

# The Star,

AND CONCEPTION BAY SEMI-WEEKLY ADVERTISER.

Volume I.

Harbor Grace, Newfoundland, Tuesday, June 25, 1872.

Number 12.

## 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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**CALL AT THEIR ROOMS,**  
Which they have gone to a considerable  
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Their Prices are the LOWEST  
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And with the addition of a NEW STOCK  
of INSTRUMENTS, CHEMICALS and  
other Material in connection with the  
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ALEXR. BANNERMAN,  
E. WILKS LYON.  
Harbor Grace, May 14, 1872. tff

## OUR HEARTS.

Concealed within each human breast  
Are chambers vast and deep,  
Where eye of stranger ne'er may rest,  
Ne'er may see what welcome guest  
Gladly there we keep.

Or see what ghosts of joys long fled  
Silent wander there;  
Haunting those chambers, as the dead  
The churchyard, when the day has fled,  
Ghastly, once so fair.

Our hearts have nooks, where bright and  
sweet  
Hopes of ours may hide;  
And whether storm and winter sleet  
Are round us, or the sunlight sweet,  
Ever they abide.

And memories, too, of long ago  
Gather in each breast;  
Veiled, lest the scornful world should  
know  
And smile because we love them so,  
Sacred they, and blest.

And as our spirits, clad in veils  
Walk on earth below;  
The deepest grief the heart conceals,  
What hopes and fears it ne'er reveals,  
Only God may know.

For some we've loved and trusted long,  
Kindred to our souls,  
We lift the outer veil, and they  
See something of ourselves, that lay  
Hid by certain folds.

But all is not revealed on earth;  
Human hearts are deep;  
And ever keep we sacred things  
Hid from each eye, but his who brings  
"To his beloved sleep."

So live we, strangers and unknown,  
In this world of ours;  
But where the light of God doth glow  
Heart to heart that light will show  
In the heavenly bowers.

## Supreme Court.

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

(From the St. John's Morning Chronicle.)  
MONDAY, June 3.

On the opening of Court this morning  
the Jury were addressed by Mr. Raftus,  
on behalf of the prisoner Geehan. Mr.  
Raftus spoke as follows:—

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

It would not well become one when as-  
signed to the performance of any arduous  
undertaking within the province of  
his profession, either to refuse the proffered  
task or delay the prosecution thereof by  
any observations depreciating severe  
criticism, on the ground of unfamiliarity  
with the subject entertained, and general  
want of practical technical learning, arising  
from such inexperience. However  
much such preliminary remarks may tend  
to palliate mistakes, and by anticipation  
offer excuse for any blunders and con-  
fusion that may occur in the fulfillment  
of the duty imposed, they are of no avail  
in enlisting sympathy in the event of any  
momentous mistake being committed.  
Especially in such a case as the one now  
pending, in which there is a question of  
life and death, are pleas of ignorance and  
inability on the part of the advocate very  
much out of place, since if such be the  
case, then should we not have attempted  
to jeopardize the dearest interests of the  
accused. Although this is the first case  
of this nature, indeed the first case of  
any nature, in which my learned friend  
and myself have had the honor of being  
engaged before this honorable Court;  
and although we have done our best to  
prepare us for the responsible position,  
yet are we neither so egotistical nor so  
sanguine as to think we are thoroughly  
prepared on all points. Of one thing,  
however, we are certain, and indeed con-  
siderably cheered by the knowledge of  
that certainty—and that is, that no omis-  
sion of ours, whether through slowness,  
negligence, or ignorance can grievously  
affect the prisoner, because of that usual  
watchful supervision ever exercised by  
their Lordships in all cases, especially in  
such a momentous one as the present,  
that supervision which, while it will allow  
nothing illegally to be put detrimental  
to the prisoner, is at the same time care-  
ful to note every doubt in his favour.  
Public opinion has been morbidly exci-  
ted by the lamentable events that gave  
rise to this trial. The horror and con-  
sternation inspired by the discovery of  
the two bodies, have not yet lost their  
hold on the public mind, and have shap-  
ed its judgment bitterly adverse to the

accused. It is useless for the law to pro-  
pound to us with all its accustomed gra-  
vity that the accused is ever held to be  
innocent till proven to be guilty. Too  
well we know the fallacy of such a posi-  
tion, at least as regards the multitude.  
With them the maxim is reversed, and  
they always hold a man guilty till proven  
innocent. Public rumor seldom stands  
to sift or enquire, it strides onward in-  
creasing as it goes. With the same ease  
that it magnified the something as black  
as a crow, vomited by a certain man in-  
to three black crows, doth it still seize  
hold on matters of more serious mo-  
ment, and construe the accidental shoot-  
ing of Garrett Sears into the most un-  
human of murders. Naturally, was our  
peaceful community horrified at the ex-  
aggerated account of this bad affair, natu-  
rally, was it shocked in its guileless pro-  
prietary that is rarely ever disturbed by  
anything more atrocious than the resist-  
ance of the police by a few drunken  
brawlers. Vague and exaggerated gen-  
erally, as is the report of such occurrences,  
shocking the public ear without the con-  
firmation of legal testimony either to as-  
certain the nature of the crime commit-  
ted, or the degree of guilt, we are not sur-  
prised that the unhappy affair which has  
placed the accused at the bar was depicted  
in the newspapers with every circum-  
stance of horror, that such sensational  
description was seized on by the not over  
discreet tongue of public opinion, and im-  
proved into a most appalling narrative,  
made up of shameless lust and aggravated  
murder. Public opinion if not an accu-  
table thing, it would be absurd to sue  
it for the many slanders that it helps to  
disseminate against private life; it would  
be preposterous to dull its morbid appe-  
tite for sensational horrors, otherwise  
than by satiety. I am not to be under-  
stood by any of these observations as being  
opposed to the exercise of a sound  
public opinion, or to its natural expres-  
sion of horror at what it conceives to be  
a foul murder. I am simply pointing out  
to you its habit of exaggeration, almost  
unavoidable from the nature of the pro-  
cess followed. I meet you in the street,  
for instance. "Did you hear the news?"  
"No, what is it?" "Oh! a most shocking  
murder. A man and his servant killed his  
wife and brother-in-law at Harbor Grace.  
The bodies have been discovered fearfully  
mutilated." &c., &c. What wretches!  
You meet somebody else and tell the  
story drawing still deeper on the catalo-  
gue of horror inspiring words. We, to  
whom you told it, meet somebody else,  
and so on, and thus it flies on the wings  
of rumor, till finally he who first brought  
the news would scarcely recognize the  
simple account that he gave, and is gra-  
dually carried away by custom, should he  
be asked to recite it again, to narrate it  
with all its acquired flourishes. In this  
manner has the public mind been imbued  
with false notions of this case, and  
charged with a hundred fictitious adden-  
da of horrors that do not belong to it. I  
need hardly remind you, Gentlemen of  
the Jury, that your duty consists in  
judging the matter stripped of most of  
the appalling incidents with which an in-  
tangible rumor has invested it. You  
are to try these parties on the evidence  
adduced, for the murder of Garrett Sears.  
You are not to be swayed by what the  
outside world thinks or says about the  
matter, not even by what you yourselves  
think about the matter, save so far as  
your conclusions are borne out by the  
testimony, which is to be your only guide.  
It would be waste of time to delay longer  
in dwelling on this point to such an in-  
telligent Jury. And now let us, seriatim  
examine the evidence upon which the  
Crown asks you to convict these parties.  
It alleges a motive for the commission of  
this murder, and I submit that it has not  
proved that motive; then has it failed to  
prove the malice aforethought. And what  
is this motive that the Crown alleges, viz.,  
that this murder was committed in order  
that there might be no obstacle to the  
gratification of the criminal intimacy be-  
tween the two prisoners. What a pre-  
posterous position to assume; if indeed  
it were the death of Mrs. Geehan we had  
to consider, then would there be some  
plausibility in the view adopted, but even  
then surely you would require some  
proof, some overt act of this criminal  
connection on the part of the prisoners,  
and should not rest content to have the  
whole weight and dread responsibility  
resting on your shoulders without such  
testimony as would be your justification  
in after life before God and man; some-  
thing that would not render your mem-  
ory liable to the ever-recurring doubt at  
the approach of your own final hour, and  
after all perhaps you ought to have been  
more careful, more circumspect ere you  
jumped at the rash conclusion which the  
Crown urged you to take—a conclusion  
to which it does not in the least help you  
to form by any convincing evidence of  
facts, but from the flimsiest and weakest  
of assumptions. Where is the evidence  
to show you that these parties ever co-  
habited, where the secret meetings de-  
posed to, where the stolen embraces?

None! Oh! yes, I forgot; the girl Mans-  
field testifies that some short time after  
the return from the Labrador, Johanna  
was sick, and Geehan went up to visit her  
while the mistress was out milking the  
cows. I never knew that it was an im-  
proper thing for a master to visit his sick  
servant. Never. But then Mary Mans-  
field was told by Johanna Hamilton  
not to mention the circumstance to her  
mistress lest she might be angry. And  
this sickness, you must recollect, was  
caused from nausea of the sea, so you can  
judge whether it was such a condition as  
would predispose for improper amours.  
Mary Mansfield too left the house a few  
days after, and no doubt didn't like leav-  
ing it a bit. We can gather likewise from  
evidence of the modest Mary, that the  
lamented Mrs. Geehan had a temper of  
her own, and doubtless there was good  
reason for not affording her even a pre-  
ference for exercising it. For we find that  
Mrs. Geehan had had a quarrel with a  
family called Hayes while Geehan was on  
the Labrador; that she had broken Mrs.  
Hayes' jug, given her a slap on the shoul-  
der, and turned her out of the field; and  
told her husband Geehan after his return  
home that if he spoke to the Hayes's she  
would scold him. There is not the least  
doubt that the Crown, in summing up, will  
dwell upon the fact that the prisoner Ham-  
ilton is now far advanced in the state of  
pregnancy. But we think that will be of  
no service to them, since I understand  
that the child she bears is not the off-  
spring of Geehan. Is it not then an un-  
seemly thing on the part of the Crown  
to advance such assumptions as evi-  
dence in order to insinuate the motive  
alleged for the commission of this crime?  
It is pretty clear that that motive never  
had an existence, and consequently the Crown  
has failed to prove upon such a motive.  
It is no more than an idle gossiping rumor fit only for  
a coterie of old maids, but totally untrust-  
worthy upon which to attach guilt to the  
prisoners at the bar. I ask you, Gentle-  
men of the Jury, is it of that reliable  
character that you demand of right should  
be presented to you to bear you out in  
your dread responsibility? Can you, on  
your oaths, endorse the position laid down  
by the prosecution that the motive for  
the commission of this murder was that  
there might be no impediment to the  
freedom of criminal intimacy between the  
prisoners? How preposterous! One  
would fancy that Mrs. Geehan would be  
the stumbling block, if any; but I think  
you will agree with me, that if Geehan  
and Hamilton wished to gratify their  
criminal desires, they had unrestrained  
scope to do so on the Labrador, and  
would have had a thousand opportunities  
at home without further sinning by com-  
mitting the awful crime of murder, and  
that too upon an inoffensive old man.  
Surely if there seemed no impropriety to  
the delicacy of Mary Mansfield to sleep in  
the one room with a man, she ought not  
to have seen much in the visit paid to  
that room by the master of the house.  
But it is well for the buxom Miss Mans-  
field that the Court did not allow her to  
recount the dreadful dangers that her  
modesty ran, since something might have  
been elicited that would not prove her  
altogether a Diana. But further, the  
Crown attempts to prove the motive that  
actuated the prisoners to the perpetration  
of this deed, from a conversation on the  
Labrador between Johanna Hamilton and  
the Hearn's; and again takes occasion to  
advance its insinuations as to the criminal  
intimacy of the prisoners because both  
slept in the same room in separate beds.  
Of course I might put the position that  
Geehan cannot be prejudiced by that con-  
versation, but I hardly wish to avail my-  
self of it, there is so little of importance  
in the whole affair as to its leaning on  
this case. It would be as egregiously un-  
fair to hold Geehan accountable for any  
words or conduct of Johanna Hamilton,  
he not being present, as it is ludicrous to  
attach to the haphazard words of an in-  
considerate girl, a meaning into which it  
is difficult to torture them, viz.—that  
they prove the intention to commit mur-  
der. Just look at the conversation with  
all its surroundings, and first recollect be-  
fore Johanna Hamilton made use of the  
words, "she will be dead before Christ-  
mas," John Hearn had said "Mrs. Geehan  
is a fine woman and will live to bury the  
both of you," this giving her the cue,  
prompting her as it were to some such  
answer as that made, out of which the  
Crown has attempted to construct pre-  
meditative crime. And then, as is usual  
in all such cases, the parties bandy words  
back and forth, and Johanna, with a wo-  
man's prerogative, manages to have the  
last word. Besides, the expression is one  
frequently made use of in conversation  
about people in delicate health, that he  
or she will not live to see Christmas.  
Use has almost made it a proverb. The  
next attempt on the part of the prosecu-  
tion to prove the criminal motive, is  
from the fact of these two prisoners hav-  
ing occupied the same room, though dif-  
ferent beds, on the Labrador. This cir-

cumstance is considerably weakened  
when we have regard to the primitive  
habits of some of our fishing population,  
to the testimony of Mrs. Hearn, who  
swears that it is not an unusual thing for  
a man and female to occupy the same  
sleeping room on the Labrador, and to  
the character of the house in which they  
lived, which was nothing more than a  
low fisherman's hut of one story, roofed  
with sods and rinds, and containing only  
two apartments—a kitchen and bedroom.  
If the conversation alluded to indicates,  
as the Crown would have us believe, that  
even at that remote period the murder  
of Garrett Sears had been planned, then  
I think both you and I will be of the  
opinion that for the deep dyed murderers  
they are said to be, they acted very im-  
prudently and very recklessly, for what  
would have been more easy than to have  
got rid of the unfortunate man on the  
Labrador, where there would be a hun-  
dred ways of accounting for his death?  
Now, let us return with these parties to  
Harbor Grace, and what do we find?  
First, that some short time before the  
occurrence of the fatal accident by which  
the unfortunate Sears lost his life, he had  
made up his mind to come to St. John's,  
in order to get his frost-bitten toes  
cured, and it was also understood that  
Mrs. Geehan was to accompany him as  
far as Brigus, at which place he would  
have to take the steamer. There was  
nothing improbable in that contemplated  
journey; on the contrary, as far as we  
can gather from all the witnesses, it was  
a journey and for a purpose that he had  
badly wanted to undertake, and Daniel  
Shougharoo swears that he had heard it  
mentioned so far back as twelve months  
before the fatal twentieth of November.  
We maintain that such journey was really  
to have been undertaken. The Crown,  
on the contrary, assumes that it never  
was, but that it was a report put about  
by the prisoners previous to the death of  
Sears in order to account for his absence,  
and in order to carry out this view the  
Crown will no doubt lay great stress on  
the few occasions upon which the prison-  
ers had mentioned this intended journey  
to St. John's, they did not do so in the  
presence of the parties most interested;  
but that, on the contrary, Geehan follow-  
ed Shougharoo to his own house to ac-  
quaint him concerning the departure, on  
the following morning, of the deceased—  
although not a syllable about the matter  
had been uttered to the witness imme-  
diately before, and while he was in the  
company of Garrett Sears and sister; and  
that Johanna Hamilton in similar man-  
ner, on the same Sunday evening pre-  
ceding the sad event, followed her sister  
Catherine out of doors to inform her of  
the same contemplated trip, and did not  
mention a word of it in the presence of  
the parties most interested. For the life  
of me I did not see anything strange in  
this conduct. On the contrary, I would  
think it much stranger conduct were she  
to tell her sister before the parties in  
the house. It is not usual for servants to  
speak of the contemplated business of  
the family before strangers or visitors.  
You would look upon it as impertinence  
in your own servants to do so. But why  
tell it at all? To this it may be answer-  
ed, "Let women be deprived of tongues."  
It did not sound strange to Shougharoo  
either, that Geehan should tell him about  
this journey, for he had heard it spoken  
of long before, and he and all the wit-  
nesses knew that there was very great  
reason for the unfortunate deceased to  
go to St. John's for such a purpose. But  
he may have been prevented from vari-  
ous causes from starting on that Mon-  
day morning, perhaps in consequence of  
the lowering state of the weather, for if  
you remember, Shougharoo swears there  
was no sun, and that the day was cloudy.  
In the meantime the lamentable occur-  
rence took place which resulted in his  
death. The Crown, as before stated, as-  
sumes that the statement concerning the  
journey was, in the first place, made to  
cloak the disappearance, and afterwards  
to account for the prolonged absence.  
Was ever anything so devoid of common  
sense as this position? The idea of striv-  
ing to explain away suspicious circum-  
stances, and the absence of these parties,  
by stating that they had gone on to St.  
John's, could not surely have been put  
forward as affording a satisfactory answer  
to the questions of neighbors as to the  
time of return of deceased, and would  
sooner or later be discovered to be a fal-  
sification. If they had been plotting and  
planning this murder so long a time as  
the Crown would have us believe, then  
were they the most stupid pair of mur-  
derers that ever existed. Do you not  
immediately see that the very advanc-  
ed is absurd? But see how very natural  
it becomes when viewed from our side.  
They had bona fida intended to start a-  
round the Bay on this fatal Monday, but  
were prevented because of the unfair  
weather or from some other cause. Dur-  
ing that morning, while the prisoner  
Geehan was stowing some straw on the  
stable loft, and while in and out of the  
stable about his work, he saw a hawk