

THE REGISTER.

W. W. CHAPMAN, Editor. THURSDAY, AUGUST 23, 1849.

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The prisoner voluntarily stated before the inquest held upon the body of the deceased—that after he left the shanty, he went to a birch tree some hundred and twenty feet off, and sat down there for about half an hour, and that upon hearing a noise in the shanty, he fired into it. He did this to scare the persons who he supposed were destroying his goods. To other persons he stated that he was glad he had shot Guard, that he was the person he intended to shoot, and would do so again under similar circumstances.

The defence admitted, at least did not deny the killing—an attempt was made to justify, on the grounds that the prisoner was acting in defence of his own property. The prisoner's character was given in evidence, and what is rather singular the defence itself proved the prisoner's character to be bad—that threats had been made to shoot others &c.

The Commonwealth in this case seemed to be anxious that Justice should be tempered with mercy. The jury, on Saturday evening, made no distinction between the mere reckless killing and killing with the intention to kill, and placed the law on the subject, and the prisoner's rights before them, with such leniency and candor, that they must have had little difficulty in making up their verdict, which they returned on Sunday morning at 8 o'clock—finding the prisoner Guilty of murder in the second degree. On Monday the Court sentenced the prisoner to undergo an imprisonment, in solitary confinement at hard labor, in the Eastern Penitentiary for eight years.

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