THE HERALD

WEDNESDAY, FEBRUARY 1, 1888.

THE TUPLIN MURDER TRIAL,

A THRONGED COURT ROOM.

Extraordinary Interest Manifested

It is safe to state that never in the history of criminal jurisprudence in this Province, has such interest been taken by the community, generally, in any trial, as is manifested regarding the case now going on, and which has already occupied the attention of the Supreme Court in this city for more than a week.

The interest seems to become intensified as the trial progresses. From morning till night the Court room is packed to its utmost capacity with spectators, representing all classes of the community.

The case has, thus far, been admirably conducted. The monotony consequent upon the giving of evidence by a very large number of witnesses, has, now and then, been broken by the counsel on both sides joining issue regarding some legal point.

Any attempt at noise or disorder on the part of the spectators is quickly suppressed whenever the stentorian voice of our worthy High Sheriff is heard commanding "silence."

In order to afford the readers of the HERALD an opportunity of getting as much as possible of the evidence, we have this week excluded almost everything else. Besides this, we have inserted a plan of the scene of the murder and surrounding country. This will enable those of our readers who are not acquainted with the locality to acquire an intelligent idea of the place where this terrible crime was committed.

The witnesses for the defence have just been finished as we go to press, and the probabilities are that the case will not be given to the Jury before Thursday or Friday. Next week we will give the remaining portion of the evidence, together with a full report of the closing addresses of counsel on both sides. Following is the evidence, as continued from our first page:—

WILDA SOMERS (sworn). Examined by the Attorney-General. I am a daughter of John Tuplin, and sister of Mary Tuplin. My husband is James Somers. It was the 28th of June last when Mary was missed; it was Tuesday. My brother died on June 26th, and was buried on the 28th. I called at my father's house on Tuesday, after the funeral. My house is about three quarters of a mile from my father's. I started from my father's house with Frank Hillman's horse and wagon to my own home for my baby. I took the baby to my mother's, and my husband was with me. I left the baby there and went to Hillman's. I parted with my husband at a schoolhouse between my father's and Hillman's. I stayed at Hillman's all night because my sister, Mrs. Hillman, was sick. I remained at Hillman's for a few days. I think I remained there until I was subpœned to this investigation at Warren's barn. I went to my father's house on Sunday evening, the 26th June, with my husband; it was after 9 o'clock. I saw my father and mother and Mary and the rest of the family. I had some conversation with Mary. I knew she was about to become a mother. I did not see Mary go out that night while I was there. I saw the prisoner a couple of years ago at Carrol's, Margate. I did not see Millman on the 28th of June. I did not see any letters that had passed between the prisoner and Mary. (Here the witness fainted and was taken out of the court.) When she returned the examination was continued by Attorney General. (Handkerchief produced.) I think I saw this handkerchief before, with my sister Mary. It was just like that, with the letter M worked into it with thread. (Witness burst into tears, and was removed from the court, Mr. Hodgson asking no questions.)

JOHN R. PROFIT (sworn). Examined by the Attorney-General. I live at Margate, and teach school there. I know the prisoner. I knew Mary Tuplin, and know her father. I took my vacation about the 8th of May last. I spent it at my father's, near Millman's. I am well acquainted with Millman; I went to school with him. In May last I saw him at his father's farm. We had a conversation concerning Mary Tuplin; he spoke of a letter he received, and wanted to know if I knew anything about the letters, and I replied that I did not. He mentioned the names of Christy Tuplin and Mary Tuplin; this letter was asking him to meet Mary at Francis Hillman's. He said the letter was a joke played on him by some person, and said he took no notice of it. He accused me of writing the letter. We were talking of a report that was going the rounds, that Mary Tuplin was about to become a mother. He said he did not believe it was true. At this time he was working on his father's farm. He spoke of a party that was at Francis Hillman's, and said that he had been there. I think it was on New Year's eve, 1886. He said he accompanied May Tuplin from the party to her father's. He went in to the house, remained with her some time, and then went away. I think we had some further conversation. He said he went back to Tuplin's about the first week in January, and remained with Mary a part of the night and that Mary was called by her father, or he was ordered out, I do not know which; he told me she had some strange sayings at the party at Hillman's. They had a private conversation, and another party interrupted them and that she made some strange remarks in asking the third party to go away. He related some further conversation that they had. He told me he had been quite intimate with Mary Tuplin. About a fortnight or three weeks before the murder I met William Millman near Margate Church in the evening, he and my brother George were driving along. He told me that if Mary Tuplin swore the child on him it would place him in a very bad position, and appeared to think it would be a criminal matter. He said that it was the 5th of January he had been in company with Mary Tuplin. He said if the child would be sworn on him and his mother come to hear of it she would again become deranged in her mind. Mrs. Millman, the prisoner's mother, was deranged three or four winters ago. I told him that if it should turn out that Mary Tuplin's child would be sworn on him to stand his ground. I told him that if he should be brought to justice he could bring three or four other witnesses who would prove that they had been intimate with her. This conversation took place in Margate two or three weeks before the murder. When I was speaking to him in May he said that he intended to leave the Island and I thought it was because he was accused of being the father of Mary Tuplin's child. I was in Alberton on the 28th June. I heard Mary Tuplin was missing when I came from Alberton on the 29th June. I saw Millman next when he was under arrest on the 5th of July. He was dressed in dark clothes. I did not notice his hat. I have been a friend of the prisoner's all my life and am yet.

Cross examined by Mr. Hodgson. The rumors regarding other young fellows being intimate with Mary Tuplin were pretty general. When I was talking with Millman there was no question as to the length of time these rumors were going about. Only one rumor was spoken of so far as I remember. This was about a fortnight or three weeks before the murder. As far as I remember, the reason he gave for not going away was because the rumor about Mary Tuplin and himself had died out. It would take Millman about three quarters of an hour to go home from Tuplin's

Re-examined by Attorney General. He told me the first time he saw Mary Tuplin was at Frank Hillman's party on New Year's eve.

PATRICK A. POWER (sworn.) Examined by Mr. Peters. I live at Long River. I am sixteen years old. I know the prisoner as a neighbor boy. I remember the time Mary Tuplin disappeared. I saw Millman on the 30th of June. I know it was the 30th of June, because it was the day after the holyday. He came to our house, and he went to the field, where we went to fix a fence. He told me to tell that I saw him on the night of the 28th June at Paynter's line; we sat there for a few minutes, walked up to the corner, where we stayed for a few hours; left there between 9 and 10 o'clock, and then started for home. There was not a word of truth in all this. I did not see him on that night at all. Paynter's Line is between Paynter's and the prisoner's father's farm, on the same side of the river. I told him I would. There was no one else present when he told me. My brothers were loading poles, but could not hear. I saw him again the same day after dinner. He and my brothers went to make a piece of road. On the same Thursday evening he came to our house. I saw him outside. I was going up to Forristal's shop, and Millman told me not to be in a hurry, as he was going up that way with a horse and wagon, and I could go with him. When I was going to get out of the wagon he told me to come down to Richard Ready's. I went with him, and when he got to Ready's gate he told me to have my affidavit ready, as he wanted me to swear. I told him I would not. He went in to Mr. Ready's, and I held the horse. He remained there about twenty or twenty-five minutes. When he came out he told me to come up to John Tuplin's and tell Tuplin what he told me. I started with him, but we only went to the "Black Horse," at the Cross Roads, and stayed there for a few minutes and then went home. I walked home from the Corner. I saw him again on Friday or Saturday; we were cutting down bushes; he came to the field where my two brothers and I were working. He told me to stick to what he had told me to tell. I told him I would not. My brother Thomas heard this, and I think my other brother did also. Thomas asked Millman what he wanted me to do, and Millman made no answer. My brother Thomas then asked me, and I told him. Thomas then asked me did I see him on the night of the 28th June, and I said I did not. Then Thomas said to Millman, "Will, don't be trying to get my brother into anything." Millman then started for home. I don't remember of him making any answer to Thomas. I was at my father's house all Tuesday evening. I went to bed a little after eleven. Several of the neighbors were at our house that night (names given.) I saw a revolver with my brother after he got it from Benjamin Bryenton. He got it some time in May. I never had the revolver in my hands but once shortly after he got it.

To Mr. Hodgson. I was examined before the magistrates.

FRIDAY, Jan, 27.

MARGARET TUPLIN (sworn.) Examined by Attorney General. I am the mother of Mary Tuplin. I had a son buried on the 28th of June last. There were a good many people at our house Sunday night before the boy was buried, viz: James Tuplin, Archibald Bryenton, Thomas Bryenton, Michael Morrison. Thomas Bryenton and his wife came before dark. Mary was home then. Bryenton came into the room and told Mary his wife wanted to speak to her down stairs, and Mary went down stairs. Thomas and his wife were together in the room, and he got up and went out with his wife, and left her out, and came back alone and told Mary his wife wanted to see her. I don't know what time Thomas Bryenton and his wife left the house. Mary was only a few minutes out. I remained in the room with my sick child all the time. I remember Tuesday evening after my son was buried. Mary was home. Mrs. Slavin—my married daughter—was at the house. Alice Connolly was at the house when we came from the funeral. My married sisters were in the house when we were at the funeral. It was between five and six o'clock when we got home from the funeral. After we got home we had our tea. Mary milked the cows. After that she went out. She had on a cotton dress. I never saw her again alive. I don't know where she went when she went out. About twenty minutes after she went out I went to the front door and called, and afterwards I went out at the other door and called, but got no answer. After this my husband went to Profits, came back and went to the barn. He afterwards called. I heard him. He then went to Profit's again, but was not long, after which he came home and went to bed. My son Jabez went to bed when I called Mary the first time. Mrs. Somers was at our house on Sunday night. I know William Millman. I saw him once at our house, some time after New Years, before the murder. It was dark when he was there. There were also present Harvey Manderson, Archibald Bryenton and our own family. Manderson is my sister's son. We were all in the kitchen. I went to bed about nine o'clock, and left my husband, Harvey Manderson, Jabez, Millman and Mary in the kitchen. Jabez went to bed a few minutes after I went to bed, and Harvey Manderson went with him. I asked Jabez when he was going to bed if Millman was in the kitchen. I heard my husband call Mary; I do not know what time it was. I heard somebody go out. I never saw Millman at my house after that. When Mary left the house on the 28th June, she was about to become a mother. Shortly before Mary was lost two men came to our place in a wagon. I heard the wagon come and go. Mary's handkerchiefs were marked — some with the letter "M." (Handkerchief shown.) "That's Mary's." Boots shown. "Those are Mary's." She had them on when she left the house.

Cross-examined by Mr. Hodgson. Jabez is my oldest son, he is twenty-five years old. My son died about 3 o'clock on Monday morning. Mary was with me. I did not see her going to bed. I don't remember what time she went to bed. I remember when she went out Sunday night; she was about half an hour absent from the room. We had our tea the night of the funeral about six o'clock. Mary went out just in the twilight before we lit the lamps. I suppose it was between 8 and 9 o'clock.

JABEZ TUPLIN (sworn.) Examined by Attorney General. I am a brother to Mary Tuplin. I know William Millman; I saw him at our house a little after New Years. I had seen him at a party at Francis Hillman's on the New Year's night previous. The party ended about 3 o'clock. Mary got home a little before me. Hillman's is about a mile and a-half from our place. Hillman is married to my sister. I got home about daylight. I don't know how long before me Mary had got home. About a week after that I saw Millman at our house; he came about dark. I went to bed about ten o'clock, and Harvey Manderson went with me. He is my first cousin. Manderson is about twenty-five. When we went to bed we left Millman, my father and Mary in the kitchen. I never saw him at our place any more. I saw Mary the Sunday before my brother was buried. I saw Mary going out Tuesday evening. She never came back. It was after supper when she went out. She had been about fifteen minutes nursing Mrs. Slavin's child after supper. It was after sundown, about dusk, when she went out. I went to bed a few minutes to nine. About fifteen minutes after I went to bed I heard my mother go to the front door and call Mary. On the following morning when I got up my mother was out milking, and I asked if Mary had come home, and she said she had not. After breakfast I asked Donald to come and show me where he had seen the man sitting on the mud road. The ferns were broken down, as if a man had been sitting there; I then went on to John Woodside's fence; I climbed up on the fence and saw where I thought some one had gone through through the hay as it was broken down. I followed on through the woods and saw tracks which I thought to be a man's tracks. When I came to Fred. Davison's field, where I saw the ground was scratched, I saw Jos. and Fred Davison, and just then I saw the boat. It was farther down the river than it used to lie, under Warren's farm. After this I went back home. I saw Millman on the Thursday after Mary was missing, at the Black Horse corner, before sundown in the evening. Patrick Power was with him. Millman asked me if my father was home. I told him he was not, but soon would be, and asked Millman to come down. I said to Millman that I heard he said he had never been at our house. He said "what next." He was sitting in the wagon with the reins in his hands and he kept looking at the reins; I next saw him in Warren's barn, at the Magistrate's investigation. I remember two men going to our place in a wagon one night shortly before my brother died. One of them was Frizzle.

Cross-examined by Mr. Hodgson. When I saw the tracks on the mud road I thought they were the tracks of a man about my own age. I thought by the look of the hay that a person had gone through it. I heard of some wood having been taken from M. J. Murphy's land. The place where the wood was taken from was about 60 yards from the mud road.

To Mr. Peters. Afterwards I saw the stumps where the trees had been cut. They were softwood trees about seven or eight inches through. The forks on the mud road join a few yards from Woodside's farm.

THOMAS CAMERON, (sworn.)—Examined by the Attorney General. I live at French River, New London. I remember when Mary Tuplin was lost. I joined in the search and found the handkerchief. (Handkerchief shown.) I believe that to be the handkerchief. [Located the place on the map where he found the handkerchief.] I gave the handkerchief to Donald Cameron, J. P. I saw foot tracks on the shore leading to the water. It is marshy towards the water. It is sand and mud. The tracks were not the same size. I noticed that there was a half sole on the boot that made the small track. One track was two sizes smaller than the other. [Boots, one half soled, shown.] The track was similar to that. I only saw one track corresponding to that half-sole leading towards the water. They were both right foot tracks. [Half-sole boot examined.] That boot is for the right foot. Constable McKay measured the tracks; I pointed them out to him. These tracks were not far from the water's edge. The tracks were about half-way between the bank and the water. The handkerchief was about twenty feet from where the tracks were.

Cross-examined by Mr. Hodgson.—This was on the 2d day of July. I understood the search had been going on for some days previous. We came there in a boat; 3 others arrived there at the same time. On Thursday night, June 30, John Colson and I were waiting on Hiram Thompson's Point to meet a searching party. We waited till near 12 o'clock at night; we saw a light on the other side and heard a cough; I thought the light was a man lighting his pipe. To the Attorney General.—Before I found the handkerchief, there had not been any dragging of the river made. The small track was to the right of the big one.

AFTER RECESS.

THOMAS POWER, (sworn.) — Examined by the Attorney General. I was examined before the magistrates. I have a brother Francis, and another Patrick, who was examined yesterday. I know Millman; our house is the third house from his father's, they are about a half mile a-part. We have always been friendly. I heard of Mary Tuplin being lost on Thursday June 30. I left home on June 28, and went to Kelly's Cross Lot 29. My brother Francis was with me. We left home about 2 o'clock and arrived at Kelly's Cross about sundown. We were at Mrs. John McMurrer's, South Mellville Road, on Tuesday night and at John Askins' on Wednesday. We got home about 4 o'clock on Thursday morning. I saw Millman at my father's place on Thursday morning the 30th, about 8 o'clock; he came where we were at the barn harnessing the horses. Afterwards, my two brothers and I went to load poles, and Millman went with us. When we were loading the poles he asked us if we heard John Tuplin's daughter was missing. Missing, how? I said. She ran away from home on Tuesday night, said he. I said, perhaps she was at a neighbor's house. No, said he, she is not. I then went away to the back of the farm where we were going to fence. My two brothers and Millman walked up after the cart, and he remained with us till ten or eleven o'clock. Before he left, I told him we would go to do the road work that afternoon. All right, said he. After dinner, I went to harness the horses to go to the road work, and I saw Millman at the door when I went out. He held the handles of the plough and I drove the horses to the place where we were going to work. I asked him if the girl was found; he said not, that there was something strange about her. He said perhaps she had gone down to the East of the Island, like her other sister. He said, that a few nights ago there were two boys went to John Tuplin's in a wagon, and that they had taken the gate off the hinges and across the road; when they got to the house they asked for Mary Tuplin, and when they saw Jabez going for a light, they went away. I asked him how he knew that; he said he heard it. James Evans told him, and George Henderson told Evans. I asked him if it might be Mary Tuplin we met in the wagon with the boys, on the County Line Road, when we were coming from Kelly's Cross. He said, perhaps it might be. We then went to our house, and I paid him the money for his share of the road work. Since then I found out who were in the wagon we met on the County Line Road. I saw Millman again on that same evening; he was talking to Patrick; we were all standing at the door; Patrick and Millman were together when we were fencing, and also in the afternoon. I think Saturday was the next time I saw him; we were cutting down bushes on my father's farm. He came to the field and told Patrick to stick to what he had said. I asked Millman what it was; he made no reply. I then asked my brother, and he told me Millman wanted him to say that he (Patrick) and Millman had been together at the line between Paynter's and Millman's on Tuesday evening. I then told Millman not to try to draw my brother into anything, and Millman said my brother should stick to what he told him. We then left the field and I dont remember seeing him again, till I saw him before the magistrates.

Cross-examined by Mr. Hodgson.—I left home for Kelly's Cross on Tuesday evening, and left Kelly's Cross for home at five o'clock on Wednesday evening.

GEORGE PROFIT (Black Horse.)—Examined by Mr. Peters. I live at Lot 18, about 300 yards from John Tuplin's house. I remember when Mary Tuplin disappeared. I was in Margate that evening, and got home between sundown and dark. James Woodside, Geo. Clarke and Dugald Ramsay were at my place when I got home. They all left my place by ten minutes after ten, by the clock. While they were at my house, John Tuplin came in but did not stay long, but sat down; stayed, probably, three or four minutes. I thought it was about half-past nine when he came. I thought Woodside left about a quarter of an hour after Tuplin left; the rest left about half an hour after Tuplin left. Between the time Tuplin was at my house the first time and the second time, I heard two shots. I was in the house cutting Geo Clarke's hair. I thought there was three or four seconds between the shots. The shots seemed to come from the direction of the river. I heard the shots between a quarter a half an hour after Tuplin left. Woodside was at the gate untying his horse when the shots were fired. About eleven o'clock John Tuplin came to our place the second time. He did not come in but spoke to my wife at the gate.

Cross-examined by Mr. Hodgson.—George Clarke and Dougald Ramsay were in the house when I heard the shots. I don't know about the wind that night; there was not much wind.

JOHN SULLIVAN, (sworn.)—Examined by Mr. Peters. I live at Spring Valley, about two miles from John Tuplin's. I remember the evening Mary Tuplin disappeared. I was at New London, and on my way home I called at the church to bring home my wife from the meeting. The lights were just lit. I tied the horse and talked to a Mr. Halloran. Before the meeting came out, I heard two shots, which appeared to come from the South-west River. This, to the best of my knowledge, was about 15 or 20 minutes before church came out. I was at the church door.

To a Juror.—I heard the shots distinctly.

To Mr. Hodgson. I don't know what time the meeting was over.

ANDREW WOODSIDE (sworn). Examined by the Attorney General. I remember the 28th of June last. I was at Clifton at a lecture. My son was with me. I heard one pistol shot and apparently two screams on my way home. I thought I was about a mile and a half from home. I think the time was between ten minutes to ten and twenty minutes after ten. The horse was walking. Shortly afterwards we began to trot the horse. When I heard the shot I thought it might be as far away as Margate. I heard the shot quite distinctly. When the horse was frotting I could hardly hear a shot. I got home at twenty minutes to eleven.

Cross-examined by Mr. Hodgson. I think it would be about twenty minutes from the time I heard the shot till I got home. It was very calm and bright and clear.

THOMAS BRYENTON (sworn). Examined by Mr. Peters. I live at Spring Valley, Lot 18. I know John Tuplin and William Millman. I am sexton of the Irishtown church. I remember the night of June 28. I was at the church and lit the lights; remained while the meeting was going on. After meeting I went home. I got home at eleven o'clock. I live about two miles from the church. I walked home. John Millman and his wife (prisoner's parents) were at church that evening. They left the church the same time I did; they had a wagon. I saw them going. The meeting got out about twenty-five minutes past ten. It is about a mile from the church to John Millman's. Minister Reagh, John Paynter and I looked at our watches before the meeting was out. I saw William Millman at church the Sunday before the murder. We were talking about Mary Tuplin. I told him I did not know anything about Mary, but when he asked me the second time I told him I heard some talk about her. He asked me if I knew whether the talk was true and said he would like to see the girl. I told him to go up and see her. He said he was ashamed and did not like to go. I said Tuplin would say nothing to him. I told him my wife and I were going to see the sick boy that evening, and he could go with us. He then said if I would tell Mary to come to the gate he would go up, and I said I would. He told me, in the church, not to let on we were talking about the matter, and I said I would not. My wife and I went to Tuplin's house that evening. Before we went Millman came to our house along with John Nathaniel Evans. He had no business at my place so far as I knew. He never came before to my house that I saw, for seven or eight years. When I saw him coming I thought it had something to do with going to Tuplin's. When I started to Tuplin's he went out on the road. I saw Mary Tuplin when I got to Tuplin's in her father's house, and told my wife to tell Mary Tuplin William Millman wanted to see her, and Mary went out to where my wife was. I met Millman again that evening, and I thought John Nathaniel Evans was with him, between John Tuplin's and William Underhills. When he met me he asked me if I told Mary Tuplin. I told him my wife did. We had no more conversation and I went home. On Tuesday, the 28th of June, I was working at John Paynter's and went to Irishtown church in the evening. I saw him on Wednesday, on the Millman Road, close to Millman's house. I went to see him about the Tuplin girl. I thought Millman had been with the girl, when Tuplin came to my house and told the girl was missing. When we met we sat down on the side of the road and stayed there for twenty minutes. I asked him was he up round the road last night, and he said he was not. I then asked him where he was and he said he was down swimming, that he went down in the evening before sundown. He said he came up in the evening and lay round the road till bedtime. He said he was in bed when they came home from the meeting. I told him John Tuplin was at my place that morning and threatened to law me, and that Tuplin was blaming him (Millman) for having something to do with Mary, and blaming me for talking to Millman about her. I told him if he knew anything, to tell me and I would tell Tuplin. He said he had not seen her on Tuesday night. He told me he had met Mary Tuplin on Sunday evening. I asked him what she said to him, and he said she told him she did not blame him for the child. He did not seem surprised when I told him the girl was missing. When I was under arrest with Millman, he spoke about the murder and said it was an awful affair we got into, and I told him to read his bible and pray. I was at Thomas Millmans the day the body was found. William Millman was in Charlottetown. I saw them finding the body, and I went up to Thomas Millman's. I saw William Millman that evening, he was coming from Charlottetown. I had a conversation with him that morning. I told him if he would go up about Kensington he would be arrested, for they had found a handkerchief. He said it was only a fraud. I had a conversation with Millman in May on Thomas Millman's farm. He said he had been over to Margate Road one Sunday and saw a woman whom he thought was Mary Tuplin and tried to overtake her but could not.

Cross-examined by Mr. Hodgson. I got home from the Irishtown meeting about 11 o'clock. Mr. Reagh said my watch was a good one. Tuplin had not seen Millman the day before the murder before I saw Millman. Millman said he was in bed when they came home from the meeting.

MARGARET BRYENTON (sworn). Examined by the Attorney-General. I am the wife of Thomas Bryenton. I know the prisoner and was slightly acquainted with Mary Tuplin. I saw Millman at our place on the Sunday before the murder. He used not to call at our place much. He did not ask for anything. I saw my husband and Millman going to the barn. I do not know what their business was. We were going to John Tuplins. We got to Tuplins between sundown and dark. I saw Mary Tuplin that evening at her father's house. I told her William Millman wanted to see her at the gate that night, my husband told me. That was about dark. When we were going home we met two men near Tuplin's gate. Some one called my husband as we were going home, near Tuplin's. He told me it was William Millman. It was between nine and ten o'clock when we got home. My husband was at church on Tuesday evening, he left home before sundown and returned at five minutes to o'clock. I was examined before the magistrates. (Depositions shown). That is my signature. We live about two miles from the church. My husband walked home from the church.

Cross-examined by Mr. Hodgson. I told Mary Tuplin in the hall down stairs, Millman wanted to see her, and I left there about half an hour afterwards. I did not see her after that, nor hear her go out. We live a mile from Tuplin's, and two miles from the church.

SATURDAY, Jan. 28.

EDWARD WARREN, (sworn.) Examined by the Attorney General. I live at the head of South-west River. I have mills there. (Pointed out place on the map.) I know most of the country round there; I have lived there about 20 years. I know where South Creek is. I remember the 28th June, when Mary Tuplin was lost. I was home in my own house. I went out just before going to bed, about 10 o'clock, and I heard a shot; it was a sharp loud sound. I supposed, at the time, the sound came from the South Creek. I heard it just as I stepped out. I don't suppose I could hear the shot in the house. I remained out only a short time. I returned and wound the clock, and it was, as near as I can remember, just 10 o'clock. I know the prisoner, I saw him the following day at Kensington, in the evening; I had a conversation with him. He asked me if I heard Mary Tuplin was found, and remarked that it was strange where she could go. He said he met her father who said he did not expect to see her alive, and that Tuplin accused him (Millman) of making away with her. He said he was home all that evening except when he went to the river to bathe, and went back home, and was not the man the boys saw in the woods. His face colored when he spoke those words.

JOHNSTON MANN, (sworn)—Examined by the Attorney General.—I know Millman, I was speaking to him the Friday before the murder; he was going down the road towards the sea shore. John Nathaniel Evans and James McLellan were with him. As we were going along the road, there was a revolver fired; I saw smoke. Millman was on the right of the crowd. I jumped round, being a little frightened, and John Nathaniel Evans laughed. I then knew it was Millman fired when I saw him going through the smoke. Evans asked Millman if he had got cartridges, and Millman said he had got some at Summerside, as he could not get any at Kensington. He said he put a ball through a three inch plank and into a tree. I said it must be a good revolver. I stopped at Ready's forge, and they went along. I know Millman weill, and went to school with him.

ALEX. MCKAY, (sworn.) — Examined by Mr. Peters.—I live at Clinton, New London. I am the constable who arrested Millman. I searched for Mary Tuplin on Saturday, with Thomas Cameron and Donald Cameron. We saw three other men near the shore, and one of them picking up a piece of cotton or something, this man was William England. When we came to this place, Thomas Cameron picked up what he saw the other man drop, it was a handkerchief. (Handkerchief shown.) That is the one. There is about three feet between the edge of the marsh and the water. This place I thought to be more clay than sand, and appeared to retain a track quite plain. Outside this space, there was scarcely any chance to see tracks. I saw two tracks on the shore inside the water's edge, both right foot tracks. I measured them with two pieces of sticks. (Sticks shown.)—those are the sticks. [Described the measurements, showed, by notches on the sticks, the length of the half-sole and heel, and also the width of the track. Applied the stick to the half-soled boot and the measurements all corresponded. The jury examined those measurements. Witness here applied his rule to the measurements: length, measure 9¾, half sole 6¼; width 3¼; heel about 2¼.] I saw no other tracks. (Measured longest stick: length 10½; heel 2½; width between 2¾ and 3¼.) I am slightly acquainted with Frank Power. I got a pistol from him about the middle of August. The name "Alexis" was on the long barrel, it was numbered 6278 under the stock. (Pistol shown, number and name correspond exactly.) There were three full cartridges and two empty ones in it when I got it. (Pistol taken a-part and found to be as stated.) I gave the pistol to detective Power. The letter "H," was found to be on the butt of the cartridge, on the fifth it was scarcely visible. I have no doubt this is the pistol I got from Frank Power. I arrested Millman at his father's house the day after Mary was found. I took him to town. I cautioned him to make no remarks to me. On the way to town he said he was not guilty, but he guessed before the trial would be over, the guilty party would be found out. He said, that on the Sunday evening before Mary was lost, Muttart need not think that he (Millman) was trying to hide his face from him when he had his handkerchief to his face, for his nose was bleeding.

RICHARD READY, (sworn). Examined by the Attorney-General. I live in Irishtown. I know the prisoner well, but I did not know Mary Tuplin. I remember the time she was missed. I remember seeing Millman at my place on the evening of the 30th of June. I saw him coming in a wagon. Patrick A. Power was with him. Millman went in. He said this was a great scrape that is got up now. I said "What is that." He said one of John Tuplin's girls went away on Tuesday night and they blame me for knowing something about her. He then told me he was told if he got a person to take an affidavit that he had been with him all that night it would clear him. I told him I would be fined fifty dollars if I would take such an affidavit. He then asked me what I would advise him to do, would I advise him to take Power to Tuplin's, and I said I would not advise him.

Cross-examined by Mr. Hodgson. I remember the time the girl was missed. I was one of the magistrates. I took no part in the search. On the Sunday evening after the murder I was on the Mud Road. John Campbell was with me. He asked me if I noticed a smell and I said I did not. We then went to search for the place where the smell came from. He saw a dark spot, it did not look like blood. The spot was covered with flies. I supposed it was some dead animal had been. I saw where a big top of a tree had been thrown to one side.

To the Attorney-General. I had no idea it was blood. I thought it was some dead animal and I still think so.

BENJAMIN BRYENTON, Sr., (sworn). Examined by Mr. McNeill. I live in Burlington, about a mile and a half from the head of the Southwest river. I remember the time Mary Tuplin was missing. I took part in the search on Sunday and Monday. I was down also on Thursday night after the murder, about half past nine. I went down to the part of the river near the mud road to search along the shore. I remained there till between twelve and one o'clock. I smoke and lit my pipe that night. I was on the water in John Cousins' boat; her line was fastened to the shore. I heard a splash after I lit my pipe. I thought it was a fish or a muskrat. It was a nice clear night; the moon was shining. I could see out fifty yards. There was no other boat there. I heard afterwards there were two men on the opposite shore.

Cross-examined by Mr. Hodgson. I went to my brother-in-law's place, James Hillman's, about dusk on the Tuesday evening of the murder, and returned home about 10 o'clock.

ALEXANDER MCKAY, (re-called). To Mr. Hodgson. I arrested Millman, he was at his father's house. He did not attempt to escape.

AFTER RECESS.

JABEZ TUPLIN, (re-called). Examined by Mr. Peters. I was engaged in the search in the woods, with about fourteen or fifteen men. We noticed a smell near the mud road. After all left except James Beatley and I, we searched there until we found a rabbit's head covered up in the turf and leaves. This was about five yards from the mud road. There was an awful smell from it, we examined it with sticks.

CAPTAIN WRIGHT, R. N., (sworn). Examined by Mr. Peters. I am a Staff-Commander in Her Majesty's Navy. I have a knowledge of firearms; it is a part of my profession. (Chambers of revolver examined and compared with bullets taken from the head of the murdered girl). This bullet, said he, judging from the base of it, would fit this pistol and I have no doubt it could be fired from it. The base of this bullet seems to be the exact size of the ring on the flattened bullet. There are apparently three concentric rings on the base of this bullet. (The jurymen examined these bullets and noted the explanations made). (The pistol produced at the Magistrate's court as belonging to Millman was here shown). Captain Wright compared the chambers with the bullets and said these bullets could, by no means, be fired from that pistol latterly shown.

THOMAS COLSON, (sworn). Examined by the Attorney-General. I know the prisoner. I was in Summerside the 18th of June. I saw the prisoner, William Millman, that day. Joseph Schurman, who was in Summerside with me, saw Millman and me together. Millman and I went to Daniel Noonan's, and Millman took a bottle of whiskey from there; he stole it. I parted with Millman about four o'clock in Summerside.

Cross-examined by Mr. Hodgson. I drank some whiskey that day in Summerside. Schurman had no whiskey. We had some brandy in the wagon. We had about a glass apiece before we left Summerside and we took three pints with us, and we had two pints left when we got home. We got to Summerside about one o'clock, and left there about four o'clock.

To the Attorney-General. We were quite sober when we were in Summerside.

JOSEPH SCHURMAN, (sworn). Examined by the Attorney-General. I live at French River. I was in Summerside last summer about the 18th of June; it was Saturday. Tho's. Colson was with me. We got to Summerside about noon, and left there near five. I saw Millman in Summerside that day; Colson told me it was Will Millman. I had seen him before and knew his face, but could not call him by name. I saw him in a shop; I think it was David Rogers'. He was standing at the counter and there was a clerk behind the counter and cartridges were between them. He had on a dark suit and a brown straw hat. I afterwards saw him with Colson in the afternoon.

To the Judge. The prisoner is the same man.

To the Attorney-General. Mr. Rogers himself was not at the counter in attendance as Millman.

BENJAMIN BRYENTON, Jr., (sworn). Examined by Mr. Peters. My father's name is Benjamin Bryenton, and lives at Burlington. I worked at Coleman, Lot 9, during last summer. I was home last winter. I went to Coleman on the 22nd of June just, before the murder. I am slightly acquainted with the Millmans, and I know John Tuplin. I know Mary Tuplin. I know the three Power boys, and have known them about a year. I traded a revolver with Frank Power last April. I had had it about two months before. It was a 32 calibre revolver and had a black handle with carving; the name "Alexis" was marked on the end of the barrel. There was a number on it but I don't know what it was. (Revolver shown). That revolver is exactly like the one I had. I got it from Russel Adams. When I see that number, I come to remember that my revolver was numbered in the same place. (Witness here produced cartridges such as he had given Power with the revolver). I traded the revolver with Power for a watch. The cartridges were the same size as the revolver bore, but were a different color from those found in the revolver. One had the letter "G," and the other the letter "H."

DANIEL READY (sworn.) Examined by the Attorney General. I know the prisoner, and have known him nearly all my life. I went to school with him. I remember the time Mary Tuplin was lost. I saw the prisoner going into Thomas Power's house, on Monday, the 4th of July, the day Mary Tuplin was found. I afterwards saw him coming out of the same house, and spoke to him. It was then near dark. He got into the wagon with me, and he said it was a bad job about Mary Tuplin. I said I heard he was blamed for it. He said he could prove he was in the house on that night, and that he heard a splash and saw a light. He said he found it hard to remain in jail until winter to stand his trial. I told him it would be well for him if he got off with that. He asked me if I thought he could get bail, and I told him I did not think he could. He said Capt. Walsh had got bail, and I told him he was charged with a greater crime than Walsh was. He said he had not slept for some nights. I told him the body was found and they were holding the inquest on the other side of the river. He said he believed they were. He also told me he expected to be arrested before morning.

JAMES READY (sworn). Examined by Mr. Peters. I live at Irishtown. I know William Millman. I know John Tuplin but was not acquainted with Mary Tuplin. I did not hear of her being lost until the Friday following her disappearance. I was at the river the day Mary Tuplin was found. I left home after breakfast. The body was found when I arrived at the shore. I crossed the river in a boat. The body was on Hiram Thompson's point. Wm. Millman was not there nor any of his family. When I got to the shore and saw the body there were boots on the girl's feet. (Stone examined). That is the stone that was delivered to me the night of the inquest. The inquest was held on Thompson's point. It was held in the night time. (The rope shown.) That is the rope. There is no doubt about it or the stone.

FRANCIS POWER (sworn). Examined by Mr. Peters. I live at Long River. I know William Millman about four years as a neighbor boy. I owned a revolver. I got it from a young fellow named Benjamin Bryenton in trade for a watch. I got two cartridges with it. I fired one shot out of it in Bryenton's presence when I got the revolver from him and I fired the other in the presence of a man named Larkins. I fired another cartridge afterwards that I got from a man named McLeod. The revolver had a black handle and it was carved and had the name "Alexis" on the barrel. It took a 32 cartridge. (Revolver shown). That is the revolver; I have no doubt at all about it. I kept the revolver till about the middle of May, when Millman, the prisoner, got it from me. He asked what I would take for it and I told him I would take three and a half or four dollars for it, and no less. He said to me: "Let me have the revolver, I have no money but I will see about buying it afterwards, I want to shoot a dog of William Campbell's." I gave it to him and he took it away. There were no cartridges in the revolver then. I next saw that revolver on Thursday, June 30th, when Millman took it out of his pocket back of our house. He told me to tell no one he had the revolver. He came to the window when I was finishing my dinner, and beckoned to me to come out, when he gave me the revolver and told me to tell no one he had it, and to come and do the road work, as he wanted his share of the money, for he was going to Town to writ John Tuplin for his character, and to fee E. J. Hodgson, for of nine crminals he (Hodgson) had cleared seven. Revolver was at half-cock, and I told him that was no way to carry a revolver. He said there were three chambers full and two fired. I put the revolver in my coat pocket and left it there till the day after the body was found, when I examined the revolver and found it just as he told me, three cartridges full and two fired; at this time the girl had been found, and I heard there was two bullets in her head. When I examined the revolver, I found two empty cartridges side by side. I put the cartridges back in the revolver and put it in a paper bag and put it in the box of a sleigh in the barn. I left it there until detective Power got it from me. Alex. McKay, the constable, was present when detective Power got the revolver. When Millman gave the revolver back to me it was a kind of damp, and while it was in the sleigh it got rusty. On the Monday evening before the murder, June 27, I asked Millman if he was going to buy the revolver, and he said not, for he couldn't spare the money. He said to leave it with him till after Tuesday night, as John Nathaniel Evans and he were going on a racket, and after Tuesday night he would want it no longer. I told him he could have it till then. He told me he had the revolver in his possession then; he then said he must go home and get a good night's sleep, as they were going away next night. When I got the revolver back on Thursday, after the murder, from Millman, it was in good working order. Millman came to our place on Thursday morning the 30th of June, about 8 or 9 o'clock. My brother and I went to fence on the back of the farm. While we were fencing, Millman and my brother Patrick were talking near by. He staid there till half-past 10 o'clock. He then started for home, and he came back at dinner time the same day; that was the time he gave me the revolver. We then went and did the road work. When we were working at the road, I heard my brother Thomas ask Millman if he heard Mary Tuplin was found, and he said he did not. He said perhaps she had gone down East, like her other sister, who was away five or six weeks without knowing where she was. A very strange thing took place the other night he said. Two fellows went to John Tuplin's and took the gate off the hinges, and when they got to the house they asked for Mary Tuplin, and when Jabez Tuplin went for a light, they went away. My brother Thomas asked him how he knew this: he said George Henderson told James Evans, and James Evans told him. My brother Thomas then told Millman we