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WHOLE NO. 428.

Ladies' and Children's Wear
suitable for the summer trade, which will
be sold at prices to suit the times.

S. McDOWELL,
Boot and Shoemaker.
Dorchester, May 15, 1878.

*Paper Bags, printed and
unprinted, for sale at this
Office, very cheap.*

THE M'CARTHY MURDER.



seen the brain on the cuffs. Rubber cap also produced and identified by witness. Witness here was overcome by the odor of the clothes and called for a glass of water. Vest produced and identified; also the body coat, which witness examined attentively, and said it did not look exactly the same as the coat looked black, and the buttons were darker on McCarthy's. I never saw any of the money after to know it. I know that shortly after the murder when John commenced to get well they paid out money on the piano and some for a cart. I heard Harry count \$30 to pay on the piano in the kitchen about 14 or 21 days after the murder. Eliza wrote a letter and took it to the post office. I also heard John tell Harry about going to Moncton to pay for a cart he got for the Kirk house, in Moncton.

At 11 o'clock the crowd was re-admitted, the floor having been shored up safely. Eight days after the murder I went to the Seaside about a mile above the Seaside bridge. A young fellow overtook me on the road. He told me his name was Charles Welling. He walked part of the way with me, and then went back. There were some bushes there. I found a wagon track in a potato field, on the inside of the fence about two feet. I followed the wagon track down to the shore. Where I crossed the fence was about twenty yards to the left of Atkinson's lane. I followed the track down ten or eleven yards from Atkinson's lane to the bank where a lot of stone was scattered. It was a pretty large potato field. It was near the road. I went down the bank to the shore and saw the tracks in the sand on the shore. The tracks went down into the water as far as I could see. It was low tide then.

In reply to Counsel witness said: "I saw where the wagon turned." Mr. Palmer objected to the way of suggesting ideas. Dr. Tuck then changed his question when witness showed how the track turned along the shore, and came back to the same place where it went down the bank. She said she retraced her steps twice, the party went down to the river at the place above described and described the river to the bar room when Dr. Scott carried away pieces of the door counter.

I saw no marks in the hall then where the blood had been scraped up. Her second visit to the river was in May last in company with a large party when she again found wagon tracks in the potato field and near the highway fence. Witness said that she knew Donald White the Osborne's son in law. She saw him there shortly after Oct. 12th. He remained there a day or two at several times after the murder. Harry wore the India rubber shoe for a month or more after the murder. I did not see Jim Fraser on the night of the 12th last. I heard he was in Montreal four or five months ago.

This closed the direct examination.

At 11:30 o'clock Mr. Palmer began the cross-examination, previous to which Annie, at the request of the jury, made a pencil sketch of the route of the wagon going through the potato field, the river and the turning point and the way it went back, which plan being approved by the court was explained to the jury. Annie during this showed signs of nervousness and was cautioned by the court for a reply to Mr. Palmer.

In reply to Dr. Tuck, Annie said she could read and write a little but could not write. Cross-examined.—I know the difference between truth and lies. If I lied about myself that is my own business. (Great laughter.) I said I had a baby. It was not my baby. I told it to another man. I confess how many babies her sister had before she was married—great laughter, which the court ordered the sheriff to stop, saying that it was not theatre but a serious business. I never had a child. I never went to a magistrate in Bathurst to swear one. My mother's name was Polier. I was seven when she died. She was called Parker because that was her husband's name. My mother was not able to manage me. I went to the Free Baptist Church with my father. My mother was a Roman Catholic. When I was about 7 years old I left home. My father's keeping house was not the same place. I visited there but never lived home since. I was on my own hook all the time. I can swear well. I learned it chiefly at Osborne's, who all swear—children and mother. I never stayed awake to hear them swear in their sleep. People talk had quicker than good. I swore at Chipp. Smith once, a month before the murder. I never was in a murder house before in my life. I did not steal any thing while living at Moffat's. I was at Osborne's ten days or so before the murder. I scrubbed the bar when I first arrived. Ward was not barkeeper till just before I left. I was very frightened the night of the 12th. Young Fraser who went to the dance, was about 22 years old, and was to call in to see me after the dance was over, about 12 o'clock. I generally stayed up at the Osborne's till 1 or 2 o'clock. I went to bed that night at eleven o'clock. I undressed but knew this Fraser promised to come to see me. When McCarthy came I was disappointed. He was a married man. I was determined to stay up and have some fun and make the best of it. I was not frightened after the murder. The Osborne's treated me kindly. I was kind of frightened, though as they might kill me if I told, as they now threaten to do. The Whites say so. I was scared that night till all was over and I had taken my oath not to tell. I told some people who came in that McCarthy was there after 10 o'clock. The Osborne's sometimes called me in to corroborate what they were saying. I was talking about the hour he left. Their stories have differed since I left the Osborne's. I can't say what stories I told about the murder. I stuck to the hour they named. The McCarthy's told me the Osborne's were going to take me up to prove my character. Before they gave testimony that I heard what I saw. I made a statement first to one of the Osborne's, then to Justice Wortman since I took my oath. I have always told the same story. The wagon seat had no rug in the back. I never swore to that. I recollect my examination at Moncton when I was first introduced to me. The wagon was a light express with dash-board not very high. I had sworn up to the time of the examination at the bench that the wagon was a light one. I never said that I had said that it was an express wagon.

Q. Did you swear before the magistrate at Moncton that you never stated Harry not an express wagon, but a light one?

A. I will not swear positively. Harry told me at that time. I knew what an express wagon was. I did not swear there were wheels in the back of this wagon. I did not tell you this over and over again—but did say there were wheels in the Osborne's driving wagon. I never said I turned the seat up but that I turned it around.

Mr. Palmer here read over part of the witness' testimony at Moncton relative to the kind of wagon used, which she said was in substance correct, though she did not say when describing this wagon that she turned the seat up.

Q. Did you say at Moncton that Eliza cut off the sleeves of the coat? A. I did not say it that way. Q. Did you say that her daughter cut off the

sleeve and she cut a piece of the wrist and bound it up with black at the time he tried to try on the coat? A. I did not say it that way. The first time I saw the coat after was Shediac. I did not after my statement to suit the fact. I denied the statement and swore to it to be in the duty three weeks after I gave evidence. McCarthy's hat was on the counter when he fell down. Up to the time he fell he had his hat on.

Mr. Palmer here put a hat on. The witness, taking the hatchet in her hand, tapped him gently behind the ear to show how Harry could have struck the blow. The McCarthy's head was bloody but I don't swear whether there was blood on the back of his head or not. (There being considerable laughing in court the judge directed the constable to turn out the hangers.) Being pressed by the counsel as to the state of his hair she said: I did not examine the hat in Moncton to see if there was blood on it. I will not swear that I heard the hat was found before I told that the body was in the Seaside.

The witness was here questioned at some length as to the various stories she had told before the full trial court, after which Mr. Palmer read over the solemn declaration before Sheriff Boleford in which she said she heard the murder in her bedroom window, and saw the wagon drive away and that she found some bills in the bar about a week after that. This declaration Annie Boleford said was made in Moncton, three weeks after she left Osborne's. She never took her oath to that statement.

The Court here adjourned for dinner.

THE FLOOD THAT SWIRLED.

The Court House floor springs so much this morning with the weight of the crowd that the northwest corner wall bulged out over three inches. When the crowd was got out, the bladders drew the wall together, and the floor was then shored up. But for Sheriff Boleford's coolness there would have been a terrible loss of life, for a sudden alarm would have caused a stampede down stairs. After dinner the crowd was even greater than in the morning.

Mr. Palmer read over the declaration of Annie Parker, before Sheriff Boleford, which she said was made at Eliza's, in Moncton, with Edward McCarthy, Mrs. Blair and others present. The sheriff asked her, she said, to tell what she knew. Witness testified that she did not say McCarthy took a drink at 10 o'clock, or that she saw the wagon start from the door, but saw it go by the corner of the house. Said it was McCarthy's horse, but did not say it was their wagon. Said what was in the wagon was higher under the seat than any place else. Also that she found a roll of bills some time after, and that Eliza cried when she heard they were coming back the house. With these corrections the declaration was as she made it.

Witness continued: I might be December when I left Osborne's; stayed at Jones' eight or nine days, then returned to Moncton. The statement just read was made about eight or nine weeks after the murder. I made a declaration to Justice Wortman two days after that, when Ed. McCarthy came to see me.

Mr. Palmer here read the second statement, which the witness corroborated as correctly taken, that she did not say McCarthy got a drink at 10 o'clock.

The sum and substance of these declarations, the reading of which occupied over an hour, were made public in the *Telegraph* morning papers. The witness said, she did not read the papers, as she had not then made up her mind to tell the whole story. That they were not sworn to and would not have been made had she thought they were in this court.

Cross-examination continued.—I cannot tell when I first heard that the hat was found in the Seaside. When Ed. McCarthy's horse was ridden, I did not know. Lots of people told me I knew more and advised me to tell it. I had a good time there after ward. I did not expect to stop at Osborne's. I told it to get another man.

The plan of the Waverley House was shown to witness on which she pointed out the impossibility of the wagon starting from the front door from her bedroom window.

Mr. Palmer in further reading of the declaration used the word "dressed," and asked her if she used that word when she always used the word "yoke-necked," and intimated that the counsel wanted her to deviate from the truth. Mr. Palmer said all he wanted was to get the truth from the witness for just twenty minutes.

The counsel asked Annie to explain what motives she had for saying she did not see McCarthy on the fatal night, but only heard the carriage from the front door, and saw the wagon drive away from her window. She replied that she did not want to tell the truth, but only to get the money. She said she was afraid to tell the truth, but only to get the money. She said she was afraid to tell the truth, but only to get the money.

About half-past three the proceedings were varied by a lively tilt between Mr. Palmer and witness, in which the latter said she did not care much for the boy but rather liked married men, especially if they were as good looking as Palmer. The audience seemed to greatly enjoy Annie's remarks. For a few minutes there was considerable merriment.

Witness said John Osborne did not discharge her on account of a disease she had. She continued: I will not swear I heard McCarthy had a revolver. I heard Harry ask his mother for a revolver to shoot a cat. I did not tell this in my declaration because the people think it was McCarthy's revolver.

Donchester, July 21.

Mr. Palmer's cross-examination of Annie Parker was unfinished when the Court rose at 5:30 p.m. evening, and he will resume on Monday morning. This and the re-examination will keep Annie on the stand all day. The cross-examination, so far, has been specially minute and exhaustive. In addition to the points enumerated in previous dispatches of Saturday, Mr. Palmer's efforts have been largely directed towards ascertaining the bearing of the statements embodied in the witness' solemn declaration before Sheriff Boleford and Justice Wortman. Besides dealing one by one with all the steps in the growth of her confessions up to the present trial, Mr. Palmer examined the witness as to the following points:

SWORN STATEMENTS MADE BY HER AT THE PRELIMINARY EXAMINATION.

And the coroner's inquest, so far as they bore on her present evidence. She was examined as to whether or not her statement that McCarthy's body had been thrown into the Seaside was made after the discovery of the hat in the river; also whether or not the finding of the hat had led her to add this to her previous confession. She was questioned at considerable length as to the possibility of there being blood on McCarthy's hair, and whether or not she declined to say it was bloody, because the hat had been in the Seaside for no marks of blood, she having on previous occasion sworn that the hat had been crowded down on his head before he was driven away in the wagon. The hour at which McCarthy returned to the Osborne house and the time she took to dress before going down stairs, were points dwelt on in the cross-examination; also whether or not she said the body was put on the left of the wagon; whether it was or was not an express wagon or wagon with rug in back seat, and what she had sworn or stated at different times in this connection.

THE HOUSE SHE RAN WAS USED.

Mr. Palmer here read into evidence the testimony of Harry, and the bed cover up stairs from which she said it was taken were points relative to which

she was also cross-examined at length. A piece of rope or cord was shown witness by Mr. Palmer but she failed to identify it. The proceedings at times, were enlivened by some sharp shooting between the counsel and the witness, to the great enjoyment of the audience. However, Annie gave her evidence in a more composed manner than when on the stand at Moncton, and showed more regard for propriety than on any former occasion.

A THIRTEEN PERSONS PRESENT ON SATURDAY—THE JURY ATTEND DINNER SERVICE.

Sheriff Boleford estimates that 1,000 persons were in the Court Room yesterday afternoon. The jury attended dinner service, this morning, in a body at the Episcopal Church and in the afternoon at the Hotel, David's, Lewis, Bartlett, who touched on the trial in his sermon, and opposed capital punishment.

Donchester, July 22.

The court room rapidly filled up after the doors were opened, the ladies being again present in large force. A beautiful bouquet adorned the judge's desk this morning.

Mr. Palmer resumed his cross-examination of Annie Parker. She said when Mr. Corby came back about 10 o'clock, I heard his voice before I came down stairs, I was just getting out of bed. The first thing I heard was the door opening. All this time I thought it was Fraser. In my last statement I said I came down stairs to see Fraser. I was 10 or 15 minutes dressing. I came down stairs, went to the door and saw there two or three men. I went to the front door.

STOOD THERE ABOUT ONE HALF OR THREE-FOURTHS OF TILL THE TEAM CAME BACK, AND THEN WENT UP TO BED. REMAINED THERE UNTIL CAME DOWN IN THE MORNING. I TOLD THE TRUTH AT MONCTON UNDER OATH AND STILL STICK TO IT ALL THIS TIME. (The witness here told where she was when McCarthy went out at 10 o'clock, and by direction of counsel, detailed her movements until his return at midnight. She then described McCarthy's movements down stairs, and that also Harry's and Eliza's whereabouts.)

The counsel here read over her statement at Moncton, relative to her movements after midnight, part of which witness said were erroneous. She entered. He then read from her evidence there relative to the horse having run in the back, and that the body was not in the water. To this the witness replied that she did not swear anything of the kind, vehemently denying that she intended to say this in reference to the wagon they saw McCarthy in. Her statements relative to the coat sleeves were then read, that Eliza cut a piece of them and bound them with black, and that she found the hat in the Seaside. It was a good fit. To these she replied that

SHE DID NOT SEE THE SLEEVES CUT, but that when she said the coat was tried on and fitted John it was the second time he tried it on. The first time, as he tried it on, it was too tight. She never told any one that Eliza cut the coat for clothes for the children. The next point of cross-examination was relative to the conversation about robbery and dressing McCarthy after he left at 10 o'clock. She said she never saw that Mrs. Osborne called the powder a wig in the bar room. The witness said that when in the bar room which had the pulled out to open the door. This was done one morning when putting a ban in a cask. The front hall door was fastened with a lock. The door was taken out of McCarthy's breast. She helped to hold the rope when Harry was making a slip knot. The rope was very tight around his neck. She never saw the body as they carried it out to move the seat as ordered. She passed the body about half past five. The body was not very stiff as they carried it out. Harry told it by the knees. The body did not bend to the floor. There was a pool of blood in the hall at the bar door. The body did not touch the floor there. I don't know how they kept the coat from falling out of the blood. I did not hold them up.

THE FORMER STATEMENT.—That there were two big coats hanging in the room and bar door in the hall—a table. She swore again to the shell she saw with Harry a fortnight after the one she saw on McCarthy's chair. She repeated that she heard the Osborne's were talking about a revolver. Mr. Palmer here asked her to have the hat produced in court, which was done and shown to witness, who she could not identify. The hat was then put in evidence and handed to the jury for inspection. The coat was shown to witness who immediately covered her nose with her handkerchief as if the article was offensive. The sleeves were then put in her hand when Annie pointed out how they could be turned up shorter and sewed up so that when pulled out some time after the stitches would not show. It could be cut off on the hem inside the sleeve so as not to show on the edge of the cuff and yet be much shorter. McCarthy had on a purple necktie. Quite a discussion here took place between the counsel as to what Dumien White and Mr. Hamilton had sworn about his shirt being visible above or below his necktie. The interest in the trial continues to increase; the crush this afternoon being greater than at any time since the opening of the case. Sheriff Boleford is fairly besieged by ladies in quest of seats on the platform, or in any good position to watch the proceedings, and his ingenuity is taxed to the utmost to accommodate to all who apply. Mr. Palmer closed his long and minute cross-examination at 4:15, and Dr. Tuck had not been many minutes on his feet conducting the re-examination, when a terrific thunder storm broke over the town, and the lightning was very vivid and the rain fell in torrents. Many of the ladies were terrified at the fierceness of the storm, and considerable confusion was created in the Court room. This coupled with the exhaustion of Annie Parker, who complained of sore throat, induced the judge to adjourn the Court about half past five. Owing to the severity of the storm, it was nearly an hour later before the Court room was cleared of spectators. After adjournment, Dr. Tuck, in behalf of Annie Parker, applied to the Court for protection on the ground that her life was threatened. It appears that last night several suspicious characters were discovered prowling around the house where Annie is kept and that she had been threatened with certain threats she said she was in great alarm. The judge directed Constable Mettley to guard the prisoner at night. Cross-examination of Annie Parker continued.

It was easier, the witness said, to hear sounds at the front door in her room than from Dr. Campbell. The terror at that time was not very sick, and sometimes went out to the mud with his serge position. Annie said she always slept with her door open. She did not know White the schoolmaster, who saw a boy up the Seaside with one rubber and one shoe on, and had sworn that Harry had a sore foot before she heard the story. She had tried to lift a man from the floor while at Mrs. McCarthy's. Did not know Edward Van Buskirk. It was Jim Kennedy who lay down on the floor. I had never seen him before. I do not go by dreams. They are played out. I dreamed the other night a crowd was going to kill me.

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His Honor the Chief Justice said he had before him but if the facts were as represented he regretted very much that such a person had been introduced in the presence of the jury.

After dinner Annie Parker's cross-examination was resumed in the presence of an audience that filled every corner of the court room. The first point touched on was the conversation between witness and Harry when he returned from the Seaside. She said that Harry overtook her as she passed through a potato field. Next Mr. Palmer read extracts from her Moncton evidence concerning

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THE FORMER STATEMENT.—That there were two big coats hanging in the room and bar door in the hall—a table. She swore again to the shell she saw with Harry a fortnight after the one she saw on McCarthy's chair. She repeated that she heard the Osborne's were talking about a revolver. Mr. Palmer here asked her to have the hat produced in court, which was done and shown to witness, who she could not identify. The hat was then put in evidence and handed to the jury for inspection. The coat was shown to witness who immediately covered her nose with her handkerchief as if the article was offensive. The sleeves were then put in her hand when Annie pointed out how they could be turned up shorter and sewed up so that when pulled out some time after the stitches would not show. It could be cut off on the hem inside the sleeve so as not to show on the edge of the cuff and yet be much shorter. McCarthy had on a purple necktie. Quite a discussion here took place between the counsel as to what Dumien White and Mr. Hamilton had sworn about his shirt being visible above or below his necktie. The interest in the trial continues to increase; the crush this afternoon being greater than at any time since the opening of the case. Sheriff Boleford is fairly besieged by ladies in quest of seats on the platform, or in any good position to watch the proceedings, and his ingenuity is taxed to the utmost to accommodate to all who apply. Mr. Palmer closed his long and minute cross-examination at 4:15, and Dr. Tuck had not been many minutes on his feet conducting the re-examination, when a terrific thunder storm broke over the town, and the lightning was very vivid and the rain fell in torrents. Many of the ladies were terrified at the fierceness of the storm, and considerable confusion was created in the Court room. This coupled with the exhaustion of Annie Parker, who complained of sore throat, induced the judge to adjourn the Court about half past five. Owing to the severity of the storm, it was nearly an hour later before the Court room was cleared of spectators. After adjournment, Dr. Tuck, in behalf of Annie Parker, applied to the Court for protection on the ground that her life was threatened. It appears that last night several suspicious characters were discovered prowling around the house where Annie is kept and that she had been threatened with certain threats she said she was in great alarm. The judge directed Constable Mettley to guard the prisoner at night. Cross-examination of Annie Parker continued.

It was easier, the witness said, to hear sounds at the front door in her room than from Dr. Campbell. The terror at that time was not very sick, and sometimes went out to the mud with his serge position. Annie said she always slept with her door open. She did not know White the schoolmaster, who saw a boy up the Seaside with one rubber and one shoe on, and had sworn that Harry had a sore foot before she heard the story. She had tried to lift a man from the floor while at Mrs. McCarthy's. Did not know Edward Van Buskirk. It was Jim Kennedy who lay down on the floor. I had never seen him before. I do not go by dreams. They are played out. I dreamed the other night a crowd was going to kill me.

ONLY AN EX PARTE STATEMENT.

His Honor the Chief Justice said he had before him but if the facts were as represented he regretted very much that such a person had been introduced in the presence of the jury.

plan of the house was then produced, and witness questioned thereon relative to how lights would show in front and at the end of the building towards the station.)

Just before adjournment for dinner, Dr. Tuck said he had a delicate matter to call to the attention of the court, but one that he did not mean to intimate had the slightest effect on the jury. He had been informed that the jury, yesterday afternoon, listened to a sermon which embodied a

LECTURE ON CAPITAL PUNISHMENT and the insufficiency of circumstantial evidence in charges of a capital nature. He said that it was most unfortunate that such a sermon had been preached with the jury as part of the congregation and he hoped that the clerkman did not know that they were present. He felt under the most favorable construction he could put on it that the preacher acted with bad taste. Mr. Palmer while agreeing with the major portion of Dr. Tuck's remarks

INDIGNANTLY DISCLAIMED on behalf of himself and the prisoners all connection with the affair, and asserted that the Rev. Mr. Lawson would not have preached this sermon had he known the jury were present. He regarded it as unfortunate that reflections should be directed against the conduct of a minister of the gospel, whose duty it was to improve the occasion for the spiritual benefit of his flock.

Dr. Tuck entirely acquitted the prisoner's counsel of all complicity.

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After dinner Annie Parker's cross-examination was resumed in the presence of an audience that filled every corner of the court room. The first point touched on was the conversation between witness and Harry when he returned from the Seaside. She said that Harry overtook her as she passed through a potato field. Next Mr. Palmer read extracts from her Moncton evidence concerning

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