

The Daily Examiner

JANUARY 21 1886

The Fitzpatrick Shooting Case.

ROBINSON, whose rash act caused the death of the boy Fitzpatrick, has already suffered much, and will probably suffer in some degree throughout his life. But he has reason to thank his stars that he was not convicted of manslaughter and sent to the penitentiary. Of course he didn't intend to do any harm,—if he did, his crime would have been murder. Of course he didn't know that the gun was loaded—if he did, his crime would also have been murder. But he knew that the gun he held was a deadly weapon, and to have a "little bit of fun," he snapped a cap while the muzzle was pointed towards the boy—and the boy is dead. A human life has been lost to society; and, as the greatest men the world has ever seen, have risen from homes just poor and lowly, it may be that by Robinson's thoughtless act, a great intellectual or moral light among mankind was put out. The jury, after weighing the facts, have concluded that the death of the boy was the result of a mere accident—such an accident would have happened had the gun accidentally gone off in Robinson's hands, and his companion Fisher or himself been shot. No doubt the jury gave (as they were bound to do) the prisoner the benefit of every doubt in their minds; and the narrowness of the escape ought to be a warning to all our youths against the careless use of firearms.

The Citizens' Meeting.

THE Citizens' Meeting, held in the Market Hall on Tuesday night, was a complete farce. Citizens who had attended it with the expectation of being enlightened on the state of the finances of the city, and to ascertain the views of the candidates at the approaching election, on the water question, civic reform and other important matters, received little or no information, but had inflicted upon them a number of irrelevant speeches, replete with personalities and low abuse which might afford amusement to boys, but was not calculated to raise the standard of civic politics. After having endured such an infliction it is not to be wondered that citizens of any standing cannot be induced to take an active part in civic matters. So long as the state of things is allowed to continue we cannot hope for any improvement in the administration of affairs.

The attempts of the Chairman of the Finance Committee to explain the accounts was an utter failure, and bordered on a burlesque. Although a resolution was passed at a recent meeting of the City Council to have all the accounts in connection with the smallpox expenditure published, no reference whatever was made to them by the Chairman of the Finance Committee. It was left to an outsider to make an improper use of a partial list of the said accounts in an under-handed attempt to prejudice a certain faction against the Mayor, and to secure votes for his opponent in the coming contest. Comment on such questionable conduct is scarcely necessary, as all intelligent and fair-minded citizens are capable of drawing their own conclusions in such matters.

With the exception of Mr. Kelly, who gave an explanation of the duties performed by the Chairman of the Board of Health during the prevalence of smallpox, not one of the candidates addressed the meeting to enlighten the electors as to their views on the many important questions before the public; nor did the Councillors who have so suddenly changed their views on the water and sewerage question have a single word to say to justify their conduct. The public have a right to demand an explanation from them, and to be assured that they intend to act consistently with the vote they gave on that occasion. Looking back at their persistent opposition to the introduction of water into the city, their recent manoeuvre looks very much like a dodge to catch votes for their colleagues now offering for re-election.

It being now generally acknowledged by citizens that a proper water supply is an absolute necessity, we trust and believe that no candidate for election opposed to that measure will be returned to the Council or to the Civic Chair.

The much-needed repairs to our principal streets and sidewalks seemed to be ignored by all the speakers. We take this opportunity of again calling attention of the Council and candidates to this important matter. Queen Street, Upper Great George Street, the Malpue Road, and many other streets are a disgrace to us, and arrangements should be made to repair them early in the spring. We venture the assertion that there is not a city or village in the Dominion, half the size of Charlotetown, the streets of which are in such a deplorable condition.

There are other matters connected with the meeting that we should like to refer to, but space will not admit of it at present. We may return to the subject at a future time.

In conclusion, electors should be careful not to allow politics or other side issues to influence their votes in the coming contest, as it is evident attempts of this kind are being made *ad libitum* without regard to the respective merits of the candidates or of the measures they advocate.

THE CALLAGHAN MURDER.

Alexander Gillis in the Dock.

ON TRIAL FOR HIS LIFE.

A Crowded Court Room.

SUPPRESSED EXCITEMENT.

Pen and Ink Sketch of the Prisoner.

SUMMARY OF THE CASE.

Mr. Morson's Opening Address.

THE EVIDENCE FOR THE CROWN.

Soon after eleven o'clock this forenoon, every available seat in the spacious Court Room was filled; and as the minutes passed by ere the prisoner appeared, the suppressed excitement became more and more intense. Every unusual noise in the doorway caused a general turning of the head in its direction. It was nearly half-past eleven o'clock when the stentorian voice of Deputy Sheriff Curtis, as he commanded those who filled the crowded passage-way to "clear the way here," gave assurance that the prisoner had arrived.

As he stood in the dock, after having the handcuffs removed, the prisoner was the cynosure of all eyes. Since we last saw him, he has grown a bushy side whisker and moustache, and fattened somewhat on his prison fare. He stands about five feet eight inches in height, a stout, well formed man, with dark, wavy hair, full forehead, deeply lined, and rather intelligent face. His heavy jaw with chin close shaven, might be that of a murderer, and then, again, it might not. There is nothing in particular, or in general about this man, to indicate that he is a ferocious criminal. He seems as self possessed as possible under the circumstances; and as he takes his seat in the dock, he smiles slightly, but perceptibly, at all the excitement he is creating.

About eleven o'clock on the morning of the 27th of May last, information was received in the city to the effect that James Callaghan, keeper of Sherwood Cemetery, had met his death in a shocking manner. On that morning a young man, having business at the Cemetery, knocked at the rear door of the keeper's lodge. He received no answer to his summons, and after knocking again entered through the door, which was slightly ajar. No person could be found in the outer room, and the visitor entered the bedroom of the keeper. Here a fearful stench greeted him, but no person was visible. A parcel of bed-clothing lay on the floor, upon the top of which was a cat. The young man moved the clothing, and was horrified to find wrapped therein the murdered body of the keeper. He immediately returned to town and gave the alarm. Medical men, policemen and others went quickly to the scene, and were horrified to find that the dreadful report was only too true. There lay the keeper in a pool of blood, his skull split, throat gashed, and other parts of his body mutilated. A close inspection developed the fact that the unfortunate man had been dead for several days. The walls of the lodge were bespattered with blood, and the impress of a bloody hand was plainly visible on the wall near where the body was found. The police searched the premises, and discovered a large blunt knife—with which it was supposed the keeper's throat had been cut—as well as a heavy iron gate bolt and a potato-beetle with hair adhering thereto. These were all the clues that could be found and were brought to town and carefully treasured up. A coroner's jury was empaneled and every person whom it was supposed knew or heard anything of the murder or the murdered gave testimony. After a careful examination extending over several weeks, the jury returned a verdict that the deceased came to his death at the hands of some unknown party or parties. In the meantime information was laid against two young men from Rastie Road. The information was to the effect that a short time previous to the murder they had used threatening language towards Callaghan. They were promptly arrested, charged with the crime and arraigned before the Stipendiary Magistrate. After a lengthy and thorough investigation, they were discharged, having clearly proven that they could not possibly have been near Sherwood Cemetery during the time it was supposed the murder was committed. Shortly after their acquittal the man Gillis was arrested at Harmony Station for larceny.

Not much difficulty was found in procuring a jury, though several of the jurymen were challenged, and with little delay the jury were empaneled, each jurymen taking the following oath:— "Ye shall well and truly try and true deliverance make between Our Sovereign Lady the Queen and the prisoner at the Bar whom you shall have in charge, and a true verdict give according to the evidence, so help you God."

The following are the jurymen:— Henry Woods, Foreman; Oliver Morson, James Willis, Wellington Young, Christmas Bryenton, George Esery, John McNeill, George Boers, Paul McPhee, William Lane, John Crockett, Joseph Robertson.

The witnesses for the Crown were then called, as follows: George Jury, Oliver Good, Horace McEwen, William Long, Jeremiah McCarthy, James McCarthy, Ewen McDougall, Henry B. Smith and Henry Cudall.

Messrs. Hodgson, C. C. Morson and McNeill, appear for the Crown; Messrs. Peters & Peters for the prisoner.

MR. MORSON'S OPENING ADDRESS. MR. MORSON opened the case. He described the scene of the tragedy, submitting

plans to bring the locality clearly before the mind's eye of the jurymen, described the occupation and characteristics of Callaghan, and related the circumstances which led to the finding of the body of the murdered man, in the bedroom of the lodge, his face bruised and bloody, his brains protruding through a fracture in the skull. The first enquiry was "who did it?" At first no clue could be found, but as time passed a most important clue was discovered. It will be proved that Callaghan had a watch to which was attached a chain and two gold pieces. The identity of these articles will be demonstrated beyond a doubt. The possession of these articles by another person is of itself sufficient to direct suspicion towards that person—a suspicion so strong that it is required of the person to prove that he came honestly by them. Now, the watch was found in the possession of the prisoner; the chain will be traced to him, and of the two gold pieces, one has been found, which was, beyond a doubt, changed by the prisoner in the dock.

There are two kinds of evidence—positive and circumstantial evidence. The latter may be stronger evidence than the former. Witnesses who claim to have seen a deed committed may, through malice or for reward, give false testimony, or such a witness may make a mistake as to the person or identity of the perpetrator of the crime. Circumstantial evidence, on the other hand, is often conclusive in cases where no eye but that of the Almighty saw the crime committed. If the chain be strong and complete, link by link; it is as good evidence as can be obtained. Now the day on which the murder was committed was, it is believed, Wednesday, the 20th of May. It was a rainy, misty, dull, dark day. In the week previous to that day the prisoner was at Harmony, a settlement about fifty miles from the city. On the Friday evening previous to the murder, Gillis attended a party there, and he was seen at Harmony on Saturday. On Monday morning he left Harmony by train for Charlotetown. When he left he wore a moustache but no whiskers; but at Mount Stewart, on the way down, he had the moustache cut off, and when he arrived in the city he gave his name as Melnis. The person at whose house he put up happened to be well acquainted with the Melnis at Harmony, and asked him particularly if he were a cousin of Patrick Melnis, and other questions to connect him, if possible, with the Melnis at the eastward, the result of his enquiries not being at all satisfactory. On Wednesday, the day of the murder, the prisoner left his boarding house, saying that he was going away by train, but forgot to pay his bill. This caused his boarding master to go down to the station, and to search the train as it was leaving. But the prisoner was not there, and did not leave the town by train that forenoon.

The next day, however, the prisoner was at Mount Stewart, and in his possession were the two gold pieces owned by the murdered Callaghan. One of these pieces he changed at Mount Stewart. A witness will be produced who will swear that he got it from the prisoner. The prisoner wanted to purchase some articles. He went out to get change and came back laughing, and said that people were rather peculiar about there, for a man had refused to change the gold piece because it had a hole in it. He had, however, carried it to the station master, who had changed it for him; and in the possession of the station master the piece was found, which will be identified as the very coin owned by Callaghan. On the Friday after the murder, the prisoner turned up again at Harmony, but with his moustache shaved clean he was not the same man at all. On that evening he seemed nervous and fidgety. He was for several days anxious to hear the news from town; and on being told about the murder, said that he knew Callaghan when he was living in town and keeping a boxing school. In speaking to him of the crime, it was remarked that no one would think there were men in the Island capable of doing such a deed. The prisoner replied: "Oh, yes, there are plenty, but the murderer in this case will never be found out."

Witnesses will be produced to prove that while in jail the prisoner wrote to a person in Harmony respecting the testimony he would give at the trial. Restless and uneasy, the prisoner soon left Harmony and wandered back to Charlotetown, where he appeared under another name—the name of McCormack, and the last that was seen of him before his arrest was his going into the woods in the vicinity. Mr. Morson commented upon the peculiar conduct of the prisoner; remarked that it was fortunate that the murderer had thrown the bed-clothes over his victim, so that the moisture was thus retained in his clothes and the Crown were enabled to fix upon Wednesday—the day upon which the prisoner was to have left by train, but did not—as the day of the murder—a rainy, misty, dull day, during which the murdered man was engaged in planting potatoes in his garden; connected the several links of the evidence adduced, and commended the case to the serious attention of the jury.

EVIDENCE FOR THE CROWN. THOMAS MCKINLAY, (sworn) testified that he had made the plans of the locality as submitted, and that they were correct. JOHN A. LONGWORTH, (sworn). On Sunday, the 27th May, I went to Sherwood Cemetery but did not see Callaghan. I entered by the lower gate at the western end. As I drove up, I noticed that Callaghan had left a basket and his garden tools in the garden. I thought it peculiar that he should have left them there on Sunday. I drove past the house. The door of the porch was closed. I drove up through the gravel yard to see if the sodding had been done. I afterwards drove to the house. I found the outside door open, and inside the doorway, behind the door was a basket with potato sets in it. The sets were dried up as if cut three or four days. Everything was upside-down in the kitchen. Beans and peas were scattered over the floor, knocked and shouted but got no reply. I went to the inner room door and looked in. I saw bed-clothing lying on the floor between the door and the bed. Also saw a trunk or box in the southeast corner of the room. I saw no person. I thought the trunk was open. I looked up stairs. I saw no person. I looked in the out-houses but could see no one. I saw sets in a basket in a wheelbarrow. Then I drove up to Frowse's.

Examined by Mr. Peters.—On my first visit the back-door was shut. I think the front door was also shut. I saw potato sets inside the door; also in the wheelbarrow outside. They were dried up; I do not remember whether or not I went to the front door on Tuesday. Court adjourned till 2 o'clock. Court resumed at 2 o'clock.

BRENTON LONGWORTH (sworn)—Examined by Mr. Morson. I was in the Cemetery on the 27th of May last. I knew Callaghan to see him. I drove up to the Cemetery. I went to the back door of the keeper's house. The storm door was open and I saw Callaghan. I knocked and got no answer. I saw no one. I went through the kitchen to the bedroom. I saw bedclothes on the floor. I saw a black cat on the top of the bedclothes. I kicked at the cat and struck the bedclothes, hitting a man's leg. I turned over the bedclothes and discovered therein a man lying face downwards, with arm around leg of a table.

did not move anything except the bedclothes. There was blood on the right hand of the body. The hand was black. I went out and drove around the Cemetery. Afterwards I went in again. In the garden I found a garden line, stand, and basket with a few potato sets in it. I did not notice the sets particularly. I saw a wheelbarrow there also. I afterwards returned with the Coroner and the City Marshal, saw an iron gate bolt with the Marshal. The bolt was about 18 inches in length. Also saw a piece of wood like a potato pounder, about a foot and half in length. I did not handle them. When I entered the keeper's room the second time I saw blood on the walls and ceiling. The walls were spattered with blood in a few places. The spots were not large. I made no examination of the premises. I did not notice anything in the room were bedstead, table and trunk. Callaghan's arm was around the table.

Examined by Mr. Peters.—(sworn)—Examined by Mr. Morson. I live on Pleasant St. in this city. I am a section foreman on the railway from Charlotetown to Royalty Junction. I last saw Callaghan on the 26th May. The weather was cold and drizzling rain at the time. I saw him in front of his own house. I was talking to him for about ten minutes. He was planting potatoes. He had on a black overcoat, and a dark hat. He had a spade and a basket of potato sets with him. The time was about four in the afternoon. This was the last I saw of him. Examined by Mr. Peters.—There was only one regular train going east at the time. It went up about half-past two o'clock, and after that I think the train went up before I saw Callaghan. PETER CONROY, (sworn)—Examined by Mr. Morson. I am a coroner for Queen's Co. I held my post mortem on Callaghan on the 27th May last in cottage in cemetery. I entered by porch door, and passed into little room on right side of hall. In corner of room saw pile of bed-clothing, saw bedstead without clothing. On removing pile of clothing, saw Callaghan lying on face with legs doubled up. Blood covered floor for quite a space around. The walls and ceiling were also spattered. Quite a heavy patch of blood on wall saw table in corner. A man's head rubbing against wall might make patch of blood. The blood on ceiling was in spots. Examined body. Began at head. The scalp had been separated from the skull for two or three inches. The skull itself was extensively fractured, and brain substance exuding from wound. Passed my finger through wounds in head. The bone which forms back part of head was fractured. Turned him over and examined face. Found severe scalp wound over left temple. Over the right eye was a very severe bruise; and the eye itself was nearly blind. The face was recognizable. His throat had been cut. I saw a wound about three inches long across the windpipe. It did not sever windpipe or any of large arteries. On the back of the neck was a large wound. It looked as though he had received a severe wound there. On one of the fingers of the left hand I found a wound about an inch long and a quarter inch in breadth, evidently done by a sharp instrument. These were all the wounds I could find on the body. He had an ordinary working dress. The wounds on the head were evidently done by a heavy blunt instrument. The wounds were inflicted before death. I was there when jury was summoned, and I do not positively know if I saw a wooden billet at the house, but saw it at the coroner's inquest. It had spots of blood and a few hairs on it. They showed me a heavy iron bar, which, I was told, was found in the cellar of the lodge. The bar looked bright. I think these instruments (the potato beetle and the gate bar) might produce wounds such as I saw on the man's head. Things were tossed about in the kitchen. I saw bed, table and box in the bedroom. A number of people were present when I got there. Brenton Longworth told me of the murder first. The throat was evidently cut with a dull knife. I am of opinion that the wound in the neck was made immediately after death. The blood on the ceiling was evidently thrown there from the instruments used in the murder. In using the instruments blood would fly off to the ceiling. There were several blows delivered after death. The legs were evidently doubled up under the body so that the mattress might hide the body completely. I think the man had fallen on the floor after receiving the blows on the temple. When the attempt was made to cut the throat and break the back of his head, the man was dead when the blow on the back of the head was given. If this blow had been given at the beginning, it would have settled him at once. Everything denoted a struggle. I saw a small jacket. I examined clothing, which was a little damp. His head was literally covered with blood. (Potato beetle, gate bar and knife, shown witness). These instruments were exhibited at the Coroner's Inquest. They might cause the wound but I do not follow that they did. The potato beetle is in much the same condition as when I last saw it. I think there is a trace of blood on it. (Knife shown witness). The wound in the throat could be made with this knife.

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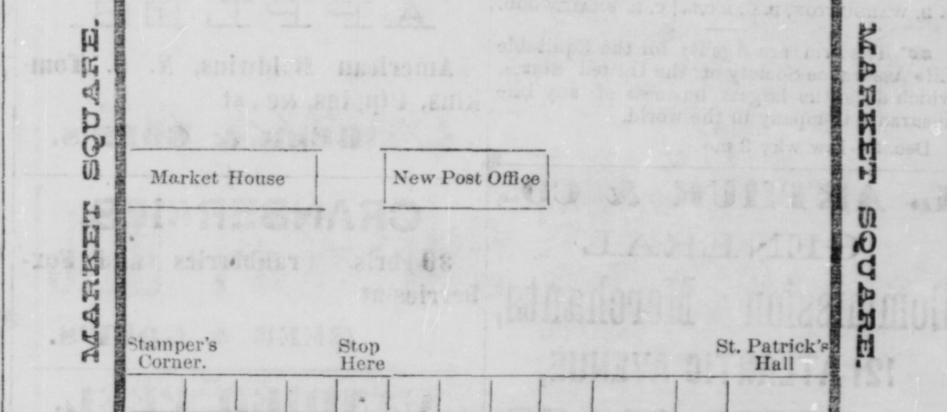
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