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THE DAILY EXAMINER,

FEBRUARY 11, 1879.

The Alley-Duchemin Case.

This case has excited great interest. It is considered by the manufacturers that if the Duchemin Bros. are driven out of their property, under the circumstances set forth by Mr. Alley, any or all of them are liable to be treated in the same way by any wealthy man who may choose to take the same proceedings. Nor does their fear seem to be ill-grounded. For if a rich man may build a fine house close up to the line on which a factory has for years been in operation, and then finding the smoke and noise a nuisance, may compel the manufacturer to close his factory, no manufacturer is secure in his possession. Every one of them is at the mercy of any fastidious or captious neighbor rich enough to stand a law suit, because every factory in which machinery is used and smoke and noise issue is, of necessity, disagreeable—a nuisance—to those who live near it. The Duchemin Bros. having, without let or hindrance, made their smoke, and noise, and dust, for the past thirty or forty years, are now naturally disinclined to move away; and, it is reported, that they are determined, if necessary, to appeal to the highest courts before they do so.

"CHEER UP."

UNDER this heading, the Hon. W. H. Howland writes to the *Monetary Times* to say that he thinks "long faces have ruled long enough." Mr. Howland says it is especially "absurd to see that this long-facedness has extended even to official people in all branches, who, with their salaries regularly paid, appear as much affected by this sad depression as the merchant and laborer, and yet add their quota to the miserable whining which unscrupulous people and usurers hope will result in bringing about some financial disaster which may give them some picking." Mr. Howland thinks "business matters are brightening, and that there is enough of encouragement in the circumstances of the country to make us take hold confidently, pull together more, be less suspicious about other's standing, and at all events to put on a more cheerful appearance."

SUPREME COURT.

FEB. 10, 1879.

The Queen vs. Colin Pearson—Indictment for forgery. Arraigned. Pleading guilty.
The Queen at the prosecution of the Queen vs. Charles Horriell—Indictment for forgery. For the Crown, the Attorney General, C. Palmer, Q. C.; for the prisoner, E. J. Hodgson and F. Peters.

THE ATTORNEY GENERAL—This is an indictment for forging two several cheques—one for \$120.64, dated Nov. 22, 1878, drawn in favour of James McLean, and signed by Angus McDonald; the other for \$80.90, dated Nov. 22, 1878, drawn in favor of James McLean, and signed Angus McDonald. The prisoner presented the first cheque, and was caught while endeavoring to cash it. He told a false story to the Cashier of the bank and he gave the false name of James McLean.

GEORGE McLEOD, sworn—Testified that Angus McDonald had an account at the bank, and drew cheques. Saw the prisoner after the cheque was presented. I asked him how he came by the cheque. He told me his father was also named James McLean, and that the cheque had been given by McDonald to his father in payment for some potatoes. (Identifies cheque.) After some further conversation I had him arrested—(identifies Mr. McDonald.)

JAMES WELLINGTON McLEOD, Ledger Keeper at the Union Bank, testified that on the 21st December the prisoner presented a cheque to be initialled. I took it to the Cashier. I came back and took the prisoner into the inside office. (Identifies prisoner.)

MARSHAL FLYNN—I arrested the prisoner on the 21st December last. I found on his person money, keys and a cheque. (Identifies cheque for \$80.90.)

ANGUS McDONALD—Live at West River and speculates in produce. I know Horriell. His father (William Horriell) lives at North River. I never had any business with him. James McLean lives about five miles from me. I never gave James McLean a cheque in my life. The signature on this cheque (the one for \$120.00) is not mine, though it bears a very good resemblance to it. The cheque for \$80.90 is not so much like it. I never gave Horriell a cheque.

JOHN SELLARS identified the prisoner as Charles Horriell, son of William Horriell. Never knew him as James McLean.

MR. HODGSON, in opening the case, said there was not proof of the uttering of the \$80.90 cheque, and contended that the mere possession of the cheque was not proof of forgery. With regard to the \$120 cheque; it was signed ANGUS McDONALD, a different name altogether to that mentioned in the indictment.

The Judge took note of the objection. Mr. Hodgson said that the prisoner's version of the case was that he purchased the cheque, and he supposed the money could only be paid to the person mentioned in it; and so he told the Cashier a lie. They were not there to try the prisoner for telling a lie; and the Counsel contended that, admitting all adduced by the prosecution to be correct, still there was a reasonable doubt that the prisoner was guilty of intent to defraud the Bank.

JAMES CROSBY, sworn—I gave the prisoner two cheques about the 1st of November. These are the ones (identifies cheques.) I got them from William Ranton. I worked with Ranton two years. Horriell gave me money for them.

Cross-examined by Mr. Palmer—I only got two cheques from Ranton. If I swore in the lower Court that I gave Horriell five cheques, I was confused. Horriell gave me \$60 for the two cheques. Ranton owed me about \$100. I gave Horriell the cheques on the North River Road sometime in October, about the 1st, I think—November, I mean. I got them from Ranton in Charlottetown, about the last of October. He was to give me \$150 or \$160 more. I was fetched to the Magistrate's Court before I had time to ask Horriell for the balance. I left off working for Ranton about last October twelvemonth.

MARSHAL FLYNN—He disappeared from the city about last November twelvemonth. He has not, to my knowledge, returned to the Island since.

EDDISON DAWSON—Knew Ranton. I saw him last in August, 1877. I have been looking for him since, but have never seen him.

The Attorney General closed the case; and the jury rendered a verdict of "Guilty."

FEB. 11.

VERDICT IN THE ALLEY-DUCHEMIN CASE.
 The Special Jury in this case having first presented their "little bill" for mileage and attendance and received the cheques, answered the questions propounded to them as follows:—

1. "Whether the plaintiff's enjoyment of his dwelling house, mentioned in the bill, was sensibly diminished by the nuisance (if any) carried on by the defendants?"

Answer—It was.

2. "Whether the working of the machinery used by the defendants in 1853 made as much noise as now proceeds from the machinery used in the present factory?"

Answer—It did.

4. "Whether the noise and vibration felt or experienced in the house in which the plaintiff resided in 1853 was as great as the noise or vibration felt and experienced in the present house?"

Answer—It was not.

5. "Whether the plaintiff's enjoyment of his property was sensibly diminished by the smoke issuing from the defendants' present factory?"

Answer—It was not.

6. "Whether the plaintiff's enjoyment of his property (if it was diminished to the same extent by the smoke issuing from the factory used by the defendants in the southeast corner of his lot from 1872 to 1878, as it is diminished by the smoke from the present factory?"

Answer—It was diminished by the smoke issuing from the factory used from 1872 to 1878.

"Whether the plaintiff's enjoyment of his property (if it was diminished to the same extent twenty years ago as it is diminished by the working of the present factory?"

Answer—It was not.

The Queen at the prosecution of the Union Bank vs. James Crosby—Indictment for forgery. For the prosecution, the Attorney General and C. Palmer, Q. C.; for the prisoner, A. A. McLean and F. Peters.

The Attorney General said, in opening, that two cheques were, some time ago, given by Angus McDonald to Messrs. White and Dockendorff, of North River, which, no doubt, were the originals from which the forged cheques were copied. The prisoner, in his evidence in the lower courts, stated that he had given three other cheques to Charles Horriell; and three other forged cheques were actually passed at the Bank. But as the persons who uttered them were not known, the action could only be brought in the case of these two—which had been obtained from Charles Horriell, and by him received from James Crosby—the prisoner at the bar.

George McLeod, Marshal Flynn, and Angus McDonald identified the cheques (as the forged cheques) taken from Horriell; and Horriell testified that he got the cheques from James Crosby. Witness lived with George Dockendorff till the 21st December, and he got the cheques from Crosby about a month before. Sometime before that he got from Geo. Dockendorff \$20, which he gave the prisoner for the cheques. He got the \$20 for wages—perhaps to buy the notes. He gave \$60 for the cheques; and was to pay the balance to the prisoner, when he cashed them, with the exception of about \$10 which he was to receive for his trouble.

Mr. Peters said, within twenty-four hours, Horriell was convicted of forging the cheques. Now, the prosecution want to have Crosby convicted, too. This was certainly comprehensive justice. But it is impossible that, if Horriell were guilty of forgery, Crosby could be also guilty. Crosby may have uttered them, but it must be proved beyond a doubt that he knew they were forgeries when they did so. This has not been done, and the prisoner must be discharged, or else the verdict

against Horriell must be set down as a wrong one. The Attorney-General summed up the evidence on the part of the Crown.
 Verdict, "Guilty of uttering forged notes."

AFTERNOON SITTING.

Patrick Clerkin vs. Ronald McInnis. Action to recover damages for injuries done to plaintiff's horse, on account of negligent driving on the part of the defendant's son. For the plaintiff, Neil McLeod and F. Peters; for the defendant, Davies & Sutherland.

The Carnival.

The all engrossing subject, just now, is the Carnival, which is to take place in the Citizen's Skating Rink on Thursday evening next. The Rink is being suitably decorated for the occasion, and, to judge by the number of entries already made, this Carnival bids fair to surpass any of its predecessors.

Small-Pox at Alberton.

NOTWITHSTANDING the severity of the weather, small-pox continues spreading in Alberton, and the residents of that village are much alarmed for fear the infection may become general. News has just reached the city of the death of Mr. Allan McDonald, one of his sons, Mr. McLennan, and Mr. McAlduff, who are victims of the disease. All of Mr. McDonald's family, and a child of Mr. McAlduff, are lying with the disease, and it has spread to another family.

The Licensing Board.

The members of the Licensing Board—Messrs. Dawson, Quirk and Fraser—met at the office of the chairman last evening. Seven applications were considered, and licenses were granted to Mrs. Ellen Mahaffey, Pownall street; James O'Reilly, Dorchester street; and John Kelly, Grafton street. The applications of M. A. McLeod, Kent street, and Mrs. Offer, Queen street, stand over till the next meeting, and those of John Bolger and Charles O. Winkler, Water street, have been refused.

At this meeting the Board agreed that all licenses granted on and after the 19th of December, 1878, have a condition or stipulation thereto, to the effect that "this license is granted subject to the 'Scott Temperance Act,' coming into operation in the city of Charlottetown; and, that if said act does so come into operation the license shall terminate, and in such case the proportion of the license fee for the unexpired term shall be refunded to the licensee."

The Potato Buyers of '78.

The following, clipped from the *Boston Journal of Commerce*, puts the whole matter into a nutshell, while, unlike most poetical effusions, it contains as much truth as poetry. Money was made in the potato trade last fall, and money was lost. The farmers made money while the shippers lost; but, remembering the old adage "Let those laugh who win," we now give the poem a place, in the hope that it may prove acceptable to our farmers, while, for the present, we fear our shippers must content themselves with what consolation is to be derived from the wish, which we express, of "Better luck next time."

THE POTATO BUYERS OF '78.

AN IDYLL OF PRINCE EDWARD ISLAND.

Dedicated to the Members of the Produce Dealers' Exchange.

'Tis of Prince Edward Island a tale I would relate—
 Of the great rush for potatoes in the fall of '78,
 When the merchants' hearts were failing, and
 The shipbuilders were sad.
 And the farmers thought that everything was
 going to the bad;
 When barley, oats and turnips barely paid for
 harvesting,
 And the fishers homeward wandered, out of
 heart and out of tin.

Then from the port of Boston came speculators three,—
 And sat them down and gathered in potatoes quietly.
 For five and twenty cents they bought, as had
 been done of old,
 But a fourth and fifth came rambling in before
 the scent was cold;
 And all the farmers chuckled, and waxed both
 blithe and gay,
 When "spuds" went up to thirty cents the
 second market day.

Henceforth, with every boat and cart trounded
 in the buyers' trim:
 They were large and small, fat, short and tall,
 and spare and large of limb;
 But they "kept the ball a-rolling," and the
 prices grew and grew,
 Till Early Rose and Jacksons prime brought
 over fifty-two,
 And he whose fortune 'twas to plant potatoes
 in the spring
 Wax'd full of purse, and wax'd, not for any
 earthly thing.

So, he who feared a famine spent his Christmas
 with good cheer;
 He that before was sick at heart knew not of
 care or fear
 And would the Muse could record that the
 buyers prospered, too;
 But we fear, with costs and charges, and slow
 sales at eighty-two,
 That "virtue was its own reward," and buyers
 did not thrive
 Who bought potatoes late last fall as high as
 fifty-five.

THE Halifax Herald asks:—How is it that Baltimore is getting so many new steamship lines, and Halifax so few? Surely Halifax business men must lack energy. The *Baltimore Journal of Commerce* says:—"Four new steamship lines have lately been announced to begin running from Baltimore shortly, and it is now reported that arrangements for the fifth are being made." And this in the face of the fact that several of the Allan as well as other lines of steamers, have been detained there on several occasions by ice, even during the present winter. No such trouble ever occurs here, and why is it, with such a fine harbor always open, and the Intercolonial at our back, that we allow ourselves to be so distanced?

NOTICE.

NOTICE is hereby given that prosecution will be immediately commenced against all persons who are known to be in the possession of DOGS and who have not registered them and paid their Dog Tax for the current year, in conformity to the provisions of a by-law of this city, passed 4th December, A. D. 1878.

A. F. TOMLINS,
 Clerk of the City Court.

Feb. 11.

To Inventors and Mechanics.

PATENTS and how to obtain them. Pamphlet of 69 pages free upon receipt of stamps for postage. Address
 GILMORE, SMITH & CO.,
 Solicitors of Patents, Washington, D. C.

FISH.

100 Quintals Prime Codfish,
CHEAP FOR CASH.
Wright & MacGowan,
 Queen's Wharf.

February 8, 1878—law for 2m

CATARRH.

Constitutional Catarrh Remedy
CURES CATARRH.

Hear what a Reverend Gentleman says of the Constitutional Remedy.

T. J. B. HARDING, Esq., Brockville, Ont.:

DEAR SIR—It is now two years since your "Constitutional Catarrh Remedy" was introduced to me. I have waited this long to see if the cure would remain permanent before doing this, my duty, to you, as at first the happy effects seemed to me to be "too good to be true."

I was afflicted in my head for years before I suspected it to be Catarrh. In reading in your Circular I saw my case described in many particulars. The inward "drop" from the head had become very disagreeable, and a choking sensation often preventing me from lying long, I would feel like smothering and be compelled to sit up in the bed. My health and spirits were seriously affected. When your agent came to Walkertown in August, 1876, I secured three bottles. Before I had used a quarter of the contents of one bottle I found decided relief, and when I had used two bottles and a third, I quit taking it, feeling quite cured of that ailment, and have not used any since until of late I have taken some for a cold in my head.

A sense of duty to sufferers from that loathsome disease, Catarrh, prompts me to send you this Certificate, unsolicited, with leave to make what use of it you may see proper. Yours truly,

W. TINDALL, Methodist Minister.
 Port Elgin, Ont., Aug. 24, 1878.

Ask for Littlefield's Constitutional Catarrh Remedy and take no other.

T. J. B. HARDING, Dominion Agent, Brockville, Ont.
 For sale by all Druggists at only one Dollar per bottle.

BUY IT. TRY IT.

ROPE.

SIX TONS MANILLA,
 different sizes, at Factory Prices.

Wright & MacGowan,
 Manufacturers Agents,
 Queen's Wharf

February 8, 1878—law for 2m

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 74c., 8c., 84c., 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,

Ch'town, Jan. 17—

McKAY'S LIVERY STABLES.



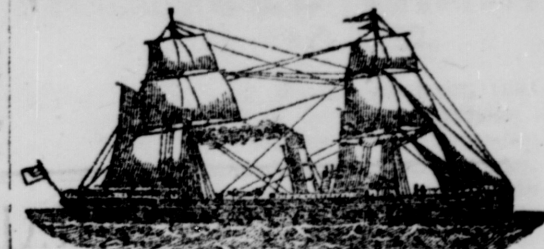
NORTH SIDE QU'EN SQUARE.

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

A. J. McKAY.

Ch'town, Dec. 30, 1878—

NOTICE.



Ocean Steamship Company of Prince Edward Island.

THE ANNUAL MEETING of the Ocean Steamship Company of Prince Edward Island will be held in the office of Peake Bros. & Co., on WEDNESDAY, the 12th day of March, 1879, at 7 o'clock p.m.

GEO. PEAKE, Sec'y.
 Ch'town, Feb. 8, 1879.—4w 2i a w

NOTICE.

THE ANNUAL GENERAL MEETING of the Shareholders in the **St. Lawrence Marine Insurance Company** will be held at their Office, in Charlottetown, at 3 o'clock, p. m., on WEDNESDAY, the 12th day of March next, in compliance with the Act of Incorporation. By order.

FRED. W. HYNDMAN, Sec'y.
 Ch'town, Feb. 8, 1879—law till date.

FLOUR!

200 bbls. "GREENHOLM,"
 100 bbls. "CAMLACHIE,"
 100 bbls. "NORVAL"

A consignment for sale at a bargain, for cash.

Wright & MacGowan,

Queen's Wharf.
 February, 8, 1878—law for 2m

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

COAL!

100 Tons Round "ACADIA MINES," and a smaller lot of NUT, at our usual low prices.

Wright & MacGowan,

QUEEN'S WHARF.
 Ch'town, Feb. 8, 1879—law for 2m

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. etc.

Readymade Clothing

Hats, Caps, Linders 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.