The Daily Examiner.

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NEW SERIES. CHARLOTTETOWN, PRINCE EDWARD ISLAND, FRIDAY, DECEMBER 11, 1885. VOL. 18—NO. 18.

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☞ The firm are Agents for the Equitable Life Assurance Society of the United States, which does the largest business of any Life Insurance Company in the world.

Dec. 3—law wky 3 mo

EDWARD M. ARCHIBALD,

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Nov. 2, 1885—eod wky

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—WHO USE—

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Barker House, Fredericton.
Porter House, Kentville.
American House, Kentville.
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Nov. 18, '85.

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North River Bridge.

—:o:—

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First-Class Stock of Dry Goods, Clothing and Groceries,

Which he will Sell at LOW PRICES.

The people need have no fear of Small Pox in the Goods, as I import direct from the English markets, and ever since the outbreak of the disease in the city the goods have been thoroughly Fumigated, so there can be no possible chance of infection in the Goods.

The people at North River will find this a great convenience, as it will save them the trip to town, and they can buy just as cheap at home.

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Sign of BIG HAT, 74 Queen Street.

Ch'town, Nov. 24th, 1885.

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July 22, 1885.—6m

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My New Establishment is now complete. Has every convenience! Great Facilities! Perfect Arrangements! In fact, it is as near perfection as possible, enabling me to produce at the smallest possible expense.

Please call and get Bargains.

JOHN NEWSON.

Ch'town, Sept. 28th, 1885.

Administration of the Law.

HOW THEY DO IT IN THE OLD COUNTRY—A LETTER FOR JUDGES, LAWYERS, AND THE PUBLIC.

My topic on this occasion will be on the administration of criminal law in England, especially with a view of contrasting the procedure here with that obtaining across the Atlantic. I have been an interested spectator at several Assizes since I came over, and have observed many things which could be introduced with much advantage to public interests in Canada.

On the 2nd November, inst., the Assizes were opened in this city for the seven counties of South Wales. Sir Henry Manisty arrived by the 3.40 train, and was escorted by the High Sheriff, with his band of javelin men and heralds in uniform, Mayor Knight (the Mayor of Swansea) and officials in their robes, Sheriff's Chaplain, and Under Sheriff, followed by a detachment of police, to the Parish Church, where an impressive service was conducted. The following day (Tuesday) the Assize was opened. The Grand Jury,

COMPOSED OF JUSTICES OF THE PEACE ONLY,

were sworn in, and the learned Judge proceeded to the charge. He is a short, slight man, of benevolent appearance, somewhat aged but erect and active-looking. He spoke with considerable hesitation at times, but his words were well chosen, and it was remarkable how well balanced he kept himself under all the varying circumstances that surrounded him in his difficult position. He remarked that only eighteen of the Grand Jury had answered to their names, and said this was the first time he had noticed such a lax attendance. This, however, was not for him but for them to attend to. Finding that they had not been supplied with printed copies of the calendar, he remarked upon that omission of duty. Proceeding, he observed that as this Assize embraced seven counties, the total number of cases in the calendar was not great, but their character was extremely bad. He had never met with an instance in which out of 22 cases to be tried, there were no less than 14 cases of violence against the person, and some of a very serious character. He was sorry to see that the revolver was coming into so general use in this kingdom. It occurred to him that those who make the laws, should do what they could to prevent such fearful crimes as were now committed by the use of this weapon. Other deadly things had been stopped, to some extent at least, by the operation of law: for instance, the purchase of poison. When men buy such things they should give their names, and state what they want them for. Every one who has a revolver should pay a tax as a means of protection against crime. In referring to the new act for the protection of girls above 13 years of age, he pointed out the confusion and want of clearness in its wording, as both felony and misdemeanor are referred to in a loose way. The Grand Jury could not reduce a charge from a greater to a lesser degree, but the Petty Jury could. His Lordship then dismissed the Grand Jury to their duties, and very soon some presentments were brought in, and the prisoners were arraigned.

THERE WAS NO HITCH

in the proceedings, no confusion or hurry, but calm, dignified composure on the bench, and the most profound respect at the bar, nor was there any waste of time. This was very notable in the total absence of long speeches by the lawyers, as well as the short and direct method of examining witnesses. What would have taken in some cases five or six hours in the Island, occupied here only four or five minutes. There was also a total absence of any brow-beating of witnesses. On one occasion the lawyer was going rather freely into the examination of a medical witness in a stabbing case, when the Judge stopped him, and requested him to keep to the facts, which was promptly obeyed. On one occasion, the prosecuting lawyer attempted, in addressing the Jury, to explain the law of the case. he Judge very coolly turned to the Jury and said, Gentlemen, you will not take that as law. I shall tell you very differently and set you right on that point when I come to charge you. The lawyer at once humbly apologized, and did not attempt to tread the thorny path again.

You may judge of my surprise, when, at the close of the day, no less than

NINE CASES HAD BEEN TRIED

and finished. At the conclusion of each trial the sentence was pronounced, while the facts of the case were fresh. It occurred to me that this was far more impressive on the public, and tending to the prevention of crime, than when the punishment is put off to a distant day, and the sentences announced wholesale. It must also be more likely to conduce to the reform of the prisoner, by confining his attention to the character and effect of his own crime, instead of diluting it by association with others, thus establishing a community of interest among criminals, and producing a hardening effect.

Much time was saved by bringing up the prisoners in batches, say six or eight together, and swearing in the jury to try the whole. Of course, any prisoner had the privilege of objecting to any of the jury, but I saw none objected to. After the charge, the Jury generally turned to each other in the box, and in a few minutes had agreed on their verdict. The following is

THE FIRST DAY'S WORK:

1 Owen G. Edwards, (25), obtaining food by false pretences. Prisoner pleaded guilty. Sentenced to six months hard labor.

2. William Davie (35), maliciously shooting at Charles Evans, who saw prisoner beating his wife, and said, "for shame, don't beat your wife." Prisoner then fired at him, the bullet strking off a button, and lodging near the stomach; but fortunately not penetrating the flesh. The defence was as usual, "drunk, and did not intend to do harm." The jury told the judge they were not likely to agree. His Lordship, "not likely to agree upon such a case? I am astonished!" They were then locked up. On their return they gave a verdict of guilty, but recommended the prisoner to mercy. Sentence, twelve months hard labor.

3. Wm. Williams pleaded guilty to stealing a watch, value £3, had been previously convicted nine—months hard labor.

4. Thomas James, charged with bigamy, pleaded guilty. Martha Pierce deposed that about twelve years ago, prisoner and his wife lodged in her house for three or four weeks. His wife then ran away from him, and afterwards told witness that she was married to another man. The judge said something should be done to see if it was advisable to initiate such a prosecution as this. He would sentence prisoner to one day's imprisonment, and as he had already served this, he would be discharged. The agreeable surprise to the prisoner may be imagined.

5. Catherine O'Neill, (30) pleaded guilty of concealing the birth of her child. Sentence deferred.

6, Wm. Moore, (21), and John Mahoney (21), burglary, verdict guilty. Six months labor.

7. Minnie Williams, (20), and Eliza Lewis, her mother, (40). The former for stealing, the latter for receiving, a ring, value £7. Verdict, not guilty. On leaving the dock it was affecting to see them embracing each other.

8, Catherine Lampert (21), obtaining two pairs boots under false pretences, pleaded guilty. One month hard labor.

9. Albert Lewis, a lad, for having killed a little girl only 3½ years of age, by throwing a stone at another boy. Verdict, guilty, with a strong recommendation to mercy. His Lordship in passing sentence, remarked that it was a serious case of manslaughter, but not of an aggravated kind. After adverting to the prevalent practice of stone-throwing by boys, and its often serious results, he said in this instance he would pass a light sentence, in the hope that it would be a warning Sentence, 14 days' imprisonment. This ended the business of the day.

On Wednesday, His Lordship entered the Court, as on all subsequent days, precisely at 10 o'clock. Five cases were tried on this day.

On Thursday, the whole day was occupied with a murder case, which excited the most intense interest. Walter C. Jenkins (23), a grocer, was then placed at the bar. He had notified his master that he would leave his employ, and had purchased a revolver, intending to take his own life, at least. In an angry altercation subsequently he shot and killed his master, and then shot himself, but not fatally. The jury brought in a verdict of manslaughter. The sentence is so much to the point in describing the case that I will send it to you entire, taken from a local paper:—

The Clerk then called upon the prisoner. He said: "Walter Jenkins, you have been found guilty of the crime of manslaughter. Have you anything to say why the sentence of the court should not be passed upon you?"

The prisoner, in an audible voice, said: "The only thing I have to say is that it was quite an accident. I never intended to shoot Mr. Smith. I am very sorry for what has occurred, extremely sorry, and I hope your Lordship will deal leniently with me."

His Lordship then proceeded to pass sentence to the following effect:—

"Walter Charles William Jenkins—You have been found guilty of the crime of 'Manslaughter,' and I am sorry to say of manslaughter of a very serious character, very serious. The jury have acquitted you of the crime of murder, and I think it but right to say, that the verdict is one which quite concurs with the view which I have taken of the case. I think the verdict was a wise and proper one. But no one who has heard this case can come to any other conclusion than that it was a case on the very verge of murder. For some reason or other you had evidently determined (previous to that fatal Saturday evening) to take away your own life. With that intent you purchased the revolver; no doubt it was with the intention to destroy your life, and which you clearly afterwards actedu pon. Probably the jury thought so—that you had bought the revolver with no other intention, because if you did there was malice aforethought in your mind to use that weapon against Mr. Smith. But the jury has acquitted you of the crime of murder. I doubt very much whether, even at this moment, after all the examinations we have heard—whether even now we know all the facts of this sad case. It was open to suspicion—but the jury is never justified in acting upon suspicion, against a prisoner, though they may act on suspicion—fair suspicion—in favor of a prisoner, and so a Judge is right in acting on reasonable suspicion which tells in favor of a prisoner; but not when it favors the prosecution against the prisoner. Having then unquestionably purchased the revolver, you wrote those letters which have been read, both of which circumstances clearly showed that you had resolved to take away your own life. That, in itself, is a serious crime. Although you did not succeed—you committed a crime—a misdemeanour in attempting to take your own life. When any man attempts to take his own life although he does not succeed in doing so, he was guilty of misdemeanour. Having deliberately determined to take your own life, evidently you supposed that Mr. Smith would be alive after you had committed that deed. Such must have been the case having regard to the letters which you wrote. And those leiters, which strange to say, where objected to be put in as evidence—not here, but at the Coroner's inquisition and before the Magistrates—are the strongest evidence in your favor, because unless I come to the conclusion that those lettens were a cunning device to conceal the fact that you intended to take the life of Mr. Smith, (which I cannot do) then it was evident from the letters that you thought he would be alive, and that he should know the reason why you had committed the act, and what was in your mind which prompted you to do so—viz—(to use your own expression), that "it was his bad conduct towards Julia Clarke which had filled your mind with sorrow." That, however, you have withdrawn by a letter you wrote afterwards. It would seem that being in great depression of spirits—whether arising from religious excitement or not I cannot say—I must say I have no faith in that religion which is based on excitement;—to my mind excitement is not consistent with religion. Whether you got your mind worked up by religious excitement or not I cannot say; but I cannot believe you were under such delusions (religious or otherwise) which made you irresponsible for your actions, when you determined to take away your life. Something must have occurred in the kitchen of which we have no knowledge and never shall now; but something must have then occurred to account for the extensive bruise which was found upon your person. I asked the surgeon how he could account for that bruise. And here I would say that the surgeon gave his evidonce in the most straightforward manner—in a way which I should be glad to see other medical men do. I asked him how he could account for that bruise, and he said that in his opinion it was the result of a 'grip' Now, whe-ther you had words or whether you said or did something to Mr. Smith which induced him to seize you, I cannot say, for you have never said one word of what took place in that kitchen. I must therefore take a somewhat unfavorable view of what took place, and my doing so arises from the fact that you have not thought it prudent to say what did then occur. Until the present moment you persistently refuse to say how or under what circumstances you shot the deceased man. You simply said: 'I have shot him, let me die.' All the other details, suggesting motives, for the commission of this crime, are all small matters, certainly do not give sufficient motive for the commission of the crime. You then having given way to the wicked intention of yours, to take away your own life, it unfortunately resulted in the death of another man. I am bound therefore to pass a very severe sentence upon you. I am very sorry for you—very sorry especially for your mother, and the other family whose feelings you have wounded—to the very depth. The practice of buying revolvers, as I have already said, is coming very alarming. This case is a very extraordinary one of the kind, and it shows that the practice of being able to purchase revolvers with such facility must be put a stop to. This case is, as I have before remarked, a very peculiar one, and having taken all the circumstances into consideration, I must pass upon you a severe sentence, namely, 15 years of penal servitude.

The prisoner was then removed.

On Friday, five cases were tried.

Thomas Harries pleaded guilty to stealing a watch and chain. A previous conviction being proved against him, he was sentenced to 6 months' hard labor.

William Harris (23), for assault with intent to murder. The jury (owing to a flaw in the indictment) found the prisoner guilty of assault only. Sentenced to 12 months' hard labor.

Evan Lewis (40), similar offence. Verdict, guilty. His Lordship said he had had a terrible case to deal with previously, and had passed a heavy sentence; but he was going to pass a heavier one now, for there was not a single circumstance to palliate or mitigate the crime. Prisoner was sentenced to 20 years of penal servitude.

Humphrey Jenkins (23), maliciously inflicting grievous bodily harm. Verdict, guilty. Twelve months' imprisonment.

On Saturday Arthur Evans (18) for maliciously wounding. Prosecutor was at a drinking club, of which he was a member, and had a row with a man, when prisoner interfered and stabbed him over the left eye with a knife. It came out in evidence, that since the Sunday Closing Act took effect, clubs had been formed, where any number of men could meet on Sunday and drink in violation of the spirit of the Act. The members stay there all night sometimes, drinking and playing cards, free from police interference. In this club there are about 80 members. They paid 13d. a quarter, and for what they get when there. The profits are divided. At the last annual meeting, there was £17 to the benefit of the members. A medical man testified that there are many of these clubs in Cardiff, the country being honeycombed with them. His Lordship—"I begin to see how this calendar has come about now."

Prosecutor acknowledged that he had been convicted three or four times for crimes of violence: also for burglary and thievery, and the club was frequented by persons who followed the same branches of industry as he did. In summing up, the Judge pointed to the fact that the prisoner had practically admitted his guilt to the police man. The jury conferred for a while and returned a verdict of not guilty. His Lordship—What? The foreman of the jury—Not guilty, my Lord. His Lordship—Prisoner, you are discharged; and (to the jury) you may leave the box, I am going to try another wounding case, and will have a fresh jury.

Henry W. Lewis, a lad for stabbing another boy at Cardiff. Prosecutor was following the Salvation Army in the street, when prisoner came up, caught hold of him, and stabbed him in the leg, severing an artery.

The judge: I am not surprised after what has occurred at this assize, that the counsel for the defence should boldly ask a jury to discuss the case, neither am I surprised that the magistrates thought it right to send the case for trial; nor that youths of this age should look upon the use of the knife as nothing. The jury found a verdict of guilty, with a recommendation to mercy. He was sent down for one month with hard labor.

William Gwynne, (30), and William Daniel, (46), for causing grievous bodily harm. Prosecutor had been drinking and got into a row at a public house with some men. When he left, prisoners followed him, and brutally kicked him about the head and body. Both shoulders were dislocated, and he was severely injured. Verdict, guilty. Sentence, Daniel, 12 months, and Gwynne, 6 months imprisonment.

On Saturday—The court opened as usual precisely at 10 o'clock.

James Kennedy, (52), indecent assault. Not guilty.

At 6 o'clock the business of the assizes was concluded. The question may be asked if the strain upon the judge was not too severe, especially considering his age? It may be interesting to find that His Lordship was occupied during the previous week in presiding at the assizes for the County of Chester and North Wales, where he tried 19 prisoners. And what is still more surprising, just after reaching London, he was found in his place at the Court of Queen's Bench, trying important civil suits, which has continued every day to the present date. It cannot be charged that Judges in England have too little to occupy their thoughts; the wonder is that human nature can stand such wear and tear. What would become of the business of the law courts in this country if the time were frittered away, as it is in many places across the Atlantic? With manufacturers, it is often the case that a skilled workman is imported at great cost to instruct workmen how to improve in their handicraft. Why not adopt the same principle in the higher professions?

I leave the subject in your hands, and remain,

Yours truly,

WM. HEARD.

Swansea, Nov. 24, 1885.

Ask your storekeeper for our make of Boots.—Dorsey, Goff & Co. nov19