

SULLIVAN'S TRIAL FOR MURDER.

DORCHESTER, Jan. 19.—In the Meadow Brook murder case yesterday afternoon, George Warran, of St. John, continued his evidence about meeting Sullivan in St. John. The prisoner said when this thing got settled, if it ever did, he would see us again. He said Phileas Melanson had left Moncton with him.

Cross-examined, the witness said he could not be mistaken about the prisoner seeing him and Melanson and Gayton were at Dutcher's on Thursday. He said he was at a dance Wednesday night and went from there to Dutcher's.

John Warren gave similar testimony. Sullivan said to him some of the young fellows around Meadow Brook had to fly.

William Dutcher testified that he had stayed with Maggie at the alms house, but never unless Miss Crossdale was present, and had never said anything to her about the fire. He never told what Maggie would swear to, but said she might or might not. Old Mr. Sullivan told him on the train once that he (witness) would get into trouble for saying what Maggie would swear to, and witness replied he never told anything. Except what Maggie said in delirium he did not know what Maggie would say.

After some other unimportant evidence had been taken and the jury and prisoner had retired, the Solicitor General called the attention of the court to the abuse of crown witnesses by Daniel Sullivan, jr., brother of the prisoner, and threats against others by members of the Sullivan family which he could substantiate by affidavit.

The prisoner's counsel said he was instructed to deny the charge, but Judge Hamington said he would act on the Solicitor General's report and warned the father and brothers of the prisoner that if guilty of the acts complained of they were liable to two years' imprisonment, which he would be obliged to impose if the facts were brought before him.

Bliss Ward, of Moncton, train despatcher, gave evidence from the records showing the running of trains on Sept. 10th to 13th.

George McGowan testified to having seen the prisoner on the afternoon of Thursday, Sept. 10th, near Memramcook.

Miss Muriel Crossdale testified that she was assistant nurse with her sister and notwithstanding a rigid cross-examination she bore out the statements made by her sister regarding the care and precautions taken to prevent Maggie receiving impressions from the crown.

It is said the defence will have over twenty witnesses and as their evidence will be entirely new great interest is manifested and speculation rife. Sullivan retains his composure and looks well.

The court reopened at 10 o'clock this morning. The first witness called was Jeremiah Gorman, bartender at the Queen Hotel, Moncton. He deposed that he was at the Queen Hotel on the evening of Sept. 19 from eight o'clock till midnight, when the bar closed. He did not recollect the prisoner being there that night nor of having changed any money for him. He might have been there and he might have changed the money, but he did not think he would have forgotten the circumstances.

The deposition made at the examination by Andrew Melanson, who cannot be found, was admitted by consent. This man was one of those who was at O. S. Leger's barroom with Sullivan on the morning of Sept. 10th. The deposition sets forth the same evidence as that given by the others who were at Leger's with Sullivan.

Katrina Crossdale, sworn: I reside in Moncton; I am a nurse. I was with my sister at the alms house and assisted in nursing Maggie Dutcher. I was only in attendance part of the time. During the time I was there no one was allowed to speak to her of the fire. Her brother William was at the alms house part of the time, but was not allowed to talk about the fire to Maggie. She was conscious part of the time. As far as I know Maggie never knew her mother was dead or Sullivan arrested.

Jas. L. Frost, sworn: I reside in Maine in a place called Cooper, 23 miles from Calais and four miles from Alexander. On my way to Calais on Sept. 19th, while passing the house of a Mr. Gillespie I was hailed and introduced to the prisoner as Mr. Frank McDonald. Prisoner asked me to call at Calais P.O. and ask for a letter for Frank McDonald. While in Calais I was called on by Marshals McClure and Miller and induced to return to Gillespie's, where I called the prisoner to the door and he was arrested. He made some resistance. Witness produced an order given him by the prisoner on the Calais P.M. for letter. The order is signed Frank McDonald. I am informed that the prisoner went by his proper name while he was in Alexander and also that he arrived at Alexander on Sept. 15th.

The final witness for the crown, Miss Helen Crossdale, gave testimony practically the same as her sisters.

Mr. Smith, for the defence, thought Dr. McCully should be called by the crown, as his name was connected with the indictment. His Honor thought it not compulsory. It was decided, however, that Dr. McCully could be brought forward at any time and examined by the defence.

The crown's case being now in, Mr.

Smith will open for the defence when the court re-opens at 2.30 p. m.

DORCHESTER, Jan. 20.—R. Barry Smith opened the case for the defence in the Dutcher murder case Tuesday afternoon in an able address of about half an hour's duration. He reviewed the evidence submitted by the crown and pointed out many discrepancies in the chain of circumstantial evidence. In referring to Maggie Dutcher's direct evidence he said the defence would be able to completely refute it. He promised to produce witnesses who would not only locate the prisoner from an early hour in the evening of Sept. 10th but account for his whereabouts almost every hour up to his arrest.

The first witness called was Damien Larette, a carpenter, who had been repairing the old Sullivan house in which the light was said to have been seen at a late hour on the night of the 10th Sept. Larette testified to leaving the house securely locked that evening and finding it so next morning. He had fastened doors and windows securely to prevent his tools being stolen.

Mrs. Sullivan was next called and repeated her former testimony with little change. Her son, the prisoner, had come home at two o'clock a. m. on Sept. 10th. He had stood in her bedroom door and talked to her. It was too dark to see him plainly. She of course knew him by his voice. She had coaxed him to go away so as not to testify at the inquest, which he did not want to do.

John Sullivan, sr., and his son-in-law, Theophilus Gillespie, of Cooper, Maine, testified to the prisoner arriving there on Tuesday, September 25th, and going by his proper name except in that he said he was awaiting a letter which would be sent to him in the name of Frank McDonald. Gillespie told of the prisoner's arrest at his house and that he did not resist arrest.

The only time the prisoner has shown any emotion since the trial began was when his mother was on the stand. Then he shaded his face with his hand and his eyes filled with tears. [At the opening of the court this morning the counsel for the defence asked His Honor if the crown would pay the costs of getting witnesses for the defence. He said the Solicitor General had only consented that the crown should pay certain witnesses and that his client was without funds.

His Honor asked that a list of all the witnesses be submitted to the court, and he would advise as to the merits of each individually. He said he could not advise payment to the prisoner's own relatives, who had been present through the whole trial in their own interests. His Honor was anxious that the prisoner should have every opportunity to establish his innocence, and while he wanted to protect the ratepayers, the court would not stand on the expenditure of a few dollars. He did not wish to establish this as a precedent.

The prisoner's mother was recalled and deposed: I know Ardena Howell well. She had no good feeling for our family. The Howell family and ours were constantly in trouble, quarrelling.

Jas. Lyons, sworn: I belong to Alexander, Me. I remember Sept. 15th last. I had been to Calais with hay. I gave the prisoner a ride about four miles that day. He told me his name was Sullivan and that he was going to his uncle's in Cooper. I don't remember how he was dressed. He wore a cap. I know it was Sept. 15th because I referred to the hay weigher's bill to make sure. He had also seen prisoner on Sept. 19th at Perkins' cider mill.

James McGary, aged 16, sworn: I live in Moncton; I remember the night of Sept. 10th; I went for a bottle of liquor that night; it was after 11 p. m.; I went down to the wharf track; there I met a man and woman; there were others on the wharf; the man and woman were near me; the man asked me if Thibaudau was open, when I came by; the man was the prisoner; I saw prisoner at Donnelly's next day.

Cross examined: I have no business; I work at odd jobs; I was in jail about a year ago; I was in the Moncton lockup twice; I told Bruce McDougall what I knew; also R. Barry Smith. Mr. Smith told me he would want my testimony; I never told anybody I could get \$20 for giving evidence; I got nothing, only my fare; I stop at Donnelly's a good deal; I don't know that it is a brothel; when I told my mother what I knew she said I better not talk about it and I only spoke to Mr. Smith, my mother and James McCue about it.

To His Honor—Mrs. Donnelly's is the place where Policeman Steadman was killed. The house has been moved across the street since then. I am positive the man at the wharf was the prisoner.

Anna Sullivan, sworn: I am a daughter of John Sullivan, senior. We live in Cooper, Maine. I was home when the prisoner came to our place about 6.30 p. m. Sept. 15th last. I was told he was my cousin from New Brunswick. He was introduced to our friends as Mr. Sullivan. He never went by the name of McDonald. He was with us off and on till Saturday. He was not in hiding. I knew nothing of the Dutcher matter till after his arrest.

Lucy Sullivan, sworn: I live in Moncton. I am the prisoner's sister. I was living at Mr. Watson's on Thursday, Sept. 10th. In the evening about 8 o'clock Ardena Howell and I met John on the street.

We stopped and spoke a moment. We went to the post office. John did not accompany us. I have not given evidence before. I next saw Ardena Howell at my mother's on Friday night after the fire had occurred. My father and mother and Mrs. Porrell were also there. Ardena Howell spoke then of our meeting John the night before. I saw Mr. Smith, counsel for the defence, at father's on a Sunday afterwards. Father pointed to Ardena Howell and myself and said: "These are the girls who saw John on the evening of September 10th." Mr. Smith questioned Ardena Howell. I do not remember the conversation between them.

On cross-examination witness said: I am positive about our meeting John on Thursday night. Ardena Howell and I were friendly. Father and the Howells were not. Ardena Howell had hit my little sister over the eye with a stick and hurt her badly and father did not forgive her.

DORCHESTER, Jan. 21.—In the Dutcher murder trial Wednesday afternoon, William Pepper, night watchman at Humphrey's mill, near Moncton, testified that on the morning of the Dutcher fire he saw three tramps lying on the grass, and heard they jumped on an accommodation going to Dorchester.

Bruce McDougall testified that he was out all night on Sept. 10th, getting over a spree; near the railway crossing he met a man who said he was Dan Sullivan's brother; Sullivan asked him if he had been drinking, and said a brace would do him good; they went to the American; the proprietor declined to give them any, saying witness had enough; Sullivan went back into the hotel, and some time after coming out pulled out a bottle which he said contained good bitters, and gave him a drink; Sullivan then left; about a fortnight after the fire Lucy Howell asked him who would pay her expenses to Dorchester, and said she would prove that John Sullivan was in Moncton on the night of the fire; it was her night out.

Mary Ann Porrell, wife of Thaddey Porrell, testified she had known the prisoner since childhood. On Sept. 10 the prisoner called at her place about 9 p. m. on business; paid her a dollar, and then gave her a note for fifteen dollars. It was for maintaining a little child. She had lied to Detective Ring about this case, as she did not want to be called as a witness. She had never tried to collect the note from the prisoner's brother. Think the child came from the United States.

Daniel Sullivan, senior, prisoner's father also gave evidence similar to that at the previous enquiry.

Geo. Dixon testified that he had heard William Dutcher state that Maggie would be able on recovery to tell how Sullivan and her mother had a tussle in which prisoner had shot the mother.

Wm. H. Steeves had no recollection of seeing prisoner on Sept. 11th while in company with Moses Steeves. He thought his father, who is not bright, was mistaken.

Wm. Vanbuskirk and U. Z. King had seen three tramps lounging about Humphrey's on the afternoon of Sept. 10th.

Dr. McCuaig, veterinary surgeon, deposed: I was called out to attend a sick horse on the night of Sept. 10th. I returned to Queen Hotel in the early morning of Sept. 11th. Near the hotel I met Bruce McDougall and talked to him. It was about daybreak. I establish the date by my book.

Thomas Gorman, bartender at the Hotel Brunswick, Moncton, deposed: I remember Moses Steeves being at our place. He drank there. I have no recollection of seeing the prisoner there, nor any other man who displayed a large roll of money. I do not think the prisoner was there. I cannot be positive about it.

On a severe cross-examination of Daniel Sullivan, sr., lasting an hour, the only new information brought out was that Daniel Sullivan, jr., Daniel Sullivan, sr., and Mrs. Sullivan had advised the prisoner to go away, on account of rumors of the prisoner being suspected of murder. They were afraid he would be arrested. He admitted having said at the inquest that it was daylight when John came home. The statement at the inquest was untrue. He was now sure it was not later than 2 a. m.

The Solicitor General asked permission to recall Mrs. Porrell, a witness of yesterday. Ladies being present yesterday he had not asked Mrs. Porrell questions which now appeared important. He had at the time regard for the feelings of the ladies present. She is to be recalled.

There will be some rebuttal evidence produced by the crown and some witnesses to discredit the witnesses the defence have produced. It is doubtful if a conclusion will be reached this week. Yesterday the prisoner wore a dejected and careworn look.

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