

"Hold fast the form of sound words."—2d Timothy, i. 13

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The Christian Visitor
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THE MUNROE TRIAL.

The last evidence placed upon the stand by the Prosecution was Dr. Earle, the Coroner, who held the inquest over the remains found in the Black River woods. His testimony is important, inasmuch as it corroborates Munroe's statement, to him personally before the trial commenced.

Dr. Earle on oath said: I did not make any threat or promise to induce Munroe to make any statement whatever. It was entirely voluntary on his part. I asked Mr. Roop to come into the back office, but he declined. I returned to the back office and again asked Roop to come in. He replied: "Damn it, I don't want to hear the story." The door between the offices was left open. Munroe was then sitting in my chair in the inner office. I sat down upon the couch, probably two or three feet from him. He said: "It is not Mrs. Clarke at all, it is an assumed name, it is the Vail girl and her child from Carleton, that I have had so much trouble with. She took the name of Mrs. Clarke to make it appear that she was a widow. He was going to Boston or New York with Mr. Fenety to get some things for Mr. Fenety's new house, and she wanted to go with him to meet a man in Boston that she said wished to marry her. I think he said he was a painter, but I will not be certain on that point. He tried to persuade her not to go, but she would go. She went with him. When they got to Boston, he, Mr. Fenety, and other gentlemen friends stopped at one hotel, and she at another. I think he said she stopped at the Commercial Hotel, or House. I do not remember at what house he said he and his friends stopped. He went to the hotel at which she was and saw her on the following day. He had to go to New York with Mr. Fenety. He went to New York, and left her at the hotel. When he returned to Boston he went to the Commercial Hotel to see her again. She was very much dissatisfied and wanted to get home. She had not seen the man whom she supposed would marry her. He told her he was not going by the boat, but to Portland by rail. When he got to the steamer at Portland she was on board. He saw nothing of her till they were coming up the harbor near St. John. He then saw her and asked her where she stopped, and said Lordly's would be the handsiest place to take her. He said she did not like to stop there, for she thought Mrs. Lordly knew who she was. She said there was a person out at Loch Lomond—a painter from St. John—that she wished to see, and would be drive her out. She wanted to go in an open wagon, but he did not care to be seen, driving with her, and he therefore took a coach and drove out past Banker's on the Black River road. I can't speak of the distance. He then stopped the coachman, sent him back to Banker's to get his dinner and feed his horses, and they would walk the rest of the way. They got out and the coach turned back. The reason he did so was because he did not want this painter to see her for fear he would not like it. She then took the child and walked ahead, and he watched her till she passed Collin's road. I said to him, "She did not go to Collin's, for I have just come from there." He said no, for he saw her pass the end of Collin's road. After a time she returned with the child and said the folks were not at home, and he would have to fetch her out some other day. They came back to Banker's, got into the coach, and came back to town. She was dissatisfied with staying at Mrs. Lordly's, and wanted to go to some other place. He took her to Lake's or the Union Hotel, on Union street. She wanted to go out again to see this man, and he took her in a coach as before. About the same place he stopped the coach and got out and turned him about again. She took the child and went away along the road and turned down the road towards Collin's. After a time she came back with the child and said she was not coming to town for the folks were at home, and were going to drive her in on Sunday evening or Monday morning in time for the American boat. She wished him to take her baggage down to the boat and get it checked. He went down to the boat on Monday morning, but the baggage was not there. He had got some one to bring it but it had not arrived. When it got there the last bell was ringing. He ran down to the boat and thought he would not be able to see her, but he did see her on the deck of the boat. He had just time to slip the check into her hand, shake hands and say good bye. That is about all he said.

Having published the substance of the evidence produced by the Prosecution, it is only right that we should furnish the testimony given in the defence. As in the former case we can only give the substance. Here it is:

David Heffernon, sworn:—I know prisoner and have done so for 12 years. I am a builder. The character of prisoner was always good in his dealings with me. He is an architect, and has been in business about 7 years. He had a good business and was in good circumstances. He was clever in his business according to my ideas of it.

Judging from your knowledge of the prisoner's character, do you think he would commit the crime charged against him? I do not. I recollect the night he was first taken to the Police Office. I went to the Police Office to see if it was true that John had been arrested. I saw him and he gave me a pocket book for his wife. We met Mr. Marshall just as we were coming out, near Jones the tailor's, and Mrs. Cruikshank's. I'm positive I saw the Chief of Police. John J. Munroe, sworn:—I am the father of the prisoner and remember the night he was arrested. On that night I was walking with Mr. Heffernon and met the Chief of Police on Chipman's Hill. He shook hands with me and said, "John, this is a sad affair; I'm very sorry for you." I'll keep you posted up. I told John that whatever he said to me would be in strict confidence and no action would be taken upon it. I did not make any reply, but went home up the street. I have not had any of the hair in my hand, and never saw any of it in or out of Court. I was in an architect, and his business was prosperous and increasing from year to year. He was not in any pecuniary difficulty that I am aware of. I state positively that what I have said about Mr. Marshall is perfectly correct.

Did you mark that trunk at Mrs. Lordly's by cutting it with your knife? and did you taste the wood? I never saw the trunk, never did the cut, and know nothing about it.

Examined by the Attorney General.
I was in Mrs. Lordly's house on the 27th of October, 1868.

Do you know George Wade, Mr. Munroe? I do. Do you know when he last came from the States? I do.

Where did he stop then? At my house for two or three days—I don't recollect how long. I recollect going to his Uncle Sam's. I had no conversation with him the morning before that. It was previous to the opening of the Court. My house is in Princess street. I did not go into my room with him and have conversation. I did not tell him what evidence I wanted him to give on this trial.

Peter Cormack, sworn.—I am a stone cutter. I know the prisoner, and have done so 10 or 12 years. He has always borne an honorable character to my knowledge. I have frequently had to come in contact with him in our several businesses. He was not in my opinion a person who would be guilty of the crime charged against him. I never saw him show any but an affectionate disposition to me.

William Fay, sworn.—I am a stone cutter, and am engaged at the Wiggins' Orphan Asylum. I have known the prisoner about eight years. Often met him in his position as an architect, and especially during the past three or four years. So far as I have seen personally to me he was gentlemanly. I never heard that he was morose, and never saw anything to lead me to suppose that he was. He was about the last person I should have supposed guilty of the crime.

Charles E. Potter, sworn.—I have known the prisoner ever since he was quite a small boy, perhaps 20 years or thereabouts. I knew him till lately. I never knew anything bad of him, but that he was very quiet, and the most quiet among the young men growing up. He was very successful in his business and got about the best that was going. I never heard anything against him till since this trial. He was about the last person I should have supposed guilty of such a crime.

Edward J. Brass, sworn.—I am a house builder. Have known prisoner a great many years and have had business transactions with him frequently. His character was good so far as I ever had to do with him. He was upright in his dealings so far as I knew. He was busily engaged in his business and was occupied nearly the whole time frequently working at night. He was the last man I should have thought guilty of such a deed.

George F. Thompson, sworn.—I know the prisoner and have done so for 20 or 25 years. He has lived next door to me and I have seen him almost every day. I always thought him very quiet and inoffensive, and never imagined he could commit such a crime. I never saw anything to make me alter my opinion.

Henry G. Hunt, sworn.—I have known prisoner since he was a boy. His reputation and character were good. I never heard anything against him. I always thought him very inoffensive, and he was the very last man I should have thought guilty of such a crime.

The prisoner from the moment Mr. Thompson rose to speak to the jury for him kept his head down on his hand which rested on the top of the dock rail in front of him; and on one or two occasions wiped his eyes with his handkerchief. He did not raise himself till the Court adjourned a few minutes before 5 o'clock.

Rev. Wm. E. Scovill, sworn.—I have known the prisoner for over two years. He was the architect of the Wiggins' Orphan Asylum, of which I am a trustee. I found him an obliging, attentive young man, and clever in his profession as an architect. He was doing a good business. I never knew of anything against his moral character until this affair transpired. He was sober and industrious. I don't think any person could be guilty of the crime charged against him, and certainly not John A. Munroe. His disposition was gentle and quiet, so far as I can judge.

J. Edward Boyd, sworn.—I am a civil Engineer, in charge of the E. & N. A. Railway. I have known the prisoner since Sept. '63, when he enlisted as a private in the Volunteer Company of which I had charge. He enlisted as a private and was promoted to a Lieutenant. He was an architect and very clever in his business, and doing a large business. He was particularly sober and industrious in his habits. He conducted himself very well indeed as a member of my company. I always thought he had a very mild and inoffensive disposition. I knew nothing against his moral character. Knowing the prisoner as I do, he would be the last person I should suppose to be guilty of the crime charged against him.

John Parks, sworn.—I am Captain of the Volunteer Company Mr. Boyd spoke of. I know the prisoner, in February, '84, I met him first, when he was promoted to Lieutenant of the Company. I have known him since. He has been a member of the Company since then. I met him almost weekly. He seemed to be very busy in his profession. My impression was that he was a very good architect. His disposition was remarkably amiable; rather disposed to give way to others. He is certainly not the person that I should think guilty of the crime charged against him, according to my knowledge of him. It seems incredible.

Thos. McAvity, sworn.—I have known the prisoner since he was a small boy, when he went to school, with my own boys. I have frequently met him since. I have always thought him quiet and inoffensive as a boy, and of the same character as a man. He was employed in preparing plans during the past season of improvements on the jail, and gave every satisfaction. He was also employed to superintend the work. The work was going on when he was arrested. So far as I am aware there was nothing against his moral character. I do not think him a person that could be guilty of the offence charged against him.

John Jenkins, sworn.—I am a rigger by trade. I have known the prisoner from childhood. He was with me in Sunday School between 10 and 11 years. This ceased when he was about 19. He is now 28 or 29. He was a remarkably quiet and inoffensive boy. He indicated that character all the time he was in my school. Since he came to my son's estate I never heard or saw anything derogatory of him. I have kept an eye on the scholars of the school, and have never known or heard anything against him. When I first heard this charge against him, my feelings as then expressed were that it was impossible, and that he could not be guilty of such a crime.

James Quinon, sworn.—I have known the prisoner since he was a child in 1840; but my best acquaintance with him has been in the last 10 years. I always found him gentlemanly and attentive, and with a kind disposition. From anything that I have seen of him I have no reason to believe he could be guilty of such a crime.

E. D. Jewett, sworn.—I have known the prisoner three or four years. He made drawings for me as an architect three years since. I had opportunities of forming some opinion of his character. In a business point of view I was satisfied with his work, and I was favorably impressed with the man. I never saw anything but mildness in his disposition. I never heard anything of his moral character until this affair came up. I never saw anything in his

character that would lead me to believe him guilty of this crime, and for some time refused to believe it possible.

Israel Hawes, sworn.—I am a manufacturer. I have known the prisoner about 10 years. I have seen a good deal of him in business. I have always thought his disposition quiet and inoffensive. I think he was very busily engaged in his profession in past years. I did a great deal of work after his drawings, and considered him very clever for a man of his years. I never could have believed him guilty of the offence of which he was charged.

Isaac Burpee, sworn.—I have known the prisoner 4 or 5 years. Whatever business I had to do in his profession I employed him. I am no judge of architecture, but he satisfied me. I always found him gentlemanly and attentive, and never saw anything that would lead me to form a bad opinion of his character, but quite the reverse. I certainly could not believe him guilty of the crime charged against him. I cannot tell how many pistols we sell, but quite a number of them. I could not tell what is the most saleable sized pistol. The clerks would know better than I would.

W. H. Knowles, sworn.—I am a trunk maker. I have done business for 8 years on my own account. [Trunk shown.] Judging by the wooden strips the trunk is an American one. They are of white wood. We use spruce and pine here. Mr. Munroe uses spruce and pine in his trunks. We both get our cleats from Mr. Fairbanks [Mr. Thomson].—Your Honor will remember that Mrs. Lordly swore that Mr. Munroe tasted the wood and gave it as his opinion that the trunk came from his establishment. This was not stated before the Court but at the Coroner's. The deposition made before the Coroner by Mrs. Lordly was then put in evidence by Mr. Thomson. It is, "I took Mr. Munroe down to the office and showed him this trunk. He went forward and looked, and said it looked like one manufactured at his establishment. He took a knife out of his pocket, and cut the end of the slat on the top of the trunk, and put some of the wood in his mouth and chewed it, and said there is no doubt they were out of his establishment." This was sworn to by Mrs. Lordly on the 2nd Oct. last, and signed by her before S. Z. Earle, Coroner.]

Witness proceeded.—Both Mr. Munroe and myself get our slats from Mr. Fairbanks. We sometimes get bass wood, but mostly spruce and some pine. Those slats are American white wood. I should judge it is an American trunk. The trunk has three slats on the bottom. We put only two. I believe those bottom slats to be American pine. It is more brittle than ours. This trunk is tongue and grooved. We dowel and glue ours. I believe the trunk to be American manufacture.

S. D. Berton, sworn.—I know John A. Munroe since 1862. I employed him to make some drawings for a house I was building. I was very much satisfied with him, and I took pleasure in recommending him to others. In 1866 I got him to make some drawings for a school house on Waterloo street, and after I represented to him that the school was for benevolent and educational purposes he not only agreed to draw the plans gratis, but to superintend the work free. My relations with him were very satisfactory, and I never saw anything in his disposition that would lead me to suppose him guilty of the crime charged against him.

David Carroll, sworn.—I am a plumber. I went out with Daniel Heffernon, C. E. Raymond and Adam Young, about a month ago, to the place where the remains were found at Loch Lomond. It might have been a week before the sitting of the Court. I should think it was not much more than half a mile from Banker's to the place where the remains were found. Others might know the distance better than me. [The distance, according to Mr. Wellington's survey is a little over three quarters of a mile.] It is almost impossible to get into the place from the Black River Road, owing to the thick underbrush. I did not take particular notice of any place along the road until we came to the place. I had a Smith & Wesson pistol with me. [No. 22 cartridge shown.] That is the same size as the pistol I used. I fired seven times at the place; on the rock, a little off the rock, and on the road. We met Mr. Kenney and Mr. Nagy out there, and they went along the road towards Banker's about 5 or 600 paces, and they heard the report distinctly, for they turned around at once. This was when I fired from the road. When I fired from the rock Mr. Raymond went down the road towards Collins's. One of the party went a little into the woods, and some went towards Banker's. The air was still on that day. I did not take particular notice as to whether the road could be seen from the rock. We went in by the path. There was a little frost in the ground. It would be soft and spongy if the frost was out of it. It was a most unlikely place for a woman to go into of her own accord. I did not make such observations as would enable me to say whether a person could be seen at the end of the path from the rock. I have known the prisoner for 10 years. My business has brought me frequently in contact with him. He was very quiet and attentive to his business, and I never knew anything against his moral character until this affair came up. I could not believe him guilty of the crime charged against him; and was very much shocked when I heard it.

Cross-examined.—I could not tell whether a person travelling along the road could be seen from the rock. I don't think any of the party experimented in this way.

Gilbert Murdoch, sworn.—I am superintendent of sewerage and water in this city. I have kept a full record of the rain falls and of the weather for a number of years. The rains I have recorded for 15 years; the weather I have only been observing since 1860. Rain fell on two days in the last week of October, 1868. There was a light rain on Monday, 26th, between one and two o'clock. The morning of the day was cloudy and the night clear. The 27th was clear in the morning and during the day and night pretty cloudy. The 28th, morning cloudy, heavy rain in afternoon. 29th, morning pretty cloudy, day and night clear. Friday, 30th, morning, day and night clear. Saturday, 31st, morning clear, day clear, night cloudy. The rain on Wednesday was heavy, the heaviest of the year. Fully 25 per cent of the month's rain fell on that day. It commenced about noon and rained in heavy showers until about 6 p. m. We had snow on the 17th and 21st. They were heavy for the month of October, particularly on the 21st. Between the night of the 31st and the morning of the 22d nearly five inches and half of snow fell. It lay for several days. The last of it had scarcely disappeared when the heavy rain of the 28th fell. I have seen the place where the remains were found. I think it was about the 11th November. While waiting for dinner at Banker's I walked out to the place for curiosity. Mr. E. E. Lockhart was with me. The ground was very wet and spongy when I was there. I

got my feet wet in going into it. I do not recollect of seeing any pool of water near the rock. I should judge that the ground would be very wet and spongy on the last day of October, 1868. It would depend upon the object whether a woman would voluntarily go into such a place. I made no observations as to whether a man could be seen at the rock from the road. I have known the prisoner for some time, always found him quiet, and would not suppose him capable of the crime charged against him.

Archibald Cook, sworn.—I am a machinist, carry on business in Portland. I know the prisoner, have known him five years. Have come in contact with him frequently, at places where he was superintending work, and I was also employed. I had opportunities of forming opinions as to his character. I looked upon him as a young man of great abilities as an architect. I looked upon him as very gentle and inoffensive; never knew or dreamt of anything else. I knew nothing against his moral character. I should not think him capable of the terrible crime charged against him.

W. H. Belding, sworn.—I reside near where the prisoner lives. He occupied one portion of Mr. Crawford's house on Charlotte street and I the other. He came to live there in 1863, and has lived there since. I have, therefore, seen him frequently, every day almost. I first saw him in 1860, the year the Prince of Wales came here. I never knew anything wrong with his character, and while living in the house have found him quiet and gentle in his manners, and of a domestic turn. Of this I spoke to my wife. He was very industrious, and had a great deal of business to do. I would not have thought that he was a man that would have committed a crime like this. It seems incredible.

Cross-examined.—Munroe has a wife and two children, the oldest probably about seven, and the youngest rising three years of age. His wife is living with him there.

River road; they are not so thick but at intervals I could see a person passing the road from the rock.

W. Barard, M. D., sworn.—I have known the prisoner since he was a boy. I have always found him to have a good disposition, both in boyhood and in manhood; and he is the last person that I should suspect guilty of a crime such as this. [Skull shown.] There are no means by which I could tell by the skull that it belongs to a male or female. As a general rule the skull of a female is thinner than that of a male. This is a thick skull. I have seen a male skull thinner. The rule of thickness is not by any means an absolute one. [Bones shown.] I will not undertake to express any opinion as to whether these are the bones of a male or female; I would express no opinion without a perfect skeleton, and then there would be no certainty of absolute correctness. I should think no medical man would undertake to give an opinion from those bones. [Child's tooth shown.] I should say that is a molar tooth, but I would undertake to express no opinion as to the age of the child to which it belonged, for this reason. I have known three cases in which children were born with deciduous teeth cut through, and I have known one case where a child was twenty one months old before it had any teeth; cases are recorded where children have not cut their teeth for seven years; if I could see the membrane covering the roots I might form an opinion, but without that I would not do so; I have often seen teeth cut through with the enamel not so perfect upon them as it is upon this one; the enamel will sometimes be destroyed by disease, so that it will crumble to pieces after protruding. Where the enamel is perfectly formed the atmosphere will not affect it for a long time, although it will ultimately affect it. The enamel is a very hard substance, but that on the first tooth cut will be more readily affected by it than that on subsequent teeth. Everything would depend on the state of atmosphere how long it will take a body to decompose. In a fortnight after decomposition the effluvia will be readily detected by parties passing near a body, dependent altogether however upon the direction of the wind. A completely thawed body will decompose more rapidly than one partly frozen; I have seen the Smith & Wesson's pistol, [No. 22 cartridge shown.] I will not speak positively as to whether a cartridge of this size would send a bullet through and through the skull, there are so many circumstances depending upon it; the quality of the powder and the distance at which the shot was fired. It is an unsettled question whether brain matter or water will present the greatest resistance. My impression is that water will, because it is more compressible than brain matter.

Geo. Hicks, sworn. I live on Brussels street. I am a trunk maker. I have known the prisoner about three years. I know him to be an architect. His office is in the shop, and he worked part of the time in the factory. I know a girl named Sarah Margaret Vail, who she was with and called it to be Sarah Margaret Vail. Looking back, I now believe that it was the Miss Vail that I saw on the City Road. This was before I went into the Trunk Factory, and I have been there three years. She resembled her sister, Mrs. Jenkins, but I think she was not so tall. I saw her hair down one day, and I think it was fair. I saw her and her niece, Alice Jenkins, out on the road. The last time that I saw her, to my knowledge, was on Rice's Point wharf, on the 21st of November, 1868. I will not be positive that it was on the 2nd of November. She was walking along the wharf. John Munroe passed us a little before that on his way to the steamboat. I can't say that I saw any more of her that morning, but I thought I saw her going on board the boat. I will not swear positively that it was her, for it is a long time since I saw this female. I did not bother my head as to who she was, as I had not much acquaintance with her. I thought this I thought of who she was, and called it to be Sarah Margaret Vail. Looking back, I now believe that it was the Miss Vail that I saw on the City Road.

Wm. Howard, sworn.—I knew the prisoner. I also knew a girl named Sarah Margaret Vail. This was 4 or 5 years ago, when I was finishing a house in Carleton. I saw her afterwards when I was finishing the Round House at the Tower. She walked up by the Tower almost every evening. She was a fine looking girl. I think her hair was dark brown. I saw her very glossy. The last time that I saw her was down at the steamboat wharf. It was on Monday morning and wet, so that I could not work outside. I live in Mr. Kee's house on St. Andrew's street, and when I am not working I go down to see the stir at the boat. My attention was directed to the girl by my nephew, and I told him I knew her. She was going down to the boat, and I saw John Munroe at the head of the wharf at the time. A plank was laid from the wharf to the boat, and I saw John Munroe stop talking to a man at the head of the wharf, and then came down and go on board. Miss Vail had a child on her left arm, with a red and white Berlin hood on her head. She wore a dark dress and a cape of a grey colour. I think the child had a sort of red cloak. I saw John Munroe standing alongside of Miss Vail after this, and go down stairs with her. I saw nothing of him afterwards that morning. I make this statement voluntarily.

Cross-examined.—I saw John Munroe and the girl go down stairs together. I was about 30 feet from Miss Vail when I saw her. It was shortly before the last bell rang. The crowd was pretty thick. I saw her look back twice as she went down the wharf. I don't think there was any body there with her. John Munroe walked on board immediately after her, and both went down. The tide was high and the boat a little above the wharf. I couldn't see whether the position of the wharf was high or low, if it was high, it was very high tide, and the boat would have risen about 2 feet more if she had remained; I will not swear what day of the month this was, but I know it was a Monday.

Re-examined.—My nephew who attracted my attention to the girl, has gone to his home in Bristol. I did not know at the time that John Munroe had been keeping company with Miss Vail. The last bell rang just about ringing. I will not now say that the saloon deck was higher than the wharf. A plank was placed from the wharf to the deck.

This closed the case for the prisoner, when Mr. Thomson stated he did not wish to address the jury to-day—it being near half past four. The Judge did not wish to press him and would give him until to-morrow morning.

THURSDAY MORNING.
MR. THOMSON'S ADDRESS TO THE JURY.
I am now called to address you in a cause the most important that has ever come before a Court in this country. You must decide according to the criminal law of the land, and I have no doubt that you will decide fairly and impartially; but I cannot allow the opportunity to pass without again raising my voice against that law, and will do so as long as I remain a member of this bar, and with my last dying breath will continue to denounce it. It is equally vital to pass life of a fellow-being with Miss Vail. It is a law that such sentence as will send a man to the gallows, to stand by and as you listen to the sound of the gong, to know that you have been the agents that consigned a fellow being to eternity. Had I known the manner, I might say the blood thirsty manner in which the Crown prosecutors were determined to conduct this case, I should never have undertaken the task on my own individual responsibility. Every nook and corner of the Province has been ransacked for witnesses, the strictest rules of evidence had been adhered to, and not a tittle of evidence that could be objected to was allowed, with the single exception of Mr. Hasey's affidavit. He did not think that this was going to be a trial of a man against a man, but that it would be a Queen against an offender against the law. When the