

part of his body but his arm, and it is certain that he was dispatched immediately, living only long enough to utter the cries which were heard, and blunt and sharp pointed or edged instruments were used. Fitzgerald could not see the back yard from where he stood, but could distinctly hear the voice. He speaks of having seen the body in the pit, and of having had a conversation with Geehan who said Sears would be an imposture and explained that term. Patrick Fitzgerald is the only witness who had any conversation with Geehan about the firing of the gun, and he asked him what the firing was. Geehan said he had fired at a hawk, but had missed him. How easy would it have been for him to have told that he had accidentally shot Sears, if that were true. Catherine Fitzgerald corroborates her husband's testimony as to the firing of the gun and the subsequent cries, and as to her husband having run towards Geehan's house to enquire about the firing. She prevented her husband going further than the fence, for she feared something was wrong and had a strange foreboding. She details what Hamilton said about Mrs. Geehan going away, which is important against Hamilton, as showing that the story of this journey was a thorough fabrication of both prisoners, for we know now that the poor woman had not gone away at all. Mary Foley was at mass at Spaniards Bay on that first Sunday up to a late hour in the evening, and was not home and consequently did not hear the conversation which took place between her master, Daniel Shougharoo, and Geehan, at her master's house; but she says she noticed on the Monday the fresh scratches on Geehan's face. It is strange that so many persons had their attention arrested by these scratches as something extraordinary. On that Monday evening she asked Johanna (where her mistress was, when Johanna said she had gone to the Harbor and Garrett had gone to meet her; and therefore, Gentlemen of the jury, can you have any doubt upon your minds that this was a preconcerted story? On Tuesday Geehan said she had gone to Briggs and Garrett to St. John's, and Hamilton did not contradict it, though she knew it was false. The witness describes the dress which Mrs. Geehan wore. I am reading these details to you, Gentlemen, because I am basing the case upon circumstantial evidence, and these points are important to bear out that case. On Wednesday she saw Geehan's horse in the field, and on that night the body of Mrs. Geehan was removed to the Spaniards Bay road. Stress was laid by Mr. Emerson upon her crying when entering Shougharoo's house to tell him her mistress was found, but it will be for you to say if she really felt what she pretended or were her tears the result of a fear that her previous conduct might now be discovered? It has been shown by every witness that Mrs. Geehan was in good health, and had been through the summer an active, hardworking woman. John Hearn's evidence is also important, and if you believe the testimony of himself and his wife, you may infer that these parties had long before an intention to put Mrs. Geehan if not Sears, out of the way. Mrs. Hearn was a relative of Mrs. Geehan, and is it likely that a servant would go to the house of a relative of her mistress and make such a statement as Hamilton made to the Hearn's if something serious had not been in contemplation. Mrs. Hearn corroborates her husband's statement about the conversation with Johanna Hamilton on the Labrador. The story about Mrs. Geehan going for black wool was another of Johanna's fabrications. Mrs. Hearn further says that when she heard of Mrs. G's death Johanna's words came to her memory at once. All this is good proof that she did not consider these words were said in a joke, but they must have left a strong impress on Mrs. Hearn's mind. The witness, Mary Mansfield, is best able to tell you of Mrs. Geehan's health, for she lived with her all the summer. She says her mistress, had not been complaining, and tell you of the kindness of Mrs. Geehan in ordering her to toast some bread for Johanna Hamilton. If the usual relations of master and servant, and nothing more, existed between the prisoners, is it likely Geehan would have gone into Johanna's bedroom, and remained there half an hour while his wife was out? If he were anxious to know how Johanna was, could he not have sent his wife or Mansfield up to enquire? The witness says her mistress was always a most sober woman, and it would be a vile aspersion to say the contrary; yet Johanna Hamilton does this vilely asperse her, and insinuates that Mrs. Geehan was in the habit of using gin, and an extra quantity on the fatal Monday. This she says in her voluntary statement, to which your attention will be called by and by. The evidence of Patrick Morrissey is of a singular character, but it is likely he had been talking and thinking of Sears, and believed the person he saw to be him, though he says he identified Sears by his walk. You, gentlemen, will probably have noticed the extraordinary observation of Geehan, when Morrissey asked him if Sears went down, and when he replied he did not go down unless he went dead. Now we come to the evidence of Inspector Foley and what does he say? On his first visit he was entirely put off the scent by the report from Geehan and Hamilton of Mrs. Geehan and Garrett Sears having gone up the Bay, and people generally put faith in this report. His attention, however, seems to have been first attracted by the marks on Mrs. Geehan's throat. He returned home after the Coroner's verdict, but his mind being unsatisfied he returned to Harbor Grace, and caused the arrest of the prisoners, after which came the search and the ultimate finding of the body. He tells you distinctly the body was not injured while being taken out of the pit. In the house shot, corresponding with those found in the cart, caps and powder were found; the tailboard of the cart appears to have been secreted, and you have seen the

riddling given it by the charge fired into it. Here is most important evidence to connect the prisoner Geehan with the shooting, even if we had no admission from either of them. Dr. Allan gives you particulars of the wounds. He says Sears was not killed by the shot, but by injuries from a blunt instrument, and that other injuries were made by a sharp instrument; there were besides the mutilation of the ear and hand. The Doctor speaks positively as to the wounds on the head causing death. He tells you also about Mrs. Geehan, and said she labored under what is known as fatty degeneration of the heart. You know, gentlemen, how much medical men are guided in ordinary cases by the statements of their patients. Dr. Allan cannot tell you of himself precisely what caused her death. He took it for granted she had gone up the Bay with her brother; and finding the woman had suffered from fatty degeneration, he thereupon inferred and believed that she had died from disease of the heart, accelerated by exposure and fatigue. At this time he had no suspicion of anything wrong. When asked if he had suspicions at the time whether he would have arrived at the same opinion as that given by him on the inquest, he replied the woman was liable to death at any time, but might have lived for years. Less marks, he says, might be found upon a person in her condition if suffocated than upon a healthy person if killed by suffocation. Upon the whole, gentlemen, we may infer from his evidence that he would have been more careful in giving his opinion if he had been aware from the first that the cause of death was a matter of suspicion. He says that a small amount of violence or a shock would have produced death, but that the brain appeared to be in a healthy state. Constable Hackett saw Geehan up the Bay, enquiring about his wife—thus endeavoring to lead the public to believe he did not know how she came to her death, and considered it incumbent upon him to find it out. Hackett went with others of the police to Geehan's house on the morning of his arrest; and being desirous to find out where Geehan slept, some of them listened at the door and heard Geehan come down stairs, Policeman French went up stairs first, and found Hamilton in bed, and a pair of men's boots standing at the foot of the bed. There was another bed in the room, but on carefully examining it they found the bed was not warm, as it would be if it had been recently slept in, nor had it the appearance of having been recently slept in. Whether Geehan slept in the same bed with Hamilton or not, it was unaccountable, if innocent, that so soon after the death of his wife Geehan and Joanna only should have remained together in the house, and not only have been alone in the house, but slept in the same room. The next witness, O'Brien, swears that the shot which he found in the tail-board of the cart exactly corresponded with the shot holes in the shirt-sleeves. He also says the flesh under the ear was grazed, and bore the mark of the sharp instrument which probably removed the ear. This contradicts the story of the pig. From Dr. Crowdy's testimony we find that in the suffocation of a woman diseased as Mrs. Geehan is reported, there might appear scarcely any marks if death were caused by suffocation. In reference to the prisoner Hamilton he states that in his opinion she is seven or eight months gone in pregnancy. Now the Counsel for the defence have dwelt upon the character which has been given to Hamilton by the witnesses. But, gentlemen, you can yourselves judge of her character when you find her, an unmarried woman, pregnant, whether by Geehan or not you will have to consider. She lived with Geehan on the Labrador, and after the deaths of Mrs. Geehan and Garrett Sears she lived with him alone, sleeping up stairs in her room, as Hackett described to you, if not in her bed. If you compute the time of seven months, as given you by Dr. Crowdy, you will find it corresponds with the period to which Hackett refers. Then gentlemen, is there a tittle of evidence that anybody else than the two prisoners were present at the killing of Sears? We know Hamilton was there at the time, and she must have heard his screeches, when others at a greater distance heard them. Is there anything whatever to show a separation in intention or in feeling on the part of these prisoners, or anything but a common design and a common motive? The indulgence in criminal passion is a common cause of subsequent crime. The indulgence of a guilty passion is a fruitful source of crime. In such a case the criminal motive is found to act upon the mind with comparative slowness, or rather the purpose is cherished for a length of time, and only put in execution when a desired opportunity has been met with. The impulse which would lead to immediate action is resisted or avoided as tending to hazard the accomplishment of the object in view. You cannot doubt that an improper intimacy existed between these two—you will have recognized the evident desire he had to consort with her, and you will say whether, in order to gratify his guilty desires more readily, he had or not seriously determined upon that which has since been carried out. Why, said Mr. Raftus, if such desire existed on the part of Geehan, when so many better opportunities occurred on the Labrador for effecting the death of Sears why was he not put out of the way before? The danger is the time had not arrived for disposing of both the sister and brother, and a favorable opportunity had not presented itself, and was at last so well arranged that at first the credulity of most was imposed upon. No doubt you should be morally certain of the guilt of the prisoners, to the exclusion of every reasonable doubt—not that you are to raise doubts, because then you, as Jurors, would be as guilty as if you swore falsely in the witness-box. A moral certainty of the guilt of the prisoners is all the proof the law requires, and the evidence which satisfies your minds to this extent is suffi-

cient proof. What is moral certainty? When Jurors after having heard the whole evidence are convinced that the parties are guilty of the crime with which they are charged, then that evidence constitutes full proof and justifies a Jury in returning their verdict accordingly. When a reasonable doubt is not easily defined, it may be said to be that state of the case, which after the entire consideration of all the evidence, leaves the minds of Jurors in that condition that they cannot say they feel an abiding conviction to a moral certainty of the truth of the charge. If thus satisfied in this case, gentlemen, it is your duty to find these prisoners guilty, leaving the rest to the officers of the law. As to the character of Geehan, the witnesses for the Crown generally have sworn that so far as they knew he bore a good character. But, gentlemen, in estimating a man's character, a great deal depends upon what the word character applies to. A man may be honest in money matters, and pay his debts, and evidence to that effect in a case in which he stood indicted for fraud would be good. But it is no evidence in a case such as this, where every feeling of humanity has been outraged. It is strange that a man living so long in Harbor Grace as Geehan, could not bring forward some evidence as to his good character. Upon this point, give him the benefit of all that the witnesses have said in his favor, so far as it is applicable. Character in a doubtful case may have effect in presuming innocence, but when the facts of a case such as this furnish proof to the contrary, the presumption is of course destroyed. It has been well said that though instances of the apparently sudden ruin of the whole moral character which have sometimes astonished communities, and are otherwise so inexplicable, become easy of explanation on the assumption that what appeared to be the character and so reported was in fact a mere exterior without any real internal foundation. The ruin has not been sudden, but the reverse. The real character whenever it has been good, has for some time been secretly hid and would have discovered itself sooner had the proper occasion sooner occurred. This is a summary of the circumstantial evidence elicited from the witnesses, and I think you will consider that a strong case has been made out against both prisoners, if the Crown rested alone on this without referring to the voluntary statement of both. I shall not refer to them in confirmation of the other evidence. It would be unfair for me to select portions of the statements and put them unfairly against the prisoner, and I shall read them all for you. [The learned Counsel then read through those made before the Coroners Jury at Harbor Grace, and St. John's.] Geehan, Mr. Carter said, had evidently given much thought to the lengthy and rambling one made at Harbor Grace, in which he was very circumstantial as regards his assertion of occurrences at the time, but in its main parts it was untrue, and proved to be so. In that he made no admission of Sears's death by the accidental shooting or otherwise, while the girl Hamilton then admitted the death of Sears in the yard by Geehan on the Monday, and the disposal of the dead body by both on that night in the clay pit. She also stated Mrs. Geehan died of fright on hearing of the death of her brother. In St. John's the girl made substantially the same statement. While Geehan in her presence, admitted that in shooting at a hawk he accidentally shot Sears and to stop his cries being heard by the neighbours at the instigation of the girl, used a pitchfork to complete the killing of the unfortunate man. This he denied, and afterwards retracted that accusation, as well from this statement as from the admission of his Counsel. There is no longer any doubt of Sears having lost his life through Geehan, and of the presence of the girl at the same time. If you can believe the death of Sears was purely accidental, then you will be justified in finding a verdict of acquittal, but to do so you will have to ignore the powerful and so far incontrovertible evidence which brings home the guilty act to Geehan. If you are morally certain of his guilt, no matter what the consequences, you have no alternative than to find a verdict of guilty on this indictment. And if Johanna Hamilton, though not actually engaged in the homicide, was within a reasonable distance to afford help and assistance, and that this was in the furtherance of a common design, you will, I fear, be obliged to find her guilty also, as both would be principals in the estimation of the law. I am certain that when you have heard the charge of the judge, who will address you, able and impartial as it will be, you will not have much difficulty in arriving at your conclusion.

THE STAR.

HARBOR GRACE, JUNE 28, 1872.

The mails, per "Alhambra," English and American, arrived here on Wednesday evening—principal news being anticipated by telegraph. We extract interesting quotations from the various leading papers.

It is pleasing to notice the activity that prevails with the Water Company's employees. The fine weather is certainly taken advantage of—the sewerage of the town being quickly extended. This is a move in the right direction, as such things have greatly to do with the health of the district. The Road Board, in like manner, are working to perfection towards the cleanliness and better condition of the various roads; this is gratifying and reflects great credit on the management of the companies concerned.

We are happy to note the safe arrival at Queenstown, on Wednesday last, at 2 p. m., per S. S. "Moravian," of His Excellency the Governor and Mrs. Hill, also the Hon. C. F. Bennett, John Munn, Esq., H. T. Moore, Esq., and wife, and other passengers; the passage from St. John's being made in 5 days 19 hours.

THE schooner "Caroline Brown," which was recently driven ashore in St. Mary's Bay, and subsequently taken to St. John's by the schooner "A. T. Stone," arrived here yesterday forenoon, in tow of the steam-tug "Diamond," having been purchased by the ever enterprising firm of Messrs. Punton & Munn.

REMARKS BY MR. J. PARSONS, JUNIOR, A., Esq., to be Acting Clerk of the Southern Circuit Court. Mr. John Brown, Senr., to be Ferryman at Burin Bay; and Mr. Robert K. Oakley, to be Light House Keeper at Puffin's Island. Secretary's Office, St. John's, 20th June, 1872.—*Ibid.*

We have heard that shortly before His Excellency the Governor, took his departure in the steamer *Moravian* for Liverpool, a Clerical gentleman made an unsuccessful application to him to relieve the prisoners from the extreme sentence of the law!!!—*Times of Wednesday.*

H. M. S. *Lapping* arrived here from Halifax on Tuesday evening, and will leave again about Saturday on the fishery protection service.—*Newfoundlander of to-day.*

Monday morning next at 8 o'clock is the time appointed for the execution of Geehan.—*Ledger, June 25.*

[FOR THE HARBOR GRACE STAR.]

So poor "Auld Reekie" is gone at last. Well, I'm very sorry, and I'm sure I will not be the only one who will feel his loss, for he exerted himself greatly to make us laugh; and he succeeded sometimes too, and you'll say so when I tell you a circumstance which happened in connection with one of his silly little innocent original stories, caused in my household the other day; for I must tell you I keep a bachelor's hall, and that is what you may call the happy home. None of your delicate fair ones fainting for the fun of seeing how fond their husbands are of them, showing the most startling grimaces to make a fellow believe they are vexed, and telling him he is wrong when he knows he is right, just for the sake of equivocation. But perhaps I am taking up too much of your valuable space, so I must tell you the circumstance. I took up the STAR the other day, and being in good humor, (all bachelors generally are) I began reading aloud one of "Auld Reekie's" scraps, when, to my great astonishment, the dog began to howl and the cat to mew. They are my only companions, and so long as I can keep them on friendly terms with each other, I'm all right; for I can assure you there is some pleasure in looking after their comforts and watching their movements, as there is often more to learn from poor dumb creatures than many of the animals blessed with higher

faculties. Well, as I was saying, the dog howled and the cat mew'd; but somehow or other, in their excitement, they fell out, and that was the falling out, for they went into it in earnest, and different from the way I expected. The dog pounced on the cat, but in making a bite tib turned round suddenly, and what do you think but he bit the greater part of her tail off, and he would have been choked only I thumped him on the back and saved his life. The poor cat immediately fainted. But you should have seen the way the dog expressed his gratitude to me and his sorrow to the cat. After she recovered sufficiently to be reconciled, in the first place he stood on his head to me and wagged his tail, after which, he stood on his tail and wagged his head; and to wind up his performance, he tried to jump over a bucket, but unfortunately fell into it and knocked three of his front teeth out, which will cost a few dollars, but I don't mind it, he's a good dog. Now, by this time the cat was getting a little strong, so he began making an apology to her. Standing on his hind paws, he bowed very respectfully three times, while the tears that rolled down his face were as big—I imagine—as the loads of dust that dimmed "Auld Reekie's" eyes and prevented him from seeing forward his promised communication. The cat looked very much affected and accepted his apology in the most amiable manner. In winding up the ceremony, she flew in the dogs' embrace, and to show that there was no ill-existing between them, she bit a piece off his left ear. The dog said nothing but shook his head, as much as to say—we're quits.

ABEL.

June 27.

GENERAL NEWS.

COUCHEMENT OF THE NOVA SCOTIAN GIANTNESS.

We are glad to be able to announce a safe accouchement of Mrs. Bates nee Anna Swain, the Nova Scotian antess, who is married to Colonel Bates, the Kentucky giant. The child as a girl, and was born dead. It was of enormous size—measured 28 inches from crown to heel, and weighed 18 lb. It bore a strong resemblance to its mother in facial lineaments, and also in certain physical peculiarities.—*and and Water.*

DEATH OF A SON OF THE LATE CHARLES DICKENS.

Lieutenant Sydney Smith Halidiman Dickens, fifth son of the late Charles Dickens, died on board the Peninsular and Oriental steamer *Malta*, on the 2d inst., on his way home from Bombay. He became an acting sub-lieutenant in the Royal Navy, August 30, 1867, and at the close of that war was appointed supernumerary in the *Pyldes*, 17, at Sheerness. He was supernumerary sub-lieutenant in the *Zealous*, 20, flagship successively of Rear-Admiral the Hon. G. F. Hastings, C. B., and Arthur Farquhar, in the Pacific, from September 24, 1868, until January 24, 1870, when he was transferred to the *Satellite*, 17, attached to the detached squadron, and was paid off at Devonport, December 1 following. On June 14, 1871, he was appointed to the *Topaze*, 31, employed successively with the detached and Channel squadrons, and on February 6, 1872, was promoted to lieutenant. He was appointed additional of the *Narcissus*, flagship of Rear-Admiral, J. P. B. Seymour, C. B., on February 19, *Weekly Scotchman.*

THE EX-EMPEROR ON THE SEDAN CATASTROPHE.

PARIS, May 24.—The "Gaulois" publishes a letter of the Emperor Napoleon, dated Chislehurst, 12th inst., and addressed to the Generals and Commandants of Corps D'Armee. The letter is said to have been written in consequence of the report of the Commission of Enquiry into the capitulation of Sedan, and in it the Emperor says:—"I am responsible to the country, and I can accept no other judgment but that of the nation, regularly consulted, nor is it for me to pass an opinion on the report of the Commission on the Capitulation of Sedan. I shall only remind the principal witnesses of that catastrophe of the critical position in which we found ourselves. The army commanded by the Duke of Magenta nobly did its duty, and fought heroically against an enemy twice its numbers. When driven back to the walls of the town, and into the town itself, 14,000 dead and wounded covered the field of battle, and I saw that any longer to contest the position would be an act of desperation. The honor of the army having been saved by the bravery which had been displayed, I then exercised my sovereign right, and gave orders to unfurl a flag of truce. I claim the entire responsibility of that act. The immolation of 60,000 men could not have saved France, and the sublime devotion of her chiefs and soldiers would have been uselessly sacrificed. We obeyed a cruel but inexorable necessity. It has