

any preceding years: there was a life, a freshness, a luxuriance she had never noticed before: it was nature without her mask of clouds. She did not know that the change was in herself, not in outward things, and that the light which lay so bright and loving on the world, was the light of freedom, not of heaven. Every one noticed the change in Norah. The very servants discussed it in their hall.

(To be continued)

### The Examiner.

CHARLOTTETOWN, P. E. I., JANUARY 25, 1858.

IN THE SUPREME COURT, JANUARY 12, 1858.

#### TRIAL OF DONALD McNEILL FOR THE MURDER OF WILLIAM LANE.

The following were sworn as the Jury to try the cause:—  
John Ferguson, Adam Murray, Henry Bennett,  
Charles Saunders, Joseph Moorhead, James Howard,  
John P. Oxley, William Coles, Hugh Kidd,  
Donald Crockett, James Affleck, Benjamin Clark.

Counsel for the Crown.—The Attorney General and John Lawson, Esquire, Q. C.  
Counsel for the Prisoner.—The Hon. Edward Palmer, Q. C.

The ATTORNEY GENERAL having opened the indictment, then addressed the Jury:

Gentlemen of the Jury.—From the statements just made by me to the Court, in detailing the contents of this indictment, and from what you have no doubt already heard of this case, you must be fully aware of the serious and painful nature of the charge which you are now empanelled to try. The prisoner at the bar, Donald McNeill, stands charged with the crime of murder—the highest crime, perhaps, known to the law; and with the commission of that crime under circumstances of considerable atrocity. It will appear to you in evidence that the prisoner, in the month of October last, and for some time previous to it, was in the employ of Mr. William Lane, of Alberry Plains. On the day when the crime was committed (20th Oct.), he and Lane breakfasted together. It also appears that in the early part of the morning Lane, on rising, found that the prisoner had over-slept himself, and reproved him for so doing, and it is possible that this might have engendered angry feelings in the prisoner. To this circumstance, however, I feel bound to state that I do not attach much weight; still it may be a point worthy of your consideration in endeavoring to form a just conclusion in this case, and therefore I bring it under your notice. The day was wet; and after breakfast Lane and the prisoner went out together to work in the barn—Lane taking a hammer and nails, and the prisoner an axe. About half an hour afterwards the prisoner returned to the house by himself, and asked for a needle to mend his brace, which was broken. Mrs. Lane gave him a needle and thread for that purpose, and prisoner sewed the brace himself. The prisoner had been hired for a period of three months by Lane, which would have expired about a fortnight after the day in question; and part of the remuneration he was to receive was a pair of homespun trousers, which he was to get at the end of the term. Whilst mending his brace he asked Mrs. Lane whether the trousers were ready. She said no; but that they would be so before his time was up. He made some rough answer, and went out to the stable again. About 2 hours elapsed, and the dinner hour came round (one o'clock), but neither Lane nor the prisoner returned to the house. About 12 o'clock, Ann Hayden, a girl living with Mrs. Lane, had been out to the barn to fetch some wood, but saw nothing of either of the parties. She did not make any search for them, but both she and Mrs. Lane concluded that they had gone to a neighbor's house. However, when the dinner hour had passed, Mrs. Lane herself went out to the stable, and looking round—to her horror, as you, gentlemen, may well imagine—she discovered her unfortunate husband lying on the floor in a pool of blood. She screamed aloud in her agony, which brought Ann Hayden out to her. Ann Hayden, looking in through the door, saw the mangled body of the deceased, but was so terrified that she would not go in. Poor Mrs. Lane had, meantime, knelt by the body of her murdered husband. She raised it in her arms—she called him by name—but no answer was returned. On examining his head she found that the back part of it was completely smashed. Ann Hayden ran, at Mrs. Lane's request, to fetch a pillow from the house, and Lane's head was placed on it; but still no signs of life were perceptible. Ann Hayden then ran and called Mr. Fletcher; and about half an hour later Mr. Sabine and Mr. Edward Lane, the father of the deceased, were summoned to the spot. They will be examined here to-day, and from their mouths you will learn the particulars of the case. From the position in which the body was found there can be no doubt that deceased was engaged, at the time when the mortal wounds were inflicted upon him, in nailing a board on the bottom of a corn box in the stable. Three nails appear to have been driven by him in it, and the fourth was pointed and partially driven in. The deceased must have been stooping down and driving the nail up with the hammer in his hand, when he was struck down. The body was rolled over on the back, with an inclination to the right side. The hammer lay on the floor alongside the body. The cap was off. The arms were folded on the breast. The axe was in a pool of water at the doorway, and, as Mrs. Lane says, appeared to have been recently cleaned. The prisoner, McNeill, was not to be found—he had fled—but whither no one knew, as he had not been seen by any of the neighbors. In order to reach the public road, a person leaving the barn would, in the ordinary course of things, have to pass by the house and pursue the beaten track; but a shorter cut might be made by crossing a ploughed field; but no one, except on an emergency, would have chosen that course on a wet day. On inspecting this ploughed land, wide and deep footmarks were found in a direction leading from the stable, and it was at once concluded that McNeill had fled in that direction, which proved to be correct when he was afterwards interrogated. The body was then carried into the house. Dr. Cox shortly afterwards arrived, but pronounced life to be quite extinct. He will, however, describe to you the precise nature of the wounds, and, as well as the other witnesses, quite satisfy you that the death of the deceased must have been caused by a human hand wielding some such instrument as the axe in question, and that it is quite impossible that he could have come to his death in any other way. As regards the injuries, there was a deep cut over the left temple, clean through the bone into the brain. This of itself would have caused instant death, and must have been inflicted with the sharp edge of the axe. The back of the head was fairly lacerated, and apparently with the back of the same instrument. However, it is quite clear that the blow must have been inflicted on the deceased from behind. The murderer, whoever he was, must have struck him whilst he was engaged stooping down driving a nail into the corn box. An inquest having been held on the body, a warrant was issued, and John Collins, John Jenkins and Charles Sabine went in pursuit of the prisoner. He was captured by the two former on the following morning; but from that time to the present has always persisted in denying his guilt. When questioned by Collins, he admitted having run across the ploughed land, but said it was to get away from the rain, which, Collins remarked, was a curious thing for him to do when he was under cover at the time in the barn. These are the principal facts which will be placed before you by the evidence on the part of the Crown. In this case, as in most cases of murder, gentlemen, you will have no direct evidence of the commission of the crime—no person was near or witnessed the act; but you will have to form your verdict and decide on the guilt of the prisoner on purely circumstantial evidence. However, many circumstances combined together may produce a conclusion as satisfactory and almost as irresistible as direct evidence. It will be for you to determine on their force when you shall have heard them; but I think it my duty now to point out to you what I conceive to be the principal circumstances tending to establish the guilt of the prisoner. On the Sunday before the day (Tuesday) on which deceased came to his death, the prisoner and Ann Hayden were alone together in Lane's house. He was reading the account of a murder in an English newspaper, and when he had finished he laid the paper down, and said to Ann Hayden—"If a crazy man was to kill a wise man nothing could be done to him, could it?" Ann replied, "Yes, there could." Prisoner said, "You are a liar, nothing could be done to him unless somebody saw him do it." This was a curious conversation, but I think, gentlemen, it will afford you some assistance in this case—it is, in my mind, the first link of the

chain. Again, we shall prove to you that the prisoner has several times since stated (although he constantly denied the murder), when endeavoring to account for his so abruptly leaving Mr. Lane's house without even going to the house, or pursuing the ordinary road, that he had an altercation with Mr. Lane in the barn about his wages—that he charged Mr. Lane with not having performed his part of the contract about the trousers,—that Mr. Lane spoke harshly to him, and ordered him to leave, and that he did so. This statement, made by the prisoner himself, proves, as I think, what we could not have made out by any other means, that there was an angry altercation between Lane and the prisoner in the barn. Then the flight of the prisoner, and in such haste as the wide and deep footmarks across the ploughed land testify, and the unusual road pursued, is a strong evidence of guilt. Why leave Mr. Lane's, since his term of engagement was not up? and why leave so abruptly, without even going to the house? No one else was seen about the place on that day. It appears to me, under this evidence, that the conclusion is irresistible, that the prisoner was guilty of the act. In cases like the present juries frequently and very naturally say, "Show us some motive for so atrocious an act?" No doubt it is more satisfactory to be able to assign some motive, and thus relieve the minds of a jury; but I cannot do so in this case. I can only call your attention to the fact that the alteration in the barn is admitted, and suggest that the bad feelings of the prisoner being probably excited by it, he was led to commit the act in question. But, gentlemen, it frequently happens that actions of great enormity are committed for which it is impossible to discover any motive; nevertheless, where other circumstances are strong and conclusive we must not reject them, or consider the party unaccountable because we cannot discover any adequate motive. In ordinary cases, gentlemen, it is, perhaps, hardly usual to surmise what the defence to be set up by a defendant will be, but from what has taken place in this Court, and what has transpired in public, we must pretty well understand that the defence to be set up in this case (if you think that the prisoner did the act charged), is that he was insane at the time, and therefore unaccountable for the crime, if he committed it. I consider it, therefore, my duty, even at this stage of the case, to state to you the law on this point, and how far I conceive the prisoner to come within it; and it will, I think, be the fairest course towards the prisoner himself, as it will afford his Counsel an opportunity of replying to the authorities which I may cite. The law on this point has been discussed and laid down in a large number of cases.—

In Roscoe, on Criminal Evidence, page 944, it thus stated:—"To amount to a complete bar of punishment, either at the time of committing the offence or at the trial, the insanity must have been of such a kind as to deprive the prisoner of the use of reason, as applied to the act in question, and the knowledge that he was doing wrong in committing it. If, though somewhat deranged, he is yet able to distinguish right from wrong in his own case, and to know that he was doing wrong in the act which he committed, he is liable to the full punishment of his criminal acts."

Again—"To entitle a prisoner to be acquitted on the ground of insanity, he must at the time of committing the offence have been so insane that he did not know right from wrong. In Arnold's case, against the doctrine is laid down. See 16 Howard's State Trials, 731-5. In that case the prisoner was convicted. He was indicted for shooting at Lord Onslow.—"It appeared that he was to a certain extent deranged, and had misconceived the conduct of Lord Onslow; but he had formed a regular design to shoot him, and prepared the means of effecting it. Justice Tracy observed, that the defence of insanity must be clearly made out; that it is not every idle or frantic humor of a man, or something unaccountable in his actions, which will show him to be such a madman as to exempt him from punishment; but that where a man is totally deprived of understanding and memory, and does not know what he is doing any more than an infant, a brute, or a wild beast, he will be properly exempted from punishment."

In Lord Ferrer's case it was said by the Judges, that it was sufficient to render a man answerable for his acts, if he could discriminate between good and evil; it was not necessary that he should be in complete possession of his reason. The same doctrine was afterwards enunciated in Hadfield's, Bellingham's, and other cases, and subsequently, after Daniel McNaughton's trial, for shooting at Mr. Drummond, certain questions of law on the point of insanity were propounded by the House of Lords to the Judges, and the reply of the Judges is contained in Roscoe on Evidence, page 950, and following pages:—

Mr. Justice Maule there lays it down as his opinion, "that if at the time of the commission of the crime, the accused knew he was acting contrary to law, but did it with a view under the influence of some insane delusion, of redressing or revenging some supposed grievance or injury; that such person was responsible for his acts," and adds,—"To render a person irresponsible for crime, on account of unsoundness of mind, the unsoundness must be such as to render him incapable of knowing right from wrong."

Chief Justice Tindal said,—"We are of opinion that if he knew at the time of committing the crime that he was acting contrary to law, which expression we understand to mean 'the law of the land,' he is punishable." And again,—"If the accused was conscious that the act was one which he ought not to do, and if that act was punishable by the law of the land, he is punishable." There have been subsequent decisions on these points, but all, I believe, recognize and establish these two tests in cases where the plea of insanity is set up to discharge a party from the consequences of an act committed by him.

Was the party so insane as to be unable to distinguish right from wrong, when he did the act, did he know he was doing wrong? Did he know when he did it that it was contrary to the law of the land, and that he would be liable to punishment on account of it?

Making use of these tests, let us apply them to the present case, and I will now point out to you why I think the prisoner is responsible for the act which he has committed. The expression which he made use of to Ann Hayden, "that if a crazy man killed a wise man, nothing could be done to him, unless some one saw him do it," appears to me to establish the fact that he knew the difference between right and wrong, and could well argue the law of the land. He appears to me to have had two ideas in his head,—the first, that a crazy man could not be punished, and secondly, that a murderer could not be punished, unless there was a witness present who could prove his guilt. It seemed to assert that if one man got another by himself and killed him, the murderer would get clear and escape punishment on account of deficiency in the proof. And again, when interrogated in Jail, by Mr. Edward Lane, father of the deceased, the prisoner asked how he could be convicted, as there was no witness to Lane's death. He exhibited in his conversation with Mr. E. Lane the skill of a lawyer, rather than the weakness of insanity. He even went so far as to put a case to Mr. Edward Lane, to the following effect:—"Suppose," said he, "I and another man were in Mr. McIsaac's store, in Charlottetown, and after we both left, some articles were missed. I was suspected of taking them, but no one saw me do so,—how are they going to convict me?" All these things, and the general conduct and conversation of the prisoner, whilst at Mr. Lane's, appear to me strongly to prove that he knew the difference between right and wrong, and the consequences of committing the act, if evidence of it could be produced against him. This reasoning was, such and such things can be done with impunity if only there is no witness. However, gentlemen, it will be for you, after hearing the evidence on both sides to determine the guilt of the prisoner, and whether he is accountable for his acts or not. I believe all I have stated will be fully made out by the evidence to be produced on the part of the Crown, but this you will yourselves be able to judge; and will, moreover, have the law and the facts brought before you by the Court. You have to determine:—1st. Whether the prisoner was the person who killed Lane. 2dly. If so, was he sane or insane at the time. I need, I am sure, hardly tell you, gentlemen, that you must not allow yourselves to be influenced either by horror at the act committed or a feeling of sympathy for the prisoner on trial for life; nor yet by any thing you may have already heard or been told of the circumstances of this case, whether favorable or adverse to the prisoner. You must carefully consider the evidence which will be given before you, and on that alone found your verdict. You have a painful duty to perform, but I am satisfied that you will discharge it with propriety.

MARY LANE.—Examined by Attorney General.—Is wife of W. Lane, the deceased; lived at Alberry Plains, Lot 49, Queen's County; knows prisoner; he lived with deceased two or three months; he worked on the farm assisting her husband in stumping chiefly; he was to be paid at so much per acre for stumping; does not know for how long a period he was engaged. He and the deceased appeared on good terms; deceased went to call prisoner upon the morning of his murder; he, prisoner, laid late on that morning; her husband called him, but did not know what occurred between them at the time; prisoner was generally good-tempered—sometimes sulky. After breakfast, deceased and prisoner went to the barn together. The barn was distant from the house about three times the breadth of Court House. They went out at the back of the house; the barn stood between the back and end of house. They were going to fix up the stalls in stable. Her husband took a hammer and a saw.

Is not sure if prisoner took an axe with him; but he had one in the stable working with; deceased came in from stable about 10 o'clock, and ordered the girl to get the garret floor ready to place wheat on that day. Prisoner came in a little after her husband; went out, and asked for a needle and thread to get his brace-sewn. She gave it to him; he remained in from fifteen minutes to half an hour; he asked if deceased had a pair of trousers he promised him ready; said to him they were not ready; would be by end of the week; he made no reply to this; heard deceased then call prisoner, and he went out. Deceased was then working in stable; heard him hammering; this must have been between 10 and 11 o'clock; intended to have dinner that day at 1 o'clock; saw nothing more of them until she went to call them; wondered they were so long in coming to dinner. Prisoner generally came in before deceased at dinner time. She sent the girl, who returned and said she could see nothing of them; then said she supposed they had gone to the new house; barn and stable is under one roof; two doors to it; went herself to stable, and found the deceased lying in the stable; he had been erecting a horse stall; two stalls were made; two horses there; he was lying on his right side. At the end of the stable, where the third stall was erecting, his cap was off; it was lying a short distance from his feet; his hands were folded across his body; his head was in a gore of blood on the floor; the hammer was lying near him; a nail was in the stall partially driven; the nail was pointed upwards, driven so, and he must have been stooping to drive it. He was lying in a gore of blood; his head was cut and bruised. One cut on the back of his head; two or three on the side of head; raised him up in her arms; raised his head; life was extinct; he was quite cold. Sent the girl for the first neighbor. Saw the axe in the stable at the doorway; it lay in the dripping of the rain; it was a rainy day; looked for Macneill; could not find him; no person in the barn; saw nothing of him until this day in Court; cap produced was the cap deceased wore that day; saw nothing of prisoner from the time he had his brace mended. No other person was about the premises that day; it was a very wet day; no person could have been there that day without her knowledge. A considerable distance between the buildings and nearest road a ploughed piece of land was to the eastward between barn and woods; and grass land to the westward.

Cross-examined by Mr. E. Palmer.—Counsel for Prisoner.—Prisoner had been two or three months in their employ; is a native of this Island; his home is Vernon River; has never been in their employ previously; had never seen him until he came to work with them; don't think her husband knew him before; he came to stump; usually slept in the barn; completed his stumping, and thinks he hired for half a month, but is not certain; slept in barn from his own choice; furnished him with bed clothes; he was sometimes good-tempered—sometimes sulky—very cheerful at times—was always the first to come home to dinner—if not ready, he would wait for it; he was a very hearty eater. Saw her husband speaking to prisoner on the morning in question; heard him call him at the barn; did not hear what was said; breakfast about 9 o'clock that morning. When Macneill came in from the barn to get his brace sewn, he did not appear irritated or agitated; he was in his usual mood; he asked when his new trousers would be ready before he went out. The period when he was to have his trousers had not arrived. Told him they would be ready by the time. Offered him an old pair of braces of deceased's at the time, which he refused. He was to carry in some grain that day from the barn. Deceased called prisoner from the house when he was in about the braces. The axe was found inside the building; the end of the barn to the eastward was open, and the rain dripped upon it; it lay in the water on the ground within the frame of the barn; it lay in water and the rain dripped upon it; there was no particular pool under the axe. Thought the prisoner was not altogether what he ought to be whilst he lived with them; was timid about being alone with him. Had heard that he was not right, and therefore was afraid of him. Had expressed her fears to her husband who only laughed at her. Her fears as to the prisoner arose, not from what she saw in his conduct, but from what she had heard of him; could not account for his sulky appearance at times; not acquainted with the prisoner formerly. He used to sleep in the barn when at work on their farm. He worked two days with Fletcher during the time he served them, and the nights of those days he slept in Fletcher's barn. He fancied he had seen a large dog coming into him in the barn on different nights. There was no large dog about the premises; thinks this was the reason he slept at Fletcher's, which was only the breadth of one hundred acres distant. His bed in their barn was comfortable. He assigned the seeing the dog as the reason for sleeping at Fletcher's.

ANN HAYDEN.—Examined by Attorney General.—Lived at deceased's at the time of murder; had been there a fortnight before McNeill came there. He was sometimes bad tempered, sometimes not. He sometimes spoke very cross. Happened on a Tuesday. Heard deceased call up prisoner that morning; prisoner slept in barn; can't tell what was said. They had breakfast soon after; saw deceased and prisoner go out to barn to work, and saw prisoner come in afterwards to get his braces mended. Dinner was to be at 1 o'clock; prisoner generally came to dinner before deceased. Went to barn about an hour before dinner to get chips—this was about 12 o'clock; saw nothing of either of them; heard no hammering; had heard hammering before about 9 o'clock; told Mrs. Lane she saw nothing of them; that they must have gone to Sabine's, a neighbour. Barn and stable under one roof; a board was off between barn and stable where they were at work; looked around, but did not look down on floor; saw neither of them then; heard no noise of work, therefore looked. Mrs. Lane went to call them to dinner; heard her scream; ran out; said William was killed. She was frightened; at first refused to go into the barn; did go; he was lying on his right side; he appeared to have been working at a division between two stables. Saw a quantity of blood about him; Mrs. Lane sent her for a pillow; did not go into the stable; she was frightened; went for Fletcher, a neighbour; brought him. Sabine came, and deceased's father; deceased was taken into the house whilst she was away for the neighbours. Saw his head when he was taken into the house; it was much cut. Saw no person about the place on the morning this happened, beside Mr. and Mrs. Lane and prisoner. None other could have been there, she thinks, without her knowledge. Never heard any quarrel between Lane and prisoner. Recollects Sunday before it happened; only McNeill and herself at home; he was reading a newspaper about a murder. He said to her if a wise man and crazy man fought, and if the crazy man killed the wise man, nothing could be done to him. She said there could. He said she was a liar, there could not; because no one was looking on. He was bad tempered at times; then spoke roughly to her. He often read newspapers, and at times talked to her of what he read. One day she was peeling turnips with a knife in the porch; he asked if it was sharp, she said no; he said she was a liar, he saw her cut bread with it—that knife she laid on the table when he got his supper that night; it was missing from that time.

Cross-examined by Mr. Palmer.—Lived at Lane's before prisoner came there. Sometimes he was cheerful, sometimes sulky. He used to get vexed at times with her; she purposely said things to vex him; he was easily vexed; contradicting him would vex him, and he would call her a liar. He was reading the newspaper aloud on Sunday; what he said about the crazy and wise man was not in the paper—this was an opinion of his own; was frightened about him at times; his looks and his ways frightened her. He seemed cross when he called her a liar about the knife. Wondered in her mind what was his reason for asking about the knife—that knife was laid on the table when he got his supper, and was missing from that time; thought he had taken it. Knew of his sleeping at Fletcher's. He told her that a big dog used to come into the barn loft to him. Said it came in three nights running; don't believe any dog came into him; there was no dog about the premises. He usually came home first to dinner; usually eat below the house near the woods; has seen him at work in the field; has heard him talking aloud when he was alone at work; no person near him; could not distinguish what he said; heard him talk to himself a great many times; heard him do so when in his sleeping-place in the barn; once in the barn heard him talking aloud about big able men. He usually eat off a table by himself at the same time Lane and his wife took their meals. She took her meals with Mr. and Mrs. Lane.

EDWARD LANE.—Examined by Attorney General.—Is father of deceased; was in the neighborhood when it happened; was at Sabine's, a farm near deceased's, the night before; it was on the 20th of October last. Jane Fletcher came to Sabine's about 1 o'clock, and said that William (deceased) was hurt or killed. Went immediately to house, and sent Fletcher for Dr. Cox. When he arrived he went to stable; his son was lying

there; then deceased's wife and two other women were there. Mrs. Sabine came with him. He was lying in a stable. A pillow under his head. He lay in a pool of blood; looked as if all his blood had escaped from his body. Took hold of his head, it was soft. Blood was quite cold and clotted. Could not make an examination of his head; was so shocked did not notice hammer and axe; made no examination. Took him to house with the assistance of the women. He was dead and cold outside when he first saw him. Inside his shirt his body was warm. Macneill was not to be found. Dr. Cox came, who pronounced him to be dead. Held the candle for the Doctor, when he made the post mortem examination. One cut was on left side of head, farther back than temple, about one and a quarter inch long; went through the skull; thought it must have been done with a heavy and sharp instrument, the cut through the skull was so clear. A wound or bruise on left ear, as if made by the back of an axe; it was not a cut, it had broke the scalp behind the ear. The back of his head was all smashed in. Saw the axe lying against the sill of the stable, the head was on the stable floor. His son was at Sabine's the Saturday before his death. Never saw Macneill until he saw him in jail. The wounds on his son's head could not have been done by himself or by a horse. Saw prisoner in jail; went to see if he would acknowledge it. Asked what he was confined for. Did not make himself known as deceased's father; asked jailer what Macneill was confined for. Jailer said he was in custody for the murder of William Lane; said he was sorry to see him in that situation. Told him he knew his father; asked him when he went into the stable with William Lane; he said about ten o'clock; and he thought he remained about half an hour. Asked him how he came to leave the stable such a wet morning? he said deceased desired him to go, they had disagreed about his wages. Asked him why he left without his wages? he said Mr. Lane told him to go and he went; and he would pay him his wages when he pleased. Said, Donald this cannot be true; was not Lane to give you a pair of pants; he said yes he was, but they were not made. Asked him why he did not go in and get the cloth; he said it did not matter, when Lane told him to go he went. Asked him how he came to run so fast from the stable? he said it was a very wet morning, and there was a ploughed field between the barn and woods. Then made himself known as father of deceased. He (Macneill) appeared to shudder and held down his head. Then said you are going to make a fool or idiot of me. Then said to prisoner this was the second time he had to stand his trial for murder; he said he was not going to stand to be killed; there was no proof against him. This related to a case at Pictou, where he, witness, had heard Macneill had been tried for murder, not to the present case. Asked him if William Lane was a bad man? he replied he was a very good man. Then asked him how he could be so hard-hearted as to take the axe and kill him? he replied he had never killed the man. Asked if William Lane ever beat or threatened him? he said he never had beat him, but he threatened him; he was not able for him, Macneill. Asked him what he meant? he said Lane was not able to stump or mow with him. He argued thus in relation to the charge against him; he said, for instance, I might be in McIsaac's store; another man might be there or come in afterwards; after I left, McIsaac might miss money or any thing from his till; McIsaac might mistrust me, might send after me and bring me back; he could not prove it against me; nobody saw me take it. Understand this is a parallel case with the present. He said, God, when He came into this world, came to do justice, and he was not going to do injustice to himself, by saying he killed a man when he did not do it. He appeared a person possessed of the use of his mental faculties; collected his mind better than he, witness, could. He could well judge between right and wrong.

Cross-examined by Mr. Palmer.—Had heard prisoner was not altogether as he should be, and that his son should not keep him in his employment; heard this before his son was killed. It was a fact that he knew prisoner's father; did not know any other members of the family; concluded prisoner could not be insane from the way he framed his questions; never studies characters of insane persons; the Pictou story he believed to have been founded in fact; he acknowledged he had been in the woods, and the man struck him.

CHARLES SABINE.—Examined by the Attorney General.—Lives next to deceased's father; is a brother-in-law of deceased; Edward Lane, father of deceased, was at his house the day the murder occurred; went to deceased's; Fletcher told him William Lane was killed,—said he was in the stable. He went for a D. C. or, went up with deceased's father, Mrs. Wm. Lane, Mrs. Fletcher, and another woman there. The deceased lay on his back rather inclined over to right side,—his feet were to eastward. The stable is about twenty-two feet in length,—the door comes into south-east corner going southward. At the east end of stable two or three boards were torn off; going into the stable the finished stall would be on the left side of the door; deceased lay four or five feet from north side of stable, about ten feet from back of stall where horse could stand; all open between where he lay and the horse stall. Saw a hammer there,—it was lying near his side, opposite his legs,—apparently he had been working at a stall at the box for holding the corn. One nail was driven as if it had received one blow,—was not driven home; his head was nearest this nail at the time the nail was driven under the box; he would have stooped to drive it; his impression was that he was thus stooping when he received a blow on the left side of the head, and the hammer fell where he saw it. The axe was laid the handle on sill blade on inside. He was quite dead when he saw him; a great deal of blood had come from him; helped to carry him into the house. A cut was over the left temple—the other extended from the ear to back of head, and seemed to be done by some blunt instrument. Thinks he must have received more than one blow,—back of head was severely injured, there was more than one blow. Thinks an axe would have made the wounds. Knew prisoner for ten years last past. Sometimes he would consider him insane from hearing him speak very loudly to himself whilst working,—don't recollect what the words were. He has worked with him three or four days whilst in Lane's service,—don't think every person insane who speaks to himself. He was usually designated by the name of "crazy Donald." He appeared to him to know the difference between right and wrong during the last three years; whenever he had seen him from hearing him talking aloud he thought him insane. Saw prisoner in custody of Collins and Lane,—he denied all knowledge of the circumstances.

Cross-examined by Mr. Palmer.—Has known prisoner for the last ten years,—about four years of the first part of the time he was of settled habits; had no acquaintance with him from that time up to last three or four years. First part of time lived near prisoner at Vernon River,—afterwards removed from that part of the country,—has heard that he was under restraint six or seven years ago; believe it to be the case. Saw him subsequently, possibly once in three or six months. He was employed as a labourer. Once he had management of his mother's farm. His mother's house was destroyed by fire whilst he lived with her. It is since that time he heard of prisoner being under restraint. Thinks prisoner for last three years knew right from wrong, and was sane,—that he had the use of his reason,—can't say he was of sound mind. During the time he was with deceased, conversed frequently with him. He was called "crazy Donald;" appeared neglected about his person;—eccentric in his habits. Has conversed with deceased about prisoner, not about his state of mind,—last time he saw him before he came to him at Lane's was on the road. At all times during the last five or six years prisoner has appeared neglected in his person and eccentric in his habits.

JAMES COLLINS.—Examined by Attorney General.—Is a brother-in-law of deceased; has frequently seen prisoner at deceased's. Lives about five miles from deceased's; went to deceased's the day of his death; body was in the house then, about half after 4 o'clock in the afternoon; went into the stable,—axe lay as if the person had started from that place where it had been thrown,—also looked at the tracks over the ploughed land—saw the distance between steps 6 or 7 feet, long strides—pretty well trampled up at this time. Inquest held that evening; a warrant was issued next morning; went with Jenkins in pursuit of prisoner; went to Vernon River first, then up Murray Harbour Road; heard at Duncan McDougall's that prisoner had been there the previous evening. Found prisoner at MacGrath's on lower Orwell Road, 9 or 10 miles from deceased's. Prisoner was in the house,—could not have seen them; Jenkins got in before him. Prisoner got up and asked what it was all about,—he grappled witness,—knocked him down and tied him. Asked prisoner what came between him and Lane;—he said he turned him off,—asked why he ran through the ploughed field? he said from the rain. Asked him if he did not see him, witness, when he came to the stable; pretended to prisoner that he saw him when he left the stable, and said if he had known what was done he could have caught him, (prisoner.) He said, you could have caught me? I said, yes. Has seen him frequently at