THE EXAMINER.

VOL. 2. CHARLOTTETOWN, PRINCE EDWARD ISLAND, TUESDAY, FEBRUARY 26, 1878. NO. 243

ALMANAC FOR FEBRUARY, 1878.

MOON'S CHANGES.

New Moon, 2nd day, 4h 05m. a. m., N.E.
First Quarter, 10th day, 9h. 05m. a. m. N.E.
Full Moon, 17th day, 7h. 05m. a. m., N.W.
Last Quarter, 23rd day, 11h. 00m. p. m., N.E.

D M	DAY OF WEEK.	Sun rises	Sun sets.	Moon rises	High water	Dy's len.
		H. M	H. M	morn	aft'n.	H.M.
1	Friday,	7 29	4 58	7 14	10 32	9 34
2	Saturday,	28	5 00	7 31	11 7	37
3	Sunday,	27	2	7 50	11 40	41
4	Monday,	26	4	8 5	morn	43
5	Tuesday,	25	5	8 21	0 8	47
6	Wednesday,	24	7	8 36	0 37	50
7	Thursday,	22	9	8 50	1 9	52
8	Friday,	19	10	9 8	1 49	54
9	Saturday,	18	12	9 29	2 17	51
10	Sunday,	17	13	9 58	2 59	10 1
11	Monday,	16	15	10 35	3 56	4
12	Tuesday,	14	16	11 27	5 32	7
13	Wednesday,	12	18	aft 34	6 48	10
14	Thursday,	11	19	1 52	8 12	13
15	Friday,	9	20	3 38	9 17	15
16	Saturday,	8	22	4 45	10 9	19
17	Sunday,	7	23	6 11	10 55	22
18	Monday,	6	25	7 37	11 28	25
19	Tuesday,	3	26	8 58	11 59	28
20	Wednesday,	1	28	10 19	aft 34	31
21	Thursday,	6 59	29	11 40	1 12	34
22	Friday,	57	31	morn	1 53	37
23	Saturday,	55	33	0 57	2 49	40
24	Sunday,	52	34	2 10	3 54	43
25	Monday,	51	35	3 12	5 19	46
26	Tuesday,	49	37	4 4	6 49	49
27	Wednesday,	47	38	4 43	7 53	52
28	Thursday,	6 45	5 40	5 15	8 49	56

PRINCE EDWARD ISLAND RAILWAY.

TIME TABLE NO. 8.

WINTER ARRANGEMENT.

To come into force MONDAY, DEC. 24, 1877

TRAINS GOING WEST.

STATIONS.	No. 5. Express	No 7 Mixed
		P. M
GEORGETOWN	Dp. [illegible]	
Cardigan	" 9.02	
Mount Stewart Junction	Ar. 10.25 / Dp. 10.35	
Royalty Junction	" 11.46	
	P. M.	P. M.
CHARLOTTETOWN	Ar. 12.10	Dp. 2.40
	A. M.	
	Dp. 9.00	
Royalty Junctio	" 9.25	" 3.05
North Wiltshire	" 10.22	" 4.02
Hunter River	" 10.40	" 4.20
Bradalbane	" 11.18	" 5.00
County Line	" 11.28	" 5.10
	P. M.	
Kensington	" 12.07	" 5.50
SUMMERSIDE	Ar. 12.45 / Dp. 2.00	" 6.20
Wellington	" 2.45	
Port Hill	" 3.28	
O'Leary	" 4.43	
Alberton	" 5.45	
Tignish	" 6.35	

TRAINS GOING EAST.

STATIONS.	No. 2 Express	No. 4 Mixed.
	A. M.	
TIGNISH	Dp. 8.00	
ALBERTON	" 8.55	
O'Leary	" 9.52	
Port Hill	" 11.07	
Wellington	" 11.48	
	P. M.	A. M.
SUMMERSIDE	Ar. 12.35 / Dp. 2.10	Dp. 8,35
Kensington	" 2.48	" 9.12
County Line	" 3.30	" 9.50
Brakalbane	" 3.40	" 10.10
Hunter River	" 4.20	" 10.40
North Wiltshire	" 4.35	" 10.58
Royalty Junction	" 5.30	" 11.56
CHARLOTTETOWN	Ar. 5.55 / Dp. 2.05	" 12.20
Royalty Junction	" 2.30	
MT. STEWART Junc.	Ar. 3.40 / Dp. 3.50	
Cardigan	" 5.12	
GEORGETOWN.	Ar. 5.40	

SOURIS BRANCH.

Going West. **Going East.**

STATIONS.	No. 5 Mixed.	STATIONS.	No. 6 Mixed.
	A. M.		P. M.
Souris	Dp. 7.30	Mt. St'w't Jc	Dp. 3.50
Harmony	" 7.55	Lot 40	" 4.26
St. Peter's	" 9.10	Morell	" 4.32
Morell	" 9.42	St. Peter's	" 5.05
Lot 40	" 9.48	Harmony	" 6.20
Mt St'w't Junc	Ar. 10.25	Souris	Ar. 6.45

C. J. BRYDGES, Gen. Superintendent Govt. Railways.

W. McKECHNIE Sup't. P. E. I. Railway.

Notice to the Public!

SUPPLIES for the "Soup Kitchen" will reach the Committee if left at the Store of Mr. Alex. Horne, Corner of Queen and Fitzroy Streets.

Donations of money will be received by them through Dr. Dodd and Mr. J. Quirk,

N. B.—Food for the sick carefully prepared by the Committee.

Nov. 30, 1877.

Supreme Court.

THE following is a short report of Mr. Longworth's speech in the case of the Queen vs. Thomas McCloskey:—

GENTLEMEN OF THE JURY,—You have listened for several days to the evidence on both sides of this case, of which I am sure you must, by this time, be weary; and now that the counsel for the defence has spoken, it is my duty to address you on behalf of the Crown. In doing so I shall endeavor to present the facts as clearly and concisely as possible, and detain you no longer than the necessity of the case demands. In referring to the able address for the defence to which you have listened, I am sorry to observe that the learned counsel attempted to create the impression that the Crown law officers were endeavoring to stir up religious feeling during the progress of this trial and to make you believe that the prosecution has sprung from, and is conducted in, the interests of the Orange Association who are taking advantage of a Government prosecution to be severe towards their Catholic brethren. In this course I will not attempt to follow him, for this is no time, nor is it a case, for arousing sectional feeling or sensation, but will merely state that, pursuing a different line of conduct, the Crown law officers have endeavored to perform their duty as the necessity of the case required. To stir up religious feeling in a Crown prosecution is no part of our duty as counsel; and I will leave you to judge if, during the progress of the trial, my colleagues or myself have deserved such an imputation. Does the learned counsel suppose that if the parties indicted were Orangemen the officers of the Crown would not pursue the same course as they are doing now? This prosecution came before this Court in the ordinary way, and the Attorney General, by taking any other course than the one he has pursued, would prove recreant to his duty and unfit for his position. It is unjust then to say that this prosecution is conducted in the interest of the Orange Association. Although it be true that some of the witnesses for the prosecution are Orangemen and the traversers are Catholics, that should be no reason for not entering calmly into the case and conducting it without religious feeling. Nor should the fact of being an Orangeman preclude any person from receiving the protection of this Court, nor be a pretext for denying him justice. No, I trust the day will never come when a class would be thus proscribed, but that the interests of all alike will ever be the care of the jury, whom we deservedly recognize as the guardians of Public Right. But, gentlemen, the case before you is not of a religious or party character, but one of still greater moment and affecting the public welfare. Has wrong been committed?—peace been destroyed?—lives imperriled? are the important questions submitted for your consideration. If such violation of law would be tolerated, how serious would be the result in all civilized communities—lives and property, and institutions, would be in danger. They must be protected, and it is your duty to show that the aegis of the law is competent to do so. The learned counsel for the defence spoke with eloquence and vigor; but I would ask you whether, in the course of his address, he went fairly through the evidence or only dwelt upon the testimony of one or two witnesses who swore strongly in favor of McCloskey. Such treatment of evidence may suit the purpose of the defence; but it is your duty and mine to examine both sides of the case, and thereby endeavor to arrive at the truth. Then, the question is, whether those parties indicted are guilty of an attack upon peaceful citizens and of taking the law into their own hands to resent real or imaginary wrongs. Whether, in assembling in front of the Orange hall and shouting, and throwing stones, on the 12th of last July, they are guilty of riotous conduct—and if so, was the traverser at the Bar, Thos. McCloskey, one of the parties; and as such, is he amenable to justice. The counsel for the defence have taken as one ground, and have endeavored to maintain it, that the firing of shots by the Orange Association was the cause of the disturbance and brought about the throwing of stones. On this, in opening the case, Mr. Palmer dwelt at considerable length, as well as on the great wrong of which the Orangemen, by using fire arms, were guilty, and promised to bring evidence to show that John Scott, one of the Orangemen, fired the first shot on that evening. While I admit that no man is justified in using firearms except for protection, I submit that firing the shots from the Hall has very little to do with the case, and can be considered no justification for riotous conduct on the part of the crowd on the street, I refer you to the decision of Mr. Justice Peters in a former prosecution, who gave it as his opinion that firing a pistol could not be considered a violation of law, if done for protection and to intimidate a crowd. In view of that decision, it will be for you to say whether or not the shots were fired on that evening for self-protection or to intimidate the crowd. As to John Scott firing the first shot, I would ask you, has the evidence borne out such a charge? You have heard Scott swear positively that he neither fired a shot nor had a pistol in his hand that day, and when you put that evidence against that of witnesses for the defence who appeared as if they had agreed to swear to the same statement, I think you will conclude that Mr. Palmer has failed in his attempt to prove this part of the defense. They also stated that Mr. Diamond was under a misapprehension in swearing that he was struck by Martin Carroll, and brought a witness to prove that he saw Diamond struck, but not by Carroll. They did not know at the last trial who struck Diamond, but now they do, although they refuse to produce the person. On this evidence are you prepared to throw out the statement of Mr. Diamond, when the law says you are to believe the man who swears positively to have been struck. What does Mr. Palmer mean by stating that on this occasion they could present a stronger case and give stronger evidence than on a former trial? I hope no meaning lurked in that expression to the effect that the jury are not doing their duty, for you have been selected with great care and are old enough to know the responsibility of your position. You have to deal with the evidence, and that only, laying aside all party feeling and outside issues. With attacks of newspapers and anonymous letters you have nothing to do, and I feel satisfied that in dealing with this case you will sweep all such matters from your consideration, and act, not with a view to the security or interest of any body of persons, but the discharge of your duty as prudent men in the interests of society. If anonymous letters have been written to the counsel for the defense they should have given evidence of such, and brought the guilt home to the parties; but it is irregular to refer to them as Mr. Hodgson has done, for I am persuaded they were written by no one connected with this case, Mr. Hodgson says we have failed to prove our case, and asks the reason for not producing on this occasion John Moore and Daniel Stewart, two of our principal witnesses in the former trial. We did not call them simply because it was unnecessary to do so. He also asks, when referring to the anonymous letters received by the counsel for the defense, why no Orangemen were called as witnesses after he put the question to the witness McKenzie if he knew anything about the letter; but our answer is, that seven Orangemen were afterwards examined as witnesses, none of whom, however, did Mr. Hodgson think it prudent to question about the letter. Now, gentlemen, as to the question, was there a riot? (Here Mr. Longworth referred to the evidence of Stanley and Sergeant Allen.) On Mr. Stanley and Sergeant Allen Mr. Hodgson was particularly severe; but carefully avoids the latter's evidence about the shots, which evidence we have seen has been borne out by other witnesses. In referring to Mr. Stanley, who, as you are aware, swore to the parties engaged in the riot, Mr. Hodgson, instead of entering into the character of the evidence attacks the witness himself, and the paper on which on the evening of the disturbance he wrote the names of the parties engaged in it. But the counsel descriptions of the witness and his paper have nothing to do with the case, and you have to take Stanley's evidence which you have heard given that the parties whose names were written on the paper were engaged in throwing stones at the Hall, and shouting to haul down the flag. Now, gentlemen, can you account for the conduct of those parties assembling at the Orange Hall, and there remaining for an hour or more, shouting, throwing stones, and destroying the windows—in any way consistent with their innocence. Were they acting in concert in destroying windows, attempting to haul down the Orange flag and insulting the officers of peace. (Here defendants Counsel replied that they were shot at.) The learned counsel says they were shot at; but the evidence does not show that such was the case. Did not their cries and shouts import unanimity of action? It is immaterial to say they were shot at for as I have already observed even then they would not be justified in taking the law into their own hands to remedy their own wrongs or act the arbiters of justice. The very act of attacking the Orange flag the law will not tolerate, for it was under the protection of law so long as the Orange Association is recognized and sanctioned by law; and the legal right of the order the learned counsel were silent. Even if shots had been fired from the Hall before stones were thrown those who fired them were not violating the law as laid down by the learned judge in a former trial, and, therefore, those engaged in the disturbance can not from any such admission, obtain any justification for their conduct. But we can prove that the Orangemen were not the agressors; that the disturbance was commenced before any shots were fired from the Hall.

(Here Mr. Longworth read the evidence of several witnesses for the Crown.)

I refer you to the testimony of nine witnesses showing that the attack on McKenzie, near the door of the hall, was the commencement of the "muss." McKenzie, as you have heard, was in the act of crossing the street wearing, as one witness said, his Orange scarf under his coat, and out of sixteen witnesses for the defence only one swears that he had the scarf in his hand. That witness would not swear that he shook the scarf. McKenzie was struck shortly after leaving the hall door by Sweeny and some other person not known. This assault we have shown was the first act of violence on that evening, and is the index of the whole case, and shows the object for which the crowd had assembled. Again, shortly after this, when McKenzie and Daniel Stewart came out of the hall they were saluted with shouts "Here come the beaver hats," and were immediately attacked by the crowd. Did this not import unanimity of action? Witnesses for the crown swear that the shots were fired after the disturbance commenced and McKenzie was struck down. And although a great deal has been said about the shots being fired which might lead you to believe that the stones were thrown in self defence and therefore justifiable. Leaving out the question whether the firing was justifiable or any justification for the action of the crowd in smashing the windows, let us examine this ground of the defence. was given in evidence that the first shot was fired from Quirk's gangway, and some were of opinion that this was the signal for attack. You have also heard it sworn by Laurie that the man who fired the second shot was the same who struck McKenzie—the man who fired that shot could have been no friend of McKenzie. As to the first shot we have the evidence of Newson, Dawson and others that it was fired from Mr. Quirk's gangway, and we find on referring to Mr. Quirk's evidence that he does not deny but that such might be the case.

Then this is the ground which the defence have endeavored to support by evidence; but have they done so. Has Mr. Palmer succeeded in proving what he stated in his opening address that no pistol shots were fired by the crowd that day, and that pistol shots were fired from the Hall before any attack was made on MacKenzie. We have brought ten witnesses to prove that the pistol shots were fired by the crowd. You will see then that here the defence fails, and if they intended to find justification for their conduct from the firing of the shots they have put the saddle on the wrong horse. I will now refer to the evidence to see whether there is sufficient to satisfy a jury that the windows were broken before any shots were fired. You have heard the witness who swore that the stones were thrown before any shots came from the Hall. Dr. Jenkins swore that he heard the cracking of glass before any shots; and Mr. Griffith, a witness for the defence, admits that some of the stones first thrown