THE HERALD

WEDNESDAY, FEBRUARY 8, 1888.

THE TUPLIN MURDER TRIAL.

ADDRESSES BY COUNSEL.

The Judge Charges the Jury.

THE PRISONER FOUND GUILTY.

THE Tuplin murder trial, which had occupied the attention of the Supreme Court, for nearly a fortnight, came to a close, on Saturday evening, last, when the Jury brought in a verdict of "guilty," against the prisoner.

On the first page of this paper will be found the concluding portion of the evidence. Mr. Hodgson, counsel for the prisoner, addressed the Jury, for upwards of four hours, on Thursday, and made a most eloquent appeal on behalf of his client.

When the Court opened, on Friday morning, the Attorney-General announced that, since the adjournment of the Court on the previous evening, the Crown had become possessed of evidence, which would show, that the prisoner owned, a short time previous to the murder, a pair of boots, smaller than any of those which had been produced in Court, as belonging to him. Judge Hensley, after conferring with Mr. Justice Peters, decided that it would be improper to reopen the case at that stage; cousequently the evidence was not admitted.

Hon. Mr. Sullivan then addressed the Jury. He commenced about 11.30, and, with one hour's intermission, spoke till 4.30. For cogent reasoning, irresistable logic, and a thorough mastery of facts, the Attorney-General's address is regarded, by all, as the ablest ever made by a Crown Prosecutor in this Province. It was such a speech as was well calculated to bring conviction to the minds of any Jury. During the delivery of the Attorney-General's address, the Court room was literally packed, and at the conclusion of the speech, the vast audience signified their appreciation, by loudly applauding.

The Court opened a few minutes after 11 o'clock, on Saturday morning, when Judge Hensley commenced his charge to the Jury. After pointing out to them the dispositions with which they should consider the evidence, brought before them, in a case of this kind, he reviewed, at some length, the evidence which had been produced. Having addressed them for about four hours, the Jury retired a few minutes after four o'clock.

About half-past 7 o'clock on the same evening, word was passed round that the Jury were prepared to come down. The Judge and counsel were advised, the Court room began to fill up, and the prisoner was brought from the jail. About ten minutes to 8 o'clock the Jury came into the Court room and announced that they found the prisoner guilty, and recommended him to mercy. On hearing the verdict the prisoner instantly fainted.

We give below, in the order of delivery, a summary of the addresses of Mr. Hodgson and of the Attorney-General.

MR. HODGSON'S ADDRESS.

He commenced by impressing upon the jury the great obligation of their oath, and the fact that they stood between the prisoner and his life; in them was vested the right of saying whether he should live or whether he should die. They should not allow any impressions they may have hitherto formed to come between them and their verdict; they should govern themselves by the evidence taken in Court, and that only. He had no fault to find with the manner in which the prosecution had been conducted, and had every confidence in the gentlemen composing the jury. If the chain of circumstantial evidence adduced was weak in any of its links, then the jury must acquit the prisoner. If they, by their verdict, were the means of hanging an innocent man, a fearful responsibility would rest upon their shoulders. If they sent a man to the gallows, and he innocent, they could not again restore him to his parents. It was their duty to look carefully into the evidence and see if there was not a possibility of the prisoner's innocence. If there was a doubt about the matter in their minds they should give the prisoner the benefit of the doubt. The weakest link must be strong enough to complete the whole chain. If several witnesses swear he was at one certain place on the night of the murder, and one who never saw him to know him swears he was at another place, then a doubt arises. There will be no dispute as to the law. There must be a certainty to the exclusion of a doubt. Before you have the prisoner hanged you must have no doubt as to his guilt. After a few farther remarks he asked for an adjournment until the afternoon when he would further consider the case.

AFTERNOON SESSION.

Mr. Hodgson resumed his address at 2 o'clock. He said it was not his intention to go into the whole of the case. He would not question the evidence taken about the meeting at Irishtown, the boat crossing the river, or the boys driving the cows home. In this case time is of the greatest importance, and we must examine into it closely. We have no right to assume that a certain watch or clock was right or wrong. The little girl Adams' testimony is very important. She said it was between six and seven o'clock when the boat with the man in it crossed the river. Joseph Davison says it was between half-past six and half-past seven when the boat crossed. He corroborates the evidence of the Adams girl. He says he went up to the new house, stayed there upwards of an hour watched the horse being tackled, and got home before dark. Paul Thompson says he also saw a boat about half-past six. Who was in that boat, who had the feras around his neck, and the handkerchief up to his face? The Crown says he was the man who did the deed. They must prove that William Millman was the man who did the terrible deed. We have the evidence of the mother and relatives of the prisoner. The parents agree that when they left the house for the church meeting, they left the prisoner at home behind them. Their story was plain and simple and told in an honest, straightforward manner, which carried conviction upon its face. We find that after they left, the boy remained in the house for some ten minutes, when he, in his shirt sleeves, went down to bathe. The Crown put witnesses on the stand who proved that the boat with the man in it crossed the river at half-past six, and the defence proves that the prisoner was at his home forty minutes after that hour. Another important point is, when did Mary Tuplin leave the house? At the preliminary examination all swore it was about half-past nine in the evening. John Tuplin says it was not quite dark. When put on the stand here he said he did not know the hour when she left the house. We will prove beyond a doubt that she left after nine o'clock. Tuplin says he left the house twenty minutes after his daughter left. He went to Profit's to see if Mary was there. Profit says he got there about half past nine. Tuplin said it would take him about about five minutes to get there. This fixes the time of Mary's leaving the house some five or ten minutes after nine. According to McKinlays testimony, the girl had to go down the mud road, jumping across seven fences; the murder had to be committed, the stone and rope tied about the body, the boat had to be poled to where the body was found, and the prisoner had to go home across the fields—all this had to be done within an hour. This is a draught upon credulity which no reasonable man can swallow. Then there is the poor manner in which the girl was dressed when she is alleged to have gone with Millman. It is not usual for girls when they go to see young men to attire themselves in their poorest clothes. On the contrary, they generally dress in their best clothing. Another circumstance which puzzled him was the alleged fact that Millman went to Tuplin's house but once. If the alleged improper relations took place then, it did not look reasonable for the young man not to return and see the girl afterwards. This conduct he could not at all understand. Then there is the statement as to the time the Millmans got home from the church meeting. When they got home from the meeting that night the mother went into her room, changed her clothing, and on coming out saw William there, looking as unlike a murderer as it was possible for any man to look. If he had blood upon his soul the young man would never have gone home, taken his boots off, and bidding his father good-night, gone off peacefully to bed. The Crown has told you the crime was the act of a weak man. He did not think so. If Millman did the deed he had nerves of steel and a constitution of iron. The penance of a murderer commences with the moment the crime is committed. The spectre of his victim is before him all the time He could not imagine a boy of 19, brought up in the country who could commit such an awful crime, and a few minutes afterwards go home and sleep as innocently as if he had done nothing wrong. It has been said that the motive for the commission of the crime was the seduction of the girl. The evidence of the doctors as to the age of the child showed clearly that Millman was not the father. Before Mary Tuplin went out on the night of the murder she had Mrs. Slavin's baby in her arms and she handed the baby to its mother before she went out. Yet, strange to say, this woman was not produced. They knew her testimony would tend to clear the prisoner, and they could have easily produced her. This is not treating you fairly. If her evidence would help the Crown any, they would have had her here; but as it would tend to exonerate the prisoner she was not brought. This circumstance has struck me very forcibly. We have got the girl leaving the house at a few minutes after nine. She goes down to the river and no doubt the deed was done there Now what time was it done? Woodside says he got home from the lecture that night at twenty minutes to eleven He heard a shot fired and also heard one prolonged scream. He thought it would take him fifteen or twenty minutes to go home—about a mile and three quarters. Assuming it to be twenty minutes, it makes the time of the firing of the shot twenty minutes after ten. Now there was no possibility of the prisoner doing the deed and being at his own home at the time when his parents got home from the meeting. Edward Warren says he was outside the house about ten o'clock, just before going to bed and heard a shot fired. He thought it was a gun shot. He heard no cry or scream; while Woodside, who was driving, heard one shot and also a scream. To his mind, the shot Warren heard was not the shot which killed the girl. The one Woodside heard was evidently the one which killed her, as it was accompanied by the scream. When Woodside heard the shot, where was William Millman? He was at the door smoking when his mother and father got home from the meeting. There was nothing about him to indicate that he had just committed a great crime After setting the bread and talking to her husband a spell, the mother went to bed. After she had gone to bed her husband heard the clock strike eleven. It is possible that you will have to make up your minds that Mr. and Mrs. Millman and the rest of the family perjured themselves. He believed that rather than swear anything contrary to the truth they would see their son and brother go to the gallows. If you think these people have done wrong, and are branded with worse than the mark of Cain on their brow, you will bring in a verdict of guilty. James Somers did not impress him as a truthful young man. The Crown dealt with him in a very delicate manner. He invariably answered before the question was finished. There are four boys mentioned with whom Somers says he had some conversation The boys never said anything about this conversation in their testimony. The boys say they met the disguised man on the forks of the mud road; and Somers says he met the man on the road between Tuplin's and the mud road, before he had met the boys. He had hoped to have seen the distinguished detective, who was imported from Halifax on the stand; but he was not produced. The detective had measured the tracks in the sand, and had also measured the prisoner's shoes, but had found the two did not agree. This was why he was not placed on the stand Now, a few more words about Somers and his evidence. He says he saw the man on the roadside, but did not know him then. A few days later he says he saw Millman and recognized him as the man he saw on the roadside. He could not see how Somers could recognise Millman as the man he saw on the road, when he did not see his face nor figure on the roadside. Unquestionably Millman did borrow a pistol from Power, under the circumstances named. Millman tells me he got five cartridges, and the Crown witnesses have told you what he did with the two shots which were fired. He freely admitted that Millman had asked young Power to make the statement about his being at Paynter's line, and would not attempt to condone the act. The act is not an admission of his guilt. Look at the circumstances of the case. It was reported that he had seduced the girl; that he was with her on Sunday night; and it is said he was mixed up in her disappearance; and even at that time a warrant was out for his arrest for murder. Millman wanted Power to make the statement to set aside the reports in circulation as to his connection with the girl, but it must not be taken as an admission that he was the murderer of the girl. When he knew of the reports against him he endeavored to prove his innocence by fair means. In doing this he did wrong, and he (Mr. H.) would not utter one word of exculpation in his behalf. The poor misguided fellow saw the melancholy face of his mother looking down at him, and when he thought of what would happen her when she heard of what he had done, he was horrified and took the means he did to clear his name and save his mother. In God's name don't punish him harshly for doing this; but look at all the circumstances of the case. Now, with reference to the prisoner's statement that he was coming into town to see me. There was a warrant out for his arrest for murder. He did come to town on the morning of the day the body was found, not to retain me to plead for him on the charge of murder, but to get me to take civil action to vindicate his character. Now, about the foot tracks. McKay proves one track is the girl's. There is no doubt whatever about it. Alongside the track was that of another person, and that person was the girl's murderer. The large track was found to be one inch shorter than Millman's boot. It is said the top of this track is not clearly defined. But how about the width of the track? Millman's boots are, as has been shown, almost half an inch wider than the width of this track. Footprints are very important in the detection of criminals. All detectives know something about footprints Even if you went to Halifax you might find one who knew a little about them. Why, even Millman's naked foot is larger than the track. Now, gentlemen, I leave my client with you. Remember the terrible duty you have to perform, and may the God above you deal with you and yours as you deal with him.

SUMMARY REPORT OF THE ADDRESS OF HON. W. W. SULLIVAN, ATTORNEY GENERAL.

MAY IT PLEASE YOUR LORDSHIP,

Gentlemen of the Jury—It becomes my duty now to address a few words to you regarding the prosecution in this case. I shall make no further reference to the application which has just been made, and which has been set aside by his Lordship. You are, doubtless, like myself, pleased that the case is drawing to a close. For many days you have been listening to and devoting your attention to the evidence taken on both sides. It was most important for you to consider the evidence on both sides to ascertain whether or not William Millman, the prisoner in the dock, is guilty of the charge which is laid against him. Before I enter upon the evidence, I ought, perhaps to refer to a few incidental points which have been brought up. My learned friend was kind enough to admit that the prisoner had a fair and honest trial, but before he concluded I was pained to hear him charge myself and my friends associated with me that we were recreant in our duty, and that we withheld material witnesses. This, gentlemen, is a serious charge. He could not have felt the full responsibility of the charge he was hurling against us. We are not here for the purpose of condemning the prisoner if he is innocent. No one could be more pleased than we if the evidence was of such a nature as would prove the prisoner's innocence. He is here to defend his client at all hazards, and I am sure it has been truly and honestly done. But I must say he went out of his place when he charged us with having withheld evidence in favor of his client. It is a most serious, a most improper and a most outrageous charge against the Crown counsel. We brought all the witnesses we thought necessary for the case; but if we failed in our duty, why did he? We and you, gentlemen, and his Lordship, are here in the same interests. We are not here as the advocates of the Tuplin family. We are here only for the public. What would this Mrs. Slavin prove if she were here? Only what has been proved by Mr. John Tuplin, the father of the murdered girl. She would have told you that Mary had been nursing her child on that fatal night, and that she handed the child to her and went out of the house. This would only be taking up your time. She would add nothing to the evidence for you. We therefore thought it of no consequence. The way was clear for him. All he had to do was to step down to the Prothonotary's office and order a subpœna, and the woman was bound to come. He has himself to blame in the matter. Another charge he made was that there appeared to be a great desire on behalf of the Crown counsel to prejudice his client. Gentlemen, we have no prejudice against William Millman or his father or mother. We are only anxious to ascertain whether the prisoner is guilty or not. We felt impelled to do everything we could fairly and impartially. We have withheld nothing. We brought all the evidence before you so that you might be able to come to a fair and honest conclusion You have heard several points raised by the defence, some collateral to the main point, which were intended to throw suspicion in other directions. You know how we have disposed of them. First, there was a story regarding a gate which was said to have been taken from Mr. Tuplin's and carried across the road, and that Mary's sister had at one time gone away to the eastern part of the Island, and that it was probable that Mary had gone there too. This we felt it our duty to set at rest, and we did so. The evidence of Muttart and Frizzle fully explained both these stories. How they went to Tuplin's merely to enquire how the sick boy was. We set that at rest to satisfy your mind. The desire intended was, I have no hesitation in saying, to throw suspicion on young Frizzle. If it did not mean that, what did it mean? We have set this at rest, and you need not trouble your minds regarding it. Another one was that Mary Tuplin was not murdered at the shore, but in the woods, and asserted that the place where the murder had been committed was found. This we also set at rest by the testimony of Jabez Tuplin and James Bentley. They were the ones who found this place in the woods. They were coming up the "mud road," and their attention was attracted by a smell, and they set about to find the source from whence it came. It proved to be from the remains of a rabbit's head, and by their testimony which corroborates each other this was set at rest. Another was the splash in the water which went to show that the body of Mary Tuplin was not placed in the water on the 28th of June, but at some subsequent period, and that we were entirely wrong in our opinion. This we felt necessary to set at rest, and did so by the testimony of Benjamin Bryenton, whose evidence you will remember. He was there at the time, and the light was caused by him lighting his pipe. The splash, he says in his evidence, he thought, was made by a musk rat, or a fish. His evidence explains all that, so that it is outside your consideration. Another one was regarding the wagon which Mr. Thompson saw. This man made an extraordinary exhibition of himself while on the stand. This was also intended to cast suspicion upon some other person than the prisoner. What idea is Thompson's evidence intended to convey? That poor young Bryenton must have had something to do with the murder. This, gentlemen, is a most serious charge. Poor Mary Tuplin is now lying cold in her grave. Her faults may have been few or many, but I do not think it was right for the prisoner's counsel to seek to damn her character in the way he did. There were witnesses here, but why were they not placed upon the stand? Because they could not prove anything derogatory to the character of Mary Tuplin. We have had forty-nine witnesses for the crown, and eleven for the defence, all highly respectable witnesses. I never in all my life saw witnesses who gave their evidence better on both sides. In all the testimony nothing has been proved detrimental to the character of Mary Tuplin, as it now stands before you, only regarding the prisoner in the dock. My learned friend has asked you to have mercy upon the prisoner. You have a solemn duty to perform, but I am sure your feelings will not be swayed by the logic of my learned friend. There are two sides to the question. You will remember the circumstances of the murder, and of how the poor girl was decoyed away from her father's house on the day that the poor old man had followed the remains of his beloved son to the grave. This, above all other days, was the one selected to commit this atrocious crime. Beguiled away, she left her home that day at dusk. He saw her leave the house that time for the last time in this world. You also know that the prisoner's counsel has endeavored to prove that she left the house about 9 o'clock. You will remember that her father fixes the time about dusk. The body was found in the river on the Monday following, July 4th, by Archibald Bryenton, with a rope tied round the body, with a stone attached, which he identified. It was found on proper examination that she came to her death by bullets in her head. This you have heard from the evidence of Dr. McKay and Dr. Wall. There can be no possible question regarding this point. Now, when was she shot? When was she put in the water? We say on the 28th of June, and we prove this to you by the evidence of those who heard the two shots and the screams, on that evening, about the time, we think her life was taken, at or about ten o'clock. We are asked to be tied down to time. You should not be bound down to any particular time named by witnesses. If they speak without having looked at a clock or watch, they speak at random, and it should have no weight with you. If, on the contrary, they had looked at a watch or a clock, or had some event or beacon to guide them, their testimony should have much weight. In this very case, Captain McLeod's evidence must have been entirely astray. He must have made a mistake when looking at his watch. Common sense tells us the time he names is erroneous. I do not believe he would knowingly make a mis-statement. I am quite satisfied from the evidence of other witnesses that he was entirely wrong as to the time he heard the shots. Another very responsible witness, John Sudsbury, whose evidence is unimpeached, says the shots were fired before the meeting at the Irishtown church was out. He heard two distinct shots. He was asked how much time elapsed between the shots, and he told you two minutes. But when asked to represent the time by clapping his hands, it was found only half a minute had elapsed. Now, it is proved that the shots were fired before the meeting came out, for this statement remains uncontradicted. Now, John Millman and his wife were in the church at the time the shots were fired, and taking the time given by the defence, fifty-five minutes had elapsed after the shots were fired, before they saw the prisoner in their own house, so that he had fully fifty minutes to deposit the body in the river and get to his own house, after the shots were fired, before he was seen by his mother. This is from their own witnesses and not ours, for Sudsbury is a friend of Millman's, and a most unwilling witness. Thomas Bryenton, who was another unwilling witness, says that the church got out at 10.25. Taking this, it gives him seventy-five minutes, or an hour and a quarter, to get home, before he was seen. Bryenton appears to have had a knowledge of the time, for he says I looked at my watch; and he further says, his watch agreed with the Rev. Mr. Reagh's. You have the evidence of Edward Warren, also a friend of Millman's. He says he compared his watch with Bryenton's that evening and it agreed with his. Warren says he heard a shot; it was a sharp, loud sound, about 10 o'clock, such, gentlemen, as would be heard from a shot fired from this pistol. He says the sound came from the South Creek. If they were fired by the prisoner, they were fired from there. He says he only heard one. This, no doubt, was the last one. He explains that if he was in his house he could not hear one. But just as he steps outside he hears the shot. He would not hear the scream, because by Dr. McKay's evidence the body would be completely prostrated after the second shot. It may be said that this was a short time to commit murder. I don't think so and I think you will agree with me when you consider the circumstances. You must see that it would take a very short time. Supposing the shots were fired after she got into the boat, or about getting in, very little remained to be done. The rope and stone were at hand, and the depositing of the body would take a very short time, Mr. George Profit, who lives at the "Black Horse," speaks as to hearing the shots and the way from which the sound proceeded. They were fired, he says, at 10. He looked at the clock. It was after Tuplin left the first time. He described the shots as being four or five seconds apart. Here, then, we have Warren hearing about the same time, and the shots coming from the identical spot. This is proved beyond any doubt and is beyond question. Woodside says he heard the shots between 9.50 and 10.20 o'clock, At the time these shots were fired, Captain McLeod was from three and a half to four miles away, in a straight line a distance as far as North River Bridge from Charlottetown, and if you go out and stand on the bridge and fire a revolver would anyone hear the report here? It is absurd to think so. They were not the same shots as the ones heard by Woodside, Sudsbury, Profit and Warren. This I want to bring particularly to your mind. As we have now fixed the time the shots were fired before the church meeting was out, we do not care much what time it came out. The question now is who shot Mary Tuplin. It will occur to you that no one who had no motive would do it. In all the evidence adduced it has not appeared that any one but the prisoner in the dock had any motive to do so. We now come to the motive. No human being would take the life of another without being influenced by some extraordinary motive. Did there exist such a motive. It has been proven that William Millman and no one else had a motive. It has been proven that that girl was shortly to become a mother, which was not unknown to William Millman. According to his own testimony he had connection with her on the 5th of January. This, then, is established beyond any question by the legal testimony from the lips of the prisoner. J. R. Profit, a schoolmate and a friend of the prisoner, proves this. And as such he had no reason to make these statements and prejudice the prisoner's case. Here then we have the motive. Was the prisoner afraid it was true? That, at all events operated upon his mind, and that was the motive that led to this crime. It has been established that this man had a motive, and that it drove him to the commission of this crime. Having this motive he seeks to make an appointment with the girl, and gets parties to communicate with Mary Tuplin to meet him. It is placed beyond dispute that he met the girl on Sunday, two days before the murder. By his conversation with McKay, what does he say: 'I met her Sunday night, but Muttart needn't think I was trying to hide my face from him. My nose was bleeding." We have him placed around Tuplin's house the night of the murder. We have given proof which leaves no possible doubt that the prisoner met Mary Tuplin on the evening of the murder. It has been insinuated that this man could not be the father of the unborn child. I don't care so much about that. If he believed he was accused, that was sufficient. You can have no better proof that this girl was seduced the time the prisoner was there than the testimony of the poor girl's mother. What is her evidence? I need not read it to you.

The Court here took a recess of three quarters of an hour.

After recess the Attorney-General continued: Now gentlemen, I want to call your attention to the evidence from which it appears that a man was seen that evening at the end of the Mud Road where it joined the river. I am sure you must have been struck with the remarkable intelligence exhibited by little Donald Tuplin, the brother of the murdered girl. He told you that that evening he was on the road which leads to Margate, with some other little boys driving a cow, and how they ran in at one fork of this road and intended to come out at the other to frighten the cow and have some sport, that he saw a man where the two roads join, sitting on the ground with his elbow on his knee, and his head resting on his hand, and with what they thought forns or moss around his neck. When they saw him they were naturally frightened and ran back the way they came. Another witness, little Gordon Bryenton, tells the same story. While another, named Jas. Somers, upon whose testimony considerable comment has been made, tells of seeing the prisoner on the roadside under disguise. They all say it was about sundown when they saw this man. This, then, fixes the time he was seen there. Then we have heard of a person crossing the river in a boat. We have been told, and we are aware of the fact, that a Mr. Cousins owned and had a boat moored at the other side of the river from Tuplin's, and that it was moored there on June 28th, and that the boat was seen coming across the river on this evening about or shortly before sundown. The one who first spoke regarding this is Paul Thompson, who was at the back of his farm feeding calves, and saw the boat going across from where it was kept towards the Mud Road. He was not able to see it go far because the bush hid it from his view. Then again we have Jos. Davison, who also saw the boat cross in the same direction. He gives the time as between 6.30 and 7.30. Of course that is a wide range, and when he speaks witout knowing the exact time it is quite proper for him to take such a wide range. He may be too early or too late. 7.30 may be too late, but I don't think it is; and here I want to call your particular attention to the testimony of Bradford Millman, who was bathing that evening, and while there saw a scow on the opposite side of the river; and further that he saw no boat at the Mud Road when he left for home. They saw no boat there, although they were in full view of the place, and what does he tell us the time was when he got home? He said before the Magistrates Court, that it was 6.30 when he got home from bathing. That fixes the period as to the time when he got home. Now we know that a boat did cross that river. Bradford got home at 6.30, and up to that time no boat had crossed the river, and it must have crossed after that. This testimony is corroborated by the testimony of those who were digging bait. They saw Adams, father of the little girl, and were talking to him about 5.30, up to which time no boat had crossed. We have the evidence of Paul Thompson, Joseph Davison, who is the first in order, and the Adams girl, as to the crossing of the boat. It would not be improper for me to ask my learned friend why he did not place on the stand James Millman. We have heard a good deal about the absence of Mrs. Slavin, who had no evidence to give, but how do you account for his absence? Only upon the hypothesis that his evidence would be against the prisoner. My learned friend knew what would make his case stronger or make it weaker, and it is most extraordinary that he did not bring James Millman forward. If he could have corroborated Bradford he would have been here, and it is my duty to remark upon the absence of that witness. You saw this little Adams girl on the stand, and you know how she gave her evidence. She was a most unwilling witness, and so was her father. We had a great deal of trouble to get them here and to keep them here, for they were the friends of the prisoner. I want to call your attention to what she says. She went down to the field for the cows for the purpose of taking them home to have them milked. This is most important testimony. We have the evidence of one or two witnesses as to the time cows are milked in the country, which is given as about sundown. Now she remembers this circumstance by reason of the fact that she went down to the field for that particular purpose. She says she saw the boat on the shore, and a man lying it, at a distance of 70 yards. My learned friend commented upon the fact that we had been tutoring our witnesses the word—those witnesses we are asking them to come here and commit perjury. That is the charge he hurled against us. You saw how unwilling she gave her evidence, and that is the witness we are charged with tutoring. We sent Thomas McKinlay there to make a plan of the locality, and I instructed him to see her and get her to point out to him the place she was standing when she saw the man, and it was 70 yards. That is how she came to be so precise, because it was then and there measured. She says she saw William Millman at the boat, and tying it. Gentlemen, was that true or false? Why should she come here to tell you that if it was not true? Why should she swear to that if it was not true? She says he walked up the mud road, and that he had on dark clothes and a dark hat. She knew him that evening, and she saw him again next Sunday at the Irishtown Church. The last part of this statement proves that she was speaking the truth, because she then identified him as the same man. What does Mr. Reagh tell you? Why, that Millman was at the church that Sunday. This is a corroboration of her testimony. I think we may take, and are bound to take, this as a proved and established fact in this case—that Millman was seen at the Mud Road that evening by Dorothy Ann Adams. We are bound to take it, no matter how bad it may be for Millman's family, unless we believe that that little girl came here to lie against her playmate, and for whom? For the Crown. If she would lie at all she would lie for her friend, and not for an indefinite being called the Crown.

I want to call your attention to the law concerning the evidence of little children. There was a time in the history of British criminal law when their evidence was not taken, but that time has gone, and now their evidence, when they understand the nature of an oath, is the strongest we can have. I shall read you the following extract from Taylor on Evidence:—

"Sir William Blackstone appears to have thought that less credit was due to the testimony of a child than to that of an adult, but reason and experience scarcely warrant this opinion. In childhood, the faculties of observation and memory are usually more active than in after life, while the motives of falsehood are then less numerous and less powerful. The inexperience and artlessness, which, in a great measure, must accompany tender years, render a child incapable of sustaining consistent perjury, while the same causes operate powerfully in preventing his true testimony from being shaken by the adroitness of counsel. Not comprehending the drift of the question put to him in cross examination, his only course is to answer them according to the truth, which sometimes attaches to older witnesses, who, though substantially telling the truth, are apt to throw discredit upon their testimony, by a too anxious effort to reconcile every apparent inconsistency."

I want you to apply this to the evidence of the three little children—Dorothy Adams, Donald Tuplin, and Gordon Bryenton. No one could have heard their evidence without believing in his heart that they were telling the truth. Donald Tuplin, the brother of the girl who was murdered, came here and told you that he saw a plain, artless way. I tell you that you cannot do otherwise than believe Dorothy Ann Adams' evidence, because it is undenied. Unless you choose to violate your oath, you cannot doubt that witness. We have then William Millman at this point, at the end of the mud road.

My learned friend has made a speech which he might have made without having heard the evidence. Has he broken down this evidence? No. They are bound to accept it as true. He says the strength of the chain is its weakest link, but he has pointed out no weak links in the chain of circumstances in this case. We have got Millman at this place. I now want to show you that we have got him up from this place, up beside the road near Tuplin's. Who proves that? James Somers, who saw him there under a tree, while on his way to Margate. He says he looked at him—and this has been commented on by my learned friend—for a second or two and then passed on. That second may have been ten or twenty seconds. He stopped a moment, and he said he had reason to know it was Millman, and to know that he was to meet Mary Tuplin. If you read the evidence of his wife, you will know whether or not there is evidence of that. He saw Millman there on the side of the road, but he did not see him again till he saw him in Warren's barn, and he tells you that when he saw him there he identified him as the man he had seen lurking in the woods near Tuplin's gate. James Somers made a complete identification of him, beyond any doubt. Why did my learned friend endeavor to throw any doubt upon his evidence? Because his wife is the sister of poor murdered Mary Tuplin. We have heard nothing against the character of James Somers, and therefore we are bound to take his evidence, and we cannot get rid of it, however much we might desire to do so. He corroborates the evidence of Dorothy A. Adams and the two little boys, and there can be no doubt that the man who was lurking there was Millman, in order to meet his victim.

My learned friend made a great flourish about putting on the stand the members of the Grand Jury. I have my own opinion about the propriety of Grand Jurors going around the streets of Charlottetown, and proclaiming what has been said to them in matters which they are sworn to keep to themselves. He did not produce them, but we dragged them here. He had not the moral courage to do so. He summed the foreman of the Grand Jury, but did not put him on the stand because he could not shake the evidence of Somers. He put on the stand Thomas McLean, a member of the Grand Jury, who corroborated Somers' evidence. He said Somers could not identify Millman on the evening of the 28th June because he had not seen him before, and he does not remember that it was ever proposed to bring Millman before the Grand Jury. Peter M. Burke, the foreman, confirmed it in a still greater degree. It would be the more deeply impressed upon the mind of the foreman than upon the mind of McLean,—who has too much business to attend to when he leaves the jury room to think any more about it—and even he confirms the evidence of Somers. We have the evidence of George Peake, who was Secretary of the Grand Jury, and who says they did not ask Somers if he could then identify Millman, if he were produced. His evidence was corroborated by that of Maurice Blake, another member of the Grand Jury. So far from my learned friend having placed member after member of the Grand Jury on the stand to break down Somers' evidence, the Crown brought them here, and they confirmed it. Somers was not sworn before the magistrates, but if he wanted to convict Millman he could have placed himself in a position to be called there as a witness.

We have got the evidence of Thompson and Davison, who saw the boat crossing the river, that of the Adams girl, who saw Millman at the river, and that of James Somers who saw him beside the road near Tuplin's. Now let us see if this can be confirmed. Let us see what Rev. Mr. Reagh, who has no unfriendly feeling towards Millman, says He says he met the prisoner on Wednesday, and he told him the girl was missing. Millman went with him to Kensington, and on the way they met Mr. Tuplin, who told Millman that Alice Connolly had informed him that Mary had agreed to meet him (Millman) on Tuesday evening. Where is Alice Connolly? Why is she not here? We could not legally prove that she was outside the limits of Canada. Being unable to prove that, her evidence given before the Magistrates' Court is ruled out. Who is Alice Connolly? She is a first cousin of the prisoner. Why is she not here? We could not control her, but my learned friend could. Why is she not here? Because she would confirm the appointment of a meeting between Millman and Mary Tuplin.

We have got him within a few yards of Tuplin's gate on that fatal night. We have logically placed him there. We know how Mary Tuplin was murdered. Bullets were found in her head. Let us see if Millman had the means of inflicting these wounds. We have the evidence of Frank Power, which is unquestioned and admitted. My learned friend had to admit that everything said by Power was true. Your duty is imperative if Power's evidence is true. This is a question of life and death and we ought to be able to endure a little in order that justice may be done the prisoner, therefore I will read you his evidence at length, and remember that the Powers are also the friends of the prisoner. (Frank Power's evidence read.) Mark you this, there were no cartridges in the revolver when Millman got it from Power, who did not see it again till June 30. And when he returns it he does not go to the front of the house and give it to Frank openly, but he sneaks around to the back of the house, and beckons him out. I want to draw your attention to the suspicious character of this circumstance. If he was going to Power's for a lawful purpose why did he not go into the house? No. He beckoned Frank at the window to come out. There is another thing I want to call your special attention to in connection with the delivery of the revolver. At that time Mary Tuplin's body had not been found. Nobody except he who committed the crime knew that she was shot, that two bullets were in her head, or that a particular size of bullets was used. Millman was the guilty man or he would not have cautioned Power to say nothing about it. No other person knew that a revolver was used and no other person could have any motive in giving such a caution.

I want to show you that he had also provided himself with cartridges, that he was seen in Summerside, at Rogers' buying cartridges. He was there with Colson. He was preparing himself for this premeditated murder. He was seen looking at cartridges in Rogers' shop, and he got them there, and I have only to remind you of his statement to John Nathaniel Evans as given in the evidence of Johnson Mann. Evans had asked him if he had got cartridges. He said yes, he got them in Summerside, that he could not get them in Kensington. He is bound by the statement made to Evans.

We have thus proved him to be on this side of the river with a revolver and with cartridges. My learned friend, in the simplicity of his soul, asked you to believe that he went to Summerside to buy five cartridges, one for each chamber. Gentlemen, it is absurd. It is just like the story of the splash of the wagon, and the attempt to blacken the character of Mary Tuplin. They are all of a piece. One was fired at a plank, another on the road, and therefore we are out of court. It is arrant nonsense. How easy it was for him to reload them. We have got that revolver loaded with a special stamp of cartridges, and we find three in that pistol, and the other two in the head of poor Mary Tuplin. That is an established fact. We have placed on the stand a captain in Her Majesty's Navy, and you heard him say that such a bullet could be discharged from that revolver, and we have had the remaining ones examined and shown to be of the same make and brand. He said that those found in her head, so far as the rings were concerned, did not agree with those in the revolver. The statement was made at an improper time, to influence your minds, but I am going to show you that he was wrong in that (Bullet shown). You will find there are three rings around this bullet. There is also an indentation which holds it in the shell, and it therefore perfectly agrees with the others. Thus is another bubble burst for my learned friend.

Now, gentlemen, we find him in possession of a revolver and cartridges, so that he had all the means of taking away the life of Mary Tuplin, and we find him near her home. And we find that Power was going away to Kelly's Cross, that he wanted some money, that he sent a message to Millman, who came and saw him, and told him he had no money, but to allow him to keep the revolver till Tuesday night as he and John Nathaniel Evans were going on a racket, and after that he would not want her any longer. We have been asked for Mrs. Slavin, but let me ask where is John Nathaniel Evans? They could have had and should have had John Nathaniel Evans here to ask if it was true or if they failed to go, and instead of going upon that racket went upon another to the house of Tuplin. At that time Millman had made up his mind to murder this poor girl. He must have made up his mind, and when he found himself in a tight place, and when asked to give up these means, he told a lie, just as he lied to God's minister about the situation of the girl. He knew he was lying to that man of God and he did not hesitate to do it.

Now, Gentlemen, we got beyond that fatal night when that crime was committed by that man. The evidence points to his guilt, and to his alone. Let us see. What does he do when the search for the body is being made? He sneaks away to little Patsey Power and asks him to blacken and damn his soul for him, he at first agreed to it, but when asked to back it up with an oath he hesitated to do it. What did he ask him to do? Why to swear he was with him at Paynter's Line that night. My learned friend says, "I plead guilty to that charge and I know my client did wrong." It is admitted that he did attempt to get this little boy—whose evidence must have impressed even my learned friend—to take such an oath. I must say I never saw in this or any other court so intelligent a witness as Patsey Power. My learned friend read to you a great many cases, some of them away back for hundreds of years, and none, I believe, later than eighty years, to show the narrow escape of innocent persons from death, because the jurors would not convict on circumstantial evidence. They are isolated cases. The juries did not convict in these cases because the evidence was not strong enough But they attempted to suborn Patsey Power to give false evidence. Let us see what is the law of England on that point. I will quote from Chief Justice Cockburn, Queen's bench, Law Reports, 1870, Vol. 5, page 319:

"The conduct of a party to a case may be of the highest importance in determining whether the cause of action in which he is plaintiff, or the ground of defence, if he is the defendant, is honest and just; just as it is evidence against a prisoner that he has said one thing at one time and another at another, as showing that the recourse to falsehood leads fairly to an inference of guilt. Anything from which such an inference can be drawn is cogent and important evidence with a view to the issue. So, if you can show that a plaintiff has been suborning false testimony, and has endeavored to have recourse to perjury, it is strong evidence that he knew perfectly well that his case was an unjustifiable one."

This is a dictum of one of the most learned judges that ever sat upon the English bench, and one that commends itself to the common sense of the people. My learned friend must have been reading some light literature lately, and got his cases from a fifty cent novel, but here is a case so recent as 1870. So far from regarding that attempt as a venial offence, you have to look upon it as a most important factor to prove the prisoner's guilt. If innocent, why should he take Power away to Ready, who refused to administer the oath, and whose advice he asked about taking him to frighten John Tuplin, whose head was bowed down with grief, to prevent him from taking proper action against him. This was before the body was found. If he did not feel in his heart and soul she was murdered, why did he do this? No one else knew it but the murderer, and he felt it in his inmost heart and soul that he was the murderer, and he tried to throw suspicion on some other person. That is not the conduct of an innocent person.

Another way to look at the case is the conversation a man may have. Here was Millman with this charge against him. You heard the evidence of his father and Mrs. Evans, and other members of his family. Did any of them tell you they ever asked him where he was that night. Their *alibi* failed. I say they have failed to account for the whereabouts of the prisoner, taking their own evidence, between 7 o'clock and 10.30. Did the father ask his son where he was, when this perilous charge was hanging over him. Where are the answers? They are nowhere. Why? because they are not in existence. The poor old man confirmed the evidence he gave at the investigation. Bradford, a most important witness, who slept in the same bed with him, saw nothing more of him till next morning. They did not ask him where he was. When you take that circumstance in connection with the overwhelming proof of his being across the river, you must take it as evidence of his guilt. What does he say for himself? He tells Thomas Bryenton that he was in bed when his father and mother got home from meeting. Is that true? It is not. He was not in bed, he was not even in the house. Then he lied to Thomas Bryenton. Why? Because he was not able to account for his presence that night and had not made up his mind what story to tell His brother says he was down bathing that night Upon an evening so cold that it was necessary for John Millman to make a fire to warm himself! Which of those stories do you believe, or do you believe either. Do you believe that he