

NEW CUDMORE BUSINESS EQUIPMENT STORE

This is the artist's conception of the new building which will house Cudmore Business Equipment and Adella's Millinery. The two-story cement and concrete block structure, costing in the vicinity of \$55,000 will be erected on the site of the old building on Grafton Street, which was burned Feb. 10. The new building will measure 65 feet by 36 feet. The second floor will be rented as office space or small apartments. Cudmore Business Equipment is now located at 100 Queen Street.

ISLAND NEWS PAGE

2 The Guardian, Charlottetown, Thurs., May 13, 1965.

Kiwanis Club In City Gives Progress Report

Al Rogers, past district lieutenant governor, presided at the regular meeting of the Charlottetown Kiwanis Club at the Islander Motor Lodge Tuesday evening.

The chocolate bar committee reported that the proceeds from this project to date were very encouraging and that it was the intention to carry on the sale of chocolate bars during the summer months.

The membership committee reported that a number of potential members have been contacted and arrangements made to have these inducted in the near future.

It was also reported that the wading pool was being cleaned up and repaired in readiness for the summer activities which will commence July 1.

Chairman of the canteen committee, Gene Richard, stated that the committee was preparing the club's dairy bar for opening the weekend of May 22nd. The proceeds from the dairy bar are used to defray the cost of

operation of the club's wading pool which is used during the months of July and August to teach the underprivileged children swimming and water safety. This training is supervised by the local Red Cross.

Guest speaker of the evening was Jimmy Fox, athletic director for the city Recreation Council, who gave those present a short but very informative talk on the great work being done for the youth of Prince Edward Island by the council and great need for leadership among the children.

Undersize Lobster Case Adjudged

ALBERTON — A Montrose fisherman, Ivan Chester Adams, pleaded not guilty before Magistrate W. S. MacDonald at Alberton yesterday to unlawful possession of 55 undersize lobsters and using a 36-foot boat in committing the violation of the fishery regulations. The case was adjourned to May 19 for trial.

Percy Arsenault, Waterford, was fined \$50 and costs for driving while his license was suspended.

For parking on the wrong side of the highway, Douglas Robert Hardy, Alberton, was fined \$10 and costs while a similar fine was handed out to Timothy John Ahearn, St. Louis, for permitting an improperly equipped vehicle to be operated on the highway.

A Timish resident was fined \$20 and costs for possession of intoxicating liquor.

Verna Wallace, Coleman, was fined \$10 and costs for driving without due care and attention, and Ralph Cormier, St. Louis, was fined \$10 and costs for permitting a vehicle to be left standing without brakes.

There was one case of illegal possession of liquor. The accused was fined \$20 and costs.

George McMahon while Gallant was represented by Bruce MacDonald.

Police Officer Obstruction Case Adjudged

Charged with obstructing a police officer in his duties, James Angus-McInnis-of-Tracadie had his case adjourned until Friday May 15 for judgement.

The case was heard by acting Magistrate Charles R. McQuaid in Queens County Magistrate's Court Wednesday morning when Lester O'Donnell, council for the accused, called no witnesses and argued the case himself.

Crown Prosecutor Alan Scates called Constable Maynard Roy as the only witness for the prosecution.

The case of Clarence Breton Simmonds of Summerside East, charged with passing when it was unsafe to do so and with speeding was set down for hearing on May 17.

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George McMahon while Gallant was represented by Bruce MacDonald.



ORDAINED

Allison Haynes, BA, son of Mr. and Mrs. Gordon Haynes of Charlottetown, has graduated from Queen's Theological College at Kingston, Ont., and will be ordained as a minister of the United Church of Canada May 26. At Convocation exercises recently held in Kingston, Mr. Haynes was awarded the Waddell and Leitch, Memorial Scholarship for post-graduate studies, given each year to the student who stands first in his class for the combined three years of theological study. He was also awarded the Kent Prize in Old Testament, the Holland Prize in New Testament, shared the J. R. Watts Practical Theology Prize, and the Frazer Prize in Church History.

Committee Chairmen Appointed

MONTAGUE — The Montague Regional Strawberry Festival Committee met Monday evening to further determine its program for this year's festival which is expected to be held July 21 with the Lower Montague Regatta and continuing on the 22nd and 23rd at Montague with programs for each day to be completed at future meetings of the executive committee.

At Monday's meeting Eugene Murphy was appointed chairman of the festival queen program and several matters pertaining to this part of the celebration were discussed. Mrs. Peter Sinclair will carry on as chairman of the dance program and will report back on her findings at the next meeting. The Royal Canadian Legion will operate the booth and the bingo at the regatta and Albert Ellsworth will be chairman of this part of the program as the Legion representative.

The committee expressed its wish to have a much greater

amusement program at the regatta and it is expected that games in which the audience can participate will be made available. Among those mentioned were a tug-of-war, horse shoes, bingo, program for children with ponies, and rides.

The Thursday and Friday program at Montague will include a doll carriage contest, go kart racing, possible a concert in the high school, a float parade, the beauty queen contest, dinners, and will wind up with a ball in the high school auditorium on Friday night.

All proceeds from this year's festival will go to the new hockey and skating rink.

Defence Denies Plaintiff Claims

A general denial of practically all allegations contained in the statement of claim of plaintiffs, a defence was filed with Prothonotary Gordon Holmes by Gerald R. Foster, QC, in the suit of John Henry Reid and Elizabeth L. Reid versus the City of Charlottetown, Stems Webster and Charles Ready. The defence specifically stated the establishment known as 'Johnny's Fish and Chips' was ordered closed by the city health officer because he found conditions which were, or might become, dangerous to health.

Plaintiffs had filed suit in Supreme Court asking damages of \$148,000 following a series of City Police Court hearings and a subsequent appeal to the supreme Court from a lower court conviction.

The defence filed denies that Elizabeth L. Reid, at the time the alleged causes of action arose, was the lessee and operator of the restaurant, and also denies any malice on the part of Chief of Police Stems Webster or Constable Charles Ready in any of their actions. It also denies the arrest of John Henry Reid and his imprisonment were invalid and states the arrest was made under authority of a warrant in that behalf which was lawful on the face of it and issued by a judicial officer.

The defence filed also states acts complained of done by defendants Webster and Ready in

the reasonable discharge of their duties as peace officers and not otherwise, and that plaintiffs' alleged causes of action are barred by provisions of the Police Act.

(Note: Section 12 of the Police Act, contained in the Revised Statutes of Prince Edward Island, states: 'No action shall be brought against any officer, constable or member of the said Force for anything done by him in the reasonable discharge of his duty.') Noting the plaintiffs' statement of claim contained mention of the bias of the Magistrate (A. James Haslam, QC), the defence states the Stipendiary Magistrate is appointed by the Lieutenant-Governor-in-Council for the Province of Prince Edward Island and as such the said City of Charlottetown is not liable for his acts.

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Churchill Man Is 103 Today

C.W. Judson will observe his 103rd birthday anniversary on Saturday at the home of his granddaughter, Mrs. Daniel Lamont, Churchill. The centenarian will be receiving guests during the afternoon and evening. Visiting hours are from 2 to 4 p.m. and from 6 to 8:30.

Youth, 16, Is Committed For Supreme Court Trial

ALBERTON — Donald Joseph Gallant, 16, Bloomfield Corner, was committed to stand trial at the next session of the supreme court at the conclusion of a preliminary hearing at Alberton yesterday before Magistrate W. Chester S. MacDonald.

Gallant was charged with failing to stop at the scene of an accident, on the night of March 14, which resulted in injuries to Daniel MacKinnon, and driving on without rendering assistance or giving his name. MacKinnon, resident of Knutsford, died the following morning in O'Leary Community Hospital.

Dr. L. G. Dewar, the first of nine witnesses called by the crown, told of going out to the Knutsford Road on the night of March 14 where Daniel MacKinnon was lying on the south side of the highway in a state of shock. The accident victim had a cut on the back of his head and a severe fracture of the right leg near the hip.

The next witness, Mrs. Fred (Louise) Rix, O'Leary, said that MacKinnon visited at her home on the night in question and left about 11 o'clock to walk home.

Keith Wyman Paugh, Union

vale, told the court that he was returning home from Knutsford about 11:20 on March 14 and noticed a man lying on the side of the road about one quarter mile west of O'Leary. Witness asked George Buchanan to call a doctor and ambulance, covered the man with blankets and remained at the scene until the ambulance arrived.

Dale Thuren Ellis, Knutsford, said he was proceeding through Knutsford shortly after 11 that night and noticed a car swerve while passing another vehicle and then pull into a driveway.

The fifth witness, Albert Joseph Arsenault, Duvar, said that a car he recognized as driven by the accused, passed his vehicle a few minutes after 11 on the night of March 14 and stopped in a lane. Witness was accompanied by two other boys and two girls.

Blair Robert Horne, Bloomfield, told the court that he was a passenger in a car driven by Donald Gallant on the night in question and while they were passing a car he heard a thud and the Gallant car swerved and then pulled into a driveway. He had seen a person walking on

the pavement on the left side of the highway.

He said that Gallant got out and examined the left front fender then backed out and drove toward Knutsford. They then came back and saw a person lying on the shoulder of the road. They didn't stop but drove through O'Leary and returned to their homes.

Before the evidence of Horne was heard, lawyer Melville Campbell requested the protection of the court under the Canada Evidence Act.

POLICE TESTIFY
Cpl MacKenzie, RCMP, Charlottetown, described a number of photographs of the accident scene and a 1958 car, which were entered as evidence.

Constable J. K. Greer, RCMP, Alberton, described the accident area and said that he and Constable Edward McCue went to Donald Gallant's house where they gave the accused the statutory warning after which Gallant was interviewed on events of the night in question. At this point Constable Greer said they brought the boy's father and continued the interview in his presence.

The crown was represented by

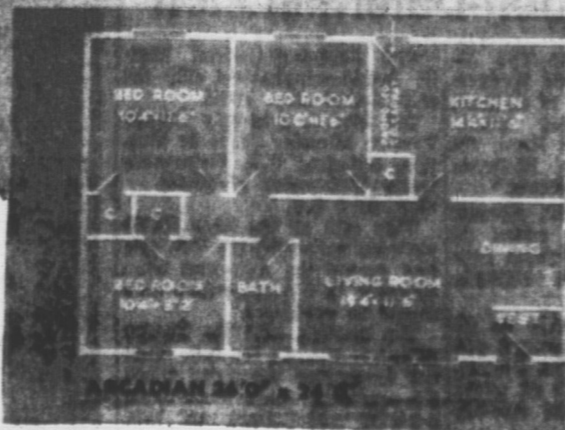
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BOX 557 BEDFORD, N.S.