

THE DAILY EXAMINER

JANUARY 25, 1894.

THE DUTY OF THE HOUR.

There are two strong forces operating against the success of good legislation on the temperance question. Firstly, the general taste for intoxicants which undoubtedly prevails amongst the people; and, secondly, the control which tricky politicians—violators of every existing law on the subject—are able to exert in the direction of temperance legislation.

The difficulties arising from the last named cause are almost as bad as those presented by the appetite for liquor. About a year and a half ago a plebiscite on Prohibition was taken in Manitoba, under the auspices of Mr. Greenway.

Exactly so. The plebiscite vote was taken in the hope of embarrassing Sir John Thompson, without the slightest intention that Mr. Peters should square his own legislative action by the views of the people.

When we quoted Dr. Bourne as an authority for the opinion that local Legislatures could prohibit the retail sale of liquors, our contemporary demanded the opinions of the courts.

The Patriot appears to think that all the local Legislatures could do would be to pass a Local Option Act which would re-define a vote of the people to carry it into effect.

Commenting on this decision, Dr. Bourne says: "A Legislature in committing certain regulations to agents or delegates, such as licensed commissioners, retains its power intact, and can, whenever it pleases, destroy the agency it has created, and set up another, or take the matter directly into its own hands."

It is no use for the Patriot to cry out at this juncture for total Prohibition. Neither the Scott act nor a Provincial law can give that. If our contemporary is sincere in his expressions of anxiety to have a remedy at once for Charlottetown, let him join THE EXAMINER in calling for the passing of a Provincial act in response to the Plebiscite vote.

Summerside Journal: "The friends of Prohibition in this Province are anxiously awaiting the action of the Local Government in this matter, and Premier Peters will be watched very closely to see whether he has any desire to formulate and introduce a prohibitory law, or whether, like Sir Oliver Mowat, he did not intend the plebiscite to be taken seriously."

ROBERT BURNS

This is the anniversary of the birth of Robert Burns, the sweetest and most popular of all the Scottish poets. The anniversary will be celebrated in all the leading cities of Canada and the United States, and in Great Britain; and it will be celebrated here. Burns, without doubt, is one of the immortals. His memory is to-day as green in the hearts of all lovers of song as it was fifty years ago.

A LETTER FROM A PROMINENT DEALER in Bristol, England, has been received by the Department of Agriculture and published. It contains some points of interest in relation to the trade in farm products in England and it shows how keen is the competition of New Zealand in butter.

"I have had many conversations lately with grocers, butter merchants, etc., of this city. All appear, like myself, completely dazed to find Canada, not coming to the front faster with their mild butters. It appears, although the butter season of 1893 has closed more satisfactorily than usual, all the merchants in this city find that a much larger trade could have been done.

THE WOOLLEN INDUSTRY OF IRELAND. The Dublin Freeman says: "The Irish woollen industry is an industry with a past, and we trust with a great future. Through the ceaseless and never to be forgotten efforts of Lady Abercrombie the attention of strangers was called to the industry, and many of the mills doubled their weaving powers in consequence.

Montreal Witness: "There is, of course, something that the Mowat Government could do in the way of carrying out the recent mandate of the people. It is admitted that they have the power to pass a law abolishing bars and the retail licensed business. Their acknowledged powers are fairly represented in the Mar-shall bill presented last year, and vigorously supported by a great many, almost all, of the advocates of temperance. Sir Oliver might certainly commit himself to that, at least."

Hon. Mr. Joly, who has promised to accompany Mr. Laurier and Tarte to Ontario, would not share the political sins of the great combine. The ex-Premier writes as follows: "However I may sympathize with the Liberal party, it is not for its sake that I would intrude myself on the people of Ontario; my purpose would be a higher one: to dispel prejudice existing there against the people of our province; to show that they are not the bigoted, narrow-minded people they are represented to be. Should I succeed in the slightest degree in the task of restoring confidence and trust between Ontario and Quebec, I would be satisfied. Such is the task I declared myself ready to undertake; not for the advantage of any political party, but for the good of our country."

BIND YOUR MAGAZINES! The cheapest and best place is at J. D. TAYLOR'S, jan25-31 cod

TO LET. The Brick Store on Queen Street, lately occupied by E. H. Norton & Co. Apply at office of Trustees Connolly Estate, Queen Street. cod tf-jan25

Lobster Packers. The undersigned offers for sale, from warehouse of C. arrive, the following Brand Lobster: BRAND

TIN PLATES, For Lobster Packing, viz: GLENVIEW BEST! The Usual Sizes GRAYTON! Required.

The first of these is the very best quality imported for this purpose, made of special plate and much superior to ordinary Glen-dale's, being heavily charcoal tinned, specially for Lobster Packing.

JAMES FRASER, 58 Bedford Row, Halifax. jan19-27

THE MANSLAUGHTER CASE.

Addresses of Mr. Stewart and the Attorney-General.

CHIEF JUSTICE CHARGES THE JURY.

The Jury Bring in a Verdict of "Not Guilty" This Forenoon.

WEDNESDAY, JAN. 24.

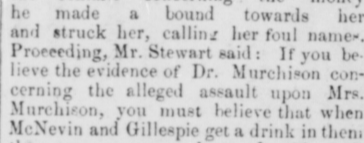
AFTERNOON SESSION.

Mr. Stewart, counsel for McNevin, followed Mr. Fitzgerald pointing out to the jury that there were three counts in the indictment, viz., manslaughter, assault on Mrs. Murchison, and common assault. The question before you is, first, whether these men assaulted her; and second, if so did such assault result in her death? The evidence for the prosecution was of triple nature—first, that of Dr. Murchison; second, that of the depositions; and third, that of the apologetic. First the doctor tried to make out that he and McNevin were not on friendly terms in order to give reason for the assault. It was shown, however, that such was not the case, that they were on friendly terms; in fact that they exchanged newspapers. The doctor also swears these men were drunk when they arrived at his house, and says he drank nothing from them. Evidence has, however, been given to show that both these statements were untrue. The doctor says he only took one drink from Ferguson, and Ferguson, who was roaring drunk, says the same. But a sober witness who was present says the doctor took three drinks and finished the bottle. When Gillespie and McNevin went into Murchison's they sat down and engaged in a friendly talk. Both say they took a drink, but the doctor denies taking any. Is that likely? What were they all doing between 10.30 and 11 o'clock? They were talking politics, and it was at this time the dispute about the vote that Mr. Murchison was called down. If these men were ordered out and did not go the doctor had the law to apply to it. It was nothing to the credit of the doctor that brought his sick wife down to settle the dispute. The doctor seeks to make you believe he was assaulted because he was going to vote for Simons, a man whom Gillespie was actually canvassing for. McNevin and Gillespie pitied the sickly condition of the poor woman; and would anyone believe that they would turn round and beat her, that McNevin would strike her on the floor? And Murchison stood by and allowed this to be done! The boy swears nothing of the kind happened. On the contrary, when a disagreement arose Gillespie said he would go there for a row but to pay a bill. Murchison was jealous of his wife. The doctor's jealousy was the key to the whole matter. McEACHERN'S EVIDENCE showed that a twelve month before this trouble arose Murchison used the same foul language towards his wife that he used towards her on the night of the assault. Murchison says he was not at home on the night of the assault, but he brings no evidence to prove it. McEACHERN was also at Murchison's in March, and swears a bottle of liquor was drunk there. It was no disgrace to Mrs. Murchison that she took a drink of whiskey, and she came down in her night dress on the night of the assault, poor weak woman that she was. While McNevin and Murchison were sitting together talking, Murchison's jealousy again manifested itself. Murchison had one eye on his wife and McNevin and the other on Gillespie while they were fixing up the bill, and after she made the remark concerning the money he made a bound towards her and struck her, calling her foul names. Proceeding, Mr. Stewart said: You believe the evidence of Dr. Murchison concerning the alleged assault upon Mrs. Murchison, you must believe also that McNevin and Gillespie got a drink in them; they are savages and are devoid of all human feeling. You have heard Dr. Murchison's evidence for the fact that she screamed in his wife. He says these men threw her down; but the other evidence is that her screams were caused by the doctor's conduct in dragging her about. The doctor swears that when he sent Margaret Trainor over for Beaton the two men had him by the throat. But Margaret Trainor says such was not the case, that all was quiet when she came down. This was strong confirmation of the evidence of McNevin and Gillespie—a strong point in favor of the defence. One would naturally think that on the very first day after the assault Murchison would go to a magistrate and lay the whole matter before him; but it was a week or ten days afterwards before he took any action whatever. It was not true, as stated by Dr. Murchison, that his wife ordered the men out, and they refused to go. The Trainor girl says that they went out as soon as she asked them. If, went on Mr. Stewart, you find there is a strong presumption that Dr. Murchison had anything to do with the injuries sustained by his wife you will be slow to find these men guilty; you have all the evidence before you and it is for you to weigh it well. It is not unusual for a man to beat his wife, but it is a rare thing for a friendly neighbor to come into another's house and beat the other man's wife. The truth is that Murchison was afraid of what he had done that night, was lainting, and the apologies were drawn up and signed to prevent the McNevins from talking and to hush the matter up. There is one thing that Murchison has never denied, and that is that he made the suggestion in Mr. Warburton's office that if Gillespie gave him \$10 he would sign a receipt for the whole thing, and he hoped to get \$20 from McNevin. Seven days before his wife's death, after Dr. Robertson had examined her, Dr. Murchison agreed to condone the offence and take \$15 or \$20 from McNevin. Referring to Mrs. Murchison's deposition, it is explained that there are certain circumstances under which a woman's devotion to her husband is very strong, and he asked the jury if they could bring themselves to believe that Mrs. Murchison at the time she made the deposition was not thinking more of the safety of her husband than the punishment of John McNevin and John Gillespie. He thought that the deposition should be set aside, and that the doctor's deposition, more especially as Dr. Murchison was present at the time it was taken. If, said Mr. Stewart, you have any reasonable doubt of the guilt of these men in your mind then give them the benefit of it, and do not brand them as perjurers and ruffians. Mr. Stewart then dealt with the medical evidence, and pointed out what, in his opinion, caused Mrs. Murchison's death, and concluded his remarks with a strong appeal for the acquittal of the prisoners.

The Attorney-General then addressed the jury. In opening the case he read the six indictments before the court, all were attributable to the immoderate use of liquor—to drunkenness. He then went on to explain to the jury what they had to do. The doctor's deposition, he pointed out, was only to be considered in the case of manslaughter. If this is not the case, if manslaughter is not believed, the deposition is not to be considered. All agreed that Mrs. Murchison was assaulted on the 24th of December. The evidence of Dr. Robertson showed the character of the injuries she received, and he tells you on his oath that she died from the effects of these injuries. Dr. Taylor was sent to Bonshaw to make the autopsy, and he says that in his opinion the woman died from peritonitis; he could not say that the peritonitis was caused by the blow she received, as the external marks had disappeared. But he (Dr. Taylor) said, after hearing the evidence of Dr. Robertson, that the peritonitis was set up by the injuries she was said to have received. Then Dr. Conroy says she died of enteritis, and that death was not due to any violence. Here are two doctors against one.

At eleven o'clock this forenoon the jury in the manslaughter case returned their verdict of "not guilty." Gillespie went in the dock upon hearing the verdict. The strain upon his nerves was evidently very great. The case of Clara Llewellyn vs. Dr. George Warburton stands over until the Court meets in March next. The Court stands adjourned until tomorrow afternoon at eleven o'clock, when motions will be heard and the prisoners found guilty during the term will be sentenced.

1894. Spring Trip From Liverpool



THE CLIPPER BARK RALPH B. PEAKE, 700 Tons Register, Classed A 1 Red, at Liverpool.

RICHARD RENDLE, COMMANDER, will be on the berth at Liverpool on the 1st of MARCH, and will sail from that port For Charlottetown direct.

ABOUT 1ST OF APRIL NEXT, and will carry Freight at through rates to the different Railway points on the Island so Pictou.

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PEAKE BROS. & CO. Charlottetown, Jan. 18, 1894. pat guar oed her wat sun juar sw

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Mastiff Plug Cut, always moist, cool, sweet and full of that rich comforting flavor, only obtainable from the highest grades of Virginia leaf tobacco.

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this year by Insuring with E. R. Brown CHARLOTTETOWN.

TELEGRAPHIC. SPECIAL DESPATCHES TO THE EXAMINER.

The Premier Misrepresented. OTTAWA, Jan. 25. Sir John Thompson, in an interview referring to Mr. Laurier's criticism of the speech delivered by the Premier in the County of Antigonish, N. S., stated that his references to Mr. Tarte on that occasion were misrepresented, and that he (Sir John) had not connected Tarte, in any way, with the Ritchie election. Only one reporter was present at the Antigonish meeting. He could not write shorthand and had not even the convenience of a seat. It was little wonder, then, if many inaccuracies had occurred in his report of the Premier's speech.

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CIVIC PROTECTION ASSOCIATION. Notwithstanding the many attractions in other parts of the city, the anti-sewer meeting last night was more largely attended than on any previous occasion, and quite a number of citizens signed the roll of membership.

City finances, sanitary matters, and various civic questions were vigorously discussed by a number of councillors and citizens.

Arrangements were made for the calling of ward meetings for the nomination of candidates, and a general meeting ordered for Monday next at 7.30 o'clock (in the Tanton room) for the final nomination of candidates for Mayor, Water Commissioners and Councillors.

Parties whose names have been mentioned as probable candidates, and citizens opposed to sewerage and increased taxes, are invited especially to be present.

The condition of the Queen of Sweden is causing great anxiety. Her Majesty is suffering from the after effects of a severe attack of influenza and a state of extreme weakness.

Japanese Goods! We have just received and opened part of a lot of goods DIRECT FROM JAPAN. These goods we expected in time for the Holiday Trade, but which were delayed on the way.

They are real Japanese Goods, and comprise many useful and pretty novelties in Lacquered Photo Frames, Antimony Photo Frames, Wall Pockets, Real Tortoise Shell Trays, Japanese Fans (for decorating), Fancy Work Baskets, Office Baskets, Wall Brackets, Bamboo Tables, Pretty Jewel Trays, Jewel Boxes, Jewel Cabinets, Handkerchief and Glove Boxes, etc.

Call and see these goods and get your choice at CARTER'S BOOKSTORE, jan19 Market Square.

Burns Anniversary. GRAND SCOTCH CONCERT IN THE Masonic Opera House, THURSDAY, JAN. 25, 1894.

PROGRAMME. 1. Songs of Scotland (Christie) Prof. Vintoncombe's Orchestra. 2. Vocal Solo—Mrs. J. M. McLeod. 3. Quartette—Messrs Bruce, Lewis, Cook, McLean. 4. Cornet—Scottish Airs—Mr. C. P. Fletcher. 5. Vocal Solo—Mrs. J. M. McLeod. 6. Violin (A) Maiden Bone—Miss A. Macdonald. 7. Song—"Battle of Stirling"—Mr. William McKay. 8. Vocal Solo—Mrs. James Byrne. 9. Vocal Solo—"Scotland Yet"—Mr. James Davidson. 10. Trio—"O. Willie Hew'd a Peck of Maat"—Messrs Bruce, Cook, McLean. 11. Character Sketch—"The Law of Gravitation"—Mr. William McKay. 12. Comic Song—"Laird of Cockpen"—Mr. William McKay. 13. Trio—"Laird of Cockpen"—Mr. William McKay. 14. Vocal Solo—"Auld Lang Syne"—Prof. Vintoncombe. 15. Vocal Solo—"My Laddie in the Scotch Bogs"—Miss Annie Hyndman. 16. "Gems of Scotland" (Stibold) Orchestra. 17. Vocal Solo—"Scotland Yet"—Mr. James Davidson. 18. Trio—"O. Willie Hew'd a Peck of Maat"—Messrs Bruce, Cook, McLean. 19. Character Sketch—"The Law of Gravitation"—Mr. William McKay. 20. Comic Song—"Laird of Cockpen"—Mr. William McKay. 21. Trio—"Laird of Cockpen"—Mr. William McKay. 22. "Auld Lang Syne"—Prof. Vintoncombe.

Reserved Seats, 35 cents; Unreserved, 25 cents. Plan of Grand Floor and Tickets at James Paton & Co., Plus of Balacony and Tickets at Dodd's Medical Hall. Concert at eight sharp.

JAMES PATON, J. M. CAMPBELL, Chairman. Secretary. jan15

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