

dies. In support he quoted an authority wherein it was stated, that it lay with the Court to determine whether the deceased knew that she was in a hopeless state.

Mr. Johnson replied that she was, beyond a doubt, and supported his commentaries on the evidence by quoting from Roscoe.

Judge Aylwin decided that Mr. Drummond should cross-examine the witness on this part of the evidence, in order to ascertain whether the deceased was at the point of death.

He accordingly questioned the witness, who stated that seven or eight days before her death her daughter said that she was about to die, and gave her some of her clothes.

Mr. Drummond here said that it seemed to him that the course followed by the prosecution was not the proper one; if it should be subsequently established that the deceased died by consumption or some other disease instead of as preferred against the prisoner, a very false impression would go abroad to the public mind.

Mr. Johnson replied that in the course of, he trusted a somewhat extended practice, he had always found it best to follow a case in the order of its events, as the surest and shortest way.

Mrs. Gobert's examination resumed—Two or three days before my daughter's death, she called me to her bedside and requested me to pray to God for her; she also asked Mrs. Peltier her half sister to pray for her. I believe that she was then aware that she was about to die and that the doctors could do no more for her. *Elle also said comme il est chef James Collins, il est cause de ma mort. Il aurait mieux donner trente piastres pour faire mourir mon enfant, plutôt que de me les donner pour le faire vivre.* ("James Collins is the cause of my death, he preferred giving \$30 to kill my child, than to support it.") She also said that during the first month of her pregnancy James Collins gave her medicine strong enough to burn the inside of a horse, and which he had procured from Patterson.

The witness was here again obliged to withdraw to compose herself; on resuming she said that her daughter told her that James Collins and the prisoner had repeatedly taken her into the barn on Collin's father's property, and performed operations on her with an instrument which gave her great pain, and that Collins did so seeing that the medicines he had procured from Patterson were not powerful enough. In answer to my question my daughter told me "God knows, I was not willing that Collins should do that, but he promised to marry me," and that Collins called two or three times a week on Patterson to induce him to put an end to the child. While staying at Patterson's, my daughter continued, she took sick at 4 in the morning, and was then alone with prisoner and his wife, who attended to her.

In the beginning of March, Patterson called upon witness and said that he had been advised to see James Collins and induce him to make some arrangement with her as she was elderly and had few friends to support her.

Mr. Johnson here stated that he had done with the witness, and Mr. Drummond submitting that it was rather late to enter upon her cross-examination, Judge Aylwin agreed to adjourn.

TUESDAY, JUNE 26, 1861.

Mrs. Gobert was again placed in the witness box.

Cross-examined by Mr. Drummond—Her daughter frequently asked her to pray for her, since she had not the strength to pray for herself. Her daughter ceased to speak as to the cause of her death about three or four days before she died. Her daughter spoke to her different times touching the cause of her death, crying at the same time. Her daughter told Madame Peltier about what transpired in the barn. They began to tamper with her with instruments in October; she was then residing at Collin's father's. She was not sick when she returned home. She returned to her house at the end of October. Prisoner told witness that her daughter, who was then living with Collins, was *enfantre*. Witness knew by her appearance that she was so. She went at once and brought her home. Prisoner attended her daughter from the time the latter left his house until her death, which was about three weeks after. Witness understands English, and prisoner understands French, both understood all that was said. Prisoner told witness that her daughter's illness turned to a fever after she was delivered. Her daughter parted with much blood at the mouth and nose.

Jean Baptiste Bazarlat sworn. Spoke English. Thought he was going on 15. Am brother to deceased. Lived some of the time during last winter with Dr. Patterson. Went there about Christmas, and did not leave till after my sister's death. My sister came to the Doctor's after I did. Saw my sister every day there; she lived in the house. She was sewing, making a dress for my mother. I was there grooming the Doctor's horse and doing whatever he wanted me. Saw my sister and spoke to her mostly every day, we took our meals together, except when she was taken sick at night. Myself and Dr. Patterson slept up stairs. A night or two before she was taken sick, or