

# Timmins Trio are Sent on to Higher Court After a Preliminary Hearing Here

Nellie Rich, Phillip Toutaint and Marguerite Segouin Will Appear Before Judge and Jury on Charge of Theft Laid by Provincial Police. Did Not Present Defence at Trial Here.

Three Timmins people who were accused by the Timmins detachment of the Ontario Provincial Police were sent up for trial by higher court when they elected to have a preliminary hearing here on Wednesday morning. The crown's evidence was heard but the defence was reserved for the trial. The three persons, Nellie Rich, Phillip Toutaint and Marguerite Segouin, were accused of stealing \$400 from Marie Larche in a restaurant in Mountjoy Township on May 16th.

The case had been remanded for weeks after one of the witnesses had left town but the witness was located in Niagara Falls, last week and arrived in Timmins for the preliminary trial on Wednesday morning. The case had been made peremptory for this week and if the important witness had not arrived the charges would have been dropped.

Mrs. Marie Larche, the victim of the robbery, was the first witness called by the crown and she said that on the night of May 16th she had gone to a restaurant across the Mattagami river bridge. Accompanying her were another girl and a man. When she went to this restaurant she had \$665 on her made up of \$400 in a small purse, \$265 in another small purse and \$8 in small bills and change that was loose in a big purse. The eight dollars was being used for spending money and expenses that were incurred during the night. The zipper on the larger purse that they were carried in was broken, the witness said.

The witness testified that she had stayed at this place for about three hours and then had left to have lunch about one o'clock. She had later told her girl-friend that she was going to her home to put her money away and that after that she would go and sleep with her. She asked her girl-friend to go with her. When she arrived at her home she discovered that the purse that contained the four hundred dollars was missing and she told her girl-friend that she had lost some money. She then went back to the restaurant to see if she could find her purse.

When she arrived at the restaurant she was told by a woman there that another woman had picked up a small purse and had left in a Diamond Taxi with the driver and another girl. Mrs. Larche said that she immediately got

in touch with the taxi firm but found out that the man she was inquiring about had left on a trip to Rouyn. She then notified the Provincial police.

Mrs. Alice Bishop then took the stand to give some more of the crown's evidence. She said that on the night of May 16th shortly after midnight she felt like eating some spaghetti and she had heard a lot about the fine spaghetti feeds that could be obtained at this bakery across the river so she went out there. Shortly after she had entered she noticed Mrs. Larche leave, and just as Mrs. Larche was going out, Nellie Rich, Phillip Toutaint and Marguerite Segouin were coming in. They went to the same table that Mrs. Larche had been sitting at, which was immediately in front of her table.

They didn't sit down because when Nellie Rich pulled out her chair to sit down she saw something on the floor and stooped to pick it up. The witness said that it was a small purse and that when Nellie Rich opened it, she (Nellie Rich) slapped her hand to her heart and asked her friends to escort her outside as she thought she was going to have a heart attack. The three people left the restaurant immediately and never returned.

Shortly after the three left, Mrs. Larche returned to look for her purse and Mrs. Bishop told her that the other party had found a purse and had left in a Diamond Taxi.

Mr. M. E. Mandersop, defence attorney, started to cross-examine the witness and the first question he asked was why had the witness run away after she had been asked to appear as a defence witness. Magistrate Atkinson commented that they had very little evidence against the Segouin girl and Toutaint but had a case against the Rich woman. Crown Attorney Caldbeck argued that the Segouin girl and Toutaint were accomplices after the crime and that they were, therefore, just as guilty as Nellie Rich. The magistrate directed them to commit them for trial.

During the cross-examination nothing more came to light than the woman had given in her testimony. She said that she had gone to Niagara Falls because her husband was working there and that he had come up here for her. He was losing time from his job, she said, so she left right away.

Corporal MacDougall, of the Kirkland Lake detachment of the Ontario Provincial Police, then testified, saying that he and Sergeant Mortson, of the

Tech Township Police, had gone out on the highway to look for a car from Timmins after receiving instructions from the provincial police here. They had been supplied with description of the car by Constable Stromberg of the Timmins detachment and had been told why the car was wanted.

The car was stopped by them about six miles south of Kirkland Lake and the occupants were questioned. They were first told that a sum of money amounting to \$400 had been stolen in Timmins and that they were accused of the theft. They were then asked how much money they had on them.

Nellie Rich produced a small purse containing a hundred dollars and she had another eight dollars that was in the bigger purse loose. Marguerite Segouin had \$154 on her and Toutaint, the driver, had another \$75. This money was all taken from them and placed in separate envelopes and on the outside of the envelopes was written the number of each denomination of bills that was contained in the envelopes. These envelopes were all handed in as evidence.

The corporal then questioned them as to where they were going and Miss Rich said they were going to Montreal. She explained that it was her birthday and that she was going to Montreal to visit her boy-friend.

At the conclusion of Corporal MacDougall's evidence, the crown announced that that was their case and Magistrate Atkinson commented that they had very little evidence against the Segouin girl and Toutaint but had a case against the Rich woman. Crown Attorney Caldbeck argued that the Segouin girl and Toutaint were accomplices after the crime and that they were, therefore, just as guilty as Nellie Rich. The magistrate directed them to commit them for trial.

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