

to do with that. That was all I heard. I went off to bed right after this. I don't remember that Harry or Eliza said anything. The first I saw this powder was in Moncton. One day Osborne told me to go and tend bar and to put in 3 grains of the powder when I sold a glass of liquor. I sold several glasses and put this powder in them. I have seen this powder used in other bar-rooms to strengthen liquor. I have seen this powder used at Gorden's, Jardine House, Campbellton. The Osbornes were in the habit of putting people in the loft after they got them drunk and cutting out their pants pockets with scissors. A man in Moncton told me they did it to him. The box of powders in the Waverly House was nearly full; very little outside. I never heard it called a mortifier. Saw no bubbles arise when this was put in the water. I didn't see McCarthy with a flask that night, but I heard Eliza say he had one. I am sure they had four drinks that night. I never said they had five. Mrs. Osborne separated the money herself that night; no one helped her; she didn't count it—just split roll in two. I am very sorry that I didn't take half of that money. I saw that the outside was a \$10 bill. When the money was on the counter I saw figures 10 and letters on the back of bill.

In my other statements I said that when I left, Mrs. Osborne told me to hold my tongue.

Harry held the end of hatchet handle and swung the hatchet to strike McCarthy. He didn't strike so hard the second time. He held the hatchet in the right hand.

Harry, Eliza, and Mrs. Osborne were about the house all day on the 13th of Oct., and went to bed about 11 or 12 o'clock. You never found them sober in your life. They all went right to the bar-room every morning as soon as they got up, and got a drink. They were about half drunk on the 13th Oct.

I recollect Sturges, one of the apple tree men. I am prepared to swear that neither Sturges nor Mr. Merrick took breakfast there on the 13th Oct. There was no stranger in the house to take breakfast that morning. I am positive that Campbell, Sturges, or Merrick did not sleep in the house that night. I made Campbell's bed on the night of the 13th; he had been in it. I can't swear that he did not sleep in it that night (12th Oct.) Campbell went out about 10, and if he came in again he must have come early.

I was at Osbornes from 7 or 8 days before 12th Oct. The wagon seat had not a very high box; no rungs on the back. The corner was cut round. I found that the back of the seat was a flat board that night when I turned it round. If I swore that the back of this wagon had rungs in it I swore to what was not right. I saw the overcoat three times in Osborne's house after the 12th Oct. Mrs. McCarthy was down to see me last winter at Hampton. I expected you would come down and see me. She took me some sweetcake and other little things. She also wrote to me saying that some fellow sent me some compliment and some love and so on. I read in the paper that McCarthy's body was found. Dr. Sproul told me the body had been found. Sproul told me last Sunday that the watch and coat and revolver were on him. He didn't tell me about the shell. I first knew this last Sunday morning. I always expected that when the body was found that he would have the clothes on because I missed the clothes. I never swore that Eliza cut the sleeves. I saw the sleeves today; they are not cut now. I didn't see Eliza put binding on. I heard Eliza tell her father that the sleeves were too long for him. I expect Mrs. Osborne thought I was an empty head and gave me the drink with powder in it to make me stupid so I could not tell what took place that night. I don't recollect that Harry told me when he returned after putting the body in the river that he went through the potato field.

Court adjourned until 10 a. m. to-morrow morning, when Annie Parker will be cross-examined by Mr. Gilbert. Her manner of giving evidence to-day was characteristic of her, she being disposed to make light of all serious questions. She succeeded to a certain extent in working upon the risibility of those present, and at times with such success that even the prisoners themselves found it difficult to refrain from laughing.

(From the St. John Telegraph.)

The following is the conclusion of the cross-examination of Annie Parker:—

By Mr. Gilbert—He sat at one side of the folding doors, so that his side was towards me as I looked in from the room where I was scrubbing. He sat between the opening of the folding doors and the fireplace. I could see what he had in his hand. He left about 10 o'clock. I did say in the first declaration that that was the last time I saw McCarthy. That was to the Sheriff. I did not care what I said to him. I said I heard what I saw. If I did say so, it was not true. The reason I did not tell the truth was I did not want to. No one gave me to understand what a solemn declaration was or I would have told the truth. Justice Wortman did not explain to me the nature of a solemn declaration. Can't swear whether or not on that occasion I said I last saw McCarthy at 10 o'clock. I now swear I did not say so then. In my examination of 23rd January, under oath, did say I did not tell the truth in my solemn declaration when I said McCarthy was last seen alive by me at 10 o'clock that night, Oct. 12th. I was excited then; it was the first day I was on the stand, but I understand you (Gilbert) now. I was in the dining room when I heard Eliza say to Harry that if McCarthy wanted her worse than she wanted him, he could come after her.

The counsel here asked witness if she wiped up the scrubbing dry, to which she replied: "If you had been there you would have seen for yourself."

Mr. Gilbert said he did not want the witness to treat the subject with levity, as it was a serious one.

Dr. Tuck said he thought the counsel would agree with him that it did not ma-

terially affect the inquest whether she wiped the floor dry or not.

Witness, continuing, said where she scrubbed the hall on the 13th it was dry by 10 o'clock; she could not say about the bar-room. Went to bed on night of 12th Oct. about 10:30; took a light with me; got up perhaps a few minutes after 12 o'clock, which hour struck while I was dressing myself. I put on my boots, but not my hat. I did not in my solemn declaration say I looked down and saw McCarthy, but I said the Osbornes ordered me back, and I went back. That was not true. Don't know whether I put out my light or brought it down. When I came down there was only a lamp in bar room, not turned up high. We were all in the bar-room when the stranger came in at 12 o'clock and got a drink. The door was unfastened and remained so for a few hours. As far as I know, when they took the body out the door was locked. I know it was locked, but saw or heard no one lock it, nor heard any one told to lock it. They had 3 drinks before the powder was put in McCarthy's liquor; all drank but me. Don't think they were very sober. I did swear they were about as sober as usual, neither tight nor sober. I never invited folks there; I expected Fraser that night because he told me he was coming. I don't know where he went, had a horse and wagon here; saw him that afternoon about 2 or 3 o'clock; he promised to be there sometime that night. There was a dance that night, but he did not ask me to go to it. I did not ask where the dance was. Don't know whether he went away with his horse and wagon or not. I did not follow. There were Frenchmen living in the Johnstone house; think a tall man and one with a moustache; both named White; his brother-in-law was there, or they were staying with them. Don't know when they left Shediac; was in their house only once, just a little while before I went away.

Q. by Mr. Gilbert—Did you swear at Moncton that the 5th time the Osbornes treated and gave McCarthy the powder, they did not drink?

A. No, I did not. Every time McCarthy drank they drank, and he did all the treating.

When I took two swallows of liquor it did not affect me as the powder was in the bottom not stirred. Can't tell what they had in their eye, but it is still my opinion they wanted to kill me. They gave me this after McCarthy was dead, after I saw the effect it had on him. I had to take it then for my life. I did not halloo or run out of the house; I was too frightened to run or make any disturbance. His feet were turned towards the bar-room door leading into the hall before putting the stone on his breast. It was a slip knot around the stone and a fixed knot around his neck. The stone was on his breast when they carried the body out, and it did not fall off at all. Don't know whether it fell off his breast when they put the body in the wagon. He seemed dead and soft. Was a large framed man; if the stone fell off in the hall I would have heard it strike the floor. The open-work back seat had reference to Osborne's wagon; it appeared to be black at night. Never saw Mrs. Osborne counting the money; she offered me about half in bulk. Was about three or four feet off the money, the money was on the counter. (A bank note \$5 bill shown); cannot tell if it is a ten dollar note. (A \$10 note produced, and back of it shown). Witness says it is a ten dollar note. Don't pretend to write, ten or a five. Swore on a Bible that night. (Witness here gave the dimensions of the Bible used). Harry said: "Annie, swear you won't talk about this murder, so help you God." They had plenty of chance to search all the pockets. Got money out one pocket only. Have sworn the overcoat was too long, but did not swear Eliza cut the sleeves, but that Eliza told she would cut them.

Question—Did you not swear that he (Mr. Osborne) did not put the coat on, and that Eliza cut the sleeves so as to fit; that she cut a piece off the wrist, and put on black binding? did you not swear to that?

Answer—I did not swear to that.

Did not look at the clock when Harry left, neither when he came back. Did cry when I went up-stairs till I came down, when called by Mrs. Osborne. There was nobody in the kitchen when I came down the first time. Made a fire first in the kitchen stove about 6 a. m. The fire was all out. What I say now is true. The water I washed the blood with was lukewarm. Was sick after that time and in the doctor's hands, not before. I was paid off when I left. One dollar was coming to me. They did not tell me they could not keep me any longer on account of my sickness or its nature. He never spoke to me on account of my abusive language to his wife. (A powder shown.) That looks like some I used to mix in liquor. I told Edward McCarthy, before hearing of the hat being found, that the body was in the river. There was a piano in the Osborne House before the killing of McCarthy. Heard the Osbornes speak about paying for the piano, but don't remember whether it was before or after killing McCarthy. They received a letter that if they did not pay for it in full, what had been paid would all go off in rent. After that I know of them sending some \$40.

To Mr. Gilbert—Could not say if there was any more knots in the rope than what I have described and shown the juryman. (Rope shown). It is the same size and kind of rope as that used. I know that the bed-cord upstairs, used for swings, had only two strands. There was no light in the ladies' sitting room after McCarthy came the second time, after or before the killing.

The evidence was then read over to the witness, who affixed her mark; after which the court adjourned till Tuesday, at 2 o'clock.

WALTHAM and Geneva Watches, in Gold and Silver cases, at J. F. McKay's, North Side Queen Square. May 18—sat 3w

## THE DAILY EXAMINER.

MAY 21, 1878.

### The Philosophy of the Patriot's Detraction of Mr. Pope.

It was Jonathan Swift who remarked that "when a true genius appeareth in the world, you may know him by this infallible sign, that the dunces are all in confederacy against him." And were that writer living in our day and did he see the persecution to which Mr. J. C. Pope is subjected by the Patriot's editor and correspondents, he would be doubly confirmed in his observation.

The remark applies to principles as well as it does to men. Whenever men who can read their country's requirements better than their fellows, offer solutions to public questions which would never occur to others, they are generally the butt of the routine worshippers of their time until these latter see it to their advantage to conform to the new idea. Confederation is one proof of this. Who does not know that the statesmen who saw that measure to be for the advancement of these Colonies were opposed most strongly by those who did not see any good in it till their conformity to public intelligence gave them the hope of a new lease of office? Our Railway is another striking proof of this same fact. The men who did their best to decry our Railway—whose motto, as they harangued throughout the Island, was "No Railway"—completely changed their views—after they had ridden to power on the frantic cry—in order to secure the support of those members whose constituents were alive to the benefits of Railways.

Looking back at the actions of these men, one cannot help calling them "dunces"—if their words were the measure of their intelligence at the time. To attribute them to sheer want of intelligence is surely the most generous view of the matter. But there seems to be method in their stupidity. We would not be surprised to see the so-called Free Traders undergo as complete a change as Mr. Charlton did—only in the opposite way. On the faint supposition that the present Premier be returned and his Protectionist adherents make "Incidental Protection" the condition of their support and of the Government's existence, our contemporary would most probably view the situation in a very different light—shed on it largely by the prospect of reward.

### Consolidation of Island Laws.

ANY person who has ever had occasion to look over the Statute Books of this Island could not have failed to observe how difficult it is to ascertain from them the Law on many points of daily occurrence. This is occasioned principally by the number of enactments relating to the same matter, which have been passed by the Legislature from time to time—each altering in some particular, if not wholly repealing, the preceding one. By this method of amendment the books have become encumbered with a confused mass of Laws, some of which are long obsolete; while others have been so entrenched upon by numerous short Statutes, that in many cases fragments only of the original Acts now really apply.

The several enactments relating to judgments in the Supreme Court, Sheriff's Sales, Insolvent Relief and Bail belong to the latter class; and with the twelve volumes comprising the Island Statutes at hand, a considerable amount of ingenuity is required even to find the sections under which proceedings are taken. To attain the principles of the Acts in their present state and trace their application to particular cases, is a still more arduous task. In the above category may, also, be classed the perplexing provisions relating to distress. In fact the greater part of the Statute Law is in such a hapless state of disorder that it seems more like a snare to entrap than a set of rules for public guidance. To increase the difficulty of reference, the indexes are most unreliable, and in few instances can they be taken as a guide to the contents.

The time has surely arrived when some steps should be taken towards consolidating the Laws and reducing them to an intelligible system. The last revision took place in 1863; but much that was then in force has been since repealed. To make the work complete it should commence with our first Statute; all repealed Acts and repugnant sections should be expunged, and those only published which are applicable at the present time.

Legislation regarding Insolvency, Criminal Law, and many other subjects, falls to the province of the General Government. This renders inoperative Laws heretofore passed on the Island concerning these matters; and by this omission our Statutes, if consolidated, would be comprised in about one-sixth of their present bulk. The performance of this work is of importance to

all; but to magistrates and those engaged in the profession and administration of the law, it must be of special interest. The duty of Government cannot be merely in enacting Laws and heaping them upon the Statute Book. Co-existent provisions on the same matters often renders such legislation very uncertain and imperfect. To digest into a method and make the Statutes clear and intelligible to the people must be as important an obligation as their enactment.

A sum has, we understand, been set down in the Estimates for the present year to meet the expenditure to be entailed by this work. It is to be hoped that the Government will appoint Commissioners of ability to deal with a matter of such lasting importance, and that an effort will be made without delay to compile the Laws into a system in which, instead of being a reproach, they may be a credit to the intelligence of the country.

### SHIPPING INTELLIGENCE.

#### PORT OF CHARLOTTETOWN.

##### ENTERED.

May 21—Schr. Ripple, New Carlisle, cedar shingles; Maggie, River John, boards; brig Alpha, McMillan, Harbor Grace, Nfld., ballast.

##### CLEARED.

May 21—Bonnie Kate, Wallace, ballast; Elizabeth, McDougall, Pictou, coal; Cameleon, Tatmagouche, potatoes and oats; schr. Fear Not, Rose, St. John's, Nfld., with 1,200 bushels potatoes, 300 bushels oats, etc.

##### OUTPORTS.

May 18—Cleared from Crapaud, the schr. Springfield, for Summerside, with 1,700 bush. oats.

May 20—Entered at Summerside, schooner Maria, from Halifax, with sundry goods; Ossele, Pictou, coal; Minnie K. McKenzie, 81 tons coal.

May 20—Cleared from Vernon River, for Sydney, C. B., the schr. Union, with 1,500 bushels potatoes, and 222 bushels of oats.

##### REPORT.

Captain Harding, of the bright Esperance, 198 tons, from Cadiz, salt, for orders, reports having had very strong weather, followed by light airs and calms, was compelled to bear away from Cape North, for Canso, an account of ice.

May 2nd, spoke schooner Hattie L. Newman, of Beverly, in 43 deg. 25 m. N.; 50 deg. 20 m. W.

May 4th, spoke schr. H. M. Curtis, St. John's, Gaspe, in 45 deg. 12 m. W.; 52 deg. 15 m. N.

#### HOTEL ARRIVALS.

##### BANKIN HOUSE.

May 18.—G. H. C. Grant, Montreal. J. E. Grant, do. R. D. Greenless, London.

May 20.—George Crawford, Montreal. W. B. Foster, Montreal.

##### REVERE HOUSE.

May 19.—John S. Scott, Newfoundland. May 20.—E. S. McNutt, Malpeque. David Montgomery, Summerside.

##### Died.

On Monday, 20th inst., Eliza Matilda, wife of L. L. Beer, Esq., daughter of George Wright, Esq., of Norwood, Charlottetown, Royalty. Funeral will leave the house at 3 o'clock, p. m. on Wednesday for Railroad Station.

### New Advertisements.

## AMERICAN BUGGIES!

ON arrival of Schooner Adelaide, now due from Boston,—

- 4 Light American Top Buggies.
  - 1 Jump Seat Buggy.
  - 3 Light Open Wagons.
  - 1 Carriage (very stylish).
  - 1 Landau (serviceable).
  - 2 Marble Soda Fountains, (silver trimmings).
- The above Carriages are second-hand; but some of them are almost new, and will be sold on arrival at very low figures for cash.

F. T. & W. L. DEAN.

Ch'town, May 21, 1878—pat 2i

## QUEEN'S BIRTHDAY!

EXCURSION TICKETS to Shaw's Wharf and back will be issued on Friday next for FIFTEEN CENTS. Steamer Southport leaves Prince Street Wharf at 5 a. m., and 3 p. m.

Regular market trips on Saturday.

C. J. HASZARD.

May 21, 1878.

## FOR SALE

A VERY SUPERIOR

## NEW SQUARE PIANO.

Maker: Wm. Currier, N. Y. Cheap for cash or good paper.

MARK BUTCHER.

May 2—1m

## A SECOND-HAND PIANO!

IN GOOD ORDER. Maker—Chickering.

Very cheap for cash or short credit.

MARK BUTCHER.

May 2—1m

## A SUITABLE ASSORTMENT of Gilt Window Cornices—FOR THE SEASON.

MARK BUTCHER.

May 21, 1878.—pat ar n era her pres 1m.

## A NICE ASSORTMENT of Mantle Glasses with Gilt Frame.

MARK BUTCHER.

May 21, 1878.—pat ar n era her pres 1m.

### New Advertisements.

## At Montreal for Charlottetown.

SCHOONER "KATIE," 99 Tons, will take freight at Low Rates for Summerside and Charlottetown, to sail about the 28th inst. Apply to

A. KENNEDY.

Ch'town, May 21—4i cod

## TROTTING RACES!

Friday, May the 24th,

at 2 p. m., at

## UPTON PARK!

SPLENDID Racing may be expected, as the celebrated Mares "Fairy" and "Princess," with all the other fast horses in the Island, are engaged.

Teams will start for the Park from the corner of Great George and Grafton Streets, from 12 o'clock till 3 p. m.

No Intoxicating Liquors allowed on the ground.

May 18—sat tu & thur ar her

## Boston and Charlottetown

## REGULAR PACKET LINE.

FREIGHT received for all places on P. R. Island accessible by water or rail.

A vessel always on berth in Boston for Freight.

Despatch, Low Rates and Careful Handling of Freight guaranteed.

For particulars apply here to

F. T. & W. L. DEAN.

Our Agents in Boston—W. B. DEAN & CO., 176 Atlantic Avenue.

May 21—6m 3w

## A. A. BALDWIN & CO.

—HAVE IN STOCK—

Rubber Army Blankets,

very useful and cheap—\$1.50

## FISHING TACKLE!

A well-assorted Stock—RODS, FLIES, &c.

## CROQUET SETTS—VERY CHEAP.

WHEEL-BARROWS,

American made—Light and Strong.

## Tube-Rose Bulbs,

Only \$1.00 per dozen.

## Seed-Sower & Cultivator, Combined.

A. A. BALDWIN & CO.

Ch'town, May 18—dy pat & a jour 2i

## MONTREAL & ACADIAN

## S. S. LINE.



## THE S. S. "VENEZIA"

WILL leave Montreal for St. John's, Newfoundland, on WEDNESDAY, the 22nd inst., calling at this port and Sydney C. B.

For Freight or Passage to St. John's, Nfld. or Sydney, apply to

OWEN CONNOLLY & CO., Agents

Charlottetown, May 17, 1878—4i

## LEVEE.

HIS HONOR the Lieutenant Governor will hold a LEVEE at Government House on FRIDAY, the 24th day of May instant, at the hour of half-past Twelve o'clock, in honor of Her Majesty's Birthday.

Each gentleman is requested to be provided with a card to be handed to the Aide-de-camp in waiting.

Gentlemen paying their respects to His Honor on the occasion will please to enter by the eastern door.

J. LONGWORTH,

Lieut. Col. & Aide-de-Camp.

R. R. HODGSON,

Lieut. Col. & Aide-de-Camp.

Government House, May 15, 1878—

## W. C. McDonald's

## TOBACCOES!

25 Boxes Flat Chewing.

50 Caddies "British Consols,"

"Gold Bar," "Queen's" and

"Nelson's Navy."

All the very highest grades, and CHEAP.

## CARVELL BROS.

Ch'town, May 10, 1878—3w law

## A GRAND

## Temperance Demonstration!

and Public Tea will be held at Victoria Park on Dominion Day, under the banner of the Grand Division S. of T.—Sons of Temperance, Templars, Reform Clubs and Catholics T. A. Societies from all parts of the Island are invited. Railway cheap fares. Tea on the tables at 2.30. Tickets 25 cents; children under twelve 15 cents. Entertainment at 8 Tickets 15 cents; reserved 25.

W. W. BEER, Ch. of Com.

J. W. HODGSON, Sec'y.

May 11—law dy

## JOB PRINTING

Neatly and Promptly Executed at the EXAMINER Printing Rooms, Water Street, Charlottetown