

THE MALPEQUE TRAGEDY.

Roderick Howell on Trial

For the Murder of William Wallace.

YESTERDAY'S PROCEEDINGS.

At ten o'clock, on Tuesday morning, His Lordship Chief Justice Palmer took his place on the Bench. The prisoner was then brought in by High Sheriff Strong and his assistants, and placed in the dock.

The Attorney General and M. McLeod, Q. C., appeared for the prosecution; Mr. Hodgson, Q. C., on behalf of the prisoner. Much interest is manifested in the proceedings, and the Court-room is packed with visitors.

CHOOSING THE JURY.

Before the first juror was sworn, the Clerk of the Court informed the prisoner "that these good men, whose names he would now hear called, were about to pass between our Sovereign Lady the Queen, and his life and death, and if he would challenge them, or any of them, he must do so as they came to the book to be sworn, and before they were sworn, and he would be heard." As each juror came to be sworn he was carefully scrutinized by the prisoner's counsel. Many were peremptorily challenged. Presently, however, a jury was empanelled, who were duly sworn "to well and truly try and true deliverance make between our Sovereign Lady the Queen and the prisoner at the bar, whom they had in charge, and a true verdict give according to the evidence. The jury chosen are as follows: William Dennis, foreman; Peter Taylor, William Marquis, Leon Gallant, John Rogers, Peter DesRoches, James Hart, James Stewart, Samuel Hall, John Vessey, F. Jones and John Pentz.

THE INDICTMENT.

After the jury were sworn, the Clerk—Mr. Hunt—read the indictment which the Grand Jury found against the prisoner, as follows:—"That Roderick Howell, on the twenty-seventh day of December, in the year of our Lord one thousand eight hundred and eighty-two, in the County of Prince, and Province of Prince Edward Island, did feloniously, wilfully, and of his malice aforethought, kill and murder one William Wallace."

THE EVIDENCE—MARY BLACKMORE'S TESTIMONY.

MARY BLACKMORE (SWORN)—Examined by the Attorney General. I lived two years in Princetown. I live now at Princetown. I have been living there since William Wallace died. I am a daughter of Mrs. William Wallace, the wife of the man who was killed. I know the prisoner well. I lived near him—across the road. I know there have been longers taken from William Wallace's fence. They were taken in November last, when my step father was away. They were taken from the fence along the road on our side—off our fence. The land on the north side is Mr. McGougan's. The longers were taken from the fence before the door. I forbade him taking the longers and he told me to go into the house, and hold my damned tongue,—that I might be damned thankful he would not burn the house over me. I kept account of the longers. He took them to his stack alongside his barn. Next day I saw a fence up. My father and mother came home on Saturday evening. The fence poles were taken on Thursday evening previous. I said then you will be sorry for taking the poles. He said, "If William Wallace lays his hands upon the poles I will have his life. That was the day he took them away—about a month before the shooting. I saw him the following Monday. It was between nine and ten o'clock at night. He was lying behind the fence. He threw a piece of stick and struck my sun hat. I turned around and I said, who is there. He said, "Is that you Mary." I said it was, and "I will know you." He said, "hold on a minute till I talk to you." I said I would not. He then got up. There was something lying about his feet. I thought first it was a stick, but afterwards saw him pick up a gun, put it under his left arm, and walk home. Where he was then, was a considerable distance from his home. I went home, and burst through the door. Mr. Sullivan—You were frightened. Mr. Hodgson—Oh now Mr. Sullivan, the idea of that young woman being frightened of old Howell.

Witness continued—When I burst in the door, William Wallace jumped out of bed. He did nothing else. He asked me what was the matter and then went back to bed. My mother was there. I was not home at the time of the shooting. I returned home a week after the shooting.

Cross-examined by Mr. Hodgson—I don't know what time he took the longers. I don't know whether the hay was cut at the time. It might be. I don't know what month the shooting took place. I don't know one month from the other. All I can fix is the day of the week. All I can tell is that it was on a Thursday. I saw Howell taking the longers. My mother and William Wallace were then down at Henry Wallace's at Hunter River, when the prisoner told me to hold my damned tongue. I went into the house. I was not afraid of him. He threatened very much but did nothing. The old man has not a very sweet temper when he gets it up. I saw them torment him and heard him say all sorts of things, that he would have people's lives. I do not know that they tormented old Howell much. I think he needed it. I am not sure Wallace about it. Oh no, I am not sure whether I told him about it. I did not think much about it. He (Howell) was hiding behind the fence. I was on the road. He threw a stick at me. I was not frightened of him. There was snow that day, but the sun melted it away. I was coming from Tom Sudsbury's when Howell threw the stick at me. (Repeats her direct statement regarding the incident.) It was a picked fence and I could see him through it. I was a little scared of him. I do not know whether he was very warlike. I did not look at him. I never tormented Howell. I was a fortnight away from home after the shooting. I was staying at Mary Jones' in Summerside when the shooting took place. Howell was two or three times in the house since the incident, and previous to the shooting. I stayed at Sandy Thompson's house in Malpeque with

a man named Arsenault. I stayed a fortnight. Arsenault was sick. Some nights I did not stay there at all. I went there out of kindness, and on his own business. I was not going to see him dying. I stayed at other places. Some nights he wanted me and some nights he did not care. My mother was mad enough about me staying with Jos. Arsenault. I have not nursed anybody since, but am ready to do a good turn for anybody. The people knew I was staying with Joe and I did not care whether they did or not. After leaving Joe I went to Hunter River. I thought it was not right; still I don't care. I never did a good turn for any other fellow. I never went boat sailing. I never stayed in a boat all night. I was blamed for staying in a boat, but I did not stay. I had a house to go to.

THE MURDERED MAN'S WIFE ON THE STAND.

EMMA WALLACE (SWORN)—Examined by the Attorney-General. I live in Malpeque. I know the prisoner in the dock for ten or twelve years. The murdered man William Wallace was my husband. I lived in Malpeque three years this spring. We had three acres of land, with house on it, rented from Walter Owen. A road ran past the property towards the shore. We lived on the left hand side going down to the shore. Howell lived on the opposite side. Both had crops, and both farms were fenced. We fenced our place, the spring we moved there. The poles for the fence along the road were got from Dr. Kier, and some were borrowed from Walter Owen. The fence was up when we went to Hunter River on Thursday, but it was not there when we came back on the following Saturday. That was in November. Mary told us about who took the longers when we came home. Howell had previously moved up to Princetown Road, and the house he lived in, opposite our place, he used as a barn. There was a wheat stack at the barn. When we left for Hunter River there was no fence around it; but there was a fence around it when we returned. Howell used to come to our house previous to taking the poles; but he never came afterwards. I advised my husband to leave the poles around the stack until the old man would take it away. He did so. Howell hauled the stack away on Thursday before the shooting took place. The shooting happened on Saturday, the 23rd of December. My husband was working with Mr. George Sinclair, Malpeque, the week the shooting occurred. My husband intended to go for the poles in the afternoon; but as I was going across, I asked my husband to mind the baby until I returned. When I was going across, I saw that my husband's horse had got in the ice. I went and told Walter Owen. He went to his assistance. I also came home and told my husband. Owen and Henry got the horse out. They had to go away around the creek, and my husband went to meet him. When they came they had supper, and about eight o'clock went to take the longers. I went out shortly after they left, and heard the report. I went towards the place and saw my husband coming running towards me. There were three of them there. Two were pretty close together. Henry was trying to take the gun from Howell. They separated shortly. Henry got the gun; and came towards me. My husband on reaching me fell and I tried to lift him. He said "Lord have mercy on my soul, I am shot to death. I think I am dying." I then passed towards Henry to see who did it. Henry picked up my husband and carried him into the house. I carried in the gun. I saw Howell turn; but I did not see where he went. He offered no assistance to my husband. Henry afterwards went for Dr. Kier. I did not examine the wound before the doctor came. My husband appeared to be dying and I was keeping snow on his head. Lillie Sudsbury and Walter Owen, came to the house after the Dr. came. There was no one at the house at the time of the shooting except my mother and the small children. A man named Dougan came also with the Dr. Dr. Darrah came there also. Walter Owen went after him. He arrived about two hours and a half afterwards. Several people were in after the occurrence. Among them was Mr. Hodgson. Then before daylight George Wallace, father of the deceased, came. My husband lived until Wednesday morning about daylight. The Doctors visited him frequently during his illness. The clothing my husband had on was all riddled to pieces. There was a good deal of blood on the clothing. The clothing was burned up with the powder. There was snow on the ground at the time of the shooting. He fell after being shot on his own land. The house is about thirty or forty yards from the road. My husband was half that distance from the road when he fell. It was on our land. Henry Wallace and Howell were wrangling about the gun after the shot had been fired. They had taken some of the poles from Howell's and put them on the line of the fence from whence they had previously been taken. Howell's barn was further from the road than our house was. I saw what I supposed was Howell's tracks the way he came. He left his own house and got into McGougan's land, and came down along the bushes in, and came out at the corner of our field, and stood after getting over the fence. It was just a single track. The track then went into Howell's field and up through his lot on the winter road which ran through Howell's field. Mat Sudsbury and his wife were with me when we examined the tracks. Howell now lives on the Princetown Road, a quarter of a mile from where we live. He moved up there about twelve months before the shooting. It was moonlight, the night of the shooting. It would be dark, and sometimes would come out bright. There was an inquest held previous to the burial of my husband. I was not at the inquest. Howell was not there; he was arrested on Monday, and was then in jail here. I was with my husband up to the time of his death. He believed he was going to die from the time he was shot. He said he did not think the old creature would shoot him. He did not think he had a gun until he got handy. He was then too frightened to run. Messrs. Bearisto—Magistrates, came to take my husband's statement before he died, but he was so low they did not go into the room. That was Monday morning. He wanted a clergyman the night he was shot. Mr. Carr (Presbyterian Minister) came on Sunday after preaching, and they brought the priest (Dr. O'Brien) there in the evening. Then Mr. McMillan came on Monday. My husband told Mr. Carr that he would like to live if it was God's will. But God's will would be done. He could not live. Father O'Brien, now Arch-

bishop of Halifax, was the priest who saw him on Sunday. When Rev. Mr. McMillan came to see him he said "Mr. McMillan is this you." I told him Mr. McMillan was coming, and he just opened his eyes and said "tell him to come quick." When he was dying, he said he was glad his friends were around him as this would be his last day. Previous to his death, he told me that at the time of the shooting he heard a voice screaming, dropping the poles. He dropped the poles and went towards the place from where the voice proceeded. He then saw Howell with the gun, but was afraid to run away for fear Howell would fire. He, however, turned to run, but slipped and fell, and before he could recover himself he received the shot. The prisoner said nothing to the deceased after he ordered him to drop the poles. My husband said he never spoke to Howell, nor did Howell speak any words to him other than "Drop the poles." When my husband talked to me about the subject of the shooting, he told me that Howell shot him. Howell and my husband were well acquainted. I am certain I saw Howell immediately after the shooting. Henry Wallace was then taking the gun from him. I was married to my second husband. I was married to him four years ago this summer. I had five children by my first husband—James Blackmore—and one by the deceased. Howell never asked my permission for the poles to fence the stack. My husband suffered a great deal after he was shot. He never tasted anything after he was shot.

Cross examined by Mr. Hodgson—I never told Larkins that I had given Wallace permission to take the poles. I never told Larkins that the prisoner said there were not enough poles there to make up the number. Neither did I tell him to take what was there and my husband would make up the balance. I am certain I never said so. I have known the prisoner for ten or twelve years. I heard of him.

ARTHUR OWEN'S TESTIMONY.

ARTHUR OWEN (SWORN)—Examined by the Attorney General. I live at Malpeque. I know the prisoner. I also knew the deceased about fifteen years. The prisoner worked with me last harvest. I was thrashing with the prisoner at Mr. Montgomery's last fall. I had a conversation with him about Wallace (the deceased). He was talking about Wallace stealing the poles and he said if they did not leave him alone he would shoot them. It is from my brother that Wallace had the premises rented.

Cross-examined by Mr. Hodgson—I did not warn Wallace that his life was in danger. I did not think anything of the threat. That is the only time I recollect of hearing him make any threats. I don't think Tom Sudsbury is a friend of his. I heard Tom threaten Howell. He carried a knife for him. Mr. McLeod objected to the last statement.

Mr. Hodgson pressed it on the grounds that Thomas Sudsbury had a strong animus against the prisoner, and was a crown witness and would be called, his name being on the back of the indictment. The court ruled against the statement being made until after Sudsbury's examination.

THE MURDERED MAN'S BROTHER TESTIFIES.

HENRY WALLACE (SWORN)—Examined by the Attorney-General—I am a brother of the deceased. I live at Hunter River. I went on a visit to my brother in December, on the day of the shooting. My brother-in-law was with me. I saw my brother, the deceased, in Mr. Owen's field. He came to meet me after I got in the ice. I saw Mrs. Wallace there. I saw her first on the ice when my horse got in. When I got to my brother's house I put up my horse, and got tea. We commenced to remove the fence poles from Howell's between eight and nine o'clock. The distance between Howell's old house and my brother's house would be about seventy yards. In going to Howell's we crossed my brother's land. We picked out my brother's poles, and we carried them on our shoulders to my brother's premises, between the house and the road. When we deposited the first load we returned for another. My brother was six or seven yards ahead. I heard a voice saying "Damn you, drop those poles." My brother dropped the poles. I knew it was Roderick Howell's voice. My brother, who had a load, and was near where he dropped the first poles, dropped the ones he was then carrying. My brother then advanced towards Howell. He went eight or ten yards. I then heard a report from a gun, and saw my brother fall. I went over to Howell, and said to him, "Old fellow what did you do that for." He made at me with the gun. I took the gun from him. My brother was then lying on the ground. When I got the gun from Wallace, I looked around, and found my brother had gone towards his own house. In going towards the house, I found my brother on the ground. There was no other gun there. The muzzle of the gun was warm when I took it from Howell because Howell fired the shot from it. I laid the gun on a stump and Mrs. Wallace took charge of it. I carried my brother to the house and laid him on the bed. He ran about fifteen yards after he was shot. I went immediately for the doctor. I was not present when the doctors examined my brother. Dr. Darrah was also present. He came about two hours after the shooting. The deceased bled a good deal after the shooting. Howell was on my brother's land at the time he fired the shot. He stood near McGougan's corner. My brother was about three or four yards from Howell at the time the shot was fired. I examined the place the morning after the shooting. Howell's was the only track visible. I traced it back into McGougan's field for a short distance. There were four or five inches of snow on the ground. After he crossed the fence on

my brother's land, he walked about ten yards before he fired the shot. After he fired the shot, Howell went off across the road. It was a moonlight night; but some times the dark clouds would pass across the moon. I know Howell's voice. I have no doubt of it. I know where Howell's new house is on Princetown Road. Howell would not come through McGougan's field on his way to his barn. If he did that he would be going out of his way. There are not many bushes on McGougan's side of the road. One would hardly notice a man coming down the side of the fence poles. I remained at my brother's place a week after the shooting. I had no conversation with him. He suffered very much. He took no food that I know of. I saw George Sinclair and Mr. Bearisto at my brother's on Sunday, if I remember right. I understood that they were going to take my brother's dying statement. They told me he was not fit to make a statement. My brother was shot on the right joint. He was between thirty-one and thirty-two years of age.

Cross-examined by Mr. Hodgson—I live on my own land at Hunter River. I was married in Charlottetown nine years ago. I do not know the name of the Minister who married me. I could show you his name. I never saw him before or since. I do not know where he lives in town.

WITNESSES—I got it.

Mr. Hodgson—Where? Witness—I don't know. Mr. Hodgson—Was it in Summerside? Witness—Yes it was. Mr. Hodgson—Who did you get it from? Witness—I don't know the man's name. Mr. Hodgson—What did you pay for it? Witness—Two dollars. Mr. Hodgson—Where did you get the license? Witness—I did not get it at all. I am not on my oath on this verdict. I did not tell you I got it in Summerside. I got the license. I do not know the man's name. I got the license in Charlottetown. I went into a house for it. It was in a wooden house I bought the license. They sold no liquor there. William Barnett was with me. It was Barnett told me the name of the Minister. My wife's name is Phoebe Barnett. I left home on the morning of the shooting about ten o'clock. I stopped at a few places on the road. There was considerable snow on the ground. I used to work at Malpeque. I don't remember the prisoner. When I lived at McGougan's, in Malpeque, I never tormented the prisoner. I heard of him being tormented by the boys—pelted with stones and making fun of him. We did not attempt to conceal ourselves when taking the longers. I was twenty or thirty minutes taking the longers. I took four the first load. I could not tell how many we took the second time. I had longers on my shoulder when I heard the shot. The longers were on my right shoulder, and would be between me and Howell. My brother was between six and seven yards ahead of me when we were carrying the last load. My brother would have to go ten or eleven yards then to reach Howell when he fired. When my brother threw down the sticks I was on Howell's land. The road is only six or seven yards wide. I don't think the poles which were on my shoulder would bend down the rim of the soft felt hat which I had on. I could not, and did not see the position my brother and Howell were in when the gun went off. I did not see the flash, but I dropped the poles. I then went along, heard the report in the proper place, and then went towards my brother. I did not see Howell point the gun at my brother. I could see the tracks in the snow where Howell stood when he fired the gun. There were no other tracks. I examined the place next morning. If there had been other tracks there I would have seen them. I was close to Howell when I took the gun off him. I remember seeing Mr. Abbott on Kensington on the day I went to my brother's. I do not consider I have a good memory. I don't remember speaking to Abbott. Howell did not advance from where he stood after the gun went off. He examined by the Attorney-General—I have made a mistake. Howell was on my left, and the poles on my right shoulder, when Howell fired.

Court Adjourned until to-morrow morning, at eleven o'clock.

MACK'S MAGNETIC MEDICINE—the great brain and nerve food—will restore lost nature to young, middle-aged and old. Life is too short to waste away. Read the advertisement in another column, and if you are afflicted make no delay in procuring the cheapest and best medicine ever sold. Sold in Charlottetown at Apothecaries Hall. (1w wky)

GRAND TEA

—AT—

BALDWIN STATION.

THE congregation of St. Cuthbert's Parish intend holding a Tea, for the benefit of the Church, on

July 2nd (Dominion Day),

near Baldwin Station, on the beautifully situated grounds of Mr. Peter McQuaid.

All amusements usual at such gatherings will be provided, and no pains will be spared to make the Tea a complete success.

Goldbraith's Brass Band has been engaged for the occasion, also the Patent Swing.

A Concert will be given that evening, and some of the popular singers and musicians of the day have been engaged to assist.

Charlottetown to Baldwin and return, 40c

Tracadie and return, 25c

Mt. Stewart, Pisquid & Peak's & return, 20c

Georgetown and Brudenell and return, 25c

Cardigan and Perth and return, 20c

The foregoing rates are only for those purchasing tickets for the Tea Party which are for sale at all Railway Stations.

The regular train leaving Georgetown for Baldwin Road at a quarter past seven in the morning, and from Georgetown to the same place at 11.30 a.m.

The regular train leaving Georgetown on that day, will be delayed until 4 p.m.; leaving Baldwin for Charlottetown at 5.30 p.m.

Tea on tables at 12 o'clock. Admission tickets 25 cents.

E. B. BYRNE, Secy of Com.

Baldwin Station, June 20.—21w wky lib.

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MASON & HAMLIN ORGANS

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Sold on very easy terms, with large discounts for cash, by

LEONARD MORRIS,

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Sole Agent for P. E. Island.

Summerside, June 12, 1883.—17

SPRING & SUMMER GOODS.

—:O:—

J. B. MACDONALD

IS now showing a magnificent stock of Staple and Fancy Dry Goods, Millinery and Clothing, bought in the English, American and Canadian markets, of the very best terms. I am in a position to give my customers and all who favor me with their patronage the very best value to be had in the city.

Special attention is directed to the splendid range of Worsted Cloths for gentlemen's suits and ladies' mantles. Ready-made Clothing Department is well stocked, and at cheaper prices than ever.

CUSTOM TAILORING.

Suits made to order in the latest style and good fits guaranteed and at prices that cannot be beaten. Also

250 Half-Chests Fine Congou Tea,

warranted extra quality, sold low. Wholesale and Retail.

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Ch'town, May 10, 1883.—wky pat pres ne

British Warehouse.

—:O:—

To the Wholesale and Retail Trade.

W. & A. BROWN & CO.

—:O:—

HAVE now opened the completion of their large stock of SPRING AND SUMMER

DRY GOODS.

They are offering special inducements to cash buyers.

It will be to your advantage to inspect their stock before purchasing elsewhere.

W. & A. BROWN & CO.

Ch'town, June 1, 1882.—wky

Great Summer Resort of P. E. Island.

SEASIDE HOTEL

—:O:—

Rustico Beach, P. E. Island.

—:O:—

This beautiful and well known watering place will be opened for the season on July 1st.

The Proprietors have taken pains to prove this establishment, so as to merit the continuance of the distinguished patronage of former years, from Charlottetown and all parts of the world.

For charming scenery, beautiful shores, shady walks, boating, surf bathing, fishing, gunning, etc., "The Seaside Hotel" is unrivalled in America.

TERMS—\$1.75 to \$2.00 per day, \$10.00 per week, \$8.00 per week per month. Special rates for families for lengthened periods.

Coach will leave Charlottetown every Wednesday and Saturday Evening, calling for Guests; returning every Thursday and Monday Morning, at 9 o'clock, p. m.

Trains leave Charlottetown for Hunter River at 6.45, 9.20 a. m., and 4.15 p. m.

" Hunter River for Charlottetown 9.04 a. m., 2.25 and 7.11 p. m.

" Hunter River for Summerside 7.45, 11.06 a. m., and 5.40 p. m.

" Summerside for Hunter River 6.45 a. m. and 12 noon, and 5.40 p. m.

Mr. Bagnall will meet trains from all points at Hunter River to convey passengers to Seaside.

JOHN NEWSON & CO.,

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June 7—31m

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Dry Goods, Millinery, &c.,

Ex steamships "Brantford City," "Peruvian" and "Prussian," from London and Glasgow.

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