

The Daily Examiner

JANUARY 12, 1886

The Civic Report.

The annual reports of the several departments of the City Government for the Civic year, ending 31st December, 1885, were submitted to the Council last evening.

At the outset we note an improvement in the names of the retiring councillors are marked with an asterisk as follows:

- Ward 1—Thomas Morris.
2—John Kelly.
3—Edward Davy.
4—Samuel McRae.
5—Alexander Horne.

The receipts of the corporation last year were \$42,412.10; the expenditure (less the outlay incident to the smallpox) amounted to \$42,196.47—leaving a balance in favor of the city of \$215.63.

The receipts were \$432.10 less than in 1884; and not taking into account the \$3,732.00 paid for real estate, the expenditures were \$510.06 less than in 1884.

His Worship the Mayor has found time, since the cessation of smallpox, to prepare a lengthy report, and to make some valuable suggestions. The side-walks, he truly remarks, "are a perpetual bill of expense, and never in as good a condition as the citizens would wish to have them."

He passes a high and well deserved compliment upon Mr. Arthur Newbery for his untiring efforts in making our principal public square a pleasant resort for both old and young; and he suggests that persons in the County jail for civic offences be required by law to perform work on the streets of the city.

As Chairman of the Board of Health, His Worship thanks our Health Officer, Dr. Johnson, and also Drs. J. T. Jenkins, James Warburton and S. R. Jenkins for the very efficient manner in which the duties of their profession were performed in connection with the smallpox visitation.

For instance, a man was once loading his cart with sacks of potatoes—he had put in six sacks, three on each side, two more were to be put in, and when the first of these two was put in, the cart tilted up, and the man was thrown out on his back on the stones, from which injury he soon after died.

Again, death ensuing in the performance of an act otherwise lawful, may amount to manslaughter by the negligence of the party performing the act; as, in the instance of workmen throwing down brick or ends of scantling, or such like from the top of a house, situated where there is a small probability of persons passing by.

In conclusion, His Worship calls attention to the important fact that the Corporation is yet without a safe, in which to keep its cash and valuable papers. We may remark that THE EXAMINER has two safes, and is willing, for a small consideration, to part with either of them, in order that this great need of the City Council may be met.

Hard on Domville.

THE St. John Telegraph, in trying to account for the recent Conservative victory in King's, N. B., gives the defeated candidate, Mr. Domville, away in the following style: "Without money even for the legitimate expenses of the election, he, etc."

Mr. Domville was at one time a Conservative. In 1882, Prof. Foster was selected as the standard bearer in place of Domville. The latter was not satisfied, and backed by the Grits of the County, opposed the regular candidate—and was beaten. Still dissatisfied, he appealed to the Courts, and was on a second election beaten again.

Supreme Court.

The Hilary Term of the Supreme Court met in this city to-day,—Chief Justice Palmer and Judge Hensley on the Bench.

The following gentlemen compose the Grand Jury:—Thomas Handrahan, Esq., (Foreman); Charles Reardon, Covehead; Robert E. Longworth, city; William Weeks, city; Richard E. Bagnall, Hazel Grove; Henry Wadman, Crapaud; Leon Gallant, Rustico; Daniel Griffiths, city; William Boyle, County Line; Thomas Alley, city; Alexander McNeill, Cavendish; Charles Haszard, Belle View; Michael Hickey, city; Patrick Duffy, Lot 48; Michael P. Hogan, city; John McEachern, city; David Mutch, Rustico.

Chief Justice Palmer charged the Jury as follows:—

The criminal calendar for the present Term presents but one case for your consideration. The principle one is a charge against a young man named Sidney Robinson for causing the death of a young boy named Joseph Fitzpatrick, by the discharge of a shot gun which took place on Friday, the 10th of October last, on the lower Royalty Road West, a short distance from Charlottetown. It appears that the prisoner, in company with another young man, an acquaintance, named Fisher, had left Charlottetown with a horse and cart, and were proceeding to their residences at the West River. On their way, about a mile and a half from Charlottetown, immediately after passing the dwelling house of one William Fitzpatrick, who lives in a small tenement quite adjacent to the public road, the deceased, a small boy about the age of ten years was observed walking behind the cart in the same direction, saying something, as the witness described, but what he did not understand, when the prisoner, who was in possession of a gun, said to his companion, Fisher, that he, the prisoner, would crack a cap on the gun to frighten the boy. Fisher, in reply, said he had better not, but instantly, having with Fisher's reply the prisoner, having capped the gun, fired; and on the discharge and report, exclaimed: "My God, the gun was loaded, and I never knew it!" The boy immediately ran along the road towards Fitzpatrick's (his father's) house, and the prisoner and Fisher proceeded on their journey homewards. The boy having regained his house, complained of being shot, and cried out in much pain; and on his clothes being removed, two shot wounds were observed, one in the abdomen, the other on the chest. From the former wound he suffered extreme pain, and having lingered in that state, he died from the effects of inflammation of the intestines on the following day, 17th of October.

From the post mortem examination of the body, which will be detailed by the medical men, it appeared that the death resulted exclusively from the shot wound.

In this case a bill will be preferred against the prisoner for manslaughter, and on hearing all the witnesses, and there is a considerable number to go before you, it will be for you to say whether the facts of the case bring the offence within this degree of homicide, as it is defined in law.

Manslaughter in its general definition is the unlawful killing of another without malice, either express or implied; which may be either voluntary, upon a sudden heat, or involuntary, but in the commission of some unlawful act. As therefore there may occur instances of manslaughter only where a man from sudden heat uses such violence or such a deadly weapon as he sees at the time must produce death, so also there may be instances of manslaughter where a man, without the most remote intention or idea of causing death or even any serious injury, may yet, in the doing of some unlawful act, be guilty of this crime.

For instance, a man was once loading his cart with sacks of potatoes—he had put in six sacks, three on each side, two more were to be put in, and when the first of these two was put in, the cart tilted up, and the man was thrown out on his back on the stones, from which injury he soon after died. It turned out that a boy who was near, as a frolic, took the trap-spring out of the cart, which caused it to tilt back. This was decided to be a case of manslaughter, although a mild one in degree.

Again, death ensuing in the performance of an act otherwise lawful, may amount to manslaughter by the negligence of the party performing the act; as, in the instance of workmen throwing down brick or ends of scantling, or such like from the top of a house, situated where there is a small probability of persons passing by.

In the present case the prisoner, as I mentioned to you, on firing the shot exclaimed that he did not know the gun was loaded.

It seems, from the depositions, that the gun belonged to a Mr. Duncan McLean, of the West River, with whom the prisoner was living at the time as a farm servant; and the gun some ten days or so before the accident was brought to Charlottetown by McLean and left at the shop of a gunsmith (Mr. Brown) to be repaired in the lock, and it was loaded on delivering it at the shop, McLean having omitted to fire it off before taking it there, but, who asserts that he told Brown at the time it was loaded. Brown has also stated that he asked McLean whether or not the gun was loaded, who replied that there was a small load in it.

Duncan McLean, who at the time resided with his brother at his brother's residence, said to his brother while the prisoner was there "If any of you are going to town you will bring home the gun," and had when leaving the gun at Brown's, directed him when it was repaired to deliver it to any one that called in his name, for it. It would seem that in pursuance of this authority, the prisoner, before he joined Fisher to return home with him in the cart, had called at Brown's and received from Brown the gun to take home with him to Jas McLean's; and, strange to say, Brown, according to what appears in his deposition, did not tell the prisoner when he delivered him the gun that it was loaded. If it be true that the prisoner, when he fired the fatal shot was under a perfect belief that the gun was not loaded, it would certainly be a strong fact in mitigation of the prisoner's case, but not, in my opinion, such as to render the act excusable. For instance, if a man wantonly and without any felonious intention, shoot at the poultry of another person, and by his shot acci-

dently kill a man, this would be manslaughter.

In the present case, the prisoner, according to the witness, capped the gun and presented it at the deceased, with the avowed intention of frightening the deceased. If this were not in strictness an unlawful act, it could not be considered a lawful one, and certainly was an unnecessary and a wanton act, and therefore rendering the prisoner criminally liable for the consequences; and therefore, under the facts that I have stated, I conceive there is ample evidence to warrant your finding a bill for manslaughter,—throwing upon the prisoner the onus of showing in his defence such circumstances as he can to reduce the offence to a lesser crime, such as death by mere misfortune or otherwise.

The foregoing, gentlemen, I am very glad to say, is all on the Criminal Calendar, now before me; there will be another case, I believe of wounding or stabbing, a charge against a man named Steele, the particulars of which have not been brought to my notice; but two or three witnesses, I understand, will be sent up before you in this case; and I have no doubt you will find no difficulty in dealing with it.

I think, therefore, looking at our population in this County, we may congratulate ourselves on the very small amount of crime that comes before us the present Term.

You are doubtless well aware of the sad visitation which our city has lately experienced from that well dreaded scourge, the smallpox, and its melancholy results amongst our city population. Its introduction was marked by a most unfortunate circumstance. The first victim was a young person, and at her death no suspicion of the real nature of the disease was raised; and the body was kept uninterred for three nights, during which time many persons of the neighborhood, and several even from distant parts of the Island, passed each night, or part of it, in the house where the body was—constituting what is familiarly known as a wake. It is needless to say that few circumstances could have occurred to give the disease a wider scope at the very outset. A large number of those who were at the wake were soon stricken with the scourge, creating a great panic, which, at its height, almost defied the skill of the physicians and the ingenuity of the City Board of Health to arrest its progress. Most fortunately, I should say provisionally, there happened to be an uninhabited public building, the old Lunatic Asylum, which was appropriated to the purpose of an hospital, whither the sick were sent, and, in due course of time, nearly all the patients were isolated; and, with the assiduous attention of the medical officers, the disease was brought under control. Notwithstanding, however, their best efforts, the mortality was fully equal, if, indeed, it did not exceed the usual rate in other countries. Now we have every reason to acknowledge the kind interposition of Divine Providence in learning that there is no case within the city, and but one or two outside of it. In the treatment of this disease, I gather from the opinions of medical men, from scientific treatises on the subject, published in our own, as well as in foreign countries, that the foremost and most effectual measures to arrest and counteract the spread of the contagion consists in two means—First, isolation; secondly, vaccination.

On these two remedies nearly all writers agree. As soon as the disease appears, no time should be lost in isolating the patient and strict vigilance observed to keep away from all persons, except his medical attendant and nurse, and in the mean, resort to once to vaccination. If these two expedients are adopted, there will be little reason to apprehend the spread of the disease. I mention this as many of you gentlemen reside in the vicinity of the Board of Health, and may think the suggestion worthy of consideration.

His Honor then referred to a charge of stabbing against a man named Steele, but as no deposition had yet come in he knew nothing of the particulars, and would only observe that an act such as this, in any encounter between man and man, the knife should never be resorted to, unless for the preservation of the life or limb of the man attacked, or some equal necessity of that kind to excuse his offence.

Why They Refused.

STORY OF THE CREW OF THE SCHOONER S. A. PAINE.

The schooner S. A. Paine, from Prince Edward Island, bound for Philadelphia with potatoes, put into New York on Tuesday afternoon on account of the storm. Thursday afternoon she sailed, but had hardly left the dock at Stapleton, when the crew refused to obey the captain's orders and dropped anchor. The police-boat Patrol was summoned, and it took off as prisoners for mutiny, James McMullen and Richard Sutton, the latter colored, and Axel J. Holson. The men said that the Paine was leaking badly, and that they would not risk the voyage to Philadelphia in her. McMullen said: "We sprung a leak not long after leaving the Island on Dec. 18, and all hands had to go to the pump. Then we put into Halifax, where we lay one day. We tried to make Block Island, but were blown into Holmes Hole on Dec. 22. We had six feet of water in the hold, and all except the captain took spells at the pumps, three working at a time while the fourth slept for two hours. One of our berths was gone, our stove was broken, our coal washed away, our food was ruined, the water had broken down the sides of the bunks, and altogether, we were in an awful state. After we left Holmes Hole we lost our bearings, and knocked about for three days, when we met a pilot boat which gave us our course. The whole vessel was a sheet of ice, and when the wind finally changed from north-east to north-west we had to beat the sails with clubs to get the ice off. Most of us got our feet frozen and our hands frostbitten. The captain promised to have the vessel dry-docked and the men paid off. But he put into Stapleton, and left us alongside the coast wrecking company. At low tide the Paine lay on the mud, and most of the water ran out of her. The incoming tide washed the mud into the leaks and she was more comfortable. Thursday, while we were at dinner, the captain and the mate got the vessel out. As soon as we knew it we came on deck and let go the anchor."

LADIES' CLOTH SACQUES—See the lot selling for \$5 00 each, at the London House. dec30 Jan 2w wky 21

BOOK-BINDING, PAPER-RULING

BLANK-BOOK MAKING.

MONACHAN'S BUILDING, - - - QUEEN SQUARE.

ALL kinds of BOOK BINDING executed at Lowest Prices and with Quick Despatch. A Ruling, Numbering and Perforating for the Trade promptly attended to. BLANK-BOOKS A SPECIALTY.

JAMES D. TAYLOR & CO., QUEEN SQUARE.

JAMES PATON & CO., SUCCESSORS TO

W. A. WEEKS & CO.,

BEG to announce that the business lately carried on in the Bold store, Queen Street, under the name of W. A. WEEKS & CO., has been removed to their new establishment, Brown's Block, Market Square (a few doors from Stamper's Corner), where they hope to meet all their old customers and many new ones.

In the name of the old firm we tender the public our best thanks for past favors and support; and, on behalf of our present establishment, beg to assure you that our earnest endeavors shall be used on all occasions to serve you well.

JAMES PATON & CO., MARKET SQUARE.

Ch'town, Jan. 7, 1886.

The Liverpool and London and Globe Insurance Co.

Assets, 31st Dec., 1884, \$36,023,954.86

FIRE INSURANCE may be effected with this Company on the most Advantageous Terms.

LEONARD MORRIS, R. R. FITZGERALD, Agent, Summerside, P. E. I. Agent, Ch'town, P. E. I. Dec 22, 1885

GREAT DISCOUNT SALE

A CHANGE AND A CHANGE.

Extraordinary Inducements to Purchasers of Dry Goods.

IT is our intention to make a change in our business early in the New Year, and we shall for a time offer our whole stock of STAPLE AND FANCY DRY GOODS AND MILLINERY at immense reductions in price, commencing MONDAY, the 14th inst.

Our stock of Goods is so large it is impossible for us to enumerate it, but in every department our prices will be

REDUCED 20 to 30 PER CENT

and a lot of Olds and Remnants will be closed out at HALF PRICE.

Our Goods are always marked in plain figures and customers will see that the discounts are made bona fide.

Orders by letter will receive careful and prompt attention.

We will also prepay freight to the country on all purchases exceeding ten dollars.

The above discounts are for Cash only, but for purchases exceeding fifty dollars we will allow three months' credit.

This is our first Big Discount Sale, and we intend to fulfill all the promises of our advertisement.

W. W. BEER.

Ch'town, Dec. 10, '85—dry wky 2mos

NEW STORE

North River Bridge

L. E. PROWSE has opened, in Mr. George Dockendorff's Store, at North River, with a First-Class Stock of Dry Goods, Clothing and Groceries.

Which he will Sell at LOW PRICES.

The people need have no fear of Small Pox in the Goods, as I import direct from the English markets, and ever since the outbreak of the disease in the city the goods have been thoroughly Fumigated, so there can be no possible chance of infection in the Goods.

The people at North River will find this a great convenience, as it will save them the trip to town, and they can buy just as cheap at home.

The Store in the city will be continued as usual. I need not say anything about the Low Prices, as all know I sell Cheap.

L. E. PROWSE, Sign of BIG HAT, 74 Queen Street. Ch'town, Nov. 24th, 1885.

THE FIRST CONCERT

of the Season will be given in Y. M. C. A. HALL.

Thursday, 14th Inst.

Under the Distinguished Patronage of His Honor the Lieut. Governor and Mrs. Macdonald.

PROGRAMME.

- PART I. Piano Solo—Selected. Miss Murphy. Vocal Duett—"Beautiful Moonlight".....Glover The Misses Green. Piano Solo—"Rataplán".....Baumpelder Mrs. Brown. Vocal Solo—"Who Can Say".....Mullen Miss Harris. Piano Duett—"Les Clochettes".....DeGruat The Misses Cahill and Murphy. Vocal Solo—"Zara's Earing" (Spanish ballad).. Mrs. Strickland. Violin Solo—"Fatiniza March".....Von Supo Mr. Harris. Vocal Solo—"The Lost Ship".....White Mr. Tanton.

PART II.

- Instrumental..... St. Peter's Boys' Band. Vocal Solo—"The Distant Shore".....Sullivan Miss Palmer. Piano Solo—"March of the Trojans".....Parker Mr. Watson. Vocal Solo—"My Heart is thy Home".....Franz Abt Mrs. Duxton. Cornet Solo—"O Restless Sea".....White Mr. Worth. Vocal Solo—"True to the Last".....Adams Mr. Green. Instrumental..... St. Peter's Boys' Band. "God Save the Queen."

Tickets 35 cents and 25 cents, for sale at W. R. Watson's and C. D. Rankin's Drug Store.

Ch'town, Jan. 12, '86.

Electors of Ward 5.

HAVING been selected by a large and influential number of the civic electors of the Ward to contest the coming election in your interest, I beg most respectfully to decline said nomination, owing to the apathy evinced by the electors of the other wards of the city, regarding their interests as citizens—and at the same time to thank my friends and those who have interested themselves on my behalf.

I am, gentlemen, your obedient servant, GE. E. HUGHES.

Jan. 12—11

CIVIC ELECTION

BY THE MAYOR

IN pursuance of an act of the General Assembly of this Island, made and passed in the forty-third year of the reign of Her present Majesty Queen Victoria, intituled: "An Act to amend the Act of the eighteenth Victoria, Chapter thirty-four, intituled 'An Act to Incorporate the town of Charlottetown and all Acts amending the same'."

I do hereby give Public Notice that an Election of a Mayor and persons to serve as a Common Councilmen in the City Council for each Ward of said City,

Being in all a MAYOR and FIVE COMMON COUNCILMEN, will be held on

Wednesday, the 27th day of January, A. D. 1886.

At the several places, that is to say:—

In Ward No. 1, at or near the store of Messrs J. & T. Morris, corner of Queen and Water Streets.

In Ward No. 2, at or near the house of Thomas Connolly, opposite Mr. R. Hearty's Warehouse, Sydney Street, between Great George and Prince Streets.

In Ward No. 3, at or near the Market House.

In Ward No. 4, at or near the Fire Engine House, fronting on Kent Street, east, between Weymouth and Cumberland Streets.

In Ward No. 5, at or near the store of John Coombs, corner of Euston and Great George Streets.

And at the said Election the Poll will be opened at nine o'clock in the forenoon, and continue open until five o'clock in the afternoon of the same day.

DESCRIPTION OF WARDS.

Number One shall comprise all that part of Charlottetown which lies south of Dorchester Street, and the parcel of land formerly known as the Military Barrack Ground.

Number Two shall comprise all that part of Charlottetown which lies south of Richmond Street and north of Dorchester Street.

Number Three shall comprise all that part of Charlottetown which lies south of Grafton Street and north of Richmond Street.

Number Four shall comprise all that part of Charlottetown which lies south of Fitzroy Street and north of Grafton Street.

Number Five shall comprise all that part of Charlottetown which lies north of Fitzroy Street, including the Common of the said Town.

NOMINATION DAY.

WEDNESDAY, 20th Inst., from the time of Twelve at noon until the hour of Four o'clock in the afternoon of the same day. Qualification of Electors, see Act 43, Victoria, Cap. 15, sec 20 and 64.

J. S. HENRY, BEER, Mayor of the City of Charlottetown, A. H. MacPHERSON, City Clerk, Mayor's Office, Charlottetown, Jan. 12, 1886. —31 tu sat

DR. WARBURTON

HAS been relieved from further duties as Assistant Health Officer. He will therefore be able to attend to his other professional duties as heretofore.

Ch'town, Jan. 2, 1886—1wk