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THE ST. JOHN RIOT. TRIALS OF THE RIOTERS.

[REPORTED EXCLUSIVELY FOR THE CARLETON SENTINEL.]
ST. JOHN CIRCUIT COURT.

August 15th, 1849.

(Continued from our last.)

JAMES S. GILBERT.—Went to York Point with his father on the morning of the 12th of July. Thinks the crowd there numbered about 150 people; they were mostly on the sides of the street. There was a wreath across the street,—apparently a rope with green boughs hung around it, and supported upon two poles. The Mayor had reached York Point in advance, and having passed under the arch, ordered it to be removed. The Constable went to execute the order, upon which the crowd made a rush in the same direction. The Mayor then went to help the Constable, and the crowd then rushed on him, and attempted to press him and Mr. Gilbert senior into a cellar. Saw Hagarty there, with a small stick, or whip-handle in his hand. The crowd was very much excited and violent; heard them call his father "an old scoundrel," and also heard them say "down with them." Got his father by the collar and hauled him out from the crowd. Saw a boy strike the Mayor in the back part of the head, and from the effects of the blow thinks he must have had a stone in his hand.—Mr. Gilbert senior caught the boy, but the crowd rescued him. The Mayor lost his hat. Knows the cellar towards which the Mayor was pressed, and thinks that if he had been thrown in he must have been seriously hurt. The rush that was made was by some forty or fifty people, or perhaps more. Saw Hagarty in the crowd with his hands up, and rushing forward. Knew him previously.

Cross-examined by Mr. Ritchie.—Knew nothing previously to Hagarty's discredit.—(Here witness described the procession.) The procession had just passed through York Point before he (witness) arrived there. Saw some women and children in the street, but those around the posts were men. A number of new buildings were being erected in the vicinity. Saw some stones thrown, and saw one strike the Mayor in the head. When the rush was made has no doubt but the object was to precipitate the Mayor and Mr. Gilbert, senior, into the cellar. The crowd accumulated after the contention commenced, until there were probably from 300 to 400 persons present.

JAMES N. THAIN.—Went to York Point on the morning of the 12th of July, about fifteen minutes to ten o'clock; he was induced to go there through motives of curiosity, to look at the procession. As the procession reached the head of Dock Street, and came near the arch, the spectators hung back. As soon as the head of the procession reached Union Street, they were assailed with a shower of brickbats: the horse at the head of the procession shied; then heard shots fired, and saw the smoke; supposed them to have been fired by people in the procession. Was up in Union Street when the procession passed; afterwards saw the Mayor, Mr. Gilbert, and Nixon arrive, and went down near the spot. Saw Hagarty in the crowd, and thinks he saw Hegan there, but is not positive. Saw the Constable attempt to take down the arch, and saw him prevented. Saw the crowd attempt to thrust the Mayor and Mr. Gilbert down the cellar; saw a boy, from 16 to 18 years, strike the Mayor, and nearly knock him down. The Mayor was then running, and the crowd rushing after him. Ran forward and cried out "stop." The crowd paused a moment, and looked, and that gave the Mayor time to get off. Then received a blow with a brickbat, was knocked down and beaten until he was insensible. Thinks that if the Mayor had fallen he would have been killed. Did not see Corchray present. Hagarty was one of the leaders of the mob; he had something in his hand. Did not hear the expressions made use of by the mob.

Cross-examined by Mr. Ritchie.—Stood on the opposite side of the street from the cellar, and if the crowd spoke loud enough to be heard where he stood, the confusion was so great that he did not notice what was said. Thought the shots fired were from the procession, but was so far off at the time that could not be certain. His impression at the time was that as the procession was attacked, they fired in self-defence.—Did not see any arms with the exception of the sword in the hands of the leader, and that was not drawn when he saw it. Would swear he saw Hagarty there, and that he was noisy and violent. Could not swear as to what he said, but saw him brandish something in his hand. The crowd increased after the Mayor came, and supposed there was from one hundred to one hundred and fifty persons present.

To a Juror.—Had no particular reason to conclude that the shots were fired from the procession; it was merely his impression that when they were assailed they had fired on their assailants.

JAMES MCKENZIE.—Is a mason, and on the 12th of July was at work at York Point, on Mr. Rankin's new building. Went to work at 6 o'clock, a. m. The arch across the street was there then. Between nine and ten o'clock the Orange procession came along. When the leader on horseback came in sight the prisoner Hegan was standing under the arch, in the centre of the street; as the leader approached Hegan waved his hand as if for him to stop; then as the procession drew nearer he again waved his hand to the man on horseback, pointing for him to turn down Union Street. The man on horseback then stopped, and spoke to those behind him; he then drew his sword and came on. The man and horse were then both assailed with brickbats, and the horse bolted and turned up Union Street, towards Judge Chipman's residence.—The head of the procession were then also assailed with brickbats, and fell back a little at first; they then rallied, came up and fired several shots. The mob immediately ran, and in a short time there was not a man to be seen in the street but those in procession, which then passed quietly on. After the procession had gone through the mob reassembled. Hegan appeared to be the leader, walked to and fro and put the boys on the back; the boys then went, as though they were instructed, and collected bricks on the roofs of the houses, wherewith to attack the procession on its return. (Witness then corroborated what had been said by former witnesses about the attack on the Mayor and Mr. Gilbert.) Saw Thain knocked down and kicked by the mob. Saw Hagarty the whole time among the crowd; was not near enough to hear what was said.

Cross-examined by Mr. Ritchie.—The shots he had spoken of were the first which

had been fired; they were fired from the procession. No one fell when the shots were fired, nor is witness aware that any one was hurt. Could not say that the procession would have been attacked if the man on horseback had not drawn his sword. When the procession first came up there might have been present some 20 or 30 men in the mob. There were some children in the street, but did not see any women except those who were passing through.

WILLIAM SMITH.—Is a mason, and on the 12th day of July was at work in Union Street, on a new building, about 150 feet below the end of Mill Street. Saw the arch standing across Mill Street at 6 o'clock, a. m. When the procession was coming, went up to the corner to see it pass. Saw the prisoner Hegan there, he was walking to and fro under the arch, drunk; there was a parcel of boys around him, and appeared to be making fun of him. When the procession came up, Hegan put up his hand, and seemed to turn the horse's head off, and immediately the boys threw stones at the horse and rider. The Orangemen then came up and fired. Witness then went off to his work. From the building saw the procession pass under the arch; some went up to pull it down, but others said "don't pull it down," and they passed on and left it standing. Knows the Orangemen had to lower their flags to pass under the arch. Saw Omnibuses pass while the arch was there, and when they passed near the centre of the street the driver had to stoop. Was not present when the Mayor came up, but saw him after he had been beaten.

Cross-examined by Mr. Ritchie.—Saw no arms in the hands of those who stood near the arch. Supposed there were about 12 or 15 persons there, chiefly lads.

JAMES TRAFF.—Was at York Point after the procession had passed through; it was then about ten o'clock a. m., saw the arch standing there; saw coaches pass under it, and the drivers had to stoop their heads to pass. Supposed the arch to have been about eight or nine feet high. Saw Hegan there; kept his eye upon him; he was very officious; thought from his conduct that if there would be any shooting going on he would be the very first that would be shot, as he was placing himself in that position; and thought that if any one deserved to be shot he was the man. Hegan was walking to and fro, looking up to the arch as though it was under his charge.—The boys then began to collect and pile stones on the roofs of the houses. Witness then went on to the next (or Haliday's) corner, and all along the street the boys were collecting stones on the roofs of the houses. On his return saw the Mayor in the street, with a crowd around, but was not near enough to see him beaten; saw him afterwards with his head cut. Saw Mr. Thain down, apparently insensible, and prevented a man from kicking him. Saw Hegan clasping one of the poles of the arch, and appeared rejoicing as though it were for a triumph gained.

Cross-examined by Mr. Ritchie.—Hegan appeared as though he had been drinking, but did not think him drunk. Was in Dock Street when the procession passed up; saw brickbats fly, and heard shots fired, but did not go up until the procession had passed through.

JOSIAH WERMORE JR., Esq.—Is an Alderman and Magistrate. On the 12th of July his attention was called to an arch across the street at York Point, saw the Mayor and Mr. Gilbert coming up Dock Street, and went with the Mayor to remove it; there were two or three policemen there. The Mayor asked who had put up the arch, and some one replied they did not know. The Mayor then told Nixon to take it down, when a man stepped out of the crowd (not one of the prisoners) and asked the Mayor what right he had to take it down. The Mayor replied that he was the Chief Magistrate of the City. The policeman resisted. The prisoner Corchray was one of those standing near the western pole, where the policeman was resisted; saw Corchray speaking, as his lips were moving, but did not hear what he said. Heard some one say "down with the first man who attempts to pull it down;" this came from the direction in which Corchray stood, but could not say that it came from him. The Mayor then went to pull the arch down, when the mob rushed upon him, crying out "down with him, clear him out, kill him;" did not see the Mayor then for some time, and thought he had been shoved into the cellar. Then went into Dock Street, and waited there until the Mayor came up in company with Mr. Frederic Coster. The Mayor had lost his hat, and his head was bleeding.

Cross-examined by Mr. Ritchie.—Did not see Corchray touch the Mayor; saw him lift his hands, but he was not near enough then to strike the Mayor. The act of Mr. Gilbert seizing a man was the first laying on of hands he saw. Thought there were about 150 persons present, about one half of them boys from 16 to 18 years, and the other half men. Did at a preliminary examination of the prisoners before Mr. B. L. Peters say that if Corchray has a brother with a similar cast in his eye, he was not quite sure of his identity, but now feels quite confident that he is not mistaken.

MICHAEL NEILL.—Was in York Point after the procession had passed through.—Saw the Mayor there, and heard him tell the Constable to take the arch down. Heard Mr. Gilbert and Son say the green boughs shall come down. Resistance was made, and the Mayor was struck with a stone; saw it done, but does not know by whom.—Saw Corchray there, and heard him say "the green boughs shall come down."

Cross-examined by Mr. Ritchie.—Stood in Union Street at the time of the riot, and Corchray stood on the other side of Mill Street. Saw shots fired as the procession passed. Did not see Corchray do any thing.

(Here the evidence for the prosecution closed.)

The first witness called for the defence was,

CHARLES GILLESPIE.—Knows prisoner Corchray; on the 12th July last was coming down Portland Street between half past nine and ten o'clock, and overtook Corchray just below his own residence, which is opposite Morrison's brick house. Witness is a butcher by trade, carries on business in the country market under the Market House, Market Square; prisoner is also a butcher, and carries on business in the upper Country Market. Came along together to their business in the Market. On arriving at York Point saw a crowd there wrangling; saw the people shoving and hurling; Corchray came through in witness's company; did not see him do anything, nor hear him say anything; prisoner could not have spoken without his (witness) hearing him, unless he did so in a very low voice, nor could he have done anything and witness not see it. Came right through the crowd, then turned and looked back for a moment, and then prisoner and witness came down to the Market House. Coming down Dock Street they advised people they met to turn back, as there was a row at York Point, and prevailed on one man to do so.

Cross-examined by the At. General.—Prisoner accompanied him to the lower Court.