

THE TUPLIN TRAGEDY

The Trial of Millman.

HON. MR. SULLIVAN'S ADDRESS

On Behalf of the Crown.

Powerful Presentation of the Case.

(Summary Report—by The Examiner's Reporter.)

When the Court opened this morning the Attorney-General explained that it had come to his knowledge that the prisoner owned another and smaller pair of shoes, which had not yet been produced, and asked leave to introduce evidence bearing upon this point.

Mr. Hodgson said that he had had the house ransacked from top to bottom, but the shoes produced in Court and sworn to as belonging to the prisoner, were all that could be found. If the Court would grant him time to answer the question he would send a man to make another thorough search of the house. However, the prisoner's bare foot had been measured and it was shown that he could not possibly get his foot into shoes any smaller than those produced. He thought it would be establishing a dangerous precedent to open up the case again.

The judge said his impression at present was that he would not open the case again; but he declined giving an opinion until he had consulted with one of his brother judges. However, if he did consent, he would allow Mr. Hodgson the privilege of addressing the jury on that special point.

The judge, after consultation, and upon learning that the Crown could not produce the shoes, declined to allow the new witnesses to be examined.

The Attorney-General then began his address to the jury, of which the following is a summary:—

GENTLEMEN OF THE JURY:—It now becomes my duty to address you a few words on behalf of the prosecution. I dare say you, like the counsel in the case, are not sorry you are now drawing to a close. You have now, when you leave the court, to consider the evidence and decide whether or not the prisoner at the bar, William Millman, is guilty of the crime with which he is charged. The counsel for the defence has stated that the Crown had been recreant to its duty in the matter of bringing in evidence. "Our duty is to bring in all the evidence we can against the prisoner, and yours to decide whether the evidence is sufficient for a verdict of guilty. The counsel for the prisoner has done all he could for his client, but has gone out of his way, in a moment of excitement, to make

A SERIOUS CHARGE

against those who have charge of the prosecution. Mrs. Slavin's testimony would throw no light on the case, and for that reason we did not produce her. But if we have failed in our duty the learned counsel should not have failed in his. He could as easily have summoned her here as we could. The counsel for the prisoner has said that there is a strong prejudice against the prisoner and his family. We have no such prejudice. We have done our duty fairly and impartially in the matter. During the progress of the examination several points have been raised which the Crown has disposed of to the best of its ability. You will remember the stories about the gate being open, and that Mary Tuplin's sister had been away to the eastern part of the Island, and it was thought that Mary had gone in the same direction. The evidence of Frizzle and Muttart

EXPLAINED BOTH SIDES,

and that matter was thus set at rest. It has also been asserted that Mary Tuplin had been murdered in the woods instead of at the shore, and that the place where the crime had been committed had been found. Jabez Tuplin and James Bentley were the men who found the alleged spot. They found it to be the place where a rabbit's head had been buried. Then, there was the splash in the water. We placed Mr. Bryenton on the stand. He said he was there on Thursday night and saw first the light and then the splash. He said the light was that of a man lighting his pipe, and the splash that of a mink or fish. Then there was another wagon story. A man named Thompson was put on the stand, the object of whose evidence was probably to show that the sick man Bryenton had something to do with the murder.

POOR MARY TUPLIN IS NOW IN THE GRAVE. She may have had her faults, be they few or great; but he did not think it was right for the prisoner's counsel to try to damn her character. They had witnesses here, but they were not put on the stand because they could not prove anything derogatory to her character. In all the testimony produced you heard nothing derogatory to the character of Mary Tuplin, except that with which the prisoner was connected. My learned friend has asked you to have mercy upon his client. I am sure you will do your duty in the matter. There are, however, two sides to the question of mercy. You will remember the circumstances of the murder, and that the day upon which the murder was committed was the day on which the poor old man had just buried a little brother of the poor girl. You all know how the girl

WAS DECEIVED AWAY.

You know also that the prisoner's counsel has endeavored to prove that she left her house about 9 o'clock, after giving up Mrs. Slavin's baby which she had been nursing. This was on the evening of the 28th June, and on the following Monday the body of the poor girl was found in the river. It was found, on proper examination, that the girl had come to her death by the bullets in her head. Now the question arises: when was the crime committed? We say she was shot on the evening of the 28th June. We have proved that shots and screams were heard on that evening. In this matter you should not be bound by any time given by the witnesses. If the witness speaks without having looked at a clock or watch, he speaks at random, and should have no weight with you. If, on the contrary, he has looked at a watch or clock, or had some event or reason to guide him, his testimony should have considerable weight. Captain McLeod's testimony was entirely astray.

HE MUST HAVE MADE A MISTAKE

when looking at his watch. I am quite satisfied from the evidence of other witnesses that he was entirely wrong as to the time he heard the shots. John Sudbury says that before the Irishtown Church meeting was out he heard the two shots fired. He thought there was about two seconds between each shot, and that they were fired about fifteen or twenty minutes before the Church was out. This evidence tends to show that the shots

were fired before the Millmans left the Church. I want to show you, from the evidence for the defence, that from the time the shots were fired till the Millmans got home and saw their son, was fifty-five minutes—almost an hour. Rev. Mr. Reagh says the Church was out at ten o'clock; and it took the prisoner's parents some fifteen minutes to get home. Sudbury was a friend of the prisoner, and was

AN UNWILLING WITNESS,

as were all the others who gave testimony for the Crown. Thomas Bryenton, the sexton of the Church at Irishtown, states that the Church was out twenty-five minutes past ten. His evidence shows that the prisoner had an hour and a quarter in which to do the deed. Bryenton's time is no guess work. He had a watch which he believed was correct—which he says agreed with the Rev. Mr. Reagh's. Edward Warren also swears that on the day of the murder Bryenton's watch agreed with his as to time. Therefore, Bryenton's watch must have been right. Warren heard the shots a few minutes before his going to bed, while outside his house. The sound was sharp one, and came from the direction of South Creek. He says he could not have heard the shot had he been in the house. The church came out at twenty-five minutes past ten; the shots were fired at about twenty minutes before it came out, and the prisoner was thus given about fifty-five minutes in which to commit the deed. It would take but a short time to do the work, no matter whether the shots were fired before she got into the boat or not.

THE ROPE, BOAT AND STONE WERE AT HAND, and the whole work, including the getting home, could be done in a very short time. Now, there is another evidence concerning the time—that is George Profit's. He lives at the Black Horse. He says that it would be about ten o'clock when he heard the shots, which came from the direction of the river. His testimony agrees with Warren's as to the time the shots were fired and the direction from which the sound came. Mr. Woodside while going home from the lecture at Clifton, heard a shot in the direction of the river, between ten and twenty minutes to ten. I want to bring this testimony particularly under your consideration, because you have the testimony of the Rev. Mr. Reagh. Admitting the Rev. Mr. Reagh's statement to be true, and we have no reason to doubt it, we have conclusively shown that the shots were fired some twenty minutes before the church came out that night. You may dismiss the rev. gentleman's testimony from your minds. The question arises

WHO FIRED THE SHOT

which killed Mary Tuplin? You well know that the person who took her life had some motive for the deed. There is no evidence that any person in the world besides the prisoner Millman had a motive for taking the life of the girl. I say it has been conclusively proved that he, and no other person, had a motive for taking the girl's life. Mary Tuplin was about to become a mother. According to the evidence of the witness John R. Profit, Millman told him he had been at Tuplin's house on the night of the 5th Jan., 1886, and had improper connection with Mary that night. Millman told him (Profit) he was blamed for being the father of Mary Tuplin's child, and he was afraid of being sent to the penitentiary. This was the motive he had for committing the deed. Now, having this motive, what does he do? He arranges for

A MEETING WITH MARY TUPLIN

on Sunday night, the 26th June, and had this meeting. The motive has been shown; the prisoner has been traced to the Tuplin house, and it is a pity we could not give you legal proof of his meeting Mary Tuplin on the night of the murder. It has been insinuated here that it was impossible that Millman was the father of the child. But that is not material to the case. If he believed he was the father it was the same thing—he would have the same object for the commission of the crime.

At this stage the Court adjourned for one hour.

AFTER RECESS.

The Attorney-General resumed his address to the jury. He said:—When the Court adjourned I was about to speak to you in regard to the fact whether or not the man who crossed the river was the murderer. It appears from the evidence that a man was seen at the foot of the Mud Road, where it joins the river. I want to call your attention to the evidence of Donald Tuplin. He is a brother of the murdered girl, and was apparently possessed of remarkable intelligence. He told you that he, with some other boys, was down near the Mud Road on the evening of the murder, and that he and Gordon Bryenton ran and tried to get ahead of the cows so as to have some fun with the other boys. While endeavoring to do so they

SAW A MAN SITTING IN THE WOODS

alongside the road, and having what they thought were ferns about his neck. They ran back and met James Somers, upon whose testimony much stress has been laid. Gordon Bryenton, the boy who was with young Tuplin, says he was sure it was just after sundown when they saw the man sitting in the woods. Gordon Tuplin gives the same evidence. This fixes the time when the man was seen there. Then about the man who crossed the river. You have been told that Mr. Cousins owned a boat which was moored on the north side of the river on Tuesday evening. A son of Hiram Thompson's saw a boat going across the river; after a while he lost sight of the boat. Then comes Joseph Davison, who also saw the boat cross in the direction of the Mud Road that evening. He fixes the time at between half-past six and half-past seven—an hour of a range. I call your attention expressly to the evidence of Bradford Millman, who, while bathing, saw a scow on the opposite side of the river. He further tells you that, so far as he could see, he saw no boat at the

PLACE WHERE THE BOAT WAS USUALLY MOORED,

nor saw none crossing while there. At the examination before the Justice of the Peace he said he got home from bathing about half-past six—that some member of the family told him it was that time. He tells you further that no boat crossed the river while he was on the shore that evening. This proves that it was after half-past six when the boat crossed. Now, why did not the counsel for the prisoner call James Millman, the prisoner's first-cousin, who was with his brother, John Bradford, while bathing. His only inference for you to draw is that his testimony would be prejudicial to the prisoner. Now as to the evidence of Dorothy Ann Adams. You saw her placed on the stand and know how she gave her evidence. She and her father were most unwilling witnesses. It was not without great trouble that we got them here at all; and we had still greater trouble in keeping them here. Little Dorothy Ann says that on Tuesday evening, while she was after the cows to bring them home to have them milked about sundown, she

SAW A BOAT AT THE SHORE,

about seventy yards from where she stood. She knew the exact distance to the shore, because she was present when Mr. McKinnay measured it some time afterwards. She says she saw William Millman at the boat, and that he, after getting up towards

the Mud Road. He had on dark clothes and dark hat. She had seen him before and knew him when she saw him at the boat. She further says she saw him at the Irishtown Church on Sunday, and Mr. Reagh corroborates this latter statement. We are bound to believe her statement that she saw Millman at the Mud Road that evening. We have no reason to doubt her story. If she were to tell a falsehood at all, one would think it would be in favor of the prisoner, who is a neighbor and friend of her own and family, instead of that of an "indifferent" person, known as the Crown. Her testimony must be believed because it is uncontradicted. We have thus got Millman to the Mud Road. Has the learned counsel accounted for the

PRESENCE OF THE PRISONER THERE?

He has not. We next find Millman lurking in the bushes near the residence of John Tuplin, with ferns around his neck and his hat before his eyes. James Somers says he was going to Margate alone and saw some person in the woods, and says he looked at him but a second or two and passed on. This second or two may have been ten or twenty seconds. Somers saw Millman at Warren's barn after his arrest, and at once identified him as the man he had seen on Tuesday evening sitting on the roadside near Tuplin's. Somers' evidence is uncontradicted, and you are bound to accept it as truth. His testimony corroborates the evidence of the two boys and the girl Adams. There can be no doubt that the man who was sitting on the roadside that night was none other than William Millman waiting for his victim, Mary Tuplin. The learned counsel for the prisoner made an attempt to break down Somers' testimony by bringing the Grand Jurors here one by one; but when some of them were placed upon the stand, they corroborated Somers' evidence. How about the absent witness, Alice Connolly? Where is she? We tried to get her here, but failed to do so. Alice Connolly is a first-cousin of the prisoner, and his friends could have brought her here. Had she been thought here, she could have proved the appointment on the Tuesday night; and that being proved, there would have been

NO ESCAPE FOR THE PRISONER.

We know now the girl was killed. Now, let us see how Millman had the means committing the deed. There is evidence of Frank Power, which is conclusive and uncontradicted—even admitted to be true by the counsel for the defence. Power says he has known Millman for several years; that he loaned him a revolver about the middle of May; that there were no cartridges in her at that time; that on the 30th June Millman called Power to the back of the house, and taking the revolver from his pocket, handed her to him, asking him to load any one he had for him. He afterwards asked Power to come with him and finish the road, as he wanted the money to see E. J. Hodgson. At the time of this transaction the body had not been found, and no one but the murderer knew that the girl had been shot in the head; no person but the man who did the deed knew that a revolver of that size and pattern had been used to commit this deed. Then a short time before the murder, we have Millman looking at some cartridges in Rogers' store, Summerside. He afterwards told his bosom friend, John Nathaniel Evans, that he had

BOUGHT THE CARTRIDGES.

We have brought him to this side of the river; have proved he borrowed the revolver, and that he purchased cartridges for the revolver in Summerside. The counsel for the defence tell you that he went to Summerside and only bought five cartridges. Could anything be more ridiculous? This assertion is the most arrant nonsense, and the learned counsel must take you and I for children when he asks us to believe it. We have now got the revolver loaded with a special kind of cartridges. Captain Wright says the bullets found in the head of Mary Tuplin were such as could be fired from the revolver which Millman had in his possession. The Captain also tells you that the bullets found in the girl's head corresponded in every particular with those remaining in the revolver. The statement of the counsel for the prisoner, that the bullets in the revolver did not correspond with those

FOUND IN THE GIRL'S HEAD,

was highly erroneous. The bullets remaining in the revolver correspond in every particular with those found in the murdered girl's head—except the number of rings about them. We thus find Millman with the revolver and cartridges in his possession; and we find him near the Tuplin house on the night of the murder. You know also that Millman asked Power to allow him to keep the revolver until after Tuesday night, as on that night he and John Nathaniel Evans were going on a racket. Now, let me ask why the defence did not bring John Nathaniel Evans here to prove that he and Millman had gone on this racket—that they had not, instead, murdered the girl. I tell you deliberately that at this time Millman had made up his mind to murder Mary Tuplin; and when Power asked him to give up the means he had for committing the deed, he lied to him just as he lied to Rev. Mr. Reagh, when he told him he (Millman) was not responsible for the seduction of Mary Tuplin. There is no doubt at all about Millman's guilt. Look at his conduct in going to Patrick Power and

WANTING HIM TO SWEAR TO A LIE

—to swear that the two were together at Paynter's line on the Monday night of the murder. Power, with a special kind of cartridges, at first agreed to do as requested, but afterwards declined. The prisoner's counsel admit that he went to young Power and asked him to swear falsely; but asks you to look upon it as the indiscreet action of an unsophisticated country boy. The learned counsel does not attempt to contradict Power's testimony, but instead asks you to condone the offence and not deal harshly with his client. You, gentlemen, must do nothing of the kind. You must look upon this action of Millman as a strong proof of his guilt. This action of his was taken several days before the recovery of the body—when none but he, the murderer, knew that she

HAD BEEN FULLY DEALT WITH.

You have heard the evidence of the prisoner's parents, and brothers and sisters. They have attempted to prove an alibi, but have failed. There is not a single witness who has shown where Millman was on the night of the murder. He was never asked at least it has never been shown in evidence that he was ever asked—where he had been that night. This is not at all natural. The first question any of you would ask a son or relative with such a serious charge over his head was where he had been at the time in question. Millman, on the day after the murder, told Thomas Bryenton he was at home and in bed when his parents returned. This was at a time when he should have known where he had been the evening before. Now, did he lie to Bryenton or did he not? We are told that the evening was cold, and that his father, when he came home from the meeting, had to put on a fire to warm himself. He (Mr. S.) could not understand how it was that, on such a cold evening, the prisoner could, after getting in bathing, knock about in his shirt sleeves for upwards of three long hours. The prisoner also told his father that Power was with him that night. First he tells Thomas Bryenton he was home in bed when his father returned; and next he tells his father that he was with Power, who was together,

GREAT DRY GOODS SALE.

We intend to make extensive alterations in our premises next spring, and a change in our business, and to do this must clear out our entire stock of Dry Goods, Clothing, Carpets, &c., &c.

To dispose of this immense stock within so short a time, it must be sold at a sacrifice, and we shall, therefore, give discounts varying from 20 up to 30 per cent.

The stock consists of Seasonable and Fashionable Goods, which are all marked in plain figures, and at prices that are well known to be the lowest in the market.

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But L. E. PROWSE sells the Clothing. If you can get what you want at L. E. Prowse's, you need not try anywhere else. His prices are the lowest ever known for First-class Goods.

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COME AT ONCE AND GET ONE.

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SIGN OF THE GREAT BIG HAT, 74 QUEEN STREET.

Ch'town, Jan. 12, 1888.

These are, without a doubt, b-4 lies. I think, and so do the counsel associated with me, that we have established a strong case against the prisoner, and that you should convict him. Not a single witness out of the fifty whom the Crown placed upon the stand was made to contradict himself in cross-examination. This was a remarkable occurrence, and one which tended to strengthen the character of the witnesses and add to the importance of their testimony. I do not attach much importance to

TRACKS UPON THE SAND.

We know how uncertain a foundation the sand is. I say, as an absolute fact, that no person can make an impression in the sand which will not be smaller than the shoe of the person making it. If you take off your boots and measure your bare foot you will find that the measurement from the toe to the heel of the boot is shorter than that of the bare foot. We have no evidence whatever that the boots which the prisoner wore on the night of the murder have been produced here. I believe we have not had all the boots worn by the prisoner. We have had a pair of brogans produced here, but have had no evidence to show that they were the boots worn by the prisoner on the night of the murder. You now have the strongest possible evidence independent of this that the prisoner in the dock, and no other man, murdered Mary Tuplin. We have placed the whole case logically and clearly before you, and now your important duty commences. Never before in the history of the Island was such

AN ATROCIOUS CRIME COMMITTED.

Have we traced the crime home to any particular person? I think we have; and the person to whom we have traced it is the prisoner in the dock—William Millman. We both have a duty to do; I have done mine, and it is now for you to do yours. I would be recreant to my duty were I not to tell you that, in view of the evidence, I firmly believe the prisoner to be guilty. You have no other course to pursue than to return a verdict of guilty. We must have the moral courage to do our duty in the case, no matter what the consequences may be. I ask you to render such a verdict as will do justice to the prisoner, your country, and your conscience.

The address was a splendid presentation of the case for the Crown, and was attentively listened to by the crowded Court-room. It occupied some four and a half hours in its delivery, and at the close was loudly applauded.

SKATERS.—Galbraith's Band at the Excelsior Skink to-night.

EXCELSIOR.—If the weather is favorable, the Band of the 82nd Battalion will be in attendance at the Excelsior Skink to-morrow afternoon from 4 to 6 o'clock.

AN EXPLANATION.—An accident to our press and forms last evening necessitated considerable delay in the issuing of THE EXAMINER, and the holding over of several columns of reading matter and some advertisements.

"HAVING examined the formula from which Adamson's Botanic Balm is prepared, we recommend it as a safe and reliable medicine for the cure of asthma, coughs, colds and all diseases of the throat, chest and lungs. Geo. W. Martin, M. D., Augusta, Me.; L. H. Sterns, M.D., formerly Surgeon, N. M. Asylum, Tugus, Me."

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Tremendous Knock Down in Prices for the Holiday Season.

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- Ladies' Gold Watches from \$15, upwards.
- Ladies' Silver Watches from \$8, upwards.
- Gents' Silver Watches from \$12, upwards.
- Nickle Watches from \$5, upwards.
- New Style in Brooches from 25cts, upwards.
- Ear Rings from 30cts, upwards.
- Ladies' Colored Gold Sets from \$15, upwards.
- Ladies' Gold Band Rings from \$1, upwards.
- Plain Gold Rings from \$1, upwards.
- Ladies' Set Rings from \$7, upwards.
- Silver Bracelets from \$1.50, upwards.
- Ear Rings from 30cts, upwards.
- Single Necklets from 75cts, upwards.
- Ladies' Thimbles from 35cts, upwards.
- Chains from 40cts, upwards.
- Scarf Pins from 20cts, upwards.
- Watch Chains from 40cts, upwards.
- Collar Buttons from 6cts, upwards.
- Cuff Buttons from 5cts, upwards.
- Locketts from 25cts, upwards.
- Gents' Gold Rings from \$2, upwards.
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- Eye-glasses from 30cts, upwards.
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