

was it done by the hand of the prisoner? These two questions will therefore, occupy your attention.

If the destruction of human life is attained by human means, no matter how near his end, no matter what his circumstances may be, the victim is entitled to the hope of recovery, and his life is under the protection of the law, and to take such a life is an act of homicide. Now, was the life of Wm. Stiles destroyed under these circumstances? One fact is beyond all doubt. On the 14th of January last, he was living, and on the evening of the same day, he was dead. The question is then, how did he come to that end? Examination after death is one of the means by which the cause of that death may be ascertained. If, after death, the indications were such that the strong probability is that he died from some pressure or violence about the head, it becomes a matter of importance to determine whether it was occasioned by the deceased himself. There may be a condition of things on a post mortem examination to show that death could not have been occasioned by strangulation, and then the inference would be that it was affected by disease, and so vice versa. But if the circumstances are such as to apply in both cases, nothing more is established than that death was occasioned either by one or the other. You go then to the other circumstances to ascertain what was the fact. The question then is, whether the cause of death was apoplexy by disease or apoplexy by strangulation.

(JUDGE SHAW here introduced illustrations, and quoted some parts of the testimony in the case, which showed conclusively that the death of Stiles could not have been caused by apoplexy from disease, but that it must have been by accidental or intentional strangulation.)

If the circumstances and the appearance indicate that there was an accidental, or an intentional homicide, then, gentlemen, it is for you to determine which. But before proceeding to this part of the case, I will submit two or three remarks with regard to the evidence which has been adduced before you. The English law provides that, where a death