MC 2035 POOR DOCUMENT

THE EVENING TIMES AND STAR, ST. JOHN, N. B., TUESDAY, MAY JU, 1911

WEEK

PROUSERS READY-TO-FINISH

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A CREDIT TO THE BASEBALL GAME





THE WAUGH-CLARK CASE

Text of Police Magistrate's Decision Which County Court Judge Reversed

Following is Police Magistrate's judgnent in the case of Waugh vs Policeman Mark which was reversed by Judge Forbes

yesterday:—
This is a case of rather rare occurrence in this city. The defendant Clark, a constable of the city police force, is charged with assault, the alleged assault arising out of the arrest of one Waugh last Tuesday night. The matter stood to afford me an opportunity to read the evidence. I have done so and have carefully considered the case

ten months is sent a citizen to gaot for ten months for assaulting a policeman. The defendant swears that on the night in question he saw Waugh alone, staggering along, that he said "Go home," that in about ten minutes he followed him up to Godsoe's and said "Go home." Waugh said "No." He took hold of me and put

Gaffney said "Let me have him and I'll take him home. Two women came. He says he is satisfied that the cut on the back of the head was not made by the hand cuffs. Waugh struck me before I arrested him. I may have made a mark on his throat. He got him up. Watching him from Union street I did not first arrest him because the started towards how. Waugh was not street I did not first arrest him because he started towards how. Waugh was not then in company with the two. He was staggering and talking loud.

When 15 or 20 feet from him I took my gloves off. Did not grab him. Took him by the shoulder. Did not grab him by the throat. Was holding him down when Gaffney came, 'straddle legs' on his chest. He got me off six times. Gaffney said he would take him. I said "Let him alone I'm going to take him." There were the two boys and later Gaffney and the two women. No profane language."

Finlay is sworn for the defence but knows nothing of the affair that night.

The witnesses for the prosecution are Clarence Campbell, Richard McCausland, Bart Gaffney, Mrs. Godsoe and Mrs. Clark. Each of these witnesses gives his or her version of what they saw and heard at the time of the arrest and of the subsequent action.

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Thomas Hayes and David Watson left for P. E. Island at noon today.