

let us wait patiently for Him, and He will certainly give us our dearest hearts' desire at last.

The Daily Examiner

NOVEMBER 7, 1885.

An Answer to a Critic.

Nor many years ago, those who opposed the building of the Canadian Pacific Railway ridiculed the idea that the work would be done by 1891; and Mr. McKenzie said that to do so would exhaust the resources of the British Empire.

Farmers' Bank of Rustico.

The Canada Gazette reports the state of the Farmers' Bank of Rustico, on the 6th day of October, A. D., 1885, at 3 o'clock p. m., as follows:—

Table with 2 columns: Item and Amount. Includes Capital Stock, Bills in Circulation, Due on Dividends, Total amount due from Bank, and Resources like Gold and Silver.

All of the above debts due to the Bank are considered good. A dividend was declared for the six months ending the 15th day of August, A. D. 1885, at the rate of eight dollars per centum per annum.

Insulted Islanders.

"NATIVE AMERICANS" come here and talk about rapid communication, and fill their mouths with such words as "cosmopolitanism," and even dare to lecture us on our "insularity,"—and we applaud. But when Islanders go to the United States, to benefit that country and themselves, they are not so well treated.

"As the season wanes and winter approaches the lumbermen are preparing for another campaign in the woods, and the laboring people of this section, writes a Bangor correspondent of the Chicago Times, are again reminded by the arrival of Prince Edward Islanders in the city that the protective tariff somehow fails to shelter them to any great extent from the ruinous competition of foreign pauper labor.

It would be much better for "native Islanders" to stay and work at home and benefit their own country than to expose themselves to such insults as these for the sake of a few paltry dollars. But if they choose to take advantage of our means of rapid communication, and, according to the cosmopolitanism of the age, go abroad to help the people of other countries, they are, as a class, well able to vindicate themselves from the charge that they are paupers.

The ceremony of turning the first sod of the Buctouche and Moncton Railway was performed in the village of Buctouche on Thursday, under auspicious circumstances. The contractors are Messrs. Wheaton, Clark & Co., who have had considerable experience in railway building.

Mr. Gladstone, assisted by his son, Mr. W. H. Gladstone, felled a tree in the grounds of Hawarden Castle on October 20th.

The Fitzpatrick Murder.

Robinson Committed for Manslaughter.

Fisher Discharged and Held on Bail as a Witness.

THE examination of Robinson and Fisher, charged with the murder of the boy Fitzpatrick, was resumed yesterday afternoon. Following is the proceedings:—

JOHN MCKINNON (sworn)—I arrested the prisoner Robinson on Saturday morning last, on the wharf in Georgetown. I saw him first leaving the schooner Boreas in the harbor. The schooner had put out that morning, but, owing to head winds, had put back. Weatherie and Ross brought him from the schooner in a boat, and I saw him with Robinson. Robinson told me that he had nothing to say to me or anyone else; that if I was on the witness stand it would come against him in evidence. He said nothing to me personally, but there was a crowd around and he said something to them. I heard him say "that true as there was a God in Heaven he did not know the gun was loaded." I cannot say that he said anything else. It was made in the presence of McKinnon, the Bailiff, of Georgetown. I could not say if he asked him or not. When this was said McKinnon the Bailiff was present. I do not know of anyone else who was present. I saw several other people present, but I did not know them. This statement was made between Georgetown and Mount Stewart. We were in the second class car. There were over a dozen people in this car. They were in and around me, some standing up and some sitting down. I cannot say how many of them were in hearing distance, as the train was then going. I cannot say if any one was standing in a passage way opposite when the prisoner and I was seated. I think that McKinnon and a stranger were the only persons within hearing. McKinnon was seated on the other side of the passage, opposite the prisoner. There was a stranger seated alongside McKinnon. There was no one sitting on the seat behind me, but in the next seat there were two persons who were strangers to me. There was one person, if not more. This statement was made between Georgetown and Beale's Station. The prisoner was seated facing me. I do not think there was anyone behind him to the best of my knowledge. He, the prisoner, asked me how Fisher's evidence was going against him. I answered if he only sticks to Fisher's evidence he might come out better than he thought. To the best of my knowledge this is the only conversation I had with him. I may have told him what I heard Fisher had said. I did not tell him that Fisher had said that the (Robinson) had fired the gun; but that he did not know if he was loaded or anything to that effect. I swore to this positively. I heard that Fisher had said that he (Robinson) had fired the gun, and when he saw that the boy was struck, he fell in a faint on the bottom of the cart, and said, "Good God, I did not know the gun was loaded." I did not tell the prisoner that I had heard the statement to the best of my knowledge whether I told Robinson of what Fisher had said. If there was any conversation to this effect it was before the prisoner Robinson made his statement to me. I know that the prisoner was asked by several people how he got into the scrape. His relations were with him and he was crying, and he told him worked up. McKinnon heard the whole of the prisoner's statement, I should think. It was made in answer to some of the questions put to him.

To Mr. Davies—I think some people inquired of the prisoner how he got into the scrape. He was crying and worked up. He then made the statement about not knowing the gun was loaded.

The Attorney-General stated that there was not any further evidence. The Court asked the Counsel for the defence if they had any evidence to offer. They said they had not.

Mr. Davies then asked that his client be discharged. He said from the evidence taken it was quite clear that one was guilty and the other was innocent. He argued that the shot was fired in mere wantonness, and therefore the prisoner fired it was not guilty of murder, however much he might be guilty of manslaughter. Both parties are not guilty unless there is a culpable union of minds to perform the murderous act. It is perfectly clear from the evidence that it was not their intention to commit a crime, and it is also clear that the shot was fired in mere wantonness of his client. None can be liable unless there is proof that the parties concur in the performance of the act. From the evidence there cannot be the shadow of a doubt that the parties are not both guilty. Therefore, if both are sent up for the crime they cannot be convicted. It is shown that his client only gave the prisoner Robinson a lift in the cart; that the prisoner had the gun, and there was not the shadow of a doubt his client never handled the gun. We have the evidence that the prisoner Robinson, when asked how he got into the scrape, stated "that as sure as there was a God in Heaven I did not know the gun was loaded." This showed that his client had nothing to do with firing the shot. Therefore there was not a scintilla of evidence to show that he was implicated further than giving Robinson a lift. He pressed upon the Court and appealed to the Attorney-General in the interests of Justice to discharge the prisoner Fisher. He was a passive looker on in the cart, and he was not a party to the crime.

One man drove the horse and cart, gave the other a lift, never handled the gun, returned home with his mother after the tragedy, was always ready to give his evidence, and now has his mouth closed under the charge of being a party to a crime. The other man (Robinson) asked leave to get a drive home, had a gun with him, escaped from the hands of justice after the death of the boy, and confessed when asked how he got into the scrape. "That he declared to God he did not know the gun was loaded."

MR. PETERS said the evidence was prima facie sufficient to send up the prisoner Robinson for trial. But he was not going to argue the question now. The question is: Is the evidence sufficient to send them up for murder? There was not a particle of evidence to prove that murder had been committed. It was a question whether Robinson was guilty of manslaughter or whether he was not guilty of murder. The law says that the man put a cap on the gun merely to frighten him. Mr. Emman tells us that he thought the boy was more frightened than hurt. Then Mr. Emman thought the boy might have been hurt slightly, but was satisfied with her husband's statement, and they drove on. The man in the cart also drove on slowly as before, showing that they did not dream of committing a crime. There is again no evidence that the man who fired the gun was not a party to the crime. The only man who can prove that Robinson knew whether the gun was loaded or not was Robinson himself, and he cannot be called. Therefore to prove that the man is guilty of murder, you must prove that he actually intended to commit the act with malice premeditated. This is not, therefore, a case of murder. The fact that the man who fired the gun did not know it was loaded, and that the evidence of the boy who was shot only thought they put a cap on to frighten him. Now, Mr. Peters contended, there was no evidence to show that murder had been committed. He cited various instances to show that it was merely a case of manslaughter, as there was no felonious intention, and the shot was fired through want of common caution. The circumstances rebut the presumption that the man is guilty of murder. There can be no chance here of getting a conviction for murder, whatever may be the chances of a conviction for manslaughter. The prisoner did not go there with a felonious intention; he did not fire the gun with a felonious intention. He only intended to snuff a cap at the boy, and therefore, at the very outside, they could only send him up for manslaughter.

The Attorney-General said his object was to have justice done, and the guilty punished. He, on behalf of the Crown, said he was willing to treat the case as an inquiry so far against Robinson, and he would examine any witness named by his learned friends.

Mr. Davies accepted the offer and named as a witness for the crown John Fisher. Mr. Peters refused to agree with the whole proceedings.

The prisoner, Fisher, was then put on the stand. He gave the following testimony:—

JOHN FISHER (sworn)—I was in Charlottetown on Friday, 16th of October, with a load of potatoes. I put my horse up at Simon Bolger's. I did not look at any time piece, but I left about 4 o'clock. Sydney Robinson was with me. He is a prisoner, and stayed at Duncan McLean's, West River. I took him in at Bolger's and we drove to Clarinda McLean's to leave word, he went out with me. He took a market out of the yard alongside of Clarinda McLean's house and put it in the cart. We then started on our journey home. He was going to McLean's. He told me in the next he would go home with me. We went out the Lower Malpeque Road. When we passed Fitzpatrick's a boy came out behind us and was saying something to me. He told me that he was Robinson said he would crack a cap on the gun to frighten him. I said he had better not, and just as I said that, he took the cap out of his pocket and put it on the gun. My God, said he, "the gun was loaded, and I never knew it." It made a sharp report. He did not say any of those words that I remember of. The boy ran along the road towards Fitzpatrick's. I did not think the boy was struck. He did not seem as if he was struck. We went along the road until we came to Patterson's force, and Robinson went in to see if the plough-irons were done. We then went home, and I left him at our own gate, and he went off home to McLean's. There was a woman behind us a short distance. The man and woman in it passed us a little after we passed the Queen's Arms. I don't know where the boy came from. Robinson said he was on Tuesday, Ned McDonald told me. I did not say anything about the shooting to anyone.

Attorney-General—Why did you not say that? Witness—Because I did not know the boy was dead.

Attorney-General—When you heard the boy was shot did it not occur to you to say something about it? Witness—I did not think it was the same boy, and I did not care to say anything about it. I did not know Robinson had gun caps until he took one out of his pocket. Robinson did not fire the gun from his shoulder; he fired it from the hip.

To Mr. Peters—Robinson said at the time he did not know the gun was loaded. There was no earnest. We did not speak about the shooting after we passed, because neither of us thought the boy was shot.

To the Magistrate—We did not hear the boy cry out, as the road is macadamized and the cart made a noise. I had no idea the boy was shot. The shooting was done as quick as it could be done. I knew Beales was being tried for this, but did not think it was necessary to give evidence.

The Attorney-General—I saw young Beales and Smith going up from jail. I did not speak to the police about the trial of Beales and Smith.

Mr. Davies asked that the prisoner Fisher be discharged or admitted to bail. The Magistrate said the case would stand over till to-morrow. The Court then adjourned.

On opening of the Court this morning, Mr. Peters argued that from the evidence of Fisher the prisoner, Robinson, was not even guilty of manslaughter. The Attorney-General said he did not wish to send Robinson up for a higher crime than he was guilty of. But the evidence points to the fact that this is a case of murder and not manslaughter. Fisher shows that the prisoner, Robinson, deliberately took the gun in his hand and fired at the boy. He has, therefore, a right to take the consequences of the act. He used a deadly instrument, which, he knew the gun was loaded or not, was the cause of death. No injury can result to the prisoner as the case for the Crown, but it is sent up for trial to the Supreme Court for murder. The Grand Jury may not return a true bill for murder, and if they do, the petty jury may return a verdict of manslaughter, but by sending up for trial to the Supreme Court, he is sent up for trial to the Supreme Court for murder. The Grand Jury may not return a true bill for murder, and if they do, the petty jury may return a verdict of manslaughter, but by sending up for trial to the Supreme Court, he is sent up for trial to the Supreme Court for murder. The Grand Jury may not return a true bill for murder, and if they do, the petty jury may return a verdict of manslaughter, but by sending up for trial to the Supreme Court, he is sent up for trial to the Supreme Court for murder.

The Magistrate said he looked at the matter last night, and the amount of recklessness displayed indicated malice. He looked at it since, and he conscientiously thought that the crime was manslaughter, and not murder. He might be mistaken as a lawyer, but he conscientiously believed the crime was only manslaughter. He therefore would send Robinson up for manslaughter.

Regarding Fisher, the Attorney-General said he was not altogether free from blame, as he did not come forward when the boys Beales and Smith were tried. The Court said he would be admitted to bail on two sureties for \$500 each for his appearance at the Supreme Court.

Fisher was then discharged. Mr. Davies said he did not think the reflection on his client was just. He (Fisher) did not know of the shooting until the Tuesday following. He thought \$250 each was sufficient bail.

The Attorney-General said he would not be responsible for his appearance unless the parties who go bail are good and sufficient. Bail was then taken for Fisher's appearance as a witness at the Supreme Court.

Mr. Peters made application to Court for bail for Robinson. The Magistrate refused. Mr. Peters said he merely applied formally, in order that he might be enabled to make application to the judges for bail. Robinson was at noon to-day confined in jail to await his trial in January. The Court then adjourned.

The Coroner's Jury, after hearing the evidence of John Fisher, Constable McKinnon, and another, returned the following verdict:—

"That the said Joseph Fitzpatrick came to his death by a shot from a gun, out of a cart, by Sidney Robinson, on the 9th day of October, at or near the premises of William Fitzpatrick, Hermitage."

H. W. Mutch, Foreman.

Special Notices. BONELESS FISH, "Neptune Brand," the best made and cheapest in the City at the Fish Market, Grafton St. nov 6 2i

CHEAP HORSE RUGS, at the London House. nov 3-3w 3iew wky

PORK, Lard, Hams, Bacon, Fresh Beef etc., at the Fish Market. nov 6 2i

CHEAP OVERCOATS, at the London House. nov 3-3w 3iew wky

BY your Groceries at the Fish Market. It is the best and cheapest place. nov 6 2i

NEW Linen Collars and Cuffs, at the London House. 3w 3iew wky—nov 3

CHOICE family mackerel, in kits of 20lbs each at the Fish Market. nov 6 2i

WOOL UNDERCLOTHING, cheap, at the London House. 3w 3iew wky—nov 3

SAUSAGES at the Fish Market, made fresh every morning, only 12 cents per lb. nov 6 2i

(1000)—One thousand pairs of American Rubbers just received at Dorsey, Goff & Co's, Oct 15

BLANKETS and Comfortables, cheap, at the London House. 3w 3iew wky—nov 3

SPECIAL—Wanted, two good Custom Shoemakers and one factory hand. Good wages Apply at once.—Dorsey, Goff & Co. nov 6

Public Auction. FOR the benefit of Underwriters and others concerned to be Sold by Public Auction, at the Crapaud Wharf, Victoria, on TUESDAY, the 10th day of NOVEMBER next, at 2 o'clock p. m., ex wrecked schooner "Fiona,"

150 Brs. Labrador Herring. Terms Cash. P. H. PALMER, Broker. Victoria, Nov. 7-11

THE ROCK BAND,

(From Crystal Palace, London, England)

20 INSTRUMENTS 20 A Most Refined and Wonderful Entertainment, Endorsed by the Clergy and Press Everywhere.

THE GREATEST MUSICAL NOVELTY OF THE AGE!

Sweetest Music from Stones!

MARKET HALL.

Friday and Saturday Evenings, NOVEMBER 13TH AND 14TH.

PROGRAMME.

PART I. Part Song—Queen of the Night. Smart Fantasia, { Swiss Airs. Hunten Oberon. Wober Rock Band.

Musical Glasses. Mr. D. Till. Song, with Zither obligato Serenade. Braga Miss Till.

{ Valse—Princess Helen. Lamohe { Air—Scotch. Rock Band.

Duet—Over the Hawthorn Hedge. Glover The Misses Till. Solos on the Ocarina and Zither. Mr. W. Till.

Part Song—The Letter. Hatton { Imitation of the Musical Box. Lelech { Selection of English, Irish and Scotch Airs. Rock Band.

PART II. Chorus—The Carnival. Rossini Trio of Ocarinas. Pontet Song—Fit for a King. Miss Till.

Air, with Variations—The Harmonious Blacksmith. Handel. Solos on the Xylophone and Fairy Bells. Trio—The Schoolmaster. Mr. D. Till.

Fantasia—Home, Sweet Home. Rock Band. Admission, 35cts; Reserved Seats, 50cts. Doors open at 7.15; commence at 8.

MATINEE ON SATURDAY AFTERNOON, Nov. 14th. Admission, 25cts; Reserved Seats, 35cts; Children under 12 years, 15cts, to all parts of the Hall.

Doors open at 2 o'clock; Commence at 2.30. Tickets for sale at Watson's, Reddin's, Rankin's, Apothecaries' Hall and Dr. Dodd's Drug Store; G. H. Hazard's, the Diamond Shops' ore, and at the Hall.

Change of Program me nightly. Ch'town, Nov. 7th—in th sat

LARGE SALE, NO. 1 APPLES!

BY AUCTION, MONDAY, November 9, at half-past ten o'clock, at Sale Rooms, 175 BARRELS APPLES, in Gravensteins, Tompkins, Baldwins, Bishop Pippins, B. Pippins, Spitz, Nonpariel, Greenings, Talman Sweet, &c. A special chance to buy choice supplies for Winter.

A. McNEILL, Auctioneer. Nov. 7, 1885.

CIGARS.

One Case (10,000) CIGARS, Fresh Stock, Bought at a bargain. The best Cigar in the market for 5 cents. One hundred per cent. profit to Retailers. Wholesale only at

THE APOTHECARIES' HALL, DESBRIARIES' CORNER. Ch'town, Nov. 3—eod wky 2i

WANTS, LOST, FOUND, &c. FOR SALE—A magnificent Newfoundland Dog, two years old and well trained. Apply to Fred E. Fraser, Montague Bridge, P. E. Island. nov 7

LOST—Yesterday, a large silver Brooch, with monogram. The finder will please leave at EXAMINER office. nov 7 li pd

MARE FOR SALE—A dark Mare, 4 1/2 years old, is offered for sale by the Subscriber—ANGUS GALLANT, Upper Great George Street. nov 6 3i pd

NOTE—For the convenience of ladies and gentlemen wanting something handsome in Xmas Gift, I have imported samples of handsome Dressing Cases, Ladies' Jewels and Work Boxes, Gents' Shaving Cases, Ladies' Companions, &c., from which they can select for the next few days in time for the holidays.—D. O'M. REDDIN, JR. nov 4 i

WANTED—A competent Workman to take charge of the woodwork in a carriage factory. Apply to Younker & Offer. nov 4

TWO or three Boarders can be accommodated at Miss STEWART'S, corner of Great George and Euston Streets, no 2 pd

TO LET—A House in good repair, on King Street, near Pownall. Possession given 1st of November. Apply at EXAMINER office. oct 30

BEE CAREFUL—For the next ten days Stove Pipe at Auction prices at Henry D. Wadman's, 55 Pownall Street. oct 28 10i

LADIES!

Ladies' and Misses' Lambswool Underclothing, Scotch Hosiery for

Boys, Girls, Misses & Ladies. WEEKS & CO.

Flannels, Blankets, Comfortables, a splendid range for Winter, at

WEEKS & CO.

CORSETS! CORSETS!

Best American Corsets 1000 pairs now showing. New makes, wonderful prices! Every lady ought to see them.

WEEKS & CO.

Ch'town, Oct. 31, 1885.

PIANO TUNING.

MR. WM. A. HAWLEY, late of Boston, has arrived in Charlottetown, and begs leave to solicit patronage. Added to considerable outside experience, Mr. Hawley has had the advantage of several months' work in the extensive manufactory of Messrs. Vose & Sons, of Boston, where he studied carefully, and is prepared to execute orders for Tuning, Regulating, Voicing, Repairing, &c. His terms will be found reasonable, and he guarantees his work. The following extract speaks for itself: "We can safely recommend him to parties wanting a first-class man and one who can safely be entrusted with the various branches of piano tuning—Vose & Sons."

Orders for Organ Tuning and Repairing also received. Address: Care Rocklin House. Ch'town, Nov. 6—t

LECTURE.

REV. DR. McRAE, of St. John, N. B., will lecture under the auspices of the Young Men's Literary Association of St. James' Church, in

ST. JAMES' HALL, Thursday Ev'g Next, 12th inst., (THANKSGIVING DAY).

Change of Program me nightly. Ch'town, Nov. 7th—in th sat

ROCKFORD WATCH CO.

THIS is to certify that we have appointed E. W. TAYLOR SOLE AGENT for the sale of our Quick Train Railroad Watches in the City of Charlottetown, P. E. I., and that we will, to the fullest extent, sustain the usual warranty given by him to purchasers of our movements. No warranty whatever attaches to these goods when offered for sale by others than our duly appointed Agents.

ROCKFORD WATCH CO., By HOSMER P. HOLLAND, Sec'y.

QUICK TRAIN ROCKFORD WATCH. Having examined and tested the Rockford Quick Train Watches, we offer them with the fullest confidence to the public, as being one of the best made and most reliable Watches, for the money, in the market. We fully guarantee every Watch sold by us.

E. W. TAYLOR, Cameron Block, Charlottetown. Established 1872. Oct. 31, 1885—ly 2aw cow law & wky

Tobacco! Tobacco!

HICKEY & STEWART'S, REILLY'S, NAVY, STANDARD, PRINCESS LOUISE FLAT, PRINCESS LOUISE TWIST, MAHOAGANY, TWIN BEAUTIES, INKERMAN SOLACE, PILOT, NAPOLEON, MAYFLOWER.

CIGARS! CIGARS! MARITIME GEM, AS YOU LIKE IT, BELLE OF CURA, PRINCESS, NOISY BOYS. JAMES BYRNE. Oct. 21, '85—1 mo eod

TO LET—The large brick Store on Queen Street, next to J. D. Macleod. Possession given first of May. Apply to A. White. sept 27—2aw pat

NEW MEAT MARKET.

THE Undersigned, having taken a Stall in the City Market, begs respectfully to inform the ladies and public generally of Charlottetown, that he intends having for sale on and from TUESDAY next,

Prime Pork, Sausages, Lard, Fresh and Corned Pork, and Brawn or Potted Meat, and having had considerable experience in making and preparing the above articles, hopes to have a share of public patronage. E. WALLEE, King Square. Ch'town, Oct. 24—1mo eod

EDWARD M. ARCHIBALD, Shipping and Commission Merchant, 81, 83 & 85 WATER STREET, ST. JOHN'S, N. F.,

Ample wharfage, yardage, and storage room. Consignments solicited. Liberal advances made on receipt of consignments. Sept. 9, '85—t dec 31

CAUTION.

EACH PLUG OF THE MYRTLE NAVY IS MARKED

T & B. IN BRONZE LETTERS. None Other Genuine. Oct. 20.

SUBSCRIBE FOR THE WEEKLY EXAMINER. The latest local and foreign news can always be found therein.