

ing an accomplice—there too the deposition had been taken in the presence of the prisoner.

In this case there is a strongly marked distinction, the deposition was taken before the Coroner at the inquest; and the prisoners had no representative there—had no opportunity of eliciting from the witness those facts which have today been drawn from him—were not able to observe his situation, and prevent his examination. Again, the witness himself states, that he was forced to give the deposition which he did at the inquest by the menaces of others.

I allow that the search after truth, may it please your Honours, is the pre-eminent object in every trial; but, at the same time, there is another object which we must also recollect, and that is—the attainment of justice. This is the object to be desired by the innocent accused. The Crown Officer, in the performance of his duty, requires no more; and that is the landmark which your Honours have ever kept in view, and, I trust, will now keep in sight, and I respectfully urge that justice will not be administered, if the Prisoners, by Carpentier's being discredited, by his former deposition being read, should lose the benefit of the testimony which he has this day given, merely because he was, on a former occasion, suborned and excited to give a deposition which must be seen to be false. Under these circumstances, I again lay the case before the Court, and I sincerely hope that the consideration of your Honours may be unfavourable to the present application.

The SOLICITOR-GENERAL—I do not see that I can add any thing to the arguments which I had the honour of laying before the Court, with regard to the witness M'Neece. But your Honours must observe, that there would be no safety in following the depositions, which are all upon which the Prosecutor can depend, if this course be not allowed.

The CHIEF JUSTICE REID—The principle of allowing the Prosecutor to discredit his witness, by having a former deposition read, when the evidence given on the trial is contradictory of the previous deposition, we are still inclined to maintain; but there is, as has been observed, rather a difference between this case and the other cited,—here the witness has sworn that when he gave his evidence before the Coroner he was intoxicated, and that he had been menaced and threatened by persons whom he has named. The Court is, therefore, of opinion, to reserve pronouncing their judgment on the application until a future stage of the trial, leaving to the Counsel for the prisoners to support the assertions of Carpentier. Let the witnesses be examined, however, in the meantime.

FRANCIS HUGHES, called and examined by the Solicitor General.—The witness is a teacher at Sorel, and was there in November last. He knew the deceased, Marcoux. He was not on the ground where the accident occurred, but happened to be about two lots distant at the time. About nine o'clock that night, he was coming towards the spot, and heard the noise of a cart, he then heard that cart unloaded, and then a shot. He then heard a person say, in English, "don't fire, Isaac, you will be sorry for it." He also heard a person say "fire, fire," followed by a second shot. A person then came running down, exclaiming that Marcoux had been shot. He went home, and on going out again, he met some of Mr. Pickel's party, who told him that no harm was done, as the gun was loaded only with shot. The witness then went to Alexis Pelouquin's, where he found Marcoux lying on the sofa. He told the witness that Isaac Jones had shot him. Pierre Carpentier was examined at the Coroner's inquest, in the presence of witness; he appeared sober, and gave his testimony with correctness.

Cross-examined by Mr. ANNOUR.—He heard a cart coming towards where he was, and heard the sound of stones unloading from a cart. He heard some persons talking, and he was then about 60 feet distant from the people speaking. He cannot say whether the people were quarrelling. Carpentier, when examined, appeared to him to be sober, and he acted like a sober per-