

seemed to have died instantaneously. Witness examined the house, and took an inventory of the property. On the second day, found a shirt behind the door, which was bloody, marked "H. C."; found a book on the bed, that had been lain on. (The book was here presented by witness, covered with blood.) Found the body of Nancy Montgomery, the housekeeper, doubled up under a tub, in the cellar. Every thing in the house was turned upside down, and the house pilfered. The housekeeper's body was in a state of decomposition; Mr. Kinnear's body was not decomposed. The ball exactly fits the gun produced; the pistols were found in the harness-room—they were rusty and dusty, and had not been used; examined the gun, it had been used recently. When Nancy's body was opened, found that she was pregnant. The partition forming the dairy divided the two bodies, and they were about two feet apart. Mr. Kinnear had a tartan vest on. The mouth of the pistol is larger than that of the gun. The ball entered Mr. Kinnear's breast a little above the left pap, and passed through the body, as before mentioned.

*John Wilkie*—Saw Mr. Kinnear's wound, the blood on his breast, and a little blood on the floor. He has no doubt it was a ball wound. Saw the ball through the skin; saw a pair of legs sticking out from under a tub in the cellar; and, on the tub being removed, found the body of Nancy Montgomery concealed under it. The body was in a putrid state. The book was found in one of the bed-rooms, with blood on it. The house was topsy-turvy; plate and wearing apparel gone, and every thing in disorder.

*Jonathan Jefferson, Butcher*—Called at Mr. Kinnear's on Saturday morning, to leave meat, as usual. Mr. Kinnear or the housekeeper used always to give witness orders. On this occasion, Grace Marks came to him, at the kitchen door. She never used to give orders. She told him she did not want any meat for this week. Witness asked for Mr. Kinnear. She told him he was in town. Asked, also, for the housekeeper. Said she did not know where she was; but, no matter, they wanted no meat. They always took meat on Saturday, heretofore.

*James Walsh*—He lived with his father in a cottage on Mr. Kinnear's farm, and was in the habit of going to Mr. Kinnear's house; he used to go of errands for him; was at Mr. Kinnear's on Friday, from three o'clock, till half-past ten at night, playing his fife, at the request of the housekeeper. Mr. Kinnear, he understood, was gone to the city. Nancy and he wanted the prisoner and Grace Marks to dance; heard some noise, and the prisoner went out to see what it was; this was at about half-past eight o'clock; prisoner said he was unwell, and would not fun as usual; at about half-past ten, Nancy took a candle to go to bed; prisoner signed to witness to go out with him, and walked nearly home with witness, and seemed anxious for him to go home; witness went back to Mr. Kinnear's on Saturday evening at eight o'clock, went in by the gate leading into the yard, saw McDermott running across the yard to the poultry-house, with something white in his hand, it looked like a cloth or rag, but is not sure; he came back to the well where witness had just come, he asked him if Mr. Kinnear had come home, he said not; saw prisoner had a gun in his hand, double-barrelled, it is the same produced; prisoner said Nancy gave it him, and that he got the powder from Harvey's woman; witness asked about the noise of a chain rattling in the stable, with which Mr. Kinnear's horse was