

The Evening Telegram

VOL. XXXVII.

ST. JOHN, N. B., SATURDAY, JUNE 24, 1899.

NO. 68.

ON TRIAL FOR MURDER.

ALFRED GOVER PLEADS NOT GUILTY TO THE INDICTMENT.

A Jury Selected Within an Hour And With Little Difficulty—Dr. D. R. Moore, the First Witness, Describes the Scene a Few Hours After the Killing.

FREDERICK, June 23—Judge Vanwart presided over the June circuit of the York court, which opened today. The lawyers in attendance at the opening of the court were Attorney General White and J. H. Barry, who are to prosecute for the crown in the case of the Queen vs. Alfred Gover, which is the only one on the docket, and George F. Gregory, Q. C., who appears in the interest of the prisoner. After the grand jury had elected Chas. A. Sampson chairman his honor then briefly addressed the grand jury. He said there was one very important matter of a criminal nature to be brought before them, the case of the Queen vs. Alfred Gover, which was causing the death of William McLean at Green Hill, Stanley, on the morning of May 19th last. His honor briefly related the story of the tragedy, as disclosed by the depositions taken at the preliminary examination, and explained the difference between homicide and manslaughter. He remarked that it was the fourth time in 35 years that a grand jury in this county had been called upon to deliberate upon a case of the kind. After reviewing the evidence his honor remarked that if the jury after making full enquiry from the witnesses to be brought before them, entertained any doubt as to McLean being in a compromising position with Mrs. Gover, when found by her, they should give the crown the benefit of the doubt, and return a true bill for murder. His honor advised the jury that if they were convinced that the taking of human life, in cases where the provocation is caused by one man finding another in the act of committing adultery with his wife, was looked upon as manslaughter of the lowest order. Therefore, if from the evidence they were convinced that McLean had been found in bed with Mrs. Gover, they would be justified in returning a bill for manslaughter. There did not, however, seem to be any positive evidence to show just what position McLean and Mrs. Gover were occupying when Gover came upon the scene.

Mr. Bernice Thomas, Chas. McGivney, Mabel Logan, Chas. Humble, Jas. F. Malone, W. Scott, Dr. Wainwright, Clark Sutherland, John L. Marsh, James Humble, Chas. Gallen and Garret McGivney were sworn for examination by the grand jury, which in the afternoon found a true bill for murder against Alfred Gover for killing William McLean at Stanley.

The petit jurors were disclosed until tomorrow morning at 10 o'clock. It is believed the trial will not occupy more than three or four days.

FREDERICK, June 21—The public are evincing great interest in the trial of Alfred Gover, who was yesterday indicted by the grand jury for murder and whose trial before a petit jury began this morning.

Gover, who is quite deaf, failed to understand the indictment when it was read over the first time. He was given a seat in front of the clerk and the indictment again read. In reply to the clerk's question: "Are you guilty or not guilty?" the prisoner replied in a voice scarcely audible, that he was not guilty. Mr. Gregory suggested that his client, being deaf of hearing, should be given a witness to testify that he could hear the evidence, which was his right. Both the attorney general and the judge approved of the idea and Gover was assigned a seat at the head of the table facing the clerk and court reporter.

The empanelling of the jury proved a comparatively easy matter. Eighty persons had been summoned to sit and out of the names of fifty of them were drawn one at a time and read over. It took little more than an hour to select the jury, and less than half the panel had been exhausted.

The twelve men selected are Chas. W. Estey, Bright; N. U. Ueghart, Douglas; O. W. Goodspeed, St. Mary; Ludlow Ferris, Frederick; J. W. Feagans, St. Mary; Thos. E. Collier, Kewville; Chas. E. Morgan, St. Mary; Whitman Sewer, St. Mary; Joseph Smith, St. Mary; John Gillman, Kingsley; Harry Bart, Bright; George Armstrong, St. Mary.

After the indictment had been read over to the jury the attorney general opened the case for the crown, addressing the jury at length. He said the prisoner was before them charged with one of the highest crimes known to our law. He pointed out that in cases where one man willfully took the life of another the crime was looked upon as murder, except where there were circumstances which in the eyes of the law were considered sufficient to reduce the crime to manslaughter. The attorney general then briefly explained the difference between manslaughter and murder, and pointed out that the bill returned by the grand jury in this case covered both crimes. The learned judge, he said, would later on explain to them the law dealing with such cases, and they would be bound to accept his version, so all that the jury would be required to decide would be the question of fact. The attorney general then briefly related the facts of the case as disclosed by the depositions. He went on to say that he did not know what line of defence would be set up for the prisoner, but he assumed that an attempt would be made to show that McLean had been found in the act of committing adultery with Gover's wife. Had McLean been killed under these circumstances, the crime would be one of

manslaughter and not murder, but he did not think the evidence would show that McLean was having adulterous intercourse with Mrs. Gover. The attorney general produced a photograph of the Governor house, which he showed to the jury, briefly explaining the location of the room.

In closing, he said he had endeavored to lay the whole matter fairly and concisely before the jury, and the evidence would bear him out in what he had stated to them.

Dr. D. R. Moore, who was called to Gover's home on the morning of the tragedy and who afterwards held an inquest over McLean's body, was the first witness called by the crown. He told the jury that he was called to the Governor house about receiving a call from the Governor about an early hour on the morning of May 19, and of visiting the place shortly afterwards in company with James Humble. He described the room where McLean's body was found, the position of the body when found, and also told about finding blood stains on the bedroom floor. On going down stairs against the witness found the prisoner and James Humble engaged in a heated conversation. He heard Gover tell Humble that McLean had made lots of trouble for him and he would kill him if he was not taken away. Witness broke in and told Gover that he had already killed McLean and Gover replied that he was glad he had. When witness first entered the house he saw Gover and his reply was that he had found McLean in bed with his wife. Witness afterwards returned to the upper floor in company with Jas. Humble, and made an examination of McLean's body. McLean had on at the time a shirt, pants, drawers and McLean's shoes were all buttoned.

He related McLean's shirt and found a wound in his left side, which he described to the court. The call he received about summoning a jury and have them examine the body of McLean. He afterwards had a conversation with Gover, in which the latter reiterated his statement about finding McLean in bed with his wife, and said that if he could have found his gun he would shoot him on the spot. The witness also told about finding a desk partly filled with whisky on a chair in Mr. Gover's room. He also related a rather curious story about Charles McGivney at the Governor house and handed it over to the crown officer. The attorney general then asked the witness to produce in court. Mr. Gregory objected to this, but the judge overruled the objection. A blood stained butcher knife was then produced and identified by the witness as the one he had received from McGivney. The clothes worn by McLean were also produced in court. It being then one o'clock the judge adjourned the court until 9 o'clock, after first informing the jury that arrangements had been made for their accommodation at the Queen Hotel, but warning them to be very careful about communicating with outsiders during the trial. Several of the jurors asked permission to send word to their families that they would not be home for a few days and the request was granted.

This afternoon Dr. Moore continued his direct testimony and was cross-examined for nearly an hour by Mr. Gregory.

FREDERICK, June 22—The trial of Alfred Gover was resumed this morning. This morning Mr. Thomas was subjected to a lengthy cross-examination at the hands of Mr. Gregory. She said among other things that her mother was addicted to the use of liquor and that she had been getting much worse of late years and frequently spent money for liquor that should have gone for other purposes. She did not try to conceal her fondness for liquor from anybody. When under the influence of liquor she usually became very coarse and vulgar in her talk, and at times angry. She was also prone to quarrel with her sober was all right. Her father never objected to his wife drinking liquor. Up to the time witness was called to the Governor house her mother occupied but one room, but when she returned home Christmas they were not sleeping together. Her father was in the habit of drinking liquor unless it was brought to the house by some one. He did not get drunk, but she said that she had seen her father drinking liquor. Later on the witness said that there was no truth in the report that she had been on terms of intimacy with "Bob".

She said that she and her husband had not been keeping house at Bangor, but had been boozing with her father and there. Their household effects were at Stanley, and it was their intention to commence housekeeping after witness went back to Bangor. Her husband had gone to the woods before Christmas, and witness came home at the request of her mother to spend the winter. Witness in an aside hearing her father knocking at the sitting room door on the morning of the tragedy, and about getting out of bed and going over to McGivney's for help. When half way through the hall she heard her father calling her to come back. Witness got out of her bedroom window and hid her father's gun as quickly as she could. Did not hear father say when he called her to get up that she would see a corpse on the floor. When witness was at McGivney's she saw her mother and the two little girls out on the roof of the house. She said there was no fastening lock to her mother's bedroom door; it was kept closed by a latch. The witness then answered the internal arrangements concerning the funeral of McLean. She said she was the first to find McLean's body. Gallen was visiting the neighborhood and stopped at McGivney's, who keeps a public house, and has the name of selling liquor. On the night before the tragedy she said her mother and mother were both well set up with liquor, but her mother was much the drinker of the two.

Re-examined by Mr. White—Witness said her mother transacted all the business for the family. Sometimes she would be away two days and returning. Her mother did most of the household work, and worked on the farm. She used to chop with an axe, and help clear land. Mr. Gregory objected to the admission of this evidence because it

was new matter, but the objection was overruled. Continuing, witness said her mother was considered a hard-working woman, a fondness for liquor being her only fault. Her father usually took a drink when any person came around with liquor. He was sometimes quarrelsome and, but generally so when drunk. Her mother was also inclined to be ugly when drunk, and usually toward her father. Her father was drunk on the morning of the tragedy, but he was not violent in the month of January he got drunk and had to be tied with a rope. There was a neighbor at the house at the time and he was drunk also. He quarrelled with her father and the latter threatened to shoot him. The man's name was Wilford Myers. He had near quarrelled with evening with her father. They quarrelled and Myers got her father down on the floor, and witness brought the rope with which Myers tied him. It was a tree that her father had ever attempted to shoot witness. He had not fired a shotgun in the room at the time she was married. She did not remember her father taking charge of things as a barn raising on one occasion and her mother on another. She did not know her father having had a row with a man named Sutherland on one occasion and her father would occupy an extra room when he was intoxicated. In answer to a juror witness said she did not know that anything was going on between her and her father when she started for McGivney's. To Mr. White she said her father was not angry at her at the time she was married. The attorney general then asked the witness regarding the empty language her mother used in regard to her father's death. When her mother got mad she would call her a scoundrel. The witness was urged to report some of the other epithets that her mother used, but she declined to do so.

Re-examined by Mr. Gregory, witness said that Myers was stopping at McGivney's at the time of the above incident. She said she did not know Myers at the time she was married, but she was at his place. On those occasions she slept in her father's bedroom, and her father would occupy an extra room when he was intoxicated. Myers was also in the house Christmas eve and also in January and brought liquor each time. She said she had a strange conversation with Myers and her father, and about her father being tied by the latter. When her father got loose, he got the gun and was going to shoot Myers, and the latter left and went to McGivney's. Mr. Gregory wanted to know why the witness had not told the court about this conversation with her father, and her reply was that she was afraid Myers would be shot.

To the attorney general witness said her father was a stranger at the time of the above incident. He was a man of about six or seven years ago. Her father and mother stopped sleeping together after the above incident. Mr. Gregory asked her to answer a few questions for Mr. Gregory was stood aside.

Mr. Thomas was on the stand about three o'clock and testified herself well under the circumstances. Part of the time, while under examination of the attorney general, she was in the hands of Mabel Logan, the little girl, who stood at the Governor house on the night of the tragedy, was next called and sworn. She testified about a stranger standing by her who lived in the parish of Stanley. She told about going to pray meeting on the night of the tragedy in company with Mrs. Thomas and Clara Gover. After prayer meeting she went to the house of her father, where she found Charles Sutherland, Jas. Malone, Chas. Humble, and Bob McNeill, and Mrs. Gover. They talked about the tragedy and she went to bed. Witness went to bed about 11 o'clock, and afterwards heard Malone and McNeill singing down stairs. He then talked between the counsel at this stage of the trial.

Weddings. Miss Bertha Parks, daughter of Mrs. Samuel Parks, Carleton, was married Wednesday to Mr. Cain, of Knoxford, Carleton county. Rev. Dr. Hartley performed the ceremony. The young couple left on the C. P. R. for Knoxford, where they will reside. The bride received a handsome tea set from the Young People's Sewing Circle of the Carleton E. B. church, a beautiful present from her Sunday school class, besides many other tokens from friends.

The very happy wedding of Mr. Robt. J. Wilkins, of the post department to Miss Lizzie Stewart McDade, daughter of the late Mr. James McDade, took place at the bride's residence, Gilbert's Lane, Wednesday in the presence of relatives and immediate friends. Rev. W. W. Rennie performed the ceremony. The bride was dressed and looked charming in a handsome lawn colored broadcloth costume with white satin trimmings and carried a bouquet of white flowers. Miss Tillie McDade, sister of the bride, was bridesmaid, and was attired in a dress of pink moire and carried a bouquet of pink roses. Mr. and Mrs. Patterson will reside at No. 162 Paradise Row.

DOMINION PARLIAMENT.

DISCUSSION OVER A PATRONAGE IN CAPE BARTON.

Mr. Bethune Left the Conservatives in the Interests of Constituents—The Members Are not Satisfied With the Quality of Their Stationery.

OTTAWA, June 20.—A report from the committee on printing precipitated a discussion on the question of internal economy. There have been numerous complaints of the quality of stationery furnished the members of the house and the small quantities allowed them. Last year a committee looked into the matter and decided to get their supplies as the senate does, viz: through a sub-committee. They have been unable to arrange this as the officers of the house insist on doing it. The speaker looks upon the matter as being entirely within his own cognizance. On the suggestion of the premier the committee will consult the speaker and see how the atmosphere can be cleared up.

Sir Charles Tupper asked the government a statement as to the condition of the Pacific cable system. The premier said negotiations with regard to the provisional boundary on the Dalton coast were proceeding satisfactorily, but until they were completed he was not authorized to make any further statement. The report that the minister of public works in the senate that there had been a final settlement must be incorrect. There was no change with respect to the permanent boundary. With regard to the Pacific cable the premier said that unfortunately the imperial authorities had not accepted Canada's proposition. However, there was to be a conference of agents of the colonies with respect to the matter. Senator McDonald (Cape Breton) said that he was privileged as a member to draw the attention of the house to the case of a member of Victoria, Nova Scotia, who was in the hospital in the city of Halifax. He said that he was in the hospital in the city of Halifax and was in the hospital in the city of Halifax.

Mr. Fraser appeared, and referred to the case of a member of the Nova Scotia legislature who was in the hospital in the city of Halifax. He said that he was in the hospital in the city of Halifax and was in the hospital in the city of Halifax.

Mr. Bethune said that he was in the hospital in the city of Halifax and was in the hospital in the city of Halifax.

Mr. Bethune said that he was in the hospital in the city of Halifax and was in the hospital in the city of Halifax.

Mr. Bethune said that he was in the hospital in the city of Halifax and was in the hospital in the city of Halifax.

a direct cold storage service between Prince Edward Island and Great Britain. He had asked privately for tenders and was not successful. He had now advertised for tenders. They were returnable on July 15.

Mr. Davin, on motion to go into supply, read a series of newspaper articles respecting the killing of Dr. Douglas' grain inspection bill.

Hon. Mr. Sifton, after intimating he did not care what the Conservative papers said of him, explained his course in connection with the bill. He favored the general principle, that of inspection and regulation, but did not believe in the clause providing for the indiscriminate parties upon railway property. He offered to help Mr. Douglas to carry the inspection part of the bill through but Mr. Douglas declined.

Col. Prior brought up a matter in connection with the Northern Commercial Telegraph Company and the Dawson City and Victoria Telegraph Company. He read the correspondence that was brought down and also copies of letters that had been brought down. The effect of the correspondence was that Mr. Roche, member of the British house of commons, and other promoters of the company, saw the minister of railways in October and were assured that the government would approve their telegraph line if it was expedient. The minister wrote two letters, the first expressing approval of the project, and the second more fully approving the project. The company was taking steps to proceed with the work. The latter was a private letter to Mr. Roche that the government intended to grant consent for a telegraph line along part of the route the Northern Company had proposed to follow. The minister of public works. He informed them that he knew nothing of them. The company then offered to take over the work done by the government paying the actual cost, but the offer was refused.

Mr. Prior considered the government's action had been a great breach of faith. Hon. Mr. Blair explained that the government was anxious to see a telegraph line between Dawson and when approached by the Northern Company in October he did not hesitate to give them the contract. He pointed out that the Indians had increased in numbers from 2,600 in 1883 to 4,000 at present. Hon. Mr. Sifton admitted the gravity of the charge, but said that the doctor had never made such a report to the department. He said the question of building a hospital on the reserve had been considered. He pointed out the great difficulty of dealing with the Indians, denied that the Indians had gone to Brandon for their pay, and said that after a full consideration he had decided it was best that Dr. Secord should reside in Brandon instead of on the reserve. There were two assistant physicians on the reserve who could be consulted. Dr. Secord visited the reserves several times per week and could be consulted by the Indians in Brandon as well, where they did most of their trading.

Hon. Mr. Sifton's estimates inappreciated were up all forenoon and evening and he was complimented by the opposition members and the thorough knowledge he had of department and the clear and satisfactory way he explained the items under discussion. All the Indian estimates, with the exception of two or three items in Nova Scotia, which were held over for general discussion, passed.

The house adjourned at 11:20. In the senate today Mr. Mills pointed out that Mr. Bowell was unreasonable in his demands for information concerning the Drummond County road and that Mr. Ferguson was looking for information to defeat the bill.

that owing to the difference between the provincial and dominion regulations logs from Indian reserves being exported, there was abundant opportunity for the mixing of the logs and so dodging Ontario restrictions.

The minister of the interior admitted the inaccuracy of existing regulations, but urged that owing to the joint high commissioner negotiations not being yet concluded the government was not in a position at present to take up the question and deal with it. Action at present would be unwarranted and unnecessary until case negotiations, and that by waiting till their conclusion only a few months would be lost. The minister pointed out that the government stood in the position of trustee to the Indians, and said a legal opinion would have to be had as to whether regulations could be enacted which might cause a depreciation of the value of Indian property. The entire question would be considered as soon as the Washington negotiations were disposed of. Mr. Bennett said regulations would increase the value of the Indian lands on account of the competition it would cause among American and Canadian lumbermen.

Dr. Spronk complained that for 15 years delay had been made in the negotiation with the protection of our saw logs on the plea that it might interfere with negotiations with the Americans. He urged that an export duty should be imposed by the dominion. Mr. Ives said the question of regulations raised was small and not one that was desirable to allow to complicate negotiations with the United States. He had always favored a dominion export duty. He said that the government proposed to bring up the question shortly. He considered Ontario regulations illegal and held that eventually the dominion parliament would have to deal with the question.

Mr. Olesar, of Toronto, called attention to the serious condition of affairs on an Indian reserve near Brandon. He read a report to the Ontario health authorities by Dr. Secord, doctor of the reserve, in which he stated that the sanitary conditions among these Indians was almost beyond description. All old heathen rites were practiced and filth and disease, revolting in character, abounded. The death rate was 30 per 1,000, compared with 10 per 1,000, the average of the province, yet the Indians had increased in numbers from 2,600 in 1883 to 4,000 at present. Hon. Mr. Sifton admitted the gravity of the charge, but said that the doctor had never made such a report to the department. He said the question of building a hospital on the reserve had been considered. He pointed out the great difficulty of dealing with the Indians, denied that the Indians had gone to Brandon for their pay, and said that after a full consideration he had decided it was best that Dr. Secord should reside in Brandon instead of on the reserve. There were two assistant physicians on the reserve who could be consulted. Dr. Secord visited the reserves several times per week and could be consulted by the Indians in Brandon as well, where they did most of their trading.

Hon. Mr. Sifton's estimates inappreciated were up all forenoon and evening and he was complimented by the opposition members and the thorough knowledge he had of department and the clear and satisfactory way he explained the items under discussion. All the Indian estimates, with the exception of two or three items in Nova Scotia, which were held over for general discussion, passed.

The house adjourned at 11:20. In the senate today Mr. Mills pointed out that Mr. Bowell was unreasonable in his demands for information concerning the Drummond County road and that Mr. Ferguson was looking for information to defeat the bill.

Halifax Natal Day. HALIFAX, N. S., June 21—Bad weather upset nearly all arrangements for natal day movements, and most people spent the day in the city. There were heavy showers in the early morning and lighter showers later on, making picnicking and outdoor amusements rather uncomfortable. Most of the city streets and public offices were closed, and flags floated from many buildings and from shipping in the harbor. Other than these there was but little indication that today was the 150th anniversary of the city's settlement. Weather cleared this afternoon, and tonight a concert was held in the public gardens.

Death of John F. Marsters. At his residence 161 Leinster street, Tuesday evening, the death of John F. Marsters occurred. He was in his 82nd year, but until recently had enjoyed good health. When a young man he came to this city from Nova Scotia, and for 45 years conducted a customs brokerage business. Besides a widow he leaves a son and three daughters. The son is Frank W. Marsters, New York, and the daughters are Mrs. T. A. Rimer and Miss Agnes Marsters, of Webster, Mass., and Mrs. H. C. Cress, of Fredericton.