

O'BRIEN CONVICTED.

The Great Irish Editor Found Guilty of Violating the Crimes Act.

SENTENCED FOR THREE MONTHS

The Trial Characterized by Bitter Wrangling Between Counsel.

STORMY SCENES IN THE COURT.

The Government Reporter on Hand With His Doctored Notes.

TORIES EXULT AT THE VERDICT.

Great Indignation Expressed by the Home Rule Members.

THE BERLIN-AMERICAN COLONY.

The German Capital Rapidly Gaining in Population From the United States—Progress of Work Upon an Equestrian Statue of General Washington—Foreign News.

The Mitchellstown Farce.

Copyright 1887 by James Gordon Bennett. DUNN, Sept. 24.—[New York Herald Cable-Special to the BEE.]—The expected news of O'Brien's conviction and sentence was received here in sullen silence by the home rulers, while the afternoon Tory papers exult. One says that should any association be found in Ireland for the purpose, however innocently conceived, of doing the work of the suppressed National League, Balfour will suppress that also. The chief secretary, to more than one friend in whom he reposes confidence, has frankly confessed that he intends to force obedience to law in Ireland or face a civil war. The National League is regarded as the root of the evil. It must go, and nothing shall be suffered to rise in its place. Nevertheless, at a meeting last night of the Aaron Gray branch of the league there was a crowded, enthusiastic meeting. The lord mayor was chairman, and 130 new members were enrolled. The lord mayor said what did the government mean by suppressing branches. It is vain to issue proclamations, though piled a foot thick on top of one another. He invited young and old to join. Resolutions of protest were prepared. These were supported by Gray, M. P., of the Freeman's Journal, who said this was essentially the time for every Irishman to take up his position and state upon what side he was ranged.

Mr. Dawson, ex-lord mayor, also spoke. He said that if the name of the National League, like that of the Land League, went down, please God they would have a hundred other devices for their answer and would never stop until they had gained their constitutional rights.

"The member for Cornwall and a young English barrister from Conyngham said that the tactics of the police when the English home rule union met at Covent yesterday, was exasperating. Their numbers were greatly reinforced and although every facility was offered the government reporter to be on the platform, this was refused by order from headquarters and he was ostentatiously planted and surrounded by a considerable force of police at the foot of the platform in the midst of the people.

Much as Harrington is liked, he is censured for his temper at the trial. Regret is being expressed that an effort was not made for O'Brien. Many good heads say that it was a mistake not to engage the services of the home rule bar to defend O'Brien, headed, for instance, by Sir Charles Russell, and that a great address, dissenting from the charge and the act itself, and exposing the attack on free speech and free press would not only have taken rank with great national speeches, like those of Hamilton, O'Connell, Adams and Henry in America, and Erskine, Brougham and O'Connell in Britain, but become of wide effect on the home rule question. The trial is destined to be a great historic cause celebre. It is undoubtedly deserving of a close report. The facts were in a nutshell. O'Brien admitted making certain portions of the speech against the charge sheet and did not quibble about it, therefore only a question of construction under the act remained. The whole law of addition was opened—a question which cost John Adams his second term. It cannot be, I fear, denied that Harrington was not fully equal to the occasion. He represented not only a client, but a nation. Great Britain and great rights were attached, which, on a question of construction, were open to a mighty protest and eloquent denunciation. "The petty magistrates were of no more account than were Jeffries or Scroggs, but the occasion, except as to surroundings, were quite as grand as when Sir William Russell, Russell, Youdell, the printer, Tom Paine, Robert Emmet and Leigh Hunt were tried or when Hugh Fitzpatrick was arraigned in 1813 for publishing Scully's history of the penal laws. When Harrington objected to the two speeches made different times being combined, Carson, the prosecuting counsel said this was entirely a matter of convenience. No court would adjudicate in one of these cases without hearing both and there was no in having two sets of speeches.

Harrington—The liberty of the client must not be jeopardized for any question of convenience. Carson—Oh, that is the usual blather. Harrington said it was not and he respectfully asked the court to confine itself to one case now—the speech of the 9th of August. Justice Eaton said it was all the same, although said to have occurred on two different occasions. They must hear both before they decided.

Harrington pressed his objection to having the two speeches considered together. He said that if the counsel for the crown indulged in language of that kind he would find a first class snare.

Carson—I don't mind this in the slightest degree. I ask the bench to make a ruling. The court decided to take up one speech first. Harrington declared it to be distinctly unfair, unusual and unconstitutional to deal with two speeches together.

Carson—Who said that? Have you not all the ruling in your favor, and is not that enough? Evidence was then taken as to the only speech made at the very time when this occurred.

The bench, however, ruled that the witness would read his notes. Witness continued: "Mr. O'Brien, said the Tory government was afraid to suppress the Irish National Land League."

Magistrate Stokes, whispering to Magistrate Eaton, "The National League?"

Mr. Harrington objected to his worship consulting so that the witness could hear. Witness—O'Brien said the Tory government was afraid to suppress also the plan of campaign.

Harrington here interrupted and drew attention to the clerk suggesting a word to the witness.

Witness—Oh, humbug, let us go on. Harrington—It is no humbug, sir, and you are a humbug to say so. I object to this practice of suggesting words to the witness. Magistrate Stokes—Oh, go on. Words should not be written except those made use of by the witness.

Witness continued: If there were any police or bailiffs listening, to him he told the people to resist them and defend their homes. He would be ashamed of them and so would the English people if they submitted tamely without a blow. I was in Mitchellstown that night and I should add that in the speech the word, "honest" was used.

Magistrate Stokes—Where? Witness—When he was speaking of the evictions he said they would resist them by all honest means. I drew counsel's attention to that yesterday.

Carson—Were you in Mitchellstown that night? Witness—I was. I saw a number of people carrying the bones of a man named O'Sullivan with timber and trees and subsequently put up notices, one about evictions.

Harrington—Show me the note. Witness—Here it is. Harrington, having looked at the paper, handed it back to the witness and asked him to read the head lines.

Witness—Notes taken by Sergeant George Foley at a meeting on the 9th of August. Harrington—Is that true? Witness—I wrote the next morning. Later on Harrington asked another witness, "Who accompanied you there?" and was answered, "With an Irish bull—myself," at which there were screams of laughter.

Harrington—You are in the habit of accompanying yourself about, I suppose. What other policemen were with you, standing listening to Mr. O'Brien's observation? Witness—Head Constable O'Sullivan and Sergeant Conderan.

Harrington—Is that the government's short-hand writer. Witness—I did not mean Sergeant Conderan. I saw Sergeant Foley there. Harrington—Take down that. He said first that he saw Sergeant Conderan there.

Witness—That was a mistake. Harrington—I will have it down at all events. Carson—Oh, go on. Harrington—I wish, sir—I do not want these interruptions, and I will not have them.

Carson—Go on. Harrington—I am not going to stand this, and if your worship will not stop it I will call public attention to it. I will not be interrupted by these impertinent remarks. It is his duty to interrupt, and it is your duty to tell him if he does not know his duty.

Mr. Carson—Go on now witness. Carson closed the case for the prosecution without calling the head constable, when Harrington asked: "Why was the head constable, O'Sullivan, not produced who directed that the report be taken?"

Carson—I have closed the case for the crown. Harrington—I ask your worship for a summons for head constable, O'Sullivan, who was called and came up. Harrington asked Mr. Carson whether he wanted to examine the witness. Carson said he had closed the case. Magistrate Stokes said the witness was called for the defense and was Harrington's witness. Harrington said he did not object to him at present.

To witness—Do you remember the 9th of August? The head constable said he should decline to give evidence. The bench directed the witness to give evidence. Harrington thought the head constable would repudiate the assertion himself. The witness deposed to being at the meeting on the 9th of August. He was there during the whole meeting, and took no notice of the speeches. He wrote down what he could think of the following morning. He did not write them down that evening because he was out late on duty.

Harrington—Let me see those notes. Witness—Not unless I am directed. Harrington—I observe you look at the crown. You are my witness. Now let us be friends. Witness—I consider any note or any document I have, a privileged document, and I will not give it up to you except by direction. I cannot give them on my own responsibility.

Harrington sharply cross-examined the witness as to whether or not he had been comparing notes with Sergeant Foley. Witness denied it. Harrington proceeded to comment on the manner in which witness was giving evidence.

Carson—Oh, these are wretched little pettifogging observations. Harrington (repeating the words "wretched little pettifogging")—Well, we shall see which side is wretched, little and pettifogging before the case is over.

Carson—Wretched little pettifogging observations I again say. Harrington—You may add venal and corrupt if you wish.

Carson—I would ask you to keep these observations for the farce. You keep them for the iniquitous job you are doing here. (Cheers in court.)

Magistrate Stokes—Clear the court. The police proceeded to clear the court. Harrington (looking across to the crown counsel)—See how much this all come to? O'Brien (here standing up and addressing the bench)—Is it necessary to have the court cleared? There are only a very few and extremely well conducted people here.

Stokes—If you guarantee that the people will keep quiet we will not clear the court. Harrington—I will give no guarantee. It is impossible to prevent observations of the kind coming from people with such proclivities.

Stokes—If you promise that they will not disturb. Harrington—I will make no promise. They have conducted themselves much better than the counsel for the crown, and I am proud of them.

The court was then about half cleared when Stokes said to Inspector Irwin, who was in charge: "There that will do. If there any further disturbance we will do the court cleared altogether."

Proceeding with the cross-examination, Harrington asked the witness to produce his notes of Mr. O'Brien's speech. Witness said he would not do so without permission from his authorities.

Eaton—What do you say, Mr. Carson? Carson—I have nothing to do with this witness. Harrington vehemently protested against Mr. Carson being consulted by the bench in the matter.

Eaton—It is a very important point, and we asked what the crown counsel had to say upon it. Orson said he declined to give any direction whatsoever to witness.

Witness—Oh, we do not want you to give any direction. The two magistrates held a short consultation and then Eaton said, in his opinion, it was advisable that the notes should be produced. The only question is as to how far the document may be regarded as confidential, having once passed into other hands.

Witness—I cannot produce the notes unless I get permission. Eaton—From me? Witness—From me? Magistrate Stokes—Oh, go on. Words should not be written except those made use of by the witness.

Harrington denied that the document was confidential. He said a summons had been issued against his honorable friend upon the documents, and if it were not produced, good bye to justice. He should have nothing further to do with the case. The magistrates again held a short consultation.

Eaton—I think the expression of opinion of the court that these notes should be produced ought to be enough. Witness was directed by District Inspector Irwin to produce the notes, and he handed them to the court.

Carson objected to counsel going into these documents as not being reliable as to what the magistrates say in Dublin or as to the duties of a magistrate.

Eaton—This is not relevant. I may tell you, if it is any good to you, that I never saw these notes in my life. The university is not yet open, the musical work has scarcely begun, yet already there are more students in Berlin than during the busiest portion of last year. The students of course form a large proportion of these American residents, but only a great increase among the American students.

Witness—I object to all this. It is entirely irrelevant. Oh, his turn will come. Eaton—You cannot pursue this subject any further. Harrington—Well, your worship, I have to conduct a case of this kind under great difficulties and I think I am entitled to all the latitude I can receive.

Eaton—We have given you a great deal. Harrington—It has not overwhelmed me, I assure you, in the slightest degree. Cross-examination continued: Do you see the red lines? pointing to the document which the witness stated he had given to Carson Punctik.

Witness—I do. Did you put them there? I did not. Who drew the pencil mark over the face of that report? I can't tell you. It was in there when you got it back? It was in there when I got it back.

Why were you not examined here to-day? I don't know. Who told you you were not to be examined? I thought I was to be examined. What for purpose? Carson—I object to this altogether. Eaton—There must be some limit to irrelevance.

Harrington—Well, I say, sir, I am perfectly justified in asking this question, and that it is perfectly relevant, for I assert that there has been a deliberate attempt to suppress the report.

Carson (angrily)—My friend's observation is a pure fabrication. Harrington (loudly)—I say, sir, it is a lie for you to make such an observation. Carson—I ask your worship to prevent another observation of that kind.

Eaton (to Mr. Harrington)—We cannot allow such observations as that, and if you repeat I shall have you removed from the court. Harrington (very excitedly)—You needn't take the trouble, as I have such confidence in this court I will remove myself from it (leaving on the bench).

The prosecution is enough for me. I will have nothing more to do with this solemn farce. (Great applause in the court.) Eaton—Very well; very well (angrily).

Harrington—I will have nothing more to do with it, and I throw the responsibility upon you. Eaton—Very well. This court stands adjourned till 11 o'clock to-morrow.

The proceedings this morning for Mr. O'Brien were chiefly remarkable for the enthusiasm which greeted him as he came to or departed from court, and for the subdued tone of the magistrates and counsel for the crown. This latter showed they had overheard the proceedings from the government.

It has been widely telegraphed here that the press of the entire kingdom are hostile to any cruelty or vengeance toward O'Brien, who is an editor as well as member of parliament and national leader. The magistrates yesterday leaned well over on the crown and the Balfourites dread reaction.

When Magistrate Eaton commenced, in a crocodile wish, about the absence of Harrington, Mr. O'Brien, with great dignity, said: "I must do my friend who was here, and more as a friend than as counsel, the justice to say that he took the only course open to a man in such a position. I do not wish to remain upon the bench, but I must say it yesterday permitted counsel for the crown to distinctly violate the amenities of the bar or social life." But he (O. B.) was now ready for judgment on the conviction of the 9th of August speech.

The crown counsel, amid suppressed hisses, in a rather low tone, said: "I read now to you the next offense so that there can be two sentences." At this there were more suppressed sibilations, which appeared to anger him, and he proceeded to say: "As I was leaving the court yesterday, a man, rudely and cowardly, named Tanner, whom I regret to say is a member of parliament, threatened me with his hope of personal violence and—"

But the magistrates stopped Mr. Carson. Mr. O'Brien then briefly addressed the court in an eloquent tone of protest and of polite dissent. In substance he said, after summarizing the sad case of the Kingston tenants whom an agent was persecuting so as to forestall, while statutory relief, as it were, hovered over their thresholds: "I must deny the competency of the court without jury to try me. My composition is foreign to the British constitution as never permitted in packed jury centuries ago."

Here the court interrupted and obliged him to forego the objection. At the same juncture the crown counsel roughly said: "None of your politics here." The crowd showing a disposition to applaud, Mr. O'Brien waved his hand and continued: "The crown has been guilty of suppressing evidence by keeping back the head constable's notes which recorded his declaration that he would give fair play to the land bill, which would justify the defense of the tenants on the ground that the evictions were commenced just on the eve of the passage of the land bill, and thus all I did was to re-manifest against an attempt to defraud and deprive the poor and wretched tenants of the benefits of that bill. I admitted I did go around

and advise these tenants not to give up their rights without resistance, and I declare before God and before man that they were justified in defending their homes from this calamity; and, if such a case be in this enlightened age a crime, proud to suffer in defense of these rights."

Magistrate Eaton then passed sentence, saying, in substance: "You have advanced no justification. Your language was incitement to violence from ignorant persons who did not understand the subtleties of language." He rather snapped out "three months imprisonment," but presently, on inquiry from Mr. O'Brien, who, speaking for himself, asked how about an appeal and bail. Magistrate Eaton said an appeal and bail should be allowed. Then the proceedings terminated.

Large numbers shook hands with O'Brien, and but for the police the court would have followed with the level. It was that he will be speedily bailed, which event will suggest the reflection that if bail is allowable after sentence why was it refused during the time the law presumed him innocent?

THE BERLIN BUDGET. Americans Swarming at the German Capital—The Kaiser. Copyright 1887 by James Gordon Bennett. BERLIN, Sept. 24.—[New York Herald Cable-Special to the BEE.]—Never before have so many Americans here at this season in history. The university is not yet open, the musical work has scarcely begun, yet already there are more students in Berlin than during the busiest portion of last year. The students of course form a large proportion of these American residents, but only a great increase among the American students.

Witness—I object to all this. It is entirely irrelevant. Oh, his turn will come. Eaton—You cannot pursue this subject any further. Harrington—Well, your worship, I have to conduct a case of this kind under great difficulties and I think I am entitled to all the latitude I can receive.

Eaton—We have given you a great deal. Harrington—It has not overwhelmed me, I assure you, in the slightest degree. Cross-examination continued: Do you see the red lines? pointing to the document which the witness stated he had given to Carson Punctik.

Witness—I do. Did you put them there? I did not. Who drew the pencil mark over the face of that report? I can't tell you. It was in there when you got it back? It was in there when I got it back.

Why were you not examined here to-day? I don't know. Who told you you were not to be examined? I thought I was to be examined. What for purpose? Carson—I object to this altogether. Eaton—There must be some limit to irrelevance.

Harrington—Well, I say, sir, I am perfectly justified in asking this question, and that it is perfectly relevant, for I assert that there has been a deliberate attempt to suppress the report.

Carson (angrily)—My friend's observation is a pure fabrication. Harrington (loudly)—I say, sir, it is a lie for you to make such an observation. Carson—I ask your worship to prevent another observation of that kind.

Eaton (to Mr. Harrington)—We cannot allow such observations as that, and if you repeat I shall have you removed from the court. Harrington (very excitedly)—You needn't take the trouble, as I have such confidence in this court I will remove myself from it (leaving on the bench).

The prosecution is enough for me. I will have nothing more to do with this solemn farce. (Great applause in the court.) Eaton—Very well; very well (angrily).

Harrington—I will have nothing more to do with it, and I throw the responsibility upon you. Eaton—Very well. This court stands adjourned till 11 o'clock to-morrow.

The proceedings this morning for Mr. O'Brien were chiefly remarkable for the enthusiasm which greeted him as he came to or departed from court, and for the subdued tone of the magistrates and counsel for the crown. This latter showed they had overheard the proceedings from the government.

It has been widely telegraphed here that the press of the entire kingdom are hostile to any cruelty or vengeance toward O'Brien, who is an editor as well as member of parliament and national leader. The magistrates yesterday leaned well over on the crown and the Balfourites dread reaction.

When Magistrate Eaton commenced, in a crocodile wish, about the absence of Harrington, Mr. O'Brien, with great dignity, said: "I must do my friend who was here, and more as a friend than as counsel, the justice to say that he took the only course open to a man in such a position. I do not wish to remain upon the bench, but I must say it yesterday permitted counsel for the crown to distinctly violate the amenities of the bar or social life." But he (O. B.) was now ready for judgment on the conviction of the 9th of August speech.

The crown counsel, amid suppressed hisses, in a rather low tone, said: "I read now to you the next offense so that there can be two sentences." At this there were more suppressed sibilations, which appeared to anger him, and he proceeded to say: "As I was leaving the court yesterday, a man, rudely and cowardly, named Tanner, whom I regret to say is a member of parliament, threatened me with his hope of personal violence and—"

But the magistrates stopped Mr. Carson. Mr. O'Brien then briefly addressed the court in an eloquent tone of protest and of polite dissent. In substance he said, after summarizing the sad case of the Kingston tenants whom an agent was persecuting so as to forestall, while statutory relief, as it were, hovered over their thresholds: "I must deny the competency of the court without jury to try me. My composition is foreign to the British constitution as never permitted in packed jury centuries ago."

Here the court interrupted and obliged him to forego the objection. At the same juncture the crown counsel roughly said: "None of your politics here." The crowd showing a disposition to applaud, Mr. O'Brien waved his hand and continued: "The crown has been guilty of suppressing evidence by keeping back the head constable's notes which recorded his declaration that he would give fair play to the land bill, which would justify the defense of the tenants on the ground that the evictions were commenced just on the eve of the passage of the land bill, and thus all I did was to re-manifest against an attempt to defraud and deprive the poor and wretched tenants of the benefits of that bill. I admitted I did go around

and advise these tenants not to give up their rights without resistance, and I declare before God and before man that they were justified in defending their homes from this calamity; and, if such a case be in this enlightened age a crime, proud to suffer in defense of these rights."

Magistrate Eaton then passed sentence, saying, in substance: "You have advanced no justification. Your language was incitement to violence from ignorant persons who did not understand the subtleties of language." He rather snapped out "three months imprisonment," but presently, on inquiry from Mr. O'Brien, who, speaking for himself, asked how about an appeal and bail. Magistrate Eaton said an appeal and bail should be allowed. Then the proceedings terminated.

Large numbers shook hands with O'Brien, and but for the police the court would have followed with the level. It was that he will be speedily bailed, which event will suggest the reflection that if bail is allowable after sentence why was it refused during the time the law presumed him innocent?

THE BERLIN BUDGET. Americans Swarming at the German Capital—The Kaiser. Copyright 1887 by James Gordon Bennett. BERLIN, Sept. 24.—[New York Herald Cable-Special to the BEE.]—Never before have so many Americans here at this season in history. The university is not yet open, the musical work has scarcely begun, yet already there are more students in Berlin than during the busiest portion of last year. The students of course form a large proportion of these American residents, but only a great increase among the American students.

Witness—I object to all this. It is entirely irrelevant. Oh, his turn will come. Eaton—You cannot pursue this subject any further. Harrington—Well, your worship, I have to conduct a case of this kind under great difficulties and I think I am entitled to all the latitude I can receive.

Eaton—We have given you a great deal. Harrington—It has not overwhelmed me, I assure you, in the slightest degree. Cross-examination continued: Do you see the red lines? pointing to the document which the witness stated he had given to Carson Punctik.

Witness—I do. Did you put them there? I did not. Who drew the pencil mark over the face of that report? I can't tell you. It was in there when you got it back? It was in there when I got it back.

Why were you not examined here to-day? I don't know. Who told you you were not to be examined? I thought I was to be examined. What for purpose? Carson—I object to this altogether. Eaton—There must be some limit to irrelevance.

Harrington—Well, I say, sir, I am perfectly justified in asking this question, and that it is perfectly relevant, for I assert that there has been a deliberate attempt to suppress the report.

Carson (angrily)—My friend's observation is a pure fabrication. Harrington (loudly)—I say, sir, it is a lie for you to make such an observation. Carson—I ask your worship to prevent another observation of that kind.

Eaton (to Mr. Harrington)—We cannot allow such observations as that, and if you repeat I shall have you removed from the court. Harrington (very excitedly)—You needn't take the trouble, as I have such confidence in this court I will remove myself from it (leaving on the bench).

The prosecution is enough for me. I will have nothing more to do with this solemn farce. (Great applause in the court.) Eaton—Very well; very well (angrily).

Harrington—I will have nothing more to do with it, and I throw the responsibility upon you. Eaton—Very well. This court stands adjourned till 11 o'clock to-morrow.

The proceedings this morning for Mr. O'Brien were chiefly remarkable for the enthusiasm which greeted him as he came to or departed from court, and for the subdued tone of the magistrates and counsel for the crown. This latter showed they had overheard the proceedings from the government.

It has been widely telegraphed here that the press of the entire kingdom are hostile to any cruelty or vengeance toward O'Brien, who is an editor as well as member of parliament and national leader. The magistrates yesterday leaned well over on the crown and the Balfourites dread reaction.

When Magistrate Eaton commenced, in a crocodile wish, about the absence of Harrington, Mr. O'Brien, with great dignity, said: "I must do my friend who was here, and more as a friend than as counsel, the justice to say that he took the only course open to a man in such a position. I do not wish to remain upon the bench, but I must say it yesterday permitted counsel for the crown to distinctly violate the amenities of the bar or social life." But he (O. B.) was now ready for judgment on the conviction of the 9th of August speech.

The crown counsel, amid suppressed hisses, in a rather low tone, said: "I read now to you the next offense so that there can be two sentences." At this there were more suppressed sibilations, which appeared to anger him, and he proceeded to say: "As I was leaving the court yesterday, a man, rudely and cowardly, named Tanner, whom I regret to say is a member of parliament, threatened me with his hope of personal violence and—"

But the magistrates stopped Mr. Carson. Mr. O'Brien then briefly addressed the court in an eloquent tone of protest and of polite dissent. In substance he said, after summarizing the sad case of the Kingston tenants whom an agent was persecuting so as to forestall, while statutory relief, as it were, hovered over their thresholds: "I must deny the competency of the court without jury to try me. My composition is foreign to the British constitution as never permitted in packed jury centuries ago."

Here the court interrupted and obliged him to forego the objection. At the same juncture the crown counsel roughly said: "None of your politics here." The crowd showing a disposition to applaud, Mr. O'Brien waved his hand and continued: "The crown has been guilty of suppressing evidence by keeping back the head constable's notes which recorded his declaration that he would give fair play to the land bill, which would justify the defense of the tenants on the ground that the evictions were commenced just on the eve of the passage of the land bill, and thus all I did was to re-manifest against an attempt to defraud and deprive the poor and wretched tenants of the benefits of that bill. I admitted I did go around

and advise these tenants not to give up their rights without resistance, and I declare before God and before man that they were justified in defending their homes from this calamity; and, if such a case be in this enlightened age a crime, proud to suffer in defense of these rights."

Magistrate Eaton then passed sentence, saying, in substance: "You have advanced no justification. Your language was incitement to violence from ignorant persons who did not understand the subtleties of language." He rather snapped out "three months imprisonment," but presently, on inquiry from Mr. O'Brien, who, speaking for himself, asked how about an appeal and bail. Magistrate Eaton said an appeal and bail should be allowed. Then the proceedings terminated.

Large numbers shook hands with O'Brien, and but for the police the court would have followed with the level. It was that he will be speedily bailed, which event will suggest the reflection that if bail is allowable after sentence why was it refused during the time the law presumed him innocent?

THE BERLIN BUDGET. Americans Swarming at the German Capital—The Kaiser. Copyright 1887 by James Gordon Bennett. BERLIN, Sept. 24.—[New York Herald Cable-Special to the BEE.]—Never before have so many Americans here at this season in history. The university is not yet open, the musical work has scarcely begun, yet already there are more students in Berlin than during the busiest portion of last year. The students of course form a large proportion of these American residents, but only a great increase among the American students.

Witness—I object to all this. It is entirely irrelevant. Oh, his turn will come. Eaton—You cannot pursue this subject any further. Harrington—Well, your worship, I have to conduct a case of this kind under great difficulties and I think I am entitled to all the latitude I can receive.

Eaton—We have given you a great deal. Harrington—It has not overwhelmed me, I assure you, in the slightest degree. Cross-examination continued: Do you see the red lines? pointing to the document which the witness stated he had given to Carson Punctik.

Witness—I do. Did you put them there? I did not. Who drew the pencil mark over the face of that report? I can't tell you. It was in there when you got it back? It was in there when I got it back.

Why were you not examined here to-day? I don't know. Who told you you were not to be examined? I thought I was to be examined. What for purpose? Carson—I object to this altogether. Eaton—There must be some limit to irrelevance.

Harrington—Well, I say, sir, I am perfectly justified in asking this question, and that it is perfectly relevant, for I assert that there has been a deliberate attempt to suppress the report.

Carson (angrily)—My friend's observation is a pure fabrication. Harrington (loudly)—I say, sir, it is a lie for you to make such an observation. Carson—I ask your worship to prevent another observation of that kind.

Eaton (to Mr. Harrington)—We cannot allow such observations as that, and if you repeat I shall have you removed from the court. Harrington (very excitedly)—You needn't take the trouble, as I have such confidence in this court I will remove myself from it (leaving on the bench).

The prosecution is enough for me. I will have nothing more to do with this solemn farce. (Great applause in the court.) Eaton—Very well; very well (angrily).

Harrington—I will have nothing more to do with it, and I throw the responsibility upon you. Eaton—Very well. This court stands adjourned till 11 o'clock to-morrow.

The proceedings this morning for Mr. O'Brien were chiefly remarkable for the enthusiasm which greeted him as he came to or departed from court, and for the subdued tone of the magistrates and counsel for the crown. This latter showed they had overheard the proceedings from the government.

It has been widely telegraphed here that the press of the entire kingdom are hostile to any cruelty or vengeance toward O'Brien, who is an editor as well as member of parliament and national leader. The magistrates yesterday leaned well over on the crown and the Balfourites dread reaction.

When Magistrate Eaton commenced, in a crocodile wish, about the absence of Harrington, Mr. O'Brien, with great dignity, said: "I must do my friend who was here, and more as a friend than as counsel, the justice to say that he took the only course open to a man in such a position. I do not wish to remain upon the bench, but I must say it yesterday permitted counsel for the crown to distinctly violate the amenities of the bar or social life." But he (O. B.) was now ready for judgment on the conviction of the 9th of August speech.

The crown counsel, amid suppressed hisses, in a rather low tone, said: "I read now to you the next offense so that there can be two sentences." At this there were more suppressed sibilations, which appeared to anger him, and he proceeded to say: "As I was leaving the court yesterday, a man, rudely and cowardly, named Tanner, whom I regret to say is a member of parliament, threatened me with his hope of personal violence and—"

But the magistrates stopped Mr. Carson. Mr. O'Brien then briefly addressed the court in an eloquent tone of protest and of polite dissent. In substance he said, after summarizing the sad case of the Kingston tenants whom an agent was persecuting so as to forestall, while statutory relief, as it were, hovered over their thresholds: "I must deny the competency of the court without jury to try me. My composition is foreign to the British constitution as never permitted in packed jury centuries ago."

Here the court interrupted and obliged him to forego the objection. At the same juncture the crown counsel roughly said: "None of your politics here." The crowd showing a disposition to applaud, Mr. O'Brien waved his hand and continued: "The crown has been guilty of suppressing evidence by keeping back the head constable's notes which recorded his declaration that he would give fair play to the land bill, which would justify the defense of the tenants on the ground that the evictions were commenced just on the eve of the passage of the land bill, and thus all I did was to re-manifest against an attempt to defraud and deprive the poor and wretched tenants of the benefits of that bill. I admitted I did go