

THE BURGLARY CASE.

Preliminary Examination.

THE EVIDENCE TAKEN.

The Prisoners Make Statements.

THE CASE ADJOURNED.

William Hill and Francis Fleming, the two men arrested for breaking into the store of Mr. D. McKay, Oyster Bed Bridge, were arraigned before the Stipendiary Magistrate this forenoon.

Donald McKay, the complainant, was the first witness examined. He said that he kept a general store at Oyster Bed Bridge. On the night of the 11th he remained in the store until ten o'clock doing some writing.

After getting through with the writing he closed the shop. The back door was fastened with a side bolt and heavy iron bar; the front door was locked with two keys, it being a double-leafed one.

No person in the house heard any noise during the night. On the following morning he got up about 5.30, and going to the kitchen window looked over towards the shop and saw that the working leaf of the door was some six or eight inches ajar.

While washing he observed that the keys of the shop door were lying on a side-board in the sitting-room. He asked who was in the store, and was told it probably was the clerk.

When he saw that the clerk did not have the keys, he at once suspected something and went out to the shop. There was a box behind the door to keep it in the position it was left in.

As soon as he entered the shop he found a strong smell of powder. He walked to the rear of the shop. He pushed the office door open, and at once saw that the safe had been burglarized.

There was a heavy smell of powder in the room, and the floor was covered with books, papers, etc., and fragments of the doors of the safe which had been literally blown out.

The contents of the safe, with the exception of his regular books, were taken. A cash box which was taken contained a number of valuable papers and some money.

In a metal compartment of the safe, which had been smashed in with a sledge, were upwards of \$6000 negotiable notes of hand, some of them payable to himself, four savings bank books, a number of papers and private letters, and about \$20 in cash.

Right beneath this compartment was a drawer containing some fourteen or fifteen deeds and half as many mortgages, three life insurance policies, all of which were taken. In addition to the \$20 stolen there were also a number of small silver coins—five and ten cent pieces—abstracted.

His pocket book was also searched, but as the contents were only bills payable and therefore not desirable, they were not taken. He did not know that any other articles were stolen, but was suspicious of some of the shirts which had been found on the prisoner.

A handkerchief was found on one of the prisoners which, he thought, was similar to those he had in stock. In the tin hand safe which was carried away was a time table of the Island railway, which he had received from Mr. Unsworth, which was, he believed, the identical one found on one of the prisoners.

There was also a circular from the Milling Co. lost, which was similar to that found on the prisoner. The burglars left behind them two carpenter's chisels, a blacksmith's sledge, and a steel punch. The bar of the back door had been thrown to one side and the bolt drawn.

The burglars evidently intended making their exit through this door if surprised from the front. The iron gratings of the office windows alongside the safe had been muffled with bags to deaden the sound.

One of the men under arrest entered his store on the evening of the burglary and asked the clerk for a fig of tobacco. He heard that the men had been seen about his place and had them arrested.

John Fleming, one of the arrested persons, was next called. He said he first told, when arrested, that Francis Fleming was his father, but did so because he was afraid, and did not know what he was talking about.

As soon as he thought about what he was saying, he changed his mind. He was now sure that Francis Fleming was not his father. He first met Fleming about three weeks and three days ago in Pictou. He had never seen him before that time.

Both came over here looking for work. Fleming said he had a brother up towards Souris. He told witness he had worked at the butchering. When the two got to Mount Stewart Francis Fleming heard that his brother had left the place.

We arrived in town on the 2nd July and remained about a week. We got to Mount Stewart on Wednesday evening, the 11th. We walked there. We left here on Monday, the 9th. We were three days on the road, arriving there about half-past three on Wednesday afternoon.

We returned to town by train the same evening, arriving after dark. On Monday night we slept in a barn close to Royalty Junction; on Tuesday night we stopped at a house opposite, where Mooney died in the morning; on Wednesday night we slept in a long barn six miles from Mount Stewart Junction, and on Thursday night we slept in a barn about 2 1/2 miles from the depot in town. It was on Thursday that we arrived in town from Mount Stewart, and not Wednesday as before stated.

Witness would be 16 years of age on the 21st July. Up to Monday he had never been further west than Royalty Junction. The prisoner Fleming is in relation of witness. Francis Fleming begged enough money in Mount Stewart to pay his way back to town. Witness said he had asked for lard for the prisoner's sore hand on Thursday at Mount Stewart, tell the woman that he wanted it for his father, Francis Fleming having been telling at different places that he was witness's father. This was not true. Witness's father and mother were both dead. He had one sister who was in Halifax the last he heard of her.

He was born in Nova Scotia, back of Bedford. Previous to falling in with Francis Fleming he had worked with a farmer. Neither Francis Fleming nor Hill had ever told him where they belonged to. He slept with Hill two nights. Never saw anything in his possession. Never saw the revolver till it was taken from him when arrested. Hill had an old newspaper in his possession, that was all. Witness said he was never in jail.

Edmund Carr said he remembered the night of the robbery. He was not about the shop on that evening. He was there the evening before (Tuesday). He was on the road in front of the shop between six and seven o'clock. Saw two strangers about there. They walked along together. The two prisoners are the men. One of them (Fleming) had his coat off and carried it across his arm. His waistcoat had a slit in the back, which showed his shirt through.

(Waistcoat shown.) This is the one to the best of my knowledge. It has the same slit, but was apparently caught at the bottom. He had his head down as he walked along, but witness got a glimpse of it and could swear Fleming was the man. The other man had a deformed foot—cut off about the instep. He walked with a quick spring. He came out of McKay's shop, and as he came towards witness, he had a good look at him and could swear positively that Hill was the man. The two men went north from the shop. He did not see the boy with them.

John Moreside said he lived at Milton, six miles from town, and remembered Tuesday, 10th inst. He saw a man and a boy standing at the step of his door about seven o'clock on that morning. They asked if he would give them something to eat. Before answering them he asked where they were going, and the man answered, saying that he was going to Moncton. He next asked him where he came from and he said it would puzzle a Philadelphia lawyer to find that out. He then asked some more questions and they left. Witness identified the previous witness (John Fleming) as the boy, but could not recognize the man. He thought the man who was with the boy was darker than either of the prisoners—part mulatto. He then went over to Rodd's and saw strange men sitting in his kitchen at breakfast. The prisoners were the men. Witness noticed Hill's deformed foot and that Fleming's hand was in a sling. He sat there until they finished breakfast and had a good opportunity of seeing them. He did not speak to them.

Frederick Parkman, who lives at Rustico, remembered the evening of Wednesday, the 11th. On that evening after five o'clock two strange men came to his door and asked for something to eat. He told them to come in and they did so, and had tea. They said they had come from about Summerside. The prisoners are the men. One man had a heavy brown moustache and the other a deformed foot, cut off at the instep. Witness did not notice anything wrong with the man's arm. He knew it was the 11th July because the Orange tea was held on the following day.

Mrs. Parkman corroborated her husband's evidence about the two men having tea at her house between five and six o'clock in the afternoon. They left just after eating, remaining only about 15 or 20 minutes. The prisoners are the men. One had a deformed foot—cut off at the instep. The darker man (Fleming) had his coat off, and his vest appeared to have a slit in the back. (Vest shown.) Witness would not be positive that this was the vest. Did not notice anything wrong with his hand.

Janet Isabel McKay, daughter of the complainant, said she was in the store on Tuesday, the 10th. A man came into the shop in the evening after tea and asked for some tobacco. She got it for him, and he paid for it and left. Saw another man outside. The prisoner Hill is the man who came into the store. He limped a little. Did not notice the other man much. The man gave me a quarter for the tobacco and the change was taken out of the tin box which was on top of the safe in the office. The man could see me get the change from where he was standing.

Simon Brown said he was a magistrate and arrested the three men on the street in front of McGrath's store, Hunter River. After his arrest, Hill asked to be shown to a water-closet. Witness accompanied him, remaining outside. After a while Hill was again taken into the shop.

Peter McGuigan, clerk in McGrath's store, Hunter River, testified to the prisoner Hill going into the water closet, and to his (witness) seeing, from where he stood on the verandah, a large paper drop down into the bottom of the closet through the hole. After the men had been arrested, it struck him that there might be something in the paper which had been dropped. He went to the closet and picked up the paper where he had seen it drop through. He found the three steel drills and the fuse shown in court. The drills were wrapped in paper, the fuse was lying alongside.

Francis Murphy, who resides at New Glasgow, saw two men pass his forge on Wednesday, the 11th. It was about midday. One of the men had one foot partly off. He believed the prisoners were the men. He is a blacksmith by trade. There is only one hole drilled in the safe. It is above but a little to one side of the combination. It is drilled right through. The hole could have been made by one of the drills shown, or by one the same size. The drills are a good kind, and would readily make the hole in the safe.

Joseph Gallant said he was a blacksmith and had examined the drills, and was of opinion that the drills shown, or those of the same size, could have made the hole in the safe. They correspond exactly with the hole.

Peter Bradley (policeman) said he arrested the prisoners at McGrath's shop, Hunter River, on Tuesday last. On Hill he found a small horn, probably used for a powder horn. In the seat pocket of his pants he found a revolver, and in his vest pocket a bag containing cartridges. He also found a knife, small brush, and some

money. On Fleming he found a purse with some money in it, a small brush, a knife and some other small articles. The three drills and fuse were given witness by Mr. McGuigan.

This was all the evidence the prosecution deemed it necessary to call, and His Honor asked what the prisoners had to say in their defence.

Fleming said that the day previous to the robbery he went out towards Mount Stewart and stopped with a man on the St. Peter's Road, opposite to where a man died. He and the boy had tea with an old lady and a boy in a house of posite where they stayed. Next morning they walked down as far as the railway track, and laid there in one of the box depots for about three hours. He then came up the road with the boy to a house when they had dinner and where there were several other men. This would be between 12 and 1 o'clock. Then they came along that road till they reached a spring near the railway. He had the fever on him then and laid there drinking water for some time. While he was there a deformed Indian saw him and the boy there. He spoke to him and asked him if he had been to town. He told the Indian that he was going there. Then they came to another spring, where they drank more water. They next came to a house on the hill where they had tea. One of the ladies there gave him some lard for his hand. He came along then about half a mile till he arrived at an old barn and house which might have been a tavern. He slept in the hay mound there all night. Next morning (Thursday) it was raining. Went down to the house where they got dinner. This was about 1 o'clock. They then went down to Mount Stewart where the boy got him some lard. Went around the town asking for assistance that afternoon, and everybody saw them there.

He asked about his brother and was told by a man who said he knew most everybody, that he was not there. He then bought a ticket to town, the conductor bringing the boy through free. This was on Thursday evening—a week ago yesterday. Stopped in town Thursday night. Next day he went around town collecting what he could. His hand was bandaged and he was sick. He bought a new soft hat in town on Saturday. He was innocent of the robbery altogether. He was mistaken for some person else. It was Tuesday night that he stopped at a gentleman's house on St. Peter's Road, across from where the man Mooney died. The man with whom they stopped might be named Fitzpatrick, as he said jokingly that the boy looked more like a Fitzpatrick than a Fleming. The man, his wife, boy, little girl and himself were all in the house at the time. He did not know the names of any of the persons he had met, but would like to be allowed to seek them out in company with an officer. The conductor of the train who brought them to town was a stout man and wore a white hat when he left the train.

Hill said that he went over to Rustico with a Spaniard, not Fleming. The Spaniard was a fisherman. He left the Spaniard in Rustico, and came back and met Fleming in town. He (F.) said he was going to Summerside. Hill started with him, and the two were on their way when they happened to be arrested.

The case was again opened up to admit further evidence as to the identity of the men.

Bonaventure Gallant said he lived at Oyster Bed Bridge, a short distance from McKay's shop. On the evening of the robbery he was dressing fish about sixteen yards from the main road. To the westward of him he saw a stranger standing on the road. He was about twenty yards away. (The prisoner Fleming then put on vest, and placing his coat across his arm, was inspected by witness, the other prisoner standing a little behind him.) He identified Hill as one of the men, but could not swear to Fleming. The man with Hill had a darker face.

Benj. Gamester lives near Hunter River. Between nine and ten o'clock on the 11th he met two men on the way to New Bridge. He thought they were fishermen. He asked them if they lived about there. One of them—Fleming, who looks a little cleaner now than then—said he belonged to Summerside. Hill was with him, walking behind. Noticed his foot; it was deformed. Heard on Friday of McKay's robbery. On Tuesday morning, while coming to town saw the prisoners going in the direction of Hunter River, and identified them then as the men he saw on the previous Wednesday. He saw McKay and told him about seeing the men for whom he was looking. The man he took to be Fleming wore a soft black felt hat.

His Honor said he had no doubt about Hill's identity; but there was some little doubt about the identity of Fleming. He would therefore adjourn till Tuesday next for the evidence of Conductor McKie, Mr. Fitzpatrick, and such other witnesses as were obtainable.

The prisoners were then remanded back to jail, the boy John Fleming being detained as a material witness.

Grand United Sabbath School PICNIC General Excursion.

AT MIDDGELL, Thursday, 2nd August.

The grounds selected are pleasantly situated on the picturesque shores of St. Peter's Bay, about 20 miles from town.

A City Brass Band will be in attendance, and ample amusements provided for young and old. Tea and Refreshments will be supplied for visitors at reasonable rates.

Two Special Trains will leave Charlottetown as follows: First Train, with Sabbath Schools, at 9 a. m. Second Train, with visitors, at 9.30 a. m. Returning to leave Middgell at 5 and 6 p. m. Fare for the round trip, only 60 cents. Tickets for sale at Hazard's Bookstore.

Remember that it is proposed to make this the great sale day of the season, and energetic committees will see that arrangements are carried out to secure the comfort and enjoyment of all. Visitors intending to join the Excursion should secure tickets early, as only a limited number will be issued.

BEER BROS., QUEEN STREET, CH'TOWN.

SALE EXTRAORDINARY

Dry Goods, Millinery, HOUSE FURNISHINGS.

WE are about making extensive alterations in our premises—building a new Brick Front, remodelling the interior, &c., which will necessitate our closing for some time, and as it is necessary to dispose of the balance of our large stock of Summer Goods, we have decided to make, FOR THREE WEEKS ONLY,

SWEEPING REDUCTIONS

- DRESS GOODS, TRIMMINGS, SILKS AND SATINS, VELVETEENS, GLOVES, PRINT COTTONS, GINGHAMS, CRETONNES, TABLES, HATS AND BONNETS, FLOWERS, FEATHERS, LACES, RIBBONS, WAISTES, SHAWLS, CORSETS, FANCY GOODS, CARPETS, OIL CLOTHS, MATTINGS, ROOM PAPER, HEARTH RUGS, COUNTERPANES, ROOM PAPER, SWEETINGS, TICKINGS.

The extraordinary prices we are offering must effect a speedy clearance. Freight paid on large parcels to any part of the Island. TERMS CASH. No goods sent for approval.

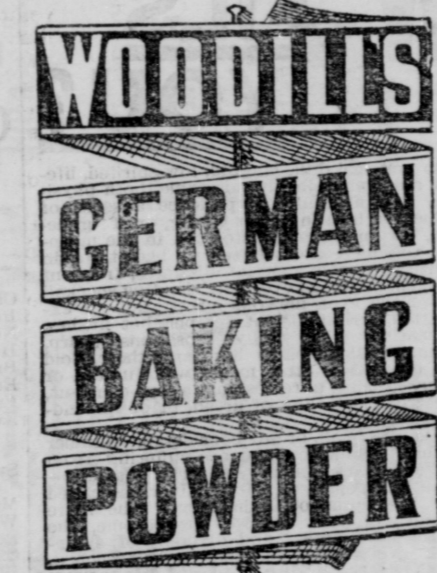
BEER BROS. SWEEPING REDUCTIONS.

Charlottetown, July 16, 1888.

CIGARS, WHOLESALE.

10,000 HAVANA CIGARS—J. Rattray & Co. 5,000 DOMESTIC CIGARS—Smith, Fiske & Co. 50 DOMESTIC CIGARS—Savage & McCanna N. B.—We have made a study of the Cigar Trade for the past five years, and will not be undersold by any house in the trade. D. O'M. REDDIN, JR., ju26-1m Cameron Block.

You Will Find



Equal in Quality to and Lower in Price than any other. jy16

Dominion of Canada, PROVINCE OF Prince Edward Island, CITY OF CHARLOTTETOWN.

In the City Court, before Rowan Robert Fitzgerald, Esq., the Stipendiary Magistrate for the City of Charlottetown.

TAKE NOTICE that His Honor the Stipendiary Magistrate for the said City of Charlottetown has, by virtue of the power and authority in him vested by the statute of the General Assembly of the said Island, intitled "An Act in further amendment of an Act to incorporate the City of Charlottetown," and of the statute 43 Victoria, chapter 15, in amendment thereof, ordered and appointed that MONDAY, the 23rd day of July, A. D. 1888, be the day set down for hearing all appeals made to him from the last preceding valuations, assessments or rates imposed or authorized by the City Council of the said City, and that on such day, and daily thereafter until all such appeals have been heard, at the hour of Eleven o'clock, forenoon, in the said City Court, in Charlottetown aforesaid, all such appeals will be heard and finally determined by him. Dated this 9th day of July, A. D. 1888. By order, F. S. CHANDLER, Collector for the said City. jy12-1u thu fri

WANTS, LOST, FOUND &c.

- WANTED.—A Girl for general housework. Apply to Mrs. FRANCIS MCCARRON, Richmond Street. jy20
- WANTED.—A good intelligent Boy to learn the art of Photography. Apply to THOMAS COOK, LePage's Corner. pg 3i-jy20
- WANTED.—A good man to attend horse and cow and very small farm. Apply at this office. 4-jy20
- LOST.—This forenoon (19th inst.), between the Post Office and the head of Pownall Wharf, down Queen and Water Streets, a Bunch of Keys. Finder will be rewarded by leaving them at this office. 3i-jy19
- WANTED TO RENT.—A Single Room in a private house. First floor preferred. Address "Mrs. M. H.," EXAMINER'S OFFICE. jy18-3i pd
- WANTED.—Three honest, pushing Men in your vicinity; special inducements now; fast-selling specialties. Don't delay. Salary from start.—BROWN BROTHERS, Nurserymen, Rochester, N. Y. 2m (tues & fri)—jy5

NOBODY HURT

But the Manufacturers.

\$7,000 WORTH OF READY-MADE CLOTHING,

FOR MEN AND BOYS, Bought at a Great Sacrifice, and will be cleared out at Slaughter Prices.

A LOT OF BANKRUPT CLOTHING.

- SAMPLE PRICES: 550 Suits selling for - - - \$3.75 800 Suits " " " " " 4.60 750 Suits " " " " " 5.50

Come straight along for the Best Bargains to

J. B. MACDONALD'S.

Ch'town, June 14, 1888—dy & wky

WALK RIGHT IN,

LADIES AND GENTLEMEN,

JOHN NEWSON'S FURNITURE ESTABLISHMENT,

AND GET BARGAINS.

Largest, Oldest and Best Place in the City.

NEVER IN A DILEMMA!

Can supply you all, and give you the best value. Sales daily increasing. No slop work. Furniture as represented. He does not advertise much, but gives his customers the benefit of this saving.

Don't forget the OPPOSITE POST OFFICE. JOHN NEWSON.

Charlottetown, July 7, 1888.