

# The Star,

AND CONCEPTION BAY SEMI-WEEKLY ADVERTISER.

Volume I.

Harbor Grace, Newfoundland, Friday, June 21, 1872.

Number 11.

## 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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Harbor Grace, May 14, 1872. tff

## WORN AND TORN.

Two words we count but commonplace,  
The while they mean so much:  
"Worn," aimless as an ended chase;  
"Torn," with the lightning's lurid trace,  
And hot unwelcome touch.

"Worn," with its grave along Life's street  
Never a blossom left  
To brooder it, or make it sweet:  
Earth's brown wrap worn by idle feet,  
Bare of its grassy weft.

"Torn" where new sundered daisies lay  
O'er cleft in sodded green;  
Yet on the verge they nod as gay  
As though a dying yesterday  
Laid not below unseen.

"Worn" hath a wailing, weary cry,  
Echo of ill-spent breath,  
That wanders yet beneath the sky;  
Sad monotone, its key a sigh,  
Nor finds relief in death.

"Torn" hath a fiercer cry of pain;  
Its jangled lute unstrung,  
Never to quiver a trill again,  
Or fall in music's silver rain  
Where happy songs are sung.

"Worn" shows a wan and weary face,  
Its eyes tear-stained and dim—  
No roses in the roses' place,  
Dim lines of care o'er lines of grace,  
The hopeless mouth grown grim.

"Torn" brings the madman's gleaming  
eye  
Ablaze with sullen light;  
The ebbing blood shows purple streak  
Adown the swiftly faded cheek,  
And parted lips are white.

"Weary and worn," "tempted and torn!"  
Listen how echoes wait  
On each, to chime its own refrain,  
Its burden born of sin or pain,  
Sequence inviolate.

## Supreme Court.

Trial of Patrick Geehan and  
Johanna Hamilton for the  
Murder of Garrett Sears.

(From the St. John's Morning Chronicle.)  
SATURDAY, June 1.

[CONTINUED.]

Mr. Emerson, on behalf of the prisoner,  
Joanna Hamilton, addressed the Jury as  
follows:—

May it please Your Lordships,—  
Gentlemen of the Jury,—

It now becomes my duty to address you  
on behalf of the prisoner Joanna Hamilton,  
and I crave your particular attention  
to such observations as may make to you  
assuring you that I shall say nothing but  
that which the circumstances of this case  
render necessary, and my duty to my  
client warrants and approves. The prisoner  
Joanna Hamilton has been placed in  
that dock charged with the murder of  
Garrett Sears, and it is her complicity  
with the prisoner Geehan in the death of  
Sears that you are now called upon to  
consider. I, myself, feel painfully the  
great difficulty which you will experience  
in those portions of the evidence which  
apply distinctly to each of the prisoners,  
and upon which the Crown relies to bring  
home to them the commission of the crime  
with which they are charged. The evi-  
dence as it has been given, contains mat-  
ter which, affecting as it does each prisoner  
individually, must not be regarded by  
you as applying indiscriminately to both.  
You must carefully separate those por-  
tions of it which apply directly to my  
client, and upon them and them alone  
judge of her guilt or innocence; carefully  
putting aside in such consideration that  
evidence which the Court will direct you  
affects the prisoner Geehan alone. It is  
hardly necessary for me, gentlemen, to  
point out to you that, in the consideration  
of this case you must entirely divest your  
minds of all preconceived opinions or im-  
pressions. Your oaths as Jurors oblige  
you to do this. By these solemn obligations  
you are called upon to render your ver-  
dict in accordance with the evidence,  
and with the evidence alone. It is there-  
fore the duty of the Crown to satisfy you  
by testimony of the guilt of the prisoner  
Hamilton; and if in the consideration of  
the testimony you find that it is not suffi-  
cient to satisfy you, and that it leaves  
upon your minds a single doubt of her  
guilt, if that doubt be a substantial and  
honest one, you are bound to give her  
the benefit of it by a verdict of acquittal;  
outside of that evidence you cannot and  
ought not to go, and by it alone are you  
to be guided in the discharge of that  
duty which you owe not alone to the  
prisoner but to the country also. The  
learned Attorney General relied upon  
some two or three points in order to

establish against the prisoner Hamilton  
a complicity with Geehan, and a premed-  
itation and a conspiracy upon the part of  
both of them to commit the crime of  
which they are charged. The motive for  
this murder has been alleged to be a  
criminal intimacy which it is insinuated  
existed between the prisoners, and that  
for the more easy indulgence in this evil  
passion, the removal of the deceased was  
necessary. The Crown has distinctly  
averred that the death of Sears was the  
result of this premeditation—a premedita-  
tion that existed for a considerable  
time, and extended as far back as the  
month of August last, when the prisoners  
were living at the Labrador. And I must  
now ask you, gentlemen, to go back with  
me to that period, to trace the evidence  
that has been given up to the death of  
Sears, to analyse it fairly and honestly,  
and then see whether or not it bears out  
that premeditation of murder upon  
which the Crown relies. You have been  
told that the prisoners while residing at  
the Labrador, slept in the same room—  
though in different beds, and you were  
asked to consider this as evidence, if not  
of positive criminal intercourse, at least  
sufficient for you to reasonably infer that  
such intercourse existed. Now does that  
circumstance carry with it the presump-  
tion and inference that an illicit inter-  
course existed between them? Is the  
evidence of such a character as to leave  
no doubt upon your minds. I think not.  
By that evidence you find that it is no-  
thing unusual for woman and men to  
sleep in the same room at the Labrador  
without any thought of evil; that among  
our fishing population, such a proceeding  
is neither regarded as indelicate or im-  
proper. Hence it follows, gentlemen,  
that from the mere fact of their occupy-  
ing the same room, no presumption of  
guilty intercourse can be raised sufficient  
to satisfy a jury. Again, Garrett Sears  
slept in the same house. And remem-  
ber, that this was the usual course of  
their lives at the Labrador for the past  
three years. If, then, there was anything  
wrong in the prisoners occupying the  
same room, would not Garrett Sears have  
spoken of it? Would he not have men-  
tioned it to his sister Mrs. Geehan? And  
must we not reasonably conclude that if  
such had been mentioned no such kindly  
relations could have existed between  
Geehan and his wife, or between Hamil-  
ton and her, as the witnesses for the  
Crown lead us to believe. If this theory  
of criminal intimacy be correct, would it  
not have been generally known? Would  
there not have been plenty of people to  
speak of it? And in the face of testi-  
mony which proves to you that the occu-  
pancy of sleeping apartments at the  
Labrador by men and women is quite  
consistent with innocence and virtue, can  
you upon your oaths say that any such  
illicit intercourse existed? But the  
Crown does not stop here. It adduces  
one more fact in support of this theory  
of criminal intimacy—a circumstance  
which, when fairly considered, will be  
found as wanting in all the elements of  
guilt as the preceding one. The witness  
Mansfield says that on a Sunday morning  
after their return from the Labrador,  
Johanna was sick in bed; that Mrs. Gee-  
han desired her to make some toast for  
Johanna and take it and a cup of tea up  
to her. Mrs. Geehan then went out to  
milk the cows, and while she was absent  
the witness says that Geehan went up  
into Johanna's bedroom, and remained  
there for some time—nearly a half-hour.  
Now, does that circumstance prove any-  
thing? Can it be reasonably explained?  
I think so. Is it not reasonable to be-  
lieve, that if such a criminal intercourse  
as that alleged existed, such a time and  
such a place would not be selected for its  
indulgence? Would Geehan, a married  
man, deliberately, in the presence of the  
witness Mansfield, visit Hamilton for the  
purpose of having improper intimacy  
with her? At a time, too, when discovery  
was almost certain, when a witness to  
the fact was present, when his wife was  
on the premises, and likely at any mo-  
ment to come in and discover them her-  
self in the indulgence of their guilty  
passions? Why the very publicity of his  
visit to Hamilton's room would rebut such  
a presumption. No man in his senses  
would so openly run the risk of detec-  
tion and exposure, and the only conclu-  
sion, gentlemen, which you can possibly  
draw from the circumstance, is the fair  
and reasonable one, which must instantly  
occur to every man, that his visit was  
one merely of enquiry as to her health  
—and not one involving disreputable  
conduct or guilty intercourse. Now these  
are the only two points upon which the  
Crown relies to prove the existence of a  
criminal intimacy; and upon which the  
learned Attorney General bases his theory  
that this was the motive for the murder  
of Sears—that he was an obstacle in the  
way, and his removal would enable them  
to indulge with greater freedom and  
greater security their debasing passions.  
Gentlemen, it is manifest, I think, that  
with such paltry and flimsy evidence the  
Crown cannot hope to succeed in carrying

conviction to your minds that any such  
motive existed for taking Sears's life.  
But although the Crown may fail in estab-  
lishing by proof the motive which they  
allege, it would by no means follow that  
my client could be acquitted if the evi-  
dence against her upon the main charge  
of murder was sufficient to justify a con-  
viction. My duty is very clear. It is not  
only to shew, as I apprehend I have  
shown, that no such motive as that relied  
on existed; but that the full evidence on  
the part of the Crown against the prisoner  
Hamilton is insufficient to justify you in  
finding her guilty. Having then thus  
disposed of the motive, let me now direct  
your attention to the evidence upon  
which the Crown relies to prove that the  
death of Sears was the result of premed-  
itation, of a conspiracy long entertained,  
carefully thought over and planned, and  
which was carried into effect on the day  
that he was killed. Two witnesses,  
Catherine Hearn and John Hearn, detail-  
ed a conversation which they say they  
had with Hamilton at the Labrador,  
sometime last August. Catherine Hearn  
says, "Hamilton came to my house, and I  
asked her had she any news from home."  
She said she had a letter, everything was  
well, only her mistress was sick all the  
summer, and it was a pity such a smart  
man should be tied up to such a b—y  
old hake. My husband said, her mistress  
was a smart young woman, and would  
live to bury her and Geehan. She said,  
Mrs. Geehan would not live to see Christ-  
mas day. She turned to me and said, "It  
is Uncle Pat and Aunt Jane now, it will  
be Uncle Pat and Aunt Joanna then."  
Let us now consider what is the effect of  
this conversation, and, if it have any  
meaning, what is the real one which is to  
be attributed to it. Here are idle words  
said to have been uttered at the Labra-  
dor, and if they shewed any malignant  
intention at all, any express malice, it  
was against the late Mrs. Geehan and not  
against Garrett Sears. Hence in the very  
inception of this question they have no  
application? But do they show a malign-  
ant intention. Now express malice may  
be gathered from threats. Enmity, ill-  
will, revenge may prompt the utterance  
of such threats. This conversation does  
not contain anything like a threat. Now  
if the theory of the Crown be a correct  
one, that the killing of Sears was the re-  
sult of a long cherished conspiracy and  
premeditation, is it at all likely that  
Hamilton would have so deliberately ex-  
pressed that intention, and created her-  
self the evidence to convict her by speak-  
ing of Mrs. Geehan in the way alleged?  
Would she too, above all others, have  
told the Hearn, who were near relations  
of Mrs. Geehan, and who, it would be sup-  
posed, would be ready to convey to her  
any language that Hamilton had made  
use of against her? But it must not be  
forgotten that the Hearn themselves pay  
no attention to this conversation. If it  
be so important evidence of the dark  
crime of murder, if it be so black with  
guilt, how is it that the Hearn who now  
speak of it paid so little attention to it at  
the time, never mention it to any one,  
or even think of it until after Mrs. Gee-  
han's death? Gentlemen, what must you  
conclude from this? Can you honestly re-  
gard these words as evidence of premedita-  
ted crime? I cannot think so. I think  
you will look upon these as idle and  
trivial words—words which, if uttered at all  
had at the time they were spoken no  
meaning or significance. Again recollect  
you are entirely dependent upon the  
memory of the two witnesses for this con-  
versation. It is true they are quite posi-  
tive that what they say occurred, really  
took place. But are they not likely to  
mistake or to colour the truth? Upon  
all other matters they are wonderfully de-  
ficient—they can't remember and they  
don't know—these are their answers to  
every ordinary question; nay, they can-  
not even recollect the exact time at which  
these words were spoken. Gentlemen,  
these statements ought to be received  
and considered by you with great cau-  
tion. If we were all to be held responsi-  
ble for every idle and thoughtless word  
we utter, if they were "set in a note book  
—learned and conned by rote to cast  
into our teeth," what an apparently black  
and damning record might be exhibited  
against us. But if these words are to be  
strained into the expression of premedita-  
ted crime they would certainly point to  
the murder of Mrs. Geehan and not of  
Sears. Hence, gentlemen, before you  
can arrive at the conclusion that they did  
express a malignant and wicked intention  
to take human life, you must be satisfied  
that the death of Mrs. Geehan did not re-  
sult from any natural causes or disease,  
but that she had been murdered by the  
prisoners acting in concert with, and aid-  
ing and assisting each other. What then  
is the evidence that is to carry conviction  
to your minds that Mrs. Geehan was mur-  
dered? The learned Attorney General  
told you that upon her body there were  
marks of violence, that there were the  
marks or prints of finger-nails on her  
throat. Now, instead of this being pro-

ven, it has been positively and affirma-  
tively denied. Dr. Allan who examined  
the body distinctly, tells you that there  
were no marks of violence upon her per-  
son, sufficient to cause death. That there  
was a small flesh-cut on the forehead,  
which might have been produced by a  
slight fall—that the marks on the throat  
were not produced by the pressure of  
any hand, but were caused by the  
manner in which her bonnet strings  
were tied, and the neck of her  
dress was fastened. That he examined  
her heart, that it was very much diseased  
—a disease, too, of long standing, and  
likely to cause death at any moment.  
That any sudden shock or excitement,  
either of joy or terror, would cause death.  
And he sums up the whole of his evi-  
dence by the positive statement, based  
upon scientific knowledge and examina-  
tion, that she died from heart disease—  
but whether there was any accelerating  
cause or not he could not say. If, then,  
a gentleman of such a large experience  
as Doctor Allan, gives it as his opinion  
that heart disease was the cause of her  
death, how can you, as Jurors, say upon  
your oaths that she was murdered. The  
evidence has completely broken down  
the theory of the learned Attorney Gen-  
eral. It not merely not supports it, but  
clearly and positively contradicts it.  
What meaning or what significance can  
now be attributed to the evidence of the  
Hearn? It stands, gentlemen, in exact-  
ly the same position in which I placed it.  
Hamilton's alleged language at the Labra-  
dor—whether she used it or not—  
becomes now, in reality, idle words,  
meaningless and purposeless, indicating  
no guilty intention, and cannot and ought  
not now be regarded by you as any evi-  
dence against her of the crime in the  
indictment laid to her charge. One more  
point remains for consideration upon  
which the Crown relies to show that the  
death of Sears was the result of premedita-  
tion. It is in evidence that both Gee-  
han and Hamilton told several persons,  
some days before the death of Sears, that  
he was going to St. John's to the Hospi-  
tal, to get his toes cured, and that Mrs.  
Geehan was going to accompany him to  
Brigus. The fact that Sears had sore  
toes, that they were frost-bitten, is admit-  
ted, and I am instructed by my client to  
say that these persons really intended  
going to St. John's; but that the fatal  
proceedings of Monday prevented it.  
You must also bear in mind that this  
story about Sears going to St. John's was  
not a new and sudden thought. The wit-  
ness, Shougharou, tells you that it was  
a matter that he had heard frequently  
spoken of by the family as far back as  
twelve months before that time. If then  
you should believe such was the case,  
that an intention to go to St. John's really  
existed, and that it was prevented by  
the death of Sears, you will at once con-  
clude that the story of their intention to  
go is not to be regarded as any evidence  
of premeditation. That Garrett Sears  
was shot on that fatal Monday no one  
denies. It has been admitted by the  
learned Counsel for Geehan, and the  
statement of Geehan himself, which has  
been put in evidence, sufficiently estab-  
lishes that fact. From the facts of this  
case can any reasonable inference be  
drawn of the absence of any premedita-  
tion to shoot Sears. In order then to  
ascertain how far Hamilton participated in  
the killing of Sears, it is necessary to  
a certain extent and up to a certain time  
to analyse Geehan's motives or malice.  
Did Geehan really contemplate the mur-  
der of Sears? Was the death of Sears  
the result of such premeditation? If so,  
why was it done so openly? Why have  
selected such a time as the middle of the  
day, in such a thickly populated neigh-  
borhood, for the commission of such a  
crime. Again, why was the weapon that  
was used the one most likely of all others  
to create suspicion, and lead to almost  
certain detection? Is it not reasonable  
to suppose that if the killing of Sears  
was the result of such long premeditation,  
of such a deep and settled plan, that it  
would have been done at a different time  
and in a different manner. A murderer  
would naturally select the dark hours of  
the night for the carrying out of his un-  
holy and brutal purpose. Even then he  
would not select a weapon, the use of  
which would necessarily awake alarm  
and direct attention to his deed. No!  
the weapon he would surely use would be  
a silent one, but probably no less dead-  
ly. Geehan himself states that he shot  
Sears, but that he did so accidentally  
in firing at a hawk. Do not the reason-  
able inferences which can be drawn from  
all the surrounding circumstances of the  
case sustain the statement of Geehan  
that the shooting was accidental? If  
that be so, up to the shooting no criminal-  
ity can possibly attach to Hamilton.  
With the act of Geehan accidentally shoot-  
ing Sears, Hamilton could have no con-  
nection. Hence the conversations of  
Hamilton, which are relied on to shew  
premeditation, to sustain the theory of  
a powerful existing motive for the mur-  
der, become useless, and cease to have