

HODGES IS FREED AS CROWN FAILS

Judge Takes Case Out of Jury's Hands and Dismisses Prisoner.

DEFENCE HAS ALIBI

The manslaughter trial of William R. Hodges was brought to a spectacular finish at eight o'clock last night when Mr. Justice Tiddell, presiding at the fall assizes of the supreme court here, took the case from the jury and declared the accused not guilty.

The climax came when Hodges, the last witness, was testifying in his own behalf.

A few minutes questioning by his counsel strengthened the alibi defence which had been built up, and V. A. Sinclair, K.C., prosecuting attorney, conducted only a minute's cross-examination when he signed to the bench that he would go no further.

"The crown counsel is well-advised not to press the charge now," his lordship began, then addressing the jury, "Gentlemen, I direct you to find a verdict of not guilty."

Suspicion Warranted.
"The grounds for prosecution in this case were ample. A number of people thought they saw this man pass by on the night of the accident. There were several peculiarities about the car which were enough to warrant suspicion. The crown counsel was quite right in bringing all the witnesses he could find to try and prove his case."

"But the man himself and his people show how it was impossible for the accused to be in the neighborhood where the accident occurred at the time stated."

"The crown says it is impossible to go further, and therefore, gentlemen, I find the accused not guilty. You are dismissed."

The manslaughter charge arose out of the death of John Knott, 11-year-old son of Mr. and Mrs. Edwin Knott, Pipe Line road, a day after he had been knocked from his bicycle in front of his home. Witnesses claimed that Hodges, 28 Yale street, a salesman for the Pearson Packing House, Hamilton, was the driver of the car.

Scratches On Car.

The crown's case was woven around the fact that the front of Hodges' car was scratched after the accident, and High Constable Wharton testified that the height of the scratches from the ground coincided with certain marks on the bicycle. Pipe Line residents said that Hodges passed on his way into town that night. Hodges denied that he returned from Springbank by that route.

Lee W. Thomas, who lives at 21 Yale street, told the court that he heard a car drive into Hodges' lane about 6:45 on the 6th, and that 15 minutes later he saw the accused. Hodges swore that he did not leave Springbank until after 7:50, substantiating the evidence of Mrs. May Hodges, his wife, and Mrs. J. D. Steele, his mother-in-law, who appeared on the stand before him.

J. M. McEvoy, K.C., of London, was the defence counsel, while Mr. Sinclair, of Tilsonburg, was the chief crown prosecutor. He was assisted by Crown Attorney Albert Judd of this city.

The members of the jury were Archie Monroe, farmer, Mossa; Arthur Neil, farmer, McGillivray; Fred Sleight, farmer, London township; E. J. Henderson, farmer, Niagara; Fred Conkey, farmer, Adelaide; Hugh Ross, farmer, W. Williams; Bush McCandless, grocer, Strathroy; W. N. Barker, farmer, Lobo; Alex. Cury, farmer, Lobo; F. G. Brook, grocer, London township; J. A. Campbell, farmer, Lobo; Earle Haskett, farmer, Biddeford.

Witness Called.
H. C. McBride, architect, who made a plan of the Pipe Line road at the scene of the accident, was the first witness called by the crown.

Edward Wilcox, of Greenwood avenue said that on the evening of August 6 he was sitting on the porch in front of Evans' ice cream booth about 6:30.

John Knott came to the booth, and soon afterwards started towards home on his bicycle. He was riding on the paved part of the south side of the road and as far as he could get on the right side.

"I noticed two cars coming from the west," said the witness. "One was a McLaughlin coupe and the other an Essex coupe. The McLaughlin car was ahead. William Hodges was driving the Essex coupe."

Saw Him Before.
Q—Had you seen him before? A—Yes.

Q—Had you ever spoken to him? A—Yes.

Q—Anything peculiar about the way he drives a car? A—Yes, the way he bends over the steering wheel.

Q—What took place after the Essex coupe passed you? A—The Essex coupe hit the boy on the wheel.

Q—Who was the boy? A—Johnny Knott.

Q—Where did it happen? A—Just in front of Knott's house.

Q—Had the boy changed his position? A—No.

Q—What became of the boy, A—I saw Mr. Knott carry him in. I went over, he was unconscious. He was taken to the hospital in the police car.

Q—What happened when he was struck? A—What Essex coupe carried him along about 40 feet.

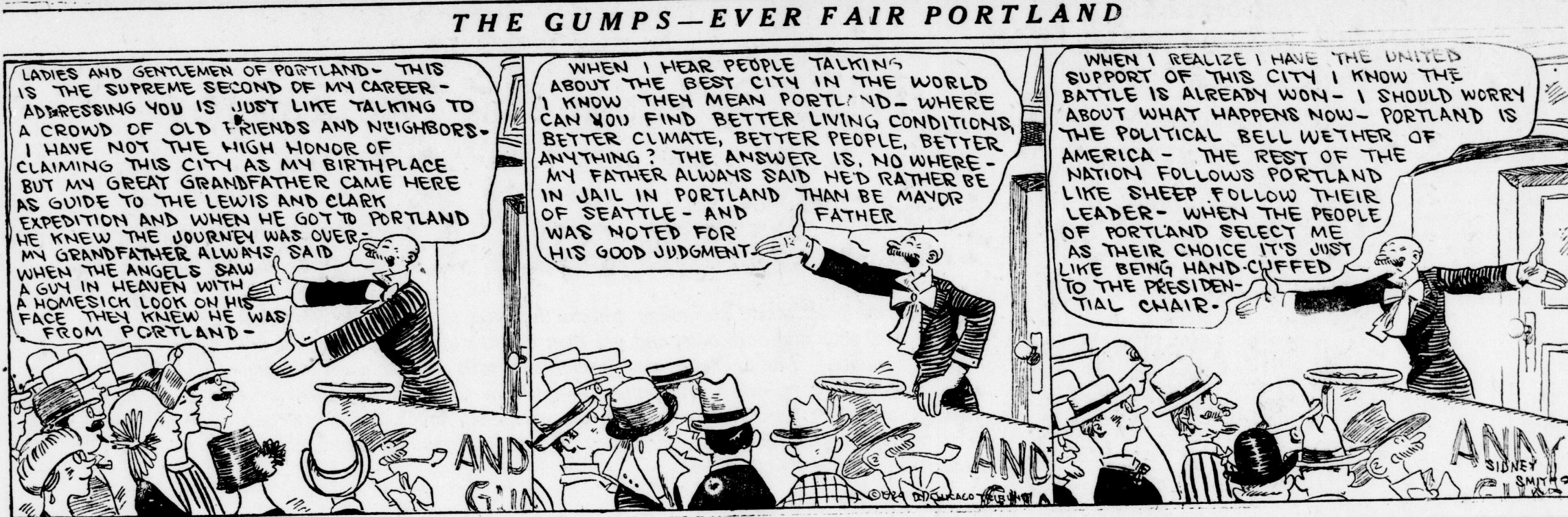
Witness said there had been a slight shower while he was at the store. He thought Hodges' car was going 40 miles an hour.

Saw Him Before.
Questioned by Mr. McEvoy, witness said he had seen Hodges at Hull's grocery store on a previous occasion, and had said hello.

Q—Were you quite sober at Evans' place? A—Was I sober? I never was drunk.

Q—How many people were in the coupe, A—I saw two.

Q—Was it a man or woman nearest you? A—A man.



TOOTS AND CASPER

Perhaps It's To Be a Comedy.



By JIMMY MURPHY

MUTT AND JEFF

It Looked Like a Wrestling Match To Old Man Schultz.

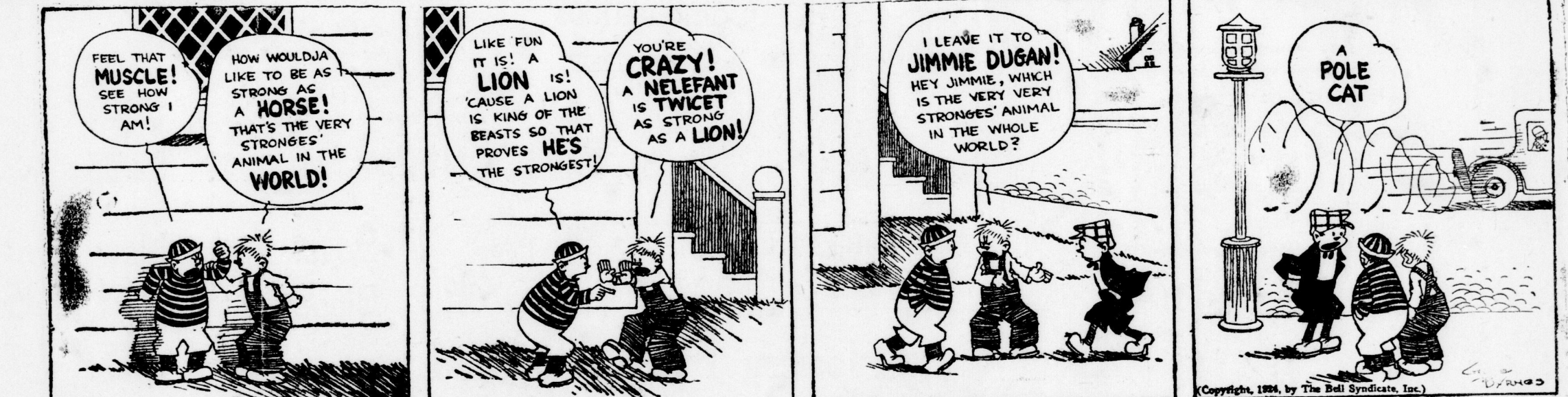


By BUD FISHER

REG'AR FELLERS

And Jimmy Is Right.

By GENE BYRNES



cemetery. Hodges was driving an Essex coupe, a small car, that he heard a car drive into Hodges' lane about 6:45 on the 6th, and that 15 minutes later he saw the accused. Hodges swore that he did not leave Springbank until after 7:50, substantiating the evidence of Mrs. May Hodges, his wife, and Mrs. J. D. Steele, his mother-in-law, who appeared on the stand before him.

Passed Same Car.
Gordon Paynter, 22 Victor street, was with Frank Hessel in the McLaughlin coupe. A car passed them going east near Woodland cemetery. He took the driver to be William Hodges. They passed the same car farther on. Witness didn't remember passing a boy on a bicycle. He had seen straps hanging down at the back of the car.

Questioned by Mr. McEvoy, witness would not swear that the driver of the car was Hodges.

Edwin Knott, father of John Knott, was out on the veranda of his house at the time of the accident. He heard the crash. He did not see the driver, but noticed two straps hanging behind.

Examined by Mr. McEvoy, witness said he didn't see the boy until after the car passed.

George Hiers, 39 Pipe Line road, was called by the crown.

Q—Did you see Hodges the night

of the accident? A—Yes, I saw a man that looked like him driving an Essex closed car.

Cross-examined by Mr. McEvoy, witness admitted that he couldn't swear that the driver he saw was Hodges.

Harry Hull, storekeeper on the Pipe Line road, told the court he saw Hodges on Ridout street south between 5 and 6.

High Constable A. J. Wharton was the next crown witness. He was called upon to probe the charge against the accused. He said he went into Hodges' garage and examined his car.

Q—Did you notice anything? A—The straps on the carrier were hanging.

Q—Anything else? A—On the right front spring housing there were two bright scratches.

Q—Did you see the bicycle on which John Knott was riding? A—Yes. The marks on the bicycle were one foot eight inches from the ground. The scratches on the spring of the car were one foot eight inches from the ground.

He said he visited Hodges' garage twice that night, and saw Hodges on both occasions. He talked to him. "I said: 'That was a bad accident you had.'"

"His reply was: 'I came in Oxford street.'"

"I asked him about the fresh scratches on the car."

"He said he didn't run into anything. I think he said he may have been in a jam at the shed, and that might have scratched the car."

Defence counsel concentrated his

cross-examination on the scratches on the car, as mentioned by the high constable.

Q—This boy was struck by a car going 35 miles an hour, and all you saw was a scratch?

"Two scratches," corrected his lordship.

A—Yes, and I still believe the bruises on the front fender were caused in the accident.

Witness refused to admit under sharp questioning that he had asked Hodges on the night in question if he had struck a boy.

"I said to him: 'That was a bad accident you had out there,' Wharton repeated.

Q—Did you accuse him of committing the crime? Didn't you tell him he was the man, and he might as well own up.

Accused Prisoner.
Q—Yes, witness answered after some hesitation, and after being chided by the bench for his delay in answering.

License Inspector Walter Bolton told of examining the car with Constable Wharton.

Tom Perry, auto expert, told of Hodges' coupe being brought to his garage. He noticed the right fender was dented.

Q—Would a collision with a bicycle make a big impression on a sheet steel fender?

A—No, not a very great impression.

Q—Do you think the dent you saw in the fender could have been made by a bicycle?

A—Yes, I would say so.

Witness wasn't sure whether there was front bumper on the car at the time.

Gilbert Harris said he remembered

the night of the accident. He knows the accused by sight, he asserted, and thought he saw him pass in an Essex coach about ten minutes to seven. There was another man in the car.

Witness said he knew it was Hodges, but would not like to swear it.

Defence Opens.
George E. Douglas, sales manager for Silverwoods, Ltd., was the first defence witness. He had a conversation with Hodges between 5:30 and 6 on the night of the accident.

Harwell Edson Storey, shipper at Silverwoods, testified he saw Hodges on Aug. 6 at the warehouse about 5:25.

Q—What was the condition of the front right fender?

A—It was battered.

Q—Did you see the fender after the accident?

A—Yes.

Q—Was there any difference?

A—None whatever.

Mrs. J. E. Steele, mother-in-law of Hodges, related that Aug. 6 was her birthday and that she attended a picnic at Springbank in her honor in the afternoon. Mr. Steele and Hodges came down to the park about 6:10.

Left Near Eight.
Defence counsel brought the assertion from the witness that Hodges did not leave the party until 10 minutes to eight.

Mrs. May Hodges, wife of the accused, was next called. She corroborated the details of the picnic as re-

lated by her mother, Mrs. Steele.

Q—What about the lights in Byron streets when you got there?

A—They were lighted.

Q—How long did it take you to walk to Byron from where you left your husband and your father?

A—About 10 or 15 minutes.

Mrs. Hodges was quite certain that the street lights at Byron were turned on, when cross-examined by crown counsel.

Crown counsel asked witness if Hodges left for home about 40 minutes after his arrival.

A—It was longer than that. I'm sure it was more than an hour, maybe an hour and a half.

Q—Would you swear that?

A—No.

The crown then called Lee W. Thomas, 21 Yale street, who was not available when the crown was ending its case. He heard a car drive into Hodges' lane on August 6, about 6:45 p.m. and 15 minutes later he saw Hodges.

Cross-Examined.
Defence counsel started a sharp cross-examination.

Q—You are a good friend of Hodges?

A—We've never spoken to each other in our lives.

Q—How long have you lived beside Hodges?

A—Two years.

Questioned again by the crown counsel, Thomas denied any hard feeling existed between he and Hodges. It was just a matter of not having any dealings with him and not having any occasion to speak to him, he said.

This concluded the crown's testimony.

J. M. McEvoy then called William

R. Hodges, accused. He had travelled for 25 years, he said.

He left for Springbank about 6 on Aug. 6, he declared.

"I left Springbank at 8 p.m.," he related. "The ladies left us at 7:50. I went out the west gate, up the Byron hill and drove home. I looked at the clock when I got home, and it was 8:30."

"Was it your car that killed that boy?" the judge interrupted.

"No, sir," was the firm reply.

"Would you say you didn't return on the Pipe Line road on Aug. 6?" Crown counsel began in his cross-examination.

"I did not."

"You swear you didn't leave Springbank until that time?"

"It was after 10 minutes to 8."

"His father motioned to the bench that he was through."

FIND MAN DEAD IN ORCHARD.
Owen Sound, Oct. 15. — Stephen Kelly, 80 years of age, was found dead under a pear tree in an orchard on the east hill, Owen Sound, yesterday afternoon. Death was due to heart-failure.

Glycerine Mixture Prevents Appendicitis

Simple glycerine, buckthorn bark, etc., as mixed in Adlerika is excellent to guard against appendicitis. Most medicines act only on lower bowel but Adlerika acts on both upper and lower bowel and removes all gases and poisons. Brings on matter you never thought was in your system. Helps any case gas on the stomach. TEN minutes. The Standard Drug, Ltd.—Advt.

RADIO

TOMORROW'S LIST

FRIDAY, OCTOBER 17, (Eastern Standard Time.)

WEAF, NEW YORK—492.

4:45 p.m.—Club program for women.

5 p.m.—Josephine and Ernest Hana.

7:30 p.m.—"Sir Hobgoblin."

7:45 p.m.—Frank Leithner, pianist.

8 p.m.—Billy Jones and Ernest Hana.

8:30 p.m.—Zona Griswold, soprano.

8:40 p.m.—Frank Leithner, pianist.

8:50 p.m.—Zona Griswold, soprano.

9 p.m.—Fischer's dance orchestra.

9:30 p.m.—AWEW, New York—405.

4:30 p.m.—Astor organ recital.

5:30 p.m.—News reports, stocks.

6 p.m.—Orlando concert orchestra.

8 p.m.—Wall Street Journal review.

8:10 p.m.—N. Y. air college.

8:40 p.m.—Political campaign talk.

9:05 p.m.—Lovesleaf current topics.

9:30 p.m.—Program from station WGY.

WAY, NEW YORK—405.

7:30 p.m.—Billy Wynne's orchestra.

8:15 p.m.—Chats with the editor.

8:30 p.m.—Talk on income taxes.

8:45 p.m.—The Radio Franks.

8:55 p.m.—Talk by James Baum.

9 p.m.—Pavlova ballet music score.

WHN, NEW YORK—360.

5:30 p.m.—Obert Van Sijst.

7 p.m.—Paul Specht's orchestra.

8:30 p.m.—Dan Gregory's orchestra.

10:15 p.m.—Man in the Moon story.

11:30 p.m.—Sam Wooding's orchestra.

Midnight—Parody club orchestra.

WOR, NEWARK—405.

2:20-4 p.m.—Matinee musicale.

6:15 p.m.—Music while you dine.

6:30 p.m.—Man in the Moon story.

7 p.m.—Music while you dine.

7:15 p.m.—Bill Skelton's orchestra.

WIP, PHILADELPHIA—509.

3 p.m.—U. of P. orchestra.

6:35 p.m.—Jordan-Lewis orchestra.

6:45 p.m.—Live stock and produce.

7 p.m.—Uncle Wip's bedtime stories.

7:30 p.m.—Grand organ and trumpets.

7:50 p.m.—Candor's orchestra.

8:30 p.m.—Fox radio orchestra.

10:30 p.m.—Howell concert company.

10:50 p.m.—Mary Vogt organ recital.

WFI, PHILADELPHIA—395.

3 p.m.—Musical studies series.

6:30 p.m.—Meyer Davis orchestra.

7 p.m.—Sunny Jim, the kiddies' pal.

WOPR, PHILADELPHIA—402.

4:30 p.m.—Program of dance music.

7:30 p.m.—Dream Daddy's stories.

8 p.m.—Abbott's home review. Walter Greenough Players; artist recital.

10 p.m.—1 a.m.—Morning Glory club.

1 a.m.—Morning Glory club.

KDKA, PITTSBURGH—320.

6:30 p.m.—Samuel Johnston, organist.

7:15 p.m.—Daddy Winkum.

7:30 p.m.—Address, Dr. L. K. Marley.

7:40 p.m.—Stockman market reports.

8 p.m.—Home lecture effects.

8:15 p.m.—Six recent novels review.

9:30 p.m.—Marlowe quartet.

WCAE, PITTSBURGH—462.

4:30 p.m.—The Sunshine Girls.

6:30 p.m.—William Brown orchestra.

7:30 p.m.—Uncle Kaybee.

8:30 p.m.—Musical program.

WOPR, WASHINGTON—469.