

THE CALLAGHAN MURDER.

Intense Interest in the Trial. A Crowded Court Room.

Eloquent Speeches of Messrs. F. Peters and Hodgson, Q. C.

A Short Summary Report.

The court room yesterday afternoon was densely packed, and intense interest was evinced as the Callaghan murder case was reviewed by the eloquent Counsel on behalf of the prisoner and behalf of the Crown.

The Foreman of the Jury asked that the last witness, Mr. John Bell, be recalled in order that they might put some questions to him.

JOHN BELL (re-called)—Question by the Foreman of the Jury—Did you ever make any other vest from that pattern? Ans.—Never.

Question—Have you often made vests from that kind of cloth? Ans.—Not very often.

Counsel for the defence stated to the Court that as new evidence had been introduced he desired to send for the persons who had charge of Callaghan's clothes since his death.

Mrs. H. B. SMITH (re-called)—There were no clothes at Callaghan's house after the murder. I searched the whole place and looked for a black suit but could not find it.

This closed the evidence, and at five minutes to three o'clock Mr. Frederick Peters began his address to the Jury.

OUTLINE OF MR. PETERS' ADDRESS.

MAY I PLEASE YOUR LORDSHIP—Gentlemen of the Jury, in a case of the kind we are trying here to-day, it is necessary that we should understand clearly the serious nature of the issue.

It is necessary, in the first place, to rid your minds from the inducement of certain technical circumstances calculated to prejudice you against the prisoner. You are intelligent men, and you, no doubt, read the newspapers. I must bring to your notice the fact that the newspapers have, since the prisoner's arrest, been filled with stories about this man's life.

PLACED AT AN UNUSUAL DISADVANTAGE.

As a rule, when a man is charged with a serious crime of this kind, he is brought up before a magistrate, and the facts and circumstances are taken down, the facts and circumstances of the case are brought out, and the prisoner is allowed to give his own explanation before the trial comes on.

THERE IS NO DIRECT EVIDENCE.

The prosecution say that a great crime was committed, and the prosecuting attorney may think it necessary to enlarge on the horrors of the deed, and to bring it before you as a most terrible crime. I am not here, gentlemen, to palliate the crime, and when the real criminal comes before the court, I say let him receive condign punishment.

"A distinction is to be noted between civil and criminal cases, in respect to the degree or quantity of evidence necessary to justify the Jury in finding their verdict for the government. In civil cases, their duty is to weigh the evidence carefully, and to find for the party in whose favor the evidence preponderates, although it be not free from reasonable doubt.

Mr. Peters concluded his address, which lasted two hours, with an eloquent appeal to the Jury to give the evidence their careful attention and a fair consideration to all the circumstances of the case; and left it with them to say "whether it be life or whether it be death."

standing, and satisfies the reason and judgment of those who are bound to act conscientiously upon it. These facts are to be proved beyond reasonable doubt; because if the law, which mostly depends upon considerations of a moral nature, should go further than this, and require a positive proof, it would exclude circumstantial evidence altogether.

Mr. Peters then reviewed the evidence. He said the prosecution proceed to do the case, with a great flourish of trumpets, a pair of stained trousers. What does that amount to? Some of the doctors say the stains were those of blood. It has been proved that the prisoner slaughtered a cow for Mr. William Prowse. There is no evidence to show that the blood was human blood, and that you secure for the blood marks by this fact? Follow on again. We proved that in March or April he killed two pigs for Neil McPhee, and that he cut the pigs up, and the fact drawn by the prosecution from the circumstance that blood spots were found on the trousers ought therefore to be given up. It can not be pressed against the man. The evidence of the prosecution, taking their own proved facts, shows that it was impossible that the prisoner could have committed the murder. They produced Clarke to prove that

CALLAGHAN WAS LAST SEEN ALIVE

on the afternoon of Wednesday. Richard Flynn says that he was not to be found on the morning of Thursday morning. They tell you that the day was wet and they point out that the clothes were wet. If that be the case, Gillis could not have committed the crime. They have proved to you by Mrs. Doyle that on Monday, some time in the afternoon or evening, Gillis came to her house and stayed there until Tuesday evening, when he went away—walking, now assuming that the Crown is right in their theory, that he was on some morning in May he met Gillis. He says, "I went to the Souris train and this man was standing on the platform, and he asked to come to my place."

UNABLE TO FRAME A THEORY

to account for its transfer to Gillis's pocket. As to the chain, they say it is a common thing. It is so common that they have been unable to produce any other like it. Mrs. Ternery, who is the prisoner's sister, Ewen McDougall, Swan and Blackman, all agreed as to the identity of the chain. Rackham says he saw the chain a few days before Callaghan's death. Can it be supposed that those witnesses have sworn falsely? What earthly object can respectable men have to come before the court and swear that they have committed a crime which has perjured themselves I defy mortal man to say that it is not Callaghan's chain. The counsel for the defence have asked the jury to show where the chain came from. Gillis was never seen with a chain like this before the murder.

THE CHAIN IS VERY WEAK

If there is a doubt that he came back on Friday; if it appears that he returned on Tuesday, it is for you to say whether those witnesses committed perjury or not. Mr. McPhee comes in here and says he saw the coin in which he professes to find the date, the same week, long before ever the murder was in any way connected with the prisoner at the bar. The next witness is Mr. John J. Haley. The next witness is Mr. John J. Haley. The next witness is Mr. John J. Haley. The next witness is Mr. John J. Haley.

WITH RESPECT TO THE CHAIN.

Some of the witnesses think it is like Callaghan's chain; not one of them will swear that it is Callaghan's chain. Mr. James Lewis, a man whom Callaghan both knew and trusted, thinks it is not Callaghan's chain. He has seen it, and he has seen it. Mr. McCarthy says that before the murder Gillis told him he had a chain of this description, which he had just bought. Gillis told him he had a chain of this description, which he had just bought. Gillis told him he had a chain of this description, which he had just bought.

THE WAISTCOAT WAS PUT INTO IT

Having failed to prove that the waistcoat was found in the trunk when it was taken from Neil McPhee's house, the fact that it was afterwards found in the trunk proves nothing. The prisoner does not deny that he ever had the waistcoat in his trunk. I asked him carefully about it. He said: "My God! they must have put it into the trunk."

OUTLINE OF MR. HODGSON'S ADDRESS.

MAY I PLEASE YOUR LORDSHIP, GENTLEMEN OF THE JURY.—It now becomes my duty, as Counsel for the Crown, to address to you a few words concerning the issue that it is your duty to decide. There is in this case a chain of evidence supported by the mouths of forty witnesses.

PRISONER'S GUILT. In the month of May there was committed

A MOST BRUTAL MURDER.

No eye that those of the murderer and his victim, with the eye of God looking upon them, saw the deed. But evidence to be an overwhelming proof of evidence which brings home the murderer's crime. This has been done by circumstantial evidence. Circumstantial evidence is allowed to prevail to the conviction of an offender, not because it is necessary and politic that it should be resorted to, but because it is in its own nature capable of producing the highest degree of moral certainty in its application.

"Circumstantial evidence is allowed to prevail to the conviction of an offender, not because it is necessary and politic that it should be resorted to, but because it is in its own nature capable of producing the highest degree of moral certainty in its application. Fortunately for the interests of society, especially those of great humanity and violence, can rarely be committed without affording vestiges by which the offender may be traced and ascertained. The vestiges which he adopts for his security frequently turn out to be the most cogent arguments of guilt."

Mr. ARTHUR PETERS said the theories were not abandoned; they were only not referred to. The counsel for the defence were not pressed. Mr. Hodgson proceeded: "The murderer went to the Cemetery for the purpose of obtaining a watch, and took the watch with him. The watch, the chain and the coin were stripped from the victim. There can be no doubt that the watches produced in Court were those of Callaghan. The evidence of the watchmaker proves beyond doubt that the watch belonged to Callaghan. Mr. Wellner says that within two years he had seen the watch in Mount Stewart, and the counsel for the defence, with all their ingenuity, have been

UNABLE TO FRAME A THEORY

to account for its transfer to Gillis's pocket. As to the chain, they say it is a common thing. It is so common that they have been unable to produce any other like it. Mrs. Ternery, who is the prisoner's sister, Ewen McDougall, Swan and Blackman, all agreed as to the identity of the chain. Rackham says he saw the chain a few days before Callaghan's death. Can it be supposed that those witnesses have sworn falsely? What earthly object can respectable men have to come before the court and swear that they have committed a crime which has perjured themselves I defy mortal man to say that it is not Callaghan's chain.

WHAT DOES HERMAN MACDONALD SWEAR?

He says that he was not at McMillan's with any man named Melnis, but that he was there with Alexander Gillis, Aro McDonald and McMillan members of the famous band of perjurers who have conspired to swear away the life of Gillis for the sake of the reward. It is a shame to say so. Herman McDonald, I have long known. He is a man of no quarrel with the prisoner. No unworthy motive could have induced him to swear that he saw the coin in which he professes to find the date. On Wednesday, we said Gillis in town; on Thursday or Friday he turns up at Mount Stewart. How many yalises are secreted in the woods? The woods are certainly a strange storing place for a valise. It strikes me as suspicious that the prisoner left his valise in the woods. There was some reason for it. But the learned counsel for the defence, with all their ingenuity, could find no reason. What Gillis did on Monday, on Monday, he paid her nothing—he had no money. But on Friday after his return he changed Callaghan's Newfoundland gold piece into a silver piece, and he carried it with him. He himself, Mr. McEwen, the Station Master who changed the coin for him, says he has an indubitable proof of the change. He has a short monstache. Gillis had been shaved on the previous Monday and it is not unlikely that in the four days which had elapsed, the monstache had grown sufficiently to impress Mr. McEwen with this idea. Well, on the 22nd Gillis turns up at McDonald's, acting like one conscience-stricken. What he does so terribly wrong is inflicted by the conscience of the murderer. In imagination

THE SCENE OF HIS CRIME IS EVER BEFORE HIM,

and every incident in it is pictured in his mind. Conscience-stricken, Gillis sat in a dark corner, behind the kitchen fire. He stayed a little while—restless and uneasy. On Saturday he returned, and declared, with a terrible impression, that he must be hung this time. The counsel for the defence sought to make it appear that those who were with him were wrung from him in his anguish, and are a damning proof of his guilt. No word of the Callaghan murder had reached the ears of the learned counsel for the defence. Now, it is not necessary that the counsel for the prosecution should state in detail the examination of witnesses who have been introduced in Court. But a few words may be said for Mary Ellen McDonald. She was tortured before the keenest cross examination. The unspeakable communication she had with her lover before he was charged with the awful crime of murder, were read and read at the learned counsel. He did it for his discomfiture. He did it. The voice was the voice of Jacob, but the hands were those of Esau. For the sake of the prisoner, this poor girl made one recantation and came back to her own home. She was tortured and

SENT PAINTING FROM THE COURT.

And what does it all amount to? She wrote the prisoner some letters while he was in jail, charged with larceny, and in those letters expressions were used which could not be found in a policy of insurance. But what is to be made of it? The poor girl was under the terror of a nameless shame. She knew that she brought sorrow upon the heads of her parents, and she wrote to the father of her unborn child. Women are ever more faithful than men, and though Gillis was in jail for larceny she did not wish to give him up. The evidence in this case, Gillis left Harmony in debt and without money. Immediately after the murder he came back to Harmony with money and paid the debt. The Counsel for the defence might have explained how he got that money, but they have not done so, because it was Callaghan's money. He did not take it with him when he came from town he would sell him a ten dollar gold chain; when he came, he sold McCarthy Gillis's chain for dollars. Now, as to the alibi. The evidence given by McPhee is contradicted by that of Susan Coffin, Mrs. Doyle, McCarthy, James McDonald and Haley. Therefore McPhee must be mistaken. McPhee has a wife who is ill. But he has also two daughters—one seventeen and the other about twenty. Why are they not here to clear their uncle? Oh! they have to stay at home and nurse their mother. Is there no kind person in the neighborhood willing to nurse the mother? While the town is so poor that they could not possibly be guilty of this dreadful crime? McPhee has also a son—he is not wanted to stay at home, but he is not wanted to stay at home. On Thursday I left him in the prisoner's bed; and further on he says that on that same Thursday he saw the prisoner's horse at six o'clock in the morning. How are these two statements to be reconciled? After all, it comes to this, that either the other witnesses are a band of perjurers or the old man McPhee is mistaken. McPhee says that on the 29th of May Gillis left his house, wearing a rubber coat; but Mrs. Gillis says that when he arrived at her house on that day he did not wear a rubber coat. There is no consistency in the evidence to prove an alibi. Now as to the

BLOOD ON THE GARMENTS.

The doctors with one consent say that the stains found in Gillis's trunk are those of blood. Strange, isn't it, that blood seems to have stained everything belonging to the prisoner? Blood stains were found on his coat. One of the witnesses says that when Gillis went to town the blood-stained trousers were in his trunk. He had a blood-stained vest, identified by the tailor as the one he made and presented to Callaghan from a pattern marked:

"P. CALLAGHAN, SHERWOOD, DEC. 1883."

How did that vest reach Gillis's trunk? The learned counsel for the defence say that it was put there by someone who stole the trunk. That is to say that either

Sheriff McDonald or Sheriff Longworth, or Deputy Sheriff Curtis, John McKinnon or W. A. Weeks, did the dastardly deed. In order to support their theory the Counsel for the defence has suggested a name for these men—John McKinnon, he probably meant, though he did not say it—such a damnable crime as that. That is not fair fighting. That is striking below the belt. That is stabbing in the back.

HOW MANY WATCHES

had Gillis previous to the murder? The defence have not been able to produce a living witness who saw him with three watches. But they say it is unlikely the murderer would have left a watch behind him in Callaghan's house, had their object been plunder. We have it in evidence that this watch was found in an out of the way corner on the kitchen table; the blinds were down, night approaching—and, we say, the murderer never observed the watch.

Mr. Hodgson then summed up the evidence, and concluded with an appeal to the jury to give their verdict without reference to the fate of the prisoner. It was not, he said, their duty to consign him to the gallows. The judge would do that. They had but to find a verdict according to the evidence.

THURSDAY, JAN. 28.

Court opened at 11 o'clock this forenoon. The court room was crowded and much interest was evinced in the proceedings. At a few minutes after 11 o'clock, His Honor, Judge Henley, began his charge to the jury. It was an able and exhaustive effort, dealing with every phase of the case. The learned judge began his charge by referring to the murder and related the circumstances connected with the finding of the body. After doing this he read extracts from the testimony of the witnesses for the prosecution, comparing them with the testimony given in favor of the prisoner, and pointing out several discrepancies existing between the two. These he recommended to the careful consideration of the Jury. His Lordship concluded his charge at 4 o'clock this afternoon, and the jury retired to consider a verdict.

The Civic Election.

The Civic Election yesterday was closely contested and great interest was evinced in the result. At an early hour in the morning the candidates, their supporters and representatives, as well as the usual number of curiosity-seekers, were in attendance at the polls. Every conceivable kind of vehicle was pressed into active service, their drivers making the air resound with loud hurrahs for their respective candidates. The chief interest centered in the contest for the Mayoralty. Both sides were determined to return their men and worked both and nail to do so. As a result of their efforts Mayor Beer was re-elected by a small majority over his opponent, ex-Mayor Hooper. In Ward 1 there was no opposition, and consequently no election for Councillor. In Ward 2 Councillor Kelly was opposed by Thomas Z. Taylor. Mr. Kelly was elected by a majority of thirty-two. In Ward 3 the fight was between Councillor Davy and Mr. A. A. McLean. The contest was very close and Mr. McLean was elected by a small majority. In Ward 4 Councillor McRae was re-elected. In Ward 5 there was no opposition to Councillor Horne, and he was therefore elected by acclamation. Following is the vote polled:

Table with 2 columns: Ward and Candidate. Rows include Ward 1-Beer, Ward 2-Beer, Ward 3-Beer, Ward 4-Beer, Ward 5-Beer, Total for Beer, and Total for Hooper.

FOR COUNCILLORS.

Table with 2 columns: Ward and Candidate. Rows include Ward 1-No election, Ward 2-Kelly, Ward 3-Davy, Ward 4-McRae, Ward 5-(No election).

The Councilors elect will be sworn in to-morrow.

Grand Lodge of I. O. of G. T.

The semi-annual session of the Grand Lodge I. O. of G. T. met in Summerside on Tuesday, 26th inst. A number of representatives who arrived at Summerside on Monday night, attended the meeting of Summerside Lodge, where they were formally received by the members, the W. C. delivering an address of welcome.

The meeting of the Grand Lodge was opened at 11:30 a. m. Delegates were present from Charlottetown, Marshfield, Murray Harbor, New Perth, Foxwell, Mount Stewart, West Point, Bay Fortune, Head Hills, St. Peter's Bay, Montague, Tyne Valley, Uigg and other places, in all, fifteen Lodges being represented. The following officers were present:—

- G. W. C.—J. A. Lawson. G. W. Ch.—Rev. E. Bell. G. W. Secy.—L. U. Fowler. C. S. of J. T.—Miss A. Ackerman. G. W. M.—H. D. MacEwen. G. Guard.—Wm. Kaneen. G. W. A. Secy.—A. J. Campbell. R. G. W. C.—J. C. Underhay.

The reports of G. W. C. and G. Secy, showed an increase of ten Lodges, thus adding considerably to the membership. The finances also reports to be in a healthy condition.

A Committee consisting of J. C. Underhay, Rev. E. Bell and J. A. Lawson, were appointed to confer with a committee appointed by the Grand Division, to petition the Local Government to enforce the Scott Act. Bro. L. U. Fowler, Robert Smallwood and Edward Lane, were chosen to assist the Grand Division in arranging for a temperance convention in March at Charlottetown.

At the public meeting in the evening an excellent programme was rendered, thus drawing to a close one of the best meetings ever held by the I. O. of G. T.

M. J. Dumais, night watchman at Joliette Station, on the Canada Pacific Railway, was accidentally killed on the 18th inst. He was taking wood into the freight shed when one of the hinges of the heavy door breaking struck him on the head, and he was thrown from the platform on the track below, where his skull was fearfully fractured, and he died in a few minutes. Dumais, who was seventy years of age, had been employed on the railway at Joliette for the last twenty-seven years.

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Ch'town, Jan. 26, 1885.

30 DAYS.

L. E. PROWSE requests a settlement of All Amounts due him within 30 days.

Amounts not paid will be handed over for collection.

L. E. PROWSE,

Sign of the BIG HAT, 74 Queen Street.

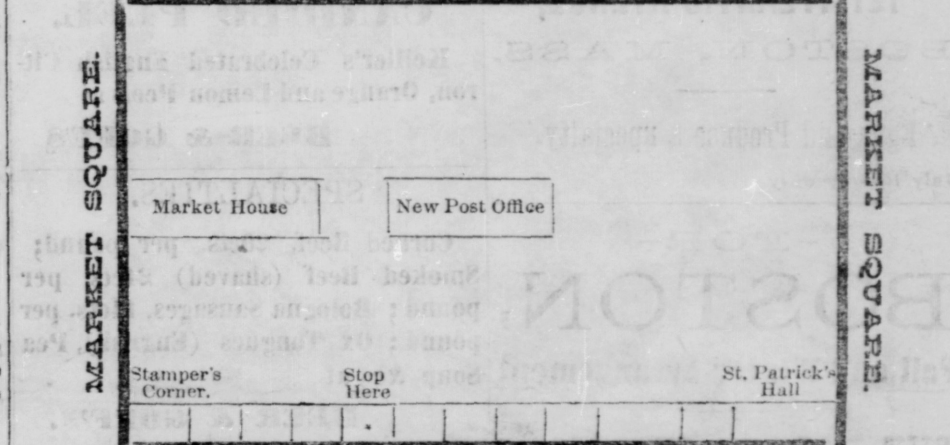
Ch'town, Jan. 21, '86—cod wky

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LONDON HOUSE!

The Councilors elect will be sworn in to-morrow.

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intending to make a change in their present business, offer the whole of their MAGNIFICENT STOCK OF MERCHANDISE at prices that cannot fail to make a clearance.

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