MORE SENSATIONS IN SMALL CASE Claims He Protected Life

Of Mrs. Small From Husband

ronto Hearing. ASKED ABOUT "PLOT"

Witness Declares Millionaire Intended Taking Long Trip Alone.

Trip Alone.

Canadian Press Despatch.
Toronto, March 22.—That he had on one occasion protected Mrs. Small's life from A. J. Small, and that Small had planned to go South to cemain for a long time, leaving his wife behind, were two statements made by Thomas Flynn, friend and confidant of the missing millionaire, yesterday in connection with hearing of Mrs. Small's demand for a declaration that Small may be presumed dead in order that the will leaving the estate to her may be probated.

Flynn testified that he was in Small's private office on the night before he disappeared and Small said to him: "I don't want you to tell anybody, but we leave here on January 1. We go South, and we work be back until the races. We will buy a stable of horses in New Orleans and turn them over to old Jim. I asked him would he take the 'old lady' along, and he said no, he would send mr. The low of the man was also of horses in New Orleans and turn them over to old Jim. I asked him would he take the 'old lady' along, and he said no, he would send mr. He tool do not not the theat the will asked him would he take the 'old lady' along, and he said no, he would send mr. The late of the said he was office on the races. "How do you fix the date of Oct. 26?" asked Mr. Tilley. "I was off the wint was between 12 and 2 o'clock."

The he he had been giving the partition of me passes good up to be cards so he could write me out some passes good up to be cards so he could write me out some passes good up to be cards so he could write me out some passes good up to be cards so he could he was an intimate friend of "Associated with Mr. Small?" and the

buy a stable of horses in New Orleans and turn them over to old Jim. I asked him would he take the 'old lady' her down to her sister's.'

After the police had started their nvestigation, Flynn had visited Mrs.

"Yes, you've offered \$500. A man who ost a dog in High Park offered \$1,000." evidence had alleged had been cooked against her. He declared that the only plotting he had ever done had been for Mrs. Small's benefit. Asked to explain he declared, "I protected her life."

"Against whom?"
"Against A. J. Small."

Hearing Continues Tomorrow. Owing to the vigorous objections from Mrs. Small's counsel, Mr. Slaght, counsel for the sisters of the missing man, who are opposing the application, did not get further into

Your bowels may seem regular-!

Whether you have headache, colds.

Pearls—

399 RICHMOND STREET.

Thomas Flynn Gives Sensational Testimony At Todisappeared, December 2, 1919. He
was in the company of his wife, walking along the street. The hearing will continue tomorrow, Curtis Aldridge, steward on a dining car running between Buffale and Toronto, was recalled to the stand to

tell of the conversation he had had with Small. "On the 26th of October, 1919, he came into my dining car, and started to talk to me, He told me he was buying a new car, and he went out

"How do you fix the date of Oct. was between 12 and 2 o'clock." 26?" asked Mr. Tilley. "I was off the following day. I am off five days

after working two weeks."
"How do you fix it as October?" Small at her house and had suggest-ted offering a reward, say about \$100,000. Some days later when he met Mrs. "Did you bring it to anyone's attention about this conversation, any-suggested," and witness had replied: one connected with Small's family or one connected with Small's family or the police?" "bout three weeks af-ter I saw this in the paper. I wrote Flynn was asked about the "diabolial plot" which Mrs. Small in her "Did you sign your own name?"

> "What did you say the conversation was?" "I told her about the car and about Buffalo and what he said about a rest. I said that I believed he was still alive."

> "Tell us some of the conversation." "Well, I said to Mr. Small, 'I suppose you will go abroad.' He said that wouldn't interest him so much, as he had been there. He said he wanted

to go to Mexico or California."
"Two or three years' absence was mentioned?" suggested Mr. Slaght. "No, two years' rest," objected Mr.

the plot.

The last time Flynn saw Mr. Small was on the afternoon of the day he Tilley?" asked Mr. Slaght, "or ask

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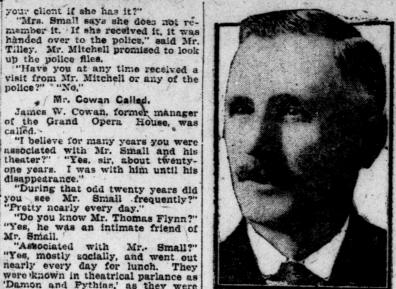
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up the police files.
"Have you at any time received a

visit from Mr. Mitchell or any of the police?" "No."

James W. Cowan, former manager of the Grand Opera House, was called.

"I believe for many years you were associated with Mr. Small and his theater?" "Yes. sir, about twenty-one years. I was with him until his

"During that odd twenty years did you see Mr. Small frequently?"
"Pretty nearly every day."

that's right.'

get rid of him."

ense with his service

"Were Ambrose Small and Percy Small, his half-brother, on good terms?" "That is a delicate question

to ask. They weren't very friendly."
"Do you know if Amrose Small

spoke to or had conversation with Percy Small during the three months

Had Instructions.

Small in regard to Percy Small?"

"Yes. He suggested to me that I

Judge: "Just what do you mean?" Mr. Cowan: "That I should dis-

"And what did you do?"
"I did nothing about it. "Why

high."
"What diamonds were there?"

"Did she ask you as to his where bouts?" "No."

"Did you inform the police?"
"Yes. I went to the city hall with Mr.

Flynn. It was about two weeks after Small disappeared. We went to the morality office, where we were referred to the detective office. We told Inspector Wallace and Guthrie,

and I expect they took up the matter

"Had Mrs. Small, up to that time,

"Did you tell her you were going

to the police?" "I did not."
"She tells the court that she did
discuss the police with you?" "I am
positive she is mistaken."

"When, after December 2, did you first see John Doughty?" "Not until

"He came up from Montreal and delivered a letter to you from the trans-Canada people?" "Yes."

"Did Mr. Small usually carry

Doughty and Small.

building on the afternoon or even-

ing of December 2?" "Mr. Doughty

"Was there other quarters up-stairs?" "Yes, living quarters in the,

"On the 2nd of December who lived

"The Spencer family, junior and senior and a half-brother Brood, who

"Would they be there that after-noon or night?" "I expect they would.

speculative mind in horse racing so far as betting is concerned?" "Yes."

"If he went to the race track would he take large sums?" "Quite often."

Mr. Cowan explained the sisters came to him with checks given to them by Mr. Small.

"I was always under the impres-

sion A. J. paid them money—and 1 still think so," said Mr. Cowan. "Did the sisters come and get

"Bet large sums?" "Quite fre-

"Who would ordinarily be in the

Flynn was there too."

and Mr. Small."

quently."

attended the furnace."

It was their living quarters.' "Was Mr. Small a man who had a

"During the day Doughty brought

asked you to go to the police?"

oouts?" "No."
"With regard to access to the two

"Had you any instructions from

previous to his disappearance?"

DETECTIVE SERGT. MITCHELL of Toronto has created a sensation by testifying in court that he knows a 70-acre area, within which the body of Ambrose Small, missing mildivulge the location of the area to

ney from you?" "No-from their

which he referred.

"By checks on which I advanced the cash. Sometimes I advanced them cash and then afterwards I would charge the amount up to Mr. Small's "How did you account for ' the

moneys?" They were taken off Mr. "I understand part of the time Small's own check every Saturday." that afternoon you were selling tickets, and Percy Small did, too?" "Yes. these checks?" "What would be the amount of "Sometimes \$15, or \$20 or perhaps \$25. The sums varied." Not, Regular Payments.

"What specified payments were here?" "They were not regular payments, no specified times."

"And the amounts paid to the sisters appeared as if paid to Mr. Small himself?" "Yes." Mr. Cowan said it was Mr. Small's

of the sisters did not appear in it.
"Did you keep his accounts fi
him?" "Just his theatre account." "Did you keep books?" "It was practically a cash business and many ooks were not needed."

the sisters have money that way? "Four or five or six years." "Was it weekly or monthly?"
"They would come weekly or twice "Because Percy Small was his half-brother, he had engaged him and if he wanted to get rid of him it was up to him to do it."

month or even twice in one week."
"You said that on December 2 Mr. Small came in the theatre and there was something about him coming in through the side door?" He did not up to him to do it.

Mr. Slaight then turned to the topic of the diamonds that A. J. Small kept in his wall safe in his office.

"What size was it?" asked the come in the front door, I am po

"Was Mrs. Small in the entrance yay?" "I couldn't say. My memory "Two large ones and several smaller ones. They were wrapped up in way?" issue paper."
"Did you see them?"
"He showed there and who they were." Mr. Slaight wanted to know where

"What time were you there?"
"Between one and two."
"What time did you see Mr. Small?"
"I saw him on the staircase going to his private office. There is a door-Mrs. Small had gone when she came to the theatre on January 3. "I could not say." not say."

He told of Mrs. Small coming to him on the Wednesday or Thursday following the disappearance and leaving him a letter for Mr. Small. He took the letter and put it with the rest of the mail.

"What called it to your mind that he came in the side door?" "It has talways been my side door?" "Was the wall safe closed?" "I could

always been my opinion." "When did you last see the loose iamonds?" "Probably 18 months or

two years before, he showed me the Saw Him After December 2.

rooms upstairs, how could the people in the general public way get to Mr. Small's office?" "There is a stairway about 20 feet to the right, and a door ones into the office" George J. Soucy was called next He is an operating and supervising door opens into the office."
"Was the outer door of the office kept locked?" "No, the inner door was often open when Small was not engineer with McLean Publishing Co. "Did you know Ambrose Small?"
"Casually, not intimately, from 1911
until his disappearance." "Could anyone from the general intrance get to Mr. Small's office?"

"Tell us what you had to do with Mr. Small." "When with the Toronto Electric and the Hydro I had con-struction work which brought me near the Grand Theatre, and I often "Yes."
"When you were absent downstairs who would be in charge?" "Percy stepped in on account of rain. I often had casual conversations."

"Had Mr. Small sent you theatre "I think so, yes." "We have heard that he is said to have disappeared the week of Dec. 2. Were you in the city that week?"

"Is it your belief that you saw Mr. Small after Dec. 2?" "Yes."

It was on the evening of Dec. 6, just at dusk. It was on Yonge street, near Pleasant avenue, when I heard an auto coming up. It was a powerful auto, for I heard the exhaust. There were quite a few hold-

you the letter were you with him in the upstair's office?" "Yes, Mr. a driver and a man beside him. Mr. Percy Small, a half-brother of Small was in the center of the rear Ambrose J. Small, was the first wit-"Did somebody call up while you were there with Doughty?" "Yes; I small was in the center of the rear seat, and a man on each side.

"He rose up as if he suddenly realized that they were taking him some place he did not want to go.

"My opinion first was that, having received the million-dollar check, they were going on a sprea. But when I did not hear the conversation."
"Had you communicated with Mrs. Small that Doughty was there? "Yes. If he did not want to spend time with an interviewer he would take it out and handle it."

"Have you the record of your at-

headquarters to tell Mitchell. "He missing man, to ask witness: "You was not in, and then I asked for are not serious in that?"

Cronin. Cronin said it must have been a hold-up barty I had seen. They looked at the theatre were on the looked. As to his present views. did not believe my story. That after-noon Cronin took me down to Court street station and showed me an

DODD'S KIDNEY he take large sums?" "Quite often."

"Would he bet up in the thousands?" "Quite frequently."

"Did Mr. Small support his sigters?" "Yes."

"How long?" "Three or four years
before he went away."

"How do you know?" "I paid them
the cash."

Mr. Cowan explained the sisters." PILLS

automobile—but it was not the car I had seen Small in.".

Mr. Soucy then produced the memo which he had taken of the date and

'Twas About Dusk Then Mr. Tilley took up the cross

"Do you remember the time of the day?" "It was just about dusk. I was on the sidewalk on the east side

"You knew about the million-dol-lar check?" "Yes, I had heard some talk about it. On account of all the hold-ups about that time I thought in was, a foolish thing for them to talk about it. It would make him a He repeated how he had gone to the police and notified them of it. Thomas Flynn, friend of Small, was

then called to the stand. "Were you and he confidential friends?" asked Mr. Slaght. "We were," said Flynn. He occasionally did some theatrical work for Small. "He was occustomed to bet on races?" "Yes." "Large amounts?" "Sums up to \$1,500 and \$2,000."

"And how about his winnings? Did he have large winnings "Yes, from \$15,000 to \$18,000 on a race," said Flynn.
Witness said he was frequently

with Small at nights. "On Tuesday night?" "No, never on Tuesday nights."
"On the Sunday?" "No, that would be the exception." He was with Small on Monday evening, December 1st, and Small

asked him to wait-he wanted to tall lawyers had to ask him to speak up, Flynn's voice was so low.
"What did you talk about?" "He

wanted to talk to me about his managers, he said." "He said to me, Cowan?' I suggested that he should give Cowan \$4,000 or \$5,000. He said, 'That's a lot of money.' I said, 'Yes, but do you realize how much money that man has made for you?"

He said, 'Yes, he is a good man; I will take care of him.'" "When did you see him on Tuesday?" "Between 2 and 2:15. I promised to see him and went up to the private office. Mrs. Small said. 'Is hat you? I thought it was Ambrose "Who else was there?" "Mr. Flock

and Mayor Maguire." "What else did Mrs. Small say?" That Mr. Small was not gone, but had gone over to the barber shop
"Did Mr. Small come in?" "Y

"What way did he come in?"
"From Johnston lane. That door is always kept locked. He waved his into his private office upstairs. "Were Mrs. Small and Mr. Flock still up there?" "What time was that?" "A quarter

"If you were sitting at the desa in the desa in the desa in the date.
"What size was it?" asked the adge.
"About 2½ feet square and 3 feet "I adhere to it that no one could get the back and said not to wait for lunch, as he was going out with the state of the date of th Made an Appointment

"Maguire and I went out. Small pointment for the next day. Then we went out and left the three standing there."
"Did you see Small again?" "Later
I saw Mr. and Mrs. Small going east on Adelaide street."
"Did you see him again?" "Not

after that. That is the last I saw that night?" "I had one from Mrs. Small between 11:30 and 12."

"What occurred after that conver-ation?" "Mrs. Small called up and asked when I had seen Mr. Small. I said I hadn't seen him. She seemed excited and said: 'Haven't you seen him? 7 o'clock, 8 o'clock, 9 o'clock.' "I said: 'I couldn't say right off, Mrs. Small,' and she hung up.
"In the conversation I asked her why she had not called the theatre, and said that he was probably on his

"Did you say anything to Mrs.
Small about a woman or for her to
be more liberal in her views of her
hyphysidel" "Gentainhered" husband?" "Certainly not Mr. Flynn said he and Mr. Cowan went to the police some days later.
"We thought the family would do

stated Mr. Flynn. "Did Mrs. Small suggest you go to be police?" "No, sir." Linen Fabric Writing the police?" "Did you tell Mrs. Small you were ping to the police?" "No, sir, not Pads, reg. 13c, 2 for 15c going to the police?" "No, sir, not on your life."

Mr. Flynn said he was worried over Regular 25c, 18c, 2 for 35c Zonox Hot Water Bottle

powerful auto, for I heard the exhaust. There were quite a few holdups at that time.

"I had heard about Mr. Small
getting that million-dollar check, and
I thought it was very foolish advegtising it that way.

said, 'I don't want you to the large one but we leave here—
"I said, 'Where do we go?' He said.
'South. I asked him 'how long' and he said 'We won't be back until the races are on in Toronto in the spring, or probably later.' I asked him if "When the auto got 75 or 100 feet from Pleasant avenue the man in the center got up and tried to make some temporatrance with the man in the remonstrance with the re remonstrance with the men in the front seat.

"It was a seven-passenger car, with a driver and a man beside him. Mr. Percy Small, a half-brother of

were going on a spree. But when I saw him rise up I knew they were interfering with his liberty."

as legally dead, was resumed by Judge Coatsworth. He told of Mrs. Small visiting the theatre the night of Dec. 2, 1919, asking if her husband had been down. Witness said that it was not for

ot to take the car number?" four days afterwards that he be-But I have another memo I came concerned at his brother's abmade after, and I went to police headquarters."

"Have you the memorandum here?"

"Yes."

Soucy stated he called at police K.C. counsel for the sisters of the

ployees at the theatre were on lookout. As to his present vie lookout. As to witness said: "I believe Small left that office upstairs alive," and left that office upstairs about the suggested 6:30 p.m. as about the ima of death, basing his belief on the look inquiries. He lookout. As to his present views, witness said: "I believe Small never came to this conclusion about a year r so after the disappearance. Would Visit Theatre.

Judge Coatsworth expressed a deire to visit the theatre. Witness could not suggest where mall was buried. He admitted that "if Small was seen" at 7 o'clock on the night of December 2, 1919, it would shatter his theory.
The witness said the last time he saw Ambrose Small was when he

was going from the box office to his private office in the theatre on the day he disappeared. Answering ques-tions of counsel, he said that the caretaker and his family lived in the back of the theatre and downstairs, some distance from the front office. Referring to the kidnapping charge that had been laid against John Doughty, now serving a sentence for

onds, Mr. Slaght asked witness: "You don't believe row that eny-ne kidnapped Small, do you?" "They tried to kidnap him—they

conspired to," was the answer.

Mr. Small said he had no reason whatever for not proceeding with the charge laid for the kidnapping of his half-brother, which was laid by himself. The crown could go on with it

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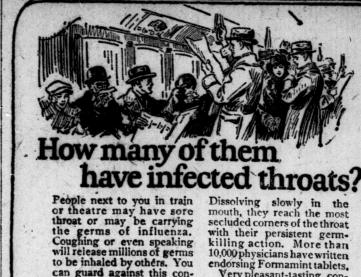
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