

Supreme Court.

(Before Mr. Justice Kent).

Kine vs. Leonard Gillespie Reid—Before a Special Jury.

(Yesterday Afternoon).

When the hearing of the above matter resumed yesterday afternoon, the accused was again called to the stand and examined about the right front wheel. He said the spokes in the vicinity of indentation on the rim were bent. He believed the mark on the rim was made by the pressure. If it were a blow the spokes would have broken. The mark in the rim was made by the bumper. It was completely detached when found afterward. The hooks came out on the left hand side and the bumper was broken on the right hand side. There was nothing that could give the blow before the car went over in the ditch. He believed that when the car went over the embankment it turned over on its left side and the pressure on end of the bumper caused it to make the indentation on the rim. When the wheels went down over the bank the rear of the car swung towards town and turned over. This would explain why the windshield was bent forward. Had it gone head-over-heels it would be bent backwards. Having regard to the dent in the wheel, the wheel segment at the time must have been in front and slightly downward. The Judge, jury, witnesses and counsel for both sides at this point went outside the Court to examine the car. The machine was on a sloop and a square surrounding it was roped off. Mr. Howley asked witness to point out to the jury the dent in the back of the car caused by an accident during August last. The dent was on the rear left-hand corner. Witness was then asked to show the position of the right front wheel when it was dented. The broken bumper was then put in its original position by the witness and it was shown that the end of the bumper fitted in the dent in the wheel. The bumper was broken at the bolt hole. No portion of the stumps would fit the dent in the wheel the witness said. Witness then illustrated what happened the car after going over the bank so as to bend the windshield forward. If the car went head-over-heels, he explained that the windshield brackets would have bent backwards. Following the examination by Mr. Howley, the Crown Counsel, Mr. Bradley, asked to explain some features about the breaking of the bumper and the probability of the end of it going into the rim of the wheel. Crown Counsel claimed that he had not proven it had gone in between the tire and the rim to make the indent.

Re-examined by Mr. Howley. Witness said the force came when the car was turning over and was from the left to the right. After returning to the court room the accused was again placed on the stand and his examination by Mr. Howley continued. Witness said that the double track was caused by the back of the car swinging as he came from the left side of the road to pass the bus. Witness said that after returning to consciousness he wrenched his foot clear and then asked if anyone was underneath. "If Paterson, he thought, answered first. He then called for help and

got Paterson out, and when more assistance came they lifted the other side of the car. Witness then helped to carry some of the bodies to the side of the road. He had no idea of the time that elapsed after the accident until he saw Dr. Anderson. Witness remembered telling some people how the accident happened when the Inspector General came along. Witness said he was in an awful condition mentally. All his limbs were shaking and he could not speak distinctly. There was no examination of him made as far as he knew. He had been going around without his shoe up to the time he was placed under arrest. He was brought to town and placed in a cell. Dr. Paterson visited him there about 4 o'clock but only spoke to him through the cell door. He saw the cut on his chin and wanted to dress it, but the policeman on duty would not allow him to have it done. He did not get medical treatment until 7 or 8 hours afterwards, when he was released. Witness thought that a driver was in the greatest danger when a car turns head-over-heels. Those in front would stay there and be crushed. Those in the rear would be thrown out. In the case under review all who sat in the front seat escaped, and the only one of those in the rear to escape was the man who sat on the floor. He believed that he himself was swung out of the car when it swung around.

Cross-examined by Mr. Hunt. The car is a four-cylinder Stutz. The car is more powerful than the ordinary four cylinder car, it has quite a powerful engine. It would be capable, he thought, of doing sixty miles per hour. He would not say it could not do over sixty miles. There is a model known as the Bearcat; this is not a Bearcat. At Holland's there was a company of seventeen; and there was a dinner in honor of some rugby games. The dinner was over about 10 or 10.15 and they left about eleven. In the interval there were a couple of speeches made; there was just an impromptu evening. During the dinner there were served with the meals. The last drink was served about 10.30. The last whiskey he had was only about the width of his finger. There was no liquor in the car after 10.30. He had no more after that; and that was in Holland's house. After dinner we went in the direction of Manuels and when he saw Crosbie's car he turned; he did not see Arthur Monroe. He left not long after Crosbie. He found the foot-brake working alright. Coming out he stopped by the C.L.B. Camp. The next place he stopped was on Topsall Hill. The stop was made to get water and fix the gear. He did not know Carey but remembered the occasion. He would not say that five of his party were intoxicated. They had done something with Carey's car but he considered they were merely skylarking. After that he went to a house on the right hand side of the road to get water; he did not know whose house it was. Someone came to the door and handed him a bucket, got the water and handed it to Slea. Up to that time he was going in second gear, and was not going more than 25 miles. The engine was boiling owing to being in second gear so long. After fixing the gear and con-

tinuing towards town, he was going between twenty and thirty miles. McKelvey had promised to give him a speedometer, but had not done it. Witness has been driving for ten years, and when he said he was going at a certain speed, he based this on his experience. A safe speed this night would be between twenty and thirty miles per hour. He passed a car near the Octagon, but did not know whose car it was; he would not know Pedigrew's car. He did not know how long that car was in sight; he thought he had passed it on the level. The down grade near Donovan's extends for about 250 yards. It was on the slope downwards he saw the tail light. It would be about 150 or 200 yards. At the time he was not coasting. He was alternately coasting and speeding by the engine. At the top of the hill he would be doing about 30. At first after seeing it, he thought it was a car going the same direction as he was and he did nothing. Along the white fence to the west of Donovan's there are about four telegraph poles. He was about 100 yards from the bus when he slowed down to between 15 and 20 miles. Witness can't estimate speed within 10 miles. He could see the tail light distinctly up to this time; he also saw the lights in the window, high up; he was much closer when he realized it was a bus; he was about 150 feet from the bus then. At this time his head lights and tail lights were on. At this time the road was clear, except for the bus; he saw no man. Up to this time only the putting on of the brake would cause anyone in the back to sit up. When he saw it was a bus he saw no one on the road. He saw a couple of men near the bonnet of the bus, when he was passing it. Coming up to the bus the speed was moderate. At that time he was looking at the front of the bus in case someone should walk out. He saw one or two men in front of the bonnet of the bus. He thought he had passed the danger point, if any, and he took his foot off the brake to put it on the accelerator. Coming up to the bus he was coasting with the car in high gear; the only brake then would be the brake of the engine. After passing what might be the danger zone, his lights were on the straight road, and they saw no one ahead. Then he put his foot on the accelerator and, having done so, he saw three men standing right in front; they were very near. He could not say what speed he was going at this point. Two men disappeared; one man was on the right and was seen for a fraction of a second. Up to the time of hitting the men, he had no knowledge of going over the stump. He would say that it would be impossible for the men to be hit before the stumps were gone over. The front of the mud guard did not hit King; he could not say what part of the car did hit King who was given a glancing blow. If the body was thrown twenty feet witness would say he hit a straight blow. In spite of Lovett's evidence witness thought Whitty was off the road when he was hit. The tracks went back from the stump about 100 feet; for the most part they were a double track. The only explanation witness could give as to the finding of Whitty's cheque book was that he had dropped it. It would be impossible for Whitty to be hit

where the cheque book was found, because it could not have got to the ground before the car passed over. If the car was going at a moderate speed these stumps would not be sufficient to stop the car, but they would throw the weight to the left. The theory of the witness is that the brake was not put on until the car was 24 feet behind the stumps. If the car had done what Mr. Silverlock had said, it would be smashed to pieces and not in its present condition; he thought that Mr. Silverlock's theory was absolutely ridiculous. At McGill he studied physics but not mechanics but he has learned from his experience a good bit about motor cars. The brakes were not on before coming to the stumps and the marks were caused not by the brakes, but by the wheel. When the car turned to go down the bank, he was at the wheel. His theory was, that time the car swung round, when the car went over the bank he saw the trees ahead, and that is all he remembered, and anything that happened after that is only a matter of theory. The front of the car was turned down the bank, and the back followed so that the car turned over and came wheels up. When the Inspector General came in, witness was in a bad state as a result of the accident. He did not remember speaking to Dr. Anderson, but the doctor was there when he was speaking. He did not remember Dr. Parsons. He thought that when he came to the lockup it was quarter past three. He did not go up to Donovan's at all. The marks he had were very slight. It seemed as if there were an awful crowd in there, but he thought that they had left before him. He did not remember being placed under arrest. After arrival at the lockup he was put in a cell, but did not go to sleep. Dr. Paterson came in about an hour after this. He remained in the cell until 10 o'clock, when he was let out on bail. He did not know why Dr. Paterson was not allowed in. The Doctor talked through the bars of the cell. Witness did not ask for medical attendance, he said he was alright. The length of the car was between 13 and 15 feet. There were three in the front seat, but this fact did not interfere in any way with the operation.

Maurice Hicham, sworn, examined by Mr. Emerson. Witness is a motor mechanic and is employed at Reid's. He has been at the work for the past eight years. He has been connected with the Reid car since it came here. There is a dent in the left hand rear part of the car, but it was caused by backing into a pole. If any adjustment had to be made to the car, witness had to do it. The brakes were adjusted about one week before the accident. After the adjustment the brakes were working alright, but the right was not, it meant too much work to fix it at the time. Witness examined the car at Fort Townsend, in company with Frank Marshall. A good test of the brakes was made at the time. The car has no speedometer. A speedometer does not add to the efficiency of a car, nor does being without them take from the car's worth.

Cross-examined by Mr. Bradley. The gear box is on the back axle. The hand brake is used only for parking purposes, but when the foot brakes are working, the hand brake is practically unnecessary, except when parking a car. The car would accommodate eight passengers. Witness did not know the width of the front seat, but there is ample room there for 3 men.

Frank Marshall, sworn, examined by Mr. Emerson. Witness is the proprietor of a garage. He has sixteen years experience in motor mechanics, one year of which was spent in the United States. He saw Leonard Reid's car and took part in an examination of the brakes of it at Fort Townsend. At first one side did not work as well as the other but afterwards both were locked and he put his full weight on the wheels and they withstood the test.

Mr. Howley then stated that there was another witness which he should like to call, but as the hour was late he could not produce him immediately. Judge Kent stated that if there were any more witnesses, he would come back at 7.30, as he wanted to have all the evidence concluded before to-day.

Mr. Howley, after consultation with his colleague informed the court that as the witness he would call was merely a technical one, he would rest the case where it was.

The court then adjourned until 10 o'clock this morning, when the addresses of the Counsel will begin.

(For further reports of the Reid Case, see page 13.)

Household Notes.

One's suede gloves may have cuffs of black faille embroidered to match purse and handkerchief.

A hat of black hatter's plush is trimmed with coque which has the quill ends gathered in a quiver.

The afternoon hat may be a large affair of black hatter's plush, trimmed with black satin ribbon.

White ball buttons trim a tunic frock of white and black satin, with the skirt forming a high collar.

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