

ADDRESS OF THE ATTORNEY GENERAL

Hon. J. P. Byrne, attorney-general completed his address to the jury in the Paris trial yesterday afternoon.

Continuing his address at the afternoon session of the court Mr. Byrne said that the counsel for the defence had seen fit to make reference to the class of witnesses called by the crown. Mr. Vernon, no doubt, had a motive for this, said the attorney-general. He sought to impress the jury that because the crown witnesses were carpenters, wives of fishermen and so forth that they could not attain the high ideals of truth and justice reached by the witnesses from Truro.

The defence had not produced Stewart Fraser to support the alibi of August 1. Mr. Byrne said that at his cross-examination at the last trial Fraser's character had been indicated when he said that in his opinion it did not amount to anything whether a girl had been murdered and outraged. Could any such expression from a crown witness be pointed to, he asked. He asked whether the jury had seen anything in the faces of the crown witnesses to indicate that they were not in the full realization of the responsibility that was upon them when a man was on trial for his life. Did that responsibility rest on the defence witnesses, he asked. It did not lie in the mouth of the counsel for the defence to say such things in view of what Stewart had said at the last trial.

The counsel for the defence, Mr. Byrne said, had sought to impress the jury that a verdict of guilty meant the death penalty. The jury was not called upon to pronounce the death penalty. It was God who said, "Thou shalt not kill." Counsel for the defence admitted that the man who had committed the crime was worthy of death. It did not necessarily follow that if the jury did pronounce the prisoner guilty that the prisoner would be hanged.

The defence set up was that Paris could not have murdered Sadie McAuley because he was in Truro on August 2. In the opinion of the crown no reasonable doubt existed that Paris was in St. John on August 1, 2 and 3. Reason cried out that Paris, instead of being in Truro, was in St. John, said Mr. Byrne.

"May God grant you the grace and light to see in the evidence anything that may prove the innocence of John Paris and allow him to walk out of the court a free man," said the attorney-general. But if on the other hand, he continued, the jury failed to find that there, the crown felt that its duty had been done.

Mr. Byrne claimed that the crown, having broken down the alibi of August 2, the defence was now coming to August 3 with a new set of witnesses.

Dr. McCurdy had said that on August 2 he was in Oscar Clyke's house. He had seen a man there whom he did not know at the time to be John Paris. Dr. McCurdy had sworn beyond any possibility of a doubt that the man he saw there was John Paris. The doctor had said the Clyke house was 100 to 150 yards away from Paris' grandmother's house. Paris had sworn the Clyke house was about twenty feet away. There might be a dozen Oscar Clykes there. Was the doctor in the same house at all, asked the attorney-general. If Dr. McCurdy had had faith in his own convictions and in the jury, he would have said that it was possible for him to be mistaken but he believed Paris to be the man he saw there, the attorney-general said.

The Crown felt it was not its duty



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to say one word against the evidence given by the late Warren Ogilvie, Mr. Byrne said. The Crown did not dispute that 90 cents was paid out at the Eastern Hat and Cap factory on August 2. Look at the journal, said the attorney-general. Was there any entry there of John Paris' name as being paid 90 cents, he asked.

William McNaught had been brought to support the case of the transaction of August 2. Could the jury, after having seen McNaught, put faith in his testimony, asked the attorney-general. The receipt had not been produced, the attorney-general said. Why were not McNaught and Miss McKenzie brought over on the first trial, he asked. When the Chautauqua parade was broken down then they brought on McNaught, he said. Although McNaught had said he had never seen the man in his life before that day, yet he swore that Paris was the man, Mr. Byrne said.

Miss McKenzie also was prepared to swear that the man she never saw in her life before, was beyond any possibility of doubt, Paris.

George Murray had said he could not remember the day or the date the two men came to the garage. The Crown did not dispute that Paris was in Truro up to the night of July 31. The Crown claimed that Paris left Truro on the night of July 31 and arrived in St. John on the morning of August 1.

Stanley Nichols had sworn that it was August 2 when the two men came to the garage to sell the gasoline. Nichols had said that when the case was on in Truro he did not have his books. Nichols swore at the preliminary hearing in Truro that it was August 1 or

2 and at the high court trial that it was August 2 or 3 that he bought the gasoline. Mr. Byrne said. It was not until this trial that he swore it was August 2. When asked at this trial about the gasoline slip bearing the date August 1 Nichols had said he could not explain it. The next morning he had said it represented gasoline bought on July 27 or 29.

The attorney-general said that there could be no doubt that the date in the original slip 986,523 had been changed to a "9" from a "3". Mr. Wyatt had sworn that in the duplicate the "9" was changed to a "2". Did the jury suppose that Wyatt, who knew that Paris was on trial for his life, would perjure the life of a man away, asked Mr. Byrne. Mr. Wyatt had proved to the Crown's satisfaction that the transaction had taken place on August 3, Mr. Byrne said.

Mr. Byrne said that when the crown had broken down the alibi as to Aug. 1 and Aug. 2 that a new case was set up by the defence for Aug. 3, and a new set of witnesses were produced.

Mr. Byrne said that the evidence of Mr. Scarborough and Mr. Moxon amounted to nothing. An attempt had been made to fit it in to build up a new alibi. He referred to George Hill and to the evidence of Isaac Allen. He said that maybe Lester Connolly's sister-in-law did die on Aug. 3. It might be that Connolly had taken the suit to Hill's farm on Aug. 4 and had seen Paris there then. He asked how Burton Richardson could fix a date six or seven months later. It was easy for one to go to a book and find that one had been at a certain place on a certain date. He asked whether Maxwell's evidence could be

believed and whether Archie Paris was not a discredited witness.

Crown Evidence Reviewed. The attorney-general then went on to review the evidence of the crown witnesses. The crown claimed that Paris left Truro on the night of July 31 and arrived in St. John on the morning of Aug. 1.

Mrs. Craft had sworn she saw Paris in his own yard on Aug. 1. She knew Paris. Was she not comparable in truth and in intelligence with any of the Truro witnesses? John McDonald said he saw Paris and Humphrey on Aug. 1. Mrs. Calvin had sworn she saw Paris in the Park on Aug. 1 and again on Aug. 6. Her daughter, Alice Brown, had said she had a good view of the man's face. She had picked Paris out of six or seven at the police station. She had the date of the plebiscite in St. John to fix the day on the morning of Aug. 1.

Walter Humphrey had been attacked by the counsel for the defence, the attorney-general said. Alexander Day had been criticized, the attorney-general said, because he had said that it was his belief that a man he saw was Paris. Mr. Byrne would rather take that evidence than the evidence of one who swore beyond any possibility of a doubt. He asked the jury whether they doubted that the man whom John McDonald said he saw on the rocks across the river was the man who had committed the murder. Mrs. Byers, Mrs. Gerow, Mrs. Craft and Alfred Byers had said that they had seen Paris on the night of Aug. 2 when the women were looking at the reflection from the fire in the Cushing mill.

As for Aug. 3, he reviewed evidence to the effect that on the morning of Aug. 3, while Walter Humphrey and Ernest Campbell were talking in Campbell's yard, Paris came along and talked with them. Campbell had tied up Paris' arm. Whether it was a bolt or the bite of a little child fighting for life was not for the crown to say, Mr. Byrne said.

He referred to the conversation in the boat, according to the evidence of Walter Humphrey. Was Humphrey's story manufactured to send a man to the gallows; was there anything to justify the jury throwing away that evidence, was there anything unreasonable about it? asked the attorney-general.

How could the jury say "Walter Humphrey was lying unless they said Stanley Humphrey, Mrs. Craft, John Beat and Ernest Campbell were lying, asked the attorney-general. What object would any of them have to come to court and swear away the life of John Paris, he asked.

The attorney-general contended that Paris left Truro on the night of August 3 to build up an alibi after he had failed to implicate Humphrey in the crime.

Who was the man who committed the crime, asked the attorney-general. It was asked even if Paris were here, whose evidence was there that he committed the murder? Did the jury have any doubt that the man who put his foot on the fence was the man who had outraged and murdered Sadie McAuley, Mr. Byrne asked. He then read from a piece of paper a statement which he said was made by Hattie Lavigne when asked to look at Paris. It was as follows: "He is the same size man but his moustache makes him look different and he hasn't a red face like when he was down picking berries with us." The judge asked Mr. Byrne where he got that. The attorney-general replied that he had gotten it from Miss Whitehead, the stenographer. The judge replied that what he had in his book was that the prisoner was the same size man but his moustache made him look different and "he hasn't a red face like the man we saw picking berries. His face is whiter." The

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Victoria street church with R. H. Parsons presiding. Those taking part in the programme were Rev. Mr. McLean, Rev. A. L. Robbins, Rev. W. C. Machum, Rev. M. L. Orchard and E. Clyde Parsons.

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