

back of where the present court house stands. It was one of the last public executions in this province, and teams brought people from all parts of the surrounding country to witness the sight. There was a great concourse at Dorchester that day. The old style of drop was used, and every detail of the horrible sight was seen by the public. Sheriff Botsford acted as executioner, and it is quite safe to say that there was not a tremor to his nerves from first to last. He was, as many who knew him can bear witness, a man of unflinching resolution. If his duty had required him to choke a man to death with his hands, he would have done it. He did not know what it was to flinch in any extremity.

After Hicks was hanged hundreds were sorry for it, and would have been glad to have brought him to life could they have done so. There was no doubt that he killed a man, but whether he was sufficiently responsible to make the crime willful murder on his part was a matter of doubt.

He was not the first boy hanged, and unjustly hanged, in this good and law loving province of New Brunswick. A famous case, because of the iniquity of the punishment, was that of Patrick Burgen, a lad of eighteen, who was executed outside the old jail in St. John, on the 21st of February, 1828. His offence consisted in entering the dwelling of his master, John B. Smith, corner of Drury Lane and Union street, in the night time and—stealing an English shilling, a quarter of a dollar! The fact that it was a burglary by night made the crime punishable by death. He was tried, found guilty, and to the eternal discredit

before Judge Parker, and pleaded guilty. Yoang Slavin, a lad of 15, pleaded not guilty, and D. S. Kerr and A. R. Wetmore were assigned to defend him. He was convicted and subsequently sentenced to imprisonment for life.

Breen cheated the gallows by hanging himself in his cell in the present jail a short time before the day fixed for his execution. Slavin was hanged on a scaffold with a drop, built against the front of the jail, on King street East. The street entrance to the jail was in those times by a flight of stone steps leading to a door in what is now the second story of the building, where there was a large stone porch. The central window of the top story was in reality a door with a hinged grating, which opened from an apartment now used as a store-room. The floor of the scaffold was level with the top of the porch, and the supporting posts rested on the street. The day of the execution was clear and cold and every part of King street, the square and the burial ground from which a view could be had was crowded. The sheriff was John White, but it was understood that he did not personally cut the rope which supported the trap.

Young Slavin, who had merely acted under his father's commands, was sent to the old penitentiary for life. Some years later he made his escape, but was arrested in Bangor, Me. Before he could be extradited, some question arose as to whether an escaped convict was a prisoner charged with an offence, as defined by the treaty, and the authorities finally let him go. Nobody was sorry that he was not brought

When he had finished there were few eyes in the crowded court not ready to shed tears for the prisoner.

Now for the sequel. John Kerr was the prisoner's counsel, and he at once began to work for a commutation of the sentence. Everybody signed the petition, not only because they liked Rogers, but because they felt that in his normal condition he would never commit murder. There was, too, more or less of an impression that the taking off of Seely was not a loss to the community. The petition succeeded, and Rogers was sent to the penitentiary for life.

After he had been there a few years, his health began to fail, and his friends made this the ground of an application for his pardon. They were successful. He was liberated, and the man who had a few years before been sentenced to die, received an ovation and was serenaded with a brass band on the evening of his return to liberty. He subsequently left St. John, and died at Colon, near Panama, some years later.

It was later in the same year, if Progress remembers aright, that the King Ceolric murder took place. The ship in question was outward bound for the United Kingdom, and the crew had gone aboard fighting drunk. When a short distance below Partridge Island it was found that one of the sailors had been stabbed to death in his bunk. The police went to the scene in a tug, and arrested the whole crew. At the inquest the evidence was very vague, and the only thing certain was that a strong arm had driven a sheath knife home. Nobody could testify who struck the blow, and no motive could be found other than the frenzy of a drunken man. Suspicion pointed to several, but some of the evidence appeared to point to one George McNutt as the guilty man. He was placed on his trial, and it is pretty certain some of the other sailors swore pretty hard in order to clear themselves. McNutt was convicted and the late Judge Fisher passed sentence of death.

The writer of this was present at all the proceedings after the murder, and it seemed to him at the time that the conviction of McNutt was not warranted by the evidence. There was a very grave doubt whether he was the man who dealt the blow, and entirely too much evidence was given to at least one of the witnesses whose air of bluff successfully imposed upon the jury. Under these circumstances there was enough doubt of McNutt's guilt to make a general desire for the commutation of his sentence. Daniel Jordan, his counsel, had a petition prepared, it was signed by a very large number of people, and the sentence was changed to imprisonment for life. A few years later McNutt was liberated, and resumed his sailor life. He has been in this port several times since and has always declared that he was unjustly convicted.

He never for a moment admitted the justice of his sentence, but after his removal to the penitentiary constantly protested his innocence, accusing one of the sailors of having sworn falsely. It has always been the opinion of the writer that the wrong man was convicted, and information received years afterwards tended to strengthen that belief. McNutt was of powerful build, had a hard countenance, and this, as much as anything else, led to the conviction of some that he was the guilty man. But there would have been a dreadful mistake had he been hanged.

The first hanging at the shire town of Dorchester, nearly seventy years ago, is now believed to have been an error on the part of the court. The victim was a man named Babcock, who killed his sister. From what has been learned of the old inhabitants, there is little doubt he was insane and not morally responsible for his act.

The county of Westmorland had the most mysterious tragedy in the annals of New Brunswick. It may or may not be correct to say it was a murder, though it was so called at the time. Two trials and the expenditure of many thousands of dollars failed to clear up the mystery, and nobody who is willing to tell can say to this day who killed Timothy McCarthy.

On the night of the 12th of October, 1877, Timothy McCarthy, a well-known resident of Moncton, left that place for Shediac, on his way to Prince Edward Island. He had with him a large sum of money, but the amount was known only to himself. Just six months later, about noon on the 12th of April, 1878, his body was found in the Scadour river, near Shediac, with a rope attached. He was fully dressed and his coats closely buttoned, and bills to the amount of several hundred dollars were found on his person. In the meantime, on the information of one Annie Parker, a servant employed at the Osborne House, Shediac, John Osborne, his wife and two of the family were arrested and committed on suspicion of having robbed and murdered McCarthy in the bar-room of the hotel, late at night. The story of the Parker girl was a direct narration of what she claimed to have witnessed and had it been believed, the prisoners must have been convicted. It was not, for the reason that every time she told the story it differed in some important particular from the previous story, and many of the statements were shown to be untrue. The Osbornes were finally discharged, with the cloud hanging over them and financially ruined by the enormous expense to which

they had been put. Annie Parker was charged with perjury and held in jail for a time, but the case never came to trial and she was discharged.

The style of gallows used in the execution of Buck appears to be that formerly in vogue in New York and some other states, and which has been adopted in Ontario. It is new in this part of the country. The rope passes over pulleys, and at one end of it is a heavy weight, which at the proper moment falls a distance of five feet or so. This should jerk up the condemned man so that in the rebound his neck would be broken. The style of hanging machine used in St. John of recent years consists of a long beam bolted to an upright so as to tilt up or down like the beam of a pair of scales. One end of this, very heavily weighted, is fastened up so as to allow the other end, with the noose attached, to be a short distance above the prisoner. When the rope holding the weighted end is cut, that end falls, jerking the victim into the air, the rebound breaking his neck.

The old fashioned drop, however, is still performed by many who have given any thought to the subject. Where the proper calculations are made for the weight of the condemned and the depth of the drop, no method can be more certain or humane. The writer has seen both styles in operation, and the most satisfactory execution he ever witnessed, from a scientific and humane point of consideration, was where there was a drop of five and a half feet. The sheriff had carefully calculated everything, and death was as near instantaneous as a death by hanging can possibly be. A critical scrutiny of the body, close at hand, could not detect the symptoms of a struggle. The great Calcraft or Berry would have admitted that the job was thoroughly done, as it always should be—if it is done at all.

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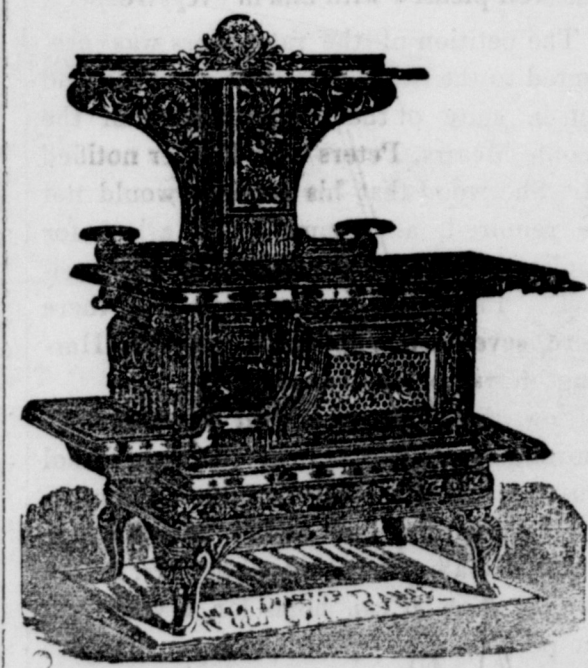
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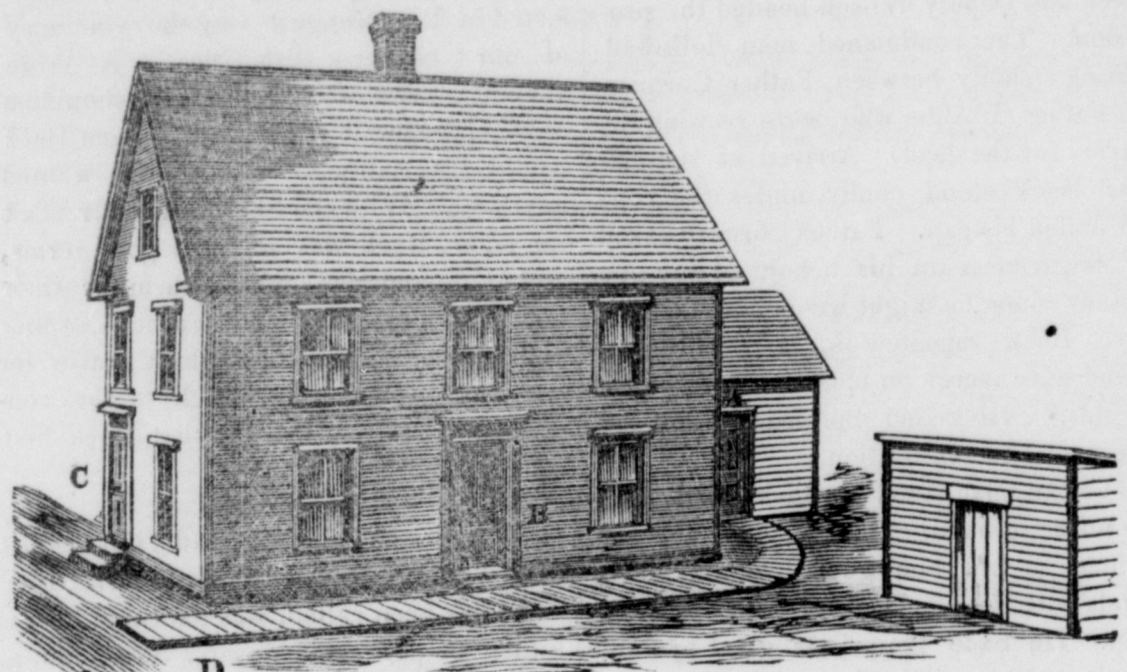


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In the above sketch of the Donnelly house, C shows the door by which the police entered. Steadman was stationed at B. Buck and Jim ran through the house from the front room on the left and came out of the shed door at the right. Steadman was shot at D.

of the administration of justice in this country, he was hanged. The governor, Sir Howard Douglas, could have exercised his prerogative and pardoned the poor boy, but he did not. Much that is pleasant has been written of Sir Howard, and justly, but his action in this case must be a dark blot on his administration of the government of New Brunswick.

Another case which was a topic of talk for years was the execution of a sailor, known as Redburn, in St. John, for killing a shipmate while the vessel was lying in this port. As near as Progress can remember, in the absence of data, this was in the year 1846. The killing, in some countries, would have been ranked as in the heat of blood, for it was a sailor's quarrel and Redburn acted under the influence of violent passion. His true name was not Redburn, but what it was could not be learned. He had been well brought up and was desirous that his relatives in a distant land should never know his fate.

The last public execution in St. John was that of Patrick Slavin on the 11th day of December, 1857, for his participation in what was known as the Mispick tragedy. As many now living will remember, it was a clear case of willful and deliberate murder, and as in all the executions in St. John since that time, the penalty, its capital punishment be at any time permissible, was fully merited.

Robert McKenzie had been a tailor in St. John, retiring from business with a competency and residing with his wife and family on a fine farm which he owned at Mispick. He was a money lender and always had a considerable amount of cash in the house. This fact was well known to the people in the district.

In October, 1857, McKenzie engaged James Breen as a farm laborer, and Breen was temporarily located at the house of Patrick Slavin, near by. These men conspired to murder McKenzie and his family, and on the night of the 25th of October they carried out their horrible plot. They murdered McKenzie, his wife, and all the children, and then burned the house to conceal the crime. The remains were burned so completely that only portions of the bones of some of the bodies were found. Old Slavin thus described the deed:

"McKenzie and Breen came down; I walked out of the bedroom and struck him on the breast with the poll of the axe. That blow did not kill. I struck him several other blows on the head and the breast, and wherever it was handy. * * * Breen and I went up together to the house to kill what was in it. I saw Mrs. McKenzie sitting on a rocking chair, with a child in her arms. When I went in I did not speak, but just struck her on the side of the head by the ear; think the first blow killed her; she struggled in the agonies of death a good deal. Think the child was killed in striking at the mother; struck her as many as fifteen blows. The children cried a little; they did not run away, but kept about the mother; I killed the whole of them."

Old Slavin and Breen were arraigned

back. It was generally felt that he had been sufficiently punished, and that if he wanted to lead a new life in another land, the chance should be given him.

Since the hanging of Slavin, all the St. John executions, three in number, have been under the Dominion law, and have been private. It is not necessary to refer to them in detail, as they are well remembered by most people. It may, however, be repeated that in no one of the instances has there been a doubt as to the justice of the conviction, though in one instance public sympathy caused strenuous but unavailing efforts to be made for a commutation of the sentence.

Quite a number have been sentenced to death in St. John and not executed. A notable case was that of Archibald Rogers in 1875. "Archie," as everybody called him who knew him, was of respectable family and a good fellow with many friends. He was of wild habits, however, and these led to his fall. There was, at that time a well known character in the city, by the name of Linus Seely, who had a rather bad record and had given the police a good deal of trouble. He was one of a crowd which shipped on the steamer Chesapeake during the civil war, and captured her in the name of the southern confederacy. For this, he and several of his companions were arrested in St. John on a charge of piracy, but after a lengthy hearing before the police magistrate, escaped on technical grounds. He led a loose life after that until the tragedy which brought him his death.

Rogers and Seely had quarrelled over cards in a house on Sheffield street one afternoon in the early months of 1875, and the quarrel was adjourned to the street. During the altercation Rogers drew a revolver and fired, the bullet entering Seely's body in the region of the stomach. Seely died at the public hospital a day or later.

Immediately after the shooting, Rogers fled, and every trace of him was lost until some days later, when a telegram from Point Lepreau gave the information that he was there, on an outward bound schooner. Chief of Police Marshall and several men at once took a team and drove to the Point. When they boarded the vessel Rogers tried to shoot himself, but the bullet glanced, and he received only a flesh wound in the head. He then jumped overboard, but was captured and brought back to St. John.

It was contended that Rogers saw a knife in Seely's hand before he fired, but this was not established on the trial and the prisoner was convicted. The late Chief Justice Ritchie presided and his delivery of the sentence was most dignified and impressive. Rogers spoke manfully, admitting the justice of the condemnation and hoping that his fate would be a warning to young men not to carry firearms.