

The Star,

AND CONCEPTION BAY SEMI-WEEKLY ADVERTISER.

Volume I.

Harbor Grace, Newfoundland, Friday, June 28, 1872.

Number 13.

JUNE.

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MOON'S PHASES.

NEW MOON.....6th, 11.53 A. M.
FIRST QUARTER....14th, 3.48 A. M.
FULL MOON.....21st, 3.27 A. M.
LAST QUARTER....27th, 5.57 P. M.

NOTICES.

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May 14. tff

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**ALEXR. BANNERMAN,
E. WILKS LYON.**
Harbor Grace, May 14, 1872. tff

out the one common design. You will see how far the evidence bears out this view of the case as far as Johanna Hamilton is concerned. This certainly is, Gentlemen, an extraordinary case, involved at first in great mystery; and it does not seem to us now, knowing the circumstances which we do, that the death of Mrs. Geehan was very lightly passed over. You will remember what was stated by the witnesses respecting her—that her body found at the junction of two public cross roads, respectively dressed, her clothing not being disarranged, presenting no appearance of having been exposed for two or three days to the weather, as it must have been if the prisoner's first statement had been correct; and yet all that time undiscovered. From all this it is only reasonable to conclude that the body could not have been there long. In the voluntary statements given by them the prisoners have attempted to explain the particulars respecting the death of Mrs. Geehan and her being placed where the body was subsequently found. But I think I will be able to show you that their statements are a mass of contradiction, and that before the killing of Sears was committed they had agreed upon the course by which they hoped to exculpate themselves. And where parties thus endeavor by false statements to exculpate themselves, and having regard to the connection shown to have existed between them, I do not think you will be disposed to regard either of these deaths as natural or accidental. My learned friends seem to think that if there had been any intention on the part of the prisoners to bring about the simple minded, and did not show themselves possessed of much wisdom in disposing of Garrett Sears's body—that they did not act with much consideration. But I ask you, Gentlemen, was there not a good deal of consideration exhibited by them in putting his body into the pit, as about the last place where it would have been discovered; and indeed it is easy to believe that, were it not for the sagacity and activity of Inspector Foley, the body of Sears would not have been discovered, and this trial not been held. It was undoubtedly through his perseverance and energy that the body was found. Mr. Raffus admits that Sears was shot by Geehan, but by the instruction of his client says that shooting was accidental—that had Geehan intended to cause the death of Sears, the act would not have been committed at midday, and with such a weapon as a gun. But, in my opinion, having regard to the locality, and the circumstances, these were just the time and mode when and by means of which such an act in such a place to escape suspicion would have been committed. We have it in evidence that the yard where the shot was fired was in a hollow with a wall, and concealed from outside view, and that guns are frequently fired off in the daytime in that neighborhood; and probably the discharge of the gun in the hands of Geehan on that fatal day would not have been thought much of but for the cries and screams which immediately followed the report. The Counsel for the prisoners have endeavored to convince you that Geehan was firing at a hawk, and that Sears suddenly came out of the back door just at the time, between the gun and the object, and was shot. But as that shooting was not and could not have been fatal, an attempt is made to explain away what followed by the statement that Geehan is so simple a man that he did not know the law, and was not aware of the difference between shooting a man accidentally and intentionally killing him, and thought his accidental shooting was the same in law as committed intentionally. He goes further and says that Geehan was so simple that he thought if he put the body of Sears in the pit and Mrs. Geehan's on the road they would surely be found. But I think you will not regard these circumstances as showing simplicity, but will look upon them as evidences of a premeditated evil plan. Had the shooting been accidental, and Geehan really an innocent man, would he not have gone immediately to his brother-in-law, Sears assistance, sent at once for a medical man and had his wounds dressed; and would you not have expected Johanna Hamilton to do what any other woman, not a guilty confederate, could have done under the circumstances. But it has been shown in evidence that Sears was not shot, except in so far as two or three shot passed through his arm. He received these, then cried out when he saw the murderous intention of Geehan, and was then dispatched by the first instrument that came to hand; for Dr. Allan has told you that it was utterly impossible that thirteen wounds such as Sears had upon his body could have been self-inflicted, and there is not a tittle of evidence to cast this death upon any other person or persons but the two prisoners at the bar, and even this much can be gathered from their own separate statements, for neither of them attempt to implicate any other individual. It is of

little importance to us when the ear and the hand were severed—except in aggravation of the barbarous act—these did not occasion the death; Doctor Allan has sworn that death was occasioned by the blows on the head, and these he tells were given before death. One does feel surprise and indignation that after the fatal occurrence so little care was taken of the body that it was even exposed to the ravages of pigs; and Task you, gentlemen, if it is reasonable to suppose that the body of a man accidentally killed would have been disposed of as this was—more especially where men had lived amicably together, occupied the same house and fed at the same table for a series of years. You are also told that no evidence has been given to prove actual criminal intimacy between these prisoners. But who could prove that? The Crown presumes a case upon which you will have to make your own inferences. They lay a case before you showing the unusual and improper intimacy which existed between them as master and servant, of their sleeping in the same room at the Labrador, of the master going up into Johanna Hamilton's room while she was in bed, and remaining there half an hour, and the mistress is not to be told of it; this was shortly after their return from the Labrador and after the commission of the murder we find them cohabiting together, sleeping in the same house and in the same room—these two being the only persons in the house; and lastly, you have learned from the evidence of Dr. Crowdy what the present condition of the girl is. I will briefly run through the evidence, asking your attention to the principal points as I refer to them, and will present the case to you in two aspects—first upon the circumstantial evidence, and then upon their own admissions and statements. I think I shall be able to show you that if they never had made such admissions, the chain of evidence is nevertheless so complete as will exclude the idea of any person but themselves having had any hand in the infamous affair. I never knew a case where the witnesses, over twenty in number, gave their testimony so intelligently—not one of them having swerved from his deposition, or been contradicted by another; and not one has shown himself too anxious to volunteer testimony—each one of them having left the box with his credibility unimpaired. You are only required to act in this case as you would in important affairs of your own, each one of you giving the best exercise of his reason to a thorough comprehension of the whole evidence. First, Daniel Shougharoo is put in the box, and he tells you that he was in Geehan's house on the Sunday evening, previous to the fatal Monday, 20th November last, and that Geehan and his wife and Johanna Hamilton and Garrett Sears were present, and they were all joking and laughing. He also says—"I saw Geehan that afternoon—he came over to my house shortly before night, and told me that Mrs. Geehan and Garrett were going to St. John's, the latter for the purpose of getting his toes cured at the Hospital." Now if Mrs. Geehan and Sears were to leave next day for St. John's, would that explain their conduct on the Sunday evening—after Shougharoo had left Geehan's house, Geehan goes over to Shougharoo, and tells him that Mrs. Geehan and Sears were going up the Bay. But why did not Geehan tell Shougharoo this when they were all together at Geehan's house? Why tell him secretly, and how is it that Johanna Hamilton tells her sister the same thing secretly? Mr. Raffus says it would not have been becoming in Hamilton telling her sister of it in the presence of her master and mistress; but how is that only these two, Geehan and Hamilton, the master and servant are aware of this pretended journey? Several of the witnesses testify to having heard the report of the gun, and it seems extraordinary that the attention of so many should have been called to it, when guns are frequently fired in that neighborhood. Mary Vokey tells you it was so loud as to shake the windows—and well it might from the heavy charge. On Monday evening Shougharoo saw scratches upon Geehan's face, which were not there before, and which Geehan excused by saying that he fell through the stable loft. How the scratches were made we do not know, but it is certain they were not there on the Sunday evening. It will be for you to say if you believe his statement in that particular. On Monday evening he told Shougharoo that his wife had gone to town, and Garrett had gone to meet her. At that time undoubtedly both of them were dead, and if dead through accident who would he naturally have communicated it to, if not to Shougharoo, his most intimate friend? But to him he stated they had gone to town, which he knew was a falsehood. You may regard this a trivial matter, Gentlemen of the Jury, but where the crown is sustained in its case by circumstantial evidence, every statement made by either of the prisoners in connection with the crime charg-

ed, shown to be false, is of the greatest importance. On Tuesday, Geehan was assisting Shougharoo about his pigs, but before that time Shougharoo saw Geehan shovelling clay upon the pit in which the body of Sears was afterwards found, Geehan telling him that Sears had dug it—showing, Gentlemen, that Garrett Sears had actually, though unconsciously, dug his own grave. We have evidence that Sears was there on Saturday, but he was never seen there afterwards. What brought Sears there on Saturday, unless he were sent there by Geehan for the express purpose of preparing this pit, for that was not the time of year to be putting in squids. And what brought Geehan up there on Tuesday, if not for the purpose of covering the body. He then goes on to tell Shougharoo while they were both at the pit that Garrett and Mrs. Geehan were then, about ten o'clock, at the head of Spaniards Bay on their journey. Then came the killing of the pig; and a further visit in the evening to Shougharoo, after which Geehan returned to his own house, and remained there all night along with Johanna Hamilton. You have heard there was a sail spread up near the pit on Saturday, and again on Tuesday—we can't say for what purpose it was put there, but if for a screen there was not much wind on either day to require it, and it was unusual to use one for the purpose. The Crown believes and has stated to you that the sail was put there to screen what was being done about the pit from the observation of the neighbors. It will be for you to say whether this was the case or not. During that Tuesday night these two prisoners remained together, there being no other inmates of the house. On Wednesday nothing of importance occurred, but on Thursday morning Geehan expressed himself as being in trouble, and said he couldn't content himself to work on account of the absence of his wife and Garrett Sears; the girl was also uneasy and apparently anxious, and it was on that morning Mrs. Geehan's body was found lying on her face in a sawpit on Spaniards Bay Road. It will be for you to say who put her there in that state, and whether the prisoners did not do so to avert suspicion from themselves. Before the body was brought home, Johanna Hamilton went over to Shougharoo's house, and with affected surprise informed him that the body was found. He asked her if any money was found upon her. Hamilton replied that she did not know, but said that she heard the skipper say he had given her money. Look at the complicity of these prisoners throughout. Both were in trepidation all the morning, unable, as they say themselves, to eat their breakfasts, and when the police brought intelligence of the finding of the body, she runs over to Shougharoo, as if she now knew of the death of her mistress for the first time, and tells him of it. Now, if there had been no complicity between these prisoners, would not that have been a fitting and a proper time to tell Shougharoo all the circumstances? And yet the deception was kept up by them throughout without faltering. Shougharoo says that he saw marks on the head of the body, and bruises on her throat. No doubt it was insinuated on the part of Geehan that his wife had come to a violent end, for he said he had given her money; and even to the witness Morrissey he appears to have insinuated suspicions of foul play against her on the part of her brother Garrett Sears. Up to this time not a word had been said to Shougharoo about the hawk, although Shougharoo lived so close that if any hawk had been about the place he would have known it. Strange, if he had fired at a hawk some mention of it was not made to Shougharoo. At the wake Shougharoo did hear Johanna Hamilton say the skipper fired at a hawk on Monday, but that was all, and it will be for you to say if the story is a probable one, or if this was to be set up as one of the excuses to ward off suspicion for the firing of the gun. After the burial of Mrs. Geehan they still carry on the deception, and Geehan goes up the Bay to make enquiries about where his wife had been, but hears nothing whatever about her, of course. Going on further in Shougharoo's evidence, we find he states that the beating, bruising and battering of Sears was such that Shougharoo, who had known him for years, could not identify him. John Fitzgerald's evidence is most important, and if a part of his statement had been mentioned before, it might have led to the guilty parties. He heard the report of the gun, and then heard cries, and believed the voice to be that of Sears. He ran up to the boundary fence, but was prevented going further by his wife. At what time was it these cries were heard? Was it when the gun was being fired, or was it immediately afterwards, when Sears saw that it was the deliberate intention of Geehan to kill him, perhaps with the butt of the gun, for that might cause the wounds on the head? We know that the shots from the gun did not kill him, because no shot entered his brain or any