# The SUMMERSIDE GUARDIAN
## AND PRINCE COUNTY CHRONICLE


## THE WESTERNGUARDIAN


AGENT: Mrs. John Pond, 31 Church Street—Phone 289
SUMMERSIDE and PRINCE COUNTY

News, Subscriptions, Advertising, should be left with Mrs. Pond.

The Guardian may be bought daily at any of the following stores in Summerside:

Bell Bookstore, Water Street. Gourlies Drugstore, Water Street.
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This column is reserved for news of local interest, but advertising of a newsy nature may be inserted at 2 cents a word, strictly payable in advance.

—THIS SPRING'S coats selling at half price, Rene Sharp's Dress Shop, Summerside L-904-6-27-21.

—THE STORES of William Calbeck and W. M. Bowness will be closed all day Tuesday, July 1. L-952-6-28-21.

—ICE CREAM, Dance, Sea View Hall July 1st. If not fine first fine night following. Under auspices of W. I. L-930-6-28-21.

—ALL MEMBERS of Knights of Columbus are requested to meet at their home in Summerside on Tuesday, July 1st at 8.45 a.m., to attend the funeral of late Brother Adrian F. Arsenault. L-981.

### Personals

—Mr and Mrs. Arthur Sherry and sons Gerald and Desmond of Bedeque are visiting friends in Bloomfield.

—Mr. Thomas R. McKenna, St. Mary's College, Brockville, Ontario, is spending his holidays at Fernwood the guest of his parents Mr. and Mrs. Swithin McKenna and family.

## OFFICIAL OPENING

(Continued from page 3)

Wood Islands, the excursion was an unqualified success. Many favorable comments were passed on the excellent service provided by the Prince Nova, and on the courtesy shown by the Captain and crew. The speed and steadiness of the boat were particularly marked, and many expressed surprise at the conveniences provided for passengers as well as motor traffic.

**At Pictou Lodge**

After a delightful luncheon at Pictou Lodge, Mr. R. E. Mutch, president of the Northumberland Ferries Limited, made the following address:

**Mr. Mutch's Address**

"We are met today to officially open this Service that has been brought to a satisfactory state of development, and will ever remain a tribute to the foresight and wisdom of one of the outstandirg men of Canada, and one of the best friends our Maritimes has ever had. I refer to the Honourable Charles A. Dunning, and it was with sincere regret that I read his letter received this week, in which he advised that he was obliged to cancel his plan to be with us today. A portion of that letter I feel is intended for you, and reads as follows:—

"I do wish, however, to extend to all those who have had a part in developing this enterprise my very hearty congratulations upon its successful inauguration after overcoming very great difficulties.

"I have great faith that the operation of the new route will mean a very great deal to the people of Prince Edward Island, and to the people of Nova Scotia as well.

"I am quite sure also, that once the route becomes known to Americans who appreciate the beauties of the Maritime Provinces and of Prince Edward Island particularly, that the route will yearly attract an ever increasing number of Americans visitors.

"I sincerely trust the occasion of the Official Opening will be a successful one, and hope to have the opportunity of travelling over the route in the not distant future."

The vision of a ferry to connect Prince Edward Island and Nova Scotia came to him one beautiful summer day, as he rested on one of the lovely sand beaches at Wood Islands and looked across the few intervening miles of water to the shores of Nova Scotia.

Many of us, from time to time, have visions and dream dreams, but unlike Mr. Dunning, we have not the good judgment and determination to select those that are really worthwhile, and then put them into operation.

I remember well, when a short time after Mr. Dunning conceived the idea, that I was consulted as to my views on the matter. I had never even dreamed of it previously, but after giving the suggestion some consideration, I decided it was just what was needed, and from that day to this, I have never hesitated to support the proposal, and have done my best in the face of many obstacles to have the project completed, and the service established.

**A Big Event**

I have stated many times during the past few years that the opening of a suitable Ferry Service as proposed would be an event, in so far as Prince Edward Island at least is concerned, second to nothing that has occurred since the opening of our ferry connection between New Brunswick and Prince Edward Island.

Pride is one of the besetting sins against which, since my first recollections I was warned by parents, friends and teachers, and many times can I recall eloquent discourses from various pulpits on this subject, and I have until now continued to heed these teachings at least fairly well, but today I find it impossible to restrain my feelings, as my teaching would tell me I should. And I am, regardless of the penalty, stating that I am proud to have had some small part in helping to make this project possible; and in fact I will go further and state—that this is the proudest day of my life. And I am fully resolved that our Organization with the assistance of our Federal and Provincial Governments, and the co-operation of the business interests of the Maritimes will make this project one of which we will all be proud, and at the same time make it of very real benefit to business.

**Benefitting the Maritimes**

I want to refer to some things we have already provided, that will be of real benefit to the Maritimes.

First—Although our run is 50 per cent greater than the distance between Borden and Tormentine, we are carrying autos and passengers at the same rate either for single or return passage. And existing rates on the Borden-Tormentine route are the result of very strenuous efforts on the part of our Boards of Trade in co-operation with our Federal Representatives and Provincial Governments, and are only a fraction of the charges exacted a few years ago.

Second—The return portion of any return ticket for auto or passenger, issued by either the Government Ferry at Borden-Tormentine, or by Northumberland Ferries Ltd. will be accepted for return passage by the other boat. This means that each auto entering Prince Edward Island via Borden may return to the Mainland via Wood Islands, and thus each tourist to Prince Edward Island becomes a prospective visitor to Nova Scotia; and each visitor entering Prince Edward Island via Wood Islands may go out via Borden and visit New Brunswick, and we all benefit.

Third—As regards rates for trucks, these have been so arranged that a truck up to 15 feet in length, may cross and return for the same charge as an auto, that is for $3.00 plus 65 cents for driver, this includes the load, or in other words, there is no charge for the load. Trucks longer than 15 feet pay a slightly higher rate, and there is going to be ample opportunity to develop business, which up to the present has not been possible, because of the rates in effect on the Borden-Tormentine route, where the minimum return charge for a truck is $12., plus 65 cents for driver, plus freight at regular rates for the load carried, which means that the return charge for the larger trucks including load can be as high, I am told, as $50. or $60.

I could go on for a long time pointing out the advantages that can be looked for as our Service develops, but I do not want to take up time that belongs to others, but I do want to ask for your support in developing this connection, and make it what we are determined it shall be— a link to tie Nova Scotia and Prince Edward Island so closely together, that we will forget that we are not what we should be—one community."

**Lt. Governor LePage**

"The new carferry service between Wood Islands and Caribou fulfills a long felt want in the transportation system between the Eastern section of Prince Edward Island and Nvoa Scotia," said His Honour Lieutenant Governor LePage.

"Inter-provincial trade between these provinces, which in years past has been quite extensive, will, no doubt, be largely increased by this service, and will be highly beneficial to both provinces by the increased inter-change of commodities. This trade should be reciprocal. We need the products of your mines and industrial centres, and you require the products of our farms and industries. This Ferry will give these two provinces an opportunity to enjoy the benefits of inter-provincial transportation by motor truck which has proved so beneficial in the saving of time and cost in moving commodities within a reasonable radius.

"However, I believe the foremost benefit of this ferry service will be in the increased tourist industry it will create for both Nova Scotia and Prince Edward Island. The tourists that come from other parts of Canada and United States to our province to enjoy its beautiful pastoral scenes, its fine farms, its National Park, and its hospitable people, will want to return by the way of Cape Breton, with its beautiful lakes and scenery, its National Park, its warm hearted people and all its other fine attractions, and vice versa.

"Not only will the tourist from afar use this Ferry, but a much larger number of people of both these provinces will visit back and forth, owing to the shorter and more direct route.

"I am confident that the energetic business men who are managing this Ferry service will see to it that nothing is left undone to give the most satisfactory service to the travelling public.

"Our Federal Government have built fine terminals, and will continue to improve them. They are also granting a subsidy for the operation of the boat.

"To make this project a complete success, which I believe it will be, we must have the co-operation of the Government, the Tourist Bureaus and the general public of Nova Scotia and Prince Edward Island. Let us all be boosters of this service, only by doing this will success be obtained.

"In conclusion I want to thank the management for their kind invitation to be present on this occasion, and I wish for every success in the operation of this Ferry-Service.

**Premier MacMillan**

"I appreciate very much," said Premier MacMillan, "your kind invitation to be with you today on this very important occasion for the people of Prince Edward Island and Nova Scotia as well."

"Although we perhaps did not take as active a part in pushing this ferry service as we should have done," he added, "I assure you we appreciate very much what has been done; and I think we with you realize what a great advantage it will be not only to Prince Edward Island but to the province of Nova Scotia and to the Maritime provinces as well...."

"From the business point of view doubtless it will be a very great advantage. I think the reciprocal relations between the two provinces will be greatly enhanced by this ferry service. If there ever was a case where we wanted reciprocity it is now between the provinces of this Canada of ours."

Continuing, Premier MacMillan recalled, many years ago, crossing on the steamer from Charlottetown to Pictou.

"Forty-two years ago next July I made my first visit to the Island and I got a wife over there," (applause) "That was my first step in getting closer relationship between Nova Scotia and P.E.I." (applause)

Continuing Premier MacMillan recalled that in those days he drove from Hamilton to Charlottetown with a horse and buggy.

Loud applause greeted the Nova Scotia Premier when he added: "Now that we have a shorter route here I expect to spend a good deal of time on Prince Edward Island."

Nova Scotians, he said had reportedly not done very much to promote this particular ferry service. He recalled that as far back as 1936-37 he had been pressing at Ottawa for a better service between Charlottetown and Pictou.

"I was extremely anxious at that time," said Premier to promote the tourist business of Nova Scotia and I felt that one way to do that would be to get a proper ferry service between Charlottetown and Pictou."

Premier MacMillan spoke enthusiastically in praise of the tourist literature issued by the Prince Edward Island Government.

The Nova Scotia Premier stated that on many counts the Maritime Provinces had been discriminated against under the terms of Confederation. That, however, does not affect the war issue today which finds Canada united."

"We would not sever our connection with Canada but I do say that the disabilities we suffered under for a great many years were due to Confederation," Premier MacMillan said.

There were important duties, he said, facing the heads of government and legislative members in the Maritimes today. There was the Sirois Report or "the spearhead which is now entering. We must see to it that the Maritime Provinces do not suffer any loss thereby."

"I think," added Premier MacMillan, admid further applause, "it is absolutely necessary that we be careful and watchful. We must be extremely careful that we do not lose anything we had, and we must take every opportunity to gain something for the Maritime Provinces."

"I do not think that we in the Maritime Provinces need to be ashamed of our attitude or our record in this war," Premier MacMillan said. "We have always been in the forefront so far as our loyalty to Canada and to our King and Country are concerned."

In this connection Premier MacMillan referred to the Maritime Provinces as having the highest per capita record of enlistments in all Canada.

Speaking on behalf of Premier Campbell who was unable to attend, Hon. J. P. McIntyre, P. E. I., Minister of Public Works and Highways, voiced his pleasure at being present. He reviewed the early history of transportation in Canada, particularly with regard to the Intercolonial Railway

"The service between Wood Islands and Caribou is only in its infancy", said Mr. McIntyre. "As the years go on I look for a great deal of traffic and freight between the provinces of Prince Edward Island and Nova Scotia. As time goes on we shall see a marvellous development and a great interprovincial trade between these provinces."

**Mr. McLure**

The next speaker called upon was Mr. W. Chester S. McLure, who congratulated President Mutch and the directors of the Northumberland Ferries Ltd. on the splendid service they had provided.

"If the Prince Nova could speak," he suggested, "it would say something like this:

"I know not who thou art.
"I friend, I greet thee heart to heart.
"If stranger, stranger no longer be;
"If foe ——— my service today will certainly convert you to the P. E. I. route.

"In transportation," Mr. McLure said, "it is service that counts; and we are getting service on the Prince Nova route." He predicted that the new service would be of great benefit to Prince Edward Island farmers as well as to the tourist trade.

In thanking the directors Mr. McLure also took occasion to thank the captain and crew of the Prince Nova for their unfailing courtesy

Continuing he said there was one man to whom chief credit was due for the establishment of the new service. He referred to Mr. J. Walter Jones, M. L. A.

(President Mutch subsequently stated that Mr. Jones had been invited but was unavoidably detained.)

Mr. McLure anticipated that Mr. Jones, in view of his outstanding services in this and other connections, would be honored with the now vacant Senatorship.

(Applause)

"Coming at a time when the transportation system of our province with the mainland has had a severe shock in the loss of the S. S. Charlottetown this new route between Wood Islands and Cariboo will assist very materially until we have a tunnel built between Borden and Tormentine," said Mr. McLure.

"This service is only for the summer season. Let us now push for an ice-breaker on this route, and then when we have the tunnel between Borden and Tormentine and the ice-breaker service here we shall have the satisfaction of seeing for the first time in the history of our province the fulfillment of our terms of Confederation. (Loud applause)

**Mr. F. E. Bawden**

President Mutch and his fellow directors were warmly congratulated by the next speaker, Mr. F. E. Bawden, director of Trade Routes and Steamship Subsidies, Department of Trade and Commerce, Ottawa.

Mr. Bawden reviewed the steps leading up to the inauguration of the present service. Referring to the Prince Nova he said: "She has good speed. She is perhaps not as large as we would like, but we hope that she may be supplemented later on with another boat if the service warrants. I was very pleased today with the way the service has been performed, and I hope it will be a great success and a great service both to Prince Edward Island and Nova Scotia."

**OTHER SPEAKERS**

Coun. Frank White on behalf of the Mayor and Council of New Glasgow, extended warm congratulations to the directors and wished them every success.

Mr. J. A. Morris, Moncton, President of the Maritime Board of Trade, also extended congratulations He endorsed the statements of Premier MacMillan and Hon. Mr. McIntyre with regard to Maritime problems. He stressed particularly the need of gathering factual and statistical information with regard to Maritime transportation problems.

**Mayor MacDonald**

Called upon, Mayor John F. MacDonald of Pictou made a brilliant address. He had already taken up with the Pictou County representative at Ottawa, Mr. MacQuarrie, the need of paving the road from Caribboo to Pictou, and he was again pushing for this project.

"The promoters of this service have brought Prince Edward Island closer to us," said Mayor MacDonald. "Heretofore the citizens of Nova Scotia have had to journey to New Brunswick in order to get to the Island. That is to say that our service from Pictou was limited to four or five cars each way per day whereas today this splendid service enables us to ship to 40—50 cars each way per day.


MONDAY AND TUESDAY

Also Traveltalk
SHOWS at 7.30 — 9.10
Matinee Tuesday at 3.30

CAPITOL
SUMMERSIDE


## "Bitter Sweet" At Capitol Theatre

Jeanette MacDonald, Nelson Eddy and Director W. S. Van Dyke II the trio responsible for three of the most successful musicals of screen history, "Naughty Marietta," "Rose Marie" and "Sweethearts," join forces a fourth time with the picturization of Noel Coward's "Bitter Sweet," which opens today at the Capitol Theatre.

A story of London and Vienna in the late Victorian period, filmed in Technicolor, "Bitter Sweet" presents Miss MacDonald in the role of Sarah Millick, London belle, which Peggy Wood created on the London stage and which Evelyn Laye played in the Broadway production. On the eve of her wedding, Sarah runs away with her music teacher, Carl Linden, enacted by Eddy, and spends an idyllic time with him in Vienna until an officer of the Imperial cavalry, Baron von Tranisch, begins paying her attention.

**An Impressive Cast**

George Sanders, portrayer of "The Saint" in the series by that name, is seen as Von Tranisch, with Ian Hunter as his gambling opponent, Lord Shayne, who befriends the two principals. Included also in the impressive cast are Edward Ashley as Harry Daventry, Sarah's original fiance; Felix Bressart and Curt Bois as Maxand Ernst, penniless musician-friends of Carl Linden; Fay Holden as Sarah's mother; Diana Lewis as Jane, who eventually marries Harry; Lynne Carver as Dolly, friend who aids Sarah's elopement; Sig Rumann as Herr Schlick, cafe owner, and Janet Beecher as Lady Daventry, Archie's mother

**Sing Eleven Songs**

The original Noel Coward music is retained intact in the screen version of "Bitter Sweet," with Herbert Stothart arranging the orchestration. The stars are heard in the following numbers: "I'll See You Again "The Call of Life," "If You Could Only Come With Me," "What Is Love?" "Tokay," "Ladies of the Town," "Love in Any Language," "Our Little Cafe," "Zigeuney," If Love Were Fafe," "Zigeuner," "If Love Were All" and "Serenade in Vienna."

## JURY FINDS PAIR

(Continued from page 1)

**Charge to Jury**

In his charge to the jury Mr. Justice Saunders said:

"Mr. Foreman and Gentlemen of the Jury:—We have now reached the last stage of this important and anxious trial in that it now becomes my duty to address you. Perhaps I am justified in saying it is a case of circumstantial evidence. There is no positive, definite or direct evidence that the prisoners committed the crime of which they are charged. The case so far as the Crown is concerned depends entirely upon inferences to be drawn from the evidence submitted. The prisoners' defence is that of an alibi. That they were elsewhere when the crime was committed."

He pointed out that "in a case where the evidence is purely circumstantial, if every link in the chain of circumstances is a sound link, and is well welded into the next there cannot be a stronger case than that; on the other hand it is a kind of evidence which requires of a jury that they shall examine it with the utmost care in order to make sure in passing along the chain of links which make up that which has told against the prisoners, they do not pass by any flaw or break."

"Circumstantial evidence does not mean a lot of suspicious circumstances. That is not it at all. You must have each circumstance which is founded upon, those which are to be pieced together into one whole, and from which the conclusion is to be derived, clearly demonstrated by evidence," he declared.

"It has been said times without number a chain is no stronger than its weakest link; so no circumstantial evidence is worth anything if any essential circumstance is not established," the Court reminded the jury.

Continuing he stated that "having said all this in regard to circumstantial evidence; let me make this clear to you, that very very often in criminal cases we can never get better than circumstantial evidence, and very often too it is just as reliable and just as dependable as direct evidence, because facts do not lie as human beings sometimes do. You may and in all probability will regard the facts and circumstances contained in the evidence submitted by the Crown as much more reliable and dependable than the direct evidence of the men charged with having imbrued their hands in the blood of the inoffensive old man Peter J. Trainor.

"Gentlemen, you and I have the satisfaction of knowing from what we have observed during this trial that there has been no failure on the part of those entrusted with the duty of watching over the interests of the country's justice; or of those who have been employed in defending the interests of the prisoners.

"In the many cases I have from time to time seen in Court, I have never seen one in which one could feel more clearly that full justice has been done to their work, both by the Attorney General and his Counsel and Counsel for the prisoners. That to a very great extent lightens my task and makes it that much easier for me.

"We might expect all we have heard and seen of the Attorney General as his experience and ability has been recognized for some time past, I feel I would be derelict in my duty if I failed to commitment the less experienced, but none the less worthy counsel for the prisoners on the very creditable discharge of his onerous duties."

The trial judge then reminded the jury that "the province of a judge in a criminal case such as this, when he hears some evidence which he regards as untruthful makes it difficult for him to analyze the evidence in detail without exhibiting the appearance of bias. But let me assure you my greatest endeavour will be to bring out the many features of this important case in a most unbiased manner so that full justice may be done."

He added that "the Attorney General too should not unduly press any matter. I think in this regard he has been eminently fair. Counsel for the prisoners is expected to defend his clients to the utmost of his ability. This I know he has done."

Continuing he said "at the conclusion of the summation of the evidence by Counsel I think it is a wise and reasonable thing that some words should be addressed to the jury from a more judicial and impartial point of view.

"Very often it is the practice of a judge to let counsel deal at length with the evidence submitted in the case, and for the judge to deal simply with the essential features. It really is the job of counsel to analyze the evidence from every angle, i.e., their respective points of view. It is my practice in every single case which comes before me to deal with every feature and every phase of the evidence as fully and completely as possible. In this the most important case that has appeared on the docket in many years, I intend to go into every detail of the evidence as exhaustively as lies within my power and ability.

"I may tell you further that it is the practice of a judge to suggest to the jury things which occur to his own mind upon the evidence. I shall certainly do so in the course of my observations in this case. I shall give you the benefit of my ideas as to how this crime was committed from the evidence submitted in the case. But I will do so with this caution, namely to remember they are only my ideas which may or may not be correct.

"What I will say to you in that connection will be simply my views and observations on the evidence—not that you should accept what I say, but solely for your personal consideration. You may be inclined to give some weight to what I may say coming from a person the business of whose life it has been to study such cases, to see how they ought to be treated, and to notice the points of them and to see what points tell for or against the prisoners. You doubtless will be inclined to do that, but do it always with this impression upon your minds, that what is addressed to you by way of observation upon the evidence, is addressed to you for your consideration, and that it is quite open to you to accept what I say, or accept it in a modified form, or to reject it according to your deliberative judgment. One thing the judge has to do is to guide you in the matters of law. The law you must accept from me. The law in a case of this kind is clear. Either find the prisoners guilty of the charge or bring in a verdict of not guilty.

"The prisoners are charged with having murdered a highly respectable and an exceedingly fine, inoffensive, industrious old man.

"It would be difficult to exaggerate the gravity, even the atrocity, of this horrible crime in such a fine quiet law-abiding city as Charlottetown. It would almost appear after listening to the details of the crime that there is no limit to the depths of human depravity. It is true, gentlemen, that the prisoners are entitled to say that they have no duty in the matter whatever.

"That the burden of proving the charge made against them rests on the Crown and that unless the Crown proves the charges they are entitled to be acquitted.

"Under our jurisprudence every man is presumed to be innocent until he is found guilty.

**Mass of Detail**

"Considering the number of witnesses examined and the importance of the case, the mass of details which are involved in it, it becomes all the more necessary that I should give you a clear, concise account of the various stages and aspects of the case. It will be my effort not to press one fact too far, but to act as fairly as I possibly can.

"The offence for which the prisoners stand charged is the most serious in the calendar of crime.

"It is the taking of a human life. The life of a remarkably fine old respectable citizen. I need hardly remind you that prisoners so situated when guilty will naturally cling to any straw, in order to save themselves. They will manufacture any story to suit the occasion in the hope that some one may believe what they say, and thus accomplish their purpose. An oath does not mean anything to them. The only thing that matters is the regaining of their freedom.

"I am not saying the prisoners at the bar are guilty. I simply say if they are guilty how much reliance can you place in anything they may have said in their own defence?

"I will say without hesitation I was not greatly impressed with the evidence of the prisoners or their witnesses.

"These are the things I repeat which makes it exceedingly difficult to bring out all the important features of the case without having the appearance of bias.

"Why should you and I reject the evidence of certain witnesses and accept the evidence of others? We do so because as prudent men we very often can size up a situation after hearing the answers of witnesses and observing their demeanor in the witness box.

"I will endeavour to explain more clearly as I analyze the evidence my reasons for such conclusions.

"I simply want to say I will not shrink from doing my full duty as I see it by driving home every fact and circumstance for or against the prisoners as they appear or occur to my mind, without fear or favour, so that you may be assisted in arriving at a fair, just, and conscientious decision.

"I repeat again, you are the sole judges of the facts. You may or may not accept what I have to say to you regarding the facts. It is your privilege to disregard all I may say regarding the facts and come to your own conclusion respecting them."

**Reviews Evidence**

Mr. Justice Saunders then gave a detailed analysis of the evidence given by the various witnesses who testified during the lengthy trial.

In his opening remarks he declared that in his opinion there was not much mystery attached to the case and added that, of course it would not do for the Crown to point into the dark. It was their duty to show the lights in the case. In this respect the Crown had fulfilled its duty exceptionally well.

He highly complimented the various members of the City Police Force, who had taken part in the arrest, on their fine discharge of duty and made special mention of Constable A. J. Lund who, he said, did an excellent job in handling the situation. Every one of these policemen had taken their lives in their hands when they made the arrests.

He pointed out that Const. G. Gregory had been hit over the head with a bottle, and according to the evidence of William Munn with a crowbar, and might well have been killed.

There was also a chair and crowbar thrown at Constables Lund and Webster as they started upstairs, according to the evidence. He also referred to the remarks made to Constable Webster by Phillips who said, "If I could have got hold of that gun and got it working you would never have got upstairs."

That meant he would have shot him in cold blood. "That's the kind of men you are asked to believe when they come on the stand", the Court said.

The evidence of William Ryan showed that the bell in the store was not ringing and also that the man was in his usual good health. John Gormley had testified that the man was still alive when he left the store at 10.30 the night of January 30.

This witness had also told of Mr. Trainor's preparation for closing. He had opened and closed the safe but had not put his bag of money in it then. He placed it on the shelf which the Court thought, played an important part in the case. Another important thing was that not only did the deceased usually bolt the door but he also was in the habit of bracing it with a bar.

This witness had known the habits and customs of the late Mr. Trainor and men embarking on the adventure of the accused would also know customs, the trial judge declared. If they are wicked enough to do deeds of that kind they are going to prepare for them.

**Possibility of Lookout?**

Referring to the man who had attracted the attention of the police when he passed the Trainor store, he asked the jury if there was a possibility of this man being a lookout and when he saw the police officers coming, moved along.

The Court referred to the remark that the police had heard from inside the store. He asked if it was possible the remark meant, "the old son of a b— has taken all the money out of the cash register."

Constables Lund and Webster had testified that they tried the door and could not get into the store and one of the prisoners said he locked it some time after. Who are you going to believe? Do you think the police officers are so silly as not to try to get in?

Referring to prisoner Lund's story that he ran into the window upstairs and broke it, Mr. Justice Saunders asked the jury, "as sensible men do you think that story is true?"

If Phillips was innocent, why did he want to hit the police officer when the latter started upstairs. Do innocent men act that way?

He also asked the jury why the prisoner Phillips knew the gun would not work if he did not have it. Yet in evidence he had denied ever having the revolver.

According to evidence given by various witnesses, it was shown that the body of Peter Trainor was "horribly mutilated" and contained no less than 22 "dastardly bruises and cuts". The head was almost severed from the body, the cheek pierced; blood was dripping down through the cellar hatch. The teeth of the poor old man, which had been knocked out when he was killed and slugged, were found about six feet from the body. "A terrific struggle had apparently taken place," he added.

The "dummy revolver" also played an important part in the case, the Court said. There were seven packages of cigarettes found on the prisoners. The same brand was sold in the store of the deceased. Their story was that they bought the cigarettes from some fellow on the street. "Do you believe the story of those prisoners, or do you believe they got them in that store?" he said and added, "an insult to your intelligence would be putting it mildly if you believe that story."

Continuing he said that the deceased was fully dressed when found, indicating conclusively that he had never gone to bed. It also indicated he had not put his money away nor had time to bar the door.

**A Black Jack**

Showing the jury the black "taped bag" which had been used in evidence he said it was what was known as a "black jack" or "skull cracker" that is not intended to kill but to put to sleep. There was evidence that it had been used on the deceased and had broken.

"How he must have suffered when brutally killed by ruffians—by some fiends. It is one of the worst crimes ever committed in the province. They ask for sympathy. What sympathy did they show that old man and what sympathy do they deserve," the judge said.

There was no use looking for fingerprints as the accused were wearing gloves. He then referred to the evidence of the pathologist, Dr. Ralph Smith, which showed that the garments of the prisoners were spattered with human blood. The prisoners had explained these blood stains on their clothing by saying they had been running around the house and had bumped into boxes in the storerooms. If this were so would the blood be "spattered" on their clothing, he asked.

Referring to the evidence of the defence witnesses, the judge said that Charles O'Brien had told Gallant a different time than that shown on his watch.

About the evidence given by Mrs. Gormley he said to the jury, "you had the privilege of hearing her" and added "what a spectacle she made of herself. It was actually a pathetic scene listening to her under cross-examination by the Attorney General."

The prisoners had stated in evidence that they were in Trainor's store after midnight looking for ginger ale. There were no lights on and they started to holler and then rang the cash register. "Do you believe that story or do you believe they were in there stealing?"

Regarding the evidence given by Benjamin Gauthier, about not having kept his information a secret until he testified in court, he asked how the prisoners or their counsel would know that he should testify. The old adage, "Birds of a feather, stick together", applied to this witness.

Continuing he said, "there's absolutely no doubt that about ten minutes after twelve the prisoners in the dock were caught in the store of Peter J. Trainor. What were they doing there. They say they went in there to buy ginger ale. Do you believe that story or do you believe they went in there for the deliberate purpose of stealing? Have you any doubt what was being done there when the cash register rang?"

He said that in his opinion "they went there for the purpose of holding up the old man—not for the purpose of murdering but for the purpose of stealing." He added that there was the "strongest possible evidence" to support this. He added that it was "highly improbable" that there was anyone else in there besides the prisoners. "It is not hard to come to the conclusion that the black jack was used on the defenceless old man."

**Dummy Gun**

Referring again to the dummy gun found on the prisoner Lund, he said, "I suggest to you, knowing that often these holdups are accomplished by such weapons, are harmless but often have the desired effect." He added, "Phillips was found with a handkerchief about his neck. Is that not a good disguise? Was that not the purpose of that handkerchief? It may have been the old man was not so easily intimidated. He may have been in the storeroom. There was evidence of a terrific fight as the old man was defending himself."

Continuing, the judge said "the intention was to put him to sleep with the skull cracker." However, he might have recognized his attackers and told them they would pay dearly for their act. Having gone that far there was no turning back and they went ahead and finished the job. "What were the prisoners doing in that place?" he asked the jury. How did they get in? Do you think he (Mr. Trainor) had that kind of a gun (the dummy gun) in his store for sale?

"How did the two hairs get on Phillips handkerchief?" he asked. According to the evidence of Dr. Smith these were "identical" with the hair which came out of Peter J. Trainor's head.

"Can you have the slightest doubt that blood came from that old man?" He added, "I haven't."

He again referred to "the tell tale handkerchief with the hair to which skin was sticking." How did the two hairs get on it? Could they get on it up around the neck when the wearer was running around?

He asked the jury if they believed "that story of the man coming out of the store" or was it "one of their accomplices."

**Find the Answers**

After reviewing the evidence Mr. Justice Saunders continued, "I have suggested that you put several questions to yourselves respecting the meaning of the evidence, and find the answers, and see if the answers do not lead to the inevitable conclusion that the human blood and the two hairs which are identical with the hair of the deceased, got on the clothing of the prisoners by reason of their having imbrued their hands in the blood of that poor defenceless old man Trainor.

"If you believe the evidence of the prisoners and their witnesses then clearly the prisoners did not commit the crime for which they stand indicted.

"But honestly gentlemen, I fear you would have to strain your conscience to arrive at such a conclusion. But I repeat the facts of the case rest entirely with you.

"I have endeavoured to put before you as minutely and certainly with a desire to make it as accurate as I can the evidence and all it implies in the hope it may assist you in coming to a just conclusion.

"My final words to you are, that when you go to your juryroom that you will consider the evidence from every reasonable angle. If after doing so you have an honest conscientious reasonable doubt in your minds consistent with the innocence of the prisoners by all means acquit them. They are entitled to that reasonable doubt.

"But gentlemen, please bear in mind I said if you have an honest reasonable doubt. Personally I am unable to see how any man could possibly have any reasonable doubt as to who committed this crime after hearing all the evidence submitted in the case.

"Gentlemen, I implore you to do your duty manfully in order that law and justice may prevail.

"Do not let sympathy enter into your consideration of the case.

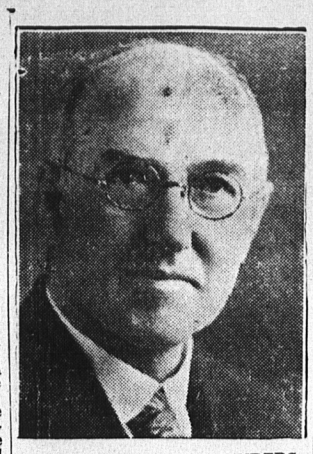
"It is all very well to refer to the mothers and sisters and children of the accused. No one regrets more than I do the unfortunate position of these poor unfortunate people.

"If guilty, that is what the father should have considered on the night of January 30th last.

"If guilty, how much sympathy did he show in his brutal and dastardly attack on that poor helpless old man? The most atrocious the most fiendish crime in the history of our Province.

"I repeat do your duty manfully and you will never have any regrets.

"I thank you for your patient attention to my remarks, and especially do I thank you for the close attention you have given to all the proceedings in connection with the entire trial."



MR. JUSTICE A. C. SAUNDERS


DANCING
Maple Leaf Gardens
Summerside
Tuesday, July 1st.
New Dome Dance Band
Dancing 9 to 1 S. T.
L-975.


## Beaverbrook

(Continued from page 1)

ered on priority questions were taken over by Labor Minister Ernest Bevin. Other minor tasks were given to other officials because, it was believed, of the demands the new post will make upon Lord Beaverbrook's time.

Commentators expressed little surprise at the call for Lord Beaverbrook to take over the vital supply job.

The press association observed that the cabinet changes "are but underlinings of repeated warnings by government spokesmen that the Russian-German conflict, far from providing cause for relaxation, is an opportunity for Britain to make up the leeway in production.

"From now on, it will be 'full speed ahead' with Beaverbrook the dynamic captain on the bridge of our ship of arms production."

Regarding Capt. Lyttleton's new post, the press association said there were big questions of war production in the United States, but "Americans can be trusted to look after those themselves and so it would appear more likely that South American trade developments" might have his attention.

"Wheat, meat and other things in South America must be considered," it said. "Such developments would link up with the big scheme for amassing food reserves in Australia and New Zealand."