"MANSLAUGHTER."

(Continued from page eleven.)

oint of rock, but the rock would have to be wonderfully sharp. If a man fell he would get the wound higher up on his head, but if that portion of his head came into contact with a sharp rock it would produce such a wound. When witness first saw Meahan he

DENIS MCCARTHY. an attendant at the hospital, identified the hat in court as one he got from Mr. Quinlan, who came to the hospital with Meahan. Particularly noticed blood inside of it. Gave it to

CAPT. JENKINS of the city police force testified that death he and Capt. Haistings and Tom Roomey examined the ground where the event took place. He made a plan of the place. (Plan produced). Witness explained it to the jury. Rooney showed where he said he, the prisoner and Meahan drank liquor, and gave between several places pointed out to him by Rooney.

Witness was proceeding to show what he found there, when Mr. Morrell objected to anything being presented, as a week had elapsed after the affray before Jenkins visited the

The court admitted the evidence, subject to objection, for what it was

Witness produced a twig in court which he said he found laying over one of the spots of what looked like tlood. Saw two blood spots there about six inches apart. This was close to the side of the Quarry road. After witness had been examined at some length as to the plan, the jury intimated that it would be more satis factory to them to view the ground

The counsel consented to this proposition, and the court made an order for them to go this morning.

Mr. Morrill applied for permissi for the prisoner to visit the place at

the same time. The court said it would send two showers with the jury to point out the chief places mentioned. As for the prisoner the court had no jurisdiction to let him visit the scene with the jury. He would, however, give the sheriff an order to take the prisoner over in advance so that he hight point out to his counsel the laces that he desired. The jury would start at 9.30, and the attorney general and Mr. Morrill would act as showers. The prisoner in custody of the sheriff and accompanied by his counsel would start an hour earlier.

The attorney general asked permission to take officer Jenkins with him to point out places, but not to speak

This was agreed to. His honor cautioned the jury not to converse with outsiders about this case or any other marter while they

Before adjournment the jury asked permission to attend Mr. Williams' out Judge McLeod politely declined to grant the request.

It was 11 o'clock Friday morning when the court resumed taking evience, the jury having spent the preceding two hours in viewing the scene of the alleged tragedy.

CAPT. JENKINS gain took the stnad and in reply to Attorney General White stated where he found the bottle, pieces of glass and the soft black felt hat produced in

Cross-examined by Mr. Morrill-His

attention was first called to this mat-ter on Sunday, Oct. 10th. Knew when the prisoner was arrested. It was Oct. 6th. Was over on the Quarry road this morning. Counsel had then called his attention to some sharp pointed rocks projecting above the ground, also to a tree right opposite the knoll. It had a bare timb sticking out. Al: his testimon about the localities had been given on the strength of what Rooney told him. The articles he pickel up were found by him on Oct. 10th. Had made no examination of the locality previous to that date.

Re-examined by Hon. Mr. White-The bare limb he spoke about was some nine feet from the ground. The hard hat was given to him by the man McCarty in the hospital.

The court, in answer to Mr. Morrill, read from his notes that McCarty stated in evidence he had given this hat to the chief of police.

THOMAS WALSH,

examined by Attorney General White, said he worked in Murray's mills. Knew the deceased 5 or 6 years and the prisoner pretty near all his life. Recollected Tuesday, Oct 5. Saw prisoner about 2 p. m. that day near the foot of the hill. Witness was at the head of the hill. Both were gohead of the hill. Both were going in the same direction then. When witness turned off to go home the prisoner was down pretty mean the mill. Did not see him again that day. Saw John Meahan about 1.10 p. m. at entrance of the Quarry road. Witness was then coming up the hill towards Douglas avenue. Meahan was standing, all alone, a short distance in from the mill road. Witness want by but did not meak to him. went by but did not speak to him. Never saw Meahan more Met Char-ley Brown when he (witness) was go-ing home, at the head of the hill.

Cross-examined by Mr. Morrin-Thought the prisoner was a little over

CHARLES BROWN. examined by Hon. Mr. White, said ister and lived on Adelaide street. On Oct. 5th last, as he was soming up the hill, saw Walsh at the top. He was on the Murray road when witness saw the prisoner, who then cut across the point at a bend in the road and came down to-wards him. They passed about half way up the hill. Prisoner had been drinking. Had no hat on. They did not speak as they passed by. Prisoner had one arm in his coat and was trying to get the other in. Met Walsh, the last witness, at the

it appeared as if he was coming from Quarry road. Did not see Meahan that day at all.

Cross-examined by Mr. Morrill—

When prisoner cut across he merely

crossed the bill road. The prisoner was pretty drunk them.
To Hon. Mr. White—Saw Rooney go cut Douglas avenue towards the Suspension bridge. That was after he had seen the prisoner.

HENRY MILLER the next witness, examined by the attorney general, said he lived on Douglas road. The afternoon before he read of the tragedy in the papers, he met Meahan passing from Douglas avenue to Bentley street. He had blood on his face. Noticed that as the man stepped close to his wheels. It was the blood that attracted his attention

Mr. Morrill did not cross-examine this witness.

WM. O'LEARY. amster, living on Murray street, said he had known the prisoner about three years and the deceased intimately. On the day in question, about 11.30 a. m., saw the prisoner. Witness was piling wood on the side of the road about three-quarters way up the first hill. Slabs are now piled Prisoner was about 30 feet away when he first saw him. Saw him again sometime about twenty-five minutes past one on the Quarry road, at the clearing. Witness was stand-ing on his wagon. Was there this morning. The slabs are now piled so as to prevent that view. The prison er was going towards St. Peter's church. When prisoner had gone

about half ways across the clearing he turned back, came out on the Murray road and passed where wit ness was, keeping off to the left. Did not have his hat or coat on. Prisoner was hid by the bushes 5 or 6 minutes. It would take him about that time to walk the distance. Did not see Rooney. Saw Meahan that day before he saw the prisoner. Saw Meahan after he lost sight of prisoner in the bushes, and before he got out on the Murray road. Meahan was going towards St. Peter's church, along the same road. Did not see him come back. Witness was there this o'clock. Meahan had his hat and coat on. Was walking with his head drooping over a little and his hands spread out. After that witness saw

the prisoner come out on the Mil To Juror Paul-Witness was at the first hill from the mill when he saw Meahan. Recognized him.

To Hon. Mr. White-Witness was some 30 feet from the fence towards the mill. John McNamara, Wm. Welsh and a little McNamara boy were with him. He made remark to them about Meahan's condition. Cross-examined by Mr. Morrill—In giving the time when Meahan was dden by the bushes he was depending on his memory, although it was two months. Would not swear as to two or three minutes, but would as to ten minutes. It was not possible for his mind to vary ten minutes as to his mind to vary ten minutes as to the exact time on that occasion. Prisoner was 250 or 300 yards away when he saw him. Was positive it was the prisoner. It was a nice, clear, calm day. Did not hear any quarrel-ling that day out there. When pris-oner came down the hill he appeared like a man that was drunk. Did no see Walsh and Meahan together that day. Did not have a watch with him that day.

To Hon, Mr. White-Was examin efore the police magistrate. That refreshed his memory.

To Mr. Morrill—Told before the

lagistrate that five or six minutes dapsed while prisoner was hidden by the bushes. His memory was good about this case. Walsh went along the path first. He was positive of

To Hon, Mr. White-Did not see Meahan and Walish meet. JOHN MONAMARA

aged 16, was the next witness. had heard the evidence of O'Leary. Was with him that day. Was about 30 or 50 feet from the fence that that crossed the field. The wood pile was not built up high then as it is now. Was there about 1.30 p. m. Knew the prisoner and Meahan well. While standing on the wagon he saw the risoner going past the clearing towards St. Peter's church and again coming back the same way. Saw Meahan while the prisoner was hidden by the bushes, five minutes or ten minutes before he (the prisoner) came out on the mill or Murray road. The prisoner did not have his hat on when he passed witness, but put his coat on on the hill. Did not notice whether Meanan had a hat on or not. Meahan had his head down and his hands out. He appeared like a dog that had the head staggers. lifting

his feet high. Would not like to swear positively to the time the prisoner was hidden by the bushes. Gave it as near as he To Hon. Mr. White-Showed you and

the police the place where he had seen the prisoner and Meahan. Saw the chief of police walk along the clear-ing and recognized him well. To Mr. Morrill—Knew beforehand that the chief of police was going to

JOHN MELANSON estified that he was with de when he was taken to the hospital law Thos. Quinlan hand Meahan's hat

Hon. Mr. White said this closed the calse for the crown.

MR. MORRILL at 12.45 began his opening address to the jury. He said he would only ocoupy what time he thought was absolutely essential to his client. The attorney general had said this was a case that rested entirely on circumstantial evidence, and he had taken a noble, wise and correct course in fining it to a charge of manslaughter. The attorney general was to a certain extent the protector of the mer as well as counsel for the n. Passing on, Mr. Morrill contended that some reason must be established for the crime, and criminal tablished for the crime, and crament the first that the prisoner was perfectly willing to commit murder and had no desire to avoid it, before they

could render a verdict of guilty. It

was true the law laid down the prin-

ciple that drunkenness was no excur for crime, but that was to meet the case of those who might deliberately get drunk to commit crime. But in the case of a man who had no murderous intent when sober, and who while intoxicated took the life of a fellow, the charge of murder could not lie. The prisoner at the bar would take the stand and tell just what did and did not take place. That would be the only direct evidence in the case. They would prove there was not the slight-est ill-feeling or trouble that day. in the bushes; that the prisoner asked them how long they would be there, and saying he could get some money, wen't and got 50 cents (he had the money all the time, but did not want them to know it), gave it to Meahan. who got the second bottle. Walsh then went for the third bottle, but did not go back, and the two found him in McDonald's bar. McDonald took it on himself to say they were not drunk there, but he would comment on that later. They went back. He tree and threw stones at it. The next he saw of Meahan he was lying on the road cut in the head. The prisoner took his handkenchief tried to stop the flow of blood. Nocrown to establish a clear case, and it had failed to do so. He would ask the jury to listen carefully to the evidence of the prisoner, and he deeply regretted that John Meahan's deposition had not been taken, as he felt

Adjourned till 2.30 p. m. AFTERNOON PROCEEDINGS. The prisoner took the stand at 2,45

and was examined by Mr. Morrill. He

testified that he knew the deceased

sure it would have corroborated the

prisoner's entire story. He would at

the proper time show that the pris-

oner had not been notified of Mea-han's dying condition, and that it was therefore impossible for him to have

asked that the deceased's deposition

be taken.

and remembered Oct. 5th. Saw Rooney and Meahan first that day at the corner of Murray hill road and Douglas avenue. Was standing at the shanty as they came along. Talked a minute or two, when witness went into the shanty, took a quarter out of his pocket and whistled for them. When they came back he gave Rooney the quarter and he went to McDonald's. He and Meahan went up the quarry road into an opening. At Me suggestion they went a little further to Race rock. It was the only turn in the sidewalk. They called Roomer to them there and drank the bottle in the bushes. Witness asked them if they would stop a while. He went away, took 50 cents out of his po and gave it to Meahan. Watched him going into McDonald's, and then they walked slowly out the road. As they turned Meahan came out with the square face of gin, and they then went into the woods and dramk the gin. Witness again asked them to wait, and he went to McDonald's and got a 50 cent bottle of gin. That e he went back of the s Went out the quarry road and across the Murray road to McDonald's. While there Meahan came in. Mc-Donald told them they had better go out, as there was a sick the house. Rooney was inside the door. The three went back out the road to the old spot. Had one drink and left the bottle on the Rooney went in one direction, Mea-han in the other. Thought Rooney book the bottle. Wanted to have some fun, so put a can on a limb and went to peg rocks at it. Tore his shirt sleeve doing that and took off his coat. The leaves stopped his sight, but not the force of the stones. He saw Meahan lying with blood on him. Asked him if he hit him with a stone. Meahan said yes. Witness took his handkerchief and tried to wipe away the blood. He did not seem bad. Witness went away then and fell down. He then described how he went to the falls, got in a boat, etc., and told of his further movements till arrested. He fell down the bank, he was so drunk. He did not throw any stones at John Meahan; did not attempt to hurt him. They were always good friends. Meahan was always good atured. Was arrested next morning was not sure by whom, in the shanty, was taken to Portland police office bout 5.30 a. m., and later was brought to the central station. The police did not tell him that Meahan was in the hospital, that he had been operated on, or that he was dead. On Sunday afternoon they told him Meahan was pretty bad. The jail turnkey did not tell him about Meahan's condition. Heard Rooney's evidence. Had no warrel with him at all. Did not chase

Cross-examined by Hon, Mr. White -Asked what I was arrested for. Was old: "Some of your funny gain." Asked again in the jail about. three days after his arrest. Thought it was no use to ask them again. They would not tell him the first time. Did not want Rooney and Meahan to know he had money, so he went out of their sight to take the quarter out of his pocket. They may have thought borrowed it. Got a pint flask over half full for 25 cents. It was gin. Gave Meahan the money for the second lot, and witness went for the third. After getting the third lot they all sat down on the side of the road and had a drink. Sat there about 25 nutes talking of mill affairs, etc Everything was friendly. Then took laid the bottle down, Rooney got up and went in to the hill further towards Portland. He did not say anything. Witness did not ask him any questhons. Rooney followed down the quarry road. Did not see him again. Meahan was sitting nearest the mill road, a short distance from the bush. Witness was only a few feet away. Rooney had been sitting between between him and Rooney. got up at once and went off towards the Murray road, out of his sight. Witness sat still three or four min-

him that day or throw a stone at him. Did not have a scuffle with him. Had

no quarrel that day with any one at

Witness then got up and got a can and put it on the tree. When he got up he could see out to the mill road. Did not see anyone. It was an old lobster can that lay across the road. It tay a foot or so from the brambles Could not see it before he stood up. Then made up his mind to fire at it. Put it on a tree and then steeped back towards Portland. Had two rocks in his hand. Got them in the grass back would establish that after getting a a little from where he got the can, flask of whiskey the three men drank it Did not go where he could get lots of a little from where he got the can, rocks. Went to fire a stone and tore his shirt. It was tight. Was so full The prisoner took a can, put it on a he fell and lost his hat. They were all stepping around. They went to sit down near the heap of stones. Yes, they did sit there a little while, about five minutes. Did not have the bottle with them. Could not find it where he left it. Did not find it at all. Felt warm when sitting near the rocks and boys at foot of Jeffreys hill. Might took off his hat. Sat there twice. Sat have done so when drunk. (Witness took off his hat. Sat there twice. Sat have done so when drunk. (Witness by the bush four or five minutes. It identified his own hat and believed was damp on the grass, so they left the hard hat shown to be Meahan's.) the bottle of liquor near by and wen't Re-examined by Mr. Morrill—Did up to sit in the other place. Took off his hat; that's how it got there. Then came back to the tree and sat there was arrested there. His evidence as about twenty minutes. Then took a to the time of the several events and drink. Was only a short distance from the can when he threy a stone at it. It was not large and was pretty body then thought he was injured.
Whether a stone hit Meahan or not, he would show that there were places along that road where a man could fall and sustain just such an injury it went about even with the can, but half a foot inside. Meahan then fell half a foot inside. Meahan then fell on his right side across the road. When witness saw him fall he went right over to him. He said: "Jack, did I hit you with that rock?" said "Yes." Witness did not know he had hit him. Thought he might have. His hat was not on his head. It was lying a little ways from him towards the Douglas road. Meahan got up on his hands sideways and got out a handkerchief. Witness took the handkerdhief and tried to stop the blood, which was dropping pretty fast. Held the handkerchief to his head about five minutes. Did not say anything. Meahan was kind of sitting up, and witness had his left arm around him. Saw he could not stop the blood, so he went down the hill. Stood there about two minutes before he stanted. Meahan was getting up, turned to-wards Portland. Went about five or

six steps. Witness did not see him any more, but went on down the hill. Passed a fellow standing with a team. Did not take notice of any one but Charley Brown. Knew his team. Did not see Charley. Followed the road down to the last hill, and then took a road to the left till he came to a field, where he fell down, and laid till about four o'clock. Did not know what he was going there for. Was not going there to go to the island in the river. Got into a boat to go down through the falls. That was as handy as walking. It was his uncle's boat. The tide was low and somebody had pull him ashore. Stanford did it. Was only out a few feet from the shore. That was about 4.30 p. m. The shore. That was about 4.30 p. m. Threw the stone with his right hand. Had nothing in his left hand. Got his coat before he left. Did not know whether his hat was on or off. Did not tell people he met on the road that Meahan was hurt. Thought he had tive Ring. Asked the o ted for his sister's. Did not tell amybody that he said: "My God, did that strike you?" and that Meahan replied it would kill him. Did now remember telling that to the chief of police; that is, the first part, but did not remember saying it all. Did not mind saying it to the chief. Meahan did not say it, and witness could not understand how he could use such words to the chief. As a matter of fact did not know it was a serious would. Did not then know that Meahan was in the hospital under doctor's treatment. Officer Jenkins was present when he had his conversation

When brought ashore poat he went into his uncle's shop. His two cousins and his father were there. Stayed about half an hour. Then went up to the little shanty be fore 6 o'clock. Did not notice any one working on the road. Two girls and a boy lived in the shanty. The girls are about 35 or 40. With had been in the habit of stopping there. Had slept there 6 or 7 times Was arrested there. Did not know the officers were searching for him Witness denied that he had his coat off on the morning before they had the first drink How many times have you been un

with the chief.

for throwing stones at people? Objected to by Mr. Morrill. The court admitted the question but remarked that one crime could not be proved by evidence that another had been committed.

Witness-Three times, I think. Counsel was proceeding to question witness as to the particulars of these stone throwing cases when the court ruled that it was not competent to go so far. It made no differen the man was a good shot with a stone

Attorney General White was inclined to press his point. Mr. Morrill held that it was not competent to go further than to show that the witness had been previously

The court then ruled out the ques tion: "How did you come to throw stones at McCarthy. One could be proved by another when they were connected to gether. like several burglaries committed in one night, and which in effect formed one orime. However, if the attorney general took the responsibility of pressing the question he would admit it.

Where was it you threw this stone at McCarthy? Mr. Morrell again objected he question was withdrawn. Witness - Knew Moses Spragg Tried to climb on his wagon

Objected to by Mr. Morrill. The court, after taking some time to consult authorities, said he could ind nothing to change his ruling. The ransactions were entriely distinct. Attorney General White-Could ow he was generally quarrelsome in

Did you throw stones at him?

his cups? The court-I will allow that. Mr. Morrill-Subject to my objection.

I'id you throw stones at Moses Spragg on the occasion I refer to?

The court said this was not ad-Attorney General-Suppose I show that is the prisoner's regular prac-

The court-You will have to connect the cases with this Attorney General-During the last two years how many times have you thrown stones at people, for which you were not brought up?

Objected to and admitted Witness-None. Did not remember throwing a stone into Dean's window or narrowly missing the head of Mr. Willet, the clerk of the court, a few months ago. Did not recollect it. Knew where Geo. Willis' place on Brussels street is. Pegged a stone at the windows. He was hit before doing so, Never threw stones at Gaskin. Did at Manly Seely, mill foreman, but did not mind throwing stones at Re-examined by Mr. Morrill-Did not attempt to go to the island near the falls. Went to the shanty and as to conversations was given to the best of his memory. It was true that he never threw rocks at any one unless he was full. His version of what took place between him and Rooney was as he remembered it. He was pretty full that day. Did not throw anything at John Meahan that day. The prisoner was then taken from the witness box back to the dock. Mr. Morrill said that closed the case for the prisoner.

torney general had opened the case as W. W. Clarke, chief of police, was then called in rebuttal by Hon. Mr. White. Mr. Morrill objected to the alleged conversation being given by witness

until it had been shown how this conversation arose and how it had een cotained The court admitted the evidence

Witness-Prisoner told him he ex-claimed, "My God, did that strike you?" and Meahan replied, "Yes, and

it will kill me." Cross-examined by Mr. Morrill-Knew Wednesday morning that the prisoner was arrested. Interviewed Walsh in jail on the afternoon of Sunday, the day on which Meahan had died. Had no difficulty in getting into jail. One of the turnkeys would not at first let him see the prisoner. From Wednesday morning till Sunday did not send prisoner word as to Meahan's condition. It was not his duty. Knew Meahan had been op-erated on, yet all through till his death he did not convey any information to Walsh that would lead him to get any information or document from Meahan. Set the machinery of the law in force, as far as in his power, to show who struck Meahan. Did not lay any specific charge against Walsh. Knowing Walsh was held on suspicion he did not attempt to get any state-ment from Meaham. Would not swear it was not his duty to have done so. Told the captain to work up the case, From the report he did not think Meahan's condition was serious. Did not ham's condition was serious. Did not ask the detective to look into the case. When he had once given a case to an officer he did not call in Detector and the captain if he wanted Ring. Thought he asked Ring afterwards. Was not positive whether he did or did not. He tried to make detectives of all the force. Did not visit Walsh in a cell in the jail, but in a room. The door was open. Did not start the interview by telling him that Meahan was dead or dangerously wounded. Thought the prisoner knew so. Did not tell him one single word about Meahan's condition. Would not swear the prisoner did not ask about Meahan's condition. Witness was positive as to the language used by the prisoner, as given in his direct examination. What Walsh said might have struck Capt. Jenkins differently. Witness was swearing to the exact

conversation, but had not shown it to Re-examined by Hon. Mr. White This was a north end case, and he handed it over to the north end captain to work up. When he first went to the jail saw one of the turnkeys, who said he could not let him see the prisoner, but went away and came back in a few minutes and admitted him. In cases like assault, relatives desiring to see prisoners can be and are admitted by the sheriff.

words. He had a memorandum of the

AARON HASTINGS. police captain in the north end, testified that on the Sunday Meahan died he made a thorough search of the place where it was said the men were sitting, and failed to find any empty lobster cans thereabouts. When the prisoner was arrested by witness and two others, he (witness) told him, in reply to a question, that he arrested him on suspicion of assaulting John Meahan with a stone.

Cross-examined by Mr. Morrill-Was quite sure of the exact words he used on that occasion. Could remember for two months the language he used

This concluded the evidence, and the court adjourned till 10 o'clock this morning.

The trial of John Walsh, charged with the murder of John Meahan on the 5th of October last rast, ended Saturday afternoon in a verdict of guilty of manslaughter, with a strong ecommendation to mercy, and his honor Judge McLeod will pass sentence at 10 o'clock this morning.

The prisoner was ably defended, and

Scott E. Morrill in this his first impertant criminal case, won unstinted praise from his legal brethren, and was heartily complimented from the bench. His address to the jury was strong and at times eloquent, and his bearing throughout the trial while dignified, was tempered with that becoming modesty which too rarely marks the conduct of a young advo-

Alttorney General White handled the ase with his accustomed skill, and while he looked after the interests of the crown keenly and well, he did not in the slightest degree lay himself open to the charge of blood-thirstiness or manifest an undue zeal to secure a conviction. His summing up of the evidence was strong and masterful. The charge of Judge McLeod was clear, to the point, not too long, and eminently impartial. His honor dealt

only with the legal aspect of the case and left the jury to draw their own conclusions from the evidence.

When the court opened at 10 o'clock Saturday morning, Mr. Morrill asked to be allowed to put in as evidence a portion of the deposition of Capt. Jenkins in the police court to show the difference between it and the evidence of Chief Clarke as to what the prisoner had stated to them about his brief conversation with Meahan. The attorney general interposed the objection that if this were allowed it would give him no chance to cross-examine the captain.

The court refused the application Mr. Morrill then moved for the discharge of the prisoner on the ground that it had not been shown that a

surgical operation was necessary. The court replied that the hospital physicians had decided on an operation, and it had taken place. would not rule on the point just then, but the prisoners' counsel might bring

it up again, later on.

Mr. Morrill in opening his charge to the jury said he came before them, a young man, to plead for the life of a young man, a mere lad, not yet 20 years of age. He was going to approach the case in all sincerity, and he believed that the jurors would so conscientiously weigh the evidence that when the verdict was rendered they could each and all look their Maker in the face and say "I am sure mane no mistake in my finding." is he had remarked on Friday, the at-

one of manslaughter. It was beyond question that it did not constitute a case of murder. The learned judge would, when the counsel for the crown had concluded, lay down the law. If there appeared any difference betwen the attorney general and himself as to the law bearing on the case he felt sure it would be in its application and not in the law itself. Mr. Morrill asked the jury in applying the law to bear in mind the fact that it was enacted by men who moved in the higher walks of life and who had never been open to the influence of the motives and surroundings that affected the humble class to which the prisoner at the bar belonged. He then read from the Criminal Code to show that motive and guilty intent must be present to constitute the enime of murder; that the offender must mean to cause death, or mean to cause grave bodily harm, reckless or regardless of whether death ensues or not. There must be mallolousness. After citing several authorities in support of his contention, Mr. Morrill contended that the crown to make good a case of murder must establish the fact that the prisoner at the bar had started in intentionally to take the life of John Meahan. The jury would have the evidence before them, and it would be for them to say whether or not the crown had estabshed murder. Whether the deceased came to his death by an act commit ted by the prisoner was another question, but there was not one jot or tittle of evidence to show that prisoner intended to kill him or had the slightest feeling against him. It was an awful thing for a boy, a lad of hardly twenty, to stand after day, night, facing the spectre of death, and it required an awful preponderating weight of evidence in such a case as this to convict of the terrible crime of murder. He felt confident, however, that whatever element of criminality there might appear to be in this case, there was not near enough to constitute a case of murder. There was nothing in the evidence to show that the had any reason to seek the death of John Meahan. On the contrary, naught but friendly feelings existing between the two men. The law never presumed that a man should be convicted of murder on such evidence as

had been brought out in this case. Mr. Morrill then proceeded to argue that a strong reasonable doubt existed as to this being even a case of manslaughter. He contended there was no evidence to show that Meahan's death was caused by the wound; that there was no evidence that surgical operation was necessary, and that the crown had failed to show that the stone which they alleged caused the injury was thrown by the prisoner at the bar. It was even open for him to suggest that the wound might have after all been the

result of a fall and not the result of a blow from a stone. In the absence of a postmortem examination of the body of the deceased it was impossible for the surgeons who attended him to say what caused John Meahan's death. Dr. Fillis had testified there had not even been an examination of his physical condition or to ascertain whether any complicating disease existed. Dr. Phis himself testified that the man died from inflammation of the membrane of the brain, while Dr.Christie, an older and more experienced practitioner, who had performed the operation, testified he did not know what was the cause of Meahan's death, but that he did not die from any symptom that in due course followed such a wound. Dr. Christie, continued Mr. Morrill, was a conscientious man. He had told the jury that he could not say what sed Meahan's death, but he did say that he died neither from the result of the wound, exhaustion or in fammation of the brain. Dr. William Christie had also said he did not know what caused Meahan's death. council claimed that when the physicians who had attended the deceased at the hospital were unable to agree as to the cause of death, the jury were not in a position to find the prisoner at the bar guilty of John Meahan's death. It was the duty of the crown to have made the cause of death clear, but the crown had utterly falled to do so.

Taking up the second point, Was an operation necessary? Mr. Mor-rill reminded the jury that every physician put on the stand had sworn that they did not make an examina tion to see if it was necessary, and one of them had gone so far as to admit that there were conditions under which he would not think of atempting such an operation at all. On the third point, the prisoner's connection with the matter, the counsel pointed out that the evidence of

Tom Rooney and the accused was

very contradictory. dence that the three cated at the time, a prising therefore tha two months after t two survivors disagr of Rooney on the st parent that he was his ground, and the ju of the locality show was mistaken in sor spects. The only m which the prisoner fered was as to there between them. He to the jury and if an their mind, he asked accused the full benef was no doubt Roone under the influence occasion. When he the Strait Shore he at two places, and m so drunk as to serio memory of what had counsel earnestly be to carefully consider in weighing Rooney's

Mr. Morrell then p to the man McDonal liquor to the prisone and Rooney. Although he had sold them v and that they were to put them out of 1 that they would distu McDonald had the ar that they were not against McDonald's the evidence of Dr.Ch. who swore to the dr of the prisoner, and when taken to the said the counsel, councied ever so remote awful accident as th ing affected thereby. falt in his shrivelled u he could never rid hir sequences of his part tion, but he also felt the punishment inflict oner at the bar, the might be his own resp Donald should have any other man on G the accused, and it perversion of justice the liquor seller go fr trate all punishment the prisoner.

Mr. Morrill then w against attaching too ance to the testimon witnesses who, hund away, claimed to have oner in the clearing, them that if the de was caused by an according to the oner could not be manslaughter. Taking up the evide

cused, the learned cou an awful thing for a in the shadow of eter a still more terrible take the witness that a look, a word, tongue, might cost his much greater the odd case of this poor boy, years of age; ignorant forceful brain, pitted a torney general, keen skilled in the art of tion! But did not He told his story in a way, and what was the jury squarely in compliment White on the able n he had conducted having left nothing out the charge of m Morrill took up the pr directed tention to the had sworn he tion whatever of in that they never had that ill feeling had no tween them. The pris only direct evidence the counsel felt that not ignore the testim who, stepping out of the witness box, had

not mean to kill John Turning his attention of the crown that the came intoxicated, that had a slight difficulty, Rooney ran away, t pointed out that ever this, the crown had prove malice. The the tremely doubtful one the crown had it in it cleared away all doubt easily got John Meaha statement. The at might reply that the have got it, but Wals that Meahan was in that he was in a dang Dr. Christie's evidence in that connection, for even Meahan himself was so seriously injur not therefore have co exact state to the pasked about it. Wals the evidence of the pol ed for common assault counsel, there was a 1 in the Quen's dom have been treated was John Walsh.

had gone to the the jail on Sunday a to fasten the noose while concealing the fa whom he was accus was dead. He (Morrill at his command to e tempt he felt for men Chief Clarke had do name, if the St. John scend to work of that the place come to? T even give Walsh a figh his life, but from wh Attorney General Wh vocate would ever sleet fully were the prison of murder on eviden such a revolting ma hounded this boy W themselves, forsooth. or St. John "Byrnes," words murder and b ly ringing in his ears standing the gravity chief of police swore, that he did not exa in a cell in the jail. there. He had quibb that affected the life

and everybody knew