

'And blown out his brains!' added the landlord. The colonel looked at the ghastly, distorted face. It was that of his only son. He was a corpse.

This is the story I have promised you, continued my friend. There is still more to say. Everybody thought the calamity would kill Mrs. H—; but you see her now, a feeble, sorrow-stricken woman, who never leaves her own room, except to visit the grave of the suicide.

The colonel is a different man. Since the tragedy he has never been seen to smile. He stands like a withered oak, dry and stiff, yet strong in his decay.

## Gleanings from late Papers.

### NEW BRUNSWICK.

#### TRIAL AND CONVICTION OF THE MURDERERS OF THE MCKENZIE FAMILY.

(From the St. John Courier, Nov. 14.)

(SUPREME COURT, BEFORE HIS HONOR MR. JUSTICE PARKER.)

The all-engrossing topic of domestic interest during the week has been the trial of the miscreants who murdered McKenzie and his family at Mispick on the 24th ultimo. The trial commenced on Tuesday, and long before the regular hour for opening the Court every available sitting and standing place was occupied, and larger numbers still unable to gain admittance. Considerable difficulty was found in impanelling a Jury, it being contended for by the Counsel for the prisoner, and allowed by the Court, that no one was admissible unless prepared to affirm that he had not expressed a previous opinion on the case, a thing which we believe there are few indeed in the community that have not done. The case was opened for the Crown by Mr. Solicitor-General Watters, in a plain and temperate speech, in which he laid before the Jury the various facts connected with the commission of the crime, and the evidence by which it was proposed that the guilt of the parties should be substantiated.

We have called it the trial of the murderers, for although there was actually only one of them at the bar, the other two having previously pleaded guilty, the investigation of the case was the same as if all three had been on trial; and as it ultimately emanated in the placing, first of one of the confessed murderers, and then the other, on the witness stand, a more thorough exposition of the case was arrived at than perhaps it ever before was the province of a court of justice to witness.

The evidence taken the first day of the trial went principally to show the way in which the murder and fire were discovered by the neighbours on the day after the occurrence. The state the ruins of the premises and remains of the bodies were found in, and a variety of circumstances connecting the perpetrators with the scene of the transaction previous to the deed being effected. This was pretty much the same as the evidence given on the first day of the inquest, just enough to give a strong moral assurance of who were the guilty parties, but not affording sufficient legal proof.

On the second day the most important testimony was that of the little boy, whose examination on the inquest first divulged a correct outline of the horrid crime, and of Captain Scoullar, of the police force. The boy told exactly the same story he gave on the inquest, adding, it might be, information on some points about which he had not been previously questioned, but varying in nothing when properly understood, from his original statement. At the hands of Mr. Kerr, one of the counsel for the accused, he underwent a most searching cross examination, without in the least shaking his testimony, and it was not a little amusing, had it not been for the seriousness of the case in hand, when the learned gentleman himself got confused in what he was asking about, to see the readiness with which the little witness put him right. He is evidently a boy of parts much beyond his years and opportunities, and it is to be hoped that when the excitement of the trial is over, something will be done to keep him from falling back into the slough of sin and ignorance from which he has been so providentially though cruelly thrown up. The evidence of Capt. Scoullar was confined entirely to the state he found things in at McKenzie's, the steps taken by him in tracing out and arresting the prisoners, and finding the property, and to the confession made to him by the prisoner at the bar the night he was taken.

On Thursday the third day, after the examination of a good deal of additional circumstantial evidence, quite sufficient to have condemned the whole three prisoners had they been in the dock; the counsel for the crown called Breen, one of the two confessed murderers, a step which late alterations in the criminal law of the Province allowed them to take. We give the confession of Breen entire as reported for the News:—

Hugh Breen (one of the murderers) examined by Mr. Watters. Being sworn and duly cautioned, deposed—that he knew prisoner, had lived at his father's about three weeks, knows of the burning at McKenzie's, old Slavin and prisoner at the bar and me were there, I did not see him do anything. We went together. I was outside, he was inside with his father, I did not go in till after the murder, and all three were in the old house, we were there first. I saw McKenzie, he was in the small house when prisoner was there, McKenzie was alive when prisoner was in the small house, I saw him dead when prisoner was there. I went to the house and asked McKenzie to come down as my wife was come. Old Slavin said not to make a fire, and after it was made we put it out. McKenzie came down with a candle in his hand, and old Slavin took the axe used for chopping wood out of my hand. His son was there. There were two or three rooms in the house. Slavin was in one place and McKenzie in another. When McKenzie came in Slavin came out and said "she is on hand," (this was referring to my wife's coming.) He had the axe in his hand, and hit McKenzie on the breast, he said "dead dogs tell no lies." He hit him on the breast with the back of the axe, McKenzie groaned but did not speak. We put him into the cellar, and old Slavin afterwards brought him up. He asked me to help, and I said I could not, but afterwards did. This was before we fired the lower house, and an hour and a half after we killed him. We put him in the room. When we went to the upper house Slavin asked me if I knew the house; he told me to go in and watch the door till he got a view of her (Mrs. McKenzie).

He then went in and Mrs. McKenzie was sitting at the fire with a child in her arms. She asked if she was coming, (meaning my wife.) Slavin then struck her with the axe on the head, and she fell over on the edge of the stove; he then struck her three blows on the body. He then struck the children who were standing round their mother crying; he killed the whole of them; the children cried, but Mrs. McKenzie did not. Prisoner and me took no direct part in the murder; we were standing in the porch at this time. After the murder was over, the dog came in and got some blood on him—this was about half-past nine; we looked at the clock—we shut up the doors and went down to the edge of the wood and sat some time; we went up to the house and thought we heard some of the children crying, and went down again—we came back again and got some bread and milk. Prisoner took the key of the safe out of the pocket of McKenzie's trousers before we left the lower house. I staid outside and Slavin and son went in, and I heard the iron chest open; they got what money was there, and we went to the wood again; it was now half-past 11. Slavin said better put a coal in the lower house first; we got some matches and a candle and went to the lower house and set fire to the straw of the bed; McKenzie was lying alongside of the straw. We set fire to the house. We then went to the upper house and set fire to it in the porch, we took some straw with us and put wood round it. We left altogether in about five minutes afterwards.

We brought with us some socks and other clothes, a woman's dress, a watch, and quantity of money. There was about £50 all in gold. Slavin had it in his pocket. We came all to Slavin's together. Prisoner did not hear much of the planning of the murder till a few days before it happened. Old Slavin wished him to go and hold the candle to him and they would murder McKenzie. On the way to the burning old Slavin told us to back him as well as we could. I saw Prisoner with money on Sunday after the fire; I saw him have a portemonnaie. The one in Court is the same. Prisoner afterwards gave the portemonnaie to me before we were arrested. I think he got the money from his father.

Cross-examined by Mr. Wetmore. I had no money the night before the fire. I got money on Sunday from Mrs. Slavin, two half sovereigns, and went to Knox's to get them changed. I came to town on Sunday night, was in David Ramsey's, had the purse that is in Court with me, I had some pieces of old newspapers in it; I got the purse from old Slavin. I took the purse to keep money in. I only asked for one sovereign on Sunday. I am a married man. My wife lives in town, did not go to see her on Sunday. I had been drinking, know the Cathedral, am not sure if I was near it, or in the street it is in on Sunday evening. I am not sure if I was near Mrs. Blackwall's. I was a good deal scared on the night of the fire. (Asked if his recollection of what happened was perfectly distinct, but refused to reply.) Was in Fredericton a month before the fire with old Slavin. I know Sally Gally. I never consulted with Slavin about murdering her. I was once in her house. (Asked if he staid two days and had to come home again because they could not effect their purpose; refused to answer. Witness refused to answer a great many questions about this matter.) I slept with Leat on Thursday night. We had gone to murder McKenzie on that night, but were prevented by something Leat said about his father being in town and likely to come past. On the night of the murder we were all together all the time. Can't recollect anything about Sunday night. (Asked if he knows a Mrs. Blackwall in Waterloo street, St. John, but refuses to answer. Asked if he gave her any money on this Sunday evening. Replied he did not know if he did or not.) Witness here got dogged at the cross-examination, and refused to answer any further questions. He was removed and recommitted to Jail.

At this stage of the proceedings, the Grand Jury brought in an indictment against Barnard Haggerty for having aided the concealment of the prisoners, and after he had pleaded to it and been removed, Mr. Wetmore opened the case for the prisoner. He said the calling of the last witness placed on the stand, Breen, was a most unaccountable proceeding on the part of the crown, and that either none or both of the prisoners should have been produced. The crime that had been committed, was he allowed, one of the most horrible ever heard of in this or any other country, but they would show by the evidence of the father of the prisoner the way in which it was done, and the absence of complicity on the part of the prisoner. The learned counsel then read to the Jury the law in regard to the responsibility of minors, and noticed the points of the evidence that had shown the simplicity and want of intelligence of the prisoner. He also took the position that the prisoner did not know of the intention to murder when he went to McKenzie's, but that he only supposed he was to be robbed. After commenting at great length on the law of the case, he concluded by a strong appeal to the Jury, in which he disavowed any wish to acquit the prisoner if he was really guilty, but that under the circumstances he thought they would show that he was not. Mr. Wetmore spoke for about three quarters of an hour, and with great feeling, but the above are the points on which he grounded his defence.

Patrick Slavin, senior, (another of the murderers,) was then placed on the stand, and being duly sworn and cautioned by the Judge, deposed—I am father of the prisoner, he is between fifteen and sixteen. I have not been in a place of worship for some time, have not given my children any instruction; prisoner is a boy of tender feeling. I first knew Breen on the Railway, was at Fredericton about six weeks ago, went with Breen. I saw the woman Sally Golley, it was to rob her that we went. I would have murdered her if we had got a chance; we did not get a chance, and came back without doing it. I first suggested going to McKenzie's; Breen did not then know him. This was after we came from Fredericton; we spoke of it coming from Fredericton. We spoke of robbing Corkery, but I did not know him. We came from Fredericton about five weeks ago. I knew Polly that lived in McKenzie's lower house, and we wanted him to be away before we robbed McKenzie. I don't know if I would have killed Polly or not; I was looking after a brother-in-law of Polly's that owed me money. When Polly went away Leat went there, Breen and I were there together. When Breen stopped at McKenzie's it was to know when Leat would be out of the way. We would have killed Leat and all on Thursday night, if he had not spoken of his father and mother coming past. Going to McKenzie's I did not tell my son I was going to commit murder; I don't think he knew. When we went to McKenzie's we lighted a fire, my son was in and out. I told Breen to go and tell McKenzie to come down; I was in the house and heard them coming down; my son I think was in the house; I can't tell if he was in the same room with me; I had an axe; McKenzie and Breen came down, I came out of the bedroom and struck him on the breast; he fell; I struck him five or six times on the head and breast—Breen was aside; I could not say if my son was aside at the time; I think he came in just after; I searched McKenzie's pockets, and could not get the key—we had thrown his body in the cellar, the key had fallen out and the prisoner got hold of it. We went up to the house, Breen and I, I was first; Breen went with me and showed me the way; I did not take the axe, there was one at the door, Breen gave it me. When I went in I saw Mrs. McKenzie sitting at the fire, and the four children beside her; I struck her on the head, ten or fifteen times. I killed them all; they did not cry much. We searched the house and found over £100 of money. It was myself that ransacked the chest, the money was in gold, it was in a yellow bag, like the one in Court. There was a purse also, and a portemonnaie.

The boy was knocking about keeping watch. We had something to eat. We thought it was best to set fire to the houses; Breen and I both did it. The boy was about. We did not wait long, but only till the fire got going; we came round by the road home. They were in bed; my wife let us in. She did not know before we left of what we were going to do; she did not want to know. We counted the money; my wife got it, and afterwards took it out and hid it. I saw prisoner have money on Sunday, I told the boy Johnnie to watch him. He had the portemonnaie and gave it to me, and I gave it back to him. I gave the purse to Breen before he came to town. I have three boys, Pat 15 to 16, Johnnie 10 to 11, and Jamie 6 to 7; Pat is not so smart as he ought to be; he hardly knows right from wrong; I have sometimes been too severe to him. He did not know when we left what we were going to do; if he had refused to go I would have made him. He is a tender hearted boy; he has not looked the same since. I did not tell him to go with us when we left the house. It was I that killed them all. I am aware that sentence of death will be passed on me—I have told the truth.

Cross-examined by Mr. Watters.—My son is about 15 or 16 years of age, I cannot tell if ever he was in a place of worship. I have known his mother teach him his prayers, but I never heard him. I never laid out to make my escape; never told my son particularly about the time we were to go to McKenzie's. On the Thursday when we went to

McKenzie's my son was with us; we never told him what we were going to do, he might have heard a "whid" of it. I had an axe with me on the Thursday when we were at McKenzie's; we took it home; my son might suspect that the people's being in the way was the reason of our not succeeding that night. It was understood among us that we were to go back on Saturday.

We were all together on Friday, Breen and I talked about our going back, but my son might not have heard. Breen and I understood when we left to go to McKenzie's on Saturday what we were going to do, but I cannot say my son knew. He went with me without saying Yes or No. McKenzie expected Breen that night, Breen went to the small house and kindled the fire. I kept out of sight, and did not allow my son to show himself. We kept at the back of the house. Breen came and told us to come in. My son went in with me. There was light in the house. I went into another room where it was dark, I cannot say if my son was with me in that room. I had an axe. Breen gave it to me. Breen went for McKenzie of his own election. McKenzie came down with him. They were talking about his wife. I may have said "she is on hand." I do not recollect what remarks were made for the bustle. I saw my son immediately after. I looked in the pockets but did not see the key. I think it must have fallen out of his pocket. We put his body into the cellar. I have no doubt but the boy might have searched his pockets. We took the body out of the cellar after we came down from the upper house. When we went to the upper house Breen stood back. There was an inside door. There was a front door open. Mrs. McKenzie spoke to Breen about his wife. Breen and my son came in after I had killed Mrs. McKenzie and the children. They were very much confused and frightened. The one was as bad as the other. I searched the house myself. We spoke about what we were going to do as we went from the lower house to the upper. I told Breen and my son never to put their hands to the same work again, as they were not fit for it. I took charge of the money. I thought I was best entitled to it. The safe was full of books and papers, I threw them on the floor. After the first search we thought there should be more money, and went back and searched again. It was me that set the fire to the straw in the lower house, my son might have done so too; McKenzie's body was brought up out of the cellar again by this time. I set fire to the upper house; we set fire to it at the end. We all took turns at carrying the things going home. Johnnie was in his bed when we came in. We told the old woman that we had put things through. I did not tell her what we were going to do before we left. She might have had a guess. She might have had a guess what I meant by saying we had put things through. It was after I had asked Pat if he had any money, and he had not given me any satisfaction, that I told Johnnie to go and watch him, when he went into the bushes. I cannot say what money Breen had on the Sunday; my son was hired with Knox doing farm work. I suppose he did not know the error of what he did at McKenzie's. He could not have been made to do it himself, he always had his senses to do his work, he has been kind of confused since the murder. If we had liked we could have easily got away, we had plenty of opportunity and time enough. When we were at McKenzie's on Thursday we spoke as if we did not know each other.

Re-examined by Mr. Wetmore—I think Johnnie the smartest of the boys; I saw my son have his hands about McKenzie's body. I always tried to keep what we were going to do from my son, he might have heard. I only told Breen. I am satisfied at not having escaped; I think if I had I would have done worse. I am satisfied to swing for it. This closed the evidence of Slavin, who was remanded back to the jail.

Yesterday, (13th inst.), the fourth and concluding day of the trial, the court was still equally crowded at the opening as it had been from the commencement, and the prisoner appeared to be as unconcerned as he had been throughout.

After the opening of the court the Solicitor General, anticipating the line of defence likely to be set up, cited a number of authorities to show how far imbecile persons were excusable in the eye of the law for the commission of crime, and laying down the general principle that it could not be held as a plea of exculpation unless it was shown that the accused had no knowledge of the difference between right and wrong.

Mr. Kerr addressed the jury on behalf of the prisoner, contending that the greater part of the evidence did not bear on the charge against him in the least; and that in fact he had neither been participator in the act of the other prisoners, nor had planned nor combined with them for its perpetration. He also read the law to show that infamy, imbecility and coercion could all be pleaded in exculpation, and in application of these principles to the case of the prisoner, argued that his age and want of mental capacity rendered him irresponsible, by disqualifying him from judging correctly of the nature of the acts he was engaged in, and that what he did was done under the influence and coercion of his father. The learned gentleman spoke for nearly two hours, going over the evidence and the various points of the case favorable to the prisoner, and concluded by an earnest and touching appeal to the feelings and mercy of the jury in his behalf.

In closing the case for the Crown, the Attorney General said, that he had been called on to address courts and juries on almost every kind of crime and iniquity, but never had he a duty to discharge like the present, nor crimes to prosecute equally in magnitude and enormity those now before the court. He passed a high eulogium on the counsel engaged for the prisoner, for their exertions in his defence, and on the jury for the attention they had given to both sides of the evidence, and asked them if they could find a single basis of doubt, in the midst of the awful desert of iniquity laid before them, to give the prisoner its benefit. Of the four or five crimes committed, he said, the Crown had selected the greatest of all known to human law to prosecute on, and in proving it, had deemed it necessary to bring forward all the evidence bearing on it that could be procured. The time of the murder, he said, was proved, the fact of who did it, the way it was done, and who were there when it was committed. He then went on to review the various features of the case, and showed the capacity and complicity of the prisoner by his conduct both previous and subsequent to the murder; and met the arguments of the prisoner's counsel *seriatim* on these points. The Attorney General ridiculed the idea of imbecility of mind on the part of the prisoner, and showed from his behaviour before, at and after the murder, the intelligence which he had displayed, and the responsibility which that intelligence involved. In conclusion, he warned the jury to throw all feeling aside, and look at the case only in the light of strict and impartial justice. They were the guardians, under the law, of the public safety, and it was their duty to the country, to see that the law was strictly applied, as what might be deemed mercy now might turn out to be great injustice hereafter. The address lasted nearly an hour, and was an able effort, both for argument and eloquence.

His Honor the Judge summed up the evidence in the afternoon at considerable length, and explained the law to the jury on the various points they would have to decide. The charge was, as it behoved to be, from the evidence, strongly against the prisoner, and the jury, after an absence of about half an hour, brought in a verdict of GUILTY, with a recommendation to mercy on account of the prisoner's youth, and the want of good example and instruction under which he had been brought up. The faces of the jury when they came in, told the verdict they were about to render before a word was spoken, the expression of every countenance being

that of a man charged with the solemn responsibility of dooming to death a fellow-creature. The judge was also deeply affected during the reading over of those parts of the evidence relating to the perpetration of the horrible crimes committed.

### SENTENCE PASSED.

During the time the jury were out considering their verdict, the judge ordered the other two prisoners, Breen and the elder Slavin, to be brought into court, when the Attorney General moved for sentence against them. The clerk having read the finding on the indictment, and asked if they had anything to say why sentence should not be pronounced, Breen replied, "I am satisfied;" Slavin did not speak. After the usual formality of proclamation, his Honor proceeded in a most solemn and impressive address to pass the last sentence of the law upon the unhappy prisoners, which was, that they be taken from where they were back to the jail, and from thence to the place of execution, on Friday, the 11th day of December next, and there hanged by the neck till they were dead, and may God have mercy on their souls. Sentence on the younger Slavin was deferred.

## The Examiner.

CHARLOTTETOWN, P. E. I., NOVEMBER 23, 1857.

### INDIA.

The last English Mail brought a confirmation of the good news previously reported, that the strong walls of Delhi no longer kept the avenger from his victims—that after shelling the town and breaching the walls, the European troops, with their Indian auxiliaries, the warlike Sikhs and Ghoorkas, had assaulted the stronghold of the wretched mutineers, and that Delhi was in the hands of the outraged British. We were about to write, "at their mercy," but by the orders of the General (Wilson), promulgated just before the assault, no quarter was to be given, save to women and children. This exception is all that could be expected; and how great a contrast it presents to the conduct of the rebels, all who have made themselves acquainted with the course pursued towards the wives and families of Europeans by those of the Sepoys who might have gotten them into their power, will need not be reminded. We regret that the attacking force lost in killed and wounded about 600 men; in this list is included the large proportion of 50 officers. This would argue the daring gallantry of the attack, and the obstinate nature of the defence; and we believe that the surviving relatives of those who have poured out their spirits in thus "bearding the lion in his den," will, one and all, feel that they whom they mourn have deserved well of their country, and died in a cause as holy as any in which warrior ever bled.

The fall of Delhi will, of course, exercise a great moral and material influence on the rebellion, which will speedily be trampled out, now that so stunning a blow has been delivered—a blow which will have the effects of disheartening and terrifying thousands of enemies, and leaving a large number of the victorious party available for service at any point where the mutineers may dare to congregate. Lucknow is doubtless relieved ere this, and we think we are not premature in congratulating the friends of its gallant defender, Lieut.-Colonel Inglis, on his escape from his numerous assailants, and on the laurels he has gained.

Lieut.-Colonel Inglis, of Her Majesty's 32d Regiment, is a native of Halifax, being second son of the late Dr. Inglis, Bishop of Nova Scotia. He had previously distinguished himself by services in India.

### A CANDID ADMISSION.

The *Islander* of Friday last warns its friends that there are rumours in circulation of a general election, and advises "intending opposition candidates" to act as if the rumour were well-founded. We think we have heard such a rumour as this started anew, almost once a week for the last two years, and expect to hear it repeated as frequently, until some fine morning in August or September, 1858, when we have no doubt that it will merge into an undeniable fact. But our object is, particularly, to direct the attention of our readers to the following remarkable admission of a very obvious truth. It is remarkable enough to merit being placed in a paragraph by itself in all the importance of italics:—

"It is worse than useless to blink the fact that the chances in favor of the present Government are very much better than they were twelve months ago."

Our cotemporary will probably seek to explain this passage by assuring us, on his very high authority, that twelve months ago the Government had no chance at all. Even so. The admission is important, as indicating that the efforts and misrepresentations of the *Islander*, the *Monitor*, the Holy Alliance of the Political Parsons and the Unholy Alliance which holds its weekly orgies in Temperance Hall, at the bidding of Mr. Secretary Bevan—have failed to damage the influence of the Government. The seer of the *Islander* prophesied more than a dozen times within the year that is now drawing to a close, that the millenium of Toryism was at hand, and that not one solitary supporter of the party in power would be returned at the next General Election. We certainly did not expect to find the seer so soon becoming the falsifier of his own prophetic croakings. The editor of the *Islander* made another important admission a short time ago, when he informed his readers that the Catholics in this Island, who are well known to be attached to the liberal principles of the present Government, are sufficiently numerous to return fourteen representatives out of the thirty. When Liberal Protestants will do, as heretofore, their share of the work in a political contest, and heartily co-operate with their Catholic fellow-subjects, in spite of all the infuriate attempts to array one sect against another—we need entertain no apprehensions regarding the result of the next appeal to the constituencies. We are beginning to have a better opinion of the *Islander* for those glimpses of truth we have noticed, as evidences of returning common sense.

FIRE AT MONCTON, N. B.—On Saturday morning, 14th instant, between 1 and 2 o'clock, the premises of Mr. Worthman, at the above place, comprising dwelling house, coach-houses and stables, were totally destroyed by fire. Four horses perished in the flames. A man has been arrested and lodged in jail, charged with having gone into the hay loft and set fire to it.

NEW GOODS AND GREAT BARGAINS TO BE EXPECTED.—Country traders and others will do well to bear in mind the extensive sale of Goods which will take place at the sale room of Mr. James Morris to-morrow and Wednesday.