

PROGRESS

VOL. IX., NO. 458.

ST. JOHN, N. B., SATURDAY, FEBRUARY 27, 1897.

PRICE FIVE CENTS

HIS TRIAL WAS UNFAIR.

AT LEAST THAT IS WHAT JOHN E. SULLIVAN NOW SAYS.

The Pathetic Efforts of the Prisoner's Relatives to Prove Their Love and Faith in Him—The Petition For a new Trial—A Subject of Prayer in the Churches.

No matter what may have been the opinion of judge, jury, or counsel during the late Sullivan trial at Dorchester, or what may be the opinion of the general public now, it seems quite clear that the condemned man's relatives, or at least some of them, have a firm belief in his innocence; and their faith in him, and horror at the terrible fate so rapidly approaching one who seems very dear to them, are touching in the extreme. The man now under sentence of death in Dorchester goal cannot be without good qualities, or his relatives would never display the affection and solicitude for his welfare that they do now. It is to be expected that his aged father and mother would feel keenly for him, and be ready to sacrifice everything they had in the world, in order to save their boy's life; that would be only natural, but the love, and grief expressed in letters to the prisoner from his sisters and his cousin in the United States, are jury by his charge.

John Sullivan himself steadily maintains his innocence of the crime for which he is to suffer, but he has given up the hopes of a new trial, or a commutation of the death sentence, with which he has been buoyed up until the present time, and is earnestly preparing to meet the fate which awaits him.

He is convinced that his trial was an unfair one, and believes the judge was prejudiced against him, and influenced the unusual and infinitely pathetic.

It is probably quite natural for a condemned criminal to think that his trial was unfair; few placed in the same position would be disposed to admit that they had been treated quite fairly; but it is really a terrible thing that any man, even a criminal should have such an idea of justice, as to seriously believe the crown officers capable of working to procure his conviction, or of influencing the witnesses in any way. It is difficult to see what possible interest the prosecution could have had in his conviction beyond securing the ends of justice; and to impute malicious motives to those who were engaged in performing a stern duty, is simply beyond the comprehension of rational people.

But as was said before, there is every excuse for John Sullivan, and on the whole he has accepted his fate with a good deal of philosophy and made little complaint. He has been the object of much sympathy since his conviction, and since he has made a profession of religion, the christian people of Moncton have taken a vivid interest in his welfare. At the weekly prayer meeting of the central methodist church, prayers have been offered in the prisoner's behalf, and Rev. W. W. Brewer, pastor of the church made a very touching reference to the prisoner at Dorchester, during his evening prayer, the Sunday before last.

In addition to these evidences of interest in the condemned man, the citizens have given an even more practical proof of sympathy with Sullivan by getting up a petition for the commutation of his sentence, and procuring over two thousand signatures. This last effort in his behalf is doubtless prompted by the very best of motives, but all the same it is a step in the wrong direction, and will probably have little effect beyond raising hopes in the breasts of the prisoner and his family which will never be realized, and making the hard fact that he must die, all the more bitter when those hopes are finally banished. The prisoner has written his mother a letter in which he most solemnly and emphatically protests his innocence of the crime for which he is to suffer; he quietly but persistently assures all with whom he is brought into contact that he is an innocent man, and if his assertion is believed by any, and their seems to be the slightest room for doubt that he is the guilty man, then his friends should bestir themselves during the short time now at their disposal and help him to obtain the new trial for which he has been hoping ever since his conviction. His people are poor and have exhausted all their resources in providing for his defence, so they are without funds to make even the preliminary moves towards a new trial, and it would be true charity, to assist them, in making a last effort to save their son's life.

On the other hand if John Sullivan is really the man who, as is supposed, murdered Mrs. Dutcher and her two children, in the most cold blooded and premeditated manner, then not the slightest reason exists for asking that executive clemency be extended to him, and the law should be allowed to take its course in ridding the world of so bad a man. There seems to be little excuse for any medium course in such a case as this, for while the possibly of an innocent man suffering for a crime someone else committed, is a dreadful thing to contemplate, the maudlin sentimentality which seems to prompt some people to make an effort to save the life of every murderer that the law succeeds in capturing and convicting is far too common and is becoming a serious obstacle to the preservation of law and order. It is high time such mistaken philanthropy was put a stop to, and the wrong done made to understand that if he broke the laws he would have to take the consequences, even to the extent of forfeiting his life his life.

The prisoner has frequently stated that his counsel Mr. R. Barry Smith, had been paid for applying for a new trial, and has expressed surprise that nothing had been done towards making application for the trial. It is but justice to Mr. Smith to say that he has been questioned on the subject, and states that he never received a cent even towards the preliminary expenses which would be necessary before the first steps could be taken in such a case; and therefore has been unable to take any action in the matter.

IT WASN'T A CARLETON FERRY BOAT.

But an Ocean Liner and it would not wait for the St. John Merchant.

The representative of a big King street dry goods firm who left for England early this week to buy goods, had an experience in New York that while not pleasant, served to impress more fully on his mind the truth of the fact that time, and ocean-steamer, wait for no man. The gentlemen in question left St. John the latter part of last week intending to take the first steamer from New York.

As he is a remarkably shrewd business man with a firm belief that punctuality is the secret of success, he gave himself ample time to reach the pier and walked leisurely along the crowded thorough-fare taking in the sights evidently at peace with all the world. On his way to the steamer however he met an old friend whom he had not seen for many years. The usual greetings were exchanged and as the newly found friend wanted to know all that was going on in Canada's winter port, considerable time was taken up in conversation. The warning whistle of the steamer about to leave the dock sounded loud and shrill but in his joy at meeting old companions Mr. Blank did not pay any attention to it probably that he was back in St. John where things are not transacted with as much dispatch and alacrity as in gay New York. At last his fund of information about St. John and St. John things exhausted, the dry goods man remembered that he had other business to attend to, besides raking up old reminiscences with a friend of long ago, and started post haste for the dock. Like many other people in life he found on arriving at the pier that he was late and the outlines of the steamer already rapidly growing fainter on the briny showed him that he had lingered too long. What was to be done? It was absolutely necessary that he should sail on that steamer in order to keep certain important business engagements in London and Paris and now the prospects were that he would be obliged to remain in New York until the next boat sailed.

A sojourn in New York is generally looked forward to with pleasure by the majority of people, but to our merchant the outlook was everything else but pleasing. He must catch that steamer at any cost. Quick to act in an emergency he signalled the captain of a tug boat and said, "What will you take to catch that steamer and put me aboard?" The captain after thinking a minute observed that it could be done for \$25. "All right" said the merchant "how soon can you be ready." "Right away," was the reply—"Jump aboard."

Needless to say our friend was only too glad to avail himself of the opportunity and he boarded the tug with a flying leap that would have done credit to a circus performer, happy in the belief that fortune was about to smile on him again. A moment after the tug steamed gaily

down the harbor, to where a long line of smoke on the horizon showed the steamer gradually disappearing from view. The dry goods man from a point of vantage viewed the chase with anxious eyes and it is safe to say with grave fears as to the result of the venture. Little by little the distance between steamer and tug lessened and at last the tug with the now triumphant dry goods man aboard drew within hailing distance. The steamer was signalled and stopped and the bewildered traveller was put aboard.

WHERE ARE THE WHARVES.

Some Troublesome Matters for Earnest Civic Consideration.

All through the months past since the Sand Point improvements have been going on there has been a contest in the city council as to how the work of making improvements at Carleton should be done. A majority of the board have voted several times against the recognized system of asking tenders for construction, and giving the work to the largest responsible tenderer. Whether they were guided by a desire to do right or not in this respect it is not the purpose at the present time to declare, but assuredly the citizens emphatically say that it should not have been done, and that Messrs Wilson, Ruel, McArthur and Smith who fought against it from the first, and McMulkin who came to their support at a later date, are the men who are most deserving of being returned.

The matter of expense is also much talked about by the electors. And there is considerable reason for such talk. It is reported that the council said they would build the wharves at Sand Point for \$35,000 and the dredging and other expenses covered by done for \$85,000, or \$120,000 as a total. It is computed that \$150,000 has been expended, and Dr. Christie has given notice of motion for \$35,000 more in the form of new debentures, or a total of \$185,000 or in other words, an amount of \$65,000 over the estimate. And the electors look at the amount of money in imagination, and enquire, where are the wharves. There is no wharf built, nothing has been done only the erection of some cattle sheds, and warehouses. Where is the \$150,000 and the \$35,000 that is probably expended now? A few mornings since considerable of it was down below the salt sea foam, but lately through the efforts of diver Henrich, Messrs. Roberts and others, part of it has been rescued from the waves and mud, hauled into Rodney slip, and auctioned off for kindling wood to the people of the West side. It is just as difficult to tell the electors where this \$150,000 or \$35,000 has gone as it is to decide whether there will be wharves at Sand Point or not. The citizens are desirous of knowing what was done for this money and they do not care to think that all they are to get for this years taxes is a landslide.

Then the advisory board comes in for consideration—critical and not very favorable consideration. They demand to know who originated the idea and how it is that the mayor became a member of the advisory board, and fills the dual position of alderman and mayor, his vote deciding questions, when it is one of the byelaws of the city that the mayor has no vote except under very specific cases. But it is said, and there appears satisfactory evidence that it is true, that the mayor selected the members of the advisory board, thus creating a wheel within a wheel. It would not do to say ring—but there is very little difference in the terms. The advisory board has nullified the power of the council, and the members of the council who were not in the inside room of it, the advisory board, are practically blameless respecting the year's disastrous construction work.

There is another little point which those cognizant of it consider not at all satisfactory. Mr. McLellan supplied a certain amount of piling for the wharves and quite a portion of it was condemned as unfit for the work. The evidence of Ald. Waring is to the effect, that when the condemned lumber was to be used for inferior work, such as braces and staying, it was found that condemned as it was, it had been driven, good, bad and indifferent all together into the mud. Whether this had anything to do with the landslide that followed can be judged by those who know what effect it would have in a structure such as was attempted.

It is greatly wondered why Mr. O'Neill, who occupies a seat in the office of Mr. Peters, and was paid one dollar per day by the orders of the advisory board, was suddenly cut off after doing a months work. Some say that the three or four assistants appointed to help Mr. Earle did no more than Mr. O'Neill for his dollar per day. This will be further threshed out as the contest becomes warmer.

TROUBLE IN THE CLUB.

THE ORPHEUS CLUB OF HALIFAX THREATENED WITH DISRUPTION

Because Dr. Justin Fulton Was Permitted to Deliver What Was Considered an Offensive Lecture in the Hall—Denied Use of the Academy of Music.

HALIFAX, Feb. 25.—We are all proud of our Orpheus club, which Halifax people think the finest musical organization in Canada without the usual qualification of "in any city of its size." The club has done very much to elevate the standard of music in this city, and it has given many treats to the people. They own a fine hall, which is admirably adapted to concert purposes. With all this prestige, and in spite of all its advantages, the Orpheus club was this week within a step of disruption and possible disintegration. This arose through the visit of an anti-catholic preacher, Rev. Dr. Justin Fulton. In stating this story PROGRESS correspondent wishes to express his opinion that no good is accomplished and much evil is generally wrought by such meetings as those held by men like Dr. Fulton. The evil is specially great when they enter theatres and public halls to utter their calumnies. If such men wish to indulge in controversies and bitter onslaughts let them do so in their own churches and not in places where all classes and creeds are on an equal footing; where there is never a convert, and no result other than the arousing of bitterness of feeling between members and adherents of different churches.

But to proceed with this story of the Orpheus Club's danger. It was Fulton's intention to deliver his addresses in the academy of music, and that building was engaged by him for a couple of lectures, \$100 being paid down for the rent by one Mr. Bishop, who did not say for what purpose he desired the building, nor for whom he was acting. It appears that, when it appeared who the building had been engaged for, and when Fulton's advertisements were issued, that the directors were caused to see that they had made a mistake, but the catholic members of the board said it was too late to do anything, and that Fulton would probably have to be allowed to go ahead. On the other hand the protestant members of the board stepped in and said "No; cancel the contract with the agent, for Fulton shall not be allowed to lecture in our building." When this stand was taken it was decided to refuse to open the academy doors for Fulton. He was notified to this effect and his money was returned to him or his agent. Protestant and catholic members of the academy directors were agreed in doing this even at the risk of a suit for damages, which John T. Bulmer vigorously threatened.

This was on Friday afternoon. Then, driven from the academy, another agent of Fulton, a Mr. Clay, at once set out in search of another hall. He lost no time, and nothing was said to any one of the refusal of the academy, for were that fact known there would be little hope of finding accommodation elsewhere. Mr. Clay went immediately to W. E. Hebb, the agent of the Orpheus Club, who has sole charge of the letting of the hall and of all such business. Clay wanted the hall for Saturday night and Sunday morning, and when he was told the price would be \$40, he handed over the money and had a right to the hall against all comers. That night a crowd of people gathered at the closed academy doors and soon turned sadly homewards. Next morning's paper contained a brief paid announcement giving the reason for the disappointment at the academy and stating that lectures would be delivered in Orpheus hall Saturday and Sunday.

Here the Orpheus club's troubles began. Alexander McNeill barrister, council for His Grace Archbishop O'Brien, waited on the Orpheus committee and told them that these lectures were exceedingly objectionable to the catholic portion of the community, and possibly also to many others. One of the lectures was particularly personally insulting to the people of Halifax, viz., the lecture referring to nuns, many of whom came from the best families in Halifax. Mr. McNeill therefore asked that the Orpheus club follow the example of the academy directors, cancel their contract with Fulton and refuse him the hall. The committee said they would see what could be done and the archbishop's counsel withdrew.

Then F. H. Bell, solicitor for the Orpheus club was consulted, and he gave his opinion that the contract with Fulton could not be cancelled without imminent risk of an action for damages. The Orpheus has no money to lose in law suits and the committee did not feel like taking any chances, accordingly they decided to allow Fulton to enter the hall and deliver his lectures. But they did what they could to please Mr. McNeill and those for whom he was acting, as well as what they could in the interest of public decency. They went to Fulton, told him how objectionable in particular was his lecture on the nuns, and requested him to eliminate it from his course in Halifax. Fulton agreed to do this, and he was allowed to go ahead in his onslaughts.

Some of the catholic members of the club, in talking over the matter, took a sensible view of the situation. They did not know any of the fact, mentioned above, except the academy had been refused to Fulton and that the Orpheus had been granted to him. They argued this way: "Let the Orpheus club take all of Fulton's money they can get; let him say what he likes; neither we nor our friends will go to hear him, and he will do us no harm if he talks till he is blue in the face."

But there were other Catholic members who thought otherwise. They were indignant that the hall of a club to which they belonged should be rented for such a purpose. Three ladies constituted themselves an indignation committee to wait on the executive of the club. They told the committee that no matter what others might do, as for them they would leave the club if some satisfactory explanation were not forthcoming why Fulton should have been given the hall. This was serious, for the club was just on the eve of a production of "Rip Van Winkle," and those ladies, as well as others for whom they spoke, were in the chorus, and somewhat valued members they were. Besides this, there were hints, of a boycott of the performances of the club, unless the amende honorable was made. Not only that, but if they and others left the club on this account its future success might be impaired.

This being the position of affairs the committee went over again the explanation they had made to the archbishop's solicitor. They pointed out how innocently they had acted all through, and how desirous they were that no offence should be given. The blame was thrown on the readiness of the agent of the club to hire the hall whenever he found an offer for it, and on the cunning of Fulton's agent in asking for the Orpheus immediately after the refusal of the academy, and without breathing a syllable of that refusal.

This explanation was partially successful in pacifying the indignant ones in the club, and the preparations for the performance were allowed harmoniously to proceed. But there was a rankling spirit left, not only in the breasts of those who had complained, but in the hearts of the committee as well, who chafed at being thus brought to account for what they considered was, after all, only a business transaction between Fulton and the club's agent. The crisis passed, but it remains to be seen what the future will bring forth. Certainly the city is better without such lectures as Rev. Dr. Fulton's.

An interesting feature of Fulton's Sunday afternoon meeting was the appearance of Ald. O'Donnell on the platform. The hall was crowded and this mayoralty candidate betook himself to the platform for seating accommodation.

All Nighths Condemned.

The Salvationists in New York are posing as martyrs because it has been decreed by a magistrate that all night sessions must cease, and that they must "use their souls so they will not interfere with others." Invalids in the vicinity of different barracks had been seriously disturbed by hand clapping and singing.

Give Them Good Support.

The City Cornet Band Minstrels promise an interesting entertainment for next Monday and Tuesday evenings. The programme, as announced, is an excellent one and the prices are 25 and 35 cents. The band should be heartily supported.

A Good Pen.

The St. John Business college has sent to this office a box of the college pens. For fine penmanship it is recognized as one of the best in use and is very popular among the young business men of the maritime provinces.