

## THE JARDINE CASE.

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

Arrangement 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 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 fact, were 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's attention was called to the fact that the witnesses refused to appear. We heard witnesses to prove either side were 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 as 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 standing committee for remedy, and I immediately alleged that the Bishop's attention was called to the fact that the witnesses refused to appear. 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 coming guilt in advance of a consideration of the case by the court, and I asked for a new trial. 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 the final 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 alleged 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 heard then showing that the court and the Bishop had made a 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 signed the verdict, and agreed upon their verdict with such a full knowledge 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, the Rancie came to St. Louis and resided at 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 Rancie and Reed, at the Bishop's residence, signed the verdict, and then on the day after the verdict was interpolated 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 trial 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 related from his rigorous rule as to say that he would receive affidavits of the facts. We determined to comply, however, the best we could, and send a reputable and acknowledged agent 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 his agent, as he was, a reputable and acknowledged agent to go to Jefferson City, had taken care to defeat the purpose which was 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 thereby 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. McMaster, or, at least, that we might be able to examine it, as we had re-

however, counsel appeared before Mr. McMaster, the latter refused to allow them to see the testimony unless they would sign a stipulation, signed by Mr. McMaster, the Bishop, asserting that the evidence was 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 sordid 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 the record was not supposed to be the Kansas City testimony, as every action taken was authenticated. I made the point, and was appealed 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 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 same stipulation as mentioned above. 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 Cleaned 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 well known 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 delay in the evidence, 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 in the evidence. At any rate, 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 learn that 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 was 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 their case, and are now trying to make up, with ample time and facilities to produce him in court, they have seen fit not to do so, and have actually asked for more time to get their main witness, after having announced that they were ready to go on and had volumes of evidence to sustain their side. There can be no doubt that the prosecution have materially weakened, and the public view of the case is greatly improved.

Another point Doctor Armstrong has never disputed, does not now dispute, the statement made by Mann, the reporter. That statement is not at all inconsistent with his innocence. That statement is to the effect that Dr. Armstrong was seen visiting certain places in Cincinnati at a certain time. This Dr. Armstrong has denied, and is prepared to show, and will show in no uncertain way, that he was actuated by a perfectly pure motive, and was proceeding openly, publicly, in broad daylight. The statement in the paper does not impugn Dr. Armstrong's motive. It does not imply a narrative of all acts, but is simply a statement of what is not disputed, of what will be admitted by the defense, who, while confessing that the gist of that statement is correct, will proceed to avoid it by showing by strong testimony that Doctor Armstrong was on an honorable and noble mission, perfectly innocent and pure, although the circumstances under which at the time he was performing that mission were calculated to place him in a bad light before the public.

The trial will be resumed on the 20th of this month, when, if all signs do not fail, the outlook for Doctor Armstrong's complete vindication, which is now so bright, will become far brighter.

Meantime the public will watch and wait. The *JOURNAL* does not propose to take sides in this trial. It gives public opinion as it finds it. It desires to see a perfectly fair trial and justice meted out to Doctor Armstrong. While all this is true and right, the *JOURNAL* plants itself on the grand principle that all men must be presumed to be innocent until their guilt shall be established.

## Another Richmond is the Field.

The Hartford Life and Annuity Insurance Company, of Hartford, Conn., have recently selected Major R. E. Sibley, of Richmond, Va., to act as general agent for Georgia, with headquarters at the northwest corner of Alabama and Whitehall streets.

This great insurance company, after years of the most careful management, present their organization to the serious consideration of all desiring economical insurance, coupled with safety and absolute durability.

Those in need of reliable insurance should bear in mind the accomplished general agent of the Hartford Life and Annuity Insurance Company, whom the *JOURNAL* cordially welcomes to this city.

Professor Booth will give a course to music, night, corner Butler and Decatur entrance on Butler street. Admission 35

## 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, office, dignities, and emoluments appertaining thereto, is on the increase. Dakota and Arizona are especially anxious to doff their swaddling clothes and get into the top world. 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 people in the future. One of them is in the near future. One of them 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 many independence which success, achieved by one's own energy and talents, is apt to give. He is a Georgian, who went west to keep Republic in the saddle. He has countered obstacles and repeated d-f-a-s, 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 Republic in the saddle. He 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 present condition of the system, on Democratic. 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. In a recent order the names of 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 under the system, on Democratic. 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. In a recent order the names of 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. 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