

GASPÉ OF YESTERDAYPRESS ITEMS ON A NOTED CRIMINAL  
TRIAL INVOLVING GASPESIANS.

From the yellowing pages of a sixty year old scrapbook, some of the Press coverage of the noted criminal trial of Nelson Phillips of Peninsula in the Ascah murder case.

Ken Annett

PRESS ITEMS ON A NOTED CRIMINAL CASE INVOLVING GASPESIANSBACKGROUND

It was during the evening of August 30th., 1933 that two local Peninsula village girls, Maud Ascah, 15, and her cousin, Marguerite Ascah, 17, mysteriously disappeared from the quiet, Gaspé Bay community.

Local search, which began immediately on the following morning, was extended by the Provincial Police and the RCMP far beyond Gaspé in the week that followed. One theory held that the girls might have been kidnapped by those involved in the rum-running trade. Rumour abounded throughout the Gaspé District but a month passed with no results from widespread search. On October 6th., the Hon. L.A. Taschereau, Premier of Quebec and Attorney-General stated that the search for the missing girls would be continued with unceasing energy.

It was in the last week of October that the right foot of a girl was found wedged between rocks on the Peninsula shore. This discovery was quickly followed by the finding of the body of Maud Ascah floating in the water near the Peninsula beach. On November 1st the Press announced - "ARRESTS IN ASCAH MURDER EXPECTED" and this was soon followed by bold headlines to the effect that the murder of the Ascah girls had been solved by an alleged confession of a Peninsula youth, Nelson Phillips.

To keep in perspective the Press accounts that follow, one should keep in mind the following stages of the judicial proceedings in 1933-1934.

1. The INQUEST held at Gaspé Basin by the County Coroner, Dr. E.G. Pouliot, into the death of Maud Ascah. This inquest adjourned with the formal arrest of Nelson Phillips.
2. The PRELIMINARY HEARING at the Percé Court House presided over by Judge A. Couillard. Nelson Phillips was committed to stand trial before the Court of King's Bench. Phillips was removed to the Quebec City Jail.
3. Murder trial of Nelson Phillips before the Court of King's Bench, Quebec City, with Chief Justice R.A.E. Greenshields presiding. Phillips was found guilty and sentenced to death.

4. THE COURT OF APPEALS at Quebec City with Justices Bond, Tellier, St.Germain and Rivard concurring ruled that Nelson Phillips should have a new trial. Justice Dorion dissented.
5. SECOND TRIAL OF NELSON PHILLIPS before the Court of King's Bench in Quebec City with Judge N. Belleau presiding. The alleged confession, admitted as evidence in the first trial, was ruled out by Judge Belleau. Nelson Phillips was acquitted.
6. The CROWN appealed the acquittal above before the COURT OF APPEALS sitting at Quebec City. The appeal was dismissed.
7. Nelson Phillips was restored to liberty - completely a free man.

As to the chronology of the case the following Press headlines may be helpful.

1933

September	\$200. REWARD. MISSING. Maud and Marguerite Ascah.
September 6	POLICE CONTINUE HUNT FOR TWO ASCAH GIRLS.
October 6	SEARCH FOR ASCAH GIRLS CONTINUING.
October 27	FOOT DECLARED FROM GIRL'S BODY
October	EXPERTS CONTINUE STUDIES OF FOOT.
October 30	NO DEFINITE PROOF OF GIRL'S MURDER SAYS TASCHEREAU.
October	BELIEVED KILLED BY RUM-RUNNERS IN ACT OF REVENGE
October 31	MAUD ASCAH ALIVE WHEN THROWN INTO GASPE BAY.
November 1	ARRESTS IN ASCAH MURDER EXPECTED.
November	PENINSULA MYSTERY SOLVED - Phillips Confesses.
November 7	MAKES FULL CONFESSION WHICH WAS PRESENTED AT CORONER'S INQUEST TUESDAY AFTERNOON.
November 8	"I FEEL BETTER NOW", SAYS CONFESSED ASCAH SLAYER.
November 17	BOY'S STATEMENT READ INTO ASCAH CASE AT HEARING.
November 27	CROWN WILL ASK FOR CHANGE OF VENUE. (To Quebec City)

November (PHILLIPS) SENT TO QUEBEC AFTER THE HEARING IN  
PERCE LAST WEEK

1934

February 5 PHILLIPS APPEARS IN QUEBEC COURT.

February SELECTION OF JURY COMPLETED TUESDAY FROM SECOND PANEL

February 20 TRIAL OF PHILLIPS GETS UNDER WAY.

February 21 PHILLIPS AT STORE ON TRAGIC EVENING.

February 22 PHILLIPS AVOWS MURDER, IS CLAIM.

February 24 PHILLIPS ALLEGED CONFESSION READ.

February 26 CORONER IS HEARD AT PHILLIPS TRIAL  
WITNESS AT THE PHILLIPS' MURDER TRIAL. SKETCHES.  
SYNOPSIS OF EVIDENCE IN THE PHILLIPS' TRIAL. LARGE  
NUMBER OF PENINSULA WITNESSES HEARD LAST WEEK BY  
JUDGE AND JURY.  
Alleged Confession Of Accused Is Admitted Despite  
Strenuous Objection of Defense Council. Prosecution  
Completed Case Friday - Defense On Monday. Pleas to  
Jury Made On Tuesday by Crown and Defense Attorneys.  
SEVEN WITNESSES AT THE PHILLIPS' MURDER TRIAL. Sketches.

February 27 PHILLIPS IS FOUND GUILTY OF MURDER - IS SENTENCED TO  
BE HANGED MAY 18 AS JURY ON TUEDAY RETURNED VERDICT  
OF GUILTY.  
DEFENCE COUNSEL STATED FOLLOWING TRIAL THAT APPEAL  
WOULD BE MADE ON FOUR POINTS.

March TO ENTER PHILLIPS APPEAL THIS MONTH

May JUDGE RIVARD ASKS WHY MR. MALONEY BROUGHT INTO CASE.  
COURT OF APPEALS COMMENCED THE HEARING OF THE APPEAL  
OF NELSON PHILLIPS

May 12 PHILIPS APPEAL HEARING IS ENDED

June 11 PHILLIPS OBTAINS NEW MURDER TRIAL

~~October~~ 23 SECOND PHILLIPS TRIAL COMMENCES.  
JURY COMPLETED AND CROWN OPENS CASE IN QUEBEC COURT.

October 24 PHILLIPS HELPED IN ASCAH SEARCH.



1934 (ctd)

October 25 PHILLIPS FRIEND (JAMES MILLER) CALLED TO STAND.  
 October 26 MISS (DAISY) COFFIN TELLS OF BONFIRE PARTY.  
 October 27 LAWYERS DEBATE IN PHILLIPS CASE.  
 October 29 LEMIRE (CHIEF, PROVINCIAL DETECTIVE FORCE) TESTIFIES  
 AT PHILLIPS TRIAL.  
 October 31 TRIAL JUDGE RULES OUT CONFESSION.  
 PHILLIPS ACQUITTED

1935

January 10 WAS PHILLIPS "CONFESSION" A FACT OR LEGAL POINT,  
 APPEAL COURT IS REQUESTED TO DECIDE.  
 February LAST CHAPTER IN FAMOUS ASCAH MURDER CASE WAS WRITTEN  
 BY APPEAL COURT.  
 THREE JUDGES RULE CROWN DID NOT SATISFACTORILY PROVE  
 THAT STATEMENTS OF THE ACCUSED WERE MADE VOLUNTARILY.  
 TWO JUDGES FOUND ALLEGED CONFESSION TO FATHER FOLLOW-  
 ING GASPE INQUEST SHOULD HAVE BEEN ADMITTED.  
 LENGTHY CASE IN ALL PROBABILITY AT AN END.  
 MYSTERY OF ASCAH GIRLS' DISAPPEARANCE STILL UNSOLVED.  
 February 21 NELSON PHILLIPS NOW RESTORED TO LIBERTY.  
 ACQUITTAL ON MURDER CHARGE IS COMPLETE.

While the Press items that follow do not represent all that was written on the Ascah murder case they will serve to recall a drama of tragedy and judicial proceedings that dominated the thought and preoccupations of Gaspésians over many months. The tragedy for the Peninsula families directly involved was widely shared in the Gaspé Bay communities. It is fair to say that the murder of the Ascah girls and the subsequent trials left an indelible mark on the Peninsula community.

# \$200. Reward

## • MISSING •

### Maud and Marguerite Ascah

#### The Clarke S.S. Co. Ltd.

will pay a total sum of \$200.00 to any person or group of persons giving information which will lead to the discovery of Maud and Marguerite Ascah, or lead to apprehension and conviction of anybody illegally detaining them.

In case of dispute, as to who is entitled to this reward of \$200.00 the decision of the Directors of the Clarke Steamship Company Ltd. shall be final.

## SEARCH FOR ASCAH GIRLS CONTINUING

### Quebec City Clergymen Appeal to Taschereau in Mystery

QUEBEC, Oct. 6.—(C.P.)—Renewed attention has been drawn to the unhappy case of the two Ascah girls, Marguerite and Maud now missing from their homes at Peninsula, Gaspé, for over six weeks, by the action of local clergymen who, struck by the tragic nature of the mystery, have appealed to Premier L. A. Taschereau, as Attorney General, with a view to urging that no stone be left unturned in the authorities' attempts to trace the lost cousins, 17 and 15 years of age respectively.

The Attorney General's reply was that everything possible was being done—so far, unfortunately, without tangible result—and that the search for the missing girls would be continued with unceasing energy.

Protestant clergymen held a meeting were at which they decided to urge the Attorney General to continue the police efforts to trace the two girls, with unabated vigor.

Very Rev. A. H. Crowfoot, Dean of Quebec, and Rev. L. M. Pepperdene, rector of Trinity Church, accordingly called on the Premier at the Legislative Buildings and discussed the case with him.

Following the interview, Mr. Pepperdene said the Dean and himself had been convinced that the authorities were doing absolutely all that could possibly be done, with the aid of both Provincial and Dominion police, to solve the mystery. It was obviously an exceedingly difficult task, Mr. Pepperdene pointed out, in view of the fact that not one single clue as to the circumstances of the girls' disappearance had been left.

Interviewed after the meeting, Premier Taschereau said: "We are following up every clue, no matter how slight, and everything possible is being done. We will not allow the case to be dropped."

## POLICE CONTINUE HUNT FOR TWO ASCAH GIRLS

### Gaspé Peninsula Roads Closely Watched

QUEBEC, Sept. 6.—(C.P.)—Working without relaxation local and provincial police forces, aided by the Royal Canadian Mounted Police, continue their hunt for Marguerite and Maud Ascah, cousins, who disappeared at Peninsula last week. Although numerous clues have been followed up not a single scrap of definite information has come to light as to the whereabouts of the girls.

All roads in the Gaspé Peninsula are being watched and every suspicious-looking vehicle is stopped. Inquiries are also being made in Montreal and in Quebec and border points.

A theory that the girls might have been kidnapped for ransom by some of the smugglers engaged in the liquor traffic along the Gaspé Coast has led to a close watch being kept on activities along the waterfront. An uncle of the missing girls, Capt. R. Ascah is commander of the national revenue cutter "A. L. Chasse" and has a personal interest in keeping an eye on smuggler operations.

Police officers are also studying the possibility that the girls may have been struck by an automobile and their bodies thrown over a precipice by motorists who wished to conceal the accident.

## FOOT IS DECLARED FROM GIRL'S BODY

### Dr. Fontaine Reports on Find in Ascah Case

QUEBEC, Oct. 27 — (C.P.)—The naked human foot found wedged between two rocks along the shore of the Gulf of St. Lawrence at Peninsula, Gaspé County, was the right foot of a girl between the ages of 14 and 17 years according to an official report received at the Attorney-General's office today from Dr. Rosario Fontaine, provincial medico-legal expert. Department officials believe the foot an important clue to the disappearance of Marguerite Ascah, 17, and Maud Ascah, 15, from their home at Peninsula on August 30.

Dr. Fontaine, who examined the foot in his laboratory expressed the belief that the foot had been in the water "for several weeks" and that it had not been torn from the rest of the body but had become detached in the process of decomposition.

#### FIND COAT AND SHOE

Meanwhile provincial detectives sent to Gaspé to investigate the disappearance of the two cousins telegraphed to their superiors here that a coat and shoe found in the district had been identified as belonging to Maud Ascah, one of the missing girls. The other tennis shoe was found several days ago in the water a few yards from shore.

Fishermen, aided by the provincial police and Royal Canadian Mounted Police, have been dragging Gaspé Bay on the chance that their grapples might bring up the remainder of the body to which the foot was attached.

The telegram received from the provincial detectives at Peninsula mentioned that the girl's coat was stained with two different types of soil. Officials did not make public the remainder of the telegram.

#### PREMIER'S STATEMENT

Premier L. A. Taschereau, Attorney-General of the province, told newspapermen today, "from what I have read of Dr. Fontaine's report it is almost certain that the body of one of the young women at least will be found in Gaspé Bay. At the same time, it must be remembered that we are faced by grave difficulties. In this case it is not a question of a lake or a river which might be easily dragged, but of a bay which is as deep as the sea. We will leave no stone unturned, however, in our efforts to find the missing girls and bring the guilty persons to justice."

Neighbors of the girls at Peninsula have expressed the belief that the girls were abducted by rum-runners as retaliation for the activities of relatives of the girls employed in the Preventive Service.

The cousins failed to return home from a meeting near their home on the night of August 30.

## MEDICO EXPERTS HAVE BIG PROBLEM

(Continued from Page 3)

of all, the doctors hope to establish definitely whether it is that of a young girl or boy, and how long it had been in the water. Later they expect to disclose how long the victim has been dead. Next they will try and find out the approximate age of the victim.

#### HAVE EXPERIENCE.

The doctors are not novices in these different processes, as they proved, in the case of Lafontaine, whose mutilated body was found in the river three years ago, the age, height and possible time of death, long before the police were able to solve the mystery.

The foot was found yesterday between two large rocks, 175 yards from the mainland of Gaspé Peninsula, by Marguerite Ascah's mother and relatives yesterday. Following the finding, Mrs. Ascah reported the discovery to the R.C.M.P., and told them that she was certain that it was the foot of her missing daughter. The foot was immediately sent on to Dr. Fontaine for examination, and it arrived in the city early last evening.

The strange disappearance of the two cousins almost two months ago has created a sensation in eastern Quebec. All the police forces, Federal, Provincial and municipal, have been on the lookout for clues to the missing girls. They have not been seen or heard of since August 31, when they left their aunt's home to return to their homes. Rumors of all kinds have been circulated. Some said that they had been abducted by American gangsters, others that they had run away from home, while other reports had it that they had taken the veil.

#### FIRST CLUE

The first clue came yesterday when the mother found the foot. The mother is certain that it is that of her daughter and if it proves right, it may mean that the girls were either purposely drowned or fell into the ocean while in an open boat. At the present time the R.C.M.P. who have been hard at work on the case for almost two months, believe that there is foul play in the case.

Percy Ascah, a relative residing at 5170 Queen Mary road, was notified of the discovery.

## EXPERTS CONTINUE STUDIES OF FOOT

### Shoe Also Tested in Effort to Solve Strange Ascah Case

Doctors Fontaine and Roussel, medico-legal experts, are today continuing their examination of a foot and a white running shoe found off Gaspé Peninsula Sunday and yesterday, in attempt to link these finds with the missing Maude and Marguerite Ascah of Gaspé.

The shoes of both Marguerite and Maude Ascah reached the medico-legal laboratory in Montreal last evening, and these will play an important part in the tests to be made. The shoes were under the microscope for several hours this morning, and were compared with the white running shoe, identified by Mrs. Lewis Ascah mother of Maude Ascah, as belonging to her daughter.

#### TEST SHAPE

The doctors are endeavoring to ascertain whether the foot submitted to them corresponds in shape and size to that of one of Marguerite Ascah's shoes. Also the experts hope

## EXPERTS CONTINUE STUDIES OF FOOT

(Continued from Page 3)

to prove that stains in the shoes owned by Maude Ascah correspond with the marks found in the shoe discovered in Gaspé.

Dr. Fontaine said this morning that there were two bones of the foot missing and because of this it made their work more difficult. He was asked if the foot was deformed in any way, and answered that it was not. "Although it is badly decomposed, we are certain of discovering the age of the victim, the size of the foot and the size of the shoe it wore," said Dr. Fontaine.

Many Gaspé people, friends of the two girls, are convinced they have been drowned in the Gulf of St. Lawrence. Meanwhile as the fishermen grappled on the bottom in the chance of finding the rest of the body the foot belonged to, detectives sent here by the Quebec Attorney-General continued to question relatives on the disappearance of the girls.

On August 31 they walked together to a meeting near their home, visiting their aunt in her cottage before they turned towards home. They were never heard from after bidding their aunt cheery good night.

## NO DEFINITE PROOF OF GIRL'S MURDER, SAYS TASCHEREAU

Premier Promises Efforts  
to Bring Any Guilty  
Person to Justice

### COUSIN IS SOUGHT

Autopsy to be Performed  
on Maud Ascah's Body  
Later Today

QUEBEC, Oct. 30.—(C.P.)—  
"We have no definite proof that  
there has been murder," Premier  
L. A. Taschereau said today, com-  
menting on the finding in Gaspé  
Bay of the body of Maud Ascah,  
15, who together with her cousin,  
Marguerite Ascah, 17, disappeared  
from her Peninsula, Que., home on  
August 30. Her body was taken  
from Gaspé Bay on Saturday.

"We will leave no stone unturn-  
ed in our efforts to find the mur-  
derers, if there has been murder,"  
said Mr. Taschereau, who is also  
Attorney-General of Quebec.

"The only definite news we have  
so far is that the body of Maud  
Ascah was found in the bay. I see  
newspaper reports that the legs and  
arms are missing and that there was  
a gag in the girl's mouth, but that  
has not yet been confirmed."

#### AUTOPSY LATER TODAY.

Dr. Rosario Fontaine, Quebec  
medico-legal expert, is at Peninsula  
and will perform an autopsy on the  
body later today. It was only partly  
clothed and in an advanced state of  
decomposition when taken from the  
bay.

Captain Rosario Lemire, of the  
Quebec Provincial Detective Bureau,  
is also at Peninsula directing the  
search for the older Ascah girl.  
Police, aided by fishermen, continue  
dragging the bay, convinced that  
both girls met the same fate.

#### MURDER SUSPECTED.

Reports from Peninsula said that  
the girl had been knifed in the ab-  
domen. The opinion at Peninsula  
was the girl had been murdered pos-

sibly by rum-runners seeking revenge  
on the Ascah family, which is con-  
nected with the Quebec Liquor Com-  
mission Police and the Dominion  
Customs Preventive Service. It was  
believed there that her body had been  
weighted down and thrown in the  
bay.

Strong cross-currents may have  
torn the arms and legs from the body  
in the process of decomposition, it  
was said.

#### INQUEST WILL BE HELD

PENINSULA, Que., Oct. 30. —  
(C.P.)—Minus arms and legs, with  
tufts of hair torn from her scalp, a  
knife wound in her abdomen and  
indications that she had been gagged  
with a handkerchief, the body of  
Maud Ascah, 15, today was lying in  
an undertaking parlor awaiting an  
autopsy by Dr. Rosario Fontaine,  
Quebec medico-legal expert. After  
Dr. Fontaine performs the autopsy  
and completes his findings a cor-  
oner's inquest will be held.

#### CLUE GIVEN BY DISCOVERY

After police had tracked down  
hundreds of worthless clues, the  
first indication of the girl's fate  
was made last week when a girl's  
foot was found wedged among the  
rocks of the bay, later a coat and  
shoe were discovered on the beach  
and identified as being her property.

Together with her cousin, Mar-  
guerite Ascah, 17, the girl disap-  
peared from her home here on Aug-  
ust 30. A country-wide search was  
begun.

The body was taken from the  
water on Saturday by fishermen  
and police who continued dragging  
the bay, convinced that the older  
girl had met a similar fate. The  
body was only partly clothed, parts  
of the girl's dress clinging to her  
shoulders.

Police expressed the belief that  
the arms and legs may have become  
severed from the body during the  
process of decomposition and as a  
result of the strong cross-currents in  
Gaspé Bay.

# BELIEVED KILLED BY RUM-RUNNERS IN ACT OF REVENGE

No Trace As Yet Of Dead  
Girl's Missing  
Cousin

## MEAGRE DETAILS

Attorney-General's Department  
Instructs Fontaine  
To Perform Autopsy

QUEBEC, Oct. 28 — (C.P.) —

The body of Maud Ascah, 15, who with her cousin, Marguerite Ascah, 17, disappeared from home at Peninsula, Que., August 30, has been found floating in the bay at Gaspé, according to word reaching the Attorney-General's office here.

A week ago a fisherman found a girl's foot wedged in the rocks on the Gaspé coast and it had been tentatively identified as that of Maud Ascah. A few days ago a coat and a shoe were also found and these were said by members of the family to belong to the same girl.

No trace has been discovered of the older girl. A country-wide police search has been prosecuted since the girls vanished nearly two months ago.

Following the receipt of word that the body had been found, the Attorney-General's Department instructed Dr. Rosario Fontaine, Quebec medico-legal expert, to go to Gaspé to perform an autopsy.

It was Dr. Fontaine who examined the foot and pronounced it that of a teen-age girl.

### MESSAGE IS BRIEF

Since the discovery of the foot and the clothing, Quebec authorities had enlisted the assistance of fishermen in attempting to locate the body. The brief message received here did not indicate how the body was discovered, but it was assumed that dynamite had been used to bring it to the surface.

The investigation, it is hoped, will establish whether Maude Ascah was drowned by accident or whether she was murdered. A theory held by most of the members of the small community where the girls lived that they were killed in revenge by rum-runners whose activities were disturbed by the girls' relatives in the customs preventive service.

### FONTAINE LEAVES TONIGHT

Dr. Rosario Fontaine, medico-legal expert, declined to make any statement on the matter when questioned by The Star today. He announced that he was leaving this evening for Peninsula, Gaspé.

# Maud Ascah Alive When Thrown into Gaspé Bay

**Dr. Rosario Fontaine Says Girl's Skull Fractured— Government Offers \$1,000 Reward—Search Continues for Body of Marguerite Ascah Whose Shoe Found**

PENINSULA, Que., Oct. 31.—(C.P.)—A flotilla of fishing vessels and police boats dragged Gaspé Bay today with searchers convinced that Marguerite Ascah, 17, had shared the fate of her cousin, Maud, 15, and was to be found somewhere in the depths of the bay.

Meanwhile Dr. Guy Pouliot, of L'Anse du Cap, had decided to open an inquest sometime today on the body of Maud, recovered from the bay last Saturday. From Quebec came word that the Attorney-General had offered a reward of \$1,000 to any person who could supply information leading to the arrest of persons connected with the death of Maud. Police redoubled their efforts to solve the mystery of the disappearance of the two girls from their home here Aug. 30.

A preliminary autopsy performed on the legless body of Maud revealed that the young girl was still living when she was hurled into the water, according to Dr. Rosario Fontaine, provincial medico-legal expert.

Dr. Fontaine said that the girl's skull had been fractured with a crushing blow from some heavy, blunt instrument, and that she had been tossed alive into the bay.

Previous reports that there was a knife wound in Maud's body were denied by Dr. Fontaine, but he confirmed the news that the girl had been roughly gagged with a piece of material ripped from her own dress. Examination of the contents of her stomach revealed that the girl had died about three hours after her last meal, the doctor said.

On August 30 the two girls left their adjacent homes here to attend a meeting. Returning from the meeting, they visited their aunt in her cottage and then started for home. They never reached their destination. Frantic parents and neighbors searched through the night and Royal Canadian Mounted Police and provincial detectives took up the search the next day.

## MANY CLUES RUN DOWN

Many clues were run down. Reports that the girls had been seen as far away as Southern New Brunswick in company with young men were investigated and found to be false.

The first tangible fact connected with the disappearance of the cousins was the discovery of a naked human foot, which Dr. Fontaine said was the right foot of a 15-year-old girl. A shoe was found and then another shoe and a girl's coat. Relatives said the shoes and coat belonged to Maud Ascah.

Last night it was established that the second shoe found was worn by Marguerite and not Maud, leading to the belief that she also was lying somewhere in the bay.

Gaspé folk believe the girls were killed and thrown into the bay by rum runners out of revenge for the activities of members of the Ascah family connected with the Quebec Liquor Commission police and the Customs preventive service.

## HEARD SCREAM.

According to police information here, both young girls called on Miss Flo Peters, Montreal, on August 30 at the home of a mutual friend she was visiting in Peninsula. They left the house about 9.30 p.m. The walk to their home is less than 1,000 yards from the temporary residence of Miss Peters.

A scream heard by Miss Peters shortly after the girls bid her good-bye is accounted here as an important clue. At the time Miss Peters is said to have ascribed the scream to a frightened sea-gull. The subsequent disappearance of the Ascah girls has given rise to the possibility that the scream may have been a call for help.

Early adjournment of the inquest was expected by officials of the Quebec Attorney-General's Department here today.

## YOUTHS QUESTIONED.

GASPE, Que., Oct. 31.—(Star Special.)—Two boy friends of Marguerite and Maud Ascah received a severe grilling last evening by Chief Lemire and members of the Provincial Police, who are attempt-

ing to solve the mysterious case of the two cousins who disappeared from their homes two months ago.

Whether the information which they gave to the police during their questioning was of any importance is unknown, but there is a rumor here today that the evidence of both witnesses at the coroner's inquest late this afternoon will reveal much information.

Since his arrival in Gaspé yesterday Dr. Rosario Fontaine, medico-legal expert of Montreal, has viewed the scene of the finding of the mutilated body of Maud Ascah.

Another report of the autopsy is that the doctor discovered that the lungs were not in a sufficiently whole state to permit a complete examination, and it could not be determined if death had occurred before or after submersion. The legs and arms had been chewed at by fish.

In examining the head Dr. Fontaine discovered a fracture of the skull near the left temple. This may have been caused by the body having been dashed against rocks. Dr. Fontaine stated that a very heavy blow would be necessary to fracture the skull in this way. It was evident that the victim had been gagged while still unconscious.

In Dr. Fontaine's opinion, the crime was not premeditated and was most probably committed on the spur of the moment.

## ARRESTS IN ASCAH MURDER EXPECTED

### Inquest is Adjourned to Permit Further Police Investigations

GASPE, Que., Nov. 1—(C. P.)—Despite official reticence, reports of imminent arrests in connection with the mysterious death of Maud Ascah and the disappearance of her cousin, Marguerite Ascah, spread through Gaspe coastal towns today.

Dr. Rosario Fontaine, Quebec medico-legal expert, having characterized 15-year-old Maud's death as "brutal murder," the inquest into her death stood adjourned until November 7. Coroner Dr. E. Pouliot formally adjourned the inquest yesterday to permit police to continue their investigations.

Meanwhile the search for the body of Marguerite, 17, went ahead and officials hoped that her body would be recovered before the inquest into Maud's death continues. It is believed that she suffered the same fate as Maud. Both disappeared together from Peninsula, Que., on August 30. One of Marguerite's shoes was recovered last week.

Dr. Fontaine who performed the autopsy on Maud's body which was removed from Gaspe Bay on Saturday minus arms and legs, testified that the girl had been thrown into the water alive. She had been struck on the side of the head with the result her skull was fractured, he said, and had also been gagged with the belt of her dress. The killing probably occurred around 10 p.m., or a short time after she had left her aunt's cottage where she had eaten, the medical expert declared in announcing the results of his examination of the girl's stomach.

Before Dr. Fontaine gave his evidence the formal identification of Maud's body was made by her grief-stricken parents, Mr. and Mrs. Lewis Ascah, of Peninsula. With tears in their eyes they made the identification through small pieces of clothing that clung to the mutilated trunk.

Barely restraining their tears, the father and mother were hurried from the room after satisfying the jury of the identity of their girl.



## Peninsula Mystery Solved



MARGUERITE ASCAH

MAUDE ASCAH

The alleged confession of Nelson Phillips, 18 year old Peninsula youth, which was admitted into the record at the coroner's inquest on Tuesday brought about the arrest of Phillips for the murder of the two Ascah girls and definitely established the cause of their mysterious disappearance on the night of August 30th.

Police obtained a statement from Phillips shortly before the inquest and proceeded to the scene of the crime where further discoveries were reported to have been made.

Phillips is one of the two Peninsula youths taken to Perce last week for questioning. The other youth (Miller) was completely exonerated.

# TWO BODIES SUNK WITH WEIGHTS

Youth Declares Mind  
Blank Until Crime  
Committed

IS 18 YEARS OLD

Other Young Man Held  
Completely Exonerated—  
Bloody Oar Found

THE Ascah case is solved, according to provincial police, by a confession secured from one of the youths held in Gaspé.

This announcement came today from Premier Taschereau at the local Provincial offices after he had received a telephone call from Quebec. The mystery which shrouded the Ascah case, in which Maud Ascah and Marguerite Ascah, cousins, met with an atrocious death last August, has been cleared and Nelson Phillips, who has been detained with James Miller by the provincial police, has confessed his guilt. Miller is entirely exonerated, police announced.

"Phillips confessed his guilt, informed the police that he had thrown the girls into the water, was willing to direct the police to the scene of the crimes and relate how he engineered the entire affair," Premier Taschereau stated.

### Premier's Announcement Is Complete Surprise

The announcement came almost like a bolt from the skies as reports of the last few days showed no progress in the case, and in view of the

fact that police in Quebec were silent and refused to reveal any information. It was intimated that officials preferred to leave the responsibility of the announcement to the Premier himself.

Matters moved rapidly in connection with the investigation since yesterday afternoon, it was learned. The investigation proceeded as usual

at Gaspé and few facts of any importance were made public. But this morning's announcement on the part of Premier Taschereau has done away with all possible rumors and definitely shows that the crime was a local one, not connected with rum-runners.

### Phillips Confesses To Both Crimes

Phillips confessed to being the author of the two crimes.

Premier Taschereau had few facts at his disposal in regard to the latest developments in the case, but he nevertheless officially announced that Phillips will soon be leaving with provincial detectives to re-enact the two murders, and that the law would follow its course later. He will be charged with murder.

The two cousins, Marguerite Ascah, 17, and Maud Ascah, 15, disappeared from their homes on the night of August 30. Police were re-constructing the entire affair up to 10 minutes before their disappearance in preparation for the inquest today, but beyond that point no progress was reported.

and their bodies thrown into the bay.

### Suspicion Of Murder Slow To Arise

A blood-stained oar belonging to the young man's boat had been found, officers revealed today. Another young man, who was in the company of the girls the night they disappeared, is completely exonerated, police said.

The disappearance of the girls caused great anxiety to the families and friends, but the many possible deductions left out, for a time, possibility of crime.

Days and weeks elapsed, and practically all hope of finding the two girls had been abandoned when the sudden discovery of a foot on the beach of Gaspé Bay was reported. Then events followed one another in quick succession and investigation on the part of the provincial police resulted in the recovery of one of the bodies.

Dr. Rosario Fontaine, medico-legal expert, was called to Gaspé Peninsula where he performed an autopsy on the body of Maud. His discoveries were that she had a fractured skull and that she had been killed before her body had been thrown into the bay.

The foot of Marguerite was identified by the fact that one of the girl's toes had been broken. Investigations were continued, and the search, temporarily abandoned, was resumed.

A new angle to the incident suddenly came to the surface when suspicions were aroused that rum-runners along the St. Lawrence and in the gulf could have been connected with the crime. It was believed for some time that they had committed the crime out of revenge against Captain Ascah of the preventive service as the girls were his nieces, but it was later said that the theory was enunciated to facilitate search and investigations into the rum-running industry along the Gaspé coast, as well as to disarm the real culprits.

In the meantime, the provincial police were working on the case and the detectives traced the girls' movements to within 10 minutes of the time of their death.

### Summary Of Confession Disclosed By Police

The youth, whose age was given as 18, made a complete confession before Maurice Brasset, Crown counsel, and Chief R. Lemire of the Quebec Provincial Detective Department, they said, saying that he had murdered the girl cousins the night of August 30.

While walking along the road, the alleged confession said, his mind had gone blank, and when he recovered his faculties Marguerite and Maud were lying dead on the highway.

He had tied stones to their arms and legs, the document proceeded, placed the bodies in a boat, and rowed into the bay about 700 yards, where he dropped the bodies into the water.

The youth agreed, police said, to accompany them later today to the spot where the girls had been killed

# MAKES FULL CONFESSION WHICH WAS PRESENTED AT CORONER'S INQUEST TUESDAY AFTERNOON

Struck Girls With Piece of Wood As They  
Walked Along Beach Late in  
Evening

## WEIGHTED BODIES THROWN IN BAY

Following Confession Phillips Took Officers  
to Scene of Crime. Bludgeon Used to  
Kill Girls Is Found

GASPE, QUE., Nov. 7—(Special)—The Ascah murder mystery-involving an atrocious double-killing which kept police baffled for more than two months—is solved, and Nelson Phillips, a tousle-headed, sullen-faced youth of eighteen, confessed slayer of two innocent school girls, will stand trial for one of the most brutal crimes in the criminal history of the Province of Quebec.

At the conclusion of the adjourned inquest before Dr. Coroner Emile G. Pouliot in the offices of the local detachment of Royal Canadian Mounted Police here this afternoon, Nelson Phillips, son of Austin Phillips, merchant of Peninsula, Que., was formally arrested on a warrant of the coroner's court by Capt. Rosario Lemire, Chief of the Quebec Provincial Detective Force, and was returned to his cell in the county jail at Perce to await his preliminary hearing on a charge of murder.

### Accused Indifferent

At the hearing the charge young Phillips offered no comment. Remaining on a policeman's bed in an adjoining room where the inquest had been completed, he merely nodded Capt. Lemire with a look of mild interest as he listened to the fateful words. It was though he had not known his victims and was being informed by a teacher that he must re-appear at school.

### Signed Confession

The confession signed by young Phillips, in which he told of disposing of the bodies of both Marguerite and Marguerite Ascah, was presented at the two-and-a-half-hour session of the coroner's court here this afternoon. This was submitted in evi-

dence, reaching an unanimous verdict immediately. Translated from the French, this verdict reads as follows:

"Maude Ascah died from a fractured skull on August 30th, 1933, at Peninsula, Gaspé Co., Que., and we consider Nelson Phillips criminally responsible for the death of Maude Ascah. After hearing the evidence and the declaration signed by Phillips we find sufficient reason to ask that justice follow its course."

### Widespread Interest

The widespread interest aroused over the disappearance of the Ascah girls on the night of Aug. 30th last, and the subsequent discovery of Maude's limbless body on the beach at Peninsula Point on Saturday, October 28th, was attested to this afternoon by the great throng which crowded the R. C. M. P. barracks and premises during the inquest. Long before the hour set for the inquiry people from points more than a hundred miles away arrived in cars and trucks; the steps of the building were jammed with eager spectators and entrance to the barracks called for both patience and bodily strength. Only a portion of the visitors could be accommodated in the available space, and throughout the hearing more than three hundred people pressed against the doors and windows outside.

Maurice Brassat, M. P., represented the Attorney-General's Department, while Dominique Levesque, K. C., member of the firm of Kelly & Levesque, New Carleton Place, appeared in the interests of Phillips and Miller.

Phillips and Miller.

by Joseph E. Gauthier, a member of the Quebec force, who had been at work on the case since early in October. A second document also submitted by Gauthier and secured only a short time before the inquest this afternoon, told briefly of a quarrel with Maude Ascah while he (Phillips) was walking on the beach with the two girls. In this document Phillips admitted striking both girls and discovering that he had killed them.

James Miller, also of Peninsula, who was arrested with Phillips as a material witness and held in Perce since Wednesday of last week, was exonerated of all responsibility of today's findings.

### Prompt Verdict

The jury retired to an adjoining room at 6.45 for only a few min-

## "I FEEL BETTER NOW" SAID YOUNG PHILLIPS

Now In Perce Jail Awaiting Preliminary Hearing Which Will Likely be Held Next Week

Gaspe, Quee., Nov. 8.—Having delivered himself of what the police claim is a confession to the killing of Marguerite Ascah, 17, and Maude Ascah, 15, 18-year-old Nelson Phillips had been placed in jail today to await trial on a murder charge after saying: "I feel better now."

After the inquest yesterday when police officers read into the record a document which purported to tell in detail the death of the two cousins, circumstances surrounding the death of the two cousins, young Phillips was formally charged with murder. Preliminary hearing is expected to take place in a week.

An hour or so before the inquest yesterday Phillips was taken to the shores of the Bay and when he exclaimed: "My memory is coming back and that is why I can tell you more."

The coroner's jury took only a few minutes to reach their verdict and Phillips was then charged with murder and taken back to Perce to await preliminary hearing.

# "I Feel Better Now," Says Confessed Ascah Slayer

*Confession Made by Phillips Read to Jury at Gaspe Inquest — Formal Charge of Homicide Laid by Authorities — Hearing Expected Next Week*

GASPE, Nov. 8.—(C.P.)—Having made what the police claim is a confession to the killing of Marguerite Ascah, 17, and Maud Ascah, 15, Nelson Phillips, 18, had been placed in jail today to await trial on a murder charge after saying: "I feel better now."

After the inquest yesterday when police officers read into the record a document which purported to tell in detail the circumstances surrounding the death of the two cousins, Phillips was formally charged with murder. His preliminary hearing is expected to take place in a week.

The Ascah girls disappeared on the night of August 30 and a continent-wide search was made as weeks went by with no indication of what happened to them. About two weeks ago a girl's foot, later identified as that of Marguerite, was found wedged in the rocks. Shortly afterward the torso of Maud was found floating in Gaspe Bay.

Hundreds of people crowded into the little hall and listened as detectives read into the record the statement they said that Phillips had signed.

### PLEADS MEMORY LAPSE

"I met the girls at the store during the evening and I asked them to take a walk on the beach," he said in the confession. "After we got down on the beach my memory failed me and I do not remember just what happened and when I came back to my senses I saw the girls lying on the ground. They were Maud and Marguerite Ascah. To my knowledge they were dead."

Mutilated and partly clothed the body of 15-year-old Maud was found in the freezing waters of Gaspe Bay more than a week ago. Her skull had been crushed. Until yesterday's

revelations the only clue to the fate of Marguerite was a foot found wedged in in the shark-toothed Gaspe coast. A broken toe identified the foot as having been that of Marguerite.

### INTEREST AT HIGH PITCH

Long before the hour set for the resumed inquest into the death of Maud, hundreds of humble fishermen from far-flung parts of Gaspe Peninsula thronged the tiny headquarters of the Royal Canadian Mounted Police here. Shivering in the cold wind that swept in from the sea they waited from almost noon until five o'clock when police arrived with Phillips. Word had spread that the boy has confessed to the most startling crime ever to occur in Gaspe, and the crowd gaped in amazement as he walked slowly between police officials into the hall.

### QUESTIONED FURTHER

While the crowd waited for the beginning of the inquest police were concluding their investigation and attempting to add to the circumstantial evidence obtained against Phillips. According to police evidence submitted to Coroner Dr. Camille Pouliot the boy was questioned in his Perce, Que., jail cell after signing the confession by Chief Rosario Lemire, of the Quebec provincial detective bureau.

**TEXT OF CONFESSION**

The text of the confession follows:

"I met the girls at the store on August 31 during the evening, and I asked them to take a walk on the beach. We walked down to the beach. After we got down on the beach my memory failed me, and I do not remember just what happened and when I came back to my senses I saw two girls lying on the ground.

"They were Margaret and Maud Ascan. To my knowledge they were dead. I did not know what to do. I thought that the best plan was to put them where they would not bring shame on my people. I noticed blood on Maud on her left side or at the back of the head. She was bleeding and then I took a piece of her dress and tied it around her head and it did not stop the bleeding. I saw that Maud was apparently dead. There was some bleeding from Margaret's nose. She was bleeding, too. I went down and got our boat ashore and I carried them one after the other and put them in the stern of the boat.

"I picked up two stones and put

them in my boat and I tied them (the girls) to the stones. I tied them to the stones with a piece of rope from our flat and then I rowed out and put them in the water at about 700 or 800 yards from the shore. They were both in the same place. After that I came ashore, put the boat on the mooring again and I put the oars in the shed. Then I locked the shed. After that I looked around and noticed a white beret of one of the girls and I covered that up with the sand. Then there was some blood on the ground where they had been lying. I covered that up with some earth, and after that went home. It was around 10 p.m. when I arrived home. I did not notice if there was some blood on me."

**MEMORY RETURNS**

An hour or so before the inquest yesterday Phillips was taken to the shores of the bay and when he looked over the spot police say that he exclaimed: "My memory is coming back and that is why I can tell you some more."

The coroner's jury took only a few minutes to reach their verdict and Phillips was then charged with murder and taken back to Perce to await preliminary hearing.

Another young man, known to have been in the company of the two girls earlier in the evening of their disappearance, had been detained by police but was set free, completely exonerated of any connection with their deaths.



## BOY'S STATEMENT READ INTO ASCAH CASE AT HEARING

Document Ruled Admissible as Witnesses Tell How it Was Obtained

### COURT CROWDED

Arthur Maloney Asserts Phillips Decided to Make "Clean Breast"

PERCE, Que., Nov. 17—(C.P.)

—An alleged confession by Nelson Phillips, 18, to the killing of Marguerite Ascah, 17, and Maud Ascah, 15, was read into the record today at the preliminary hearing of Phillips on a charge of murder.

Judge A. Couillard ruled the document admissible as evidence after hearing the testimony of witnesses as to how it was obtained.

Arthur Maloney, resident of Gaspe, Que., who volunteered to assist police in solving the mystery which surrounded the disappearance of the girl cousins from their homes Aug. 30, said Phillips had first confessed the killing to him.

He had interviewed Phillips, Maloney testified, and after talking with him at length had obtained accused's decision "to make a clean breast of the murders."

Phillips had given details of the killing, Maloney said, and had drawn a rough sketch "showing where the club he used had been put."

### FOUND CLUB

Maloney declared he had then gone to the police and told them Phillips' story. The club had been found, he declared, where Phillips said he had put it.

Louise Brasslet, Crown Prosecutor, went into the witness box, corroborated Maloney's testimony and declared Phillips' statement was taken only after the accused had asked it to be done.

The document was then produced and read into evidence. A blood-stained oar and the thwart of a boat, claimed to be Phillips' were also put in as exhibits.

The confession purported to declare the accused's mind had gone blank while he was strolling near the beach at Gaspe with the two girls. When he came to his senses he had found the girls dead at his feet. Stones had been fastened to the bodies, the document proceeded, and the bodies had been taken into the bay in a boat and dropped into the water.

### COURTROOM CROWDED

A crowded courtroom, filled with relatives, friends and neighbors of

## BOY'S STATEMENT READ INTO ASCAH CASE AT HEARING

(Continued from Page 1)

the victims and accused, yesterday hung upon every word as the preliminary enquete began.

Taking of evidence was not completed yesterday. Adjournment was taken during strenuous objection by the defence to the production by the Crown of an alleged voluntary confession of the killing declared to have been made by Phillips. This confession was read at the inquest held at Gaspe earlier this month.

Judge Couillard presided, the Crown being represented by Maurice Brasslet, K.C., M.P. for Gaspe, assisted by Lucien Cannon, K.C., of Quebec, and the defence by D. Levesque, K.C., New Carlisle, and Guy Hudon, Quebec.

### SHOWS EFFECTS OF STRAIN

Hundreds were unable to gain admittance and a curious but orderly crowd was gathered around the court building. The accused, showing the effects of the strain he has been under, presented a stolid front, following the evidence closely, the expression on his face never changing.

The first witness called was Jeremie Bond, a fisherman who lives on the beach near the spot where Maud Ascah's body was found.

The body was discovered lying in three feet of water a few hundred yards from his home, Bond stated. He related the movements of an automobile which passed the beach beyond his house and returned towards the scene of the killing, fixing the time at somewhere between 9 and 10 p.m. on the night the Ascah girls were last seen, August 31.

Advised of the finding of the body, Detective J. E. Gauthier of the Provincial Police, described how he had engaged a motor truck to take the body to Gaspe, later notifying the coroner, Dr. Pouliot. The body had been identified by Lewis Ascah, father of Maud, Detective Gauthier continued.

### VISIBLY SHAKEN

The father, visibly shaken, was next called. He said that although the flesh was almost all eaten away during the almost two months his daughter had been in the water, and although the legs were missing, he was absolutely certain it was the body of his daughter because of particular knowledge he had of her teeth formation and from the color, texture, and so forth of her clothing. The clothes, barely more than rags after the long immersion, were produced in court.

Maud Ascah died from a heavy blow about the region of the left ear, inflicted by a blunt instrument, Dr. Rosario Fontaine, Montreal medico-legal expert, then testified. She was dead when thrown into the water and her death occurred at a maximum of four hours after she had eaten, the doctor continued.

A girl's foot found on shore near where Maud's body was discovered was the subject of much questioning. Dr. Fontaine said it was the foot of a girl between 15 and 17 years of age.

### MOTHER ON STAND

Mrs. Abner Ascah, mother of Marguerite Ascah, whose body has not been found, was shown a photographic enlargement of the foot. She identified it without hesitation as that of her daughter. A peculiarly shaped nail on the second toe was the basis of her identification.

Detective Gauthier then recalled and produced a scaled plan and enlarged photos of the locality covering the scene of the killing and roads leading thereto.

James Miller was the next witness. He was in company with Nelson Phillips and the two girls on the evening of the disappearance of the Ascah cousins. He described his movements from 7:30 p.m., relating how he had met the accused and the girls, turning back to walk as far as Mrs. Florence Peters' gate with them. The accused and he had walked on about 500 feet sitting down for about 10 minutes, talking. The accused, on seeing someone coming down the road, left hurriedly in the direction of his home.

### CLOSELY QUESTIONED

Miller was closely cross-examined for more than an hour. His only answer was "I don't remember," when questioned as to any parts of the conversation of the evening, except that he recalled that Marguerite Ascah wanted Phillips to tell her "a story he knew about Maud."

Thomas Perry, one of a party of blueberry-pickers returning home from the beach on the fatal night stated that he was passing the store of Phillips' father as accused was arriving there. He asked the boy where his father was and was told that Phillips senior was on the beach hauling freight. This was between 9 and 10:30 p.m.

Objections by the defence were pressed when the prosecution, recalling Detective Gauthier, attempted to produce an alleged voluntary confession of the crime which had been read at the coroner's inquest. These objections were being debated when court rose until today.

## CROWN WILL ASK CHANGE OF VENUE

### Wants Ascah Girl's Alleged Slayer Tried in Quebec City

QUEBEC, Nov. 27—(C.P.)—Request for a change of venue will be made when Nelson Phillips, 19-year-old Gaspé fisherman, appears at Gaspé, Que., on a charge of murdering Maud Ascah, 15. Premier L. A. Taschereau, Attorney General of Quebec, announced here today. The Crown will request the trial be held in Quebec City.

Appearance of Phillips at Gaspé is scheduled for December 28.

The young Gaspé fisherman was held criminally responsible for the death of Maud, whose limbless body was taken from the cold waters of Gaspé Bay nearly two months after she disappeared. Later he was formally charged with the murder and at his preliminary hearing a confession alleged to have been signed by him was read to the court. In the confession Phillips said that he had killed Maud and then Marguerite taking their bodies out on the bay and dropping them over the side of his boat.

The only portion of Marguerite's body was a foot picked up on the beach of Gaspé Bay. It was identified by her mother as Marguerite's due to a broken toe nail.

A legal battle of major proportions developed during the afternoon between counsel for the Crown and the defence over the admission of a confession allegedly made to police officers by Phillips.

#### Friday's Session

The outstanding feature of the second day's hearing was the testimony of Louis Brasset, Crown Prosecutor who read the confession, said to have been made by Phillips, while on the witness stand.

Previous to the introduction of this statement by the Crown, the defence counsel had endeavored to have it withheld. This objection was overruled.

#### The Confession

Louis Brasset, Crown prosecutor, read the confession from the witness stand. It follows:

"I met the girls (Maude and Marguerite Ascah, cousins, aged 15 and 17, respectively near my father's store. I asked them to take a walk to the beach. We went down. I was walking a few feet ahead of them. As we were arriving at the beach, at the foot of the hill, I was having an argument with Maude over a story about her which I said I was going to tell Marguerite.

"We quarrelled. I lost my memory and when I came to myself I saw the two girls lying on the ground near me, dead. Maude was bleeding. I tore a piece of her dress and tied it about her head to stop the blood. The blood from Maude was going on Marguerite. I thought of the shame it would bring on our people. I went to the shore and took my boat off its mooring. I returned and carried the two bodies, one after the other, and placed them into the stern of the boat. I picked up two stones of 25 to 40 pounds and put them in the boat with the bodies.

"I then rowed to the deep water beyond the bar, a distance of 700 to 800 yards. I took a piece of rope that was in the stern of the boat and tied a stone to the feet of each of the girls, then put the bodies into the water. I rowed ashore, moored my boat, put the oars into our freight shed and locked the door. Then I went back to where I had killed the girls. There was blood on the sand, I covered it up with ground and sand. There was also a white beret. I dug a hole and covered it too, then I went home and to bed. I do not know if there was any blood on my clothes."

#### Maloney Testifies

Arthur Maloney of Barachois and former member of the detective force of the city of Montreal told of his interest in the

case and the events which led up to the obtaining of the statement from the accused. Maloney told the court that he had been asked by Chief Lemire to assist in solving the disappearance of the two girls. He stated that Phillips had made a confession to him first.

The witness stated that he had talked with Phillips for some time and at length had obtained the decision of the accused "to make a clean breast of the murders." Maloney stated that Phillips had told him how the murders were committed and had given him a diagram showing where the club used in killing the girls was hidden.

Maloney stated that following

the above talk with Phillips had communicated his information to the police.

Louis Brasset then took the stand and read into the records the statement which he said had been taken down at Phillips' request and stated that the accused had been warned in the customary manner.

An oar and part of a boat thwart were introduced in evidence. They were said to have been Phillips.

#### Tells of Details

Mr. Brasset in his testimony stated that he had been informed on November 7th that Phillips wished to see him and on calling on the accused, who was being held by the police for appearance at the inquest, he had been informed by Phillips that he (Phillips) wished to make a statement.

Brasset testified that the confession was voluntary and was made without prompting or questioning and the interview did not take over ten minutes. Arthur Maloney was present but did not interfere in any way.

#### Dictates Confession

Brasset testified that immediately after his talk with Phillips, Chief Lemire and Detective Gauthier of the provincial police and Maloney interviewed the accused and after warning him took the confession. Phillips dictated the confession and Gauthier copied it down on paper in long hand. Phillips read over the statement and after making several changes in the wording signed it. He then asked that it be typewritten. This was done and the accused signed the typewritten copy of the written document.

#### Taken to Quebec

A despatch received from Quebec says that Nelson Phillips was taken to that city over the weekend and is in confinement there awaiting trial.

Whether or not a change of venue will be sought by the prosecution could not be ascertained as we go to press but

rumors that the trial would be held in Quebec have been heard since the conclusion of the preliminary hearing.

The removal of Phillips to the Capital may or may not substantiate these reports which to date have not been confirmed.

#### Bones Are Found

Detectives who are still in the vicinity of Peninsula are reported to have found several bones on the beach at that place.



# Sent To Quebec After The Hearing In Perce Last Week

Judge Couillard Admits, Into Court Records,  
Statement Made by Phillips to Police  
Despite Defence Objections

REPORT SAYS NEW EVIDENCE FOUND

Bones Found on Beach Over Week-end All  
Sent to Dr. Rosario Fontaine, Montreal,  
For Examination

Last Friday following a two-day preliminary hearing, Judge A. Couillard committed Nelson Phillips, 18 year old Peninsula youth, to stand trial at the next sitting of the King's Bench at Perce, Que. during Oct. 1934, "or as soon as His Honor the Lieutenant-Governor may determine," for the murder of Maude Ascah whose mangled body was recently found floating in the cold waters of Gaspe Bay after being missing for several weeks.

On Friday a confession declared to have been made to police officers and signed by Phillips was read into the records of the court by Crown Prosecutor Louis Brasset after the objections of defence counsel had been over-ruled.

#### Thursday's Session

The hearing commenced Thursday at Perce, Que. with the court room crowded with spectators eager to hear every word of evidence touching on a murder that has aroused the whole Province of Quebec.

The morning session was taken up with the identification of the body and testimony of Dr. Rosario Fontaine, medico-legal expert of Montreal.

Dr. Fontaine gave evidence as to the nature of his findings and relatives of Maude Ascah identified the body.

Photographs of the foot found on the beach were identified by relatives. The identification proved that the foot belonged to Marguerite Ascah by the peculiar formation of the toe nail of the second toe.

James Miller, companion of Nelson Phillips on the night of the alleged murder was on the stand for more than an hour.

He stated that he had been in company with Phillips and the two girls for a short time on the evening of August 30th—the evening of their disappearance. He stated during his testimony that he remembered hearing Marguerite Ascah ask Phillips to tell her "a story he knew about Maude."

The witness did not appear inclined to answer questions and many of his replies were simply, "I don't remember."

### Nelson Phillips On Steps of Quebec Jail



The above picture of Phillips was taken as he left the scene of his confinement in Quebec city to proceed to the Court for his trial. Accompanying him are three officers of the Quebec police.

## PHILLIPS APPEARS IN QUEBEC COURT

Charged With Murder of  
Ascah Girls—Hearing  
Set For Feb. 19

QUEBEC, Feb. 5.—(C.P.)—Nelson Phillips, 18-year-old Peninsula, Gaspé, youth held for the murder of Maud and Marguerite Ascah, 14 and 16 years of age respectively, who disappeared from their homes last August, was brought into court here today to answer a charge of murder. Phillips did not enter a plea when the charge was read by the Clerk of the Peace, before Mr. Justice Wilfrid Laliberte, and the Crown prosecutor, Valmore Bienvenue, K.C., instructed the Clerk to enter a plea of not guilty.

Phillips, making his first appearance in a local court since being brought here from Gaspé, appeared tired and somewhat thinner.

One of his attorneys entered formal objection to the change venue from Perce to Quebec, arguing that Phillips should have been tried at the Criminal Assizes at Perce. His objection was noted at the court. Hearing of the case has been fixed for February 19.

### TO PHILLIPS' TRIAL

Two sleeping cars will be attached to the Ocean Limited here tonight to accommodate the fifty or more witnesses and other interested parties going to Quebec for the Phillips' trial.

# Selection Of Jury Completed Tuesday From Second Panel

Hearing of Evidence Now Well Under Way. J. Bond Tells of Finding Body. Detective Gauthier Produces Photos, Maps, Etc. Witnesses Say Phillips at Father's Store at 9.30 P. M. on Night of Murder.

With Chief Justice R. A. E. Greenshields presiding the trial of Nelson Phillips for the murder of Maude Ascah was commenced Monday morning in Quebec City.

The Crown is represented by Valmore Bienvenue, K. C., Hon. Lucien Cannon, K.C., P.C., Maurice Brassett, K. C.

Phillips is represented by Dominica Levesque, K. C. of New Canada and Guy Hudon of Quebec City.

The first session of the court was adjourned at 12.15 p.m. on Monday after the panel of 60 jurors had been exhausted and only eleven jurors chosen. Court adjourned and the Sheriff was ordered to have a further panel of 20 jurors present for Tuesday morning. All jurors are to be English speaking according to the ruling of Judge Greenshields.

### Jurors Chosen

Following are the jurors empanelled: Martin Hewitt, foreman, 236 Fraser street; Edgar Fisher, merchant, 190 Fraser street; Jack Turner, civil engineer, 3b Murray Avenue; George D. Jackson, agent, 158 Fraser street; Frank C. Kingston, salesman, 106 Murray Avenue; Edgar Wiggs, merchant, 102 Fraser street; Michael Mullaly, accountant, 79 Manrese Avenue; T. J. Anthony Hunter, salesman, 106 Murray; Joseph P. Delaney, clerk, 88 Manrese Avenue; James O'Halloran, engineer, 28 Learmouth Avenue; and A. J. Ganas, restaurateur, 68 Fraser street.

# TRIAL OF PHILLIPS GETS UNDER WAY

## Gaspe Youth Faces Jury on Charge of Slaying Maud Ascah

QUEBEC, Feb. 20. — (C.P.)—The jury which will try Nelson Phillips, 19, on a charge of murdering Maud Ascah, 15, at Peninsula, Gaspé, Que., last fall, was completed today.

The panel of English-speaking jurors was exhausted yesterday and an additional group of 20 had to be called today.

Maud Ascah and her cousin, Marguerite Ascah, 18, disappeared on August 31, 1933. For weeks a search was made along the Gaspé coast and eventually the body of Maud was found floating in Gaspé Bay. A foot, believed to be that of Marguerite also was found.

The Crown Prosecutor, Valmore Bienvenue, K.C. outlined the case to the jury, after which testimony was heard. A large group of witnesses had been called and it was expected that the trial might be a lengthy one.

### CASE IS EXPLAINED

Mr. Bienvenue explained that Maud Ascah and her cousin, Marguerite, were both residents of

the little village of Peninsula, where the accused, Phillips, resides with his father, who kept a general store and post office.

Mr. Bienvenue said that, on the night of August 31, Marguerite, accompanied by her cousin, went to visit friends on the eve of the former's departure for Quebec to resume studies at the Commissioner's High School.

Phillips and a companion, James Miller, accompanied the two girls to the cottage occupied by their aunt, Miss Flo Peters, and waited for them outside the house. He said that the Crown would attempt to prove that Phillips was seen on the road with the cousins around 10 o'clock and was the last seen with them before their disappearance.

### BODY DISCOVERED OCT. 28

The first witness called by the Crown at this morning's sitting was Jeremiah Bond, of Peninsula, a fisherman. Asked by the Crown Prosecutor whether on the morning of October 28 last, anything unusual occurred he replied that on that morning he discovered a body in about three feet of water on the beach of Gaspé Bay.

"What did you do?"

"Well, I said to my boy that it must be the body of one of the Ascah girls."

"In what condition was the body?" witness was asked.

"It was lying face down in the water."

"Was the body badly decomposed?"

"The greater part of the arms and legs were missing, and the chin was sunken into the chest."

"Do you remember the color of the dress on the body?"

"Yes, it was a sort of pea green."

"What did you do then?"

"I notified the Ascah families."

### BODY IDENTIFIED.

"Did any member of the Ascah families see the body?"

"Yes, Louis Ascah saw it and said it was the body of his daughter."

"To whom did you surrender the body?"

"To Mr. Gauthier."

"You mean Detective Gauthier of the Provincial Police?"

"Yes."

Cross-examined by Dominique Levesque, defence counsel, as to the surrounding country and the situation of the shed of Austin Phillips, accused's father, witness said that the shed was about three-quarters of a mile from the spot where the body was discovered.

### AERIAL PHOTOGRAPHS.

Mr. Bienvenu then produced aerial photographs of the village of Peninsula and asked witness to indicate to the jury the location of the store and residence of accused's father, the shed owned by the elder Phillips and the spot where Maud Ascah's body was found. Witness pointed out each of the places mentioned.

"Besides the body, did you find anything else?"

"Yes, I found several bones."

At this juncture Mr. Levesque for defence, asked, "Are those bones going to be produced?" Mr. Bienvenue replying "No."

Judge Greenshields then remarked: "I understand there is some distance between the Phillips' residence and their store?"

"Yes," answered witness. "I believe there is a distance of about half a mile."

### DETECTIVE QUESTIONED.

The next witness called was Detective R. Gauthier of the Provincial Police, who was questioned by Lucien Cannon, K.C., for the Crown.

"I understand that in your capacity of provincial detective you went to Peninsula in connection with the Ascah case and took some pictures, and are familiar with the territory."

Replying in the affirmative, witness produced a picture of Peninsula district secured from the Department of Lands and Forests, and pointed out to the jury the residences of the Ascah girls, the Phillips residence and other spots having a connection with the case, including the home of Miss Peters, the Ascah cousins' aunt, where the pair are said to have last visited. Mr. Cannon asked witness to produce a sketch he made of the district, but defence objected on the grounds that it was not accurate evidence, as witness was not an expert.

"During 25 years on the bench, one of the best plans I have ever seen was made by a man who was not an engineer," said Chief Justice Greenshields, and permitted the production of the sketch.

Asked by Mr. Cannon whether he could state the distance between the residence of Miss Peters and accused's shed shown on the sketch, witness replied that it was exactly 1,321 feet.

Detective Gauthier was on the stand when court recessed for lunch.

# PHILLIPS AT STORE ON TRAGIC EVENING

## Witness Tells of Having Seen Accused After Girls Vanished

QUEBEC, Feb. 21.—(C.P.) — Testimony that Nelson Phillips was at his father's store at 9.30 p.m. on the night when Maud Ascah, 15, disappeared at Peninsula, Que., was given today by Harold Lemesurier as Phillips' trial on a charge of murdering the girl continued.

Maud Ascah and her cousin, Marguerite Ascah, 18, disappeared August 31. Maud's body was found floating in Gaspé Bay several weeks afterward, but the older girl's body was not recovered.

Lemesurier said that he had gone to the store with several companions. Phillips had told them he could not serve them because his father, Austin Phillips, was down at "the point" on the bay and the store was locked up. Lemesurier declared that he had seen nothing unusual about the little fishing village when he passed through it again about midnight.

Joseph Fisher told the jury that he walked along the road about 9:30 p.m. and saw two figures on the road in front of him.

One of the two got up and walked away as he approached.

Camille Gagnier, a diver, said that he had explored the bottom of the bay at the request of the police and had found two stones. One had a groove cut in it and a piece of cord was tied to it.

Miss Flo Peters testified that the girls had visited her home on the evening that they vanished and had

stayed until about 9:50 p.m. Shortly after they left, she heard a scream.

Testifying as a Crown witness Miss Ascah yesterday told the jury that she had seen a flat-bottomed boat in Gaspé Bay on the night when Maud Ascah and her cousin Marguerite Ascah, 18, disappeared.

Opening his cross-examination today, Mr. Hudon asked:

"I understand that on the night of August 31, you were ill from 8.15 until 12 o'clock, and that you were awake?"

"Yes."

"Was the window open?"

"Yes. There was a screen on it."

"On a clear night can you hear the sound of whistles blowing?"

"Yes, sometimes."

"On that particular night did you hear any sound or cries?"

"No, not that I noticed."

### NO EFFORT TO HIDE SELF

"Did the person you saw walking up the road make any attempt to hide or shield himself?"

"No."

"Did the girl carry a flashlight?"

"I didn't say it was a girl."

"Well, did the person carry a flashlight?"

"Yes."

Camille Gagne, deep-sea diver, was the next witness called by Crown Prosecutor Valmore Bienvenue, K.C.

"In your capacity as a deep sea diver, did you go to Peninsula during the month of November?"

"Yes, around the 24th of November at the request of the provincial police."

## PHILLIPS AVOWS MURDER, IS CLAIM

### Witnesses Tells of Hearing Accused Confess to His Father

QUEBEC, Feb. 22. — (C. P.) — Testimony that Nelson Phillips had admitted to his father he killed Marguerite Ascah, 18, and her cousin, Maud Ascah, 15, was introduced by the Crown today as Phillips' trial continued on a charge of murdering the younger girl.

Irma Clark, maid in the home of Nelson Phillips, was the first witness called when the hearing was resumed today.

Questioned by the Crown, Miss Clark testified that Phillips did not eat breakfast on the morning after the disappearance of Maud and her older cousin Marguerite Ascah.

Accused, witness said, had gone out early with his father to search for the missing girls. He had dinner about one o'clock after which he gave her a bloodstained shirt to

wash. He had not worked in his father's store on the morning after the girls' disappearance.

#### SEARCH FOR GIRLS

James Miller was recalled to the stand. He told the court that on September 1, the day after the girl cousins disappeared, he and Nelson Phillips searched for them from 10 a.m. until 11.30 a.m. and that Phillips did not go to his father's store until two or three o'clock in the afternoon.

Louis Bullard was the next witness. He said that he had spoken to Phillips about the missing girls two weeks after the disappearance. Witness remarked to Phillips that a foot had been found on the beach and he said Phillips replied that it would be "too bad" if the body were found because the anchorage belonged to his father, and as he (Nelson) was with the girls, he might be blamed.

Narcisse Ripon, Gaspé, was called. "You were present at the coroner's inquest at Perce?"

"Yes."

#### OVERHEARD CONVERSATION

"Did you overhear a conversation between Nelson Phillips and his father?"

"Yes. A short conversation."

"How did you hear it?"

"I told Mr. Austin Phillips that if he wanted to see his son he could do so, and Mr. Phillips entered the room where his son was."

"What did he say when he went into the room?"

"He said to his son: 'Did you kill those girls?' and Nelson Phillips replied: 'I did and don't know why I did it.'"

"Was anybody else there when he made his statement?"

"Yes. There were several police officers."

Questioned by Dominique Levesque for the defence.

"After the coroner's inquest at Perce, there were a large number of people going in and out of the room in which Phillips was detained?"

"I don't know if there were a large number; they were mostly police officers."

Edmond Gagnon, Gaspé lawyer, followed Ripon to the witness stand and was questioned by Lucien Cannon, K.C.

"Were you present after the inquest at Perce?"

"Yes."

"What did you see?"

#### IMPELLED BY CURIOSITY

"Well, more through curiosity than anything else I wanted to see Phillips. The officer of the Royal Canadian Mounted Police wanted to stop me but as I was a lawyer, he let me in."

"Who was in the room?"

"The accused, his father and his cousin. I don't know exactly what the latter's name is."

"What did you hear?"

"I heard the father say either 'My son, did you really do this?' or 'My son, did you really kill the girls?'. I can't remember exactly what it was."

"What did the accused reply?"

"He replied: 'Yes, father, but I don't know why.'"

"Did anybody else say anything?"

"Yes, his cousin said: 'Why did you not tell us before?'"

Corporal St. Pierre of the Royal Canadian Mounted Police was the next witness, followed by another R.C.M.P. officer, Constable Rioux. Both corroborated the evidence given by Ripon and Gagnon.

## PHILLIPS' ALLEGED CONFESSION READ

### Motion For Postponement Denied—Summing Up Begins Today

QUEBEC, Feb. 24.—(C. P.)—Entry into the record of an alleged confession made to police by Nelson Phillips, 18-year-old Gaspé youth, was the feature yesterday of the continuation of Phillips' trial before a jury under Chief Justice R. A. B. Greenshields, Montreal. Phillips is charged with the murder of Maud Ascah, 15, at Peninsula, Gaspé.

The confession, declared to have been signed by the youth, was also read at the inquest and at the preliminary hearing. It purported to be a full account of how the two girls were slain on the beach at Peninsula, Gaspé; their bodies, tied to rocks, being thrown into the bay.

#### MAN OF MYSTERY.

The mysterious action of a man named Baker who is supposed to have visited accused in the cells at Gaspé and "pricked him with a pen," was told the court by Thornberg Phillips, cousin of accused.

Defence counsel: "Were you in the room with Nelson Phillips after the coroner's inquest at Gaspé on November 7?"

"Yes."

"Did accused make any statement?"

"Yes."

"What did he say?"

"He said a man by the name of Baker entered his cell on the previous evening and pricked him with a pen."

Lucien Cannon, K.C., Crown Prosecutor, interrupted to ask: "Did you say pin or pen?"

"I said pen. That is what I understood at least."

At this juncture Mr. Hudon, defence counsel, asked for a postponement of the trial. He said he wanted to have Director Fernand Dufresne and other Montreal police officials to testify ex-Detective Maloney, branded as a "stool pigeon," had been dismissed from the force. His Lordship ruled against him and the lawyer stated the defence had no more witnesses to call.

Addresses to the jury by counsel are expected to begin today.



# CORONER IS HEARD AT PHILLIPS' TRIAL

## Gaspe Youth on Trial in Murder of Maud Ascah

QUEBEC, Feb. 26.—(C. P.)—When the trial of Nelson Phillips, Peninsula, Gaspe, was resumed today after Saturday's adjournment, Dr. Eugene Pouliot, coroner of Gaspe, was called to the stand by the defence. Coroner Pouliot presided at the inquest held last November into the death of 15-year-old Maud Ascah in connection with which Phillips is standing trial on a murder charge. Dr. Pouliot was questioned by Guy Hudon for the defence.

"You presided at the inquest held at Gaspe on November 7?"

"Yes."

"Can you say if this document was produced at the inquest?" showing him Phillips' alleged confession.

"Yes."

"Was it read to the jury?"

"Yes."

"Did you speak to the accused before the inquest?"

"Yes."

"What did he say to you?"

"He asked me what he would do after the inquest?"

"What did you tell him?"

"I said that he would probably return to Perce."

"What did he say?"

"He said he preferred to return home."

Questioned by Hon. Lucien Cannon, K.C., for the Crown:

"Was that before or after the inquest?"

"Before."

David Williams, manager of the Canadian National Telegraphs, was

then called by the defence, and produced a copy of a telegram sent by Detective J. Aubin to Louis and Albert Ascah on September 7. In the telegram Detective Aubin advised the fathers of the girls that their daughters had been seen in a sedan near Matane.

Michael Mullins, ferry owner, and Francis Smith, operator of the ferry between Peninsula Point and Gaspe, testified it would take about 25 minutes to go from the point to the lighthouse by rowboat.

This evidence was corroborated by Neil Ascah, son of the late John Ascah, keeper of the lighthouse for 16 years.

"Do you know of the rowboat owned by Austin Phillips?"

"Yes."

"Is it an old or new boat?"

"Very old."

"Does it leak?"

"Yes."

"Mr. Ascah, did you ever see children playing on the beach near the bay?"

"Yes."

### PLAY BARE-FOOTED.

"Did the children play bare-footed?"

"Yes."

"Did they ever cut themselves?"

"Yes."

"What?"

"In broken bottles and clams."

"On the night of August 31, or the

night of September 1, did you see

accused?"

"Yes."

"When did you see him?"

"Around 2 o'clock in the morning."

"Where did you see him?"

"At our house."

"With whom did he arrive at your house?"

"With two other men."

"Where did you go?"

"We went to Fame Point."

"How far is that Peninsula?"

"About 32 miles."

### SENT TELEGRAMS

"What did you do there?"

"We sent two telegrams."

"Where to?"

"One to Quebec and another to Campbellton."

"Where did you have breakfast?"

"At Fame Point."

"At what time did you return to Peninsula?"

"At eight o'clock."

"Where did you leave the accused?"

"At our house."

"Where did he go?"

"I don't know, I left the house."

Louis Bullard of Peninsula testified that he had a conversation with accused some time after the girls disappeared, and that Phillips had told him that it was a "strange thing where the girls had gone to."

Miss Nita Patterson said that she met Phillips around five o'clock in the afternoon of September 1, the day after the disappearance of Maud and Marguerite Ascah, and she and two other girls drove with him for nearly an hour while he was delivering meat.

### GOOD CHARACTER CLAIMED

Rev. Mr. Ward and Miss Bert Coffin, school teacher at Peninsula, testified that Phillips was a boy of good character and enjoyed a good reputation. He was liked by all his companions in Peninsula, they said.

Mrs. Austin Phillips, stepmother of accused, was then called to the stand by the defence.

"Were you at home on the night of August 31?"

"Yes."

"At what time did Nelson come home?"

"At 10.30 by our time."

"What do you mean by your time?"

"Well our clock was 15 minutes fast."

"What did he do when he came home?"

"He had something to eat."

"Had the maid gone to bed when he came home?"

"She had gone to her room."

### WAS OUT DURING NIGHT

"At what time did he go out again?"

"Around two o'clock."

"At what time did he come back?"

"Around eight o'clock next morning."

"When did you see him again."

"Between one and two o'clock."

"Where?"

"At the store."

"What was he doing?"

"He was preparing meat to be delivered during the afternoon."

"On the night of August 31 did accused appear nervous or excited?"

"No, he was quite natural."

Louis Ascah, father of Maud Ascah testified that he had seen accused on the night of August 31 when they searched for the missing girls and he appeared quite natural.

Harold Roberts, of Cap aux Os, was then called by defence and questioned by Mr. Hudon.

### CALLED TO HUNT GIRLS

"On the night of August 31 were you called?"

"Yes."

"By whom?"

"Mr. John Ascah."

"What for?"

"To help look for the girls."

"Did you look for them?"

"Yes. We got our truck and drove up and down the road."

"What time was it when you got back?"

"It was daybreak."

"Did you notice anything particular on the road?"

"Yes."

"What?"

### FOOTPRINTS IN ROAD

"I saw footprints?"

"What kind?"

"Women's."

"Where did you see them?"

"On the side of the road from Miss Flo Peters' house down to the home of Roland Miller."

"How many were there?"

"Two."

"What kind of footprints were they?"

"One appeared to be the print of what we call a running-shoe, and the other that of an ordinary shoe."

"Were there any men's footprints?"

"No."

This testimony was corroborated by Wilfrid Roberts, a brother of the previous witness, and recess was taken for lunch.

## WITNESSES AT THE PHILLIPS' MURDER TRIAL



The above sketches were made by an artist during the trial of Nelson Phillips at Quebec City. The sketches from left, to right, upper row first are as follows:—

Jeremie Bond, Peninsula fisherman who found the body of Maude Ascah on the shore of Gaspé Bay; J. E. Gauthier of the Provincial Police who was active in the case; Frank Roberts who found one of the exhibits, a shoe; Dr. Rosario Fontaine, Medico Legal expert who

performed the autopsy on the body of Maude Ascah and who made other examinations; Lewis Ascah, father of Maude Ascah, and finally Albert Ascah, brother of Lewis and father of Margaret, the other missing girl.

"How many times did you go under water?"

#### SEVERAL DESCENTS MADE

"Over a period of four or five days I went down several times, depending on the weather."

"Where did you dive?"

"In Gaspé Bay, in front of the residence and store of Austin Phillips."

"How far out from the shore did you dive?"

"About 800 or 900 feet."

"How deep was the water there?"

"About 15 feet."

"Did you find any thing on the bottom of the bay?"

#### STONES FOUND AT BOTTOM.

"Yes." I found two stones."

"Will you look at these stones and tell us if they are the ones you found?"

"Yes, they are."

"Will you tell us whether there is anything peculiar about one of these stones?"

"Yes, there was a piece of cord tied to one of them."

"Is there anything particular about the stone itself?"

"Yes, a groove seems to have been cut in it."

"What kind of a bottom is there to Gaspé Bay?"

"It has a sandy bottom."

"When you were under water, did you see any other rocks or stones on the bottom?"

"No, I did not."

The witness was cross-examined by Dominique Levesque concerning the currents and tide, but Gagne said that he had not taken any observations concerning these facts.

#### COUSIN OF GIRLS ON STAND.

The next witness was Miss Mildred Ascah, a cousin of the dead girls.

"On the night your cousins disappeared did you have an occasion to go to the store of Austin Phillips?"

"Yes."

"At what time?"

"After supper."

"At what time did you have supper?"

"Early, about 5.30 o'clock."

"Whom did you see there?"

"Austin Phillips."

"Did you see your cousins that night?"

"Yes."

"They were going up the road?"

"Were they alone?"

"Yes."

"In what direction were they going?"

"West."

"Was that in the direction of the residence of Miss Flo Peters?"

"No, in the opposite direction."

Miss Winnifred Ascah, a sister of Maud Ascah, testified that she accompanied her uncle, Albert Ascah, on a search for the girls on the night of August 31.

"Where did you go at first?"

"To the residence of Miss Flo Peters."

"And the girls were not there?"

"No, Miss Peters spoke to us through the window."

"Where did you go then?"

"To the residence of Austin Phillips."

"What made you go there?"

"To inquire if Nelson was home?"

"Why did you do that?"

"Because I had heard the girls say that they were going to meet the boys."

"To whom did you speak?"

"To Austin Phillips."

"Did you see or hear Nelson Phillips?"

"No."

"Around what time was that?"

"Around 12.30."

#### NELSON SEEN AT STORE

Harold Lemesurier, of Gaspé, testified that on August 31 he and a number of companions called at the store of Austin Phillips at 9.30 in order to secure some bread. Nelson Phillips was alone at the store at the time, and he told them that he could not give them any bread, for the store was locked and his father was down at the point. The witness said he did not notice anything out of the way when returning home from Gaspé that night around 12 o'clock.

Joseph Fisher, Peninsula, laborer, said that while walking along the road around 9.30 on the night of August 31, he saw two figures on the side of the road ahead of him, and that as he approached, one of the persons got up and walked down the road.

"Was the other person still on the side of the road when you passed?"

"Yes."

"Who was it?"

"James Miller."

This evidence was corroborated by Miss and Mrs. Roy Clyde, who were walking on the road just behind Joseph Grazer. They also identified the person sitting on the side of the road as James Miller.

#### ALL MADE BY COUSINS

Miss Flo Peters was the next witness.

"Did the Ascah cousins call on you the night of August 31?"

"Yes."

"Around what time,"

"Near 9.30."

"Did they stay very long?"

"No."

"At what time did they leave?"

"At 10 minutes to ten."

"How do you remember what time it was?"

"Because Maud asked the time before they left."

"After they left, did anything hap-

"pen?"

"No."

"Was it?"

"No."

"Was it?"

"No."

"Was it?"

"No."

"Was it?"

"No."

"Was it?"

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"Was it?"

"No."

"Was it?"

"No."

"Was it?"

"No."

"Was it?"

"No."

He said that Phillips went over to an automobile which was also parked in front of the store, but he could not say whether the accused spoke to the people in the car or not.

Testifying that Maud Ascah's skull had been fractured apparently by a blunt instrument, Dr. Rosario Fontaine, Montreal medico-legal expert, told the court yesterday of the autopsy which he performed on the girl's body at Gaspé. The body, he said, had been in the water for a considerable time; the foot that had been found, he testified, had in all likelihood been in the water for six weeks.

#### BLOODSTAINS ON BOARD

Producing a board which appeared to be a seat from a boat, Lucien Cannon, K.C., associate prosecutor, asked witness whether he had noted any particular marks on it. Dr. Fontaine testified that bloodstains had been found on the board.

After identifying her daughter's brown shoe, Mrs. Ascah also recognized a brown coat as that worn by Maud the last time that she had seen her—August 31, 1933. Witness said that her daughter would have been 15 years old on September 15 last.

"On the night of August 31 did Maud have supper at home?" the Crown Prosecutor asked.

"Yes, shortly after 5 o'clock."

"Did you see Marguerite Ascah that night?"

"Yes."

"How old was Marguerite?"

"She was 17."

"Where did Maud go to school?"

"In Peninsula." (Gaspé).

"And Marguerite?"

"In Quebec."

"What time did they leave your home?"

"About 10 minutes to seven."

"Where were they going?"

"To visit Marguerite's relatives."

"Was that the last time you saw your daughter?"

"Yes."

Witness then identified the brown shoe and the brown coat as belonging to Maud. Another white shoe shown her, she believed to be one of Marguerite Ascah's.

"A human scream, which then was muffled."

"How long after the girls left did you hear the scream?"

"About five minutes."

"Had the girls time to reach the beach when you heard the cry?"

"No."

"Did anybody else hear the cry?"

"Yes, Miss Jessie Hall, of Montreal."

"What did she think it was?"

"She thought it was a human cry, but as she was very nervous, I told her that it must be that of a bird or an animal."

This evidence was corroborated by Miss Hall.

#### YOUNG PHILLIPS NERVOUS

Theodore Pare, of Cap-aux-Os, Gaspé, testified that around 9.45 p.m., train time, he and two companions stopped at the store of Austin Phillips, but were told by Nelson Phillips that he could not serve them for his father had gone down to the point. He said that Nelson appeared to be nervous and excited, and gazed at them for some time before speaking.



# SYNOPSIS OF EVIDENCE IN THE PHILLIPS' TRIAL

*Large Number Of Peninsula  
Witnesses Heard Last Week  
By Judge and Jury*

**Alleged Confession Of Accused Is Admitted Despite Strenuous Objection Of Defense Council. Prosecution Completed Case Friday—Defense On Monday. Pleas To Jury Made On Tuesday By Crown and Defense Attorneys.**

### Indictment Read

The indictment charging Phillips with having on the 31st day of August, 1933, murdered Maud Ascah, daughter of Louis Ascah, of Peninsula, Gaspé, was then read to the jury by Charles Gendron, Clerk of the Peace.

Before Valmore Bienvenue, K.C., Crown Prosecutor, began his expose of the case to the jury, Dominique Levesque, K.C., defence lawyer, made application that Crown Prosecutor's remarks be taken down in shorthand, and this application was granted by the Chief Justice.

### History of Crime

Mr. Bienvenue explained that Maud Ascah, 15 years of age, and her cousin, Marguerite, 18 years of age, were both residents of the little village of Peninsula, where the accused, Phillips, resided with his father, who kept a general store and Post Office.

He said that on the night of August 31st, Marguerite, accompanied by her cousin, went to visit several friends, as Marguerite was to shortly leave for this city, to resume her studies at the Commissioners' High School.

Phillips and a companion by the name of James Miller, accompanied the two girls on a visit to the residence of Miss Flo Peters, but did not enter with them, but waited on the road.

He said the Crown would attempt to prove that Phillips was seen on the road with the girls around ten o'clock, and that he was the last one seen with them.

### Recounts Finding of Body

The first witness called by the Crown was Jeremiah Bond, of Peninsula, Gaspé, who said his trade was fishing. Asked by Crown Prosecutor if on the morning of October 28th, last, anything unusual occurred, he said that he discovered a corpse in about three feet of water near the shore of Gaspé Bay.

"What did you do?"

"Well I said to my boy that it must be the body of one of the Ascah girls."

"In what condition was the body?"

"It was lying face down in the water."

"Was the body decomposed?"

"The greater part of the arms and legs were missing, and her head was sunken into her chest. Do you remember the color of the dress on the body?"

"Yes. It was sort of a peach color."

"What did you do then?"

"I notified the Ascah family. Did any member of the Ascah family see the corpse?"

"Yes. Louis Ascah saw it and said that it was the body of his daughter."

"To whom did you surrender the body?"

"To Mr. Gauthier."

"You mean Detective Gauthier of the Provincial Police?"

"Yes."

Cross-examined by Dominique Levesque as to the surrounding country and the situation of the shed of Austin Phillips, father of the accused, the witness said that the shed was about three-quarters of a mile from the spot where the body was discovered.

Mr. Bienvenue then produced photographs taken from an airplane, of the Village of Peninsula, and asked the witness to indicate to the jury the location of the store and residence of the accused's father, the shed belonging to Phillips' father and the spot where the body was found.

"Besides the body did you find anything else?"

"Yes. I found several bones."

Mr. Levesque: "Are these bones going to be produced?"

Mr. Bienvenue: "No."

Mr. Justice Greenshields: "I understand that there is some distance between the Phillips' residence and their store?"

The witness: "Yes. I believe there is a distance of about half a mile."

### Detective Gauthier

The next witness was Detective Gauthier, of the Provincial Police, who was questioned by Lucien Cannon, K.C.

"I understand that in your capacity of Provincial detective you went to Peninsula in connection with the Ascah case and you took the pictures and are familiar with the territory."

The witness then produced a picture of the Peninsula locality which he secured from the Department of Lands and Forests, and he also indicated to the jury on the picture the residences of the Ascah girls, the residence of Phillips, and other points of interest in the case, including the house of Miss Flo Peters, where the cousins paid their last visit. Mr. Cannon then asked the witness to produce a sketch which he had made of the district, but the defence objected on the grounds that it was not the best evidence, as the witness was not an expert.

"During 25 years on the Bench, one of the best plans I have ever seen was made by a man who was not an engineer," said the Chief Justice, as he permitted the production of the sketch.

Asked by Mr. Cannon if he could state the distance between the residence of Miss Flo Peters

and the Phillips' shed shown on the sketch, the witness replied that it was exactly 1,921 feet.

Frank Roberts, farmer, of Peninsula, followed Detective Gauthier on the witness stand, and was questioned by Mr. Lucien Cannon.

### Found Shoe on Beach

"During the month of October, last, did you find anything on the beach?"

"Yes. I found a shoe."

"Is this the shoe you found (showing him a shoe)?"

"Yes."

"Did you show the shoe to any body?"

"Yes, I showed it to Louis Ascah, and he claimed it belonged to his daughter."

"Where did you find the shoe?"

"At a place called the creek."

The shoe was produced as an exhibit by the Crown.

Mr. Hudson then showed the witness a map and indicated a spot called Ascah Brook, and asked if this was the place where he found the shoe, and the witness replied in the affirmative, explaining that the creek was also known under that name.

### Farmer Found Foot

Edward Miller, farmer, also of Peninsula, testified concerning the finding of a foot on the beach near the property of Capt. John Ascah.

He said he discovered the foot on October 21st., and that he notified Louis Ascah, who said he thought it was his daughter's foot.

### Tuesday Afternoon

Dr. Rosario Fontaine testified Maude Ascah had died from a fractured skull and that she was dead when body thrown into bay.

Jeremiah Bond testified to finding the body of Maude Ascah and also a shoe.

Mrs. Louis Ascah, mother of the murdered girl told of her daughter leaving home for the last time about 6.50 p.m. She recognized a brown coat and a shoe as worn by her daughter on the night of her disappearance.

Louis Ascah, father of Maud said that he became alarmed when his daughter did not return at midnight. Along with his brother, Albert, Austin Phillips and Nelson Phillips they searched for the girls that night.

When asked if Nelson Phillips gave any information during the search the witness said he did not remember him saying anything.

Mrs. Albert Ascah told of her daughter leaving home after supper to visit relatives.

Miss Flora Ascah, an aunt of Marguerite's, was the next witness called by the Crown, and was questioned by Hon. Mr. Cannon.

"You are an aunt of Marguerite Ascah?"

"Yes."

"You live with Albert Ascah?"

"Yes."

"On the night of August 31st did you have an early supper?"

"Yes."

"Did your supper inconvenience you that night?"

"Yes, I had an attack of indigestion."

"From the window of your room were you able to see out to the Bay?"

"Yes."

"It was a clear night, August 31st?"

"Yes. It was a moonlight night."

"When you looked out the window, did you see anything on the Bay?"

"Yes, I saw two boats."

"Could you describe the boats?"

"No. I don't know much about ships, but the smaller of the two was what we call a 'flat'."

"Was the smaller boat moving in the Bay?"

"No. It was stopped."

"In what position was the boat from the place you were?"

"It was in front of the house."

"The boat came in toward the shore."

"Did you see the boat land?"

"No. Trees hid it from my view."

"Toward what place was the boat directed when you last saw it?"

"Near the shed owned by Phillips."

"Did you see a man coming up from the shore?"

"No."

"Did you see anybody come up from the shore?"

"I saw a person come up but I could not tell you if it was a man."

"Did you see anybody on the highway?"

"Yes."

"Where?"

"Right in front of our house."

"In what direction was the person going?"

"He was going what we call down the road?"

"In what direction is that?"

"Towards the Phillips' residence."

Mr. Justice Greenshields adjourned the Court until 10 o'clock Wednesday morning.

### Wednesday

Miss Flora Ascah, an aunt of Marguerite Ascah, again took the witness stand and was cross-examined by Guy Hudon, defence counsel, when the trial of Nelson Phillips entered on third day before a jury under Chief Justice Greenshields, in Court of King's Bench, this morning. Miss Ascah in her testimony yesterday afternoon declared having seen a flat-bottomed boat on Gaspé Bay on the night the Ascah cousins disappeared.

"I understand that on the night of August 31st, you were ill from 9.15 until 12.00 o'clock, and that you were awake?"

"Yes."

"Was the window open?"

"Yes. There was a screen on it."

"On a clear night can you hear the sound of whistles blowing?"

"Yes. Sometimes."

"On that particular night did you hear any sound or cries?"

"No. Not that I noticed."

"Did the person you saw walking up the road make any attempt to hide or shield himself?"

"No."

"Did the girl carry a flashlight?"

"I didn't say it was a girl."

"Well did the person carry a flashlight?"

"Yes."

### Diver Found Roped Stone

Camille Gagne, deep-sea diver, was the next witness called by Crown Prosecutor Valmore Bienvenue, K. C.

"In your capacity as a deep-sea diver, did you go to Peninsula during the month of November?"

"Yes, around the 24th of November at the request of the Pro-

secutor. During the period of four or five days I went down several times, depending on the weather."

"Where did you dive?"

"In Gaspé Bay in front of the residence and store of Austin Phillips."

"How far from the shore did you dive?"

"About 800 or 900 feet."

"How deep was the water there?"

"About fifteen feet."

"Did you find anything on the bottom of the Bay?"

"Yes. I found two stones."

"Will you look at these stones and tell us if they are the ones you found?"

"Yes. They are."

"Will you tell us if there is anything particular about one of these stones?"

"Yes. There was a piece of cord tied to one of them."

"Is there anything particular about the stone itself?"

"Yes. A groove seems to have been cut in it."

### Sandy Bottom in Bay

Both stones were produced by the Crown.

"What kind of a bottom is there to Gaspé Bay?"

"It has a sandy bottom."

"When you were under water, did you see any other rocks or stones on the bottom?"

"No. I did not."

The witness was cross-examined by Dominique Levesque concerning the currents and tide, but Gagne said that he had not taken any observations concerning these facts.

The next witness was Miss Mildred Ascah, a cousin of the victims.

"On the night your cousins disappeared did you have an occasion to go to the store of Austin Phillips?"

"Yes."

"At what time?"

"After supper."

"At about what time did you have supper?"

"Early. About 5.30 o'clock."

"Whom did you see there?"

"Austin Phillips."

"Did you see your cousins that night?"

"Yes, they were going up the road."

"Were they alone?"

"Yes."

"In what direction were they going?"

"West."

"Not Going Towards Aunt's residence?"

"Was that in the direction of the residence of Miss H. Peters?"

"No. In the opposite direction."

Miss Winnifred Ascah, a sister of Maud Ascah, testified that she accompanied her uncle, Albert Ascah, on a search for the girls on the night of August 31st.

"Where did you go first?"

"To the residence of Miss H. Peters."

"And the girls were not there?"

"No. Miss Peters spoke to us through the window."

"Where did you go then?"

"To the residence of Austin Phillips."

"What made you go there?"

"To inquire if Nelson was home?"

"Why did you do that?"

**Girls Were to Meet the Boys**

"Because I had heard the girls say they were going to meet the boys."

"To whom did you speak?"

"To Austin Phillips."

"Did you see or hear Nelson Phillips?"

"No."

"About what time was that?"

"Around 12.30."

Harold Lemesurier, of Gaspé, testified that on the 31st. August he and a number of companions called at the store of Austin Phillips at 9.30 in order to secure some bread. Nelson Phillips was alone at the store at the time, and he told them that he could not give them any bread as the store was locked and his father was down at the Point. The witness said he did not notice anything out-of-the-way when returning home from Gaspé that night around twelve o'clock.

Joseph Fraser, laborer, of Peninsula, said that while walking along the road around 9.30 on the night of August 31st, he saw two figures on the side of the road ahead of him, and that as he approached, one of the persons got up and walked down the road.

"Was the other person still on the side of the road when you passed?"

"Yes."

"Who was it?"

"James Miller."

This evidence was corroborated by Mr. and Mrs. Roy Clyde, who were walking on the road just behind Fraser. They also identified the person sitting on the side of the road as James Miller.

Miss Flo Peters was the next Crown witness.

Did the Ascah cousins call on you on the night of August 31st.

"Yes."

"Around what time?"

"Near 9.30."

"Did they stay very long?"

"No."

"At what time did they leave?"



time it was?"

"Maud Asked the time because Maud asked the time before they left."

"After they left, did anything happen?"

"Yes."

"What was it?"

"I heard an awful scream?"

"What kind of a scream?"

"A human scream, which then was muffled."

"How long after the girls left did you hear the scream?"

"About five minutes."

"Had the girls time to reach the beach when you heard the cry?"

"No."

"Did anybody else hear the cry?"

"Yes. Miss Jessie Hall, of Montreal."

"What did she think it was?"

"She thought it was a human cry, but as she was very nervous, I told her it must be a bird or an animal."

This evidence was corroborated by Miss Hall.

Theodore Pare, of Cap-aux-Os, Gaspé, testified that around 9.45, train-time, he and two companions stopped at the store of Austin Phillips, but were told by Nelson Phillips that he could not serve them as his father had gone down to the Point. He said that Nelson appeared to me nervous and excited, and gazed at them for some time before speaking. He said Phillips went over to an automobile which was also parked in front of the store, but he could not say whether the accused spoke to the people in the car or not.

Onias Bernier, of Cap-aux-Os, Gaspé, testified that he found a bracelet on the beach in front of the Phillips home, and turned it over to Mr. Austin Phillips, father of the accused, who in turn gave it to Mrs. Ascah. The latter did not identify it as belonging to Marguerite, and did not give much attention to it. She kept the bracelet at home.

When court resumed yesterday afternoon, Austin Cassidy, of Cap-aux-Os, who was with Theodore Pare when he called at Phillips' store around 9.45 o'clock on the night of August 31st, corroborated the evidence given by his companion at the morning sitting. He said that Phillips appeared to be a "little excited."

"When you saw Phillips, approach was he coming from the direction of Miss Flo Peter's house?"

"Yes."

"A day or so after that did you have the occasion of seeing Phillips?"

"Yes."

"How many days after that did you see him?"

"About two or three days."

"What did he do at your house?"

"He came to sell some meat."

"Did he do or say anything else?"

"Yes, he asked my father to help and search the woods for the girls."

Witness was then cross-examined by Dominique Levesque.

"You knew that Phillips sold meat?"

"Yes."

"And that was why he called at your home?"

"Yes."

"It was after he and your father discussed the sale of meat, that your father asked him about the girls?"

"Yes."

You said that Phillips said something about a letter. Did he mention to whom the letter was addressed or who had sent it?"

"No, he did not."

Chester Coull, conductor of New Carlisle, testified that on the night of August 31st, the train which he was operating passed Sandy Bay at five minutes to ten. This was the train which was seen across the bay by Pare and Cassidy, when they stopped at Phillips store and spoke to him on the night of the tragedy.

James Miller, questioned by Valmore Bienvenue:

"You live in Peninsula?"

"Yes."

"What do you do?"

"I'm a sort of a farmer."

"You live with your father?"

"Yes."

"What does your father do?"

"He is a sea captain."

"Do you know Nelson Phillips?"

"Yes."

"You used to go out with him?"

"Yes."

"Did you meet him during the day of August 31st?"

"No, not during the day."

"Where did you meet him?"

"In front of Joe Fraser's home."

"Who was he with?"

"With Maud and Marguerite Ascah."

"What did you do then?"

"I walked down the road with them."

"Where were they going?"

"To Flo Peters place."

"How long did it take you to reach Miss Peters?"

"About five minutes."

"Did you remember what the conversation was about during that time?"

"I don't know exactly."

"Tell us in a general way please?"

"Well, I remember there was a discussion between Marguerite and Nelson."

"Do you remember what the discussion was about?"

"Marguerite was trying to get Nelson to tell her a story, and he refused."

"What kind of a story was it?"

"It was a story about Maud."

"After you left the girls, what did you do?"

"We walked up the road a bit and we sat down on the side of the ditch."

"How long did you stay there?"

"Five minutes I would say."

"What did you talk about?"

"We were talking about Marguerite going away. Nelson was saying how dull it would be. We would have no more bonfires on the beach."

"Was Marguerite going away soon?"

"Yes, she was to return to school within a couple of days."

"Did anybody come along while you were sitting there?"

"Yes. Mr. and Mrs. Roy Clyde and Joseph Fraser and his son."

"What did Phillips do before these people passed?"

"He got up and walked down the road."

"Did he give any explanation before he left?"

"Yes. He said he felt tired and that he had to go down and bail out his flat, and that then he was going home to bed."

"How far ahead of the Frasers and Clydes was Phillips when he left you?"

"About 200 feet."

"Did you remain where you were?"

"Yes."

"Did you say hello to the people when they passed?"

"Yes."

"What did you do then?"

"I went home."

"When did you hear about the girls disappearance?"

"The next morning."

"When did you hear about Phillips?"

"The same morning."

"At what time?"

"Between nine and ten."

"Where?"

"At the store."

"Did you speak with Phillips?"

"Yes."

"What did you say to him?"

"I asked him if he had gone down to bail out the boat night before, and he replied he had."

Justice Greenshields: "What you ask him that?"

"Because he had told me night before he was going."

"Did you doubt his word?"

"No."

By Mr. Bienvenue:

"Did you speak with Phillips about the case some later?"

"Yes. Several weeks later."

"Was it after the foot found?"

"Yes."

"What did Phillips say?"

"He said he wondered if it be bad for us."

"What did he mean by 'us'?"

"He and I, I suppose."

"I understand that both you Phillips were summoned as witnesses at the inquest?"

"Well the first inquest was to have been held at Pe-la was postponed."

"Did you see him that day?"

"Yes."

"Did you speak to him?"  
 "Yes."  
 "What did you say?"  
 "I said I wondered if the body would be shown. I said I didn't want to see it."  
 "What did Phillips say?"  
 "He said he didn't care."  
 "Some time later, I understand, you were shown a bracelet?"  
 "Yes."  
 "Where did you see it?"  
 "At Austin Phillips' store."  
 "Who had the bracelet?"  
 "Mr. Austin Phillips."  
 "Did Nelson Phillips speak to you about it?"  
 "Yes."  
 "What did he say?"  
 "He asked me if it belonged to Arguerite Ascah?"  
 "What did you say?"  
 "I said I didn't think so."  
 "Did any one tell you where the bracelet was found?"  
 "I think I was told it was found by a Mr. Onias Bernier at Cap-aux-Os."  
 "Who told you that?"  
 "I believe it was Nelson Phillips."  
 "Are you sure?"  
 "No."  
 Mr. Justice Greenshields: "How was this question of the bracelet put before you? Who first spoke about it?"  
 "I don't know."  
 "Was it Nelson Phillips?"  
 "No."  
 "Well, if it wasn't Phillips, can you imagine who it was?"  
 "No, I can't remember."  
 Miller will be questioned by the defence in rebuttal.  
 The next Crown witness was Onias Bernier, who told of finding the bracelet on the beach in front of the Phillips residence.  
 "Did the accused and his father go to see you?"  
 "Yes."  
 "What about?"  
 "The bracelet."  
 "Did you show it to him?"  
 "Yes."  
 "When this occurred was it long before you found the bracelet?"  
 "About a month."  
 "What did he do with the bracelet?"  
 "The father tried it on, and then passed it to Nelson, who looked at it."  
 "What did Nelson say?"  
 "He said: 'This is not it. There is no sand on it.'"  
 "What did he do with the bracelet then?"  
 "He took it with him, saying that he would show it to Mrs. Ascah, and if it was not the right one, he would bring it back."  
 "As a matter of fact, did he bring it back?"  
 "No."  
 This evidence was corroborated by Mrs. Bernier, who was present at the time the Phillips visited her home.  
 The Crown then called Mrs. Ascah, who testified that she did not see the bracelet, and that she did not know where it was.  
 "Did you ever see that bracelet?"  
 "No."

"The witness was then cross-examined by Guy Hudon for the defence.  
 "Did you not see the bracelet again?"  
 "I saw a bracelet, but I can't swear that it was my daughters."  
 "Who showed it to you?"  
 "Mr. Austin Phillips."  
 "Was it long before the body of Maud was found that he showed it to you?"  
 "Yes. Quite some time."  
 "Did you keep this bracelet?"  
 "Yes."  
 "Did you speak about it to the police officers?"  
 "No, because the one my daughter had was white while the one Mr. Phillips showed me was a sort of brown. I put it away in my room and did not pay great attention to it."  
 "You did not give it back to Mr. Phillips?"  
 "No."  
 Chief Justice Greenshields: "I think Bernier should get the bracelet back."  
 The next witness was Miss Irma Clark, who was in the employ of the Phillips at the time the tragedy occurred. She worked for them for eleven months doing general work.  
 "On the 31st of August, the night the Ascah cousins disappeared, do you remember the kind of a suit Nelson Phillips was wearing?"  
 "Yes. He had on a grey suit."  
 "Do you remember what time it was when he went out?"  
 "About 8.30 o'clock."  
 "At what time did you go to bed?"  
 "Around 10.30."  
 "At what time did Phillips come home?"  
 "About fifteen or twenty minutes after I had gone to bed."  
 "Was his father at home?"  
 "No. His father had gone out earlier in the evening."  
 "Do you know if his father was at the store?"  
 "No. I do not."  
 "When did you next see Nelson Phillips?"  
 "I saw him the next afternoon."  
 "Was it after dinner?"  
 "Yes."  
 "Did he speak to you?"  
 "Yes."  
 "What did he say?"  
 "He asked me to wash a pair of pants and a shirt."  
 "What pants and a shirt did he want washed?"  
 "A pair of grey pants and a mauve shirt."  
 "Was it an ordinary day for washing clothes?"  
 "No."  
 "Under ordinary circumstances, when did you wash clothes?"  
 "On Monday or Tuesday?"  
 "Did you wash them?"  
 "Yes."  
 "Did you notice anything particular about them?"  
 "Yes."  
 "What?"  
 "There was blood on them."

"Where?"  
 "On the front and sleeve of the shirt and on the front of the pants."  
 "Was it the first time he asked you to wash clothes for him during the middle of the week?"  
 "Yes."  
 "You know that Phillips used to deliver meat for his father?"  
 "Yes."  
 "Were the trousers he gave you to wash the ones he wore to work?"  
 "No."  
 "When did he wear them?"  
 "At night, mostly."  
 "Did he have them on the night the girls disappeared?"  
 "Yes."  
 "Was the shirt the same one he wore the previous evening?"  
 "I am not sure about the shirt."  
 Miss Clark was cross-examined briefly by Guy Hudon for the defence, concerning time at which Phillips arrived home on the night of the murder. She admitted that by her clock it would have been between fifteen and ten minutes to eleven, but that she discovered the next day that the clock was twenty minutes fast.  
 Thursday Morning  
 The court opened Thursday morning and the trial resumed. The defence home took the stand.  
 She told of the deceased giving her a shirt and a pair of pants to wash. This was after Nelson Phillips had late dinner at 1 p. m. He had not eaten breakfast at the house. Mr. Cannon said he had conversed with witness since her last appearance on the stand.  
 James Miller testified that on the morning after the night the girls disappeared, he and Nelson Phillips searched for them from ten until eleven-thirty, and that Phillips did not go to work until two or three o'clock in the afternoon.  
 Louis Bullard told of a conversation with Phillips following the finding of the foot. Witness testified that Phillips remarked concerning finding of a body.  
 "You know Phillips a longtime?"  
 "Yes. Since boyhood."  
 "Did you speak to Phillips, about the case?"  
 "More than two weeks after they disappeared."  
 "What did you tell him?"  
 "I told him that they had found a foot."  
 "What did he say to that?"  
 "He said that it would be too bad, if the body was found, as the anchorage belonged to his father, and as he (Nelson) was with the girls that night he would be blamed."  
 "Who first mentioned the subject of anchorage?"  
 "Nelson."  
 Questioned by Guy Hudon, defence attorney.  
 "At that time was not everybody talking about the possibility of the girls' bodies being weighted and thrown into the Bay?"  
 "Yes."



"There are quite a few wharves and sheds along the beach around that district?"

"Yes."

"Did Phillips show any signs of emotion when he made that statement to you concerning the finding of the body?"

"No. He was quite natural."

Narcisse Ripon, jail guard, of Cap-au-Os, Gaspé, was the next Crown witness.

"You were present at the Coroner's Inquest at Perce?"

"Yes."

"Did you overhear a conversation between Nelson Phillips and his father?"

"Yes. A short conversation."

"How did you hear it?"

"I told Mr. Austin Phillips that if he wanted to see his son he could do so, and Mr. Phillips entered the room where his son was. What did he say when he went into the room?"

He said to his son: "Did you kill those girls?" and Nelson Phillips replied: "I did and don't know why I did it."

"Was anybody else there when he made this statement?"

"Yes. There were several police officers."

Questioned by Dominique Levesque, for the defence.

"After the Coroner's inquest at Perce, there were a large number of people going in and out of the room in which Phillips was detained."

"I don't know if there were a large number; there were mostly police officers."

"Who was next to you?"

"Detectives Aubin and Rioux."

"You were in the main room then?"

"Yes."

"You saw Austin Phillips go in to see his son?"

"Yes."

"Who else went into the room with Austin Phillips?"

Thomber Phillips, a cousin,

"Could you see the accused from where you were?"

"Yes. He was sitting on a bed."

"Who was in the room in all?"

"The accused, his father and his cousin."

Edmond Gagnon, Gaspé lawyer, testified regarding the above statement of Phillips following the inquest in much the same words as Narcisse Ripon.

The witness was questioned by Mr. Levesque concerning the position of the people in the room at the time the declaration was made.

Questioned by Mr. Cannon:

"Was there any noise in the room when the declaration was made?"

"No."

Corporal St. Pierre, of the R. C. M. P. was the next witness, and he and Constable Rioux, of the R. C. M. P., corroborated the evidence of Mr. Ripon and Mr. Gagnon.

Constable Rioux added that he thought that Albert Ascah, father of Marguerite was also in the room.

#### Thursday Afternoon

The first witness during the afternoon session was James Miller who made a correction in his former evidence. It was in the evening instead of the afternoon that he accompanied the accused selling meat.

The witness was not cross-examined by the defence.

Detective Aubin, who rendered evidence Wednesday morning, was then recalled by the Crown.

"Was it you who took the accused into custody?"

"Yes, acting on instructions from my superiors."

"Who was with you?"

"Constable Rioux."

"Where did you arrest him?"

"At the store of his father at Peninsula."

"Did you read anything to him?"

"Yes, I read him the mis-en-garde, and the warrant I had to take him into custody."

"What happened then?"

"The accused asked to see the documents which I had read to him, and I showed them to him and his father, Austin Phillips, who read them."

Alphonse Garneau, clerk of the court at Perce, testified that the various exhibits produced at the trial were placed in his custody after the preliminary inquiry, and that he had brought them to Quebec intact at the present trial.

Constable Rioux of the R. C. M. P. was called to corroborate the evidence given by Detective Aubin concerning the taking into custody of Nelson Phillips as a material witness on November 1st.

Up to the reading of a statement from Phillips on the morning of Nov. 7. Told of reading the accused the regular police warning.

Questioned by Guy Hudon, defence lawyer, Detective Gauthier said he arrived at Perce between 8.30 a. m. and 9.00 a. m. and did not see accused until 11 a. m. No one else saw the prisoner between these times and Maloney did not tell him "everything was all right."

He had not discussed the \$1000 reward with Detective Aubin.

He waited upstairs in the jail ready to take prisoner to Gaspé. He knew that Maloney was in the building.

The next witness was Chief Rosario Lemire, of the Provincial Detectives. Questioned by Mr. Cannon:

"On the 7th of November did you see the accused along with Detective Gauthier and Mr. Brassett?"

"Yes, and Arthur Maloney."

"Before the interview, did anyone threaten or make any promise to the accused?"

"No. The usual form was read to him."

Questioned by Guy Hudon, defence counsel.

"While Phillips was in jail at Perce could anyone see him without your permissions?"

"No."

Did you authorize Arthur Mal-

oney to see the prisoner?"

Not directly. Maloney was an ex-detective from Montreal who was living in Gaspé, and when the girls disappeared I asked him to give us any information he could secure on the case.

"While you were upstairs in the judges' room in the Court House, you knew Arthur Maloney was with Phillips in his cell?"

"Yes."

"Did not Maloney come upstairs and tell you that everything was ready?"

He told Mr. Brassett that Phillips had told him a lot of things, and Mr. Brassett went downstairs with him."

The Court then adjourned for five minutes.

Maurice Brassett, Crown Attorney, was the next witness. He was questioned by Hon. Lucien Cannon.

"On 7th of November, last, did you attend an interview with the prisoner at Perce, at which Chief Lemire and other persons assisted?"

"Yes."

"Were any promises or threats made to the prisoner?"

"None whatsoever."

"Did anybody say any thing to him?"

"Yes. Detective Gauthier read him the formal warning."

"What did the prisoner say?"

"He said he had heard it before. That Detective Aubin had read it to him."

Questioned by Mr. Guy Hudon:

"On the night of Nov. 6th where were you?"

"In Gaspé."

"Did you speak over the phone to Jailer Jackson at Perce?"

"Yes. Chief Lemire asked me to speak to him, concerning Arthur Maloney."

"What time did you arrive in Perce from Gaspé?"

"Around 10.30 or 11 o'clock."

"Why did you come from Gaspé to Perce?"

"Well, I knew that the inquest would not be held that morning, and when I heard that the detectives were going to Perce I asked them to take me with them."

"When did you first see Phillips?"

"When Maloney told me that he wanted to see me."

Arthur J. Maloney, 40, 1375 Greene Avenue, Montreal, followed Mr. Brassett.

Questioned by Mr. Cannon. He stated that he was present at the interview between the officers and the accused, and that the usual warning was read to Phillips before he made any statement."

He was cross-examined by Mr. Hudon.

"When were you born?"

"In January 1883."

"I understand that you at one time served on the Montreal Police Force?"

"Yes. From 1914 to 1919; and from 1924 to 1925."

1925.

"Why did you leave?"

"I resigned."

"Why did you leave?"

"I resigned."

"What would you say if I showed you a resolution of the Executive Committee of the City of Montreal ordering your dismissal?"

Mr. Cannon: "If we are going to enter Montreal municipal politics I am not very competent."

Mr. Justice Greenshields: "If you do I am going to retire from this case."

"Do you know if your resignation was accepted?"

"I know that I resigned, and I have my references from my superiors."

Witness told of offering Phillips a drink of brandy which he (Phillips) refused.

The witness stated that he used the name of Baker during his talk with Phillips. He used the name of a friend in Montreal, Eddie Baker whose address he did not remember, so that Phillips would not recognize him.

"You say you used the name of Baker so that Phillips wouldn't know you came from Gaspé? Are there not a lot of Baker families in Gaspé district?"

"Yes, there are."

"Well what was the idea of using that name?"

"Well I knew that if he was acquainted with the Bakers, he would know that I wasn't one of them."

"In what condition was Phillips when you saw him on the night of the sixth?"

"He was very nervous."

"Did the accused tell you he wanted to go home?"

"No."

"What did he tell you?"

"He said he wanted to go down to the beach."

#### Friday Morning

Detective Aubin was recalled by the defence at the opening of court Friday morning. He was questioned by Mr. Hudon.

He told of being associated with the case since the start and arresting the accused.

"You were not present at the interview between the accused and Chief Rosario Lemire and others at Perce."

"No."

"Do you know if the accused made any statements up to Nov. 7th?"

"I know of a declaration made Oct. 23rd."

Arthur Maloney, former Montreal detective, was then called by Mr. Hudon.

"You said yesterday that there were no special circumstances in connection with your leaving the Montreal Police Force?"

"No. I did so to better my own circumstances."

"Do you know of any dismissal?"

"No. I submitted my resignation on Sept. 4, and left Montreal on the 6th."

Mr. Justice Greenshields: "Mr. Hudon what if Maloney was dismissed from the Montreal Police force. Do you want the witness to deny it so that you can contradict him later, and show that he could not be believed under oath?"

Mr. Hudon: "Your Lordship I will endeavor to prove that the witness was dismissed from the Montreal Police Force for friendliness with people of the Montreal underworld who are connected with the Ascah murder case."

Justice Greenshields: "That is a very serious statement. I hope you realize the responsibility of it."

Mr. Hudon: "I have the responsibility of this boy's life on my hands."

Justice Greenshields: "We are all responsible."

Mr. Hudon then went on to question the witness concerning his interview with Nelson Phillips on the night of Nov. 6th.

When you went to see Phillips you introduced yourself as an investigator?"

"Yes."

"You did not have any warrant?"

"No."

"You did not read to him any warning?"

"No."

"In other words you went there as an informer?"

"Well more or less."

Justice Greenshields: "What is an informer?"

Mr. Hudon: "Well in the good-

old-fashioned meaning it is a stool-pigeon."

"Mr. Maloney have you any friends among drug-sellers?"

"No."

"Have you any friends among rum-runners?"

"No."

"Do you know Sonny White or Capt. Azarel Pluze?"

"I arrested Sonny White once in Montreal."

Mr. Cannon then called Miss LeBouthillier, stenographer, who took down and transcribed the statements alleged to have been made by Phillips on the morning of November 7th.

The defence requested permission to hear witnesses concerning the circumstances under which the alleged confession was made, and this permission was granted by the Court. The first witness was Chief Lemire.

"You were in charge of this case?"

"Yes."

"On Nov. 1st, you ordered the arrest of Phillips and James Miller?"

"Yes. As material witnesses."

"Did you see the accused at Perce?"

"Yes."

With whom did you see him?"

"Detective Aubin and Constable Rioux, and Detective Gauthier."

"How long did you speak to him?"

"Twenty or thirty minutes."

"Did you speak to him?"

"Hardly at all. Gauthier did most of the talking."

"At that time had you given instruction so that Miller and Phillips could not communicate with each other?"

"Yes."

"You also gave instructions that nobody could see either of them without your permission?"

"Without the permission of the Coroner."

"Did Maloney have the permission of the Coroner?"

"No. I gave instructions to the jailer to let Maloney see him."

"Therefore he did not have instructions from the Coroner to let Maloney see him."

"No. But the Coroner was with me, and had the jailer insisted he could have given the necessary instructions."

Detective Aubin was examined by Dominique Levesque concerning various interviews he had with accused from October 23rd to Nov. 1st.

Detective Gauthier was questioned by Attorney Levesque concerning interviews with the accused. Witness had seen accused several times previous to Nov. 7th at Gaspé. Phillips came to see him at the hotel voluntarily and was taken to RCMP barracks for privacy.

#### Says Was Pricked on Knee

Austin Phillips, father of the accused, testified he saw his son on the 7th of November and that the son also told him he had been pricked on the knee by a man named Baker.

#### Friday Afternoon

Thornber Phillips, a cousin of the accused, was called by the defence Friday afternoon, as a witness.

He was questioned by Guy Hudon.

"Were you in the room with Nelson Phillips after the coroner's inquest at Gaspé on the 7th of November?"

"Yes."

"Did the accused make any statement?"

"Yes."

"What did he say?"

"He said that a man by the name of Baker entered his cell on the previous evening and pricked him with a pen."

Mr. Cannon: "Did you say pen or pin?"

"I said pen. That is what I understood at least."

#### Cannon Makes Application

An application by Mr. Hudon to a postponement was refused by Chief Justice Greenshields. Mr. Hudon wished to call witness from Quebec Liquor Commission and Montreal Police force for questioning re Maloney.

Chief Justice Greenshields said that the question of Maloney having brandy did not enter into the case. "I am glad the accused did not accept any liquor," said the judge.



Mr. Hudon then declared that the defence had no more witnesses to hear, and Hon. Mr. Cannon then made application to produce the alleged confession.

Mr. Hudon, arguing against the confession being admitted, contended that accused had been kept in solitary confinement, and had not been allowed to see anybody but police officers.

He cited jurisprudence to support his contention that the court of Appeals had decided that when an accused made a declaration previous to his confession, that he must be warned that even in spite of whatever previous statements he had made, he was not obliged to speak. Mr. Hudon held that this had not been done in the present case.

Chief Justice Greenshields ruled, however, that the confession could be admitted, stating that there "seems to be some confusion existing with respect to the law governing the admissibility of declarations, amounting to confessions, even made by an accused person when in custody, to a person in authority.

"Let me repeat what I have said on another occasion," he said. "The necessity of warning an accused that he is not bound to speak, and if he does it may be used against him at his trial, is not a rule of positive law. It may be it has become what I might call a rule of practice, which amounts today to a rule of law, but the question to be decided in each case where it is proposed to put in evidence a confession made by an

accused to a person in authority, is not, whether the warning had been given or not. The question is far from that. It is, whether the statement, declaration or confession, was made voluntarily, in the sense that it had not been extorted, or obtained by fear of prejudice or hope of advantage, exercised or held out by a person in authority.

It is a matter of perfect indifference whether the warning has been given or not, provided that Crown offering in evidence a confession by the prisoner has, to the satisfaction of the trial Court, affirmatively established that the confession was made voluntarily, without inducement, menace or threat. That is the law in England today and it is the law in Canada today."

Chief Rosario Lemire then took the stand and read the following confession, which was taken at Perce, Gaspé on November 7th, last:

"You need not say anything, You have nothing to hope from any promise or favor and nothing to fear from any threat whether or not you say anything. Anything you do say may be used as evidence against you at your trial.

Q. You know that you are detained as a suspect in this murder case of Maud and Marguerite Asch? Answer—Yes.

1. Nelson Phillips of Peninsula, by Chief Lemire.

Q. Are you ready to make a statement?

A. Yes.

After having heard the usual warning read.

Nelson Phillips.

Q. Who showed you that before?

A. M. Aubin (Detective Aubin)

Q. Will you tell all your story?

A. Yes, as far as I remember.

Go ahead.

Nelson Phillips' statement:

I met the girls at the store on August the 31st the evening and around 10.00 p. m. and I asked them to take a walk on the beach.

and. After we got down on the beach, my memory failed me and I don't remember just what happened and when I came back to my senses, I saw two girls lying in the ground; they were Marguerite and Maud Asch. To my knowledge they were dead.

I did not know what to do. I thought that the best plan was to put them where they would not bring shame to my people. I did notice on Maud and on the left side or at the back of the head that there was some blood. She was bleeding, and then I took a piece of her dress and tied it around her head and it did not stop the bleeding. I saw that Maud was apparently dead. There was some blood from Marguerite's nose. She was bleeding too. I went down and got our boat ashore and carried them one after the other and put them in the stern of the boat. I picked up two stones and put them in my boat and tied them to the stones I tied them to the stones with a piece of rope from our flat and then, I rowed out and put them in the water, at about 700 or 800 yards from the shore. They are both in the same place. After that I came ashore, I put the boat on the mooring again, and I put the oars in the shed and then I locked the shed. After that I looked around and noticed a white beret of one of the girls and I covered that up with the sand.

Then there was some blood on the ground where they had fallen where they were lying. I covered that up with some ground and after that I went home. It was around 10.30 p. m when I arrived home. I did not notice if there was blood on me.

By Chief Lemire:

Q. When you saw the two girls were lying dead, did you notice a stick around the girls?

A. Yes.

Q. Was there any blood on the stick?

A. Yes.

Q. What did you do with the stick?

A. As far I remember, I put the stick around the shed, but I can show you where it was put.

Q. Would you recognize the stick if you saw it?

A. Yes, I think I can.

Q. Is there any more that you wish to add to this statement?

A. No.

Q. And this statement was made on your will?

A. Yes.

Q. Are you ready to sign it?

A. Yes.

(And he signed of his own hand)

Nelson Phillips

Witnesses: Rosario Lemire,

Joseph E. Gauthier.

Chief Lemire stated that after the signing of the confession he and other officers went to Peninsula to check up on statements. Together with Phillips' father they inspected in the vicinity of the shed and the accused identified a stick as the one mentioned in the confession. They could not find the buried beret.

Detective Gauthier corroborated the evidence given by Chief Lemire, and produced a piece of wood which he found near the Phillips' shed and with which the accused is supposed to have struck the girls. He said that Phillips identified the piece of wood as the one he used.

Dr. Pouliot, Coroner of Gaspé district, was the next witness

On Nov. 7th, did you drive with the accused and Chief Lemire, to Peninsula?"

"Yes."

"On the way there did you stop any where?"

"Yes. We stopped at the beach"

"Did the accused get off with you?"

"Yes."

"What did he do?"

"He showed us the spot where the bodies lay, where the boat was and where he had buried a beret.

He told me that Marguerite was bleeding at the nose. I said to him:

"Why did you strike her?"

"What did he reply?"

"He said that he had struck her on the top of the head."

The last witness was Mr. H. Onris, who corroborated the evidence given concerning the alleged admission made by the accused to his father after the inquest.

With the bulk of the evidence in the case heard last week four witnesses were recalled on Monday.

Dr. Eugene Pouliot, who conducted the coroners inquest at Gaspé on Nov. 7 identified the Phillips' confession admitted into the evidence at that time. Witness stated that Phillips informed him before inquest that he would sooner return home than to Perce.

Mr. McWilliams, C. N. R. Telegraphs manager, produced copies of telegrams sent to Louis and Albert Asch on Sept. 7 stating the girls had been seen in a car near Matane on Sept. 7th.

Neil Asch stated the row boat of Austin Phillips was an old one and leaked, Children, playing on the beach often cut their feet on broken bottles and clam shells.

Saw accused about 2 a. m. Sept. 1st. Went with accused to Fame Point to send telegrams to Quebec and Campbellton. Returned to Peninsula, about 8 a. m.

Mrs. Wm. Annett told of seeing accused before 2 p. m. on afternoon of Sept. 1st. She purchased



last afternoon.

Neta Patterson said she and two other girls drove with accused on afternoon of Sept. 1st while he was selling meat.

Rev. Mr. Weid, clergyman and Miss Coffin, school teacher testified as to the good character of the accused.

Mrs. Austin Phillips, step-mother of accused said that he returned home about "10.30 by our time" on the night of Aug. 31. The clock was about 15 minutes fast. He went out about 2 a.m. and returned about 8 a.m. She saw him between one and two o'clock that afternoon preparing meat at the store.

Both Mrs. Phillips and Albert Ascah stated accused appeared normal on night of Aug. 31.

Harold Roberts told of searching for the missing girls. Noticed footprints of two girls going from Miss Flo Peters to Roland Miller's. No men's footprints were noted. This evidence was corroborated by Mr. Wilfrid Roberts.

At the afternoon sitting of the Court Mrs. Charles Carrel of Fox River, 21 miles from Peninsula told of being attacked by two men in Gaspé district on the night of Aug. 30. They tried to force her into a car. The car was not from Gaspé and she didn't recognize the men.

Mrs. Louis Ascah told of the supper eaten by her daughter, Maud the evening of Aug. 31. She had not eaten any apples.

Miss Kathleen Shakleton, an artist, told of hearing two human cries on the afternoon of Sept. 1st while painting near Cap-des-Rosiers. She did not know the girls had disappeared.

Dr. Rosario Fontaine said that in examining the Phillips' property he had noticed stones similar to those alleged to have been used to weight the bodies.

It was decided to adjourn until Tuesday for the pleas and the judge's address.

## : Seven Witnesses At The Phillips' Murder Trial :



The above sketch shows from left to right: Miss Winifred Ascah; Roy Clyde who saw James Miller and another person on the	road on the night of Aug. 31; Miss Flo Peters at whose home Maud and Margaret Ascah visited on the night of their disappearance; Theodore Perry who saw Phillips near his father's store about 9.30 p.m. on Aug. 31; Austin Cassidy who accompanied	Perry; James Miller, companion of Phillips during the early part of the evening of Aug. 31; Onias Bernier who found a bracelet on
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the beach, similar to that worn by Margaret Ascah on the night of her disappearance.

# PHILLIPS IS FOUND GUILTY OF MURDER

*Is Sentenced To Be Hanged  
May 18 As Jury On Tuesday  
Returned Verdict Of Guilty*

**Prosecution and Defence Make Pleas to Jury  
on Monday and Judge's Charge Made  
Tuesday**

**JURY DELIBERATED FOR 40 MINUTES**

**Defence Counsel Stated Following Trial That  
Appeal Would Be Made on Four  
Points**

Nelson Phillips, 18 year old Peninsula youth was on Tuesday found guilty and was sentenced to be hanged on May 18th for the murder of his cousin, Maud Ascah on August 31st last. The jury which heard the evidence at the trial in Quebec City was charged by Chief Justice R. A. E. Greenshields on Tuesday and forty minutes after they had retired the jury returned a verdict of guilty. The accused was sentenced immediately.

Defence attorneys, Guy Hudon and Dominique Levesque, said that the verdict would be appealed on the following points: Change of venue from Gaspé to Quebec; choice of English-speaking jury; admission of Phillips alleged confession; the Judge's charge to the jury.

## PHILLIPS TO APPEAL MURDER CONVICTION

The case of Nelson Phillips, who late Tuesday afternoon was sentenced to be hanged on May 18th for the murder of Maud Ascah, will be taken to the Court of Appeals, Guy Hudon, counsel for the accused informed the Chronicle-Telegraph today.

The appeal, which will be inscribed some time next week and which will be pleaded at the April term of the Court of Appeals, will be based on four different points; first, the granting of a change of venue; secondly, the elimination by Chief Justice Greenshields of jurors speaking the French language, which necessitated calling an extra panel; thirdly, the admission of the confession; and finally the judge's address to the jury.

L'Anse aux  
Cousins  
P. C. Amett Jan 24

## ADDRESSES OF DEFENCE AND PROSECUTION

### Defence Plea Synopsis

Guy Hudon made the plea on behalf of the accused.

"Gentlemen, this long trial has come to an end," began Mr. Hudon.

"You have listened attentively to the evidence and have followed the case closely, and on behalf of the defence and on behalf of the accused, I want to thank you.

"I will not attempt to convince you or to impose my opinion upon you. You are all business men, and I will only try to place the facts before you in a business-like manner.

"You are all now familiar with the little village of Peninsula, and know the surroundings in which Nelson Phillips was brought up. You have heard the evidence of his teachers, who told you what a model boy he was; quiet, reserved and obliging. In this case you will find absolutely nothing in his past record, and I ask you to take this important fact into consideration.

"You have heard Miller, a Crown witness, who told you that not once or twice, but on several occasions during the summer, the accused met the girls and walked along the road with them. Therefore there is nothing strange in the fact that Phillips met the girls on the night of August 31st, before they went to Miss Flo Peters. But there is not a shade of evidence to show that Phillips met the girls later in the evening after their visit.

In examining the alleged confession we must look into the facts which occurred on the night of November 6th, and not only what happened on the morning of November 7th.

"If the confession was made of his own free will, why did the detective wait upstairs if the accused was ready to meet him himself. There is no necessity of a preparation for a confession, and if the one made by Phillips was spontaneous why did he have to be prompted by a man named Maloney, alias Baker.

"You, gentlemen, for the past nine days have been confined together so you can form some opinion of what condition of mind Phillips was in when he was shut up in solitary confinement for a week, not being able to see his father or anyone except detectives. Phillips was a boy of eighteen, who was accustomed to run about in the open country.

"When Phillips was seen by Maloney, it was at night when he was asleep. According to Maloney's own evidence, Phillips was ill and was nervous. Maloney offered him brandy but the boy refused it. When Phillips was ill, why did Maloney question him for more than half an hour. You know, gentlemen, that if a witness in this Court was feeling ill we would not continue to question him, but would adjourn until he had regained his composure.

"Another point which I would like to bring to your attention, is the fact of Maloney using the name of Baker when he questioned Phillips. Under questioning, he said that he had done so in order to make the accused feel more at home, if he thought he was talking to a stranger. But when it is brought to his attention that there are several families of Bakers in Gaspé, he admits that he did not have any reason for using a fictitious name.

"Now, gentlemen, I want you to examine the confession carefully, and decide whether the words used in the document are those which the boy himself would have used or whether or not the confession was drafted by the accused or somebody else.

"In a case such as this it is always good to find the motive of the crime. There is no mention of a motive in the confession. The Crown will ask what was the motive for the confession. Well when you are looking for a motive for the confession, think of Maloney's two visits and also of the solitary confinement.

"The crown will also refer to the declaration made by the accused to his father after the inquest. I do not doubt the word of the Crown witnesses, but it is possible that they are mistaken. If what the father really said was: 'Nelson did you say you killed those girls?' instead of 'Nelson did you really kill those girls?' the sense of the whole statement would be changed."

Mr. Hudon then went on to deal with the various currents in Gaspé Bay, and spoke of the different points at which trails of the girls were found. He pointed out that the stones which were found on the bed of the Bay were used by the fishermen as sinkers for their nets, and were found near the spot where Albert Ascah placed his nets.

Mr. Hudon asked the jury if Phillips' actions on the night of August 1st were those of a man who intended to commit two murders. He told Miller he was going down to the beach, and in no way did he try to hide his whereabouts.

*He also reviewed the evidence of Miss Flora Ascah who testified she had seen a boat on the Bay*

Bay near the spot where the girls were thrown in on the night of August 31st; and he asked the jury to remember that Miss Ascah had said she had seen two boats, a large one and a smaller one, and that she had seen a man walking up from the beach carrying a flashlight. "If that person was Nelson Phillips," said Mr. Hudon, "do you think he would be carrying a flashlight on a moonlight night. Phillips, a boy who had lived in Peninsula all his life, and who knew every stone on the road. Would he carry a flashlight, particularly if he had just committed two murders.

"The Crown," he continued, "will call your attention to the fact that Phillips asked the maid to wash the shirt and trousers on Friday, the day after the murder, when the regular wash day was either Monday or Tuesday. But the maid testified it was around three o'clock in the afternoon when he asked her to wash the clothes, but we have proved that at that time, Phillips was many miles from his home delivering meat.

"But the greatest point in favor of the defence is the fact that it would have been impossible for Nelson Phillips to commit the deed within the time which he had at his disposal," said Mr. Hudon. "We brought witnesses to testify that it took them forty-four minutes to walk from the residence of Miss Flo Peters down to the beach and then 800 yards on the ice and then to the residence of the father of the accused. This is without stopping. How long do you think it would have taken Phillips to walk to the beach, commit the terrible deed, gag the girls, put them in the boat, go to the shed and get the oars, find the stones which were used to weight the bodies, then row out 800 yards and back, put the oars away, wash his hands and make his way home. Surely he could not have done that inside of thirty minutes. It is impossible.

Concluding, Mr. Hudon asked the jurymen to consider every phase of the case before rendering their decision, and to give the accused the benefit of any doubt which they might have in their mind, and to send him back to his home in Peninsula. He held that the defence had proved that it would have been impossible for him to commit the crime, and asked them to render a verdict in accordance with evidence which had been brought before them.



### Prosecution Plea Synopsis

"This case is one which has attracted the attention of the entire North American continent," said Mr. Cannon, "and it is a case in which British Justice is at stake. The accused at the Bar is English-speaking and he is being tried by a jury speaking the English language and under an English judge."

"As my confrere told you, there are two kinds of evidence, direct and indirect. Direct evidence is when a witness relates seeing a

certain action, while indirect evidence is a series of circumstances which linked together lead you to arrive at a conclusion. In many cases, indirect evidence is better than direct evidence, for while the human eye may lie, facts do not lie.

"I would say that the strongest evidence of all is an admission, when one speaks against one's own interests. Particularly when that admission is made without any force or extortion being used to obtain the confession.

"My confrere stated that the Crown had not proven a motif for the commission of the crime. Well the Crown does not have to prove a motive. The motive for any human action lies in the mind of the person who commits the action. The motive for the murder of Maud and Marguerite has remained a mystery, and probably will always remain so.

"Now to deal with the facts of the case. The first fact is that Maud and Marguerite Ascah disappeared on the night of August 31st. It is a fact that the body of Maud was recovered from Peninsula Bay; and various pieces of clothing were found washed up along the shore of the Bay. We know from the evidence of Dr. Fontaine that Maud Ascah was killed at ten o'clock on the night of August 31st. This fact does away with cries heard the following afternoon.

"I want at this time to congratulate the members of the Provincial Police and the R. C. M. P. For two months the police searched for the girls, but could not find them, for their bodies were at the bottom of Gaspé Bay. That is why the accused was so confident that his crime would not be discovered. He was sure that the bodies were bound in a grave from which they would never come back.

But fortunately, murder will out, and in this case Divine Justice joined with human efforts, and one of the worst storms experienced in many years resulted in the body of Maud being washed up near the beach."

Mr. Cannon then dismissed the theory of kidnapping and of the cries heard the following day by Miss Kathleen Shackleton, claim-

ing that it is unlikely that kidnappers would have stayed in the vicinity of Peninsula, and then later returned to the village to dump the bodies in the Bay.

"Now do you think that the Ascah girls would have gone down to the beach with a stranger?" asked Mr. Cannon. "No, they would not. But they would go down with their friend and cousin Phillips."

The Crown Prosecutor traced Phillips' movements on the night of August 31st, from the time he left the girls at Miss Flo Peters

and sat down on the side of the road with James Miller.

"When they were sitting on the side of the road," Mr. Cannon continued, "some people came along. What did Phillips do? He immediately got up and started walking at a fast pace towards his father's store. Why did he not do like Miller and wait there for the people to pass. No, he did not, he went to his father's store, and we have evidence that he was there at fifteen minutes to ten. While he was

along to make purchases, but he told them the store was closed and that his father was away. Phillips was seen leaving his father's store going in the direction of Miss Flo Peter's, and it is impossible for him not to have met the girls on their way home. He did meet them on the road and they went down to the beach with him.

### Had Hour For Crime

"Now, the accused left his store at fifteen minutes to ten, and then evidence of Miss Clark the maid in the Phillips' home, is to the effect that she had gone to bed at 10.30 and that the accused came in fifteen or twenty minutes later. That gave him an hour in which to carry out his act. This evidence eliminates the contention of the defence that he did not have time to go to the beach and back home.

"Now when the parents began to become anxious, and started looking for their children, did the accused give them any information. Did he tell Albert Ascah that he had been with the girls the night before?" No, he did not.

"When the accused heard that the detectives were coming on the following day, he immediately tried to do away with damning evidence of the blood on his shirt and trousers, and he gave them to the maid to wash. It is claimed by the defence that the blood stains had been caused when he was cutting meat. Now if Phillips got blood on his shirt during the morning, why did he change his shirt in the afternoon when he was again going out, to deliver more meat. Does that seem logical?"

### Accused's Confession

Hon. Mr. Cannon then discussed the confession alleged to have been made by Phillips. "This confession has been admitted in evidence as legal by the Court," said the Crown Prosecutor. "Can you imagine that confession was wrong from the accused. Chief Lemire is a respectable man, so is Mr. Brasset, K. C., who is not only a member of the Bar but also a member of the House of Commons, as well as Detective Gauthier. Do you think these men would have forced a confession from a semi-conscious boy of eighteen so as to hang him for a murder which he did not commit. No. Things are not done that way in this country." "No. Phillips just said enough to ease his conscience, and no more, for you will notice if you read the confession that even then Phillips was still trying to protect himself, for when he comes to the point where he killed the girls, he says he lost his memory."

Mr. Cannon then summed up the various details of the confession which were checked up and proven by the police.

Concluding, the Crown Prosecutor spoke of the admission made by Phillips to his father after the inquest when he said "I did it but I don't know why."

Court was then adjourned until 3.15 when Chief Justice Green-shields was to make his address to the jury.

### The Judge's Charge

In beginning his charge to the jury Chief Justice Greenshields complimented the jury on the attentive manner in which they had followed the evidence and also complimented Guy Hudon for the manner in which he had defended the accused.

His Lordship then went on to explain the various points of law. He told of the meaning of the expression "beyond all reasonable doubt."

Reasonable doubt is a conclusion arrived at or reached by reasonable men with due and careful consideration to all the facts, all the proof, all the evidence offered as well by the Crown as by accused. If, after such due consideration, twelve men with due regard to the solemn oath they have taken and with careful and even conscientious consideration of the proof, come to the conclusion that the prisoner is guilty, it is beyond doubt their duty to say so.

"I shall here and now tell you that there are three possible verdicts you may reach: One is guilty of the offence as laid in the indictment, which is murder; the second is man-slaughter and the third is not guilty.

Judge Greenshields then defined murder and manslaughter in order that the jurors might be guided in making their decision.

"I, however, here tell you, and I say it with emphasis and without hesitation, that if Maud Ascah was killed by anyone, and I refrain for the moment from any statement as to who that person was, that person who killed her committed murder beyond all doubt. This, in turn, leads me to tell you that whatever verdict you may reach in your deliberations, you cannot and should not, and I will even say: You must not find a verdict of manslaughter; and my concluding words on this bench are that there is one of two verdicts you may find: Guilty in the manner and form laid in the in-

A synopsis containing many of the highlights of last week's evidence in the trial at Quebec will be found on Page Two and following pages of this issue.

dictment or not guilty.

The judge then told the jury the facts about circumstantial evidence and cited a famous English case.

"If Maud Ascah was murdered, no eye but the eye of the murderer, whoever that may have been, saw the foul deed, and circumstances of a necessity play an important part in bringing the crime home to someone.

The Chief Justice then reviewed the evidence as brought out in the court.

He said regarding the time element:

"Gentlemen, do not be too greatly disturbed by the proof made as to the time, the exact time, at which certain events are said to have occurred. It is always difficult and sometimes impossible to prove with precision the exact time when any event happened, especially and particularly when months have elapsed after the event happened.

In speaking of confessions His Lordship said:-

"I will deal with them as briefly as is consistent with clearness. A confession or a declaration amounting to a confession by an accused person has ever been regarded as the most complete proof of his guilt. The law has wisely and with such re-

gard for the rights of the prisoner, surrounded declarations of this kind with many safeguards. I cannot do better than state the rule as laid down in England and which has been followed for many years and is the law of this country. I quote: 'The general rule is that a free and voluntary confession made by a person accused of an offence is receivable is evidence against him as the highest and most satisfactory proof of guilt because it is fairly presumed that no man would make such a confession against himself if the facts confessed were not true.'

The declaration made after the Coroner's inquest at Gaspé was also touched on by Judge Greenshields.

The judge then reviewed at some length the evidence presented relative to the making of the declaration by the accused on Nov. 7th.

Summing up his remarks regarding the confession His Lordship said:

"I say again what I said with respect to the other declaration of the accused: it amounts to a confession of guilt. If you believe that it was made voluntarily, without promise or threat, with a full understanding by the prisoner, then I will tell you in law it is an admission of guilt.

His Lordship spoke of the contention of the defence that the girls were kidnapped.

"If you come to the conclusion that the body found on that beach was the body of Maud Ascah I suggest you will have some difficulty in arriving at the conclusion under the evidence given that these girls were kidnapped.

"All this is for you to decide and not for me. I have my opinion but for once I refrain from giving the expression of that opinion which, in any event, you would not be bound to follow."

The jury retired at five o'clock and returned in thirty-five minutes with a verdict of guilty.

## TO ENTER PHILLIPS APPEAL THIS MONTH

Prisoner Unconcerned In Spite of Circumstances. Eating and Sleeping Well

(Quebec Chronicle)

The appeal in the case of Nelson Phillips, who is under sentence of death for the murder of Maud Ascah, of Peninsula, Gaspé, will not be entered before the end of the month, Guy Hudon, counsel for the accused, told the Chronicle-Telegraph today (Tuesday).

In the meantime, the defence will continue with the lengthy task of preparing the appeal, and the stenographers will transcribe their notes of the evidence. Transcription of the evidence will cost more than seven hundred dollars.

Mr. Hudon said that Phillips does not appear to realize his position, and is as cheerful as ever at the jail. He is eating and sleeping well.



# Judge Rivard Asks Why Mr. Maloney Brought Into Case

**Crown Attorney and Member of Appeal Court Debate Question of Why Former Detective Employed. Guy Hudon Attacks Validity of Alleged Confession. Execution Postponed.**

The Court of Appeals at Quebec commenced the hearing of the appeal of Nelson Phillips on Tuesday afternoon and yesterday Guy Hudon, defence counsel, presented his case to the court.

Mr. Justice Adjutor Rivard in Court of Appeals yesterday sought information as to why Arthur Maloney, ex-Montreal detective, visited Nelson Phillips alone in his cell at Perce, Gaspé, and wanted to know why Chief Lemire had not gone himself to visit the accused if it was only information which was wanted.

The question was asked by the learned judge after Guy Hudon, counsel for the 18-year-old Gaspé youth who is under sentence of death for the murder last August of Maud Ascah, had completed his expose of the facts and evidence concerning the securing of the confession from Phillips.

## Attacks Conviction

Mr. Hudon first, however, attacked the judgment of Mr. Justice Wilfrid Laliberte, who granted the Crown's request for a change of venue and moved the trial from Perce, Gaspé, to this city. He claimed that the accused was entitled to be judged by twelve of his peers, who were familiar with the location of the grounds and with the morals of the people of that district.

Mr. Hudon then went on to deal with the visits of Arthur Maloney, ex-detective of the Montreal Police force, who was with Phillips for two hours on the night of November 6th. and again on the morning of November 7th, just prior to the time when Phillips made the confession.

## Questions Maloney's Procedure

He pointed out that Maloney had offered the prisoner intoxicat-

ing liquor (brandy) and regardless of whether Phillips accepted it or not it tended to show the manner in which he had been approached. The offer, he said, was entirely out of place, and contrary to the rules under which a confession may be accepted by the Courts.

He further brought to the attention of the Court the fact that Maloney represented himself to Phillips as "Eddie Baker" although he could not give any satisfactory explanation of why he had done so. Mr. Hudon said that under cross-examination that Maloney had testified that he had given the name of Baker, because he said he thought Phillips would feel more at home with a stranger.

Defence counsel, however, pointed out that there are several families of Bakers in Gaspé, so that the reason given by Maloney for changing his name did not hold water.

He also cited Maloney's evidence to the effect that when he saw Phillips on the night of November 6th, he (Phillips) was very sick and very nervous.

## Cell Proceedings Questioned

Maloney, said Mr. Hudon, stayed with Phillips for more than two hours on the night of November 6th and again for two hours on the morning of the seventh but what transpired during that time was never made known.

He then turned to the signed confession which Phillips made on the morning of November 7th, and asked the Court to analyse it in every detail. If the confession was a sincere one and was made voluntarily by the accused because he wanted to clear his con-

(Continued on page five)

## PHILLIPS APPEAL IS NOW ON AT QUEBEC

(Continued from page one)

science, said Mr. Hudon, it would at least have given the motive for the crime and it could have been corroborated by the circumstances related in the confession.

On the contrary, however, the circumstances mentioned in the confession were not corroborated. In the confession, the accused said he had buried one of the girls' berets in the sand on the beach near where he said he murdered them, but when he showed the detectives the spot where, it was supposed to have been buried they were unable to find it, although laborers worked for several days digging in that vicinity.

Phillips, Mr. Hudon continued, identified a piece of wood found by Detective Gauthier as the one he had used to bash the girls' heads, but when the piece of wood was examined by Dr. Rbsaire Fontaine, medico-legal expert of the Province, he was unable to find the least trace of blood on it.

It was further alleged in the confession that he had weighed the bodies with stones which he had picked up on the beach, and had tied them with the rope from his boat, but there was not the slightest bit of evidence to show that the rope had been cut from his boat.

Mr. Hudon produced the two stones which were recovered from Gaspé Bay, and which were alleged to have been used by the accused to weight the bodies, and cited evidence that these stones were of the kind used by Gaspé fishermen to hold down their salmon fishing nets. He also pointed to the fact that the rope which was found tied around one of the stones was "sun-yarn" and not the kind of rope used on a boat.

He also dealt with the admission which Phillips is alleged to have made to his father when he saw him after the inquest at Perce, when his father asked him: "Did you really kill those girls," and Phillips is alleged to have replied: "I did, but I don't know why I did."

Mr. Hudon put forth the argument that it was possible that the father had said "Did you really say you killed those girls?" and that it was then Phillips gave the answer attributed to him.

As the defence counsel began to deal with other facts of the case he was interrupted by Mr. Justice Rivard who wanted to know what had become of Maloney.

Mr. Justice Rivard: "Why did he go to see Phillips?"

Mr. Bienvenue: "To get information."

Justice Rivard: "You mean to secure a confession."

Mr. Cannon: "No he was seeking information concerning the murder?"

Justice Rivard: "Did he know Phillips?"

Mr. Cannon: "No."

Justice Rivard: "Well why did he go to see him?"

Mr. Cannon: "He was sent by Chief Lemire to secure information concerning the murder."

Justice Rivard: "Why didn't Chief Lemire go himself?"

Mr. Cannon: "Well that will be up to the Court to decide."

Justice Rivard: "The Court will decide it, but one member of the Court just wants some information."

Hearing of the case is continuing.

Complete absence of evidence concerning what transpired during the interviews which Arthur Maloney had with Nelson Phillips when he was confined in a cell at Perce, Gaspé, created a presumption that what did transpire was illegal, declared Lucien Gendron, K. C., Montreal criminal lawyer, in Court of Appeals at Quebec on Friday as he continued his plea on behalf of the 18-year-old Gaspé youth who is under sentence of death for the murder of Maud Ascah last August.

He argued that the law made it imperative that the confession be full and voluntary, and it was incumbent upon the Crown to prove beyond all reasonable doubt that the confession was free and voluntary, because there was a presumption in law that confessions are not usually made by an accused of his own free will.

In the present case, said Mr. Gendron, the Crown did not make any attempt to prove the events which occurred between Maloney and Phillips, so that it was logical to presume that they

were illegal or otherwise and the Crown would have placed them before the Court.

In support of his argument Mr. Gendron cited the cases of Mrs. Chapdelaine and that of Donat Thiffault, who were both convicted of murder charges, and in which the Court of Appeals and the Supreme Court had reversed the judgment because the confessions produced were illegal.

Mr. Gendron said it was logical to presume that some time during his interview with Phillips Maloney would have said: "Tell the truth, it will be better for you if you do."

"That alone," appellant's counsel continued, "would be sufficient to make the confession made by Phillips illegal."

"The confession itself is the best evidence that it was not made freely and voluntarily, because it does not give any motive for the crime nor does it explain how it was committed, which is something which was not proven by the Crown.

"When Phillips made the confession he is not supposed to have been a reticent witness, but instead of that an accused who was voluntary putting his head in a hangman's noose.

"How was it that when he was talking so freely that some of those present did not think of asking him why he committed the crime or how he committed it. There was a Crown Prosecutor, the Chief of detectives and other officers present when he made the confession, surely it would have been natural for one of these men to inquire why he committed the crime and how he committed it. The fact that the question was not asked creates a presumption that the accused was not talking free and voluntarily."

The trial judge had erred in admitting the confessions said Mr. Gendron first because the Crown had not placed before the Court all the evidence concerning the circumstances surrounding the alleged admission of guilty; and secondly because the Crown had not proven beyond all doubt that these declarations were made free and voluntarily.

He said that the Crown would undoubtedly argue that Phillips had been given the warning that he was not obliged to speak and that anything he did say would be used against him, but he quoted the trial judge's own statement to the effect that the fact of whether a warning is given or not, has no bearing of the question of whether the confession was made free and voluntarily.

In the case of Donat Thiffault the accused had been given the usual warning before he signed the document, but in spite of that the confession had been declared illegal by the Supreme Court. In the case of Mrs. Chapdelaine the warning was also given, but Mr. Gendron quoted Mr. Justice Walsh's judgment in which he stated that "no warning can eliminate the element of fear which continued confinement can produce."

In reply to a question by Mr. Justice Rivard as to how old was Thiffault, Mr. Gendron replied that he was forty-five years of age and had been a business man for many years, while in the present case the accused was a seventeen-year-old boy.

Mr. Gendron then went on to deal with the judge's charge to the jury.

The hearing of the appeal is continuing.

Valmore Bienvenue, K. C., in his opening remarks of his plea for the Crown, made a brief resume of the facts of the case and the circumstances under which it happened, and also of the investigation conducted by the officers of the Provincial Police and the Royal Canadian Mounted Police.

After tracing every clue which they found and checking up on all the information which had been given them, said Mr. Bienvenue, they were no nearer to the solution of the crime than they were when they started.

Finally they learned that the accused, Nelson Phillips and his friends, James Miller, had been with the two Gaspé cousins on the night they disappeared, and for this reason decided to question them.

Mr. Justice St. Germain: "Did not Phillips tell the police that he had been with the girls when they questioned him the day after the crime?"

Hon. Mr. Cannon: "Yes he did?"

Mr. Gendron: "He also told the parents of the girls and several other people. He did not try to hide it."

#### Explains Maloney's Role

After he had made his resume of the facts of the case, Mr. Bienvenue then went on to deal with the entry of Arthur Maloney into the picture. Maloney, he said, was a former Montreal detective, and was known to Chief Lemire. He was engaged in the contracting business in Gaspé, and had occasion to do considerable traveling, and for this reason Chief Lemire asked him to give him any information which he might obtain.

Mr. Justice Rivard: "But he did not have any information at that time."

Mr. Bienvenue: "I know, but he might have heard something during the course of his travels."

"Maloney," Mr. Bienvenue continued, was attacked by the learned counsel for the appellant during the trial, who went as far as to say that Maloney was connected with the Montreal underworld and that members of the underworld were connected with the murder of Maud and Marguerite Ascah.

"Mr. Hudon was warned by the trial judge, Chief Justice Green-shields that this was a very serious statement to make unless he could prove it, and he was later obliged to withdraw his remark."

Mr. Hudon: "I wanted to bring witnesses from Montreal to discredit Maloney's evidence to show that he could not be believed under oath, but this permission was refused by the Court."

Mr. Bienvenue: "The witnesses you mentioned were never assigned."

Mr. Bienvenue: "In any event, the Crown proved that Maloney was an honorable citizen."



### Carried Whiskey Into Cell

Mr. Justice Rivard: "Who goes to visit a prisoner in his cell with a bottle of whiskey in his pocket."

Mr. Bienvenue: "It was only a small bottle, and besides the prisoner did not take any."

Mr. Justice Rivard: "That was not Maloney's fault."

Mr. Bienvenue: "Well the evidence shows that Maloney was a contractor who did considerable business in Gaspé."

Sir Mathias Tellier: "I hope he wasn't a verdict contractor."

Mr. Bienvenue: "No. He resigned from the Montreal Police force to better his position, and joined the contracting business which his father carried on in Gaspé. His only interest in the case was that of everyone who lived in that district which was to see the culprit brought to justice. Maloney himself was the father of several small children who resided in Gaspé."

Mr. Justice Rivard: "How is it that Maloney was able to get Phillips to speak, when nobody else had been able to do over a period of several months."

Mr. Bienvenue: "That is a strange thing. An accused will perhaps never say a word to a police officer but will unburden himself to an entire stranger."

Mr. Justice St. Germain: "But Maloney presented himself to Phillips as an investigator."

Mr. Bienvenue: "Regardless of that I maintain that all the circumstances surrounding Phillips' confession were placed before the Court. Mr. Hudon questioned Maloney at length concerning his visit to Phillips in his cell, and was told what transpired there. All he told Phillips was to tell the truth. Proof of this may be seen in the fact that on the following day when Phillips was making the signed confession, Maloney nudged him with his foot when he was making a mistake."

Sir Mathias: "He wanted him to follow the programme mapped out the previous evening in the cell."

Mr. Bienvenue: "Evidently."

### Prisoner Not Warned

The Crown Prosecutor then dealt with the question of whether Maloney could be classified as a person in authority, as he had not given Phillips the usual warning before he questioned him, the opinion of Mr. Bienvenue he was not a person in authority but simply a lay man who was trying to help the police.

Mr. Justice Rivard: "But he was sent there by the police to get information. He was permitted to see an accused who had been refused permission to see his father or his lawyer. As far as the confession is concerning it does not matter whether Maloney went there as a person of authority, but the question is whether Phillips understood him to be a person in authority."

Mr. Bienvenue maintained that in any case it did not matter as the Crown had not made use of any declaration made by Phillips to Maloney on the night of the sixth of November.

### Declares Statement Important

Mr. Justice Rivard: "But it must be decided to what an extent the interview with Maloney on the night of the sixth and the other of the morning of the seventh influenced the written confession made by Phillips before witnesses."

The Crown Prosecutor, in reply to arguments made by counsel for the appellant, Mr. Gendron, defended the right of policemen to question witnesses. "Why even a judge at preliminary inquiry asks the prisoner if he has anything to say before commitment," he argued.

Mr. Justice Rivard: "But it doesn't take him two interviews of two hours each in which to say that."

Mr. Bienvenue cited several cases in which the police had made use of a third party to secure a conviction. They said that in the case of Tim Buck the R.C.M.P. had a man who was a member of the Communist organization for two years, who attended their meetings at which revolt was discussed and who testified against the accused at his trial.

Mr. Justice Rivard: "But in the cases you mentioned the object was to secure evidence, and not confessions."

Bienvenue cited jurisprudence to show that providing that the Crown had proved that the con-

fession was free and voluntary, it must be admitted in evidence regardless of the conditions under which it was obtained. For these reasons he contended that in the present case there was no miscarriage of justice, and he asked that the appeal be dismissed.

Hon. Lucien Cannon, K.C., then dealt briefly with different points of law, and advanced the contention that in the Court of Appeals the Court had the right to take into consideration the fact that the accused did not testify at his trial.

Lucien Gendron, K.C., made a short reply, and the case was taken en délibéré.

# PHILLIPS OBTAINS NEW MURDER TRIAL

## Court of Appeals Grants Petition at Quebec— Justice Dissents

QUEBEC, June 11.—(C.P.)—Nelson Phillips, Peninsula, Gaspé, youth, sentenced to death for the murder of Maud Ascah, was granted a new trial by the Court of Appeals today.

Phillips will be retried at the October term of the Court of King's Bench.

It was found that the Crown had not discharged its burden of proving that the confessions made by Phillips were made freely and voluntarily.

The judgment was delivered by Mr. Justice W. L. Bond and concurred in by Sir Mathias Tellier, Mr. Justice P. St. Germain, and Mr. Justice A. Rivard, with Mr. Justice C. E. Dorion dissenting.

After explaining the rules of law which obliges the Crown to establish the voluntary nature of confessions, Mr. Justice Hall said that there were three confessions or statements admitted in evidence which were challenged on behalf of the appellant. The statements were as follows:

(1) A written statement signed by the appellant at the court house in Perce, November 7, during the forenoon;

(B) A statement made to the Coroner on the beach at Peninsula shortly after the foregoing written confession;

(C) A statement made during the afternoon of the same day, immediately after the inquest, and in reply to a question put by the appellant's own father, overheard by certain witnesses.

"It becomes necessary to examine the proof made by the Crown tending to establish the admissibility of these statements," said Mr. Justice Bond.

The judge then dealt with the questioning of Phillips by a man named Maloney, who requested the gaoler not to introduce him into the prisoner's cell under the name of Maloney, but to use instead the name of "Eddy Baker," a name more or less familiar around Gaspé.

Maloney remained with appellant something over an hour and offered him brandy, the judge said. The following day Maloney visited the appellant again while detectives waited in another room waiting to remove the prisoner to Gaspé for the inquest.

Mr. Justice Bond then went on to cite jurisprudence concerning the warning of prisoners before questioning them, no matter whether the questions are put by an officer or an individual representing an officer and seeking to secure information.

### MALONEY SEES PHILLIPS

"In the case now under consideration," the Judge continued, Maloney was sent to interview the appellant, who had been detained in solitary confinement for six days. He went for the express purpose of questioning a man thus detained in custody. He went under a false name so as to mislead the appellant, and he did

not although a police officer questioning a prisoner in custody, administer any warning. He was also present the following morning and had another interview with the appellant in custody, and sat opposite him, subsequently, for the purpose of checking the statement that the appellant then made.

### CROWN'S DUTY TOLD

"The only evidence in this connection, namely, the visit of Maloney to the prisoner, is that already quoted, to the effect that prior to the statement there were no threats or promises made. But it must be remembered that Maloney was not

the judge of that matter, and, moreover, this evidence relates only to the written statement made before the officers on the 7th—not to the two previous private interviews in the cell. It was the duty of the Crown to make a full disclosure of all that occurred between Maloney and the appellant leading up to that statement; and it was then for the trial judge to determine, as a question of law whether there had been any inducements by way of hope, menaces, or the terror of fear, which might tend to render the statement inadmissible as not having been proved to have been made freely and voluntarily.

### PROOF NOT DISCHARGED.

"What occurred here when Maloney entered the cell? Did the appellant pour out his heart, freely and voluntarily, to a total stranger whom he knew to be an 'investigator.' What was said to open up the conversation apart from the offer of brandy? Was the torture of fear, induced by the long solitary confinement, beginning to show its effect, or did some ray of hope enter that cell with the advent of Maloney? We are left to conjecture. Is this enough—has the Crown satisfied us that we know all the circumstances sufficiently to enable us to decide whether that statement was free and voluntary? In my opinion, the burden of proof, cast upon the Crown in this connection, has not been discharged."

### AUTHORITY QUOTED

Dealing with the other statements alleged to have been made by Phillips, Mr. Justice Bond quoted "Russell on Crimes", which states in part: "If a confession has been obtained from the prisoner by undue strain, any statement afterwards made by him under the influence of that confession is inadmissible."

"In the present instance," Mr. Justice Bond continues, "immediately the statement had been made at Perce, the appellant was conveyed to Peninsula, in the custody of officers before whom that statement had just been made, and in my

opinion, seeing that the first confession has not been shown to be admissible, I consider that the subsequent statements, such as these are, must share the same fate."

Mr. Justice Bond points out a significant incident concerning a statement made by Phillips to Coroner Pouliot when they stopped at the beach on their way to Peninsula.

### INDICATIVE OF INDUCEMENT

Having made the statement in question to Dr. Pouliot, the appellant asked what he (Phillips) would do after the inquest, to which Dr. Pouliot replied that he would probably be returned to Perce. Thereupon the appellant stated he would prefer to return home. Is such a statement not indicative in itself that some inducement had indeed been held out to the appellant?" said the judge.

"If these admissions of the appellant had not been admitted, it is impossible to say that the verdict would have been the same. For these reasons I think the appeal should be allowed and a new trial ordered. As it was said in the Brooke case, 'It will be open to the trial judge at the new trial, if evidence then before him warrants it, to admit the admissions of the accused in evidence against him.' The judge concluded.

Phillips is at present under sentence to be hanged on July 6, but application for a stay of execution will be made within the next few days.

## SECOND PHILLIPS TRIAL COMMENCES

Jury Completed and Crown Opens Case in Quebec Court

QUEBEC, Oct. 23.—(C.P.)—The jury which will hear the second trial of Nelson Phillips, Gaspé youth being tried for the murder of the Peninsula school girl, Maud Ascah, was completed today. Twenty additional talesmen were summoned for this morning to complete the panel. Ten jurors had been accepted yesterday when the original panel became exhausted. The jury as completed is English-speaking.

Following the selection of the jurors Valmore Bienvenue, K.C., Crown Prosecutor, delivered a brief summary of the facts in the case as the Crown claims them to be. He said the accused was charged with having murdered Maud Ascah at Peninsula, Gaspé, August 31, 1933.

On the night of August 31, said Mr. Bienvenue, the two Ascah cousins, Marguerite and Maud, 15 and 18 years of age respectively, left their homes in Peninsula around 7 o'clock, and were never again seen alive by their parents. He would bring witnesses to show that the young girls met Phillips and a companion, James Miller, who accompanied them on a visit to a friend, Miss Flo Peters. Miss Peters has a summer residence at Peninsula. The boys left the girls at the gate.

He said the Crown would attempt to show that Phillips later met the girls on the beach, killed Maud, and took the body out into the bay in his boat and dumped it into the water.

Despite the wide searches which were conducted nothing was discovered until October 21 when a foot presumed to be that of Marguerite was found on the beach. The body of Maud was found on October 28 by Jeremiah Bond, a fisherman.

These were the facts which the Crown would attempt to put before the court. The Crown also had other evidence which he could not discuss at the present time, said Mr. Bienvenue.

Jeremiah Bond, the fisherman who found the body, was the first witness called by the Crown. He was questioned by Mr. Bienvenue.

## PHILLIPS HELPED IN ASCAH SEARCH

Not Nervous While With Father of Dead Girl

QUEBEC, Oct. 24.—(C.P.)—When the trial of Nelson Phillips, the Peninsula, Gaspé, youth who is being tried a second time on a charge of murdering 15-year-old Maud Ascah, was resumed today before Judge Noel Belleau in the Court of King's Bench, Albert Ascah, father of Marguerite Ascah, who disappeared with her cousin Maud on the night of August 31, 1933, was called to the witness stand.

Ascah, who described himself as a farmer, 63 years of age, told the court of the long search made for his daughter and her cousin from the time of their disappearance until October 28, when his niece's decomposed body was found by a fisherman on the beach at Peninsula. In answer to questions by the Crown Prosecutor, witness said that Phillips, the prisoner, was with him on various occasions during the search.

Phillips, Albert Ascah said, had never volunteered any information at any time during the search, nor had he been questioned by any member of the search parties. He never showed any outward signs of nervousness nor acted in a manner which might indicate that something was wrong, witness told the court.

Mrs. Albert Ascah was another witness at the morning session. She said that Marguerite attained her 17th year on August 13, a fortnight before she disappeared. Mrs. Ascah said that her daughter had supepr at her grandmother's about 7 o'clock in the evening.

Questioning of Mrs. Ascah was to continue during the day.

## PHILLIPS' FRIEND CALLED TO STAND

James Miller Tells of Meeting Accused With Two Ascah Cousins

QUEBEC, Oct. 25.—(C.P.)—James Miller, boyhood friend of the accused, was called to the witness stand today as the trial of Nelson Phillips, 19, continued today on a charge of murdering Maud Ascah, 15, at Peninsula, Gaspé, last year.

Questioned by the Crown Prosecutor, Miller said he met Phillips on August 31, the night Maud and her cousin disappeared. Phillips was with the two girls, and Miller joined the trio and walked with them as far as Miss Flo Peters' home, he said.

"Did you leave them there?"

"Yes."

"Did they say anything when you left them?"

"One of them said they wouldn't be long."

"When you were walking along, what were you talking about?"

"Well, Marguerite was trying to make Nelson tell her a story."

"What kind of a story was it?"

"It was a story about Maud."

"Did Phillips tell her the story?"

"No."

"What did Maud say?"

"She didn't want Nelson to tell the story either."

"Do you remember the words Maud used?"

"No, I don't."

Miller was on the stand for the greater part of the morning session.

## MISS COFFIN TELLS OF BONFIRE PARTY

Further Evidence Heard at Second Phillips Murder Trial

QUEBEC, Oct. 26.—(C.P.)—Testimony of a corroborative nature was presented today by Daisy Coffin as the trial continued of Nelson Phillips, 19, on a charge of murdering Maud Ascah, 15, at Peninsula, Que., a year ago. Maud and her cousin Marguerite Ascah disappeared and the body of Maud was found in Gaspé Bay.

She corroborated the evidence given at yesterday's hearing by James Miller, the youth who was in the company of accused, Maud Ascah and Marguerite Ascah on the night that they disappeared. She said that on August 30, the eve of the disappearance, she attended a bonfire on the beach at Peninsula. There were

eight young men and women in the group. Miss Coffin told the court that she and Marguerite Ascah, Nelson Phillips and James Miller played cards in a shed while the rest of the party went out into the bay in a boat. Maud Ascah, she said, was among those who went sailing.

Other witnesses heard this morning were Detectives Gerard Aubin and Capt. James Fraser of the Royal Canadian Mounted Police. The testimony of these officers had to do with the search of the missing girls and finally the serving of a detention warrant on Nelson Phillips. This warrant was served on November 1, Detective Aubin said, and was accompanied by a "warning" which he read to Phillips.

The hearing is continuing.



## LAWYERS DEBATE IN PHILLIPS CASE

### Evidence Suspended For Argument on Alleged Statements of Accused

QUEBEC, Oct. 27.—(C.P.)—With jurors temporarily put aside, lawyers for the prosecution and the defence in the case of Nelson Phillips, 19, charged with the murder of 15-year-old Maud Ascah, at Gaspé, in August, 1933, argued legal problems yesterday before Mr. Justice Noel Belleau.

Phillips is on trial for his life for the second time. His first trial ended with his conviction and his being sentenced to be hanged by Chief Justice R. A. E. Greenshields, Montreal. Phillips' lawyers appealed and were successful in getting a new trial.

Maud Ascah disappeared with her cousin, Marguerite Ascah, 19, on August 31. In October following, Maud's torso was found floating in Gaspé Bay. No trace has been found of the other girl.

Counsel battled over the legality of statements allegedly made to police by the accused after his arrest. The Crown contended the statements had been given voluntarily while Lucien Gendron, K.C., and Guy Hudon, defence counsel, argued they had been made under threat. Chief Justice Greenshields heard the same arguments at the first trial and ruled the statements had been legally obtained.

The trial is continuing.

## LEMIRE TESTIFIES AT PHILLIPS TRIAL

### Provincial Detective Chief Denies Accused Was Threatened

QUEBEC, Oct. 29.—(C.P.)—When the murder trial of Nelson Phillips, which is going into its second week, was opened before Judge Noel Belleau in the Court of King's Bench today, Chief R. Lemire of the Provincial detective force, was called to the stand. Phillips is undergoing a second trial on the charge of murdering Maud Ascah, 15-year-old Peninsula, Gaspé, girl in August, 1933.

Questioned by the Crown, Chief Lemire said the first time he saw accused was on November 1, 1933. On that occasion, witness said, Phillips was being questioned by Detective Gauthier. Chief Lemire said he saw the prisoner again on November 7 when he had an interview with him. No threat or promise was made during the interview.

Questioned by Lucien Gendron, K.C., counsel for the defence, Chief Lemire said that he was present at the Coroner's inquest. The names of Phillips and James Miller were not mentioned at the inquest, he said. It was after the inquest, witness said, that he asked for a warrant to hold the two youths as material witnesses.

#### IN SEPARATE CELLS.

Phillips and Miller were taken to the Perce jail, where instructions were given the jailer to place them in separate cells and to see that nobody except their lawyer should see them.

Questioned by Mr. Gendron in reference to Lemire's meetings with Detective Maloney who secured an alleged confession from Phillips, witness said that he met Maloney several times in Quebec.

"And you discussed the Phillips case?" queried defence counsel.

"Not the Phillips case, the disappearance of the Ascah girls," witness corrected.

Chief Lemire admitted that he had asked Maloney to see the two young men.

## TRIAL JUDGE RULES OUT CONFESSION

### Mr. Justice Belleau Makes Important Decision in Phillips' Case

QUEBEC, Oct. 31.—(C.P.)—Considered by the Crown an important ingredient in its case against Nelson Phillips, 19, of Gaspé, on a charge of murdering Maud Ascah, 15, at Peninsula, Gaspé a year ago, an alleged confession by the accused was ruled out by Mr. Justice Noel Belleau at the second trial today.

At his first trial Phillips was convicted and sentenced to be hanged. The methods used in obtaining the alleged statement were criticized by the Court of Appeals in ordering a new trial.

Testimony concerning the way in which the document came into existence was heard by Mr. Justice Belleau with the jury excluded temporarily from the court room. After he announced his decision today, the taking of regular testimony in the trial was resumed.

Phillips was charged after the finding of the girl's torso floating in Gaspé Bay. With her cousin Marguerite Ascah, she had disappeared the night of August 30, 1933. No trace of Marguerite was found.

# Was Phillips' "Confession" A Fact Or Legal Point, Appeal Court Is Requested To Decide

**Council For Prosecution Seek New Trial on Grounds That Admissability of "Confessions" Is Point of Law. Defence Contend Admissability a Question of Fact And Appeal Court Could Not Set Aside Verdict of Acquittal. Hearing Continuing.**

Quebec, Que., Jan. 10th—(Special Despatch to The Campbellton Graphic)— Was Phillips "confession" a fact or legal point, was the question the court of appeals was required to decide at today's hearing of the Crown's appeal from the acquittal of Nelson Phillips.

Under section 1013 of the Criminal Code, the Crown was granted the right to appeal acquittals in criminal matters, but the law states plainly that it can do so only on questions of law.

An accused who is convicted may appeal his conviction on questions of fact and law, but this power is not granted the Crown.

Valmore Bienvenue K. C. and Hon. Lucien Cannon, K.C., Crown Prosecutors, maintain that the question of the admissability of confessions is a question of law and that the Court of Appeals has the right to adjudicate on the matter.

There was a decided turn in the case, however, when Lucien Gendron, K. C., claimed that the admissability of confessions was a question of fact and not of law, and that therefore the Court of Appeals could not set aside the decision rendered by Mr. Justice Noel Belleau, and moved that the Crown's appeal from the acquittal of Nelson Phillips be dismissed.

In the case of Phillips, the de-

fence counsel argued, Mr. Justice Belleau came to the conclusion that the "confessions" were not made voluntarily and he applied the principal of law which states that therefore they should not be admitted in evidence. He next cited jurisprudence from the Appeals Courts of England and Canada on the question of confessions and referred to the recent case of Rasmussen, in Nova Scotia, which Crown Prosecutor Valmore Bienvenue had cited as being similar to the Phillips case. The hearing continues.

Legal history for the province of Quebec is being made this week with the Crown appealing to the Court of Appeals to quash the verdict of acquittal given Nelson Phillips in his second trial for the murder of Maude Ascan. Phillips has already been tried twice for this crime. The first time he was found guilty and sentenced to be hanged on May 18th last. The defence appealed and a new trial was granted. The second trial resulted in a verdict of "not guilty" for Phillips and the present case arises out of that acquittal.

The appeal before the Appeal Court opened in Quebec on Tuesday of this week with Lucien Gendron, K. C. of Montreal and Guy Hudon of Quebec appearing for the defence and Valmore Bienvenue, K.C., and Hon. Lucien Cannon, K.C., P.C., representing the Crown.

Mr. Justice Dorion is presiding while the other judges on the bench are Mr. Justice Rivard, Mr. Justice Letourneau, Mr. Justice Hall and Mr. Justice St. Jacques.

Mr. Bienvenue opened the argument for the Crown. He first attacked the address of Mr. Justice Belleau to the jury at the second trial. The Crown Prosecutor explained that in the present case the evidence consisted of confessions and circumstances. He complained that after the judge had refused to admit the confessions in evidence he went too far in warning the jury of the danger of convicting the accused on circumstantial evidence. Mr. Bienvenue contended that these repeated warnings served to nulify the evidence offered by the Crown.

He then reviewed the Crown's theory of how the crime was committed, stressing Phillips' request to have a bloodstained shirt washed the day after the girl disappeared. He recalled the testimony of the maid in the Phillips' home, who stated Phillips had requested her to wash the shirt on a Friday, while the regular wash-day in the Phillips home was Monday. It was the first time he had made such a request, the maid testified.

On Tuesday afternoon Valmore Bienvenue, K. C., Crown Prosecutor dealt with the visit to Phillips in his cell at Perce and told of the obtaining of the "confession". He said that although Maloney had not warned Phillips, "that does not mean that his statement cannot be given in evidence so long as there was no inducement or threat made by Maloney."

Mr. Bienvenue said that although Maloney offered Phillips liquor that did not mean that he had done so in a manner that was illegal.

Mr. Justice Rivard remarked that the Crown had not attempted to put before the Court the answers which Phillips gave in answer to Maloney's questions.

The Crown Prosecutor admitted they may have erred in not putting these answers before the jury and had appealed asking to have these circumstances put before him.

Dealing with the declarations alleged to have been made by Phillips after the Coroner's inquest at Gaspé when the accused is alleged to have confessed the

crime to his father, Mr. Bienvenue remarked that Maloney was not present there and could not exercise any influence upon him.

The argument on Wednesday morning centred around the point of whether or not the right of a trial judge to admit or refuse to admit in evidence alleged confessions made by an accused was a question of fact or a question of law, or whether it was a mixed question of fact and law, was discussed at length at the hearing today of the Crown's appeal from the acquittal of Nelson Phillips.

Under section 1013 of the Criminal Code, the Crown was granted the right to appeal acquittals, in criminal matters, but the law states plainly that it can do so only on questions of law.

Mr. Justice Rivard remarked in speaking of the argument re the admissibility of the alleged confessions that whereas they were made in the absence of the jury the trial judge was thus taking the place of both judge and jury and he did not think that because of this fact the admissibility of the "confessions" was altogether a point of law.

The entire morning was spent in argument of technical points of law. The Crown Prosecutors and the Justices of the court indulged in many exchanges of opinion. Mr. Justice Hall asked why it was that Phillips had made a statement to Maloney after other officers had failed. Mr. Bienvenue answered that the Crown did not have to prove what made Phillips change his mind.

Prosecutor Cannon reviewed the history of Maloney in the case and referred to his creditability, and said that Mr. Maloney was an intelligent man and had been a valued member of the Montreal police force.

# Last Chapter In Famous Ascah Murder Case Was Written By Appeal Court

**Three Judges Rule Crown Did Not Satisfactorily Prove That Statements of Accused Were Made Voluntarily. Two Judges Found Alleged Confession To Father Following Gaspé Inquest Should Have Been Admitted. Lengthy Case in All Probability At An End. Mystery of Ascah Girls' Disappearance Still Unsolved.**

The appeal of the Crown from the acquittal of Nelson Phillips was dismissed by the Court of Appeals, sitting at Quebec on Tuesday of this week. This marks the final chapter of this long drawn out trial unless permission is granted to carry the appeal to a higher court. Despatches from Quebec said that although the matter was being considered no definite announcement had been made as to whether this was possible or not. Premier Taschereau would make no comment until he had further invest-

## Judge Reviews Case

Mr. Justice St. Germain in a lengthy judgment first reviewed the facts of the case.

It was first believed that the girls had been kidnapped, said the judge. No trace of the girls was found until October 21st nearly two months after their disappearance, when a foot was found on the shore of Gaspé Bay. Several days later the body of Maud was recovered from the water. The body of Marguerite was never found.

On November 1st, 1933, Phillips and a friend of his, James Miller, were taken into custody as material witnesses as they were alleged to have been the last ones to see the girls alive after the latter had gone to pay a visit to Miss Flo Peters.

They were placed in separate cells in the prison at Perce. On November 6th, Arthur Maloney, former Montreal detective, well known by Chief Rosaeio Lemire, of the Provincial Police, was authorized to visit Phillips at the prison.

## Maloney's Interview

Maloney interviewed Phillips for about an hour or an hour and a half and again the following morning. After these interviews, Phillips was brought before the police officers and Crown Prosecutor Brassett, K. C., where he made a written confession which was copied by Mr. Brassett's secretary and signed by the accused.

The coroner's inquest was held at Gaspé the same day and Phillips was held criminally responsible for the death of Maud Ascah. Preliminary inquiry was held before Mr. Justice Wilfrid Lalbierte and the accused was committed for trial. The Crown asked for a change of venue to bring the case to Quebec and the request was granted. The first trial was held here in February 1934, and on the 27th of the same month Phillips was found guilty and Chief Justice R. A. Greenshields sentenced him to hang on May 18th.

## NELSON PHILLIPS NOW RESTORED TO LIBERTY

### Acquittal On Murder Charge is Complete

QUEBEC, Feb. 21.—(C.P.)—Nelson Phillips, of Peninsula, Gaspé, who was convicted and later acquitted on the charge of murdering Maud Ascah, 15-year-old schoolgirl, is now completely a free man.

The time limit of 15 days in which the Crown would have entered an appeal from the decision of the Court of Appeals has expired, which means that it is now definitely decided that no appeals will be made.

Phillips was convicted and sentenced to hang, but was granted a new trial by the Court of Appeals. At the second trial, Mr. Justice Noel Belleau refused to admit in evidence alleged statements by Phillips, and he was acquitted by the jury.

The verdict was appealed by the Crown on the grounds that the judge should have admitted at least certain of the statements but the Judge's decision was upheld by the higher court.