

[That last week's Supplement may not interfere with the regularity of the file of the STAR, we insert its contents in this number.]

Trial of Downing and Malone, continued from our last.

at the time, except a light in Mr Bray's bedroom; when he went home all was quiet; was alarmed by the fire soon after 12 o'clock.

Dr STERLING's examination, resumed.—Has resided at Harbor Grace for many years; recollects Mr Bray's house being destroyed by fire in July last; was present when search was made for the bodies amongst the ruins; there were three bodies found, amongst them was the body of Mr. Bray; the body was discovered about day-light, after the rubbish of the chimney which had fallen upon it had been cleared away; the head was lying near the curve stone of the hearth; was sure it was the body of Mr Bray; did not examine the body particularly at the time, not having any suspicion of foul play, but upon a subsequent examination discovered a deep cut or wound in the neck about two inches long and into the bone, it appeared to have been inflicted by an angular instrument; the wound was about an inch above the articulation of the head with the neck; was quite sure, for reasons which witness assigned, that the wound was inflicted before death; it was such a wound as might be inflicted by a tomahawk; it appeared to have been given by a descending blow; all the vessels in the neck were divided and produced a great flow of blood; the quantity of blood that had run under the body was so great as to resist the action of the fire on the coat from the neck to the loins; there was also a breach of the skull over the right eye; could not tell whether the breach had been caused before or after death as the fire had acted on the front of the head; the cut in the back of the head was quite sufficient to cause death; the quantity of blood flowing from such a cut would prevent the person who received it from rising, and death would be caused probably in 15 or 20 minutes; the body was discovered on its back; the legs and arms were much burnt; the trunk was preserved by the rubbish of the chimney.—Bear's Cove is about a mile and a quarter from Mr Bray's house; when witness arrived at the fire the house was nearly consumed. (A watch, a small bag containing money, two neckhandkerchiefs, and a striped shirt were here produced on the table of the Court.)

Dr STERLING—Was present at the finding of a bag of money, a watch, and two neckhandkerchiefs, said to be the property of the late Mr. Bray—(the watch was here shewn to witness)—the watch was taken up by witness out of the ground at a spot about one mile distant from Mr Bray's house; Malone accompanied the party in the search for it, and pointed out the spot where it was deposited; Mr Danson, Mr Fitzgerald, Mr Currie, and witness, with others were present; it appeared impossible for any one but the person who deposited the watch in the spot, to find it; it was a matter of astonishment to the party how Malone himself found it out—the bag of money (shewn to witness) was taken out of the ground near

Mr. Bray's farm in his (witness) presence,—it was wrapped up in two neckhandkerchiefs,—the blood on one of the neckhandkerchiefs was on it when found,—the bag of money was buried about eighteen inches under ground, more than two miles from where the watch was found, was covered with sod to resemble the adjoining ground. Malone put his foot on the spot and said "here it is." The striped shirt was taken from Downing's house,—the money in the bag consisted of silver and copper coin. Malone stated, when on the spot, in reply to a question from witness that it was the watch taken from Mr Bray's house, he also said that the bag of money was the same taken from Mr Bray's house.

JOHN CURRIE, sworn.—Is Gaoler at Harbor Grace,—the watch, bag of money, and two neckhandkerchiefs produced, were the same found at the spots pointed out by Malone in presence of witness and others,—the articles were in the custody of witness ever since.

Mrs SARAH BRAY, widow of Mr. Bray, was next called. She was supported into Court by two gentlemen, appearing to be in a very weakly state, and evinced symptoms of the deepest distress. Her appearance excited the greatest sympathy from all in a very crowded Court, except the two unhappy prisoners, who were equally unmoved on this occasion, as well as throughout the whole of the trial.

Is the widow of the late Mr Robert Crocker Bray of Harbor Grace; knew the watch produced to be that of her late husband; he had the watch in his possession, on the morning of the day on which the fire occurred; witness had left home on that morning; when witness left home Mr Bray had money in dollars and small silver coin in the house; the bag shewn to witness was hers; it was made by herself; it had been left in a sitting-room up stairs; one of the handkerchiefs she believes was her husband's; the other handkerchief (stained with blood) she was positive belonged to him; at the time of the great fire in Harbor Grace, in 1832, her husband had a considerable sum of money in the house; during that fire, Malone carried the money from the house to a field in the rear, for safety; after the fire, the money was brought back into the house; there were between £30 and £40 in the house, when she left it on the morning of the 11th July; Malone slept in the house; both the prisoners were servants to her husband; Downing occasionally eat his meals in the house; but generally at the farm; he was usually employed in husbandry and general house work; they were both employed, when she left home, in procuring caplin, and spreading it on the farm.

Cross-examined by Mr ROBINSON,—Malone was shipped by the year; Downing was constantly employed, during the fortnight preceding the fire, by the day; he eat his meals in the house, but did not sleep there; up to the Christmas of the previous year, he had been a shipped man, by the year.

PATRICK TOOLE, sworn.—Lives at Harbor Grace, was shipped to Mr Bray from October, 1832, to October 1833; knows the prisoners at the bar; Malone was his fellow

servant, witness lived at Mr Bray's farm at the time of the fire in his house, and did not hear of it until the morning after it occurred; about a week before the fire, Downing was sent to the farm to help him about the work; Downing said to witness, if he knew any one who had a bag of dollars, it would be a good deed to take it from him; Downing did not say, it would be no harm to kill any one who had money; at the time of the conversation with Malone witness was engaged in trenching potatoes; that was the only remark Downing made; he had no other conversation with Downing about money.

JOHN QUIGLEY, sworn.—Lives at Harbor Grace, lived with the late Mr Bray in the year 1832; worked at the farm, and about the house; remembers the fire at Harbor Grace in August, 1832; the prisoners worked with witness at the farm, in the summer of that year; Downing at one time said to him that Mr Bray had some money, and it would be no harm to take it, that he thought he was a rich man; he said this in a laughing way, but said no more; did not recollect whether this conversation took place before or after the fire; witness some time after asked Malone if he thought Downing would do it, and Malone said he did not think he would; no other conversation took place; neither Downing or Malone had ever spoken to witness about robbing Mr Bray; witness slept with Downing at the farm, he also slept with Malone at the house; did not like sleeping with Downing, because he always kept a hatchet by the bed-side.

JOHN STARK, Esq., sworn.—Has lived in Harbor Grace for the last eight years; knows the prisoners at the bar; was in Harbor Grace in July last, when Mr Bray's house was burned; he heard the fire-bell at midnight, got out of bed, and threw down the window; there were two persons passing his house at the time crying "fire," he immediately dressed himself, ran out, and overtook the two persons on the road, and passed them about 150 yards from his house; witness was running at the time, they were walking slowly and calling out "fire," he knew Downing, and believed the other to be Malone; one of them had a cast-net on his shoulders; witness spoke to Downing and told him to give the alarm at Mr Danson's house; witness lives $\frac{3}{4}$ of a mile from Mr Bray's, and a $\frac{1}{4}$ of a mile from Bear's Cove; Mr Bray's house was in flames when he arrived there; saw Malone afterwards at work at the fire; could not tell from his house, what house was on fire, nor did either of the prisoners tell him; from the noise made by the trowsers of one of the prisoners witness thought it had been wet.

MICHAEL DOWNING (a boy about 12 or 13 years of age, son of the Prisoner) sworn.—Previous to his examination he was asked several questions by the Chief Justice, on the nature of an oath &c., and his answers being satisfactory, he was allowed to proceed;—Lives at Harbor Grace; remembers the night Mr Bray's house was burnt Malone was at his father's house previous to the fire, thinks it was about 10 o'clock; received sixpence from Malone to buy a pint of rum which he brought to his father's, when they drank the rum they went out to—