

PONTIAC BUSINESS HOUSES
That Want Your Trade

The D. U. R. Controversy—Both Motor-
man Berry and Conductor McClelland
Not Responsible So Says Jury.

After three post-mortems, the coroners' inquest over Miss Harger's
death, caused by the accident at the
power house just five weeks ago light.
November 23rd, was held at Pontiac,
last week at the Court House.

The jury censured the D. U. R. for
omitting freight cars which were not
scheduled time and that the D. U. R.
should be held responsible for the death
of Miss Harger. They found that Miss
Harger came to her death while riding
on a north bound car south of Pontiac,
that said passenger car was taken out
at or near the power house at Birming-
ham at that time and a freight car col-
lided with it. The evidence submitted
was not strong enough to prove that
Motorman John Berry or Conductor
McClelland was responsible for the
jury took an hour and a half to ar-
rive at their verdict.

As early as 8 o'clock people began to
congregate at the assembly room and
at 9 o'clock the room was filled with
reporters and witnesses. The jury
consisting of Messrs. J. Pond, Henry
Frail, C. G. Crofoot, Henry Paul, P. A.
Johnson and John Fitzgerald, was given
a prominent position in the front of
the room. Before the inquest started
all witnesses were requested to go to
the men's waiting room from whence
they were summoned as wanted.

Prosecutor F. L. Covert conducted
the inquest. Many Pontiac lawyers who
are interested in the time against the rail
road company, were in attendance and
kept track of much of the testimony
which they will undoubtedly use at some
later time. Among the attorneys pres-
ent were, James H. Lynch, Samory
Patterson, A. L. Moore, H. M. Zeisler,
Merman, and Attorney (Mertz, of Det-
roit.

BERRY'S TESTIMONY.
John Berry, motorman of the ill-fated
freight car, was the first witness called.
Berry is still lame from injuries he sus-
tained in the wreck and his face is
marked with several bad scratches.
Berry testified that he had taken the
freight car out at Birmingham at 7:15
on Friday morning and had made sev-
eral trips from Pontiac to Detroit and
return. The car left Detroit on its last
trip at 11 o'clock or thereabout and fol-
lowed the D. & P. car about five min-
utes. Motorman Berry said that there
was a city car and Flint car between
the freight and D. & P. car. No stops
were made between Royal Oak and the
scene of the accident, although the car
did slow down at Mack Avenue and
stopped at Birmingham. Berry said that
he could see the passenger car stop at sev-
eral crossings in Birmingham. Not un-
til he reached the top of the hill, Berry
testified, did he try the air brakes and
then received no response. He could see
the car at the bottom of the hill. Finding
the air brakes didn't work he
grabbed the hand brake but only turned
it around twice which was not
sufficient to draw it tight. His next
move, he says, was to reverse the en-
gine, but he did, pushing it over to
the sixth point. This did not seem to
stop the momentum of the car in the
least, as it rushed down the hill, gain-
ing speed at every second. Berry
claims he also opened the sand valve
but still the wheels did not seem to
catch. Realizing that a crash was in-
evitable, Berry says that he stuck to
the car hoping that at the last moment
the reverse would work, and was ready
to leave it for fear the car might back.
Motorman Berry has been with the car
for 8 years and has had trouble
with the brakes before. This was
his first wreck.

Prosecutor F. L. Covert, severely
cross-examined Berry relative to his
drinking, and Berry admitted that
he took a glass once in a while but
denied having had anything to drink on
the night of the accident. He admitted
he was familiar with the Adams station
near the Michigan Central depot. Berry
also admitted having had some trouble
with Conductor McClelland and
with the agent who was helping load
his car at Detroit.

CONDUCTOR McCLELLAND.
Conductor David McClelland of the
freight car was next-called and briefly
stated what he knew of the wreck.
McClelland has been an employe of the
road for 18 months. He admitted that
the freight car was making good time
time, probably 15 miles an hour or more
and said that it was not at all unusual
for the car to make from 20 to 30 miles
an hour. His first knowledge of the
impending wreck was when the car
reached the top of the hill before the
crash. McClelland looked out of the
front door and claims that he saw Berry
reverse the electricity, and then jumped
back into the body of the car. Mc-
Clelland said that Berry was also
from his car while in Detroit but he did
not know where he was. He also de-
nied that Berry had had any liquor.
The conductor said that he and Berry
had had some trouble over loading some
on the car and that Berry had gotten
very angry. When asked as to
Berry's habits, McClelland replied, "I
know he indulges now and then and
gets drunk now and then, but not when
he is on duty. The brakes on the

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Attorney at Law
Pontiac, Mich.
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HEARING CLAIMS BEFORE COURT.
State of Michigan, County of Oakland, ss. Notice is hereby given, that by an order of the Probate Court for the County of Oakland, made on the 12th day of December, A. D. 1908, four months from that date were allowed creditors to present their claims against the
Estate of Gustava Gibbs.
Late of said county, deceased, and that all creditors of said deceased are required to present their claims to me, the undersigned, at my office in the City of Pontiac, for examination and allowance on or before the 13th day of February, 1909, and that such claim will be heard before said Court on Friday the 13th day of February, 1909, at 10 o'clock in the forenoon of that day. "At December 12, A. D. 1908."
JOSEPH S. STOCKWELL, Judge of Probate.
BRUCE STOCKWELL, Probate Clerk. dec21:10:11

DISSOLUTION SALE
We are now conducting the greatest closing-out sale in our history. Our partnership expires in January. Before that time all our high-class Custom-Tailored Suits, Costumes, Street Dresses, Velvet and Cloth Coats, Fur-Lined Coats, Skirts, Silk Petticoats, Furs, Waists, Etc. etc. etc.
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The E. M. BIGSBY CO.
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A Gentle Hint.
Paternalistic (serenely)—There was a young gentleman with you in the parlor last night?
Sweet Girl (merrily)—Yes, pa—Mr. Stayer.
"And it was after 11 before he went home, miss. 'Tis like to know what kept him so late?"
"Well, pa, you looked so angrily at me when you came in and saw him that I guess he thought I needed a protector, and so he stayed until he thought you were asleep."
"Why She Feit Sorry.
"I am inexpressibly sorry, Mr. Smithers," she said, "to learn that when you called the other day Tiger bit you."
"Oh, that's all right," he said with a forced effort to be cheerful.
"No, it isn't," she sobbed. "The poor little fellow has been ill ever since."

The Difference—
Small Boy—Pa, what is the difference between a pessimist and an optimist?
Pa—Well, me see if I can illustrate. You know I am often discouraged, and things don't look to me as if they'd ever go right. Well, at such times I can be said to be a pessimist. But years ago, when I was a young man, everything looked bright, and easy, and I was so happy. Then I was an optimist. Now, my son, can you understand the difference between a pessimist and an optimist?
Small Boy—Oh, yes, one is married and the other isn't.—N. Y. Weekly.

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COMMISSIONERS' NOTICE.
In the matter of the estate of Adam Johnston, deceased. The undersigned having been appointed, by the Honorable Joseph S. Stockwell, Judge of Probate in and for the County of Oakland, State of Michigan, Commissioners to receive, examine and adjust all claims against said estate, and four months from the 14th day of December, A. D. 1908, having been allowed said Judge of Probate all persons having claims against said estate, in which present them to me for examination and allowance on or before the 13th day of February, 1909, and that such claim will be heard before said Court on Friday the 13th day of February, 1909, at 10 o'clock a. m. of each day. I have my office at the Village Hotel, Birmingham, in said county, for the purpose of receiving and adjusting claims against said estate.
EDWARD MILLIKEN, Commissioner.

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To our Friends and Customers.
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Bring the RED COUPONS and give your boy a chance to get the Coaster.

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