

usually tied, prisoner said it was the colt not pleased at the horse being away; witness knew that the colt was never tied with the chain, and thought it strange; prisoner said he had just fired at some birds, but only blinded them; he put his finger into one of the barrels and took it out dirty; witness took the gun in his hand, he snapped it, and the cap fell into his hands: prisoner said witness had broke the gun, he thought so, but found that it was not so; this was Mr. Kinnear's gun, and he had never seen prisoner with it before; witness asked the prisoner if he was going to leave Mr. Kinnear, he replied yes, if they paid him, but he was too late to go by the coach; the gun produced is the same as prisoner had; saw prisoner when undergoing examination before the magistrates, he had Mr. Kinnear's shoes on, and the hat he wore belonged to Nancy Montgomery; witness identified several articles produced, and found with the prisoner as the property of Mr. Kinnear.

This witness was cross-examined at great length, but nothing was elicited to shake his general testimony.

Hannah Upton—Lives with Harvey, opposite Mr. Kinnear's—prisoner came to borrow powder, at ten o'clock on Saturday morning, the 29th July; he asked for John, said that Mr. Kinnear sent him over to know if he could let him have a little powder to kill some birds—he took about two pipes full of powder with him; witness told him he must see John before he could get it, but he insisted on it, and took it himself.

Anthony McIntyre—Is hostler at the City Hotel, Toronto—a man and woman came in a light waggon before six o'clock on Sunday morning; thinks prisoner was the man; witness took out and fed the horse; they got breakfast and left for the Steamboat before eight o'clock; they had a large chest in the waggon; cannot say as to a leather trunk; thinks it was the prisoner; he had a hat like that produced, and a light dress on going away.

George Kingsmill, High Bailiff of the City of Toronto, said that on the arrival of the express with tidings of the murder he proceeded to Niagara, from thence to Lewiston, arrived there about 5 o'clock on Monday morning, was shown where a man and woman answering the description he gave lodged; discovered Grace dressing, and the prisoner asleep in an adjoining room, searched the pockets of a coat lying in a chair by the bedside, and found the keys, snuff-box, and other articles produced in court; gave Grace in charge to one of the crew of the steamer, and then awoke McDermott, telling him if he had paid the duty on the horse and waggon, he could have proceeded and saved himself this difficulty, the prisoner replied that he had not the money to do so, but he would sell the horse, pay, and proceed. The High Bailiff was in plain clothes—just at this moment the party who had Grace in charge, called from the foot of the stairs for some directions; the moment the prisoner heard Kingsmill's name mentioned, although not a word had been said about the suspicion of murder being attached to him, immediately became very much agitated and said *I know all about it, is there any reward offered for Nancy? if you find her you will know the whole secret, you may thank her for it all.* The prisoner said all the property then in his possession, horse, waggon, portmanteau full of clothes, carpet bag, with the plate, gold snuff box, and other articles

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