

'Yield' Signs Don't Reverse Right of Way, Is Decision

SUMMERSIDE — In handing down judgment in a Supreme Court action for damages here, Chief Justice Thane A. Campbell said that "highway yield signs do not have the legal effect of reversing the 'right of way' accorded by the statute to the driver approaching on the right."

The Chief Justice added, that "in law the 'yield' sign is at best a salutary warning of potential danger and a reminder that in certain circumstances a driver must yield the right of way and perhaps an intimation to a driver that in view of his approach to a main highway, it might be safer for him not to insist or rely on the right of way to which the law entitled him."

The judgment was handed down in an action and counter-action that arose from a collision occurring about 1.3 m, on Dec. 20, 1961, on the main highway between Summerside and Albany, about one quarter of a mile beyond Central Bedoune School. At this point in the highway there is a bend to the left, going east, and to the right is a clay road known as the Jack Green Road.

The plaintiff was John Johnston, a driver that in view of his 1960 Dodge ton truck from Summerside towards his home in Middleton, when the defendant, Allan Semple, accompanied by his wife, was driving in a 1953 Dodge station wagon, owned by Willis Mills and driven by Allan Semple. The defendants were emerging from the Jack Green Road on to the main highway.

The Chief Justice said "it is pertinent, though not necessarily conclusive, to determine who had the right of way. In the absence of any sign, the plaintiff would have been bound to yield the right of way to the defendants." This is by reason of the provisions of the Highway Traffic Act, Section 42 (1) which provides "When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right, except as otherwise provided in this part (IV)."

A GENERAL DIRECTION
The Chief Justice continued "to me personally a yield right-of-way sign conveys a general direction to yield, the right of way to traffic approaching not only from the right but also from the left. The plaintiff so understood it."

Later in his judgment the Chief Justice said "It is, perhaps, not important what meaning is attached to the sign personally, or to either of the parties. More material is the question whether the sign is sufficient to convey to the general public, to the reasonable motorist, the meaning which I have suggested, or whether (in the absence of statutory definition) it merely emphasizes the necessity of yielding in certain circumstances as laid down by the Act. Assuming the former, I am still confronted with the more difficult question whether the sign has the authority of law to direct a variation from the provision of Section 42 (1)."

The Chief Justice pointed out there are exceptions such as "ambulances, fire department vehicles, police vehicles, but added "there is no explicit reference to 'yield' signs in that part or any portion of the act."

He stated that, "reliance for the authority of the 'yield' sign is apparently based on Section 42 (1) which empowers the minister of highways to erect and maintain upon provincial highways such traffic control signs and signals as are deemed necessary for the safe and expeditious control of traffic," and on sub-2 which makes it an offence for the driver of any vehicle or for any pedestrian to fail to comply with any sign or signal so erected and maintained."

NO LEGAL EFFECT
After citing several examples of case law the Chief Justice said, "I feel bound to conclude that the signs and signals erected by the minister's authority (except in cases explicitly provided by the Act) must be declaratory of, or supplemental to, the rules laid down by the Act and may not depart from or contradict these rules. In that interpretation, the 'yield right-of-way' sign on the Jack Green Road could not have the legal effect of reversing the right of way accorded by the statute to the driver approaching the intersection on the right."

His Lordship said "Route 1 A, though it is a main travelled highway, was not a through highway at the intersection concerned, because the only method by which the minister is authorized to designate a through highway is by having stop signs erected at entrances."

"The plaintiff therefore had no right to rely on a supposed right-of-way to carry right on as he says he did."

The Chief Justice stated, "It is the facts of the individual case which determine whether the person unduly relying on his right of way, or the driver

Committee Named To Obtain Housing Site In Kensington

KENSINGTON — Keith Hastingen, M.L.A., was appointed chairman of a committee to secure land for a senior citizens housing project at a meeting here last night. Approximately two acres of land will be needed.

The meeting was attended by members of the clergy and others representing points in the outlying districts. Edson Royner, president of the Kensington Area Board of Trade, presided. He introduced the members of the committee, including Canon Mark Ferguson, Summerside, vice-chairman; C.R. MacQuaid, Charlottetown secretary; Donald Campbell, M.L.A. Alberton and Rev. Walter Reid, Charlottetown.

Proceeding in despite of the other's right of way, or both, are responsible for causing a collision and the consequent damages."

GROSS INATTENTION
From evidence His Lordship said he was convinced that Semple, "and probably Mills" were "grossly inattentive. Semple entirely failed to observe the obvious approach of the plaintiff to take available steps to avoid an accident. The Chief Justice said he found the plaintiff's gross inattention and negligence were the major causes of the accident and apportioned the blame 80 per cent against Semple and 20 per cent against the plaintiff Johnston."

Eighty per cent of the damages which the plaintiff was ordered to recover from the defendants amounted to \$1,124 and the defendant Mills is to recover \$76 from the plaintiff, John Johnston.

G. R. McMahon acted for the plaintiff and J. W. McNaughton, QC, was counsel for the defendants.

The land for the homes will be financed by the provincial Crown Corporation putting up 40 per cent and the Central Mortgage and Housing Corporation making up the other 60 per cent on a 40 year mortgage.

Mr. MacQuaid described the housing unit as a group of four apartments all on one floor, self-contained with all possible home hazards eliminated. They would be in steel type with central heating area, central heating with individual thermostats, electric stove and refrigerators.

He said the rent per month would be no more than \$60 and that married couples would be given first priority. He noted they must be able to care for their own premises. Electric light would be the only extra charge.

Forms were given to the clergy to help conduct a survey of the tentative need for the housing.

MOBILE MAIL
TOKYO (AP)—The city of Hami near Osaka has approved plans for a mobile mail-drop system. It will place post boxes on 40 buses operating along 20 routes. The boxes will be taken off at fixed points and their contents collected by mailmen.

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District Director of Postal Service, F.E. Ketchum, of Saint John is seen addressing the group of civic and government officials, clergy and interested residents who turned out yesterday morning for the inaugural ceremony that commenced mail delivery service in Summerside and St. Eleanor's.

New Carrier Service Inaugurated At S'side

By ROY TURNER
S'side Bureau, The Guardian
Dr. Orville Phillips, MP, cut the ribbon stretching across the north door of the post office to inaugurate mail carrier service in Summerside and St. Eleanor's yesterday.

The ceremony held before a group of government and civic officials, clergy, as well as a sprinkling of residents, was presided over by F.E. Ketchum, district director of postal service at Saint John, N.B.

Dr. Phillips said it was "a unique and unusual ceremony, marking the progress of Summerside and St. Eleanor's over the past few years. He recalled the first survey to ascertain the number of householders in the area was made in 1955 by the Royal Canadian Legion, and another survey was conducted in 1958. He said the final survey, taken more than a year ago, revealed there are about 3,000 points of call in the Summerside - St. Eleanor's district.

MAJOR COMMENTS
Mayor Ernest Morrison reviewed some of the early history of the area that was contained in a letter that was written by General Ellen Ketchum, in which she said "the development of your area is reflected in the scale of postage. In the fiscal year ending March 31,

service in Summerside and St. Eleanor's. Standing next left to right, are Mayor J. Ernest Morrison, Dr. Orville Phillips, who performed the ribbon cutting ceremony and Summerside's Post Master W.F. Griffith.

ISLAND NEWS PAGE

Summerside And Prince County
The Guardian, Charlottetown, Tues., Oct. 2, 1962 3

3-HOUR

(Continued from page 1) coming financial crisis, which was due mainly to government mismanagement.

The "sorry and shameful" government action to fire former governor James E. Coyne of the Bank of Canada had done more than any single thing to destroy the financial confidence in Canada.

TRACES DECLINE
The dollar had declined slowly between November, 1960, and June, 1961. In July last year it had dropped suddenly. The Liberal leader charged the former finance minister Fleming had "manipulated in secret" the exchange fund. He had announced he would buy U.S. dollars to depress the Canadian dollar. But then he had to sell U.S. dollars to hold up the Canadian dollar.

RIFLE FIRE
(Continued from page 1) Renewed uprisings broke out Monday in this tense town where tension mounted as rioters and others watched more than 4,000 troops stream into the town of 5,200. Shouting demonstrators, numbering in the hundreds, hurled pop bottles at military vehicles and at a unit of soldiers which included a large percentage of Negroes.

Military police fired over the crowd and hurled at least two tear gas grenades to disperse them. Troops occupied the courthouse square and cleared the area of civilians. Then, a ring of bayonet-carrying soldiers blocked all routes into the square. Many stores put up "closed" signs.

KICKS OFF TUESDAY
The professional and local business division canvass will kick-off Tuesday, Oct. 9, and a dinner will be held in the evening of the same day at the Y.M.C.A. Guest speaker is to be J.A. Keefe of Montreal, immediate past president of the Greater Montreal Community Chest. Mr. Keefe will also address Summerside Rotary at a luncheon Thursday.

Dr. J.A. Delton, local business man, will be the speaker at the dinner. Mr. Carney said he would like to make it clear to the people of Summerside that two national agencies have elected to remain outside of the United Fund. They are the Cancer Society and the Salvation Army.

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United Fund Prepares For Campaign in S'side

SUMMERSIDE BUREAU OF THE UNITED FUND
Summerside's United Fund "campaign cabinet" was named yesterday. Dave Carney, vice-chairman, announced that canvassers in the advanced gift section will begin making their contacts immediately.

Assisting Mr. Carney will be James Hogan, as vice-chairman, and Gerard Bernard, as public relations chairman.

CHAIRMAN NAMES
Chairman and vice-chairman respectively, of various sections are as follows: advanced gifts—Claude Ives and George Meikle; professional—B.F. Hunter and Dr. J.A. Delton; local business—Charles Lanketter and Clifford Bamany; payroll—Keith Lapp and Elmer Murphy; residential—Roy Johnston and J. Harris.

These men will lead a team of 250 canvassers seeking a total of \$30,000 as Summerside's share of the province-wide drive of \$27,687.

LATE NOTICES
(Also see announcements in columns adjacent Classified Advertising section.)

BUNTAIN—At the Prince Edward Island Hospital, Sept. 30, 1962, Neil C. MacNeil in his 50th year. Burial will be transferred this afternoon from the Catholic Funeral Home to the home of his daughter, Mrs. Herbert Wyand at Cavendish. The funeral will be held today, Tuesday, from the Catholic United Church with service commencing at 2 o'clock. Interment in the New Glasgow cemetery.

SIX TESTIFY AT S'side
SUMMERSIDE—The case of Augustine Campbell of Souris, charged with driving while his ability was impaired by alcohol, last March 19 was further adjudicated on Oct. 23 in county court after evidence by three RCMP officers and three other witnesses was given. Magistrate Charles E. MacDonald presided. Accused is represented by J. Watson MacLaughlin, QC.



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