

April, in the year of Our Lord, 1868, at the city of Ottawa, in the county of Carleton, did, feloniously, wilfully and of his malice aforethought, kill and murder one Thomas D'Arcy McGee.—A true bill.

*Crown Witnesses.*

At the instance of the Hon. J. H. Cameron, the witnesses for the Crown, except the physicians and some officers of the court, were called, and removed from court in charge of a constable, to the clerk's room. The following answered to their names; William Trotter, Mary Ann Trotter, John Jordan, J. B. Lacroix, A. J. Turner, James Inglis, Joseph Faulkner, John Joseph McGee, (brother of the late T. D. McGee,) Mrs. McKenna, John McLaughlan, Edward Starr, William Graham, L. Roy Desjardin, Andrew Cullen, E. J. O'Neill, Fred. Davis, Robert Hess, John Dolan, Eliza Tierny, John Little, Paul Frechette, John Down, Jane Tynan, B. Hollbrook, which, with the coroner, the physicians, and a few others, make up the number of Crown witnesses to thirty-two.

*The Prosecution—The Case stated for the Crown.*

Mr. O'REILLY, being called upon by the Court, stated the case for the Crown, commencing as follows: May it please your Lordship; gentlemen of the jury: The prisoner at the bar stands charged with the crime of murder, and the language of the indictment, which is plain, tells you who the person murdered was. That language, he continued, ran thus—that Patrick John Whelan did on the seventh of April last in this city of Ottawa feloniously, wilfully, and with malice aforethought, kill and murder one Thomas D'Arcy McGee. The crime of murder, as understood by the authorities, and as defined by Lord Coke, consisted in a party unlawfully, wilfully, and with malice aforethought, killing a person of reasonable discretion living under the King's peace. It was therefore necessary, to establish the charge of murder, that the Crown should prove all the allegations set forth in the indictment, and fix their guilt upon the prisoner at the bar. First, that the death was unlawfully caused, secondly, that it was the result of malice aforethought, and thirdly, that it was that of a reasonable being living in the King's peace. At the present stage he would simply narrate the history of the tragedy in as few words as possible. The only object the Crown could have in tracing out this murder was that of bringing its guilt home to the guilty party, and ascertaining who the murderer really was, and if the evidence to be adduced shewed the prisoner to be the party it would be the duty of them, the jury, to find him guilty. If the evidence failed to bring conviction to their minds it would be their duty, their pleasant duty, to acquit him. God forbid that in the trial of this case, or of any case where a human being is on trial for his life, a subject of the Crown should in this our country be found guilty, except on the clearest evidence. It was well known to them, and, not only to them, but to everybody, if not within the Queen's whole dominions, at least within the Dominion of Canada, who Thomas D'Arcy McGee was. On the seventh of April last he was attending his Parliamentary duties here, and on the evening of the sixth was present, in good health and spirits, in his place in the House of Commons. On that occasion a most important question was under debate, and Mr. McGee delivered, he believed, one of the most eloquent speeches ever heard within the Chamber. At about half-past two in the morning, after a long and anxious Session, Mr. McGee left the House for his lodgings in Sparks street, accompanied by Mr. Robert MacFarlane, M. P., a gentleman of distinction at the bar of Upper Canada. At the corner of Metcalfe street Mr. MacFarlane left him in the bright moonlight, which made the night almost as bright as day. Mr. McGee then turned up Sparks street until he reached his lodgings, in the house kept by a person named Trotter. It was charged against prisoner at the bar that he had been in the House of Commons on that same night, and had left before Mr. McGee, and waited for him, concealed in a gateway near his lodgings. That, when Mr. McGee passed his place of ambush, the prisoner followed, going out into the street, and, when Mr. McGee was opening the door of his lodgings, had come behind and shot him through the back of the neck, the ball passing out through his mouth, and carrying away some of his teeth. That Mr. McGee had, in consequence, died