HESSE CASE

A Number of Witnesses Put on the Stand.

William Eckels, Organist of St. John's Episcopal Church, Providence, Rhode Island,

Considered Prof. Hesse One of the Finest Church Organists in America—Motorman Garfield's Evidence.

In the Hesse case Monday morning, Thomas X. Gibbons, shoemaker, was the first witness examined by Dr. Quigley. He was walking down Main street with a young man named Davis the day of the accident. He saw Prof. Hesse standing up in the car, and as it jumped the curve and struck the curb he saw Hesse thrown out head first. Witness ran up to him and saw the bone sticking through the flesh.

Cross-examined by Mr. Pugsley, witness said he saw the car going for about 70 feet. Only the top of the car was injured. He could not say how many passengers were in the car. Witness could not say whether Prof. Hesse was on the step or in the car. He knew he was not on the lower step, and as far as witness could tell Prof. Hesse was standing in the car. His hands broke away from the bar he was holding and he fell head first to the pavement. His head did not strike the pavement. Witness talked about the accident, but he did not tell anyone that Prof. Hesse jumped from the car. He did not tell Constable Wiley that Mr. Hesse jumped. When picked up Hesse was four or five feet from the car. Witness knew Garfield, the motorman, but has not spoken to him since the accident. He did not knew where Garfield went since he left the company's employ. Witness did not see the conductor leave the car.

John Davis, who was with the previous witness the day of the accident, also described it. He saw the conductor thrown out and light on his hip. This was between the track and the curbstone. Witness thought there were about eight passengers in the car. None of these passengers were hurt.

Cross-examined by Mr. Pugsley, the witness said he knew the conductor and motorman of the car. He met them at Dr. Quigley's office last night and has met them on the street several times since the accident. Witness here described the open cars. The distance from the edge of the roof to the floor was about five feet. A man could not stand comfortably in the car without his head protruding. Did not see Prof. Hesse standing on the edge of the car. Witness was sure that he was not standing on the step.

Thomas H. Lawson was next examined. Asked his occupation by Dr. Quigley, he said he was janitor, messenger and engineer.

Dr. Quigley—And fisherman, too.

Witness—Exactly. (Laughter.)

Continuing his evidence, witness said he and a young man named Carnall boarded the car at the foot of King street the day of the accident. He saw the motorman examining the front of the car. The motorman of a car that had just come down Dock street said something, and in consequence of this the motorman on witnesses' car went back a short distance and picked up a bolt. As the Dock street car passed, its conductor gave the conductor of the other car a roll of wire. The motorman and conductor held a conversation, and the conductor, after trying his brake, said: "All right; go on!" The car then started across Market square, up Dock street, down Mill street and into Harding's liquor store. Witness recognized Prof. Hesse and Father Roforty as two of the passengers in the car. With them was a smaller man. Witness was sitting in the rear seat of the car, and Prof. Hesse in the seat in front of him. Witness saw him stand up and take hold of the standard in the car. Witness was standing behind in the same position. When the car struck the curb witness was knocked backward, and the next thing he saw was Prof. Hesse on the ground. The reason he (witness) was not thrown out was that he had a better hold than Prof. Hesse and perhaps because the gentleman next to him had part of witnesses' whiskers wound around the standard and was holding on to them. (Laughter.)

Continuing, witness said the motorman was trying to work the brakes all the way down the street. On the way witness heard a passenger say: "This is getting too hot for me," and jumped off. A young man named Fred Langan also jumped off. The man who jumped first was an employe of the road. The car was going less than a mile a minute.

Cross-examined by Mr. Pugsley, witness said that the car was going less than a mile a minute up Dock street. After the car got up by Rankine's the man got off. Witness saw the car come down King street. It apparently came all right. He saw the motorman pick up the bolt, get the wire from the conductor of the other car and stoop under his own car. He heard the conductor try the brake before he shouted to go on. Witness first saw Prof. Hesse stand up after they passed the railway track. He was in the car holding on to the standard. Witness was behind him and at his side was Mr. Carnall, who made a rope of witness's whiskers. After the car started down Mill street the motorman turned the brake and tried to stop the car, but could do nothing.

Re-examined by Mr. Palmer, witness said Prof. Hesse was thrown at the same time as he was.

Walter H. Carnall, who accompanied Mr. Lawson the day of the accident, testified substantially the same as the previous witness. He also stood up in the car and was thrown forward against the seat as the car struck. He could not tell how Hesse was thrown out, but the momentum was so great when the car struck he should judge that Hesse was thrown out.

Cross-examined by Mr. Pugsley, witness said he saw the motorman ring his bell on Mill street for the conductor to apply the brakes at the rear. He saw the motorman turn the brake and also working at a lever under the canopy of the car. The motorman tried to do everything in his power to stop the car.

Charles E. Garfield, the motorman on the car, was the next witness. He produced a copy of the instructions given to him by the company. These were put in evidence and read to the jury by the clerk.

Continuing, witness said he was an employe of the company since it started. He was also in the employ of the old road. He also worked in the car sheds for a couple of years. The company put the trucks used in the old system under the open cars. The trucks were running two or three years before this company took them.

Witness then stood aside to admit of the examination of

Wm. Eckals, organist of St. John's Episcopal church in Providence. He had known Professor Hesse for some years. Knew there was a considerable difference between secular and sacred music. Heard Prof. Hesse play often. Consider him one of the finest church organists in America. Always found him very busy in teaching when witness called upon him, as he frequently had occasion to do. Pupils had to be taught separately; not in classes. From knowledge of the business, if Prof. Hesse had not the position of organist in the cathedral, he would not have the opportunity for teaching. Having that position he would be able, witness would judge he should earn $50 or $60 a week outside of his salary. As to the loss of a left foot, the plaintiff would be disabled from properly playing the organ. To play a large church organ, the left foot was used for playing 30 notes in the bass, which is the foundation of the whole music. The right foot had other work and the left was principally used for this purpose. He would have to play as many notes with his feet as with his hands. The sense of touch was necessary to play properly with the foot. Witness wore a very thin slipper when playing, so as to be able to feel the notes. There was both a heel and toe motion. It was necessary to be able to play in order to be able to teach the organ, as the work was exemplified to the pupils. The left foot was also necessary in pedalling on the piano. Pedalling depended on the sense of touch in the piano as well as in the organ. Witness knew nothing about services in the Roman Catholic church. Providence, a city of about 200,000 inhabitants, was the most musical city of its size in New England. A good musician had a good field here.

Cross-examined by Dr. Pugsley—Witness was in the piano business. It was profitable. A musician would not necessarily be able to carry on a piano business. Musicians were generally of poor business capacity. Witness was aided in his business by his musical ability. Piano business requires a great deal of capital, because it is largely done upon instalments running over two or three years.

Witness was then examined at considerable length regarding the teaching of vocal music in Providence and the standing of the choir which rehearsed under Prof. Hesse in connection with his church. One teacher earned $150 a week this way, but that was owing to the choral societies with which he was connected. Other teachers did not get more than perhaps $1,500 a year at teaching vocal music.

Re-examined by A. L. Palmer, Q. C.—Never knew Prof. Hesse touch vocal music separately from the organ. Plaintiff could not, witness would think, earn any money as a vocal teacher.

To Dr. Pugsley—Plaintiff would not have to train the choir in vocal music. To do that a man must be able to form the voice; that is, train a raw voice. Plaintiff would simply see that the choir, which would come to him as trained voices, would sing together harmoniously. Unless witness could play the organ a church would not want him to direct their choir.

Charles E. Garfield, the motorman, resumed the stand. There were two motors in the car, and besides this there was power transmitted along the trolley wire from the power house to the car. The switches applied that power. In the absence of that the motors could be used. The motors on the car acted as generators, and they could be utilized if the other failed. The brakes were there for the purpose of stopping the car. There were bell signal from conductor to motorman, which were read. Witness joined car at 12.25 that day at car shed. It was handed over by the motorman before him. It had come out of the shed that morning. Just took it as it was given over; did not examine it to see what condition it was in. Saw nothing wrong about the car then; did not see anything wrong about it; the proper place for inspection was in the car shed before it came out. Prof. Hesse boarded the car on the return of its second round trip. At foot of King street first discovered that something was wrong with the car. Started to apply brake and it turned round and round, the car dropping back all the time. Knew then that something was wrong. Stopped at the foot of King street, and knew this before the car started again. Looked and saw that one of the brake rods was broken and was dragging on the ground. Saw a nut lying on the ground. It was part of the brake rod. Showed it to the conductor and put it on the front end of the car. Looked for a piece of string or wire, but had none. Got some fine wire from a crossing car. With the conductor tied up the brake rod so that it would not drag on the ground; that did not make it any use, though. Consulted privately with the conductor, so that the passengers would not know or be alarmed. Decided to run to the car shed, using the power, if necessary. Supposed that the generating power, the motor, was in order at the time. Always supposed that to be in order. The motor was out of order; it did not work; first discovered that going down Mill street hill; had used that power before frequently; never found it out of order before; in other cars they were sometimes a little slow in acting. There were no rules in the printed book as to when to use this power generated in the car. It was generally used for braking, as it was more gentle than the direct power. The direct power was more apt to blow the fuzes, jolt the passengers and stop the car very suddenly. A bell was used to signal to the conductor, but on car 41 there was no bell for that purpose. Could not, therefore, carry out these rules. A bell was put on soon after the accident. Witness was laid off for 19 days and then continued in defendants' employ until 15th October.

Took the car from King street simply because of the rules in the company's book. Rule No. 16 provided that the brakes should be inspected, and if found seriously defective be taken at once to the repair shop. Another rule provided that there should be no shouting or unnecessary alarming of the passengers. Acting on these rule and relying on the main power and the auxiliary power, thought it best to run to the car shed without telling the passengers. If the car was inspected at the power house the defect could have been seen on the slightest examination. The rod had first been broken one half in two. The original break was rusty and dirty; the other break was bright. The conductor showed the pieces to Mr. Neilson. This was when the car was in the building. Neilson examined the piece again, and witness told him it had been half broken before, but Neilson said nothing. The break prevented any part of the brakes being operated. The brakes were utterly destroyed. Started up Dock street with the idea before spoken of. Going across Market square, witness reversed and used one notch of direct power to make her take the curve easy. Then gave one notch of direct power to go ahead to take her up the grade. At the head of the hill threw off the main power to use the generator to go down hill. It did not respond, so then had recourse to the direct power, using the main switch. Applied the whole seven notches of direct power, but that did not respond until at the lower curve. The car was under no control whatever. Knew that Prof. Hesse was hurt. Could have told passengers at King street to get out, but relied on the other appliances as safe.

Cross-examined by Dr. Pugsley—Knew at foot of King street that rear brake was out of order. After accident made a report. Paper produced was that report signed by conductor and witness.

Report read over to witness, and asked if he made it to superintendent, which witness said he did.

Did not report the truth in that report. Knew it was his duty to report it. Felt bad about it at the time. In the report stated that the conductor tried the rear brake and reported that it was in working order. That was not true. Conductor did try the brake and witness knew that it did not work then. The report was false and was got up by Strang and witness and sent in to the superintendent by them together as a true report.

The cross-examination of Motorman Charles E. Garfield was resumed in the circuit court Tuesday morning.

Witness identified a copy of the report of the accident, signed by himself and the conductor, Strang. He stated that he and the conductor had deliberately put their heads together and concocted the report, which he now admitted to be false. It was, he said, a part of their plan that Strang, the conductor, was to try the brake when the car was at the foot of King street and call out to witness that it was all right. This was merely done to deceive the passengers, witness knowing that Strang was lying when he said the brake was all right. He admitted that cars were running on the day of the accident every seven minutes, and passengers would only have been forced to wait that long. After the accident witness talked with Mr. Brown, the company's electrician, and told him that the car was all right when they left the foot of King street, and that he did not know anything was wrong until he applied the brake after Union street was passed. That, he admitted, was a deliberate lie. He was examined by the officers of the company after the accident.

The evidence taken at that examination was read. Then the witness stated that the brakes were all right when leaving the foot of King street and that it was after they passed Union street they found something wrong. He admitted that his evidence at that time was untrue. The company did not pay him for the time he was suspended. When in Boston with Strang he wrote to Mr. Neilson that if the company did not pay their wages it would be the worse for them. Before going away he asked Mr. Brown for their money, telling him they were in no way to blame and should be paid. Mr. Brown promised that the company would pay them. After say day Mr. Brown told witness that the company had decided not to pay them wages. In consequence of this witness left company's employ in October. A short time after he and Strang went to see Dr Quigley, and afterwards went to Boston. They came home after a short time, having done nothing in Boston. Since his return witness has been stevedoring. He did not see Mr. Palmer when in Boston.

Witness said he had thought it absolutely safe to take the car over to Indiantown with a broken brake, because he thought the electrical power would be sufficient to stop the car.

Mr. Pugsley wanted to take the jury to see the car, and it was agreed that after counsel for plaintiff had seen the car, the jury would be taken to see it.

Witness said it would be impossible to go up Dock street unless the motors were in working order. He had reversed the canopy switch, turned the lever of the motor clear around and thrown the controller to the fifth, sixth and seventh notch. Near the foot of the hill he threw off the main switch and turned on the controller, leaving it that way until the car left the track. As far as applying the direct power was concerned, the motors were all right going up Dock street. Had made one round trip before the accident and at Indiantown had reversed the motors and in one of the sections the direct power worked all right. He did not use the generating power.

To Mr. Palmer the witness said the brakes all worked together. About half an hour after the accident Mr. Neilson knew of the breaking of the brake. The investigation was held the day after the accident.

When he showed the broken nut to Mr. Neilson witness called his attention to the fact that it was half broken before, half being clean and the other half dirty. Mr. Neilson did not answer him.

Witness said the car was removed from the scene of the accident on the same day and taken to the car house. Roberts was away to the country then and Herbert Foster, who was about 20 years of age, had charge of his work. A car disabled is run into the pit, where it can be examined all over. After the examination he did not believe he was deceiving either Mr. Neilson or Mr Brown when he made his false report. It was too easy to be seen by them that his report was untrue. He and Strang were suspended immediately after the accident. The day after the accident he did not go to work because he was unable. When able to work he found some one else in his place. After the accident he ran the car over the pit in the shed. Mr. Neilson went under the car and examined it, saying: "I don't see why the other brake didn't work." Witness said nothing.

Witness said the direct power worked through the motor. He had worked the generator when there was no direct power. On this occasion there was direct power and no generating power. It had failed him on some cars, but he never had to use it on this car before. When this occurred he did not think the car would be safe. Mr. Brown had tied up the dragging brake rod when the car was started for the shed after the accident.

To Mr. Pugsley witness said he thought Mr. Roberts went away for a week or ten days. Half an inch or more of thread was sticking out from the nut. He was unable to state any definite occasion when the generating power gave out, but it occurred once on car 40. Neilson and Brown knew when they saw the broken brake that they would not work. He believed they knew when he made his report that it was untrue.

AFTERNOON PROCEEDINGS.

After recess, George Strang was the first witness called by Judge Palmer. He was conductor in July last; on the day of the accident on car 41; joined the car at foot of King street and went to Indiantown; made no examination before running the car; took it over from some other conductor; could not say who he was; made two trips and when at the foot of King street noticed that the car dropped back a little; got off the car and walked to the rear; the motorman came out also and looked under the car. Saw the rod lying on the ground. Motorman said it was the rod which connected both brakes which was broken. He found the nut which was off the end of the rod. Had a conversation together. Motorman said brakes were useless and after talking together decided to take the car over as it was. Motorman said he could take it by the generating power if necessary. Witness said it was all right. Motorman then tied the brake and called out that it was all right. This was so that the passengers should not know that there was anything the matter. The rod under the car was hanging down. Motorman got a piece of wire from another car and tied the rod up with it. That would not make it useful as a brake. Got on the car and gave two bells to go on. Started to go down the grade to Dock street. Witness went outside to collect his fares. Felt the car pull up suddenly at the foot of the street. Then the motorman made a signal for brakes in accordance with the arrangement they had made in their conversation to act as if the brakes were all right. Then saw the motorman use the controller and afterwards the direct power to stop the car going down hill. It went faster and faster. Witness was looking out up at the rear of the car to see if the pole was on the trolley; it was on. When the car struck the curve, witness was thrown off. Knew there were two forces to use for stopping the car. Witness only understood that they existed; but not the production of them. Thought it was his duty to take the car over, because the motorman said so. Supposed it was safe, because the motorman said so. At the time of the accident the car must have been going 40 or 50 miles an hour, about the railway crossing. Did not think the car was going quite so fast at the corner. Did not see the plaintiff thrown out. After witness got up saw plaintiff in a fallen position. The bone of his leg was sticking out through his sock. Witness started to go for medical aid, but found others had gone for that. Then tied down the pole. Mr. Brown came along and said, "This is a nice mess," or words to that effect. Mr. Nielson then came along. Heard Garfield tell Nielson there was a flaw in the brake rod. Neilson looked at the nut, but did not say anything. Knew the brake would be useless if that rod was not fixed; that is after he was told by the motorman. Had no knowledge of the brakes outside of what he was told.

Brown told witness to get his (witness') brother to help board up the building. Went and got material and shored up the building. Got the car to the car shed. Saw Neilson going underneath the car, which was then over the pit for the purpose of examination. Last saw the broken nut on the front of the car; it was taken with the car over to Portland. The brake rod would be about ten feet long, 1-2 or 1 inch iron. The nut would be 7 or 8 inches long. The part where the thread was on was smaller than the rest of the rod in diameter. The brake was about half an inch from the nut; it was broken in the thread, witness thought. The defect was in plain sight. The old crack was about half way through.

Next day went to company's office to see Mr. Neilson. Saw him. He told witness to come over at 3 p. m. and bring Harry Irons, a motorman. That was done. Witness was not suspended. Word came to shed to go to work the next morning after accident. Witness being hurt, was unable to work that day. Could have gone to work in a fortnight, but on 2nd August went away to P. E. Island. When he came back witness went to shed and was told he could go to work if he wanted to.

Cross examined by H. H. McLean—Was away about a fortnight. First asked Brown to be paid some time in October. Did not ask for the time spent in P. E. Island. Could not say whether he went to Dr. Quigley's office in September or not. Went there before he went to Boston. Was then in the employ of the company. Was not advised to go to Boston. Witness' statement was taken down in Dr. Quigley's office. Shown report of accident sent to company. This was all in witness' handwriting. Put in it what motorman told him to put there. The statement was fixed up between the motorman and witness. They agreed together to put in this false statement.

At the talk at foot of King street it was arranged that motorman should signal for brakes and witness was to reply that it was all right. At head of Mill street motorman was to give witness one bell. Did not know then that there was no bell on that car. Had not had a signal before on that car.

At investigation did not say that Prof. Hesse jumped off the car. The rear brake will sometimes work when the front brake is disabled. Witness and motorman should have told the company that the statements made at the company's investigation were not correct. Could not say whether or not there was a cover over any part of the brake-rods. If there was a defect and a cover and the cover was taken off, the defect might be seen. The cars should not be inspected with dust and dirt all over it. A person standing in the pit could see the defect if there was no mud there. The break was about the middle of the car or towards the hind wheels. Thought it was perfectly safe to carry the car over without the brakes, both for himself and the passengers. Tied the broken brake up on the right side of the car.

Re-examined by Judge Palmer—Had no experience in examining or testing apparatus. If the car were over the pit and the mud cleaned off the rod would be in plain sight. Judge Palmer then asked the witness to state his reason for making false statements to the company, whether they were because of his pay or employment.

To this Dr. Pugsley objected. The objection was then withdrawn, when Judge Palmer declined to put the question.

Judge Palmer then offered in evidence copies of affidavits used before Judge McLeod on applications relative to the issue and return of the commissions.

As the originals were not in court, his honor decided that the copies could not be used. Judge Palmer decided to obtain the originals and produce them later on.

Judge Palmer then called for the production of the evidence taken on commission at Providence.

Dr. Pugsley said he thought the person taking out the commission had control of it and that he need not produce it unless he desired. As to the commission, it had not been returned. The defendants had not it, owing to the commissioners exacting an exhorbitant fee for its return, some $825.

Dr. R. F. Quigley, called, said there was a commission in the cause, which he last saw at the office of one Baker, who with T. F. I. MacDonald, were defendants' commissioners, at Providence, R. I. John Doran acted for plaintiff. The commissioners were sworn in witnesses' presence. They appointed Grace E. Smith, clerk, and she took evidence, under an arrangement made in the presence of all parties, including H. H. McLean. The arrangement was that she was to take the evidence, giving three copies, one for an original at 10 cents per folio, and one copy for the plaintiff and one for the defendant at five cents per folio each.

The witnesses were examined in her presence and she typewrote their evidence from their dictation. The copies were triplicate originals. Chas. F. Kelley, now organist of S. S. Peter and Paul; Rev. Dr. Doran, rector of the cathedral; Mr. McDougall, an organist; Bishop Hawkins and Rev. Mr. Lowney were examined. These were all who were examined during three weeks. Tried by every means to get the commission closed, but could not in time for trial on 16th December, for which day Judge McLeod had set it down. Witness had typewritten copy of the evidence, which was a correct statement of the evidence given while witness was in Providence. Never asked for any of plaintiff's expenses to be paid, and himself paid the cost of the typewritten copy. Tried but could not get the evidence for the January circuit.

Witness produced original order of Judge McLeod for the return of the commission. This was served on H. F. Puddington for Mr. McLean, in his office, Feb. 6th; on J. M. Robinson, vice-president of company, at his office, on some day, and also sent original for service on commissioners in Providence and on commissioners in New York and Philadelphia.

In Fredericton, about a week ago, in presence of Judge Vanwart, Mr. McLean said that on consultation with Mr. Pugsley they had decided to



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abandon the commission, as it resulted unfavorably to the defendants. Up to that time had never heard of the charges of the commissioners.

Cross-examined by Dr. Pugsley: The depositions were read over to the witnesses and were corrected, such corrections bing made in the copies. The examination of the witnesses occupied three weeks. Judge Palmer took part in the examination.

A considerable portion of the examination of this witness was devoted to conversations taking place between Dr. Quigley and H. H. McLean at Fredericton.

Some very amusing tilts occurred between Dr. Pugsley and Dr. Quigley, in which Judge Palmer intervened, heightening the general effect very much.

Adjourned until this morning at 10 o'clock.

In the Hesse case Wednesday morning, P. W. Snider, manager of the C. P. R. Telegraph company, was called to prove some telegrams that passed between the commissioners and defendants' counsel.

H. H. McLean stated that Mr. McDonnell, one of the commissioners, was also counsel for the defendant company, and it was improper to force the production of such telegrams. The commission had been abandoned by defendants on the advice of Dr. Pugsley, it not being considered advisable to put in such evidence. They had therefore instructed the commissioners not to return the evidence.

Mr. Palmer said this was the first intimation of the sort. The former statement made was that the fees were too high.

The admission was entered upon the record and Mr. Snider was not sworn.

EARL H. LEAVITT,

organist of Trinity Methodist Episcopal church, Providence, Rhode Island, swore he had known Prof. Hesse for six or seven years. Prof. Hesse was organist and choir director of the Cathedral of S. S. Peter and Paul of Providence, one of the finest cathedrals in the United States. He was an organist of the first rank. He never heard a better. Passed the cathedral several times daily. There would be from five to seven thousand communicants. The organ used in the cathedral is a very fine one. The privilege of using the organ during the week would be of very great value. There are two organs—a smaller one in the basement. An organist teaching without a church position would not have such a good chance. Witness was a teacher of piano and organ and theory. Providence is a very musical city. From his pupils Prof. Hesse could earn about $60 a week. There were other sources of income outside the church. His position in the cathedral was a very desirable one. It is not possible for him to play the organ with one foot. The left foot is absolutely necessary, being the most important. The feet operate a system of pedals. An artificial foot would have no feeling and could not be used any more than could wooden fingers. Not being able to play, he could not teach successfully, as he would not be able to demonstrate to his pupils. The same thing applies to the piano, as it is necessary to have feeling in the feet to nicely grade the tone. Witness thought Prof. Hesse's career as an organist and teacher was over.

To Mr. McLean witness said he had heard of Singenberger but know nothing about him. He was a composer of some Catholic music. Knew of the Cecilian style of music which is being brough back into Catholic churches. It contains nothing of a frivolous nature as is the case with some church music. Had heard Prof. Hesse play it. Could not give any idea of the number of Prof. Hesse's organ pupils. The organ in Grace church, Providence, is larger than in the cathedral.

DR. JAMES CHRISTIE

had examined Prof. Hesse when in hospital. There was a compound fracture of the ankle. The outer bone was also fractured. The bone of the leg was sticking out. Drs. MacLaren, Emery and T. D. Walker were also there. Thought Dr. Broderick was also there, though he was not a member of the staff. Witness then thought amputation then and there the best way to save Prof. Hesse's life. Dr. Emery thought there was a possibility of saving the limb. The loose pieces of bone were removed, the wound cleaned and the leg put up in splints. Dr. Daniel took charge of the case some days later.

To Dr. Pugsley witness said Prof. Hesse was now a different looking man from when he saw him at the hospital. As he saw him now he would hesitate before advising amputation. Thought Dr. MacLaren agreed with him at the hospital. Remembered a similar fracture in a man named Daly. The case was nearly identical with that of Prof. Hesse. Daly lives on Westmorland road. Prof. Hesse's fracture was of the bones forming the outer socket of the ankle joint. The other was a little higher. Daly's foot was not amputated and he recovered all right. From the nature of the accident he formed the opinion