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D. FITZGERALD & SON, Centreville and Glassville.

THE FIRST TRIAL FOR MURDER ON THE RIVER ST. JOHN.

[No 59]

For the particulars contained in this article the writer is indebted to Sir John C. Allen, Chief Justice of the province.

David Nelson and William Harbord, two disbanded soldiers who lived in the parish of Queensbury about twenty-seven miles above Fredericton, were arrested in May 1786 for shooting an Indian named Pierre Bonwah (Benoit). They did not deny the shooting, but sought to excuse themselves by denying any intention to kill. Their statements have been preserved and probably contain all the facts which came to the knowledge of the authorities. They were examined before Col. Edward Winslow and Col. Isaac Allen on Wednesday the 24th, of May the shooting having occurred the previous Saturday. These gentlemen acted in the capacity of Justices of the Peace for the County of York—although Allen was also a judge of the supreme court.

The prisoner Nelson stated as follows:—"Last Saturday, the sun about half an hour high, my comrade William Harbord and I went to the river to catch some fish. After being there a little while I heard dogs by the house after our hogs. I dropped my pole and ran to the house for my firelock, when just above the house I found two dogs gnawing one of my hogs which they had killed, when the dogs saw me they ran, and I fired at them. I spoke to William Harbord and desired him to fire which he did, and killed one of the dogs. I then desired Harbord to go with me and see if the other hogs were missing; we went and could not find any. I then said, 'the hogs must be taken into a boat, whoever owns the boat must have the hogs.' We then went to the shore and discovered some Indians about a quarter of a mile up the river. We beckoned to them to come to, and called on them to stop. He answered, 'No, no—you have killed my dog.' I repeated to him to stop and said 'you have got my hogs.' He then pushed away across the river which confirmed us in the opinion that he had the hogs in the canoe. William Harbord then said 'Let me fire over his head; may be he will hear the balls and come to'—on which both of us fired, but without any design or intention of killing or wounding the persons in the canoe. I then loaded and fired a second shot for the same purpose. We then went again in search of the hogs, and found all but one which we supposed was in the canoe."

his David x Nelson mark

The examination of Harbord was substantially the same.

This unfortunate occurrence caused great excitement, not only among the Indians but also among the white settlers on the river, as will appear by the following letter written by Col. Winslow to Hon. Ward Chipman at St. John.

Fredericton, 26th, May 1786.

My dear Chip:—The inclosed letter to the Governor with the examinations contained therein will explain to you a transaction which has been the source of great concern to our friend Col. Allen and myself. You will peruse the papers, seal the letter to the Governor and present it; and I expect of you that you will in our behalf urge the absolute necessity of the attendance of the Chief Justice [Hon. Geo. Duncan Ludlow].

The Indians on the one hand are clamorous for an instant decision. The multitude (I mean the people of the country) cannot reconcile themselves to the idea that the two men of fair character should be sacrificed to satisfy the barbarous claim of a set of savages. They are almost persuaded to a man that the prisoners had no ill intention. In this situation you will naturally suppose that we have had an arduous task to keep them quiet. We have assured both parties that the men shall be tried fairly and, if guilty, that they will be punished. We have told them that the chief justice of the province must attend and that he will set off as soon as he receives the information from us.

For fear of accidents I wish when you deliver the Governor his letter that you would, if necessary, suggest the peculiar situation of Col. Allen. The whole corps of Indians are encamped around his house, and their rudeness has already distressed his family and made them unhappy. He has lately made a contract with them for a lot of land and they think they have a right to call on him whenever they please. This event has increased their familiarity and I believe that if they had an idea that he possessed authority to decide in the present case they would press him to a peremptory decision, and if it was not agreeable to them they might render the situation of the family very uncomfortable. I am not apt, you know, to anticipate evils, but I really suspect that the Indians would be very troublesome on such occasions.

These considerations induce me to wish ardently that the chief justice will come and that he will come immediately. I know Allen will not offer any of these reasons; it is therefore doubly my duty. Impress 'em strongly on the Governor.

And now, Chip, let me tell you once more that I think you should come to this country on some public occasion. Can a better opportunity offer than at present? The prosecution is a matter of natural expectation on the one side and of great concern on the other. Either the Attorney or Solicitor General must and ought to attend. It will gratify your friends excessively if you will attend. Allen authorizes me to tell you that he has business of consequence to engage you in.

There are a variety of other reasons why Judge Ludlow and yourself should come; don't fail.

Allen's gown and band is at your house; his coat and waistcoat at Judge Putnam's; pray don't forget 'em, he's very anxious about 'em.

Yours, Ed. Winslow.

At the time the above letter was written both Governor Carleton and Chief Justice Ludlow resided in St. John. The Supreme

Court sat there until May 1787 when for the first time it met in Fredericton.

On the 13th June 1786 the court opened at Fredericton for the trial of the prisoners Nelson and Harbord, Chief Justice Ludlow and Judge Allen being on the bench. The prisoners on being indicted for killing the Indian pleaded "not guilty." Ward Chipman as solicitor general conducted the prosecution; the prisoners were not defended by counsel it not being the practice at that time to allow counsel to persons on trial for capital offences except to argue questions of law. The following persons composed the jury:—Cornelius Thompson, Joseph Harrison, George Fox, Isaac Penson, George B. Rodney, Charles Mathewson, Jacob Blacker, John Jouett, Xenophon Jouett, Josiah Parker, William Gerard, Francis Stephenson. Only three witnesses were examined, one of whom was Col. Winslow, who had as a magistrate assisted in taking the examination of the prisoners and he was probably called upon to prove their statements and that they were made voluntarily. No Indian was called as a witness, although the squaw of Bonwah was with him in the canoe when he was shot.

In those days there were no unnecessary delays in the administration of justice. The prisoners were both found guilty of murder and sentenced by the Chief Justice to be hanged on the 23rd of the month, just ten days after the opening of the court and only a month after the commission of the offence. It is very probable that the insecurity of the county goals in early days had much to do with the summary execution of criminals.

Daniel Nelson was duly executed but Harbord was pardoned. A petition to that end was signed by Captains Lennel Wilmot, Frederick DePlyster and Aeneas Shaw who were members of the grand jury. It was probably shown at the trial, or such was the reasonable inference, that it was the second shot fired by Nelson that killed the Indian. Harbord having only fired once was innocent of the actual killing.

Jonathan Sewell (afterwards Chief Justice of Quebec) wrote to Ward Chipman from Fredericton on the 6th July "Poor Harbord has been out of his senses. When they told him he was relieved, he replied that he had suffered what was worse than death, and was perfectly indifferent about his execution. He is now at liberty and has returned to his former habitation."

The impression prevailed that if Nelson had not been executed the Indians would have had revenge upon the settlers; but seeing that justice was done they were satisfied, and were afterwards for the most part peaceable and well behaved. The effect of this trial upon the mind was seen some years later. An Indian called Sapier was tried in October 1798 before the Chief Justice and Judge Allen for the murder of one William Edwards and was found guilty and executed. One of the witnesses against him was an Indian, who was examined through an interpreter, also an Indian. The examination of the prisoner and his statements taken before two magistrates of the county, was read to the jury at the request of the court and by consent of the counsel for the crown. The proceedings in the case of this trial have not been preserved, we know however that Edwards was a soldier belonging to the regiment at that time stationed in Fredericton and was killed by the Indian near the river Nashwaak. The St. John Gazette of the 9th November contains the following paragraph:—

"We learn from Fredericton that Souper the Indian, having been tried and found guilty of the murder of Edwards the soldier, was executed on Friday last (Nov. 2nd) pursuant to his sentence. He died wholly impenitent, but confessed before his execution, that he had murdered two other white men previous to the crime for which he suffered."

Poor fellow there was not very much time allowed him to prepare for death, the sentence having been pronounced on a Tuesday and the hanging taking place the Friday following. But such was the custom in the old time. The Indians generally admitted the justice of the sentence.

W. O. RAYMOND.

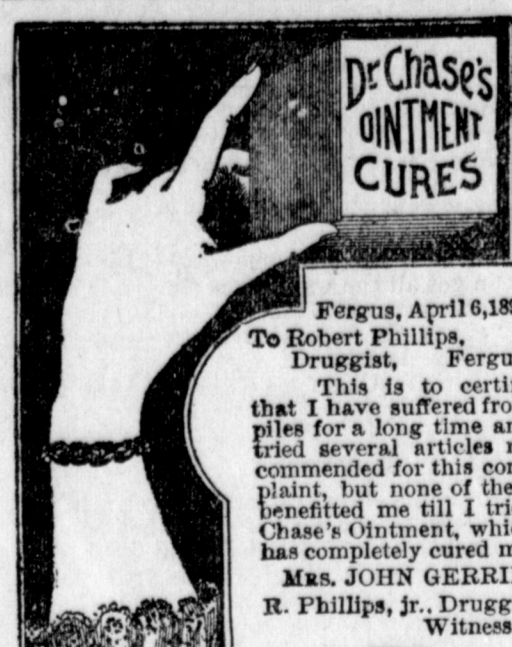
Rheumatism and catarrh, caused by impoverished blood, cured by Ayer's Sarsaparilla.

Country and City Life.

It is impossible to say when the drift toward the towns will cease, or be equalized by the contrary drift from the cities toward the country. We see both tendencies at work at the present time, and every student of sociology has liberty to predict for himself what is going to be the result of these very interesting population movements. But at any rate it is pretty safe to say that life in the cities and in the country alike will at some day be more satisfactory than it is at the present time, the city adopting the more desirable features of country existence, and the village and rural community availing themselves of many advantages heretofore possessed by the big towns alone. The electric light and the trolley car are doing much for the country districts, and in many States, among them Connecticut, Rhode Island and Massachusetts, a beginning has been made toward better country roads. The telephone is doing much to improve rural conditions, and city capital is being invested in the country in the form of attractive villas and suburban estates. In other words, improved methods of communication and transportation are bringing the country and city nearer together, to the evident advantage of both, and the same means will continue to be effective only in greater degree, in the future. Perhaps the sociologists of the twentieth century will wonder at the importance which we of the present generation attach to the movement of population from town to farm and back again. He will see on every hand attractive cities which will have done away largely with the noise and discomfort of modern existence, and rural regions where the best advantages of the towns have been secured.—Providence Journal.

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F. & A. M., Woodstock Lodge, No. 11.—Regular meetings held in A. R. U. Hall on first Thursday in each month. Visiting brethren are made welcome.

A. O. H., Woodstock Division, No. 1.—Meets in their rooms in McDonough's Brick Block, on the first and third Wednesdays in each month, commencing at 8 o'clock p. m.

Black Knights of Ireland, King Preceptory.—Meets in the L. O. L., No. 38, Hall on the first and third Friday evenings of each month.

Regular meeting of the "Y" in W. C. T. U. Hall every Thursday evening at 8 o'clock.

The Band of Hope meets in W. C. T. U. Hall every Thursday at 4 p. m.

S. of T., Campbell Division, No. 299.—Meets in W. C. T. U. Hall every Tuesday evening at 8 o'clock.

B. of L. E., Missing Link Division, 341.—Meets first and third Saturdays of each month in K. of P. Hall, King street.

Royal Arch Masons.—Woodstock Chapter G. R. of N. B.—Regular convocations held in Masonic Hall, the third Thursday in each month at 8 o'clock, p. m. Visiting companions always welcome.

Uniform Rank K. of P.—Meets in the K. of P. Hall, first and third Tuesdays in each month.

K. of P., Ivanhoe Lodge, No. 7.—Meets in Castle Hall, King Street, every Monday evening at 8 o'clock.

I. O. O. F., Carleton Lodge, No. 41.—Meets every Thursday evening at 8 o'clock, in Odd Fellows Hall, Main street.

I. O. O. F., Medecine Encampment, No. 8.—Meets on second Monday of every month at 8 p. m. in Odd Fellows Hall.

L. O. A., Woodstock Lodge, No. 28.—Meets first Tuesday of each month at 8 p. m.

I. O. G. T., Woodstock Lodge, No. 131.—Meets every Monday evening at 7.30 o'clock, in the W. C. T. U. Hall.

Emerald Council, No. 64, R. T. of T.—Meets every Tuesday evening in Graham's Building at 7.30, standard.

Woodstock Hose Company, No. 1.—Meets first Monday of each month at 7.30 p. m.

Wellington Hose Company, No. 2.—Meets the 2nd Monday in each month.

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DEPARTURES.

6.30 A. M.—MIXED—Week days: For McAdam Junction, St. Stephen, St. Andrews, Fredericton, St. John.

8.00 A. M.—MIXED—Week days: For Houlton.

10.50 A. M.—MIXED—Week days: For McAdam Junction, Fredericton, and St. John.

11.05 A. M.—MIXED—Week days: For Aroostook Junction, etc.

12.25 P. M.—MIXED—Week days: For Fredericton, etc., via Gibson Branch.

1.04 P. M.—EXPRESS—Week days: For Presque Isle, and points North.

4.23 P. M.—EXPRESS—Week days: For St. John, St. Stephen, Vanboro, Sherbrooke, Montreal, and all points West, North-West, and on Pacific Coast, Bangor, Portland, Boston, etc.

ARRIVALS.

8.55 A. M.—MIXED—Week days, from Aroostook Junction, etc.

10.35 A. M.—MIXED—Week days: From Fredericton, etc., via Gibson Branch.

10.45 A. M.—MIXED—Week days, from McAdam Junction.

1.00 P. M.—EXPRESS—Week days, from St. John, St. Stephen, St. Andrews, Bangor, Montreal, etc.

4.19 P. M.—EXPRESS—Week days, from Presque Isle, Carleton, Edmundston, etc.

6.00 P. M.—MIXED—Week days, from Houlton.

10.45 P. M.—MIXED—Week days, from St. John, St. Stephen, etc.