

Supreme Court.

The following is the continuation of Mr. Hodgson's address to the Jury in the case of the Queen against McCloskey, for riot:—

When a suit is going on there is a great deal of generalship employed in the management of the case. The lawyers consult with each other as to the best plan to adopt, and they arrange their witnesses to come in the order in which their evidence will be most effective: just as a general upon a battlefield will manoeuvre his troops. Columns after columns of infantry are deployed into line to present a bold front; immediately in the rear will be placed the cavalry to follow up the attacks and secure any advantage which the foot soldiers may have gained; and on a commanding position the batteries of artillery will be in readiness to pour forth their deadly shots. The senior counsel for the Crown had so arranged his witnesses that at a moment's notice they would be on hand to give in their testimony at the proper time and the right place. But when asked why they did not call Mr. Daniel Stewart, each counsel was as dumb as a sphinx; and no wonder. Which of us that heard Daniel give his evidence in the former case will ever forget him? The junior counsel for the Crown decided to throw Daniel overboard, although he is one of the foremost officers of the Orange ship.

In the former case in which I addressed the Jury, I took two points and rested the defence on them, but in this case, I shall adopt the plan of my learned friend Mr. Palmer, and group the evidence. The first witness called was Sergeant Allen. When, gentlemen, I ventured to question the courage of the Sergeant, I was told that Her Majesty had placed upon his breast a medal for bravery displayed by him at the Crimean War. Doubtless Her Majesty felt it to be a duty to decorate the gallant Sergeant, for she must have been in a great measure indebted to him for the victory of Inkerman. At the storming of the Redan he was there, and although the result was somewhat disastrous for the British troops, yet the splendid display of courage and pluck which crowned them with glory has been shared by Sergeant Allen. What does he say took place at the wharf? The traverser at the Bar and "others made an attempt to deride us." That sweet, heavenly disposition, which usually characterizes the Sergeant, was not proof against such derision, and as is generally the case with men of mild disposition,—"men slow to anger"—when their ire is once roused, it is difficult to allay their passion. The Sergeant was agitated by the derision, and he nursed his ire for ten hours, and even longer, for we find, up to the present, he has an intense hatred for one of the rioters—Martin Carroll. When his eagle eye swept along the street to see if his men were safely housed in the Orange Hall, he rested content, because it seemed to him that his duties were over. When the disturbance began between the Sergeants' men and the traversers, somebody gave the Sergeant a pistol, and it was the most harmless thing which could have been placed in his hands; for instead of manifesting his courage by showing it, he shoved it down deep into his pocket, far from the sight of anyone. From the moment this weapon was given to him, his staid demeanour sunk to the gentleness of a cooing dove. Be that as it may be, he disappeared and left his men to the mercy of their enemies. While the disturbance was going on, he tells you he was absent. When asked why he left his men in such a critical time—a time when they most of all needed him—he replies, "when I came down from the Lodge all was quiet." Gentlemen, according to the Sergeant's story there was a serenity, a stillness reigning all around, not a report of a shot or the noise of a stone broke the stillness, which everywhere reigned. What may we conclude? When everybody else saw turmoil and confusion, the warrior only saw peace and stillness. His resolve was taken in a moment, and with his umbrella he shouldered, and his pistol in his pocket, he retreated around J. D. McLeod's corner, making a direct course over Black Sam's Bridge to the Poor House. However gallant his conduct might have been at the Crimea, and I do not doubt he was brave, for which he has been decorated by medals—of which he is no doubt proud—yet on the occasion of the 12th of July last his conduct has earned for him another decoration—that is the white feather. The next witness is the man J. A. McKenzie upon whom the whole cause of riot rests. It has been stated that he came from the Lodge room with his scarf wound around his hand, and flaunted it in the faces of the traversers. On the other hand, some of the witnesses for the Crown say that the scarf was under his coat and completely hidden. This is one difficulty which I cannot solve. How could the witnesses for the defence know he had a scarf unless it was twisted around his hand and shown in some way? How can the learned counsel for the prosecution reconcile the statements of their own witnesses on that point?

Now, gentlemen, I come to the circumstances of the riot itself. I shall not say anything about the feelings which were aroused by the inscriptions upon the banner borne by the Orangemen. I will not allude to the story of wrongs which have been perpetrated under the protection of that banner. I shall not ask you to "remember the deeds of our forefathers," nor shall I raise the war cry "no surrender." I am not an Irishman or a Roman Catholic. If I were, I do believe, if I were to meet an Orange procession, I should have at once to commence to say my prayers, or I might commit myself in some way. You have to deal with human nature just as you find it, and you will, I am sure, make some allowance for feelings so strong—so deep—as those which bring the hot blood to the cheek when an insult is offered to an Irishman's country—an outrage offered to his holy faith.

We have been told that this evening was a very hot evening. I can imagine the heat of the room in that flat-roofed building. So stifling was it that John Scott got out on the moulding below the window; but here a difficulty occurs. The Orangemen say that none of the windows were opened until they had been all broken by stones. If so, how did Mr. John Scott get out? I have heard of witches getting through the keyhole of a door; but how Master John could manage to force himself through an unopened window is one of these Orange mysteries which I confess myself powerless to solve. After the room had been entered and all the necessary ceremonies concluded, McKenzie concluded to go home. The next thing we hear of him, is that he was seen struggling in a row with Gerald Sweeney. How many times he was struck I do not know, nor does anybody appear to know; he does not seem to be able to tell himself. If he had gone down with his colours flying around his head, and got into a row, he has no person to blame for

it but himself. Between him and his aggressor—if he had an aggressor—let it be settled. It has been well said: It is not always the nation that commences a war that is responsible for its consequences, but the nation that caused the war. McKenzie, no doubt, could have gone to his home across the street, as easily as any other man, if he had been peaceably inclined, but he chose to get into a row. He was too much of an Orangeman to be content that the 12th of July should pass in peace. This day, beyond all others dedicated to Orange orgies, would not be complete without a riot, without bloodshed, and with words of hatred upon his lips and malice in his heart, and his Orange scarf as his banner, went with ardor for a fight. He obtained his dear desire, and the consequences we know. But what hand or part had the traverser with this? The Orangemen came to his rescue in the scuffle he had wantonly provoked. But they came with pistols, and without ever considering how precious even an Irishman's life may be to him, they showed their bravery by firing upon an unarmed crowd. I do not hesitate to say that the man who would use a pistol under such circumstances is a mean and cowardly wretch. It appears from the evidence that Mr. McKenzie was armed to the teeth himself, and as an extenuating circumstance, tells you he withdrew the bullet from two cartridges, which only were fired, reserving five ball cartridge. How improbable. He could not have taken that bullet from its place in the cartridge without injuring the case so that it would not go into the revolver; or if by any means it was forced into the revolver the powder would have come out.

[Mr. Hodgson here handed a ball cartridge to the jury and asked them if they thought he could have taken it out. A juror having twisted it out with his teeth, Mr. Hodgson then pointed out that he could not have bent down the copper without so altering the shape that it would not go into the chamber of the pistol.]

Mr. Wood's states that he heard a report of a pistol which was fired in Quirk's gangway. Gentlemen, have you not noticed the absence of any connection between the shot fired from Quirk's gangway, and the disturbance which afterwards took place, and which is the alleged riot that you have to deal with. But a Mr. Philip Newson says he saw Charles Quirk fire the shot—he saw his hand stretched out, and furthermore states, "I believe he fired it." If ever a false statement was made in a court of law it was that. I charge it to be untrue, and to have been wickedly and wilfully spoken. You saw the eager, earnest way that witness came to the stand, and no sooner had his lips been released from the Holy Volume to which they had been pressed, than he hurried to make a statement as false as it is malicious and wicked. Is there one of you who believe that Charles Quirk fired at the Orange Lodge? Why, what does James Long, a witness for the Crown, say? Long saw Quirk standing at his door. He stood by him all the time; he says he could not have fired without his having seen him. When I pressed Newson upon cross-examination, he admitted that he based his opinion that Quirk fired upon the fact that he saw "his hand extended and a bank of smoke upon it," and this after positively swearing that he had fired. The ingenuity of the learned counsel will, perhaps, be able to give us a name for this nameless weapon. I admit I can not, for I never heard of a deadly weapon which resembled "a bank of smoke." There were many persons standing by Quirks; why not procure them? The Orangemen are an active body, how active these long trials have only too surely shown, they have the public Treasury at their disposal, and all the Sheriff's officers to serve their subpoenas, and yet not a living soul can they produce to uphold this false and wicked story. And yet, as in every lie there is some portion of truth, so here this statement contains but one atom of truth; and it is this: Quirk did stretch out his hand, but what for? It was when he called out to the mean, base cowards, who, sheltering themselves behind their brick walls, were firing their loaded pistols. Two bullets had entered Mr. Quirk's windows, and endangered the lives of his family, and when he had called out to remove his children to a place of safety, he called to the City Marshall, and, pointing to the Orangemen, desired him "to stop those men, for their bullets are coming into my house." This is the truth as stated by Quirk, and is supported by Long, the crown witness. I can not imagine what Newson's object can be. I know the bitter hatred which Orangemen cherish towards those who differ from them; and it may be that within their Lodge room, when engaged in their orgies, orgies so shocking that they do not hesitate to take boys of eighteen years of age, and cause them to swear who they may not marry when they reach man's estate—it may have been that at some of these midnight meetings, they planned this most dastardly attack upon Mr. Quirk. They will fail, nay, they have failed, and most surely will this most wicked plot recoil upon the conspirators.

Now, gentlemen, with regard to the shots fired from the Lodge door, I beg your attention while I point out to you how the evidence has failed to show that there was any provocation. [Mr. Hodgson here read from the evidence.] Now you see how completely the assertion falls to the ground that these shots were fired in self-defence. Men fired after they had been pelted with stones. Stones were thrown: I do not deny it. But why? Because from the Orange Lodge windows a base, bloody, brutal attempt was made to shoot down the traversers like dogs. My impression hitherto has been that Queen Street was the Queen's highway, and that along it Her subjects might pass and repass. But it seems I am mistaken. I now learn it is the Orangemen's highway, and because one of their number receives a box in the ear for his impudence, from some one in no way connected with the traverser, the traverser is to stand still and be shot at like a dog. Suppose he did throw a stone, he did what you or I would have done, what he had a perfect right to do. There is no evidence that he was a ringleader. Nay, it is the reverse; for Smith tells us that he saw the traverser compelling a man to put down two stones, which he was about to throw, and heard him say, "Stop, men; it is the like of you who get people into trouble."

We shall give the conclusion of Mr. Hodgson's speech, together with the speech of Mr. Longworth for the crown, on Monday.

EMIGRANTS.—There were about sixty emigrants on the English mail train recently, bound for the West. They dined at Sangster's restaurant at the Government expense. —Moncton Times.

Oddfellowship.

"COLVILLE LODGE, No. 32, I. O. O. F.," was instituted at Souris last evening, the 22nd inst., by W. C. DesBrisay, Esq., D. D. G. W., who was assisted on the occasion by a large number of the members of the city lodges. The work of instituting the lodge, commenced at 8 o'clock, sharp. Nine new members were admitted by initiation, and three by cards. After remaining in session until 12.30, the members and their city visitors repaired to the Bay View House, where a sumptuous collation was in readiness, and got up in excellent style, and fully appreciated. Immediately after supper work was again resumed—continued until four o'clock—and the officers of Colville Lodge regularly elected and installed. The following is a list of officers:—

V. H. Knight, N. G.
H. C. Brownell, V. G.
Hector McLean, R. S.
Joseph Campbell, P. S.
Charles P. Knight, Treasurer.
Rev. J. G. Cameron, J. McKie and H. Morrow, Trustees. This Lodge enters upon its mission of Friendship, Love and Truth with brilliant prospects.

The New Pope—Leo XII.

Despatches of the 20th state that a new Pope has been elected—Cardinal Joachim Pecci, on whom the choice has fallen. The Rome correspondent of the New York Herald said of him a fortnight ago:—

JOACHIM PECCI

was born at Carpenetto, in the diocese of Arragni, on March 2, 1810, and is sixty-eight years of age. He was created Cardinal on December 19, 1853. He is Archbishop of Perugia and chamberlain of the Pope. His eminence is a likely candidate for the Papacy, although a "moderate"—a "moderate," although a chamberlain, and a chamberlain, although an enemy of Antonelli. He was to have been created cardinal at the request of a Protestant, King Leopold I. of Belgium, to whom he had been sent as Nuncio by Gregory XVI.; but on the death of the latter, Pius IX., yielding to the vindictiveness of Antonelli, allowed seven years to elapse before he gave him the hat. Of high intellect, of a well tried and energetic nature, His Eminence has made not only an excellent bishop, but has realized the type of a perfect cardinal. As a man of intelligence he does not regard with such a pessimist eye as his colleagues the reciprocal sensations of the Church and society. He has evidently found a solution in his own mind for existing and eventual difficulties. His Eminence is tall and thin. His features have an aristocratic stamp, and are characterized by great finesse. He has a resemblance at once to Voltaire and Richelieu. The voice strikes one disagreeably at first, it is so nasal in its tones, but one soon gets accustomed to this peculiarity, owing to its fulness and resonance. Although simple in manners, His Eminence is of all the cardinals the one who carries himself with most pontifical majesty, reminding in this Pius IX., who, in his early days, passed for incomparable.

The Herald correspondent can claim some credit for prophecy. He said, writing at Rome on the 8th: "By slight indications—so slight that the pen is powerless to reproduce them, but which are not the less clear to my mind, I think that I can fix upon the name that will issue successfully from the balloting urns. It is that of PECCI."

A CONVENTION OF MARITIME TROTTER ASSOCIATIONS.—Delegates have been invited from all the trotting associations in the Maritime Provinces to attend a convention at Amherst, N. S. The initiative has been taken in the movement by the Amherst Association, and the idea is to have the meeting about the first week in March. The object is to protect the trotting interests of tracks in New Brunswick, Nova Scotia and Prince Edward Island. Moosepath Park, N. B., will be represented.—St. John Telegraph.

THE INQUEST on the body of Mrs. Mary Quinn, murdered on last Wednesday in St. John, N. B., was concluded on the 19th. The jury, after an absence of five minutes, brought in the following verdict: "That the deceased, Mary Quinn, came to her death from a blow from an axe, and we further believe that the deceased came to her death through the hands of the prisoner, William Vaughan." On the verdict being given the prisoner became very nervous. He was at once taken to the jail, followed by a large crowd. Vaughan will be tried at the Circuit Court, which opens on the second Tuesday in March.

NEW MARINE SLIP.—At a large and influential meeting held at Mason Hall, Pictou, on the 19th, it was decided to form a company to erect an additional Marine Slip, capable of hauling ships of two thousand tons capacity. The whole stock is to be thirty thousand dollars, of \$25 a share. Upwards of \$5,000 was subscribed at the meeting. This undertaking will increase the facilities for repairs to ships of large tonnage, and will no doubt induce many more vessels to come here for repairs.

A MAN FROZEN TO DEATH.—A melancholy accident happened at Lower LaHave, N. S., on Friday evening last. Mr. Francis Oxner, of Five Houses, while going home from a tea meeting on the west side of the river, got in the ice in sight of his own dwelling, and being unable to get out was found frozen to death next morning.—Herald Chronicle.

Married.

At the residence of the bride's mother, by the Rev. Kenneth McLennan, assisted by the Rev. John McLeod, Thomas Henry Hacker, of Summerside, to Sarah Ellen, only daughter of the late James McMillan, Esq., of Brackley Point.

In this City, on the 20th inst., by the Rev. W. S. Pascoe, Mr. James A. McLeod, of Brackley Point, to Miss Mary A. Munroe, of Strathalbyn.

GREAT BANKRUPT SALE.

The Stock in Trade of the Estate of S. KEITH & CO.

WILL BE SOLD AT A TREMENDOUS SACRIFICE.

Worsted Coatings, Beavers, Pilots, Broad Cloths, Tweeds, Ready-made Clothing GENTS' FURNISHING GOODS AND HATS, WILL BE SOLD REGARDLESS OF COST.

Clothing Made to Order AS USUAL.

C. V. MCGREGOR, Assignee

H. B.—Coat, Vest, and Pant Makers wanted immediately.

C. V. McG., South Side Queen Square Ch'town, Feb. 5, 1878—2m 2aw

ON SALE.

Oil. 30 Casks best American Oil, at 36 cents. 200 bbls. Castor Oil and Sweet Oil. HENRY COOMBS.

Fish. 40 Quintals good Codfish, 500 boxes fresh Smoked Herring, Labrador Herring. Good and cheap. HENRY COOMBS.

Fruit. 90 Boxes Raisins, at from 9 to 12 cts. per lb; 700 lbs Dates, 7 cts. per lb; Oranges, Peanuts, Coconuts, Figs; 500 lbs. Dried Apples, Cranberries, Canned Peaches, Plums and Cherries. HENRY COOMBS.

Beans. Good American Beans and Split Peas. HENRY COOMBS.

Blueing. 9 Gross Bartlett's best, 15 Gross Pickstone's Washing Crystal, at low prices; 3 Casks Soda, Whitening. HENRY COOMBS.

Acid. 10 lbs. Citric Acid, Senna, Salts, and Magnesia. HENRY COOMBS.

Corks. 50 Gross, from 40 cts. to 60 cts. HENRY COOMBS.

Matches. 50 Gross Byram's best. HENRY COOMBS.

Corn. Cracked Corn, Cheese, Onions, Brooms and Brushes, from 8 to 30 cents. HENRY COOMBS.

Casks. Empty Casks, Kegs, Bottles, Demijohns and Oil Drums on sale. Repairs attended to. Cooper Shop on premises. HENRY COOMBS.

Drinks. 10 gallons Lime Juice, Lemon Syrup, Raspberry Vinegar. HENRY COOMBS. Ch'town, Feb. 13—3taw

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, '78—3w 3t wklly.

Auction Sales.

AUCTION!

I will sell at AUCTION, On Monday, the 25th inst., at 11 o'clock, at the Store of F. H. CAMPBELL, who is about to remove to the country.

THE FOLLOWING GOODS: 250 PAIRS BOOTS, SHOES, LARRIGANS & SLIPPERS, Lot of DRY GOODS, " EARTHENWARE, 1 Large SHOWCASE, 1 Writing DESK, 1 COUNTER (15 feet long), General Assortment of GROCERIES, 5 Tubs BUTTER (prime article), 29 Bbls. HERRING (Boone Bay and Labrador).

B. WILSON HIGGS, Auctioneer. Ch'town, Feb. 22—2i

HOUSEHOLD FURNITURE.

I WILL SELL AT AUCTION, at the residence of DANIEL HODGSON, Esq., corner of Weymouth and Richmond Streets, on

Thursday, 7th March next, at 11 o'clock,

ALL THE HOUSEHOLD FURNITURE, consisting of—Drawing-Room, Dining and Bed-room Furniture, in Mahogany and Walnut; Extension, Centre and Side Tables, Sofas, Lounges, Easy and Arm-Chairs, Rockers, Prie Dieu Chairs, Side Board, Book-Case, Piano-forte (7 octaves—English), Music Chair, What-not, Brackets; Damask, Moreen and Chintz Curtains, Brussels and Scotch Carpets, Pictures, Handsome Glassware, Crockeryware, Dinner, Tea and Breakfast Sets, Plated Ware, Cutlery, Table and Bed Linen, Iron Bedsteads, Hair and other Mattresses, Feather Beds and Pillows, Wardrobes, Chests Drawers, Wash stands, Toilet Glasses, Toilet Sets, Bed-room Stoves, Fire Irons, Hall Furniture and Oilcloth, Kitchen Furniture and Cooking Utensils, Sleighs, Wagons, Harness, Riding Saddles, Buffalo Robes, Ploughs, Harrows, Horse-Rake, Garden and Stable Tools, Stone Roller, Carriage Lamps, &c., &c., &c.

TERMS—Sums under \$50 will be Cash on delivery; all sums over that amount, 3 months credit on approved joint notes.

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WILLIAM DODD, Auctioneer. Ch'town, Feb. 20—ar

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1,000 LOADS OF MANURE For Sale.

NIGHT SOIL and Stable Manure delivered when required. DANIEL GORDON.

P. S.—Leave orders for removing Night Soil at Police Station. D. G. Ch'town, Jan. 9, 1878—

Wants, Lost, Found, &c

Advertisements under this heading, in space not exceeding half an inch, will be inserted for Ten Cents per day.

LOST—Last Thursday night, the 21st inst., on Queen Street, a Bunch of KEYS. Any person leaving them at this Office or at 55 Upper Great George Street, will be amply recompensed. Feb. 23, 1878—2i pat eod ar

TO LET.—A HOUSE on Prince Street, at present occupied by Mrs. P. Walker. Apply to Mrs. E. REILLY. Ch'town, Feb. 21, 1878.—5in

FOUND—A Bunch of KEYS. The owner can obtain them at EXAMINER OFFICE. Ch'town, Feb. 21—

LOST—In January last, a small Milk MUFF. The finder will be rewarded by leaving it at Dr. Beer's Office. Feb. 14—