

(Continued from Page 2.)

asked who they were I showed some silver, among which were two American fifty cent pieces; White, the bar tender, said something about having an American silver dollar; I offered him ninety cents for it; I changed a five dollar bill with him, taking three one dollar bills, the American dollar, two fifty cent pieces and a ten cent piece; Melanson treated, getting it on tick; I treated again; Colburn said let's go up to Donnelly's and have some fun. He, Melanson and I went out. We went up street. When passing the barber shop I said "I am going to have a shave." We all went in Melanson's and Colburn said something about being broke or they would have shaves too. I said, "I will give you a quarter to shave us three." Barber did so. I bargained for a month's barbing, paying him a dollar. We went to the Queen Hotel; we had a drink there; I asked the barkeeper if I had been there the night before, that I had lost \$4.90 in changing a ten-dollar bill somewhere. We stopped at the Queen only a few minutes. At W. D. Martin's I stopped and bought a pair of pants and arranged to have them sent to my father's house. We proceeded to Mrs. Donnelly's—Colburn and I—Melanson went away home. At Mrs. Donnelly's I saw some women. We drank at Mrs. Donnelly's twice. I paid a dollar for the bottle we drank at Donnelly's. Colburn and I stayed at Donnelly's awhile, then went to Melanson's and had a feed of salt fish. We left Melanson's and went back to Donnelly's. I did not go into a room with Carrie Legere. Colburn is wrong about that. We again drank some at Donnelly's out of the same bottle as before. Colburn and I left Donnelly's about 3 p. m. and I went home. I stayed around the house all afternoon. I changed my clothes putting on new pants. I was not at the Brunswick Hotel that afternoon. I heard Moses Steeves testimony. It is utterly untrue as far as I am concerned. McCue, the truckman, came with a box and boards Friday. I helped to unload it. That afternoon I wrote a letter or two and lounged about the house. I did not write my sisters from Moncton. Dan was home Friday evening. I went down town and told him he was wanted to go out on the train. We returned to the house together. I did not leave the house again that night. I went to bed early. Ardena Howell was in our house when I went upstairs. I did go down the street about 10 o'clock that Friday night and got a drink of ale, but returned right home. I went to the "Hub" for the drink. Saturday morning I got up about 5 a. m. and went to O. S. Leger's and had a drink. I was never into Eustache Leger's at all that I remember. I heard of the Dutcher fire Friday, I think, from O. S. Leger. I went home. At home my sister told me a Times reporter wanted to see me. I went down to Leger's again and had another drink. I asked the bartender where the Times office was. I went down the street on which the Times office is on the street car, Mr. Boyd and another man were at the Times office. Mr. Boyd asked me if I was acquainted at Meadow Brook. He showed me a diagram of the Dutcher premises. Boyd said Jane Green was talking a good deal. I was asked what kind of man Hugh Green was. I said a pretty fair man. I said Jane Green was a hard ticket. I told Boyd I was at Dutcher's last at 6 o'clock Wednesday. I was asked as to the condition of Dutcher's house. I said there was a window broken out in the rear. I said I saw Jane Green Wednesday and that she was pretty well set up and had told me of a row at Mrs. Dutcher's in which Gayton, Melanson and John R. Sullivan had been engaged on Wednesday morning. I was asked if I knew whether Mrs. Dutcher had a lot of money or not. I said I did not know. I bought a paper and went away. I met father near the Queen Hotel after leaving the Times office. Father and I went into the Queen. We saw Mr. McKinnon, the proprietor, and the bar tender. McKinnon said that is a bad affair at Meadow Brook. I said I don't see how anybody could harm poor old Mrs. Dutcher. She was a nice, decent old woman. McKinnon asked me when I came from Meadow Brook. I said last night on the express. Father and I went home by street car or as far as the car ran. I do not remember what I did that afternoon. At tea time that day mother and Dan jawed me for drinking. Dan said you and others are talked about in connection with the Meadow Brook affair. I said I am not in it, but if they arrest us all I can stand it as well as anybody. Mother said, John you better go away and Dan said so too. Owen Sullivan came in and said, "I thought you were in the loup." It must be Mike's John. Mother gave me \$2. I had about another dollar. I left home and got a bottle of whiskey at the Hotel American. I jumped aboard of a train at 8 o'clock p. m., I went to Sussex. I paid the conductor on the train.

The court here adjourned. The prisoner was perfectly composed as he gave his testimony.

DORCHESTER, Jan. 23.—Continuing his evidence yesterday afternoon, John E. Sullivan said he never molested the Dutcher's.

In cross-examination Solicitor General White asked: Why was it you were sworn by affirmation?

For my own reasons. I believe in the Word of God as far as the Bible is concerned. Outside of the Word of God, I believe in the history of the Jews.

What do you mean by outside of the Word of God?

I mean writers in the Bible; I have always had that view. I am supposed to be a member of a brotherhood. I belong to sick and life associations and am a Forester. I belong to Court Stewards.

Questioned concerning the note given to Mrs. Porrell, the Solicitor General said he had made a very good note and asked the prisoner to make another, which he did. The child for whose keeping the note was given Mrs. Porrell, the prisoner said belonged to Miss Watters, or Sussex, now dead. The child was about seven years of age and he had been paying for its board about four years, but did not know who had been taking care of it. It had been in Mrs. Porrell's care about a year. He said there was a pile of timber on one side of the wharf he visited that night and a building on the other.

At the opening of the court at 9.30 a. m. the prisoner's cross-examination was continued. No new evidence was brought out. The prisoner said he had not seen the Dutcher dog while there on Wednesday night. He had been in the American navy about three years; had been in Arizona as a trooper about a year; had worked on ocean steamers two years; had been on a trip to Calcutta. The Moncton Times people had not told him his name was connected with the tragedy. He had never said he was afraid Jane Green would swear his life away. He did not know Mrs. Dutcher was reputed to have a large amount of money. He did not notice whether the Dutcher house had a light in it when he passed on the train Thursday night. He had never been at McCann's, St. John, in his life. Mrs. Dutcher did not keep people all night that he knew of. The cross-examination closed at 10.30 o'clock.

John Powell deposed: I am an I. C. R. brakeman. I went into Moncton on a train on the early morning of Sept. 11th last. The train was due at 3.15 a. m. I never met the prisoner that morning. I never said I did.

Lucy Sullivan re-called and cross-examined: I was living at Mrs. Watson's at the time of the Dutcher fire. I never spoke to Mr. or Mrs. Watson about meeting John on Thursday night. I spoke to them about John being home on Friday. This closed the case for the defence. A discussion arose between counsel as to the admissibility of rebuttal evidence. His Honor ruled it was admissible when properly offered. The Solicitor General outlined what he had to offer in this line.

John McDonald called by the crown, deposed: I reside in Moncton. On Sept. 10th I lived in the old Moncton hotel, Main street. I remember the night of Thursday, Sept. 10. C. Bruce McDougall was at my place. He came about two o'clock in the morning, not later. He said he was unwell and asked if he could stay till morning. He did stay continuously till five Thursday morning. Bruce seemed to be nervous, but not drunk. He heard of the Dutcher fire that Friday afternoon.

Yorston Campbell, sworn, deposed: I remember the Dutcher inquest. In a conversation with Bruce McDougall soon after he said he did not know the man John Sullivan; he had never seen him. I am an I. C. R. conductor.

Alex McRae, sworn, deposed: I was in Moncton on Friday, Sept. 11. Bruce McDougall and the prisoner were not at my bar that morning, Bruce and another man were at my barroom Saturday morning. I have memorandum that establishes the date.

The court adjourned, awaiting further witnesses. The Solicitor General said the case would finish this afternoon as far as witnesses were concerned.

The Solicitor General failed to shake the prisoner in his story yesterday. Sullivan displayed wonderful nerve throughout. Mrs. Sullivan, the prisoner's mother took seriously ill yesterday afternoon and lies at Sharon's boarding house in a critical state.

DORCHESTER, Jan. 25.—The crown submitted further rebuttal evidence in the Dutcher murder case Saturday afternoon.

Detective Ring, of St. John, swore that when he called on Mrs. Porrell he told her that he was to see her about stories in circulation. Mrs. Porrell did not say John Sullivan was at her place Thursday night. She said she had been out of town Thursday night and returned home Friday morning on the accommodation from Dorchester, and Sheriff McQueen came on the same train, getting off at Meadow Brook.

J. H. Dunlap, owner of Dunlap's wharf Moncton, referred to by Sullivan in his statement, said there was no building on his wharf. Referring to Thos. McGary's statement that he had gone around the wharf track from LeBlanc's hotel on Duke street to avoid the policeman at the head of Duke street and while on the way had seen Sullivan, witness said there was an alley leading from Duke to Pleasant streets and that McGary once lived on Pleasant street.

Policeman Scott was asked as to the credibility of McGary and said he would believe him on oath.

R. W. Scribner, station master at Memramook, testified that on the Wednesday before the Dutcher fire he saw the prisoner with a bundle which he expressed to Moncton. It resembled a bundle of clothes.

The prisoner was here re-called and said he had not mentioned this, as he had forgotten it. He said the parcel contained an overcoat belonging to his brother Charlie. Asked by the court why he had not sent all together, he said he thought his brother Charlie was then in Stewiacke and had been telegraphed for to come home to get a job in the government shops.

Thomas McGary was the first witness called this morning. He could not be found.

Geo. M. Jarvis, train despatcher, Moncton, testified: I know Daniel Sullivan, jr. He is a brakeman. On Sunday, 13th Sept., he did not go out on a train as he states. The record was produced and put in evidence.

Thomas McGary, a previous witness, recalled for further cross-examination: I remember the morning after the Dutcher fire. I do not remember saying to Mr. Toombs that I was home and in bed on the night of Sept. 10th. I was not home that night. Daniel Sullivan and Tom Donnelly came and saw me about what I knew one day soon after the fire. I never said to anybody that I saw Sullivan on the Thursday night until after I had seen Dan Sullivan and Donnelly.

Benjamin Toombs deposed: I saw McGary on Friday or Saturday after the Dutcher fire. We talked about the fire and in the conversation McGary said he was home and in bed Thursday night, and also that he did not know Sullivan and had never seen him.

Wm. McGary a brother to Thomas, testified: I remember the night of the Dutcher fire perfectly. Thomas was home and in bed from 10 o'clock that night till morning. Thomas never mentioned having seen the prisoner Thursday night till after he had been interviewed by Dan Sullivan and Donnelly. When he first mentioned it to me I told him he was telling lies and that I would expose him if he swore to it.

Moses Tracey, sworn: I keep a saloon on the corner of Main and Duke streets. On the morning of Friday, Sept. 11, Bruce McDougall came into my place and told me about the fire. That was 10 or 11 o'clock. I don't know the prisoner, never saw him before. Prisoner was not at my place that morning.

Alex. Rose deposed: I was stopping at Mr. McDougall's on the night of Sept. 10th. Bruce McDougall came there between midnight and 2 a. m. and stayed till morning.

Jerry White deposed: On Sept. 10th I was at O. S. Leger's barroom till 10 o'clock p. m. standard time. I did not see prisoner that night.

H. H. Colpitts deposed: I remember Thursday, Sept. 10. On Friday morning Sept. 11th, I saw Bruce McDougall at my house about 7 o'clock. He said he had been on a good big spree. I advised him to see Dr. Chandler.

Simeon Belliveau, sworn: On Wednesday, 9th Sept., I saw the prisoner near Calhoun's Mills. He was coming from Anderson's. He had a parcel in his hand. He did not have two bundles when I met him. It was in the forenoon.

Mr. Buckley deposed: I saw the prisoner on Sept. 9 last. I saw him coming from Anderson's mills. He had a bundle under his arm. He had only one bundle. He said he was going to Moncton. It was before dinner time.

Bedford Card deposed: I live near Anderson's mills. On Wednesday night, Sept. 9, I saw the prisoner walking away from Anderson's. He had a small bundle under his arm. He had only one bundle, a small one. He stopped and talked with me a minute or two.

Mrs. Anderson deposed: The prisoner worked at our place prior to the Dutcher fire. He boarded and lodged at our house. I never saw an overcoat in prisoner's possession while at our place.

W. Anderson deposed: I attend the store at Anderson's mills. I remember the prisoner leaving our place on Sept. 9th. He wrapped up some clothes at the store. I never saw him with an overcoat while there.

Mrs. McGary, the mother of Tom and Willie McGary, testified that Tom was home and in bed on Sept. 10th all night; I am positive of the date. Tom told me he was going to swear to seeing Sullivan; I told him he could not truthfully do so. Adjourned.

DORCHESTER, Jan. 26.—Mr. R. Barry Smith, counsel for John E. Sullivan in the murder trial, addressed the jury yesterday afternoon. He said he was satisfied that from the evidence the prisoner would not be found guilty. He submitted that as intelligent men, the jury could not believe the evidence of Maggie Dutcher. He said the girl must have been coached. This was apparent in her discrimination in using words. Mr. Smith suggested to the jury the theory that the fire might have been accidental, or, if a murder, that it might have been committed by tramps. He scouted the idea of a man committing such a deed as this, and then running away to Moncton and going on a drunk. Sullivan's actions when he left home he contended were not those of a man who had committed murder, but

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rather a man getting clear of being arrested as a witness. The only other direct evidence was that of Moses Steeves, whose testimony was not to be relied on.

Mr. Smith continued his address this morning, speaking till 11.30, having occupied five hours in all. He argued that the testimony of Maggie Dutcher should have no weight with the jury, owing to her extreme youth and to her having been coached, he believed, not by the officers of the crown, but by others. Throwing her testimony aside, there was no good case of circumstantial evidence. He argued want of motive. No robbery had been proven. Without the testimony of Maggie Dutcher there was even no evidence of murder. Mr. Smith reviewed the evidence carefully and his address was an able one. He concluded with a strong appeal to the jury to find a verdict without fear of public opinion. The public invariably cried out for a victim in cases of this kind.

The Solicitor General began his address to the jury at 11.30 a. m.

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Notice is hereby given that under and by virtue of a Power of Sale contained in a Certain Indenture of Mortgage bearing date the tenth day of October, in the year of our Lord one thousand eight hundred and ninety three, and made between one John McNairn therein described as of St. Marys, in the County of Kent, farmer, of the first part, and Wm. H. McLeod, of Richibucto, in the said county, accountant, of the second part; there will be sold at Public Auction at the Court House, Richibucto, on FRIDAY, THE TWENTY-SIXTH DAY OF FEBRUARY, next, at twelve o'clock, noon, for the purpose of satisfying the money secured and made payable under and by virtue of the said Indenture of Mortgage, default having been made in payment thereof, the lands and premises mentioned and comprised in the said Indenture of Mortgage and therein described as follows:—"All and singular that certain lot or parcel of land and premises situate, lying and being in the Parish of St. Marys, Kent County, beginning at a stake standing at the western angle of the grant to William Chandler, in the Indian reserve on Buctouche, thence running by the magnet of the year 1850 north 91 degrees and 30 minutes East, 33 chains and 75 links to a cedar stake; thence north 18 degrees and 30 minutes west, 82 chains and 50 links to a stake; thence south 71 degrees and 30 minutes west, 33 chains and 75 links to a stake; and thence south, 18 degrees and 30 minutes east, 82 chains and 50 links to place of beginning, known and described as Lot B, save and except fifty acres heretofore conveyed by one Thomas T. Mills to one Luke Johnson, together with all ways, water-courses mill privileges and mill whatever situate and being thereon. Also all that certain piece of land described as follows:—Commencing at the north-western angle of grant to William Chandler, dated eighth day of December 1851 and running easterly along the rear line of said grant 13 chains to the north-easterly angle thereof; thence southerly along the west side line of said grant 38½ chains; thence running westerly crossing the Mill Creek stream until it meets the westerly side line of said grant; thence along said line 38½ chains to the place of beginning, containing in the whole fifty acres more or less, together with a saw-mill, being all the lands and premises conveyed to one James McNairn by one George McLeod and Sarah A. his wife, dyed deed registered in Kent County records on the seventh day of December, 1860, and by the said James McNairn and Christine his wife, conveyed to said John McNairn by deed dated the sixth day of October, 1893, together with buildings, erections and improvements thereon, being the rights, manors, privileges and appurtenances thereto belonging.

Dated this twelfth day of January, A. D., 1897.

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