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THE MIRFIELD MURDERS.

This day, in all human probability, will close the scene of life on him who has confessed to the perpetration of that triple murder which, in the month of May last, filled all minds with horror, and not a few with alarm; and which, from its committal to the present time, has been a subject of almost universal interest. few remarks, therefore, on the whole case, and especially on the trials and conviction of the murderer, will not be inappropriate. We have no desire to feed that morbid appetite which seeks up and devours with avidity every horror connected with such a monstrous atrocity; on the contrary, as journalists, we reprodute such a spirit and such a practice. But there is about this awful affair, and especially in the manner in which justice has been brought home to the actual perpetrator, a great lesson, which frail humanity will do well to note and learn. How truly too it has been said by Israel's poet-" In the midst of

life we are in doath!" The universal experience of mankind teaches this hourly; but there are occasions that bring the truth home to our hearts with irresistible force. Such an occasion was the one respecting which we write. On the 12th of last May the little family of the Wraitlis, with its apparently few and simple cares and wants, arose to prosecute its wonted round of life: at noon, while in the act of partaking of its frugal meal, death, dealt by the murderer's hand, and in the most ruthless and horrible form, overtook the whole! Not a soul was left to tell the tale. At noon-day, in the midst of a scattered but teeming population, both old age and youth perished —being literally hacked in pieces in the hitherto safe and peaceable home. That some demon in human form had been at work was at once evident: but the difficulty was to find out who. At length investigation turned up a clue; by following the at first but slender thread, a stronger cord of evidence was found; and by still following this up, a conviction was obtained, which has since been perfectly justified as far as regards one of the convicts, by his own clear and ample confession. From the very nature of the case, the evidence to convict (in the absence of confession), could but be circumstantial. The human

eyes that had seen, were closed in death; the ears that had hear.t, were past the power of hearing more; the tongues that could have lold, were randered silent by the death-dealer to ensure his own safety. Every fact connected with the horrible atrocity showed that the perpetrator had calculated—had cared for his own life, while so profusely reckless of others. He went armed with a formidable weapon; went at noon-day, when interruption was least to be apprehended, and when the contemplated victims were all but certain to be at home, and attention engaged. He made short but certain work of it; dealt blows that would have put a dozen people to death; and then, "to make assurance doubly sure," used a sharp cutting instrument so as to render apprehended recovery perfectly impossible. And in escaping from the awful scene itself, even calculation is observable. The windows that looked on to the bloody work were closed; the door was locked; the weapon that had been taken to the house was removed, and only those left that might have been used by the inmates themselves had any one of them been the murderer of the other two, and self-murderer at last. All this shows calculation—shows precaution for the individual safety of the calculator; and it rendered detection very difficult. Indeed, had the calculation been equal all through to the end; had the same power of calculation been exerted when that fatal weapon was thrown into the well on the premises, as is observable in the former acts of the tragedy, detection would have been all but impossible. But THERE the calculation failed. The very desire to remove out of sight the evidence that would convict, led the murderer to place it where it was almost certain to be sought for! The fear of being observed leaving the premises, and of being apprehended with the bloody weapon in his possession, led him to cast it into the very spot that of all others was almost certain to be searched. And thus did this murder "speak with most miraculous organ;" thus was the main link of that chain of circumstantial evidence

truly to try," to be quility: two, in consequence of that verdict, lay under santence of death, though one is for a time respited, to enable certain inquiries to be made which it is expected by some will establish his innocence. All this is true: and that truth reads to us a most serious lesson. It tells us to beware how we substitute feeling for evidence, especially when human life is at stake. It tells us that we ought to examine well all mere circumstantial evidence, and

see that no one point contradicts another; and that the whole points

found, that in the end led to the conviction of the actual per-

But two parties have been convicted, two parties on that circum-

stantial evidence have been pronounced by a jury, sworn "well and

petrator, whose life this day, in all probability, pays the forfelt.

to the accused, and to them alone, as the guilty parties. It has been said that circumstantial evidence is the best kind of evidence, when it is clear and conclusive: but then to warrant a verdict of "guilty" it must be clear and conclusive—entirely free from doubt. A mere feeling of vengeance in these matters ought not to be gratified. It is not rengeance but justice that has to be satisfied. There is, we fear, little justice in those unreflecting observations that are, unfortunately, indulged in on every hand in reference to Michael M'Unbo's case, "that he certainly ought to be executed;" "that he must be as guilty as the other"—and many even worse than these. It is a wild unreasoning spirit of revenge that prompts such talk. If M'Cabe be really "guilty" he ought assuredly to suffer the consequences; but if he be innocent " of all art or part in the crime," his execution would be as much a murder as were the

The man who avows that his own arm alone dealt the deadly blows

—that his own hand alone was concerned in the work of death; this

man declares that M'Cabe is entirely innocent. What reason have

we to doubt the truth of that statement? What motive can we

deaths of the poor unoffending victims themselves.

suppose Reid to have to save M'Cabe? It can have no effect in prolonging his own life. That life he does not owe to M'Cabe. If THE TRUTH (according to Iteid's own confession) would have convicted Reid in July last, M'Cabe would have convicted him. He was put into the box against Reid. He deposed to precisely such facts respecting Reid as the latter has confessed to. Then why should Reid wish to shield HIM from harm? Where can a motive be predicated? It is impossible to imagine one. Then why should we be inclined to disbelieve it, when that confession harmonizes with M'Cabe's own story—and when no part of the evidence on which we it was when they were both in custody and placed in the dock before can rely contradicts it? The fact is, that M'Cabe has brought a strong feeling of suspicion on himself, by his strange attempts to Reid; after he had seen him as it were traced into the house; explain away what he saw and heard when he was at the door of Wraith's house, and to assign a reason why he did not speak of those sounds and sights until he heard that murder had been done. This it is that has placed M'Cabe in such extreme jeopardy; but oven this is reconcileable with the idea of his innocence. This notion is no new one with the writer of these remarks. He and therefore if he had even disguised his knowledge of that fact has had full opportunities of judging. He was on the ground at the jup to that particular period, the burgain made with him for his very first inquiry—sawtheawful sights before any thing but the bodies | evidence should clear him of all legal consequences. If he be not

whole of the first trial. He has thus seen the case slowly develope itself, and knew during the progress of inquiry the pinching points. On the 12th of June, after that examination at Dewsbury, at which the soldering from was first brought home to the convict Reid, the | hangman without the fullest assurance of their guilt. When so following observations on the case as it stood were made in the many persons designate all hangings "judicial murders," the Exefirst edition of the Mercury, but were then removed partly for cutive must so far defer to public opinion as to guard against the want of room, and partly from a doubt as to the propriety of discuss- execution of a man without very good grounds, "according to the ing in the press the guilt or innocence of parties yet to be tried. We law." We do not now string them up by twenties and thirties at a reprint them now, as showing that the Mercury then took the correct | time! We are becoming more chary of human life; and it is to be view of the case, as facts have since proved, and as also supplying a hoped that in this case it will turn out that justice may be satisfied reasonable answer to that unreasoning thirst for vengeance which without the strangling of M'Cabe. we both deplore and condemn. In the first edition of the Mcreury of June 12th, the following appeared:-"It will be seen by a report of the examination of the two prisoners, Michael M. Cabe and Patrick Reid, before the Dowsbury bench of Magistrates, on Saturday last, that evidence of a very serious nature has been adduced against the Intter prisoner; for it brings the dreadful crime with which he is charged more closely home than is consistent with his

own safety.

of the Wraith's, at the very time the murders were either being committed, or were but just over. The marks found on his old slive and on his stocking, and which were at first thought to be blood, have failed to be proofs against him,—no signs of blood having been manifested when chemical tests were applied. It is true that on his coat (the old brown one) a single | speck of blood has been found; but this was a mere speck on the sleeve, and if the fact related by the prisoner to account for the spots of blood said to have been found on his basket be correct, it would go to account for the small single spot on the sleeve of his coat. "Ilis story, which is one easy of corroboration or of contradiction, was to the effect that on Friday (or the Friday week before the murders were committed), he bought two sheen's heads and two shuep's hearts of a butcher in Custlegate, Haddersfield, and that he carried them home to Hightown in the basket on his head. If this be true, and its truth can easily

"With respect to M'Cabe, the 'case' has not advanced.

The strongest evidence against him is that furnished by his

own improbable story of what he saw and heard at the house

be ascertained, and probably will be by those who are entrusted with the getting up of his defence; if it be true that he did so purchase such articles, and carry them for so many miles above his person, the wonder is, not that his basket should be slightly smeared with blood, and a single 'drop' or speck on the sleeve of his coat. but rather that more is not found in both places. With the exception of this 'single speck' on | the brown coat, no other evidence has yet been adduced seriously affecting Al'Cabe. "It has not yet been shown that he and the prisoner Reid were intimate with each other—likely to act in concert together. It has not, as yet, been shown that they ever were acquainted with each other; nay, they have not jet been shown to have everspoken to each other; and still, to establish the fact that they were connected together in committing a series of the most barbarons and atrocious murders ever recorded, such a

proof of intimacy is indispensable, when the whole evidence is circumstantial, and all direct proof is absent. It is plain that the murders were premeditated. Let the perpetrator or perpetrators be whom they may, it is clear that calculation beforehand had been made. The time chosen for the deadly work alone shows this; and it is also inferable from the mode of attack, and from the preparation made for such attack. All this shows premeditation, arrangement, cold-blooded calculation. It two were concerned in it, they must have arranged | indignation and disgust of an honourable mind, has yet the hubeforehand—they must have talked together—concocted together—approached the ground so as to be ready for their work together; and then each to act his part-either that both should be engaged in direct acts of murder-or that one should keep watch outside, until the other did the butchery inside. But then this concoction and arrangement must have spring out of close intimacy. The parties so arranging must not have been merely acquainted—casually seeing each other, and merely accosting or speaking when meeting. A man contemplating a murder is not apt to speak of it, and divulge his actual intentions to a mere casual acquaintance. His revengeful feeling—where his dark deeds are prompted by that loose passion-may so far get the better of his judgment, as to lead him to utter threats and dark invendos against his contemplated victim; but the most unguarded will not publish beforehand his actual intention and his plan of operation to one whom he sees only occasionally, and to whom he is only on speaking terms. Two persons concocting a murder must possess such a knowledge of each other as to make them morally certain that they can confide in each other. Each one knows that he is entrusting his life into the other's keeping; and no man will do this without he has some grounds for believing that he can do so safely. Such a belief does not spring un spontaneously. Long association, close intimacy, and some test of confidence is generally required, ere we can find mou disposed to trust weighty secrets into each other's possestion. As yet we see not even a common acquaintanceship between Michael M'Cabe and Patrick Reid, to say nothing of that intimate friendship so necessary to beget so confiding a confidence in each other, as would lead them to concoct and perpetrate a series of crimes which rendered their lives a forfeit to offended law. And here the chain of circumstantial evidence is deficient in a great connecting link.

story that he told: we say improbable, not impossible. It is pussible for M'Cabe to have acted in the manner he states; supposing him to be entirely innocent of all pre-concerted arrangement. "From the evidence of the Lockwoods, it is certain that he approached the house of the Wraiths some 20 minutes after Reid had passed the same point. That time would suffice for all to be done in the house that was done. And, if the story of M'Cabe that the shutters of the kitchen window were closed be true—a fact which, as the sun was shining on the window, he could see as he approached—it is probable that the main of it was over before he got there. Arriving thus, hearing and sceing all that he details, was there unything in what he saw

"In the absence, then, of evidence to show this intimate

connexion between M'Cabe and Reid, there is nothing to im-

plicate the former in these transactions but the improbable

and heard to induce the suspicion that murder had been committed? It was mid-day—the party in the house after a time answered the door, which he would do for his own safety, and would probably not have hesitated to add another murder to his list if he had seen danger to himself in the vicitant,—and. though the sights and sounds were unusual, still was there anything in them alone to raise the idea that murder was going on? " It is true that what M'Cabe saw ought to have induced him to give an alarm, or at least to have mentioned it at the first house he came at; and it is the neglect of this that renders his story so improbable. But who is it that pronounces this story

to be improbable? Englishmen,—and why? Because an Eng-

lishman would have been certain to have acted differently. An

ings and his fears 'that all was not right,' at the first opportunity. But are we perfectly justified in judging an Irishman by the English standard? It would hardly be fair. There are many things in which an Englishman would act with energy and speak out, where an Irishman would hesitate and be dumb; and there are others where an Irishman would be far away a-head, ere the Englishman could make up his mind to move! Adopting the hypothesis that M'Cabe's story is the correct version of a very foolish man's foolish act, how consistent with that story all his subsequent conduct becomes. He goes to a dwelling within a few hundred yards of the house of the murder, and sits down, and coolly smokes his pipe! Would he have done so, had his hands been reeking with the blood of his three victims? Would he not have wished to be off the ground as fast as he could, for fear the discovery of the murder inight be made while he was on the spot? If he could act thus, aftor being engaged in such a manner, he had nerves like iron, and such rare command over his teelings, as but very few, if any, men possess. From Mirfield he goes to Charles Flint's, at Robert-town; he there betrays no trepidation, 'does not appear Hushed;' and when he hears of the murders—acts a part not at all in accordance with the part he acted at Mirfield, if he was a murderer. There he could suppress his feelingskeep cool-smoke his pipe. At Robert-town, when the fact of murder is named, he sets to work with his tongue—tells the story that he has been at the house—that he had heard this and seen that. Whereby he directs suspicion on himself. And yet, when he is aware that a messenger has been despatched to tell the authorities of his revealments, here is no attempt made to escipe, but he makes his way towards the very spot where the murders were committed, and where inquiry is being conducted! He is apprehended before he gets there; and how natural and clear is his exclamation, (on this hypothesis). 'I see where I have missed it: I see where I have missed it; I see where I have missed it. If I had given an alarm, the man would have been taken; now he is gone, and I am here.' There is one other expression of his deserving of a passing notice. He states that while the man held the door some 3 or 4 minutes.

he 'saw lots of blood.' But then this expression is evidently

relative. His own accounting for the blood he saw, that ' he

thought they might have been killing a fowl,' shows that the

'lots' he saw were relative to the 'lots' which would fall from

a fowl, which he knew would be but small, compared with the

quantity that did lie on the floor beneath the body of the mur-

dered girl, and which he could not have seen, unless he was

himself within the door. He could see, when the door was

open the apace he speaks of, as much blood sprinkled about as

he has himself compared his 'lots' to; but he could not see

escape the attention of the most casual reader; and the want

therein spoken of, as necessary to bring a guilty knowledge home

to M'Cabe, has never yet been supplied. There was an attempt

made at the last trial, where a woman was produced to show

that she had seen M'Cabe talking that same morning of the murder,

How these remarks coincide with the confession of Reid, cannot

more unless he passed within."

testimony.

with "a man in a green coat;" but the attempt was an utter failure. It never yet has been shown that the two parties even knew each other, a fact which there could have been no difficulty about had it been known. It is clear too that the view of the case expressed above was taken by the Dewsbury Magistrates, who did not commit M'Cabe for trial. These Magistrates would of course act under the advice of their clerk, who was the prosecuting attorney at York. That attorney must also have believed in the truth of M'Cabe's representation: for he advised that he should be admitted as a witness against Reid; and he was accordingly so admitted. At the first trial it is now pretty certain that M'Cabe told the truth as it affected Reid at the house of the Wraiths: and he was only hampered with his former attempts to account for what he had seen and heard. He was unwise enough to deny the main portion of these:

and thus enabled counsel to thrown discredit on the whole of his

accord with the "new" evidence adduced at the last trial, parti-

cularly that of the little girl. This is true: and that "evidence"

But then it is said that both M'Cabe's and Roid's stories do not

is the most painful part of the whole judicial proceedings. In the first place, how came such important testimony, if it was true, to be kept back so long? Why, what that little girl deposed to, was what was wanted from the very first! It was all-important. The inquiry was in every mouth " Who has been near this house;" and this girl and her parents knew these men had been there logether, and yet kept that knowledge to themselves! At length both of them are apprehended: the whole country side is acoured for "evidence" to show them connected, and to trace them on to the spot; and yet this little girl and her parents who could do this conclusively, never "show." At | longth, after a trial of two days, one of them is acquitted, even though the other had been admitted evidence against him. Then for the first time do we hear of this " new" evidence: and when it is at last produced, it is of such a nature as to be totally at variance with, and opposed to, the other facts, as deposed to by many other witnesses, besides being wholly improbable. It was manifest that the Judge at the trial did not believe one word of it. Well did he ask, "Whatever could the parties be doing in the garden, airing themselves under the apple tree, in the most exposed situation on the promises, after having been engaged in three murders?" Then see how they would have had to go to get there! out of the kitchen door, through the back yard, round the back of the house, and through two outer doors, one of which was fastened on the inside when the youth Green got to it; and he had to get through the garden edge to the front door, | where he saw the blood running under; yet the little girl saw the two men pass through that door, out of the garden. Then each of them, she said, had a basket on his arm as they stood under the apple tree. M'Cabe had a clothes basket filled with heavy pots, and without orose handle; it could not therefore be hung on his arm. Then M'Cabe was, according to this little girl, passing up the oat-field when he was known to be in the house of Mary Smithson, smoking his pipe. It is almost as clear that Reid never was in that oat-field: for it is in the opposite direction to that he is known to have gone. We repeat it, that little girl's evidence is the most painful part of the whole judicial proceedings. We know, unfortunately, that the young

have the benefit of that belief. No doubt but it will be urged on some hands, that even if M'Cabe is not guilty of "aiding and abotting," he is an "accessary after the fact," inasmuch as he kept back the name of Reid, whom he had seen in the house, even after he learned that murder had been committed. But there is no proof that he knew Reid by name, or even by person. On the contrary, Reid says that when he opened the door to M'Cabe's knocks, he "thought the man (M'Cabe) would NOT KNOW HIM, or he would have murdered him too." And remem-

of deceiving itself; and sometimes capable of deceiving others.

And this is the main evidence on which the verdict of "guilty" has

been passed on M'Cabe. Surely, after the confession of Reid, who

has now no reason to keep back the truth, it ought to be thoroughly

sifted. Let that evidence, the Judge's charge, and Reid's confession

be taken together, with such additional facts as may on inquiry still

turn up; and if the result be a belief of M'Cabe's innocence, let him

Dawabury examinations, excepting onc-and sat throughout the Reid's confession is a true one, which we see no reason to doubt. Of course, the case will receive every attention on the part of the authorities. The respite is an assurance of that. The time has come when human beings cannot be hurried into eternity by the common By the time these remarks are in the hands of many of our readers, Reid, in all probability, will have gone to his account! In the pre-

> other noticeable facts in connexion with this most extraordinary case. THE MIRFIELD MURDERS AND MR. SEYMOUR'S DEFENCE OF REID. - (From the Examiner.) - The perpetrator of one of the most atrocious crimes on record has been found guilty and sentenced to death. The verdict and sentence included an innocent man; but Mr. Justice Patteson, who had anticipated, in one of the clearest and most acute summings up of evidence that we can re-

sent state of the death-punishment question, there is no hope that his

member, every material fact in the murderer's confession, has lost no time in undoing what he had done with constrained reluctance. M'Cabe is respited and Reid left to his well-merited doom. That the penalty of blood has not been evaded in this case, we have not to thank the law. Society owes its protection to the enormity of the outrage committed against it. If one person only had been murdered, the murderer must have escaped. But the crime admitted of three separate indictments; and, the first having failed, the second proved happily efficient. We have here another striking illustration (the fourth made public within the last month) of the necessity that exists for a Court of Criminal Appeal. In the course of this single inquiry, not only did the innocent incur judgment of death, but the guilty effected an escape; and means of correction or redress were in neither justance provided by the law. In our last week's mention of this case we pointed out that the statements made public as to Reid's confession, if correct, involved his counsel in the guilt of having sought to fix the charge of murder on a man whom he knew to be innocent. Mr. Digby Seymour has replied, in a letter to the Times, that our imputation is not well founded; but that if it had been, he is prepared to justify the conduct imputed "morally and professionally." Mr. Digby Seymour, when next the innocent and guilty shall be placed in the same dock charged with the same murder, and the guilty shall have duly paid him to the extent of three, five, or ten guineas, avows himself perfectly ready to listen to a full confession of the crime, and afterwards use all his energies "to throw the whole guilt" on the innocent, "if the evidence by which the jury are bound to decide warrant such a course;" in other words, if the evidence be such as shall enable Mr. Seymour to do it effectually. The Times, remarking on this avowal with the manity to suggest that Mr. Seymour may be not quite so black as he has chosen to paint himself:— "What would have been his line of conduct had this gentleman succeeded in his defence, and procured an acquittal for Reid, and an adverse verdict against M'Cabe? Would he, knowing M'Cabe to be innocent, have allowed him to die upon

confession to the proper authorities in order to save M'Cabe's In the special circumstances of this case Mr. Seymour could have done no such thing. If he had succeeded in his attempt to free Reid and fix the crime upon M'Cabe, he must, to continue his duty

to his client, have sent M'Cabe to the gullows. Reid was still exposed to a third indictment. The avowal of his guilt, to intercept the death of the innocent, would at once have placed the rope round his neck; and, as Mr. Seymour asks with an air of tender reproach, if a prisoner confesses his guilt, or makes admissions which tend to criminate him while they acquit his fellow-prisoner, is his counsel to hurry into the witness box to ruin and betray him?" course not. Mr. Seymour's business is not to ruin and betray the man that has paid him, but the man that has not. Being ourselves less perfectly instructed in this code of professional morality, we Ba have a fixed, though it may be a very ignorant persuasion respecting it; for example, if it had received its natural consummation in | 18 M'Cabe's death, we hold that Mr. Seymour would have richly deserved to swing from the same gallows. The assassin client is content with one murder. The counsel who becomes accomplice after the fact, for the purpose of destroying the innoceut, takes the penalty of a double murder on his soul. After further strong but very just remarks on other points in Mr. Seymour's speech, the Examiner concludes as follows]:-

benefit from counsel, provided the presumption of his guilt is of a strong kind. We have done no such thing. The path of an honest | be advocate seems to us quite plain. If he believes his client to be guilty, it is his first duty scrupulously to refrain from criminating others; and his next, to take care that guilt is not declared on any but sufficient grounds. We are quite content to see the guilty escape, if the legal evidence of guilt is insufficient. It is for the benefit of an society, we think, that the counsel should even represent the client from whom he has taken a fee-to the extent of giving him every advantage of his knowledge of law, of his skill in sifting evidence, of his means of giving due significance to facts—but not to the extent of lying for him, far less of making false charges against others, or of blackening the character of witnesses whom he knows to have been speaking truly. This cannot be the advocate's duty. It is idle to any that a prisoner would lie for himself, and therefore his counsel must not scruple to lie for him. To commit a falsehood is the right of noman; and society is bound to prevent it as far as possible, 1.2

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Englishman would have been sure to have spoken out his feelinoufficient as its limited opportunities may be. We not only believe this to be the proper course of an advocate, but to be the practice and rule of professional conduct with all honourable men. It is because we know that the doctrines and conduct of Mr. Seymour will be revolting to as many within as without the profession, that we should be glad to see them publicly disavowed.

mind will at times conceive strange phantasies. It is often capable

ber that when M'Cabe first saw Reid after being at Wraith's door, the Magistrates. After M'Cabe had heard the evidence against after he had seen the soldering iron brought home to Reid; after this, acting under the advice of his legal adviser, he volunteered a statement, which statement was accepted by the authorities; the condition being that for it, M'Cabe should have his liberty. In the box he spoke the truth, as far as seeing Reid in the house went; had been moved—heard M'Cabe make a statement—heard all the kept faith with now, the whole case against him will be one which evidence adduced at the three sittings of the inquest-attended all the | can hardly be characterised. We say this on the presumption that

> life can be spared. There is every probability that we shall in the next Mercury have to record the fact, with such particulars as may occur thereon; and we may take the occasion to remark on one or two

the scaffold? We presume not. Mr. Seymour, we suppose, would have stated the fact, or written an account of Reid's

It will be said that we have argued against a prisoner receiving any