

# SINGLE VOTE SAVED BOYER JUROR CLAIMS

By JAMES Y. NICOL

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Montreal, April 1—For the third time Dr. Raymond Boyer, 41, the millionaire scientist, must face trial on a charge of espionage conspiracy because a French-speaking jury last night could not agree on his guilt or innocence.

On the word of J. Almera Boileu, a member of the jury, Boyer almost got home absolutely free.

"I told those other fellows on the jury that they would not like it very well if somebody were to send them to jail on evidence that was circumstantial and they listened to me," Boileu announced. "Before that they were fighting mad. They shake their fists in my face and they want to beat me up because I will not let them send the man to jail."

Mr. Boileu was adjusting an umbrella he had strapped to the outside of a cardboard carton holding his spare shirts, ties and handkerchiefs as he spoke.

"For 17 days and 17 nights I look at the faces of the other jurymen—" Mr. Boileu sighed.

As Boileu explained it, everybody on the jury wanted to let the professor off after they heard the address by his lawyer, Hon. Lucien Cannon.

They were still in favor of an acquittal after Philippe Brais, special crown prosecutor, had his say.

But after Mr. Justice Wilfred Lazure summed up the case the jurors—all but Boileu—decided to convict him.

"I tell them I won't go for that," Boileu pushed back his hat and mopped his brow, "and that makes them very mad. But what can I do? There is not enough to convince me that the professor is guilty. So we go back to the judge and tell him that we cannot agree."

"The judge tells us to think it over for 15 or 20 minutes. When we return to the jury room the others accuse me of being stubborn and crazy."

"To the man next to me I put a question, How would he like to go to jail for a long time because of what somebody else said? And this somebody else has not the proof. Nobody has the proof. The man next to me begins to think for himself."

It was at 8.50 p.m. when the jury first announced disagreement. They had been deliberating two hours and a half. Out on \$25,000 bail until the time his case was given to the jury, the tall, slim professor had been sitting in a little cell at the rear of the large courthouse. Now he was brought out by an escort of three policemen to learn his fate.

Napoleon Langelier, jury foreman, told the judge that some jurors were not certain about the interpretation of the law and did not completely understand their oath as jurors. His lordship replied that he had given them the law and that the meaning of the oath should be quite clear.

At 9.34 the jurors returned and a second time Boyer was brought from the cell. This time he sat down behind the heavy brass rail of the long prisoner's dock until the jurors were in their places. Then he stood to face them a second time.

With the disagreement announced his bail was renewed. He walked slowly from the court.

TORONTO DAILY STAR

APR 1-1947

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