

THE EXAMINER.

VOL. 4.

CHARLOTTETOWN, PRINCE EDWARD ISLAND, MONDAY, FEBRUARY 3, 1879.

NO. 508.

THE DAILY EXAMINER

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Manager, 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 " | |
| Royalty Jun. | dp 10.05 " | |
| Ch'town | " 11.20 " | |
| Royalty Jun. | dp 8.00 am | Dp 3.30 pm |
| N. Wiltshire | " 8.20 " | " 3.50 " |
| Hunter River | " 9.12 " | " 4.45 " |
| Breadalbane | " 9.30 " | " 5.03 " |
| County Line | " 10.08 " | " 5.41 " |
| Kensington | " 10.18 " | " 5.51 " |
| Summerside | " 11.00 " | " 6.30 " |
| Wellington | ar 11.30 " | ar 7.00 " |
| Port Hill | dp 2.40 pm | |
| O'Leary | " 3.32 " | |
| Alberton | " 4.16 " | |
| Tignish | " 5.33 " | |
| | ar 6.25 " | |
| | dp 6.40 " | |
| | 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 " | |
| Kensington | dp 2.30 pm | Dp 8.45 am |
| County Line | " 3.00 " | " 9.15 " |
| Breadalbane | " 3.40 " | " 9.57 " |
| Hunter River | " 3.50 " | " 10.08 " |
| N. Wiltshire | " 4.28 " | " 10.47 " |
| Royalty Jun. | " 4.45 " | " 11.02 " |
| Ch'town | " 5.40 " | " 11.55 " |
| Royalty Jun. | ar 6.00 " | ar 12.15 pm |
| Mt. Stewart | dp 2.55 " | |
| Cardigan | " 3.15 " | |
| Georgetown | ar 4.30 " | |
| | dp 4.40 " | |
| | ar 6.00 " | |
| | ar 6.25 " | |

SOURIS BRANCH.

Going West. Going East.

| STATIONS. | No. 5 Mixed. | STATIONS. | No. 6 Mixed. |
|---------------|--------------|--------------|--------------|
| Souris | Dp 7.00 A.M. | MtS tw't Jnc | Dp 4.40 P.M. |
| 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. BRIDGES, WM. McKECHNIE,
Gen. Sup. Gov. Railways Supt. P. E. I. R.
Ch'town, Dec. 27, 1878.
p ne ar h pres kca sp sj ap 6i

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—

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. 30, 1878—

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 oftener 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

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.
W.M. 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 COMMODORE 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 STUMBLER, 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.

ITALIAN WAREHOUSE,

QUEEN STREET.

CONTEMPLATING a change in our business, we offer for sale, at Reduced Prices, our Large Stock of

WINES, LIQUORS and GROCERIES.

MACEACHERN & CO

Dec. 19, 1878—1m 2aw

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—ti



Examiner Office!

1879.

JOB PRINTING

PROMPTLY DONE IN

GOOD STYLE

AND AT

LOW PRICES!

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THE WEEKLY EXAMINER.

A few Advertisements only, received.

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

THE DAILY EXAMINER.

FEBRUARY 3, 1879.

SUPREME COURT.

The Murder Case—The Defence.

Afternoon Sitting.

FEB. 1.

MR. PALMER'S OPENING OF THE DEFENCE.

Gentlemen of the Jury—In the hearing of this very important and very unhappy case you have already been engaged a long time; and my fellow-counsel and myself, with the view of economising time as much as possible, have agreed to make but one speech in opening the case in behalf of the prisoners. I will now only just detail to you, gentlemen, the evidence which I propose to give—the evidence which I think will satisfy you and all in this court—aye, even the learned Attorney General himself—that there will not be the shadow of a doubt on the characters of those young men when they go out of the dock. The awful stigma which has been cast upon them will be removed and they will be scathless. And first we will satisfy you that the policemen have not spoken the truth. It is certainly a lamentable state of things when persons have to suffer on the oaths of such men. Then we will show that the evidence of Emily Byers is a pure fabrication. There is not a scintilla of truth in it. We will prove it false out of her own lips. She did not appear in the first examination; and when she came into this Court we remarked her, and we said "Look out now." This girl who swore that she jumped up behind the wagon and that James Millner turned around and put his hand out to throw her off, did not even know James Millner. When the prisoners came into Court handcuffed together, she was sitting here, and she turned to her next door neighbor on the seat, and says she "Is that Jimmy Millner?" (Gentlemen, we will prove that she knew no more about Millner than she did about you. She says she saw Millner while she was shaking carpets for Mrs. Burris. We will bring evidence to prove that she never shook a carpet for Mrs. Burris in her life. There is another clause of the evidence which we will scatter to the winds. The confession said to have been made to Archd. McKinnon is a pure fabrication. We will prove that that vagabond (for he is nothing else) went right home and remarked that "if Johnston had been as cute as Millner he would have been all right." McKinnon is another one of those who did not appear on the first enquiry, though he had, he said, made a memorandum of Millner's words. Gentlemen, there is no truth whatever in his story from first to last. Then, we will produce three or four witnesses to negative Pat Hand's evidence—to tell you that that man told them, on the very night of the murder, he thought it was not a town horse at all—he thought it was a horse from the country—and he never said then it was Millner's horse. Again, we will place no less than four respectable witnesses upon the stand—viz: Ida Scott, Maggie Jury, Florence Herbert and Nellie Baker—to prove that they saw Johnston on Prince Street, in front of Higgins', at twenty minutes to ten on the night Kelly was killed. They will show that it is utterly impossible that Johnston could have been in the West Bog at the time the shots were fired. Moreover, we will prove that Johnston never had a white coat. We will prove that Millner never had a white coat. But we are met by those startling confessions Johnston is said to have made. Gentlemen, a snap for those confessions! It is said that that (pointing to the wagon) is the wagon the prisoners drove. Now, we are going to show that the shots were never fired out of that wagon. The seat in that wagon is further behind than before, and it does not therefore answer to the description given of the wagon from which the shots were fired. But it is said that the measurement between the wheels tallies with the tracks made in the sand by the wagon from which the shots were fired. Gentlemen, we will show by accurate measurement that the width of the hind wheels of the wagon actually varies from four feet five inches to five feet and a quarter of an inch. And we will moreover prove that the distance between the fore wheels of that wagon is one inch and five-eighths of an inch narrower than that between the hind wheels. We will show further that on the night in question Johnston wore a black coat and a little "Glengarry," and that he never wore a "bucko." Millner, a long time ago, did wear a bucko, but he did not wear one on the night of the murder, and he never had a white coat. We will prove that another wagon, out driving that night, answers the description given of the wagon from which the shots were fired better than the one in which Millner and Johnston were driving. We'll prove that Emily Byers is unworthy of belief. Having done this I think we will have pretty well done away with the chain of evidence by which it is sought to drag these young men to the gallows. Oh! but Johnston was scared when arrested, and it is said he made a confession. Now, we will put Mr. Johnston (the father of the prisoner) upon the stand; and, gentlemen, Mr. Johnston is a man whose character all over this Dominion stands remarkably high. After he recovered from the shock caused by hearing that his son was arrested on a charge of murder, he made his way to the boy; and the

first words he said to the boy were, "What's this you've been saying?" And the poor boy replied, "I don't know what I've been saying." Gentlemen, the boy didn't know what he had been saying. He had been out driving. He had heard of the killing of Kelly. He was a comparative stranger here. He had been sent down to look after a cargo which belonged to his father. He was alone. He was scared and he didn't know, or wasn't responsible for what he said on the occasion. We shall call Matthew Allan and Mrs. Wares, and Mr. McMahon, the barber, to show that no reliance is to be placed upon the statements of Policeman McKinnon. We shall call William Heartz, James Warren, Isaac Knight and ———, to prove that Hand's statement about the horse is unreliable. We will contradict what has been said about the yards of Mrs. Burris, Millner and the rest. The fact is that all the yards are fenced off, and there is one alley, common to all. We will bring Robt. Ridd to tell you that he conversed with the prisoner Millner on the night Kelly was killed, at a time which renders it absolutely impossible that Millner could have been driving when the deed was done. Further, McCarron said in his evidence that he was driving that night, but that he put his horse up at about twenty minutes to ten, and at about a quarter to ten he went down to the railway station to meet the passengers by the Summerside train. We will produce the record kept by the official at the station to prove that the train arrived in Charlottetown on the night in question at 8.15 p. m. Now, you see, gentlemen, how much confidence can be placed upon the evidence by which it is sought to convict the prisoners. Gentlemen, I need not labor this case; and I shall proceed forthwith to call the witnesses for the defence.

GEORGE E. MILLNER, sworn—Examined by Mr. Hodgson—I saw Emily Byers on the first day of the trial. She was just the width of a seat from me. When the prisoners arrived, in charge of the Sheriff, she asked the one sitting next her, "Is that Jim Millner?" and the girl said she didn't know; and when they came round opposite the dock she again asked, "Is that Jim Millner?" and the other girl said, "I don't know." I could not say whether Bolger was about here when the Coroner's Inquest was going on. I believe Lynch was at the inquest twice. Mrs. Burris' yard is separated from ours. A person could go into our yard and not see into Mrs. Burris'.

Cross-examined by the Attorney General—I don't live home. I was in father's yard last summer. We go into our yard from Grafton Street. I saw Lynch while the inquest was going on, but not since. I last saw Lynch at my father's house on the Monday morning after Kelly was shot. I do not know where he went. Last Tuesday morning I was sitting in the front seat. Emily Byers was sitting behind me with Suse Inglis and another. I did not know Emily Byers till she told you her name. Afterwards she came up to the Prothonotary and answered to the name of "Emily Byers." When I heard her ask, "Is that Jimmy Millner?" I was looking at the prisoners.

IDA SCOTT (sworn)—I am a daughter of Mr. Robert Scott. We live on Fitzroy street. I know Johnston. I met him a short time before the murder. I saw him that night. I was coming from Mr. Herbert's with Florence Herbert. We were coming down Prince street that night, and we saw Louis Johnston standing opposite Mr. Higgins' door. We spoke and recognized one another. As we were up by the Presbyterian Church the clock struck nine. We went down Prince street to Wright's store. We got some apples and then we went back, and while going back we met Louis Johnston. It might have taken twenty minutes. According to my calculation it was twenty minutes past nine when I saw Johnston.

To the Judge—We saw him both when coming down and when going up again.

To Mr. Palmer—We went to the Post Office and then went home. It was when going up from Wright's store after purchasing the apples, that we first saw Johnston. Then we saw him when we came back again. We got home before ten.

Cross-examined by the Attorney General—I went out about half-past seven that evening and stayed some time at Mr. Herbert's. When going to the Post Office we looked at the clock, and it was twenty-five minutes to ten. I knew Mr. Johnston about a week before that—met him two or three times. We walked slowly. We didn't speak to anybody on the street. I remember it because we talked of it after we heard of the murder in the EXAMINER. I heard them talking about it at home. Shortly after that I was talking about it to Miss Herbert. I am quite sure about the time. I don't remember talking to the person from whom we bought the apples. While going to the Post Office we fell in with Maggie Jury and Nellie Baker. I told my father about seeing Johnston that night. I also told Mr. Johnston (the prisoner's father). I told my father it was 25 minutes to ten when we passed the old Union Bank building. The mail was not in when we went to the Post Office. Miss Herbert expected a letter from Summerside. It had not struck ten when we got home. When we looked at the clock Miss Jury remarked that she would have to hurry to get home. It was somewhere about opposite the old Union Bank Building that we looked at the clock.

FLORENCE HERBERT (sworn)—Examined by Mr. Palmer—I remember the night