

should get punished for making away with it." My father then went out and shut the door after him, after which I heard nothing more. The prisoner remained outside about ten or fifteen minutes, and on coming back made no answer to my mother's question as to what he had done with the child. I never saw it since. It was not baptized. My mother then sat down and cried, and that was all the good she could do me. She took care of me after being delivered. (The witness appeared greatly agitated, and was unable to speak for a few seconds. The prisoner who had been observed making suspicious signs with his fingers, had his hands pinioned to his sides, which made him look displeased.)

WEDNESDAY, July 3, 1861.

MISTAKE—At the opening of the court—which, by the way, was densely crowded, Mr. Johnston desired to mention a mistake that had been made by one of the morning papers, in stating that the prisoner Burns had had his hands pinioned because of his having made signs with his fingers while on trial, Tuesday evening. The misapprehension had doubtless arisen from the fact of the prisoner's having been told to keep his hands down by his sides to prevent his making signs to any body.

Cindal Alexander Burns, was then examined—I know Mary Jane Burns; she is my sister. We were all living together in Bolton, Christmas, of 1859. I slept up stairs, and on a night soon after Christmas, my sister and I came home from Alexander Thompson's. He lives a little over two miles from our house. When I came home with my sister I took no supper, but laid down by the stove for a short time. I then went up stairs and went to bed. I did not go to sleep. There were cracks in the floor and I could see through to the room below. I saw my father and mother and Mary Jane. My sister was laying down on the bed near the stove. My mother was beside my sister, and my father was also there near them. I could see what took place down stairs from above. I saw my sister have a child. The child was wholly born when I saw it; it was lying on the bed. I heard Mary Jane moaning, and my father told her to keep still. I did not see my mother doing anything to Mary Jane before she had the child. My sister was quite covered by the bed clothes. The child was alive; I saw it moving. My father carried the child out of the house, and then I saw him kick it. He then carried it down towards the brook. He placed the child upon the ground, and kicked it on its head. I heard the baby make a little noise. My father wore his boots. I did not hear the child cry after he kicked it. (A voice—I think not.) When my father was taking the child out, my mother told him not to kill the child—that if he did, he would get into a tight place. He told her in reply, "Shut up your head, or I will strike you." I did not hear my sister say anything. He took the child up in both hands after kicking it and took it to the brook. This brook is about four or five acre from our house. The brook was frozen over at the time. I fell asleep before my father returned, and did not see him come back. There was a hole in the shingles of the roof, and by raising them we could see what was done outside. My two brothers were with me, named Freeman and James. We could distinctly see what passed outside. I saw the child carried out was naked. I could not distinguish whether it was a boy or a girl. Not more than a minute elapsed between the child's being carried out, and the cry that I heard. I saw my father in the house the next morning. I never saw the child after it was carried away. My father appeared to be very sober on the morning after the occurrence. He was lying awake in his bed when I got up. My sister was lying down in the morning. I did not remember anything that was said on that morning. In the month of May after, I was catching suckers in the brook, and I got hold of a piece of decayed flesh, and threw it back again. I told my father, and he asked me if the flesh was white. I never went back again to look for it, because I did not like to. My father did not make any reply when I told him that I had found the piece of flesh.

Cross-examined by Mr. Dougherty—I went to Woodward's last fall, but did not tell him my name, because I was afraid he would send me back home. I left home without my parent's consent. I returned this spring from Woodward's. David McLachlan came after me and brought me home. It was said that I had been killed by my father. And I was brought home that it might be disproved. My father was in jail in Montreal when I returned. I saw my father in jail. Mrs. Thompson told me that my sister had owned to me that she was with child. My sister did not tell me herself she was going to have a child. Two of my brothers saw the child through the stove-pipe hole. I heard groans from below, and can swear that it was my sister that groaned. When I found the piece of flesh, I did not examine it closely. Dead horses had been thrown into the brook two years before, and I was not certain whether the piece of flesh was a piece of one of the horses or not. I thought it was very unlikely that the flesh could have been that of a horse, as the horses had been thrown into the brook to years previous. I don't know what has become of the child; I have not seen it since it was taken from the house. I do not hate my father; I like him as well as ever I did. I do not like him as