

it would be their duty to acquit him. He argued from the conduct of the boy that he was not to be held fully accountable for his conduct on this occasion, and though he could not find words to express his utter horror of the crime: though neither in this land nor any other, had so dreadful a crime been perpetrated, and the annals of crime showed no parallel, yet they should not allow themselves to be influenced by such feelings, but should remember that they were trying this simple boy alone. They would show that Breen had plotted several other robberies; that the young man, Leet, had a narrow escape at their hands, and it was God's mercy that he too was not killed by Breen.

Patrick Slavin, Sen., was then called, and in a few minutes was brought in from the gaol. On his appearance, the excitement of the crowded audience grew intense. The old man wore still the same strange expression of countenance, gazing with a glassy stare at vacancy.

When he was sworn, the Judge warned him that he need answer no question tending to implicate him. He said he understood this, and said to Mr. Wetmore he was disposed to tell the whole truth.

He said—I am father of the boy. He is from fifteen to sixteen years of age. I cannot read. I have not been in the habit of attending public worship; it is more than a few weeks since I was in a place of the kind; I could not say when I was there before; don't know as I have been in such a place half a dozen times in years; have never been in the habit of teaching the boy his prayers; think he knows nothing about them, and never learned them; the boy is not a bad boy; he is of tender feelings; I wish I had as tender. First knew Breen on the railway; left it soon after, and he left about the same time. Recollect being in Fredericton six weeks or two months ago; it was partly Breen who proposed going there; was never there before, and knew no one there; saw a woman there called Sally Golly; went with Breen; we went for no good purpose; we went to rob her if we got any good chance; that was our principal business; Breen suggested it. We talked of murdering her, but did not come to our purpose; I don't doubt if I got the opportunity, I would have put her through; we got one opportunity, but it was risky; we got others, but they were all the same; it was Breen suggested it, and I did not fail him a bit. If we got a good chance, and it was necessary to murder her, she would have a bad chance. Not succeeding, we came back; it was myself was the head and foundation and backsetting of robbing and murdering McKenzie, and he did not fail me any; it was I told him McKenzie was reputed wealthy; he consented to go; it was after we returned from Fredericton we laid the plan; guess it is five weeks ago since we came from Fredericton; we came down by the road, and we were talking of it pretty much all the time; we intended it; I had no intention of any other robbery. Hugh Breen often talked of Squire Sharkey, but not in the way of robbing him; Breen told me Corkery was a man who often carried a great deal of money, and could be robbed; never saw him until the other day; don't know that I would have robbed him.

After returning from Fredericton, Breen stopped at my house. We talked often of robbing McKenzie. I knew Polley well, and we put off the robbery because we did not wish to injure Polley. We knew he was going to leave; if he did not leave I don't know that I would have attempted the robbery. James Golding, Polley's brother-in-law, owed me £5, and was going out of the country with Polley, and I got a capias from Squire Sharkey to catch him when he came down. My wife went up to buy some things of Polley's, and to find out about Golding. Never knew of Leet until I went to the place with Breen; tried to find out when he would leave, because there would be less trouble when he was away, and I did not want to have anything to do with him. Breen was well aware of all this. Breen slept with Leet. He stopped as much to find out when Leet would leave as anything else. Breen heard from Leet that he expected his father and mother there on Thursday night, and it was this helped to prevent our robbing McKenzie on Thursday night; if he was in the way I think I would have killed him against my own will, just because he was in the way; think he would have had a bad chance; did not tell my son anything of my intention to murder. He could not tell what was in my mind; don't know that when going to McKenzie's on Saturday night I asked the others to stand to my back; don't allow I did, as I did not want any one; I was able to do it myself. The boy did not know what was in my mind. When we got to the place, Breen made a fire in the lower house; I was not in when he made it; did not put the fire out, or cause Breen to put it out. My son was there. Breen went for McKenzie; I guess I told him to go; he was willing enough. I had no intention but to take his life. I was standing by the fire, and had my axe; heard them coming; guess my son was in and out; should not wonder but he was in the house at the time; I was in the bed-room; he might be in with me; was not observing him particularly; should not wonder but he might suspect I was about to murder McKenzie; did not tell him in particular.

McKenzie and Breen came down; I walked out of the bed-room, and struck him in the breast; was not in an up stairs room, but one on the same tier; struck him with the poll of the axe; that blow did not kill him exactly; struck him several other blows on the head and the breast, and wherever it was handy. Breen was standing by; my son