

From this multitude of crimes they selected the greatest known to the law, and believing the prisoner guilty, they thought it their duty to prove him guilty, if possible. Their only object was to vindicate the law of the land. At the opening they thought they could make out the case three ways: by evidence of facts; by the confession of the prisoners, and by surrounding circumstances. The murder, the burning, the robbery, all were thrown together in one dark catalogue of crime, and every one was appalled at the moral turpitude of the men, and astonished that monsters capable of such crimes were prowling about this country. A thrill of horror at these appalling crimes had passed through the country, and men were terrified to think that such fiends existed, and were in our midst. They now knew that murder was committed; they now knew who committed it, and how it was done. A man on the stand as witness in a small debt case could not be more cool than was old Slavin, when narrating the facts of this case. They could mark how the hand of Providence was visible in the discovery of the criminals. They must be amazed to think that the presence of the poor children could afford no protection to the mother. The evidence impressed on him the conviction that the boy was of a most diabolical nature, and was not fit to be let loose on this country. Look at his conduct before the act, during its perpetration and after. Unless the boy knew beforehand that some diabolical deed was to be done, he would never have acted as he had done.

The evidence of Leet showed that the boy was prowling about the place for days, and Breen told them that the boy knew all about it. They saw that, though the father corroborated Breen's evidence in every important particular, he showed a disposition to screen the boy, and the boy had capacity enough to try in his story to screen himself and his father. He knew also that Breen was called Williams. He commented on the conduct of the boy when Leet saw him on the road and in the house, showing that the boy knew what was going on, and knew how to play his part, and when Robinson saw him, taking to the woods. Did not all this show that the boy knew they were planning something, and had capacity to take share in it. To say that a boy who could act in this way, and who, after the family were slaughtered, and while the bodies were lying about bleeding, could go in and eat bread and drink milk, had no complicity in what was done, would be to insult the jury. Johnny Slavin stated that they all said when they started on Saturday that they were going to Black River, and old Slavin himself said he couldn't say but the boy knew what they were going to do. The boy told Scoullar he thought they were going to rob, that he stopped on the hill, and that the whole thing was done by Breen. Here was a two-fold proof of his capacity and complicity; he strove by this to free himself and his father. Breen said the boy was in the house while the murder was committed, and took the key out of McKenzie's pocket; old Slavin did not contradict this, but said he thought the boy found the key on the floor. They both stated also that the boy was at the upper house while the woman and children were murdered. He came in after, and looked at the clock, and very coolly told them what o'clock it was. And in the lower house Breen says it was he who put the candle to the straw. It was said he was under the duress of his father. That could not exculpate him; but look at his conduct after the transaction—his flying with the others under consciousness of his guilt. The story the boy told the witness Hill was a very important circumstance as a test of the boy's capacity. All these things tend to show the kind of disposition with which the boy was mixed up in the matter, and whether the boy was imbecile as was asserted. The flight of the boy at the time of the arrest of the party was no proof of imbecility. What was said of the harshness of his father had nothing to do with the case.

The facts of the murder and burning were all proved; the only question was, what part the boy took. It did seem to him that there was such a concurrence of circumstances proving the complicity of the boy, that he could not escape from it. This plea of insanity or imbecility had become very fashionable in cases of high crimes lately. After a prisoner had lain some time in gaol, a sympathy grew up in his behalf, and many persons conversing with him became convinced of his insanity or imbecility, and were glad to be able to account in such a way for the commission of such an enormous crime. Several of the witnesses wished to make out that the boy was of weak intellect, but none of them would say he was a fool or idiot. But in a case of this kind, where the boy was at least sixteen years of age, they should have stronger evidence than any they had heard, before they determined to acquit the prisoner in such a case. The learned Counsel had talked of sympathy: he (Attorney-General) had a much sympathy as most men, but his sympathy was drowned in the blood of that poor woman, swallowed up in the groans of McKenzie, and if any was left it was destroyed by the shrieks of those poor children. He had talked of mercy. Stern justice would in this case be mercy to the country. What mercy was there, when without a moment the father, mother, and children were hurried before the living God!

This was a case standing out from all others, and he was so strongly impressed with the conviction that all the parties were so interwoven in one mesh of iniquity, that he felt it his duty to impress the facts on them, and ask them to deal in this case with the stubborn, awful facts, with stern, impartial justice. Next to themselves and the Judge, the two men on whom most devolved the responsibility in this case were himself and his colleagues; and he was determined from the first that on the Jury, and them only, should devolve the whole of the awful responsibility in this case, and they now stood between the living and the dead. The learned Counsel had talked of Christianity. In this case everything was so repellant to every principle of Christianity, that it left him divested of any feelings but those of an officer of the Crown, seeking the vindication of the laws of the land. The learned Counsel had talked of mercy. Mercy may be sometimes displaced. If in this vast wilderness of crime, there was any beacon light, let the boy get the benefit of it; but let them investigate the evidence only according to the strict, stern requirements of justice. They were the sentinels on the watch towers of the constitution, and they had to guard the lives of the people of the country. He had had his own feelings on Capital Punishment, but they had been greatly changed by these events, which had shaken his mind to its greatest depth; and for the two prisoners who had pleaded guilty, there was no chance of escaping the vengeance of the law—of the other he would now say nothing; but the enormity of this fearful crime, the well-being of the country, the safety of the women and children who live alone, all require that the law should be carried out, and he believed that this was the only means of protecting the public. This case stood out in bold relief from all others, hideous in its enormity, and would be spoken of for many generations. For himself, he felt relieved that the agony was nearly over, and that he would be freed from the intense anxiety he had felt, and he now, on behalf of the country, asked them to judge of this case according to the strict, stern, impartial requirements of the law, between whose offended majesty and the prisoner at the bar, they now held the balance.

The learned Judge (Parker) then charged the Jury. While reading the evidence, he was deeply affected, and for some time scarcely able to utter a word, while the tears ran down his cheeks.

After the Jury had retired, the Judge ordered the prisoner to be remanded, and the other two prisoners to be brought in.