National Republican.

TUESDAY MORNING ..... JUNE 11, 1872.

Wm. McGarrahan's Great Libel Suit.

Our readers will probably recollect that in the early part of last year, in the discharge of our duty as public journalists, we commented on the famous McGarrahan land scheme. For this we were sued, and in order to make the record complete we reprint the declaration of the plaintiff from our issue of April 24, 1869, as follows:

In the Supreme Court of the District of Columbia. — Wm. McGarrahan, plaintiff, vs. Wm. J. Murtagh, defendant. The plaintiff sues the defendant for damages for the libel of the plaintiff, for that it throws before and at the time of committing the trespasses by the said defendant hereinafter mentioned, the plaintiff had pending before the Congress of the United States an application for the confirmation to him of a grant of certain lands in the Territory of California, to which land the plaintiff was justly entitled and the said defendant, well knowing the premises, and intending to injure the plaintiff in his good name, fame and credit, and to bring him into public scandal, infamy and disgrace, and to prejudice the said application of the said plaintiff, on the 24th day of April, A. D. 1869, at the county aforesaid, in a certain newspaper called the Patriot, printed, published, widely and nationally distributed, and issued and intended to be published, of and concerning the said plaintiff, and of and concerning the said application for the confirmation of said grant, a certain other false, scandalous, malicious, defamatory libel, in the said county of the said District of Columbia, of and concerning the said plaintiff, and of and concerning the said claim, viz:

"We have written now a more interesting piece of villainy than this, namely, how that the plaintiff, and claim in question, stand, or rather the plaintiff himself a villain. Interesting from its bold, cool impudence, and interesting from the refined nature of the fact, attempted at robbery." (meaning the said plaintiff's said claim is an attempt at robbery and the plaintiff a robber,) "from the mere footpad in the shape of a lawyer," (meaning Vincent P. Gomez,) "through whose hands the plaintiff claims the title to said lands, to the plaintiff himself, the plaintiff claims the title to said lands, the plaintiff has assumed somewhat of a polished Claude Duvall, in the shape of McGarrahan," (meaning the plaintiff,) "and the mean supporters who work in the same."

And for that, moreover, to wit, on the 9th day of April, A. D. 1869, at the said county, in said newspaper, the said defendant falsely, maliciously and unlawfully did publish, and cause and procure to be published, of and concerning the said claim for the confirmation of said grant, a certain other false, scandalous, malicious, defamatory libel, in the said county of the said District of Columbia, of and concerning the said plaintiff, and of and concerning the said claim, viz:

"In a recent article upon the subject of the McGarrahan claim, we stated that the said plaintiff's claim to a certain tract of land, by virtue of a grant made by Mexico, have demonstrated to the satisfaction of every reasonable mind that the claim of the said plaintiff, meaning the plaintiff's said claim, is not only worthless, but that it had its birth in fraud and grown up in crime, meaning that the said claim had its origin in fraud, and grew up in crime, meaning the said claim, and that the plaintiff had recourse to fraud in its prosecution."

By reason of the uttering of which said several utterances by the said defendant as aforesaid, the said plaintiff hath been and is greatly injured in his good name, fame and credit, and is brought into public scandal, infamy and disgrace with and among his neighbors and other good citizens of the United States, insomuch that divers of the said citizens have lost their good opinion and esteem for the said plaintiff, and have become and are, on account of the uttering of said utterances by the said defendant, prejudiced against the said claim, so that it has become impossible for the said plaintiff to have the said claim confirmed by the Congress of the United States, as justice should and would have it, but divers of the said citizens have become and are, on account of the said utterances by the said defendant, so prejudiced against the said claim, that they have become and are willing to believe the said claim to be a fraud, and the said plaintiff to be a person guilty of the crime of robbery, and the said defendant, and other persons of like character, have, by the said utterances, so prejudiced the said claim in the minds of divers honest citizens, that they will not, on account of the said utterances, vote for the said claim, and the said plaintiff has been and is hindered and prevented from obtaining the said confirmation, to his damage of the said plaintiff, in the sum of thirty thousand dollars, and therefore he brings his suit.

R. T. HAYWOOD,
H. P. MERRICK,
Attorneys for Plaintiff.

The defendant will plead herein, &c.

To this a plea of "Not guilty" was filed, and issue thereon joined in September last.

The cause thus standing for trial on a plea of the general issue the defendant's counsel prepared and asked leave to file an additional plea of justification, and a motion to that effect was accordingly made early in December last; and about the same time defendant's counsel filed the following motion, for leave to examine the plaintiff orally before an examiner of the court:

In the Supreme Court of the District of Columbia, the 7th day of December, A. D. 1869. Wm. McGarrahan, vs. Wm. J. Murtagh, *et al.* No. 8749. And now comes the defendant, by his attorneys, and moves the court for leave to examine the said plaintiff before an examiner of the court, concerning the cause of action in said case, and concerning the matters and things more particularly set forth in the accompanying affidavit of the said defendant, by his attorney, hereto annexed, and being designated in the said affidavit as exhibit "A," and that the said plaintiff be directed to attend before such examiner, at such place and time as may be fixed by the said examiner, and produce and give such books, papers and documents in his possession or control, as may be required by said defendant, or his said attorneys, and that the said examiner may be directed to take the testimony of said plaintiff, and to reduce the same to writing, and to return the same, with the said books, papers and documents, to the said court, to be used in the said cause, as the court may direct.

Either party may obtain leave, in the manner, before a competent examiner in the District of Columbia, or to examine him so as to be used wherever that tribunal exists.

The leave specified in the two last paragraphs shall be applied for, upon affidavit, stating the nature of the testimony of the expected disclosures to be elicited.

The affidavit required by the foregoing rule was duly filed, and is as follows:

In the Supreme Court of the District of Columbia. Wm. McGarrahan vs. Wm. J. Murtagh, *et al.* No. 8749. Exhibit "A." Wm. McGarrahan, being duly sworn, says that on this 11th day of December, A. D. 1869, before the subscriber, a notary public, in and for the county of Washington, District of Columbia, personally appeared Wm. J. Murtagh, one of the defendants herein, and examined the said Murtagh, the first duly sworn deponent, and says: That he is the plaintiff in the above entitled cause, and that upon the examination of said plaintiff, to the matters and things in said motion set forth, he expects that he will discover that the said defendant, Murtagh, and the said plaintiff, refused to pay the money for which he claims to be entitled under the decree of the District Court of the United States for the Southern district of California, confirmed by said court, and in the decree so rendered, it was adjudged that he will discover the circumstances of the procurement and co-operation of the said plaintiff to obtain the said decree, and to discover the fraud practiced upon the "Panoche Grande," whereby it was made to appear that said land included public lands of the United States not covered by said grant, and to discover the fraud from said Gomez, and the decree of confirmation thereof, in the defendant's plea; and also to discover the circumstances of the said decree of the Supreme Court of the United States, and the decree of the Southern district of California, and the order of the Secretary of the Interior, and the decree of confirmation thereof, in the defendant's plea; and also to discover the circumstances of the said proceedings in the Supreme Court of the United States to which said plaintiff was a party, and the said Pacificus Ord, having in the said proceedings, claimed to be the attorney of the United States, and the said Pacificus Ord, having a claim before the United States Board of Land Commissioners for the State of California, and the said Pacificus Ord, having claimed and obtained the said decree of March, A. D. 1869, and the said plaintiff, and the said Pacificus Ord, having made the said application to the Secretary of the Interior, and the said Pacificus Ord, having in the meantime been the attorney for the United States for said district, and the said plaintiff, and the said Pacificus Ord, having a pecuniary interest in said claim adverse to the interest of the United States, the said claim was, by the consent of said plaintiff, and said Pacificus Ord, and others, referred to referee, or referees, and that afterwards, to wit, on the 20th day of December, A. D. 1869, the said Pacificus Ord, as attorney for the United States, and the said plaintiff, and others, appeared before said referee, and the said plaintiff, knowing the said Pacificus Ord, to be the attorney for the United States, and the said Pacificus Ord, having a pecuniary interest in said claim adverse to the interest of the United States, and the said plaintiff, and the said Pacificus Ord, and others, then and there agreed that said referee should report in said cause, and that said referee, in pursuance of said agreement, did report in said cause, and that afterwards, to wit, on the 21st day of December, A. D. 1869, the said Pacificus Ord, as said attorney for the United States, and the said plaintiff, and others, appeared before said Supreme Court of the United States, and the said Pacificus Ord, having in the meantime been the said attorney for the United States, and having a pecuniary interest in said claim adverse to the interest of the United States, and the said plaintiff, and the said Pacificus Ord, and others, then and there agreed that said report should be confirmed, and that said report, and the said decree of said Supreme Court of the United States, and the said decree of said District Court, were rendered and entered in said cause, and that said decree of said Supreme Court of the United States, and said decree of said District Court, were rendered and entered in said cause, in pursuance of said agreement, and that said report, and