

in the procession, but considered it a badge of honour, as in masonic processions.—Saw the Orange procession in Fredericton, on the 12th of July last year; had never been informed that such processions were illegal. The procession in Fredericton passed off quietly. On the 12th of July previous there was no procession in Fredericton, and yet there was a disturbance by the other party. The Crown Lawyers reside in Fredericton, but they had not prosecuted any one last year for walking in procession in Fredericton, under their very noses. It was his opinion that it was not necessary for there to be processions in order to provoke attacks from the other party. Never heard of a law to suppress processions in this country until the present trial was instituted.

GEORGE A. LOCKHART, Esq.—Is one of the Magistrates of the City and County of St. John. Was at York Point in the morning, saw the green arch, and thought it should be taken down; had not time to interfere with it then, as the procession was coming up Dock Street. Supposed it was put up to annoy the Orangemen, and feared that they would pull it down when they came up, but when they came there, and he saw them lower their colours and pass under it, he thought the worst was over. Was very much pleased to see the Orangemen do this, as it evinced a determination neither to give nor take offence. Some time after heard that the mob were collecting missiles at York Point; went up Chipman's hill and from thence to a high part of York Point, near George's Street, in the rear of Rankin's new building. Saw piles of brickbats collected, and lads of from 14 to 16 years old carrying brickbats on to the roofs of the low buildings; saw about a bushel in one pile. Saw a great many watching apparently for the procession to come, with a stone or brickbat in each hand. Came down to the Market Square intending to find the Mayor, and take measures to prevent the collision. Saw the Mayor, and proposed to go to York Point with a Sergeant and detachment of the troops, but Captain Lloyd refused to divide his Company. It was his intention to have stationed a detachment of the troops on high ground at York Point overlooking the scene of the riot, while he (Mr. Lockhart) would take the police and disarm the rioters. Captain Lloyd said he could not divide his Company. Immediately after this they heard the bands of the procession, and knew they were returning, and then the idea was abandoned. A crowd of people was collected in Market Square, and witness, being in Mr. W. O. Smith's store, advised the clerk to put on the window shutters, lest the crowd should press against the panes of glass—which were large and expensive—and break them. He entertained no idea that the Magistrates had power to stop the procession, as it was quiet and harmless, and they had as much right to walk as the Masons, Sons of Temperance or any other body. The procession returned in double quick time, and in some confusion. Heard shots fired as they came through York Point, and saw some men wounded. Upon information given him, arrested the man whom it was said fired the first shot. Did not know of any one in terror or alarm at the procession. Advised some women and children to go home, but did so lest they might suffer inconvenience from the pressure of the crowd. Had no idea that the Orangemen would do any harm. The procession subsequently passed through a great part of the city, and did no harm that witness is aware of. Witness belongs to the Sons of Temperance, and that Society has had its processions, with bands, banners flying, &c., and crowds had followed them in the same way. Did not think the Orangemen contemplated any harm. Have seen swords carried in Masonic processions. Heard Mr. Justice Gallagher say, on the morning after the procession, that he knew previously the procession would be attacked, and had in consequence gone out of town on the 12th of July.

JOSEPH CORAM,—Represented King William on the 12th of July; is the hero of the white horse. Is an Orangeman, resides in Carleton, and came over to the Eastern side of the harbour to meet his brethren, and from thence proceeded to Indian-town to meet others who were to come from up-river. Their object was to celebrate the 12th day of July, as they conceived they had a right to do, being British subjects. Had never been told that processions were illegal, and never thought so. Had they been forbidden by the authorities they could not and would not have walked, as it would have been a violation of their oath. (h) Did not turn out to head the procession until the men had promised not to drink any ardent spirits on that day, not to insult any one, or break the peace, and to bear anything short of what would endanger their lives without retaliating. These promises he exacted from the men; they promised, and he turned out at their head. When they came near the green arch some person said "that is an insult;" but he (witness) said "never mind," and gave orders for them to lower their banners, take off their hats, and thus pass under it; which was done. The procession was attacked with brick-bats. Witness said to those who obstructed the passage "we did not come here to create a disturbance; stand aside and allow us to pass; we shall do so quietly, and will soon be out of your sight." (i) A shower of brick-bats was the reply, some of which struck the horse and made him turn up Union Street. Before witness could remount the horse and bring him back, the head of the procession had passed under the arch. Saw some men attempting to pull the arch down; told them to let it alone, and they desisted, and all passed under the arch. In Portland and Indian-town all was quiet; the procession gave no offence and received none. On their return, after they had left the police office in Portland, witness was informed that the Mayor and soldiers were in York Point, and that all was peace there. Had previously made up his mind to do his best to induce the procession to return another way, and to put up with the imaginary disgrace for the sake of peace; but on the news being received that the Mayor and soldiers were in York Point, it was said "there is no danger now, and we'll return by the way we came." When the head of the procession got over Portland bridge they halted; there was a crowd of people on the hill; thought it dangerous to turn, as the rear would then be exposed, and that it was better to advance; also thought that if the attack should be too severe they could turn up Pond Street. As they advanced two volleys of shots were fired upon them, and witness turned into Pond Street out of the fire. He thought the men would follow him, but they continued to advance up the hill. Turned his horse into Mill Street again, and by that time they were firing on both sides. The mob soon ran and left the street open, but they still kept up the fire from the houses. The procession then came through. Had no fire-arms about him. Was offered pistols that morning in the Lodge Room, but he said "no; I am neither going out to make war or to kill." He thought that if they were attacked the civil authority would be sufficient for their protection. Never owned or carried a pistol in his life. Forbade the members of his own Lodge from carrying fire-arms on that day, and does not know that they carried any.

Cross-examined by the Attorney General.—Has been an Orangeman over three years. Has been in processions before, at Fredericton and Gagetown. Went there in consequence of invitations. Is a member of the Church of England, but is not a communicant. Is aware that the existence of Orange Lodges gives offence to some Roman Catholics,—has been told so,—but does not imagine it can offend loyal Roman Catholics to see an Orange procession. Had no desire to offend any one. Told Mr. Justice Allan that he was willing to go round by the valley, but that he did not know if the men would assent to it. Came out of the police office and consulted the men, and they thought there would be no trouble in returning through York Point. He (witness) still meant to endeavour to persuade them to go the other way, until he was told that the soldiers were in York Point.

Re-examined.—Has the same right to judge of what should, or what should not give offence as the Attorney General has. Has no doubt but Mr. Wilmot's holding the office of Attorney General gives offence to certain parties, but does not think he will resign in consequence. Knows that it gives offence to certain parties that Mr. Wilmot is an Executive Councillor, but does not think that he will resign to please them. (Attorney General.—"No fear of it," and laughter.) Knows that Mr. Wilmot holds peculiar political opinions, but does not suppose he will change them because they give offence. Has as much right to enjoy his own opinion as an Orangeman, as Mr. Wilmot has to enjoy his political opinions (applause). Orangemen have no desire to give offence, nor do they give offence to rational men. Orange Lodges have been for years established in Carleton, and the place has been very quiet since.

ROBERT D. WILMOT, Esq.—Is Mayor of Saint John. Saw the procession on the morning of the 12th July. Had no reason to apprehend a breach of the peace, except from Justice Gallagher's information. Did not apprehend anything improper from the

Orangemen. Was bent when he went to York Point to take down the arch. Considered the mob at that place a disgrace to civilization.

(Here the evidence closed.)

JOHN H. GRAY, Esq., then addressed the Jury to the following effect: He said there had not been a case tried in this Court for a long time so pregnant with consequences to the community as the decision in this case must be. He acknowledged that the riots on the 12th of July were a disgrace to the city, and he regretted them for two reasons: first because it showed that the authorities and civil power were at that time insufficient for the maintenance of peace, and secondly because it proved that there were people in the city bad enough to commit such horrid and barbarous outrages as they had just heard detailed. The four men who stood at the bar as defendants had not been selected because they had taken an active part in the conflict,—there was not the slightest proof that they had done any wrong—but they were brought there to test a question, and one in which a large part of the community were involved; they were brought there to test the legality or illegality of those processions.—There could be no doubt about it that those processions were not illegal under the Common Law, and even if they are illegal under the late Act, it should not be forgotten that the said Act had but just been published and on the 12th of July was in hands of very few people. If the Orangemen had known of the existence of the clauses in this Act now brought to bear against them, and had known of the construction the law officers of the Crown put upon those clauses, they would not have walked. Or although they did walk, and not give offence, or create terror or alarm, they had a right so to walk, whatever might be said about the expediency and the other party were wrong to attack them. It was not for the jury to say that animosities existed, and a conflict was to have been anticipated, but they must decide according to law. It was evident that the Crown Lawyers did not consider processions illegal until the passing of this Act, for if they had done so they would have prosecuted those who walked in procession at Woodstock in 1847. The indictment assumed that the procession gave offence, but to whom did they give offence? The ruffians who attacked people on that day at York Point cared not whether offence were given, or intended, or not; there was not one respectable man among them. The respectable Roman Catholics—their merchants, Priests, &c.—were not at York Point on that day; they were not offended. People might think such processions foolish displays, but they have no right to interfere and wantonly attack them. But were these processions quite so foolish as some persons appeared to think? Let them look to the occasion and the day which the Orangemen celebrate. It was the anniversary of a decisive battle which established the rights of the people on a firm basis. A Prince was invited over to England to maintain the honour of the nation, and the rights of the people in opposition to James, who was a disgrace to English history. The dynasty of the Stuarts lasted 150 years, and never was an era so disastrous to the country. The nation was sunk in ruin, and despised by the rest of the world, the Princes, pensioners and vassals of France, and the revenues were spent on their mistresses. William was not an usurper; he was called to the throne by the sufferings of the people, whose dearest rights were trampled upon, and whose religion was endangered. It was a proud era in our history; the nation had since gone on to prosper, until it had become the mightiest nation on earth, and the open Court, and a fair and open trial by jury on the present occasion, showed that the people still enjoy their privileges, secured for them by the advent of William the Third.

The French people in this Province, and in Nova Scotia, hold Roman Catholic processions on certain days, and did any one ever hear of Protestants taking offence at it, and molesting them? Who were those who attacked Protestants and processions in this country? They were a dissolute class, who came to our shores from Ireland. They arrive here and are not intertered with in one way or the other; they enjoy equal rights and privileges with all other subjects; were subjected to no oppression; have no hostile Church to support; there was no law or impediment against their rising to offices of the highest eminence and why did they take offence? One of the witnesses (O'Keilcher) had spoken of the Orange flag being raised in triumph, but they might as well consider our religion, or the erection of Protestant Churches, a triumph. Surely we may celebrate a day which gave us principles we hold dear, without offering insult thereby.

He would now offer some comments upon the evidence. He held in his hand the Orangemen's Book of rules and regulations, by which he found that they are bound by oath to obey the authorities. Now when Mr. Justice Allan delivered the Mayor's message, requesting them to return by another way, it had been proved that Coram's reply was "we have some thoughts of it." No doubt but the message would have been regarded as an order, and would have been obeyed had not Mr. Allan qualified it by saying "we have no power to stop you, but recommend you to return the other way." After this they heard that the soldiers were in York Point, and considering all danger over, they came on. Let them look at the Orangemen's peaceable conduct all through. In the morning, in passing over, the arch was standing across the street at York Point, but they did not attempt to remove it; the orders given by their leaders were "lower your banners, take off your hats, and do not take it as an insult;" and this was done. Therefore if the procession had been previously regarded as a triumphant one, this proved that the Orangemen did not consider it so, for they humbled themselves by lowering their banners. He now came to Jones's testimony, who differs from Mr. Allan in one point, swearing distinctly that Manka came into the police office with a book in his hand. He also spoke of seeing swords in the procession; but they are also carried in masonic processions, and were badges of office. According to Jones's testimony, Mr. Allan recommended them to return by another way, and Coram appeared to be willing. Coram also said to Mr. Allan "if you see any quarrelsome man in the procession point him out to me, and I'll turn him out." This showed that there was no intention to commit a breach of the peace, for if there was, Coram would not have allowed the most useful men for that work to be turned out of the procession. As to giving offence, there are people so unreasonable as to be offended at anything. The only rule for any one to observe in that case is to do whatever he thinks is right. It had been said by a witness the preceding day that the hoisting of Orange flags gave offence to the Roman Catholics just as a red rag would irritate a bull; but there was no analogy between the cases: one was a brute incapable of reasoning, and the other is man, made in God's own image, who should have both life and reasoning powers, and if ignorant, he has opportunities to inform himself. If the ruffians who attack people at York Point attempt to excuse themselves by placing themselves on a level with the brute creation in point of intellect, they should not enjoy the privileges and immunities of reasonable beings. If they claim the immunities of the brute in one instance, they should be subject to his restraint in the other. He would ask why should this class of persons have more privileges than Protestants? If this had been a Catholic procession, and attacked by Protestant, no excuse would avail them in this Court—it would be no use for them to say "we were irritated at the sight of their colours;" but they would be convicted and punished, and sent to where they would learn better. The attack, too, was an indiscriminate onslaught upon Protestants, whether they were Orangemen or not. The Captain of the Watch, Jones, was no party-man, and yet he was constrained to confess that he felt inclined to go in and fight against a party who had taken possession of the street, and cowardly and wantonly attacked every Protestant that came along. The respectable portion of the Roman Catholics were not there, and he (Mr. Gray) believed they had no sympathy with the rioters, and how dared those who held possession of York Point to arrogate to themselves the right to interfere with the procession!

If they turned to Mr. Jordan's evidence they would find that the reason given for the attack by those who were engaged in it, was because O'Keilcher had arrogated to himself a certain influence over, or power to control, the class of persons who committed the assault, and they were determined to let him see they were not his slaves.—He responded to what had been said about liberty of conscience. Religion should never be made a question of between man and man, in their ordinary affairs. (The Learned Counsel then censured the Magistrates for not preventing a conflict.) But with respect to the procession, if any body of men were walking quietly along a street, and find it blockaded by a lawless band, would they be likely to turn back and go another way? By advancing they would assist in opening the way to the public.—Before this procession came up many persons were attacked, but they heard of no at-