

NEW EVIDENCE PRODUCED IN THE JOHN PARIS TRIAL

Luther Smith Will Tell of Seeing Excited Man Resembling Accused on Douglas Avenue Day Sadie McAuley Was Murdered—Jury Selected and Fifth Trial Commenced.

The criminal annals of the Dominion of Canada have probably never recorded a case of such a unique nature as that in which the machinery of the law was set in motion in the St. John circuit court yesterday afternoon before His Honor Chief Justice McKeown. The occasion was the beginning of the fifth of the historic trials of John Paris, the Truro multi-atto, who was again arraigned on the charge of murdering nine-year-old Sadie McAuley in Riverview Park on August 2, 1921. The first trial was begun approximately one year ago, and since that there have been four trials, resulting in three jury disagreements and one straight conviction. Following his conviction last December, Paris was sentenced to be hanged, but was granted a new trial, upon appeal, on a technicality in connection with the second trial. The outcome of this, the fifth legal proceeding in the matter, is problematical of course, and as on former occasions, public interest is keen as to the ultimate decision of the jury sworn in yesterday to hear the evidence in the case.

New Witness

The most significant feature of yesterday's proceedings was the announcement by Attorney-General Byrne during his opening summary of the Crown's evidence, that one new witness would be called by the prosecution, in the person of Luther Smith of West St. John. The nature of Mr. Smith's testimony, when given, will be to the effect that, between one and two o'clock on the afternoon of Aug. 2, 1921, he and his wife were driving to the city in his automobile, and, between the Suspension Bridge and the Soldiers' Memorial on Douglas Avenue, he saw a man coming towards the pavement, hurriedly and in a state of great excitement. The man was dressed in a manner corresponding to the descriptions given of the accused by other Crown witnesses, and it is Mr. Smith's belief that the man he saw was John Paris.

When he appeared in court, yesterday morning, Paris was dressed, as on the last occasion, in a neat brown suit, white linen collar, green tie, green striped shirt, spotlessly clean, and carried a soft hat in his hand. He looked the picture of health and confidence, and showed no signs of his long confinement in jail. He wore a heavy mustache. Throughout the day's proceedings, he maintained a perfect poise, apparently entirely at ease, and took an interest in everything going on. On one or two occasions he consulted with G. H. Vernon, K. C. of Truro, who, as an former trial, is representing him as counsel.

Shortly before the court took recess at noon yesterday, Attorney-General J. P. Byrne, K. C., appearing for the Crown, moved for trial, and as it was not necessary for the present to enter his plea of not guilty, the proceedings commenced. The names on the petit jury panel were called, and it was found that twenty out of the seventy-one jurors summoned were absent.

Selecting Jury

When court resumed session at 2.30

playmate, but the only reply she received from Sadie was, "What?" She then went to the top of the hill and told her story to Robert Elliott, who made no investigation at the time.

Searched Without Success

The Lavigne girl reported the matter at her home, and that night a search was made without success. The police were notified and the search continued until Aug. 9, when young Kimball, while picking berries near this fence, upon a pile of rocks, knocked one of the stones out of place, and saw the face and hair of the little girl. He reported the matter to the police, and the body was removed to the undertaker's rooms, where it was identified by the girl's father. The post mortem examination showed that the little girl had been outraged and strangled.

In support of the evidence of the Crown, the Attorney-General continued, the prosecution would place on the stand a number of witnesses, among whom would be Mrs. Ella Calvia who would tell the court and jury the circumstances under which she saw Paris on Aug. 1st, and 6th, in the vicinity of the place where the body was found. She would describe his dress and identify the prisoner as the man, and in this would be corroborated by her daughter.

John McDonald would be called to tell of seeing the accused on the evening of Aug. 1 and the circumstances relating to that occasion. Walter Humphrey would tell of seeing Paris across from Carleton to the other side on Aug. 2, in the forenoon. He would also relate his conversation with the accused on Aug. 3, when, according to the evidence, Paris asked him to help him bury the kid in Riverview Park.

Alex. Day would be called to tell of seeing a man, whom he believed to be the accused, standing on the Avenue on Aug. 2 near the path leading to Gregory's mill. William Sweet would tell of seeing Paris across from Strait Shore between five and seven on the evening of Aug. 3.

Saw Excited Man

The Crown would submit the evidence of Luther Smith of West St. John, who would be called to tell that, on the afternoon of Aug. 2, 1921, he and his wife were driving into the city in their car, and somewhere between the Suspension Bridge and the Soldiers' Memorial on Douglas Avenue, he saw a man coming up hurriedly and excitedly towards the pavement.

Smith slowed up his car, wondering what the man's excitement meant, as the latter was coming towards the car. This occurrence took place between one and two o'clock. The witness would describe the man's dress, which corresponded to that given by other witnesses, and Mr. Smith would tell that he believed the man he saw to be Paris.

Mrs. Craft, a neighbour of Paris, who he lived on the west side, would give evidence to the effect that she saw Paris in his own yard on the morning of Aug. 2, fixing the date by the Cushing fire. Mrs. Gerow and Mrs. Byers, who were talking with her on that occasion would substantiate this. Robert Douglas would be called in regard to the date of the Cushing fire.

Early in the morning of Aug. 3, the Britton fish shed fire took place, and Stanley Humphrey, a lessee of the shed, would be called to tell of speaking to the accused at nine o'clock on that morning. Ernest Campbell would tell of a conversation with Paris and Walter Humphrey on the morning of Aug. 3, the occasion when Campbell

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SIX MONTHS BEFORE PAYMENT FOR MUSQUASH POWER BEGINS

New Brunswick Electric Power Commission Agrees to Wait Until April 1 Before Billing City for Minimum Amount Contracted for—Likely to be Deadlock Over Peak Load Allowed City.

The outstanding feature of yesterday's conference between the city council and the Power Commission was the agreement of the Commission to fix April 1, 1923, as the date on which payments on the 10,000,000 k.w.h. which the city is expected to contract for, would begin, and if for any reason the city was in a position to take any part of the current before that time, it would only have to pay for the actual amount used before that date. Considerable progress toward arriving at common ground was made and it is expected the next session will produce further results along this line. The members of the Commission seemed to be willing to meet the council at least half way, although one or two knotty points remain as yet to be settled. The bone of contention yesterday was the peak load which the city could take, and Mayor McLellan announced his intention of standing out for a change in this regard. His suggestion for a peak based on the amount of current used was not feasible. The matter of variations in delivery was another contentious subject, Mr. Kribs expressing the opinion that the Commission could keep it within two per cent., but at the same time insisting on the contract, if it contained any reference to this matter, place it at ten per cent.

Mayor McLellan presented and for the city there were present Commissioners Wigmore, Thornton, Frink and Bullock, Hon. Dr. Baxter, K. C. M. P. city solicitor and Barry Wilson, city electrician. For the Commission there were present, Hon. Dr. E. A. Smith, chairman, O. Foss, chief engineer and Gordon Kribs, consulting engineer. Premier Foster was also present.

Want Sub-Station Near Line

Sub-section "C" was agreeable to both sides but "D" brought about some discussion. This deals with the sub-station of the city, which the Commission wanted placed near the main transmission line, because they cannot carry a high voltage line through the city streets. Mayor McLellan asked if the change from 13,200 volts to 66,000 was not made because Mr. Kribs had found out that his wire was too large, and that voltage would result in a loss of 38 per cent. of the current. Mr. Kribs said no, this was not so. The voltage had been raised to give the people better service and to avoid line drop. This section will be further discussed.

Asks For Safety Clause

Section 2 was then taken up. Sub-section dealing with the cost was discussed at some length. Mayor McLellan proposed that there be inserted in this clause to the effect that in the event of cheaper power being available for the city and the Commission was supplying the Commission either be forced to meet the price or allow the city to void the contract. In this connection he pointed out that already there had been power distributed without wires and he believed that in a very few years it would be possible to do away with the wires altogether. Mr. Kribs thought he was a little too optimistic and that while it was not impossible to distribute without wires, it was highly improbable that it would ever be a commercial success, and that in any event it would only mean a saving of 3 per cent. as that was the amount charged to distribution on the Musquash development. Asked if the Commission would consider an 80 per cent load factor, Mr. Kribs said they would not.

The former sub-section "E" was made sub-section "C" of this section. This provides for the Commission placing certain instruments in the city sub-station and was agreed to. Former sub-sections "C," "D" and "F" were eliminated and in their stead a new sub-section "D" which provided that the city would not use, or allow to be used, its transmission system in any manner to impair the efficiency of the undertaking of the Commission and this was accepted. A new sub-section, relating to the

Objects to Peak Load

Mayor McLellan asked if there was any objection to his proposition at the former meeting to make the peak load variable according to the amount of current taken, 2,358 kilowatts, if 10,000,000 and 3,500,000, or the same proportion of any intermediate amount. Mr. Kribs said there was objection to this as the Commission wished to establish a uniform peak no matter how much "juice" was taken. The mayor said this was not satisfactory to him as he was more concerned about the rate of consumption than the quantity to be taken by the city.

Want Minimum Reduced

Commissioner Bullock wanted to know if it would not be possible to make the minimum 5,000,000. Dr. Smith said this would hardly be possible as the Commission could not hold 10,000,000 in reserve for the city. Commissioner Frink said this brought them back to the question of policy regarding distribution and Dr. Baxter said that was what he had been trying to get at. The mayor remarked that the first suggestion of the city solicitor was to define a policy. Commissioner Wigmore asked if the Commission were willing to allow a minimum of 5,000,000 for the first two years. Dr. Smith explained that the price of 1.2 had been made up on the assumption that the city would take a minimum of 10,000,000 and any reduction in that amount would mean a change in the rate. Premier Foster asked where the Commission was to get its revenue if it held in reserve 10,000,000 k.w.h. for St. John.

Mayor McLellan asked how they could afford to hold the 5,000,000 in reserve, and Dr. Smith replied they expected the consumption to go up by leaps and bounds and did not think they would have to hold it in reserve more than one year. Mr. Kribs said the price of 1.2 was based on the payment for 10,000,000 by the city, and if the 15,000,000 were used the price would be lower. Dr. Baxter remarked that in that case they had better take the 15,000,000 and bring the price down.

Mr. Foss said the price of 1.2 would not meet the charges until the whole amount of current available was being taken and Mayor McLellan remarked that on the 3,000,000 held in reserve for the city there was

site of the city sub-station was introduced by Mr. Lewin, and it was agreed that this should be located somewhere near the main transmission line of the Commission, within the city limits.

Initial Payment Deferred

Section three was then taken up. Sub-section "B" dealing with the time when payments should start was fully discussed. Commissioner Wigmore asked if the Commission would be willing to name a date six months hence, and Dr. Smith said he could have no serious objection to that proposition. Premier Foster suggested the date be made six months from October 1, and if the city was in a position to take any of the current before that time, they be charged only for the amount taken, after that date the charge to be for the 10,000,000 k.w.h.

It was finally decided to make the section read payment to begin at a date not later than April 1, 1923, and if the city takes any current before that time to be only charged for the amount consumed, bills to be paid within thirty days of the date of rendering. The sub-section in regard to adjustment account stood as prepared.

Section 4, in regard to the delivery of the current providing for approximately 60 cycles per second and 66,000 volts, to be maintained at one cycle above or below 60, and the energy at 2 per cent above or below. Dr. Baxter said he did not like the term approximately and thought there should be some definite limits. Mr. Kribs said it would be possible to maintain two per cent. of frequency and voltage. Mayor McLellan wanted to know why he wanted a variation of ten per cent. then, and Mr. Kribs said it was to take care of momentary variations. The Mayor said he intended to adhere to his demand for a two per cent. variation, and Mr. Kribs replied that it could not be done.

Section 5, outlining the terms which constitute delivery of the current was under discussion when adjournment was made to meet again on Thursday afternoon at 2.30 o'clock.

Insurance Case Before Appeal Court

Company Enters Appeal from Verdict Returned by Madawaska County Jury.

Fredricton, Sept. 26—With the resumption of the sitting of the Court of Appeal, this morning, the case of the Canadian Credit Men's Trust Association, as assignee in bankruptcy of Hypolite C. Martin vs. the Royal Scottish Insurance Co., Ltd., was commenced before Sir J. D. Hazen, C. J., and Justices White and Grimmer.

This is an appeal from a verdict entered against the defendant company in an action brought by the Credit Men's Association as assignee to recover \$2,500 on an insurance policy before Mr. Justice Crockett and a jury at the Madawaska Circuit Court in March, 1922. A verdict for the full amount of the policy and interest was awarded the plaintiffs.

A. N. Carter moved for the defendants to set aside the verdict for the plaintiff, or failing for a new trial. F. R. Taylor, K. C. is associated in support of the appeal. M. G. Teed, K. C. for the respondents.

Funerals

The funeral of Mrs. J. H. Poole was held yesterday afternoon from her date residence, Public Landing, where service was conducted by Rev. J. A. Morison. Automobiles were taken from there to Fernhill.

The funeral of Charles Everett Brantnall, five months old son of Mr.

and Mrs. Oscar Brantnall, was held yesterday afternoon from his parents' residence, 145 Britain street to Cedar Hill for interment. Service was conducted by Rev. Neil MacLaughlin.

Obituary

Mrs. Lucy A. Steadman.

Aged 89 years, Mrs. Lucy A. Steadman died at the home of her son, C. G. Steadman, Queens Road, Sackville, Sunday, Her husband, Rev. J. C. Steadman, predeceased her about 16 years ago. Mrs. Steadman was born at Blitworth, N. S., being formerly a Miss Griffith. She leaves, also, four daughters.

Winston C. Smith

The death of Winston C. Smith, eldest son of Edgar and Jessie G. Smith of Black River, occurred yesterday at the General Public Hospital, in the 23rd year of his age. He is survived by his parents and two brothers, Carleton F. and Harold L., both at home. The funeral will be held on Thursday afternoon from the home of his parents, at 2.30 o'clock.

Child Dead.

Sympathy will be extended by many friends to Mr. and Mrs. Burton Galbraith, 250 Duke street, West End, in the death of their infant son, Stuart Garth Galbraith, aged one month, who died yesterday morning. The funeral will be held this afternoon from his parents' residence.

Samuel Creighton

The death occurred yesterday, the 26th inst. of Samuel Creighton, at Silver Falls, in the 83rd year of his age. He was born at Sussex, Kings Co., coming to Silver Falls where he has since resided. A man of sterling qualities, he took a keen interest in anything that stood for the benefit of the community in which he lived, taking an active part in school affairs, Temperance work, the building of the Methodist Church parsonage of which he was a consistent member, until his death. His wife, who was Miss M. A. Parlee, died twelve years ago. He leaves three sons and one daughter, Frederick O., of Woodstock, Clifford and Howard of this city, and Mrs. Samuel Armstrong, of Silver Falls, also twelve grandchildren and one great grandchild. Funeral at Silver Falls Thursday at 2.30 p.m. Interment at Fernhill.

John Carter

Richibucto, Sept. 25—The death of John Carter, of Kouchibouaque, occurred at his home last Friday, after an illness of a few weeks. The deceased was sixty-four years of age and is survived by a family of eight sons and six daughters. The funeral took place on Sunday afternoon from the Catholic church at Kouchibouaque, service being conducted by the Rev. Father Trudel, of St. Margaret's.

Died

HINTZE—At Winthrop, Mass., Sept. 21st, Martha Elizabeth, wife of O. J. Hintz.

PATTERSON—At Vancouver, on September 19, Mildred B. Patterson, beloved wife of E. W. Patterson, leaving her husband, one daughter, mother, father, two brothers and two sisters to mourn.

Funeral on Wednesday morning from Union Depot at 8.30 o'clock. Auto conveyance from depot to Long Reach. Interment there at 11 a.m.

CREIGHTON—Samuel Creighton, died September 26, at his home, Silver Falls. Funeral Thursday from late residence at 2.30 p.m.

SMITH—At the General Public Hospital on the 26th inst., Winston C.; eldest son of Edgar and Jessie G. Smith, in the 23rd year of his age, leaving his father, mother and two brothers, to mourn.

Funeral from his parents' residence, Black River, St. John Co., on Thursday at 2.30 p.m.

Last Film Shares Sold This Week--A Letter to Business Men

Gentlemen—With work well begun in the filming of our first New Brunswick picture, with the finest talent obtainable undertaking it, and with an assured market but a few weeks away, it has been decided to close the stock-holders' lists this week. No more than 150 shares are available in the meantime.

Since Mr. Shipman put his money and his producing organization behind the New Brunswick Films Limited, still another of his pictures has registered a success, continuing an unbroken record. The Ottawa film at a cost of \$67,000 has just been marketed at the end of its five months' preparation and first payments alone have returned a dividend of almost one hundred per cent. Other seasons over a period of five more years should be heard from. The stock in the Ottawa Film Company is now selling at 125 and indications point to a price of 150 in the near future.

THE DEMAND FOR THIS PICTURE

Mr. Shipman has been offered a ready market for three pictures like "Blue Water" for this year's acceptance. The demand exceeds the supply. The New Brunswick Film is further fortunate in its direction by David Hartford, the President of the Motion Picture Producers' Association of America, who has already handled four Canadian productions that have registered more than well. His activities here are living up to his continental reputation. Everything is proceeding according to schedule, and economically.

The Directors of The New Brunswick Films Limited are of our best business men and shareholders are assured of the right management. All financing has been par to everyone—no promotion stock. And the last offerings must be taken up before three more days. We would therefore urge you to associate yourself with the other Business Men who have taken this opportunity of founding here in St. John a successful industry, and thus advertise our city and province.

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