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## NOT GUILTY OF MURDER.

### Jury Brings in Verdict of Manslaughter.

#### Four Days Trial Comes to an End.

##### VERDICT OF JURY.

"We find the prisoner at the bar not guilty of murder but guilty of manslaughter and we recommend him to the clemency of the Court." With these words spoken by Mr. S. J. Tucker, foreman of the jury, the famous Nolan murder trial which for the first four days of the present week had been occupying the attention of a full bench and a special jury and in which the whole country has taken the keenest interest, came to an end. Their lordships through the Chief Justice intimated that the court would take time to consider what sentence would be passed. At 2.30 p.m. Thursday, J. G. Higgins, B.A., counsel for the defence rose to address the jury and delivered a most eloquent and impassioned plea on behalf of the accused which lasted for over three hours. Although he had had little time to prepare his defence, and few grounds to base it on, Mr. Higgins delivered an oration of which he may forever feel proud and it undoubtedly had no small effect upon the jury. The address of the Attorney General also lasted about three hours but was more a statement of facts than anything else; but it too was a most eloquent address. The summing up of his Lordship the Chief Justice lasted for an hour and at 10.55 p.m. the jury retired and returned to Court at 11.25 p.m. to give the decision which appears at the head of this column.

##### THE PRISONER'S BEARING.

Throughout the trial the prisoner bore himself very coolly and during his examination spoke in a calm, audible tone but raised his voice occasionally to vehemently deny the

first he found guilty of the gross outrages perpetrated on the child and if his acts were not responsible for the child's death the verdict must be not guilty.

"COULD NOLAN HAVE THOUGHT IT OUT?"

It, said counsel, you let sympathy carry you away you are damning your own souls. In case of doubt, he said, the prisoners get the benefit of the doubt. The case they had to try was cold, terrible murder and they were the sole judges. Now the question was could a man of that type kill his daughter by a slow process of refined cruelty. It would be more likely, if a man like him had wanted to kill his child, that he would have broken her head with an axe. If he had thought out the scheme he would have made some blunder and a blunder is soon found out in an outpour. If that scheme of refined cruelty were true, would Nolan have sent for a good old woman to look after his child? Would he not have tried to hide the fact of the frozen feet? She might die and none would be the wiser. If he had kept away all knowledge of his cruelty from the neighbours, didn't they think he couldn't hide the fact that her feet were frozen? It was almost incredible. If she ran away, even if afraid, it was her own act, and if every child who is afraid of punishment ran out in the snow the town would be full of homeless children.

##### THINK HOW HE SUFFERED.

Every witness called gave Nolan a splendid character. Did the jury think that he would supply his family with one hand and kill them with the other? Let them think of what he suffered since his wife died. He had the hardships of a father and the worries of a mother. Although the children were such a trouble to him he did not stay away when he could have but rather sent money for their upkeep. Let them think what Nolan suffered when he heard his own children perjure themselves against him. It is not alone terrible to be put to death by perjury but infinitely worse to be hung by the perjury of one's own children. Wouldn't they expect a man whose children had received such terrible characters to have a warped nature but there was no evidence to show he had anything of the grouch about him. The fact that Patsy Molloy who suffered from epilepsy, and wouldn't come to town as a witness for the Crown, took the risk to come as a witness for Nolan is a great thing in his favor. The evidence of the prosecution, said counsel, is entirely the evidence of Gregory and Mary Nolan, neither of whom has a good reputation. Suppose Nolan did beat the child. If any gentleman of the jury had come back after a hard day's work and had to bring the child in out of the snow wouldn't he feel like doing the same.

charges made against him. Before, however, his cross examination was concluded he began to show signs of the strain of the trial and the several hours he had spent in the witness box. During his counsel's address he seemed much moved and continually bowed his head and was often seen to wipe his eyes with his handkerchief. He followed counsel for the Crown with a keen attention and he listened closely to his Lordship's summing up. When brought in to hear the verdict of the jury Nolan seemed quite composed and as he entered the box a slight smile seemed to flit over his face. He took the jury's verdict quite calmly and with a most expressionless face.

##### THE PLEA FOR THE DEFENCE.

After recess Thursday, Higgins, B.A., began his address to the jury. He first apologized for the delay he had made in the matter. For the past few days they had had the sad task of trying their fellow man. A human life hung in the balance. A verdict of guilty on their part meant the loss of a human life and a life once gone could never be recalled. The killing might be excusable but it would be killing none the less. In a small community like this facts are exaggerated and some of the jury may have come on the case with prejudiced minds. To all who had feelings of this sort he would say drop them. They must not take ideas of their own but they must try the case solely on the evidence. If Nolan was innocent they were to find him innocent and provided that they were satisfied that the acts of cruelty were proven and that the cause of death issued therefrom they would have to find him guilty. Nolan must

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you to do likewise. Judge him according to his environment. Judge him rightly." Continuing he said that Mary's mind was so diseased that her vapourings should be set aside. "Are you," he asked, "going to hang that man on the words of two degenerates? . . . Are you going to put the mark of a felon on a man who did what he thought right?" Counsel closed his address with an eloquent appeal for the life of the prisoner.

##### THE CASE FOR THE CROWN.

The Attorney General, Hon. W. R. Warren, K.C., then rose to address the jury. He congratulated counsel for the defence on his excellent address. The Crown, he said, stood for the community and not only that but for a little girl, 9 years of age, whose lips are sealed in death. They were compelled to take the next best evidence and try and arrive at a verdict from that. The two chief witnesses were the prisoner's own children. The main charge against Nolan, said counsel, was that he saw the child die, and he would not call in a doctor. He admitted that Mary and Gregory told lies and were in the habit of stealing, but the greatest liar on earth could not concoct such a story. If these children had concocted this story they were able to write a book. They could not make it up and stick to it in spite of cross examination. To make up the story they must have arranged to tell it and having done so they must have had it indelibly impressed on their memories to stick to it. They had had no opportunity to

make-up the story, and in any case if their father was such a kind, considerate parent, what would cause them to concoct such a tale. WOULD SHE RUN IF NOT THREATENED.

When they stuck to such a detailed story they must be believed. His learned friend had said that the child had died of her own act. It was not natural for the child to run half a mile from home as soon as her father came out of the woods and go through all that suffering, unless she was frightened. No child would do that without good cause. Could Nolan then be believed when he said he never beat her? Counsel then showed in what ways the children's evidence had been corroborated. He also said that Nolan couldn't afford to let Belle run away and refuse to go after her but he couldn't be the good, kind father who was said to be, if he put her down and drove her home. At this juncture recess was taken until 7.30 p.m.

##### IS NOLAN PREPARED TO LIE TO SAVE HIMSELF.

After recess counsel for the prosecution continued his address to the jury. He dwelt at length upon the way the prisoner had treated Belle the day she ran away. Nolan, he said, declares he didn't kick her over the scrape, yet when she dalled he hit her and he admitted kicking snow after her. Was he telling the truth? Would a man who drove his child ahead of him in the condition she was refrain from kicking her down? Or, is it more probable that the two boys were right and that Nolan is once more prepared to lie to save himself? Nolan said he did not scold or beat the child, which is more likely? That the boy made up the story of the beating or that Nolan sent the child after giving him all that trouble into the house without a scolding or beating?

Counsel then dwelt at length on the evidence. It was easier, he said, for the man to make up a story and stick to it than two children who had only been three days together. He said that the fact that the Molloy's wouldn't let Patsy come for the defence was a proof that he and his family were prejudiced in Nolan's favour.

##### HIS CONSCIENCE PRICKS HIM.

Why, asked counsel, should Mary have given hot water to Belle unless she was petrified through being up all night in a wet dress. If that story is concocted it is a great piece of work. When Nolan came back from the woods he made up his mind that the child's feet were frostbitten. His conscience pricked him. He started in to try and undo what he had done. He did his best. Counsel then touched on the matter of the doctor.

Nolan, he said, concocted his defence under examination, when he went in the box. If he couldn't pay a doctor he should have told that the first day he went in the box. Even when the child was dying Nolan made no movement to get help. He didn't go to Mrs. Scoville to save his child's life but he did to save his own life. If he had had as much consideration for the child he might not be where he is now. "I say," said counsel, "that Nolan has convicted himself whether lying or not." "The children," he continued,



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##### HE KNEW THE DOCTOR WOULDN'T COME.

Counsel dwelt at some length on the question of the calling of the doctor. Nolan admitted he should have called him, with the sorrow of a man who was fond of his children. How often did we find that the last to be called to the sick bed was the doctor? Was the jury going to make that poor, deluded individual a victim of a system which prevails in every part of Newfoundland. Nolan knew the doctor would not come because he couldn't pay him. He hadn't a cent. He knew nothing of Poor Relief. When arraigned in court he had no counsel, because he couldn't pay for one, and he was going to send Belle to the hospital but he found it cost money and he had none. He knew well the doctor at Arundale wouldn't come. He might have tried him, but Judge him according to his standards. If he killed the child it was a blunder. Who had gained by Belle's death? Had Nolan? Why did he kill her? Why did he want to get clear of her? Could they give a reason for his ill-treating one and not the other two?

##### ARE YOU GOING TO HANG THAT MAN?

"Pity Nolan, pity him," said counsel. "I have done my best and I ask

6th—He drove Belle home before him in the snow.

8th—Absolute neglect, when she was sick in not calling in the doctor.

9th—Letting her go out of this life without providing for her spiritual future.

For all these reasons, said counsel, the accused is a man who would neglect his children.

Speaking of the evidence for the defence, counsel said that Mrs. Cantwell and Mrs. Scoville said that Nolan was a good man and a good neighbor, so glibly as to detract from the truth of their statements. When Mary spoke about making enough lies to hang her father, other words must also have been said, and it is possible Mike Mason and the Cantwells perjured themselves by not telling the whole story.

##### NOLAN RESPONSIBLE FOR DEATH

Belle ran away because she was frightened on account of her father's threat, and from the moment she left home Nolan was responsible for her. As regards the motive, the Crown would not allege that Nolan started out with the deliberate intention of killing the child, but knowing her to be what she was he thought it better to let her die.

Counsel referred to the sufferings of Nolan, but he said that the jury must also remember the ten days of pain and suffering of the little girl, now beyond all pain and for whose suffering the Crown said William John Nolan was responsible.

##### THE SUMMING UP.

At 9.50 the Chief Justice began his charge to the jury. He said it only remained for him to sum up, and so far as he thought it necessary to give his own opinion on what he thought necessary. That opinion was subject to their own authority. They must focus their attention on the charge alleged in the indictment, and they must exclude all impressions brought into the box with them, and also the things mentioned there which were not relevant to that charge. Amongst other things his Lordship said that the jury was not concerned with what happened in the Court House at Mr. Main. Nor were they concerned with the fact that some clothing was taken from Mount Cashel. A witness, said his Lordship, might not be put upon his trial. The case was a very sickening one and it was sustained by the evidence of the accused's own children. If he had been said that they were perjurers and that their story was pure fiction and that they were deliberately swearing away their father's life. They could picture this little girl, undersized and deformed. He was not defending her, but he did not think that a child brought up as she was should be judged too harshly. The children's upbringing wasn't their fault. The point to consider was whether they were capable of coming into Court with a made-up case. In the main they told a consistent story. In the main, essential points that story was corroborated by other witnesses and very largely by the prisoner himself. He wished to direct attention to the charge of manslaughter, the charge is that he intended to show there was no intention. Was this man guilty of wilful taking of life, or was he guilty of manslaughter. There were certain facts to be dealt with in both cases. First, what was the cause of death? On that point there was little dispute. Both doctors agreed that the examination of the internal organs showed nothing was wrong with the child. In the ordinary course of nature, the child would not have died but for the poison from the frozen feet. If medical attendance had been called in time, said Dr. Taft, she would have recovered. Dr. Fallon said it was highly probable that she would. The Crown's case against the accused was two-fold. First, as a father, it was his duty to have given medical care to his child, and next, that by a series of cruel acts he contributed to the child's death. On that point the doctors say that the effect of the beatings, if they occurred, would have weakened the child's resistance. But the Attorney General had said that not only was there neglect after the frostbite but that the accused was the cause of the original trouble; that Belle ran away for fear of a threat of punishment on the part of her father. The elder girl seems to be to some extent deficient, but Gregory, whatever else he is, is a bright, intelligent boy. His story must have carried conviction to their minds as a truthful tale. His Lordship then discussed some of the evidence. If, he said, the father's threat had forced Belle out into the snow, it was not her voluntary act that caused the frost bite. He must take all the consequences of his act if his threat drove her out. There is a right of a parent to correct his children, but if the correction exceeds the bounds of moderation, and death occurs, it is manslaughter.

His Lordship then explained the law applicable to the case, and concluded by saying: "You must consider whether the killing here is intentional, whether it is not blameable, or not culpable, whether the accused is not blameable for the death of that girl either from his acts of cruelty or from his neglect to call a doctor. If you find that there was no intention on his part, you will consider the second charge that I have put to you: if you find there was no intention on his part, that his conduct was not blameable, then and only then would you be justified under the indictment to find him Not Guilty."

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