TORONTO, November 10th. The Cour met atten o'clock and resumed the Fenian trials. With the exception of the jurymen counsel and witnesses, there were but few present when the Court opened, but it soon breach gradually to fill, and by the time the sheriff had called over the jury panel the gallery was crowded by a number of per-sons, among whom might be noticed many whose appearance clearly indicated that they were strangers in the city.

Mersrs. R. A. Harrison, John Patterson and J. McNab represented the Crown, and K. McKensie defended the prisoners.

His Lordship said—Mr. Harrison, are you prepared in any of the cases this

morning. Mr. Harrison—Yes, my lord, there is the case of the Queen vs. Hayden which I would wish to be proceeded with. An affidavit has already been put in, but the time asked

Mr. McKensie — We are not prepared to proceed. A messenger has been sent to the other side for the purpose of obtaining witnesses, but has not yet returned. Mr. Harrison—Will you make affidavit to that effect?

Mr. McKensie—It is my intention to do so. John Cookey was first placed in the dock. He is a low, thick-set man, forty years of age, with short brown hair, low forehead, blue eyes, moustache and beard of Yankee cut, and has rather repulsive features. He was dressed in a rather seedy-looking brown coat, with light colored vest and pants, and

wore neither collar nor necktie.

Previous to pleading, Mr. McKens'e moved to quash the indictment, on the same grounds relied on in the case of the Quee. vs O'Neil and others. The prisoner the pleaded not guilty, and stated that he wa not ready for trial.

Patrick Keating was next placed at the

bar, He is a young man, about six fee five inches high, with dark hair, and be complexion and appearance denotes that he has moved in a respectable sphere of me.

He was neatly dressed in a suit of gray tweed. On being questioned, he stated that he was twenty-three years of age, and pleaded not guilty to the charge. Mr. McKensie made a similar motion in

His Lordship said-Are you ready for

The prisoner—Yes, my lord. Mr. McKensie—His case, my lord, will

have to stand. We are not yet ready. The prisoner was then removed. The Queen vs Wm. Hayden. After a lengthy argument between counsel, Mr. Harrison persisting that the prisoner should be tried, and Mr. McKensie submitting that he was entitled to further postpone-ment, the prisoner was directed to be brought in. He is about twenty years

Mr. McKensie moved to quash the indictment, and the prisoner, by direction of counsel, pleaded not guilty. The jury were then sworn.

Mr. McKensie—I would ask your lord-ship, as, our defence relies on the question of identification, to allow the prisoner to be placed out of the dock. The same, I believe, was done in McHenry's case.

Mr. Harrison—I happened to be engaged

in that case, and have no recollection of it.

His Lordship—If you can show me any
precedent I am willing to allow it to be
done. I must say I have never heard of such a course being pursued before.

Mr. McKensie—I won't press the matter,

my lord.

John Metcalf, sworn—I am a private in the Queen's Own, and was present at the fight at Ridgway, when the Canadian volunteers were attacked at Lime Ridge; I saw several killed and wounded then; in conversation with the prisoner at the jail he told me that he was an American citizen, and that he used to work on steamboats; that he was born at Louisville, Ky., had no

home, and last came from Buffalo.

Joseph Newbegging, sworn—I live at Fort Erie; on the morning of the 1st of June, about daylight, I saw four canal boats towed across Niagara river by two tugs; the canal boats contained several hundred men; the prisoner was among them; he was dressed in plain clothes, and had green silk scarf around his neck; he was armed with a rifle, and had a cartridge box slung to a belt around his waist; he was riding a roan horse, which I afterwards learned belonged to the Niagara Street Railway Company, of Buffalo: the prisoner spoke to Cryster Buffalo; the prisoner spoke to Cramer Pricely, and told him to give him the rest of that money; Pricely pulled out his pocket-book and said, "I have very little money, I gave you nearly all I had before;" the prisoner said—"Oh, no! you have lots of money;" Pricely then gave him some eighty-five cents in silver, and asked him if he would not keep the boys away, when he said he would do so, as he now had something to treat them with; I heard he made

similar demand on other persons.

Cross-examined—Some of the men whom I supposed to be Feniaus had green tunics, and others American uniforms, but most of

them had civilian's clothes.

George Graham, sworn—I live about three miles from Fort Erie, a little northwest of the Anderson road; I saw the prisoner on Friday, the 1st of June, about 5 o'clock; I saw a person near Pricely whom I supposed was a prisoner; I was going home and he rode past me furiously; I saw him afterwards at a shoemaker's shop, in front of my house, on horseback; I went over to him; he was armed with a rifle and fixed bayonet, such as the Fenians had; he asked me what I was, and I replied I was an Englishman; he said they had come over and taken the country, and that the hated Saxon rule was extinct. [Here the prisoner smiled and glanced at the jury.] He saked me for a quarter of a dollar; I told him that quarters were very scarce; he spoke and acted in a commanding way; as he wanted some thing to drink I went in and gave it to him; he then gave it to a little girl; he seemed to be under the influence of drink; he was not dre sed as he is now; he had a sort of green veil around his neck.

Cross examined by Mr. McKensie-He

demanded the quarter after he said that the Saxon rule was extinct. Wm. Miller, sworn—I live five miles from wm. Miller, sworn—I live nive miles from Fort Erie; I was at Mr. Pricely's farm on the 1st of June last, and saw the prisoner there four times on that day; he rode up to the gate and called me out to get something to eat; he was armed with a rifle and bayonat. To this what he wanted and heavy net; I got him what he wanted and he went away; about an hour afterwards I saw him away; about an hour afterwards I saw him again; he was still on horseback; he got off his horse and said to Mr. Pricely, "Give me two dollars; I want to go and treat myself;" Mr. Pricely gave him some money, but not two dollars; he had some conversation with him, in which the prisoner said they had come over to take Canada and wave going to come over to take Canada and were going to free Ireland; he returned again in about an hour, and wanted the rest of the money; there were a good many Fenian stragglers about at the time; they got some bread and meat, which the prisoner said was satisfac-

Mr. McKensie-I have not the least doubt of it. [Laughter.]
Cross-examined by Mr. Fleming—Although he seemed to be under the influliquer, he could sit on his horse very

well; his talk was not wild or extravagant; he appeared to have all his senses.

Mr. Harrison—That is the case, my lord.

Mr. McKensie read and put in several affidavits as to the prisoner's good character, and then proceeded to address the jury for the defence.

and then proceeded to address the jury for the defence,

He complained that he had been forced into trial by the Crown counsel before he was ready to proceed, inasmuch as he had no witnesses in attendance. He then continued to argue that although the evidence that he had no witnesses in a strong character against was certainly of a strong character against the prisoner, and possibly might be con-strued by the jury as exceedingly-prejudi-cial, still there was nothing to show that he

came over here for the purpose of levying war at ainst her Mejesty. He certainly die come here, and acted in an exceedingly wrong manner in plundering any British subject. - He submitted that he did so while laboring under the influence of driak, laboring under the influence of driak, scarcely knowing what he did at the time He concluded his speech by stating that he did not offer any palliation for the prisoner's conduct. He thought it very outrageous, and if acquitted on this charge the Crown would no doubt try him for obtaining money through intimidation, which it was plain he had done, but he submitted that taking into consideration his youth, and that no evidence had been shown of his intent to levy war on the Queen, or that he ever entered Upper Canada, that they should not find him guilty on the present indictment, thus giving the Crown an opportunity of prosecuting him for the of fence, if he committed any, of which he was really entitle.

really guilty.

His lordship then charged the jury, explaining to them the law under which the

prisoner was tried.
Mr. McKenzie—I propose to take the same exception to your lordship's charge as I did in Parry's case, with these further objections: That your lordship should not have told the jury that the proof lay on the prisoner to show his business in Canada en that occasion. Second—That your lordship should not have expressed yourself "can should not have expressed yourself, "can there be any doubt that the prisoner was at Fort Erie or Lime Ridge?" Third—That your lordship should have directed the jury that the prisoner was riding on horseback, between two and five o'clock in the afternoon, extorting money from the people, was strong evidence to the jury that his object was private plunder, and not public war and that it lay on the Crown to show, by direct evidence, that he was connected with the Fenians.

At ten minutes past two the jury returned into Court with a verdict of guilty. Mr. R. A. Harrison—I move, my lord, the judgment of the Court upon the pri-

soner. Mr. McKenzie moved the Court in arrest of judgment, on the ground that the offence was committed in the county of Welland,

was committed in the county of Welland, and could not, under the statute, be tried in York, being one of two counties united.

His lordship overruled the argument, and said; Prisoner, have you anything to say why sentence should not be passed on you?

The Prisoner—I have only to say that three witnesses that have sworn against me, that I obtained the money from them by threats, is false, and they have perjured themselves. I simply asked the money in

a friendly way.

The usual proclamation having been made previous to sentence being passed, his lord-ship sentenced the prisoner to be hung on the 13th of December next.

B. Devlin an eminent lawyer of Montreal.

retained as counsel for the Fenians being tried here, has been refused by Judge Wilson the privilege of acting in the court, on the ground that he was not a member of the Upper Canada bar. The Judge expressed regret, but there was no alternative. Mr. Devlin has been for some days watching the trial going on, but will return to Montreat, to defend the Fenians to be tried there early

in December.

The Ottawa field battery are sending their guns and equipage to Quebec, to be immediately replaced by guns of heavier calibre and new equipments.

The Delegate from Colorado.

The Delegate from Colorado.

We have i cen requested to publish the innowing leiter from the Governor of Colorado to a friend in this city:

DENYER, October 28th, 1862. — Dear Sr. I am quity obliged for your inquiries in relation to the issue on the resultate of election to the Congressional delegation in the Congressional search and in the cent seat in papers should have een sent from the thousageous scaudals which have een sent from the Congressional scaudals which have een sent from the Congressional scaudals which have een sent from the Congressional Congr

population, from \$0.00 to \$0.000, in the Territory and that they very unanimously were in favor of the admission.

The Legislature at its last session, ordered a consust to be taken; to show truthfully the population of the Territory. The returns are nearly all in, and the legislature at its last session, ordered a consust to be taken; to show truthfully the population of the sout its all opulation of about twenty six thousand. This is so much smaller than the lowest estimate made to Congress by the parties destring the admission, that the publication is regarded by them as fatual to their scheme. Mr Hunt ran as the anti-Statega didate; Mr. Chilcott was represented both as State and anti-Istate, accolding to the feeling in the differential anti-Istate, accolding to the feeling in the differential and it was to secure the influence or Mr. Chilcott with Congress that this desperate effort was made to certand Mr. Hunt—an effort which I refused to countain sence, and hence these clamorous lies.

Soon after I came here I was asked to write to the President, saying that the present State movement was cordially acquiesced in by the people. But the evidence ordially acquiesced in by the people. But the evidence ordially acquiesced in by the people. But the evidence to the contrary was so overwhelming, it was so clearly demonstrated to me that the whole this was been the object of must unscrupations attacks from the newspapers controlled by the small faction who expect the offices and patronage of the State is admitted or not; but it for grave consequence that the people of the United States should not be deer ved into the belief that there are from \$5,000 to \$6,000 people here desiring a State government, when in fact the population is not more than half that number, and against whose will an attempt the state faction. The small against whose will an attempt to the state of the same of the state of the character of the same of the state of the character of the same of the state of the character of the same of the state

tempt is being made to force a State government up in them.

No better evidence of the baseness of the character of this fection and their proceedings need be cited than is narrated in the Tribune attille to which you refer which openly states that pleared by the their process was threatened and my assessingation contemplated, but that 'bett', counsels prevoited." The last statement is as false as any. The bloody-minded ma ice of the men whits designs I frustrated was equal to any violence that could be sofely committed. But it was not that better counsels prevailed." They took counsel of their fears. It was the knowledge that I and my friends were armed, which led them to confine their sugerwithin the bounds of menace.

This paper is already long enough, and I wilkin by add, in conclusion, that it seems at ranger is bound have to defend myself against such assaults in a community in which I have lived all my life, and in which I

bave, from the highning until now, as is well known to all who know me, made war upon every form of worg against the elective franchise. Some of the most stringent and efficient laws regulating elections upon the statute books of Pennsylvania were originally in my handwriting—were passed by my efforts—have always received my sarnest support; and no inducement that I could imagine would tempt me to change my course upon this subject.

Yours truly ALEXANDER CUMMINGS.

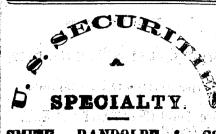
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IN THE ORPHANS' COURT FOR THE CITY and COUNTY OF PHILADELPHIA.—Estate of the EBRCUA WILLING, (late a minor.) The Anddior.

IN THE ORPHANS' COURT FOR THE CITY And COUNTY OF PHILADELPHIA.—Estate of the secount of THKODORE JULIUS, Guardam of RESECUA WILLING, (late a minor.) and to report distribution of the balance in the hands of the accountant, will meet the parties interested for the purpose o' his appointment, on MONDAY, the 19th day of November. 1866, at 40'clock P. M., at his office No. 217 South HITRD atreet, in the City of Philadelphia.

10. THE ORPHANS' COURT FOR THE CITY AND ALEXANDER MCCALLA, deceased.—The Auditor appointed by the Court to andit, settle and adjust the account of ISAIAH H. MCCALLA and A. H. MCCALLA. ALEXANDER MCCALLA, deceased, and to report distribution of the balance in the hands of the Accountant, will meet the parties interested for the purpose of his appointment, on TUESDAY. November 20, 1866. at 33 O'clock, P. M., at the Office of FRED ERICK C. BRIGHTLY, Eaq., No. 420 LIBRARY Street, in the city of Philadelphia.

1. Letters of Administration upon the Estate of said decedent having been granted to the undersigned, all persons indebted to the said estate will please make payment, and those having clams will present the same to MARY HANNUM. Administrativ. VIS. Francis street, or to ber Attorney, THOS. BRADFORD DWIGHT, 22

COPARTNERSHIPS.

COPARTNERSHIPS.

PHILADELPH A, NOV. 9TH, 1865—DISSOLUTHOM.—The Co Partnership herefore existing between the subscribers, under the firm of ALLMAN & ZEHNDEE, is this day dissolved by mutual consent.

THOMAS ALLMAN, in the fusiness herefore conducted under the firm of ALLMAN, in the fusiness herefore conducted under the firm of ALLMAN & ZEHNDEE, those having claims against the late firm will present them, and those indebeted will please make payment.

Thankful for the parnnage herefore extended to the late firm, be respectfully asks a continuance of the same to himself.

GENRGE P. ZEHNDEE, not grant the late firm will present the late firm be respectfully asks a continuance of the same to himself.

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