

JUDGE REFUSED TO TAKE CASE FROM JURY

Counsel Claimed No Case Had
Been Made Against

Mazur.

TRIED TO FIND UNCLE

Ex-Soldier Accused of Treason
Tells Why He Attempted
to Leave Country.

Before opening the case for the defence to-day in the case of Paul Mazur, on trial in the Assizes, charged with high treason and conspiracy to commit that offence, Mr. W. K. Murphy, Jr., K.C., prisoner's counsel, moved to have the case taken out of the jury's hands. Mr. Murphy declared that the Crown had failed to prove any intent.

The Court: "I think there is evidence to go to the jury. I will not analyze it at this stage."

Mrs. Mazur, mother of the prisoner, was called to the box. She told of secreting under the cellar floor of the house at Port Hope, a sum of money given her by boarders for safe-keeping. This money, she declared, was taken by the prisoner's uncle, who went to the United States.

Cross-examined by Mr. DuVernet the witness said that Mazur had been adopted. The lad's real name was Krammer. He had been connected with the military for two years.

A Galician Austrian named Stojczuk was next called. He came from the same village as Mrs. Mazur. He was godfather of the prisoner, who, he said, was born in Yorkton, Saskatchewan, in August, 1899.

"What is the name of the town you came from?" asked Mr. DuVernet, cross-examining.

"Hreljeron," spelled Dr. Adalia, interpreting.

The prisoner himself was then called. He said that he supposed he had been born in Austria. After attending the Port Hope public school, he worked in a foundry and at apple picking. Last summer he went to camp at Kingston with his school cadet corps, remaining two weeks there. A few days later he went to camp with the 46th, who went under canvas at Petawawa. A few days after returning with the 46th, he joined the Cobourg Heavy Battery and once more went to Petawawa. When the war started, he volunteered for service with the Cobourg Battery, because he could find no work. He went with the Battery to Levis, Quebec, staying there two days. Then the Battery was ordered to Vancouver, and on this trip he was away about seven weeks. Coming back to Kingston, the Battery remained for a week, and was then disbanded.

"The apple picking was through," said the prisoner, "and I thought I would go to the States with the other three men and find my uncle or get work."

When it was decided that the four should go to the United States, he had only \$2.50. He said that as two of the party had about \$25 each it was arranged that those two should pay all expenses.

Did Not Want To Fight.

Mazur denied that he had ever had the slightest intention of going to Austria. The others had never mentioned to him the subject of fighting for Austria.