POOR DOCUMENT

THE EVENING TIMES AND STAR, ST. JOHN, N. B., FRIDAY. AUGUST 31, 1917

Evidence In Harris Murder Case All In: **Defence Testimony**

The taking of evidence in the Harris murder trial in which John O'Brien and Everett Carland are the accused, was completed last night about 10.30 o'clock before Chief Justice McKeown in the circuit court. The case for the prosecution closed during the afternoon and the defense closed its case at night. Dr. Wallace, prosecuting attorney, stated that he might have some rebuttal evidence but in any case it would be brief.

Detective William Duncan was on the stand when the hearing resumed at 2.30 o'clock. To Dr. Wallace he stated that Mr. Mullin—"Did you hear it over the

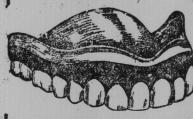
was not the same McAuliffe who had given evidence, but his father.

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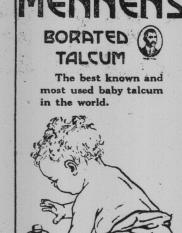
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of admissability.

His honor interrupted Mr. Mullin, saying that he would not assume the responsibility of taking the case from the jury. If Mr. Mullin's contention were correct, he said, his defence would only strengthen his case with the jury.

Mr. Mullin immediately proceeded with his defence outlining to the jury that he purposed to call several witnesses to testify on points of material interest in the case.

The said of the house on Friday, June 15 between 8.30 and 9.45 o'clock in the morning.

This was the only time she had seen him that day.

To Mr. Wallace witness said she saw him quite often before. On the day previous at 5.30 o'clock, she had noticed him in the yard. On Tuesday previous to June 15, she had seen O'Brien near his house. She gave as a reason for remembering June 15 so well, that she was watching for the postman, expecting a in the case.

The said morning.

CHOOSING HS SUIT

This morning.

CHOOSING HS SUIT

The squire Would Not Look at the bravery to stretch forth the strong arm of pythian friendship and draw him back. It is your duty to uplift the fallen and place them upon their feet.

"You came here today to place beautiful flowers upon the graves of those who have gone out from among you and to renew the promise 'We will cherish thy memory green in our hearts.' I will in the case.

with his defence outlining to the jury that the purposed to call several witnesses to testify on points of material interest in the case.

Percy Macaulay, a street car conductor operating on the West Side route on the night Harris was assaulted, testified that John O'Brien, the accused, took his car at the foot of King street on either the 10 or 11 o'clock trip, but to the hest of his knowledge it was the 10 o'clock one.

Cros-examined by 'Dr', Wallace the witness stated positively that it was the night of June 14. He recalled that there was some trouble that day in front of the defence. He said on July 15, between 5 and 6 in the afternoon he was standing in Mill street near his workshop. He said that it would be an utter impossibility for anyone standing at the mount of the alleyway leading to bis shop, to recognize another persons standing in the doorway of the workshop. While standing at the mount of the edge of the street, Mrs. Jack had not been home to dinner. Witness said he told Mrs. O'Brien that Jack was in the pressroom (a room off the workshop). Witness with the workshop in Mill street near his morked to him that Jack was in the pressroom (a room off the workshop). Witness we denied the workshop in Mills witness be denied the workshop in Mills witness be denied the workshop in Mills witness be denied the workshop in Mills witness witness for the purpose of the purpose of the pressroom (a room off the workshop). Witness witness denied the workshop in Mills witness witness for the purpose of the purpose

Dr. Wallace—"Do you belong to an ssociation that has such a way of reminding people?"

To this, witness said he would shake

To this, witness said he would shake hands with Harris five minutes after calling him these names. Witness said that at the inquest he had sworn that he had been talking to "no women" in Mill street on afternoon of June 15.

Dr. Wallace—"Why do you swear otherwise tonight?"

Witness—"I was asked if I had seen any women; if they had asked me if Mrs. O'Brien had been there I would have recalled the occasion. I attached no importance to the meeting."

On Thursday night, witness said he was in the plumbers' hall in Union street. On Friday morning witness went to the plumbers' rooms again. He did not know Harris to see him. He said he could not tell very well where he was on could not tell very well where he was on

Roy Dunn, 664 Main street, a brother-in-law of Everett Carland, stated that he and his wife and Mr. and Mrs. Caro'clock. To Dr. Wallace he stated that the prisoner had made a state—the prisoner had made a state—ment twice and on one of the occasions was warned that what he said might be used against him.

Dr. Wallace then proceeded to put in the evidence of John M. Wilson as given before the police magistrate at the presiminary examination, but Mr. Mullin objected on the ground that it had not been established that the stenographer who took a verbatim report of grapher who took a verbatim repo land live in the same house. On the night of June 14 the witness arrived home about 12.30 o'clock. He found he



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MR. MOULSON AS

his been appointed by the magistrate.

In the affirmative, but he could not pick of the every announced the purpose, as Mr. Edith Dunn, wife of the previous was put on the stand. He also the was not sworn for the purpose, as Mr. Henderson, clerk of the court, had stated the was not sworn for the purpose, as Mr. Henderson, clerk of the court, had stated the was not sworn for the purpose, as Mr. Henderson, clerk of the court, had stated the was not sworn for the purpose, as Mr. Henderson, clerk of the court, had stated the was not sworn for the purpose, as Mr. Henderson, clerk of the court, had stated the was not sworn for the purpose, as Mr. Henderson, clerk of the court and the stated and the stated and the swarp of the purpose, as Mr. Henderson, clerk of the court of the stated and the swarp of the stated and the swarp of the purpose, as Mr. Henderson, clerk of the court of the swarp of the stated and the swarp of the swarp of

Following recess Mr. Mullin asked if he understood correctly that the crown rested its case. On being informed that he was, he submitted to his honor that there was no case to go to the jury. He recalled that the city solicitor had stated to the police magistrate at the preliminary hearing that there was no evidence apart from alleged discrepancies between certain statements which the magistrate admitted without deciding the question of admissability.

His honor interrupted Mr. Mullin, saying that he would not assume the responsibility of taking the case from the jury. If Mr. Mullin's contention were correct, he said, his defence would only a state of the house on Friday, June 15 Mr. Wallace witness said she saw him quite often before. On the day

Witness said he told Mrs. O'Brien that Jack was in the pressroom (a room off the workshop). Witness denied the statement of witness Lambert, that she said "He must be in there; he has not been home."

The witness recalled an occasion of Carland, George Livingstone and himself seeing Harris near the railway track at the foot of Mecklenburg street, Harris came lanog. Witness told of some remarks which passed between Harris and Carland. Witness said he thought Harris was called a "scab." There was always a distance of 500 yards between Harris lived at Gilbert's Lane. He said
Harris was called a "scab." There was
always a distance of 500 yards between
Harris and the others, on the way from
Harris and the others, on the way from Harris and the others, on the way from Mecklenburg street to Wright street. The remark "You'll be without your supper some day, scab," attributed to Carland, and addressed to Harris, was not heard by witness.

To Dr. Wallace, on cross-examination, witness emphatically said the above remark was not made. He said he saw no little girl there at this time. Witness said that such names as "scab" and "rat" were called with no hard feeling and was only called as a reminder.

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To Dr. Wallace, on cross-examination, was placed to return to us and their loved ones waiting for them at home. And now my closing thought. All must die. If you have reached that state of life that enables you to read your title clear to mansions in the sky 'tis well, but if not will you get ready for the summons that will you hence, "May all be prepared to give a good "may all be prepared to give a good

account of themselves at the bar of the Unexploded, rusty looking giant shells

of the name "REDPATH".

great Judge before whom all must appear."

The floral tributes filled two barouches and were supplied by friends of the order all over the city and province.

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