JURY DISAGREED AND WAS DISCHARGED IN THE FAMOUS CASE OF JOHN PARIS CHARGED WITH SADIE McAULEY MURDER

Jury Was Out Three Times and Were Polled on Final Return to Court Room—Four Ballots Were Taken Without Change—Nine Jurors Decided Paris Was Not Guilty of Crime, Three Declared He Was the Murderer—Fifth Trial Established Record in Criminal Proceedings in Canada—Four Disagreements and Only One in Favor of Prisoner—Demeanor of Paris Cool and Cheerful Throughout—Announcement by Attorney General as to Another Trial to be Given Soon.

HOW THE JURORS VOTED

J. Gordon Likely	Guilty.
Almon L. Crosby	Guilty.
William H. Winchester	Guilty.
H. Walter Emerson	Not Guilty.
Mark F. Leighton	Not Guilty.
Warren B. Purdy	Not Guilty.
Louis T. Gard	Not Guilty.
Charles S. Holder	Not Guilty.
Frederick A. Watson	Not Guilty.
William D. Earle	Not Guilty.
John G. Coles	Not Guilty.
Thomas H. Danaher	Not Guilty.

After extending over a period of seven days, the proceedings in the fifth trial of the famous case of the King vs. John Paris, charged with the murder of Sadie McAuley, came to a close at 1.15 o'clock last night, when the jury, sworn to consider the evidence, returned to the court room and their foreman announced that they had been unable to reach an agreement in the matter of a verdict, the vote standing nine in favor of acquittal and three for conviction. This finding differs widely from those of the other trials, in that the preponderance is in favor of an acquittal, whereas the record of the four previous trials shows one unanimous verdict for conviction and three disagreements, the preponderance in which stood for conviction. The jury were discharged from duty by His Honor Chief Justice McKeown, and the prisoner was remanded to jail, on motion of Attorney General Byrne, Crown prosecutor. The latter announced, last night, that he would make known in a few days the decision of the Crown as to whether Paris will be again placed on trial.

The prisoner received the finding of the jury in the same calm manner which he has exhibited throughout the entire course of the proceedings, albeit a pleased, and it might be said a relieved expression appeared on his countenance when he realized that, after the long grind, he had been given a new lease of life, the finding this time being in his favor.

Before leaving in the patrol for the county jail, he chatted brightly with his counsel, G. H. Vernon, K.C., of Truro, who has conducted his defence on all the trials. From the time the jury went out at three o'clock until they returned to the court room for the first time at 5.15, Paris remained in the building in charge of the constables, and, during that period, displayed the utmost cheerfulness. Smoking cigarettes in one corner of the hall, he listened with evident relish to the cheery conversation of the officers and others nearby, laughing now and then at some sally he heard, and even injecting a word occasionally to show his appreciation of what was going on.

Only once did he appear to show any effects of the strain under which he was no doubt laboring. When the jury filed into the court room for the first time since being sent out to consider the evidence, furrows made their appearance on his brow, and he scrutized the jurors carefully as if anxious to peer into their minds and read the decisions written there.

The jury retired at 2.55 yesterday afternoon, returning to the court room at 5.15. When asked by the court if they had arrived at a verdict, the foreman, J. Gordon Likely, announced that they had disagreed. His Honor Chief Justice McKeown told them that he could not accept such a finding at that early stage, and instructed them to return to their room for further deliberation. He also took occasion to point out that from the evidence of Dr. Abramson, it was for them to draw inferences as to how the child met her death. The condition of the body showed that she had been violated in a most inhuman manner. If the jury believed that the little girl met her death at the hands of the accused in his endeavors, even though the intent to kill was not there, yet, if death resulted, he would be guilty of murder. He then sent them back for a further consideration of the case.

Supper was served to the jury in their room, and they continued their deliberations until 7.45, when they signified their desire to return to the court room. Arriving there, they were again asked if they had reached an unanimous verdict, and Mr. Likely again informed the court that a deadlock existed. His Honor immediately sent them back to the jury room with the instructions to remain there until he sent for them.

A few minutes later, His Honor requested that the jury be brought in again, and then explained to them that they were not to misinterpret his last statement. They were to remain out until he sent for them, so long as a deadlock existed, but, in the event of their arriving at a verdict in the meantime, they could come in immediately after, and he would be present to hear their decision. This was an important case, and he did not feel that the administration of justice, for which he was responsible, would be carried out properly if he accepted their finding at that stage. They had listened to six continuous days' evidence, and they required more time than already taken to fully weigh the matters before them in order to arrive at a right conclusion.

The Jury remained out until 11.15 when the Chief Justice sent for them. The foreman announced that a disagreement still existed, the vote standing nine for acquittal and three for conviction. Four ballots had been taken and they were all the same, and the foreman did not think there was any possibility of their reaching an agreement. The Attorney-General not offering any objection, His Honor accordingly thanked the jury for their services and attention, and discharged them from further service. Before they were discharged by court, Mr. Byrne asked that a poll of the jury be taken and to this Mr. Likely, on behalf of the jury, entered an objection. The court, however, ruled that the poll should be taken. After this was done the Crown Counsel moved that the prisoner be remanded to jail.

For most of the afternoon and throughout the night until the culmination of the trial was reached, a large concourse of people gathered on Germain streeet in the vicinity of the court house discussing the problematical ending of the case. The telephones in the Sheriff's office, the police station and the newspaper offices were kept busy with a continual stream of inquiries as to the verdict.



JOHN PARIS.

The morning's proceedings yesterday were taken up with the concluding portion of the address to the jury by Attorney-General Byrne, and the charge to the jury by His Honor Chief Justice McKeown.

When court opened at ten o'clock yesterday morning, Attorney-General Byrne continued his address to the jury, reviewing the evidence of Luther Smith for the Crown.

Th learned counsel for the defence had asked where there was any evidence of bloodstains or marks of conflict on the clothes. The Crown prosecutor pointed out that the clothes produced in court were not those worn by the accused on the eventful August 2, those garments had disappeared. Speaking in regard to methods of fixing dates, he said that the Cushing fire was as good as any documentary evidence in that respect.

He then took occasion to review the evidence given by Mrs. Craft, Mrs. Gerow, Mrs. Byers and Alfred Byers. The Crown, he said, had produced no less than six witnesses who saw Paris in St. John on Aug. 3, fixing the date by the Brittain shed fire.

What question was burning in the breast of the accused when he rose from his bed on the morning of Aug. 3? "Did I cover up that kid? Will they find it? Would it not be reasonable to believe that he would want to go to the scene of the crime the morning after it was committed?

Ernest Campbell had told of tieing up a boil, so-called, on Paris' arm on that morning. The jury had seen the marks, it was for them to consider what a little child would do when being choked and strangled. Paris in his evidednce, had said that the child weighed 60 or 70 pounds. How would he know that?

The learned counsel for the defence had set up to the jury their reason for not producing more witnesses by mentioning the fact that the funds at their disposal were limited. Why had not George Scarborough, a resident of St. John, who had given evidence at the third trial on behalf of the prisoner, not appeared at this trial? Did the defence need money to produce a man resident in St. John? Why was Mr. Moxon of Truro not produced? Were these men afraid to take the stand?

The jury could believe that Walter Humphrey had stolen boards, butter, etc., because he had sworn to it an the stand. If this were the case could they not be expected to believe his other statements? He might not be a model citizen, but, at least, he did not attempt to cover up. On one occasion, when His Honor had asked him if the lumber stolen was floating in the river, the winess had replied "No, Your Honor, it was worse than that."

Why did Paris take Humphrey into his confidence? "Crime makes cowards of us all," said the Crown prosecutor. He was afraid to go back alone to the park but the desire was there and he blurted it out.

Norman Green, one of Paris' own witnesses at a former trial, said that he saw the accused in Truro on Aug. 4, while the latter maintained he arrived in St. John on that morning.

The jury had seen Mrs. King on the stand. Did not her evidence show a remarkable knowledge of the child's appearance and condition on the part of the accused? The mere production of witnesses to prove an alibi did not necessarily raise a reasonable doubt. If it did, there was no protection of life and property.

Hattie Levigne had said that Paris was the man. Did the jury think, as had been insinuated, that she had been coached to say those words?

It was within the province of the jury, in murder cases, to bring in a verdict of manslaughter, but it was better to let Paris walk out of the court room a free man than to bring in such a verdict.

In conclusion the Attorney-General thanked the jury for the attention they had given the proceedings, expressing his appreciation of the sacrifices they had been called upon to make. Did they see in the evidence, in the gloom surrounding Paris' actions, any flash of light which would raise a reasonable doubt as to the guilt of the accused? The law did not require guilt to be proved beyond the possibility of a doubt. The Crown asked that the guilty one should be punished, and that the jury weigh the evidence in fairness to the living, the dead and the prisoner at the dock. The welfare of society, the safety and security of life demanded that the perpetrator of this crime be punished. If Paris were innocent, then it was the prayer of the Crown that God might show the light to the jury in the performance of their duty. Further, the Crown prayed that, if the accused were found guilty and sentenced, sometime before the eventful day was reached in his life, he would see fit to make an open and public confession of the crime.

The Judge's Charge

Chief Justice McKeown commenced his charge to the jury at 11.45, continuing until one o'clock when court took recess for lunch. The charge was resumed at 2.30, and the jury retired to their room at 2.55.

In his opening remarks, His Honor pointed out that the accused was in the jury's charge, on an indictment charging him with the murder of Sara Jane McAuley, on August 2, 1921. This was the fifth trial, and it had been perhaps unavoidable that allusion should have been made by counsel to evidence given at previous trials. But the jury were to be governed only by the evidence testified to in the witness box at the present trial. There was probably not a man in this community to whose attention the circumstances of this case had not been called. This was bound to create some impression on a man's mind.

Wholly, if you can, said His Honor, but certainly to the utmost you can, you must blot out those pre-conceived opinions in this matter, and come to a consideration of this man's guilt or innocence without having regard to previous trials.

The learned trial judge pointed out that they were sitting as a jury in a capital case, and the utmost importance must be given to the understanding of the narrow limits to the exercise of their minds in their consideration of the case. The evidence given before them must only be considered, all pre-conceived opinions being wiped out of their minds. It was the only and ultimate safe-guard of justice that a verdict should be arrived at, on the evidence adduced only before the jury weighing it.

The prosecution alleged the guilt of the accused and it was their duty to prove it; he was not required to prove his innocence. In the performance of that duty, the Crown had put forward certain evidence, and that was testimony of a nature which, if there was nothing brought forward to answer it, would seem to be conclusive. The evidence of the Crown disclosed that the accused had been seen near the scene of the murder at different times.

By the evidence of the companion of the murdered child, the guilt of the accused, while not absolutely positive as to the actual commission of the crime, was nevertheless strongly presumptive. The jury had heard her under examination and cross-examination, and it was within their powers to draw an inference from her demean or on the stand, and attach some weight to the manner in which the evidence was given, and this principle was applicable to all the other witnesses called on both sides.

Hattie Levigne, according to her evidence, was the one from whom the deceased had parted company on the fatal day. They met a man, who, according to the testimony, made certain advances, and finally the man, and the two girls parted at the wire fence, near the vacant lot, the man and Sadie going one way, and Hattie returning to where the men were working near Douglas Avenue. Hattie said that the man who met the girls was the prisoner in the dock.

The accused has set up the defence that he was in Truro on the day of the murder. Witnesses have sworn, with as much certainty as any on behalf of the Crown, that he was seen in Truro on that day.

The jury were to determine whether the accused was in St. John or in Truro, as he said. In considering this matter, even if they should come to the conclusion that he was in St. John on Aug. 1, 2 and 3 and the witnesses from Truro were mistaken, the minds of the jury must not lead automatically to the conclusion that he was guilty.

Turning their attention to the question as to whether the accused was here or in Truro, the jury have heard the evidence of Mrs. Calvin and Alice Brown, who said they saw him in the park on Aug. 1. Mrs. Craft, a neighbor of Paris, testified she saw him in Carleton on Aug. 1, 2 and 3. Mrs. Byers said she saw the accused leaning on the window-sill of his own house on the evening of Aug. 2. Her husband came along and spoke to the accused. John Best had said he saw Paris on Aug. 3.

Either one set of witnesses were mistaken or were telling what was not true. If the jury, however, cast aside the testimony of either side, it was not necessary to find that they were lying, as the human memory was frail.

Stanley Humphrey, lessee of the Brittain shed, which was burned on Aug. 3r said he saw the accused that morning and talked with him. Ernest Campbell said he tied up a boil on Paris' arm on Aug. 3. John McDonald had given incidents in regard to seeing Paris on Aug. 2. Mrs. Gerow, William Sweet and Walter Humphrey had all given evidence to the same effect.

The Crown witnesses have all given incidents, dates and time of day, and left the matter in such a way as to leave no doubt, if no evidence were forthcoming on the part of the defence.

For the defence, there had come forward Gordon Hayman, a respectable-looking man, who said he saw Paris in Truro on the night of Aug. 3. The testimony of Mr. McNaught, Miss McKenzie and Mr. Ogilvie, spoke with certainty as to Paris' transaction in Truro, and McNaught went so far as to say there was no possibility of his being mistaken in the man. Certain documents, supplementary to their evidence had been produced. If the jury believed the 90 cent transaction took place in the hat company's office and that Paris was the man associated with it, they should acquit him.

George Hill, a man of standing in his community, said the accused had come to him for permission to pick mushrooms, and that Lester Conley was present at the time delivering a suit of clothes. Conley, in his evidence, said it was on Aug. 3 he took the suit to Hill's farm and saw a colored man there. Isaac Allen said that he drove Paris into Truro on Aug. 3 and fixed the date by the fact he delivered a load of dead meat at the time. Norman Carter, his partner, said that his books showed he had received a load on that date. Dr. McCurdy said he had seen the accused at the Clyke house on Aug. 2.

In regard to the books submitted in evidence, said His Honor, a jury of business men, such as he believed this jury to be, could draw their own conclusions in a proper manner regarding these entries. It was wholly for them to decide. The attorney-general had taken the stand that the entry of Aug. 2 in Dr. McCurdy's book was manufactured, and this was for the jury to decide for themselves.

The jury must consider whether there is an honest mistake or a dishonest mistake in regard to the dates in the evidence, taking all the circumstances into consideration. It isn't for you to lie down before this thing, said the learned judge, your duty is to thread your way through the contradictory statements until you each can arrive at some conclusion.

If there was an honest doubt, the prisoner was entitled to it. The word doubt should be understood in this connection. A man could work himself up until he could doubt anything, said His Honor, giving an example of what he meant, but such doubts were all reasonable. By the word doubt was not meant a fanciful doubt nor a doubt conjured up to avoid coming to a conclusion, but rather it meant a doubt growing out of the evidence. The jury must give the prisoner the benefit of any reasonable doubt but they must not evade their duty.

In coming to a conclusion they were entitled to ask themselves which of the two sets of witnesses were in a better position to know where the accused was. Which knew him best and were less likely to be deceived as to his whereabouts on the dates in question.

Discarding for a moment the theory of the attorney-general and I don't tell you to discard it, said the judge, that the books, submitted in evidence by the defence, have been arranged for the occasion, then someone exists around whom the 90 cents transaction involves. Could it have been someone other than the accused, about whom these witnesses were mistaken. It was for the jury to decide from the facts in evidence. If it was not the prisoner, the evidence went for nothing, and the same principle applied to the Crown witnesses.

Would the jury think that Miss McKenzie, Mr. McNaught and Dr. McCurdy or any one of them would be in a better position to speak with certainty regarding the identity of the accused than, for example, Luther Smith. The latter said that to the best of his judgment and belief the prisoner was the man he saw on Douglas Avenue on Aug. 2. Miss McKenzie and Mr. McNaught never saw the accused before the transaction took place in their office in Truro, neither had Mr. Smith before he saw him on the avenue. Which of these two classes of witnesses would be in a better position to speak with certainty regarding his identity?

The jury could place the evidence of Conley and Hayman, who did not talk with the accused against that of the Crown witnesses who said they did talk with him, and weigh the matter in their own minds.

The prisoner had given evidence on the stand, and the jury were entitled to treat his evidence fairly, regarding him as a witness, and give him whatever credit the whole circumstances entitle him to. They were also entitled to take into consideration his demeanor while giving evidence. They must take into consideration, in this connection, the rebuttal evidence of the Crown. There they would get a direct conflict between the testimony of the accused and that of Mrs. King and her daughter. That was a matter for them to decide in their own minds.

In closing his address, His Honor instructed the jury that they were not to hurry to a conclusion in the matter. A crime, atrocious beyond words, had disgraced this city, but that fact should not influence the temper of mind in which they approached their decision. They must remember that, unless the evidence produced a conviction in their minds that the accused was guilty, they must give him the benefit of any reasonable doubt that might exist. He then sent them to the jury room to consider and weigh the evidence in the case.

"Do you think the country needs a new party?"

"No," replied Senator Sorghum. "If the old parties keep on modifying their platforms for a few more years, they'll offer all the political novelties anybody could reasonably desire."—Washington Evening Star.

DISORDERLY HOUSE CASE

Lottie Hornett, 35 Long Wharf was arrested last evening, charged with being the keeper of a disorderly house. Eva Morrell and Lizzie Normandy were also arrested, charged with being inmates.

TAKEN TO HOSPITAL

A woman was taken to the General Public Hospital last evening suffering from a cut on her forehead sustained in a fall near the union depot. The woman was suddenly taken by a weak spell and two stitches were necessary to close the wound.

Died

CORBET—At his residence, 179 Wright street, on October 3rd, 1922, George Corbet, leaving two sons and two daughters to mourn. Funeral on Thursday, from his late residence. Service at 2.30 o'clock.

Obituary

George Corbet

Friends of George Corbet will learn with regret of his death which occurred at 7.45 yesterday morning at his home on Wright street. Mr. Corbet who was 81 years of age, had been in poor health for the past year, but was able to be about the house on Monday. His death comes as a great shock to his many friends. He leaves two daughters, Mrs. Charles Moore, at home, and Mrs. A. Nice, West Side, also two sons, Dr. G. G. Corbet and Alexander Corbet, to mourn.

Mr. Corbet was a widely known citizen. Born at Aberdeen, Scotland, he came to Canada as a young man, and after spending some time in Nova Scotia settled in St. John, where he has been employed with the city for upwards of half a century. He first served with the fire department for twelve years, then in June, 1882, he joined the police force and served faithfully for forty years, till April 1st, 1922, when he resigned. At the time of his resignation he was the oldest man on the force from point of service. During his long period of service on the force, he never had a black mark against him. He enlisted on the force under Chief John R. Marshall and served under four different chiefs. He was appointed as Acting Sergeant on the force, and did duty in the North End for many years. Mr. Corbet is also one of the oldest members of the congregation of St. David's church.

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Here's one of the popular Paisley effects, then there's the dotted tie and those various stripe effects are taking strong.

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In a manner speaking, some people like one thing and some like another. Tastes differ. But when it comes to paying out money, taste often has to bow the pocket-book. "I would like silk but I can only afford cotton. Suppose, however, that taste and the cash drawer may be brought into line, suppose you could have beauty and economy all in one package, you would have rubbed the magic lamp. Build your home with brick—that is the secret of the Extravagance of Cheapness.

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