

THE CASE OF MICHAEL M'CABE.

It is not often that we are disposed to find fault with the execution of our criminal law. In no country in the world is there a greater desire manifested to be just towards criminals than in England. The great distinguishing principles of our criminal jurisprudence are, that "a man is presumed to be innocent till he be proved to be guilty;" and that "no man can be called on to criminate himself." These principles are in themselves so just, and have become so interwoven in our national feeling—become so intimately a portion of our national nature, that they incessantly lead to peculiar carefulness in the matter of convictions generally. Pains are taken to be assured of guilt, before the inflexible stain is affixed. In England we do not generally hang first, and try afterwards; nor do we condemn a man because he cannot, or will not, prove his innocence. We "establish the case against him," in accordance with the well-defined and liberty-protecting forms of our courts of justice, presided over by upright and independent judges, who are emphatically "counsel for the accused;" and if, with these precautions and safeguards, we succeed in convincing twelve men that the accusation is well-founded, the verdict of conscience follows, and then the sentence which the law awards. All this begets a confidence in our law and in its execution, which has gone far to make the English people world-celebrated for their ready obedience to authority. It has done more. It has rendered all but unnecessary any appeal from the judgments of our Criminal Courts. While the continental nations, who have adopted the opposite principle, the "interrogatory," to cause a man to criminate himself, have had their Courts of Appeal continually reversing the decisions and judgments of their Criminal Courts; in England the want of such an institution has not been hitherto felt so strongly as to raise up any influential party in its favour. Not but that the innocent have been condemned; not even but that the innocent have been executed; but these are errors which the fallible judgment of man will never be free from, let him take all possible precaution. As long as the human mind is capable of being deceived, so long shall we be subject to error in our judgments; and this only exhibits the great necessity of preserving the fountains of justice as pure as may be. But what we contend for is, that the English principle of criminal law, and the English practice generally, secures for the accused a *fair trial*, in which indeed all the doubt and advantage is mercifully given to his side.

And yet there are cases at times amongst us in which we seem to forget,—not mercy,—but even the fundamental principles of our criminal law. We forget that guilt has to be proved, and too readily assume that accusation alone is guilt! We let passion usurp the place of reason, and the desire for revenge stiffen the just promptings of conscience. For the time these aberrations cause us to commit injustice, which returning steadiness causes us to deplore.

The case of Michael M'Cabe we hold to be one in point. The feelings of the public have been so harrowed by the atrocity of the crime with which he has been charged, and their desire for the detection of the perpetrators has been so intense, that neither judgment nor reason have been cool or dispassionate, but, on the contrary, excited and inflamed.

When the jurors on the first trial held that the evidence was *incomplete*—was not sufficient to establish the guilt of the only party then charged; and when, for the information of some of that body, one of them ventured to ask if the prisoner should be tried again for the murders of the other two, *supposing additional testimony should turn up*, what an outcry was made by some portions of the public press, and echoed by the public voice! This jury was charged with mock sentimentalism; with shrinking from duty, because possibly the sacrifice of life would follow their verdict. They were in fact charged with moral perjury—with having screened a murderer from punishment, in defiance of their oaths; or, at the best, with shrinking from the unenviable duty, in the hope that a more firm and courageous jury might be found on another trial. Now this was pure rank *persecution*. It was persecution both to the accused and to the jurors who tried him. It was bringing coercion to bear on the jury-box. It was bringing into play most corrupting influences to sway those decisions which should be free and uninfluenced by either fear or favour.

The effect of this unwarrantable interference, combined with the other peculiar features of the case, was distinctly observable with the second jury. No one had to blame them for shrinking from a verdict of "guilty." In the face of the most favourable summing-up almost ever heard, as far as one of the accused was concerned, that jury pronounced both to be "guilty;" and the Judge who had "charged" for an acquittal—who was "disappointed by the verdict"—had to pronounce on both the sentence of death!

Is it too much to say, that but for the virtual coercion and the influences we speak of, a different result would have followed? Under ordinary circumstances, the mild gentle accents of the just and discriminating Judge would have been heard, pleading the innocence of one of the accused, notwithstanding the apparent conclusiveness of some circumstances against him; and being so heard, they would have prevailed, and that tenant of the dock been set free.

But other influences succeeded. The "verdict" was given, and the sentence was passed; and then, as if in rebuke of the unholy spirit that had for the time usurped the seat of justice, the fact was made known that the one convict had, weeks even before trial, *confessed*, and cleared his fellow prisoner of all act or part in the dread transactions; and that, too, when every inducement that can be supposed lay in favour of *implicating* him if possible. And with this declaration of M'Cabe's innocence on his lips, did the man who took to himself all the guilt, and who was seemingly penitent and contrite—not a hardened bravo—pass out of this world into another.

be that M'Cabe has been very unjustly and even cruelly used. We sincerely hope that these reasons may be made known, or that the steps taken may be retraced; for of all things it is necessary to be just towards the criminally accused, if we would preserve that love of justice and ready obedience to authority, which are the distinguishing characteristics of Englishmen over all the people of the earth.

LOCAL NEWS.

LEEDS.

THE MIRFIELD MURDERS.—The *Examiner* of Saturday last has the following remarks on M'Cabe's sentence:—"It is possible that this may be a right decision, but we entertain very serious doubts of it. At the trial, the Judge whose authority is here, relied on charged strongly for M'Cabe's acquittal; the prisoner executed for the murder repeatedly and solemnly declared all absence of guilty knowledge or participation in his fellow convict; and if any fresh evidence against M'Cabe has since been obtained, the public ought to be put in possession of it. They will not be satisfied with the decision as it stands. If necessary, we will reproduce the principal points of evidence in the case, and show how strongly they corroborate the presumption of entire innocence in the poor friendless creature whom it is the present intention of the Home Office to visit with the strange mercy of a punishment only short of death."

ROYAL AGRICULTURAL SOCIETY OF ENGLAND.—At the last monthly meeting of this society it was determined to hold the annual exhibition at York on the 11th, 12th, and 13th of July, and the general meeting of the members on the 14th of that month. We understand it is fixed thus early in order that it may precede the Yorkshire Summer Assizes, which are not expected to commence until the 17th of that month.

George Hudson, Esq., M.P., is about to be elected one of the Council of the Royal Agricultural Society.

William Cunliffe Brooks, Esq. of St. John's College, Cambridge; and of Barlow Hall, county of Lancaster, eldest son of Samuel Brooks, Esq. banker, of Manchester, has been called to the bar by the Honourable Society of the Inner Temple.

UNIVERSITY COLLEGE, LONDON.—The Flaherty Scholarship in Classics has been awarded to Mr. John Hutton Tayler, of Manchester. The prize of £40 for general proficiency in medicine and surgery, for 1847, was obtained by Mr. Thomas Park.

VEGETABLE MANURE.—The "*Tremoco*" or Lupens is described as a vegetable manure, likely to become as important as guano; but a writer in the *Times* says that this article was in use in Portugal where the vine is cultivated for the purposes of the port wine vintage, and is occasionally used as a manure, but he is informed that the use of the plant by way of manure was forbidden by the laws, the reason being that, while it improved the growing crop, it so exhausted the land that the next crop was sure to suffer. We do not wish to express any opinion upon these conflicting statements, but our agricultural friends will, under such circumstances, resort to the use of the vegetable in question with caution.

GENERAL POST-OFFICE.—From the complaints constantly making, it appears that a systematic robbery of newspapers is perpetrated in the General Post-office. We have already directed the attention of the Post-office authorities to the subject, and, as they permit the abuse to continue, it is time that it should be noticed in Parliament. A most simple expedient, and one that is in hourly operation in all our docks—that of searching every person employed in the office whenever he leaves the building—would effectually put a stop to the thefts or insure the detection of the thieves. It is a national disgrace that we should hear of a second complaint on the subject.—*Times*.

DISGUSTING EXHIBITION.—A remarkable instance of the depraved curiosity of a numerous class of persons has just occurred in Leeds. An enterprising showman named Andrew Purchase, on the day of the execution of Patrick Reid, for the Mirfield murders, bought from the hangman the clothes of the unfortunate culprit, and the rope by which he was strangled. To Purchase's exhibition a new attraction was speedily added, in a full-length likeness of Reid, attired in the very apparel in which he was executed, together with the fatal rope. The desired effect was produced: thousands of persons of morbid sensibility and depraved taste flocked to the exhibition in such crowds as often to incommode the free passage along the streets. At this rate the enterprise went on until a few days back, when some suspicion as to the genuineness of the disgusting spectacle, gave a temporary check to its success. But on Tuesday last, a new feature gave another impulse in the former direction—namely, the hangman of Reid, Nathaniel Howard, who was present at the exhibition *in propria persona*, express from York, displaying the mode of managing his horrible profession; depositing to every new audience to the veritability of Reid's clothing; and actually, by experiments with the rope and the waxen figure, showing the causes which made the noose partially ineffectual at the execution, and attributing the slipping of the rope to the "culprit's curiosity in turning round, and to the rope being frozen stiff!" Surely this must be the climax of everything revolting to the better feelings of humanity!

ROBBERY OF A CONFECTIONER'S SHOP.—On Wednesday evening week, the shop of Miss Hannah Whincup, confectioner, Vicar-lane, was entered, and a glass jar, containing a quantity of lozenges, stolen from the window. In about three quarters of an hour after the jar was missed, Miss Whincup saw three boys push open the gate at the shop door, and help themselves to three pots of preserves, which had been placed upon a shelf, with which they ran off in different directions. Miss Whincup and a young woman, an assistant, pursued the thieves, and they succeeded in apprehending one of them. Information of the robbery was given to the police, and the same evening police-constable George Ripley succeeded in apprehending two more of them. On Thursday, they were arraigned (along with a fourth boy, who, it appears, was implicated in the offence,) at the Court-house, before Henry Hall, Esq., and John Clapham, Esq. Their names are John and William Shaw, John Gaines, and William Brooke. They all confessed their participation in the robbery. William Shaw, on account of his youth and previous good character, was ordered to be discharged; John Shaw and John Gaines were ordered to be severely whipped and discharged; and William Brooke, who had already been imprisoned three months for felony, was committed to the House of Correction for a like term, and at the termination of his imprisonment to be severely whipped.

STEALING IRON.—Between four and five o'clock on the afternoon of Friday (yesterday) week, as a young man, named Thomas Lee, in the service of Mr. Samuel Craven, blacksmith, Hunslet, was taking some refreshment in his master's shop, his attention was called to a youth about sixteen years of age, in the act of crossing the turnpike-road, near to the shop, with two pieces of iron in his possession. Lee, suspecting that the iron had been stolen, immediately followed the youth and brought him to his master's shop, and in the course of the inquiry that took place, it was ascertained that the iron had been taken from the yard of Lowgate Mill, Hunslet, in the possession of Messrs. Bower and Co. The delinquent was transferred to Mr. John Cheeseborough, who is in the employ of Messrs. Bower and Co., and subsequently he was given into the custody of police constable Earnshaw. On Saturday he was brought up at the Court-house, before the Mayor and John Clapham, Esq., upon the charge of having stolen the iron. His name is John Wilson. The above facts having been deposited to in evidence, he was committed to the House of Correction for three months as a rogue and vagabond.

STEALING LEAD.—About half-past ten o'clock on Saturday night last, as police constable Neale was passing Fisher's yard, between Meadow-lane and the Railway station, he observed three boys, one of whom appeared to be carrying something very heavy, talking together in a suspicious manner. On the officer approaching the place they ran away. He succeeded, however, in capturing the one who carried the heavy substance, and upon searching him he found a quantity of sheet lead, concealed under his jacket. He was immediately conveyed to the station house, and the next day Neale succeeded in apprehending his two companions. The three boys, whose names are Abraham Galloway, John Booth, and Mark Stott, were brought up at the Court-house, on Monday, before the Mayor and John Clapham, Esq., charged with stealing the lead, but at the request of the officers they were remanded till the following day. On Tuesday, they were again placed at the bar, when it was proved that the lead had been stolen from the Leeds Old Pottery, at Hunslet, belonging to Mr. Chappell, and they were committed to the ensuing sessions to take their trial for the offence.

APPREHENSION OF A PICKPOCKET.—As police-constable Robert Demaine was on duty in the butter market, on Saturday night, he perceived a boy named James Ratcliffe loitering about in a suspicious manner, and knowing him to be a bad character, he determined to watch his proceedings. In the course of a short time, he saw Ratcliffe attempt to pick the pockets of several persons. At last the officer saw him take from the pocket of Mr. John Brooks-bank, of Kirkstall, a silk handkerchief, with which he was endeavouring to escape, when he was apprehended. On Monday last, Ratcliffe was arraigned upon the charge at the Court-house, and the above facts having been proved, he was committed to the House of Correction for three months' hard labour as a rogue and vagabond.

PETTY THEFT.—At the Court-house, on Monday, a female named Amelia Kay was charged before the Mayor and John Clapham, Esq., with stealing a cloth jacket, the property of John Swale, a beer-house keeper, High-street. It appeared that the prisoner and another female had called at the prosecutor's on Friday afternoon, and asked for twopennyworth of ale. Soon after they had drunk the ale and left the house, Mrs. Swale missed a cloth jacket from the room in which they had been sitting. She gave information to the police, and it was ascertained that the prisoner had employed a female named Farrer to pledge the jacket at Mr. Blakey's, pawnbroker, for 2s., on the evening of the robbery. Committed to the sessions for trial.

INDEPENDENT CHAPEL, BOSTON.—The members and friends connected with this chapel took tea together the other day, in the above place of worship. The object in having a tea party at this season of the year was to raise a small sum of money for the purpose of purchasing some lamps to light the chapel with, instead of candles, as at present. The following members of the church kindly furnished trays for the occasion:—Mrs. Wilson, Miss Good-pain, Mrs. Nichols, Mrs. John Mountain, and Mrs. Rayner. This plan was originated by two humble individuals (Messrs. Nichols and Bellwood), and it is satisfactory to find that their efforts have met with such kind assistance not only from friends connected with their own church, but also from leading members of the Wesleyan church at Boston. After tea the audience was addressed by the chairman (Mr. Lee, from Aire-de-Wesley), and was followed by Mr. R. Pearson, and Mr. Henry Neal, (Wesleyans), of Boston, and Mr. Holsworth, from Tadcaster. The addresses were of a highly interesting character. The proceedings terminated about nine o'clock, prior to a vote of thanks was passed to the ladies who had kindly furnished trays, and to Messrs. Neal and Pearson for their presence and assistance.