

ahead of schedule.

In the body of the opinion, the testimony of the state which was introduced as showing the time of arrival of cars was that of an inspector who testified that once or twice he called attention to the motor-man running in ahead of schedule time, and two other witnesses who testified that they were operatives on the line in question and that they had known the car to come in several minutes ahead of schedule time. There is no distinct notice in the opinion of the witness Owens whose only testimony related to a period after April 26th.

Counsel for the defendant conclude that the court overlooked the special point made on the testimony of Owens to the effect that whether the testimony is generally admissible or not, showing this car to have come in ahead of schedule time at and before the day of the tragedy, - that after the date of the tragedy, it could have no possible bearing on the case, - the criticism in the brief of Plaintiff in error, on pages 198 and 199 being as follows: "Owens' testimony deals wholly with transactions occurring after the murder. Whether the English Avenue car scheduled for Broad Street at 12:07 - got there on time on April 26th was the issue. When it got there on any other day after April 26th was of no possible moment; that a given car broke its schedule after a given date in no way illustrates whether it did or did not break it at any prior date."