

THE MIRFIELD TRAGEDY.

As we anticipated in the earlier editions of the *Mercury* on Saturday, the "last scene" of what will hereafter be known emphatically as THE MIRFIELD TRAGEDY, was enacted, as far as the most prominent character in the horrible enormity was concerned. In a later edition, we were enabled to give such particulars connected with the "final exit" of Patrick Reid from off the stage of life, as the law in relation to public executions allowed us to obtain; which particulars will be found in another part of this day's paper. By a recent statute, all parties are now interdicted from access to a prisoner under sentence of death, excepting the officials of the prison, the relatives or immediate friends under strict arrangements, and the legal advisers of the convict. This exclusion extends even to the preparations for execution; and reporters have now no other opportunity of witnessing the "last end of all" than is open to the public at large, except such as may be afforded by superiority of situation. This wholesome regulation has arisen out of the fact that persons in such circumstances were formerly made a "show" of, ladies in high rank having even been found attending the "condemned sermon," that they might feast their eyes with the appearance and bearing of those under sentence for offences punishable with death. The new practice also prevents the attention of the culprit from being distracted during his last fleeting moments from those solemn duties that ought to engage his every power; and there is under it less inducement for the mere *bravado* to act out his part, conscious as he must be that there is no eye watching his every movement with a view to record how coolly and firmly he met his fate, for the benefit of all of morbid and depraved taste.

By the account of his execution it will be seen, that Reid went out of the world with the protestation of M'Cabe's innocence on his lips. "No human being in the world had anything to do with it but myself." Such was the dying declaration of a man who, we are told, was truly contrite and penitent. It is consistent with his first confession, which, it is reported, was made at least a fortnight before his trial, and at a time too when he did not know but M'Cabe was to be again placed in the box against him. Indeed, since he first began confession, he has told but one story, varying it not at all.

At the time of our present writing, it is not known what M'Cabe's fate will be. There is now a strong presumption that he is innocent; and if inquiry should bear this presumption out, of course he will be set at liberty.

Should this be the termination of the case against M'Cabe, what a lesson it teaches us! Here was a case fully established on circumstantial evidence. Three murders had been committed, M'Cabe was traced to the very spot, at the very time when the bloody work must have been perpetrated. Nay, he admitted that he was there; and that he saw strange sights and heard strange sounds. His conduct when apprehended, in giving *varying* accounts of his own hearing and knowledge at that time, strengthened the suspicion against him. This suspicion became confirmed into certainty, when blood (though little) was found on his clothing; and the ultimate result was a verdict of "guilty" against him, on this circumstantial evidence, which seemed to point to him conclusively as one of the parties engaged in the dreadful deeds. And yet, after all, there is reason to believe that he was innocent of art or part in the matter, and even innocent of a guilty knowledge! There is reason to believe that his going to the ground at the particular time, was quite unpremeditated. There is reason to believe that he *did not* know the party who answered the door to his repeated knocks; and that the main portion of his story, as to what he had seen and heard, was true. Nay, there is reason to believe that his accidental interruption of the murderous work then actually going on, placed his own life in jeopardy; "I thought the man would not know me," says Reid, or I would have murdered him too!" a determination which he was not unlikely to have carried out. He would not have failed for want of nerve. There is reason to believe that M'Cabe narrowly escaped death for thus presenting himself on the spot; and he then only escaped having the halter placed round his neck by the seeming conclusiveness of the circumstantial evidence against him for having been thus on the spot. Should his innocence, on due inquiry, be fully apparent, what a history of suffering and hair-breadth escapes will he have to tell! Talk of the strangeness of *fiction* indeed; what fiction so strange as this actual living truth! It will be one of the most extraordinary instances of erroneous presumption of guilt from a chain of circumstances that the annals of judicial proceedings will afford; and it will stand as a WARNING to future generations, betokening that *caution* in all cases sustained only by circumstantial proofs ought to be duly exercised.

At the close of the observations which we made in the last *Mercury* on the whole case, it was intimated that the present opportunity would probably be taken to remark on one or two noticeable facts, then passed over. To that task we now address ourselves.

The first fact to which we would call especial attention, is, the *improving* character of the evidence as the case proceeded. We do not mean the improvement observable in the whole case, through the gathering together additional evidence; but we mean *improvement* observable in the testimony itself, as it was given, and repeated again and again. Take the case of Benjamin Morton. This "evidence" has been all-important—and has contributed mainly to the conviction of both Reid and M'Cabe. This man, who happened to be passing down a road called Water Royd-lane, some three or four minutes before the thunder-storm occurred, and when within a distance of some 160 yards from the barn adjoining the house of murder, happened "accidentally," as he said, to turn his head in that direction, and saw, or thought he saw, two men approaching the house, one close by the barn, and the other some 60 yards behind. The one by the barn had his back towards this Morton; and, as he said when first examined, he "only saw his back." He did not know Reid by name, only by sight, having for a few months occasionally seen him in that neighbourhood. Now there was nothing remarkable in the appearance of these two men; nothing to attract particular attention; nothing to cause Morton to stand and look at them, or even to watch them as he was passing along down the lane. He only "accidentally turned his head," saw at a place something which did not strike him as unusual, and passed on. Yet this man swore positively that the parties he thus saw were Reid and M'Cabe; he saw also that Reid had on a green coat, a light-coloured waistcoat, and fustian trousers! He swore too that he had on, when in the dock at Dewsbury, the same coat that he had seen him in on the 12th of May, under the circumstances just detailed. But mind, he did not swear all this *at first*. When first examined, his evidence was not nearly so positive as it afterwards became. There was a hesitancy about it, which gave way to positiveness after two or three examinations. And there was this remarkable fact about this "evidence" also:—for several days after the murders, he kept the knowledge to himself that "he had seen" Reid and M'Cabe approaching the house together! When everybody was inquiring, "who has been here?" Morton, although he "knew," held his tongue. Even when M'Cabe was apprehended or suspicion of having been there, Morton was not the man, for several days, to say "I saw him," although with the person of M'Cabe he was acquainted. Then look at the probabilities. Who would undertake to swear to a man's back at nearly 200 yards distance, when the "person" only was partially known, and a mere glance at that person taken? Who could undertake to swear that a man at that distance had on "a green coat," when the "green" was an invisible one? Who would undertake to swear that a man at that distance had on a light-coloured waistcoat, when the back of that person only was seen? Or who would undertake to swear that the trousers were fustian, seen only under such circumstances? The fact is very pretty evident that Reid was not near that spot at all. At that very time he was engaged in his murderous deed. He did not approach the house that way, but from a contrary direction. He entered the house, according to his own statement, about 25 minutes to one; and that statement is consistent with the time he left Lockwood's, in the direction of Wraith's house—about half-past twelve. He commenced the attack some five or ten minutes after he entered the house. He was interrupted in his brutal work by M'Cabe's visit to the kitchen door about twenty minutes to one, M'Cabe having passed Lockwood's house towards Wraith's some 20 minutes after Reid. M'Cabe being got rid of, Reid locked the door, and returned to finish what he was engaged in when interrupted. He had then to plunder, and to use the razor; and while thus engaged, the lightning and the thunder came, and spoke to him as with the voice of God! This "speaking" alarmed him—and he hurried away from the awful scene as soon as possible, leaving the premises, after throwing the soldering-iron and the key into the well, in quite another direction from that where Morton says he saw him. Now the time that Morton must have seen Reid, if he saw him at all, was about five minutes to one. "I had not got further than the Methodist chapel from the place where I saw Reid and M'Cabe," says Morton, "when the thunder and the rain came." This shower we all know to have come on at one. It is therefore all but impossible that Morton could have seen Reid, in the way he describes. And it is almost equally certain that he was mistaken in the way M'Cabe was travelling. The great probability, nay, almost certainly, is, that M'Cabe was coming from, and not going towards, Wraith's house. It is certain that he was at M'Kinnell's widow just at one o'clock; and it is equally certain that shortly after he left M'Kinnell's he was at Mary Smithson's, smoking his pipe. The time he passed Lockwood's house towards the Wraith's, and the time he was at M'Kinnell's after being at Wraith's, accord, supposing him to have spent a few minutes in the yard, as he states, waiting till the "strange man" answered his "knocks;" but the supposition that he went back again from M'Kinnell's to Wraith's house, which he must have done, if Morton's representation be true, does not accord with the time he was at Smithson's.

We have come, then, to the conclusion, and this long ago, that Morton was mistaken. Far be it from us to say that he did not believe what he averred. He is a simple-minded, but weak-minded man. He is just of that class that erect mere beliefs into certainties. The process was almost observable in Morton's case. We do not remember a remarkable expression in relation to his testimony, made by one of the surgeons examined at the inquest and on the trials. It was after one of the inquests, when Morton had given his second testimony, and when a number of gentlemen had gone to the ground to judge of the distances and the probabilities that Morton spoke to. He is asked by the witness, "Morton is an *improving* witness." He is expressed by so many parties to point out the precise spots, and then he goes and shows, saying, "I stood here, and Reid was there, and M'Cabe was there," that the old man will get the notion firmly fixed in his mind; and, by the time of the trial, he will be a firm witness in matters of which he formerly doubted." The result has shown that this prognostication was verified. Morton had heard that both Reid and M'Cabe had been on the ground, and he persuaded himself that he had accidentally "seen" them there. He heard other witnesses, who had been in close contact with Reid, depose to the clothing he wore, and he then forthwith "identified" the same, the light-coloured waistcoat as well! It was a sample of weakness imposing in itself.

But the portion of the evidence in which *improvement* was most observable, was that of the Killys. When Killy was first examined, his pomposity and flippancy were very remarkable. He spoke of Reid as "that gentleman, Reid." He said "as he was no scholar, he could not tell what day it was when Reid came into his house for the soldering iron; but he had a wife who could tell them all about it, when they had done with him." His bearing in the box was anything but prepossessing in the inquest,—in five days after, he was much improved in manner; and still more so when in the box at York. But what we allude to, as an *improvement* in the testimony, relates to Mrs. Killy. On the trials she deposed that, when she asked Reid "if he wanted the soldering-iron for the row," he said, "no, my father wants it." And in answer to a remark from herself that "any one who got a blow or two from that would never know what happened them," she deposed that Reid said, swinging the iron up and down in his hand, "No, they won't." Now this latter part of her testimony was quite new when in the box at York. She had given her testimony twice before; had pretended to give a full account of all that had passed on the occasion of Reid's visit; and there was not one word of this very remarkable expression, and still more remarkable action. On the contrary, Killy swore distinctly at the second inquest, that all that Reid said was, that when he entered the house, "My father wants the iron;" and that thereupon Mrs. Killy pointed it out in the corner, and bid him "go and take it," which

Reid did, and went away, "saying no more." Now, it will have been observed that Reid in his confession avers that Killy was not present when he went for the iron; and that such "going" was on the morning of the murders, and not on the evening before. From the discrepancies between the "evidences" of Killy and his wife, and from the remarkable reference of Killy to his wife as the party "who could tell all about it," it is not difficult to believe this representation to be true. Be this as it may, however, all we wish to note here is the *improved* character of Mrs. Killy's testimony. If that remarkable expression, and that remarkable action of Reid's with the iron, really took place, it is singular how Killy and his wife should have forgotten all about it on their two first examinations. If they did not occur, it was too bad to say so; for even a murderer ought not to be convicted on false testimony.

Another remarkable fact in connection with this case, is that one witness, Joab Sheard, deposed that Reid had a grey coat on before he went to the house of the Wraiths. That grey coat, however, figured but once. It was heard of no more afterwards.

Another fact of a similar kind was deposed to by Henry Clark, servant to Mr. Ingham, the magistrate. He deposed to seeing Reid (Clark's residence, "the new Lodge," with a black hat on. Of this witness we heard no more after his examination; but at the first trial one Benjamin Oldroyd was adduced to show that at half-past two Reid was three miles from Wraith's house, on his road home, when he had a cap on.

And in this review of the extraordinary parts of the circumstantial evidence, it would be unpardonable to pass over the many facts which the poor unfortunate "piece of garter," found in M'Cabe's hat, has been made to play. First, it was adduced as evidence against him; but two respectable manufacturers and merchants knocked that evidence on the head, by showing that neither the wool, the spinning, nor the knitting were the same as that found on the leg of the murdered girl. On the first trial, it was Sergeant Wilkins's cue to clear Reid by making M'Cabe (not then on his trial) appear as the guilty man; and to this end, he laid great stress on the fact of this portion of a garter corresponding in appearance with the one Caroline Ellis had on. To show that this evidence was worthless, the prosecutor adduced Mr. Joshua Ellis to prove that the two garters were not alike either in fabric, width, or spinning. When it was determined to put M'Cabe on his trial, this same immortal garter was made to play another part. It was now again evidence against M'Cabe; and this said prosecution put into the box a female witness to prove that the two garters were alike; and that "they had been worn as pairs"—though "for the credit of her establishment she would not allow two such garters to go out as pairs."

The reason why we call attention to these matters now is, while the whole case is fresh in the public mind, to mark the character of mere circumstantial evidence; to show that by its means, without due caution, even the innocent may be pronounced guilty; and thus to teach to all the important lesson that in cases depending on mere circumstantial testimony, every fact ought to be weighed both *pro* and *con*, and the evidence subjected to every possible sifting.

We cannot conclude without calling attention to the *bunglings* manifest in the "gating up of the case." With every disposition to accord praise where praise is due, it would be a dereliction of duty to pass over neglect or inattention to the common requirements of office. In such an extraordinary case as this, such defects ought the more especially to be pointed out, that they may be avoided in future, should there unfortunately be a necessity for tracing out the perpetrators of a murder.

The great defect in this case cannot but have been observed—the *backwardness in making search*. M'Cabe was apprehended on the evening of the murder, as a principal. It was known that property had been removed from the premises. Money was gone; a watch was gone; M'Cabe had been home between the time of the murders and the time of his apprehension; yet his house was not searched before the following Saturday. If there was ground for apprehending M'Cabe on such a charge, there was also ground for an instant search of his dwelling, before any one connected with him could have removed any property that might have been concealed there.

Again, Reid was apprehended early in the morning of Friday, the 14th of May. His dwelling was not searched for some time after; and all that was taken away was Reid's basket, with a piece of brown paper. Another search was made on Tuesday, the 1st of June, when the "plaid cap" that Reid wore on the day of the murders was found. Now, it is almost certain, that had that house been properly searched when Reid was first apprehended, "evidence" would have been found to "fix" the crime on him conclusively; "evidence" worth a thousand Benjamin Mortons. Reid says that he "planted" Mr. Wraith's watch between the spars and the sashes of his dwelling. A search would have resulted probably in the finding of that watch. This would have been conclusive. The soldering iron and the watch would have convinced even the first jury. But then it must have been a search that so resulted: not a mere looking into boxes and drawers, but a thorough search in every part. Had the constabulary in Lord Wm. Russell's case contented themselves with a mere superficial "search," would the evidence to implicate Courvoisier ever have turned up? The search was minute—systematic—continued for days together; and at the end of all, almost when hope had fled, the "evidence" was found. Strange to say, it was a watch and other trinkets that fixed the crime in that case. What ought to have been done in this case was this:—as soon as Reid was apprehended, the house should have been taken possession of by the constables; every one prevented from leaving it, or at all events prevented carrying any thing away till a thorough search of the whole place had been made. Had this been done, in all probability the watch would have been found. What a different aspect the case for the prosecution would then have presented!

Again: the well on the premises was not searched for seven days after the discovery of the murders. By far the most important piece of evidence was found in that well, but became, through this neglect, liable to strong observation. Tens of thousands of persons had been near it before it was searched; and it was open to the suggestion that the instrument might have been placed there by some one maliciously disposed. In this matter there is the less excuse, for John Howarth, the Mirfield constable, proposed immediately to have the well searched; but for seven days it was neglected. We know not by whom Howarth's proposal was overridden; we only note the fact.

These are omissions and defects in the preliminary inquiries, wholly unpardonable. The guilt has certainly been brought home to the proper party at last; but through these bunglings, he had well nigh escaped; and even now, that the condemnation has been secured, there is strong presumption that it has included within it an innocent man!

This case has truly been a remarkable one. It was remarkable in atrocity; remarkable, for the time of its perpetration; remarkable, for the story told by a man who avowed that he had been on the ground at the time of perpetration; remarkable, for the defects of the authorities in not prosecuting sufficient and timely search; remarkable, for the escape of the murderer on his first trial; remarkable, for the admission, as a witness, of the party first charged as principal, and then afterwards placing him on his trial; remarkable, for the condemnation of that man, after the judge had summed up so strongly in his favour; remarkable, for the *litus* of defence taken by counsel when in possession a knowledge of the guilt of his client; remarkable, for the confession so full and so explicit, of one of the condemned, which went to clear the other; remarkable, for the dying protestation of his condemned companion's innocence on the part of the man executed; and remarkable also for the wide-spread interest which the whole case has excited, and for the numbers which crowded round the gallows at the execution.

LOCAL NEWS.

LEEDS.

GRAVE YARDS.—A writer in the *Times*, speaking of the over-gorged grave-yard that surrounds the church of old St. Paucras, calls it the "Valley of the Shadow of Death." This expressive appellation may not unfitly be applied to some of the church-yards of Leeds which it has been so difficult to get closed, and to keep closed; but thanks to the Town Council, that object seems now in a fair way of being obtained. On the subject of burying in churches, the same writer says that the catacombs beneath the new church, though less repulsive to the eyes, are equally destructive to health and human life, the poisonous effluvia of which rises to vitiate the atmosphere, and to repeat the cruelties ascribed to Mezentius.

APPLICATION TO ADMIT MR. BLENKINSOP TO BAIL REFUSED.—An application has been made to Mr. Justice Coleridge, at his Chambers, in London, to admit to bail Mr. Alexander Blenkinsop, who was tried at the recent assizes at York, for uttering a forged bill of exchange, and found guilty, subject to the opinion of the fifteen Judges. His Lordship refused the application, observing that the case was an aggravated one, and as no long period of time would elapse before the point reserved in the prisoner's favour could be argued—namely, in Hilary Term, which commences on the 11th instant—there would be no hardship.

ALARMING OCCURRENCE.—On Saturday morning, the inhabitants of Islington, Holbeck, near Leeds, were thrown into a state of alarm by observing a considerable quantity of hair and blood upon the gate-posts forming the entrance to the road leading to a disused coal pit, situated about ten yards from the Leeds and Elland-road, near to Islington. Upon examining the spot, several stones were also found stained with hair and gore, and drops of blood could be distinctly traced along the whole of the path leading to the coal pit. A short distance from the pit, a pool of blood, and several bludgeons cotted with gore and hair, were discovered. There were also other indications, as if some unhappy victim had here made a last moral struggle for existence. On further examination, the fence around the pit was likewise stained with hair and blood, as if the victim had been violently dashed against it. As might be expected, the most horrid apprehensions began to prevail, it being evident to all that a most foul and unnatural murder had been committed. The excitement was increased by the rumour that an individual of the name of Samuel Carlton, residing at Beeston, who had left his home on the previous Thursday, had not been heard of since. In the minds of the people the cause of his absence was now accounted for; nothing, to them, was so natural as the conclusion that he had been murdered and robbed, and that the perpetrators of the foul tragedy had cast his body into the coal pit to escape detection. Mr. James, the indefatigable superintendent of the Leeds night-police, was sent for, and on his arrival finding that the appearances accorded with the statements that had been made to him, he applied to the Mayor (F. Carbutt, Esq.) and obtained his permission to erect a scaffolding round the mouth of the pit, in order to its being searched. The preparations having all been completed on Sunday morning, thousands of persons flocked to the spot. Mr. James, with his assistants, soon arrived, and a man was lowered to the bottom of the pit. The apprehensions of the spectators had now reached a most painful state of intensity. After a short interval, the man at the bottom of the pit gave the signal to be drawn up; the excitement was at its height—scarcely a breath could be heard. At length the man appeared, bearing up with him the mutilated remains of—a large dog, whose brains it appeared some miscreants had knocked out, and afterwards thrown the body into the pit. Carlton has since turned-up, not from the pit, however, but from Kirkstall, where it appears he had been enjoying himself with some friends.

ACCIDENTAL DEATH.—On Saturday, an inquest was held at the Court-house, before Mr. Blackburn, coroner, on the body of a boy named James Wood, eleven years of age, son of Robert Wood, a labourer employed at the Marsh-lane station of the Leeds and Selby Railway. It appeared that on Thursday week deceased was sent with his father's dinner. After executing his errand, the father thought that the deceased had returned home, but in a short time after, while some men were running six coal waggons into the station, Wood heard loud cries of distress, and on going to the spot, he found that they proceeded from one of the waggons for the purpose of riding into the station, and to have fallen off. The waggons passed over his left leg and right arm, fracturing both. He was removed to the infirmary the next morning, where he lingered until Saturday, when death put an end to his sufferings. Verdict accordingly.