THURSDAY AUGUST 18th, 1917

Supreme Court in Session This Week

struck He thought accused could have avoided running over her Child was about 6 years old. Did not know know make of prisoner's car The tree cut off witness s view, but not of everyone on the roa! Tree was or. his right. Saw body lying on right side of the road.

Cross examined by Mr. Murray: Witness had very little experienc with auto at that time. On car he drives now he judged speed by distance and time. Could not judge rate of speed while sitting on ver-Tree was between witness and place of accident, preventing him from seeing car strike child Would not swear that child was not worked with Nehemiah Smith. dodging back and forward across

Was watching car and following it with the eye. Did not know who were shouting, or why, at the time As he noticed car turn he heard people screech as if frightened. From where child was lying to where he saw the car, he judged that the car could have avoided child. He would a child running across the road He saw car turn once towards side of the road and then towards centre of the

Dr. Wier, of Doaktown, registered physician, practising there some 36 held an inquest Aug. 7th, 1916, at Botestown Had jury go down to spot where child was killed and also view the body Child had been injured about the head, bone crushed in on side of the head, also injured about the shoulder. Injury on side of the head sufficient to cause death Looked as if something had struck her, breaking the skull. Examinetion was in the child's home next Knew accused who has lived

at Boiestown a number of years. To Mr. Murray witness said that distance or be thrown very violently other. Child was struck below the

Melvin Murphy was not present. Deputy Sheriff had left paper with his ife, the husband being away on a fishing trip somewhere on the Mir-This was on August 4th. amichi The Judge said it was regrettabl that the subpoena had not been per sonally served, as it should be.

Daniel Sauntry

Daniel Sauntry, Station Agent at months. Knew accused that length of time. Lived about quarter of a mile from Nelson's . Was on even ing of Aug 6th sitting on verandah of his house, saw a car going ap-ri-ver about 7 o'dook have from Ar.s "Nelsen's. About sen minutes, after-wards saw what he took to be same ear going down with a party in it. Had now driven an auto. Thought accused's auto was going about 20 miles an hour. Saw car afterwards, with no tag on it Did not see accidwalked down to the scene, and no ticed a car standing a short distance down the road.

Cross examined by Mr Murray: Witness said he had been in cars with speedometers, and judged speed from the.m Thought he could give a was standing on the sidewalk. Would not swear he could judge exactly.

To the Judge-Witness said he had been on the railway some 25 years, but had never been a brakeman

Herbert Park Herbert Park, of St. George, Char lotte Co, clerk, was next witness. In ed at Boiestowa with Mrs. Nelson, evening of accident, was sitting on Thought car was of ark brown side of road. Saw a car with accus-Did not see car mais more | ed and a boy in car Thought boy was driving. It was about 6 30. Saw car come back again Did not know who was driving. Saw him pass third time, accused driving, with boy on front seat and three girls on back seat Saw car swing to side of the child's dress in front of car, and car swing out into middle of street and not swear that the car coud avoid stopped about 50 yards below accident, was :) or 60 yds below the Nelson Fouse Witness walked down the road. Could not estimate Witness walked car swarz he heard shouts Road was st: tht at this place, no diffi-Saw tale of Edith Nelson when it was laid out.

To 3" Murray: at all as to his estimate of the car's speed Nehemich Smith and some of young man, were sitting with him the verandah Smith and he were to get er, he on the right, nearer the ed his view somewhat. Saw color of afternoon after accident. Never saw child's dress before car-pink or blue Would not swear cor did not were quite straight up to point where child would have to fall from some they swerved. Cou' not tell whether scream came from a woman against a sharp substance to be in- or a man. Heard .a large outcry, gamst a snarp substance to be infured the way she was. Witness had
sounding like more that one voice
friven a car himself three years.

To Mr Byrne—Accusal, when he
furned out, struck the aldewalk. Side—
furned out, struck the aldewalk t Road was clear 125 yds tore cut one or two planks when it one side and about 300 yds on the struck Regarded spr ! of car as very good, about 25 miles an hour. Kelson House. About 200 yds. one Edith Nelson was lying two or three and the other are fairly level, then a that night at Mr. Dur's, working at trip, but Rice controlled it. Witness

A FAMILY OF FRENCH HERGES

osswise and short. Court resumed at 2.30 yesterday af

Miss Cladys Veno said she was in the car with defendant. The Mac-Millan boy ran in front of the car-Defendant called out to the child. Then Edith Nelso nstarted to run across.

in the car were afraid it would strike Edith, and all screamed.

To Mr Murray: in the car. There were two in the front seat and five in the back seat. As they went down street, they saw playing in the street. MacMillan box ran across in front of the car Edith Nelson ran part way across, and ed and then, when car was handy to her, she ran across again. Rice remained where she hesitated she would not have been struck

To Mr Byrne: his car or not. Had no idea of th

Harold Duffy, Boiestown, 14 years oid, son of the then proprietor of the Duffy Hotel, was next witness. Was fy, Margaret Duffy, Kathleen Duffy, Fenton Duffy, Robert Rice and him self were in the auto Witness was in front seat with Robert Rice. Got into car at his father's hotel. Was in car before girls came in Went down road, past Nelson's, across the in Fenton and the girls, and went back past Nelson's again. On the first trip he saw the MacMillan boy and Nelson girl playing on road side in front of Nelson's. On the third trip Harry MacMillan ran across in front of the ear, which was opposite the Nelson house. Edith Nelson started to do the same thing, when Rice called out to her Car was then quite close to her There was nothng to stop the view. Rice called to her, she kind of stopped in the oentre of the road and then started again. Just kind of hesitated, then kept in for the sidewalk When struck she was between the centre of the road and right hand side. When car struck her she was dragged in towards the sidewalk. Car ran up on the sidewalk and tore it. Heard screaching in car. The car was a large one Wm. Gunter of Fredericton had left it at Duffy's a week or struck the sidewalk he turned the car into the road and went about length of the court room without saw Edith lying on the ground. She slipper was off Melvin Murphy was been going fast. there, and he thought, one of the Nelson boys. Edith was carried and the defense put the accused on Accident happened about disthe stand. tance between two telephone poles from Nelson's. The speedometer, if there, was not working. One of the Bolestown since 1900, was born in

to on each end. Chid's skull was the car Car was quite big, two had not steered a car before. With

according to the reads

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WHERE THE GOOD GOODS COME FROM

turned the car for him. Saw the two she made her fatal plunge in front of childen on first trip. Heard Rice call car, he turned it into the sidewalk to Edith, who slowed her pace, then stop the car. Was applying the large trip. to Edith, who slowed her pace, then stop the car. Was applying brakes the car, it she had stayed where he had continued her to stop she would have been safe. He turned out at the car in the car, he took off the brakes and steered out into the road. ran again Thea she ran in front of when child was killed. Then fearing have been safe. He turned out so Then stopped as soon as possible far to avoid her that he struck the and went back to where Edith lay

Edith, when struck, was two or ed Edith he had applied the brakes, three feet from edge of the road. then, thinking she would be safe, had Car was a few feet from sidewalk. To Judge:

Witness did not remember hearing horn sound. Did not know whether didn't step car above place where Rice used brakes that night or not Thought car slowed down after Edith road. Afterwards she stopped when was struck Thought that Edith was he told her to and thinking he had a struck by the radiator. Gunter had free road, he went ahead. Then when left car' at the Duffy House.

Fenton Duffy

Fenton Duffy, aged 13, had been in road. Then saw. Edith Nelson start to cross, but nothing after that until she was struck. If she had remained

Kathleen Duffy and Margaret Duffy added nothing to above testimony, Rice as long as they could remember and knew nothing bad about him.
Melvin Murphy

Melvin Murphy was absent, having been personally subpoensed. His former deposition was read in stopping. Witness went back and body, with head split open and body bruised He saw track of car when appeared to breathe only once, blood it had run into the plank sidewalk was coming out of her nose and one and torn uy a plank. The car had

This closed the case for the crown

Defendant said he had lived

They had gone a pretty good gait, times used the car. Had had prev ious experience with cars. Had no license as chantreur. No tags on Speedometer did not register, as cable was lacking. On his first trip, Sunday evening, Aug. 6, 1916, he took pedals and throttle, allowed Harold to steer Went down road, then came back to Dully's and asked the girls and Fenton to get in. Saw Harry McMillan and Edith Nelson play ing on the grass on the left of the road. Harry ran across the road, and he whooped: "Go back Harry, you'll be killed." Then Edith Nelson ran across and he put out his ltft hand and called out: , "Go back, Edie!" She hesitated, and he believ ed she would stop where she then was, and when she did not, he steered towards the sidewalk to run up on it to stop the car. He sounded horn when Harry ran across Edith's saw the witness and looked up at but saw her so in front of the car. Then he stoppe scar as soon as pos-sible, and went back and found the girl If the had stayed where she was when she was warned she'd have been sate. The boy got across R never entered his mind whether he was right or wrong in taking out car without tag or license Before the accident he had driven Dr. Bygnis car often, and soveral athers once or wide. He knew that a permanant ensulfieur needd a fi case, but did not mink it was wrong for an entlessined person to fifte a car out for a little while Car that evening was not going over the only miles an hour, and after children were seen on the read that the children was about length of car from away when he ran accident he four from away when he ran accident him from the offer was accounted to the first seed that the children was about length of the first from the car.

On Melvin Murphy's advice he did not taken them off again. Couldn't say how quickly he could have stopped, Edith was standing on side of the she kept on running across, he hadn't time to stop He thought that just after car struck sidewalk, it struck Saw Harre MacMillan cross the child. The car had foot and lever brakes on it. The car was

sleckening but did not stop The Counsel then address Jury, and Court adjourned till 8 c'clock for the Judge's charge.

Thursday morning the witnesse Joseph Levasseur and Clovis Landry turned up, and the trial of Etienne

Both witnesses swore that Leves que had spoken jokingly of setting

Charles Blouin's evidence of Tues day was read to the new jury, and fence, admitting he made believe he set the fire, but it was only make be

day won another parliamentary ybe the seat for Kilkenny made by the death last July of Patrick O'Brien William Cosgrave, the Sinn Fein candidate, defeated the independ ent Nationalist exMayor McGuinn by two to one. Cosgrave received 772 votes to McGuinnes 329. This is the Sinn Fein party, whose aim is dependent Republic

rrest of persons who dynamite Lord Athelstan's house last week

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