

VOL. V., NO. 229.

ST. JOHN, N. B., SATURDAY, SEPTEMBER 17, 1892.

PRICE FIVE CENTS.

IN THE DOCK.

"Buck" and "Jim" Before Judge Fraser.

BOTH HAVE COUNSEL.

True Bills Found Against the Prisoners.

SCENES IN THE COURT ROOM AND INCIDENTS OF THE TRIAL.

Portraits and Pen Pictures of the Two Tramps and Some of the Witnesses—The Officers of the Court—Hitches in the Proceedings—"Buck" Charged with Murder and "Jim" with Shooting with Intent to Kill.

At two o'clock Tuesday Judge Fraser took his seat on the "bench" in the Dorchester court room. On his left were the Revs. Kierstead and Baker, pastors of the Baptist and Methodist churches; Dr. Inch and the sheriff. Below the judge sat the clerk of the circuits, and in front of him on the right, at the barristers' table, the



"BUCK," Charged with Murder.

Attorney-General and his assistant counsel, H. R. Emerson. On his left at the same table was David Grant, counsel for "Buck," and R. B. Smith, counsel for "Jim." The crowd on the seats to the right of the judge and lawyers, the 124 jurymen, petit and grand.

The ancient crier, Capt. Silas, opened the court with his "Oyez, oyez, oyez." He looked the personification of wisdom, and from the way he spoke one might suppose that he knew the meaning of the words. The clerk followed with the proclamation, and then by command of his honor read the special commission of "oyez and terminer and general goal delivery." The grand jury, by direction of his honor, retired and elected as foreman Wm. F. George, of Sackville.

In his address Judge Fraser told the jury the court has been called on account of a terrible tragedy at Moncton in August last, when Marshal Steadman was by cold blooded murder sent into eternity; and that indictments would be placed before them charging two men now in custody with the crime. He called the attention of the grand inquest to the facts as they came out in the evidence before the police justice. Word had been received at the police station that two men suspected of burglary were at a place known as the Donnelly house; that police Marshall Foster with policeman Steadman and others, constables, went to the house; that Steadman was sent round to the kitchen door, while others were placed in different positions around the house; that the Chief of Police then entered the front door; that as he entered one of the female inmates cried out the "cops are here," or used some other words indicating that the police were at the house; that "Jim" sprang up crying out "rids" or something like that, and "Buck" followed him. That immediately there were sounds of pistol shots, two at first and afterwards four. That constable Scott came around the corner of the house and saw Steadman and Buck locked together; that while they were putting the handcuffs on Buck, Steadman placed his hand on his breast saying "I am shot" and fell dead. That the Donnelly girl as "Buck and "Jim" went out saw something in Buck's hand that looked like a pistol; that while he Buck was struggling with Steadman a flash was seen; that Steadman had struck Buck with his baton either before or after the flash; that a pistol was found near the place very much like one Buck had, a thirty-two calibre, and that the ball taken from Steadman on the post mortem corresponded with the calibre of the pistol; that the Saturday previous "Buck" had asked one of the Donnelly women who Steadman was, and she told him that he was a policeman. His reason for calling their attention to this was to show that "Buck" knew that Steadman was an

officer, and also to call their attention to the difference between manslaughter and murder. If "Buck" knew that Steadman was a police officer the shooting would undoubtedly be murder, and it might be if he did not. His honor said there would be two indictments laid before the grand jury, one against "Buck," the other against "Jim." They could have been indicted together, but he thought the attorney general had chosen the best way. The indictment against "Buck" would be for murder, and that against Jim for shooting with intent to murder or do bodily harm; that it would appear that persons heard the other shots fired in the direction of the place where Steadman was, and that one took effect in the platform at the kitchen



"JIM," Charged with Shooting with Intent to Kill.

door, and near where the struggle was; that he thought it spoke well for the sheriff and his officers that he and they had made such diligent exertions to have "Jim" arrested and had succeeded. He complimented Mr. Carroll.

He said there was a conversation between "Jim" and the officers who arrested him. Generally such conversations cannot be given as evidence, but if the accused had been properly cautioned they could be. He had omitted to state before that the pistol found on "Jim" was a 38 calibre, and that the ball found in the platform would suit it. The pistol found in the yard was a 32 calibre, and the ball found in Steadman would fit it. The pistol found in the yard had two chambers empty, and apparently had just been fired. In closing his address the judge said poor Steadman while doing his duty, was shot down without a moment's warning, and they were to inquire who shot him. The bills presented to you I think will be sustained in the evidence. I think the evidence sufficient to place both prisoners on their trial."

The grand jury then retired in company with constable Thibideau.

Conspicuous among the witnesses for the crown were the Donnelly family, Mrs. Donnelly, her son Thomas, and her two daughters, Maggie and Alice. The mother is a woman about forty. From her appearance, prematurely old; she was fairly well dressed and having in her manner none of that modesty that highly adorns a woman. Thomas is a young man of not the most prepossessing appearance, slovenly and slovenly. He is said to have been a



JUDGE FRASER.

great friend of Steadman's, and that his friendship made him a willing witness on the examination. Maggie is neither pretty nor interesting in appearance, and has a stolid, indifferent look, while her little sister Alice is her very opposite in looks, a mere child of thirteen, bright, active and intelligent.

At the examination in Moncton very little was drawn from the Donnellys'. After the grand jury retired "Jim" was taken before it to be identified as the man who was with "Buck" at the Donnelly house the night Steadman was shot.

At six o'clock the grand jury returned into court with their presentations, and "Buck" and "Jim" were brought in and placed in the "dock." They looked as if "to the manor born." Except that they are both young men they have nothing in common in their appearance. "Buck" is of medium height, thick set, and his complexion is what would be called light, but has a tendency to the sandy side. His forehead is low and narrow, his cheek bones high, and his mouth indicates sensuality not unminged with determination. His eyes are light and inexpressive, inclining in color to a greenish blue. There is

nothing intelligent in his expression. That he is foreign born is evident and his declaration that he is by birth a Swede is probably true.

"Jim" is not bad looking, and at the first glance you see nothing in his appearance that indicates viciousness. He is tall and well built, his eyes and complexion, dark. He looks boldly around the court room, but does not appear as indifferent as his brother prisoner. A more careful look at him impresses one with the feeling that there is in him more than appears on the surface, something you cannot like.

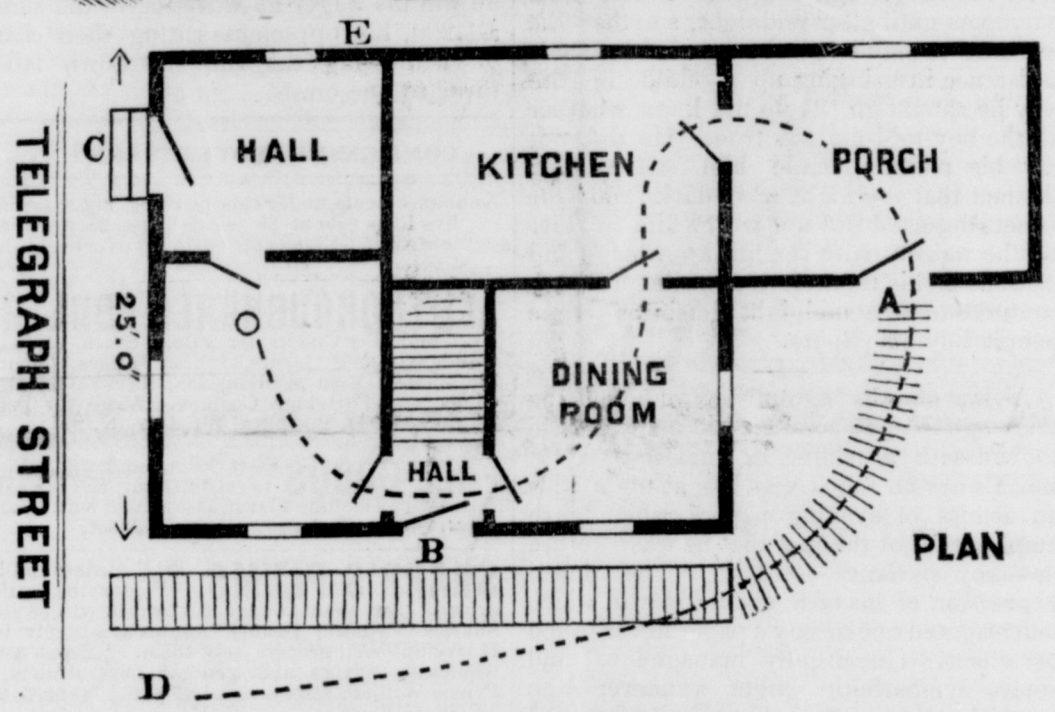
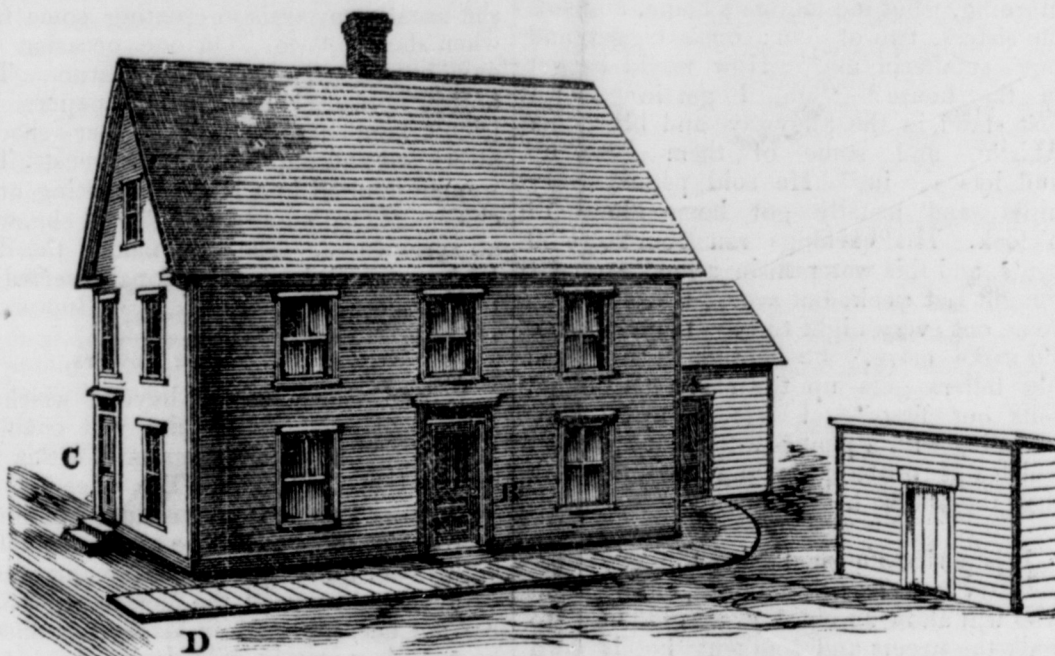
The indictment against "Buck" for murder in the first degree was read, and unhesitatingly in a coarse, harsh voice, he said, "Not guilty."

The indictment against "Jim" for shooting with intent to kill, was then read, and in a voice that startled the spectators, for it was that of a man who has been accustomed to speak in public, he too, said, "Not guilty." Buck then asked for a change of venue, and was informed that as he had counsel it would be for his counsel to bring that matter before the court.

Wednesday morning the court room was filled to overflowing. "Buck" was brought in looking as indifferent as he did the day

the "bench" filed out by the barristers' hall and stairway. "Buck" was manacled and escorted to his cell in the goal by the sheriff and half a dozen constables, and a void was left in the court room to be filled on the following morning.

When the court opened Thursday morning the stenographer, Mr. Risteen, having arrived it was expected that the trial would proceed without further interruptions. As soon as entrance could be gained the ladies flocked in and all the space on the bench to the judge's right was filled with just such youth and beauty as Dorchester can produce. To the left there was a large addition of ministers, justice of the peace and other laymen. The body of the house was again crowded. All looked disappointed when a message was received from the hotel that jurymen Evans was ill and could not possibly come into court. It took time to decide what could be done. The attorney general moved to have the jury dismissed, and Mr. Grant while he did not positively object raised some questions about the way the jury had been warned, the jurymen from Moncton having been placed at the head of the list and those from the parish so far down. The judge ordered the jury to



In the elevation A is the door through which the fugitives made their exit from the house, and B the door at which Steadman was stationed. C is the door on Telegraph street, by which Marshal Foster entered. D the place where the struggle took place and Steadman was shot. Policeman Scott was stationed at the sled to the right.

The plan explains itself, the lettering having the same reference as in the sketch of the house. The dotted line shows the course taken by the murderers in going through the house when the marshal entered by the front door.

before. The Attorney General moved for trial, and the work of impanelling a jury commenced. The personnel of the court was unchanged. The voice of the judge was rather husky from a cold he had taken while north, the clerk looked the picture of good nature and contentment, the crier appeared to enjoy the change of work that had removed his *pro tem* from the inside of the bar over the way, where, it is said, occasionally distributes "the ardent" to the outside of the bar of the court. Capt. Silas, the owner is a character in his way. In his youthful days he was the skipper of a schooner that coasted between Dorchester and St. John.

Did you not know that it was not so, at first glance you would suppose from his venerable appearance the Attorney-General was as old as his brother premier, Gladstone. The honors grey and grey hairs are thick on the head of the latter, and the honors may be as thick on the head of the former if he lives long enough, but there is not that look of contentment that he had before he entered the uncertain arena of politics.

The counsel for "Buck" has on his side youth and indomitable perseverance, and as yet has lost nothing by being pitted against two able representatives for the crown.

The first jurymen called was objected to by the prisoners counsel, triers are sworn and he is by then pronounced indifferent, and is then pre-emptorily challenged and stands aside. Others are challenged and some pronounced partial, others disqualified on account of age and others want the requisite property qualification. The requisite twelve were at last secured, and all was in readiness for the continuance of the trial, but the court stenographer was ill, and not able to attend. The jury was placed in the keeping of constable Ayer, and told that if they have any business at court they must attend the next morning, and the clerk might have added that if those in attendance had no business they could suit themselves about attending. The ladies were in large numbers and adorned

be discharged and a new one impanelled. Selecting the new jury took up the forenoon, and it was not until after one o'clock that the court got fairly into working order. The opening address of the attorney general occupied about thirty minutes, and was very clear and moderate, but it was evident from it that all would be done that could be done on the part of the crown to place all available evidence before the jury. At quarter past two the first witness was called, and when the court closed very little testimony had been given.

The evidence as yet has not brought home the killing to "Buck," and is not as strong against him as that given on the inquest, and afterwards at the examination.

A scene in court just as it was about to adjourn demonstrated that lawyers, if they are all like those in attendance, are little doubtful what will be their future if they were called on to make their exit from the mundane stage. The pistol supposed to be the one used by "Buck" was placed in Dr. McCully's hands, and while explaining how Steadman might have been shot the dangerous end was pointed at the judge. The judge disappeared, the ladies near him not knowing the danger to which they were exposed laughed in wonderment, the attorney general looked cool and brave until the judge had intimated that he would rather not just then explore the unknown. The doctor then, out of respect for the judge's desire to retain his seat on the bench for an indefinite number of years, changed the direction of the muzzle, and now it was the attorney general's turn to seek safety under the table. Perhaps the visions of the time in the sweet by and by, when he must occupy the "bench," faded out when he looked into the muzzle of the ugly thing he had been demonstrating as the one that had sent the leaden messenger through the heart of poor Steadman, stared him in the face. The doctor laughingly turned the pistol in another direction, and Mr. Grant, who will, in his closing address, try to make out that it is mere

toy affair, sought a safe retreat behind his client. The other lawyers now became panic stricken, but the judge, having recovered his composure and the pistol being no longer pointed in his direction, asked the doctor to lay it carefully down. Mr. Risteen, the stenographer then came to the rescue of the court, and offered to extract the cartridges. This he did in the shortest time possible, but the nerves of the court having been somewhat disordered, an adjournment was in order.

TICKET AGENT PERLEY'S CASE.

His Accounts Are All Right, But He Deviated from Instructions.

The facts about the closing of the C. P. R. ticket agency at Chubb's corner for a day or two last week have been so perverted and strained that an injustice is being done to Mr. Harold Perley, the well known gentleman who had charge of the office. It appears that when Mr. Perley was appointed ticket agent for the C.P.R. in this city one of the rules set down for his observance was that every day he should deposit the receipts of his office with the company's local treasurer in this city. There is no reason to suppose, that he had not done so up to the month of August of this year, but it seems that on the last day of that month he made the unusual deposit of \$2,800. Some days after, the auditor of the general offices in Montreal sent a telegram to the district passenger agent in this city noting the fact of the large deposit, and asking that it be inquired into. In reply he was requested to come to this city and look into the matter himself. About the 7th of this month he arrived in town and began at once to look into the condition of the office at Chubb's Corner. The accounts for the month of August were perfectly correct, Mr. Perley's only irregularity being that instead of depositing every day as instructed, he had deposited a large portion of the receipts for the month on the last day. From the first to the ninth of September a portion of the receipts was not deposited, and the auditor soon found that there was \$1,100 of the company's funds in Mr. Perley's hands. Twenty minutes after he ascertained this fact Mr. Perley placed the money in his hands. The office was closed for a day, but was opened on Monday as usual. PROGRESS is glad to record the facts in this case since they show that the only charge that can be laid at the doors of Mr. Perley is that he deviated from instructions.

First Come First Served.

Quite a commotion was created in the city market this week by one of the butchers being called to account by the clerk for what is known as "fore-stalling." Everybody may not know what fore-stalling means, but those who are always on the look-out for bargains in the market, for some stray pair of chickens, or a loose quarter of lamb, have a very good idea of the meaning of the word. There is an aged resolution in the city bye-laws governing the market, to the effect that produce must be in the market a certain length of time before any dealer can induce the countryman to sell him any large quantity of it. It is quite needless to say that this is paid little attention to. The countryman who arrives with a choice load of produce, seeks the best and quickest market he can find for it, and the dealer, if he is first on the ground, it seems to PROGRESS has a perfect right to buy it. Those citizens who want the benefit of the first choice are usually on the ground to secure it, if not they stand but little chance. It is quite properly a case of "first come first served."

Incidentals Are Allowed For.

An inquiring citizen having learned that quarantine officer Dr. Harding had asked the agent of the International Steamship Co. at this port for a boat to board the steamers in the performance of his duty, was curious enough to want to know whether the doctor was allowed anything for such expenses as this connected with his office. PROGRESS would refer him to the auditor general's report, page 229, where he will find that in addition to a \$1200 salary, this line also appears, "Boat service, \$600." There is no reason therefore to doubt that such incidentals as boarding vessels are quite amply foreseen and provided for by the dominion government. In fact, it may be regarded as a very generous addition to the salary of the port health inspector, because everyone knows that Dr. Harding has not had many vessels to look after for some years. There surely must be some mistake about the report that Dr. Harding demanded a boat from the International agent to board one of those steamers in the performance of his duty.

Cannot Find the Will.

The late Charles Annand, of Halifax, made a will before leaving for England, but it cannot be found as yet. It will make quite a difference to one person in Halifax, if the will is not found as she is known to be a beneficiary for quite a large sum in it. In the event of the will not turning up, she will be entitled to nothing.

THE LEADERS CHANGE.

Prospects for a Close Finish in the Silver Service Contest.

The coupon contest for PROGRESS Silver Service is nearing its close; only one more week will it appear in this column, and those who hold coupons must have them in PROGRESS office by the 28th of this month. This must not be understood as being mailed on the 28th, but they must be in PROGRESS office on the 28th. Those which come later will not be counted. There have been several changes in the standing of the competitors since the last issue. That bright little girl, Miss Pauline Biederman has added more than 300 to her list, while the leader in the first announcement, Miss Potts, comes to the front with nearly 400 more. Mr. Campbell makes a smaller addition, and a Wolville competitor adds 74 to her list. Miss Biederman wishes to thank "S. K. H." for a donation of coupons.

THE CONTEST STANDS AS FOLLOWS:

Miss Minnie E. Potts, 128 Charlotte street, city,.....	502
J. H. Campbell, 194 Sydney street, city,.....	496
Miss Pauline Biederman, 74 Queenstreet,.....	548
Miss Lizzie T. Sayre, Richibucto,.....	229
Miss E. A. Hartt, Rockland Road,.....	212
Harry Bradshaw,.....	191
Mrs. T. W. Higgins, Orange street,.....	150
W. H. McCoy, Amherst,.....	122
D. C. McKeen, Wolfville, N. S.,.....	114
Mrs. J. Mowry, Victoria street, city,.....	99
Mrs. J. E. Wilson, 31 Inglis street, Halifax,.....	68
Miss G. Markee, St. Stephen,.....	61
Grace A. Estey, 36 Peters street,.....	48
Mrs. J. B. Eagles, St. John,.....	46
Mrs. Fred Shaw,.....	37
Alice M. DeForest, 14 Colburn street, city,.....	34
Tullie Morrison, 4 Celebration street, city,.....	30
L. E. Cornwall,.....	29
Mrs. John Albus, city,.....	27
Mrs. Bent, Amherst,.....	21
J. W. Jones, St. John,.....	19
Miss LeB. Ferguson, Tracadie,.....	11
Lizzie Maxwell, Gagetown, N. B.,.....	8

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The contest stands as follows: Miss Minnie E. Potts, 128 Charlotte street, city,.....502 J. H. Campbell, 194 Sydney street, city,.....496 Miss Pauline Biederman, 74 Queenstreet,.....548 Miss Lizzie T. Sayre, Richibucto,.....229 Miss E. A. Hartt, Rockland Road,.....212 Harry Bradshaw,.....191 Mrs. T. W. Higgins, Orange street,.....150 W. H. McCoy, Amherst,.....122 D. C. McKeen, Wolfville, N. S.,.....114 Mrs. J. Mowry, Victoria street, city,.....99 Mrs. J. E. Wilson, 31 Inglis street, Halifax,.....68 Miss G. Markee, St. Stephen,.....61 Grace A. Estey, 36 Peters street,.....48 Mrs. J. B. Eagles, St. John,.....46 Mrs. Fred Shaw,.....37 Alice M. DeForest, 14 Colburn street, city,.....34 Tullie Morrison, 4 Celebration street, city,.....30 L. E. Cornwall,.....29 Mrs. John Albus, city,.....27 Mrs. Bent, Amherst,.....21 J. W. Jones, St. John,.....19 Miss LeB. Ferguson, Tracadie,.....11 Lizzie Maxwell, Gagetown, N. B.,.....8

Ever So Much Better.

The carrying out of the suggestion of PROGRESS that the location of fire alarm keys should be stated on the boxes, has been well done by Supt. Wilson. Every citizen should now study up the lists in his particular neighborhood, so that he may know in a moment where to look for a key should he discover a fire. In some cases, possibly, there should be a greater certainty of being able to get a key in the middle of the night, but it is presumed, rightly or wrongly, that a policeman can always be found. At box 6, Market square, for instance, should there be no policeman at hand, the nearest night key is at the Royal Hotel, though there used to be one at the Western Union office, which is always open. Box 26, city building, is better off, for there is a key at the post office, always supposing that the man on night duty there knows where to find it. There ought to be a bell on the city building itself, so that the janitor can be roused when wanted in a hurry. As a whole, however, the risk of a fire getting headway while people are searching for a box key has been very greatly lessened by the plan of having a list of keys on each box.

Dentists Will Be Interested.

Dentists of St. John, and indeed of the province are likely to be interested and instructed by the display of the S. S. White Manufacturing company, in Berryman's hall, on Wednesday next. These well known manufacturers of dental goods will show a fine exhibit which will be in charge of Mr. J. F. Davis, of Boston, and Mr. Horton. What will be of special importance and interest will be the illustration of the application of electricity to dentistry, and there is likely to be a large attendance of the profession to see what science has accomplished in this respect.

Manufacturers not Wild Over It.

The indications are that New Brunswick is not likely to cover itself with glory at the world's fair, unless something occurs to develop a more active interest than has yet been shown. The manufacturers who went to a great deal of trouble and expense in sending exhibits to Australia a few years ago, think there is no money in it for them, and are slow to respond to the invitation now. Good of the exhibits as are sent will be such ones, but the number will be small.