

## JURY DISAGREES AS TO HOLDING GODWIN FOR TRIAL IN MURDER CASE

Five Members of Inquest Jury Think Youth Responsible  
—Boy Denies That He was Ever in Whiteside House  
Before Being Taken There by the Police—Contradictory Evidence.

With a disagreement of five to three on the part of the coroner's jury as to whether sufficient evidence had been adduced to send the 16-year-old Stewart Godwin up for trial charged with the crime, at the conclusion of the inquest last night, the murder of Mrs. Clara Whiteside of her home in East St. John twenty-five days ago, still remains unsolved. Five of the jurymen held that Godwin was responsible for the death of Mrs. Whiteside, while the remaining three said that there was not sufficient evidence to convince them of the guilt of the youth.

### FOREMAN TODD READS VERDICT.

Foreman Todd read the verdict signed by five of the jury as follows:  
"That Clara Whiteside came to her death at her home in East St. John, in the parish of Simonds, in the City and County of St. John, some day between the 17th and 25th Dec., 1923; said death resulted from fractures of skull, caused by blows from a blunt instrument, from the evidence given, in the hands of Stewart Godwin."  
(Sgd.) "ERNEST J. TODD,  
R. T. WORDEN  
JOHN L. CAMBRIDGE,  
WILLIAM J. CAIN,  
CORNELIUS DEVER."

### DOUBTFUL OF BOY'S GUILT.

Following the reading of the above verdict signed by five jurymen, John B. Jones read the following to the court:  
"The undersigned are not able to ascribe to the above, believing that the only evidence adduced, that might lead to the lad being suspected of the crime, was his uncorroborated story given by him to the detectives, who, we believe, had not taken the precaution to warn the lad, that whatever he said would be taken down in writing and used against him at his trial."  
"When Stewart Godwin came before the jury he denied all knowledge of the crime. The fact that the alleged confession was not signed or taken under oath, still leaves doubt in our minds as to the perpetrator of this awful crime, but we believe the matter is one which would justify the Attorney-General in going more fully into the case."

(Sgd.) "GEORGE W. LIVINGSTONE,  
JOHN B. JONES,  
JOHN J. HUGHES."

### LAWYER ASKS BOY FREED.

Following the adjournment of the court, and the dismissal of the jury, C. J. Mesereau, who was counsel for Stewart Godwin, along with the boy's father and others, requested Coroner Porter that the little river youth be liberated with the understanding that the youth would be returned to the officials when needed.

Coroner Porter read through sections of a law book on the matter, and finally determined that he was not sure if he had the right to allow the boy's liberty, and it was finally decided that Godwin would remain in custody in a cell at police headquarters, and that both the coroner and Mr. Mesereau would get in touch this morning with Hon. J. P. Byrne, Attorney-General for the Province of New Brunswick, for the purpose of obtaining his decision regarding the release from custody of the youth.

### GODWIN IN HAPPY MOOD.

When Stewart Godwin returned to police headquarters last night about 8.30 o'clock after his visit to the coroner and jury in the German street court rooms, he was accompanied by Detective Biddiscombe and Frank Godwin, the boy's father, and appeared to be in the very best of humor and most active as he ran up the steps from the hall to the guard room.

He was returned to his cell in the basement of the building, and for the few minutes that he was in the guard room had nothing to say, other than nod his head to a reporter whom he appeared to recognize as having seen on three different occasions since he has been in the custody of the police.

### PLANS OF CORONER PORTER.

Following the inquest last night, Coroner H. A. Porter was asked what the next step in the matter would be in so far as the boy was concerned as coroner. He stated he would not make any announcement until this afternoon, and after he had received his instructions.

The Evening Times has been informed that according to the Coroner's Act, the Attorney-General has power to order the empowering of the Coroner's jury if the coroner is dissatisfied with the verdict delivered by the original jury, or if, in his belief, the evidence adduced at an inquest so warrants, it may instruct the coroner to prefer a charge against any person incriminated by such evidence.

Coroner Porter stated last night that he had not ordered Godwin's release, as had been rumored, but that so far as he knew no charge had been preferred against the boy.

### NEVER IN HER HOUSE.

The examining of Stewart Godwin before the coroner's jury after the clearing of the court room, and the reading of the boy's alleged "confession" together with his statement, "I was never in the Whiteside house," was a feature of the night the men took me in," were features of the final session of the Whiteside inquest.

Police officials gave corroboratory testimony concerning the searching of the house on the night the murder was discovered, the investigations which followed, the apprehending of Godwin, and his examination by them in which he admitted hitting the murdered woman three times, because he was mad at her for not having a picture of a boat she had promised ready for him.  
The boy's statement was a rambling one, filled with inconsistencies and contradictions. In answer to the questions put to him by the coroner last night, however, he seemed possessed of a fair degree of intelligence, though certainly far below that which might be expected of a boy of sixteen years.

### SAYS BOY IS HARMLESS.

Rev. Mr. Lawson, although unable to give any direct evidence concerning the murder, spoke of the Godwin boy's harmless nature, and that he was quite unaware for what he was being held by the police. Mr. Lawson said that though he had visited the lad at the police station on several occasions, Godwin had never once alluded to the murder.

The coroner, in addressing the jury, pointed out the numerous contradictions in the evidence, which he said clearly established the genuineness of Godwin's alibi. He pointed out that the more or less strained relations between the Osmond's and the murdered woman would explain to some extent their apparent ignorance of her movements.  
Referring to Godwin, he spoke of the boy's horror of blood, and the evidence that the body had been moved from a pool of blood. The coroner referred to the boy's statement that he had plugged the bell on the 17th and the statement of the murdered woman's brother, that the bell rang on his visit of the 22nd. The boy had said Mrs. Whiteside had counseled money before him, on the 17th, but no money was found in the house on the 22nd.

The coroner also referred to forms of insanity, which medical men had found in growing boys, and of its sudden outbreak in the most unsuspected quarters.

### Barbriers in Attendance.

Two barbriers were in attendance when the inquest resumed, C. P. Inches, K. C., of the firm of Inches, Weyman & Hazen, representing the Potter family, and C. R. Mesereau, of Powell & Mesereau, for Stewart Godwin.

Lloyd Stirling, 16-year-old school boy, of East St. John, the first witness called, stated he had seen Mrs. Whiteside in the window of her kitchen while he was looking out of a school room window at noon on the 17th or 18th of December.

The Rev. William Lawson was asked by the coroner if he wished to testify. The reverend gentleman, Methodist minister at Little River, stated he did not know if he could throw any light on the murder, but volunteered to tell what he could.

The last time Mrs. Whiteside had been to his home was Nov. 16, he said. On Dec. 13 he had seen her driving some workmen at her own home. He could not say who the men were but was sure neither of them was the man Gorman.  
He said he would like to throw some light on the manner in which the Godwin boy had been "arrested."

foreman, not to be dictated to by him, or anyone else. What am I here for?" Another juror expressed himself of the opinion that Mr. Lawson's evidence had an important bearing on the inquiry, and the reverend gentleman continued. He said that he had visited Godwin at the jail a number of times and that the boy had never once mentioned the murder to him. He did not seem to realize what he was being held for, but sang and was light-hearted in his cell.

Court Room Cleared.  
Following Mr. Lawson's evidence the court room was cleared, only the officials of the court, police officers, lawyers, members of the deceased's family and members of the press were allowed to remain.  
The coroner stated the boy would not put certain questions. No question referring to the murder would be put to him, as the boy was mentally deficient, and such questions could be objected to by the boy's counsel.

The coroner said the questions asked would be to afford the jurors an opportunity of judging of the boy's mentality for themselves.  
When Godwin was brought in he was told to take the witness chair. The boy, who is of medium height, with broad shoulders, and of a sturdy appearance, immediately sat down and subjected the court room to a series of rapid glances.

He was dressed in the same manner as that in which he was first found by the police, a rather ragged overcoat, dark suit, overcoats reaching to his knees and rubbers.  
Godwin's head is covered with a large mop of hair, coming well down over his forehead.  
His eyes are large brown ones, rather shifting and wild in appearance.

The following dialogue took place between the boy and the coroner:  
"Well Stewart, how are you tonight?" "Fine." "Did you go to school?" "Yes." "When are you going home?" "Don't know." "What grade are you in at school?" "Grade 7." "Are you good at games?" "Yes, I can play dominoes." "Yes, I can play outside games." "Yes, I can play baseball and football too." "Can you run?" "Yes, I won a race at the picnic." "Well, what do you do up in jail?" "Read books." "I thought you couldn't read?" "Oh, yes, I read a little." "What are you doing when you are not reading?" "Oh, just sitting down." "Do people talk to you there?" "Oh, yes, I saw you up there this morning."

Can't Ride Bicycle.  
Asked if he owned a bicycle, the boy said he did, but could not ride it as he was too nervous, but thought he might learn next summer. He was asked in the questioning the boy started to whistle.

"When did you see Mrs. Whiteside last?" he was asked.  
"I went to see her Christmas day. I saw her in King street. She did not give me a present this Christmas. She did last. She had a picture of a boat for me. She did not have it done. I did not cut wood for her for a month. The Osmonds saw me cutting wood Saturday. When I left her house I went out the front door; she let me into the cellar door. The new chimney was on when I was there. It was on the 17th. I had supper there. I brought her a book as a present. I brought 25 cents for it."

"I was mad because she did not have the boat. I did not hit her, or shove her. She fell. I put the quilt under her. She said she would send the picture over but she never did. I did not hit her. Just knocked her down a little bit. I did not mean to hurt her when I hit her. She had her eyes closed. She hurt her hip and told me to look at it. I thought she was sick. I thought she had a cold."

"After she fell she told me to give her her purse. I took it from her in the kitchen table and gave it to her."  
Detectives Saunders and Kilpatrick were called and gave corroboratory evidence concerning the searching of the Whiteside house, the apprehending and examination of the boy Godwin.

Hair on Pipe.  
Detective Saunders—"Do you know whether there was a gray hair or a thread or a sort of splinter on the pipe?"  
Detective Saunders—"I took it for a hair."

Sergeant Detective Power informed the court that a portion of the hair had been given to Dr. Abramson, the provincial pathologist, for examination but that the doctor had lost it, and his department had no desire to lose any more of it. The pipe with the hair attached was again submitted to the scrutiny of the jury, the doubting juror deciding that "it must be a hair, as it is not a thread or a splinter."

Mr. Mesereau questioned the detective concerning Mrs. Whiteside's dog and was answered that it was a dirty grey or white collie.  
Sergeant Detective Power's evidence was also of a corroboratory nature. Speaking of Godwin, the sergeant said when he first saw him he thought him possessed of a low mentality, so questions were put to test him and his answers seemed intelligent at first. He did not seem to wish to answer questions regarding Mrs. Whiteside and visits to her home but after being told that all the officers wanted him to do was to tell the truth, answered more readily.

When asked if he struck her, Godwin said she slipped and fell, and hurt her hip, whereupon he put the quilt under her so she wouldn't hurt herself. Afterwards he admitted he hit her a little bit. He did not think he had hurt her, but that when he left her thought she was dead as her eyes were closed.

The sergeant said that when the boy was taken to the house, he described his actions and there said he hit Mrs. Whiteside three times.

Was Movie Fan.  
Speaking of the boy's memory, the sergeant said he had told the officers of seeing Uncle Tom's Cabin, Larry Senon and the bandit king in class movies. The court house fire had occurred when his family was living on Leinster street and he told the officers "it was an awful fire."

Sergeant Power said that the boy had said that his father had been in the court house on Monday the 17th. That Godwin had said he did not like blood, nor like to see it, and had seen a horse shot once, and did not like the sight of the blood. That he did not tell anyone he had hit Mrs. Whiteside, not even his mother, and that he had known the night he visited the house with the detectives, that the pipe was in the pantry.

When asked said the boy's statement had been made voluntarily, at which Mr. Mesereau interjected "I couldn't say that."

Checks are Cash.  
At the request of the coroner, Sergeant Detective Power told of Detective Biddiscombe's trip from the city. He said that information had been given of the cashing of certain checks by a young man, and it was deemed advisable because of his connection, and because of sudden leaving of the city to interview him.

Detective Biddiscombe left for the purpose of locating the man, but had been unsuccessful, but the search would be continued, as it was desired to clear the matter up both in justice to the young man and to the department as well, as had been done in the case of the sudden leaving of the city to interview him.

Sergeant Power said that in regard to the case of the sudden leaving of the city, the department had never been able to get any results from "experts" whose services had been engaged. He said that he had thought Rev. Mr. Lawson had hardly meant what he said when he alluded to the case of the sudden leaving of the city to interview him.

Coroner Addresses Jury.  
Coroner Porter then addressed the jury, and summed up the lengthy evidence, pointing out the several contradictions and the evidence which was found in it. He referred to Godwin's statement that he had stuffed the bell took me in, and to the statement that the boy had run lung and clear on the two occasions he visited the Whiteside house on the 22nd; and to the evidence which was found in the 26th with a rag identified by Godwin as the rag which he used to wipe his face on, and to the evidence of his reluctance in regard to taking the pipe, and the fact that the boy showed signs of having been around in the pool of blood in which it was found. Godwin had said Mrs. Whiteside was a rambling woman, filled with a number of contradictions and very inconsistent. Portions of it follow:

"I cut wood for Mrs. Whiteside last summer. I was up there three weeks. I was not up there last week. I was not up there Friday. I saw Mrs. Whiteside in King street. She did not give me a present this Christmas. She did last. She had a picture of a boat for me. She did not have it done. I did not cut wood for her for a month. The Osmonds saw me cutting wood Saturday. When I left her house I went out the front door; she let me into the cellar door. The new chimney was on when I was there. It was on the 17th. I had supper there. I brought her a book as a present. I brought 25 cents for it."

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## PEPS

the real breathable tablets, make the throat, chest, and lungs cold, rejecting. When a nasty cold or a coughing bout foretells the revival of your old bronchial trouble, the best thing to do is to take Peps at once to strengthen and

## PROTECT

the chest. When a Peps tablet is taken from its preserving silver wrapper and allowed to dissolve in the mouth, it gives off powerful medicinal and germicidal fumes that immediately circulate with the breath through all the air passages, and destroy any germs that have got into

## YOUR

nostrils and throat. At the same time the sore, inflamed membrane is soothed, healed, and protected, phlegm is released from the bronchia, breathing is made easy, and that distressing cough and throat soreness disappear.

## CHEST

and lungs, and the worst weather can be faced without fear of evil consequences. It is the safest plan to always have a few Peps handy to arrest a cold, and prevent it reaching the lungs or starting bronchitis and chest weakness.

## PEPS

contests. A song song was indulged in during the evening. The hostess served dainty refreshments and before the guests left for home they extended a hearty and unanimous vote of thanks to Mr. and Mrs. Goodwin.

## MOTHERS.

Don't you know you can turn a distressed, fretful, coughing child into a comfortable and happily smiling one simply by giving

## CHAMBERLAIN'S COUGH REMEDY

No Narcotics  
QUICK RELIEF FOR INDIGESTION

## AT ANY DRUG STORE

## THE Highest Peak

By an exclusive process cod-liver oil, the tonic-wealth of Norway's seas in

## SCOTT'S EMULSION

is made as palatable as cream and far more nourishing. SCOTT'S is cod-liver oil raised to the highest peak of efficiency.

## Girls! Girls!! Save Your Hair With Cuticura

It is unnecessary to suffer those stinging pains. You can get relief quickly. Apply Cuticura gently without rubbing. Instantly you feel a comforting glow. The pain goes off. Relief comes. Get a bottle from your druggist today—35 cents. It will not stain.

## Sloan's Liniment—kills pain!

## CARLETON CHAPTER OFFICERS INSTALLED

George E. Day, High Priest, Welcomed After Illness of 17 Weeks

The installation ceremonies at Carleton Royal Arch Chapter, F. & A. M., last night were carried through with full ceremonial in the Masonic Hall in German street. The installing officer was the grand high priest, George E. Day, and he was assisted by Deputy Grand High Priest W. H. Smith. It was the first time Mr. Day had been out after an illness of about 17 weeks and he was given a rousing reception at the banquet which followed the installation. A programme of addresses and music followed the banquet and it was a late hour when the members dispersed. Those in charge of the culinary arrangements were extended specially hearty thanks.  
The officers installed were as follows: E. H. P., John H. Kelley; E. K. Harold Hooper; E. S., Albert C. Lemon; treasurer, Horace A. Porter; secretary, Reverend Stevens; C. C. of H., J. W. Duncan; P. S., William A. Anker; R. A. C., J. Stanley Hoyt; M. of third val, Percy Speers; M. of second val, John Reid; M. of first val, H. T. Dakin; I. E. P. H., G. C. Gorman; Tyler, G. T. Hay.

## CHURCH CIRCLE MEETS.

The Tuckabatche Circle of St. Matthew's Presbyterian church was held this week at the home of Miss Alice Elwell, Wright street. A musical programme was carried out in which many took part. Delicious refreshments were served and the evening greatly enjoyed. Those present were Misses Clara Devennie, Marion Devennie, Mac

## Abbey's EFFERESCENT SALT

Regulates the Liver  
The Crow of Croup  
A Warning To All Mothers

Croup starts with a dry cough and rattling in the throat; after which the croupy crow gives warning of the disease. The child, after tossing restlessly about, will start up with a flushed face, protruding eyeballs, and a distressing look of terror and anxiety. There is a struggle for breath, and the expectation of the mucous matter is so difficult to get rid of that the effort appears to threaten strangulation.

On the first sign of the "croupy crow" mothers should administer Dr. Wood's Norway Pine Syrup, and thus give the child prompt and permanent relief, and perhaps the life saved by taking this precaution.

Mrs. H. A. Langhorne, Hamilton, Ont., writes: "My little boy was very bad with the croup and I could not get anything to relieve him until I tried Dr. Wood's Norway Pine Syrup. I cannot praise it too highly for the relief it gave him."

Price 35c. a bottle; the large family size 60c.; put up by The T. Milburn Co., Limited, Toronto, Ont.

## TRY SULPHUR ON AN ECZEMA SKIN

Costs Little and Overcomes Trouble Almost Over Night.  
Any breaking out of the skin, even dry, itching eczema, can be quickly overcome by applying Menth-Sulphur, a noted skin specialist. Because of its germ-killing properties this sulphur preparation instantly brings ease from skin irritation, soothes and heals the eczema right up and leaves the skin clear and smooth.

It seldom fails to relieve the torment without delay. Sufferers from skin trouble should obtain a small jar of Menth-Sulphur from any good druggist and use it like cold cream.

## CONSTITIATION

Take a good dose of Carter's Little Liver Pills then take 2 or 3 for a few nights after. They cleanse your system of all waste matter and Regulate Your Bowels. Mild—as easy to take as sugar.

## STOP your cold with DOMINION TABLETS

CASCARA BROMIDE QUININE

See that you get the DOMINION C.B.Q.

GET RID OF THE COLD THAT HANGS ON

## ACIDS IN STOMACH CAUSE INDIGESTION

Create Gas, Sourness and Pain How to Treat.

Medical authorities state that nearly nine-tenths of the cases of stomach trouble, indigestion, sourness, burning, gas, bloating, nausea, etc., are due to an excess of hydrochloric acid in the stomach and not as some believe to a lack of digestive juices. The delicate stomach lining is irritated, digestion is delayed and food sours, causing the disagreeable symptoms which every stomach sufferer knows so well.

Artificial digestants are not needed in such cases and may do real harm. Try laying aside all digestive aids and instead get from any druggist a few ounces of Blauvelt's Magnesia and take a teaspoonful in a quarter glass of water right after eating. This sweetens the stomach, prevents the formation of excess acid and there is no sourness, gas or pain. Blauvelt's Magnesia (in powder or tablet form—never liquid or milk) is harmless to the stomach, inexpensive to take and is the most efficient form of magnesia for stomach purposes. It is used by thousands of people who enjoy their meals with no more fear of indigestion.

## DODD'S KIDNEY PILLS

ALL KIDNEY DISEASES  
RHEUMATISM  
BRUISES  
DIARRHOEA  
4087 THE PROVERB

## RED PEPPER HEAT STOPS BACKACHE

The heat of red peppers takes the "ouch" from a sore, lame back. It can cut out pain and it certainly ends the torture at once.

When you are suffering so you can hardly get around, just try Red Pepper Rub, and you will have the quickest relief known. Nothing has such concentrated, penetrating heat as red peppers.

Just as soon as you apply Red Pepper Rub you will feel that the pain has been cut out. In three minutes it warms the sore spot through and through. Pain and soreness are gone.

Ask any druggist for a Jar of Rowley's Red Pepper Rub. Be sure to get the genuine, with the name Rowley on each package.

## You Can Eat Anything You Like And Not Have HEARTBURN

In all cases of heartburn there is a gnawing and burning pain in the stomach attended by a disturbed appetite, as when too much food is taken into the stomach. It is liable to ferment and become extremely sour, vomiting occurs, and what is thrown up is generally sour and bitter. When you are in this condition you will find that Milburn's Laxa-Liver Pills will give you relief right away.

Mr. Joseph H. MacDonald, Christmas Island, N. S., writes: "Two years ago I suffered all the time from heartburn. I took one vial of Milburn's Laxa-Liver Pills and have never been troubled since."

It is very nice to be able to eat anything you like and not have heartburn any more.

Milburn's Laxa-Liver Pills are 25c. a vial at all dealers, or mailed direct on receipt of price by The T. Milburn Co., Limited, Toronto, Ont.