AN UNJUST SENTENCE

Imposed Upon Bishop McNamara ---The Right of Free Speech Refused by the Court.

A Review of the Evidence—Other Disgraceful Proceedings on the Part of the Prosecution.

A PACKED JURY.

CONTINUED FROM LAST WEEK.

When the court had convened a heated argument was brought to bear upon the justice due the defendant by Messrs. Elliott and Burnham, and that Kenrick's "Moral Theology" should be introduced as evidence to prove the assertions of Bishop McNamara, as his lecture and statements were based upon the contents of this book. Prosecuting Attorney Brown asserted to the substance that the book was a forgery and that it was of the Knownothing manufacture for campaign purposes, and further, that he would give $2,000 for the production of the man who forged it. Attorney Burnham stated that he might as well offer $2,000 for the man who killed Justice Nichols, for Justice Nichols was alive and present. Mr. Brown said that the Catholic church offered $10,000 for the man who forged the book. Justice Nichols said: "The jury will be old, gray-headed men before they can memorize that book," and he ruled the book out.

The first witness for the defense was then called by Attorney Burnham, who was J. H. Fink. He stated that he was a Catholic and had lived in the vicinity since May of 1868. His evidence in the "particular points" of the case was clear, and took off such parts as would be necessary to make the charge stick. He stated that he knew or had known "Bishop Kenrick, or Archbishop Kenrick." He did not say that Father Dalton or Father Lillis committed these crimes, but said that Bishop Hogan had a copy of the book, "Kenrick's Moral Theology."

The subject of the disturbance on the street, Sunday, when a man was knocked down, was introduced by an attorney for the defense. Prosecuting Attorney Brown objected, and said in regard to the man who was knocked down near Turner hall, Sunday afternoon, that, "the man needed knocking down."

Mr. Fink further said that there was "some excitement back at the door at one time," (referring to the entrance), also that "there were three separate missiles thrown in at the windows." Regarding his leaving the hall, he said: "When I went down stairs the street was crowded with people."

When the prosecution took the witness in hand he was closely cross-examined. He was finally asked if he was an A. P. A. To this question he asserted that he was. Prosecuting Attorney Brown then asked: "How long have you been an A. P. A.?" "Less than a year," was the reply. Among others regarding the A. P. A., the following interrogation was put: "Isn't one of the principles of the order not to vote for Catholics?" The reply was: "It is a minor principle." At one time some questions were asked by the prosecution regarding the different orders to which Mr. Fink belonged. He mentioned that he was a Mason.

M. L. Earhart was the next to give evidence for the defense, which was derrogative to that of the state. The prosecuting attorney and Attorney Burnham, of the defense, engaged in a heated discussion, and the attorney for the defense said to Mr. Brown: "You had better go and study law." This witness, as others, testified that the charge against the bishop was contrary to the manner in which they had heard him express himself. He was also questioned closely about the A. P. A. by the prosecuting attorney. In reply to the question, "Are you a member of the A. P. A.?" the witness said that he had been a member about one year.

Mr. L. A. May was examined and his "short hand" notes read, outside of which he knew very little regarding the lecture, and did not have it in full. During the examination Attorney Walsh did considerable coaching for Prosecuting Attorney Brown. The witness testified that he had forgotten his umbrella and had left it in the hall on the night of the lecture, and that he saw a Winchester rifle which he was told belonged to the bishop. The prosecution shut off the evidence when the defense asked the witness who told him the gun belonged to the bishop. Certain points in the notes were not agreeable to the prosecution, and were questioned closely to obtain them in a different light.

Mr. A. K. Christianson testified next, producing nothing new, but reiterated a contradiction to the prosecution.

Strong evidence was obtained from Thos. Egan, and caused him to be threatened for its delivery after he had left the witness stand. Mr. Egan said that he belonged to no church but that he was "born and baptized in the Roman Catholic church." His evidence was clear, straight, and refuted the charges against the bishop as laid down. He stated that he was present at the Sunday night lecture and saw the brick which was thrown from the gallery at the bishop on the stage, and that it came in a sloping direction and struck by the curtains at the side of the stage. Prosecuting Attorney Brown grew wrathy at this statement, and asserted that it was a trick to cause sympathy, and declared that the brick was dropped gently on the stage and was not thrown. Mr. Egan was pressed hard by the prosecution and Mr. Brown attempted to force him to answer questions by "yes or no," which would have rendered a wrong inference if replied to by either word. Justice Nichols sustained the prosecution in persecution. After much cross-examination Prosecuting Attorney Brown asked: "Are you a member of the A. P. A.?" To which Mr. Egan replied: "No, sir."

When Mr. C. M. Hines was turned over to the prosecuting attorney he was treated shamefully. The "yes and no" thumb-screw was applied to every question which was so put that it could not be answered by either of the words. Attorney Walsh did an extra amount of coaching up to this time, 9:45 p. m., and had been sitting behind Prosecuting Attorney Brown for over an hour taking notes etc.

Bishop J. V. McNamara gave testimony similar to that of the day before regarding his identity. He desired to refer to Kenrick's "Moral Theology," which he held in his hand, but was shut off by Justice Nichols. The bishop stated that the lecture of January 16, was on "Roman Theology." He also had Kenrick's "Moral Theology" on the stand before him and would run through it in its principal parts. A most bitter battle ensued between the attorneys and Prosecuting Attorney Brown would not allow the book to be introduced, and he was sustained by Justice Nichols. Retorts between Burnham and Brown followed. "I say he is a better lawyer than Daniel Webster or Henry Clay," said Brown. Burnham replied, "I'm a better lawyer than Marcy K. Brown." The words had scarcely left Burnham's lips before the court house shook with a round of applause. Yelling, whistling, clapping of hands and stamping of feet formed the outburst from the people who could not restrain their delight at the retort. Justice Nichols sprang to his feet and yelled to the marshal to clear the court room. At the appearance of the marshal the people filed quietly out of the court room and left the aisles clear; before, the room was packed. It was impossible for the bishop to introduce any evidence for himself, as he was promptly set down on by the prosecution. The argument was again introduced to use Kenrick's Moral Theology as evidence, but Justice Nichols denounced the book and would not allow the book to be used. He (Nichols) stated that no one would understand it. He wished that he was able to read it for his own curiosity. "Do you say that if we bring a Latin scholar here you will let him read it?" asked the defense. "No, sir, I did not," said Nichols. Finally Justice Nichols said: "We will not allow the book in evidence."

The bishop said to a question, "I appealed to the audience for a committee of professors or others to come on the stage and verify my statements," when the issue of his assertions were contested. Referring to the rock which was thrown at him at the Sunday lecture the bishop stated about as follows: The rock came as from the audience in the gallery close to the speaker and by him on the same line to the back of the stage and struck the gun lying there and rolled off, leaving a dent in the stock. It was stated at another period that the reason of the gun being brought to the hall was that his life had been threatened and that he was informed that he would be mobbed that night,

He stated while on the stand that on the night of the lecture, Tuesday, January 16, the police informed him that it would be dangerous to go out. He made one or two unsuccessful attempts. To a question regarding his taking fire arms into the carriage, he said: "I left the hall unarmed." When asked if others entered the carriage with him, he replied: "My wife only." He also stated that no shots were fired out of the carriage. In regard to his wife, he asserted that she was severely bruised by missiles which were thrown into the carriage.

Mrs. McNamara, wife of the bishop, was next placed on the stand, and testified that no shots were fired from the carriage and that no fire arms were taken into it, also that she and the bishop were the only occupants. She stated that shots were fired at the carriage.

Justice Nichols allowed each side twenty minutes to argue the case. The jury was out but a short time when the verdict was returned and the limit of the law given, $500 fine and one year in jail.

An appeal was taken to the criminal court by Burnham and Elliot. The other cases, one for the alleged slander of Mother Superior Rose Vincent, and the other for selling obscene literature, the book "Maria Monk," will be brought up soon.

A daily paper reported that members of the W. A. P. A. from Kansas were present. This is not true.

At least the largest portion of the population of Independence, Mo., the seat of the trial, has been brought to a decided position on the push question, and many of the citizens who have never before taken the matter into consideration are using the most bitter terms against the action, which they term persecution of a man for policy sake.

On Saturday, after the trial, the bishop was stricken with an attack of nervous prostration, and the prison physician recommended that he should not be moved from Independence to Kansas City until Monday. However the request was not complied with and he was brought to Kansas City Saturday night. His wife was refused admission to his cell Sunday morning when she visited the jail with food, and was obliged to wait until afternoon. Monday she was entirely refused the privilege of seeing him until Thursday. Through the kindness of the physician in attendance at the jail she had food taken to the bishop.

Many members of the A. P. A. have had their lives threatened recently by men who are known to them. One of the witnesses who testified in one of the McNamara cases was abused before he left the court room. He who claims this, is a responsible man, and will attempt to prosecute the man who made the assertion.

Ideal Interviewers.

Henry George and Michael de Young are ideal interviewers, perhaps because they are both of the craft themselves. Mr. George throws aside all pretensions when he is put on the stand. There is very little of the theater about him. He plunges at once into the subject and throws off paragraphs with such order and precision that it is impossible to forget what he has said. He has a way of becoming familiar at once with the reporter, and unlike many public men does not take it for granted that his views on all kinds of subjects are known in detail already and is yet afraid they will not be presented in proper form. He has a way of suddenly departing from his topic and relating pleasant anecdotes, always returning to the point at which he left off. Mr. de Young acts the host always. His cigars, his Egyptian cigarettes, made in Cairo especially for him, and other refreshments are placed before his interlocutor. Mr. de Young is a barrel of information that is always on tap for the benefit of his confreres wherever found. His travel has made him as familiar with the world in general as he is with San Francisco, and he knows the affairs of his own country like an Eton scholar knows his Latin grammar. All reporters are fond of Mr. de Young because he tells them to their faces that the reporter's is the most important function, and that the reporter himself is the sine qua non of the newspaper press.—Chicago Post.

The Ghosts In "Rip."

"I was thinking of Jefferson in 'Rip Van Winkle.' I went to see the dear old thing one night, and in the scene where the ghosts play ninepins soft rubber or woolen balls were evidently used, for they rolled noiselessly and dropped with an almost imperceptible sound. I thought how differently some others might have staged that. Mansfield, for instance, would probably have real balls, and the illusion would have been destroyed utterly. As it was, the game was as ghostly as the gamesters. In the treatment of that important character, Schneider, the same thought impressed itself upon me. Rip's dog is as distinct to one's mental vision as Rip himself, yet he does not once appear.

If an actual dog—a stub tailed bull terrier perhaps—should come on the stage, it would merely burlesque the entire scene It is a case where realism would not be half as realistic as imagination, don't you see?—Boston Advertiser.

Old Time Remedies.

Strange as it may seem to some, the ingredients of the witches' caldron in "Macbeth," at least a part of them, were once standard remedies among Europeans. In the tenth and eleventh centuries a sovereign cure for ague was the swallowing of a small toad that had been choked to death on St. John's eve, and a splendid remedy for rheumatism was to fasten the bands of clothing with pins that had been stuck into the flesh of either a toad or a frog. Physicians frequently recommend the water from a toad's brain for mental affections and that a live toad be rubbed over the diseased parts as a cure for the quinsy.—Chicago Herald.

Peers as Composers.

A few members of the British peerage have made reputations as composers. The Earl of Westmoreland, first president of the Royal Academy of Music, composed some Italian operas, which were well received at Rome and Milan, and the father of the great Duke of Wellington, the Earl of Mornington, wrote several glees, which are still frequently performed at choral societies, though written more than a century ago. The present Earl of Mar has also composed some church music.—Paris Herald.

About Certified Checks.

The head of a leading banking house has had his counsel investigate the law in regard to certified checks and finds that if the drawer of a check has taken it to the bank and had it certified he is still, jointly with the bank, responsible to the payee if the bank fails. If the payee, however, has taken the check to the bank and had it certified, the drawer of the check is no longer responsible to the payee, because the payee accepts by that action the responsibility of the bank.—Wall Street News.

Horrible Thought.

Timid Young Author—Haven't you read my poem too hastily? I am sure, sir, it has some good features about it that you would see on a more careful reading.

Editor (with a sudden suspicion)—You are not trying to work off an acrostic on us, are you, miss?—Chicago Tribune.

A cat imported from Madagascar is in the possession of W. C. Robinson of New Castle, Pa. The animal has no tail and runs like a rabbit. The cat is a great rabbit hunter and can follow Mr. Bunny into almost any burrow.

Clusters of clover, if hung in a room and left to dry and shed their perfume through the air, will drive away more flies than sticky saucers of treacle and other flytraps and fly papers can ever collect.

It is figured out that stamp collectors have put away $1,000,000 worth of the Columbian issues for which Uncle Sam will not be called on to perform any service.

A German computation of the Jewish population makes the number of Hebrews on the face of the globe 7,403,000, of whom 6,800,000 are in Europe.

A Relic of St. Agnes.

NEW YORK, Jan. 22.—The feast of St. Agnes was consecrated at St. Agnes church in this city. Rev. H. A. Braun, the rector of the church, before the gospel, announced the receipt of a relic of the patron saint brought by Mgr. Morguis of Montreal. It is said to be a piece of the vertebra and is in a a jeweled casket. The rector invited the people to test its miraculous powers during the coming week.

Which is it, "Romanism" or "Paganism?"

Hot Springs, Ark., Without Change.

On and after January 20th, the Missouri Pacific Railway will run a through sleeping car from Omaha to Hot Springs, Arkansas without change, via Kansas City, Ft. Smith and Little Rock, leaving Omaha daily at 10 p. m. For further information, rates, etc., call at depot, Fifteenth and Webster, city ticket office, N. E. cor. Thirteenth and Farnam.

J. O. PHILLIPPI,
A. G. P. and F. A.

1-26-4□ THOS. F. GODFREY, G. T. A.

Council No. 9, A. P. A. will meet hereafter in G. A. R. hall, 118 No. 15th st., first and third Mondays in each month. The members will govern themselves accordingly. By order of the secretary.

MAYPORT, Fla., Jan. 25.—The little Catholic church for which the champion's wife has done so much, is to convene in a business session and a vote of thanks will issue from the parish, and strange as it may appear to some, many a prayer will silently go heavenward.

The above item about the late prize fight appeared in the Ogdensburg, N. Y., Saturday *News*, Jan. 27.

HAVE you asked the newsdealer nearest you if he has on sale THE AMERICAN? If you have not already done so, ask him at your earliest convenience, But a few newsdealers apparently carry THE AMERICAN.

Success Council No. 3, W. A. P. A., will meet the second and fourth Wednesdays in each month in G. A. R. hall, 118 North Fifteenth street.