SUPPLEMENT TO THE

CHIGNECTO POST.

THE M'CARTHY MURDER.

DORCHESTER, July 30.

McCarthy's neck-tie, about which so much fuss has been made, was found yesterday, in possession of Deputy Sheriff Sweeney, at Shediac.

The jury returned from Shediac by special train placed at their disposal by the courtesy Mr. Brydges. They seem much refreshed by their vacation.

When the court opened this morning Dr. Scott's cross-examination was resumed. He had examined the board cut out of the bar-room floor. The dark stain at the intersection of the counter and floor might have been caused by decomposition of vegetable matter; had not made a critical examination of the hall floor; when he first saw the body, he thought the rubber coat was buttoned to the great coat; the upper button of the rubber coat was not buttoned. Have no doubt that the upper part of front was open; body was guarded by constable and clothing was in the condition it came out of the water. Supposing the shirt front was put in water within and hour after the blood came on it the stain would now be visible. McCarthy's hair was not longer than two inches all off at back, but hair remained back of ears. He generally wore it short. In rolling a body from the tail of wagon over poles to the water, the stone would hang by the rope which might chafe the skin, but not cut through it. The stone was found a 100 yards from where Annie Parker said the body was put in; if the current floated the body and stone this great distance the rope must have chafed the neck. In shallow water on the flats, where Annie says the body was put in, it could not have laid during October without decomposing; heard Annie describe the mortifiser; morphia homeopathic pills would answer the description given by her; any drug could be put up in that way: citrate of magnesia would effervesce. [Mr. Palmer here read Annie's evidence at Moncton about scraping the counter] The witness said it was painted and showed no signs of scraping.

To a Juror—The Frenchman's wagon track would be 5 feet 3 inches between front, and 5 feet 3 inches between hind. wheels. The tire was an inch or over wide; could not say if this measurement was from the inside of the wheels or from outside to outside.

Re-examined by Hon. Mr. Hanington.—The morphia is the active principle of opium, which is a drug, you can easily buy brandy that would dissolve it; the sighth of a grain is the medicinal dose; a pinch of these granules put in brandy would produce stupor. Mr. Hanington asked the witness if these were an article of mer handise, when Mr. Palmer objected to investigating the state of homepathic morphia pills as another absurdity in a case full of absurdities. The matter was not pressed. Witness was further examined as to the physical appearance and medicinal effects of granular citrate of magnesia.

The gases of putrefaction causes blood to flow from any wound or from the nose and mouth. This is after rigidity ceases, which is 3 to 12 days after death, and depends on the temperature out of water. Under water there would not be much of that bleeding, owing to the pressure of the water, the body would commence to bleed, and if no blood had been previously lost the vessels would be full, and there would be a large flow of blood. If the body was then placed in a sitting position the blood would flow on the shirt front producing stains similar to those in front of McCarthy's. If the person had been drowned blood would not be flow when taken out of the water.

Mr. Palmer here said this was new ground involving another cross-examination.

The court said counsel would have full opportunity for cross-examination on all new matter and some of the re-examination.

Mr. Palmer thought it might have been embodied in the direct examination, while part of it rose out of the cross-examination.

Q. Can you tell us the time the stain on the shirt front was made; whether before or after putrefaction?

Objected to by Mr. Palmer. He said the case had been freely commented on by the press, and that almost every person had therefore formed some hypothesis. He thought if 40 doctors were called they would each give a different theory this question, he claimed, was only inviting Dr. Scott to build up a theory of his own, and was making the trial one by conjecture only. The court said if the witness could tell by medical knowledge the difference between blood stains made before or after putrefaction of the body, the question was a proper one, but not otherwise; even then it was necessary to inquire first whether the witness had made any tests.

Mr. Palmer agreed with this view.

Witness said, he had made no tests, nor could he state from medical knowledge when the blood had flowed on the shirt. Witness next gave the percentage of solubility of blood, and said that if the bleeding had taken place under water, it would require from two to five gallons of blood to produce a stain as large as on McCarthy's shirt, that is, if the blood had to flow through two inches of water.

To Mr. Palmer—He never saw a box six inches deep and four inches wide, of morphia pills; never saw such a big stock in a drug store that would nearly stock the province.

The remainder of the examination up to dinner hour was on the subject of the escape of blood in the several stages of putrefaction.

After dinner, Mr. Palmer's examination of Dr. Scott was resumed. Witness explained the process by which blood is forced from the body by putrefaction, and said he could not distinguish between blood given out by a body before or after putrefaction. He said over 50 per cent of a dried blood clot consisted of iron. A dissertation on colors followed, Mr. Palmer trying to gleam therefrom whether blue mixed with white would produce a reddish tint. Witness said he had recently experimented considerably with blood. Being asked the extent of his laboratory, he said it was 7 by 12 feet or thereabouts.

Purple necktie produced— Dr. Tuck said it never was in court before. Had been found by recent search.

Witness—There is red in that tie.

To Mr. Hanington—Blue is a primary color; winter would stop decomposition and hence the flow of blood.

To the Court—If a man, in falling, received an injury to the brain vessels and then fell into the water, bleeding would begin at once, but I think the water would soon arrest the progress of bleeding; I think that when decomposition set in, bleeding would be resumed. This closed Dr. Scott's evidence.

DR. ALEX. FLEMING

of Sackville, was sworn and examined by Dr. Tuck. Witness said he was a graduate of Glasgow and Harvard and had practiced six years. He spent most of the last summer at the past graduate course at Glasgow. He made a *post mortem* of McCarthy's body in company with Drs. Allison and Scott. The overcoat was so arranged as to cover the shirt front and most of the vest. He could not say how it was buttoned. Dr. Allison's description of the clothes was correct. He excluded their muddy condition from this as he did not pay marked attention to that. The outer skin was peeled off the body and the hair gone except a little at the back of the head. He saw a cut over the right eye which he believed was received after death. He gave his reasons therefor. Putrefaction externally had considerably advanced. Witness here detailed the method of performing the autopsy as described by the previous witness. The condition of the brain was minutely described also that of the lungs and other internal organs. There was a small clot over the left temple which might have resulted from rupture of a blood vessel caused by a blow. He considered that death was caused by the condition of the brain and upper part of the spinal cord.

Dr. Tuck here asked witness what caused this injury, to which Mr. Palmer objected unless witness based his answer simply on what he saw and not on what he heard. The Court so instructed the witness to answer, and he said that it was scarcely possible to produce this condition in any other way than by external violence. As a general rule the violence must be applied near the spot at which the injury is noticeable, but a heavy general shock to the whole body might produce the condition found in McCarthy's case. A blow struck any place below the level of the top of the ear would produce this state of the brain. A blow of a hatchet sufficiently strong to produce this result might have been given, yet not break the skin. From the state of the body, the outer skin being gone, it was impossible to tell if the skin had been injured. He came to the conclusion that such a blow, producing such a result, could be given. From study and from surgical experience in cases of severe injury to the head without external marks he cited a case where the whole top of the skull was fractured three quarters of the way around without leaving any external mark. This case came under his own observation, and was the result of violence. In McCarthy's case the most likely locality for the blow he thought, was the back of the right ear. The size of the instrument did not, in his judgment, affect the result of this. He explained by showing that in striking a sphere with a plain surface, the point of contact is confined to a limited area. The condition of the brain in apoplexy was next described, and shown to be, in his professional judgment, totally opposite to that found in McCarthy's case. The injured part of McCarthy's brain was that least likely to be affected by apoplexy. He said there was a total absence in McCarthy's case of all conditions of drowning.

Witness here produced two pieces of woollen and linen shirts which he had tested for blood. A sketch of the shape of the stain on the shirt, taken at the autopsy by witness, was here produced and shown to the Court. He had examined microscopically each bosom, and found a red glazed clot on every fibre. He found it soluble in water and in strong alkalis. Ammonia did not change the color, thus showing it was hardly a vegetable stain. He then examined it chemically for iron. To an ammonical solution he added muriatic acid, chlorine, water and the sulpho-cyanide of potassium. This gave the reddish-brown tint of iron. He then tested the woollen shirt for nitrogen, and found it present. By means of glacial acetic acid he found crystals of hæmin—a positive indication of blood. He tried the guaicum test, as given by Naquet, with ozonized turpentine, which gave the characteristic blue color indicative of blood. All tests proved the presence of blood stains. He knew Naquet's Legal Chemistry and Taler's Work, and thought that in tests for blood they disagreed in the essentials. One used ozonic ether, the other ozonized turpentine in the guaiacum test. The shirt collar and neck-tie were handed to witness, who declined to give any opinion as to the presence of blood, before a careful analysis.

He said if blood did flow from McCarthy's nose, it was a local blow only, and not from the brain, because there are few connexions between the nose and brain. A man of McCarthy's build was likely to bleed at the nose. A blow back of the ear would, in McCarthy's case, he standing up, with head leaning on the counter, produce profuse instantaneous bleeding from the nose. Any quantity between two or five ounces of blood would stain the shirts as found. From the time the blow was struck till he fell on his left side, blood enough might flow to stain the shirts as found. Two ounces might possibly flow in five or ten seconds.

Here Constable McGinley

LAID FLAT ON HIS BACK

on the floor when Dr. Tuck continuing the preceeding questions asked the witness how the blood would flow from his nose to the floor. He said that depended on the shape of the man's face. After examining McGinley's face the doctor said blood trickling from his nose would neither run into his ears or down the side of his face into his hair. Death in McCarthy's case might have been instantaneous but some of his brain was so decomposed at the *post mortem* as to prevent an accurate examination to determine this question. Falling on his back after death he would not expect a protracted flow of blood. Lifting the body would produce on a little more, as the blood would clot in the nostrils. The duration of bleeding from the nose and through it from the brain depended on the length of time the heart continued to beat after he was struck. There is from 17 to 20 lbs. of blood in the human body, and more of it in the brain in proportion to its bulk than in any other part. Lying in water six months with decomposition as in McCarthy's case had not wrought such change internally as to render it difficult for them to tell whether death resulted from violence, disease or drowning. He thought it scarcely possible to produce the stains on the shirt under water, because they penetrated several thicknesses and are heavier on the inner surfaces.

Mr. Palmer objected to this as not a matter coming within the province of a medical expert. The simple point is, if color can be deposited in a thick or thin state. Dr. Tuck said his object was to find if, from a body put under water, blood could make these stains. The Court said it would be necessary to first inquire of witness if he had any experience in this line. Dr. Tuck contended that, as the witness had professional knowledge of the constituents of blood, he was better able than a non-medical man to give evidence of its penetrating quality through cloth and water.

Witness here said he had experience as to the way blood stained cloths in water.

Dr. Tuck had not concluded his examination when the Court adjourned. The witness was cautioned not to speak with any party relative to his evidence during the adjournment. Dr. Scott was directed by the Crown officer to bring the Frenchman's wagon, now in his possession, from Moncton to-morrow.

The attendance in Court to-day was not large, though a number of ladies were present during the afternoon. Annie Parker was in Court only a short time.

DORCHESTER, July 31.

This morning, the Frenchman's wagon arrived and was inspected by the jury in the square in front of the court house. It is a rough made express wagon, painted a warm brown; has wooden movable seat, wooden axles and elliptic springs. The rim of the body is iron-capped, the wheels, which are large, wabble considerably on the axles, thus making the track vary in width.

The court opened at 10 30 o'clock.

DR. FLEMING'S EXAMINATION RESUMED.

He did not believe it possible for a shirt to be stained under water in the manner shown on McCarthy's. The coagulation of blood and the formation of clots were described by witness in this connexion, witness testifying that the latter depended upon the action of fibrine; which being soluble in water would be washed away in a running stream before it could clot the blood in the way found on McCarthy's shirt. Water is denser at 40 degrees than at any other temperature. Very little putrefaction could take place at that temperature; blood flows during putrefaction.

[NOTE.—This is in contradiction of Dr. Scott's testimony on this point.]

Blood from putrefaction will not coagulate and would not form a clot as found on McCarthy's shirt.

Cross-examined by Mr. Palmer:—In my opinion it would be impossible when the body was taken out of the water, 14 days after death, for the blood to then flow, so as to produce the stains on McCarthy's shirt; I can tell a blood clot from any other substance by the microscope. Taylor lays that down. I would not risk my judgment on that alone.

Mr. Palmer here stated that Dr. Scott said there was no blood clot on the outside of the shirt front; this Dr. Tuck promptly contradicted.

Witness—I discovered a blood clot on both sides of the piece of shirt front I examined; I never saw a case similar to McCarthy's, that is, where a blow was made by an instrument like a hatchet without rupturing the skin. The cut over the right eye was probably produced by the bone forced through the flesh by violent contact with a flat surface or blunt instrument.

The witness was next examined as to the effect relatively of blows over the eye and at the back of the head. The blow that produced the cut over the eye was more likely to cause rupture of blood vessels of the nose and thus produce bleeding than the blow with the hatchet back of the ear.

At Mr. Palmer's request, Constable McGinley sat down on the floor, with his back against the rail, and his chin inclined over towards his chest. Witness said if the body was in that position, in the water, the air would probably flow from his lungs; also, if the back of his head was against a post or log it would likely wear the hair off. Supposing the great coat, on one side, was buttoned to the opposite side of the rubber coat, the body being in this sitting position, the coat would probably work up under the chin. Hair saturated with water, will sink. If a bunch of McCarthy's hair was found adhering to an upright post, three feet from the bottom and two feet from the surface, just about where his head would touch the post, if in a sitting posture, it would be a fair inference that the hair there was rubbed off his head by the contact.

The neck-tie was produced, and a sailor knot tied in it by McCarthy, after which witness was examined as to how much of shirt front it covered, and why it was not bloody.

Adjourned for dinner.

After dinner Dr. Fleming was stood aside while Dr. Scott produced in court the articles he found on the body of McCarthy, and identified the wagon brought here this morning as the one delivered into his custody. The doctor was questioned by the jury relative to the wheels of the wagon not tracking. Dr. Fleming was then recalled for continuance of his cross-examination by Mr. Palmer.

Much of the afternoon was taken up with inquiries in reference to finding blood stains by the microscope, in which connexion witness and counsel read copious extracts from Taylor, and also from the same authority on the symptoms of drowning.

Dr. Fleming concluded at 4.45, when

ARTHUR R. MILLIGAN

WAS SWORN.

Examined by Dr. Tuck—I am a farmer and horse trader, I was at Shediac on the 12th Oct. last. I met Timothy McCarthy that night in the bar of Weldon's Hotel. I went in the bar between 7 and 8 o'clock. No one was there when I went in but the bar tender. Chip Smith came in next, about half past eight. We had a drink of brandy. McCarthy came in next from the side door. We got acquainted while he stood at the end of the counter. McCarthy called for a drink which we had. I took port wine; then McCarthy took brandy. I think we talked "horse trade." Smith treated next, I think. I don't remember seeing any one in but Smith, McCarthy, Dr. Legere and the bar keeper. Smith treated; we had five or seven drinks while McCarthy was there. McCarthy took brandy every time. Dr. Legere left first. I did not see Chas. Hamilton in the bar that night. I have a distinct remembrance of McCarthy coming in the bar through the side door. After Legere left McCarthy, Smith and I went out. McCarthy was principally talking with Chip. Smith. We went into the yard by the side door. McCarthy and Smith went down the steps into the back yard, I think. McCarthy and Smith shook hands, when McCarthy came in, as if it was the first time they met that day. I should judge it was about 11 or half-past 11 when Smith and McCarthy left. They stood talking a while, and as I was walking around the platform to the front door they were walking out towards the street. As I got by the corner of the house Smith asked McCarthy where he was going. McCarthy said he was going to Point du Chene. Smith said: "No, you are not; go in with Milligan, and go to bed. McCarthy replied: "No, I am going to the Point." That is the last I heard them say. I went in the house to bed. Smith did not appear to be the worse of liquor, though I knew by his appearance that he had been drinking. McCarthy did not appear to be intoxicated. I remained at the Weldon House till the following Monday. I was not in the Waverly House on the 12th. I do not know Chas. Siddell.

Cross-examined by Mr. Palmer—I came over from P. E. Island, by boat, on the 9th or 10th. No sheep came over that trip. I don't remember seeing McCarthy with a rubber coat on that night. I remember him having a brown great coat, but remember no other. Mr. Milligan was only 20 minutes on the stand and was succeeded by

PHILIP CALDWELL

of Shediac, who testified:—I knew the prisoners when keeping the Waverley House, the bar of which I had visited—perhaps too often for my own good. I pawned a hatchet there once in the fall, while working for Deputy Sheriff Sweeney. It was in the evening after six o'clock. I asked Osborne for a drink. I forget if I was refused before I offered to leave the hatchet. Anyway I got the drink. Brus Burns, John Osborne and Harry were the only persons I saw in the bar. Osborne took the hatchet to Moncton, but Frank Smith redeemed it for me. [Hatchet produced in Court and identified by witness.] Since getting it back I broke the handle close to the eye. I drove it in again so that the handle is about one and a quarter inches shorter.

Cross-examined by Mr. Palmer—I only pawned the hatchet once, when Brus Burns was there.

Witness here addressed the counsel as Mr. Palmer, creating a roar of laughter.

DR. ALEX. CAMPBELL

was the next witness examined by Hon. Mr. Hanington, and said:—I was a dentist at Shediac, I went to Kent County in September—on the 9th of September returned to Osborne's, at Shediac; stayed there three or four days and went to Memramcook. I stopped only three or four days there, returning to Osborne's. I came down from Buctouche with Eliza and John Osborne some time last November. I remember seeing McCarthy there one evening about 10 o'clock. I was sitting in the kitchen with Wilson, the druggist. McCarthy was near the bar-room. I think Harry was in the kitchen also. McCarthy came and beckoned Harry out towards the front of the house. I do not know where Mrs. Osborne and Eliza were then, but I saw them during the evening. John Osborne was then sick of typhoid fever. Dr. Harrison attended him. I do not remember anything about Harry having a sore foot. Wilson and I remained in the kitchen about half an hour. After McCarthy called Harry out, Mrs. Osborne and Eliza came in the kitchen. After a few minutes Eliza went out into the hall. The next time I saw her was about noon the next day. Mrs. Osborne went through the hall with Wilson and I. As Wilson started home, Mrs. Osborne and I went up stairs. I think that was between half past ten and eleven. McCarthy had on a rubber hood and coat. I did not observe any leggings. The hood was on his head. It fitted close, and I think he had no hat on.

The court adjourned till to-morrow, to accommodate certain witnesses for the defence. Annie Parker's father, and probably the tree agents, will be put on the stand.

A DISCOVERY DEEMED OF IMPORTANCE BY THE DEFENCE,

was made a few days ago, in the Scadouc, tending, it is thought, to support the theory that McCarthy came to his death through injuries received by falling from the railway bridge into the river. A few days ago some logs, while floating near the bridge, jerked up in the water a tuft of black hair, about two inches long, corresponding in color and length to McCarthy's.

DORCHESTER, August 1.

The proceedings this morning took an interesting turn, when Dr. Campbell was stood aside, and by courtesy of the Crown,

THE DEFENCE PUT ON THEIR FIRST WITNESS,

Mr. Charles B. Merrick, one of the Yankee tree agents, who claim to have been at the Waverly House, Shediac, on the night of McCarthy's disappearance. The witness produced his diary for 1877, and after it had been inspected by the Court and council read entries therein, showing that his party went to Shediac on October 11th, and boarded at Osborne's. They stayed in the house all Friday as it rained furiously. Shediac is a quiet place. Nothing for excitement but rum. There is not much enterprise here. The people out of the village are nearly all French. It was raining on Saturday, 13th. In the afternoon he went down to Point du Chene. Other extracts read showed that witness was decidedly lonesome while there; he called the place a drunken nasty hole.

Witness produced a letter written by him to his wife from Shediac on the 13th. Dr. Tuck claimed that the post-mark was dated Shediac, Oct. 15, in which the Court agreed. The envelope was shown to the Jury. The Court read the letter but did not make public its contents, as they had no bearing on the case.

Further extracts showed that they went to Prince Edward Island on the afternoon of the 16th, arriving at Summerside in the evening. They remained on the Island until Monday, 22d, returning to Shediac getting dinner there, and then went on to Moncton by the afternoon train. They did not return to Shediac till last Spring. Witness also read the entries of his expenses. He said the party slept in the front room over the ladies' sitting room in the Waverley House, and that he had no doubt as to the time they were there. He made a bargain for board with John Osborne who looked sick and walked with a cane. Dr. Campbell was present when the bargain was made. Witness here gave an account of their movements while in Shediac similar to his evidence at the inquest. He did not notice on Saturday morning that the floor had been scrubbed, and saw nothing to attract his attention. He was unwell, and did not sleep soundly. A great noise in front of the house would have awakened him. Saw a Frenchman's wagon there on Friday. Dorion was stopping there. He had not seen him since. Dorion was selling trees for Sharp & Shea. Harry were a rubber on one foot and a boot on the other. He would have noticed it, but saw no signs of Harry being lame.

To Dr. Tuck—I don't know whether Harry was lame or not. I saw the wagon in the barn some time on Friday. Harry and the Frenchman who owned it were in the bar with me. Witness here said that the wagon showed to the jury yesterday looked heavier than the one he saw in the barn. He would not swear it was not the same, but did not think it was. One day he saw two express wagons in Osborne's barn. He thought Harry said one wagon contained beef. There is no West Troy stamp on the envelope to my wife; they do not stamp letters were they receive them. It is the general rule in small towns in Maine not to stamp letters arriving.

Re-examined by Mr. Palmer—Witness said he thought one of the wagons had rungs in the back of the seat. By light express wagon he meant any boxed driving wagon, the box of which projected behind the seat.

STEPHEN J. STURGIS

was sworn, but his evidence, which was in great part corroborative of Mr. Merrick's, developed nothing of general interest.

Adjourned for dinner.

After dinner the third witness for the defence was called

HENRY PELLETIER.

Mr. Palmer asked to have Annie Parker produced in court.

Examined by Mr. Palmer.—I was born in Canada, of French parentage; I have a daughter, called Annie Parker in English. The English people call me Peltry or Parker. I have a wife; to have a daughter I must have a wife. My wife's maiden name was Florentine Sampier. Just after my daughter Annie was born, I lost part of my sense. Annie was but ten years when she made her first communion. She lived with me a year or a little over after her mother's death. My wife died five years past. I never was a Baptist, I was a Christian, that is better than a Baptist. My wife and I always were Roman Catholics. We never came from the Lowlands of Scotland. This Dorchester is the furthest I ever came. I will not swear that Annie is my child but will swear she is the girl I reared and one that my wife always told me was my child. When Annie was born we lived at St. Cecil Du Bic; then we moved to the Quebec side of the Restiguoche and after that to Nouvelle opposite Dalhousie. I was living at Nouvelle when Annie came back for two hours. She came well dressed and did not like the folks I had with me. I sent her back to Dalhousie to get some more fashion. I never saw her after that till last Sunday. Here, at Mr. Palmer's request, Annie Parker took a seat at the lower end of the counsel's table for identification. This is the big girl I brought up. I took Annie to many places. I will go to Baptist, Presbyterian or Methodist Churches. To tell the truth I don't remember ever doing so.

Cross-examined by Mr. Hanington—When I see a smart man before me I feel afraid. I never was in an Asylum but my memory is poor. My wife was born in Trois Pistoles and I am a native of Kamouraska. I have 5 boys and 2 girls. My wife never lived with any body before I married her. She was 19 when we were married. My brother is a shoemaker in Quebec city. I was not crazy before my wife died for she kept me in good order. I was out of my mind for a while and went about looking at the sky after my wife died, but I soon thought of my poor children and went to work. I was crazy that way for about one year. George Peltier, of Shediac, is nephew. My nephew Joseph Peltier, is a priest at Madawaska. I kept a hotel at St. Cecil Du Bic after I was married. It is about 23 years since I was married. I kept store and hotel for about 11 years. Nouvelle is six miles from Dalhousie. We always say we came from Dalhousie when travelling. Annie lived at service in Dalhousie, but I did not go to see her. I had no housekeeper since my wife died. When Annie came back her head was decorated with ribbons.

Mr. Hanington here thought he detected the witness winking at Mr. Palmer, which Palmer said was not true like everthing else in this case.

Dr. Tuck asked what he meant by that insulting remark.

The Court said he had to take Mr. Palmer's word for it and cautioned the witness not to wink at any one.

The altercation waxed hot for some time, when His Honor said he would not listen to another word about the winking.

When Annie came home I had a family living in the house. Joseph Howe Dixon brought me here. I told Annie I would not know her, the way she is rigged. I know her now, because I saw her the other Sunday. My two eyes are my judge to tell if she is my own blood, because I must believe my wife. I said if this was the girl I lost, she must be 21 years old. They came to me and capsized me, and handled me, and my mind was not settled, so I said she might be 21 years. I came in crazy—half out of my head. I have five sons; Johnny is the eldest. He was born after I was married, but I can't tell his age. Annie is next to John, but 5 years younger.

Witness here directed a question to Annie, which the court stopped. He then gave a list of the children, but could not give their ages.

Mr. Palmer here objected to witness being interrogated as to what people had told him, unless he could name or identify the persons. After this the witness described his house and farm, and said he would swear 300 times that his wife was not a Scotchman.

Re-examined by Mr. Palmer.—Mr. Dixon served me with a subpœna.

Mr. Hanington said he did not insinuate that Dixon talked to the witness but after a short argument the court admitted the evidence.

I was scared when Dixon gave me the paper but he told me all I had to do was to come and see whether or not Annie Parker was my daughter. Just before I came up stairs to-day Edward McCarthy took me to one side, he told me he had Annie with him a month or so and did not find her a bad girl. Then lawyer Holstead came along and said this was a fine place to talk. I told people that Annie now looked as white as chalk and I would not know her when we met. Annie sat down and looked at me and said when she left home her father was fat and had good clothes. She talked a little French with me but said she had forgotten part of it. I told her not to break her father's heart by saying she had forsaken the language of her ancestors. I know she is my wife's daughter.

This closed the evidence of Mr. Peltier and the prosecution was resumed by the recall of Dr. Campbell who was further examined by Mr. Hanington.

DR. CAMPBELL'S EVIDENCE.

He remembered that the tree agents were at Shediac in October, but could not fix the date. At this stage the proceedings were interrupted by the cries of an infant whose hurried exit from the hall caused some confusion. The witness repeated substantially, as he told at the inquest that one morning after the 6th he saw the bar-room scrubbed and that Harry then told him he had taken a drunken man home the night before in a wagon. He heard nothing after going to bed the night of the 13th and never saw McCarthy again.

Cross-examined by Mr. Palmer—Knew the tree men and saw them bargain with John Osborne for board, but can't fix the date. Recollect playing euchre with the tree men one rainy day. My memory was then temporarily impaired by typhoid fever. The back door of the bar was generally open and not fastened up as Annie Parker told. It was not nailed up. I never knew the prisoners to take a drink. I never told Annie Parker I was going to Point DuChene that night. Harry was always a well-behaved, good boy, and the whole family had a good character.

To a juror—Glass might have been broken out of the bar door, but I did not see it. There were puncheons in the bar-room. Witness pointed out their situation on the plan of the bar. Several other questions were asked by the jury bearing on his previous evidence. It being six o'clock when the Dr. finished his testimony the Court adjourned.

The proceedings this afternoon were quite interesting and attracted a large attendance principally ladies and children. Mr. Palmer at one time sharply criticised the conduct of the prosecution; on which Dr. Tuck said he would appeal to the court, jury and spectators to say if he had not discharged his duty honorably and courteously. The Chief Justice said that so far as the case had gone he thought Dr. Tuck had conducted it fairly and honorably. Annie Parker's father, whose resemblance to his wonderful daughter was plainly perceptible, gave his evidence in a manner that at times convulsed the court with laughter. He speaks broken English, but readily understands all questions put to him. Annie's keenness of perception is evidently inherited.

DORCHESTER, Aug. 2.

DEPUTY SHERIFF SWEENEY

was the first witness this morning. He thought that McCarthy's rubber coat was buttoned on the body by the second button from the top, when taken from the water. He had charge of the clothing, stone and hatchet till they were sent to this court. He described the wagon tracks he saw in Atkinson's field from the barn to near the highway road. When visiting that place with the jury in May there were two tracks which he thought were made by an inch and a quarter, or an inch and a half tire. The witness, who is a carriage builder by trade, gave the measurements he made. This place had been previously pointed out by Annie Parker. He identified the stone in court as that found in the Scadouc, and said he picked three hairs and a piece of rope fibre. These he had mislaid since the inquest.

Mr. Palmer here objected to the witness saying that they were hairs as they were not in court.

The Court instructed the witness to describe what he called hairs, which he did. He had examined the back door of Osborne's bar and found it fastened with nails. He measured the distance by the railway track from Osborne's house to the bridge. He did this last Wednesday. A plan made by the witness showed that the distance is 7,027 feet from the track at the end of the house to the eastern shore end of the railway bridge. He found three cattle guards and one culvert. There is an opening of about five feet in each one. From where the embankment commences to the length-wise stringers of the bridge is 943 feet. The embankment where the stringers begin is 29½ feet. He measured from the telegraph post at the west end of the railway platform to the next post, going west, near the drug store, and found the distance to be 117 feet. Thirty feet west of that, and in front of Gallant's house, was the farthest point west, he could go and see the Waverly house bar door. The range then would be between the Johnson house and hay scales. From the railway platform, standing in front of the door of the station, he could see a door and window in the Osborne house ell, south of the post-office. The necktie and pin were handed to him last Monday by Frank Gavang.

The cross-examination by Mr. Palmer was first directed towards ascertaining if the two lime spots on the stone had been put on by any one while in his custody, after which he interrogated witness as to the wagon tracks in Atkinson's field and the condition of the fence at the place where Wm. Hanington swore it was disturbed. Witness said he examined the fence, but could not swear that it had been disturbed. The width of the track was 1¼ inch or 1½ inches. He could not say which. He had measured Atkinson's wagon and thought it would make the same sized tracks. They were made by a true running wagon that tracked. He found similar tracks in several places going wild through the field. From this the witness was interrogated as to the foot travel over the rail track out to the bridge; as to the ease with which he could walk over a cattle guard in two steps. If a man fell on the culvert witness did not think he could slip down between the sleepers. He saw two girls walk over the railway bridge on last Monday. John Casey, who is often in Shediac and lives out on the Scadouc, travels to and from over the track, though sometimes tight.

Mr. Palmer here put in evidence the witness deposition at the inquest relative to the hairs on the stone. He paid John Osborne $128 in November last. After some further examination as to the points from which lights could be seen in different parts of the Osborne House, the court rose for dinner.

After dinner Deputy Sheriff Sweeney resumed the stand. He read an extract of the register of McKay's Hotel, at Summerside, showing that the tree agents were there on October 17th.

Re-examined by Dr. Tuck.—Witness said he never knew of any one leaving Shediac in a dark night and walking out the railway track to the bridge. He had never seen a sled that would make the same kind of track as that seen in Atkinson's field. The tracks he saw running all over the field were partly old and partly new ones. Dr. Tuck asked witness at whose direction we went to see the tracks, to which Mr. Palmer objected, Hon. Mr. Hanington in his connexion explained that he had never accepted a retainer from Mr. Edward McCarthy. This led to another encounter between Messrs. Palmer and Hanington, in which the latter charged Mr. Palmer with uttering a charge he knew to be false. The court thereupon ordered both to sit down. After this Dr. Tuck showed by the witness that he had taken good care of the stone to prevent it being tampered with.

To a Juror—The track I saw along the mud in the river, 25 feet from the shore was a single one as if made by a wheel barrow and not two tracks as if done by a wagon. This concluded his testimony.

At 2.45 o'clock,

JOHN A. NICKERSON,

of Shediac, a cousin of Timothy McCarthy's, was called and examined by Mr. Hanington. He testified to being present when the body was found and that the rubber coat and great coat were each buttoned with two buttons and the body coat with one. The rubber coat was buttoned across the waist and open at the chest. He described the condition of the body when found and said it was not touched till the coroner came, at whose order he examined the body. He unbuttoned the coats and took out the articles already mentioned in evidence. He accompanied the body from the river to Sweeney's shed where it was deposited. He testified to being in the Waverly House several times, and to stopping there two nights. He only saw the outside bar door open but once, and that on the day Osbornes moved to Shediac. He also described how the casks were located in the bar. He talked with Mrs. Osborne and Eliza about the 4th or 5th of November, in their house, when he asked them what time McCarthy was there on Oct. 12th, and they told him about 12 o'clock, or a little before. While starting away, they called Annie, who said McCarthy left at a quarter to 12. He asked Annie how she knew, and she replied that she was nearly done scrubbing at the time, and looked at the clock. This conversation arose from what they told him about McCarthy and Eliza quarreling about the buttons on the McGinnis girl's polonaise. He told them he was going to search the Adams House for McCarthy's body, and wanted to know at what time McCarthy left the Waverly Hotel. After describing how he searched the Adams House, witness said that Mrs. Osborne, while he was in the Waverly House, in November or December, gave him a copy of the Moncton *Times* with Annie Parker's story of the murder in it. After reading it he said to her it was a queer story. Mrs. Osborne also told him about Mrs. McCarthy throwing a flour barrel at her husband, and that she would never have a chance to do it again, and that she might set her heart at rest that she never would see him again. To all this he made no reply. He was in the bar-room on the morning of Oct. 13th and noticed the floor. It had been newly scrubbed. Chip. Smith was with him at the time and Mrs. Osborne waited on them. He saw a hatchet on the head of a cask in the bar on one occasion, but could not fix the date though it was before he saw the scrubbing. He never but once saw that the floor had been scrubbed, though he visited the house almost constantly. He was a contractor, farmer, lumber operator and general trader.

Cross-examined by Mr. Palmer:—I live three miles from the Osborne House. I visited other bar-rooms, but not so often into Weldon's. I always did an honest business. I never stole any buffalo robes from Gallant. I never stole hay from Carpenter. I swore my