

PRELIMINARY TRIAL AGAINST YOUNG MEN FOR MANSLAUGHTER

The Six Young Men Who Were in Automobile That Caused Death of Young Girl at Renforth on April Last Were Yesterday Committed to Trial and Were Each Admitted to Bail for Appearance at County Court Next September 7.

The six young men involved in the Renforth tragedy of April last were committed to trial on a charge of manslaughter by Stipendiary Magistrate, P. W. F. Brewster at the conclusion of a preliminary hearing held in the Kings county court house at Hampton yesterday.

The accused were allowed out on bail to the amount of five hundred dollars each and two sureties of two hundred and fifty dollars.

The charge was brought against Harold Beverly, John Dean, Charles Ross, Allen Currie, John Kennedy and Jack Wilkinson in consequence of the death of Virginia Garret, at Renforth on April 29, after being hit by an automobile driven by Beverly, who was accompanied by the other five accused.

The case will be heard in the Kings county court, which sits at Hampton, September 7.

The witnesses for the prosecution included their evidence in the morning. Argument was heard after a further recess and accused committed for trial.

Dr. J. B. M. Baxter appeared in the interests of Beverly and Kennedy, and Senator George Fowler, K. C., appeared for the crown.

Court opened at 10.30 a.m. and Frank Cormier, automobile mechanic in the employ of J. A. Pugsley Co., was called to the stand. He stated that last May he went to Renforth for a car belonging to P. G. Ginter, of Mirville. He found the car, a light six Overland, at the edge of a culvert. The differential housing was broken away from the spring shaft; the radius rod broken; the propeller shaft pulled out of place, and the forward spindle bent. The body and fender were all crushed in; the bolts in the top broken with one exception; the upper joints in the wind shield and the gas tank bent in. The hub caps on both the left wheels were bent, and the rear one had to be replaced.

The car went out of gear when the shaft pulled away, so witness could not say if the brakes were set. It was evident that the wheel caps had struck the nearby store. It seemed as though the car had turned out of the road to avoid something and was then tried to get back. There was nothing to indicate at what rate of speed the car had been going.

Cross-examined by Mr. Fowler, witness said the full light of another car turned on a driver would be apt to throw him in the ditch as he would not be able to see where he was going.

Ada Finley, clerk in the employ of L. L. Sharpe, Jewellers, St. John, stated that she was staying with her grandmother at Renforth on the night of April 29. Virginia and Margaret Garret were with her and shortly after nine o'clock she started to take them to their home which lay across the highway and railroad track. On reaching the edge of the road she saw the lights of a car coming from St. John on the rise of the hill, and

other was coming from Rothesay with a team in front of it. Witness and children crossed the road and walked along its edge in single file. On hearing a culvert the car from the city was nearer than she expected. Its lights were flashing off and on, and then went out. Thinking the driver might not be able to see them, she told the children to stop up quickly and stand in the all of the store.

They had hardly done so when there was a crash and the car went by with a bound. Margaret was lying on the ground and Virginia was gone. Some school books were knocked out of the arms of witness. When found later they bore the marks of where the car had passed over them.

Several of the accused were present in the crowd that gathered and Charles Ross came up to witness and asked if there was anything wrong. He seemed stupid with the shock and witness was impatient with him at such a question.

Latest witness saw Virginia brought out of the culvert. Her face and curls were covered with blood and she lived but a few minutes.

Patrick Biddiscombe, detective for the city of St. John, said that in consequence of information received at 10.15 on the night of April 29, he went to the General Public Hospital where he saw Allen Currie. The accused had one arm bandaged and said it had been fractured in an auto accident at Renforth. He gave witness the names of his five companions.

Currie said that a little girl had been hurt but he did not know how badly.

After leaving the hospital witness went to the home of John Dean, and found him in bed in a semi-conscious condition with a doctor in attendance. Continuing on to Main street witness saw Harold Beverly in his home there he had one cheek badly swollen. Beverly said he, Max Dean and Kennedy took a car from in front of the Imperial and picked the other three boys up at the head of King street. Dean drove the car as far as the Three Mile House and Beverly then took the wheel.

Acting on instructions witness brought Beverly to the police station and then went out and got Ross.

On returning he found Kennedy and Wilkinson had come in of their own accord. The four were held on the charge of acting together and stealing an automobile.

On the night of the accident witness could see no trace of liquor on any of the five accused he saw. As to Dean he was not near enough to say he had no right to be in. It had been shown that they were out for an illegal purpose and if anything happened all were equally responsible. There was no evidence to show the car had been driven negligently but the evidence did show that a child had been killed. The question was whether the accused should be sent

platform in front of the store was 3 feet 10 inches. There was a space of hard ground two feet wide between the road and the tarred surface of the road for just the width of the store. The median was 14 feet wide and the hard road 18.

The wrecked car No. 1094, N. B. 1920, was balanced on the edge of the culvert and its right hand rear wheel was 36 feet from the nearest corner of the store.

The tread of the car extended back from the St. John end of the store a distance of 202 feet. Ten feet from the store the tread of the front wheels turned back on the road. The culvert was three feet from the store.

Harold Climo said he was with all the accused except Currie and Kennedy up to eight o'clock on the night of April 29. He left them at that time on Charlotte street.

Climo was the last witness for the crown, none were brought forth by a defense and the reading of the evidence was dispensed with by them.

Senator Fowler then moved for the dismissal of the case against his clients, Dean, Ross, Currie and Wilkinson, on the grounds that no case of manslaughter had been made against them, and the only man against whom the charge could be brought was the driver.

As to the taking of the car all had been equally guilty and all had been punished. In a charge of manslaughter it would be necessary to show that they were accessories before the fact, and to prove their responsibility it would be necessary to show they had previously intended to run over the child.

It was not the purpose of the law that the innocent should be punished and the magistrate was as competent as a jury to sift the evidence and determine the responsibility of the accused.

No jury would convict them and the case against his four clients should be dismissed.

Mr. Baxter, appearing for Beverly and Kennedy, said that the position of Kennedy was exactly the same as Mr. Fowler's clients.

The five boys were nothing more or less than so much ballast in the car. As to Beverly the case was different. The law held that any person who killed with intent committed murder, all other killing was divided into two classes, that of culpable homicide, or non-culpable homicide. Culpable homicide might be either murder or manslaughter. Homicide that was not culpable was not a crime.

No one questioned that the death of the child had been caused by the car. The course pursued by Miss Finley in crossing the road may not have been a prudent one, as she said that after she had done so she did not expect the car would be so near.

The evidence showed that Beverly was sober and driving at a reasonable rate of speed that he shut off his lights and swerved off the road to avoid another car.

Counsel could see no use in prolonging the agony of those who were involved in the regrettable tragedy and moved that the case be dismissed against all the accused.

Dr. Wallace said that all the accused knew they were in a car on the night of the accident to which they had no right to be in. It had been shown that they were out for an illegal purpose and if anything happened all were equally responsible. There was no evidence to show the car had been driven negligently but the evidence did show that a child had been killed. The question was whether the accused should be sent

Wilson Dalton, of Renforth told measurements he had taken shortly after the accident. The width of the

UNITED STATES OIL MEN UP AGAINST IT

Have Not Yet Been Able to Come to Agreement With Mexican Government Regarding Their Rights in Country.

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Washington July 27—Settlement of the much-voiced Mexican oil question is not in sight despite persistent reports from Mexico city that the conference there between Government officials and representatives of American petroleum interests was making progress. It was learned authoritatively today that each side is holding its ground and the conference is perfectly dead locked.

Not a single gain had been registered by the American representatives who went to Mexico confident that the matter would be speedily adjusted. The Americans it is understood have met not only rejection of their demands but the new Mexican Government has increased the taxes on May June exports of oil.

The American oil interests it has been known were going to assist the new government in Mexico to establish itself firmly actuated largely by the belief that the de la Huerta regime would protect and encourage foreign investment. Apparently the representatives sent to the oil conference have waited patiently for some concrete exhibition of this good-will which has failed to materialize.

As to the demand of the American oil interests namely that article 27 of the Mexican constitution of 1917, shall not be retroactive, the American

representatives are said to be adamant both as to the right to continue operation in old wells and to drill new wells on lands which they acquired previous to the adoption of the constitution the oil companies maintain article 27 shall not apply. They assert that their sub-soil rights on such lands, even when undeveloped are just as legitimate. Just as much as from any confiscatory clauses which the Carranza decrees might put into effect as if the wells were already producing.

It is not only on the question as to the retroactive phase of article 27 but also on the question of interpretation even admitting the general principle that the article shall not be retroactive that the apparent differences of opinion has occurred. If the Carranza oil decrees are held to remain in force, the oil companies are not any better off than if article 27 had not been declared non-retroactive. It is necessary therefore that there be a full interpretation of retroactive clauses of article 27 before the companies can determine whether what they contend are confiscatory measures still apply to their properties.

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DAILY FASHION HINT

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Official Government Photographers Here

The special mission of the special photographers to the Maritime Provinces is to get pictures of the fishing industry. The pictures taken show the whole industry from the time the fish are caught till they are packed and ready for shipment. The itinerary of the photographers led from the Restigouche river where pictures were taken of salmon angling, then down to the Miramichi Bay to get pictures of the lobster fishing. Further views of this branch of the industry were obtained at Point Sable, Richibucto and Beauséjour. St. Andrews and points down along the coast famous for sardine fishing were also visited and pictures taken there. Views of the dried fishing industry were taken at Digby, Nova Scotia.

Messrs. W. M. Finn and J. B. Bock of Ottawa, official government photographers of the Publicity Bureau Department of Trade and Commerce, arrived in the city on Monday, and are registered at the Royal. Accompanied by C. B. Allan, secretary of the N. B. Tourists and Resources Association they spent yesterday filming points of interest in and around St. John. These included views of the harbor and waterfront, the Revere, the Falls and the bridges, the Work of Courtenay Bay, and the principal buildings and streets of the city. These pictures will very likely become part of a series featuring views for different Canadian cities.

The Exhibits and Publicity Bureau of the department of Trade and Commerce is under the supervision of R. S. Peck, with headquarters at Ottawa. During the summer months photographers are sent all over the country securing pictures of Canadian industries, and these pictures are shown all over the world. The titles and reading matter are printed in many different languages and special films featuring some form of Canadian industry are sent to these different countries. The whole aim of the department is to increase the trade and commerce of the Dominion. It has been in existence for the past three years, and up to March of this year forty-four series of pictures had been released. Wherever these were shown

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