

that if the procession had been let alone there would not have been the slightest disturbance. Followed them with the police lest any intoxicated person in the crowd should molest them, and thereby cause a riot. There was no person intoxicated among the Orangemen. Saw very few arms—only two or three pieces—as they passed in the morning; and the arms were not carried in a manner to alarm any reasonable man. Saw Manks near the Lodge Room in the morning when the Portland men formed in procession to meet those from St. John, but could not swear that he saw him walking in the procession. When Manks came into the Police Office thinks it was a gun he carried, and not a book,—is not so blind as not to know a book from a gun. Jones, the Chief Constable of the Police is not blind either, and if he says it was a book one of them must be mistaken. At the time he delivered the Mayor's message, he told them there was no law to prevent them from walking, and he has no doubt but they left the office and proceeded under the impression that they were acting legally. (d) Does not think they intended to commit a breach of the peace any more than he did himself, unless they were driven to it. The Street through which they passed in Portland is a public highway. Had heard shots in the morning, and had also heard that the Orangemen from the city, had lowered their banners and passed under the arch, on their way to Indiantown. Considered the arch a public obstruction, and that the people had a right to take it down. Thinks that was the first offence given on that day. It was well known that the Mayor had been beaten and driven out of York Point for endeavoring to take down the arch. Colonel Simonds was not in the procession, nor wearing any badge, and he was beaten; Foster was not in the procession, and he was killed; Boon was not in the procession, and he was stoned; so that it appeared that it was not only the Orangemen the people at York Point were determined to attack, but any one who might come along. Thinks the Orangemen did not assemble to effect any common purpose by force and violence, unless they were attacked. Thinks they would have gone through York Point a dozen times and done no harm, if they had not been attacked. There was nothing in the appearance of the Procession to alarm any one.

*Re-examined.*—If the procession should meet with opposition he did not know what might grow out of it. Feared there might be opposition in York Point. The Orangemen intimated that they would return through York Point in spite of opposition. The people might be alarmed lest a breach of the peace would take place. Witness was apprehensive that blood would be shed at York Point. Thinks that if there had been no procession there would have been no excitement, and no bloodshed.

*Cross-examined.*—Believes that if the Magistrates had absolutely forbidden the procession, they would have desisted. Did not think they would harm a chicken if they had not been attacked.

FRANCIS S. JONES.—Is Captain of the Watch in Portland. Saw the procession in Portland on the morning of the 12th; did not see any one of the defendants there.—The procession was coming down Portland Street. Saw them stop at the foot of York Point hill; believes that they were to meet at that place with another body of Orangemen from St. John. Heard report of fire-arms, and saw the smoke; heard cheering. Afterwards saw the procession going through Portland, on the way to Indiantown, their leader being mounted on a white horse. Saw them again on their return; was standing then near the Police Office; they came opposite the police office and halted; their numbers were augmented since he had last seen them. They had bands, banners flying, &c. As they went over to Indiantown he saw no arms with them, but saw some guns and one sword with them on their return. Saw Squire Manks with them when they returned, but did not see any arms in his hands. Was sent by the police Magistrate for the leaders; Manks came into the office; he had a book in his hand, trimmed with ribbons. Manks left the book in the office, and went after the leaders.—Thinks the procession came to the police office three deep, and left four deep. Anderson and Coram were leading; Anderson had a sword in his hand, and wore a large scarlet cloak. Manks remained in the office during part of the conversation between the Magistrate and Anderson and Coram, then lifted the book and went out; afterwards he came in again. Anderson was the last of the three who left the office; thinks Manks had left the last time previous to Coram leaving. Anderson and Coram again took the lead of the procession, and moved on. Manks also went down the street, but not in the procession. Does not recollect of seeing any arms with Manks. While they were in the office witness heard Mr. Justice Allan say it was the Mayor's request that they should not return through York Point; he said there was no law to prevent them from doing so, but it was his wish that they return by another way. Coram said it had been their intention to return the other way, but they had been assaulted as they came through York Point, and one of them had been hurt; and that it was a hard thing that men peaceably inclined could not walk the public streets. Mr. Allan said he feared they would be attacked in York Point. Coram then said, "if you see any one in the procession whom you think incapable of walking on quietly without insulting any one, point him out to me, and I'll turn him out; for we are determined to be insulted, and that most grossly, before we'll resent it."

*Cross-examined by Mr. Bayard.*—As the procession passed down through Portland, after leaving the police office, witness ordered the police under arms and followed.—Did not see any disposition in any one to break the peace. One of the banners represented the Queen; another was the Union Jack. Saw one inscription on a banner; it was "God save the Queen." Saw nothing to excite any one. Was glad to see the procession so long as all was peace, just as any one would like to see a show. A crowd followed it, apparently out of curiosity, and appeared gratified. Saw some women decorated with Orange ribbons. Stopped with the police force at Portland bridge—the boundary. There was a crowd of people at York Point. Saw the procession passing on, and then the firing commenced. The first gun was fired on the procession from or about Hennessey's shed; saw the smoke. That was before the head of the procession had got up the hill. When the procession had advanced farther saw several shots fired from the door, or corner of a house. Up to that time had seen nothing discordant in the procession, and nothing to create terror and alarm. One could not hear a man speak in the procession. Saw Mr. Simonds after he had been beaten. Saw Boon drive past the procession. Knew Foster was not in the procession, as he walked down through Portland in company with witness. Has lived in Portland seven years, and has known people to be attacked there when there was no procession. Recollects when a band was attacked, and the drum broken. Does not think it necessary there should be a procession in order to provoke an attack in York Point or Portland. Saw at first one shot from Hennessey's corner, then three or four; and then about half a dozen from another part of the street; all these were fired upon the procession before the fire was returned. Also saw a shower of missiles aimed against Coram.

*Re-examined.*—Armed the police in Portland lest there should be a breach of the peace. Thinks that if the Magistrates had absolutely forbidden the return of the procession through York Point, they would have been obeyed. Judges this from Coram's calm demeanour. Coram said they had been attacked as they came through, and it would look cowardly to return another way. Witness is no party man, but from the wantonness of the attack on that day his feelings were enlisted, and had he been near enough he could scarcely have restrained himself from going in and taking part in the fight.

*To a Juror.*—Believes that the procession would have been attacked had they returned by the valley, for it was rumoured that those who resided in Portland, and up-river, would return by the valley, and witness saw several persons leave York Point, armed, and go over to the valley road to await the procession; but it returned through Pond Street, and thus avoided a collision. (e)

JOHN LINDELY.—Saw the procession on the 12th of July in the valley between St. Luke's Church and Indiantown. They were halting at the time, and their ranks were broken up. Saw Squire Manks and Daniel Dunham present, and armed.—Was in York Point, near Halliday's Corner, when the procession returned; had been to the city and was returning. Saw Archibald Brown come up with a gun in his hand, and fire on the procession. Thinks this was an hour and a half after he had first seen the procession. Several shots were then fired, and witness cleared out.

*Cross-examined by Mr. Gray.*—When he saw the procession the first time all was quiet. Manks and Dunham were resting upon their arms. Thinks that if any danger was to be apprehended it was not from the procession, but from the opposite side. When he saw Manks and Dunham they were not in the procession, but stand-

ing a little out of the crowd. Thinks that if they had not been fired at, at York Point, they would not have molested any one. The Orangemen were quiet until Brown fired on them at York Point. He stepped up to a corner and fired, and then the crowd made a rush towards the procession, and yelled.

*Re-examined.*—When he saw Manks and Dunham they wore their regalia.

SAMUEL WARLOCK.—Was in Portland on the 12th of July, and saw a crowd near the police office. Went there to see what was going on, and saw an Orange procession formed; they were three deep. There were several people collected looking on. Could not judge of the length of the procession, owing to the fall of the ground in the rear. The three who formed the front rank had guns, and were in the act of charging them. Saw the defendant McKelvey there; he was the right-hand man of the front rank, and was loading his gun. It was a fowling piece. Some time afterwards witness was returning to the city, and when on Portland Bridge he saw a waggon attacked at York Point. Immediately turned back, crossed Portland main street, and went into an alley, and there remained until the fight was over.—Then came out, and on reaching York Point saw two men lying dead, and another severely wounded.

*Cross-examined by Mr. Gray.*—Did not stop in York Point as he went through to Portland. Heard that the procession had gone through, and it was the general opinion that there would be a collision on its return. Saw the arch across Mill Street. When he saw McKelvey and others charging their guns, he saw them put in paper, but did not know the contents. For a month previous had an idea that the procession would be attacked in York Point. Had held no conversation with any one who said they would attack the procession. Saw the waggon attacked, and saw a man jump out and fall. Turned back because he was afraid to pass through York Point. It was his impression that when the two parties met it would be a bad position for him to be betwixt them. Was not afraid of the procession; did not think any man in it would harm him.

WILLIAM SMITH.—Was at York Point when the procession first came up, as it was going towards Portland. Saw the defendant McKelvey in the procession, but did not see any arms in his hands. After the procession returned saw him again in Market Square, and then he had a gun. Saw Manks in the procession but did not see any arms in his hands.

*Cross-examined by Mr. Gray.*—When the procession first came up to the entrance to Mill Street, a man named Charles Hegon was standing there by the arch, and several boys with him. After Hegon had obstructed their passage, and they had been attacked with a shower of missiles, the Orangemen passed under the arch, lowering their banners as they did so. Hegon did not tell him (witness) that he was there to guard the arch. (Here the learned Counsel put in, and read a former deposition, taken before a Magistrate, in which witness had sworn that Hegon did tell him that he was there to guard the arch. In this deposition witness had also stated that, in his opinion the Orangemen, when assailed with brickbats, fired in the air, and that their pistols were only charged with powder, as he saw the muzzle of one placed close to a man's back when it was fired, and the man did not fall). The deposition just read was true. Hegon took the horse by the head and turned him aside, and told the man on horseback to turn back, for he should not pass through; the boys then fired quite a shower of brickbats, and struck both horse and rider. Thinks the procession would have gone on quietly if it had not been attacked.

FRANCIS WILSON.—Was in Union Street when the procession returned from Portland. Saw some of the Orangemen pull down the arch. Firing was going on, and brickbats flying. The procession passed into Dock Street, when some of them rallied and returned. Saw McKelvey there with a gun in his hand.

*Cross-examined by Mr. Gray.*—The arch was so low that he saw men jump and lay hold of it, and pull it down. Heard the firing all along from Halliday's corner, but did not see it. Was too far off to speak as to the order of the procession when he first saw it. Is not certain whether McKelvey passed through York Point in the procession, or whether he had just come up Dock Street, but supposed the former. Some of the men who passed witness in Union Street were pelting stones at the procession; they were also pelting stones and bricks from behind the houses and from all the yards; also from the tops of the houses. The procession was in some confusion. Saw one man in the procession fall.

THOMAS O'KEILCHER.—Was standing at his own door in Portland on the 12th of July, and saw the Orange Procession leave their Lodge Room and go towards the City. Supposed their numbers then to be about five hundred; they were walking either two or three deep, which he does not know. Looked particularly at the flags as they were the first Orange flags he ever saw. The inscription on one flag was "Roden" and one of them represented King William the Usurper. Those in the procession wore bands. The leaders carried swords. Saw one man with a cloak on and bearing a sword, who looked very pale; would not like to swear to the man, but thinks it was George Anderson. Also saw Squire Manks there. Did not see any arms with them at this time, but they had pistols. Each couple kept their pistols together in their inner hands. Thinks the band was playing the Boyne Water. The procession went towards York Point and a short time afterwards heard shots fired in that direction. Some time afterwards he saw them coming up the street again, and went into his house fearing they would fire upon him if he remained in the street. Looked out of his window and saw them pass. (f) They were in greater numbers than before. After they had passed he went down the street; met Mr. Allan the Police Magistrate, and told him he dreaded the loss of life and the effusion of blood.—Mr. Allan told witness that the Mayor wanted to see him. It was then agreed between them that Mr. Allan should go to the Orangemen and endeavour to prevent them from returning through York Point. Witness told Mr. Allan that he did not care for himself if they passed an indefinite number of times, for he saw their colours in the Sep every day, as exemplified by Newton. (Laughter). As witness was going through York Point, towards the city, a man came up and struck him with his fist. The reason alleged for this conduct, was because he (witness) had posted up placards the evening before, calling upon the Roman Catholics not to turn out, nor interfere with the procession. In doing that his object had been to kill the Orangemen dead by not noticing them, (Laughter), and that the good feeling then existing might not be destroyed. Went to the Mayor's office, but did not learn why he had been sent for. Asked the Mayor and Mr. Alderman Smith to come to York Point and endeavour to prevent the effusion of blood. They replied they had no imperial power to do so, (Laughter). The troops were at that time drawn up in Market Square. Did not see the procession again until it arrived in Market Square.—Heard the Mayor inquiring for Alderman Smith to go with him and read the riot act and was disgusted, as the affair was then all over.

*Cross-examined by Mr. Gray.*—Considers King William an Usurper and a Dutchman, who came over and put James the lawful King of Ireland off the throne—his own father-in-law too. Does not think that because William was an usurper his successors must also have been usurpers. Put up placards to keep people away from York Point, and believes it did keep some people from going there. Is proud to say that he has some influence with the people. Was attacked in York Point, but the people over whom his influence extends were not in York Point on that day and it was well for the Orangemen that they were not. Will not state who were the officials alluded to in the placards. Witness was not frightened until the riot was over. If in passing through a street he found his way obstructed, he would endeavour to force his way through. He would not have gone through York Point on that morning for fifty pounds, but he risked his life because he heard the Mayor wished to see him. Although he is a Roman Catholic he could not come through York Point on that day without risk. Roman Catholics are irritated when Orangemen hoist the flag of ascendancy, just as a bull, or Turkey cocks are irritated if you throw a red rag before them. Does not mean to say that the Catholics are bulls, or turkeys; there is no analogy in the case; (laughter), but ignorant minds will take offence. Does not take offence himself at these displays: men of enlightened minds are not so easily offended. Thinks it possible there is some deep design in these processions, as the London Times has lately declared the Orangemen of Canada to be royal rebels; and by analogy the Orangemen of New Brunswick must be the same. Considers the Orangemen beneath the notice of any enlightened man. Did not see any enlightened man in the procession,—no man who ever studied the first book of