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TWELVE PAGES—ONE CENT

Petition For Reserve Case For John Paris

Counsel Makes Application on Five Points.

Only One Allowed, However—Recharge of Jury in the Prisoner's Absence is Point Raised by Mr. Vernon—Will Take Case to Ottawa if Necessary.

Before Mr. Justice Chandler in chambers this morning G. H. Vernon, K.C., of Truro, made application for a reserve case on behalf of John Paris, sentenced to be hanged on March 30, for the murder of little Sadie McNealey on August 2, last, in Riverview Park.



JOHN PARIS.

Mr. Vernon made his application under section 1014, of the code. The judge said that it was possible that he might not have jurisdiction to hear the matter in chambers and the court had been adjourned. The attorney general, Hon. J. P. Byrne, argued that the application should be made to the court while in session. The judge said that he would hear the application but he had great doubts as to his right to hear the matter.

Mr. Vernon then stated his grounds as follows:—

- 1st—Was the learned judge in error in recalling the jury for further instructions after the jury had retired to their room to consider their verdict, and then further instructing and re-charging them when the accused, John Paris, was not present in court or represented there by counsel; and is the accused, John Paris, entitled to a new trial?

- 2nd—Were the instructions of the learned judge to the jury correct, and, if not, is the accused, John Paris, entitled to a new trial?

- 3rd—Was the defence properly put by the learned judge to the jury as regards every matter in favor of the accused?

- 4th—Did the judge's charge and the address of the crown's attorney, introduce irrelevant matters and matters calculated to influence the minds of the jury against the accused?

- 5th—And for other grounds appearing on the depositions, the judge's charge and papers on file here.

In arguing the first point, Mr. Vernon said that the accused should have been present and he asked leave to file an affidavit by Paris showing that he was not present when the jury was first brought back. Mr. Byrne said that the affidavit should have been served upon him.

Mr. Vernon then read the affidavit, which was to the effect that Paris was brought back about 7.50 p.m., the last day of the trial and that Paris was returned at 5.45 p.m., and not brought back to the court until 11.40 p.m. He was absent when the judge recharged the jury.

Mr. Vernon then submitted several authorities showing that the accused should have been present during the whole of his trial.

The judge was doubtful if he could deal with this point.

Mr. Vernon submitted that the re-charge to the jury was part of the trial and that the accused should have been present. He asked for a reserve question of law on this point.

In regard to points Nos. 2, 3, 4 and 5, the judge said that the grounds specified were too general and he would not allow them, but he would permit counsel to file the other particular grounds.

The Attorney-General.

In arguing against the first grounds taken by Mr. Vernon, Hon. Mr. Byrne said that the application should have been made while the court was in session. He also said that, under the law, the court might permit the accused to be out of court at the home of any lengthy argument. Mr. Byrne said that unless some substantial miscarriage of justice had occurred, no grounds should be granted.

Adjournment was then made until this afternoon when further grounds will be presented by Mr. Vernon.

Mr. Vernon said this morning that, if necessary, the case would be taken to the supreme court at Fredericton and as a last resort, to the minister of Justice at Ottawa.

DELANEY-POWER

A wedding of much interest to many friends took place this morning at eight o'clock in St. Peter's church, when Rev. George Coffey, C.S.S.R., united in marriage with Miss Annie, Miss Annie Theresa Power of this city, and Edward J. Delaney of Halifax. The bride wore a charming traveling suit of brown velvet with opossum trimmings and hat to match and a corsage bouquet of sweet peas. The witnesses were Mrs. H. J. Lyons and Thomas M. McGuire. After the ceremony a dainty wedding breakfast was served at the home of the bride's brother-in-law, Thomas McGuire, Prince William street, and Mr. and Mrs. Delaney left on the 1.40 o'clock train for Halifax where they will reside at 166 Jubilee Road. Among the out-of-town guests were Arthur McGuire of Calgary, a nephew of the bride. Mr. and Mrs. Delaney will have the best for a host of friends and acquaintances for their future happiness.

KILLS THREE, WOUNDS TEN AND THEN COMMITS SUICIDE

Geneva, Feb. 8.—An automatic pistol in each hand, Battista Pestolacci, suddenly crazed, terrorized the picturesque Swiss town of Bellinzona, near Lake Maggiore, killing three persons, wounding ten others and then committing suicide. Pestolacci started at the railway station, where he held a crowd waiting for a train, shooting and killing the two brothers Bronzini and wounding a third traveler. He then rushed through the streets, shooting pedestrians on sight. Eight of his shots took effect, and one of his victims died later. The maniac then entered a restaurant, where he shot and wounded two women, but lost one of his automatics. Failing an attempt to capture him in the eating house, Pestolacci eluded the pursuit of a posse armed with rifles for several hours, while the townspeople remained barricaded in their homes. He then shot himself.

STEAMER KNOWN HERE TOTAL WRECK

Thistlemore Piled High on Cape Cod Beach.

Driven Ashore in High Wind, Vessel Settled on Beach and Crew Not in Danger—Was Here Last Summer.

Highland Light, Mass., Feb. 8.—The Furness line freighter Thistlemore, was piled high on the Cape Cod beach today, a total wreck probably, with her crew endangered.

Coast guards at the request of Captain Forting, signed up their breeches buoy to take off the fifty men. The seas were running high.

Although there were indications that the steamer was beginning to break up, coast guards said, the vessel was not overboard. The freighter under the drive of high wind and heavy seas during the night had crossed the outer and inner Deakel Hill Bars.

In that position the coast guards of the Red Bank Hill stations found it impossible to make fast a line for the breeches buoy after a night of failure. The coast in the latter part of the Thistlemore's aid after hearing her calls for help last night, was forced to stand off the coast, beyond the dangers of bars and shoals.

Captain Forting had asked that the men of the steamer be taken off, but when the Thistlemore settled into her sandy bed it was decided that they were not in imminent danger and the rescue apparatus was merely kept up ready for use.

The Furness Line Thistlemore, a vessel of 4,146 tons, and her commander, Captain Forting, were well known in this city, as she was formerly on the St. John-London winter port service. She came in on July 23, loaded 1,600 tons of sugar at the refinery and sailed for Halifax on August 27. She called at Halifax before Christmas. This winter she was on the service between St. John and London, and was bound for Boston when the disaster occurred.

Highland Light, Mass., Feb. 8.—The Thistlemore was found to be leaking badly. The wind increased and it was decided to take off some of the men aboard. The first man was hauled from ship to shore in the breeches-buoy without mishap and the work of rescue went on.

Highland Light, Mass., Feb. 8.—At noon the men had been brought ashore in breeches-buoy. About forty more remained to be taken off. Coast guards thought it was nightfall before the last man was off.

Local News

NAVY LEAGUE OFFICIAL

Captain George S. Laing of Toronto, arrived in the city from Amherst last night. He will lecture on work of the Navy League and kindred subjects in the German street Baptist Institute tomorrow evening, at a joint meeting of the men's and women's Canadian clubs and the Navy League. Captain Laing served overseas and is well known as an author and lecturer.

MILL BURNED

Word was received in the city last night of the destruction by fire on Saturday of the mill owned by Willard P. Miller at Newcastle Creek, Queens County. A large cut of lumber was also destroyed. The machinery and equipment of the mill were the loss and the loss will be heavy. About thirty men are thrown out of work.

INCOME STATEMENTS

The assessors office reported this morning that income statements were coming in satisfactorily. Receiving of returns which is now taking place in the committee rooms at City Hall between the hours of 9 a.m. and 9 p.m. will be discontinued on Friday evening.

HOUSING BOARD

A meeting of the municipal housing board was held in Mayor Schofield's office this morning. Proposals were received from real estate owners, but no definite action was taken. A further meeting will take place Thursday afternoon. A general survey is to be made of the houses, no statement as to their condition. The board will also receive reports, etc. was submitted at the morning meeting.

BETTER GRAIN SEASON

So far this season the C. P. R. has handled over 1,000,000 bushels more grain than they did in the corresponding period last season. To date more than 5,000,000 bushels have been shipped through their elevators this season and there are about 2,000,000 bushels still in the elevators and in cars. On the same date last season about 4,000,000 bushels were shipped with approximately the same amount in the elevators and in cars.

BOWLING GAMES

In St. Peter's Y. M. C. A. League last evening the Emeralds took three points from the Erins. The winners totaled 1,243 and the losers 1,142. Tomorrow evening, the Thistles and Maples will roll.

In the Wellington League the Purty Ice Cream team took three points from the G. W. V. A. The winners totaled 1,274 and the losers 1,250.

As Hiram Sees It

"Hiram," said the Times reporter, to Mr. Hiram, "what particular use in the world is a poet?" "Well," said Hiram, "I was a poet myself once. I guess we all are when we're young. Wasn't you?"

"Since you put it that way," said the reporter, "I did make a few attempts at rhyme when I was young. Something like this—"

"Beside the rippling stream
The alder bushes dream
Of course you did," said Hiram, "and then you tried to write love verses and an imitation of the very souls of the poets. The trouble is that most of us have got enough imagination at school to deliver the goods. Maybe we can only write poetry when we're young."

Miss Carrie Robinson, a public stenographer of Hamilton, testified that a man had given her the work of typing out a letter dealing with the alleged "beauty powder" case. She thought the man was James Buchanan, but admitted that she was not able to identify him positively from a photograph shown her.

The coroner's jury, which last night investigated the death of James Buchanan, public body was found in a gas filled condition of his house on the morning of Jan. 28, were not satisfied the death was the result of suicidal intent, although police evidence was to the effect that Buchanan learned the night before his death that the mystery concerning the "beauty powder" which had caused the death of Buchanan's son a few days before, was a mystery no longer.

Stenographer Unable to Positively Identify Photograph of Man for Whom She Typed "Beauty Powder" Letter.

Not Satisfied That Buchanan Was a Suicide

Police Tracing Jealous Sweetheart of Movie Actress.

Return of Letters Written by Miss Normand and Miss Minter to Murdered Director—May Issue a Warrant Today for Sands.

Los Angeles, Feb. 8.—Location of Mabel Normand and Mary Miles Minter's letter to Desmond Taylor, murdered film director, the possibility of the issuance of a complaint charging murder against A. Sand, Taylor's missing former butler-secretary, and renewed activity of detectives toward declarations of the sweetheart of a screen actress was seen near the Taylor apartments the night of the murder, were angles only today of the police investigation into the motion picture mystery.

Letters Returned.

The letters written by Taylor to Miss Normand, and for which she searched his apartments vainly two days after his murder, have been returned to her. According to the detectives working on the case, the return was made, it was declared, after a man connected with the film world, who had taken them for some unknown purpose during the confusion surrounding the finding of Taylor's body, had been threatened with a grand jury investigation. Who made this alleged threat was not stated. A representative of Miss Normand said the letters had not been given back to her.

Captain of Detectives Adams stated the police never had in possession of Miss Normand's letters nor, however, denied she had received the letters. Miss Minter to Taylor, although the latter, also, according to Captain Adams, have been returned to the writer.

Miss Minter has guards around her house to keep away uninvited callers, as she is ill, it is reported. Her attorney, however, denied she had received the letters. Win. C. Doran, chief deputy district attorney, stated a complaint charging Sands, or Edward P. Strathmore, as he is known, with the murder of Taylor might be issued today pending upon developments.

Chief Sgt. Edward King, assigned to duty at the district attorney's office, previously had made a similar search for the letters.

Look For Another.

It was reported, also, that more information had been given to the police to the effect a man in love with a screen actress, who did not return his love, but who was believed to have had affection for Taylor, had been seen near the Taylor apartments before the murder.

A story told by Howard Fellows, chauffeur for Taylor, that about 8.15 p.m. the night of the murder he returned to the apartments with Taylor's car, was said by the police to have satisfied them it was he who was seen there by Mrs. Douglas MacLean, wife of a film actor, who said he rang the bell several times, but received no answer. Finally, as there was a light in the apartments, he concluded Taylor did not wish to be disturbed, so proceeded to place the car in the garage.

Rescue in Sydney.

Sydney, N. S. Feb. 8.—The naming of William Desmond Taylor, murdered movie director of Los Angeles, appears on the nominal roll of troops taken overseas from Canada on board the British transport Milldale, in October, 1918. This roll is in the possession of Major Freeman O'Neill of Sydney, who was senior medical officer on the ship.

Major O'Neill says that the draft of which Taylor was a member came from Fort Edward Camp, Windsor, N. S. The name of the dead director does not appear in the records of the Canadian military department at Ottawa because he went overseas with a driver's license in the British army, Major O'Neill suggests.

MINISTERIAL ASSOCIATION PROTEST AGAINST STUDENTS' DANCE IN LONDON IS WITHOUT AVOID.

London, Ont., Feb. 8.—Despite the opposition of a deputation from the ministerial alliance, the board of education yesterday authorized the students' council to hold a dance in connection with the opening season of the new collegiate institute.

Rev. Canon Sage, speaking for the deputation, said his objection to the proposed dance rested largely on modern music and modern dance steps. He held men of Hebrew blood to be responsible for many modern evils, and "Much of the modern jazz music," he said, "is due to that influence. When I hear that kind of music I feel I am looking at a snake. What is it in this music that is wrong? Simply this—it puts the accent on the wrong thing. If we have jazz music we will have jazz morals, and jazz morals will make a jazz community."

Former Premier Orlando of Italy has accepted the nomination of King Victor Emmanuel to form a new cabinet to succeed the Bonomi ministry, which resigned last week.

DEVELOPMENTS IN TAYLOR CASE

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"JAZZ MUSIC AND JAZZ MORALS"

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Disorder Breaks Out Once More In Ulster

SEVERAL PROMINENT NATIONALISTS KIDNAPPED AND DESTINATION UNKNOWN

Fifteen Arrests Made—"A Specials" Ambushed and Casualties Inflicted—Head of Tyrone Orangemen Amongst Missing—Developments in Railway Strike.

Belfast, Feb. 8.—A large number of the leading Unionists of Counties Fermanagh and Tyrone, in the Ulster area were kidnapped from their homes early today and taken to unknown destinations.

Fifteen arrests have been made. The raiders are believed to have come from counties Cavan and Longford, near the border. The forces known as "B Specials" are being mobilized today in Tyrone and Fermanagh and rushed to the scene of the kidnapping. The Ulster government has announced its intention of taking drastic measures.

Among those kidnapped was Major Anketell-Mourly, head of the Tyrone Orangemen. Former High Sheriff Carson, of County Fermanagh, whose house was raided, resisted single handed for an hour until he was wounded and carried off in a motor car. The house of Major Moore, at Belleek, Fermanagh, was similarly attacked, but Major Moore succeeded in escaping.

A merchant named Elliott, at Enniskillen, fired on the raiders when his house was attacked and it is believed he wounded one of them. The merchant was not wounded and escaped.

Attacks were also made on the houses of former county inspector McGuire and various other prominent Unionists in the vicinity of Enniskillen who were absent at the time from their dwellings. Specials Ambushed.

A party of what are known as "A Specials" was ambushed near Newtownbutler last evening by a large party of armed men. An engagement resulted in which casualties were sustained on both sides.

While this fight was occurring the residences of other constables of the garrison were visited and a number of the constables were kidnapped and carried over the border.

At noon today Registration Inspector Looan, a prominent Unionist of Newtownbutler, was taken to the hospital at Enniskillen suffering from gunshot wounds. (Continued on page 2, fourth column.)

BIG STEAMSHIP A PREY TO FLAMES

Northern Pacific Afire Off Cape May—Four Men on Board Rescued—Will be a Total Loss.

New York, Feb. 8.—Fire which broke out on board the former U. S. liner Northern Pacific off Cape May, N. J., at one o'clock this morning, swept through the ship and at dawn was raging uncontrolled, said a wireless message received here at 6.45 a.m.

For a time there was some alarm over the fate of four employees of the Sun Shipbuilding Company, of Chester, Pa. who were on board, but the despatch stated they had been picked up by a steamer standing by.

The fire was still eating its way through the ship at 8.30 a.m., radio advices said, and that at that time it apparently was only a matter of a few hours before she would burn to the water's edge.

The Northern Pacific was 299 feet long, with a registered gross tonnage of 8,235. She was under the control of the United States Shipping Board.

A Previous Accident.

New York, Feb. 8.—The former transport Northern Pacific in 1919 crashed into a sand bar off Fire Island with 3,000 U. S. soldiers she was bringing back from France.

SENTENCE OF NINE MONTHS

Hard Labor for Former Curate Who Pleaded Guilty to the Forgery of Letter and Death Certificate.

Regina, Feb. 8.—G. E. Williams, formerly a curate of an Anglican church at Oxbow, Sask., was sentenced to nine months in jail with hard labor at the opening of the jury sittings of the court of criminal justice yesterday. Williams was charged with the forgery of a letter and a death certificate, giving the wife full details of his own alleged death and funeral.

Admission was made, also, of the forgery of a death certificate, all with the intention of leading her to believe he was dead.

DEATH ROLL IS INCREASED TO 8

Two Badly Injured Also and One Missing in Virginia Mine Disaster.

Huntington, W. Va., Feb. 8.—Eight men were killed, two badly injured and one is missing as the result of a mine explosion late yesterday which wrecked a mine of the Marietta Coal Company on Pond Creek, according to information received here last night.



THE NEW POPE.

POPE'S REASON FOR SELECTION OF HIS NAME

Figured Prominently in His Personal History—Cardinal O'Connell Proposes Delay in Calling Future Conclaves.

Rome, Feb. 8.—The reason for his choice of the name of Pius was explained by the new Pope yesterday to Cardinal Laudi.

"I was born under a Pius. I came to Rome under a Pius, Pius is the name of peace—then Pius shall my name," he said.

Suggests Amendment.

Rome, Feb. 8.—Cardinal O'Connell of Boston, expressed the opinion today that the law calling for the convening of the conclave ten days after the demise of the Pontiff should be amended to read twenty days to insure participation by Canadian, U. S. and South American cardinals.

FIRE RAGING FOR FIVE YEARS

Consideration of Means of Extinguishing Blaze Which Has Destroyed Millions of Tons of Coal.

Wilkesbarre, Pa., Feb. 8.—Methods of extinguishing a fire which has been raging in the Red Ash Mines of the Wilkesbarre Mountain more than five years were discussed yesterday at a conference called by Seward Button, chief inspector of mines. Definite action was postponed.

The fire started in the Red Ash bottom vein in December, 1916, by a miner's lamp, and rapidly got beyond control. It is now raging in an area of fifteen acres. Flooding with water and mine-sealing methods have been tried, but each failed and the fire has destroyed millions of tons of coal.

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