

The *Ghost*  
of  
Griffintown

*The True Story  
of the Murder of*  
**MARY GALLAGHER**

BY ALAN HUSTAK

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For  
Teresa Slevin, Peggy & Colleen Curran and Laura Paul  
– because I said I would and did.

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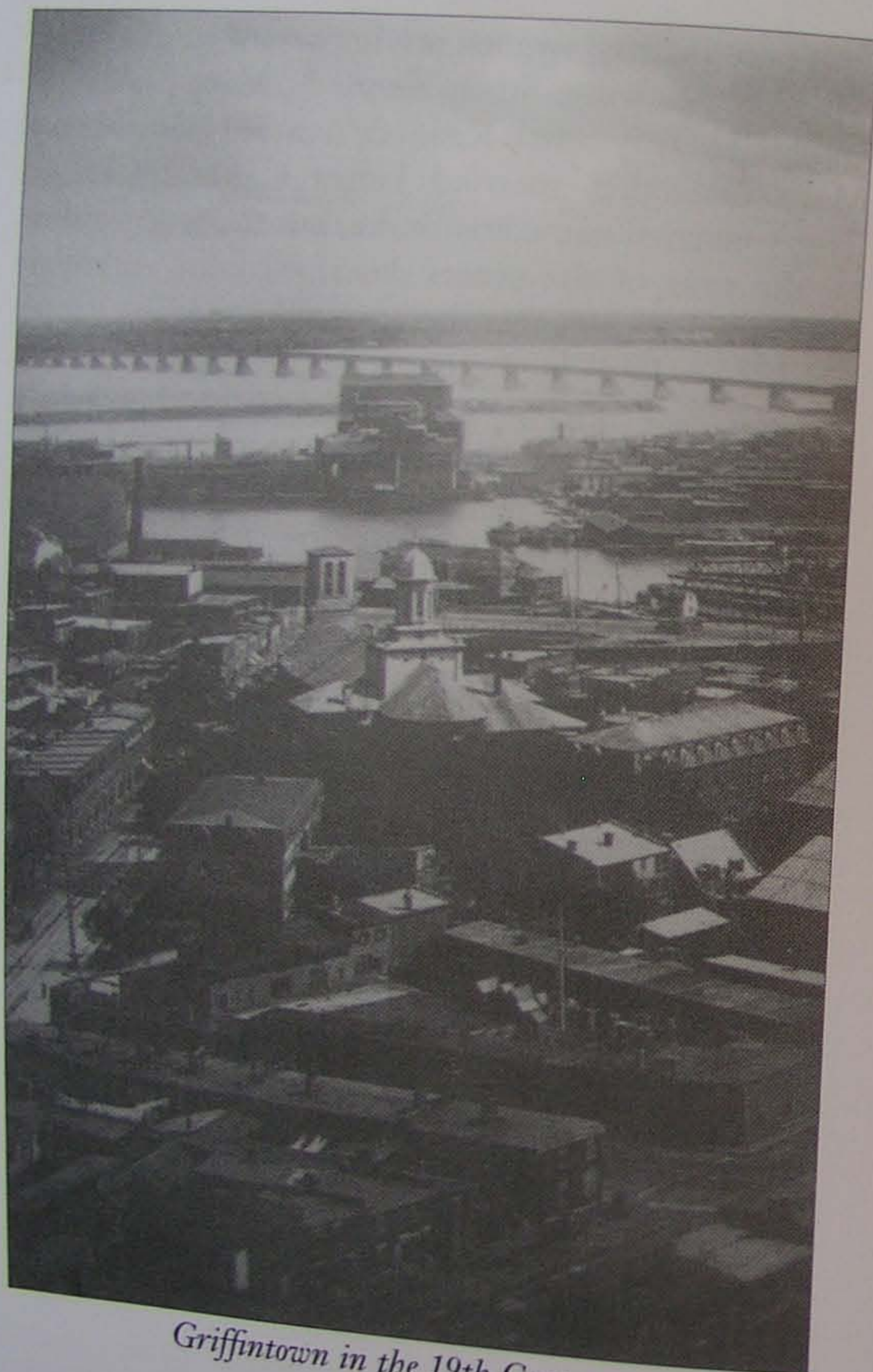
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## A Note on Names and Faces

Three married women are important to this story. Their names were: Susan Kennedy, Mary Gallagher and Helen Troy. Susan Kennedy married Jacob Mears; Mary Gallagher married James Connolly. Helen Troy's married name was Burke, but she was a widow by the time of the events described here. Although one would suspect that these women's married names would have been used exclusively in this period, it was not the case. The extant documents use both their married and maiden names. Except in direct quotations, their maiden names will be used here.

There is another wrinkle in regards to names. The newspaper men who wrote about Kennedy called her 'Susan', but she preferred 'Susannah'. That was the way she signed her name, in a pinched scrawl, on every document that still exists. In keeping with most of the historical record, 'Susan' is used here.

No photographs or drawings of Susan Kennedy are known to exist. The Kingston Penitentiary did not start using cameras until 1880, and the earliest surviving photographs of inmates are from 1911.



*Griffintown in the 19th Century*

## Introduction

Some murders are remembered for generations – some because they were particularly gruesome, others because they involved unlikely victims, and still others because they remain unsolved. The murder of Mary Gallagher in Montreal on June 27, 1879 still makes the flesh creep. It was an especially vicious crime that was unusual for the time because it involved “monstrous, unnatural female behavior,” – one prostitute decapitating another with an ax.

At the time, homicide was almost unheard of in Montreal, then a city of 140,000. Compared to the United States, where the murder rate was ten times as high, there were comparatively few murders in Canada – no more than a dozen each year, and relatively few convictions. In the twelve years between Confederation in 1867 and 1879, for example, only six people, all men, were executed for murder in Quebec, only one of them in Montreal. Only two women had been sent to the gallows in Canada in that time.

From the moment it happened, the grisly crime struck a chord with Victorians who were equally fascinated and repelled by deviant behavior. The murder of Mary Gallagher triggered an orgy of lurid stories – most of them invented – and gave rise to a ghostly legend, “a phantom far removed from truth.” To this day, the story lives on in the Griffintown neighborhood. Much of this area, located south of the heart of downtown Montreal, between the present-day Bell Centre and the Lachine Canal, was razed in the 1960’s to make way for the Bonaventure Expressway, but Mary Gallagher remains “The Griff’s” resident ghost. For years, children who grew up in the area avoided the haunted south-east corner at William and Murray streets (directly behind the present-day École de tech-

nologie supérieure) where the crime took place. It is said that Gallagher returns every seven years in search of her head. Some believe she was the victim of jealousy; others speculate she and her killer were lesbian lovers; still others believe that the woman convicted of the crime, Susan Kennedy, was innocent. In 1999, local resident Dennis Delaney told the CBC's Anna Asimakopulos that, as a boy growing up in Griffintown, "children used to take her candy and little bags of treats, and things like that, and we'd leave them for her and then we'd run away so she wouldn't harm us." The last time a newspaper actually reported a Mary Gallagher sighting was in 1928, but Delaney, who admits he has a vivid imagination, claims to have seen the ghost three times: first in 1937 when he was four; again in 1956 on Gallery Square; and the last time, by the light of a full moon, in 1998. He said he "looked up one night and saw a house appear" on the vacant lot at William and Murray, "and in the yellow light through the upstairs window, like a lamp, .... I saw a figure standing there, and it asked me, 'Will you help me look for my head?' I said 'Yes', and then she asked me to close my eyes, and I could feel something, like a rising up around me, and when I opened my eyes, the house had vanished and she was gone."

Charles Blickstead, a firefighter who grew up on Duke Street, has fun with the Gallagher legend in his light-hearted eight-page poem, "Procession Sunday", a rather silly bit of doggerel written in 1991. In the poem, Gallagher's ghost appears to a hard drinking crowd gathered in Mike Murphy's bar one night after the annual Corpus Christi parade.

The bar is a bedlam, just packed to the fill,  
with everyone talking at once,  
Father Strubbe down's a snorter then blesses  
the porter,

Kate Murphy was punching the till, when  
comes a knock on the door, it pierces the  
din, and the voice: "Mike please let me in.  
I'm tired, I'm hungry, and thirsty as well."  
Then the headless phantom steps into the bar:  
"Says Mike with a grin, 'dear lady come in, and  
we'll answer your fondest wishes,  
If your wanting a drink, please step to the sink,  
our water is really delicious.  
If ye'd have something stronger, I've Harvey's  
Wallbanger,  
It will bang your wall something vicious,  
While you're having your drink, should you  
pee in the sink,  
Be sure to remove the dishes.  
You've had nothing to eat, your dead on your  
feet,  
You can sleep with my sister Kate.  
We're a frugal pair and our cupboard is bare,  
and the gold fish are not to be ate."

It is easy to understand how the legend grew. The story has all the necessary elements to serve as a cautionary tale and at the same time to strike terror into the heart of youngsters. "Mary Gallagher was an alcoholic, so of course she was a good example of how drugs and alcohol could ruin you," recalls Don Pidgeon, a historian who, like Delaney, grew up in Griffintown. "But more than that. The Irish love the sinister at times. Mary Gallagher grew out of the mythology of the *bean-sidhe*, the banshee, who comes to warn people they're going to die. Mary Gallagher is the local incarnation of the banshee."

According to Irish folklore, a banshee can appear in one of three guises: as a young woman, a stately matron or a disgusting old hag who together represent the triple aspects of the Celtic goddess of war and

death, namely Badhbh, Macha and Mor-Rioghain. Banshees usually wear either a grey hooded cloak or a shroud. They sometimes appear as washer-women, and are seen apparently washing the blood-stained clothes of those who are about to die.

"It's a story we all grew up with, it has so much lore to it," Pidgeon added, "Everybody who ever lived in Griffintown is aware of the story or knows somebody who had some recollection of the tale. To this day, I have a sister who swears she has seen the spectre of a woman in a black cape without a head." In their book, *Montreal: The Unknown City*, Kristian and David John Gravenor describe Gallagher as "a successful prostitute whose good looks and charm drove her best friend, Susan Kennedy, to the heights of jealousy. Susan chopped off Mary's head and popped it in a bucket." Anyone who has ordered lunch at McKibbin's Irish Pub on Bishop Street is familiar with the contours of the story, which is printed on the cover of its daily menu.

I take some satisfaction in restoring the legend to a wider public. After I wrote about Mary Gallagher in *The Gazette* in 1990, Father Thomas McEntee decided to celebrate mass at the site the following year, and has done so whenever Gallagher's unappeased spirit is said to return. If nothing else, she helps conjure into being an urban territory, a once vibrant neighbourhood, which today, for the most part, exists only in memory.

Although Mary Gallagher was a Roman Catholic, because she was a prostitute and was presumed to have died in a state of mortal sin, she was denied a religious burial. Her corpse was dumped into a common grave in unconsecrated ground in Notre Dame des Neiges Cemetery. The anniversary of the murder has become an ideal excuse for Father McEntee to preside over a reunion of Griffintown residents and, at the same

time, to pray for the repose of Gallagher's soul. "She was a victim," he says matter of factly. "In today's church we cannot and should not judge the state of her soul at the moment of her death. We don't know her motives or the state of her conscience at the moment of her death. Only God can judge. Everyone in the community knows her name, but who today still prays for her?"

This book is based on archival material and newspaper accounts of the day. Court transcripts no longer exist, but *The Gazette*, *Herald* and *Montreal Star* covered the coroner's inquest and trials in detail. A summary of the proceedings can be found in the capital case files at the National Library and Archives Canada in Ottawa, and additional information is contained in Prisoner's Record at the Kingston Penitentiary, 1843-1890, Microfilm RG13, D-1, T-2044, Vol. 1047.

A number of people contributed to this project, including: Maureen Hoogenrand, Library and Archives Canada; David St. Onge, archivist at the Kingston Penitentiary; Lucie Pelletier, Archives Ville de Montréal; Mary McGovern at St. Patrick's Basilica; Father Tom McEntee; Don Pidgeon; Patricia Burns; Richard Burman; Denis Delaney; Judith Wraight at the Cimetière Notre-Dame-des-Neiges; and Lynn Cadence at Key Porter Books in Toronto.

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A.M.D.G



242 William Street

## Chapter One

## A Heavy Fall – “Dead, or Dead Drunk”

She was used to the shrill, ungodly language and the drunken brawls that went on in her neighbourhood: it was the awful pummeling on the floor around noon on Friday June 27, 1879 that finally convinced Helen Troy to go to the police. Troy had been awakened earlier that morning by a dreadful commotion in the rooms above hers. Now plaster from her ceiling was falling on her stove. Something was dreadfully wrong, she told William Casson, the police sergeant on duty at the precinct on Chaboillez Square. “I heard an awful tumble as if something had fallen, it sounded like something heavy falling, not like a bench or a table, but a heavy body like a bag or something which shook the whole house and knocked the plaster from the ceiling in two places,” she complained. “It was not a sharp noise.”

Then she said she heard a chopping sound. “The blows appeared very heavy, the chopping shook the house. It lasted a full ten minutes, then everything was quiet.”

Sergeant Casson recognized the street address, 242 William Street, as being in one of the worst parts of the city. He had been to the house before, and wasn’t particularly anxious to go again. He was aware of the leather-lunged prostitute who lived there, “a turbulent drunk” by the name of Susan Kennedy, and wasn’t eager to cross paths with her. Sober, Kennedy was a woman of rancid charm; drunk she was vicious. The last time Casson had sent constables to arrest her for disorderly conduct, three officers had to be called in to restrain her.

“Lord, if we were to investigate every time we



heard someone shout 'murder' in Griffintown, we'd never get any work done," he patiently waved Troy away.

Half-dreading what she would find when she returned to her flat, Troy paused in the square in front of the police station. There, where she stood, the richest neighborhood in Canada collided with one of its poorest so sharply it was possible for her to stand with one foot in each. Looking north up the street, silhouetted against the sky on the upholstered green slopes of Mount Royal, she could see the corniced mansions of the Square Mile, gleaming church spires and the splendid turrets of the city's newest hotel, The Windsor. Turning to the south, between the square below the hill and the St. Lawrence River, was Griffintown, her neighborhood – a hodgepodge of tenements, breweries, brickyards, livery stables, foundries and tanneries. It was a tough, rowdy district – home to Irish immigrants who came as labourers in the early 1800's to build the Lachine Canal, and later to work on construction of the Victoria Bridge. Starved out of their homeland by the Potato Famine of 1847, they arrived in droves. The turf they inhabited was at the edge of a dank, urban waterway known at the time as St. Gabriel's Basin and originally known as Nazareth Fief. The first person to own the 240 windswept acres was Montreal's co-founder, Jeanne Mance, who was given title to the property in 1652 as collateral for a loan she made to Paul de Chomedey, Sieur de Maisonneuve, who had founded the city ten years earlier. Then, in 1689, Pierre LeBer, an artist and the twenty-year-old son of the richest merchant in the fledgling colony, built a stone chapel to St. Anne near the edge of a brook. After the British took control of the city in 1760, a British magistrate, Thomas McCord, negotiated a ninety-nine year lease to the area and laid out its first streets, a cross-hatching of dirt roads which he

named after himself; his son, William; and a daughter, Eleanor. When McCord returned to Ireland, he left his agent, Patrick Lanagan, in charge of his properties. Lanagan fraudulently sublet much of the land to Robert Griffin, a cashier with the Bank of Montreal, who financed the scheme of his wife, Mary, to turn the property into Montreal's first speculative real estate development. Mary, in turn, subdivided the land, built cheap housing, and sold parcels to fur trader Louis Chaboillez. The Griffin's built a soap factory at the corner of Nazareth and Wellington streets and, because it employed so many of the locals, the district became known as 'Griffintown'. When McCord returned, he tried to reclaim his property, and, as his case made its way through the courts, the area fell to neglect and quickly became a tumbled, overcrowded, disease-ridden slum.

Looming over the shanties with their false mansard roofs were the two chunky green copper cupolas of John Ostell's parish church, St Ann's, that went up in 1850 on a triangular plot of land near the canal. The flats were susceptible to floods and twice, in 1857 and 1861, residents were inundated.

Still, the poor continued to crowd into the area. The Irish who lived there were referred to as 'goaters' because those who could afford to do so kept goats. "The goats on Murray street [sic] are numerous and prolific and are committing sad and serious depredations on flowers, pots and stray tin cans," *The Gazette* was able to observe, "They climb the stairs of many houses and play sad havoc with the laundry."

Griffintown had a population of about 1,000, and only 100 of its families earned more than \$20 a week. "Of this number, 50 are either grocers or saloon keepers whose business binds them to the locality," Herbert Brown Ames discovered in his sociological study of the neighbourhood, *City Below The Hill*, published

only a few years later. In 1879, the average weekly wage per household in Griffintown was \$7. In some cases, the weekly wage was \$1.75. Griffintown's mortality rate was 34 deaths per 1,000, twice that in the rest of the city, and substantially higher than London, Paris and New York. In the 1870's, more people died of diphtheria in Griffintown than in any other part of the city. Ames referred to the area as "a nether city". "Wherever poverty and irregularity are most prevalent, there the opportunities for drunkenness [sic] are most prevalent," he wrote. "If one desires to find where drunkenness, crime, disease, death, poverty and distress are most evident in Montreal, he has only to search out the tenements. The typical tenement is either an ancient wooden cottage of the rural *habitant* type or a two story building encased in refuse brick and reached by a rickety wooden staircase and galleries."

Griffintown was a tight, tough neighbourhood. Tensions in the district were not linguistic, but religious. The fatal shooting of a young Protestant, Thomas Lett Hackett, on the steps of Knox Church during a clash between Irish Catholics and Orangemen on July 12, 1877 had accelerated hatreds. Now, there were two major street gangs in Griffintown, the Irish Catholic Union, made up of Roman Catholics, and the Protestant 'Orange Young Britons'. In the spring of 1878, the anger of these men spilled into faction fights and tavern brawls. One evening, on March 12, a gang of Young Britons shot and badly wounded, but failed to kill, David Carrey as he walked along Craig Street. On March 18, a gang of Catholic Unionists prowling along Murray Street mistook Jacob Hamilton for an Orangeman and "beat him badly about the head and face."

"Pistol firing seems to be far more frequent in Griffintown than reported," *The Montreal Herald and*

*Daily Commercial Gazette* commented, "the disturbances being caused by young fellows who are either Unionists or Britons." The night of April 29, 1878 was particularly wild on the streets of Griffintown. That night, James Colligan was shot and killed by Young Britons as he walked across the Wellington Street Bridge, then four pistol shots were fired between Ottawa and William streets in the direction of Murray Street. "Grave fears are entertained by the thoughtful that many more will bite the dust if some strict measures are not adopted," warned *The Star*.

With a twitch of anxiety, Troy left Chaboillez Square and quickened her pace as she headed down the hill towards the Dow Brewery. She then turned right at Murray Street until she arrived at the dilapidated two-storey house that sagged at the corner of William and Murray streets. She rented two rooms in the house for three dollars a week from James Hartford, a marble cutter and livery driver. After Troy's husband died in 1876, she had begun to take in laundry to support herself, her mother and her thirteen-year-old son, John. *The Gazette* described her building as "gradually tumbling to pieces and the stairs and planks of the floor seemed to be running away from each other at acute angles."

Troy had nothing but poverty in common with the lodgers who lived in the rooms above her, a couple called Jacob Mears and Susan Kennedy. In the three months since they moved in, Troy thought it best to avoid her upstairs neighbours. As she entered her flat shortly before four o'clock that afternoon, it struck her odd that the door to the rooms at the top of the stairs was ajar. Rather than confront Susan Kennedy or her dimwitted husband, Jacob, Troy sent her son, John, to have a look. Jamming a grimy fist into one of his pockets, the boy stumbled up the flight of stairs. At the top of the landing, there were two doors and he

stepped through the one that opened into a dingy, soot-encrusted room that doubled as a kitchen and living room. It smelled sour with the scent of stale whisky and a strange odour that made him faintly nauseous. The grey light of an overcast day filtered through a grimy window and, in the gloom, he saw two men asleep: one passed out with his head on a table; the other loudly snoring on a cot. There was a woman there too, lying beside the stove on her side.

"There's some person lying stiff on the floor," the boy turned and whispered to his mother, who had followed him.

"Is she dead?"

"She's either dead, or dead drunk."

As the boy ventured closer, he caught a glimpse of a fully clothed woman's body wrapped in a waste of blood. He didn't touch it, and backed out of the room.

At the mention of the word 'dead', his mother went into a state of denial.

"Go along, that's nonsense," she said as her son barrelled past her down the stairs and darted from the house.

News of his discovery spread by word of mouth. Within an hour, a crowd of fifty or so curiosity seekers milled around the house at the corner of William and Murray. No one said very much. No one dared venture into the building.

\* \* \*

Neal McKinnon, a constable attached to the Young Street police station a block and a half away, was walking his beat when he encountered the crowd hanging around in groups outside the house. McKinnon wasn't about to go inside by himself, so he went back to the station and returned with two other constables, Thomas Reilly and Zépherin Bélanger. By the time they arrived back, it was close to ten o'clock in the evening. As McKinnon opened the door into the back



*Depiction of Mary Gallagher –  
the artist may never have seen her*

room at the top of the steps, he could see through the smoky dusk of a summer evening three empty whisky bottles on a table. Then in a shadowy corner directly ahead of him, he saw a headless body on the floor. A wooden bucket used for slops was next to the stove, and as McKinnon's eyes became accustomed to the dim light, he caught a glimpse of a human head in the bucket – its lifeless eyes still open, staring at him through tangled strands of long grey hair matted with blood. Nearby was a severed hand. The officers forced themselves to survey the gruesome scene. Detective Reilly claimed to have been present at the 1857 Sepoy Rebellion in India, when Bengal soldiers, ordered to use cartridges greased with cow fat against their religious convictions, mutinied and slaughtered British troops in several Indian cities. As a result he was able to say that he had seen people hacked to pieces before, "but none as frightfully mutilated as this."

As the police started looking around, one woman jostled her way through the crowd, came up the stairs from the street, and pushed her way into the room.

"Not a sight for a lady to see," McKinnon warned the intruder.

"I wouldn't look at it for the world," she suppressed a nervous giggle. Then, as she surveyed the scene, she let out an agonizing howl and fled.

There were two identical rooms in the flat, each 5 metres by 3 metres. The back room at the top of the stairs was used as a kitchen and living room; the front room, with windows facing William Street, was the bedroom. There, McKinnon found Susan Kennedy, aged twenty-six, lying on a stained mattress, fast asleep. Her face was drenched with sweat, and she was groggy as he roused her, making drunken and confused sounds.

"It was a sea captain what done it," she blurted as soon as she saw the police officer's uniform. "He come in with her this morning. He was the one who killed her, I'm sure. He done it with a white-handled knife." McKinnon detected the smell of whisky on her breath.

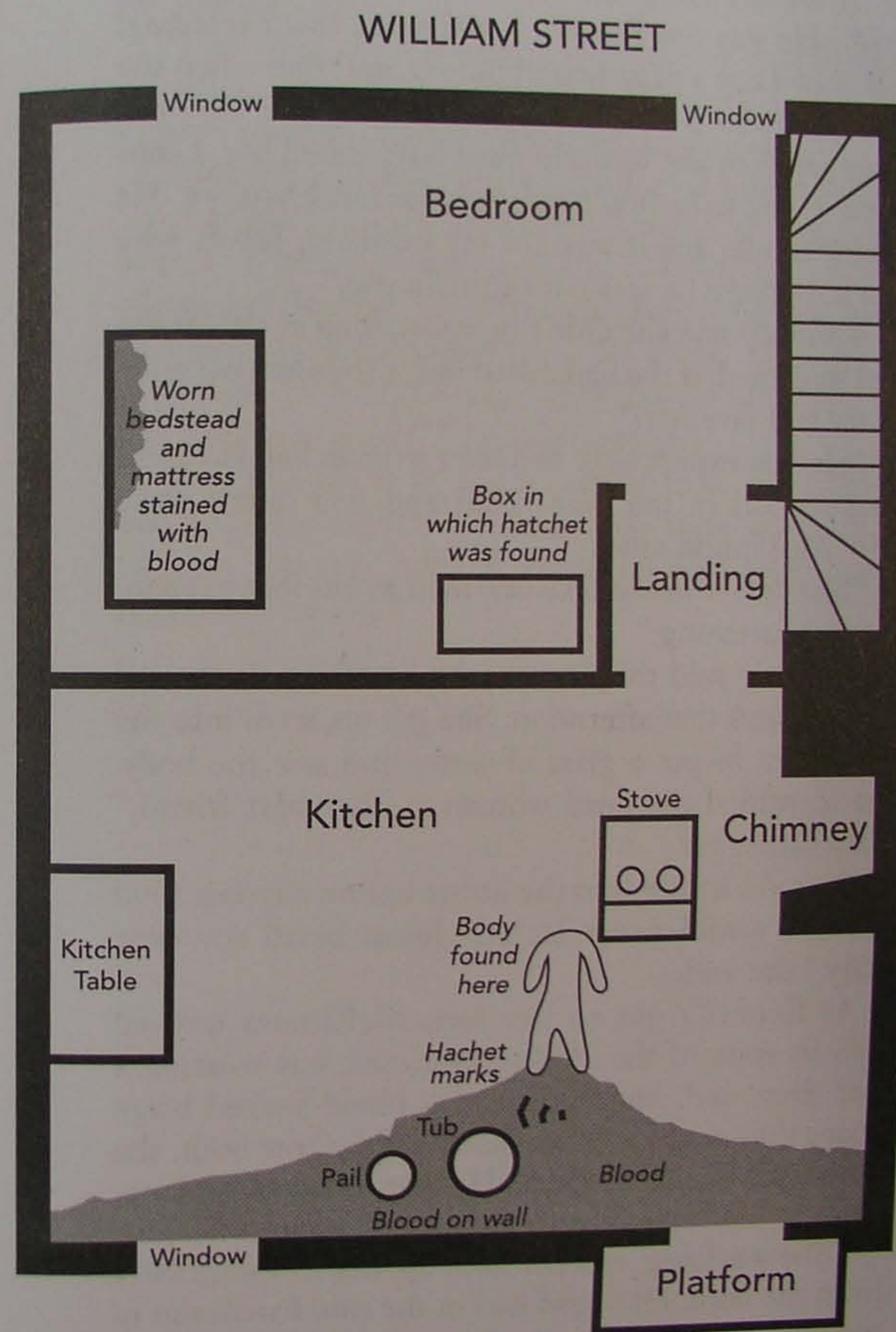
"Did you see him do it?" he asked.

"No, but I saw him washing his hands at the front door before he left." Kennedy replied.

"Why didn't you call the police?"

"I wanted to give the poor fellow a chance to get away," she paused, then giggled. "He was a good looking man. I wanted to give him time to get away. I am glad he got away before he could be arrested by the likes of you."

Kennedy said that her husband, Jacob, had left the house that morning around seven, when she had come home with a man named Flanagan and her friend, Mary Gallagher, aged thirty-eight. Her alibi was that she was in bed with Flanagan when the stranger came



into the house and killed Gallagher.

"I do not know his name, but he was English or Irish. He was not French. I overheard them scolding. He called her a gray-haired old rat, and that when she took him to a hotel, led him to believe she was younger than she was. He must have killed her, I suppose. It had to be him because it was not Flanagan. He was with me, and it was not my husband, Jacob, who did it, because he was out of the house."

Kennedy said she didn't hear anything at all, "If she had screamed, if she had called out, I should have gone to try and save her."

"Do you expect us to believe a woman had her head chopped off in the next room and you didn't wake up?" McKinnon asked.

"She did. It would take two men to kill that woman, she was so strong."

Kennedy said the first she knew of it was around three o'clock that afternoon. She got up, went into the next room to get a glass of water and saw the body. She identified the dead woman as "her best friend," Mary Gallagher.

"I would let her into the house before anyone. God knows I would never let any harm befall my dear Mary," she said.

As Kennedy got to her feet, McKinnon noticed that, in spite of the stifling heat, she was wearing a blue dress and, underneath it, a blood-soaked beige alpaca skirt trimmed with black braid. Over both, she wore a red flannel chemise. He demanded an explanation.

"She was lying with her back up, her feet were away from the door. Her head was in the tub. I went out of my senses, I hardly knew what to do. I began to wipe up the blood, I was afraid it would seep through the floor boards and on the people downstairs. Some of it got on my clothes. I tucked up my outside clothes, and

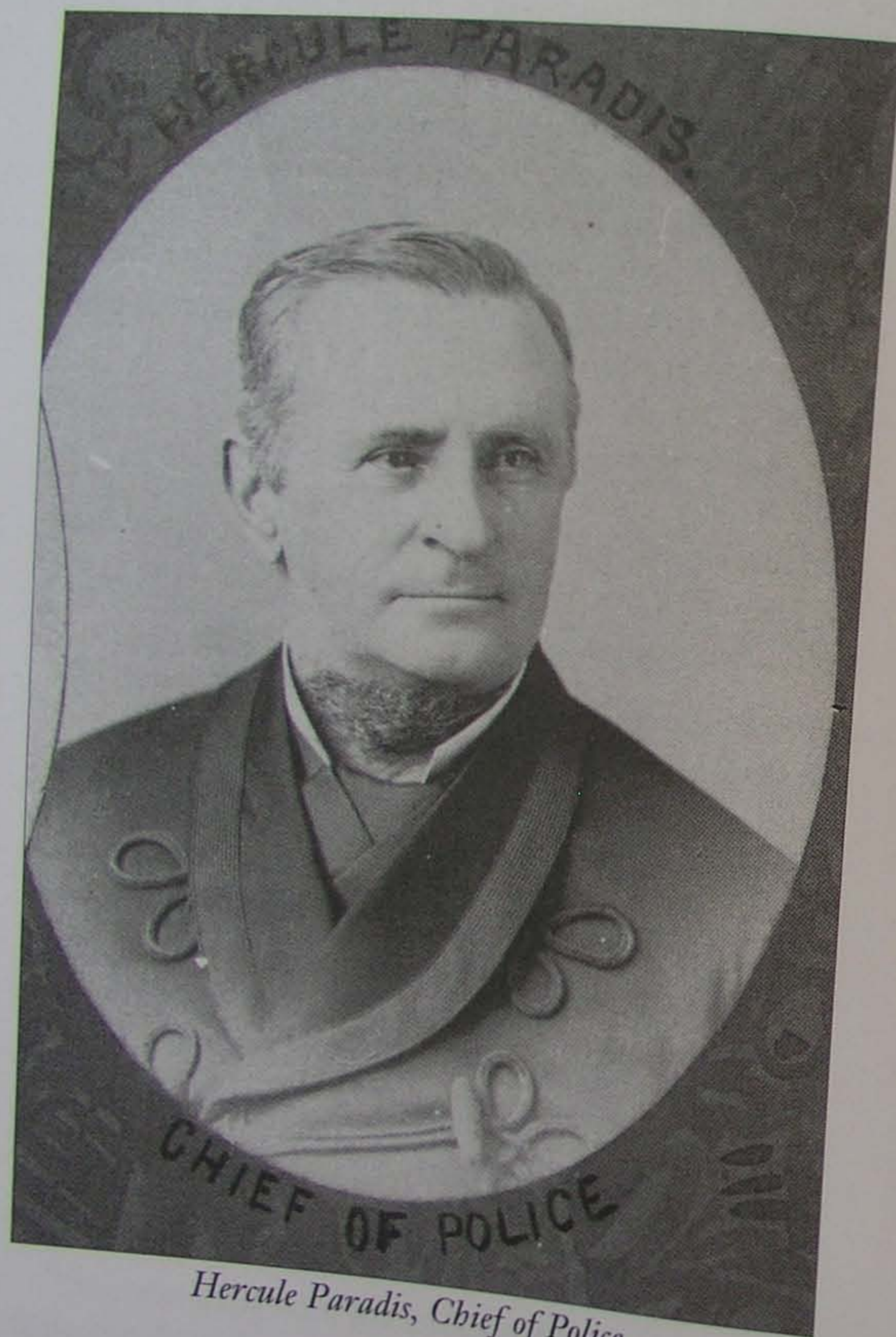
that's how blood got on my underclothing."

"Why did you not call the police when you found the woman dead?"

"I am sorry for not calling the police, I didn't think of calling them. There was no use shouting like a fool. I didn't want to cause the stranger any trouble."

McKinnon searched Kennedy, found a penny and a 25-cent piece in her pocket, then took her into custody as a murder suspect. As he steered her by the elbow and directed her down the stairs, she was incoherent and started mumbling, "It's in her head, it's in my head, it's in our heads, it's in our heads where all the trouble started." Then she laughed.

"I hardly know what I'm saying from the fright I got. She's not right in her head. Not right in her head. No, no. I'm not right in my head. Not right in my head. No, no, no."



*Hercule Paradis, Chief of Police*

## Chapter Two

### A Victim – “Not Right in Her Head”

Hercule Paradis had been Montreal's chief of police for less than two months and didn't need the pressure of more public scrutiny. Murder was not a common occurrence in Montreal. On average, one homicide in the city of 150,000 was reported every six or seven years. When Paradis was sworn in, the last victim of a violent death had been Cyprian Brisebois, a young man in his twenties who was stabbed to death in a street brawl at Seaton (today Champlain) and Ontario streets on November 3, 1877. Now, since Paradis had taken over the department in May, two people had been murdered on his watch. The force was still reeling from the unsolved murder on May 31 of Alphonse Quenneville, a thirty-five-year-old night watchman at the J.T. Morey stables. That night, someone broke into the horsedrawn cab company's headquarters at the corner of La Gauchetière and Bleury streets, where they stabbed Quenneville to death and then set the building on fire. Most of the horses were saved, but a number of carriages, including the elegant black brougham used by Canada's previous governor-general, Lord Dufferin, on his frequent visits to Montreal, were destroyed. It had been a month since the Quenneville slaying and the police had no leads.

Paradis was at his house on St. Catherine Street East near Amherst late Friday evening putting his two sons, Charles and Emile, to bed when he was told of the murder in Griffintown. Immediately, he decided to take charge personally of the investigation.

Dapper and clean shaven, except for a bushy beard that began under his chin and grew down his chest,

Paradis was a sturdy fifty-one-year-old with a broad smile who wore his uniform well. Although he was French-Canadian, he spoke English. He had learned to do so during the years he spent in New Hampshire and California. A merchant's son, he was born in St. Michel d'Yamaska in 1828, and was educated at St. Hyacinthe. Paradis worked in his father's dry goods store until his father died. He then left to seek his fortune in the United States. He returned to Montreal in 1862 and opened a store of his own, but when it was destroyed by fire in 1868, he was hired to become deputy police chief. He knew all of the city's neighbourhoods and was on a first name basis with almost everyone. Paradis was a methodical man with a frank but affable manner. He wanted this case solved quickly with a minimum amount of fuss. He went to the scene of the crime with Detective Andrew Cullen, but by the time they arrived, Kennedy was already in custody at the Young Street police station. They walked up the stairs to the landing at 242 William Street and began searching various parts of the two-room flat. The room reeked of the usual Griffintown stench: sweat, whisky and smoke. A small grimy stove was set up against the paper-thin partition that divided the two rooms. Every drop of blood from the headless body had oozed to create a dark pool on the floor and there were splotches of blood on the wall. Near the body, on the sloping floorboards, Paradis noticed five deep gouges. The notches were not regular, and looked as if they had been made by someone wielding a blade at random. He surmised that the marks on the floor were caused when the killer hacked the victim's head from her body. The two police officers kept rummaging around the two dark rooms. In one room, there were clothes hanging from nails in the wall; in another, they discovered a green wooden tool box near the foot of the bed. Inside, they found matches, can-

dles, a couple of hammers, a chisel and a small hatchet still sticky with blood. Convinced they had the murder weapon, they were walking back towards the Young Street police station when they ran headlong into Susan Kennedy's husband, Jacob Mears, pacing back and forth in front of the precinct. Mears was obviously agitated and not quite sure of himself. He explained that there had been some trouble at his house, but since he witnessed none of it, he didn't quite know what to do. "My wife gets drunk occasionally, and when she does, I leave her alone, I don't like it," Mears said. "People drinking whisky annoy me."

Mears was a deeply tanned, muscular and handsome man, but obviously addle-brained. There is some ambiguity about the spelling of his name. Newspapers referred to him as 'Myers', but when he and Kennedy were married in St. Steven's Anglican Church in Montreal on January 19, 1873, he signed the register as 'Mears'. Mears had come to Canada from Templemore, Tipperary in 1859 as an eighteen-year-old. He told Paradis that he had been trying all evening to alert the police to a killing in his house, but no one would listen to him, much less believe him. He was afraid he would be charged with the murder.

"Have you ever taken an oath before?" Paradis asked.

"I don't take many oaths sir," perhaps meaning that he had never been in trouble with law.

Mears said he left the house when his wife came home with another man, Michael Flanagan, and an old friend, Mary Gallagher, and he didn't return until around three o'clock that afternoon only to find his wife alone in bed and Gallagher dead on the floor.

"You saw a woman lying dead in your home?"

Mears stuttered a reply. "Yes I saw her. She was well in the forenoon, but she was dead in the afternoon."

"Under oath you swear only your wife was at

home?"

"Oh. Well the other woman was dead. Dead. Her head was on the floor. In the tub. I think it was in the tub, sir."

"You know very well it was in the tub."

"I didn't know for sure, sir."

"Then what happened?"

"I went out to buy some groceries."

Paradis was incredulous. As the questioning continued, Paradis found Mears, "strong in body, but apparently weak in mind, what is commonly termed a fool."

"After you saw a headless woman, you went out for groceries?"

"Yes sir. I went for breakfast."

"Come on, tell the truth, man."

"Well, I couldn't very well stay in the house with a body lying there could I?" he replied, suggesting he wasn't as dimwitted as people thought.

"Tell me who murdered the woman."

"I'm not sure, not sure of it a bit. If I was, I would tell you. I was not an eye witness at all."

"Although you were not an eye witness, do you know who killed the woman?"

"No. No. No," he shook his head, "No one told me."

Paradis discounted much of what Mears had to say, but had him detained as a material witness. "He tells the truth to the best of his ability. He seems to be slightly demented and very much afraid of his wife who seems to have been as much a terror to him as she was to the police force and everyone else who had anything to do with her," he told *The Herald's* reporter.

The man Paradis most wanted to talk to, Michael Flanagan, was picked up at dawn as he staggered drunk along Nazareth Street in the company of a young woman. A thin man with a bony face, Flanagan

was thirty-two and gave his address as 142 McCord Street. Described as "tall, spare and active, with fair complexion, grey eyes and with little hair about his face," he worked on the waterfront. He was soaking wet, but there was no trace of blood on any of his clothes. Under questioning, he admitted that he had slept at the house on William Street. "I was a little boozy when I arrived, and fell fast asleep until about two in the afternoon, when I woke up and left," he said. Flanagan denied knowing anything about a murder, nor did he have "any suspicions concerning a murder."

"When I left there was a woman asleep on the floor," he said. "Her head was not off at the time."

As Paradis left the precinct, the Saturday newspapers hitting the street were on top of the story.

"An Atrocious Murder: The result of a Drunken Orgie," screamed *The Gazette's* lurid headline. Not to be outdone, *The Star* countered in its afternoon edition with its own sensational account: "Murdered & Beheaded: Horror in Griffintown, A Pretty Woman murdered, her head cut off and her body otherwise mutilated!" "Horrible Murder: Victim Beheaded in Broad Daylight" proclaimed *The Herald*, which hit the ground running and consistently provided the most accurate coverage of the killing. The French-language *La Patrie* was a bit more reserved with "La meurtre de la rue William, La Terrible Tragédie du Griffintown." *La Minerve*, the city's other French-language newspaper offered: "Horrible meurtre, une femme décapitée; Détails intéressants".

Even the staid *Canadian Illustrated News*, an upscale weekly magazine, couldn't ignore the entertainment value of the crime. It printed a sketch of "the accursed house in which took place the murder," observing with dry understatement, "the excitement over this atrocity is not yet over."



Gallagher's slaying reminded Griffintown residents of another homicide in the district almost a decade earlier. Mary Maroney Foster, a the sixty-year-old manager of the Lachine Junction Hotel in nearby St. Henri, had been hacked to death during a \$200 robbery on May 4, 1871, and her body had been thrown down a flight of stairs. A Norwegian immigrant, Johann Ingebretson, more commonly known as John Lee, confessed to the crime and went to the gallows on November 17, 1871 in a public execution watched by 300 people, "principally medical students and lawyers."

The victim of the city's latest crime was identified as a thirty-eight-year-old sometimes chambermaid and household servant who went by several names. Among her many aliases were 'Mary Chagnon', 'Mary Conway', 'Mary McMaster' and 'Mary Connolly'. She had, in fact, been born Mary Gallagher and she had just been released from the gaol in Kingston, Ontario, where she had served a three-month sentence for vagrancy. The daughter of a County Wexford Protestant who settled in Franktown, Ontario shortly after the War of 1812, she was born in Leeds County, and grew up along the St. Lawrence River west of Montreal. She had married James Connolly in Kingston, Ontario in 1871. The couple had no children. Connolly was located and brought to the house to positively identify the remains. Although he and his wife had not lived together for two years, he volunteered to pay for the funeral, but said he had no intention of attending.

At around 10:30 Saturday morning, James John Edmund Guérin, a twenty-three-year-old doctor just out of McGill medical school arrived at the William Street shanty to conduct the autopsy. In spite of his name, Guérin was Irish, not French, and, because of his involvement in the case, he would go on to culti-

vate a public profile as a champion of Montreal's working class poor. In spite of this interest, Guérin himself came from a patrician background. His father was a mathematics professor at McGill University, and later a consultant for the federal government with the Department of Public Works in Ottawa. As he went about his task, Dr. Guérin discovered the victim, "was a solidly built woman, comely with strong features. Her head must have pretty at one time," he told a reporter, "the face is round, the nose *retroussé* (turned up) and the mouth small, the whole forming a countenance that must have been prepossessing when animated with health and vigour." *The Herald's* reporter, who saw the severed head, concurred. "There could be no doubt, that she was, when in life, a person of over the ordinary average of attractiveness," he wrote.

Guérin's post mortem report was succinct: "The body was that of a stout woman, quite rigid. Head and one arm [sic] chopped off, as if caused by an ax." She had been hit fourteen times. Examining the severed head, Guérin found three blows to the anterior portion of the scalp, three inches long and one inch to an inch and a half apart, "each slightly splintering the skull." Two smaller cuts creased the forehead, and the bridge of the nose was smashed in "as if with a hammer or the back of an ax." The two eyes were blackened. There was also a five-inch gash running from under the left eye to the left ear. Upon removing the top of the skull Guérin found one wound had penetrated the bone and had gone as deep as the membrane which covers the brain. "This membrane was highly congested. The brain substance contained no blood, and the congestion of the membrane had not extended to the brain itself. The wound which was inflicted on the forehead had penetrated the skull and was in itself sufficient to have caused death. The stump of the neck looked hacked as if it had been sev-

ered by repeated blows." The right hand was severed from the arm near the wrist joint. On the corpse itself, he found a two-inch gash on the right shoulder, a slash on the abdomen, and a bruise on the right side of the groin. "This was not severe," he concluded.

"The lungs were apparently healthy, but entirely devoid of blood. The heart was healthy, but did not contain one drop of blood. [It] contained gas, the product of decomposition. The stomach contained some partly digested food, but the lining of the stomach membrane was drained of blood."

Examining the wounds and the pattern of the gouges on the floor boards made by the ax, the investigators concluded "there is no doubt the victim was slain by a woman. A man would have been more precise. No man would have vented his rage in such a haphazard manner."

The coroner's wagon arrived and hauled the remains away. Accompanied by two undertakers and by Patrick Quinlivan, a newly ordained Roman Catholic priest recently arrived from Stratford, Ontario to work at St. Patrick's Church, the mangled corpse was tossed into an unmarked grave in unconsecrated ground in Notre Dame des Neiges Cemetery. Quinlivan refused to bless the deceased.

According to records at Notre Dame des Neiges Cemetery and despite her husband's offer, no one was billed for the burial and no one paid for it.

*Le Sainte Jean*

*mil huit cent soixante-dix-neuf, Noël, Prêtre vicaire, sous le patronage*

*de la Confrérie de cette paroisse*

*Cornelly, pour la terre sainte de la paroisse de James*

*au lieu de l'endroit de la maison au nord de la terre dite*

*de la paroisse*

*Temps de la mort de la défunte*

*qui est*

*de la paroisse de la Sainte Jean*

*de la paroisse de la Sainte Jean*

*J. Quinlivan*

Inhumation Certificate of Mary Gallagher

### Chapter Three

#### Life of an Outcast – "Considerable Personal Attraction ... Exceedingly Violent"

"The city is in a ferment," *The Star* voiced its editorial outrage. "Public opinion is shocked deeply that our city should have its fair name stained with such a butchery. The guardians of the people's safety are being denounced broadly and roundly." *The Star* placed responsibility for the crime on city council and its failure to hire enough constables to patrol the districts properly.

"We have until recently been in the habit of looking at our city as a truly moral one," the newspaper continued. "Only our city councillors, standing in their places in all the solemn dignity of ignorance of facts, have from time to time pointed out that there was no need of increased police surveillance, and that Montreal was one of the most moral cities on the continent. During the past few years about a half a dozen citizens have met bloody and violent deaths – the perpetrators of the murders in not one solitary instance being discovered."

Murder stories are rarely about the victim, and after her death, newspapers paid scant attention to Mary Gallagher. Susan Kennedy became the main attraction. Reams of copy was written about Kennedy, who, it was said, was responsible for "inaugurating a saturnalia of drunkenness;" her husband openly consenting "to the traffic of his wife's virtue." The use of the word 'saturnalia' may have been excessive – a saturnalia implies wild, sophisticated, decadent orgies, and the inebriated rutting of the common labourers at the corner of William and Murray may not qualify. It

was also wrong to suggest that Jacob Mears consented to his wife's activities. He had little choice in the matter.

They all agreed she was pretty. She was twenty-six and stood 5'7", tall for a woman of her time. Susan Kennedy had hazel eyes, and a waterfall of chestnut-coloured hair. "She still bears traces, notwithstanding her debauchery, of having considerable personal attraction," said *The Star*. *La Minerve* described her as "an attractive robust woman, tall, strongly built and very tough." *The Gazette* found her to be "a tall strapping Irishwoman evidently possessing great physical prowess and an exceedingly irregular life and when under the influence of liquor was exceedingly violent."

The papers said Kennedy came from St. Joseph de Leeds in Quebec's Megantic County. In reality, like Gallagher, she was born, with no prospect of education, in 1853 in Leeds County, Ontario. Not much about her childhood is known, but, at fifteen, she came to Montreal with her mother, where she claimed to have been seduced by a man who "engaged her affections," then abandoned her. When she was still in her teens, Kennedy lived on Bleury Street with a widow named Susan Carey. Everything about Carey is pure conjecture, but she undoubtedly was a significant influence on Kennedy's life. Carey may have become a madam after her husband died. Kennedy may have been her maid. It is also believed that Mary Gallagher knew and worked for Carey until Carey died on November 2, 1872 at the age of sixty-three.

For whatever reason, Kennedy believed Carey was murdered. If it was murder, it was never reported as such in the press, and no one was ever charged with the crime. Kennedy's sad and pathetic delusions may have been fuelled by a novel that was being serialized in the *Montreal Star* at the time of Carey's death, entitled *The Woman's Revenge*, or *The Secret Poisoner*.

Kennedy, who had no place to live after Carey's death, was so distraught that, early in December of 1872, she wound up in the main police station "in a condition consequent upon extreme dissipation bordering upon insanity. A doctor was called, and she was committed to prison for safekeeping."

Although Kennedy was raised as a Roman Catholic, she married Jacob Mears in an Anglican church three months after Carey died. The marriage was not conventional by any means. Kennedy was not the sort of woman to obey a man and she did as she pleased. Her body belonged to her. She regarded the timing of her sexual conduct to be her absolute right. Her first conviction for being "loose, idle and disorderly" was on March 17, 1877. She was fined \$5 and costs, or one month in gaol. On August 4, 1877, she was found guilty of "being an inmate of a house of ill fame," and fined \$20. Then on October 2, 1877, she was arrested for "being drunk in Notre Dame St." In November 7, 1877, she was charged with "petty theft from her employer." In October 1878, she was in court again for assault, for knocking her victim's head "as soft as a boiled potato." In July 1878 she was charged with "throwing her mother from a balcony, breaking her leg," and fined \$25. It was not the first time Kennedy had assaulted her mother. The previous January, she had locked her mother out of the house in the bitter cold, "forcing her to seek refuge in St. Bridgit's refuge in the middle of winter." On one occasion, after being sentenced to three months in jail for prostitution, Kennedy swore that when her three months were up, "It would be best for the judge to emigrate, for when she gets out, he will not have a whole bone left in his body."

*The Gazette* pored over the details and, even before the inquest began, arrived at its own conclusions: "Kennedy is evidently the murderess," it confidently

declared. In a fanciful bit of journalism *The Gazette's* man re-created his own vivid account for its readers. "There is no doubt that the murder was committed about noon and that the motive was jealousy," the reporter stated. In his opinion, the two women had been drinking and fighting over money when they both passed out. Susan Kennedy was the first to awake, and, discovering Gallagher stretched out on the floor, decided to kill her rival.

"Seeing a small, keen axe glittering in the sun, she grasped it and stole into the next chamber where, finding Gallagher lying wrapt in drunken repose she determined upon the deed. The first blow would have been given upon the temple. This might have aroused the woman to consciousness and caused her to realize the danger of her position, and spring to her feet. (Kennedy) in stature would tower over her like a giant and the cut upon the forehead would be the next in order. This would have inevitably knocked the woman senseless and she would have fallen to the floor with a thud heard by the tenants below. A half a dozen hacks about the head satisfied her in that direction. Expecting that her victim was dead, (Kennedy) most probably reflected upon the most expeditious means of getting rid of the body. She evidently came to the conclusion that chopping it to pieces would answer her purpose best. She would naturally commence with the head. The decapitation complete, she commenced on the arm nearest her and lopped off the hand with a couple of slices. At this juncture, finding that the blood was meandering about the room in large quantities, and afraid that it would trickle through the ceiling below, she left the work of mutilation to wipe up the streaming blood."

Others did not believe that Kennedy, as strong as she was, could have chopped Gallagher to pieces without help. All sorts of theories were bandied about. No

one wanted to believe a woman could be capable of such a horrific crime.

To understand the enormity of what had happened and the public reaction to it, it is important to appreciate the Victorian moral code. Women in the Victorian age were thought to be defenseless, pure and above temptation. They were idolized as innocent and morally upright. Women like Mary Gallagher and Susan Kennedy were simultaneously regarded as moral outcasts and judged by a moral code spelled out in the words of the prophet Ezekiel: "I will judge thee as women that break wedlock and shed blood are judged, and I will give thee blood in fury and jealousy." Society's judgement was no less harsh. It was an era when the perfect woman was not supposed to have any sexual urges whatsoever. One physician, William Acton, went so far as to suggest that women who enjoyed intercourse risked mental depression. Married women had a duty to have sex to have children and fulfill their role in life as mothers, not to satisfy any base sexual desire.

"What drove most girls and women into prostitution or semi-prostitution was poverty, the hard conditions of female labour and starvation wages," writes J. B. Priestley in *Victoria's Heyday*. "Two points are worth making here: The first is, most of the very people who denounced prostitution and tried to rescue 'fallen women' made no attempt to end poverty, hard conditions and very low wages. The second point, is that it was not until our own time, that the more comfortable members of the working class began to acquire the excessive prudishness of the Victorian middle class."

If poverty was an excuse for prostitution, Montreal was as good a breeding ground as any. Kennedy didn't fall into prostitution. She was pushed. The city was the victim of a world-wide economic depression which paralyzed the economy in 1874 and left thousands of

its citizens destitute. St. Ann's Ward, where the Irish congregated, was especially vulnerable. Two years later, Dr. William Hingston, then mayor of Montreal, carried out a survey with the help of the police which counted 75 brothels in the city, most of them in the St. Louis and St. Lawrence wards. The report estimated that at least 2,500 women were working in Montreal as prostitutes, about one quarter of them Irish. These numbers included children who were often preferred by clients because the risk of venereal disease was thought to be marginal. When Hingston left office the following year, he admitted that his attempts to "keep the houses quiet or prosecute the disorderly" had failed. "Within the past few years they have dragged their hated presence to the neighbourhood of some of our larger schools for boys, and I have reason to believe more than one innocent youth has received, unwarily, an early lesson in sin from those whose steps lead down to hell," he said in his farewell address to city council. Mayor Hingston recommended that his successor seriously consider establishing a red-light district, so that "those who ply their iniquitous trade, be forced, as in Hamburg and other cities in Europe, to live beyond certain districts where they could not entrap the unwary, but receive support only from those who are wantonly, knowingly and systematically, vicious." So long as a man had money, there was no perversion in Montreal that could not be provided. Hingston's successor as mayor, Jean-Louis Beaudry, tried to crack down on the city's disorderly houses. After he became mayor, the papers were filled almost every week with news of arrests. Typical of those brought before the Recorder's Court were "three women, three men and a 15-year-old girl," charged in October 1878, of running a house of ill-repute on St. Charles Boromée Street, as well as "four teenaged boys accused of being habitual frequenters of the

house, who were handed over to their parents who were humiliated witnesses of the shame of their sons."

In spite of attempts to rid the city of its prostitutes, they flourished. By the time Hercule Paradis became police chief in May 1879, he counted 100 brothels and as many as 3,000 prostitutes, adding, "there is reason to believe even more of those unfortunate ply their trade *en cachette*." Paradis was alarmed by "the fearful progress of the social evil, these *maisons de tolérance*." Others, however, rationalized brothels as necessary safeguards to the virtue of virgins, wives and widows, who would otherwise be exposed to outrage, "if whores weren't around."

Women in Montreal who plied their trade as prostitutes discovered that the most lucrative time for them to market their wares, then as now, was when summer began during the extended June 24 holiday weekend that marks the feast of St. John the Baptist.



Scenes of the procession on St. Jean Baptiste Day, Montreal

## Chapter Four

### Fête St. Jean

Revisionists in Quebec have changed the name of the holiday to the *Fête Nationale*, but, for centuries, June 24 has been celebrated with bonfires, religious processions, parades and intoxicating block parties as St. Jean Baptiste Day. The special devotion in the New World between settlers of Latin temperament and St. John the Baptist, the New Testament prophet and itinerant preacher who foretold the coming of Christ, goes back to June 24, 1497 when John Cabot, an Italian explorer, sailed into a harbour on the northeast corner of Newfoundland's Avalon Peninsula, and called it 'St. John's'. When Quebec City was founded in 1608, early pioneers from France who settled along the banks of the St. Lawrence River followed the time-honoured European custom of lighting bonfires in honour of the Baptist and to celebrate the beginning of summer. Custom had it that charred bits of wood from the spent bonfires would protect a home or barn against lightning. According to tradition, John the Baptist baptized Christ "the lamb of God who takes away the sins of the world." So, as the celebrations evolved and became more sophisticated throughout French Canada, a deserving boy with a live lamb in tow became the focal point of the village parades.

On Tuesday June 24, 1879, the boy chosen to represent St. John and walk with a lamb in Montreal's 46th annual parade was Edouard Surveyer, the twelve-year-old nephew of the city's Roman Catholic bishop, Edouard Fabre. By all accounts, that year's parade was the biggest ever staged. More than fifty allegorical floats started out from what was then known as St.

Jean Baptiste Village about one kilometre outside the city limits, where the Laurier Metro station is today. They then made their way down St. Lawrence Boulevard to the parish church of Notre Dame, today Notre Dame Basilica, on Place d'Armes. One contemporary account described the parade that year as a magical occasion. "The whole street lined as it was with trees, looked like a forest lane through which fairy elves were dancing in the sunlight, waving banners, but upon closer examination they were mortals, bespangled, badged, sashed and ornamented, until each man in the procession looked like a generalissimo in his own right." That evening, there was to have been an electric light demonstration in the east tower of Notre Dame Church, but "it was not a complete success, owing to want of due time for preparation, but the experiment will be repeated shortly."

Susan Kennedy and Mary Gallagher lived out of each other's pockets, and, as friends would later testify, were "in the habit of making themselves at home at each others houses." They were also familiar *habituées* of a house of ill repute on St. Maurice Street, described in the papers as "a house owned by a man named White, a blacksmith, whose son gets all sorts of bad characters to meet him there where they carry on their orgies."

Gallagher had recently been released from prison, and she and Kennedy were in high spirits that evening as they made their way trolling for men through the crowds that had gathered for the celebrations in Old Montreal. Today, there may be all kinds of clubs in Montreal where dancers bare themselves, but in the 1870's, there were saloons with live bears, and other establishments "thick and threefold, one at each corner of cross streets, serving drinks of questionable character." Newspapers at the time often wondered "what rule could have governed the license Commis-

sioners in the discharge of their duties, or whether they were guided by any rule at all." The watering holes were described in an 1875 police report as "dirty without and dreary within, some large, some small, all ill savored and smelling of sawdust soddened by tobacco juice." Two years later, the city's then-police chief, Fred Penton, complained about all of the unlicensed "groggeries," describing them as "the natural resort for all vagabonds, thieves of every description – they may be styled, emphatically, dens of iniquity."

The most notorious bar in the city at the time was Joe Beef's Canteen at the corner of Rue de La Commune and Callières Street. Regulars called the place 'The Inferno'. It was run by a forty-four-year-old bull-necked, bullheaded Irishman from County Cavan, Charles McKiernan, who came to Montreal with the Royal Artillery in 1861. Seven years later, he opened a tavern on St. Claude Street near Bonsecours Market which moved to numbers 4 & 6 Rue de La Commune in 1870. It was, as Montreal historian Edgar Andrew Collard wrote, "the gathering place for the tough and the luckless." McKiernan's business card read "Joe Beef of Montreal, The Son of the People. He cares not for pope, priest, parson or King William of the Boyne. All I want is the coin." He was, in spite of his cynicism, a barkeep with a social conscience. Joe Beef's was a refuge where the unfortunate could help themselves to bread or have a place to stay and, on Sundays, he turned the place over to a fundamentalist group, The Workers For Christ, for their revival meetings. The main attraction at Joe Beef's, however, was a bear called Jennie, one of three that McKiernan kept chained in the bar. On June 23, *The Star* reported that the bear had died, "undoubtedly from the recent encounter with a brick which was propelled by Joe's muscular hand. The animal was from the Red River and has always been of savage disposition." The

next day, "The services of a butcher were called in and the brute was speedily dispatched."

What really happened and had the whole town talking was this:

Between five and six, two men visited Joe Beef's to see the sights, and among other things were shown the den of three bears, who are kept in a cavern, about six feet high and ten feet square, under the hall where the cooking is done. The only entrance to the cage is by a trap door in the floor, and when the trio of bruins are exhibited, the door is opened, and by a known signal, the bears are trained to raise on their hind feet and rest their forepaws on the edge of the trap. While the men were feasting their eyes on the miniature menagerie, a four year old boy of Joe's was playing around the hall, and coming too close to the open trap, overbalanced himself and fell among the beasts. The largest of the three uttered a loud, deep growl, and dashed at the little boy, grasping him bear-fashion, between his forepaws. The boy shrieked piteously and in an instant, Joe was down in the pit among the bears, who although are called 'tame' displayed all the ferocity of their brethren who roam at large in the forest. Joe wrestled with the bruin manfully and managed to release the child from his grasp, and was just in the act of raising him to safe quarters when the savage beast seized the boy a second time and bore him to the ground. The father again released his child, and this time was successful in placing him out of reach of the now doubly infuriated monster, who then turned on Joe himself and attacked him savagely, and before he had time to disappear out of the pit, the brute succeeded in terribly lacerating the flesh of the lower right thigh

and around the knee. Finally, the men at the top grabbed Joe's hands and pulled him out of the pit, the bears all the while, giving vent to the most unearthly growls.

Although he was in pain, Joe was at work when Kennedy and Gallagher dropped in to Joe Beef's out of curiosity, and, unable to find anyone to buy them a drink, left as the sun was setting behind the rooftops and the mountain. They continued bar-hopping, making their way up to the market square on Place Jacques Cartier. There, they ran into Michael Flanagan, a stevedore who was out celebrating the evening and looking for some female company. The next hour or so was one of those jumbled times with both women sharing drinks with Flanagan and competing for his attention. In the early morning hours of June 25, Flanagan left with Mary Gallagher and checked into a flop house near Dalhousie Square. As Flanagan explained his choice later: as a good Catholic, he didn't sleep with married women, and since Gallagher was "much less married than Mrs. Mears," he engaged her services. Susan Kennedy was left to wander home alone well past four in the morning eaten up at the thought that Flanagan had preferred the attentions of an old, grey-haired woman instead of going home with her. The more she brooded, the more hostile to Gallagher she became.

Kennedy was in no mood to see anyone when Gallagher and Flanagan arrived at her house at dawn on Friday June 27. Gallagher pounded on the downstairs door, demanding to be let in. When no one answered her familiar pattern of knocks on the door, she went around to the rear of the building, climbed the rickety stairs to the second floor, and admitted herself into Kennedy's kitchen through the back door, as she had done so many times before. Gallagher then let Flanagan into the house through the front door and



brought him upstairs. The arrival of uninvited guests at six in the morning was evidently an intrusion. Jacob Mears left the house, leaving his wife to entertain Gallagher and Flanagan. They evidently drank two, perhaps three, bottles of whisky before Flanagan passed out. He may have slept through everything that happened next, being only vaguely aware of angry voices in the other room, children's taunting voices in the street outside, and someone, somewhere taking a hard fall. He awoke hours later only when he felt Kennedy, in bed next to him, put a hand on his thigh. There was the scent of blood in the room, and Flanagan closed his eyes again and tried to remember where he was and how he got there. He then rose to his feet and staggered out of the flat, down the stairs and into the street outside.

### Chapter Five

#### The Inquest – "Good God, the Woman's Head is Cut Off"

Moralists in the city, of which there were more than a few, used the murder of Mary Gallagher to advance their own agenda: namely, to increase the number of officers on the city's police force.

"Wonder is expressed that a murder should have happened in broad daylight, without the police having heard anything about it," observed *The Star*, "It is said no matter what patrol had been doing duty on Friday, no one would have noticed the murder or could have prevented it, as the victim must have been stupid from liquor when struck and never have been able to struggle or scream." The newspaper, which was on a law-and-order crusade, used Mary Gallagher's grisly death as the latest example of the city's increasing lawlessness.

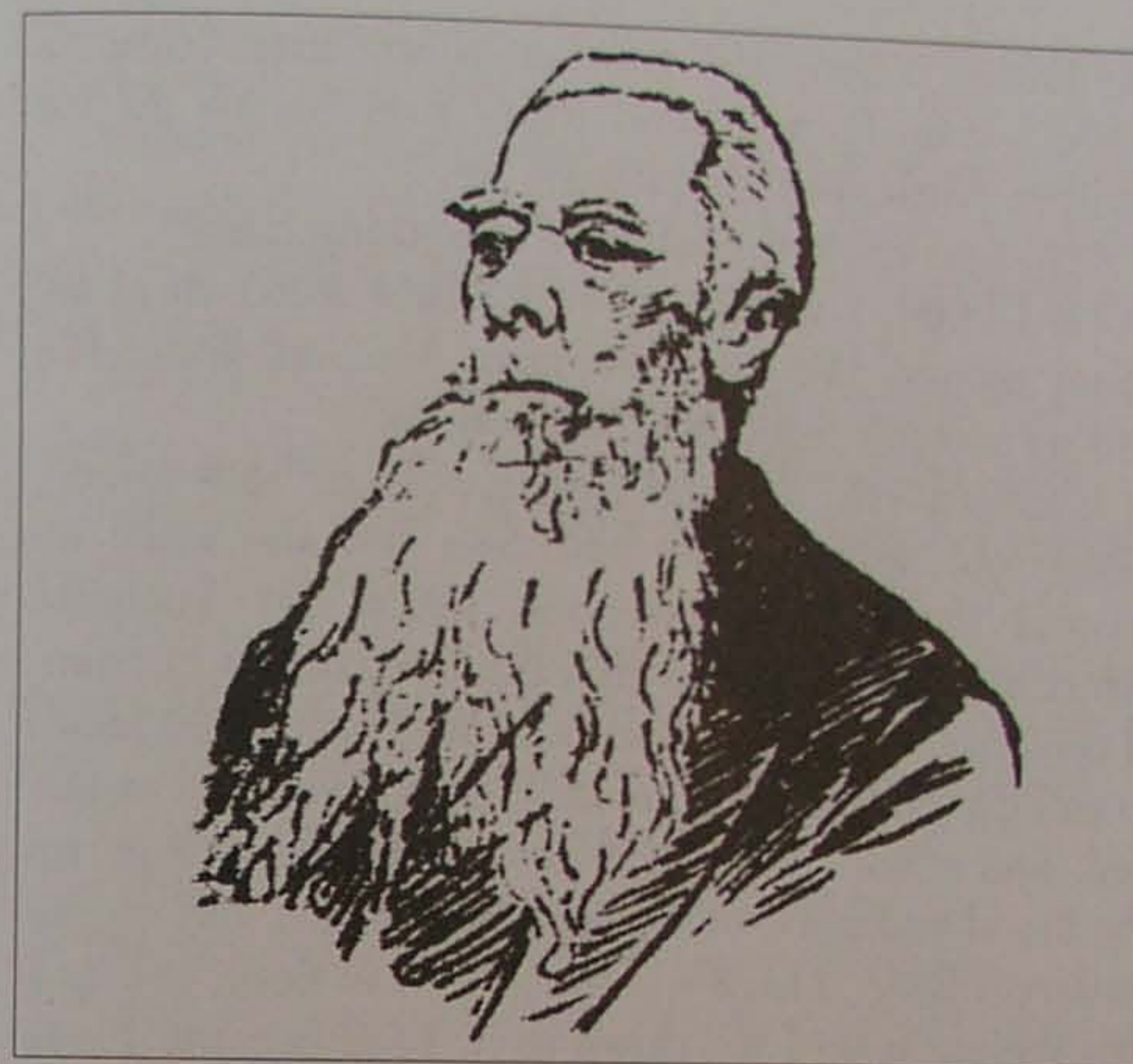
"It is true that the police are constantly disposing of rowdies, but they seem to increase ten fold for every conviction," the paper commented in an editorial two days after the murder:

The scenes that are daily and nightly occurrences along the wharves are perfectly disgraceful to a city that pretends to be respectable. The leaders are becoming not only more numerous, but such a degree of boldness have they reached that it is now hardly safe for a sailor to pass along Common, Queen or Port Streets after dark, much less anyone that has a fair outward appearance. Every night for the last few weeks a gang of the worst blackguards has collected around the corner of Queen and Common Streets for the purpose of carousing and making

the night hideous. Nor does the gang stop at these things, never considered trifles so frequent do they happen. If anyone by chance passes by, they are not only insulted but frequently assaulted and always robbed when there is anything that is worth taking. On Saturday night and again last night three brutes knocked down, robbed and brutally beat two sailors. Although this is one of the worst, if not the worst vicinity in the city, a policeman is hardly ever seen in the place. On the face of it, the police would seem to be at fault, but those who know the working of the Corporation say that as long as the number of men is only about a third of what is needed, and insufficiently paid at that, our citizens need expect nothing better. With things in the condition that they are, robbery and murder so frequent that one cannot keep track of these deeds, dark rowdies on every street corner, lewd women thronging the streets and houses of ill fame increasing in such alarming extent, it is natural that our heavily taxed ratepayers should look to our city Fathers to move in on the matter. Is this to last? Is there never to be an end to such conduct?

\* \* \*

The city's chief coroner, Joseph Jones, opened the inquest into Mary Gallagher's murder on the evening of Monday June 30. The venerable, seventy-one-year-old Jones had been the city's coroner for forty-two years, ever since he had been appointed in 1837 by the governor-general, Sir John Colborne. Jones was used to the idea of women seeking revenge for infidelity and killing men; he knew men murdered women; but he was totally bewildered at the idea that a woman could not only kill another woman, but then decapitate her victim.



Coroner Joseph Jones

Kennedy was driven from the female jail on the Champs de Mars to the Ottawa Street police station where the inquest was held. "On her departure she was greeted by many unpleasant remarks by her fellow inmates, and answered in tones that were unmistakably free from anything like insanity that she did not kill the woman," *The Gazette* commented.

As the coroner's principal witness, Kennedy said "a man with black hair" murdered Gallagher, and that "Flanagan had nothing to do with it."

"It was in the morning that she came to the house, and it was about twelve the last time I saw her alive. We have no clock in the house. She came with a man, I did not know him, but I was introduced to him as Flanagan. When they arrived they sent me for a bottle of whisky, the three of us drank it. Jacob didn't drink any, he scolded me and ran out. He wouldn't drink. He didn't like to see strange men come round

the house. There was another young man come in while I was sleeping, and Mary told me to go for another bottle, but I would not go."

"Do you know the name of the young man?"

"If I knew, I would tell you. We weren't thinking about names. We were drinking. We had some fun and we weren't thinking about names."

Kennedy said she and Flanagan were both asleep, passed out, lying in her bed. She said she woke up around three that afternoon when her husband returned and they discovered the body in the kitchen. "I wanted to call the police, but could not. I told Jacob to call the police. Poor Jacob. He saw Flanagan in our bed, and asked 'Did he kill her?' I began to wipe up the blood and some of it got on my clothes, and on my underclothing. There was blood on the floor, and as I was wiping it up I fell down in it. I fell because I was terrified. The blood was running in a regular stream under me. I'm not easily frightened, and when I recovered from the fall, I continued to wipe up the blood. I did not notice the blood on my clothes. I was so scared."

"How do you account for the blood on the clothes under your skirt?"

"Well, when I tucked up my skirt, the blood must have got on it when I was kneeling down. I should have gone to the neighbours when I found the body. I was too weak to do so."

"But you were strong enough to wipe up all that blood?"

"I didn't see any use in shouting like a fool. I hardly knew what I was doing. I went out of my mind when I saw the body."

One of the members of the inquest's jury (distinct from a trial jury) wanted to know how Kennedy could account for the blood above the bed in the bedroom.

"That was there when we moved in. Jacob can tell

you that. I think the wall was smeared with blood from all the bugs that were killed."

Pressed to identify the mysterious stranger she kept talking about, Kennedy would only say that "I am not sure if he was English or Irish, but he definitely was not French."

"When Flanagan got out of bed, you told him you were in a good deal of trouble? What did he say?"

"He said 'Good God, the woman's head is cut off,' and he ran away."

"You persist in saying that a woman was murdered in your house, had her head cut off and placed in a tub, and that you have no idea how she met her death?"

"It must have been the man what did it."

"You do not know who murdered her?"

"It must have been him. It wasn't Flanagan."

"Did you not tell Chief Paradis it would take two people to kill Mary Gallagher because she was so strong and powerful that one person alone couldn't do it?"

"I hardly knew what I was saying when I talked to the chief. I was scared. Not in my right mind. I know nothing about that. It was only later that morning I came to my senses and knew what I was saying."

"If you said it would take two people to kill her, who are those two people?"

"I didn't know what I was saying. It couldn't have been Flanagan. Poor fellow, he was asleep."

"You swear you don't know who killed the deceased?"

"I do not know who it was. I am sorry now I didn't ask his name."

"Were you and your husband in the house Thursday?"

"I'm not sure whether he was there or not. When I start drinking he takes off. We had some liquor in the house that night, I don't remember what hour we

went to bed, but it was early, I think it was before nine o'clock, there was still daylight. We could not sleep at all. On Thursday we could not sleep at all for the bugs. Mary had promised to come and said she was going to bring her captain. I was expecting them all night."

"You did not sleep at all before daybreak?"

"I slept a little, but only for a short time. I slept, and there was a rap at the door."

"Who let Mary Gallagher in?"

"I did."

"Who was with her?"

"A young man. I was introduced to him as Flanagan."

"Who asked you to go for the liquor. Flanagan or the deceased?"

"It was him and her together. But he gave me the money."

Kennedy said Gallagher and Flanagan were both exhausted, "both very sleepy," and they were talking about where they should go to bed. "Before I went to bed, Mary Gallagher was sitting in a chair in the kitchen, alone. Flanagan and I were asleep when she let the stranger in."

"You say it was not Flanagan?"

"No, no, it was not Flanagan. He was asleep all the time."

\* \* \*

Reporters covering the inquest were skeptical. "Flanagan's position is now dangerous and much of his safety depends on whether he tells the truth or not," *The Star* commented, "Flanagan says he knows nothing about a murder. Should he persist in this, he may find it difficult to prove that he was not one of the two men who committed the foul deed. He is in a critical position, so far as his neck is concerned."

The next day, Dominion Day, was a holiday, the

twelfth anniversary of Canadian Confederation. To mark the occasion there was a regatta in the harbour and, at noon, a twenty-one gun salute was fired from the battery on St. Helen's Island. Even though it was a national holiday, Jones did not adjourn the inquest. That evening, he heard from one of Gallagher's friends, Ellen McCarthy. A woman with bulging eyes and a sorrowful disposition, McCarthy said she had been gainfully employed as a servant until, as she cheerfully admitted, she decided to go on a binge and get drunk on the St. John the Baptist Day weekend.

McCarthy told the coroner that Gallagher was "in the habit of drinking heavily," and of visiting Susan Kennedy. "We were all in jail together," she chuckled. "I know Flanagan, too. We've been drunk together. He used to visit Mrs. Connor's house on McCord Street. But I have never seen Mrs. Mears and Flanagan together."

"Can you describe the clothing Mary Gallagher was wearing the last time you saw her?"

"Every stitch of it," McCarthy nodded as she identified Gallagher's light grey dress, black embroidered jacket and brown straw hat. "I should know her red flannel chemise, too, I washed it enough times for her in jail. The brown lace she carried in her pocket. I once asked her why she carried it about, and she said, 'Well, when I have a fine dress, I intend to put it on it.'"

There was a torn letter in one of the pockets which McCarthy said was a letter of recommendation. "She had it on her when we came out of jail on the 11th of June. It was torn in half, and she placed a piece of tape on the back of it."

The letter, which was produced as evidence, read: "The bearer, Mary Connelly [sic] has been in my service for three months, and I have found her to be sober and agreeable, and I can recommend her as a general

servant. Mrs. W. J. Tracey, Côte St. Antoine."

McCarthy said she and Gallagher walked together to Lachine to find a job the day after they were released from gaol. She clearly charmed *The Gazette's* reporter. He thought McCarthy was the most credible witness to appear at the inquest. "Her language was a little above the common and she showed in the course of her examination that she possessed traits of character, which, but for insatiable love of drink, would place her in a respectable position in society," he wrote. "Could not some of the ladies of the church of which she is nominally a member test their ability in this instance, in the noble work of reform?"

The inquest resumed on July 2, which was an unusually busy day for Jones. There were four bodies in the morgue that morning. At 7 am, he ruled that Joseph Lauzon, who had just been let out of jail after serving a five-year sentence, had died of natural causes. The death of three-year-old George Dennis Edward, who fell into a tub of boiling water, was ruled accidental, and twenty-six-year-old Josephine Bégin, who was found dead in her bed died of "congestion of the brain."

Flanagan took the stand that day. He admitted he was not exactly sober when he arrived at Kennedy's house. It was, he said, the first time he had met her. He told the inquest that shortly after drinking a bottle of whisky, he passed out in her bed. But he contradicted Kennedy's testimony, and denied that he had seen Gallagher's dead body or ever said anything about a body. "When I woke up, I asked for a drink of water, and Susan brought me the water and I drank it," he said.

According to Flanagan, Kennedy appeared "calm, cool and not at all excited."

"I asked her if she wanted to go out for some beer, and she said she would. I gave her ten cents, and she

said she wanted a quarter. I didn't have a quarter, so I jumped out of bed, opened the door and went down the stairs and left the house. As I went down the stairs I looked into the kitchen and saw a woman lying face down on the floor. I saw nothing more. I went out. I didn't say anything to anyone. I made no remark of any kind. I went out because I wanted to get something to drink. She never said to me that there had been trouble in the house while I was asleep."

Flanagan said the first he heard of the murder was later that Friday night when he was in a saloon, "getting a glass of beer," at the corner of McCord and William. "I heard there was a woman in Mears' house with her head cut off, and it occurred to me it might be Mary Gallagher. The common talk was that Susan Kennedy killed her. Having had a little too much liquor in me, I didn't ask any questions. I never heard Susan Kennedy say anything bad about Mrs. Gallagher [sic] while I was in the house. I never heard them arguing. When I left the house I never said 'Good God, did you kill the woman?'"

"Can you tell us who you think might have murdered the woman?" Jones asked.

"No I cannot sir, not in the least."

The next day, the street in front of the house at 242 William was filled with curiosity seekers when Coroner Jones moved the inquest to the scene of the crime and went in detail over the evidence he had heard so far. He arrived at the conclusion that it was possible, but not probable, that a stranger had entered the house. There was no lock on any of the doors.

On Friday July 4, Helen Troy and Catherine Golden, two of Kennedy's neighbours, were called to testify. Troy recalled that the neighbourhood children used to make fun of Jacob Mears, and when they started teasing him on Friday afternoon, the day of the murder, he said "Leave me alone, I have enough trou-

ble. There's a woman with her head cut off upstairs in my house."

Troy said she had heard Kennedy carrying on and arguing on Wednesday, but that she had been quiet on Thursday. "She was often heard to say that one day she would avenge the death of someone called Susan Carey whom she believed had been poisoned and died before a priest could be called to hear her confession. I don't know anything more about the affair."

Catherine Golden, who lived directly across the street from Kennedy, said she saw Mary Gallagher shortly before eleven o'clock on the morning of Friday the 27th tugging at Kennedy's dress "trying to pull her away from the window into the house. I heard Kennedy say 'If you don't go away and leave me alone, I will knock your brains out with an axe.' Mary Gallagher disappeared from view and I never saw her again."

Susan Kennedy, Michael Flanagan and Jacob Mears were charged with the murder of Mary Gallagher and housed in the provincial jail.

Under Victorian mores, a husband was responsible for his wife's behaviour. Husbands were expected to keep their wives in line or suffer the consequences. In fact, in 1862, Richard Aylward went to the gallows with his wife, Mary, for a murder she had committed.

During the summer, the Crown was satisfied that Jacob Mears was not in the building when Gallagher was murdered and the charges against him were dropped.

## Chapter Six

### Susan Kennedy on Trial

The trial opened on Tuesday September 30, during the 1879 autumn assizes in courtroom number twelve, the largest in the courthouse. The neo-classical building where it took place still stands on Notre Dame Street just west of City Hall in Old Montreal. Built in 1856, it was designed by John Ostell and patterned after the main post office in London. With its facade of six Ionic columns and its high steps on either side, it is still an imposing building. At the time of Kennedy's trial it was only two stories high; the existing third floor and the dome were not added until 1894. Every available nook and cranny of the courtroom was filled with spectators described by *The Gazette* as "the usual throng of idlers and others compelled by the morbid curiosity to witness the sufferings of others."

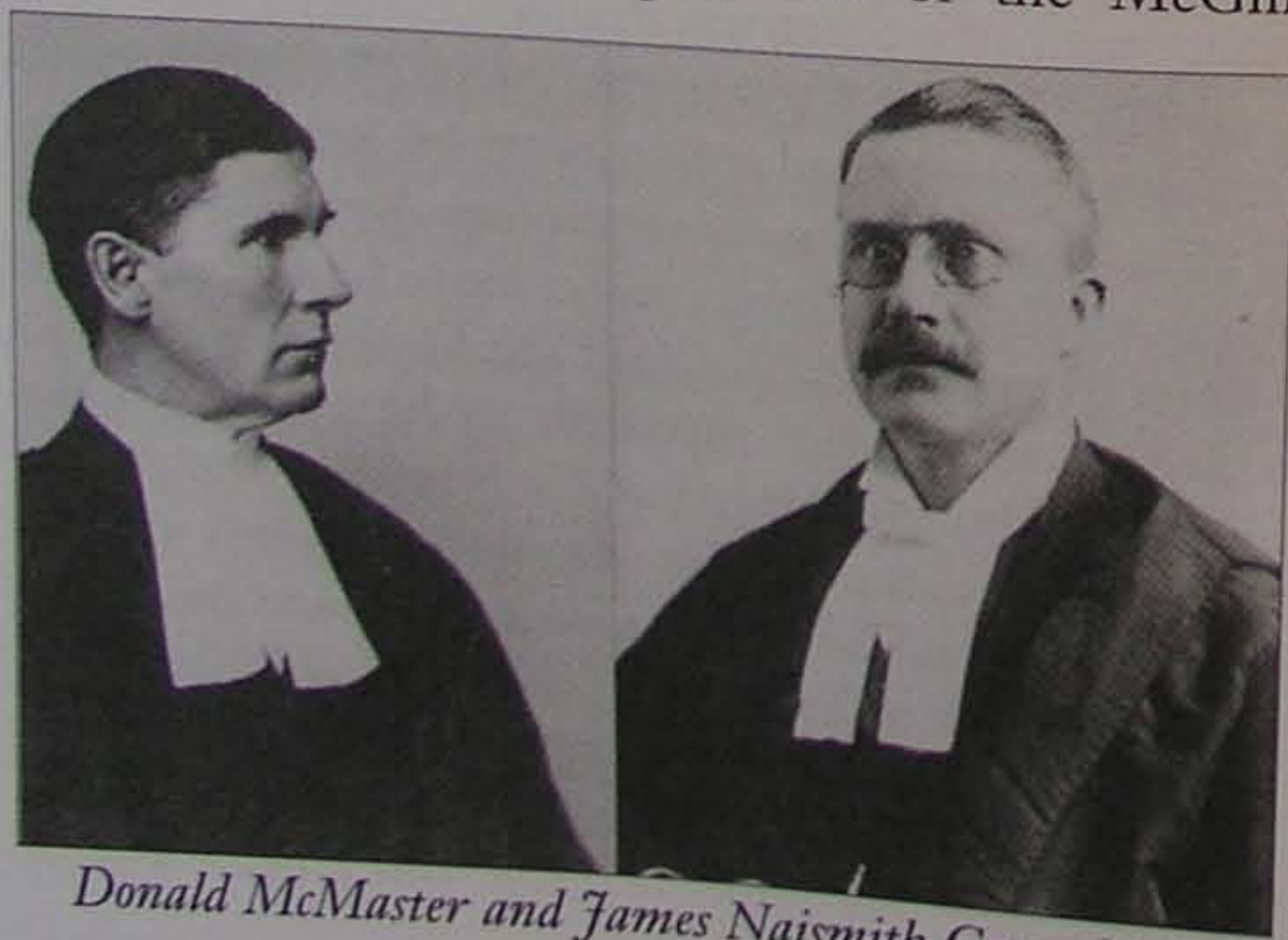
Clearly, the murder touched a nerve. Young men, anxious to learn more about the world of illicit sex, filled the galleries, and women came, anticipating the excitement of a theatrical drama.

Acting for the Crown was one of Montreal's captivating silver-tongued legal mavericks, Bernard Devlin. Devlin was born in Roscommon, Ireland, went to medical school in Dublin and came to Canada in 1844. When he arrived in Quebec City, he could not obtain a license to practise medicine so he went into the newspaper business, starting *The Freeman's Journal and Commercial Advertiser*, a decidedly liberal organ. Devlin obtained his law degree in 1847 and moved to Montreal, where he was elected a city alderman and then to the House of Commons as the Liberal member for Montreal Centre, which he represented for one term until his defeat in 1878. But Devlin was by

no means fully accepted in Montreal's Irish Catholic community. To many, including his powerful parish priest, Patrick Dowd, with whom he often argued, he was a socialist, a Fenian and a troublemaker.

Devlin was only fifty-five, but he was ill and he looked much older. He could not know it at the time, but Mary Gallagher's murder would be the last he would prosecute before his death.

Clearly, Kennedy had no money to hire a lawyer to defend herself so two outstanding attorneys were appointed to act in her interests: Donald McMaster and James Naismith Greenshields. McMaster and Greenshields were an unlikely pair of law partners. McMaster was thirty-two. He grew up in Williamstown, Ontario, and still lived across the Ontario border in Lancaster. Flint-faced and vaguely handsome, McMaster had more pressing matters than Kennedy's defense on his mind. He had just been elected to Queen's Park as the Conservative member for Gengarry in the Ontario general election that had been held the previous June. A Torrance Gold medalist in his 1871 graduating class at McGill University, McMaster had been twice president of the McGill



*Donald McMaster and James Naismith Greenshields*

University Literary Society. His junior partner, James Greenshields, graduated from McGill five years later and had also won the Torrance medal. McMaster was as expansive as Greenshields was reflective. McMaster was a fanatic Conservative; Greenshields a determined Liberal. He sported a walrus mustache that made him look older than his twenty-seven years. Although both were country boys – Greenshields grew up in Danville, Quebec – their personalities were so different that their partnership could not, and did not, last. But in 1879, McMaster, Hull & Greenshields was Montreal's fastest growing law firm.

On the bench sat Samuel Cornwallis Monk, then Montreal's best known judge. The Monk station on the city's green Metro line is named for him. Monk was sixty-five and came from a long line of distinguished jurists: his great-grandfather had been a Nova Scotia attorney-general. Both his grandfather and an uncle had been judges. Monk arrived in Quebec with a militia unit from Nova Scotia during the 1837 Rebellion as a young soldier of twenty-three. He was admitted to the Quebec Bar and went into partnership with John Rose. Appointed Queen's Counsel in 1854, Monk earned his reputation as the Crown prosecutor at the notorious Desforges murder trial in 1858, in which Marie Anne Crispin and her lover were convicted of murdering Desforges. Crispin went to the gallows on June 25, 1858. The following year, Monk was named judge of the Superior Court and eventually appointed a judge of the Court of Queen's Bench. Fluently bilingual, he was a respected authority on Quebec's civil code. Tall and erect, his bearing "was a subject of frequent comment." Monk was described in one contemporary profile as someone whose "natural talents, vast knowledge and graceful profile have made him one of the most agreeable persons to listen to whenever he has a judgement to deliver. His knowl-

edge of both English and French is so perfect it would be impossible for a stranger to tell to which nationality he belonged."

The jury selection went quickly. Three jurors were challenged by the Crown, four by the defense. Kennedy would be judged by twelve men: William Gibson, Thomas Lawlor, Patrick Kelly, James Conkling, James Walsh, William King, Thomas Adock, John Bennett, Duncan Campbell, Edward Henkel, Edward Lynch and Edward Nulty.

Wearing a straw hat and a tan suit with black embroidery, Kennedy was ushered into the courtroom and took her place in the dock. The expression on her face was vacant as the clerk of the court charged the jury: "Gentlemen, hearken to the charge against the prisoner, that Susan Kennedy murdered Mary Gallagher on the twenty-seventh day of June, eighteen seventy nine. Upon this indictment, gentlemen, the prisoner is arraigned. She pleaded that she is not guilty and for her trial has put herself upon God and her country, whose queen you represent. Your duty, therefore, is to enquire whether she is guilty or not guilty of this felony. You will remain sequestered and hear the evidence." Jury sequestering was usual in this period.

The Crown would call fourteen witnesses; the defense six. Devlin's opening remarks to the jury were brief:

"The deceased met Michael Flanagan on the evening of the 24th or 25th of June, and no doubt, spent the night in debauchery," he began. "We know that around 7 o'clock on the morning of the 27th they went to the accused's house, and as soon as they arrived, the accused's husband, Jacob Mears, left the premises. Flanagan then sent for a bottle of whisky, and the three of them drank it. Flanagan then went to bed and passed out. The prisoner tells us that another

young man then came in, but her alibi is devoid of truth. It is certain there were only three people in the house. When the murder was committed at noon, the unfortunate Mary Gallagher had to have been killed by someone," he declared. "We will prove that that someone was Susan Kennedy."

If Kennedy was the killer, was she responsible for her actions? McMaster would try to persuade the jury to accept the M'Naghten rule of insanity, which is enshrined in sec. 16 of the Criminal Code of Canada. The insanity defense has its origins in a complex set of legal guidelines devised in 1843 after the murder of British Prime Minister Robert Peel's secretary at the hands of a madman. In a nutshell, the rule states that "if the person is insane, in a state of natural imbecility, or has a disease of the mind that renders the person incapable of appreciating what they have done," they are not guilty. The rule is, however, complicated because it also states that if a person is delusional but otherwise sane at the time of the homicide, then the rule does not apply. The way the rule was interpreted at the time was based exclusively on 19th century concepts of morality and rational understanding, and rendered the concept useless for distinguishing those who were sick from the well. The trick was to prove the accused was insane at the exact moment of the murder – not before, not afterwards. In other words, a person could be found medically insane by the time they were put on trial, but legally sane when the crime was committed. It was a complicated tactic, open to conflicting expert opinion, subjective opinion and misguided speculation.

In his opening statement, Donald McMaster suggested that he would demonstrate that Kennedy's behaviour over several years formed a pattern that would indicate that she was insane.

As its first witness, the Crown called the coroner,



Joseph Jones, who simply described the scene of the crime. George Glackmeyer, an architect, then took the stand and produced a detailed plan of the crime scene which he had drawn on July 11. His drawing clearly showed the two rooms of the house "separated by a board partition, which was old and loose and covered with old paper."

The victim's shambling husband, James Connolly, made an appearance. As he took the oath and identified himself as Mary Gallagher's husband, Kennedy piped up.

"That's a lie," she said. "Her husband's name was McCormick."

Connolly didn't contribute much to the proceedings. He testified that once he realized his wife was a "bad woman, he went away from her," and that he hadn't spoken or heard from her in two years. "I never saw her again until I was called to identify her body."

"It was her body on the floor. It was her head in the tub. It was her hand on the floor."

The forensic evidence was supplied by Dr. James Guérin. In his opinion, Guérin told the court that he believed Gallagher was still alive when her head was severed from her body. The immediate cause of death, he said, was "the loss of blood from her wounds." The head might have been severed instantly, he said, but suggested it probably took "three or four minutes."

Cross-examined by Greenshields, Guérin said he believed that before Gallagher was decapitated, she was knocked unconscious by a blow to the face that broke her nose. "The injury to the nose was inflicted by a powerful blow from the fist, such as a strong man might deliver," he testified, adding to the nagging suspicion that Kennedy could not have acted alone. "It would require a very powerful blow to inflict such injuries, as the bones were broken and the nose completely smashed in."

Based on the amount of blood that had congested in Gallagher's brain, Guérin estimated she was alive for about half an hour before her head was cut off. "The initial blow must have caused a stupor or insensibility, and she must have remained in that condition until her life was extinct," he said. "The neck was hacked by blows given two inches apart, the hacking on the left cheek looked as if it was a bungled attempt to remove the head."

Kennedy's downstairs neighbour, Helen Troy, then took the stand. Troy told the court she heard a man and a woman arrive at 6 o'clock in the morning of Friday the 27th, and that the woman was the deceased. She could not identify her male companion, but was certain it was not the accused's husband, Jacob Mears.

"Mary Gallagher went round the back stairs, and came down the front stairs to let the man in," Troy said. At noon she heard someone fall and afterwards "heavy chopping which shook the house."

Under questioning by Devlin, Troy said that around two o'clock that afternoon she heard Kennedy shouting, "She has been looking for revenge, and now she got it at last." She appeared to be talking to herself. This was startling testimony. No one had yet suggested at the trial that revenge was a motive. Troy said she had no idea that anyone had been murdered until later in the day when she sent her son upstairs to investigate.

The court adjourned for lunch, and when it resumed sitting at 1:30, Troy continued her testimony. She said she had been warned to avoid Kennedy because people said she was "half crazy, out of her mind," but didn't believe Kennedy was insane. "She had been quiet since she moved in," Troy said. "It was only two nights before the murder, she was up all night, made noises and annoyed the neighbours. She called out to people in the street whether she knew

them or not. She did not do this when she was sober.”

Troy said she only heard Kennedy talk to herself once, and that was on the day of the murder.

“How did you know it was Kennedy talking to herself, since you say you had never had any conversations with her?” Greenshields asked. “How did you recognize her voice if you never spoke to her?”

“I saw her at the window.”

The next witness, Catherine Golden, who lived on the opposite corner of William and Murray, spoke of Kennedy’s behaviour on the afternoon of the murder. She said she saw Kennedy leaning out of the window. “She could hardly hold her head up, but she was shouting, ‘Leave me alone and go away or I’ll knock your brains out with an axe.’” Golden said the commotion attracted several children to the window. They asked her ‘Where’s Jacob?’ and she said, ‘I hope the Lord will bring him back all right.’ The children asked her if she was drunk, and she said she wasn’t.”

Golden also said she saw Jacob Mears come to the door of the house several times during the day, hesitate, and each time go away.

Constable Neal McKinnon said he was dispatched to the house because word of a murder had spread throughout Griffintown, “people could speak of little else.”

When he went upstairs he said he found the body lying on its breast, back up, “not entirely naked, but exposed.” He said he then found the prisoner asleep in a back room. “She had on several dresses, with blood on the lower part of her skirt.” When he arrested her, McKinnon said “she appeared to be nervous, as if from drink.”

At this point in the trial, the murder weapon was introduced as evidence. Detective Andrew Cullen identified the small blood-stained ax as the one he had found in a box in the bedroom. He said the ax had

blood and grey hairs on the blade, and the hair of the deceased “was mixed with grey.” In 1879, fingerprints were not yet used in criminal investigation – the first fingerprint files would not be started until 1891 – so there was no way of positively knowing who had wielded the ax. Cullen told the court that Kennedy denied killing Gallagher. “She told me the killer was a captain who came into the house with Gallagher and who gave her money to go buy some whisky. When she returned with the bottle, she said she then asked him for money to buy some apples, which he gave her. She said she went out to buy the apples, and when she returned Gallagher was dead and the stranger was gone.”

Ellen McCarthy identified the clothes Gallagher had been wearing the day she died and said she recognized her skirt because she sewed the trimming the day she and Gallagher walked to Lachine looking for a job. “The hat Kennedy is wearing now in the courtroom, that very hat is Mary Gallagher’s!” McCarthy said in an edgy voice.

With that, one of the jurors interjected. “I don’t see how you can swear by the hat. There are hundreds of hats like it in Montreal.” Such active jury involvement in a trial was common at the time.

Devlin then attempted to call Jacob Mears to the stand, but McMaster argued that a husband could not be required to testify against his spouse, and Judge Monk agreed.

Police chief Hercule Paradis said that when he interviewed the prisoner at the Young Street police station and asked her if she knew who had committed the murder, she had replied that it was a stranger. He added that Gallagher was a very strong woman, implying that he didn’t believe Kennedy alone could have murdered Gallagher.

James Harper, a carter who lived at 244 William

Street, said when he came home for lunch at noon, the prisoner was at the window of her house. Harper said Kennedy "was in the habit of talking foolish, and that most people in the neighbourhood thought she was crazy."

Harper said when he came home that evening, there was talk in the street that someone in the house had been murdered and that he was the one who first alerted police, asking them to come and investigate, and that he had accompanied McKinnon to the scene of the crime.

As the Crown's last major witness, Devlin called police constable William Garrick, who testified that on the day of the murder he saw a woman looking out of her back window on William Street whose "face was very red. She had scratches on her face. It appeared she had been in a scuffle." He said earlier that day, in the early morning hours as he began his shift, he had seen Mary Gallagher and Michael Flanagan on the street together heading for Kennedy's house. Garrick said he had known Susan Kennedy for about three years, and that she had a reputation of being a drunkard.

"I arrested her once, but she was so violent it took two men to restrain her. She had to be taken to the station around the corner in a cart. She is a drunkard, she's never had the reputation of being insane. She's only crazy when she's been drinking."

"You mean she was crazy with drink?" McMaster interjected.

The Crown objected to McMaster's question. "If insanity is to be proven, this is not the way to prove it," said Judge Monk.

"The accused was drunk when I saw her," Garrick insisted, "I didn't see her staggering, but I know she was drunk."

"Can you testify to any action of the prisoner which

might convince you that she is indeed insane?" McMaster continued.

Devlin objected, saying McMaster was leading the witness, and Judge Monk agreed.

Pressed by McMaster to describe in detail the scratches Garrick said he had seen on Kennedy's face, the police officer allowed that what he thought were scratches "might have been her hair streaming across over her face. I can't swear they were scratches."

With that, the case for the prosecution ended.

## Chapter Seven

## The Defense and Verdict

The court resumed sitting the following morning, Wednesday October 1, when Donald McMaster was called to present the case for the defense. His first witness, a Roman Catholic priest, Father Hector Lauzon, had been chaplain of the women's prison for three years and said he had the opportunity to talk to Kennedy on several occasions. Lauzon told the court he believed Kennedy was "a misanthrope, someone who wanted to avoid any human contact. Her disposition was a very curious one. She appeared to want to be alone. She would often burst out laughing for no reason, without those around her being able to make out the cause of her laughter."

"So, then she is of unsound mind?" McMaster asked.

Devlin objected to McMaster's question, saying a priest was not qualified to make such judgments. Judge Monk agreed. "If the insanity of the prisoner is to be proven, it must be proven by men of medicine, not by men of the cloth," he said.

With that Lauzon stepped down, and McMaster called his second witness, John William Mount, who was a surgeon and an alieniste, or a mental pathologist, with some experience of dealing with the mentally ill. Psychiatry was then an infant science. The term 'alieniste' comes from the Latin, *alienare*, to make strange. Mount only dabbled in psychiatry, but he was an undeniable presence in the courtroom. The fifty-year-old doctor was born in Mascouche, studied medicine at the short-lived Montreal School of Medicine, and obtained his degree from McGill in 1851. He spent most of his career working as company physi-

cian to the Copper Mine Company in Acton Vale before moving to Montreal in 1869, where he became attending physician to the Convent of the Holy Name of Jesus and to the Monastery of St. Joseph of the Good Shepherd. He was by no means an expert, but he testified that from what he could surmise, Kennedy was "rather strange. Her ramblings are natural, not at all forced," he said. "She looked sad, dull and indifferent to her circumstances. From her answers I came to the conclusion that she is unable to distinguish right from wrong."

In Mount's opinion, Kennedy was "labouring under melancholia, or what they call lipomania, brought on by domestic difficulties and aggravated by drink."

"A person is not only in this state while they are drunk," he stated, "but could be felt for several days after having been in liquor."

"Now, Doctor Mount," said Devlin, "as a professional gentleman of high standing will you undertake to swear that the prisoner is crazy?" asked Devlin.

"I have just given my opinion. I have already told the court I believe the woman is not in her right mind, that she is suffering from melancholy. She answered very indifferently."

"Would not the fact that she has been accused of this horrible crime be sufficient to make her morose?"

"As I said before, this might have had some effect on her state of mind. But the woman had a character and her character was not made in one day. I believe she is clearly disposed to this melancholy character."

"Then the fact of this trial is not in your opinion, sufficient to make her melancholy?"

"It may account for some of it."

Judge Monk interjected: "But you agree she knew what she was about?"

"Well she seemed to know what she was saying

when I interviewed her."

Cross-examined by Devlin, Doctor Mount conceded he had only spoken to Kennedy twice and that one of the interviews had been conducted through the bars of her cell in the women's gaol. The other was on the Saturday before she was put on trial. He had not, he said, been expected to be called as a witness.

"The first time I saw her, I asked her if she was well, and she said she was. She said she wasn't worried about the situation she was in, because it was a man, not her, that had committed the murder," Mount continued. "She said she slept well, and never had a headache."

On the two occasions Mount spoke with Kennedy, he said she denied being the killer.

"It is not me. It is a man what come to the house," Mount quoted her directly. Devlin objected to direct conversation being entered as evidence.

"Technically the Crown is correct," Judge Monk observed as he over-ruled the objection, "Direct conversation is not allowed, but under the circumstances I will allow it."

Judge Monk then asked Mount to confine his remarks to the mental state of the patient.

"If she behaved the same way on the day of the crime as she behaved when I interviewed her, I would have grave doubts as to her responsibility for the act," he concluded.

To build the case for insanity, McMaster called Kennedy's former landlord, John Monahan, to the stand. Monahan had rented one of his houses to Kennedy and her husband shortly after they were married.

"Was she of unsound mind at the time?" McMaster wanted to know.

Devlin again objected to the question, and Judge Monk agreed it was "too long ago" for the witness to answer.

James Flanagan, who owned a small neighbourhood grocery at the corner of Colborne (today Peel), and Ottawa streets added to the avenue of inquiry saying he always thought Kennedy was "a little silly," when she came into his store, but couldn't be specific. "It was just her general appearance," he said.

Even if they had wanted to, McMaster and Green-shields could not call Kennedy to the stand to testify. Before 1893, an accused could not be called as a witness in his or her own defense.

The proceedings adjourned at noon. Because the defense had called witnesses, McMaster would be the first to make his plea to jury; the prosecution would have the last word. McMaster started by pointing out that he had conducted the defense "under the greatest disadvantage, because the unfortunate woman accused of murder was not able to give him any useful information." The jurors, he said, had the option of bringing in one of three verdicts: guilty, guilty of manslaughter, or not guilty.

"As you know, initially three people were charged in this crime, but the bill against her husband was thrown out. In arriving at your verdict, you will have to decide whether Susan Kennedy alone committed the murder – or someone else."

McMaster argued that all of the evidence against Kennedy was circumstantial and that "circumstantial evidence should be considered with great caution."

Is it reasonable, he asked, to believe that Kennedy alone committed the crime with Flanagan in the room, "quiet, unobserving, and unparticipating?"

He defined murder as the result of "killing with fixed design, purpose and premeditation," and asked the jurors whether they really believed that Susan Kennedy "went about with any fixed design?"

"If you look at the evidence, the prisoner did not go looking for the deceased, she did not leave her house,

the deceased came to her house. There is nothing to indicate that the accused went about with any fixed design or premeditation. The element of design is wanting, and without design, I submit it is manslaughter, not murder."

"Not one witness has sworn that Susan Kennedy has committed this crime. You can only presume inferences. It has not even been proven that the gouges in the floor were exactly of the size of the blade of the ax with which the murder was said to have been committed. The most incriminating evidence that was presented was that the prisoner said she was looking for revenge and that she had got it. I asked Mrs. Troy [sic] if those were the exact words, and she said yes they were. 'She was looking for revenge, and she got it,' which is not the same as 'I was looking for revenge and I got it.' The prisoner had been heard to be talking about revenge for two days before the killing, and may have been referring to the killing of one Susan Carey on Bleury Street. The talk about revenge was quite common. What had she done to incriminate herself? She didn't leave her house, notwithstanding that a murder had been committed in it. She didn't flee. What motive could she have had?"

The police, he suggested, were "over anxious" to see the murder solved.

"Woe, woe, unutterable woe, follows those who spill the human stream," McMaster's voice soared dramatically. "How can this expression be reconciled with Kennedy quietly going to bed?"

Then, quoting Sir William Blackstone, the famous 18th century English jurist, McMaster reminded the jury "that the law holds that it is better that ten guilty persons escape than that one innocent suffer."

He then explored a celebrated case in Toronto in which an innocent man had been tried and convicted for the murder of another man whose body had been

found floating in the Don River. "Ten years after, with the convict tried and the condemned man rotting in his grave, a dying woman made a death-bed confession in which she said several prostitutes were guilty—they had killed the man and dumped his body in the Don, then successfully conspired to frame an innocent man."

"The defense does not rely on the plea of insanity alone," he argued, "but on the double position that there is no evidence that Kennedy and Kennedy alone struck the blow, and if she did strike it, she was not in possession of her faculties."

McMaster had spoken for about one hour.

Devlin then rose to deliver the Crown's final remarks. He thanked McMaster and Greenshields for giving Kennedy the best defense they could under the circumstances, then turning to the jurors, he said notwithstanding their efforts, the defense team had failed to make its case.

"I wish you could rise from your deliberations and say that this woman, Susan Kennedy, had nothing to do with the murder of Mary Gallagher," Devlin said. "But you cannot. I do not have the shadow of the doubt that she did, without giving the unfortunate deceased time to confess her sins, to say 'God have mercy on my soul!' I may be wrong, you may be wrong, but it is either murder or nothing. Her intention was undoubtedly to cut the body to pieces, and that it is hard to conceive of a crime more heinous."

Devlin reviewed the evidence, and said nothing in court could lead the jurors to believe that the accused is of unsound mind. "If you accept the accused is of unsound mind, then Canada will soon outstrip the United States where the insanity dodge is the favourite defense."

"The prisoner has no right to mercy from this court," he concluded. "All a jury can say is 'May God

have mercy upon her soul,' because, under the circumstances, only Almighty God is in a position to show her mercy."

All that remained was for Judge Monk to instruct the jury.

In his remarks, Judge Monk said the jurors would have to consider, "Was Mary Gallagher murdered, slain or killed?"

Telling them to ignore anything they might have read in the press, he cautioned the jury to arrive at a verdict "without any prejudice and without any relation to what you might have read."

You have heard the evidence of a doctor, of a policeman, and of other reliable witnesses who testified under oath that on the 27th of June there was found in a room in a house on William Street a woman killed in a murderous manner, her head and her right arm [sic] cut off. This woman did not meet her death as the result of any accident, but at the hands of someone who was there.

In the absence of any explanation of the fact that someone was slain, and not only slain, but butchered, it devolves upon a court of justice to ascertain who the author of this frightful crime may be.

It also has to decide what constitutes murder.

You have been told by the counsel for the defense that it was not murder and that you might bring in a verdict of manslaughter. You might also find that when she committed the crime she was not in an unsound state of mind.

Murder is putting to death with malice aforethought. That is the general definition. The learned counsel laid great stress upon the absence of malice; he tells you there is no proof the prisoner entertained any malignant feelings to-

wards the deceased. I would suggest that if, without cause, or what is called by misadventure, you not only slay but butcher a fellow creature, the law presumes malice. When there is no excuse, the law presumes malice, and you cannot overlook that fact. It is a question of law.

Reviewing the evidence, Judge Monk reminded the jury that the presence of Flanagan in the house at the time of the murder was based on the prisoner's testimony alone. It was Flanagan's word against hers, and Flanagan was not on trial. A trial judge in Canada has great latitude in analyzing the evidence, but Judge Monk seems to have tipped the scales against Kennedy when he concluded his remarks with a personal opinion and all but proclaimed her guilty. "It has been pretended that this woman is insane, but she is nothing of the kind," he stated, "All of the evidence in this crime shows a concurrent conclusion."

The jury retired at 4:40. A quick verdict was anticipated, and it did come quickly. It took little more than an hour for the jurors to file back into the courtroom. None of them looked at the prisoner in the dock. All rose as Judge Monk returned to his seat. The clerk addressed the court:

"Gentlemen, how say you? Do you find the prisoner guilty or not guilty?"

"Guilty with a recommendation for mercy," said the foreman.

Kennedy blushed as she reached out to touch the rail of the witness stand, but her face remained placid as the courtroom was filled with a bursting sound.

"A tremor ran through the dense crowd and as with one accord the sea of faces turned upon the wretched woman in the dock," *The Herald* reported. "She made no reply, but almost immediately turned and sat down exhibiting for a time the same stolid indifference and want or realization of her position."

## Chapter Eight

### Michael Flanagan – The Great Unchanged

The following day, Friday October 3, Michael Flanagan went on trial for murder. Tall and muscular with a long wolfish face, the accused looked "more haggard than when he appeared before the coroner," observed *The Star*; "The prisoner's confinement does not seem to agree with him." As the charge against Flanagan was read, his eyes darted around the courtroom, "scanning the faces of those who were to testify against him." *The Gazette* described him as "calm and collected, he exhibited no symptoms of nervousness."

Judge Monk was again on the bench, but instead of McMaster and Greenshields acting for the defense, Flanagan was represented by the highly respected outgoing president of the St. Patrick's Society that year, Peter Joseph Coyle. Coyle was forty-two. He had been born in Ireland, but came to Canada with his parents from County Cavan when he was still a child. Educated by Jesuits at Regiopolis College in Kingston, Ontario, Coyle studied French at St. Hyacinthe, before being admitted to the Quebec bar in 1870. It took less than an hour to set the jury, and once that was done, Devlin opened for the Crown by telling the jury that in order to acquit Flanagan it would have to believe that Mary Gallagher was "knocked down and killed like an ox within ten feet of him, and that he heard nothing."

As he outlined the Crown's position, Devlin said Flanagan met the murdered woman on a wharf in Old Montreal, and they retired "to some very low tavern where they spent the night in dissipation."



"We will show that Michael Flanagan is responsible, because if he had not spent the night in debauchery with Mary Gallagher, Mary Gallagher would still be alive today." Recapping the sequence of events, Devlin maintained that after Flanagan arrived at Kennedy's house, he drank whisky and "feeling heavy went to sleep, leaving the two women alone in the kitchen."

"He heard no quarelling, no sound. Sometimes afterwards, he woke feeling very thirsty and asked Mrs. Mears to go out for some beer. This was after the murder. Did he not notice blood on the woman? There was blood upon her clothes, upon the wall, on the floor, and upon her bed. He didn't see the blood, but he did see the dead woman lying on the floor, and that's all he saw!" Devlin was incredulous. "There was this woman lying there without any clothing and with her head taken off, yet he says he did not know she was murdered!"

Devlin went on to say that Flanagan fled the house, planning "to return after dark and help Kennedy get rid of the body."

He reminded the jurors that now that Kennedy had been convicted of the murder, "to shield this man from the crime is impossible."

Many of the same witnesses who had testified at Kennedy's trial again took the stand, but this time the evidence was often even more contradictory. In presenting the floor plan of the crime scene, George Glackmeyer told the court that given the way the stove was positioned in front of the doorway leading into the kitchen, it could have blocked Flanagan's view of the body as he left the building, or that "he might have seen someone lying on the floor behind the stove without realizing the person was dead."

The Crown's case wasn't helped when Helen Troy told the court she couldn't identify Flanagan as the

man who had arrived with Mary Gallagher, and didn't hear or see him or anyone else leave the upstairs flat.

The court broke for lunch and, after the recess, Detective Andrew Cullen took the stand. In his testimony, Cullen said that unless Flanagan walked out of the building with his eyes closed, "it was impossible for him not to see Gallagher's body on the floor. There was something very striking about its appearance," he said with delicious irony, "and the light in the room that afternoon was very clear." The flow of witnesses was steady, rapid and sometimes confusing.

Inexplicably, Devlin called Kennedy's husband, Jacob Mears, to testify. Mears proved to be the least credible person on the stand. He said he had never seen Flanagan before he showed up at his house with Mary Gallagher. Gallagher, he said, had come to his house several times, and, each time, he told her to leave and not to come back. "I never wanted her around," he said. When she arrived with Flanagan on the morning of Friday the 27th, he said he left the house to buy crackers and beer for breakfast. It was only after he came back for dinner that he discovered a corpse on the floor. Mears said when he scolded his wife that a murder should take place in his house, she abruptly told him to shut up, and he again left the house.

Peter Coyle called four witnesses for the defense. All of them said the same thing. Flanagan's brother, James, testified that "drunk or sober," his brother was a heavy sleeper, who often slept fifteen hours at a stretch. Michael Kearns, a stevedore who worked on the docks with Flanagan said Flanagan would have been exceptionally exhausted on the morning of the 27th because they spent the evening before the murder loading salt aboard the *Alma Monroe*. John Morton, who had once roomed with Flanagan said he had often shared a bed with him, and that he was "a

heavy sound sleeper, not easily roused." Flanagan's mother, Jane Tierny, also confirmed that her son was "very hard to wake." She also said that the day after the murder she washed her son's clothing, and that there were no bloodstains on any of it.

With that, all of the evidence was in, and even though it was now late in the day, after six o'clock, Judge Monk began his charge to the jury.

"It is important for you to remember that this was a conflict between one woman and another much older woman," he said. "The accused was in bed with the murderess reeking of blood. There is no evidence that the prisoner was either drunk or asleep. We only have his word for it. If he knew that a murder had been committed, he would had to have been born a fiend, deprived of all human feeling, to then have gone to bed with the killer. The defense has endeavoured to prove that no blood was found on the prisoner's clothes. That in itself is astounding – if he was in bed with the murderess immediately after the murder – she reeking of blood, yet no blood was found on his clothing. It is all very strange, and if you have doubts, as I do, you must give the prisoner the benefit of the doubt."

The jury retired, and that evening returned to the courtroom just before 10 pm to ask whether it was at liberty to reject the evidence of Jacob Mears altogether.

"It would be very serious to reject all the evidence, but if you don't believe a word of it, you may," Judge Monk told them.

"We don't think Jacob Mears knows what he was talking about," one of the jurors said.

"We don't think he's of sound mind," said another.

Judge Monk was prepared to discuss the jury's reservations, prepared to assist them, but said they had to accept what Mears said, "unless of course you

believe him to be lunatic or totally irresponsible. The evidence is entirely at your discretion. If you don't think he's a credible witness, you need not believe him."

The jurors whispered among themselves, and Judge Monk asked them whether they wished to retire to consider the evidence.

"Considering what you have just said, we agree. The defendant, Michael Flanagan is not guilty."

With that, Flanagan's lawyer suggested that, "if there was nothing further," his client should be released.

"Surely you must know there is something further, Mr. Coyle," Judge Monk replied. "There is another indictment. He has been found innocent of murder, but he is still charged with being an accessory."

"I move that sentence be passed tomorrow on Susan Kennedy, and I shall then proceed with the trial of Michael Flanagan on the other charge against him," declared Devlin.

\* \* \*

The next morning, a Saturday, in keeping with the judicial custom at the time, Judge Monk donned a lugubrious black hat and a pair of black gloves before he pronounced his sentence. Kennedy was brought into the courtroom, "looking paler than during her trial." Judge Monk asked her whether she had anything to say.

"Jacob was not in the house," she said softly. "Flanagan said, 'My God, the woman's head is cut off.' I am sure Flanagan is not guilty. He did not kill her. He was sleeping. It was the man she let in what killed her. Mrs. Troy [sic] saw him go out. I did not kill her. I was asleep. I am not guilty. That's the truth."

She fingered the brooch she was wearing and showed it to the judge. "The breast-pin was bought by my husband, see. A man named Brown knows it. He lives

in the city somewhere.”

The courtroom fell silent.

Judge Monk, ramrod straight in his chair, began to speak.

“You have been found guilty,” he stared at the prisoner. “I do not wish to offer any unnecessary observations to add to the sorrow and anguish which you must feel in your present awful position. But some things must not be forgotten. You and only you butchered and mutilated your friend, on the very spot where you had been carousing with her wretched paramour up to the moment of the murder.”

It was not the first time Judge Monk had sentenced someone to die.

“Your cry of exaltation at finding the vengeance you had so long sought points to you as the chief actor in that fateful, bloody tragedy. The jury has recommended you to mercy. You had none. Your rash and murderous hand was prompt and sudden in the work of death.”

“I’m not guilty,” Kennedy interrupted, raising her right hand in defiance, “Not guilty.”

“You have no appeal now except to the Throne of Infinite Mercy,” Judge Monk continued. “Seek and seek early the only means of consolation which you can now find on earth. You will have time for repentance and contrition, and let us hope for reconciliation with an offended God. You gave no time to your fellow creature, one of your own sex, whom you so foully murdered, but I will give you time to prepare for your own death. Make good use of it. It is therefore the sentence of this court of Our Sovereign Lady, The Queen, that you, Susannah Kennedy shall be taken henceforth from this place to the common jail, and there remain in custody until Friday, the fifth day of December when you will be taken from the said common jail and conducted to your place of execution, and

there you shall be hanged by the neck until you are dead. May God have mercy on your soul.”

Her mouth twitched and her face had a vacant stare.

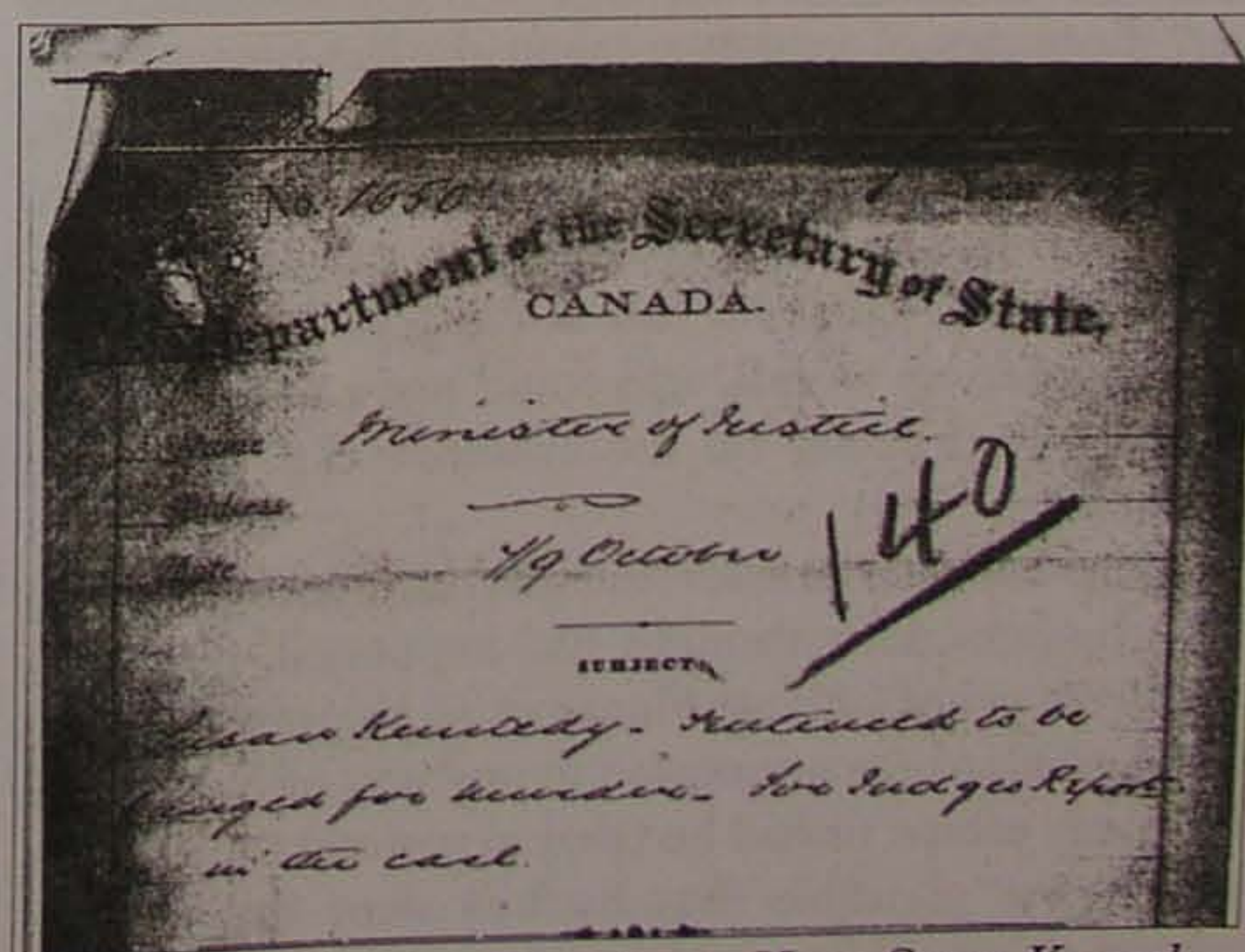
“Not guilty, I am not guilty, I am NOT guilty,” she repeated, then as she was led away she turned to Judge Monk, and said with a shrug, “I don’t care.”

\* \* \*

That was not the end of it. Flanagan was back in court the following Monday, charged with being an accessory. Although the cast was the same, the script was much altered. Even Devlin had second thoughts about proceeding with the case given that “important links in the chain of evidence were missing.”

Addressing Judge Monk, Devlin said he would defer to the discretion of the court on whether the indictment should be quashed.

“The court has no discretion, Mr. Devlin,” Judge Monk replied, “It is for you to tell us what you propose.”



Minister of Justice's Directive to Hang Susan Kennedy

"I propose to leave it in the hands of the court," Devlin said.

"I agree the case is weak, but the point for you to consider, is do you have enough evidence to proceed. If you think the evidence is insufficient to convict, then say so." Then turning to the defense, Judge Monk asked, "Mr. Coyle, what do you propose?"

Coyle agreed with Devlin. "It is not often we agree, and let me say in this matter, it gives me all the more pleasure to see that we share the same opinion."

There was laughter in the courtroom, and Devlin, perhaps not wanting to be ridiculed, or accused of not doing his best, decided to push on with the case.

"We are not exactly of the same opinion, Mr. Coyle," he said dryly, "I have a moral obligation to seek a conviction. Let us proceed."

A new jury was chosen, and another trial began. The coroner, Joseph Jones; Dr. Guérin; constables McKinnon and Cullen again all took the stand, and repeated the same evidence they had at the previous trials. Rather than continue calling the same witnesses, Judge Monk had the court clerk, Schiller Brébant, read the notes of evidence taken during Susan Kennedy's trial instead. Realizing there was nothing further he could add, Devlin said the prisoner had indeed been lucky to have been acquitted on a charge of capital murder, but that he had nothing new to add, no other witnesses to call, and could not ask the jury to convict the prisoner on the evidence that had been presented.

Judge Monk addressed the jury, and said no matter what he personally thought had happened, there was no direct proof linking Flanagan to the crime. In no way had Flanagan attempted in any way to help Susan Kennedy escape or had he tried to conceal the murder, and it was plausible that he had slept through the whole thing. "His conduct in this matter is quite

extraordinary, I agree," Judge Monk said, "But considering the evidence, I must instruct the jury to acquit the prisoner."

Before the jury could retire, Coyle rose and made an application to discharge the prisoner, which Judge Monk immediately granted.

Flanagan walked out of the courtroom a free man.

Had Flanagan been convicted of murder, he would almost certainly have been sentenced to go to the gallows the same day as Susan Kennedy. With that, justice would appear to have been done and the memory of the murder of Mary Gallagher would have faded from public consciousness, vaguely remembered as time went on as one of the few really sordid crimes in Montreal's history. But his unexpected acquittal on both charges deprived the case of a sense of closure. Rumours took hold that at least three of the jurors had been close friends of Flanagan, and that explained the jury's quick verdict. Flanagan freely talked about the murder, never admitting a shred of involvement and never displaying any sense of guilt. Doubts lingered in the public mind, the murder remained an unsolved mystery, tantalizing the public memory where unsolved mysteries fester.

The crime and the verdict shocked and titillated, but other strange circumstances yet to come would commit it to folklore.

## Chapter Nine

## "A Strange Co-incidence"

Edouard Langevin, Canada's under-secretary of state first learned of Kennedy's death sentence when he read about it in the Ottawa papers. Irritated because he had not been officially informed, Langevin wrote to Montreal's court clerk, Schiller Brébant, on October 7 asking "that the judge who tried the case be written to and his attention called to the necessity of sending at an early day as the law requires, his report in that matter, and a copy of the notes of evidence."

Ten days later, Judge Monk's report landed on his desk. Then, on November 1, Omer Chaveau, the sherriff of Montreal, sent a confidential letter to the justice minister, James McDonald, a fifty-one-year-old lawyer from Pictou, Nova Scotia, who had held the justice portfolio for one year.

A petition has been formed in favour of a commutation in the case of Susan Kennedy in the case of murder. I take the liberty of sending it to you - on the subject in fairness for the poor creature. I have watched the whole progress of the case and have visited with her chaplain and I saw her again a few days ago. She certainly does not appear to realise her position - On the whole I take the liberty of recommending her to mercy as I do believe she is of weak and unsound mind and as to the evidence, it is impossible to say what really took place between Flanagan, the deceased and her. On that point, I seemed to have expected a verdict of manslaughter although it might have appeared inconsistent with some of the facts of the case. The gaoler, Mr. Payette, who had her frequently under his

charge had urged the establishment of a separate jail for women, states that she was a very eccentric person and not of sound mind. The recorder who had her under his wing says the same thing. I saw her again a few days ago. She certainly does not appear to realize her position – on the whole I take the liberty of recommending her to mercy as the press have done and if you think it may be of any credibility, although this letter is marked private, make use of it.

The cabinet met on Monday November 2 to discuss the Kennedy case. Coincidentally, it was All Soul's Day, when Roman Catholics pray for the dead and sing the Office of the Dead. The irony was not lost on the superstitious who believed that on All Soul's Day, the dearly departed could wander the earth and appear to people who had wronged them during their lifetime as will-o'-the-wisps, phantoms or witches.

Prime Minister Sir John A. Macdonald presided over the deliberations. All twelve of his ministers were present, including Justice Minister McDonald and Quebec's three ministers: State Secretary Langevin, Minister of Inland Revenue Louis-François Baby and Minister of the Militia Louis-François Masson.

Only two women in Canada had been hanged since Confederation – Phoebe Campbell, who was executed in London, Ontario in 1872 for the murder of her husband, and Elizabeth Workman, hanged in Sarnia the following year for killing her abusive husband.

Campbell had fallen for a young farm hand, Thomas Coyle, and as she wrote in her confession, "one thing after another passed on between us until he began to draw my love to him, and when I was in such passion, I would do things I was later sorry for." In one such fit of passion, she took an ax to her husband, George, and then tried to blame the murder on two

black men.

Workman, "a good mother to her son and daughter by her husband's previous marriage and a pious member of her local church," clubbed her drunken husband, James, to death with a piece of wood. She readily confessed to the killing. Although the jury at Workman's trial had recommended mercy, Macdonald saw no reason to commute the death sentence and she was hanged on May 19, 1873. It proved to be an unpopular decision. Workman's execution was public, and because many people felt she had some justification for her crime, public opinion was outraged.

The cabinet had considerable leeway in dealing with Kennedy's case. Under Canadian law at the time, someone whose mental condition was questionable could be held responsible for murder, but the law allowed the cabinet to commute the sentence on the grounds that a suspected lunatic was in no condition to make their peace with God, and therefore should not be executed. As Chauveau's letter made clear, public opinion that normally recoiled at the idea of putting a woman to death, would be inflamed even more if a female lunatic was executed. The cabinet took advantage of the loophole.

On November 3, the Privy Council met with the governor-general, the Duke of Argyll and Marquis of Lorne, at Rideau Hall and, without discussion, approved Macdonald's recommendation that the sentence be commuted. Lorne "thought fit to order, and it is hereby ordered, that the sentence of death so passed on Susan Kennedy, be commuted into imprisonment in the St. Vincent de Paul Penitentiary, for life."

St. Vincent de Paul was a new prison that had been opened six years earlier on the north bank of the Rivières des Prairies, about fifteen kilometres from downtown Montreal. It had no facilities for women, so

Kennedy didn't remain within its walls for very long. On November 22, the secretary of state of Canada, "saw fit to direct the removal" of Kennedy to the Female Department of the Kingston Penitentiary. Six days later, the warden of the Kingston Pen, John Creighton, confirmed in writing he had "received from Michael Kerrigan, of the St. Vincent de Paul Penitentiary the person of the convict Susan Kennedy, transferred under the warrant of the Hon. J.A. Atkins, Secretary of State of Canada." When she caught her first glimpse of the prison, with its forbidding limestone walls, she may well have thought that death was preferable to her new surroundings.

<i>Warrant</i>
to
<i>The Warden of the St. Vincent de Paul Penitentiary</i>
to deliver to
<i>Michael Kerrigan</i>
the convict
<i>Susan Kennedy</i>
<i>removed from the St. Vincent de Paul Penitentiary</i>
to the
<i>Kingston Penitentiary.</i>
<i>Dated 22<sup>nd</sup> November 1879.</i>
<i>Recorded 24<sup>th</sup> November, 1879.</i>
<i>Lib. I. — Fol. 327</i>
<i>H. Hatfield</i>

Warrant to Move Kennedy to Kingston Penitentiary

The Kingston Penitentiary, with its high walls and five turrets, had been built on the shores of Lake Ontario in 1835. Until 1873, when St. Vincent de Paul opened, it had been the only maximum security prison in central Canada. It was inspired by Sing Sing Prison and the Auburn Penitentiary which were already in operation in New York State.

Because there were so few female prisoners, women in the institution were regarded as a nuisance, and were generally treated within the system as an inconvenience. Kennedy was searched, showered, disinfected and assigned a number, 9677. She would no longer be known by her name. She was shunted into a basement away from the men, given less to eat than the male inmates, subsisting on tea with white bread for breakfast, soup, bread, potatoes and meat for dinner, and tea, bread and molasses, with vegetables in season, for supper. Enterprising female convicts made homemade booze from tomato juice, potato peels and other food scraps. The Female Department in Kingston was under the supervision of a "matron", Mary Leahy, and a "deputy-matron", Mary Bostridge, who reported to the warden. Male inmates in Kingston had their own separate facilities, including their own kitchen and laundry that were run by the prisoners themselves.

That might have been the end of it, but, as in all things Irish, the unforeseen almost immediately occurred.

\* \* \*

On Friday December 5, the very day Kennedy was to have been hanged in Montreal, Michael Flanagan was involved in a fatal accident and drowned. The story in *The Gazette* mentioned "the strange co-incidence that Flanagan should have lost his life on the very day that Susan Kennedy was to have been hanged

for a crime, with the circumstances of which he was so intimately connected."

ANOTHER FATALITY,  
A Strange co-incident.

The name Michael Flanagan will be familiar to all who read accounts of the Griffintown murder and the particulars of the trial of the three persons who were accused of having committed that horrible deed. Flanagan, it will be recollected, was one of those tried, but he was acquitted. Susan Kennedy on the contrary was, as is well known, sentenced to death which was afterwards commuted to the penitentiary for life. Had her sentence not been remitted she would in all probability have yesterday suffered the last penalty of the law; and had the verdict of the court been the reverse of an acquittal, in the case of Flanagan, there is also extreme likelihood a similar fate would have been his on the same day. Flanagan, however, though he was to suffer a violent death, was not as the old saying has it, "born to be hanged." The unfortunate man was yesterday drowned in Wellington Basin whilst working in stowing barges for the winter. He slipped and fell into the water, his body quickly disappearing beneath the ice...

The body was pulled from the water at 3:15 in the afternoon, and, as *The Herald* reported, "Deceased was evidently killed by the fall as the flesh was cut and the skull fractured where it came in contact with the barge. Neither the authorities nor the relatives of the deceased deemed it desirable that an inquest should be held." Flanagan was buried the next day, a Sunday. Five hundred people followed the hearse as his remains were conveyed from his mother's house on Ottawa Street to Notre Dame des Neiges Cemetery.

"A large number had congregated in the neighbourhood in anticipation of a demonstration of some kind," reported *The Gazette*.

To those in Griffintown who believed Flanagan knew more about the killing than he let on, his death was not accidental, but providential.

Mary Gallagher, they clucked in agreement, had returned from her grave to avenge her murder.

\* \* \*

Susan Kennedy probably never learned of Flanagan's accidental death. She was confined to a basement cell, received no mail or visitors, and was put to work as a seamstress. In the fiscal year 1878-79, she helped turn out 1,817 pairs of socks; 1,431 flannel and cotton shirts; 1,380 towels; 382 pairs of pants and 902 handkerchiefs.

The aims of employing women in these occupations were twofold, on one hand was the obvious production value realized by the facility; on the other was the hope that they would learn the "necessary" skills to survive "honestly", and in a traditional way, on the outside. Most of the work carried out by the women seems to have been sewing and knitting. In 1881, a ward for the insane was built on the south-west grounds of the prison, and Kennedy was moved into "a lightsome, thoroughly ventilated cell," next to a grist mill, which, with its noise and constant vibration, was, according to one critic, "eminently calculated to intensify her misery."

Kennedy worked on the scarlet tunics and grey britches worn by the North West Mounted Police, and, in 1885, and during the Riel Rebellion, was put to work stitching the uniforms for the soldiers who were sent out west.

Kennedy received no psychiatric help while she was in prison. There were no nursing or medical facilities in the insane ward. Nor was her case ever reviewed.



"Liberation Interviews", as they were then called, were not conducted with women, although male prisoners had had the right to have their cases periodically reviewed since the prison had opened.

Prison records show that on July 29, 1890, at the age of thirty-six, Susan Kennedy was admitted to the prison hospital by Dr. O.S. Strange, while suffering from phthisis, or pulmonary tuberculosis. Two months later, on September 26, she died "a model prisoner, and a temperate soul."

There are no records of her body having been buried. It is presumed her corpse was turned over to the medical faculty at Queen's University and was dissected.

## Afterword

Whispers gave birth to a legend.

By the time Susan Kennedy died eleven years after the murder, she was all but forgotten in Montreal. Mary Gallagher was not. Her murder horrified and confounded an avid public. Flanagan's acquittal in the case left the door open to decades of speculation. It wasn't easy to stop the gossip. The many versions of Gallagher's life and death stimulated many a Sunday sermon about the evils of prostitution. By the turn of the 20th century, fiction had outstripped the facts, and she had become the city's first English-speaking ghost. The notion of her spirit coming back to her old haunts to look for her head took flight. The first "ghost sighting" seems to have been in 1900, twenty-one years after the murder. Montreal lawyer, mystery writer and long-time historian of the St. Patrick's Society of Montreal, Timothy Patrick Slattery, who died in 1985, recalled that he first became aware of the ghost of Griffintown in the early 1920's when he was still a boy and "everyone was into spiritualism and the supernatural." On October 27, 1928, *The Montreal Star*, perhaps priming its readers for Hallowe'en reported that "a bona-fide headless ghost, in the form of a woman, is said to have been seen by a half a dozen different people on as many nights."

"Although reports of the first appearance of the phantom are conflicting, it seems that one night last week a woman rushed screaming into the police station on Young Street. She was pale and distraught and evidently in a state bordering on collapse. 'A ghost,' she cried, 'Up on William Street, Oh!' Police searched the neighbourhood with no results. That was the first time they had searched. It wasn't the last. Hardly a night goes by without a wild and wearisome chase for

the elusive phantom. The police are inclined to be incredulous. Not so the inhabitants of the place." The story, under the headline, "Griffintown Claims Ghost of Murdered Woman Has Returned to Look for Head," said "seven years after the crime, and every seven years since, the headless ghost is said to have returned to the spot of the murder and with low and awesome moans paced the streets at midnight supposedly searching for its head. This is one of the 'seventh' years."

"Patrick Murphy, grocer, told *The Star* last night of the stories he had heard about the ghost. The grocery store is sort of a meeting place for the neighbourhood and all the tales are brought to the proprietor. Mr. Murphy explained that had the tales come from young fellows he might not have believed them, but that those who had seen the spectre were middle-aged and reliable men. 'One of these,' he said, 'saw the ghost last Monday,' and according to the grocer, has been in bed ever since."

No one is quite sure why Gallagher is said to return every seven years: it may have something to do with the fact that Susan Kennedy's husband, Jacob Mears, died on January 27, 1893, 14 years after the murder, leading neighbours to recall the story and that sightings were reported seven years later in 1900.

Some true believers, however, insist the phantom appears at random.

The more skeptics and unbelievers tried to debunk the story as a fantasy, the more it grew. The cramped streets of Griffintown with their run-down, dilapidated buildings, especially by the light of a full moon, were conducive to ghost sightings. Gallagher remained an important part of Montreal's Irish lore between the First and Second World Wars, but her story, if not completely forgotten, became rather frivolous by the 1950's. The construction of the Bonaventure Express-

way in 1965 obliterated part of the neighbourhood. Then, in 1970, Griffintown was dealt a double blow: the Lachine Canal closed for good and the heart and soul of the community, St. Ann's Church, was torn down – even though it still had a vibrant congregation.

The final blow came when, for reasons known only to Montreal's Mayor Jean Drapeau, Griffintown was rezoned as a light industrial district, which meant that any residence that burned or was demolished could not be rebuilt. Auto-body shops proliferated while the number of Griffintown residents declined to a mere handful. With the construction of the Ville Marie Expressway in the 1970's, Griffintown's main streets, Notre Dame and St. Jacques, were transformed into little more than service roads. It was around this time that Gallagher was again resurrected, this time as a metaphor for the old Irish blue-collar neighbourhood which was not only dying but, like Gallagher, cut in two.

Occasionally, Mary Gallagher's story was mentioned in books. Frank W. Anderson wrote a fanciful chapter about the case in *Canadian Women on the Gallows 1754-1954*, which was published in Western Canada. From its very first sentence, "The *three* storey house, at 242 William St," Anderson's account is seriously flawed, but is, however, the first attempt to make the story familiar to those outside of Montreal. Anderson didn't realize the supernatural aspects of the tale, and what he didn't know, he concocted. So in his version, Kennedy's "mental health deteriorated rapidly" after she was sent to Kingston, where "she died of a social disease."

The Griffintown reunion instigated by Father McEntee in 1991, and held again in 1998 and in 2005, commemorates the vibrant spirit of this Irish working-class community, which film-maker Richard Burnam says was "mercilessly obliterated in the last

half century by urban renewal. For most who gather, it is not the ghost of Mary Gallagher but the ghosts of long-lost Griffintown which beckon.”

So long as Griffintown’s spirit remains alive, so too will the spirit of Mary Gallagher.

MONTREAL MAY 27, 2005

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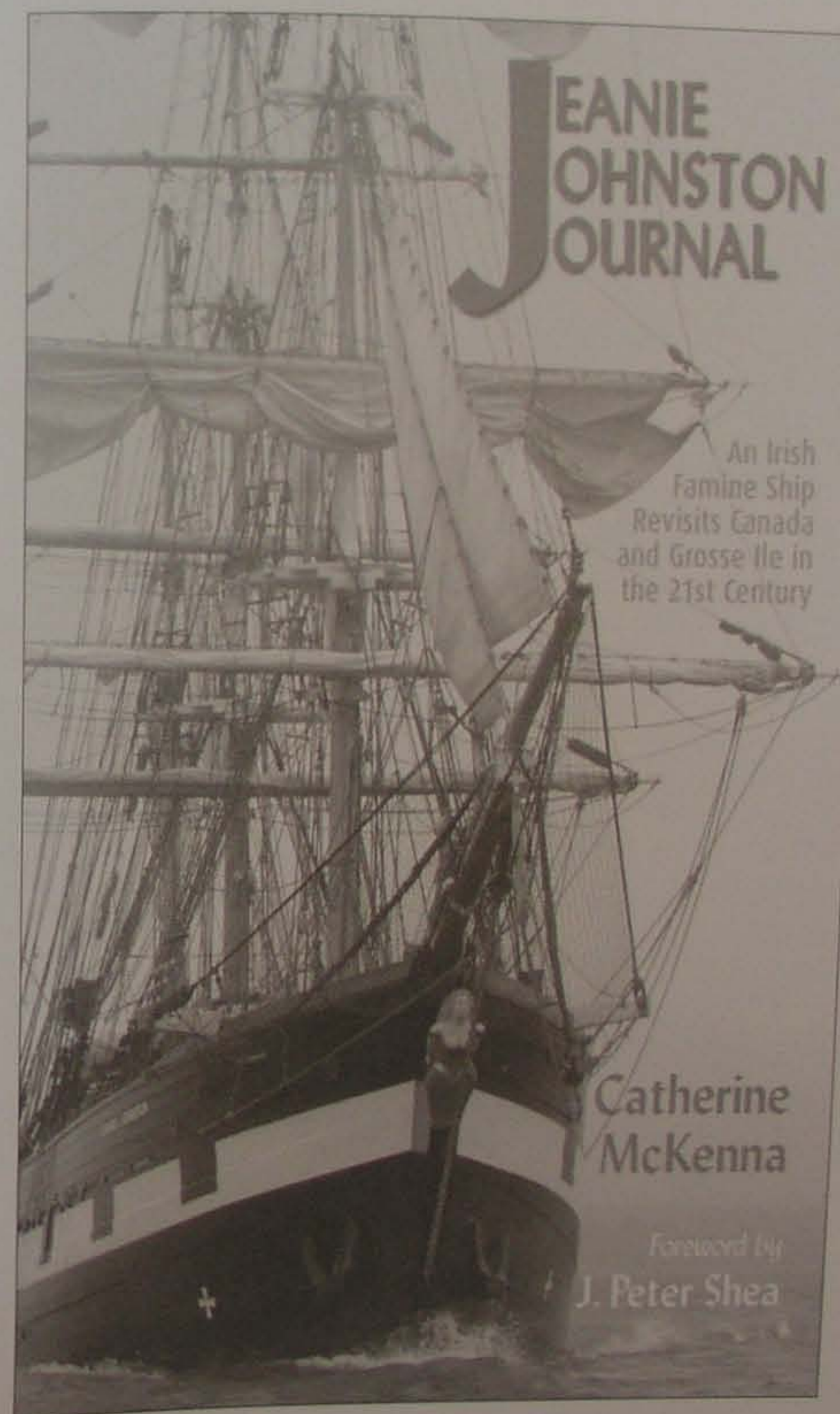
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**"Murder will out," wrote Chaucer in *The Prioress' Tale* – but he was an Englishman. The 1879 murder of Mary Gallagher in Montreal's Irish neighbourhood of Griffintown has never been conclusively explained. Did her fellow prostitute, Susan Kennedy, kill her? Kennedy was convicted of the crime, but denied any involvement. Even if Kennedy committed the deed, was she legally sane? And did she act alone? Evidence pointed to a customer common to both Kennedy and Gallagher, but he was found 'not guilty' – only to die on the day Kennedy was originally scheduled to hang.**

**Quite apart from the facts of the crime, is the legend of Mary Gallagher's ghost. Is the corner of William and Murray streets haunted? Does Gallagher reappear every seven years? Is she looking for her head – or her killer?**

Born in Saskatchewan, Montreal *Gazette* reporter Alan Hustak moved to Montreal in 1967. He has worked as a national television reporter for CTV, in Edmonton as a CBC radio reporter and as an editor at *Alberta Report*.

He is the author of several books, including *Lougheed; They Were Hanged; Titanic: A Canadian Story; St. Patrick's of Montreal, the Biography of a Basilica*, which was a finalist for the 1998 QWF Mavis Gallant Prize; and most recently, *Sir William Hingston (1829-1907) Montreal mayor, surgeon and banker*.

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