POOR COPY

Terms of The Carleton Sentinel.

$1 50 per annum in advance; $2 00 if paid within the year, after the expiration of which time $3 00 will be charged. By our system of direction, the colored ticket on each paper shows subscribers how they stand, so that it is unnecessary to render accounts.

The Carleton Sentinel.

Saturday, December 25, 1869.

Christmas

Is again here. Christmas, suggestive name, always first and highest in its significance as reminding us of that grand fulfilment of the earliest promise or prophecy on record, when the lowly manger at Bethlehem became resplendent to angelic vision as the cradle of the Saviour; of that time when Hell and Sin heard with dismay the proclamation which was to limit their existence, if not proscribe their reign, "Peace and good will to men."

It has its national suggestions. Exiles will to-day live in thought amid the peculiar festivities or solemnities which their several nations observe in comemoration of the first Christmas. To us New Brunswickers it is a festival fraught with many and pleasant memories, not of miseltoe boughs and yule logs, or of the garnished boarshead, but mainly of the happy gathering of friends around one hearth and one festive board, where, whatever of high or humble diet appeared, there was ever a piquant sauce, an agreeable seasoning, of heart and lip communings, of re-cemented friendships, and from which the individuals went forth better men and women, with higher hopes and better purposes in life. Its memories are of pleased parents and, of these, foremost in the picture.

"The stately mother sweet accord of grace to all doth show,
As like one greatly satisfied she moveth to and fro."

Its memories are of happy childhood in extatic enjoyment of the red letter day of childhood's life, and of the children of the years ago grown up and charged with the duties and responsibilities, the cares and anxieties of matured manhood and womanhood. But this Christmas festival is again upon us. May all our readers enjoy it as it should be enjoyed. May all the pleasant memories of the past be illustrated in the actualities of to-day; especially may the men and women of the future, the children of the now, have just such a high old time as children love and as all right hearted adults like to see them enjoy. We trust that hundreds of Christmas trees may rise resplendent and glorious in rich fruitage of good things to make mad with joy the little ones. May Santa Clause deal more liberally than ever before, and stockings loose their elasticity before the pressure of their ample contents. May it, to all, be a merry, very merry Christmas; a hearty happy Christmas.

☞ The doors of Woodstock Lodge, B. T., will be thrown open to the public on Thursday evening next, at 8 o'clock. It is intended to offer an intellectual treat, composed of music by members of the Lodge, select readings and recitations, speeches, &c. There will be no charge for admission, but during the evening a collection will be made, the proceeds to be devoted as a New Year's charity to worthy objects recommended to the committee. Let there be a full house and a generous donation so that, perchance, some home may be made more happy thereby on the New Year's Festival.

☞ Alfred Whitehead, Esq., a gentleman of much practical ability and information in connection with railroads, is actively employed working up the agitation in favor of the road from Woodstock to River du Loup, in which enterprise he has, we learn, the warm sympathy of the Board of Directors of the Woodstock Railroad Company.

Mr. —— Gallop, of Bangor, who had been on a visit to his friends in this vicinity for several days, when on the road from Wakefield to Woodstock, on Wednesday, 15th, in company with his brother, on a sled, complained of a tickling sensation in his throat and in ten minutes afterward dropped back dead.

☞ Owing to the large amount of space devoted to the trial of John A. Munroe, we are compelled to allow a notice of the "Levee" and other local and general topics to stand over.

☞ Owing to unavoidable circumstances the commencement of the publication of the Original Story advertised to appear on the 1st of January, in the SENTINEL, is postponed for two weeks.

☞ The first number of the new paper, "The British Templar," will be issued early in January.

☞ We must request advertisers to hand their favors into this office on Thursday's by noon. It order to meet the mails it is necessary that we go to press on Friday mornings early.

TO CORRESPONDENTS.—"Farmer," on the School Bill; and "One who has had some Railway experience," next week.

Trial of John A. Munroe.

Several witnesses being called by the counsel for prisoner, spoke of his former good character and the estimation in which they had held him.

Mr. Thomson offered in evidence the affidavit of Mr. Hasey, the Clerk of the Barker House, Fredericton, that Munroe came to Fredericton on Thursday, 29th Oct., 1868, and did not leave again until the afternoon of Friday, 30th, having left in company with his wife in the 4 o'clock boat for St. John.

Dr. Bayard testified to the impossibility of determining whether the remains found were those of a male or female.

Mr. Munroe, Sr., father of the prisoner, contradicted Mrs. Lordly and the Chief of police — He denied ever having cut a piece from a trunk in Lordly's as Mrs. L. swore to his doing.

Geo. Hicks.—I have known the prisoner about three years. I know him to be an architect. His office is in the shop, and he worked part of the time in the factory. I know a girl named Sarah Margaret Vail. I saw her on the City Road several times. I think she was visiting her sister, Mrs. Jenkins, who then lived on the City Road. This was before I went into the Trunk Factory, and I have been there three years. She resembled her sister, Mrs. Jenkins, but I think she was not so tall. The last time that I saw her, to my knowledge, was on Reed's Point Wharf, on the 2nd of November, 1868 — I will not be positive that it was on the 2nd of November. She was walking along the wharf. John Munroe passed me a little before that on his way to the steamboat. I can't say that I saw any more of her that morning, but I thought I saw her going on board the boat. I will not swear positively that it was her, for it is a long time since I saw this female. I did not bother my head as to who she was, as I had not much acquaintance with her. Shortly after this I thought of who she was, and believed it to be Sarah Margaret Vail. Looking back, I now believe that it was the Miss Vail that I saw on the City Road.

Cross-examined:

I am 29 years of age. My memory is not very good. I saw Miss Vail on the steamboat wharf. It was not on the floats. She had a child in her arms. It was half turned towards me when she passed. I did not see John Munroe going down the wharf. I will not swear that I saw her going on board the steamboat. It seems to me that I saw her going on board the boat. I learned Miss Vail's name when I saw her on the City Road. She was then bareheaded; could not tell whether her neice was bareheaded or not. Her neice's name was Sarah Alice Jenkins. I was never in Mrs. Jenkins' house. I couldn't tell how Miss Vail was dressed when I saw her on the wharf The dress was dark, and the child had a berlin hood. I did not notice other portions of its dress. I have been in Court off and on during the trial. All that I now tell I knew before the trial commenced. I first told it to Mr. Kilpatrick, who carries John Munroe's meals to him. I think it was after the Coroner's Inquest that I told Kilpatrick. I had engaged to go to work with Mr. Munroe before this, and I went to work shortly after the Inquest. I think Miss Vail resembled Mrs. Jenkins, but I could not tell in what particular feature she resembled her. I will not swear to any article of dress she had on when I saw her on the wharf. I think she had on a sacque. I will not swear to the color of it, but I think it was grey. I came from Brundage's Point on Saturday evening. I had been in the employ of a man named Charlton. I will not be positive that it was on Saturday evening. Do not know his Christian name. I will not swear that I was in his employ at Brundage's Point from the 27th October to the 9th November, 1868. I was on the wharf on the 2nd November. I did not swear positively that I was not at Brundage's Point on that day. I came down every Saturday night but one while I worked with Mr. Charlton. I know I came home on Saturday night, 31st Oct., because it was Hallowe'en. I went down to the steamboat on Monday morning just to see it anybody I knew was going off. I think it was a dark, heavy morning. I have been thinking about it lately. Hearing about this event I began to think about it. I did not mention the circumstance to any one except Kilpatrick until lately. I did not suppose who Miss Vail was when I saw her on the wharf, but I thought of the face, and it kept bothering me. I was in St. John when I began thinking of it. I am not too sure that it was Miss Vail.

Re-examined.

I knew Sarah Alice Jenkins, and seeing the young woman with her, I inquired who she was. and I was told that it was her aunt, Miss Vail. When I saw her on the steamboat wharf I thought I had seen the face before, and this caused me to reflect upon it afterwards, when I remembered that it was Miss Vail that I had seen with Miss Jenkins. I saw John Munroe on the wharf before this, and both he and Miss Vail, though not together, were moving towards the steamer, which was taking her passengers from the end of the wharf. I must have gone up to Brundage's Point in the 4 o'clock boat on that day, because I would not have been in time for the nine o'clock boat. I never went up in the afternoon boat but once.

Mr. Howard testified to the same effect as the last witness, of having seen Miss Vail and Munroe go on board the American boat on a Monday morning.

Edward L. Price, sworn.—Sometime last fall I and my son were coming to market by the Loch Lomond road, the road we always take coming with a team to town. I stopped at Crawford's at the head of the big Lake, when a woman came in and said she would pay me to bring her to town; that she would as soon pay me as the mail. We brought her in. She was a lowish sized woman. I am not much of a hand to describe clothing; but I think she had a black dress, and a black straw hat, with a ribbon over the top of it; and a sort of cape. She had a child with her; I should say about 9 to 12 months old. I am not sure of its dress, but I remember that it had a berlin hood of some kind on it. I think she told me her name was Mrs. Clark; but I will not say that positively. I talked to her the whole way coming in, my son driving. My son said a quarter was the least that we could charge her. We left her by the hay scales on Brussels Street, said she would be in the market the next day and pay me, but I never saw her afterwards.

Cross-Examined. I cannot tell what day I came into town, nor can I remember what month. It was pretty late in the fall, just before the big storm that remained during the season. The place where I first saw the woman was about four miles from Bunker's. To the best of my knowledge the day that I came into town was Tuesday.

Mr. Thompson then addressed the jury. I am now called to address you on a cause the most important that has ever come before a Court in this country. You must decide according to the criminal law of the land, and I have no doubt that you will decide fairly and impartially; but I cannot allow the opportunity to pass without again raising my voice against that law, and will do so as long as I remain a member of this bar, and with my last dying breath will continue to denounce it. It is awful to take the life of a fellow being, but it is equally awful to pass such sentences as will send a man to the gallows, to stand by and as you listen to the sound of the strong, to know that you have been the agents that consigned a fellow being to eternity. Had I known the manner, I may say the blood-thirsty manner in which the Crown prosecutors were determined to conduct this case, I should never have undertaken the task on my own responsibility. Every nook and corner of the Province has been ransacked for witnesses, the strictest rules of evidence had been adhered to, and not a title of evidence that could be objected to was allowed, with the single exception of Mr. Hasey's affidavit. He did not think that this was going to be a trial of man against man, but that it would be the Queen against an offender against the law. When the father of that unfortunate prisoner was put on the witness stand, the prosecutors endeavored to extort from him a confession that he had been tampering with a young man, Wade, for the purpose of manufacturing evidence. If that young man came from Boston for the purpose, as he stated, of giving testimony, and had received this afflicted father's money, could his words be believed. Surely not. Although eighteen hundred and sixty nine years have passed away since our Saviour came upon the earth, full of mercy and forgiveness, this horrible system of legally taking human life has been pursued. At one age the smallest offence was punished by death, and when the outraged earth had swallowed up its victim's blood all hope was gone.

The prisoner may have been innocent, and this innocence may be subsequently proved, but the life has been taken by those who can never restore it. He thanked God that gradually this monstrous law was being wiped out, and hoped that soon we would have a law that would relieve a jury of the awful responsibility of taking human life, but would be enabled to confine the guilty in prison, where, if innocent, he would be in a position to be restored to his friends, and if guilty, he would live to be removed by the Almighty in his own good time. Mr. Thomson then referred to the manner in which the prisoner had been treated not only by the Crown prosecutors, but by the Court. Suddenly the Court was adjourned in the midst of the business and a new jury empannelled; and the utmost secrecy maintained as to their motives.—It is one of the noblest features of British law that there is no secrecy in its administration, no concealment, nothing underhand. The relative value of positive and circumstantial evidence was then argued at length, and in this respect he begged to dispute the ground taken by both the learned Counsel for the prosecution and by the Court. Both held that circumstantial testimony was more valuable than positive evidence. If, then, positive evidence is not always reliable, how much less reliable should circumstances be. The opinions of a number of learned English authorities were quoted to show that no circumstances can be depended upon, and how carefully should circumstances and inferences be weighed when upon these circumstances a jury is called upon to send a prisoner to the tomb.—The evidence in the present case is all circumstantial. There is not a title of positive evidence that the remains here murdered are those of Sarah Margaret Vail. The only evidence on the point is the statement of the prisoner himself, and neither Dr. Earle nor Marshall have sworn that he stated the woman he drove out to the Black River Road was Miss Vail. So long as there is a single doubt upon the minds of the jury in reference to this, how can the prisoner be consigned to eternity.

The effect of the publication of the coroner's inquiry upon the public mind was then referred to. He had raised his voice against this at the commencement of the trial. Some papers were not content with the publication, they had gone further, and among them some of the religious papers, had made comments upon the case of a most unchristian character. These Christian gentlemen had forgotten their holy calling, had forgotten that although we have received the a later command, not given amid the earthquake, and thunder, and lightning, but surrounded by all the mild and heavenly influences of a Christian dispensation, another command was given, "That ye love one another." In the comments of these religious publications this Christian love appears to have been sadly lacking. The learned Counsel then followed up the evidence, arguing the absence of motive for the crime charged against the prisoner, unless it be that of procuring the money she possessed.—Surely this can have no weight with the Jury. All decency has not departed from the land. The prisoner has been proved to be in a lucrative business, earning three or four thousand dollars a year, yet we are asked to believe that for the paltry sum of a few hundred dollars the enormous crime of murder has been committed. Had the prisoner wished to commit murder, how much better could it have been done in Boston, where neither the prisoner nor the woman were known, and where it could have been effected without fear of detection. He was with the woman there, in her company, came back to St. John, and here, where both were well known, where every step was fraught with danger, we are told in the indictment that the deed was done. Surely the jury cannot believe this possible. If the prisoner did this, when such favorable circumstances for the perpetration of the deed were passed over, he should be in the Lunatic Asylum instead of in the dock. He did not take a buggy and drive the woman out alone, so that he would have no witness to the deed, but he hired a coachman, that he might have a witness present. Surely this was incredible. Then there is the very important feature of the testimony that the Black girl swore that a man called to see Mrs. Clark at Lake's hotel on Friday morning, at a time when, we have the affidavit of Mr. Hasey, that the prisoner was in Fredericton. This man went into her room, and remained there some time. Who this man was, we know not, nor do we know what his business with her was. The Attorney General failed on his cross-examination of Miss Black to get her to change her testimony in reference to the visit of this man to Mrs. Clark. This circumstance the jury must weigh well. Then the grounds upon which the remains were found was referred to, and shown to be a most unlikely place to which a woman would go for any ordinary purpose, and the idea that the deed of murder could be perpetrated on the roadside is preposterous.

The conflicting testimony of John J. Munroe, Potts and Marshall was then referred to at length, the learned Counsel saying that if the statement of Munroe and Potts be correct, the Chief of Police has, under the guise of family friendship, extorted from that unfortunate young man a statement that will send him to the gallows, if he is sent there, and then when on the witness stand, was guilty of downright perjury. If this be so Marshall should be dismissed at once. Judge Patterson, of England, once dismissed every law officer that dared to put a question to a prisoner in his custody. Continuing to follow up the evidence, he held that there was no ground for suspecting the prisoner guilty. He had acted in the most open manner with the woman. The testimony of young Bunker shows that Munroe paid him more money than he had required of him on the day that this deed is alleged to have been committed, and this is the only evidence of guilt that he or Worden could testify to. The distance from Bunker's to the grounds was shown to be three quarters of a mile; and both witnesses swore that Munroe was absent only 30 or 40 minutes. In that time he is alleged to have murdered a woman and child, covered the bodies up with moss, cut brush and laid it also upon them, and walked three quarters of a mile. The Jury are bound to give the prisoner the benefit of the shorter time. They must not take the longest stretch of time, for any supposition of the Jury or the witness may be the means of destroying the life of a fellow being. It will require at least 15 minutes to walk from the grounds to Bunker's; and surely it is incredible that in the brief time of thirty minutes all the work alleged to have been done could have been done. Then guilt when discovered always hides its head.—The prisoner certainly manifested no guilt. Since the commencement of this case, the prisoner is the most unconcerned man in the place. He worked around the jail, actually present, we might say, at the inquest, yet showed no evidence of guilt. Hearing that a warrant was out for the arrest of his brother, he remarked that he had driven a woman out to Black River, and that he must be the man suspected, instead of his brother George, and at once gave himself up. He did not run away, when he might have done so, did not conceal himself, but with every evidence of innocence sought a magistrate and offered to surrender himself. It is not likely that a guilty man would act in this manner. Reference was then made to the fact that the prosecution, while they had brought witnesses from Boston, had not brought forward Mrs. Jenkins, the sister of Mis Vail, who certainly would be a very important witness. Neither had they produced the list of passengers on the boat on the morning that it is alleged Miss Vail went to Boston. He could see no other reason for this unless it was for some mysterious cause the prosecution were determined to suppress any evidence that might be beneficial to the prisoner, in order to make the execution of Munroe more certain. The testimony of Holmes, a witness for the prosecution, was referred to. From this it appears impossible that Munroe could have done the deed alleged. The man whom Holmes says passed along the road a few minutes after the coach went into Bunker's must have heard the report of the pistol if it were fired at the time; and in this connection he would say that he was informed that John R. Marshall and Calvin Powers had made experiments with a pistol at the grounds, yet the prosecution did not question them in reference to it. For what reason he could not tell, unless the experiments revealed something favorable to the prisoner. If this be so, then are they doubly damned. The learned Counsel then, referring to the unreliability of circumstantial evidence, stated that it was sought to convict the prisoner on his own confession. The jury must take the whole of that confession, and if they do so the prisoner must be acquitted. According to an established rule of English law, the whole of this confession must be taken. Mr. Thompson then closed with a powerful and impassioned appeal to the jury to spare the prisoner. It was one of the finest and most forcible perorations ever delivered in that Court.

He would call upon them to stand, as the Prophet of old, between the living and the almost dead and save this unfortunate man from a felon's grave—he would call upon them as fathers and urge them by the memories of their prattling infants, not to sever his aged father, whose heavy load of anguish was fast pressing him to the grave and his first-born—he would call upon them as sons and plead with them by the sacred memories of her whom they loved more than father, not to break outright the already sinking heart of his mother—he would call upon them as husbands, not to separate him and her, who had so far journeyed together on life's career, sharing alike its joys and sorrows—he would appeal to them as dying men, soon to render up their final account, over some of whom might even now be cast the dark shadow of the Angel of Death, the very flutter of whose wing might be heard, to so temper mercy with justice, that when in the awful presence of the Judge of all the earth, at that dread moment, they might be cheered by the consoling reflection—"Blessed are the merciful for they shall obtain mercy."

The Attorney General said that in his capacity of Attorney General in this unfortunate case he had only done his duty in accordance with the oath which he had taken. Had he done everything that could be legitimately done, the learned Counsel for the defence might well have censured him. He thought that under the circumstances the learned counsel might have spared the remarks offered to him of being a blood-thirsty Attorney General. In reference to Mr. Marshall, that officer had done nothing but his duty; for surely it was not expected that officers of the law in such cases would hold their arms and stand by inactive in the presence of crime. The Coroner, too, had done his duty in this matter in a manner that he could not find language to praise too highly, while Mr. Powers, who had an unpleasant duty to perform, deserves great credit for the manner in which he did his work. So much for personality.

In reference to the ground taken by the counsel for the defence that the jury were bound to take the prisoner's whole confession, he entirely dissented from that position. An appeal had been made against capital punishment. With that the jury had nothing to do. They did not stand "between the prisoner and the gallows." They had only to find a verdict according to the evidence. The law does the remainder.—They are sworn to do this, and nothing more, and to do less than this will be nothing short of in a speech of marvellous eloquence, has appealed to the jury in the name of the Blessed Saviour to spare the prisoner. Is this fair treatment of the jury, who in a most pathetic manner are called upon to disregard the solemn oath the prisoner all benefit of it. A number of authorities were then cited to show the value of circumstantial evidence over positive evidence, and the difference between these pointed out.—Authorities also point out that the cases of malconviction from positive evidence are more numerous than those from circumstantial. If they both be unreliable, wipe them out, and there is no safety for life or limb. The learned Counsel has made a forcible appeal on behalf of the prisoner because of his wife and family. Had the prisoner considered his wife and family during the past few years he would not now be in his present position, nor would he have carried on illicit intimacy with the unfortunate deceased, and acted in a manner that showed a disregard for the rules of common decency. The learned Attorney General then went on to show from the evidence, first, that the body found was that of Sarah Margaret Vail; that she had a child with her. This is proved from the confession of the prisoner to Marshall. Jones and Earle. The jury must be satisfied of this fact before they can find the prisoner guilty. Suppose, then, that the remains found were those of Sarah Margaret Vail, the second point to find, was she murdered? and the third, if murdered, by whom? To induce a man to commit so terrible a murder then there must be a strong motive. What is the motive? The prisoner had a wife and two children. There can be little doubt that the child that Miss Vail had belonged to the prisoner, although he denied that it was his. He was in a good position in society, was rising in his profession, he had satiated his passion for this woman, she was following him, and her presence had become irksome and loathsome to him. Was it not most likely that he should wish to get rid of this burden. He had to go to the United States in company with Mr. Fenety and others on business, and this woman was determined to accompany him, and did so, when her presence must have been most distasteful to him. She dogged him there, and dogged him back, and when she came back she had no home, having sold her property. She went out to Loch Lomond with him, and on their way back had some talk that Lordly's hotel was not a comfortable place, as Mrs. Lordly suspected who she was, and was likely to create trouble. What was to be done with this woman, then, she could not be taken to his house. He already had a wife and children there. Was there not then a strong motive here to get rid of her? The prisoner himself knows why he did not get rid of her in Boston. Then as to the money. It had been proved that Miss Vail had $500, which she got for her property. Where is it? It may be buried out on the ground where the remains were found. But there is another supposition. Worden stated that Munroe told him it made no difference what his charge was, as the money did not come out of him. Who, then, did it come out of? Mrs. Lordly, too, stated that Mrs. Clark, or Miss Vail, could not pay her bill of $4 until she went down to the coach and got it from the prisoner. Does it not look as if he had her money for disbursement? The learned Counsel argued that money was no object to the prisoner. The facts do not bear this out, for Mrs. Crear stated that when the child was about to be born, she went to him for money to make provision for the event, and he gave her a very paltry sum indeed. Then we see that the girl was most thinly clad, that she had not what perhaps every woman in St. John has—a night dress, that she was compelled to work her own old garments up into dresses to cover her child's—his child's—nakedness; this does not look like an abundance of money, although all this may have resulted from parsimonousness, and not because he had no money. The Attorney General then traced out the course of Munroe and the girl to Black River, and showed that they had got out at the very place where the remains were found. The woman was going to Collins's, according to prisoner's statement, and to see a man, a painter, whom she expected to marry her. Munroe did not go with her to Collins's, she walked there alone lest this painter should not like to see him with her.

Is it not reasonable to suppose that if he didn't wish to go along with her, that he should have sent the coach along with her? This would have made her look more respectable, and raised her in the estimation of the man referred to. She went out again, and unless there was some ulterior motive, there was no necessity for him to accompany her. It had been proved that she had not been anywhere in the settlement. Witnesses testify to this. These witnesses have been called to shew the prisoner's innocence, if he is innocent, but to prove his guilt, if he is guilty. The woman has not since been seen. Where, then, is she? She was not in any house in the Settlement, yet we have Munroe's statement that she came in, and left by the boat on Monday morning. Where was she in the meantime, and who brought her in? Munroe should know this, and if he does know it, why not tell it be known, and have his character relieved from the stigma resting upon it? The prisoner's character has been shown to be good by a number of witnesses. Every man's character is good until it has been shown to be bad, and had the Judge on the Bench been accused of this crime it could not have caused more surprise than when John A. Munroe was charged with it. The child's clothing had been proved by a number of witnesses as that of Mrs. Clarke's, or Miss Vail's child, and the remains of these and clothing sworn to as belonging to Miss Vail were found rotting with the human remains at Black River. Mrs. Olive was positive about the embroidery. Mrs. Crear swore to the hair, and she handled it and combed it often. The pink pinafores were also sworn to. Again, there is the evidence that the child was ruptured; Mary Black swore to having felt something hard in the bandage, and Mrs. Crear swore to the lead button that she made for the rupture. The testimony of George Bunker was material. It showed that Munroe was thirty or forty minutes in reaching Bunker's after the coachman arrived, that he was warm, and in a great hurry, paid $2 instead of $1, and paid for Worden's dinner rather than let him wait and eat it, for the reason, he presumed that he wished to get away as soon as possible from the scene of his henious deed. Mrs. Lake's testimony was read and showed to be not only new in many particulars but confirmatory of that of others All these witnesses could not be mistaken. Mary Black's testimony was read and shown to describe accurately the clothes found with the remains. Some of the articles she testifies were worn by Mrs. Clark and child when they left Lake's Hotel on Saturday. She describes the grey sacque, the remains of which she identified as also did Miss Campbell, who made it. She also told how Mrs. Clark sewed strings on a new berlin sontag, and such strings were found upon the sontag with the remains. The beads she gave the child were also sworn to, but as on cross examination she stated the beads were given on Saturday morning, it is for the jury to find whether they could have been strung that day, and worn on the child the day that it and its mother went away. Beads which the witness stated correspond with those she gave the child, were in all events found with the remains, and as none have been found in the trunk, when every other article described by the witnesses were found to be in the trunks, the inference is reasonable that the beads are the same; but that he would leave with the jury.

Then there is the testimony of the little girl, McLarlen, apparently youthful and innocent, and could have no perjury in her heart. She testified positively to the indentity of the dress found with that of the dress she saw the baby wear.—A number of other witnesses statements in reference to the locality where the remains were found were read and commented upon. Mr. Jones testified to Munroe's voluntary statement, and to the fact that Messrs. Potter and Harding were present during a portion of the time that he was making his statement. These gentlemen were called in, yet the learned Counsel did not question them as to what they heard, and learn whether their version agreed with Jones's. In this statement before both Jones, Marshall, and Dr. Earle, he said he just had time to see the woman at the boat, give her the check, and bid her good bye. He (the Attorney General) would call attention to this by and bye when he came to the testimony of the man Howard, and show that they disagreed. Then he stated that he had received a letter from the girl, but destroyed it, it was so badly written. How easily it would have been to produce some evidence that this was the case, if he had received such letter. Coming to Marshall's evidence, we are told by the Counsel for the defence that he procured the statement from Munroe by improper [illegible] Mr. John J. Munroe must have been mistaken in his testimony and version of the conversation with Marshall. Dr. Christie testified to the bullet hole in the skull. Dr. Bayard would not testtify to the sex from the skull or bones, and would not express any opinion as to the age of the child, judging by the tooth found; but Dr. Earle and other medical witnesses gave their opinion that it belonged to a child from 6 to 10 months old. Mrs. Crear's testimony he considered most important, and was read and commented on in detail The greater portion of the articles of clothing in the trunk she described before she saw them. Others when she did see them she did not recognize. It was for the jury to attach any importance to this they might think proper. It was true, as the learned counsel had stated, that the prisoner had not kept himself out of the way; but it is just possible that he considered his character so good that the whole affair would blow over by braving it out. Dr. Earle's testimony was read and commented on. Munroe told him that he saw the girl go as far as Collins's, and when she came back to him she told him the folks would see her into town. It was three-quarters of a mile from the place where they got out of the coach to Collins's.—This distance would have to be walked over twice, while Munro was back to Bunker's in a time so brief as to make its correctness improbable. Dr. Christie testified that experiments made with a pistol the size of the one that young Robertson sold Munroe, showed that it would make a hole in a skull just similar to that in the skull found. This was all the evidence for the prosecution. Coming to the defence, he would make no comments upon the testimony as to character. Then there is the story of the young man Hicks, which he held to be of no value whatever. Howard's statement differed entirely from Munroe's statement as to his meeting the girl at the steam boat. The witness may have been laboring under some hallucination. Taking all these circumstances together, he must come to the painful conclusion that Sarah Margaret Vail never went beyond the path leading to the place where the remains were found; but there she was taken off the road by John A. Munroe, and that he with murderous intent, there slew herself and her child. It was stated that he had manifested a blood-thirsty spirit in conducting this prosecution, he would again repeat that he had simply done his duty, and so long as he held the office which he has now the honor to hold would act in the same manner under a similar case, no matter who the party implicated, or what his position To the Jury then he submitted the case, trusting that the Great Ruler of the Universe would enable them to return a just and righteous verdict.

CHARGE.

The Judge said, the prisoner at the bar, John A Munroe, stands charged with murder, with malice, expressed or implied. The difference between these was then explained. He made explanations in reference to his conduct in adjourning the Court that a new panel of jurors might be summoned. Of the original panel but 14 answered to their names. He therefore considered it prudent to adjourn for a week, that a new jury of the best men in the County might be summoned to try this important cause. If he had thus acted contrary to law, Mr Thompson could take the benefit of it. He did not think that this action did result prejudicially to the prisoner. He certainly was unable to see how it could. The Attorney General had requested him to give public expression to his opinion of the Attorney General's conduct in this case. He certainly did not think that he had gone beyond the bounds of his duty. It is the place of the Attorney General to prosecute criminal offences of the higher degree, and if he had not prosecuted vigorously, there would be no such thing as punishing offenders.

Coming to the cause itself. The difference between direct and circumstantial evidence was then referred to, and the difference pointed out, and instances cited. He would not say that circumstantial evidence was better than positive; but it frequently is. Where there is nothing but circumstantial evidence, as in this case, the Jury should be unusually careful; but were it necessary that there should be direct and positive and absolute testimony that a crime had been committed, in order to a conviction, nine-tenths of the criminals would escape. In every case of murder the *corpus delicti*, or death of the person must be proved. A case of this nature came before him at Carleton County lately.—There four men were arraigned on a charge of murdering a man, but it was not proved that the man was dead, so the parties were discharged. The burthen of proving the commission of the deed with which he is charged rests upon the Crown, as it does in every similar case. The jury must find if Sarah Margaret Vail is dead, how she came to her death, and if foully, by whom. His Honor then took up the evidence commenting upon it at length, beginning with the testimony of Mrs. Lordly, that on a certain day a woman calling herself Mrs. Clark came to her house. She had a child with her, and a trunk which she showed to Mr. John J. Munro, who cut a piece off the slat of the trunk and examined the wood, the piece the Judge referred to the discrepancies between Mrs. Lordly's evidence and that of Mr. Munroe. It was for the Jury to find which was correct. It does not follow that every witness who swears to what is not true does so wilfully. All are liable to mistakes, and Mrs. Lordly and Mr. Munroe both appeared to have been considerably excited at the time. If the jury find that the testimony of Mrs. Lordly in this respect was wilfully wrong, then they would be justified in doubting the correctness of the whole of her testimony. It is evident, however, that there was a black trunk belonging to Mrs. Clark at Lordly's, and that it had a smaller one inside of it. This Worden testified to. Following up the history of the trunk, he found that it was taken from Lordly's to Lake's, and from there, on a Monday morning, it was taken to the American boat, and checked by somebody for Boston. It was never claimed by any one, and after lying in the warehouse in Boston, was brought back to St. John on the 29th October, in charge of Mr. Hall, mate of the steamer *New York*, delivered to Capt. Chisholm and by him to Coroner Earle. Capt. Chisholm testified to the various articles which the trunk contained. Mrs. Lordly swore to the blue dress found in the trunk and other articles of clothing as those which she saw in the possession of Mrs. Clark, when at her house. She also swore that a child's dress found in the trunk was similar in color to one that the child wore at her house, but it had no ruffles on it. Then it will be remembered that Mrs. Crear described two dresses owned by the child, made from the same material, one with ruffles and one without, and a dress with ruffles on it was found in the trunk, so that this will reconcile Mrs Lordly's testimony. Two pink tires were also sworn to, as being in the possession of the child at Mrs Lordly's. A pink tire faded was found with the remains, and another was found in the trunk. They will be able to decide whether it is the same described by Mrs. Lordly. Then coming to Mrs. Lake's testimony, she further testified to its being in the woman's possession at her house. If it was not it, it was one just like it. Mrs. Crear also swore positively to the dress as one that she bought for her sister and which Mrs. Dykeman made. Mrs. Dykeman would not swear to any particular dress; she would not swear to the sacque. There was nothing unnatural in this witness refusing any positive statement. Another article taken out of the trunk brought from Boston was a child's white hat. The only evidence in reference to this is that of Jane McLaren, the little girl who lived with Miss Vail after the child was born. She identified this hat when shown her. An embroidered petticoat, and drawers were also produced from the trunk. In reference to these we have the evidence of Mrs. Olive, who identified the skirt as one owned by her sister, the pattern of which she had pressed from a skirt of her own. She produced the skirt from which she drew the pattern. Some of the fragments of embroidery found at Black River were also identified by Mrs. Olive, as having been drawn by her for her sister. Mrs. Crear, being shown the embroidery found with the remains, also swore that it was work done by her sister Sarah Margaret at her house, and that she procured the material for her. She also stated that pattern was drawn by another sister, Mrs. Olive.

Mrs. Crear, on her cross examination, said that the embroidered skirt shown by Mr. Thompson, was not made in this country, and was entirely different from that of her sister. There were other articles found in the trunk. The photographs and other things found were sworn to by Mrs Crear and others, as having been in the possession of Miss Vail. It will be for the jury to find whether the testimony in reference to these is sufficient to justity the jury in deciding that the woman who passed herself as Mrs. Clark was not Sarah Margaret Vail. It was his opinion that the evidence was conclusive on this point apart altogether from the prisoner's own statement. A great deal had been said in reference to this statement and the conduct of Mr. Marshall. If any peace officer or Magistrate had illicited this statement by queries, etc., his Honor said he would certainly exclude it: but we have the statement of Mr. Gilbert and Mr. Jones that he was cautioned not to make any statement.—There is a direct contradiction in the testimony of Marshall and Mr. Munroe, senior and Mr. Potts, in reference to the conversation between them. The same remarks that he made use of in reference to the difference between Mrs. Lordly and Mr. Munroe would apply in regard to this case. It was for the jury to reconcile the statements, if they could, and if they could not, to give credence after weighing the matter, to the one who is entitled to it. If Mr. Marshall acted in the manner described he did very wrong. He has had much experience, and should know better; an officer has no right whatever to hold any confidential communication with his prisoner. Munroe's own statement was then taken up and showed to further corroborate the proofs furnished by the clothing found in the trunks that the woman called Mrs. Clark was Sarah Margaret Vail. He stated that the woman's name was not Clark, but the "Vail girl," as stated to one witness, from Carleton, with whom he had so much trouble. It does not appear that there is any other girl named Vail in Carleton, and the presumption is that the girl in question was Sarah Margaret Vail. The jury must find whether this be so or not. If they find that Mrs. Clark was not Sarah Margaret Vail, the prisoner must be acquitted. If they do find that they were the same parties, then it will be for them to find whether the remains found at Black river are those of this Miss Vail. If not, then the prisoner must be acquitted, because the *corpus delecti* has not been proven, and Miss Vail may yet be alive. Miss Campbell testified to having colored a white straw hat black, and trimmed it with black flowers and illusion. Mrs Ells testifies that she met Miss Vail wearing a hat answering to this description. Mrs. Lordly swears to "Mrs. Clark" having on a black straw hat, so do Mrs. Lake, and Mary Black. Mrs. Crear swears to having got the hat trimmed with Miss Campbell for her sister after her father's death, and indentified the remains of hat and trimming found at Black River as belonging to the hat which she had fitted by Miss Campbell. There is nothing remarkable in a woman wearing a black straw hat, they are common articles of apparel, and although all the witnesses agree that Miss Vail wore such a hat, it does not go far towards indentification, although it is a fact of some weight among the mass of other evidences accumulated in the case. Then there is the dark grey whitney cloth sacque, which Mrs. Crear testified her sister wore, having bought the material, and which Mrs. Dykeman made for her, and the acknowledgment of Mrs. Dykeman that she did make such a sacque. Mrs. Lordly stated that Mrs. Clark wore a dark sacque at her house, and a fragment of the sacque found being shown her, said it was the sleeve of the sacque Mrs. Clark had at her place, Mrs. Olive also spoke of her sister wearing a sacque, and recognized the similarity of the fragments found at Black River. His Honor here stated that there was evidence of truthfulness in the testimony of the sister's for to some articles they would not bear oath, while in reference to others they were positive. If they were determined to swear falsely they could swear to the whole as well as part. Mary Black swore that Mrs. Clark wore a grey whitney cloth sacque on the morning she left Lake's hotel, and portions of such sacque having been found with the remains at Black River, this is a circumstance which may enable the jury to decide if the body found was that of Sarah Margaret Vail. Mrs. Lake's testimony was read at length, and the various articles of clothing which she saw detailed. "She had no night dress that I saw." It does not appear that any night dress was found in the trunk. While at Mrs. Lake's she bought a woolen sontag, and remains found being produced. Mary Black said it was like same. She had a baby's sontag, which Mrs. Clark sewed strings to while at Mrs. Lake's. A little sontag with strings was found with the remains, and the jury may examine this and find for themselves if the strings were sewed on, or was likely to have been attached to it when it was bought. This His Honor stated was about all the evidence in relation to clothing, although Mrs Lake's testimong was very positive in indentifying portions of the child's dress. In the evidence of Mary Black there is some contradiction. She stated before the Coroner that the trunk taken to Lakes was yellow. She stated that she afterwards thought of it, and remembered that it was black. The girl also swore that a man called to see Mrs. Clark on Friday morning; she was positive of this because it was the day on which she had so much work to do. The Clerk of the Barker House makes affidavit that the prisoner was in Fredericton on that day, so that it could not be him who called. This circumstance the jury will consider.

His honor then proceeded to what he considered the most important piece of evidence towards identification but he cautioned the jury that they must not take the same view of things nor draw the same inferences that he does. He may take a wrong view, or a view that the facts will not justify. The evidence in reference to the child's bandage with the piece of lead in it was referred to. Mrs. Crear testified that her sister's child had umbilical hernia, and that she had beat out a leaden bullet and sewed it up in a piece of unbleached cotton and pinned it around the child to relieve the hernia.—The piece of lead found with the other articles was shewn to Mrs. Crear, and she recognized it as the piece she had beat out, and pinned upon her sister's child.—The pieces of bandage shown her and in which the lead was, was not the same cloth that she had made the bandage of. The McLaren girl testified that the child of Miss Vail wore a bandage with something hard in it; Mary Black swore that Mrs. Clark's child had something hard in a bandage around it when at Lake's, and Powers testifies that he found a bandage with lead in it on the grounds at Black River. All these are facts that will enable the jury to find whether the remains found were those of Miss Vail, the mother of this child. This concludes two points in the chain of evidence. Then if the jury find that the remains were those of Miss