

of all such feelings, and try this case impartially and fairly. That was what justice demanded of them, what the country expected, and what he on behalf of the crown asked of them. The prisoner at the bar was now placed for trial alone, because the others had pleaded guilty—his father on another indictment—and it was not necessary that they should be tried on this.

Having stated the nature of the charge against the prisoner, the learned Solicitor stated very fully and clearly what evidence they were prepared to offer, to show how the plot had been concocted, matured, and carried into effect, and how discovery followed, and a whole train of circumstances demonstrated the guilt of the murderers. His own declaration would be most important evidence against the prisoner. He then proceeded to say that the prisoner was as guilty, if he went with others to commit a robbery, and to murder should it prove necessary—although he may not actually have killed any one himself, as those who perpetrated the murder. It may be said that they had the life of the prisoner in their hands, but they had also the safety of the public—of life and property in their hands, and should remember that if such deeds could be committed with impunity, no man would be safe—the law would be no protection. He trusted therefore, they would try the prisoner with due regard to law and the evidence, and he felt satisfied that when they heard the evidence he would be justified in asking a verdict at their hands.

Wm. Reed, being duly sworn, said he resides in Carleton, and knew Robert McKenzie, who was married to his sister, and had four children. He lived at Mispeck, in the Parish of Simonds. Saw McKenzie about four weeks previous to the murder, at his own place, about ten miles from the city. The house was a cottage, about fifty feet long by about twenty-five wide, with a hall through the centre. On the other side of the road, about fifteen rods off, was another house, occupied by his servant man. Polley was the last man who lived with him. There was an iron safe in McKenzie's house, kept in his bedroom; never saw it open. Does not know much of his circumstances. Saw money with him often. Was down there on Monday after the fire. Both houses were completely consumed. In the little house, was found the remains of McKenzie, as was supposed; his body from the shoulders to the thighs—the head was gone, the legs were gone, and the arms were off. The trunk was completely cooked up; it was blackened so that you could hardly tell what it was; could identify it as a male, but there were no means of identifying it as McKenzie's body; it lay about the southwest corner of the house, among the ruins. In the ruins of the other house were found a small part of the breast and heart of what seemed to be a woman (head and limbs were all gone); the body of a child was there; legs, head, and arms were all gone. The oldest child was five years old on the third of last September. The youngest child was walking about when he last saw it. There was some flesh on the child's body. When witness went out the remains had been found and placed in the iron chest, which was open, and had the key in the lock. It was about two o'clock. Several of the neighbors were there. Thinks McKenzie's was a mile from the nearest house, which is Robinson's, on this side. Peter O'Hare's was over a mile at the other side.

Knew Mrs. McKenzie to have had a steel bead purse. Thinks he saw the purse produced before in Mrs. McKenzie's possession. (To the Judge.) It is upwards of seven years since he first saw it; did not see it since he left Mispeck house. This looks very like the one she had.

(Carpet Bag produced).—Never saw this before to his knowledge. Was in the house three or four times for the last four years. McKenzie had a watch; did not see the watch since he left him.

Cross-examined by Mr. Wetmore.—Could not tell what the color of the silk of Mrs. McKenzie's purse was.

George Leet, being sworn, said—I live at West Beach. I worked for Mr. R. McKenzie for some time previous to the Saturday before the murder, which was the last day. Was there off and on. I left on the Saturday evening about six o'clock. It was about dusk; saw McKenzie a short time before I left; we had worked together all the afternoon gathering up oats. Saw him last down by the lower barn, which is about one hundred and fifty yards from the lower farm-house. From McKenzie's dwelling house to the barn was about ninety yards.—Except McKenzie's two little boys, no one was with him. Do not remember having seen Mrs. McKenzie on that day. The youngest child seemed to be about a year old. Was not in the habit of going much into McKenzie's house; took my victuals and slept in the small house. Had no communication with the big house. My father's house is said to be five miles from McKenzie's. There was fire in the small house at dinner time, but none that I know of when I left. Called at O'Hare's on my way home. Got home a few minutes after eight o'clock. First heard of the fire on Sunday evening about seven o'clock. Was sent for on Sunday night by Squire Hawks to come into town on Monday morning; came that night as