

the old Union Bank they looked at the clock, and we have her companion, Miss Herbert, saying they came along Kent Street. Miss Scott says they met Miss Jury and Miss Baker opposite the old Union Bank, and Miss Herbert says they came down Kent Street and met the others between Beales' corner and the Post Office. The mail clerk proved that it was thirty three minutes past nine when the mail arrived that night, and it would take fifteen minutes to open it. So that it must have been about ten minutes to ten before they asked for letters at the wicket. This tallies with the statement of Hughes, who said he just got up as Chappelle was coming from the Post Office with papers. One of the young ladies said she must hurry home to be in before ten o'clock, so that it must have been within a few minutes to ten. Do not allow mere sympathy to lead you away from your duty. The Centosee have pictured to your mind the grief of Johnston's mother, and the effect a verdict of "guilty" would have on her; and it is a horrible picture. But your minds must be free from these feelings. The crime charged is a dreadful one. There is another side to the picture. I might speak of the widowed mother, weeping over the bier of her murdered boy. But those appeals are out of place here. The horrid crime has been committed, and it is our duty to bring the criminals to justice and stamp out such crimes. This boy who was shot was poor; but he was as dear to his mother as the rich woman's son was to her. A man's respectability, wealth, or position in society is not to be weighed when he comes to be charged with a crime of this nature. If, standing as you will have to stand, before your Maker and your Judge, you can come to the conclusion that these boys are innocent, or if there is any reasonable doubt of their guilt, then, in God's name, give them the benefit of the doubt.

ALLEY VS. DUCHEMIN.
FEB. 5, 1879.

Mr. Justice Peters, presiding.
MALCOLM McLEOD, on behalf of the plaintiff, stated that Mr. Alley bought his place in 1853. In 1876 he built the brick house he now lives in. In 1845 old Mr. Duchemin (father of the defendants) had a block factory, and the machinery was then run by horse power. In 1872 the horse power was replaced by a steam engine. From that time Mr. Alley could hardly live in his dwelling house on account of smoke, dust or noise. After a time the machinery was removed to a building in the rear, and the nuisance was not so great—but still Mr. Alley was annoyed by smoke, steam and noise. In 1878 a new factory was erected on the old site and within three feet of Mr. Alley's house. When Alley heard that it was to be erected he offered to buy out the Duchemin property, but the price asked was so exorbitant that he could not think of giving it. Living in Mr. Alley's house while the machinery in the new factory is running is simply intolerable. There are two maxims of law founded on right in which the plaintiff in this case rests: 1st, That a man must so use his own property as not to injure his neighbor. 2nd, That every man has a right to breathe the air of heaven—pure and uncontaminated. Mr. Alley is entitled to breathe the air as pure as it can be had in town, and Mr. Duchemin has no right to annoy his neighbor with smoke, cinders, steam, dust and noise by which ordinary conversation is diminished and the bedrooms are rendered perfectly uninhabitable. This is the contention.

The deposition of Dr. Jenkins was read to the effect that living in the house while the factory is in operation is unbearable.

WILLIAM DODD, sworn—Testified that the last day he was at Alley's was the 30th July. He was also there on the 11th June. He could feel a vibration all over the house—in the back part more than in the front. The vibration shook the utensils in the kitchen. He could hear a drumming noise in the house. On the first visit the breakfast room was full of smoke from the chimney. The dining rooms and other rooms were smothered on account of the smoke. The smoke was of very disagreeable, suffocating smell, which remains in the drapery, etc., after the smoke clears away. I would not live in the house.

Cross-examined by Mr. Hodgson, he would not swear that the smoke came from the chimney of the new factory on the 11th of June. He did not see smoke come from it.

W. W. STUMBLE testified that the noise of the new factory was much more disagreeable than that of the old.

ROBERT YOUNG testified that he had observed the noise and smoke.

JOHN T. MORRIS, sworn—Testified that he had been nearly 60 years a resident of Charlottetown; that he had been at Duchemin's factory on the 20th of July last, and Alley had requested him to go to visit the house. He heard a noise proceeding from the machinery in the factory. He would not like to live in it on account of the noise. He would not take it as a present as long as that machinery is there.

THOMAS BREHAUT, sworn—Said that he was at Alley's on the night of the 22nd of July last. When he awoke he heard a very sharp piercing sound with a low rumbling noise, loud enough to attract attention. He went out in front of the factory. The door was open and a circular saw was ripping 3-inch hard-wood plank. He was satisfied it made the same sound he heard in the bed room. There was no one to call his attention to it. He went back in the afternoon, and the sound continued.

JAMES REDDIN testified that he was at Alley's house on the 19th August, and that he heard a loud buzzing noise in the dining room, and supposed it came from the factory. There was a vibration through the room the whole time. The noise would be against a dwelling house. He would not like to live in it.

FEB. 6.

REV. DAVID FITZGERALD testified that though he resides on the corner opposite to that on which Mr. Alley resides, a peculiar smoke came down from Duchemin's old factory. Now it was comparatively trifling.

JAMES K. McDONALD (house builder) testified that he visited Alley's on the 25th July and other times. Went into the front door and into Mr. Alley's office, and felt a jarring, tremulous sound, and nearer to the factory it sounded louder. The noise came from the factory. If it was his house he would rather not have it. Would give more rent for it if the noise was not there.

CHARLES HEARTZ testified that in 1853 he worked at building the Methodist Brick Church. Duchemin's machinery was then run by horse power. He often passed the block shop to get material. The sound of the machinery is eight or ten times greater than that made by the horse-power. He could feel the ground shake when passing the new factory. While slating the roof of the new house, he was tormented by smoke from the old factory.

THE DAILY EXAMINER.

FEBRUARY 6, 1879.

Grit Favoritism to Grit Contractors.

At the time the contract for the construction of the Souris Railway Wharf was let to Messrs. Lyons & Chiverie, we felt it to be a duty which we owed to the public to expose the disreputable trickery which the Grit Napoleonic railway magnate practiced on that occasion. We clearly demonstrated that Mr. Brydges did—in direct and distinct violation and contradiction of the law and usages by which the party of unredemmed pledges always claimed they were governed during their administration—allow Messrs. Mooney & Co., who happened at that time to be especial favorites of the "Organized Hypocrisy," to withdraw their first tender for the above mentioned work six weeks after the last day of the time for receiving tenders for the work had expired, and to substitute another and a lower tender in place of the original. It was, however, on further consideration, found expedient, in the interest of Gritism, to pitch the tender of Messrs. Mooney & Co. overboard. This was an easy task to accomplish, as he, who for the last five years manipulated the Government Railways in the interest of the now happily defunct Reform Party, is not very often troubled either by qualms of conscience or any other consideration which should govern the decisions of the chief officer of the most important department in the Civil Service of the Dominion of Canada.

As we remarked, Grit ledgerdmain sufficed to effect the desired change. Messrs. Mooney & Co. were politely bowed out, and the contract awarded to Messrs. Lyons & Chiverie. At the time this transaction occurred we were aware that the official days of the principal manipulator were numbered, and we had hoped that it was the last exhibition of Brydgeism which we should be compelled to chronicle. From facts which recently have been brought to our notice we regret to state that our hope was unfounded. It would appear that after letting the contract for the Souris Railway Wharf the Great Co.'s was not satisfied with the plan and specification as originally submitted to the public, and in accordance with which the work had been let to the contractors. So he deliberately authorized Messrs. Lyons & Chiverie to deviate from both, and paid them six hundred dollars of the people's money for making an alteration in the work, which makes them the gainers by at least three thousand dollars.

It will be remembered that the original specification for the wharf distinctly stated that the foundation of the work from the starting point, outward for a distance of 300 feet in length, and 75 feet in width, should consist of good, sound brush, to be carefully laid, and raised to an average height of about nine feet. This body of brush should contain about 7,500 cubic yards, costing in the work, say, fifty cents per yard, or 3,750 dollars for the whole quantity. Our readers will be surprised to learn—if they have not already ceased being surprised at anything the Grits have done—that the work, as now being built, will, when completed, only contain about 2,400 cubic yards of brush, or 5,100 yards less than it should contain, if the work was built, as it should have been, according to the specification under which the contract was let. We are informed that a very large proportion of the material which has been put into the work for brush, does not bear the faintest resemblance to that article, but consists of rubbish gathered on Souris Beach, and rotten, condemned logs from Chivarie's ship yard.

It is true, that the deficiency in brush has been supplied by clay out of the railway cutting, which was let with the wharf contract. But the supplying of this clay has not cost the contractors one dollar more than it would have cost them to have placed it elsewhere in the vicinity of the work, which they would have been compelled in any case to do, as it was so stipulated in the contract.

But, allowing the contractors to pocket some thousands of dollars of the people's money through the reckless carelessness or sublime stupidity of Mr. Brydges, is not the worst feature of the case. The large body of clay which was placed on the wharf as a substitute for brush, was exposed to the action of the sea during the whole of last fall, and more or less of it was daily washed away by the waves and distributed on other parts of the harbor. We have it, on good authority, that on one day last fall, during the prevalence of a South West gale, eight feet of the face of the dump was washed away. The consequence of this criminal ignorance on the part of the late General Superintendent of Government Railways, will result in the harbor of Souris being rendered useless for vessels of

large tonnage; and the Railway Wharf which has always been expected to benefit the eastern portion of King's County will, in all probability, prove an absolute and irremediable injury.

The people of Souris are justly indignant at this outrage, which is being perpetrated upon them. They have, however, the consolation of knowing that the central figure in the job, is now powerless to do them any further injury. He has now the privilege of seeking repose from the excessive mental anxiety which the ingenious and elaborate squandering of the people's money must have imposed upon him.

Exit Mr. Brydges.

MR. BRYDGES is no longer General Superintendent of Government Railways. Mr. Brydges is too expensive a man for the present Government. He could lavish the people's millions while Mr. McKenzie held the purse. But Dr. Tupper found his retention inconsistent with Economy and Reform.

The Kelly Murder.

AFTER the arrest of Millner and Johnston it was, of course, wrong to comment editorially upon the murder of George Kelly. Now that they have, after a long trial, been pronounced "Not guilty," we are at greater liberty. The first feeling in the mind of everyone must be one of relief and satisfaction that their parents and other relatives and friends, as well as themselves, have been spared the shame, the sorrow and the suffering which their conviction would of necessity have entailed.

On the other hand, there must remain a feeling of regret that the murderers (whoever they were) have eluded the grasp of the law. The mere instinct of self-preservation suggests that it is not expedient that a man who could deliberately pull out a pistol and shoot down his fellow-man, as he would a dog, should remain at large. And when we reflect upon the circumstances of the murder—when we remember that the murderers drove down to the Bog, and stopped there coolly waiting until their prey offered a show of provocation; and then, finding it inconvenient to shoot with the wagon in the position it stood, turning about and deliberately firing no less than three shots, how can we regard their act as other than a murder of the worst description. The murderers had evidently been previously assaulted with a stone in the same classic locality, and the murder was as evidently committed in revenge of the assault. And the fact that the victim was one of a strange, alien, weak and degraded race, should render us more solicitous that the murderers should be brought to justice. If the victim were one of ourselves, it would be natural to desire that punishment should fall upon the murderer. If he were the son of a respectable citizen brought up under the influences of religion prepared to die suddenly we should, even then, feel that a foul outrage had been committed. But as the victim had no such advantages and as he was (we may suppose) a wicked degraded character, the crime of suddenly sending him into eternity, with all his sins upon his head, is, in our view, so much the more terrible.

The murderers may yet be secured. It is an old saying that "Murder will out." But at all events we may be sure that they cannot escape the gnawings of the worm that dieth not and the justice which shall be meted out by Him to whom vengeance belongeth.

Branch Railway to Rustico.

A deputation, consisting of the following gentlemen—Donald McKay, M. P. P., Leon Gallant, Duncan McMillan, Dominic Dorion, Capt. J. McKay, Domitian Gallant, J. R. McInnis, Sylvest Dorion, James Power, William J. Seaman and Albert McKay—waited on Mr. Brecken, on the eve of his departure to Ottawa, and presented the following memorial, containing 634 signatures:—

The following Memorial most humbly and respectfully sheweth—
That Rustico is situated on the north side of Prince Edward Island, about half way between North Cape and East Point, and twenty miles from Charlottetown by public highway; That Rustico has a very poor harbor—being a bar-harbor, where only small schooners can trade in fine weather—there being only eight feet of water on the bar-entrance at high water;

That the fishing establishments in and around Rustico are very extensive, employing from 1,500 to 2,000 men; that all the fishing stores, salt, barrels, bait, etc., have to be conveyed from Charlottetown; that the annual shipment of mackerel from Rustico to Boston, via Charlottetown, is from 12,000 to 15,000 barrels;

That farming is extensively carried on, and that a large quantity of produce is annually exported via Charlottetown, where it has to be hauled at a season when farmers are very busy and roads almost impassable;

That the native forests have wholly disappeared, and both farmers and fishermen have to use coal as a fuel—there being now an annual consumption of 3,000 to 4,000 tons, with a yearly increase of 15 to 20 per cent. the truckage of which must principally be from Charlottetown;

That Rustico is the best watering place on the Island; that a very large and handsome Hotel has been built at the beach, where large number of tourists from the Dominion and United States visit, spending several months each season.

That a short Branch of Railway—from eight to ten miles—leading from the main trunk to Rustico Harbor, can be built for less than Eighty Thousand Dollars (\$80,000), and would be the best paying portion of the Island

Railway, owing to the large amount of traffic it would always command.

That such Branch, if built, would tend to the further development of the Fisheries,—which our people of Rustico must finally fall back upon as a source of wealth—and would materially promote the interest of our farmers, giving them an opportunity of sending their produce to market, as well as supplying lime as a fertilizer ready and convenient to hand.

Your petitioners would therefore pray that your Honorable Council would be pleased to grant a sum sufficient to construct the said Branch of Railway. In view of the fact that the part of our fishing grounds most prized by the American fishermen is the water of the North Side of this Island, and that the Americans have just paid a very large sum for the privilege of fishing in the said waters, your Petitioners feel that their claims for a share of the award are good.

Your Petitioners, therefore, most humbly beseech your Honorable Council to give the matter your serious consideration, trusting that you may, at an early date, take such steps as will carry into effect the prayer of this Petition.

And your Petitioners in duty bound will ever pray.

LECTURE

ST. JAMES' HALL,
(Old St. James Church) by
MR. JOHN HARPER, Principal of
the Provincial Normal School.

FRIDAY NEXT, the 7th instant,

SUBJECT:
"Fifty Years Ago, the Auld Kirk
and its Folk."
Doors open at half past 7. Lecture to commence at 8 o'clock. Admission 15 cents. Proceeds in aid of Sunday School.
D. SMALL, Supt. S. School.
February 4, 1879—2i

What Will It Do?

ANY "ONE CENT" to the Diamond Bookstore will get a Superb

VALENTINE
for the above amount.

THEO. L. SHAPPELLE,
Diamond Bookstore,
85 North Side Queen Square.
Charlottetown, Feb. 5, 1879.—3in

GRAND Fancy Dress Carnival

THE Directors of the Citizens' Skating Rink have pleasure in announcing their

Annual Skating Carnival

TO TAKE PLACE AT THE RINK, ON
Thursday Evening, Feb. 13th,
AT EIGHT O'CLOCK.

REGULATIONS:

All persons intending to take part must enter their names with the Secretary, not later than Saturday, the 8th inst., after which no application will be entertained.

Each person, in costume, must be provided with a legible card bearing name and "character," such card to be handed to the person in waiting, upon entering the Dress Room.

The Committee reserve the right to reject any objectionable character.

Admission—Ticket holders, in Costume, FREE; Season ticket holders, to promenade, 25c; Non-Ticket holders, in Costume, 50 cts.; Non-ticket holders to Promenade, 50 cents.

Tickets to be had at Apothecaries Hall.
By order,
W. C. HOBKIRK, Sec'y.
Feb. 1, 1879—s w s w t w t w t pat 3in

A GREAT RUN

TO THE
FLOUR & TEA STORE!

And it cannot be stopped while they are selling
SUCH EXCELLENT TEA

For 36c., 40c., and 44c. per lb.

GOOD SUGAR

For 7c., 8c., 8½c., and 9c. per lb.

CHOICE FLOUR

From \$5.50 to \$6.00 per bbl., and

OTHER GROCERIES

RIGHT CHEAP.

Save your money by buying at

BEER & GOFF'S.

Charlottetown, Jan. 17—

Wants, Lost, Found, &c.

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

LOST.—In this city, on Tuesday last, a Pocket Book containing a small sum of money and some papers. The finder will be rewarded by leaving it at this office.
Charlottetown, Feb. 6, 1879.

LOST.—Between McKenzie's Confectionery Store and Welsh & Owe's building, a LADY'S PURSE, containing a small sum of money. The finder will be rewarded by leaving it at this Office.
Feb. 4, 1879—2i

Great Cash Sale

—OF—

DRY GOODS, CLOTHING, ETC

The Whole Stock in Trade

OF THE LATE ROBERT ORR.

—TO BE—

SOLD OFF AT COST,

—CONSISTING IN PART OF—

Dress Goods, Shawls, Mantles,
Millinery, Silks, Velvets,
Hosiery, Gloves, Linens,
Winceys, Shirtings,
Sheetings,

Prints, Grey and White Cottons,
Hats and Bonnets, Furs,
Blankets, Flannels,
Pilots, Beavers,
Coatings,
Tweeds, etc., etc.

Readymade Clothing

Hats, Caps, Unders and
Drawers, Scarfs, &c.

Cotton Warp, Small Wares, &c.

The above Stock must be cleared out from this date, and our Customers, and the public generally, can depend upon getting Bargains.

John McPhee,

Administrator.

Charlottetown, Feb. 4, 1879.

NOTICE.

OWING to ill health I shall be unable to return to the Island before March, and I would respectfully request my customers to reserve their orders until that time. Meanwhile any party desiring to communicate with me can do so by addressing letters to me, Post Office box 188, Montreal.

JOHN H. CATHRAE,
Agent for Reinach's, Nephew & Co., Teas,
London, England; Wilson, Matheson &
Co., Dry Goods, Glasgow.

Feb. 3, 1879—6i pat 2i

FINAL NOTICE.

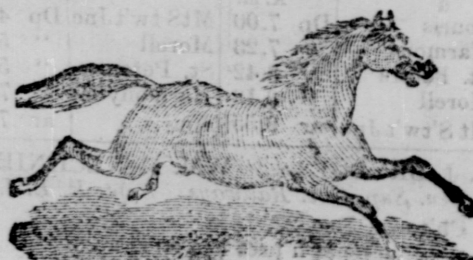
ALL amounts due the Subscriber, not paid by the 15th February, will be sued for without further notice.

SIMON W. CRABBE,

Sign of the Store.

Charlottetown, Jan. 31, 1879—4i

McKAY'S LIVERY STABLES



NORTH SIDE QUEEN SQUARE.

FIRST CLASS Single and Double Teams to hire at shortest notice.
TERMS MODERATE.
Orders left at J. F. McKay's promptly attended to.

Charlottetown, Dec. 30, 1878—

A. J. McKay.

For Sale or to be Let,

A NEW TWO-STORY (double tenement) HOUSE, situate on Douglas Street, about 200 feet from the corner of Queen and Douglas Streets. The property is situated in a part of the City where real estate is increasing in value every year. For terms, &c., apply in Charlottetown to A. A. McLean, Esq., Barrister-at-Law, or to the Subscriber.

ALEX. MUNN,
Southport, Dec. 24, 1878—1m eod

MacEachern & Co.,

CONTEMPLATING a change in their business at an early date, request all persons indebted to them to make immediate payment.
"Italian Warehouse," Dec. 19, '78—1m 2aw

BUY THE DAILY EXAMINER,
for the latest news—local and telegraphic.