

# THE DAILY EXAMINER

Is Published every Evening.

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W. L. COTTON, J. W. MITCHELL, Manager, Office Sup't.

## THE DAILY EXAMINER.

FEBRUARY 22, 1873.

### "Northern Light" in Parliament.

It is satisfactory to know that the grievances, which the people of this Province have been undergoing ever since Mr. McKenzie arrived at power, in respect to the Winter Mail Service, are not unrepresented in Parliament. The present Dominion Government were, to begin with, very long in complying with the conditions of Confederation, which provides for efficient mail service during winter. Mr. McKenzie put off as much time as he decently could before attempting anything, and when an effort was at length made to fulfill obligations, it was not made in a direction which could ensure any degree of certainty to its results. Mr. Sewell had, it would seem, dreamed for a life time over the possibility of constructing a craft that would force its way through the frozen St. Lawrence. From the phantasmagoria of these dreams he constructed, in his waking moments, the celebrated *Northern Light*. Mr. McKenzie was not averse to run the risk of acquiring some fame for his Administration by patronising a man who set at defiance the terrors of winter. Still, the undertaking was an experiment, and the Premier consented that it should first be tried on the people of this Province. In doing so he followed the practice which has frequently obtained in medicine. When the action of new drugs had to be tested, or a new course of treatment adopted, it was the custom in old times to select some felon, and operate upon him, watching and noting the symptoms and the results. The people of this Island have been Mr. McKenzie's felons, on whom he has experimented to his heart's content. No matter how severely we suffered, the treatment had to be proceeded with. A deaf ear was lent to all our remonstrances. We might be weeks without mails—that was nothing to the point—the great experiment was going on, and the fame of Mr. McKenzie as the patron of inventions was not to be allowed to wane without an obstinate effort to uphold it. Hence the variety of repairs and alterations made upon Mr. Sewell's craft.

Now, as we were yesterday informed by telegram, the Island Representatives have exposed, in Parliament, the injustice with which we have hitherto been treated by the Government. There may, therefore, be some hope now that a remedy will be applied, and that Mr. McKenzie will be induced to lay aside a little of his obstinacy, and follow the advice of practical men, who know of what they speak, rather than take for his guide the theories of a dreamer. We want to receive our mails regularly. The Cape route can secure this regularly for us. Let Mr. McKenzie, then, adopt it at once, without any longer delay.

### The Patriot's Enterprise.

The enterprising spirit of the *Daily Patriot* has driven its managers beyond the limits of honesty. The special despatch which was sent to the *DAILY EXAMINER* from Ottawa, and which appeared in that journal last night, was printed in our contemporary's issue of this morning, without comment or acknowledgement. This act we characterize as an unmitigated piece of theft. We are willing to admit that we did not entertain a lofty idea of our contemporary's honesty. We suspected that he was not possessed of that sensitive formation of conscience, which shrinks from the bare suggestion of a dishonest act, and, therefore, we adopted the tactics of those who have suspicious characters about them. We set a mark upon the telegram in question, by changing an unimportant word, and lo! it appears in our contemporary's possession, and by that mark we identify it as our own property. The marked shilling has been found—and the charge of theft—in literature it is called plagiarism—fully established.

We have no objection to the *Patriot* using our telegrams, but he must have the honesty to tell the world that they are not his—that he lacked the enterprise to get them for himself, and that he avails himself of the enterprise of others. Want of enterprise is only a defect—but want of honesty is something more serious.

THERE were no trials at the Stipendiary Magistrate's Court this morning.

THERE was a large and active market today. Beef, pork, butter, eggs, etc., were displayed in abundance. The prices were as follows: Beef, gr., from 4½ to 8 cents; butter, fresh, from 24 to 26 cents; butter, tub, from 20 to 22 cents; mutton, from 6 to 10 cents; pork, from 4½ to 5½ cents; hay, per 100 lbs., from 80 to 90 cents; oats, from 41 to 42 cents; four, per 100 lbs., from \$3.25 to \$3.50; oatmeal, from \$2.80 to \$3.00; potatoes, from 25 to 30 cents; eggs, from 22 to 25 cents.

## Supreme Court.

The following is an outline of Mr. E. J. Hodgson's address to the Jury in the case of the Queen against McCloskey:—

GENTLEMEN OF THE JURY: Twenty-nine days ago it was my lot to address a jury in a case similar to the one now before the Court. Although it has been said that nothing but what we have already heard can be advanced by counsel for the defence, yet I shall endeavor if possible not to repeat myself either in arguments or words. Out of mercy to you, gentlemen, who have sat here for weeks listening to evidence and addresses from counsel on both sides, I shall avoid uttering one word in the same connection as formerly used by me in the case of Collins. I think you will be well pleased at this, and accord to me a vote of thanks. If there is anything which I must say that does not bear directly upon the testimony before you, it will be concerning the malicious efforts which have been made outside the walls of this Courtroom to influence the jurymen and to prejudice them against my client, against Mr. Palmer and against myself. I think it a duty to the profession of which I am a member, to the community in which we live,—to the position which I occupy as a lawyer, and particularly to my client, to resent the attacks which have been made upon us, and which are worthy only of a midnight assassin upon a helpless individual. I do not accuse either of the learned Counsel opposite me of any complicity in these attacks. I impute no blame to them, because I know they would not be guilty of such foul play or conduct. The position of counsel for a prisoner is a delicate one. I am the more impelled to utter my protestations against the course which has been followed, because it is now evident that a most wicked attempt has been made to prejudice us by means of a corrupt, a venal, and a subsidized Press. It has been said that Mr. Palmer and myself have stubbornly resisted every effort to bring the trials of traversers to as speedy a close as possible, and that our object was to make political capital out of this case; and my learned friend and myself find that we are brought to the bar of Political Opinion by the semi-official organ of the Government. It has been said that our object is to make these trials as long as possible, so as to involve the Government in the expenditure of thousands of dollars, and to make the Attorney General responsible for such expenditure. Gentlemen, the accusation made by the press, is as false as it is malicious. The lawyer, in the discharge of his duty, knows no political party, no family, no friends, no interests, he knows no one in the world, save only his client. I have felt this come home to me in a very real way, when my client has stood accused of some great crime. I know what it is to stand by a man against whom it was charged that there was blood upon his hands and guilt upon his soul, because it was said he had nursed one of his fellow-creatures into the presence of his God. I have seen his pale, white face watching, with an intensity that no words could utter, each phase of his case as it proceeded; and I, too, have trembled less, by some neglect, some oversight, some want of discretion, I should fail to place his case as I might have done; and the pale lips, which hurriedly, from time to time, whispered instructions to me, might soon quiver in the agony of the death struggle.

It is the general opinion that lawyers will defend any one—he be guilty or not—for pay. That we use lofty language in defence of men whom we believe to be guilty. But, gentlemen, the laws presume a man is innocent till found guilty. But the law goes beyond that. The cold, grave language used by the officer who administered the oath to you contains the instructions that a verdict must be given "according to the evidence," and our duty is to stand by the prisoner, and to see that the evidence comes up to that standard which the law requires, before a verdict may be rendered. No man is to be found guilty if any reasonable theory of his innocence can be reconciled with the evidence; and if this can be done, then he must go free, no matter how guilty he is in reality, for the law says "It is better that ninety-nine guilty persons should escape rather than one innocent person should be convicted." We are determined to stand by the traverser, no matter how we may be abused by a portion of the Press. We have a right to defend him, and we challenge any one to dispute that right. I do not care what political party may go to the wall, or which party may be upheld. I care not what interests are sacrificed—what loss sustained. The one object I have before me is to show you, as show you I can, that this man's innocence is consistent with the evidence adduced. I may receive threatening letters, nay, I have received them as you must know. I care not what the consequences may be to myself, personally, or politically, or to my friends, or my country, or to society in all the wide world; I know but one man—my client—and his interests. A corrupt, a venal and subsidized press cannot deter me; an organization saturated with malice and hatred to the very core against all who do not see through a yellow haze may threaten me—malicious as is their design it will be defeated.

[Mr. Hodgson then proceeded to read extracts from the *Argus* newspaper. Mr. Longworth interrupted him by saying that there was no evidence in concert to prove that the newspaper had attempted to influence the minds of jurors. Judge Hensley said: "I shall not restrain Mr. Hodgson. He may read the extracts." I wish that you should distinctly understand the point of view from which I wish you to regard the matter. It is not a matter personal to myself. If it was so I would not trouble you regarding it. Gentlemen of the Jury, there is a portion of the Press to which I have given permission to abuse me in terms the most elegant and the most choice in the editor's vocabulary; for I feel certain that I shall rise in the estimation of all good and honest men in exact proportion as I fall in theirs. But this is not a personal matter. It is a cowardly, dastardly attempt to attack my client over my shoulders. There are many ways of cloaking an act. It is sometimes difficult to find the source of a brook. It may be hidden by dense woods and underbrush, and can be reached only after many devious windings; but when found, we can tell whether it gives forth sweet or bitter waters. Now, in the paper alluded to by me, you will find such statements as this: "A verdict has been found against Collins; the Attorney General is a victor again." The point, then, at issue, it appears, is not to permit this Court to ascertain whether my client is innocent or guilty of the alleged riot, but that Mr. Davies may again be a victor. I thought that Crown prosecutions were to uphold the majesty of the law, but the *Argus* says no. They are that Mr. Davies may be a victor. I

do not hesitate to declare that the avowal of such an object is a greater insult to the Crown and dignity of the sovereign than any act which the traverser is alleged to be guilty of. I have thus explained the sense of responsibility which rests upon Mr. Palmer and myself while conducting this case and the unfairness of any outside attack upon us as Counsel; and in leaving this matter I shall read to you an extract from one who well knows a Counsel's duty:—

"The advocate should be self-confident without self-conceit. He should combine the extremes of boldness and caution, for he is to be prompt even in the most doubtful and delicate matters to decide an action, and then he must act with celerity and firmness, and yet both his decision and action are to be deliberate. It is almost a misnomer to call him a lawyer. His knowledge of the law is the smallest part of his professional attainments. He must know mankind better than he does the code and reports, and he must understand the infinite play of the feelings which, far more than their reasons, sway the people with whom he deals—parties, witnesses, jurors, even the Judges themselves. He must recognize truth intuitively when he hears it, and falsehood likewise, and be ever capable of making both plain men and learned Judges see with his own eyes."

This picture is not overdrawn. Romance and adventure fill the lawyer's daily life. He is more than a mere frothy speaker, to tickle and set agape the popular fancy and more than the lucky drawer of great prizes in his fees. He is a patient, laborious, intense worker, living in his cases and hanging over them as affectionately as a mother over her children. He fights as many battles in a year as a general in a lifetime, and over and over again expends some controversy of trivial moment that pay him only with the thanks of the poor or the blessings of the widow and orphan, more invention, labor and skill than often fill a long campaign which ends in an ever memorable defeat of over-coming thousands."

This, gentlemen, is the duty of an advocate, set forth in language more expressive than I could have used. However short I may fall of this ideal, it is the model I now set before me; and I do assure you, that in addressing you, I seek but to discharge the onerous duty which rests heavily upon me. If in anything I may say I should touch a sympathetic chord in the hearts of those who hear me,—friends of the traverser, who believe, as many do believe, that he is to be made the victim of a persistent though malignant conspiracy,—and should they be led, in a moment of mistaken excitement, to give vent to the slightest applause, not only should I hear it with the deepest pain, but I should resume my seat, from which I shall not again rise to trouble you further with a single remark. It is you only whom I address—you only have I known all through this trial—you only I speak to now. I want the embarrassment of no applause. The consciousness of a duty, performed however inadequately, is all I look for; but still less do I want still more to do I protest against the evil attempt to strike my client and prejudice his case, as the Government organs have done, and seem determined still to do. You may think this a small matter, but, gentlemen, in the conduct of a suit I recognize no matter as "small." As in that European country where the perseverance and the toil of man have pent back the ocean and have rescued from its waters what now are smiling grain bearing fields, if in any of the marine dykes, the Engineer sees but one drop of water force its way through, he trembles; for he knows that where the drop has come, the torrent soon will follow—and so here when the Government organs seek to prejudice the prisoners, as they have done; and such conduct be passed by without protest, words will soon pass into action, and trial by jury—the strongest bulwark of our liberties—will be so only in name.

And now I have done with this matter, and shall apply myself more immediately to the case before us. It is said that "a new broom sweeps clean," and most signally has that proverb been exemplified in the action of the junior counsel for the prosecution, who during these trials has come now first into this case. He has, indeed, made a clean sweep of many of the witnesses who hitherto were examined and upon whose testimony great weight was laid. I will read to you a list of these now abandoned innocents, who by, I am bound to say, a most wise discretion, have been relegated to silence and obscurity: John Moore, Charles Hooper, Alexander Horne, John Scott, and even "Sir" Daniel Stewart. True it is that Scott was brought up as a sort of forlorn hope, but as I was not permitted to cross-examine him, I feel justified in claiming him among the abandoned ones.

(To be Continued.)

A FEW words and we dismiss "Ward Four" from further consideration. If an Act of Parliament affects private rights, those who conceive themselves injured by it have a constitutional right to petition against the Act and lay their grievances before the tribunal which has the power to deal with them. Turkey is the only country where this right does not exist, and "Ward Four" is evidently under the impression that a Statute, even before it has been assented to, should be regarded as an Imperial firman.

It is quite true that Mr. M. McLeod is "not before the public as an occupant of a public office;" but we only mentioned his name because we fancied that "Ward Four" might, perhaps, be able to understand an argument leading to what logicians called *reductio ad absurdum*. But it seems we mistook. As Dr. Johnson once said to a troublesome shallow-brained fellow, who, like "Ward Four," was unable to understand a simple argument, "Sir, although I may be bound to furnish you with arguments, I am not bound to furnish you with brains to understand them."

THE corner loafing pest still exists, notwithstanding the fact that a large number of them have been prosecuted. Yesterday evening, one of the recently prosecuted ones, stood in a crowd at Hyndman's corner, and told the police on beat that he was fined but 25 cents, he could be so fined again, but d—d if he would move from the corner. What is the policeman's duty?

We regret to learn of the sudden death of the Rev. Henry Swabey, well-known as the active and energetic Secretary of the S. P. G. The deceased gentleman was a brother of the late Stephen Swabey, Esq.

## New Advertisements.

### TENDERS.

SEALED TENDERS will be received at the Office of the undersigned, until the 15th day of MARCH next, for the erection of a Warehouse and Coal-Shed on Peake's No. 1 Wharf.

Plans and Specifications to be seen at Peake Bros. & Co's Office. Good and approved security will be required for the performance of the contract.

We do not bind ourselves to accept the lowest or any tender. PEAKE BROS. & CO. Ch'town, Feb. 22, '73—3w 3i wily.

### ROUND COAL.

80 Tons Acadia Round Coal, AT \$3.75 PER TON.

For sale by WRIGHT & MACGOWAN, Queen's Wharf. Feb. 22, 1873—4i law

### LECTURE.

THE eight Lecture of the course in connection with the Y. M. C. Association will be delivered on

Friday Evening, Feb. 22nd, BY REV. D. FITZGERALD.

SUBJECT: "KNOWLEDGE IS POWER." Lecture to commence at eight o'clock. Admission 10 cents; ladies 5 cents. Feb. 20—3i JOHN MCLEOD, Sec'y.

### PENNY READINGS

S. PETER'S SCHOOLROOM, Tuesday Evn'g, Feb. 26, 1873.

Doors open at 7.30. Admission 25 cents. Feb. 21—dy pat till 26th.

A GRAND FANCY DRESS CARNIVAL! WILL BE HELD AT THE RINK, On Thursday, Feb. 23th, 1873, Commencing at 8 p. m. (Sharp.)

RULES: No one will be allowed to skate unless in Costume. Personation of Religious orders will not be permitted. No gentleman will be allowed to personate a female character. Only those taking part in the Carnival will be allowed in the Dressing Rooms. Strict order will be enforced in all parts of the building.

ADMISSION: Gentlemen and Ladies in Costume will be admitted free. Season ticket holders for promenade, 25 cts. Non-ticket holders for promenade, 50 cts.

The Rink will be suitably decorated for the occasion. Galbraith's Band will be in attendance, and will perform a select programme from 8 till 11 p. m. All intending to take part in the Carnival must hand in their names to Dr. Strickland on or before Tuesday, 26th instant. Ch'town, Feb. 19, 1873.

### RINGS.

A LOT of Solid Gold KEEPER RINGS (handsomely engraved.) Also, Solid 9, 12, 15, and 18 Carat Gold WEDDING RINGS received to-day. W. W. WELLNER. Feb. 18, 1873—3i

### ADDRESSES

Messrs. Palmer and Longworth in the case of the QUEEN vs. MARTIN CARROLL, for Riot, are now on sale in the Bookstores, in Pamphlet form.

PRICE, 5 CENTS. Ch'town, Feb. 19, 1873.

### HOUSE PROPERTY.

TO SELL OR TO LET, the Dwelling House, corner of Weymouth and Richmond streets, at present occupied by D. Hodgson, Esq. Apply to HODGSON & MCLEOD. Jan. 31st, 1873.

### Bank of P. E. Island.

THE Annual Meeting of the Stockholders of this Bank will be held at their Banking House, in Charlottetown, on TUESDAY, the fifth day of March next, at 12 o'clock, noon, for the purpose of electing Directors for the ensuing year, and the transaction of such other business as may be laid before them. Proxies for voting must be left with the Cashier at least one day previous to the meeting. J. R. BRECKEN, Cashier. Ch'town, Feb. 19, 1873—a rg dp

## New Advertisements.

### RANKINE'S BISCUIT!

ON CONSIGNMENT:

85 BOXES Soda, Graham, Pilot, Wine and Butter, Fruit, Lemon, Cinnamon, Abernathy, etc., for Sale at MANUFACTURERS' PRICE.

FENTON T. NEWBERRY & CO. Ch'town, Feb. 15, 1873—3i

### UNLESS

ALL OUTSTANDING ACCOUNTS are paid by 1st MARCH, there will be an unpleasantness immediately after. Mind that, NOW!

THEO. L. CHAPPELLE, Diamond Bookstore, 85 N. Side Queen Square Ch'town, Feb. 15, 1873.—3in

### KING SQUARE HOUSE!

WE HAVE A COMPLETE STOCK OF

### CARRIAGE GOODS

Consisting in part of

Iron, Steel, and Castings, Spokes and Rims, Axles and Springs.

We call special attention to HENRY'S PATENT SINGLE PLY

Cast Steel Carriage Springs, for which we are agents. We warrant each Set.

OUR PRICES ARE VERY LOW BEER & SONS. Ch'town, Jan. 9, 1873.

### GROCERY

### Provision Store!

Cor. Great George & Kent Sts.

THE Subscriber wishes to inform his friends and the public generally that he still keeps on hand a choice assortment of

### Groceries and Provisions,

AT HIS OLD STAND, and will be pleased to have them call and inspect for themselves.

ON HAND,

10 CHESTS CONGOU TEA, ("New Season")

1,000 Lbs. Canadian Cheese,

10 Casks American Kerosene Oil, (120° test; 36 cts. per gal.)

20 BARRELS SUGAR

(all kinds),

100 Bbls. Sup. Extra Flour, 3 Pans. Very Choice

### MOLASSES

20 doz. Pickles, 20 doz. Assorted Jams 20 boxes Dessert Prunes, 100 Tins Sardines.

CANS PEACHES, PINEAPPLES STRAWBERRIES, TOMATOES

NEW RAISINS, ZANTE CURRANTS, DRIED APPLES, STEWING PRUNES, 300 QUARTS CRANBERRIES, GREEN GRAPE.

300 LBS. SMOKED HALIBUT, 25 QTLS. CODFISH, 100 BOXES DIGBY HERRING.

and all goods usually found in a First-Class Grocery Store.

FAMILIES SUPPLIED BY THE MONTH.

DONALD NICHOLSON.

Jan. 16, 1873—y.

MERCHANTS

### Marine Insurance Co'y OF P. E. ISLAND.

### NOTICE.

THE Annual General Meeting of the Shareholders of the above Company will be held in the Young Men's Christian Association Hall, Charlottetown, on

Wednesday, the 13th March.

AT THREE O'CLOCK,

for the election of Directors for the ensuing year and the transaction of other business.

FENTON T. NEWBERRY,

Manager.

Feb. 9, 1873—pat law till meeting