

THE DAILY EXAMINER.

THE PERJURY CASE.

JULY 8, 1893.

VISIT OF THE MINISTERS.

It is characteristic of the Dominion Government that they take pains to inform themselves perfectly in respect to the important subjects and questions which they have to submit for the legislative action of Parliament. To this characteristic we owe our excellent banking laws and to this characteristic we are indebted for the practical measures which have been adopted and are being successfully carried out for the promotion of our agriculture. This characteristic is also apparent in the investigations of the Minister of Trade and Commerce and the Minister of Finance previous to the change in the tariff which the changed and improving circumstances of the country necessitate. It is gratifying to know that they have not, while engaged in this investigation, overlooked little Prince Edward Island. Our farmers and fishermen, particularly, will have an opportunity, towards the end of this month, to represent their interests before the men who will initiate the tariff legislation. It will be their own fault if they fail to do so thoroughly and from the point of view of "business." They ought, therefore, to seriously consider whether or not the United States' tariff being still maintained as against Canada—they deem it to be in their interest that American pork and beef and corn should be admitted to Canada free of duty. Certain influential men of both parties have deemed it to be their duty to move Parliament to abrogate these duties in any case, and they will, without doubt, do so again. What do the people of Prince Edward Island think about this point? The visit of the Ministers to this Province is for the purpose of finding out and it is to be hoped that the information afforded them by the representatives of our people will be unbiased by the influences of an extreme partisanship.

Evidence at the Trial in the Supreme Court.

Witnesses All Examined—The Addresses on Each Side.

Ella Robertson (sworn)—Examined by Mr. Morson—I live with Mr. Hodgson. I remember going with the boat last August with Mrs. Hodgson, John Darrach, Archibald Darrach, and Mr. McPhee's gate. We saw Alex. and William McPhee going toward the shore. They were in the road. I know them. They were about the width of this room. They had a pair of oysters and what I took to be a bucket. It was quite light.

Cross-examined by Mr. Davies—It was a bucket or some kind of a dish.

Hugh Beston (sworn)—Examined by Mr. Morson—I saw McPhee in town and he told me that Shaw had him landed up for fishing oysters. I also saw Shaw and talked with him. I was not responsible for what I said before the Magistrate—I had had too much whiskey.

Archibald Darrach (sworn)—Examined by Mr. Morson—I lived at West River till I was 27 years of age. I remember the 29th of August. I was working with Shaw that day. On the previous day I saw the steamer come up and noticed that the tide was low. I have fished oysters at Lamont's Cove in my time. I used to walk out and fish them by hand. But I have not fished them since.

Peter McFadyen (sworn)—Examined by Mr. Morson—Shaw met me near the shore on Sunday, the 21st August. I went to see if I could get a boat to cross to the side of the island at 11 o'clock was about half tide coming in.

To Mr. Davies—Mr. Shaw's brother looked at his watch. It was about 11 o'clock.

Rev. Neil Shaw (sworn)—Examined by Mr. Morson—I am a brother of A. C. Shaw. I was here last August. I remember the 19th of August. I was in Charlottetown. I went up to West River in the boat in the evening. She got up to West River Bridge a few minutes past six. It was then low tide in the channel. I know Peter McFadyen. I met him on the following Sunday morning. As near as I can recollect, it was then about 11 o'clock, and it was half tide. I was at the West River last Saturday. I went on Shaw's farm, and saw from there some of the stakes put up by Mr. May.

Robert Hodgson (sworn)—Examined by Mr. Morson—I was at home at 5 o'clock that evening. If so, he was not hauling oysters from the bridge. I was present at the survey of last Saturday. I went down in the morning, and went out to the oyster bed with Shaw. We found that the bed was further than they had put their stakes. We put stakes at the bed. We measured from the inside of the bed to the second stake they put up. The distance was forty-two feet. We measured the distance between another two stakes, and the distance was 31 feet. I was in a boat in the evening with my father and McFadyen and Kichlan. I got out of the boat and picked oysters with my hands in from ten to fifteen inches of water. McFadyen also got out and picked oysters. He got out twice in a little deeper water than I was in. We tried along the shore with the rake and got oysters all along. From the edge of the oyster bed to the hard shore is 241 feet at that point. My father and I and Shaw's son stayed in the boat while the others went up the bridge road to see if they could see us on the boat. I saw them on the road below McFadyen's house, from the boat. We moved the boat on to the line of the oyster beds. I heard Shaw tell McFadyen and McPhee where the stakes should be. They said that they knew as much about the beds as Shaw did. I heard Shaw in the evening ask them all to come up and he would show them where they could see the stakes from. I saw McFadyen and McPhee take up the stakes put down by Mr. May.

Cross-examined by Mr. Peters—I have come back from Boston to live here for good. I was here last year and for two months or more. When I crossed the bridge it was broad daylight. The tide was low and the water was in the channel. It was then that I saw the boat on the river. It might have been a mile and a half away. I can't say positively, I couldn't identify the boat. As far as I could make out the men were fishing. I stayed on the bridge about ten or fifteen minutes and it might have been longer. They had been there before I was on the bridge and I left them there. It was broad daylight in the evening. I told my father that evening. I was not in the opinion of a dogmatic man. I don't remember Mr. Hackett. On the 5th September I saw Shaw before dark (after he came from town) taking the horse down the bridge road to put him in the field. I don't remember Mr. McPhee on the day of the funeral and tell him that I knew nothing about the case at all or that Shaw had brought the case on for spite. I didn't say so to Mr. Cameron.

FRIDAY, JULY 7. William D. Shaw (sworn)—Examined by Mr. Morson—I remember the 29th August. After tea I went down toward the shore to tether the horse. My father got a rope and the boat was between the old McKennie's house. My father went down towards the shore. Then we went towards home. While going home we looked up the river and saw a boat with two men in it. The boat was between the old McKennie's shore and John Hector McFadyen's. The men appeared to be fishing. One was stooping the other was standing up. We went further up the hill towards Mr. McFadyen's house. I do not know the distance. My father and I went up till we got just below the old house. My father then went across McFadyen's field. I went home. This was just before dark. My sister was not home. I saw my father when he came home. He cut some wood. On Sunday my father woke me up before daylight, and we went down to the shore. My father was a fat-bottomed boat. My father got oysters out of the boat. We took them home in a basket. I have no doubt that they were oysters. I remember the day before Mr. McPhee's trial—the day that young Hodgson died. My father was in town that day. He left in the morning. John Darrach was at our house when he got back. I was hauling wood from the old McKennie's bridge. My father got home just about dark. He didn't haul any wood that day. I did not see my father at the bridge with a cart or a truck at any time that day. He was not there at all that day that I know of.

Cross-examined by Mr. Davies—I am thirteen years of age. I could not tell how many days I saw boats on the river last year. I remember the 29th of August because it was the evening after my uncle Neil came home. I could see the cove from the field. I could see the cove from the road a few yards after passing the turn. I saw it in the cove on the side of the channel—I think it was. (After consideration) I said at the Sundry Magistrate's Court that the boat was at the Island side of the channel. That was

right. It was dark when my father got home that night. I don't think that I ever saw Mr. McPhee's boat. It was beginning to get daylight when we went to the boat. I can't tell how the boat was fastened. There were cleats in the grey wale. I did not see any oysters. My father picked them out of the boat. I held the basket. There were just a few. A few dozen. They were not very big. I carried them home. The sun was not very high. My father got home. I am sure that my father told me what he wanted to go to the boat for. He might have wanted me. (A pause). He told me he wanted me to go to Mr. McPhee's boat to get oysters for him. He told me to bring the basket with me. My father did not take me to the trial before Hackett. He did not take the oysters to town. The boat was a little dirty with the oyster mud. She was dirty in the bottom. The oysters were dirty. They did not muddy the basket very badly. The basket was a small one—about a peck. I did not count the oysters. The tide was not in the shore, but it was on the flats, when we went down on the evening of the 29th August. I can't remember how the tide was. It was not too dark to see. My father did not bring back any oysters on that evening.

Archibald McDonald (sworn)—Examined by Mr. Morson—I know Alex. McPhee. I saw him going up the river one evening in the steamer Southport. She was late some time. We got into conversation about the trial. I said it was a bad thing. He said yes, but it could not be helped. Shaw had him convicted but he was innocent. I said it was a bad job that they got into trouble—they would likely lose their farms. He said yes, but he was bound to have satisfaction. Shaw had committed perjury and was a bad fellow, that either he or Shaw would have to leave there.

Mary Jane Shaw (sworn)—Examined by Mr. Morson—I remember the evening of the 29th of August. I crossed the West River Bridge to Mr. McPhee's shore, and came back again. I could see the boat on the river. I looked up. It was before dark—clear light. I saw a boat on the river. There were two men in her. She appeared to be under Lamont's command. The men were leaning over the boat. One had a pole or rake or something in his hands. I thought they were fishing oysters. I am positive that I saw the boat. The tide was low. There was no water on the flats. I have no doubt that it was Saturday, the 29th of August. Oysters were brought into the house on Sunday morning. My father and brother were there. I don't remember when the McPhees were brought before Mr. Hackett. My father was in Charlottetown the day before. John Darrach and Angus McEachern and I (I think) another Darrach were there. I don't remember when it was then just about lamplight. He was away all day. He did not haul any wood from McKennie's bridge that day.

Cross-examined by the Attorney-General—I don't remember that any part of the bill was torn off when presented before the Stipendiary-Magistrate. I can't remember whether or not I was at McMillan's store on the evening of the 29th. I was either Mr. McMillan or his wife who gave me the goods. The boat was in the channel on the side next Lamont's. There was no water on the flats. It was light when I came home. I milked the cows and strained the milk. It was then light. I think that my brother carried the oysters out. I don't know what was done with them. The boat that I saw first went over towards the Island shore and then came to Lamont's shore. I don't remember seeing Robert Hodgson on the bridge.

Mr. Hodgson (sworn)—Examined by Mr. Morson—I remember the 29th August and going along the West River Road near seven o'clock that evening. John Darrach and Ella Robertson were with me. I saw two McPhees' crossing the main road as we passed up. They went down on their own field. They had an empty bucket. I did not see anything like cleats or rowlocks. I noticed that the tide was very low when we left home. There was no water in the creek.

Cross-examined by Mr. Davies—I am not sure about the hour. I think it was about 7 o'clock. I don't think in my own mind that they were going to fish oysters. The men were about double the width of the road from me. I noticed that the tide was very low because my sick son wished for the oyster and I thought I could have fished them with my hands off Shaw's wharf.

Isabel Shaw (sworn)—The twentieth of August was Saturday. I was with James Lamont and Edward Lamont that day. They went by our place. They were driving. It was about 7 o'clock. Mr. Shaw was home that day. He went down to look after the horse. He went before Shaw went out the Lamonts' parcel. I could see them distinctly and have no doubt about it. Mr. Shaw was outside at the time, talking to John Darrach. I saw oysters in the house the next day. On the 29th August John Darrach and Archibald Darrach and I were working up material for a bridge. In the evening Archibald Darrach put my horse to go to the Appin Road. John Darrach and I were sitting outside on the railing of the bridge. While sitting there we saw James and Edward Lamont pass on our road. They were driving. After John Darrach left I went down to the shore taking oysters with me to tether the horse. In going down from my house I could see the Clyde River oyster beds, but I couldn't see Long Creek beds, or part of those of the West River. By going to another part of the farm I completed a view of the whole of the beds. When coming back we looked up the West River and went to a spot from which we could get a clear view. Where a little above the baying ground we saw a boat. The boat was somewhere about No. 5, stake, perhaps a little to the west. We could see that she was under Lamont's farm. The tide was low. She was in the water close to the shore. I saw a man and told the lad to go home and I would go and see who it was. When I got the first glimpse of the boat I had the idea that she was on the Clyde River side. But when I got to where I could get a good view of her she was stationary and on Lamont's side of the river. The men seemed to be fishing. When I crossed the creek there was no water in it but the fresh running water. I waded across the creek, that is, I walked on the sand and mud. I did not wet my feet. After crossing the creek, I went pretty near the line fence between Lamont's and McPhee's. The boat was then further up the river than when I first saw it, and I saw Alex. McPhee picking oysters. He went through the motions of picking oysters off the hummock. The boat was fat-bottomed and not very large. They afterwards took the boat in on the mud. William got out and pulled her. They fastened her to a tree by a chain sixty-two or three feet long. They appeared to be picking oysters into a bucket or basket. I went a little lower down on the bank, where I could get a better view. After they had gone far enough away, I went down the slip to the boat. There

were a few small oysters in the bottom of the boat. Next morning I went with the boy and brought back the oysters. Then I laid an information. I first spoke to Mr. Hackett respecting it. He was up at West River Bridge about the last day of August. The next morning I came into town and laid the information. The trial took place on 6th of Sept. On 5th Sept. I was in Charlottetown. I got Mr. Stinson to go with me to see if we could find Mr. Hackett. We went to the Davies and to the Queen Hotel but could not find him. It was about dark when I reached home. John Darrach was there waiting six o'clock in the morning. He used the Hamulatory use. Later on, Duncan Darrach, of Clyde River, came in. After a good while Angus C. McEachern came in. I was not down on the bridge over McKennie's creek that day. I was not sitting on the rail of the bridge that evening talking to Edward Lamont or to James Lamont. I wasn't there at all that day. On the 6th of September I gave evidence against Alex. McPhee. I don't remember the exact date of my deposition to Mr. Hackett that as his wife was sick the line should be light and considering that the oysters were probably for me we let William McPhee go free. They were a prosecution against me for perjury in November. There are abundance of oysters off Lamont's Cove. I did not go down in November to try for oysters. I sent men there and told them to go themselves and try for oysters, and see whether or not they could see a boat from my farm. I tried for oysters in January. We cut two holes on the bed and got oysters out of both of them. I don't remember when we cut up the holes. I don't see these bushes from my farm and I could see inside of them. I was on the bed again on the 19th June last. Mr. Frank Stanley and Mr. Hodgson were with me. We went to the oyster bed and got oysters. Mr. Hodgson picked them off the hummock with his hands. There were good oysters on the sides of the hummock. We tried the sides all along the shore and found oysters, fishing them by hand and with the rake. There was a survey held on Saturday. I met Mr. May on Friday evening. On Saturday morning he was under Lamont's command. He and the bridge and went up. We found Mr. Kenzie putting down the stakes. The stakes were too far in and I called Mr. May's attention to this fact. We put down some bushes on the side of the hummock. I found the edge of the oyster bed. Mr. May's stakes were on the inside. I took Mr. May up to my farm to a point from which he could see part of McPhee's shore. I intended to show him the oyster bed. I don't see three or four points we saw the stakes put up by Mr. May. But he only set the compass at one point. We could not see into the cove from that point. Going down further into the cove, we could see more of the stakes. I saw Kichlan and McFadyen and William Hodgson getting oysters on that day. I don't remember seeing McKennie and Dr. Taylor on the evening of the 29th September. Two wagons passed. I don't know who were in them. It might have been when I was a few yards from the end of the Bridge Road, as I was coming back from putting the mare in the pasture. It is not true on the evening of the 5th September I had a conversation with Edward F. Lamont. I never had such a conversation with Edward F. Lamont, or any other else. I had no conversation with James McNeill on the day after the trial—the day of young Hodgson's funeral. I did not tell John H. McFadyen that I would have him arrested for perjury. On the evening of the Hackett trial, I went home overtook John H. McFadyen. He would not give us half the road, driving fast when I attempted to pass. When passing him I said, "I'll have you presented for this work." There was no word of perjury. I had no such conversation as was stated by Angus C. McEachern at this trial, nor was I there. I did not see Angus C. McEachern at McKennie's bridge on the 4th September. I was not on the bridge that day. I was not at home at five o'clock on the evening of that day. Mr. Cameron said to me, "Neither I nor my daughter know any more of the case—neither tide, nor boat nor anything else." He said also, "My eyesight is failing." Witness produced letters from the Fishery Inspector directing him to see that the late picking oyster fishing in the close season be strictly enforced.

Cross-examined by the Attorney-General—My statement before Mr. Hackett was true, and Alex. McPhee was fishing. I was a lie. When they were fishing, I could see them, and they couldn't see me. If the oysters were not in the boat, I told a lie but the oysters were there. The McPhees had a bucket and a bag, and I believe, I think that I mentioned before Mr. Hackett about the boy going with me to the boat—that is my impression, but I am not very clear about it. There might have been a little mud in the boat.

The defence counsel and the crown then adduced the following evidence in rebuttal: Walter McPhee (sworn)—Examined by the Attorney-General—I was at the funeral of young Hodgson and saw Robert Hodgson. He told me that he knew nothing about the case and that Shaw brought it on for spite.

Cross-examined by Mr. Morson—I did not go through the operations of fishing to deceive Shaw. I'm sure as to it is false. I never told him anything of the kind. I remember when the Scott Act was in force in Charlottetown. I don't remember going to Eden's with William McPhee and getting a bottle of liquor and refusing to pay for it. I did not send letters to liquor dealers in Charlottetown threatening to send them a lie. My name was not put to the letters. I did not try to find out who was forging my name.

The following evidence in rebuttal was adduced by the defence: Alexander C. Shaw (sworn)—Examined by Mr. Morson—I was at Walter McPhee's place last fall and had a conversation with him. He told me that he believed they used a pole and an oar to deceive Shaw, believing that he was watching them from a distance.

This forenoon Mr. Stewart addressed the jury in behalf of the defence; and Mr. Peters, for the prosecution, was addressing the jury at the time of going to press.

USE SKODA'S DISCOVERY, the great Blood and Nerve Remedy.

Drugs Are Necessary for the cure of disease. It is also necessary that all drugs should be absolutely pure, otherwise their action cannot be depended on. Skoda's Discovery is a pure, safe, and reliable remedy, and guarantees their purity.

Unlike the Dutch Process No Alkalies—Other Chemicals are used in the preparation of W. BAKER & CO.'S Breakfast Cocoa which is absolutely pure and reliable. It has more than three times the strength of Cocoa mixed with Sugar, Arrowroot, and is far more economical than any other Cocoa. It is delicious, nourishing, and easily digested. Sold by Grocers everywhere.

W. BAKER & CO., Dorchester, Mass. FOR SALE.

A Dwelling House and Land on King Street, owned and occupied by the Rev. J. A. Gordon, the Dwelling House consists of ten rooms, and there are stable, coach house and other out-buildings. Terms easy. For further particulars apply to C. R. SMALLWOOD, Solicitor, Cameron Block.

TELEGRAPHIC.

SERIOUS RIOTING IN PARIS.

The Troops Called Out to Disperse the Mob.

Booths Torn Down for Clubs—Rioters Dangerously Wounded.

PARIS, July 8. More rioting occurred in this city last night. The rioters slowly and in good order retreated before the repeated charges of the troops. After six charges on Boulevard Voltaire, fighting was suspended. The mob tore down the booths for material for clubs, setting fire to what they did not use. Thirty or forty rioters were seriously injured, and many others slightly hurt.

THE CRISP CASE AGAIN.

The Woodstock Board Will Not Have Marshall

And Ask the Conference to Let them Have Crisp.

ST. JOHN, July 8. The Crisp case will not down. Crisp was lately removed by the conference from Woodstock to Salisbury. Now the Woodstock Quarterly Board has passed a resolution by a vote of eleven to seven that they will not receive Mr. Marshall who was appointed in his place, and requesting the conference to restore them Crisp. Mr. Marshall declines to go to Woodstock in the face of this protest. A meeting of the district chairman will, therefore, be held to effect a solution of this new difficulty.

AN OFFICIAL PROCLAMATION

Dealing with the Seal Fishery of the Russian Coast.

LONDON, July 8. The Official Gazette publishes an order-in-council, dated July 4, prohibiting British ships from sealing within ten nautical miles of the Russian coasts on Behring Sea, on the North Pacific Ocean, and within thirty miles in any direction from Nananisroky or Robbin Islands.

Canadian Episcopal Union.

ST. JOHN, July 8. In the Church Synod yesterday an attempt to discuss and make a deliverance upon Canadian Episcopal Union was headed off with a vote for the appointment of delegates for the General Synod. The delegates are Archdeacon Brigstock, Rev. Mr. DeSoyes and Canon Neals, with Judge Hanington, Mrs. Schofield and Mr. Vroom.

The Patriot reproduces a patent error of the St. John Telegraph in respect to the duty upon shirts. We shall see whether or not the Patriot will explain and apologize.

BARGAINS IN BOOTS

Great Clearing Out Sale.

Before removing to our NEW STORE we will sell off our entire stock of Men's, Women's and Children's Boots and Shoes.

GREAT REDUCTION IN PRICES.

Ladies', Misses' and Children's TAN SHOES very cheap at the DOMINION BOOT & SHOE STORE.

J. B. Macdonald & Co.

Charlotte, July 8, 1893—dy

Why you take Cold and Cough.

Generally caused by exposure to cold, wet feet, sitting in a draught, coming from hot and crowded places, in this dress, or wearing damp clothes, stockings, or any other cause tending to check suddenly the perspiration. The result produces inflammation of the lining membrane of the lungs or throat, and this causes phlegm or matter, which nature tries to throw off by expectoration. In many cases she is unable to do so without assistance, and this it

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TELEGRAPHIC.

To-morrow and To-morrow and To-morrow

and after that we will sell Rainproof Coats at our

POPULAR CLOTHING STORE.

ALSO: Ladies' Distingue Waterproofs in Latest Styles.

See Our Dry Goods, Mantles & Millinery.

JAMES PATON & CO.

Notice of Assignment and Meeting.

Notice is hereby given that Mr. William L. Sterns of South East, in King's County, Merchants, has this day assigned to me for the benefit of his creditors. All debts due to the said William L. Sterns are required to be paid to me forthwith at my office in Charlottetown. Creditors of the said William L. Sterns are requested to file their claims with me immediately.

A Meeting of Creditors will be held at my office in Charlottetown on MONDAY, the nineteenth day of July, instant, at 12 o'clock, noon.

A. A. McLEAN, Assignee.

Charlotte, July 7, 1893—dy 11 ny 11

House to Let.

A DWELLING HOUSE on Bayfield Street, containing nine rooms, stable and coach house. Heated with hot water, and in good condition. Possession given to on once. Inquire of A. HERMANS, Queen St.

WITH E. R. Brown OFFICE, BROWN'S BLOCK.

ARE YOU STAYD?

If not, stay with us and we'll stay you in the best manner possible. You will always find with us a splendid assortment of the best CORSETS from the best makers, and you won't trade long with us before you find our prices as low or lower than the lowest.

MOORE & McLEOD,

SUCCESSORS TO PERKINS & STERNS.

Charlotte, July 6, 1893—tu th sat

TO-DAY George, Duke of York, grandson of Queen Victoria, great-grandson of George III, weds Princess Victoria Mary of Teck, grand-daughter of the Duke of Cambridge, brother of Edward, Duke of Kent, father of Queen Victoria, and son of George III. The line of George III. is thus again brought together by the marriage of his great-grandson and great-granddaughter.

It is a Royal union, but there is another union of greater consequence to our people, namely, a Union of High Quality and Low Prices. We excel in bargains in the above class of goods. They are certainly handsome, or we would not keep them; they are cheap, or we could not sell them; they are bought because we get customers for them. An early call will convince you the above are facts.

In the TAILORING DEPARTMENT everything is running at high-water mark. The rush is unprecedented. Satisfaction to our customers solves the problem. We will continue on the same lines until further notice.

JOHN T. MCKENZIE,

July 6—tu th sat The Star Tailor.

JULY, 1893.

This Month for Bargains in Men's Clothing, Women's and Children's Boots, Shoes and Slippers. Extra low prices to reduce our stock before removing into our New Store. Don't forget we will sell you cheaper than you can buy elsewhere at the

DOMINION BOOT & SHOE STORE, QUEEN STREET.

J. B. MACDONALD & CO., QUEEN STREET.

Charlotte, July 4, 1893—tu th sat

THERE ARE NO FLIES

like the flies that fishermen can obtain at the St. George Pharmacy.

THERE IS NO SODA

like that which the thirsty traveller can obtain at our "cool refreshing fountain."

Ask your Grocer for AMMONIA SOAP.

F. & C. Davies, St. George Pharmacy, Victoria Bay.

You can do more work And do it better

by using AMMONIA SOAP than any other Soap on the market. AMMONIA SOAP is absolutely PURE, and will not injure the finest fabric.

Three Size Bottles, 25c, 50c, \$1.00

C. R. SMALLWOOD, Solicitor, Cameron Block.

July 3, 1893.