firing indiscriminately through floor after Gifford fell. Heard shots, but don't know if were fired through hole in floor. Did not see parties firing. I was then moving Gifford's body to prevent it being trampled upon.

Question:—Have you a doubt where they were fired.

Mr. Kerr objects to anything about the doubts of witness. His Honor allows.

Don't see that party could fire any way but straight up. Might have possibly heard ten shots. Could not say whether from rifles or revolvers. Were fired within a few seconds. Firing ceased about two or three minutes after Gifford fell.

Then why did you swear on Saturday evening that firing ceased within 25 or 30 seconds.

Might have been a minute perhaps more couldn't say.

Saw Mr. Blackhall shaking hands with Albert. The shot struck top of stove, saw marks of shot on stove and saw holes in floor. Saw two bullet holes through flooring, saw no more, was not looking for them particularly. Was looking for Gifford's cap. Think were shot holes. Saw holes a little black from lead or powder, had been tramped over, think they were shot holes, but can't swear positively. Can't tell whether floor was planed or rough. No one can after 4 or 5 years wear. Was with Loggie when he found Gifford's pistol. Did not examine it, nor did I see Loggie examine it, will not swear all the chambers were discharged. Found it between four and five. Chapman, myself, Loggie and Wells were there. Saw Mailloux in loft, was still breathing; made no attempt to save his life. Saw one of prisoners knocked down; he was lying on snow struggling to get away. Don't know who knocked him down, think it was with naked fist. Saw man with wounded head afterwards. Did not help to take prisoners to Young's. Albert was taken prisoner about 6 p. m.

Question:—Did you see him doing anything out of the way that day? Objected to, shut out.

Re-examined:—Excitement was great. Did not by watch or any other thing take account of time. Have not thought particularly of time between various occurrences, at the affair. Have given evidence, on oath to best of my knowledge. Have not slightest doubt that I saw the women looking out of the window. Blackhall told us in English he had enquired of Albert for Jos. Chaisson and one Parisee, and that he had warrants for their arrest.

AFTERNOON.

STEPHEN CABLE sworn:—

Am constable and jailor at Bathurst.—Went down last January with Sheriff to Caraquet. Monday 25th. Went down on account of disturbance at Caraquet. Was there 27th. Went to Albert's to arrest prisoners. Had pistol with me, 6 or 7 chambers. James Gammon had charge of party. I acted under him. I did not fire any shots going up to house, nor did any of our party. Do not remember how many of our party had rifles. Cannot say which way I went around house. Went to back door. There were two or three ahead of me. When I got in I saw old man Albert and two or three women. Don't recollect of seeing any other man. Heard Blackhall talking to the old man in French. He said he asked Albert if there were any persons in the house, and the answer was there were not. The old man was standing near the door when the conversation took place.—The women were making a great deal of noise, talking excitedly in French, don't think they had any idea of crying. Saw them with dippers in their hands, near the stove, talking very loud. There were pots on the stove containing I think hot water, by way it smoked. Did not see them do anything with the dippers; they were taken from them, and the water emptied out. The women went out into the east room. Up to this time I saw nothing else. Saw Sewell and Burbridge getting up trap. Sewell was knocked back. Different things were thrown down the hole. I then went out and told some of the constables to watch the windows; as there were men in the house. Was out perhaps 2 minutes, when I went in again. Heard Sewell was up and I saw Burbridge getting up. Saw some men shoving up boards, which were shoved down again. Think Ramsay was one, can't remember others. Don't remember what took place exactly after, but think Gifford was climbing up and a Miramichi man behind him. Heard a shot and saw Gifford fall. Sounded like a gun shot. Was almost under him when he fell. Was a shot fired from the loft before that, supposed it to be from the east end. Only shot I recollect of hearing before Gifford fell. Had same sound as the shot which was fired when Gifford fell. Don't know whether Ramsay fired. Don't remember of any other shot before Gifford fell. Several shots fired after Gifford fell; one came through hole in floor, striking stove on its side. Was only yard and a half away from it, at the east side. Had just been removing Gifford's body from where it fell to the north side. Shooting on both sides. I fired up through loose boards, was standing at the north, and fired towards the south.

Question—What was your object in doing so? Objected to. His Honor allows.

Did not aim at anything, I fired it at the north side of the roof, It may or may not have gone out. I only fired one shot. Heard gun and pistol shots fired up stairs after Gifford fell. Recollect of two shots below after Gifford fell. Felt somewhat frightened and nervous. The other shot was fired in same direction. Was a rifle shot. Firing ceased from three to five minutes after Gifford fell. Saw prisoners first when they were coming down trap. Prisoner was one of them. None of the prisoners offered to surrender before Gifford was shot. Did not see Mrs. Albert trying to get out, and any of our party knock her down. None of the prisoners offered to surrender before firing ceased. When prisoners were being arrested, some of them acted badly. None of them seemed to be willing to go quietly. Cannot say positively whether shot that struck the stove was fired after Gifford fell, but think it was. Am pretty sure occurences are clear in my mind, yet may be not.

Cross-examined:—Left jail in charge of Mrs. Cable; was only one prisoner in jail at time. Day was cold when went to Albert's. Had been snowing day before. Can't say whether there was a heavy drift only two or three ahead of me going into house. Do not think Blackhall was first man; think we went in together. Door may have been ajar, and may have been shut. Didn't see any one knock. When Blackhall entered Albert was near the door. Certain that Blackhall did not knock at the door. He spoke to Albert in French. He turned round and told us Albert said there was no one in house. Can't say I heard Blackhall say any thing about warrants. James Gammon had the warrants in his hands. Did not hear him say anything about warrants, and don't recollect seeing him in the house again. Stove was standing near the west wall, about two or three feet from wall. Was large double square stove. Shot struck the east side of the stove, pretty much all over it by way it rattled. About as close as I wanted. Fired my revolver through hole after charge came down on stove. Had to change my position to fire up through hole. Shot went up through hole and out west end of roof. Fired to direct attention and let our party get up. Supposed men to be in east end where shots were coming from. Had no guarantee that I would not strike one of our own party, but could see if any of them were in a line with my pistol. Did not see prisoners roughly handled. Saw a man lying outside; man was putting handcuffs on him. Saw him walking down. took down some of prisoners; walked down all the way. Don't think Andrew Albert was among prisoners.

Question:—Was he among prisoners brought up and lodged in jail? Objected to, and shut out.

Was not up in the loft. Was in the house in the afternoon. Did not see them with Gifford's pistol. May have heard them say you may have heard Gifford's pistol, did not hear you or say in my hearing had discharged found them quiet and civil. They work outside sometimes, never made any attempt to escape.

JOSEPH GAMMON sworn:—

Live in Bathurst; hold office of constable and held it last January. 25th of that month started for Caraquet with Sheriff and others, at his request, to arrest parties. Arrived there about 3 o'clock on morning of 26th. Made four arrests 26th, and 2 arrests next morning. In afternoon went with a party to Albert's, which was under charge of James Gammon. Understood we were to arrest Joseph Chaisson and man named Parisee. I had revolver. Think all of party were armed, can't say with how many rifles. Went armed because of rumours that people at Albert's were armed. (Question eliciting this answer was objected to as well as answer). Was blowing that day but not very high drift. None of our party fired on way to Albert's. Went there quietly. Don't recollect seeing any person looking out of the windows. I remained at north door, fronting the road; think Charley Call remained there. I remained there only short time. Went round back of house, went in saw some parties talking, think my brother was talking to Blackhall. Saw an old man named Parisee, swinging a stick over his head, as if going to strike some one. Stick about size of a large sled stake. Saw man take stick out of his hand; think it was Harry Bannister. Saw some women near stove; the younger had kettle in her hand, she dipped it in a pot with water in her hand, when kettle was taken from her. Water was hot for I saw it steaming. Women were making great noise; apparently scolding. They were told to keep quiet, and Cable sung out for handcuffs. He said this only to frighten them. Women were put in east room. Sewell then made an attempt to reach the loft, through trap in south west end of building. Saw him climbing up and catching hold of a rafter, when he was beaten back with sticks, some of which came down the hole; a large one struck across the trap and Sewell dropped.—Sewell sung out "boys, they're up there." Did not know they were up there before that. Saw Ramsay step up to trap and fire a shot up. Ramsay said he did it to frighten them. The shot went out south west corner, the bayonet about touching the roof as he fired. Saw some men working at some loose boards, which were about 8 or nine feet to the east of the stove. I turned round and saw Sewell and Burbridge getting up into loft. When they got up some one called out to guard the outside, and I went out and returned immediately, Gifford was trying to get up. About as soon as Sewell and Burbridge gained the loft, I heard 2 shots in the loft. Think they were gunshots. Have used guns as long as I can remember. Served in volunteers. Know difference between gun and revolver shots. Saw Gifford attempting to get up. I heard a shot and then Gifford fell. This was 3 shots I heard and similar to other gun shots I heard. Several shots from above and below when he fell. Can't say how many were fired after that. Firing ceased very soon after Gifford was killed. Soon after prisoners were put down trap. When prisoners were hove down I went out. Prisoner was among those taken in loft.—Positive no one came down before firing ceased, and office to surrender. Prisoners acted violently after they were taken, to get away. One did escape. All of them seemed to desire to get away. Did not see any of the prisoners beaten. Saw one man lying, but soon got up again. He had been acting pretty roughly to get away. Was quiet afterwards. Gifford had about half of his body above trap when he was shot. Did not see Wm. Eady there. Did not see Mrs. Albert try to escape, and get knocked down. Saw cellar hatch open and came near falling into it. Think I saw it before persons were arrested. Came near falling into cellar hatch as I was walking across and would have done so had my brother not taken hold of me. (Witness identified three of the guns taken in the house.)

Cross-examined:—

Arrested 4 persons on 26, assisted at 2 arrests on 27th, Don't know whether one of the places was Seraphim Albert's. Don't recollect names of parties. Didn't hear the names.

Question:—Was the Sheriff with you. Objected to. Mr Thomson says seeks to show by this witness that arrests were made of parties whose names were not on the warrants, and that unnecessary violence was used in making those arrests. Objected to and shut out as being same in substance as question put to other witnesses about arrests in the morning.

Not very cold day. Had about 20 in party. Might have been 9 or 10 rifles among party. Can't say whether there was any frost on windows. I have spoken to Ramsay about evidence. No one else. Heard some of Cable's evidence on top step of stairs while waiting to give his evidence. Heard a little of the evidence only.

Mr Thomson applies to have this witness excluded, on the plea that he had heard a portion of the evidence contrary to the rules of the court. His Honor will not exclude the evidence but reprimands the witness for listening to even a portion of Cable's evidence, knowing that it was contrary to the order of the Court.

Did not see my brother talking to Albert. Albert spoke to me in English at the last Court. He said, "how do you do." This took place at corner of Court House last Court. Don't remember seeing John Blackhall talking to Albert. Saw Parisee, he was swinging club and making noise. Saw man taking it out of his hand. Think he was just about to strike somebody with a stick. Heard somebody say he was insane. Don't know whether he is or not. He was let clear last January because they said he was insane.

Court adjourned at 6.

Tuesday, November. 16.

Main points of conclusion of Joseph Gammon's cross-examination were as follows:—First shot heard in house was fired up the trap, and that it was fired by Ramsay as stated in evidence by latter and James Gammon. Was positive it was first shot, as it would be impossible that a shot could have been fired without my hearing it. First shot he saw fired up hole in floor was after Gifford fell. Saw Gifford fall. Did not hear any revolver shots after that; considerable noise when Gifford fell. Question being asked about calibre of his pistol misunderstood, and said he had not a 32 shooter.

His Honor we have not yet advanced to such a stage as that.

Mr. Thomson:—If we had, and constables had been armed with such weapons, it is probable there would now be no prisoners to try.

Witness heard no swearing, nor saw any violent conduct on part of constables. The man who had his head cut was not taken to Bathurst jail with other prisoners, as was thought not right to take him out in the cold until his head was better.

On re-examination said he did not come into Court until sent for, and did not intentionally violate rules of the Court.

Attorney-General said witness could not have heard much, as they had found difficulty sometimes in hearing Cable's evidence. Jury could judge for themselves, whether in giving evidence, he had been guided in any way by Cable's testimony.

JAMES LOGGIE sworn:—

Reside at Chatham. At Caraquet on 27th. Saw Sheriff soon after. arrival. Received instructions from Sheriff Vail to assist in making arrests, some in morning, and was instructed to assist James Gammon to make arrests at Andrew Albert's house.—First part of day was stormy, cleared up little in afternoon. None of our party fired on the house as they approached. Saw no signs of liquor on any of men. Party went to front door first, then went round to back door. Some 12 or 15 in ahead of me. First thing I saw was some persons pushing up boards in west room. Think Ramsay was shoving up boards. Saw place in corner of house to reach loft. Saw Loggie and Gifford trying to climb up. I saw a cellar hatch; saw a woman opening it; saw James Chipman put it down: woman was standing close by. The same woman opened it again soon after; she did not go down cellar.—Don't remember whether she went away or not. James Chapman put hatch down again. Saw boards replaced, and when pushed up second time saw persons in loft. Heard shot up stairs and saw Gifford fall. I was then nearly in centre of room. His fall corresponded with time I heard shot. George Loggie was standing beside him. They were standing on a girt between the studs. Don't remember of hearing shots through hole in boards, straight up. Suppose ball went out through roof by way rifle was pointed. Were no persons over hole when I fired.

Question—What was your object in firing up stairs. Objected to and withdrawn.

Was not possible from position of my rifle to strike any one. I saw a shot fired up same place a second or two after, think by Philip Dudley. Don't remember the direction of this shot. Think hole about centre of west room. I saw no other shots fired after this. Saw feet of men up stairs as they replaced boards; appeared to come from the east. They seemed to move about considerably. Was there when prisoners were brought down. Positive none of them came down and offered to surrender before firing ceased. Prisoners resisted when arrested; appeared to run and wanted to get out. One prisoner broke away and escaped. I gave one a knock with butt of my rifle. Did not know that rifle had gone off at the time, but heard so afterwards.—Dudley Walls was near me. Saw the bullet mark after, running diagonally up along the door, lodging in beam. Where I struck was just inside of outside door. Am sure rifle was loaded then. Found rifle was discharged when I got outside. Examined it when Dudley Wells told me it had gone off, I would not believe him. Only way I can account for rifle going off was that I had the hammer down on the needle. Positive by splinter in wood that ball went upwards. Did not see any of the women knocked down or abused.

Loggie's cross-examination, condensed, is as follows:—

Was not sworn in special constable. I came voluntarily. First part of day we went to Albert's was stormy. Blowing in afternoon, but finer, drifting at times, not extra cold day.

Question—When you say it was not an extra cold day, was not the winter itself exceptionally cold? Objected to and shut out as being irrelevant.

From time I entered house until prisoners secured perhaps five minutes as far as I can remember. Will swear I saw the woman open the hatchway. She was not doing any thing when I went in. Chapman was standing by. She stood by the hatch, appeared to be watching it. Did not take notice when she went away. Can't recollect how long hatch was open. Saw her raise hatch again. She may have been in east room, and return before she lifted it the second time. Have no belief as to whether woman went into room or not.

Question—Then you have no belief on the subject now? Objected to and shut out.

First shot I heard fired was one by which Gifford was killed. Don't remember any other shot. After Gifford fell, first shot fired up stairs that I know of, was by myself. Took no aim, put rifle up near hole. Cannot swear that ball went through hole, think it did. I immediately loaded, and did not fire again. I was somewhat excited after Gifford fell. I struck man I think with butt on the shoulder. No person had hold of him. (If your rifle was clubbed—is it possible that the bullet went upwards?) Man was standing up when I struck him. Did not strike him when he was down. Swear positively I did not strike him when down. Was not same man as I saw at Mr. Young's, who had cut head. Was not up in loft that day. Did not know Mailleaux was killed until that evening.

Re-examined:—State things to best of my recollection. Would not say, if others said shots were fired, that they swore falsely. Man I struck made into east room, clinched a chair, and was then captured.

DUDLEY WALLS sworn:—

Live at Chatham. Came to Caraquet 27th January last. Sheriff Vail told me to go to Albert's to assist in making arrests.—Started from Young's after dinner, perhaps between 2 and 3. House from 150 to 200 yds. from road. From 15 to 20 in our company. None of our party fired on the house as they went to it, or did any other damage. None of party were drunk. I was among last who went in. I went round west end and went immediately in. I heard man named Blackhall reading some document supposed to be a warrant in French. I was near enough to hear voices. Don't understand French language. Blackhall was interpreter. Saw middle aged man there they said owned the house. Heard Blackhall reading to him in French. Blackhall said in English that Albert said there were no persons in the house than those on the floor. I was about from 12 to 15 feet from Blackhall when he was reading. Could not identify the paper. Cannot say if Blackhall addressed any words to Albert after reading the paper. Cannot say how long they conversed. Don't know whether James Chapman went in ahead of me or not. Think 10 or 15 were ahead of me. Chapman was nearer Blackhall than I was. I went outside when some one said to guard the windows. While outside saw no person fire on the house, but saw one of party attempt to fire, but did not. While in house saw two women they were jawing loudly. My attention was not called to the cellar hatch or the water on the stove. Saw Richard Sewell try to get up stairs. This may have been 5 minutes after I went in the house. Sewell was getting up through trap in south west end, when he was beaten back with sticks, some of which came down trap. Sticks were green pople, newly cut. About all I saw in the house. Remained outside until prisoners were arrested. Heard firing going on inside, don't know from what part of house. From time I first went in until affair was over may have been 10 minutes. Had prisoners all arrested when I saw them, except one who ran away. Saw one prisoner acting roughly, at south door; don't recollect who had hold of him. When I heard one of our men was shot. I went round to the door; Loggie was standing inside, with his back to the wall. I reached in to see who was shot, and as I was reaching over Loggie's shoulder, his gun went off. The muzzle was close to my head, and the report numbed it some. Saw afterwards the mark of a bullet which I supposed in my own mind, was from Loggie's gun. It lodged in the beams. Its course was upwards, as I could see by splinters. Saw the mark a few minutes after I heard the report. I spoke to Loggie, he examined his rifle and found it was discharged. Peter Manderson proposed to fire on the house outside, just as firing commenced inside the house.—Didn't know at that time that Gifford was shot. Manderson put down his rifle, and ran round the house, and I don't know what he did after.

Cross-examined:—

Blackhall went as interpreter, and I heard him reading paper to Albert, he had it in his two hands. I cannot tell whether it was French or English paper he was reading. This was plain to everybody. Blackhall said in English that Albert said that there were no other persons in the house than those on the floor. Did not see any one displacing boards. Saw Sewell trying to get up. Sticks thrown at him were like sticks cut for a stove. No shot was fired while I was in house. Bullet from Loggie's gun nearly shot me. Don't know what Loggie was doing with the gun; did not see him clubbing man. The shot struck the door about one third from the top. Could not say how he was holding gun. He disputed with me when I told him the gun had been discharged. I said "James be careful, you nearly shot me."—He turned up the gun and found cartridge had been exploded. Did not see any one fire after prisoner who escaped. Did not see any one lying outside hurt. Saw the man who had his head cut. Didn't think it was dangerous. Have had my head cut as badly as his, and went about my work. Will not swear my head was cut in same place.

Re-examined:—Was only one slight cut on the man's head. Whether from cut or not, he seemed to be somewhat affected until supper time. He seemed to carry it well. I had a rifle. Did not fire a shot.

JAMES CHAPMAN, sworn:—Live at Chatham. Remember time when I arrived at Caraquet, 27th with a number of others. Saw Sheriff Vail at R. Young's. Requested me to make some arrests, don't remember names. Assisted in making one arrest before dinner. Sheriff asked me to go to Albert's and assist constable in making arrests. Constable James Gammon had the warrants, and I was told to act under him. Went to Albert's between two and three o'clock. Blustering kind of a day, sometimes fine, sometimes squally, wind from north west. Party numbered about 25. Men were sober. Was not a shot fired on house by any of our party. Albert opened the door as we approached. Had the handle in his hand. We went in west part of house. Old man was kind enough. I shook hands with him and nearly all hands I think. John Blackhall the interpreter, spoke to the old man in French and heard the answer. Blackhall said he asked for men and Albert said there was no person in house but those he saw. He then told Albert we had come to arrest them, and they had better give up, and the old man still denied that they were in the house. Was a trap in south west corner but neither ladder nor steps up to it. I saw Dick Sewell trying to get up, when he was beaten back with a club. Heard people running above, tramping from south west to south east. Saw some parties taking up boards; also saw a shot come down from loft and strike the stove. I saw two women in east room when I went in. When shot fired from above, saw a women come out of east room and lift up cellar hatch. Men poking up boards would have fallen in had they stepped back. The women stood on ting up when I heard shot fired. This woman about then lifted trap the second time. I put it down again, and put her in the room. I made a noise to frighten her, could not make her understand any other way. Just as I got her in the room, heard a report, looked around and saw a man fall. My son-in-law (Burbridge) and Sewell were then up.

Question:—Did you regard those men's lives in immediate danger? Objected to. Allowed.

I did. Saw Gifford dead. I had a revolver, calibre 22. Was Richard Burbridge's. Returned it when I went home in the spring. Have not same revolver with me. Small one, barrel about three inches long. Could carry it in my pocket. I fired up through hole in the boards to keep men back from the trap. (Mr. Thomson objected to witness showing for what reason he fired.) Saw the men above passing, through hole in floor where stove pipe goes up in east room. The stove pipe about 10 feet from south east corner where men were. I saw men jump about considerably as I fired, seemed to confuse them a little which was just what I wanted. Women were in the room. All I know about the firing was what I saw in this room. Saw men up stairs pass and repass hole. Made a full stop at hole sometimes, but shots soon scattered them. Floor was inch boards. Don't think bullet from revolver would go through them. When I saw one man fall I thought it was time to do something; was no fun in it then. I did all the firing that was done in the east room. Don't know whether any of the men up stairs knew the women were in east room. Stove pipe hole about centre of east room. None of my shots could have struck the men, as my back was up against the south post of the door. Saw no other person fire in that room but myself. Saw no shot fired by our side until Gifford fell. I remained at the house until sundown, when Gifford's body was taken away. Did not see any one strike one of the women. Did not see any of the prisoners jump down and offer to surrender before firing ceased. Manderson, Sewell, Loggie, Burbridge, were up in loft. I knew Sewell and Burbridge were up, heard the others were up. Did not hear men say "we give up." First prisoner that came down ran like the d——l. Was smart on the feet. The three first tried to make off, and one escaped. First of prisoners fought like bears; they got down pretty sudden and made off pretty sudden but we stopped them. One man came down pretty quiet the wrong way, and hurt his head. From what I saw there didn't seem to be any more force used than was necessary in arresting the prisoners.

Cross-examined by Thomson:—

I came over voluntarily. I did not ask any of the others to come. Brought a rifle with me. There were 12 rifles brought from Miramichi. I had no rifle at the house. Think all the Miramichi party were at the house except Donald McGruar, who was sick. I assisted to make one arrest at house about half mile from Young's. Don't remember at whose house.

Mr. Thomson wishes to put questions to this witness in order to prove by him whether the arrests where notorious, and whether the fact of these arrests could possibly be known to the prisoners. Counsel for prosecution objected. His Honor says same questions ruled out before and adopts similer course.

Snow was drifting some. Would say house was fifty or sixty yards from road. Sun was shining sometimes, saw no person through windows as I approached. Was clear enough to see if I wanted to. Did not appear to be any track about front door. I do not recollect whether any person tried the door. I remember some person guarded the front of the house. Was no one in house ahead of me but John Blackhall. Am positive that Albert opened the door; it was half open. I shook hands with him, I generally do that with strangers. I had not my revolver in the other hand. Had no rifle with me, did not want to use it. I did not want to hurt anybody. Albert can speak little English, has spoken to me sometimes. Most of our party shook hands with him. Mr. Thomson:—Suppose he stood like an Eastern King, receiving his guests.) He was acting on the cute side, guess he was trying to deceive us. General shake hands took place when the questions were being asked. Will swear some of them were shaking hands just as Sewell tried to get up.

Wednesday, 17th.

Cross-examination of Jas. Chapman, (cont'd). Sewell had not got up when hand shaking was over. Swear that while our party were shaking hands Sewell did not try to get up. Did pretty soon after, it was denied that none of prisoners were in house. Cellar hatch in north east corner of kitchen. Door entering east room close by door where we entered. Can't say if boards were nailed down, or whether only one of the boards had been removed. Hole was over foot wide; am certain of it. Larger at westerly end, making triangular hole, open little over three beams. Can't say positively distance between beams, Saw Ramsay come along with bayonet on his rifle and help to shove up boards. Heard report of gun fired down through hole. I know it came down hole because shot struck stove. Was near stove when shot struck. Ordinary cooking stove, with pots and boilers on. Would not like to say it was a square stove. (Why did you swear just now that it was ordinary cooking stove.) I thought it was ordinary cooking stove. (If this is so, is it not general character of your whole evidence, swearing to what you have only a belief of.) [Witness says his word is too well known to be doubted.] Heard shot strike the pipe. Report and noise of shot I heard about together. Report from up stairs.—Shot must have been fired by some person at small end of hole. Did not see muzzle of gun through floor, or any smoke from gun. Next shot was fired in loft a few minutes after. To best of my knowledge no shot fired from below until after Gifford fell.—Third shot killed him. I dont remember of hearing a gun fired below at any time. Neither heard nor saw any shots fired up but those I fired myself. When walking quietly outside with party shot could not have been fired without my hearing it, but different outside when people bustling about. Rifle shots are sharp in sound. (Witness shown some cartridges which he says are rifle cartridges. Had used hundreds of them.) Sewell and Burbridge were up in the loft when 2nd shot was fired. Did not hear any revolver shots fired up stairs. Two or three minutes after Sewell and Burbridge got up 1st shot was fired. 2nd shot fired about one minute after they got up. Bulk of men up stairs, while I was firing my revolver in room, were in S. E. corner of loft, after they had done running. Did not see the women put in the room, or did not see a dipper in their hands. Saw women in east room when I first went in. Saw the old woman lying by stove in east room. Old woman was either crying or moaning. Only time I saw young woman in kitchen when she opened hatch. She opened it, and stood by. She did not back from it into east room. I put hatch down. Can't tell why any of our party did not lift hatch to look down. They knew there were men in the loft by that time. I saw her lift it, and I put it down again.—Moment I put trap down woman lifted it up again. If men chose to look, they could have seen her. Am positive she did not back into room. I made a sign with my hands to frighten her. No person at that time could have attempted to handcuff her or take hold of her without my seeing it. No one did so. Persons were in act of removing boilers when shot struck stove. They did so as a precaution, as women might scald them. I never lifted hatch. Was in Caraquet 40 days. Was courting a girl down there. It was not altogether that that kept me. Was not successful in my courting.—Four more of our party remained in Caraquet 40 days. Remained at Albert's house till corpse was taken away. Was not there that evening when Gifford's pistol was found. Was up in loft that evening. From an hour to an hour and a half after prisoners were taken away when I went up.—Went up to have a look at the place. By his "appearance nothing could be done for him. Was breathing very heavily. Thought man was about dead. When I remained about house did not load revolver. Had rifle.—Question:—Do you know that some persons wanted to go up to look after Mailloux, and your crowd would not let them? Saw Frenchmen come in, and they did not ask leave to go up stairs. Did not prevent them from going up.

Re-examined by Atty. General.—Never gave evidence before, was never sued nor sued any one in my life.—Don't believe much in lawyers. Was never on a stand before and don't want to be on it again.

SAMUEL WILCOX sworn:—

Reside in Chatham, Miramichi. Was there last January; came on ahead of Miramichi men. Arrived at Caraquet think 20th Jan. Stopped at Young's. Rest of party arrived there 27th. Received instructions from the Sheriff to go to Albert's and assist in making arrests. About twenty went. Cold day, men were sober. Think 10 that didn't drink at all. No firing before we went up at the house or at any thing else. Stood at corner house (south west corner) to see that none of them escaped. Think all stood at north east corner. Was not in. Took prisoners to Young's and then came back and went in. One of the prisoners, a tall man fought hard. Saw them trying to get away. Only saw two arrested. Went down to Albert's afterwards. Took Gifford's body and brought it down in sleigh to Blackhall's office. When I was outside heard shots which appeared to be up stairs. Would judge they were fired from the east end. Couldn't swear I heard more than two shots. Went up loft next day and made examination. Saw marks of shot on rafters on south slope of roof. It may have been from one shot. Saw another mark west end of house. This would be two or three feet from floor of loft. Saw shot marks on east side of trap hole. Saw another on the east, on the floor but more to the south. Saw mark of bullet in south west corner; and mark of another at east end, south east of a chicken coop, just about five or six feet up. Two or three men in loft at the time. Made slight examination down stairs. Saw mark on door. Shot appeared to go up door.

Cross-examined by Landry. When I went to Albert's house had revolver 6 chambers and rifle. We did not march in order. There would be considerable scattering. I was last man. Was about 10 yards from others. Considerable snow from road to house. Snow hard. We did not all go up on beaten road. Carried rifle on my shoulder. Had no cartridges. Rifle was loaded. Got it at Young's that day. Never tried rifle to see if it would go off.

Question:—Will you swear positively that there was no shot fired outside from time you went to house until prisoners were taken.

Saw nor heard none. Don't think there was. Only heard two shots distinctly. There might have been 15 shots. Don't know what interval between first and second shot I heard. Didn't see Manderson outside. Call was outside. From time I took position at corner until heard first shot may have been three to five minutes. Don't know that I heard one rifle shot first distinct and apart from the other shots. Do not think that bullet mark at trap hole could be made by muzzle of rifle being held above boards. Witness misunderstands and says it could, but makes correction. Saw 2 or 3 or 4 people at house when I took Gifford's body away. Saw no person attempt to get up and see Mailloux's body and prevented by our party. Don't know what French people were doing then. Examined house next day. People at house were not kept prisoners after Gifford's body was taken away. When I went to house next day don't recollect who were with me. Think Loggie was one.

Did you know a pistol was found on the 28th?

Did not see any other revolver except my own that day.

Did you hear Loggie make an exclamation.

One of the men says there is Gifford's pistol. Objected to.

Question then put in this form

Then did you not when in loft making search, which you have sworn to in answer to Mr. Kerr, hear Loggie or one of the party then with you say or exclaim. "Here is Gifford's revolver?" Objected to and excluded.

Attorney General says occurences of next day not admissible. Kerr protests and will not allow. Thomson will not lay down new rules of law for him. Thomson will not gag his month in this matter. He had witness here, who has been allowed to go without being asked in refrence to this matter. Thomson interrupts and says that Kerr is speaking to the jury, and will not allow it. Kerr says is merely arguing a legal point, and is not addressing the jury. His Honor allows.

AFTERNOON.

Question repeated. Witness in the the loft? I did not.

Question:—Did you hear in house, by any of your party, at that time, and by whom? Objected to.

Best of my knowledge saw four, different distinct marks of shot and three of bullets. One charge of shot struck rafters, did not include gable rafter. I took no measurements. Am positive shot which struck rafters is not one which went out west gable of house. Did not range the rafters. Will not swear there are not shot scattering to the rafter from the shot marks four feet from the rafter. Gun could hardly scatter four feet at so short a range. Two shot east side of trap hole. Trap might be 5 feet north and south, three feet east and west. Boards on south side cannot say how wide. Think trap extends more than two feet to north of boards. Shot I saw in floor east side of trap. Shot might have been fired from east end, and struck where they did without striking men at end of boards. Makes plan showing where shot struck, trap and pile of boards. If boards extended as far north as trap, the shots must have hit them. Best of my opinion trap is two feet wide to the north. Will swear boards did not extend foot further out into room than northern side of trap. When I was up was light enough to examine shot marks. Swear two thick parts like as if by two shots, with perhaps dozen shots in each. Think shot foot, or foot and a half apart. Boards were sufficiently high to prevent shot striking where they did if boards extended north of trap. I did not see any shot, or look for any. If I had gone purposely to examine, I should have made measurements.

JOHN CASSIDY sworn:—

Live at Newcastle. At Caraquet 27th January. Went to Albert's to arrest prisoners by Sheriff's instructions. No firing as our people went to house. I went round to back door. Were few ahead of me. Saw one old man standing near door. Saw two women, older one appeared to be very angry, with dipper in her hand was hot, after I emptied out water heard something coming down trap in corner of the room. Heard stick coming down trap, and heard Cable say to guard windows. As I was going out heard a shot like from up stairs, and heard what I thought was shot striking stove. I went out stood at south west corner of house; some one soon said a man was shot, and heard soon after it was Gifford. Had a rifle with me. As I went up to the door and while outside, after Gifford was shot, I had rifle at the port, she went off, but don't remember pulling the trigger. Think shot went in the air, by way I stood. I knew Gifford, was wellacquainted with him. When I saw Gifford's body, was somewhat excited. Went to door immediately after I heard Gifford was shot. Did not aim at anything. Soon after prisoners came out, I caught one. While in house did not see any one coming down trap and offer to surrender. Did not see woman beaten. prisoners tried to get away, pulling and fighting with us. Did not see any other shot but my own fired outside. My gun was not discharged more than once. No excitement or confusion as we went up to house. No gun fired as we went up. Cannot tell how many shots were fired before Gifford was killed.

Cross-examined.—Dont think any one was near me when my rifle was discharged. Wilcox, Walls and Call were then outside. I was at S. W. corner. Wilcox could not see me when rifle went off. Was carrying at the port, but can't swear that the ball did not go through the house. Can't say that fact of my firing was known to my party. Question;—Was it not said by some of your party that you had fired shot through the house, and that you excused yourself by saying it went off accidentally? Swear I don't remember. Only time I discharged my gun. Had revolver, 7 chambers. Did not discharge one chamber. I had cartridges; did not reload my rifle; it had no bayonet on it. Don't think women were crying or wringing their hands. They were talking loudly. I don't think they were frightened by way they talked. Did not shake hands with Albert, or see any one else do it. Saw no one knock at the door. Could not say whether John Blackhall was in ahead of me or not. After I took off pots, did not see where the woman was. Think I would have seen her if she did. Did not see anything falling down from lott only heard it. Heard a shot fired in the house as I was going out. Sounded to me like coming down from loft, through hole in floor. Shot gave me a start; don't remember whether I turned round. Heard shot on stove. Could not have been fired from trap. Can't say if sound of report would drown sound of shot; heard both about the same time. Think stove was common square stove; don't remember seeing any stove holes. When I lifted pots off saw no sign of fire. Know I was not outside 10 minutes before I heard 2nd shot. May have been 5 minutes. Can't form any opinion as to the time. Don't know how many shots were fired. Can't say whether shots were from rifles or revolvers. My memory is not very good. Can't swear whether any shot was fired from a rifle in house. Don't know difference between gun and rifle shots. Heard 2 shots before I heard Gifford was killed may have been 2, 4, or 6 shots. Saw prisoners coming out after that. Will swear I did not see, 1, 2, or 3 of our party knock one of prisoners down. Saw one of our party strike a prisoner don't remember him. I struck prisoner I had over the head with my rifle barrel. His clothes were torn, and he was getting away. This was the man that had his head bound up at Mr. Young's. I did not strike him as hard as I could. I did intend to knock him down if I could. Don't know what clubbing a gun is. Saw another man lying on the snow. This was after prisoners came out. Didn't see any blood where he was lying. I walked down behind prisoners who were walking. After I got down a piece Charley Call and I went into telegraph office.

Mr. Thomson then stated intention of asking questions to show how prisoners were taken to Young's, and for the purpose of showing that previous evidence for crown were not true. Question shut out.

Left house when prisoners did.—Went to Mr. Young's. Did not go to Albert's next day.

Question.—Did you not hear on night of 27th, at Mr. Young's, while you were guarding Prisoners, that Gifford's pistol had been found in lott, close by trap, and that every chamber had been discharged? Objected to and shut out. His Honor stating that similar questions had been shut out before.

Re-examined.

(During re-examination the witness and Counsel Kerr went through some military exercises at the door to show how rifle was held while at port position. Mr. Kerr returned from the door stating that it was just as he expected, and what he knew half an hour before, that the bullet had gone to the Lord's clouds, or some other place where no harm could be done.) Prisoners when outside acted pretty rough; all appeared to act alike. I did not see any of them willing to submit to the arrest. One I had was good size. Find best way to quiet a man to give him two or three good knock downs. After I tapped him on the head he got quieter. Saw Rand with a man; did not see him strike him.

While waiting for one of the witnesses, Attorney General said that as it was the intention of the prosecution to discuss a matter referred to at the opening, that of bringing in evidence of robberies at Caraquet on the 15th, the court might as well proceed, and thereby save time.

Mr. Kerr quoted numerous authorities in support of the argument that while separate and distinct offences were not entitled to be mixed up with the trial unless they have immediate connection, the events of the 15th were so clearly interwoven with the murder of the 27th as to render them admissable. Indeed he had grave doubts whether the circumstances of the rioting on the 25th might not also be fairly brought in, as shewing a link in the chain. But the prosecution would ask only for the admission of the evidence of the riot, &c., of the 15th, not being entirely clear on the other point.

Court adjourned.

THURSDAY, NOVEMBER 18.

The Atty. General continued argument, quoting various authorities.—The evidence to be produced of the circumstances of the 15th at Caraquet would prove that a robbery had been committed at Mr. Young's that day, that the prisoner was one of the parties engaged in it, a warrant was issued for his arrest, and if the Crown prosecution could show to the Jury that Joseph Chaisson had an advantage to gain by avoiding arrest, would it not be clearly legal to bring in evidence to prove it. The Crown claimed that the prisoner at the Bar had killed an officer of justice in the the facts which caused the warrants to be issued. It might naturally be inferred that if a robbery had not been committed on the 15th, the prisoner would not now be on his trial for murder. The question arose that if Joseph Chaisson committed a robbery at Mr. Young's on 15th, to all intents and purposes it led clearly up to matters of the 27th, showing that the prisoner had a motive for escaping arrest. In asking Your Honor to admit the evidence, we say

1st—That it is part of same transaction now being tried.

2nd—That there must have been a knowledge of guilt in the breast of the prisoner, and when he saw the officers of justice in the neighborhood, and knowing their object, he might reasonably have inferred that he was one of parties to be arrested. Suppose a case of murder committed half an hour before; the murderer shuts himself up in his room to hide, and is there found and arrested by the officers. His knowledge of his acts can be relied on to support notice of the object of the officers in making his arrest.

3rd. The evidence was clearly admissable even supposing that it was not part of the same transaction, in as much as it is evidence of a motive for the commission of the offence, by raising presumption of advantage to be gained by resisting arrest.

Thomson said did not see how matters so