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DAILY EDITION

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DRIVER IS BLAMELESS

(continued from page 1)

who, after considerable objection by Mr. Manson which was finally waived, went to the stand and told of a deathbed statement that had been made by Hanson the evening before he died. Hanson had said: "I don't know how fast he was going. He was going at a good speed, too fast to make the turn. Other trucks stopped but he didn't." The statement was witnessed by Constable Blaney and Sergeant Service. Deceased's statement was contradicted by many other witnesses who testified that the truck was traveling not much over five miles and that it was successful in negotiating the turning.

Prior to the statement of deceased being read, Dr. W. T. Kergin testified that he (Hanson) was in sound mind the evening before he died.

George Rodger, who lives near the corner of Tenth Avenue and Bacon Street about 100 yards away, was an eye witness of the truck leaving the road. He was standing at his kitchen window reading a paper at the time. He saw the truck

come down Tenth Avenue and turn the corner or nearly so. After the truck had straightened down Bacon Street, it seemed to stagger and turned sharply at right angles and went over the road. Witness saw the guard rail go over.

Nature of Injuries

Dr. L. W. Kergin, who performed an autopsy, testified that death had been due to shock and hemorrhage from injuries received. The left of deceased's chest was injured, his shoulder and many ribs were broken, the left lung was collapsed having been perforated by a rib bone.

F. Rousell, automobile mechanic, testified that the driving chain on one side was loose and in bad condition. About fifteen rollers were missing. These rollers being missing would have a tendency to disturb the ratio of the gear. The steering apparatus was also very slack, witness testified. On the driving gear on the other side, five rollers were missing. Sprockets were worn down on both sides. The truck was 18 years old and parts were showing signs of wearing. One of the wheels striking a hole in the road might have caused the truck to skid.

While Rousell's evidence was being taken, City Engineer Good made a number of interruptions, asserting that Rousell was making inferences which were unfair to the city.

Taking the stand, Mr. Good declared that the truck had been overhauled about ten days before. Under cross-examination, Mr. Good said that a fibrous fungus seemed to form on plank roadways, particularly when the traffic was longitudinal. Mr. Good did not think that the condition of the truck had anything to do with the accident. There had never been any complaints of the chain coming off the sprockets. It was Mr. McKinnon, the driver who had overhauled it.

Other witnesses called by the police were F. D. Rice B.C.L.S., who took measurements and surveys at the scene of the accident and R. E. Benson, who took photos. Among the men on the truck who gave evidence were William Wilson, Anton Dybhavn, Erne Selnes, Charles Batt, John Kinslor and Hagbart Elde. All agreed that the car was not going fast and that it was a rainy and gusty day. Sergeant Service gave evidence in regard to measurements and inspections which had been made at the scene of the accident.

Defence Witnesses

Witnesses called by Mr. Manson included John Basso and Louis Pustak, both of whom were riding on the truck when it went over. Both testified that the car was going little more or perhaps no more than five miles an hour. Either could have caught up with the truck by easy running. W. Shepherd was quite sure the truck was not going ten miles an hour.

A. McKinnon, the driver, said that he had been driving cars off and on for 15 years. He had driven this truck two and a half or three months. It was very wet and windy on the day of the accident. As he approached the turn on Tenth Avenue to Bacon Street, he was not going more than five miles an hour, having slowed up. Just after turning he noticed the front end of the car skid. It might have been due to the tread of the tires being smooth and the road greasy. There was a scum on top of the planks and a distinct incline from one side of the road to the other. As soon as the front wheels started to skid, witness put on the emergency brake. He did not use the foot brake because it was not in working order and had not been for years. The foot brake was consid-

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ered too small for this truck. It could not be relied upon. The emergency brake was in perfect order. After putting on the brake, the whole car seemed to skid. One front wheel went through the fence and the whole vehicle followed.

The car had always steered satisfactorily and the chain had never come off the sprockets.

As the car went over, witness put it into gear. Otherwise there might have been an explosion.

The slippery plank road, together with the incline, was responsible for the accident, McKinnon declared.

McKinnon was subjected to considerable cross-examination by Sergeant Service. The truck was not in a dangerous condition as far as he knew, witness insisted. He had never found it awkward to handle. He admitted that there was play in the steering wheel.

In briefly addressing the jury, Mr. Manson declared that the evidence was not sufficient to convict his client on a manslaughter charge. He therefore, asked the jury to bring in a rider exonerating McKinnon.

Sergeant Service called attention to the defects in the car.

After brief remarks by the coroner, the jury retired returning with its verdict as recorded.

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