? A. Buckey Donnelly told us to meet him at Larry Crane's, and so I did meet him there. I did meet him at the time he appointed. Larry Crane, and this Buckey Donnelly, and Philip Nash, and me, were to go to Centralia for to shoot that man, and we went there and got a bellyful of whisky and went home again.

Q. You went over with the other men? A. I did.

Q. Did you conclude to do the crime, or did you simply make a preference to go along to do it? A. I simply went along. They got full of whisky and went home. We lost Phil Nash on the road coming home.

Q. He was one of the men who wanted you to go there and commit the murder? A. Yes, sir.

Q. On whose account; you had no difficulty with McBrierty? A. No, sir; I had not.

Q. On whose account was the job to be done? A. The man's name was Curley; he had some row with him; his name was Ned Curley.

Q. Who was Ned Curley? A. A tavern keeper in Centralia.

Q. Was he body master there? A. I believe he was county delegate in Columbia County.

Q. Was it the Curley that has since killed a man at Centralia? A. I don't know; this man's name was Ned Curley.

Q. Give us a little description of him? A. He was not quite as tall a man as me; he might be about five feet seven inches.

Q. What color was his hair? A. Black hair; and he was a man of about thirty years of age—maybe a little bit more.

Q. Had these other men who went with you any quarrel or difficulty with McBrierty? A. I don't know.

Q. How long did Buckey Donnelly continue to be the body master of the Raven Run division? A. He continued for about very nearly a year, and then there was a kind of a dispute that he done something, and they cut him, and gave it to me.

Q. Who gave it to you? A. John Kehoe.

Q. What did John Kehoe say that Donnelly had done, as a reason for cutting him off? A. I think Donnelly got some letters from Captain Gallagher, and showed them to his brothers, Mike and John Donnelly, and that was the reason.

Q. Do you recollect whether he was charged with stealing the division funds? A. Not at that time, that I know of.

Q. Did you hear of it since? A. He owed some funds to us when I took it out of his hands, and he never paid it since.

Q. Did you hear of anything of Hurley and Doyle looking for a chance to kill Gomer James? A. Oh, it was reported around there, before the man was killed, that they were after him. Hurley was after him for six months before that.

Q. Hurley was after Gomer James? A. Yes, sir.

Q. For six months before? A. Yes, sir.

Q. Was it reported among the members of the Order? A. I don't know.

Q. Was it there that you heard it? A. No; I did not; I heard it in many places. He has talked of it in many places where he met me.

Q. Did Hurley ever tell you, himself, that he killed Gomer James? A. He did. He told me at that meeting at No. 3 that he killed Gomer James.

Q. Did he tell you before that? A. I did not see him before that until I saw him at Tamaqua.

Q. Did he show you the pistol with which it was done? A. I can't say whether it was him or McKenna that showed it, but the pistol was shown.

Q. Do you recollect what kind of a pistol it was? A. It was a bright pistol, silver mounted.

Q. Was it a revolver? A. Yes, sir; it was a revolver. He allowed that Captain Linden gave it to him.

Q. Did he say how he had got it from Captain Linden? A. He did; he allowed that Captain Linden and him was acquainted in the city of Buffalo, and that he met him in Shenandoah, and he gave him the pistol for a present. That is what he told me.

Q. At that time? A. He told me that before.

Q. Did you ever know of an application being made upon you and Nash to furnish men to shoot Captain Hayes and Joseph Rees? A. I did.

Q. Tell us all about that? A. At the time that Darkey Dolan was path master or supervisor of the roads in our township, Philip Nash was bossing for him there. Johnny Boyle, who came from the west in the spring, went to work in Loss Creek. My brother-in-law got him into work in Loss Creek, but I believe the boss didn't want him there and they sacked him, and they wanted me and another man to go and shoot him, and two men from Philip Nash.

Q. Do you mean two men from your own division? A. Yes, sir.

Q. And two men from Phillip Nash's division? A. Yes, sir.

Q. To go and shoot the boss? A. Yes, sir; and I told them I would not. I told them that the man never done anything to me, and that I didn't want to hurt him, and that Johnny Boyle could get work somewheres else; that if anything was wrong with Johnny Boyle I would let the Union reinstate him back; the Union was in force then.

Q. Do you know anything of an attempt being made then, without your assistance, by Boyle himself, who made the application? A. I heard that Joe Rees made an attack on him in Shenandoah.

Q. Was Boyle a member of the organization? A. He was not at the time he made the attack.

Q. Was he before? A. He was.

Q. How do you know he was a member? A. He gave a card to Phil Nash when he came from the West.

Q. Do you know anything of Buckey Donnelly being concerned in the murder of Gomer James? A. He was the man that fetched the men in there, he told me.

Q. Tell us when that was? A. The very evening that it was done I met him, and he told me that it was him that got them in there. He asked me how I liked the job done, and I told him it was good; he says, "It takes me to do work." Michael Doyle was there when he said it.

Q. Where did this conversation take place? A. In Toney Munley's.

Q. In Loss Creek? A. Danes's Patch.

Q. What did Anthony Munley say in the presence of Donnelly? A. I do not know as the man said anything; he was not a member then.

Q. Had he been a member previously? A. He had; before his leg was cut off he was a member; when his leg was cut off he quit it.

Q. And Donnelly said that he had taken the men there? A. He did not.

Q. He said that he had brought them? A. He said he was the man that found them and fetched them there.

Q. Did he say where they were kept the night prior to the murder? A. He did not.

Q. Do you know Anthony Munley? A. Yes, sir.

Q. What did he say of them about that, as to where the men had been the night prior to the murder? A. He said they were drinking in his house; there was a crowd there.

Q. Did Donnelly, or the rest of these men, mention, that you recollect of now, who the other men were that went from Raven Run? A. I do not know the men that went there.

Q. Did they mention them that you now recollect? A. No, sir; I do not.

Q. Doyle acknowledged that he was there, did he not? A. Doyle acknowledged that he was there.

Q. Did he say whether or not he took part in the shooting? A. He said he took part in the shooting.

Q. If you ever had any conversation after that with Kehoe, the county delegate, in reference to Michael Doyle's participation in that difficulty, tell us what he said. A. I did. At the time he came from New York, at the National convention, I went down to see what the news was that he fetched from there, and he says to me: "Do you know whom I saw?" says I, "No," says he, "I seen Doyle in New York." I wanted to find out where Doyle was awhile before that, because he stole a watch from me, and I wanted to have him arrested, and I did go to take out a warrant for him, but he ran away, and, says Kehoe, "he got off to the old country."

Q. Tell us all that Kehoe said about that subject? A. He told me that he got a hundred dollars from the National convention, and sent Doyle off.

Q. Did Kehoe tell you how he got this one hundred dollars? A. He did. He told me he fetched Doyle before this National convention, and he said to the chairman of the board, "This is a man that has committed crimes," and says he "if you do not send him out of the country he will go up." That is what he said to me, John Kehoe.

Q. And then they gave him one hundred dollars? A. I do not know.

Q. That is what Kehoe said? A. I do not know what he got, that is what he told me; those are his own words.

Q. Then he got that much and he gave it to Doyle, did he? A. He said he paid his way. He did not say he paid it to Doyle.

Q. Did he say what had become of Doyle? A. He said he would go up.

Q. Did Kehoe say where Doyle had gone to, when he paid Doyle's way? A. Kehoe said Doyle had gone to Ireland or England, or to the old country somewhere.

Q. Did you have any talk while you were at Tamaqua as to whether any money should be paid to Hurley for the shooting of Gomer James, and how it was to be collected? A. Nothing more than me and McKenna was talking, and McKenna said they could levy $5 upon everybody in the county, and that

would give Hurley $100. I did not hear anybody else talking about it but Jim McKenna.

Q. Did you hear it from anybody else on the street? A. No, sir; I did not. I did not think any of the men that are here knew anything about it then.

Q. Tell us when it was that McClain told you that he had shot Gomer James? A. He was laboring for me.

Q. In the mines? A. Yes, sir; and he did not come out to work the next day. On the next day, when he came out, I heard about it, and he told me that he shot him. That is all I have to say about it.

Q. Gomer James was shot on what day of the week, if you recollect? A. On Saturday night.

Q. And you heard it when; on Monday or on Tuesday? A. I think it was on Tuesday that I heard it.

Q. Did he say to you how he had shot Gomer James? A. He told me he shot him over the bar, when he was standing up at the bar.

Q. That was McClain? A. Yes, sir.

Q. Did he tell you why he had shot him? A. He did not.

Q. Did Hurley ever tell you how he had shot him? A. He told me he shot him on the top of the bar. He told me he had fired across the counter and shot him, and so did Tom and Ed Welsh. They both said that they both stood by there and seen him shoot Gomer James, and that Hurley was the man.

Q. Do you recollect what evidence Mike Carey gave there? A. When?

Q. At the meeting. A. He did not give any evidence that I know of.

Q. Do you recollect seeing him there? A. Yes, sir.

Q. Did McCormick or anybody else who was there make any statements in respect to Hurley? A. No, sir; when the Welshes got up to state that it was Hurley who shot Gomer James, and McClain failed to put in an appearance, we parted.

Q. What was the conclusion that was arrived at that time; was it that Hurley was the man? A. Yes, sir.

Q. You were satisfied in your own mind, and so expressed it, that Hurley was the man? A. Yes, sir.

Q. And McKenna was of the same opinion as you were on that subject? A. Yes, sir.

Q. You stated in your examination in chief that at the Tamaqua meeting you were outside the committee's room door; when was that? A. It was when the meeting was broken up.

Q. Do you recollect what occasion you had to go there? A. I wanted to get the details of the meeting.

Q. Do you recollect stating at that time whether there was a man named McClain that claimed he was the man that shot Gomer James? A. I proposed him myself.

Q. Do you recollect proposing it at the time you were about the door? A. I proposed that; me and McKenna.

Q. Where was that? A. Right opposite the door.

Q. Right opposite the door of the room? A. Of Carroll's house; yes, sir.

Q. Was it inside or outside? A. It was out on the street when I said it.

Q. Did you go before the committee? A. No, sir; I did not.

Q. Do you recollect McKenna going before the committee after that? A. I do not know anything after that. I know John Kehoe was there, and Chris. Donnelly came up after that, and wanted to know the details of the meeting. I believe it broke up in a row.

Q. What broke it up in a row? A. I do not know what broke it up in a row; and Chris. Donnelly came up, and I asked Kehoe for the details of the meeting and so did he, and John Kehoe says: "I won't tell you." Chris. says: "If you do not tell us I will impeach you," and Kehoe says: "I will send it around in a letter in about a week."

Q. How came you to go to the convention at Tamaqua; did you have any notice from any one? A. From John Kehoe.

Q. A written notice? A. I do not know whether it was a written notice.

Sometimes he would write me a letter, but more often I would go down to see him, and he would tell me when a meeting was to be. I do not believe he wrote me more than one or two letters.

Q. You were acquainted with all the members of that committee that day, were you not? A. I was, with the exception of that strange man named Rourke.

Q. Did you know Rourke? A. I did not know him before.

Q. Have you seen him since? A. No, sir; I would not know him now if I would see him.

Q. How did you know that his name was Rourke? A. I heard him called out; John Kehoe called him out; he called out all the names that he had to form the committee.

Q. Do you not know that some men whose names were called out were not present, and that other men were put on the committee? A. If there was, that might be.

Q. Do you not recollect that fact, that some were called who were not present, and to make the full committee they had to put others on? A. I do not know as to that.

Q. You cannot tell whether that is so or not; you did not remain in attendance on the committee? A. No, sir; I would not be let in there, for we were turned out; nobody would be let in the room except those that had complaints to make of brother members. If we had any complaints to make, we had to make it in writing. McKenna and Bill Gavin were in our room and took down the statements, and passed them in to the committee.

Q. McKenna did that, and Gavin did that? A. Yes, sir.

Q. And McKenna was engaged in that way that day? A. Yes, sir; he was engaged in that way that day.

Q. Did you hear that he passed in an application for Hurley for a reward for services? A. I did not.

Q. You did not hear from Pat Dolan that Hurley presented a claim for services? A. I never did, until he stated it here.

Q. You do not know that Hurley presented a written application for services? A. That was the first.

Q. But you did hear after that that Hurley did claim it, and you heard that from McKenna? A. I did.

Q. And then when McKenna said that, you said that McClain was entitled to it if he was the man? A. Well, I said that, yes. I said McClain claimed it too.

Q. You denied that Hurley had any right to a reward after that, if he was not the man? A. I did.

Q. As you had heard? A. As I had heard.

Q. And you so stated to him? A. I did.

Q. And you cannot tell whether that fact was communicated by McKenna or Kehoe to the committee? A. I cannot say. I did not see McKenna writing any statement that day to the meeting. He might have written one after that; but he did not at the meeting, to my knowledge.

Q. But you do not know whether he made that statement, verbally or in writing, if at all? A. I do not know anything about that.

Q. But you know that you did deny and dispute the right to give anything to Hurley, if he was not the man? A. I did; to McKenna.

Q. In the presence of Kehoe? A. Yes, sir.

Q. Did Kehoe then say that no reward or money ought to be given to a murderer, or, did he say that that matter would have to be settled between you? A. He did not say anything at all; all he said was: "You and McKenna settle that between you."

Q. What was it that you were to settle; was it to find out which one was the murderer? A. Yes, sir; that was what we were to settle.

Q. Did you understand at that time that whoever it was settled in favor of was to get the money? A. I did not understand that. All I understood was that we were to levy five dollars on each division, and give it to him, and that was all I understood from McKenna.

Q. From whom did you and McKenna receive the right to decide who it

was that was entitled to this reward? A. John Kehoe told me and McKenna to see about it, and to see who it was.

Q. He told you to see who it was? A. Yes, sir.

Q. And that you considered was your authority to inquire about the matter? A. I believe so.

Q. There was a considerable number of persons present at that meeting with whom you were not acquainted was there not? A. There was some I was unacquainted with; yes, sir.

Q. You did not know Frank O'Neill at that time? A. I did not know Frank O'Neill at that time.

Q. You never had a personal introduction to him or knew him personally, until you saw him there, did you? A I did; I saw him on Sunday before I was arrested, in John Kehoe's house. I was made acquainted with him there, and the next time I seen him was in St. Clair, going to jail.

Q. And that was the first time you ever saw him, after you met him at Kehoe's? A. That was the first time I ever saw him after I met him in Kehoe's.

Q. If he was present among those men, at Tamaqua that day, and was in the committee-room, you did not see him? A. I did not see him, but I think if he was there I would have seen him.

Q. You think you would? A. I think I would.

Q. But if he was there you did not see him? A. I did not see the man.

Q. There were a number of men present there whom you would be unable to name to-day, were there not? A. Oh! yes; there was a lot there whom I would not be able to name to-day.

Q. And there were some that you would not know again, probably, if you saw them? A. Well, yes.

Q. Do you know anything of the trial of John J. Slattery by that committee that day? A. I do not know anything about that.

Q. Or the expulsion of a man from the Girardville branch on a complaint of Lawrence Mahony? A. No, sir; I did not sit in the room; I did not stay up there.

Q. You had no knowledge of the proceedings of that meeting? A. No, sir; I went up several times to the door during the day, and I seen John Slattery sitting at the door on a chest or a box, and I myself sat on a chair without a back to it, but I came right down again. I wanted to go into the room, but they would not let me in. I had no charge to make, and they did not want me in there.

Q. Do you recollect what hour that was when you wanted to go upstairs and go into the room? A. I could not tell you; it was some time during the meeting, anyhow.

Q. Some time while the committee was in session? A. Yes, sir; but I could not tell you what hour it was; it might be after dinner or before dinner.

Q. If you have any recollection of why you wanted to go into the committee-room, tell us what it was? A. Nothing more than I wanted to go in and see what they were doing.

Q. You have no recollection of any particular desire or purpose which you had? A. At that time; no.

Q. Do you recollect a man named Reagan, from St. Clair, getting into a difficulty there? A. No, sir; that was not Reagan; it was Rich. Condon. When I seen it, it was in the saloon, down stairs, and Rich. Condon and Jimmy Kerrigan had some wrangle between themselves; I could not tell what it was. Bill Gormerly was a bigger man than Condon, and he told him it was a shame for him to pick out a little fellow, for he was so small, and Condon said that he could lick either of them. So this fellow told him to come out in the yard, and he would see who was the best man; but Condon backed out, and would not go.

By Mr. Albright.

Q. Was Reagan pulling off his coat? A. I do not know what he was doing.

By Mr. Kaercher.

Q, He was there at the time of the difficulty, was he not? A. Yes, sir; he was there.

Q. To come back to the Mahanoy City matter, what time of the night was it that the shots were fired at Burke? A. About nine o'clock in the evening.

Q. Had Barney Dolan and the rest, who were concerned in the attempt against Burke, left town at the time the shots were fired? A. I do not know anything about that.

Q. You think he went home on the nine o'clock train? A. He told me so.

Q. And when you left him, the conspiracy to shoot Burke, so far as it was agreed upon there, was fully completed? A. Yes, sir.

Q. And all that was left was for you and the other man to carry it out? A. There was three of us left, but one got drunk.

Q. And you three concluded that you would not do it? A. Me and Mike McDonough concluded we would not do it, but we would go there, fire at him, and go home.

Q. You concluded that you would not do it, but you would simply make pretence of doing it? A. That is all. If we wanted to shoot him we could do it, because he was as near to me as that man (three feet.—REP.), and I could have laid my hand on his breast and shot him if I wanted to.

Q. After you got back, did you tell Barney Dolan and Buckey Donnelly what you had done? A. I told them we had tried to shoot him but did not succeed, and they said it was as good as if it had been done, for it would scare him and he would clear out. We told them we had done our best, and Barney said it was just as good; he would clear out now.

By Mr. Albright.

Q. Were you at the convention, held last January, at the time of the Doyle trial, at Mahanoy City, in Lafferty's Hall? A. I was not in no convention at Mahanoy City; I did start to go there one day, but I was too late for the convention. The convention was over.

Q. Were you not present at a convention held with reference to making arrangements to assist in the defence of Doyle and Kelly, at Mauch Chunk? A. No, sir; I do not know what they had the convention there for. I will tell you what I did; I worked half a day, and I thought it would be time enough to go there in the afternoon, and I did start to go, me and a boy named Jimmy Bradley; but when I got there the convention was over. McKenna was there; it was in Mike Clark's.

Q. Was Christopher Donnelly there? A. I told you I did not know whether he was or not; it was a pretty stormy day, in the winter time, and when I went in the bar-room I seen the convention was over. McKenna got to drinking there, and he got staving drunk, and we had to carry him across the mountains.

Q. When McKenna stated that Hurley had killed Gomer James and wanted the money, you put in a claim for your man, McClain, and wanted him to have the reward? A. Yes, sir; I did. He told me that he had killed him.

Q. At that time you did not know how the money was to be paid, or whether it was to be raised by levying a contribution on each member or not? A. I did not know how it was to be paid, only McKenna told me that they would levy five dollars on each member.

Q. When you heard McKenna propose the name of Hurley to the convention as being entitled to the reward, and put in a claim for McClain, McKenna had not told you at that time that $5 was to be levied on each member? A. I did not put in any claim at the meeting. The claim I put in was on the opposite side of the street. McKenna told me that Hurley was to get the reward. Hurley was there, but he was not listening, and I told McKenna McClain was the man.

Q. You thought McClain ought to have the reward, and McKenna thought Hurley ought to have it, and you put in a claim for McClain? A. Yes, sir.

Q. Before this committee? A. Not before the committee. I did not go before the committee at all.

Q. In the room where William Gavin and McKenna were? A. I did not go in the room. It was on the street.

RE-EXAMINED.

By Mr. L'Velle.

Q. Did you see Richard Condon, either in the convention or at the meeting of the committee, that day at Tamaqua? A. He was there the same as the rest of us.

Q. He was there in the convention? A. He was there in the convention in the morning.

Q. When it was organized? A. Yes, sir; Richard Condon was in the house that morning when we selected the committee. He came there to represent Patsy Collins; he came there in Patsy Collins's interest.

Q. That is, to represent the Palo Alto district? A. Yes, sir.

Q. In the place of Patsy Collins? A. Yes, sir.

Q. What was Patsy Collins's position in the society? A. He was body master.

Q. And Condon came to represent him? A. Yes, sir.

By Mr. Ryon.

Q. You have already stated that you had no knowledge of how the money to reward Hurley was to be raised, except through McKenna? A. That is all.