

PROGRESS.

VOL. IX., NO. 455.

ST. JOHN, N. B., SATURDAY, JANUARY 30, 1897.

PRICE FIVE CENTS

THE SENTENCE PASSED.

JOHN SULLIVAN IS PRONOUNCED GUILTY BY THE JURY.

A Review of the Evidence for the Defence and the Crown—no Doubt was Entertained as to the Verdict to be Given—A Dramatic Scene at the Close.

If ever a man in this world had reason to exclaim with his whole heart "Save me from my friends!" surely that man is John E. Sullivan lately on trial for his life at Dorchester! Not that his friends were wilfully, or even consciously injuring him, on the contrary they were so anxious for his welfare that if they did succeed in putting a rope around his neck, the victim has at least the consolation of knowing that it was done with the best intentions possible, and was merely the result of misdirected zeal coupled with a peculiar haziness in regard to the boundary lines between truth and fiction.

Of course it is just possible that the witnesses for the defence, in the Sullivan trial have told the truth, the whole truth, and nothing but the truth, in their testimony; but the disinterested person who followed the evidence carefully, and was only anxious that justice should be done, will find it very difficult to retain such a charitable opinion, especially if he had the advantage of watching one of them under cross examination. It is a fact which no one will deny, that even the most truthful and upright person in the world shows a decided disadvantage when being cross examined by a clever lawyer; indeed if he is reasonably sure of his own name by the time that lawyer is through with him he must be made of firmer stuff than the majority of mankind. To hesitate and even become confused at times under such rigid questioning is but natural, few people could retain entire composure under an ordeal of the kind no matter how truthful they were. But the trouble with the witnesses in the Sullivan trial seemed to be that they knew not to little but too much, and were so very certain of all they had to tell, as to almost justify the suspicion of having learned it carefully by heart, and rehearsed the story until "letter perfect" as theatrical people say. The prisoner's brother gave a particularly interesting instance of man's ability to change his mind, when he made a statement the direct opposite of what he had said at the preliminary examination, and when asked to explain the discrepancy coolly answered that he did not remember then, but had got his memory "fixed" since, "and fixed right too." No doubt Charles Sullivan was actuated entirely by zeal for his brother's cause, when he attacked William Dutcher, son of the murdered woman, and suiting the action to the word threatened in forcible if not elegant language to "guzzle" him for talk about the case; but all the same he made a very grave mistake, and did much harm to the prisoner, by his ill advised threats. There is not much doubt that the Sullivan family and their friends have been so foolish as to threaten, and try to intimidate, the crown witnesses on several occasions, and have acted altogether in a manner utterly inexplicable in people who believe in the prisoner's innocence and had nothing to conceal. If John Sullivan is a man of any intelligence it must have been torture to have to sit quietly by and hear his own friends deliberately prejudicing his case by their clumsy efforts to defeat the ends of justice; and to note the unfavorable impression produced upon the listeners by such transparent prevarications. The whole trial has been hard upon Sullivan, and one wonders how he can bear up under the strain. The response of waiting to hear how much Maggie Dutcher knew and what she would say, must have been simply awful: Then the effort of listening, apparently unmoved, to her testimony was another trying ordeal, and last of all his own cross examination was enough to test the nerve of an innocent man, and must have resembled the tortures of the Inquisition to one who had anything to conceal. All of one day, and nearly half of another John Sullivan was on the witness stand, and it must be indeed a hard heart that would not be moved to pity when considering the awful position in which he was placed, obliged to speak yet dreading each word lest some admission should be forced from him unawares. Answering question after question, never knowing what was coming next, nervously afraid of contradicting himself, his memory constantly on the rack lest some trifle

should escape him, and yet be of sufficient importance for the prosecuting attorney to seize upon and use it to his disadvantage. Truly it was a position in which one would scarcely wish to see his worst enemy placed, and many of the spectators were scarcely less relieved than the prisoner himself, when at last the cross examination was over and he stepped down from the witness stand. It would probably be difficult for any of us to give a detailed account at a moment's notice of our actions during any one particular day, and far more to, to describe what we did with our time during nearly a whole week, but the task does not seem to have daunted John Sullivan who cheerfully undertook to tell exactly what he did at every hour of the day and night for nearly that length of time, and who succeeded tolerably well, except for the fact that his story had a studied sound, and agreed almost too well with the evidence of the witnesses for the defence. Unfortunately the two witnesses whose testimony was most important in forming an alibi for the prisoner, were proved to be unreliable, the one because, he was clearly mistaken according to two other witnesses, and was by his own admission not in a condition to take much notice of passing events at the time, and the other because his own mother and brother, both of whom bear far higher characters than the witness himself, have sworn positively that at the time he declares he was in John Sullivan's company, he was really at home in bed. To make the perjury still worse a reputable Moncton business man has come forward and sworn that a day or two after the tragedy he asked this same boy—Thomas McGeary—whether he knew anything about Sullivan's movements on the night of the 10th of September, and the boy answered no, that he was at home in bed on that night.

There can be little doubt in the minds of intelligent people, as the amount of dependence to be placed upon the statements of Mrs. Parrall another of the most important witnesses for the defence who swore that Sullivan was in her house in Moncton, on the night of the Dutcher fire transacting some business with her and was proved to have stated before, to Detective Ring, of St. John, that she was out of town on Thursday night, and therefore knew nothing of the prisoner's movements. Neither can there be any doubt that the witnesses for the defence were tampered with, and those for the prosecution intimidated and threatened, one of the latter, a girl named Ardena Howell whose evidence did not tally with that of one of the Sullivan girls concerning the evening they met John Sullivan in the street in Moncton, having been even threatened with being arrested, by the prisoners relatives. It has been proved that Dan Sullivan brother of the prisoner brought out Thomas McGeary and had conversation with him immediately after which the boy began telling that he had seen John Sullivan on Danlap's wharf, on the night of September 10th though he had never mentioned such a thing before.

Whatever opinions there may be however regarding the evidence, either for the crown or the defence, can scarcely matter now. The jury had the facts given to them in a clear, lucid manner by both the prisoners counsel, Mr. Barry Smith, and for the other side by Solicitor General White. Throughout the week it was felt that only one verdict was possible, in the face of the evidence offered by the defence.

Mr. Smith certainly made a brave, praiseworthy effort in behalf of his client; but even he must have foreseen what the result would be.

The scene in the court room when the jury returned with their verdict was dramatic in the extreme. The absolute silence which prevailed could almost be felt. The excitement of the preceding days had reached a climax and the result of the nervous strain was visible on the face of everyone—except the one most interested. The man whose life was at stake, who stood almost in the shadow of the scaffold, and who would in an instant know his doom, whether liberty and life would be given him or whether the awful death of the murder would be his, was as calm and self possessed as he had been throughout the trial.

When the word "Guilty" was pronounced, a slight tremor passed over his face but all sign of emotion, if any were felt, was quickly repressed. The sentence, given an hour or two later, which was that John Sullivan be hanged on the twelfth

day of March next between the hours of 6 and 12 a. m. was received with the same stoic indifference, or courage, perhaps would be the better word. At the close of the judge's speech he held out his arms for the handcuffs, which were fastened upon him and he was led back to his cell.

The prisoner's old father was present in the court throughout the day and when the verdict and sentence was given every heart in the room turned instinctively to him in deep, if unspoken, pity. His bowed head and falling tears visibly touched even those who had little personal regard or sympathy for the prisoner.

The only mitigation of Sullivan's crime is that it was not planned deliberately, but was the result of a drunken spree during which he entered the Dutcher residence for the purpose of obtaining money and being discovered committed the murder, and fired the house in his fright and panic. That at least is the most merciful conclusion.

THE OLD OFFICERS MUST GO.

A Lot of Young Active Men Will Likely be Appointed to the Force.

The old policemen must go. So says the voice of the Common Council and it doubtless will be obeyed. All. McGolderick acting on the advice of Chief Clarke has decided that several men on the police force are too old to do effective patrol duty and argues that they should be displaced for some younger and more capable men. Beyond a doubt the aldermen for Stanley ward has taken the correct view of the question, there are men on the police force, who, while they have given long and faithful service to the city, should now be laid aside for others less advanced in years.

The Safety Board met on Wednesday evening and discussed the question. Chief of Police Clarke was present at the meeting and in a very emphatic manner made his wants known to the aldermen. The force was too small and is not wholly composed of active men able to stand the strain of hard work, while on patrol. Of the older men on the force Sergeants Hipwell and Owens have inside billets which of course do not call for as much active work as patrol duty. Sergeant Watson and Messrs Myles, Dalton and McDonald are still doing patrol duty, but while they do their best they are not so agile or so useful as younger officers. Chief Clarke has on several occasions made known this want to the council but he has not received very much attention.

There is no question that the police department is at present in a very bad state. The lockups with the exception of the Central station are in bad condition. Dirty and ill smelling—not a fit place to be occupied by the vilest prisoner. The Bussells street lockup is particularly bad and has even now become dangerous. Only this week it was reported to the inspector of buildings under the head of dangerous. When asked why matters are not fixed up a little and why something is not done the aldermen say that they must economize; that the police account is even now overdrawn. This may all be true but citizens can not forget that the aldermen do not show such a commendable spirit of economy in a few things.

Only a short time ago as each civic appointment was made which was looked on with disfavor by some of the councillors and was even strongly opposed by a few. The appointment was made however and as a result a former member of the council was given a position at an advanced salary over the heads of clerks who had been in the office for years and were equally capable.

In Favor of the Husband.

HALIFAX, January 28.—The case of the episcopal clergyman's son in the western part of this county who was sued by his wife for alleged non-support and ill-treatment, and where the case was promptly dismissed by Judge Johnston will be remembered by PROGRESS readers. There was a sequel to it some days ago, the Judge being not Mr. Johnston but the bishop of the diocese. The young wife, baffled in the courts, took her case to the bishop's residence. She told his lordship her manifold tale of woe and an investigation was held. The result of it was lack of the essential element in the story; his lordship came to the same conclusion as did the judge—practically that the husband was more sinned against than sinning, and that the good, old, but afflicted clergyman, was a subject for genuine pity by all who have anything but hearts of stone.

THE COLONEL WAS MAD.

BECAUSE ANOTHER REPRESENTED KINGS COUNTY FARMERS.

He Expressed his Views on the Matter Very Strongly Before the Tariff Commission—He Mis'ook the Place of Meeting and Landed Before the Supreme Court.

Among those who attended the tariff commissioners court at the Custom house here on Tuesday was Colonel Domville, member of the Dominion Parliament for Kings County, N. B. It is necessary to be specific about this because it may become a part of the tariff discussion this winter in the House.

Some may ask, "Why was the Colonel so deeply interested in the investigation?" In order to explain it is necessary to tell all the Colonel's doing.

On Monday there appeared before Sir Richard Cartwright and his fellow commissioners Doctor Gilchrist, of the North End. In answer to Hon. Mr. Fielding's enquiry Dr. Gilchrist stated in effect that he represented the farmers of Kings county, that they were all protectionists, that Colonel Domville did not as a farmer own an ox, or a beef "critter" of any kind, in other words an ox, or an ass, a man-servant or maid-servant.

When Colonel Domville read this in the public press his ire was raised. Belonging to an old military family he could not brook this interference, and he bided himself to St. John from the quiet precincts of Rousesay on Tuesday to guard against any other than himself "representing the farmers of Kings county."

And he did not arrive any too soon, so the story goes.

No sooner had Trinity chimed the hour of meeting than the colonel wended his way in search of the tariff commission. He did not understand that the customs house was the scene of their labors but thought they were occupying some of the court rooms. He accordingly sauntered into the supreme court room, and was kindly greeted by his honor Judge Tuck, who enquired: "Colonel have you any business before this court?"

"No!" said the Colonel, "I'm pleased to say I have not."

Then he inquired where the commission was sitting, and was told the customs house. He got there as fast as possible.

When he entered, Mr. S. L. T. Peters was before the court. The colonel at once took him in hand.

"Who do you represent?"

"The farmers of Queens county," was the reply.

"What do they want?" enquired the colonel.

"They desire free goods;" certain of which the farmers from Queens named.

"When did you change your opinion of this matter?" next required the colonel. You were always known as a protectionist, when did you change. It must have been very lately because I did not hear about it before. When did you get the idea? Probably since the 23rd of June."

Here Sir Richard looked at the member from Kings, and the colonel took the hint and subsided. He was after other game and soon found it. Mr. Hubbard of Sussex entered the room and the Colonel went to greet him.

"Who are you anyway," was the greeting.

"I'm Mr. Hubbard of Sussex."

"Of Sussex? How long have you been there?" was the next question.

"Three years," was the reply.

"What did you come here for?"

"I represent the farmers of King's county," said the victim.

"You represent—!" Said the now thoroughly aroused colonel "You represent the farmers of Kings! They must be hard up surely. I want you to understand—that I"—a great loud confident I—"represent the farmers of Kings county, and I am here to see they get fair play. You represent the farmers of Kings? What Hubbard are you anyway, I never heard of but one—something about Mrs. Hubbard and a cupboard. Represents the farmers of Kings" soliloquized the colonel—"I'll see about this business," and he started out mad clear through.

The General to be Replaced.

HALIFAX, Jan. 28.—A rumor is afloat that General Montgomery-Moore, whose time as commanding officer of this garrison will not expire till 1898, is to be removed by General Wolsley during this year, or putting it more mildly, that General Montgomery-Moore will be asked to

resign in order that a more energetic and more modern commanding officer may at once take control of British arms in North America. There may be nothing in this and quite probably is not, but General Wolsley is an officer who has been considerable active service, notably in the very region over which General Montgomery-Moore now presides, and it may be that he would prefer to see an officer more of his own stamp at the head of affairs military in Canada.

TAUGHT A WRONG DOCTRINE.

And now He Must Give Place to an Orthodox Teacher.

HALIFAX, Jan. 28.—The garrison chapel is the place of worship maintained by the war department for the use of the soldiers of this station. The rank and file and the officers have the first right there, and it is only after these have been comfortably accommodated, that the civilians are considered at all. The word of the general commanding is all prevailing in this as in other branches of militarism in Halifax. Sir John Ross a former general here, was very particular that the service should not exceed even by one minute the regulation time, and it was a very audacious chaplain who dare trespass.

The garrison chapel like the other churches of the city, has a Sunday school where children of soldiers and others who may feel like attending, receive instruction. The superintendent of the school has been Captain Wiggan, of the Royal Berkshire regiment, an earnest and faithful man, who enters the work not because it may be the fashion, but from a simple desire to accomplish good. But Captain Wiggan has had to retire from the superintendency because he did not suit the views of the present commanding officer, General Montgomery Moore. Captain Wiggan is a churchman, but he is a believer in baptism by immersion, and it will be remembered that some time ago, failing to obtain the consent of Bishop Courtney to his re-baptism in this way by a Church of England minister, and a Baptist minister having also refused the ordinance without the captain's adhesion to the Baptist standard as a whole, that he was baptized by Captain Winn, a brother officer, in the waters of the north-west arm. This fact seems to have caused the general to keep his eagle eye on Captain Wiggan. Accordingly on a recent Sunday, General Montgomery Moore, accompanied by Colonel North, performed the unprecedented act of visiting the Sunday school in the garrison church. There they found Captain Wiggan zealously at work, and they also found a grievance. The worthy captain is a devoted believer in organized Sunday school work and in the most modern methods as taught in the interdenominational association of teachers, of which Captain Winn is the enthusiastic president. The general found that Captain Wiggan was teaching, not the catechism and the collect exclusively, but from the international lesson sheet. General Montgomery-Moore, it seems, does not pin his faith in Sunday school work to the methods adopted by the provincial teacher's association and by the international committee, but adheres rather to the efficacy of the good old catechism and collect, and when he found that superintendent Wiggan apparently took a different view, with so-called "methodist" leanings, his mind was made up. He decided that Captain Wiggan's usefulness as superintendent was gone and resolved that the officer must leave.

Accordingly he repaired to the Rev. Mr. Bullock, the garrison chaplain, and stated his position. He did not say that either Captain Wiggan must leave or he himself would resign his command of the British army in North America, but he made it clear that a new superintendent must be installed in the place of the officers then in the position, and that at once. There was nothing, therefore, for the Rev. Mr. Bullock but to carry out this behest and captain Wiggan in due course was notified of the position of affairs. In consequence, without delay, there was a vacancy in the superintendency of the garrison Sunday school.

Not only this, but there were also several vacancies in the staff of teachers, for some of them were warm adherents of Captain Wiggan and of modern methods. From an order like this, however, there is no appeal, and all they could do was to leave without remonstrances and give place to others, it such could be found. One or two new recruits have already been secured. Thus the matter rests.