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EDWARD WHELAN]

This is true Liberty, when Free-born Men, having to advise the Public, may speak free.—EURIPIDES.

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Literature.

LYNDON HALL.

IN SEVEN CHAPTERS. CHAPTER THE FIFTH.
(Continued.)

Norah and Edmund were frequent companions. This was by Miss Lucy's manoeuvring. Having made up her mind that they were the two halves of which the Germans speak, she did her best to fit them together. She hoped to accomplish her moral mission before Gregory's return; when it would be too late to "hark back."

"This is pleasant, Lucy," said Norah, suddenly. She and her friend were sitting on the lawn; Edmund, half-lying at their feet, reading aloud. Launce was away with the Colonel, inspecting some improvements.

Lucy looked down at Edmund. She saw his face flush, and his eyes grow large and dark.

"Yes, very enjoyable," she answered. "What do you say, Edmund?" "I think enjoyable too cold a word," said Edmund, raising his eyes to Norah.

"Take my advice," said Norah hastily. "Do not despise coldness. Do not strain after excess of expression or unbridled feeling. There is nothing like self-command. Mr. Thorold, believe me."

Lucy and Edmund exchanged looks; but Edmund's was full of pain; in Lucy's was a slight sneer, as she thought what a shameful trick Fate had played them all, to throw him at the feet of one who had not strength or power enough to love him: to waste all that fire and energy in watering desert sand. Ah! if that same fate had but given Gregory to her—his love would have met a far different return.

"My view of life, and of love, is sympathy," said Edmund, gently. "Sympathy certainly cannot change our natures; it cannot make the passionate cold, or the cold passionate; it cannot bend the strong, or nerve the weak; but it can modify. If our uncontrolled impulses wound the one we love, it seems to me the manifest duty of the man, who is the stronger, to fashion himself, so far as he can, into such form as his friend would have him wear; and to check for her sake, all outward expression of what he may not be able to destroy within him. I understand no self-assertion in the man who loves."

Norah did not answer. While Edmund spoke, she looked at him earnestly and sorrowfully, with something very like tears in her eyes. But Norah's tears seldom passed the boundary of her lids.

"Not many men are like you," at last she said, with a gentle sigh.

"O! he is such a gentle, loving creature!" said Lucy to her, when they were alone. "Edmund always reminds me of that statue of the youthful genius you are so fond of; and, by the bye, he is not unlike in feature; so gentle, so kind, so considerate to others, so full of rare right feeling." She bent her eyes on the little creature earnestly.

"Yes, he is a very interesting boy," Norah answered cordially. "I never knew one I liked to be with so much, or who put me so entirely at my ease. And that is no slight praise from such a nervous person as I am!" she added, half laughing.

Lucy reported her words to Edmund, and cost him a night's rest thereby. It was not only the fulfilment of his own love—for he knew he loved her—that he sought, but her deliverance from a man who held her by force, and made her very life a burden to her. We all know what a terrible lever to love is fanaticism, and the belief that love is duty.

Norah saw nothing. She had been too long accustomed to the fiery noon of Gregory's passion to see what forms were floating in the soft dim twilight of Edmund's tender affection. Unconsciously she encouraged what she did not recognize. By her gentle kindness and her evident preference; by her silent friendship; by her girlish confidence, she aided hourly in consolidating the fatal fancy she would have destroyed at once, had she known of it. But it never occurred to her that she meant love when she meant only kindness, and that she was answering a passion when she gave back mere kindness. Then, he was so young—such a mere boy!—only just her own age!

Gregory had now been away three weeks. He wrote letters daily that might have been traced in fire: so fiercely loving and so full of burning anguish. They were less painful to Norah than his presence; but, though only letters, they were singularly trying to her. She dreaded them in a weaker degree, but in the same manner as she used to dread his visits and his passionate prayer: "Norah, let me speak with you!"

He said nothing of his return, and nothing of his business. The Colonel alone knew what that business was; and was discreet. Thankfulness at his absence swallowed up curiosity in Norah, and hope in Lucy; so that days and days were on, and no mention was made of his return. And still Lucy's brothers stayed at Lyndon Hall, and Edmund's soul went deeper beneath the waves which gave back nothing living.

But Launce? O! good-tempered, genial, soft-hearted Launce looked on and wondered; and when he did not wonder, laughed. As for the Colonel, he thought his way was clear before him. Surely he had secured all the approaches! Surely she had not an inch of ground left for defence or retreat; but, more surely than all, she was willing to capitulate, and did not seek for defence or retreat. And he—he would be proud of his beautiful prize; he would parade her before the eyes of the world, as a priceless gem in a gorgeous setting. He was satisfied there were no flaws in the jewel, and that he would not be disgraced by wearing it. So, the sooner it was set upon his hand the better for her, and the happier for him. But this was just what Lucy did not want. It was premature and disorganising. The explanation must be delayed at least till Norah's affair was settled; and yet the Colonel had grown so pressing. What should she do? Foolish girl that she had been!—why had she heaped up the coals so high? What she had lighted for amusement in the first instance, threatened conflagration now to all around; and no one was to blame but herself. She could have wept at seeing her mine sprung too quickly, and at her inability to stave off the dreaded hour. But weeping her spiteful tears, or smiling her most blandishing smiles, it was all one to fate and the Colonel: the hour came on inexorably. Colonel Lyndon of Lyndon Hall made her a formal offer of his hand and fortune, in the bay-window of the drawing-room; sitting on the ottoman, and offering this precious prize in such a tone of provoking certainty, that Lucy could have boxed his ears with good-will. As she could not afford herself that satisfaction, she accepted him.

"At all events," said Lucy to herself, "if Gregory and Norah do marry, and I do not wish to tie myself to this old gentleman—but Lyndon is a fine place!—I can always break

it off when I like. Better that chance than refusing him, and being obliged to leave Lyndon and to have all my plans destroyed." "But no one was to know of it," said Lucy, coolly. "It was their dear little secret, and they would keep it sacred for a few days yet." And the Colonel assented. Thus Lucy gained more breathing time.

CHAPTER THE SIXTH.

"See, how beautiful it is," said Edmund, standing on the flight of steps leading to the lawn. "Will you not come out into the garden, Miss Lyndon? Pray do! it is so delicious, and it will do you good."

He asked her earnestly; and Norah smiled, and stepped through the open window. They strolled on the lawn, Edmund talking as she loved to hear him, in that deep, gentle, half poetic, half metaphysical, and wholly vague and dreamy way of his, which, by its very vagueness seemed to open new worlds to Norah. She listened quietly and with a certain absorption to which poor Edmund gave a warmer parentage than simple intellectual pleasure. Interested and unconscious, Norah by degrees drew towards the shrubbery. Still listening, she passed through the narrow path, and up the long walk, to the garden-chair beneath the beech-trees.

"Let us sit here," said Edmund.

Norah disregarded the omen of place, and sat down. He stopped speaking. Surprised at his silence, she looked up. The look which met her's—the plaintive, long, beseeching look—surprised her still more. But she did not read it correctly.

"May I speak to you candidly and without reserve?" "Yes," answered Norah, perplexed.

"Miss Lyndon—" he began; but his voice failed him. "I am afraid of displeasing you," he then said anxiously.

"O, no! you cannot displease me, Mr. Thorold. What have you to say? I am not afraid of any explanations with you," she smiled.

"Thank you—thank you for that word! Then you will hear me patiently and quietly and without anger, whatever you may reply?"

"Yes," said Norah, with a frank but still perplexed expression, saying to herself: "what can he mean?"

"Have I deceived myself?" he then began; "have I read your heart only by the light of my own? But, no! it cannot all be only the reflection of myself! You do feel for me kindly, affectionately, with sympathy—is it not so, Miss Lyndon? You do?"

He spoke earnestly, but O! so gently—his soft voice falling like music on the air, his manner so controlled, so respectful!

"Yes," said Norah, looking frightened, "I do feel all this for you."

"No more? Must I be content only with friendship? O, Norah! I can keep my secret no longer. Promised though you are to another—but promised to one you do not love, and with whom you are unhappy and ill-assorted—it is no dishonour to seek to free you. If you can gain sufficient strength to break off your present engagement, Miss Lyndon, the whole study of my life will be how best to make you happy; how best to shape my life to yours."

He took her hand; it was cold and trembled.

"I am sorry you have said all this," Norah answered in a low voice, "for now I have lost my companion. I do not love you, Mr. Thorold, and I did not know that you loved me. You were a prized companion—the first I have ever had—and I liked you and felt grateful to you; but, indeed, indeed, I do not love you."

Edmund made no complaint. He only shivered, and turned paler than Norah herself, his forehead and upper lip standing thick with heavy drops.

"Then you love your cousin, who is expected back so soon—perhaps this very day—to claim you?"

Norah was silent.

"I did not know that," continued Edmund; "I did not believe you loved him."

Still she did not speak; she only shuddered slightly and looked down.

"But you forgive me for my presumption?" said the poor youth grievously, doing his best to prolong the conversation—the last he might ever have with her alone, or on that dangerously dear topic.

"Forgive you?—yes!—but it is not presumption. I have been to blame for not having understood your feelings better. Forgive you? Indeed, yes! but there is no forgiveness needed!"

She spoke fast for her, and almost with warmth.

He raised her hand to his lips, without any show of passion, in a quiet subdued manner only, then left her—very sadly, but patiently and calmly—Norah looking after him sadly, too—feeling as if she should never see that young slight form again.

She was still looking after him when Gregory stood before her. Livid, haggard, worn, with a light in his eyes as in those of a panther about to spring, he stood before Norah like an evil spirit. Norah screamed, and started to her feet. Then, summoning all her self-possession, she sat down again, slowly stiffening into the statue-like, passive, painful immobility which was all that Gregory knew of her.

"I have heard your conversation," said Gregory, bitterly.

"Is this the way you keep your vow, Norah? Answer me at once, and without subterfuge, is this what you call faithfulness?"

"I have broken no vow," said Norah.

"No? Then perhaps my ears have deceived me; perhaps I have heard nothing; perhaps it is a dream—a fancy—and young Edmund Thorold has made you no offer of his love. Am I mad, Norah? Am I dreaming? Have I my actual senses, and yet you dare tell me to my face that you have kept your faith with me?"

"If you have heard all, cousin, you will know that I have done so."

"Proof of which, I find my rival pouring out words of love to you! That looks like woman's faith, surely. O Norah, Norah!" he cried, dropping his bitter satire of his manner for the wild love natural to him, "is it not maddening for any man to have the thing he loves profaned by the love of another? Is it not torture, think you, on returning home to claim the treasure of one's life, to find a rude hand laid on the casket, and one's very title disputed! Norah, what did I hear when my eager blood has flown to my heart for joy to find myself so near you,—what did I hear. A boy telling you that you did not love me, and you suffering the lie to go forth uncontradicted! Not love me!—not love me! Ay, before God and man, you do! I have come for you, Norah; I have come to bid you fly with me to-night; to leave all, and follow me, as you swore you would do; to be mine—indissolubly mine—before heaven and the world; never more to be taken from me—never more to be separated.

Norah, Norah! I call on you now to fulfil your promise, and to come!"

"To-night, cousin? Secretly! Without my father's knowledge? No, no!" said Norah, terrified.

He seized her in his arms.

Despair and terror nerved Norah. "No, cousin, no," she said, "I cannot do this without my father's consent."

"Then that lad spoke true. You do not love me," groaned Gregory. "O! what prevents my killing you now, as you lie back upon my arm? What better death for both?" he muttered, passing his hand inside his vest, and laying it on the handle of a dagger always worn there.

"You may kill me if you will, cousin," said Norah, her terror lending her the semblance of courage.

"Kill you! Not a hair of that golden head should come to harm by me!" cried poor Gregory, pressing his lips upon her head. "My life! my love! Harm from my hand? Never! Never! Harm to myself first. But you love me, too?"

"No," said Norah, "I do not love you, cousin."

"You do not love me? Then you love him? Woe to him?"

"Cousin," said Norah, faintly, "I do not love him. I love no one!"

Norah never knew, in after years, how much was true, and how much fancy, of what she thought she remembered of the time when her cousin leapt the meadow-hedge, and she told him, with the courage of despair, that she did not love him.

Twilight was drawing on. In a distant part of the park, Edmund Thorold was seen by a pair of watchful eyes to walk by the river side. The youth was thinking of the scene beneath the beech-trees; lamenting over his ill-fortune; grieving that he had tempted fate too soon; but, above all, grieving that he must leave the first and only woman he had yet found to realise his ideal: that he must leave her to slavery and misery, while he went out to desolation and despair. He sat down on the branch of a tree overhanging the river, just where it ran most rapidly, through the arches of the bridge—where it was deepest, wildest, and noisiest. A stealthy step crept up to him as he sat; but he saw nothing; his face was pressed upon his arms, and these were laid against the tree, and the rushing water deepened every sound. Suddenly he heard a cry. He started up. A dark glare stared over him; a hand was on his throat; and he was swung through the air like a child, then dashed heavily upon the rocks below. A slight moan, a faint stirring of the limbs, the broken eddy boiling and roaring for a moment, then closing again; and the river ran reddened over a bleeding corpse.

That night Lucy Thorold eloped with Gregory Lyndon.

(To be continued.)

IN THE SUPREME COURT, JANUARY 12, 1858.

TRIAL OF DONALD McNEILL FOR THE MURDER OF WILLIAM LANE.

(Continued.)

Hon. E. PALMER then addressed the Jury for the prisoner. He stated that the Court having been pleased to assign him as Counsel in behalf of the prisoner, he must claim their attention to what he would have to offer in defence of his client. He regretted that he had not the advantage of a greater scope of time to have made himself acquainted with the prisoner's case; it could not be supposed that in the midst of a busy Term—such as the present—and pre-occupied and closely occupied as he was on various other important causes, that he could do anything like justice to the prisoner. He, however, felt much relieved from the responsibility under which he was placed, by the evidence given on the part of the Crown. He hoped the fate of his unfortunate client would not be influenced by the sympathy which the Jury would naturally feel for the afflicted parent and bereaved widow of the deceased—a young man cut off in the bloom of life, and to whom those relatives were doubtless fondly attached. The learned Attorney General had also properly reminded them of this in his opening; and he fully trusted that their minds would be perfectly unbiased by any feeling of this kind. They were called upon to convict the prisoner wholly upon what the law terms circumstantial evidence—a species of proof always to be received with the utmost caution. From the records of courts of justice and the history of criminal jurisprudence may be cited many instances wherein persons have been found guilty under circumstantial evidence and executed, when it has afterwards been discovered, by the most satisfactory and conclusive proofs, that they were quite innocent of the crime for which they had suffered. In their consideration of the case, he proposed that they would first have to satisfy themselves whether the deceased came to his death by the hand of the prisoner. If they thought he did, then came the question: under what circumstances the blows were given? Might there have been given to the prisoner any sudden provocation, real or imaginary. And did he, or did he not, inflict the blows intending to take the life of the deceased? or intending only to prevent, what at the moment he might have imagined, some fatal bodily injury to himself; and lastly and more particularly, provocation or no provocation—was the prisoner when he committed the act, if it were done by his hands, a responsible being? Was he of sound or unsound mind? If, in the first position in which he, the learned Counsel, had put the case, the Jury should conclude that the deceased fell by the hands of the prisoner, then he must request their careful consideration of the case, as to whether there could have been provocation of any such description as to reduce the offence to manslaughter, supposing the prisoner to be of sound mind. Could they take it upon themselves to say, in the absence of all positive testimony, that a sane man would fall to the ground a fellow creature in such an inhuman and barbarous manner, as the act appears to have been committed, without the least provocation? It was a most hazardous presumption to believe so. Such an act is so contrary to our nature, when possessed of our reason, that he did not perceive how they could be justified in coming to such an opinion. He, however, would not dwell on the difficulty arising from this view of the case; he would proceed to that ground of defence on which all others are merged, namely: that the unfortunate prisoner is now, and was when the act was perpetrated, totally unsound in mind. Of the persons unhappily concerned in, or affected by the sad tragedy which has just been detailed, the prisoner at the bar, he thought, was most entitled to their sympathy and consideration: bereft of his reason—if that noblest of the faculties with which our Maker has endowed us—he was no longer a being accountable for his acts. From the evidence to be adduced on behalf of the prisoner, in addition to what had been elicited from the witnesses on the part of the Crown, he, the learned Counsel, felt assured that the Jury would have little difficulty in coming to a conclusion that the unfortunate man was, and had for many years been next before the act was committed, radically unsound in his mind. At times, it has been already in proof, that he was good-tempered and cheerful, suddenly he is found sulky, ill-tempered and morose, but without any apparent cause. His conversations with the witness, Ann Hayden; his sudden resentment, calling her a liar, when he imagined he was contradicted; his inquiry of her whether the knife she was using was sharp; his suspected habit of secreting the table knives; his imaginary visits from the large dog while he slept in the stable loft; her further account of

his habit of talking to himself through the night, and when working by himself in the field—all led her to suppose and to remark that there was something wrong about him. Mrs. Lane, also, as appears by her testimony, had her suspicions about the prisoner's state of mind. She stated that she could not account for those extraordinary changes of temper so frequently discernible. Neither she, nor the deceased, that ever she was aware of, had given him the slightest cause to ruffle his temper. On the contrary both her and her deceased husband had always treated him kindly. On the morning of the accident she heard her husband call him up, but did not hear the least altercation between them, nor anything like grumbling by the prisoner. He was furnished with comfortable bedding on the loft, but yet he unnecessarily slept away some nights where his accommodations were not likely as good; in fact, she was sensible that something was wrong about the prisoner; she was always timid when he was about the house; and several times communicated her apprehensions to her husband; he, however, unfortunately paid no attention to them, but endeavored to allay her fears by saying there was no danger. Considering these unaccountable symptoms and peculiarities in the man, he thought the Jury, if even the whole case rested on the testimony of the witnesses examined on the part of the Crown, would long hesitate before they convicted the prisoner. Some reliance appeared to be placed by the learned counsel for the Crown on the fact of the prisoner's capability of reasoning between right and wrong, as evinced by his conversation with the witness, Edward Lane, in the jail, when he put the hypothetical case of a man going in and out of a shop, (McIsaac's), and money or goods being immediately afterwards missed, without the thief having been seen by the inmates; and that, therefore, the man could not be punished because no person saw him take the money or goods. In the estimation of him, the learned counsel, this exhibited anything but sagacity or soundness of mind. On the contrary, it was the shallow cunning that so often characterises the lunatic and the insane patient. It was indeed puerile and shallow in this instance; for while Mr. Lane was endeavoring to draw a confession from the prisoner, it must have been manifest to all who were listening to the conversation that the prisoner was at least convicting himself, by putting the case of a crime perpetrated, exactly like that charged against himself, in the absence of an eye witness. Mr. Lane further testified to a story of the prisoner having been charged and tried for the murder of some person in or near Pictou, Nova Scotia; which he said he fully believed to be fact; if so, it seemed very strange that the prisoner received no punishment for his offence; from which it might be fairly inferred that the prisoner must upon that occasion also have been deemed insane and unaccountable for his actions. The testimony of Sabine, Collins, Fletcher and McKee, he thought of very little import. They had all met the prisoner, some more frequently than the others, and they never saw in him any acts sufficient in their judgment to believe him insane. They, however, for the most part, had merely exchanged the commonplace salutations with him as they met him on the road; and had never in any manner tested, or had occasion to test the sanity of his mind, and but little weight ought to be given to such negative testimony. The evidence of Dr. Jenkins, the medical attendant of the jail, added he, the learned counsel, thought, little of anything to the weight of testimony against the prisoner. Dr. Jenkins, it must be observed, was a thorough stranger to the prisoner until he visited him in the jail; he knew nothing of, and it seems did not inquire into his previous conduct, habits and history; he had merely conversed with him on a few occasions, and could not say that he discerned any thing whereby to pronounce the prisoner insane. Dr. Jenkins, however, should have been more fully acquainted with the previous life of the prisoner. It recalled to him, the learned counsel, a case recorded in most of the works on medical jurisprudence, wherein an eminent physician, Dr. Monroe, who had charge of a celebrated Lunatic Asylum, was prosecuted by a gentleman for having ordered him to be confined as a lunatic, it being alleged he never was one. On the trial of the case the gentleman underwent a very long and searching examination by the Court and Jury, to whom he appeared perfectly sane and rational, and the case seemed to be going very far against the doctor. He, however, never lost confidence in his own knowledge of the disease; he knew his man; and when every person present was ready to pronounce the gentleman right and the doctor wrong, Dr. Monroe coolly suggested that the gentleman should be asked whether he knew anything of a certain foreign Princess. In answer to the question, he admitted he did, and that for a length of time he had had the honor of carrying on secret correspondence with her by writing his letters in cherry juice, and went on to describe the means used to convey the letters, &c. and so proceeded with a fertility of imagination on this delusion, which soon satisfied the Court of the reality of his insanity. So in the present case Dr. Jenkins was disposed to think the prisoner sane until his last visit to him, when he was accompanied by the prisoner's brother, who having asked the prisoner about certain forged bills of Exchange, he immediately related a story about some man guilty of forgery which had several times brought him up to Charlottetown—confusing the tale with other unconnected circumstances equally ridiculous and delusive, but sufficient, said, as Dr. Jenkins admitted, to shake the opinion he had previously formed of his sanity. Thus the brother, like Dr. Monroe, being from experience thoroughly acquainted with the prisoner's delusions, knew what chord to touch on to test his disordered imagination.

The learned Attorney General had, in his opening, cited an authority, from which he argued, that if the prisoner was conscious enough to distinguish right from wrong, he ought to be held accountable for his actions; that rule, however, is the general one, and must have a guarded application. Insane people frequently evince perceptions between right and wrong, and occasionally great astuteness. With permission of the Court, he admitted he did, and that for a length of time he had had the honor of carrying on secret correspondence with her by writing his letters in cherry juice, and went on to describe the means used to convey the letters, &c. and so proceeded with a fertility of imagination on this delusion, which soon satisfied the Court of the reality of his insanity. So in the present case Dr. Jenkins was disposed to think the prisoner sane until his last visit to him, when he was accompanied by the prisoner's brother, who having asked the prisoner about certain forged bills of Exchange, he immediately related a story about some man guilty of forgery which had several times brought him up to Charlottetown—confusing the tale with other unconnected circumstances equally ridiculous and delusive, but sufficient, said, as Dr. Jenkins admitted, to shake the opinion he had previously formed of his sanity. Thus the brother, like Dr. Monroe, being from experience thoroughly acquainted with the prisoner's delusions, knew what chord to touch on to test his disordered imagination.

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Again, at page 854 of the same work, it is stated as follows:—"Most lunatics have an abstract knowledge that right is right, and wrong is wrong, but in true insanity the voluntary power to control thought and actions is impaired, limited, or overruled by insane motives. A lunatic may have the power of distinguishing right from wrong; but it is contended, from a close observation of the insane, that he has not the power of choosing right from wrong. A criminal is punishable not merely because he has the power of distinguishing right from wrong, but because he voluntarily does the wrong, having the power to choose the right." This may be further illustrated by a case cited in a work of the same nature, at present under his hand, where it is stated that a gentleman once sitting in his bedroom with his wife and two or three young children, was seized with a homicidal mania which prompted him, with an involuntary impulse, to take up the poker and slay his wife and children. He struggled within himself for some time, endeavoring to conquer the impulse, which at last became almost irresistible, when, fortunately, he shut his eyes tight, and, in a voice of thunder, ordered the door to be instantly to quit the room. They did so; and he afterwards used to say that had they refused or hesitated, he could not have controlled himself from perpetrating the act. Here we see the power of controlling thought and action was for a time so evenly balanced, the scale was almost as likely to turn one way as the other; but happily there was sufficient power remaining to control the will, and thereby avert the terrible catastrophe which would otherwise have occurred.

The learned Counsel having cited some other cases from the same work, proceeded to state the particulars of the prisoner's defence, relying almost wholly on the fact of his insanity, which, he said, would be proved by a number of witnesses, whose character and credibility, he felt assured, would appear such in the estimation of the Jury as not for one moment to leave a word of their testimony in doubt. It would be seen that the unfortunate prisoner for about eight years now last, commencing with the destruction of his mother's house by fire, had constantly been out of his mind, and for nearly two years of that time was confined in chains. That there appeared, from the too visible evidence in the person of an elder brother of the prisoner, to have an hereditary insanity in the family, &c. &c. As these particulars are all detailed by the witnesses on the part of the defence, it will be unnecessary to set them out here. The learned Counsel concluded his address by commending the prisoner's case to the merciful consideration of the Court and Jury, by whom he felt assured he would be justly dealt with. Before sitting down he cited to the Court the case of Dadd, who was tried in England, in 1843, for the murder of his father. He never would make any confession of the crime, but immediately it was committed obtained a passport at the Foreign Office and fled to France. He was subsequently tried and acquitted on the ground of insanity.

JOHN McNEILL, examined by Mr. Edward Palmer for prisoner—Resides on Lot 50; has resided there for last 20 years; has known the prisoner as long as he can recollect; his father is dead; prisoner was living with his mother after his father's death; he has been dead many years. At one time of prisoner's life he was doing business for his father and brother; this was some years ago; of late years he has been very different as to his state of mind. Formerly he went to Newfoundland as supercargo for his brother. He saw him after his return very