THE EXAMINER.

VOL. 4. CHARLOTTETOWN, PRINCE EDWARD ISLAND, WEDNESDAY, FEBRUARY 5, 1879. NO. 510.

THE DAILY EXAMINER

Is Published every Evening.

OFFICE:

INGS' BUILDING, CORNER OF WATER AND GREAT GEORGE STREETS, Charlottetown, P. E. I.

RATES OF SUBSCRIPTION:

Six Months,	$2 50
Three Months,	1 25
One Month,	0 50
One Week,	0 12

☞ Advertising at most moderate rates.

Contracts may be made for monthly, quarterly, or half-yearly advertisements, on application.

W. L. COTTON, Manager. | J. W. MITCHELL, Office Sup't.

PRINCE EDWARD ISLAND RAILWAY.

TIME TABLE NO. II.

Winter Arrangement.

ON AND AFTER

MONDAY, DECEMBER 30th, 1878.

Trains Going West.

STATIONS.	No. 1. Express.	No. 3 Mixed.
Georgetown	Dp 8.10 am	
Cardigan	" 8.35 "	
M.Stew't Jun	ar 9.55 "	
	dp10.05 "	
Royalty Jun.	"11.20 "	
Ch'town	"11.40 "	
	dp 8.00 am	Dp 3.30 pm
Royalty Jun.	" 8.20 "	" 3.50 "
N. Wiltshire	" 9.12 "	" 4.45 "
Hunter River	" 9.30 "	" 5.03 "
Breadalbane	"10.08 "	" 5.41 "
County Line	"10.18 "	" 5.51 "
Kensington	"11.00 "	" 6.30 "
Summerside	ar 11.30 "	ar 7.00 "
	dp 2.40 pm	
Wellington	" 3.32 "	
Port Hill	" 4.16 "	
O'Leary	" 5.33 "	
Alberton	ar 6.35 "	
	dp 6.40 "	
Tignish	ar 7.25 "	

Trains Going East.

STATIONS.	No. 2 Express.	No. 4 Mixed.
Tignish	Dp 7.00 am	
Alberton	" 7.45 "	
O'Leary	" 8.47 "	
Port Hill	"10.05 "	
Wellington	"10.48 "	
Summerside	ar 11.40 "	
	dp 2.30 pm	Dp 8.45 am
Kensington	" 3.00 "	" 9.15 "
County Line	" 3.40 "	" 9.57 "
Breadalbane	" 3.50 "	"10.08 "
Hunter River	" 4.28 "	"10.47 "
N. Wiltshire	" 4.45 "	"11.02 "
Royalty Jun.	" 5.40 "	"11.55 "
Ch town	ar 6.00 "	ar 12.15 pm
	dp 2.55 "	
Royalty Jun.	" 3.15 "	
Mt. Stewart	ar 4.30 "	
	dp 4.40 "	
Cardigan	" 6.00 "	
Georgetown	ar 6.25 "	

SOURIS BRANCH.

Going West. **Going East.**

STATIONS.	No.5 Mixed.	STATIONS.	No.6 Mixed.
	A. M.		P. M
Souris	Dp 7.00	MtS tw't Jnc	Dp 4.40
Harmony	" 7.23	Morell	" 5.22
St. Peters	" 8.42	St. Peters	" 5.54
Morell	" 9.13	Harmony	" 7.12
Mt S'tw't Jnc	ar 9.55	Souris	ar 7.35

C. J. BRYDGES, *Gen. Sup. Gov. Railways*

WM. McKECHNIE, *Supt. P. E. I. R.*

Ch'town, Dec. 27, 1878.

p ne ar h pres kca sp sj ap 6i

COMMERCIAL

Union Assurance Company,

OF LONDON, ENGLAND.

CAPITAL - - $12,500,000.

INSURANCE effected against Fire on all descriptions of Property throughout the Island.

☞ Low rates and PROMPT settlement of losses.

HORACE HASZARD,
Agent for P. E. Island.

Ch'town, Dec, 20, 1878—

Administrator's Notice.

THE undersigned, Administrator of the Estate of ROBERT ORR, late of Charlottetown, deceased, intestate, hereby notifies all persons indebted to the said Estate to make immediate payment to him; and all persons having claims or demands against the said Estate are hereby required to exhibit such claims and demands, duly attested, to him for payment within twelve months.

JOHN McPHEE,
Administrator.

Ch'town, Jan. 8th, 1879—2w 2aw

H. W. Vinnicombe,

Resident Piano Tuner & Regulator,

HAS adopted the Dollar system of Tuning—six visits a year, at one dollar per visit. This system is much more economical and satisfactory than any other, as the cost is less, and the instrument is kept constantly in tune and repair.

A visit will be made to all parts of the Island once a year, or oftner if desired. Pianos tuned by Hamilton's system of even temperament.

☞ Orders may be left at Mr. Fletcher's Music Store, or at Bremner Bros., Queen Street.

Jan. 6, 1879—

FRANK COX, M.D. C.M.,

Physician, Surgeon & Accoucheur.

OFFICE . . APOTHECARIES' HALL.

Residence: Capt. Mutch's, Water Street, next door to St. Lawrence Hotel.

N. B.—Particular attention paid to diseases of the chest and stomach.

Ch'town, Nov. 16, 1878—3m

QUEEN INSURANCE CO'Y.

OF ENGLAND.

CAPITAL, . . TWO MILLIONS STERLING.

INSURANCE effected on all kinds of Buildings, Merchandise and Produce. Also, on Vessels on the stocks.

Special rates for isolated residences.

Losses settled promptly.

GEORGE MACLEOD (Union Bank), Agent for Prince Edward Island

June, 1877—

WAGSTAFF'S HOTEL.

THE Subscriber having fitted up the Hotel formerly known as

THE RANKIN HOUSE,

in first class style, is now prepared to give comfortable accommodation to

Permanent and Transient Boarders.

Tourists and others will receive every attention at the Wagstaff's Hotel.

WM. WAGSTAFF.

May 25, 1878

DR. CREAMER,

PHYSICIAN AND SURGEON,

Kent Street, Charlottetown,

(Three doors from Dr. Johnson's).

☞ *ENTRANCE BY SIDE DOOR.* ☜

Oct. 15—3m

E. G. HUNTER,

Italian and American Marble,

Monuments, Tablets, Headstones,

CENTRE TABLE TOPS, BUREAU AND COMMODE TOPS, WASH BOWL SLABS, &C., &C.

Prices to suit, and satisfaction guaranteed.

☞ *Designs furnished on application.* ☜

Corner Hillsborough and Kent Streets, Charlottetown.

November 6, 1878.

JAMES HOBBS,

CABINET-MAKER,

UPHOLSTERER, ETC.,

HAS REMOVED from McPhail's Corner to the premises just vacated by Mr. JOHN STUMBLES, Prince Street, where, with increased facilities, he is prepared to attend to the wants of his customers with punctuality and despatch, and on reasonable terms.

CARPETS cut and laid.

PAINTING and Repairing neatly done.

PICTURE FRAMES and Mouldings constantly on hand, or made up to order.

All kinds of Household Furniture made to order, cheap and good.

New Pattern School Desks made at short notice. A first-class article.

☞ Don't forget the place: **PRINCE STREET** (near the new Baptist Church in course of erection).

Charlottetown, Oct. 26, 1878—

RANKIN HOUSE,

CHARLOTTETOWN, P. E. I.

J. J. DAVIES - - - Proprietor

(Formerly of St. Lawrence Hotel, Pictou).

THIS well-known Hotel is now open under the present management; and, having been newly furnished throughout, it offers every comfort to the travelling public. Suitable Sample Rooms for commercial gentlemen.

Oct. 15, 1878—3m.

BROADWAY HOUSE,

BY MACKENZIE.

THE former "City Hotel," now the **Broadway House**, Great George Street, opposite the Catholic Cathedral, is now open for Permanent and Transient Boarders.

The rooms have been thoroughly renovated and newly furnished.

The tables will be supplied with the best the market affords, and fares reasonable.

A Suite of Rooms convenient for a small family, together with board &c., can be had in the **Broadway House.**

Nov. 23, 1878—tf

Examiner Office!

1879.

JOB PRINTING

PROMPTLY DONE IN

GOOD STYLE

AND AT

LOW PRICES!

THE DAILY EXAMINER

Local News,
Foreign News,
Political News,
Social News,
Commercial News.
Shipping News,

laid before Subscribers, Purchasers, and Borrowers,

EVERY EVENING,

PRICE 2 CENTS.

SUBSCRIPTION RATES:

Quarterly $1.25
Half-Yearly..... 2.50

THE DAILY

HAS A

Largely Increased Circulation,

AND IS AN EXCELLENT

ADVERTISING MEDIUM

THE

WEEKLY EXAMINER

Made up from THE DAILY—a Compendium of all the News of the Week.

Subscription price only

One Dollar a Year!

IN ADVANCE.

Sent to any address in

Great Britain or North America.

Persons having relatives or friends abroad cannot do better than send them THE WEEKLY EXAMINER.

☞ *A few Advertisements only, received.* ☜

J. W. MITCHELL, Office Sup't. | **W. L. COTTON,** Manager.

SUPREME COURT.

The Murder Case—The Defence.

Mr. Palmer's Speech (Condensed.)

FEB. 4, 1879.

At 11 o'clock to-day the Courtroom was thronged with spectators. The gallery was overcrowded with ladies, and the interest manifested in the trial appeared to be intense. Shortly after 11 o'clock, Mr. Palmer commenced his address:—

MAY IT PLEASE YOUR LORDSHIP; GENTLEMEN OF THE JURY—Your duties are now drawing to a close, and they will culminate when you return from your room with a verdict for the life or death of these young men. The case at present would appear to me as a dream were it not that the dead man had been picked up, and the *corpus delicti* is there, shot by a pistol ball. You have to say on your solemn oath whether it was from these young men came the fatal shot. That gentlemen is your duty. I think I hear my learned friend rehearse the depositions taken on behalf of the Crown. Oh! Gentlemen, that I could have ten minutes to rebut those arguments of his. You see the unfortunate position in which I am placed. I must anticipate every argument which he brings forth, and during my anticipations knock every inch of the ground from under his feet. I will first confine your attention to the alleged confessions. Taking the evidence of those young women who came here and stated that they saw the prisoner Johnston on the night of the murder, and coupling it with the evidence of those who allege that they heard the confession, I have no hesitation in stating that if there was a confession at all, it was a downright falsehood. If a confession was wrung from a prisoner by an ignorant constable or policeman who offered inducements, it should not be taken in evidence against the prisoner. In cases where a person is arrested on suspicion, a caution must be read, as follows:—"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so; but whatever you do say will be taken down in writing, and may be given in evidence against you upon your trial," etc. It may be said that this caution is not given by a constable; but it is given by the High Magistrate, and, if given by one, why not the other? Here a man is hunted down by the officers of the law for a bloody crime. He is arrested at the dead hour of night. His passions are inflamed, and a word from the officer may exact what would appear to be a confession. For this reason the Legislature has been particulariy careful in laying down this provision and, I say, making it applicable to the constable as well as to the High Magistrate. The confessions or admissions in this case cannot be allowed. Russel says: "A confession can never be received in evidence where the prisoner has been influenced by *any* threat or promise, for the law cannot measure the force of the influence used or decide upon the effect on the mind of the prisoner, and therefore excludes the declaration if any degree of influence has been exerted." Now, suppose this evidence is properly before the Court, and the confessions go to the Jury, I exhort the Jurors to presume that all inducements were offered to the prisoners in the present case, and to therefore attach no weight to them, because the prisoner has made a confession under a bias, and therefore it should not be submitted to a jury." I contend that it is a matter entirely for you, no matter whether Shea and Bradley comes here and swears that the statements were made voluntarily or not. Neither of these men have the honesty to come here and state that they said to Johnston that the imprisonment would be light on him if he would confess to the crime for which he was arrested at the dead hour of night. These fellows—these beauties—Bradley and Shea—are as cute as foxes, and it is a high feather in their hats to catch and wring confessions from anyone who they think commits these crimes. "In one case in Ireland, where a constable arrested a prisoner, and having given the usual and proper caution, proceeded to search his house, and having found the prisoner's coat, which was wet from washing, asked him why he had washed his coat. The Chief Baron ruled that the answer could not be given in evidence, and said that where a constable arrests a party he ought to abstain from asking questions—he ought to leave that duty for the Magistrate, who alone has the power to reduce to writing what is said by the prisoner." Now, gentlemen, if you swallow all the evidence that these fellows—Bradley and Shea—gives you, without thinking that they did not hold out inducements, you swallow evidence that is entirely false. Why, gentlemen, according to the evidence, if they confessed at all they confessed falsely. The confessions, as told by the constables, are entirely contrary to all the evidence that has been taken. Those miserable creatures from the Bog come here and testify that the wagon was entirely different to the wagon which my client was driving in on the night of the murder; that the coat was entirely different from any that Johnston ever wore; and then take the evidence of these respectable young ladies who testify that they saw Johnston at Mr. Higgins' door, at the very time the murder was committed. Gentlemen, I say, putting these facts together, who could say that the confession, if made, is not entirely false. Am I told that these men in the dock are blood-thirsty villians; that they would go to the bog, and, without the least provocation, shoot down a negro who they never saw before. It has been assumed by some that a stone was thrown, hence the provocation; but before I am done, I will show that there was no stone thrown at all. One little girl—Lillie Ryan—is particularly careful in stating that Dave Inglis threw the stone. Dave Inglis comes here and swears positively that he did not throw a stone; that there was no stone thrown at all. John Hughes who passed directly under the shots saw no stone thrown, neither did Rose Chivarie, who was standing within ten yards of the wagon.

I will now treat a witness—Archibald McKinnon—in whom my client—James Millner—appears to have placed much confidence. On the day of arrest, he goes to Millner's home. He tells you that Millner, after taking him into confidence, conducts him up stairs, and, in all apparent sincerity, tells him that "he would be all right if Cusack would hold his tongue, but he was sorry for Johnston." Then, what do we find this God-fearing, spotless and dutiful officer doing? He tells you, gentlemen, that he transferrs this confession to paper. For what? In order to testify against my client. Immediately after he proceeds to to Allan's, and there, in answer to a question put by Mrs. Wares—a most respectable witness—he says. "Millner was too cute; he would make no confession. He was an old hand at it." I asked him, "Did you not strike your head against a door while ascending the stairs at Millner's?" He said not—he was not stunned. He was perfectly sensible; he knew what he was doing." What does Mrs. Wares come here and swear? Does she not swear, gentlemen, on the Sunday after Millner was arrested, this McKinnon told her, in her mother's house, that while in Millner's he struck his head against a door, and was so stunned that he did not know what was going on until he returned to the street. Ah, gentlemen, look at the kind of evidence the Crown brings forward in a case of life and death, and asks you to believe. Again, gentlemen, see how this fellow, clothed and shielded by the garb of authority—by policeman's clothes—tried to shirk me when I fastened on him the clearing of his brother from the common Jail of the County, where he was imprisoned for the crime of burglary. I asked him how long his brother had to serve in Jail? He told you he did not know. What!—did not know how long his brother was imprisoned! Gentlemen, is there one among you who does not believe that, when he stated that on oath, he stated what was a downright lie. Ah, gentlemen! we have had too much of this kind of rotten testimony here. Throw it away, and give us something with which we can meet justice. McMahon is a witness who would materially effect the evidence of this McKinnon. Although I have hunted everywhere, I could find no traces of him. Another witness to whom I wish to call your attention is Patrick Hand. He says that he was coming out of his stable shortly after the shots were fired, and that he saw a horse coming from the way of the Bog, and that it struck him at the time it was Millner's. I asked him if the horse he saw had a particular gait. He said no. It seems a very queer thing to me, and it must also seem queer to you, gentlemen, that a man could tell it was a certain horse without being able to explain the reason or tell of some mark by which he knew him. The whole of his evidence is simply preposterous. He says first that the horse was going at the rate of seven or eight miles an hour, and then tells you a conversation which took place between the two persons in the wagon as they passed the corner. The conversation is: One says "I get the bugger that fired the stone." The other says "I have him," etc. All this he says took place as they passed the corner. He was standing thirty yards off, and they were not directing the conversation to him. It was an extraordinary occurrence and Paddy Hand had extraordinary hearing power. He goes on further, and says that he made this known to Marshal Flynn, and the Marshal corroborates him to a certain extent. But it seems most extraordinary—if he did make it known—that the Marshal should send him out the Malpeque Road to look for Millner's horse, instead of sending him to Millner's yard. Now, I am inclined to believe that he never mentioned it to the Marshal, because Policemen Heartz and Warren came here and swore positively that he never mooted it to them, and, if he did, they would go directly to Millner's. But what do we find our friend Paddy doing? Driving the officers through the country. For what? To look for Millner's horse? No; he never mentioned the name of Millner to them. We find them driving out the Malpeque Road, and taking in a circuit of country to the extent of fourteen or fifteen miles. Strange to say, when they passed McDonald's tavern, they found a track which led to Dockendorff's gate. When they arrived there, on inquiry they found that a wagon had been out that night. What sort of a horse? "A black one." Do you see, gentlemen? I will not attempt to point out who fired that fatal shot, for fear I might fail. Neither will I attack the reputation of anyone unnecessarily and