# THE SLOW POISONING CASE.

## PRELIMINARY EXAMINATION

### Before the Stipendiary Magistrate.

### The Lawyers Contend and the Magistrate Decides

### Some Sensational Evidence.

WHILE Mr. Nash was giving his evidence —detailed below—Mr. Hodgson, Q. C., raised an objection on the ground that the record which the witness held in his hand showed a strong animus, and contended that the paper, with all its rhetorical flourishes, should not be read out in Court.

Mr. Malcolm McLeod, Q. C., reminded the Court that Mr. Hodgson had assured the Magistrate that he appeared as Counsel for Mrs. Sutherland, and contended that he had no right to interfere.

The Magistrate said that Mr. Hodgson had no status in Court except as attorney for Mrs. Sutherland.

Mr. Hodgson submitted that any lawyer in attendance—whether appearing as Counsel or not—might with propriety call the attention of His Honor to an irregularity in the proceedings, such as that which he had called in question.

Mr Malcolm McLeod wanted to know whether the examination was to be in the form of a triangular duel, with the prisoner's Counsel and Mr. Hodgson against the Crown, and contended that the intervention of a Counsel, who represented neither the Crown nor the prisoner, might invalidate the proceedings. As for the other point raised by Mr. Hodgson it was a small matter and comparatively unimportant.

The Magistrate pointed out that in a proceeding such as this he had the right to exclude Counsel altogether. He need not hear Counsel for the Crown. He need not hear Counsel for the prisoner. But he preferred to have Counsel. It was his duty to elucidate the facts in this case in order that he might come to a right decision; and he was not disposed to reject the assistance which Mr. Hodgson might render in respect to law points and the administration of justice in this case. The record produced by the witness was not evidence in itself; but he would be permitted to refer to it for the purpose of refreshing his memory.

Mr. Peters then rose and objected that the evidence was inadmissable inasmuch as the Crown had not established any connection at all between the prisoner and the poisoning of Mrs. Sutherland. Evidence of motive was good and admissable only after the facts and circumstances adduced had established a *prima facie* case against the prisoner. But these facts and circumstances are all wanting in this case. Evidence of motive is no good, and should not be heard, unless accompanied by evidence implicating the prisoner in the crime; and the counsel for the crown should either be able to do this, or else be able to assure the court that they were able to do so, before the witness could be heard.

Mr. Malcolm McLeod said it was ridiculous to expect the crown to give a guarantee as to what the witnesses would or would not swear; and the counsel for the crown would not do any such foolish thing. The crown, he contended, have established beyond a doubt the fact that one of the most abominable crimes ever committed in this Island has been committed in respect to Mrs. Sutherland. Nobody could, he said, gainsay this. Then, Mr. Sutherland himself, his children, his servants, and the prisoner, are the only persons who can, he maintained, be guilty of the crime which has been committed.

Mr Peters suggested the Hendersons.

Mr. M. McLeod said that one of the Hendersons had been before the Court and that others could be heard from. Who, he asked, showed fear? Who had had poison in possession?

The Magistrate said that it was unnecessary for Mr. McLeod to proceed with his argument,—he would admit the evidence. The witness would be permitted to refer to his record for that purpose. But he must be confined to generalities.

The witness then proceeded until the Court adjourned under the circumstances reported yesterday.

To-day the attendance of spectators was large and the prisoner looked brighter than for some days past.

CONTINUATION OF YESTERDAY'S EVIDENCE.

SAMUEL C. NASH (sworn—Examined by the Attorney-General—I am in the Inland Revenue Office. I live at No. 178 Upper Prince Street. Mrs. Weeks lives next door north—about 20 feet away. Mr. Sutherland's house is opposite—a little to the south. The street is 40 feet wide, with about 24 feet of garden to each front. Mrs. Weeks has been living there since November, 1887. She has not been there continuously. She went away on the 16th January, 1889, and came back on or about the 16th June of the same year. She still lived there till she left recently. For the first fifteen or eighteen months she lived there she visited my house frequently. The intercourse between us then stopped. It was my wish that this intercourse should drop. Facts that came to my own knowledge by my own observation caused me to wish it. One of these was that Mrs. Weeks was receiving clandestine visits from a married man. This man was James M. Sutherland. I belong to Zion Church, and Mr. McLeod, her father, was pastor of that Church. Sutherland goes to the same Church. I took observations to satisfy myself of the truth of these visits. I watched to see if Mr. Sutherland did go in there in a clandestine manner, and I saw him go about twelve times. He entered the house by ways unfrequented and uncommon. He did not enter by the front door nor yet by the back door. He entered by a back window. I commenced my observations in August, 1888, and continued them through August and September. The rumors circulating through the street caused me to make these observations. I kept a record of every observation that I made. The record was made on the morning after the event took place—in each instance. [Produces record.] That is the original and only document. I first lived in the house that Mrs. Weeks lived in then and lives in now. I lived in it about two years. It is ten or twelve years since I left the house. The house has not been much altered since, except that there is a kitchen built in the rear. Mr. Sutherland would generally enter about an hour after sundown. I never watched him out. [Plan of house produced, and explained to the Magistrate by the witness.] This plan shows the window in the pantry by which Mr. Sutherland entered. The plan shows the Gregor estate, which holds four houses. It shows my residence, Mrs. Weeks', Mrs. Groom's and Ben. DesBrisay's. Mr. Sutherland always went into the house through this window. His approaches to it were not always from the same direction. The red lines show how Mr. Sutherland approached the window. My real object was to settle the rumors about Mrs. Weeks and Mr. Sutherland. If they were true, I wished to have nothing more to do with Mrs. Weeks. If untrue, I wished to refute them. I never watched him after that. I know the intercourse continued after that. But I don't know how he entered after that. The window is about two and a half or three feet from the ground. It leads into a pantry, and the pantry leads into what was the kitchen when I lived there—now used, I think, as a dining room.

To Mr. Peters.—This is the very identical paper on which I wrote the record. It is the original document. I never made a copy of it. I wrote this from day to day, on the morning after the events happened, in my own office, on government paper. I only put one correction to it. I made it this morning.

To the Attorney-General.—The correction is on the first page. I was under the impression that the two persons mentioned had both seen him—but I learned from my daughter this morning that she had not seen him. The first date of observation was the 15th July. I did not see that. The first night that I saw anything was on the 12th August, 1888. I saw him that time myself at half-past eight. I saw him from the rear of my own property. The next time Mr. Sutherland went in was on the 18th August at half-past eight. The next was the 19th—at the same time. The next was on the 20th Aug., at 8.45 o'clock The next was on the 24th Aug., at 8 50; the next, August 25th at 8.40. The next was Sept. 8th, at 7.20. The next, Sept. 11th, at 10 p. m. That was the last I kept a record of. I saw him myself on the occasions I spoke of. After this I did not watch at all. So far as I know the intimacy continued. I have seen him go in from time to time since that—but by the front.

Court adjourned till 11 o'clock to-morrow morning.

WEDNESDAY, March 5.

JOHN D. MCLEOD (re-called)—To Mr. Malcolm McLeod.—I did not understand from the prisoner that MacKay had paid Mrs. Weeks the money in her house. I never mentioned to any person about the anonymous letter except to one who was in the shop at the time.

Mr. Malcolm McLeod said that "the Crown were willing that the anonymous letter referred to should be put in evidence.

MR. S. C. NASH (re-called)—I have the statement with me. I did not see Sutherland go through the window myself—because I could not see it from my place of observation. He disappeared in that direction, and I have every reason to believe that that is where he went in. On some occasions, I don't remember which, I heard the window raised. I haven't seen Mrs. Weeks about Mr. Sutherland's premises since last fall. It was early in the fall before it was cold enough to wear overcoats or wrappings. She was standing at Mr. Sutherland's door. I don't know what she was doing except that she was either talking to one of his daughters or the girl. I was on my way home at the time. I don't know whether it was dinner-time or after office hours. I couldn't make a mistake. I am sure that it was Mrs. Weeks. There were three cats found on my property which we believed to have been poisoned. One of them was mine. The prisoner told me that she had the poison. She told me that the cats annoyed her coming into the house, and that she wanted to get them away. I do not remember that she said what she poisoned them with. The poisoning was done in the early part of 1888—in June, I think. I do not remember that any cats were poisoned since. I have seen the prisoner and Mr. Sutherland walking together in the evening—several times. I kept no count. I have seen them driving more than once. My people do not now associate with Mrs. Weeks—not since the summer of 1888. I know Sutherland's servant man, William Brown. I have seen him working about Mrs. Weeks' place—putting in coal and shoveling snow. I have also seen him driving her.

To Mr. Peters—I made that plan on the 22nd August. I added nothing to the plan since. I do not remember touching it from the time I made it. The red lines show the way by which he might have come—some of them show the ways by which he did go into the rear part of the house. There is only one way of entering into the window. Seven ways are shown on the plan by which Mr. Sutherland might have got into that back window. He could go over my fence, and cross the back garden To the best of my belief and knowledge, he took that way. I did not see him. I believe he did. Then he could get there by crossing our back garden fence. I do not know whether he went that way. Then he might cross over the back fence of Mrs. Weeks' yard. I saw him do that. I don't know how often I saw him. I believed it was him that I heard going over the fence. I saw him walking up the yard. I recognized him by his form and by his gait. I use long-sight glasses. He has come over Groom's fence. I saw him going through DesBrisay's yard near the pump, in the evening. I am certain of that. That was in the year 1888. I am positive of that statement. I was at my gate at the time. I believe it was him that I saw. He could have gone in through Hensley's back gate. I don't know that he went that way. Seven ways are pointed out on the plan. I won't swear that I saw him go into the property by any one of those ways. I can't tell how he got into Mrs. Weeks' yard always. My eyesight is fairly good. I have mistaken my own daughters at the distance from my own house to the gate. I have seen them standing there with other girls and would not know them—not expecting to see them there. To the best of my belief I would know them in the day time. I took a series of observations of Mr. Sutherland's movements. I belong to the same church, and Mrs. Weeks' father belonged to the same church. I did not go to Mr. Sutherland about it. I did not make the record about any other of my neighbors. I made it for my own personal use. I did not speak to Mrs. Weeks or to Mrs. Weeks' father. It was very unpleasant to have gone into this matter. My own daughters went of their own accord. We wanted to satisfy ourselves as to the reports circulating on the streets. I think Susan was the first one. She was about 12 or 13. Children are very curious. Clara did not go watching with me. I do not know that Florrie ever was with me. She is over twenty. I have a daughter called Daisy. She and Mrs Nash saw him. I wrote the last clause when the thing was finished. I don't know that there was any talk about me and any other young lady. I never had a young lady in my office staying with me two or three hours. I never heard of it. No one ever came to my office for an improper purpose. I never paid frequent and constant visits to a certain young lady—in town or out of town. I never did. I smoke tobacco. I do not generally pay for it. It is given to me as a friendly act. I don't drink beer, I drink whiskey. I pay for that sometimes, and sometimes not. We generally take it. It is one of our perquisites of our office. We take it openly in daylight. I never saw Sutherland get in the back window. I never knew the servants to get in in that way—and never heard that they did. Sutherland would be passing within eighteen or twenty feet of my window. He wore his usual dress. I have seen him with a rubber coat on, carrying an umbrella. I have seen him with a dark suit and with a light suit. We have had no intercourse with Mrs. Weeks since 1888. Up to the time the cats were poisoned, we were friends with Mrs Weeks, and for some time after. She was annoyed with the cat, and she poisoned them. The cats had nothing to do with the watching. I was coming home when I saw Mrs. Weeks at Mr. Sutherland's door. I do not know who she was talking to. I saw her come out and go to her own house. It was before the cold weather came on. It was on one of the days Mrs. Sutherland had a bad turn, and we thought it was to enquire how she was. We were not visiting Mrs. Sutherland then, either. There is no intercourse between us and Mr. Sutherland. I spoke to him in a friendly way when he was building his cottage—the one that Mr. Huggan lives in. That is two or three years ago. We are not on speaking terms. Mr. Sutherland and I went to the same church. I left the church because I was dissatisfied with Mr. McLeod's conduct towards his daughter. I only disjuncted from the church once. I asked for my certificate of membership but once.

To Mr. Malcolm McLeod—The back window opens into a part of the yard between the kitchen and Mr. Groom's residence. I saw Sutherland coming up through Mrs. Weeks' yard, and entering towards the pantry window. We would be about the length of this room from one another. How he got to the yard I don't know. I heard the noise that a man would make jumping a fence, and then I saw Mr. Sutherland. So far as one human being can see another, I saw Mr. Sutherland. I am positive from every belief and knowledge of Sutherland that it was him. I use long sight glasses. They help the sight. I used the glasses when I made the observation. I call my sight first-class when I use the glasses. I can tell a man at Hobbs' Corner when in my office if I know him. I made no complaints to any church officials, because Mr. Sutherland is not a member of the church.

To Mr. Peters—Clara and Bella are both short sighted. Susan has eyes like a needle.

On concluding his statement, Mr. Nash said that he felt agrieved because the truth of the record he had made had been called in question.

Mr. Peters said that its truth would be called in question again.

Mr. Nash then said: "As I have to appear before God, every word of that is true—so far as I know."

WILLIAM FREDERICK ROBINS (sworn)—Examined by the Attorney General—I first heard of the poisoning case some time after Mrs. Weeks went away. I remember the night she went away. I didn't know then who drove her. John Williams had my team. I got the team ready for Mr. Williams on Friday night. David McKay came for it. He didn't tell me what he wanted it for. He didn't say where it was to go. He just said that he wanted the team for Jack Williams. He came to my house and waked me up. The team was charged to Williams. I think that the team came back about 10 o'clock on Saturday. I had no talk with the prisoner about these matters.

WILLIAM F. CARTER (sworn)—Examined by Attorney-General—I first heard of the poisoning case on Saturday morning after the election. I heard that Mrs. Weeks left on the night before. I had no conversation with the prisoner before she went. I had a little conversation with her since. I came down in the same train with her on her return to the Island. I spoke to her on the ice—right on the edge of the running water. We shook hands, and I asked her how she was. She spoke to me on the train. She called me over. We had a general conversation. She asked me how the people felt about the poisoning case. I said it looked bad—her going away. She asked me if I had seen Mr. Sutherland. I said yes at a distance. She asked me how he felt toward her and I told her I did not know. She seemed anxious to know if he had gone back on her. That's about the substance of it. She said that she would defy him to go back on her. She said she just wanted to see him for five minutes to settle it. She asked me if it wasn't rumored that Mrs. Sutherland poisoned herself. I said that I had never heard it. She asked me who laid the information. I told her that I had no idea in the world. She said that she was advised to go. She said that she had no idea of going until 11 o'clock. But David McKay came and advised her to go until the investigation was over. She also said that she was very sorry that she left, and that she did not know that she had done wrong until half way across. She did not think that she had rendered herself liable to so much talk. I do not remember whether she asked if Mr. Sutherland had laid the information. I think she said "I suppose that Jim is acting best man at home now." She did not say that Sutherland was at her house on the night she went away. Mrs. David McKay was on the train. The prisoner made some remark about her. She wondered if Mrs. McKay knew that she had her husband's over-coat.

To Mr. Peters—We went up to see the boats cross. I have no feeling one way or another. I think Mrs. Weeks was under the impression that Mr. Sutherland laid the information against her. That's what I thought. I judged so from what she asked me. She may have said she defied Mr. Sutherland or anyone else. She said it was McKay who induced her to go. I do not think she said if she had taken Mr. Sutherland's advice she would not have gone. She said that she had not seen Mr. Sutherland before she left. Her brother, the Marshal and others were on the train. She talked quite loudly. She told me positively that she could clear herself of the poisoning. She wanted to find out from me what people were saying about the matter. I gave her all the information I could—which was not much. I may have made some remark about Mr. Sutherland looking pretty dull about it.

Court took recess.

Court resumed at 2 45.

WILLIAM E. BELL (sworn)—Examined by M. McLeod—I am an opposition boatman at the Capes. I was one of the three men in charge of the boat that took Mrs. Weeks over. My two brothers, Cornelius and Robert, were with me. The crossing in question was made after the election, on Saturday I think. There were four agents on the boat besides the woman. I didn't know her name was Mrs. Weeks at the time. My father's house is about a mile from where the boat was. Mrs. Weeks wanted to get across and I told her I would take her if I could. She then drove down to the shore ahead of us. The man Williams, who was with her in the sleigh, drove her down. There was no trouble getting her on board the boat. We left some of the luggage behind,—one small trunk—because we took her. This trunk belonged to some of the agents. She was bound to go across and we were bound to take her. I was anxious to take her, as she wanted to go. I said I would not go myself if she did not go. I do not know what time we left. It was, I think, about 7 or 8, but cannot say positively, as we had no timepiece. We arrived at the other side the same day, in time to catch the afternoon train, which leaves about 4 o'clock. We were there a short time before the train left—maybe half an hour, an hour or more. I will not swear to the exact time. We landed at the end of the terminus. Mr. Tucker's house is about a quarter of a mile from the terminus. We went up to his house and had a good drink of whiskey. I do not know who led the lady up. I did not. It may have been one of the crew or it may have been one of the passengers. The other passengers also went into Tucker's house. I saw them there. They had a meal there I saw Mrs. Weeks go to the train. I did not know her name then That's her there. I carried her valise into the train. I do not know how she was wrapped up in the train. My brother Cornelius is head of the boats' crew. We did not expect Mrs. Weeks that morning. We got no telegram. We had no orders to telegraph back. Neither Williams nor Mrs. Weeks told me to telegraph back. I, however, telegraphed news of our arrival at Tormentine to my wife.

To Mr Peters—Mrs. Weeks paid me the regular lady's fare and helped to treat us, like others. We had a rough trip over. Our boat leaked badly, and we had to tip her up on the other side. Mrs. Weeks will tell you this also. The regular woman's fare is $6 It was higher, but the Government cut it down, and we had to come down too. That's what Mrs. Weeks paid. Her veil was off her face on the way over. She was wrapped up—but not enough to keep her from getting cold. I got wet to the skin myself.

JOHN TUCKER (sworn)—Examined by Mr. M. McLeod.—I keep a boarding house at Cape Tormentine. Mrs. Weeks had dinner at my place the day she crossed over. I afterwards saw her go to the train. I spoke to her in the train. She said she wished not to be registered at the hotel, adding that she had left her name on a piece of paper there. I said I would not register her name, if it would do her any good. There were four other passengers besides her—men. I afterwards found the paper with her name on it on the table at my house. (Produces paper.) This is the paper. The lady's name is given as "Mrs. Miller, Charlottetown." The other passengers' names are also there. We thought she was nervous. We talked the matter over and thought something was wrong about her—that she was either insane or was connected with the disappearance of the man from Summerside. She paid her bill at my house. She first handed me a $5 bill, but I could not change it. She then gave me a one dollar bill. In giving her the change of this bill I handed her back the $5 bill which she had previously given me, and she called my attention to what she considered my mistake in making change. I told her the $5 was her's, and she apologised

To Mr. Peters—I never saw a boat cross on a rougher day. I would not be surprised at a strong man being nervous crossing on that day. I never mentioned her nervousness to any of the boatmen All I know is that she called at my house, had her dinner and paid her bill. I don't know that Mrs. Weeks told any any of the women in the house that she was ill; nor do I know that she was wet when she arrived. But she might have been.

WILLIAM E. BELL—(re-called)—To Mr Peters—I did not notice that Mrs. Weeks was nervous when we were crossing, until we got in the water. She was a little nervous then. The passage was the roughest in sixteen years—enough to make anyone nervous. I would have liked not to have been there myself. Mrs. Weeks did not have her veil on when she was in my father's house.

[CONTINUED TO-MORROW.]


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# Y. M. C. A.

## Lecture Course.

THE SECOND LECTURE of the Course will be delivered in the Association Hall on FRIDAY EVENING NEXT, the 7th inst., by REV. DAVID SUTHERLAND.

**Subject—"A Talk About Scottish Life and Humor."**

Lecture to commence at 8 o'clock.
Admission, 10 cents.
Tickets can be procured from the Secretary or at the door.

R. M. BARRATT,
mch5—3i Secretary.

## NOTICE.

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L. W. HARRIS.
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## Telephone Co of P. E. Island.

THE ANNUAL MEETING of the Shareholders of this Company will be held at the office of Palmer & McLeod, Charlottetown, on WEDNESDAY, the 12th of March, at 8 o'clock, p. m., for the election of Directors and the transaction of general business.

ROB ANGUS,
mch5—2i Manager.

## NOTICE.

THE ANNUAL MEETING of the Society for the Prevention of Cruelty to Animals will be held in the Parlor of the Y. M. C. A., on THURSDAY NEXT, 6th inst., at 11 o'clock, a. m. Members and all interested are requested to attend. By order,

GEO. E. HUGHES,
mch4—2i pd Secretary.

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