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## BRINGING UP FATHER









CASE AGAINST SYMES

(continued from page one)

stances such that with reason-ship. The jury should make void in its asked Mr. Patmore. mind all that might have been "Yes," was the answer. dence alone.

Court then adjourned until after the dinner hour.

#### First Witnesses

The first witness was H. O. Crewe, assistant city engineer, case was not driving fast." who gave details of a plan showcident which took place near the considerably as playgrounds?" intersection of Fifth Avenue and Young Street.

Mrs. John Manson, the first ada they do." eye witness to be called, said that about 4.50 on the afternoon son said she knew Norma Munro of February 12 she was coming by sight and had often seen her up Fifth Avenue from McBride playing but she could not recol-Street. She had her two children lect if previously on the street with her. As she was approach- she had never seen accused preing Young Street she saw Norma vious to the day in question. Munro standing in the middle of Fifth Avenue. She also saw a ear approaching from the opposite direction. She saw the driver turn in close to the curb to the right. All at once she saw the ear crowd very quickly into and grinding as if two cars were ne sidewalk. Norma Munro was in front of the car. She then saw the right wheels of the car Young Street at an ordinary rate strike the sidewalk. There was a noise as of tin and then the grating of brakes. The car hesi-she got to the Baptist Church I tated and then drove on with two wheels on the sidewalk, then on ing and saw the body of Norma to the road again and on a short distance further passing her where she stood near Scott's house. She stopped when she saw that an accident had hap- She saw Mrs. John Manson comhis engine and got out. He ask- also Mr. Munro pick up the body. ed if she had seen what had hap- The body was on the proper

#### house. In Middle of Road

Going into further details, at the request of Mr. Manson, Mrs Manson testified that Norma Munro was standing in the middle of the road just slightly west of Jarvis McLeod's house. She as looking up the road or to he side for witness did not see

In answer to the judge, Mrs. Manson said that the child was 3 1/2 years old and was large for

the brow of the hill. The car was tensive laceration to the brain travelling, she would say, at an which was brought about by a ordinary rate of speed-not very severe blow. A statement more than ten miles an hour. The car seemed to hesitate at the time of the accident and then the time she saw the car first o the time it reached the child, there seemed to be no change in |

The road was dry but left the marks of tires said Mrs. Manson in answer to another question c from His Lordship.

After the car passed, witness saw the body of the child in the road about 21/2 or 3 feet from the curb.

## Some Possibilities

Under cross examination Mr. Patmore, Mrs. Manson said she believed the car would have passed the child safely if the child had remained where it was when she had at first seen it. She saw no skidding and could | not say at what point the driver of had put on the brakes. If the car had been going faster, the child would have been safely passed and there would have been not accident she thought.

"As far as you could see, Mrs. Manson, the driver was not neg-

ligent?" asked Mr. Patmore. "As it looked to me the driver

EVIDENCE COMPLETED THIS did what he thought would save lense counsel. This bore further MORNING MANSLAUGHTER the child," replied Mrs. Manson on the nature of the injuries. after some objection had been Two little girls, Annie Smith, taken by Mr. Manson to the 13, and Edna Edgar, 14, were question which was allowed in the next witnesses. Both were

Not Driving Fast Mrs. Manson-"Yes, and the result was that I came to the conclusion that I was quite right when I said the driver in this

Mr. Patmore - "The children ling the surroundings of the ac- in this town use the roads very

Mrs. Manson-"Yes." His Lordship-"All over Can-

Further questioned, Mrs. Man-

#### Mrs. McRae Witness

Mrs. Duncan McRae, who was approaching Fifth Avenue along Young Street from Fourth Ave. in giving evidence, stated she had heard the noise of grating scraping. She saw accused's car passing the intersection of of speed. The car stopped opposite Spencer's house. When she heard Gordon Munro scream-Munro just west of Jarvis Mc-Leod's house. The body was crumpled up and the head was toward the middle of the road. The driver turned off ing fowards Young Street and

pened and then said, "My God! side of the road in relation to She's dead." He then went up the car, Mrs. McRae said in street towards Munro's answer to His Lordship.

## Doctor's Evidence

Dr. L. W. Kergin, the first physician in attendance, testified as to the injuries sustained by Norma Munro. These injuries consisted of a fracture at the base of the skull which was very extensive. She was bleeding from both ears and the nose. She was unconscious and there were a few abrasions on the face. The important injuries were those to the head. Under witness' in-Istructions, deceased was taken When she had first seen the after being given appropriate car, it had seemed to dip behind treatment. There was an exmade by Dr. W. T. Kergin, now in England, who later attended. was put in as evidence by 'Mi resumed its former speed. From Manson with the consent of de



cross-examination by His Lord-in the vicinity at the time of the accident and gave particulars able diligence and care the acci- "The child moved very sud- with regard to it. Neither of them dent could have been avoided? denly in relation to the car?" remembered having heard any warning signal such as the sounding of a horn. They saw heard about the case and should Mr. Patmore-"Since this ac- no other children in the street concern itself with the evidence cident, you have been observing beside the deceased. The Smith at this trial and with that evi- the speeds of cars considerably?" girl said that the driver started of Moore's house. It continued 27, section 7. P.O. Box 697 to slow up, she said under crossoccurred. When she saw that ing room. Hotel Central, 138 FOUND .- Mooseheart pin. Ap-Norma Munro was going to be nit she turned her back.

#### Heard No Warning

Mrs. Manson and Mrs. McRae were recalled by the crown. They iid not hear the car give warning signal. Mrs. Manson qualified this, under cross-examination, by saying that if a varning had been given it might not have been impressed on her mind. Mrs. McRae said that she was some 350 feet away and might not have remembered ERNEST Stubbs, A.R.H.S.; C.M. hearing a warning signal.

At 9.45 His Lordship suggested hat court adjourn to which Mr. danson replied that he was ready to carry on as long as if would suit His Lordship and the

"You are not trying to make an endurance test of it?" inquired His Lordship. -

The last witness of the evening was City Police Sergeant A. H. Bailey who told of making a FOR SALE .- With every purear with Chief Spiller and Sydney Bazett-Jones. Proceeding at rate of between 15 and 20 ailes an hour, the car stopped in twice its length. This indicated that the brakes were in good order.

Shortly before 10 o'clock, FOR SALE -- Commercial Hotel, court adjourned until 10 o'clock this morning when the crown proceeded with the giving of its evidence.

## Defence Witnesses

The first witness this mornng was City Police Sergeant McGlinchy who was summoned to the scene of the accident imnediately after it occurred. He ound the track where the right aind wheel of the car had skidted for some ten or fifteen feet The end of the skid was marked by a pile of ashes and blood. Then the track of the wheel was ound on the sidewalk. He saw he car of the accused which had headlight broken. Under cross FOR-RENT. - Clapp apartment examination by Mr. Patmore, the officer said that the accident had been reported to him by accused. Sergeant McGlinchy also told of LOST .- Between West of Engests that had been made in his presence with cars at the scene of the accident. A Lexington car driven at a rate of 17 miles per hour had skidded 36 feet when the brakes were suddenly doubled up on her stomach and when brakes were applied after again, he saw the car near

ear's approach.

## Father's Evidence

llying in the road. She was (continued on page six)

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to slow up when he got in front OFFERS wanted for Lot 10, block examination, until the accident HELP Wanted; rooms and din-

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applied. The Ford car owned by face. Looking both west and G. H. Munro had also been used east, he did not at first see in the tests. It skidded 18 feet any car but on looking west being driven at a rate of 17 Greer's house. There was no miles an hour. At a rate of nine sign of life and she was bleeding miles an hour it had skidded quite badly. As he started for the house with her he saw the Mrs. Jarvis McLeod gave evi- man approaching. He took the dence as to the whereabouts of child into the house and she children on the street and also gurgled and started to breathe. stated, that while she was sitting Then Symes came in and asked at her front window immediately how she was. Witness said it hefore the aciddent, she had looked pretty serious and he heard no warning sound of the asked accused who he was. He said he was a taxi driver. Wit ness had never seen him before

G. H. Munro testified that he After the little girl had been was at his home at the time of taken to the hospital, Mr. Munro Call in and hear them. the accident. The first intima-came back to the house. Shortly tion he received of the accident after Symes came back with his Third Avenue was when his little boy, Gordon, car. Accused said: "Mr. Munro, screamed "Daddy, Norma has I just came back to see you. + ----been hit by a car." At the time, It might go hard with me if I did + PRINCE RUPERT TIDES he could not believe it was not show my sympathy." Wit- ++++ ++++++++++ To Queen Charlotte Island Points Norma for he thought she was ness said: "If that is what you in the house. He rushed out to came back for, you had better the street and saw the little girl get in your car and go on." Ac-

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