GEORGE W. DUPRE & CO.,
PROPRIETORS.

GEORGE W. DUPRE,
H. J. HEARSEY, JOHN AUGUSTIN,
ALBERT C. JANIN.

H. J. HEARSEY.....EDITOR.

Thursday Morning, February 1, 1877.

THE GARVEY AND EARLE CASE.

Trials and Exceptions.

A Resume.

On Tuesday last the celebrated case of the State of Louisiana vs. John Garvey and Charles Earle was finally decided, the defendants being acquitted of the charge of murder, for which they were prosecuted and discharged.

The case has been pending before the criminal courts of the city and the Supreme Court of the State for nearly six years, during which time the two accused have been confined in the Parish Prison.

The murder of Mrs. Sollinger, which Garvey and Earle were accused of committing under peculiarly revolting circumstances, has attracted unusual attention from the public. Since the first arrest of the accused, and lately acquitted men, each move in their various trials has been noted with extraordinary interest up to their unexpected acquittal itself, which, to say the least, has created a sensation in this community.

While it is true that the public have manifested unusual interest in the case, it is probable that the main points in it have been forgotten, and a resume will no doubt be of interest.

On Sunday night, April 23, 1871, Mrs. M. Sollinger, an old woman seventy eight years of age, residing on Annunciation street, between Sixth and Seventh streets, was murdered—choked to death—and was found the following morning dead in her bed.

Circumstances pointed to Chas. Earle and John Garvey as the murderers, and they were arrested.

On the day on which the body was discovered Dr. J. B. Cooper, who was at the time City Physician, assisted by Dr. W. S. Mitchell, held a post mortem examination, and presented to the Coroner a certificate as to the cause of death, of which the following is a copy:

NEW ORLEANS, April 24, 1871.

At a post-mortem examination held by Dr. W. S. Mitchell and myself on the body of Mrs. Madaline Sollinger, a native of Germany, aged seventy-eight years, lying at No. 611 Annunciation street, in the city of New Orleans, death was found to have been caused by suffocation.

The lungs were found highly congested, resulting from the sudden suspension of respiration. J. B. COOPER, M. D.,
City Physician.

On the same day the Coroner held an inquest, and the jury rendered the following verdict:

STATE OF LOUISIANA, PARISH OF ORLEANS.

An inquest held in the city of New Orleans in the parish of Orleans, on the 24th day of April, in the year of our Lord one thousand eight hundred and seventy-one, before me, P. Creagh, Coroner for the said parish of Orleans, on the view of the dead body of Madaline Sollinger, aged 78 years, nativity France, then and there lying dead at No. 611 Annunciation street.

The jurors whose names are hereunto subscribed having been duly sworn and charged diligently to inquire, on behalf of the State of Louisiana, how, when and after what manner the said Madaline Sollinger came to her death, and upon their oaths do say: That this day the body of said Madaline Sollinger was found dead at the above described place, and after viewing the body of the said Madaline Sollinger, and after a careful examination of the body and *post mortem* being held by Dr. J. B. Cooper, City Physician, and Dr. W. S. Mitchell, and from testimony elicited, we, the jurors, find that the deceased came to death from suffocation. The lungs were found highly congested, resulting from the sudden suspension of respiration. Said suffocation was caused by strangulation, on Sunday night, between the hours of 12 and 2 o'clock, April 24, 1871, by the hands of John Garvey and Charles Earle, now in custody, while they were engaged in a burglary, armed with a deadly weapon, at the above premises.

In testimony whereof the said Coroner and Jurors of this inquest have hereunto subscribed their names, the day and year aforesaid.

JURY.

P. H. MARONY,
JNO. J. BOUDREAU,
GUSTAVE LEHMAN,
J. B. WOLF,
W. F. HODGKINS.
P. CREAGH, Coroner.

Three days afterwards, Charles Earle, on his own request it was said at the time, was permitted to appear before the Coroner and, after being sworn, he made the following

Statement:

Charles Earle, residence 611 Annunciation street, being duly sworn, doth depose and say, that about three weeks ago John Garvey came to my house; he and my wife were sitting in my house; Garvey was talking to me as usual, he made use of a hasty expression; my wife got up and said she was going up to see Mrs. Burket, and for me to look out for the child; Garvey and I remained in the house while my wife was away; Garvey remarked to me that old Sollinger had plenty of money; that he saw his wife counting gold on the table before the war; he knew that he must have two or three thousand dollars; I answered him that I did not think the man could have so much money, as he was very particular about his rent, for the second month I was there, I could not pay the rent until next Sunday. Sollinger said that was a long time to wait. Garvey then asked me if I knew where there was a good gopher; I said I did not know what a gopher was, unless it was something that dug in the ground; he said that was not the kind of a gopher he meant, that it was like the gopher that was cracked at the corner of Camp and Canal streets (a jewelry store). The man was in his house who done it, but he is now gone up the river; if he was here now we would have gone for Sollinger's money long ago. He then asked me if I would go in with him and do it. I said I never done anything of the kind, nor I did not like to do it. He told me then if I ever spoke about the affair that he would take my life, and if I did not assist him to do it he would get some one else to do it. I told him I would see about it and let him know; he frequently came to my house and approached me about it; he came sometimes at day time and sometimes at night; he advised me to do it or he would get some one else to do it; then he asked how the house was situated, and if, when I was paying the rent, I noticed where he put the money; I told him no; that I did not know, unless it was in the armoir, for I had never been in but the one room; he then said, "By God, the money must be in there somewhere; that they were an old pair that would not trust their money with any one, and that he saw the old woman count it before the war; he came to me lately—about ten days ago—and told me he could fix it all right; I asked him in what way; he said to buy some poison and poison the two dogs, my dog and Sollinger's dog: I told him I had no money to buy poison; he said he would furnish the money; he and me started out towards the levee together; we came to the drug store on the corner of Sixth and Tchoupitoulas streets; he gave me a four-bit bill to go and get the poison, that the man knew him; I went in; the man gave me ten cents' worth of arsenic; Garvey then asked me if I had any fresh meat; I said there was no fresh meat in the house; I told him what is the use in fresh meat; dogs will eat any kind of meat; we then went home; I went into my own house and promised Garvey that I would poison the dogs that night; I went and threw the poison in the privy; some time in the night Garvey came and rapped at my door; I was lying on the lounge; my wife was in bed. He asked where is Charley, I answered that I was in bed; that I would not get up. Next morning he came to my house soon, and asked if Charley was up. I met him at the door; I was out through washing myself; I told him to wait and I would go out with him. After I got through I went out; he asked me to go down to the corner to take a drink. On the way down he said, "You're a fine son of a b—h. Where were you last night?" I told him that the poison I got was no good; that it would not kill the dogs. He then said, By God, that he would get some that was bound to kill them; he knew where he could get it down town. He went down last Friday or Saturday to get the poison. He got the same as was got before; he got arsenic. I told him that was the same as the other; that it would not kill the dogs; that was on Saturday, April 22, 1871; on Sunday night, at 9 o'clock, Garvey came to my house; he asked me if I would come and take a walk; I told him I was out all day with my Sollinger's money. I asked him how was he going to go for it, and that the dogs will make a fuss; he said the little dog could be easily got out of the way, and that my dog would not make a fuss as long as I would be there. I asked, then, how he was going in; if you go in there you will have to break the gate; he said, Never mind, I will soon fix that. He said he had a chisel; he went over to his own house and brought the chisel and his revolver; when he came out I was standing across the street; he said, Come on. We started up to Seventh street; I spoke to him and said, What will we do if the officer of the beat sees us this time of night? He said, Never mind, I will blow his brains out before I will let him take us. Then we went out Seventh street to the vacant lot, between Laurel and Annunciation streets; I asked him what he was going to do there; he said never mind, I have surveyed this place before, follow me; we walked back to the end of the lot; he climbed over the fence; he tried the picket right close to me, but it would not come loose; he told me to get over, and we would try it the other side of the privy, at the cabbage garden; he took the chisel and tried it; it came off right away; he told me to take hold of the next picket; he pried that with the chisel and I pulled it off; we walked in through the cabbage garden; there was a little gate there; we were a long time before we could open it; I opened it and then I went into the privy; Garvey had his shoes off at this time; when I came out of the privy my dog and the the little dog were barking; I said we had better get out; he said no, by God, as we came in so far, show me which way the bed lays and I'll go for her; I told him the bed was in the far side of the room; we went to the second door, it was open; he asked me if the other door was open; I told him I did not know; he said, in a low voice, follow me any how; we went into the room; there was no noise, only the barking of the little dog; after we got in, he whispered to me to light a match; then there was a stir in the bed; he stood by the bed; it was dark; I did not have the match lit; I heard a kind of a choking noise in the bed; he staid by the bed and I lit the candle. (The candle was bought about two weeks previous at the corner of Sixth and Tchoupitoulas streets.) I then went and opened the armoir, Garvey still at the bed; I pulled out a trunk that was under the bed; I examined the drawers of the armoir, also the trunk or box, and did not find anything; Garvey came over from the bed and said the old woman had fainted or something, that she was quiet; then he noticed a box behind the door; I then took the candle and looked at the box, and found it was locked; I told Garvey there was a key in one of the drawers of the armoir; he went and got it and unlocked the chest; I put my hand down in the chest and turned over some things, but found nothing; Garvey was to my right; he opened a little till in the chest; he pulled it open; he picked up a book and handed it to me; whilst I was holding the book some greenbacks fell out we then examined the book and took all the money out; I put it in my coat pocket; he said by God there is more money than that here, there is hard stuff some where; I held the light; Garvey raised another small lid or cover that was under the other till he got hold of some hing like a little sack; I took hold of it and emptied it into the trunk; there was nothing in it but some cakes; Garvey then raised another bag with a pocket-book in it; he said that's all, we had better go; we left then; we went out the same way we came, except we went out on Sixth street, through the church yard; we then went down Laurel street to Felicity Road; between St. Mary and Felicity streets we met a policeman; Garvey stood and spoke to him; I was a little ahead of him; we then turned down Laurel street again; and went down to Calliope street; we went to St. Mary Market and had some coffee; from there we went down Tchoupitoulas street; on our way down he threw the chisel away; from there we went down to the French Market; there was a coffee-house open and we went in and had drinks, and sat down and played euchre; Garvey asked the barkeeper if he had any room but the barroom; said he had; he gave us a candle and showed us to the privy; Garvey had the candle; I was inside the privy and divided the money; we then came out still having the bag and pocket book; he told me I had better throw them in the river; we both went out to the river and I threw them in; we came back to the coffeehouse and had another drink; he said then that he would go up-town; I said, go ahead; that I would stay there; I stayed there until near daylight; I went to St. Charles street and took a cab and went up as far as Tchoupitoulas and Soraparu streets; I went into George Gier's and took a drink, paid the cabman, and went out on the levee between Seventh and Eighth streets, where I put the money in a pile of staves; I had in greenbacks over three hundred dollars; there was some still to be divided; I had about forty dollars in gold; Garvey had the same amount.

Question by Coroner—Did you see Garvey have this chisel now before you in Sollinger's house? Answer—Yes, sir.

Garvey told me also that he had a revolver in his pocket; I saw Garvey leaning over the bed; I did not go near the bed at all; I did not know Mrs. Sollinger was dead until after I was arrested.

Did you see Garvey on Monday morning?

Answer—Yes; while I was changing my clothes Garvey came to my door and asked me if I was going to work. I told him to wait, that as soon as I changed my clothes I will go with you. As soon as I was ready we left together and went to the corner of Washington and Annunciation streets, Mrs. Krauss' coffeehouse and took a drink. Mrs. Krauss waited on us.

Did Garvey tell you where he put his money?

Answer—No, sir.

Did Garvey tell you at any time that Mrs. Sollinger was dead?

Answer—No, sir; he said he thought she might have croaked.

By a juror—What time did Garvey tell you that she might have croaked?

Answer—Next morning, when we were going to the levee.

By a juror—Could you infer from that remark that he thought she was dead?

Answer—I could not, sir.

CHARLES EARLE.

Sworn to and subscribed before me and the jurors this 27th day of April, 1871.

P. CREAGH, Coroner.

The accused were indicted by the Grand Jury, and in January, 1872, appeared before the First District Court, were tried, convicted of murder and sentenced to be hung.

During the trial counsel for the accused took exceptions on several points, and carried them to the Supreme Court, and on the first exception a new trial was ordered. This exception, as taken from the decision of Justice Howe, is as follows:

"It appears from an inspection of the first bill of exceptions, taken during the trial, that the State was allowed to challenge peremptorily more than six jurors, the Court below deciding that each prisoner was entitled to twelve peremptory challenges, and the State to six for each accused."

In April, 1872, the accused were again tried, and on the 15th of April were found guilty of murder without capital punishment, and on the 27th of May were sentenced to hard labor for life.

On the 27th of March, 1873, the Supreme Court granted a new trial, on the following exceptions.

"The first is to the admission in evidence against the accused of a declaration in writing purporting to be a voluntary confession by Earle, one of the accused, of the commission of the crime wherewith the parties were charged. The objection is that this declaration was made under oath, Earle being at the time under arrest, and brought before the Coroner at the time of holding the inquest over the body of the deceased, by the request of Earle himself to make the said declaration. That the declaration and statements of Earle were given as a party accused and under oath, and were not admissible at all.

"The second bill of exception was taken to the admission of the declaration in writing purporting to be a voluntary confession of Earle, on the ground that such declaration was not voluntary, because the Superintendent of Metropolitan Police, when testifying in the case, said he could not swear that he had not offered inducements to Earle to make the declaration, thereby leaving it in doubt whether or not inducements were offered to Earle to make the declaration, and that the accused was entitled to the benefit of the doubt.'

On the 28th of March, 1876, they were convicted of manslaughter, and on the 17th of March of the same year they were each sentenced to imprisonment at hard labor in the State Penitentiary.

The case was again carried to the Supreme Court on the following bill of exceptions:

"Be it remembered, that on the 26th day of February, 1876, on the trial of the above entitled case, one William Carlton, a witness for the State, then being on the witness stand, who after testifying that he was a sergeant on the Metropolitan Police force, and at the time the offense charged against the accused is alleged to have been committed, was acting as such police sergeant under Capt. Edgeworth, at the police station in which the accused were confined at the time of their arrest; the said witness was proceeding to state a conversation alleged to have been held between the prisoner, Charles Earle, and one Corbett, also a member of the Metropolitan Police force and subject to the orders of said Edgeworth, which conversation was overheard by the said witness Carlton, in which the said Earle admitted the connection of himself with the said John Garvey with the crime for which they were then under arrest and charged, the said Corbett and Earle then and there being in the custody of said witness Carlton and in his presence and hearing, and that the said Corbett then and there in the presence and hearing of said Earle and said witness Carlton, and in the presence and hearing of said Earle, did say to said Earle, that Garvey had already confessed, and that it was better for said Earle to do the same, and that he, said Corbett, had been promised by the officers that if he would get Earle to confess he, said Corbett, would be released from custody, and that he, said Corbett, then and there did entreat said Earle to release him, said Corbett, from his promise, and that said Earle then and there did promise said Corbett that he would do so, and that he, said Earle, then and there did request said witness Carlton to let said Corbett go for the purpose of inducing said Earle to make said confession, and that said Carlton then and there did consent to let said Corbett go for the purpose and upon the promise aforesaid, and that said Corbett then and there did return to the presence and hearing of said Earle and said Carlton, and that said Earle then and there did say to said Carlton and said Corbett that he, said Earle, was ready to make a full confession of the entire affair, and that said Carlton then and there did caution said Earle that he was not obliged to make any confession unless he was willing to do so, and that any confession he might make would be taken down in writing and might be used against him on his trial, and that said Earle then and there did say that he was willing to make such confession, and that he was not induced to make such confession by any promise or threat made to him by any person in authority, and that said Earle then and there did say that he was willing to make such confession to said Carlton, and that said Corbett was not present when said Earle made said last mentioned statement to said Carlton, and that said Corbett was not within hearing of said Earle and said Carlton when said last mentioned statement was made by said Earle to said Carlton, and that said Corbett was not within hearing when said Earle made any confession to said Carlton, and that said Corbett was not a party to any conversation had between said Carlton and said Earle, and that said Corbett was not within hearing when said Carlton and said Earle had any conversation with each other, and that said Corbett was not within hearing when said Carlton and said Earle had any conversation touching the matter of said confession, and that said Corbett was not within hearing when said Carlton and said Earle had any conversation touching the