

far as O'Hare's, and next morning came down to the ruins with a son of O'Hare's. No persons were then at the ruins. Went to Robinson's, and returned to the ruins. Saw the body, supposed to be the body of McKenzie, in the ruins of the lower house. (Witness described what he saw of the remains.) Saw the safe; the key was in it; the lid was closed, but it was not locked. I saw the man called Williams, or McWilliams, on the Monday before the murder on the Bridge below McKenzie's. The Bridge is near the lower house. I have seen the man Breen in gaol, and am satisfied he is the same. I saw him there again on Wednesday, by the lower house. It was the afternoon, and a man, I believe to be Slavin, was with him, and to the best of my opinion the prisoner at the bar was the boy who was with him at the same time. Breen and Slavin were with McKenzie in the small house, and the boy came in. Old Slavin wanted work. I was at my tea. The old man and Williams were by the fire. I had a suspicion of the boy.

Objection taken to his stating what he suspected, or what was done when the boy was not present.

The boy went up the road and came down again. I was looking for Mr. Peacock, who lives about two miles beyond, and he did not seem to know him; afterwards he seemed to know him. Then he went on towards town, and about an hour after returned, and came into the small house without rapping, and set by the fire, with his head down. He said nothing, and did nothing. Breen and the old man were there. I was taking my tea. We were talking together. Do not remember that there was any conversation with the boy. He and the other man did not seem to know each other. After the boy went out, the old man said —

Objection taken to this evidence—not admitted at present.

McKenzie came in. Old Slavin and Breen were there; cannot say if the boy was there.— They remained until it was dark enough to have candles.

Objection taken to evidence of what Breen told witness.

On Thursday Breen came out again in the afternoon, and sawed some wood. He slept with me on Thursday night, and remained until about nine o'clock on Friday morning. He went down to McKenzie's barn in the morning; did not see what he did there. I do not know where he was on Friday night. Never saw him since until yesterday evening, when I saw a man I believe to be him in gaol.

When I went from McKenzie's on Saturday evening, I left the key of the small house under the southwest corner; I did so by direction of Breen.

When the parties left on Wednesday evening, the boy left first, and the two men went away together afterwards. I saw the old Slavin on Thursday evening out there; he helped McKenzie with some oats; did not see the boy there on that day or afterwards. On the Wednesday I asked the boy several questions, and he said he was looking for work, and that he would stop that night probably at Robinson's. Breen said to the boy that was no time of night to speak of what he wanted; if he had told him before he would have spoken to McKenzie to give him work. I am not certain whether it was Breen or Slavin who said this to the boy. On that night took precautions —

(Was not permitted to state what he did.)

I got no money from McKenzie but 3d.

(Several articles were shown to the witness—a frock, a hat, a carpet bag, &c., none of which he could identify. A cap shown was, he said, like one McKenzie wore.)

Cross-examined by Mr. Kerr.—To the best of my opinion, the prisoner, Breen, is the same as the man Williams, or McWilliams, but could not swear positively. Saw old Slavin on the Wednesday and Thursday; did not know his name. Cannot swear for certain that the prisoner is the same man, but to the best of my opinion he is. Will not swear positively that the boy is the same I saw, but I believe he is; to the best of my opinion he is; saw him first on Wednesday going along the road beyond McKenzie's. I was at a distance; afterwards the same person, I believe, returned, and I went out on the road and spoke to him. That evening the boy came into the lower house; the men had been in before; thought the boy was a down-looking boy; cannot say what particular clothes the boy wore. The boy did not remain above half an hour. He went out of the house then, and I did not see him after until yesterday evening.

(Witness described the situation of the houses and barns. One of the barns was almost on the line between the dwelling house and farm house.)

To the Attorney General.—I believe the boy is the same; I spoke to him on that Wednesday. I am not positive that the boy is the same. Cannot say that the man I saw in gaol yesterday (old Slavin) is the same I saw before, but believe he is; I would not swear for certain that he is.

The Attorney General asked, if from what passed at the interview with old Slavin in the gaol, witness was satisfied of his identity, but the question would not be admitted.

John Robinson sworn, and examined by the Solicitor General—I live fifteen miles from the city, on the road beyond McKenzie's; I remember well the night of the burning. I left Jas.