

plate of copper,) for each bushel of wheat; add as much water as is necessary to cover the grain, stirring the solution well. Soak the wheat two or three hours, and dry it with plaster before sowing.

In regard to fertilizing steeps, we do not know that we can add anything to the suggestions given in our May No., page 158, to which we would refer those wishing to make experiments of this kind.

GLOUCESTER ASSIZES. TRIAL FOR MURDER!

Thursday, September 4, 1845.

The very important trial of the homicide of ALEXANDER ALEXANDER, which took place at New Dunlop Settlement, in the Parish of Beresford, on SUNDAY, the 29th day of June last, came on this day, before MR JUSTICE PARKER, and the following Jury:—

JOHN BROWN, Foreman,
Alex. Pentland, John Kerr,
Connor Egans, W. Bowser,
W. Stevens, Jun., Christopher Lockhart
William Barry, James McLean,
Robert Brown, William Hall,
Edward Jennings.

WILLIAM END, Esq., Q. C., acted under a Special Deputation for the prosecution; and

JOHN A. STREET, Esq., Q. C., with whom was T. DESBRISAY, Esq., for the prisoner.

The Jury were sworn in the usually solemn manner; and it is creditable to the Sheriff of the County, that so judicious and impartial was he in the choice of a panel, that not one challenge was made by the prisoner.

Mr END, who conducted the prosecution as Queen's Counsel, opened the case to the Jury, stating that before reading the Indictment, he should "ask the serious attention of the Jury to the most important and most awful trial, a trial involving the life and death of a fellow-man. No reasonable beings should approach a question of this nature, without deep feelings of that terrible responsibility under which they are placed. If it should appear that innocent blood has been shed, assuredly that blood is calling to Heaven for vengeance, and the land must be cleansed; and neither he as the prosecuting officer, nor they as the Jury, should shrink from the performance of any duty to which they are called by the laws of God as well as by the law of man. Ancient, as well as modern history, presents numberless examples of men, unenlightened by the Christian Religion, sacrificing every feeling to a sense of duty. He would then ask whether it would be right that Christian men should flinch, or that any feeling, except a deep sense of duty, should govern the views or the conduct of men who this day were to be engaged in supporting the supremacy of the law,—not the mere arbitrary law of man, but the revealed law of God.

He did not make these remarks to prejudice their minds; it was rather to remove prejudice; and while he called upon the Jury also to remember the merciful spirit of the law under which we live, which declares that a doubt in favor of the party accused must be received as a proof of his innocence,—he would remind them that the doubt must be a reasonable one; and it was with a great degree of satisfaction that he saw the unfortunate prisoner attended by Counsel which, without flattery, were second to none in the Province, for zeal, ability, and experience. He fervently hoped that they might succeed in establishing the innocence, or mitigating the guilt of the prisoner. For his part he was determined, as the responsibility of the prosecution devolved upon him, to do it every justice in his power, and to bring every fact of the case, as well for as against the prisoner, in the simplest and plainest manner, under the consideration of the Court, the Jury, and the public."

Mr END then read the Indictment, which consisted of three Counts; and explained to the Court and Jury, that in framing the Indictment, he considered these counts necessary, not being able to shew that any lead, or other hard material had been discovered in the body of the deceased. He then continued:—he said that the first witness he should call was Mr McNeill, a Surveyor, whom he had sent to the place where the homicide was committed, to make an accurate plan of the neighbourhood, according to a scale. He intended by this witness, he said, as it were, to place the Jury on the very spot, and shew them the relative distances of all the stations or points where anything material to the matter in question had occurred. In order still further to inform them on the subject of distances, which, he would warn them, was most important to the right understanding of the case, he had directed Mr McNeill to measure like distances on the street in view of the Court House, so that the Jury might not only hear evidence of so many rods or so many feet, but they might look out of the window and see the same distance. Mr END then described the place and its neighbourhood

in a manner so clear and simple, as to leave further evidence on that point almost unnecessary. He then called

Alexander McNeill—who produced a map drawn on the spot; said he had measured the distance from the spot where the deceased was shot to Fullerton's house; that it was the same as from Mr White's corner to Dr. Bishop's hall door. That the station pointed out to him by Mrs Alexander as being the place from whence she saw the occurrence to the same spot was 191 feet, or as far as from the door of the Court House to the distance of two thirds across the street; that it was rather higher than Alexander's house, and that from it the opening of the door on the west end could be seen through the window near the South West angle of the house.

Robina Alexander—knew Alexander Alexander, he was her son—knew Francis Fullerton, who is her brother. Recollects Sunday, 29th June; saw Alexander that day alive in his own house. Went to Fullerton's house on Sunday before the crime took place, once or twice; her son was with them, were all good friends; her son left before her for his home. Fullerton was in her son's house afterwards. Left Alexander and Fullerton together in Alexander's house at two o'clock, they were alone; did not apprehend a quarrel. Went on the road leading to Fullerton's house, after leaving the two together; Fullerton followed her; did not go with any intention to go to his house. Saw Fullerton crossing near the gate leading to his own house—he was walking pretty fast; went up the road then, and went towards Alexander's house. In returning from Fullerton's house, saw Fullerton coming up with a gun in his hand. When she first saw Fullerton leaving Alexander's house for his own, he had nothing in his hand; he went towards Alexander's house with the gun in his hand; he came round the South West corner of the house, and broke a pane of glass in the window. Saw Alexander open the door and come out; came round the South West corner and passed round Fullerton; was not far from him—heard no words; saw and heard the report of a gun. When Fullerton disappeared round the house, went directly down to the house; saw her son fall; was in a kind of laying posture—he said he was done for; saw blood on his face, on his mouth, and on his breast. Saw the wound was below the breast, near the navel; it was as large as a dollar. Alexander said "he has done for me now;" has no doubt who he meant; asked Alexander if the shot had struck him in the mouth; he answered "he has struck me twice when down;" two of his teeth were broken. Went to call assistance to Robert Moodie's; her son remained on the ground; Moodie and Alexander Taylor came up,—they carried him into the house and laid him on a bed on the floor. Mrs Wilson and Mrs Moodie came up; Dr. Gordon came also; remained with him till his death—died within an hour and a half. The parties sometimes disagreed—were in the habit of quarrelling and making it up again; has seen her son throw him down and shake him—this was always done quickly; there was a little altercation between them on that day. Fullerton said Alexander was mean; Alexander said "be quiet, it is Sunday." Does not think that Alexander was close enough to Fullerton to touch him; it was immediately on her son's coming out that the gun went off; swears that the gun was in Fullerton's hands when the shot took place. Does not know whether the parties were struggling for the gun or not, when it went off. Alexander Alexander is thirty years of age.

Robert Moodie lives in the neighbourhood of Alexander and Fullerton, about a quarter or half a mile off. Recollects Sunday, the 29th June: at two or three in the afternoon, heard a strange noise—it was like the bleating of a lamb,—saw a woman coming from Alexander's house—thinks it was Mrs Alexander. Went, accompanied by Taylor, to Alexander's house, he was laying on his back about 16 feet from the south front of his house,—his mother was standing close past him; asked him if he was badly hurt; he said "carry me inside. With Taylor's assistance, carried him inside and laid him on a bed on the floor.

Robert Barbour, Sen., knew Alexander; recollects and was present when he died,—lives in New Dunlop, five lots from him. Alexander was laying on a bed on the floor when he first saw him—this was between 3 and 4 o'clock; he died a quarter before five—thinks he was with him nearly an hour before he died,—found Moodie supporting him—thinks he saw his sister crying. Opened the wound to look at it—it was under his left side, about an inch in diameter, and rough in the edges, thought it was from a shot; thought on seeing it that he had not long to live—recommended him to make his peace with God. He prayed "Oh Lord, pardon my iniquities," then stopped and spat up some blood. Witness said "the blood is coming from the wound,"—Alexander said "no, Barbour, he struck me when down," and touched his mouth. Spoke of Fullerton before Alexander. Witness's son said he ought to forgive the man who did it—if he did not forgive him, he himself could not look for forgiveness to God. Alexander said "I forgive him, and may God forgive him too;" recommended him to pray to God, and reminded him of the thief on the Cross as an encouragement. Alexander answered by repeating the lines from the 15th Paraphrase—

As long as life its term extends,
Hopes blest dominion never ends;
For while the lamp holds out to burn,
The greatest sinner may return.

Witness put his finger in his Alexander's, mouth, and found that his teeth had been shattered, as if something had been broken off them. Went in search of Fullerton along with others,—went first to his own house, but did

not find him there,—was informed that he was in Moodie's house: they determined to go and detain him till the authorities came up; found him in Moodie's. Alexander McIntosh and witness's son sat down on each side of Fullerton on a chest. Moodie said, "Alexander is now no more,"—prisoner answered "aye, is he dead?" This he repeated several times,—"yes he is;" he said that he could not help it now, if he should be hanged for it. In course of some conversation afterwards, Fullerton said "the gun went off by accident." Went with Fullerton to his house to get the gun,—met Doctor Gordon on the way,—prevalled on Fullerton to go to Alexander's house to see the body; when they got to the house he refused to go in,—he stood outside and cried awhile.

Robert Gordon—is Coroner of the county and a Doctor of Medicine. Examined the body of Alexander Alexander when he first saw him, on Sunday, 29th June, between 4 and 5 o'clock. The wound appeared then like a gun shot wound, about the size of a dollar, and in the abdomen. Next day during the Inquest; examined the body, which was lying on a bed on the floor. The deceased had on two shirts, a cotton one outside, and a red flannel one inside; had a vest on, which was open. Saw an orifice in the shirt about the size of a dollar; corresponding with that perforation he found a gun shot wound in the abdomen—the shot had entered his body at right angles,—made an incision upwards and downwards, to ascertain the nature of the wound; discovered in the cavity of the abdomen a quantity of blood,—a piece of the omentum and part of the intestines protruded through the orifice,—found a large quantity of gun powder on the stomach and bowels—saw some other stuff—thinks that it was part of the shirts carried in. Internal hemorrhage caused the death, thinks that the pain was caused by the powder. Witness was sent for as a Surgeon—thinks that there must have been something besides powder and wadding to cause the wound. Saw no shot,—the cavity was nearly full of blood. Fullerton told witness that there was small shot in the gun; "that she was loaded for shooting pigeons."

Several witnesses were called on the part of the prisoner, who spoke as to general character. Fullerton was stated to be a man of violent temper, subject to strong fits of passion, "especially when in liquor;" but is neither vindictive nor revengeful; is honest in his dealings, and was to them a good neighbour. He had in his youth been a Midshipman and a Master's Mate in the Royal Navy.

Mrs. Moodie (wife of Robert) detailed a conversation had with the witness, Mrs. Alexander, the day after the crime took place. Mrs Alexander said that Fullerton came to her son's house on the Sunday, with whom he had a quarrel. She told her son not to strike him, but to bind him,—she then went out for a rope for that purpose, but could not find one; she then went into Fullerton's house to get the rum out of his way; as she came out of the house, saw Fullerton coming; she was afraid of him, and therefore went the other road to her son's house.

Mr Street then concluded one of the best managed defences ever heard in this part of the Province, by a long, powerful, and argumentative address to the jury; in which every position taken up for the Crown was forcibly combated, and all that was favorable to his client, brought prominently forward in his favour.

Mr END closed on behalf of the Crown. He said that it was not among the peculiarities of the Province, that its criminal law was administered in a spirit of vindictiveness or severity; the reverse had been the constant practice. Every principle of humanity or mercy which had found its way into the criminal code, had been at all times cheerfully recognized by the Bench, and Bar, and People of New Brunswick. He was at a loss therefore to understand why the learned counsel for the prisoner had so frequently during the trial, more than insinuated that the prosecution had been conducted with too much zeal. He would call upon the jury to remember that this was not a case in which any man could be supposed to act without a motive. It would not be supposed that he (Mr E.) was actuated by any hope, to ingratiate himself with the Provincial Government—with them, it was well known, he was in a state of political hostility. As a member of the popular branch, too, all his sympathies were with the people, and the people generally feel compassion for a party accused. As to being actuated by a spirit of professional competitiveness, he called God to witness that such a feeling was far distant from his heart, and that he should consider himself baser than the most disgusting reptile that crawls the ground, if he suffered the paltry idea of a professional victory to enter his mind on this solemn occasion. He had entered upon the performance of this public duty, with a deep sense of its responsibility; he had humbly implored the aid of that Great Being, the Eternal Judge, whose Spirit was even now watching over this issue of life and death; and he would say that he had felt a comfort and assurance that his prayer was heard; which placed him far above the paltry rags of professional competitiveness. He called upon the jury, if

they detected anything in the manner of his conducting this case, which savoured of undue severity, or a carelessness of the life of the unfortunate prisoner, to frown him down, and let him wither into nothing before an expression of their just censure. He said that he freely forgave the imputations which he could not but feel to have been cast upon him;—he had known the opposing counsel for years, and grappled with him in many a wordy war; and although his language might sometimes be harsh, he believed his heart was good, and that he would not deliberately impute that, which he would resent having imputed to himself by another.

With these remarks he would now call the attention of the jury to the evidence; and he was glad to perceive by the attention they had given to the case, that they must already understand its most material points. The learned counsel for the prisoner had cast imputations on Mrs Alexander, the mother of the deceased, and sister of the prisoner. No doubt he had been so instructed by the prisoner; and attempts had been made to nullify her testimony altogether, because, forsooth, the learned counsel detected what he called discrepancies in the statements she has made to different persons when giving an account of the heart-rending transaction. The learned counsel had said that he was surprised at her testimony. He (Mr E.) would declare that he too was surprised at it; not at its discrepancies, so called, but at its wonderful correctness. Let the jury consider for one moment the peculiar position of Mrs Alexander. Her son, the stay of her age, lies mouldering in yonder grave-yard—hurried out of this state of existence by the hand of the prisoner;—against that prisoner, her flesh and blood, her only brother, she, unhappy woman, is called upon to give evidence—evidence that must hurry him to an ignominious death. Will the learned counsel, as a father or a brother, have no mercy upon poor human nature; and will he persist in designating as discrepancies, those trivial and unimportant inaccuracies naturally resulting from this terrible event. But let not the statements of the learned counsel for the prisoner, nor yet any remarks of his (Mr E.) become testimonials in favor of Mrs Alexander; let her conduct throughout—let her conduct on this trial, be her witness, that she is formed of no ordinary clay. Few indeed there are who could so calmly and so properly conduct themselves on such an occasion. While evidently under the most harrowing feelings of hopeless grief, she gives her evidence with a quietness and a solemnity honorable to herself, and honorable to the early lessons of duty and morality learned by her in her native Scotland; the conflicting feelings of her mind seem to have pressed her into a stolidity which has enabled her thus to do her duty to God and her country. He (Mr E.) would ask the Jury to remember the insulting and degrading questions put to Mrs Alexander at the suggestion of the prisoner. She has been asked whether "she will not fall in for some property on the death of the prisoner;" conveying the insinuation that she is plotting the judicial murder of the prisoner for the sake of some thirty pieces of silver which she may inherit by that event. She remains unmoved. She is asked "whether she has not been indicted for perjury," and whether "she is not addicted to liquor." She gives to these degrading questions a calm denial. But when the question is put which reflects upon her unfortunate son—when she is asked "whether he was not the worse of liquor on the day of his death," her feelings are awakened, and she tells the learned counsel, in a tone of voice which could not be forgotten, that "her son was never the worse of liquor." Such is the witness whom the jury are called upon not to believe; she, whose conduct throughout has been marked by a degree of forbearance, calmness, and propriety, almost superhuman. Her tale was a simple one; and he (Mr E.) would now recapitulate it:—

She and the deceased were sitting together in their house on Sunday morning, the 29th June last. The house consists of but one room—being a new house, not yet divided off; on the west end, within three or four feet of the South West angle, is the door. On the south side, four or five feet from the same angle, is a window. About 11 or 12 o'clock, the deceased and his mother were disturbed by a visit from the prisoner, who, soon after his arrival began to irritate and annoy the deceased, by impudently and insultingly accusing him of being guilty of meanness the evening previous, in not producing more Rum to a wedding party of the neighbours, who had visited Alexander's house. Mrs Alexander tells you that these insults were continued by the prisoner; the deceased merely begged of him to try and be quiet on the Sabbath day. He (Mr E.) would freely admit that such insult might terminate in a scuffle; and he would ask, what man is there who would not have endeavored to rid his house of such an offensive intruder. Possibly the deceased might have threatened to punish him—there is no evidence of that fact, but Mrs Alexander states that she said to the deceased, "don't strike him; it is better to tie him and put him in the cellar."

She states further that she left the house by the door on the west end, leaving the deceased and the prisoner, whom by this time she supposed to be quieted—that she went in a northeasterly direction by their usual route towards the road, and that this was also the route towards the prisoner's house. That when she had reached the gate and was only the breadth of the road from the prisoner's house, she looked back and perceived that he had left Alexander's house and was walking towards his own—that wishing to avoid him, she had reached slowly south along the road; that she had reached a point on the road where a fence which runs east and west about 100 feet in front of the house strikes the road, when she perceived the