

self clear of a child once with your help, Mr. Palmer. I said there was not one word of truth in this. I did not pay up on that case to get clear of perjury. I have been a witness two or three times in my life. I did not hear Judge Wilcox tell a jury not to believe one word of my evidence. I did not swear at Moncton that I saw the hatchet in the bar. He did not manufacture that story since then, but thought he told it to Dr. Tuck and Edward Smith. He did not act in concert with Sheriff Botsford to hunt up McCarthy; his memory was middling good; he was a constable. If he had been instructed by the sheriff he would remember it. After questioning the witness as to the power of his memory, Mr. Palmer made the witness repeat, word for word, his conversation with Mrs. Osborne and Eliza relative to McCarthy's disappearance. This being done, so far as the witness could remember, he was further interrogated as to the day and date of its occurrence and as to what Eliza said at that time. Mr. Palmer read from his deposition at Moncton to show that the witness then swore that Eliza said McCarthy left the Waverly House at 12 o'clock, and asked the witness how it was that he left Eliza's name totally out of his story. To-day, he said, he told all he remembered of it. That Mrs. Osborne did talk about ten minutes, but he could not remember more of their conversation. He did not remember that the Riley girls' names were introduced in that conversation, and did not know that they were gay girls. He might have said so at Moncton and forgotten it since but, if he swore to it, it must be true. He never had another conversation with the Osborne about McCarthy being there about 12 o'clock at night. He would swear that Eliza told him that once. He would not swear that she said so twice and never swore to it that she did. Mr. Palmer here read from witness' deposition at Moncton that "Eliza told me as much as twice" and asked him if he swore to that. Witness replied that it might be so, but intimated that it was a clerical error in taking down his evidence. Being asked how often Mrs. Osborne told him that McCarthy was there till near 12 o'clock, he said he knew she said so once or twice; they might have said either at 12 o'clock or about 12 o'clock. He didn't know which. Mr. Palmer having read over nearly all of Nickerson's evidence as given at Moncton, the witness said "I was erroneously taken down, for he did not then swear he was suspicious of the Riley girls. Mr. Palmer reading further that "it struck me as a suspicious circumstance that they left." Witness denied using these words exactly. He did not know the girls. Never said to Chesley Tait or E. J. Smith that McCarthy said if his wife followed him she would have the dampest chase she ever had. He was asked at Moncton if he ever was charged with stealing and then replied something about logs. He did not decline to answer the question as he did not state at Moncton that he had only one conversation with the Osbornes as erroneously put down by the magistrates. Being asked why he did not tell this second conversation with the witness could give no satisfactory reply nor could he tell why he had kept the hatchet story back till now. It was the same with the flour barrel story. Mr. Palmer then read Nickerson's deposition made at the inquest comparing it with his evidence to-day, and questioning witness about the discrepancies, several of which witness admitted to errors made by the clerk in taking it down. He finally swore positively, after about ten hours cross-examination on this point, that he told the sheriff the conversation with Mrs. Osborne before the examination at Moncton. The sheriff had never instructed him to report all he knew from time to time, nor did witness promise to do so.

He was still on the stand when the court adjourned at six o'clock.

DORCHESTER, Aug. 3.

JOHN A. NICKERSON.

The cross-examination of John A. Nickerson was resumed when the court opened at 10 o'clock. [Hatchet produced in Court.] I cannot identify this as the one I saw in Osborne's bar. I cannot say at what date, whether before or after Oct. 12th, I saw a hatchet in the bar room of the Waverly House. I think I saw it more than once, but will not swear positively that I saw it twice. I could not say positively how long before the Osbornes left that I saw the hatchet. It might have been a week before, or it might have been a day before, or it might have been the end of August. The first time I was in the house was the day they were fitting up the bar. I did not see a carpenter working about there that day. It might have been any of the times I was in that I saw the hatchet. That is the best evidence I can give about the hatchet. I do not know that I swore to Dr. Tuck that it was before October 12th, that I saw the hatchet in the log room. I will not now swear that it was on the head of a cask that I saw it. I did not tell Dr. Tuck so, positively, but I think it was. I live on the Dorchester road; it is harder for me to cross the railway bridge in coming into Shelidae. John Casey lives near me in the settlement. We take the road leading from the railway to Edward Smith's mill. It is a mile and three-quarters shorter to Casey's by the railroad; and by cutting through my fields it is nearly half a mile less than by the post road. I have seen men, women and children walking over the track over the railway bridge. I killed logs this spring, just under the bridge, for 16 days for Edward Smith, during which time I saw men, women and children passing over the bridge with no appearance of concern as far as I saw. I never saw a dog pass over the bridge. I know John Casey who lives about half a mile from me. I have often seen him at the station in Shelidae over night and home the next day. I have seen him when he was intoxicated at the station. To get home he must have walked over the railway bridge after dark, though I never saw him there after dark.

Re-examined by Hon. Mr. Hamilton.—I never saw a body walking over the bridge

after dark. Casey has a good farm, keeps several horses and lends money.

Mr. Palmer asked if he was any better off than McCarthy, to which Mr. Hamilton responded that they had not got McCarthy on the bridge yet except in imagination.

To Mr. Palmer.—I saw Farmer Atkinson present when McCarthy's body was lying on the shore. I am positive how the coats were buttoned. The top button of the rubber coat was open; the two next lower ones were fastened. I unbuttoned the coats to examine the body, as ordered by the coroner, and re-buttoned the coats when done. I am sure I buttoned them all exactly as I found them. The buttoning was not done in the presence of the coroner, but the buttoning was. The buttoning might have been altered from that time till the body was put in the dead house. The body was carried in a wagon; but we stopped on the road to let some parties see the body.

[NOTE.—The witness' description of the way the rubber coat was buttoned is directly contrary to the statement of several witnesses, though corroborated by at least one witness.]

I will not swear the rubber coat was not buttoned to one button of cloth overcoat; but will swear it was not so when I first handled the body. I could see the neck-tie and the shirt on both sides of it.

MRS. ELIZABETH ATKINSON.

Wife of farmer Atkinson, was the next witness. She deposed to living on the Seadown. I have lived there 29 years, and am 65 years old. I was home on the night of October 12th, and remember the date because the men were thrashing and because my son returned about that time. [This portion of witness' testimony was here given as at the inquest in Shelidae.] That night about 12 o'clock I heard a carriage drive along. I thought in our lane. The wind was blowing from the North East. The night was very dark and rainy. My grand-daughter and I were sitting in the kitchen when we heard the noise. We had a candle. That was the only light in the house and the blinds of the three windows in the kitchen were down. These windows could not easily be seen from the corner of the lane and the high-way. The kitchen is a kind of ell to the main house and is not flush with it in front. It lies to the south of the house, facing towards the railway bridge. To see our light that night one would have to come up pretty close to the house. My grand-daughter opened the door when the noise appeared to come handy to the platform at the end of the kitchen. I also got up and went to the door, but saw no wagon. There is a gateway east of our barn, the gate of which lifts up, but does not swing. I am pretty sure the gate was down that night, but did not look the next morning to see. As soon as my daughter opened the door there was nothing to see or hear. The carriage house is quite close to the west side of this gateway. We went to bed some time after that. We listened for a little while at the open door to hear if a carriage had turned, but heard nothing. I never heard a carriage drive up there so late at night. I did not examine the field the next day for tracks. The wagon was being driven very fast. My son returned from Buctouche on the Sunday evening following. Thought it was him when I heard the wagon.

Cross-examined by Mr. Palmer.—The counsel drew a rough diagram of the farm house and examined witness relative to the location of the windows, and the distance lights could be seen therefrom.

If the lights in the kitchen had been bright it might have been seen a long distance down the lane. We were sitting up waiting for my son. It was some time after 12 o'clock; fully an hour after. I told my people about the wagon in the morning, but did not attach any importance to it till I heard McCarthy was missing. I can fix the day because my husband and some Frenchmen were thrashing grain that day. I am pretty sure the gate was down that day, as I went around the barn through it several times. I can swear the gate was down. It was a dark, rainy night with high wind. We have trees in the vicinity of our house. I did not pay attention to the noise of the wind moving the branches. When my daughter opened the door she said "there is no wagon here." I said: "that is strange; it is some one driving up in the lane and going back, we will hear the roll of the wheels going back." We listened but could hear nothing. When I first heard the sound it was pretty close up to the house. It might have been in the field. If it was 60 yards away and a noisy running wagon we might have heard it. It would have been heard further off on a hard road. If it might have been 60 yards off on the field and I could have heard it; it might have been heard double that distance on a hard road. The wind was blowing from the house towards the railway bridge. We had about three dogs at that time, which were shut up that night, six, in the back porch. They made no noise that night. It is a rare thing for them to bark when people drive up at night. They are not savage dogs; run after wagons but do not bark at them. I can't say they walked up one night because our horses kicked in the barn.

EDWARD A. WELSH.

Sworn: I am a farmer and trader in the parish of Botsford. I was at the Waverly House in October last, on the 8th, with a man named Taylor, and on the 10th with Mr. Harrison. I spoke to Harry Osborne, and asked him what all his horse. He said he got hurt. He was wearing a rubber shoe on one foot and a leather boot or shoe on the other.

Cross-examined by Mr. Palmer.—I first told this about a week or ten days ago in my own house. Dr. Harrison was in with me. We were in the bar, I think, or the kitchen or hall; cannot tell the exact place. I will swear positively to the conversation. I do not say Harrison was present when that conversation took place. I was in Shelidae two days while the inquest was going on, and said nothing about this matter. Am very sorry it is known now.

ROBERT C. ATKINSON.

better known in this case as "Farmer Atkinson," was the next witness. He testified: It is 45 or 50 rods from my house to the road. My house fronts the north, and the kitchen faces the south. The wood house, over 80 ft. long extends west from the kitchen. The big barn comes next, with the gable ends to the south and north. It is 98 feet long.

[NOTE.—The dwelling house, woodhouse, outbuildings and barns form three sides of a hollow square, with the open side towards the end of the lane, where the gates leading from the end of the lane into the field are situated. There is also a small pair of barn between the barns, leading into the field, but these are set down.]

We finished thrashing on the night of Friday, October 12th. It was about midnight when we got done and went into the house. We had a cup of tea and a lunch. It was the best part of an hour before I went to bed, leaving the rest of the folk still up. I did not hear any unusual noise that night. There is no fence in my field, north of the railway down till you come to the creek, 15 rods north of the barn. The only fences in that space are those about my lane, garden and barn. Last year potatoes were planted below the barn. That place is now in oats.

[Witness here described how that part of his farm through which the tracks were seen was planted last year, also how it was cropped this season. The condition of the fence along the highway was likewise described, witness showing where it was taken down to let a winter road pass through.]

I saw wagon tracks last October in my field, going towards the river. They were the tracks of a wagon going into my field from the highway and out, passing out again. I did not know how they were made. I never saw any wagons being there, but had heard so. I found the bars down and left them so, as it was raining and I was in a hurry. The water-fence on my front was built this spring. The boom came there about three weeks ago. There were two poles in the gap on the bank west where the teams went down. There were three then now. It strikes my mind very forcibly my gate was down the night of October 12th, but I will not swear it was. We had three dogs then; two old ones and a pup. They were shut up that night in the wood-house. The lights in our kitchen face the main road. It was a small candle, and in my opinion you would have to be looking for it from the main road to see it.

Cross-examined by Mr. Palmer.—The highway was the best place to see our kitchen lights from, if not too far off. I have tried it myself and could not see a candle light from the road, but could see a bright lamp. I recollect saying at the Moncton examination that my dogs barked considerably. They are more noisy in the main road than around the yard these three dogs. I do not think I said at Moncton that I kept several cross dogs in October. We have always kept watch dogs. Did not commonly fasten them up. I saw McCarthy's body when brought ashore before John A. Nickerson arrived. His rubber coat was buttoned by one button-hole into the button of the cloth coat. I took particular notice of it and cannot possibly be mistaken. It was the left hand side of the rubber coat that was buttoned to the right side of the cloth coat. [Cost produced in court and laid out on the floor, when witness pointed out how it was buttoned when he saw it.] Nickerson had not touched the coat up to this time. The skirts of the rubber coat were loose and had flapped back. One side of the rubber coat was loose. Nickerson got into the pockets before the Coroner came, but checked himself and put it in the pocket. I do not think Nickerson unfastened a single button till the Coroner came, but he took things out of the pockets and put them back again without touching the buttons.

After recess the cross-examination of farmer Atkinson was resumed. I did not think the third joint of my fence, from the lane, had ever been pulled as sworn to by Coroner Hamilton. The stakes are looser than in other places because the clay is nearer the surface. That joint never was moved and I have examined it carefully. It looks just as I put it up five years ago. The bars between my two barns were up on October 12th. The gate from the lane to the field was down nearly all fall. The cross-examination this afternoon was, for the most part, devoted to ascertaining how often witnesses had driven over the field and how the tracks were made.

The re-examination by Mr. Hamilton travelled over the same ground. Owing, perhaps, to the east wind or the muggy weather, Mr. Hamilton and Mr. Palmer were in a more than usually antagonistic mood and indulged in frequent encounters during the afternoon. Both gentlemen occasionally referred to their early experience in farm labor in connection with the condition of the fence at the point where Coroner Hamilton said it showed marks of having been taken down, and which the witness Atkinson contradicted.

The judge said, at the close of one of these outbursts, that Mr. Hamilton was fighting shadows two-thirds of the time.

Dr. Tuck, who takes no part in these encounters, seems to enjoy them as much as any of the spectators.

The witness told the jury that his wagon did not track exactly fair as the forward axle was an inch wider than the hind one.

Annie Parker came into court about four o'clock arranged in a new suit of light material, in presence of which she had been engaged for some days.

WM. F. WARMAN.

E. J. Smith's foreman was the next witness. He said: I live three miles from the station at Shelidae and have been in the lumber business there for 18 years. I know the Seadown river pretty well. I remember the storm of the 12th of last October because the tide was so high it could not start Smith's mill that forenoon. The storm did not interfere with the mill after that day. There were scattered logs strewn along the shore from the railway bridge down to the Seadown bridge and there

were five or six rafts below Atkinson's. The first raft I found that morning was at Atkinson's northern line. By scattered logs I mean one or two ten or twenty logs not rafted. There were logs above the railway bridge held there by the boom. The river was full nearly all way across at the bridge. They ran the rafts up there that morning that were below Atkinson's. We ran them in through the trip boom. I went down the river on the next working day. I am not sure if the big storm was on the 12th or 13th. I left home about 1 o'clock with my horse and wagon and drove down to Atkinson's. A gang of men preceded me. I overtook them at Atkinson's brook, above the snow fence. There are bars there at the road-side. The bars were down. That was our usual place for going to the river at that point. It was just getting light. I saw a wagon track had come from Shelidae, turned in those bars came out again, and turned back towards Shelidae. The bars were pulled out of the post, but lay where the wagon had to drive over them. It was a fresh track, that must have been made that morning. I did not then measure or follow the track. That was the first time I had found those bars down. After that I went on down the road to Atkinson's for some poles going in his lane, and down to the shore near the place where Annie Parker says Harry drove McCarthy's body. I did not remember the condition of the old logs at this point. I should not attempt to go down that bank anywhere near there with a horse and wagon. I got my poles and went back to the mill. About nine or ten o'clock I again came down. On the second occasion I walked down the shore and logs to the quarry near the railway bridge. From there I took some rafts up to the mill. That afternoon I walked down to the place at the bars where I saw the track in the morning. I went towards the river, but did not follow the track more than half way to the river. The track was on a ridge, as far as I followed the ridge the track was visible. It would have led to an old brow cut out for rolling logs into the river. The channel there runs in immediately under the shore. There was a little space there of the water clear of logs for about 30 feet; out there was open water to the rafts. That was all I know about the track. The gate at farmer Atkinson's, that morning, was shut. I remember it distinctly as I had to lift it. It was open for some time. I went to count some logs. When at the hill, on the highway road, 100 yards to the north of the railroad, I saw a wagon without a horse with a boy laying in the seat in the ditch. I think he had on a homespun coat, grey pants, a shoe on one foot and a rubber shoe on the other. I passed within three feet of the boy's legs as he drove by. I supposed the boy to be 14 or 16 years. I did not know Harry Osborne then. I do not think it was the prisoner who was in the wagon. It was an old weather-beaten wagon with rungs in the back. I had never seen it before; travel up and down the road about three times a week. There are few families living along the road. I saw a horse in the field going towards the river just after I saw the wagon. The fence was down at the time and the horse had just got through into the field. The man who was leading the horse was hidden from my view by the horse. If the horse went to the river in the direction it was moving, it would hit the river just at the point where the wagon track led; that I saw the day before. I asked the boy, as he drove by, if he wanted to trade horses, but I did not catch the boy's answer. The horse had just got through into the field. I do not think I could not tell if the horse was black or dirty brown. The wagon was facing from Shelidae. The horse had a harness on it. I have never seen the man or horse before but it was none of the Atkinson's. I went on to Shelidae and when I came back the fence was up and the boy, horse and wagon were gone. I have only been down the river three or four times since that. Dead dogs are considerable nuisance on the river. I saw one black haired dog in a state of putrefaction with the hair falling off. I saw the dog first above and then below the railway bridge. Some of the hairs on the dog were about an inch and some two inches long.

Cross-examined by Mr. Palmer.—There was a log fence which the wagon making the track I saw in the field would have to pass, before going to the river. I think it would take the prisoner, Harry, some time to make a way for the wagon to the river. On the morning I went to the river, at Farmer Atkinson's, the bank showed no signs of tracks nor did the fence indicate having been infringed with. The remainder of the cross-examination consisted of questions about the nature of the tides, the position of the channels and the location of rafts in the river about the 12th of Oct., developing nothing already unpublished.

The court adjourned at 6 p.m. to meet on Monday at 10 a.m.

DORCHESTER, Aug. 5.

The Court opened at 10 o'clock.

DAVID D. WHITE.

clerk for E. J. Smith, of Shelidae, was the first witness. He was examined by Dr. Tuck. He remembered the big storm of Oct. 12th, when the tide was excessively high. He ran logs up under the bridge the next day. He went up and down the road to Smith's mill early in the morning of the 13th, but did not see the bars down that Warren spoke of coming down. He put his horse up at Atkinson's and went to the river, but saw no wagon tracks. The tide was very high. There were a few scattered logs along Atkinson's front. We put from 5,000 to 6,000 logs through the bridge that morning. There were logs at the old brow above the bridge. He could not say if there was any clear water between the logs and the shore. On Monday next, the 15th, he saw a wagon with a boy in it, early in the morning, standing on the road as previously described by Warman. It was a rough looking vehicle. He did not know the boy. The horse was in the field with a man leading it in a zigzag way. The man was stout built, about 5 ft. 10 in. high, banded up with over-

coat; dark complexioned with whiskers all around his face. He did not know him. Cain was gone when he returned from the mill. At the request of the prisoner's counsel, witness had measured from the water line to the channel every 5 feet at high water, from 10 ft. n. of James Atkinson's, at the place where Annie said Harry took the body down. He measured on to 140 feet from the shore where the water was 8 feet 7 inches deep.

Cross-examined by Mr. Palmer.—On the night of Oct. 12th, owing to the storm, the water was not deeper than when he measured it on Saturday, 27th July. Lots of stone and rope ought to be found in the river. On the morning of the 13th, when going up the river, he looked for the track where Mr. Smith turned off, but failed to find it, though Smith had driven into Atkinson's. The bars above the railroad might have been down and he not see them. Smith got rafts up the river that came from Tiddish. The French people on these rafts might have had stones on which to do their cooking, but he never saw them. He walked down the gap in the river bank back of Atkinson's on the 13th, but saw no tracks. He knew one of Atkinson's dogs. He had been much annoyed by the black one when driving by. The boy in the wagon was not Harry, nor was the man John Osborne. He measured the water at the cofferdam around the western pier of the bridge, a sketch of which witness gave to the court. He had seen a great many people cross the railway bridge. John Casey goes home that way sometimes. They walk over the railway track to Point du Chene. The bridge on that road is as far from Shelidae in one direction as the bridge across the Seadown is in the other.

To Dr. Tuck.—The sleepers of the bridge towards Point du Chene are laid as close as on the track. It is not a stringer bridge like that over the Seadown.

To the Court.—The mud on the flat of the river back of Atkinson's is quite soft.

JAMES FARRELL.

The witness was also examined at great length relative to the correctness of his memory and as to the discrepancies between his version of the conversations with Eliza Osborne and her mother, given at the inquest and that told here. I would not swear that Annie Parker did not tell me she saw another man murdered, in Moncton, in front of the Bank of Montreal, in Annie Parker told me so; I do not think she told me so; Holstead was trying to pump me, so I recollect quite well that I did not tell this; I talked with Holstead several times; I never told him that in February or any other time.

Re-examined by Mr. Hamilton.—Witness said: I have a distinct recollection of all the conversations I repeated to-day. Mr. Hamilton asked the witness if he had any feeling in this matter, to which he said he had none. Mr. Palmer objected to the question if he had withheld anything for the purpose of injuring any one, which was withdrawn.

that Eliza and Mrs. Osborne were up one Sunday afternoon, but saw no traces where Annie said. Eliza then spoke up and said, "My mother, there are bushes between the field and the river." Mrs. Osborne said Annie must have seen some place. Eliza spoke up "mother don't you recollect of Annie going out a Saturday afternoon to get a new dress and perhaps she went up there then?" Mrs. Osborne also wondered how Annie knew they had sent money away for a piano. On the evening witness arrested Dr. Campbell he had another conversation with the prisoner. Mrs. Osborne said if Campbell had some of her pluck they would get very little out of him. John Osborne said he knew that Campbell was arrested to prevent him giving evidence in their behalf, he being the only witness they had residing at their house. Witness told them the true reason of Campbell's arrest, but Mrs. Osborne said "if they convict us there will be others convicted too." Witness had visited the Seadown at all points in question in this trial. In consequence of what a Frenchman told him witness went with him down the river towards Atkinson's and saw him pick a rope out of the river which witness identified when produced in court. Edward Henderson, of the Moncton Times, was with him when the rope was found. The rope was colored red. He did not know if it was by blood or red mud.

Mr. Palmer is now cross-examining the witness who says he did not give the Moncton magistrates the benefit of what he had heard from the prisoners.

DORCHESTER, Aug. 5.

Mr. Palmer further cross-examined Policeman Foster as to his evidence at Shelidae and as to the knots on the rope. The real color of the rope I did not remember seeing after it was taken from the tree. I did not throw it into the tree because it was not the rope described by Annie Parker. I may have told the Osbornes that McCarthy could have been killed in their bar without their knowing it. I did not tell them that I believed the Parker girl and Dr. Campbell had done it. I don't recollect seeing Mr. Palmer in their room at the Wilbur House.

The witness was also examined at great length relative to the correctness of his memory and as to the discrepancies between his version of the conversations with Eliza Osborne and her mother, given at the inquest and that told here.

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DISCUSSION ABOUT CALLING A WITNESS.

Dr. Tuck here proposed to recall Edward Welch, when Mr. Palmer objected, as witness was lingering about the Court, and the Court held, it was about a fact the counsel knew before, the witness should not be recalled.

Dr. Tuck said he knew nothing about it when the witness was on the stand; it was about a conversation with the Osbornes. The Court said it was a dangerous step for the Crown to take.

Mr. Palmer said he objected to these hangings on being recalled. The evidence about conversations was something the prisoners could not possibly contradict as their mouths were correctly. Conversations were never related correctly and there was the danger of a man making a statement and then improving it. Dr. Tuck cited Hoscoe in support of his contention that it was within the discretion of the Judge, as to the recall of witnesses. Surely, if there was an important fact within the knowledge of Welch, and which he could prove, should the Crown be debarred from calling him? The Court understood that Welch was to be recalled to testify to another conversation; he had been examined as to a conversation, and having been off the stand for a day and a half it would be a dangerous step. In the exercise of his discretion His Honor would not allow the witnesses to be recalled.

FRANK GOVANG.

was called by Dr. Tuck and testified to finding the stone now in court in the Seadown, 8 days after the discovery of McCarthy's body; he raked the river in front of Atkinson's by direction of Coroner Hamilton.

In his cross-examination witness said he did not see the two lime marks on the stone; he examined the flat nearly up to the railway bridge but saw no other stones. The water was clear, recollect Osborne's bar-room but could not say if the west door was fastened.

Re-examined by Dr. Tuck.—Witness said he went into the bar-room, but never saw that door open. At Dr. Tuck's request the jury here examined the stone carefully.

ANNELEE LEGER.

a watchmaker of Shelidae, sworn and testified: In May last I examined McCarthy's watch by direction of the Coroner. It is a Waltham Watch, P. S. Bartlett movement; on examination found she was run down but could not tell the hour as the hands were rusted as if with powder; it might have run half an hour in water.

Cross-examined by Mr. Palmer.—The position of the hour hand indicated about half past one, but it was not joined to the pivot; the shell is joined to the chain by a soldered ring. [Chain and shell shown to the jury.] He did not put the shell on to the chain last October; none of the Osbornes came to him to get a ring to do it with.

Re-examined by Dr. Tuck.—The ring is not a split one; it is not light, but would be if it was soldered up.

EDWARD J. HENDERSON.

of Moncton, sworn: The witness, who was with Policeman Foster, when the rope was picked up in the Seadown, described the occurrence substantially, as given by Foster in his evidence to-day; he had a conversation with the Osbornes at Wilbur's Hotel, Moncton, on the night they were arrested; went in with James Gratian, and shook hands with them all; John Osborne said he did not know Annie Parker's last charge; I told him what it was, when Mr. Osborne said if they had gone up to his room they would have found the coat. Harry said it was not there then. Osborne went into a room and produced an old brown overcoat, saying, is this like a coat that was cut off at the sleeves. I replied in the negative. Gratian had gone out before John Osborne showed the coat.

Cross-examined by Mr. Palmer.—The rope could not have gone through an ordinary board on account of the knots. I do not know that the coat they produced was the one they got from Stephen McCarthy and not Tina's.

The court during the examination intimated that it was not necessary for the counsel to be so furious at the witness. His Honor thought the witness would answer just as well if Mr. Palmer was not quite so emphatic.

Mr. Palmer claimed that the witness evaded his questions by dragging in matter not pertinent thereto.

To the Court.—Annie Parker's statement had not been published up to the night of his conversation with the Osbornes. Adjourned.