

seen him put his hands under the bed clothes, to squeeze her. He would then smother her down to prevent her making a noise. When I would go in deceased's bed-room I would see the prisoner with his hands under the bed clothes, squeezing her. When he would see me, he would start away, and commence again when I left. She used to complain of the soreness of her head. The wounds on her shoulder were as broad as my hand. The prisoner, would often try to give her a kick unperceived by me.

*Margaret Brennan*, the sister of the first witness, examined.—She repeatedly saw the prisoner during this time go into the room every day, abuse her in some way or other. On the Tuesday of her death, heard prisoner say his wife was not dying half fast enough. The same day saw him coming into the room with the axe-handle, he said to kill his wife with.

Saturday Jan. 24, 1860.

Continuation of the examination of

*Margaret Brennan*—About 3 o'clock in the afternoon, prisoner went to the bedroom, and I followed him; he went up to the bed of his wife, caught her by the night-dress, and told her to get out of bed; she begged of me, for God's sake, to prevent her from being murdered in bed; I saw his hand under the bed clothes, and the deceased would scream out that he was hurting her; I always followed the prisoner into the room, and he would raise his hand over the deceased's head, and say that he would have killed her long ago, if it were not for the leaving of her children alone; the deceased used to show me the state of her body; I saw black and blue spots on it from the ill-treatment she received, they were on her side, stomach, arms and neck. I never saw the deceased take liquor; up to the last time of abusing his wife, she had *her senses about her*. It was about four o'clock on the afternoon of her death that I saw the prisoner pull his wife out of the bed and throw her back into it, it was after this she lost her senses, the last words she uttered before her death were, "bad luck to him, he has murdered me."

*Cross-examined*—The deceased was insensible on the evening of her death from the last time the prisoner abused her. She was speechless from about five o'clock till the hour she died; *all she could do was to make signs*. She died, I think, between eight and nine o'clock.

*Catherine Donovan examined*.—When the prisoner was drunk he would strike the deceased. I think I saw the prisoner strike deceased with a whip and with his hand, about a week before her death. He once struck at her with the whip and I received the blow on the shoulder.—(Identifies whip, which, witness said, had once a piece of lead on the butt end.) I suppose it was with the beating that the lead came off. About a week before her death the deceased was lying on the floor of her room, and prisoner beat her. (To a Juror—She was not sober at the time.) On the day in question I saw the deceased drink beer, as well as some whisky or gin. The prisoner himself was intoxicated.

*Cross-examined*.—Deceased was in the habit of drinking often for four weeks before her death. I have seen her take half a tumbler at a time, either of whisky or gin. I have seen her fall out of the bed more than once. From the 17th of March till the time I left the house, she drank all the time, with the exception of two weeks. I have brought liquor to her in bed—wine, whisky and beer. The deceased fell different times when her husband was not present. Upon one occasion after the deceased fell I saw blood come from her nose.

*Dr. Hingston, examined*.—On the 23rd of May, I was called upon, in the evening, about 8 o'clock, to visit the prisoner's house. I found the deceased suffering from injuries she had received. She was lying on her side—her back towards me. I asked her to turn over, she seemed from pain unable to do so. The prisoner was not there at the time. My visit was short; it was occupied in hearing her statements. She did not turn. She appeared to be partially under the influence of liquor, and suffering much from other causes. I prescribed a dose of opium. I saw the woman about the same hour next evening. She