

The Scotty Trial.

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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.

FREDERICTON, 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, charged with the murder of William McGivney 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 McGivney 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 quoted from the criminal code to show 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 McGivney 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 McGivney and Mrs. Gover were occupying when Gover came upon the scene.

Mr. Bernice Thomas, Chas. McGivney, Mabel Logan, Chas. Humble, J. P. Malone, W. Scott, Dr. Walker, and the Clark Rutherford, John L. Marsh, James Humble, Chas. Gallen and Garrett 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 McGivney at Stanley.

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

FREDERICTON, 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's desk 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 seat near the judge, so that he might 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 empaneled jury proved a comparatively easy matter. Eighty persons had been summoned to attend court, and the names of thirty of them were first drawn out 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. Uehart, Douglas, C. W. Goodspeed, St. Mary, Ludlow, Tera, Frederick, J. W. Peppers, St. Mary, Thos. H. Collier, Kenneth Chas. E. Morgan, St. Mary, Whitman, Brewster, St. Mary, Joseph Smith, St. Mary, John Gilman, Kingsley, Harry Burt, 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 some 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 was some extenuating circumstance which in the eyes of the law was 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 story 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 the attempt would be made to show that McGivney had been found in the act of committing adultery with Gover's wife. McGivney had 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 McGivney was having adulterous intercourse with Mrs. Gover. The attorney general produced a photograph of the Gover 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 said to them.

Dr. D. R. Moore, who was called to Gover's house on the morning of the tragedy and who afterwards held an inquest over McGivney's body, was the first witness called by the crown. He told the jury that he had already killed McGivney and Gover replied that he was glad he had. When witness first entered the house he asked Gover what was the matter. The witness then told him that he had found McGivney in bed with his wife. Witness afterwards related to the jury the details of the tragedy, as disclosed by the depositions.

He related McGivney's shirt and found a wound in his left side, which he described to the court. The witness then told about summoning a jury and have them examine the body of McGivney. He afterwards had a conversation with Gover, and the latter related his statement about finding McGivney in bed with his wife, and said that if he could have found her he would have shot them both. The witness also told about finding a flask partly filled with whiskey on a chair in Mrs. Gover's room, and also received a butcher knife from Chas. McGivney at the Gover house and handed it over to the crown officer. Gover, they should give the crown the benefit of the doubt, and return a true bill for murder. His honor quoted from the criminal code to show 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 McGivney 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 McGivney and Mrs. Gover were occupying when Gover came upon the scene.

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DOMINION PARLIAMENT.

DISCUSSION OVER A PATRONAGE IN CAPE BANTON.

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 as being entirely within their own cognizance. On the suggestion of the premier the committee will consult the clerk and see how the atmosphere can be cleared up.

Sir Charles Tupper asked the government to make a statement as to the condition of the Pacific cable scheme.

The premier said negotiations with regard to the provisional boundary on the Yukon were proceeding satisfactorily, but until they were completed he was not authorized to make any further statement. The report that the minister of the interior had stated 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 McDougall (Cape Breton) said that he was privileged as a member to draw attention of the house to the case of a member of Victoria, Nova Scotia, who was in the hospital, and who was now in the government side of the house. In this connection he read a letter which appeared in the Sydney Herald, the effect of which was that Premier Murray, of Nova Scotia, controlled the patronage of the hospital in London, Ont. Wm. Ross was the name of the member.

The minister of public works, Mr. Ross, was asked to make a statement as to the case of Mr. Fraser of Guyabro, who was in the hospital, and who was now in the government side of the house. In this connection he read a letter which appeared in the Sydney Herald, the effect of which was that Premier Murray, of Nova Scotia, controlled the patronage of the hospital in London, Ont. Wm. Ross was the name of the member.

Mr. McDougall read another private letter from Wm. Ross, in which he stated that he was in the hospital, and who was now in the government side of the house. In this connection he read a letter which appeared in the Sydney Herald, the effect of which was that Premier Murray, of Nova Scotia, controlled the patronage of the hospital in London, Ont. Wm. Ross was the name of the member.

However, no one could see what reference this letter had to the subject.

Mr. Bethune, in reply, said that he was in the hospital, and who was now in the government side of the house. In this connection he read a letter which appeared in the Sydney Herald, the effect of which was that Premier Murray, of Nova Scotia, controlled the patronage of the hospital in London, Ont. Wm. Ross was the name of the member.

The house then went into committee on the supplementary estimates.

Mr. Laurier said that he expected to be able in a few days to make an announcement in regard to the fast Atlantic service.

Most of the items for militia camps and supplies were under discussion, and there was a prolonged debate.

Colonel Tyrwhitt asked if the government had decided on a policy of training all the militia annually.

The minister of militia said he was in favor of drill for all militia, and we had had it to a great extent since we were militia. Though he could not say that he was in favor of it, he had been told that he was in favor of it.

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a direct cold storage service between Prince Edward Island and Great Britain. He had asked privately for tenders and was not successful. He 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, in answer to a question of Mr. Bennett, 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 seizure of grain without 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 from the company. 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 support the project, and the first pressing approval of the project, and the second more fully. Some of the vital company was taking steps to proceed with the work. The latter was a private letter from Mr. Roche to the minister of public works. The company had proposed to follow the Northern Company's route for a telegraph line along part of the route the Northern Company had proposed to follow. The minister of public works had informed them that he knew nothing of them. The company then offered to take over all the work done by the government in 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 the telegraph line to Dawson and when approached by the Northern Company in October he did not hesitate to give them the line in the London press to see how 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, and that the Indians had to go to Brandon for their pay, and said that after a full consideration he had decided it was best that Dr. Scott should reside in Brandon instead of on the reserve.

There were two assistant physicians on the reserve who could be consulted. Dr. Scott visited the reserves several times per week and could be consulted by the Indians in Brandon as well as where they did most of their trading.

Hon. Mr. Sifton in reply to Mr. Bergeron explained the circumstances in connection with the Indian troubles at St. James and said that Sherwood was not to blame for shooting the Indian, but acted with great forbearance in refraining from shooting as long as he did.

Hon. Mr. Sifton's estimates inappreciable 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, Nova Scotia, which were held over for general discussion, passed.

The house adjourned at 11:30.

Senate.

In the senate today Mr. Mills pointed out that Mr. Bowell was unreasonable in his demands for information concerning the Dr. Scott case 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 day was spent 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 garden.

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.

An Old Subscriber.

The TELEGRAPH regrets to hear of the death of Mr. John K. Davidson, at Douglastown, Northumberland county. Mr. Davidson had been a subscriber to the WEEKLY TELEGRAPH for the last 28 years.

"Was my sermon long this morning?" asked a preacher, who had been taken to task for running overtime, and who had carefully kept within a half-hour. "No, dear doctor," was the reply of the parishioner: "It wasn't long; it only seemed so."