to the top that he could only see half of the knot of the necktie. The hatchet, now in court was purchased by witness from Seely Bell. Dr. Tuck asked witness if Annie Parker had told him that the body was in the Scadoux before the hat was found, but after objection by Mr. Palmer the question was withdrawn, Dr. Tuck stating that his object in submitting this evidence was to meet a line of defence that Annie Parker did not say the body was in the Scadoux till after she knew the hat had been found there. Witness said he heard that the hat was found on the 8th or 9th of December. It was on the 4th of December that he first saw Annie. The witness further said that Annie told him on the 4th that his brother's body was in the Scadoux.

The cross-examination had not progressed far when the court adjourned for dinner.

When the Court opened at 2 o'clock Dr. Tuck directed the Sheriff to bring into court Dennis O'Brien, against whom the Grand Jury had found a true bill for attempt to outrage a little girl at Moncton. This being done the prisoner was admitted to bail till the January Court in the sum of $800, with two sureties of $400 each.

After this Mr. Palmer rose to a personal explanation relative to a paragraph in the Osborne trial report as published in the Moncton *Times*, which he read, commenting thereon. The Court said that while a criminal trial was going on no comments should be made by the press. His Honor thought this intimation would be sufficient to prevent anything of the kind in future.

The cross-examination of

EDWARD McCARTHY

was resumed at 2.30 o'clock. Witness was examined as to what passed between Annie Parker and Mr. Hickman, relative to her statement, and about what comments Hickman made therein to him. Witness had never heard that the Osbornes threatened legal proceedings against him for the part he took. Mr. Hanington never told witness that he would charge him for consultation, nor had witness ever offered him a retainer. Hanington refused to act in the case the first time witness asked him. He saw Hanington at Moncton once during the investigation. He said to policeman Foster once that his brother's coat was burned up in Wilbur's and he was hunting for the buttons in the stove.

Mr. McCarthy was on the stand about two hours and a quarter and was followed by

FRANK SMITH

of Shediac who said: The hatchet in court looks like the one I redeemed from the Osbornes at the request of Philip Collwell who had pawned it for a drink. I was to pay 24 cents for the hatchet, but got it for nothing after the prisoners had been arrested. I gave the hatchet to Colwell, who made the firm some soap boxes in return for my kindness.

In cross-examination the witness said: I saw lots of blood spilled in the bar room when Jimmy Grattan kept it. I told the Osbornes that Annie Parker was diseased, but I did not know the date. I had seen the bar door leading into the street open often. I went in and out that way nearly always.

JUDE HIBBERT,

formerly hostler and bar-keeper at Osborne's, testified to seeing a hatchet once in their kitchen, two weeks before he left there. I have not seen it in any other place than the kitchen, and did not know what became of it. I returned from Dorchester to Shediac after the 12th and remained in Osborne's till sometime in December. I saw no hatchet after I returned, though I looked for one. I asked Mrs. Osborne, once, where the hatchet was and she said she did not know. I did remember asking Mrs. Osborne, where the hatchet was, and her saying there was one in the cupboard that had been left for a drink. I looked in the cupboard for it but could only find a hammer instead. I talked with Mrs. Osborne, after my return, about queer stories relative to McCarthy's disappearance. She said that she never saw McCarthy after half past ten that night.

Cross-examined by Mr. Palmer—I think the hatchet was shorter in the blade than the one in Court. The outside bar door was never fastened while I lived there. Osborne had a red horse that turned black while I was there; the horse had white on his forehead and hind foot. I cut a horse tie off the bed cord, shortly before I came to Dorchester. Some had been cut off before that. [Piece produced in Court.] I looked like a softer rope than this. I saw a swing in the woodhouse made of a chain; I don't remember of seeing a rope one; the chain was 10 or 12 feet long.

Re-examined by Dr. Tuck—The swing was only there a day and a half; I remember seeing no other swing up.

DONALD McDONALD,

23 years old, of Antigonish, Nova Scotia, who left there September 8th, 1877, was the next witness and he said: I went to Shediac, I think, about the 6th or 7th October. I knew the prisoners when they kept the Waverly. I went there on Saturday and remained till Monday. It was sometime early in October. I could not swear that I saw a hatchet there, or that I ever remember seeing one. I was at Bissett's last winter. While there I do not remember seeing a hatchet at Osborne's. I did not return to Osborne's when I left that Monday until Wednesday evening, when I remained a few minutes, and then went down to Point du Chene. I was at Osborne's the next week; I was in there either in the evening of the 11th or 12th, or 13th, and wrote a letter in my room, which was over the east sitting room. There was a heavy rain that week. It rained from Thursday till near Saturday. It was a wet day when I wrote the letter. I was in the ladies' sitting room, the smoking room and my own room. I saw no one when I was in writing the letter except Harry and the little boy. I got back to Armstrong's, where I was working, about nine o'clock. Armstrong's is about a quarter of a mile from Osborne's. I went back one or two weeks after for my trunk. I took it to Armstrong's; stopped with him a month, and then went to Moncton. I lost $5 at Grattan's. I had 10 cents left from Moncton. I went to Bissett's, at Memramcook, and from there to Dorchester, where I am now working on the Penitentiary. I have not seen the prisoners since I came to Dorchester. My room at Osborne's had windows facing the Weldon House. I worked at Edward J. Smith's saw mill and at Armstrong's. I worked no place else in Shediac.

Mr. Palmer did not cross-examine.

To-morrow, Allen, the man who it is supposed got the drink at midnight in Osborne's bar-room, will be called by the Crown. This will probably be the last witness for the prosecution; at all events the Crown will have all its evidence in to-morrow, and in the afternoon, Mr. Palmer, it is expected, will open for the defence at once. The desire to hear Allen's testimony if very strong, and the subject is the absorbing topic of conversation this evening. To-morrow will be the 20th day of the trial, which will last about ten days longer. One of the jury is in poor health, and was driven to the Court house, to-day, in a wagon.

DORCHESTER, Aug. 10.

This morning the first witness was the man who got the drink at Osbornes at midnight on Oct. 12th.

BENJAMIN ALLEN

was sworn and examined by Dr. Tuck. He said: I live in the township of Botsford. I am a farmer when at home. I remember the 12th of October last. I crossed over from Summerside to Point Du Chene that day. It was after 12 o'clock noon when we landed after a rough passage. I put up at the Widow Clark's at the Point. I remained around the Point during the afternoon and evening. I walked up to Shediac on the track that evening. I think it was on Friday. It was a rough rainy day. It stopped raining at nine o'clock. I looked at Weldon's when I went up. There was no light, when I went up, in Weldon's. I saw one in Osborne's. I think it was in front of the house. I went into the front door, in through the hall, and turned to my right to the bar-room. There was a young man at the bar door. He said: "Never mind coming in, and I will bring you a drink to the door." He brought me the drink. I think I recognize the woman there (pointing to the prisoners). She was inside of the counter. I saw only two ladies and one gentleman, and the boy who brought me the glass of liquor. I can't tell whether it was gin, rum or brandy. I gave him an English York shilling. The man in the bar was stouter than you (Dr. Tuck), though I did not take particular notice. He was dressed in dark clothes and had a felt hat, I think, like this one (pointing to a soft felt hat). I should judge it was one like that. I spoke to no one but the boy in the house. I saw no one else but the persons I mentioned. I was just to the bar door. I asked for the liquor when the boy asked what I wanted. The door was swinging when he brought it to me and I paid for it. I went inside the door, then stepped back, and a boy or man brought me the liquor. The people I named were the only ones I saw in the house. I was dressed with grey pants, and I think I had a black reefing jacket on at the time. I was dressed as I usually am. The hour I went in was between 11 and 12 o'clock that night. I will not swear to the hour as I had no watch with me. I looked at Weldon's and saw no light, so I turned into Osborne's, got a drink there and went on further. I did not know the late Timothy McCarthy. I think I saw McCarthy and his wife that day down about the boat at Point du Chene. (Looking at the prisoner Mrs. Osborne), I judge I saw her in the Osborne house in Shediac. (Looking at the boy Harry in the dock), I cannot say that I recognize him. (Looking at the prisoner Eliza,) I cannot say that I know her. I was only in the bar long enough to get a drink. I only saw one woman in the bar, the other was in the hall. I do not know where the woman went that I saw in the hall. After I came out I went down to Guttero's, three miles from Shediac, and on my return I stopped at Mrs. Tryer's in Shediac all night. I got into her place betwixt 1 and 2 o'clock in the morning, but did not ask the time. The next day I took the noon train to Aulac, and got my brother-in-law to drive me home to Port Elgin, arriving home on Sunday. I left Shediac this morning. Between October 12th and yesterday I was in Shediac. Last Monday my wife and I dined at Weldon's, and I also dined there the Saturday before when going North. This was the only occasion I had been in Shediac since October 12th.

Cross-examined by Mr. Palmer—When I left the Osbornes that night I went to Gottero's, a French house. I went there to hire a team to go to Cape Tormentine, but could not get it, so went to Mrs. Tryer's and slept there all night. Her son let me in. I left between 10 and 11 in the day. I had breakfast before I left. I did not see Mrs. Tryer. She might have been dead. Honorable J. Pope, of P. E. Island, and John Harris and his brother, of Moncton, came over on the Island boat. I saw no sheep come ashore that day. Sometimes I have a headache and my memory is not good. I was in the gents' cabin and did not leave it till we landed. I remained at the Widow Clark's at Point du Chene till near 11 o'clock. They did not go to bed before I left. Mrs. Clark was up.

Q. Did you pay her your bill? A. None of your business. [For this the witness was cautioned by the Judge.]

I did not pay her anything. Her daughter Mrs. Brown, was in the house when I left. It must be after 11 when I left. I saw no clock. Mrs. Clark told me on leaving it was open after 11 o'clock. I then walked along up the railway to the Shediac station. I had never walked up the track before at night. It was in the Osbornes house before, when Grattan kept it. When I started up the track, it grew lighter, though there were clouds. Between 12 and 1 o'clock it grew dark again. For the past six months I have resided in Botsford, in this county. I walked up the track. Us Allens are pretty sharp chaps. I just stepped from one sleeper to another. There were no holes that I saw, so did not have to jump over them. There was no railroad bridge over which I walked on the cross-wise sleepers and the up and down stringers. I will not say it was a planked bridge or open sleepers. I walked over a plank bridge in the night. A man cannot tell whether a bridge is plank or iron. I can't say whether it is spruce, pine, hemlock or iron. I was drinking a little down to Point duChene before I left. I would not want my wife to know how much I drank as I am under petticoat government. I might have drank a half dozen drinks. I used to drink before I married this wife. She keeps me sober, but it is pretty hard work. I had my bitters that morning before I left Summerside. I got none on the boat, but got a drink at Peter Schurman's at the Point before dinner. I was not drunk at night when I walked up the track and did not fall down. I can't remember what kind of a bridge it was because I have not seen it. I knew when I got up to Shediac it was only two miles. When I got to Osborne's I think I knocked at the door but no one came, so I opened the door and walked in. A man met me in the hall between the bar and front door. Before I went in the bar I saw a lady in the hall. The lady was standing nearer the bar room door than the man. She did not speak to me. I walked by her and went into the bar door. I could not see who was behind the counter. I walked into the bar about three feet. I saw a woman behind the counter. There was a man in the bar room. I saw three in the bar—one woman and two men; one of the men gave me the drink. The man also a lady in the hall. When I went up the railway platform I saw a light in there by the front door. [Mr. Palmer here insisted on the witness answering his questions, and to stop giving rambling answers.] After I went in the hall I saw a light in the bar, and walked that way. I rather think the bar door turns towards the counter. It was wide open when I went in. I have no memory of the appearance of the man I saw in the bar room. He might be as tall as you (Mr. Palmer) or perhaps taller. He was about my height. I cannot tell how tall he was. He was a stouter man than you are. Perhaps he was about six feet high. I could tell whether he had on a rubber coat or a black coat. It was in the night so I could not tell his clothes. He was around the distant corner of the counter. I am not near sighted except when over the bay. I do not recollect that the man in the bar had on a rubber hood. I cannot swear if he had or had not. He had a felt hat on. I will swear positively the man in the bar had not a rubber hood on. I always look at a man's face when I go in a bar. He had dark whiskers. I saw no many marks on his face. My day I cannot tell one from another. It might have been you that was in the bar or it might have been McCarthy. I caught the man's eyes once and he dropped them. I took a drink at Mrs Clark's at the Point before I started up. She would not take any money for meals or drinks. She is a lady from Baie Verte and an old acquaintance. I had money in my pocket, but did not offer to pay for this drink. I treated two or three, and paid for it. I cannot tell how much I drank the next morning. I took the train to Aulac, got off at 9 o'clock on Saturday night, and was driven by widow Lawrence's driver to John Trenholm's. I paid the driver one dollar, and got two or three drinks in Weldon's before I left Shediac on Saturday morning, when I saw James Weldon and McDonald, his bar-keeper. I was dressed in dark clothes when I went to Shediac. The coat was black, and the pants a light and dark homespun. I never did tell any one I had grey pants on that night. It was six o'clock when I left Peter Schurman's that night. I heard of McCarthy's disappearance the fall I did not tell this story to any one except my wife. I told her some time in June that I was in the Osborne house that night. It is true that I was there about that time. It was between eleven and 12 o'clock. I left Peter Schurman's at six o'clock. [Witness here declined to enter into particulars while ladies remained in Court.] I said nothing to Mrs. Clark's, saw some ladies there—Mrs. Clark's two servant girls and her daughter. I did not leave Mrs. Clark's till I started to go up the track. Part of the time I was playing euchre with Mrs. Brown and Mrs. Clark's youngest daughter for two hours. I was courting the girls after that for half-an-hour. I was courting them 10 or 15 minutes before I played euchre. Before that I got my tea which took about 15 minutes. The Court here told witness that if he had done anything while in the house that would subject him to a criminal prosecution he was not obliged to tell it. Mr. Palmer said he only wanted to ascertain how long the witness was in Mrs. Clark's and not how he was occupied while there.] I had a drink before leaving Mrs. Clark's. I then walked up the railway track to Shediac. I think the distance is about two miles. I walked fast in places and in places took my time.

Re-examined by Dr. Tuck—I had no watch at Mrs. Clarke's and cannot fix the time. I was variously occupied while there; saw no time piece after leaving Peter Schurman's till the next morning. There are cross-sleepers on the railway bridge between the Point and Shediac. What I mean by saying it was clear at 9 o'clock is that the clouds were kind of broken up. It did not rain on my way from the Point up to Shediac, nor after I left Osbornes.

To Juror Dixon—I saw no one on the street after I left Osborne's that night.

George McFee and Millidge Lockhart were next called and not appearing to give evidence their recognizances were declared forfeited.

Dr. Tuck here called Wm. Lockhart to prove by a letter received that his brother Millidge was out of the jurisdiction of Canada, for the purpose of submitting in evidence the deposition of Millidge Lockhart, taken before Coroner Hanington at Shediac. Dr. Tuck, however, after objection had been taken by Mr. Palmer, admitted that he had grave doubts if a deposition taken before a coroner could be submitted in evidence the same as if it had been taken before a justice. He felt it too doubtful to press it in evidence. The Court agreed with Dr. Tuck's view. Dr. Tuck asked until two o'clock to call another witness. If he could be found, this would close the case.

The question of the recall of Annie Parker and the production of witnesses not called by the Crown, but whose names were on the back of the indictment, was under discussion until one o'clock, when the Court rose for dinner.

The court room was crowded this afternoon. After dinner Archibald E. Wilson was called but failed to appear, when, on motion of Dr. Tuck, a bench warrant was issued for his arrest. This closed the case for the Crown.

At 3 o'clock

ANNIE PARKER

was recalled and cross-examined by Mr. Palmer. She said: The man here the other day was not my father. I never saw him before. My father was living at Dalhousie the last time I saw him, 11 years ago. His housekeeper was a French girl named Lavache. He lived on the main street in the town of Dalhousie. I do not remember who were the nearest neighbors. Sheriff Pfefflips was the second house away, going up river along the main street on the left hand side. I have seen Agnes Buchanan. She is an old girl, she was sewing at the Waverly House when I talked with her. I never asked her to make a wedding dress for me, nor never told her I was going to be married. I told her I wanted to buy a dress. I recollect Mrs. Osborne giving me money once in Buchanan's presence. I did not tell Buchanan that I did not steal it and that it was my own. She did not ask me where I got it. She did not tell me Mrs. Osborne said I had only a dollar when I went out and more when I came back. I did not tell her I got it from a friend. I did not tell her I got it from Mr. Nickerson. We did not talk about Nickerson at all, or that Nickerson's wife would break his neck. She did not tell me that Nickerson was married. I never met Agnes Buchanan on the Moncton road. I know where Cook's Brook is. I passed there once in a train. I did not tell Agnes Buchanan that I was stopping at Cook's Brook, or that I was looking for Millidge Lockhart, or that I was going to live at McCarthy's. I did not tell her I had plenty of money now, and did not care for the Osbornes' money, or that I was not going to work any more. I did not tell her that Mrs. McCarthy was going to keep me as a lady if I would swear the Osbornes killed McCarthy. I did not tell her I did not care how much I lied if I was only well paid for it. I do not know whether my father is alive or dead; have made inquiries for him, but cannot tell when. It is eleven years since I left my father in Dalhousie. He kept a hotel there. It will be eleven years next January since I saw father. It is nearly half a mile from Moffa's to my father's. I lived at Moffatt's for two years. I may have seen my father passing on the road but did not go home to see him. It is over eight years since I saw my father last. Sometimes I was in the house when I saw him and sometimes on the street. I may have seen him one time, or three times, or four times. I lived at Moffat's from 2 to 3 years. I never saw my father after that. I passed through Dalhousie once at night after that. I knew Sheriff Phillips while in Dalhousie. I don't know Mrs. Flowers or Miss Cummings in Dalhousie. I know a Mr. Hashe, about 3 miles from town. I don't know him by the name of Polgcarpe. I know Mr. McLaughlin the magistrate in Bathurst. I have seen Dr. Bishop. I know Alexander Ferguson, near Bathurst. I did not go to Magistrate McLaughlin to swear a bastard child on Alex. Ferguson. [The counsel here cautioned the witness to answer properly.] I never refused to take my oath. I cannot write my name. I did not go before S. L. Bishop and swear a bastard child on Ferguson. My name is not Pelkie. I never had a child. Ross did not attend me for any bad disease, nor any other doctor. I do not know who my father's intimate friends were in Dalhousie. I know a Mrs. Boyle in Hampton, but not one of that name at Bathurst. I don't know Fabien Beadreau, at Bathurst. I cannot tell where I was living in November, 1876. Yes, I was living in Bathurst village. I lived there with Mrs. Dick a month in the winter, before New Years. I was at John McLean's for nearly a year. I lived at Mrs. Nevins' in Bathurst a month while she was sick but did not live at Mrs. Clifford's. I used to read and write better then than I can now. I cannot write now, but can read pretty well. I went to school when I was little, to Albert Martin. I do not know any overseer of the poor at Dalhousie. They never sent me down to Bathurst when I was expected to be confined.

To Dr. Tuck—I never went by the name of Pelkie in my life.

At 3.45 Mr. Palmer opened for the defence, and was still on his feet when the Court adjourned at 6 o'clock. He prefaced his address by saying that did he not expect his clients to live in this country in the future as they had in the past, he would instantly stop the trial and ask His Honor to show the jury that no case had been made out against the prisoners at the bar. It was not to their innocence that he would continue the defence, but he did so to refute the slanders heaped upon them, to stamp out these vile stories, from a still viler source, by which, if uncontradicted, his clients might be forced in years to come to leave the land of their adoption or the land of their birth. Counsel then entered his clients in the face, and unless, by the providence of God, he was able to make their innocence as clear as the sunlight, he felt that this case would be one that would be handed down to be treasured up and remembered against them and their descendants yet unborn. It was terrible, he said, that a creature of such a low, vile nature as he would be able to prove Annie Parker, unless the weight of human testimony failed to convince, should be permitted to flaunt herself and her story before the country as she had for the last six months. She had risen into prominence from the depths at a bound; she rode like some star actress, every one paying her homage, Mrs. McCarthy and others treating her as a choice companion. But he believed the summit of her career had been reached, and he hoped that the hey day of her prosperity was at an end. The object of all witnesses should be to tell the truth, the whole truth and nothing but the truth, but before the trial was done he would show that some Crown witnesses had made such statements as would almost cause an honest man to weep for the fraility of humane nature, but that was little as compared with the terrible exhibition made by the principal witness, who, without shrinking, admitted herself an accomplice in the crime she charged against the prisoners at the bar, and who told her story with the flippancy of a gilded harlot. He regretted that he had to fight this case with no associate counsel. Even his seat in Parliament was endangered by his absence from St. John, but he was ashamed to refer to his personal troubles as he thought of all his clients had suffered without it having yet been shown that they had been guilty of the slightest offence against the law. He claimed that the Crown had not done its duty, in accepting, without inquiry into her previous career, the charge of a perfect stranger against such known reputable citizens, and he expressed a confident belief that had the proper course been pursued by the Crown they would have discovered, what had devolved on the defence to show, that where she was best known Annie Parker's oath as to the paternity of her bastard child was rejected by the police magistrate as totally unreliable. He believed that had the Crown devoted a little attention to the career of this witness, they would not have pursued the case so far as they had without other evidence, but now the country would have to pay dearly for this conviction of Annie Parker's. He asked the jury to make for the moment the case of the prisoners their own. Any one of them might unconsciously take a harlot into his house; let her accuse the family of stealing a sheep, let the Moncton *Times* or some other paper publish a sensational article thereon every morning for three months, and if the case would be taken up by some one interested. If they had money enough to bear the expense of tracing out the harlot's previous career they would be cleared of the charge of stealing sheep, but if they had not the means, if the Crown refused to make inquiries, as they had done in the case now before the Court, an innocent family might be convicted on the sole testimony of an abandoned woman. If this rule was to be followed in future cases, he said there would be many trials similar to the illustration he had used. Turning to the mass of evidence produced in this trial by the Crown, Mr. Palmer complained that the learned counsel had laid down no hypothesis for the defence to refute; he expressed his readiness to meet any line the Crown might set up, and avowed his ability to utterly demolish any theory that could be brought forward to convict the prisoners with the disappearance of McCarthy. He asked what the Crown meant by producing in court the bedcord and the rope found in the river, when it was clearly visible that they were not alike in any respect. The evidence of Annie Parker showed that the coats were hanging in the hall, when McCarthy was taken away, yet when the body was found the coats were on it. What was the hypothesis of the Crown? Was it that the body was taken up and the coats put on? If so why did not the Crown so state in opening their case? Was the body put in the Scadoux at the place Annie Parker pointed out? Then what had John Osborne in the woods, three quarters of a mile from the river, to do with that? If such evidence was put in to cast suspicion on the prisoners, he felt that it might succeed, but he utterly failed to see what connexion it had with the case for the Crown. He had no wish to cast any imputations on the Crown officer, but he knew from Mr. Hanington's actions, that he had been retained by Edward McCarthy. He could tell it better than Hanington himself. After an experience of 35 years at the bar he could tell when an advocate had been retained, when the sleuth hound had taken his blood. He did not say that Hanington had taken a fee but he had taken charge of his client's case. McCarthy had got it into his head that Annie Parker's story was true. He consulted Hickman, who could not make him disbelieve it, so he went to Hanington, and Hanington was the more ready, he thought, to believe Annie's story because Hickman said it was a falsehood. He had never seen a case in which such care, anxiety and fear was exhibited lest anything should get out in favor of the prisoners, and he hoped that none of the jury would ever have to endure the agony of a case with such an advocate of the Crown against them as Mr. Hanington. What was, he asked, the true hypothesis of the death of McCarthy? He (Mr. Palmer) did not believe McCarthy was murdered; but whether his belief was right or wrong, it did not affect the prisoners. It was for the Crown to prove beyond all doubt the guilt of the prisoners, irrespective of what theory their counsel might entertain; but it was his strong conviction that McCarthy came to his death accidentally, and whether this could be established or not had much to do with the future character of his clients. If it was shown that McCarthy fell off the railway bridge, then all suspicion would be removed from the prisoners, and they would go forth into the world without a cloud on their character. It was necessary to show this, but it was not necessary, simply to meet the case made out by the Crown. McCarthy left his wife on October 12th. He would not go over their disagreements, or say aught harsh of the dead, but he could not pass over in silence the conduct of Mrs. McCarthy. Here Mr. Palmer referred to an article in the Moncton *Times* relative to his remark to Mrs. McCarthy in Court on Thursday. He asked the press to put it down as the truth that Mrs. McCarthy said that she had gone to the Osbornes', accused them of the crime, asked their servant to search the cellar, and then took Eliza by the shoulder and tried to force her to answer some questions. It was after she swore to all this that he asked her if she wondered they did not kick her out. He would now ask the jury the same question. It was his duty to see what that woman would swear to. He did not pretend to gallantry; as a British advocate he knew no sex; no fear of dishonor ever came across his path; if it did he would tear the gown from his back. If the gentlemen of the *Times* thought it honorable to thus attack him, let them continue, and he would see to it by and by. McCarthy and his wife quarrelled on the 12th. McCarthy said to her: "If you watch me you will have watching enough." He goes to the Point; she follows him; he brings over his horse; he has in his mind that he has not much happiness at home; his motive for going away is to seek other delights at the Point; he sees his wife and takes his horse back to Weldon's. It was a stormy evening, and the boat for the Island was detained. Did McCarthy intend to drive down to the boat or walk? Fortunately no new evidence was necessary to settle that point. He had put his horse up at Weldon's and told the hostler he did not want it again, so certainly he did not intend to drive his own horse. It might be said he wanted to stop at Osborne's. Fortunately the jury had evidence that McCarthy insisted on saying he would go to the Point, though advised by Chip. Smith to go in Weldon's and go to bed. Milligan was clear and distinct on that point. It was a fortunate thing for Chip. Smith that Annie Parker had charged the prisoners in the dock with the murder instead of himself. There was ten times the cirumstantial evidence against Chip Smith that there was against the Osbornes, though he believed that Smith gave his testimony honestly and was innocent of the crime. But they had now two things established:—1st—that McCarthy intended going to the point that night; 2nd—that he did not intend to take his horse. Then he could only walk. The boat did not leave till 9 o'clock. He left Weldon's about 11, so he had four hours to put in. What more natural than that he should call up to see the Riley girls? and here he (Palmer) would say, no matter what their social position used Mary and Annie Riley gave good testimony and told their story in a truthful manner. McCarthy or some one else called out "All right Mrs. Moncton." People might say Chip. Smith told a lie when he said he did not hear it. Would it not be more charitable to explain the discrepancy by considering the almost utter impossibility of Chip. Smith remembering every little incident of the night? At eleven o'clock they, McCarthy and Smith, came out. They separated and Hickey, the night watchman, swears he heard a shoe heel strike the railway track. After that no one saw McCarthy alive; no one except Annie Parker. Next May, on the 11th, his lifeless body was discovered floating in the Scadoux, 200 yards below the railway bridge. How did it get there? McCarthy was a man who could have heavy like the Crown's last witness, Allen. He left Weldon's, went into the Adams House, came out and walked down to Point du Chene. He got turned round, and instead of going towards the Point he walked out the track on another road and met his grave in the Scadoux. The learned counsel here produced a plan of the locality, on which he pointed out to the jury the peculiar situation of the track as respects the Weldon and Adams houses, and its likelihood to deceive a stranger in the night. He revisited Annie Parker to prove how, one dark night, along with his wife, he (Botsford) walked a quarter of a mile the wrong way on a railway track. Suppose McCarthy walked up the track; the channel of the line was just the same as that to the front. There was a bridge on each road, and an equal number of cattle guards. The road was quite a thoroughfare, which he would prove to the satisfaction of the jury, and not impassable, as he had once or twice been informed. The distance is about the same. The body was found floating seven months after death, in a perfect state of preservation, it had been shown in evidence that there was open water at the bridge on the 12th; that the day after the spot was covered with logs; it had been shown that all the clothes were on the body, the money and watch in the pockets, and his hat, the strangest evidence of all, was found floating in the Scadoux below the bridge. Was McCarthy murdered two miles away from the river? If so his hat must have been purposely taken to the Scadoux. Then you must further believe that the perpetrators sunk the body but set the hat adrift. He held that the hat pointed as distinctly as anything could do to McCarthy's accidental death. Referring to the preservation of the body from decomposition Mr. Palmer said that one set of doctors might swear to this, and another set to that, but the jury had the question was to be determined by twelve men of intelligence. It was no use to state that the body could be exposed for seven months to the air and appear as fresh as did McCarthy's when found. It was patent the body must have been under water all the time. The doctors found no air in the lungs; no water, in the stomach; the blood vessels of the brain ruptured, but no mark on the scull or scalp so show that a blow sufficient to thus disorganize the brain had been given. He had told his clients at Moncton that if the body was not found they could not be convicted, but if the body was found with the skull broken they would be hanged. More than this he had told them that if the body was found with the skull perfect and whole, not only would they be cleared but their fair fame would be restored. Did any sensible man say a swinging blow with the butt of a small hatchet would not break the skin? No it took scientific men to show that at the bridge they would find a coffer-dam, the top of which was three feet under water. Suppose McCarthy walking over the north stringer of the bridge, struck his foot against an iron nut and fell. He would first fetch up against the flat timbers below, producing in all probability the cut over his eye, which Dr. Fleming said could have been made by the body being forced through the flesh by contact with a hard, flat substance or falling 30 feet. Suppose McCarthy struck the top of the coffer-dam under water? It might have caused such a flow of blood from the nose as would have produced the stain found on his shirt. Here there were all the conditions; no blood on the clothing except on the shirts, and the clothes all on yet, if what Annie Parker said about seeing the coats was true the body must have lain three weeks out of the water. Taking McCarthy's body coat in his hand, Mr. Palmer exhibited it to the jury, and pointed out the total absence of any trace of mud on the sleeves and back while it was quite thickly deposited on the shirts. He said he was anxious to find on the jury people from the marshes, who were acquainted with the silting process by which these marshes were created, for they could the more readily understand the utter impossibility of the body being in the river three weeks with no overcoats on without the body coat being uniformly covered on the back, sleeves and skirts with a deposit of mud. They would see by direct observation, however, that the mud was on the front and skirts where it would only silt. If the overcoats were buttoned as described by that most reliable witness, Farmer Atkinson, it was folly to tell him of the theory that coat alone was on the body for three weeks after he had seen the mud marks printed on the skirts by the hand of nature itself. They might as well have told him that the sun never shone or that water ran up hill. They had already proved that Annie Parker's story of the death was not true by Dr. Scott, who said the only way the blood could get on the shirt front as found was by taking the body up fourteen days after and holding its head just so. Suppose the body fell into the coffer-dam; it could not get out till the high tide in May; but he did not, for reasons he would show hereafter, hold to this belief. They might call his theory erroneous, but he could see none so possible—none more in accordance with the facts of the case. He would show that this spring four boys picked a clet of black, human hair, two inches long, off one of the posts of the coffer-dam, some eighteen inches from the bottom. Hair would either float or sink, and he asked how it got into that position unless rubbed there by friction off a human head. He was anxious, as he had before said, not only to clear the prisoners, but to satisfy the public mind that they were not the murderers of Timothy McCarthy. He did not believe that people in this country committed murder without a motive. If anyone told him that his wife had murdered a man, and got her daughter and son to help her, would he believe it? No, never! not if one thousand Annie Parkers swore to it, each one as pure as she was filthy! Such crimes do not take place here. Annie Parker's story is false. The God of Nature stamps it as a lie. He had been told that Maurice O'Neill had killed McCarthy. God knew he did not believe that. He would never believe any murder charged till it was clearly proved.

He thought he had a right to know the hypothesis of the Crown, and here he told them that he what it may so far as the prisoners were concerned he could demonstrate its utter impossibility. He would stake his eternal salvation on it that the Osborne's never killed McCarthy in that way. Did the Crown base their hypothesis on Dr. Allison's testimony? If he knew it he could attack that. Did the Crown base their case on Dr. Fleming's evidence? If he knew it he could attack that. Did the Crown rest their case on the testimony of Dr. Scott? If he knew it he could attack that. On what the Crown intended to base its case he did not know. He could not even conjecture what wagon and horse carried McCarthy's body away; he inferred, however, that they assumed it was the Frenchman's; if so he could waste his energies on that hypothesis and prove it was not the wagon, beyond all question. That Frenchman, at Moncton, swore that he fixed the date of his return by calling at Dysart's on the night there was a wake over Mrs. Lucas, but it so happened that he got brandy and horse feed from Dysart, by whose books the defence would prove that he was there on the 10th. He would satisfy the jury and the public that the wagon could not have been at Osborne's on the 12th. Thank God the law in this country says that no one can be convicted on the sole testimony of an accomplice. Mr. Palmer cited Russell on Crimes, vol. 3, page 603, in this connexion. But suppose Annie Parker was not an accomplice! The crime must be proved by a credible witness—one who so regards an oath as to tell the truth; one of good previous character. He had sent Mr. Joseph Dixon, a thoroughly reliable young man, to the north to secure witnesses relative to this girl's previous character. He had only seen one witness as yet, but he was informed that her whole history is totally false. She said she lived two to three years at Moffatt's. In point of fact she did not live there over two months and was discharged for stealing socks. They would show that she was in Gordon's hotel, but that Gordon used no "mortifizer." They would show that, at Bathurst, she lived the life of a vagrant in the streets; was finally got with child, which she sought to swear on Alex. Ferguson of Youghal, but the police magistrate, McLaughlan, refused to take her oath. She then went to Dr. Bishop's where her sworn information was taken. The child, he had been told, lived only two months, dying suddenly. If all this was true, and he had been so advised, he hoped they would hear no more of Annie Parker. He had nothing against her who was thrown out into the world at an early age without a spark of moral training; had become almost of necessity what she morally was. Mankind, individually, were greatly the creatures of circumstances. Put on the community like a vampire, loathsome, dirty and devilish, it had been the prisoners' misfortune to take this creature into their home. He hoped that another school of training would make her a different girl. Nobody blamed McCarthy's brother because, in investigating the case, he came across this creature and, believing her story, took her from hard work to an easy home. We all have our price. What, wonder, then, that Annie bullpher story little by little to its present proportions. With no case, no feeling, she treated the alleged murder like a joke till pressed on. She came into court to-day and denied her own father. No wonder she kept the court waiting an hour; no wonder she was loth to come; if even a spark of her better nature remained aglow. After dealing at great length with that portion of the evidence of the several witnesses relating to conversations held with the prisoners, Mr. Palmer reviewed the character of John Nickerson, Wm. Hayward and Milledge Lockhart. In this connexion Mrs. McCarthy's idea of the amount of money her husband had on his person was touched on, Mr. Palmer saying that the defence would, by means of the bar-keeper and other witnesses, show that he could and have taken away much over $250. He showed that Penn Allen, who, by his own testimony, went into Osbornes' about 10 o'clock instead of at midnight, absolutely proved the possibility of walking over the railway that night; while, if he had been in the bar at midnight, he would totally disprove Annie Parker's story. He would show that the hatchet was not at Osborne's on the 12th. He revisited Annie Parker's evidence very minutely, and was speaking about the finding of the hat in the Scadoux when the court adjourned until Monday morning.

DORCHESTER, Aug. 12.

In consequence of the sudden indisposition of Hon. Mr. Hanington, associate counsel for the crown, the court will not sit this morning. The afternoon session will be opened on the arrival of Dr. Tuck from St. John.

Mr. Palmer resumed at 2 o'clock. After drawing the jury's attention to the way they thought this case had been conducted by the Crown, Mr. Palmer claimed that an injustice had been done the prisoners by throwing on them the onus of ascertaining Annie Parker's antecedents, but he did not censure the Crown for making the strictest enquiry, only for limiting the inquiry to the charge against his clients. He did not think that the McCarthys ever did in this case what they thought to be wrong, but only from a mother's story. She went to Mrs. McCarthy's and he would prove by Agnes Buchanan that Annie said that Mrs. McCarthy had promised to keep her as a lady if she would only swear that the Osbornes killed McCarthy. Here the counsel touched on Edward McCarthy's statement that Annie Parker told him McCarthy's body was in the Scadoux before the hat was found, and before the Sheriff obtained her statement. That being true why did not McCarthy ask her at the investigation about this? So far from Annie Parker's story becoming corroborated it is contradicted at every point. You will find circumstances that took place on different days put by her under one date. She saw the hatchet one day, then saw she saw it at another. The hat was found in the Scadoux river then and not before she says the body was there. She knew the French-man cut off a piece of the bed cord and weaves that into her tale that Harry used the rope. So with the swing story. Was it probable that they would take the body out of the woodhouse door whose side bar door was open as he would prove to the jury? First it is a light driving wagon seat; on that she knocks out the rungs and describes the swinging motion. Mr. Palmer then dwelt at length on the result of the cross-examination, showing that only on the act of the murder did she stick to her story, yet the prisoners say she was not broken down. She is wonderful they say. Yes she is wonderful in her iniquity. With reference to quickness of perception, pertness and aptness of reply he would put her against any witness he saw. Lord Brougham, in one of the greatest criminal trials of the country, when Queen Caroline was attacked by perjurers from Italy, said testimony of this style was a sure indication of falsehood and perjury. He next referred to what Charley Welling would prove relative to his walk with Annie to Atkinson's Hall. Then touching on her story that Harry wore a rubber, he declared that it was a falsehood, and truth was ingeniously woven together. The Moncton *Times* and the *Telegraph* said she looked truthful; that everything that come out in evidence was corroborative of her tale. This was the way the public was led on to look upon the prisoners at the bar as guilty of murder. The presence of the tree men in the house that night would have been remembered by the Osbornes had they killed McCarthy, but the very fact that they forgot it is proof positive of their innocence. Mrs. Stultz's conversation was favorable to the Osbornes. Stephen McCarthy's coat was left at Osbornes. Annie wove it into her romance as Timothy's, but unfortunately for her, her tale cuts the sleeves off. She had seen blood in the bar and said she scrubbed it up, but here John Nickerson deserted her for he swore that the floor was scrubbed all over while she said it was only scrubbed in one spot. The counsel here read from the investigation at Moncton and argued that the stories were inconsistent, claiming that it was unfair in the newspapers to state in the face of that that her story was beautiful, honest and consistent. Among the discrepancies he pointed out was that at Moncton she swore she scraped the counter with a knife, while here she swore it was done with the end of the scrubbing brush. Like a fool she said the powder used was like what Gordon kept at Campbellton. This he would prove by Gordon to be an entire fabrication. He would call the Moncton magistrates to prove that her deposition had been correctly taken and was not full of errors as she stated. The man Allen might have been in the house that night. [Here the counsel read a letter from Justice Deacon, of Shediac, just hand