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ARGUMENT

OF

FRANKLIN B. GOWEN, Esq.

OF COUNSEL FOR THE COMMONWEALTH

IN THE CASE OF

THE COMMONWEALTH vs. THOMAS MUNLEY,

INDICTED IN THE COURT OF OYER AND TERMINER OF SCHUYLKILL COUNTY, PA.,
FOR THE MURDER OF

THOMAS SANGER,

A MINING BOSS,

AT RAVEN RUN, ON SEPTEMBER 1st, 1875.

STENOGRAPHICALLY REPORTED BY R. A. WEST.

POTTSVILLE, PA.,
MINERS' JOURNAL BOOK AND JOB ROOMS.
1876.

ARGUMENT.

Mr. Gowen addressed the jury on behalf of the Commonwealth as follows:

With submission to your Honors; gentlemen of the jury: It is frequently customary for lawyers, in opening a cause, to refer to it as one of great importance. I am sure that you will bear with me, when I say that I do not exaggerate the merits of this case in stating that it is perhaps one of the most momentous trials that has ever been submitted to a jury in this country. It is one of that class of cases, which, for so many years, has disgraced the criminal annals of this county. For the first time, after struggling under a reign of terror that has extended over twenty years, we are placed front to front with the inner workings of a secret association, whose members, acting under oaths, have perpetrated crime in this county with impunity.

I desire to say, at the outset of my argument, that when a man is on trial for his life, no matter what may be the gravity of his offense, and no matter what may be the circumstances connected with his participation in it, it is due to the administration of justice that he should have a fair and an impartial trial. In my opinion, it is as important for the administration of justice that the prisoner should be tried fairly and openly by an impartial Court and jury, as that he should be tried at all; and if it is necessary to vindicate the ends of justice that criminals should be tried and executed, it is equally of the same importance that they should be tried fairly and openly, and that justice should be administered according to the forms of law, as they have come down from our fathers, and that the prisoners should have the assistance of able and experienced counsel for their defense. And I want to say here that I am not one of those—and I hope there are very few in this county—though from some remarks which I have heard, I fear there are some—who would reflect in any manner upon a member of the bar for undertaking the defense of a criminal in a Court of justice, no matter what may be the enormity of his client's crime. If this prisoner is guilty, he must be punished, and he will be punished; but it is of infinite importance that he should be punished after having had the assistance of the ablest and most experienced counsel at the bar. I have no reflections to make against our friends

on the other side. I have no word of reproof for them for conducting this man's case. On the contrary, I believe that a lawyer who runs the gauntlet of public sentiment by conducting the defence of a criminal whom the community has perhaps adjudged guilty, deserves higher commendation and greater praise for fearlessly fulfilling his duty than does he who enters upon the prosecution of a case in which he believes there can be no end but conviction.

We ask nothing here but an impartial trial. We ask no sympathy, and invoke no prejudice. We try this man according to law; and according to that law which you have sworn to administer, we ask you to convict him. What is this case? On the 1st of September last, Thomas Sanger, a young English boss miner, a man between thirty and forty years of age, who, so far as we know, may not have had an enemy in the world, left his house in the morning to go to his daily work. If there is anything which should be accorded to a member of a free government, if there is any right which the humblest man in this country should possess, it is the right to labor for the support of his family, without hindrance or molestation from any one. Going forward and onward in the performance of his duty, and the prosecution of his daily work, this man was confronted by one of an armed band of five assassins. He was shot in the arm. He turned to run around a house in the neighborhood, and he was there confronted by another of these miscreants who had been sent to intercept him. He again turned and stumbled upon the ground; and then, when the foremost of this band of assassins came up to him, as he lay upon the ground, he discharged his revolver into him, and another turned him, as he lay upon his face, over upon his back, so that he could expose a deadly part for his aim, and then, with calm deliberation, selected a vital spot and shot him as he lay prostrate upon the ground. His wife, from whom he had just parted, hearing his cries, rushed out and reached her husband only in time to hear his last faltering accents: "Kiss me, Sarah, for I am dying."

That is this case. It is not isolated or alone. God knows I wish it was! It is not one case singled out in this great community, but it is one of a number that we have been called upon to confront during the last twenty years. Who were these persons who were guilty of this murder? That is for you to determine, according to the evidence, and I now propose, very concisely and as succinctly as I can, to call your attention to the evidence in this case; and I ask you to find your verdict of guilty solely in accordance with that evidence and acting under the solemnity of your oaths.

In the first place, I have divided this evidence into two kinds—one of which is the positive identification of this prisoner, the positive identification by eye witnesses who saw him in the commission of the act; and the other is the evidence of his own acts, of his own

declarations, his own admissions, his own boasting confessions that he himself was one of the perpetrators of this crime. I shall not recount the whole of this testimony to you, nor go over, in detail, all the evidence which has occupied two weeks in its delivery. I apprehend that you are as familiar with it as I am ; but you can readily understand me when I say that a lawyer, whose duty it is to examine evidence, and who, by experience, is somewhat skilled in the analyzation of testimony, is perhaps better able than a jury to select those portions which bear upon the real merits of the case, and to such parts alone I intend to invite your attention.

The colliery at which Sanger was killed belonged to the firm of Heaton & Co., and one of the firm was Mr. Robert Heaton, whom you have had on the stand as a witness. He noticed the five men sitting near the truck, and near the stable fence. He went to breakfast, but before going he had noticed that one of these men sat in a peculiar and apparently constrained position, with his hands down in his lap and his body bent in a straight line from the hips upward and forward to the head and neck, with no curvature of the back. When at his breakfast Mr. Heaton heard shots, and rushed out of his house, taking with him his pistol. On his way to the scene of the murder he met his superintendent, wounded and bleeding, and believing as he struggled into Mr. Weevil's house, that he was about to die, this brave superintendent, who died at his post, uttered his last words to his employer . "Never mind me, give it to them, Bob." If ever a brave man died bravely, that man was Thomas Sanger. Mr. Heaton rushed out after the murderers, who were retreating up the road, three in front and two behind, and as deliberately as the excitement of the moment would permit, he shot at the retreating fugitives. The two that were behind turned upon him, and faced him directly so that he and they were face to face. He says to you : "I had a full view of them ; every time I fired my pistol they turned full around upon me, faced me full in the face, and then when I shot again they did the same thing." At one time Mr. Heaton rested his pistol upon a stump for the sake of getting a better aim ; but all was of no avail. He thought he shot one, for he states that he saw a motion made by the one of the two who was farthest away from him, that indicated he had been wounded, but there is no evidence that any one received an injury, and the whole five escaped; but one of them left upon Mr. Heaton's mind and upon his eye the indelible impression of his countenance.

Mr. Heaton came to Court here some months ago, on the hearing of the writ of habeas corpus, in this case, and he was attracted by one of the prisoners sitting in the Court in the same peculiarly constrained position in which he saw the one man sitting at the stable fence. Then he saw the man's face, and in addition to the recognition which had resulted from the position of this prisoner, Mr. Heaton again recognized him by his countenance. It will not

do for my friend, Mr. Bartholomew, to say that Mr. Heaton did not swear to you that he saw these five men or recognized them by their faces; for Mr. Heaton was positive that the one man who turned around and faced him, and who deliberately fired at him, was this prisoner, Thomas Munley. Said Mr. Heaton: "I had a full view of him, and from that I am able to identify him." Where can you get better identification than this? When a witness says: "The man looked me full in the face, and I saw him; I was shooting at him and he was shooting at me, and I recognize this prisoner as the man," of what avail is it that we did not ask the witness whether he recognized this prisoner by his face, or not, because the necessary and inevitable inference from what he said is that he did recognize him by his face. If Robert Heaton, that morning, instead of taking with him a five-barrelled pistol when he left the house, had taken a rifle carrying sixteen cartridges, and, as he saw the men retreating up the road had rested his rifle upon the stump, he would have brought every one of the murderers down right in their tracks, as they deserved to be brought down; but, I am free to say here, I am glad they were not. The punishment meted out to the murderer by being shot down in his tracks, is not the punishment that the law awards to vindicate the ends of justice; nor is it the proper punishment to impose upon the felon for the purpose of deterring others from the commission of the same offence. But if Robert Heaton, that day, had had a carbine loaded with sixteen cartridges, and had shot every one of these men down in their tracks, and their bodies had been laid side by side for identification before the coroner's inquest, I submit, with great confidence, that there would have been, of the dead body itself, no better identification of Thomas Munley than has been given of his living body now sitting before you for trial.

But Robert Heaton is not alone. We have Mrs. Williams, the wife of a man working at that colliery, or in that neighborhood, the mother of a young son, a young, manly, active and impetuous lad who, when he hears the sounds of fighting, is anxious to rush out, as the other men there ought to have rushed out, and arrested these men, or confronted them for identification. This mother hearing the shots, and knowing there was murder in the air, was anxious that her son should not be exposed to danger, and throwing her arms around his neck at the front door, strove with all her strength, and with the additional assistance of her daughter and another, to force him from the path of the murderer. When so engaged, with all the dread of the danger before her, she sees one of the murderers pass the door, with his head raised defiantly in the air, and with his pistols in his hands. It needed but one instant for that countenance to become indelibly impressed upon her mind. The gentlemen who represent the prisoner tell us that the means of identification are wanting in this instance, and that the time afforded for the ex-

amination was too short. There are authentic instances of detection even in less time. The dog of a murdered man saw an assassin in the act of murder, and that one glimpse lasted for days and weeks and months. The brute creation of God treasured up in what little mind, if any, he had, the picture of the murderer, and the first time he saw him in a crowded thoroughfare in a great town, he sprang at his throat and fastened him down until the assassin was arrested by the officers; and conviction followed upon the identification of the brute.

If this be so, how much more credit should be given to the identification by a human being. How much more to identification by a mother clinging to her offspring to keep him from danger, when the picture of the assassin is presented before her! Did you hear the remark that Mrs. Williams made when she was cross-examined by one of my learned friends? When she was asked: "how can you tell this man, by his profile or by his full face?" she answered: "by his profile; for that was all I saw." But she said something else: "It seems to me that I could always see that face." In the dark visions of the night it was ever before her, and the face of the murderer was ever haunting the witness whom Providence had appointed for his identification. We did not know that she knew this. She was not subpœnaed as a witness. We believed, acting for the Commonwealth, that we had done all that we could to ferret out these offenders, but you can see that there are some things which human ingenuity, human sagacity and human endurance will omit and will neglect, and I can safely say that it looks to me as if the finger of God was here revealed, and as if it unerringly pointed out the evidence which the officers of the Commonwealth had not been able to secure.

The husband of this woman had been subpœnaed and had come here as a witness, and she accompanied him. The husband was excluded from Court, but she was not. She came into the Court room and the moment she saw the profile of this prisoner, sitting at this table, sitting among two or three men, with nothing upon his person or in his countenance to indicate that he was the prisoner, with no previous knowledge on her part that this was the man who was being tried, but simply seeing him sitting there facing the table, with his profile toward her as she sat among the audience, she said to those around her: "That is the man I saw passing the road when I was holding my son that morning." Of course the report was brought to us at the counsel table, and we put her on the stand.

There are mechanical appliances that render identification instantaneous. The art of the photographer has discovered a method whereby, in an instant of time or less than an instant, in a pulsation of the heart, in the winking of an eye, you can take the picture of a man while he is moving at full speed before you. Why

should not the eye of this woman be able to do the same thing? Can there be anything stronger, anything better than a recognition such as we have here established before you?

But even here, we are not alone. We need not stop. We have the testimony of Malinda Bickelman, who has been subjected to a rigid cross-examination, and whose testimony has been attacked by the very learned gentlemen who preceded me. The case of Miss Bickelman is almost identical with that of Mrs. Williams. She was a sister of Mrs. Weevil, to whom she was paying a visit at Raven Run at the time Sanger was killed. She was subpœnaed as a witness because she was known to have been in the house of Mrs. Weevil on the morning of this murder; but it appeared that no one questioned her as to what she knew and it never appeared that she knew anything that was important, and she was not called to the stand; but she had come here into this court room a few months ago, at the hearing upon the writ of habeas corpus in this case, and she saw this prisoner Munley, and then identified him; and I submit that her identification is complete.

My friend has said that her testimony is contradicted by Patrick Burns and by Mr. Heaton. I submit to you, with the greatest confidence, that her testimony is as unshaken, as unimpeached and as unimpeachable as that of any other witness who was produced before you. What does she say? You will remember from the position of these houses, that Mr. Blackwell's house was upon one side and Mr. Weevil's on the other, and if you listen to me a moment, I think I will be able to show you that there is no contradiction whatever between the testimony given by this young girl and that of any other witness. Miss Bickleman said that she heard a shot fired, and saw a man standing on the road, when she was on the porch. She saw this man shoot, and then she saw Sanger run, and saw the man following him down on the road. She then came out on the porch again, and met a light haired man, who was running around to intercept Mr. Sanger. There were three men there, and Patrick Burns, a witness called by the defense, says that there were three. All the witnesses, except Patrick Burns, say that Sanger ran down on the west side of the house, and I believe that Patrick Burns said the same thing, although my friend, Mr. Bartholomew, attaches another meaning to his evidence. Patrick Burns says that the next thing he saw of Sanger, after seeing him on the road, was when he was turning the corner of Blackwell's house. It is more than probable that Mr. Sanger went around the corner, or was turning the corner of Blackwell's house when he was pursued by the first man, and you have it also in evidence that he was intercepted by another man with light hair and blue eyes. When Mr. Sanger retreated around Blackwell's, (he probably did not want to go into Blackwell's house, but was making for Mr. Weevil's house, as Mr. Weevil was his friend and fellow-boss,) he met this blue-eyed man

who was there to intercept him. He, undoubtedly, at once, turned back, and came toward the well where he was finally killed, and it is probable that when he was then turning the corner that Mr. Burns saw him. Burns could not state that he went down on that side of the house, and I submit, therefore, that there is no contradiction in this case. It was Friday O'Donnell who first shot Sanger, and it was Munley who ran after him, and McAllister who ran around the house to intercept him, and it was Friday O'Donnell and Munley who finished him as he lay on the ground. Some of those who were present at that time saw three men, and some saw two men; but there were only two at the body of Sanger when he was killed, for McAllister was keeping a guard on the other side. This involves all the contradiction, if any, which the most learned ingenuity can find in the testimony of the three or four witnesses who have been named.

We have, therefore, in this case, positive identification. We need go no further. We show a murder committed, and we need not show the motive. We show the murder committed, and that it was perpetrated by five men; and we identify the prisoner Thomas Munley, the man whom we are trying, as one of the five who committed that murder. We identify him positively by three witnesses as being there, and, upon that evidence alone, leaving out the testimony of McParlan, and leaving out all the subsequent testimony corroborative of McParlan, it would be your duty to convict this defendant if we had introduced no other evidence but that given by Mr. Heaton, by Mrs. Williams, and by Melinda Bickelman. There can be no doubt of this, for what is the defence? An alibi, which I will refer to hereafter, as being composed of such mere webs of gossamer that it needs but a breath to dissolve it into the thinnest air.

I could rest this case here, to-day, as counsel for the Commonwealth, solely upon the testimony of Robert Heaton, Mrs. Williams, and Melinda Bickelman. But I dare not stop without going further, because, in addition to that testimony, which alone is sufficient to convict, we have the positive declarations of the prisoner himself. And how do we show this? By the detective James McParlan, of whom I shall speak hereafter; for, at this stage of the case, I simply desire to call your attention to the fact that on the morning of the 31st of August, McParlan, who had slept the night before with Michael Doyle, was informed by him that he with some others were going to shoot a boss at Raven Run. Doyle wanted one of his (McParlan's) coats, and got it; and Thomas Hurley then came in and instructed Doyle how he should perform his murderous work. After that, this man Hurley remained with McParlan the whole of the day, so as to prevent him communicating with any one; and on the next morning at 8 o'clock, immediately after the perpetration of the crime, panting with the speed of the flight and reeking with the blood of their victims, the five assassins

rushed into the house of Michael Lawlor, at Shenandoah, and into the presence of Hurley and McParlan himself.

These men announced, at once, that they had killed a man, that they had killed a boss, that they had intended to kill only one, but that they had to kill another. They said that they did not intend to kill more than one, but the other man interfered and they killed him, too; and then each recounted the share which he had taken in the exploit—Munley, as I shall show you hereafter, specifically detailed the position which he occupied and the part which he had taken in the murder. Here is our case, and were it not for what the defence has offered in evidence, and more particularly for what their counsel have said, it would be unnecessary for me to add a single word to that which I have already uttered; but as my friends, Mr. Bartholomew and Mr. L'Velle, have pleaded before you for the acquittal of this prisoner, and as they have endeavored to attack the credibility of our witnesses, and to blacken the character of James McParlan, it becomes my duty not to stop with the testimony of the Commonwealth, but to go over, in more laborious detail, the evidence for the defence, and to answer the arguments which have been made to secure an acquittal for this prisoner.

What is the first defence? An alibi. That which comes most readily at the beck and call of every criminal who knows himself to be guilty; for, when every other defence fails, the ever ready alibi is always on hand to be proved by a crowd of relatives and retainers, who come forward to say that the man charged with the commission of a particular offence, at a particular time, and in a particular place, was, on that very day, engaged in some lawful and legitimate calling many miles away. When established to the satisfaction of a jury, an alibi is the very best defence that can be offered, but, as it is always the defence that is resorted to by the guilty, and as it is the defence that is most easily manufactured, it becomes the duty of a jury most carefully to scrutinize and examine its truth; and in this case I am glad to say that I think you will have no trouble in disposing of it.

By whom is this alibi proved? In the first place by Edward Munley, the father of the prisoner, and by Michael Munley, the prisoner's brother. These two witnesses had been sitting in the Court room until the moment at which they were called to testify, for though all the other witnesses were excluded, we did not think it would be right or proper to deprive the prisoner, in the hour of his trial, of the comfort which he might derive from having his father and his brother beside him at the counsel table. They, therefore, were permitted to remain, but when the son was called as a witness, the father was for the first time excluded from the Court room.

The son came first. You know what he testified to; that on the morning of the first of September he rose, washed himself, ate

his breakfast with his father and his younger brother, and went out of the house about the same time with his father and this younger brother, Dennis. That while his father waited at the front gate, he himself talked to his brother Thomas, this prisoner, who was washing himself on his own porch. Michael Munley stated this most positively. He declared that he spoke to his brother, while the latter was upon his own porch, and he gave as the reason for his brother being at home that day and not going to work, that he had a sick child. He said that the child was the baby, and that it was now not quite a year old; consequently, on the first of September last, it could only have been two or three months old. He named the child that was sick before he got through with his testimony in the morning session of the Court. The Court adjourned at noon and, when it reassembled, Michael Munley came again upon the st and for cross-examination, and he then reiterated what he had said before and further stated that since he adjournment of the Court in the morning he had conversed with his father on the subject of his testimony, and had told his father what he had sworn to and revealed to him the questions which I had asked him upon cross-examination. We tested his recollection, and then again he swore positively that he spoke to his brother, on the morning of the first of September, in the presence of his father, and that the baby, who was then but about two months old, was the child who was sick, and that after adjournmentof the Court he had had full conversation with his father; and he was defiant about it, for he stated upon the stand that he had this conversation, although he knew he was being watched. We tested his recollection of other subjects, and then you saw that when I asked him about other days and other events, he hardly knew anything that had occurred. But it began to dawn on the mind of young Michael Munley that he ought to remember something which he had done upon other noteworthy days, and when I put to him a question referring to a day which, so far as any impressions then made upon his mind were concerned, must have been as memorable as any other, namely, the day upon which John P. Jones was shot, he said, in answer to my question whether he had heard of the killing of John P. Jones, that he had heard of that and that he was then at home. That appeared natural enough, because as my friend, Mr. Bartholomew, says when an occurrance which fixes a date in the memory of a man is brought to his attention, he can probably recall from that little clue many other circumstances that occurred at the same time. Then I asked young Munley what he ate for breakfast on that morning, and he remembered that he ate meat, and he remembered the kind of meat. He did not merely say that he ate meat, but he said that he ate ham. Now, where is there an Irish Catholic in Schuylkill county that ate ham for breakfast on that Friday morning?

Michael Munley [interrupting,] I say that you are wrong. I did not say I ate meat; I said I ate eggs.

Mr. Gowen. Lest there be any mistake on the subject I will read from the record.

"Q. Who took breakfast with you on the morning of the day that John P. Jones was killed? A. Well, I guess my father and my brother.

"Q. I do not want you to guess; you are on your oath, and I want you to tell exactly? A. I guess these two had breakfast with me that morning.

"Q. Do you know that? A. Yes, sir; I know that.

"Q. What did you have for breakfast that morning! A. We had some meat and bread and coffee.

"Q. What kind of meat? A. Ham.

"Q. Who cooked it? A. I suppose my sister.

"Q. Well, do you know? A. Well, it was her that put it on the table."

Of course, now he says it was eggs, and if we would prove that there was not a chicken in all the world that laid an egg that day this witness would take the stand and swear that he meant turtle eggs.

I come now to the father. This alibi was made up, but was not made up well. When two or three people get together to conspire to defeat the ends of justice, there always seem to be some loose ends; there always seems to be some string hanging out that they forget to take in, and God help the man who originated this alibi, when he forgot to tell the witnesses, who were to swear to it, which of the children it was that was sick. Edward Munley takes the stand and testifies, most positively, that he saw his son Thomas at home on that day, and saw him upon his own porch, and that he did not go to work that day for his little boy was sick. He knows it was the little boy. There is no doubt about that, for he mentions the character of the disease as hoarseness in the throat, or croup, and he establishes the little boy himself in the cradle, where the baby ought to have been even if the baby was not sick, unless the little boy was.

What need to go further? If anything further were needed it is afforded by the testimony of Edward Munley, who, when I asked him in a pretty loud tone of voice: "Now, do not you know that your son Michael spoke to his brother on that morning?" said: "No, sir; I don't. He did not speak to him on that morning." There is a direct contradiction of his son; and then, when I said further: "Did not you know why you were sent out of this Court House, and that it was so that you should not hear your son's testimony, and did not your son, after the adjournment of the Court, at noon, go to you and tell you what he had testified to, and reveal to you the

questions I had asked him," he most positively said: "No; I had no conversation with my son."

I dismiss these two witnesses from the case. There is no palliation for such testimony, for there can be no palliation for perjury; and it has become too serious an offense in this county to be passed over, hereafter, in silence. But, if there ever was a palliation for perjury, if there should be at the last great day, before the final Judge, any excuse for the enormity of this crime, it will be urged on behalf of a father who has striven to save his son from the gallows, and on behalf of one brother, who seeks to shield another from infamy and from shame.

But the alibi in this case does not stop here, although you will remember that, in the development of the testimony, it stopped suddenly when Edward Munley left the stand. If there was anything to be gained by excluding witnesses from the court-room, so that they could not hear what other witnesses testified to, it would follow that it was necessary that when an alibi is being proved, that every witness called to prove that fact should be summoned in succession; but, with the exception of Edward Munley, the elder, no witness was called for a day or two upon that branch of the case, and, of course, every witness who was called subsequently had the benefit of the adjournment of the Court and the benefit of the public press of Schuylkill county, containing full reports of everything that occurred at the trial. But who have we next? Mary Munley, who being forced to select one horn of the dilemma or the other, as to whether it was the little boy or the baby who was sick, naturally takes the side of her father, and says it was the boy who was sick, and that she saw him in the cradle. You saw her upon the stand; and what I have said of the father and the brother will apply to her.

Who else have we to prove an alibi on the morning of the first of September? We have Mrs. Bridget Hyland, and all I have to say about Bridget Hyland, is this: that on the sixth of September she told two credible witnesses, who have been produced before you, that she had not been at Thomas Munley's for two weeks.

Mr. L'Velle.—Not Thomas Munley's.

Mr. Gowen.—Not at Thomas Munley's for two weeks.

Mr. L'Velle.—Neither of the witnesses said at Thomas Munley's.

Judge Green.—One of the witnesses said at Thomas Munley's and the other said at Mr. Munley's.

Mr. Gowen.—When two or three persons are engaged in a conversation, and when one is talking and the other listening, the one who listens is apt to remember more than the one who talks. That is our universal experience. Which Munley were these people talking about? No need of Mrs. Hyland to say Thomas Munley, or Edward Munley. They were talking about the Munley at whose house there had been firing. We have it in evidence that on this

very first of September, after the men were murdered, this man, Thomas Munley, came home, and his wife ran away from him, and he brought her back, and to intimidate her, he shot his pistol. Why, of course, in a little community like that at Gilberton, a man's shooting his pistol at his wife would be known by everybody in an hour. The news would fly all over the place, and everybody would hear of it; and who were these people talking about? The Munley who shot his pistol at his wife, and that Munley's wife was Mrs. Hyland's intimate associate and friend. Straws show which way the wind blows, and an accidental word or two dropped in that conversation between Mrs. Harrington and Bridget Hyland will serve to show which Munley they were talking about. That Mrs. Hyland was an intimate friend of Thomas Munley's wife and of Thomas Munley is readily proved by a little remark of the lady to whom Bridget Hyland was speaking, on the 6th of September. Mrs. Harrington said to Bridget Hyland: "Did you hear of the shooting in the Long Row?" "Where?" "At Munley's;" and the daughter says, "At Thomas Munley's." Mrs. Harrington adds: "I guess you know all about it." Mrs. Harrington knew that Mrs. Hyland was a friend of the Munleys, for when she asked her the question: "Have you heard about this shooting in the Long Row?" it was as if she had said: "O! you cannot play innocence on me; you know all about it; you must know all about it." But, "No," says Bridget Hyland, "I have not been at Munley's for two weeks." She had not been at Munley's for two weeks, and she had not heard of the shooting.

What have you left? Nothing at all in aid of the prisoner: for everything else on this subject is against him. Thomas Munley himself told Captain Linden that he was at Shenandoah on the morning of the first of September, and that he was there when the men came with guns in their hands to arrest the murderers of Sanger; and the reason given, either positively or by inference, for his being in Shenandoah at that time, was that he went there to get some medicine for a sick child.

Two other witnesses saw Munley in Shenandoah, at 10 o'clock that morning. If Munley speaks the truth, in admitting that he was in Shenandoah early enough on the morning of the murder to be there when the men arrived, hot foot after the assassins, it could not have been more than five or ten minutes after the murderers themselves arrived. If he was in Shenandoah that early that morning, he was not at home in his shirt sleeves when Mrs. Hyland swore she saw him. Did he go there for medicine? Why is not the medicine produced? If a man having a sick child went three or four miles for medicine, he went to a drug store for it. Why is not the druggist produced? Why is not the medicine bottle produced? Where is the doctor who visited the sick child? Where is the prescription that Thomas Munley took to get this medicine?

If Thomas Munley went to Shenandoah for medicine, he took it home in his pistol, and he administered it to his wife in the shape of a bullet, and that bullet was the only medicine he took from Shenandoah on the first of September.

But when they set up, as a reason for their alibi, something that is so necessarily false that they cannot even substantiate it, it throws a doubt and a suspicion upon the whole thing, and when, in addition, every witness who swears to the alibi is contradicted pointedly and positively, you must dismiss it from the case, and I, therefore, have nothing to which to direct your attention in the defense of this prisoner except the subjects connected with the secret organization to which he belongs, and to the testimony of McParlan the detective.

I may say, however, before leaving this branch of the case, that now that the light of day is thrown upon the secret workings of this association, human life is as safe in Schuylkill county as it is in any other part of this Commonwealth ; that as this association is broken down and trampled into the dust, its leaders either in jail or fugitives from the just vengeance of the law, the administration of justice in this court will be as certain as human life is safe throughout the whole length and breadth of the county. The time has gone by when the murderer, the incendiary, and the assassin can go home reeking from the commission of crimes, confident in the fact that he can appear before a jury and have an alibi proved for him to allow him to escape punishment. There will be no more false alibis in this county; the time for them has gone forever. No more false alibis. No more confident reliance upon the perjury of relatives and friends to prove an alibi for him who was seen in the commission of the act. No more dust thrown in the eyes of juries to blind them from looking directly at the facts of a case; and I do say that if there ever was anything to be proud of, to be glad of, after the fact that we are enfranchised and disenthralled from this despotism and this tyranny that has been hanging over us, it is that the administration of justice will no longer be polluted, and disgraced by perjury and false swearing, for the purpose of rescuing a criminal from the just vengeance of the law.

I now come to the testimony of McParlan. Many of you know that some years ago I was the District Attorney of this county. I am, therefore, not very much out of my old paths, and not very much away from my old moorings when I am standing, on behalf of the Commonwealth, in the Court of Pottsville, demanding the conviction of a guilty man. It was when I was District Attorney of this county, a young man, charged with the prosecution of the pleas of the Commonwealth, that for the first time I made up my mind from what I had seen, in innumerable instances, that there then existed in this county a secret organization, banded together for the commission of crime, and for the purpose of securing the

escape or acquittal of any of its members charged with the commission of an offence.

That conviction forced itself indelibly upon my mind. A man who for two years acts as District Attorney in this county prosecuting criminals who are brought before the Court, must be either very obtuse or wilfully blind, if he could close his eyes to the existence of a fact as preceptible as this was then to me. I left this county with that settled conviction, and circumstances that occurred time and again long after I withdrew from the prosecution of criminals, still more deeply fastened this conviction in my mind. Murder, violence and arson, committed without detection, and apparently without motive, attested the correctness of that belief, and when the time came that I became so much interested in the prosperity of this county, and in the development of its mineral wealth, that I saw that it was a struggle between the good citizen and the bad citizen as to which should obtain the supremacy, I made up my mind that if human ingenuity, if long suffering and patient care, and toil that stopped at no obstacle, and would confront every danger, could succeed in exposing this secret organization to light of day, and bringing to well-earned justice the perpetrators of these awful crimes, I would undertake the task.

I knew that it could only be done by secret detectives, and I had had enough experience, both as a lawyer, and as the head of a very large corporation, to know that the public municipal detectives, employed by the police authorities of the cities, who operate only for rewards, are the last persons to whom you could trust a mission and an enterprise such as this. It was as important for us to know who was innocent as it was to know who was guilty.

The detective who operates for rewards, who is only paid upon his conviction of the offender, has a motive to incite him to action which I would be the last man in the world to arouse. I knew, for I had had experience before, of the National Detective Agency of Allan Pinkerton, of Chicago,which was established by an intelligent and broad-minded Scotchman, established upon the only basis on which a successful detective agency can be established, and I applied to Mr. Pinkerton. His plan was simply this: "I will secure an agent, or an officer," said he, "to ferret out the existence of this society. Whoever I get is to be paid so much a week, no matter if he finds out nothing. He is bound to me, never, under any circumstances, to take a reward for his services, from anybody, and, if he spends five years and obtains nothing in the way of information, he must have every month or every week exactly the same compensation as if every week he had traced a new murder and every month had discovered a new conspiracy. He is never to gain pecuniarily by the success of his undertaking; but, as a man who goes into this organization, as a detective, takes his life in his own hands, I will send no man on this mission of yours, Mr. Gowen, unless it be

agreed, beforehand, and I can tell him so, that he never is to be known in connection with the enterprise." Upon these terms this man James McParlan was selected. A young Irishman and a Catholic, but six or seven years in this country, eminently qualified by his peculiar Irish accomplishments to ingratiate himself with those to whom he was sent, he came here in the fall of 1873, and within six months he had so far won the confidence of the class of people who constituted this order that he was admitted as a member. Remember, now, here, and I advert to it lest I might forget it, that he came here pledged that he should not be used as a witness. Therefore the only object of his coming was to put us upon the track, so that we could discover the crime when it was being perpetrated, and this is the best answer that can possibly be made to the charge that he willfully withheld his knowledge when he might have saved human life. His only object here was to get knowledge. He never was to be used as a witness. His only object was to find out when a murder was to be committed, to be with the perpetators if he could, and to give notice to Captain Linden, who had an armed police force ready, so that they might be waiting at the very spot, and not only save the life of the intended victim, but arrest every man engaged in the perpetration of the offense, in order that there could be abundant evidence of their guilt. That was his whole object. Almost every night he made his report; and how well he has performed his duty, the security of human life and property in this county, to-day, as compared with what it was six months ago, is the best commentary I can make upon the subject.

But Mr. L'Velle tells you that from the advent of Mr. McParlan into this county have all these crimes been committed. Remember the words: "From the advent of McParlan into this county, have all these crimes been committed." I fear that Mr. L'Velle has not been long among you, or, if he has, his memory is sadly deficient, when he says that all these crimes have been committed since the advent of Mr. McParlan in Schuylkill county.

Mr. L'Velle.—I antedated you in coming to Schuylkill county.

Mr. Gowen.—Then your memory is very defective. Does the gentleman forget Dunne, who was murdered within two miles of this town? Does he forget Alexander Rae, who was stricken down near Mt. Carmel? Does he remember the assassination of William Littlehales? If he does I am very sure that his colleague, Mr. Bartholomew, will not forget it, for I remember that I stood here, just where I stand now, some years ago, defending a couple of men for murder, who, with other good citizens, when the house of a boss had been attacked at Tuscarora by a mob intent upon murder, had behaved, not like some of those at Raven Run, but had sprung to arms, and had taken their old muskets, their rusty rifles, their pistols and their swords, some of them with no time to load their muskets save with the marbles with which their children

had been playing, and had sprung to arms to defend the house that was attacked, and had shot down one of the assailants in his tracks, and were arrested and brought here charged with the crime of murder; my friend, Mr. Bartholomew, who was my colleague, joined with me in contending that our clients had done that which they ought to have done to protect themselves, and, as I was standing here, arguing that case, there came over from Coal Castle the news that William Littlehales had been murdered. Does the gentleman forget all this? Does he forget George K. Smith and David Muir? Does he forget the assassins who made the attack upon Claude White? Does he forget Morgan Powell, and Langdon, who were killed, and Ferguson, who was beaten almost to death? Does he forget Patrick Barry, who, living with his wife and children in the house by the tunnel, when a band of assassins attacked him at night, placed his wife and little children in the middle of the house and piled all the mattresses and blankets and pillows around them, and, when he had sheltered them as best he could, fought an angry horde of two or three hundred men, keeping them at bay until daylight, when they fled, leaving the long tracks of their blood behind them, to show how well he had avenged himself upon his assailants?

These coal fields for twenty years, I may say, have been the theatre of the commission of crimes such as our very nature revolts at. This very organization that we are now, for the first time, exposing to the light of day, has hung like a pall over the people of this county. Before it fear and terror fled cowering to homes which afforded no sanctuary against the vengence of their pursuers. Behind it stalked darkness and despair, brooding like grim shadows over the desolated hearth and the ruined home, and throughout the length and breadth of this fair land there was heard the voice of wailing and of lamentation, of "Rachel weeping for her children and refusing to be comforted, because they were not." Nor is it alone those whose names I have mentioned—not alone the prominent, the upright and the good citizen, whose remains have been interred with pious care in the tombs of his fathers; but it is the hundreds of unknown victims, whose bones now lie mouldering over the face of this county. In hidden places and by silent paths, in the dark ravines of the mountains, and in secret ledges of the rocks, who shall say how many bodies of the victims of this order now await the final trump of God—and from those lonely sepulchres, there will go up to the God who gave them the spirits of these murdered victims, to take their places among the innumerable throng of witnesses at the last day, and to confront with their presence the members of this ghastly tribunal, when their solemn accusation is read from the plain command of the Decalogue, "Thou shalt not kill."

But we are told that in the commission of these crimes, although

Mr. Bartholomew admits that they existed long years before McParlan came into the county, this man abandoned his duty as a detective, and became an accomplice in the crime. And upon whose testimony does this charge rest? My friend invokes from you a careful attention to the facts of this case, and properly endeavors to exclude from it an examination of any other circumstances or any other facts than those which have been proved in the case.

But upon whose testimony is McParlan an accomplice? Upon whose testimony is the charge made that McParlan engaged deliberately in the commission of offences and secreted the offenders? Upon Ned Monaghan's and Patrick Coyle's, alone. Upon Ned Monaghan, for whom the doors of your jail open wide to day, never probably to re-open until he comes out in company with Jack Kehoe and the other murderers to stand his trial for his life. Upon Monaghan, the Molly Maguire, the man who was on the Ringtown mountain helping to select the committee to kill William Thomas. Edward Monaghan, who, to-day, is as guilty of murder in the first degree as any other man now confined within the walls of your prison.

And who is Patrick Coyle? A man who saw McParlan drawing a pistol and never heard him say or saw him do anything else, and because he did not see him do and did not hear him say anything, he swears he believes that McParlan was inciting to murder.

What need I say further? An accomplice! McParlan an accomplice! Mr. Bartholomew tells you that he permitted Thomas Hurley to escape, and that he permitted Michael Doyle to escape. Neither Thomas Hurley nor Michael Doyle have escaped; but the excoriating denunciation which Mr. Bartholomew hurled against Thomas Hurley will effectually prevent him from defending Hurley, when he comes before this Court for trial for murder. It will not be long before he comes here. It is simply a question between the Mollie Maguires on the one side and Pinkerton's Detective Agency on the other, and I know too well that Pinkerton's Detective Agency will win. There is not a place on the habitable globe where these men can find refuge and in which they will not be tracked down. Let them go to the Rocky Mountains, or to the shores of the Pacific; let them traverse the bleak deserts of Siberia; penetrate into the jungles of India, or wander over the wild steppes of Central Asia, and they will be dogged and tracked and brought to justice, just as surely as Thomas Munley is brought to justice to-day. The cat that holds the mouse in her grasp sometimes lets it go for a little while to play; but she knows well that at her will she will again have it secure within her claws; and Pinkerton's Agency may sometimes permit a man to believe that he is free who does not know that he may be travelling five thousand miles in the company of those whose vigilance never slumbers and whose eyes are never closed in sleep.

They may not know that the time will come, but I say that so

surely as I am standing before you to-day, the time will come, be it short or be it long, be it months or be it years, when every single murderer then living on the face of the earth, who has committed a crime in this county, since April, 1874, will answer for that crime before the presence of this Court. "The race is not always to the swift, nor the battle to the strong." Those who see what we are doing now, have seen but little; for it is only the opening of the book of this vast conspiracy, and behind the meaner men who shot the pistol, there stand others far more guilty then they who, with them, at sometime will be brought to justice—

"For Time at last sets all things even,
And if we do but wait the hour—
There never yet was human power,
That could evade, if unforgiven—
The patient search and vigil long,
Of him who treasures up a wrong."

And now some words about this secret organization of Mollie Maguires. My friend, Mr. Bartholomew, is not correct in his statement of their history. If, after this case is over and when you are permitted to read, you will get a little book called Trench's Realities of Irish Life, written by a relative of that celebrated Dean Trench, whose name is well-known wherever English literature is read, you will find the history of this organization. It was known as the Ribbonmen of Ireland. It sprang up at a time when there was an organized resistence in Ireland to the payment of rents. The malcontents became known as Ribbonmen, and they generally made their attacks upon the agents of the non-resident landowners, or upon the constables or bailiffs who attempted to collect the rents. Their object was to intimidate and hold in terror all those to whom they owed money, or who were employed in its collection. As a branch of this society, and growing out of it, sprang the men known as Mollie Maguires, and the name of their society simply arose from this circumstance, that in the perpetration of their offences, they dressed as women, and generally ducked or beat their victims, or inflicted some such punishment as infuriated women would be likely to administer. Hence originated the name of the Mollie Maguires, which has been handed down to us at the present day; and the organization of the Mollie Maguires, therefore, is identical with that of the Ribbonmen in Ireland, who have terrorized over the Irish people to so great an extent.

How this association came into this county we do not know. We had suspected for many years, and we know now, that it is criminal in its character. That is proved beyond peradventure. It will not do now to say that it was only in particular localities in this county, that it was a criminal organization, because the highest officer in the society in this county, the county delegate, Jack Kehoe, the man who attended the State Convention, and was

the representative of the whole order in this county, is to-day, as you hear from the testimony, in prison awaiting his trial for murder. Whether this society, known as the Ancient Order of Hibernians, is, beyond the limits of this county, a good society or not I cannot tell; but I have believed at sometimes that it was, and I am willing to be satisfied of that fact now, if there is any evidence of it. But there has been an attack made upon this organization, and up to this time we have not had furnished to us any evidence that in any place its objects were laudable or commendable. Criminal in its character, criminal in its purpose, it had frequently a political object. You will find the leaders of this society the prominent men in the townships. Through the instrumentality of their order and by its power, they were able to secure offices for themselves. You see here, and now know that one of the Commissioners of this county is a member of this order. You know that a previous Commissioner of this county was a member of this order, convicted of a high offense, and pardoned by the Governor. You know that another county commissioner, before that, was a member of this order, convicted of an offense and pardoned by the Governor. High constables, chiefs of police, candidates for associate judges, men who were trusted by their fellow men, were all the time guilty of murder.

But in addition to the criminal and the political motives, these people claim national characteristics. They claim that they were par excellence the representatives of the Irish of this country. They claim more than that, that they represent the Irish Catholics of this country. I shall say but little about the Irish except that I am myself the son of an Irishman, proud of my ancestry, and proud of my race, and never ashamed of it except when I see that Ireland has given birth to wretches such as these. These men call themselves Irishmen! These men parade on St. Patrick's Day and claim to be good Catholics! Where are the honest Irishmen of this county? Why do not they rise up and strike down these wretches that usurp the name of Irishmen? If a German commits an offense, and engages in murder, do all the other Germans take his part and establish a false alibi to defeat the ends of justice? If an American becomes a criminal, do the Americans protect him? Do they not say, "Away with you! You have disgraced the country that bore you?" If an Englishman becomes an offender, do the English nation take him to their arms and make him a hero? Why then do not the honest Irishmen of this county come together in public meeting, and separate themselves widely from and denounce this organization? Upon what principle do these men, outcasts from society, the dregs of the earth, murderers and assassins, claim to be Irishmen and arrogate to themselves the national characteristics of the Irish people? It is a disgrace to Ireland that the honest Irish of this county, probably five or ten

thonsand in number, should permit a few hundred wretches like these to say that they are the true representatives of the Irishmen of Schuylkill county.

Does an Irishman wonder why it is sometimes difficult to get a job in this county? Does he wonder why the boss at a colliery hesitates to employ him, when these people have been permitted to arrogate to themselves the Irish character and have been permitted to represent themselves to the people of this county as the proper representatives of Ireland? The time has come when there must be a line of demarcation drawn. The time has come when every honest Irishman in this county must separate himself from any suspicion of sympathy with this association. He must denounce its members as outcasts from the land that gave them birth. He must denounce them as covered with infamy and blackened with crime. He must say that they are not true Irishmen and that they are not representatives of Ireland.

But far beyond this attempt to invoke your sympathy on account of their nationality is the attempt to invoke that sympathy on the ground that they belong to a persecuted religion. Was there ever such sublime, such tremendous impudence in the world, as that a member of this secret society, a society which has been denounced by its own Church, and each member of which has been excommunicated by the Archbishop of Philadelphia, and by the Pope himself, outcasts from society, and from the communion of their own religion, the door of the Church shut in their faces and the gates of heaven closed against them by the excommunication of their priests—these men, infidels and atheists, caring for no church, and worshiping no God, set themselves up in this community as the representatives of the Catholic faith.

"Just Allah! what must be thy look?
When such a wretch before thee stands,
Unblushing, with thy sacred book,
Turning its leaves with blood stained hands,
And wresting from its page sublime
His creed of lust and hate and crime."

A few words more upon this subject of Irish Catholics. I was born and am a Protestant, but I was partially educated among the Catholics, and I have always had a kindly feeling for them, and when these assassins, through their counsel, speak of being Catholics, I desire to say to you here, in the first place, that they have been denounced by their Church and excommunicated by their prelates, and that I have the direct personal authority of Archbishop Wood himself to say that he denounces them all, and that he was fully cognizant of and approved of the means I took to bring them to justice. And, for myself, I can say that for many months before any other man in this world except those connected with the detective agency, knew what was being done, Archbishop Wood

of Philadelphia, was the only confident I had and fully knew of the mission of McParlan in this whole matter. So much then for the assumption of Mr. L'Velle that these men claim sympathy on account of their being Catholics. I can hardly reply calmly to such an argument. I believe that there must be different sects in this country as there are in all countries, and I am one of those who believe that a good Catholic is better than a bad Protestant.

Mr. L'Velle.—I repel that remark.

Mr. Gowen.—Mr. L'Velle repels the remark. I cannot help it, and I reiterate the fact that although I am a Protestant, I have been taught to believe that a good Catholic is better than a bad Protestant.

I have been taught to believe that the eyes of justice are closed not only against individuals and corporations, but against nationalities and sects. I have been taught to believe that he is the good citizen who is truthful and honest, who is kind-hearted and affectionate; who lives in charity with all men, who gives freelyof his means to the poor; and, whether he kneels before an altar or worships God in his own chamber, he is entitled to the favorable consideration of his fellow men. And I do know, oh! so well, that when our lives draw towards their close, and the opening portals of the tomb reveal to our eyes some glimpses of the boundless waters of that vast eternity upon which we will all embark, that then, at that dread moment it will be to the recollection of the possession of these simple virtues, this pure morality, this unostentatious charity that I have named, that we will all cling, in the sublime confidence that it will avail us most, when the time shall come that each one of us, Catholic and Protestant, Lutheran and Calvinist, Gentile and Jew, shall be stripped of the thin garb of the sectarian, and stand in equal favor before the great white throne of God.

And now one word more upon this subject, and I dismiss it. Whenever you hear a complaint made against a man because he is an Irishman, or because he is a Catholic; whenever you hear any one, no matter who he may be, say that the outrages of this county are due to the Irishmen, or due to the Catholics, do not, I beg of you, forget, in your secret hearts, that the highest prelates of that church have cursed and excommunicated this order. Do not forget that whatever little credit may be due to him who has conceived the plan of exposing this association is due to one who is the son of an Irishman; and do not forget that a greater honor and a greater meed of praise than is due to any other, is due to Detective McParlan, who is an Irishman by birth and a Catholic by religion; and if those who profess to be Irish Catholics in this county have brought their nationality and their religion into disrepute, I beg of you to remember that both have been gloriously and successfully vindicated by an Irishman and a Catholic, in the person of James McParlan.

Why, it is just twenty-one years ago last week, that the citizens

of Pottsville laid the corner-stone for that monument on Sharp Mountain, which now commemorates the memory of Henry Clay. It was believed that the political course of the statesman had greatly aided in the development of the material interests of this county, and without partisan feeling, for the time had then passed when Henry Clay's partisanship was remembered, the citizens dedicated sufficient of their means to commemorate his memory by a monument. He did, I believe, do much for this county, but what would it have amounted to if this orgaization we are now contending with had succeeded in obtaining the control of all the interests in the county? Of what use would capital or wealth, or industry, or enterprise, or protection, amount to, if the administration of the resources of this county and the development of its wealth were intrusted to those who went to do their duty, dogged by the assassin and the murderer, unknowing whether, when they left their houses in the morning, they would not be carried back dead before night?

And now let us look to society in this county, as it was three months ago, when men retired to their homes at 8 or 9 o'clock in the evening, and no one ventured beyond the precincts of his own door; when every man engaged in any enterprise of magnitude, or connected with industrial pursuits, left his home in the morning with his hand upon his pistol, unknowing whether he would again return alive; when the very foundations of society were being overturned; when the administration of justice, which should always be regarded with reverence, had almost sunk into contempt; when men doubted whether it was in the power of organized society to protect their lives and to secure their property; and, then reflect upon the change which a few weeks has brought forth. To-day I give you notice that there is no part of this county that is not as safe as the aisle in which I stand here now.

Is there a man in this audience, looking at me now, and hearing me denounce this association, who longs to point his pistol at me? I tell him that he has as good a chance here as he will ever have again. I tell him that it is just as safe to-day to murder in the temple of justice as it is in the secret ravines of the mountains, or within the silent shadows of the woods. I tell him that human life is safe. I tell him that the members of his society, whom we desire to convict, all, save one or two, are either safely lodged within the walls of your prison, or are fugitives from justice, but almost within the grasp of the detectives, who are upon their heels. I tell him that if there is another murder in this county, committed by this organization, every one of the five hundred members of the order in this county, or out of it, who connives at it, will be guilty of murder in the first degree, and can be hanged by the neck until he is dead, not by Vigilance Committees, but according to the solemn forms of justice, after being defended by able and experienced counsel; and I tell him that if there is another murder in this

county by this society, there will be an inquisition for blood with which nothing that has been known in the annals of criminal jurisprudence can compare. And to whom are we indebted for this security, of which I now boast? To whom do we owe all this? Under the Divine Providence of God, to whom be all the honor and all the glory, we owe this safety to James McParlan, and if there ever was a man to whom the people of this county should erect a monument, it is James McParlan, the detective.

Here the Court took a recess for thirty minutes.

AFTERNOON SESSION.

Mr. Gowen resumed his address, as follows:

GENTLEMEN OF THE JURY—Prior to the adjournment of the Court, this morning, I attempted to review that part of the defense which relied upon an alibi; and I had also attempted, in some manner, to vindicate James McParlan from the aspersions which had been cast upon him by the learned counsel for the defense. In concluding the latter portion of what I had to say on the subject of McParlan, I had not yet arrived at what, in my opinion, is the most startling corroboration of the truth of the testimony of McParlan. You will remember the distinction drawn by Mr. Bartholomew between the testimony of an accomplice and that of an ordinary witness. Remember, however, that McParlan is neither an informer nor an accomplice. When four or five persons are engaged in the commission of a crime, all being equally guilty, and one to save his neck turns State's evidence against the others, a jury should hesitate to convict upon the uncorroborated testimony of an accomplice alone. The reason of that is this, that the law supposes an accomplice may be led, by the desire to save his own life, into telling that which is not true.

Judge Green. Do I understand the Commonwealth to admit or agree that this is the law?

Mr. Gowen. With reference to an accomplice?

Judge Green. I mean even with reference to an accomplice.

Mr. Gowen. We do not think it is a rule of law.

Judge Green. I recollect I said some years ago, in charging a jury, in a St. Clair homicide case, that they had the right to convict on the uncorroborated evidence of an accomplice.

Mr. Gowen. There is no question as to the right of the jury to do so.

Judge Green. I remember that the Court explicitly advised them not to convict, although they had the right so to do.

Mr. Bartholomew. In the trial at Mauch Chunk it was stated, although I do not know the line of the testimony, in answer to a point submitted upon the question of uncorroborated evidence, and the Court held and ruled upon such a proposition that the jury

ought not to convict upon the unsupported testimony of an accomplice alone; or at least, I so saw it published in the newpapers. I do not know whether it was correct.

Mr. Hughes. In that case it was admitted by the counsel for the Commonwealth that the jury ought not to convict on the uncorroborated testimony of an accomplice, but it was denied that it was a rule of law that they could not convict, and the Court affirmed our position in that respect in the charge to the jury.

Mr. Gowen. I do not think that that question enters so far into the discussion of this case as to make it at all unsafe for us even to agree that it is the rule of law upon the subject of an accomplice. What I desire now to call the attention of this jury to is this: We are trying Thomas Munley for the commission of this offence, and suppose that Friday O'Donnell or Doyle turned State's evidence in the case against one of the very men who had committed the crime, although you would have the right to convict upon that evidence alone if you believed it, yet the law has frequently intimated, at least, that on account of the incentive that may be held out to a man to turn State's evidence, in order to save his own life, he might be willing to tell that which is not true, and that, therefore, the jury ought to weigh that testimony carefully, and should not give full credence to the testimony of an accomplice, unless there are some more corroborative facts.

I have adverted to the case of an accomplice, but remember that McParlan is not an accomplice. McParlan is a detective, engaged in the performance of a professional duty, who enters upon his quest with the avowed purpose of trying to make all those with whom he was brought in contact believe that he is one of them. He is not an accomplice. He went there for the purpose of aiding the officers of the law in discovering and punishing guilt, and even were he an accomplice, even if every particle of testimony we have had during the last two weeks from the lips of James McParlan had fallen on that stand from the lips of Friday O'Donnell, or from the lips of Michael Doyle, it would have been not only corroborated, but strengthened and attested by the evidence of identification alone.

But suppose there was no evidence of identification, I desire now to show to you what corroborative testimony beyond that of identification we have of the facts proved by McParlan himself. I have taken the troubleduring the time Mr. L'Velle was speaking yesterday to go over, with one of my colleagues, nearly the whole of the testimony in this case, so that I might be able to point out to you the various places in which, and the manner by which McParlan is corroborated by other witnesses. I will now call your attention to this testimony in detail in the order in which it was given, and, having done so and fixed it upon your mind, I will endeavor to make some few arguments based upon this corroborative testimony, if any such

were needed to enable a jury of intelligent men to determine whether they will give credence to the testimony of McParlan.

McParlan says that Munley told him that McAllister and O'Donnell called for him, Munley, on the evening of the 31st of August. Remember, McParlan says that Munley told him at Michael Lawlor's, that McAllister and O'Donnell called for him the previous evening. How could McParlan have known this if Munley did not tell it to him? Weigh that in your minds, for one instant. How could McParlan have found this fact out, if Munley had not told him? O! but our friends may say that McParlan swears that Munley said so, but the facts are not true, and here comes in the corroborative testimony. Frederick Hunniken, a witness produced by the Commonwealth, says that on the evening of the 31st of August, a stranger came to Wiggan's Patch and talked with the O'Donnells, and that James O'Donnell and the stranger went toward Gilberton together. Then James Patton says that on the evening of the 31st of August, Darcy and Munley joined a party near Gilberton, and Luke Richardson says that on the evening of the 31st, Darcy and Munley joined a party from Wiggan's Patch, and Sarah Ann Gessford and George Gessford both testified that they saw Munley with Darcy and some other men between eight and nine o'clock on the evening of the 31st, at the Cross Roads, by the old Flour Barrel, near Gilberton. There are now one, two, three, four, five witnesses, in different parts of the county, who have testified to a state of facts of which McParlan could have had no knowledge whatever, unless informed by Munley. Where can you find better corroborative evidence than this? How did McParlan know, if he made up this story to tell, that the O'Donnell's came for Munley in the evening, and that they went off together? Did McParlan know Luke Richardson or Mr. or Mrs. Gessford? Had he ever communicated with either of them? And yet, James McParlan comes forward and gives us a statement which was told to him by Munley, and we produce five witnesses to prove that when Munley made that statement he told the truth.

Again, McParlan says that Munley had on dark pantaloons of a greyish color. How could McParlan describe Munley's pantaloons, if he had not seen him on that morning? If he attempted to make up a story is it likely that he would have discovered exactly the proper kind of pantaloons? James Williams and Roberts say that on that day Munley was dressed in grey pantaloons; Robert Heaton describes them as darkish; Melinda Bickelman says that they were pepper and salt, and Munley's family, themselves, have to admit that they were of a greyish color—one of them said of a brownish color, and still another said that they were grey, but had a kind of a dark stripe in them. Here is corroborative testimony again.

Further on in his testimony, McParlan says that Munley told

him that after O'Donnell began the attack he ran up and shot Sanger near the fence at the house, and that Charles O'Donnell, Doyle and McAllister fired shots to intimidate the crowd. That is exactly as Patrick Burns describes it, and as Melinda Bickelman describes it. The two men that followed Sanger down the road, and killed him, were Friday O'Donnell and this prisoner, Thomas Munley. McAllister ran around to intercept Sanger and the other two men fired shots to intimidate the crowd. How, under Heaven, did McParlan know this, unless Munley told him. Where can there be stronger corroborative testimony than this.

Again, McParlan swears that after some conversation at Lawlor's, when these five men came in on the morning of the first of September, the two O'Donnells and McAllister left for home. How did McParlan know that, unless he saw it? Our friends may say where is the evidence of that? We answer by saying that Edward Fox, a witness produced by the Commonwealth, says that James O'Donnell, with two men, came to his engine house, on a path between Wiggan's Patch and Shenandoah, dusty and thirsty as if from traveling, at 11 o'clock on the morning of the first of September. It seems to me as if there was some almost supernatural or divine agency pointing out to the officers of justice, and the agents of the Commonwealth, the evidence that would corroborate the testimony of this man McParlan? How could McParlan make up a story of this kind, unless he had seen the men? He swears these three men left together, and these three men are found together and separated from the other two.

Again, McParlan goes further, for he tells you what became of the other two. He says that after Doyle had gone to his boarding house and changed his clothes, Doyle, Hurley, Munley, and himself went to Tobin's ball alley, in Shenandoah; and Philip Weissner and William J. Fulton, two witnesses produced by the Commonwealth, testified that they met Munley in Shenandoah, with some other men, at 10 o'clock on the morning of the 1st of September, at the corner of Coal street and Chestnut street.

McParlan also says that Munley left Shenandoah for home, about one o'clock in the afternoon on the 1st of September, and Mrs. Smith, Mrs. Richardson, Mrs. Lambert and Mrs. Hays, all saw Munley coming home to his house at Gilberton between 2 and 3 o'clock, just about the time at which he would have arrived if he left Shenandoah at 1 o'clock.

McParlan also swears that Munley returned to Shenandoah in the evening, and attended a meeting of the Mollie Maguires, when men were selected to murder John P. Jones. Philip Weisner swears that he met Munley on the evening of the first of September, about 5 o'clock, on his way to Shenandoah, and Mrs. Smith saw him leave his home, after changing his clothes, on the evening of the first of September, in company with Darcy, who was one of the Mollie

Maguires, and who was one of the men at the meeting in the bush on the evening of the first of September. Where can you have stronger corroborative testimony than this? Ask yourselves the question: How could James McParlan have known this? It is true, and it is proved by fifteen or twenty witnesses who have placed these men just at the spot and just at the time. How did McParlan know this unless Munley told him? Ask yourselves that question, and then ask yourselves whether, if this man McParlan was Friday O'Donnell himself, and had testified to this state of facts, would you as jurors require any other corroborative evidence than that which has been laid before you?

The only other portion of the defence to which it is necessary for me now to revert is the testimony of the men around Raven Run, who saw some of this occurrence but could not recognize Thomas Munley. In the first place, we believe, though we have no right to make charges, but we do believe that there were a number of men on this stand, who, from the manner in which they gave their testimony, revealed the fact that they knew a great deal more than they intended to tell; and when an Irishman from the same county as this prisoner, so testifies on cross-examination that you must believe notwithstanding his denial of the fact, that he was a member of the same organization, and always prefaces his testimony as to the prisoner's being one of the murderers by saying, "not to the best of my opinion," you will see the easy way by which he bargained with his conscience for getting over the obligation of the oath which he had taken to tell the truth.

What does all this testimony amount to? Here were four days taken up with the examination of forty or fifty witnesses, and at the utmost, all that each or any of them could say was that Friday O'Donnell was not Thomas Munley. Why, we knew that before. Friday O'Donnell was the leader of this gang. Friday O'Donnell was the man who had the principal hand in it; he was the man who took the prominent part in the murder; he was the man whom nearly all the witnesses saw and described by his clothing, and by his stature; and every one of them swore, with great vehemence, that Friday O'Donnell was not Thomas Munley. God knows, gentlemen, we knew this before; we knew that Friday O'Donnell was not Thomas Munley, but when they were questioned, they either had to admit that they could not tell whether the prisoner was one of the other four men, or that they had not seen the other four men sufficiently to enable them to identify them thereafter.

I have said to you before that it seems to me as if there had been a divine interposition for the investigation and punishment of crime in this county. Remember that McParlan came here pledged that he should not be used as a witness. We placed no reliance upon him as a witness. We could not arrest a man because he told us anything about him, because he was protected by the pledge we had

given him that he was not to be exposed, and was never to be known in the investigation; and I tell you that, no matter what the consequence would have been, when I became an instrument to lead him into the danger to which he was subjected when he took his life into his own hand and entered into the secret councils of this order, I would have been the last man in the world to have asked him to relieve me from the pledge which had been made to him. You have heard that his mission became known to this order, how or by what manner I am not at liberty to tell you to-day, for it is not in evidence. We have the fact, though, that his mission became known to this society, and we have the fact that those from whose vengeance he was to be protected, by ignorance of his true character, acquired information that enabled them to know that he was playing a false part in their organization, and that he was in reality a detective; and he was compelled to leave the county. And then I saw before me my path as clear as day. Then I saw that some miraculous interposition of Providence had been vouchsafed to permit us to use the testimony and the knowledge of this man McParlan. Then I breathed freer, and trod with elate step; then I knew that I had within my hands the power to crush these villains; then and on the day when he took his place upon the witness stand, I took my seat at this table as counsel for the Commonwealth, and the warrants were executed which consigned to the prison every one of these criminals, with the exception of one or two, and of those who had ran away when Jimmy Kerrigan turned State's evidence. When, in all the history of criminal jurisprudence, did ever such a change of society come over a county as that which came over this county on the morning that McParlan first became a witness, and on the morning when Jack Kehoe, the county delegate, with twelve or fifteen other men, handcuffed to a chain, were marched from the high places they had occupied to take their solitary cells as felons within the walls of your prison.

When I came to this Court House, on that memorable day, the Court-room was crowded with the sympathizing friends of these criminals, but where are they to-day? They may be here, but they give no sign, and we know nothing of them, and we care not if they are here. The whole county sprung up like a giant unbound, and never, except in dramatic literature, has there been revealed such an awakening and such a change.

There is an old drama called the "Inconstant," in which the hero of the play is beguiled into a den of infamy, and when he is confronted by miscreants he, for the first time, realizes the danger in which he is placed. He feels that his money is to be taken and that his life will be sacrificed. He has with him, however, a faithful page, and turning toward the outlaws he addresses them as if he was unaware of their true character. He shakes them by the hand, presents one with his watch, and another with his purse, he is "hail

fellow well met" with them, and he invites them to join him in a carouse, and offers to send his page for wine. The outlaws hear it, and consent, and he says to his page: "Bring me the wine—the blood red wine, marked 100." The page departs, well knowing that the message refers not to wine but to a company of soldiers numbering 100, and wearing a red uniform. After breathless suspense the page returns, and in answer to the frantic demand, "The wine, boy, the wine !" answers : "Coming sir," and the tramp of armed men is heard. Then the entrapped man grows bold. He pulls one outlaw by the nose, and cuffs another on the ear, and the soldiers enter and march them off to jail. So it was with us when McParlan came upon the stand. He was the blood red wine marked 100. Then we knew we were free men. Then we cared no longer for the Mollie Maguires. Then we could go to Patsy Collins, the Commissioner of this couuty, and say to him, "build well the walls of the new addition of the prison; dig the foundations deep and make them strong; put in good masonry and iron bars, for, as the Lord liveth, the time will come when side by side with William Love, the murderer of Squire Gwither, you will enter the walls that you are now building for others." Then we could say to Jack Kehoe, the high constable of a grea tborough in this county, "We have no fear of you." Then we could say to Ned Monaghan, chief of police, and murderer and assassin : "Behind you the scaffold is prepared for your reception." Then we could say to Pat Conry, Commissioner of this county, "The time has ceased when a Governor of this State dare to pardon a Mollie Maguire; you have had your last pardon." Then we could say to John Slattery, who was almost elected Judge of this Court : "We know that of you that it were better you had not been born than that it should be known." Then all of us looked up. Then, at last, we were free, and I came to this county and walked through it as safely as in the most crowded thoroughfares of Philadelphia.

There is one other dramatic illustration which I remember and to which I cannot help adverting to, as it so clearly paints the scene which has been enacted so lately in this county. It occurs in Bulwer's drama of Richelieu. You remember that Richelieu, the Prime Minister of Louis XIII, was threatened by a secret conspiracy, led by a great nobleman, dramatized as De Baradas, and headed in the army by the very brother of the King himself. You will remember that the statesman, realizing that his power over the King was gone, and that the conspirators had acquired absolute control over the mind of the monarch, set a page upon the track to discover the evidence of the conspiracy, so that he could lay it before the Monarch in the presence of the conspirators themselves. You will also remember, if you have read the drama, the thrilling description of the manner in which the page at the point of the

poinard, wrested the parchment evidence of this conspiracy from one of the chief conspirators, at a time when the monarch was holding Court, and when the prime minister, almost dead wth rage and chagrin, fear and disappointment, had, almost ceased to hope for success. It was at this moment that the page, wearied, bleeding and breathless, rushes in behind Richelieu and hands him the parchment, which is laid before the monarch, who, for the first time, learns that he has been betrayed, and that the army of Spain is on the march to Paris. He says "Good heavens, the Spaniards! Where will they be next week?" And Richelieu, rising up, exclaims: "There, at my feet;" and issuing his orders for the arrest of the conspirators, turns to the chief, and exclaims: "Ho, there, Count De Baradas, thou has lost the stake," and that stake was his head.

So when we discovered the criminal nature of this organization, and when the evidence of this conspiracy was brought forward to us by McParlan, we issued our warrants for the arrest of the conspirators, and we turned to these men, with the Commissioner of the county at their head, and we said to them, "Ha! you have lost the stake." They played a deep game and they played for a great stake. They played to secure the property of this county, by endangering the lives of their fellow citizens. They had agents as chiefs of police, and as constables and commissioners, and they had one of their number almost on the bench itself. God alone knows what would have happened to us if they had gotten him there, and then elected a jury commissioner besides. With Mollie Maguires as judges, and Mollie Maguires as constables, and Mollie Maguires as commissioners, and Mollie Maguires as witnesses, what would have been the history of this good old county? Think of this for a moment? Can you think where then we would have drifted, and to what it would have led us? Can you imagine the condition of the people of this county, with murderers upon the bench, and in the jury box, and in control of all the principal offices of the county. I lived in the apprehension of all this for two years and a half alone, and God knows that when the time comes that all I know may be told to the world, it will reveal a history such as will make every American citizen hang his head with shame. I have seen a society of murderers and assassins having its members in the highest place of this county. I have seen them elected to fill the positions of constables and police officers. I have seen a trusted member of that band of murderers a Commissioner of the county. I have seen this organization wield a political power in the State which has controlled the elections of a great Commonwealth. I have received the information of meetings between some of the highest officers of the State, and the chief of the murderers, at which large sums of money were paid to secure the votes of this infernal association to turn the tide of a State election. God knows, if ever in

the world there was a revelation as deep and as damning as that now laid open to the people of this Commonwealth for the first time.

I have one other allusion to make to a remark made by my friend Mr. L'Velle in his argument yesterday. At some time or other I thought it would be dragged into the case. Mr. L'Velle, acting for the prisoner, and defending him as his counsel, has said to you that it is the old story of capital against labor. I think I have shown to you how impudent is the claim that these men set up to be the representatives of the Irish race. I am sure I have shown to you the unblushing audacity of their claim that they are the representatives of the Catholic religion; but I now stand here on behalf of the laboring people of this county, the people who have suffered more throughout the length and breadth of this land by the actions of these men than any other—I stand here to protest with all the power that God has given me, against the monstrous assumption that these villains are the representatives of the laboring people of Schuylkill county. You know very well in what estimation in the public prints the laboring people of this county have been held in consequence of the acts of this society. Two or three hundred assassins have given a name to the whole people of this county, and now when they are put upon trial for murder they say it is the old story of capital against labor. On behalf of every honest laboring man in this county, on behalf of every man subjected to the primeval curse of the Almighty, that by the sweat of his face he shall earn his daily bread, I protest with indignation against the assumption that these men are the representatives of labor. It is too early in the history of what I have done in this county to say aught of myself in connection with labor, but those who know me well will bear witness that on every occasion in which I had to take any public part in the conflicts between capital and labor, I have taken pains to assert my belief that the laboring people of this county were as upright, as honest, as law-abiding, and as moral as those of any other community in the State. I took the pains to show that there was a secret association banded together for the purpose of committing outrages which had given a notorious character not only to the laboring people of the county, but to the whole county itself. Look abroad upon this great county, diversified by a thousand industries and beautified by nature to an extent such as few counties in the Commonwealth enjoy. Why is not this a hive of industry, and the chosen seat of the investment of capital? Why do not people from all parts of the country come to these mountains to enjoy the salubrity of the climate, and to revel in the beauties which nature has spread before us? Why is it that a curse and a blight has rested for so long upon this county? Why is it that mothers and wives in far distant cities have shuddered when their sons and husbands have told them that business led them to the mining regions of Pennsylvania?

Because, fostered and protected here in the mountains of this county ,was a band of assassins and murderers that brought reproach upon the whole county itself. For the first time now they are exposed, and we know where were their secret places, and who were their chosen leaders, and knowing this, we can stand up before the whole country and say, "Now all are safe in this county; come here with your money; come here with your enterprises; come here with your families and make this county your residence; help us to build up this people and you will be safe," and by your aid, gentlemen, we will show to the world that not by vigilance committees, and not by secret associations, but by open, public justice the name of the law has been vindicated, and the foul stain that had rested upon us has been wiped out forever.

A few words more, and I am done. I feel that I have occupied more of your time than I ought to have taken, but "out of the fullness of the heart the mouth speaketh," and if I have said aught which some of you might think had better have been left unsaid, you most remember the strong provocation that I have had. You must remember what I have been doing for nearly three years. You must remember what a seal I had to put upon my lips. You must remember that it was only when Mr. McParlan consented to become a witness, that I could speak of that, the weight of which was enough to crush me to the dust.

I feel, indeed, that if I failed in my duty, if I should shrink from the task which was before me, that if I failed to speak, the very stones would cry out. Standing before you now with the bright beams of victory streaming upon our banners, how well I can recall the feelings with which I entered upon the contest which is now so near the end. Do not think it egotism if I say with the hero of romance—that

"When first I took this venturous quest,
I swore upon the rood,
Neither to turn to right nor left,
For evil or for good.
My forward path too well I ween,
Lies yonder fearful ranks between;
For man unarmed 'twere bootless hope
With tigers and with fiends to cope.
Yet if I turn what wait me there,
Save famine, dire and fell despair;
Other conclusion let me try,
Since choose howe'er, I list, I die.
Forward lies faith and knightly fame,
Behind are perjury and shame;
In life or death, I keep my word."

And when all had been discovered, and McParlan consented to become a witness, I said that I would come up into this county, where I first had learned to practice law, that I would take my place among the ranks of the counsel for the Commonwealth, and

that I would stand side by side with him in the prosecution of these offenses until the last one was wiped from off the calender of your Criminal Courts. And let it take weeks, or let it take months, or let it take years, I have buckled on my harness and entered for the fight, and, God willing, I shall bear it out as bravely and as well as I can, until justice is vindicated, and the county of Schuylkill is free.

My friend, Mr. L'Velle, makes a plea to you for mercy. He pleads to you for the mother and the wife of this prisoner, and he asks you to let mercy enter into your hearts, and to restore this prisoner to his home. Are there no others who plead for mercy? Have I no clients asking mercy at your hands? Why is this young woman made a widow in the early morning of her life? What crime had her husband committed that he was shot down like a dog? Oh, she pleads to you for mercy, more eloquently, even if more silently than any one on behalf of the family of this prisoner. I plead to you on behalf of the whole people of this county. I plead for mercy on behalf of the whole people of this State. On behalf of the orphans, the fatherless and the widows whose protectors have been stricken down before you, I plead to you for mercy. I invoke the spirits of the dead, and ask them silently to pass before you in this Court house. I invoke the spirits of Dunn, of Littlehales, of Muir, of Smith, of Rae, and the many victims of this foul conspiracy to aid me in pleading for mercy. I ask you to listen to the cries of the wounded, to the shrieks of the dying, and the mournful funereal wailings over the bodies of the dead. If I close my eyes I hear voices against which you cannot close your ears and which are pleading for mercy, oh! so strongly, that my poor words are but as the empty air.

> "I hear the dying sufferer cry,
> With his crushed face turned to the sky;
> I see him crawl in agony,
> To the foul pool, and bow his head into its bloody slime and die."

Oh! think once more upon your own county almost one vast sepulchre where rest the half-buried bodies of the victims of this infernal order—victims whose skeleton hands, bleached by the sun and by the wind, are stretching up from out the thin covering of earth that wraps their bodies in all the eloquence of silent prayer, beseeching you to have mercy upon your fellow men.

Oh! gentlemen, I beg to you for mercy, but to this prisoner let it be such mercy as the father, whose slaughtered infant lies beside him, gives to the wolf that has mangled the corpse; such mercy as the seed of the woman bestows upon the serpent whose head is crushed beneath its heel; and when you yield such mercy to assassins such as these, you yield a mercy and grant a protection to society at large, which looks to you now as its only refuge.

And now the duty which I owe to this case is almost performed, and I commit it to your hands. For three years I have been engaged

in an investigation, the result of which has now become known to the community. Two or three days after the commission of this offense, I believed from the information which came to me, that Thomas Munley was one of the assassins of Sanger. I had no evidence that I could use, for it was not until McParlan consented to become a witness that I could furnish the information that led to the arrest of this prisoner. I believe I have done my duty; for God's sake, let me beg of you not to shrink from doing yours. Solemn judges of thelaw and of the facts—august ministers in the temple of justice—robed for sacrifice, I bring before you this prisoner and lay him upon your altar, bound and fastened by such cords of testimony as all the ingenuity of counsel cannot unloosen, and trembling at the momentous issues involved in your answer, I ask you, will you let him go? If you perform your duty without favor and without affection, if in the pursuit of what appears to me to be your plain and bounden duty you will say almost without leaving the box, that this man is guilty of murder in the first degree, you will do that which I believe to be just, and you will do that which will protect society and save the lives of hundreds and thousands of your fellow-men. But if you should falter, if from any false sympathy you should unbind this prisoner and let him go, I tremble for the consequences to society. Who, then, would be safe? For you to do this would be to hold up this prisoner's hands and the hands of all his fellows and associates, to place the dagger and the pistol in their grasp, and with the torch of the incendiary, to send them again throughout this land to play their part of murder, of arson, and of crime.

I have done all that I could to expose the criminal character of this organization, laying aside all other duties, giving up everything else that I had to do, I have tried to devote myself to this cause, for I believe it to be the highest duty that I could be called upon to perform. I am glad, at the conclusion of this case, to return my thanks to the able gentlemen who have been associated with me, and especially to the District Attorney, under whose administration these crimes have come to light. He was an old student of mine when I was in this county, and I was glad to know that it was he who filled the office when this conspiracy was first brought to light, He has done his duty faithfully and nobly, in the face of danger, without fear, or favor, or affection. I know that we have a Court that will not shrink from whatever duty may be imposed upon it, and I believe, from what I have seen of you, that you will walk unshrinkingly in the plain paths of duty that are opened before you. Do this, gentlemen, and I am sure that linked together with that of McParlan and of others who have aided in this *glorious crusade*, your names will be enshrined for long-coming years in the grateful recollections of an enfranchised and redeemed people.