

in her own name: Cross-examined by Mr. Devlin.—I smelt liquor on the deceased about five days before her death. During the quarrels I have often seen the deceased in a helpless state, but I cannot say if it was from intoxication or from the usage she received. Her speech was always plain, not like a person the worse of liquor.

*Mary Brennan*, wife of the previous witness examined.—Had remonstrated with the prisoner about ill-treating his wife, when he replied he could not help beating her unless he would kill her: she then remarked if he pursued this course it would be all the worse for him, when he said he did not care a d—n, as he would as soon suffer as live in the way he did. One night the deceased came up to witness's room for protection. Prisoner came up stairs and broke the door; and in a furious manner called for his wife. The prisoner then went down. During that night witness heard faint cries from deceased and also heard prisoner make a noise, and swear frightful oaths. Went down to prisoner's room afterwards, and saw the prisoner stooping over his wife, twisting her by the breast. Deceased said in a weak voice, "James, darling, don't kill me." He then said that if she did not leave that, (alluding to her bed) when he came again that he would either kill her or take a revolver and blow her into h—ll or into the elements. *Between six and seven o'clock, on the evening of the 24th of May, deceased was talking freely and appeared to be pretty well.* Prisoner came home after witness's husband, and witness heard a noise at the door of deceased's room and moaning; this proceeded from the deceased. Witness finding the door fastened, pushed it, found that the prisoner was inside and had his feet against the door. Witness, however, managed to get beside the sick woman, and putting her hand on her, said—"Mrs. Connell are you better or worse?" The reply was "Oh, Mrs. Brennan, I am killed." Witness then going up stairs, prisoner followed her; she then said, "Don't come up Mr. Connell, you have done enough." He appeared unsettled in mind. When the prisoner was arrested witness went to deceased's room. *The deceased drew witness down to her, but she could not speak.* There was red froth at her mouth. After death witness saw large sores on the shoulders and head of the deceased. Before she died she was never before known to utter an angry word, cursed the prisoner three times. [Witness here identified the axe-handle with which she herself had been struck in saving the deceased.] About a week before she died, the prisoner said if she would turn over the money to him which she had in the bank in her own name he would be good to the children when she would die. Deceased at this time was sick from the treatment of her husband.

*Cross-examined.*—I never saw him attempt to strike his wife, except with an axe-handle. I once saw him slap her severely on the face. I have seen him three or four times of a day catch her about the breast with his hands and bruise her. I have also seen him kick her. From 16th day of May till her death, the prisoner continued this treatment three or four times a day, and sometimes oftener. When she was in bed, I have 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,