

Kelly was shot. I was out that evening with Ida Scott. I was coming from home and going down to Wright's shop. We got some apples and then went up the street again. Opposite Mr. Higgins' we saw Louis Johnston. I saw him before at a "Moonlight Excursion." We recognized him. We went further up Prince street and then turned and went to the Post Office. When we passed again, Louis Johnston was still standing on the platform opposite Higgins'. It was about 20 minutes past nine. We met Maggie Jury and Nellie Baker. Johnston had a dark suit on. I don't remember what kind of a hat he had on.

Cross-examined by Mr. Peters—I knew Louis Johnston two days before. We saw him twice that night. Ida Scott called up to our house about an hour and a half before we went out walking. When we passed the Presbyterian Church the clock struck nine. We went straight to Wright's, and stayed there hardly five minutes. Then we went straight up Prince Street again. Louis Johnston was on the platform. Miss Scott spoke to him as she passed. She said "Good evening," and he said "Good evening." We went as far as Judge Young's. Then we turned, passed Higgins' and went down Kent Street to Great George Street, and thence to Beales' corner, where we met Maggie Jury and Nellie Baker. They said they had just left Mr. Johnston. We then went to the Post Office. I wanted to go to the Post Office. I don't remember the day of the week. It was the 14th of August. I saw the date in the paper. I think it was either Wednesday or Thursday. I was expecting a mail from Summerside. The mail was in, but I did not get a letter. I don't remember who asked whether the mail was in. Miss Scott had no box. She asked for a letter. I was not paying much attention to her at the time. Maggie Jury had a lock box. The mail usually came in at six or eight o'clock. I saw about the murder in the Patriot.

Question—Did you see Johnston's name in the Patriot to which refer?  
Counsel for the defence objected to the question as going into the contents of a printed document without producing the document itself.

To Mr. Peters—I do not know what became of the Patriot. I saw in the Patriot that Johnston was suspected. Then I went to Miss Scott's on the afternoon of next day and told her what I heard. It was on Friday afternoon. The murder, I think, took place on Thursday night. Witness afterwards corrected the statement and said it was Wednesday night. I saw Johnston on the Saturday night and Sunday night, previously. Ida Scott was with me both times. When we looked at the clock and saw that it was twenty-five minutes to ten, we were crossing the street from Beales' corner. Miss Jury remarked at the time that we had to be home before ten.

MAGGIE JURY, sworn—Examined by Mr. Hodgson. I remember the night Kelly was shot. Nellie Baker and I were walking on Prince Street, about half past nine. When we went through the Square we looked at the clock, and it was twenty-five minutes to ten. It was the evening of the 14th of August. After I was at the Post Office I went home. I saw Johnston that night. He was walking past Johnston's corner. He stopped by Mr. Bremner's. He was ahead, and we caught up to him and passed him. We did not see him in the Post Office. It was about three minutes after that we looked at the clock.

Cross-examined by the Attorney General—We are all agreed that it was the 14th of August. We often walked in August evenings. I saw Johnston on Prince Street two or three times. The place where we ask for the letters was closed—I think. I got home before ten. We met the other two girls before looking at the clock. They said they had seen Louis Johnston that night. We said we had seen him, too.

NELLIE BAKER (sworn)—Examined by Mr. Hodgson—I remember hearing of a boy being shot last summer. I was walking with Maggie Jury that night. About 25 minutes to ten we went to the Post Office. We saw Louis Johnston on Prince street a few minutes before. We saw about the murder in the paper the next morning.

To the Attorney General—I saw Louis Johnston before that night. I didn't know him personally. When I saw about the murder in the paper that morning I said it wasn't Mr. Johnston, because I saw him the night before. The paper said the shooting took place at about half-past nine. The others were not there when we looked at the clock and saw it was 25 minutes to ten, and Miss Jury remarked that she must get home before ten. I didn't look at the clock after we left the Post Office.

**THE EVIDENCE FOR THE DEFENCE CONTINUED.**

MRS. EMILY BYERS, sworn—Examined by Mr. Palmer—I live near the premises of Mr. George Millner. The gangway which passes the rear of my place runs into Miller's yard. (Shown on plan the lay of the yard, etc.) You cannot see from my yard into Mr. Miller's yard. There is a fence seven feet high between the yards. You cannot see over the fence. Emily Byers worked for me last summer. She is a smart little girl. She lives at the West End. I remember Emily Byers being with me at the time the coroner's inquest was going on. She promised to come to work for me one day. She did not come that day, but came the next. I asked her where she had been, and she made no answer, and I said "I suppose you have been at the court swearing against James Millner." She said she "didn't know James Millner." She wished she did, and she would soon swear against him. I don't remember seeing James Millner in my house for years. He used to be in and out when he was a little boy. I don't remember seeing him in my yard. There was a fire at Phillips' the summer before last. That fire was a short distance from Miller's.

Cross-examined by Mr. Peters—It was after she gave evidence here that I first knew that she knew anything about the murder. Is wa,

after that I thought of what she said. The first I knew was what I saw in the newspaper about her evidence. I never took notice of what she said till that. I will positively swear I heard that the negroes in the bog did swear against James Millner at the inquest. I heard the remarks passed that they were swearing against James Millner. The reason I put that question was that I heard all the negroes in the bog had been swearing against Millner. I said, "I suppose you have been swearing against James Millner?" She said, "No, sir. I wish I did know James Millner, and if I did I would soon swear against him." I read Emily Byers' evidence carefully. I read the evidence every night. I told different persons about it after reading it in the paper. She never shook my carpet. There is twenty-seven yards of Brussels carpet on my parlor. She could not shake that. She often shook mats, curtains, etc. I swear that Emily Byers never saw James Millner in my yard. I could not swear that she did not see him in his own yard through the gate. She might have seen him. Emily Byers carries rats down out of my house. I won't swear that she did not look out of the window. I will not swear that she did not see James Millner frequently while at my house. She might have seen him while carrying water in the gangway.

MRS. MARY JANE WARREN (sworn)—Examined by Mr. Palmer—I live in Charlottetown. I live with my brother—Matthew Allan. I know Archibald McKinnon, the policeman. He lived in our house about four years. I remember when the inquest was going on before the Coroner. McKinnon was living in the same house with us. I recollect conversing with him about James Millner. I said to McKinnon, "If Johnston had gone to his work as Millner did he would be all right." His answer was, that Millner was too cute to tell anything; he was an old hand. McKinnon said he went down to Millner's with Jim, and as he was going up-stairs in Millner's he struck his head against the beam of a door and was stunned, and that he did not remember anything until he came out on the street.

Cross-examined by Attorney General—It was in my brother's house he told me this. He said nothing about a conversation between Millner and himself. There might have been a conversation. I have not seen a piece of paper purporting to be the conversation between Millner and McKinnon. I heard Thompson talking about the paper. I did not hear any one else talking about it that I know. I did not see the paper. We don't take the paper.

Attorney General—You misunderstand me. It is a piece of writing paper with something wrote on it. Have you seen anything of that?

Witness—Oh! no I never did. I have not talked to anybody about the conversation. It was my brother asked me if I remember what McKinnon said about that matter when he came from the Court and told me I was subpoenaed. The conversation between myself and McKinnon took place on the Sunday after Johnston was arrested. I did not read McKinnon's evidence in the papers. I thought my brother told me that Archd. McKinnon contradicted himself.

MATTHEW ALLAN, sworn—Examined by Mr. Palmer—I reside in Charlottetown. My sister lives in the house with me. I know Archibald McKinnon for several years. He was living next to us at the time Kelly was shot. I saw him about the time the inquest was going on. He came to my house on Sunday afternoon. My sister said to him that if Johnston was as cute as Millner there would be nothing about it. The answer was that Millner was too cute to confess anything—that he was an old hand. Referring to being in Millner's, McKinnon said that he was so stunned by striking his head against the door that he did not know what he was doing. There was no occasion for McKinnon at that time to come and tell a deliberate lie. He was a drinking man. He was competent at that time to give a credible statement.

Cross-examined by Attorney General—The conversation between myself and McKinnon took place the Sunday after the murder, in our own house. On Wednesday I went home and asked my sister if she remembered the conversation she had with McKinnon. She said "yes." I then went home on Saturday and told her she had to come up to the court. She then commenced to tell the conversation to me and I stopped her. It was McGregor the policeman that told me that McKinnon was coming up as a witness. We were talking about Pius McKinnon being away. McGregor said there was a McKinnon coming up as good as Pius. He did not tell what McKinnon was going to prove. I said it was a farce. It was something about a confession. I said it was a farce before I knew what it was. I say it is a farce yet.

JOHN WARREN, sworn—Examined by Mr. Hodgson—I am one of the policemen that was sent out with Hand and Hertz on the night of the 14th. Hand did not say anything about the party belonging to town, that I know. He did not state that it was Millner's horse. He said something about Dockendorff's horse. I measured a horse's tracks. Hand was near enough to see what I was doing. The wagon we went to measure at Dockendorff's was in Dockendorff's yard. Hand said it looked like Dockendorff's horse. He said it was a single-seated wagon, with the seat nearer the front than the back.

To Attorney General—Hand said nothing at all about Millner's horse.

WILLIAM HEARTZ (sworn)—Examined by Mr. Palmer—I remember the night Kelly was shot. I went to the country that night with Warren and Hand. We went to the "Seven-Mile House" and from there crossed over Moore's dam, and followed a track to Dockendorff's. The reason we followed that track was that Hand told us the horse was a black one like Dockendorff's. Hand did not tell us it was Millner's horse. We did not hear a word about Millner till we got back about 3 in the morning. The horse we tracked had no shoes. All the information we heard about the wagon was that it was a single seated one.

Cross-examined by Attorney General—If we had heard it was Millner's horse we would go there. Our instruction was to go

after the wagon and hunt up the one out of which Kelly was shot. We were not told to go out to the country or any place else. We went to the country because Hand told us that it was a horse like Dockendorff's was in the wagon. It was a fresh track took us to Dockendorff's. We would go to Dockendorff's whether there was a track from McDonald's or not. We met two persons on the road that night who told us they met nobody, but we went that way because we wanted to go.

ISAAC KNIGHT (sworn)—Examined by Mr. Palmer—I know Pat. Hand. I conversed with him the morning after the murder about half-past eight. He didn't speak to me about the horse at all.

ROBERT GORDON (sworn)—I reside in the Royalty. I remember the night Kelly was killed. I was at the Police Station and I left there at nine o'clock and went up Great street and then turned in Kent street and stood on the street leading up from Black Sam's Bridge at the corner of Hillsborough street, on the right hand side, opposite Thomas DesBrisay's. I think it was about half past nine or twenty minutes to ten. Saw a horse driving as fast as possible. The horse had a kind of a pace. I noticed that the wagon on the driver's side was a good deal the lowest. They drove up to the corner of Weymouth street, and then either turned down or went out St. Peter's Road. I know James Millner. I couldn't say who was in the wagon. It was a bright night. I know Millner's horse. I couldn't say that one was his. I never saw him racking. The horse I saw sometimes racked and sometimes galloped. I think if it was James Millner's I should have recognized him.

Cross-examined by Mr. Peters—I did not take much notice of the horse. I did not take much notice of the wagon. Afterwards described the wagon to the Marshal, and gave him a little sketch of it. I said I had no idea who the persons in the wagon were. I will swear that I do not know which way the wagon went. I didn't think it was Millner's horse. I never thought of Millner at the time.

ROBERT ROND, sworn—Examined by Mr. Palmer. I work with Mr. Houston. I remember the night Kelly was shot. On that night I was out from 8 to 11. I know James Millner. I saw him that evening at Kelly's old corner, Kent and Prince Streets. I was going up Prince Street. I don't know who was with him. He was standing. I am certain it was him. It was between 10 and ten minutes past 10 o'clock. I spoke to Millner. He seemed as usual. I am certain it was him.

To the Attorney General—He said to me as he passed "Hello, Roddy."

MR. JOHNSON, sworn—Examined by Mr. Palmer—The prisoner Louis Johnston is my son. He never had any night clothes here. Previous to this he always bore a good character. I heard of this transaction early the following morning. My son had his regular work to do about the Gas Works, and I sent him to the schooner to attend to the discharging of the cargo. Sergeant Cameron came to my place the night after the shooting and demanded the pistol. As soon as I realized what he wanted I told him I had no pistol. I then went up and found my son at the Station. At first I was quite faint and sick. My son was also very much cast down.

To the Attorney General—I saw my son after breakfast. He did not come home to dinner or tea. I cannot swear that he was in when I went to bed. I never saw him with a pistol here. I had a pistol with me two days after. I found it in my room. My room opened into his. It was a little small thing. I carried it away with the intention of concealing it. I have not got it now. I sent him to the Post Office that night. I am a practical mechanic of long experience. I measured the distance between the wheels in this wagon. I found the wheels very loose. They measured, when close up to the axle, 4 feet 5 inches, and when drawn out they measured 4 feet and one quarter of an inch. When the fore wheels were drawn out they measured 1 inch and five-eighths less than the hind ones. I measured with a rod and tape line.

Cross-examined by the Attorney General—Both of the tires on the hind wheels are a quarter of an inch thick. Neither of the nuts are screwed up, and the nut on the off fore wheel is one-half an inch thick. Even if washed up tight they would wobble.

**Financial and Commercial.**

ST. JOHN, N. B., Jan. 28.  
In New York the selling rates for prime banker's bills are now quoted as follows:—  
60 days ..... \$4.85 1/2—9 1/2 c. premium  
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Our country is getting to be fearfully alarming, the average of life being lessened every year, without any reasonable cause, death resulting generally from the most insignificant origin. At this season of the year, especially, a cold is such a common thing that in the hurry of every day life we are apt to overlook the dangers attending it and often find, too late, that a Fever or Lung trouble has already set in. Thousands lose their lives in this way every winter, while had *Boschee's German Syrup* been taken, a cure would have resulted, and a large bill from a doctor been avoided. For all diseases of the Throat and Lungs, *Boschee's German Syrup* has proven itself to be the greatest discovery of its kind in medicine. Every Druggist in this country will tell you of its wonderful effect. Over 950,000 bottles sold last year without a single failure known.

CUTLER'S POCKET INHALERS cure Catarrh Bronchitis, Asthma, Hoarseness, and all diseases of the throat and lungs. Sold at the Apothecaries' Hall. Jan 24—4f

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Ch'town, Feb. 3, 1879—2aw

**NOTICE.**

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JOHN H. CATHRAE,

Agent for Reinach's, Nephew & Co., Teas, London, England; Wilson, Matheson & Co., Dry Goods, Glasgow.  
Feb. 3, 1879—6i pat 2i

WANTED—A DENTAL STUDENT. A young man, desirous of studying the Dentistry, and suitably qualified, can find an opportunity on applying to DR. STRICKLAND, Feb. 3—2i

**TRADE SALE.**

To close Consignments, we will offer at Auction,

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THE 4TH INST., AT ELEVEN O'CLOCK,

BIBLS. FLOUR, Bbls. K. D. CORNMEAL, Bbls. ONIONS, Bbls. No. 1 Labrador HERRING, Casks KEROSENE, Cases do., Casks VINEGAR, Half Chests TEA, Boxes SOAP, Boxes T. D. PIPES, Boxes CRACKERS, Boxes PEPPER, Boxes BAKING POWDER, Boxes CLOTHES PINS, Dozens BROOMS, Nests TUBS, Boxes PEARL BLUE, Boxes BLACKING, Pens, MOLASSES, Pails, Washboards, Wrapping Paper, Candles, Nails, Store Brushes, Coffee, Washing Soda, Starch, etc.

TERMS AT SALE 3/4

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Ch'town, Feb. 1st, 1879.

**FINAL NOTIC.**

ALL amounts due the Subscriber, not paid by the 15th February, will be sued for without further notice.

SIMON W. CRABBE,

Sign of the Store.

Charlottetown, Jan. 31, 1879 4i

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Dancing will commence at 9 o'clock, and continue until 2 o'clock. A Refreshment Table will be there. Tickets to be had at Dr. Dodd's, also at John Quirk's, Esq.

TICKETS 40 CENTS EACH.

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Oct. 5, 1875—3m law  
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