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Coroner's Jury Hears Evidence In Horgan Case

Investigation Opens Before Coroner Dr. I. J. Yeo Into Circumstances Of Recent Highway Fatality At Covehead.

An inquiry into the circumstances of the death of Michael Horgan, 23, of Stanhope, killed in a highway accident on the night of Sept. 1, opened yesterday afternoon in the City Police Court room before Coroner Dr. I. J. Yeo and the following jurors: F. P. Bell (foreman), Jas. M. Hennessey, Arthur King, Bruce Wonnacott, Carl Kelly, James D. Campbell, James Fuller, and Mr. D. Edgar Shaw appeared as Crown prosecutor. After sitting yesterday afternoon and evening, and hearing some twenty witnesses, the inquiry was adjourned until 3 o'clock this afternoon.

Summary of Evidence

Dr. R. J. Ledwell, Charlottetown, the first witness, testified to having seen the deceased in the Charlottetown Hospital shortly after he died on the evening of Sept. 1. Immediate cause of death was cerebral hemorrhage. Injuries were a fracture of the leg, extensive laceration extending from part of the leg to near the hip and a depressed fracture of the parietal, and temporal bones of the head. The victim had been conscious, but not for a long period. He had spoken to his clergyman. Witness knew nothing of how the injuries were received.

Dr. G. L. Smith, Charlottetown, testified to seeing deceased on the night of the accident, first in the back seat of Dr. Blanchard's car outside witness' door. He later examined the victim at the Charlottetown Hospital. Hemorrhage, shock and loss of blood were the causes of death. There was a fractured leg and a fracture of the skull at the base of the scalp wound. He was in great agony when brought to the hospital and was immediately given morphine. He still sat in the car. He didn't appear to know what he was doing or realize it. I tied up my brother's head with the assistance of Dr. Blanchard. I never looked back. I was disgusted with the condition he was in. We got the car and left for Charlottetown. I saw Mr. James Gesner. He was at the back of Judge Duffy's car with his hand on the back tire. He was still there the last time I saw him. "Had you any conversation with Mr. Gesner?"

"He said when I got out 'You had one light.' I answered him and said I had two. That is all the conversation I had."

"When you left the scene of the accident?"

"Yes, as quickly as possible."

"Regarding your lights, what do you say about them?"

"When I left the church I had two lights. I noticed no change all the way down the road. I would almost surely have noticed if one had gone out."

"Can you tell us about the impact?"

"From my left front wheel I would say he was coming right for the bearing at my left hand side of the windshield. That is where he appeared to be steering for. I was moving probably eight miles an hour."

"When you say 'about' that is not very definite."

"I would say eight miles an hour."

"No sir, no faster."

A Juror: "What would you say of the other car's time?"

"Witness: 'It is a very hard thing to say, because his lights were glaring in my face. But I would judge no less than thirty-five.'

Mr. Shaw: "Did he dim his lights?"

Witness: "No sir, not to my knowledge."

"Can you tell us about any injury done to your car?"

"Both mudguards and running board were badly damaged. The front axle was bent in two places. My lights bent back and dented, my bumper all bent, my front wheels and tires were useless, door glass broken and the handle off the door on the left hand side."

"Which side is the bumper on?"

"On the right-hand side, on the back."

"Where did your car go after the accident?"

"Right into the ditch."

"Were there any others injured besides your brother Michael?"

"No, he was the only one."

"How was your car running?"

"Running good."

"Was there any defect that you know of?"

"None whatever."

"How were you, yourself?"

"I was in perfect condition, I would say."

"Were you sober?"

"Yes, I was."

"You mentioned yourself and father in the front seat, your mother and two sisters and Patrick in the back, and your brother John on the right hand running board."

"And Michael on the left."

"How were they holding on?"

"I don't know how Jack was holding on. Michael had his hand in my window behind my head. My

window was down about six inches. "Where were you going at the time?"

"To our home at Covehead."

"Is there anything further that you feel like stating?"

"Not that I know of."

A Juror: "Was there anybody else in the car besides Mr. Gesner and Judge Duffy?"

Witness: "Not that I noticed."

"Was your brother Michael knocked off, or did he fall off?"

"I would say he was wiped off."

Mr. Shaw: "Anything said by anyone in your car?"

Witness: "My sister in the back said 'Jesus, Mary and Joseph, we are going to be killed!' My father said, 'Look out, we are going to be hit.' Michael shouted 'Look out, look out!' That is the last words he said."

"How was Judge Duffy's car as to the centre of the road?"

"I would say his car was, if anything, over on my side of the road when I got out. But I didn't take particular stock at that moment because I was interested in my brother more than Judge Duffy and his car. Whether those cars were moved after I left or not, I don't know. The standing of those cars on the road afterwards may not be and are likely not the same as they were when the accident occurred."

"You don't know what happened after that?"

"No."

"What position were they in?"

"Judge Duffy's car was over to my side. His motor was still running when I got out. Mine stalled on the impact."

A Juror: "Was Judge Duffy's car heading directly on the road or on an angle?"

Witness: "After the accident he was facing down the road."

Mr. Shaw: "You say your brother was lying opposite Judge Duffy's motor. Which way was he lying?"

Witness: "With his head towards my car, slightly bent in the body."

"Where did your car land in the ditch as a result of the other car?"

"I would say about fifteen feet up the road."

A Juror: "You seem to think those cars were moved. Can you substantiate that?"

Witness: "Well, I have been told that the motor was started after we left the scene."

Mr. Shaw: "I think you had better not tell us what you have been told."

The Coroner: "Your car when it was struck was on the shoulder of the road pointing north or north-east?"

Witness: "Yes."

"How close was Judge Duffy's car to you when you got out of your car?"

"Between ten and fifteen feet."

"How do you account for it being that far away?"

"Well, I would judge it that distance."

"That is, it was separated from you, out towards the centre of the road, by ten feet?"

"No, down the road."

"Charlottetown way, or the other way?"

"Charlottetown way."

"In other words, do you think that Judge Duffy's car had carried on for ten feet or so?"

"Yes sir."

"How far removed from the side of your car would that be?"

"Probably five feet."

A Juror: "How far did your car proceed after it was struck?"

Witness: "It didn't seem to proceed any distance. It just seemed to slam right into the gutter."

"How far did the other car proceed?"

"As I said, ten or fifteen feet down the road, towards Charlottetown."

Mr. Shaw: "You say your brother was lying near Judge Duffy's car. How do you account for that?"

Witness: "Well, that is pretty hard to account for. He might have been driven there by the blow. He might have been carried so far on Judge Duffy's car."

A shoe was produced which witness identified as one of his deceased brother's. Michael had only one shoe on after the accident.

Asked by a juror if he knew how many feet the car would travel in a second at the rate of thirty-five miles an hour, witness replied that he had not figured it out.

Juror: "If he struck you about your front wheel going thirty-five miles an hour, what do you suppose would happen?"

Witness: "Well, just what did happen, we would be slammed into the gutter."

Juror: "I am afraid you would have been overturned."

The Coroner: "We will not have to discuss what might or might not have happened. If you have any questions to ask, just ask them in the regular way."

Mr. Shaw: "When you stated the distance between your car and Judge Duffy's car, what did you mean. Do you mean the distance measured across the road or up and down the road?"

Witness: "Up and down."

"Or do you mean both together?"

"No sir, I mean five feet across the road and ten or fifteen feet up and down the road."

"You spoke of Judge Duffy's engine being running."

"Yes, when I got out of my car. He seemed to have a job to stop it. The engine was going at quite a rate of speed."

"What do you mean by that?"

"Well, it is just the term you use when an engine is going fast."

"It stopped before you left?"

"Yes sir."

Questioned again as to the words he had used to Judge Duffy, witness stated: "I am not sure whether I used profane language or not. I probably said 'What the hell are you trying to do?' or 'What are you trying to do?' I am not sure."

"When did you say that?"

"When I got up from my brother."

on in that way, and of course a man coming in to my house, we would try to be very nice to him; but he moved from where he was and came over and sat near me as said, 'Mr. Horgan, I will tell you the law in this case. In all probability,' he said, 'the jury will give a decision of an accident—accidental death. The case of you boy Thomas, liable to be taken for manslaughter, because your son had been standing on the running board and he was driving with or without a light, I said 'Yes sir. We put you on the Bench. You killed one of my boys; you might as well kill them all.'"

A Juror: "Was it the purpose of the Judge quoting that law to you?"

Witness: "I don't know what purpose it would be. I suppose he meant it more of a friendly call by the way. But that is what he said to me at the house. He also wrote a letter before that, a couple of days ahead of that—a message of sympathy, at the same time hinting he was not the sole cause of the accident."

Mr. Shaw: "Perhaps you might produce that letter. Have you got it here?"

Witness: "No sir."

"Can you tell us anything with regard to the lights on your car?"

"The lights were on so far as I know."

Joseph Robison, Stanhope, testified to having been with Dr. Blanchard, after driving 200 or 300 yards down the road with his wife and family he returned to the scene of the accident with the Mounted Police. There was some dispute in progress about calling the Mounted Police. He went to telephone for them.

Mr. Juror: "About what time was that?"

Witness: "That would be between 9:30 and 10 o'clock. About half an hour after the accident."

"Do you mean to say nobody thought of calling the Mounted Police before?"

"Well, they might have been thinking about it, but they didn't."

Witness had spoken to Mr. Gesner after the boy was removed, and also after he (witness) had returned.

Mr. Shaw: "Were he and Judge Duffy there together?"

Witness: "Not at that time."

"How did they seem to be, these parties?"

"How do you mean?"

"Were they sober?"

"Apparently, to me. I am not swearing that they were drunk, that is sure."

A Juror: "Would you know when a man has a drink or two usually?"

Witness: "I would think so."

"Would you say those men had been drinking?"

"Well, I smelt liquor but I am not saying who I smelt it off. I am smelted liquor I was speaking to James Gesner and Judge Duffy was standing very close to me."

Asked by a juror if anyone had suggested moving the Duffy car, witness said, "Yes, Judge Duffy said he would like to get his car off the road. He was afraid he was going to be run into."

"Was it, to your knowledge, moved?"

"Yes, to my knowledge it was moved. I am not saying how far."

"Which way, front or back?"

"Back."

"You are not prepared to state what distance?"

"No sir."

"Was it moving under its own power?"

"She moved under her own power, as far as I know."

"Who did the moving?"

"I won't swear."

"Was there anyone else present with you when the car was moved?"

"I can't say that."

Mr. Shaw: "When was the car moved. You say you came back and then went to telephone; then you came back again."

Witness: "It was before I left the scene to go home with my family the first time."

The Coroner: "Who was there when the car was moved?"

Witness: "Well, I would say Dr. Blanchard's people would be there. I don't know how close to the scene. My wife was there; my daughter and myself. Further than that I can't say."

"You didn't move the car?"

"No sir."

"Did Dr. Blanchard?"

"He was gone."

"Did any of the ladies take part in the moving?"

"No sir."

Asked if Judge Duffy, to his knowledge, had moved the car, witness replied: "I am not swearing that Judge Duffy started that car. I remember asking the question, 'Judge, why not leave the car where it was? I suppose it was Judge Duffy that was in the front, until this thing is investigated?'"

"He was sitting at the wheel?"

"That I can't be positive. I suppose it was him. Jim Gesner told me that the Judge was driving the car. Therefore I suppose it was him."

J. W. McCabe testified that on arriving at the scene of the accident he found Mr. Gesner and Judge Duffy standing behind their car. He asked them about it and Judge Duffy said "That car ran into me." "I said is there anyone hurt? He said yes, the boy in that other car was hurt but he was taken to the hospital."

Later witness said he returned when he heard it was the Horgan's car and asked Judge Duffy, "What about calling the Mounties? He said 'I don't think the Mounties will come.' Another man, whom witness did not know, "butted in and had a lot to say." He heard Judge Duffy remark "different times" that he wanted to take his car to town. He did not see either of the cars moved while he was there. Witness said he smelled liquor off Judge Duffy.

George MacDonald, Grand Tracade, testified to having stopped at MacMillan's forge, about two miles from the accident, and seeing the Horgan car pass him on the road. The car had "no lights." Subsequently he learned from Joe Robison that "Gesner had run into

Personals

Dr. Ethel B. Sellar accompanied by her niece Miss Wanda Acorn, R. N. has returned to the States after spending a month's vacation at her home in Charlottetown.

Mr. W. A. HENRY, physical director of the local Y. M. C. A. has returned from Lake Couchiching, where he attended the physical directors' conference and meeting of the Canadian Recreation Institute during the past few weeks.

The Central Guardian

This column is reserved for news of local interest but advertising of a new nature may be inserted at 4 cents a word strictly payable in advance.

CONFEDERATION LIFE INSURANCE. L-6798-7-12-312.

MISS HELEN CALLBECK'S piano class reopens August; 9th. Lesson 50 cents. L-6337

ENTERTAINMENT by Dramatic Club of Holy Redeemer Parish, Friday evening, C.M.B.A. Hall, Verandah River. L-6338-9-9-21.

SCHOOLS OPEN—The enrollment of the various schools yesterday was as follows: Prince Street, boys 238; girls 323; total 561; Queen Square, boys 601; Rochford Square, girls 540.

ENGAGEMENT ANNOUNCED—Mr. and Mrs. John B. Andrew announce the engagement of their daughter, Isabel Georgina, to Mr. John R. Patton, son of Mr. and Mrs. Walter G. Patton of Amherst, Nova Scotia. The marriage will take place on Saturday, September the nineteenth. L-6338

CITY SCHOOLS OPEN—Their holidays over, more than 2,000 Charlottetown children went back to various schools in the city yesterday starting a new term. The opening day's enrollment was considered to be just slightly above average. Prince Street Schools' was 561; Queen Square, 601; Rochford Square, 540; and West Kent, unobtainable.

DECORATED GRAVES—On Sunday morning the Sons of England decorated the graves of their deceased brethren. The members motored in a body to the People's Cemetery while individual members motored to Marshfield, Cross Roads, Sherwood and St. Peter's Cemeteries. Service at the People's Cemetery was conducted by Mr. H. H. King, President, assisted by Mr. H. Baynour, Chaplain and Councillor Laphorne, Secretary.

WEDDING BELLS—The marriage of Mr. Frederick Cordwell, Detective Corporal of the R. C. M. P., Charlottetown, to Olga England, daughter of Mr. and Mrs. Robert England, Springfield West, took place at the home of the bride on Wednesday last. The wedding service was read by Rev. Mr. Phillips, and the wedding took the form of a lawn wedding on the grounds of the home. Following a brief reception at the bride's home immediately after the ceremony, the newly-weds left for Bolson on a honeymoon trip.

PERSONALS

Mrs. Frank Riggs left yesterday morning for Saint John, N. B., where she will attend the Exhibition.

Mrs. G. E. Full returned yesterday morning to Brookline, Mass., accompanied by her son, Lieut. Col. G. Elliot Full.

Mr. Lemuel Prowse returned Monday evening from the Military College at St. John's, Quebec, where he has been attending a class for cavalry officers.

Master Myron Ling of New Wiltshire is visiting his grandparents, Mr. and Mrs. T. D. Ling, Charlottetown.

Mrs. James Calder, Sr., is visiting her daughters, Mrs. C. B. McRae and Mrs. W. H. McRae, New Glasgow, N. S. She is accompanied by her daughter, Mrs. Jean Richards.

Mrs. W. H. McRae and son, Harvey, have returned to New Glasgow, N. S., having spent the summer visiting her mother, Mrs. James Calder, Sr.

Miss Menna C. Riley of Ottawa arrived in the City Saturday evening to spend her vacation.

Miss Margaret Black left on Monday for Saint John, N. B., to enter the General Hospital there for further training as laboratory technician.

Mr. and Mrs. Robert Babcock and little daughter Harriet Ann have returned to their home in Allston, Mass., after spending their vacation with Mrs. Babcock's mother, Mrs. John A. Nicholson of Wood Islands.

Mr. Albert King of Roxbury, Mass., has arrived in the city on a visit to his mother, Mrs. Mary King, 87 Highland Ave. Mr. King was employed with His Worship Mayor Turner in the shoe business before leaving here thirteen years ago.

Mr. and Mrs. Frank Horan, Redhead, N. B., motored to the city to spend the week-end with the latter's mother, Mrs. Regina Atkins. On return they will be accompanied from Kensington by Misses Baden and Rita Champion of Redhead, N. B.

DEATHS

WRIGHT—At Montague Hospital, September 7, 1936, to Mr. and Mrs. Louis Wright, twins, a son and daughter.

GALLANT—At Summerside, August 30, 1936, to Mr. and Mrs. Herbie Gallant, a son, 9-1-2 pounds.

WRIGHT—At Montague Hospital, September 7, 1936, to Mr. and Mrs. Louis Wright, twins, a son and daughter.

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OMARA—At Alberton, Sept. 6, 1936, Mrs. John O'Mara, aged 85 years.

DICKISON—At New Glasgow, Tuesday, September 8, 1936, Arthur B. Dickison, aged 36 years. Funeral from his late residence Thursday at 2 o'clock.

WRIGHT—At Montague Hospital, September 7, 1936, Mrs. Louis Wright, aged 23 years.

MONAGHAN—At Kelly's Cross Sunday, Sept. 6, 1936, James R. Monaghan, aged 72 years. Funeral took place from his home Tuesday, Sept. 8, to Kelly's Cross Church.

IN MEMORIAM

MRS. LOUIS WRIGHT

An unusually sad death occurred in the Montague Hospital, Monday morning when Mrs. Louis Wright passed away shortly after giving birth to twin babies, a son and a daughter, the former living for only a short time.

Mrs. Wright's maiden name was Inez Stewart, an adopted daughter of Mr. and Mrs. David J. Stewart of Lower Montague. She was a woman of lovable character, and her passing at the early age of 23 years will be deeply deplored by many friends in that part of the province.

The stricken husband's deep sympathy of the community will be extended.

Eastern Guardian

MR. AND MRS. HARRY D. McLEAN, Souris, announce the engagement of their daughter Margaret Isabel to Andrew Stuart Weir son of Reverend A. S. and Mrs. Weir, Vernon, Prince Edward Island. The marriage to take place the latter part of this month. L-6318-9-9-11.

FOR SALE

Farm consisting of one hundred and fifty-two acres situated in Springfield, fronting on the highway, 1-1/2 miles from Bradabane Station. One hundred and twenty-eight acres in a high state of cultivation. Balance under hard and soft wood. Large new dwelling house and good outbuildings. Three springs running water. An ideal dairy farm. Will be sold in two separate lots or in block. ANGUS MATHESON. L-6329-9-9-21.

FOR SALE

One of the finest built dwellings beautifully situated at 53 Upper Prince St., Charlottetown. Hardwood floors throughout and finished in Douglas Fir. Seven rooms and bath, hot water heating, beautiful sun porch, large lot and garage. I will sell very reasonably and arrange for \$3,000 of the purchase price to remain as a first mortgage. I also offer at a very reasonable price my summer cottage at Brighton Shore, Charlottetown, consisting of four bedrooms, large living room with fire place. Hot and cold water, bath with shower. Large glassed in sleeping porch. Permanent dock. This property is priced such that as an investment it could be rented, returning the purchaser a yearly dividend from as twenty to twenty-five percent. As a summer residence the situation and comfort cannot be beaten. If properties are not both sold privately within a week will be offered for sale at auction by J. A. MacDonald, auctioneer. Advertisement to appear later. Apply to FRANK B. CLARKE, Produce Dealer, Prince St. Wharf, Phone 212. Residence phone 1076. L-6331-9-9-41.

Too Late To Classify

LOST—IN CITY, PAIR OF RIMLESS glasses in black case. Finder please leave at office. L-6336-9-9-31.

STUDENTS ACCOMMODATED near College. Low rates. 320 Kent St. L-6333-9-9-31.

CAN ACCOMMODATE TWO passengers, Charlottetown to Sydney, Saturday morning. Reasonable rates. New car. Write "X" co. Guardian. L-6326-9-9-31.

FOR SALE—NEW CART BODY or exchange for cow or young stock. 151 Grafton St. L-6327-9-9-31.

EXPERIENCED COUNTRY GIRL wants work as maid. Apply 91 Fitzroy St. L-6333.

WANTED—AT ONCE, AN EXPERIENCED maid. Apply "M", co. Guardian. L-6332.

WANTED—BOY TO WORK AT grocery store. Apply Devereux's Cash Grocery. L-6330.

N. D. MacLean
 UNDERTAKER
 EMBALMER
 Charlottetown and
 North Wiltshire
 Phone 149

DON'T SUFFER PILES
 Dr. J. E. Blanchard, dentist, Charlottetown, testified that he left St. Eugene's Church, Covehead, about 9:20 on the night of the accident. He arrived in front of Russell's garage about 9:30 and came to where the accident occurred. He saw a

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Thomas Horgan. When he drove up to the scene of accident one of the cars seemed to be "going back and forth." He heard a man say "She'll go no farther; she's locked up solid." He did not know the man who spoke.

A Juror: "Did you notice anything about the Judge?"

Witness: "No, I can't say that I did. He seemed to be all right."

Resuming after recess at 8 p.m., the following witnesses were examined: Frank Auld, Covehead, Aeneas MacDonald, Orr MacCann, Covehead, Eric Wilson, Covehead, Fred Large, Mt. Stewart, William Taylor, Mt. Stewart, Barney McCabe, Maurice Martin, garage owner, Charlottetown, and Constables L. F. M. Strong and C. P. Deakin.

A great deal of the evidence was with regard to the position of the cars and the nature and extent of the damage sustained.

The witness Taylor testified he had expressed the opinion that the Mounted Police would not come out for an accident, unless there was a case of drunken driving. He did not know at that time that someone was seriously hurt.

Mr. Martin testified to receiving word from Mr. Gesner to take in the Duffy car, about 10:30 on the night in question. The Mounted Police were on duty at the scene of the accident, and refused to allow him to move the car that night.

Juror: "Did Mr. Gesner tell you that the car had been in an accident?"

Witness: "I asked him what happened the Judge. He said he had been run into out there. I asked would it be necessary to prepare to hold the car. He said yes."

Juror: "You went out without knowing the fact that in the case of an accident the law demands that the car be left on the scene?"

Witness: "You can tow the car anywhere."

"But in case of a serious accident do you know the law demands—"

"But as a registered garage I am protected there."

The law will protect you from taking anything off the scene of an accident."

"Yes sir."

"Which can be used as evidence?"

"Yes sir."

Witness gave a detailed account of the damage to the Duffy car. The weight of the car was 3,875; the other car weighed 2,300.

Testimony of other witnesses in conversation with Judge Duffy was mainly in line with the above. Several stated they had seen evidence of drunkenness, however, they replied in the negative.

Eric Wilson testified that in conversation with Judge Duffy the latter expressed surprise how the injured young man had got out on the road. "He said he saw a car coming with one light, and he slowed right down and had almost stopped when the accident occurred. Witness noticed nothing unusual in Judge Duffy's conduct."

R.C.M.P. constables testified to being on duty during the remainder of the night and the following day at the scene of the accident.

At 10 p.m. the court adjourned until 3 o'clock this afternoon.

Describes Force Stronger Than Gravitation

(By Howard W. Blakeslee Associated Press Science Editor) CAMBRIDGE, Mass., Sept. 8—A newly-found force a million times stronger than gravitation was described at the Harvard tercentenary today.

Its existence was originally reported by the Carnegie Institution of Washington last April. It was measured today.

Dr. Gregory Breit of the University of Wisconsin said it is something that appears when two atomic particles approach within twenty-eight trillionths of a centimetre of each other. At that point it is an attracting power equal to 11-100,000 volts of electricity.

It is the affinity that a positive and negative charge of electricity would have for each other at that close distance.

For that reason the discovery is thought to be the force which holds atoms together and has been described as the binding substance which keeps creation from disintegrating, that is, keeps solid matter from dissolving into thin gas or perhaps into mere radiation.

YOUTH ELECTROCUTED (C. P. by Guardian's Special Wire) DIGBY, N. S., Sept. 8—Ten-year-old Edward Moriarty was killed instantly today when 11,000 volts of electricity passed through his body. The boy was climbing down from a chestnut tree when he touched a high tension wire.