

# THE DISPATCH.

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## LEIGHTON-CROCKET TRIAL

OCCUPIES FOUR DAYS OF THE TIME IN CIRCUIT COURT.

First Libel Case of Any Account Held in Woodstock.—The Attorney General and Ezekiel McLeod Pitted Against Each Other.—Many Technical Points.

In the last issue of THE DISPATCH the opening proceedings in connection with the circuit court were given.

The Queen vs. Elias Worth, the prisoner being charged with rape upon a little girl, Lulu Loveley, of East Florenceville, was first tried. Mr. D. B. Gallagher defended the prisoner, and did so in a most careful, painstaking and able manner. The result was that the jury found the prisoner not guilty of the charge laid against him, but guilty of an attempt at rape.

The next case was the Queen vs. Wm. Boyd, also charged with rape, committed on an eleven year old Joanna Foley, of Glassville. Being without council the judge asked Mr. F. B. Carvell to defend the prisoner. A verdict of guilty was found in this case. Worth was sentenced to the penitentiary for three years, and Boyd for fifteen years.

The Crocket libel case was taken up on Thursday afternoon. The defence pleaded to the libel in justification. The Atty. Gen. asked the judge to throw out the plea on the ground that it was no answer, was in fact no plea at all. Mr. McLeod for the defence, thought the judge had no right to ignore the plea, and that the Atty. Gen. should either demur or join issue on the plea. The judge frankly admitted that he was rather at sea as to practise in questions of that kind, but he would put himself in a position to give a decision in the morning.

Friday morning was largely occupied with the argument of the Attorney General and Mr. McLeod on the question of the plea of justification, put forth by the defence, and the demurrer which the crown made to that plea. His Honor finally decided that he would overlook the demurrer, let the plea go off and give the Attorney General the right to join issue.

The selection of a jury was then commenced. These gentlemen were called and objected to by the crown: LeB. L. Moores, Howard Burt, Wm. Simpson. The defence set aside the following jurors: H. Corbett, L. Gallagher, Gid. Phillips, Chas. Wilkinson. The jury as finally decided upon is as follows: Jas. Turner, John Farley, A. D. Shaw, Geo. Mallory, J. R. Ronald, Joseph Williams, Julian E. Long, Geo. Melville, Jos. Pearson, H. H. Kirkpatrick, A. J. Lee, Jno. Campbell.

Mr. Blair then opened the case for the crown. The grand jury had found a true bill against J. H. Crockett, for having published a certain article in the Frederickton Gleaner, which article they found a defamatory libel against John S. Leighton, registrar of wills and deeds for this county. The indictment was based upon the publication of this article. (Here the Attorney General read the article.) The article it was claimed was defamatory in that it imputed to Mr. Leighton, misconduct in office, and charged him with having been guilty of misusing his office, of being, while registrar of wills and deeds, employed as an agent for Mr. Estabrooks, that he received certain money, not only the interest but the principle as well, and had concealed from Mr. Estabrooks the fact of such receipts, and had used his office and position for the purpose of keeping the mortgage on record, and himself using the money given for its discharge. The grand jury had found the libel to consist in the above statement. In answer to this the defendant through his counsel, said he was justified in publishing the matter because it was true, that Mr. Leighton had misused his position, and that it was a necessary publication because Mr. Leighton was an unworthy person to be continued in that office. This was the plea of justification in addition to the plea of not guilty. This would be the issue which the jury would be called upon to try. They would have to decide first, whether this publication was made by the defendant as alleged, and then whether the publication of a libellous and defamatory article was justified or not.

T. B. Winslow, secretary of the public works department, Geo. Hatt, reporter on the Gleaner, Miss Carrie Ferguson employed in the office of the Gleaner, S. H. Clark, and Samuel Watts of Woodstock were called, as witnesses to prove the publication and circulation of the Gleaner by the defendant.

Mr. McLeod said that crown should put the mortgage in as evidence. The judge de-

clared that the crown was not bound to produce the document.

Mr. McLeod then addressed the jury. The plaintiff contended that he was libelled. He contended that the gravamen of the charge was substantially true, that Mr. Leighton, being registrar, and his son deputy, took money paid into the office by Vandine in discharge of a mortgage held by Estabrooks, for the purpose of discharging that mortgage, and used in it their own business; that all the money for the discharge of the mortgage was paid in in 1889, but the mortgage was not discharged until 1894. The defence claimed that they could prove this, and that the remarks of that paper were proper, and in the public interest. The facts which they would prove were that Vandine who lived in Centreville, owned property there, on which Estabrooks had a mortgage for \$620.00, that Vandine paid that amount at different times, John S. Leighton, jr., being deputy registrar, that the last receipt was given in 1886. The mortgage was then fully paid. He would prove by Vandine that Mr. Leighton told him the mortgage would be discharged by Mr. Estabrooks as soon as he came to town; that he spoke to Mr. Leighton at different times who told him that the mortgage was discharged, and that he need give himself no further trouble. In June, 1894, Mr. Vandine found the mortgage had not been discharged, when he told Mr. Leighton that he could not depend on him and would communicate with Mr. Estabrooks. Mr. Estabrooks wrote to Vandine afterwards saying he would be pleased to give him the discharge when Mr. Leighton placed him in a position to do so. The mortgage was not discharged until 11th July, 1894. The defence would prove that this money was used by Mr. Leighton in his own business, and that the transaction was such as to justify unfavorable comment. If these facts were proved, the jury would be probably justified in saying that the matter was one for unfavorable comment. They proposed also to show that this was not a solitary case, but that Mr. Leighton had on other occasions kept money given him in payment of mortgages.

Joseph Vandine said: I am a house joiner residing at Centreville. I own a piece of land which I purchased in 1883 or 1884. It was subject to a mortgage to Leverett Estabrooks for \$620.00 when I purchased it. I paid interest to Courser, and afterwards to John S. Leighton jr. on instruction of Mr. Estabrooks. I paid interest to young Mr. Leighton and I have receipts except one small receipt which I lost. I paid the principle of the mortgage in the recording office. When I made the final payment Leighton said that Estabrooks would be up in a short time and he would discharge the mortgage. At different times I asked him if the mortgage had been cancelled. He said it had not been that Mr. Estabrooks had not been up. I think about two years ago I met him on the street and he told me it had been cancelled. In June 1894 I left a deed with John S. Leighton, sr. I asked if that mortgage had been cancelled. The young man was in a room adjoining. He said it had not but he would be up shortly and cancel it. I said I could not depend on that, and would write to Mr. Estabrooks myself. (Here a letter from Mr. Estabrooks to Mr. Vandine saying that he would discharge the mortgage as soon as Mr. Leighton put him in a position to do so was read.) Letter was dated June 20th, 1894, on July 11th I had a letter from Mr. Estabrooks saying that he had discharged the mortgage. I had no reason for believing that the mortgage had been discharged prior to June, 1894. To Mr. Blair—I met Mr. Leighton. He was across the street and I called to him. I understood satisfactorily to my mind that the mortgage was discharged.

John S. Leighton, jr., was next examined. He said:—I am deputy registrar and have been since April 1888. I am the son of John S. Leighton sr. I was agent of Leverett Estabrooks since July or August 1886 to 1892. I collected \$75 on a note from him this summer with that exception, I have not acted as his agent. I get \$600 as a salary. I know of the mortgage and Mr. Vandine paid me the interest and principle on the mortgage in question. I told Mr. Vandine I would have the mortgage discharged. I did not have it discharged till 1894. I re-loaned the money to different parties at different times. I loaned some of it to my father in 1887, 1888, 1889. My father was not to my knowledge financially embarrassed at that time. He made an assignment in 1894. I saw Mr. Estabrooks several times. I don't remember whether I asked my father to discharge the mortgage, but think I did. I think it was in 1892 after my father made

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## AFTER THE BOLD BURGLARS

WHO BROKE INTO SMALL & FISHER'S OFFICE ON FRIDAY NIGHT.

Deputy Sheriff John Gibson Follows up a Clue and Runs Across the Enemy near the Border Line.—They Show Fight and Get Away.—Desperate Characters.

Burglaries and attempts at burglaries, are part of the news in the papers about every day now. There must be a regular army of "safe crackers," for they enter an office in Woodstock one night, the next night we hear of them in St. Stephen, and the following night they are at Chatham or some other town at a distance. The burglar "epidemic" is just now confined to the smaller towns. St. John seems comparatively safe. The reason is that the burglars are astute and know that the police protection in the towns is not what it should be. About a year ago the office of Small & Fisher was broken into and an attempt made to burst the safe. It was unsuccessful however. This summer a successful attempt was accomplished on the safe in the office of the C. P. R. at Queen street, between twenty and thirty dollars being secured by the burglars. Then, we read of Canterbury being visited, and since then reports of burglaries on all sides have reached us.

On Saturday morning last, when Mr. Williamson Fisher unlocked the door of his office he found that the burglars had been at their work. After the attempt last autumn, a new safe, burglar proof, was put in the office, the old one also being left there. It was found by Mr. Fisher that the invaders had selected the burglar proof safe for their operations. They bored through the top of the safe, just in the right place to drop the powder, the inner casing had been penetrated. But sweet fortune did not smile on the enterprising gentlemen. Their drill broke, and when Mr. Fisher looked around he found the broken drill and brace, and a chisel. At first he could not see how the burglars entered. The doors were locked and the windows did not seem to have been trifled with, but on more careful investigation it was revealed that they had entered the window nearest the safe.

Early on Saturday morning, Mr. Hoyt, who lives on the second tier, saw two characters pass his place. He remarked to one of his family, "those chaps look as if they might be safe crackers." He came into town later in the morning, and when he heard of the attempted burglary, he informed Town Marshall Gibson that he had seen two men pass his place, and gave a description of them. It then appeared that the same men had been seen in town on Friday, judging from the description given by Mr. Hoyt. One of them went into Forester McLean's meat shop, and bought a pound of beef steak. This he took up to a spot near the old bridge and made a fire and cooked it. In the meantime, his companion joined him, and they both fortified themselves for the coming night's advent with some of "Forie's choicest." Frank McLean saw them on the track afterwards, and James Gibson also remembers having seen one of them.

About half past ten o'clock Deputy Sheriffs Foster and Gibson started on the tracks of the suspected characters. They drove to Waterville, inquiring on the way, and secured enough information to satisfy them that they were on the track of the wanted men. They followed the fourth tier road, drove past Gallivan's and Wm. Anderson's, and then lost the trail. It was supposed the men had, at this point, taken to the woods. They then returned home.

Between five and six in the evening John Gibson again decided to go on the hunt. He drove out to the woods where it was supposed the burglars were hid, and remained for an hour or so with Benjamin Bell at Williamstown. He then went into Centreville and stayed all night.

On Sunday morning it was found that the burglars had made an attempt to break into the store of R. W. Balloch. A crowbar was found near one of the windows.

About ten o'clock on Sunday morning, Mr. Gibson started out again. He drove through Tracey's Mills until he came to Long Settlement. About three-quarters of a mile from the boundary line, north of Monticello, he saw two men, whom he suspected were those he was after. He turned about and got Joseph Williams to join him, and the two started to make the capture.

When they overtook the men, the marshal stopped and told them he "wanted them."

"What for?" was the reply.

"Never mind; you're wanted," was the answer.

At this, quick as a flash, both men whipped out a revolver and pointed them di-

rectly at Gibson and Williams, and drew away up a hill off the side of the road covering them as they went.

Gibson had a pistol, an old one, and as the men went off he drew it and fired a shot in their direction. Williams was unarmed. The burglars then made for the woods.

Mr. Gibson, talking with THE DISPATCH, says that he made a mistake in being too anxious to capture the men. However, he deserves great credit for following their trail as he did, and to have attempted to capture them with the odds so heavily against him, in the matter of firearms, would have meant in all probability the loss of his life.

They were desperadoes of the worst type. Such men mean to kill before they are captured.

The town marshal is provided by the authorities with a pair of handcuffs and a baton. His revolver he has to find himself. This is not as it should be, in view of the fact that the criminals are now on to the miserable protection afforded to property in the smaller towns. What is there to prevent burglars breaking into every office and store in town? One night watchman cannot be everywhere, and the town does not provide him with arms, anyway.

People of Woodstock don't want to go to sleep in too much confidence on the ground that the burglars Mr. Gibson saw will not show themselves here again in a hurry. These two may not, but the woods is literally full of them. Let the council either increase the police force, or at least arm the men they have now, properly. Give them the latest and most improved kind of firearms, not leave them to hunt up some old pistol of their own, which is of no use in dealing with such desperate characters as are around about these days. The very idea of the constables not being supplied with weapons to protect the property which they are appointed to protect!

John Gibson showed good grit. That he did not succeed in making the capture was no fault of his. He has shown himself to have lots of pluck and perseverance, and the town should see that he has good backing. If the town council cannot afford to properly arm its officials, let us take up a private subscription for the purpose.

Gibson gives this description of the two men: They were both well built, pretty stout fellows, fairly well dressed, about five nine or ten in height. One of them was of a dark complexion, with a moustache, and very red eyes. The other was smooth faced, and wore bluish brown clothes, and had on his head a brown bean bouncer. Neither of them wore overcoats.

On Monday morning, Town Marshall Gibson, telegraphed the result of his trip to Houlton, Presque Isle and other places. Deputy Sheriffs Gibson and Foster started on Monday afternoon, well armed, in pursuit of the burglars. They returned, however, without having got any burglar clue, yesterday afternoon.

### Mustangs.

One of the late and highly important features of the New York gubernatorial contest, a feature fraught with an importance that really should make it potent in federal politics, is the arrest of Levi P. Morton's coachman on the charge of the violation of the contract labor law. It seems that Mr. Morton hired this coachman in London and imported him to drive his horses. Some democratic politicians, in their zeal for the honest laborer of the great republic, have procured his arrest, and propose to have him reshipped to the land of his birth. The New York World in its most scornful manner says, "and now Mr. Morton asks the working masses of New York to elect him governor on the ground that he is a friend of American labor." Such "peanut politics" as this, is about on a par with the republicancy cry that the democrats are using British gold in the campaign. How long, one often wonders, will the people who really have the power, stand this sort of demagoguism; these cheap appeals? One would think an election in the empire state might be fought out on greater issues. Well, of course, the large majority will decide their vote on different questions than these, but still, this sort of trash will always catch a few votes. This is possible sometimes even in Canada.

I dropped a mental tear and sighed today as I read of the financial collapse of an old and respected publishing house of Boston. In following along the path of the late panic, and examining the wrecks that lay there, I observed that the ratio of ruined printing houses to ruined breweries was about 20 to 1. This comparison, which results so deplorably as to sadden the heart of any lover of his fellow men, shows us in what direction men cut down their expenses in hard times. I do hope to live to see the day when men will not prefer beer to books.

## HAD HE KEPT HIS COAT ON

HE WOULD HAVE BEEN IN JUST SEVEN HUNDRED DOLLARS.

A Little Romance of the Glassville Fair.—Corcoran Institutes Action Against Isacher Boyer for Stealing His Money while He is Boxing.

That Glassville was a scene of gaily on Fair day, one could scarcely doubt, if he heard the evidence adduced at the police court on Monday morning. Henry Corcoran says he lost \$700 there that day. He thinks Isacher Boyer took it, and he had him brought down for examination. Allison B. Connell appeared for Mr. Corcoran and F. B. Carvell for Mr. Boyer. The room was pretty well filled when Mr. Corcoran took the stand. He said his home was in Bath. He had recently returned from "out west". He was at the Glassville Fair saw Isacher Boyer there. He had enjoyed a drink out of Boyer's bottle at Bath one evening before. It was about 2 o'clock this day when he met Boyer. They put in the time drinking Boyer seemed fond of his society, stuck to him rather closely and paid for all the liquids. They had a few horns at Thomas' store. Finally he (Corcoran) ordered the Cigars and had not enough change to pay and asked Boyer to change a five dollar bill, for that purpose taking out a wallet that contained eight \$50. bills, three \$100. and one \$5. bill. He had fifty cents in his pocket which Thomas took in settlement for the Cigars, then Corcoran and Boyer went out to an alley beside the store to enjoy a drink of lager. At this stage of the proceedings John Murphy, a friend of Corcoran, joined the ranks and they all had a drink. While thus engaged, Andrew Feeny came along and borrowed Corcoran's corkscrew. A little later on, when they were still in the alley, Feeny refused to return the screw, whereupon Corcoran took off his two coats, the inner one containing the pocket-book with the \$700, and throwing them on the ground grappled with Feeny. Mrs. Feeny came in and took her husband away, Corcoran following him, and they had another scrap in front of Thomas' store. Corcoran said he did not see Boyer come out of the alley with him, and thinks he did not. He was not away from his coats more than five minutes when he returned to find that that his money was gone. Then he put on his coats and returning to the front of the building made known his loss. He accused Boyer of taking it but denied it and said he would allow himself to be searched.

To Mr. Carvell he said: That was the only time I had my coats off in the alley that day. No one helped me on with my coats. I examined the pocket-book before I put on my coats.

Robert Fisher, the next witness called, is a young man and evidently enjoyed the fair. He knew where this alley was and saw Boyer and Corcoran there. He said, "I was in the alley too. I saw Corcoran throw off his coats and rush out after Feeny. I saw Boyer pick up the coats and then I left to see the fight. To Mr. Connell he said, "This was between 4 and 5 o'clock. I was about 12 feet off from Corcoran when he took off his coats. The fight outside lasted about five minutes. After that one was over I went to another fight that was going on a little way off. Then I got my supper and went to a dance where I kicked her out till daylight."

John Murphy, the next witness called, was at the fair, and was in this alley with Corcoran and Boyer. Boyer produced a bottle and they all drank. He corroborated Corcoran's statements. After the fight was over Corcoran said to him, "I have too much money in that coat for it to be lying on the ground." They went back together and found that the money was gone. Boyer was not there when he put on his coats. The next time I saw Boyer was out in front of the store.

William F. Gallop, the fourth witness called, said that between 4 and 5 in the afternoon he was passing through this alley when he saw Boyer and Corcoran engaged in the occupation of pulling corks from bottles. "They asked me to drink, and—well I never throw that sort of thing over my shoulder, so I drank." He thought the alley was about 4 feet wide. He did not remember of seeing Boyer follow Corcoran out of the alley when he went after Feeny.

Alex. Scott, the last witness for the complainant, said: "Yes, I remember the day of the fair, and probably will for a long time. I know nothing of the affair in the alley. Corcoran said he had been robbed, and asked me if I was a policeman. I said I was not, but was a constable. He asked me to search

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