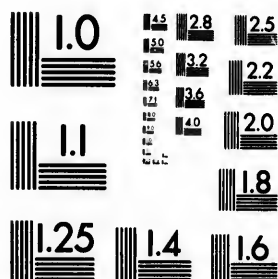
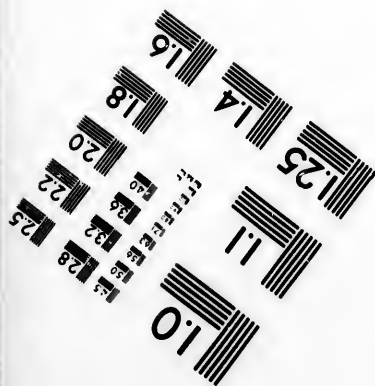


IMAGE EVALUATION TEST TARGET (MT-3)



6"



Photographic Sciences Corporation

**23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503**

**CIHM/ICMH
Microfiche
Series.**

**CIHM/ICMH
Collection de
microfiches.**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

© 1984

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

- ☐ Coloured covers/
Couverture de couleur
- ☐ Covers damaged/
Couverture endommagée
- ☐ Covers restored and/or laminated/
Couverture restaurée et/ou pelliculée
- ☐ Cover title missing/
Le titre de couverture manque
- ☐ Coloured maps/
Cartes géographiques en couleur
- ☐ Coloured ink (i.e. other than blue or black)/
Encre de couleur (i.e. autre que bleue ou noire)
- ☐ Coloured plates and/or illustrations/
Planches et/ou illustrations en couleur
- ☐ Bound with other material/
Relié avec d'autres documents
- ☒ Tight binding may cause shadows or distortion
along interior margin/
La reliure serrée peut causer de l'ombre ou de la
distortion le long de la marge intérieure
- ☐ Blank leaves added during restoration may
appear within the text. Whenever possible, these
have been omitted from filming/
Il se peut que certaines pages blanches ajoutées
lors d'une restauration apparaissent dans le texte,
mais, lorsque cela était possible, ces pages n'ont
pas été filmées.
- ☐ Additional comments:/
Commentaires supplémentaires:

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- ☐ Coloured pages/
Pages de couleur
- ☐ Pages damaged/
Pages endommagées
- ☐ Pages restored and/or laminated/
Pages restaurées et/ou pelliculées
- ☐ Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées
- ☐ Pages detached/
Pages détachées
- ☒ Showthrough/
Transparence
- ☒ Quality of print varies/
Qualité inégale de l'impression
- ☐ Includes supplementary material/
Comprend du matériel supplémentaire
- ☐ Only edition available/
Seule édition disponible
- ☐ Pages wholly or partially obscured by errata
slips, tissues, etc., have been refilmed to
ensure the best possible image/
Les pages totalement ou partiellement
obscurcies par un feuillet d'errata, une pelure,
etc., ont été filmées à nouveau de façon à
obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below/
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	14X	18X	22X	26X	30X
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12X	16X	20X	24X	28X	32X

The copy filmed here has been reproduced thanks to the generosity of:

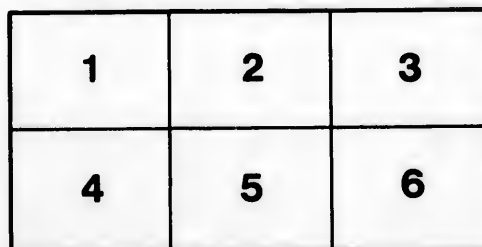
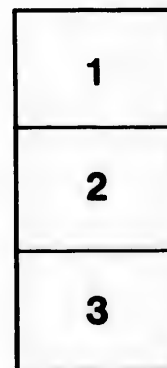
Metropolitan Toronto Library
Social Sciences Department

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol \longrightarrow (meaning "CONTINUED"), or the symbol ∇ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

Metropolitan Toronto Library
Social Sciences Department

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole \longrightarrow signifie "A SUIVRE", le symbole ∇ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

VERBATIM

REPORT

OF THE

MILLMAN - TUPLIN

MURDER TRIAL.

SUPREME COURT, CHARLOTTETOWN,

PRINCE EDWARD ISLAND,

1888.

GEO. W. GARDINER, BOOK & JOB PRINTER, QUEEN SQUARE,
CHARLOTTETOWN.



E 54688



INTRODUCTION.

In this little work is contained a full report of perhaps the most celebrated trial known to have occupied the Courts of the Dominion of Canada. Its object was to determine whether the prisoner at the bar of justice, William Millman, should forfeit his life for the murder of Mary Pickering Tuplin, or be sent home to his family once more.

The most learned Counsel in the Province were engaged for the prosecution as well as for the defence, and the able manner in which Mr. Justice Hensley acquitted himself, will give him a first rank as a criminal Judge. The speeches of Judge and Counsel are said to have been the best ever delivered in our Province of Prince Edward Island.

On the evening of the eleventh day, about three hours after the Judge had concluded his address, the "twelve of his Countrymen" who had sworn to "true deliverance make between our Sovereign Lady the Queen and the prisoner at the bar," brought in their verdict of "*Guilty*." The shock was too much for the unfortunate prisoner, who fell in the dock. He was removed in an unconscious state, to the county jail, in which he had passed the last six months, and where he was to remain till the dread sentence of the Court would be passed on him.

On the 9th February the prisoner was placed in the dock for the last time. Chief Justice Palmer passed the sentence of death upon him, and he now, in remarkably good spirits, awaits the 10th of April, when he will appear before the Omnipotent Being who gave life to himself and Mary Tuplin.

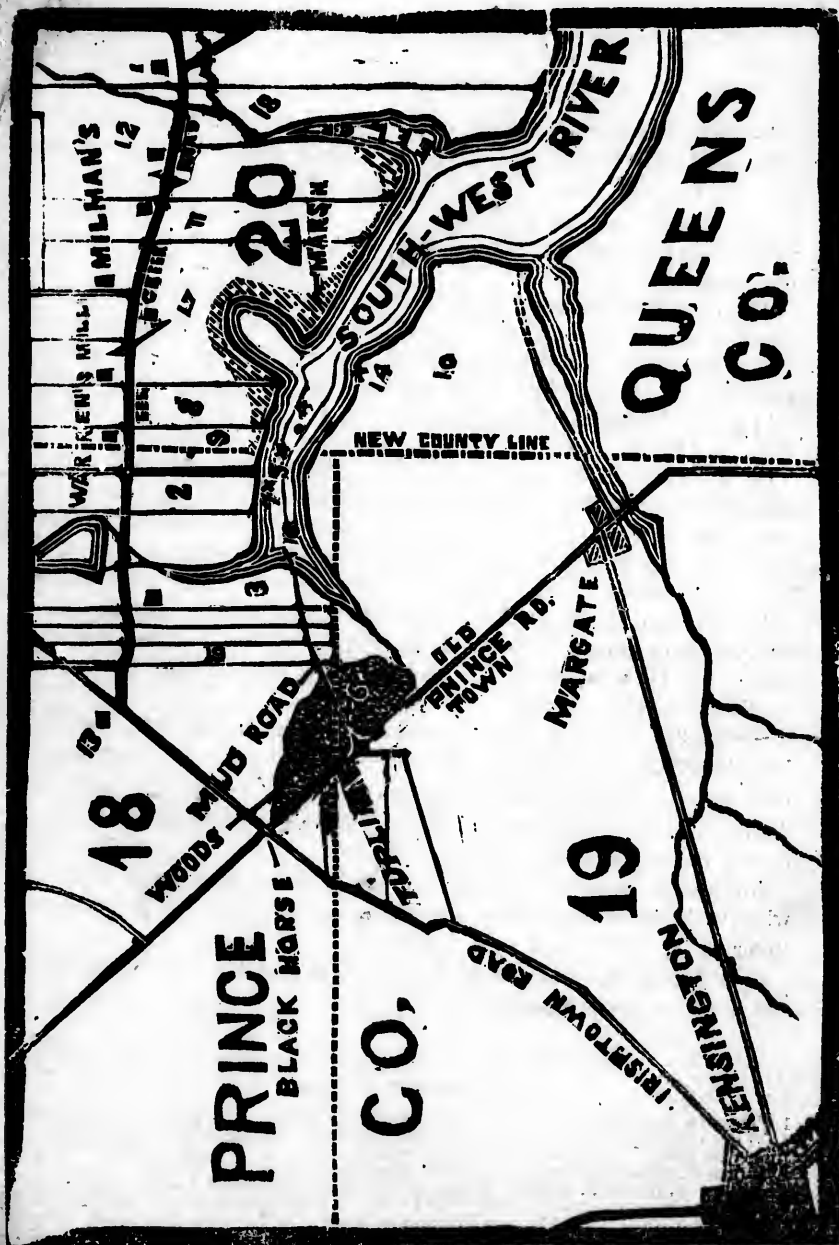
Millman is only twenty years of age, and the unfortunate victim, who, with her unborn babe, was shot and thrown in the Southwest River on the 28th June, was in her 17th year.

It is hoped the contents of this pamphlet will prove interesting and afford a good moral lesson.

EXPLANATION OF MAP.

1. Thomas Power's farm.
2. Nathan Wright's farm.
3. Jona Adams' farm.
4. Where the body was found.
5. Supposed spring hole.
6. Where the disguised man was seen.
7. Where the boat was usually kept.
8. William P. Evans' farm.
9. James E. Warren's farm.
10. Hiram Thompson's farm.
11. Richard Paynter's farm.
12. William J. Profit's farm.
13. Edward Bryenton's house.
14. Place where *post mortem* examination was made.
15. Place where the boat landed with a man in it.
16. Thomas Millman's farm.
17. Donald Cameron's farm.
18. Alex. Cousins' farm.

Map of the Scene of the Tuplin Tragedy.



I
and
the
the
Att
pro
fur
Wy
T
tha
Cor
Cor
war
ma
dou
fus
mo
As

T
Tw
We

bet
you
to
be

I
wi
wh
nar
cha
the
fro
Ge
sta
len
I
fol

THE MILLMAN-TUPLIN MURDER TRAGEDY.

SUPREME COURT, CHARLOTTETOWN,

January 24th, 1888.

Long before the doors were opened crowds gathered around them and in the halls and corridors. Very few minutes had elapsed after the clock struck eleven when Mr. Justice Hensley took his seat upon the Bench, accompanied by His Lordship the Chief Justice. The Attorney-General, Mr. Peters and Mr. Macneill, counsel for the prosecution, sit immediately before the Clerk of the Crown. A little further back, and somewhat nearer the Jury. Mr. Hodgson and Mr. Wyatt, counsel for the prisoner, sit at small desks.

The Court had not long to wait. The sound of a rush outside told that the prisoner had arrived. In another moment he entered the Court, and all eyes were turned upon him. As when he first came into Court, so now his appearance conveyed a favorable impression. He was much more neatly dressed than on the first occasion, and his manner was quiet and free from embarrassment. As he passed to the dock, Mr. Hodgson spoke to him for a few minutes. His face was flushed by the outer air; but he was not a bit more disconcerted than most men would be on entering a crowded lecture room or church. As soon as he had taken his seat, the proceedings began.

CHOOSING THE JURY.

The Clerk of the Crown first read over the Jurymen summoned. Two or three only failed to respond as their names were called. Mr. Weeks, addressing the prisoner, then said:

"These good men whom you shall now hear called are those to pass between our Sovereign Lady the Queen and your life; if therefore you shall challenge them, or any of them, you shall do so as they come to the book to be sworn, and before they are sworn, and you shall be heard."

It seems that the prisoner has the right to challenge twenty jurors without giving any reason—"preemptory challenges," they are called—while the Crown has the right to challenge only four. When the first name was called in the usual way, Mr. Hodgson immediately arose and challenged for cause. The objection was in writing, and alleged that the man had been a juror within two years, and was therefore exempt from service and not liable to have been summoned. The Attorney-General would not admit the point, but consented that the juror should stand aside. Challenging then went on briskly, the prisoner challenging twenty and the Crown four.

Finally, the twelve Jurymen were chosen, each one taking the following oath.

"You shall well and truly try, and true deliverance make between Our Sovereign Lady the Queen and the prisoner at the bar, whom you shall have in charge, and a true verdict give according to the evidence, so help your God."

The names of the Jurymen are:

Alex. McKenzie, Charlottetown, (Foreman).
Wallace Rodd, Brackley Point.
Augustine McInnis, Gallas Point.
Neil S. McKenzie, Long Creek.
Thomas Smith, Charlottetown Royalty.
Thomas Berrigan, do do
Wellington Young, Gallas Point.
Thomas Essory, Charlottetown.
Donald McKay, Campbellton, New London.
James Farquharson, Lot 48.
John Frizzle, Cornwall.
John Judson, Cherry Valley.

The names of the witnesses for the Crown were then called as follows.

John Tuplin, Archd. Bryenton, John Connors, Dr. Michael Wall, Dr. McNeill, Alice Connolly, Wilda Somers, John R. Profit, George Profit, Richard Paynter, Jonathan Adams, jr., Joseph Davison, Paul Thompson, Martha Ann Adams, Donald Tuplin, James Muttart, Frank Power, Margaret Bryenton, Thos. N. Colson, Wm. Alby Bryenton, James McLellan, Benj. Bryenton, John Mahar, Jas. Somers. John Sudsbury, George Profit (Black Horse), Andrew Woodside, Edward Warren, Thos. Cameron, Jabez Tuplin, Alex. McKay, Lily Ann Cousins, Catherine Jane Cousins, Emma Bryenton, Patk. Power, Thomas Power, Nelson J. Evans, Archd. N. Evans, John M. Evans, Gordon Bryenton, John B. McKay, Dr. Rodk. McNeill, James Ready, Thos. Bryenton, Thos. McKinlay, Nicholas Power, Joseph Schurman, James Mahar, Richard Ready.

These witnesses were all directed to leave Court and to remain in an adjoining room or outside the court house until called to give evidence.

MR. F. PETERS' ADDRESS.

Mr. Justice Hensley presided, and the Chief Justice and Mr. Justice Peters occupied seats beside him during the earlier part of the proceedings. After the Jury had been ushered in and had taken their seats to the left of the Judges, MR. F. PETERS, one of the associate-counsel for the Crown, began his

ADDRESS TO THE JURY.

In opening, he advised them to forget as far as possible, any opinions they may have already formed as to the guilt or innocence of the prisoner, and to render a verdict in accordance with the sworn evidence taken in court. The case, said he, stands this way. The prisoner at the bar, William Millman, is charged with the murder of Mary Pickering Tuplin, daughter of John Tuplin, of Margate. There are two questions for you to decide: (1) was she murdered, (2) if so, who did the deed? On the first question there is no doubt; but on the second will be the real trial. We will prove beyond a doubt that she was murdered, and that the deed was committed on the evening of Tuesday, the 28th June last. On that evening she left her father's residence about nine o'clock, and that was the last seen of her alive. As soon as she was missed, diligent search was made for her; but it was not until a week later that her body was found in the river, near a spring-hole, in between four and five feet of water, with a rope tied

to her waist attached to which was a heavy stone, a bullet hole in her head and a bullet flattened out against her skull. This proves that she was murdered, that the crime was of the most brutal nature, and that the murderer is outside the pale of mercy at the hands of any person. We will prove the way she was killed and show the pistol and bullets with which the dastardly deed was done. After doing this we will come to the main question: is the prisoner the man who committed the dastardly act? You must look carefully at the evidence produced and return such a verdict as you think is right and just. We will show that the man in the dock, and no other man, committed the crime. We will show about the time the murder was done, by the evidence of persons who heard the shots fired, and the screams, on the Tuesday evening that the girl left the house and so suddenly disappeared. Now, a few words as to the evidence against the prisoner Millman. (Here a large map of the neighborhood in which the crime was committed was hung up near the Bench and in front of the jurors). Here, explained Mr. Peters, pointing to a certain portion of the map, is John Tuplin's house, where the Tuplin family live. Here is the Princetown Road, and here the Southwest River. Between the Princetown Road and the Southwest River is the Old Mud Road. This road leads through the woods and fields, and comes out at the Southwest River, a short distance from Tuplin's house. The prisoner lives in a house on the other side of the Southwest River. In order to get from his house to Tuplin's, the prisoner would have either to cross the river or go around. We will show that Millman did cross the river in a boat on the evening of the murder; and that he took the boat from where it was anchored below the farm of a man named Warren. It was late when Millman was seen crossing the river in the boat, and anchoring it near where the Mud Road comes out to the river. We will prove that the person who murdered the girl was in that boat. In the bottom of the boat was a stone, which was used for ballast, and which weighed about 80 pounds. The owner of the boat will prove that the stone attached to the rope around the murdered girl's body and that used for ballasting the boat are one and the same. The murderer had taken the stone from the bottom of the boat and used it to sink the body of his victim. After the murder the boat was found moored below Millman's house, and not near Warren's, the place from which it was taken. The man who committed the murder was the man who took the boat from where it was moored and left it where it was found. Not only will we prove that Millman was in the boat that evening, but we will show also that he was on the Princetown Road, near Tuplin's house, on the same evening, in disguise. Here are two very strong points against the prisoner: (1) his being in the boat; (2) his being almost at Tuplin's door disguised. To-day we stand in a position to give more evidence than was heard at the preliminary examination before the Justices of the Peace. At the preliminary examination a pistol was produced, which, it was said, belonged to Millman. But that was not the pistol with which the murder was committed. It was too small; the bullets found in the girl's head would not fit it. We will show, however, that Millman borrowed the pistol which shot the girl, about a fortnight before the murder, from a man named Power. He pretended that he wanted to buy the pistol, and got it on trial. A short time before the murder, Power went to him and asked whether or not he intended buying it. Millman told him he had no money just then, but asked permission to retain it a short time longer, saying that he and a man named Evans wanted to do some shooting on Tuesday evening. He kept the pistol until a few days after the murder, when he returned it to Power with two

chambers empty, and asked him not to tell a soul about his having it. The two bullets found in the murdered girl's head fit the empty chamber of the pistol, and the marks on them are similar to those with which the pistol was loaded. Millman will have to explain why he retained the pistol and what he did with it while in his possession. These are the main facts of the case; but it does not rest there. Where the Crown rests a case on circumstantial evidence, it is expected that some motive will be shown for the commission of the crime. Many murders have been committed for money; some for very small sums. Fear is also a great motive for the taking of life. When he sees a chance of escape from threatened disgrace a man of poor will power will often take advantage of any opportunity of removing the cause of his trouble. We will prove that Millman had this motive of fear. Mary Tuplin was not yet seventeen years of age, yet she was some five or six months advanced in pregnancy. We have no direct evidence that Millman ever seduced the child; but we have evidence almost as good. We will prove that he was at Tuplin's house about New Year's night, and that while there he had ample opportunity of doing so. Strange to say he did not call to see the girl again, and it was not until about two weeks before the murder that he heard she was with child, and that he was charged with her seduction. He knew that the Seduction Act had lately been revised, and that now, instead of being punishable with a money payment, the seduction of girls under sixteen years was a criminal matter, one which resulted in imprisonment for a term of years. After he heard that the girl was pregnant he told a friend he was charged with being the father of the child, and that it was a penitentiary matter. There was also another reason why he was particularly anxious about the affair, and that was the fear that when his mother heard about it she would go wild. In this connection we will show that his mother was not very strong in her head. Thus he had these two strong motives; the dread of criminal punishment and the fear that his mother would lose her reason. Now, what did he do? His first move was to arrange for a meeting with the girl. He had this meeting on the Sunday evening previous to the murder. The meeting was a secret one. We will show that he had this meeting and that probably he made arrangements for another one. The arrangement was made through a man named Bryenton, a friend of his. In short; we will prove Millman's connection with the boat; his being in the neighborhood of the house; his possession of the pistol; and will give good reasons why he should commit the crime. A short time after the murder he made an attempt to get a witness named Power to swear he was with him at the time the murder was committed at Paynter's line. Power at first agreed to do as requested, but later on declined doing so. Millman actually took him down to a Magistrate's house for the purpose of getting him to swear as he wanted him; but Power would not do so. Finding that Power would not swear as desired he said to him, "If you will not take the oath I tell you what you can do; go over to Tuplin's and tell him the story and he will not take further action." This proceeding on the part of Millman does not look exactly right; it does not require false evidence to clear an innocent man. During the proceedings the question of jurisdiction may arise. An old law says the criminal must be tried in the County in which the crime was committed; but late statutes after this, and you will not therefore have to enquire in which County the crime was committed, as it was certainly within one mile of the county line. A great many of the witnesses in this case are friends and neighbors of Millman's and, therefore, come here somewhat unwillingly as is quite natural. This makes their statements have all the more weight. We will not take up any more of the time of the court; but with these remarks will leave the matter for the present.

What helped to make Mr. Peters' statement clear and intelligible was a large plan on a scale of twenty chains to the mile, which was hung upon a stand between the judge and the jury. This plan showed that the Southwest River to the west of the County Line divides into two creeks, one coming from the north, fed by the stream from Warren's Mill and the other from the south-

west fed by another smaller mill stream. Though the banks are low and marshy, yet the woods surrounding them in clumps and larger patches at a short distance relieves the monotony of the more level grounds. These combined with the undulating land of the clearances to the north and the comfortable looking homesteads, combine to make this scene one of the prettiest views to be seen in the Province. The public road between the County Line and the old Princetown Road takes a circuitous route. But a winter road which has been long in use known as "the Mud Road" gives a shorter cut to the lower end of the County Line Road before mentioned. This mud road enters from the old Princetown Road about an eighth of a mile southeasterly from John Tuplin's gate, and like most wood roads, is crooked and rough till it reaches the clearances on the farms in possession of Messrs. Davison and J. Adams, jr. Crossing these clearances it strikes the Northern Creek (before mentioned) at the end of a fence; and thence the river ice may be taken to any part required. The murdered girl's body was found about half-way across the Southwest River, between James Warren's and Hiram Thompson's lands and about a quarter of a mile from the place above mentioned whence the mud road strikes the shore.

THOMAS MCKINLAY, ESQ., Crown Lands Department—sworn and examined by the Attorney-General—Testified that the plan before the court was made by him—partly from actual survey on the spot by V. S. Gillis, L. S., and himself, and partly from the Township Plans lodged in the Lands Office. The part actually surveyed embraced what is considered to be the more immediate scene of the principal events connected with the murder. In reply to questions he gave the distances between various parts on the plan likely to come up as evidence. From Tuplin's gate to the shore (by the winter or mud road) is about a mile. From Millman's to the Tuplin's, around by the "Black Horse" is two and a quarter miles. From Millman's to Tuplin's by the fields across the creek and by the mud road is one mile and seven-eighths.

JOHN TUPLIN (sworn)—I am the father of Mary Tuplin. Her name was Mary Pickering Tuplin. I live at Margate. My daughter was seventeen years old on the 5th of last May. The last time I saw her alive was on the 28th June—in my own house, just in the dusk of the evening—it was not quite dark. She was sitting in the kitchen along with me. I remember the evening distinctly. It was on that very day that I buried one of my sons. There were present at the time my wife, my married daughters, Josephine Slavin and Wilda Somers, and my sons James, William, John and Andrew. We had returned from the funeral about six or half-past six o'clock. Mary was nursing a baby—either Mrs. Slavin's or Mrs. Somers'. As soon as Josephine took the child off her knee, she jumped up and went out the front door. I never saw her after. She had nothing on her but a cotton dress and an old pair of boots. There was nothing on her head. She made no remark as she went out. It was just in the dusk of the evening. Between ten and twenty minutes after she went out my wife got up and went out to look after her; and about twenty minutes after I went to George Profit's, thinking she had gone over there. Not seeing her, I sat down at Mr. Profit's for a few moments; but as there were three or four men present I did not ask for Mary, but came away home without saying that she was absent. When I returned we wondered where she was, and I went out to the barn to look for her about fifteen minutes after I returned from Profit's. She was not there, and then I went down the winter road—about sixty yards from the house. Then I went home again. On my way home, I stood between the house and the road, and hallooed for Mary as hard as I could. Then I went back to my wife, and after that I again went to George Profit's to see if they had seen her. Mrs. Profit came to the door. Says I, "Kitty, did you see anything of Mary?" "No," said she, "I didn't." Then I went home again. By this time it was half-past ten or eleven. It took me less than fifteen minutes to walk to John Profit's and back. We went to bed and got up at daybreak; and I went

out to James Somers'. The Somers live about three-quarters of a mile away from us. As I was going past the house, I looked into the window; no one was up. The girl put her head out of the window and said she had not seen anything of Mary. Then I went to George Henderson's, but finding no trace of her, went home. Then I yoked up my horse and wagon, and went to Thomas Bryenton's. I saw Thomas Bryenton and his wife; but got no trace of Mary. I saw Bryenton and his wife on the Sunday evening before that. I don't know whether or not they saw Mary. When they left it was late in the evening. Archibald Bryenton was at my house at the same time. Mrs. Slavin was also there. Alice Connolly was at my house on the evening of the funeral, but I don't think she was there on the Sunday before. There were others about the house but I could not give their names. After returning from Bryenton's, I went to Alice Connolly's to know what she had been talking to Mary about on Sunday evening. She said she had been talking to Mary. In consequence of what she said to me, I went to Reubin Tuplin's at Kensington. Then I went to John Millman's. I went alone. I saw him and his wife. I asked John where his boy was last night, but got no news of Mary. Then I went home and sent the boy down the Mud Road to see what he could see there. I think he went. Then I went to Margate and asked Wm. Pound whether he would allow his men to go and search for my daughter. I got home about dark and went to bed. On Thursday the first thing I did was to go to Summerside to see lawyer Bell, and got a warrant for William Millman. Richard Ready issued the warrant. I saw Donald Cameron, who told me to be careful about what I did. After I left Donald Cameron's, I went to Benjamin Bryenton's to get him to let us have his scow, so that we might search the river. The search of the river was commenced on Friday and continued till the body was found on Monday. I was present when the body was found in the Southwest River. It was found by Archibald Bryenton, Francis Hamilton and George Clarke commenced the search, and most of the neighbors afterward turned out. The prisoner was not among the number of the searchers, nor was Thomas Bryenton, nor (I think) John Nathaniel Evans. The body was found in the river opposite Warren's farm. The spot was marked by a stake by Archibald Bryenton or Francis Hamilton. The body, when found, appeared quite fresh. An inquest was held. I was there. A large stone was attached to the body, by a rope tied round the body and round the stone. The stone would weigh nearly about a hundred pounds.

Court adjourned.

WEDNESDAY, Jan. 25.

JOHN TUPLIN—Examined by Attorney-General Sullivan continued his evidence as follows: (Large red sand stone produced.) I believe that was the stone which was tied to the body. (Rope produced.) The rope was like this that's it. I was not present when the clothes were taken off the body. (Boots produced.) I don't know anything about them. I have seen the prisoner at my house; only once. I can't hardly account for the time; it was about last New Years twelve-month—the New Years before the murder. It was just about dark that he came there. There was no one with him. My wife and daughter Mary and some of the children were in the house at the same time. He was in the kitchen. I left the kitchen after nine o'clock. After I left and went to bed no person was in the kitchen but William Millman and my daughter Mary. I saw nothing more of Millman that night. I thought Mary went to bed about twelve o'clock. I woke up and called her; and he went off and she came up stairs. That was shortly after twelve—I thought. I did not see Millman in my house after that.

Cross-examined by Mr. Hodgson—Millman came to my house about dark. The lamp was not lit. I don't think it was lit, but I don't know. I don't think it was on Sunday evening. I didn't remember what I was doing that day. There were present Jabez, Mary and my wife. Manderson was there

ile away
no one
not seen
no trace
went to
no trace
that. I
ate in the
e. Mrs.
ng of the
ere were
ning from
alking to
Mary. In
nsington.
s wife. I
Then I
could see
m. Pound
er. I got
did was to
Millman.
told me to
I went to
we might
and con-
body was
Francis
the neigh-
ber of the
el Evans.
was mark-
body, when
A large
round the

Jan. 25.
inued his
at was the
s like this
y. (Boots
risoner at
about last
t was just
y wife and
ame time.
I left and
n and my
ught Mary
e went off
ht. I did

out dark.
I don't
doing that
was there

—I think. I don't remember except that I was told. If he was there it was not long. None of the Mandersons were living, or staying, or working at my place at that time. I couldn't say what time Manderson was there. I didn't know that he drove there. I know Harvey Manderson. He is a relation of our own. He has called in, but I couldn't be sure that he did not stay over night. I am not sure. My memory is not good. Harvey Manderson might have been there that night. I understand that Jabez was in bed before I went. My wife went to bed just a few minutes before me. I thought. I slept about three hours. Mary's bed was in the same room as ours. I saw she was not in bed, and called her. Then she came right up stairs. It might have been a few days after New Years. That is the only time I saw Millman at my house. I did not know that young men were paying attention to my daughter. I don't remember that any one called for my daughter on the Wednesday before my daughter's disappearance. The gate was taken off the hinges one night. Jas. Muttart and Dod Frizzle drove up to the house that night. I don't know who took the gate off. It was the road gate. They asked how the boy was. They did not go into the house. They stopped about five minutes—it might be ten. I heard them drive up as I went out. They asked for a match to light their pipe. They burned a couple of them before they got their pipe lit. My son Jabez saw them, and George Profit, and I think my son William. No one else saw them that I know of. Mary was home. She did not see them that I know of. I was standing close to the door when they drove off. My son went for the lantern—I think to see who they were. They did not give there names. It did not strike me as strange that they did not give their names. I did not see who took the gate off the hinges, and don't know who did it. On Tuesday, 28th June, I got home about six. I aon't think Mary was at the funeral. After I came back I went over the farm to see if any animals were in. After that I came home and sat on the lounge. Mary, my wife and Josephine were there—Mary was nursing Mrs. Somers' little girl. She went out just about dusk. I could not tell the time. It was a good bit after sunset. Sunset is, I think, about half-past eight at that time of year. I can't fix the hour Mary went out. I was examined at the Coroner's inquest. I stated there that she left home about nine o'clock. It was no later than nine o'clock. It was about twenty minutes after my daughter went out that my wife went out. After that I went over to George Profit's. When I came back I went into the house again. Then I went to the barn to see if she was about there. It would not be an hour after Mary went out. It might have been between three-quarters of an hour and an hour. My wife called her when she went out. I thought she had, perhaps, got kind of melancholy and astray. I hunted all round. Then I went in and got a light and looked for her. About five minutes after I returned, I went down the Mud Road I just went to the edge. I went to see if there were any tracks in the grass; but it was then too dark. I had no lantern with me. I saw tracks after. Then I went up to George Profit's a second time. When I came back it was about half-past ten. There was a little breeze blowing, and it felt chilly and I called twice for Mary. The next morning I went first to James Somers'. I did'nt see Somers. He was not home that morning. No one was up when I got there. Somers is my son-in-law. I went to Archibald Bryenton's the same morning. I never new my daughter to go away before. I don't know that I went to Archibald Bryenton's and talked to him about my daughter. I never spoke to Joe Bryenton about her.

About the Judge—Mr. Archibald Bryenton and my wife are first cousins. To Mr. Hodgson—I have seen Joe Bryenton and my daughter together, Brad McArthur was with them. It was just before hay making—in the evening before sunset. I might have spoken to Archibald Bryenton about it. I couldn't say what I said to him. Oh, now I remember. I told him I scared the two boys. I was standing at my own gate, and the two boys passed. After that I went down the road and

caught them sitting with Mary. I gave the boys a scare, and afterwards told Archibald Bryenton about it. I didn't see Joe for a long time after that, nor McArthur either. I have seen Alby Bryenton about my premises. I couldn't recollect exactly what I said to the boys. I didn't follow them. I told Mary to go home. I told my wife about it. Joe has been at my house since. I did not see him for a month after I scared him. The morning after Mary was missing. I looked in the mud road but saw no tracks, I didn't look a great deal. A few days after I saw tracks on the Mud Road. It was on Friday. A great many had been up and down the mud road looking for Mary. No wood was taken from me on the night of the 28th June. I heard that wood was taken from Ramsay.

Re-examined by Attorney-General Sullivan—I can't say who told me that Manderson was present on the night that Millman was at my house, nor can I tell the time I was told. Young men often come into my place that I don't take notice of. I base my calculations regarding the hours which passed on the evening of the 28th by my estimate that the sun set on that evening at half-past eight.

To Mr. Hodgson—I said at the inquest that she left home about nine o'clock; also that her temper was good, and she was not often disturbed in her mind.

To the Judge—The night was middling light. There might have been a little moon. I could see my barn from the house.

ARCHIBALD BRYENTON (sworn)—Examined by Mr. Peters—I live at Lot 18, about half a mile from Mr. Tuplin's. I am a brother of Thomas Bryenton's. My wife and Mrs. Tuplin are cousins. I have known Tuplin and the prisoner for some years. I heard of Mary Tuplin being missing the next morning. I went down to Tuplin's and found it was true. I commenced the search that same day. I first went to John Woodside's barrack. Then we took up through the woods and found nothing. We crossed the Mud Road. The Mud Road is used in winter for hauling mussel mud. I did not go down that road. I have been down it in summer and found no difficulty in the daytime. If it was dark there might be trouble in walking along, and there would not be much difficulty if the night was moderately light. After the handkerchief was found the river was dragged. I used a scow and found the body. It was in the river right of Hiram Thompson's farm, in a range between Warren's and Evans' farms. I marked the place. Before we moved the girl away I stuck down a stake. A large number of people saw me do so. I believe there is a hole near where somebody dug mud. I don't know how far the body was from the hole. The water was four feet two inches deep at low water. I found the body with a grappling. A stone and rope were tied to the body. (Examines stone and rope.) This is the rope. I tied this knot on it so I would know it. This is also the stone. We took the body to Mr. Thompson's shore, where an inquest was held. When the girl was found, she had on a light cotton dress and a chemise, boots and stockings. It was found on Monday I do not know that John Tuplin called at my house on the day after the disappearance of the girl. I remember that John Tuplin told me he had frightened Joe, and called his daughter home. I don't know how long it was before the disappearance. I think my missus was present. We visit back and forward often. I don't remember that John Tuplin came to my house looking for his daughter, before her disappearance. He did not do so to my knowledge.

Cross-examined by Mr. Hodgson—I had no conversation with any one this morning as to the evidence given in court. I was at the house on the night that Millman was at Tuplin's. I didn't stay very long—

perhaps an hour or a couple of hours. Harvey Manderson was there. I think he and Jabez Tuplin came in together. When I left Manderson and the whole of them were there. There was nothing in the story of Mr. Tuplin frightening the boys. Tuplin never frightened me. He didn't say much to me about the matter. I thought no harm of it, and I suppose he didn't.

Court took recess.

AFTER RECESS.

DOCTOR MACKAY, of Clifton, was called and sworn. Examined by the Attorney General, he testified. I reside at Clifton, New London, and am a physician and coroner. I held an inquest on the body of Mary Tuplin on the 4th day of July last. There was a *Post mortem* examination on the body. I was present. It was made by Dr. Wall, Dr. Alex. McNeill and Dr. Carruthers. I inspected the body myself. There was no wounds on the body, except one on the head. The wound was a hole on the right side of the head, above and behind the right ear. There were two wounds there. One wound was in soft part, just above the ear, where the skull is thick. In that part I saw Dr. Wall, who was dissecting the head, find a flattened ball. It was sunken in the fleshy parts and resting upon the skull. That ball was about as flat as a button. Then when the head was opened, we all saw another hole. Two inches above that where the skull is thinner, we found the openlug. When the cranium was taken off and the soft parts of the brain were examined, the doctors found a second ball. It was on the opposite side, and had passed through a very important part of the brain. It would pass through a small part of the cerebrum and a large part of the cerebellum. The ball had not penetrated the bone on the opposite side of the head, but it had penetrated the soft part of the brain. I saw the bullet. Dr. Wall took it out and handed it to me. I took charge of both bullets. The first would not, I think, cause death. It would probably stun the person, but not prove immediately fatal. The second one would undoubtedly cause death in a very short time. The death of Mary Tuplin was caused by shock to the nervous system or complete paralysis. Death would be almost instantaneous. I examined the wound—the first could scarcely be called a wound. I think the pistol was held pretty near by the flattening of the first ball. If the body had been seen shortly after death we would tell whether or not the pistol was held close to the head by the singling of the hair. I delivered the bullets to Dr. McNeill. (Bullets produced). These are the bullets. The flattened bullet evidently struck the skull with the smooth surface to the brain. The other is not so much flattened because the skull is thinner where it struck, I inspected the body before the clothing was removed. The inquest commenced about five o'clock. She had on a cotton apron, a cotton dress, a cotton skirt and chemise, with boots and stockings (boots exhibited). To the best of my knowledge I believe these are the boots. The stone and rope were detached from the body, but the rope was still around the stone. (Dr. McKay then described in detail the result of the *post mortem* examination the discovery of a fetus, etc). The prisoner has been at my house a few times. I suppose it was to see a girl that was living at my house. I saw them talking together about a year ago. I have not seen him there since March, 1887. The girl's name was Martha Jane McKay. The girl left my house and she didn't come there after she left. She left about the middle or last of February. He generally came about 8 or 9 o'clock in the evening. He came on one occasion at about 8 o'clock, gave her a sleigh drive and went home about ten o'clock.

DR. WALL, examined by the Attorney General: I live at County Line and practice my profession there. I was called to the inquest on the body of Mary Tuplin on the 4th July last. I went there and made a *post mortem* examination. Dr. Alex. McNeill and Dr. Carruthers were there. I made the examination. (Dr. Wall here described the condition of the body as shown by the examination). The bullets found in the head undoubtedly caused Mary Tuplin's death. (Bullets produced and identified.)

DR. MCNEILL. (sworn)—Examined by the Attorney-General, said: I am a Justice of the Peace. The examination of Millman took place before me. A pistol and bullets were produced at the examination. (Pistol produced.) This pistol was delivered to me by Nelson Evans. (Bullets produced.) These bullets were given me by the Coroner. I delivered the pistol and bullets to the Clerk of the Crown. I did not see the body of Mary Tuplin. The stone was not produced at our investigation. Sticks produced showing measurements of the foot-prints on the shore.) These sticks were produced at the investigation by Thomas Cameron. The marks were put on in my presence in my office.

JOHN COUSINS—(sworn)—Examined by Mr. Peters—I live at Burlington, about a mile and a half from John Millman's. I own a boat. In June last she was on the Southwest River. She was moored under Mr. Warren's farm, about two chains east of the County Line Road. She was fastened by a lock and chain. I erected a temporary stage before the murder. I moored her there—locked her up about Tuesday before the murder. The color was at first brown; but she has been tarred frequently. She was built for an oyster boat. There was a stone in her. (Stone shown.) That is the stone—I have no doubt of it. The first time I saw the boat after the murder was on the Friday following. When I looked into the boat and saw that the stone was gone, I had a strong suspicion that the body was in the river. I assisted in taking the body out of the water. That is the stone that was in my boat—the stone that was tied around the body. On the Friday after the murder the boat was on the opposite shore, below John Adam's. I sent after her. When she came over the staple fastening the chain to her was broken off, and also part of her stem. I found out that the boat had been taken across the river by three young men who had been assisting in the search for Mary Tuplin. The rope found on the body did not belong to me.

Cross-examined by Mr. Hodgson—They made pretty free with my boat. That was my opinion when I looked her up.

To the Judge—It was about half a mile from where the boat was locked up to Millman's house.

To Mr. Hodgson—It's not a mile. It may be a long half mile.

JONATHAN ADAMS, Jr., (sworn)—Examined by the Attorney-General I—live at Burlington, Lot 18, about half a mile from John Millman's. I remember the Tuesday evening on which Mary Tuplin was lost. I was down in the field weeding some beans, I have seen a boat moored on the other side of the river. The boat always seemed to be moored in the same place. I did not notice her there that evening; but she might of been there. I saw a boat later than that on my shore near the Mud Road. It was about seven o'clock in the evening. It wasn't sundown. I don't know who brought the boat there. I did not notice whether the boat was there next morning. I was not at the shore next morning. A little scow was also brought to my shore on the same evening about half-past six. It was brought there by James Simmons. I didn't notice whether or not she was anchored. Simmons did not

take the scow away. He went to his home, which is on my side of the river. The scow came over first. I didn't notice the scow there next morning. I first heard of the disappearance of Mary Tuplin on Wednesday evening.

Cross—examined by Mr. Hodgson—would not swear that it was Cousins' boat.

To the Attorney-General—It appeared to be a red boat. As far as I know, Cousins' boat was a reddish boat.

JOSEPH DAVISON (sworn)—Examined by Mr. Peters, said: I live at Burlington. I heard of Mary Tuplin's disappearance on Wednesday evening. I went to Jonathan Adams, sr., on Tuesday evening. I could see the river from the road. I saw a boat on the river. There was a man in it. It was going towards the western side of the river. I saw it go to the shore. I could not tell just exactly where. I was over half a mile away. The man jumped out on the shore. One man was all I saw. It would be between half-past six and half-past seven. It was before sundown. The boat seemed to be a good large one. I had seen Cousins' boat. It resembled Cousins' boat. I supposed it was Cousins' boat. It wasn't the little scow. No other boats are usually moored there. I could give no idea of the person in the boat.

Cross-examined by Mr. Hodgson.—I would not swear to the time. I went to old Mr. Adams, where they were repairing the house. I got home before dark.

PAUL THOMPSON (sworn)—Examined by Mr. Peters—I live at Margate. I remember hearing of the disappearance of Mary Tuplin on Wednesday. I was at home at my father's farm on Tuesday evening and noticed a boat leave Warren's Shore. There was a man in it. It went towards Jonathan Adams, jr. I only saw it go a short distance. It was a reddish boat. It was Cousins' boat that I saw leave the shore. I am sure of it. The time was half-past six or seven o'clock in the evening. I couldn't tell who the man in the boat was—I think his clothes were dark. The boat didn't go back before sundown. The next morning the boat was moored a little further down the river than it usually is—it was not in its old mooring place. Where I saw the man cross the river was up quite a little piece. I didn't hear shots or screams or anything of that kind on that evening. I was at a lecture, and got home about ten and went to bed. It was a nice, clear, moon-light night.

DOROTHY ANN ADAMS, (sworn)—Examined by the Attorney General—Jonathan Adams, jr., is my father. I live at Burlington. I remember the evening Mary Tuplin was murdered. I was in the house part of the evening, and also in the field between six and seven o'clock. I was in my father's potato field, near the Mud Road and the water fence. There is one field between—the distance is not long. I saw Mr. McKinlay there last fall surveying. I went down there for the cows and saw a boat on the shore on one side. It was about seventy yards away. The boat was near the end of the Mud Road. I saw a person there. It was William Millman. He was tying the boat. After that he went up through the field towards the Mud Road. I kept him in view until he got out of sight. He had dark clothes on—also a dark hat. I know William Millman. I have often seen him. The next time I saw him was the following Sunday at the English Church at Irishtown. While tying the boat he bent down. I saw him walking. After seeing him I took the cows home. When I got home I said something to my mother.

Cross-examined by Mr. Hodgson—I had not been to school that day. I am quite sure about the truth of what I said. I went for the cows to milk them. I did not look at the clock before I went for the cows.

but I looked a short time before, and it was between six and seven. It would take me about fifteen minutes to walk from the house to where I saw the man. I was going for the cows when I saw the man. I didn't tell my mother when I got home that I didn't know who the man was. I can't tell what kind of a hat the man had on. I don't think his clothes were black.

The Attorney General desired the Judge to ask the witness what she said to her mother.

The Judge permitted the question to be asked.

The witness said in reply: When I went home I told mother I saw a man down in the field, and thought it was William Millman.

THURSDAY, JAN. 26,

JAMES SOMERS (sworn)—Examined by Mr. Peters—I live at Burlington. Lot 18—about two miles from Southwest River—on the same side as Jonathan Adams, jr. I remember the day on which Mary Tuplin disappeared. I was down at the river that afternoon digging bait. It was about four o'clock, and I was there till about a quarter after five o'clock. I can't speak positively about the time. I came down through Jonathan Adams' farm, and then crossed the creek where it is narrow; then I went down by the marsh to Thompson's shore, where we dig the bait. When I arrived there I met George Bryenton, and we dug our bait. Then we started for home. He asked me to cross in the scow with him. I did so, and we crossed over to Jonathan Adams' shore and tied her to the fence. She belongs to Benj. Bryenton. There was a short piece of rope to her, not more than three feet long. There was no other rope in the scow that I know of. Bryenton and I went together for perhaps three-quarters of a mile. I saw him home. He had not so far to go as I had. I afterwards saw the scow on Sunday, the 3rd of July. She was coming out of a little cove on Millman's side. I saw John Cousins' boat moored over at her place near the County Line Road. I met Jonathan Adams' that Tuesday evening. He was working in his field, and I spoke to him for about ten minutes.

Cross-examined by Mr. Hodgson—I saw two young men on the shore while I was digging bait. They were just off Thomas Millman's shore. We met on the shore. That was a little after five o'clock. Bryenton had taken the scow over to Hiram Thompson's shore. Before I left home I was working amongst my potatoes. I saw Adams about half-past five o'clock.

To Mr. Peters—I did not know the young men I met on the shore. The young men had gone away before I crossed over to Adams'. It is a common thing to see young men walking on the shore.

DONALD TUPLIN, (ten years old) brother of the murdered girl, was examined by the Judge as to whether he understood the nature of an oath, (sworn)—Examined by the Attorney-General and said: I am a son of John Tuplin and a brother of Mary. I remember the day Mary was lost. It was on a Tuesday. My brother was buried that day. I was home that evening. I went with Churchill Underhill for Mr. Underhill's cow. Gordon Bryenton and my brother Andrew went with us. We drove the cow past the Mud Road. The Mud Road leads from the main road. We went in the Mud Road leading towards Margate—the Mud Road comes out in two places. We went just as far as the turn, but did not go further because we saw a man there. The man was sitting down. He was sitting with his elbows on his knees, and his hands up to his face. He had moss or ferns in his hands, holding them up to his face. His clothes were dark. He had a hat on his head. It was between a brown and a black. He didn't move. We made no noise, but ran into the other road, and went back the same

way we came in, and went home. I said something to Mary. Mary was then washing the dishes. She stayed in after that about an hour and a half. The sun was down when she left. It was between sun-down and dark that we saw the man.

Cross-examined by Mr. Hodgson—I was examined before Dr. McNeill and Mr. Ready—the magistrates. I don't know the day of the week. It was a good many days after the body of my sister was found. I said before the Magistrates that I saw the man about six o'clock, and that was true. I thought it was an old crazy man. I saw the prisoner at our house once. It was between Christmas and New Years. My father, sister, Harvey Manderson, Archd. Bryenton, and my brother Jabez, were there. I don't know when I went to bed. I slept alone that night. Harvey Manderson did not stop there that night. Millman came in the evening. I didn't know that the gate was taken off the hinges.

To the Attorney-General—I thought it was about six o'clock in the evening. It was after sunset.

GORDON BRYENTON (sworn)—Examined by the Attorney General. I know Donald Tuplin, also John Tuplin who was buried. On the evening he was buried I was with Donald Tuplin, Andrew Tuplin and Churchill Underhill. Churchill was driving the cow home, I went into the Mud Road to frighten the cow, with Donald and Andrew. We went as far as the turn, and saw a man there. He was sitting down in the upper road. Donald Tuplin was ahead; I came next. The man had dark clothes on. He was sitting with his hand on his head. We didn't stay long, but turned round and went out. I went home. I didn't know the man. He had on a dark hat. He didn't look at us. The sun was just going down.

Cross-examined by Mr. Hodgson.—Mr. Tuplin told me that I was to come to Court. Churchill drove the cow to his house. I don't know who milked her. He tied her with a rope to a ring in the stable. I hadn't my supper then. I stayed with him about five minutes. It would take me about ten minutes to walk home. When I got home our cows had been milked and put back to pasture. Supper was ready when I got home. They kept the supper for me. The sun was down when I got home.

JAMES SOMERS (sworn)—Examined by Mr. Peters, said: I was not examined before the Magistrates. I live at Margate, about three-quarters of a mile from Mr. John Tuplin's house. I have been married to his daughter about five years. I remember the evening of the funeral on which Mary Tuplin disappeared. I was on the Main Road (near the Mud Road) that evening. I went with my wife. We were in a wagon. I was driving her over to Millman's. On walking back I passed the Mud Road. No one was with me. The sun was not down, but it was nearly down. I saw a man about half way between the Mud Road and Tuplin's house. There was wood all around. He was only about two or three yards off the road. He was sitting down on a bank under the tree. I saw him clearly. I looked at him for a second or two. He had his hand up to his head. His elbow was on his knee. He had ferns around his neck. He had dark clothes on—I don't know but black. He had on a brown straw hat. I was about three or four yards from him. I did not speak to him. I did not at that time know William Millman. I had never seen him. I saw him the day after he was arrested, on the road going towards Warren's barn. He is the same man that I saw sitting at the end of the Mud Road. I am sure of that. I see the prisoner now. That is the same man. When I saw Millman on the road going towards the road, he had a brown straw hat on. The hat was low in the crown, with a narrow rim.

After I saw the man at the Mud Road I went home and then I went to the Methodist Church to light the lights, and stayed till the meeting was over. I lit the lights about half past eight. After twelve o'clock I lit home and went to Clifton. I walked, and went out fishing in Richard Coles boat. After I saw the man I saw some little boys ahead of me. They were Donald Tuplin, William Tuplin, George Clarke and Andrew Tuplin. I spoke to the boys.

Cross-examined by Mr. Hodgson—I was not examined before the Magistrate. I was examined at the inquest. I spoke of seeing the man in the woods that night. I told the Coroner. There can be no mistake about that I swore he had a dark hat on. It was a brown straw hat. It is correct to say he had a dark hat. If I swore to it it must be correct. (Long pause.) The brown straw hat is correct. (Pause.) The dark hat was not correct. I would not swear that a Grand Jurymen did not ask me if I knew Millman. I don't mind. (Long pause.) I don't think I was asked by the Grand Jury. I didn't say before the Grand Jury "I cannot swear whether that man was Millman or not." (Long pause.) I don't mind. (Pause.) I can't answer that question. I said that I did not know the man. I did not state before the Grand Jury that I couldn't say whether or not it was Millman I saw on the roadside. I cannot account for not being heard before the Magistrate. I told the Coroner about the man on the roadside. It was about eight o'clock when I got to the church. I lit the lamps as soon as I got there. I never saw Millman before I saw him on the roadside. It would be about half-past seven. The sun set about half an hour after I saw the man on the roadside.

AFTER RECESS.

JAMES SOMERS—Recalled at the request of the Jury.

To the Judge—I could not identify the man when I saw him in the woods. I saw him for the first time in charge of the constable. I identified him then as the man I saw in the woods. I did not tell the Grand Jury that I could not identify Millman then and there.

To the foreman—If I see a man once I would know him again.

To a Jurymen—I stopped and looked at him for a second. I took a good look at him. I have no doubt whatever that Millman was the man I saw there.

To the Judge—I was only two or three yards from him.

JAMES MUTTART, (sworn)—Examined by the Attorney General—said: I reside at Margate. My home is in Fifteen Point; but I work with William Pound. I know John Tuplin. I know where he lives. I remember the time Mary Tuplin was missed. I passed Tuplin's the Sunday night before that—just between the two lights. I was coming from Hillman's I was going home. Mr. Pound lives at margate Corner. After I passed Tuplin's gate, I met three persons, and then sat down to fill my pipe. I sat there perhaps five minutes. Miss Tuplin came out of her father's field. She came right up to me. She said, "Is that you Muttart?" I said, "Yes." She said, "Did you see any other young fellow along?" I asked her who she was looking for and she said, "It is not any difference to you." I jumped up then and saw a man coming, and I asked, "Is that the man you are looking for?" He took out his handkerchief and covered the side of his face. I followed right after him. We just went about 20 yards then he turned back again. He never spoke nor changed his handkerchief. He went back till he met her. I looked around and saw him and Mary standing in the road. He was close enough to put his hand on her shoulder. The man was William Millman. I swear to that. I have no doubt about it. I have seen him in our church at Margate. I did not know him personally. He had very dark clothes on, and a brown straw hat. It was a dark brown hat. There was a kind of yellow cord around the hat. It was not a ribbon. It was narrow in the rim, and low in the crown,

n I went
meeting
e o'clock
ishing in
ys ahead
e Clarke

efore the
eing the
can be no
a brown
re to it it
correct.
ar that a
n't mind.
I didn't
man was
I can't
I did not
ot it was
ing heard
the road-
I lit the
saw him
e sun set

the woods.
d him then
could not

ook a good
man I saw

—said: I
th William
er the time
ore that—
ing home.
met three
e minutes.
me. She
o see any
or and she
saw a man
e took out
after him.
spoke nor
red around
to put his
to that. I
ate. I did
own straw
around the
the crown,

and rather longer than broad. I got home just after dark. It was the Sunday before the murder the very night before her brother died, that I saw Millman on the road. I was at Margate corner on the evening of the murder. There was a prayer meeting, but I was not at it. I was out till between nine and ten, and then I went home to Pound's. I was home between nine and ten, Mr. Pound saw me go to bed, also William Brown and George Hamilton saw me go into the house. There were out with me George Frizzle, Charles Hamilton, Warren and Russel Sample. They were with me all the evening. Pound lives about a mile from John Tuplin's. I know John Tuplin. I was at his house; but not in his house. Dod Frizzle was with me. It was on Wednesday night. We had been at Kensington before that. That was the first time I was ever at the house. After coming from Kensington Frizzle said he thought he'd go out and see how the boy was; so I says, I'll go with you if you like. We drove Frizzle's horse and wagon. We went into the yard. The gate was wide open when we got there. We saw John Tuplin, Jabez Tuplin and George Profit. We asked how the boy was. The answer was, "No better." Frizzle asked if he would go in to see him; Tuplin said. "No, he is very low." We lit our pipes. Tuplin or Profit gave us the matches. I lit three or four matches, but could not light the pipe. Profit then lit it and handed it to me and we drove off. We arrived home about 10 o'clock and went to bed. Frizzle started from Pound's gate to go home. We did not touch Tuplin's gate that night. We never got out of the wagon.

Cross-examined by Mr Hodgson—The Sunday night on which I saw Millman was not very dark. It was just between sundown and dark. It would be about eight o'clock. I know Mary Tuplin to see her. I was quite a good little piece past Tuplin's house when I sat down to light my pipe. It was below the Mud Road on Woodside's land. I did not think there was any one there till I heard her come through the bush. I never thought or said there was any one with her before she came out. I am slightly acquainted with Harvey Manderson. On the Wednesday night we referred to, we spoke to John Tuplin. He knows me slightly. It was after dark.

WILDA SOMERS (sworn)—Examined by the Attorney-General—I am the daughter of John Tuplin and a sister of the murdered girl. I was examined before the Magistrates. My husband's name is James Somers. My sister was missed on Tuesday, the 28th of June. My brother died on the 26th, he was buried on Tuesday evening the 28th. I was at my father's house on that evening after the funeral. I left about seven o'clock. I think it was about that time. My house is between Margate and my father's. I first went to Hillman's, at the "Black Horse." Frank Hillman gave me the horse and wagon, and I went home and got the baby. I left the baby at my mother's and then drove to Hillman's. My husband drove me a piece of the way. We passed the Mud Road—myself, my husband, and baby. We saw no one. I parted with my husband at the schoolhouse. He turned round and went back home again, and I drove over to Hillman's. My sister, Mrs. Hillman, was sick, and I went there to nurse her. I did not go home till after my sister Mary was murdered. I don't remember the day I went home. It was, I think, the day I was subpoenaed to the investigation at Warren's farm. I remember the Sunday before my sister was murdered. I was at my father's. Archibald Bryenton was there. It was after nine o'clock. My husband was there with me. I saw Mary that evening, also mother, father and Jabez. I spoke to Mary that evening. I knew Mary was about to become a mother. I thought so. I believed so. I swear so. I didn't know who was the father. I spoke to Mary about it on the Sunday before she was murdered. I don't know that Mary was out of the house that evening. She was in the house when I was there. I have seen the prisoner. I saw him at Mr. Counolly's at Margate a couple of years before the murder, but did not see him between the two dates. I did not know that letters passed between Mary and Millman. I didn't see any letters. I saw Mary on the day before she was murdered. (The witness, overcome by emotion, here fainted away and was taken from the Court).

After some time the witness resumed: (Hankerchief shown)—I have seen it before. I couldn't swear that was Mary's hankerchief. It's like one that I saw with Mary. There was a letter "M." like that on it. The tetter was worked on with white thread just like that. (Witness here burst into tears). Mr. Hodgson said he would ask the witness no questions.

PATRICK POWER, Jr. (sworn)—Examined by Mr. Peters—I live at Long River, and am a son of Thomas Power I am sixteen past. I know Millman I remember the time that Mary Tuplin disappeared. I saw William Millman shortly after that I saw him on the 30th day of June. It was the day after a holyday in our church. Millman came to our house. We went down to fix a fence in the field. Millman went, too. He told me to tell that I saw him on the night of the 28th. One at Paynter's Line, that we sat there for a few minutes, then walked up to the corner by Thomas Millman's, stayed there for a few hours, or up to nine or ten o'clock, and both of us started for home. That is what he wanted me to tell. There was not a word of truth in it. I had not seen him on that night at all. Paynter's Line is the line between Paynter's and William Millman's—away clear of Tuplin's altogether. I told him I would. No one was present. My brother could not hear us. He took me aside. This was two days after the girl disappeared. I saw him again the same day, but no conversation took place about the affair. The same Thursday he came again in the evening, and saw me at my father's house, outside. My two brothers were there, but no conversation took place then. I was going up to Forristal's shop for a half pound of tobacco. The prisoner told me not to be in a hurry, that he was going up in a wagon, and would give me a lift. When I was getting out of the wagon he asked me to go on as far as Mr. Richard Ready's who is a Magistrate. He said he was going down there, and would bring me back. I went with him. When he got me to Mr. Ready's gate he told me he was going to have my affidavit taken. I told him I would not. He went into Mr. Ready's house then, and stayed about 20 or 25 minutes. When he came out, "Pat," says he, "We'll go." Then he asked me to go to Mr. John Tuplin's, and tell Mr. Tuplin what he had told me to tell, so that it would scare Mr. Tuplin. We didn't go down to Tuplin's. We stopped at the Black Horse. We stayed there for a few minutes, and then we went home again. He thought he wouldn't go there then. I saw him again on the next Friday or Saturday. We were cutting down bushes. He came to the field where I and my two brothers were working. He told me to stick to what he had told me to tell. I told him I would not. My brother Thomas heard what he said, and I think James did too. Thomas asked Millman what he wanted me to do. Millman gave no answer, and my brother Thomas asked me what it was. I told him that Millman wanted me to say that I had seen him at Paynter's Line that night. He asked me if it was true. I said no. My brother then said to Millman, "Don't be getting my brother into anything." Millman then started for home. I don't remember that he made any answer to Thomas. I was at my father's house all the evening. I went to bed sometime after 11 o'clock. George Profit, Catherine Lanigan, James Lanigan and E. Larkins were at our house that evening, and my father and mother were away at Kelly's Cross. I have seen my brother Frank with a revolver. He bought it from Benjamin Bryenton. He had it when I saw it. I don't know what became of it.

Cross-examined by Mr. Hodgson—I was examined before the Magistrate.

FRIDAY, Jan. 27.

MARGARET TUPLIN (Sworn)—Examined by the Attorney-General—I am the mother of Mary Tuplin. My son was buried on the 28th June. I remember the Sunday before he died. There was a good many people at the house, viz: James Tuplin and his wife, Archibald Bryenton, Thomas Bryenton and his wife, Michael Morrison and his

wife. Alice Connolly was not there. Thomas Bryenton and his wife came there before dark. Mary was at home. Bryenton came into the room and told her his wife wanted to speak to her down stairs. She went down stairs. I did not see them in conversation. Thomas Bryenton and his wife were both in the room. He called his wife out. Then he came in and spoke to Mary, and Mary went out to speak to his wife. I don't know when Bryenton and his wife went away. Mary was not long out, only a few minutes. She came back to the room. I remained in the room with my sick child. I remember the Tuesday evening on which my son was buried. Mary was home. My married daughter, Mrs. Slavin, was in the house, and also our family. Alice Connolly was there when we came back from the funeral. Miss Marks, Mrs. McLeod, my daughter Mary and Alice Connolly were in the house while we went to the funeral. We got home between five and six, and then had our tea. Mary milked the cows after we came home. I saw her when she went out. She had on a cotton dress and a skirt and boots—nothing on her head. I never after saw her alive. I don't know where she went. About twenty minutes after she left I went to the door and called. Then after a few moments I went to the other door and called. Then my husband went to George Profit's to see if she was there. He wasn't away many minutes. He came home and searched in the barn. Then he went out and called Mary" twice. He went back to Profit's again to ask if they had seen Mary. He came back in a few minutes. Between each time we talked about Mary. I don't know that he searched further. My eldest son is named Jabez. He went to bed early. He heard me call "Mary" but did not know any more about it. Mrs. Somers was at our house on Sunday night. I don't remember that she was there on Tuesday night. I saw Millman at our house once. It was a short time after New Years. I don't remember the day. I was not in when he came. It was dark. Harvey Manderson, Arch'd. Bryenton and my own family were there at the time. Harvey Manderson is my sister's son—a first-cousin to Mary. We were all in the kitchen. We were not doing anything in particular. I went to bed about nine. I left my husband, Jabez, Mary, Harvey Manderson and Millman in the kitchen. Jabez and Harvey Manderson went to bed a few minutes afterwards. Harvey Manderson stayed all night. I heard my husband call Mary in the night. I heard the door open and some one go out. Mary then came to bed. Mary was in the family way when she left—I would suppose about six months. I mentioned it to Mary about three months from the time Millman was there. When Jonny was sick, two men called one evening in the week before Mary was lost. I heard the wagon come and drive away. Mary's handkerchiefs were marked some with the word "Mary," more with the letter "M." [Handkerchief produced.] That's Mary's. I was examined at the Coroner's inquest. [Boots shown.] Those are Mary's. She had them on that day.

Cross-examined by Mr. Hodgson—Jabez is my oldest son. He is 25 years. The boy died about three o'clock on Monday morning. I didn't see Mary go to bed that night. I don't remember when she went. When she went out of the room to see Mrs. Bryenton, she was about half an hour away. On the evening of the funeral we had our tea about six o'clock. Mary went out just in the twilight. The sun was down a few minutes. I didn't look at the clock. I would suppose it was between 8 and 9 o'clock. The lamps were not lit.

JABEZ TUPLIN (Sworn)—Examined by the Attorney-General. I am Mary's brother. I know William Millman. I saw him at our house a little after New Years. I had seen him before that at a party at

Francis Hillman's. That was on New Years night. I was at the party. Mary was at the party; so was Millman. The party was over about 3 o'clock. Mary went home then. I didn't see who went home with her.

To the Judge—She left before I did. I got home about daylight.

To the Attorney-General—I don't know how soon Mary got home before I did. Millman was at our house about a week after New Years. He came about dark. Archibald Bryenton, Harvey Manderson, and my father and mother were there. I went to bed about 10 o'clock. Harvey Manderson slept with me all night. He is my first cousin.

To the Judge—Manderson is about 25 years of age.

To the Attorney-General—I left Millman and my father and Mary in the kitchen. I did not see Millman again that night. I never saw him at our house again. I remember the Sunday before my brother was buried. I saw Mary that evening. As far as I know she did not go out of the house that evening. I was in the kitchen. I saw Mary go out on Tuesday evening and saw her no more. She never came back. It was after supper. She was sitting down nursing Mrs. Slaven's child about fifteen minutes. I don't know that she did anything after supper. She went out just about dusk—between sundown and dark. I did not search for her that night. I went to bed a few minutes to nine. I heard my mother go to the front door and calling for Mary. It was about fifteen minutes after I went to bed.

To the Judge—She went out about ten or fifteen minutes before I went to bed.

To the Attorney General—When I got up my mother was out milking. I went out and asked her whether Mary had come home or not, and she said she didn't. I went into the house and my mother got me my breakfast. I told Donald to come with me and show me where he had seen the man sitting on the Mud Road. Donald went with me and showed me where the man was sitting. The ferns and grass were flattened and broken down. I went until I came to John Woodside's fence on the Mud Road leading to the shore. I climbed up on the fence and saw where somebody had gone through the standing hay. I went on to the part of the field where the road had went out in winter. I followed on through the woods and found some tracks, but the ground was dry and hard, and I could not see many tracks. I followed on till I came to Fred Davison's field, and I saw where something had been scratching at the ground. Something had been buried there. This was one hundred yards from the road. I went into the lane between Frank Davison's and Joseph Davison's. As I was going I saw Cousins' boat further down the river—on the east side, under Warren's farm. There was a stake sticking in the marsh about a yaad from the boat. I sat on the fence for about fifteen minutes, then I turned back home and went to work burning brush. I did not engage in the search till the evening. I saw Millman on the Thursday after Mary was missing. It was at the "Black Horse" corner in the evening. Francis Hillman and George Clarke were there. Patrick Power was with him. Millman asked me if my father was home. I said he was not, but he would soon be home. I told him to drive down. He did not go. I said to Millman: "I hear you have been saying you were never to our place." He said, "What next?" He was sitting in the wagon with the reins in his hand. He remained there about half an hour. Power went with him. I next saw Millman in Warren's barn. I remember that too persons called at our house one-night shortly before my sister was lost. One was Frizzle. They had a horse and wagon. They drove into our yard. They asked how the sick boy was; also "were there many in the house," and "could they

go in." They asked my father. He said the boy was very low and no one could see him. They asked George Profit to light their pipe. They turned the horse and I did not know their faces. I turned the light on them. I knew Frizzle, but I did not know Muttart.

Cross-examined by Mr. Hodgson—I took the tracks to be those of a man. I saw no tracks of a woman. It was only where the horses had cut up the ground in the spring of the year that I could see any tracks. By the marks in the hay field. I thought one person had walked through the hay. The wood taken that night was off Ramsay's land, and I saw the stumps a few days afterwards.

To the Judge—I had to go through the field to pass down through the Mud Road.

To Mr. Peters—I don't know who cut the trees or when they were cut. They attracted my attention, and I stepped up to them. The trees were taken away, I didn't notice the direction in which they were taken.

To the Judge—The Mud Road going on the main road has two forks (or branches) which join before we come to the hay field.

THOMAS CAMERON (sworn)—Examined by the Attorney-General—I live at French River. I took part in the search for Mary Tuplin on the Southwest River. It was I who found the handkerchief. I picked it up on the west side of the Southwest River—on the west side of the water fence, near the end of the Mud Road. I gave the handkerchief to Mr. Donald Camerons, J. P. I also noticed two foot-prints leading towards the water. The ground is marshy and there is white sand. The tracks were not the same size. There was a half sole on the boot that made the smaller track. The small track was about two sizes smaller than the other. (Boots shown.) The foot-print was similar to that—[pointing to the sole.] I saw only one track representing that sole, leading toward the water. They were both right foot tracks. The tracks were measured by Constable McKay with sticks. The tracks were not far from the water's edge when the tide ebbs and flows. They were about half way between the bank and low water. The tide passing over them would not obliterate them on account of the material of the soil. The handkerchief was on the marsh. I am not acquainted with the Mud Road. The tracks were about twenty feet from the bars at the end of the Mud Road.

Cross-examined by Mr. Hodgson—This was on Saturday. Other persons had been searching for the missing girl. We landed in a boat. We found the handkerchief just about five minutes after. We met three other people just after we arrived. William Ingles first picked it up and threw it down as useless; that drew my attention to it. There was to be a search on Thursday night. We heard a cough and a splash in the river on this Thursday night. I don't live near the place but was asked by Donald Cameron to go and assist in the search.

To the Attorney-General—This was Thursday evening. I don't think they dragged the river before Sunday. I found the handkerchief on Saturday. There was to have been a search of the river by torchlight on the night of the 30th June; but the parties didn't come. John Colson and I came, and while waiting we saw the light and heard the splash. I thought it was by the water fence. I don't know who made the splash. It was about half-past twelve o'clock.

To a Juryman—They were both right foot tracks; one was larger than the other.

To the Attorney General—They could not have been made by the same person. They were right square abreast.

To Mr. Hodgson—The smaller one was to the right of the big one.

THOMAS POWER (sworn)—Examined by the Attorney General—I

was examined before the Magistrates. I know the prisoner. I live at Bel Creek, Southwest River. I am a brother of Patrick and Francis Power. I have seen Millman at my father's house. He lives about half mile away—the third house away. He has often been at our house. I have been at his. We have always been friendly. I heard that Mary Tuplin was missed on Thursday, the 30th June. I was at Kelly's Cross. I left home on Tuesday, about 2 o'clock p. m. My brother Francis went with me. We got to Kelly's Cross about sundown on Tuesday evening. We were at Mrs. John McMorrow's, about two-and-a-half miles from Kelly's Cross, and about twenty-four miles from home. On Wednesday we were at my uncle's, John Ashton's, on South Melville Road. We left on Wednesday evening and got home on Thursday morning, the 30th, about 4 o'clock. We were home on Friday. I was home on Saturday forenoon. I saw the prisoner on Thursday, the 30th, about 8 o'clock a. m. He came just to where we were harnessing a horse by the barn, and then we went to load poles—Francis and Patrick and I. We went to a road by the side of our farm, called the New Road. When we were loading poles he asked us if we heard that John Tuplin's daughter was missing. I said—Missing, how? He said, "Gone away on Tuesday night." I said, "Perhaps she's gone to a neighbor's house." He said, "She has not." He didn't say anything more about the matter that I remember. My two brothers and him walked up by the cart to the back of the barn. He remained there till 10 or 11 o'clock. Then he started to go away. I told him before he left to get the work on the road done that afternoon. I am Road Overseer for the precinct, and had sold a piece of road in which Millman and my brother had a share. I said he need not take a horse. So then he left. When I came out of the house after dinner Millman was at the door. Pat and I went to harness the horses, and when we got the horses harnessed, Millman held the plough and I drove the horses till we got to the road. I asked Millman if the girl had been found. He said it was strange about the girl, and perhaps she had gone down to the East of the Island like her other sister, who was away about six weeks. He says there's something strange about the matter. He said a few nights ago there was a horse and wagon drove up to the house. Two boys were in the wagon. They asked for Mary but her brother Jabez went in and got the light, and when they saw the light they turned and drove off. He said "James Evans, told me and George. Henderson told him." I told him that the morning we were coming home, we met a wagon on the County Line Road with two boys and a girl in it, and I said, "Would it be Mary Tuplin in the wagon?" He said "It might be." That's all. We parted about half-past two. We went from the road and I paid him his share of the money for the mending of the road. I afterwards heard that the wagon was running quite different from what I told him. So I made inquiries I found out that there were ahead of us that morning Owen Screenan and his wife. I went to Schreenan's and asked him if he remembered the morning of the 30th June.

(Mr. Hodgson here objected to hearsay evidence.)

I saw Millman on the same Thursday evening at our place. He was opposite the front door. My brother Patrick and William Millman left together. They had been by themselves in the early part of the day. I next saw Millman on Friday or Saturday, Saturday is, I think, the day. We were cutting down bushes. William Millman came to the field and told Patrick to stick to what he had told him. I asked him what it was. Millman made no reply, and I asked my brother what it was. He told me that Millman wanted him to say that he seen him on Tuesday evening at the line between Paynter's and Mill-

I live at
Francis
ves about
n at our
I heard
I was at
m. My
out sun-
v's, about
our miles
Ashton's,
got home
home on
isoner on
where we
ad poles—
de of our
asked us
—Missing,
"Perhaps
not." He
My two
arn. He
away. I
hat after-
a piece of
d he need
the house
urness the
the plough
an if the
and per-
er sister,
g strange
horse and
n. They
light, and
"James
him that
the County
ould it be
all. We
paid him
afterwards
at I told
ead of us
nan's and

He was
Millman
art of the
, I think,
came to
I asked
y brother
y that he
and Mill-

man's. I asked my brother if he was there. He told me he was not. I then told Millman not to try to draw my brother into anything. He said he would stick to what he told him. Millman then left the field. I don't remember seeing him again till I saw him arrested.

Cross-examined by Mr. Hodgson—I left for Kelly's Cross on Tuesday, and stayed there all Wednesday till 5 o'clock in the evening.

GEORGE PROFFER (Black Horse)—(sworn)—Examined by Mr. F. Peters—I live at Lot 18, about 300 yards from Mr. John Tuplin's house. I know the Tuplin family well. I remember when Mary disappeared. I was at Margate that day, but got home between sundown and dark. James Woodside, George Clark and Dougald Ramsay were at my house that evening. They left about ten minutes past ten by the clock. I could not say that she was right. John Tuplin came to my house while they were there. He sat down but did not stay more than three or four minutes. It was then about half-past nine. After Tuplin left I heard something. I heard two shots. I was then in the house cutting George Clarke's hair. There was not more than three or four seconds between the two shots. The shots came from the direction of the river. It would be near about 10 o'clock. Woodside was then untying his horse. I heard nothing but the shots. John Tuplin came again about eleven o'clock, and spoke to my wife. I am not related to either Tuplin or Millman.

Cross-examined by Mr. Hodgson—Woodside did not come in after the shots were fired. The shots were fired about ten o'clock. There was not much wind that night. I don't know the direction it blew from. The sound of the shots came from the east.

JOHN SUDSBURY (sworn)—Examined by Mr. Peters. I live at Spring Valley, about two miles from Mr. John Tuplin's. I know both Tuplin and Millman. I heard of Mary Tuplin's disappearance. On that evening I was first at New London; I came from New London and made a call at the Church to take home my miss— from the meeting. The Church is not more than a mile by a straight line from the Southwest River. When I got there the meeting was still in. I tied my horse and talked to a man named Halloran; and then stood at the Church door till the meeting came out, when I took my wife home. Before the meeting came out I heard two shots from the direction of the Southwest River. That was before the Church came out—about fifteen or twenty minutes before. I don't know what time I got home that evening.

To a Jurymen—One shot appeared to be sharper than another.

ANDREW WOODSIDE (sworn)—Examined by the Attorney General—I remember the 28th June last. I was at a lecture at Clifton. I arrived home at twenty minutes to eleven. My son was with me. I heard a pistol shot and a scream or two—or a continuation of one—in which there was a perceptible lowering of the voice. I heard one shot. I was about a mile and three-quarters from home. It was sometime between ten minutes to ten and twenty minutes after. I was walking the horse very slowly. After hearing the shot I commenced to trot the horse, and the noise would perhaps prevent my hearing a second shot. When I heard the shot I thought it might be as far away as Margate. It seemed to be in the distance. The sound of the shot was quite clear and distinct. When I heard the shot I was between William Cotton's and William Ryan's, about half a mile from the main river. I would be a mile and three-quarters from home round by the road. When I got home I looked at the clock; it was twenty minutes to eleven.

Cross-examined by Mr. Hodgson—It would take about twenty minutes to drive from where I heard the shot to my home. It was

very calm that night—a bright, clear night. I could not hear any word—only just a screech.

FRIDAY, Jan. 28.

THOMAS BRYENTON, (sworn)—Examined by Mr. Peters—I live at Spring Valley, Lot 18. I know John Tuplin, and also Millman, and was slightly acquainted with Mary Tuplin. I am sexton of Irishtown Church. I remember the evening of the 28th June last. I was at the Church that evening. I stayed till after the meeting was over—was there the whole time. I got home about eleven o'clock. I live about two miles from the church. I walked home. John Millman and his missus and Mrs. Thomas Millman and her son James were at the meeting that evening. Mrs. Thomas Millman left before me. Mr. John Millman and his missus left at the same time. I saw them leave. The meeting got out about twenty-five minutes past ten. It is about a mile from the Church to John Millman's. I left as soon as the meeting was over. The others stopped and talked together for a minute or two. We had our watches out just before we left the Church. The meeting was about getting up a tea. I saw William Millman in Church on the Sunday before the murder. I saw him both inside and outside the Church. We talked about Mary Tuplin. He asked me how Tuplin's sick boy was. I told him that he was just living. Then he asked me about Mary. He asked me the second time. I told him that I heard some talk about her. He asked if I knew it was true, and told me he'd like to see the girl to know if the talk was true. I told him to go on up and see her. He said he didn't like to go. I told him Tuplin wouldn't say anything to him. He said he'd like to see the girl to see if the talk was true that the little one belonged to him, but he felt ashamed like to go to Tuplin's. I said me and my wife were going up to see the sick boy, and asked him to go with us. He still seemed ashamed. Then he said if I would ask the girl to come to the gate he would go and meet her there. My wife was not present. John Nathaniel Evans was there. I don't know whether he heard the conversation. Millman was close to me. I am not aware that anything else took place. After I promised to tell the girl he said, "don't you let on anything about it." I said no, I wouldn't. We went to John Tuplin's that evening. Before we went Millman came to my house with John N. Evans. He didn't stay long. I was getting ready to go to Tuplin's when he came. I had a little conversation about a pig, but not about this Tuplin matter. I can't say why he came up at that time. I thought he was going up to Tuplin's. It was out of his way a little. He never came before to my house on Sunday that I know of. He came one day seven or eight years ago with his father, when he was a little boy. My wife and I walked to Tuplin's to see the sick boy. I saw Mary Tuplin that evening in her father's kitchen and up stairs. I told her that my missus wanted to speak to her. Then she went out to her. I don't know where Millman or Nathaniel Evans were all this time. I met Millman again that evening. I think John Nathaniel Evans was present. It was just about dark. I met them between John Tuplin's and William Underhill's. He called me by name and I went up and spoke to him. He asked me if I told Mary Tuplin. I told him "I thought my missus told her," or else "My missus told her." We had no more conversation—not a word. I went right away home. On Tuesday I was working with John Paynter. I did not see Millman that evening, nor on Monday. I saw him on Wednesday on the Millman Road—near John Millman's house. I went down to see him about this Tuplin matter. I thought Millman had, perhaps, been with the girl. I did not know then that the girl had been murdered—only that she was missing. We sat down on the side of the road and talked not over twenty minutes. I asked him was he up the

any word

Jan. 28.
I live at
man, and
rishtown
was at the
over—was
live about
n and his
the meet-
Mr. John
ave. The
but a mile
eting was
te or two
e meeting
ch on the
outside the
y Tuplin's
asked me
at I heard
d me he'd
a to go on
m Tuplin
girl to see
t he felt
going up
I seemed
e gate he
nt. John
t the con-
anything
don't you
t to John
my house
ady to go
out a pig,
up at that
f his way
know of.
when he
the sick
n and up
Then she
el Evans
ink John
net them
name and
n. I told
We had
Tuesday I
ng, nor on
ohn Mill-
I thought
at the girl
he side of
e up the

road last night. I meant the road near my place. He said he wasn't. I asked him where was he? He said he was down swimming in the evening. He didn't say what time. He might have said it was before sundown. I can't say. I don't recollect. Yes, he said he went down before sundown. He didn't say how long before. He didn't say whether any one went with him. I didn't ask him. He said he came up in the evening and laid about the road near his father's gate till bed time, and then he went to his bed. That's what he said. I swear to that. That's what he said next day (the day after the murder.) He said he was in bed when they came home from the meeting. He didn't say anything else that evening. No other conversation took place. I told him that John Tuplin was down at my house threatening to law me, and that he blamed Millman for having done something to his girl, and was going to take the law of me on account of the message I had given. He said he wasn't around anywhere near Tuplin's that night. I told him if he knew anything about the girl to tell me and I would tell Tuplin. He said he had never seen her. He said that he had seen her on Sunday night—the night I took the message. He did not say where. He told me that she told him that she didn't blame him for the child. That was about all that was said. There might be a word that I would forget. Millman did not seem surprised when I told him that the girl was missing. He said nothing. He might have spoken; but nothing about the girl. I was arrested as a party to this murder; but was discharged. While under arrest coming from the Court, Constable MacKay being present, he spoke about the murder and the awful trouble we had got into, and I told him the best thing he could do was to read his Bible and pray. Nothing else was said. I was at Thomas Millman's, I think, when the body was found. I did not go to search for the body; neither did Millman. As soon as I saw them find the body I went up to Thos. Millman's house. I saw William Millman that evening. I told him nothing. He was coming from Charlottetown. I spoke to him on Monday morning before the body was found. I heard afterwards he was on his way to Charlottetown. I told him if he went up about the Cross he would most likely be arrested. I told him about the handkerchief being found. He said it was only a fraud—dropped there by hands. I didn't ask him how he knew it was only a fraud. I went to my work and he went on. I have now told everything I know. I saw old John Millman get in his wagon and drive home on the night of the murder. His missus was with him. I can't tell the color of the horse nor the kind of a wagon. No other members of the family were present. John Bradford, Eliza, William, Johanna and Maud are the members of John Millman's family. Nelson Evans is married to Jane Millman, who lives at her father's home. Mrs. Nelson Evans was not at the church that night, or Evans himself, nor any of the rest. I had a conversation with Millman some time in May about Mary Tuplin. He said he was over to Margate Church one Sunday to preaching, and saw a woman come out of Somers'. He thought it was Mary Tuplin, and he tried to overtake her but he could not.

Cross-examined by Mr. Hodgson—It was five minutes past eleven after I got home and got my boots off and my pipe lit. My watch sometimes runs down. Before I told him, Millman had not heard that the Tuplin girl was missing. I did not hear that it was Millman's handkerchief that was picked up, and don't know that Millman did. There were more stories going about than truth. Millman told me that he was in bed when they came home from the church. I have met him when he was going down bathing. I did not murder the girl.

To Mr. Peters—The evening that he told me about the girl at Somers' was the evening he said that he was going swimming. Mr. Reagh's watch agreed with m. e. On the night the girl was missed my watch was going. It is necessary for me to know what time to open the church.

MARGARET BRYNTON (sworn)—Examined by the Attorney-General—I am the wife of Thomas Brynton. I know Millman; also Mary Tuplin, slightly.

I remember when she was missed. I remember the Sunday before that Millman was at our house. I never remember that he called on a Sunday before. My husband and he went to the barn. I didn't know what his business was. I don't know now. He stayed a few minutes. My husband and I went to Tuplin's that evening. We left him and Evans standing on the road. We got to Tuplin's between sundown and dark. I saw the boy that was sick; also Mrs. Tuplin and Mary. I saw Mary in the house. I gave a message for her from William Millman. My husband told me to tell Mary that William Millman wanted to see her at the gate that night. I said, "Mary, William Millman wishes to speak to you to-night." She said, "Where at?" I said, "At the gate." She made no answer. That was about dark. I did not see Mary go out. On the way home we met two men. One was Archibald Brington. I did not know the other. We met them not far from Tuplin's gate. I didn't see Millman after that. My husband and I went home together. I know a person named Morrison. He was with us. I saw no one else. My husband and I walked home together. While on the road some one called my husband. He told me it was William Millman. I didn't see any person. Then I went home. My husband is the sexton of the Church. We got home between nine and ten. I remember the next Tuesday evening. My husband was at the Church. He got home at 11 o'clock. I was examined at Clifton. My husband said it was five minutes to eleven when he sat down. That's what it was by my husband's watch. We live two miles from the Church. My husband was walking. On Wednesday he was away to Thomas Millman's.

Cross-examined by Mr. Hodgson—I didn't see Mary go out after I told her Millman's message. I did not see her again that evening. It was after dark when we left home on Tuesday to go to John Paynter's. It was about sundown on Sunday that Millman came to our house. We live a mile from Tuplin's. It would take us half an hour to walk there. We live two miles from the Church. John Tuplin went to our house the day after the girl was missing.

EDWARD WARREN (sworn) Examined by the Attorney-General—I live at the head of the Southwest River. I have mills there. I know where the Mud Road comes out at the shore; also where the water fence is, and where the South Creek is. I remember the day Mary Tuplin was lost. I was home that evening after sundown, in my own house. I went out just before going to bed—about ten o'clock. I heard a shot just as I stepped out of the door. I thought it was a gun shot. It was quite a sharp sound. I supposed, at the time, that the shot was at South Creek. I heard nothing else that I took notice of. I don't suppose I would have heard a shot in the house. I always wind the clock just before going to bed. I remained out a minute or two, and then went in and wound the clock. It was then just about ten. I know the prisoner. I saw him the following Wednesday at Kensington, and had a conversation with him. He asked me if I had heard that Mary Tuplin was found. I replied that I had not, but that I heard that she was missing. He spoke of meeting her father on the road, and that the father was afraid she had been made away with. He said that he had been accused of making away with her; and further, that two boys had said they saw him in the woods; but he was home all the evening, except while he went to the river to bathe—and then he went right back home. I noticed his appearance at the time. His face colored as he spoke those words. I had no further conversation with him.

Cross-examined by Mr. Hodgson—It was about ten o'clock that I heard the shot.

JOHN MANN (sworn)—Examined by the Attorney-General—I live at Irish-town. I know Millman. I have been in his company. I remember the 28th June last. I was in his company a week before that. I saw him going down the road the Friday before. He was going towards the shore—the North sea

that Mill-
day before.
business was.
d I went to
d. We got
s sick; also
age for her
at William
ity, William
?" I said,
did not see
s Archibald
m Tuplin's
nt home to
-saw no one
d some one
n't see any
church. We
ening. My
examined at
e sat down.
les from the
to Thomas

er I told her
after dark
about sun-
mile from
two miles
the girl was

I—I live at
ere the Mud
I where the
s home that
going to bed
ne door. I
osed, at the
that I took
I always
or two, and
I know the
a, and had a
Tuplin was
issing. He
raid she had
aking away
woods; but
bathe—and
time. His
sation with

I heard the
ive at Irish-
er the 28th
going down
e North sea

shore. John N. Evans and James McLellan were with him. The three were together. I went along with them. A revolver was fired as we went along. I thought Millman fired it. I saw the smoke. Millman was on the right side. John N. Evans next. I next and McLellan next. We were walking abreast. I saw the smoke. I jumped round and said it frightened me. John Nathaniel Evans laughed. We talked about shooting. John Nathaniel asked Millman if he had got cartridges. He said he had. He got them at Summerside last week—he could get none at Kensington. He said that he had with the pistol sent a ball through a three-inch plank and stuck it into a tree. I said it must be a good one then. We were still walking along. I went as far as Ready's forge—they went right along. I saw no more of them that night. I went to school with Millman.

Cross-examined by Mr. Hodgson—I believe it was Millman who fired the shot.

ALEXANDER MCKAY (sworn)—Examined by Mr. Peter's. I am a constable. I was not examined before. I arrested Millman. I remember the time Mary Tuplin was missing. I joined in the search the following Saturday, with Thomas Cameron and Donald Cameron. We got a boat from John Cameron, and landed first on Hiram Thompson's side. Then we crossed to the opposite side, near the water fence. When we were coming to the shore there were three other parties coming along. One of them, William England, picked up something like a piece of cotton and threw it down again. They came along then to where we landed, and Thomas Cameron went and picked up the handkerchief. [handkerchief shown.] That is the handkerchief. We saw tracks between the edge of the marsh and the edge of the water. The substance of the shore. I judged to be more clay than said. It appeared to retain the track quite plainly. Out side further it was softer, and a track would not remain long. We saw two tracks. They were different tracks, but both right foot tracks. We took measurements of the tracks. [Two sticks shown. Takes shortest stick in hand]. That is the length of the shortest track. There was a half sole track—the length of which is marked on the stick. We measured the track of the heel; also the sole in the widest part. [Boots shown.] The stick is the same length; the measurement of the heel agrees, also that of the half sole. The measurement of the track corresponds with the boot in every respect. The total length of the sole is $9\frac{1}{2}$ inches; the half sole $6\frac{1}{2}$ inches; the width of the sole $3\frac{1}{2}$ inches; heel $2\frac{1}{2}$ inches. [The other stick shown.] That is the full length of the other—the larger track. It is $10\frac{1}{2}$ inches; heel about $2\frac{1}{2}$ inches, width of sole between $3\frac{1}{2}$ and $3\frac{1}{2}$ inches. I gave the sticks to Thomas Cameron, who delivered them to Dr. Macneil. I know Frank Power. I got a pistol from him about the middle of August. I took a memorandum so that I would remember it. There was the name on the barrel Alexis. There was numbered under the heel of the stock (6278. Pistol shown.) This is the pistol. It is the pistol I got from Frank Power. When I got it, it had three full cartridges and two empty shells in it. It is so now. I did not take the cartridges out. I delivered the pistol to Detective Power. The letter "H" is visible on the butt of four of the cartridges. On the other it is shattered. When I got the pistol it was rusty, as it is now. I have no doubt that this is the pistol I got from Frank Power. I arrested Millman at his father's house—the day after the body was found; afterwards I drove him to town. Charles Somers came with us. I had not much conversation with him. I cautioned him to make no statement to me when I arrested him. He said, when coming to town, that he was not guilty, but that he guessed that before the trial was over the guilty

party would be found. He also said that Muttart need'nt think that he was trying to hide his face from him when he put up the handkerchief to his face, for his nose was bleeding at the time.

RICHARD READY (sworn)—Examined by the Attorney General, I am a Justice of the Peace, I know Millman, but not Mary Tuplin. I remember when she was missing. I saw Millman about that time. He was at my place on the evening of the 30th June. He was in my house. He brought a horse and wagon. Patrick A. Power was with him. Millman came into the house. He said this is a great scrape that's got up now. I said. "What's that, Will?" He said one of John Tuplin's girls went away on Tuesday night, and they blame me for knowing something about it. He said he was told if he got a person to come before me and give an affidavit that he was with him on that night it would clear him of the whole thing. I explained that if I took the affidavit it would make me liable to a penalty of \$50 and imprisonment. He then asked me if he would take Patrick Power to Tuplin's and tell them that Power was with him, I advised him to do so. I believed his story. I took it for granted that it was a fact. That was all that passed.

Cross-examined by Mr. Hodgson—I am one of the magistrates in this suit. I remember being in the woods on the Sunday before she was found. I went down through the Mud Road. On coming back, the man that was with me—John Campbell—drew my attention to a smell. He was walking in advance, he turned round and asked me if I smelled anything. I answered him that I did not at that time. He then turned round to me and we began to search where the smell came from. After looking round, I came right over where the smell came from. It didn't look like blood. It was kind of a grayish-dark color, and all covered with flies. I thought some dead animal had laid there. I saw a big top of a tree near.

To the Attorney-General—I did not think it was blood. A dead sheep would cause the appearance of the ground and the smell. I thought it was a dead animal. still think so.

BENJ. BRYENTON, SR. (sworn) Examined by Mr. McNeill—I live in Burlington, about a mile from the head of the River. I remember the time Mary Tuplin was missing. I assisted in the search on Sunday and Monday. We searched the head of the river. I was down on the Thursday after the murder, and before the body was found. I went down about half-past nine. John Tuplin wanted me to go down and see if I could find the girl. I was about fifteen yards west of the water place, I remained there till between twelve and one o'clock. I smoked my pipe that night. It might be eleven o'clock or half past ten. I can't tell the exact time. I was in John Cousins' boat. I heard a splash in the water. It was after I lit my pipe. I took it to be some kind of a muskrat, or something like that. It was a nice clear moonlight night. I could see fifty yards or more. I saw no boat all the time I was there. I observed nothing after I heard the splash, but saw the waves coming in towards the shore. Nobody was there only the fish swimming in the water. I saw no one on the other shore, but heard afterwards that men were there.

Cross-examined by Mr. Hodgson—I was home on the night of the murder. In the evening I was at Hillman's. I got home about ten o'clock. No one else was there except his own family. No one called there. I was about my house before I went to bed. I was on the river when the body was found. The boat I was in on Thursday night was fastened to a stake in the marsh. It was so all the time I was in it. I live about a mile from the South-west river.

think that
to the hand-

ALEXANDER MCKAY (Constable) recalled.—To Mr. Hodgson—When I arrested Millman, I got him at his father's home. He made no attempt to escape. I had my breakfast there with him.

Court took recess.

AFTER RECESS.

eral, I am
plin. I re-
t time. He
n my house.
s with him.
e that's got
nn Tuplin's
or knowing
on to come
that night it

JABEZ TUPLIN (re-called)—Examined by Mr. Peters.—One evening 14 or 15 men were searching in the woods. We noticed a smell—it was near the Mud Road, on the north side. We searched there, but found nothing at first. All left but James Bentley, of Margate, who remained with me and searched till we found a rabbit's head partly covered up by turf and leaves. It was near Fred. Davison's line. The smell came from that. We examined it with sticks, then left it and went home.

I took the
prisonment.
n's and tell
believed his
that passed.
ates in this
re she was
g back, the
to a smeli.
if I smelled
then turn-
came from.
came from.
lor, and all
ere. I saw

STIFF-COMMANDER WRIGHT, R. N. (sworn) — Examined by Mr. Peters.—I am a Staff-Commander in Her Majesty's Navy. I have a knowledge of fire-arms. (Revolver chamber, shells and bullets produced.) The bullet would certainly fit the shell. I don't think there is room for doubt that these balls could be fired out of this cartridge. The butt of the bullet seems to be almost an exact fit. This bullet could be fired out of this shell. There are apparently three concentric rings in the butt end of this cartridge. There are three rings on the base of this bullet. The same three rings are in the cartridge. Either of these bullets could be fired out of this shell. (Another revolver shown.) This cartridge could not be fired out of this revolver.

. A dead
e smell. I

Cross-examined by Mr. Hodgson—A bullet that had the same calibre might have been fired from that cartridge. I don't know that the rings are peculiar to any cartridge, nor do I know the way the American manufacturers number their pistols.

—I live in
member the
nunday and
wn on the
d. I went
down and
est of the
ne o'clock.
ck or half
sins' boat.
I took it
was a nice
I saw no
heard the
body was
the other

THOMAS COLSON, (sworn)—Examined by the Attorney General. I know the prisoner. I was in Summerside in June last. I remember when Mary Tuplin was lost. I was in Summerside the 18th June. Joseph Schurman drove me. We left Summerside about 4 o'clock. I saw Millman while in Summerside. I met him in the jail yard, and also at Dan Noonan's. Joseph Schurman, Millman and I were together at one time. I don't know the exact place. Schurman said, "I think it is time I was going home," He asked me the name of the young man who was with me. I said it was Wm. Millman. That was about 4 o'clock. We went straight home. Dan Noonan's is a tavern in Summerside. While there, Millman took a bottle of Whiskey. He stole it. I parted with Millman about 4 o'clock. I left him on the street. It was on Saturday, the 18th of June. Millman was into Mr. Campbell's. I did not see him going into a store. I have not had any conversation with him since. I live about a mile and a half from his father's. I know him well.

ht of the
about ten
one called
s on the
day night
I was in

Cross-examined by Mr. Hodgson.—I drank some whiskey in Summerside that day. I did not count the number of glasses. Schurman had no whiskey. We drove in Mr. Pillman's wagon. I did not keep any account of the whiskey I took home in the wagon. I took no whiskey. It was brandy. I had three pints of brandy. Before we left Summerside we had about a glass a piece—about two drinks apiece. We bought by the bottle. I did not get tight.

To the Attorney-General—We arrived in Summerside about one o'clock and left about four. We were both quite sober. I never saw Joseph Schurman intoxicated. He was not intoxicated that day. I wasn't.

JOSEPH SCHURMAN (sworn)—Examined by the Attorney General—I live at French River. I am a farmer. I remember being in Summer-

side with Colson on the 18th June, before the girl was missing. It was on Saturday. We got to Summerside about noon. We parted when we got to Summerside. I know Wm. Millman now. Colson told me it was him. I saw in Summerside, Colson, Wm. Millman, and I think Wm. Cameron. I had seen him before and I asked Colson who he was. He said, "Will Millman." "I had seen him in a shop that day before—I believe it was at David Rogers'. He was standing at the counter, and there was a clerk at the counter, and there were cartridges between them. The cartridges were revolver cartridges. I did not see other goods on the counter before him. He was dressed in a dark suit, brown straw hat with a cord on it. Afterwards I saw the same person with Colson and I asked Colson who he was. Colson, and I asked Colson who he was. Colson replied, "Will Millman." I started for home with Colson, and got home before dark.

Cross-examined by Mr Hodgson—I did not say that Millman bought cartridges. I paid no particular attention to him. The cartridges may have been examined by some one else. I know Mr. Rogers of Summerside. He is in attendance here.

To the Judge—I see the prisoner in the box. That's the man.

To the Attorney-General—Mr. Rogers was not there

BENJ. BRYENTON (sworn) Examined by Mr. Peters—My father's name is Benjamin Bryenton. We live at Burlington, Lot 18. Last summer I worked at Lot 9. I was round home last winter. I went to Colman, Lot 9—on the 22nd June—before the murder. I know William Millman, but have not known him long. I know John Tuplin and his family—the older ones not so well as the younger. Also know the Power boys. I have known them about a year. I know Frank Power. Last April we traded about a revolver. I had the revolver. I had it about two months. I got it from Russel Adams. It was a five chamber breach-loading revolver. It was thirty-two calibre, and had a black handle with carving on it; I don't know the maker's name. The name "Alexis" was marked on the barrel. I mind seeing a number; but don't know what it was. [Revolver produced.] The handle is exactly like it. The name "Alexis" is on it; also a number. It is exactly like the one I had. I traded the revolver with Frank Power. He gave me his watch for it. Frank Power got a few cartridges from me. I got the cartridges at R. T. Holman's, Summerside. [Witness produced cartridge.] This is like cartridges I gave Power. It had the letter "G" on the end of it. It is out of the same box as those I gave power. (Mr. Peters here produced cartridges.) They were not like this. They were of a different make, though of the same calibre.

To Mr. Hodgson—(Witness here produced cartridge)—I have brothers older than I am.

SATURDAY, Jan. 28.

DANIEL READY (sworn)—Examined by the Attorney General. I live at Irishtown. I know the prisoner. I always went to school with him, and have known him nearly all his life. I remember when Mary Tuplin was missed. I saw Millman on the 4th of July, coming out of Mr. Thomas Power's. It was Monday evening—the day on which Mary Tuplin was found. When I saw him first he was going into Power's house. I had no conversation with him then. I spoke to him after he came out. I bid him the time of the evening. It was pretty near dark. He jumped in the wagon with me. He said it was a bad job about the Tuplin girl. I told him I was surprised when I heard that he was blamed for it. He said he could prove that he was in the house when the light was seen on the river and the splash heard. That was Thursday night. He said he was home on that night, He did not mention Tuesday night. He did not say anything about Tues-

sing. It was parted when son told me and I think who he was. ay before—I counter, and ges between not see other a dark suit, the same per- and I asked I started for

man bought ne cartridges r. Rogers of e man.

My father's ot 18. Last ter. I went er. I know John Tuplin Also know Frank revolver. I It was a five ore, and had aker's name. eing a nun- The handle mber. It is rank Power. ridges from [Witness ver. It had x as those I ey were not ame calibre. e)—I have

r, Jan. 28. eral. I live school with when Mary ming out of on which s going into I spoke to g. It was said it was ed when I that he was lash heard. night, He about Tues-

day night. He said it would be kind of hard if he had to stay in jail till winter to stand his trial. I said he would do well if he got clear then. He wondered if he could get bail. He said Walsh got bail. I said it was a worse deed than Walsh's. He said time will tell what to do. We had some conversation about Walsh. He told me he had been in Charlottetown, and that he had not slept for nearly a week; that he had not been to tea, but he said nothing more about Mary Tuplin. I said to him, "she's found." He said he heard it as he came from town. He said he expected to be arrested before morning. I understood why. I suppose he understood, too.

JAMES READY, (sworn)—Examined by Mr. Peters, I live in Irish-town. I have lived there all my life. I know William Millman; have known him since he was able to walk. I was not acquainted with Mary Tuplin. I did not hear that Mary Tuplin disappeared till Friday. I went down to the search the day her body was found—on Monday. I walked down to Warren's mill. I went down after I got my breakfast. The body was not found when I got there. A raft was made but I did not go on it. I stopped at the mill a while, and then I heard that the girl was found, John Adams and I then took the boat and crossed over to Hiram Thompson's Point. A good many persons were present. William Millman was not there, nor were any of the Millman family that I saw. When I saw the girl first, she had boots on. I think McLeod took them off. They were handed to me. I saw the stone that was tied around her. (Stone shown.) That is the stone which was delivered to me on the night of the inquest. I was foreman of the Coroner's jury. The Inquest was held at Mr. Thompson's Point. Witnesses were examined. I didn't see the handkerchief nor the pistol either. I couldn't tell when I saw Millman before the inquest. I did not see him after. I asked them who took the rope off the body. They told me it was Mr. Rubin Tuplin. (Rope shown.) That's the rope. I took it home and kept it in a box till I delivered it to the Clerk of the Court.

FRANCIS POWER, (sworn)—Examined by Mr Peters—I live at Long River. I am a brother of Thomas Power and Patrick Power. I know William Millman. I have known him for about four years. I owned a pistol. I got it from a young fellow by the name of Benjamin Bryenton some time in April. I gave him a watch for it. I got two cartridges with it. When I got it from Bryenton I fired one shot in his presence and another in the presence of Larkins. I afterwards got another cartridge and fired it in the presence of Millman. I never bought any cartridges. The pistol was 32-calibre. Its handle was black and carved. The name "Alexis" was on the handle. I didn't notice a number at the time. (Revolver shown.) That is the revolver I had. I have no doubt of it at all. That's my revolver. I kept the revolver till about the middle of May. The prisoner (Millman) got the revolver from me. He asked me what I'd take for the revolver. I told him I'd take no less than \$3.50 or \$4 for it. This was at our house. He came down to our house that night, played the fiddle for a spell, and when he was going away asked me whether I would let him have the revolver. He said he had no money; but he wanted to shoot a dog belonging to William Campbell; and, after he had done so, he would see whether or not he would buy her. I gave her to him. I next saw the revolver on the 30th day of June. Millman took it out of his pocket and gave it to me. It was behind the house. He told me to tell no one he had her. He came to the window while I was getting my dinner, and beckoned me to come out. I went out. We walked around to the back of the house, and he took out the revolver and gave it to me. He told me to tell no one, but to come and do the road, as he

wanted his share of the money, for he was going to town to writ J^r hu Tuplin for his character and to fee E. J. Hodgson, for out of nine criminals Hodgson had declared seven. I said: "You are no criminal." He said: "I know I ain't." The pistol was on half-cock when he gave it back to me. I said: "This is no way to carry a revolver." I said: "Is she loaded?" He said: "No; there are three full and two fired." I did not suspect Millman at that time. The body was not found till the following Monday. I laid the revolver away and left it till the day after the body was found. On Tuesday morning I took it out and examined it, and found there were three cartridges full and two fired, just as he said. I took the chamber out and took all the cartridges out. The two that were fired were together—(pistol shown)—just as they are now. I put the cartridges back in the revolver—both the empty ones and the full ones. I then put the revolver out in the sleigh with a paper bag around her. I left her there till Detective Power came and asked me for her. I then gave her up just as Millman gave her to me. There was no rust on her when Millman gave her back to me—only a kind of gloss. It was on the Tuesday that I examined her and noticed the gloss. On the Monday evening before the murder (27th of June) I was speaking to Millman. I asked if he was going to buy the revolver. I sent my brother Pat for him, and he came down. I asked him if he was going to buy the revolver, and he said, not for he could not spare the money. He asked me to leave her with him till after Tuesday night, as John Nathaniel Evans and he were going away on a racket; "and after to-morrow night" he he said "I want her no longer." I told him he could have her, but I told him if he wouldn't buy the revolver he would have to send her back. He told me he had the revolver in his possession then—I supposed in his pocket. He said he must go home and get a good night's sleep, as they were going away to-morrow night. The revolver was in good working order when I examined her on Tuesday after the murder. After the girl disappeared, Millman came to our house on Thursday morning, Millman came to our house 30th June. He came there about or 8 or 9 o'clock. We went over to the Mud Road and got a load of poles, and then went fencing on the top of the hill. Pataick and he were sitting down talking some distance away. He stayed there till somewhere about half-past ten o'clock, when he said he was going home. He came back just after dinner that same day, when he gave me the pistol and we did the road work. I heard my brother Thomas ask Millman if he heard that the girl was found, and he said not. He said it was a strange thing about her. He said perhaps she had gone down east like her other sister who was away for about six weeks before they knew where she was. He said, "There was a very strange thing happened the other night. Two fellows drove up to John Tuplin's house, and before they went in they took the gate off the hinges and stood it across the other side of the road, and then drove into the yard and asked for Mary Tuplin. John went into the house and fetched a light and when they saw the light coming they drove off." My brother Thomas asked him how he knew this. He said George Henderson told James Evans and James Evans told him. Then my brother Thomas told him that we met a wagon when coming home from Kelly's Cross with two men and a girl in it; and he said to Millman, "I wonder if that was Mary Tuplin, that was in that wagon." Millman said, "Perhaps it was." That's all that was said. We went over to the house, and my brother paid him and I our shares of the commutation mony, I saw him again about four o'clock. of the same evening. My brother Patrick was going to Forristal's for a half pound of tobacco, and he walked off with him towards Millman's house.

to writ J^r hn
out of nine
e no crimin-
f-cock when
a revolver."
ree full and
e body was
er away and
y morning I
tridges full
and took all
her—(pistol
in the revol-
the revolver
her there till
her up just
hen Millman
he Tuesday
ay evening
nn. I asked
Pat for him,
he revolver,
asked me to
aniel Evans
y night" he
her, but I
to send her
lon then—I
get a good
the revolver
y after the
r house on
He came
oad and got
ill. Pataick
He stayed
said he was
ay, when he
my brother
nd he said
erhaps she
r about six
was a very
rove up to
he gate off
and then
into the
oming they
s. He said
him. Then
ming home
he said to
at wagon."

We went
res of the
ck. of the
s for a half
an's house.

Millman came to our place again on Saturday. We were cutting down bushes. It was. I think in the forenoon. He spoke to Pat and told him to stick to what he had told him. Patrick told him he wouldn't for he was accused of murder. Thomas then asked him what it was and he made no answer. Then Thomas asked my brother Patrick what it was. Patrick said that it was to tell that he had seen Millman on Tuesday at Paynte's line. Thomas asked Patrick if he was there and he said he wasn't. Then Thomas told Millman to go home and not be trying to draw his brother into anything. He started for home, and John Nathaniel Evans, coming up, went with him. I was not examined before the Magistrate. I never was examined. I did not tell anyone about the revolver. On the 12th day of August I told my brothers, and before that I told it to a young man by the name of James Landrigan. I did not tell it before, because I never was subpoenaed. I gave the pistol up on the 15th day of August. I knew that Landrigan was going off the Island and would never tell. Landrigan was a neighbor boy, and I asked his advice.

MONDAY, Jan. 30.

FRANCIS POWER.—Examination resumed by Mr. Peters.—When I gave the pistol to detective Power it had two chambers empty and three full—as I got it from Millman. I have no doubt about the cartridges being the same, as I had no others to put into it. When I went to get the pistol for McKay, I found it in the sleigh where I had put it. I gave the pistol up on the 15th August. I remember the night of the disappearance. I was at Kelly's Cross that night—about 26 or 27 miles away. I was at a party at Mrs. John McMurrer's. Left home about 2 o'clock on Tuesday afternoon. I got to Kelly's Cross about sundown. I went to Thomas Hagan's house. I stayed there about half an hour. I then went to my uncle's; and after staying there a while went to the party. I came home on the 30th June. I got home about four o'clock in the morning. When coming home about half-past two in the morning, I met a wagon going towards County Line depot. There was also another wagon going in our direction. In the wagon we met there were two boys and a girl. I was going north and they were coming south. I heard my brother tell Millman about meeting the wagon with two boys and a girl in it. I tried to find out who were in the wagon we met.

Cross-examined by Mr. Hodgson—I was at Hillman's party. I left there in company with Millman and Mary Tuplin. John Nathaniel Evans was also there. Millman was a few yards a head of me when we left, but I passed him and walked a little ahead of him. I passed the Black Horse on my way. I went as far as Tuplin's gate—behind Mary Tuplin and William Millman. It was between three and four in the morning. Millman went in towards the house through the gate. He was in about half an hour. I sat down at the gate smoking till Millman came out again. I did not see Millman go into the house. We went home together from Tuplin's gate. I never saw Mary Tuplin until that night. I don't know whether Millman ever saw her before or not. I spoke to Detective Power this morning. Our conversation was not about the trial.

To Mr. Peters.—Hillman's party was on New Year's Eve, 1886.

JAMES BENTLEY (sworn)—Examined by Mr. Sullivan. I live at Margate. I have no acquaintance with Millman. I know where John Tuplin lives. I know where the Mud Road is. I remember when Mary Tuplin was missed. I did not assist in the search until Sunday before the body was found. I went down through the Mud Road, thence to the shore. Several persons were with me. I returned the other way. Among those who were with me when I returned, was

Jabez Tuplin (John's son.) On the way, we were attracted by a smell in the woods. Jabez Tuplin found the cause of the smell. It was in the woods, three yards from the road, on the north side as we came up. It was a rabbit's head. That was what the smell proceeded from. I am sure of that. It was buried under a stump. The flies were about it, and there was a smell from it. I saw nothing else that would cause a smell.

Cross-examined by Mr. Hodgson. It was about six o'clock when we found the rabbit's head. It may have been there longer than a week.

OWEN SHEERMAN (sworn)—Examined by Mr. Macneill.—I live on the County Line Road, Lot 57. I am a farmer. I heard of the disappearance about the time. I can't tell where I was when I heard it. I think I heard it through the paper. On the 29th June I was at the burial house of a boy named Whelan, at Freetown. He was a relative of mine. I left home about midnight of the 29th, I don't remember the day of the week. I know it was the 29th because it was a holy day in our church. I was driving. I fell in with two men in a wagon near Dunk River Bridge. I supposed them to be the Power boys. I saw them the evening before going away. They were coming home—going in my direction. I was ahead of them. I was in their company on the road for about two miles. They were right upon me, and we were talking. I had my wife in the wagon with me. I have no doubt about the parties in the wagon. I know nearly all the Powers by eyesight. I also met a wagon a short distance on the other side of County Line Station. It was on the north of the station. I did not know who were in the wagon. There were two boys and a woman in this wagon. They were coming towards the station. The Power boys were right behind me when we passed this wagon. This would be between one and two o'clock in the morning.

Cross-examined by Mr. Hodgson—I knew the Power boys when I saw them on the road. The wagon we met was going south. I live on the south side of County Line—on the County Line Road. I travelled north when I left the station. I don't know where Tuplin lives. I don't know where Margate is. I was never around there.

To the Judge—I am wrong about the time I first saw Power boys—it was on the afternoon of the 28th—the day before the holiday. I saw them at the County Line Station. I next saw them coming home from the party. It was a light night when I saw them. I met them on the road.

JAMES HALFPENNY (sworn)—Examined by the Attorney General.—I live at County Line. I remember the 30th June. I went to a wake on the 29th. I know it, because it was a holiday. The wake was at Whelan's about two or three miles from County Line. I got home from the wake between two and three o'clock in the morning. It was before day light. I am slightly acquainted with Owen Sheerman. I did not see him at the wake, but he might have been there. I drove home. My brother and my wife were with me. We had a square box wagon—open behind. My brother drove the horse. I fell asleep in the wagon on our way home. I was laying across the woman's knees and my brother sat at our feet driving. We were going south. The next morning the woman asked me if I remembered passing two wagons. I told her I did not.

JOHN HALFPENNY (sworn)—Examined by the Attorney General.—On the night of the 30th June I was at the wake at Daniel Whelan's. I walked there, but returned home in the wagon with my brother and his wife. I got home about two or three o'clock. We travelled south. I don't remember meeting any carriages on the road. I was holding my sleeping brother in the wagon, so that he would not fall out.

SIMON DODD FRIZZLE (sworn)—Examined by Mr. McNeill. I live at Clifton, about a mile and a half from Margate. I am a son of John Frizzle. I am a farmer. I am slightly acquainted with John Tuplin's family. I have been in their house twice. I remember John Tuplin's son being sick. I remember the time Mary Tuplin was missed. I don't recollect when the boy died. I was at Tuplin's house before the boy died. It was on the 22nd June. James Muttart was with me. We had been at Kensington that night. We drove to Tuplin's to see how the sick boy was. Tuplin's gate was open when we got there. We drove up to the door. We saw John Tuplin, his son Jabez, and George Profit. I spoke to the crowd. I said "Good night," and "Well, Jabez, how's the world using you?" He said, "not too bad." I next asked how the boy was, and was told he was no better. Mr. Tuplin said the boy was very low, and we couldn't see him. I was smoking that night at Tuplin's door. George Profit lit the pipe for me. Several matches were used up trying to light the pipe before Profit lit it. I think Jabez went into the house while we were there. I don't know what he went in for. Before he came out we drove off. The only thing we went there for was to find out about the sick boy. We went home from Tuplin's.

Cross-examined by Mr. Hodgson.—I am slightly acquainted with John Tuplin. I thought he knew me that night. I did not mark down the date of my calling at Tuplin's. It was a week before Mary was missing that I called. It was on a Wednesday. My sister told me it was the 22nd June. She was the only one I asked about the date.

EDWARD WARREN, (re-called)—Examined by Mr. Peters.—I know Alice Connolly. I understand she is a first cousin of the prisoner. I don't think she is on the Island now. She was here on the 28th June. She was examined before the Magistrates. I don't know James McLellan.

W. A. WEEKS, (sworn)—Examined by the Attorney General.—I am the Clerk of the Crown. (Pistol shown.) I know this pistol. It was given me on the 18th August by Detective Power. It was a little rusty when I got it. I think she was half-cocked. I had to get a gunsmith to fix the pistol, so that the chambers could be moved. There were three chambers loaded and two fired. We could not open the valve till the pistol was put in a vice. We had to hammer two of the three bullets flat at one end before we could get them out. One was flattened more than the others. The pistol looked as though it had been rusty for some time. The rust came off on the paper around it. The pistol cylinder would not revolve when I got it. It was perfectly solid and stiff. I have no doubt but that this is the pistol I got. I also got a knife, handkerchief, and pair of boots at the same time. (Articles identified.) I also got two bullets from Dr. McNeill. (Bullets shown.) These are the bullets. They have never been changed since I got them. They have always been in my possession, under lock and key since then.

Court adjourned.

AFTER RECESS.

ALEXANDER MCKAY, (re-called)—Examined by Mr. Peters.—I know Alice Connolly. I believe she is a relative of Millman's. She is at Brighton, outside Boston. Her mother and step-father told me so. I saw a letter from my sister-in-law, who is in Brighton. I think that letter could be got now. My sister-in-law's name is Mary Cameron. Alice Connolly left the Island between the middle and last of August. I saw her about a week before she left. I heard Alice Connolly was in Brighton from her mother and step-father, and by the letter from my sister-in-law.

THOS. MCKINLAY, (re-called)—gave the court some further information concerning the plan of the scene.

The Attorney-General here announced that they would rest the case of the prosecution for the present.

Mr. Hodgson, asked for twenty minutes for consultation.

The court granted the request.

MONDAY. January 30.

The case for the defence was opened this afternoon. The Courtroom was crowded. About half-past three o'clock Mr. Hodgson began his address to the Jury. In opening he said that in a few days more the duty would devolve upon him to again address them. His remarks on the present occasion would be brief. He would not now offer a single word of comment or argument as to the nature of the evidence adduced or the demeanor of the witnesses while on the stand; but when he next addressed them he would discuss all these things. After said he, we have put our witnesses on the stand, and heard what they have to say, it shall be my duty to give a connected history of the case. Then I shall not be so reticent. Till then I ask you to bear with me. There are three questions before you. (1) Was a murder committed? (2) When was it committed? (3) Was it committed by William Millman? Unquestionably a cold-blooded murder has been committed. That you know. The counsel for the Crown has addressed you upon the matter of the jurisdiction of the Court. That question is not one which will likely require any consideration at your hands. I, however will not ask for the prisoner's acquittal on any technical ground; but I will meet the case exactly upon its merits. The real question for you to decide is:

DID WILLIAM MILLMAN, THE PRISONER IN THE DOCK, KILL MARY TUPLIN?

That is a question which you are asked to consider; not to enquire as to who did the deed. Is the evidence sufficient to tell you that Millman did it? The counsel for the Crown has told you that it is proper to convict upon circumstantial evidence. That is right. Now in circumstantial evidence there must be a complete chain of evidence. If one link is broken, that ends the matter; and there will be but one course to pursue. When I next address you, you will have all the evidence grouped together and the weak links in the chain pointed out. One of the links in the chain of circumstances with which the prosecution have endeavored to connect the prisoner, is contained in the evidence of the girl Dorethy Ann Adams. She said that on the Tuesday evening of the murder a boat crossed the creek. In the boat was a man whom she took to be Millman. Now, in this connection, time is very important, and we must be exceedingly careful about it. Many the man's life has hung upon ten minutes—your verdict will depend upon minutes. When I asked her about the time she saw the boat and the man, she said that before she went down to the field to milk she looked at the clock, and saw that it was five minutes past six. She said that it took her about fifteen minutes to gather the cows, and when I added the two together I find that it makes exactly twenty minutes past six. Now, the person who crossed in the boat twenty minutes past six

WAS NOT WILLIAM MILLMAN.

I will put his father, mother, sisters, and brothers on the stand to show that he was in his own home at the time the boat was seen crossing. The statement has been made, and no doubt has reached your ears, that at the preliminary examination old Mr. Millman fainted while giving his testimony, and that after his recovery he again took the stand and swore to that which was directly opposite to what he had

further inform-
d rest the case
tion.

x. January 30.
The Courtroom
son began his
days more the
is remarks on
v offer a single
vidence adduced
but when he
After said he,
they have to
ry of the case.
bear with me.
er committed?
d by William
en committed.
sed you upon
ion is not one
s. I, however
groudd; but I
stion for you

MARY TUPLIN?
o enquire as
that Millman
proper to con-
w in circum-
ence. If one
at one course
the evidence
ed out. One
prosecution
the evidence
sday evening
a man whom
very import-
he man's life
on minutes.
he man, she
oked at the
d that it took
I added the
es past six.
past six

and to show
en crossing,
your ears,
ainted while
in took the
that he had

previously said. This statement is correct. The old man mis-understood the question which was put to him, and thought he was asked about Wednesday instead of Tuesday. He saw his mistake, and at the time corrected it and explained his error. When you see him here on the stand, not one of you will think that he went there to perjure himself. It is a good man's case to make a mistake. For instance, look at Shreenan's evidence to-day. You all know how he made the mistake in dates, and how he corrected himself. But the case does not rest on the Millmans' testimony. We have other evidence to offer which will prove beyond a doubt that the young man's hands are clean—that

HIS SOUL IS NOT STAINED WITH BLOOD.

You heard the witnesses fix a certain hour for the firing of the shots. All agree that it was after ten o'clock. George Profit says it was after ten o'clock when he heard them; so does the other man. It was also after ten when Woodside heard the shots and the screams—which he so aptly describes as one prolonged shriek. He, however, heard but one shot; the second must have come after he had started up his horse, and the rattle of the carriage prevented his hearing it. Woodside, from his position on the other side of the river, could have heard the shot much better than the others, as sound travels further and more distinctly over an unobstructed watercourse. He, had, at the outside, but a mile and three-quarters to go to reach his home. He drove briskly, and he tells you that when he reached there he looked at the clock and saw it was twenty minutes to eleven. It is a hard thing to remember, looking at the time on a clock or watch unless one has done some certain thing, or been at some certain place by means of which the circumstance can be fixed on his mind. In Woodside's case he had been at a lecture, and that fixed the circumstance in his mind. Now

WHERE WAS MILLMAN AT TEN O'CLOCK THAT NIGHT.

We can prove that he was a long distance from the scene of the murder at that hour. I will prove that Millman was at his own house on that night at ten o'clock, and that he was also at his own house at the hour when the girl Adams saw the man whom she thought was he, tie the boat. I will put the Rev. Mr. Reagh on the stand to testify concerning the church meeting that night. This meeting was held in the church at Irishtown, and was for the purpose of making arrangements for the holding of a picnic or tea party. After the meeting the place was locked up. Mr. Reagh saw the prisoner's father and mother leave for home—one mile from the place. In five or six minutes after they left, Mrs. Reagh and Mrs. Evans drove away. Mr. Reagh then left the church and walked with Evans to where the latter lived—between 300 and 400 yards away. There Mr. Reagh found his horse tied. He untied it and took it to the well and watered it. The two together took the horse out, took it to the stable and put it up. After that, he went into the house. Mr. Reagh had been regulating Evans' clock, and on being asked what time it was, said it was seventeen minutes past ten. Mr. Reagh had since gone over this ground, put up his horse as before, and did it in thirteen minutes—going more quickly than on the former occasion. When Mr. and Mrs. Millman arrived home from the church, Mrs. Millman remarked that it was time to go to bed; but the husband suggested it would be better for her to set the bread before she went. Mr. and Mrs. Millman jogged along quietly on the road, and did not look at the clock when they got home. Mr. Reagh had got his watch from Dr. McKay and regulated it every day, getting the correct time from Mr. Clarke, at the Railway Station at Kensington, where it is received from Toronto

each morning. Bryenton's watch was, on the contrary, a standing joke among the people. It is fearfully and wonderfully, made and has been known to gain upwards of three quarters of an hour in less than a week. There was nothing like it in the heavens, on the earth, or under the earth; and Bryenton swore by it. Indeed if he had his way he would have everything regulated by his celebrated Waterbury watch. Then there are the footprints on the sand on the shore of the Soth-west River. These are important. and Constable McKay. in measuring them as he did, showed an amount of detective ability very creditable to him. He took careful measure of the heel and sole, even noting the fractions of the inch. Mr. McKay has told you that these tracks were made some distance from where the tide rises and falls, and therefore could not easily be effaced. There was not an intelligent man present but believed

THOSE TRACKS WERE MADE BY THE GIRL'S MURDERER.

We will show you that the tracks in the sand, and which have been so carefully measured, are about an inch smaller than Millman's boot. (Here Mr. Hodgson went to the dock, and obtained one of the prisoner's boots, measured it in front of the jury; the measurement was just one inch smaller than the boot.) I shall show also, by measuring the prisoner's bare foot, that it is longer than the track. This case is bristling with circumstances to which I shall not refer now, but will deal with later. Just one word however, about the evidence of the man Somers. With regard to his testimony, we will put members of the Grand Jury on the stand, and they will swear that he told them when examined that he could not even then swear it was Millman, when he saw him. Then again the prosecution have put in a good deal of evidence about a wagon which was met on the road. They got hold of a wagon but it is the wrong one. Before the case closes I shall put witnesses on the stand who will tell something about another wagon who will tell you what they saw that night. When I next address you I shall go through all the details of the case, but for the present I refrain from doing so.

THE EVIDENCE TAKEN.

REV. THOMAS B. REAGH (sworn)—Examined by Mr. Hodgson—Irishtown Church is one of my mission churches. I was at a meeting in the Irishtown Church in June last. I remember being there distinctly. It took place on Tuesday 28th, June. The meeting opened about 8 o'clock. I am acquainted with Mr. and Mrs. John Millman. They are parents of William Millman. They were there that night. I don't remember when they got there. The meeting was called for half-past seven o'clock. I remember the fact of Mr. and Mrs. Millman leaving. They drove. The Church is about a mile from their house. Mrs. Reagh was there—it was a meeting of the ladies of the congregation. I had my horse and carriage there. My wife and Mrs. James Evans drove away with my horse and wagon. They started about five or six minutes after Mr. and Mrs. Millman left. They went to James Evans'. Mrs. Reagh and I stayed there all night. I left four or five minutes after my wife and Mrs. Evans. Mrs. Evans lives 300 or 400 yards from the Church. After speaking about the prospects of the tea, I walked to Mr. James Evans'. I walked an ordinary gait. When I got there my horse was hitched to a post which supported the clothes-line. We unhitched the horse, took him to the well and gave him a drink. It was a well with a windlass. We had to let the bucket down. We then took the horse to the barn and got a rope to tie him with. Mr. Evans had to get a line. While he was getting the line I got

TUESDAY, January 31.

R. B. NORTON, (sworn)—Examined by Mr. Hodgson—I am a hard-

the harness off. Then we fed the horse and some other cattle. Then Mr. Evans went round the barn, and got straw to bed the horse. We started for the house, taking the articles in the wagon with us. We went into the house, and either my wife or Mrs. Evans' wife said it was late. Some of them asked what time it was. I looked at my watch. It was between 10 15 and 10 17 o'clock. I can't accurately state the time, because I only had the watch for a fortnight. I had been going to the station for several mornings to get the time. I was regulating Mr. Evans' clock at the time. It would take us from fifteen to twenty minutes to walk from the church and do what we did before we entered the house. On a former occasion we did the same thing in exactly 13 minutes. I timed the performance—only that we rode the first time; the horse trotting a little and walked the last. I remember the time particularly on account of the after events. I heard that Mary Tuplin had disappeared, and that my sexton (Bryenton) was suspected. I have tried to regulate Bryenton's watch, and have brought it down so that it would not gain over half an hour a day. There was some joke connected with the sexton's watch. It is a standing joke with some of the congregation—"Mr. Bryenton's watch." I don't know what time it was when we left the church. Mrs. Millman was at one time rather melancholy—something of a religious melancholy—judging by conversations I had with her. She absented herself from Church on several occasions. It was a source of great anxiety to the family.

Cross-examined by Mr. Peters—[Witness produces his watch.] This is a little fast now—she gains a little. At the time I speak of I had her only a fortnight. I set her by the station clock allowing for the difference between local and standard times. Mrs. Sudsbury was at the meeting. I think her husband came for her. I don't think he was at the meeting. I looked at my watch before the meeting broke up. I am not prepared to say that Bryenton's watch did not agree with mine on that occasion. I know Mr. Sudsbury. He lives a mile or a mile and a half from the Church. The meeting lasted between an hour and a half and two hours. I didn't begin to calculate the time of the occurrences on that evening till about a fortnight or three weeks ago. The idea of the time had been on my mind ever since. I began to think some time after the murder came out. It might have been Wednesday or Thursday after the murder. The prisoner was the first to tell me that Mary Tuplin had disappeared. He did so on the next day (Wednesday) between eleven and twelve o'clock. I was driving home in company with John N. Evans and him. He didn't at first tell me that he was charged with causing the disappearance of the girl; but on the way we met John Tuplin, who called him aside, and when the prisoner returned he told me that John Tuplin had told him that he had agreed to meet the girl on Tuesday evening. He said that Alice Connolly had told Tuplin. Millman said it was not true, or something to that effect. I then asked Millman where he was last night. He said he was down to the river bathing. That after he bathed he sat down for a little while, then he went home. He said he bathed alone, and that he was at home when his father came back from the meeting. I was at the station sometime after the murder, and spoke to Reubin Tuplin. I don't recollect that I told him that the prisoner and Nathaniel Evans were in the same house as I was on the night of the murder. I certainly did not do so. I was not in the house with them on that evening. I might have been with them on another evening. Millman is a parishioner of mine. I had a conversation with him (before the murder) respecting Mary Tuplin. I asked him whether he had anything to do with that girl. He said "No." I believed him. That was some few days before the murder. There were at the meeting: Richard Paynter and wife, John Profit and wife, and I think one of his boys, Mrs. Thomas Millman, William Evans and his wife, Mrs. John Sudsbury, and John Paynter and wife. I can't call to mind any others. I don't remember that any of the Bryentons were there except Thomas. Jas. Evans and his wife, Mr. and Mrs. Ives, and William Profit were there. Thomas Bryenton and, I think, John Paynter, produced their watches that evening. We were looking to see how the time was going. I think it is likely I told them the time by my watch. Thomas Bryenton would have heard what I said it was, John Millman lives about a mile away. It would take him from fifteen to twenty minutes to go home. I am quite positive I'm right about the time. At ten o'clock I would be at the Church door—out in the air. If shots were fired I would have heard them. It was a clear night. The meeting had been in some fifteen or twenty minutes before we lit the lights. I couldn't swear whether the blinds were up or half down. It was just getting dusk when the lights were lit. Mr. Sudsbury lives about a mile or a mile and a half from the Church. The meeting broke up about ten o'clock. It was a moonlight night. The moon was giving a good light. Millman was in the Church the Sunday after the murder. I did not see him to speak to after the Wednesday following the murder. He told me on that occasion that Thomas Bryenton told him about the girl's disappearance. I asked him what the girl said when he saw her on the previous Sunday evening.

PRER.

have been so man's boot. the prison- ent was just easuring the This case is ow, but will ence of the members of e told them as Millman, in a good l. They got closes I shall other wagon address you resent I re-

on—Irishtown he Irishtown ook place on man acquainted ian Millman. there. The e fact of Mr. about a mile the ladies of wife and Mrs. ted about five ames Evans'. minutes after my n the Church. ames Evans'. ched to a post k him to the e had to let a rope to tie the line I got

January 31.

I am a hard-

He said she didn't blame him. I didn't ask him where Nathaniel Evans was that evening. I didn't know at the time where John Nathaniel Evans was on the evening of the murder. After the meeting closed Mr. John Millman and his wife left for home, in four or five minutes. It was a few minutes past ten before they left for home.

TUESDAY, January 31.

R. B. NORTON, (sworn).—Examined by Mr. Hodgson—I am a hardware merchant in Charlottetown. I sell pistols and ammunition for pistols I have in stock and on hand ammunition for a 32-calibre pistol. (Cartridges produced.) I have one here marked "H." The bullet would show these rings. We sell of this kind from 8,000 to 10,000 a year.

Cross-examined by Mr. Peters—We sell by numbers. (Cartridge produced.) The ball taken from that cartridge would show them rings. They are all made by the Winchester Manufacturing Co. The ball produced is not exactly the same as that in the pistol. We have some that have no rings on them—by a different maker. (Cartridge produced.) This is by a different maker. It could be fired out of that pistol. Cartridges from the same maker have different marks.

JOHN MILLMAN (sworn).—Examined by Mr. Hodgson. I am the father of the prisoner. I remember Tuesday 28th of June. On that evening I was at a meeting at Irishtown Church. I left for the meeting about seven o'clock. My daughter said, before we were ready. It is twenty minutes to seven. That was before we began to get ready. It would not take us more than twenty minutes to get ready. My son was home when I left. He was at the door when we started with the wagon. He had on his working clothes, no coat. He had a black felt hat. When I drove away, I left him there. It is a mile to the church. I didn't look at my watch when I left the meeting. We stood talking two or three minutes. Then I untied the horse and came right home. It would not take over ten or fifteen minutes to drive home at fastest. I drove on that evening as I usually do. When I got home the gate was open. We drove right on to where I put the wagon in. My wife went with me, and then walked up to the house. I would not be over five minutes unyoking and putting the horse away. When I went into the house William was just going out of the kitchen into the hall to go to bed. He had no coat or boots on. He sleeps up stairs. I don't remember whether or not the lamp was lit when I came in. My bedroom is down stairs. My wife went into a room to take off her things. When she came out again I had to go down to the granary after a bag of flour for my wife to set some bread. My granary was not locked. I got the bag, put it on my shoulder, went into the house and emptied it into a barrel. After that my wife went to work to set the bread. Then we talked a minute or two and then went into bed. I sat by the stove and smoked my pipe. I heard the clock strike eleven while I was smoking. When it struck, I had been smoking quite a little while. It was nearly twelve before I went to bed. I felt chilly, and kindled on a little fire. When I left to go to the meeting, I left home Mrs. Nelson Evans (Elizabeth Jane,) William, John Bradford, (who is about 17), Mary Eliza, she is about 15; Johanna, about 13, and Maud, about 12, and David Reagh, about six years old. I was examined before the magistrates. At the examination I made a mistake about the evening. I thought the magistrates were asking me about Wednesday evening. I didn't notice when they began to ask about Tuesday evening. I was not strong when the examination was held. I am quite sure that my wife set the bread before eleven o'clock. I was not so closely questioned at the examination as I am now. I was not asked about the details of what we did on that evening. John Tuplin was at our house on Wednesday evening.

Cross-examined by Mr. Peters.—Mr. John Tuplin came to ask about

aniel Evans was
el Evans was on
Millman and his
utes past ten be-

January 31.

—I am a hard-
tion for pistols
e pistol. (Car-
let would show
year.

rs. (Cartridge
ld show them
ring Co. The
tol. We have
r. (Cartridge
red out of that
marks.

on. I am the
une. On that
t for tho meet-
were ready. it
to get ready.
eady. My son
arted with the
ad a black felt
to the church.
stood talking
he right home.
me at futhest.
home the gate
in. My wife
ad not be over
en I went into
into the hall
up stairs. I
came in. My
to take off her
o the granary
y granary was
into the house
o work to set
went into bed.
k strike eleven
oking quite a
I felt chilly,
meeting, I left
hn Bradford,
about 13, and
d. I was ex-
ade a mistake
ing me about
to ask about
on was he'd.
en o'clock. I
now. I was
ening. John
to ask about

the girl, and if I knew where my son was on Tuesday evening. I told him that I was away at the meeting, and that before I left he had been talking about going to the river to have a wash. I had not heard about the loss of the girl before Tuplin came. I don't remember whether I heard about the loss of the girl through the day or not. I told it at the examination as well as I could enumerate them. I would not remember as well now as I did then. The statement I then made that I got home between half-past ten and eleven is, as near as I can tell, correct. When I got home, the children were all in bed except a little girl (Mary Eliza,) who was asleep on a bed, and William. The first I saw of William on that evening, he was going out of the kitchen into the hall to go to bed. I believe that the rest were all in bed and asleep. William said "good night, da." and went to bed. He was in his shirt sleeves. His pants were dark and he had no boots on. I do not know why William did not go to the church that evening. It was a ladies' meeting. I got up next morning about seven o'clock. I do not know where William went next morning. He ate his breakfast and went to work. I don't remember what he went at. We went to the meeting about seven o'clock. We were there before the meeting went in—quite a little while. I don't remember who was there when we got there. I stayed out a few minutes talking to William Evans, and, I think, to William Paynter. It was a small meeting—not many there altogether. Mr. Richard Paynter and his missus, and Mrs. Thomas Millman and her boy drove from James Evans' with us. We were all on the road together. The only person that drove with me was my wife. After the meeting was over, we stopped talking to William Evans and Thomas Bryenton. My son has a brown straw hat. I would not like to say that I would know it if I saw it. (Hat produced.) That looks like the hat. There was a string around it. I don't know the color of the string. I call that a low-crowned hat with a narrow rim. I know John Nathaniel Evans. He lives up at Irish-town, near the church. Don't remember that I saw him on Wednesday. I don't know that my son went to see him on Wednesday. I was not down to the shore on Wednesday. I won't swear that John Nathaniel Evans was at the shore on Wednesday. I don't know whether I could see the boat where she was moored or not. I always heard she was moored there. My farm doesn't run to the shore. I don't remember seeing the boat moored. My son said he had a notion of going down swimming before he went to the church. I don't know how he came to talk about it. He first said he had a notion of going down for a wash that evening. I don't know who was present. He told me afterwards that he had been down to the shore. I don't know whether he told that or not. I swore to the truth as I knew it. I won't swear that he did not tell me. My son generally goes to bed about nine or ten o'clock. I never asked William why he was up so late that night—he never told me. William did not come out to help me put the horse away, nor to carry the flour in. There wasn't much fire in the stove. It was cold that evening, though it was quite a fine night. I kindled up the fire. There had been fire on; it was down low and I just kindled it up. I never asked my son where he was on the evening the murder was committed, nor has he ever told me. John Tuplin blamed him when he came to my house, but I did not ask my son where he was that evening. I didn't ask him, because I did not think but what the girl would turn up. I thought my son was not guilty of that. I don't know that I had any particular reason to ask him. He was home when I left and was home when I came back, and I thought there was no need to ask him. Tuplin said the girl left a little after nine o'clock. I didn't know that my son had a revolver. He used to have some old

things around. Nelson Evans found a revolver up on our granary. I can't tell whether or not it belonged to William. I did not know that he had another revolver. He did not tell me that he borrowed one from Power. I told the magistrate that my son had a toy revolver. I never saw him with a pistol cartridge. A small revolver was produced at the examination. I did not know whether or not it belonged to William. I asked him nothing about the revolver after the examination. I have not talked to my family as to where William was that night. I did not speak to John Bradford, or to any other member of my family, nor to my knowledge, anyone else. I do not know that my son put his boots to dry that evening. His boots were off. I don't remember whether I saw them that evening. I think he wore shoes. He generally wore a pair of brogans. I can't swear whether or not he had on the brogans on that evening. I never asked my son whether or not he had anything to do with Mary Tuplin. I never asked him one word about her. I have the Cousins Girls—Lily, Jane and Mary. They were not at my house on Wednesday or Thursday (after the murder) that I know of. I don't know where my son went to on Wednesday or Thursday. I know he went to town on the following Monday. He went to see about the scandal he told me. I didn't ask him anything about it. He asked me if he hadn't better go and see. I told him I thought he had. He didn't remember anything about the Power Boys. I never heard anything about the Power boys from him. I heard about Patrick Power's evidence at the examination. I never asked him whether or not it was true. Will told me that one of the Power boys was with him on that night, or one night. I don't remember what he said about it. When he said this I was home. This was before the examination and after the girl was missing. I don't remember whether I asked him or he said it himself. It was outside our own place that he told me. I think it was in the afternoon. I don't remember the day he was doing his road work. I don't know that he and one of the Power boys had a job together. I remember the time I was at Clifton Court. I was there both before and afternoon. I don't remember what time I went to the Court. It is most likely that I talked the matter of the time we got home from the Church with my family. I can remember the time without talking it over. I don't remember when I first talked it over with my family. We talked something about it with Mr Reagh—the day before yesterday. I don't remember that I talked it over with him till the other day. Mrs. Nelson was at my house that night—no one else but the members of my family. I had no conversation with Mrs. Nelson Evans about the matter.

JOHANNA MILLMAN (sworn)—Examined by Mr. Hodgson—I am a sister of the prisoner, I remember the evening my father and mother went to the meeting in the Church in June last. I was outside and did not see them go. I saw Will about. He had no coat on. I don't know what sort of a hat he had on. I didn't see him go away. He said he was going to have a bath. I went to bed about dark. I didn't know when either father or mother or Will came home. My eldest sister's name was Elizabeth Jane. She woke me up when they came home. Maud and I sleep together. We did not wake up in the night at all.

Cross-Examined by the Attorney General—After my father and mother went away, the other members of the family were about home. I don't know what time they went away. I went to bed at dark. John Bradford and Mary Eliza were up in the house when I went to bed. William was not there when I went to bed. I don't know where William was when my father went away. I did not

our granary. I
not know that
borrowed one
toy revolver.
olver was pro-
not it belonged
ter the examin-
William was that
er member of
know that my
e off. I don't
e wore shoes.
ether or not he
y son whether
ver asked him
ane and Mary.
day (after the
nt to on Wed-
ollowing Mon-
didn't ask him
o and see. I
anything about
t the Power
vidence at the
as true. Will
t night, or one
he said this I
the girl was
aid it himself.
it was in the
s road work.
job together.
e both before
the Court. It
t home from
thout talking
my family.
efore yester-
ill the other
else but the
Mrs. Nelson

son—I am a
and mother
outside and
on. I don't
o away. He
rk. I didn't
My eldest
they came
e up in the
father and
about home.
dark. John
went to bed.
don't know
I did not

see William again that night—nor my father and mother either. We keep our flour in the pantry. I don't know whether bread was baked or set that night. I don't remember whether it was made next morning. There was no fresh bread for breakfast. I didn't see bread baking going on next day—I was at school. I saw William next day when I got up. I saw him in the bed asleep. I was in the same room. I don't know whether Bradford was there. William was in bed when we had breakfast. Maud went to school with me. We all usually have breakfast together—all but William. I don't know what kind of clothes William had on that day. (Hat produced.) That is William's hat. His was one like it. I don't know how long he had it.

Court took recess.

AFTER RECESS.

JOHANNA MILLMAN.—Cross-examination resumed by the Attorney General.—I don't remember hearing any conversation in our house about Mary Tuplin. I saw John Tuplin speaking to my father at the barn on Wednesday. On Monday my brother was in town for the lawyer. This was the day the body was found. Jane Cousins was at our house that night. I did not see William in conversation with the Cousins girl that night. Lucy Evans and others were also there. Bradford was at Thomas Millman's weeding potatoes that day, and when he came home he said the girl was found. No one present said anything after he told this. William was in bed late on Wednesday morning. He was in bed after we all had breakfast. He was there when I went to school that morning.

Mrs. JOHN MILLMAN (sworn).—Examined by Mr. Hodgson.—I am the mother of William Millman. I remember the meeting at Irishtown church. It was on the 28th June. It was twenty minutes to seven before we decided to go. My husband thought it was rather late to go. My daughter looked at the clock and told me it was that time. It was Mary Eliza who looked at the clock. I washed my face, combed my hair, changed my dress and got ready. It was about seven o'clock when I was ready. William was home when we left. I spoke to him before I left. The meeting was to arrange a picnic. I asked him if we took a share of the table would he assist us. When we got to the meeting there were some people there. Mr. Paynter's people and Mr. Millman's went ahead of us. Mr. Paynter said he thought we ought to be at the meeting then. I don't know the time the meeting broke up. About 3 or 4 minutes afterwards we started home. It would not take us more than ten or fifteen minutes to get home. When I got home I went into my bedroom. My second daughter was lying in bed there, and I woke her up. I took off my things there. Perhaps I was eight or ten minutes there. When I came out I saw my son in the kitchen. He was not there when I went in. He had his coat off and boots on. He took off his black felt hat and hung it up. It was the same he had on when we went away. I saw him take off his boots and put them back against the wall. He then went to bed. I then set bread. There was no flour in the house. My husband brought it in from the outside building. He set it down on a chair and emptied it into a barrel. It would take me about fifteen minutes to set the bread. After I set the bread I washed my hands and talked for a while to my husband about the meeting. The clock is in my bedroom. I then went to bed, leaving my husband sitting at the stove. I don't remember hearing the clock strike after I went to my room. I did not notice that there was anything the matter with my son's boots. I was asleep when my husband came to bed. I saw my son next morning. We were done breakfast when he got up. We had breakfast about six o'clock. I was upstairs next morning. William's socks were lying on the side of his bed. They were not wet. He wore shoes that night.

Cross-examined by the Attorney-General. I remember the 29th June last. It was on Tuesday—the day before we went to the church meeting. It must have been about seven o'clock when we left. We began to get ready about twenty minutes to seven. Mr. Reagh has been in charge of the church for some years. He has been very little at our house. I thought we got ready in twenty minutes by what we had to do. Mr. Reagh or Mrs. Reagh were not at the church when we got there. I don't know the time we left the Church, nor what time I got home. That's a fact. We live a mile from the Church. Never heard it called two miles. We had no delay when going home from the meeting. I don't remember speaking to any one in particular. We did not drive home very fast. We did not walk the horse all the way home. My husband took charge of the horse when we got home. I saw no one in the kitchen when I got home. My daughter and the little boy were in my room. The boy's name is David Reagh—called after our minister. I know John Sudsbury. I saw his wife at the meeting. I suppose it was sometime about half-past ten when we got home. My husband heard the clock strike eleven when sitting smoking after I went to bed. He told me so next morning. Wm. was standing in the kitchen when I came out of my bedroom. I was about eight or ten minutes in my bedroom. He was in his shirt sleeves. There was no light in the kitchen when I first went in. Whoever says William was sitting at the stove toasting his feet, says what is not true. There was no fire in the stove, I don't think my husband put on a fire. I don't know whether he did or not. I was cold. The night was chilly. If my husband did not light a fire to warm himself, he did not do it for any other purpose. I did not warm myself. I have no recollection of a fire in the kitchen on the night of the 28th. The water I used to set the bread was not warm; it had just the chill out of it. I noticed no person light the fire while I was setting the bread. All the members of the family, except William, were up to breakfast at the regular time that morning. Sometimes William stayed in bed when we did not call him up. The bread I set on Tuesday night was eaten that week. I have no distinct knowledge. I saw John Tuplin at our house on the 29th. He was talking to my husband at the barn. I went out when I saw them talking. When I went out I heard him describe about his children seeing a man in the woods at six o'clock the night before. He asked where our son was the night before. We told him he had spoken about going bathing. He also asked if my son had any money. I said I did not think he had 25 cents. He said he had seen him with Mr. Reagh, and asked if he was going after his daughter. I don't know what time William came home on Wednesday. He had breakfast with us. I did not have any conversation about the girl I heard on Wednesday at noon that the girl was missing. At 4 o'clock that afternoon John Tuplin came. I spoke to William the day after Tuplin left. He asked what John Tuplin wanted. I said I supposed he wanted him. He asked what he wanted him for. I told him what Tuplin told me. He said he new nothing about it. He told me he had been at Tuplin's house—I asked him. Tuplin told me it was last winter he was there. My husband was present at some of our conversations. On Thursday I had another conversation. Mrs Evans was not there. The others were I think. I cannot remember the exact words. It was about taking the Tuplin girl away, and about the people blaming him for coaxing her away. I never heard Mary Tuplin's name till she was lost. I did not hear Tuplin mention Alice Connolly's name. I don't remember hearing it. Alice Connolly is a first cousin to William. She left for Boston after the examination last summer. I never spoke to her after the examination. The murder may have been spoken of once or twice after that. My husband may have been present. I asked

the 29th June last. meeting. It must o get ready about the church for some we got ready in Reagh were not at the Church, nor from the Church. coming home from the ar. We did not y home. My hus- saw no one in e little boy were called after our life at the meet- ten when we e eleven when next morning. e my bedroom. was in his shirt went in. Who- eet, says what nk my husband was cold. The warm himself, myself. I have he 28th. The the chill out of ng the bread. to breakfast stayed in bed day night was John Tuplin d at the barn. I heard him at six o'clock t before. We asked if my son s. He said he ing after his n Wednesday. ion about the r. At 4 o'clock he day after did I supposed old him what old me he had as last winter onversations. as not there. rds. It was blaming him e till she was ame. I don't William. She ver spoke to spoken of once nt. I asked

William where he was that night after I returned home from the meeting. He told me he had been down bathing. They often went bathing. I asked him next day and he said he had been down bathing, and had come home long before we came. It was in the presence of the family, probably at the breakfast table. He told me he had been sitting on the front doorstep smoking before we had come home from the meeting. He had smoked for a year before that. He was not toasting his feet at the stove that night that I know of. On the 28th my son had a grey woolen shirt, black vest, checkered pants, and wore shoes. He wore a black felt hat. (Brown straw hat produced.) I won't swear this is his. He has a brown straw hat. I think there was a cord around it.

MRS. NELSON ETANS (sworn)—Examined by Mr. Hodgson—I am a daughter of Mrs John Millman and a sister of the prisoner. I remember my father and mother going to the meeting in the Irishtown Church. Mary Eliza told them before they went that if they were going it was time they were getting ready, as it was twenty minutes to seven. They then got ready. It took them about twenty minutes to do so. William was there then. He had on a grey, flannel shirt, and black felt hat; don't remember the pants. I heard mother ask him if he would take any part in the tea if she would take a table. After they left I saw him again. He went through the front door. He had no coat on. He said he was going down to have a bathe. I did not see him or my father and mother afterwards that night. I went to bed at dark. I don't remember my father or mother coming home from the meeting.

Cross-examined by Mr. Peters—Bradford was home that evening. He was down to the river before Will went. I don't know where Will went when he went out; he said he was going for a bath. I went home to Irishtown next morning. I saw William on the stairs that morning. I did not see him any more that day. He told me he had been at the river. I was in the kitchen when he went out the front door. I saw him in the kitchen before he went. I did not see him afterwards. He may have put a coat in the hall before he went out. When I saw him last he had no coat on. Sometimes his coat hangs in the hall.

MARY ELIZA MILLMAN (sworn)—Examined by Mr. Hodgson—I am a daughter of John Millman and a sister of the prisoner. I remember my father and mother going to the church meeting. Father said it was too late to go. I looked at the clock and told him it was twenty minutes to seven, and that there was time enough. It was about seven o'clock before they were ready to start, as both had to make changes in their clothes, and the horse had to be got ready. Before going, I heard my mother ask Will if he would assist them if they took a table at the tea party. I saw him about ten minutes after they left. He was in his grey shirt sleeves, and had on a black felt hat. That shirt was a woolen one. He said he was going to the river to bathe. I saw him leave the house. He was in his shirt sleeves. I was in my mother's bedroom. I saw him outside the house and he had no coat on. I laid on the bed in mother's room and went to sleep. My mother woke me up when she came home. I went up stairs. I did not notice a light in the kitchen as I went through. I did not see my brother Will then. After I went up stairs I heard my brother talking. This would be about a minute after I went up stairs. I heard him talking when he was going up stairs. I don't know what time it was when my father and mother came home. William sleeps with his brother Bradford. I saw William next morning after I had breakfast.

Cross-examined by the Attorney General.—It was before sundown when my parents went to the church meeting. It took them about twenty minutes to get ready. I don't think it took half an hour. All the family except John Bradford were there when they left. They were all in the kitchen when William left to go to the river to bathe. I did not hear him say he was going bathing more than once that evening. I don't know what time my parents got back from the church. My brother had a soft black felt hat on when he went to bathe. He had two felt hats. He had shoes on his feet. His shoes were home when I left. I heard they were in Charlottetown now. They are brogans. I think it would be about five or ten minutes after seven when William went out. All the family except William were at breakfast next morning. Sometimes he did not take breakfast with us. I first heard Mary Tuplin was missing on Wednesday afternoon. John Tuplin called at our house that day and was talking to my father and mother at the barn. The body was found on Monday. William Evans was there on Monday. Lella Ann Cousins was at our house, I think, on the Thursday after the girl was missing. She had tea there. All the family were at tea. William was there. He finished his tea. Mrs. Evans was not there. Penzie Cousius was there, too. She lives at the shore.

MRS. NELSON EVANS (re-called).—Examined by Mr. Hodgson—I heard of the charge of murder against my brother. I did his washing. I examined his clothing carefully. I washed them on Monday. There was no sign of blood or anything of that kind on his shirt or any other article.

GEORGE MCLFOD (sworn).—Examined by Mr. Hodgson—I live at New London, I remember the 28th June. I was at Clifton at a lecture that night. I did not look at my watch when I came out. I went straight home from the lecture. I heard two pistol shots when I was abreast of McKay's south line, on my way home. When I heard them, the sound appeared to be in the direction of Long River Church. They were fired in quick succession—some five or six seconds between each. It was a very calm night. What little wind there was blowing was towards me. I looked at my watch shortly after hearing the shots and saw that it was ten minutes past eleven. One of the shots was sharper than the other. When I left the church I walked about half a mile to where my horse was all ready for me. We delayed here about five minutes, and we had driven about three miles and a half when I heard the two shots fired. It would be between three quarters and an hour after I left the lecture when I heard the shots. I drove as usual; did not force my horse any. I am sure of the time it was when I looked at my watch. The lecture was started when I got there.

Cross-examined by Mr. Peters—I don't know how long the lecture lasted. I cannot say positively that the lecture lasted over an hour after I got there. It would be about eight o'clock or a little after, when I got there. I don't know whether or not Paul Thompson was at the lecture that night. I was about four miles away from the South-west River when I heard the shots.

GEORGE B. MCKAY (sworn).—Examined by Mr. Hodgson—I was at Prof. McLean's lecture at Clifton in June last. It was out about ten o'clock. It took about an hour to deliver it. It was near nine before it began. I know where Andrew Woodside lives. It is about two miles and a half from the church. I don't remember seeing him or his son at the lecture.

Cross-examined by Mr. Peters.—The lecture began considerably

after eight. I am speaking from memory only. Paul Thompson lives about four miles from Clifton. I don't think the lecture was out before ten o'clock. Sundown was some time before nine o'clock.

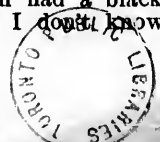
Court adjourned.

WEDNESDAY, Feb. 1.

ALEX. THOMPSON, (sworn.)—Examined by Mr. Hodgson—I reside at Malpeque. I remember the 28th June. I went to Benjamin Bryenton's for some cabbage plants that evening. My daughter was with me. Bryenton's is about seven miles from my place. I arrived home from there about twenty or twenty-five minutes past one. I drove home straight from there. I saw a carriage when I was coming home. When I saw it first the horse was turned off the road. It was opposite the house of the family of Wm. Harrington. It would be about a mile and a half from John Tuplin's. It had a strange-looking appearance. I did not pay any attention to it at first. I thought I saw something moving about the gate and I drew up. When I looked again, I saw the wagon driving away fast. The people looked as if their hands were on their knees, and appeared to be close together. I thought they were about unlawful business and did not want to be known. They drove north. I saw Mrs. Bryenton, her daughter, and a boy at Bryenton's. Mrs. Bryenton told me the boy was her son who had just come home from the States. I never saw the son before. He was in the house when we came in. He changed his boots and socks while I was there. I can't say he resembled the prisoner any. He had a black moustache. I don't know that he is on the Island now. The wagon drove towards Yankeetown.

Cross-examined by Mr. Peters.—I drove straight to Bryenton's. I left home after sundown. It is about seven miles to Bryenton's. It took me about an hour and a half to get to Bryenton's. I cannot tell when I got to Bryenton's. A little girl, and the man Mrs. Bryenton said was her son from the States, were there. Mr. Bryenton did not come into the house while I was there. I did my business with the wife, in Bryenton's absence. I was there about an hour. The girl was middle-sized. I don't know her name. Benjamin Bryenton lives at Burlington. Burlington is in Lot 18. I live in Princetown Royalty, opposite Lot 18. By the time I got to Harrington's farm, where I saw the wagon, it was not many minutes. I don't think it was the Bryenton boy who was in the wagon, as he was in the house when I left. I got within about twenty or twenty-five yards of the wagon. It was headed up the road. First when I saw it the horse's head was towards Harrington's gate. I saw some one moving about the wagon, and I thought some one was going in the gate. The wagon was not standing still long. My horse was four years old. I did not stop on the way to Bryenton's. I cannot tell how many people were in the wagon. I don't know who were in the wagon, where they came from, or what they were doing when I saw them at the gate. I cannot remember when I first told about my seeing the wagon. I never told it to the Millman's. I was told I was brought here about some conversation I had with Millman and with Rev. Mr. Reagh. I saw the young man take his boots off. I sleep with my boots off. Some times I sleep with my socks on. I don't know that I would know the young man if I were to see him again. We had some conversation.

JOHN BRADFORD MILLMAN, (sworn.) Examined by Mr. Hodgson.—I am a brother of the prisoner, and live with my father. I remember the Irishtown meeting. I saw my father and mother go to that meeting. William was home when they went. I saw him about five or ten minutes after they left. He was going towards the barn. He was coming from the house. I had been down bathing that afternoon. It was after that my father and mother left. William had a black felt hat on when I saw him going towards the barn. I don't know



whether he had a coat on or not. I did not see him again that night. I went to bed about dark. William (the prisoner) sleeps with me. I saw William next morning. I was up first. I have my brother's shoes here. (Shoes shown.) These are they. I swear to them.

Cross-examined by Mr. Peters.—I remember the evening of Tuesday, the 28th June, well. I don't know what time father and mother went to the meeting. My brother was going towards the barn when I saw him. I don't know that he had a coat on. The barn was not in the direction of the river. I was down bathing that afternoon. I swam below Thomas Millman's point. James Millman, Thomas Millman's son was with me. We saw two or three men digging bait on Hiram Thompson's shore. They were there when we left for home. We were there perhaps half or three quarters of an hour. We saw a boat or scow across where the men were digging. It was no trouble to see across the river to Thompson's; but it was somewhat difficult to see up the river. I saw no boat across the river while I was there. I don't now remember the time I got home from bathing. I must have told what was true at the preliminary examination when I said I got home about half-past six, and that some member of the family told me it was at that time. James Millman is home; he is 16 years of age. I did not see William come to bed that night. I don't know what time he came to bed. I was down to the shore when the body was found. To the best of my knowledge, I was not down before. I did not hear William tell anyone to go down on Wednesday morning. He went away about 10 o'clock. I think he went to see John Nathaniel Evans. I did not tell any person that William had gone up to Underhill's corner. I remember meeting John Tuplin on the road on Wednesday; but did not tell him my brother had been up to Underhill's corner that morning. I did not see my brother going out. I was back of the barn when my parents went to the church on Tuesday. I saw them go, but don't know that they saw me. If they looked back they could see me after they passed the barn. I never asked my brother where he had been that night, or if he had a pistol. I knew he had a small pistol but not that he had a large one. He might have had one and I not know it. I never heard him talk about the Power boys. My brother had several pairs of boots. He has a long-legged pair, these, and the pair he has on. I wore these shoes after my brother had been taken away. I never wore them before, because he wore them himself. I showed the shoes to Mr. McKay and Detective Power, while I had them on. This was in the summer time, They asked me to let them take the measurement of the shoes, and I did so.

To Mr. Hodgson—I know James Evans who lives near the church. He is now laid up. He was kicked by a horse. (The boots worn by the witness, and the shoes he identified as belonging to the prisoner, were here measured by one of the jurors. The witness' boot was between 11½ and 11¾ inches in length; and the prisoner's shoes 10¾ inches.)

THOMAS A. MCLEAN, (sworn).—Examined by Mr. Hodgson.—I was a member of the last Grand Jury, and remember James Somers being examined before us. He told us that on the night of the murder he saw a man sitting in a clump of bushes by the roadside: that this man had ferns about his neck and a brown hat before his face. I understood he did not see the man's face.

Cross-examined by the Attorney General.—When Somers told us he did not know Millman, we did not offer to produce him. I understood he did not recognize the man in the bush. I don't recollect that he told us he saw Millman after his arrest, but he may have said so. Somers was not, that I know of, asked if he could identify Millman if he was brought before him.



in that night.
 with me. I
 brother's shoes
 on.

ing of Tuesday.
 mother went
 when I saw
 was not in the
 noon. I swam
 mas Millman's
 palt on Hiram
 for home. We
 We saw a boat
 trouble to see
 difficult to see
 was there. I

I must have
 n I said I got
 family told me
 ears of age. I
 now what time
 dy was found,
 I did not hear
 He went away
 el Evans. I
 uthill's corner.
 esday; but did
 er that morn-
 of the barn
 them go, but
 could see me
 where he had
 a small pistol
 one and I not
 My brother
 these, and the
 d been taken
 n himself. I
 r, while I had
 ae to let them

the church,
 boots worn by
 the prisoner,
 ess' boot was
 s shoes 10%

gson.—I was
 Somers being
 the murder he
 le: that this
 his face. I

ers told us he
 I understood
 llect that he
 ave said so
 y Millman if

JOHN LADFORD MILLMAN, re-called — (Long-legged boots shown)—
 These are my brother William's working boots.

Mr. Hodgson here said this closed the case for the defence.

AFTER RECESS.

THOS. B. REAGH—Re-examined by Mr. Peters—(Watch shown)
 That is like the watch Bryenton had. It is called a swiss watch. His
 watch was always from half to three-quarters of an hour fast. I can-
 not remember any time when it agreed with mine.

PETER M. BOURKE (sworn)—Examined by the Attorney General.
 I was foreman of the Grand Jury. I remember James Somers, being
 examined before us. He said that on the 28th of June he was passing
 Tuplin's and saw a man sitting by the side of the road near there with
 his hat a little to one side, and with ferns round his neck; and that he
 but looked at him for a second or two. He said he saw Millman after
 his arrest, and thought he was the man he saw sitting on the roadside.
 He said he never saw him till his arrest. It was not suggested that
 Millman be brought up before the jury for the witness to see him.

GEORGE PEAKE (sworn)—Examined by the Attorney General. I
 was a member of the Grand Jury. I remember James Somers being
 examined before us. I think he told us he was on his way to church
 at Margate; that he saw a clump of trees a little off the road near
 Tuplin's and by these trees a man was sitting. This man had his hat
 a little aside and ferns around his neck. He said he looked at the man
 but a few seconds. I don't think it was suggested that Millman be
 brought up before him to identify him.

MAURICE BLAKE (sworn)—Examined by the Attorney General.—I
 was one of the Grand Jurors this term. I remember James Somers,
 being before us. He told us he had been driving his wife to Hillman's
 but left her at some house on the road. In passing near Tuplin's he
 saw a man whom he did not know sitting under a bush with his hat to
 the side of his face next the road, and with ferns around his neck.
 He said the man was about his (Somers') own height and description.
 He said he saw Millman after his arrest, and he thought his descrip-
 tion answered to that of the man he saw on the road. I don't think it
 was said that Millman would be brought into the room before him.

EDWARD WARREN (re-called)—Examined by Mr. Peters.—I rem-
 ember seeing Thomas Bryenton on the day of the murder. I saw his
 watch that afternoon. (Watch shown.) It was something like this.
 Bryenton was in my mill when I saw the watch. We compared watch-
 es to see if they agreed as to the time. There was but a
 minute or two between them. I told him my watch was
 about correct. He was going to the church, and wanted
 to know the correct time, so that he would be there in time.

THOMAS BRYENTON (re-called)—Examined by Mr. Peters—(Watch shown.)
 That's my watch. I left it at Taylor's to get mended. I broke the hair-spring.
 It is the watch I had last June. I bought her about the 13th April. I saw Mr.
 Warren in his mill on the afternoon of Tuesday. I showed him my watch and
 saw his. There was not over three minutes between my watch and his.

To Mr. Hodgson—I gave \$5 for the watch.

GEORGE PROFIT (recalled) Examined by Mr. Peters—I remember seeing Wm.
 Millman on the Thursday evening after the murder. He was at the Black
 Horse. Wm. Underhill was present when I talked to him first. When he drove
 up he asked about Daniel Profit and George. He then asked if the girl had
 been found. I said she had not. I told him they had made up their minds to
 search the river. He stopped for a minute and then said: "Are they?" He then
 told us he left home about six or half-past six on Tuesday night to go bathing
 and that he returned home by the line between Richard Paynter's and stayed
 there a spell; that he came to his corner and stayed there another spell; and
 that it was between ten and half-past ten when he got home.

To Mr. Hodgson—I never saw Millman with a watch to my knowledge. He did not tell me he had looked at the clock.

ALEX. MCKAY (recalled)—Examined by Mr. Peters—1 found the two tracks on the shore. I don't know that I got the whole length of the large track in the sand. The impression at the toe was not clear. I will not say I got the exact measure of this track. The impression of the heel was deep. The ball of the foot was plainly indented in the sand, but the toe was not. The small track looked like a flat one, and appeared plain. (Prisoner's shoe shown.) The heel of this shoe is the same measure as that of the track in the sand. The measurement of the track at the ball of the foot is about half an inch smaller than that of the shoe. The action of the tide should cause a little sand to fall into the track. The track appeared to have been there some time. The big track showed as clear as the small one, with the exception of the toe. I measured all the track I could see. The measure is a correct one of what I saw.

To Mr. Hodgson—I thought I had the right measure of the track when I took it. I never stated that I allowed for the toe in the measuring.

At this stage of the proceedings the Attorney-General asked for a postponement in order that he might be able to produce witnesses to rebut Alexander Thompson's testimony. The court granted the request and ordered a postponement until to-morrow at eleven o'clock.

THURSDAY, February 2.

MRS. BENJAMIN BRYANTON (sworn)—Examined by the Attorney General. I live at Burlington Lot 18, I remember the night of the 28th June. I know Alexander Thompson. He lives at Malpeque. He was at my place on Tuesday night. He arrived after dark. His daughter was with him. My son James was in the house, also Alice Bryenton, Ella Bryenton, and William Bryenton. James was home during the whole night. I am positive of that. Thompson appeared in a hurry. My son was there when Thompson left. It was twenty minutes after nine when Thompson left. We had both a watch and a clock in the house. He was there about twenty minutes. Thompson came for cabbage plants. He got them, and told me he paid for them; but when I looked I found that he had given me five cents and two cents instead of sixteen cents. My son took off his boots. Thompson was there when he took them off.

Cross-examined by Mr. Hodgson—It was about nine o'clock when Thompson came. He went away without seeing my husband. He got the cabbage plants. He came out in the garden with me while I pulled the plants. It was a moonlight night, but I wanted the lighted lamp and pine torch, I had in order that I might pick the best. His daughter was in the house while we were in the garden. I looked at the watch and clock after Thompson came. My husband was at Hillman's that night. I heard the Irishtown church bell ringing that evening. I cannot say what time it was when the bell rang, as I was after the cows, and did not have a watch with me. The sun had not set when Thompson came. The lamp was lit.

ELLEN BRYENTON (sworn)—Examined by the Attorney General. I am a daughter off the previous witness. I remember the 28th June last. I know Alexander Thompson. He and his daughter were at our house on that night. They came after cabbage plants. My brother James was in the house while Thompson was there. He did not go out after Thompson went.

[Mr. McKinlay was here re-called and gave some additional particulars relative to the scale of the map, distances, &c.]

A good deal of discussion here took place about the measuring of the prisoner's boots. Juryman Frizzel was directed to take the measurement of the boots (gaiters), and the bare foot. The bare foot with sock on was shown to be 10½ inches; the boot 11 inches.

One of the Jurors asked Constable McKay to measure the width of the boot the prisoner wore. It measured within an eighth and a quarter of the track in the sand.

MR. HODGSON'S ADDRESS.

THURSDAY Feb. 2.

MAY IT PLEASE YOUR LORDSHIP AND GENTLEMEN OF THE JURY:—Three days ago I addressed a few words to you in opening the case for the prisoner, but my remarks on that occasion were short, as I laid a restriction upon myself that I would in no way comment upon the case in its various aspects, but would confine myself to a bare recital of the facts I intended to prove, and that in closing the case I would enter more fully into the matter. The time to redeem that promise has now come. The hour of the day for my address proves somewhat inconvenient, as I shall be compelled to divide that address into two portions on account of the recess. I will try, however, to stop at such a portion of it that when I resume in the afternoon I shall be placed at no disadvantage. Here I may say that there is no man to whom this time has come with greater pleasure than the prisoner at the bar. For over six months he has been incarcerated in his cell,

CHARGED WITH THE CRIME OF MURDER,

and now claims an acquittal at your hands. Rumor has been busy with its tongue, and scandal has been busy with many exaggerations in the press, on the street and on the roadside. You, in your present position will, of course, forget all this, and in the language of the oath you have taken, will try the prisoner, not according to the aspersions sought to be cast upon him, but according to the evidence brought before you, and that alone. In the management of this case, I freely admit that the crown law officers have not unduly pressed, by act or statement, against the prisoner at the bar, and the latter has no fault to find with them. Of course we have had our contests, having to cross swords and fight with intellectual raplers. That must necessarily be the case. But the whole case has been managed without any undue pressure. We have had a fair and impartial trial, and my client looks forward with great confidence to an

ACQUITTAL AT YOUR HANDS.

He comes in here expecting from you that justice to which he is entitled. The law does not permit him to say one word, or, by his evidence, to explain a single matter, or to throw light upon a single point however important to him it may be. He is compelled to remain silent from first to last. He may hear people swearing against him, and making statements which he knows and feels to be false, while he, the most interested person in court, can say nothing. Such is the law, and we must deal with the case as we find it. Nobody else can have any proper conception of the position of the prisoner at the bar except himself,—the man most concerned in the case before the court. I stand between him and you, just as you stand between him and his life and death. When you were sworn in as jurymen, each of you were directed to look upon the prisoner at the bar, and he to look upon each of you. You were then told that you had to

STAND BETWEEN HIM AND HIS LIFE AND DEATH.

So I now stand between him and you. On my efforts depend the illustration of all the facts and circumstances bearing upon the case against the prisoner, and any forgetfulness on my part may bring disastrous consequences to him. No man, except one in the position of my client, knows what it is to be compelled to be continually in the custody of the officers of the law. He can do nothing and say nothing, except in their presence. Great as is the responsibility which rests upon me, what is it when compared with that which rests upon you as jurymen? God has given to each of us life, and He has the power to take it away. Civilized society has, in the present case, committed to you to this prerogative of the Almighty to take away human life—the prisoner's life has been placed in your hands. You have the power to say the word which, being interpreted, means that this man shall die. You have been sworn in the most solemn manner to do him justice, and you have been precluded from any communication with others which may

influence you in any direction. It is expected that you shall bring to bear upon this case all the prudence and judgment you possess in coming to a decision as to whether this man shall live or die. I know that you will feel this great responsibility. In nine cases out of ten any injury done to another person can be rectified; but if you make a mistake in dealing with the prisoner at the bar, your mistake is *irrevocable*, for you cannot go to his grave and recall him to life—you cannot place him once more in his mother's arms. Your work will have been done, and that forever. There will, in such a case, be no hope that the

BROKEN HEARTS OF HIS PARENTS AND BROTHERS AND SISTERS

can be healed or made whole. Great is the power which has been committed to you. But when the silver cord is loosed and the golden bowl is broken they never can be mended again. By the Gospel of God which was pressed in your hands, and which was pressed to your lips, you swore to declare your verdict "according to the evidence"; and upon that oath of yours I rest with great confidence, believing, as I do, that it is the strong, bright chain which binds the integrity of man to the Throne of Eternal Justice. I know that in the examination of this case we shall have the most minute examination of all the evidence submitted, and that you will listen to every suggestion, every plea, and every consideration in behalf of the prisoner; and that before being called upon to send forth your fiat, you will take into consideration the liability of man to errors and mistaken conclusions. These few remarks will present to your minds, to a certain extent, the position we occupy in the present case. A few minutes more and my voice will become silent, no more to be heard in behalf of my client. After you have heard the address of the Attorney General, the whole of the responsibility will rest upon your shoulders,—a responsibility from which most men would shrink. I freely admit, what no man of sense will deny, namely,

THAT A VERY FOUL MURDER HAS BEEN COMMITTED.

and that under the most revolting circumstances; a human life has been taken, and a soul sent to its God with all its sins upon it. I do not seek to cover up any of the enormity of this crime, and I am sure there is nobody in this Court who has not felt deep sympathy with those who have been bereaved, and whose trial has been so heavy and so great. I earnestly hope that nothing I have said, or that I may say, may seem unfeeling or unkind to the father or mother of the girl who is dead. Nothing that has been said or done can prevent me from feeling the deepest sympathy for them, for the great sorrow in which they have been placed. But we must take care that a victim must not be chosen merely because he is found placed under what may be deemed to be suspicious circumstances. We must put aside all personal considerations and coolly and calmly inquire into this matter. We must deal with it just as a surgeon would with a wound or sore, in order to find out all the facts, so far as the prisoner is concerned. We must put aside all sympathy for the family of the prisoner and the fowly of the murdered girl, and must not allow anything to come between our vision and the facts placed before us. I must place before you this matter at some length, in order to lay down some principles to which I must invite your consideration. I shall lay before you the line of argument which will lead to one and

ONLY ONE CONCLUSION.

We are here not to ascertain who murdered Mary Tuplin, but to find whether or not the prisoner at the bar did so. Does the evidence produced exclude the possibility of his innocence? When his counsel ad-

shall bring to
you possess in
die. "I know
sues out of ten
if you make a
mistake is *irre-*
n to life—you
our work will
case, be no

SISTERS

has been com-
d the golden
e Gospel of
ssed to your
evidence":
believing, as
integrity of
examination
f all the evi-
estion, every
and that be-
ke into con-
conclusions.
n extent, the
ore and my
f my client.
the whole
responsibility
t no man of

TED.

man life has
on it. I do
d I am sure
mpathy with
heavy and
at I may say,
the girl who
at me from
ow in which
m must not
y be deemed
ersonal con-
We must
in order to
e must put
wily of the
our vision
s matter at
ch I must
f argument

out to find
dence pro-
counsel ad-

dresses you, perhaps you may think he is only endeavoring to shield his client; but when I lay down any principal of law, I shall take care that I state it correctly, and that it will be by you respected accordingly. To mislead in such a case would be unpardonable on my part. When I speak of any principle of law, I will not use my own, but will use the cool, calm words of judges sitting on the Bench, with their robes of office upon them. I will place them before you as the guide of your conduct, as the rule by which you must measure this case. I cannot do better than use the words of Mr. Justice Peters, uttered a few days ago, when a case was being tried. The jury were told that as the penalty was a heavy one, they

MUST FEEL QUITE SURE OF THE GUILT OF THE PARTIES,

and that before they could convict on circumstantial evidence, that evidence must be so clear as to leave no reasonable doubt as to the prisoner's guilt. Suspicious, however strong, will not be sufficient to warrant a conviction. There must be no "ifs" and "ands" in the question. That was the language of Lord Denman, one of the most eminent judges in England, now deceased, and is always quoted in trials of this kind. I will now read a quotation from Phillips, on evidence. It is as follows:

"I beg here to dwell a little more minutely, on the hardship of requiring a prisoner to controvert a train of circumstantial evidence. For, how can a prisoner, altogether innocent of the charge, controvert circumstances, or an account of events, with which he is unacquainted. A man charged with the commission of a crime at a period long anterior to the trial, if innocent, and at a distance from the place at the time of its occurrence, can only establish his innocence by one of two methods:—first, by showing a contradiction in the circumstances of the proof itself; or secondly, by establishing an *alibi*,—that is, by showing that he was at a different place at the time. In regard to the first mode of refuting the charge: if he is ignorant of the facts, if he is unaccustomed to the nature of legal argument, he may not easily confute the chain of circumstances. A premeditated story is always made up so as to bear the appearance of consistency. Men will believe a probable falsehood rather than a singular truth; and, in regard to the proof of an *alibi*, if the prisoner does not happen to recollect the day, or cannot, perhaps, recall to mind where he chanced to be on that day, he is left without a defence. The proof of a negative is always difficult, often impossible."

Now, gentlemen, that explains in language very clear what the principle of the law is in reference to such matters as this. Comparatively speaking, I have not much to say respecting most of the evidence produced in this case. There is a vast amount of it which it is not my intention to dispute. Circumstantial evidence is like a chain, made link by link, all fitted together, and the whole must be strong enough to support the claims of the prosecution. There must be no reasonable doubt about any portion of it. I will now quote from the case of *Regina vs. White*, where it is laid down by Baron Martin, that—

"In a criminal case, the Jury, in order to convict, ought to be satisfied that by the evidence, affirmatively, as a conviction created in their minds beyond all reasonable doubt, that the guilt of the prisoner is established, and, if there is only an impression of probability, they ought to acquit him."

But, in the case of *Belaney*, in which Gurney B. (one of the ablest and most experienced criminal judges who ever sat in our courts), concluded his elaborate and careful summing up in these terms:

"If you think the case *conclusive*, it is your duty to pronounce the

prisoner guilty. But if you think it has left you in doubt, so that you cannot *safely* convict, you will remember that it is better that many guilty men should escape than that one innocent man should perish. Do not fear to give it to him; for, remember, at the worst, a guilty man escapes, and *you* are not guilty of a judicial murder, as you will be if you convict an innocent man wrongly; for you have no excuse for so doing; since the law says that the accused is entitled to the benefit of a doubt. So that, if you convict while there is any rational doubt, you act in defiance of a well-known rule of law, and may commit that foulest of all enormities—a murder under color of law; whereas if you err in an acquittal, the worst that can be said is, that human justice has miscarried—at least it has not committed a crime. In the one case a murder merely passes, for the present, unpunished; in the other the most horrible of murders is *committed*."

This, it is conceived, is at once the *reason* of the rule, and also its only effective and practical *expression*, and to dispute the practical expression of a rule is practically to destroy it. It is closely connected with another view, for which there is also the sanction of the highest authority—that the quantity of proof or degree of *certainty* ought to be higher in cases of felony, especially in cases of *capital* felonies, than in civil cases. In ancient times all felonies were capital; and the rule applied to all.

It is better that ten guilty men should escape than one innocent man should suffer. Such was the language of Baron Gurney. It means, when applied to a case of this kind that you must have the highest possible degree of truth. A case bearing on this point was tried not long ago. It is not enough to say that all the facts are consistent with the prisoner's guilt. We must ask if they are all consistent with his innocence? The question is not as to whether you think it possible that Millman committed this crime. That is not sufficient. You must consider whether it is within the bounds of reasonable doubt as to whether the prisoner at the bar did the deed? Looking at the time, as given by the various witnesses, is it within the bounds of reasonable doubt? One man gives the time at which the first shot was fired at one hour, and another man at another hour. When you put these conflicting statements together, and even come to a conclusion upon them the question arises: is it not consistent with the prisoner's innocence that he has no connection whatever with this crime? Your verdict will be in accordance with your oath. If you

PRONOUNCE HIM GUILTY

it must only be because it is not possible to find him innocent of the crime with which he is charged. It is with such considerations in your minds that you must deal with this case. I shall read to you some dicta of Judges of England, who have been the sages of the profession of the law. In their words I shall put before you the line of conduct which you must adopt, and the principles upon which you must act in coming to a verdict in this case. What are the strongest and most conclusive evidence that a statement given by a witness is a fact? Would they not be that the man who made that statement is a truthful and reliable man. In such a case you have no doubt whatever that the witness is speaking the truth, and that his evidence is entitled to full credence. In dealing with this case you could only find the prisoner guilty on the best and highest kind of evidence you can find. Even circumstantial evidence must create as great a certainty in your minds as if you knew that the man committed the crime. It must be of such a nature as to lead to a certainty on your part, amounting to the exclusion of all reasonable doubt. There is no degree of certainty on the part of a witness as to the testimony which he

gives. He must be convinced in his own mind or his evidence is worthless. I will read to you what a learned author says upon this point:—

“On the other hand, a juror ought not to condemn unless the evidence exclude from his mind all reasonable doubt as to the guilt of the accused; and, as has been well observed, unless he be so convinced by the evidence that he would venture to act upon that conviction in matters of the highest concern and importance to his own interest; and in no case, as it seems, ought the force of circumstantial evidence sufficient to warrant a conviction, to be inferior to that which is derived from the testimony of a single witness, the lowest degree of direct evidence.”

Now, gentlemen, you cannot be asked to bring in a verdict of guilty against the prisoner at the bar unless the evidence comes up to the standard which the law requires. It might be that suspicion so broods over a man that in your heart of hearts you thought he had committed a crime. You must divest yourselves of all suspicion in the case now before you. When you take upon yourselves to use the prerogative of Almighty God in reference to this man's life,

YOU MUST BE GOVERNED ENTIRELY BY THE EVIDENCE

brought before you, more especially that portion of it which you know is of an entirely reliable nature. Unless this man in the dock is declared by you to be innocent of the crime laid to his charge, he will be sent to the executioner, his life will be taken from him, and he will be returned to his family a blackened and lifeless corpse. In dealing with this case you must not bring in a verdict against the prisoner unless you have no doubt in your minds that he has committed the crime with which he has been charged. You must not have any doubt as to whether you are mistaken in your verdict. That is the ground you must take.

ALL DOUBT OF THE PRISONER'S GUILT MUST BE REMOVED

before you can bring in a verdict against him. If you have any doubt you must declare him to be innocent. I will now read a quotation from Taylor in reference to this point:—

“But, admitting that the facts sworn to are satisfactorily proved, a further, and a highly difficult duty still remains for the jury to perform. They must decide, not whether these facts are consistent with the prisoner's guilt, but whether they are inconsistent with any rational conclusion; for it is only on this last hypothesis that they can safely convict the accused.”

It has been said that circumstances never lie. This is an expression used by all Judges on the Bench. This principle will doubtless be forced upon you by the prosecution. Taylor says:—

“Much has been said and written respecting the comparative value of direct and circumstantial evidence; but as the controversy seems to have arisen from a misapprehension of the real nature and object of testimony, and can moreover lead to no practical end, it is not here intended to enter the lists further than to observe, that one argument argued in favor of circumstantial evidence is palpably erroneous. ‘Witnesses may lie, but circumstances cannot,’ has been more than once repeated from the bench, and is now almost received as a judicial axiom. Yet certainly no proposition can be more false or dangerous than this. If ‘circumstances’ mean,—and they can have no other meaning,—those facts which lead to the inference of the fact in issue,

they not only can, but constantly do lie; or, in other words, the conclusion deduced from them is often false."

When the viper fastened on St. Paul's hand, the barbarians said: "No doubt this man is a murderer." Nevertheless he was perfectly innocent. There never was a greater fallacy in the world than the statement that circumstances never lie. Circumstances seldom point or lead to suspicions in reference to persons who are entirely innocent and upon which they are convicted. Upon the authorities just quoted I will lay down this principle: First, that the evidence upon which a verdict of guilty is rendered must be of such a nature as to leave no doubt whatever as to the guilt of the prisoner. Although a man wearing this or that kind of coat may have been seen at a certain time in a certain place, and although Cousins' boat may have crossed the river at six or seven o'clock, on the 28th June last, it is quite possible that the person then seen

DID NOT COMMIT THIS FOUL ACT.

I am quite positive of this, that there will be no dispute as to the law that I have laid down on this point. I have read to you from the highest authorities on law, and when His Lordship the Judge lays down the law you will find that it will agree with what I have stated. In opening the case Mr. Peters stated that the crime, if not committed in Queen's County, was committed within a mile on the Prince County side of the County Line, and that the statute makes provision that in the latter event a case can be tried in either of the Counties. Now, I am not going to say one word on this point, and you need not give yourselves any trouble about it. No doubt His Lordship will show you abundant evidence to show you that the crime was committed within one mile of the line between Queen's and Prince Counties, and that the case can, under the statute, be tried in Queen's County. It is therefore only left to you to find whether or not the facts are consistent with the prisoner's guilt or with his innocence. As the hour for recess has now arrived, I would prefer, if His Lordship pleases, to stop at this stage of my address, and conclude in the afternoon.

Court took recess.

AFTERNOON SESSION.

GENTLEMEN OF THE JURY:—You will remember that before recess I laid down for your guidance the principles upon which I conceived this case should be tested, and pointed out what tests should be applied to the evidence submitted to you before you can bring in a verdict thereon. I will not repeat what I then stated, but will ask you to bear in mind that these are the tests upon which I base all my arguments. What I lay down for your guidance is not my own, but the statement of the best authorities on law, which have been handed down to us. That a foul and terrible murder has been committed there can be no doubt. It is not my intention to go through the whole of the evidence submitted to the court in this case. There are a vast number of circumstances which I do not question, and which I therefore will not deny. I will not controvert the statement that a boat crossed the river that evening, and that the boy saw

A MAN SITTING BY THE ROADSIDE,

as these facts are quite consistent with my client's innocence. Knowing that you took notes on all these points, and assuming that the whole of the evidence is fresh in your memories, I shall direct my attention to those facts and circumstances which I deem it proper for me to comment upon. The hour at which this event took place is of

words, the con-

barbarians said: he was perfectly world than the es seldom point e entirely inno- authorities just e evidence upon h a nature as to er. Although a seen at a certain ay have crossed t, it is quite pos-

ate as to the law o you from the the Judge larr at I have sta: f not committed e Prince County provision that in unties. Now, I u need not give lship will show was committed e Counties, and n's County. It e facts are con-. As the hour rdship pleases, e afternoon.

the utmost importance. This is always so in matters of this nature. The difference of a few minutes may be sufficient to lead to the conviction as to whether the man before you is guilty or not. We have no right to assume that any witness' clock or watch was right or wrong. We must take the evidence as we find it, and

MAKE THE BEST WE CAN

of it. I wish to direct your attention to the evidence given by the little Adam's girl as to the time she saw the man cross the river in a boat and fasten her. That is one of the most important points in the whole case. I will show that whoever crossed the river in that boat did so about 6.20 o'clock. The girl said that it was between six and seven o'clock. She says, "I looked at the clock a minute or two before I went out, and it was ten minutes past six, and it would take me about fifteen minutes to walk to the place where I saw the man in the boat." Give her the advantage of every moment of the time and we shall find that it would be about twenty-five minutes past six o'clock when she saw the man cross the boat. Then Joseph Davison said that the time was between half-past six and half past seven. But an examination of his evidence will show that half-past six was the proper time. He says that after seeing the man he went up to where they were repairing a house; there he remained an hour and a half: he then remained fifteen minutes while they were harnessing a horse; and it took him fifteen minutes to walk home, and then he states: "I got home before dark." Now add the hour and a half and the two fifteen minutes together to half-past six, and it will make half-past eight—just before dark—whereas I have proved that until after seven o'clock Millman had not left his house nearly two miles away. There can be no doubt whatever that half-past six was the hour. Whoever was in that boat it was not William Millman. The man who crouched about the woods with ferns around his neck might be the murderer, but William Millman could not be the man. Before you can be certain on the matter,

YOU MUST HAVE THE CLEAREST PROOF

at before recess h I conceived should be ap- bring in a ver- it will ask you I base all my t my own, but e been handed en committed ough the whole here are a vast hich I there- nt that a boat

that the man who committed the crime crossed the river in that boat, and that that man was Millman. The Crown Law Officers will, of course, attempt to argue that this is so, but it is impossible to believe that it was so. I know that many persons are watching the progress of this case with a keen agony. Only a mother, father, sister or brother can feel it in the fullest sense. The mother of the prisoner was placed on the stand. Her story was a clear, plain, unvarnished one. The Millman family, on the evening of the murder, consulted together about going to the church meeting. Some thought it too late to go, but Mrs. Millman got ready, washed, dressed and went off with her husband to the church, and these facts are also deposed to by John Millman, Mrs. Evans, Mary, Johannah and Bradford. Gentlemen, if these people wanted to come in here and lie to you, how easy it would have been to make a statement different to that made by them, and which it would not have been possible for mortal man to contradict. They could have said it was seven o'clock before they started for church. But upon no single point did they attempt to deviate from the truth. If any man or woman told the truth it was the father and mother of the prisoner. They went to the meeting and left their son behind them at home. A good many people were at the church before them. That meeting was called for half past seven o'clock, and the children told them they would be too late.

ence. Know- ning that the all direct my it proper for ok place is of

THEIR SON, WILLIAM REMAINED AT HOME

for five or ten minutes, and was then seen by his sister with a felt hat on going off to the river to bathe. I defy anyone to believe that Millman could have been in the boat that crossed the river at half-past six or thereabouts, alluded to by the three witnesses already referred to. In order to be in a position to commit that crime, he must have crossed in that boat. Forty minutes after that time, William Millman was with his father and mother two miles from the place where the boat was fastened after it had crossed the river. If you break one link in one part of your chain of evidence, the whole case suspended from it falls to the ground. The whole chain is only as strong as the weakest link. But the material part of the evidence relates to the hour at which Mary P. Tuplin left her father's house. Within a week after the event had taken place, the investigation was held before the Magistrate, and several witnesses swore that it was nine or a little after nine o'clock when the girl left her father's house. I will point out the importance of this evidence. In the testimony given before the Magistrates all the facts were clear in the minds of the witnesses who were now brought before a crowded Courtroom in presence of a large audience, as on the present occasion. These witnesses were sworn and allowed to tell their own story in their own way, and they all agreed before the Magistrate that it was nine o'clock before Mary Tuplin left her father's house on the night of the murder. John Tuplin, the father of the girl, swears to this statement: "I went out to look for Mary about twenty minutes after she went out. I went to George Profit's" Now, George Profit says: "John Tuplin came to my place about half-past nine o'clock." Now, Tuplin said it would take him only five minutes to go to Profit's and return home again. It is very clear then that it was not

SOME MINUTES AFTER NINE

when Mary Tuplin left home on that night. Then little Donald Tuplin, the girl's brother, said the sun was just setting when he saw the man in the woods. He came to his father's house, and an hour and a half after that the girl went out. These three persons all unite in the statement that when the girl left her father's house, it was past nine o'clock. Now, after leaving the house, she and her murderer had to travel down a wet, bad road, a cow path, a mile long, and to cross no less than seven fences. She was then shot, placed in the boat, a rope and stone procured, and as there were no oars in the boat, the latter was poled a quarter of a mile down the river and the body put out there. Now, if Millman was concerned in this deed, it would be necessary for him to do all this and then afterwards travel no less than three quarters of a mile after that to reach his father's house; so that the whole business had to be done within a single hour, including the going home. Was it possible for mortal man to do all that within so short a time? It is said that they met together to talk about a marriage. Well, it is not usual for girls to go and meet their young men, with whom they hope to arrange a marriage, clothed as this girl was, in a cotton dress with no petticoats and bare head. It is unlikely she would go to meet a young man in such a dress. I am informed that when young girls go to meet their young men, they dress themselves differently from that. Mrs. Tuplin herself and Donald her son, both swear that it was after nine o'clock when Mary left the house. To say that she reached the river and was murdered and laid in the river, and that the whole matter was gone through in time to allow young Millman to reach his home a few minutes after ten o'clock, is drawing

too largely upon the credulity of any living man and is more than any person could be expected to believe,

WHEN DID THE PRISONER ARRIVE HOME?

According to Rev. Mr. Reagh's testimony, the meeting came out about ten o'clock, and he gives us facts to prove that his time was correct, as it had been corrected by the station clock. There can be no possibility of mistake in Mr. Reagh's statement. He positively swears that it was between fifteen and seventeen minutes past ten when he entered Mr. James Evans' house, after putting away his horse. and that Millman's parents must have been home at that time. Mr. Reagh had walked to James Evans', unharnessed his horse, watered him, fed and bedded him. and carried articles from his carriage into the house. When he entered the house he compared his watch with James Evans' clock and found it was from fifteen to seventeen minutes past ten o'clock. What is the testimony of the father and mother of the prisoner? The mother states that when she got home she went into her room, where she remained for eight or ten minutes, and when she came out she saw William in the kitchen, quietly going to bed and bidding his mother good night. One cannot, of course, tell to what depths any man may fall. But that scene does not bring before one's mind the picture of a murderer just from the murder of his victim, and burying her in the river. Had it been otherwise, surely in this half-grown lad there would have been some signs of perturbation. He never would have been the quiet young man he showed himself to be in the evening, wishing his father good night before he went to bed. If he were guilty, he would have heard ringing in his ears that death scream of the murdered girl. If this young man did the deed he must have had

NERVES OF IRON AND A CONSTITUTION OF STEEL.

In order to do it in so short a time, he must have deliberately planned every portion of it beforehand, and so arranged matters that when his father and mother got home from church he appeared to be as little concerned as if he never committed the deed. The penance of a murderer commences from the moment the fatal deed is done. He sees every day the phantom of his victim, and at times he has been known to break out in wild exclamations in his sleep, dreaming of his terrible deed. The vision stands before him when he sits down and when he rises up. It pursues him wherever he goes. It is by his bedside when he tries to sleep, and appears before him when he awakes. To assert that this young man committed so brutal a crime with all the hardihood of a midnight assassin whose victims could not be numbered, and then to speak of him as a weak-minded man is, under all the circumstances of the case, too much for any reasonable person to believe. Gentlemen, not a sign of a weakness could have been exhibited in the planning and performance of this foul deed. Its perpetrator must have been one of the strongest nerved men who ever committed such a crime, I cannot imagine that a boy of nineteen years of age, who had never even left his father's house, even to come to Charlottetown until he came to consult with me about the circumstances which took place at that time, with a view of protesting his character from aspirations sought to be cast upon it.

COULD HAVE BEEN CAPABLE OF COMMITTING SO REVOLTING A CRIME.

It was deliberately planned, who did the deed. There are some other matters to which I must now refer in connection with the case before you. It has been said that there was a motive for the committal of this

murder on the part of the prisoner at the bar; that he had seduced the girl, and that he was to be the father of the child. It is strange and to be deplored that such a statement has been made. If it can be proved that he had no connection with her until the 5th January, 1887, and that the foetus is a six months one, how is it possible that he could be the father of it? Further evidence is needed before such a charge can be sustained. The six months had not elapsed from the date alluded to. The evidence given was to the effect that the foetus was between a six and seven months one. It is the duty of the Crown to

PRODUCE ALL THE EVIDENCE

necessary to throw light upon all points. It is more important than any other matter to find out the exact time when Mary Taplin left her father's house on the night she was murdered. She had Mrs. Slavin's babe in her arms, and before going out, handed it back to its mother. Why has not Mrs. Slavin been produced by the Crown law officers as a witness in this case? That woman is living at Malpeque, and could very easily be brought here as a witness. In such a case as this no witness should be left out who could give any evidence bearing upon it. I don't say that this woman's testimony was kept back, but it should be secured, as it would tend to clear the young man. And now I come to the time when the shots were fired. Mr. Woodside says: "I heard a pistol shot with two shrieks. One was a prolonged scream." After that he drove home a mile and three-quarters, and found that it was twenty minutes to eleven. He thought fifteen or twenty minutes intervened between the time the shot was fired, and he looked at the clock, as he had only one and a half miles to drive. That would fix the shot at twenty minutes past ten o'clock. No doubt that was the time of the death shot. Woodside remembers the fact well. The shriek forces it upon his memory. For never before had he heard the shriek of a woman who had been shot and was dying hard. If it required one of the witnesses fifteen minutes to drive one mile and a quarter, how long would it take this man to do all that was done, and then dispose of the corpse of the young woman? You can easily see that the prisoner's innocence is quite consistent with all the facts of the case. Edward Warren says; "I went out of the house just before going to bed, just before 10 o'clock, when I heard the shots." Not a single witness places the time of the shots before ten o'clock. One says it was about this time and another about that. But all agree that it was after ten o'clock. One witness in his wagon thought it was a gun shot which he heard, accompanied with no cry. The shot accompanied by the cry was no doubt the one that took the girl's life. Mrs. Millman's testimony was that the young man (her son) told her he had been smoking at the door when she came home. It is certain he did not come into his father's house panting after a two mile

RUN FROM THE SCENE OF THE MURDER,

His boots were left in the kitchen and his socks were placed by his bed. Mrs. Millman fully describes all the work she did after she came home, and says it occupied fully fifteen minutes. She and her husband then talked over the prospects of the proposed tea. The father says it struck eleven after he went to bed. Gentlemen, is it possible that the story of the father and mother of this boy is untrue? You will either have to accept it as true or that they have perjured themselves, and that their innocent little girl did the same thing. I believe in my heart that if stating one word that was untrue would have saved their

had seduced the strange and to can be proved ary, 1887, and hat he could be ch a charge can e date alluded as was between a a to

important than Tuplin left her and Mrs. Slavins' k to its mother. law officers as eque, and could ase as this no e bearing upon ept back, but it man. And now Woodside says: is a prolonged e-quarters, and ght fifteen or t was fired, and e miles to drive. ock. No doubt umber the fact ver before had and was dying es to drive one do all that was nan? You can ent with all the t of the house en I heard the oots before ten er about that. in his wagon d with no cry. one that took e young man e when she came ouse panting

placed by his after she came d her husband e father says e possible that e? You will d themselves, e believe in my e saved their

brother's (the prisoner's) life, his sisters would not have said it; neither would his parents have said it to save their son. The prisoner went to bed and slept that sleep which could not come upon him had he been the author of the crime. I now come to the evidence of Somers, as to the man he saw in the hush that evening. I must say that James Somers did not impress me as a truthful young man. The last word was not out of the Attorney General's mouth before Somers began to reply. I never saw a witness so willing to testify against another. But when I spoke to him, his tongue seemed paralyzed, and he had to make long pauses. At first he said the man he saw wore a straw hat, then a black hat, and then a brown hat. Yet the Attorney General permitted that witness to come out of the box without producing the hat in his possession, and placing it in the witness' hand. The hat was not, therefore,

IDENTIFIED BY THAT WITNESS

as the one he saw worn by the man in the woods with ferns about his neck. That important link in the chain is wanting. You know that when a man is put into jail charged with a crime like this everything he has is ransacked for evidence of the deed committed. Even the prisoner's letters to his mother were subject to the scrutiny of the prosecution. For six months this young man did not utter a word that they were not acquainted with. They even placed a man in his cell for the purpose of torturing him into a confession, and to get something out of him that would condemn him as guilty of the crime,—on the ground that the end justified the means. After I placed my witnesses on the stand the prosecution produced the hat which they had taken from us, but they did not dare to ask their witness if this hat of Millman's even resembled the hat the man in the woods wore, and the Crown prevented me from doing so by not producing the hat until their case was closed and all their witnesses had left the court. Certain little boys, when driving their cows home that evening, are said to have seen this man in the woods. They were Donald Tuplin and three others. Four boys are mentioned. Somers says that after he

SAW THE MAN IN THE WOODS

he had some talk with these boys, yet the boys do not say one word about that conversation. Now, you can see why the Crown permitted Somers to leave the stand without producing the hat. Do you think the prosecution forgot it? No. Somers said: "I saw the man with ferns about his neck just for about a second, and saw him put his hand up before his face." He could not tell what height the man was, neither could he tell anything about his general appearance. He could not even tell the color of his hair, yet he had the assurance to say that he afterwards recognized him at the magistrate's court as the man he saw in the woods with ferns about his neck. One thing Somers is clear about, the man in the woods wore a straw hat. Now, gentlemen, did Millman wear the straw hat that evening? I think you can safely say that he did not. His mother, father and sisters swear that he had on a felt hat. Therefore, although the crown had the straw hat in court, they did not dare to ask Sommers if that was the one or even like the one, he saw worn by the man in the woods. We now come to the matter of the pistol. Unquestionably Millman borrowed a pistol from Power, under the circumstances stated by that witness. It is also true that he procured some cartridges. He tells me that he got five of them. You heard where the two went that were fired off, for the crown accounted for that. One was fired as he went down the road and the other was fired through a plank, The Crown

asks us to believe that when Power asked Millman, on Monday for the pistol, Millman said that he wanted it for Tuesday evening,—leaving us to infer that it was for the purpose of shooting the girl dead. Have we not thoroughly accounted for the two shots which were fired from the pistol? Millman told Power that he wanted the revolver particularly for Tuesday evening. Now as to the statement that Millman asked Patrick Power to make a certain statement for him before a Justice of the Peace. I will not attempt to deny it. But

IS THAT CONCLUSIVE EVIDENCE

upon which to convict the prisoner at the bar? Look at the position of that young man at that time, with the serious charge against him. When he saw those circumstances hanging over him, and knew that this crime did not rest upon him, he sinfully and wrongfully and stupidly did an act that was wrong; but it certainly was not an admission of his guilt. You must remember at that very time there was a warrant sworn out against him for murder. I have that warrant here before me. It was sworn out against him on the 30th June, and subsequently altered to the 4th of July.

This young man had been born and brought up in his father's house, and had never been away from home; and was now about to be brought before a Justice of the Peace under a charge of murder, knowing that he had never been with Mary Tulpin, no Tuesday evening, 28th June, as alleged. I admit that this boy did wrong, but it was done for the purpose of screening his mother, not himself. According to Taylor, the fabrications of a story of that kind does not convict a party of crime. (An extract was here read.)

You see how twelve innocent men sent to the gallows a perfectly innocent man for murder. And one of the ablest of English judges refers to this case as an illustration that forgery and falsehood have both been useless to defend an innocent cause. When a man takes a course of that kind he does wrong, and knows that his statements will be used as evidence whereon to condemn him and to find him guilty of

A CRIME WHICH HE NEVER COMMITTED.

For this wrong step we have no excuse to offer, except the desire to save the feelings of the prisoner's mother; but I appeal to your compassion, gentlemen, for that desolate mother and family. He knew that a few years ago she became troubled in her mind. It seemed to her at that time as if the heavens were of brass, and that her prayers could not penetrate through them to the throne of Him who could help her. Her conscience smote her, because she had not on one occasion gone to the table of the Lord, and she thought He had forsaken her. This young man remembered the time when she placed his hands in hers and taught him to pray to his Saviour and his God. What he did in asking Patrick Power to make a statement for him which was false. was for his mother—Mrs. Millman's sake. It was to save her, not himself. If this act was wrong, gentlemen, don't for God's sake, send him to the gallows for it. He did not possess a man's strength. he was but a mere boy. His act was wrong, but we must trust that the God who can give him the great gift of repentance will enable him fully to repent of that sin. Look at him in his lonely cell, where for the past six months, the light of the sun has never fallen upon him. Looking at the fact that wrong convictions have been made in England, if there is a doubt in your minds as to

THE GUILT OF THE PRISONER,

I ask you to give him the benefit of that doubt. I have pleaded with you because I know you will do

Monday for the evening,—leaving a girl dead. Have we fired from a revolver partly at that Millman or him before a deny it. But

at the position against him. and knew that ngfully and stung not an admission ere was a war-warrant here be-une, and subse-

s father's house, out to be bro-murder, knowing ay evening, 28th t it was done for According to not convict a

a perfectly in-English judges re-falsehood have a man takes a statements will and him guilty of

t the desire to al to your com-ly. He knew , It seemed to at her prayers who could help n one occasion forsaken her. d his hands in . What he did hich was false. ve her, not him-d's sake, send 's strength. he trust that the ill enable him ell, where for len upon him. ade in England,

that doubt. you will do

this, and that you will not bring in a verdict against the prisoner with a doubt resting on your minds. If there is a doubt, the matter must be left between the prisoner and his God. As to the conversation which took place between Millinan and young Profit, I attach very little importance to it. Young fellows in a case of that kind say very much they do not mean. Although the prisoner may have had connection with the girl at the date stated, that was no reason why he must necessarily murder her. If such were the case we would have a funeral every day in the week. That act for itself is not sufficient to account for the charge now made against this young man. When he returned the pistol to young Power he said he intended to employ me to defend his character and that out of nine criminals I had cleared seven. Well, this is accounted for by the fact that at that very time there was a murder case pending trial. He came to me to take steps to bring the whole of this matter to light, and to bring an action for slander against the person who made the charge against him of murdering this girl. He knew that they were searching the river for her body. Now, that river is a narrow, shallow one, and if any corpse were there, it would soon be discovered. He came to me to take steps to bring out all these facts. He knew well that everything would be dragged to the light of day, and for that reason asked me to take his case in hand. The Crown Law officers brought in here as a witness a

BRANDY SWIPER

named Colson, who drank, I don't know how much brandy, yet we were informed he was a temperance man. This man swore that my client stole a bottle of brandy. Now, gentlemen, this statement of Colson is absolutely untrue. As to the foot tracks, you cannot get over the fact that whatever foot made the larger one, it was not the foot of this young man, as it is much smaller than his. Yet the smaller track corresponds to the girl's boot. The other track was undoubtedly that of her murderer; but was not made by my client. I myself measured the smallest of the prisoner's boots, and found it to be an inch longer than the footprint on the sand, if a change took place in the sand how is it that the smaller footprint remained intact? Gentlemen, we would need twelve butchers for a jury, and a Jefferys for a Judge, before this young man could be convicted of murder on the evidence submitted in connection with those footprints. Neither in length nor width do they correspond to the boots of the prisoner. Yet no part of the evidence before the court is more important than that relating to the footprints. Is the testimony of a little girl as to the man she saw in the boat, and that respecting the footprints to bring this man to his doom? Surely not. I will now read you Lord Mansfield's warning in connection with a terrible case in which a man's life was taken for a murder which he did not commit. (Extract read.)

Now, gentlemen, these cases were real cases,—not imaginary ones. The evidence brought before you must be as clear as if you yourselves saw the deed done,

BEFORE YOU CAN BRING IN A VERDICT OF GUILTY

against my client. Circumstantial evidence must be complete in every part; no doubt must remain in your minds in connection with it (Mr. H. read the account of the wrong conviction of William Shaw, of Edinburgh.) Gentlemen, remember that of these cartridges No. 32. one firm in this city sells from eight to ten thousand a year. Re-

member that we account for the two shots fired out of the revolver borrowed from young Power. It is stated by a military gentleman (Capt. Wright) placed on the witness stand, that the bullets which killed the girl had only three rings on them. Now, if you extract one of the bullets from the revolver in your possession, you will find that it has four rings on it. Gentlemen, I can now leave this matter in your hands. My part is now done. During the past ten days this case has borne heavily upon us all. I have had my full share of the responsibility. My task is done. I now leave my client with you. Neither God nor man requires that because Mary Tuplin was foully murdered, an innocent man must be taken to the gallows and deprived of his life. This young man cannot be guilty of this crime if his parents and brother and sisters tell the truth. That they do tell the truth, there can be no doubt whatever. If there is a single doubt in your minds of his guilt, look at the irrevocable act which you are now about to perform, and bring in a verdict accordingly. If you render a verdict of guilty against the prisoner under such circumstances, you can never hereafter expect any peace of mind. Even if you acted for the best, you would not do that which would deprive you of peace when you come to lay your heads upon your pillows for the last time. Look at the family that would be

RUINED AND DISGRACED FOREVER

by such a verdict. Gentlemen, I ask you to allow this young man to go home to his mother, that when she comes to lay down her head for the last time she may have him by her side. Let it not be that he shall be sent home to his family a stiffened and blackened corpse. When his mother's heart is stricken and bruised, let it be that her son shall be there to comfort her. Let not your verdict be that this young man must die. By the thought of your most solemn hour, let me plead for the father, mother, and brother and sisters of my client. I commit the case of this young man to your generous hearts and Christian consciences, and may the great God, who has numbered every hair of the head of this youth, deal with you as you have to deal with their solitary boy.

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

of the revolver
itary gentleman
e bullets which
you extract one
ou will find that
e this matter in
st ten days this
full share of the
client with you.
uplin was foully
aws and deprived
his crime if his
they do tell the
single doubt in
ich you are now
If you render
umstances, you
if you acted for
ve you of peace
for the last time.

s young man to
own her head for
t not be that he
ackened corpse.
let it be that her
liet be that this
solemn hour, let
ers of my client
ous hearts and
o has numbered
you have to deal

W. SULLIVAN,

ow to address a
s case. I shall
has just been
You are, doubt-
o a close. For
our attention to
tant for you to
whether or not
of the charge
vidence, I ought,
ve been brought
at the prisoner
I was pained to
ith me that we
erial witnesses.
ve felt the full
s. 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 subpoena, 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 on 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 inquire 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 lime, 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 our 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 damage her character in the way he did. There were witnesses here, but why were they not put on 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 nine 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, Capt. 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 misstatement. 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 taken the time

saw. This man
 the stand. This
 person than the
 to convey? That
 with the murder.
 ry Tuplin is now
 ew or many, but
 el to seek to damn
 ses here, but why
 d not prove any-
 n. We have had
 the defence, all
 aw witnesses who
 testimony nothing
 Mary Tuplin, as it
 in the dock. My
 the prisoner. You
 elings will not be
 re two sides to the
 the murder, and
 her's house on the
 ins of his beloved
 the one selected to
 left her home that
 for the last time
 counsel has endea-
 o'clock. You will
 k. The body was
 4th, by Archibald
 a stone attached,
 amination, that she
 n have heard from
 can be no possible
 shot? When was
 and we prove this
 two shots and the
 er life was taken. at
 o time. You should
 by witnesses. If
 atch, they speak at
 f, on the contrary,
 ne event or beacon
 ight. In this very
 atirely astray. He
 h. Common sense
 believe he would
 fied from the evi-
 as to the time he
 s, John Sudsbury,
 ere fired before the
 two distinct shots.
 e shots, and he told
 e time by clapping
 lapsed. Now, it is
 came out, for this
 lman and his wife
 and taken 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 Sudbury 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 quar-
 ter, to get home, before he was seen. Bryenton appears to have had
 a knowledge of the time, for he says he looked at his 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 a 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 said, 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. Sudbury. Profit and Warren. This I want to
 bring particularly to your mind. As we have now fixed the time 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 humane 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 Willman 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. Ac-
 cording to his own testimony he had connection with her on the 5th
 of January. This, then is established beyond any question by 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 on 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 a doubt 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 recess for 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 Margate road, with some other little boys driving a cow, and how they ran in at one fork of the 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 ferns 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 James 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 the 28th June, and that the boat was seen coming across the river on this evening about or shortly before sundown. The one who spoke first 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 Joseph 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 without 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

is true? That motive that led had a motive, Having this and gets parties placed beyond the murder. met her Sunday face from him Tuplin's house leaves no possibility of the he the father If he believed better proof that then the testimony? I need not

our.

gentlemen, I it appears that Road, where it k with the re the brother of on the Margate w they ran in at her to frighten the two roads and his head or moss around frightened and ran don Bryenton, Somers, upon tells of seeing ay it was about the time he was the river in a act, that a Mr. ide of the river 8th June, and evening about regarding this is ing calves, and ards the Mud h hid it from o saw the boat ween 6.30 and peaks without e such a wide oo late, but I attention to the t evening and iver; and further left for home. of the place, me? He said

before the Magistrate's Court that it was 6.30 when he got home from bathing. That fix is the period as the time 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, a man tying it at a distance of 70 yards. My learned friend commented upon the fact that we had been tutoring—that was the word—those witnesses and 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 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 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 questions put to him in cross examination, his only course is to answer them according to the fact. Thus, if he speaks falsely, he is almost inevitably detected, but if he is the witness of truth, he avoids that imputation of dishonesty, which sometimes attaches to older witnesses, who, though substantially telling the truth, are apt to throw discredit on their testimony, by a too anxious desire 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 his tale in 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 the evidence? No. Then you 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 over 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

following extract

that less credit
adult, but reason
a childhood, the
re active than in
ss numerous and
hich, in a great
ild incapable of
s operate power-
shaken by the
of the questions
to answer them
is almost inevi-
voids that impu-
older witnesses.
to throw discredit
e every apparent

ree little children
vention. No one
in his heart that
other of the girl
a plain, artless
believe Dorothy
ess you choose to
We have then
road.

might have made
n down the evi-
ue. He says the
s pointed out no
e. We have got
we have got him
's. Who proves
ree, while on his
his has been con-
two and then
enty seconds. He
v it was Millman,
you read the evi-
ere is evidence of
ad, but he did not
he tells you that
man he had seen
mers made a com-
y did my learned
nce? Because his
We have heard
, and therefore
t over it, however
s the evidence of
e can be no doubt
in order to meet

ting 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 subpoenaed 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's 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 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 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 John 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 but 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 at 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 one 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. This 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.

at the window
your special
olver. At that
dy but he who
bullets were in
Millman was
to say nothing
l, and no other

with cartridges,
cartridges. He
this premedi-
gers' shop, and
his statement to
on Mann. Evans
he got them in
a. He is bound

the river with a
the simplicity of
side to buy five
absurd. It is
d the attempt to
f a piece. One
e we are out of
him to reload
pecial stamp of
other two in the
fact. We have
and you heard
that revolver,
wn to be of the
er head, so far
in the revolver.
nce your minds,
(Bullet shown.)

There is also
efore perfectly
for my learned

olver and cart-
the life or Mary
that Power was
ey, that he sent
told him he had
Tuesday night,
t. and after that
for Mrs. Slavin,
could have had
k if it was true
hat racket went
lman had made
ve made up his
l when asked to
God's minister
t to that man of

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 Lane 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 Juries 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 119.

"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 on 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 recourse to falsehood leads fairly to an inference of guilt. Anything from which 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 endeavoured to have recourse to perjury, it is strong evidence that he knew perfectly well that his case was an unjustly 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 common sense of the people. My learned friend must have been reading some light literature lately, and got his case 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 innocent 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 the 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 these stories do you believe, or do you believe either. Do you believe that he went down to bathe and saw no one else. He comes and asks you to believe that he was down bathing for half an hour, and then around the roads till half-past-ten. He told his father that Power was with him that night. He told Bryenton he was home in bed. One falsehood he told his father, the second falsehood he told Bryanton.

Gentlemen, there is only one other point to which I shall refer. According to my view of this case, as well as my learned friends who are associated with me, the evidence is so conclusive and the circumstances so complete, that under the obligation of your oaths you cannot do otherwise than convict the prisoner. My learned friend told you it was at one time regarded that circumstantial evidence was stronger than that of positive witnesses, because they may lie, but circumstances cannot. If the proof is inconclusive, he tells you, you cannot convict, no matter how conclusive the circumstances, because circumstances may lie, and you ought not to convict upon circumstantial evidence at all. This is what he means, if he means anything. I may say the same of positive evidence. You may have a witness produced before you, you may doubt his veracity, and you ought not to convict upon his testimony. Now, gentlemen, I want to bring to your notice a case bearing upon the one before you. I want to point out to you that in the case referred to by my learned friend there was one circumstance, but in this case we have a variety of circumstances, all bringing home to the prisoner his guilt. Has the Crown evidence been shaken in any respect? Have the Crown witnesses shown any undue feeling against the prisoner? Let me quote to you Taylor on evidence, Sec. 59:—

“A third ground of the credibility of evidence is afforded by the exercise of reason upon the effect of coincidences in the testimony of independent witness. These coincidences, when sufficiently numerous, and presented in the shape of undersigned correspondency, or incidental allusion, necessarily produce a prodigious effect in enforcing belief; because, if the witnesses had concocted a plot, the coincidences would almost invariably have been converted by cross-examination into contradictions, and if collusion is excluded, and no deception has been practised on the witnesses, the harmony in their evidence cannot be explained upon any other hypothesis than that the statements severally made are true. Each witness taken singly may be notorious for lying; but the chances against them all agreeing by accident in the same lie may be so great, as to render the agreement morally impossible. On this subject it has been profoundly remarked, that in a number of concurrent testimonies, where there has been a previous concert, there is a probability distinct from that which may be termed the sum of the probabilities resulting from the testimonies of the witnesses; a probability which would remain, even though the witness-

m, saw nothing where he was. the overwhelm- It as evidence ls Thomas Bry- got home from a bed, he was not Why? Because nt, and had not s he was down was necessary for ch of these stories eve that he went ks you to believe around the roads s with him that falsehood he told

I shall refer. Ac- ned friends who conclusive and ligation of your oner. My learned reumstantial evi- because they may nclusive, he tells e circumstances, to convict upon , if he means any- ay have a witness d you ought not want to bring to I want to point ned friend there ariety of circum- Has the Crown Crown witnesses e me quote to you

is afforded by the the testimony of ciently numerous. dency, or inciden- in enforcing be- the coincidences cross-examination t no deception has r evidence cannot e statements seve- y be notorious for y accident in the t morally impos- ed, that in a num- en a previous con- h may be termed stimonies of the ough the witness-

ses were of such a character as to merit no faith at all. This probability arises purely from the concurrence itself. That such a concurrence should spring from chances, is as one to infinite; that is in other words, morally impossible. If therefore, concert be excluded there remains no cause but the reality of the fact."

Was there a single witness placed upon the stand here who contradicted himself in cross-examination? Such a case never took place before, of fifty crown witnesses not one contradicted himself in cross-examination. The statements made by them were severally true. Our witnesses have been those of the highest character in the community. You must exclude concert in this case. You cannot get fifty witnesses to come together from New London and concoct any such a story. There would be contradictions unless it were true. We had them coming here and swearing not to an isolated circumstance. Here you have not a number of isolated cases, some of them from a fifty cent novel, but you have a variety of circumstances.

Gentlemen, you have some evidence of tracks upon the sand. I do not attach much importance to tracks upon the sand, and I do not know if you do. You know what an uncertain foundation sand is. You know if a person walks upon the sand his track will be smaller than his foot. I say further, that the impression a man's boot or shoe will make may be smaller than his foot. Take off your boot, measure your foot, and measure the sole of your boot afterwards, and you will find that the bare foot is longer than the impression of the boot sole, because the heel has a natural incline. I do not think much reliance must be placed upon them. One of these tracks is probably that of Mary Tuplin, as it corresponds with her boot. The other does not agree exactly with the boot produced as Millman's. It struck me they made their measurement too high. What evidence have we that Millman's boots that he wore that night have been produced; you have only the statement of his brother. He may come here and truthfully swear that his brother told him he had not another pair of boots; we know that the prisoner lied,—he lied to his clergyman, he lied to his father, he lied to his mother, and he lied to his brother. I do not believe we have all the prisoner's boots here. All that Bradford swears is that these are the boots his brother told him he wore, and as we know his brother is a liar, we are precluded from accepting his word. There is no evidence of his mother that she saw him take off these particular brogans. I contend that there is no proof before us that we have produced here the boots he wore on that night, therefore, that point is gone; but I say you have more than ample evidence without that. Will you suggest to me any circumstance that has not been proven? I do not care for the tracks. You have abundant evidence that the crime was committed that night, and I am pained to say, it was committed by the prisoner in the dock. Gentlemen, this is the evidence. We have traced this man in his crime, step by step, logically, from the first step to the actual commission of the crime—his getting the revolver—his attempt to get Power to swear falsely, and his statement as to the paternity of the child. Now, gentlemen, your important duty commences. Here is a crime—a most horrible and atrocious crime—such a one as shocked this Province, as it never was shocked before—so infamous, so base, so horrible a crime never before stained the history of Prince Edward Island.

Has this crime been brought home to the prisoner! I think it has. You have been asked by my learned friend to violate your oaths, because Mrs. Slavin was not produced as a witness. I do not ask you

to do anything of that kind. For what purpose is the institution of grand and petit jurors? They are established to say that peace and quietness shall prevail in the community, and to carry out the laws of God and man, and you are here for that purpose. I am here to present this case to you in its clearest possible light, and I think I have done my duty in that respect. When I have so clearly established this case, I should be ashamed to go out of this court without telling you that the prisoner in the dock, William Millman, is the guilty man, without telling you, that with the evidence before you, you cannot do otherwise than convict him. He who murdered poor Mary Tuplin who took her from her father's home in the silent hours of the night who took her from kindred, who betrayed her who was childlike and innocent, when he should have protected her from the storms of the world. He was base enough to take the life of his victim and you are asked by my learned friend to be merciful. What mercy did he show? I say you are bound, according to the evidence and by your own oaths to find him guilty. The prerogative of mercy does not rest with you, but I have no doubt that mercy will be extended if it is shown that it is deserved. We are here to carry out the law. If Prince Edward Island is to become the resort of criminals, because juries will not convict in upon circumstantial evidence, let us in God's name abolish trial by jury and have trials take place before Judges, where we will have justice and law together. I tell you that you are expected to perform your duties fearlessly; no matter whether friends or enemies be condemned, or what the consequences may be. I ask you to render such a verdict as the evidence authorizes you to render; I ask you to show justice to the prisoner and to the public, between whom and the prisoner you come; I ask you to do justice to your own consciences, so that when you leave this court no one can point the finger of scorn at you and say "there goes a man who sat as a juror in Charlottetown, on the most horrible crime ever committed in this Province and who so far forgot his oath as to pronounce a murderer guiltless."

Court opened at 11.08. Court-room not so crowded. To-day Judge Hensley addressed the jury. He said:—

Gentlemen of the Jury.—Mr. Hodgson addressed you on behalf of the prisoner; Mr. Sullivan on behalf of the Crown, and it is now left to you and to me. We have had eleven days of fatigue and hard work, but I do not begrudge it even if it had taken four months, for it is my duty not to do so, and I am sure you do not. The matter before us is a most serious one, it involves the extinguishment of a life—a soul from its mortal tenement. But we must remember that when Mary Tuplin met her death she did not go prepared. One of the counsel in this case spoke of acting under the sanctity of an oath. We are all under that obligation. When I assumed the responsibilities of a judge I had to take an oath, and when you became the jurors in this case you had to take an oath to do justice between the prisoner and our Lady the Queen. I know what a difficulty it is, for man may err. If we ask for guidance from on high, I feel sure we will get it for our oath breathes a prayer when we say "So help me God." In such a case as this you have to gather the guilt or innocence from circumstances. In three out of every four cases of murder, no eye sees the crime committed. By the circumstances what persons said and did, you must come to a conclusion. This is such a case. If we did not take these things into account, no convictions will take place. Much has been said that if there is a doubt it should be given in favor of the prisoner. What is a reasonable doubt? This is the most dan-

the institution of
that peace and
out the laws of
n here to pre-
I think I have
rily established
without telling
is the guilty
before you, you
murdered poor
the silent hours
her who was
her from the
fe of his victim
l. What mercy
vidence and by
of mercy does
be extended if
ut the law. If
iminals, because
let us in God's
before Judges,
u that you are
whether friends
ay be. I ask you
a to render; I
ublic, between
tice to your own
e can point the
at as a juror in
mitted in this
nnce a murderer

To-day Judge

ou on behalf of
ad it is now left
atigue and hard
four months, for
pt. The matter
anguishment of a
t remember that
epared. One of
ctivity of an oath.
the responsibili-
came the jurors
een the prisoner
is, for man may
e we will get it
lp me God." In
innocence from
f murder, no eye
at persons said
a case. If we
will take place.
e given in favor
is the most dan-

gerous rock jurors have to sail past. The guilt of the prisoner must be fully proved. A reasonable doubt must not be an impossible one. It must not be one we make for ourselves. All evidence is open to possible doubt, The certainty of the evidence must satisfy your reason. You must use that degree of certainty that would guide you in your serious affairs of life. If there should be a number of circumstances with one of them doubtful, still it would be your duty to convict. Mr. Hodgson had said the evidence was like a chain and of these was one weak link, then the whole chain was useless. This case is one rather of a number of chains, and even if there was one weak link in one of them, still there were others that might be strong. Lord Cairns says that "circumstantial evidence is like a number of rays of light converging to one point, each of itself insufficient for practical purposes, but each centring in one point through a flood of light together." In this case, one ray was the pistol, another ray is, was he in a position to use it, another, the boat on the shore, another, the body in the river, then there was the stone, the actions of the prisoner, &c.

I propose then first, to enquire when Mary Tuplin left the house: John Tuplin said Mary went out about dark, it was no later than 9 o'clock—the sun set at 8.30 he thought, Now, as a matter of fact the sun that evening set at 12 minutes to 8. so that Mr. Tuplin was about forty-two minutes astray. Jabez Tuplin saw Mary go out about 15 minutes after tea, between sundown and dark, so that he agrees with his father.

When was Millman seen? Thompson's son saw a boat with a man in it leave the end of the County Line Road and go out of sight past the trees on the point of the river, it was Cousins' boat. Jos. Davidson saw the boat with a man in it going in the direction of the mud road, between 6.30 and 7.30. It was Cousins' boat, for he knew it. Then we come to Dorothy Adams. Hers was a most important evidence, if true, and nothing has appeared to shake it. If it is true, and I do not see how you can look upon it otherwise; then it must have great weight on your minds. You saw she gave good testimony. The evidence of young people is, at the present day, considered of great value. We know as we go through the world, that the young heart is more tender. You will think with us all that Dorothy Adams gave the best of testimony. She says the man she saw tie the boat and go up to the mud road was Millman, and that he had on dark clothes and a dark hat. This was not very long before sundown. She had gone to take the cows home to get them milked, and the evidence is that the cows in the country are milked at sundown. She told her mother when she got home that she had seen Wm. Millman. Then we come to the evidence of Donald Tuplin. He is a boy, but like the Adams girl, gave good evidence. He says he saw a man on the mud road near the fork. He had ferns or moss around his neck and had on dark clothes and a dark hat. He said he thought it was about six, but was certain it was after sunset. Gordon Bryenton, another boy, who was with Donald Tuplin, gave the same testimony. He said the sun was going down. Then we have the evidence of James Somers. He said he had went to the Black Horse with his wife, and in coming back half-way between Tuplin's house and the mud road, he saw a man with ferns around his neck and having on dark clothes and a dark hat, being held between the man's face and Somers. Somers says he did not know Millman then, but he saw him on the next Wednesday going to Warren's barn and he then identified him as the same man. He said he was positive he was the same man. He was very positive, and of course his evidence was open to review by you. He might be very

positive and yet be mistaken. Still nothing has been said about his character, except that he was married to Mary Tuplin's sister. It was alleged that Somers gave different testimony before the Grand Jury to what he did in this court-room, but that entirely failed. I have no doubt in my mind that the man he saw was Millman.

Another branch of the case is, when did Millman get home that night? John Millman and his wife say they live about a mile from the church, that when the church meeting came out they stood talking two or three minutes, then the horse was got and they went home. They say William told them he was down bathing and he got home before they did. It is not material here what he did, his own statement shows he went in the direction of the boat. When did he get home. John Millman says it would not take more than fifteen minutes to go home, that the gate was open and that they drove to the granary before the wagon stopped. Mrs. Millman says she went immediately into the house, looked in the kitchen saw no one there, went into the bedroom to take off her clothes and get the children to bed, that she was there about ten minutes, and when she got back to the kitchen William was there. Mr. Millman says that when he got in the door William was in the hall going to bed. When questioned about the magistrate's examination, he said he swore then that he got home between 10.30 and 11 o'clock. Mrs. Millman says her husband told her next morning he had heard 11 strike. Now, when did the church meeting come out? Where were the shots fired? Probably at the shore end of the mud road or so. We do not know if it was while she was on the shore or as she was stepping into the boat. The material part for us to determine at present is, at what time were they fired? George Profit says John Tuplin came to his house the first time about 9.30, after he left he heard the shots. Andrew Woodside says as he was coming from Clifton he heard one shot and a prolonged scream about 10, that he did not hear a second shot as his horse began to trot. Then we have the very important testimony of John Sudbury. He is not accused of being biassed but an independent man. He was at the church door waiting for his wife, who was in the meeting. About fifteen or twenty minutes before the meeting came out, he heard the shots. There is no reason why you should not believe him. To make Sudbury useful you must apply his testimony to the others. Thomas Bryenton says the meeting came out at 10.25, that he got home about 11 and he had to go two miles. Now, if Profit, Woodside and Sudbury are right, this is a most remarkable coincidence. Edward Warren was out before 10, and as he was going out he heard a shot, that if one had been fired before he came out he could't have heard it in the house, that when he went in he wound the clock and it was about 10. Here is a most extraordinary coincidence, a complete consensus of opinion. But we have the conflicting evidence of Capt. George McLeod. It is admitted on all sides that he was perfectly truthful. He says he heard the two shots coming from the direction of the South West Creek, and that it was about 11 o'clock, that he was about four or five miles away. The Attorney-General spoke about if a shot was fired at the North River bridge would we hear it in Charlottetown. It seems to me he was putting it very mildly. The truth is the North River bridge is not much more than half the distance Mr. McLeod was from where the shots are said to have come from and it seems to me whether it does to you or not—that is a matter for you to determine—that it would be impossible for him to hear the shots that distance away.

Court adjourned at one, and resumed at two.

said about his sister. It was the Grand Jury ed. I have no

get home that ut a mile from hey stood talk- and they went ing and he got he did, his own

When did he ore than fifteen ey drove to the s she went im- no one there, the children to she got back to at when he got hen questioned hen that he got s her husband y, when did the ? Probably at y if it was while

boat. The ma- time were they house, the first drew Woodside and a prolonged his horse began g of John Sud- dependent man. as in the meet- ing came out, ould not believe testimony to the at 10.25, that he f Profit, Wood- le coincidence ng out he heard e couldn't have the clock and it nce, a complete ng evidence of hat he was per- ming from the out 11 o'clock. torney-General ridge would we putting it very uch more than ots are said to o you or not— e impossible for

The next branch we were coming to when the the court adjourned was, when did the church meeting get out? But, before I speak of that, let me take up the point of the tracks. I know you are anxiously thinking about it, which is quite right, as it is your duty to canvass everything. They may be certain or uncertain according to circumstances. A fact not very well proved may be very uncertain. The evidence is that the tracks were leading to the water, both right foot tracks, that the shore was a mixture of sand and clay, that they were half way between the bank and the water at the time they were measured, that about three double tides would have flowed over them had they been made on the evening of the 28th June. Alex. McKay the constable says he is not sure he got the whole length of the larger track or not, that the heel was clear, and the ball of the foot, that the toe was not so clear as the heel, that no nails were visible, that there was no impression on my mind, but that I had measured the whole track. If that evidence means that the track wasn't clearly defined about the toe, then it is hard against Millman. There is no evidence that any one else made the track. I put the question to McKay myself did the large track clearly develop? And his answer was either the impression never was there, or it had been obliterated in the sand. The evidence is that the heel was well pressed down and the ball of the foot not so much. Now, the question you must determine is, was the large track so clearly developed as to determine the exact length? If it had developed it would lead to show that it was not Millman's boot. On the other hand if it was not clearly developed then it wouldn't prove it wasn't his track. As I said, if one chain is weak it does not follow that the others are not so strong.

Another branch is the bullets. We find by the evidence of the doctors that Mary Tuplin's death was caused by two bullets—one taken from above the right ear, flattened to a button, the other taken from the inside when the top of the skull was taken off. How were the bullets put there? What had Millman to put the bullets there with? The evidence shows that he borrowed a revolver from Frank Power with the possible intention of buying it, that he bought cartridges in Summerside, that a day or two before the murder Power wanted money to go to a tea-party and he sent for Millman, that Millman said when they met, that he had no money, but to leave the pistol with him, as he and John N. Evans were going on a racket, that two days after the murderer Millman brought back the revolver and gave it up to him at the back of the house, that when Power took it in his hand he said she was full all round, and that was no way to carry her, that Millman replied no, there is three full and two empty, that he put it in his pocket, that after Power heard the body was found and the bullets got, he examined the revolver and saw two empty chambers, and that he then hid it, and that Detective Power came to him he gave it up just as he got it from Millman. Power then, with Johnson, Mann and Colson, all prove that Millman had a pistol at that time. The next thing that comes then—here is the pistol (he was holding it in his hands)—I hope she won't go off—(Mr. Weeks here took out the revolving breach)—did these bullets come from the empty shells? Capt. Wright, of Her Majesty's Navy, whose profession it is to understand these things, says they could be fired from these cartridges. Then there is the question of the distances. I took advantage of when Mr. McKinlay was recalled to inquire as to these. He says from the shore end of the Mud Road, to where the body was found, is $\frac{1}{2}$ mile to where the boat was staked on the shore after the disappearance. $\frac{1}{2}$ of a mile; from this spot to Millman's house, three quarters of a mile, making in all one and

one-eighth miles. Then there is the question of Mary Tuplin's state. John R. Profit proved that Millman knew it, that he was apprehensive that if the child was sworn upon him he would go to the penitentiary, and that his mother might possibly become deranged. The Crown said this state of things developed a motive. We all know no one is so wicked as to commit crime for fun. Still crimes may occur without seeing any motive. It is my duty, however, to warn you to take care on this point. Do not magnify it. Look on the magnitude of the crime and not on the magnitude of the motive.

Another branch of the case is the very serious and important attempts at concealment under falseification. Mr. Hodgson quoted a case of a man getting up falsehoods to try to clear himself, but surly the party who told the lie had himself to blame. When this takes place it excites strong suspicion. It is my duty to tell you that when Mary Tuplin, had only been missing, when no one knew she had been murdered, what reason had Millman to tell Frank Power not to tell any one that he had the pistol.

Then there is another branch. The boat was kept fastened by a lock and chain, there was a surface stone in the boat. It was indentified as having plow-share marks upon it. Who had the boat in his possession that night? This only remains now. When did the church meeting come out? We have had the evidence of the Rev. Mr. Reagh—a worthy man—but his evidence does not materially differ from the others. He does not say that Thos. Bryenton's watch was wrong so that you have to determine if the prisoner could have time to get from where the shots were heard to his home a distance of one and one-eighth miles within the time. I have now gone through the evidence on this important case. I know there is an anxiety to do justice on your part. It is incumbent on my part, as the judge, and on your part, as the jury, to see that the laws are duly kept, and where they are broken to see that the criminal is duly punished, and this we are to do, under God, fearlessly and rightly. It is a sacred duty and must be sacredly performed. You must see the law respected, and at the same time that the prisoner is not unjustly convicted. You must see that the several rays of light concentrating to the one point clearly satisfies you. Sometimes the human mind, when an enormous crime has taken place, inclines to look around for a victim. Sometime we are apt to shudder from the consequences of an adverse verdict. You must shut out all such sympathies. I believe you will, as it is your duty to do so. My own feelings are such that I can scarcely say more. I will leave you to the solemn duty before you.

The Judge, who was visibly affected, closed his address of about four hours, at four o'clock. The jury immediately retired to their room, at 9 o'clock they were ready with their verdict. The court-room was crowded and amid breathless silence the jury was asked "Was the prisoner at the bar guilty or not guilty." The response of the foreman was "GUILTY." The answer was scarcely out of his mouth when the prisoner fainted, and was carried out of the court room insensible.

THE SENTENCE.

Yesterday, February 9th, sentence was pronounced upon Millman. The Court House was crowded by half-past ten o'clock, but there was no appearance of any of the lawyers engaged on either side.

About half-past eleven o'clock the Attorney-General took his seat, and throughout the Court House was only to be heard the low hum which is usual when an audience waits in expectancy. The minutes passed slowly. People craned their necks to look into the dock, but

Tuplin's state-
s apprehensive
the penitentiary,
The Crown said
y no one is so
occur without
ou to take care
agnitude of the

important attempts
oted a case of a
surly the party
es place it exits
Mary Tuplin, had
murdered, what
one that he had

astned by a lock
as indentified as
in his possession
church meeting
Mr. Reagh—a
differ from the
utch was wrong
prisoner could
were heard
within the time.
nt case. I know
ncumbent on my
e that the laws
at the criminal is
lessly and right-
med. You must
e prisoner is not
ays of light con-
times the human
es to look around
he consequences
h sympathies. I
feelings are such
the solemn duty

ess of about four
to their room, at
court-room was
asked "Was the
se of the fore-
t of his mouth
the court room

upon Millman.
k, but there was
er side.
al took his seat.
rd the low hum
The minutes
to the dock, but

it was empty. At twelve o'clock, Mr. Hodgson, Q. C., entered and took his usual seat. A few minutes afterwards Millman was placed in the dock, and the Chief Justice, Mr. Justice Peters and Mr. Justice Hensley took their seats on the Bench. The Attorney-General arose and asked the Court to pronounce judgment upon the prisoner.

Mr. Weeks, the Clerk of the Crown, then addressed the prisoner:—

"William Millman, you have been indicted for the murder of Mary Pickering Tuplin. Upon that indictment you have been tried and found guilty. What have you to say why the Court should not pronounce sentence against you according to law?"

The prisoner seemed hardly able to control his feelings. He looked towards his counsel, but Mr. Hodgson gave no sign. The Chief Justice taking up a manuscript and arranging it in order, was just about to commence addressing the prisoner, when Mr. Hodgson quietly arose and said:

"MY LORD,—I know that my client's silence at this time, and my silence, will not be misinterpreted by your Lordship. Whatever may be generally understood to be the meaning of the words addressed by the Clerk of the Crown to the prisoner, the Court knows that they only call for the interposition of any legal objection to the passing of the sentence. The prisoner has much to say, I have much to urge, not why sentence should not be pronounced, but why it should not be carried out. At the proper time, and in the proper quarter, this shall be duly submitted. I therefore abstain from addressing your Lordship, because the verdict imposes upon you but one last solemn duty."

His Lordship then addressed the prisoner in the following terms:

WILLIAM MILLMAN,—You have been tried and convicted of the crime of a murder, of the deepest dye,—one for which a parallel can scarcely be found in the criminal annals of British North America? When it was first discovered that this crime was committed. I was for a considerable time under the impression that the criminal must have been some stranger, some person from another country—from some populous city where vice and crime in their lowest depths are not so unfamiliar to human experience as here; and when I heard of your arrest, I still encouraged the hope that one so young, a native of this Province, brought up amongst a Christian community, could not be the perpetrator of this terrible crime. Facts, however, were gradually brought to light, by which a strong suspicion although wavering at times, ultimately rested on you. About nine o'clock on the evening of Tuesday, the 28th of June last, Mary Tuplin, a daughter of John Tuplin, a respectable farmer of Margate, and residing with her parents, went outside of the house apparently on some very temporary absence, going out in an ordinary indoor dress, without any covering on her head, and without any intimation as to what direction she intended to proceed. Between the hours of ten and eleven o'clock she had not returned. The lateness of the hour increasing without any appearance of her, and not answering to several loud calls of her father made at some distance from the house, he proceeded to a neighbor's residence, but failed to obtain any intelligence of his missing child. The following day a more general search was made, and continued during the remainder of the week, by a large number of the inhabitants of the settlement and vicinity; but proved unsuccessful. A white pocket handkerchief, however, identified as that of the missing girl, being found on the shore; the river was carefully dragged, when on Monday, the fourth day of July, the body of the unfortunate girl was raised from the bottom of the river, attached to it, by a short rope, a large stone of eighty or one hundred

pounds weight. A Coroner's inquest followed, from which it appeared that her death had been caused by two pistol bullets fired into her head, one of which had penetrated the brain and caused instant death. The evidence taken before the Coroner bore so strong against you that your arrest and committal to prison followed, charged with the murder of the deceased.

Your trial has been an unusually long one. You pleaded an *alibi*. The evidence against you was, as so often becomes the case in trials for murder, almost wholly circumstantial. No less than forty-eight witnesses were examined on the part of the Crown, and as many as eighteen on your behalf, and after an admirable and pain-staking defence by your counsel a most patient and attentive hearing by a highly intelligent and unprejudiced jury, you have been found guilty.

The jury have recommended you to mercy—upon what part of the case or your evidence this favorable expression of their opinion rests, I must own I do not at present perceive. The earnest, eloquent and touching appeal directed to them by your talented counsel, has, doubtless, touched their hearts: but, as men fully capable of realizing the solemn obligations which bound them, and guided by the consistent evidence of your guilt which from day to day was detailed to them by unprejudiced witnesses, and none of whom could be said to have been in any material contradicted, your jury felt that their duty in finding you guilty became inevitable.

You plead for mercy. Prisoner, did you know of this virtue when you so deliberately carried into execution the plan you conceived for the destruction of your victim?—a young and inexperienced creature, who had never harmed you—one who had too unguardedly confided in your friendship and attachment, who had the strongest claims on your honor and gratitude? The day you carried into execution your terrible deed was that appointed for the funeral of another member of Mary Tuplin's family—her own brother, who was followed to the cemetery by their afflicted parents, But this in no degree did you allow to interfere with carrying out your cold-blooded deed. The grave had closed but a few hours over his remains, and while you knew the hot tears were still flowing down the cheeks of his aged and afflicted parents, you yet persevered in the perpetration of your crime. Having under the pretence of friendship allured your victim to the secluded spot you had chosen, there, with the assassin's hand you drew your weapon and discharged it into her head. The first shot proved insufficient for the destruction of life, and I do not think it to be an excess of my imagination when I picture to myself the astounding horror of that poor girl on discovering that in place of a friend and protector, she had committed herself to the company of an assassin. A momentary interval elapsed before you fired your second shot,—that interval was sufficient to enable her to look into your face, and to invoke your mercy and your pity. Had the most dormant spark of humanity remained in your breast, that *beseeking*, that *imploping* look to spare her life as she saw you adjusting your weapon and raising your arm to repeat your shot, might have kindled into compassion and repentance. But no, you were to intent on your murderous design, and your second shot laid your defenceless and unoffending victim a quivering corpse at your feet. You then hastily conveyed her to the river, and before even the cold pall of death had completely enshrouded her body you cast it, attached to a heavy stone, into what you thought the deepest part of the river—*there*, were you felt assured no humane eye could ever again behold it. But there was one Eye you had forgotten or disregarded, the invisible eye of an Omnipresent God, from whom no

which it ap-
l bullets fired
and caused in-
bore so strong
ison followed,

leaded an *alibi*.
e case in trials
man forty-eight
and as many as
ain-staking de-
e hearing by a
n found guilty.
at part of the
ir opinion rests,
it, eloquent and
isel. has, doubt-
of realizing the
the consistent
ailed to them by
aid to have been
duty in finding

his virtue when
u conceived for
lenced creature,
edly confided in
t claims on your
on your terrible
ember of Mary
to the cemetery
aid you allow to

The grave had
u knew the hot
ed and afflicted
crime. Having
to the secluded
d you drew your
ot proved insuf-
think it to be an
the astounding
f a friend and
of an assassin.
cond shot,—that
ace, and to in-
nt spark of hu-
exploring look to
and raising your
passion and re-
ous design, and
letim a quivering
o the river, and
arounded her body
thought the de-
umane eye could
forgotten or dis-
from whom no

sin can be hid. He had provided a signal for those in search of her—a small piece of white muslin lay on the margin of that river. This, on examination, proved to be a pocket-handkerchief of the deceased, and at once suggested to the minds of her friends the necessity of dragging the river, which, being dilligently prosecuted, her body was thus discovered and easily recognized. The painful conclusion that followed the sad tragedy is well known.

You are now to suffer the extreme penalty that the laws of your country have ever imposed on your crime.

Your present condition is a sad and awful one, and will doubtless excite the sympathy of many tender and christian hearts, not only for you but also for your aged and agonized parents, whose grey hairs will go down with sorrow to the grave. I will dwell no longer on this painful subject.

Your time now in this life must be limited to a brief period; and before I pronounce the solemn words of your doom, I implore you most earnestly to employ that precious time in every effort towards a reconciliation with that God you have so deeply offended, and whose law, as well as that of your country, you have so awfully violated. Approach His throne with a sincerely penitiant heart, and he will dispel the cloud from this dark hour of your life, and will not cast you off.

The sentence of this Court is that you. William Millman, be henceforth taken to the prison from whence you last came, and that you be there kept in safe custody until Tuesday, the tenth day of the month of April, next ensuing; and that on that day, between the hours of eight o'clock in the forenoon and four o'clock in the afternoon, within the walls of the said prison, you be hanged by the neck until you are dead; and may the Lord, in his infinite goodness, have mercy on your soul.

