

THE DAILY EXAMINER.

FEBRUARY 4, 1888.

The Millman Trial.

The trial of William Millman, charged with the murder of Mary Tuplin, has illustrated the truth of the saying, "Ye are members one of another." Not the be- lieved and suffering and dishonored fam- ilies only, but the entire social fabric of the Province, has been disturbed and excited to an unwonted degree by the tragedy of the Southwest River, - the pistol shots of the assassin, the unfortunate girl sunk in the river of shame and death with the bullets in her head, and the respectable young man charged with the awful crime. Man cannot live for himself alone. A human life, however insignificant and ap- parently unimportant, cannot be cut short without affecting materially the "country at large;" and when a human life is ended by means of a pistol in the hands of a brutal and cowardly murderer, the coun- try at large shows that it is materially interested by the crowded Courtroom and the eagerness with which the newspaper reports of the trial are scanned and criti- cised by all classes and conditions of the people. In this case the interest has been greatly enhanced by the positions occupied by the families immediately concerned. Both have lived long in the Province, and both are widely known and respectably connected.

The conduct of the trial reflects credit upon all concerned in it. Hon. Mr. Sullivan and Mr. Peters presented the case for the Crown with very great ability; while the defence was ingeniously and admirably conducted by Mr. E. J. Hodgson. As for- ensic efforts, the speeches of the counsel engaged were remarkable. There can be no doubt that, given the occasion and the opportunity, the Barristers of this Province are able to acquit themselves as creditably as those of any other Province of Canada. Under the direction of Judge Hensley, the trial proceeded smoothly and satisfactorily, and we have to thank High Sheriff Curtis for fully meeting all the reasonable require- ments of the press and the crowd.

-We hoped to have had a verbatim report of the speech of Mr. E. J. Hodgson, Q. C., in defence of the prisoner Millman; but as the speech was a long one, and as Mr. Hodgson is one of the most rapid of speakers, a verbatim report is, however, a very extended one, though it does not, of course, do Mr. Hodgson full justice; and as Mr. Hodgson has not been able to carefully revise all the proof-sheets, may be incorrect in some particulars. We shall endeavor to have a revised report for the WEEKLY EXAMINER.

The New Bishop of Nova Scotia.

The qualifications of the new Bishop of Nova Scotia are thus announced: 1. Dr. Courtney is an Englishman, and has considerable experience as a parish priest and incumbent of English parishes, as well as in the United States. 2. The following is the official record concerning him: (a) Educated at University of Glasgow; (b) Ordained deacon (1864), priest (1865) by the Arch- bishop of Canterbury; (c) Curate of Had- low, Kent, Eng., 1864; (d) Perpetual Curate of Charles Chapel, Plymouth, Eng., 1865-1870; (e) Incumbent of St. Jude's, Glasgow, Scotland, 1870-1876; (f) Associate rector of St. Thomas, city and diocese of New York, 1876; (g) Now rector of St. Paul's, Boston; (h) The following extract from a public opinion who knows him well, and is well qualified to judge from his knowledge of the requirements of this diocese, speaks for itself: "He is one who draws men to him. He is the kind of man who would slip his arm into that of the clergyman, and be his counselling bishop, without forgetting to be his sympathising brother. He is robust and healthy, about fifty years of age. Intellectually he is able, of naturally fine powers, highly cul- tivated, a preacher, and more than that, an orator. He is a moderate high churchman, and enthusiastic lover of and believer in the Anglican Church, and cherishes a beauti- ful, ornate and reasonable ritual."

Attempted Murder.

An Amherst special to the Halifax Herald reports that a terrible tragedy was enacted there on the night of the 31st ult., the result of which will in all probability be the death of a man. A boy passing along Union row, about the most disreputa- ble street in the town, heard the cry of "Murder" in a den occupied by Richard Brundage, and on entering the house found a stranger called Peter Carroll with a terri- ble gash in his forehead and covered with blood. The alarm was immediately given, and Brundage was quickly arrested and put in jail. Carroll was placed in the hands of doctors, who report that there is hardly a hope of his recovery, the blow in the forehead having broken open his skull. The blow was inflicted with the sharp edge of a hatchet while Carroll was held on the floor by some one else, said to be Brundage's son. He was also struck with the blunt side of the same weapon in several places about the back of the head. Carroll has of late been working at Fullerton's mill, at Athol, and was probably in town for a time, as he was seen during the day badly run-soaked, the present occasion being no exception.

POPULATION OF THE UNITED STATES.-The New York Tribune publishes a carefully pre- pared estimate of the probable population of the United States at the present time and puts it at 62,521,577 persons. This figure is arrived at by allowing the ratio of deaths and births, which past experience has revealed and adding excess of births and influx by im- migration during each year to the population given by the census of 1880 which was 60,455,764.

THE TUPLIN TRAGEDY.

Trial of William Millman.

MR. HODGSON'S ADDRESS

On Behalf of the Prisoner.

(Mr. Oxenham's Report Continued.)

AFTERNOON SESSION.

GENTLEMEN OF THE JURY: - You will remember that before recess I laid down for your guidance the principles upon which I conceived this case should be tested, and I pointed out what tests should be applied to the evidence submitted to you before you can bring in a verdict thereon. I will not repeat what I then stated, but will ask you to bear in mind that these are the tests upon which I base all my arguments. What I lay down for your guidance is not my own, but the statement of the best authorities on law, which have been handed down to us. That a foul and terrible murder has been committed there can be no doubt. It is not my intention to go through the whole of the evidence submitted to the court in this case. There are a vast num- ber of circumstances which I do not question, and which I therefore will not deny. I will not controvert the statement that a boat crossed the river that evening, and that the boys saw

A MAN SITTING BY THE ROADSIDE, as these facts are quite consistent with my client's innocence. Knowing that you took note of all these points, and assuming that the whole of the evidence is fresh in your memories, I shall direct my attention to those facts and circumstances which I deem it proper for me to comment upon. The hour at which the event took place is of the utmost importance. This is always so in matters of this nature. The difference of a few minutes may be sufficient to lead to the conviction as to whether the man before you is guilty or not. We have no right to assume that any witness's clock or watch was right or wrong. We must take the evidence as we find it, and

MARK THE BEST WE CAN

of it. I wish to direct your attention to the evidence given by the little Adams girl, as to the time she saw the man cross the river in a boat and pass her. That is one of the most important points in the whole case. I will show that whoever crossed the river in that boat did so at about 6:20 o'clock. The girl says that it was between six and seven o'clock. She says, "I looked at the clock a minute or two before I went out, and it was ten minutes past six, and it would take me about fifteen minutes to walk to the place where I saw the man in the boat." Give her the advantage of every moment of the time and we shall find that it would be about seven o'clock when she saw the man cross the river in the boat. The Joseph Davis son said that the time was between half-past six and half-past seven. But an examination of his evi- dence will show that half-past six was the proper time. He says that after seeing the man he went up to where they were repairing a house; there he remained an hour and a half, he then remained fifteen minutes while they were harnessing a horse; and it took him fifteen minutes to walk home, and then he states: "I got home before dark." Now add the hour and a half and the two fifteen minutes together to half-past six, and it will make half-past eight - just before dark - whereas I have proved that until at or seven o'clock Mil- man had not left his house nearly two miles away. There can be no doubt whatever that half-past six was the hour. Whoever was in that boat it was not William Millman. The man who crouched about the woods with ferns around his neck might be the murderer, but William Millman could not be the man. Before you can be cer- tain on the matter,

YOU MUST HAVE THE CLEAREST PROOF

that the man who committed the crime crossed the river in that boat, and that that man was Millman, The Crown Law Officers will, of course, attempt to argue that this is so, but it is impossible to believe that it was so. I know that many per- sons are watching the progress of this case with a keen agony. Only a mother, father, sister or brother can feel it in the truest sense. The mother of the pris- oner was placed on the stand. Her story was a clear, plain, unvarnished one. The Millman family, on the evening of the murder, consulted together about going to the church meeting - some thought it too late to go, but Mrs. Millman got ready, washed, dressed and went off with her husband to the church, and these facts are also deposi- ted to by John Millman, Mrs. Evans, Mrs. Joannah and Bradford. Gentlemen, if these people wanted to come in here and lie to you, how easy it would have been to make a state- ment different to that made by them, and which it would not have been possible for mortal man to contradict. They could have said it was seven o'clock before they started for church. But upon no single point did they attempt to deviate from the truth. If any man or woman told the truth it was the father and mother of the prisoner. They went to the meet- ing and left their son behind them at home. A good many people were at the church before that meeting was called for half-past seven o'clock, and the children told them they would be too late.

THEIR SON, WILLIAM, REMAINED AT HOME

for five or ten minutes, and was then seen by his sister with a belt hat on going off to the river to bathe. I defy anyone to believe that Millman could have been in the boat that crossed the river at half-past six, or thereafter, alighted to by the two witnesses already referred to. In order to be in a position to commit that crime, he must have crossed in that boat. Forty minutes after that time, William Millman was with his father and mother two miles from the place where the boat was fastened after it had crossed the river. If you break one link in one part of your chain of evidence, the whole case suspended from it falls to the ground. The whole chain is only as strong as the weakest link. But the material part of the evidence relates to the hour at which Mary Tuplin left her father's house. Within a week after the event had taken place, the investigation was held before the Magistrate, and several witnesses swore that it was nine or a little after nine o'clock when the girl left her father's house. I will point out the impor- tance of this evidence. In the testimony given before the Magistrate all the facts were clear in the minds of the witnesses, who were not brought before a crowded Courtroom in occasion. These witnesses were spoken and allowed to tell their own story in their own way, and they all agreed before the Magistrate that it was nine o'clock before Mary Tuplin

left her father's house on the night of the murder. John Tuplin, the father of the girl, swears to this statement: "I went out to look for Mary about twenty minutes after she went out. I went to George Profit's." Now, George Profit says: "John Tuplin came to my place about half-past nine o'clock." Now, Tuplin said it would take him only five minutes to go to Profit's and return home again. It is very clear then that it was

SOME MINUTES AFTER NINE

when Mary Tuplin left home on that night. Then little Donald Tuplin, the girl's brother, said that the sun was just setting when he saw the man in the woods. He came to his father's house and an hour and a half after that the girl went out. These three persons all unite in the statement that when the girl left her father's house, it was past nine o'clock. Now after leaving the house she and her murderer had to travel down a wet, bad road, a cow path a mile long, and to cross no less than seven fences. She was then shot, placed in the boat, a rope and stone procured, and as there were no oars in the boat, the latter was pushed a quarter of a mile down the river, the body put out there. Now, if Millman was concerned in this deed, it would be necessary for him to do all this and then afterwards travel no less than three-quarters of a mile after that to reach his father's house; so that the whole business had to be done within a single hour, including the going home. Was it possible for mortal man to do all that within so short a time? It is said that they met together to talk about the murder. Well, it is not usual for girls to go and meet their young men with whom they hope to arrange a marriage, clothed as this girl was in a cot- ton dress with no petticoats and bare head. It is unlikely she would go to meet a young man in such a dress. I am informed that when young girls go to meet their young men they dress themselves differently from that. Mrs. Tuplin herself and Donald Tuplin both swear that it was after nine o'clock when Mary left their house. They say that she reached the shore and was murdered and laid in the river, and that the whole matter was gone through in time to allow young Millman to reach his home a few minutes after ten o'clock, is drawing too largely upon the credulity of any living man and is more than any person could be expected to believe.

WHEN DID THE PRISONER ARRIVE HOME?

According to Rev. Mr. Reagh's testimony the meeting came out about ten o'clock, and he gives us facts to prove that his time was correct, as it had been corrected by the station clock. There can be no possibility of mistake in Mr. Reagh's statement. He positively swears that it was between five and seventeen minutes past ten when he entered Mr. James Evans' house, after putting away his horse, and that Millman's parents must have been home by that time. Mr. Reagh had a watch, and James Evans' unfurnished his horse, watered him, fed and bedded him, and carried articles from his carriage into the house. When he entered the house he compared his watch with James Evans' clock and found it was from fifteen to seventeen minutes past ten o'clock. What is the testimony of the father and mother of the prisoner? The mother states that when she got home she went into her room, where she remained for eight or ten minutes, and then she came out and saw the man in the kitchen, going to bed and bidding his mother good night. One cannot, of course, tell to what depths any man may fall, but that scene does not bring before your mind the picture of a murderer just from the murder of his victim, and burying her in the river. Had it been other- wise, surely in this half-grown lad there would have been some signs of perturbation. He would never have been the quiet young man he showed himself to be in the evening, wishing his father good night before he went to bed. If he were guilty, he would have heard ringing in his ears that death scream of the murdered girl. If this young man did the deed, he must have had NERVES OF IRON AND A CONSTITUTION OF STEEL.

IN ORDER TO DO IT IN SO SHORT

a time, he must have deliberately planned every portion of it beforehand, and so arranged matters that when his father and mother got home from church he appeared to be as little concerned as if he had never com- mitted the deed. The penance of a murderer commences from the moment the fatal deed is done. He sees every day the phantom of his victim, and at times he has been known to break out in wild exclamations in his sleep, dreaming of his terrible deed. The vision stands before him when he sits down and when he rises up. It pursues him wherever he goes. It is by his bedside when he tries to sleep, and appears before him when he awakes. To assert that this young man committed so brutal a crime with all the hardihood of a midnight assassin whose victims could not be numbered, and that he spoke of him as a weak-minded man, is under all the circumstances of the case, too much for any reasonable person to believe. Gentlemen, no sign of weakness could have been exhibited in the planning and performance of this foul deed. Its perpetrator must have been one of the strongest nerved men who ever com- mitted such a crime. I cannot imagine that a boy of nineteen years of age, who had never even left his father's house, even to come to Charlotte town, until he had been consul- ted with me about the circumstances which took place at that time, with a view of pro- tecting his character from aspiration, sought to be cast upon it.

COULD HAVE BEEN CAPABLE OF COMMITTING SO REVOLVING A CRIME.

It was deliberately planned, whoever did the deed. There are some other matters to which I must now refer in connection with the case before you. It has been said that there was no motive for the commission of this murder on the part of the prisoner at the time that he had seduced the girl, and that he was to be the father of the child. It is strange and to be deplored that such a statement has been made. If it can be proved that he had no connection with her until the 5th January, 1877, and that the fetus is a six months old one, how is it possible for him to be the father of it? Further evidence is needed before such a charge can be sustained. The six months had no opportunity to be developed to the evidence given was to the effect that the fetus was between six and seven months old. It is the duty of the Crown to

PRODUCE ALL THE EVIDENCE

necessary to throw light upon all points. It is more important than any other matter to find out the exact time when Mary Tuplin left her father's house on the night she was murdered. She had Mrs. Slavin's hat in her arms, and before going out, handed it back to its mother. Why has not Mrs. Slavin been produced by the Crown law officers as a wit- ness in this case? That woman is living at Malpeque, and could very easily have been brought here as a witness. In such a case as this no witness should be left out who could give any evidence bearing upon it. I do not say that this woman's testimony was kept back, but it should be secured, as it would tend to clear the young man. And now I come to the time when the shots were fired. Mr. Woodside says: "I heard a pistol shot with two shrieks. One was a prolonged scream." After that he drove home a mile and three-quarters, and found that it was twenty minutes to

eleven. He thought fifteen or twenty min- utes intervened between the time the shot was fired, and he looked at the clock as he had only one and a half miles to drive. That would fix the shot at twenty minutes past ten o'clock. No doubt that it was the time of the death shot. Woodside remembers the fact well. The shriek forces it upon his memory. For never before had he heard the shriek of a woman who had been shot and was dying hard. If it required one of the witnesses fifteen minutes to drive one mile and a quar- ter, how long would it take this man to do all that was done, and then dispose of the corpse of the young woman? You can easily see that the prisoner's inno- cence is quite consistent with all the facts of the case. Edward Warren says: "I went out of the house just before going to bed just before 10 o'clock, when I heard the shots." Not a single witness places the time of the shots before ten o'clock. One says it was about this time, and another about that; but they agree that it was after ten o'clock. One witness in his wagon thought it was a gun shot which he heard, accompanied with no cry. The shot accompanied by the cry was no doubt the one that took the girl's life. Mrs. Millman's testimony was that the young man (her son) told her he had been smoking at the door when she came home. It is certain he did not come into his father's house panting after a two mile

RUN FROM THE SCENE OF THE MURDER.

His boots were left in the kitchen and his socks were placed by his bed. Mrs. Millman fully describes all the work she did after she came home, and says it occupied fifty fifteen minutes. She and her husband then talked over the prospects of the proposed church tea. The father says it struck eleven after he went to bed. Gen. Lemen is of the opinion that the story of the father and mother of this boy is true or that they have perjured themselves, and that their innocent little girl did the same thing. I believe in my heart that if stating one word that was untrue would have saved their brother's (the prisoner's) life, his sisters would not have said it; neither would his parents have said it to save their son. The prisoner went to bed and slept that sleep which could not come upon him had he been the author of this crime. I now come to the evidence of Somers, as to the man he saw in the boat that evening. I must say at James Somers did not impress me as a truth- ful young man. The last word was not out of the Attorney-General's mouth before Somers began to reply. I never saw a witness so willing to testify against another. But when I spoke to him his tongue seemed paralyzed, and he had to make long pauses. At first he said the man he saw wore a straw hat, then a black hat, and then a brown hat. Yet the Attorney-General permitted that witness to come out of the box without pro- ducing the hat in his possession, and placing it in the witness's hand. The hat was not, therefore,

IDENTIFIED BY THAT WITNESS

as the one he saw worn by the man in the boat with ferns about his neck. That im- portant link in the chain is wanting. You know that when a man is put into jail charged with a crime like this, ever since he has in- troduced for evidence of the deed committed. Even the prisoner's letters to his mother were subject to the scrutiny of the prosecution. For six months this young man did not utter a word that they were not a question with. They even placed a man in a cell for the purpose of torturing him into a confession, and to get something out of him that would condemn him as guilty of this crime. It is going to be the only link in the chain. After I placed my witness on the stand the prosecution produced the hat which I had taken from us, but they did not dare to ask their witness if this hat of Millman's ever re- sembled the hat the man in the woods wore, and the Crown prevented me from doing so by not producing the hat until their case was closed and all their witnesses had left the court. Certain little boys, when driving their cows home that evening, are said to have seen this man in the woods. They were Donald Tuplin and three others. Four boys are mentioned. Somers says that after he

SAW THE MAN IN THE WOODS

he had some talk with these boys, yet they do not say one word about it, or conver- sation. Now, you can see why the Crown permitted Somers to leave the stand without producing the hat. Do you think the prosecution forgot it? No. Somers said: "I saw the man with ferns about his neck just for a second, and saw him put his hand up before his face." He could not tell what height the man was, neither could he tell anything about his general appearance. He could not even tell the color of his hair, yet he had the as- surance to say that he afterwards recog- nized him at the Magistrate's court as the man he saw in the woods with ferns about his neck. One thing Somers is clear about, the man in the woods wore a straw hat. Now, gentlemen, did Millman wear the straw hat that evening? I think you can safely say that he did not. His mother, father and sisters swear that he had on a felt hat. Therefore, although the crown had the straw hat in court, they did not dare to ask Somers if that was the one, or even like the one he saw worn by the man in the woods. We now come to the matter of the pistol. Unquestionably Millman borrowed a pistol from Power, under the circumstances stated by that witness. It is also true that he procured some cartridges. He tells me that he got five of them. You heard where the two that were fired off, for the Crown accounted for that. One was fired as he went down the road and the other was fired through a park. The Crown asks us to believe that when Power asked Millman on Monday for the pistol, Millman said that he wanted it for Tues- day evening, - leaving us to infer that it was for the purpose of shooting the girl dead. Have we not thoroughly accounted for the two shots which were fired from the pistol? Millman told Power that he wanted the revolver particularly for Tuesday evening. Now, as to the statement that Millman asked Patrick Power to make a certain statement for him before a Justice of the Peace. I will not attempt to deny it, but

IS THAT CONCLUSIVE EVIDENCE

upon which to convict the prisoner at the bar? Look at the position of that young man at that time with the serious charge against him. When he saw these circumstances hanging over him and knew that this crime did not rest upon him, he shrewdly and wrong- fully and stupidly did an act that was wrong; but it certainly was not an admission of his guilt. You must remember at that very time there was a warrant sworn out against him for murder. I have that warrant here before me. It was sworn out against him on the 30th June, and subsequently altered to the 4th of July.

Lorne Hotel Co.

A SPECIAL MEETING of the Lorne Hotel Co. Company (Limited) will be held at the Hotel of Messrs. McLean & McDonald, on THE DAY EVENING, the 7th inst., at 8 o'clock. A full attendance is requested. J. T. CROCKETT.

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