

DEATH THEIR PENALTY.

THREE STORIES OF THE FATE OF DESERTING SOLDIERS.

How Baldwin and Lannon Shot Clayton Tilton—Their Trial and Execution—Killed by a Corporal—The Long Vigil of Skeletons on Westmoreland Road.

One Sunday afternoon, in the summer of 1862, some boys were passing the time at the foot of King street, east, between Pitt and Crown streets, St. John. While amusing themselves with such facilities as offered, they observed what seemed to be the end of a piece of old board protruding from the ground at a place where the surface of the street had been somewhat worn and washed away.

A number of more or less plausible theories were advanced at the time, chiefly inclining to the view that there had been hasty burials there during the prevalence of some epidemic in the early history of the city. This idea was combated, however, by the fact that the Old Burial Ground, the regular place of interment, was so near at hand.

There can be no doubt that the remains thus found were those of Henry Baldwin and James Lannon, two soldiers of the 101st regiment, who were hanged on the 23rd day of November, 1868, for the murder of Clayton Tilton. Tilton was the proprietor of the Musquash hotel, which stood on the same site as the present hotel, close to the Shore Line railway station.

Less than four years ago, the late Henry Melick, then in his 96th year, told me that he was present at the execution, being then a boy twelve years old, and that the event was the first he could remember as having made a vivid impression on his mind.

Baldwin and Lannon, together with Patrick McEvoy, a youth of 18 or 19, deserted from the barracks at Fort Howe, on the 17th of October, 1868, wearing a portion of their uniforms, and Baldwin also carried away a musket. They crossed the river St. John at night, in a small boat, landing on the other side some distance above Pleasant Point, and thence making their way through the woods, they reached the St. Andrews road.

Calling at the house, they asked to be directed on the way to Dipper Harbor. Scott was away, but his servant, Burditt, gave them the proper direction, which was to keep on their way until they crossed the river, a short distance beyond which they were to take the road which turned to the left.

Burditt readily recognized the men as deserters, and after they had gone he thought it would be a good idea to inform Mr. Tilton. It may be that in doing this he was actuated by a desire to do his duty as a loyal subject, and it may be also that he was not unmindful of the reward which would be paid in event of a capture.

On hearing the story of Burditt, Mr. Tilton accompanied him to the house of Scott where he got two guns, one of which he handed to Burditt, retaining the other for himself. Tilton's servant, Frederick Shrum, also became of the party, and they started in pursuit of the deserters.

They did not succeed in tracing them, however, and started to return. On their way they met Lannon, who sat down as it were, and presently was joined by his two companions. Baldwin stepped up to Tilton and asked him if he knew the way to Dipper Harbor.

"In many old manuscripts the spelling is 'Dippo' instead of 'Dipper' Harbor as now known. The present name is possibly a corruption of some Indian word."

"I do," was the reply, "but you shall not go there."

"Is it your custom to stop people on the highway?" interposed Lannon.

"No," replied Tilton, "but I will not suffer such men as you to go on."

At this juncture Tilton and Burditt, who had been carrying their muskets, put the breeches of them to the ground. Thereupon Lannon pulled a pistol from his breast, and cocked it. Baldwin, carrying the musket he had taken from the barracks, had gone away a little distance.

"Harry, come back," shouted Lannon, "these men will fire on us."

"Mr. Tilton, that man is going to fire," exclaimed Burditt. "See, he is pulling out his pistol."

At this, Tilton stepped up to Lannon and said, "There shall be no firing here; and Burditt added, 'We are not going to fire—we are not prepared for firing.'"

On hearing this, Baldwin came back, close to Tilton, and snatched his gun at him, but it missed fire. Then the deserters proceeded to walk away, and the affair would have ended, had the other party likewise retired.

Tilton had no idea of allowing them to get away so easily, but followed them and said, "You need not think I am afraid of you, for your gun is not loaded."

"Harry, let him know that you are loaded," exclaimed Lannon.

Baldwin retired to a few paces from Tilton, and said, "Sir, I will let you know that I am loaded," levelled his musket and fired, giving Tilton a wound from the effects of which he died in a few hours.

After firing this shot, Baldwin went back and reloaded his musket, Lannon assisting. While thus engaged they told McEvoy to pick up the gun Tilton had dropped, and he did so in a mechanical way, being dazed at what had taken place.

The three deserters then pursued their way without further molestation, but were captured, some days later, on one of the islands in Passamaquoddy Bay, by a party of the Charlotte county military force.

They were brought to St. John and tried on the 15th of November, before John Saunders, judge, and William Pagan and Munson Jarvis, magistrates. On the trial, the solicitor general, Ward Chipman, showed that Mr. Tilton was not only justified in trying to stop the fugitives, but that it was his duty to do so, desertion in the time of war being by statute law a felony without benefit of clergy. The court agreed with this contention.

The prisoners were found guilty and sentenced to death, but an exception was made as to McEvoy, not only on account of his youth but because he had no hand in the shooting and in picking up the gun, but did so because he was told to do so and without any volition on his part.

Baldwin and Lannon were hanged on the 23rd of November, just one month after the shooting. There were few lawyers in those days and the ways of justice were equally sure and swift. It is a pity these qualities were not displayed at the execution itself, which was so badly bungled as to horrify the large crowd which had gathered.

The march from the jail to the gallows, over what is now King street, east, was remarkable from the fact that Stephen Lambert, a well known Loyalist citizen, marched between the condemned men, singing Methodist hymns. When the execution was attempted, both ropes broke, and the unfortunate men were kept standing there until a messenger went to the south wharf, procured a sufficiently strong piece of hemp and returned, after which the killers of Tilton were done to death in due form of law.

Buried at the foot of the gallows, for more than half a century their bones rested undisturbed. The city grew apace, the Block House hill gave way to streets, a new generation came, and year after year the unknown graves were trodden over by those who had never so much as heard of the crime and the fate of Baldwin and Lannon.

It makes some difference in the eyes of the law whether a deserter does the shooting or gets shot. On the evening of the 27th of April, 1847, two soldiers of the 33rd regiment deserted from St. John, and took the St. Andrews road, as Baldwin and Lannon had done. They were pursued by a corporal, who hired a farmer with a horse and wagon and easily overtook the fugitives. Coming close to them, the corporal jumped from the wagon and caught one of the two by the collar. The other, whose name was Brannan, then hit the corporal with a loaded stick. The corporal then fired, the bullet passing between Brannan's ribs and reaching the spine. Both the deserters were secured and brought back to the city, where the wounded man died. A coroner's inquest was held on the body and a verdict of justifiable homicide returned.

On the slope of the hill just beyond the Rural Cemetery stands an old mansion of the colonial period, noticeable to passers by from the circumstance that it is approached by a semicircular avenue lined with trees. It is one of the houses which were considered to be out in the country half a century or so ago, and there at different periods in its history leading residents of the city were wont to spend their summer holidays. The house itself, in regard to some of its former owners, among them the Hon. Hugh Johnston and Barton Powlett Wallop, has a history full of interest, but the strongest story about the place belongs to a large spruce tree which used to stand in a forest growth further back on the hill, but only a few hundred feet from the highway.

Everybody with observant eye who has travelled much in the woods with some better motive than to seek out and slaughter harmless creatures, has noticed the strange resemblances to human forms and faces found in woody growth. Very often, too, the spreading base of some very old tree is fantastic enough to suggest many odd fancies, and once upon a time there was something of the kind at the place which I have mentioned.

There was at the foot of this particular tree, on the side nearest the road, what appeared to be a portion of the root from which the soil had in part fallen away and which yet was not exposed because of a thick covering of luxuriant green moss. In the ridges and hollows thus formed, it required no effort to trace the likeness of two semi-reclined human forms, not perfectly outlined, indeed, but so distinct in parts as to convey but the one idea. It

may be that, in the good old days of fifty, sixty and seventy years ago, pleasure parties sought the grateful shade of the forest in the hot summer months and talked about in this curious freak of nature. Children, too, may have romped and shouted there, and plucked the bright red pigeon berries, which seemed to be larger and richer than at any other place. The years went by; one after another of those who sought their pleasure there passed away. Again and again the property changed hands and the old walls of the mansion no longer gave echo to the gay revelry of former days. The tree with the curious figures at its base became forgotten.

In the autumn of 1853, a party of surveyors, running lines in this part of the county, stopped one day in the woods by this tree to rest themselves. Sitting there, smoking and chatting, the attention of one of them was drawn to the singular shape of the ground, and to the peculiar mossy growth. The vivid green, in contrast with the sombre brown in other places, excited his curiosity, and suggested the occurrence of some peculiar mineral deposit. With the small axe he carried, he began tearing away some of the moss, when he was surprised to find a bone which beyond doubt was that of a human thigh. Speedily, but with great care, the party removed all the moss around the green ridges, and when they had done so there remained the bones of two skeletons with the substance of much of the bony structure nearly wholly absorbed by the growth it had so greatly enriched.

A few other articles were found. There were a small bottle or flask, the remains of leather boots, and some metal buttons, so corroded that little remained of them. On one of the buttons, however, which by some chance in its surroundings was better preserved than the others, what appeared to be figures were seen. A careful examination subsequently disclosed the number "101."

This meant that the skeletons were those of soldiers of the 101st regiment. How long had it been since that body of troops was stationed in St. John? None of the party could remember it. Some old people to whom the surveyors afterwards went for information declared that the 101st had not been at this garrison since the early part of the century.

Several gentlemen, among them the Messrs. Drury and Gilbert, took a deep interest in the discovery, and one of them wrote a letter of inquiry to the War Office, in England. The reply received was that the 101st regiment had left St. John in the year 1809; that previous to its departure two men had deserted in the winter; that no trace of them was afterwards found; and that an entry to that effect had been made on the roll and returned to the office in due course.

The story was a plain one. The fugitives had sought the shelter of the woods in the bitter cold of winter, had sat down with their backs against the tree and refreshed themselves with the spirits in the flask. Waiting for a favorable chance to pursue their journey, they had become drowsy, dropped asleep and never awakened. The wood was little frequented in those times. Years went by before a human being passed that way, and then there was only to be seen the singular contour of the ground and the vivid green of the moss.

For nearly half a century the grim sentinels kept their silent vigil, overlooking the thousands who passed and repassed on one of the great highways of the province. Two soldiers had been marked off from a muster roll; two men had dropped out of existence. On the hill beside them was marked out a city of the dead, that those who passed away might be recorded and remembered. Beyond its pale lay two who were forgotten. Grim guardians were they of the valley traversed by the multitude in quest of pleasure; so near is death to life, though life seems all in all to us, and death, unseen, is heeded not.

This weird story of the Westmoreland road is now told in print for the first time. Nearly all of those conversant with the facts have passed away. I know of only one who survives. ROSLYNDE.

THEY BELONG TO FRANCE.

Possessions on German Soil That Must Create a Feeling of Soreness.

It is not generally known that the French still retain two little pieces of German soil—one in Alsace itself and the other in Baden.

The monument which Napoleon erected in 1810 in honor of General Desaix, who fell at Marengo, stands in a small garden near the bridge of boats over the Rhine at Kehl, Desaix had defended the bridge with great bravery against the Austrians. The monument and garden were declared by the Peace of Frankfurt to be French property, and they remain unto this day.

Till eleven years ago this little piece of French soil regularly had a French veteran as sentinel, who lived in a little house in well kept grounds; but at that time the German Government offered to take charge of this piece of France, and the offer was accepted by the French Government. The place is prettily laid out and is guarded by a sentinel from the garrison at Strasbourg.

The property of the French Republic in the Duchy of Baden lies in the parish of Achen, which has a station on the Baden State Railway. It is the site of the Turone Monument, a granite obelisk, with medallion and inscription. The land on which

the monument stands has been French property from 1675 till the present day, and is still guarded by a French military pensioner, who lives upon the spot.

At the beginning of the Franco-German war in 1870, a party of Baden fire-eaters proposed to reclaim this small piece of land, but the Baden Government, with a chivalrous international loyalty, put a stop to the attempt.

THEY HATE NO MIDDLEMEN.

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Of course this reduction in price leads to the most determined opposition and often misrepresentation on the part of those interested in the sale of organs made by other firms, but numerous testimonials are shown by Messrs. Chute & Co., which prove that their organs are of the very highest grade and giving eminent satisfaction. In this connection the following letter, which was recently received by them, sufficiently explains itself:—

BAYFIELD, Antigonish, N. S., Aug. 21, 1894.

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I have honored the sight draft. You may make any use of these remarks you please and I shall be glad always to confirm and supplement them.

Very faithfully yours, C. SYDNEY GOODMAN, Rector of Antigonish.

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