

DEFENCE ENDEAVORS TO SHOW ACCIDENT WAS NOT AVOIDABLE

Manlaughter Charge Against
Atkinson Before Court.

MANY WITNESSES CALLED

Evidence Goes to Prove Ac-
cused Drunk at Time of
Accident.

A large amount of evidence
today in the trial of
Richard Atkinson, the Buffalo Tower
operator, charged with manslaughter,
was the balance of the day be-
fore the case goes to the jury.

Court was adjourned at 1 o'clock to-
day, as the evidence for the prosecu-
tion having been submitted.

At the commencement of the afternoon
session at 2 o'clock, the first witness
for the defence was called. Eleven de-
fence witnesses in all are to be called.

The case, it is expected, will go to the
jury about 5 o'clock.

With two criminal cases yet to be
heard, it is expected that a long ses-
sion will be held tonight in order to
complete the work of the session within
the week.

It has not yet been decided which two
charges of manslaughter are yet to be
heard, one against Joseph Prineau,
corner G. T. R. watchman, the other
against John McIntyre of Glencoe, for-
merly a rural mail carrier.

The court will sit until midnight if
necessary.

Policeman as Witness.
The first witness called was Sgt.
Thomas Bolton, patrolman and a mem-
ber of the city police force, who testi-
fied that he had been called to the
scene of the accident shortly after 5
o'clock on the afternoon of June 19 last.

On arrival he found Atkinson sitting
in the automobile. He thought that he
was too drunk to operate the car and he
took the wheel and started the auto to
be police station himself.

"In what condition did you find the
auto on arrival at the station? Did you
find anything wrong with the steering
car?" asked the prosecutor.

"No, but I found one wheel dished,"
replied witness.

Cross-examined by R. G. Fisher,
counsel for the defence, Sgt. Bolton
testified that Atkinson had started the
auto after the accident.

When stated on the cross-examination
corner of Talbot and Dundas, Atkinson
had again started the motor, the wit-
ness then driving the car to the police
station. He did not know whether the
steering gear was bent or not, but had
heard that it was.

Detective Robert Egelton gave evi-
dence to the effect that he had seen
Atkinson when brought to the police
station and that he appeared to be
under the influence of liquor. But he
did not regard him as drunk, although
he did not consider him capable of
operating an automobile.

Definition of "Drunk."
"I do not consider a man drunk un-
less he is incapable," replied Detective
Egelton in answer to a question from
the prosecutor as to his definition of
the word drunkenness.

"You observed this man's condition
when he came into the police station
and from what you saw would you con-
sider his condition such that he would
be in an improper condition to drive
in auto on the public street?" asked
the Lordship, Mr. Justice Lennon.

"I would think he was in an improper
condition," replied the witness.

Sgt. Robert Birrell testified that At-
kinson was quite drunk when brought
into the police station, and that he
considered him incapable of operating
an automobile.

Arthur Chasault, county constable,
gave evidence to the effect that he had
witnessed the accident, and that when
he noticed Pritchett he was about three
or four feet in front of the car.

He had heard no warning given. He
went to Atkinson, "You are drunk,"
said Pritchett.

"When Pritchett was struck what
happened?" asked Prosecutor White.

"He was known to have been turned over
and the motor ran over him," replied
witness.

Driving Slowly.
Cross-examined by defence counsel,
witness was asked: "Was Atkinson
driving slowly?"

"Yes, he was going slowly."

"Could Atkinson have avoided striking
Pritchett at the speed he was proceed-
ing and the distance between him and
Pritchett when you first saw him, a dis-
tance of three or four feet?"

"I do not know whether he could have
avoided striking him or not, but I think
he could have backed up."

John M. McLeod testified that he had
known the late Edward Pritchett for a
good many years, having lived as a
neighbor next to him.

He happened to be coming along King
street on the day of the accident, and
saw Mr. Pritchett after he had been
knocked down by the automobile, but did
not see the accident. He thought that
his hearing was good, but one eye was
affected.

Ernest McCormick had arrived on
the scene of the accident just as the
injured man was being placed in the
ambulance. He had noticed the car
started up after the accident, and it
had "zigzagged."

Heard No Warning.
Arthur J. Webster, formerly connect-
ed with the 118th Battalion signal cor-
ps, testified that Pritchett was three
or four feet ahead of the car when he
first saw it. He had seen Pritchett
knocked down, but did not know whether
a warning had been given or not, as
he had not heard any.

"Was it possible to stop the car with-
in the three or four feet that you saw
between Pritchett and the auto?" asked
defence counsel under cross-examina-
tion.

"No, I do not think that Atkinson
could have stopped the car within that
distance," replied witness.

William Cough, a member of the 118th
Battalion signal corps, did not see the
accident happen, but only saw Pritchett
as he was beneath the car.

Detective H. Down testified he had
examined the auto at the police station,
and had found the steering gear badly
out of order and the wheels badly dished
outward.

"Would this have affected the steer-
ing of the car, and could a man in a
poor condition of mind have kept control
of the auto under those conditions?"
asked Mr. Plaher, defence counsel.

"I do not think he could have,"
replied witness.

"What did you do with the car after-
ward?"

"I got a bar and straightened the
axle," replied witness.

John W. McLaughlin, an agent for
the car, gave evidence to the effect
that he had had eleven years' experi-
ence with the Ford make of car, and
that on a dry pavement and under the
best of conditions a car traveling at
four or five miles an hour should be
stopped by a person thoroughly con-
versant with the mechanism within eleven
or twelve feet.

Had Made Test.
He had taken a car and had driven
on King street since, and as an experi-

LEADING HEAVY DRIVE ON HUNS



Advertiser Illustration.
MARSHAL CADORNA.

ment had been able to stop the car
within six or eight feet, the car travel-
ing approximately at seven or eight
miles an hour.

The following jurors were chosen at
the opening of the trial yesterday af-
ternoon after ten or more had been chal-
lenged: Arch McLaughlin, Wm. Weir, A.
W. Thomas, Edward Denham, Russell
Parmer, Martin L. Cornish, Philip
Cade, Roy Ferguson, R. E. Allison, A.
Gamble, William Leary, George Laur.

Court sat until 6:30 p.m., and then
adjourned, to resume at 10 o'clock to-
day.

Doctor Testifies.
Dr. F. P. Drake was the first wit-
ness to be called, and testified that
he had examined Edward Pritchett at
Victoria Hospital, and found him to be
suffering from double pneumonia.

"What did you attribute the pneumo-
nia to?" asked Crown Prosecutor White.

"I believed it due to his injuries sus-
tained in the accident."

Cross-examined by R. G. Fisher,
counsel for the defence, Dr. Drake
testified he did not know whether any
pneumonia had existed prior to the
day of the accident, but such could be
the case, and still Pritchett would be
able to walk around, particularly if
the pneumonia was in its incipient
stages.

Serious Injuries.
Dr. W. J. Stevenson testified that he
had examined Pritchett and found him
suffering from a broken right leg
when he first saw him, but declined to
set the leg at the time because of
Pritchett's critical condition.

Pneumonia developed two days later,
on June 21, and he had called Dr.
Drake in consultation.

He stated that Pritchett's death was
due to pneumonia, superinduced, he
believed, by the injuries sustained.

Cross-examined by Mr. Fisher, wit-
ness thought that Pritchett's hearing
might be impaired from his work, but
he had noticed no impairment in his
conversation with Pritchett at the
hospital.

Saw the Accident.
Alonso McCann gave evidence to the
effect that he saw Pritchett struck
down by the automobile, and that he
had been dragged and turned over by
the axle several times.

He thought the car was going slowly
at the time.

He saw Pritchett after he was struck
and when being put into the ambu-
lance.

Cross-examined by counsel for the
defence, witness stated that he had
noticed Pritchett first when within
about three feet of the car, which,
he thought, could not have been
stopped in the short distance without
striking the man.

Clair Jarvis, secretary of the Wood-
men of the World, testified that he had
known Atkinson a few minutes before
the accident, and that he appeared to him
to be under the influence of liquor.

NEW YORK STOCK EXCHANGE.
The New York stock market was in
Savings Building, reported fluctuations in
New York stocks for The Advertiser as
follows:

**Trunk Lines and
Grangers.** Open, High, Low, 120.
Baltimore & Ohio, 83 1/2, 85 1/2, 83 1/2, 85 1/2.
Erie, 1st pd., 53 1/2, 55 1/2, 53 1/2, 55 1/2.
Great Northern, 115 1/2, 117 1/2, 115 1/2, 117 1/2.
Illinois Central, 145 1/2, 147 1/2, 145 1/2, 147 1/2.
Rock Island, 108 1/2, 110 1/2, 108 1/2, 110 1/2.
St. Paul & Northern Pacific, 108 1/2, 110 1/2, 108 1/2, 110 1/2.
Union Pacific, 151 1/2, 153 1/2, 151 1/2, 153 1/2.

Atchafalaya. 107 1/2, 109 1/2, 107 1/2, 109 1/2.
Canadian Pacific, 173 1/2, 175 1/2, 173 1/2, 175 1/2.
Kansas & Texas, 84 1/2, 86 1/2, 84 1/2, 86 1/2.
Missouri Pacific, 104 1/2, 106 1/2, 104 1/2, 106 1/2.
Northern Pacific, 112 1/2, 114 1/2, 112 1/2, 114 1/2.
Southern Railway, 29 1/2, 31 1/2, 29 1/2, 31 1/2.
Southern Railway, 29 1/2, 31 1/2, 29 1/2, 31 1/2.
Union Pacific, 151 1/2, 153 1/2, 151 1/2, 153 1/2.

Ches. & Ohio. 69 1/2, 71 1/2, 69 1/2, 71 1/2.
Lehigh Valley, 124 1/2, 126 1/2, 124 1/2, 126 1/2.
N. York & West., 142 1/2, 144 1/2, 142 1/2, 144 1/2.
Ontario & West., 29 1/2, 31 1/2, 29 1/2, 31 1/2.
Col. Fuel Iron, 67 1/2, 69 1/2, 67 1/2, 69 1/2.
Reading Railway, 110 1/2, 112 1/2, 110 1/2, 112 1/2.
Traction Shares—

Thy. Ave. 64 1/2, 66 1/2, 64 1/2, 66 1/2.
Industries.
American Chalmers, 28 1/2, 30 1/2, 28 1/2, 30 1/2.
American Can., 64 1/2, 66 1/2, 64 1/2, 66 1/2.
American Paper, 63 1/2, 65 1/2, 63 1/2, 65 1/2.
Inter. Nickel, 87 1/2, 89 1/2, 87 1/2, 89 1/2.
Maxwell Motors, 87 1/2, 89 1/2, 87 1/2, 89 1/2.
Marine, 61 1/2, 63 1/2, 61 1/2, 63 1/2.
Pacific Mail, 26 1/2, 28 1/2, 26 1/2, 28 1/2.
Studebaker, 61 1/2, 63 1/2, 61 1/2, 63 1/2.
Virginia Chemical, 102 1/2, 104 1/2, 102 1/2, 104 1/2.
Westinghouse, 67 1/2, 69 1/2, 67 1/2, 69 1/2.

Copper Shares.
Butte & Superior, 69 1/2, 71 1/2, 69 1/2, 71 1/2.
Chino Copper, 64 1/2, 66 1/2, 64 1/2, 66 1/2.
Copper Queen, 63 1/2, 65 1/2, 63 1/2, 65 1/2.
Miami Copper, 39 1/2, 41 1/2, 39 1/2, 41 1/2.
Nevada Copper, 24 1/2, 26 1/2, 24 1/2, 26 1/2.
Ray Consolidated, 23 1/2, 25 1/2, 23 1/2, 25 1/2.
Tennessee Copper, 23 1/2, 25 1/2, 23 1/2, 25 1/2.
Utah Copper, 109 1/2, 111 1/2, 109 1/2, 111 1/2.

Oil Shares.
Am. Cotton Oil, 55 1/2, 57 1/2, 55 1/2, 57 1/2.
Am. Lined Oil, 26 1/2, 28 1/2, 26 1/2, 28 1/2.
New Mexican, 110 1/2, 112 1/2, 110 1/2, 112 1/2.
Texas Oil, 110 1/2, 112 1/2, 110 1/2, 112 1/2.
Shell, 67 1/2, 69 1/2, 67 1/2, 69 1/2.
Crucible Steel, 74 1/2, 76 1/2, 74 1/2, 76 1/2.
Lackawanna, 72 1/2, 74 1/2, 72 1/2, 74 1/2.
Republic Steel, 79 1/2, 81 1/2, 79 1/2, 81 1/2.
Railway Steel, 53 1/2, 55 1/2, 53 1/2, 55 1/2.
Sloss-Sheffield, 66 1/2, 68 1/2, 66 1/2, 68 1/2.
U. S. Steel, 120 1/2, 122 1/2, 120 1/2, 122 1/2.
C. & S. Steel, 120 1/2, 122 1/2, 120 1/2, 122 1/2.

Bonds.
Anglo-French 7 1/2, 8 1/2, 7 1/2, 8 1/2.
Sale to noon, \$40,800 shares.

BIG WALL STREETERS PLACING WAGERS ON HUGHES TO TRIUMPH

Betting now Ten to Seven
Against Wilson.

LARGE SUMS WAGERED

Wilson Gaining Strength in
Ohio, and Hughes in
New York.

New York, Nov. 3.—According to
Times this morning betting odds quoted
yesterday indicated that the Wall Street
opinion of the presidential race differed
from that of the up-town hotels. On the
curb the commission reported that
about \$25,000 was wagered at odds of
10 to 1 on Wilson, while at the
Waldorf, Tex. Rickard, sporting pro-
moter, he had tried yesterday all day
to get money down on Wilson at any-
thing better than 10 to 1 and 10 to 1.

Rickard said the day's total of wagers
was smaller than that of any other day
this week, due largely to the decision of
Wilson supporters to wait until the end
of the president's speeches in this city
could be sized up. This view was ex-
pressed in Wall Street also. The largest
wager handled by Rickard was \$4,000 on
Wilson against \$5,000 on Hughes.

Big Men For Hughes.
"The big men in Wall Street," Rickard
added, "are mostly for Hughes, and
they can afford to lay their money
at wide odds. I don't believe the opin-
ion down there represents the sentiment
of the country. The voters who will
swing the election are the farmers of
the west and southwest. My friends out
there tell me that the farmer says to
himself: Here, I'm getting more for my
hog than I ever got before, and wheat
and corn are mighty high. This is no
time to change things. Wilson gets my
vote." A lot of them have been Republi-
cans before.

Fred Schumm, in Brooklyn, said he
had placed \$2,000 on Hughes against
\$2,000 on Wilson, and \$2,000 against
\$1,000 on Hughes. These wagers were at 10 to 1, but the Brook-
lyn quotations in the afternoon, accord-
ing to Schumm swung to 1 to 1.7. The
odds quoted on results in New York
City indicated belief that Hughes was
gaining strength in New York, while
Wilson's chances were improving in
Ohio.

The New York State odds were firm
both on the curb and in Brooklyn ap-
proaching circles at 2 1/2 on Hughes to 1 on Wil-
son, and the same figures were quoted
on Whitman's chances for governor. A
set of \$3,000 against \$1,000 that Hughes
would carry the state was reported in
Broad street. Even money was offered
that Hughes would not get a plurality of
90,000 in New York.

TO SPEAK ON KOREA
Hugh Miller, who has been in Korea
for the last fourteen years, will be in
the city next week on his way to Eng-
land. He will speak at the meeting of
the Canadian Club, and also a mass meet-
ing of men and women in St. Andrew's
Presbyterian Church on Thursday even-
ing next, under the auspices of the
Western Ontario Bible Society. Mr. Mil-
ler is speaking in a limited number of
places in Canada on the subject of
"The Romance, Revolution and Revival
of Korea." He is said to be a very
able speaker and has become thoroughly
acquainted with Koreans in Korea
through his long residence there in the
task of exploration, education and evan-
gelization.

**GREEK INSURGENTS
ARE ON THE MARCH;
CAPTURE KATERINA**
Revolution Bursts Into Flames
Throughout Greece, Says
Dispatch.

[Special to The Advertiser.]
Toronto, Nov. 3.—Morning mining
sales: Apex, 1,000 at 3 1/2; 2,000
Davidson, 1,500 at 5 1/2; Dome Extension,
500 at 3 1/2, 200 at 3 1/2; Dome Lake,
1,000 at 5 1/2; Dome Mines, 100 at 2 1/2;
Dexley, 1,000 at 7 1/2; Imperial, 500 at 3 1/2;
500 at 3 1/2, 200 at 4; Inspiration, 1,000
at 2 1/2, 1,000 at 2 1/2; McIntyre, 25,000 at
170, 4,000 at 171, 600 at 172, 400 at 173,
100 at 174, 1,200 at 175, 700 at 176, 2,200
at 178, 100 at 180, 200 at 181, 500 at
179, 3,000 at 177; New Ray, 20 at 95, 300
at 94, 8,000 at 92, 6,000 at 93; Porcupine
Bonanza, 500 at 41; Porcupine Crown,
700 at 71 1/2; Truck Hughes, 1,000 at 41;
Vipond, 100 at 42; West Dome Con-
solidated, 2,500 at 33 1/2, 1,000 at 34, 500 at 33,
1,500 at 33 1/2; Chambers, 1,000 at 16; Con-
sag, 50 at 48, 50 at 50; Hudson Bay, 2
at 70; Optic, 500 at 24; Peterson, 1,000
at 15 1/2; Shamrock, 500 at 15 1/2, 500 at
15 1/2; Seneca, 500 at 9; Temiskaming,
1,000 at 50 1/2, 2,800 at 50; Vacuum Gas,
9,000 at 107, 2,000 at 107, 1,200 at 111,
2,000 at 110, 800 at 109, 100 at 109; White
Reserve, 500 at 27, 1,500 at 27 1/2, 5,000
at 27 1/2, 2,000 at 27 1/2; Kennebec, 1,500
at 17, 1,000 at 17 1/2, 1,000 at 17 1/2.

MONTREAL STOCK EXCHANGE.
Montreal, Nov. 3.—Sales: Brazilian,
650 at 5 1/2 to 4 1/2; Civic Investment,
207 at 32 to 32 1/2; Detroit, 55 at 118 to
117; Quebec Railway, 1,105 at 34 1/2 to 37;
Toronto Railway, 29 at 83 to 80 1/2; Can-
adian Converters, 60 at 39 to 40; Cana-
dian Cotton, 225 at 66; Canada Loco-
motive, 25 at 55; Smelting, 820 at 35 1/2
to 36 1/2; Riggs, 360 at 21 1/2; Dominion
Bridge, 25 at 21 1/2; Dominion Steel, 915
at 70 1/2 to 70 1/2; Dominion Textile, 70 at
84 1/2; Laurentide, 75 at 21 1/2; MacDon-
ald, 10 at 15; Pemana, 20 at 47; Spanish
River, 67 1/2 at 20 to 22 1/2; Rordian Paper,
645 at 133 to 134 1/2; Scotia, 109 at 112
to 113 1/2; Steel of Canada, 545 at 66 1/2 to
66 1/2; Wagsamag, 205 at 95 to 97; War
Loan, 8,800 at 98 1/2 to 99; Spanish
River, pfd., 1,080 at 56 1/2 to 65.

CHICAGO GRAIN MARKET.
[Reported by Thomson & McKinnon.]
Chicago, Nov. 3.—Wheat—Open, High, Low, Close.
Dec. 1 3/8 1 3/8 1 3/8 1 3/8
May 1 8 1 8 1 8 1 8
July 1 5 1 5 1 5 1 5
Dec. 87 1/2 87 1/2 87 1/2 87 1/2
May 89 1/2 89 1/2 89 1/2 89 1/2
July 88 1/2 88 1/2 88 1/2 88 1/2
Oats—
Dec. 54 1/2 54 1/2 54 1/2 54 1/2
May 58 1/2 58 1/2 58 1/2 58 1/2
Dec. 57 1/2 57 1/2 57 1/2 57 1/2

CHICAGO PROVISION MARKET.
[Reported by Thomson & McKinnon.]
Chicago, Nov. 3.—Pork—Open, High, Low, Close.
Dec. 22 1/2 22 1/2 22 1/2 22 1/2
May 28 1/2 28 1/2 28 1/2 28 1/2
Dec. 16 1/2 16 1/2 16 1/2 16 1/2
May 13 1/2 13 1/2 13 1/2 13 1/2
Dec. 13 1/2 13 1/2 13 1/2 13 1/2

WINNIPEG GRAIN MARKET.
[Reported by Thomson & McKinnon.]
Winnipeg, Nov. 3.—Wheat—Open, High, Low, Close.
Dec. 1 3/8 1 3/8 1 3/8 1 3/8
May 1 8 1 8 1 8 1 8
July 1 5 1 5 1 5 1 5
Dec. 87 1/2 87 1/2 87 1/2 87 1/2
May 89 1/2 89 1/2 89 1/2 89 1/2
July 88 1/2 88 1/2 88 1/2 88 1/2
Oats—
Dec. 54 1/2 54 1/2 54 1/2 54 1/2
May 58 1/2 58 1/2 58 1/2 58 1/2
Dec. 57 1/2 57 1/2 57 1/2 57 1/2

MINNEAPOLIS GRAIN MARKET.
[Reported by Thomson & McKinnon.]
Minneapolis, Nov. 3.—Wheat—Open, High, Low, Close.
Dec. 1 3/8 1 3/8 1 3/8 1 3/8
May 1 8 1 8 1 8 1 8
July 1 5 1 5 1 5 1 5
Dec. 87 1/2 87 1/2 87 1/2 87 1/2
May 89 1/2 89 1/2 89 1/2 89 1/2
July 88 1/2 88 1/2 88 1/2 88 1/2
Oats—
Dec. 54 1/2 54 1/2 54 1/2 54 1/2
May 58 1/2 58 1/2 58 1/2 58 1/2
Dec. 57 1/2 57 1/2 57 1/2 57 1/2

KANSAS CITY GRAIN MARKET.
[Reported by Thomson & McKinnon.]
Kansas City, Nov. 3.—Wheat—Open, High, Low, Close.
Dec. 1 3/8 1 3/8 1 3/8 1 3/8
May 1 8 1 8 1 8 1 8
July 1 5 1 5 1 5 1 5
Dec. 87 1/2 87 1/2 87 1/2 87 1/2
May 89 1/2 89 1/2 89 1/2 89 1/2
July 88 1/2 88 1/2 88 1/2 88 1/2
Oats—
Dec. 54 1/2 54 1/2 54 1/2 54 1/2
May 58 1/2 58 1/2 58 1/2 58 1/2
Dec. 57 1/2 57 1/2 57 1/2 57 1/2

LT.-COL. LOUGHEED NO LONGER AT HEAD OF 118TH BATTALION

Offered Headquarters Post
But Refuses It.

PLAN IS TEMPORARY

What Further Action Will Be
Taken Not Yet
Known.

Lieut.-Col. Lougheed, officer com-
manding the 118th Battalion, has been
relieved of his command temporarily
and Major H. Martin, second in com-
mand, takes charge of the unit.

The situation at present is consid-
erably complicated, the affair being divid-
ed between Ottawa, No. 2 military dis-
trict and No. 1 military district.

It is the intention of the resignation
of nine officers of the North Waterloo
battalion at Camp Borden on Septem-
ber 19 last. These officers were: Maj.
McNair, Captain Prineau, and Lieut.
Kreitzer, and Lieuts. Dinman, Ziegler,
Sterling, Detweiler and Wilson.

Their resignations were offered and
accepted by Lieut.-Col. Lougheed, but