

## THE JARDINE CASE.

## INTERVIEW WITH ONE OF THE COUNSEL OF THE ACCUSED.

Severe Arraignment of the Court and the Bishop—Alleged Star Chamber Proceedings—A Trial Which Ended in Tragedy.

A great sensation has been caused by the recent trial, suspension and subsequent suicide of Rev. Henry D. Jardine, rector of St. Mary's church, Kansas City. The particulars of his suicide at St. Louis have been given in the telegraphic dispatches. As it is an intensely interesting and tragic case we append the following interview with one of the deceased preacher's counsel, as published in the St. Louis *Globe Democrat* of Monday:

"So much injustice has been done Mr. Jardine, both by misrepresentation and suppression of facts, that I believe it is my duty to speak of some things which have not been made public. If Mr. Jardine's death prevents the recurrence of such infamous proceedings in the church as have characterized his trial he will at least have died for the good of his brethren, and not in vain. When we filed the motion for a new trial before the Bishop, in October last, we set out the facts then known to us, and asked that the Bishop issue subpoenas for witnesses to prove them. The charges, in this regard, related chiefly to Mr. Reed's incompetency and to the misconduct of the court concerning the verdict. In the motion we named Reed and Gierlow as witnesses, with a number of others, to the Bishop, asking that they be summoned to appear and testify at the trial of the motion. You may judge of my surprise when the Bishop peremptorily refused to hear witnesses to prove either that Reed swore himself on to the court by a false affidavit, or that the court had reached a final conclusion in the case before hearing all Mr. Jardine's testimony. The Bishop said that he had power in the case only so far as the diocesan canon gave it to him, and that since the canon did not provide for his issuing subpoenas he could not do so."

## THE FIRST REFUSAL.

"I saw at once," continued Mr. Harrison, "that this was tantamount to a refusal on his part to look into the facts concerning the alleged misconduct of Reed and the other members of the court, because the canon was equally silent as to this. Article 19 of the constitution of the diocese provides, in effect, that cases of defective procedure are within the power of the Bishop and a standing committee for remedy, and I immediately called the Bishop's attention to that, in order that justice might not fail by reason of any want of power in him to avoid enforcing an unjust verdict. At the same time I called his attention to the fact that he had inhibited Mr. Jardine from officiating as a priest as soon as the verdict came in, and that I thought he was in this assuming guilt in advance of a consideration of the case by him, and before sentence. I further said that since the canon gave him no power to inhibit the accused before sentence, his order of inhibition should be set aside under the rule which he himself laid down. The court had not set aside the inhibition. The court had not been satisfied with complying with the canon, which made it its duty to simply find 'guilty' or 'not guilty' on the charges respectively, but it had as to one charge which the evidence confessedly failed to sustain rendered a Scotch verdict of 'not proven.' Thus making a miserable fling at Mr. Jardine in a matter which was unsustained by the evidence. They had recommended the extreme penalty of the ecclesiastical law, namely, deposition, and, instead of allowing him to wait for this until sentence could be passed, the verdict contained their recommendation for immediate inhibition."

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however, counsel appeared before Mr. McMaster, the latter refused to allow them to see the testimony unless they would sign a stipulation, sent to Mr. McMaster by the Bishop, agreeing not to use any notes taken from the testimony for purposes of public disclosure. This Mr. Jardine's counsel refused to do, and they were therefore denied access to the testimony."

## STAR CHAMBER PROCEEDINGS.

"The canon provides that such trials shall be private," explained the counsel, "which I think is intended merely to keep the sickening details of immorality, or alleged immorality, from the prurient curiosity of the public, and not in order that the church may conduct her proceedings in the dark, like a Star Chamber or an Inquisition, or to place an accused in the power of a trial court or Bishop. Mr. Jardine was thus crippled in his defense by what I conceive to be a harsh and illegal rule in denying to his counsel the right to examine the record. While the trial of the motion was going on I discovered that what purported to be the Kansas City testimony, was not certified or authenticated. I made the point, and was appealed to by the other side to help them out of the difficulty. I then said that Mr. Jardine had never sought to take advantage of any technicality, and I agreed that what purported to be the Kansas City testimony, should be so considered, except in so far as I might find errors in an examination of the testimony which I offered to make for the purpose. This was agreed to on all sides and so entered, but a few days afterwards, when the testimony was again sent to Mr. McMaster, I appeared before him to make the promised examination, that gentleman refused to allow me to do so under the Bishop's instructions, unless I would sign the arbitrary stipulation mentioned above. Now, however, the Bishop has had his opinion in the case printed in pamphlet form, and has distributed it among many persons. It is a poor rule which only works one way. That opinion contains a partial and one-sided statement of the facts according to the Bishop's own notion. Of course it looks fair upon its face, but that can be done in any case which has anything like two sides to it."

## THE ARMSTRONG TRIAL.

What a Reporter Gleaned this Morning on the Subject.

A reporter of the *JOURNAL* took a turn through the city this morning and gleaned some interesting facts about the trial of Doctor Armstrong, of St. Philips.

The impression seems to be well nigh universal that the outlook for Doctor Armstrong's ultimate vindication is very bright. The truth is that his congregation are jubilant over yesterday's proceedings of the ecclesiastical court, and are almost a unit in the opinion that a victory was scored for their rector.

It is not denied that the continuance which was asked by the prosecution and granted by the court is injurious to Dr. Armstrong and St. Philip's parish in that it delays the sweeping away of the cloud which now rests upon them. But at the same time this continuance unquestionably works a benefit to both rector and church when viewed in a different light.

The asking for the continuance under the circumstances by the prosecution was an undoubted confession of the weakness of their case, and is accepted as such by the public. In fact the general drift of public opinion is that it amounted almost to a complete breaking down of the case against Dr. Armstrong.

It is well known that the prosecution brought the case. It is well known that they openly stated on the streets that they were ready to proceed. It is well known that they announced that they not only had strong testimony to support their view of the case, but that they had volumes of it which would be forthcoming.

In view of these facts it was quite surprising to say the least of it, after the court had been organized yesterday and all the preliminaries gone through with to see the prosecution begging for two weeks more time in which to get up their evidence and put their case in proper shape.

A well informed gentleman said today: "The prosecution now say that they rely mainly upon the evidence of Mann, the Cincinnati reporter. Why has he not on hand yesterday? They have had weeks and weeks in which to get him here; yet he did not put in an appearance yesterday, and no effort was made to introduce his interrogatories. What excuse can they offer for the absence of the main witness? It would seem that they have lost faith in the strength of his evidence. At any rate, with ample time and facilities to pre-

## DAKOTA AND ARIZONA.

## A GEORGIAN CANDIDATE FOR SENATOR FROM ARIZONA.

Fight on Civil Service—After Office—What Georgia's Representatives in Congress are Doing—Notes from the Capital, Etc.

## Special Correspondence ATLANTA JOURNAL.

The number of territorial candidates for statehood with the local self-government, offices, dignities, and emoluments appertaining thereto, is on the increase. Dakota and Arizona are especially anxious to doff their swaddling clothes and get into the *topsy vivvado*. Of the two named Dakota is making more advanced and vigorous efforts for admission into the Union, and two blooming Senators, elected by the territorial Legislature, are already here on the ground ready for duty and salary as soon as the necessary formalities are accomplished. The Senate committee on territories has reported favorably on the bill for the admission of that part of Dakota lying south of the forty-sixth parallel of north latitude. Even in the event of failure during the present session, which is by no means certain, it is likely the admission of Dakota will not be long delayed.

The Arizona case is not so well developed, nor is it being so vigorously pressed, as the conditions at present are hardly as favorable. A number of prominent citizens of the territory, however, are here, and have been during the session feeling their way and the congressional pulse, laying plans which may ripen in the near future. One of these I had the pleasure of meeting, a few days since, and found him a young man, still in the thirties, bright, self-poised and determined. He was well dressed, and had an air of manly independence which success, achieved by one's own energy and talents, is apt to give. He is a Georgian, who went west from a county below Macon. He encountered obstacles and repeated defeats, struggling against great odds, but his pluck and perseverance finally brought him success and a handsome fortune which is now yearly increasing. He is beginning to incline to politics for which he has taste and talent, and will be a candidate for the U. S. Senate when Arizona is admitted, with strong chances for election.

## FIGHT ON THE CIVIL SERVICE.

Democratic discontent of the civil service reform, foisted upon the party as it appears to keep Republicans in office, is beginning to crystallize into what promises to be a vigorous fight against the system. It is not likely that much will be accomplished in this direction at present, but a large element of the party will at least derive the satisfaction and relief which comes of letting off a considerable quantity of surplus steam. To illustrate the apparent harshness of the system, on Democrats. The result shows that those who have successfully passed the required examination have but little assurance of appointment for the reason that department places are already filled by Republicans who have never stood the examination, but whose discharge is not remotely contemplated by the system now in operation. By a recent order all the names on the list of the commission of eligibles, applicants who have successfully passed the examination, whose papers were filed prior to July 8 last still unappointed, have been dropped. This announcement means that over 800 applicants, the most of them Democrats, whose recommendations were first-class, whose qualifications were all that to be desired, were to be discarded, and have been unable to obtain any kind of appointment in the departments. This will be apt to deter many Democrats, fully capable and deserving, from trying even this uncertain, but only path, to the classified Government service.

The feeling which exists in the party on this matter was fully and emphatically expressed by Senator Vance, in a recent interview with the Washington correspondent of the *New York World*, from which the following extract is reproduced:

"I think there is a popular cry for the repeal of the act. Seven-tenths of the people of my State, of both parties, would like to have it repealed. There is more feeling on the subject than you would think. I know of several Republican Senators who favor the bill, to say nothing of the Democrats. I believe in civil service reform, that is, in the improvement of the service, but I also believe in the party in power having

wrestled with the silver question. Mr. Hammond, for the judiciary committee, of which he is a leading member, called up and passed a bill amending section 604 of the revised statutes, in reference to the transfer of criminal prosecutions from the State to the Federal Court.

The House in committee of the whole considered the President's message, with Mr. Blount in the chair. Thus Georgia was heard in both houses during the day, and the government machinery still survives. (Washington, Jan. 12. C. A. N.)

## The Late John B. Raymond.

WASHINGTON, January 14.—Hon. John B. Raymond, who died at Fargo, Dakota, a week ago, made many friends among the people, during his service in the last Congress as delegate from that Territory. Near the close of the last session his wife, a most estimable and accomplished lady, died here. Her body was placed in a vault in Rock Creek Cemetery. Mr. Raymond was undecided whether to inter the remains here or at Fargo. Before his death he expressed a wish to be buried at Washington, with his wife. In accordance with his wish his remains were sent here and placed in the vault. Mrs. Raymond left two beautiful little girls, aged 6 and 8 years, who, having no near relatives in position to care for them, were taken in charge by Senator and Mrs. Sabin, of Minnesota. As the latter have no children they will probably adopt them permanently. Senator Sabin will purchase a cemetery lot for the bodies of Mr. and Mrs. Raymond, and will have them buried in the Spring. Mr. Raymond owned one of the finest farms in Northern Dakota, comprising 10,000 acres, on the line of the Northern Pacific road, near Fargo. Mr. Raymond was an officer on the staff of General McPherson, at the time the latter was killed before Atlanta, in 1864.

## Grant and Mosby.

WASHINGTON, January 14.—The strong friendship between Gen. Grant and Gen. John Mosby, one of the most daring and troublesome of the hard riders among the Confederate cavalry leaders, was one of those remarkably anomalous things that cannot easily be explained. It was a marked characteristic of Grant that his friendships were lasting. They were only broken for the best of reasons. While Grant was President he sent Mosby to China, as consul at Hong Kong, the duties of which office he discharged in a very satisfactory manner. He was removed by the present administration, and has opened a law office in San Francisco. It is said that but a few days before his death Gen. Grant wrote to Senator Stanford, of California, asking that he would, as a favor to himself, look after and assist his friend Mosby when he should return from China.

## A Murderous Meant.

TOMSTONE, A. T., January 14.—Frank Leslie, the government scout accompanying Captain Crawford's command, has just arrived here and reports having encountered near Wild Springs two couriers of the Tenth Cavalry, who informed him that trouble had occurred between an Indian scout and the quartermaster at Cove Creek, 25 miles south of Bowie. The scout complained of the small quantity of bread issued to him. After some hard words he went to his camp, returned with a rifle and shot the quartermaster and the quartermaster's sergeant dead. The officer in charge forbade his soldiers from firing on the Indian. He wanted to take him alive, but the scout escaped.

## An Extensive Fire.

WILMINGTON, O., January 14.—Fire broke out in the large, handsome establishment of Voorhees & Elder, on Main street, at midnight. It is burning fiercely, and at this writing fears are entertained that the entire block, including the Central Hotel and a number of fine business buildings, will succumb to the flames. A large quantity of benzine and gasoline is stored in a cellar in the block. The loss will be heavy.

## Became Suddenly Insane.

JOLIET, Ill., January 15.—Robert Robinson, aged 26, a well known manufacturer of this city and son of Robert Robinson, a retired capitalist, became violently insane last night and is now confined in jail.

## TELEGRAPHIC SPARKS.

Selma, Ala., is to have a grand union depot. Earl Carnarvan, Lord Lieutenant of Ireland, will resign.

Thousands of cattle perished in Texas from the intense cold.

The Balkan Conference will reassemble at the end of the month.

within the power of the Bishop and standing committee for remedy, and I immediately called the Bishop's attention to that, in order that justice might not fail by reason of any want of power in him to avoid enforcing an unjust verdict. At the same time I called his attention to the fact that he had inhibited Mr. Jardine from officiating as a priest as soon as the verdict came in, and that I thought he was in this assuming guilt in advance of a consideration of the case by him, and before sentence. I further said that since the canon gave him no power to inhibit the accused before sentence, his order of inhibition should be set aside under the rule which he himself laid down. In reply he refused to set aside the inhibition. The court had not been satisfied with complying with the canon, which made it its duty to simply find "guilty" or "not guilty" on the charges respectively, but it had as to one charge which the evidence confessedly failed to sustain rendered a Scotch verdict of "not proven." Thus making a miserable fling at Mr. Jardine in a matter which was unsustained by the evidence. They had recommended the extreme penalty of the ecclesiastical law, namely, deposition, and, instead of allowing him to wait for this until sentence could be passed, the verdict contained their recommendation for immediate inhibition.

"Such an inhibition by the Bishop was contrary to canon law and utterly null and void, though Mr. Jardine had respectfully obeyed it as coming from a Bishop. I had better digress here to tell you what was developed at the subsequent trial of the motion concerning this inhibition. I refer to this feature of the case. The verdict had been signed by all three members of the court on September 25 last, and carried about in Reed's pocket before the evidence was all heard, thus showing that the court arrived at a fixed and positive determination of the case without hearing the full evidence of the respondent.

#### CONVICTED IN ADVANCE.

"Mr. Jardine was convicted before he was heard. The date of the verdict was, however, left blank, but no other space was left blank, nor was any provision made for a subsequent alteration of the verdict. The members of the court, I suppose, determined that if the evidence to come should change their minds they would change the verdict. This amounts to nothing. They might just as well have signed and agreed upon their verdict with such a proviso before any of the evidence had been heard. Such conduct was inconsistent with that impartiality to which Mr. Jardine was, in common justice, entitled. On October 7, the evidence having in the meantime been concluded, Dr. Runcie came to St. Louis and went to the residence of Mr. Reed, while the latter had the verdict safely lodged in his pocket. The two then went to the residence of the Bishop and there delivered the verdict to him. Dr. Gierlow was in Jefferson City, and so far as I could learn from the evidence, did not know that it was proposed to alter the verdict, but Runcie and Reed, at the Bishop's residence and in his sight and presence, did on that day alter the verdict by interpolating, over their own signatures and over that of Dr. Gierlow, the clause recommending inhibition, which had not been before in the verdict. By that act Dr. Gierlow was made to say, in the verdict, that which before he had not there said, and as to which act he was in entire ignorance, if the evidence at the hearing was to be believed. The Bishop thereupon issued his order of inhibition, basing it largely upon this clause.

"But, to return to the correspondence between the Bishop and myself. The Bishop so far relented from his rigorous rule as to say that he would receive affidavits of the facts. We determined to comply, however, as best we could, and sent a reputable and accurate gentleman to Jefferson City to procure Dr. Gierlow's affidavit. Dr. Gierlow refused to give it on the ground, as stated by him, that it would be improper for him to do so under certain communications which he had had from the Bishop. I do not know whether he spoke the truth, but if he did, then it follows that the Bishop made a rule which, as to Dr. Gierlow, he took, or had taken, steps to defeat. We thereupon appealed to the standing committee, which is the counsel of advice of the Bishop. The committee advised him to hear witnesses. I know that they did so, because soon thereafter, on December 2, the motion being set down for hearing, the Bishop came in and made a rule that he would issue citations for witnesses, saying that he was "moved thereto by advice." This he did, although he had had a copy of his letter making the rule, as to affidavits, formally served on us. On his own motion he adjourned the case for a week, and then heard testimony. In the meantime the evidence which had been taken at Kansas City had been written up, and the Bishop had sent it to Mr. E. J. McMaster, in order that we might be able to examine it, as we had requested to be allowed to do so. When,