

gion, hard and inhospitable as it was, for the sake of an everlasting riddance of Popery, with all its forms and substance. They hated it, they were absolutely and irreconcilably disgusted with it. They hoped never to see a rag or a remnant of it on this side of the great deep. They suffered everything in their home trials, their passage, their exile, their wilderness state, and in their purchase of the best part of all religious experience, that which taught them their errors. They had an end in view in coming here, and so far the end is gained. Under their institutions, civil and religious, and as the reward of their endurance, the scenes around us have become lovely,—the happiest, the purest, the most attractive and prosperous, which are to be found on the face of the whole earth. And now, after the new fields are tilled and fenced, and just as the old stories of ecclesiastical oppression and superstition which our fathers used to tell with a painful knowledge of the reality have softened into romance, Rome and Babylon seem inclined to move over hither, and ask a kind reception. It is almost too much for the children of the Puritans to bear. Out from the heart of our beloved Commonwealth are now to graduate, from year to year, Jesuit priests,—the O'Briens, the O'Flaghertys, and the McNamoras. Ireland and Rome together make a combination of a not very attractive character to the sons of New England sires. The Romanists must pardon the prejudice, if such it be.

[Only let them come to Canada and they will get plenty of charters. Scarcely a single member of Parliament or public journal here will make the slightest objection.—Ed. Writ.]

#### CELEBRATION IN ULSTER.

The late anniversary of the memorable battle of the Boyne, was celebrated throughout the province of Ulster with greater spirit than for many years past, and the festive proceedings were shared in by a much larger number of individuals, while, with but one deplorable exception, kindly feeling and forbearance were the order of the day. As if to enhance the joyousness of the occasion nature assumed her most radiant smiles, and the gifts of a most bounteous Providence were spread over every hill and valley, heightening the gratitude of every bosom among the myriads who assembled to commemorate the establishment of civil and religious liberty in the United Kingdom. At Antrim, Lisburn, Newtonards, Enniskillen, and various other districts, the loyal Orangemen met together in countless array, shewing that the lapse of more than a century and a half had not diminished their veneration for the achievements of their ancestors, or their regard to those principles for which the latter so valiantly contended at Derry and Enniskillen, at Aughrim and the Boyne.—Last year they assembled for the purpose of demonstrating that the yeomen of Ulster were able and willing to crush the rebellion which was threatened, and their display had the effect of preserving the peace of the province unbroken.

The meeting held on the Earl of Massereene's demesne at Antrim, was one of the most numerous and important, which the province presented. The nobility, landed gentry, clergy, farmers, and yeomanry, were mingled together in happy contrivance, and the speeches delivered were in admirable tone and spirit. That of the Rev. Dr. Drew shews that the genuine principles of the Orange Society are—that while they pledge its members to an uncompromising adherence to truth, they bind them also to a life of peacefulness and Christian love; and those principles were clearly exemplified by the Orangemen on the recent anniversary. Nowhere did they offer insult to their fellow-countrymen. They met to hail the advent of a day which brought unnumbered blessings both to their forefathers and themselves, as they have done from time immemorial; and though in many cases, they carried arms, it was not for offensive or aggressive purposes, but for self-defence.—*Londonderry Sentinel.*

### COMMUNICATIONS.

St. John, Monday, Augt. 20th, 1849.

MR. EDITOR.—The last week was one of great interest here in the Circuit Court, several trials having taken place connected with the riots on the 12th day of July.—On Wednesday three men were tried for riot and beating the Mayor; proof against two of them was indubitable, but one escaped through the obstinacy of a Catholic juror. One was found guilty. On Thursday four others were tried for riot, and assaulting Alexander Bood. In one instance a gross blunder was committed, the authorities having arrested *Jeremiah* McCarthy instead of *John* McCarthy! Of course he got clear. Another of the prisoners, Kearney, proved his innocence by respectable witnesses. The evidence was conclusive against Hagarty, and nearly so against Driscoll, Hagarty alone was convicted.

But on Friday commenced a trial of absorbing interest, which occupied the Court until Saturday night. Four Orangemen named Manks, McKelvey, Dunham, and Mountford were indicted for unlawful assemblage and riot on the 12th of July. It was proved, generally, that the defendants were on that day walking in procession, and that on their return from Portland to St. John they were armed. This the Crown Lawyers endeavoured to prove was contrary to a special Act which passed last session, the clauses being to the following effect: That if three or more persons walk together to effect a common purpose by force of arms, it is, and shall be held, an unlawful assembly; and that if two or more walk together carrying arms, and come in contact with any opposing force, it shall be deemed an affray, and shall be punished, &c., provided that in both instances the said assemblage shall create terror and alarm in the minds of the public."

The Crown lawyers both asserted that this Act was merely the embodiment, or explanation, of the Common Law, and the Solicitor General, in an elaborate essay, in

opening the case endeavored to defend this position, and quoted largely from English authorities. Upon this point he was met, however, by Messrs. Gray and Bayard, Counsel for the defence, and signally defeated; and their view was borne out by the Judge, who in his charge said if the prisoners were convicted it must be under the special Act. Now let us reflect a moment upon this part of the subject. The various Acts for the consolidation of the laws, passed last session, were drafted by the Attorney and Solicitor Generals. The Members of the assembly, supposing them to be the old laws consolidated, allowed them to pass without investigation or discussion—especially as the Acts were very long and tedious. Mr. Wilmot, Attorney General, had charge of them, and many an amendment he may have quietly slipped in during their passage. With regard to this particular clause, it matters little whether Mr. Wilmot inserted it in the original draft, or by amendment, but the fact cannot be denied that it was a mean and unprincipled trick, aimed particularly against Orange processions. Mr. Wilmot's hostility to Orangism is well known, and if he wished to prevent processions why did he not bring in a special Bill for that purpose, as has been done in England and in Canada? That would have been open and manly.—But no, that would have been discussed—that would have been opposed—that might have been lost—and therefore, cowardly and sneakingly he endeavors to effect his purpose by slipping in a clause in a bill *said* to contain nothing new—a bill left by the House to his sole charge! How impatiently no doubt, he waited for the 12th of July to come round! How he must have hugged himself and chuckled at the trap he had laid, and of the Orangemen's ignorance of it! Thus would he soliloquize:—"They have walked in procession year after year, and the authorities never said to them 'why do ye so?' they walked in procession last year, when I was Attorney General, and under my own nose, and I prosecuted them not; they will walk again, believing that they have a right to do so, and then I'll catch them!" How ungenerous—nay, rascally—thus to lay a trap for men, and hold them amenable to a law they were entirely ignorant of! Why, if the Magistrates of St. John had known of the existence of such a law, they could, and would have stopped the procession. But no; that did not suit Mr. Attorney General's purpose—that would have prevented bloodshed, whereas his object was to entrap the Orangemen, and send them to the Penitentiary! Why, the very Counsel who defended the prisoners at the bar were not in possession of the Act until the present Court had commenced its sittings! Then how should the Orangemen have known anything about it a n. o. h. o. u. s. p. r. i. o. u. s. ? It was monstrous—it was cruel—to try those men under that Act. It was an act of tyranny the Autocrat of Russia would scorn to be guilty of. What did the Police Magistrate of Portland say, when he saw the procession returning to York Point, and some of the men armed? "I would rather you took the back way," was his language, "but there is no law to prevent you!"

Well, the Orangemen walked, believing there was no law against it. At York Point they were ruthlessly attacked, and defended themselves, "Now" says the Attorney General, "I have them!" He steps out of his path, and sends a letter to a local Magistrate instructing him (evidence or not) to arrest and commit certain parties, not forgetting to name Mr. George Anderson. That gratified his vindictive spirit, as Mr. Anderson has always conscientiously opposed him at York County elections. The Magistrate to whom this singular letter was directed, was one whom at any other time Mr. Wilmot would not have dared thus to insult; but at that particular moment he was an applicant for a lucrative office—that of Stipendiary Magistrate—and Mr. Wilmot availed himself of the man's poverty, and thus submitted to him degrading terms. The office in perspective was too tempting to be hazarded. The terms were submitted to, and the reward followed instant. The only gratifying circumstance connected with the affair is, that the office has fallen into good hands. Well, some thirty or forty of the Orangemen are singled out, for Mr. Wilmot to try his famous experiment upon; they are committed, and then admitted to bail upon a Judge's order. The Court opens, and Mr. Attorney General is most assiduous in his attendance upon the Grand Jury. But all his persuasive eloquence could effect was a bill of indictment against four—all the bills against the others were ignored, and alas! among those who thus escaped was Mr. Anderson, whom Mr. Wilmot would have given his right hand to convict!—Now let us return to the trial.

A great number of witnesses were called for the Crown, among them some Catholics; they proved the fact of the procession—of the defendants having been there—and of arms being carried on the return of the procession from Portland; but all, with one exception, pronounced the procession harmless, and expressed an opinion that they would have been quite peaceable had they not been attacked—that they created neither alarm or terror. That exception was Mister O'Kelcher, alias "The Mucky Bull." He left the street lest the Orangemen should shoot him—he stood in his window and saw them pass—he was not afraid they would shoot him there!

Mr. Bayard opened the defence in an able speech, in which he cast the Solicitor General's special pleading to the winds. The witnesses for the defence then showed the innocence in intention, of those who formed the procession, and the gross and ruffianly attacks made upon them and others at York Point. Mr. Gray closed the defence in a very able and eloquent speech of nearly an hour and a half in length. The Attorney General then addressed the jury. His speech was a strange mixture of daring and whining; at one moment he said the Orangemen little knew him if they thought they could drive him from his duty, &c., and that he would discharge his duties impartially, without respect to parties; the next moment he was deprecating the persecution of the press

for merely doing his duty! He acknowledged his having instructed the local magistrates in making arrests, but he took good care to implicate "his learned friend" the Solicitor General as being a participator in the transaction. He censured severely the magistrates of St. John for their supineness on the 12th of July, and hinted that the list of magistrates for this County would shortly be revised. He was bitterly sarcastic upon Mr. Anderson who had just escaped from his clutches, and he represented the Orangemen as very demons, stirring up strife, and guilty of everything bad. Mr. Gray had spoken of the Institution as having been in existence 150 years. This the Attorney General attempted to correct, asserting that it dated its origin from December 1795; and he charged upon it all the miseries and bloodshed of the Irish rebellion which shortly followed!

The part which the Orangemen and various Ribbon Societies respectively played in the Irish rebellion, is matter of history, and is not for me now to investigate; I will merely add that the Orangemen may proudly challenge a comparison, as to the origin of Orangism. Mr. Wilmot should read history a little more to the purpose, before taking for granted an assertion once made by James Brown, Esq.; if he had done so he would have discovered that the Institution was founded by the Prince of Orange and his generals, in 1688, immediately after their landing in England, and it spread extensively in Ireland the following year. It was merely a revival of the Institution in September (not December) 1795. I would also observe, in reply to Mr. Wilmot's observation about being persecuted for doing his duty, that the Orangemen are not so unreasonable. But neither are they blind; they know what his duties are, and that it is no part of his duty to dictate to the local magistrates, unless his advice is required; they know that it was no part of his duty, nor was it the part of an honest man, to endeavor to entrap them by slipping a clause into an act contrary to the common law, and in such a manner that the public knew nothing of it. For these things the Orange body will hold him accountable, as he will find at the next election for the county of York.

The learned Judge, in summing up the case, expressed his opinion that, under the act, an armed procession is an unlawful assemblage. But in charging the jury, he told them that they must not only be convinced that the prisoners were in this armed procession, but they must also be convinced that this armed procession gave reasonable cause for terror and alarm in the minds of the public, or they must acquit the prisoners. How could the jury decide that the procession gave cause for terror and alarm, against their own honest convictions, and against the opinion of every witness but one who had been examined? They retired for about half an hour, and then returned into court with a verdict of NOT GUILTY!!!

Perhaps it may be as well, here to point out the difference in the Provincial Statute and the Common Law.—The Common Law enacts that if three or more go together to execute any unlawful purpose, by force of arms, it is an unlawful assembly, and of course the execution of that purpose becomes a riot. The Statute enacts that if three or more go together to execute any common purpose, by force of arms, (whether lawful or not) they form an unlawful assembly. The application attempted by Crown lawyers was thus:—"although it was lawful for the Orangemen to return through York Point, and if attacked to force their way, yet it was a common purpose!" Does not Mr. Wilmot deserve credit for his ingenuity in thus cunningly substituting one word for another?

In conclusion I would ask where had Mr. Kinnear's senses gone when he allowed himself to be stultified by these transactions, particularly to the letter of instructions to Mr. B. L. Peters? I fear that another cunning man had a hand in this matter, I mean Mr. Partelow. Does not Mr. Kinnear know that Messrs. Wilmot and Partelow are both his enemies, and would fain make him unpopular, that they may give his office to another with impunity?—Does he not recollect the humiliating proposal conveyed to him by Mr. Fisher, when the present administration was formed, and does he imagine that they have forgiven him for indignantly refusing? Does he not know that he would have been thrust out from his office at that time but for the strong party who stood at his back—a party who would never have deserted him if he had not deserted them?—And does he now for a moment imagine that he can stand alone? Let him try!

I am, yours, &c.,  
AN ORANGEMAN.

[FOR THE CARLETON SENTINEL.]

MR. EDITOR.—In an editorial notice, in the last Sentinel, of the arrival here of Professor Johnston, accompanied by Dr. Robb, and James Brown, Esq., M. P. P. for Charlotte County, upon an agricultural tour, (the other gentleman you mention, Mr. Hansard, was not, I understand, officially connected with the Professor's party) you, in alluding to the outrage of burning Mr. B. in effigy, on the night those gentlemen spent in Woodstock, appear to wish to throw a part of the odium attached to those connected with that very disreputable affair, upon the members of the Mechanics' Institute, assigning, as a reason, that he opposed the grant to the Institute. Whether Mr. Brown did or did not oppose the application for a grant, I know not. I must, however, beg to disabuse you of the erroneous opinion you seem to have formed in regard to the sentiments of the members of the Mechanics' Institute, relative to that transaction; and I venture to assert, that among the members of that body, (with but rare exceptions) but one opinion is entertained, one feeling expressed, that of the most unqualified condemnation of an act, which they consider wholly uncalled for, disgraceful, alike to those with whom it originated, as to those who carried it into effect.

In justification, therefore, of the members of the Institute, whose views and opinions you have (though I trust unintentionally) misrepresented, by giving insertion to the above you will oblige

A MEMBER.

Woodstock, 22d August, 1849.