

Mr. McKeon came twice, I think; I saw him both times; didn't say anything for quite a while after he gave me the \$5; I went to Mr. Bell's after that; and left Drummond's about last of August; was at Mrs. Shear's.

Q.—Where you worked there did you see the prisoner? A.—Yes, sir.

Q.—What seemed then? A.—He wanted me to go with him to Bell's to see an affidavit.

Q.—Did he tell you why he wanted the affidavit? A.—He wanted to keep people's mouths still.

Q.—What were they to keep still about? A.—Because they were always talking about him having this horse and buggy and he wanted to keep their mouths still.

Mr. Pugley objected to witness being asked whether there was any reason prisoner should not have had the rig. Witness continued: When I came back from Bell's he had his cousin, Mr. Jack Quick's brother, with him; can't remember anything else than; we had conversations after; he wanted to know if I had heard anything else about it; we never talked about anything else but the rig. He took me to Bell's; his cousin was in the buggy and no conversation took place about it.

Q.—Did the prisoner give any reason, or tell you why he didn't want you to say who had the rig that time? A.—Yes, sir.

Q.—What was it? A.—That if I would tell I might get him into trouble.

Q.—Who trouble? A.—About this horse and buggy business.

Q.—But how could the trouble come?

Did he tell you how it would come? A.—About this murder in Tilbury.

Witness did not say what murder; I had heard of this murder; don't remember anything else said; only that it might get him into trouble about the murder in Tilbury. (Mr. Pugley objected to the question "in what way?" and it was ruled out). This conversation was at Sandfield; he was in the field; he allowed I had come out to watch him for Mr. McKeon; a team came along and I jumped into the wagon and went to Harrow.

Q.—Did you have any talk with the prisoner about going anywhere? A.—Oh, yes.

Q.—Well, what was it? A.—He wanted me to go away to the other side.

Q.—Why? A.—He allowed I would get into trouble and he would get into trouble, too.

Q.—What about? A.—About signing this affidavit.

Q.—Anybody else mixed up in it? A.—No, sir; not as I know of it.

Witness was asked a number of questions but nothing more developed, and Mr. Douglas asked adjournment. It was granted. The defense wanted the witness isolated and placed under surveillance, but Mr. Douglas would not consent, so His Worship noted the facts.

Afternoon Mr. Douglas again took the witness:

Q.—Do you remember any other statement of the prisoner in these conversations of which you have not told us? A.—Yes, sir. He said if I would tell who had the horse and buggy he would have to tell who killed the man in Tilbury.

Q.—Where and when was this conversation? A.—That was at the barn at Drummond's in the latter part of August.

Q.—You told us you were asked to go to Bell's by prisoner? A.—Yes.

Q.—Were you to get anything for going there? A.—I was to get \$50 to make an affidavit.

Q.—From whom? A.—From the man who had the horse and buggy—from Mr. Quick.

Q.—He was to give you \$50 if you would go there and make an affidavit? A.—Yes, sir.

Q.—Why were you to get \$50? A.—He didn't state any reason why.

Mr. Pugley then took the prisoner and subjected him to a long and severe cross-examination. The chief points were as follows: Witness and Drummond were at the barn when Mr. McKeon called. He enquired about a tall, rangy mare and red-gear'd buggy.

Q.—And you told him you did not know who had it? A.—I did.

Q.—Why did you tell him that? A.—Because it was none of my business.

Q.—Why did you tell him an untruth? A.—I wasn't obliged to tell him everything I knew.

Q.—But you did not need to tell him a lie? A.—Everybody lies. (Laughter).

Q.—And you are quite ready to swear to a lie? A.—Oh, I don't know.

Witness knew the declaration he signed was untrue; was doing it for the money; like money; am swearing to the truth now; I didn't get the \$50 because I guess he hadn't it; I haven't heard of any reward; did not tell John Boring, Joe Mulder or Jim Ridout I was offered \$500 to say it was Quick had the rig; didn't tell Heaton I was going to skip when this was over; if they say so they lie. It was the second time McKeon came I told him I didn't know who had the horse. Was promised \$50 in Mr. Bell's yard; Quick called me aside; his cousin was in the buggy. Saw him often; haven't arrested; came with Mr. Rogers and can go when they are through with me. Saw prisoner when I was going to Harrow to get drunk; didn't get drunk; I wanted money and he said he would get me some in a few days. He went to send for some, but I didn't get it. Next time I saw him McKeon had him. Quick wanted me to leave Sheas' and go to his father-in-law's to work. He was afraid Sheas would be asking me about this.

Mr. Alfred Hodgkins, sworn:

Remembered the day of the Holton murder; live about a mile from deceased's place; was cutting wheat. I saw a man who wanted to feed his horse.

Q.—Did he tell you his name? A.—Yes. He said it was Fred. Malott.

Q.—Where did he say he lived? A.—Near Sandwich.

Q.—Have you ever seen him since? A.—Yes, sir.

Q.—Who is he? A.—(Pointing to prisoner)—There he is.

Q.—Did he tell you what business he had there? A.—He told me he was buying cattle.

Q.—What time was he there? A.—About 6 o'clock in the afternoon.

He had a black mare, a little faded with the sun, a good solid grey mare; didn't notice the harness; there was a not muching from the harnessed horse. The buggy was a light one, with a top. He left the horses about 6 o'clock in the evening, in an easterly direction. Holton's was northeast from me. The horses had a pair of leathering boots on behind. There was a good ride in the buggy and a carriage jacket. Had seen the horse afterwards at Drummond's when he went to look at it with Mr. McKeon; saw a red-gear'd buggy there, too, but could not swear it was the same one; it was all muddy. Prisoner had a brown check sack coat, not awful dark; didn't look at his pants; he had a soft felt hat with narrow brim.

To Mr. Pugley—He first came to the field where we were cutting wheat; he spoke to my father; I put my team in some time and I fed his horses and went to bind. He stayed till nearly supper time; my father said he paid him \$5. He had no whiskers or mustache; he looked 30 or 22 years. I saw him in town on Tuesday in Mr. Douglass's office.

Knew his countenance at once.

Matt. Burdon had been working at Hodgkins' at the time of the murder. Saw a man come there as lost witness stated. Never saw him again till today. Prisoner is the man. It was about 6 o'clock when he came and about six when he went away. The rest of the evidence was about like that of the last witness. Mr. McHugh cross-examined.

John Hodgkins, father of a previous witness, corroborated him as to the prisoner being the man who came and had his horse fed. Was quite sure of him. Had met him on the middle road one Sunday after his threshing; could not give the date.

John McMahon lived on lot 18, con. 7, Tilbury; saw a man in a buggy about 7 or 8 o'clock the night of the murder; was in the field; there were two men in it. (Described as previously stated). Did not see the faces of the occupants. The sides were on. A buggy had turned in front of the house that night; we saw the track. After we heard the halloing we went down and the fellow matches to examine the tracks. Don't know why they should have the sides up. It was a very fine day.

Jeremiah McMahon generally corroborated previous witness. Saw the red-gear'd buggy go by twice, first between 3 and 5 o'clock and then between 7 and 8 o'clock. They were going quite slow till they came up; then they trotted past us. (Described rig as before given). I heard shots about an hour after they went by, over in Holton's direction, and heard him halloo. I went down after and saw him at Mr. Marie's. One of the men in the buggy was light complexioned, and I think the other was dark.

Then, W. McKeon, sworn:

Q.—You had some conversation with this prisoner? A.—Yes, I had a talk with him.

Q.—In the presence of whom? A.—Mr. Rogers.

Q.—Had he been arrested then? A.—He had.

Q.—Was there anything said to him? A.—He was cautioned by Mr. Rogers.

Q.—What did Mr. Rogers tell him first? A.—After Mr. Rogers cautioned him he asked him if he had hired a horse and buggy from James Drummond on or about the date of the Holton murder.

Q.—Did he mention the date? A.—About the 15th of July.

Q.—What reply did he make? A.—It was a conversation between him and Mr. Rogers.

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