

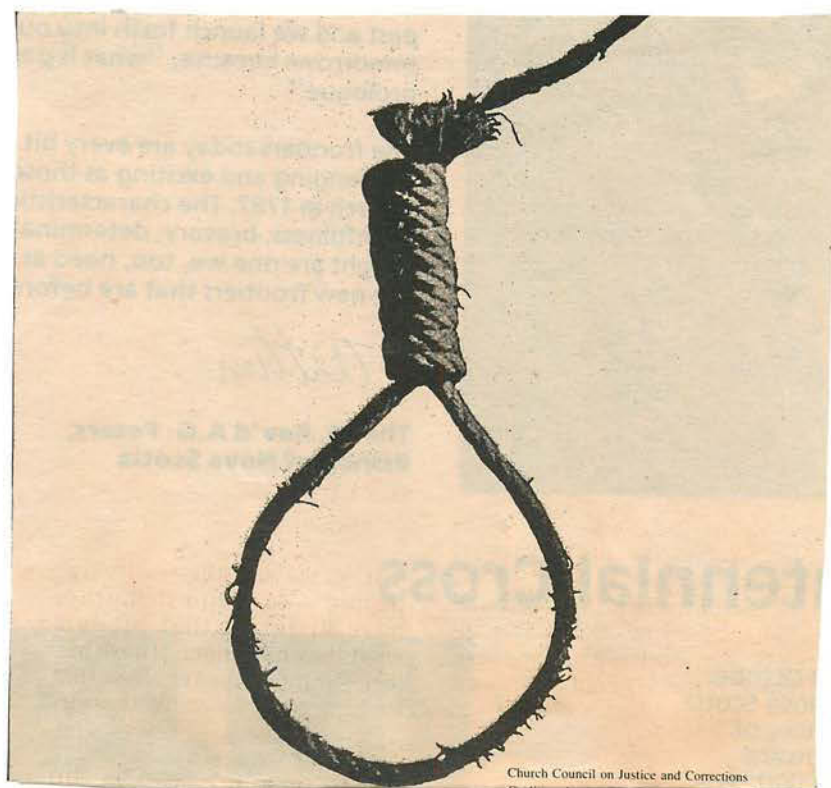
GASPÉ OF YESTERDAY

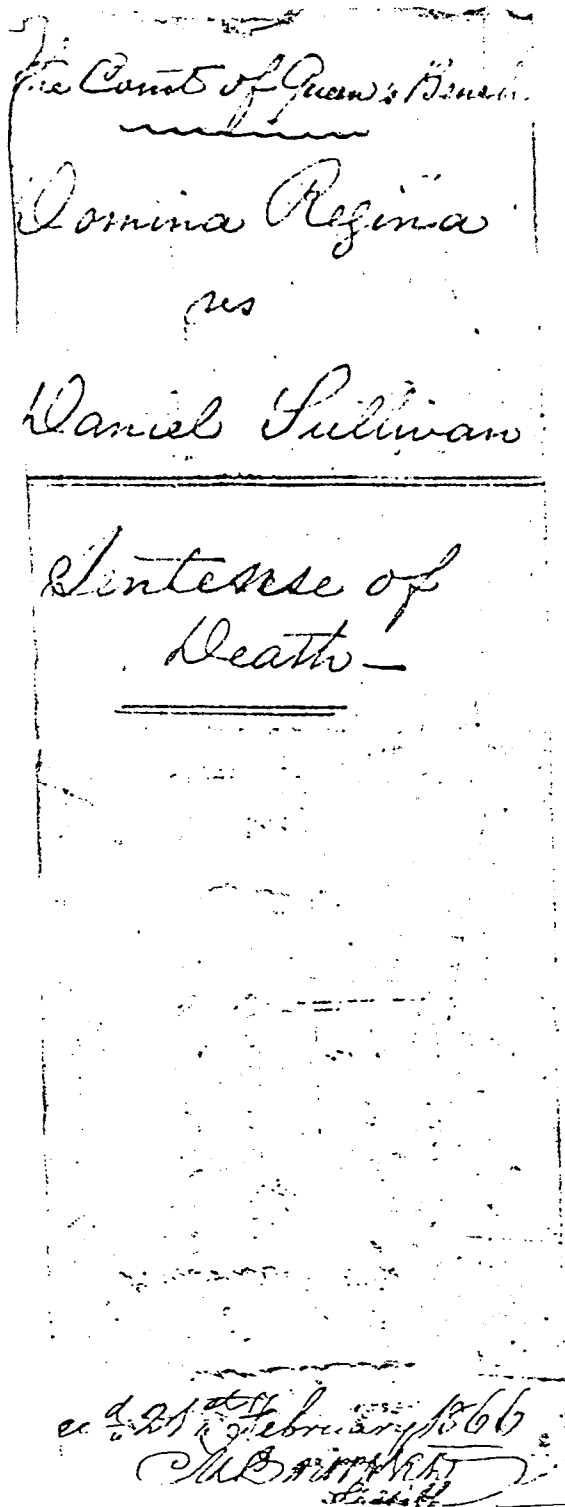
DANIEL SULLIVAN

SENTENCE OF DEATH

MARCH 1866

Court of Queen's Bench sitting
at New Carlisle, Bonaventure Co.,
Québec. Mr. Justice Winter.



SENTENCE OF DEATH

The yellowing paper and fading ink of its handwriting shows the one hundred and thirty years age of the Court document that sentenced Daniel Sullivan to death at New Carlisle in March, 1866. The presiding Judge of the Court of Queen's Bench for the criminal trial was Mr. Justice Winter, the Sheriff of Bonaventure County at that time, Martin Sheppard, N.P. and the Clerk of the Crown, F.D. Gauvreau. Yet, despite its age, this document not only recalls but brings into sharp focus the sad fate of Daniel Sullivan.

This recall is not exclusive to "GASPE OF YESTERDAY" for in 1977 it was included in "THE HISTORY OF NEW CARLISLE" prepared by students under a Canada Youth Program. In a section devoted to "EVENTS OF THE PAST ONE HUNDRED YEARS" was "THE HANGING OF DANIEL SULLIVAN".

In the belief that this rather unique and dramatic events of Gaspesia's past is again worthy of recall, the actual text of the handwritten SENTENCE OF DEATH and the account of "THE HANGING OF DANIEL SULLIVAN" are included in "GASPE OF YESTERDAY".

Province of Canada }
 District of Gaspe } In the Court of Queen's Bench
 County of Bonaventure } sitting at New Carlisle

On the fifteenth day of March one
 thousand eight hundred and fifty-six

Present

The Honorable

Mr Justice Winter

Domina Regina } on verdict of
 vs. } wilful murder
 Daniel Sullivan }

After the usual proclamation calling
 silence, and the Clerk of the Crown
 having, as required by law, asked the
 said Daniel Sullivan, whether he
 hath anything to say why the sentence
 of death should not be pronounced
 against him.

And the said Daniel Sullivan
 answering that he hath nothing to say
 but puts himself upon the mercy
 of Her Majesty the Queen, being without
 protection and far away from his
 native land;

Whereupon the Court pronounces the following Judgment and Sentence:—
 The Sentence of the Court which is that of the Law, is that, you Daniel Sullivan (or by whatever name you may be called) be taken from this to the Common Jail of this County wherin you have hitherto been detained, — and there remain until the sixteenth day of the month of March next, — that on the said day, you be thence taken to the place which shall be prepared for the final execution of this Sentence, — and that then and there you be hanged by the neck, until you are dead.

And may the Lord Almighty have mercy upon your Soul.

By the Court

(Signed) J. D. Lawrence C. C.
 I, the undersigned Clerk of the Crown in and for the County of Bonaventure in the District of Gaspe, do hereby certify the above to be a true copy of a part of the Proceedings, and Sentence of death, had in the issue case and duly recorded in my office. — Office of the Clerk of the Crown
 New Carlisle 20th February 1866.
 J. D. Lawrence C. C.



Montreal 17th March 1866.

Received from the Sheriff of the County
of Bonaventure, the body of Daniel
Sullivan for interment, at the especial
order and request of the Curé of
Paspébiac (Monseigneur Gosselin).
Jean X. Duquay
Wm. Sheppard } Witnesses



COURT HOUSE - NEW CARLISLE

1862 - 1963

THE CASE OF DANIEL SULLIVAN

Sometime during the early months of 1866, the exact date is unknown, a fight took place aboard a ship anchored at Paspébiac. In this struggle between two sailors, one of them, a man by the name of Michael O'Brien was wounded and a few days later he was found dead. The other sailor, Daniel Sullivan, was arrested, tried in court and sentenced to hang for the murder of O'Brien.

Despite a petition asking that the case be reconsidered, the decision of the court stood and on March 16, 1866 a crowd of more than 2,000 people gathered at the courthouse of New Carlisle to witness the hanging of Daniel Sullivan.

The following is taken from documents concerning the case of the accused Daniel Sullivan.

Montreal, Tuesday, 6 March 1866

Present

His Excellency,

The Governor General

In Council

His Excellency laid before the Council, the Report and Evidence taken by Mr. Justice Winter in the case of Daniel Sullivan, who was tried before him at the Court of Queen's Bench (Crown Side) in the Town of New Carlisle, the District of Gaspé, for the murder of one Michael O'Brien, and having been convicted thereof was sentenced to Death. Such sentence to be carried out, execution on Friday, the sixteenth day of March, 1866.

His Excellency also laid before the Council several petitions from inhabitants of the District of Gaspé, praying for the exercise of Royal clemency in favor of the above named Daniel Sullivan.

The circumstances of the case having been fully considered by His Excellency in Council, together with the Report of the Solicitor General adverse to the commutation of the said sentence.

His Excellency was pleased to order, and it is hereby ordered that the Sentence of Death so passed on the said convict Daniel Sullivan be allowed to take its course.

Province of Canada
 District of Gaspé
 County of Bonaventure

In the Court of
 Queen's Bench sitting at
 New Carlisle

On the fifteenth day of March one thousand
 eight hundred and sixty-six

Present:

The Honorable
 Mr. Justice Winter

Domina Regina
 vs
 Daniel Sullivan

On verdict of
 Wilful Murder

After the usual proclamation calling silence,
 and the Clerk of the Crown having, as required by
 law, asked the said Daniel Sullivan, whether he
 hath anything to say why the sentence of death
 should not be pronounced against him.

And the said Daniel Sullivan answering that he
 hath nothing to say but puts himself upon the mercy
 of Her Majesty the Queen, being without protection
 and far away from his native land.

Whereupon the Court pronounces the following
 judgement and sentence - The sentence of the Court
 which is that of the law, is that, you Daniel (or
 by whatever name you may be called) be taken from
 this place to the Common Jail of this County wherein
 you have hitherto been detained and there remain
 until the sixteenth day of the month of March next -
 that on the said day, you be thence taken to the
 place which shall be prepared for the final
 execution of this sentence and that then and there
 you be hanged by the neck, until you are dead -
 and may the Lord Almighty have mercy upon
 your soul.

By the Court
 (signed) J.D. Gauvreau

I, the undersigned Clerk of the Crown in and
 for the County of Bonaventure in the District of
 Gaspé, do hereby certify the above to be a true
 copy of a part of the proceedings and sentence of
 death, had in the above case and duly recorded in
 my office - Office of the Clerk of the Crown
 New Carlisle 20th February 1866

J.D. Gauvreau

SONG OF DANIEL SULLIVAN

My name is Daniel Sullivan
I am a slight built man.
I leave this as a warning
Never take a gun in hand.
I leave this as a warning,
To all young men so free
As when there is a passion,
I pray, remember me.

When I received my sentence
And hung I was to be,
I called for pen and paper
So I could sit and write.
I sat and wrote with tears all day,
'til my letter it was full,
Then I sent it to my brother
Who lives in Liverpool.

I had a loving mother,
Who was always kind to me
And when she hears this dreadful news
She will go out of her mind.
Also a loving sweetheart,
Forever we must part,
Death makes an alteration
And love is soon forgot.

When I was just a baby,
All on my mother's knee,
She dreamt she saw me hanging
All on some foreign tree.
She dreamt she saw me hanging,
All on a ladder high,
It was in some far off country
Where she could not see me die.

As I step up on the gallows,
I am a rising twenty-four,
I am dying for that young man
Who suffered in his gore.
And as I am a dying man,
One last request I have,
That's to bury me in the churchyard
'longside of O'Brien's grave.