

No sooner had Gauthier left than the prisoner came to the house, broke open the kitchen door and tried to force an entry into the dining-room. Being resisted and threatened by Mrs. Nesbit, and seeing, probably, that if Gauthier had gone to alarm the neighbours, he might be surprised on the premises, the prisoner took one of deceased's horses and started for the high-way. As to all this part of the case Mrs. Nesbit's evidence is complete and direct. Hearing the kitchen door burst open she opened the door leading from the dining-room into the kitchen, and saw the prisoner making his way across the kitchen to the steps leading to the dining-room. Later, from the front door, she saw him going to the barn for a horse, and start to go down the winter road on horseback.

The next witness, Reeves, saw the prisoner throw something away near Nesbit's gate, and then he saw him trying to cover up something, both on the north and south side of the public road. When witness came up to prisoner he asked Reeves to take him up; and when Reeves refused, prisoner said "I'll lick you." When passing the gate Reeves saw a black horse going slowly up the road alone towards Nesbit's house.

A little nearer town Leonard saw prisoner, and the prisoner then asked Leonard to take him up, which Leonard refused. Both Leonard and Reeves were struck by the appearance and manner of prisoner. Just as Leonard passed, Mrs. Levasseur, coming from the other direction, and so meeting prisoner, saw him emptying his pockets and bend down to hide something in the snow. You have been told this witness could not see the prisoner five acres off. The distance does not appear to be so great; but whatever the distance was, she says she saw him, and as a proof of this, she sent her little boy to look for what had been left where she had seen prisoner empty his pockets, and the boy brought back bullets and shot.

The evidence as to the attempt of the prisoner to conceal something is not an invention, for Richard, Gauthier, Buchanan, Hogg, Mme. Levasseur and Trempe prove that the pistol, bullets, shot, powder, paper and caps, were all found exactly at the places described by Reeves and Mme. Levasseur as being the places they had seen prisoner engaged in concealing something in the snow.

On the 20th January, the father of the deceased

found the cover of a box for holding percussion caps in the stable at Nesbit's.

Again, there is another little link in this chain of evidence. The pistol was found re-loaded, and it seems the prisoner, if it was he who shot deceased, had plenty of time to re-load the pistol after his attack on deceased and his going to the house to force an entry.

The similarity of the known mode of proceeding of the prisoner, and that of the murderer is not unworthy of consideration. The prisoner awaited the departure of Gauthier, to get help, which, doubtless, he saw, before going to break into the kitchen; and the murderer, whoever he was, awaited the departure of Gauthier before making the assault on deceased.

Again, the prisoner remained alone with deceased when Gauthier went to water the horses, and the attack on deceased followed so immediately the departure of Gauthier that it seems almost impossible that any one other than the prisoner could be the assailant. On this point the prisoner could give us some information, but he has persistently refrained from giving any account of what took place between him and deceased after Gauthier left. Where was he from the time Gauthier left until he broke open the kitchen door, is a question one cannot fail to ask. Directly questioned as to the attack, he said he did not even know what they were talking about.

The law does not compel the prisoner to speak, but silence has its indiscretions, and the fact that the prisoner kept silence under such peculiar circumstances may be considered by the jury as adding force to the suspicions which his position and actions naturally created, although not by itself a presumption of guilt.

If we had nothing beyond this to go upon a very strong case of circumstantial evidence would be made out, but we have now to look at facts which even more directly point to the prisoner as the guilty party. He was searched twice at Grece's. Before the second search he was asked if he had any fire-arms about him. He answered, he knew nothing about fire-arms. Nevertheless, on his person were found 17 caps, a ramrod, and a pistol cover exactly fitting the pistol, and a pipe with the end of the stem broken. You will remember that a piece of the glazed end of a clay pipe was found in the pistol when the charge was drawn before you, and this seems