

Now, to ascertain whether or not that was so in point of fact, it is necessary I should receive evidence respecting the murder of Mr. Parker," and his Lordship received the evidence. The facts of the case now under consideration is by no means similar. It is evident that what took place on the 15th January had its origin and commenced on the 14th January at a school meeting. The evidence given by the Crown, on the part of the prosecution, that for some act done on the 15th January a warrant might or might not issue, and the prisoner had notice that the deceased, who had only arrived on the morning of the 27th January from Miramichi, was aiding the constable to execute the warrant. The fact of an act being alleged against him (the prisoner), which his counsel assumes he can prove was not a crime, is to be received as evidence against the prisoner of his knowledge that the party coming to Albert's house were constables, and was for the purpose of arresting him, appears to be unsupported by any case. The offence is not of the same sort or kind. In *The Queen v. Odly*, before referred to, Lord CAMPBELL says: "The law of England does not allow one crime to be proved in order to raise a probability that another crime has been committed by the perpetrator of the first." In *Rea v. Ellis* (C. B. & Cr. 145), BAYLEY, J.: "Generally speaking, it is not competent for a prosecutor to prove a man guilty of one felony, by proving him guilty of another unconvicted felony." In *Rea v. Crocker* (2 Leach 987), a charge of forging one promissory note was supported by evidence that another one was found in the prisoner's pocket book that was forged. The evidence was admitted by the Judge at the Assizes. But the prisoner was afterwards released on a case submitted to the twelve Judges, who thought the evidence inadmissible. The evidence does not show that the prisoner knew that a warrant was out against him for the offence alleged to be committed on the 15th January, and yet this evidence is offered, from which the jury are to infer he had such knowledge and was prepared to resist, and was acting in consort with others to resist. Lord CAMPBELL further says: "The rule which has prevailed in the case of indictments for uttering forged bank notes to different persons has gone to great length, and I should not be willing to see that rule applied generally to the administration of criminal law." The evidence was, in my opinion, wholly inadmissible, and a conviction obtained by such evidence cannot, in my opinion, be sustained. Not allowing the prisoner's counsel to cross-examine the witness, as to what was the origin of the alleged offence, was equally objectionable; he clearly had a right to do that. The calling a witness on behalf of the prosecution to prove one fact, does not, in my opinion, prevent his being fully cross-examined as to everything he may know about the matter that led to the offence of which he alleges the prisoner