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THE DAILY EXAMINER.

FEBRUARY 1, 1879.

SUPREME COURT.

The Murder Case.

JAN. 31, 1879.

PETER BRADLEY'S EVIDENCE CONTINUED.
 I don't know a boy named Lynch. Did not know that such a boy was examined before Dr. Jenkin's. Know Pius McKinnon. He came up to the station after the prisoner Johnston. I went to search for McKinnon to Dundas and to St. Peter's. Did not find him.

Cross-examined by Mr. Palmer—To the best of my knowledge, it was at the time Shea said "it was a foolish thing to be firing pistols through the streets," that the question came up about keeping company with a fellow like Millner. I think that the father of the prisoner Johnston came to the Court room during the night. I don't think he was there during the whole conversation which I have related. Don't think I was in the Court room while Mr. Johnston was there. Cannot swear that he heard any of the conversation. Think it all happened before he came. When I went to my lunch and came back, think it was then Mr. Johnston was in the Court room. Think I saw Mr. McLeod, the Attorney there. That was after Mr. Johnston left. He was there before daylight. Don't mind telling Mr. McLeod anything. Might have said to Mr. McLeod that the prisoner did not make any confession. Officer Cameron came through the night and took my place. Think he remained till he took Johnston home in the morning to change his clothes. To the best of my knowledge, I did not speak to the prisoner, in the presence of his father, as to the amount of imprisonment being lighter on him if he would confess. It might have passed; but to the best of my knowledge it did not. I was not mixed up in the death of Kilboy. Might have been at the Gas House when he hung himself in the station. When he was cut down I was putting a prisoner in the other cell, about four feet from the cell in which he hung himself.

Re-direct examination—Shea and I were put in charge of Johnston about 12 o'clock.
DR. HOBKIRK (sworn)—Examined by Mr. Peters—I remember the night Kelly was shot. I was sitting on my own veranda. I heard three shots. The shots were fired rather slowly. I paid no attention to them. Shortly afterwards they came over and told me the boy was shot. I went over and found him lying very sick in his mother's house. I got off his clothes and found a small wound in his right side. I gave him some stimulants, but he could not swallow. He died about a quarter of an hour after. I made an examination, and found a bullet had penetrated his right side, passed down and lodged in the spine. It was from the effects of that bullet that the boy came to his death. I took out the bullet, and gave it to the Coroner. (The bullet was produced by the Clerk of the Magistrate's Court, and the Dr. identified it.) I have no doubt that it was by the bullet he came to his death. He was perfectly healthy. The shots were fired about twenty minutes to ten o'clock.

DR. McLEOD sworn—Examined by the Attorney General—I was present at the post mortem examination with Dr. Hobkirk. We found a bullet wound in the right side. Opening the side we found a great deal of blood in the right lung. We discovered the track of the bullet. It passed through the diaphragm, thence through the liver and lodged in the spine. The boy was perfectly healthy. Have no doubt that he died from the wound caused by the bullet. (Identified the bullet.)

THOMAS FLYNN sworn—Examined by the Attorney General—I am City Marshal between nine and ten years. I remember the night Kelly was killed. I got to the scene of the murder about ten o'clock. Kelly was about breathing his last. He lived in a house behind Billy Byers'. Immediately after seeing the boy was dead I went to gather information about the matter. I acted on information I got from Patrick Hand in the West Bog. In consequence of that information I sent Officers McGonnell and Keating to Miller's house. At the time of the murder I made several inquiries and afterwards measured the track of the wagon. The tracks I measured were towards the belfry, and at Ryan's corner. Where I measured, it came on to Ryan's house. It was nearly up to the platform running along the west side of the street. There was only one track with a turn in it. It was after ten o'clock the same night Kelly was shot that I measured the track. I did so with the light of a candle. The track was in soft sand, and from the outside of the tyre of each wheel it was four feet ten. I did not measure the tracks of the horse's hoofs. The width of the tyre was one inch I got the wagon from Mr. Stumbles afterwards (identified the wagon in Court). The wagon in Court is the one. It has been under the charge of the police. I measured an impression of the wheels of that

wagon, made in hard clay, with two men in the wagon, and found the width to be 4 ft. 9 1/2 in. I arrested Miller first. I know him for a number of years. It was from information I received that I did so. It was 9 o'clock the morning after the murder I arrested him. He was working in his father's yard. I said, "I want you, James," and he said "All right, Marshal." I sent him to the Station in charge of Keating. I arrested Johnston in the hold of the schooner *Maria Kate* (think that's her name) about 12 o'clock at night. We searched the sch. between 11 and 12 o'clock in the day, but the hold was full and we could not search very well. We also searched the Boston boat. We again searched the schooner about 11 o'clock at night. Officer Shea and McKinnon (the steward of the vessel) were with me. We got him in the hold of the vessel about 11 o'clock. He was standing in the back part of the hold. I think he was in a little run behind the cabin. It was Johnston, the prisoner in the dock, I arrested. When I returned to the hatch with him. I said, "Look out Shea; take up this prisoner." "Oh," he said, "you need not be frightened. I suppose I will have to suffer for what I have done." I came right up after him and searched him on the wharf for his revolver. I asked him where was his revolver, and he either said "My father has got it," or "I gave it to my father." When we were on our way to the Station he turned around and said to McKinnon, "You made a big thing out of this, selling my life." The steward then said, "I would not sail with a murderer." I then said, "You must keep back; he is my prisoner, and I will not allow you to talk to him." I took him to the Station and gave him in custody of officers Bradley and Shea to take him to the Police Court. Whilst on the road to the Station he said he had three or four notions to give himself up while in the hold of the vessel. In going from the Police Station to the Courtroom I asked Johnston what time he parted with Miller that night.

Mr. Palmer objected to this and it was noted by the Court.
 Resumed—He said, "Had I better answer that question?" He did not answer the question, and I then told him not to answer any questions put by the officer or any one else. I then left him and went to Mr. Johnston's boarding house. That was about one hour after the arrest. When he came out he asked me if he could see his son. I told him he could, and also told him where his son was. From information I received, I sent Patrick Hand with two of the officers out the road to see after a wagon which I heard had gone out pretty fast after the boy was shot. He went, and Officers Warren and Heartz went with him. I did not get the revolver afterwards. I asked Mr. Johnston for the revolver. I told him his son had told me he had one, and he said he had none.

Cross-examined by Mr. Palmer—I swear positively Hand told me it was Miller's horse. He did not say what Miller, but I took it to be old Mr. Miller's horse. He gave me that information before I sent him to the country with the officers. Don't think an hour elapsed from the time I got the information in the bog till I sent the Officers to Millners. I am not prepared to swear that the officers went directly to Miller's. I did not go with them. Don't know what hour they arrived at Miller's. I don't know what time Hand started for the country. I cannot tell whether Hand had gone to the country before the Officers went to Millners, but I started him to go for his horse, and after I did I sent the officers to Miller's. It was when I came from the Bog the second time that I sent the officers to Miller's. It was the second time that I was in the Bog that I got the information from Hand. I cannot say whether I saw Hand in the Bog the first time or not. When I arrested Miller he did not appear much appalled. He did not attempt to screen himself in any way. It was pretty windy the night Kelly was shot. It was with a candle light that I measured the track. I measured it with one side of a two foot rule. I had no rod. (Showed the manner in which he measured the track.) It was four feet ten. I noted it at the time on a piece of paper. I measured what was supposed to be the hind wheels. The hind wheels tallied with the fore, as near as I could get them. I think I measured Miller's horse's feet. I don't know that I said in the gangway, "That's not the horse, anyway." I might have. It was for simple curiosity I measured the horse's hoof. While I was handing the prisoner Johnston out of the hole there might have been some expressions between the officer and the prisoner that I did not hear.

To Mr. Hodgson—There was a small boy named Allen came to the schooner. I sent him into the run aft, as I could not get in myself. It is a disqualification for a policeman to get drunk.
 (Here the counsel began an examination regarding the character of the police. The examination was objected to by the Attorney General, and the questions were put formally and answered as follows:—
 Question—Do you know Officer Shea?
 Answer—I know him for six or seven years. I recollect him once being up on a charge of beating his wife, but I cannot tell what became of the case. I cannot say whether he was imprisoned for the offense. I heard nothing about the nature of the punishment Johnston was to receive. I heard the prisoner making no statement in the Station. There was no conversation in the Court regarding any statement the prisoner made. I heard no conversation between the prisoner and his father. I went out to Mr. Fitzgerald's after telling Mr. Johnston of his son's arrest. I first informed Johnston that I arrested him for the murder of Kelly in the hold of the vessel. I did not tell Miller what I arrested him for.

Feb. 1.
ARTHUR LD MCKINNON (sworn)—Examined by the Attorney-General.—I am on the police force about twelve months. I remember the night Kelly was shot. I

know the prisoners at the bar. Millner was in my custody on the morning of the 16th in the Police Station. He asked me to take him down to his father's till he got his breakfast. I took him down and went into the house with him. There were a few wards passed between us and he then went up stairs to change his coat. He said he would be all right.

Cross-examined by Mr. Palmer—I said nothing. I did the listening part. I might have said "yes" and I might not.
 Re-direct examination continued.—He said he would be all right if Cusack would hold his tongue. He said he spoke to no one but Cusack, and that he did not speak to the women. Next was, he said "I will be all right but I am sorry for Johnston."

Mr. Hodgson objects to the witness mentioning the name of Johnston in connection with Miller's confessions. The Court noted the objection.

Resumed—I was not examined before Dr. Jenkins or Mr. Fitzgerald.

Cross-examined by Mr. Palmer—I did not tell this confession at the time. I partly forgot about it. Did not think it was evidence at the time. Did not think anything about it at the time of the examination before the Court. I swear I did not manufacture this afterwards. I wrote the whole confession down the very same day—that was I think the very same day as the examination before the Stipendiary. It was in the evening I wrote it down. I sometimes write these things down in books (exhibits a book to Mr. Palmer, who examines it.) Witness says: that is not the book in which I wrote the confession. I wrote the confession on a piece of paper. But I lost it. When I wrote the confession I put it in an old cash box at home.

Question—Has the memorandum in that book of yours anything to do with the clothes you got from McKinnon.
 Answer—Let me see the book and I will tell you.

Question—Was your brother ever in jail for robbery?
 Witness—That has nothing to do with this case.

The Attorney General and Mr. Peters objected to this question.
 The objection was noted.

Answer—I can't say my brother was in jail. I never saw him there. I cannot say how he got out of jail. I did not see him get out. I believe he did get out.
 Question—Where did he get the clothes with which he was helped away?
 Answer—He might have got them from you, but he didn't. I gave him a suit of clothes after he got out—a few days. I could not say how he got out—whether lawfully or unlawfully. I heard he got out by jumping over the fence. I gave him the clothes after I heard he jumped the fence.

Question—Was he not warmly dressed?
 Answer—They were not very decent. They were like Joseph's coat—of many colors. I did not give him a policeman's suit to disguise him. I brought some of the clothes I gave him from New York; got some from Mr. Lourie and at D. H. McKinnon's. He was at North River when I gave him the clothes. He was not in a woods; he was in Mr. McDonald's house. There was an uncle of mine present. I was not a policeman at that time. I did not make this known to Mr. Fitzgerald when I applied for the situation of policeman. My brother was in jail for breaking into a shop. He was sentenced for five years. I am not in the habit of throwing dust in the policeman's eyes to prevent them from doing their duty. I never took a stick from Cameron or struck him. I was perfectly sane when I was at Miller's. In going up stairs in Miller's I hit my head against the side of a door. It was not the effect of grog. It did not hurt me much. It did not stun me. I know Matthew Allin and Mary Jane Ware, his sister-in-law; but have not, that I remember, conversed with them on this subject. If I told them anything it was the truth. Miller said, "I'll be all right if Cusack says nothing." Right at that time his brother Sam came up stairs, and he said I'll tell you more than I'll tell the police. I said I don't want to hear anything of it. He also said something about Keating being entirely astray about his having a revolver when the window was opened. I don't remember that he said more. He said nothing that I mind of about shooting Kelly. He did not deny shooting Kelly before me. I never said to Matthew Allan or his sister that if Johnston had been as cute as Miller, he'd have got clear, for Miller never confessed. Don't mind that I made use of those words. I never have been into bad scrapes with Matthew Allan. He is rather a nice fellow. He never interfered to keep me from murdering or violently assaulting my wife. I never was a drunkard. I might have been the worse of liquor once. I was in McMahon's barber shop with Miller. Had him in charge then. I think it was after the conversation with Miller upstairs. There was nothing said, I know of, about the murder. There was nothing said to attract my attention. There was nothing, that I heard, said about a barber or butcher's knife.

Afternoon Sitting.
Mrs. Curren (sworn)—Examined by the Attorney-General—My son's name is Matthew Curren. He was working last summer at Millners and at the gas-house.
 To Mr. Hodgson—I say this just from what I was told.
 Mr. Hodgson objected to the admission of the evidence.
 The Attorney General urged that it should be admitted, but did not consider the point important.
 Question not admitted.
 I don't know where Mat is now. He went away between Christmas and New Years—the Monday or Tuesday before New Years.

Attorney General—Where is he now?
 To Mr. Hodgson—My knowledge is only from hearsay.
Mr. Hodgson objected to the question.
The Attorney General—Where did Mat tell you he was going when he left?
Court ruled the question out.

Attorney General proposed to call witnesses to prove that unavailing efforts have been made during the past four weeks to procure the evidence of Pius McKinnon, a witness in the case.

The Court ruled the evidence out.
 The Attorney General said he received information last night that Daniel Gordon had important testimony to give in the case, and asked for an adjournment until four o'clock.

The Judge—I can't wait.
 The Attorney General—Then the case for the prosecution is closed.
 Counsel for the defence asked to be allowed five minutes to consult.
 The request was granted.

GRAND Fancy Dress Carnival

THE Directors of the Citizens' Skating Rink have pleasure in announcing their **Annual Skating Carnival**

TO TAKE PLACE AT THE RINK, ON **Thursday Evening, Feb. 13th,** AT EIGHT O'CLOCK.

REGULATIONS:
 All persons intending to take part must enter their names with the Secretary, not later than Saturday, the 8th inst., after which no application will be entertained.
 Each person, in costume, must be provided with a legible card bearing name and "character," such card to be handed to the person in waiting, upon entering the Dress Room.
 The Committee reserve the right to reject any objectionable character.
 Admission—Ticket holders, in Costume, FREE; Non-Ticket holders, in Costume, 50 cts.; Spectators to Promenade, 50 cents. Tickets to be had at Apothecaries Hall.
 By order,
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 Feb. 1, 1879—s w s u w t w t pat 3in

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 SIMON W. CRABBE,
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 Charlottetown, Jan. 31, 1879-4t

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THE Volunteer Brass and City String Band will give a **BONNET HOP,** On Thursday Evening Next, IN THE ATHENEUM.
 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.
 Jan. 31, 1879.

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 Charlottetown, Dec. 30, 1878—